

October 19, 2010

TO: Members of the MAG Regional Council

FROM: Mayor Tom Schoaf, Litchfield Park, Chair

SUBJECT: MEETING NOTIFICATION AND TRANSMITTAL OF TENTATIVE AGENDA

Meeting - 5:00 p.m.  
Wednesday, October 27, 2010  
MAG Office, Suite 200 - Saguaro Room  
302 North 1<sup>st</sup> Avenue, Phoenix

The next MAG Regional Council meeting will be held at the MAG offices at the time and place noted above. Members of the Regional Council may attend either in person, by videoconference or by telephone conference call. Members who wish to remove any items from the Consent Agenda are requested to contact the MAG office. Supporting information is enclosed for your review. MAG will host a dinner/reception for the Regional Council members following the meeting in the MAG Cholla Room on the 2nd floor.

Please park in the garage underneath the building. Parking places will be reserved for Regional Council members on the first and second levels of the garage. Bring your ticket to the meeting, parking will be validated. For those using transit, the Regional Public Transportation Authority will provide transit tickets for your trip. For those using bicycles, please lock your bicycle in the bike rack in the garage.

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

If you have any questions, please call the MAG office.

c: MAG Management Committee

**MAG REGIONAL COUNCIL  
TENTATIVE AGENDA  
October 27, 2010**

**COMMITTEE ACTION REQUESTED**

1. Call to Order

2. Pledge of Allegiance

3. Call to the Audience

An opportunity will be provided to members of the public to address the Regional Council on items not scheduled on the agenda that fall under the jurisdiction of MAG, or on items on the agenda for discussion but not for action. 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 Regional Council 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 Regional Council on activities of general interest.

5. Approval of Consent Agenda

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

3. Information.

4. Information and discussion.

5. Approval of the Consent Agenda.

**ITEMS PROPOSED FOR CONSENT\***

**MINUTES**

\*5A. Approval of the September 22, 2010, Meeting Minutes

5A. Review and approval of the September 22, 2010, meeting minutes.

## TRANSPORTATION ITEMS

\*5B. 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 notifications from January 1, 2010, to June 30, 2010. Of the 47 notices received, five had an impact to the State Highway System. Please refer to the enclosed material.

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

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. There are four Congestion Mitigation and Air Quality (CMAQ) funded projects that requested changes. There have been recommendations on the above requested changes by the Transportation Review Committee, Air Quality Technical Advisory Committee, and the Intelligent Transportation

5B. Information and discussion.

5C. 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.

Systems Committee. In addition, requests for deferrals were received for the following CMAQ funded projects: two Cave Creek projects and one Litchfield Park project, which were heard for the first time at the Management Committee on October 13, 2010. The Management Committee recommended approval. This item is on the October 20, 2010, Transportation Policy Committee agenda. An update will be provided on action taken by the Committee. Please refer to the enclosed material.

\*5D. Change in State Route Numbers

The State Transportation Board is renumbering the following freeways: Interstate 10 Reliever Freeway - previously SR-801 - is now State Route (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.

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

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 (9) project applications were received by MAG. These applications have been reviewed and a recommendation was 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. On October 13, 2010, the MAG Management Committee recommended approval. Please refer to the enclosed material.

5D. Information.

5E. 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.

**AIR QUALITY ITEMS****\*5F. 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. Please refer to the enclosed material.

**\*5G. 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 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. Please refer to the enclosed material.

5F. Consultation.

5G. Information and discussion.

**GENERAL ITEMS****\*5H. MAG FY 2012 PSAP Annual Element/Funding Request and FY 2012-2016 Equipment Program**

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

5H. 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.

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. On October 13, 2010, the MAG Management Committee recommended approval. Please refer to the enclosed material.

- \*5I. 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 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. Please refer to the enclosed material.

- \*5J. Valley Fever Corridor Project

Valley Fever is the common name for a fungal infection which occurs in the lower deserts of Arizona and elsewhere in the western hemisphere. Approximately 150,000 infections annually result in 50,000 persons seeking medical

- 5I. Information and discussion.

- 5J. Acceptance of a Resolution to promote public awareness of the educational efforts of the Valley Fever Center for Excellence in its work to address the Valley Fever in the MAG region.

attention for a pneumonia-type of illness that can last for weeks to many months, and may require many years or lifelong medical management. Two-thirds of all Valley Fever infections in the United States are contracted by Arizonans and most of these occur in residents of the three counties of Maricopa, Pinal and Pima (the "Valley Fever Corridor"). With Valley Fever being concentrated in Arizona, the Valley Fever Center for Excellence (Center) was established in 1996 to support efforts to control this problem. Representatives from the Center will provide an update on current efforts to address Valley Fever. The Center is requesting a Resolution to promote public awareness of Valley Fever in the MAG region. On October 13, 2010, the MAG Management Committee recommended acceptance. Please refer to the enclosed material.

**ITEMS PROPOSED TO BE HEARD**

**TRANSPORTATION ITEMS**

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

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. A.R.S. 28-6354 requires that MAG issue an annual report on projects included in Proposition 400, addressing factors such as project status, funding, and priorities. The 2010 Annual Report is the sixth report in this series and covers the status of the life cycle programs for freeways/highways, arterial streets, and transit. A Summary of Findings and Issues is included in the attached material and the full report is available on the MAG website. This item was presented to the MAG Transportation Review Committee, to the MAG Management Committee, and the Transportation Policy Committee for information and discussion. Please refer to the enclosed material.

- 6. Information and discussion.

7. Local Transportation Assistance Fund

At the July 21, 2010 meeting of the Transportation Policy Committee, a discussion was held concerning the loss of the Local Transportation Assistance Fund (LTAF) which was discontinued by the Arizona Legislature this year. A proposed action to support efforts to identify a replacement source for the loss of the LTAF funds was tabled. Concern was expressed by a number of members about approaching the legislature about a replacement source of state transit funding during the next session given the continued state budget deficit. Another question was related to the policy position of the transit operators, in particular, the Regional Public Transportation Authority (RPTA). At the September 16, 2010 meeting of the Board of Directors of RPTA, the Board voted to support the League of Arizona Cities and Towns resolution that urges the legislature to identify a permanent, designated funding source to support a public transportation program in Arizona. This item is on the October 20, 2010, Transportation Policy Committee agenda. An update will be provided on action taken by the Committee. Please refer to the enclosed material.

7. Information, discussion and possible action to support the League resolution that urges the legislature to fund public transportation programs in Arizona.

**AIR QUALITY ITEMS**8. 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 are due by October 12, 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.

8. Information and discussion.

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 1, 2010, a videoconference was conducted with EPA to discuss issues with the EPA Exceptional Events Rule and recommendations from the Arizona Department of Environmental Quality (ADEQ) and MAG. On October 4, 2010, MAG and ADEQ sent a letter to EPA requesting a sixty day extension of the comment period for the proposed action on the Five Percent Plan. On October 7, 2010, EPA sent a letter to MAG and ADEQ granting an extension of the public comment period to October 20, 2010. On October 8, 2010, an Air Quality discussion with EPA and ADEQ was held to discuss the review of ADEQ Exceptional Events Document and potential solutions to avoid a conformity freeze. At the October 11, 2010 Executive Committee telephone conference call meeting, the Committee discussed a letter from MAG, as well as a joint letter from MAG and ADEQ, would be submitted in response to the public comment period. Please refer to the enclosed material.

#### GENERAL ITEMS

9. MAG Economic Development Committee Composition

On September 22, 2010, the MAG Regional Council approved the formation of the Economic Development Committee (EDC) and the business community member positions. In addition, the Regional Council requested that the Executive Committee revisit this item to further refine the mission statement and discuss the composition where relevant. At the October 18, 2010, Executive Committee meeting, it was unanimously recommended to refine the mission statement to focus on all of Maricopa County. In addition, the Executive Committee discussed the

9. Approval of the refined mission statement, officers and the expanded composition of the MAG Economic Development Committee (EDC) and approval of the remaining EDC members.

composition of the EDC and recommended expanding the MAG member agency elected official portion of the composition to include up to twelve members. The Executive Committee also recommended members for the East Valley and West Valley seats on the EDC. Please refer to the enclosed material.

10. Request for Future Agenda Items

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

11. Comments from the Council

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

**MINUTES OF THE  
MARICOPA ASSOCIATION OF GOVERNMENTS  
REGIONAL COUNCIL MEETING**

September 22, 2010  
MAG Office, Saguaro Room  
Phoenix, Arizona

**MEMBERS ATTENDING**

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

\* Those members neither present nor represented by proxy.

# Attended by telephone conference call.

+ Attended by videoconference call.

1. Call to Order

The meeting of the MAG Regional Council was called to order by Chair Thomas Schoaf at 5:00 p.m.

2. Pledge of Allegiance

Supervisor Mary Rose Wilcox led the Pledge of Allegiance.

Chair Schoaf stated that Vice Mayor Craig Barnes, as proxy for Mayor Gail Barney, was participating in the meeting by videoconference. Councilwoman Robin Barker, Mayor Bob Barrett, Mayor Kelly Blunt, Mayor Boyd Dunn, Mayor David Schwan, and Mayor Elaine Scruggs, were participating in the

meeting by teleconference. Chair Schoaf introduced proxies: Vice Mayor Mary Hamway for Mayor Scott LeMarr and Vice Mayor Kyle Jones for Mayor Scott Smith.

Chair Schoaf announced that on September 15, 2010, the Transportation Policy Committee recommended approval of agenda items #5B and #6. He noted that material for agenda item #10 was at each place.

Chair Schoaf requested that members of the public who would like to comment fill out a blue public comment card for the Call to the Audience agenda item or a yellow public comment card for Consent Agenda items, or items on the agenda for action. Parking garage validation and transit tickets for those who used transit to attend the meeting were available from staff.

3. Call to the Audience

Chair Schoaf noted that public comment cards were available to members of the audience who wish to speak on items not scheduled on the agenda that fall under the jurisdiction of MAG, or on items on the agenda for discussion but not for action. Citizens are requested to not exceed a three minute time period for their comments. A total of 15 minutes is provided for the Call to the Audience agenda item, unless the Regional Council requests an exception to this limit. Those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard. Chair Schoaf noted that no public comment cards had been received.

4. Executive Director's Report

Dennis Smith, MAG Executive Director, reported on items of interest in the MAG region. He first reported on MAG's Transportation Planning Certification Review. He stated that as a Transportation Management Area, MAG is required to have its transportation planning program certified every four years. Mr. Smith noted that MAG's review was conducted on November 3-5, 2009, by staff from the Federal Highway Administration Arizona Division and the Federal Transit Administration Region IX, with assistance from the U.S. DOT's Volpe National Transportation Systems Center. He reported that the Federal Highway Administration and the Federal Transit Administration have determined that the planning process conducted by MAG meets the requirements of the Metropolitan Planning Rule. Mr. Smith stated that the review noted no corrective actions and ten recommendations. He noted that the recommendations included showing greater transparency in financial reporting and completing a public transit framework. Mr. Smith stated that the federal reviewers noted nine commendations: including business representatives on the TPC; conducting the framework studies; including performance measures in the Work Program; integrating Human Services Programs in Transportation Programs; bringing transit into the regional multimodal planning process; establishing the Transit Committee; including safety planning and establishing the Safety Committee; combining visualization in modeling with mode outputs; citing MAG's environmental mitigation and consultation as an FHWA best practice; and consulting with Tribal agencies.

Mr. Smith reported that lease negotiations for MAG office space have been completed with the City of Phoenix. He said that the ten year lease includes space on the fourth floor and parking arrangements. Mr. Smith noted that the entire second floor will be converted to meeting rooms that will be available

for use by regional organizations and the third floor will be updated. He added that action by the Phoenix City Council on the lease is anticipated in October.

Mr. Smith announced that MAG was awarded the Certificate of Achievement for Excellence in Financial Reporting for the Comprehensive Annual Financial Report of the fiscal year that ended June 30, 2009. He noted that this award represents the 12th consecutive year MAG received this certificate of achievement.

Mr. Smith noted that October is Domestic Violence Month. He said that the annual press conference is scheduled for October 7, 2010, at the Chrysalis Shelter in Phoenix. Mr. Smith stated that Regional Council Chair Thomas Schoaf, Commander Kim Humphrey (Chair of the MAG Domestic Violence Council), Barbara Marshall (Maricopa County Attorney's Office), and Detective Linda Karel (Avondale Police Department), will be speakers at the event. Mr. Smith invited the Regional Council to attend the event.

Mr. Smith stated that Eric Anderson, MAG Transportation Director, made a presentation at a recent event held by the East Valley Partnership: Building a Competitive Arizona Economy with Legacy Projects. Mr. Smith noted that a brochure from the event was at each place. He expressed appreciation to the East Valley Partnership for printing the brochure and inviting MAG to participate.

Mr. Smith introduced the new MAG website and he noted that the new domain name is azmag.gov. He reported that the website will be online next week. Mr. Smith expressed his appreciation to the MAG Communications Division, and he noted that Matt Nielsen and Kelly Taft had done an outstanding job.

Chair Schoaf thanked Mr. Smith for his report. No questions from the Council for Mr. Smith were noted.

5. Approval of Consent Agenda

Chair Schoaf noted that agenda items #5A, #5B, #5C, #5D, and #5E were on the Consent Agenda. He noted that no public comment cards had been received. Chair Schoaf asked members if they had questions or requests to hear an item individually. No requests were noted.

Mayor Lane moved to approve the Consent Agenda. Mayor LeVault seconded, and the motion passed unanimously.

5A. Approval of the July 28, 2010, Meeting Minutes

The Regional Council, by consent, approved the July 28, 2010, meeting minutes.

5B. Amendment of the MAG Regional Transportation Plan 2010 Update

The Regional Council, by consent, approved an amendment to the MAG Regional Transportation Plan 2010 Update to incorporate public transit service level adjustments resulting from reductions in revenues, including repeal of the Local Transportation Assistance Fund, that were reflected in public transit service schedules published in July 2010, contingent upon a finding of conformity of the FY

2011-2015 MAG Transportation Improvement Program and the MAG Regional Transportation Plan 2010 Update with applicable air quality plans. On July 28, 2010, the MAG Regional Council approved the Fiscal Year (FY) 2011-2015 Transportation Improvement Program (TIP) and the MAG Regional Transportation Plan (RTP) 2010 Update. In late July, due to reductions in revenues, including repeal of the Local Transportation Assistance Fund (LTAF), transit service level adjustments were finalized by transit service providers and reflected in transit schedules published in July 2010. These changes impacted the transit service levels in the RTP 2010 Update and the corresponding transportation network modeling assumptions. An air quality conformity regional emissions analysis reflecting the new modeling assumptions has been conducted and indicates that the TIP and RTP will not contribute to violations of federal air quality standards. The MAG Transportation Review Committee recommended approval on August 31, 2010, the Management Committee recommended approval on September 8, 2010, and the Transportation Policy Committee recommended approval on September 15, 2010.

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

The Regional Council, by consent, approved an amendment to the FY 2011 MAG Unified Planning Work Program and Annual Budget to provide \$200,000 of MAG Federal Highway Administration (FHWA) funds and \$200,000 of FHWA Highway Safety Improvement Program (HSIP) funds allocated to MAG by the Arizona Department of Transportation, to perform Road Safety Assessments (RSAs), develop Project Assessments (PAs)/Design Concept Reports (DCRs) for high risk intersections identified through the network screening process based on the Top 100 Intersection List and the state's Top Five Percent Report, and hold a regional workshop on RSAs (in the amount of \$2,000), and to recommend approval of the programming process for the remaining \$800,000 of FY 2011 safety projects for systematic safety improvements involving projects that are classified as Categorical Exclusion Group 1. The Arizona Department of Transportation (ADOT) distributes 20 percent of the federal Highway Safety Improvement Program (HSIP) funds the State receives to the Metropolitan Planning Organizations and Councils of Governments. The share received by MAG, starting in Fiscal Year (FY) 2010, is \$1 million each year and needs to be programmed for qualifying safety projects. For FY 2011, MAG-HSIP funded safety projects must be obligated by the ADOT deadline of May 1, 2011. The Transportation Safety Committee reviewed the availability of federal HSIP funds for road safety improvements in the MAG region, the urgency for FY 2011 MAG-HSIP project obligation, and generated a recommendation for the programming of safety projects in FY 2011. The Safety Committee recommendation not only addresses FY 2011, but also will be helpful in developing a systematic multi-year program for implementing road safety improvements across the MAG region. The MAG Transportation Review Committee recommended approval on August 31, 2010, and the MAG Management Committee recommended approval on September 8, 2010.

5D. Update of the Federal Functional Classification System

The most recent update to the federal functional classification of roadways in Maricopa County occurred in 2005 and primarily focused on the urban area. Since then, substantial growth has occurred and the Federal Highway Administration (FHWA) has modified the definitions used in the system and introduced significant data collection requirements. To address these issues, MAG staff is proposing a two-phase update to the system in the MAG region. The first phase will develop an updated arterial

network for Regional Council approval by January 2011. The second phase will develop an updated collector network for approval by March 2011. The primary work would be performed by the MAG Street Committee with final review and approval conducted through the MAG Committee process.

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

The Regional Council, by consent, approved the new Finding of Conformity for the FY 2011-2015 MAG Transportation Improvement Program and Regional Transportation Plan 2010 Update, as amended. On July 28, 2010, the MAG Regional Council approved a Finding of Conformity for the FY 2011-2015 MAG Transportation Improvement Program (TIP) and MAG Regional Transportation Plan 2010 Update. Since that time, an amendment to the Regional Transportation Plan 2010 Update is required to incorporate public transit service level adjustments resulting from reductions in revenues, including the repeal of the Local Transportation Assistance Fund (LTAF), that were reflected in public transit service schedules published in July 2010. The conformity assessment for the proposed amendment, which includes a regional emissions analysis, concludes that the TIP and Regional Transportation Plan 2010 Update meet all applicable federal conformity requirements and are in conformance with applicable air quality plans. On August 19, 2010, a 30-day public review period began on the conformity assessment and amendment. Comments were requested by September 20, 2010. The Management Committee recommended approval on September 8, 2010.

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

Eric Anderson, MAG Transportation Director, reported on a proposal by the City of Mesa to advance the construction for a portion of the Williams Gateway Freeway. He stated that the acceleration of the design, right of way and construction of an interim segment of the Williams Gateway Freeway from the Santan Freeway to Ellsworth Road was originally approved by the Regional Council in January 2009. He indicated that in May 2009, the construction element was dropped and the Regional Council approved advancement of the design and right of way only. Mr. Anderson then explained the access that would be provided by the project. He said that Ellsworth has poor access from the Santan Freeway and with the proposed interim construction of the Williams Gateway Freeway, access would be improved. Mr. Anderson stated that the City of Mesa now would like to advance the construction of the project. He reported that the final design of the project is ready to begin and the request is to advance the construction of the interim facility from FY 2016 to FY 2012. Mr. Anderson stated that Mesa proposes using the remaining \$2 million of advance right of way funds for interest expense.

Mr. Anderson noted that previous Regional Council action approved the design and interest expense. Mr. Anderson stated that the interest expense would be funded in part using the \$10 million set aside by the State Legislature that Mesa secured in 2008. He noted that plan is to divide the remaining net interest expense fifty-fifty between Mesa and the MAG program, which is in accord with the approved MAG acceleration policy.

Mr. Anderson then reviewed the financial aspects of the advancement by saying that the project is currently programmed for \$158 million, but due to anticipated lower costs, the estimate is now about \$118 million to \$120 million. He noted that Mesa is proposing to issue Highway Project Advancement

Notes (HPANs) in the amount of \$130 million to ensure sufficient funds are available for construction. Mr. Anderson stated that a 4.25 percent interest rate was used for the interest calculations, but with current market conditions, the rate could be lower, such as three percent. He stated that a total of \$12 million is currently available to defer some of the \$23 million in interest expense and the remaining interest expense of \$11.2 million of interest expense that would be shared equally between the City and the program, according to the MAG acceleration policy. Mr. Anderson stated that the interest expense is likely to be significantly lower.

Chair Schoaf thanked Mr. Anderson for his report and asked members if they had questions.

Mayor Lewis stated that at the Phoenix-Mesa Gateway Airport Board meeting on September 20, Phase Two was approved, which will add two more gates at the airport. He noted that currently, there are four gates and two additional gates will open in November. Mayor Lewis commented that due to growth and additional flights at the airport, improvements will be implemented sooner.

Mayor Hallman asked if there was clarity on the acceleration process so that there will not be arguments later. Mr. Anderson replied that after the last acceleration exercise the acceleration policy was rewritten. He indicated his belief that the new policy removes some of the uncertainty and is more effective than the old policy.

Chair Schoaf stated that he could say they looked at the acceleration policy in great detail and it was followed properly. He remarked that this project was a good example of a project that benefits the region. Chair Schoaf indicated that as a resident of the West Valley, he has used the Phoenix-Mesa Gateway Airport, and he commented that it is a difficult process to get there. He stated that this project will help everyone across the Valley because Allegiant Airlines offers competitively priced, good service.

With no further discussion, Vice Mayor Jones moved approval of the Mesa request to advance the construction of an interim connection of the Williams Gateway Freeway between the Santan Freeway and Ellsworth Road by approximately four years, to be incorporated into the MAG FY 2011 to FY 2015 Transportation Improvement Program for FY 2012 and the Regional Transportation Plan 2010 Update for an air quality conformity analysis, and authorize the MAG Executive Director to enter into an agreement with ADOT and Mesa. Vice Chair Hallman seconded, and the motion carried unanimously.

#### 7. State of Transit in the Region

Eileen Yazzie, MAG Transportation Program Manager, gave a presentation on the prioritization guidelines for transit programming. Ms. Yazzie reported that on July 28, 2010, the MAG Regional Council approved the Draft FY 2011-2015 MAG TIP and that the programming of preventative maintenance for transit be reviewed for potential amendments/administrative modifications no later than December 2010. She stated that the region has programmed almost \$30 million of federal funds in the FY 2011-2015 TIP for regional preventative maintenance, and noted that this was done as a placeholder with the understanding that prioritization guidelines for federal funds would be established in the future through the MAG committee process.

Ms. Yazzie explained that regional prioritization guidelines were developed by the Regional Public Transportation Authority (RPTA) in the early 2000s and for the American Recovery and Reinvestment Act (ARRA) unspent funds, however, they are out of date and not applicable with the current federal fund program.

Ms. Yazzie stated that the purpose of this presentation was to receive policy direction to develop regional prioritization guidelines for programming federal funds. Ms. Yazzie displayed a chart that listed programming responsibilities for federal funds, and she commented that MAG and RPTA collaborate on programming federal funds for transit.

Ms. Yazzie said that Senate Bill 1063, enacted in April 2010, defines the responsibilities of RPTA and MAG for implementing the public transportation element of the Regional Transportation Plan, and she noted that MAG must approve substantial changes to the budget that materially affect the corridor performance or change corridor service. Ms. Yazzie stated that a Memorandum of Understanding, signed in April 2010, replaces the 2007 Resolution and sets forth the basic structure for cooperative planning and decision making regarding transit planning and programming between MAG, RPTA, METRO, the City of Phoenix, and all participating local government agencies.

Ms. Yazzie stated that MAG is responsible for programming \$78 million annually of federal funds for transit. She noted that out of this amount, only about \$1 million can be used for the operations of buses and light rail. Ms. Yazzie added that Congestion Mitigation and Air Quality funds can be used toward expansion of service.

Ms. Yazzie stated that RPTA has its programming guidelines and MAG still needs to develop its own guidelines. She pointed out that this results in programming gaps and she noted the unprogrammed amounts: in FY 2011, about \$11.8 million, in 2013 about \$11.6 million, and in 2015 about \$6.4 million. Ms. Yazzie added that in 2012, they were able to fully program the funds. She stated that the unprogrammed amount totaled about \$30 million, which was programmed as a placeholder for preventative maintenance.

Ms. Yazzie reviewed the old guidelines included in the agenda packet and noted that the decision was made to freeze the amount dedicated to preventative maintenance. Ms. Yazzie commented that every dollar in preventative maintenance reduces the cost per mile. She stated that the freeze on preventative maintenance allowed the construction of park and rides and transit centers in the region. Ms. Yazzie stated that ARRA funded about \$60 million in park and ride projects.

Ms. Yazzie then addressed Americans with Disabilities Act (ADA) Transit. She said that federal 5307 funds allow 10 percent of an allocation to be used for ADA Transit support including funding operations and preventative maintenance. Ms. Yazzie stated that this is currently not addressed in the prioritization guidelines.

Ms. Yazzie stated that she would be returning with additional information on the guidelines at a future meeting. She advised that modifications to the guidelines could affect projects, but could end up benefitting transit customers with a more focused approach for preventative maintenance and ADA. Ms.

Yazzie noted that they will continue to work on the programming guidelines with the transit operators and will be back to the Transportation Policy Committee and Regional Council at a future meeting.

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

Mayor Rogers commended staff and she commented that this is another example of looking at a policy to ensure all know the rules. Mayor Rogers asked Mr. Smith if the goal of the MAG Transit Committee was to come up with guidelines to establish priorities. Mr. Smith replied yes, it will be a joint effort. He said that it not only will include a technical process, but also policy input, and it will be taken to the Transit Committee, the Management Committee, Transportation Policy Committee, and Regional Council.

Supervisor Wilcox asked about the participation of RPTA in the process. Mr. Smith replied that RPTA participates at MAG and will be involved in the process to program the MAG TIP. He noted that federal law says that programming the TIP needs to be done cooperatively with the transit operators and that is MAG's intention. Mr. Smith explained that the responsibilities to sign off on MAG federal funds resides with MAG, but RPTA would still be involved in the process. He stated that originally it was RPTA's responsibility to program the transit federal funds, but that changed after the federal review of the MAG program when the reviewers questioned why the MPO was not taking the lead on the programming.

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

Lindy Bauer, MAG Environmental Director, provided a report on recent events regarding the MAG Five Percent Plan for PM-10. She said that since her last report to the Regional Council, the Arizona Congressional Delegation, MAG, the Arizona Department of Environmental Quality (ADEQ), Maricopa County, and the Salt River Pima-Maricopa Indian Community submitted comments on the proposed consent decree timetable and requested a six month delay on the final action to allow time for the Environmental Protection Agency (EPA) to review the extensive scientific exceptional event documentation that had been submitted. Ms. Bauer noted that the Congressional Delegation also communicated with EPA via teleconference. She advised that the EPA refused to grant a delay.

Ms. Bauer stated that on September 3, 2010, EPA proposed to partially disapprove and approve the Plan, which has the same consequences as a disapproval of the Plan. She noted that approvability issues, which were largely technical, were identified in EPA's notice. Ms. Bauer advised that the approvability issues did not cause the high wind exceptional events at the West 43rd Avenue monitor. She explained that EPA does not concur with the four wind exceptional events and indicated that the MAG region would not be clean at the monitor in 2008 and this would lead to a disapproval of the Plan.

Ms. Bauer stated that MAG and ADEQ believe that the plan has been effective. She noted that there have been no violations during stagnant conditions at the monitors since the plan was submitted in 2007. Ms. Bauer stated that at risk are \$1.7 billion in FHWA funds in the MAG Transportation Improvement Program (TIP) and the \$7.4 billion TIP itself. She advised that a conformity freeze on the TIP could occur by February 28, 2011. She noted that EPA's decision for disapproval of the Plan was based on its Exceptional Events Rule, which EPA admitted publicly is flawed. Ms. Bauer remarked that unless

the flawed Exceptional Events Rule is fixed, this issue will remain unresolved. She said that MAG is in a desert, has high winds, and cannot control high winds.

Ms. Bauer noted that citizens are concerned about the quality of the air and she displayed a map that was prepared at the request of some of the Regional Council members to put the issue into perspective. She pointed out that out of the 11 exceedances, which includes the high wind exceptional events that occurred at four monitors over eight days in 2008, the map showed that overall the region had clean air more than 99.8 percent of the time.

Ms. Bauer noted that the EPA proposed action on the Plan was published in the Federal Register on September 9, 2010, and comments are due to EPA by October 12, 2010. She then addressed the two key reasons for disapproval action. Ms. Bauer stated that the EPA contends the 2005 emissions inventory is inaccurate and it overestimated the emissions coming from construction. She noted that in 2005, the economy was robust with a lot of construction, and she said that the emissions inventory is the foundation of the Plan. Ms. Bauer stated that the second reason is the attainment demonstration. She explained that MAG projected the region would meet the standard in 2010, but EPA disagrees with the four high wind exceptional events, which means the region will not meet the standard in 2010.

Ms. Bauer stated that EPA intends to finalize action by January 28, 2011. She said that in the notice, EPA said that in 30 days after the final disapproval of the Plan, MAG will enter into a conformity freeze, which means only projects in first four years of the conforming TIP and RTP can proceed. She said that this means no new TIPs or RTPs until the problems with the Plan are fixed, and there is a new motor vehicle budget for conformity. Ms. Bauer advised that member agencies submit to MAG any new projects or project changes as soon as possible, but no later than November 4, 2010, so that when the freeze happens, the projects will be in the TIP.

Ms. Bauer stated that the Clean Air Act sanctions would be imposed if the problem is not corrected within 18 months from disapproval action, which would result in tighter controls on major industries, and if not corrected within 24 months after disapproval action could be the loss of federal highway funds, and perhaps imposition of a federal implementation plan. Ms. Bauer advised that the imposition of highway sanctions may trigger a conformity lapse and major projects in the \$7.4 billion TIP could not proceed.

Ms. Bauer said that a new emissions inventory was completed by the County on June 30, 2010. She said that EPA will be consulted if the inventory agrees with their guidance and whether MAG should begin using it. She stated that MAG will need to complete a Best Available Control Measure Analysis and look at measures from other serious PM-10 areas that have been approved and compare MAG's Plan to those measures, and will need to address agricultural issues and enforcement issues. Ms. Bauer stated that MAG may need to add more measures to reduce emissions by five percent per year until attainment, and will need three years of clean data at all of the PM-10 monitors. She noted that MAG had a meeting with industry representatives and all agreed to work together to address these issues.

Ms. Bauer displayed a timeline of the actions on PM-10 in the MAG region. She noted that MAG was on time submitting the Plan to EPA, but by the time EPA takes final action on the Plan, more than three years will have elapsed, which is late.

Chair Schoaf thanked Ms. Bauer for her report.

Mr. Smith reported that at the industry representatives meeting, strategies were discussed. He said that one of the ideas was a petition for reconsideration. Mr. Smith stated that they had a discussion with ADEQ and the County and the strongest position is for all three agencies to submit a petition that says so much information on exceptional events has been submitted more time is needed for an adequate review. He stated that the law says EPA needs to look at the information in totality, and staff does not believe there is enough time for EPA to do that before January 28, 2011. Mr. Smith stated that more time will allow MAG to address the planning issues, but trying to address the planning issues along with doing the modeling and conducting the public hearing is an almost impossible task. He stated that comments from the Congressional Delegation, MAG members and ADEQ have been submitted, but a petition will crystallize all of the comments in one place.

Councilmember Wolcott asked how other cities have responded in similar situations, and their approach could perhaps be used. Mr. Smith replied that Imperial County, California, is in the same situation as MAG, and two days ago, they indicated they would join with MAG in opposition to the Exceptional Events Rule. He added that the issue applies to the all of the western states, and MAG needs to reach out to California and Nevada, and work with the Congressional Delegation to get an Exceptional Events Rule that is understandable and is enforced equally. Mr. Smith stated that is not an easy process, but with the consequences all options need to be considered. He mentioned that other avenues they could look at include legislation, which could be difficult in Congress because there are few vehicles between now and January to work from. He also stated that another course to pursue is the Exceptional Events Rule, which if it is flawed, why take action before it is fixed. Mr. Smith stated that another opportunity is a briefing in Washington, DC, of the lobbyists of the cities and the county by Patton Boggs.

Mayor Lane asked for clarification that there was an opportunity to correct the Plan in order to avoid losing highway funds. Ms. Bauer replied yes, and staff is working several things in parallel, in addition to fixing the plan. She explained staff cannot wait to see if one approach will work, they have to pursue several approaches at the same time. Ms. Bauer stated that the sanctions have timelines – up to 24 months to correct the problem before highway funds are lost. She commented that this provides time to fix the Plan. Ms. Bauer advised that what is concerning is the conformity freeze, which could occur 30 days after the effective date. She noted once the final disapproval is published by EPA on January 28, it would be effective February 28, 2011, following which MAG would only be able to do projects in the first four years of the TIP. Ms. Bauer commented that this is a very tight timeline and we are very concerned.

Supervisor Wilcox suggested approaching the Western Governors Association for assistance. Ms. Bauer replied that this could be pursued with the State to see if they have had discussions with the Association. She mentioned that the Western Air Resources Council (Westar), a coalition of 15 Western states, is working on the issues with the Exceptional Events Rule. Ms. Bauer noted that Westar will hold a meeting on September 28, 2010, in Oregon, which ADEQ will attend.

Supervisor Wilcox commented that this was good, and she also thought the Western Governor's Association should be approached. She asked if the lobbyists have indicated the chances to get anything through legislation. Mr. Smith stated that the lobbyists have identified a few vehicles and MAG staff

will be working with agency staff as this is solidified. He added that they are looking to identify any opportunities.

Supervisor Wilcox asked for clarification of the delay dates. Mr. Smith replied that Crowell and Moring is continuing work on extending both the comment period and the final action date.

Mayor Rogers stated that she supported a public relations plan and asked if any outreach to the public has been done. Mr. Smith replied that talking points are being developed and he mentioned the need to reduce the technical language and then work with the press. He noted that the map shows the days when the 17 monitors could have gone off but did not in most cases, and that is not the story that is being presented to the public. Mr. Smith remarked that the story that is out there is that the air is dirty, when actually the air quality is doing quite well. Mr. Smith noted that if clean data in 2008 cannot be claimed, MAG will have to show five percent reductions in other years, which will be quite difficult. He explained that the best available control measures means that MAG will need to go to other areas that have experienced this air quality issue, find out their solutions, and either implement them or give justification why they would not be implemented. Mr. Smith commented that measures would apply, not just at the West 43rd Avenue monitor, but valleywide.

Mayor Rogers suggested that a public relations firm might need to be consulted rather than doing it internally. Mr. Smith responded that the authority was given to do that, but the Executive Committee discussed first proceeding with the effort internally with the cities and the county.

Mayor Lewis asked if the Arizona Congressional Delegation was engaged in this issue. Mr. Smith replied yes, a very positive response was received from the Congressional Delegation, except for Congressman Grijalva, whom he thought was on vacation at the time. He reported that the Congressional Delegation is very concerned, as are the industries who would be regulated, especially about additional five percent reductions. Mr. Smith stated that the petition needs to be drafted and then everyone needs to push, including the private sector.

Mayor LeVault commented that this is a frightening situation in these economic times. He asked if there was a way to slow or stop this process once the EPA implements a conformity freeze. Ms. Bauer replied that according to federal regulations, the problems with a plan have to be fixed, then EPA has to indicate the plan meets the requirements of the Clean Air Act. Ms. Bauer stated that EPA will give an adequacy finding on the motor vehicle emission budget, and then the budget is used in the conformity test on the transportation plans. Ms. Bauer noted that at the May 25 meeting, the EPA handed out materials on a conformity freeze that indicated that once the EPA is comfortable with the five percent reductions in emissions, perhaps work could continue on transportation projects while work continues on the attainment demonstration. She stated that staff has questioned the FHWA and EPA if this is valid, and FHWA indicated that EPA should be consulted on this matter. Ms. Bauer noted that no answer from EPA has been received.

Mayor LeVault asked about the exceedances in 2009 that are being reviewed by EPA and asked if MAG would be granted more time to deal with those. Ms. Bauer replied that staff is very concerned about the seven exceedance days in 2009, given what happened with the 2008 exceedances. She reported that ADEQ had a stakeholders meeting on April 21 and indicated that the exceedances were high wind

exceptional events and would be flagged in the EPA database. Ms. Bauer added that ADEQ has not yet submitted the documentation to EPA proving they were exceptional events. Mayor LeVault asked if this was a case of hope for the best and prepare for the worst. Ms. Bauer replied yes.

Chair Schoaf asked those participating by teleconference or videoconference if they had questions or comments. None were noted.

9. Sustainable Communities Regional Planning Grant Program

Amy St. Peter, MAG Human Services Manager, presented information regarding the Sustainable Communities Regional Planning Grant Program and the final application submitted on behalf of the Sun Corridor Consortium last month. She stated that in July, the steps to complete the application for this program were approved.

Ms. St. Peter stated that the U.S. Department of Housing and Urban Development (HUD) is partnering with the U.S. Department of Transportation (DOT) and the Environmental Protection Agency (EPA) on this new program. The funding supports the creation of regional plans for sustainable development over a three-year period. Ms. St. Peter advised that approximately \$98 million is available nationally with up to \$5 million potentially available for large metropolitan areas. She indicated that this grant process will be very competitive and with hundreds or thousands of applications anticipated to be received, HUD may only award 15-20 grants.

Ms. St. Peter stated that MAG, with the assistance of its partners, which include the Pima Association of Governments, the Central Arizona Association of Governments, the Arizona Department of Transportation, the Urban Land Institute, the Sonoran Institute, and various programs within Arizona State University and the University of Arizona, submitted a strong proposal reflecting 120 agencies. She noted that all the MAG member agencies were included as partners by virtue of MAG Regional Council action taken on July 28, 2010.

Ms. St. Peter continued by saying that the diversity and broad community support of the Sun Corridor Consortium will make the application more competitive, as well as convey benefits for each of the partners when they individually apply for other federal funding. She noted that HUD has indicated a preferred sustainability status will be conveyed on all consortium partners whose applications meet threshold requirements, even if they do not win an award.

Ms. St. Peter reported that the support of the Consortium resulted in the ability to leverage \$21 million for the \$5 million grant. She noted that this includes a contribution of more than \$14 million from Central Arizona Project for the strategic right-of-way along the canals that run through all three counties. Ms. St. Peter expressed appreciation to the MAG member agencies that committed leverage for this grant, including Avondale, Chandler, El Mirage, Goodyear, Peoria, Tempe, Maricopa County, Valley Metro, and ADOT.

Ms. St. Peter stated that six initiatives are proposed in the application to help inform the regional plan for sustainable development. She explained that these efforts will identify ways the Sun Corridor can better integrate planning for economic development, housing, and transportation in order to protect the

environment and promote social equity, such as the Arizona Health Survey through St. Luke's Health Initiatives, Native American Communities Transit Study, Regional Housing Plan, Cluster Economic Development Study, Canal Path Integration Study, and the Connected Centers Framework Study. Ms. St. Peter stated that these initiatives will help achieve one of our region's major goals of increasing housing and employment along high capacity transit routes.

Ms. St. Peter noted that HUD originally indicated awards would be announced in October, and when the awards are announced, staff will propose next steps. She indicated there may be opportunities to move forward with some of the activities proposed in the application with or without grant funding.

Chair Schoaf thanked Ms. St. Peter for her report and asked members if they had questions.

Councilmember Neely asked Ms. St. Peter to describe the applications submitted from other megaregions. Ms. St. Peter replied that in addition to the MAG application, they had heard about two other applications for megaregions. She reported that Utah was submitting on behalf of Envision Utah, and Florida was submitting for Orlando and Tampa Bay. Ms. St. Peter reported that staff had heard that Florida could not maintain a cohesive process and ended up submitting competing applications from Tampa Bay and Orlando, with a communication piece connecting the two applications. She commented that if HUD is making awards to only 15 to 20 applications nationally, it seems unlikely that HUD would make an award to two applications from the same state. Ms. St. Peter commented that this improves MAG's chances. She reported that MAG had received information that the MAG application was among the largest and most cutting edge, and noted that the Sun Corridor Consortium impacts every Congressional District in the state. Ms. St. Peter stated that staff is hoping for a good outcome.

Chair Schoaf thanked Ms. St. Peter for the great job in pulling together a broad cross section of the state, and he added that this application puts the state in a good light.

10. MAG JPAC Policy Committee Composition (renamed the Economic Development Committee)

Chair Schoaf stated that this item had undergone modifications in the past couple of days, including a name change from the JPAC Policy Committee to the Economic Policy Committee (EPC). He called forward Denise McClafferty, MAG Management Analyst, who reported on the formation of a committee that would assist the Joint Planning Advisory Committee (JPAC). She noted that one of the goals of the JPAC is to advance the Arizona economy through various projects. Ms. McClafferty stated that in September, the Executive Committee discussed the need to focus on the economy in the region, the importance of working with the greater community on planning, and establishing a policy committee to address economic issues. She reported that a subcommittee of the Executive Committee was formed to develop the composition of the committee, whose purpose would be to assist MAG with a greater focus on impact of multimodal transportation on the economy and to serve as a coordinating function to the JPAC for the Sun Corridor. Ms. McClafferty stated that the committee will work to ensure infrastructure is in place to attract business.

Ms. McClafferty noted that the draft composition of the Economic Policy Committee that had been forwarded to members earlier was at each place. She reviewed the changes to the first version. 1) The Transportation position and the ADOT Consultant position were combined into the Transportation

Industry representative. 2) One year terms for member agency elected officials with appointments to occur at the annual Regional Council meeting (to be in accord with the adopted MAG Committee Operating Policies and Procedures). 3) Member agency elected officials would include the Chair, Past Chair, and Vice Chair of the Regional Council. The Past Chair would be Chair of the EPC and the Chair would be Vice Chair of the EPC (A Vice Chair is needed to be in accord with the adopted MAG Committee Operating Policies and Procedures). Ms. McClafferty noted that if approved, the member agency elected officials wishing to be appointed to the EPC are requested to submit letters of interest to the Regional Council Chair by October 15, 2010.

Chair Schoaf asked members if they had questions.

Mayor Cavanaugh stated that he was unsure he understood the purpose of the EPC and also how this relates to JPAC. Ms. McClafferty noted that the name change for the committee was suggested to eliminate confusion with the JPAC, which includes three counties. She noted that the EPC would focus on economic opportunities for the MAG region.

Councilwoman Neely stated that there could be overlap on some issues between the JPAC and the EPC. She stated that other planning organizations in the country have looked at economic issues in their planning areas and there are some issues that could be beneficial to the region to look at from an infrastructure point of view. Councilwoman Neely stated that this is a way for MAG to have policy discussion that deals with those issues. She remarked that there was confusion over the name and that is the reason it was revised. Councilwoman Neely stated that joint planning was discussed by the Executive Committee and this would be a policy committee that deals with issues of economic impact, such as I-11 and the deep water port in Mexico, for example. She commented that the EPC would not be limited to just those issues, it would determine policy and report back to the Regional Council. Councilwoman Neely expressed that MAG seems fragmented and her vision is to have one vision in the region that would benefit all in the region. She stated that there is no agenda from the Central City and it is time for MAG to take responsibility to cooperatively work among its members and outside organizations to develop plans for economic type issues.

Mayor Cavanaugh asked to whom the EPC would report. Chair Schoaf replied that the EPC would report to the Regional Council.

Mayor Cavanaugh asked for clarification of the relationship to the Sun Corridor, and he noted that I-11 was not a Sun Corridor issue. Chair Schoaf replied that I-11 was probably not a Sun Corridor issue, but it could be and there is no firm idea on I-11 or who will provide funding.

Mayor Cavanaugh expressed his concern for establishing another structure when the MAG organization already has the Executive Committee, Regional Council, Transportation Policy Committee, Management Committee, and Transportation Review Committee.

Councilwoman Neely stated that she believed management is needed to look at these types of issues. She said that she gave two examples today, but tomorrow, it could be a project along the Goodyear border. Councilwoman Neely stated that this is the reason business representatives were included, and she noted that the Transportation Policy Committee has a smaller business presence. Councilwoman

Neely remarked that it is time for the City of Phoenix to bring down the silos and work as a region with everyone else to benefit the region. She said that the economy is most important and with business and those at this table looking to ensure that planning is in place can secure economic development that might be out there.

Mayor Lane added that the concern is overall economic development and the impact of this kind of infrastructure. He expressed it was his thought that having a separate entity within the MAG organization to look at economic development on a broader scale is important. If it is just a transportation issue, that is one thing, but this would look at something that goes across the broader spectrum. Mayor Lane remarked that as we look at the Sun Corridor study, he felt MAG has to look at it from the standpoint of economic development for the entire region and beyond and the kind of impact to the state. He expressed he felt it reasonable to encompass the economic development side and infrastructure requirements. Mayor Lane stated that MAG represents a lot of different areas and he felt that was the input needed.

Vice Chair Hallman expressed his understanding that this was an opportunity to formalize MAG's involvement with the JPAC instead of ad hoc involvement to look at economic development issues and have a cross-border relationship with the other counties and develop a bigger planning area and solve problems. Vice Chair Hallman stated that Mayor Lane expressed it best, that MAG should focus on economic development opportunities that come from these efforts that are within MAG's scope of work. He suggested taking one step at a time, similar to the process for clarifying the roles of MAG, Valley Metro, METRO, and the City of Phoenix in transit. Vice Chair Hallman expressed he was puzzled by the late incoming changes when the Executive Committee had already discussed this. He proposed moving forward with the composition of the committee as presented, with the exception of the Regional Council Chair due to the time that would be required to attend all of the activities. Vice Chair Hallman expressed his agreement with including the Past Chair as Chair to draw from her experience, and with the Vice Chair to be able to bring the experience on the EPC to the Regional Council, but not with all of the Executive Committee officers because you would end up with duplicative activity. Vice Chair Hallman proposed going back to the composition dated September 20, 2010, include the one-year terms for the MAG elected officials and with the proposed name change. He suggested viewing this group as representation from MAG on JPAC to start on those economic development issues that come from that. Vice Chair Hallman remarked that if the opportunity to work together on broader economic policy issues becomes apparent, this could be the body that expands its scope. He added that this could be used as a start with the understanding it may evolve.

Supervisor Wilcox asked if this committee would work on the issues that were outlined in the sustainability planning grant, which would work on economic, housing, and transportation issues in a three-county area. She also noted that the Gila River Indian Community has a large presence in the area but was not involved, and she asked if they had been considered.

Ms. McClafferty replied that if awarded, sustainability grant is envisioned to be discussed and worked on by the EPC. Supervisor Wilcox asked if the grant would pay for staff work. Mr. Smith stated that several key elements included in the sustainability grant are already being funded by MAG, such as the Freight Study in the amount of \$500,000. He noted that staff needs guidance on that, which is a MAG product and is separate from the three county JPAC. Mr. Smith stated that renaming the committee was

due to its focus on economic development opportunities. He said that greater outreach to the business community could benefit economic development, but some opportunities and programs might be missed if MAG does not hear input on specific needs. Mr. Smith stated that Germany and China have an economic imperative at the front end of their transportation plans. He expressed his agreement with Vice Chair Hallman that a number of these projects will be discussed at JPAC, but there might be MAG related ideas. He said that this is an opportunity to get out of the transportation stovepipe, look at economic development and ensure MAG is doing its best to get jobs into this region. Mr. Smith remarked that this exercise might be determined in one year does not work, but he felt it worth the risk to get it going. Mr. Smith noted that the committee will report to the Regional Council. He added that it might coordinate with the Transportation Policy Committee due to transportation investments. Mr. Smith then addressed the question about the Gila River Indian Community by saying that the idea was to keep the committee small. He indicated there was a realization that a number of entities that would want to serve on the EPC and he mentioned that all of the governmental entities are represented on the Regional Council. Mr. Smith stated that changes were made to be responsive to the feedback received since the mailing, for example, the ADOT Director called to say he was not comfortable with a consultant speaking on behalf of ADOT and that is why the representative was called a transportation representative.

Supervisor Wilcox stated that a lot of the corridor runs through the Gila River Indian Community and it is involved in many economic opportunities. She stated that she thought MAG would be remiss to not invite the Community to the table.

Mr. Arnett remarked that he wondered, as Mayor Cavanaugh expressed, what MAG is trying to accomplish. He stated that there is not yet an overall comprehensive master plan or economic goal for the state. Mr. Arnett stated that he understood the intent is to develop an opportunity specific and action oriented plan, but could that not be accomplished through the Transportation Policy Committee by expanding its duties. He stated that the Transportation Policy Committee works on transportation activities that are for economic development. Mr. Arnett expressed that he wondered if this was being made more complicated than it needed to be than just expanding the mission of the current structure.

Mr. Smith responded that the Transportation Policy Committee has a specific statutory mission to work on Proposition 400. He noted that the Transportation Policy Committee is already 20-plus members. Mr. Smith stated that the idea was to get a laser focus on economic development and bring in economic experts, such as Jim Rounds with Elliott Pollack. He said that the more this is watered down in the transportation silo, the less effective it will be. Mr. Smith indicated that he thought economic experts were needed. He stated that there is a transportation component, but MAG is not doing justice to organizations such as WESTMARC, GPEC, and GPL, who need MAG to look at transportation programs and if refined, more jobs could be brought in.

Councilwoman Neely addressed Supervisor Wilcox's concern about the Gila River Indian Community by saying that the first recommendation for the composition was to have two West Valley, two East Valley, and the Central City, which was then expanded to three West Valley and three East Valley. She stated that there was nothing to exclude any member agency and if Supervisor Wilcox felt it beneficial, the County could dedicate its slot to the Gila River Indian Community. Councilwoman Neely stated that she felt if the committee was too large, it would be difficult to function effectively. She then spoke

about JPAC, which came into existence while she was chair of the Regional Council. Councilwoman Neely stated that other entities in the MAG region think of the Central City as the 800-pound gorilla, and that is how Pima and Pinal Counties think of MAG. She stated that trust needs to be built and it may appear that not a lot has been accomplished, but information is being shared and we have come light years. Councilwoman Neely stated that the sole purpose is to take action on those items, but the group is not ready because more work and understanding of each organization's direction is still needed. She stated that there are a lot of opportunities for everyone and she felt MAG needs to move forward. Councilwoman Neely stated that this is a way for the MAG region to look at things so they do not fall through the cracks because agreement has not been reached that everything works for everyone.

Councilwoman Neely then addressed Mr. Arnett's concern by saying that he is a long way from Phoenix, but there is a lot that will benefit his area. She noted that the inland port could be built in Pinal County, but she has had conversations with organizations and no one is driving that issue. Councilwoman Neely said she did not want to offend anyone, but the state of Arizona is too often not involved until the end of a process. She stated that any action taken tonight, she would recommend a review after two years; the committee might be merged or sunsetted. Councilwoman Neely stated that she thought this is good for everyone, and with the oversight of the Regional Council, she hoped it would move forward.

Chair Schoaf commented that he thought the thing everyone needed to focus on, this committee evolved into an effort that is quite different. He said that the idea is to find a way for transportation planning to drive our economy rather than the other way around, and combine that with the concept of having more than elected officials with larger representation by the business community. Chair Schoaf stated that if this concept works, a number of things could be accomplished. He noted that eventually, a Proposition 500 will be needed and this relationship built with the business community is a natural starting point. Chair Schoaf stated that this is the group that could discuss things like the Sun Corridor and how to drive business through the Sun Corridor, however, it is broader than the Sun Corridor. He stated that the Union Pacific is interested in a switchyard in Buckeye and in the Wellton Line. The impact of that on Grand Avenue is the type of question that has not been addressed yet and this committee could take up issues like that. Chair Schoaf stated that a sunset provision is important to include; the committee might be useful, it might not work or it might need modification. Chair Schoaf stated that the Regional Council should stay intimately involved in the committee's work and how it progresses and whether it evolves into something worthwhile.

Mayor Lewis stated that he first had the same feeling as Mayor Cavanaugh, but found Councilwoman Neely's comments inspiring. He referred to the material from the East Valley Partnership event, which he attended. Mayor Lewis stated that four initiatives were presented and the precursor was discussion of the federal, state, local, and business individuals came together, united, and had a vision and took the next steps to make it happen. He said to Councilwoman Neely that her comments sparked his interest that if a group unites us with a vision so that in 50 years it can be said this committee sparked this, he would be in favor.

Vice Chair Hallman stated that this seemed to be getting off track because some are articulating a broader vision not before the Regional Council, while others are fearful that it will become an outgrowth of MAG to take over everyone's economic development. He read the mission statement: "The mission of the MAG Economic Policy Committee (EPC) is to develop an opportunity-specific and action

oriented plan that fosters and advances a plan for the Sun Corridor dealing with infrastructure, especially transportation infrastructure that would further economic opportunities.” Vice Chair Hallman stated that it is not about a master organization taking control of economic development planning for the region, it is not about a city ceding control, it is not about creating a bureaucracy that is duplicative of the Transportation Policy Committee or Regional Council. He explained that this evolved out of efforts and direction of the Executive Committee and Regional Council to meet with Pinal and Pima Counties to start efforts around the Sun Corridor. Vice Chair Hallman noted that studies going back to 1991 that say that the CANAMEX corridor, now called the Sun Corridor, would be important to Arizona for economic development. He commented that if a port opens at Punta Colonet, Arizona could have inland port opportunities for rail and trucking, and opportunities to pull in national and international dollars. Vice Chair Hallman stated that they have looked at rail lines, the planning efforts of other megaregions and realized we are far behind in planning. He said that planning goes beyond the borders of Maricopa County and this is an opportunity to address that. Vice Chair Hallman stated that over the last two years it has become apparent that there is a need to formalize this committee and he felt it wise and important to do this to demonstrate MAG is serious. He noted that other counties can do the same, and even if they do not, it provides the opportunity for MAG to have conversations with business leaders on how transportation policy can impact Maricopa County and its cities.

Vice Chair Hallman moved to approve the formation of the MAG Economic Policy Committee as a formal matter with the inclusion of the composition as set forth in the revised sheet, with the exception of not including the Chair of the Regional Council, to not recreate the Regional Council or Executive Committee on this body, and this body reports to the Regional Council regarding concepts that arise.

Vice Chair Hallman stated that this is intended to be a flexible, nimble group that can develop concepts and bring them back to the Regional Council. He said that sometimes Transportation Policy Committee elements or other elements might be required to aid us in regional elements that could add value to our communities. Vice Chair Hallman stated that freight rail, commuter rail, freeways, highways, or port construction efforts could get MAG infrastructure dollars to achieve its goal.

Councilwoman Neely seconded the motion.

Mayor Lane asked Vice Chair Hallman, as maker of the motion, if he would add to the motion the inclusion of a two-year sunset review. Vice Chair Hallman accepted, and Councilwoman Neely, as second, accepted.

Chair Schoaf asked if there was discussion of the motion.

Mr. Zubia stated that he would respect the will of the Regional Council if it chooses to go in that direction. He expressed his appreciation for the need to refine a larger council to a laser focus on specific issues, especially economic development, which he felt had not been done well in the past. Mr. Zubia stated that he felt it was a good thing that MAG would be looking at that. He commented that he did not see economic development listed in the revised sheet, and noted that it says, “dealing with infrastructure, especially transportation infrastructure.” Mr. Zubia expressed concern for a couple of reasons: 1) This is duplicative, particularly with the Transportation Policy Committee. 2) This is treading dangerously close to statutory mandates and some people could interpret this as a back door to

doing things outside of state statutes. Mr. Zubia stated that this might not be the intent, but could be a way for some to criticize the effort, which he felt was a worthy effort. He stated that he did not oppose the effort, but he felt the mission needed to be refined before the Regional Council moved forward.

Mayor Cavanaugh expressed support for Mr. Zubia's comments. He stated that he did not want to vote against this and certainly admired the aspirations of those who spoke in support. Mayor Cavanaugh stated that he thought it bureaucratic, but if the majority feels it will aid in developing the economy as a state, he would accede to that. He expressed concern that this will get out of hand and he felt a specific provision to implement the sunset was needed.

Vice Chair Hallman stated that he would add to the motion that the committee would expire on its second anniversary unless renewed by the Regional Council. Councilwoman Neely, as second accepted the addition to the motion.

Vice Chair Hallman stated that he felt Mr. Zubia's comments were well put, but he thought the statutory limitations were met because the mission states that it is an action oriented plan that fosters and advances a plan for the Sun Corridor dealing with infrastructure, especially transportation infrastructure that would further economic opportunities. Vice Chair Hallman stated that the purpose of the committee is to advance the ball after 20 years of discussion on the CANAMEX corridor/Sun Corridor a plan to take advantage of a port at Punta Colonet. He stated that the Union Pacific could decide to bypass Arizona and come in through Texas, especially with the issues the Union Pacific has encountered with double tracking or triple tracking. Vice Chair Hallman stated that the north/south corridor has never been completed and the concept of I-11 and the Tillman bridge provides an opportunity to finish that corridor. He expressed concern that this opportunity might be lost if there is not cooperative work as required by the JPAC model, which is not formalized. Vice Chair Hallman stated that these are just two examples and if MAG does not identify its plan, MAG could lose out. Vice Chair Hallman stated that MAG is the driving force behind bringing together JPAC, and if MAG formalizes its efforts, perhaps they will formalize theirs and a true megaregion that works together will be created to get federal funding.

Mayor Rogers stated that she served on the Subcommittee and she felt the intent had changed a lot between then and now. She said that she would like to take it back for more clarity and have it refined. Mayor Rogers expressed she did not understand the rush to approve this tonight. She stated she would vote no because this is not what the Subcommittee agreed to or even what was clarified tonight.

Chair Schoaf asked if there were further questions on the motion. None were noted. Chair Schoaf expressed that it was unfortunate that the vision is so narrow it can only support this type of planning if it is in the Sun Corridor. He wondered how this group can react if the decision is to go from Punta Colonet through Yuma up the Wellton line and the West side of Phoenix, rather than up the line from Nogales. Chair Schoaf stated that it is unfortunate to narrow the focus so it focuses only on that one aspect.

Vice Chair Hallman expressed his disagreement, and said he did not see how Chair Schoaf's view meshes with the concept of the Sun Corridor. He stated that he did not see that the Yuma/Wellton line interferes with the vision. Vice Chair Hallman stated that the goal is to bring that freight into the region.

He said that the Sun Corridor is broader than the Tucson/Phoenix area, and getting the Yuma/Wellton line built is consistent with JPAC and Maricopa County goals. Vice Chair Hallman stated that this is the body who represents MAG to JPAC as well as a place to have a broader discussion on strategies to advance the cause for Maricopa County in the Sun Corridor. He expressed that he could not see how a freight line coming in to Maricopa County would be restricted by anything he said.

Councilwoman Wolcott stated that the definition of the Sun Corridor is far broader than just Tucson to Maricopa County, and she said it stretches from one border of Arizona to the other, to Las Vegas and beyond. She expressed that this is a large vision and MAG needs to do the best it can to break down barriers and find ways to bring freight and economic opportunity to this state so that Arizona is seen as a state that is an economic engine. Councilwoman Wolcott stated that she found it interesting that there is discussion of waiting because she thought there is urgency due to Punta Colonet. She reported that she recently attended the Transportation Institute Conference in Texas and when she mentioned Punta Colonet to some freight operators from California, the Texas representatives laughed out loud because they feel they are miles ahead of Arizona and have put a lot of planning into inland ports of their own. Councilwoman Wolcott stated that she felt there was urgency and she encouraged support for moving ahead. She indicated that she thought the sunset language is fine.

Mr. Flores asked for clarification if the motion was to defer or pass as recommended on the revised sheet. Chair Schoaf replied that the motion was to pass the recommendation on the revised sheet, with the exception of the Chair of the Regional Council being on the committee.

Mr. Flores commented that I-11 is demonstrated as heavily loaded in this particular committee. He stated that he had a problem with how the representatives were chosen and would be voting no.

Mayor Lewis asked if there were any other members of the Subcommittee who had comments.

Vice Chair Hallman stated that it started with an ad hoc group and the Subcommittee was formed by the Executive Committee to formalize the group. He noted that he had concerns because the Executive Committee worked on this in two meetings. Vice Chair Hallman stated that the Executive Committee adopted everything heard tonight, except the name of the committee, the terms and the chair. He noted that the vision was somewhat broader than the mission statement and that is what he wanted to clarify. Vice Chair Hallman stated that step one should be formalizing the JPAC process. He said that this committee could become a place where broader conversations take place but it is focused on, within the statutory restrictions, MAG's opportunity to examine the infrastructure, in particular the transportation infrastructure. Vice Chair Hallman stated that the reason for the committee is that Arizona is not taking advantage of economic opportunities and is losing ground very quickly to other states that are. He said that having a two-year sunset makes sense. Vice Chair Hallman stated that these are MAG activities with a JPAC focus, but there was no formalization, and this is to formalize that process. He stated that this got beyond what was stated at the last Executive Committee meeting and what was stated tonight and he wanted to state his view and make the motion. Vice Chair Hallman that it was about everything the Executive Committee passed, which was those three items and he would accept two of the three.

Supervisor Wilcox stated that the more she learned about this the more she liked the concept. She expressed that she thought moving forward for the good of the whole in the Sun Corridor for economic

development was something she could support. Supervisor Wilcox mentioned the concerns of Mr. Zubia and Mayor Rogers, and Mayor Hallman and she thought it would do MAG good to have a unanimous vote if this was continued for one month. She stated that Mr. Zubia could assist on the language so it does not give the impression MAG is trying to take over transportation.

Supervisor Wilcox made a substitute motion to give this one more month, not with the intent of not having it move forward, but adjusting it so everyone is comfortable. Mayor Rogers seconded.

Chair Schoaf called for discussion of the substitute motion.

Councilwoman Neely stated that this has been discussed at the Executive Committee and there continues to be a delay by some. She requested that the substitute motion say specifically what they are going to do, such as looking at the mission statement. Councilwoman Neely stated that she was unsure of Mayor Rogers' issues other than we continue to hear this is moving too fast. She stated that she would be supportive of the substitute motion if specific direction was included. Councilwoman Neely mentioned Councilwoman Wolcott's statement that we need to move forward, and she said I-11 does come into effect. Councilwoman Neely advised that by the end of December the determination will be made where the rail will come in. Councilwoman Neely stated that if we wait until October, there will be only one, maybe two months at the most, to persuade individuals who might be making that decision. She said if a jurisdiction has all of its industrial spaces filled and has jobs, then she guessed this could wait until October. Councilwoman Neely stated that a small portion of Phoenix will see the benefits and some communities farther west will see lots of benefits. She noted that the Regional Council will have every right to vote against what is brought forward, but if the group cannot be brought together until December, that issue will probably go away. Councilwoman Neely informed the Regional Council that ADOT has approved an intergovernmental agreement with the federal government and she thought this was an opportunity that could be missed with a 30-day delay. She indicated that these types of opportunities do not come along very often, and it is something we could debate or take a stance and say the Executive Committee and Regional Council will have oversight. Councilwoman Neely requested reconsideration of that, she indicated she was not supportive of a substitute motion unless she understood what word needed to be changed and why do we have to wait 30 days. She remarked that she was passionate about this.

Councilwoman Wolcott asked for clarification that the business members and the Executive Committee designated members would be appointed if the committee formation is approved tonight.

Chair Schoaf noted that according to the motion, this committee could not meet until after the October Regional Council meeting, anyway, because there would not be a quorum.

Vice Chair Hallman stated that the concern for the substitute motion to delay action for a month means a delay in appointing members until after the October Regional Council meeting and the committee could not start work until December, which illustrates Councilwoman Neely's point. Vice Chair Hallman asked for clarification what it was about his motion that was different from what the Executive Committee adopted and Mayor Rogers voted in support of. He stated that he outlined the motion with the mission exactly stated, the composition exactly stated, only taking out the Chair of the Regional Council. Vice Chair Hallman stated that the only other change is the name of the entity, which he was

willing to change back to the original name in order to reduce concerns that the committee might expand its mission beyond what was stated. He stated that if approved, the request for letters of interest should go out immediately and the appointments would be on the October Regional Council agenda. Vice Chair Hallman mentioned that there is an ad hoc committee already undertaking these discussions and he felt it useful to formalize that group.

Mr. Smith referenced Mr. Zubia's concern and asked if economic development was added if that would be acceptable.

Mr. Zubia indicated it would be acceptable. He continued that he 100 percent supported the effort, but he felt the mission was not refined enough to support economic development. Mr. Zubia stated that the word "policy" implies that MAG has the authority outside the region to affect policy and it does not. He added that he also felt that economic development was something he felt MAG could and should do, but if the intelligent people around this table are confused, the public will be confused as well.

Mr. Smith asked Mr. Zubia if it was acceptable to call it the Economic Development Committee, taking out the word "policy." Mr. Zubia replied that was acceptable.

Vice Chair Hallman stated that his point was not the name of the committee and he was confused about changing the name to Economic Development Committee, and noted that this would also need to be reflected in the last clause as of the mission as "economic development opportunities." He commented that he did not see how the mission implies that MAG could ever make policy outside its boundaries.

Mr. Zubia stated that any MAG policy committee is made up of Regional Council members who recommend policy, for example, the Transportation Policy Committee. He said that the other MAG committees below that are technical advisory or staff advisory committees.

Vice Chair Hallman asked for clarification that Mr. Zubia's point is having private sector representatives should restrict the committee from making policy.

Mr. Zubia replied not necessarily, the Transportation Policy Committee has private sector members. He said that this committee would affect policy in the region.

Vice Chair Hallman commented on Mr. Zubia's that because the committee would report to the Regional Council, using the word policy implies it could make policy on its own authority.

Mayor Rogers assured members that she was not trying to delay anything, and she felt this committee should and would go forward, but she wanted to get this right the first time. Mayor Rogers expressed her concerns about the composition, heavily weighted, no Vice Chair, are changes that were not what had been discussed previously, and she wanted to clarify those items before moving forward.

Vice Chair Hallman said that he thought he clarified those issues in his motion and asked what had not been clarified.

Mayor Rogers asked who would be Vice Chair. Vice Chair Hallman replied that the Vice Chair would be the Vice Chair of the Regional Council and the Past Chair would be the Chair, then when the Past

Chair rotates off this committee, the current Regional Council chair would by then be Past Chair and would rotate back on this committee as Chair for continuity. Vice Chair Hallman noted the commitments of the Regional Council Chair and added that his purpose of not including him on the committee was to not overburden him with another responsibility. Vice Chair Hallman stated that is what the Executive Committee discussed and he was surprised the Chair had been added in.

Chair Schoaf clarified that the Chair was added in to enable the committee to function immediately. He said that the way it was structured, there would not be a quorum, which means it would have to wait until the end of October to function. Chair Schoaf noted that there was also a problem with the two year terms because the Executive Committee members serve one year terms.

Vice Chair Hallman expressed appreciation of the need for this committee to meet by the end of October. He said that additional modifications could be discussed at the Executive Committee meeting, and the appointments and refinements could be made at the October Regional Council meeting, but the process will have started.

Chair Schoaf stated that he suggested proceeding as Vice Chair Hallman stated; appoint those representatives on the memorandum who are agreed on, realizing that the committee cannot meet until the remainder of the Regional Council representatives are appointed at the October Regional Council meeting.

Vice Chair Hallman stated that the committee could meet but could not take legal action because there is no quorum, but start the process to outline efforts. He said this would give comfort to those who are concerned that the Regional Council and Executive Committee would be making further refinements. Vice Chair Hallman stated that he stood by his original motion and he hoped the substitute motion would be withdrawn.

Mr. Smith asked for clarification that Vice Chair Hallman's motion would include changing the name of the committee to the Economic Development Committee.

Vice Chair Hallman replied that he would include that in his motion and also add the word "development" to the last clause as "economic development opportunities."

Councilwoman Neely concurred.

Chair Schoaf asked if those participating electronically had any questions.

Councilwoman Barker asked Vice Chair Hallman to clarify his statement of legal action this committee could take that affects the Sun Corridor. Vice Chair Hallman replied that he was referring to legal action in regard to the Open Meeting Law and the composition of a committee.

Councilwoman Barker asked for clarification if this committee would be making recommendations to various regions in the state as to transportation plans and infrastructure plans.

Chair Schoaf replied that the committee would report and recommend only to the MAG Regional Council.

Councilwoman Barker asked for confirmation that her understanding was that the committee would make recommendations only for the MAG region.

Chair Schoaf replied that was correct. He asked if the maker and second were willing to consider Vice Chair Hallman's request to withdraw the substitute motion.

Supervisor Wilcox, as maker of the substitute motion, stated that she was willing to withdraw her substitute motion if the word development replaced policy and Mayor Rogers's concerns about the appointment of elected member agency representatives were addressed.

Vice Chair Hallman explained that there would be four remaining seats on the committee to be appointed. Under the definition a quorum would require a simple majority – four Regional Council members. Vice Chair Hallman noted that only three member agencies will have been appointed so the body cannot act. Vice Chair Hallman stated that until appointment of those members by the Regional Council, the Regional Council and Executive Committee can still make refinements, it is communicated we are moving forward and the private sector will know a body is being created in which they can participate to take advantage of economic development opportunities.

Supervisor Wilcox stated that she would withdraw her motion if the Subcommittee would be satisfied about the appointments.

Mayor Rogers clarified that she did not recall appointing a Vice Chair to the committee at all. She understood it was the Chair and Past Chair, but no conversation about who the Vice Chair would be. Mayor Rogers suggested taking that piece out because she could not see the Vice Chair of the Regional Council being the Vice Chair of the Committee – it was the same thing.

Vice Chair Hallman stated that he would be happy to remove that from his motion and that could be resolved at the Executive Committee level. He indicated that was what he understood, but there could have been miscommunication.

Mayor Rogers stated that was acceptable.

Councilwoman Neely, as second, stated it was acceptable. She added that she was under the same impression that the Vice Chair of the Regional Council would be Vice Chair of the Committee.

Supervisor Wilcox withdrew her motion and Mayor Rogers withdrew her second.

Chair Schoaf summarized the motion: to approve formation of an Economic Development Committee in accordance with the memorandum that was distributed, with the following changes: the Chair of the Regional Council would no longer be an automatic member; there would be three automatic members: the Past Chair, the Vice Chair, and Treasurer of the Regional Council, with the understanding that this will go back to the Executive Committee for further refinement of the mission statement and further discussion of the composition where relevant, before it comes back to the Regional Council in October to fill the remaining positions; there will be a call to the member agencies to submit a letter of interest for the committee. Chair Schoaf asked if there was anything he missed.

Vice Chair Hallman stated that Vice Chair of the Committee would be determined at the next Regional Council meeting.

Mayor Lane mentioned the two-year sunset.

Chair Schoaf stated that the sunset anniversary would be two years from the October Regional Council meeting since the committee will not be functional until then.

With no further discussion, the motion passed, with Mr. Flores voting no.

11. Brookings Intermountain Partnership Report

Rob Puentes, Senior Fellow for the Brookings Metropolitan Policy Program, provided a report on the activities of the Intermountain West Transportation Working Group. Mr. Puentes stated that the Working Group is a collaborative effort of the Brookings Metropolitan Policy Program and groups in the Intermountain West. He noted that the project kicked off in June 2009 and runs until January 2011. Mr. Puentes stated that they provide consultation and hammer relentlessly on the national dialogue to ensure that dialogue reflects not only the perspective of the Intermountain West, but also the needs, challenges and ideas from the MAG area and connect with the national debate on transportation reform. Mr. Puentes stated that this national debate is not usually very detailed, unlike discussions on earmarks and donor/donee, which tend to be very specific. He stated that more important issues are largely ignored and that is the role they are trying to fill.

Mr. Puentes then gave examples of Brookings' past work on behalf of the Intermountain West. He said that the paper they produced on an analysis of air travel trends in the Intermountain West showed that western metros like Phoenix saw increases in air travel while other areas showed declines. Mr. Puentes stated that this illustrates that these areas are prime candidates for high speed rail. Mr. Puentes stated that they presented testimony to Congress on the National Infrastructure Bank in May 2010 and used it as an opportunity to talk about innovations of the Intermountain West, such as the concept of helping those who help themselves. Mr. Puentes stated that the federal government should recognize those regions who contribute to the national infrastructure by giving them incentives such as funding, project streamlining, and flexibility. He said that they wrote about MAG's New Partnerships proposal in a nationally syndicated article in May 2010. Mr. Puentes stated that they also wrote blogs and held briefings with Senate staffers in June.

Mr. Puentes stated that things do seem to be changing. He spoke about participating with Los Angeles Mayor Villaraigosa and Senator Boxer at an event to connect the "help those who help themselves" concept with the Mayor's transit plan. Mr. Puentes stated that they have had several round table discussions on metro mobility for transportation reauthorization, attended forums in Phoenix in June when the MPOs were brought together to discuss the Sun Corridor, wrote articles and participated in an hour-long interview on National Public Radio on the I-11 debate. Mr. Puentes stated that these are the type of investments that matter not only to the MAG region, but to the country as a whole.

Mr. Puentes stated that a focus on the national infrastructure bank with specific Phoenix drill down work on exports is ongoing. He remarked that if exports double in the next five years as the President has

indicated, implications to transportation need to be considered. Mr. Puentes commented that the country is stuck in traditional frameworks for transportation and because this is fresh he thought that is why it was getting attention. He noted that upcoming work includes a detailed, block-level study on transit access and ridership, additional preparation for a major paper on MPO structure and governance, and continued discussion of priorities like direct allocation of transportation dollars to MPOs, new finance structures, super-regional planning and governance. Mr. Puentes stated that Brookings values its exchanges with MAG.

Chair Schoaf stated that MAG appreciated the effort with Brookings.

Mr. Smith noted that there was no longer a quorum and the MAG General Counsel has advised that meetings without a quorum need to adjourn.

12. Request for Future Agenda Items

This item was not considered.

13. Comments from the Council

This item was not considered.

Adjournment

The meeting adjourned at 7:20 p.m.

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Chair

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Secretary

# **MARICOPA ASSOCIATION OF GOVERNMENTS**

## **INFORMATION SUMMARY... for your review**

**DATE:**

October 19, 2010

**SUBJECT:**

ADOT Red Letter Process

**SUMMARY:**

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.

**PUBLIC INPUT:**

None.

**PROS & CONS:**

PROS: Notification can lead to action to forestall development activity in freeway corridors and help minimize costs as well as ensure eventual completion of the facility.

CONS: By utilizing funds for advance purchase of right-of-way, these funds are not available for other uses such as design and construction.

**TECHNICAL & POLICY IMPLICATIONS:**

TECHNICAL: Unless precluded early in the process, development within freeway alignments will result in increased right-of-way costs in the future.

POLICY: With the passage of Proposition 400 on November 2, 2004, the 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.

**ACTION NEEDED:**

Information and discussion.

**PRIOR COMMITTEE ACTIONS:**

Management Committee: This item was on the October 13, 2010, agenda for information and discussion.

MEMBERS ATTENDING

- Carl Swenson, Peoria, Chair
- Charlie Meyer, Tempe, Vice Chair
- # Matt Busby for George Hoffman, Apache Junction
- David Fitzhugh for Charlie McClendon, Avondale
- Stephen Cleveland, Buckeye
- \* Gary Neiss, Carefree
- \* Usama Abujbarah, Cave Creek
- Rich Dlugas, Chandler
- Pat Dennis for Rick Flaaen, El Mirage
- Alfonso Rodriguez for Phil Dorchester, Fort McDowell Yavapai Nation
- Rick Davis, Fountain Hills
- \* Rick Buss, Gila Bend
- \* David White, Gila River Indian Community
- Michelle Gramley for Collin DeWitt, Gilbert
- Brent Stoddard for Ed Beasley, Glendale
- John Fischbach, Goodyear

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

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

Transportation Review Committee: This item was on the September 23, 2010, agenda for information and discussion.

MEMBERS ATTENDING

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

- Litchfield Park: Paul Ward for Woody Scoutten
- Maricopa County: Mike Sabatini for John Hauskins
- Mesa: Jeff Martin for Scott Butler
- \* Paradise Valley: Bill Mead
- Phoenix: Rick Naimark
- # Queen Creek: Wendy Kaserman for Tom Condit
- RPTA: Bryan Jungwirth
- Scottsdale: Dave Meinhart
- Surprise: Bob Beckley
- Tempe: Robert Yabes for Chris Salomone
- Valley Metro Rail: John Farry
- Wickenburg: Rick Austin
- Youngtown: Mark Hannah for Lloyce Robinson

EX-OFFICIO MEMBERS ATTENDING

- Street Committee: Dan Cook
- \* ITS Committee: Nicolaas Swart

- \* Bicycle/Pedestrian Committee: Peggy Rubach
- \* Transportation Safety Committee: Julian Dresang

\* Members neither present nor represented by proxy.  
 # - Attended by Audioconference

+ - Attended by Videoconference

**CONTACT PERSON:**

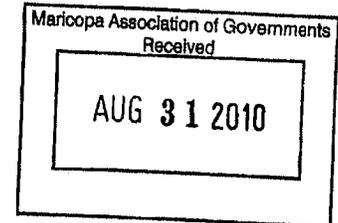
Eric Anderson, MAG, (602) 254-6300, or John Eckhardt III, ADOT, (602) 712-7900.



**Arizona Department of Transportation**  
**Intermodal Transportation Division**  
 206 South Seventeenth Avenue Phoenix, Arizona 85007-3213

Floyd Roehrich Jr.  
 State Engineer

August 26, 2010



Mr. Dennis Smith  
 Executive Director  
 Maricopa Association of Governments  
 302 North First Avenue, Suite 300  
 Phoenix, Arizona 85003

Re: Red Letter Report - Notices from January 1, 2010 to June 30, 2010

Dear Mr. Smith:

The Red Letter process is notification by local Public Agencies to ADOT of potential development plans within a quarter mile of established or proposed project corridors. Receipt of early notification in the planning and design process helps to reduce costs, saving money for both ADOT and tax payers. This update is provided for information on the number of notices received within the stated period of time.

Below is the list of "Red Letter" notices received by the ADOT Right of Way Project Management Section from the period of January 1, 2010 to June 30, 2010. During this period, our office received notices from Local Municipalities as well as various Developers, Architects, Engineers and Attorneys.

<u>LOCAL MUNICIPALITIES</u>	<u>NOTICES RECEIVED</u>	<u>IMPACT RESPONSES</u>
Arizona State Land Dept.	02	00
City of Avondale	01	00
Town of Buckeye	02	00
City of Chandler	00	00
Town of Gilbert	03	00
City of Glendale	00	00
City of Goodyear	07	01
Maricopa County	08	01
City of Mesa	00	00
City of Peoria	00	00
City of Phoenix	03	01
City of Surprise	15	01
City of Tempe	00	00
Other	<u>06</u>	<u>01</u>
<b>Total Received</b>	<b>47</b>	<b>05</b>

**MARICOPA ASSOCIATION OF GOVERNMENTS REPORT OF IMPACT RESPONSES**

**ARIZONA STATE LAND DEPARTMENT: No impact responses sent.**

**CITY OF AVONDALE: No impact responses sent.**

**TOWN OF BUCKEYE: No impact responses sent.**

**CITY OF CHANDLER: No impact responses sent.**

**TOWN OF GILBERT: No impact responses sent.**

**CITY OF GLENDALE: No impact responses sent.**

**CITY OF GOODYEAR:**

**July 2, 2010 – New Galvanizing Processing Plant – Site Plan**

**This proposed site plan may impact our proposed SR 801 highway facility. ADOT reserves the right to review and comment on all development plans. Project Coordinator for this project is Nan Wilcox.**

**MARICOPA COUNTY:**

**February 18, 2010 – Calderwood Onsite Storage – Special Use Permit**

**This proposed site plan may impact our proposed SR 801 highway facility. ADOT reserves the right to review and comment on all development plans. Project Coordinator for this project is Nan Wilcox.**

**CITY OF MESA: No impact responses sent.**

**CITY OF PEORIA: No impact responses sent.**

**CITY OF PHOENIX:**

**July 2, 2010 – Estrella Vista Commerce Park – Site Plan**

**This proposed site plan may impact our highway facility located on the SEC of 67<sup>th</sup> Ave. and the I-10 freeway. ADOT reserves the right to review and comment on all development plans. Project Coordinator for this project is Reggie Rector.**

**CITY OF SURPRISE:**

**March 16, 2010 – Albertson’s – Advertising Sign**

**This proposed advertising sign may impact our highway facility located on the NWC of Grand Ave. and Reems Rd. The advertising sign must be installed outside of ADOT Right of Way. ADOT reserves the right to review and comment on all development plans. Project Coordinator for this project is Nan Wilcox.**

**CITY OF TEMPE: No impact responses sent.**

**OTHER:**

**July 2, 2010 – Beus Gilbert, PLLC – Zoning Change/Site Plan Amendment**

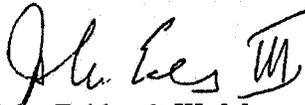
**This change may impact the Santan Freeway, L202. ADOT reserves the right to review and comment on all development plans. Project Coordinator for this project is Nan Wilcox.**

The Arizona Department of Transportation expends several resources to research future developments and plans adjacent to the state highway system, to ensure ADOT’s Right of Way is not adversely impacted or jeopardized. Other notices received typically include road access, zoning changes, outdoor advertising, and annexations.

The Department appreciates the cooperation of the Maricopa Association of Government’s members and looks forward to your continued support as we maintain and strive to improve all lines of communication.

Please feel free to contact my office should you have any questions. I can be reached at (602) 712-7900, or by email at [JEckhardt@azdot.gov](mailto:JEckhardt@azdot.gov).

Sincerely,



John Eckhardt III, Manager  
Right of Way Project Management

cc: John S. Halikowski, Director, ADOT  
Sabra Mousavi, Chief Right of Way Agent

# **MARICOPA ASSOCIATION OF GOVERNMENTS**

## **INFORMATION SUMMARY... for your review**

**DATE:**

October 19, 2010

**SUBJECT:**

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

**SUMMARY:**

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. 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 Safe Routes to Schools program funded projects; this process is managed by ADOT with input provided by MAG. Wickenburg is requesting to move their 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.

There are seven Congestion Mitigation Air Quality (CMAQ) funded projects that requested changes. Surprise requested a location change for a 2012 pave dirt road project due to right of way issues, Maricopa County requested a location, scope, and local cost change for a 2011 ITS project, and Surprise is requesting location, scope, and local funding amount changes to two Intelligent Transportation Systems (ITS) projects in 2012 and 2013. Each of the projects were heard and voted on at their technical advisory committee as noted below.

Additionally, MAG Staff found an administrative error related to two Cave Creek projects, and a time sensitive request was received from Litchfield Park. MAG Staff received a formal request to defer two CMAQ funded projects on May 11, 2010. These requests should have been included in Closeout, but were not. In order for the project to proceed, as requested, a need to defer the projects to 2011 and 2012 is needed. Litchfield Park is requesting a deferral of a CMAQ project as well. They just missed the obligation deadlines for federal FY2010, and in order for the project to obligate in December, it needs to be listed in current MAG TIP for 2011. These were heard for the first time at the Management Committee.

**PUBLIC INPUT:**

None.

**PROS & CONS:**

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

CONS: None.

**TECHNICAL & POLICY IMPLICATIONS:**

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

POLICY: This amendment and administrative modification request is in accord with MAG guidelines.

**ACTION NEEDED:**

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.

**PRIOR COMMITTEE ACTIONS:**

Transportation Policy Committee: This item is on the October 20, 2010 Transportation Policy Committee agenda. An update will be provided at the meeting.

Management Committee: On October 13, 2010, the Management Committee recommended approval of the amendments and administrative modifications to the FY 2011-2015 MAG TIP, and as appropriate, to the RTP 2010 Update.

MEMBERS ATTENDING

- Carl Swenson, Peoria, Chair
- Charlie Meyer, Tempe, Vice Chair
- # Matt Busby for George Hoffman, Apache Junction
- David Fitzhugh for Charlie McClendon, Avondale
- Stephen Cleveland, Buckeye
- \* Gary Neiss, Carefree
- \* Usama Abujbarah, Cave Creek
- Rich Dlugas, Chandler
- Pat Dennis for Rick Flaaen, El Mirage
- Alfonso Rodriguez for Phil Dorchester, Fort McDowell Yavapai Nation
- Rick Davis, Fountain Hills
- \* Rick Buss, Gila Bend
- \* David White, Gila River Indian Community
- Michelle Gramley for Collin DeWitt, Gilbert
- Brent Stoddard for Ed Beasley, Glendale
- John Fischbach, Goodyear

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

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

Transportation Review Committee: On September 23, 2010, the Transportation Review Committee recommended approval of the amendments and administrative modifications to the FY 2011-2015 MAG TIP, and as appropriate, to the RTP 2010 Update.

MEMBERS ATTENDING

- Peoria: David Moody
- ADOT: Steve Hull for Floyd Roehrich
- Avondale: David Fitzhugh
- # Buckeye: Scott Lowe

- Chandler: RJ Zeder for Patrice Kraus
- El Mirage: Jorge Gastelum for Lance Calvert
- Fountain Hills: Randy Harrel

Gila Bend: Eric Fitzer  
 Gila River: Sreedevi Samudrala for  
 Doug Torres  
 \* Gilbert: Tami Ryall  
 Glendale: Terry Johnson  
 \* Goodyear: Cato Esquivel  
 # Guadalupe: Gino Turrubiarres  
 Litchfield Park: Paul Ward for Woody  
 Scoutten  
 Maricopa County: Mike Sabatini for John  
 Hauskins  
 Mesa: Jeff Martin for Scott Butler

\* Paradise Valley: Bill Mead  
 Phoenix: Rick Naimark  
 # Queen Creek: Wendy Kaserman for Tom  
 Condit  
 RPTA: Bryan Jungwirth  
 Scottsdale: Dave Meinhart  
 Surprise: Bob Beckley  
 Tempe: Robert Yabes for Chris Salomone  
 Valley Metro Rail: John Farry  
 Wickenburg: Rick Austin  
 Youngtown: Mark Hannah for Lloyce  
 Robinson

EX-OFFICIO MEMBERS ATTENDING

Street Committee: Dan Cook  
 \* ITS Committee: Nicolaas Swart  
 \* Bicycle/Pedestrian Committee: Peggy  
 Rubach

\* Transportation Safety Committee:  
 Julian Dresang

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

MAG Intelligent Transportation Systems Committee: On September 1, 2010, the MAG Intelligent Transportation Systems Committee unanimously recommended approval of the requested scope change of the MMA11-723, SUR12-818, and SUR13-901 projects.

MEMBERS ATTENDING

Reza Karimvand, ADOT  
 # Soyoung Ahn, ASU  
 Margaret Boone-Pixley for Bennie Robinson,  
 Avondale  
 Paul Ward for Thomas Chlebanowski,  
 Buckeye  
 Mike Mah, Chandler  
 \* Lt. Jenna Mitchell, DPS  
 Jorge Gastelum, El Mirage  
 \* Jennifer Brown, FHWA  
 Kurt Sharp, Gilbert  
 Avery Rhodes for Debbie Albert, Glendale

Luke Albert, Goodyear  
 Faisal Saleem for Nicolaas Swart, Maricopa  
 County  
 Derrick Bailey, Mesa  
 Ron Amaya, Peoria  
 Marshall Riegel, Phoenix  
 Bob Ciotti, Phoenix Public Transit  
 # Bill Birdwell, Queen Creek  
 # Bruce Dressel, Scottsdale  
 Nicholas Mascia, Surprise  
 Cathy Hollow, Tempe  
 # Arkady Bernshteyn, Valley Metro Rail

\* Not present  
 # Attended via teleconference

MAG Air Quality Technical Advisory Committee : On July 28, 2010, the Air Quality Technical Advisory Committee recommended approval of the City of Surprise request to change the project location for SUR12-801, to Dove Valley Road: 187<sup>th</sup> Avenue to 203<sup>rd</sup> Avenue and forward the recommendation to the MAG Transportation Review Committee.

MEMBERS ATTENDING

Doug Kukino, Glendale, Chairman  
 Gaye Knight, Phoenix, Vice Chair  
 Paul Lopez for Sue McDermott, Avondale  
 # Elizabeth Biggins-Ramer, Buckeye  
 # Jim Weiss, Chandler  
 # Jamie McCullough, El Mirage

Kurt Sharp for Tami Ryall, Gilbert  
 \* Cato Esquivel, Goodyear  
 Greg Edwards for Scott Bouchie, Mesa  
 William Mattingly, City of Peoria  
 Larry Person, Scottsdale  
 Antonio DeLaCruz, Surprise

Oddvar Tveit, Tempe  
\* Mark Hannah, Youngtown  
Ramona Simpson, Queen Creek  
\* American Lung Association of Arizona  
# Wendy Crites for Grant Smedley, Salt River  
Project  
Brian O'Donnell, Southwest Gas Corporation  
\* Mark Hajduk, Arizona Public Service  
Company  
# Gina Grey, Western States Petroleum  
Association  
\* Valley Metro/RPTA  
Dave Berry, Arizona Motor Transport Assn.  
Jeannette Fish, Maricopa County Farm  
Bureau  
\* Russell Bowers, Arizona Rock Products  
Association  
\* Greater Phoenix Chamber of Commerce  
# Amanda McGennis, Associated General  
Contractors

\* Spencer Kamps, Homebuilders Association of  
Central Arizona  
# Mannie Carpenter, Valley Forward  
Erin Taylor, University of Arizona Cooperative  
Extension  
Beverly Chenausky, Arizona Department of  
Transportation  
Diane Arnst, Arizona Department of  
Environmental Quality  
\* Environmental Protection Agency  
Bob Downing for Jo Crumbaker, Maricopa  
County Air Quality Department  
Duane Yantorno, Arizona Department of  
Weights and Measures  
\* Ed Stillings, Federal Highway Administration  
\* Judi Nelson, Arizona State University  
Christopher Horan, Salt River Pima-Maricopa  
Indian Community

\*Members neither present nor represented by proxy.  
#Participated via telephone conference call.  
+Participated via video conference call.

**CONTACT PERSON:**

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

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

Oct-10

Highway Projects											
TIP #	Agency	Project Location	Project Description	FY	Length	Fund Type	Local Cost	Federal Cost	Regional Cost	Total Cost	Requested Change
DOT11-829	ADOT	SR303L: I-10/303 Interchange, Phase 1	Construct traffic interchange (Phase 1, I-10 realignment)	2011		RARF			\$ 232,200,000	\$ 232,200,000	Amend: Decrease construction budget by \$18,800,000. Proposed construction cost is now \$232,200,000. It was previously \$253,000,000 (\$251M for construction and \$2M for utility relocation). Decreased amount will be used to fund utility relocation projects (Thomas - Camelback, Camelback - Glendale and Glendale - Peoria).
DOT11-120	ADOT	SR303L: Thomas Rd - Camelback Rd	Utility relocation	2011		RARF			\$ 1,500,000	\$ 1,500,000	Amend: Add a new "Utility relocation" project in fiscal year 2011 for \$1,500,000.
DOT11-121	ADOT	SR303L: Camelback Rd - Glendale Ave	Utility relocation	2011		RARF			\$ 8,000,000	\$ 8,000,000	Amend: Add a new "Utility relocation" project in fiscal year 2011 for \$8,000,000.
DOT11-122	ADOT	SR303L: Glendale Ave - Peoria Ave	Utility relocation	2011		RARF			\$ 9,300,000	\$ 9,300,000	Amend: Add a new "Utility relocation" project in fiscal year 2011 for \$9,300,000.
DOT09-908	ADOT	L202 South Mountain: I-10 East - I-10 West	Prepare EIS for eight lanes of new freeway	2011	22.0		\$ -	\$ -	\$ -	\$ -	Admin Mod: Change South Mountain EIS study from 10 lanes to 8 lanes of freeway
DOT11-123	ADOT	US60 (Grand Ave): Dysart Rd - Agua Fria River, EB Frontage Road	Pavement preservation (apply micro seal)	2011	2.6	STP-AZ	\$ 29,925	\$ 495,075		\$ 525,000	Amend: Add a new pavement preservation project in fiscal year 2011 for \$525,000.
CVK07-601D	Cave Creek	Townwide	Pave dirt roads program - Design	2011	0.5	CMAQ	\$ 4,845	\$ 80,155		\$ 85,000	Admin Mod: Defer design phase from FY 2010 to 2011. MAG Staff clerical error: Request was made by the Town in May 2010
CVK07-601C	Cave Creek	Townwide	Pave dirt roads program - Construct	2012	0.5	CMAQ	\$ 10,155	\$ 169,845		\$ 180,000	Admin Mod: Defer construction phase from FY 2010 to 2012. MAG Staff clerical error: Request was made by the Town in May 2010
GLB11-104	Gilbert	Gilbert Schools	Crossings and sidewalk safety improvement	2011		SRTS		\$ 300,000		\$ 300,000	Amend: Add a new "Safe Routes to School" project in fiscal year 2011 for \$300,000. Project funded 100% with SRTS funds.
LPK05-101C	Litchfield Park	Litchfield Rd at Wigwam Blvd	Construct Multi-Use Underpass	2011	0.2	CMAQ	\$ 253,850	\$ 1,686,420	\$ -	\$ 1,940,270	Admin Mod: Defer construction phase from FY 2010 to 2011

TIP #	Agency	Project Location	Project Description	FY	Length	Fund Type	Local Cost	Federal Cost	Regional Cost	Total Cost	Requested Change
MMA11-723	Maricopa County	Bell Rd:115th Ave to 55th Ave	Construct Dynamic Message Signs, CCTV camera fibre optic conduit and cable	2011	7.5	CMAQ	\$ 163,800	\$ 382,200		\$ 546,000	Amend: Change location from Bell Rd: Loop 303 (Estrella Fwy) to 75th Ave to 115th Avenue to 55th Avenue, and change scopes from Dynamic Message Signs to two (2) CCTV cameras, and change local cost from \$456,670 to \$163,800.
MES11-110	Mesa	Porter Park Pathway: Mesa Drive and 8th Street near the vicinity of Kino Junior High	Design paved share use path	2011	1.1	SRTS	\$ -	\$ 150,000	\$ -	\$ 150,000	Amend: Add a new "Safe Routes to School" project in fiscal year 2011 for \$150,000. Project funded 100% with SRTS funds.
MES11-111	Mesa	Porter Park Pathway: Mesa Drive and 8th Street near the vicinity of Kino Junior High	Construct paved share use path	2012	1.1	SRTS	\$ -	\$ 150,000	\$ -	\$ 150,000	Amend: Add a new "Safe Routes to School" project in fiscal year 2011 for \$150,000. Project funded 100% with SRTS funds.
PHX11-112	Phoenix	Mitchell Elementary School	Construct sidewalks	2011		SRTS		\$ 300,000		\$ 300,000	Amend: Add a new "Safe Routes to School" project in fiscal year 2011 for \$300,000. Project funded 100% with SRTS funds.
PHX11-111	Phoenix	Wilson School District	Construct sidewalks	2011		SRTS		\$ 298,724		\$ 298,724	Amend: Add a new "Safe Routes to School" project in fiscal year 2011 for \$298,724. Project funded 100% with SRTS funds.
SUR12-801	Surprise	Dove Valley Rd: 187th Ave to 203rd Ave	Pave Unpaved Road	2012		CMAQ	\$ 68,200	\$ 956,800		\$ 1,025,000	Amend: Change project location from Dove Valley Rd: 163rd Ave to 179th Ave to Dove Valley Rd: 187th Ave to 203rd Ave due to right of way issues
SUR12-818	Surprise	Bell Rd: Loop 303 (Estrella Fwy) to Beardsley Canal (185th Ave)	Construct fiber optic interconnect to connect TI traffic signals, CCTV cameras, dynamic message signs, and connection to ITS fiber backbone	2012	3	CMAQ	\$ 426,950	\$ 996,217		\$ 1,423,167	Amend: Shorten project length from Bell Rd: Loop 303 (Estrella Fwy) to Jackrabbit Trl (195th Ave) to Bell Rd: Loop 303 (Estrella Fwy) to Beardsley Canal (185th Ave), modify scope to include 2 DMSs and connectivity to the project, and reduce Local costs from \$1,203,783 to \$426,950.
SUR13-901	Surprise	Loop 303: Peoria Ave to Bell Rd	Construct fiber optic interconnect to connect TI traffic signals, CCTV cameras, dynamic message signs, and connection to ITS fiber backbone	2013	4	CMAQ	\$ 322,901	\$ 753,437		\$ 1,076,338	Amend: Change location from Cotton Lane to L303, modify scope for further connectivity, and reduce local funding from \$1,500,000 to \$322,901
WKN10-801	Wickenburg	U593 Bypass at Hassayampa River	Construct Wickenburg Pedestrian and Bicycle Bridge	2011	0.09	STP-TEA	\$59,397	\$483,279	\$ -	\$ 542,676	Admin Mod: Defer STP-TEA project from 2010 to 2011
LPK05-101C	Litchfield Park	Litchfield Rd at Wigwam Blvd	Construct Multi-Use Underpass	2011	0.2	CMAQ	\$ 253,850	\$ 1,686,420	\$ -	\$ 1,940,270	Admin Mod: Defer construction phase from FY 2010 to 2011

TIP #	Agency	Project Location	Project Description	FY	Length	Fund Type	Local Cost	Federal Cost	Regional Cost	Total Cost	Requested Change
Transit Proejects											
TIP #	Agency	Project Location	Project Description	Fiscal Year	ALL	Fund Type	Local Cost	Federal Cost	Regional Cost	Total Cost	Requested Change
PHX11-105T	Phoenix	11th St from Washington to Moreland	11th Street Pedestrian Improvement Project Construction ( Funding is from FY2010)	2011	11.33.20	5309-Disc	\$ 525,000	\$ 2,100,000		\$ 2,625,000	Amend: Add project to TIP
PHX11-106T	Phoenix	11th St from Washington to Moreland	11th Street Pedestrian Improvement Project Contract Administration ( Funding is from FY2010)	2011	11.71.04	5309-Disc	\$ 75,000	\$ 300,000		\$ 375,000	Amend: Add project to TIP

# **MARICOPA ASSOCIATION OF GOVERNMENTS**

## **INFORMATION SUMMARY... for your review**

**DATE:**

October 19, 2010

**SUBJECT:**

Recommendation of Road Safety Improvement Projects for Possible Federal Highway Safety Improvement Program

**SUMMARY:**

The Highway Safety Improvement Program (HSIP) is a new core program that was introduced through SAFETEA-LU and specifically focused on improving road safety. The Arizona Department of Transportation (ADOT) receives nearly \$30 million in federal HSIP funds each fiscal year. ADOT has divided these funds into three parts. (1) A total of 20 percent of all HSIP funds available each in fiscal year is allocated to Metropolitan Planning Organizations (MPOs) and Councils of Governments (COGs) in the state based on a formula. Starting in FY 2010, the MAG region receives \$1 million in HSIP funds for programming safety projects that meet the approval of FHWA and ADOT. (2) A total of 10 percent of the HSIP funds is administered by ADOT to address non-infrastructure safety projects. (3) A total of 70 percent of HSIP funds (nearly \$20 million per year) is available for qualifying safety projects on all public roads in the state.

ADOT is currently developing a process for the application of funds in the 70 percent HSIP category. It is anticipated that this process will be ready to address safety projects in FY 2014 and beyond, leaving funds in the interim period 2011-2013 open for projects at the discretion of ADOT. In discussion with ADOT management, MAG was informed to submit all qualifying road safety projects for FY2011, 2012, 2013 HSIP funds to ADOT as soon as possible.

On August 17, 2010, MAG issued a call for road safety improvement projects in fiscal years 2011, 2012 and 2013. A total of nine project applications from eight member agencies was received, requesting a total of \$25,907,946. These applications were reviewed and a recommendation was 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.

**PUBLIC INPUT:**

None has been received.

**PROS & CONS:**

PROS: Implementation of the recommended projects will help improve road safety in the MAG region.

CONS: None.

## **TECHNICAL & POLICY IMPLICATIONS:**

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

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

## **ACTION NEEDED:**

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.

## **PRIOR COMMITTEE ACTIONS:**

On October 13, 2010, the MAG Management Committee 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.

## 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.

The MAG Transportation Safety Committee conducted a detailed review of all nine project applications and unanimously recommended the ranked list of proposed projects on September 28, 2010. The following criteria were used to rank proposed safety projects in each fiscal year:

1. Rank of the intersection safety improvement project in the MAG Top 100 High Risk Intersections
2. Benefit-Cost ratio of the intersection safety improvement project
3. Benefit-Cost ratio of any other proposed safety improvement project

MEMBERS ATTENDING

- Tempe: Julian Dresang (Chair)
- AAA Arizona: Mark Gotsch for Linda Gorman
- \* AARP: Tom Burch
- \* ADOT: Kohinoor Kar
- Apache Junction: Shane Kiesow
- Avondale: Margaret Boone-Pixley
- Buckeye: Paul Ward
- Chandler: Paul Young for Martin Johnson
- \* DPS: Lt. Jenna Mitchell
- \* El Mirage: Jorge Gastelum
- Gilbert: Kurt Sharp

- # Goodyear: Hugh Bigalk
- FHWA: Kelly LaRosa for Karen King
- Glendale: Chris Lemka
- Maricopa County: Chris Plumb
- Mesa: Renate Ehm
- \* Paradise Valley: William Mead
- Peoria: Mannar Tamirisa for Jamal Rahimi
- Phoenix: Kerry Wilcoxon
- Scottsdale: Paul Porell
- ValleyMetro: Gardner Tabon
- Surprise: Tracy Eberlein

- \* Not present
- # Participate by teleconference

**CONTACT PERSON:**

Sarath Joshua, MAG, (602) 254-6300.

## MAG Recommendation for FY2011, 2012, 2013 for 70% HSIP Funding

Agency	Project Description	Rank in Top 100 Intersections	2009 Arizona Top 5% Crash Sites List	B/C Ratio	Federal Funds	Local Funds	Project Rank for FY
<b>FY2011</b>							
Scottsdale	Design - Thomas and Hayden Road Intersection Safety Improvements	11	Yes	1.33	\$104,673	\$6,327	1
	Construction - Thomas and Hayden Road Intersection Safety Improvements				\$1,046,730	\$63,270	
Chandler	Ray Road and Alma School Road Intersection Improvement	46	No	4.5	\$6,100,000	\$6,900,000	2
Fountain Hills	Arterial Street - Guardrail Impact Attenuators	N/A	N/A	53	\$53,500	\$3,300	3
Glendale	Pedestrian Countdown timers	N/A	N/A	3.66	\$272,716	\$16,484	4
<b>FY2012</b>							
Peoria	Peoria Ave and &75th Ave Intersection Safety Improvements	Not in Top 100	No	4.97	\$6,910,191	\$417,689	1
Tempe	Broadway Road & Priest Drive Intersection Safety Improvements	Not in Top 100	No	4.08	\$611,833	\$36,983	2
<b>FY2013</b>							
Phoenix	35th Ave and Dunlap Ave Intersection safety Improvements	1	Yes	37.97	\$700,734	\$42,356	1
Mesa	Southern Ave and Country Club Dr Intersection Safety Improvements	57	No	1.4	\$1,510,140	\$5,771,030	2
Peoria	Cactus Ave and &75th Ave Intersection Safety Improvements	Not in Top 100	No	3.59	\$8,597,429	\$519,675	3
<b>Ranking Criteria:</b>							
Projects proposed in each Fiscal Year are ranked by the intersection's rank in Top 100 list and then by the B/C Ratio.							

# **MARICOPA ASSOCIATION OF GOVERNMENTS**

## **INFORMATION SUMMARY... for your review**

**DATE:**

October 19, 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 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. A description of the projects is provided in the attached interagency consultation memorandum. Comments on the conformity assessment are requested by October 22, 2010.

**PUBLIC INPUT:**

An opportunity for public comment was provided at the October 13, 2010 Management Committee meeting and no public comments were received.

**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:**

Management Committee: This item was on the agenda of the October 13, 2010 MAG Management Committee meeting for consultation.

MEMBERS ATTENDING

- Carl Swenson, Peoria, Chair
- Charlie Meyer, Tempe, Vice Chair
- # Matt Busby for George Hoffman, Apache Junction
- David Fitzhugh for Charlie McClendon, Avondale
- Stephen Cleveland, Buckeye
- \* Gary Neiss, Carefree
- \* Usama Abujbarah, Cave Creek
- Rich Dlugas, Chandler
- Pat Dennis for Rick Flaaen, El Mirage
- Alfonso Rodriguez for Phil Dorchester, Fort McDowell Yavapai Nation
- Rick Davis, Fountain Hills
- \* Rick Buss, Gila Bend
- \* David White, Gila River Indian Community
- Michelle Gramley for Collin DeWitt, Gilbert
- Brent Stoddard for Ed Beasley, Glendale
- John Fischbach, Goodyear
- Bill Hernandez, Guadalupe

- Darryl Crossman, Litchfield Park
- Christopher Brady, Mesa
- David Andrews for Jim Bacon, Paradise Valley
- David Cavazos, Phoenix
- # John Kross, Queen Creek
- \* Bryan Meyers, Salt River Pima-Maricopa Indian Community
- David Richert, Scottsdale
- \* Mark Coronado, Surprise
- \* Reyes Medrano, Tolleson
- # Gary Edwards, Wickenburg
- Mark Hannah for Lloyce Robinson, Youngtown
- Steve Hull for John Halikowski, ADOT
- Kenny Harris for David Smith, Maricopa County
- Bryan Jungwirth for David Boggs, Valley Metro/RPTA

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

**CONTACT PERSON:**

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

October 8, 2010

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

FROM: Dean Giles, Air Quality Planning Program Specialist

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

On October 5, 2010, the Maricopa Association of Governments distributed a memorandum for 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. Since that time, MAG has received additional projects for the administrative modification from Cave Creek and Litchfield Park, projects CVK07-601D, CVK07-601C, and LPK05-101C. A revised list is attached. Comments on the conformity assessment are requested by October 22, 2010.

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

Attachment

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

## ATTACHMENT

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

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

The amendment includes projects that may be categorized as exempt from conformity determinations. Types of projects considered exempt are defined in the federal transportation conformity rule at 40 CFR 93.126. The administrative modification includes minor project revisions that do not require a conformity determination. Examples of minor project revisions include 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.

Highway Projects												
TIP #	Agency	Project Location	Project Description	FY	Length (miles)	Fund Type	Local Cost	Federal Cost	Regional Cost	Total Cost	Requested Change	Conformity Assessment
DOT11-829	ADOT	SR303L: I-10/ 303 Interchange, Phase 1	Construct traffic interchange (Phase 1, I-10 realignment)	2011		RARF			\$ 232,200,000	\$ 232,200,000	Amend: Decrease construction budget by \$18,800,000. Proposed construction cost is now \$232,200,000. It was previously \$253,000,000 (\$251M for construction and \$2M for utility relocation). Decreased amount will be used to fund utility relocation projects (Thomas - Camelback, Camelback - Glendale and Glendale - Peoria).	A minor project revision is needed to decrease funding amount. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.
DOT11-120	ADOT	SR303L: Thomas Rd - Camelback Rd	Utility relocation	2011		RARF			\$ 1,500,000	\$ 1,500,000	Amend: Add a new "Utility relocation" project in fiscal year 2011 for \$1,500,000.	The addition of the project would not change the assumptions used in the regional emissions analysis. Project construction phase, DOT12-124, is in the conforming TIP. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.
DOT11-121	ADOT	SR303L: Camelback Rd - Glendale Ave	Utility relocation	2011		RARF			\$ 8,000,000	\$ 8,000,000	Amend: Add a new "Utility relocation" project in fiscal year 2011 for \$8,000,000.	The addition of the project would not change the assumptions used in the regional emissions analysis. Project construction phase, DOT13-136, is in the conforming TIP. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.
DOT11-122	ADOT	SR303L: Glendale Ave - Peoria Ave	Utility relocation	2011		RARF			\$ 9,300,000	\$ 9,300,000	Amend: Add a new "Utility relocation" project in fiscal year 2011 for \$9,300,000.	The addition of the project would not change the assumptions used in the regional emissions analysis. Project construction phase, DOT12-121, is in the conforming TIP. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.
DOT09-908	ADOT	L202 South Mountain: I-10 East - I-10 West	Prepare EIS for eight lanes of new freeway	2011	22		\$ -	\$ -	\$ -	\$ -	Admin Mod: Change South Mountain EIS study from 10 lanes to 8 lanes of freeway	The project is considered exempt under the category "Engineering to assess social, economic, and environmental effects of the proposed action or alternatives to that action." The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.
DOT11-123	ADOT	US60 (Grand Ave): Dysart Rd - Agua Fria River, EB Frontage Road	Pavement preservation (apply micro seal)	2011	2.6	STP-AZ	\$ 29,925	\$ 495,075		\$ 525,000	Amend: Add a new pavement preservation project in fiscal year 2011 for \$525,000.	The project is considered exempt under the category "Pavement resurfacing and and/or rehabilitation." The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.
CVK07-601D	Cave Creek	Townwide	Pave dirt roads program - Design	2011	0.5	CMAQ	\$ 4,845	\$ 80,155		\$ 85,000	Admin Mod: Defer design phase from FY 2010 to 2011.	A minor project revision is needed to defer project to FY 2011. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.

TIP #	Agency	Project Location	Project Description	FY	Length (miles)	Fund Type	Local Cost	Federal Cost	Regional Cost	Total Cost	Requested Change	Conformity Assessment
CVK07-601C	Cave Creek	Townwide	Pave dirt roads program - Construct	2012	0.5	CMAQ	\$ 10,155	\$ 169,845		\$ 180,000	Admin Mod: Defer construction phase from FY 2010 to 2012.	A minor project revision is needed to defer project to FY 2012. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.
GLB11-104	Gilbert	Gilbert Schools	Crossings and sidewalk safety improvement	2011		SRTS		\$ 300,000		\$ 300,000	Amend: Add a new "Safe Routes to School" project in fiscal year 2011 for \$300,000. Project funded 100% with SRTS funds.	The project is considered exempt under the category "Bicycle and pedestrian facilities." The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.
LPK05-101C	Litchfield Park	Litchfield Rd at Wigwam Blvd	Construct Multi-Use Underpass	2011	0.2	CMAQ	\$ 253,850	\$ 1,686,420	\$ -	\$ 1,940,270	Admin Mod: Defer construction phase from FY 2010 to 2011.	A minor project revision is needed to defer project to FY 2011. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.
MMA11-723	Maricopa County	Bell Rd:115th Ave to 55th Ave	Construct Dynamic Message Signs, CCTV camera fibre optic conduit and cable	2011	7.5	CMAQ	\$ 163,800	\$ 382,200		\$ 546,000	Amend: Change location from Bell Rd: Loop 303 (Estrella Fwy) to 75th Ave to 115th Avenue to 55th Avenue, and change scopes from Dynamic Message Signs to two (2) CCTV cameras, and change local cost from \$456,670 to \$163,800.	The ITS project is considered a project under the category "traffic signal synchronization project". Traffic signal synchronization projects may be approved, funded, and implemented and are subject to subsequent regional emissions analyses. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.
MES11-110	Mesa	Porter Park Pathway: Mesa Drive and 8th Street near the vicinity of Kino Junior High	Design paved share use path	2011	1.1	SRTS	\$ -	\$ 150,000	\$ -	\$ 150,000	Amend: Add a new "Safe Routes to School" project in fiscal year 2011 for \$150,000. Project funded 100% with SRTS funds.	The project is considered exempt under the category "Bicycle and pedestrian facilities." The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.
MES11-111	Mesa	Porter Park Pathway: Mesa Drive and 8th Street near the vicinity of Kino Junior High	Construct paved share use path	2012	1.1	SRTS	\$ -	\$ 150,000	\$ -	\$ 150,000	Amend: Add a new "Safe Routes to School" project in fiscal year 2011 for \$150,000. Project funded 100% with SRTS funds.	The project is considered exempt under the category "Bicycle and pedestrian facilities." The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.
PHX11-112	Phoenix	Mitchell Elementary School	Construct sidewalks	2011		SRTS		\$ 300,000		\$ 300,000	Amend: Add a new "Safe Routes to School" project in fiscal year 2011 for \$300,000. Project funded 100% with SRTS funds.	The project is considered exempt under the category "Bicycle and pedestrian facilities." The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.
PHX11-111	Phoenix	Wilson School District	Construct sidewalks	2011		SRTS		\$ 298,724		\$ 298,724	Amend: Add a new "Safe Routes to School" project in fiscal year 2011 for \$298,724. Project funded 100% with SRTS funds.	The project is considered exempt under the category "Bicycle and pedestrian facilities." The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.

TIP #	Agency	Project Location	Project Description	FY	Length (miles)	Fund Type	Local Cost	Federal Cost	Regional Cost	Total Cost	Requested Change	Conformity Assessment
SUR12-801	Surprise	Dove Valley Rd: 187th Ave to 203rd Ave	Pave Unpaved Road	2012		CMAQ	\$ 68,200	\$ 956,800		\$ 1,025,000	Amend: Change project location from Dove Valley Rd: 163rd Ave to 179th Ave to Dove Valley Rd: 187th Ave to 203rd Ave due to right of way issues	The project is considered exempt under the category "Pavement resurfacing and and/or rehabilitation." The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.
SUR12-818	Surprise	Bell Rd: Loop 303 (Estrella Fwy) to Beardsley Canal (185th Ave)	Construct fiber optic interconnect to connect TI traffic signals, CCTV cameras, dynamic message signs, and connection to ITS fiber backbone	2012	3	CMAQ	\$ 426,950	\$ 996,217		\$ 1,423,167	Amend: Shorten project length from Bell Rd: Loop 303 (Estrella Fwy) to Jackrabbit Trl (195th Ave) to Bell Rd: Loop 303 (Estrella Fwy) to Beardsley Canal (185th Ave), modify scope to include 2 DMSs and connectivity to the project, and reduce Local costs from \$1,203,783 to \$426,950.	The ITS project is considered a project under the category "traffic signal synchronization project". Traffic signal synchronization projects may be approved, funded, and implemented and are subject to subsequent regional emissions analyses. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.
SUR13-901	Surprise	Loop 303: Peoria Ave to Bell Rd	Construct fiber optic interconnect to connect TI traffic signals, CCTV cameras, dynamic message signs, and connection to ITS fiber backbone	2013	4	CMAQ	\$ 322,901	\$ 753,437		\$ 1,076,338	Amend: Change location from Cotton Lane to L303, modify scope for further connectivity, and reduce local funding from \$1,500,000 to \$322,901	The ITS project is considered a project under the category "traffic signal synchronization project". Traffic signal synchronization projects may be approved, funded, and implemented and are subject to subsequent regional emissions analyses. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.
WKN10-801	Wickenburg	US93 Bypass at Hassayampa River	Construct Wickenburg Pedestrian and Bicycle Bridge	2011	0.09	STP-TEA	\$59,397	\$483,279	\$ -	\$ 542,676	Admin Mod: Defer STP-TEA project from 2010 to 2011	A minor project revision is needed to defer project to FY 2011. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.

Transit Projects

TIP #	Agency	Project Location	Project Description	Fiscal Year	ALI	Fund Type	Local Cost	Federal Cost	Regional Cost	Total Cost	Requested Change	Conformity Assessment
PHX11-105T	Phoenix	11th St from Washington to Moreland	11th Street Pedestrian Improvement Project Construction ( Funding is from FY2010)	2011	11.33.20	5309-Disc	\$ 525,000	\$ 2,100,000		\$ 2,625,000	Amend: Add project to TIP	The project is considered exempt under the category "Bicycle and pedestrian facilities." The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.
PHX11-106T	Phoenix	11th St from Washington to Moreland	11th Street Pedestrian Improvement Project Contract Administration ( Funding is from FY2010)	2011	11.71.04	5309-Disc	\$ 75,000	\$ 300,000		\$ 375,000	Amend: Add project to TIP	The project is considered exempt under the category "Bicycle and pedestrian facilities." The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.



302 North 1st Avenue, Suite 300 ▲ Phoenix, Arizona 85003  
Phone (602) 254-6300 ▲ FAX (602) 254-6490

October 19, 2010

TO: Members of the MAG Regional Council

FROM: Dean Giles, Air Quality Planning Program Specialist

SUBJECT: 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 Regional Council on the remaining PM-10 certified street sweeper projects that have received approval, but have not requested reimbursement (see attached table). 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.

At the June 10, 2009 MAG Management Committee meeting, discussion took place on the implications of delaying the expenditure of MAG Federal Funds. In addition to projects listed in the Transportation Improvement Program, street sweepers were given as an example.

In some cases approved sweeper projects have taken up to three years to request reimbursement. The delay in requesting reimbursement for street sweepers results in obligated federal funds being carried forward in the MAG Unified Planning Work Program and Annual Budget. The Federal Highway Administration has expressed concern regarding the amount of obligated funds being carried forward in the Work Program. To assist MAG member agencies in tracking the purchase of approved sweepers, periodic updates will be provided on the status of the reimbursement requests.

The purchase of PM-10 Certified Street Sweeper Projects supports the committed measure "Sweep Streets with PM-10 Certified Street Sweepers" in the MAG 2007 Five Percent Plan for PM-10. Also, it is important to note that for the conformity analysis for the Transportation Improvement Program and Regional Transportation Plan, MAG only takes emission reduction credit for approved street sweeper projects that have received reimbursement.

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

Attachment

**STATUS OF REMAINING PM-10 CERTIFIED STREET SWEEPER PROJECTS  
THAT HAVE RECEIVED APPROVAL**

October 5, 2010

	Remaining Projects	CMAQ Allocated	Status
<b>FY 2008 CMAQ</b>			
Approved June 2008			
	Phoenix (2)	\$396,000	These street sweepers were delivered on September 8 and September 14, 2010.
Total Remaining Project Costs		\$396,000	
<b>FY 2009 CMAQ</b>			
Approved January 2009			
	Phoenix (1)	\$171,798	The street sweeper was delivered on September 30, 2010.
Total Remaining Project Costs		\$171,798	
<b>FY 2010 CMAQ</b>			
Approved January 2010			
To assist MAG in reducing the amount of obligated federal funds, MAG is requesting that street sweepers be purchased and reimbursement be requested by the agency by July 11, 2011.	Gilbert (2)	\$421,196	
	Phoenix (2)	\$357,880	
	Maricopa County	\$165,025	
	Peoria	\$197,225	
	Tempe	\$186,774	
	Apache Junction	\$173,000	
	Scottsdale Airport*	\$162,918	
Total Remaining Project Costs		\$1,664,018	
Grand Total Remaining Project Costs FY 2008 - FY 2010		\$2,231,816	

\* For the Scottsdale Airport project, MAG is requesting that the street sweeper be purchased and reimbursement be requested by July 29, 2011.

# **MARICOPA ASSOCIATION OF GOVERNMENTS**

## **INFORMATION SUMMARY... for your review**

**DATE:**

October 19, 2010

**SUBJECT:**

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

**SUMMARY:**

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 fiscal year (FY) 2015 is required to be submitted to the ADOA by December 15, 2010.

The ADOA Order of Adoption stipulates allowable funding under the Emergency Telecommunications Services Revolving Fund. The Emergency Telecommunications Services Revolving Fund is funded by the monthly 9-1-1 excise tax on wireline and wireless telephones. The 9-1-1 excise tax has been reduced from 37 cents per month to 28 cents per month as of July 1, 2006. The excise tax was further reduced to 20 cents per month effective July 1, 2007. In addition, a significant amount of 9-1-1 funds has been transferred to the State's General Fund to offset the budget deficit, and revenue received from the 9-1-1 tax during FY 2010 decreased 8.2 percent.

It has been determined that sufficient revenue will be collected in FY 2011 to allow for continued network and equipment maintenance services, but in question are capital expenditures and any new programs or projects. On August 16, 2010, the State 9-1-1 Office notified the MAG 9-1-1 Office it will be implementing some cost savings measures in the FY 2011 budget. With the new budget year, the 9-1-1 program will no longer provide funding for the following items: reimbursement for logging recorders, additional positions at the PSAPs, new PSAPs, mapping enterprise networks, new MIS packages, and additional memory needs for more global mapping layers.

**PUBLIC INPUT:**

None.

**PROS & CONS:**

PROS: The five-year equipment program assists the MAG 9-1-1 Oversight Team to forecast future equipment needs of the region and will enable MAG to provide estimates regarding future funding needs to ADOA.

CONS: None.

**TECHNICAL & POLICY IMPLICATIONS:**

TECHNICAL: None.

POLICY: The process for approval of the PSAP funding request and five-year equipment program, which includes recommendations from the MAG 9-1-1 Oversight Team and Management Committee and approval by the Regional Council, demonstrates greater participation by management.

**ACTION NEEDED:**

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.

**PRIOR COMMITTEE ACTIONS:**

On October 13, 2010, the MAG Management Committee 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.

MEMBERS ATTENDING

- |  |  |
|--|--|
| Carl Swenson, Peoria, Chair  | Bill Hernandez, Guadalupe                                    |
| Charlie Meyer, Tempe, Vice Chair                                       | Darryl Crossman, Litchfield Park                             |
| # Matt Busby for George Hoffman,<br>Apache Junction                    | Christopher Brady, Mesa                                      |
| David Fitzhugh for Charlie McClendon,<br>Avondale                      | David Andrews for Jim Bacon,<br>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<br>Indian Community |
| Rich Dlugas, Chandler  | David Richert, Scottsdale                                    |
| Pat Dennis for Rick Flaaen, El Mirage                                  | * Mark Coronado, Surprise                                    |
| Alfonso Rodriguez for Phil Dorchester,<br>Fort McDowell Yavapai Nation | * Reyes Medrano, Tolleson                                    |
| Rick Davis, Fountain Hills   | # Gary Edwards, Wickenburg                                   |
| * Rick Buss, Gila Bend   | Mark Hannah for Lloyce Robinson,<br>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<br>Metro/RPTA        |
| John Fischbach, Goodyear   |  |

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

On September 20, 2010, the MAG 9-1-1 Oversight Team 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.

MEMBERS ATTENDING

- |   |  |
|---|--|
| Steve Kreis, Phoenix Fire Department, Chair                     | Brian Kotsur for Harry Beck, Mesa Fire Dept. |
| # Lawrence Rodriguez, Tolleson Police<br>Department, Vice Chair | * Donna Marcum, Peoria Police Dept.          |
| # Jim Higgins for Mark Burdick, Glendale Fire<br>Department     | # Kim Humphrey, Phoenix Police Dept.         |
| * Ray Churay, Maricopa County Sheriff's Office                  | # Helen Gandara, Scottsdale Police Dept.     |
|   | * Brenda Buren, Tempe Police Dept.           |

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

MAG 9-1-1 PSAP Managers Group: On July 15, 2010, the MAG 9-1-1 PSAP Managers Group 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.

MEMBERS ATTENDING

- |  |  |
|--|--|
| Patrick Cutts, Scottsdale, Chair                   | Vicky Scott, Peoria  |
| Toni Rogers, Tolleson, Vice Chair                  | Jason Stokes, Phoenix  |
| Lisa Eminhizer for Kathy Jeter,<br>Apache Junction | Darren Shortey for Curtis Thomas, Salt River<br>Pima-Maricopa Indian Community |
| Janne Stringer for Mark Gorla, Avondale            | Carol Campbell, Surprise   |
| * Charles Arlak, Buckeye                           | Karen Allen, Tempe   |
| Vicki Szczepkowski, Chandler                       | * Ed Syzponik, Wickenburg  |
| * Stephanie Beebe, Ft. McDowell Yavapai<br>Nation  | *+ Michelle Potts, ASU   |
| # Janet Laird, Gilbert                             | + Barbara Jaeger, ADOA   |
| Loretta Hadlock, Glendale                          | *+Nicole Ankenman, Capitol Police  |
| Chris Nadeau, Goodyear                             | + Debbie Henry, DPS  |
| Kimberly Clark, Mesa                               | *+ David Demers, Luke AFB  |
| * Jesse Locksa, Maricopa County                    | *+ Louise Smith, Phoenix   |
| * Jim Tortora, Paradise Valley                     | *+ Ellen Anderson, Rural Metro/Southwest<br>Ambulance                          |

\* Those members neither present nor represented by proxy.

# Attended by teleconference.

+ Ex-Officio member

**CONTACT PERSON:**

Liz Graeber, Phoenix Fire Department, 602-534-9775, or Nathan Pryor, MAG, 602-254-6300.

## MAG FY 2012 PSAP ANNUAL ELEMENT/FUNDING REQUEST

SYSTEM IDENTIFICATION: Maricopa County 9-1-1 (33320)  
 AGENCY SUBMITTING: Phoenix Fire Department  
 ADDRESS: 150 S. 12th St., Phoenix, AZ 85034

CONTACT: Liz Graeber  
 TELEPHONE #: (602) 534-9775  
 DATE: 24-Jun-10

Fiscal Year	2011						2012					
TOTAL	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June
<b>Wireline</b>												
Maintenance:												
\$1,340,064	\$111,675	\$111,675	\$111,675	\$111,675	\$111,675	\$111,675	\$111,675	\$111,675	\$111,675	\$111,675	\$111,675	\$111,675
911 Monthly Service:												
\$3,996,660	\$333,055	\$333,055	\$333,055	\$333,055	\$333,055	\$333,055	\$333,055	\$333,055	\$333,055	\$333,055	\$333,055	\$333,055
Customer Premise Equipment												
\$1,010,000	\$35,000	\$275,000	\$150,000	\$225,000	\$325,000							
Special Projects/Misc maintenance												
\$430,000	\$45,918	\$45,918	\$45,918	\$45,918	\$45,918	\$45,918	\$45,918	\$45,918	\$45,918	\$45,918	\$45,918	\$45,918
<b>Wireless</b>												
Maintenance:												
\$0												
911 Monthly Service:												
\$2,870,340	\$239,195	\$239,195	\$239,195	\$239,195	\$239,195	\$239,195	\$239,195	\$239,195	\$239,195	\$239,195	\$239,195	\$239,195
Addressing/Mapping/GIS												
\$20,000	\$20,000											
Customer Premise Equipment												
\$0												
Special Projects												
\$0												
<b>FY TOTALS</b>												
\$9,667,064	\$784,843	\$1,004,843	\$879,843	\$954,843	\$1,054,843	\$729,843	\$729,843	\$729,843	\$729,843	\$729,843	\$729,843	\$729,843

**Equipment:**

Upgrade Peripherals		35,000
Buckeye	Viper upgrade	\$275,000
Goodyear	Two positions and logging recorder	\$150,000
Paradise Valley	Viper upgrade	\$225,000
Surprise	Viper upgrade	\$325,000

Equipment figures are only estimates - will have preliminary quotes before submitting to ADOA

**\$1,010,000 Total**

## MAG FY2012-2016 PSAP Equipment Program

	FY2012	FY2013	FY2014	FY2015	FY2016
Apache Junction PD	Nothing noted	Nothing noted	Nothing noted	Nothing noted	Nothing noted
ASU PD	Nothing noted	Nothing noted	Nothing noted	Nothing noted	Nothing noted
Avondale PD	No Response	No Response	No Resonse	No Response	No Response
Buckeye PD	Nothing noted	Nothing noted	Nothing noted	Nothing noted	Nothing noted
Capitol PD	No Response	No Response	No Response	No Response	No Response
Chandler PD	Nothing noted	Nothing noted	Nothing noted	1 Position, PSAP move	Nothing noted
DPS	Nothing noted	Nothing noted	Nothing noted	Nothing noted	Nothing noted
Ft. McDowell	No Response	No Response	No Response	No Response	No Response
Gilbert PD	Nothing noted	Nothing noted	Nothing noted	Nothing noted	Nothing noted
Glendale PD	Nothing noted	Nothing noted	Nothing noted	Nothing noted	Logging Recorder
Goodyear PD	2 Positions, logging recorder, PSAP move	Nothing noted	Nothing noted	Nothing noted	Nothing noted
Luke AFB	PSAP move	Nothing noted	Nothing noted	Nothing noted	Nothing noted
MCSO	Nothing noted	Nothing noted	Nothing noted	Nothing noted	Nothing noted
Mesa PD	Nothing noted	Nothing noted	Nothing noted	Nothing noted	Nothing noted
Paradise Valley PD	Nothing noted	Nothing noted	Logging recorder	Nothing noted	Nothing noted
Peoria PD	Nothing noted	Nothing noted	Nothing noted	Nothing noted	Nothing noted
Phoenix Fire	Nothing noted	18 Positions, logging recorder, PSAP move	Nothing noted	Nothing noted	Nothing noted
Phoenix PD	Nothing noted	Nothing noted	Nothing noted	Nothing noted	Nothing noted
Rural Metro PD	No Response	No Response	No Response	No Response	No Response
Salt River PD	Nothing noted	1 Position, PSAP Move	Nothing noted	Nothing noted	Nothing noted
Scottsdale PD	Nothing noted	Nothing noted	Nothing noted	Nothing noted	Nothing noted
Surprise PD	No Response	No Response	No Response	No Response	No Response
Tempe PD	Nothing noted	Nothing noted	Nothing noted	Nothing noted	Nothing noted
Tolleson PD	Nothing noted	Nothing noted	Nothing noted	Nothing noted	Nothing noted
Wickenburg PD	No Response	No Response	No Response	No Response	No Response

# **MARICOPA ASSOCIATION OF GOVERNMENTS**

## **INFORMATION SUMMARY... for your review**

**DATE:**

October 19, 2010

**SUBJECT:**

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

**SUMMARY:**

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. The 2010 federal application was released on September 20, 2010 with a deadline to HUD on November 18, 2010.

A draft list of new and renewal projects was provided to MAG Management Committee on October 13, 2010 for information and will be provided to the MAG Regional Council. The final consolidated application will be presented to the MAG Continuum of Care Regional Committee on Homelessness on November 15, 2010 for approval. Please refer to the attached project list. The Continuum of Care will have an opportunity to apply for \$1,403,016 in new funding, referred to as the Permanent Housing Bonus. The new funds can be used for projects that serve homeless and disabled individuals and/or families, and/or chronically homeless individuals. Refer to the MAG Website at <http://www.mag.maricopa.gov> for the Notice of Funding Availability and additional information on the Permanent Housing Bonus project.

**PUBLIC INPUT:**

The 2010 draft project listing was provided to the MAG Management Committee on October 13, 2010. An opportunity for public input was offered but no public comments were made.

The 2010 application process was discussed at the MAG Continuum of Care Regional Committee on Homelessness meeting on September 27, 2010. An opportunity for public input was offered but no public comments were made.

**PROS & CONS:**

**PROS:** A coordinated application and planning process is required by the U.S. Department of Housing and Urban Development to maximize competitiveness for the federal Stuart B. McKinney Act funds. The MAG Continuum of Care Regional Committee on Homelessness facilitates the year-round planning process in the region. Because of the regional planning entity, there has been consensus about the homeless planning priorities and action steps in the Valley and cooperation with information needed for the federal grant. This approach emphasizes the need for collaboration among public and private agencies to ensure that individuals and families who are homeless are assisted in moving from homelessness to permanent housing and greater self-sufficiency. Since 1994, all applicants for funding from these programs have been required to demonstrate that their programs play an integral role in their community's Continuum of Care.

**CONS:** The application and year round planning process takes a significant amount of staff time to

coordinate yet there is no administrative funding for these efforts. If this region did not submit this grant through the existing MAG Continuum of Care process, however, potentially the homeless assistance funding for the region could be lost in perpetuity. Up to 20 percent of Continuum of Care nationally are not funded each year as the process becomes more competitive. This makes it even more imperative to invest the staff time to ensure this application remains as competitive as possible in order to retain funding.

**TECHNICAL & POLICY IMPLICATIONS:**

**TECHNICAL:** The federal application process requires a tremendous amount of staff time to develop the community consensus and to gather the information requested by HUD. This task is complicated by the lack of a consistent data based on needs, services provided and funds expended. The community has identified the need to develop more complete homeless data for future applications. The Maricopa Homeless Management Information System (HMIS), implemented in February of 2003, was used to collect data for the 2010 homeless shelter count and will continue to be utilized in other areas to assist in the collection of system wide data of homeless programs.

**POLICY:** The MAG Continuum of Care Regional Committee on Homelessness was created at the request of HUD and with the approval of the MAG Regional Council. This policy level council is composed of a variety of representatives, including elected officials, representatives of the Governor’s Office, several state legislators, several funding agencies, service providers, HUD, the religious community, advocates and consumers. This is a broad-based community committee that has agreed to take the responsibility for homeless planning and to ensure that a regional grant application is submitted each year. The Committee has been an effective method to discuss and move forward with regional solutions addressing homelessness.

**ACTION NEEDED:**

Information and discussion.

**PRIOR COMMITTEE ACTIONS:**

The 2010 draft project listing was provided to the MAG Management Committee on October 13, 2010 for information.

MEMBERS ATTENDING

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

\* Those members neither present nor represented by proxy.

# Participated by telephone conference call.

+ Participated by videoconference call.

The Continuum of Care Regional Committee on Homelessness discussed the 2010 HUD McKinney-Vento homeless assistance funding application process at the September 27, 2010 meeting.

**MEMBERS ATTENDING:**

Shana Ellis, Tempe, Vice Mayor, Chair  
Robert Duvall for Roberto Armijo, Community Information & Referral Services  
Maria-Elena Ochoa for the Governor's Office  
\* Kathryn Brown, AZ Dept of Corrections  
\* Kendra Cea, APS  
\* Krista Cornish, Buckeye  
Steve Frate, Glendale, Vice Mayor  
Christina Soto for Victor Hudenko, Catholic Charities  
\* Theresa James, Tempe  
\* Michael Johnson, Phoenix, Councilmember  
Tim Cole for Deanna Jonovich, Phoenix  
\* Don Keuth, Phoenix Community Alliance  
Stephanie Knox, Magellan Health Services of Arizona  
Andy Hall for Mattie Lord, Arizona Department of Economic Security/CPIP

Nick Margiotta, Phoenix Police Department  
Holly Zoe for Michael McQuaid, Human Services Campus  
Linda Mushkatel, Maricopa County  
Darlene Newsom, UMOM New Day Centers  
\* Joanne Osborne, Goodyear, Councilmember, Vice Chair  
Sylvia Sheffield for Gina Ramos Montes, Avondale  
\* Brenda Robbins, Arizona Dept of Health Svcs.  
Amy Schwabenlender, Valley/Sun United Way  
\* Jacki Taylor, Save the Family  
\* Margaret Trujillo, MG Trujillo Associates  
\* Mary Rose Wilcox, Maricopa County, Supervisor  
Nicky Stevens for Ted Williams, Arizona Behavioral Health Corporation  
Margot Cordova for Diana Yazzie Devine, Native American Connections

\*Those members neither present nor represented by proxy.  
+Those members present by audio or videoconference.

The Continuum of Care Regional Committee on Homelessness voted to approve the unmet need of shelter beds at the May 17, 2010 meeting.

**MEMBERS ATTENDING:**

Shana Ellis, Tempe, Vice Mayor, Chair  
Robert Duvall for Roberto Armijo, Community Information & Referral Services  
Maria-Elena Ochoa for the Governor's Office  
\* Kathryn Brown, AZ Dept of Corrections  
\* Kendra Cea, APS  
\* Steve Frate, Glendale, Councilmember  
Victor Hudenko, Catholic Charities  
Theresa James, Tempe  
Michael Johnson, Phoenix, Councilmember  
Deanna Jonovich, Phoenix  
\* Don Keuth, Phoenix Community Alliance  
Stephanie Knox, Magellan Health Services of Arizona  
Mattie Lord, Arizona Department of Economic Security/CPIP  
Nick Margiotta, Phoenix Police Department  
Michael McQuaid, Human Services Campus  
Linda Mushkatel, Maricopa County

Darlene Newsom, UMOM New Day Centers  
Joanne Osborne, Goodyear, Councilmember, Vice Chair  
Sylvia Sheffield for Gina Ramos Montes, Avondale  
\* Brenda Robbins, Arizona Dept of Health Services  
Amy Schwabenlender, Valley of the Sun United Way  
Laura Skotnicki for Jacki Taylor, Save the Family  
\* Margaret Trujillo, MG Trujillo Associates  
\* Mary Rose Wilcox, Maricopa County, Supervisor  
Nicky Stevens for Ted Williams, Arizona Behavioral Health Corporation  
Diana Yazzie Devine, Native American Connections

\*Those members neither present nor represented by proxy.  
+Those members present by audio or videoconference.

**CONTACT PERSON:**

Brande Mead, Human Services Program Manager, (602) 254-6300 or via email at [bmead@azmag.gov](mailto:bmead@azmag.gov).

## Draft 2010 HUD Stuart B. McKinney Project Applicants

\*PHB=Permanent Housing Bonus, PH=Permanent Housing, TH=Transitional Housing, SSO=Supportive Services Only, SH=Safe Haven, HMIS=Homeless Management Information System, SPC=Shelter Plus Care

Applicant	Project Sponsor	Project Name	Service Area	*Project Type	New/Renewal	Funding Request
New Project Pending Ranking and Review Committee Approval on 10-27-2010	To be determined.	To be determined.	Maricopa County	PHB	N	\$1,403,016
Area Agency on Aging Region One	Area Agency on Aging Region One	HIV Case Management at Congregate Living Houses	Phoenix	PH	R	\$63,064
Area Agency on Aging Region One	Area Agency on Aging Region One	HIV Case Management at Scattered Sites	Maricopa County	PH	R	\$126,575
Area Agency on Aging Region One	Area Agency on Aging Region One	HIV Case Management at Stepping Stone	Phoenix	PH	R	\$60,735
Arizona Behavioral Health Corporation	Arizona Behavioral Health Corporation	PSH3109	Maricopa County	PH	R	\$693,793
Arizona Behavioral Health Corporation	Arizona Behavioral Health Corporation	PSH3106	Maricopa County	PH	R	\$685,755
Arizona Behavioral Health Corporation	Arizona Behavioral Health Corporation	Casa de Paz	Phoenix/Tempe	PH	R	\$373,993
Arizona Behavioral Health Corporation	Arizona Behavioral Health Corporation	HUD 3084	Phoenix	PH	R	\$938,788
Arizona Behavioral Health Corporation	Arizona Behavioral Health Corporation	HUD 3024	Phoenix	PH	R	\$519,019
Arizona Behavioral Health Corporation	Arizona Behavioral Health Corporation	Village	Phoenix	PH	R	\$1,801,534
Arizona Behavioral Health Corporation	Arizona Behavioral Health Corporation	Casa Mia	Maricopa County	PH	R	\$687,027
Arizona Behavioral Health Corporation	Arizona Department of Housing	Shelter Plus Care 293	Phoenix	SPC	R	\$2,870,664
Arizona Behavioral Health Corporation	Arizona Department of Housing	Shelter Plus Care 151	Phoenix	SPC	R	\$1,474,356
Arizona Behavioral Health Corporation	Arizona Department of Housing	Shelter Plus Care 189	Phoenix	SPC	R	\$1,859,916
Arizona Behavioral Health Corporation	Phoenix Shanti	Phoenix Shanti Supportive Housing Program	Phoenix	PH	R	\$70,456
Arizona Behavioral Health Corporation	House of Refuge East	House of Refuge East	Mesa	TH	R	\$903,424
Arizona Behavioral Health Corporation	Nova Safe Haven	Nova Safe Haven	Phoenix	SH	R	\$1,114,795
Arizona Behavioral Health Corporation	Southwest Behavioral Health Corporation	Permanent Housing for Persons with HIV/AIDS	Phoenix	PH	R	\$20,775
Arizona Behavioral Health Corporation	Southwest Behavioral Health Corporation	Brookside	Phoenix	PH	R	\$202,030

Applicant	Project Sponsor	Project Name	Service Area	*Project Type	New/Renewal	Funding Request
Arizona Housing Inc.	Arizona Housing Inc.	Horace Steele Commons	Phoenix	PH	R	\$58,025
Arizona Housing Inc.	Arizona Housing Inc.	Steele Commons	Phoenix	PH	R	\$78,663
Catholic Charities	Catholic Charities	El Mirage/Surprise Transitional Housing	Peoria	TH	R	\$24,039
Chicanos Por la Causa	Chicanos Por la Causa	DeColores Domestic Violence Shelter	Phoenix	TH	R	\$101,737
Chrysalis Shelter for Victims of Domestic Violence	Chrysalis Shelter for Victims of Domestic Violence	Chrysalis Transitional Shelter Program	Phoenix	TH	R	\$24,269
Community Bridges	Community Bridges	Center for Hope	Mesa	TH	R	\$344,610
Community Information and Referral	Community Information and Referral	CONTACTS Shelter Hotline	Maricopa County	SSO	R	\$176,752
Community Information and Referral	Community Information and Referral	HMIS	Maricopa County	HMIS	R	\$400,921
HomeBase Youth Services	HomeBase Youth Services	Transitional Living Program	Phoenix	TH	R	\$333,370
Homeward Bound	Homeward Bound	Thunderbirds Family Village	Phoenix	TH	R	\$313,761
Homeward Bound	Homeward Bound	Scattered Sites	Phoenix	TH	R	\$26,250
Labor's Community Service Agency	Labor's Community Service Agency	Transitional Housing	Phoenix	TH	R	\$279,594
Native American Connections	Native American Connections	Sunrise Circle	Phoenix	PH	R	\$35,000
Native American Connections	Native American Connections	Stepping Stone	Phoenix	PH	R	\$91,043
Native American Connections	Native American Connections	Catherine Arms	Phoenix	PH	R	\$163,178
New Arizona Family, Inc.	New Arizona Family, Inc.	Pinchot Apartments	Phoenix	PH	R	\$99,105
A New Leaf	A New Leaf	East Valley Men's Center	Mesa	TH	R	\$58,878
A New Leaf	A New Leaf	Faith House Transition Program	Mesa	TH	R	\$510,688
Phoenix Shanti	Phoenix Shanti	Self-Determination Project	Phoenix	SSO	R	\$34,599
Recovery Innovations of Arizona	Recovery Innovations of Arizona	Another Chance	Phoenix	PH	R	\$990,010
Save the Family	Save the Family	Transitional Housing and Supportive Services	Mesa	TH	R	\$215,406

Applicant	Project Sponsor	Project Name	Service Area	*Project Type	New/Renewal	Funding Request
Save the Family	Save the Family	Transitional Housing for Victims of Domestic Violence	Mesa	TH	R	\$420,100
Sojourner Center	Sojourner Center	Transitional Housing and Supportive Services for Victims of Domestic Violence	Phoenix	TH	R	\$417,763
Southwest Behavioral Health Services	Southwest Behavioral Health Corporation	Homeless Haven	Phoenix	TH	R	\$205,977
The Salvation Army	The Salvation Army	Project Hope	Phoenix	SSO	R	\$73,080
The Salvation Army	The Salvation Army	Kaiser Family Center	Phoenix	SSO	R	\$45,360
Tumbleweed Center for Youth Development	Tumbleweed Center for Youth Development	Transitional Housing Continuum for Homeless Youth	Phoenix	TH	R	\$439,700
Tumbleweed Center for Youth Development	Tumbleweed Center for Youth Development	Tempe Youth Resource Center	Tempe	SSO	R	\$214,429
Tumbleweed Center for Youth Development	Tumbleweed Center for Youth Development	Pappas Place Drop in Center	Phoenix	SSO	R	\$318,729
U.S. Veterans Initiative	U.S. Veterans Initiative	AZ Veterans in Progress	Phoenix	TH	R	\$496,557
UMOM New Day Center	UMOM New Day Center	Nurture Care	Phoenix	SSO	R	\$187,584
UMOM New Day Center	UMOM New Day Center	Lampighter	Phoenix	PH	R	\$80,126
UMOM New Day Center	UMOM New Day Center	Haven House	Phoenix	TH	R	\$201,671
Women In New Recovery	Women In New Recovery	WINR Achievers	Mesa	PH	R	\$46,862

**Total Project Funding Amount                    \$23,377,551**

RESOLUTION TO PROMOTE PUBLIC AWARENESS OF VALLEY FEVER  
IN THE MAG REGION

WHEREAS, Valley Fever infections are increasing in Arizona; and

WHEREAS, Valley Fever is the second most commonly reported infectious disease in Arizona; and

WHEREAS, Maricopa County has more Valley Fever infections than any other county in Arizona; and

WHEREAS, enhanced surveillance of Valley Fever cases demonstrates a serious impact of Valley Fever on the health of Maricopa citizens; and

WHEREAS, by teaching the public and healthcare providers about Valley Fever, the seriousness of the disease may be reduced and early diagnosis promoted; and

WHEREAS, through educational campaigns, the Arizona Department of Health Services, the Valley Fever Center for Excellence, the Arizona Infectious Diseases Society, and many other organizations are united to inform the public and healthcare providers in Arizona; and

WHEREAS, Arizona is the focal point of quality clinical care and research for Valley Fever;

NOW, THEREFORE, The Maricopa Association of Governments resolves to promote public awareness of the efforts of the Valley Fever Center for Excellence and its Valley Fever Corridor Project.

ACCEPTED BY THE REGIONAL COUNCIL OF THE MARICOPA ASSOCIATION OF GOVERNMENTS (MAG) THIS TWENTY-SEVENTH DAY OF OCTOBER 2010.

---

Mayor Thomas L. Schoaf, Chair  
MAG Regional Council

ATTEST:

---

Dennis Smith  
MAG Executive Director

## What is being done about Valley Fever?

Valley Fever is a serious disease that affects thousands of people in Arizona and the Southwest. We need to understand more about its causes, treatment and prevention.

- The Arizona Department of Health Services is investigating Valley Fever to learn more about how people get the disease and how they are affected by it. This information is used to educate health care providers and the public about how to diagnose and control the disease.
- The Valley Fever Center for Excellence (VFCE) promotes research, education and improved patient care. Currently the VFCE is conducting clinical trials on a new Valley Fever medication, nikkomyin Z.
- Medical researchers are working to develop a vaccine for Valley Fever.

## What can I do about Valley Fever?

- If you think you might have Valley Fever, ask your doctor to test you.
- If you are diagnosed with Valley Fever you might be eligible to be in a clinical trial. Contact the Valley Fever Center for Excellence at: (520) 629-4777.
- Talk to your veterinarian about how Valley Fever affects your pets.
- Support Valley Fever research and awareness. Tax-free donations can be mailed to The Valley Fever Center for Excellence. Phone: (520) 629-4777. Checks should be made payable to The University of Arizona.

## Where can I go for more information?

For more information about Valley Fever visit these websites:

- The Arizona Department of Health Services Valley Fever website: [www.valleyfeverarizona.org](http://www.valleyfeverarizona.org)
- The Valley Fever Center for Excellence website: [www.vfce.arizona.edu](http://www.vfce.arizona.edu)

If you have questions, contact:



Arizona Department of Health Services  
Office of Infectious Disease Services  
150 N. 18<sup>th</sup> Avenue, Suite 140  
Phoenix, AZ 85007-3237  
Phone (602) 364-3676  
Fax (602) 364-3199



The Valley Fever Center for Excellence  
1656 E. Mabel Street  
MRB Building, Room 124  
PO Box 245215  
Tucson, AZ 85724  
Phone (520) 629-4777  
Fax (520) 626-4971  
[vfever@email.arizona.edu](mailto:vfever@email.arizona.edu)

Cough? Fever?

Exhausted?

# Valley Fever?

Coccidioidomycosis



Photo courtesy of Rob Schumacher, The Arizona Republic, June 7, 2006

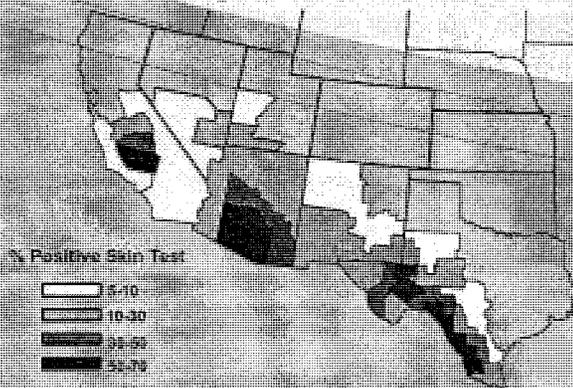
## What is Valley Fever?

Valley Fever (coccidioidomycosis) is a disease caused by a fungus in the soil in the Southwest region of the United States. The fungus is also found in parts of Mexico and Central and South America.

People may get sick if they breathe in the fungus. The fungus gets into the air from wind, dust storms, digging and other activities. It can infect the lungs and other parts of the body.

The scientific name for the fungus is *Coccidioides*.

Areas of Valley Fever Activity in the United States



© G. Edwards et al. *Dis Chest* 31: 55-60, 1997

## Who gets Valley Fever?

Anyone who visits or lives in areas where Valley Fever occurs can contract Valley Fever. Pets and other animals can get Valley Fever, too.

## What are the symptoms of Valley Fever?

Most people (60%) may have only mild symptoms or no symptoms and never know they have Valley Fever. The rest have illness that may last for months or even years. Common symptoms are:

- Fever
- Cough
- Tiredness
- Headaches
- Joint / muscle aches
- Rash
- Night sweats
- Weight loss / lack of appetite

The disease usually affects the lungs, but in some people the disease may spread to other parts of the body such as the bones, skin, joints or brain. In these cases, the disease can be very serious and may even cause death.

## How is Valley Fever diagnosed?

Your regular doctor can order a blood test for Valley Fever. Your doctor may also test other body fluids, use a chest x-ray or do a biopsy to see if you have Valley Fever. Valley Fever sometimes causes pneumonia. If you have pneumonia ask your doctor about Valley Fever testing.

## Is Valley Fever contagious?

No. People with Valley Fever are not contagious. It is not spread from person to person.

## How is Valley Fever treated?

Many people who have Valley Fever don't need treatment because their body can fight the disease. Doctors may treat seriously ill people with anti-fungal drugs.

## Who is more likely to get serious Valley Fever illness?

People more likely to get *serious* illness include:

- African-Americans and Filipinos
- Pregnant women
- People whose bodies have trouble fighting off disease including people with:
  - HIV or AIDS
  - Cancer
  - Diabetes
  - Organ or bone marrow transplant
  - People taking drugs or treatments that may reduce the body's ability to fight disease, such as chemotherapy or steroid therapy

# **MARICOPA ASSOCIATION OF GOVERNMENTS**

## **INFORMATION SUMMARY... for your review**

**DATE:**

October 19, 2010

**SUBJECT:**

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

**SUMMARY:**

Arizona Revised Statute 28-6354 requires that MAG issue an annual report on the status of projects funded by the half-cent sales tax authorized by Proposition 400. The 2010 Annual Report is the sixth report in this series. State law also requires that MAG hold a public hearing on the report after it is issued. It is anticipated that a public hearing on the Draft 2009 Annual Report will be conducted in November 2010.

The Draft 2010 Annual Report on the Status of the Implementation of Proposition 400 addresses project construction status, project financing, changes to the MAG Regional Transportation Plan, and criteria used to develop priorities. In addition, background information is provided on the overall transportation planning, programming and financing process. All projects for the major transportation modes, as defined in the MAG Regional Transportation Plan, are being monitored, whether they specifically receive sales tax funding or not. The annual report process draws heavily on data from the Freeway/Highway, Arterial Street, and Transit Life Cycle Programs.

The 2010 Annual Report covers progress through the fiscal year ending June 30, 2010, and reviews the program outlook through June 30, 2026. During fiscal year 2010, the life cycle programming process continued to face declining revenue collections and reduced revenue forecasts. Costs, revenues and project scopes were reviewed and adjustments were made to achieve balanced programs. As part of this process, certain projects in each of the modal elements were shifted beyond FY 2026, which is the end of the life cycle programming period. However, these projects remain in the MAG Regional Transportation Plan, which was updated during FY 2010 and extended through FY 2031 to comply with federal planning regulations.

A Summary of Findings and Issues from the report has been enclosed and the full document is available on the MAG website. This item was presented to the MAG Transportation Review Committee on September 23, 2010, to the MAG Management Committee on October 13, 2010, and to the MAG Transportation Review Committee on October 20, 2010 for information and discussion.

**PUBLIC INPUT:**

It is anticipated that a public hearing on the Draft 2010 Annual Report will be held in November 2010 at the MAG office.

**PROS & CONS:**

PROS: Preparation of the Annual Report on the Status of the Implementation of Proposition 400 is required by state law.

CONS: None.

**TECHNICAL & POLICY IMPLICATIONS:**

TECHNICAL: The information in the Annual Report represents a “snapshot” of the status of the Proposition 400 program. As new information becomes available, it will be incorporated into subsequent annual updates of the report.

POLICY: The annual report process represents a valuable tool to monitor the MAG Regional Transportation Plan and identify changing conditions that may require plan and program adjustments.

**ACTION NEEDED:**

Information and discussion.

**PRIOR COMMITTEE ACTIONS:**

MAG Transportation Policy Committee: The Draft 2010 Annual Report was included on the MAG Transportation Policy Committee agenda for October 20, 2010 for information and discussion.

MAG Management Committee: The Draft 2010 Annual Report was included on the MAG Management Committee agenda for October 13, 2010 for information and discussion.

MEMBERS ATTENDING

- |  |  |
|--|--|
| Carl Swenson, Peoria, Chair  | Bill Hernandez, Guadalupe                                    |
| Charlie Meyer, Tempe, Vice Chair                                       | Darryl Crossman, Litchfield Park                             |
| # Matt Busby for George Hoffman,<br>Apache Junction                    | Christopher Brady, Mesa                                      |
| David Fitzhugh for Charlie McClendon,<br>Avondale                      | David Andrews for Jim Bacon,<br>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<br>Indian Community |
| Rich Dlugas, Chandler  | David Richert, Scottsdale                                    |
| Pat Dennis for Rick Flaaen, El Mirage                                  | * Mark Coronado, Surprise                                    |
| Alfonso Rodriguez for Phil Dorchester,<br>Fort McDowell Yavapai Nation | * Reyes Medrano, Tolleson                                    |
| Rick Davis, Fountain Hills   | # Gary Edwards, Wickenburg                                   |
| * Rick Buss, Gila Bend   | Mark Hannah for Lloyce Robinson,<br>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<br>Metro/RPTA        |
| John Fischbach, Goodyear   |  |

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

MAG Transportation Review Committee: The Draft 2010 Annual Report was included on the MAG Transportation Review Committee agenda for September 23, 2010 for information and discussion.

MEMBERS ATTENDING

- |                                      |   |
|--------------------------------------|---|
| Peoria: David Moody                  | Calvert   |
| ADOT: Steve Hull for Floyd Roehrich  | Fountain Hills: Randy Harrel                      |
| Avondale: David Fitzhugh             | Gila Bend: Eric Fitzer                            |
| # Buckeye: Scott Lowe                | Gila River: Sreedevi Samudrala for<br>Doug Torres |
| Chandler: RJ Zeder for Patrice Kraus | * Gilbert: Tami Ryall                             |
| El Mirage: Jorge Gastelum for Lance  |   |

Glendale: Terry Johnson  
\* Goodyear: Cato Esquivel  
# Guadalupe: Gino Turrubiarres  
Litchfield Park: Paul Ward for Woody  
Scoutten  
Maricopa County: Mike Sabatini for  
John Hauskins  
Mesa: Jeff Martin for Scott Butler  
\* Paradise Valley: Bill Mead  
Phoenix: Rick Naimark

# Queen Creek: Wendy Kaserman for  
Tom Condit  
RPTA: Bryan Jungwirth  
Scottsdale: Dave Meinhart  
Surprise: Bob Beckley  
Tempe: Robert Yabes for Chris Salomone  
Valley Metro Rail: John Farry  
Wickenburg: Rick Austin  
Youngtown: Mark Hannah for Lloyce  
Robinson

EX-OFFICIO MEMBERS ATTENDING

Street Committee: Dan Cook  
\* ITS Committee: Nicolaas Swart

\* Bicycle/Pedestrian Committee: Peggy  
Rubach  
\* Transportation Safety Committee: Julian  
Dresang

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

+ - Attended by Videoconference

**CONTACT PERSON:**

Roger Herzog, MAG, (602) 254-6300

## DRAFT

# 2010 ANNUAL REPORT ON THE STATUS OF THE IMPLEMENTATION OF PROPOSITION 400

## SUMMARY OF FINDINGS AND ISSUES

The *Draft 2009 Annual Report on the Status of the Implementation of Proposition 400* has been prepared by the Maricopa Association of Governments (MAG) in response to Arizona Revised Statute (ARS) 28-6354. ARS 28-6354 requires that MAG annually issue a report on the status of projects funded through Proposition 400, addressing project construction status, project financing, changes to the MAG Regional Transportation Plan, and criteria used to develop priorities. In addition, background information is provided on the overall transportation planning, programming and financing process. The key findings and issues from the 2010 Annual Report are summarized below.

### **MAG REGIONAL TRANSPORTATION PLAN**

The MAG Regional Transportation Plan (RTP) provides the blueprint for the implementation of Proposition 400. By Arizona State law, the revenues from the half-cent sales tax for transportation must be used on projects and programs identified in the RTP adopted by MAG. The RTP identifies specific projects and revenue allocations by transportation mode, including freeways and other routes on the State Highway System, major arterial streets, and public transportation systems.

- The “Regional Transportation Plan - 2010 Update” was approved.

On July 28, 2010, the MAG Regional Council approved the “MAG Regional Transportation Plan - 2010 Update,” as the result of a multi-year effort to update the Plan. The modal life cycle programs were reviewed and adjusted to reestablish a balance between program costs and reasonably available revenues expected over the period covered by the RTP. In order to achieve balanced programs, a number of projects in each of the modal elements were shifted beyond Fiscal Year (FY) 2026, which is the end of the life cycle program period. However, these projects remain in the RTP, which was updated and extended through FY 2031 to comply with federal planning regulations.

The 2010 Update included a number of illustrative corridors/projects. These are projects that could potentially be included in the plan, if additional resources beyond the reasonably available financial resources identified in the plan were available. There is no requirement to select any project from

an illustrative list of projects at some future date, when funding might become available. In addition, no priorities are stated or implied by inclusion of a project as an illustrative corridor.

- The Interstates 8 and 10 - Hidden Valley Transportation Framework Study was accepted.

On September 30, 2009, the MAG Regional Council accepted the findings of the Interstate 10/Hassayampa Valley Transportation Framework Study. It was recognized that study recommendations were not specifically funded, and the action was to accept the study's findings as an illustrative element of the RTP.

- The Central Mesa Light Rail Transit Locally Preferred Alignment was approved.

On September 30, 2009, the MAG Regional Council approved a locally preferred alternative for the light rail alignment in the Central Mesa Corridor. The preferred alignment includes a light rail transit (LRT) extension on Main Street east to Mesa Drive, and future funding consideration of an LRT corridor extension to Gilbert Road as well as improved service frequency on the Main Street LINK Bus Rapid Transit.

- The MAG Regional Transit Framework Study was accepted.

On March 31, 2010, the MAG Regional Council accepted the Illustrative Transit Corridors map in the Regional Transit Framework Study for inclusion as unfunded regional transit illustrative corridors in the RTP. In addition, the future planning actions identified in the study were accepted for consideration through the MAG Unified Planning Work Program process.

- Commuter Rail Planning Studies were accepted.

On May 26, 2010, the MAG Regional Council accepted the Grand Avenue Commuter Rail Corridor Development Plan, the Yuma West Commuter Rail Corridor Development Plan, and the Commuter Rail System Study. Additionally, the Regional Council agreed to allow revisions of the corridor ranking included in the Commuter Rail System Study upon completion of updated regional socioeconomic forecasts or relevant rail passenger studies.

## **HALF-CENT SALES TAX AND OTHER TRANSPORTATION REVENUES**

The half-cent sales tax for transportation approved through Proposition 400 is the major funding source for the MAG Regional Transportation Plan (RTP), providing over half the revenues for the Plan. In addition to the half-cent sales tax, there are a number of other RTP funding sources, which are primarily from state and federal agencies.

- Fiscal Year 2010 receipts from the Proposition 400 half-cent sales tax were 8.9 percent lower than receipts in FY 2009.

The total receipts from the Proposition 400 half-cent sales tax have amounted to \$1.5 billion through FY 2010. The annual receipts from the tax have steadily declined since FY 2007. The year-over-year declines for the three years from the end of FY 2007 to the end of FY 2010 have been, respectively, 3.1, 13.7 and 8.9 percent. The decline between FY 2007 and FY 2008 was the first year-over-year revenue decline in the history of the half-cent sales tax since its inception in 1985.

- Forecasts of Proposition 400 half-cent revenues for the period FY 2011 through FY 2026 are 6.2 percent lower, compared to the 2009 Annual Report estimate.

Future half-cent revenues for the period FY 2011 through FY 2026 are forecasted to total \$9.5 billion. This amount is \$634 million, or 6.2 percent, lower than the forecast for the same period presented in the 2009 Annual Report. The total revenues for the FY 2011-2026 period reflect ADOT's revised sales tax forecast in September 2009. This forecast estimated that revenues in FY 2011 would total \$322 million, an eight percent increase compared to the actual collections of \$298 million in FY 2010. Although annual increases in collections of this magnitude were not uncommon in the past, the updated forecasts to be prepared in the fall of 2010 may not maintain this level of increase in revenues.

- Forecasts of total ADOT funds dedicated to the MAG area for FY 2011 through FY 2026 are 8.8 percent lower than the 2009 Annual Report estimate.

The forecast for ADOT funds totals \$5.3 billion for FY 2011 through FY 2026, which is 8.8 percent lower than the 2009 Annual Report forecast. This funding source represents nearly one-half of the total funding for the Freeway/Highway Life Cycle Program.

- Forecasts of total MAG federal transportation funds for FY 2011 through FY 2026 are \$212 million lower than the 2009 Annual Report estimate.

The forecasted revenues for the period FY 2011 through FY 2026 total \$4.0 billion. This forecast is \$212 million, or 5.1 percent, lower than that in the 2009 Annual Report for the same period, with the decrease resulting from adjustments to the projections for federal transit funding.

- The nature and timing of future federal transportation funding programs is uncertain.

Federal funding for transportation has generally been reauthorized every six years. The latest reauthorization, the Safe, Accountable, Flexible, and Efficient Transportation Equity Act – A Legacy for Users (SAFETEA/LU), was signed into law in August 2005 and was scheduled to expire in September 2009. However, recognizing the critical role of transportation, Congress has maintained funding by means of continuing resolutions and extensions of SAFETEA/LU. Concepts for future federal transportation legislation have been developed by a number of groups, but the timing of future congressional action on reauthorization is uncertain.

## **FREEWAY/HIGHWAY LIFE CYCLE PROGRAM**

The Freeway/Highway Life Cycle Program (FLCP) extends through FY 2026 and is maintained by the Arizona Department of Transportation (ADOT) to implement freeway/highway projects listed in the MAG Regional Transportation Plan (RTP). The program utilizes funding from the Proposition 400 half-cent sales tax extension, as well as funding from state and federal revenue sources.

- A number of major freeway/highway construction projects were completed, underway, or advertised for bids during FY 2010.

### Completed

- I-10 (Sarival Ave. to Loop 101): Additional general purpose and new HOV lanes.
- I-17 (Anthem Way to Carefree Hwy.): Additional general purpose lanes.
- I-17 (SR 74 to Loop 101): Additional general purpose and new HOV lanes.
- I-17 (Dove Valley Rd.): New traffic interchange.
- US 60 (Loop 101 to I-10): Additional general purpose lanes.
- SR 85 (MP 130 to 137): Widen to four lanes.
- SR 93 (Wickenburg Bypass): New roadway.
- Loop 101 (Princess Dr. to Tatum Blvd.): New HOV lanes.
- Loop 101 (I-17 to SR 51): Freeway Management System.
- Loop 101 (Red Mt. Fwy. to Santan Fwy.): New HOV lanes.
- Loop 101 (Thunderbird Rd.): Interchange improvements.
- Loop 202 (SR 51 to Loop 101): Additional general purpose lanes.
- Loop 202/Red Mt. (Loop 101 to Gilbert Rd.): New HOV lanes.

### Advertised for Bids or Under Construction

- I-10 (Sarival Ave. to Dysart Rd.): Additional general purpose lanes.

- I-10 (Verrado Way to Sarival Ave.): Additional general purpose lanes.
  - I-10 (Indian School to I-10): S/B auxiliary lanes.
  - I-10 (Avondale Blvd.): Interchange improvements.
  - US 60 (Loop 303 to 99<sup>th</sup> Ave.): Widen to six lanes.
  - US 60 (99<sup>th</sup> Ave. to 83<sup>rd</sup> Ave.): Widen to six lanes.
  - SR 74 (MP 13-15 and MP 20-22.): Add passing lanes.
  - SR 85 (I-10 to Southern Ave.): Widen to four lanes.
  - SR 85 (B-8/Maricopa Rd.): Reconstruct intersection.
  - SR 87 (New Four Peaks Rd. to Dos S Ranch Rd.): Climbing lane.
  - Loop 101/99<sup>th</sup> Ave. (I-10 to Van Buren Rd.): Street improvements.
  - Loop 101 (I-10 to Tatum Blvd.): New HOV lanes.
  - Loop 101 (Beardsley/Union Hills): New traffic interchange.
  - Loop 101 (Olive Rd.): Interchange improvements.
  - Loop 101 (Chaparral Rd.): Interchange improvements.
  - Loop 101 (Northern to Grand): S/B auxiliary lanes.
  - Loop 101 (51<sup>st</sup> Ave. to 35<sup>th</sup> Ave.): E/B auxiliary lanes.
  - Loop 202/Santan (Gilbert Rd. to I-10): New HOV lanes.
  - Loop 303 (Cactus Rd., Waddell Rd., and Bell Rd.) T.I. structures.
  - Loop 303 (Happy Valley Rd. to I-17): Interim four-lane divided roadway.
- Project cost reductions were experienced, resulting in a net “savings” of approximately \$37 million.

Due to the recession and resulting increased competition in the contracting industry, as well as the reevaluation of project designs, there were few material cost increases in FY 2010. In fact, many projects experienced significantly reduced costs, resulting in a net “savings” of approximately \$37 million.

- Two HOV lane projects were advanced.

On February 24, 2010, the MAG Regional Council advanced HOV lane projects on Loop 202 (Santan Freeway) and on Loop 101 (Agua Fria and Pima Freeways) to FY 2010. The action combined and advanced HOV segments originally identified for construction between FY 2013 to FY 2015 into two design-build projects.

- Costs and revenues in the Freeway/Highway Life Cycle Program were rebalanced.

The Freeway/Highway Life Cycle Program was reviewed and adjusted to reestablish a balance between program costs and revenues, with costs and revenues for the period FY 2011-2026 totaling approximately \$8.3 and \$8.4 billion, respectively. As part of this effort, project scopes were reevaluated

and cost estimates reviewed, resulting in project cost reductions amounting to \$2.4 billion. Also, projects totaling approximately \$4.4 billion were shifted beyond FY 2026, which is the end of the life cycle program period.

- A number of projects were shifted beyond the horizon year (FY 2026) of the Freeway/Highway Life Cycle Program.

In its rebalanced configuration, the FLCP completes a number of major projects within the original FY 2026 horizon, including the South Mountain Freeway, Loop 303 between I-17 and I-10, the HOV lane system, and other improvements to the inner freeway network. However, construction of SR-801 and SR-802 (now renamed SR-24), as well as the addition of general purpose lanes on outer freeways, is shifted beyond FY 2026 into the period between FY 2027 and FY 2031.

Also, three projects that were originally identified as part of the FLCP have been moved beyond the current planning period of the RTP (FY 2011 - 2031). These projects were categorized as illustrative projects in the RTP and are: I-10/Local/Express Lanes (SR-51 to 32nd St.); HOV Ramps (I-10/Agua Fria Fwy./T.I.); and HOV Ramps (I-17/Pima Fwy./T.I.).

- An emphasis needs to be placed on developing accurate right-of-way budgets.

For many projects, particularly new freeway corridors, right-of-way costs represent a significant portion of the total cost of the facility. Recent changes in the real estate market have resulted in major reductions in property values. Detailed right-of-way cost estimates that accurately reflect up-to-date market values, and avoiding overstated right-of-way budgets, need to be prepared and continuously maintained.

- A proactive approach is needed in updating and maintaining construction cost estimates.

Construction costs are highly sensitive to rapidly changing market conditions. A proactive approach is needed to ensure that cost estimates on all projects are up to date, so that resources are effectively allocated in the life cycle program on a continuing basis. Updated costs need to be maintained for projects at all stages of the implementation process, ranging from projects to be advertised for bids in the near future to those may not be under construction for a decade or more in the future.

- MAG and ADOT will continue to closely monitor the cost and revenue picture for the Freeway Life Cycle Program and make program adjustments as may be appropriate.

On the cost side, construction bids have been more favorable lately. However, receipts from the half-cent sales tax have steadily declined since FY 2007. Future half-cent revenues for the period FY 2011 through FY 2026 were forecasted to be 6.2 percent lower than the forecast for the same period presented in the 2009 Annual Report. Updated forecasts to be prepared in the fall of 2010 may result in further reductions in projected future revenues.

## **ARTERIAL STREET LIFE CYCLE PROGRAM**

The Arterial Street Life Cycle Program (ALCP) extends through FY 2026 and is maintained by the Maricopa Association of Governments (MAG) to implement arterial street projects in the MAG Regional Transportation Plan (RTP). The Program receives significant funding from the Proposition 400 half-cent sales tax and federal highway programs, as well as a local match component. Although MAG is charged with the responsibility of administering the overall program, the actual construction of projects is accomplished by local government agencies. MAG distributes the regional share of the funding on a reimbursement basis.

- The Arterial Street Life Cycle Program was updated during FY 2010.

On July 28, 2010, the MAG Regional Council approved the FY 2011 update of the Arterial Life Cycle Program, to reflect updated information regarding project scheduling and development status.

- During FY 2010, \$62 million in reimbursements were distributed to local governments from the Arterial Street Life Cycle Program, and work is continuing for reimbursements in FY 2011.

Seven jurisdictions received reimbursements for project work during FY 2010 totaling more than \$62 million. This brings the total reimbursements to \$178 million since the initiation of the Program. A total of five project agreements were executed in FY 2010. This brings the total of project agreements executed to date to 39. It is anticipated that an additional 19 agreements will be executed during FY 2011. During FY 2011, it is also anticipated that a total of seven jurisdictions will receive reimbursements amounting to approximately \$98 million. Through FY 2010, 20 ALCP projects have been completed.

- Work will be proceeding on a broad range of projects in the Arterial Street Life Cycle Program.

During the period FY 2011 through FY 2015, work will be proceeding on 87 different arterial street projects. Various stages of work will be conducted on these projects, including 61 with design activity, 52 with right-of-way acquisition, and 69 with construction work, at some time during the five-year period.

- Project implementing agencies have deferred \$38 million in federal and regional funding from FY 2010 to later years.

Lead agencies deferred \$38 million in federal and regional funding from FY 2010 to later years. Increased project costs, reduced local revenues, and other implementation issues have resulted in the deferral of arterial projects by implementing agencies, due to the inability to provide matching funds, or other scheduling and resource issues.

- Approximately \$22 million in reimbursements were shifted beyond FY 2026 to achieve a balance between costs and revenues in the Arterial Street Life Cycle Program.

The total estimated future regional revenue reimbursements for ALCP projects are in balance with projected revenues. To achieve this balance, approximately \$22 million in programmed reimbursements were deferred to FY 2027, an unfunded year of the program. While these reimbursements fall beyond the ALCP, the affected projects remain funded in the MAG Regional Transportation Plan, which extends through FY 2028.

## **TRANSIT LIFE CYCLE PROGRAM**

The Transit Life Cycle Program (TLCP) is maintained by the Regional Public Transportation Authority (RPTA) and implements transit projects identified in the MAG Regional Transportation Plan. The RPTA maintains responsibility for administering half-cent sales tax revenues deposited in the Public Transportation Fund for use on transit projects, including light rail transit (LRT) projects. Although RPTA maintains responsibility for the distribution of half-cent funds for light rail projects, the nonprofit corporation of Valley Metro Rail, Inc. was created to oversee the design, construction and operation of the light rail starter segment, as well as future corridor extensions planned for the system.

- One new supergrid bus route was implemented in FY 2010 and several additional routes will start service during the next five years.

The Gilbert Road supergrid route was implemented as Route 136 during FY 2010. Additional routes starting service during FY 2011 through FY 2015 include:

- Arizona Avenue Arterial BRT (T5); Service start: FY 2011.
  - Arizona Avenue/Country Club Drive (T44); Service start: FY 2012.
  - 59<sup>th</sup> Avenue (T40); Service start: FY 2014.
  - Baseline Road (T45); Service start: FY 2015.
  - Elliot Road (T53); Service start: FY 2013.
  - McDowell/McKellips Roads (T61); Service start: FY 2014.
  - Power Road (T63); Service start: FY 2011.
- During FY 2009 and FY 2010, a number of projects were shifted beyond the horizon year (FY 2026) of the Transit Life Cycle Program, as a result of reduced revenue forecasts.

There are 16 bus rapid transit (BRT)/Express routes identified for funding in the TLCP during the planning period from FY 2006 through 2026. Since the start of the program, a total of eleven routes have been implemented. Fifteen BRT/Express routes have been shifted beyond FY 2026 but remain in the Regional Transportation Plan.

There are a total of 24 Regional Grid routes identified for funding in the TLCP during the planning period from FY 2006 through 2026. Since the start of the program, seven routes have been implemented. Nine Regional Grid routes have been shifted beyond FY 2026 but remain in the Regional Transportation Plan.

In addition, some significant delays to construction for light rail transit (LRT)/High Capacity extensions have been programmed. The Northeast Phoenix corridor has been shifted entirely beyond the TLCP horizon year of FY 2026 for implementation. Some of the delays are due in part to the decrease in local funding for transit.

- A balanced Transit Life Cycle Program was achieved in FY 2009 and further refined in FY 2010

The estimated future costs for FY 2011 to 2026 are in balance with the projected future funds available. A balanced program was achieved in FY 2009 by delaying the implementation of numerous projects, and during FY 2010 the TLCP was refined further. Staff from the RPTA and its members worked throughout FY 2010 to re-prioritize projects. Project scopes, especially service levels for supergrid service, were also adjusted to allow for

more routes to be funded. A significant shift from capital to operations expenditures resulted. Fewer buses in total and fewer bus facilities are now programmed within the TLCP.

- Adjustments to the Transit Life Cycle Program should be based on performance.

Reduced revenue collections and lower funding forecasts required adjustments to the TLCP. This included changes to bus route configurations and service levels, delays in bus service start dates, deletion of bus routes, and delays in constructing high capacity transit projects. To ensure that limited regional funding is applied to provide service as effectively as possible, adjustments should take into account route and system performance levels.

- Federal discretionary funding for transit continues to be an important issue.

A large part of the funding for the LRT system is awarded by the US Department of Transportation through the discretionary "New Starts Program." The timing and amounts of light rail transit new start monies coming to the MAG region will be subject to a highly competitive process at the federal level. Discretionary funding for the bus capital program is also highly competitive. The prospects for awards from federal programs will require careful monitoring. Future federal transportation funding legislation will also impact when and how Federal Transit Administration funding flows to the region.

## **PERFORMANCE MONITORING PROGRAM**

The MAG Transportation System Performance Monitoring and Assessment Program has been established to provide a framework for reporting performance at the system and project levels, and serve as a repository of historical, simulated and observed data for the transportation system in the MAG region.

- During FY 2010, the Performance Measurement Report and data website portal were completed.

During FY 2010, the first MAG Performance Measures Report was published and an interactive transportation data portal on the MAG website was made operational, allowing the public to access up-to-date on the performance of various element of the transportation system in the region.



302 N. First Avenue | Suite 700 | Phoenix, AZ 85003  
ValleyMetro.org | T 602.262.7433 | F 602.495.0411 | TTY 602.261.8208

September 28, 2010

Mr. Dennis Smith  
Executive Director  
Maricopa Association of Governments  
302 N. 1<sup>st</sup> Avenue, Suite 300  
Phoenix, AZ 85003

*Dennis*

Dear Mr. Smith:

The Valley Metro RPTA Board of Directors met on Thursday, September 16, 2010 and voted unanimously to support the League of Arizona Cities and Towns resolution that urges the Legislature to identify a permanent, designated funding source to support the development and operation of a comprehensive multi-modal public transportation program in this state. This would be new funding with no impact on State Shared Revenues.

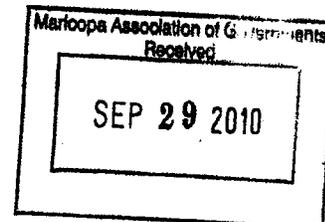
It is my understanding that the MAG Transportation Policy Committee (TPC) requested Valley Metro RPTA's feedback of this item, and I am forwarding their action to you to apprise the TPC.

Please let me know if you have any questions or need additional information.

Sincerely,

*David A. Boggs*

David A. Boggs  
Executive Director





### **Resolution #3**

***Urges the Legislative to identify a permanent, designated funding source to support the development and operation of a comprehensive multi-modal public transportation program in this state. This would be new funding with no impact on state shared revenues.***

*Submitted by: Chandler, Yuma*

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#### **A. Purpose and Effect of Resolution**

Since the Legislation eliminated the Local Transportation Assistance Fund (LTAF) during the last legislative session, Arizona is now one of only five states that do not have a dedicated state-funding source for public transportation services. Without these funds cities all over the state are struggling to find ways to continue to provide critical transportation services and infrastructure.

Public transportation services can no longer be viewed as a luxury. Highly desirable companies are using the availability of these services as a criterion in their decision-making when determining where to locate or expand. Without a more reliable funding source that adequately funds public transportation, Arizona will continue to fall behind our competitors.

Public transportation is critical to the mobility of those without their own means of transportation, either because of financial circumstances or disabilities. However, there is also a new user of these services emerging. These choice riders are often highly educated, well paid individuals who proactively make the decision to use public transportation rather than their own vehicle. Even the Metro light rail system, although it serves only a fraction of the Valley, has demonstrated the pent up demand for public transportation services in Phoenix metropolitan area by exceeding all expectations of ridership.

#### **B. Relevance to Municipal Policy**

Cities have largely been responsible for funding public transportation services, either through regional taxes or locally imposed taxes. The only state funding came from LTAF, which was eliminated in the last legislative session.

Cities can no longer shoulder this responsibility alone. Without the State's assistance we will never be able to provide transportation options to our citizens that will allow us to

reach our full potential and realize an improved quality of life that will make us competitive or that will truly serve our communities.

### **C. Fiscal Impact to Cities and Towns**

The availability of state funding will not relieve individual regions or municipalities of all the fiscal responsibility for public transportation services. However, it will be practically impossible to operate a public transportation system that adequately serves the residents of this state solely with local funding. Therefore, state funding is necessary to supplement our local monies.

### **D. Fiscal Impact to the State**

Other states use a variety of funding mechanisms to pay for public transportation services. These should be explored to determine the best method of funding these services in Arizona.

The availability of state and local funding will also increase our opportunity to access federal funds.

### **E. Contact Information**

Name: Patrice Kraus  
Phone: 480-782-2215

Title: Intergovernmental Affairs Coordinator  
Email: [Patrice.Kraus@chandleraz.gov](mailto:Patrice.Kraus@chandleraz.gov)



October 4, 2010

Mr. Jared Blumenfeld  
Regional Administrator  
Region IX  
Environmental Protection Agency  
75 Hawthorne Street  
San Francisco, CA 94105-3901

RE: Docket No. EPA-R09-OAR-2010-0715

Dear Regional Administrator Blumenfeld:

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").<sup>1</sup> In that notice, EPA, among other things, proposed: (1) to disapprove provisions of the Clean Air Act ("CAA") section 189(d) plan for the Maricopa area because they allegedly do not meet applicable CAA requirements for emissions inventories, 5% annual emission reductions, reasonable further progress, and contingency measures; (2) to disapprove the 2010 motor vehicle emissions budget in the 189(d) plan as not meeting the requirements of CAA section 176(c) and 40 C.F.R. § 93.118(e)(4); (3) 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.

As you know, these are complicated issues that the State of Arizona, Maricopa Association of Governments ("MAG"), EPA, and others have been working on for many years. Despite the breadth and complexity of both the State's SIP revisions and EPA's proposed disposition, however, the agency has provided a comment period of only 33 days, or until October 12, 2010. This comment period is insufficient given the complexity and importance of the SIP revisions.

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<sup>1</sup> 75 Fed. Reg. 54,806 (September 9, 2010).

EPA's review of the MAG Five Percent Plan for PM-10 is far too important to the people and economy of Arizona to be subject to an arbitrary deadline established without the input of the State. We have submitted questions to EPA regarding the proposed disapproval that, if answered, would better inform our public comments. We have not yet heard back from EPA on these important questions. While we support prompt resolution of this matter and commit to working diligently with EPA, we are concerned that EPA's current deadlines will limit public input, reduce discussion and information exchanges between EPA, the State, MAG, and other stakeholders, and effectively leave EPA with little choice but to finalize its proposed partial denial.

To ensure that there is adequate time for interested stakeholders to comment meaningfully on EPA's proposal and for the agency to complete the difficult task of thoroughly reviewing all of the docketed information, we respectfully request a comment period extension of 60 days.

Thank you for your consideration of this important request. If we can provide any additional information in this matter, please do not hesitate to contact us directly.

Sincerely,



Benjamin H. Grumbles  
Director  
Arizona Department of  
Environmental Quality



Dennis Smith  
Executive Director  
Maricopa Association of Governments

cc: The Honorable Lisa Jackson  
Administrator  
U.S. Environmental Protection Agency

Ms. Gina McCarthy  
Assistant Administrator  
Office of Air and Radiation

## 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.<sup>1</sup>

### 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.<sup>2</sup>

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<sup>1</sup> 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.

<sup>2</sup> 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.<sup>3</sup>

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

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**Post Submission:**

Completeness Determination  
State Responses Correcting Deficiencies  
EPA Exceptional Event Documentation Development  
Public Comment Prior to Decision

<sup>3</sup> *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.



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

October 7, 2010

OFFICE OF THE  
REGIONAL ADMINISTRATOR

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

Dennis Smith, Executive Director  
Maricopa Association of Governments  
302 North 1st Avenue, Suite 300  
Phoenix, AZ 85003

Re: Response to Comment Period Extension Request

Dear Mr. Grumbles and Mr. Smith:

I have received your October 4, 2010 letter requesting a 60-day extension of the public comment period for EPA's September 9, 2010 (75 FR 54806) proposed action on certain revisions to the Arizona state implementation plan related to PM-10 in the Maricopa County (Phoenix) nonattainment area.

Due to a consent decree deadline of January 28, 2011 for a final rule (in *Bahr v. Jackson*, U.S. District Court, District of Arizona), and leaving sufficient time for EPA to respond to comments, I cannot grant your request for a 60-day extension. I am, however, granting an extension of the public comment period to October 20, 2010. Soon we will publish notice of the extension in the Federal Register. Your letter also refers to questions that you submitted to EPA regarding the proposed action. My staff are working to respond as quickly as they can.

Thank you for your continued commitment to solving the air quality problems in the greater Phoenix area.

Sincerely,

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

Jared Blumenfeld  
Regional Administrator

HARRY E. MITCHELL

5th District, Arizona

1410 L. HOUSE HILL OFFICE BUILDING  
WASHINGTON, DC 20515  
PH: 202-225-2190

7281 E. Camelback Road, Suite 300  
Scottsdale, AZ 85251  
PH: 480-946-2471  
FX: 480-946-2446

mitchell.house.gov



# Congress of the United States

## House of Representatives

COMMITTEE ON TRANSPORTATION  
AND INFRASTRUCTURE

SUBCOMMITTEE ON AVIATION  
SUBCOMMITTEE ON HIGHWAYS AND TRUCKING  
SUBCOMMITTEE ON  
WATER RESOURCES AND ENVIRONMENT

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OVERSIGHT AND INVESTIGATION

COMMITTEE ON  
SCIENCE AND TECHNOLOGY

SUBCOMMITTEE ON  
TECHNOLOGY AND INNOVATION

October 1, 2010

Gina McCarthy  
Assistant Administrator  
Office of Air and Radiation  
U.S. Environmental Protection Agency  
Mail code: 6101A  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

Dear Assistant Administrator McCarthy:

I write to notify you that I will be convening a meeting next week to discuss the Environmental Protection Agency's (EPA) proposed rule on the PM-10 Nonattainment Area Plan for Maricopa County Arizona, and formally request that you attend this meeting. Representatives from the Maricopa Association of Governments (MAG), mayors from the region, officials from the Arizona Department of Transportation (ADOT) and the Arizona Department of Environmental Quality (ADEQ) will also be invited to attend and participate.

As you know, the EPA's proposed rule, the Approval and Promulgation of the 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) was published in the Federal Register on September 9, 2010.

However, interested parties only have until October 12, 2010 to submit any comments regarding this proposed ruling. Given the severe ramifications that this proposed ruling would have on Arizona should this ruling take effect, I believe that it is critical that state, county, and local stakeholders be given the opportunity to discuss this proposed ruling in-person, in a frank and candid manner before the comment period closes and the EPA works to finalize its ruling.

As a member of the House Committee on Transportation and Infrastructure and as a former mayor of Tempe, Arizona, I am deeply concerned about the impact the EPA's proposed ruling would have on our state.

According to the proposed ruling, should the EPA take final action disapproving Maricopa County's plan, a "conformity freeze" would take effect, under which new

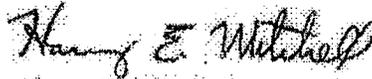
transportation projects would be halted in the Phoenix area. According to the Maricopa Association of Governments (MAG), this freeze would have serious consequences including blocking several projects from moving forward. In my Congressional district alone, this freeze would impact two critical projects: the construction of a streetcar in Tempe and the expansion of Light Rail in Mesa.

In addition to disputing the basis of the proposed ruling, I fail to comprehend how delaying vitally important transit projects, which could reduce the Valley's dependence on automobiles, would serve the EPA's goals. If anything, I would think the EPA would want to see these projects accelerated.

I strongly urge you to attend this meeting to discuss this critical issue and hear from stakeholders throughout Maricopa County. This meeting will occur on either Thursday, October 7 at 1:00 pm Arizona Time or Friday, October 8 at 10:00 am Arizona Time. Please contact my District Director, Robbie Sherwood, at (480) 946-2411 to discuss this request.

Thank you for your consideration.

Sincerely,



Harry E. Mitchell  
Member of Congress

Cc: Deputy Assistant Administrator Janet McCabe

# 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 PM-10  
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,

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,

A handwritten signature in black ink, appearing to read 'WR Rhodes', with a date '10-18-10' written below it.

William R. Rhodes, Governor  
Gila River Indian Community

Cc: Nathan B. Pryor  
Intergovernmental Policy Coordinator

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-10<sup>1</sup>  
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

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<sup>1</sup> 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.

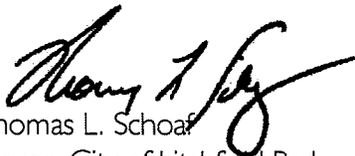
The bottom line is our region cares about the air our residents breathe. That is why we have taken aggressive action to protect public health. Our plan is effective and it is working. If EPA disapproves the MAG Five Percent Plan for PM-10, this action could result in unnecessary controls on industry, 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



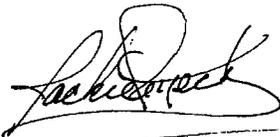
Hugh Hallman  
Mayor, City of Tempe  
Vice Chair, MAG Regional Council



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



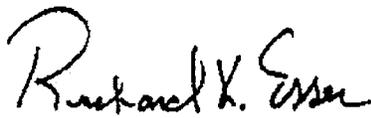
Robin Barker  
Councilmember, City of Apache Junction



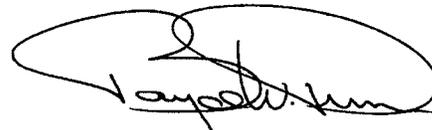
Jackie Meck  
Mayor, Town of Buckeye



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



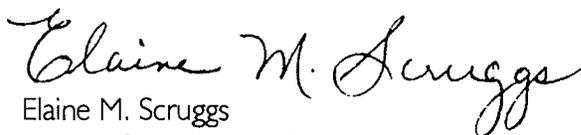
Jay Schlum  
Mayor, Town of Fountain Hills



Ron Henry  
Mayor, Town of Gila Bend



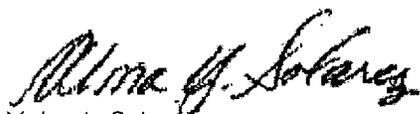
John Lewis  
Mayor, Town of Gilbert



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



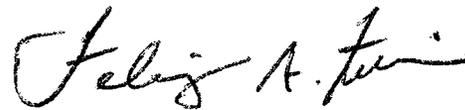
Kelly Blunt  
Mayor, Town of Wickenburg



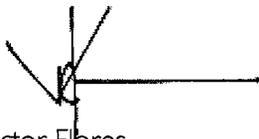
Michael LeVault  
Mayor, Town of Youngtown



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

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").<sup>1</sup> 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.

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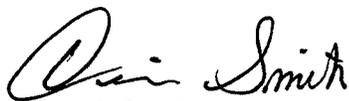
<sup>1</sup> 75 Fed. Reg. 54,806 (September 9, 2010).

Docket ID No. EPA-R09-OAR-2010-0715  
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.”<sup>1</sup> 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.<sup>2</sup> 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,

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<sup>1</sup> 75 FR 54809

<sup>2</sup> 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."<sup>3</sup>*

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).<sup>4</sup>** 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

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<sup>3</sup> 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

<sup>4</sup> In "Appendix 1, Responsiveness Summary to Comments Received on Public Review Draft 2005 Periodic Emissions Inventory for PM<sub>10</sub> for the Maricopa County, Arizona, Nonattainment Area" of the 2005 Periodic Emissions Inventory for PM<sub>10</sub> 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."*<sup>5</sup>

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."*<sup>6</sup>

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."*<sup>7</sup>

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

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<sup>5</sup> 70 FR 24963

<sup>6</sup> 70 FR 58131

<sup>7</sup> 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.<sup>16</sup> 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...<sup>16</sup>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)."<sup>8</sup>*

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.<sup>9</sup> 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.

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<sup>8</sup> 69 FR 30013

<sup>9</sup> 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 plans<sup>10</sup> 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%.

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<sup>10</sup> 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**

<b>Source Category</b>	<b>Percent of Pre-Controlled 2010 Emissions</b>	<b>Percent of 2010 Emission Reductions</b>
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 43<sup>rd</sup> 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 area<sup>11</sup>. 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

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<sup>11</sup> 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.<sup>1</sup>

### **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.<sup>2</sup>

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<sup>1</sup> 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.

<sup>2</sup> 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.<sup>3</sup>

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

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**Post Submission:**

Completeness Determination

State Responses Correcting Deficiencies

EPA Exceptional Event Documentation Development

Public Comment Prior to Decision

<sup>3</sup> 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 area<sup>1</sup>, 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 area<sup>2</sup>, 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

<sup>1</sup> The West Phoenix, Mesa, North Phoenix, Glendale and South Scottsdale monitors

<sup>2</sup> 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 43<sup>rd</sup> 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 people<sup>3</sup>. 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 43<sup>rd</sup> 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.

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<sup>3</sup> <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.

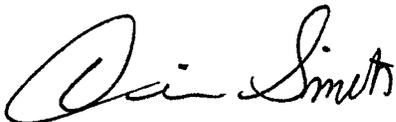
There are always opportunities to improve air quality, and ADEQ, MAG and MCAQD are committed to making improvements to the 5% Plan. At the same time, ADEQ, MAG and MCAQD encourage EPA to consider the heavy impacts of its decision in this matter, especially given these already difficult economic times. 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

October 19, 2010

TO: Members of the MAG Regional Council

FROM: Denise McClafferty, Management Analyst III

SUBJECT: MAG ECONOMIC DEVELOPMENT COMMITTEE COMPOSITION

On October 18, 2010, the Executive Committee unanimously recommended to refine the mission statement of the Economic Development Committee (EDC) to focus on all of Maricopa County. The Executive Committee discussed the composition of the EDC and recommended expanding the MAG member agency elected official portion of the composition to include up to twelve members.

The role of the EDC is to assist in providing a greater focus on the impact on the economy by such things as transportation planning, education and housing within the MAG region and planning process. The major strength of the EDC is beginning the discussions and building relationships among MAG member agencies and outside organizations to develop plans for economic-type issues. The EDC will also provide a valuable link between economic development and infrastructure in the MAG region through the MAG Transportation Policy Committee.

One of the overall goals of this project is to foster enhanced communication, coordination and consistency between the goals and policies of regional transportation plans and economic development strategies among economic development and planning leaders. The EDC will discuss concepts that coordinate a regional approach to business growth and job creation in the MAG region. To further enhance the process, the EDC will work cooperatively with the Joint Planning Advisory Council to cover the major metropolitan areas in Arizona.

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

**MAG Economic Development Committee (REVISED 10-18-2010)**

**Mission**

The mission of the MAG Economic Development Committee (EDC) is to develop an opportunity-specific and action oriented plan that fosters and advances a plan for the MAG Region dealing with infrastructure, especially transportation infrastructure that would further economic development opportunities.

**Composition** - The EDC should not exceed 24 members.

1. **Twelve (12) MAG member agency elected officials - to be appointed by the MAG Regional Council**
  - Central City
  - Maricopa County
  - Five West Valley
  - Five East Valley
  - The MAG member agency elected officials shall include the Chair, Vice Chair and immediate Past Chair of the Regional Council.
  - The Chair of the EDC will be the immediate past chair of the MAG Regional Council.
  - The Vice Chair of the EDC will be the Chair of the Regional Council.
  - The Chair and Vice Chair of the TPC will be members of the EDC.
  - The EDC will also include a seat for an ADOT Transportation Leadership position to be selected by the ADOT Director.

**Terms** - In accordance with the MAG Committee Operating Policies and Procedures, the MAG member agency elected official members will have one-year terms with possible reappointment by recommendation of the Executive Committee and approval of the MAG Regional Council. Appointments occur each year at the annual Regional Council meeting in June.

2. **Eleven (11) business members of the MAG Economic Development Committee representing region-wide business interests.**

<u>POSITION</u>	<u>REPRESENTATIVE</u>
Economist	Jim Rounds, Elliott Pollack & Company, VP & Senior Economist
Transportation Industry Representatives	Jeffrey Simmons, Ryley Carlock, Transportation Attorney Mary Peters, HDR
Education	Dr. Joseph Cavinato, Professor of Supply Chain Management, Thunderbird
WESTMARC	Candace Wiest, Vice Chair of WESTMARC
East Valley Partnership	Mark Dreher, Chair of East Valley Partnership
Greater Phoenix Economic Council	Steve Betts, Board Member
Greater Phoenix Leadership	Thomas Franz, President/CEO of the Greater Phoenix Leadership
Development Community	Jim Kenney - El Dorado Holdings Inc.
Phoenix Chamber of Commerce Representative	Todd Sanders, President and CEO of the Phoenix Chamber of Commerce
Arizona Commerce Authority Representative	TBD

- A quorum is a simple majority of members of the Regional Council on the MAG EDC, participating in person or by teleconference or videoconference, shall constitute a quorum for the transaction of business. Use of proxy at the MAG EDC is not permitted.
- If three (3) consecutive meetings are missed, the position will be considered vacated.
- The MAG EDC will make recommendations to the MAG Regional Council and coordinate with the JPAC.

**Terms** - The business members will have two-year terms with possible reappointment by recommendation of the Executive Committee and approval of the MAG Regional Council.

The MAG Economic Development Committee (EDC) will sunset in two years, unless it is renewed by the MAG Regional Council.

Economic Development Committee Members  
(serving from October 2010 to June 2011)

MAG Member Agency Elected Officials and ADOT

<u>POSITION</u>	<u>REPRESENTATIVE</u>	
RC Immediate Past Chair	Councilwoman Peggy Neely, Chair	Central City
Regional Council Chair	Mayor Tom Schoaf, Vice Chair	WV
Regional Council Vice Chair	Mayor Hugh Hallman	EV
TPC Chair	Mayor Scott Smith	EV
TPC Vice Chair	Councilwoman Neely	Central City
ADOT Transportation Representative	??	ADOT
	Mayor Jackie Meck, Buckeye	WV
	Councilwoman Sharon Wolcott, Surprise	WV
	Mayor Michael LeVault, Youngtown	WV
	Mayor Lopez Rogers, Avondale	WV
	Mayor Jim Lane, Scottsdale	EV
	Mayor Jay Schlum, Fountain Hills	EV
	Mayor John Lewis, Gilbert	EV

Business Members (approved by the Regional Council on September 22, 2010)

<u>POSITION</u>	<u>REPRESENTATIVE</u>
Economist	Jim Rounds, Elliot Pollack & Company, VP & Senior Economist
Transportation Industry Representatives (2)	1) Jeffery Simmons, Ryley Carlock, Transportation Attorney 2) Mary Peters, HDR
Education	Dr. Joseph Cavinato, Professor of Supply Chain Management, Thunderbird
WESTMARC	Candace Wiest, Vice Chair of WESTMARC
East Valley Partnership	Mark Dreher, Chair of East Valley Partnership
Greater Phoenix Economic Council	Steve Betts, Board Member
Greater Phoenix Leadership	Thomas Franz, President/CEO of the GPL
Development Community	Jim Kenney - El Dorado Holdings, Inc.
Phoenix Chamber of Commerce	Todd Sanders, President/CEO of the Phoenix Chamber of Commerce
Arizona Commerce Authority	TBD