

September 4, 2014

TO: Members of the MAG Management Committee

FROM: Christopher Brady, Mesa, Chair

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

Wednesday, September 10, 2014 - 12:00 noon
MAG Office, Suite 200 - Saguaro Room
302 North 1st Avenue, Phoenix

The September 10, 2014, MAG Management Committee agenda has been revised. Item #5B has been edited and the proposed action has been changed from information and discussion to recommend approval of a new contract with Parsons Brinckerhoff for the 2013 MAG Freight Transportation Plan (phase II).

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 also are 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. A working lunch will be provided.

Please park in the garage under the building, bring your ticket, parking will be validated. For those who purchased a transit ticket to attend the meeting, 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.

**MAG MANAGEMENT COMMITTEE
REVISED AGENDA
September 10, 2014**

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.

5. Recommend approval of the Consent Agenda.

ITEMS PROPOSED FOR CONSENT*

MINUTES

*5A. Approval of the August 6, 2014, Meeting Minutes

5A. Review and approval of the August 6, 2014, meeting minutes.

TRANSPORTATION ITEMS***5B. 2013 MAG Freight Transportation Plan Consultant Contract**

The MAG Fiscal Year (FY) 2011 Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2010, included the MAG Freight Transportation Framework Study. In October 2010, the MAG Executive Committee approved the selection of Parsons Brinckerhoff for the first phase of the study. The Request for Proposals for this study included a provision that MAG may, at its discretion, offer an additional contract(s) to the successful respondent to extend the study into an additional phase(s) based on consultant performance and available funding. The MAG FY 2013 Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2012, included \$400,000 for an additional phase for the Freight Framework Study. Due to the ongoing success of phase I and federal regulations requiring additional freight planning in our region, staff recommends initiating a new contract with Parsons Brinckerhoff for this additional phase of the original study, to prepare the 2013 MAG Freight Transportation Plan (phase II) for an amount not to exceed \$400,000. This project was carried forward in the FY 2015 Unified Planning Work Program and Annual Budget, approved by the Regional Council on May 28, 2014. Please refer to the enclosed material.

***5C. 2015 Behavior Based Freight Model Development On-Call**

The fiscal year (FY) 2015 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2014, includes \$350,000 for on-call consulting services for the 2015 Behavior Based Freight Model Development On-Call. On February 13, 2014, MAG, the Arizona Department of Transportation and the Pima Association of Governments submitted a joint application for implementation and technical assistance funds in Round 3 of the Federal Highway Administration (FHWA) Strategic

5B. Recommend approval of a new contract with Parsons Brinckerhoff for the 2013 MAG Freight Transportation Plan Consultant (Phase II), for an amount not to exceed \$400,000.

5C. Recommend approval of the list of on-call consultants for the Area of Expertise A (Freight Modeling): Cambridge Systematics, Resource Systems Group, and RS&H, and for Area of Expertise B (Data Collection, Analysis and Management): American Transportation Research Institute, Cambridge Systematics, CDM Smith, Resource Systems Group, and RS&H, for the 2015 Behavior Based Freight Model Development On-Call, for a total amount not to exceed \$350,000.

Highway Research Program Implementation Assistance Program (SHRP2) (MAG was the lead agency in the Freight Demand Modeling portion of the proposal). On March 28, 2014, FHWA and AASHTO announced that MAG was one of the organizations selected in Round 3 of SHRP2 implementation assistance for freight demand modeling. On June 25, 2014, MAG issued a Request for Qualifications to create an on-call consulting list for the project with two areas of expertise: (A) Freight Modeling; and (B) Data Collection, Analysis and Management. A multi-agency evaluation team reviewed the Statements of Qualifications and recommended to MAG firms be included on a MAG on-call consulting list for the 2015 Behavior Based Freight Model Development On-Call. Please refer to the enclosed material.

ITEMS PROPOSED TO BE HEARD

6. Arizona Water Quality Management Plan and Streamlining of the 208 Water Quality Management Plan Process

The Arizona Department of Environmental Quality (ADEQ) is working to update the Arizona Water Quality Management Plan, which was completed in 1979. ADEQ is also proposing to streamline the 208 Water Quality Management Plan Process, which is conducted by five Councils of Governments (COGs) as well as Yuma, La Paz, and Mohave Counties. ADEQ has been streamlining various processes to issue permits faster. The 208 streamlining approach currently being considered by ADEQ would result in the issuance of permits for wastewater treatment facilities without first going through the MAG 208 Process and receiving Regional Council approval. This approach would jeopardize local control over the desired wastewater treatment configuration identified in the MAG 208 Water Quality Management Plan. Please refer to the enclosed material.

6. Information and discussion.

7. Arizona Center for Law in the Public Interest
Petition for Review of the EPA Approval of the
MAG 2012 Five Percent Plan for PM-10

On August 20, 2014, the Environmental Protection Agency (EPA) notified MAG that the Arizona Center for Law in the Public Interest filed a petition for review of the EPA approval of the MAG 2012 Five Percent Plan for PM-10 in the U.S. Ninth Circuit Court of Appeals. According to the mediation questionnaire, the Center for Law in the Public Interest indicated that the most significant issue is the reliance upon the EPA Exceptional Events Rule to demonstrate attainment of the standard. The Center for Law in the Public Interest contends that the EPA concurrence in excluding the exceptional event exceedances is an abuse of discretion. The Center's opening brief is due on October 17, 2014, and the respondents' answering brief is due on November 17, 2014. Please refer to the enclosed material.

8. Coordinating to Save Lives: A Regional Response
to Domestic Violence

Domestic violence calls are among the most frequent, dangerous, and costly calls law enforcement responds to throughout the region. The MAG Protocol Evaluation Project has coordinated a regional response to domestic violence through the criminal justice system since 2010. This saves lives, time, and resources. A new partnership with the Maricopa County Attorney's Office proposes to enhance the process to transfer domestic violence cases among Maricopa County and municipalities. Each year, cases are transferred between the County and municipalities when determining if the case will be tried as a felony by the County or by municipalities as a misdemeanor. Pending funding from the Governor's Office for Children, Youth, and Families through a Services, Training, Officers and Prosecution (STOP) grant, this project will assess the process currently used to transfer domestic violence cases, identify challenges and gaps, and develop strategies to improve the process. All cities, towns, and Native American Communities are invited to partner on

7. Information and discussion.

8. Information and discussion.

the project and to support events during Domestic Violence Awareness Month in October.

9. Legislative Update

An update will be provided on legislative issues of interest.

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.

11. 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

9. Information, discussion, and possible action.

10. Information.

11. Information.

MINUTES OF THE
MAG MANAGEMENT COMMITTEE MEETING
August 6, 2014
MAG Office, Saguaro Room
Phoenix, Arizona

MEMBERS ATTENDING

- | | |
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| Christopher Brady, Mesa, Chair | * Jim Bacon, Paradise Valley |
| Rick Buss, Gila Bend, Vice Chair | Carl Swenson, Peoria |
| # Matt Busby for George Hoffman, Apache Junction | Ed Zuercher, Phoenix |
| * David Fitzhugh, Avondale | # Louis Andersen for Greg Stanley, Pinal County |
| # George Diaz for Stephen Cleveland, Buckeye | John Kross, Queen Creek |
| * Gary Neiss, Carefree | * Bryan Meyers, Salt River Pima-Maricopa Indian Community |
| * Peter Jankowski, Cave Creek | * Fritz Behring, Scottsdale |
| Patrice Kraus for Rich Dlugas, Chandler | Michael Celaya for Bob Wingenroth, Surprise |
| Dr. Spencer Isom, El Mirage | Andrew Ching, Tempe |
| Charles Montoya, Florence | # Chris Hagen for Reyes Medrano, Tolleson |
| Alfonso Rodriguez for Phil Dorchester, Fort McDowell Yavapai Nation | Joshua Wright, Wickenburg |
| Ken Buchanan, Fountain Hills | Jeanne Blackman, Youngtown |
| * Tina Notah, Gila River Indian Community | Floyd Roehrich for John Halikowski, ADOT |
| Patrick Banger, Gilbert | John Hauskins for Tom Manos, Maricopa County |
| Brent Stoddard for Brenda S. Fischer, Glendale | Wulf Grote for Steve Banta, Valley Metro/RPTA |
| Brian Dalke, Goodyear | |
| Rosemary Arellano, Guadalupe | |
| Darryl Crossman, Litchfield Park | |
| Gregory Rose, City of Maricopa | |

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

1. Call to Order

The meeting of the MAG Management Committee was called to order by Chair Christopher Brady, Mesa, at 12:00 p.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

Ms. Rosemary Arellano, Mr. Louis Andersen, Ms. Chris Hagen, and Mr. Matt Busby joined the meeting via teleconference.

Chair Brady acknowledged that David Fitzhugh was recently named Avondale City Manager and Bob Wingenroth was recently named Surprise City Manager.

Chair Brady noted that on July 31, 2014, the Transportation Review Committee unanimously recommended approval of items #5B, #5D, #5F, and #6 on the Management Committee agenda. The Transportation Review Committee also recommended approval of agenda items #5E and #8 and revised materials for these two items were at each place and on each side of the room. Chair Brady noted that Table A for agenda item #5D was at each place and on each side of the room. It had been omitted from the agenda packet and had been transmitted earlier.

Chair Brady noted that hearing assisted devices are available from MAG staff. He announced that public comment cards were available to members of the public who wish to comment. Parking validation was available for those who parked in the MAG parking garage and transit tickets were available for those who purchased transit tickets to come to the meeting.

3. Call to the Audience

Chair Brady 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. 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. A total of 15 minutes will be provided for the Call to the Audience agenda item, unless the committee requests an exception to this limit.

Chair Brady recognized public comment from Ms. Dianne Barker, who said she was a little hoarse from dust pollution. She noted that the new Super Bowl countdown board that was activated at Sky Harbor Airport says there are 179 days until the game on February 1, 2015. Ms. Barker stated that this means an increase in visitors to the Valley. She suggested promoting mass transit with outdoor ambassadors to aid people in getting around. Ms. Barker stated that she heard more than 60 percent of wrong-way drivers drink and drive. She indicated that she does not get in a car with anyone who drinks and drives and she does not drink and drive. Ms. Barker expressed her support for multimodal transportation, She said that she was banned from doing cartwheels and has had several attorneys contact her. Ms. Barker noted that she has lived here for 27 years without a car even though people told her this would not be possible. She stated that her multimodal lifestyle has helped her overcome medical problems. Ms. Barker stated that multimodal feels good. Chair Brady thanked Ms. Barker for her comments.

Chair Brady recognized public comment from Dr. Marvin Rochelle, who reported that August 5, 2014, his 90th birthday. He indicated that he would not be retiring for ten years. Dr. Rochelle asked for a status report on the When, Where, and How to get light rail in the Southwest Valley.

He said he has heard no new information for the past year and he would like updated information to pass along to residents in that area. Chair Brady thanked Dr. Rochelle for his comments.

4. Executive Director's Report

Mr. Dennis Smith, MAG Executive Director, stated that on July 22, 2014, MAG hosted a press conference at the Scottsdale Boys and Girls Club to provide educational outreach for the Don't Trash Arizona litter prevention campaign. He noted that Mayor Lane, Scottsdale, was the moderator of the event. Mr. Smith played a Don't Trash Arizona video produced by MAG and he encouraged members to broadcast it on their municipal television channels. He noted that the Don't Trash Arizona program is funded through Proposition 400 and is implemented in cooperation with the Arizona Department of Transportation.

Mr. Smith noted that the League of Arizona Cities and Towns Annual Conference will be held August 19-22, 2014. He stated that the League asked MAG to assist on two sessions. Mr. Smith stated that Maricopa Mayor Christian Price will be the moderator of the Interstate 11/CANAMEX: International Trade and Economic Development session and Phoenix Mayor Greg Stanton will be the moderator of the Arizona-Sonora Binational Megaregion session.

Mr. Smith updated members on the Building an International Economic Network (BIEN) website. He said that BIEN, which now has 326 enrolled companies, connects businesses in Arizona with businesses in Canada and Mexico. Mr. Smith stated that the site is currently in English and Spanish and the French version is anticipated the end of August. He encouraged members to inform businesses of the website. A demonstration of the BIEN website followed.

Chair Brady thanked Mr. Smith for his report.

5. Approval of Consent Agenda

Chair Brady stated that agenda items #5A, #5B, #5C, #5D, #5E, #5F, #5G, #5H, and #5I were on the Consent Agenda.

No public comment cards were received.

Chair Brady asked members if they had questions or requests to hear a presentation on any of the Consent Agenda items.

No requests or questions were noted.

Chair Brady called for a motion to recommend approval of Consent Agenda items #5A, #5B, #5C, #5D, #5E, #5F, #5G, #5H, and #5I.

Mr. Darryl Crossman moved, Mr. Brian Dalke seconded, and the motion passed unanimously.

5A. Approval of the June 11, 2014, Meeting Minutes

The MAG Management Committee, by consent, approved the June 11, 2014, meeting minutes.

5B. FY 2015 MAG Transportation Alternatives Non-Infrastructure Safe Routes to School Projects

The MAG Management Committee, by consent, recommended approval to advance projects to FY 2015 from FY 2016 and FY 2017; of the listed Transportation Alternatives Non-Infrastructure Safe Routes to School projects for fiscal year 2015; and to forward the remaining funds to be programmed in a future year with a January 2015 call for projects. The MAG region receives approximately \$4.4 million per year in Transportation Alternatives funds. Transportation Alternatives funds can be used to fund two categories of projects: (1) Transportation Alternatives Infrastructure and (2) Transportation Alternatives Non-Infrastructure Safe Routes to School (SRTS) projects. Through previous MAG action a total of \$400,000 per year was allocated to fund qualifying SRTS projects that would not involve any road improvements. In January 2014, MAG issued a call for projects for FY 2015-2017. Three project applications were received and recommended, resulting in remaining funds in the amounts of \$285,500 in FY 2015 and \$310,000 in each FY 2016 and FY 2017. Based on the recommendation of the MAG Transportation Safety Committee, MAG issued a second call for SRTS projects, on May 27, 2014, to help expedite the programming of remaining FY 2015 funds and help meet the June 30, 2015, obligation deadline. Projects from the first call for projects, previously programmed in FY 2016 and FY 2017, were eligible to be advanced to FY 2015 and the funding levels for projects were increased from \$45,000 to \$135,000. MAG received a total of five project applications. Two of the projects involved the advancement of previously programmed Transportation Alternatives projects to FY 2015 did not require an evaluation. All applications were reviewed by the Transportation Safety Committee and a recommendation generated on July 22, 2014. On July 31, 2014, the Transportation Review Committee recommended approval of Option 1. Another call for SRTS projects in FY 2016 - 2017 is anticipated to be issued early in 2015.

5C. ADOT Red Letter Process

In June 1996, the MAG Regional Council approved the Arizona Department of Transportation (ADOT) Red Letter process, which requires MAG member agencies to notify ADOT of potential development activities in freeway alignments. Development activities include actions on plans, zoning, and permits. ADOT has forwarded a list of notification from January 1, 2014 to June 30, 2014. Nine of the 68 notices received have an impact to the state highway system. The Red Letter process was presented to the Transportation Review Committee on July 31, 2014.

5D. Project Changes – Amendment and Administrative Modification to the FY 2014-2018 MAG Transportation Improvement Program, the FY 2015 Arterial Life Cycle Program and the 2035 Regional Transportation Plan

The MAG Management Committee, by consent, recommended approval of amendments and administrative modifications to the FY 2014-2018 MAG Transportation Improvement Program, to the FY 2015 Arterial Life Cycle Program, and as appropriate, to the 2035 Regional

Transportation Plan. The Fiscal Year (FY) 2014-2018 MAG Transportation Improvement Program (TIP) and 2035 Regional Transportation Plan (RTP) were approved by the MAG Regional Council on June 25, 2014, and have been modified four times. The FY 2015 Arterial Life Cycle Program (ALCP) was approved on June 25, 2014. Since then there is a need to make project changes. Highway and transit project changes are included in Table A. Arterial Life Cycle Project changes are included in Tables B and C. The conformity consultation is considered as a separate agenda item. On July 31, 2014, the Transportation Review Committee recommended approval of amendments and administrative modifications to the FY 2014-2018 MAG Transportation Improvement Program, to the FY 2015 Arterial Life Cycle Program, and as appropriate, to the 2035 Regional Transportation Plan.

5E. Job Access and Reverse Commute Priority Ranking and Funding Recommendations

The MAG Management Committee, by consent, recommended approval of programming the project ranking noted in Option 1. On March 26, 2014, the MAG Regional Council approved the Job Access and Reverse Commute (JARC) policy guidelines for inclusion in the Regional Programming Guidelines for Federal Transit Formula Funds. In March 2014, MAG initiated a call for projects for funding under the JARC program. Twenty (20) applications totaling \$3.5 million in funding requests were received. One project was deemed ineligible. On May 5, 2014, an evaluation panel composed of representatives from the MAG Transit Committee interviewed the project applicants and ranked the project applications. On May 8, 2014, the MAG Transit Committee reviewed the project rankings and funding recommendations made by the evaluation panel and requested additional information from MAG staff prior to taking action. On July 10, 2014, MAG staff presented three programming options for Transit Committee discussion and possible recommendation. The Transit Committee voted to recommend approval of funding option number one. On July 31, 2014, the Transportation Review Committee recommended the approval of Option 1.

5F. MAG Federally Funded, PM-10 Street Sweeper Policy Revision

The MAG Management Committee, by consent, recommended approval to revise the MAG policies for determining eligibility for replacement (useful life) of certified PM-10 Street Sweepers. Revised Policy: "PM-10 certified street sweepers are eligible for purchase with Congestion Mitigation and Air Quality Improvement (CMAQ) funds if they replace an existing unit that has not been certified by South Coast Rule 1186, replace an older Rule 1186 certified unit, increase the frequency of sweeping, expand the area that is swept, or a combination of these functions. For replacement of an older Rule 1186 certified unit, the unit must be at least eight years old or have recorded 12,000 hours or 96,000 miles of operation." Member agencies have requested that MAG review the replacement policies for useful life of the federally funded PM-10 certified street sweepers. Many agencies maximize their equipment by sweeping larger areas, or by increasing the frequency of sweeping for units. Staff researched and developed a proposal that includes an hours used and miles of operation for policy modification consideration. Current Policy: PM-10 certified street sweepers are eligible for purchase with Congestion Mitigation and Air Quality Improvement (CMAQ) funds if they replace an existing unit that has not been certified by South Coast Rule 1186, replace a Rule 1186 certified unit that is at least eight years old,

increase the frequency of sweeping, expand the area that is swept, or a combination of these functions. A modification to the MAG PM-10 Street Sweeper replacement policy was recommended by the MAG Street Committee on June 10, 2014. On July 31, 2014, the Transportation Review Committee recommended approval to revise the MAG policies for determining eligibility for replacement (useful life) of certified PM-10 Street Sweepers.

5G. Draft MAG 2014 State Implementation Plan Revision for the Removal of Stage II Vapor Recovery Controls in the Maricopa Eight-Hour Ozone Nonattainment Area

The MAG Management Committee, by consent, recommended adoption of the Draft MAG 2014 State Implementation Plan Revision for the Removal of Stage II Vapor Recovery Controls in the Maricopa Eight-Hour Ozone Nonattainment Area. The Maricopa Association of Governments has prepared the Draft MAG 2014 State Implementation Plan Revision for the Removal of Stage II Vapor Recovery Controls in the Maricopa Eight-Hour Ozone Nonattainment Area. In accordance with the Clean Air Act Section 202(a)(6), the Environmental Protection Agency (EPA) made a determination that onboard refueling vapor recovery systems are in widespread use throughout the motor vehicle fleet, effective May 16, 2012. Since Stage II is a duplicative system, this plan revision requests that EPA remove the requirement for Stage II vapor recovery in this area for new gasoline dispensing facilities beginning in 2014 and for existing facilities beginning in October 2016, before a regional disbenefit begins to occur in 2018. On June 3, 2014, a public hearing was conducted on the draft plan and no comments were received. On June 26, 2014, the MAG Air Quality Technical Advisory Committee recommended adoption of the draft plan. It is anticipated that the MAG Regional Council may take action on August 27, 2014. The complete Draft MAG 2014 State Implementation Plan Revision for the Removal of Stage II Vapor Recovery Controls is posted at the following link on the MAG website at:

http://www.azmag.gov/Documents/AQTAC_2014-05-01_DRAFT-MAG-2014-State-Implementation-Plan-Revision-for-the-Removal-of-Stage-II-Vapor-Recovery-Controls-in-the-Maricopa-EightHour-Ozone-Nonattainment-Area.pdf

5H. Conformity Consultation

The Maricopa Association of Governments is conducting consultation on a conformity assessment for an amendment and administrative modification to the FY 2014-2018 MAG Transportation Improvement Program and the 2035 Regional Transportation Plan. The amendment and administrative modification involve several projects, including Arizona Department of Transportation 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.

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

A status report is being provided on the remaining PM-10 certified street sweeper projects that have received approval, but have not requested reimbursement. To address new Federal Highway Administration procedures to minimize inactive obligations and to assist MAG in reducing the

amount of obligated federal funds carried forward in the MAG Unified Planning Work Program and Annual Budget, MAG requested that street sweeper projects for FY 2014 CMAQ funding be purchased and reimbursement requests be submitted to MAG by March 26, 2015.

6. Locally Preferred Alternative and Proposed Major Amendment to Add the Light Rail Transit Extension on Central Avenue: Washington/Jefferson to Baseline Road to the 2035 Regional Transportation Plan

Ms. Eileen Yazzie, MAG staff, reported on the requested approval by Valley Metro Rail and the City of Phoenix of the Locally Preferred Alternative (LPA) for South Central Avenue in Phoenix. She noted that Mr. Wulf Grote from Valley Metro was present at the meeting to also answer questions. Ms. Yazzie stated that the requested motion for this item had two parts: a recommendation for the LPA and a recommendation to proceed on the major amendment process.

Ms. Yazzie explained that a major amendment is needed because the corridor improvement is identified as a bus corridor in the Regional Transportation Plan, and the LPA recommends the transit improvement as a light rail corridor. She displayed a map of future high capacity transit routes in the Valley and noted that the implementation schedule commits to a system of 65 miles, including this project's five miles.

Ms. Yazzie stated that an Alternatives Analysis was initiated in 2012 to develop a recommendation for high capacity transit improvements in the study area. She said that the Alternatives Analysis identifies the mode and the alignment, station locations, and street configuration.

Ms. Yazzie addressed the study area, which was six miles in length and extended one mile in either direction east and west on Central Avenue. She noted that the study originally included 11 alternatives that were narrowed down to three alternatives for evaluation. Ms. Yazzie then displayed a map of the LPA of light rail for the South Central Avenue corridor.

Ms. Yazzie discussed past agency actions. She said that the Phoenix City Council approved the LPA in December 2013. In April 2014, the City of Phoenix formed a community-based committee to prepare a plan for an extension of the Transit 2000 sales tax, to include capital, operations, and maintenance funding for the City of Phoenix, including the South Central Avenue corridor. In June 2014, Valley Metro Rail approved the LPA. Ms. Yazzie advised that the MAG Transit Committee and MAG Transportation Review Committee recommended approval of the Locally Preferred Alternative and proposed major amendment.

Ms. Yazzie noted that the project's capital cost is estimated at \$680 million, to be funded by the Phoenix Transit 2000 tax and possible federal discretionary funds. No regional Public Transportation Funds (Proposition 400 funds) would be used for the capital expenses. Ms. Yazzie stated that annual operating costs are estimated at \$16 million, to be funded by the Phoenix Transit 2000 tax and the farebox. Ms. Yazzie noted that the schedule anticipates an opening in 2034, with an 8-10 year window of project development, which would begin around 2024.

Ms. Yazzie reviewed the process for major amendments to the RTP. She said that the proposed amendment to the RTP qualifies as a major amendment in accordance with A.R.S. 28-6301, which states that a major amendment means ‘the addition or deletion of . . . a fixed guideway transit system that either exceeds one mile in length or exceeds an estimated cost of forty million dollars as provided in the RTP.’

Ms. Yazzie explained that the next steps were approval of the LPA and to initiate the major amendment process. Ms. Yazzie stated that MAG is required to consult with the State Transportation Board, the Maricopa County Board of Supervisors, the Regional Public Transportation Authority, the Indian Communities, the cities and towns in Maricopa County, and the Citizens Transportation Oversight Committee. She noted that the State Transportation Board, the Maricopa County Board of Supervisors, the Regional Public Transportation Authority are required to take action on the major amendment. Following these approvals, action would return to the MAG process for a recommendation to perform an air quality conformity analysis, and finally approval of the RTP amendment and air quality conformity analysis.

Ms. Yazzie stated that the requested motion is a two-part motion: To recommend approval of (1) the Locally Preferred Alternative (LPA) for the South Central Avenue project, including light rail transit on Central Avenue from Washington/Jefferson to Baseline Road; and (2) consult with the State Transportation Board, the Maricopa County Board of Supervisors, the Regional Public Transportation Authority, the Indian Communities, the cities and towns in Maricopa County, and the Citizens Transportation Oversight Committee for the major amendment process, as required by A.R.S. 28-6353, on the proposal to add the five-mile light rail transit (LRT) extension on Central Avenue from downtown Phoenix (near the existing LRT turns at Washington and Jefferson streets) to Baseline Road to the 2035 Regional Transportation Plan, contingent on the finding of air quality conformity.

Chair Brady thanked Ms. Yazzie for her report and asked members if they had questions. Hearing none, he called for a motion.

Mr. Ed Zuercher moved, Mr. Rick Buss seconded, and the motion passed unanimously.

7. Funding for Department of Public Safety Officers to Co-Locate in the Arizona Department of Transportation Traffic Operations Center

Sarath Joshua, MAG staff, reported on potential funding for a three-year pilot project for Department of Public Safety officers (DPS) to co-locate in the Arizona Department of Transportation (ADOT) Traffic Operations Center. He noted that \$1.47 billion is programmed in the Regional Transportation Plan for corridor improvements on the 35-mile Interstate 10/I-17 Corridor, called the “Spine.” Mr. Joshua explained that due to the previous corridor environmental impact statement studies of the Spine being cancelled and a new Corridor Master Plan underway, there was a need for near-term improvements in corridor operations. Mr. Joshua stated that the MAG Intelligent Transportation Systems (ITS) Committee worked on developing some near-term options for improving operations on the Spine corridor. He indicated that in May

2013, the ITS Committee recommended an action plan and one of the recommendations was the co-location of DPS officers at the ADOT Traffic Operations Center.

Mr. Joshua stated that this proposal to co-locate the DPS officers at the Traffic Operations Center was presented at the June 11, 2014, MAG Management Committee meeting. Mr. Joshua stated that the Management Committee requested this item be brought back with answers to a number of questions that were asked by committee members. He noted that a copy of the questions and answers was included in the agenda packet.

Mr. Joshua stated that a question was asked about the cost/benefit. Despite anecdotal evidence they could find no studies documenting the cost/benefit of a co-location. He explained that benefits of co-location were estimated through a traffic simulation analysis by MAG staff. Mr. Joshua stated that the scenario used a two-hour closure of Interstate 10 eastbound between 51st and 43rd Avenues on a weekday from 6:00 am - 8:00 am. Based on the experience of the Utah Department of Transportation, the scenario found a 25 percent reduction in road closure duration as a result of co-location. Mr. Joshua reported a reduction in overall traffic congestion (person-hours delay) of 33 percent. He noted that a 33 percent reduction in traffic delay translates to \$220,000 in savings per incident. For the year ending June 30, 2014, the segment of Interstate 10 from Loop 303 to Loop 202 experienced 30 closures with an average duration of three hours. Mr. Joshua stated that the annual value of time savings for this 36-mile segment is estimated at \$6.6 million.

Major Kelly Heape from the Department of Public Safety continued the presentation. He noted that benefits of co-locating a DPS officer in the Traffic Operations Center include reducing traffic congestion times and secondary collisions, the ability to monitor active incidents and mobilize effective response, the ability to access an unrestricted DPS CAD system, providing timely updates to police, fire and other first responders, and serving as a point of contact.

Major Heape addressed the benefit of the reduction in traffic congestion times and secondary collisions. He said that quicker mobilization of responders will assist in clearing traffic congestion caused by an incident more efficiently and effectively. Major Heape stated that the officer in the Traffic Operations Center will be able to monitor the queue, which is the back end of a traffic backup, where people are driving at freeway speeds and approaching those who are slowing or stopping. He noted that these are dangerous situations. Major Heape stated that secondary collisions on state roadways remain at 6.22 percent, which is far below the national average. He noted that Arizona has been one of the premier examples across the country and he said that traffic management practices have reduced first responder deaths and injuries and they hope to improve that even more with the DPS officer in the Traffic Operations Center. Major Heape also spoke of the significant impacts to business that result from traffic congestion.

Major Heape displayed a graph of freeway crashes in the MAG region from 1999 to 2012. He noted that there were 8,082 people killed or injured in 18,183 crashes. Major Heape also pointed out that the number of crashes increased for 2013 and exceeded 20,000. In addition, there are secondary crashes and they would like to reduce this rate.

Major Heape addressed the benefits from monitoring active incidents and mobilizing effective responses. In addition to the officer verifying the incident on the Traffic Operations Center camera, the officer will be able to provide more accurate information. Major Heape noted that initial 911 reports are often inaccurate and most always incomplete. He stated that the sooner mobilization of correct resources occurs, the more efficiently the time of first responders is used. Major Heape noted that it currently is difficult to determine the correct resources needed due to the inaccurate and incomplete information, and they often send too few or too many responders or equipment.

Major Heape stated that the ADOT Traffic Operations Center staff have restricted access to DPS's Computer Aided Dispatch (CAD) software. Currently, they can only view traffic related incidents and cannot view incidents like manhunts and other agency assists, even when they affect traffic. Major Heape noted that a DPS officer in the center would have unrestricted access statewide to CAD and could significantly increase the effectiveness of coordination efforts within the Traffic Operations Center.

Major Heape stated that more timely updates to police, fire and other first responders could result from having a DPS officer in the center. These situations could include changes to incident dynamics (fire, hazards, secondary collisions), ingress and egress routes, roadway hazards for first responders, active police situations (jumpers, car jackings, armed suspects), hazardous materials, and reduction or increase in first responders. He noted that these situations can result in traffic restrictions.

Major Heape stated that they expect that the DPS officer could serve as the point of contact in regard to social media communications, with incident commanders, and with other agencies. He mentioned that they predict social media communications could be beneficial during an incident.

Major Heape stated that the DPS officer could ensure appropriate resources are called for police, fire, ambulances, and types of tow trucks (heavy, medium, light, boom, special recovery). He noted that a police officer in the Traffic Operations Center possesses the experience and authority to evaluate an incident scene and activate these resources.

Major Heape addressed the question that asked if retired DPS officers could be used. He explained that retired DPS officers would only come with the experience element and some professional credibility/respect, but would lack the authority as they are no longer sworn. Major Heape noted that there is also the lack of an employment classification at either DPS or ADOT. Generally, it takes many months to create a job description and testing process for a new position. Major Heape added that there is no way of knowing in advance whether retired DPS officers would even be attracted to this job opportunity.

Major Heape stated that the question was asked why this option had not been implemented sooner. He said that the Traffic Operations Center originally opened in 1990 with the purpose of supporting highway and tunnel maintenance. From 1990 to 2006 the Traffic Operations Center's responsibilities evolved to include becoming ADOT's primary contact for maintenance, traffic signals, signing and striping, and ITS, coordination of planned events and construction, and the

development and implementation of ITS infrastructure for all of ADOT. Mayor Heape stated that the Traffic Operations Center was remodeled in 2011. The remodeling replaced analog equipment with digital technology, a new monitor wall, a redesigned workstation layout that included space for ADOT Public Information Officers, ECD, and DPS. Major Heape stated that in addition to the Traffic Operation Center operators, ADOT public information officers now staff the Control Room 20 hours a day, seven days a week.

Mr. Joshua reported that there is an evaluation component to the three-year pilot project. It includes an interagency initiative between DPS, ADOT and MAG to establish a data archive for Traffic Incident Management metrics based on best practices. MAG will utilize this data to produce an annual performance report on Freeway Traffic Incident Management during the pilot project to show a comparison of Freeway Traffic Incident Management performance before and after DPS co-location.

Chair Brady thanked Mr. Joshua and Major Heape for their presentations and asked if there were any questions.

Mr. Charles Montoya asked if the evaluation component would be provided to MAG annually. Mr. Joshua replied yes, a report would be done on an annual basis.

Mr. Montoya asked if the four positions would be new positions that are to be hired or existing positions that would be reassigned. Major Heape replied that a sergeant is already in the Traffic Operations Center, funded by ADOT temporarily. He said that the sergeant is working on creating protocols for DPS in the Traffic Operations Center. Major Heape stated that the number of three officers is an estimate. He remarked they anticipate backfilling the positions using the funding, taking experienced officers off the road, placing them in the Traffic Operations Center and replacing them with officers coming out of the academy. Major Heape stated that in the interim, they plan to utilize an employment software program that is used for secondary, off-duty work. He explained that officers would be scheduled for overtime at the Traffic Operations Center and the sergeant who is developing the protocols will provide some initial training until the positions receive funding.

Mr. Montoya stated that this is a three-year pilot project and he expressed his concern for it appearing that MAG was laying off DPS officers if it decided to not continue the project. Major Heape stated that DPS has other grant-funded programs, such as the Freeway Service Patrol, and while DPS is aware of the risks and concerns for grant-funded programs, the number of employees is a small number and DPS could absorb them back into the organization because there are always needs in the field.

Mr. Dalke stated that because the facility was remodeled in 2011, he asked for clarification that the costs for this program would be operational. Mr. Joshua replied yes. He added that he understood the work stations had been set up at the remodeling. Mr. Dalke noted that it appeared the \$25,000 difference between the first year and the second year might be a start-up cost.

Chair Brady asked for confirmation that approval means that MAG would be committing to the dollar amounts noted for three years and no more. Mr. Smith noted that was correct, and he added that the funds are already at ADOT and MAG would just be reprioritizing their use.

Mr. Patrick Banger expressed his appreciation for all of the work that went into answering the questions from the last meeting. He noted that the Town of Gilbert thinks this is an excellent program and supports it moving forward on a trial period. Mr. Banger expressed his concern for funding state agency positions with dollars dedicated for municipal purposes. He requested that the discussion take place regarding DPS finding funding in its own budget after the three-year period.

Mr. Andrew Ching echoed Mr. Banger's statements. He said that his assumption was that retired officers would keep their peace officer status and work on a contract basis, as they do at numerous municipalities for a specific purpose, and if funding was later not available, there would be no expectation their positions would have to be reabsorbed. Major Heape noted that he made an incorrect assumption when questions were asked about using retired officers. He spoke of the mandated training to maintain the sworn officer capacity and there are also complications because of the retirement system. Mr. Ching suggested that these are things that could be looked into during the three-year pilot.

Dr. Spencer Isom remarked that discussion of funding aside, he thought having DPS officers in the Traffic Operations Center was an excellent concept and it would likely result in more effective clearing of accidents and potentially saving lives. He noted that he would make the motion to recommend approval at the appropriate time.

Chair Brady remarked that he thought the DPS officers in the Traffic Operations Center was a great concept and he was glad resources had been found to support it. He said that he thought an annual report was a good idea. Chair Brady suggested that at approximately the 2.5 year mark, to have a robust discussion about continuing the program and funding. He expressed that MAG not wait until the end of the three years to have the discussion, but to have it advance of the program ending. He stated that there be a public recognition for DPS, ADOT and MAG if the program is approved, because it is a project worthy of publicizing. Chair Brady thanked Major Heape for attending the meeting.

With no further discussion, Dr. Isom moved to recommend approval to fund a three-year pilot project, with an evaluation component, to co-locate three Department of Public Safety (DPS) officers and one DPS supervisor in the Arizona Department of Transportation (ADOT) Traffic Operations Center, to equally share the first year cost of \$450,000 and subsequent annual cost of \$425,000 with ADOT, and to redirect the MAG share from the MAG Regional Freeway and Highway Program Management Consultant funds of \$225,000 for the first year and \$212,000 annually for the second and third years. Mr. Dalke seconded, and the motion passed unanimously.

8. Revisions to the National Highway System and Principal Arterial Network in the MAG Region

Ms. Teri Kennedy, MAG staff, presented the revisions to the Federal Functional Classification and National Highway System Designation of Principal Arterial Roadways in the MAG region.

Ms. Kennedy explained that under MAP-21, all principal arterials nationwide were added into the National Highway System (NHS), as of October 1, 2012. She stated that numerous regulations are associated with the NHS designation, including design and design exceptions, materials certification, quality assurance program, warranties, and sign and junkyard control. Ms. Kennedy stated that no additional funding is allocated to address the increased requirements on Principal Arterials, even though there could be added costs. She noted that the exact meaning of how to implement new measures is unclear until ADOT develops implementation policies.

Ms. Kennedy displayed a map of the existing principal arterial network as of October 1, 2012, noting that all the principal arterials must comply with NHS rules and regulations. She said that in February 2013, MAG submitted a proposal to remove the principal arterials from the NHS. In May 2013, the Federal Highway Administration (FHWA) issued new guidance for functional classification. Ms. Kennedy stated that in October 2013, FHWA notified MAG that the request to remove principal arterials from NHS would not be approved, and that principal arterials cannot be removed from the NHS solely to avoid NHS requirements.

Ms. Kennedy stated that NHS designation can be removed by reclassifying principal arterials to minor arterials. The NHS designations are addressed on a case-by-case basis, must meet federal guidelines, NHS goals and objectives, should be a rational classification system, and can be periodically updated in the future.

Ms. Kennedy detailed two problems with the principal arterial network being included in the NHS. The first problem is that the functional classification of the MAG arterial network was last updated in 1992, but there have been many changes to the freeway and arterial network since then. Ms. Kennedy stated that the MAG region has 22 percent more principal arterials than the national average. Additionally, population and employment patterns have matured, and new FHWA guidance on functional classification was released in 2013. Ms. Kennedy noted as an example that much of the traffic on 16th Street and 24th Street now uses SR-51.

Ms. Kennedy stated that the second problem is that NHS experienced automatic expansion without MPO or COG concurrence, even though the federal regulations say this should happen. She remarked that the automatic expansion means that the principal arterials that were automatically incorporated do not meet NHS requirements or goals. Ms. Kennedy stated that the compliance of new projects on the NHS is required, while national performance standards for the NHS have not yet been released. She noted that they are due to be released in the next few months. Ms. Kennedy stated that the quantity of principal arterials included in the NHS is inordinately burdensome to the state and local agencies, with little to no increase in funding available.

Ms. Kennedy explained the MAG approach to addressing the NHS issues. MAG reviewed the current Principal Arterial network, historic Roads of Regional Significance, and updates to the freeway network. MAG surveyed other agencies in the west and made comparisons to the nationwide network. MAG then coordinated with member agencies, held numerous Street Committee reviews, and completed a modeling exercise. As a result, MAG is recommending reclassification of many principal arterials to minor arterials as appropriate, and changes specific to the NHS facilities where appropriate.

Ms. Kennedy explained that the Street Committee recommended approval of Option 2E, and after the committee meeting, Option 2F was developed in response to a member agency request to adjust Tatum Road to a minor arterial and Adams Street from I-17 to 19th Avenue to a major collector, because proposed interchange upgrades to the area never materialized.

Ms. Kennedy addressed the impacts of NHS reduction in funding. She stated that under current legislation, there is no impact on the amount or type of funding received. Ms. Kennedy stated that roads removed from the NHS would lose eligibility for National Highway Performance Program funds. Ms. Kennedy explained that National Highway Performance Program funds, which ADOT has fully programmed for the next 12 years, are primarily distributed to freeways and highways.

Ms. Kennedy noted that the pros of this action include correcting the functional classification of principal arterials, reducing the local NHS by approximately 656 miles, and allowing projects that are removed from NHS to proceed. The cons to this action are lowering the priority of the roadways removed, and possibly affect future funding to the state and the region. Ms. Kennedy noted that the requested action is to recommend approval of Option 2F that updates the functional classification for the Principal and Minor Arterial network and of the modifications in the National Highway System for the MAG region and to the 2035 Regional Transportation Plan as appropriate.

Chair Brady thanked Ms. Kennedy for her report and asked members if they had questions.

Mr. Ed Zuercher asked for clarification that new, unfunded requirements have been established by the federal government. Ms. Kennedy replied that was correct. Mr. Zuercher requested that MAG and ADOT staff continue to work on this issue so that we have the financial resources to comply with the NHS requirements for Principal Arterials. He noted that the new requirements change what the City of Phoenix can do on 7th Street.

Mr. Floyd Roehrich stated that when these requirements were put in MAP-21, no state, MPO, or COG was asked to comment. He added that many were surprised at the addition of the requirements. Mr. Roehrich stated that some organizations, such as AASHTO, have pushed back. During the comment phase during rulemaking, organizations, including ADOT, expressed that this was a bad idea. Mr. Roehrich stated that the intent during reauthorization is to correct this or remove it. He encouraged all transportation stakeholders to discuss this with their Congressional delegations so they understand the impact.

Mr. Zuercher stated that MAG, ADOT, and all member agencies staying connected on this issue is important. He noted that the requirements add many complexities to an already complex system.

Mr. John Hauskins remarked that this is one of a long list of unfunded mandates that have occurred over the years. He noted that it is already difficult for local governments to meet the requirements, and these unfunded mandates increase that difficulty.

With no further discussion, Mr. Brian Dalke moved to recommend approval of the included map Option 2F that updates the functional classification for the Principal and Minor Arterial network and of the modifications in the National Highway System for the MAG region and, as appropriate, to the 2035 Regional Transportation Plan. Mr. John Hauskins seconded, and the motion passed unanimously.

9. Representation by Providers of Public Transportation on MPO Boards

Ms. Yazzie reported on a new requirement under the federal transportation law, Moving Ahead for Progress in the 21st Century (MAP-21), which requires transit representation on the governing bodies of Metropolitan Planning Organizations (MPOs) such as MAG. She noted that options for the transit representative position on the MAG Regional Council have been developed. Ms. Yazzie stated that this item was on the agenda for information and discussion and might be back before the committees in September for action on an option and any associated By Laws changes. Ms. Yazzie stated that the presentation was to inform the committee of the new federal guidelines and what MAG is proposing.

Ms. Yazzie stated that MAP-21 guidelines say, “By October 1, 2014, MPOs that serve an area designated as a Transportation Management Area (TMA) must include officials of public agencies that administer or operate major modes of transportation in the metropolitan area, including representation by providers of public transportation.” She added that on June 2, the final guidelines were released and state that the transit representative must be a representative of a provider that operates public transportation in the region and is an elected or appointed member of the provider's board of directors or a senior officer of the provider.

Ms. Yazzie stated that current public transportation operators in the MAG region include Glendale, Peoria, Phoenix, Scottsdale, Regional Public Transportation Authority (RPTA), and Valley Metro Rail. She stated that the Arizona State Transportation Board, RPTA, and CTOC representatives sit on MAG committees and vote on transportation-related issues.

Ms. Yazzie then explained the options that had been developed. Option 1A would include a representative chosen from the four municipalities that operate transit, RPTA Board, and the Valley Metro Rail Board. The rotation would include a total of six positions.

Ms. Yazzie stated that Option 1B is the same except that the RPTA Board and Valley Metro Rail Board would be combined into one. The rotation would include a total of five rather than six positions.

Ms. Yazzie stated that Option 2 would rotate the MAG Regional Council transit representative among the RPTA Board officers. This option would limit the MAG transit representative to one of the three elected officials who serve as one of three officers (Chair, Vice-Chair, and Treasurer) of the RPTA Board.

Ms. Yazzie stated that Option 3 includes the elected official from the Federal Transit Administration (FTA) Designated Recipient that sits on the RPTA Board would serve as the transit representative to the MAG Regional Council. The City of Phoenix is the FTA Designated Recipient for the MAG region.

Ms. Yazzie stated that the goal is to have action on the option for the transit representative at the September meeting in order to comply with the October 1 timeline.

Chair Brady thanked Ms. Yazzie for her report and asked members if they had questions.

Mr. Montoya noted that the Central Arizona Regional Transit, which is funded by Pinal County, Town of Florence, and ADOT, was missing from the list, along with the population numbers and cost. Ms. Yazzie noted that the information would be updated. Mr. Montoya said that he was not sure if Florence would be included in the Sun Corridor MPO. Ms. Yazzie stated that the Town of Florence has transit and applies for funding, but is operated by the City of Coolidge, which is not a MAG member agency nor a part of RPTA.

10. Legislative Update

Nathan Pryor, MAG staff, provided an update on legislative issues of interest. Mr. Pryor stated that Congress acted to avert the August 1st Highway Trust Fund shortfall and allocated \$10.8 billion through May 2015. He noted that a shortfall in the trust fund would have triggered a slowing and potential reduction in reimbursements for transportation projects.

Mr. Pryor stated that the funds identified for the next nine months come from a few different sources, including \$6.4 billion from pension “smoothing,” \$3.5 billion from customs user fees, and \$1 billion from the leaking underground storage tanks fund. Mr. Pryor stated that a continuing resolution for reauthorization of MAP-21 is anticipated.

Chair Brady thanked Mr. Pryor for his report. No questions from the committee were noted.

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 were requested.

No requests were noted.

12. 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

There being no further business, the meeting was adjourned at 1:15 p.m.

Chair

Secretary

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY...for your review

Revised

DATE:

September 4, 2014

SUBJECT:

2013 MAG Freight Transportation Plan Consultant Contract

SUMMARY:

The MAG Fiscal Year (FY) 2011 Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2010, included the MAG Freight Transportation Framework Study. In October 2010, the MAG Executive Committee approved the selection of Parsons Brinckerhoff for the first phase of the study. The Request for Proposals for this study included a provision that MAG may, at its discretion, offer an additional contract(s) to the successful respondent to extend the study into an additional phase(s) based on consultant performance and available funding.

The MAG FY 2013 Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2012, included \$400,000 for an additional phase for the Freight Framework Study. Due to the ongoing success and federal regulations requiring additional freight planning in our region, staff recommends initiating a new contract with Parsons Brinckerhoff for this additional phase of the original study, to prepare the 2013 MAG Freight Transportation Plan (phase II) for an amount not to exceed \$400,000. This project was carried forward in the FY 2015 Unified Planning Work Program and Annual Budget, approved by the Regional Council on May 28, 2014.

The primary focus of the 2013 MAG Freight Transportation Plan (phase II) is to review and evaluate the area's transportation system to enhance the transportation network, facilitate freight movement, and improve access to and from major employment centers, all of which will increase economic development potential for the area. This study will include evaluating multimodal transportation needs identified through an analysis of existing and future conditions. The study shall consider guidance from the U.S. Department of Transportation based on the enacted Moving Ahead for Progress in the 21st Century Act (MAP-21), respective to the national freight network, encouraged freight planning activities, and guidance on performance- and outcome-based programming.

A full copy of the Freight Transportation Framework Study (phase I) and its findings is available at www.bqaz.org. The site also includes information about other planning studies completed by MAG.

PUBLIC INPUT:

Numerous presentations and special events were conducted throughout the year for the completed Freight Transportation Framework Study (phase I).

PROS & CONS:

PROS: It has been recommended by the Federal Highway Administration to develop a regional freight plan to keep our transportation network running safely and efficiently for commuter and freight operations. Developing a Regional Freight Plan will identify major and minor freight corridors and recommend improvements that will assist in moving freight more efficiently and continue to attract new businesses to our region and keep our region globally competitive. Future surface transportation bills will include a more robust

freight program and could potentially include designated funding for freight related projects. Delaying this project would delay the region being prepared for a future federal freight policy.

CONS: None.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: The procurement of consultant services will enable MAG to obtain technical expertise in the long-range framework planning process.

POLICY: An effective Freight Transportation Plan will assist in the overall movement of goods in the MAG region, which will improve overall traffic operations and safety, and enhance economic development prospects.

ACTION NEEDED:

Recommend approval of a new contract with Parsons Brinckerhoff for the 2013 MAG Freight Transportation Plan Consultant (Phase II), for an amount not to exceed \$400,000.

PRIOR COMMITTEE ACTIONS:

On October 12, 2010, the MAG Executive Committee approved a recommendation forwarded by the MAG Management Committee that Parsons Brinckerhoff, be selected to develop the MAG Freight Transportation Framework Study. The Request for Proposals for this study included a provision that MAG may, at its discretion, offer an additional contract to the successful respondent to extend the project for an additional phase(s) based on consultant performance and available funding.

CONTACT PERSON:

Tim Strow, Senior Transportation Project Manager, 602-254-6300.

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

DATE:

September 2, 2014

SUBJECT:

2015 Behavior Based Freight Model Development On-Call

SUMMARY:

The fiscal year (FY) 2015 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2014, includes \$350,000 for on-call consulting services for 2015 Behavior Based Freight Model Development On-Call. Understanding freight flows and forecasting them is critical to determining the need for future transportation capacity on the regional highways or other modal infrastructure. MAG staff has identified a need for the future development of the regional freight forecasting models. On February 13, 2014, MAG, the Arizona Department of Transportation (ADOT) and the Pima Association of Governments (PAG) submitted a joint application for implementation and technical assistance funds in Round 3 of the Federal Highway Administration (FHWA) Strategic Highway Research Program Implementation Assistance Program (SHRP2). MAG was the lead agency in the Freight Demand Modeling portion of the proposal submitted to FHWA.

On March 28, 2014, FHWA and AASHTO announced that MAG was one of the organizations selected in Round 3 of SHRP2 implementation assistance for freight demand modeling. Up to \$350,000 for each applicant is available to be applied to the implementation of Behavior-Based Freight Modeling. The main purpose of the project is to develop a new generation regional freight model based on the principles identified in the SHRP2 C20 products and consistent with MAG freight flows forecasting needs. On June 25, 2014, MAG issued a Request for Qualifications to create an on-call consulting list for the project with two areas of expertise: (A) Freight Modeling; and (B) Data Collection, Analysis and Management.

MAG received Statements of Qualifications (SOQs) from American Transportation Research Institute, Cambridge Systematics, CDM Smith, Resource Systems Group, and RS&H. A multi-agency evaluation team reviewed the SOQs and recommended to MAG that the following firms be included on a MAG on-call consulting list for 2015 Behavior Based Freight Model Development On-Call:

Area of Expertise A (Freight Modeling): Cambridge Systematics, Resource Systems Group, and RS&H.

Area of Expertise B (Data Collection, Analysis and Management): American Transportation Research Institute, Cambridge Systematics, CDM Smith, Resource Systems Group, and RS&H.

PUBLIC INPUT:

No public input has been received.

PROS & CONS:

PROS: creation of the on-call consulting list will enable MAG to conduct development of the behavior-based freight model based on the guidelines of SHRP2 C20 project. The model will become

a critical component in addressing emerging needs in MAG travel demand forecasting, transportation planning and traffic operations analysis. The funding obtained through the SHRP2 Implementation Assistance Program grant will help in the design and implementation of operational, behavioral, tour-based freight models for the region. The model is required to support making informed investment decisions and providing the base for infrastructure planning that integrates complex logistics practices of the freight industry.

CONS: None.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: The freight model development and implementation will qualitatively increase sensitivity of the forecasting tools to various policy scenarios and improve the accuracy of travel projections for the region.

POLICY: The project will ensure that MAG can provide high quality travel forecasts required for future infrastructure planning and support of investment decisions.

ACTION NEEDED:

Recommend approval of the list of on-call consultants for the Area of Expertise A (Freight Modeling): Cambridge Systematics, Resource Systems Group, and RS&H, and for Area of Expertise B (Data Collection, Analysis and Management): American Transportation Research Institute, Cambridge Systematics, CDM Smith, Resource Systems Group, and RS&H, for the 2015 Behavior Based Freight Model Development On-Call, for a total amount not to exceed \$350,000.

PRIOR COMMITTEE ACTIONS:

On August 25, 2014, a multi-agency evaluation team reviewed the Statements of Qualifications (SOQ) and recommended to MAG approval of the list of on-call consultants:

Area of Expertise A (Freight Modeling): Cambridge Systematics, Resource Systems Group, and RS&H.

Area of Expertise B (Data Collection, Analysis and Management): American Transportation Research Institute, Cambridge Systematics, CDM Smith, Resource Systems Group, and RS&H.

SOQ EVALUATION TEAM

Vidya Dhara Mysore, FHWA
Romare Truely, FHWA
Keith L. Killough, ADOT

Aichong Sun, PAG
Tim Strow, MAG
Vladimir Livshits, MAG

On May 19, 2014, the MAG Regional Council Executive Committee approved acceptance of \$350,000 of Strategic Highway Research Program Implementation Assistance Program Funding in the Draft FY 2015 MAG Unified Planning Work Program and Annual Budget and to add the funding to the corresponding on-call consultant project.

On May 14, 2014, the MAG Management Committee recommended acceptance of \$350,000 of Strategic Highway Research Program Implementation Assistance Program Funding in the Draft FY 2015 MAG Unified Planning Work Program and Annual Budget and to add the funding to the corresponding on-call consultant project.

CONTACT PERSON:

Vladimir Livshits, (602) 254-6300

September 2, 2014

TO: Members of the MAG Management Committee

FROM: Julie Hoffman, Environmental Planning Program Manager

SUBJECT: ARIZONA WATER QUALITY MANAGEMENT PLAN AND STREAMLINING OF THE 208 WATER QUALITY MANAGEMENT PLAN PROCESS

The Arizona Department of Environmental Quality (ADEQ) is working to update the Arizona Water Quality Management Plan, which was completed in 1979. ADEQ is also proposing to streamline the 208 Water Quality Management Plan Process, which is conducted by five Councils of Governments (COGs) as well as Yuma, La Paz, and Mohave Counties. ADEQ has been streamlining various processes to issue permits faster. The 208 streamlining approach currently being considered by ADEQ would result in the issuance of permits for wastewater treatment facilities without first going through the MAG 208 Process and receiving Regional Council approval. This approach would jeopardize local control over the desired wastewater treatment configuration identified in the MAG 208 Water Quality Management Plan.

In 1974, MAG was designated by the Governor to serve as the Regional Water Quality Management Planning Agency for Maricopa County. It is in this capacity that MAG prepares the 208 Water Quality Management Plan for the region. The 208 Plan consists of two major elements: the Point Source element and the Nonpoint Source element. The Point Source element describes the preferred wastewater treatment system to serve the needs of the area over a 20 year time period. The Nonpoint Source element primarily describes regional surface and groundwater quality, and federal and state program activities designed to control nonpoint source pollution.

Currently, the MAG 208 Water Quality Management Plan is the key guiding document used by ADEQ and Maricopa County in granting permits for wastewater treatment plants in the region. Consistency is necessary for permit approvals. According to 40 CFR Part 130.6 (f) Consistency, Construction grant and permit decisions must be made in accordance with certified and approved water quality management plans. Consistency with the 208 Plan is required for the Aquifer Protection Permit and Arizona Pollutant Discharge Elimination System Permit issued by ADEQ. Consistency with the 208 Plan is also required for the Approval to Construct issued by the Maricopa County Environmental Services Department. If a proposed facility is not included the MAG 208 Plan, the Plan may be modified through the 208 Amendment Process or the Small Plant Review and Approval Process.

ADEQ PROPOSED STREAMLINING

The Arizona Department of Environmental Quality has recently indicated that they do not see value added by the 208 Amendment Process and plans to ensure water quality through the permits. ADEQ plans to issue permits for proposed new wastewater treatment facilities, expansions, or surface water discharges before the Councils

of Governments/Counties decide whether or not to include them in their 208 Plans. According to ADEQ, the Councils of Governments/Counties could continue to conduct a local public process to make their region aware of new proposed wastewater treatment facilities, expansions, or surface water discharges. ADEQ is proposing a table of wastewater treatment options (see attachment). If a proposed facility falls under one of the options in the table, the proposed facility would be included in a facility inventory that would be used annually update the 208 Plans. Meanwhile, ADEQ would be issuing permits for the facilities in the inventory before the facilities become part of the 208 Plans.

In addition, ADEQ would no longer use the wastewater treatment configuration identified in the Point Source element of the 208 Plan for determining 208 consistency. Instead, ADEQ would determine consistency based on the 208 Plan goals, processes, and the proposed wastewater treatment options table. The options table was designed by ADEQ and included in other rural 208 Plans in the State that have been updated in cooperation with ADEQ. While this may work in some rural areas, there is concern with using this approach in the MAG region. Since 2002, 35 new facilities have been added to the MAG 208 Plan through the MAG 208 Amendment or Small Plant Review and Approval Process. Without the MAG 208 Process, local control in approving wastewater treatment facilities in the region would be significantly jeopardized.

In the MAG 208 Process, it is the jurisdiction in which the facility is located that brings a 208 Amendment or Small Plant Review and Approval forward to MAG. This preserves local government control over the wastewater treatment facilities that are identified in the MAG 208 Plan. The wastewater treatment plants are tied to growth and development and the permits would allow the plants to be built. The streamlining approach proposed by ADEQ would remove local control over growth and development and give it to the State.

If you have any questions, please do not hesitate to contact me at (602) 254-6300.

Attachment

TABLE 5.1 – WASTEWATER TREATMENT OPTIONS

NOTE: Selected option must meet all **current** Aquifer Protection Permit (APP), Arizona Pollutant discharge Eliminations System Permit (AZPDES), and adopted local ordinance requirements.

| | OPTION 1 | OPTION 2 | OPTION 3 | OPTION 4 | OPTION 5 |
|--|--|---|--|---|---|
| | Existing WWTP with Adequate Capacity | Expand WWTP or Collection System | New Centralized WWTP and Collection System | Individual On-site Wastewater Treatment Systems (up to 24,000 gpd) | Satellite Plants or Communal Facilities* |
| In a Service Area, Planning Area, or High Priority Area for Sewer Lines* | <p>Connecting to an existing WWTP is generally the best option if feasible.*</p> <p>If sewer lines are not yet available or WWTP capacity insufficient, see Options #2 and #3.</p> | <p>Expanding a WWTP is generally preferable to building new facilities.</p> <p>It is usually more cost effective to delay proposed development until expansion has been completed. However, if unwilling to delay development, an initial phase can be developed (see options #4 and #5.)</p> | <p>Construction of new public service facilities may be the best option, for example if the size of the plant cannot be expanded.</p> <p>New facilities must be provided by the entity assigned the Service Area (or developed under a contract with that entity).</p> <p>If in a High Priority Area, but outside of a Service Area or Planning Area, development of a sanitary district, wastewater improvement district or private utility should be <i>encouraged</i>.</p> <p>It is usually more cost-effective in the long- term to delay proposed development until new facilities are complete. However, if unwilling to delay development, an initial phase can be developed under Options #4 and #5.</p> | <p>This option includes septic systems and alternative on-site systems.</p> <p>Both new or replacement individual on-site wastewater systems should be restricted by local ordinance to:</p> <ul style="list-style-type: none"> • Lots larger than 1 acre with adequate site conditions for the individual on-site wastewater system and a replacement system • Situations where sewer lines are not available <p>If unwilling to delay development until sewer lines are available, individual on-site systems could be used in a "first phase" of development if:</p> <ul style="list-style-type: none"> • Dry sewer lines are constructed to facilitate connection to a future sewer line; and • A local ordinance requires property owners to connect to sewers when they become available, and a mechanism is in place to notify future property owners of this requirement. | <p>These privately owned facilities may be an option only when sewer lines are not yet available.</p> <p>In a Service Area, this is another alternative to delay development until sewer lines are available under a "first phase" of development if:</p> <ul style="list-style-type: none"> • There is a written agreement with the WWTP to connect to the collection system when sewer lines become available and properly decommission the treatment system. <p>(This may also require local ordinances.)</p> |
| All Other Areas | <p>If feasible,* modify the Service Area and connect to the sewer lines. This would require Public review, Consistency Review and possibly revision of the utility's operations plan.</p> <p>(Not a likely option)</p> | <p>If feasible,* modify the Service Area and connect to the sewer lines. This would require Public review, Consistency Review and possibly revision of the utility's operations plan.</p> | <p>If feasible,* establish a Service Area and initiate development of a new WWTP and collection system. Establishment of a Service Area may require certification as a DMA or WMU.</p> | <p>A good option on lots larger than 1 acre with no limiting site conditions for conventional systems.</p> | <p>Centralized on-site wastewater treatment facilities include "package plants" and communal septic systems which may be a good option where sewer lines are not available and limiting site conditions restrict use of conventional septic systems. Establishment of a Service Area may require certification as a DMA or WMU.</p> |



Office of the Clerk
United States Court of Appeals for the Ninth Circuit
Post Office Box 193939
San Francisco, California 94119-3939
415-355-8000

Molly C. Dwyer
Clerk of Court

July 29, 2014

No.: 14-72327
Short Title: Sandra Bahr, et al v. USEPA, et al

Dear Petitioners/Counsel

Your Petition for Review has been received in the Clerk's office of the United States Court of Appeals for the Ninth Circuit. The U.S. Court of Appeals docket number shown above has been assigned to this case. You must indicate this Court of Appeals docket number whenever you communicate with this court regarding this case.

The due dates for filing the parties' briefs and otherwise perfecting the petition have been set by the enclosed "Time Schedule Order," pursuant to applicable FRAP rules. These dates can be extended only by court order. Failure of the petitioner to comply with the time schedule order will result in automatic dismissal of the petition. 9th Cir. R. 42-1.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JUL 29 2014

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

SANDRA L. BAHR; DAVID
MATUSOW,

Petitioners,

v.

U.S. ENVIRONMENTAL
PROTECTION AGENCY; GINA
MCCARTHY, Administrator, United
States Environmental Protection Agency;
JARED BLUMENFELD, Regional
Administrator, EPA Region IX,

Respondents.

No. 14-72327

Environmental Protection Agency

TIME SCHEDULE ORDER

The parties shall meet the following time schedule.

- | | |
|--------------------------------|---|
| Tue., August 5, 2014 | Mediation Questionnaire due. If your registration for Appellate ECF is confirmed after this date, the Mediation Questionnaire is due within one day of receiving the email from PACER confirming your registration. |
| Fri., October 17, 2014 | Petitioners' opening brief and excerpts of record shall be served and filed pursuant to FRAP 32 and 9th Cir. R. 32-1. |
| Mon., November 17, 2014 | Respondents' answering brief and excerpts of record shall be served and filed pursuant to FRAP 32 and 9th Cir. R. 32-1. |

The optional petitioners' reply brief shall be filed and served within fourteen days of service of the respondents' brief, pursuant to FRAP 32 and 9th Cir. R. 32-1.

Failure of the petitioners to comply with the Time Schedule Order will result in automatic dismissal of the appeal. See 9th Cir. R. 42-1.

FOR THE COURT:

Molly C. Dwyer
Clerk of Court

Holly Crosby
Deputy Clerk

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

SANDRA L. BAHR, and DAVID
MATUSOW,

Petitioners,

v.

GINA McCARTHY, Administrator
United States Environmental Protection
Agency; JARED BLUMENFELD,
Regional Administrator, EPA Region IX;
and UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY,

Respondents.

Case No.: _____

PETITION FOR REVIEW

Sandra L. Bahr and David Matusow hereby petition the Court for review of the final action of the above-named respondents, published at 79 Fed. Reg. 33107-33116 (June 10, 2014) entitled “Approval and Promulgation of Implementation Plans—Maricopa County PM–10 Nonattainment Area; Five Percent Plan for Attainment of the 24-Hour PM–10 Standard.”

Dated this 29th day of July, 2014.

s/Joy E. Herr-Cardillo
Joy E. Herr-Cardillo (Arizona Bar #009718)
Arizona Center for Law in the Public Interest
2205 E. Speedway.
Tucson, Arizona 85719
(520)529-1798
Counsel for Petitioners

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

SANDRA L. BAHR, and DAVID
MATUSOW,

Petitioners,

v.

GINA McCARTHY, Administrator
United States Environmental Protection
Agency; JARED BLUMENFELD,
Regional Administrator, EPA Region IX;
and UNITED STATES
ENVIRONMENTAL PROTECTION
AGENCY,

Respondents.

Case No.: _____

**CERTIFICATE OF
SERVICE OF PETITION
FOR REVIEW**

As counsel for Petitioners, I hereby certify that copies of the above-
captioned petition for review were mailed via first class mail, postage prepaid, this
29th day of July 2014 to the following:

Gina McCarthy
Administrator
Environmental Protection Agency
Office of the Administrator 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Jared Blumenfeld
Regional Administrator
EPA Region IX
75 Hawthorne Street
San Francisco, CA 94105

Kara Christenson
Senior Counsel
U.S. EPA Region 9
75 Hawthorne Street, 16th Floor
San Francisco, CA 94105

Henry R. Darwin
Director
Arizona Department of Environmental Quality
1110 W. Washington St.
Phoenix, AZ 85007.

s/Joy E. Herr-Cardillo
Joy E. Herr-Cardillo

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Circuit Mediation Office
Phone (415) 355-7900 Fax (415) 355-8566
http://www.ca9.uscourts.gov/mediation

MEDIATION QUESTIONNAIRE

The purpose of this questionnaire is to help the court's mediators provide the best possible mediation service in this case; it serves no other function. Responses to this questionnaire are not confidential. Appellants/Petitioners must electronically file this document within 7 days of the docketing of the case. 9th Cir. R. 3-4 and 15-2. Appellees/Respondents may file the questionnaire, but are not required to do so.

Form with fields for: 9th Circuit Case Number(s), District Court/Agency Case Number(s), District Court/Agency Location, Case Name, If District Court, docket entry number(s) of order(s) appealed from, Name of party/parties submitting this form.

Please briefly describe the dispute that gave rise to this lawsuit.
This is a Petition for Review challenging EPA's approval of a revision to the Arizona State Implementation Plan under the Clean Air Act. Because the Phoenix metropolitan nonattainment area failed to attain the National Ambient Air Quality Standard (NAAQS) for PM-10 by December 31, 2006, pursuant to section 189(d) of the CAA the state was required to submit "plan revisions which provide for attainment of the PM-10 air quality standard and, from the date of such submission until attainment, for an annual reduction in PM-10 or PM-10 precursor emissions within the area of not less than 5 percent of the amount of such emissions as reported in the most recent inventory prepared for such area." Arizona initially submitted a 5% plan in 2007, but withdrew it in January 2011 when EPA proposed disapproving it. The state then submitted a substitute plan in May 2012, which EPA has now approved.

Briefly describe the result below and the main issues on appeal.
Although Petitioners have raised several issues with the Plan, the most significant issue is the state's reliance upon the exceptional events rule to demonstrate "attainment." According to the monitors, the area continues to violate the NAAQS, particularly during the monsoon season. Consequently, the state has sought to have those violations excluded as "exceptional events." An exceptional event is defined as "an event that affects air quality; is not reasonably controllable or preventable; is an event caused by human activity that is unlikely to recur at a particular location or a natural event." In the case of the 5% plan, the state can only demonstrate "attainment" if 127 exceedances that occurred over 25 days are excluded from the data as "exceptional events." If these exceedances were not excluded, 14 of the 16 monitoring sites that reported exceedances would be violating the standard by a significant measure. We believe EPA's concurrence in excluding these data is an abuse of discretion.

(Please continue to next page)

Describe any proceedings remaining below or any related proceedings in other tribunals.

There were no proceedings below. There was a public comment period during which Petitioners submitted extensive comments.

Provide any other thoughts you would like to bring to the attention of the mediator.

Petitioners in this case were also plaintiffs in two district court actions brought to compel EPA to take action on the 5% plan as required under the CAA. Under the Act, EPA had a nondiscretionary duty to act on the plan by June 2009, and then when the state withdrew and submitted a substitute plan, on February 14, 2013. In both instances, when EPA failed to act by the nondiscretionary deadline, petitioners sued in federal district court for the district of Arizona. Both lawsuits resulted in negotiated consent judgments with agreed upon dates for EPA to act. In both cases, the negotiated deadlines gave EPA significantly more time to take action than is required under the Act.

Any party may provide additional information *in confidence* directly to the Circuit Mediation Office at ca09_mediation@ca9.uscourts.gov. Please provide the case name and Ninth Circuit case number in your message. Additional information might include interest in including this case in the mediation program, the case's settlement history, issues beyond the litigation that the parties might address in a settlement context, or future events that might affect the parties' willingness or ability to mediate the case.

CERTIFICATION OF COUNSEL

I certify that:

a current service list with telephone and fax numbers and email addresses is attached (see 9th Circuit Rule 3-2).

I understand that failure to provide the Court with a completed form and service list may result in sanctions, including dismissal of the appeal.

Signature

("s/" plus attorney name may be used in lieu of a manual signature on electronically-filed documents.)

Counsel for

Note: Use of the Appellate ECF system is mandatory for all attorneys filing in this Court, unless they are granted an exemption from using the system. **File this document electronically** in Appellate ECF by choosing Forms/Notices/Disclosure > File a Mediation Questionnaire.