

November 2, 2010

TO: Members of the MAG Management Committee

FROM: Carl Swenson, Peoria, Chair

SUBJECT: MEETING NOTIFICATION AND TRANSMITTAL OF TENTATIVE AGENDA

Wednesday, November 10, 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
TENTATIVE AGENDA
November 10, 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 October 13, 2010, Meeting Minutes

5A. Review and approval of the October 13, 2010, meeting minutes.

TRANSPORTATION ITEMS

*5B. Arterial Life Cycle Program Status Report

The Arterial Life Cycle Program (ALCP) addresses ALCP project work, the remaining Fiscal Year 2011 ALCP schedule and program deadlines as well as revenues, and finances for the period between April 2010 and September 2010. Please refer to the enclosed material.

*5C. On-Call Consulting Services Selection for Regional Traffic Data Collection and Data Management

The Fiscal Year (FY) 2011 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2010, includes \$400,000 for On-call Consulting Services for Regional Traffic Data Collection and Data Management. The purpose of the project is to facilitate numerous dataset updates to support transportation planning needs. A request for qualifications was advertised on August 20, 2010, for technical assistance in two areas of expertise: (A) Traffic Data Collection and (B) Commercial Traffic Data Purchase and Traffic Data Management Services. Eight proposals were received by the September 22, 2010, deadline. On October 5, 2010, a multi-agency evaluation team recommended to MAG the selection of consultants to perform the technical assistance. Please refer to the enclosed material.

*5D. MAG Managed Lanes Network Development Strategy - Phase I

At its October 20, 2010, the Transportation Policy Committee recommended the development of the first phase of the MAG Managed Lanes Network Development Strategy - Phase I and to conduct a public opinion survey on the potential for tolling in the MAG region. In this phase, a System-Wide Managed Lanes Feasibility Study will be developed, assessing existing and future HOV lane use, identifying critical gaps in the HOV system, assessing the basic soundness of a system-wide managed lanes network in the MAG region, formulation recommendations for MAG policy on managed lanes, and selecting pilot

5B. Information.

5C. Recommend approval of the list of on-call consultants for the Area of Expertise A (Traffic Data Collection): Jacobs Engineering, Lee Engineering, Midwestern Software Solutions, Traffic Research and Analysis and United Civil Group, and for Area of Expertise B (Commercial Traffic Data Purchase and Traffic Data Management Services): American Digital Cartography, Berkeley Transportation Systems, Jacobs Engineering, Midwestern Software Solutions and Works Consulting, for the MAG Regional Traffic Data Collection and Data Management, for a total amount not to exceed \$400,000.

5D. Recommend amending the FY 2011 Unified Planning Work Program and Annual Budget for up to \$500,000 to provide for the MAG Managed Lanes Network Development Strategy - Phase I project. In addition, recommend amending the FY 2011 Unified Planning Work Program and Annual Budget for up to \$50,000 to provide for a public opinion survey on the potential for tolling in the MAG region.

managed lane corridors. Please refer to the enclosed material.

*5E. Project Changes – Amendments and Administrative Modifications to the FY 2011-2015 MAG Transportation Improvement Program

On June 22, 2010, the MAG Transit Committee approved the FY 2009 and FY 2010 Program of Projects, and Regional Council took action on these changes on June 30, 2010. It is requested that eight earmark/high priority projects that were identified in the FY 2010 Federal Register be included in the FY 2011-2015 MAG Transportation Improvement Program (TIP). The Arizona Department of Transportation has also requested to include new utility projects, an advancement and repayment for Williams Gateway Freeway, and delete one project since it is complete. Maricopa County is requesting that a federal aid project is moved from 2010 to 2011, and the City of Tempe is requesting to modify a project description. Please refer to the enclosed material.

*5F. Programming 5307 and 5309 - Fixed Rail and Guideway Modernization Funds in FY 2010 and 2011

On June 22, 2010, the MAG Transit Committee recommended approval of the FY 2010 Program of Projects, and the Regional Council took action on these changes on June 30, 2010. Since then, the Executive Committee took action on September 13, 2010, to remove \$1,517,999 of FY 2010 5309 Fixed Rail and Guideway Modernization (FGM) federal transit funds from two Mesa park and ride construction projects. Additionally, the MAG Regional Council took action on July 28, 2010, to approve the FY 2011-2015 MAG TIP and that the programming of preventative maintenance be reviewed for potential amendments/administrative modifications no later than December 2010. On October 14, 2010, the Transit Committee made the recommendation noted in the action and requested that further analysis regarding distribution scenarios for 5307 federal funds be brought back to the Transit

5E. Recommend approval of amendments and administrative modifications to the FY 2011-2015 MAG Transportation Improvement Program, as appropriate, to the Regional Transportation Plan 2010 Update, and the FY 2009 and FY 2010 Program of Projects.

5F. Recommend approval of: (1) Scenario #3 preventative maintenance distribution methodology for \$1,571,999 of FY 2010 5309-FGM funds and that it is a non-precedent setting distribution and (2) The amount of funds for preventative maintenance programmed in FY 2011 and FY 2012 be distributed equally as shown in Option #2, and modify/amend the FY 2011-2015 MAG TIP and the FY 2009 and 2010 Program of Projects appropriately.

Committee in November. Please refer to the enclosed material.

*5G. MAG Design Assistance for Pedestrian and Bicycle Facilities Program

The FY 2011 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2010, includes \$300,000 for the Design Assistance Program. According to federal law, any project which is not constructed after being designed with federal transportation funds could be required to return the funds used for design to the Federal Highway Administration. Six project applications were submitted by member agencies for the program. On October 19, 2010, the MAG Bicycle and Pedestrian Committee recommended three projects for approval. On October 28, 2010, the Transportation Review Committee recommended the three Design Assistance projects for approval. Please refer to the enclosed material.

*5H. MAG Pedestrian and Bicycle Facilities Design Assistance Program On-Call Consultant List

The FY 2011 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2010, includes \$300,000 for the MAG Pedestrian and Bicycle Facilities Design Assistance Program. The MAG Pedestrian and Bicycle Facilities Design Assistance On-Call Consultant List provides member agencies with a pre-approved consultant list to provide assistance for their design projects. A request for consultants to submit Statements of Qualifications was published on July 22, 2010. Eighteen submittals were received on August 31, 2010. A multi-agency evaluation team reviewed the applications and recommended all eighteen qualified consultants be selected for the list. Please refer to the enclosed material.

*5I. Recommended Projects for MAG FY 2011 Traffic Signal Optimization Program

A formal request for projects for the FY 2011 Traffic Signal Optimization Program (TSOP) was announced by MAG on September 21, 2010. The

5G. Recommend approval of the El Mirage: Rancho El Mirage Multi-use Path (\$100,000); Mesa: Porter Park Pathway (\$125,000); and Phoenix: Grand Canal Multi-use Path at 22nd Street (\$75,000) through the MAG Design Assistance for Pedestrian and Bicycle Facilities Program.

5H. Recommend approval of the selection of the following consultants for the MAG Pedestrian and Bicycle Facilities Design Assistance Program On-Call Consultant list: AECOM Technical Services, Inc.; Coffman Studio, LLC; Drake & Associates; e group, Inc.; EPG, Inc.; Gannett Fleming, Inc.; J2 Engineering & Environmental Design, LLC; Kimley-Horn & Associates, Inc.; Logan Halperin Landscape Architecture LLC; Loris & Associates, Inc.; Olsson Associates; Otak, Inc.; PBSJ; Sherman Group, Inc.; Stanley Consultants, Inc.; Stantec Consulting Services, Inc.; The Moore/Swick Partnership; Y.S. Mantri & Associates, LLC.

5I. Recommend approval of the list of FY 2011 Traffic Signal Optimization Program projects.

available TSOP budget in the MAG Work Program for FY 2011 is \$430,000, including an estimated \$30,000 carried over from FY 2010. Fifteen (15) project applications have been received requesting a total of \$395,500 to improve operations at 476 intersections in 14 jurisdictions. A regional workshop to provide training on signal timing software has also been included in the list of projects at an estimated cost of \$10,000, based on the need identified by local agencies. The recommended projects will be carried out using ten (10) qualified on-call consultants under contract with MAG. On October 19, 2010, the MAG ITS Committee recommended approval. On October 28, 2010, the Transportation Review Committee recommended approval. Please refer to the enclosed material.

AIR QUALITY ITEMS

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

On September 22, 2010, the MAG Regional Council approved a Mesa request to advance the construction of an interim connection of the Williams Gateway Freeway between the Santan Freeway and Ellsworth Road from FY 2016 to FY 2012 to be incorporated into the FY 2011-2015 MAG Transportation Improvement Program (TIP) and Regional Transportation Plan (RTP) 2010 Update, for an air quality conformity analysis. MAG has conducted a conformity analysis for the proposed amendment and the results of the regional emissions analysis, when considered together with the TIP and RTP as a whole, indicate that the amendment will not contribute to violations of federal air quality standards. On October 8, 2010, a 30-day public review period began on the conformity assessment and amendment. Comments are requested by November 8, 2010. Please refer to the enclosed material.

5j. 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.

*5K. 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 amendment and administrative modification involve several projects, including Arizona Department of Transportation projects on State Route 303, and Section 5309 and State of Good Repair-funded 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. Please refer to the enclosed material.

5K. Consultation.

GENERAL ITEMS

*5L. Professional Services Selection for the MAG Protocol Evaluation Project

The FY 2011 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2010, includes \$194,568 to conduct the MAG Protocol Evaluation project that will assess the protocols used to arrest and prosecute misdemeanor domestic violence cases. The budget for this project includes \$21,500 for services to evaluate current protocols, analyze existing data collection elements, evaluate promising practices, and conduct an overall project evaluation. A Request for Proposals was advertised on August 19, 2010, and six proposals were received. A multi-agency proposal evaluation team reviewed the proposal documents and held three interviews. On October 7, 2010, the proposal evaluation team recommended to MAG the selection of MGT of America, Inc., to complete the evaluation professional services for an amount not to exceed \$21,500. Please refer to the enclosed material.

5L. Recommend the selection of MGT of America, Inc., to conduct the evaluation professional services for the MAG Protocol Evaluation project for an amount not to exceed \$21,500.

*5M. Statement Regarding Human Services Funding Reductions

In July 2010, the MAG Human Services Coordinating Committee (HSCC) expressed growing concern about the impact of funding reductions made to human services programs. The HSCC worked with the MAG Human Services Technical Committee to develop a statement reflecting this concern. The goal of the statement is to raise awareness about the impact of human services funding reductions on the community, programs, and people relying on these services. HSCC is requesting that the statement be accepted for distribution through MAG's email distribution lists and newsletters, by MAG member agencies, and by community partners. Please refer to the enclosed material.

*5N. Approval of Draft Provisional July 1, 2010 Maricopa County and Municipality Resident Population Updates

MAG staff has prepared draft Provisional July 1, 2010 Maricopa County and Municipality Resident Population Updates. The Updates, which are used to prepare budgets and set expenditure limitations, were prepared using the 2005 Census Survey as the base and housing unit data supplied and verified by MAG member agencies. These Updates are needed by the State Economic Estimates Commission and are provisional since they will be revised based on the Census 2010 results. Because there may be changes to the Maricopa County control total by the Arizona Department of Commerce, the MAG Population Technical Advisory Committee recommended approval of these Provisional Updates provided that the County control total is within one percent of the final control total. Please refer to the enclosed material.

*5O. Proposed 2011 Revisions to MAG Standard Specifications and Details for Public Works Construction

The MAG Standard Specifications and Details Committee has completed its review of proposed revisions to the MAG Standard Specifications and

5M. Recommend acceptance of the statement regarding human services funding reductions.

5N. Recommend approval of the Draft Provisional July 1, 2010 Maricopa County and Municipality Resident Population Updates provided that the Maricopa County control total is within one percent of the final control total.

5O. Information and discussion.

Details for Public Works Construction. These revisions have been recommended for approval by the committee and are currently being reviewed by MAG member agency Public Works Directors and/or Engineers. It is anticipated that the annual update packet will be available for purchase in early January 2011. Please refer to the enclosed material.

ITEMS PROPOSED TO BE HEARD

TRANSPORTATION ITEMS

6. Tempe South Locally Preferred Alternative

The MAG Regional Transportation Plan (RTP) identifies future high capacity transit improvements along Rural Road in the City of Tempe. Specifically, the RTP includes two transit projects within the Tempe South study area: 1) a 2-mile high capacity/light rail transit improvement extending south from downtown Tempe; and 2) a Bus Rapid Transit (BRT) corridor on Scottsdale/Rural Road extending from north Scottsdale to Chandler. In August 2007, Valley Metro Rail (METRO) initiated a federally sponsored Alternatives Analysis in the Tempe South corridor. Both the 2-mile high capacity/light rail transit project and the BRT projects were analyzed as part of this study, but only the BRT segment south from downtown Tempe was evaluated. The AA process culminates in the creation of a Locally Preferred Alternative (LPA), which defines the transit technology and alignments. METRO staff has proposed a modern streetcar along Mill Avenue for the LPA. The study also confirmed the importance of the Rural Road BRT project, between the Tempe Transit Center and the Chandler Fashion Center. The Tempe South LPA was approved by the Tempe City Council on October 21, 2010, recommended for approval by the MAG Transit Committee on October 14, 2010, and by the MAG Transportation Review Committee on October 28, 2010. The METRO Board will consider the LPA for acceptance on November 17, 2010. Please refer to the enclosed material.

6. Recommend approval of: (1) A Locally Preferred Alternative for the Tempe South project, including a modern streetcar on a Mill Avenue alignment with a one-way loop in downtown Tempe to be incorporated into the MAG FY 2011 to FY 2015 Transportation Improvement Program and the Regional Transportation Plan 2010 Update for an air quality conformity analysis; (2) Inclusion of a potential future phase of modern streetcar east along Southern Avenue to Rural Road as an Illustrative Transit Corridor in the MAG Regional Transportation Plan; (3) Without modifying priorities in the Regional Transportation Plan, consider increased service levels and capital improvements for Rural Road BRT, per the description provided herein, through the regional transportation system planning process; (4) Future consideration for high capacity transit needs north of downtown Tempe along Rio Salado Parkway and south of Southern Avenue along Rural Road to the vicinity of Chandler Boulevard through the regional transportation system planning process; and (5) Without modifying priorities in the Regional Transportation Plan, consider future commuter rail service along the Tempe Branch of the Union Pacific Railroad, through the regional transportation system planning process, and pending results from the Arizona Department of Transportation's Phoenix-Tucson Intercity Rail Alternatives Analysis.

7. Revised Sales Tax and Highway User Revenue Fund Projections

Revised projections of the transportation sales tax and the Arizona Highway User Revenue Fund (HURF) have been released. The sales tax projections from FY 2011 to FY 2026 are approximately \$2.2 billion lower than the projections for the same period that were made a year ago. The lower sales tax projections mean a significant loss of revenue for the highway, transit and arterial street life cycle programs. The highway program share of the loss is \$1.241 billion, the transit loss is \$735.5 million and the arterial program loss is \$231.9 million. In addition, the lower sales tax revenues result in lower future bonding capacity for all three program. ADOT estimates that the loss in bonding capacity for the highway program is approximately \$925 million. HURF revenues for the period FY 2011 to FY 2020 are also lower than the projections made last year. Cumulative HURF revenues for the ten year period are approximately \$1.13 billion lower than last year.

8. Federal Fund Programming Principles and CMAQ Project Change Requests

Since August 2008, MAG has relied on the draft MAG Federal Fund Programming Principles (Principles). These Principles were developed to guide the Congestion Mitigation and Air Quality (CMAQ) project application process, project change requests for projects with federal funds, the year end Closeout process, and other areas related to obligating federal aid local projects. The MAG Principles clearly state that the MAG is selecting projects to be funded with federal highway funds. The overall scope and location of the project cannot be changed. If the jurisdiction decides not move forward with the project, the federal funds come back to the region for reprogramming. Likewise, unused funds on a project resulting from cost savings also come back to the region for reprogramming. Over recent months, a number of project change requests have been received by MAG that are in conflict with the draft MAG Federal Fund Programming Principles and are not in agreement with the MAG

7. Information and discussion.

8. Information and discussion.

project selection process. MAG staff will report to the Management Committee on how we are resolving project change requests that are in conflict with the MAG Principles, and of possible future actions to delete projects from the TIP. Please refer to the enclosed material.

AIR QUALITY ITEMS

- 9. Update on the EPA Proposed Partial Approval and Disapproval of the MAG 2007 Five Percent Plan for PM-10

On September 3, 2010, the Environmental Protection Agency (EPA) signed a notice to propose partial approval and disapproval of the MAG 2007 Five Percent Plan for PM-10 based on the timetable in the consent decree with the Arizona Center for Law in the Public Interest. The notice was published in the Federal Register on September 9, 2010, and comments were due by October 20, 2010. If EPA finalizes the partial disapproval on January 28, 2011, a conformity freeze on the MAG Transportation Improvement Program (TIP) and Regional Transportation Plan (RTP) would occur in approximately thirty days; only projects in the first four years could proceed. If the problem is not corrected within eighteen months, tighter controls on major industries would be imposed. If the problem is still not corrected within twenty-four months of the disapproval, the loss of federal highway funds (\$1.7 billion) and a federal implementation plan would be imposed. Conformity would also lapse, which would place the \$7.4 billion TIP at risk. On October 20, 2010, MAG, ADEQ, Maricopa County, and Gila River Indian Community submitted comments into the public record. Other comments were also submitted. In addition, EPA has responded to some of the questions from MAG, ADEQ, and Maricopa County regarding a Revised Five Percent Plan for PM-10. Please refer to the enclosed material.

- 9. Information and discussion.

GENERAL ITEMS

10. Legislative Update

An update will be provided on legislative issues of interest.

11. 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.

12. 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.

Adjournment

10. Information and discussion.

11. Information and discussion.

12. Information.

MINUTES OF THE
MAG MANAGEMENT COMMITTEE MEETING
October 13, 2010
MAG Office Building - Saguaro Room
Phoenix, Arizona

MEMBERS ATTENDING

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

* 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 12:03 p.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

Chair Swenson noted that John Kross, Gary Edwards, and Matt Busby were participating in the meeting via teleconference.

Chair Swenson noted that previously transmitted materials for agenda items #5C, #5H, and #8 were at each place.

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 noted that no comment cards had been submitted.

4. Executive Director's Report

Dennis Smith, MAG Executive Director, reported on items of interest in the MAG region. He first reported on the 2010 domestic violence press conference, which was held earlier in the week. Mr. Smith stated that the event highlighted the MAG Domestic Violence Protocol Evaluation Project funded by the Arizona Governor's Office, which is an attempt to work with member agencies, prosecutors' offices, and police departments on a protocol to improve procedures for arresting and prosecuting domestic violence offenders. He noted that last year, 111 people died in Arizona as a result of domestic violence, compared to approximately 90 people from drowning and each year this region spends approximately \$18 million to \$26 million on domestic violence cases.

Mr. Smith stated that the MAG Information Services Division updated the map through June 2010 noting the pending and foreclosed residential homes in the Valley. He displayed the map and said that there was a total of 59,149 pending and foreclosed residential properties – 20,102 foreclosed and 39,047 pending. Mr. Smith noted that this reflects an increase of 1,369 properties over the last report. He commented that the foreclosure map is used frequently, especially in EPA presentations. Mr. Smith stated that this reflects job losses – approximately 100,000 jobs have been lost in the last three years – and the region has returned to the 1999 employment rate.

Mr. Smith stated that MAG is a co-partner with ECotality for supporting the development of infrastructure for electric vehicles. He reported that a press conference on the electric vehicle project will take place on October 19, 2010, at 9:00 a.m. at the Desert Botanical Garden. Mr. Smith stated that Mayor Tom Schoaf, MAG Regional Council Chair, will speak on MAG's partnership in the project and maps will be presented showing general charging station locations. He stated that MAG member agencies are invited.

Mr. Smith stated that the Western High Speed Rail Conference begins today. He noted that MAG is a founding member of the Western High Speed Rail Alliance. Mr. Smith stated that Mayor Smith, Mayor, City of Mesa and Chair of the TPC, will be presenting on interwoven economic destinies. He displayed a map of the Metropolitan Statistical Areas, and he commented that 84 percent of the population of the Intermountain West live in urban areas, contrary to popular belief

that they are rural areas. Mr. Smith pointed out that the map also shows how ports influence the regions, the possible route for Interstate 11, and high speed rail lines. He added that there is a possible high speed rail line that could go from Los Angeles to Las Vegas and stated that the Intermountain West states were left out of the national bullet train project.

Mr. Smith announced that the new MAG website was launched recently. He stated that the change was made to increase the ease of navigating the website and includes a better search engine and more flash animation.

Chair Swenson thanked Mr. Smith for his report. No questions for Mr. Smith were noted.

5. Approval of Consent Agenda

Chair Swenson stated that agenda items #5A, #5B, #5C, #5D, #5E, #5F, #5G, #5H, #5I, #5J, and #5K 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 #5A, #5B, #5C, #5E, #5G, #5H, #5I, #5J, and #5K. Mr. Hernandez seconded, and the motion passed unanimously.

5A. Approval of September 8, 2010, Meeting Minutes

The Management Committee, by consent, approved the September 8, 2010, meeting minutes.

5B. ADOT Red Letter Process

The Regional Council approved the Red Letter Process in 1996 to provide early notification of potential development in planned freeway alignments. Development activities include actions on plans, zoning, and permits. Key elements of the process include Notifications: ADOT will periodically forward Red Letter notifications to MAG. Notifications will be placed on the consent agenda for information and discussion at the Transportation Review Committee, Management Committee, and Regional Council meetings. If a member wishes to take action on a notification, the item can be removed from the consent agenda for further discussion. The item could then be placed on the agenda of a subsequent meeting for action. Advance acquisitions: ADOT is authorized to proceed with advance right-of-way acquisitions up to \$2 million per year in funded corridors. Any change in the budgets for advance right-of-way acquisitions constitutes a material cost change as well as a change in freeway priorities and therefore, would have to be reviewed by MAG and would require Regional Council action. With the passage of Proposition 400 on November 2, 2004, the Regional Transportation Plan (RTP) includes funding for right-of-way acquisition as part of the funding for individual highway projects. This funding is spread over the four phases of the Plan. Funding for advance acquisitions may be made available on a case-by-case basis. For information, the ADOT Advance Acquisition policy allows the expenditure of funds to obtain right-of-way where needed to address hardship cases (residential only), forestall development (typical Red Letter case), respond to advantageous offers or, with remaining funds,

acquire properties in the construction sequence for which right-of-way acquisition has not already been funded. In addition to forestalling development within freeway corridors, ADOT, under the Red Letter Process, works with developers on projects adjacent to or close to existing and proposed routes that may have a potential impact on drainage, noise mitigation, and/or access. For this purpose, ADOT needs to be informed of all zoning and development activity within one-half mile of any existing and planned facility. Without ADOT input on development plans adjacent to or near existing and planned facilities, there is a potential for increased costs to the local jurisdiction, the region and/or ADOT. ADOT has forwarded a list of notifications from January 1, 2010, to June 30, 2010. Of the 47 notices received, five had an impact to the State Highway System.

5C. Project Changes – Amendment and Administrative Modification to the FY 2011-2015 MAG Transportation Improvement Program

The Management Committee, by consent, recommended approval of amendments and administrative modifications to the FY 2011-2015 MAG Transportation Improvement Program, and as appropriate, to the Regional Transportation Plan 2010 Update. The fiscal year (FY) 2011-2015 Transportation Improvement Program (TIP) and Regional Transportation Plan (RTP) 2010 Update were approved by the MAG Regional Council on July 28, 2010. Since that time, there have been requests from member agencies to modify projects in the programs. The Arizona Department of Transportation (ADOT) is requesting a modification to the SRL303 project to split the utility relocation projects out to individual ones, a revised scope for the South Mountain Environmental Impact Statement (EIS) project, and a new pavement preservation project. There are four new federal Safe Routes to Schools program funded projects; this process is managed by ADOT with input provided by MAG. Wickenburg is requesting to move its STP-TEA funded project from 2010 to 2011, and two new transit projects need to be added to the TIP since they received federal money through a competitive grant application. In addition, there are requests for changes to four Congestion Mitigation and Air Quality (CMAQ) funded projects. There have been recommendations on the above requested changes by the Transportation Review Committee, Air Quality Technical Advisory Committee, and the Intelligent Transportation Systems Committee.

5D. Change in State Route Numbers

The State Transportation Board is renumbering the following freeways: Interstate 10 Reliever Freeway - previously State Route (SR)-801 - is now SR-30, and Williams Gateway Freeway - previously SR-802 - is now SR-24. Board action for SR-24 occurred in September 2010; action for SR-30 is anticipated in January 2011. All ADOT maps are illustrating the new route numbers. This item was on the agenda for information.

5E. Recommendation of Road Safety Improvement Projects for Possible Federal Highway Safety Improvement Program

The Management Committee, by consent, recommended approval of the list of safety improvement projects to the Arizona Department of Transportation for federal funds in the 70 percent Highway Safety Improvement Program category available for fiscal years 2011, 2012 and 2013. On August 17, 2010, MAG announced a call for projects to identify a list of candidate road

safety improvement projects to be recommended to the Arizona Department of Transportation (ADOT) for possible federal Highway Safety Improvement Program (HSIP) funds available in FY 2011, 2012 and 2013. A total of nine project applications were received by MAG. These applications have been reviewed and a recommendation has been developed by the Transportation Safety Committee. The final decision on which of the recommended projects will be funded and at what level will be determined by ADOT. Funded projects will be included in the current TIP through a future amendment, and the implementation of projects will be coordinated by ADOT. Safety improvement projects are considered exempt from a potential TIP conformity freeze.

5F. Consultant Selection for the MAG Freight Transportation Framework Study

The Management Committee, by consent, recommended that Parsons Brinckerhoff be selected to conduct the Freight Transportation Framework Study for an amount not to exceed \$500,000. The FY 2011 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2010, includes \$500,000 to conduct the Freight Transportation Framework Study that will examine freight and multimodal opportunities in the Sun Corridor. This study will develop a multimodal freight transportation framework for the study area that will likely be implemented at multiple jurisdictional levels and examine opportunities for an inland port. A Request for Proposals was advertised on August 19, 2010, and seven proposals were received. A multi-agency proposal evaluation team reviewed the proposal documents and held interviews. On October 5, 2010, the proposal evaluation team recommended to MAG the selection of Parsons Brinckerhoff to complete the study for an amount not to exceed \$500,000.

5G. Don't Trash Arizona Litter Prevention and Education Contract Amendment

The Management Committee, by consent, recommended approval to amend the consultant contract with RIESTER for one additional year for the Litter Prevention and Education Program to include \$300,000 budgeted in the MAG FY 2010 Unified Planning Work Program and Annual Budget for litter prevention and education. It costs our region more than \$3 million every year to pick up litter from our regional freeway system. Proposition 400 includes funding for a litter prevention and education program designed to increase awareness of the health, safety, environmental and economic consequences of freeway litter and ultimately change the behavior of offenders. The Don't Trash Arizona Litter Education and Prevention program is implemented by MAG in cooperation with the Arizona Department of Transportation (ADOT). In September 2008, the Regional Council approved the selection of RIESTER as the consultant to design and implement the Litter Prevention and Education Program. Staff recommended amending the consultant contract with RIESTER for one additional year for the Litter Prevention and Education Program and to include the \$300,000 budgeted in the FY 2011 Unified Planning Work Program and Annual Budget for litter prevention and education efforts.

5H. 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 amendment and administrative modification involve several projects, including FY 2011 Arizona Department of Transportation projects on State Route 303, Safe Routes to School funded projects, and City of Phoenix 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. This item was on the agenda for consultation.

5I. 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.

5J. MAG FY 2012 PSAP Annual Element/Funding Request and FY 2012-2016 Equipment Program

The Management Committee, by consent, recommended approval of the MAG FY 2012 PSAP Annual Element/Funding Request and FY 2012-2016 Equipment Program for submittal to the Arizona Department of Administration. Each year, the Public Safety Answering Point (PSAP) Managers submit inventory and upgrade requests that are used to develop a five-year equipment program that forecasts future 9-1-1 equipment needs of the region and will enable MAG to provide estimates of future funding needs to the Arizona Department of Administration (ADOA). The funding request for FY 2015 is required to be submitted to the ADOA by December 15, 2010. On July 15, 2010, the MAG 9-1-1 PSAP Managers recommended approval of the MAG FY 2012 PSAP Annual Element/Funding Request and FY 2012-2016 Equipment Program. On September 20, 2010, the MAG 9-1-1 Oversight Team recommended approval.

5K. Application Process for U.S. Department of Housing and Urban Development Stuart B. McKinney Funds for Homeless Assistance Programs

On December 8, 1999, the MAG Regional Council approved MAG becoming the responsible entity for a year-round homeless planning process which includes submittal of the U.S. Department of Housing and Urban Development (HUD) Stuart B. McKinney Continuum of Care Consolidated Application for the MAG region. The Continuum of Care grant supports permanent supportive housing, transitional housing, and supportive services. A total of \$196 million has been awarded to the region since 1999. Last year, the region received more than \$23.4 million for 53 homeless programs. It is anticipated that the region will be awarded comparably in 2010. A draft list of new and renewal projects is provided to MAG Management Committee members for information and discussion. The final consolidated application will be presented to the MAG Continuum of Care Regional Committee on Homelessness on November 15, 2010, for approval.

6. 2010 Annual Report on the Status of the Implementation of Proposition 400

Roger Herzog, MAG Senior Project Manager, stated that Proposition 400 was approved by the voters of Maricopa County in November 2004, and authorized the extension of a half-cent sales tax for use on transportation projects in the MAG Regional Transportation Plan to 2025. He reported that the law requires that MAG issue an annual report on the life cycle programs for

freeways/highways, arterial streets, and transit. Mr. Herzog noted that a public hearing is scheduled for November. Mr. Herzog noted that MAG has been conducting a parallel process to update the Regional Transportation Plan and the life cycle programs, and he said that declining revenue resulted in the deferral of some projects beyond the end of the life cycle programs but that the projects remained in the Regional Transportation Plan, which was extended to FY 2031. He stated that the Regional Transportation Plan 2010 Update was approved by the Regional Council on July 28, 2010.

Mr. Herzog stated that revenues in FY 2010 were 8.9 percent lower than FY 2009, and FY 2010 was the third consecutive year for declining revenue collections. He stated that the year-to-year decrease in revenues since 2007 have been significant.

Mr. Herzog reported that the current long range revenue forecast was 6.2 percent lower than the prior forecast and the revenue estimates for the life of the tax had decreased by 26 percent, from a high of \$15 billion in 2007 to the current \$11 billion.

Mr. Herzog first addressed the Freeway Life Cycle Program by saying that a major imbalance between costs and revenues was identified in FY 2009. He noted that a process to rebalance the program was conducted to restore a balance through FY 2026, utilizing such measures as value engineering, program management, project rescoping, updated cost estimates, and project deferrals. Mr. Herzog noted that \$2.4 billion in cost savings were realized and \$4.4 billion in projects were deferred. He stated that the newly balanced Freeway Life Cycle Program future costs are estimated at \$8.3 billion while anticipated revenues are at \$8.4 billion.

Mr. Herzog stated that major projects in the Freeway Life Cycle Program retained within the original FY 2026 horizon included Loop 202/South Mountain Freeway, Loop 303 (I-17 to I-10), the HOV lane system, and improvements to the inner freeway network (e.g., I-10, I-17). Mr. Herzog stated that major projects that had been deferred beyond FY 2026 included State Route (SR)-801 (renumbered to SR-30) and the final construction for SR-802 (renumbered to SR-24), general purpose lanes on the outer freeways, several interchanges with arterials, and direct HOV ramps. He remarked that although a number of changes have been made, there has been significant progress since the start of the program in FY 2006.

Mr. Herzog then reported on the Arterial Life Cycle Program funded by Proposition 400. Mr. Herzog noted that 20 arterial street projects were completed in FY 2010, with \$62 million in reimbursements distributed, a total of \$178 million in reimbursements since the beginning of the program. He commented that a lot of work is anticipated during the next five years as work proceeds on various phases of 87 different projects.

Mr. Herzog stated that in FY 2009, \$22 million in reimbursements for the Arterial Program were shifted beyond FY 2026 to achieve a balanced program. He stated that the adjustments were retained in the FY 2010 program update. Mr. Herzog added that Lead Agencies have deferred the use of \$38 million in federal and regional funding from FY 2010 to later years due to problems with match or other development issues. He reported that estimated future reimbursements of \$1.5 billion were in balance with projected revenues of \$1.6 billion.

Mr. Herzog then addressed the Transit Life Cycle Program. He stated that the Transit Life Cycle Program had encountered similar cost and revenue imbalances as the Freeway Life Cycle Program. He reported that the Transit Life Cycle Program was balanced in FY 2009 by delaying the implementation of some projects. Mr. Herzog stated that in FY 2010 the program was refined further, especially service levels on supergrid regional bus routes, to allow more routes to be retained. He also noted a program shift from bus capital funding to operations expenditures.

Mr. Herzog reported that for FY 2011 to FY 2026, the Transit Life Cycle Program estimated future costs are \$4.6 billion and projected revenues are \$4.8 billion. He stated as part of the rebalancing of the Transit Life Cycle Program, a number of projects were maintained within the original FY 2026 horizon, including 16 bus rapid transit/express bus routes, 24 regional grid bus routes, and 25.7 miles of high capacity transit/light rail transit. Mr. Herzog stated that a number of projects were deferred beyond FY 2026, including 15 bus rapid transit/express bus routes, nine regional grid bus routes, and 12 miles of high capacity transit/light rail transit. He noted the significant progress made in transit since the start of the Proposition 400 program, including the opening of the light rail starter system and the implementation of 11 bus rapid transit/express bus routes and seven regional bus grid routes. Mr. Herzog added that an additional seven new bus routes over the next five years are anticipated.

Mr. Herzog then reported on ongoing issues. He said that the life cycle programs will encounter a number of ongoing issues, and he noted that a new revised revenue forecast being prepared this fall may show another decrease. Mr. Herzog stated that another concern is federal transportation funding, which remains uncertain. He stated that federal reauthorization expired in 2009 and has been extended through continuing resolutions. Mr. Herzog stated that project scope/cost updates and program adjustments will need to continue in order to utilize limited funds as effectively as possible. He stated that another ongoing activity is the performance audit of the Regional Transportation Plan by the Auditor General, which was just initiated. Mr. Herzog stated that the final report is anticipated in October 2011.

Chair Swenson thanked Mr. Herzog for his report. No questions for Mr. Herzog were noted.

7. Update on the EPA Proposed Partial Approval and Disapproval of the MAG 2007 Five Percent Plan for PM-10

Lindy Bauer, MAG Environmental Director, noted that at the last Management Committee meeting, she reported on the Environmental Protection Agency's (EPA) notice to propose partial approval and disapproval of the MAG 2007 Five Percent Plan for PM-10. She stated that MAG submitted comments. Ms. Bauer stated that comments on the proposed action were due on October 12, 2010, and on October 4, 2010, MAG and the Arizona Department of Environmental Quality (ADEQ) sent a letter to EPA requesting a 60-day extension of the comment period. She advised that EPA granted an extension of the comment period, not the 60 days requested, but to October 20, 2010. Ms. Bauer stated that MAG, ADEQ, and Maricopa County are working on comments to the proposed notice.

Ms. Bauer reported on two recent videoconferences with EPA. The first was on October 1, 2010, to discuss the Exceptional Events Rule and the associated issues. She noted that participants included the agencies who developed the plan, EPA Research Triangle Park, EPA Region IX, and

the EPA Office of General Counsel. Ms. Bauer stated that this gave MAG and ADEQ the opportunity to present their recommendations to fix the flawed Exceptional Events Rule. She advised that EPA has acknowledged problems with the Rule and they discussed that they are working on short- and long-term solutions, and there might also be a policy memorandum to assist. Ms. Bauer reported that the EPA General Counsel cautioned that even though EPA is working on fixing the Rule, do not think that EPA will reverse action on the nonconcurrency of the four high wind exceptional events. She commented that staff feels if EPA fixes the Rule, it should also fix any errors caused by the Rule. Ms. Bauer stated that at the meeting, it was reiterated that MAG wanted to continue working with EPA on the technical fixes to the plan.

Ms. Bauer stated that the second videoconference with EPA was requested by Congressman Harry Mitchell and took place on October 8, 2010. He requested that MAG host the event at the MAG office. Ms. Bauer noted that other participants included the agencies involved in the development of the plan, representatives from Congressmen Flake and Pastor's offices; MAG Regional Council Chair, Mayor Tom Schoaf, from Litchfield Park; and MAG Transportation Policy Committee Chair, Mayor Scott Smith, from Mesa.

Ms. Bauer stated that Mayor Schoaf presided over the meeting and took the opportunity to tell EPA that the MAG region takes air quality very seriously. She reported that he mentioned that the region has taken a number of aggressive efforts over the years, such as attaining the carbon monoxide standard and the one-hour ozone standard, not violating the .08 ppm ozone standard, that it was among the first in the nation to have an alternative fuels program to help with carbon monoxide, has the most stringent vehicle emissions testing programs in the country, has a pilot recharging program for electric vehicles underway, and has met the PM-2.5 standard. Ms. Bauer stated that Mayor Schoaf also mentioned that the MAG Regional Council has allocated significant funding for PM-10 certified street sweepers and paving unpaved roads. She stated that the meeting provided the opportunity to discuss with EPA how MAG feels the plan has been effective – there have been no violations at the monitors in stagnant conditions. Ms. Bauer stated that MAG also conveyed it is committed to working with EPA on technical fixes to the plan.

Ms. Bauer stated that MAG requested EPA delay action on the plan because it feels that EPA needs to review the exceptional events documentation in its totality. She stated that Mayor Smith emphasized to EPA why the region is very concerned with a conformity freeze. Ms. Bauer stated that EPA had questioned why MAG was concerned because they said MAG can still proceed with the projects in the first four years of the TIP. She said that Mayor Smith then explained that a conformity freeze is unacceptable because, on a monthly basis, MAG has amendments to the TIP. With the downturn in the economy and in revenue, MAG needs as much flexibility as possible to adjust to changing conditions to make unexpected changes to the TIP.

Ms. Bauer stated that EPA indicated it was receptive to working with the MAG region, and although it did not say it would delay final action, the meeting was positive and an opportunity for MAG to say it does not want a conformity freeze. She said that MAG was committed to exploring all options to minimize the time the region would be in a conformity freeze, if not to eliminate undergoing a freeze altogether.

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

Mr. Harris asked about the strategy to deal with what the EPA legal counsel might be planning. Ms. Bauer replied that ADEQ has been participating in the Western Air Resources Council (WESTAR), a coalition of 15 western states, which has expressed concern with the Exceptional Events Rule since September 2009. She stated that MAG worked with ADEQ on a two-page paper that was included in the agenda packet that includes the fixes Arizona feels are important. Ms. Bauer reported that ADEQ staff attended a Westar meeting in Portland in September to communicate concerns. She added that at the October 1, 2010, videoconference, ADEQ presented the recommendations of the state and MAG to fix the Rule.

8. Pattern Outdoor Lighting Code

Chair Swenson stated that there is great interest in this agenda item, and he noted that 13 requests for public comment had been received. He stated that the Pattern Outdoor Lighting Code is recommended to the Management Committee by the Dark Sky Stakeholders Group. Chair Swenson stated that given the continuing interest in this subject, he would suggest hearing the staff report and the public comments, but then refer this back to the Stakeholders Group so they can take the input and come back to the Management Committee with a recommendation. Agreement by the Committee was noted.

Heidi Bickart, MAG Planner, provided a report on the Pattern Outdoor Lighting Code that was developed by the Dark Sky Stakeholders Group. She said that her presentation would cover the purpose of a lighting code, the background, the economic benefits of good lighting, and a review of key aspects of the code.

Ms. Bickart stated that the Pattern Outdoor Lighting Code was developed by the Dark Sky Stakeholder Group at the request of the MAG Regional Council. She stated that the Pattern Outdoor Lighting Code provides suggestions for updating existing member agency outdoor lighting codes. Ms. Bickart noted that most MAG jurisdictions have a lighting code but it was last updated in the 1980s and a lot has changed since then in terms of lighting technology.

Ms. Bickart stated that lighting codes are a best practice for good lighting at night. They promote the community, business, and improve how things look. Ms. Bickart stated that no one notices good lighting, but bad lighting is noticed immediately, as most people have experienced glare into their eyes. She also noted that more recent lighting technology can provide energy and cost savings.

Ms. Bickart gave the background of the development of the Pattern Outdoor Lighting Code. She said that in December 2008, the MAG Regional Council received a presentation from the Director of the Kitt Peak Observatory asking for MAG's help to make the night time sky darker. She reported that each city, town and tribal government was asked to revisit the adequacy and enforcement of their respective lighting ordinances in an effort to reduce light pollution in this region. Ms. Bickart stated that in January 2009, the MAG Management Committee approved convening a Dark Sky Stakeholders Group. She said that 16 attendees met eight times since March 2009 to collect information on outdoor light pollution, review best practices in lighting codes, and develop a Pattern Outdoor Lighting Code.

Ms. Bickart stated that this project was completed at a regional level in an effort to promote uniformity in lighting codes throughout all jurisdictions in our region. She noted that in July 2010, MAG held a Dark Sky workshop to solicit feedback from external stakeholders, including the lighting industry, safety officials, those who use outdoor lighting for commercial and retail purposes and anyone else with an interest in promoting dark skies. Contact information for these stakeholders was provided to MAG from the Dark Sky Stakeholders Group. Ms. Bickart advised that comments from several stakeholders were received and all comments are available on the MAG Dark Sky website. She added that revisions were made to the code based on some of the comments from the workshop attendees.

Ms. Bickart stated that Arizona is one of three places in the world for astronomy, due to the dry climate and dark skies. She advised that Mt. Graham has the largest telescope on the planet, but the astronomy industry in the state is in jeopardy. Ms. Bickart stated that a study conducted in 2006 by the Arizona Arts, Sciences and Technology Academy found that there was a billion dollars of infrastructure for observatories and space science development and the total dollar impact to Arizona is \$250 million per year for a clean high tech industry that many say they want. Ms. Bickart pointed out that this includes nearly \$12 million in tax revenues to state and local governments, of which cities and towns receive about \$3.1 million. She remarked that at the time of this report, astronomy was pulling in more money than bioscience. Ms. Bickart added that the economic activity of astronomy generates a total of 3,300 jobs for the state.

Ms. Bickart asked if the Committee wanted to lose a clean high tech industry that brings in \$250 million per year to the Arizona economy, 3,300 jobs to the state, and \$3.1 million in tax revenues to the cities and towns because of light pollution. She noted that all stakeholders need to work together to create a balance to be business friendly and have dark skies.

Ms. Bickart displayed an image of Phoenix at night taken from the International Space Station, which showed the outline of freeways, and pointed out that most of the light is wasted light, which translates to wasted energy and wasted dollars. She stated that much of the light escaped the light fixtures and did not light the roadway where needed. Ms. Bickart displayed a photo from Kitt Peak observatory looking toward the Phoenix metro area and she stated that the lights from the Phoenix metro area are having an effect on observatories in southern Arizona and northern Arizona.

Ms. Bickart introduced Chris Luginbuhl, an astronomer from the Naval Observatory in Flagstaff. Mr. Luginbuhl stated that he would touch on two specific topics of the code. He first addressed control of light by shielding. Mr. Luginbuhl showed some examples of the glare and spill lighting of vintage sports field lighting versus new technology lighting, where the light levels on playing fields are double than those previously. He stated that players and spectators can see better, no light trespasses into surrounding neighborhoods, and there is better energy efficiency. Mr. Luginbuhl stated that shielding is not a new part of lighting codes and has been in existence for years.

Mr. Luginbuhl stated that new technology for brightness limits on outdoor signs was not addressed in existing codes. He displayed the old style floodlit billboard and noted that lighting efficiency can be improved dramatically by positioning the lighting from the top of the billboard. Mr. Luginbuhl stated that if a community does not place a limit on signs, they tend to get larger

and larger in size, and the same thing can occur with illumination – the signs in competitive areas get brighter and brighter to attract attention. He reported that in the past five years, digital billboards have come into production with lighting bright enough to see them in the daytime, which provides the potential for extreme brightness at night. Mr. Luginbuhl stated that the industry recognizes this and also recognizes that appropriate limits need to be established to ensure there are no problems with visibility and users have sufficient light to read signs without wasting energy unnecessarily. He noted that surveys show that about 90 percent of current billboards are at or below that recommended in the Pattern Outdoor Lighting Code. Mr. Luginbuhl stated that the shielding limits and the brightness limits have benefits for not only the observatories, but also in saving energy, improving vision, ensuring drivers can see adequately, and neighbors do not have light shining in their backyards. He expressed that he looked forward to working with the interested parties and hoped to find a solution.

Chair Swenson thanked Ms. Bickart and Mr. Luginbuhl for their presentations. He asked if members had questions for the presenters. None were noted. Chair Swenson stated that due to the number of requests for public comment, he would request that speakers be succinct and if previous speakers have made the point, he would appreciate noting that rather than repeating the same comment. Chair Swenson noted that MAG has a three-minute time limit and would seek to keep to that limit.

Chair Swenson recognized public comment from Kenneth Peskin, International Sign Association and speaking on behalf of the Arizona Sign Association. Mr. Peskin spoke about concerns for sections of the Pattern Outdoor Lighting Code related to on-premise signs. He stated that there are national and international approaches to green building codes and said that all other codes specifically exempt internally illuminated signs from a curfew – specific times when a sign needs to be turned off. Mr. Peskin stated that internally illuminated signs are not big contributors among categories. He stated that if this code is adopted, each community will have to decide when a business is open or closed. Mr. Peskin stated that this may not be very clear, for example, churches, theaters, schools, shopping centers, or bank automatic teller machines. He urged that the signage portion of the code be removed. Chair Swenson thanked Mr. Peskin for his comments.

Chair Swenson recognized public comment from Kent Grantham, Smithcraft, and speaking on behalf of the Arizona Sign Association, who said that the curfew being proposed in the code is a major concern for them. Mr. Grantham stated that signage is the least expensive and most effective form of advertising and can be responsible for 50 percent of first time customers of a business because they saw a sign. He stated that businesses rely on visible signage to attract highly mobile customers and a well-designed and well-placed sign can generate huge profits, especially when it is a part of a sophisticated marketing tool that works 24 hours a day, seven days a week. Mr. Grantham stated that a curfew could render a sign 50 percent less effective. He explained that there are five factors that apply to good signage design: size, location, orientation, luminescence, and contrast, and he noted that two of the five would be affected by this ordinance. With luminescence, a curfew renders a sign ineffective at certain times. With contrast limits, the sign would be less readable and effective, day or night. Mr. Grantham also expressed their concern that this would effectively be taxing businesses. Mr. Grantham's time expired. He concluded his comment by saying that existing signs would be grandfathered, but if a business wanted to pursue changes that would require a permit, a lot of municipalities would require that

nonconforming items be brought into conformance. Chair Swenson thanked Mr. Grantham for his comments.

Chair Swenson recognized public comment from Mike Mayhew, from Daktronics, who indicated that Mr. Grantham had covered most of his comments, but he wanted to add comments on the technical aspects of LEDs. He said that LEDs are very directional and he stated that if the code is changed to adapt an intensity level, he would suggest 300 nits as a maximum level at night with an auto sensor. Mr. Mayhew stated that they have done multiple demonstrations and have found that 300 nits is acceptable. He added that Maricopa County has presented that in its draft code that is under consideration. Mr. Mayhew explained that LED light does not go straight up, it goes toward the viewing audience, and if you go beyond the 50 degree angle, 50 percent of the intensity is lost. Chair Swenson thanked Mr. Mayhew for his comments.

Chair Swenson recognized public comment from Ian Lewin, a resident of the City of Scottsdale, who said that the Arizona Sign Association has requested he provide comments. Mr. Lewin stated that he was supportive of lighting codes and supportive of brightness limits on signs, however, he was concerned that the proposed limit of 100 nits is extremely low. Mr. Lewin stated that he has operated his company, Lighting Sciences, for 31 years, and they did much of the basic research work on the light trespass limitations now used in the United States. He indicated that he was unaware of any comprehensive survey of on-premises signs to determine brightness. Mr. Lewin added that the measure on billboards was another issue. He stated that on-premises signs tend to be in urban areas where the ambient brightness level is at a reasonably high level, which is needed to make signs legible. Mr. Lewin stated that 300 nits is a good balance between legibility, attention gathering and overly bright signs. He expressed concern with the proposed code using terms that have not been scientifically defined, for example, what is the difference between light gray and dark gray and the definition of yellow – there is light yellow and dark yellow. Mr. Lewin stated that the proposed code needs work and he hoped a full evaluation will be done. Chair Swenson thanked Mr. Lewin for his comments.

Chair Swenson recognized public comment from Gordon Keig, development partner with Kornwasser Shopping Centers and state director of the International Council of Shopping Centers. Mr. Keig stated that shopping centers in 2009 had more than \$49 billion of economic impact to the state and brought in \$2.9 billion in sales tax revenue. He indicated that the shopping center industry supports environmental design and energy efficiency, however, they are concerned that they did not have a voice in the development of the Pattern Outdoor Lighting Code. Mr. Keig stated that the concept of crime prevention through environmental design (CPTED) is an internationally recognized standard for lighting in public and private properties and a primary element is to ensure that high areas, such as ATMs, parking lots, dumpsters, and sidewalks, are well-lit to reduce the possibility of crime. He stated that illumination of those areas is extremely important. Mr. Keig stated that one of the elements of CPTED is lighting for safety and the proposed code flies in the face of ensuring safe properties. He stated that the customary design practice provides different lighting standards for different uses, for example, a shopping center with stores and theaters are treated the same as an industrial park that closes at 5:00 or 6:00 p.m. Mr. Keig stated that there are more than 40,000 parking lot lighting fixtures in Maricopa County and the industry believes that implementing this code could cost them more than \$100 million over time. He asked if this code was entirely necessary. Mr. Keig stated that the genesis began in October 2009 when Kitt Peak provided a report to the Management Committee that light

pollution degrades the visibility of our night skies. Mr. Keig's time expired. He stated that less than one month ago, the National Optical Astronomy Observatory released a study that concluded that the light levels 20 years ago are the same level as today, which means that the existing ordinances are sufficient to protect the astronomy industry. Chair Swenson thanked Mr. Keig for his comments.

Chair Swenson recognized public comment from Stacey Langford, Vice President of the Arizona Bankers' Association. Ms. Langford stated that the banking industry has concerns regarding how the curfew would affect banking services available after hours, such as ATMs and night drops. She indicated that the Association feels there are serious safety and security concerns and concerns for customer convenience that services are available after hours. Ms. Langford stated that they have concerns for advertising signage, drive-up lane indicators, and parking areas for walk-up ATMs. She said that she looked forward to working with the Stakeholders Group and having an exemption for the banking industry for after hours services. Chair Swenson thanked Ms. Langford for her comments.

Chair Swenson called forward Larry Robinson, who was not present.

Chair Swenson recognized public comment from Michelle Ahlmer, the Executive Director of the Arizona Retailers Association, which has about 1,800 members in the state. Ms. Ahlmer stated that the Association sent a letter yesterday that was distributed to members. She said that if the curfew is placed on businesses with lighting, Amber Alerts will be impacted because they are posted on reader boards. Ms. Ahlmer stated that this presents a significant safety concern and she did not think this had been taken into consideration. She expressed their concern for lighting in canopies over facilities such as gas stations, home improvement stores, and gardening centers because those are ways criminals can exit stores. Ms. Ahlmer stated that they also have concern that the code will impact the effective resolution of security cameras. She noted that the Association has been working with law enforcement for a number of years on improvements and they do not want to negatively impact the effectiveness of the program. Ms. Ahlmer also expressed concern for the safety of employees and customers as they leave the building. She noted that the required retrofit would cost one retailer alone \$2 million in Maricopa County and this total adds up when all of the retailers are considered. Ms. Ahlmer stated that the Association was not included in the Stakeholders Group meetings. She said that the retailers significantly impact the budgets of every city and are the majority of contributors to the sales tax. Ms. Ahlmer stated that MAG would not want to do anything that would further burden retailers during these economic times. Chair Swenson thanked Ms. Ahlmer for her comments.

Chair Swenson recognized public comment from Trish Hart from the Arizona Food Marketing Alliance, a trade association representing retail grocers, food suppliers, and convenience stores. She noted that the Alliance just heard about this issue the day before, but they have been working on lighting issues for years – with the City of Tucson in the 1990s and more recently with the City of Flagstaff. Ms. Hart stated that she echoed Ms. Ahlmer's comments. She said that the Alliance is very concerned for the safety of its customers and employees. Ms. Hart explained that employees are there at all times of the day, stocking shelves and taking deliveries. She stated that the Alliance is also concerned with costs. Ms. Hart stated that the Alliance has not had input and would like to participate in the process moving forward. She noted that she met with the City of Mesa the prior evening on its CPTED lighting ordinance. Ms. Hart expressed concern that a

business would be fined if it is found to be noncompliant with the ordinance. She stated that they want to ensure the code will not be in conflict with the ordinances of other cities. Ms. Hart requested that this be returned to the Stakeholders Group so that everyone involved can have input. Chair Swenson thanked Ms. Hart for her comments.

Chair Swenson recognized public comment from Amy Bratt, Public Affairs Officer and Economic Development Manager of the Greater Phoenix Chamber of Commerce, who represents nearly 3,000 members of the business community. She stated that the Chamber had not had time to exercise its full process, but she wanted to provide the comments from the Economic Development Committee. Ms. Bratt stated that the Chamber appreciates the business generated by all economic drivers, small, large, common and unique. She stated that the economic impacts of this policy are not understood, such as name recognition on buildings, or on a resort using uplighting as part of its landscape design. Ms. Bratt stated that the Economic Development Committee requests MAG and the Dark Sky Stakeholder Group reconvene and review the economic impacts of this policy, and once completed, they would appreciate that today's speakers return to the Chamber's Economic Development Committee for further discussion. Chair Swenson thanked Ms. Bratt for her comments.

Chair Swenson recognized public comment from Richard Hubbard from Valley Partnership, a real estate advocacy group in the Valley. Mr. Hubbard stated that the previous speakers addressed his concerns, but he wanted to say that the issue hit his members strongly. He stated that signage and illuminated signage for identification are paramount to the operation and success of the members' businesses. Mr. Hubbard expressed appreciation for Chair Swenson's recommendation to return this issue to the Stakeholders Group. He stated that Valley Partnership looks forward to working with the Stakeholders in this process. Chair Swenson thanked Mr. Hubbard for his comments.

Chair Swenson recognized public comment from John Clements, from CBS Outdoor. Mr. Clements asked for confirmation of his understanding that this item was being returned to the Stakeholders Group for further work. Mr. Clements was informed his understanding was correct. Mr. Clements stated that he would not need to provide comments in that case, but wanted to say his company was not involved in the initial Stakeholders Group and would like to participate in future discussions. Chair Swenson thanked Mr. Clements for his comments.

Chair Swenson recognized public comment from Katrin de Marnette from Clear Channel Outdoor, an outdoor advertising company. She said that her company was also not involved in the Stakeholders Group and was pleased this was being sent back for discussion and hoped to participate as a stakeholder. Chair Swenson thanked Ms. de Marnette for her comments.

Chair Swenson thanked the speakers for coming to the meeting and providing their comments to the committee and staff. He asked members if they had questions.

Mr. Crossman asked if the contact information for the speakers had been provided so that staff could invite them to meetings. Chair Swenson replied that all of the speaker cards contained contact information.

Mr. Fischbach stated that he originally had three concerns and now had five. He said that his first concern was why the stakeholders had not been included. His second concern was 100 nits versus

300 nits. Mr. Fischbach stated that the City of Goodyear has been meeting over the past couple of weeks with sign companies regarding digital billboards. He indicated that 300 nits was the standard acceptable to them and in his opinion, did not violate anything. Mr. Fischbach stated that his third concern was the curfew because he could not understand how turning off signs when a business closes could be approached. He stated that he would like the Stakeholders to address facilities with differing hours. Mr. Fischbach stated that his fourth concern was that the definitions of colors need to be clarified. His fifth concern was the costs that would be incurred. If the cost would increase to \$100 million, we need to address that.

Mr. Brady commented that it was unfortunate that it appeared that there was some rush to bring this to the Management Committee. He expressed his concern that the intention of this policy was to save a certain industry. Mr. Brady stated that there was a rhetorical question asked in the presentation and he hoped that staff looks at an objective approach to balance all stakeholders' needs. He added that observatories are stakeholders, but we need to find a way to balance this for everybody. Mr. Brady stated that another challenge is if this will be a regional solution, because communities now developing might have a different view about bringing in signage than those communities already developed. He stated that there are a lot of big businesses that have huge impacts to city budgets and he thought cities would proceed cautiously.

Mr. Andrews echoed Mr. Brady's comments and said that a balanced approach is important. He added that the astronomy industry is important to the state's economy, and in turn creates jobs in retail, which then creates jobs for sign companies.

Mr. Cavazos asked if there was an estimated timeframe for the Stakeholders Group to bring back a revised policy to the Management Committee. Mr. Smith replied that he would like to bring this to the Committee as soon as possible, but did not want to rush the process, depending upon the time required to work out the comments. He said that the goal is to do a good job, rather than a rush job. Mr. Smith stated that the Kitt Peak ordinance was done in 1984, and if it takes two to four months of work, it would be worth the time invested.

Mr. Richert suggested that each community's risk management division should be involved, along with the State Land Department, the largest landowner in the state.

Vice Chair Meyer stated that a lot of input has been received from industry, but he was concerned that guidance might need to be provided to the Stakeholders going forward. He said that some might take the position that less is better and some might take the position that more is better and he thought there might be a middle ground. Vice Chair Meyer stated that there is some level of illumination that is necessary that might not result in excess illumination that might have detrimental effects. He said he hoped for objective standards to meet the common ground between lower illumination and full visibility needed by the sign and retail industries. Vice Chair Meyer suggested having standards rather than specific regulations about when to turn a sign on and off. He stated that MAG providing standards that accomplish all goals would be ideal for the Management Committee.

Chair Swenson stated that many thoughtful comments were heard today. He encouraged a collaborative discussion with the stakeholders, who are important to cities. Chair Swenson stated

that the Management Committee was interested in a balanced recommendation coming back to the committee.

9. Valley Fever Corridor Project

Dr. John Galgiani, Director of the University of Arizona Valley Fever Center for Excellence, displayed a map of the areas affected by Valley Fever and said that the Maricopa, Pinal and Pima county area is the most intense area of infection. He stated that the University of Arizona is the only college of medicine that is located in the hyper endemic region of this fungal infection. Dr. Galgiani stated that the fungus that causes Valley Fever grows in the soil and it can take inhaling only one spore to develop pneumonia. He said that Valley Fever causes one-third of all community acquired pneumonias in the region.

Dr. Galgiani displayed a graph of the Valley Fever cases in Arizona and California, which have the most infections, from 1990 to 2009. He noted that two-thirds of the Valley Fever cases occur in Arizona, mostly in the area of Maricopa County, Pinal County, and Pima County, where the majority of the population resides. Dr. Galgiani noted that this is dubbed the Valley Fever Corridor.

Dr. Galgiani stated that the Department of Health Services did a study in 2007 of some Valley Fever patients that showed that the illness lasted an average of six months, 75 percent of those working missed more than one month of work, and 25 percent needed more than ten doctor visits. He added that other data show that hospitalization was required for 40 percent of those infected, which cost about \$86 million.

Dr. Galgiani noted the recent case of Valley Fever contracted by Conor Jackson, an Arizona Diamondbacks player, who was out the entire season due to his illness. He stated that because diagnostic tests were not satisfactory, Mr. Jackson was not diagnosed until after two blood tests, which came back negative. Dr. Galgiani stated that better diagnostics, new drugs, and vaccines are at the heart of the collaborative effort with Arizona State University and Northern Arizona University. He stated that the University of Arizona is spearheading the effort, which is overseen by the Food and Drug Administration, and developing a vaccine is a real possibility.

Dr. Galgiani stated that their goal is to disseminate information on Valley Fever to clinicians and the general public that there is no way to avoid Valley Fever if you live here. He stated that knowledge is the best management strategy. Chair Swenson thanked Dr. Galgiani for attending the meeting and he asked members if they had questions.

Vice Chair Meyer asked what messages could be conveyed to the public in terms of symptoms and prevention. Dr. Galgiani stated that he did not think there are steps people could take to prevent Valley Fever, because the spores get in the air. He added that he did not think occupational exposure was a major contributor because the wind blows in the desert and everyone has a 30 percent chance each year of contracting Valley Fever. Dr. Galgiani stated that understanding the symptoms and physicians looking for this diagnosis is a part of the strategy. He reported that 10,000 people in Arizona are diagnosed with Valley Fever annually, and a diagnosis can be made only with specific lab tests. Dr. Galgiani noted that doctors of tourists who

have visited Arizona should know that if their patient has pneumonia, there is a 30 percent chance it can be attributed to Valley Fever.

Mr. Smith commented that even though Valley Fever is all over, the epicenter is the Northwest Valley.

Mr. Crossman asked the symptoms of Valley Fever. Dr. Galgiani explained that some of the symptoms of Valley Fever include chest pain, cough, weight loss, and fever. He added that if a physician diagnoses a community acquired pneumonia, Valley Fever should be considered. Mr. Crossman asked if people can become infected more than once. Dr. Galgiani replied no, a person is immune once he or she has had Valley Fever and it is not contagious. He noted that medical groups have passed resolutions supporting this effort, but having public awareness is useful. Dr. Galgiani would provide Valley Fever fact sheets.

Chair Swenson stated that the City of Peoria, being in the Northwest Valley, has looked at Maricopa County health data and they wholeheartedly support this effort.

Mr. Crossman moved to recommend acceptance of a Resolution to promote public awareness of the educational efforts of the Valley Fever Center for Excellence in its work to address Valley Fever in the MAG region. Mr. Cleveland seconded, and the motion passed unanimously.

10. 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.

11. Comments from the Committee

An opportunity was 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.

No comments from the Committee were noted.

Adjournment

With no further business, Vice Chair Meyer moved, Ms. Dennis seconded, and the motion passed to adjourn the meeting at 1:30 p.m.

Chair

Secretary



ARTERIAL LIFE CYCLE PROGRAM

Status Report

April 2010 – September 2010

CONTENTS

- Phase I Wrap-Up 1
- FY 2010 Arterial Life Cycle Program 2
- FY 2011 Arterial Life Cycle Program 2
- ALCP Revenue and Finance 3
- EPA Intent to Disapprove the MAG 5% Plan 4
- ALCP Project Change Requests 6
- ALCP Project Status 6
- ALCP Project Status Tables 7

PHASE I WRAP-UP

The end of Fiscal Year (FY) 2010 signified the end of implementing Phase I of the Regional Transportation Plan (RTP). At the start of Phase I, revenue collection was higher than anticipated due to the boom in housing market and other construction related activities. As Phase I progressed, the economy slowed and eventually the region was pulled into a nationwide recession, which has yet to rebound completely.

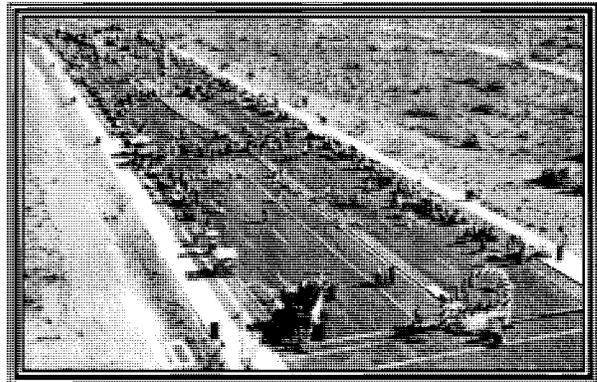
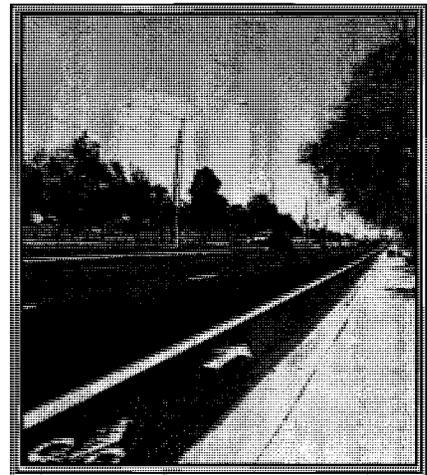
Economic impacts of the recession included decreased program revenues and increased the need to defer projects to later years or phases in the ALCP and RTP, respectively. While member agencies faced budget reductions, the commitment to “Build the Plan” remained strong. In Phase I, 18 projects were completed and open to traffic, and over \$100 million in reimbursements were processed. By the end of Phase I, nine intersection improvements were completed and reimbursed over \$26.6 million. Intersection improvements completed in Phase I included:

- Arizona Ave at Chandler Blvd
- Arizona Ave at Elliot Rd
- Arizona Ave. at Ray Rd
- Power Rd at Pecos Rd
- Gilbert Rd at University Dr
- Shea Blvd at 90/92/96th Streets
- Shea Blvd at Via Linda
- Shea Blvd at Mayo/134th Street
- Warner Rd at Cooper Rd

In addition, nine arterial capacity improvements were completed and reimbursed over \$74 million. These projects included:

- El Mirage Rd: Deer Valley Drive to Loop 303
- Happy Valley Rd: 1-17 to 35th Avenue
- Gilbert Rd: SR202/Germann to Queen Creek
- Happy Valley Rd: Lake Pleasant Parkway to 67th Avenue
- Lake Pleasant Parkway: Union Hills to Dynamite
- Pima Rd: SR 101 to Thompson Peak Parkway
- Power Rd Baseline to East Maricopa Floodway
- SR 101 North Frontage Rd: Hayden Rd to Scottsdale Rd
- Val Vista Dr: Warner Rd to Pecos Rd

Lead Agencies are required to submit three requirements before a project may be reimbursed: a Project Overview, a Project Agreement, and a Project Reimbursement Request. By the end of Phase I, Lead Agencies had submitted 53 Project Overviews and executed 39 Project Agreements.



FY 2010 ARTERIAL LIFE CYCLE PROGRAM

Fiscal Year (FY) 2010 concluded the fourth full fiscal year of implementation for the Arterial Life Cycle Program (ALCP) and signified the end of Phase I of the ALCP. Throughout FY 2010, seven jurisdictions received over \$62 million in reimbursements for ITS, arterial capacity and intersection improvements. By the end of FY 2010, 18 ALCP projects were completed and open to traffic. ALCP projects completed in FY 2010 included:

- Gilbert Road at University Drive Intersection Improvement
- Gilbert Road: SR202/Germann to Queen Creek Rd
- Happy Valley Road: Lake Pleasant Parkway to 67th Avenue
- Warner Road at Cooper Road Intersection Improvements

The economic downturn and decreased sales tax revenue continued to impact projects programmed for work and reimbursement. During FY 2010, a number of fiscal adjustments were made to the Arterial Life Cycle Program (ALCP). Lead agencies deferred over \$30 million in Federal and regional funding from FY 2010 to later years.

To reduce the amount deferred, MAG Staff coordinated with member agencies to facilitate the largest RARF Closeout to date. On May 26, 2010, the MAG Regional Council approved the advancement of \$23.995 million in programmed reimbursements from a later year to FY 2010. The five projects selected to receive FY10 RARF Closeout Funds included:

- Arizona Ave/Elliot Rd Intersection Improvements
- El Mirage Rd: Deer Valley Drive to L303
- Gilbert Rd: SR-202L/Germann to Queen Creek Rd
- Gilbert Rd at University Dr
- Shea Blvd at 90th/92nd/96th Streets

In FY 2010, Lead Agencies completed eight Project Overview and five Project Agreements. Project overview reports describe the general design features of the project, estimated costs, implementation schedules, and relationships among participating agencies. The reports also provide the basis of project agreements, which must be executed before agencies may receive reimbursements from the program. .

FY 2011 ARTERIAL LIFE CYCLE PROGRAM

On July 28, 2010, the MAG Regional Council approved the FY 2011 Arterial Life Cycle Program, the MAG FY 2011-2015 Transportation Improvement Program (TIP), and Regional Transportation Plan (RTP) 2010 Update. The start of FY11 signifies the start of Phase II of the ALCP and RTP as well as the fifth full year of program implementation.

The MAG Transportation Improvement Program is a moving five-year window of work scheduled to proceed on roads of regional significance in the region. ALCP Projects programmed for work during the same timeframe are automatically included in the TIP. Per the ALCP Policies and Procedures, TIP identification numbers are required for ALCP projects to receive reimbursement.

MAG Staff developed an Appendix to the TIP specifically for ALCP projects to assist Lead Agencies with completing ALCP project requirements. The TIP-ALCP Appendix lists all TIP identification numbers for project segments programmed for work during the current TIP

window, which is FY 2011 to FY 2015. To receive an electronic copy of the Appendix, please contact Steve Tate at state@azmag.gov.

The FY 2011 ALCP book includes information on project schedules, programmed reimbursement, and important dates and deadlines. The book also discusses completed projects and implementation studies. To download an electronic copy of the FY 2011 Arterial Life Cycle Program, please visit the MAG-ALCP website at:

<http://www.mag.maricopa.gov/project.cms?item=5034>

The inflation rate table in the FY11 ALCP dated July 28, 2010 included errors. A corrected version of the inflation rate table may be download from the MAG-ALCP website at:

<http://www.mag.maricopa.gov/detail.cms?item=12337>

ALCP REVENUE AND FINANCE

The ALCP receives dedicated sales tax revenues (RARF) for transportation improvements to the arterial road network in Maricopa County. RARF revenues are deposited into the arterial account on a monthly basis. ALCP Projects may receive funding from one or more sources, which include Regional Area Road Funds (RARF), Surface Transportation Program – MAG Funds (STP-MAG), and Congestion Mitigation and Air Quality Improvement Program Funds (CMAQ).

Table 1. FY10 RARF Collections (July 2009 - June 2010)

	Freeways	Arterial Streets	Transit	Prop. 400 (total)
July	\$14,476,416.17	\$2,704,668.50	\$8,577,662.96	\$ 25,758,748
August	13,692,463.22	2,558,200.42	8,113,149.92	\$ 24,363,814
September	13,865,092.84	2,590,453.29	8,215,437.57	\$ 24,670,984
October	13,464,882.64	2,515,680.92	7,978,302.35	\$ 23,958,866
November	13,559,500.56	2,533,358.64	8,034,365.99	\$ 24,127,225
December	13,623,153.00	2,545,251.00	8,072,081.76	\$ 24,240,486
January	\$15,869,936.94	2,965,023.81	9,403,361.21	\$ 28,238,322
February	\$12,839,782.02	2,398,891.66	7,607,913.55	\$ 22,846,587
March	\$13,191,947.33	2,464,687.67	7,816,580.89	\$ 23,473,216
April	\$14,902,194.76	2,784,217.89	8,829,948.14	\$ 26,516,361
May	\$13,837,804.41	2,585,354.92	8,199,268.45	\$ 24,622,428
June	\$14,350,821.50	2,681,203.30	8,503,244.77	\$ 25,535,270
Total	\$ 167,673,995	\$ 31,326,992	\$ 99,351,318	\$ 298,352,305

To date, more than \$162 million Regional Area Road Funds have been collected for the arterial account. As of September 2010, the RARF account balance was \$48.2 million. Table 1 provides a breakdown of RARF revenues collected during FY 2010 by mode



Transportation
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Revenues from Proposition 400 are distributed to three programs in the region: the Freeway Life Cycle Program (56.2%), the Transit Life Cycle Program (33.3 %), and the Arterial Life Cycle Program (10.5%). In accordance with State law, 10.2% of the revenues are allocated to arterial capacity and intersection improvements while 0.3% of the revenues are allocated to fund planning and implementation studies.

Annually, the Arizona Department of Transportation (ADOT) releases a forecast of projected revenues. The forecasts are used to balance projected expenditures and revenues over the life of the program. Table 2 summarizes the estimated and actual RARF revenue collections from July 2009 to June 2010.

Table 2. Total RARF Collections			
Estimate v. Actual FY2010 (July 2009 - June 2010)			
	Estimated Total RARF	Actual Total RARF*	Percentage Difference
July	\$ 26,059,000	\$25,786,309.03	-1.05%
August	\$ 24,537,000	24,384,781.49	-0.62%
September	\$ 25,654,000	24,686,277.17	-3.77%
October	\$ 26,903,000	24,050,907.17	-10.60%
November	\$ 25,484,000	24,245,187.39	-4.86%
December	\$ 25,232,000	24,369,356.18	-3.42%
January	\$ 30,945,000	28,367,192.38	-8.33%
February	\$ 24,670,000	22,887,151.08	-7.23%
March	\$ 25,056,000	23,481,535.72	-6.28%
April	\$ 27,677,000	26,520,961.96	-4.18%
May	\$ 25,829,000	24,676,476.17	-4.46%
June	\$ 27,257,000	25,592,342.91	-6.11%
Total	\$ 315,303,000	\$ 298,352,305	-5.2%

*Amount includes debt service from Prop 300

In FY 2010, the projection forecasted \$315 million in revenue collection. By the end of the fiscal year, total revenue collections were \$298 million. Collections were \$17 million, or 5.2%, lower than anticipated.

EPA INTENT TO DISAPPROVE THE MAG 5 PERCENT PLAN

On May 25, 2010, the Environmental Protection Agency (EPA) informed MAG of the decision to disapprove a request by the Arizona Department of Environmental Quality (ADEQ) to treat four high wind exceedances of the PM- 10 standard in 2008 as exceptional events. The decision means that the MAG region cannot demonstrate attainment of the PM-10 standard by 2010 as shown in the MAG Five Percent Plan for PM-10. On September 3, 2010, the EPA formally announced the intention to disapprove of the MAG Fiver Percent Plan.

After announcing the intent to disapprove the 5 Percent Plan, the EPA submitted the action to the Federal Register for publication as a proposed rule giving details of the plan's deficiencies and announcing a 30-day public comment period. Final disapproval of the air quality plan could result in sanctions, potentially putting more than a billion dollars of federal highway funding in the region at risk and result in the loss of tens of thousands of jobs.

If made final, the EPA decision will have significant implications for our region. Initial consequences would involve a freeze of the region's \$7.4 billion Transportation Improvement Program (TIP), in which only projects in the first four years of the TIP could proceed and no new projects could be added. If not corrected, additional sanctions could be imposed, including tighter controls on industry and the loss of \$1.7 billion in federal highway funding.

In September, MAG Member Agencies were notified of the potential implications of a conformity freeze. Below are Frequently Asked Questions regarding the potential freeze.



Q: What is a conformity freeze?

A conformity freeze means that only projects in the first four years of the currently conforming Regional Transportation Plan 2010 Update (RTP), FY2011-2015 MAG TIP, and FY 2011 Arterial Life Cycle Program can proceed. During a conformity freeze, no new RTPs, TIPs or RTP/TIP/ALCP amendments can be found to conform.

The Federal Highway Administration (FHWA) has advised MAG that during a conformity freeze, administrative modifications may continue since a TIP amendment and a new conformity determination is not required, assuming these modifications do not change the design concept and scope of the projects. In addition, exempt projects may be added to the TIP since they do not require a conformity determination.

Q: When will the conformity freeze begin?

If the EPA takes final action on January 28, 2011 to disapprove the Five Percent Plan for PM 10, a conformity freeze would become effective 30 days after publication of the final action in the Federal Register, on approximately February 28, 2011.

Q: How long will the conformity freeze last?

During a conformity freeze, no new RTPs, TIPs, or RTP/TIP/ALCP amendments can be found to conform until a new Five Percent Plan for PM 10 is submitted, EPA finds the new motor vehicle emissions budget in that Plan adequate for conformity purposes, and conformity on the TIP and RTP is redetermined using the new budget. The timeframe is unknown.

Q: What projects can continue during a conformity freeze?

Any project that is in the first four years of the FY2011 2015 MAG TIP and FY11 ALCP, which includes design, right of way, construction, and other projects, can move forward during the freeze. In addition, exempt projects and non regionally significant state and locally funded projects that are not in the TIP can proceed as well.

Q: Can a developer build or widen an arterial street using private funds during a conformity freeze?

FHWA regulations require the TIP to contain all regionally significant projects, regardless of funding source. It is the jurisdiction's responsibility to include this type of project in the MAGTIP. If a jurisdiction is uncertain if a project is regionally significant, please submit it to MAG by November 4, 2010. A conformity freeze means that *only projects in the first four years* of the RTP 2010 Update, FY2011 2015 MAG TIP, and FY11 ALCP can proceed.

Q: Can new projects be added to the FY2011 2015 MAG TIP during a conformity freeze?

New projects that affect conformity cannot be added to the FY 2011 2015 MAG TIP and FY11 ALCP during a conformity freeze.

What changes can be made to a project currently in the FY 2011 – FY 2015 MAG TIP during a conformity freeze?

FHWA has advised MAG that during a conformity freeze, administrative modifications may continue since a TIP/ALCP amendment and a new conformity determination would not be required, assuming these modifications do not change the design concept and scope of the projects. In addition, FHWA indicates that a project request to change the source of funds from non federal to federal would require a type of amendment that would not



affect conformity. Certain Administrative Modifications to projects can be made during a conformity freeze. In general, ones that are related to funding amounts, funding types, clarification of project descriptions, lead agencies, some advancements and deferrals, and others. Please consult with MAG Staff for specific project evaluation as it relates to administrative modifications.

PLEASE NOTE: Any amendments (projects changes) to MAG TIP or FY11 ALCP must be submitted to MAG Staff by November 4, 2010. This is a hard deadline due to the time constraints of running conformity and requesting approval of the project changes through the committee process before the freeze goes into effect. Most projects in the Arterial Life Cycle Program affect conformity. If you have questions about a specific project, please contact MAG Staff before November 4, 2010.

ALCP PROJECT CHANGE REQUESTS

Occasionally, Lead Agencies may need to request a project change to an ALCP project outside of the annual update process. Changes permitted outside of the annual update process vary, but MAG Staff is available to assist with these requests. To initiate an ALCP project change, please download and complete the ALCP Change Request form from the MAG website at: <http://www.mag.maricopa.gov/project.cms?item=5034>.

The form is divided into two sections: (1) Currently Programmed and (2) Requested Programming. In the first section, Lead Agency Staff should enter how the project or segment is *currently programmed* in the approved ALCP. In the second section, Lead Agency Staff should enter the requested programming. Please add sufficient detail in the 'Requested Change column' to aide MAG Staff with processing the request.

TIP Identification numbers may be found in the approved FY 2011-2015 Transportation Improvement Program or TIP Appendix if a project is programmed for work during those fiscal years. Older versions of the MAG TIP, including amendments and administrative modification, also are available for download from the MAG TIP website.

NOTE: Project change requests for Non-ALCP projects require a different form and should be submitted to Steve Tate at state@azmag.gov or Eileen Yazzie at eyazzie@azmag.gov for review.

Contact MAG Staff with any questions at 602-254-6300.

ALCP PROJECT STATUS

Detailed information about projects underway are provided in Tables 3 and 4. Table 3 lists projects programmed for work and/or reimbursement in FY 11, the amount programmed for reimbursement in FY 2011, and ALCP project requirements submitted to-date. Table 4 details project reimbursements and expenditures for projects underway in FY 2010 as well as projects programmed for work and/or reimbursement in FY2011.

This is the 12th Status Report for the Arterial Life Cycle Program (ALCP). Semi-annually, MAG staff will provide member agencies with an update on the projects in the ALCP. This report and all other ALCP information are available online at <http://www.mag.maricopa.gov/project.cms?item=5034>.



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Arterial Life Cycle Program Status Report

TABLE 3. FY 2011 ARTERIAL LIFE CYCLE PROGRAM
Schedule for Projects Programmed for Work and/or Reimbursement in FY11

RTP Project	Programmed in the FY 11 ALCP	Programmed Reimb. in FY 2011 (millions)	ALCP Project Requirements		
			Overview (PO)	Agreement (PA)	Needed in FY11
CHANDLER					
Chandler Blvd/Alma School: Intersection Improvements	Reimbursement Only	\$ 0.926	Completed 3/2008	Completed 7/2008	PRR
Chandler Blvd/Dobson: Intersection Improvements	Work and Reimbursement	\$ 0.427	Completed 4/2006	Completed 7/2006	PRR
Gilbert Rd: Queen Creek to Ocotillo	Work Only	\$ -	---	---	PO
Gilbert Rd: Ocotillo Rd to Chandler Heights	Work Only	\$ -	---	---	PO
Ray Rd at Alma School Rd: Intersection Improvements	Work and Reimbursement	\$ 3.630	Completed 3/2006	Completed 7/2006	PRR
FOUNTAIN HILLS					
Shea Blvd: Palisades to Fountain Hills Blvd	Reimbursement Only	\$ 0.040	Completed 7/2008	Completed 9/2008	PRR
Shea Blvd: Technology Dr to Cereus Wash	Work and Reimbursement	\$ 1.621	Completed 8/2008	Completed 10/2008	PRR
GILBERT					
Queen Creek Rd: Greenfield Rd to Higley	Work Only		---	---	None
Guadalupe Rd/Cooper Rd: Intersection Improvements	Work and Reimbursement	\$ 3.694	Completed 5/2010	---	PO, PA, PRR
Guadalupe Rd at Gilbert Rd: Intersection Improvements	Work Only	\$ -	---	---	None
Power Rd: Santan Fwy to Pecos Rd	Work and Reimbursement	\$ 2.807	---	---	PO, PA, PRR
MARICOPA COUNTY					
El Mirage Rd: Bell Rd to Deer Valley Drive	Work and Reimbursement	\$ 4.201	Completed 9/2009	Completed 4/2010	PRR
El Mirage Rd: Thunderbird Rd to Bell	Work and Reimbursement	\$ 0.210	Completed 1/2008	Completed 12/2008	PRR
Gilbert Rd: Bridge over Salt River	Work Only	\$ -	---	---	PO, PA, PRR
Northern Pkwy: Sarival to Dysart	Work and Reimbursement	\$ 1.707	Completed 4/2010	TBD	PA, PRR
Northern Pkwy: ROW Protection	Work and Reimbursement	\$ 2.601	Completed 4/2010	TBD	PA, PRR
MESA					
Dobson Rd at Guadalupe Rd: Intersection Improvements	Reimbursement Only	\$ 2.063	Completed 10/2006	Completed 2/2007	PRR
Dobson/University: Intersection Improvements	Work Only	\$ -	---	---	None
Hawes Rd: Santan Fwy to Ray Rd	Work Only	\$ -	---	---	PO, PA, PRR*
Mesa Dr: US60 to Southern Ave	Work and Reimbursement	\$ 2.189	Completed 3/2007	Completed 1/2008	PRR
Ray Rd: Sossaman Rd to Ellsworth Rd	Work Only	\$ -	---	---	PO, PA, PRR*
Southern Ave/Stapley Dr Intersection Improvements	Work and Reimbursement	\$ 0.051	Completed 3/2007	Completed 6/2007	PRR

* Per the ALCP Policies and Procedures, only the Progress Report Section of PRR is required

Arterial Life Cycle Program Status Report

**TABLE 3. FY 2011 ARTERIAL LIFE CYCLE PROGRAM
Schedule for Projects Programmed for Work and/or Reimbursement in FY11**

PEORIA					
83rd Avenue: Butler Rd to Mountain View	Work and Reimbursement	\$ 4.118	---	---	PO, PA, PRR
75th Ave at Thunderbird Rd: Intersection Improvement	Work and Reimbursement	\$ 0.462	---	---	PO, PA, PRR
Happy Valley Rd: Lake Pleasant Pkwy to 67th Ave	Work and Reimbursement	\$ 11.618	Completed 7/2009	Completed 9/2010	PRR
Lake Pleasant Pkwy: Dynamite Blvd to CAP	Work and Reimbursement	\$ 0.722	Completed 5/2006	---	PA, PRR
Lake Pleasant Pkwy: CAP to SR74/Carefree Hwy	Work Only	\$ -	---	---	PO
PHOENIX					
Avenida Rio Salado: 51st Avenue to 7th Street	Work and Reimbursement	\$ 7.684	---	---	PO, PA, PRR
Black Mountain Blvd: SR-51 and Loop 101/Pima Fwy to Deer Valley Rd	Work and Reimbursement	\$ 2.555	Completed 10/2007	---	PA, PRR
Sonoran Blvd: 15th Avenue to Cave Creek	Work and Reimbursement	\$ 11.026	---	---	PO, PA, PRR
SCOTTSDALE					
Pima Rd: Thompson Peak Parkway to Pinnacle Peak Parkway	Work and Reimbursement	\$ 11.477	Completed 6/2008	Completed 7/2008	PRR
Pima Rd: Pinnacle Peak to Happy Valley Rd	Work Only	\$ -	---	---	PO
Pima Rd: Via De Ventura to Krail	Work and Reimbursement	\$ 4.033	Completed 4/2010	In Process	PA, PRR
Pima Rd: Krail to Chaparral Rd	Work Only	\$ -	Completed 4/2010	---	None
Pima Rd: Thomas Rd to McDowell Rd	Work and Reimbursement	\$ 0.488	Completed 4/2010	---	PA, PRR
Scottsdale Rd: Thompson Peak Pkwy to Pinnacle Peak Parkway	Work and Reimbursement	\$ 3.944	Completed 5/2010	In Process	PA, PRR
Shea Blvd at 120/124th St: Intersection Improvements	Work Only	\$ -	---	---	PO, PA, PRR*
Shea Blvd: 96th St to 144th St: ITS Improvements	Work and Reimbursement	\$ 0.048	---	---	PO, PA, PRR
Shea Blvd at Frank Lloyd Wright Blvd: Intersection Improvements	Work Only	\$ -	---	---	PO, PA, PRR*

* Per the ALCP Policies and Procedures, only the Progress Report Section of PRR is required

Arterial Life Cycle Program Status Report

TABLE 4. FY 2011 ARTERIAL LIFE CYCLE PROGRAM
(2010 and Year of Expenditure, Dollars in Millions, Consistent with the FY11 - July 28, 2010 ALCP)

FACILITY/LOCATION	SCHEDULE FOR WORK (W) AND/OR REIMBURSEMENT (R)		REGIONAL FUNDING				TOTAL EXPENDITURES			FINAL FY for CONST	LENGTH* (Miles)	OTHER PROJECT INFORMATION
	FY 2010	FY 2011	Reimb through FY0 (YOE\$)	FY 2011 Estimated Reimb.	Estimated Future Reimb FY12-FY26 (2010\$)	Total Reimb FY06-FY26 (2010\$, YOE\$)	Expend through FY0 (YOE\$)	Estimated Future Expend FY11-FY26 (2010\$)	Total Expend FY06-FY26 (2010\$, YOE\$)			
CHANDLER												
Arizona Ave/Elliott Rd	R	---	3.211	0.000	0.000	3.211	4.587	0.000	4.587	2006	0.25	FY10 RARF Closeout Project. Project Completed.
Chandler Blvd/Alma School Rd	W/R	W/R	0.387	0.926	2.436	3.749	1.854	9.846	11.700	2012	0.25	
Chandler Blvd/Dobson Rd	W/R	W/R	2.073	0.427	0.000	2.500	6.922	0.427	7.349	2011	0.25	
Gilbert Rd: SR-202L/Germann to Queen Creek Rd	W/R	---	6.078	0.000	0.670	6.747	10.307	0.000	10.307	2010	1.25	FY10 RARF Closeout Project. Project Completed.
Gilbert Rd: Queen Creek Rd to Ocotillo Rd	W	W	0.000	0.000	4.011	4.011	1.057	10.002	11.059	2012	1.00	Projected Segmented during FY11 Annual Update
Gilbert Rd: Chandler Heights Rd to Hunt Hwy	W	---	0.000	0.000	5.957	5.957	2.113	30.590	32.703	2013	2.00	
Gilbert Rd: Ocotillo Rd to Chandler Heights	W	W	0.000	0.000	4.011	4.011	1.057	10.002	11.059	2014	1.00	Projected Segmented during FY11 Annual Update
Ray Rd/Alma School Rd	W	W/R	2.217	3.630	0.000	5.846	5.973	6.811	12.784	2011	0.25	
CHANDLER/GILBERT												
Queen Creek Rd: Greenfield Rd to Higley	---	W	0.000	0.000	9.667	9.667	0.000	16.482	16.482	2013	1.00	
FOUNTAIN HILLS												
Shea Blvd: Palisades Blvd to Fountain Hills Blvd	---	R	0.247	0.040	0.000	0.287	0.411	0.000	0.411	---	1.00	Design project only
Shea Blvd: Technology Dr to Cereus Wash	---	W/R	0.121	1.620	1.422	3.163	0.172	4.347	4.520	2011	0.80	
GILBERT												
Guadalupe Rd/Cooper Rd	W	W/R	0.000	3.753	0.000	3.753	4.800	2.138	6.939	2011	0.50	
Guadalupe Rd/Gilbert Rd	---	W	0.000	0.000	3.753	3.753	0.000	5.361	5.361	2013	0.50	
Warner Rd/Cooper Rd	W/R	---	3.701	0.000	0.000	3.701	6.268	0.000	6.268	2010	0.50	Project Completed

YOE Year of Expenditure
FY Fiscal Year

\$ Dollars
* Measured in centerline miles

Reimb. Reimbursements
Expend Expenditures

Arterial Life Cycle Program Status Report

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	FY 2010	FY 2011	Reimb through FY10 (YOES\$)	FY 2011 Estimated Reimb.	Estimated Future Reimb FY11-FY26 (2010\$)	Total Reimb FY06-FY26 (2010\$,YOES)	Expend through FY10 (YOES\$)	Estimated Future Expend FY11-FY26 (2010\$)	Total Expend FY06-FY26 (2010\$,YOES)			
GILBERT/MARICOPA COUNTY/MESA												
Pow er Rd/Pecos (Gilbert)	R	---	5.143	0.000	0.000	5.143	7.347	0.000	7.347	2009	0.50	Project Completed
Pow er Rd: Santan Fw y to Pecos Rd (Gilbert)	W	W/R	0.000	2.807	12.549	15.356	16.502	12.055	28.557	2011	1.50	
Pow er Rd: East Maricopa Floodw ay to Santan Fw y/Loop 202 (Mesa)	W	---	0.000	0.000	10.197	10.197	1.272	15.048	16.319	2018	3.50	Project Deferred to 2016
MARICOPA COUNTY												
El Mirage Rd: Bell Rd to Deer Valley Dr	W	W/R	0.000	4.201	9.668	13.869	6.002	18.466	24.467	2011	3.00	
El Mirage Rd: Deer Valley Dr to L303	R	---	5.535	0.000	0.000	5.535	7.906	0.000	7.906	2009	1.20	FY 10 RARF Closeout Project. Project Completed.
El Mirage Rd: Thunderbird Rd to Bell Rd	W/R	W/R	1.448	0.210	19.633	21.290	2.334	45.694	48.028	2016	2.00	
Gilbert Rd: Bridge over Salt River	---	W	0.000	0.000	13.922	13.922	1.285	39.625	40.910	2015	1.62	
Northern Parkw ay: Sarival to Dysart	W/R	W/R	19.678	1.707	41.536	62.921	20.112	69.915	90.028	2013	4.10	
Northern Parkw ay: ROW Protection	W/R	W/R	0.000	2.601	2.601	5.202	2.613	4.819	7.432	2012	12.50	
MESA												
Broadw ay Rd: Dobson Rd to Country Club	W/R	---	0.082	0.000	7.299	7.381	0.286	19.045	19.332	2015	2.00	
Dobson Rd/Guadalupe Rd	W/R	W/R	0.707	2.063	0.000	2.770	1.010	3.387	4.398	2011	0.50	
Dobson Rd/University Dr	W	W	0.000	0.000	2.784	2.784	0.649	6.339	6.988	2012	0.50	
Gilbert Rd/University Dr	W/R	---	2.741	0.000	0.000	2.741	11.765	0.000	11.765	2010	0.50	FY 10 RARF Closeout Project. Project Completed.
Greenfield Rd: Baseline Rd to Southern Ave	W	R	2.367	2.810	0.000	5.176	8.295	0.000	8.295	2010	1.00	
Haw es Rd: Santan Freew ay to Ray Rd	W	W	0.000	0.000	2.353	2.353	1.237	2.547	3.784	2011	0.75	
Mesa Dr: US 60 to Southern Ave	W/R	W/R	0.257	2.189	6.010	8.456	0.367	13.337	13.704	2013	1.00	

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MESA												
Mesa Dr/Broadway Rd	W	---	0.056	0.000	0.804	0.860	0.143	25.271	25.414	2016	1.00	
Ray Rd: Sossaman Rd to Elsworth Rd	W	W	0.000	0.000	3.799	3.799	5.351	4.138	9.489	2011	2.00	
Southern Ave/Stapley Dr	W	W/R	0.168	0.051	12.509	12.728	0.316	21.601	21.917	2013	0.50	
PEORIA												
Beardsley Connection: Loop 101 to 83rd Ave/Lake Pleasant Pkwy	W	---	6.696	0.000	0.000	6.696	8.473	0.000	8.473	2010	0.75	Project Completed
Loop 101 (Agua Fria Fwy) at Beardsley Rd/Union Hills Dr	W	---	10.851	0.000	0.000	10.851	19.151	0.000	19.151	2010	2.00	Project Completed
83rd Avenue: Butler Rd to Mountain View	W	W/R	0.000	4.118	0.000	4.118	0.813	5.413	6.225	2011	1.00	
75th Ave at Thunderbird Rd: Intersection Improvement	W	W/R	0.000	0.462	1.422	1.884	0.660	7.111	7.771	2012	0.20	
Happy Valley Rd: Lake Pleasant Pkwy to 67th Ave	W	R	0.000	11.618	8.963	20.581	50.078	0.000	50.078	2010	5.00	Exchanged with Lake Pleasant Parkway. Project Completed.
Lake Pleasant Pkwy: Dynamite Blvd to CAP	W/R	W/R	1.907	0.722	21.605	24.234	9.838	33.276	43.114	2012	2.50	
PHOENIX												
Avendia Rio Salado: 51st Ave. to 7th St.	W	W/R	0.000	7.684	36.746	44.430	7.199	63.473	70.672	2015	6.00	Project length and scope changed.
Black Mountain Blvd: SR-51 and L101/Pima Fwy to Deer Valley Rd	---	W/R	0.000	2.555	19.842	22.397	0.041	31.995	32.036	2014	2.00	
Sonoran Blvd: 15th Avenue to Cave Creek	---	W/R	0.000	11.026	21.419	32.445	13.830	46.352	60.182	2013	7.00	

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SCOTTSDALE/CAREFREE												
Pima Rd: Thompson Peak Parkway to Pinnacle Peak (SCT)	W/R	W/R	3.251	11.477	9.067	23.795	8.275	25.718	33.993	2011	1.50	
Pima Rd: Pinnacle Peak to Happy Valley Rd (SCT)	---	W	0.000	0.000	15.896	15.896	0.000	22.709	22.709	2013	1.00	
SCOTTSDALE												
Pima Rd: Via De Ventura to Krail	W	W/R	0.000	4.033	3.434	7.467	5.763	4.907	10.670	2011	1.30	
Pima Rd: Krail to Chaparral	---	W	0.000	0.000	9.407	9.407	0.000	16.453	16.453	2012	1.80	
Pima Rd: Thomas Rd to McDowell Rd	---	W/R	0.000	0.488	5.557	6.045	0.000	8.641	8.641	2012	1.00	
Scottsdale Rd: Thompson Peak Pkwy to Pinnacle Peak Pkwy	W	W/R	0.000	3.944	7.584	11.528	6.957	24.308	31.265	2012	2.00	
Shea Blvd at 90th/92nd/96th	R	---	4.056	0.000	0.000	4.056	5.749	0.000	5.749	2007	0.75	FY10 RARF Closeout Project. Project Completed.
Shea Blvd at 120/124th St	W	W	0.000	0.000	1.391	1.391	0.136	1.852	1.988	2011	0.40	
Shea Blvd: SR-101L to 96th St, ITS Improvements	W	R	0.000	0.048	0.381	0.429	0.614	0.000	0.614	2010	1.00	Project Completed
Shea Blvd: 96th St to 144th St, ITS Improvements	---	W	0.000	0.000	2.347	2.347	0.000	3.352	3.352	2012	6.25	
Shea Blvd at Frank Lloyd Wright Blvd	W	W	0.000	0.000	0.660	0.660	0.314	0.629	0.943	2011	0.25	

YOE Year of Expenditure
FY Fiscal Year

\$ Dollars
* Measured in centerline miles

Reimb. Reimbursements
Expend Expenditures

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

DATE:

November 2, 2010

SUBJECT:

On-Call Consulting Services Selection for Regional Traffic Data Collection and Data Management

SUMMARY:

The Fiscal Year (FY) 2011 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2010, includes \$400,000 for on-call consulting services for regional traffic data collection and data management. The purpose of the project is to facilitate numerous dataset updates to support transportation planning needs. On August 20, 2010, MAG issued a Request for Qualifications to create an on-call consulting list for the project with two areas of expertise: (A) Traffic Data Collection; and (B) Commercial Traffic Data Purchase and Traffic Data Management Services.

MAG received Statements of Qualifications (SOQs) from American Digital Cartography, Berkeley Transportation Systems, Jacobs Engineering, Lee Engineering, Midwestern Software Solutions, Traffic Research and Analysis, United Civil Group and Works Consulting. A multi-agency evaluation team reviewed the SOQs and unanimously recommended to MAG that the following firms be included on a MAG on-call consulting list for Regional Traffic Data Collection and Data Management:

Area of Expertise A (Traffic Data Collection): Jacobs Engineering, Lee Engineering, Midwestern Software Solutions, Traffic Research and Analysis and United Civil Group.

Area of Expertise B (Commercial Traffic Data Purchase and Traffic Data Management Services): American Digital Cartography, Berkeley Transportation Systems, Jacobs Engineering, Midwestern Software Solutions, Works Consulting.

PUBLIC INPUT:

No public input has been received.

PROS & CONS:

PROS: Creation of the on-call consulting list will enable MAG to conduct data collection and data management required for planning and transportation modeling purposes.

CONS: None.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: The data collection will serve as an important input in the regional transportation planning process. It will provide MAG and its member agencies with required vehicle classification data, traffic counts and travel speed information.

POLICY: Timely execution of the data collection will ensure that MAG, its member agencies and general public have timely access to the traffic data required for planning decisions.

ACTION NEEDED:

Recommend approval of the list of on-call consultants for the Area of Expertise A (Traffic Data Collection): Jacobs Engineering, Lee Engineering, Midwestern Software Solutions, Traffic Research and Analysis and United Civil Group, and for Area of Expertise B (Commercial Traffic Data Purchase and Traffic Data Management Services): American Digital Cartography, Berkeley Transportation Systems, Jacobs Engineering, Midwestern Software Solutions and Works Consulting, for the MAG Regional Traffic Data Collection and Data Management, for a total amount not to exceed \$400,000.

PRIOR COMMITTEE ACTIONS:

MAG Regional Traffic Data Collection and Data Management Statement of Qualifications (SOQ) Evaluation Team: On October 5, 2010, a multi-agency evaluation team reviewed the SOQs and recommended to MAG approval of the list of on-call consultants:

Area of Expertise A (Traffic Data Collection): Jacobs Engineering, Lee Engineering, Midwestern Software Solutions, Traffic Research and Analysis and United Civil Group.

Area of Expertise B (Commercial Traffic Data Purchase and Traffic Data Management Services): American Digital Cartography, Berkeley Transportation Systems, Jacobs Engineering, Midwestern Software Solutions, Works Consulting.

SOQ EVALUATION TEAM

James Sargent, Maricopa County DOT
Jorie Bresnahan, City of Phoenix
Mannar Tamirisa, City of Peoria

Ravi Seera, City of Mesa
Jason Howard, MAG

CONTACT PERSON:

Wang Zhang, (602) 254-6300

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

DATE:

November 2, 2010

SUBJECT:

MAG Managed Lanes Network Development Strategy - Phase I

SUMMARY:

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

Often when a P3 project is established, the public sector partners with the private sector to develop the transportation project. Typically, funding for the project comes from both sectors. In an exchange for managing the risk of developing the transportation project, the public sector grants a concession agreement to the private sector for a set period to allow recovery of their funding with interest. During this set period, which can range from 30- to 100-years, the private sector is responsible for operation and maintenance of the infrastructure. While the private sector funding recovery can be accomplished through a variety of methods, the most common is the imposition of tolls on the transportation project during the set period. Throughout the set period, and at the conclusion of the concession agreement, the public sector maintains ownership of the transportation project.

In the Phoenix metropolitan region, ADOT has been coordinating with MAG to identify the potential for using P3 as a tool for funding transportation improvements, especially in light of recent shortfalls that have been realized by declining Proposition 400 revenues. Starting in June 2010 and continuing into September 2010, the Transportation Policy Committee received presentations from MAG staff, ADOT staff, and P3 experts, including former USDOT Transportation Secretary Mary Peters, about their potential for the region. The Transportation Policy Committee considered the topic and identified three policy issues related to P3 projects:

- Does the MAG region want to explore the use of P3, and tolls specifically, in the context of the overall transportation system?
- What is the potential pool of projects that this region might consider? Should projects include those from Proposition 400?
- How should the region use potential net revenues from P3 projects?

As these policy issues were identified, it was noted that P3 projects could cover a variety of transportation infrastructure, including operations and maintenance of the existing system, expansion and improvements for transit, and adding new highway capacity. During the course of the discussions

by the Transportation Policy Committee, a presentation was made to consider Managed Lanes that would provide new capacity along the MAG Regional Freeway Network as an introduction to P3 opportunities for the region. Managed Lanes could be implemented as a supplement to corridor and would not require all users to pay a toll to travel along a freeway corridor.

Often referred to as HOT (or High-Occupancy Toll) Lanes, these lanes are either converted HOV lanes, or new lanes constructed along existing freeway corridors. The lanes are signed free for carpoolers and buses, and are also offered to toll-paying single occupant drivers for their use. In most locations the tolls are varied based upon the demand for the managed lanes. If the free general capacity lanes are congested, then the tolls are raised to keep travel within the managed lanes as free-flow as possible to keep the trip time reliable for the carpoolers, buses, and the toll-paying single occupant commuter. The general capacity lanes would remain non-toll and free to all commuters that do not want to pay for an uncongested travel time.

Managed Lanes are in various stages of development in 19 urban areas of the United States. Of these locations, eight urban areas presently have managed lanes open to traffic and in operation, and another three locations are under construction. The most ambitious project that is under construction as a P3 operation is along southwest leg of Interstate 495, the Capital Beltway, between Interstates 95 and 395 and the Potomac River, by the Virginia Department of Transportation and TransUrban Corporation. The key promise of this \$2 billion project is not only to provide 56 new lane-miles of capacity, but to replace more than 50 aging and deficient overcrossing structures of the freeway that would have taken the Virginia Department of Transportation decades to complete through conventional methods.

While it is possible to develop managed lane facilities along individual corridors, it might be difficult to assess the ability of individual corridor to function within the context of the entire MAG Regional Freeway System. Given this opportunity, a multi-phase MAG Managed Lanes Network Development Strategy is proposed to establish the feasibility for introducing this concept to the Phoenix metropolitan area. The request that accompanies this summary transmittal is to conduct the first phase of the Development Strategy by conducting a System-Wide Managed Lanes Feasibility Study. In this phase the following would be conducted:

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

Pending the acceptance of the findings from this first phase, the MAG Managed Lanes Network Development Strategy could continue into additional phases. A second phase is envisioned to analyze the pilot Managed Lanes corridors identified in this initial effort. A third and final phase would analyze all remaining promising Managed Lanes corridors. In both phases the work programs would encompass identifying demand projections, revenue projections, investment options, and a corridor implementation strategy.

As this System-Wide Managed Lanes Feasibility Study is under development, an outreach program would also be conducted to identify the public's attitudes toward the possible introduction of tolling to the MAG region. This project would be separate from the feasibility study and conducted by a consultant versed in public opinion gathering and analysis. The goal of this outreach effort is to

provide information to the Transportation Policy Committee related to the three policy issues that have been identified for a potential P3 program in the MAG region.

PUBLIC INPUT:

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

PROS & CONS:

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

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

TECHNICAL & POLICY IMPLICATIONS:

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

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

ACTION NEEDED:

Recommend amending the FY 2011 Unified Planning Work Program and Annual Budget for up to \$500,000 to provide for the MAG Managed Lanes Network Development Strategy - Phase I project. In addition, recommend amending the FY 2011 Unified Planning Work Program and Annual Budget for up to \$50,000 to provide for a public opinion survey on the potential for tolling in the MAG region.

PRIOR COMMITTEE ACTIONS:

The Transportation Policy Committee at its October 20, 2010 meeting passed a motion to conduct the MAG Managed Lanes Network Development Strategy - Phase I project.

MEMBERS ATTENDING

Mayor Scott Smith, Mesa, Chair
Councilwoman Peggy Neely, Phoenix,
Vice Chair

Mayor Bob Barrett, Peoria
Stephen Beard, HDR Engineering, Inc.
* Dave Berry, Swift Transportation

- * Jed Billings, FNF Construction
Mayor James Cavanaugh, Goodyear
Councilmember Jack Sellers, Chandler
Councilmember Shana Ellis, Tempe
Councilmember Dick Esser, Cave Creek
- * Mark Killian, The Killian Company/Sunny
Mesa, Inc.
- # Mayor Jim Lane, Scottsdale
Phil Matthews, Salt River Pima-Maricopa
Indian Community
Mayor Jackie Meck, Buckeye

- * Vice Mayor Les Presmyk, Gilbert
Mayor Marie Lopez Rogers, Avondale
David Scholl
- # Mayor Elaine Scruggs, Glendale
- * Karrin Kunasek Taylor, DMB Properties
- # Mayor Lyn Truitt, Surprise
- * Supervisor Max W. Wilson, Maricopa
County
- * Victor Flores, State Transportation Board
- # F. Rockne Arnett, Citizens Transportation
Oversight Committee

- * Not present
- # Participated by telephone conference call
- + Participated by videoconference call

CONTACT PERSON:

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

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

~REVISED~

DATE:

November 9, 2010

SUBJECT:

Project Changes – Amendments and Administrative Modifications to the FY 2011-2015 MAG Transportation Improvement Program

SUMMARY:

The revised Project Change requests are highlighted in the attached table. There were cost revisions to the ADOT led SR24 - Williams Gateway Freeway Project, and two new TIP listings related to financing the acceleration.

The fiscal year (FY) 2011-2015 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 have been requests from member agencies to modify projects in the program.

The proposed amendments and administrative modifications to the FY 2011-2015 TIP are listed in the attached table. There are eight transit projects that are identified in the federal register as earmark/high priority projects. Additionally, the City of Phoenix was successful in competing for a Federal Transit 'State of Good Repair' grant. ADOT has also requested to include new utility projects, an advancement and repayment for Williams Gateway Freeway, and delete one project since it is complete. Maricopa County is requesting that a federal aid project is moved from 2010 to 2011 and the City of Tempe is requesting to modify a project description. These projects need to be added to the TIP to move forward.

All of the projects to be amended may be categorized as exempt from conformity determinations and an administrative modification does not require a conformity determination.

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.

ACTION NEEDED:

Recommend approval of amendments and administrative modifications to the FY 2011-2015 MAG Transportation Improvement Program, as appropriate, to the Regional Transportation Plan 2010 Update, and the FY 2009 and FY2010 Program of Projects.

PRIOR COMMITTEE ACTIONS:

Transportation Review Committee: On October 28, 2010, the Transportation Review Committee recommended approval to modify/amend the FY 2011-2015 MAG TIP and the FY 2009 and FY 2010 Program of Projects.

MEMBERS ATTENDING

Peoria: David Moody
ADOT: Steve Hull for Floyd Roehrich
Avondale: Shirley Gunther for 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: Doug Torres
Gilbert: Tami Ryall
Glendale: Cathy Colbath for Terry Johnson
Goodyear: Cato Esquivel
* Guadalupe: Gino Turrubiarres
Litchfield Park: Paul Ward for Woody Scoutten

Maricopa County: Clem Ligocki for John Hauskins
Mesa: Scott Butler
Paradise Valley: Bill Mead
Phoenix: Rick Naimark
Queen Creek: Tom Condit
RPTA: Bryan Jungwirth
Scottsdale: Dave Meinhart
Surprise: Bob Beckley
Tempe: Jyme Sue McLaren for 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

MAG Transit Committee: On October 14, 2010, the MAG Transit Committee unanimously recommended approval to modify/amend the FY 2011-2015 MAG TIP and the FY 2009 and FY2010 Program of Projects.

MEMBERS ATTENDING

Phoenix: Debbie Cotton, Chair
* ADOT: Mike Normand
Avondale: Kristen Sexton for Rogene Hill
#Buckeye: Andrea Marquez
Chandler: RJ Zeder
* El Mirage: Pat Dennis
* Gilbert: Tami Ryall
Glendale: Cathy Colbath
Goodyear: Cato Esquivel
Maricopa County: Mitch Wagner
Mesa: Mike James

* Paradise Valley: William Mead
Peoria: Maher Hazine
* Queen Creek: Wendy Kaserman
Scottsdale: Theresa Huish
* Surprise: Michael Celaya
Tempe: Jyme Sue McLaren
* Tolleson: Chris Hagen
Valley Metro Rail:Wulf Grote
Regional Public Transportation Authority: Carol Ketcherside

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

CONTACT PERSON:

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

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

~ REVISED ~

HIGHWAY

TIP #	Agency	Project Location	Project Description	FY	Length	Fund Type	Local Cost	Federal Cost	Regional Cost	Total Cost	Requested Change
DOT11-125	ADOT	303 (Estrella Fwy): Peoria Ave - Waddell Rd	Utility Relocation	2011	2 mile	RARF			\$ 400,000	\$ 400,000	Amend: Add a new "Utility relocation" project in fiscal year 2011 for \$400,000.
DOT11-126	ADOT	303 (Estrella Fwy): Waddell Rd - Mountain View Blvd	Utility Relocation	2011	4 mile	RARF			\$ 5,800,000	\$ 5,800,000	Amend: Add a new "Utility relocation" project in fiscal year 2011 for \$5,800,000.
DOT12-841	ADOT	101 (Agua Fria Fwy): Northern Ave - US60 (Grand Ave)	Construct northbound auxiliary lanes	2012	3 mile	State	\$ 1,900,000			\$ 1,900,000	Amend: Delete project from the TIP. The work was done in January 2008.
DOT11-123	ADOT	SR24 (Williams Gateway Freeway): L202 to Ellsworth.	Advance construct new freeway segment using Highway Project Acceleration Notes (HPAN). Repayment in 2015.	2012	1.75	Local	\$ 148,200,000	\$ -		\$ 148,200,000	Amend: Add new project to the TIP. Project is advance constructed from 2016 to 2012 with local funds. Repayment begins in June 2015. Freeway ramps are 1 lane and freeway is 2 lanes in each direction. Project will be open to traffic in 2014
DOT15-200	ADOT	SR24 (Williams Gateway Freeway): L202 to Ellsworth.	Repayment of advanced construction.	2015	1.75	RARF		\$ -	\$ 148,200,000	\$ 148,200,000	Amend: Add new project to the TIP. Repayment of advanced construct project. Repayments to begin June 2015.
DOT11-124	ADOT	SR24 (Williams Gateway Freeway): L202 to Ellsworth.	Highway Project Acceleration Notes (HPAN) Interest Payments	2012	1.75	State - STAN	\$ 10,000,000			\$ 10,000,000	Amend: Add new project to the TIP.
DOT11-125	ADOT	SR24 (Williams Gateway Freeway): L202 to Ellsworth.	Highway Project Acceleration Notes (HPAN) Interest Payments	2012	1.75	RARF			\$ 5,700,000	\$ 5,700,000	Amend: Add new project to the TIP.
MMA09-811	Maricopa County	Old US-80 Bridge over Gila River	Rehabilitate bridge	2011	0.1	BR-Bridge Funding /STP-TEA	\$ 6,200,000	\$ 1,500,000		\$ 7,700,000	Admin Mod: Move project from 2008-2012 TIP into the new FY2011-2015 MAG TIP. Project is funded with \$500K - STP-TEA and \$1 million of BR
TMP10-620	Tempe	Broadway Rd: Rural Rd to Mill Ave	Acquire right-of-way and construct pedestrian and bicycle facilities improvements	2011	1 Mile	CMAQ	\$ 2,571,780	\$ 2,571,780		\$ 5,143,560	Admin Mod: Change Project Description to include ROW.

TRANSIT

TIP #	Agency	Project Location	Project Description	FY	A.L.I.	Fund Type	Local Cost	Federal Cost	Reg. Cost	Total Cost	Requested Change
GDL11-101T	Guadalupe	Guadalupe	Purchase buses for Senior Center - FY2010 Earmark	2011	11.12.04	5309-Disc	\$ 37,500	\$ 150,000		\$ 187,500	Amend: Add new earmark/ high priority project to the TIP

PHX11-106T	Phoenix	Phoenix - South Mountain Area	Purchase Buses for South Mountain Circulator - FY2009 Earmark	2011	11.12.01	5309-Disc	\$ 237,500	\$ 950,000	\$ 1,187,500	Amend: Add new earmark/ high priority project to the TIP
PHX11-110T	Phoenix	Phoenix - Citywide	Buses replacement - diesel-electric hybrid buses	2011	na	FTA-SGR	\$ 729,425	\$ 2,917,700	\$ 3,647,125	Amend: Add new State of Good Repair discretionary project
SCT11-110T	Scottsdale	Scottsdale (Skysong)	Plan, design and construct intermodal center - FY2009 Earmark	2011	11.33.03	5309-Disc	\$ 141,075	\$ 564,300	\$ 705,375	Amend: Add new earmark/ high priority project to the TIP
SCT11-111T	Scottsdale	L101 and Scottsdale Rd	Construct Park and Ride, Scottsdale, AZ- FY2010 Earmark	2011	1.33.04	5309-Disc	\$ 125,000	\$ 500,000	\$ 625,000	Amend: Add new earmark/ high priority project to the TIP
SCT11-112T	Scottsdale	Scottsdale (Skysong)	Intermodal center - FY2010 Earmark	2011	1.33.03	5309-Disc	\$ 125,000	\$ 500,000	\$ 625,000	Amend: Add new earmark/ high priority project to the TIP
TMP11-100T	Tempe	Tempe	Construct East Valley Metro Bus Facility - FY2009 Earmark	2011	11.43.03	5309-Disc	\$ 366,795	\$ 1,467,180	\$ 1,833,975	Amend: Add new earmark/ high priority project to the TIP
TMP11-101T	Tempe	Tempe	Purchase buses for Neighborhood Circulator - FY2010 Earmark	2011	11.12.04	5309-Disc	\$ 125,000	\$ 500,000	\$ 625,000	Amend: Add new earmark/ high priority project to the TIP
PHX11-111T	Phoenix	Phoenix -Buses serving Rapid Routes on HOV system	Preventive Maintenance - FY2009 5309-FGM Funds	2011	11.7A.00	5309-FGM	\$ 29,865	\$ 119,460	\$ 149,325	Amend: Add new project to the TIP
VMT11-105T	Valley Metro	Regionwide -Buses serving Express Routes on HOV system	Preventive Maintenance - FY2009 5309-FGM Funds	2011	11.7A.00	5309-FGM	\$ 20,553	\$ 82,210	\$ 102,763	Amend: Add new project to the TIP
VMR11-102T	Valley Metro Rail	Phoenix, Mesa, Tempe - Light Rail	Preventive Maintenance - FY2009 5309-FGM Funds	2011	11.7A.00	5309-FGM	\$ 221,083	\$ 884,331	\$ 1,105,414	Amend: Add new project to the TIP
PHX11-112T	Phoenix	Phoenix -Buses serving Rapid Routes on HOV system	Preventive Maintenance - FY2010 5309-FGM Funds	2011	11.7A.00	5309-FGM	\$ 11,880	\$ 47,520	\$ 59,400	Amend: Add new project to the TIP
VMT11-106T	Valley Metro	Regionwide -Buses serving Express Routes on HOV system	Preventive Maintenance - FY2010 5309-FGM Funds	2011	11.7A.00	5309-FGM	\$ 8,176	\$ 32,702	\$ 40,878	Amend: Add new project to the TIP
VMR11-103T	Valley Metro Rail	Phoenix, Mesa, Tempe - Light Rail	Preventive Maintenance - FY2010 5309-FGM Funds	2011	11.7A.00	5309-FGM	\$ 87,944	\$ 351,776	\$ 439,720	Amend: Add new project to the TIP

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

DATE:

November 2, 2010

SUBJECT:

Programming 5307 and 5309 - Fixed Rail and Guideway Modernization Funds in FY 2010 and 2011

SUMMARY:

On June 22, 2010, the MAG Transit Committee approved the Fiscal Year (FY) 2010 Program of Projects, and the Regional Council took action on these changes on June 30, 2010. Since then, the Executive Committee took action on September 13, 2010, to remove \$1,517,999 of FY 2010 5309 Rail & Fixed Guideway Modernization (FGM) federal transit funds from two Mesa park and ride construction projects.

Additionally, the MAG Regional Council took action on July 28, 2010, to approve the FY 2011-2015 MAG Transportation Improvement Program (TIP) and that the programming of preventative maintenance be reviewed for potential amendments/administrative modifications no later than December 2010.

On October 14, 2010, the Transit Committee made the recommendation noted in the action and asked that further analysis regarding distribution scenarios for 5307 federal funds is brought back to the Transit Committee in November. Please refer to the memorandum and tables for more information.

PUBLIC INPUT:

None.

PROS & CONS:

PROS: Approval of these changes will allow the federal transit grants 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: Currently, MAG does not have an approved set of prioritization guidelines for programming federal transit funds. Understanding the current need to aid transit operators, it is proposed to use the funds for preventive maintenance to offset some of the operations & maintenance costs.

ACTION NEEDED:

Recommend approval of: (1) Scenario #3 preventative maintenance distribution methodology for \$1,571,999 of FY 2010 5309-FGM funds and that it is a non-precedent setting distribution and (2) The amount of funds for preventative maintenance programmed in FY 2011 and FY 2012 be distributed equally as shown in Option #2, and modify/amend the FY 2011-2015 MAG TIP and the FY 2009 and 2010 Program of Projects appropriately.

PRIOR COMMITTEE ACTIONS:

Transportation Review Committee: On October 28, 2010, the Transportation Review Committee recommended: (1) Scenario #3 preventative maintenance distribution methodology for \$1,571,999 of

FY2010 5309-FGM funds and that it is a non-precedent setting distribution and (2) recommend the amount of funds for preventative maintenance programmed in FY2011 and FY 2012 is distributed equally as shown in Option #2, and modify/amend the FY2011-2015 MAG TIP and the FY2010 Program of Projects appropriately.

MEMBERS ATTENDING

Peoria: David Moody
ADOT: Steve Hull for Floyd Roehrich
Avondale: Shirley Gunther for 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: Doug Torres
Gilbert: Tami Ryall
Glendale: Cathy Colbath for Terry Johnson
Goodyear: Cato Esquivel
* Guadalupe: Gino Turrubiarres
Litchfield Park: Paul Ward for Woody Scoutten

Maricopa County: Clem Ligocki for John Hauskins
Mesa: Scott Butler
Paradise Valley: Bill Mead
Phoenix: Rick Naimark
Queen Creek: Tom Condit
RPTA: Bryan Jungwirth
Scottsdale: Dave Meinhart
Surprise: Bob Beckley
Tempe: Jyme Sue McLaren for 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

MAG Transit Committee: On October 14, 2010, the MAG Transit Committee unanimously recommended (1) Scenario #3 preventative maintenance distribution methodology for \$1,571,999 of FY2010 5309-FGM funds and that it is a non-precedent setting distribution, (2) the amount of funds for preventative maintenance programmed in FY2011 and FY 2012 is distributed equally as shown in Option #2, and modify/amend the FY2011-2015 MAG TIP and the FY2010 Program of Projects appropriately.

MEMBERS ATTENDING

Phoenix: Debbie Cotton, Chair
* ADOT: Mike Normand
Avondale: Kristen Sexton for Rogene Hill
#Buckeye: Andrea Marquez
Chandler: RJ Zeder
* El Mirage: Pat Dennis
* Gilbert: Tami Ryall
Glendale: Cathy Colbath
Goodyear: Cato Esquivel
Maricopa County: Mitch Wagner
Mesa: Mike James

* Paradise Valley: William Mead
Peoria: Maher Hazine
* Queen Creek: Wendy Kaserman
Scottsdale: Theresa Huish
* Surprise: Michael Celaya
Tempe: Jyme Sue McLaren
* Tolleson: Chris Hagen
Valley Metro Rail:Wulf Grote
Regional Public Transportation Authority: Carol Ketcherside

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

CONTACT PERSON:

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

November 2, 2010

TO: Members of the MAG Management Committee

FROM: Eileen Yazzie, Transportation Programming Manager

SUBJECT: PROGRAMMING 5307-URBANIZED AREA FORMULA AND 5309-RAIL & FIXED
GUIDEWAY MODERNIZATION FUNDS FOR FY 2010 AND 2011

The purpose of this memorandum is to provide the committee with an outline of information needed to make a two-part programming recommendation for programming funds for preventative maintenance (PM) in Fiscal Year (FY) 2010 and 2011.

Part 1. On September 13, 2010, the MAG Executive Committee approved the removal of \$1,517,999 in FY 2010 5309 Rail & Fixed Guideway Modernization (FGM) federal transit funds from two Mesa park-and-ride construction projects. It is suggested to program these funds for related eligible PM since all eligible, regional priority projects, as defined by the Regional Transportation Plan/Transit Life Cycle Program, are currently programmed in the FY 2011-2015 MAG Transportation Improvement Program (TIP). This memorandum outlines four scenarios for distributing the 5309-FGM federal funds for PM in the MAG region. The MAG Transit Committee recommended Scenario #3 on October 14, 2010.

Part 2. On July 28, 2010, the MAG Regional Council took action on the "approval of the Draft FY 2011-2015 MAG TIP contingent on a finding of conformity. . . and that the programming of preventative maintenance be reviewed for potential amendments/administrative modifications no later than December 2010." MAG staff has put forth two options for programming the FY 2011 5307 \$11.7 million for regionwide PM. The Transit Committee recommended Option #2 on October 14, 2010.

Please refer to the attachment for specifics as explained in this memorandum.

BACKGROUND

Preventative maintenance is all maintenance costs related to vehicles. Specifically, it is defined as all the activities, supplies, materials, labor, services, and associated costs required to preserve or extend the functionality and serviceability of the asset in a cost effective manner, up to and including the current state of the art for maintaining such an asset.

Fixed guideway refers to any transit service that uses exclusive or controlled rights-of-way. The term includes several modes, including light rail and that portion of motor bus service operated on exclusive or controlled rights-of-way, and high-occupancy-vehicle (HOV) lanes. The Federal Transit Administration (FTA) 5309-FGM funds are apportioned based on the latest available route miles and vehicle revenue miles on segments at least seven years or longer as reported to the National Transit Database (NTD);

vehicle revenue miles for segments less than seven years in operation are also reported to NTD. While funds are apportioned based only on fixed guideway segments that have been in operation seven years or longer, a recipient may use the funds apportioned to it for eligible modernization projects on any part of its fixed guideway system, such as METRO light rail.

The FTA 5307 Urbanized Area Formula Funding program makes federal resources available to urbanized areas (UZAs) and to Governors for transit capital, operating assistance, and for transportation related planning. For UZAs with populations of 200,000 and more, the formula is based on a combination of bus revenue vehicle miles, bus passenger miles, fixed guideway revenue vehicle miles, and fixed guideway route miles, as well as population and population density; this formula applies to the Phoenix-Mesa UZA. The FTA obtains population and population density data from the current decennial census; all other data used for formula apportionments come from the latest report year of validated NTD data.

There is an approximate two-year lag between reporting to NTD and receiving 5309-FGM and 5307 funds, which means that FY 2008 NTD data are used to apportion earnings in FY 2010.

The FY2010 5309-FGM apportionment available to the region is based on 2008 reporting data by the City of Phoenix Public Transit Department and the Regional Public Transportation Authority (RPTA). METRO light rail did not report fixed guideway vehicle revenue miles for FY 2008 since it began operating in December 2008 (FY 2009 reporting period). Under current regulations, METRO light rail will begin impacting the distribution formula approximately in FY 2018, seven years of fixed guideway operation and a two-year lag time for validating NTD submitted data.

The FY 2010 5307 apportionment is based on 2008 reporting data by City of Glendale Transit, Peoria Transit, City of Phoenix Public Transit Department, Maricopa County Special Transportation Services (no longer in operation), RPTA, City of Scottsdale, Surprise Dial-A-Ride Transit System, and the City of Tempe Transit Division; vanpool information is reported on behalf of the RPTA by VPSI, Inc.

5309-FGM PREVENTATIVE MAINTENANCE DISTRIBUTION SCENARIOS

Based on the above-mentioned information, staff developed four scenarios for distributing PM for FY 2010 5309- FGM federal funds: 1) based on valid annual fixed guideway vehicle revenue miles, 2) a combination of total bus fixed guideway vehicle revenue miles including METRO's half year fixed guideway vehicle revenue miles, 3) a combination of total bus fixed guideway vehicle revenue miles, including METRO's projected full year of operation fixed guideway vehicle revenue miles, 4) distributing all funds to METRO light rail. Please refer to the tables on page 1 of the attachment.

5307 PREVENTATIVE MAINTENANCE FUNDING AMOUNTS IN FY 2011

Currently, there is a total of \$6,546,883 programmed in FY 2011 and \$6,677,823 programmed in FY 2012 for PM. Additionally, there is lump sum of \$11,766,118 programmed in FY 2011 for regionwide PM. There are two programming options for the lump sum of \$11,766,118 as shown on page 2 of the attachment. Option 1 retains the \$11.7 million in FY 2011, bringing the total amount of federal funds for PM distribution up to \$18,313,001, while leaving the FY 2012 amount unchanged. Option 2 pools all of the available PM funds together and distributes the total amount evenly over two years. In this case, \$5.8 million of 2012 bus purchases would need to be advanced to 2011. Additional options are welcome for discussion.

TRANSIT COMMITTEE ACTION

On October 14, 2010, the MAG Transit Committee heard the items noted above. Regarding Part 1, the committee recommended scenario 3, a onetime, non-precedent setting distribution of \$1,517,999 of FY 2010 5309 FGM federal transit funds for PM in the MAG region.

Regarding part 2, the committee recommended approval of option 2, evenly distributing \$11.7 million of 5307 federal transit funds for PM in the MAG region for FY 2011 and FY 2012. In addition, the committee heard scenarios for a distribution methodology for the 5307 funds for PM. The scenarios presented were: distributing federal funds based on NTD reported revenue miles, operating expenses, or the American Recovery and Reinvestment Act (ARRA) unspent funds operating assistance distribution formula (combination of operating expenses and revenue miles). The committee did not recommend a distribution methodology and requested additional scenarios from staff, which will be presented to the Transit Committee in November 2010.

The Transportation Review Committee recommended the same action as the Transit Committee's.

RECOMMENDATION

Recommend approval of: (1) Scenario #3 preventative maintenance distribution methodology for \$1,571,999 of FY 2010 5309-FGM funds and that it is a non-precedent setting distribution and (2) The amount of funds for preventative maintenance programmed in FY 2011 and FY 2012 be distributed equally as shown in Option #2, and modify/amend the FY 2011-2015 MAG TIP and the FY 2009 and 2010 Program of Projects appropriately.

Please feel free to contact myself or Jorge Luna at 602.254.6300 or eyazzie@azmag.gov, jluna@azmag.gov with questions or comments.

ATTACHMENT

Part 1. 5309-FGM Distribution Scenarios:

FY2010 Available Funds	
Unprogrammed FY 2010 5309 FGM	\$1,517,999

Scenario 1 - BUS ONLY (on segments in operation 7 or more years)	
	Fixed Guideway Vehicle Revenue Mile Distribution Percentages
City of Phoenix*	64.75%
RPTA*	35.25%
TOTAL	100.00%
*Fixed Guideway Vehicle Revenue Miles on segments in operation 7 or more years reported to NTD.	

Scenario 2 - BUS and METRO (all segment totals with METRO's half year of startup operation)	
	Fixed Guideway Vehicle Revenue Mile Distribution Percentages
City of Phoenix*	18.55%
RPTA*	12.77%
METRO**	68.68%
TOTAL	100.00%
* Fixed Guideway Vehicle Revenue Miles on segments in operation 7 or more years reported to NTD.	
**METRO Six months of operations (FY 2009, December 2008-June 2009)	

Scenario 3 - BUS and METRO (all segment totals and METRO project for an entire year)	
	Fixed Guideway Vehicle Revenue Mile Distribution Percentages
City of Phoenix*	11.00%
RPTA*	7.57%
METRO**	81.43%
TOTAL	100.00%
* Fixed Guideway Vehicle Revenue Miles on segments in operation 7 or more years reported to NTD.	
**METRO Projected for one year of operation (FY 2009, December 2008-June 2009)	

Scenario 4 - METRO Only	
	Distribution Percentage
METRO	100.00%
TOTAL	100.00%

Part 2. 5307 Preventive Maintenance Distribution Scenarios FY 2011 and 2012:

Current FY 2011-2015 MAG TIP	
PM Funding to Agencies in FY 2011	\$6,546,883
Regionwide PM Funding in FY 2011	\$11,766,118
PM Funding to Agencies in FY 2012	\$6,677,823

Option #1	
Combine 2011 Funding together & distribute via recommended formula	\$6,546,883
+	\$11,766,118
FY2011 PM Funding	\$18,313,001
FY 2012 remains the same	\$6,677,823

Option #2	
Combine all funds and distribute evenly between 2011 and 2012	\$6,546,883
	\$11,766,118
+	\$6,677,823
	\$24,990,824
New PM Funding in FY 2011	\$12,495,412
New PM Funding in FY 2012	\$12,495,412
Amount of Bus purchase in 2012 would need to be moved forward to 2011 balance out program	\$5,817,589

At the request of the Transit Committee, staff is developing additional distribution scenarios of these funds for preventative maintenance.

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

TIP #	Agency	Project Location	Project Description	FY	A.L.I.	Fund Type	Local Cost	Federal Cost	Reg. Cost	Total Cost	Requested Change
PHX11-111T	Phoenix	Phoenix -Buses serving Rapid Routes on HOV system	Preventive Maintenance - FY2009 5309-FGM Funds	2011	11.7A.00	5309-FGM	\$ 29,865	\$ 119,460		\$ 149,325	Amend: Add new project to the TIP
VMT11-105T	Valley Metro	Regionwide -Buses serving Express Routes on HOV system	Preventive Maintenance - FY2009 5309-FGM Funds	2011	11.7A.00	5309-FGM	\$ 20,553	\$ 82,210		\$ 102,763	Amend: Add new project to the TIP
VMR11-102T	Valley Metro Rail	Phoenix, Mesa, Tempe - Light Rail	Preventive Maintenance - FY2009 5309-FGM Funds	2011	11.7A.00	5309-FGM	\$ 221,083	\$ 884,331		\$ 1,105,414	Amend: Add new project to the TIP
PHX11-112T	Phoenix	Phoenix -Buses serving Rapid Routes on HOV system	Preventive Maintenance - FY2010 5309-FGM Funds	2011	11.7A.00	5309-FGM	\$ 11,880	\$ 47,520		\$ 59,400	Amend: Add new project to the TIP
VMT11-106T	Valley Metro	Regionwide -Buses serving Express Routes on HOV system	Preventive Maintenance - FY2010 5309-FGM Funds	2011	11.7A.00	5309-FGM	\$ 8,176	\$ 32,702		\$ 40,878	Amend: Add new project to the TIP
VMR11-103T	Valley Metro Rail	Phoenix, Mesa, Tempe - Light Rail	Preventive Maintenance - FY2010 5309-FGM Funds	2011	11.7A.00	5309-FGM	\$ 87,944	\$ 351,776		\$ 439,720	Amend: Add new project to the TIP

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

DATE:

November 2, 2010

SUBJECT:

MAG Design Assistance for Pedestrian and Bicycle Facilities Program

SUMMARY:

The FY 2011 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2010, includes \$300,000 for the Design Assistance for Bicycle and Pedestrian Facilities. The Design Assistance Program allows MAG member agencies to apply for funding for the design portion of a bicycle or pedestrian project. Six applications from Apache Junction, El Mirage, Glendale, Litchfield Park, Mesa and Phoenix, were received on September 23, 2010. On October 19, 2010, the MAG Bicycle and Pedestrian Committee reviewed the applications and unanimously recommended the following projects for approval: El Mirage: Rancho El Mirage Multi-use Path (\$100,000); Mesa: Porter Park Pathway (\$125,000); and Phoenix: Grand Canal Multi-use Path at 22nd Street (\$75,000). All projects could not be funded because the amount of requests exceeded the amount available.

On October 28, 2010, the Transportation Review Committee unanimously recommended the following projects for approval: El Mirage: Rancho El Mirage Multi-use Path (\$100,000); Mesa: Porter Park Pathway (\$125,000); and Phoenix: Grand Canal Multi-use Path at 22nd Street (\$75,000).

PUBLIC INPUT:

None.

PROS & CONS:

PROS: This program assists MAG member agencies by offering professional design assistance to develop bicycle and pedestrian facilities that help reduce congestion and improve air quality.

CONS: According to federal law, any project which is not constructed after being designed with federal transportation funds could be required to return the funds used for design to the Federal Highway Administration.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: The Design Assistance Program encourages implementation of the adopted MAG Pedestrian Policies and Design Guidelines and nationally accepted bicycle facilities design practices.

POLICY: These programs encourage the development of facilities to encourage walking and bicycling.

ACTION NEEDED:

Recommend approval of the El Mirage: Rancho El Mirage Multi-use Path (\$100,000); Mesa: Porter Park Pathway (\$125,000); and Phoenix: Grand Canal Multi-use Path at 22nd Street (\$75,000) through the MAG Design Assistance for Pedestrian and Bicycle Facilities Program.

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

DATE:

November 2, 2010

SUBJECT:

MAG Pedestrian and Bicycle Facilities Design Assistance Program On-Call Consultant List

SUMMARY:

The FY 2011 MAG Unified Work Planning Program and Annual Budget, approved by the MAG Regional Council in May 2010, includes \$300,000 for the MAG Pedestrian and Bicycle Facilities Design Assistance Program. The MAG Pedestrian and Bicycle Facilities Design Assistance Program On-Call Consultant list provides member agencies with pre-approved consultants to provide assistance for their design project. A request for consultants to submit Statements of Qualifications was published on July 22, 2010. Eighteen submittals were received on August 31, 2010. A multi-agency evaluation team reviewed the applications and recommended to MAG that AECOM Technical Services, Inc.; Coffman Studio, LLC; Drake & Associates; e group, Inc; EPG, Inc.; Gannett Fleming, Inc.; J2 Engineering & Environmental Design, LLC; Kimley-Horn & Associates, Inc.; Logan Halperin Landscape Architecture LLC; Loris & Associates, Inc.; Olsson Associates; Otak, Inc.; PBSJ; Sherman Group, Inc.; Stanley Consultants, Inc.; Stantec Consulting Services, Inc.; The Moore/Swick Partnership; Y.S. Mantri & Associates, LLC. be selected for the MAG Pedestrian and Bicycle Facilities Design Assistance Program On-Call Consultant list.

PUBLIC INPUT:

None.

PROS & CONS:

PROS: The MAG Pedestrian and Bicycle Facilities Design Assistance Program On-Call Consultant list provides member agencies with a pre-approved consultant list to provide assistance for their design project. This program assists MAG member agencies by offering professional design assistance to develop bicycle and pedestrian facilities that help reduce congestion and improve air quality.

CONS: According to federal law, any project which is not constructed after being designed with federal transportation funds could be required to return the funds used for design to the Federal Highway Administration.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: The MAG Pedestrian and Bicycle Facilities Design Assistance Program encourages implementation of the adopted MAG Pedestrian Policies and Design Guidelines, and nationally accepted bicycle design practices. The program provides demonstration projects for "best practices."

POLICY: The MAG Pedestrian and Bicycle Facilities Design Assistance Program encourages the development of facilities to encourage walking and bicycling.

ACTION NEEDED:

Recommend approval of the selection of the following consultants for the MAG Pedestrian and Bicycle Facilities Design Assistance Program On-Call Consultant list: AECOM Technical Services, Inc.; Coffman Studio, PLLC; Drake & Associates; e group, Inc; EPG, Inc.; Gannett Fleming, Inc.; J2 Engineering & Environmental Design, LLC; Kimley-Horn & Associates, Inc.; Logan Halperin Landscape Architecture LLC; Loris & Associates, Inc.; Olsson Associates; Otak, Inc.; PBSJ; Sherman Group, Inc.; Stanley Consultants, Inc.; Stantec Consulting Services, Inc.; The Moore/Swick Partnership; Y.S. Mantri & Associates, LLC. be selected for the MAG Design Assistance On-Call Consultant List

PRIOR COMMITTEE ACTIONS:

On October 19, 2010, the MAG Bicycle and Pedestrian Committee recommended that the following consultants be approved for the MAG Pedestrian and Bicycle Facilities Design Assistance Program On-Call Consultant list: AECOM Technical Services, Inc.; Coffman Studio, PLLC; Drake & Associates; e group, Inc; EPG, Inc.; Gannett Fleming, Inc.; J2 Engineering & Environmental Design, LLC; Kimley-Horn & Associates, Inc.; Logan Halperin Landscape Architecture LLC; Loris & Associates, Inc.; Olsson Associates; Otak, Inc.; PBSJ; Sherman Group, Inc.; Stanley Consultants, Inc.; Stantec Consulting Services, Inc.; The Moore/Swick Partnership; Y.S. Mantri & Associates, LLC.

MEMBERS ATTENDING

- Brandon Forrey, Peoria, Chair of Bicycle and Pedestrian Committee
- Reed Kempton, Scottsdale, Vice-Chair of Bicycle and Pedestrian Committee
- Michael Sanders, ADOT
- * Tiffany Halperin, ASLA, Arizona Chapter
- # Margaret Boone-Pixley, Avondale
- * Robert Wisener, Buckeye
- * D.J. Stapley, Carefree
- # Bob Beane, Coalition of Arizona Bicyclists
- Ann Marie Riley for Jason Crampton, Chandler
- Doug Strong, El Mirage

- Ken Maruyama for Tami Ryall, Gilbert
- Steve Hancock, Glendale
- * Joe Schmitz, Goodyear
- Paul Ward for Michael Cartsonis, Litchfield Park
- Denise Lacey, Maricopa County
- Jim Hash, Mesa
- Katherine Coles, Phoenix
- Lisa Padilla, Queen Creek
- Peggy Rubach, RPTA
- Hobart Wingard, Surprise
- Eric Iwersen, Tempe

* Members neither present nor represented by proxy.
Attended via audio-conference

On September 22, 2010, the multi-agency evaluation team reviewed the applications and recommended to MAG that the following consultants be approved for the MAG Pedestrian and Bicycle Facilities Design Assistance Program On-Call Consultant list: AECOM Technical Services, Inc.; Coffman Studio, PLLC; Drake & Associates; e group, Inc; EPG, Inc.; Gannett Fleming, Inc.; J2 Engineering & Environmental Design, LLC; Kimley-Horn & Associates, Inc.; Logan Halperin Landscape Architecture LLC; Loris & Associates, Inc.; Olsson Associates; Otak, Inc.; PBSJ; Sherman Group, Inc.; Stanley Consultants, Inc.; Stantec Consulting Services, Inc.; The Moore/Swick Partnership; Y.S. Mantri & Associates, LLC.

MULTI-AGENCY EVALUATION TEAM

- D.J. Stapley, Town of Carefree
- Jim Hash, City of Mesa
- Katherine Coles, City of Phoenix

- Brandon Forrey, City of Peoria
- Lisa Padilla, Town of Queen Creek

CONTACT PERSON:

Maureen DeCindis, MAG, (602) 254-6300

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

DATE:

November 2, 2010

SUBJECT:

Recommended Projects for MAG FY 2011 Traffic Signal Optimization Program

SUMMARY:

A formal request for projects for the FY 2011 Traffic Signal Optimization Program (TSOP) was announced by MAG on September 21, 2010. The available TSOP budget in the MAG Work Program for FY 2011 is \$430,000, including an estimated \$30,000 carried over from FY 2010. Fifteen (15) project applications have been received requesting a total of \$395,500 to improve operations at 476 intersections in 14 jurisdictions. A regional workshop to provide training on signal timing software has also been included in the list of projects at an estimated cost of \$10,000, based on the need identified by local agencies. The recommended projects will be carried out using ten (10) qualified on-call consultants under contract with MAG.

Since its inception in 2004, the MAG Traffic Signal Optimization Program (TSOP) has successfully completed fifty projects that improved traffic signal timing at more than 500 intersections across the region. Projects launched through this program provide technical assistance to member agencies for improving traffic signal coordination, optimization and review of operations through simulation modeling. Technical assistance is provided by consultants under contract with MAG for on-call consulting services.

Traffic signal optimization is one of the most cost-effective ways to improve traffic movement and make our streets safer and efficient. Signal optimization is performed for any or all of the following reasons:

- To adjust signal timing to account for changes in traffic patterns due to new developments and traffic growth
- To reduce motorist frustration and unsafe driving by reducing stops and delay
- To improve traffic flow through a group of signals, thereby reducing emissions and fuel consumption
- To postpone the need for costly long-term road capacity improvement by improving the traffic flow using existing resources

Signal optimization projects have been found to produce benefit to cost ratios as high as 40 to 1. This program, enthusiastically championed by the Intelligent Transportation Systems Committee, provides traffic engineering assistance for refining signal operations across the MAG region. A typical TSOP project costs around \$25,000. These projects do not require a local match.

PUBLIC INPUT:

None.

PROS & CONS:

PROS: The proposed TSOP projects, when implemented, will result in improved traffic operations and reductions in gasoline consumption and vehicular emissions.

CONS: None.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: It is essential that local agency technical staff assist in coordinating the execution of these projects by the designated MAG on-call consultant. This will require staff participation.

POLICY: None.

ACTION NEEDED:

Recommend approval of the list of FY 2011 Traffic Signal Optimization Program projects.

PRIOR COMMITTEE ACTIONS:

MAG Transportation Review Committee: On October 28, 2010, the MAG Transportation Review Committee recommended approval of the proposed list of TSOP projects.

MEMBERS ATTENDING

- | | |
|---|---|
| Peoria: David Moody | Maricopa County: Clem Ligocki for John Hauskins |
| ADOT: Steve Hull for Floyd Roehrich | Mesa: Scott Butler |
| Avondale: Shirley Gunther for David Fitzhugh | Paradise Valley: Bill Mead |
| Buckeye: Scott Lowe | Phoenix: Rick Naimark |
| Chandler: RJ Zeder for Patrice Kraus | Queen Creek: Tom Condit |
| El Mirage: Lance Calvert | RPTA: Bryan Jungwirth |
| Fountain Hills: Randy Harrel | Scottsdale: Dave Meinhart |
| * Gila Bend: Eric Fitzer | Surprise: Bob Beckley |
| * Gila River: Doug Torres | Tempe: Jyme Sue McLaren for Chris Salomone |
| Gilbert: Tami Ryall | Valley Metro Rail: John Farry |
| Glendale: Cathy Colbath for Terry Johnson | * Wickenburg: Rick Austin |
| Goodyear: Cato Esquivel | Youngtown: Grant Anderson for Lloyce Robinson |
| * Guadalupe: Gino Turrubiarres | |
| Litchfield Park: Paul Ward for Woody Scoutten | |

EX-OFFICIO MEMBERS ATTENDING

- | | |
|--|--|
| Street Committee: Dan Cook, City of Chandler | * Bicycle/Pedestrian Committee: Peggy Rubach, RPTA |
| * ITS Committee: Nicolaas Swart, Maricopa County | * Transportation Safety Committee: Julian Dresang, City of Tempe |

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

MAG Intelligent Transportation Systems Committee: On October 19, 2010, the MAG Intelligent Transportation Systems Committee recommended approval of proposed list of TSOP projects.

MEMBERS ATTENDING

- * ADOT: Reza Karimvand
- + ASU: Soyoungh Ahn
- + Avondale: Bennie Robinson
- + Buckeye: Thomas Chlebanowski
- + Chandler: Mike Mah
- * DPS: Jenna Mitchell
- * El Mirage: Jorge Gastelum
- + FHWA: Jennifer Brown
- + Gilbert: Kurt Sharp
- + Glendale: Debbie Albert
- + Goodyear: Luke Albert
- Maricopa County, Nicolaas Swart, Chair
- + Mesa: Derrick Bailey
- + Peoria: Ron Amaya
- Phoenix: Marshall Riegel
- * Phoenix Public Transit: Bob Ciotti
- + Queen Creek: Bill Birdwell
- Scottsdale: Jennifer Bohac for Bruce Dressel
- + Surprise: Nicholas Mascia
- Tempe: Cathy Hollow
- + Valley Metro Rail: Arkady Bernshteyn

* Members neither present nor represented by proxy.

+ Attended by Videoconference

Attended by Audioconference

CONTACT PERSON:

Sarath Joshua (602) 254-6300.

FY2011 TSOP Project List

	Lead Agency	Other Agencies	Project Descriptions	# Intx	Estimated Cost	Contact	SYNCHRO workshop
1	Avondale		Implement and adjust the signal timing that was developed by a previous TSOP project	28	\$8,000.00	Bennie Robinson	
2	Chandler		Collection of Turning Movement Counts at 50 intersections for AM, Midday and PM (2 hours each) - city staff will develop new signal timing based on the data	50	\$25,000.00	Debra Bieber	1
3	Gilbert		Collection of Turning Movement Counts at 51 intersections for AM, Midday and PM (2 hours each) - city staff will develop new signal timing based on the data	51	\$25,000.00	Erik Guderian	1
4	Glendale	ADOT	Collection of Turning Movement Counts at 24 intersections around the Glendale sports facilities on a typical day and different event days - city staff will develop new signal timing based on the data	24	\$25,000.00	Debbie Albert	
5		ADOT, Peoria	Turning Movement Counts collection at 9 intersections along 75th Avenue and Union Hills Drive - city staff will develop new signal timing based on the data	9	\$5,000.00		
6	Goodyear		Turning Movement Counts collection at 63 intersections for AM, Midday and PM - city staff will develop new signal timing based on the data	63	\$25,000.00	Hugh Bigalk	
7	MAG		Regional SYNCHRO software training workshop		\$10,000.00	Leo Luo	
8	Maricopa County	Surprise, Glendale, Peoria, ADOT	Saturday AM, PM, mid-day and Sunday all day timing plans for Bell Road, 37 intersections across 5 jurisdictions, approximately 13 miles.	37	\$95,000.00	Bob Steele	5
9	Mesa		Approach counts at 96 locations - city staff will develop the signal timing based on the data		\$25,000.00	Derrick Bailey	6
10	Phoenix		Develop the SYNCHRO Model for Phoenix West Core and input existing timing and Turning Movement Counts	28	\$12,500.00	Marshall Riegel	
11			Develop signal timing for McDowell Rd and Van Buren St; Evaluate the impact of pedestrian requirements in the 2009 MUTCD	32	\$25,000.00		
12			Develop SYNCHRO model for Phoenix North Central Core and input existing timing and Turning Movement Counts	120	\$25,000.00		
13	Scottsdale	ADOT, SRPMIC	Optimization of 8 freeway-arterial interchanges along Loop 101 Pima Freeway	8	\$25,000.00	Paul Porell	1
14	Surprise		Optimization of 8 intersections along Bell, Greenway and Litchfield Roads	8	\$25,000.00	Allan Galicia	3
15	Tempe		Update signal timing along University Drive for AM, PM and off-peak	18	\$25,000.00	Cathy Hollow	1
16			Update citywide SYNCHRO network and input existing data		\$25,000.00		
			Total Amount	476	\$405,500.00	Est # workshop attendees	18

Available this year	\$400,000.00
Estimated balance from previous TSOP cycle	\$30,000.00
Total available	\$430,000.00

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

REVISED

DATE:

November 9, 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 September 22, 2010, the MAG Regional Council approved a Mesa request to advance the construction of an interim connection of the Williams Gateway Freeway between the Santan Freeway and Ellsworth Road from FY 2016 to FY 2012 to be incorporated into the FY 2011-2015 MAG Transportation Improvement Program (TIP) and Regional Transportation Plan 2010 Update, for an air quality conformity analysis. MAG has conducted a conformity analysis for the proposed amendment and the results of the regional emissions analysis, when considered together with the TIP and RTP as a whole, indicate that the amendment will not contribute to violations of federal air quality standards. On October 8, 2010, a 30-day public review period began on the conformity assessment and amendment. 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.

In the October 8, 2010 memorandum a description of the projects was provided in Attachment B. Recently, the Arizona Department of Transportation notified MAG of minor revisions to the funding amounts for these projects. It is important to note that these minor revisions do not impact the regional emissions analysis previously transmitted for consultation on October 8, 2010. A copy of the conformity assessment that includes a revised Attachment B, is attached. The comment period has been extended to December 3, 2010.

PUBLIC INPUT:

On October 8, 2010, a 30-day public review period began on the conformity assessment and proposed amendment to the TIP and Regional Transportation Plan 2010 Update. The comment period has been extended to December 3, 2010.

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.

November 9, 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
Stephen Banta, Valley Metro Rail
Debbie Cotton, City of Phoenix Public Transit Department
William Wiley, Maricopa County Air Quality Department
Brian Tapp, 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 FY 2011-2015 MAG TRANSPORTATION IMPROVEMENT PROGRAM AND
REGIONAL TRANSPORTATION PLAN 2010 UPDATE

On October 8, 2010, the Maricopa Association of Governments transmitted for consultation a conformity assessment for a proposed amendment to the FY 2011-2015 MAG Transportation Improvement Program (TIP) and Regional Transportation Plan 2010 Update to advance the construction of an interim connection of the Williams Gateway Freeway from the Santan Freeway to Ellsworth Road from FY 2016 to FY 2012. The proposed amendment requires a new conformity determination on the TIP and Regional Transportation Plan 2010 Update. The project change impacts the modeling assumptions used in the most recent conformity analysis and a new regional emissions analysis was conducted.

In the October 8, 2010 memorandum a description of the projects was provided in Attachment B. Recently, the Arizona Department of Transportation notified MAG of minor revisions to the funding amounts for these projects. It is important to note that these minor revisions do not impact the regional emissions analysis previously transmitted for consultation on October 8, 2010. A description of the projects is provided in a revised Attachment B. The comment period has been extended to December 3, 2010.

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 A). As noted above, a description

of the projects is provided in a revised Attachment B. 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 November 10, 2010 MAG Management Committee meeting and the December 8, 2010 MAG Regional Council meeting.

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

ATTACHMENT A

CONSULTATION ON CONFORMITY ASSESSMENT FOR A PROPOSED AMENDMENT TO THE FY 2011-2015 MAG TRANSPORTATION IMPROVEMENT PROGRAM AND REGIONAL TRANSPORTATION PLAN 2010 UPDATE

MAG is conducting consultation on an amendment to the FY 2011-2015 MAG Transportation Improvement Program (TIP) and the Regional Transportation Plan 2010 Update to advance the construction of an interim connection of the Williams Gateway Freeway from the Santan Freeway to Ellsworth Road from FY 2016 to FY 2012. The conformity assessment indicates that the proposed amendment to the TIP and 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 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.

The current conformity finding of the TIP and Regional Transportation Plan 2010 Update was made by the Federal Highway Administration and Federal Transit Administration on August 25, 2010. The results of the regional emissions analysis for the proposed amendment to the TIP and Regional Transportation Plan 2010 Update are described below and in Table A-1.

Regional Emissions Analysis

The proposed amendment to the TIP and Regional Transportation Plan 2010 Update must pass the emissions budget 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 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, the year 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 emissions budgets for volatile organic compounds (VOC) of 67.9 metric tons per day and nitrogen oxides (NOx) 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 NOx for the years 2010, 2015, 2025, and 2031. The year 2010 was modeled for VOC and NOx 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 NOx 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 NOx, 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 2010 MAG Conformity Analysis document distributed for interagency consultation in May 2010, with one exception. The one exception is that July 2010 vehicle registration data received from the Arizona Department of Transportation (ADOT) was used in the emissions modeling. A summary of the latest planning assumptions, including population, employment, and vehicle registration data used in the regional emissions analysis, is provided in Table A-2. All analyses were conducted using the latest planning assumptions and emissions models in force at the time the conformity analysis began on September 22, 2010.

Timely Implementation of Transportation Control Measures

The November 24, 1993 transportation conformity rule preamble indicates that "EPA believes that for conformity determinations on TIP amendments, the demonstration of timely implementation of TCMs should focus on the changes to the TIP which impact TCM implementation. A new status report on implementation of TCMs is not necessarily required for TIP amendments; the status report from the previous conformity determination may be relied on if by its nature the TIP amendment does not affect TCM implementation." Therefore, for this amendment to the TIP and Regional Transportation Plan 2010 Update, the 2010 MAG Conformity Analysis is relied on for reporting the timely implementation of transportation control measures since the amendment does not affect TCM implementation.

In accordance with Section 93.113, the TIP and Regional Transportation Plan 2010 Update with the proposed amendment continue to provide for the timely completion or implementation of the TCMs in the applicable air quality implementation plans, and no schedule difficulties have been identified. In addition, nothing in the TIP and Regional Transportation Plan 2010 Update interferes with the implementation of any transportation control measures in the applicable air quality implementation plans, and priority is given to TCMs.

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-1

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
Budget Test	699.7	662.9	67.9	138.2	N/A	N/A	103.3
2010	519.6		52.0	131.2	73.1	5.3	78.4
2015		480.0	46.8	73.9	73.7	7.4	81.1
2025		481.4	40.2	42.3	83.2	7.4	90.6
2031		498.2	43.4	42.1	87.8	7.4	95.2

- 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 annual average day.

TABLE A-2

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 5 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 re-validated in 2009 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	Transportation models were re-calibrated in 2006 using the 2001 home interview survey and a 2001 on-board bus survey. The base year for the calibration of the transportation models was 2002. Partial re-calibration of the models were conducted in 2008-2009 based on the 2007 on-board bus survey.	TransCAD	The FY 2008 Unified Planning Work Program (UPWP) contained \$300,000 for an External Travel Survey and \$750,000 for a Household Travel Survey. When available, these data will be used to re-calibrate the transportation models.
Speeds	Transportation models were validated in 2009 using survey data on peak and off-peak highway speeds collected in 2007.	TransCAD	Travel speed studies are conducted periodically to validate the transportation models.
Vehicle Registrations	July 2010 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.

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

TIP #	Agency	Project Location	Project Description	Fiscal Year	Length	Lanes Before	Lanes After	Fund Type	Local Cost	Federal Cost	Regional Cost	Total Cost	Requested Change
DOT11-123	ADOT	SR24 (Williams Gateway Freeway): L202 to Ellsworth.	Advance construct new freeway segment. Repayment in 2015.	2012	1.75	0	4	Local	\$ 148,200,000	\$ -		\$ 148,200,000	Amend: Add new project to the TIP. Project is advance constructed from 2016 to 2012 with local funds. Repayment begins in June 2015. Freeway ramps are 1 lane and freeway is 2 lanes in each direction. Project will be open to traffic in 2014.
DOT15-200	ADOT	SR24 (Williams Gateway Freeway): L202 to Ellsworth.	Repayment of advanced construction.	2015	1.75	0	4	RARF		\$ -	\$ 148,200,000	\$ 148,200,000	Amend: Add new project to the TIP. Repayment of advanced construct project. Repayments to begin June 2015.
DOT11-124	ADOT	SR24 (Williams Gateway Freeway): L202 to Ellsworth.	Highway Project Acceleration Notes (HPAN) Interest Payments	2012	1.75	0	4	State - STAN	\$ 10,000,000			\$ 10,000,000	Amend: Add new project to the TIP.
DOT11-125	ADOT	SR24 (Williams Gateway Freeway): L202 to Ellsworth.	Highway Project Acceleration Notes (HPAN) Interest Payments	2012	1.75	0	4	RARF			\$ 5,700,000	\$ 5,700,000	Amend: Add new project to the TIP.

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

DATE:

November 2, 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 amendment and administrative modification involve several projects, including Arizona Department of Transportation projects on State Route 303, and Section 5309 and State of Good Repair-funded 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 December 3, 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.



**MARICOPA
ASSOCIATION of
GOVERNMENTS**

November 2, 2010

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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
Brian Tapp, 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 amendment and administrative modification involve several projects, including Arizona Department of Transportation projects on State Route 303, and Section 5309 and State of Good Repair-funded transit projects. Comments on the conformity assessment are requested by December 3, 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

A Voluntary Association of Local Governments in Maricopa County

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 schedule, funding source, and funding amount changes. 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

HIGHWAY

TIP #	Agency	Project Location	Project Description	FY	Length (miles)	Fund Type	Local Cost	Federal Cost	Regional Cost	Total Cost	Requested Change	Conformity Assessment
New	ADOT	303 (Estrella Fwy): Peoria Ave - Waddell Rd	Utility Relocation	2011	2.0	RARF			\$ 400,000	\$ 400,000	Amend: Add a new "Utility relocation" project in fiscal year 2011 for \$400,000.	The addition of the project would not change the assumptions used in the regional emissions analysis. Project construction phase, DOT12-123, is in the conforming TIP. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.
New	ADOT	303 (Estrella Fwy): Waddell Rd - Mountain View Blvd	Utility Relocation	2011	4.0	RARF			\$ 5,800,000	\$ 5,800,000	Amend: Add a new "Utility relocation" project in fiscal year 2011 for \$5,800,000.	The addition of the project would not change the assumptions used in the regional emissions analysis. Project construction phase, DOT11-112, is in the conforming TIP. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.
DOT12-841	ADOT	101 (Agua Fria Fwy): Northern Ave - US60 (Grand Ave)	Construct northbound auxiliary lanes	2012	3.0	State	\$ 1,900,000			\$ 1,900,000	Amend: Delete project from the TIP. The work was done in January 2008.	The deletion of the project would not change the assumptions used in the regional emissions analysis. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.
MMA09-811	Maricopa County	Old US-80 Bridge over Gila River	Rehabilitate bridge	2011	0.1	BR- Bridge Funding/ STP-TEA	\$ 6,200,000	\$ 1,500,000		\$ 7,700,000	Admin Mod: Move project from 2008-2012 TIP into the new FY2011-2015 MAG TIP. Project is funded with \$500K - STP-TEA and \$1 million of BR.	The project is considered exempt under the category "Widening narrow pavements or reconstructing bridges (no additional travel lanes)". The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.
TMP10-620	Tempe	Broadway Rd: Rural Rd to Mill Ave	Acquire right-of-way and construct pedestrian and bicycle facilities improvements	2011	1.0	CMAQ	\$ 2,571,780	\$ 2,571,780		\$ 5,143,560	Admin Mod: Change Project Description to include ROW.	A minor project revision is needed to change the project description to include right-of-way. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.

TRANSIT

TIP #	Agency	Project Location	Project Description	FY	A.L.I.	Fund Type	Local Cost	Federal Cost	Reg. Cost	Total Cost	Requested Change	Conformity Assessment
GDL11-101T	Guadalupe	Guadalupe	Purchase buses for Senior Center - FY2010 Earmark	2011	11.12.04	5309-Disc	\$ 37,500	\$ 150,000		\$ 187,500	Amend: Add new earmark/ high priority project to the TIP	The project is considered exempt under the category "Purchase of new buses and rail cars to replace existing vehicles or for minor expansions of the fleet". The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.
PHX11-106T	Phoenix	Phoenix - South Mountain Area	Purchase buses for South Mountain Circulator - FY2009 Earmark	2011	11.12.01	5309-Disc	\$ 237,500	\$ 950,000		\$ 1,187,500	Amend: Add new earmark/ high priority project to the TIP	The project is considered exempt under the category "Purchase of new buses and rail cars to replace existing vehicles or for minor expansions of the fleet". The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.
PHX11-110T	Phoenix	Phoenix - Citywide	Buses replacement diesel-electric hybrid buses	2011	na	FTA-SGR	\$ 729,425	\$ 2,917,700		\$ 3,647,125	Amend: Add new State of Good Repair discretionary project	The project is considered exempt under the category "Purchase of new buses and rail cars to replace existing vehicles or for minor expansions of the fleet". The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.
SCT11-110T	Scottsdale	Scottsdale (Skysong)	Plan, design and construct intermodal center - FY2009 Earmark	2011	11.33.03	5309-Disc	\$ 141,075	\$ 564,300		\$ 705,375	Amend: Add new earmark/ high priority project to the TIP	The project is considered exempt from regional emissions analysis under the category "bus terminals and transfer points". The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.
SCT11-111T	Scottsdale	L101 and Scottsdale Rd	Construct Park and Ride, Scottsdale, AZ- FY2010 Earmark	2011	1.33.04	5309-Disc	\$ 125,000	\$ 500,000		\$ 625,000	Amend: Add new earmark/ high priority project to the TIP	The addition of the project would not change the assumptions used in the regional emissions analysis. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.

TIP #	Agency	Project Location	Project Description	FY	A.L.I.	Fund Type	Local Cost	Federal Cost	Reg. Cost	Total Cost	Requested Change	Conformity Assessment
SCT11-112T	Scottsdale	Scottsdale (Skysong)	Intermodal center - FY2010 Earmark	2011	1.33.03	5309-Disc	\$ 125,000	\$ 500,000		\$ 625,000	Amend: Add new earmark/ high priority project to the TIP	The project is considered exempt from regional emissions analysis under the category "bus terminals and transfer points". The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.
TMP11-100T	Tempe	Tempe	Construct East Valley Metro Bus Facility - FY2009 Earmark	2011	11.43.03	5309-Disc	\$ 366,795	\$ 1,467,180		\$ 1,833,975	Amend: Add new earmark/ high priority project to the TIP	The project is considered exempt from regional emissions analysis under the category "bus terminals and transfer points". The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.
TMP11-101T	Tempe	Tempe	Purchase buses for Neighborhood Circulator - FY2010 Earmark	2011	11.12.04	5309-Disc	\$ 125,000	\$ 500,000		\$ 625,000	Amend: Add new earmark/ high priority project to the TIP	The project is considered exempt under the category "Purchase of new buses and rail cars to replace existing vehicles or for minor expansions of the fleet". The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.

TIP #	Agency	Project Location	Project Description	FY	A.L.I.	Fund Type	Local Cost	Federal Cost	Reg. Cost	Total Cost	Requested Change	Conformity Assessment
PHX11-111T	Phoenix	Phoenix -Buses serving Rapid Routes on HOV system	Preventive Maintenance - FY2009 5309-FGM Funds	2011	11.7A.00	5309-FGM	\$ 29,865	\$ 119,460		\$ 149,325	Amend: Add new project to the TIP	The project is considered exempt under the category "Rehabilitation of transit vehicles". The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.
VMT11-105T	Valley Metro	Regionwide -Buses serving Express Routes on HOV system	Preventive Maintenance - FY2009 5309-FGM Funds	2011	11.7A.00	5309-FGM	\$ 20,553	\$ 82,210		\$ 102,763	Amend: Add new project to the TIP	The project is considered exempt under the category "Rehabilitation of transit vehicles". The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.

TIP #	Agency	Project Location	Project Description	FY	A.L.I.	Fund Type	Local Cost	Federal Cost	Reg. Cost	Total Cost	Requested Change	Conformity Assessment
VMR11-102T	Valley Metro Rail	Phoenix, Mesa, Tempe - Light Rail	Preventive Maintenance - FY2009 5309-FGM Funds	2011	11.7A.00	5309-FGM	\$ 221,083	\$ 884,331		\$ 1,105,414	Amend: Add new project to the TIP	The project is considered exempt under the category "Rehabilitation of transit vehicles". The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.
PHX11-112T	Phoenix	Phoenix -Buses serving Rapid Routes on HOV system	Preventive Maintenance - FY2010 5309-FGM Funds	2011	11.7A.00	5309-FGM	\$ 11,880	\$ 47,520		\$ 59,400	Amend: Add new project to the TIP	The project is considered exempt under the category "Rehabilitation of transit vehicles". The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.
VMT11-106T	Valley Metro	Regionwide -Buses serving Express Routes on HOV system	Preventive Maintenance - FY2010 5309-FGM Funds	2011	11.7A.00	5309-FGM	\$ 8,176	\$ 32,702		\$ 40,878	Amend: Add new project to the TIP	The project is considered exempt under the category "Rehabilitation of transit vehicles". The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.
VMR11-103T	Valley Metro Rail	Phoenix, Mesa, Tempe - Light Rail	Preventive Maintenance - FY2010 5309-FGM Funds	2011	11.7A.00	5309-FGM	\$ 87,944	\$ 351,776		\$ 439,720	Amend: Add new project to the TIP	The project is considered exempt under the category "Rehabilitation of transit vehicles". 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:

November 2, 2010

SUBJECT:

Professional Services Selection for the MAG Protocol Evaluation Project

SUMMARY:

The FY 2011 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2010, includes \$194,568 to conduct the MAG Protocol Evaluation Project that will assess the protocols used to arrest and prosecute misdemeanor domestic violence cases. The budget for this project includes \$21,500 for professional services to evaluate current protocols, analyze existing data collection elements, evaluate promising practices, and conduct an overall project evaluation.

A Request for Proposals was advertised on August 19, 2010, and six proposals were received from the following organizations:

- Arizona State University Center for Violence Prevention and Community Safety
- Chicanos por la Causa
- FLT Consulting, Inc.
- HBS Consulting Services
- MGT of America, Inc.
- Shepherd Consulting for Non-Profits

A multi-agency proposal evaluation team reviewed the proposal documents and held three interviews. On October 7, 2010, the proposal evaluation team recommended the selection of MGT of America, Inc., to complete the evaluation professional services for an amount not to exceed \$21,500.

PUBLIC INPUT:

No public input has been received.

PROS & CONS:

PROS: The project was designed to coordinate a multi-disciplinary effort for assessing current protocols and practices used by law enforcement and prosecutors when responding to domestic violence offenders at the misdemeanor level. The project includes evaluating current protocols, building a framework of promising practices, and developing public awareness tools. The result will be enhanced municipal protocols, streamlined data collection elements, and increased efficiency in prosecuting misdemeanor domestic violence cases.

CONS: None.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: The procurement of professional services will enable MAG to obtain technical expertise in the evaluation of protocols used to arrest and prosecute misdemeanor domestic violence cases.

POLICY: None at this time.

ACTION NEEDED:

Recommend the selection of MGT of America, Inc., to conduct the evaluation professional services for the MAG Protocol Evaluation project for an amount not to exceed \$21,500.

PRIOR COMMITTEE ACTIONS:

On October 7, 2010, the proposal evaluation team recommended the selection of MGT of America, Inc., to conduct the evaluation professional services for the MAG Protocol Evaluation project for an amount not to exceed \$21,500.

PROPOSAL EVALUATION TEAM

Irene Jacobs, Avon Program for Women and Justice at O'Connor House

Laura Guild, Department of Economic Security

Commander Ralph McLaughlin, City of Goodyear Police Department

John Pombier, City of Mesa Prosecutor's Office

Barbara Marshall, Maricopa County Attorney's Office.

CONTACT PERSON:

Amy St. Peter, MAG Human Services Manager, (602) 254-6300.

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

DATE:

November 2, 2010

SUBJECT:

Statement Regarding Human Services Funding Reductions

SUMMARY:

In July 2010, the MAG Human Services Coordinating Committee (HSCC) expressed growing concern about the impact of funding reductions made to human services programs. The HSCC worked with the MAG Human Services Technical Committee to develop a statement reflecting this concern. The goal of the statement is to raise awareness about the impact of human services funding reductions on the community, programs, and people relying on these services. HSCC is requesting that the statement be accepted for distribution through MAG's email distribution lists and newsletters, by MAG member agencies, and by community partners.

The MAG Human Services Technical Committee unanimously voted in favor of the statement on October 14, 2010. The MAG Human Services Coordinating Committee unanimously voted in favor of the statement on October 20, 2010.

PUBLIC INPUT:

An opportunity for public input was made available at the MAG Human Services Technical Committee meeting in October. No public input was received. An opportunity for public input was also made available at the MAG Human Services Coordinating Committee meeting in October. A member of the MAG Human Services Technical Committee expressed support for the statement.

PROS & CONS:

PROS: Information about the affects of funding reductions helps the region to mitigate any unintended consequences and to fully prepare the region to meet the needs of its residents. This information also helps to dispel misconceptions about the effects of funding reductions and the ability of the region to maintain adequate service delivery.

CONS: Many worthwhile programs have experienced funding reductions. Advocating for one program may be perceived to be in competition with another program.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: Funding reductions are being made to human services at a time when the demand for these services is increasing. The U.S. Census Bureau recently announced Arizona has the second highest poverty rate in the country. The number of people receiving food stamps jumped nearly 20 percent from August 2009 to August 2010 to include 1,047,779 people throughout the state, according to the Association of Arizona Food Banks. Funding human services programs provides assistance to individuals and positively impacts the local economy. The Center on Budget and Policy Priorities reports people with low incomes spend nearly all their income to pay their bills, generally comprising local goods and services. In addition, every dollar spent on child care or job training yields nearly two dollars, according to Cornell University. According to the Center on Budget and Policy Priorities, cash assistance and food stamps yield the same return on investment. This money is put back into the

economy when people pay for local goods and services. Tax revenue generated by these transactions flows back into the local economy as well.

POLICY: Many difficult budget decisions are being made due to the recession. The challenge is how to meet the needs of vulnerable residents with fewer resources. Each person, agency, and government has a role in meeting this goal. The opportunity is to do so collaboratively in a way that efficiently maximizes available resources. Intervention now can promote people being more self-reliant in the future. As a result, reducing funding for human services programs may satisfy the short-term goal of balancing the budget, but it can impede the long-term goal of building a strong community.

ACTION NEEDED:

Recommend acceptance of the statement regarding human services funding reductions.

PRIOR COMMITTEE ACTIONS:

The MAG Human Services Coordinating Committee voted unanimously to recommend approval of the statement regarding human services funding reductions on October 20, 2010.

MEMBERS ATTENDING

- * Arleen Chin, Tempe Community Council Councilmember Trinity Donovan, Chandler, Chair
- Laura Guild for Susan Hallett, Arizona Department of Economic Security
- * Councilmember Dennis Kavanaugh, Mesa
- + Mayor Marie Lopez Rogers, Avondale
- + Councilmember Manuel Martinez, Glendale

- * Vice Mayor Michael Nowakowski, Phoenix, Vice Chair
- JoAnne Osborne, Councilmember, Goodyear
- Councilmember John Sentz, Gilbert
- * Supervisor Mary Rose Wilcox, Maricopa County
- Councilmember Mike Woodard, Surprise

+Those members present by audio/videoconferencing.
*Those members neither present nor represented by proxy.

The MAG Human Services Technical Committee voted unanimously to recommend approval of the Statement Regarding Human Services Funding Reductions on October 14, 2010.

COMMITTEE MEMBERS

- Christina Avila for Sylvia Sheffield, Avondale, Chair
- Paul Ludwick, Scottsdale, Vice Chair
- Keith Burke for Kathy Berzins, Tempe
- + Kyle Bogdon, DES/ACYF
- Judith Fritsch for Laura Guild, DES/DAAS/OCS
- Tim Cole for Jeffery Jamison, Phoenix
- Jessica Gonzalez for Deanna Jonovich, Phoenix
- Jim Knaut, Area Agency on Aging

- * Margarita Leyvas, Maricopa County
- Joyce Lopez-Powell, Valley of the Sun
- United Way
- Steven MacFarlane, Phoenix
- + Jayson Matthews, Tempe Community Council
- * Joy McClain, Tolleson
- Carl Morgan, Gilbert
- Marty Finnegan for Carol Sherer, DES/DDD
- + Leah Powell, Chandler

+ Those members present by audio/videoconferencing.
* Those members neither present nor represented by proxy.

CONTACT PERSON:

Amy St. Peter, MAG Human Services Manager, (602) 254-6300.

To Elected Officials and Policymakers:

As elected officials and members of the Maricopa Association of Governments (MAG) Human Services Coordinating Committee, we are acutely aware of the shared sacrifices that have been made to address the recent downturn in the economy. Funding has been reduced for many worthy programs due to budget constraints. As a Committee dedicated to human services, it is important that we give voice to those who are suffering greatly in our region. Addressing the needs that exist in our region is not the sole responsibility of any one sector or agency. It is the collective responsibility we have for each other. By collaborating across all sectors and among all people, we can address the significant needs facing our region and strengthen our communities.

Life has changed dramatically as a result of the budget reductions to human services programs. Every day, thousands of people in this region live with more violence and poverty than ever before. Avenues to achieve self-sufficiency are harder to find without child care, job training, and health care to keep people healthy and productive. The safety net that has kept people working and housed is being dismantled when it is needed the most. According to Protecting Arizona's Family Coalition (PAFCO), impacts to the state include the following:

- Children and vulnerable older adults will be exposed to more violence, abuse, and neglect because the State will no longer investigate 100 percent of reports.
- Families attempting to work will face significant challenges in securing safe, affordable child care. There are currently 20,000 children on a wait list for child care. Additionally, child care copayments have been increased, making it more expensive for families with low incomes once they receive child care.
- Up to 39,000 people in Arizona have lost cash assistance entirely with the new 36 month lifetime limitation. Families who are able to receive benefits are receiving 20 percent less in the form of cash assistance, reducing the average monthly benefit to \$297 a month.
- Access to medicine has been severely diminished for 89,000 people with low incomes who lost prescription drug support as a result of 2009 budget cuts.
- More than 4,200 children are now ineligible to receive services through Medicaid.

Funding reductions to human services programs may meet the short-term goal of reducing the budget, but they work against the long-term goal of building a strong community. The U.S. Census Bureau recently announced Arizona has the second highest poverty rate in the country. The number of people receiving food stamps jumped nearly 20 percent from August 2009 to August 2010 to include 1,047,779 people throughout the state, according to the Association of Arizona Food Banks. Additional funding reductions will place even more people in danger and impair the region's ability to rebound from the recession.

Funding for human services programs has decreased across the board. The Arizona Department of Economic Security has sustained 33 percent of general fund cuts throughout the last three years, according to PAFCO. In a MAG study, both nonprofit and local government agencies indicated they are straining under the current budget reductions to keep their doors open. More than three quarters of the respondents planned to eliminate services as a result of funding

reductions. This is after 85 percent had reduced their overhead, 94 percent had increased fundraising efforts, and nearly 70 percent laid off staff.

Human services programs help people live more independently and to be less reliant on public assistance in the future. The Center on Budget and Policy Priorities reports people with low incomes spend nearly all their income to pay their bills, generally comprising local goods and services. In addition, every dollar spent on child care or job training yields nearly two dollars, according to Cornell University. According to the Center on Budget and Policy Priorities, cash assistance and food stamps yield the same return on investment. This money is put back into the economy when people pay for local goods and services. Tax revenue generated by these transactions flows back into the local economy as well. Funding human services programs benefits families as well as the local economy.

A strong local economy is reliant on productive workers and people spending money. Funding human services programs achieves both goals. When funding for human services programs is reduced, people are less productive and have less income to spend. Investing in human services programs helps to create vibrant communities and provides businesses with a ready and able work force. The economic impact these groups have on our region is undeniable. For example, the combined retail spending of low and moderate households in the region is equal to the retail spending of all residents in the entire West Valley. The retail spending power of older adults is equal to all residents in both Scottsdale and Surprise combined. People are not just clients of human services programs, they are paying consumers who support our economy.

Economists report the recession has ended, yet difficult decisions remain. In this time of need, it is imperative that government, nonprofit agencies, and private citizens all provide assistance to one another. By coordinating our activities and resources, we can create sustainable communities with healthy economies and productive citizens. Human services programs support this goal by maximizing each person's potential to live independently. In the months ahead, additional budget reductions may be necessary to balance the budget. We encourage all elected officials to consider the vital role human services plays in creating a strong community and economy. Our region and its residents will benefit from this consideration.

Association of Arizona Food Banks: <http://www.azfoodbanks.org/>

Maricopa Association of Governments 2009 Regional Human Services Survey: [http://www.azmag.gov/Committees/Committee.asp?CMSID=1000&MID=Human Services](http://www.azmag.gov/Committees/Committee.asp?CMSID=1000&MID=Human%20Services)

Protecting Arizona's Family Coalition: <http://www.pafcoalition.org/budget/>

U.S. Census Bureau: http://factfinder.census.gov/servlet/GRTTable?_bm=y&-box_head_nbr=R1701&-ds_name=ACS_2009_1YR_G00_&-format=US-30

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

DATE:

November 2, 2010

SUBJECT:

Approval of Draft Provisional July 1, 2010 Maricopa County and Municipality Resident Population Updates

SUMMARY:

MAG staff has prepared draft Provisional July 1, 2010 Maricopa County and Municipality Resident Population Updates. The updates, which are used to prepare budgets and set expenditure limitations, were prepared using the 2005 Census Survey as the base and housing unit data supplied and verified by MAG member agencies. These updates are needed by the State Economic Estimates Commission by December 15th of each year and are provisional since they will be revised based on the Census 2010 results. The method used to calculate the updates was approved by the MAG Population Technical Advisory Committee (POPTAC). Because there may be changes to the Maricopa County control total by the Arizona Department of Commerce (ADOC), the MAG POPTAC recommended approval of these updates provided that the Maricopa County control total is within one percent of the final control total.

PUBLIC INPUT:

None.

PROS & CONS:

PROS: The Draft Provisional July 1, 2010 Maricopa County and Municipality Resident Population Updates are needed to gauge growth in the region, prepare budgets and set expenditure limitations.

CONS: None.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: The Draft Provisional July 1, 2010 Maricopa County and Municipality Resident Population Updates have been prepared using a methodology that is consistent for all counties and municipalities in the State of Arizona.

POLICY: The Draft Provisional July 1, 2010 Maricopa County and Municipality Resident Population Updates are needed by local officials to accommodate and budget for growth.

ACTION NEEDED:

Recommend approval of the Draft Provisional July 1, 2010 Maricopa County and Municipality Resident Population Updates provided that the Maricopa County control total is within one percent of the final control total.

PRIOR COMMITTEE ACTIONS:

MAG POPTAC: On November 2, 2010, the MAG Population Technical Advisory Committee unanimously recommended approval of the Draft Provisional July 1, 2010 Maricopa County and Municipality Resident Population Updates provided that the Maricopa County control total is within one percent of the final control total.

MEMBER/PROXY

- #Jim Bacon, Paradise Valley, Chair
- #Charlie McClendon, Avondale, Vice Chair
- *Bryant Powell, Apache Junction
- #Andrea Marquez, Buckeye
- #DJ Stapley, Carefree
- #Luke Kautzman for Usama Abujbarah, Cave Creek
- #David de la Torre, Chandler
- #Mark Smith, El Mirage
- #Eugene Slechta, Fountain Hills
- *Terry Yergan, Gila River Indian Community
- #Thomas Ritz, Glendale
- #Katie Wilken, Goodyear
- *Gino Turrubiarres, Guadalupe
- *Rick Buss, Gila Bend

- #Nathan Williams for Kyle Mieras, Gilbert
- #Sonny Culbreth, Litchfield Park
- #John Verdugo for Matt Holm, Maricopa County
- #Wahid Alam, Mesa
- #Ed Boik, Peoria
- #Chris DePerro, Phoenix
- *Dave Williams, Queen Creek
- *Bryan Meyers, Salt River Pima-Maricopa Indian Community
- #Eddie Lamperez, Scottsdale
- #Lloyd Abrams, Surprise
- #Arlene Palisoc for Lisa Collins, Tempe
- *Anne McCracken, Valley Metro
- *Loyce Robinson, Youngtown

- *Those not present
- # Participated via audioconference

MAG Ad Hoc POPTAC Subcommittee: On November 2, 2010, the MAG Adhoc Population Technical Advisory Committee unanimously recommended approval of the Draft Provisional July 1, 2010 Maricopa County and Municipality Resident Population Updates provided that the Maricopa County control total is within one percent of the final control total.

MEMBER/PROXY

- #Charlie McClendon, Avondale, Chair
- #David de la Torre, Chandler
- #Thomas Ritz, Glendale

- #John Verdugo for Matt Holm, Maricopa County
- #Wahid Alam, Mesa
- *Lisa Collins, Tempe
- #Eddie Lamperez, Scottsdale

- * Those not present
- # Participated via audioconference

CONTACT PERSON:

Anubhav Bagley, MAG, (602) 254-6300.

DRAFT

**PROVISIONAL JURISDICTION POPULATION UPDATE
2005 CENSUS SURVEY and JULY 1, 2010**

Jurisdiction	Total Population			Percent Growth		Share	
	September 1, 2005 (Census Survey)	July 1, 2010	Change	Overall	Annual	Share of Growth	Share of County
Apache Junction *1 *2	275	276	1	0.4%	0.1%	0.0%	0.0%
Avondale	69,356	81,671	12,315	17.8%	3.4%	3.6%	2.0%
Buckeye	25,406	52,315	26,909	105.9%	16.1%	7.9%	1.3%
Carefree	3,684	3,968	284	7.7%	1.5%	0.1%	0.1%
Cave Creek	4,766	5,219	453	9.5%	1.9%	0.1%	0.1%
Chandler	230,845	246,172	15,327	6.6%	1.3%	4.5%	6.1%
El Mirage	32,061	33,566	1,505	4.7%	1.0%	0.4%	0.8%
Fort McDowell *1	824	824	0	0.0%	0.0%	0.0%	0.0%
Fountain Hills	24,492	26,075	1,583	6.5%	1.3%	0.5%	0.6%
Gila Bend	1,808	1,897	89	4.9%	1.0%	0.0%	0.0%
Gila River *1 *2	2,742	2,742	0	0.0%	0.0%	0.0%	0.1%
Gilbert	173,072	219,681	46,609	26.9%	5.1%	13.6%	5.4%
Glendale	242,369	248,683	6,314	2.6%	0.5%	1.8%	6.2%
Goodyear	46,213	65,178	18,965	41.0%	7.4%	5.5%	1.6%
Guadalupe	5,555	5,980	425	7.7%	1.5%	0.1%	0.1%
Litchfield Park	4,528	5,118	590	13.0%	2.6%	0.2%	0.1%
Mesa	448,096	462,133	14,037	3.1%	0.6%	4.1%	11.4%
Paradise Valley	13,863	14,761	898	6.5%	1.3%	0.3%	0.4%
Peoria *2	138,109	159,073	20,964	15.2%	3.0%	6.1%	3.9%
Phoenix	1,475,834	1,579,162	103,328	7.0%	1.4%	30.1%	39.1%
Queen Creek *2	15,916	25,405	9,489	59.6%	10.2%	2.8%	0.6%
Salt River *1	6,796	6,944	148	2.2%	0.4%	0.0%	0.2%
Scottsdale	234,752	243,960	9,208	3.9%	0.8%	2.7%	6.0%
Surprise	88,265	109,343	21,078	23.9%	4.5%	6.2%	2.7%
Tempe	165,796	178,567	12,771	7.7%	1.5%	3.7%	4.4%
Tolleson	6,498	6,913	415	6.4%	1.3%	0.1%	0.2%
Wickenburg	6,077	6,436	359	5.9%	1.2%	0.1%	0.2%
Youngtown	6,163	6,456	293	4.8%	1.0%	0.1%	0.2%
Balance of County	226,355	244,729	18,374	8.1%	1.6%	5.4%	6.1%
Total	3,700,516	4,043,247	342,731	9.3%	1.8%	100.0%	100.0%

*1 Included in "Balance of County" in 2005 Census Survey.

*2 Maricopa County portion only.

Sources: U.S. Bureau of the Census Year 2005 Census Survey, Arizona Department of Commerce, Maricopa Association of Governments

DRAFT

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

DATE:

November 2, 2010

SUBJECT:

Proposed 2011 Revisions to MAG Standard Specifications and Details for Public Works Construction

SUMMARY:

The MAG Standard Specifications and Details for Public Works Construction represent the best professional thinking of representatives of several Public Works Departments and are reviewed and refined by members of the construction industry. They were written to fulfill the need for uniform rules for public works construction performed for Maricopa County and the various cities and public agencies in the county. The MAG Standard Specifications and Details for Public Works Construction further fulfill the need for adequate standards by the smaller communities and agencies who could not afford to promulgate such standards for themselves. The MAG Standard Specifications and Details Committee has completed its 2010 review of proposed revisions to the MAG Publication. A summary of cases is shown in Attachment One. A voting summary is shown in Attachment Two.

A summary of these recommendations has also been sent to MAG Public Works Directors for review for a period of one month. The complete package sent to the MAG Public Works Directors, including the proposed update packets to the MAG Standard Specifications and Details for Public Works Construction book is also available online for review at the following internet address:
<http://www.azmag.gov/Events/Event.asp?CMSID=3570>

If no objections to any of the proposed revisions have been suggested within the month review time frame, then the proposed revisions will be regarded as approved and formal changes to the printed and electronic copies will be released. It is anticipated that the annual update packet will be available for purchase in early January 2011.

PUBLIC INPUT:

Development of these revisions has been achieved during open meetings of the MAG Specifications and Details Committee and has included input from working groups, several professional contractor and utility groups, private companies and private citizens.

PROS & CONS:

PROS: Approval of the latest revisions will ensure that the MAG Specifications and Details reflect the latest and best practices in public works construction appropriate for MAG agencies.

CONS: Due to the constant evolutionary change inherent in the Specifications and Details process, annual updates to the printed and electronic versions are necessary.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: The MAG Specifications and Details are a series of recommendations developed over many years, principally by senior inspectors and their supervisors from many MAG agencies. These recommendations are not prescriptive, but are often adopted entirely, or in part, by MAG agencies in developing public works projects.

POLICY: In prior years, action by the MAG Public Works Committee was the only review needed prior to publication of the revisions. The MAG Public Works Committee has now been discontinued so formal review by the Management Committee is requested.

ACTION NEEDED:

Information and discussion.

PRIOR COMMITTEE ACTIONS:

MAG Specifications and Details Committee. Reviewed and provided recommendations for the cases submitted for consideration throughout 2010.

VOTING MEMBERS

Jesse Gonzales, Peoria, *Chair*
Jim Badowich, Avondale
Scott Zipprich, Buckeye
Warren White, P.E., Chandler
Dennis Teller, El Mirage
Edgar Medina, Gilbert
Tom Kaczmarowski, P.E., Glendale
Troy Tobiasson, Goodyear
Robert Herz, P.E., RLS, Maricopa County DOT

Shimin Li, Maricopa County Environ. Services
Mike Samer, Mesa
Syd Anderson, Phoenix (Street Trans.)
Jami Erickson, Phoenix (Water)
Mark Palichuk, Queen Creek
Rodney Ramos, P.E., Scottsdale
Jason Mahkovtz, P.E., Surprise
Tom Wilhite, P.E., Tempe

ADVISORY MEMBERS

John Ashley, ACA
Brian Gallimore, AGC
Jeff Benedict, AGC
Michael Smith, ARPA
Jeff Heame, ARPA

Paul Nebeker, Independent
Kwigs Bowen, NUCA
Anthony Braun, NUCA
Peter Kandaris, SRP Engineering

The MAG Public Works Directors are currently reviewing the proposed updates.

CONTACT PERSON:

Gordon Tyus, MAG, (602) 452-5035.

The following table lists the cases submitted and the recommendations as shown:

MARICOPA ASSOCIATION OF GOVERNMENTS
SPECIFICATIONS AND DETAILS COMMITTEE
SUMMARY OF RECOMMENDATIONS FOR 2010 CASES FOR CONSIDERATION

Case	Description	Recommended Action
09-13	New Dual Curb Ramp Details.	Withdrawn
09-14	Revise Ramps for ADA Compliance, Details 231, 232, 233 and 234 to be replaced with Details 235-1, 235-2, 235-3, 235-4 and 235-5.	Approval
09-15	Revisions to Section 610.4: Pipe Protection.	Approval
10-01	Miscellaneous Revisions/Corrections A- Revisions to Section 317 Asphalt Milling B- Correct Table 715-1 and Section 340.2.1 C- Correct table reference in Section 321.10.2 D- Correct corrupted note on Detail 221 E- Correct typographic and spelling errors in Detail 100 and Sections 310.1, 611.11 and 741.2.1 F- Correct typographical errors in Table 702-1 G- Update Details Index 100-1 and 100-2. Delete the word "Metric" from Detail 101. H- Update ARS references in Section 109.2	Approval
10-02	Utility Pothole Repair: Add keyhole repair to Detail 212, and new Sections 355 and 708.	Approval
10-03	Modify Section 336 Pavement Matching and Surfacing Replacement.	Approval
10-04	Revise Section 109.8: Remove quotations of ARS from text located in Section 109.8 PAYMENT FOR DELAY.	Approval
10-05	Revise FOREWARD to clarify use of the MAG Specifications and Details for Public Works Construction document.	Carry Forward
10-06	Revise Controlled Low Strength Materials (CLSM) Specifications in Sections 604 and 728.	Approval

Case	Description	Recommended Action
10-07	Revise Detail 230 - SIDEWALKS to change the minimum sidewalk width from 4' to 5'.	Approval
10-08	Re-write Section 717 ASPHALT-RUBBER.	Carry Forward
10-09	Revise Detail 145 SAFETY RAIL.	Approval
10-10	New Detail 122 PAVEMENT MARKER FOR FIRE HYDRANTS.	Approval
10-11	Revise Detail 110 PLAN SYMBOLS. Update and expand graphic standards and symbols.	Approval
10-12	New Section 361 – Shallow Depth Fiber Optic Micro-Conduit Installation.	Carry Forward
10-13	Revisions to Subsection 618.2 and Section 765 – Revise RCP joint specifications.	Approval

RECOMMENDATION SUMMARY
OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
STANDARD SPECIFICATIONS AND DETAILS COMMITTEE

October 19, 2010

GENERAL INFORMATION:

Case Number: 09-13
Section/Detail: To be determined
Title: Dual Curb Ramp Details
Sponsor: Peoria
Advisor: Jesse Gonzales

DISCUSSION:

MAG currently only has single curb ramp details for street corners. Many agencies use dual curb ramps and have supplemental details for them. It was proposed to add dual curb ramp details to MAG. This would promote a uniform standard for dual curb ramps and help reduce agency supplements.

The City of Peoria submitted several schematic diagrams for dual curb ramps. The cities of Tempe and Phoenix also submitted the supplemental detail drawings they use for consideration.

Since there is still additional work needed to come to a consensus on a detail that incorporates the essential and best aspects of agency requirements, and the two year time limit on cases was approaching, this case was withdrawn with the intention of bringing forward a new case at a future date.

RECOMMENDATION:

This case was withdrawn on July 7, 2010.

Submittal Date:	July 1, 2009	Vote Summary:	Affirmative:	0
Vote Date:	No Vote Taken		Negative:	0
			Abstention:	0

RECOMMENDATION SUMMARY
OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
STANDARD SPECIFICATIONS AND DETAILS COMMITTEE

October 19, 2010

GENERAL INFORMATION:

Case Number: 09-14
Section/Detail: 231, 232, 233 and 234 to be replaced by Details 235-1, 235-2, 235-3, 235-4 and 235-5.
Title: Revise Ramps for ADA Compliance
Sponsor: Maricopa County
Advisor: Bob Herz

DISCUSSION:

To obtain compliance with current ADA requirements, MAG sidewalk ramp details needed to be updated. Details 231 and 233 currently have undersized landing areas for turning. Details 232 and 234 are non-compliant since the path going across the ramp exceeds the allowable 2% maximum cross slope.

The new details were revised and updated throughout the year based on feedback from the committee. This included revising details show 5-ft by 5-ft landing dimensions, revisions to the detectable warning, and other minor corrections. An additional detail (235-1) showing the sidewalk set back from the curb was added, and all new details were designed for ADA compliance.

In addition, slope tables were added to each detail to insure proper maximum cross slope.

RECOMMENDATION:

Based on the following data, the MAG Standard Specifications and Details Committee recommends approval of this case.

Submittal Date:	July 1, 2009	Vote Summary:	Affirmative:	14
Vote Date:	September 1, 2010		Negative:	0
			Abstention:	0

RECOMMENDATION SUMMARY
OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
STANDARD SPECIFICATIONS AND DETAILS COMMITTEE

October 19, 2010

GENERAL INFORMATION:

Case Number: 09-15
Section/Detail: Section 610.4
Title: Pipe Protection
Sponsor: City of Tempe
Advisor: Tom Wilhite

DISCUSSION:

This case proposed modifying Section 610.4 to clarify water line pipe protection measures at the job site prior to placement (during storage or staging) to help prevent contamination. Comments from pipe industry representatives and suppliers objected to the expense and difficulty in keeping the ends plugged during shipping and handling. The case was revised to focus on pipe protection on site.

The current proposed language reads:

Every precaution shall be taken to prevent foreign material from entering the pipe. When on the project site, the ends of the pipe section shall be plugged, wrapped or tarped at all times when pipe laying is not in progress, which includes storage and staging at the site. The pipe shall be stored on a pallet, blocking or other means to prevent foreign materials from entering the pipe. The pipe line shall be protected by a water-tight plug or other means approved by the Engineer when the pipe is in the trench if pipe laying is not in progress.

RECOMMENDATION:

Based on the following data, the MAG Standard Specifications and Details Committee recommends approval of this case.

Submittal Date:	July 1, 2009	Vote Summary:	Affirmative:	14
Vote Date:	September 1, 2010		Negative:	0
			Abstention:	0

RECOMMENDATION SUMMARY
OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
STANDARD SPECIFICATIONS AND DETAILS COMMITTEE

October 19, 2010

GENERAL INFORMATION:

Case Number: 10-01
Section/Detail: See comments below.
Title: Miscellaneous Revisions/Corrections
Sponsors: Maricopa County, City of Chandler
Advisors: Bob Herz, Warren White

DISCUSSION:

This case combined all of the revisions/corrections cases that consisted of minor changes such as typographic and drafting errors. The following sections and details were revised.

- A- Revisions to Section 317 Asphalt Milling: Correct wording in Section 317.2.
- B- Correct Table 715-1 and Section 340.2.1: Correct reference to Table 321-5.
- C- Correct table reference in Section 321.10.2: Correct reference to Table 321-5.
- D- Correct corrupted note on Detail 221 and revise for clarity.
- E- Correct typographic and spelling errors in Detail 100 and Sections 310.1, 611.11 and 741.2.1.
- F- Correct typographical errors in Table 702-1.
- G- Update Details Index 100-1 and 100-2. Delete the word "Metric" from Detail 101.
- H- Update ARS references in Section 109.2.

RECOMMENDATION:

Based on the following data, the MAG Standard Specifications and Details Committee recommends approval of this case.

Submittal Date:	January 6, 2010	Vote Summary:	Affirmative:	14
Vote Date:	September 1, 2010		Negative:	0
			Abstention:	0

RECOMMENDATION SUMMARY
OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
STANDARD SPECIFICATIONS AND DETAILS COMMITTEE

October 19, 2010

GENERAL INFORMATION:

Case Number: 10-02
Section/Detail: Detail 212, and new Sections 355 and 708.
Title: Utility Pothole Repair: Add keyhole repair.
Sponsor: City of Chandler
Advisor: Warren White

DISCUSSION:

This case proposed adding the option of a keyhole pothole repair. Keyhole pavement cutting technology is a cleaner, quicker way to cut city streets in order to access underground facilities. The process involves cutting an 18"-24" core, then backfilling the hole with native soil (or material determined by other agency specific requirements) and reinstating the original core by bonding it to the cut pavement. The process is complete after a few hours at which time traffic lanes can be reopened.

The case created two new sections. Section 355 Utility Potholes – Keyhole Method describes the process used, and Section 708 provides the Asphalt Bonding Materials specification used to bond the asphalt pavement core to the original asphalt pavement from which it was removed.

Detail 212 was also updated to show this method as an additional option, and to clarify backfill materials.

RECOMMENDATION:

Based on the following data, the MAG Standard Specifications and Details Committee recommends approval of this case.

Submittal Date:	February 3, 2010	Vote Summary:	Affirmative:	15
Vote Date:	September 1, 2010		Negative:	0
			Abstention:	0

RECOMMENDATION SUMMARY
OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
STANDARD SPECIFICATIONS AND DETAILS COMMITTEE

October 19, 2010

GENERAL INFORMATION:

Case Number: 10-03
Section/Detail: Section 336
Title: Modify Section 336 Pavement Matching and Surfacing Replacement.
Sponsor: Salt River Project
Advisor: Peter Kandararis

DISCUSSION:

This case updated and reorganized Section 336 to be in conformance with changes made in 2009 to Detail 200. This included modifying Section 336.1 to note trench repair types shown in Detail 200; adding a sentence to 336.2.2 to limit the time between temporary and permanent trench patch repair; and updating Sections 336.3 and 336.4 to be consistent with Detail 200.

Section 336.2.4 was reorganized to more simply describe pavement section repair, be consistent with language in Detail 200, be consistent with asphalt concrete mix type designations in Section 710, reference Section 321 for placement and compaction methods, correct typos, include surface tolerance requirements and change surface seal repair from chip seal to slurry seal.

The case was further updated based on comments received from Maricopa County and AGC to provide greater clarity and correct inconsistencies.

RECOMMENDATION:

Based on the following data, the MAG Standard Specifications and Details Committee recommends approval of this case.

Submittal Date:	March 3, 2010	Vote Summary:	Affirmative:	12
Vote Date:	October 6, 2010		Negative:	0
			Abstention:	0

RECOMMENDATION SUMMARY
OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
STANDARD SPECIFICATIONS AND DETAILS COMMITTEE

October 19, 2010

GENERAL INFORMATION:

Case Number: 10-04
Section/Detail: Section 109.8.1
Title: Remove quotations of ARS from text located in Section 109.8
PAYMENT FOR DELAY.
Sponsor: Maricopa County
Advisor: Bob Herz

DISCUSSION:

This case was updated due to changes in the Arizona Revised Statutes. Section 109.8.1 has revised as noted below.

The current proposed language reads:

109.8.1 Failure to Locate or Incorrect Location of Utilities: Arizona Revised Statutes 40-360.28 indicates that if a person (owner, operator, or agent) fails to locate or incorrectly marks the location of the underground facility in a timely manner, the person (owner, operator, or agent) becomes liable for resulting damages, costs and expense to the injured party. The Contracting Agency will deny any claims for damages or delays if another owner or operator is at fault.

RECOMMENDATION:

Based on the following data, the MAG Standard Specifications and Details Committee recommends approval of this case.

Submittal Date:	March 3, 2010	Vote Summary:	Affirmative:	13
Vote Date:	June 2, 2010		Negative:	0
			Abstention:	0

RECOMMENDATION SUMMARY
OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
STANDARD SPECIFICATIONS AND DETAILS COMMITTEE

October 19, 2010

GENERAL INFORMATION:

Case Number: 10-05
Section/Detail: Foreward
Title: Revise FOREWARD to clarify use of the *MAG Specifications and Details for Public Works Construction* document.
Sponsor: City of Peoria
Advisor: Jesse Gonzales

DISCUSSION:

This case proposed modifying the *Foreward* to the MAG Specifications and Details book, to clarify its limited use for public works construction in the right-of-way. It provided additional caveats for using the MAG specifications and details in private construction projects, and highlighted the need for review by professional engineers.

In addition, a draft *Foreward* was written for a planned separate document for Public Works Construction Not in the Right of Way. The case helped initiate the Specifications and Details Outside the Right of Way Working Group to develop standards for onsite public works projects not covered by the MAG specifications and details.

With additional review underway by the working group, and additional input requested from agencies, this case will be continued in 2011.

RECOMMENDATION:

The MAG Standard Specifications and Details Committee plans to carry forward this case for further discussion in 2011.

Submittal Date:	March 3, 2010	Vote Summary:	Affirmative:	0
Vote Date:	No vote taken.		Negative:	0
			Abstention:	0

RECOMMENDATION SUMMARY
OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
STANDARD SPECIFICATIONS AND DETAILS COMMITTEE

October 19, 2010

GENERAL INFORMATION:

Case Number: 10-06
Section/Detail: Sections 604, 728
Title: Revise Controlled Low Strength Materials (CLSM) Specifications
Sponsor: Arizona Rock Products Association
Advisor: Jeff Hearne

DISCUSSION:

This case completely replaces existing CLSM specifications with revisions based on the final draft prepared by the Concrete Working Group. The intention was to update and modernize the specification based on current industry standards and technology. It also was revised to refer to current national ACI and ASTM standards and to be consistent with changes made to concrete specifications in prior cases.

The case updated references to additives and provided more options. There was discussion about changes to Table 728-1 as to the intended purposes of ½ sack, 1 sack and 1 ½ sack CLSM mixes. Minimum and maximum strengths were discussed. Additional discussion proposed keeping No. 57 aggregate as the default in the specifications. It was decided to not make any changes to Section 701.

Finally changes to specify that ready-mix concrete shall not be used in lieu of CLSM without prior approval were added, along with other minor changes and updates based on committee feedback.

RECOMMENDATION:

Based on the following data, the MAG Standard Specifications and Details Committee recommends approval of this case.

Submittal Date:	April 7, 2010	Vote Summary:	Affirmative:	12
Vote Date:	July 7, 2010		Negative:	0
			Abstention:	0

RECOMMENDATION SUMMARY
OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
STANDARD SPECIFICATIONS AND DETAILS COMMITTEE

October 19, 2010

GENERAL INFORMATION:

Case Number: 10-07
Section/Detail: Detail 230
Title: Revise Detail 230 - SIDEWALKS to change the minimum sidewalk width from 4' to 5'.
Sponsor: Maricopa County
Advisor: Bob Herz

DISCUSSION:

This case proposed to revise minimum sidewalk width on Detail 230 from 4' to 5' to match the minimum ADA requirements that allows two wheelchairs to pass, and to allow a wheelchair to u-turn. Many cities already use 5' minimum sidewalks, and the updated detail should reduce the number of agency supplements as well as be ADA compliant.

Representatives from Phoenix and Mesa stated they intended to keep the 4' minimum sidewalk, and meet the ADA requirements by providing periodic widening to allow wheelchair passing as needed. There was some discussion about fitting the 5' sidewalk in the standard 50' right-of-way, and it was agreed that it did fit.

The sponsor noted that many jurisdictions use MAG specifications without supplements such as those used by Phoenix and Mesa, and that a 5' minimum sidewalk specification would meet ADA requirements without further modification.

RECOMMENDATION:

Based on the following data, the MAG Standard Specifications and Details Committee recommends approval of this case.

Submittal Date:	April 7, 2010	Vote Summary:	Affirmative:	9
Vote Date:	July 7, 2010		Negative:	3
			Abstention:	0

RECOMMENDATION SUMMARY
OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
STANDARD SPECIFICATIONS AND DETAILS COMMITTEE

October 19, 2010

GENERAL INFORMATION:

Case Number: 10-08
Section/Detail: Section 717
Title: Re-write Section 717 ASPHALT-RUBBER
Sponsor: Maricopa County
Advisor: Bob Herz

DISCUSSION:

Maricopa County presented this case to re-write the current specification on asphalt-rubber to match MCDOT's current requirements.

During the review other agencies were requested to indicate how their requirements differed so that the specification could be modified to accommodate the needs of all agencies.

It was discussed that ADOT also has asphalt-rubber specs, but that they are designed more for freeways and highways than streets and roads. It was also noted that some terminology changes were needed to make it consistent with Sections 325 and 335.

The City of Phoenix is reviewing the case and suggested some changes and additions. It was recommended that Maricopa County and the City of Phoenix continue to work together next year to create a specification meet the requirements of both agencies.

RECOMMENDATION:

The MAG Standard Specifications and Details Committee plans to carry forward this case for further discussion in 2011.

Submittal Date:	May 5, 2010	Vote Summary:	Affirmative:	0
Vote Date:	No vote taken.		Negative:	0
			Abstention:	0

RECOMMENDATION SUMMARY
OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
STANDARD SPECIFICATIONS AND DETAILS COMMITTEE

October 19, 2010

GENERAL INFORMATION:

Case Number: 10-09
Section/Detail: Detail 145
Title: Revise Detail 145 SAFETY RAIL
Sponsor: Maricopa County
Advisor: Bob Herz

DISCUSSION:

Initially this case was introduced to modify the spacing between posts to allow the safety rail detail to meet the loading requirements of AASHTO when used as a railing on a pedestrian bridge. After some discussion with the committee about the additional costs for closer posts, and the use of the detail on other projects that do not require higher loading (such as by scuppers and small drop-offs) it was decided instead to keep the current detail, but exclude it from use as a pedestrian railing. To do this, a new Note 7 was added stating:

SAFETY RAIL IS NOT TO BE USED AS A PEDESTRIAN BRIDGE RAIL.

The grade of steel pipe in Note 1 was also changed from A to B.

It was suggested that an AASHTO approved railing could be created as a separate detail in a future case.

RECOMMENDATION:

Based on the following data, the MAG Standard Specifications and Details Committee recommends approval of this case.

Submittal Date:	May 5, 2010	Vote Summary:	Affirmative:	15
Vote Date:	September 1, 2010		Negative:	0
			Abstention:	0

RECOMMENDATION SUMMARY
OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
STANDARD SPECIFICATIONS AND DETAILS COMMITTEE

October 19, 2010

GENERAL INFORMATION:

Case Number: 10-10
Section/Detail: New Detail 122
Title: PAVEMENT MARKER FOR FIRE HYDRANTS.
Sponsor: Maricopa County
Advisor: Bob Herz

DISCUSSION:

Currently MAG does not have a detail for the placement of pavement markers for fire hydrant locations. This case would standardize placement of these markers and enhance public safety.

Maricopa County submitted a new Detail 122 showing the location of markers relative to fire hydrants in several typical types of streets including local streets, intersections, cul-de-sacs, multi-laned streets and those with turning lanes.

The sponsor explained that without any detail to locate where the markers should be placed, often replacement markers were not installed after making street improvements.

Some agencies have similar details. The City of Chandler's detail included additional markers for roads designated as state highways. The City of Surprise submitted their detail as an example, which placed the markers closer to the centerlines of the street. The sponsor explained that the markers in the proposed detail were not placed near the centerlines to avoid conflicts with striping.

Several agencies already using supplemental pavement marker details abstained during voting.

RECOMMENDATION:

Based on the following data, the MAG Standard Specifications and Details Committee recommends approval of this case.

Submittal Date:	May 5, 2010	Vote Summary:	Affirmative:	11
Vote Date:	September 1, 2010		Negative:	0
			Abstention:	4

RECOMMENDATION SUMMARY
OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
STANDARD SPECIFICATIONS AND DETAILS COMMITTEE

October 19, 2010

GENERAL INFORMATION:

Case Number: 10-11
Section/Detail: Details 110-1, 110-2
Title: Revise Detail 110 PLAN SYMBOLS. Update and expand graphic standards and symbols.
Sponsor: Maricopa County
Advisor: Bob Herz

DISCUSSION:

This case took the final recommendations from the CAD Symbols Working Group to revise, update and expand standard symbols and line types.

CAD experts from many agencies participated in the CAD Symbols Working Group identifying common symbols and line type standards by comparing current agency standards. Those that received consensus by the group were presented to Maricopa County for final editing. The original Detail 110 was split into two sheets 110-1 and 110-2 to accommodate the additional symbols.

The following symbols were added: utility meter, monitory well, wood, steel and concrete utility poles, pole mounted light, signal pole, double post sign, cellular tower, pull box, video detection camera, and traffic signal indicators.

In addition the following line types were added: right of way, property, easement, jurisdictional boundary, chain link fence, barbed wire fence, wood fence and block wall.

Finally some of the material hatches were updated. Discussion included the reason for two types of jurisdictional boundaries, adding notes to symbols as needed for clarity, and how to designate existing and new features using solid or shaded/dashed lines.

RECOMMENDATION:

Based on the following data, the MAG Standard Specifications and Details Committee recommends approval of this case.

Submittal Date:	May 5, 2010	Vote Summary:	Affirmative:	12
Vote Date:	October 6, 2010		Negative:	0
			Abstention:	0

RECOMMENDATION SUMMARY
OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
STANDARD SPECIFICATIONS AND DETAILS COMMITTEE

October 19, 2010

GENERAL INFORMATION:

Case Number: 10-12
Section/Detail: New Section 361
Title: Shallow Depth Fiber Optic Micro-Conduit Installation
Sponsor: City of Scottsdale
Advisor: Rod Ramos

DISCUSSION:

This case was introduced to add a new section specifying the process for installation of underground fiber optic micro-conduit telecommunications facilities within the public right of way. The sponsor provided sample specifications and details from a private engineering company as an example. He recognized that the specifications and details provided would need much revision, but wanted to begin the discussion of the use of this technology. He said the intent was for use in residential areas. He described Scottsdale's experience with this process on a private road in the McDowell Mountain Ranch development. The details showed a preferred location for the micro-trench, and the specifications described the process of making a saw cut, installing the conduit and filling the trench with a slurry grout, and capping with an asphalt sealant.

The committee discussed the depth requirements, and noted that most agencies currently do not allow utilities at a shallow depth. The sponsor said he also wanted to investigate this method for repairing large transverse cracks. Members questioned how the grout was applied in the cut. Mr. Ramos said it was pumped into the void. He also said Paradise Valley used this option on a project. Another member asked about splices and junctions. The sponsor said the utilities were dropped out of the street and placed in a junction structure.

More work on this case is required, and is planned to be continued in 2011.

RECOMMENDATION:

Based on the following data, the MAG Standard Specifications and Details Committee recommends approval of this case.

Submittal Date:	May 5, 2010	Vote Summary:	Affirmative:	0
Vote Date:	No vote taken.		Negative:	0
			Abstention:	0

RECOMMENDATION SUMMARY
OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
STANDARD SPECIFICATIONS AND DETAILS COMMITTEE

October 19, 2010

GENERAL INFORMATION:

Case Number: 10-13
Section/Detail: Sections 618, 765
Title: Revise RCP joint specification to be consistent between sections and with industry standards.
Sponsor: City of Goodyear
Advisor: Troy Tobiasson

DISCUSSION:

This case was introduced to correct inconsistencies between the 50% and 60% rubber requirements of joint gaskets. The sponsor said manufacturers do not make gaskets with 60% rubber, and suggested the specifications be modified to reference the national standards for rubber gaskets in ASTM C 443 and AASHTO M 315. References to neoprene gaskets and o-ring gaskets were removed. The revisions to subsection 618.2 are now consistent with industry standards nationwide.

Based on feedback from the committee, additional revisions to the case were made. With these changes, Section 765 was no longer necessary and was removed entirely. References to the deleted Section 765 were updated in Subsections 735.4 and 736.3.

RECOMMENDATION:

Based on the following data, the MAG Standard Specifications and Details Committee recommends approval of this case.

Submittal Date:	July 7, 2010	Vote Summary:	Affirmative:	14
Vote Date:	September 1, 2010		Negative:	0
			Abstention:	0

2010 PROPOSED REVISIONS TO MAG SPECIFICATIONS AND DETAILS

(Updated information can be found on the website: <http://www.mag.maricopa.gov/detail.cms?item=11284>)

CASE	DESCRIPTION	PROPOSED BY	MEMBER	SUBMITTAL DATE Last Revision	VOTE DATE	VOTE	
						Yes	No Abstain
09-13	<u>Case 09-13</u> : Dual Curb Ramp Details	Peoria	Jesse Gonzales	07/01/2009 02/03/2010	Withdrawn 07/07/2010	0 0 0	Yes No Abstain
09-14	<u>Case 09-14</u> : Revise Ramps for ADA Compliance, Details 231, 232, 233 and 234 – Replace with Details 235-1, 235-2, 235-3, 235-4 and 235-5	MCDOT	Bob Herz	07/01/2009 09/01/2010	09/01/2010 (approved)	14 0 0	Yes No Abstain
09-15	<u>Case 09-15</u> : Revisions to Section 610.4: Pipe Protection	Tempe	Tom Wilhite	07/01/2009 04/07/2010	09/01/2010 (approved)	14 0 0	Yes No Abstain
10-01	Miscellaneous Revisions/Corrections: <u>Case 10-01A</u> : Revisions to Section 317 Asphalt Milling <u>Case 10-01B</u> : Correct Table 715-1 and Section 340.2.1 <u>Case 10-01C</u> : Correct table reference in Section 321.10.2 <u>Case 10-01D</u> : Correct corrupted note on Detail 221 <u>Case 10-01E</u> : Correct typographic and spelling errors in Detail 100 and Sections 410.1, 611.11 and 741.2.1 <u>Case 10-01F</u> : Correct typographic errors in Table 702-1. <u>Case 10-01G</u> : Update Details Index 100-1 and 100-2. Delete the word “Metric” from first note on Detail 101. <u>Case 10-01 H</u> : Update ARS references in Section 109.2.	MCDOT Chandler MCDOT	Bob Herz Warren White Bob Herz	 01/06/2010 09/01/2010	 10-01B 4/07/10 (approved) 09/01/2010 (all others approved)	14 0 0	Yes No Abstain
10-02	<u>Case 10-02</u> : Utility Pothole Repair: Revise and add keyhole repair to Detail 212. New Sections 355 and 708.	Chandler	Warren White Peter Kandararis	02/03/2010 09/01/2010	09/01/2010 (approved)	15 0 0	Yes No Abstain
10-03	<u>Case 10-03</u> : Modifications Section 336 Pavement Matching and Surfacing Replacement.	SRP	Peter Kandararis	03/03/2010 09/01/2010	10/06/2010 (approved)	12 0 0	Yes No Abstain
10-04	<u>Case 10-04</u> : Revise Section 109.8: Remove quotations of ARS from text located in Section 109.8 PAYMENT FOR DELAY.	MCDOT	Bob Herz	03/03/2010	06/02/2010 (approved)	13 0 0	Yes No Abstain
10-05	<u>Case 10-05</u> : Revise FOREWARD to clarify use of the <i>MAG Specifications and Details for Public Works Construction</i> document.	Peoria	Jesse Gonzales	03/03/2010 05/05/2010	Carry Forward	0 0 0	Yes No Abstain

2010 PROPOSED REVISIONS TO MAG SPECIFICATIONS AND DETAILS

(Updated information can be found on the website: <http://www.mag.maricopa.gov/detail.cms?item=11284>)

CASE	DESCRIPTION	PROPOSED BY	MEMBER	SUBMITTAL DATE Last Revision	VOTE DATE	VOTE	
						Yes	No Abstain
10-06	<u>Case 10-06</u> : Revise Controlled Low Strength Material Specifications in Sections 604 and 728.	ARPA	Jeff Hearne	04/07/2010 06/03/2010	07/07/2010 (approved)	12 0 0	Yes No Abstain
10-07	<u>Case 10-07</u> : Revise Detail 230 - SIDEWALKS to change the minimum sidewalk width from 4' to 5'.	MCDOT	Bob Herz	04/07/2010 05/05/2010	07/07/2010 (approved)	9 3 0	Yes No Abstain
10-08	<u>Case 10-08</u> : Re-write Section 717 ASPHALT-RUBBER.	MCDOT	Bob Herz	05/05/2010	Carry Forward	0 0 0	Yes No Abstain
10-09	<u>Case 10-09</u> : Revise Detail 145 SAFETY RAIL to comply with AASHTO pedestrian loading requirements.	MCDOT	Bob Herz	05/05/2010 08/04/2010	09/01/2010 (approved)	15 0 0	Yes No Abstain
10-10	<u>Case 10-10</u> : New Detail 122 PAVEMENT MARKER FOR FIRE HYDRANTS.	MCDOT	Bob Herz	05/05/2010	09/01/2010 (approved)	11 0 4	Yes No Abstain
10-11	<u>Case 10-11</u> : Revise Detail 110 PLAN SYMBOLS. Update and expand graphic standards and symbols.	MCDOT	Bob Herz	09/01/2010	10/06/2010 (approved)	12 0 0	Yes No Abstain
10-12	<u>Case 10-12</u> : New Section 361 – Shallow Depth Fiber Optic Micro-Conduit Installation.	Scottsdale	Rod Ramos	05/05/2010 08/04/2010	Carry Forward	0 0 0	Yes No Abstain
10-13	<u>Case 10-13</u> : Revisions to Subsection 618.2 and Section 765 – Revise RCP joint specification to be consistent between sections and with industry standards.	Goodyear	Troy Tobiasson	07/07/2010 08/04/2010	09/01/2010 (approved)	14 0 0	Yes No Abstain

MAG Specification & Detail Committee VOTING SUMMARY for 2010

Case No.	Title – Section/Detail	Vote Date	Avondale	Buckeye	Chandler	El Mirage	Gilbert	Glendale	Goodyear	Maricopa County	Mesa	Peoria	Phoenix	Queen Creek	Scottsdale	Surprise	Tempe	Voting Summary Y-N-A-NP
09-13	Dual Curb Ramp Details																	
09-14	Revise Ramps for ADA Compliance, Details 231, 232, 233 and 234. – Replace with Details 235-1, 235-2, 235-3, 235-4 and 235-5.	09/01/10	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	14-0-0-1
09-15	Revisions to Section 610.4: Pipe Protection	09/01/10	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	14-0-0-1
10-01A	Revisions to Section 317 Asphalt Milling	09/01/10	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	14-0-0-1
10-01B	Correct Table 715-1 and Section 340.2.1	04/07/10	Y	Y	Y	Y	Y	Y	-	Y	Y	Y	Y	Y	-	Y	Y	13-0-0-2
10-01C	Correct table reference in Section 321.10.2	09/01/10	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	14-0-0-1
10-01D	Correct corrupted note on Detail 221	09/01/10	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	14-0-0-1
10-01E	Correct typographic and spelling errors in Detail 100 and Sections 410.1, 611.11 and 741.2.1	09/01/10	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	14-0-0-1
10-01F	Update Details Index 100-1 and 100-2. Delete the word “Metric” from first note on Detail 101.	09/01/10	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	14-0-0-1
10-01G	Update ARS references in Section 109.2.	09/01/10	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	14-0-0-1
10-02	Utility Pothole Repair: Revise and add keyhole repair to Detail 212. New Sections 355 and 708.	09/01/10	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	15-0-0-0
10-03	Modifications Section 336 Pavement Matching and Surfacing Replacement.	10/06/10	Y	Y	Y	Y	-	Y	Y	Y	Y	Y	Y	-	-	Y	Y	12-0-0-3

Voting Abbreviations: Y: Yes N: No A: Abstain — : Not Present (NP)

Page 1 of 3

*: Indicates changes made to proposal prior to vote.

MAG Specification & Detail Committee VOTING SUMMARY for 2010

Case No.	Title – Section/Detail	Vote Date	Avondale	Buckeye	Chandler	El Mirage	Gilbert	Glendale	Goodyear	Maricopa County	Mesa	Peoria	Phoenix	Queen Creek	Scottsdale	Surprise	Tempe	Voting Summary Y-N-A-NP
10-04	Revise Section 109.8: Remove quotations of ARS from text located in Section 109.8 PAYMENT FOR DELAY.	06/02/10	Y	Y	Y	Y	Y	Y	Y	Y	-	Y	Y	Y	-	Y	Y	13-0-0-2
10-05	Revise FOREWARD to clarify use of the <i>MAG Specifications and Details for Public Works Construction</i> document.																	
10-06	Revise Controlled Low Strength Material Specifications in Sections 604 and 728.	07/07/10	Y	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	-	-	Y	12-0-0-3
10-07	Revise Detail 230 - SIDEWALKS to change the minimum sidewalk width from 4' to 5'.	07/07/10	Y	Y	Y	-	Y	Y	Y	Y	N	Y	N	N	-	-	N	9-3-0-3
10-08	Re-write Section 717 ASPHALT-RUBBER.																	
10-09	Revise Detail 145 SAFETY RAIL to comply with AASHTO pedestrian loading requirements.	09/01/10	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	15-0-0-0
10-10	New Detail 122 PAVEMENT MARKER FOR FIRE HYDRANTS.	09/01/10	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	A	Y	A	A	A	11-0-4-0
10-11	Revise Detail 110 PLAN SYMBOLS. Update and expand graphic standards and symbols.	10/06/10	Y	Y	Y	Y	-	Y	Y	Y	Y	Y	Y	-	-	Y	Y	12-0-0-3
10-12	New Section 361 – Shallow Depth Fiber Optic Micro-Conduit Installation.																	

Voting Abbreviations: Y: Yes N: No A: Abstain — : Not Present (NP)

*: Indicates changes made to proposal prior to vote.

MAG Specification & Detail Committee VOTING SUMMARY for 2010

Case No.	Title – Section/Detail	Vote Date	Avondale	Buckeye	Chandler	El Mirage	Gilbert	Glendale	Goodyear	Maricopa County	Mesa	Peoria	Phoenix	Queen Creek	Scottsdale	Surprise	Tempe	Voting Summary Y-N-A-NP
10-13	Revisions to Subsection 618.2 and Section 765 – Revise RCP joint specification to be consistent between sections and with industry standards.	09/01/10	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	-	Y	Y	Y	14-0-0-1

Voting Abbreviations: Y: Yes N: No A: Abstain — : Not Present (NP)

*: Indicates changes made to proposal prior to vote.

**MAG Specification & Detail Committee
ATTENDANCE for 2010**

Quorum - 8 Agency Representatives		January 6, 2010	February 3, 2010	March 3, 2010	April 7, 2010	May 5, 2010	June 2, 2010	July 7, 2010	August 4, 2010	Sept. 1, 2010	October 6, 2010	
Member	Representative											
Agency Members:												
Avondale	Jim Badowich	√	√	√	√	√	√	√	√	√	√	
Buckeye	Scott Zipprich	√	√	√	√		√	√		P	√	
Chandler	Warren White	√	√	√	√	√	√	√	√	√	√	
El Mirage	Dennis Teller	√	√	√	√		√		√	√	√	
Gilbert	Edgar Medina		√		√	√	S	√	√	S		
Glendale	Tom Kaczmarowski	√		P	√	S	√	√	√	√	√	
Goodyear	Troy Tobiasson	√	√	√		√	√	√	√	√	√	
Maricopa Co.	Bob Herz (Transportation)	√	√	√	√	√	√	√	√	√	√	
	Shimin Li (Water)					√		√	√	√		
Mesa	Mike Samer	√	√	√	√	√		√	√	√	√	
Peoria	Jesse Gonzales	√	√	√	√	√	√	√	√	√	√	
Phoenix	Syd Anderson (Street Trans)	√	√	√	√	√		√	√	√	√	
	Jami Erickson (Water)	√	√	√	√	√	√	√	√	√		
Queen Creek	Mark Palichuk	√		√	√	√	√	√	√	√		
Scottsdale	Rodney Ramos	√		√		√			√	√		
Surprise	Jason Mahkovtz	√		√	√	√	√		√	√	√	
Tempe	Thomas Wilhite	√	√	√	√	√	√	√	√	√	√	
Advisory Members:												
AZ Cement Association	John Ashley	√	√	√	√	√	√		√	√		
AZ Rock Products Association	Michael Smith	√	√	√	√	√		√	√			
	Jeff Hearne	√	√		√	√	√	√	√	√	√	
Associated General Contractors	Brian Gallimore	√	√		√	√	S		√	√	√	
	Jeff Benedict (Alternate)	√	√	√	√	√	√	S	√	√	√	
S.R.P.	Peter Kandaris	√	√	√	√	√	√	S	√	S	√	
Independent	Paul Nebeker	√	√	√	√	√	√		√		√	
National Utility Contractors Assoc	Kwigs Bowen	√	√		√		S	√	S	S	S	
	Tony Braun or Bill Davis (Alternate)	√	√	√	√	√	√	√	√	√	√	
MAG Admin.	Gordon Tyus	√	√	√	√	√	√	√	√	√	√	

Attendance: √: Attended meeting; (Blank): Not attended meeting; S: Designated substitute attended
P: Attended a portion of the meeting; A: Attended via audio conferencing.

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

DATE:

November 2, 2010

SUBJECT:

Tempe South Locally Preferred Alternative

SUMMARY:

The Regional Transportation Plan (RTP) includes two significant transit projects within the Tempe South study area; a two-mile, high capacity/light rail transit (LRT) improvement extending south from downtown Tempe, and a bus rapid transit (BRT) corridor on Scottsdale/Rural Road extending from north Scottsdale to Chandler. In August 2007, Valley Metro Rail (METRO) initiated a federally sponsored Alternatives Analysis (AA) in the Tempe South corridor. The study initiates the Federal Transit Administration's (FTA's) project development process in order to qualify for Section 5309 Small Start federal funding. The AA addresses the technology and alignment for extending high capacity transit improvements within the corridor. The enclosed memorandum summarized the study process and conclusions for the Tempe South AA.

METRO staff recommended a Locally Preferred Alternative (LPA) that includes a 2.6 mile modern streetcar alignment on Mill Avenue, with a loop configuration in downtown Tempe. There is currently capital funding for the non-federal portion of the budget identified in the Regional Transportation Plan to implement this recommendation. Tempe will be responsible for the operating and maintenance costs for the streetcar. METRO staff also provided four additional recommendations, which are summarized in the enclosed memorandum. The Tempe City Council approved the study recommendations on October 21, 2010. The recommendations have also been endorsed by the Tempe Transportation Commission, the Tempe Ad-Hoc Advisory Committee, and the Chandler Transportation Commission.

PUBLIC INPUT:

METRO prepared a Public Involvement Plan for the study. The overall goal of the public involvement process was to inform the residents, stakeholder interest groups, and involved agencies about the Tempe South Corridor Study and to present the alternatives and issues for public and agency review. During the course of the study, the public involvement team conducted ten public meetings with 446 people attending; gave more than 47 presentations to advisory committees, neighborhood associations and civic organizations; and provided continuous updates via website, e-mails, newsletters and fact sheets.

PROS & CONS:

PROS: Approval of the Tempe South Locally Preferred Alternative will allow METRO to proceed with the project development process for the Mill Avenue Modern Streetcar project.

CONS: None.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: The Alternatives Analysis conducted by METRO found that the recommended LPA will help increase transit ridership in the corridor, will connect neighborhoods to downtown Tempe, and will encourage redevelopment of underutilized parcels.

POLICY: The Tempe City Council approved the Locally Preferred Alternative on October 21, 2010.

ACTION NEEDED:

Recommend approval of: (1) A Locally Preferred Alternative for the Tempe South project, including a modern streetcar on a Mill Avenue alignment with a one-way loop in downtown Tempe to be incorporated into the MAG FY 2011 to FY 2015 Transportation Improvement Program and the Regional Transportation Plan 2010 Update for an air quality conformity analysis; (2) Inclusion of a potential future phase of modern streetcar east along Southern Avenue to Rural Road as an Illustrative Transit Corridor in the MAG Regional Transportation Plan; (3) Without modifying priorities in the Regional Transportation Plan, consider increased service levels and capital improvements for Rural Road BRT, per the description provided herein, through the regional transportation system planning process; (4) Future consideration for high capacity transit needs north of downtown Tempe along Rio Salado Parkway and south of Southern Avenue along Rural Road to the vicinity of Chandler Boulevard through the regional transportation system planning process; and (5) Without modifying priorities in the Regional Transportation Plan, consider future commuter rail service along the Tempe Branch of the Union Pacific Railroad, through the regional transportation system planning process, and pending results from the Arizona Department of Transportation's Phoenix-Tucson Intercity Rail Alternatives Analysis.

PRIOR COMMITTEE ACTIONS:

On October 28, 2010, the Transportation Review Committee (TRC) recommended the Locally Preferred alternative for approval. The TRC also recommended for approval the four additional study recommendations, with a clarification that recommendations three (additional bus rapid transit service on Rural Road) and five (future consideration of commuter rail service along the Tempe Branch) were not intended to modify priorities in the Regional Transportation Plan.

MEMBERS ATTENDING

- Peoria: David Moody
- ADOT: Steve Hull for Floyd Roehrich
- Avondale: Shirley Gunther for 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: Doug Torres
- Gilbert: Tami Ryall
- Glendale: Cathy Colbath for Terry Johnson
- Goodyear: Cato Esquivel
- * Guadalupe: Gino Turrubiarres
- Litchfield Park: Paul Ward for Woody Scoutten

- Maricopa County: Clem Ligocki for John Hauskins
- Mesa: Scott Butler
- Paradise Valley: Bill Mead
- Phoenix: Rick Naimark
- Queen Creek: Tom Condit
- RPTA: Bryan Jungwirth
- Scottsdale: Dave Meinhart
- Surprise: Bob Beckley
- Tempe: Jyme Sue McLaren for 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 Co.

- * 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

On October 14, 2010, the MAG Transit Committee recommended for the Locally Preferred Alternative and the four additional study recommendations to the MAG Transportation Review Committee (TRC).

MEMBERS ATTENDING

Phoenix: Debbie Cotton, Chair	* Paradise Valley: William Mead
* ADOT: Mike Normand	Peoria: Maher Hazine
Avondale: Kristen Sexton for Rogene Hill	* Queen Creek: Wendy Kaserman
# Buckeye: Andrea Marquez	Scottsdale: Theresa Huish
Chandler: RJ Zeder	* Surprise: Michael Celaya
* El Mirage: Pat Dennis	Tempe: Jyme Sue McLaren
* Gilbert: Tami Ryall	* Tolleson: Chris Hagen
Glendale: Cathy Colbath	Valley Metro Rail: Wulf Grote
Goodyear: Cato Esquivel	Regional Public Transportation Authority:
Maricopa County: Mitch Wagner	Carol Ketcherside
Mesa: Mike James	

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

CONTACT PERSON:

Kevin Wallace, Transit Program Manager, MAG (602) 254-6300.



MEMO

To: MAG Management Committee
From: Wulf Grote, Director, Planning and Development
Date: November 2, 2010
Re: **TEMPE SOUTH CORRIDOR STUDY**
Alternatives Analysis Recommendations

PURPOSE

This report provides METRO staff recommendations for the Tempe South Alternatives Analysis. Included are recommendations regarding the appropriate transit technologies and alignment. Additional study needs are also identified.

BACKGROUND/DISCUSSION

In August 2007, METRO initiated a federally sponsored Alternatives Analysis in the Tempe South corridor. The study initiates the Federal Transit Administration's (FTA's) project development process in order to qualify for Section 5309 Small Start federal funding. Specific purpose and needs of the project were identified and include:

- Improve mobility of residential and business communities;
- Develop an efficient transportation system;
- Accommodate future travel demand;
- Support local and regional development goals and transit oriented development strategies;
- Develop a transportation system that is affordable to build, operate, and maintain;
- Develop transportation strategies that reinforce the cities general plan; and
- Develop a transportation system that provides connectivity to/from neighborhoods, employment, and recreational opportunities.

The Maricopa Association of Governments (MAG) Regional Transportation Plan (RTP) includes two significant transit projects within the Tempe South study area; a 2-mile high capacity/light rail transit (LRT) improvement extending south from downtown Tempe and a bus rapid transit (BRT) corridor on Scottsdale/Rural Road extending from north Scottsdale to Chandler. Both transit modes were analyzed as part of this study, but only the BRT segment south from downtown Tempe was evaluated as part of the Tempe South study effort. RPTA/METRO, and the cities of Scottsdale and Tempe have undertaken a separate analysis evaluating BRT options north from downtown Tempe to Frank Lloyd Wright Drive in the City of Scottsdale.

Modern streetcar in the Mill Avenue corridor and BRT on Rural Road serve different travel markets in the Tempe South study area. **Figure 1** illustrates the three travel markets; each with unique characteristics and service needs: 1) Arizona State University (ASU) 2) North Tempe (exclusive of ASU) and 3) South Tempe/Chandler. ASU, for example, is characterized by an all-day trip pattern that originates in multiple areas of the region. North Tempe is focused around downtown Tempe and is characterized as being pedestrian friendly, with greater business and residential densities around the

Central Business District. South Tempe is generally characterized by lower density, higher income, and an established commute pattern. A shorter modern streetcar project will carry the significant number of trips generated within downtown Tempe as well as those trips currently using local bus service on Mill Avenue. BRT is a good solution for those looking to travel longer distances along Rural Road. It is anticipated that both will connect to the regional Central Phoenix/East Valley light rail line providing greater reach for all trip types.

Alternatives Analysis Process

A two-tiered alternatives development process was used to evaluate the Tempe South corridor. The first phase (Tier 1) included a mostly qualitative evaluation that analyzed the advantages and disadvantages of a wide range of potential alternatives to address the transportation needs of the corridor. Mode options included BRT, LRT, modern streetcar, and commuter rail. Route options included Rural Road, Mill Avenue, McClintock Drive, Kyrene Road, and the Union Pacific Railroad (UPRR).

The Tier 2 evaluation was a more rigorous screening process involving five alternatives. This included three BRT options; one adjacent to the UPRR, and the others along Mill Avenue/Kyrene Road and Rural Road; one LRT alternative along Rural Road and a modern streetcar alternative along Mill Avenue. An evaluation matrix presenting the Tier 2 criteria by alternative is included in **Table 1** below.

Table 1: Summary of Tier 2 Evaluation

Evaluation Criteria	UPRR BRT	Mill Kyrene BRT	Mill Streetcar	Rural LRT	Rural BRT
Rider benefits	+	+	---	○	○
Traffic issues	○	○	○	---	---
Connectivity to downtown Tempe, ASU and West Chandler	+	+	+	○	+
Population served	---	---	○	+	○
Environmental issues	○	+	+	+	+
Urban design elements	○	○	+	+	○
General impact to community	○	○	○	---	○
Community support	---	---	+	○	○
Land use	---	○	○	+	○
Economic development potential	---	○	+	○	○
Design and constructability issues	○	+	○	---	+
Capital costs ⁽¹⁾	○	+	---	---	+
Operating costs ⁽¹⁾	N/A	N/A	○	○	+

Ratings:

+	=	Alternative would have greater benefit (or lesser adverse impact) related to the other alternatives.
○	=	Alternative would not produce a significant change from the future no-build conditions or would have a moderate impact relative to the other alternatives.
---	=	Alternative would have a lesser benefit (or greater adverse impact) than the other alternatives.

(1) It is assumed that operating and capital funding to support the Rural Road BRT alternative have been delayed beyond funding availability identified in the RTP.

Three of the five alternatives were eliminated from consideration. Below is a summary, by alternative, that include significant reasons as to why each alternative was eliminated.

- UPRR BRT – This alternative, while achieving reasonable rider benefits suffered from a lack of community support. Additionally, this alternative was a relatively expensive option, largely due to the cost to build pedestrian and commuter access to an isolated rail line. And, finally, the UPRR BRT had the potential to cause conflict with future commuter rail planning efforts.
- Mill/Kyrene BRT – This option was eliminated due to a lack of existing transit customers south of Baseline. It was thought that a major capital investment was premature in a corridor without an existing local transit market.
- Rural Road LRT – This alternative was removed from consideration given the cost and neighborhood impacts of constructing an overpass at the UPRR crossing between Broadway and Apache Blvd. In addition, to maintain the traffic carrying capacity of Rural Road, significant widening would be required causing further impacts to the neighborhoods adjacent to Rural Road.

The Tier 2 evaluation, coupled with extensive public comment, resulted in the advancement of two alternatives: a 2.6-mile modern streetcar on Mill Avenue; and a 12-mile BRT on Rural Road. Although not evaluated in Tier 2 because it was beyond the study's scope, commuter rail using the UPRR tracks was also recommended for further study given the amount of support identified for commuter rail through the stakeholder process.

Mill Avenue Modern Streetcar

The modern streetcar project would be located on Mill Avenue between Southern Avenue and downtown Tempe. A map of this project is included in **Figure 2**, with a close-up of the downtown alignment shown in **Figure 3**. Initially, the study also included analysis of a segment on Southern Avenue between Mill Avenue and Rural Road, however due to financial constraints the mile segment to Rural Road was deferred until additional funding could be pursued. Southern Avenue is important since it provides a link to Tempe community facilities at Rural Road and Southern Avenue; creates an opportunity for a park-and-ride; and provides a direct connection to existing local bus service and future regional BRT service on Rural Road.

Daily ridership estimates for the modern streetcar project are 1,100 – 1,600 in the opening year. This ridership forecast assumes service levels comparable to existing light rail, but does not include special event ridership. It also assumes a reconfigured background bus network optimized to serve the modern streetcar alternative. It is anticipated that changes in future land use and economic development will enhance these ridership figures in the future. For example, daily ridership on the 1.4-mile South Lake Union modern streetcar in Seattle has increased from 900 to nearly 2,500 since opening in 2008, largely due to changes in land use and economic development. **Table 2** illustrates forecasted ridership on the modern streetcar line.

Table 2: Ridership on the Mill Avenue Modern Streetcar

Daily Ridership Estimates	Mill Modern Streetcar (2015) ⁽¹⁾
Average daily ridership	1,100-1,600
Riders per mile	425-615

(1) 2015 represents the MAG socio-economic forecasts nearest to Mill Modern Streetcar opening day.

The 2.6-mile Mill Avenue modern streetcar project includes the following benefits:

- Increases transit ridership in the corridor;
- Connects neighborhoods to downtown Tempe;
- Connects residents to neighborhood services;
- Encourages redevelopment of underutilized parcels;
- Encourages reinvestment in neighborhoods;
- Promotes livable city and green initiatives;
- Provides seamless connection to LRT;
- Supports ASU travel demand; and
- Improves service for special events.

Downtown Alignment Alternatives – Mill Avenue Modern Streetcar

As a result of additional community feedback, a subsequent evaluation of modern streetcar alignment options was conducted within downtown Tempe. Three circulation options were evaluated north of University Drive; a double track alignment on Mill Avenue, a double track alignment on Ash Avenue, and a one-way loop northbound on Mill Avenue, westbound on Rio Salado Parkway, southbound on Ash Avenue and eastbound on University Drive. The evaluation criteria included ridership, land use, economic development, capital and operating costs, traffic impacts, utilities, special events, and parking. **Table 3** below compares and contrasts how well each downtown alignment alternative meets important community goals.

Table 3: Evaluation of Downtown Alignment Alternatives

Evaluation Criteria	Mill Avenue Double Track	Ash Avenue Double Track	Mill / Ash One-Way Loop
Utility Avoidance	-	+	+
Capital Costs	-	○	+
Ease / Flexibility of Operations	○	+	+
Access to Maintenance Yard	+	-	+
Economic Development Potential	○	+	○
Passenger Way-Finding	+	+	○
Impact to Existing Streetscape	-	+	+
Construction Disruption	-	+	+
Proximity to Neighborhoods	○	+	+

Ratings:

+	=	Alternative would have greater benefit (or lesser adverse impact) related to the other alternatives.
○	=	Alternative would not produce a significant change from the future no-build conditions or would have a moderate impact relative to the other alternatives.
---	=	Alternative would have a lesser benefit (or greater adverse impact) than the other alternatives.

Rural Road Bus Rapid Transit (BRT)

In an the effort to balance the regional Transit Life Cycle Program (TLCP), funding for the Tempe and Chandler portion of the Rural Road BRT has been delayed beyond the 2026 funding program in the RTP. However, the Alternatives Analysis recommends this project for future implementation. The Rural Road BRT project includes: 10 minute peak service; all day service; traffic signal priority, reserved bus and right turn lanes between Baseline Road and University Drive; a limited number of stops; and bus stop improvements. Please refer to **Figure 4** for a map of this alternative. The BRT has a forecasted daily ridership of 5,200-5,700 in 2030; please refer to **Table 4** below for riders per mile.

The 12-mile Rural Road BRT project has the following benefits:

- Enhances bus service levels;

- Relieves Rural Road bus overcrowding;
- Improves bus operating speeds in the corridor;
- Attracts a significant number of new transit riders;
- Provides seamless connections to LRT and other transit modes; and
- Better serves ASU, downtown Tempe, and Chandler Fashion Mall travel destinations.

Table 4: Forecasted ridership on Rural Road BRT

Daily Ridership Estimates	Rural Road BRT (2030)
Average daily ridership	5,200-5,700
Riders per mile	440-480

Public & Agency Process

METRO prepared a Public Involvement Plan for the study. The overall goal was to inform the residents, stakeholder interest groups, and involved agencies about the Tempe South Corridor Study and to present the alternatives and issues for public and agency review. During the course of the study, the public involvement team conducted ten public meetings with 446 people attending; over 47 presentations to advisory committees, neighborhood associations and civic organizations; and continuous updates via website, e-mails, newsletters and fact sheets.

Through the public outreach program, a general theme started to emerge in the feedback from the community. It centered on a few main points:

- Provide enhanced mobility options connecting to the regional transit system, accommodating for the current and future travel demand that exists within the study area;
- Connect residents and employment to the destination points within their community and to other regional centers; and
- Promote integration of fixed guideway and land use planning to support sustainability and livable community initiatives as well as economic development.

Several community organizations, businesses, and residents have supported the Alternatives Analysis study recommendations. To date, the project has received 34 comments in support of the streetcar including letters of support from the following community organizations:

- Downtown Tempe Community
- Arizona State University
- Tempe Convention and Visitors Bureau
- Tempe Chamber of Commerce
- Tempe Union High School District

The study recommendations have also received official endorsements from local and regional governing bodies, including:

- Tempe Transportation Commission
- Tempe South Corridor Study Ad Hoc Advisory Committee
- MAG Transit Committee
- Chandler Transportation Commission
- Tempe City Council
- MAG Transportation Review Committee

Project Schedule

Table 5 below outlines the project schedule for both the local/regional and federal processes.

Table 5: Tempe South Project Schedule

Process / Approval	Timeline
Local / Regional	
Approvals	
- Tempe City Council	October 21, 2010
- METRO Board (acceptance of study results only)	November 17, 2010
- Chandler City Council	November 18, 2010
- MAG Regional Council	December 8, 2010
Project Design / Refinement	Fall 2010 – Winter 2013
Right-of-way/Utilities/Construction	Spring 2013 – Winter 2016
Project Opening	Late 2016
Federal	
Environmental Assessment	Spring 2011
Small Starts Project Development (PD) Process	
- Preparation of application to enter PD	Fall 2010 – Spring 2011
- Submission of PD application	Spring 2011
- Anticipated entry into PD	Fall 2011
- Anticipated Project Construction Grant Agreement	Early 2013

FISCAL IMPACT

The TLCP includes \$162 million, in year of expenditure (YOE) dollars, for the development of the 2.6-mile modern streetcar project. Cost estimates for the project show a low estimate of \$151.0 and a high estimate of \$160.4 million in YOE dollars. Funding is programmed through a combination of regional Public Transportation Funds (PTF) and federal funding (both FTA Section 5309/Small Starts and CMAQ). Operating expenses are estimated at \$3.6 million in 2017 dollars for the modern streetcar and will be paid from fares and the Tempe Transit Fund. **Table 6** below outlines funding sources for the modern streetcar project.

Table 6: Capital Funding Sources for Mill Avenue Modern Streetcar (YOES's millions)

Funding Source	Amount
Public Transportation Fund (PTF)	\$31.8 – 41.2
Congestion Mitigation Air Quality (CMAQ)	\$44.2
FTA Section 5339 / 5309 Small Starts	\$75.0
Total	\$151.0 – \$160.4

The TLCP does not currently include funding or a scheduled completion date for the Rural Road BRT project. Capital costs for this project are estimated to be \$60 - \$65 million in 2010 dollars. The annual Rural Road BRT operating cost is estimated to be \$3 - \$3.5 million in 2010 dollars, which includes the costs of BRT and Route 72.

Both projects are viable and should be implemented as funding permits. The City of Tempe and its' stakeholders are desirous of the BRT being advancing through implementation as soon as funds could be identified. Capital funding for high capacity transit in the Tempe South corridor remains within the rail portion of the TLCP and is scheduled for completion in 2016.

RECOMMENDATIONS

For information, discussion, and recommendation to approve:

1. A Locally Preferred Alternative for the Tempe South project, including a modern streetcar on a Mill Avenue alignment with a one-way loop in downtown Tempe to be incorporated into the MAG FY 2011 – FY 2015 Transportation Improvement Program and the Regional Transportation Plan 2010 Update for an air quality conformity analysis;
2. Inclusion of a potential future phase of modern streetcar east along Southern Avenue to Rural Road as an Illustrative Transit Corridor in the MAG RTP;
3. Future consideration for increased service levels and capital improvements for Rural Road BRT, per the description provided herein, through the regional transportation system planning process;
4. Future consideration for high capacity transit needs north of downtown Tempe along Rio Salado Parkway and south of Southern Avenue along Rural Road to the vicinity of Chandler Boulevard through the regional transportation system planning process; and
5. Further consideration of commuter rail along the Tempe Branch of the Union Pacific Railroad, through the regional transportation system planning process, and pending results from the Arizona Department of Transportation's Phoenix-Tucson Intercity Rail Alternatives Analysis.

FOR MORE INFORMATION

Additional information on the project will be provided at the meeting by METRO staff. If you have any questions, please contact Benjamin Limmer at 602-322-4487 or blimmer@metrolightrail.org. Additional information and updates can be found on the Tempe South website: www.MetroLightRail.org/tempesouth.

Figure 1: Travel Markets in Tempe South Study Area

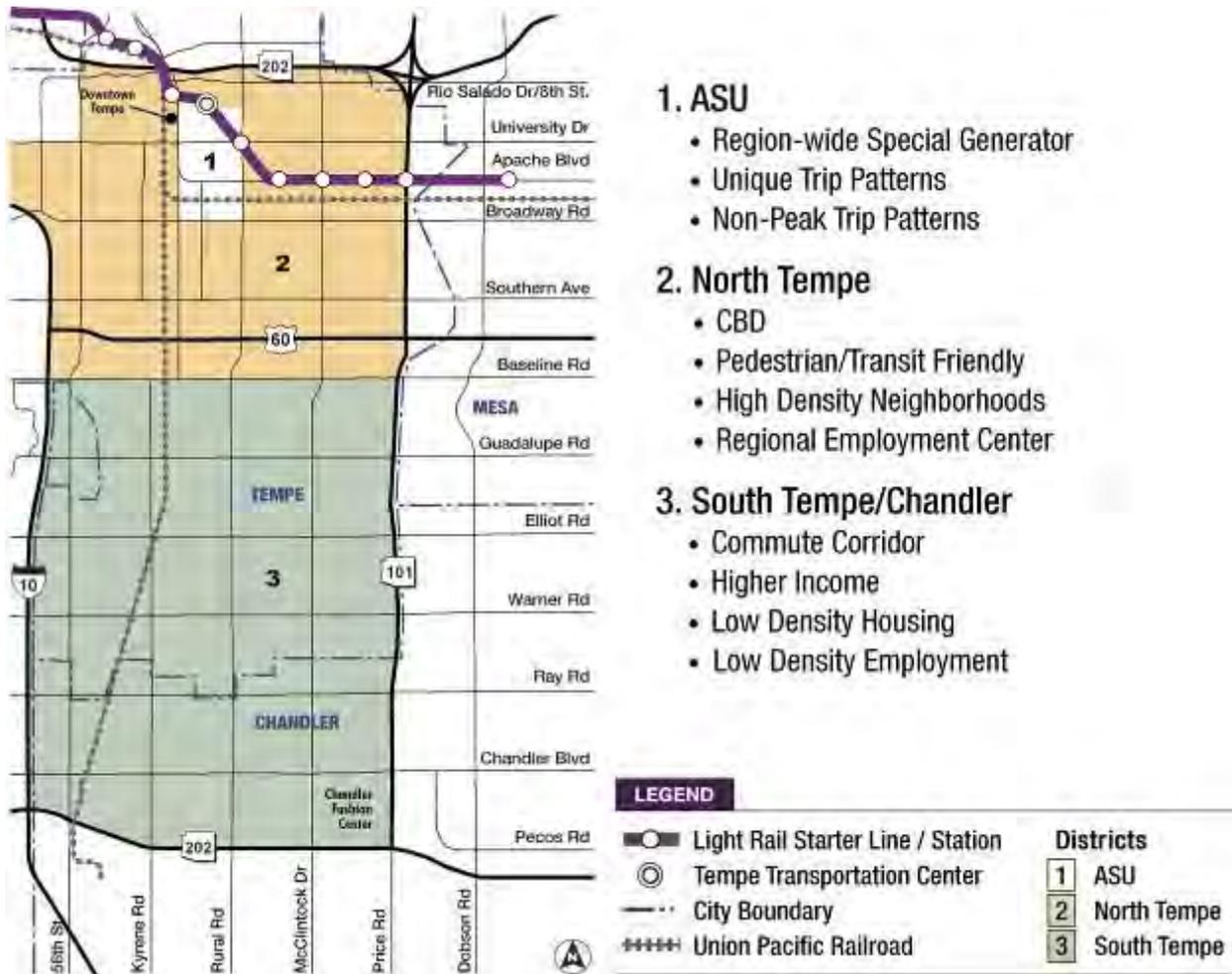
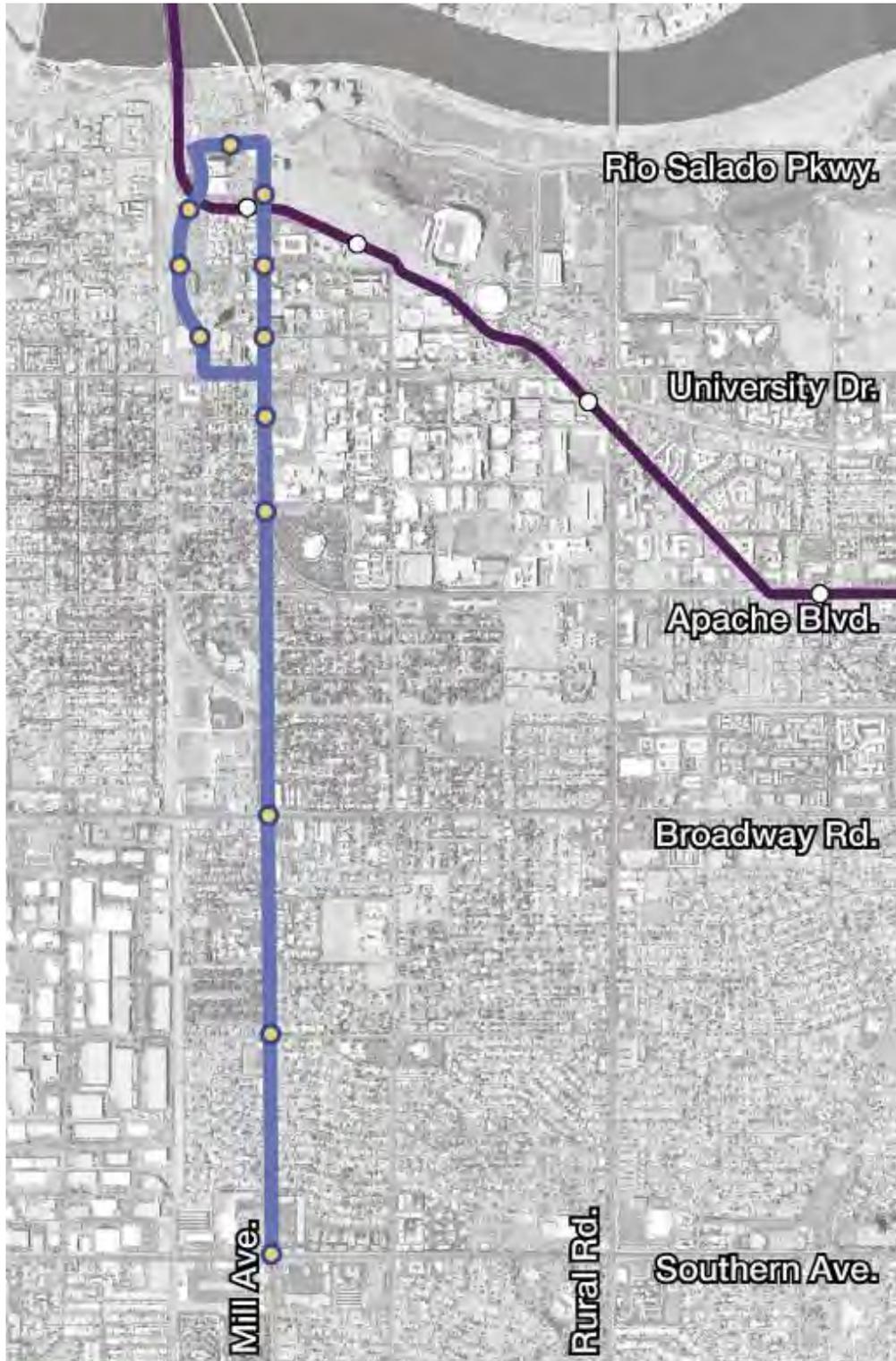


Figure 2: Proposed Tempe South Locally Preferred Alternative



LEGEND

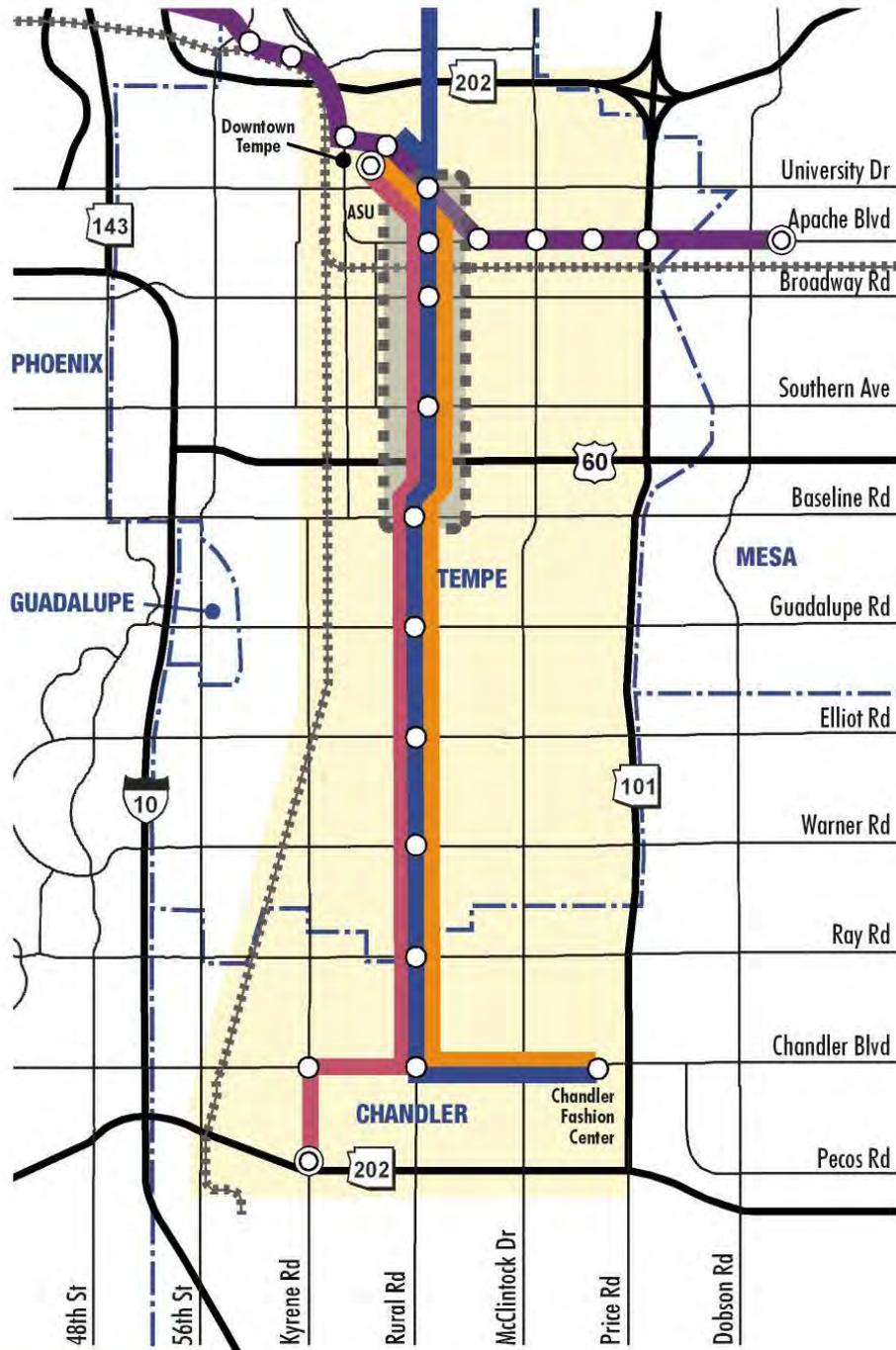
-  METRO Light Rail Line/Station
-  Modern Streetcar/Stop

Figure 3: Downtown Mill Avenue / Ash Avenue Loop Alternative



LEGEND	
	METRO Light Rail Line/Station
	Modern Streetcar/Stop - Mill/Ash Loop

Figure 4: Proposed Rural Road Bus Rapid Transit Alternative (Unfunded)



LEGEND

- | | |
|--|--|
|  Light Rail Starter Line / Station |  BRT Station |
|  Semi-exclusive Lane |  Transit Center |
|  Bus Route 72 |  Study Area |
|  BRT - Chandler Mall to Tempe Transportation Center |  Union Pacific Railroad |
|  BRT - Kyrene/202 to Tempe Transportation Center |  City Boundary |

November 2, 2010

TO: Members of the MAG Management Committee

FROM: Eileen O. Yazzie, Transportation Programming Manager

SUBJECT: FEDERAL FUND PROGRAMMING PRINCIPLES AND CMAQ PROJECT CHANGE REQUESTS

MAG uses a project evaluation process to select projects for federal funding. The evaluation uses project-specific information such as the cost, location, traffic volumes and impacts, and air quality benefits, among other information, to provide the required project scores and rankings that form the basis for project selection. The MAG process follows the Federal Highway Administration (FHWA) guidance for selecting federally funded projects. Federal transportation funds can be allocated only to projects through a coordinated selection process. Such funds cannot be distributed on a "revenue sharing" basis. Note that this did not apply to the American Recovery and Reinvestment Act (ARRA) funds that were initially allocated to jurisdictions by MAG, and then projects to use the funds were identified.

Since August 2008, MAG has relied on the draft MAG Federal Fund Programming Principles (Principles). These Principles were developed to guide the Congestion Mitigation and Air Quality (CMAQ) project application process, project change requests for projects with federal funds, the year end Closeout process, and other areas related to obligating federal aid local projects.

Over recent months, a number of project change requests have been received by MAG that are in conflict with the draft MAG Federal Fund Programming Principles and would undermine the MAG project selection process. Requests have been made to reallocate project savings to other projects in the jurisdictions, to change the location of the project, and to delete projects and reallocate the funds to other projects in the jurisdiction. MAG has also received requests to defer projects due to the lack of financial resources or a change in the priorities of the jurisdiction. Section 400 of the attached Principles applies to these types of project change requests.

The MAG Principles clearly state that MAG is selecting projects to be funded with federal highway funds. The overall scope and location of the project cannot be changed. If the jurisdiction decides to not move forward with the project, the federal funds come back to the region for reprogramming.

Likewise, unused funds on a project resulting from cost savings also come back to the region for reprogramming. Reprogramming of available funds should be made through a competitive project selection process.

MAG staff has been meeting with each of the jurisdictions that have requested project changes. For the cases that are in conflict with the MAG Principles, the requested change will likely have to be modified accordingly. In some cases, this may mean that a project will have to be deleted from the program with the funds returned to the region. These funds can then be reprogrammed through a competitive project selection process.

This item is on the agenda for information and discussion. If there are any questions or additional information is needed, please contact me at eyazzie@mag.maricopa.gov or Eric Anderson at eanderson@mag.maricopa.gov, (602) 254-6300.

MAG Federal Fund Programming Principles
Competitive Project Selection Process for MAG Federal Funds

DRAFT August 6, 2008

DEFINITIONS

Clean Air Act – The Clean Air Act (CAA) is the comprehensive federal law that regulates air emissions from stationary and mobile sources. Among other things, this law authorizes the Environmental Protection Agency to establish National Ambient Air Quality Standards (NAAQS) to protect public health and public welfare and to regulate emission of hazardous air pollutants. – (Summary of the Clean Air Act, <http://www.epa.gov/lawsregs/laws/caa.html>, Retrieved on May 9, 2008)

Congestion Mitigation and Air Quality (CMAQ) Improvement Program - Congestion Mitigation and Air Quality Program are federal funds that are available for projects that improve congestion and air quality in areas that do not meet clean air standards ("non-attainment" areas). The transportation projects and programs that are eligible under the Congestion Mitigation and Air Quality Improvement Program are: Transportation Control Measures (TCMs), Extreme Low-Temperature Cold Start Programs, Alternative Fuels, Congestion Relief & Traffic Flow Improvements (ITS projects and programs), Transit Improvements, Bicycle and Pedestrian Facilities and Programs, Travel Demand Management, Public Education and Outreach Activities, Transportation Management Associations, Carpooling and Vanpooling, Freight/Intermodal, Diesel Engine Retrofits, Idle Reduction, Training, I/M Programs, and Experimental Pilot Projects. The current federal guidelines related to the available CMAQ funding for the Competitive Project Selection Process for MAG Federal Funds is titled, 'The Congestion Mitigation and Air Quality Program (CMAQ) under the SAFETEA-LU Interim Program Guidance' can be accessed online at: <http://www.fhwa.dot.gov/environment/cmaq06gd.pdf>.

Contingency Projects - Projects identified during Interim Closeout if the number of projects submitted to use Closeout funds, exceeds the Interim Closeout amount. These projects would then be funded during Final Closeout under the condition that additional funds were identified by changes to a project schedule, to the apportionment or appropriations formulas, and/or notification of redistributed obligation authority (OA) that would increase the funds available.

Designated Representative – A designated representative of a jurisdiction is an employed staff person of the jurisdiction designated by the chief administrator to sign MAG funding request documents on behalf of that jurisdiction.

Eligible Projects/Project Components – Eligible projects/project components are defined by the current federal guidelines related to the type of federal fund that is being considered.

Incomplete Application – An application that does not have required application fields filled-in is defined as incomplete.

Joint Project – A joint project is a project that has more than one jurisdiction financially committed to the project.

MAG Approved Plan – MAG approved plans are used in the evaluation of Regional Projects. The list of MAG approved plans that can be used are the most recently approved Regional Transportation Plan, MAG ITS Strategic Plan – April 2001, MAG Strategic Transportation Safety Plan – October 2005, MAG Regional Bikeway Master Plan – 2007, Pedestrian Plan – 2000, MAG Regional Action Plan on Aging and Mobility, MAG Regional Off-Street System Plan – February 2001, and the Arizona Strategic Highway Safety Plan – August 2007

MAG Committee Process – For purposes related to this document and process: Transportation Review Committee, the Management Committee, the Transportation Policy Committee, and the Regional Council. Please see Appendix A

MAG Federal Fund Program – The MAG Federal Fund Program consists of projects in the MAG Transportation Improvement Program (TIP) that are funded with federal funds, both highway and transit projects. A component of this Program are the projects that are local sponsored, competitively selected and programmed through the MAG Process with Federal Funds. The categories that are available for local agencies to apply for federal funds through the MAG Process are: Arterial-ITS Projects – CMAQ funded, Arterial Projects – STP-MAG funded, Bicycle and Pedestrian Projects – CMAQ funded, and Air Quality Projects – CMAQ funded.

Regional Project – A transportation project that is sponsored and funded by one or more MAG member agency that impacts other jurisdictions besides those sponsoring the project. The project concept must be consistent with an approved MAG Plan.

SAFETEA-LU - On August 10, 2005, President George W. Bush signed the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). SAFETEA-LU authorizes the Federal surface transportation programs for highways, highway safety, and transit for the 5-year period 2005-2009.¹

Surface Transportation Program (STP) funds – Surface Transportation Program funds are federal funds designated to be used on highways, transit or street projects.

The Transportation Programming Guidebook – The Guidebook is published on a yearly basis and its purpose is to provide MAG member agencies background information, instructions, and deadlines on the different transportation programs and requirements for the RTP, the MAG TIP, and the MAG Federal Fund Program for the upcoming fiscal year.

Technical Advisory Committees (TAC) – The MAG Technical Advisory Committees that are related to Competitive Project Selection Process for MAG Federal Funds are the MAG Street Committee, MAG Intelligent Transportation System (ITS) Committee, Air Quality Technical Advisory Committee, and the Pedestrian Working Group and the Regional Bicycle Task Force. Please see Appendix A

¹ SAFETEA-LU Home Page. *US Department of Transportation, Federal Highway Administration*. Retrieved on July 9, 2008 from <http://www.fhwa.dot.gov/safetealu/index.htm>.

100. Guiding Principles

1. The MAG Federal Fund Programming Principles for the Region shall comply with federal laws. The Principles will be reviewed and updated for compliance as new state, and federal laws are adopted.
2. The MAG Federal Fund Programming Principles will incorporate policy direction, as appropriate from Regional Council approved MAG Transportation Plans.
3. The MAG Federal Fund Programming Principles and changes to the Principles will be approved through the MAG Committee Process including the Transportation Review Committee, the Management Committee, the Transportation Policy Committee, and the Regional Council. Please see Appendix A for the MAG Committee Structure chart.
4. The MAG Federal Fund Programming Principles are applicable to federal funded projects that are competitively selected and programmed through the MAG process. These projects compose part of the MAG Federal Fund Program.
5. Member agencies are encouraged to complete programmed federal funded projects on schedule to ensure that committed obligation authority is fully used, and to increase prospects of receiving a share of Arizona redistributed obligation authority.
6. A commitment will be made to use Congestion Mitigation and Air Quality (CMAQ) funds at the same rate of Surface Transportation Program (STP) funds. STP funds will not be obligated at a higher rate than CMAQ funds, which means the obligation authority percentage for CMAQ funds will be equal to or higher than the rate for STP funds.
7. *The Transportation Programming Guidebook (Guidebook)* will be published annually, prior to the start of the application process. The *Guidebook* will describe and provide the programming schedule and deadlines for the MAG Federal Fund Program, application forms, Federal fund estimates, programming process information per modal type, and contacts.
8. In accordance with the Clean Air Act, projects which are committed measures in the MAG air quality plans are legally binding for implementation. Examples include: Paving Unpaved Road Projects, PM-10 Certified Street Sweepers, and Paving Unpaved Road Shoulders. In addition, these types of projects are also essential for demonstrating air quality conformity for the Transportation Improvement Program and Regional Transportation Plan.

200. Application Process

1. Annually, MAG will request MAG member agencies to submit new project applications for consideration in the MAG Federal Fund Program dependent on the needs established by the *Guidebook*.
 - a. Project applications submitted from prior years will not be retained or used.

2. A pre-application workshop/meeting will be available to MAG member agencies to review available funding amounts, applications, schedules, and due dates for the competitive project selection process for MAG Federal funds.
3. A project can be sponsored and funded by one agency; be a joint project with multiple funding partners; or be considered a regional project.
 - a. A Joint Project has more than one agency financially contributing to the project. The application must: -
 - i. Be submitted by the sponsoring agency that will be responsible for implementing the project and reporting on it to MAG;
 - ii. List the main contacts for all agencies involved;
 - iii. Document how the local cost component will be shared between the partnering agencies; and
 - iv. Include signatures from each jurisdiction's Manager(s)/Administrator(s) or designated representative.
 - b. A Regional Project is a transportation project that is sponsored and funded by one or more MAG member agency that impacts other jurisdictions besides those sponsoring the project and the project concept is consistent with an approved MAG Plan.
4. The application forms will annotate and define the required information.
 - a. Each application will have a checklist of application components to be completed by the sponsoring agency. The information that is required for will be identified on the checklist.
 - b. Each application will be signed by the Manager/Administrator of the jurisdiction or designated representative.
5. Completed applications must be submitted before or on the due date and time. Late applications will not be accepted.
 - a. Completed applications will be printed, signed by the jurisdiction Manager/Administrator or designated representative, and submitted via fax, e-mail (scan of signed application), mail, or in person.
 - b. If a completed application is faxed or e-mailed with the required signature, it is accepted at that time, but it is required that the original signed hard copy will follow either in the mail or be delivered in person.
 - c. Upon receiving the application, MAG staff will review submitted application for required information. MAG staff will complete an application receipt indicating the date and time it was received, and if the application was complete or incomplete.
 - i. If the application is incomplete, the application receipt will note the incomplete fields.
 - ii. The sponsoring agency will have two working days to complete the incomplete fields. The due date and time to submit incomplete field information will be noted on the application receipt.
 - d. The application will also be submitted electronically for ease of data entry.
6. MAG staff will review the application to verify the eligibility of the project, and project components in the context of the current Federal regulations following the due date of project applications.

- a. MAG staff will work with Federal Highway Administration (FHWA) to determine eligibility.
 - b. The current federal guidelines related to the CMAQ funding, which is available for the Competitive Project Selection Process for MAG Federal Funds is titled, 'The Congestion Mitigation and Air Quality Improvement Program (CMAQ) under the SAFETEA-LU Interim Program Guidance' can be accessed online at: <http://www.fhwa.dot.gov/environment/cmaq06gd.pdf>. Copies are also available at MAG.
 - c. If a project is not eligible under the current Federal regulations, a notification will be sent to the project contact within two weeks.
 - d. If certain project components are not eligible under the current Federal regulations, MAG staff will work with the jurisdiction to modify the project budget components for eligibility purposes. MAG staff and the sponsoring agency representatives will present and explain the original and modified application at the technical advisory committee.
7. Project information from the applications will be compiled by MAG Staff.

300. Competitive Project Selection Process for MAG Federal Funds

1. MAG has an established project application, programming schedule, project evaluation process, and project selection process that are explained and published in *The Transportation Programming Guidebook*.
2. Complete and eligible project applications submitted for consideration in the MAG Federal Fund Program are processed through the MAG Committee Process for project evaluation, and selection. This process includes an evaluation of the expected emissions reductions and cost effectiveness, a project evaluation process at the Technical Advisory Committees (TAC), and project selection through the MAG Committee Process: Transportation Review Committee (TRC), Management Committee, and Transportation Policy Committee (TPC) for review and recommendation, and then Regional Council for approval.
3. In accordance with federal CMAQ guidance, an evaluation of the expected emissions reductions and cost effectiveness is conducted for all proposed CMAQ funded projects by MAG staff for consideration by the Air Quality Technical Advisory Committee (AQTAC). The role of the AQTAC is to forward the evaluation of proposed CMAQ funded projects to the Transportation Review Committee (TRC) and the Technical Advisory Committees for use in prioritizing projects.
4. A congestion management analysis will be conducted, as appropriate, during the project evaluation process.
5. The transportation project types and responsible technical advisory committees (TAC) are:
 - a. Bicycle & Pedestrian Projects will be presented, reviewed, ranked at the Pedestrian Working Group and The Regional Bicycle Task Force, and then forwarded to the TRC.
 - b. Intelligent Transportation System (ITS) Projects will be presented, reviewed, and ranked at the ITS Committee, and then forwarded to the TRC.

- c. Paving Unpaved Road Projects will be presented and reviewed at the Street Committee, ranked at the Air Quality TAC, and then forwarded to the TRC.
 - d. PM-10 Certified Street Sweeper Projects will be reviewed at the Street Committee, ranked at the Air Quality TAC, and then forwarded to the MAG Management Committee.
 - e. In addition, the AQTAC may forward a ranking of Air Quality Projects to the Transportation Review Committee.
6. The Technical Advisory Committee's role is to develop and administer a project evaluation process that involves a technical evaluation, project criteria analysis, and a qualitative assessment that is guided by the goals and objectives of the MAG Regional Transportation Plan (RTP), and Federal guidelines.
 - a. The TAC is responsible to implement its project evaluation process and produce a ranked order list of project applications to be considered for Federal funding. The rank ordered list is then forwarded to the TRC.
 - b. Technical Advisory Committees will not change the project scope, schedule, budget, or requested federal funds during the evaluation process. The TAC's purpose is to rank order projects as submitted in the application through a project evaluation process.
7. Project information from the complete applications will be sent to the technical advisory committee (TAC) for a tiered review process. Please see Appendix B for flow chart.
 - a. At the first TAC meeting, the sponsoring agency will present their project(s) and have the TAC review the application information.
 - b. If the committee would like further clarification on project information contained in the application, the project sponsor can answer clarification questions at the first meeting, and the project sponsor also has the opportunity to clarify information on the application for the second TAC meeting. The Committee will not change scope, schedule, nor budget for requested funds.
 - The MAG Staff person for that TAC will provide the date for revised application information to be submitted to MAG in preparation for the second TAC meeting.
 - c. The expected emissions reductions and cost effectiveness for all proposed CMAQ funded projects are evaluated by MAG staff for consideration by the AQTAC. A congestion management analysis will be conducted, as appropriate, during the project evaluation process.
 - d. At the second TAC meeting, any clarified project information is presented, and the project ranking can move forward based on the TAC approved process including the technical evaluation, project criteria analysis, and the qualitative assessment.
 - e. The ranked list of projects and evaluation summary is then forwarded from the TAC to the Transportation Review Committee for project selection, and then continues through the MAG Committee Process.
 - f. The PM-10 Certified Street Sweeper ranked list of projects and evaluation summary is forwarded directly from the AQTAC to the Management Committee for project selection, and then to the MAG Regional Council.
8. The Transportation Review Committee's (TRC) role is to review the evaluation and analysis completed by the TACs, and recommend projects to be selected and programmed with Federal funds based on guidelines established for project selection.

- a. The TRC can make recommendations to change the project scope, schedule, or budget during the project selection process.
 - b. If the amount of federal funds for a project is recommended to be lower than initially requested in the project application, or the scope of the project is recommended to change, the project application with proposed changes will be sent back to the Manager/Administrator of the jurisdiction or designated representative for acceptance of new funding amounts or scope change.
 - At the same time, MAG staff will determine if the CMAQ evaluation is affected.
 - The programming process is delayed accordingly.
 - c. The TRC will develop guidelines for project selection.
 - d. The recommended projects selected for available federal funds and a summary of selection process will then be forwarded to the MAG Management Committee, TPC, and Regional Council for approval.
9. Projects selected and approved by MAG Regional Council to be programmed with federal funds will be included in the MAG Transportation Improvement Program (TIP).
- a. As required by Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), the TIP shall include projects only if full funding can be reasonably anticipated to be available within the time period contemplated for completion of the project. In nonattainment and maintenance areas, projects included in the first two years of the TIP shall be limited to those for which funds are available or committed.ⁱⁱ
 - b. This requirement is for all funding sources including the local match funds for projects programmed with federal funds.
10. For construction projects that are selected to be programmed with federal funds into the MAG Transportation Improvement Program (TIP), a design/clearance phase will be programmed *at least* one year prior to the federally funded construction phase depending on the information and schedule provided in the project application.
- a. It is not assumed that the separate design/clearance phase is funded with federal funds. Member agencies can request federal funds for the design phase *if* federal funds are available either in the programming process or the closeout.
 - b. Member agencies will program the design & clearance phase with scope, budget, and schedule information provided in the initial application.

400. Programmed Federal Fund Projects

1. If a federal fund project does not use the full amount of its programmed and obligated federal funds, the remaining balance of unused federal funds, will be returned to the region to be reprogrammed.
 - a. The member agency shall notify MAG of the amount of unused federal funds once construction and invoicing is completed with ADOT.
2. If a member agency is not able to complete a federal funded project with federal funds, the federal funds will be returned to the region to be reprogrammed.

ⁱⁱ Department of Transportation - Statewide Transportation Planning; Metropolitan Transportation Planning; Final Rule, Federal Register, Wednesday, February 14, 2007, Part III §450.324(i). *US Department of Transportation, Federal Highway Administration*. Retrieved on August 1, 2008 from <http://www.fhwa.dot.gov/HEP/legreg.htm>.

- a. The member agency shall notify MAG if it decides it will not utilize federal funds for a project.
3. The amount of MAG federal funds available for a project is the programmed amount listed in an approved TIP. Member agencies are responsible for any project cost increases.
4. A member agency can request a change to a programmed Federal Fund Project in the TIP for the current fiscal year.
 - a. Types of project changes: advancing the project, segmenting the project, or modification of the Project Scope. All Project Change requests are reviewed on a case-by-case basis.
 - i. If a MAG member agency requests to advance a federal fund project, or project phase with local funds, an Intergovernmental Agreement (IGA) with ADOT is required. Advancing a project or phase of a project includes (1) design advancement, (2) ROW advancement and/or (3) construction advancement. The jurisdiction will be responsible to utilize "local" funds to advance the requested project or phases. The sponsoring agency is required to develop the project or phase to federal standards.
 - b. MAG staff will review the eligibility of the project change request by the Federal guidelines.
 - c. MAG staff will review the impact of the project change request on the conforming TIP and Plan. For example, the advancement or deferral of a project could affect analysis year modeling assumptions, and require a redetermination of conformity.
 - d. MAG staff will also review, analyze, and summarize how the project change request will impact the CMAQ evaluation and other criteria the TAC has established.
 - e. The requested change will go through the MAG Committee Process, as part of the Project Change request, beginning at the appropriate technical advisory committee that originally programmed/prioritized them.
 - f. This does not include notifications of deferred projects and/or projects that will not be utilizing federal funds. Notifications of deferred projects and/or projects that will not be using federal funds will occur during the Closeout.
5. Once a project change request has been approved through the MAG Committee Process, the TIP is amended/modified, and the changes are sent forward to ADOT and FHWA to amend/modify the STIP.
6. MAG Staff produces a status report on projects programmed with federal funds semiannually. The status report indicates the progress of the project through the milestones of the required Federal process.

500. Closeout Process

1. MAG attempts to utilize all of the spending authority, known as Obligation Authority (OA), made available to the region. To meet this goal, MAG established a Closeout process. The most important criteria for a project to be funded through closeout is that it has completed, is near completion of the federal project development process administered by ADOT Local Government Section, and/or be in a position to obligate by the end of the current federal fiscal year.
2. The Closeout Process consists of three phases:

- a. Initial Closeout: The initial closeout usually occurs as soon as the FY Appropriations Bill is available. It involves a simple comparison between the funds available and the projects programmed, resulting in an estimate of "uncommitted" funds.
 - b. Interim Closeout: Member agencies notify MAG staff, during the month of March of each year, of the projects that they wish to defer from the current fiscal year to the following fiscal year or that they do not wish to proceed with. When this total amount of federal funds to be deferred or removed is known, agencies are then requested to identify projects that can utilize the funds made available. Project submittals to use Closeout funds usually occur in mid to late April. Through the MAG Committee Process, Closeout projects are selected in the established priority order as described in 700.2. If the number of projects submitted to use Closeout funds, exceeds the Interim Closeout amount, a contingency project list of rank ordered projects may be developed.
 - c. Final Closeout: Final Closeout captures additional funds identified by changes to a project schedule, to the apportionment or appropriations formulas, and notification of redistributed obligation authority (OA) that can add to, or subtract from, the funds available. If additional funds are identified, contingency projects that were identified and rank ordered during Interim Closeout can be funded.
3. *The Transportation Programming Guidebook* will explain the Closeout schedule, due dates, forms, and requirements for project deferrals and project submittals for the Closeout.
 4. During the closeout process, the deferred projects and non-obligated federal funds will be considered within each mode as determined by the Regional Transportation Plan (RTP).
 5. If a MAG federally funded project is requested to be deferred, the close-out process continues through the mode classification of the project.
 6. The modes that are programmed in the RTP to receive federal funds and are in the MAG Federal Fund Program are: Streets/ITS-CMAQ, Streets-STP-MAG, Bicycle/Ped-CMAQ, and Air Quality-CMAQ. The funds (in dollars not percentages) would stay in each mode.
 - i. Example: if Bike Project A, funded by CMAQ, was deferred to a later year, the funds associated with Bike Project A would stay in the Bike/Pedestrian mode.

600. Closeout Process – Deferrals

1. MAG member agencies will complete a Project Deferral/Deletion Form to request a project to be deferred, to delete federal funds from a project, or to delete a federal funded project from the current TIP.
 - a. The *Guidebook* will explain the schedule and forms.
2. For construction and right of way projects, member agencies would be allowed a one time deferral without justification.
 - a. If this project has a design contract underway, the project would be deferred 1 year, if and only if, it had an approved scoping document, project assessment, or DCR from ADOT.
 - b. If there is no design contract underway, the project would be deferred 2 years as it generally takes 2 years to complete the ADOT process.

- c. If there is a design and clearance work phase for the project, it would be deferred accordingly.
- 3. For procurement, pre design, design, and planning study projects, member agencies would be allowed a one time deferral without justification.
- 4. If a project is requesting to be deferred for the second time or more, the sponsoring agency for the project will submit a justification letter explaining why the project should remain in the MAG Federal Fund Program.
 - a. The sponsoring agency for the project will submit a justification letter to MAG with the deferral notification that will be taken through the MAG Committee Process, beginning at TRC.
 - i. If the justification is approved the project would remain in the program.
 - ii. If the justification is not submitted or not approved, the project would be removed from the program.
 - b. MAG will provide either a form, or memo explaining the information for the justification memo in *The Transportation Programming Guidebook*.

700. Closeout Process - Prioritization of Unobligated Federal Funds

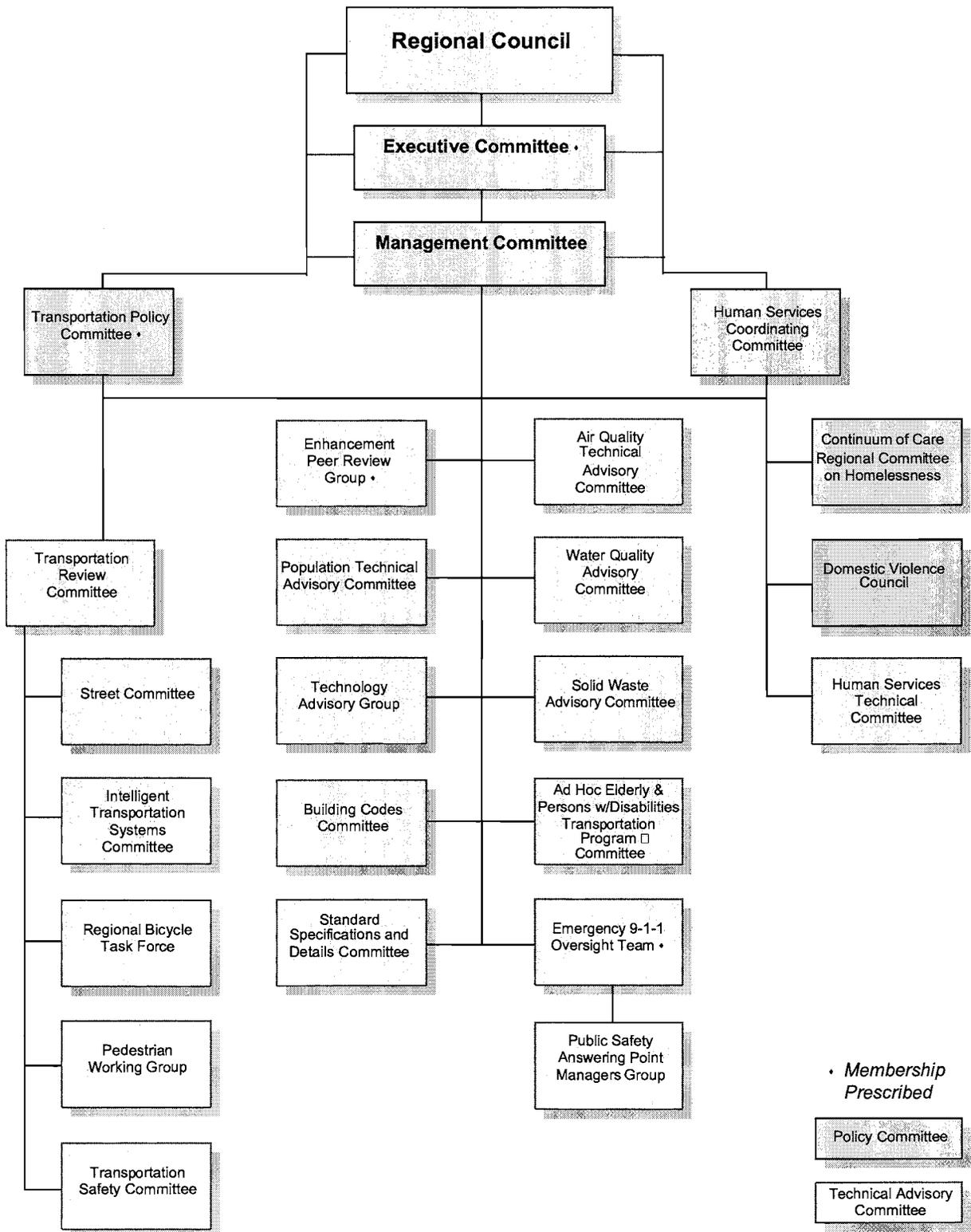
1. MAG member agencies will complete a Closeout Project Submittal or a new project application to submit projects for the use of unobligated Federal funds for the current federal fiscal year.
 - a. The *Guidebook* will explain due dates and forms.
 - b. Forms and/or applications must be submitted before or on the due date and time. Late forms and/or applications will not be accepted.
2. Projects submitted for use of Closeout funds will be selected based on the following three priorities in order:
 - a. Advancing projects (or phases of projects) of the same mode, that are already programmed in the current Transportation Improvement Program (TIP) with MAG federal funds from a future year, in chronological order of the TIP;
 - b. Adding additional federal funds to an existing, unobligated project, up to the originally programmed, federal-aid maximum, or the maximum established by the mode in the RTP, whichever is less.
 - c. New projects
3. Local jurisdictions submitting a project for advancement or additional funds will complete and submit a Closeout Project Submittal Form by the due date for project submittals for Closeout funds.
4. Local jurisdictions submitting a new project for Closeout will complete and submit the most current project application form by the due date for project submittals for Closeout funds.
5. MAG staff will conduct a fiscal analysis to determine if the program can provide additional funds to an existing project (priority 2), and/or fund new projects (priority 3) within the fiscally constrained federal programs in the current TIP.

6. MAG staff will review the projects submitted for Closeout funds with ADOT Local Government Section to ensure that the projects can be obligated before the end of the current federal fiscal year.
7. Once projects are submitted, an evaluation of the expected emissions reductions and cost effectiveness is conducted for all proposed CMAQ funded projects by MAG staff for consideration by the Air Quality Technical Advisory Committee (AQTAC). The proposed projects proceed through the MAG Committee Process for evaluation and prioritization beginning at TRC.

800. Re-distributed Obligation Authority (OA)

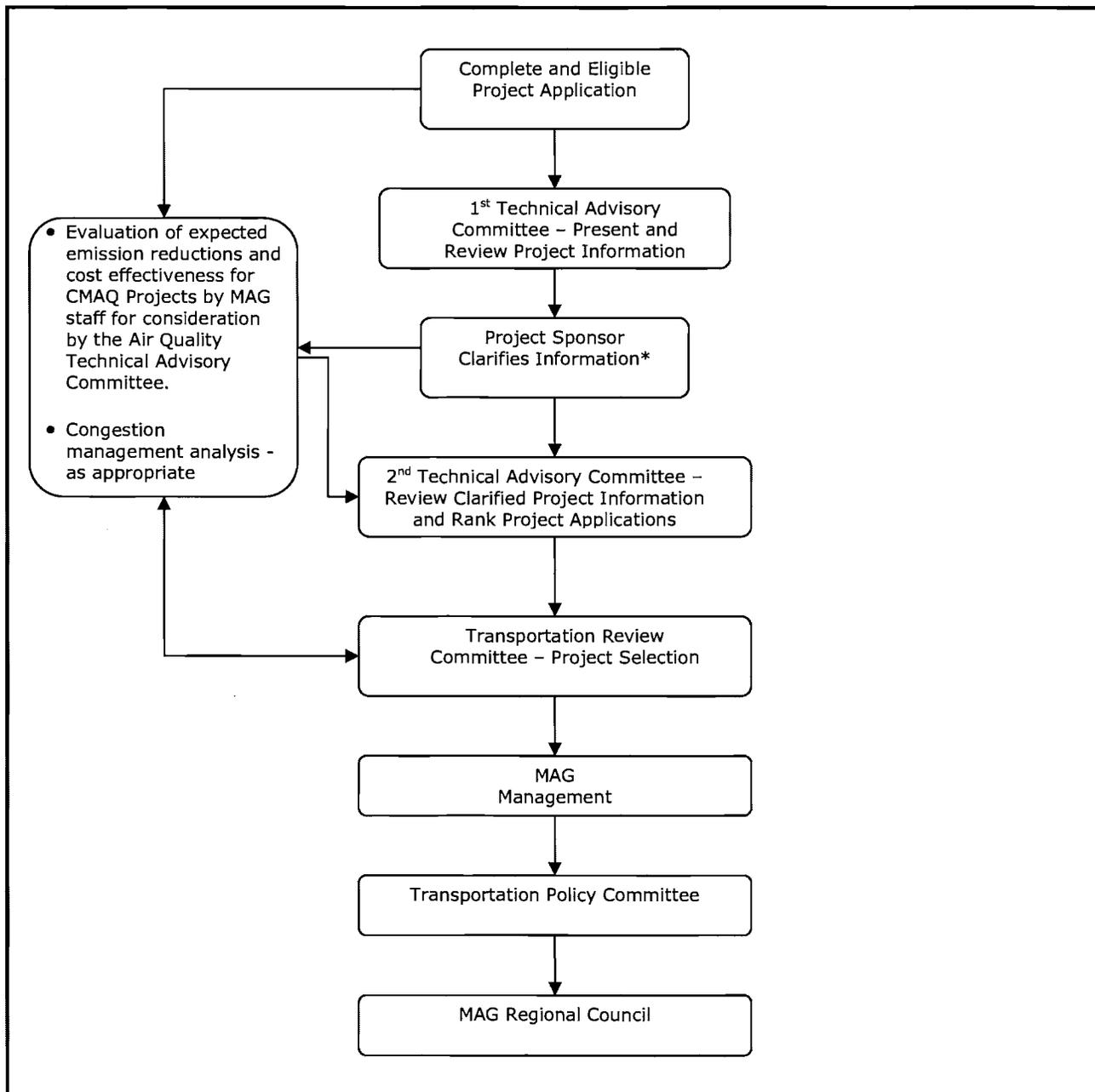
1. Re-distributed OA are federal funds in addition to the annual allocation and obligation authority that are distributed to the states. These additional funds are usually distributed at the end of the federal fiscal year. It will be decided through the MAG Committee Process on the Region's priority/priorities for re-distributed OA. The priorities can, but are not limited to, establishing contingency lists of projects for funding. This allows the MAG Committees flexibility to address the needs of the region, which can change over time.
 - a. The priority/priorities for re-distributed OA will be established during the close-out process, which can be funded in the remainder of the current fiscal year.

APPENDIX A



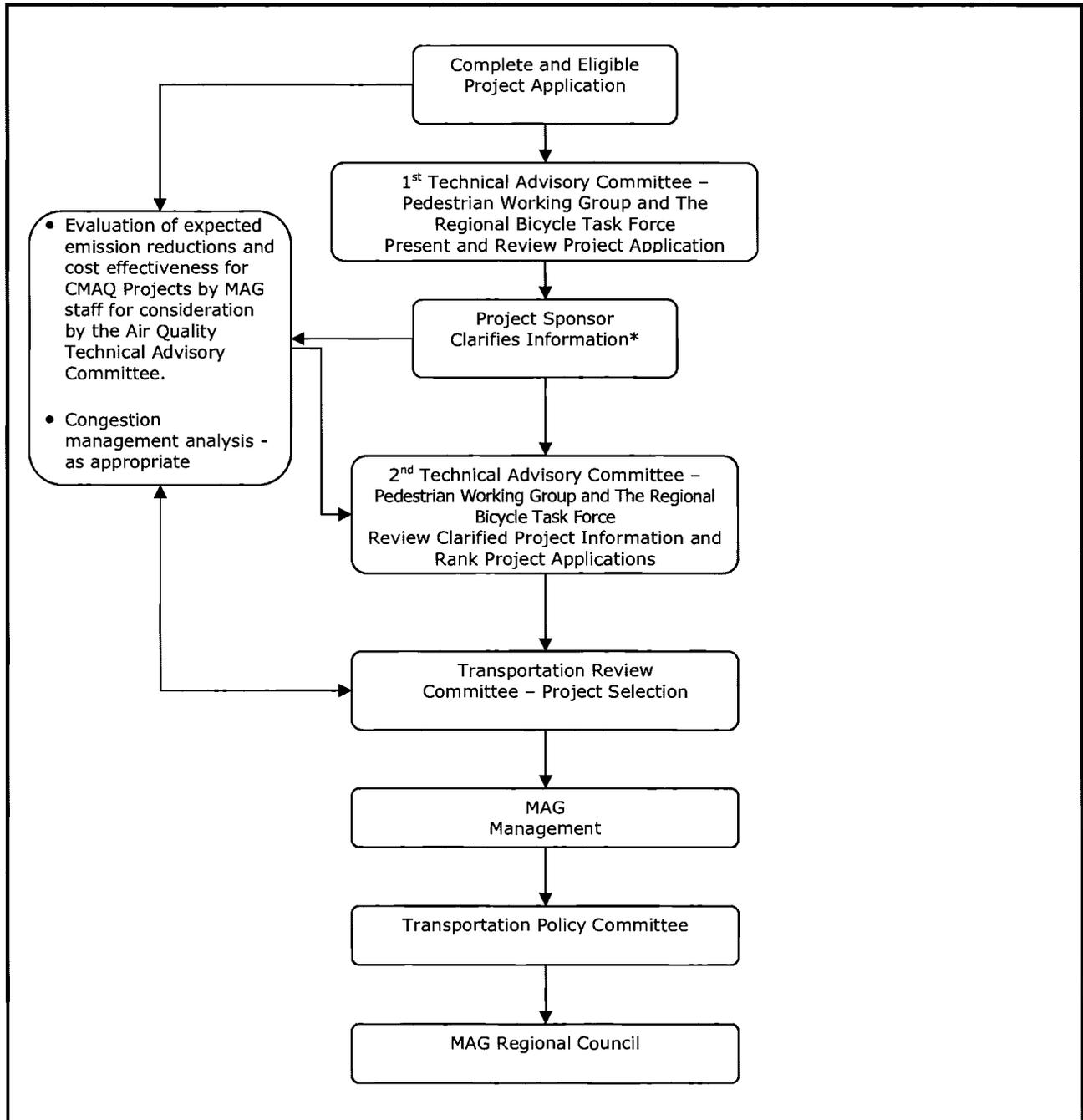
APPENDIX B

Flowchart – Competitive Project Selection Process for MAG Federal Funds



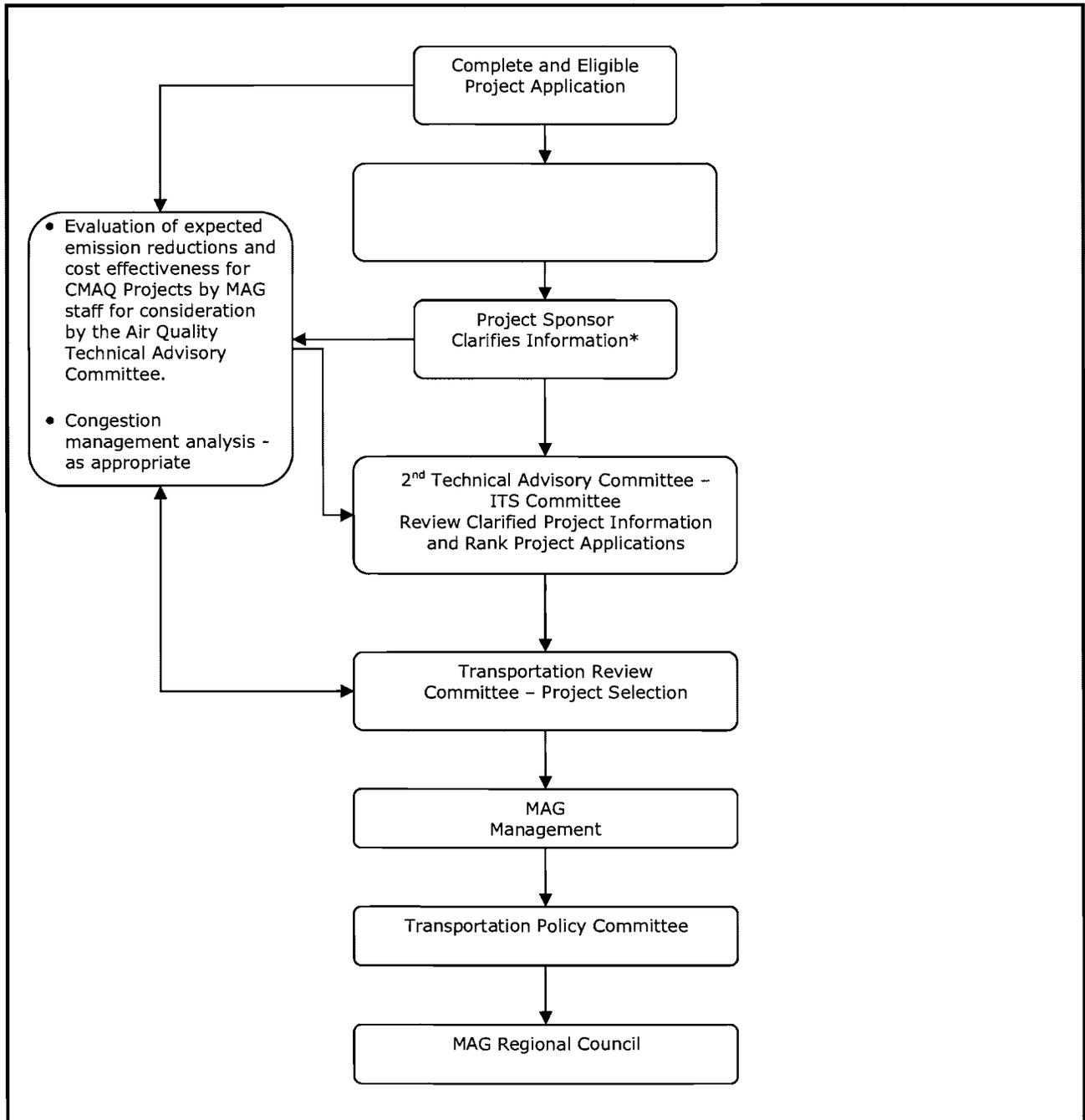
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Flowchart – Competitive Project Selection Process for MAG BICYCLE AND PEDESTRIAN PROJECTS



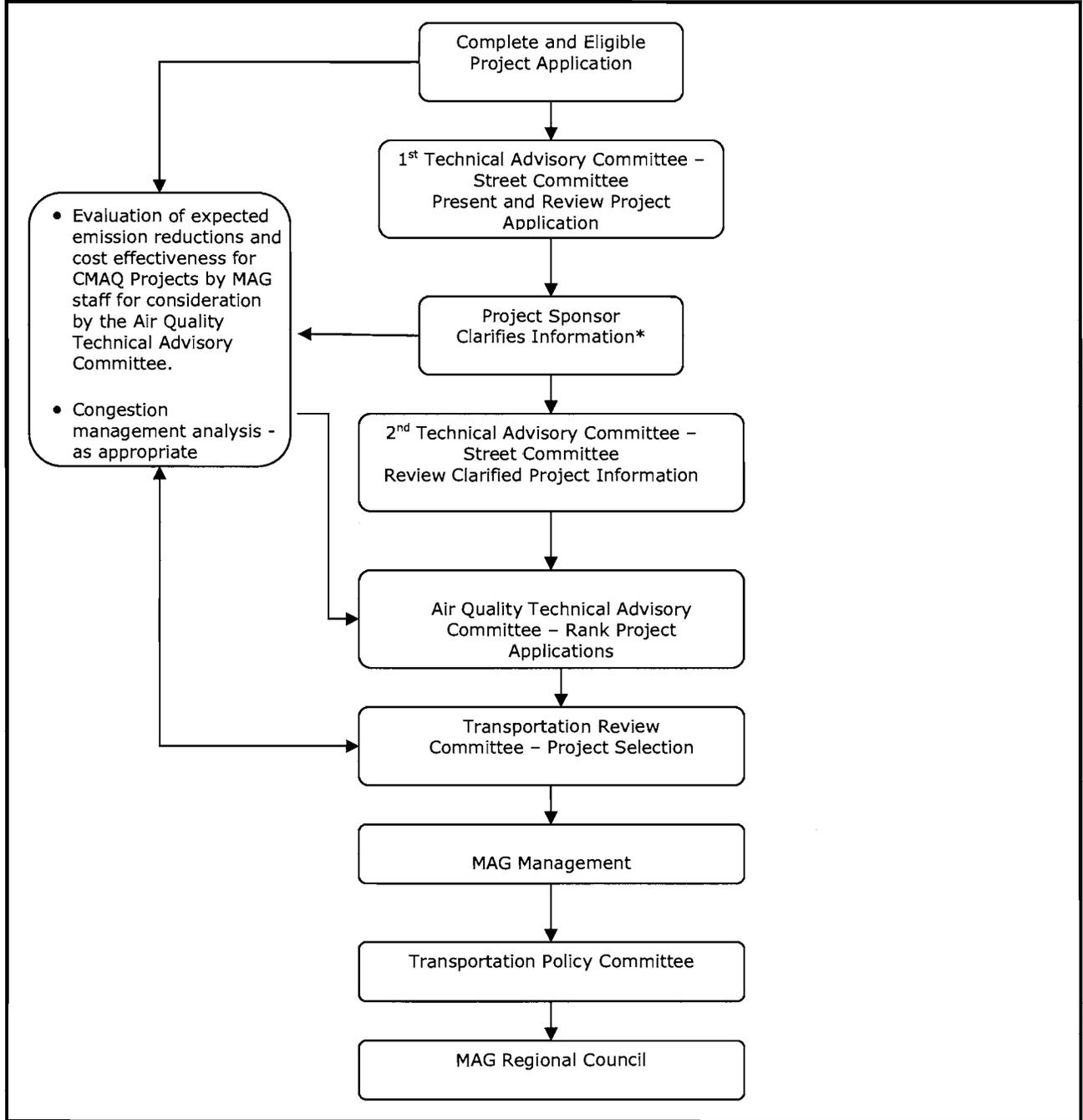
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Flowchart – Competitive Project Selection Process for MAG INTELLIGENT TRANSPORTATION SYSTEM (ITS) PROJECTS



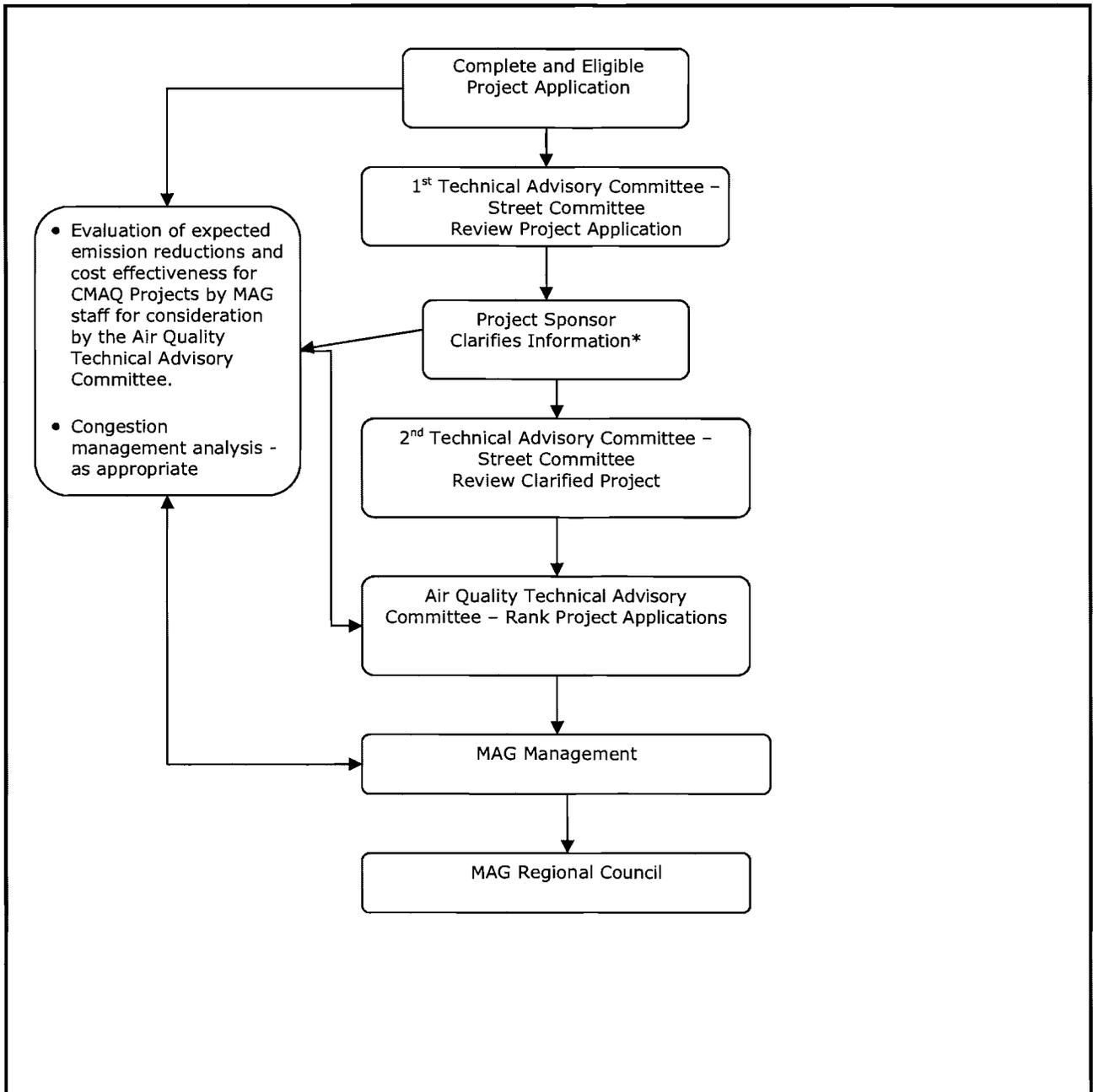
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Flowchart – Competitive Project Selection Process for MAG Federal Funds PAVE UNPAVED ROAD PROJECTS



*If needed

Flowchart – Competitive Project Selection Process for MAG Federal Funds PM-10 CERTIFIED STREET SWEEPERS



*If needed



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October 20, 2010

Mr. Gregory Nudd (Air-2)
 U. S. Environmental Protection Agency Region IX
 75 Hawthorne Street
 San Francisco, CA 94105-3901

RE: Comments on Proposed Partial Approval and Disapproval of MAG 2007 Five Percent Plan for PM-10¹
 Docket ID No. EPA-R09-OAR-2010-0715

Dear Mr. Nudd:

As the leaders of large and small communities across the Maricopa Association of Governments (MAG) region representing nearly four million residents, we have a significant interest in the proposed partial approval and partial disapproval of the MAG Five Percent Plan for PM-10. This action could prevent some transportation projects in the Maricopa region from moving forward and ultimately result in progressively dire economic sanctions for a region already devastated by the economic recession.

Foreclosure rates in the Phoenix metro area are at an all-time high, with nearly 60,000 distressed properties either already foreclosed or pending foreclosure. Almost 100,000 construction jobs have been lost in the region over the last three years. We can ill afford any action by the EPA that will cause further economic hardship to our residents. In fact, we have already seen a chilling effect on economic development as a result of media reports surrounding the proposed disapproval. Our region cannot afford a conformity freeze, or any of the additional sanctions that could be imposed if the EPA disapproves the Plan.

A conformity freeze would be especially unfair considering that our communities have implemented aggressive measures to address dust pollution and the fact that high wind exceptional events—which we believe are the cause of all but one of the exceedances at the monitors in 2008 and 2009—are outside of our control.

MAG, Maricopa County, and the Arizona Department of Environmental Quality have an impressive track record for improving the quality of our air. We were one of the first areas in the country to

¹ 75 Fed. Reg. 54,806 (September 9, 2010).

implement an alternative fuels program to help resolve the carbon monoxide issue. We have one of the most stringent vehicle emissions inspection maintenance programs in the country. We are currently a cosponsor of a pilot project to implement electric vehicle charging stations in the region. We have met the federal air quality standard for carbon monoxide, and the nonattainment area is now a maintenance area. We are also a maintenance area for one-hour ozone; there have been no violations of that standard since 1996. There have been no violations of the .08 parts per million eight-hour ozone standard since 2004. Our region also meets the fine particulate standard (PM-2.5).

In the area of PM-10, the MAG Revised 1999 Serious Area Plan contained 77 aggressive measures to reduce dust. This Plan was one of the first in the nation and was heralded by the EPA as one of the most comprehensive plans in the country. The MAG Five Percent Plan for PM-10 contains another 53 aggressive measures that are in addition to the Serious Area Plan measures. In fact, every city and town within the nonattainment area, and Maricopa County, have implemented dust control measures to address dust pollution. Our tracking report indicates the cities and towns have gone above and beyond their commitments.

The MAG Regional Council has allocated a total of \$23.2 million in Congestion Mitigation and Air Quality (CMAQ) funds over the last 10 years to purchase clean, dust-reducing street sweepers. We have allocated \$28.4 million for paving unpaved roads from fiscal 2007 to 2013.

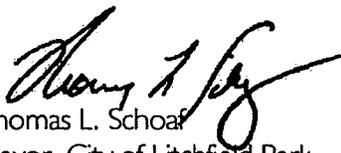
The bottom line is our region cares about the air our residents breathe. That is why we have taken aggressive action to protect public health. Our plan is effective and it is working. If EPA disapproves the MAG Five Percent Plan for PM-10, this action could result in unnecessary controls on industry, further hurting the economy and our residents. We think the stakes are high for our citizens and, although we appreciate the recent eight-day extension of the comment period, we believe that not enough time has been allowed for EPA fully to consider and respond to our concerns. Therefore, we continue respectfully to request that the EPA delay any decision regarding final disapproval action until the Agency has an adequate opportunity to review all of the scientific data MAG and ADEQ have provided regarding high-wind exceptional events, as well as the information that will be submitted on other elements of the proposed disapproval.

We continue to have significant concerns over the implementation and interpretation of the Exceptional Events Rule. The EPA has admitted that the exceptional events rule is flawed, and many states are concerned about inconsistencies in how it is administered. The rule is being questioned not only by Arizona, but also by 14 other western states that must frequently contend with dust storms, wildfires and forest fires. If this issue is not resolved, our region could find itself in the same situation again based on emissions that cannot be controlled—there is no plan that can stop or diminish high winds.

Despite our objections to the proposed disapproval, MAG is committed to making technical fixes to the plan that are necessary to ensure clean air for our citizens. We will continue to work with EPA to address the Agency's concerns and take action where necessary. As we have in the past, we will work in good faith and work with our regulatory partners, our member agencies, and the public to improve an air quality plan that will bring us to attainment. Our hope is that this will be a collaborative process and that we will be able to move forward in a way that will not harm our economy and the residents of Arizona.

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



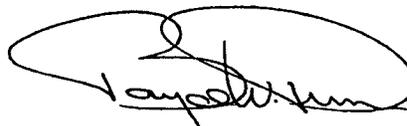
Jackie Meck
Mayor, Town of Buckeye



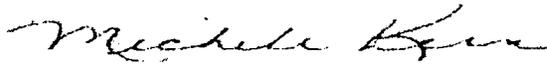
David Schwan
Mayor, Town of Carefree



Richard K. Esser
Councilmember, Town of Cave Creek



Boyd W. Dunn
Mayor, City of Chandler



Michele Kern
Mayor, City of El Mirage



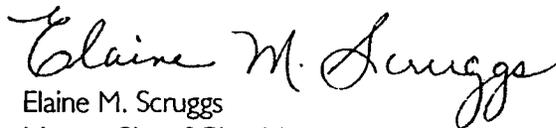
Jay Schlum
Mayor, Town of Fountain Hills



Ron Henry
Mayor, Town of Gila Bend



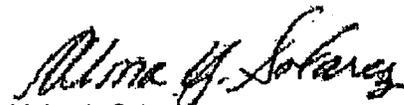
John Lewis
Mayor, Town of Gilbert



Elaine M. Scruggs
Mayor, City of Glendale



James M. Cavanaugh
Mayor, City of Goodyear



Yolanda Solarez
Mayor, Town of Guadalupe



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



Felipe Zubia
Member, State Transportation Board



Victor Flores
Member, State Transportation Board

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

GILA RIVER INDIAN COMMUNITY

Executive Office of the Governor & Lieutenant Governor

William R. Rhodes
Governor



Joseph Manuel
Lieutenant Governor

October 18, 2010

Mr. Gregory Nudd (Air-2)
U. S. Environmental Protection Agency Region IX
75 Hawthorne Street
San Francisco, CA 94105-3901

RE: Comments on Proposed Partial Approval and Disapproval of MAG 2007 Five Percent Plan for PM₁₀
Docket ID No. EPA-R09-OAR-2010-0715

Dear Mr. Nudd:

Please accept this letter supporting Maricopa Association of Governments (MAG) on the U. S. Environmental Protection Agencies (EPA) proposed partial approval and partial disapproval of the MAG Five Percent Plan for PM-10.

Maricopa Association of Governments, Maricopa County, and the Arizona Department of Environmental Quality have an impressive track record for improving the quality of air throughout the region. In the area of PM-10, the MAG Revised 1999 Serious Area Plan contained 77 aggressive measures to reduce dust. This Plan was one of the first in the nation and was heralded by the EPA as one of the most comprehensive plans in the country. The MAG Five Percent Plan for PM-10 contains another 53 aggressive measures that are in addition to the Serious Area Plan measures. In fact, every city and town within the nonattainment area, and Maricopa County, have implemented dust control measures to address dust pollution. In addition, the Gila River Indian Community has also developed the first comprehensive Air Quality Management Plan (AQMP) in Indian Country which includes numerous regulatory measures to control dust pollution.

The Gila River Indian Community has expressed many of the same concerns as MAG, Maricopa County and Arizona Department of Environmental Quality over the implementation and interpretation of the federal Exceptional Events Rule. The EPA has admitted that the exceptional events rule is flawed, and many states are concerned about inconsistencies in how it is administered. Since PM-10 designations for GRIC, MAG, Maricopa County and much of the State are directly dependant on EPA's concurrence/non-concurrence with each jurisdiction's Exceptional Events Evaluation,

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Telephone: 520-562-9841 · Fax: 520-562-9849 · Email: executivemail@gric.nsn.us

EPA should first correct the flawed Exceptional Events Rule prior to making any decisions on concurrence /non-concurrence under the Rule. The rule is being questioned not only by Arizona, but also by 14 other western states and Tribes that must contend with dust storms, wildfires and forest fires. If this issue is not resolved, our region could find it in the same situation in future years based on emissions that cannot be controlled—there is no plan that can stop or diminish high winds.

As a member of the Maricopa Association of Governments, we wish to extend our support in their efforts to attain the PM-10 National Ambient Air Quality Standard (NAAQS) and continued protection of public health.

We also wish to express our appreciation to the U. S. EPA for their efforts to provide assistance to the Gila River Indian Community to address exceptional events as they pertain to Tribal Governments.

Please feel free to contact Margaret Cook at Department of Environmental Quality for any additional information at (520) 562-2234.

Sincerely,



William R. Rhodes, Governor
Gila River Indian Community

Cc: Nathan B. Pryor
Intergovernmental Policy Coordinator



302 North 1st Avenue, Suite 300 ▲ Phoenix, Arizona 85003
Phone (602) 254-8300 ▲ FAX (602) 254-8490
E-mail: mag@azmag.gov ▲ Web site: www.azmag.gov

October 20, 2010

VIA ELECTRONIC AND OVERNIGHT MAIL

Mr. Gregory Nudd (Air-2)
U. S. Environmental Protection Agency Region IX
75 Hawthorne Street
San Francisco, CA 94105-3901

RE: Docket ID No. EPA-R09-OAR-2010-0715
Maricopa Association of Governments' Comments on the "Approval and Promulgation of Implementation Plans—Maricopa County (Phoenix) PM-10 for Attainment of the 24-Hour PM-10 Standard; Clean Air Act Section 189(d)"

Dear Mr. Nudd:

Please find attached the comments from the Maricopa Association of Governments ("MAG") on the "Approval and Promulgation of Implementation Plans—Maricopa County (Phoenix) PM-10 for Attainment of the 24-Hour PM-10 Standard; Clean Air Act Section 189(d)" to be filed this date in Docket No. EPA-R09-OAR-2010-0715. MAG represents the 25 cities and towns in Maricopa County, Arizona, and the contiguous urbanized area, three Native American Indian Communities, and Maricopa County. MAG serves as the designated Regional Air Quality Planning Agency for the Maricopa area.

On September 9, 2010, the Environmental Protection Agency ("EPA") proposed to approve in part and disapprove in part State Implementation Plan ("SIP") revisions submitted by the State of Arizona with regard to the Maricopa County nonattainment area for particulate matter of ten microns or less ("PM-10").¹ The "MAG 2007 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area" (the "Plan") that is the subject of the Proposed Action was developed by MAG in concert with the Arizona Department of Environmental Quality and Maricopa County.

In the Proposed Action, EPA, among other things, proposed: (1) to disapprove the State's attainment demonstration, five percent emission reduction plan, contingency measures, reasonable further progress and milestone demonstration, and Motor Vehicle Emissions Budget ("MVEB") based on a rejection of the State's Exceptional Events Demonstration; (2) to disapprove the 2005 Emissions Inventory and the 2010 MVEB in the Plan; (3) to allow limited approval and limited disapproval of State regulations for the control of PM-10 from agricultural sources; and (4) to approve various provisions of State statutes related to the control of PM-10 emissions in the Maricopa area.

¹ 75 Fed. Reg. 54,806 (September 9, 2010).

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

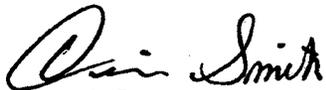
October 20, 2010

Page 2

Although MAG agrees with EPA's approval of various provisions in State statute relating to control of PM-10 emissions in the Maricopa area, MAG disagrees with EPA's proposed disapproval of the other provisions of the Plan as explained in detail in our comments. MAG is aware that both the Arizona Department of Environmental Quality and the Maricopa County Air Quality Department have submitted comments. We have worked diligently with our regulatory partners, our member agencies, and the public to develop a Plan that will address PM-10 emissions in the Maricopa area and bring the Maricopa area to attainment. MAG's Revised 1999 Serious Area Plan was one of the first in the nation and was heralded by EPA as one of the most comprehensive plans in the country. The PM-10 Plan submitted by MAG in 2007 that is the subject of EPA's current proposed action contained additional aggressive dust control measures. In fact, every city and town within the nonattainment area, and Maricopa County, have implemented dust control measures and have gone above and beyond their commitments to control PM-10 emissions.

We trust that EPA will carefully consider our comments, as well as the comments of industry groups and our regulatory partners, in making its decision on the proposed action. We appreciate the opportunity to comment on EPA's proposed action. Thank you for your attention.

Sincerely,

A handwritten signature in cursive script that reads "Dennis Smith".

Dennis Smith

Executive Director

Maricopa Association of Governments

**MAG Comments on Docket ID Number EPA–R09–OAR–2010–0715,
“Approval and Promulgation of Implementation Plans–Maricopa County (Phoenix)
PM–10 Nonattainment Area; Serious Area Plan for Attainment of the 24-Hour PM–10
Standard; Clean Air Act Section 189(d)”**

EPA Comments, 75 FR 54808-54809:

“The 2005 Periodic Inventory is not sufficiently accurate for the purposes of the 189(d) plan. As discussed below, this inventory and the subsequent year inventories that MAG derived from it overestimate the baseline emissions from construction and other sources...EPA believes that analysis of the full database of 11,000 Rule 310 inspections provides a more accurate measure of rule effectiveness than using a sample of 63 inspections. This is because the 63 inspections may not be representative of the entire population of sources covered by the rule. The larger data set is much more likely to be free of sample biases. Therefore, based upon this analysis, EPA has determined that the initial estimate of rule effectiveness for Rule 310 was not accurate. There is a similar inaccuracy in the rule effectiveness calculations for MCAQD Rule 310.01 for unpaved parking lots, unpaved roads and similar sources of fugitive dust emissions.”

MAG Response:

There are several problems with EPA’s above statement:

(1) The methodology used by Maricopa County Air Quality Department (MCAQD) does not conflict with any existing or previous Rule Effectiveness (RE) guidance issued by the EPA. In fact, the methodology used by MCAQD in the 2005 Periodic Inventory applied the principles of EPA’s current and previous guidance documents in developing the RE studies. It is important to note upfront that EPA does not state that it finds the RE methodology used in the 2005 Periodic Inventory conflicts with, or runs contrary to EPA guidance on the development of RE studies. EPA simply argues it prefers the method developed by MCAQD in 2010 over the method used in the 2005 Periodic Inventory because it may help to eliminate sample bias. EPA even acknowledges that the 2010 analysis conducted by MCAQD was not a strict formulation in response to current EPA guidance but rather it “was a hybrid of a simple average of the results in the inspection database and the 2005 Emissions Inventory Guidance.”¹ This is because EPA’s current guidance on RE studies is focused on broad principles and methods and does not require prescriptive methodologies. As an illustration of this point, EPA states within the current RE guidance that the older guidance upon which MCAQD relied on in crafting the RE study in the 2005 Periodic Inventory can be helpful in calculating emission reductions.² EPA also recognizes within the current RE guidance that the development of RE studies is a difficult task due to availability of data and resources by the agency implementing the study. EPA states,

¹ 75 FR 54809

² Page B-5 of current guidance (“Emissions Inventory Guidance for Implementation of Ozone and Particulate Matter National Ambient Air Quality Standards (NAAQS) and Regional Haze Regulations,” EPA-454/R-05-001, November 2005) states, “How can I calculate SIP credit for emission reductions achieved via improvements to rule effectiveness? Such credit will need to be determined on a case by case basis. EPA’s older guidance may be used as a point of reference, but pursuant to EPA guidance, “Ozone Nonattainment Planning: Decentralization of Rule Effectiveness Policy; April 27, 1995”, other approaches may be used.”

"It is unlikely that all state and local agencies will be able to collect sufficient information from all of their stationary sources from which refined RE adjustments can be made. Additionally, no suitable matching studies may exist from which a rule effectiveness value can be obtained. In such situations, the selection of an RE value becomes subjective."³

In developing the RE study in the 2005 Periodic Inventory MCAQD crafted a study that sought to minimize the inherent subjectivity quoted by EPA above. In many ways, the RE study developed for the 2005 Periodic Inventory is superior to simply looking at a database of inspection records by providing more detailed information than that basic record of inspections can provide. This study employed the use of two inspection personnel at each of the 63 visits, an inspector and a supervising inspector to ensure that the observations regarding violations of the rule by MCAQD staff was quality assured and accurate. This level of quality assurance does not exist when simply looking at a database of inspection records. This also assures that a full level II compliance inspection was done at each study site; this is not the case with the inspection database, as many of the inspections in the database were simply a response to a complaint (partial inspection of site) or even simply a level I inspection that equates to a drive-by visual inspection of the site. Given this reality, it is expected that compliance levels would be higher in the overall database as compared to the intensive inspections done at the 63 sampled sites. Additionally, at the time that the RE study was developed (and even currently), there has been no other agency that has produced an RE study for EPA that focuses on PM-10 from fugitive dust sources beyond a generic assignment of 80% as recommended by the earliest of EPA guidance. These facts show that the RE study developed by MCAQD for the 2005 Periodic Inventory met all available EPA guidance and was the best available estimate of the effectiveness of the rules it evaluated.

(2) When EPA publicly commented on the 2005 Periodic Inventory, it made no mention of the RE study but only commented briefly on changing the assumptions about the activity level of construction sources (Rule 310).⁴ However, several prominent industry groups including the Arizona Chapter of Associated General Contractors and the Home Builders Association of Central Arizona commented extensively on the RE study. Several of the comments provided by the above mentioned parties even cover in particular detail the discussion of random sample inspections versus the use of available inspection data. MCAQD provided extensive response to these comments, detailing the decisions that went into choosing sample inspections over inspection data in developing the RE study. If EPA had concerns with the RE study during its development, it did not let MCAQD know of them, nor did EPA take the opportunity to agree with the comments in support of using inspection data over sample inspections.

(3) EPA is relying on hindsight to evaluate the inventory and is ignoring its own legal and procedural history that promotes the use of the best available inventories at the time of plan development. EPA has historically defended such inventories in states' plan submittals, protecting the states from endless delays and costs occurred from adjusting inventories each time new data and methodology appear. It has been over 3 years since the 2005 Periodic Inventory was made final in May 2007. EPA's

³ Page B-2 of "Emissions Inventory Guidance for Implementation of Ozone and Particulate Matter National Ambient Air Quality Standards (NAAQS) and Regional Haze Regulations," EPA-454/R-05-001, November 2005

⁴ In "Appendix 1, Responsiveness Summary to Comments Received on Public Review Draft 2005 Periodic Emissions Inventory for PM₁₀ for the Maricopa County, Arizona, Nonattainment Area" of the 2005 Periodic Emissions Inventory for PM₁₀ for the Maricopa County, Arizona, Nonattainment Area. MCAQD, May 2007

concerns with the RE studies is a recent development and appeared only after MCAQD performed the analysis of a new methodology in early 2010. If MCAQD had not performed the 2010 analysis, there is no indication from EPA that it would have found the methodology in the 2005 Periodic Inventory inaccurate. In actuality, it is commonplace for EPA to approve plans that do not even contain rule effectiveness studies. EPA states in the May 2005 approval of the District of Columbia's VOC rule that,

"As numerous of EPA's SIP approval Final actions published in the Federal Register amply demonstrate, EPA has approved hundreds of SIP revisions submitted by states consisting of state rules to control VOCs from stationary sources and source categories where such approvals did not require data and modeling to assess the individual rules' impacts on the NAAQS."⁵

In another case, EPA approved an attainment plan in part on the state's mere promise to conduct a rule effectiveness study after the fact,

"EPA is proposing to approve the emission reductions that have been projected for the improved leak detection and repair rules. Our approval is based on the improvements to the fugitive rule and Texas' commitment to perform a rule effectiveness study and use improved emission inventory techniques to estimate future emissions to confirm the effectiveness of the program."⁶

In addition, when states have provided rule effectiveness studies, EPA has defended those states' emission reduction credits. For example, Pennsylvania relied on a rule effectiveness study to demonstrate compliance increasing from 80% to 90%. In response to a commenter's opposition to that study, EPA stated,

"The EPA disagrees that it is inappropriate to allow credit for improved rule effectiveness (RE) in the attainment demonstration. The Commonwealth has supplied to EPA a protocol that has been implemented at the sources for which increased RE credits have been claimed...No one has brought to EPA's attention credible evidence that Pennsylvania is not implementing RE at the sources for which RE improvement credits are claimed. It would not be appropriate for EPA to discount credit from a state initiative based upon unsubstantiated speculation that such a state will not enforce its own SIP."⁷

In hindsight, it is understandable the EPA would wish to minimize the role of construction emissions given the recent deep economic recession experienced by the industry. However, during the time the 2005 Periodic Inventory was developed, construction activity was robust and there was no obvious indication that the industry would experience the coming recession. It would be unreservedly unfair of EPA to select an RE methodology based upon present economic realities that were utterly unpredictable at the time of the 2005 Inventory development.

EPA's post-hoc rationalization in the Proposed Rule disapproving the valid inventory methodology in the 2005 Periodic Inventory is contrary to the EPA's long-accepted practice of allowing states to rely on the best available data and methods used at the time of plan submission. EPA routinely rejects comments challenging emissions inventories developed by states when those comments focus on changes in data or methodology. The agency explicitly recognizes that emission inventories may be based on the best

⁵ 70 FR 24963

⁶ 70 FR 58131

⁷ 66 FR 54160

available data at the time the plan is submitted, rather than requiring extensive changes after the fact. It is commonly understood that emissions inventories are a snapshot in time. They evolve over time as data and new methodologies appear. Indeed, EPA routinely updates or creates entirely new emission models for use in developing emission inventories. As such, EPA has consistently defended the use of the best available inventory at the time of plan development over requiring state and local agencies to update SIP inventories every time a new model appears. In EPA's May 2004 approval of the San Joaquin Valley's Serious Area Plan for PM-10, EPA states the following in response to a comment that the emissions inventory used by San Joaquin Valley contained numerous errors,

*"...EPA recognizes that inventories are not static, but are constantly being updated and renewed as new information, techniques and studies are made available.¹⁶ The State and District used the best available inventories at the time of plan development...EPA generally relied on the State and local agencies to develop, maintain and update their inventories...¹⁶Once a plan has been adopted, EPA does not generally require plan elements such as emissions inventories to be revisited and updated in response to new information. The U.S. Court of Appeals for the District of Columbia Circuit recently addressed a similar issue and affirmed EPA's position. Sierra Club v. EPA, 356 F.3d 296 (D.C. Cir. 2004)."*⁸

It should be inferred from this quote the EPA feels strongly enough about using the "best available inventories at the time of plan development" to litigate for that position.⁹ We agree that this is the position EPA should hold, and it is the position that EPA is ignoring by using hindsight to judge the 2005 Periodic Inventory. Again, it must be stressed that a periodic emissions inventory is a snapshot in time, and should not be disapproved because it did not anticipate the advancements in data, methodologies, or economic realities that would appear in the future. EPA's disapproval of the five percent plan based upon its preference of a new RE methodology over a logical and soundly defended previous one is the definition of a capricious and arbitrary act, especially when it was used to propose disapproval of other parts of the plan.

⁸ 69 FR 30013

⁹ The following prevailing opinion from Judge Garland in the court case cited by EPA (Sierra Club v. EPA, 356 F.3d 296 (D.C. Cir. 2004)) highlights EPA's defense of the use of the best available inventory at the time of plan development, "**44 Sierra Club argues that the States should nonetheless have revised the D.C. area ROP plans to incorporate the advances of MOBILE6, for two reasons. First, MOBILE6 was available, albeit for only one month, before the States submitted their plans. Second, EPA did not approve the plans until April 17, 2003, over a year after MOBILE6's release. 45 EPA responds that, although it requires that states use the latest model available at the time a plan is developed, see 42 U.S.C. § 7502(c)(3); 40 C.F.R. § 51.112(a)(1), its policy was not to "require states that have already submitted SIPs or will submit SIPs shortly after MOBILE6's release to revise these SIPs simply because a new motor vehicle emissions model is now available." Conditional Approval, 68 Fed.Reg. at 19,121; see also Memorandum from EPA Office 356 F3d 296 Sierra Club v. Environmental Protection Agency of Air Quality Planning & Standards 2 (Jan. 18, 2002) (J.A. at 530) (same). As the agency explains, "emissions factors, as well as inventory calculation methodologies, are continually being improved." 68 Fed.Reg. at 19,120. Indeed, as its name suggests, MOBILE5 is the fifth generation of this particular model; MOBILE6 is the sixth. To require states to revise completed plans every time a new model is announced would lead to significant costs and potentially endless delays in the approval processes. EPA's decision to reject that course, and to accept the use of MOBILE5 in this case, was neither arbitrary nor capricious.**" (emphasis added).

As a result, Arizona's expectation that its valid, thorough emissions inventory would be acceptable to EPA is realistic and comports with the way that EPA has treated other similarly situated states. Because of the state's primary role in developing and implementing plans¹⁰ to achieve the air quality standards, and EPA's lengthy history of approving data that is exactly like or even less than what Arizona submitted, EPA erroneously rejected the emissions inventory and rule effectiveness study in this case.

EPA Comment, 75 FR 54809:

"There is a similar inaccuracy in the rule effectiveness calculations for MCAQD Rule 310.01...an analysis conducted by MCAQD of the entire database of over 4,500 relevant inspections during the time period of the sample inspections yielded an estimated rule effectiveness of 90 percent. See Poppen email."

MAG Response:

EPA incorrectly quotes a value of 90% for a back-casting of rule effectiveness for Rule 310.01 from the Poppen email. An examination of the Poppen email shows that rule effectiveness for Rule 310.01 was back-casted at 77.5 percent, not 90 percent as quoted by EPA. The 90 percent quoted by EPA refers to the compliance rate, not the final rule effectiveness rate.

EPA Comment, 75 FR 54810:

"The inaccuracies in the Baseline emission inventory were carried through into the future year emission inventories and the calculations of emission reductions for those demonstrations."

MAG Response:

Use of the rule effectiveness calculation method preferred by EPA does not interfere with the demonstration of the five percent per year emission reductions required by 189(d). MAG has recalculated the base and future year emissions using the EPA-preferred rule effectiveness calculation method. The rule effectiveness rates for Rules 310, 310.01 and 316 were calculated using the latest inspection data for 2008, 2009, and 2010 (through June 2010) provided by MCAQD. A comparison of the original rule effectiveness rates in the 189(d) plan against rates developed under the EPA-preferred methodology is provided in Table A.

Compared with the Plan, the EPA-preferred method increases the emission reduction percentage in 2008 and 2009 (by 3.5% and 0.4%, respectively) and reduces the percentage by 2.4% in 2010. Note that the MCAQD inspection data only records compliance rates through mid-2010. If rule compliance improves during the last half of 2010, the Plan estimates for 2010 will be higher than 18.0%.

¹⁰ The Clean Air Act has always provided states with wide latitude in formulating and revising their implementation plans. *National Steel v. Gorsuch*, 700 F.2d 314, 322 (6th Cir. 1983) citing *Ohio Environmental Council v. EPA*, 593 F.2d 24, 29 (6th Cir. 1979). EPA's role is secondary in that process because the states have primary responsibility for developing and implementing the plans to achieve and maintain attainment. *Train v. NRDC*, 421 U.S. 60 (1975). While EPA is not required to accept the state's data without evaluating it, EPA has evolved practices that states should be able to rely on when developing their attainment demonstrations. See, e.g., 700 F.2d at 323; *Latino Issues Forum v. EPA*, 558 F.3d 936, 946 (9th Cir. 2009).

Table A. Comparison of 189(d) Plan Rule Effectiveness Rates vs. Rates Developed Using EPA-Preferred Methodology

	Rule Effectiveness Rates in 2007 189(d) Plan				Rule Effectiveness Rates Using EPA-Preferred Method			
	Base	2008	2009	2010	Base	2008	2009	2010
MCAQD Rule 310	51.0%	64.0%	73.0%	80.0%	64.5%	83.0%	86.3%	88.4%
MCAQD Rule 310.01	68.0%	76.0%	76.0%	76.0%	77.5%	77.5%	77.5%	77.5%
MCAQD Rule 316	54.0%	64.0%	72.0%	80.0%	55.9%	49.6%	66.2%	77.6%
PM-10 Emission Reductions* (tons/year)		6,605	15,423	19,840		9,281	14,585	16,277
5% Reduction Targets (tons/year)		4,872	9,744	14,616		4,499	8,998	13,497
Emission Reductions Excess (tons/year)		1,733	5,679	5,224		4,782	5,587	2,780
Base Year (2007) Percentage Reduction		6.8%	15.8%	20.4%		10.3%	16.2%	18.0%

*Includes all measures quantified in the 189(d) Plan, except contingency measures.

Under either calculation method, the control measures in the Plan reduce total emissions by more than five percent per year through 2010. Since the EPA-preferred method still demonstrates the required five percent PM-10 emission reductions in the 189(d) plan, there is no legitimate basis for disapproving the base or future year emission inventories. This is a technical issue, rather than an approvability one, that EPA should have identified during public review of the 2005 Periodic Inventory or shortly after submittal of the Plan in December 2007. The September 9, 2010 disapproval notice was the first time MAG received any indication that EPA was dissatisfied with the rule effectiveness calculation method. If EPA had identified this issue earlier, MAG could have prepared and submitted a supplement to the Five Percent Plan, Technical Support Document (TSD), demonstrating that the EPA-preferred method would not interfere with the five percent per year demonstration.

EPA Comment, 75 FR 54810:

“Moreover, the underestimation of the effectiveness of Rule 310 and 310.01 resulted in a control strategy with a high probability of failure because the over-emphasis on achieving emission reductions from the sources regulated by these rules likely resulted in a corresponding de-emphasis on emission reductions from other sources contributing to the nonattainment problem in the Maricopa area.”

MAG Response:

EPA’s contention, that there is a high probability of control strategy failure due to over-emphasis on Rule 310 and 310.01 sources, resulting in de-emphasis of other sources, is erroneous. In Table 3 of the FR notice, EPA compares the 2010 emission reductions by source category, concluding that *“the plan’s emphasis on reducing emissions from the construction industry is out of proportion to that source category’s relative contribution to the projected 2010 inventory.”* The Clean Air Act does not require a 189(d) plan (or any other SIP) to contain emission reductions that are proportional to a source’s emissions inventory contribution.

More importantly, EPA’s Table 3 fails to account for the contingency measures in the Five Percent Plan, which are also legally binding commitments that are being implemented. Table B identifies the source distribution of the 25 control measures in the Plan that were quantified for emission reduction credit. It is evident from Table B that the adopted measures in the Plan are targeting all major sources, and most minor sources, of PM-10. It is also important to note that the mix of control measures implemented by the Plan has been successful in eliminating all PM-10 exceedances during stagnant conditions, since the Plan was submitted to EPA in 2007.

Table B. Source Distribution of 25 Quantified Measures in the 189(d) Plan

Source Category	Percent of Pre- Controlled 2010 Emissions	Percent of 2010 Emission Reductions
Construction	33.1%	56.5%
Paved Roads (including trackout)	19.1%	15.3%
Unpaved Roads	17.4%	16.6%
Fuel Combustion and Fires	5.6%	0.1%
Windblown Dust from Vacant Land	5.4%	3.7%
Offroad Vehicles	2.4%	0.7%
Agriculture	3.1%	2.0%
Unpaved Parking Areas	3.4%	3.0%
Leaf Blowers	0.9%	0.4%
Industrial Sources	3.9%	1.6%
Other Sources (<5%)	5.7%	0.0%
Total	100.0%	100.0%

Chapter Five of the Five Percent Plan describes the comprehensive control measure evaluation process that was conducted by MAG to ensure that all sources of PM-10 were controlled. The public participation process described in Chapter Nine of the Plan involved key stakeholders, including federal, state, and local government agencies, private industry, and the public. The comprehensive control measure evaluation and public participation processes and the breadth of sources addressed by the adopted measures attest to the fact that no sources were “over-emphasized” or “de-emphasized” in the Five Percent Plan.

EPA Comment, 75 FR 54814:

“EPA has evaluated four of the 2008 exceedances recorded at the West 43rd Avenue monitor in south-central Phoenix that the State claims to be due to exceptional events. The exceedances were recorded on March 14, April 30, May 21 and June 4. On May 21, 2010 EPA determined that the events do not meet the requirements of the EER and therefore do not qualify as exceptional events for regulatory purposes.”

MAG Response:

At a meeting with Arizona, Maricopa County, and MAG air quality executives on May 25, 2010, Jared Blumenfeld, EPA Region IX Administrator, stated that the Exceptional Events Rule (EER) is flawed. Staff from EPA OAQPS indicated in an October 1, 2010 videoconference that EPA is working on fixing the flaws. The White Paper in Attachment 1 provides Arizona’s perspective on the major deficiencies with the EER that need to be addressed by EPA. In addition to fixing the flawed rule, MAG requests that EPA reconsider its finding that the four high-wind days in 2008 do not qualify as exceptional events, based on the supplemental documentation ADEQ submitted to EPA in August 2010. This supplemental documentation provides additional compelling evidence that high-wind conditions on March 14, April 30, May 21 and June 4, 2008 meet all criteria of the EER and, therefore, should be reclassified as exceptional events for regulatory purposes. MAG supports and adopts the exceptional events documentation submitted by ADEQ in its comments on this proposed action.

EPA Comment, 75 FR 54814:

“The 189(d) plan provides little or no support for the emission reductions attributed to these increased compliance measures.”

"We recognize that calculating accurate emission reduction estimates for increased compliance measures is challenging. It is, however, important for such estimates to have a technical basis, especially when such measures are expected to achieve the majority of the emission reductions in a SIP. One way to begin to address this issue would be to initiate an ongoing process to verify that compliance rates are increasing as expected and that, as a result, the projected emission reductions are actually being realized."

MAG Response:

Since the Plan was submitted in 2007, MCAQD has been collecting the inspection data needed to verify the emission reduction estimates attributed to increases in rule compliance by the Plan. A process to verify compliance rates has been ongoing for many years and the inspection data for 2008, 2009, and 2010 (through June, 2010) reveals that compliance rates are increasing as anticipated in the Plan.

Table A compares rule effectiveness rates calculated for the Plan (based on the 2005 Periodic Emissions Inventory) versus the EPA-preferred method (used in the 2008 Periodic Emissions Inventory). The last row of Table A shows that the percent emission reductions claimed in the Plan for Rules 310, 310.01 and 316 in 2008 and 2009 were conservative, while the reduction for 2010 was slightly over-estimated (by 2.4%). If MCAQD inspection data indicates that rule compliance rates for calendar year 2010 are higher than in mid-2010, the 2010 percentage reduction calculated using the EPA-preferred method will be even closer to the 2010 Plan estimate. This demonstrates that the expected emission reductions in the Plan are being realized and the original Plan estimates were reasonable.

EPA Comment, 75 FR 54815:

"Because the 189(d) plan projects emission reductions surplus to the 5% targets in each year, it is theoretically possible that creditable reductions from the 25 quantified measures would still achieve the 5% reductions when recalculated from an accurate base year inventory. However that could only be determined by an EPA review of a revised plan based on adjusted calculations."

MAG Response:

Table A shows that the base and future year inventories in the Five Percent Plan are similar to the inventories deemed to be more "accurate" by EPA. Therefore, the surplus five percent per year reductions are not needed to achieve the annual reduction targets. Since the substitution of the more "accurate" inventory is a technical issue that has no impact on the five percent demonstration, it is unclear why this issue would provide a basis for disapproval of the Plan. This change should be effected via a supplement to the TSD, rather than a formal SIP revision.

EPA Comment, 75 FR 54816 and 54817:

"For example, Measure #19 is intended to reduce off-road vehicle use in areas with high off-road vehicle activity. For this measure, the 189(d) plan assigns emission reduction credit to the requirement in ARS 9-500.27. A, as submitted in the 189(d) plan, that cities and towns in the Maricopa area adopt, implement and enforce ordinances no later than March 31, 2008, prohibiting the use of such vehicles on unpaved surfaces closed by the landowner."

"However, because the 189(d) plan was submitted at the end of 2007, the contingency measures, i.e., the vehicle use prohibition, could not be fully implemented throughout the Maricopa area without additional future legislative action on the part of a number of governmental entities."

"This is the case with Measure #19, mentioned above. For that measure, the 189(d) plan claims emission reduction credit assuming that all jurisdictions subject to the 2008 statutory requirement will comply."

MAG Response:

To ensure that the legally-binding measures, including contingency measures, are being implemented, MAG prepares annual reports that track the status of the 53 measures in the Five Percent Plan. The first such tracking report is the "2008 Implementation Status of Committed Measures in the MAG 2007 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area", published in January 2010. The 2008 tracking report identifies the actions that were taken to implement Measure #19, "Reduce off-road vehicle use in areas with high off-road vehicle activity," in 2008. Attachment 2 shows that this contingency measure was fully implemented in 2008 *throughout the nonattainment area, with no additional future legislative action required by any other governmental entity.*

EPA's comment fails to recognize that the contingency measures are legally-binding commitments that are being implemented early so that the standard can be achieved as expeditiously as practicable. In the Plan, emission reduction credit for this contingency measure was reduced by one-third in 2008 to reflect the March 31, 2008 implementation date identified in SB 1552. The 2008 tracking report shows that Measure #19 was implemented according to the schedule shown in the Plan and therefore, the emission reductions claimed for this contingency measure in the Five Percent Plan were appropriate.

EPA Comment, 75 FR 54817:

"Furthermore, not only do some of the contingency measure commitments fail to meet the requirement of section 172(c)(9) that such measures are to be implemented with minimal further action, but because they depend on future actions that may or may not occur, it is also impossible to accurately quantify emission reductions from them at the time of plan development and adoption."

MAG Response:

None of the contingency measures in the Five Percent Plan requires further legislative action. According to the 2008 tracking report, eight of the nine measures are being implemented according to the legally-binding commitments and schedules included in Chapter Six of the Five Percent Plan. Only contingency Measure #5 has not been implemented by ADEQ because of budgetary constraints.

The EPA comment implies that it is not possible to accurately quantify emission reductions for future measures that may or may not occur. Following this logic, if the contingency measures were to be triggered by failure to achieve attainment or RFP (rather than early implementation), it would be impossible to meet the one year of RFP emission reduction requirement, because the measures would *depend on future actions that may or may not occur.* With the exception of Measure #5, the contingency measures in the Five Percent Plan were implemented in 2008 and the benefits were conservatively estimated, as supported by the quantification of actual emission reductions in the 2008 tracking report.

EPA Comment, 75 FR 54817:

"Another example of this quantification issue is Measure #26 regarding the paving or stabilization of existing public dirt road and alleys...This measure includes commitments in

resolutions adopted by 11 cities and towns to pave roads from 2007 through 2010 and claims emission reduction credit assuming full compliance.”

MAG Response:

Under contingency Measure #26, eleven cities and towns made legally-binding commitments to pave or stabilize dirt roads and alleys. Credit for these measures was apportioned to the years 2007-2010 based on the schedules contained in the commitments. The 2008 tracking report indicates that there were 15 more miles of dirt roads and 21 more miles of dirt alleys paved than indicated in the 2008 commitments. In addition, there were three less miles of dirt roads and 70 more miles of dirt alleys that were stabilized than in the 2008 commitments. Overall, the credit assumed for Measure #26 in the Five Percent Plan is far less than the actual emission reductions that occurred due to paving and stabilizing dirt roads and alleys in 2008.

EPA Comment, 75 FR 54817:

“See also Measure #5 which quantifies as a contingency measure a requirement in ARS 49-457.02 that ADEQ establish a dust-free development program by September 19, 2007...However, a 2010 report prepared by MAG addressing the 2008 implementation status of the 53 measures in the 189(d) plan states that this measure was not implemented because ADEQ delayed the certification program indefinitely due to budgetary constraints.”

“See also Measure #24 which includes among others, a commitment by the Arizona Department of Transportation (ADOT) to require in the contract awarded in January 2008 that contractors use PM-10 certified street sweepers on all State highways in the Maricopa Area...The 2008, 2009, and 2010 emission reductions claimed for Measure #24 assume implementation of the ADOT component of the measure, However, the 2008 Status Report states that “ADOT’s current contract...does not require the use of PM-10 certified street sweepers...”

MAG Response:

The Five Percent Plan assigns emission reductions of 28.9 tons/year in 2008, 21.5 tons/year in 2009, and 17.6 tons/year in 2010 to Measure #5. The renegotiated ADOT contract requiring use of PM-10 certified sweepers became effective on February 20, 2010. The ADOT contract portion of Measure #24 was assigned emission reductions of 10.37 tons/year in 2008 and 11.31 tons/year in 2009 in the Plan. The benefits attributed to these two contingency measures were small and their elimination does not interfere with meeting the one-year of RFP emission reduction target of 4,869 tons/year. As shown in these two examples, the emission reductions for contingency measures in the Plan were conservatively estimated. In addition, the total benefits of the contingency measures in the Plan exceed the one-year of RFP target by 354 tons/year in 2008, 2,344 tons/year in 2009, and 4,290 tons/year in 2010. These excesses provide a safety margin that allows for delays in implementation, such as those experienced by ADEQ and ADOT, without compromising attainment of the one year of RFP target in 2008-2010.

EPA Comment, 75 FR 54817:

“The 189(d) plan provides no methodology or support for the PM-10 emission reductions credited to a number of the contingency measures. For example, the group of Measures #14, #15 and #17 designated in the plan as “multiple” is intended to reduce trackout onto paved roads...The 189(d) plan...states that the reduction in trackout emissions in the PM-10 nonattainment area is expected to be at least 15 percent in 2008-2010...No information is provided in the 189(d) plan regarding how the 15 percent was determined. Furthermore, the

reductions from each measure are not disaggregated so it is impossible to determine the source of the claimed emission reductions or how they were calculated for each measure.”

MAG Response:

MAG conducts local data collection studies (e.g., the Silt Loading Study in 2006, the PM-10 Source Attribution and Deposition Study by Sierra Research and T&B Systems in 2006-2007; and the Unpaved Road Inventory in 2007-2009) that are useful in quantifying and verifying the technical assumptions in PM-10 plans. The annual MAG tracking report also provides data with which to verify the accuracy of the emission reductions for the 25 measures that were quantified in the Five Percent Plan.

For example, in the description of Measure #28, the Five Percent Plan TSD states: *“The emission factors for paved roads with high silt loadings due to trackout and dragout from dirt shoulders and other sources of fugitive dust were derived from the MAG Silt Loading Study conducted by the College of Engineering, Center for Environmental Research and Technology, University of California, Riverside (CE-CERT). CE-CERT used state-of-the-art mobile technologies to measure PM-10 concentrations and derived PM-10 emission rates for paved roads. The SCAMPER (System for Continuous Aerosol Monitoring of Particulate Emissions from Roadways) vehicle collected data on a 104-mile route that was designed to be representative of typical paved road types and sources of fugitive dust in the PM-10 nonattainment area. The SCAMPER vehicle was driven over the entire route during a five-hour period (9:30 a.m. to 2:30 p.m.) on 13 weekdays and five weekend days in March, June, September and December of 2006.”*

The description of the trackout reduction Measures #14, #15, and #17 in the Five Percent Plan TSD indicates that the SCAMPER data was used to determine average PM-10 emission rates for paved roads with high trackout levels. These high trackout emissions were reduced by Measure #28, Paving and Stabilizing Unpaved Shoulders, before applying the 15 percent reduction that represents the benefits of contingency Measures #14, #15 and #17. Although allocation of the 15 percent benefit among the three measures is not explicitly documented in the Plan, Measure #14, Reduce dragout and trackout emissions from nonpermitted sources, for which Maricopa County adopted Rule 310.01 revisions in March 2008, would contribute most of the 15 percent reduction. Unfortunately, there was no empirical data to assist in quantifying the future benefits of a measure that has not been implemented in the Maricopa area or elsewhere. In these cases, MAG relies on the significant experience that its staff and consultants have in quantifying the benefits of measures for other PM-10 plans. The 15 percent reduction in trackout emissions attributed to Measures #14, #15 and #17 is still considered to be an appropriate and conservative estimate.

It is also important to note that all emission reduction assumptions in the Five Percent Plan were reviewed by the MAG Air Quality Planning Team and the MAG Air Quality Technical Advisory Committee (both of which include EPA representatives) prior to Plan submittal and MAG received no comments on or opposition to the 15 percent reduction assumption at that time. It is difficult to fathom that any PM-10 nonattainment area would have more expertise and locally-collected data available to develop the technical assumptions in the Five Percent Plan, than the Maricopa County area.

EPA Comment, 75 FR 54817:

“Similarly, for Measure #1, the plan identifies annual emission reductions from seven source categories resulting from public education and outreach in various local jurisdictions but does not explain how these reductions were calculated...See also Measure #5 which provides annual emission reduction credits without any supporting information.”

MAG Response:

Pages IV-1 and IV-2 in the TSD for the Five Percent Plan describe how the emission reduction of 0.1 percent was applied to Measures #1 and #5. For Measure #1, this 0.1 percent reduction was applied to each of the seven source categories that would be positively impacted by public education and outreach programs conducted throughout the PM-10 nonattainment area. The total impact of Measure #1 is minor, ranging from 48 tons/year in 2008 and 2009, to 49 tons/year in 2010.

For Measure #5, the 0.1 percent reduction was applied to each of the seven construction source categories. Once again, the total benefit of this measure is minor, ranging from 29 tons/year in 2008, to 22 tons/year in 2009, to 18 tons/year in 2010.

As shown in these two examples (and responses to previous comments on emission reductions for contingency measures), the benefit for these measures was conservatively estimated. The total benefits of the contingency measures in the Plan exceed the one-year of RFP target by 354 tons/year in 2008, 2,344 tons/year in 2009, and 4,290 tons/year in 2010. The conservative estimates of benefits, along with the excess benefit safety margin, result in a set of contingency measures that reduce at least one-year of RFP in 2008-2010, as reported in the Five Percent Plan.

EPA Comment, 75 FR 54818:

“Given the overemphasis in the plan on reducing emissions from construction activities, it is quite possible that more reductions in onroad emissions will be required to meet the applicable requirements.”

MAG Response:

EPA contends that the Five Percent Plan over-emphasizes controls on construction activities and de-emphasizes controls on other sources that are contributing to nonattainment of the PM-10 standard. These comments ignore the success of the Five Percent Plan measures in eliminating stagnation-based exceedances in 2008 through 2010.

PM-10 monitors in the Maricopa County nonattainment area recorded 30 exceedances of the 24-hour standard in both 2005 and 2006. Most of those exceedances occurred during the fall and winter under low wind and severe inversion conditions. Recognizing the difficulty of demonstrating attainment under these conditions, MAG undertook an extensive field study to quantify source contributions under low wind conditions in the Salt River area¹¹. EPA staff commented on the analysis and interpretation of data collected in the study. EPA staff also commented on subsequent efforts to identify and quantify the benefits of control measures focused on sources addressed in the field study. EPA staff also commented on the development of the modeling protocol employed in the Five Percent Plan and was well aware that the focus of the Plan was to identify a mixture of controls that would bring the area into attainment under the conditions of most concern – stagnation conditions. To this end, the Five Percent Plan has been successful, as exceedances of the PM-10 standard under stagnation conditions have disappeared since the adoption of the Plan.

While the Five Percent Plan addressed both stagnant and high wind conditions, the mix of wind related control measures was limited. Representation of high wind emissions in the Periodic Emissions Inventory was small (roughly 6%), since their occurrence was infrequent. AERMOD was used in the Five Percent Plan to model stagnant (December 11-13, 2005) and high wind (February 15, 2006) design day

¹¹ PM-10 Source Attribution and Deposition Study, conducted by Sierra Research for the Maricopa Association of Governments, February 2008

conditions and the mix of adopted controls was sufficient to demonstrate attainment. Given this perspective, MAG finds EPA comments on the adequacy of the selected control measures to be inappropriate and inconsistent.

The mix of controls adopted to eliminate stagnation-driven exceedances was appropriate. The Five Percent Plan did not emphasize controlling emissions under elevated wind conditions because (1) their occurrence was less frequent and (2) exceptional event submissions for high wind days were rarely subject to dispute. Changing the mix of selected controls to proportionately address the source representation in the Five Percent Plan emissions inventory will do little to reduce the emissions under high wind conditions. Similarly, increased reductions in onroad emissions will do little to reduce emissions under high wind conditions.

ATTACHMENT 1

ARIZONA'S RECOMMENDED CLARIFICATIONS TO THE EXCEPTIONAL EVENTS RULE

ARIZONA'S RECOMMENDED CLARIFICATIONS TO THE EXCEPTIONAL EVENTS RULE

Representatives of the State of Arizona participated in the September 2, 2010 EPA call with other state and local governments to discuss what the agency characterized as "Ideas for Improvement" as far as the implementation of the Exceptional Events Rule (72. Fed. Reg. 13560; March 22, 2007) (the "EER"). As a member of WESTAR, Arizona strongly supports the September 11, 2009 recommendations from WESTAR, as well as those from the California Air Resources Board as to how the implementation of the EER might be improved. In addition, based upon our extensive experience in attempting to understand and comply with the requirements of the EER, we would recommend that EPA act to clarify the EER in three critical respects.¹

1. Process

Neither Section 319 of the Clean Air Act ("CAA") nor the EER sets forth a procedure for a State to follow when it submits "appropriate documentation" for an exceptional event demonstration or the procedure to be followed by EPA when it considers that documentation. Apparently a specific procedure was felt to be unnecessary in the rules because the documentation package would only be submitted after extensive "collaboration" and "consultation" had occurred between the State and EPA. In the preamble to the EER, the critical role played by consultation and collaboration in the consideration of exceptional events documentation is mentioned on five occasions. Indeed, in response to a comment that EPA establish an appellate process when regional EPA offices fail to concur with a demonstration, EPA responded that such a process was unnecessary "because we anticipate that the States and Regional Offices will be working closely through the data and documentation submission process." 72 Fed. Reg. at 13574. It is the State's experience that if the consideration of exceptional events demonstration is to produce a predictable and consistent result, there must be a more formalized, structured and streamlined procedure for consideration of exceptional events by the regional offices and the procedure must explicitly require EPA to engage in consultation and collaboration with the States at every stage prior to submission. Also, the procedure must require that there be an administrative record upon which the regional offices must rely and because the EER requires that a weight of evidence approach be applied, the record must contain the totality of the information on which the determination is based and EPA must specify the elements of the record on which its decision was based.²

¹ All of our recommendations are based on either the language of Clean Air Act Section 319, the EER and its Preamble or implementation of the EER from EPA determinations in the Federal Register.

² As prescribed by the EER and its preamble, the State believes that the following are the steps in the exceptional event decision process:

Prior to Submission:
Exceptional Event Identification
Exceptional Event Documentation Development
Public Comment

2. **The Information Necessary to Demonstrate that Anthropogenic Sources are “Reasonably Well-Controlled” at the Time that the Event Occurred.**

The level and nature of the documentation necessary to demonstrate that anthropogenic sources are reasonably well-controlled as required by CAA section 319(b)(1)(A)(ii) and the EER at 40 C.F.R. § 50.1(j), must be specifically set forth in guidance. From EPA’s determinations on past exceptional events demonstrations, there are several principles that the State believes should be incorporated in guidance:

- In keeping with the predecessor to the EER, EPA’s Natural Events Policy, that was relied upon by Congress when CAA section 319 was amended, if a State has what EPA has determined are Best Available Control Measures in place and the means and commitment to enforce them, it should be presumed that the anthropogenic activities to which the measures applied are reasonably controlled;
- Exceptions to this presumption exist if there were unusual emissions as far as nature or extent linked to anthropogenic activities that were observed during that period.³

The guidance should also stress that States making the demonstration should not have to show that sources upwind of an affected monitor were “actually controlled,” since such a showing, particularly in an urban environment, is a “practical impossibility.” Id. 73 Fed. Reg. at 14692.

3. **Demonstrating the Clear Causal Relationship Between the Measurement Under Consideration and the Event Claimed to have Affected the Air Quality in the Area.**

The guidance should state that the clear causal relationship demonstration required by CAA section 319 need only be shown for the “particular air quality monitoring location” at which the measurement occurred. This is what is explicitly required in both CAA section 319(b)(3)(B)(ii) and the EER at 40 C.F.R. § 50.14(c)(3)(iii)(A). Thus, while information about the temporal and spatial extent of an event is relevant to the demonstration of causality (see 72 Fed. Reg. at 13573) and may

Post Submission:
Completeness Determination
State Responses Correcting Deficiencies
EPA Exceptional Event Documentation Development
Public Comment Prior to Decision

³ See generally the analysis of these principles in EPA’s approval of the San Joaquin Valley PM-10 nonattainment area exceptional events demonstration at 73 Fed. Reg. 14687 at 14687, 14691 and 14693 (March 19, 2008).

help determine the overall magnitude of the event, the clear causal relationship criterion need only be demonstrated for the monitor(s) that actually were affected by the event.

ATTACHMENT 2

**2008 STATUS OF COMMITTED MEASURE #19 IN THE MAG FIVE PERCENT PLAN FOR PM-10:
"REDUCE OFF-ROAD VEHICLE USE IN AREAS WITH HIGH OFF-ROAD VEHICLE ACTIVITY"**

**2008 Status of Committed Measure #19 in the MAG 2007 Five Percent Plan for PM-10
"Reduce off-road vehicle use in areas with high off-road vehicle activity"**

Ordinance to prohibit off-road vehicle use required by SB 1552. (A.R.S. § 9-500.27 A.- E. and A.R.S. § 49-457.03)

In February 2008, Maricopa County adopted the P-28 Off-Road Vehicle Use in Unincorporated Areas of Maricopa County Ordinance. This ordinance was developed to address dust concerns raised by vehicle use and trespass on private and public property. It is intended to complement Maricopa County Rule 310.01, which focuses on property owners' responsibility to maintain soil stabilization.

Currently, the Maricopa County Ordinance P-28 is undergoing revisions to its penalty structure, which is intended to provide more flexibility in adjudicating cases. Until these revisions are approved, the County is developing information on frequent complaint areas and access points, enforcement history, ongoing outreach efforts by police departments, Justice Court procedures, and database needs. In addition to responding to complainants' concerns, MCAQD has organized a group of inspectors to gather this type of information and begin making direct contacts in the field. In 2009, MCAQD initiated efforts to develop a partnership with law enforcement agencies, not only to address the inspectors' limited authority on these contacts, but also to provide a consistent enforcement message to the public.

23 local governments have new or existing ordinances to prevent or discourage off-road vehicle use and restrict access to areas with high off-road vehicle use.

ADEQ distributed 3,700 hard copies of "Nature Rules" map to off-road highway vehicle (OHV) dealers and posted materials on the Arizona State Parks website (website received 11,660 visits), ADEQ's website (website received 2,741 visits), and the Arizona Game and Fish Department website.

Maricopa County, 17 local governments, and ADEQ, have conducted public education and outreach to discourage off-road vehicle use in the PM-10 nonattainment area. The Tonto National Forest included a segment on dust control education in its off-highway vehicle (OHV) training program.

8 jurisdictions with high off-road activity have restricted vehicle use by installing signs and/or physical barriers.

One local government stabilized 57 acres with hydroseed and posted "No Trespassing" signs on 4.1 miles of vacant areas in two washes.

Arizona State Trust Land spent \$159,203 to implement the following control measures: installation of 1,037 linear feet of concrete barriers; installation of 7,352 linear feet of chain link fence; purchase of 300 "No Trespassing" signs; purchase and installation of two 10-foot gates; posting of 38 "Area Closed by Commissioners Orders" signs; posting of 2 "Closed for Soil Stabilization" signs; posting of 14 "No Trespassing" signs; and increasing the presence of law enforcement.

Arizona State Parks installed one kiosk and two access gates; replaced 1 mile of fencing; provided outreach at 77 official events; and provided 3,100 public information contacts. Arizona Game and Fish Department issued 27 citations for violations of the OHV law.



October 20, 2010

VIA U.S. MAIL AND ELECTRONIC MAIL

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

Re : Comments on Docket ID No. EPA-R09-OAR-2010-0715: Proposed Partial Approval
Partial Disapproval of the Maricopa Area 5% Plan

Dear Administrator Jackson:

The Arizona Department of Environmental Quality (ADEQ), Maricopa Association of Governments (MAG) and the Maricopa County Air Quality Department (MCAQD) provide the following comments on the proposed partial approval and partial disapproval of the Maricopa Area 5% Plan in Docket ID No. EPA-R09-OAR-2010-0715. This proposed action would partially approve portions of 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.

ADEQ, MAG and MCAQD each play a significant, yet independent role in addressing air pollution issues within the Maricopa County serious PM-10 nonattainment area. EPA's proposed partial approval and partial disapproval of the 5% Plan offers little recognition of the strong efforts that have been made to combat air pollution within the area. Arizona's collective efforts and the implementation of the 5% Plan have resulted in significant air quality improvements. Using the annual average concentration at five monitoring stations within the Phoenix area¹, concentrations of PM-10 between 1990 and 2009 have declined 10 micrograms per cubic meter, or the equivalent of 24%. Using the annual average concentration at eleven monitoring stations within the Phoenix area², ADEQ has observed similar improvements as concentrations of PM-10 between 2000 and 2009 have declined 15 micrograms per cubic meter, or the equivalent of 25% (see Attachment 1). According to data compiled by MAG, out of a possible 6,222 total daily monitor readings (17 monitors x 366 days) during 2008, there were

¹ The West Phoenix, Mesa, North Phoenix, Glendale and South Scottsdale monitors

² The West Phoenix, Mesa, North Phoenix, Glendale, Central Phoenix, South Scottsdale, Greenwood, South Phoenix, West Chandler, Higley and Durango Complex monitors.

only 11 exceedances. In other words, the monitors showed that the Phoenix area had clean air 99.82% of the time. Looking at only the West 43rd Avenue monitor, the results are similar. Of the 366 monitoring days in 2008 only five, or 1.4%, of the days exceeded the standard at that monitor. Furthermore, the majority of these exceedances have been documented by ADEQ and MAG to be exceptional events.

Cleaner air has been achieved at the same time the Phoenix metropolitan area has experienced unprecedented growth. In 1990, Maricopa County was home to approximately 2.1 million residents. By 2000, the County's population had grown to 3 million. By 2009, census estimates place the population of Maricopa County at 4.1 million people³. As population within the County has increased 100% since 1990, the annual average concentration of PM-10 air pollution within the County has decreased by 24%. If EPA were to concur with the State's documentation of exceptional events in 2008, the Maricopa County serious PM-10 nonattainment area would likely have three years of data demonstrating that the area had come back into compliance with EPA's national air quality standard. While there is always an opportunity to improve in some way to reduce pollution and protect public health, there must also be a recognition that some sources of air pollution are naturally occurring and can not be controlled.

MEASURES PROPOSED FOR FULL APPROVAL

ADEQ, MAG and MCAQD support EPA's approval of the twenty measures listed by EPA in Table 4 of the proposed action on the 5% Plan. We appreciate EPA's acknowledgment of the strength of these measures in controlling PM-10 in the Maricopa County region.

EXCEPTIONAL EVENT DEMONSTRATIONS

EPA's proposed action is partially based upon a May 21, 2010 determination by Region IX Administrator Jared Blumenfeld to not concur with four exceptional event demonstrations provided by ADEQ for March 14, April 30, May 21, and June 4, 2008. As noted in numerous letters to Regional Administrator Blumenfeld, letters to Administrator Jackson, and comments on EPA's proposed consent decree that set the schedule for EPA's actions on the 5% Plan, ADEQ, MAG and MCAQD maintain that the process EPA used, and conclusion reached, were both in error. Had EPA followed the guidance set forth in the preamble for the Exceptional Events Rule (40 CFR § 50.14), EPA would have consulted and collaborated with Arizona prior to making a determination. This consultation and collaboration would have resulted in the development of additional information that would have resolved the concerns that EPA expressed in its May 21, 2010 non-concurrence. Instead, ADEQ and MAG were left to submit many volumes of information regarding these four dates, reaffirming the State's position that exceedances at the West 43rd Avenue monitor in Phoenix truly were the result of exceptional events that could not be reasonably controlled. A list of all of the documents that have been submitted, or are considered to be instructive on this matter, are identified in Attachment 2.

³ <http://quickfacts.census.gov/qfd/>

Although EPA provided responses to the cover letters that submitted additional documentation, ADEQ and MAG continue to await EPA's response to the technical details enclosed in these letters. As a result, ADEQ, MAG and MCAQD incorporate each of the documents identified in Attachment 2 as comments on EPA's proposed action and request consideration of the information prior to the disapproval of the 5% Plan.

EPA has publicly acknowledged that improvements can be made to the Exceptional Events Rule (EER) and/or its implementation. This is important because EPA used the EER to disagree with ADEQ and MAG's findings and conclude Maricopa County continues to be in non-attainment. The circular reasoning encouraged and condoned by the existing EER leads to absurd results with significant consequences. While it is unlikely that EPA will promulgate a policy memo or guidance on the EER prior to a final action on the 5% Plan, there are two specific principles that ADEQ, MAG and MCAQD ask EPA to consider when reviewing the additional documentation that is being submitted in these comments:

1. Reasonableness of Controls

The Maricopa County area has been classified as a serious non-attainment area for many years. All of the sources that have been determined to be significantly contributing to the non-attainment area have been the subject of BACM and Most Stringent Measures (MSM) for many years. In an urban environment such as the greater Phoenix metropolitan area, it is virtually impossible to verify the compliance status of every operation that emits PM-10. ADEQ, MAG and MCAQD contend that implementation of the control program throughout the Maricopa County should bear significant weight when determining whether reasonable controls have been applied.

In addition, evidence that Notices of Violation (NOVs) were issued on the day of an exceptional event should not be evidence that BACM and MSM were not in place. When considering the value of these NOVs, EPA should consider the total number of inspections that were done and the relative impact emissions associated with the NOV would have on the monitoring area. In general, ADEQ, MAG and MCAQD consider NOVs to be evidence of a properly functioning control program, and not direct evidence to the contrary.

2. Clear Causal Relationship

The EER has established that every exceptional event demonstration must be reviewed on a case-by-case basis. Section 319(b)(3)(B)(ii) and 40 CFR 50.14(c)(iii)(A) explicitly require that the clear causal relationship be demonstrated for the "particular air quality monitoring location" at which the measurement occurred. As a result, while it might be interesting to note the overall magnitude of an event by documenting the number of other monitors that show exceedances at the same time, this should not be the only criteria used to

judge whether an exceedance at a single monitor is exceptional. It is ADEQ, MAG and MCAQD's experience that a single monitor can experience an exceptional event due to the circumstances that exist at that monitor.

EFFECT ON ECONOMY

If EPA finalizes the disapproval of the Plan, a conformity "freeze" will result within 30 to 90 days after the effective date of the disapproval. A conformity freeze would mean that only those projects that are scheduled to occur in the first four years of the most recent conforming Regional Transportation Plan ("RTP") and Transportation Implementation Plan ("TIP") can proceed and no new or amended RTPs or TIPs can be found to conform to the SIP until the new SIP is approved by EPA. Given the dynamic nature of the transportation planning process for the Maricopa area, the impact of a long-term conformity freeze would be devastating on the economy. MAG processes amendments to the TIP frequently, often on a monthly basis. It is crucial that this process remain fluid, especially in this economic downturn as unexpected changes to the TIP have been forced due to declining revenues. In addition, the region would not be able to take advantage of stimulus dollars for new major projects during a conformity freeze.

Few counties, if any, in the country have been as devastated by this recession as Maricopa County. A disapproval of the 5% Plan would further substantially damage our economic situation with significant negative impacts on individual families and communities. Foreclosure rates in the Phoenix metro area are at an all-time high, with nearly 60,000 distressed properties either already foreclosed or pending foreclosure. Almost 100,000 construction jobs have been lost in the region over the last three years.

CONCLUSION

EPA's proposed partial disapproval of the 5% Plan is inappropriate when considering the timing of EPA's decision and actual number of exceedances within Maricopa County. All non-attainment area plans are precisely that - plans. Plans are developed using the best available information about the conditions that exist at the time of development. This information is then projected into the future utilizing the best assumptions about what is likely to occur in the future. Under normal circumstances, EPA's final action on any plan already benefits from 18 months of information that was unavailable at the time of the plan's development and submission. In the case of the 5% Plan, EPA did not act before its non-discretionary deadline of June 30, 2009. As a result, EPA benefitted from the hindsight of yet another 18 months (for a total of three years from 2008 to 2010). ADEQ, MAG and MCAQ, on the other hand, could only guess what would happen in 2008, 2009, and 2010 when the plan was submitted in 2007.

At the same time, EPA has added uncertainty to the planning process by making use of tools such as the Exceptional Events Rule confusing and impractical. Instead of acknowledging that a serious PM-10 non-attainment area plan calls for the implementation of BACM throughout the non-attainment area, EPA proposes to use an exceedance from an exceptional event as a demonstration that the sources within the non-attainment area are not reasonably controlled.

Ms. Lisa Jackson
U.S. Environmental Protection Agency
Page 5 of 5

EPA then appears to reason that the plan does not adequately apply BACM, ensuring that the event can never be considered exceptional. Such circular reasoning can only lead to a cycle of submission and disapproval of plans, forcing Arizona to expend limited resources on issues and problems that are beyond its reasonable control.

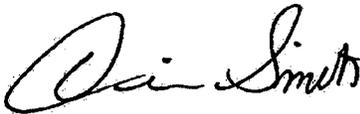
There are always opportunities to improve air quality, and ADEQ, MAG and MCAQD are committed to making improvements to the 5% Plan. At the same time, ADEQ, MAG and MCAQD encourage EPA to consider the heavy impacts of its decision in this matter, especially given these already difficult economic times. We understand that EPA has some discretion about the date upon which some of the sanctions may occur. Consequently, ADEQ, MAG and MCAQD ask that EPA exercise its discretion and ensure that any conformity "freeze" that might occur begin at least 90 days after the effective date of the final action.

Thank you for your attention.

Sincerely,



Benjamin H. Grumbles, Director
Arizona Department of Environmental Quality



Dennis Smith, Executive Director
Maricopa Association of Governments



William Wiley, Director
Maricopa County Air Quality Department

Cc: Gregory Nudd, EPA

Attachments (2):

1. PM10 Trends in Phoenix Metro
2. List of Documents

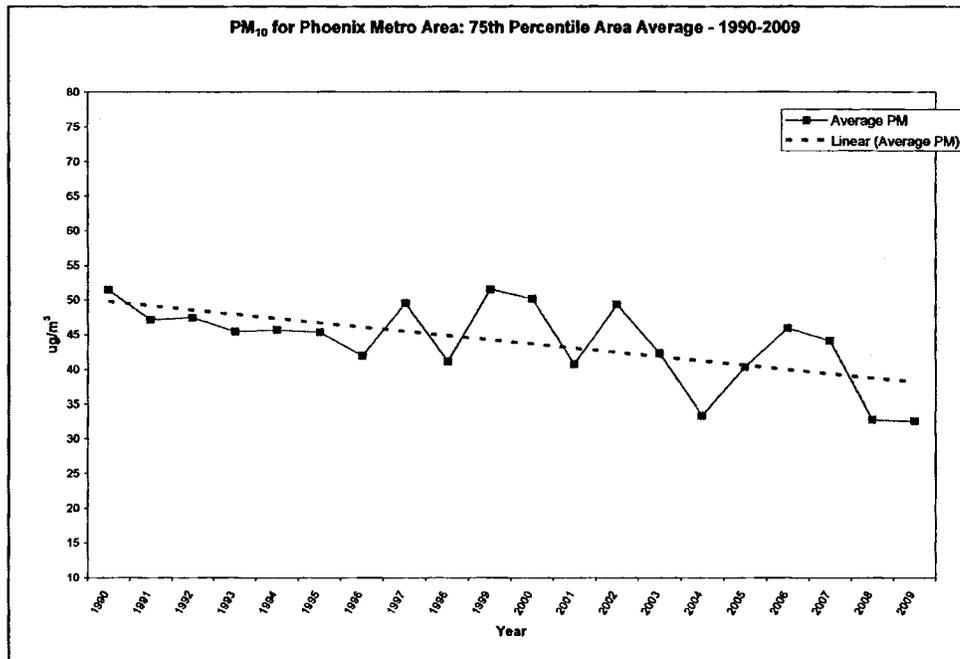
PM₁₀ Trends in Phoenix Metro

1990 – 2009

For the twenty year period from 1990 to 2009, five sites were used to assess PM₁₀ trends in the Phoenix Metropolitan area. The five sites include West Phoenix, Mesa, North Phoenix, Glendale, and South Scottsdale.

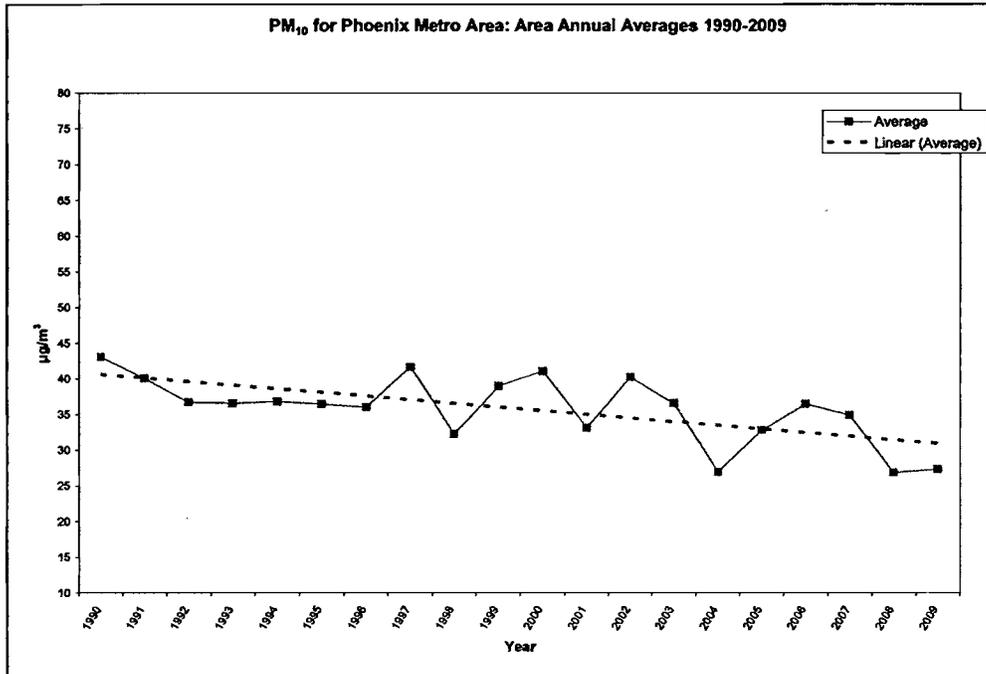
Using the 75th Percentile as the indicator:

1990 – 2009 → Over the last 20 years, there has been a 12 $\mu\text{g}/\text{m}^3$ decrease in PM₁₀ concentrations within the Phoenix Metro area (5 sites were used). This equates to a 24% decrease in PM₁₀ concentrations over the 20 year period.



Using the Annual Average as the indicator:

1990 – 2009 → Over the last 20 years, there has been a 10 $\mu\text{g}/\text{m}^3$ decrease in PM₁₀ concentrations within the Phoenix Metro area (5 sites were used). This equates to a 24% decrease in PM₁₀ concentrations over the 20 year period.

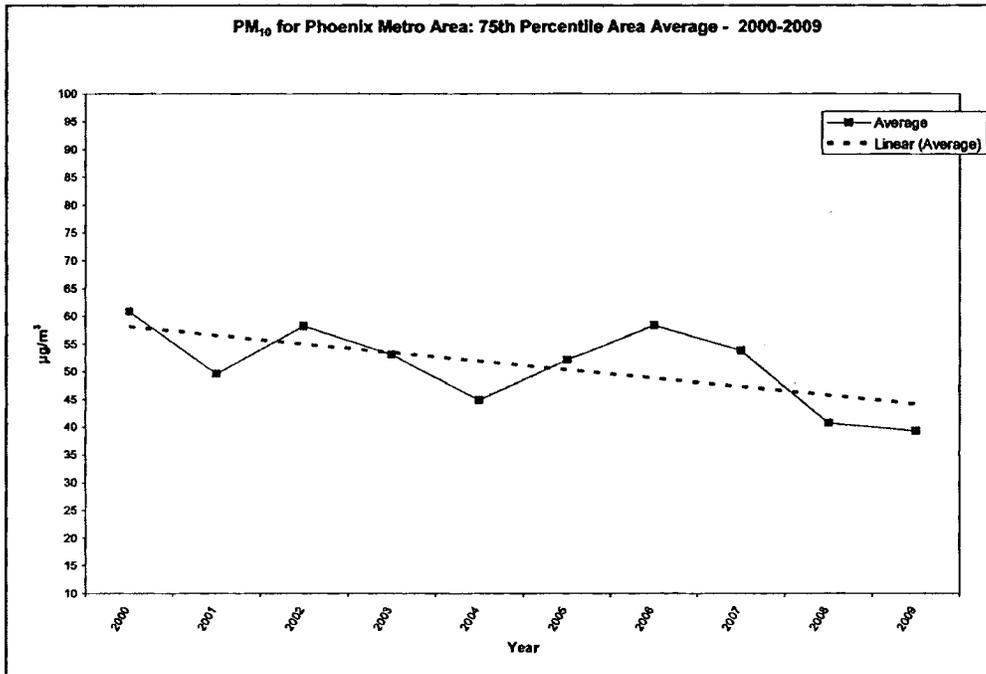


2000 – 2009

For the ten year period from 2000 to 2009, eleven sites were used to assess PM₁₀ trends in the Phoenix Metropolitan area. The eleven sites include West Phoenix, Mesa, North Phoenix, Glendale, Central Phoenix, South Scottsdale, Greenwood, South Phoenix, west Chandler, Higley, and the Durango Complex.

Using the 75th Percentile as the indicator:

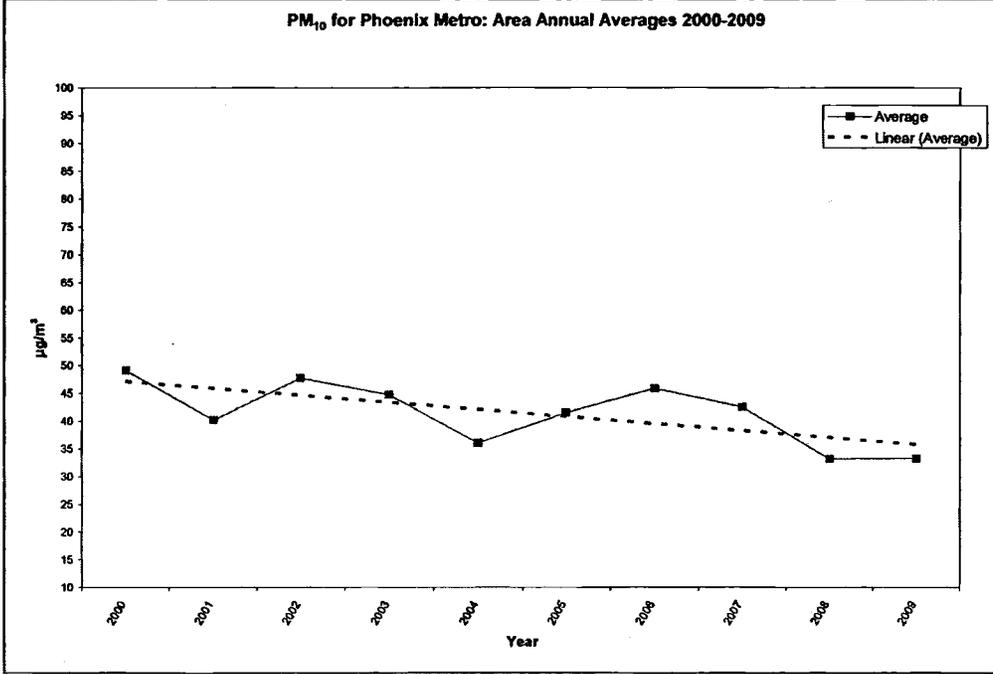
2000 – 2009 → over the last 10 years, there has been a 15 µg/m³ decrease in PM₁₀ concentrations within the Phoenix Metro area (11 sites were used). This equates to a 25% decrease in PM₁₀ concentrations over the 10 year period.



Using the Annual Average as the indicator:

2000 – 2009 → over the last 10 years, there has been a 12 µg/m³ decrease in PM₁₀ concentrations within the Phoenix Metro area (11 sites were used). This equates to a 25% decrease in PM₁₀ concentrations over the 10 year period.

PM₁₀ for Phoenix Metro: Area Annual Averages 2000-2009



LIST OF DOCUMENTS

DATE	TITLE
09/16/08	Letter to Deborah Jordan, EPA, from Nancy Wrona, ADEQ, regarding submittal of Final Demonstrations of Exceptional/Natural Events in Arizona, 2007 and Request for Concurrence with attached notebook entitled "Exceptional/Natural Events in the State of Arizona, 2007, Public Comment Aug 11 – Sep 10, 2008 with enclosed
	- Table 1, Arizona Air Quality Final Demonstrations for Flagstaff Exceptional Events (2007)
	- Public Notice, Arizona Department of Environmental Quality Request for Public Comments on Natural or Exceptional Events in Arizona
	- Index of 2007 Exceptional Events Demonstrations, Public Comment, 08/11/08 – 09/10/08
	- Figure 1, Key Data for Event of November 29, 2006
	- Assessment of November 29, 2006 Event
	- ADEQ Yuma and Vicinity Dust Control Action Forecast issued Tuesday, November 28, 2006
	- U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, NAF (23199), El Centro, CA (11/2006)
	- U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Imperial County Airport (03144), Imperial, CA (11/2006)
	- U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Yuma Marine Corps Air Station/Yuma International Airport (23195), Yuma, AZ (11/2006)
	- ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀) Concentration Events in the Yuma Area on February 15, 2006 with attached ADEQ Maricopa County Dust Control Action Forecast issued on Monday, February 13, 2006; U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Imperial County Airport (03144), Imperial, CA (02/2006); U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Yuma Marine Corps Air Station/Yuma International Airport (23195), Yuma, AZ (02/2006); U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, NAF (23199), El Centro, CA (02/2006)
	- ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀) Concentration Events in the Yuma Area on May 21, 2006 with attached U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Imperial County Airport (03144), Imperial, CA (05/2006); U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Palm Springs International Airport (93138), Palm Springs, CA (05/2006); U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Yuma Marine Corps Air Station/Yuma International Airport (23195), Yuma, AZ (05/2006)
	- ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀) Concentration Events

LIST OF DOCUMENTS

DATE	TITLE
	<p>in the Yuma Area on November 29, 2006</p> <ul style="list-style-type: none"> - ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM₁₀ and PM_{2.5}) Concentration Events in the Nogales, Arizona Area on January 1, 2007 with attached U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Nogales International Airport (03196), Nogales, AZ (12/2006); U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Nogales International Airport (03196), Nogales, AZ (01/2007); ADEQ Air Quality Division PM₁₀BAM.STD Daily Concentration Report (ug/m³) for 12/31/06 and 01/01/07 - ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM₁₀) Concentration Events in the Yuma Area on January 5, 2007 with attached ADEQ Yuma and Vicinity Dust Control Action Forecast issued Thursday, January 4, 2007; U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, NAF(23199), El Centro, CA (01/2007); U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Imperial County Airport (03144), Imperial, CA (01/2007); U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Yuma MCAS (03145), Yuma, AZ (01/2007)
09/16/09 Con't	<ul style="list-style-type: none"> - ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM₁₀) Concentration Events in the Nogales, Arizona Area on February 6, 2007 with attached U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Nogales International Airport (03196), Nogales, AZ (02/2007); ADEQ Air Quality Division PM₁₀BAM.STD Daily Concentration Report (ug/m³) for 02/06/07 - ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM₁₀) Concentration Events in the Yuma Area on February 19, 2007 with attached ADEQ Yuma and Vicinity Dust Control Action Forecast issued Sunday, February 18, 2007; U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, NAF(23199), El Centro, CA (02/2007); U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Imperial County Airport (03144), Imperial, CA (02/2007); U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Yuma MCAS (03145), Yuma, AZ (02/2007); NOAA HYSPLIT Model, Forward Trajectory Starting at 03 UTC 19 Feb 07, EDAS Meteorological Data - ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM₁₀) Concentration Events in the Yuma Area on February 27, 2007 with attached ADEQ Yuma and Vicinity Dust Control Action Forecast issued Monday, February 26, 2007; U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, NAF(23199), El Centro, CA (02/2007); U.S. Department of

LIST OF DOCUMENTS

DATE	TITLE
	Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Imperial County Airport (03144), Imperial, CA (02/2007); U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Yuma MCAS (01345), Yuma, AZ (02/2007); NOAA HYSPLIT Model, Forward Trajectory Starting at 22 UTC 27 Feb 07, EDAS Meteorological Data
09/16/09 Con't	- ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀) Concentration Events in the Nogales, Arizona Area on March 6, 2007 with attached U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Nogales International Airport (03196), Nogales, AZ (03/2007); ADEQ Air Quality Division PM10BAM.STD Daily Concentration Report (ug/m3) for 03/06/07
	- ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀) Concentration Events in the Nogales, Arizona Area on March 15, 2007 with attached U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Nogales International Airport (03196), Nogales, AZ (03/2007); ADEQ Air Quality Division PM10BAM.STD Daily Concentration Report (ug/m3) for 03/15/07
	- ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀) Concentration Events in the Yuma Area on April 11, 2007 and Statewide on April 12, 2007 with attached ADEQ Yuma and Vicinity Dust Control Action Forecast issued Wednesday, April 11, 2007; ADEQ Maricopa County Dust Control Action Forecast issued Wednesday, April 11, 2007; ADEQ Green Valley and Vicinity Re-Entrainment Risk Wind Forecast issued on Wednesday, April 11, 2007; U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Yuma MCAS (03145), Yuma, AZ (04/2007); U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Imperial County Airport (03144), Imperial, CA (04/2007); U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, NAF(23199), El Centro, CA (04/2007)

LIST OF DOCUMENTS

DATE	TITLE
	<p>- ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM₁₀) Concentration Events in the Yuma Area on May 4, 2007 with attached ADEQ Maricopa County Dust Control Action Forecast issued on Thursday, May 3, 2007; ADEQ Air Quality Forecast for Thursday, May 3, 2007; Local Air Pollutants in Detail; ADEQ Yuma and Vicinity Dust Control Action Forecast issued Thursday, May 3, 2007; U.S. Department of Commerce Quality Controlled Local Climatological Data (may be updated), Hourly Observations Table, NAF(23199), El Centro, CA (05/2007); U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Imperial County Airport (03144), Imperial, CA (05/2007); U.S. Department of Commerce Quality Controlled Local Climatological Data (may be updated), Hourly Observations Table, Yuma MCAS (03145), Yuma, AZ (05/2007)</p>
09/16/09 Con't	<p>- ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM₁₀) Concentration Events in the Yuma Area on May 21, 2007 with attached ADEQ Yuma and Vicinity Dust Control Action Forecast issued Sunday, May 20, 2007; U.S. Department of Commerce Quality Controlled Local Climatological Data (may be updated), Hourly Observations Table, Yuma MCAS (03145), Yuma, AZ (05/2007); U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Blythe Airport (23158), Blythe, CA (05/2007); U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Imperial County Airport (03144), Imperial, CA (05/2007); U.S. Department of Commerce Quality Controlled Local Climatological Data (may be updated), Hourly Observations Table, NAF(23199), El Centro, CA (05/2007)</p>
	<p>- ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM₁₀) Concentration Events in the Yuma Area on June 5, 2007 and Statewide on June 6, 2007 with attached ADEQ Yuma and Vicinity Dust Control Action Forecast issued Monday, June 4, 2007; ADEQ Maricopa County Dust Control Action Forecast issued on Monday, June 4, 2007; U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Imperial County Airport (03144), Imperial, CA (06/2007); U.S. Department of Commerce Quality Controlled Local Climatological Data (may be updated), Hourly Observations Table, NAF(23199), El Centro, CA (06/2007); U.S. Department of Commerce Quality Controlled Local Climatological Data (may be updated), Hourly Observations Table, Yuma MCAS (03145), Yuma, AZ (06/2007); U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Williams Gateway Airport (23104), Phoenix, AZ (06/2007); U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Casa Grande Municipal Airport (03914), Casa Grande, AZ (06/2007)</p>
09/16/09 Con't	<p>- ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM₁₀) Concentration Events in the Rillito Area on July 5, 2007 with attached ADEQ Green Valley and Vicinity Dust Re-Entrainment Risk Wind Forecast issued Wednesday, July 4, 2007; ADEQ</p>

LIST OF DOCUMENTS

DATE	TITLE
	<p>Maricopa County Dust Control Action Forecast issued Monday, July 4, 2007; U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Tucson International Airport (23160), Tucson, AZ (07/2007); U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Davis-Monthan AFB Airport (23109), Tucson, AZ (07/2007)</p> <p>- ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM₁₀) Concentration Events in the Yuma Area on July 8, 2007 with attached ADEQ Yuma and Vicinity Dust Control Action Forecast issued Monday, July 6, 2007; U.S. Department of Commerce Quality Controlled Local Climatological Data (may be updated), Hourly Observations Table, Yuma MCAS (03145), Yuma, AZ (07/2007); U.S. Department of Commerce Quality Controlled Local Climatological Data (may be updated), Hourly Observations Table, NAF(23199), El Centro, CA (07/2007); U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Imperial County Airport (03144), Imperial, CA (07/2007)</p> <p>- ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM₁₀) Concentration Events in the Phoenix Area on July 19, 2007 with attached U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Williams Gateway Airport (23104), Phoenix, AZ (07/2007); U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Phoenix Deer Valley Airport (03184), Phoenix, AZ (07/2007); U.S. Department of Commerce Quality Controlled Local Climatological Data (may be updated), Hourly Observations Table, Phoenix Sky Harbor International Airport (23183), Phoenix, AZ (07/2007); U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Scottsdale Airport (03192), Scottsdale, AZ (07/2007)</p>
09/16/09 Con't	<p>- ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM₁₀) Concentration Events in the Phoenix Area on August 13, 2007 with attached U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Williams Gateway Airport (23104), Phoenix, AZ (08/2007); U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Phoenix Deer Valley Airport (03184), Phoenix, AZ (08/2007)</p> <p>- ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM₁₀) Concentration Events in the Phoenix Area on August 16, 2007 with attached U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Chandler Municipal Airport (53128), Chandler, AZ (08/2007); U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Williams Gateway Airport (23104), Phoenix, AZ (08/2007); U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Phoenix Sky Harbor International Airport</p>

LIST OF DOCUMENTS

DATE	TITLE
	(23183), Phoenix, AZ (08/2007)
	- ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀) Concentration Events in the Phoenix Area on August 23, 2007 with attached U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Phoenix Sky Harbor International Airport (23183), Phoenix, AZ (08/2007); U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Williams Gateway Airport (23104), Phoenix, AZ (08/2007)
	- ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀) Concentration Events in the Yuma Area on August 31, 2007 with attached ADEQ Yuma and Vicinity Dust Control Action Forecast issued Thursday, August 30, 2007; U.S. Department of Commerce Quality Controlled Local Climatological Data (may be updated), Hourly Observations Table, Yuma MCAS (03145), Yuma, AZ (08/2007); U.S. Department of Commerce Quality Controlled Local Climatological Data (may be updated), Hourly Observations Table, NAF(23199), El Centro, CA (08/2007); U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Imperial County Airport (03144), Imperial, CA (08/2007)
	- ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀) Concentration Events in the Yuma Area on October 5, 2007 with attached ADEQ Yuma and Vicinity Dust Control Action Forecast issued Thursday, October 4, 2007; U.S. Department of Commerce Quality Controlled Local Climatological Data (may be updated), Hourly Observations Table, Yuma MCAS (03145), Yuma, AZ (10/2007); U.S. Department of Commerce Quality Controlled Local Climatological Data (may be updated), Hourly Observations Table, NAF(23199), El Centro, CA (10/2007); U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Imperial County Airport (03144), Imperial, CA (10/2007)
	- ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀) Concentration Events in the Nogales, Arizona Area on October 19, 2007 with attached U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Nogales International Airport (03196), Nogales, AZ (10/2007); ADEQ Air Quality Division PM10BAM.STD Daily Concentration Report (ug/m ³) for 10/19/07
	- ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀) Concentration Events in the Yuma and Phoenix Areas on October 21, 2007 with attached ADEQ Yuma and Vicinity Dust Control Action Forecast issued Friday, October 19, 2007; ADEQ Maricopa County Dust Control Action Forecast issued on Friday, October 19, 2007; ADEQ Air Pollution Health Watch Issuance Notice; U.S. Department of Commerce Quality Controlled Local Climatological Data (may be updated), Hourly Observations Table, Yuma MCAS (03145), Yuma, AZ (10/2007); U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly

LIST OF DOCUMENTS

DATE	TITLE
	<p>Observations Table, Phoenix Goodyear Airport (03186), Goodyear, AZ (10/2007); U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Casa Grande Municipal Airport (03914), Casa Grande, AZ (10/2007); U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Casa Grande Municipal Airport (03914), Casa Grande, AZ (10/2007); U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Luke AFB Airport (23111), Glendale, AZ (10/2007)</p>
	<p>- ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM₁₀) Concentration Events in the Phoenix Areas on October 24, 2007 with attached ADEQ Air Pollution Health Watch Issuance Notice; U.S. Department of Commerce Quality Controlled Local Climatological Data (may be updated), Hourly Observations Table, Phoenix Sky Harbor International Airport (23183), Phoenix, AZ (10/2007); U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Falcon Field Airport (03185), Mesa, AZ (10/2007); U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Williams Gateway Airport (23104), Phoenix, AZ (10/2007); ADEQ Air Quality Division PM₁₀.TEOM Daily Concentration Report (ug/m³) for 10/24/07</p>
	<p>- ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM₁₀) Concentration Events in the Nogales, Arizona Area on October 27, 2007 with attached U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Nogales International Airport (03196), Nogales, AZ (10/2007); ADEQ Air Quality Division PM₁₀BAM.STD Daily Concentration Report (ug/m³) for 10/27/07</p>
	<p>- ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM₁₀) Concentration Events in the Nogales, Arizona Area on November 2, 2007 with attached U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Nogales International Airport (03196), Nogales, AZ (11/2007); ADEQ Air Quality Division PM₁₀BAM.STD Daily Concentration Report (ug/m³) for 11/02/07</p>
	<p>- ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM₁₀) Concentration Events in the Nogales, Arizona Area on November 3, 2007 with attached U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Nogales International Airport (03196), Nogales, AZ (11/2007); ADEQ Air Quality Division PM₁₀BAM.STD Daily Concentration Report (ug/m³) for 11/03/07</p>
09/16/09 Con't	<p>- ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM₁₀) Concentration Events in the Nogales, Arizona Area on November 4, 2007 with attached U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly</p>

LIST OF DOCUMENTS

DATE	TITLE
	Observations Table, Nogales International Airport (03196), Nogales, AZ (11/2007); ADEQ Air Quality Division PM10BAM.STD Daily Concentration Report (ug/m3) for 11/04/07
	- ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀) Concentration Events in the Nogales, Arizona Area on November 6, 2007 with attached U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Nogales International Airport (03196), Nogales, AZ (11/2007); ADEQ Air Quality Division PM10BAM.STD Daily Concentration Report (ug/m3) for 11/06/07
	- ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀) Concentration Events in the Phoenix Area on November 15, 2007 with attached U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Goodyear Airport (03186), Goodyear, AZ (11/2007); U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Phoenix Sky Harbor International Airport (23183), Phoenix, AZ (11/2007)
	- ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀) Concentration Events in the Nogales, Arizona Area on November 18, 2007 with attached U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Nogales International Airport (03196), Nogales, AZ (11/2007); ADEQ Air Quality Division PM10BAM.STD Daily Concentration Report (ug/m3) for 11/18/07
	- ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀) Concentration Events in the Nogales, Arizona Area on November 19, 2007 with attached U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Nogales International Airport (03196), Nogales, AZ (11/2007); ADEQ Air Quality Division PM10BAM.STD Daily Concentration Report (ug/m3) for 11/19/07
	- ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀) Concentration Events in the Nogales, Arizona Area on November 28 2007 with attached U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Nogales International Airport (03196), Nogales, AZ (11/2007); ADEQ Air Quality Division PM10BAM.STD Daily Concentration Report (ug/m3) for 11/28/07
	- ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀ and PM _{2.5}) Concentration Events in the Nogales, Arizona Area on December 24, 2007 with attached U.S. Department of Commerce Quality Controlled Local Climatological Data (final), Hourly Observations Table, Nogales International Airport (03196), Nogales, AZ (12/2007); ADEQ Air Quality Division PM10BAM.STD Daily

LIST OF DOCUMENTS

DATE	TITLE
	Concentration Report (ug/m3) for 12/24/07 (289 pages)
06/30/09	Letter to Deborah Jordan, EPA, from Nancy Wrona, ADEQ, regarding Submittal of Preliminary Documentation of Exceptional/Natural Events in Arizona 2008 and Request for Concurrence (4 pages)
06/30/09	Notebook as referenced in 06/30/09 letter entitled "Preliminary Documentation for 2008 Exceptional Events" with enclosed
	- Index of 2008 Exceptional Events Preliminary Documentation, Public Comment Period, TBA
	- Preliminary Documentation, ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀ and PM _{2.5}) Concentration Events in the Nogales, Arizona Area on January 1, 2008
	- Preliminary Documentation, ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀ and PM _{2.5}) Concentration Events in the Nogales, Arizona Area on January 26, 2008
	- Preliminary Documentation, ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀) Concentration Events in the Nogales, Arizona Area on February 27, 2008
	- Preliminary Documentation, ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀) Concentration Events in the Nogales, Arizona Area on March 2, 2008
	- Preliminary Documentation, ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀) Concentration Events in the Buckeye Area on March 2, 2008 with attached ADEQ Air Quality Forecast for Saturday, March 1, 2008; ADEQ Maricopa County Dust Control Action Forecast issued Friday, February 29, 2008
	- Preliminary Documentation, ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀) Concentration Events in the Yuma Area on March 2, 2008 with attached ADEQ Yuma and Vicinity Dust Control Action Forecast issued on Friday, February 29, 2008; ADEQ Air Quality Forecast for Saturday, March 1, 2008
	- Preliminary Documentation, ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀) Concentration Events in the Phoenix Area on March 14, 2008 with attached Chapter 4: Overview of PM ₁₀ Control Measures; ADEQ Air Quality Forecast for Friday, March 14, 2008; ADEQ Air Pollution Health Watch Issuance Notice; ADEQ Maricopa County Dust Control Action Forecast issued on Thursday, March 13, 2008
	- Preliminary Documentation, ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High

LIST OF DOCUMENTS

DATE	TITLE
	Particulate (PM ₁₀) Concentration Events in the Phoenix Area on April 16, 2008 with attached Chapter 4: Overview of PM ₁₀ Control Measures; ADEQ Air Quality Forecast for Wednesday, April 16, 2008; ADEQ Maricopa County Dust Control Action Forecast issued on Tuesday, April 15, 2008
	- Preliminary Documentation, ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀) Concentration Events in the Phoenix Area on April 30, 2008 with attached Chapter 4: Overview of PM ₁₀ Control Measures; ADEQ Air Quality Forecast for Wednesday, April 30, 2008; ADEQ Maricopa County Dust Control Action Forecast issued on Tuesday, April 29, 2008
	- Preliminary Documentation, ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀) Concentration Events in the Paul Spur Area on May 12, 2008 with attached ADEQ Air Quality Forecast for Monday, May 12, 2008; ADEQ Air Pollution Health Watch Issuance Notice; ADEQ Green Valley and Vicinity Dust Control Re-Entrainment Risk Wind Forecast issued on Sunday, May 11, 2008; ADEQ Maricopa County Dust Control Action Forecast issued, Sunday, May 11, 2008
	- Preliminary Documentation, ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀) Concentration Events in the Nogales, Arizona Area on May 18, 2008
	- Preliminary Documentation, ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀) Concentration Events in the Phoenix and Yuma Areas on May 21, 2008 with attached ADEQ Air Quality Forecast for Wednesday, May 21, 2008; ADEQ Yuma and Vicinity Dust Control Action Forecast issued on Tuesday, May 20, 2008; Chapter 4: Overview of PM ₁₀ Control Measures; Local Air Pollutants in Detail; ADEQ Maricopa County Dust Control Action Forecast issued on Tuesday, May 20, 2008
	- Preliminary Documentation, ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀) Concentration Events in the Nogales, Arizona Area on May 22, 2008 with attached ADEQ Maricopa County Dust Control Action Forecast issued on Wednesday, May 21, 2008; ADEQ Air Pollution Health Watch Issuance Notice; ADEQ Green Valley and Vicinity Dust Control Re-Entrainment Risk Wind Forecast issued on Wednesday, May 21, 2008; ADEQ Yuma and Vicinity Dust Control Action Forecast issued, Wednesday, May 21, 2008
	- Preliminary Documentation, ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀) Concentration Events in the Phoenix and Yuma Areas on June 4, 2008 with attached ADEQ Yuma and Vicinity Dust Control Action Forecast issued on Tuesday, June 3, 2008; ADEQ Maricopa County Dust Control Action Forecast issued on Tuesday, June 2, 2008 (NOTE day of week appears to be incorrect on one of these entries); ADEQ Air Pollution Health Watch Issuance Notice

LIST OF DOCUMENTS

DATE	TITLE
06/30/09 Con't	- Preliminary Documentation, ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀) Concentration Events in the Buckeye Area on July 1, 2008 with attached ADEQ Air Quality Forecast for Tuesday, July 1, 2008; Local Air Pollutants in Detail; ADEQ Maricopa County Dust Control Action Forecast issued on Monday, June 30, 2008
	- Preliminary Documentation, ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀) Concentration Events in the Buckeye Area on July 4, 2008 with attached ADEQ Maricopa County Dust Control Action Forecast issued on Thursday, July 3, 2008
	- Preliminary Documentation, ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀) Concentration Events in the Phoenix Area on October 11, 2008 with attached ADEQ Maricopa County Dust Control Action Forecast issued on Tuesday, October 10, 2008
	- Preliminary Documentation, ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀) Concentration Events in the Phoenix Area on October 22, 2008 with attached ADEQ Maricopa County Dust Control Action Forecast issued on Tuesday, October 21, 2008
	- Preliminary Documentation, ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀) Concentration Events in the Nogales, Arizona Area on October 26, 2008
06/30/09 Con't	- Preliminary Documentation, ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀) Concentration Events in the Pima County Area on October 27, 2008
	- Preliminary Documentation, ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀) Concentration Events in the Nogales, Arizona Area on October 31, 2008 and November 1, 2008
	- Description of High Particulate (PM ₁₀) Concentration Event in the Durango Complex Vicinity on November 7, 2008 with attached Maricopa County, Air Quality Division, Dust Control Division, Photo Attachment Page, 11/14/08; ADEQ Air Quality Forecast for Friday, November 7, 2008; ADEQ Maricopa County Dust Control Action Forecast issued Thursday, November 6, 2008
	- Preliminary Documentation, ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate Concentration Event in the Nogales, Arizona Area on November 8, 2008 with attached ADEQ Yuma and Vicinity Dust Control Action Forecast issued Friday, November 7, 2008; ADEQ Air Pollution Health Watch Issuance Notice; ADEQ Maricopa County Dust Control Action Forecast issued Friday, November 7, 2008
	- Preliminary Documentation, ADEQ Assessment of Qualification for

LIST OF DOCUMENTS

DATE	TITLE
	Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀) Concentration Events in the Phoenix and Yuma Areas on November 9, 2008
	- Preliminary Documentation, ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate Concentration Event in the Nogales, Arizona Area on November 16, 2008 and November 17, 2008
	- Preliminary Documentation, ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate Concentration Event in the Nogales, Arizona Area on November 20, 2008
	- Preliminary Documentation, ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate Concentration Event in the Nogales, Arizona Area on November 22, 2008
	- Preliminary Documentation, ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate Concentration Event in the Nogales, Arizona Area on December 20, 2008
	- Preliminary Documentation, ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀ and PM _{2.5}) Concentration Events in the Nogales, Arizona Area on December 31, 2008 and January 1, 2009 (211 pages)
09.11/09	Letter to Gina McCarthy, EPA, from Martin Bauer, Western States Air Resources Council (WESTAR), regarding Recommendations to Improve Implementation of the Exceptional Events Rule with enclosed - - Recommended Actions to Improve Implementation of 40 CFR Parts 50 and 51 Related to Treatment of Data Influenced by Exceptional Events (10 pages)
11/17/09	Letter to Deborah Jordan, EPA, from Nancy Wrona, ADEQ, regarding Submittal of Final Demonstrations of the 2008 Greater Phoenix Area Exceptional/Natural Events and Request for Concurrence with enclosed - - ADEQ The Impact of Exceptional Events 'Unusual Winds' on PM ₁₀ Concentrations in Arizona, Air Quality Division, October 15, 2009 - ADEQ High Wind Exceptional Events And Control Measures for PM ₁₀ Areas, Air Quality Division, October 13, 2009 (33 pages)
11/17/09	Notebook referenced in 11/17/09 letter entitled "Exceptional/Natural Events in the Greater Phoenix Area 2008, Public Comment Period Oct 15 – Nov 13, 2009 with enclosed – - Index of 2008 Greater Phoenix Area Exceptional Events Demonstrations Public Comment Period, October 15 – November 13, 2009 - Affidavit of Publication dated 10/15/09 - Two page Spreadsheet from 03/02/08 to 11/09/08 – Definition of "High Wind" as a "Natural Event" as described in 40 CFR 50.1(k) and Preamble section IV(E)(5)(a) - ADEQ Assessment of Qualification for Treatment under the Arizona

LIST OF DOCUMENTS

DATE	TITLE
	Natural and Exceptional Events Policy for the High Particulate (PM ₁₀) Concentration Events in the Buckeye Area on March 2, 2008 with attached ADEQ Air Quality Forecast for Saturday, March 1, 2008; ADEQ Maricopa County Dust Control Action Forecast issued Friday, February 29, 2008; ADEQ Yuma and Vicinity Dust Control Action Forecast issued Friday, February 29, 2008
	- ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀) Concentration Events in the Phoenix Area on March 14, 2008 with attached ADEQ Air Quality Forecast for Friday, March 14, 2008; ADEQ Air Pollution Health Watch Issuance Notice; ADEQ Maricopa County Dust Control Action Forecast issued Thursday, March 13, 2008; Chapter 4: Overview of PM ₁₀ Control Measures
	- ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀) Concentration Events in the Phoenix Area on April 16, 2008 with attached ADEQ Air Quality Forecast for Tuesday, April 15, 2008; Local Air Pollutants in Detail; ADEQ Air Pollution Health Watch Issuance Notice; ADEQ Maricopa County Dust Control Action Forecast issued Monday, April 14, 2008; ADEQ Air Quality Forecast for Wednesday, April 16, 2008; ADEQ Maricopa County Dust Control Action Forecast issued Tuesday, April 15, 2008; Chapter 4: Overview of PM ₁₀ Control Measures
	- ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀) Concentration Events in the Phoenix Area on April 30, 2008 with attached ADEQ Air Quality Forecast for Wednesday, April 30, 2008; ADEQ Air Pollution Health Watch Issuance Notice; ADEQ Maricopa County Dust Control Action Forecast issued Tuesday, April 29, 2008; Chapter 4: Overview of PM ₁₀ Control Measures
	- ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀) Concentration Events in the Phoenix and Yuma Areas on May 21, 2008 with attached ADEQ Air Quality Forecast for Wednesday, May 21, 2008; Local Air Pollutants in Detail; ADEQ Air Pollution Health Watch Issuance Notice; ADEQ Maricopa County Dust Control Action Forecast issued Tuesday, May 20, 2008; ADEQ Yuma and Vicinity Dust Control Action Forecast issued Tuesday, May 20, 2008; Chapter 4: Overview of PM ₁₀ Control Measures
	- ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀) Concentration Events in the Phoenix and Yuma Areas on June 4, 2008 with attached ADEQ Air Pollution Health Watch Issuance Notice; ADEQ Maricopa County Dust Control Action Forecast issued Tuesday, June 2, 2008; ADEQ Yuma and Vicinity Dust Control Action Forecast issued Tuesday, June 3, 2008 (NOTE day of week appears to be incorrect on one of these entries); PM ₁₀ Control Measures Reporting Form High Wind Exceptional Event Demonstration, June 4, 2008
	- ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM ₁₀) Concentration Events in the Buckeye Area on July 1, 2008 with attached ADEQ Air Quality Forecast for Tuesday, July 1, 2008; Local Air Pollutants in Detail; ADEQ Maricopa

LIST OF DOCUMENTS

DATE	TITLE
	<p>County Dust Control Action Forecast issued Monday, June 30, 2008</p> <p>- ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM₁₀) Concentration Events in the Buckeye Area on July 4, 2008 with attached ADEQ Maricopa County Dust Control Action Forecast issued Thursday, July 3, 2008</p> <p>- ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM₁₀) Concentration Events in the Phoenix Area on October 11, 2008 with attached ADEQ Maricopa County Dust Control Action Forecast issued Friday, October 10, 2008</p> <p>- ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM₁₀) Concentration Events in the Phoenix Area on October 22, 2008 with attached ADEQ Maricopa County Dust Control Action Forecast issued Tuesday, October 21, 2008</p> <p>- Description of the High Particulate (PM₁₀) Concentration Event in the Durango Complex Vicinity on November 7, 2008 with attached ADEQ Air Quality Forecast for Friday, November, 7, 2008; ADEQ Maricopa County Dust Control Action Forecast issued Thursday, November 6, 2008; Maricopa County, Air Quality Division, Dust Control Division, Photo Attachment Page, 11/14/08</p>
11/17/09 Con't	<p>- ADEQ Assessment of Qualification for Treatment under the Arizona Natural and Exceptional Events Policy for the High Particulate (PM₁₀) Concentration Events in the Phoenix and Yuma Areas on November 9, 2008 with attached ADEQ Air Pollution Health Watch Issuance Notice; ADEQ Maricopa County Dust Control Action Forecast issued Friday, November 7, 2008; ADEQ Yuma and Vicinity Dust Control Action Forecast issued Friday, November 7, 2008</p> <p>- ADEQ High Wind Exceptional Events and Control Measures for PM₁₀ Areas, Air Quality Division, October 13, 2009</p>
	<p>- ADEQ The Impact of Exceptional Events 'Unusual Winds' on PM₁₀ Concentrations in Arizona, Air Quality Division, October 14, 2009 (209 pages)</p>
03/08/10	<p>Letter to Martin Bauer, Western States Air Resources Council (WESTAR), from Gina McCarthy, EPA, regarding response to 09/11/09 letter providing recommendations of WESTAR's "Exceptional Event Rules" (2 pages)</p>
07/20/10	<p>E-mail from Ira M. Domsy to Roger Ferland with cc's to Eric Massey, Shawn B. Kendall and james.skardon@azag.gov attaching ADEQ's 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 June 4, 2008, Air Quality Division dated March 17, 2010 and sent to the EPA by ADEQ on March 17, 2010 (37 pages)</p>
05/21/10	<p>Letter from Jared Blumenfeld, EPA, to Benjamin H. Grumbles, ADEQ, regarding PM₁₀ Natural Ambient Air Quality Standard in Phoenix Request for Concurrence for Treatment as "Exceptional Events" with enclosed Review of Exceptional Event Request (ADEQ File Folder tab noted "May 21, 2010 Letter from EPA to ADEQ Non-Concurrence) with enclosed -</p>

LIST OF DOCUMENTS

DATE	TITLE
	- Review of Exceptional Event Request, Maricopa County, AZ, 24-Hour PM ₁₀ , March 14, 2008, April 30, 2008, May 21, 2008, June 4, 2008, U.S. Environmental Protection Agency Region 9, May 12, 2010 (48 pages)
06/30/10	Letter from Benjamin H. Grumbles, ADEQ, to Jared Blumenfeld, EPA, regarding response to concerns raised in 05/21/10 letter and at the 05/25/10 meeting with attached Section by Section Response to Review of Exceptional Events Request, Maricopa County, AZ 24-Hour PM ₁₀ , March 14, 2008, April 30, 2008, May 21, 2008, June 4, 2008 U.S. Environmental Protection Agency Region 9, May 12, 2010, prepared by ADEQ June 17, 2010 (108 pages)
07.02/10	Letter from Benjamin H. Grumbles, ADEQ, to Jared Blumenfeld, EPA, regarding transmittal of comments prepared by Maricopa County Association of Governments (MAG) with attached MAG Responses to EPA's Review of Exceptional Event Request, Maricopa County, AZ, May 12, 2010 (30 pages)
07/06/10	Letter from Dave Klemp, WESTAR, to Gina McCarthy, EPA, regarding response to 09/11/09 letter (ADEQ File Folder tab noted "July 6, 2010 WESTAR letter to EPA") (2 pages)
08/02/10	08/02/10 Letter from Benjamin H. Grumbles, ADEQ, to Jared Blumenfeld, EPA, transmitting a revised draft report raised by ADEQ on 06/04/08 (2 pages)
	Spiral bound report entitled "ADEQ Assessment of Qualification for Treatment under the Federal Exceptional Events Rule: High Particulate (PM ₁₀) Concentration Events in Phoenix and Yuma Areas on June 4, 2008, Air Quality Division, July 30, 2010 (412 pages)
08/02/10	Letter from Benjamin H. Grumbles, ADEQ, to Lisa Jackson, EPA, providing comments on the proposed Consent Decree (EPA-HQ-OGC-2010-0428) with attached July 6, 2010 WESTAR letter; March 17, 2010 ADEQ draft Supplemental Report; June 30, 2010 ADEQ Response to EPA May 21, 2010 letter with its own enclosure; July 2, 2010 ADEQ transmission of MAG comments; August 2, 2010 ADEQ transmission of letter and Supplemental Report for June 4, 2008 event (letter references attachments although unable to locate attachments behind letter) (4 pages)
08/24/10	Letter from Jared Blumenfeld, EPA, to Benjamin H. Grumbles, ADEQ, regarding recent communications about exceptional events dated June 30, July 2 and August 2 as well as 08/02/10 comments on proposed consent decree (1 page)
08/27/10	Letter from Benjamin H. Grumbles, ADEQ, to Jared Blumenfeld, EPA, continuing correspondence dated 08/02/10 and attaching newly-updated revised draft June 4, 2008 report (8 pages) with enclosed – - Summary of Changes Made to Assessment of Qualification for Treatment under the Federal Exceptional Events Rule: High Particulate Matter (PM ₁₀) Concentration Events in the Phoenix and Yuma Areas on June 4, 2008 (dated July 30, 2010)

LIST OF DOCUMENTS

DATE	TITLE
	- Exceptional Event Information Needed to Determine The Contribution of Anthropogenic Activities
	- August 16, 2010 Assessment of Qualification for Treatment under the Federal Exception Events Rule: High Particulate (PM ₁₀) Concentration Event in the Phoenix Area on March 14, 2008 (346 pages)
	- August 16, 2010 Assessment of Qualification for Treatment under the Federal Exception Events Rule: High Particulate (PM ₁₀) Concentration Event in the Phoenix Area on April 30, 2008 (360 pages)
	- August 16, 2010 Assessment of Qualification for Treatment under the Federal Exception Events Rule: High Particulate (PM ₁₀) Concentration Event in the Phoenix Area on May 21, 2008 (382 pages)
	- August 16, 2010 Assessment of Qualification for Treatment under the Federal Exception Events Rule: High Particulate (PM ₁₀) Concentration Event in the Phoenix Area on June 4, 2008 (408 pages)
09/01/10	Letter from Benjamin H. Grumbles, ADEQ, and Dennis Smith, MAG, to Honorable Lisa Jackson, EPA, regarding EPA Policy regarding Implementation of the Exceptional Events Rule (8 pages)



Janice K. Brewer
Governor

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Benjamin H. Grumbles
Director

October 18, 2010

VIA U.S. Mail and Electronic Mail

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

Re: Submittal of Final Demonstrations for March 14, 2008, April 30, 2008, May 21, 2008,
and June 4, 2008 Exceptional/Natural Events Analyses for the Greater Phoenix Area and
Yuma; Comments on Pocket Number EPA-R09-OAR-2010-0715

Dear Regional Administrator Blumenfeld:

This letter continues my correspondence of August 2, and 27, 2010, which transmitted to you revised draft reports for PM₁₀ exceedances that occurred in Phoenix and Yuma in 2008. These draft reports addressed issues that EPA had identified in the Arizona Department of Environmental Quality's (ADEQ's) documentation of PM₁₀ exceedance that occurred on March 14, 2008, April 30, 2008, May 21, 2008, and June 4, 2008. As previously stated, 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 indicated the need for additional consultation about the four dates in question.

Pursuant to EPA's Exceptional Event Rule (40 CFR 50.14(c)(3)(i) and ADEQ Policy 2009.001, ADEQ requested public comments on these four draft reports. ADEQ made copies of the demonstrations available for a 30-day public comment period beginning August 30, 2010 and ending September 30, 2010. No comments were received from the public during the comment period. Enclosure 2 contains a copy of the affidavit of publication of the public notice of the 30-day comment period.

Also enclosed with this letter are final copies of the reports including ADEQ's analyses of the exceptional events that occurred on March 14, April 30, May 21, and June 4, 2008 (see Enclosures 3 thru 6). Enclosure 7 is a compact disc containing an electronic copy of these analyses, along with a copy of this letter and Enclosure 2.

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Benjamin H. Grumbles
Director

October 20, 2010

VIA U.S. MAIL AND ELECTRONIC MAIL

Docket Number EPA-R09-OAR-2010-0715
EPA Docket Center
Environmental Protection Agency, Mailcode 2822T
1200 Pennsylvania Ave, N.W.
Washington, DC 20460-001

Re: Comments on Docket ID Number EPA-R09-OAR-2010-0715: Proposed Partial Approval
Partial Disapproval of the Maricopa Area 5% Plan

To Whom It May Concern:

The Arizona Department of Environmental Quality (ADEQ) provides the following comments on the proposed partial approval and partial disapproval of the Maricopa Area 5% plan in Docket ID Number EPA-R09-OAR-2010-0715. This proposed action would partially approve portions of 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.

In July 2000, ADEQ submitted Arizona Administrative Code Title 18, Chapter 2, Article 6 Sections 610 and 611 (A.A.C. R18-2-610 and -611) to EPA along with a demonstration that the Agricultural Best Management Practices (Ag BMP) program met all of the Clean Air Act's requirements. In October 2001 and July 2002 EPA approved these rules as Best Available Control Measures (BACM) for agricultural practices within the Maricopa County serious PM-10 non-attainment area. In 2007, the Arizona Legislature passed Senate Bill 1552 which amended the statute (A.R.S. § 49-457) that authorized the Ag BMP program, increasing the number of control measures required by the Program, and also expanded the program's applicability to agricultural activities within the Maricopa County serious PM-10 non-attainment area.

EPA's proposed action would partially approve the 2007 amendments to A.R.S. § 49-457 which strengthen the Ag BMP program and the SIP. ADEQ supports this finding. At the same time, however, EPA's proposed action would disapprove A.A.C. R18-2-610 and -611 because, according to EPA, the definitions within the rules are too broad, and because there is no mechanism in the rule to ensure that the emission reduction measures are achieving the required levels of control. Although ADEQ disagrees that the definitions are too broad, we will continue working with EPA and the Governor's Ag BMP Committee to provide additional specificity.

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ADEQ has signed a joint comment letter to Administrator Jackson along with the Maricopa Association of Governments (MAG) and the Maricopa County Air Quality Department (MCAQD). This letter identifies the fact that many of the days that exceeded the national air quality standard for PM-10 have been flagged as exceptional events that have overwhelmed the best available and most stringent control measures that have been required within the area. ADEQ's position regarding the documentation for the four days in 2008 with which EPA has not concurred is well documented. It is important to note, however, that on October 19, 2010, ADEQ sent the final documentation regarding the March 14, April 30, May 21, and June 4, 2008 events to EPA Regional Administrator Jared Blumenfeld. These final documents successfully completed the public notice process required by the Exceptional Events Rule, and are incorporated by reference into this letter.

The efforts of ADEQ, MAG, MCAQD and the many stakeholders implementing the 5% Plan have successfully reduced the impacts of air pollution in Maricopa County. ADEQ believes that the 5% Plan, including measures such as the Agricultural Best Management Practices program, has been successfully implemented in Maricopa County, and that the controls required by that plan have resulted in many positive benefits to public health. We also recognize, however, that there are opportunities to improve and ADEQ is committed to making such improvements to the 5% Plan. If you have any questions, please contact Eric Massey, the Director of the Air Quality Division, at (602) 771-2308.

Sincerely,



Benjamin H. Grumbles
Director

cc: Gregory Nudd, EPA
Dennis Smith, Maricopa Association of Governments
William Wiley, Maricopa County Air Quality Department



Maricopa County

Air Quality Department

Office of the Director
William D. Wiley
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October 20, 2010

Via Email: nudd.gregory@epa.gov
Gregory Nudd (Air-2)
U.S. Environmental Protection Agency Region IX
75 Hawthorn Street
San Francisco, CA 94105-3901

Subject: Docket ID No. EPA-R09-OAR-2010-0715

Re: Maricopa County (Phoenix) PM-10 Nonattainment Area; Serious Area Plan for Attainment of the 24-hour PM-10 Standard; Clean Air Act Section 189 (d)

Dear Mr. Nudd:

The Maricopa County Air Quality Department (MCAQD) offers the following comments regarding the proposed rule published in the federal register on September 9, 2010 (75 FR 54806). In that notice, the U.S. Environmental Protection Agency (EPA) proposes to approve in part and disapprove in part State Implementation Plan (SIP) revisions submitted to meet the Clean Air Act (CAA) Section 189(d) requirements applicable to the serious Maricopa County (Phoenix) nonattainment area.

MCAQD's first priority is protection of the health of our citizens. We believe the 2007 5% Plan submittal was an aggressive approach to improve air quality for the health of our citizens and that it is working. We also acknowledge there are always opportunities to improve air quality and we reiterate our willingness to work with EPA in a collaborative process. We urge EPA to consider the significant impacts of its decision on this plan given these difficult economic times. In this vein, we also encourage EPA to exercise its discretion and ensure that any conformity "freeze" that might occur begin at least 90 days after the effective date of the final action.

MCAQD supports EPA's approval of the various provisions of state statute relating to the control of PM-10 emissions in Maricopa County. However, we believe that several aspects of the proposed disapproval are flawed. Our primary concerns with the proposed action are enumerated below.

1. EPA's disapproval of the Emissions Inventory in the 5% Plan is unsupported by EPA's own guidance on inventories and on rule effectiveness (RE).
 - A. The methodology used by MCAQD does not conflict with any current or previous RE guidance published by EPA.

The methodology used by MCAQD in the 2005 Periodic Emissions Inventory (PEI) applied the principles of EPA's current and previous guidance documents in developing the RE studies. It is important to note that EPA does not find that the RE methodology used in the

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2005 Periodic Emissions Inventory (PEI) conflicts with, or runs contrary to guidance on the development of RE studies. The disapproval only states a preference for a newer methodology than that used in the 2005 PEI. EPA guidance on RE studies focuses on broad principles and does not include prescriptive methodologies. As an illustration of this point, EPA states within the current RE guidance that the older guidance upon which MCAQD relied on in crafting the RE study in the 2005 Periodic Inventory can be helpful in calculating emission reductions.¹ EPA also recognizes within the current RE guidance that the development of RE studies is a difficult task due to availability of data and the agency resources. Also note that, at the time our RE study was developed (and even currently), there has been no other agency that has produced an RE study for EPA that focuses on PM-10 from fugitive dust sources beyond a generic assignment of 80% as recommended by older EPA guidance. EPA acknowledges this difficulty in its most recent guidance, as stated below.

It is unlikely that all state and local agencies will be able to collect sufficient information from all of their stationary sources from which refined RE adjustments can be made. Additionally, no suitable matching studies may exist from which a rule effectiveness value can be obtained. In such situations, the selection of an RE value becomes subjective.²

A number of factors affect both methodologies and may impact an agency's ability to develop a refined RE adjustment. EPA described its concerns with the RE study in the 2005 PEI in the disapproval notice, so we provide the following comments on EPA's observations.

In developing the RE study in the 2005 PEI, MCAQD developed a protocol that sought to minimize the inherent subjectivity of RE studies noted by EPA above. In many ways, the RE study developed for the 2005 PEI is superior to simply looking at a database of inspection records by providing more detailed information than basic records of inspections can provide. This study utilized inspection personnel at each of the 63 visits, both an inspector and a supervising inspector, to ensure that the observations regarding violations of the rule by MCAQD staff were quality assured and accurate. Each site had a full-scale Level 2 inspection to determine compliance with every applicable rule subsection. This level of quality assurance does not exist when simply reviewing a database of inspection records, where a significant portion of the database reflects results from less comprehensive partial or Level 1 inspections. Level 1 inspections are commonly done as spot inspections for violation follow-up, complaint inspections or are drive-by visual inspection of the site. The follow-up inspections in particular have a higher compliance rate as the site is already aware an inspector will return to determine the compliance status of any previously identified deficiencies. Thus compliance levels would be higher when compared to the intensive inspections process used at our 63 sampled sites that we used in our 2005 inventory.

¹ Page B-5 of current guidance ("Emissions Inventory Guidance for Implementation of Ozone and Particulate Matter National Ambient Air Quality Standards (NAAQS) and Regional Haze Regulations," EPA-454/R-05-001, November 2005) states, "How can I calculate SIP credit for emission reductions achieved via improvements to rule effectiveness? Such credit will need to be determined on a case by case basis. EPA's older guidance may be used as a point of reference, but pursuant to EPA guidance, "Ozone Nonattainment Planning: Decentralization of Rule Effectiveness Policy; April 27, 1995", other approaches may be used."

² "Emissions Inventory Guidance for Implementation of Ozone and Particulate Matter National Ambient Air Quality Standards (NAAQS) and Regional Haze Regulations," EPA-454/R-05-001, November 2005

Another factor which needs to be considered is the effect of meteorology on the compliance inspection rate in the overall database. While the region's meteorology affects all fugitive dust sources, its impact is most significant for vacant lots and other unpermitted, unpaved sources of fugitive dust. Our field studies, which we used in the 2005 inventory, took place during periods of the year when Maricopa County ambient monitors typically record exceedances of the 24-hour PM-10 standard. MCAQD believes that compliance rates during the periods when exceedances are most likely to be recorded provide an appropriate, conservative estimate of rule effectiveness.

In conclusion, both the methodology used by MCAQD and that proposed by EPA in its disapproval may be affected by factors that impact the validity of the results. We believe the choice between them is not as clear cut as outlined in EPA's comments. Based on our analysis, we believe the RE study developed by MCAQD for the 2005 PEI mer all available EPA guidance and was the best available estimate of the effectiveness of the rules it evaluated.

B. EPA's preference for the use of a single metric, the compliance rate, in determining rule effectiveness is inconsistent with its own guidance.

In footnotes 8 and 10 of the Federal Register notice, on page 54809 discussing rule effectiveness study methodology, EPA indicates concern with the use of qualitative factors in calculating rule effectiveness (75 FR 54809). This observation is inconsistent with EPA's own RE guidance documents as quoted above and shown below. Furthermore, MCAQD has made a concerted effort in its RE studies to use all available compliance data in the study period to produce a compliance rate that is statistically valid, pragmatically defensible and is in conformance with current EPA guidance regarding rule effectiveness. MCAQD agrees that the compliance rate is the most important factor in determining a source-specific RE percentage and heavily weighted (70%) the compliance rate in the calculation of RE. However, MCAQD also agrees with current and past EPA guidance repeatedly states that compliance rates should not be the only factor in determining an overall RE rate, as typified by this excerpt from EPA's 1994 guidance on RE³:

"A percentage effectiveness rating is not enough to describe the compliance effectiveness of a rule for a source category. An SSCD study should attempt to link the rating to a regulatory agency's overall effort. The study should address the factors that affect the percentage effectiveness rating such as the compliance rate of the sources in a category, inspection frequency and thoroughness, the language of the rule (i.e., whether or not it has loopholes), and the reporting and recordkeeping by the regulatory agency. Evaluating these factors will provide a more complete evaluation of the effectiveness of a rule." (p. 3-17)

In summary, EPA's preference for using only the compliance rate to make RE adjustments does not acknowledge all of the program elements that are necessary to obtain the emission reductions anticipated from control measures nor the difficulty in obtaining sufficient information to characterize all of those program elements in a study. EPA's own 2005 RE guidance provides a methodology to appropriately characterize RE for Rule 316 and for the 2008 RE study for Rules 310, 310.01 and 316. MCAQD's methodology has developed an RE adjustment that is statistically valid, pragmatically defensible and is in conformance with current EPA guidance regarding rule effectiveness.

³ "Rule Effectiveness Guidance: Integration of Inventory, Compliance, and Assessment Applications," EPA-452/4-94-001, January 1994.

C. EPA's statement regarding the rule effectiveness calculations for Rule 310.01 did not provide the correct value for the rule effectiveness rate. (75 FR 54809)

EPA incorrectly quotes a value of 90% for a back-casting of rule effectiveness for Rule 310.01 from the Poppen email.⁴ An examination of the Poppen email shows that rule effectiveness for Rule 310.01 was back-casted at 77.5 percent, not 90 percent as quoted by EPA. The 90 percent quoted by EPA refers to the compliance rate, not the final rule effectiveness rate.

D. EPA did not identify any specific issues on the rule effectiveness study throughout its development and use in the 2005 periodic emission inventory when it was out for public review and comment in January 2007.

MCAQD published the entire 2005 emission inventory documentation for public review and comment in January 2007. The comments provided by EPA Region 9 on the draft 2005 PEI made no mention of the RE study but only remarked briefly on changing the assumptions about the activity level of construction sources (Rule 310).⁵ However, several prominent industry groups including the Arizona Chapter of Associated General Contractors and the Home Builders Association of Central Arizona commented extensively on the draft RE study. Several of the comments provided by the above mentioned parties even cover in particular detail the discussion of random sample inspections versus the use of available inspection data. MCAQD provided extensive response to these comments, detailing the decisions that went into choosing sample inspections over inspection data in developing the RE study. If EPA had concerns with the RE study or its methodology during its development, it did not advise MCAQD during this period nor did it take the opportunity to agree with the comments in support of using inspection data over sample inspections.

E. EPA is relying on hindsight to evaluate the inventory.

EPA has historically defended such inventories in states' plan submittals, protecting the states from endless delays and costs occurred from adjusting inventories each time new data and methodology appear. It has been over 3 years since the 2005 PEI was finalized in May 2007. EPA's concerns with the RE studies is a recent development and appeared only after MCAQD developed a new methodology for evaluating RE for the 2008 PEI (released in the spring of 2010). Given EPA's involvement in the 2005 PEI, we were surprised that EPA did not support it in the September 9, 2010 proposed rule. Note that it is common place for EPA to approve plans that do not even contain rule effectiveness studies. EPA states in the May 2005 approval of the District of Columbia's VOC rule that,

"As numerous of EPA's SIP approval Final actions published in the Federal Register amply demonstrate, EPA has approved hundreds of SIP revisions submitted by states consisting of state rules

⁴ Email from Matthew Poppen, MCAQD, to Gregory Nudd, EPA, "Backcasting of RE rates," April 19, 2010 (Poppen email).

⁵ In "Appendix 1, Responsiveness Summary to Comments Received on Public Review Draft 2005 Periodic Emissions Inventory for PM₁₀ for the Maricopa County, Arizona, Nonattainment Area" of the 2005 Periodic Emissions Inventory for PM₁₀ for the Maricopa County, Arizona, Nonattainment Area. MCAQD, May 2007

to control VOCs from stationary sources and source categories where such approvals did not require data and modeling to assess the individual rules' impacts on the NAAQS."⁶

In hindsight, it is understandable the EPA would wish to minimize the role of construction emissions given the recent deep economic recession experienced by the industry. However, during the time the 2005 Periodic Inventory was developed, construction activity was robust and there was no obvious indication that the industry would experience the coming recession. EPA has historically supported states' RE methodology based on economic realities that were present at the time of their submission.

As an illustration of this point, in its May 2004 approval of the San Joaquin Valley's Serious Area Plan for PM-10, EPA states the following in response to a comment that the emissions inventory used by San Joaquin Valley contained numerous errors,

*"...EPA recognizes that inventories are not static, but are constantly being updated and renewed as new information, techniques and studies are made available.¹⁶ The State and District used the best available inventories at the time of plan development... EPA generally relied on the State and local agencies to develop, maintain and update their inventories...¹⁶ Once a plan has been adopted, EPA does not generally require plan elements such as emissions inventories to be revisited and updated in response to new information. The U.S. Court of Appeals for the District of Columbia Circuit recently addressed a similar issue and affirmed EPA's position. *Sierra Club v. EPA*, 356 F.3d 296 (D.C. Cir. 2004)."⁷*

As this quote demonstrates, EPA felt strongly enough about using the "best available inventories at the time of plan development" to defend that position.⁸ We agree that this is

⁶ 70 FR 24963.

⁷ 69 FR 30013.

⁸ The following prevailing opinion from Judge Garland in the court case cited by EPA (*Sierra Club v. EPA*, 356 F.3d 296 (D.C. Cir. 2004)) highlights EPA's defense of the use of the best available inventory at the time of plan development, "44 *Sierra Club* argues that the States should nonetheless have revised the D.C. area ROP plans to incorporate the advances of MOBILE6, for two reasons. First, MOBILE6 was available, albeit for only one month, before the States submitted their plans. Second, EPA did not approve the plans until April 17, 2003, over a year after MOBILE6's release. 45 EPA responds that, although it requires that states use the latest model available at the time a plan is developed, see 42 U.S.C. § 7502(c)(3); 40 C.F.R. § 51.112(a)(1), its policy was not to "require states that have already submitted SIPs or will submit SIPs shortly after MOBILE6's release to revise these SIPs simply because a new motor vehicle emissions model is now available." Conditional Approval, 68 Fed.Reg. at 19,121; see also Memorandum from EPA Office 356 F3d 296 *Sierra Club v. Environmental Protection Agency of Air Quality Planning & Standards 2* (Jan. 18, 2002) (J.A. at 530) (same). As the agency explains, "emissions factors, as well as inventory calculation methodologies, are continually being improved." 68 Fed.Reg. at 19,120. Indeed, as its name suggests, MOBILE5 is the fifth generation of this particular model; MOBILE6 is the sixth. To require states to revise completed plans every time a new model is announced would lead to significant costs and potentially endless delays in the approval processes. EPA's decision to reject that course, and to accept the use of MOBILE5 in this case, was neither arbitrary nor capricious." (emphasis added).

the position EPA should hold, and it is the position it is ignoring by using hindsight to judge the 2005 PEI.

As a result, our expectation that our emissions inventory would be acceptable to EPA is realistic and consistent with the way that EPA has treated other similarly situated states.

2. Exceptional Events Demonstration

A. MCAQD requests that EPA Region IX revisit its May 21, 2010 decision not to concur with ADEQ's exceptional events documentation.

MCAQD supports the revised and supplemental documentation the Arizona Department of Environmental Quality (ADEQ) submitted regarding exceptional events for exceedances measured on March 14, 2008, April 30, 2008, May 21, 2008, and June 4, 2008. MCAQD further requests that EPA revisit its May 21, 2010 decision not to concur with ADEQ's exceptional event documentation prior to the disapproval of the 5% Plan. Based upon information in these additional documents, there is ample evidence that would have addressed the concerns EPA expressed in its May 21, 2010 non-concurrence.

B. A more workable approach to implementing the Exceptional Events Rule is needed.

Arizona's experience with the exceptional event demonstration process has revealed a lack of clarity in the Exceptional Event Rule (EER) and confusion and uncertainty in the implementation of the EER. On October 20, 2010, MCAQD also signed joint comments with ADEQ and MAG that provide further recommendations on the EER and EPA's consideration of our exceptional events documentation. MCAQD also supports the September 11, 2009 recommendations from WESTAR, as well as those from the California Air Resources Board as to how the implementation of the EER might be improved. MCAQD urges EPA to follow through on EPA's commitments to work with Arizona, WESTAR and other states to develop a more workable approach to implementing the EER.

3. Conclusion

EPA's proposed partial disapproval of the 5% Plan is inappropriate when considering the timing of EPA's decision and actual number of exceedances within Maricopa County. All non-attainment area plans are precisely that – plans. Plans are developed using the best available information about the conditions that exist at the time of development. This information is then projected into the future utilizing the best assumptions about what is likely to occur in the future. We believe the 2005 periodic emission inventory met all EPA requirements and was appropriate for the 2007 5% Plan.

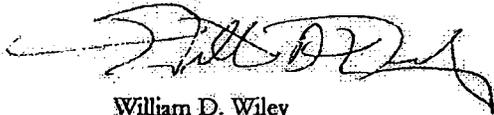
We are committed to the protection of our air for the health of our citizens and as shown in the joint letter from ADEQ, MAG and the county, we believe the 2007 5% Plan is working. We also acknowledge that there are always opportunities to improve air quality and we reiterate our willingness to work with EPA in a collaborative process. We again urge EPA to consider the significant impacts of its decision on this plan given these difficult economic times.

MCAQD appreciates the opportunity to comment on this proposed rulemaking. If you have any questions regarding these comments, please contact Jo Crumbaker of my staff at (602) 506-6705 or me at (602) 506-6701.

October 20, 2010

Page 7 of 7

Sincerely,

A handwritten signature in black ink, appearing to read "W. Wiley", written over a horizontal line.

William D. Wiley
Director

Cc: Benjamin Grumbles, Arizona Department of Environmental Quality
Dennis Smith, Maricopa Association of Governments

Ken Buchanan
Assistant County
Manager

Development Services

Don Gabrielson
Air Quality Director

Fritz Behring
County Manager



October 20, 2010

via e-mail to nudd.gregory@epa.gov

Gregory Nudd (Air-2)
Attention Docket ID No. EPA-HQ-OAR-2010-0715
Environmental Protection Agency Region IX
75 Hawthorned Street
San Francisco, CA 94105-3901

Re: Pinal County Comment; Proposed Disapproval of the PPA 5% Plan

To whom it may concern:

1. Background

The Apache Junction portion of Pinal County¹ constitutes a part of the Phoenix Planning Area PM-10 Serious Nonattainment Area.

Pinal County has concern regarding a number of aspects of the EPA's proposed actions, including the impending application of various punitive measures.

The proposed action affects Pinal County.

2. Objection to Conflicts with Clean Air Act Requirements

Given the EPA's express acknowledgement of inclusion of Arizona's Agricultural Best Management Practices Program, namely A.R.S. §49-457, as an element of the plan under review, any final action will necessarily rest in part on that statute.

In the past, the State of Arizona submitted A.R.S. §49-457 as an element of the assemblage of documents that comprise the curative Phoenix-Area PM-10 SIP. Among other measures, the implementing rules allow but do not require certain measures to mitigate PM-10 emissions resulting from wind erosion. See A.A.C. R18-2-611.

However, since the submittal of A.R.S. §49-457 as a SIP element, that statute was recently twice amended. A.R.S. §49-457 (2009), as amended by Laws 2009, First Regular Session, 2009, Chapter 180 (a.k.a. SB 1225); A.R.S. §49-457 (2010), as amended by Laws 2010, Second Regular Session, Chapter 207 (a.k.a. SB 1193). The substance of those amendments was to establish a preemption in current or future PM-10 nonattainment areas of any local rules pertaining to the regulation of agriculture. Those local rules were preempted in favor of rules adopted by an Agricultural Best Management Practices Committee. The second revisions also designated the Arizona Department of Environmental as the sole entity empowered to enforce the rules adopted by the Ag BMP Committee.

By necessary implication, amendment of a statute that constitutes a SIP element calls for

¹ The area is more precisely identified as Township 1 North, Range 8 East, Gila & Salt River Base & Meridian, Pinal County, Arizona.

a corresponding revision of the SIP. Moreover, local revision of a SIP provision should be submitted to the EPA within 60 days of adoption. 40 C.F.R. §51.104(d).

Prior to the statutory preemption mentioned above, the county had in place SIP-approved rules that required agricultural sources to exercise "reasonable precautions" to minimize emissions of particulate matter.² Those rules applied throughout Pinal County, including that portion of Pinal County that falls within the Phoenix PM-10 Serious Nonattainment Area. The "reasonable precaution" standard applied to an open-ended spectrum of activities, which would include, among other things, an obligation to effect reasonable measures to minimize wind erosion.

Approved SIP elements may be enforced by citizens and by the Administrator. CAA §304(f)(4).

Assuming any forthcoming SIP-approval will implicitly or explicitly include approval of A.R.S. §49-457 (2010), Pinal County objects to any approval of that revised statute as a SIP element affecting Pinal County. That objection rests on three issues.

First, to the extent SIP elements are enforceable by the Administrator and by citizens, a statute that establishes exclusive enforcement authority in a state agency is fundamentally incompatible with citizen- and Administrator-enforceability provisions of Clean Air Act §304.

Second, to the extent the existing BMP program and Pinal County "reasonable precaution" rules already exist as SIP elements, elimination of the enforceability provisions and preemption of the local rules both violate the SIP-modification-prohibition of CAA §110(i).

And third, where existing SIP-approved regulations require reasonable precautions, preempting those regulations and allowing sources to electively choose to mitigate emissions amounts to a relaxation that fails to meet the effectiveness test under CAA §172(c)(8).

Therefore, Pinal County objects to any approval of A.R.S. §49-457 (2010) as a SIP element.

3. Proposed Possible Waiver Under Clean Air Act 188(f)

The Phoenix area has implemented a Serious Area PM-10 Plan. This discussion rests on an assumption that adequate BACM measures have been submitted, approved and implemented.

Still, due to on-going exceedances that showed a failure to attain by the serious area attainment date the EPA has also required submission of a "5% Plan."

The EPA has now proposed disapproval of the "5% plan" based on four exceedances at a single monitor. By acclamation, each of those exceedances resulted in substantial part from wind-driven emissions.

The monitor in question sits near the channel of the Salt River, which runs through the heart of Phoenix. That channel occurs lies downstream of the confluence with the Verde River, and drains much of the central region of Arizona. Today, the Salt River normally consists of a wide channel with a narrow ribbon of vegetation supported primarily by discharges from up-stream wastewater treatment facilities. While up-stream dams may contain runoff from most rain- and snowfall-events, releases from major storm events still periodically flood the whole of

² PGCAQCD Reg. 7-3-1.2(E) (1975) provided that "[n]o person shall cause, suffer, allow or permit the performance of agricultural practices including but not limited to tilling of land and application of fertilizers without taking reasonable precautions to prevent particulate matter from becoming airborne." That rule was approved as a SIP element. See 43 FR 53034 (11/15/78). An identical successor provision, PCAQCD Code §4-2-040(C), was similarly approved as a SIP element. See 75 FR 17307 (4/6/2010).

the normally dry channel. To the common knowledge, fluvial channels produce deposits of fine, loose materials, including silt and clay. Again, to the common knowledge, fine, loose materials are highly susceptible to wind erosion.

Much discussion has ensued as to whether the EPA's Exceptional Events Rule should be invoked to exclude those events from the assessment regarding whether the area has attained the PM-10 standard. The focus of that discussion has addressed the characteristics and regional nature of wind events.

As an alternative analysis Pinal respectfully submits that those exceedance events should be examined to determine whether they predominantly result from non-anthropogenic emissions, and thus justify an attainment date waiver under CAA §188(f).

Where on-going exceedances result from non-anthropogenic emissions, and other relevant conditions have been met, the Clean Air Act allows for a waiver of a serious area attainment date. See CAA §188(f).

Regardless of speed, the wind itself is unquestionably non-anthropogenic. On the other hand, wind erosion reflects not merely the wind, but the surface conditions as well.

It is clear that Congress was aware of the effect of surface conditions, and intended a relatively narrow exemption under CAA §188(f).

[T]he legislative history suggests that Congress contemplated a narrow definition of what may qualify as "nonanthropogenic" and would limit it to activities where the human role in the causation of the pollution is highly attenuated (see generally H.R. Rep. No. 490). "The term 'anthropogenic sources' is intended to include activities that are anthropogenic in origin. An example of such sources is the dry lake beds at Owens and Mono Lakes in California, which give rise to dust storms that are a result of the diversion of water that would otherwise flow to such lakes and should be considered anthropogenic sources" (H.R. Rep. No. 490 at 265). 57 FR 13498, 13545 (4/16/92).

However, the channel of the Salt River contrasts markedly from a drained lake bed.

A drained lake represents an un-natural, man-caused condition of a persisting nature.

On the other hand, in its natural state, much of the channel of the Salt River was covered by dry, erodible material even before the intervention of man.

In the desert southwest, the flow in river channels is largely if not wholly ephemeral in nature. Large weather events or heavy snowfall accumulations can produce runoff events that effectively scour the whole of the channel and leave fluvial deposits that covered much of the natural channel. But given that this area lies on the floor of the Sonoran Desert, seasonal precipitation patterns and periodic droughts have assured that from time immemorial much of the channel of the Salt River channel has been dry.

Long before the inception of this nation, native Americans diverted flows from the Salt River for irrigation purposes. Reaching back more than a millennia, anthropogenic efforts have reduced the flows in the Salt River. See www.waterhistory.org/histories/hohokam2/.

Those irrigation efforts were perfected early during the last century, when the Federal Government built a diversion dam that effectively captured modest residual flows into a local irrigation system that largely followed the pattern of historic irrigation canals. Coupled with a series of control dams subsequently built on the Salt and Verde Rivers, flow in the Salt River channel through Phoenix is now largely controlled. See www.srpnet.com/water/canals/origins.aspx.

Draining Owens Lake amounted to a permanent anthropogenic change that exposed material that was highly subject to wind erosion. A water-filled lake never generated PM-10 as a result of wind-erosion. A dry lake bed is always subject to wind erosion. Anthropogenic change

brought about a fundamental change in the character of the area.

In contrast, controlling the Salt River for irrigation purposes may have incrementally altered the susceptibility of the channel to wind erosion. But in a pattern that varied with meteorological and climatological shifts, the channel of the Salt River had always been naturally subject to wind erosion. The perfection of the diversion of the Salt River for irrigation purposes may have increased that susceptibility to wind erosion, but the change was a matter of degree and not of character.

Accordingly, to a greater or lesser extent, the channel of the Salt River may fairly be characterized as a natural, non-anthropogenic source of emissions. When acted upon by the unquestionably non-anthropogenic wind, reasoned conjecture could well conclude that the 2008 violations at the West 43rd Avenue monitor were predominantly nonanthropogenic in nature.

The EPA has the authority to retro-actively rescind a serious area attainment date.

[S]ubsequent to ... [a serious area] reclassification, the area may later apply for a waiver of the serious area attainment date if it can demonstrate that even after implementing BACM (and after considering the extended attainment and post-attainment provisions of sections 188 and 189 of the Act), nonanthropogenic emissions will prevent the area from attaining the NAAQS. Addendum to the General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990, 51 FR 41998, 42006 (8/16/94).

Also see 58 FR 18190, fn. 3 (4/8/93).

The EPA also has inherent authority to defer at least a moderate area attainment date to allow for an assessment of the relative contribution of anthropogenic versus nonanthropogenic sources. Addendum to the General Preamble, at 42005. Logically, the agency has similar inherent authority with respect to serious area attainment dates.

Therefore, Pinal County submits that the EPA should invoke its inherent authority to at least temporarily suspend the outstanding serious area attainment date, which would also implicitly suspend the need to take the various actions contemplated under the Act for failure to attain by that date. The EPA should correspondingly engage the primarily involved regulatory bodies to undertake an analysis to ascertain whether wind blown emissions emanating from the Salt River channel should be characterized as nonanthropogenic emissions to the extent that a waiver of the serious area attainment date should be granted under §188(f) of the Act.

I appreciate your consideration of these comments.

Sincerely yours,

/dpg/

Donald P. Gabrielson
Director
Pinal County Air Quality

enc.

cc w/enc. via e-mail: Colleen McKaughan, EPA Region IX
Nancy Wrona, ADEQ
Lindy Bauer, MAG
Rick Lavis, ACGA



ARIZONA CHAPTER ASSOCIATED GENERAL CONTRACTORS

1825 West Adams • Phoenix, Arizona 85007 • (602) 252-3926 • Fax (602) 252-5870

October 20, 2010

By E-Mail (Nudd.Gregory@USEPA.GOV) and Hand Delivery

Gregory Nudd
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, California 94105-3901

Re: EPA-R09-OAR-2010-0715: Comments of Arizona Chapter Associated General Contractors and Industry Vendors and Material Suppliers on Proposed Disapproval of Arizona State Implementation Plan Pertaining to PM-10 in Maricopa County

Dear Mr. Nudd,

Thank you for extending the comment period an additional 8 days in an effort to allow the regions stakeholders an opportunity to comment on this important decision. I am writing on behalf of the Arizona Chapter Associated General Contractors ("AZAGC") its industry vendors and material suppliers with regard to the proposal by the U.S. Environmental Protection Agency ("EPA") to partially approve and disapprove the Arizona State Implementation Plan ("SIP") pertaining to the Maricopa County PM-10 non-attainment area. EPA proposed on September 9, 2010 to partially disapprove the SIP, including a component thereof submitted by the Maricopa Association of Governments ("MAG") that detailed how the County could achieve five percent reductions in PM-10 levels.

AGC is the oldest construction trade association in the state representing over 220 heavy civil contractors, industry vendors and material suppliers approximately 19,000 individuals throughout Arizona since 1934. Some of our members have been "building Arizona" for over 120 years. Currently Arizona's construction industry is experiencing significant economic challenges. Construction has the highest unemployment levels of any industry in Arizona. The recent figures show a 17.1% unemployment rate. Since this economic crisis began the industry has lost over 114,000 jobs, new construction starts are at their lowest level in thirty years.

AGC realizes it is critical for the region to comply with the national ambient air quality standards ("NAAQS"). Our industry is the first to be penalized if the region does not meet attainment. The primary funding source for our members is transportation and infrastructure dollars most of which fall victim to your proposed disapproval determination through a number of sanctions including a "conformity freeze". This action could prevent some transportation projects in the Maricopa region from moving forward ultimately crippling the construction industry already devastated by the current economic climate.

A conformity freeze would be especially unfair to our region considering the number of measures and millions of dollars that our industry has employed to control PM-10 over the last two years. We carried out a very aggressive action plan educating the majority of our workforce on dust control, participating in developing a dust control handbook and field guide, raising our compliance rate and as indicated in the 2008 Maricopa County Air Quality Emissions inventory reducing our emissions from contributing 13% (2005 inventory) to 6%.

It is an ongoing concern of our industry that EPA rarely recognizes high wind events in Arizona as "exceptional events". The region has been clean at the monitors with the exception of these unusual high wind occurrences that affect primarily the West 43rd monitor. To penalize the region for a localized problem is unreasonable, especially when the Exceptional Events Rule ("EER") is perceived as flawed and fourteen western states as well are concerned about the inconsistencies in how it is administered.

*Highway • Heavy • Federal • Municipal-Utilities
Construction*

October 20, 2010

Page 2.

In closing AGC, its members and their families all care about the region and the air everyone breathes. As an industry we are committed to complying with the Clean Air Act and will work together with other industry stakeholders and other interested parties to bring the region into attainment. We ask that EPA fully consider the magnitude partially disapproving this plan will have on our industry as well as Arizona. It is our hope you will delay any decision regarding final disapproval action until the Agency has had an opportunity to review all of the scientific data MAG and Arizona Department of Environmental Quality ("ADEQ") have provided regarding high-wind exceptional events and you will reopen the EER and quickly review and propose revisions that will adequately address unique meteorological conditions known to occur not only in Arizona but across the southwest.

AGC appreciates the opportunity to comment and respectfully asks your consideration of these requests.

Sincerely,



Amanda McGennis
Sr. Vice President

U.S. Environmental Protection Agency (EPA) Responses to Maricopa Association of Governments (MAG), Maricopa County Air Quality Department, and Arizona Department of Environmental Quality (ADEQ) Questions Regarding a Revised 189(d) Plan for the Maricopa PM-10 Nonattainment Area

Below we respond to questions posed to EPA by MAG, Maricopa County, and ADEQ in recent emails¹. Please note that we respond to these questions in the context of an open rulemaking on the Maricopa County (Phoenix) PM-10 Nonattainment Area; Serious Area Plan for Attainment of the 24-Hour PM-10 Standard; Clean Air Act Section 189(d). Therefore, to the extent that these questions implicate that action, we are necessarily circumspect in our responses. Moreover, because most of the questions involve a hypothetical future plan, we may need to revise or expand our responses when more of the technical bases for such a plan have been developed. In other words, while these responses are intended to provide guidance to MAG and ADEQ at this preliminary stage of the development of a replacement plan under CAA section 189(d), they cannot be considered to be exhaustive or immutable.

In reviewing state implementation plan (SIP) submittals, it is EPA's role to approve state choices, provided they meet the requirements of the Clean Air Act (CAA) and applicable regulations. It is the state's responsibility to identify the necessary mix of control measures and programs intended to, among other CAA requirements, achieve timely attainment of air quality standards. As part of this process, the state is also required to hold a public hearing and determine appropriate responses to comments they received prior to submitting the SIP to EPA for action. While EPA can provide input regarding the CAA and EPA regulations and guidance during the SIP development process, we cannot otherwise direct the state to make specific choices or take specific actions.

Maricopa County Air Quality Department submitted two questions. EPA believes that our responses to MAG and ADEQ address Maricopa County's questions as well.

MAG Questions

1. What would be the earliest attainment year acceptable to EPA? What are Jan Taradash's ideas for extending the year of attainment?

As stated in our proposed action on the 189(d) plan, the current attainment deadline is as expeditiously as practicable, but no later than June 6, 2012. [75 FR 54813-54814]. EPA has the authority under CAA section 172(d)(3) to extend that deadline for up to 5 additional years "considering the severity of nonattainment and the availability and feasibility of pollution control measures." When proposing an expeditious attainment date it is important for the State to consider that there can be no more than three exceedances at any one

¹ See email from Lindy Bauer, Maricopa Association of Governments to Colleen McKaughan dated September 21, 2010 with attachments and email from Eric Massey, Arizona Department of Environmental Quality to Colleen McKaughan dated October 1, 2010 with attachments. Responses to two questions in email from Jo Crumbaker, Maricopa County Air Quality Department, dated October 4, 2010, have been incorporated into responses for MAG and ADEQ.

monitor over a three-year period in order to show attainment. [40 CFR Part 50, Appendix K]. Thus there must be 3 years of clean data prior to the attainment date.

2. Should we continue to use 2007 emissions as the base year for the five percent per year calculations?

Assuming you are asking what year the 5% emission reductions must begin, under CAA section 189(d), the annual 5% reductions of PM-10 or PM-10 precursors begin upon the date of submittal of the replacement plan. If the goal is to submit a replacement plan in early 2011, then the reductions need to begin in 2011.

3. Do any changes need to be made to MCAQD's 2008 Periodic Emissions Inventory for PM-10, June 2010 (2008 PEI)?

There are three issues that need to be addressed in the 2008 PEI before it is used as the basis for a plan:

Vacant land inventory: The vacant land inventory is based on MAG land use data. It is unclear what methodology MAG used to develop this data. These land use assumptions are essential to the accuracy of the windblown dust inventory and therefore to developing a strategy to attain the PM-10 standard on days with elevated winds. Clark County, Nevada has a comprehensive document explaining how their vacant land inventory was developed and verified. A similarly detailed effort would ensure the most accurate possible data for understanding the sources of windblown dust in the Maricopa area.

Road dust emissions: EPA has proposed a new method for calculating PM-10 emissions from paved roads.² EPA's preliminary analysis indicates that this method results in significantly lower estimates of emissions of PM-10 from travel on paved roads. This new method should be carefully evaluated by Maricopa County Air Quality Department, MAG and ADEQ to determine if it is more representative of conditions in Phoenix than the method used in the 2008 PEI and in the conformity analysis for the recently updated transportation plans. If it is more representative, then it should be used rather than the method currently in AP-42. It is important to note, however that EPA must finalize this method and announce that it is an approved method in the Federal Register before states can use it for conformity purposes.

Rule effectiveness calculation methodology: The Maricopa County Air Quality Department has not made the case that it is appropriate to use qualitative factors to estimate rule effectiveness for source categories that have significant compliance data readily available (e.g., earth moving sites, non-metallic mineral sites, vacant lots). The relevant EPA guidance³ states that these qualitative factors are applicable only when sufficient data on sources is not available. Given the large number of inspections of sources subject to

² See <http://www.epa.gov/ttnchie1/ap42/ch13/>

³ "Emissions Inventory Guidance for Implementation of Ozone and Particulate Matter National Ambient Air Quality Standards (NAAQS) and Regional Haze Regulations." EPA-454/R-05-001, November 2005.

MCAQD Rules 310, 310.01 and 316, it appears that sufficient data is available and actual compliance data should be used.

4. Should the base year emissions be adjusted to be consistent with the 2008 PEI?

Once the concerns addressed in our response to question #3 above have been addressed, the 2008 PEI should be the basis of the 2011 inventory from which the 5% per year reductions are taken. (Assuming the plan is submitted in early 2011.)

5. Can we use the same base case design days used in the 2007 Plan when we re-model the new attainment year?

It would be acceptable to use the same base case design days in the new plan. Instead of developing new base case design days, efforts should be focused on developing an accurate temporally and spatially resolved controlled case for the attainment demonstration.

6. Can we continue to use AERMOD for modeling attainment in the Salt River Area and rollback for the other attainment demonstrations?

Yes, but it is important that MAG and Region 9 agree upon a modeling protocol before the modeling begins.

7. Do we need to show an equivalent of one year's RFP as contingency credit for each year (i.e., 2007 through the attainment year) or can we show this credit only for future years (i.e., 2011 through the attainment year)?

Assuming you are asking if you need to include contingency measures for past years or future years, it needs to address only future years. The new plan must show reductions in excess of what is needed for the reasonable further progress (RFP) milestone years and attainment year.

8. Does the modeling domain for the high wind day (i.e., February 15, 2006) need to be expanded?

It may be appropriate to expand the domain for the high wind day, given that the W. 43rd Avenue monitor is relatively close to the current modeling domain boundary and given the land use differences just outside the current domain. This kind of issue should be worked out through discussions with EPA on the modeling protocol.

9. What milestone years should be assumed in demonstrating RFP?

See our answer to question #7 and the General Preamble Addendum at 59 FR 42016. The current plan's RFP line starts from 2007, the submittal year, with the only milestone three years later in the attainment year (2010). A similar approach would work for the new plan, although it is possible that additional milestone years will be required in the new plan.

10. Since there is an EPA-approved BACM analysis in the Serious Area PM-10 Plan, what is the regulatory basis for preconditioning approval of the revised plan on an “analysis of BACM controls in other geographic areas”?

The statement on p. 54820 of the notice of proposed rulemaking simply recognizes that because the area cannot attain by 2010, additional measures will be needed. The reference to best available control measures (BACM) is common sense—when assessing additional measures, the State should be considering such measures adopted in other nonattainment areas. As stated in our proposed action, we could however effectively “precondition” approval on certain measures as authorized by CAA section 179(d)(2) which provides that, following the failure of an area to attain, the subsequent SIP revision “shall include such additional measures as EPA may reasonably prescribe, including all measures that can be feasibly implemented in the area in light of technological achievability, costs, and any non-air quality and other air quality-related health and environmental impacts.”

11. The 53 committed control and contingency measures in the 2007 Five Percent Plan address all major sources of PM-10 emissions; what other measures need to be added for the Plan to be approvable?

Measures may need to be added that ensure the area will expeditiously attain the standard. The determination of new or strengthened measures should be derived from an analysis of the causes of the continuing exceedances and an assessment of feasible controls for the sources responsible.

12. Will EPA be providing comments on the Supplemental Exceptional Event submissions for the 4 days in 2008 that are currently out for public comment? If the information submitted is found to be acceptable in providing a basis for approving the exemption requests for these days, would it influence any of the 5% Plan disapprovals? How does EPA plan to address the 2009 days flagged as Exceptional Events?

Yes, EPA will address any information supplied to us as a comment on our proposed action. Even if we were to agree with these four exceptional events claims, there are still significant issues that need to be resolved with the rest of the current 5% Plan.

We have not yet received any documentation for the 2009 exceptional event claims.

13. We are very concerned with the short time period between the September 3, 2010 proposed action and the January 28, 2011 final action. What showing would the State of Arizona have to make to extend the current January 28, 2011 deadline?

Response will be provided next week.

14. On May 25, 2010, EPA prepared a document, Phoenix PM-10 Plan: Transportation Conformity Implications and Timelines. In our description of the conformity freeze, EPA indicated that “The MVEB submitted in the new 5% plan should be consistent with both the RFP and attainment demonstrations. Note that EPA can act on the RFP budgets separately from the attainment budgets if the attainment target set in the plan is deemed adequate. If the State can develop an

RFP plan that meets EPA requirements, this approach allows for transportation planning to continue while EPA and the State work to resolve concerns about the attainment demonstration.” Please describe how this would work and what it would mean. What is the earliest point in the process that EPA could find a new budget adequate and lift the conformity freeze?

Response will be provided next week.

15. When MAG submits a revised Five Percent Plan with a new conformity budget, would EPA be able to issue an adequacy finding within 90 days or would the conformity budget have to be approved as part of the Plan approval?

When Arizona submits a revised 5% plan, EPA will review the submitted MVEB to see if it is consistent with the requirements of the Clean Air Act. If it is consistent, EPA will propose to find it adequate. This process typically takes between 90 and 120 days.

16. How long will it take EPA to take action on the revised Five Percent Plan after it is submitted?

Response will be provided next week.

17. Does the 5% PM-10 annual emission reduction requirement extend indefinitely until there are three years of ambient measurements without a violation of the PM-10 NAAQS?

Yes. Section 189(d) of the Clean Air Act requires 5% reductions in PM-10 or PM-10 precursors from the date of plan submission until the standard is attained.

ADEQ Questions

GENERAL

1. Is this Serious Area eligible for a 5-year extension for the attainment deadline pursuant to Clean Air Act Sections 172(a)(2) “considering the severity of nonattainment and the availability and feasibility of pollution control measures,” and 188(e) due to “the nature and extent of nonattainment, the types and numbers of sources or other emitting activities in the area (including the influence of uncontrollable natural sources...) and the technological and economic feasibility of various control measures”?

See the response to MAG question number 1 for response with respect to Section 172 (a)(2). We do not believe any additional extensions are permissible under 188(e).

2. What is the first milestone year by which RFP should be demonstrated as required by Section 110(c): 3 years after 2007? Or the third year of control measures required by the Revised Plan?

See the response to MAG question number 9.

3. If EPA were to prescribe other control measures pursuant to CAA Section 179(d)(2) what would EPA prescribe to ensure the Plan is approvable?

See response MAG question number 10.

4. Would the Emissions Budget for all source categories have to be completed in order for EPA to make an adequacy finding for the Motor Vehicle Emissions Budget (MVEB)?

The budgets must meet all of the adequacy criteria contained in the conformity rule. (40 CFR 93.118(e)(4)). In order to meet 40 CFR 93.118(e)(4)(iv) the plan must address all emission categories. In addition, the EPA must ensure that the MVEB is consistent with the attainment, RFP and 5% reduction demonstrations.

5. Does EPA have examples of descriptions used by other jurisdictions to demonstrate the State's ability to implement enforcement of the statutory provisions that EPA identified in the partial approval/disapproval? EPA specifically identified A.R.S. §§ 49-457 (Agricultural Best Management Practices [Ag BMP] program), -457.01 (Leaf blower restriction/training), -457.03 (Off-road vehicles) and -457.04 (Off-highway vehicle [OHV] and all-terrain vehicle dealers, etc.).

States and responsible local agencies must demonstrate that they have the legal authority to adopt and enforce provisions of the SIP and to obtain information necessary to determine compliance. SIPs must also describe the resources that are available or will be available to the state and local agencies to carry out the plan, both at the time of submittal and during the 5-year period following submittal. The 189(d) plan submitted by MAG and ADEQ in 2007 does a good job of identifying the legal authority for the entities responsible for implementing control measures. The plan also does a good job describing the resources available to carry out some of the control measures. For example, measures implemented by local jurisdictions typically include a section entitled "Level of Personnel and Funding Allocated for Implementation". This type of information should be provided for all control measures.

AGRICULTURAL BEST MANAGEMENT PRACTICES

6. In an April 14, 2010, letter to the Agricultural Best Management Practices (Ag BMP) Committee Chairman Dan Thelander, EPA recommended that the Ag BMP Committee continue considering modifications to the "cropland" BMP category. Can EPA specify if it was referring to land leveling, transplanting and the shuttle system as additional BMPs? Alternatively, was EPA pointing out that that all of the current BMPs need re-examination to ensure that there is sufficient specificity for the purposes of enforceability and that the measures are implemented at a BACM level?

Our April 14, 2010 letter advised the Ag BMP Committee "to continue considering modifications to the portions of the Maricopa BMP Rule that apply to cropland." Our intent was to broadly refer to all the existing requirements in the rule that apply to cropland and areas associated with cropland. We advised the Committee to consider modifications to existing requirements since, as stated in the April 14, 2010 letter, "several other areas have developed rules to control PM10 from agricultural sources since the Environmental Protection Agency (EPA) approved Maricopa's BMP program as meeting

the Federal Clean Air Act (CAA) requirements for Best Available Control Measures (BACM) in 2002." As we stated in our proposed action, the other agencies that have adopted these controls, as well as EPA, have acquired additional expertise about how to control emissions from these sources and implement regulations for them. As a result, we no longer believe that the requirements in the rule that we approved in 2002 for the Maricopa area fully meet CAA requirements [75 FR 54812 – 54813].

7. Are there particular definitions in Arizona Administrative Code R18-2-610 that EPA expects the Ag BMP Committee to review for specificity? Is there EPA guidance available regarding what level of specificity is acceptable?

Comparable programs in other areas such as the San Joaquin Valley have provided more specificity to meet CAA requirements through an application submittal and approval process (see 75 FR 54813, footnote 15). Once we finalize our action, we would like to work with the Ag BMP Committee, ADEQ, USDA, and all interested stakeholders to further refine what level of specificity is needed to meet CAA requirements and how the BMP program can be revised accordingly.

8. Is EPA open to alternatives to an "application submittal and approval process" for implementing the BMPs or would EPA consider a "notice and go" approach that could be less resource intensive for ADEQ? Would adding specificity and enforceability to the existing program (where appropriate) resolve EPA's concerns?

We understand that ADEQ has limited resources, and will work with the Ag BMP Committee, ADEQ, USDA, and all interested stakeholders to develop an approach that will satisfy CAA requirements while addressing that concern. Once we finalize our action, we would like to have more specific discussions about how the Ag BMP Committee can address EPA's concerns.

9. What guidance does EPA have for the Ag BMP Committee on how confidential agricultural business information can be protected while providing the greater level of specificity and as it relates to the application process?

The regulations governing EPA's treatment of confidential business information are in 40 C.F.R. Part 2, Subpart B.



**ARIZONA
ROCK
PRODUCTS
ASSOCIATION**



MAILED
10/12/10

Gregory Nudd
US Environmental Agency Region IX
75 Hawthorne Street
San Francisco, CA 94105-3901

RE: Docket R09-OAR-2010-0715

**Approval and Promulgation of Implementation Plans –Maricopa County (Phoenix) PM-10
Nonattainment Area, Serious Area Plan for Attainment of the 24 Hour Standard; Clean
Air Act Section 189 (d)**

Dear Mr. Nudd:

The Arizona Rock Products Association (ARPA) has concerns regarding the proposed disapproval of the Maricopa Association of Governments Five Percent Plan for PM-10 and the possible impacts of this ruling on Maricopa County, the private and business sector alike.

For well over 50 years, the Arizona Rock Products Association (ARPA) has been providing representation for over 50 member companies involved with the production of aggregates, asphaltic concrete, ready mix concrete, asphalt, lime products, and portland cement. Our membership also includes 60 associate members that provide related transportation, contracting, and consulting services to the industry. These members are committed to clean air and will work with all stakeholders to create a healthy environment for the people of Arizona while attempting to maintain the balance of a positive and reasonable regulatory climate. ARPA appreciates all opportunities to engage in community efforts to work toward an acceptable plan for EPA with an emphasis on public health while balancing economic activity.

The Rock Products industry has concern over the significant economic impacts that the final action of disapproval by EPA will create. Arizona is currently dealing with a significant number of foreclosed homes, high levels of unemployment and a State budget crisis which continues to burden business and citizens through increased costs. Arizona leads the nation in construction unemployment and foreclosures and our State has been the hardest hit from this recession. Should a conformity freeze be imposed upon this community, Arizona will face continued economic struggles and further ramifications regarding jobs and economic recovery. There are several projects that Maricopa Association of Governments has identified that would be immediately "at risk" should the region experience a conformity freeze. We can't afford to lose any projects. Loss of funds to support this region's transportation plans will endanger our ability to accommodate anticipated growth. We simply cannot afford to risk further loss of projects and jobs.

ARPA Proposes the Following Solutions:

First, ARPA requests an extension of this final action in order for the State to address plan deficiencies in a meaningful and scientific manner.

EPA's final action is scheduled for January 28, 2011 only two weeks after legislative session begins making any modifications to existing legislation virtually impossible. The timing of this action is critical as the Arizona Department of Environmental Quality and the Maricopa Association of Governments are waiting for clarification from the EPA that is of paramount importance regarding how these organizations will need to proceed with amending the existing 5% Plan. Developing policy and executing the legislative process prior to January 28, 2011 is not likely, especially if the plan is to be based on defensible science and in light of other major issues the State faces including the budget. It is for these reasons that we must have more time to respond.

Second, ARPA requests EPA quickly review the exceptional events rule in light of the unique meteorological conditions and activities known to occur in the region.

In response to the disapproval of the exceptional events demonstrations we would also like to echo the concerns of other organizations including Maricopa Association of Governments, Arizona Department of Environmental Quality regarding the currently flawed EPA exceptional Events Rule. Arizona is affected by unique natural conditions and events which cause an increase in PM-10 levels. We believe it is worthwhile to recognize significant progress has been made in this area, so that when the 5% Plan is amended Maricopa County doesn't find itself in the same situation due to lack of clarity and appropriateness of the Exceptional Events Rule.

ARPA appreciates the opportunity to comment and strongly requests the EPA consider these critical requests.

Sincerely,



Steve Trussell
Executive Director

PM-10 Monitors in Maricopa County and the PM-10 Nonattainment Area

ID	Monitor Name	Monitor Address
AJ	Apache Junction	3955 East Superstition Boulevard, Apache Junction
BE	Buckeye	26449 West 100th Drive, Buckeye
BS	Bethune School	1310 South 15th Avenue, Phoenix
CP	Central Phoenix	1645 East Roosevelt Street, Phoenix
DC	Durango Complex	2702 RC Esterbrooks Boulevard, Phoenix
DY	Dysart	16825 North Dysart Road, Surprise
GL	Glendale	6001 West Olive Avenue, Glendale
GR	Greenwood	1128 North 27th Avenue, Phoenix
HI	Higley	15400 South Higley Road, Gilbert
JLG	State Super Site	4530 North 17th Avenue, Phoenix
ME	Mesa	310 South Brooks Circle, Mesa
NP	North Phoenix	601 East Butler Drive, Phoenix
SP	South Phoenix	33 West Tamarisk Avenue, Phoenix
SS	South Scottsdale	2857 North Miller Road, Scottsdale
WC	West Chandler	275 South Ellis Street, Chandler
WF	West 43rd Avenue	3940 West Broadway Road, Phoenix
WP	West Phoenix	3847 West Earl Drive, Phoenix
ZH	Zuni Hills	10851 West Williams Road, Sun City

- PM-10 Monitors
- PM-10 Nonattainment Area

