

May 14, 2013

TO: Members of the MAG Regional Council

FROM: Mayor Marie Lopez Rogers, City of Avondale, Chair

SUBJECT: MEETING NOTIFICATION AND TRANSMITTAL OF TENTATIVE AGENDA

Meeting - 11:30 a.m.  
Wednesday, May 22, 2013  
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. The meeting will include a working lunch.

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

Pursuant to Title II of the Americans with Disabilities Act (ADA), MAG does not discriminate on the basis of disability in admissions to or participation in its public meetings. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Valerie Day at 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  
May 22, 2013**

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 THAT ARE NOT ON THE AGENDA THAT ARE WITHIN 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 May 1, 2013, Meeting Minutes

5A. Review and approval of the May 1, 2013, meeting minutes.

## TRANSPORTATION ITEMS

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

The fiscal year (FY) 2011-2015 MAG Transportation Improvement Program and Regional Transportation Plan 2010 Update were approved by the MAG Regional Council on July 28, 2010, and have been modified twenty four times, with the last approval on March 27, 2013. Since then, there is a need to modify projects in the programs. Please refer to Table D for a list of proposed administrative corrections and project changes in the Highway programs. These modifications include deferrals, advancements, project modifications, new projects, and financial updates. Table D was recommended for approval on April 25, 2013, by the MAG Transportation Review Committee and on May 8, 2013, by the MAG Management Committee. This item is on the May 15, 2013, MAG Transportation Policy Committee agenda. An update will be provided on action taken by the Committee. Please refer to the enclosed material.

\*5C. Southwest Valley Local Transit System Study

The FY 2012 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2011, included the Southwest Valley Local Transit System Study. The study was launched in October 2011 to investigate what a future transit system for the Southwest Valley area would look like. The study area includes portions of the cities of Avondale, Goodyear, Litchfield Park, Phoenix, and Tolleson, the Town of Buckeye, and unincorporated portions of Maricopa County. Valley Metro is also a participant in the study. The study identifies opportunities and strategies for improving the existing transit service in the Southwest Valley and developed a short-, mid-, and long-range local transit plan that effectively provides circulation within the Southwest Valley and also connects to the regional transit system. The study is complete

5B. Approval of the amendments and administrative modifications to the FY 2011-2015 MAG Transportation Improvement Program, and as appropriate to the Regional Transportation Plan 2010 Update.

5C. Acceptance of the Southwest Valley Local Transit System Study short-, mid-, and long range findings and recommendations.

and staff is requesting acceptance of the study recommendations. The Transit Committee and the Transportation Review Committee both recommended acceptance of the study in April 2013. The MAG Management Committee recommended acceptance on May 8, 2013. Please refer to the enclosed material.

\*5D. TIGER Grant

On April 26, 2013, the federal government issued a notice of funding availability (NOFA) for the 5<sup>th</sup> Round of Transportation Investment Generating Economic Recovery (TIGER) discretionary grants. In order for projects to be competitive for the \$353 million to urban areas, projects must have a minimum 20 percent local match, already be in the federal project development process, and meet the five primary selection criteria: state of good repair, safety, economic competitiveness, livability, and environmental sustainability. In working with Valley Metro and MAG member agencies, the Region has identified two projects that can meet the federal requirements and compete for TIGER funding: the Tempe Street Car and South Phoenix Transit Facility Refurbishment. Grants are due to the federal government by June 3, 2013.

5D. Information, discussion, and approval to support the Tempe Street Car and South Phoenix Transit Facility Refurbishment for a regional TIGER grant submittal.

### AIR QUALITY ITEMS

\*5E. 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) and Regional Transportation Plan 2010 Update. The amendment and administrative modification involve several projects, including projects funded by federal Highway Safety Improvement Program Rail Grade Crossing, Congestion Mitigation and Air Quality Improvement Program, Safe Routes to School, and Transportation Alternatives. The amendment includes projects that may be categorized as exempt from conformity

5E. Consultation.

determinations. The administrative modification includes minor project revisions that do not require a conformity determination. Please refer to the enclosed material.

\*5F. Update on the MAG 2012 Five Percent Plan for PM-10

On April 19, 2013, the Environmental Protection Agency (EPA) proposed approval of several statutes included in the MAG 2012 Five Percent Plan for PM-10 that regulate PM-10 emissions from fugitive dust sources. The statutes include measures for targeting unpaved roads, alleys and shoulders; leaf blower restrictions; restrictions for parking, maneuvering, ingress and egress areas and vacant lots; requirement for certified street sweepers; dust control training; and onsite dust control coordinators. The EPA review of the 17 packages of documentation for the remaining 26 exceptional event days in 2011 and 2012 is in progress. On April 30, 2013, the Arizona Center for Law in the Public Interest filed a lawsuit in the U.S. District Court for the District of Arizona against EPA for failure to take action on the MAG 2012 Five Percent Plan for PM-10 by February 14, 2013. The Center is requesting that the Court order EPA to promulgate a Federal Implementation Plan. Please refer to the enclosed material.

5F. Information and discussion.

**ITEMS PROPOSED TO BE HEARD**

6. Metropolitan Planning Area Boundary Update, Approval of the Amendment to the MAG By-Laws and New Members Within the MPA Boundary in Pinal County and Issuance of New Member Certificates

On May 9, 2013, Governor Brewer approved the new Metropolitan Planning Area (MPA) Boundary for the Maricopa Association of Governments (MAG). The new MPA Boundary is in accordance with federal regulations §450.312 metropolitan planning area boundaries. According to this regulation, "the boundaries of a metropolitan planning area shall be determined

6. Approval of the Amendment to the MAG By-Laws recognizing the new MPA Boundary and providing for new members from Pinal County within the MAG MPA Boundary, approval of new members and issuance of new member certificates.

by agreement between the MPO and the Governor.”

In anticipation of a new MPA Boundary, on December 18, 2012, the City of Maricopa adopted Resolution 12-76, seeking admittance to MAG. On February 25, 2013, the Town of Florence adopted Resolution 1383-13, seeking admittance to MAG. On April 3, 2013, the Governor of the Gila River Indian Community (GRIC) sent a letter to MAG recommending that the GRIC remain in MAG and that the portions of Community land in Pinal County now be included in the MAG MPA. MAG has been invited to a meeting at Pinal County, and the County has expressed interest in joining MAG.

On April 15, 2013, the MAG Regional Council Executive Committee, by consent, approved and adopted the Metropolitan Planning Area Boundary map to be conveyed to the Governor. On April 27, 2013, a letter from the Chair of Regional Council, Certification of Adoption of the Minutes, and the final MPA boundary map was hand delivered to the offices of the Governor, the Arizona Department of Transportation and the Federal Highway Administration.

In anticipation of a new MPA Boundary, on February 27, 2013, the MAG Regional Council approved revisions to the MAG By-Laws for a 15 day review period, to accommodate new members from Pinal County. With the new MPA Boundary now approved by Governor Brewer, the amendment to the MAG By-Laws is ready to be voted upon. Once the Amendment to the By-Laws is approved, new members from Pinal County within the MPA Boundary may be approved for membership and new member certificates issued. Please refer to the enclosed material.

7. Maricopa Association of Governments Agency Performance Review Questionnaire

On November 19, 2012, the Executive Committee discussed the benefit of an agency questionnaire to provide input on the

7. Information and discussion.

performance of MAG as an agency. It was suggested that this survey would provide input from other agencies, such as state and nonprofit agencies, on how they view MAG as an organization. A survey was developed and reviewed by the Executive Committee at the February 19, 2013 meeting. The Executive Committee directed staff to distribute the survey. The survey was sent to 829 agencies and the deadline for response was March 27, 2013. Staff will provide an overview of the survey results.

8. Approval of the Draft FY 2014 MAG Unified Planning Work Program and Annual Budget and the Member Dues and Assessments

Each year MAG develops a Unified Planning Work Program and Annual Budget. This year, draft budget presentations were held and incremental information on the budget was presented beginning in January 2013. As adjustments to the budget were made, the draft budget document was updated and presented to the Management Committee, Regional Council Executive Committee, and Regional Council. The Work Program and Annual Budget was reviewed and discussed by state and federal agencies at the April 3, 2013, Intermodal Planning Group meeting. The Draft FY 2014 MAG Unified Planning Work Program and Annual Budget is recommended for approval by the MAG Management Committee and MAG Executive Committee. Please refer to the enclosed material.

9. Update on MAG Socioeconomic Projections

In accordance with Executive Order 2011-04, MAG prepares sub-regional socioeconomic projections. These projections are used as input to the transportation and air quality models and utilize the County projections (prepared by the Arizona Department of Administration and approved by the Regional Council in December 2012) and the 2010 Census. Working with the MAG Population Technical Advisory Committee (POPTAC), MAG staff has prepared draft socioeconomic projections for housing,

8. Approval of the Draft FY 2014 MAG Unified Planning Work Program and Annual Budget and the Member Dues and Assessments.

9. Information and discussion.

population, and employment for July 1, 2010, 2020, 2030, and 2040. All data, methods and assumptions used to prepare the draft projections have been reviewed by MAG POPTAC. Two drafts of the projections were reviewed by member agencies in December 2012 and April 2013. The third draft of the projections incorporating comments received is currently under final review by MAG POPTAC. A status report will be provided.

10. Legislative Update

An update will be provided on legislative issues of interest.

11. Request for Future Agenda Items

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

12. 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, discussion, and possible action.

11. Information and discussion.

12. Information.

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

May 1, 2013  
MAG Office, Saguaro Room  
Phoenix, Arizona

MEMBERS ATTENDING

|   |   |
|---|---|
| Mayor Marie Lopez Rogers, Avondale, Chair     | * Mayor Yolanda Solarez, Guadalupe            |
| * Mayor Scott Smith, Mesa, Vice Chair         | # Mayor Thomas Schoaf, Litchfield Park        |
| # Councilwoman Robin Barker, Apache Junction  | Supervisor Steve Chucuri, Maricopa Co.        |
| Mayor Jackie Meck, Buckeye                    | # Mayor Scott LeMarr, Paradise Valley         |
| # Vice Mayor Melissa Price for Mayor David    | Councilmember Cathy Carlat, Peoria            |
| Schwan, Carefree                              | * Mayor Greg Stanton, Phoenix                 |
| * Councilman Dick Esser, Cave Creek           | # Mayor Gail Barney, Queen Creek              |
| # Mayor Jay Tibshraeny, Chandler              | * President Diane Enos, Salt River            |
| Mayor Lana Mook, El Mirage                    | Pima-Maricopa Indian Community                |
| * President Clinton Pattea, Fort McDowell     | Mayor W. J. "Jim" Lane, Scottsdale            |
| Yavapai Nation                                | Mayor Sharon Wolcott, Surprise                |
| # Mayor Linda Kavanagh, Fountain Hills        | Mayor Mark Mitchell, Tempe                    |
| * Mayor Ron Henry, Gila Bend                  | * Mayor Adolfo Gamez, Tolleson                |
| * Governor Gregory Mendoza, Gila River Indian | * Mayor John Cook, Wickenburg                 |
| Community                                     | Mayor Michael LeVault, Youngtown              |
| Vice Mayor Ben Cooper for Mayor John          | Victor Flores, State Transportation Board     |
| Lewis, Gilbert                                | Joseph La Rue, State Transportation Board     |
| Mayor Jerry Weiers, Glendale                  | Roc Arnett, Citizens Transportation Oversight |
| Mayor Georgia Lord, Goodyear                  | Committee                                     |

\* Those members neither present nor represented by proxy.

# Attended by telephone conference call.

+ Attended by videoconference

1. Call to Order

The meeting of the MAG Regional Council was called to order by Chair Marie Lopez Rogers at 11:40 a.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

Mayor Gail Barney, Mayor Jay Tibshraeny, Councilmember Robin Barker, Mayor Linda Kavanagh, Mayor Scott LeMarr, Mayor Tom Schoaf, and Vice Mayor Melissa Price as proxy for Mayor David Schwan, joined the meeting via teleconference. Chair Rogers welcomed Vice Mayor Ben Cooper as proxy for Mayor John Lewis.

Chair Rogers noted that materials for agenda item #11 were at each place.

Chair Rogers 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 validation and transit tickets for those who used transit to attend the meeting were available from staff.

### 3. Call to the Audience

Chair Rogers noted that the Call to the Audience provides an opportunity 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 Rogers recognized public comment from Dianne Barker, who stated that she felt she was not being heard and almost did not come to the meeting, but came after another citizen encouraged her to attend. She spoke on agenda items #6, stating that she would like to read the CTOC audit. Ms. Barker noted the Regional Area Road Fund revenue is down 40 percent and it has affected programming. She stated that she had been a school bus driver. Children are our treasures and we need to take care of their immune systems, so she had concerns for projects that are supposed to curb pollution. Ms. Barker said that she felt everyone here has the best intentions for children. She commented on agenda item #7, stating that rapid transit is needed to get people places faster and comfortably. Chair Rogers thanked Ms. Barker for her comments.

Chair Rogers recognized public comment from Joseph Ryan, who stated that federal law on public comment has been ignored by CTOC. He said he had the right to object any time he was cut off at MAG because he was speaking about federal money. Mr. Ryan commented on the 20-mile trolley car and the airport trolley car. He stated that objections were made in the 1980's and 1990's that light rail was not lightweight. Mr. Ryan stated that higher weights require additional fuel and results in more air pollution. He described how traffic is restricted due to light rail. Mr. Ryan's three minutes expired. He argued with the Chair about MAG's speaking rules and informed her he would continue to speak. Chair Rogers requested that Mr. Ryan conclude his comments and noted that he would be allowed to speak when agenda items #7 and #9 were heard. Mr. Ryan continued speaking, saying that this country is going broke because you folks are buying more from overseas than selling, including the trolley cars, instead of using the technology proposed by John Shaw in the 1990's. Mr. Ryan detailed how John Shaw's system could be constructed economically. Chair Rogers informed Mr. Ryan that he needed to conclude his comments and that he could speak later in the meeting. She thanked him for his comments.

Chair Rogers recognized public comment from Pat Vint, who commented that an Arizona Republic article revealed that the City of Phoenix Finance Department, without the City Manager's knowledge, extended a contract without conducting a procurement process. Mr. Vint stated that neither Councilman DiCiccio (the councilman at his business location) and Councilman Gates (the councilman at his residence) look out for him. He said that he gets along well with Phoenix City Manager Cavazos and former Phoenix City Manager Fairbanks except for the scars on his back. Mr. Vint then read off the top ten problems at the City of Phoenix, including all employees receiving promotions must be qualified, mistakes made by a department head must be reimbursed by the department head's wages, any city employee making damaging comments about a citizen should be dismissed or demoted to the lowest job at one-half pay for that job. Mr. Vint's three minutes expired. Mr. Vint continued speaking, saying that all city employees must be held accountable and responsible for their actions. He stated that Mayor Stanton has set up a task force and he thought the recommendations should apply to all levels. Mr. Vint stated that the word of the day is cull, choose, select and pick. He reported that he met with Councilwoman Thelda Williams and then proceeded to describe how doctors wanted to experiment on him and cut into his back, nerves and feet. Chair Rogers thanked Mr. Vint for his comments.

#### 4. Executive Director's Report

Dennis Smith, MAG Executive Director, reported on items of interest to the MAG region. Mr. Smith described the recent activity on the new MAG Metropolitan Planning Area Boundary. He said that the letter and map were hand carried to the Governor on Monday and emailed to Regional Council members. Mr. Smith noted that MAG is awaiting the Governor's announcement of the boundary. Mr. Smith stated that following the Governor's decision, the Regional Council will consider approving the amendment to the MAG By-Laws and new members, and issuing new member certificates. Mr. Smith stated that new members then would be included in the dues and assessments for the new fiscal year.

Mr. Smith then reported good news on the foreclosed and pending foreclosure residential properties. For March 2013, 4,981 homes were foreclosures and 9,188 were pending foreclosure, for a total of 14,169 distressed properties. He noted that this is in contrast to the 63,182 distressed properties in March 2010. Mr. Smith advised that the normal number for distressed properties is approximately 8,000.

Mr. Smith announced MAG staff's most recent naturalized citizen, Vladimir Livshits, and spoke of his path to citizenship as it led from Russia, to Israel, to Canada, and then to the United States. Mr. Smith then reviewed the list of other MAG staff members who have become citizens, Monique de los Rios Urban, Sarath Joshua, Farhana Baki, Petya Maneva, Taejoo Shin, Anubhav Bagley, Lora Mwaniki-Lyman, Jorge Luna, and Samantha Wolfe. He noted that they have filled highly specialized positions at MAG that require high level skills.

Mr. Smith stated that the Connecting Caring Communities Conference on May 14, 2013, from 9:00 a.m. to 4:00 p.m., at the Black Canyon Conference Center in Phoenix. The event will feature a national initiatives panel, local leaders, and workshops on older adults and transportation. Mr. Smith stated that the event is sponsored by the Grantmakers in Aging and the Pfizer Foundation. He stated that member agencies are welcome to attend this event at no cost. Mr. Smith noted that many MAG programs are on the cutting edge, such as the Transportation Ambassadors, and are held as models nationwide.

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

5. Approval of Consent Agenda

Chair Rogers noted that agenda items #5A, #5B, #5C, #5D, and #5E were on the Consent Agenda.

Chair Rogers asked members if they had questions or requests to hear a Consent Agenda item individually. None were noted.

Chair Rogers recognized public comment from Dianne Barker, who commented on agenda item #5A. She said that people might not agree with her but she had a right to say what she thinks. Ms. Barker stated that she had expressed her concerns for taking \$156 million in arterial funds to be repaid with regional area road funds for nearly two miles of light rail. Ms. Barker stated that at-grade light rail could be a control measure, but it can create congestion, and she would not have as much problem with above rail. She said that her comments on page 10 did not relate back to #5E on page six because the comments are supposed to be in but does not list any comments. Ms. Barker stated that on the next agenda item, 5F, comments were requested by March 11 and she had submitted comments to MAG and FHWA that she did not approve of conformity, TIP, or what was being done with light rail by the March 11 due date, but MAG has not addressed that other than she got to comment on Lindy Bauer's air quality thing. Ms. Barker said that she went to FHWA and they have not answered yet but said that MAG followed its rules. Ms. Barker told FHWA that she was not contacting them about MAG's rules, but her citizen rights under federal laws. Chair Rogers thanked Ms. Barker for her comments.

Ms. Barker also submitted written comments on agenda item #5D, that AIDA can be good to escalate needed greater commerce for Arizona, however, does not specify how the \$350,000 that the Arizona Senate authorized to the AIDA Board would be used. For example: What border infrastructure is to be built? Ms. Barker also wondered the level of liability to the state, ADOT, or citizens if tolls cannot pay AIDA's bonds.

Chair Rogers recognized public comment from Marvin Rochelle, who said he was on duty for the next two weeks giving out scholarships to ROTC students graduating from the Phoenix Union High School District. He commented on agenda item #5D, saying that the State and the County need to continue the relationship with Mexico. We need to find out when we will get oil so we can build a refinery in Yuma and have lower fuel costs. Mr. Rochelle stated that Tucson's gasoline is typically 10-15 cents cheaper than Phoenix because their gasoline comes from Texas and do not have to pay extra charges to get fuel from California. Chair Rogers thanked Mr. Rochelle for his comments.

With the conclusion of public comment period, Chair Rogers called for a motion to approve Consent Agenda items #5A, #5B, #5C, #5D, and #5E. Mayor LeVault moved approval of the Consent Agenda. Mayor Lane seconded, and the motion passed unanimously.

Supervisor Chucuri expressed that Supervisor Hickman has been a great addition to the Board of Supervisors and he appreciated the action to move his appointment to the TPC forward.

5A. Approval of the March 27, 2013, Meeting Minutes

The MAG Regional Council, by consent, approved the March 27, 2013, meeting minutes.

5B. Appointment of Supervisor Clint Hickman to Serve as the Maricopa County Board of Supervisors Representative on the Transportation Policy Committee

The MAG Regional Council, by consent, approved the appointment of Supervisor Clint Hickman as the Maricopa County Board of Supervisors representative on the Transportation Policy Committee. The composition of the Transportation Policy Committee (TPC), established by the Regional Council on April 24, 2002, includes an elected official from the Maricopa County Board of Supervisors. The recent retirement of Supervisor Max Wilson from the Board of Supervisors, the current member on the TPC, created a vacant position on that committee. The Chair of the Maricopa County Board of Supervisors requested that Supervisor Clint Hickman be appointed as the Maricopa County representative on the TPC.

5C. 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.

5D. Support for the Arizona International Development Authority

The MAG Regional Council, by consent, approved supporting enhanced border infrastructure and urged the Safety Enforcement and Transportation Infrastructure Fund (SETIF) Committee to examine funding for the Arizona International Development Authority (AIDA) to ensure that AIDA is self-sustaining. AIDA is an agency and political subdivision of the State of Arizona. Its core mission is to facilitate trade between Arizona and other countries, and it connects the State with the border regional port authorities. It has been granted unique statutory authority to finance border transportation infrastructure projects. AIDA can engage in a broad range of activities, particularly the development, financing and/or operation of specified types of projects located within 62 miles north or six miles south of the Arizona-Mexico border. Once fully operational, AIDA will be self-sustaining. Although the AIDA has a broad mission that includes the authority to issue revenue bonds, its administrative mission has not been funded. AIDA is requesting \$350,000 start-up funds to implement its mission. This would require being included in the state budget. Fees are charged on Mexican trucks at the border that are placed in the SETIF. AIDA is among the agencies identified in state statute to be eligible to receive funding from SETIF. SETIF receives approximately \$3 million a year from the fees and the Arizona Department of Transportation estimates there will be a surplus of more than \$1 million in the fund this year. On April 16, 2013, the Chairman of the AIDA Board provided a report on AIDA to the MAG Economic Development Committee (EDC). The EDC recommended approval in support of AIDA.

5E. Memorandum of Understanding to Improve Arizona's National Competitiveness in Grant Making for Economic Development

The MAG Regional Council, by consent, approved the Memorandum of Understanding to support research, innovation and entrepreneurial grant proposals. On January 8, 2013, representatives from Arizona State University addressed the MAG Economic Development Committee (EDC) on the quick response time involved in grant making and the need for a mechanism to secure government support for grants to be nationally competitive. Since that time, a Memorandum of Understanding (MOU) with Arizona's public educational institutions to support research, innovation and entrepreneurial grant proposals has been developed, including Arizona State University, the University of Arizona, Northern Arizona University, Thunderbird School of Global Management and Maricopa Community Colleges. On April 16, 2013, the MOU was recommended for approval by the EDC.

6. Transportation Funding Overview

Eric Anderson, MAG Transportation Director, provided a report on transportation funding. Mr. Anderson noted there are three major sources for transportation funding in this region, with Proposition 400 sales tax the main source. He said that over the life of the 20-year sales tax for transportation in Maricopa County, the estimated revenues were \$6 billion lower than the original projections in 2003. He recalled the program modifications made to accommodate the lower revenue (\$6.6 billion in 2009 and \$300,000 in 2012), but the sales tax revenue has started to show signs of improvement.

Mr. Anderson stated that the Arizona Highway User Revenue Fund (HURF) is the second source of transportation funding, and is fundamental for roads and streets improvement and maintenance. He noted that HURF generated approximately \$1.2 billion in 2012, about the same amount that was generated in 2004. Mr. Anderson stated that the projection over the life of the tax is also lower – about \$7.5 billion.

Mr. Anderson stated that threats to HURF include diversion of funding, the fixed tax per gallon of gas with no adjustment for inflation, increased fuel economy standards, increased utilization of alternative fuel vehicles, reduced driving due to increased gas prices, and reduced growth in the vehicle license tax. Mr. Anderson noted that in 2012, the Legislature diverted approximately \$234 million in HURF to balance the general fund and to the Department of Public Safety (DPS) for traffic enforcement. Mr. Anderson stated that not only is there lower HURF revenue, there is leakage for other uses, and as a result, cities received fewer funds in 2012 than they did in 2000.

Mr. Anderson stated that the Arizona gas tax is fixed at 18 cents per gallon, the same amount since 1991. He said that fuel economy standards are improving, which means less fuel is sold and fewer taxes collected. Mr. Anderson noted that if the tax was indexed for inflation with the consumer price index, the gas tax amount would now be 30 cents per gallon and there would be an additional \$400 million in revenue in 2012. Mr. Anderson noted that ADOT receives about half of the gas tax and cities and counties receive the other half.

Mr. Anderson stated that fuel economy standards for new cars per federal guidelines are expected to continue to increase – to 56.5 miles per gallon in 2025 from the current 33 miles per gallon – and this

will impact the gas tax collections. The average fuel economy for fleet vehicles is expected to increase to 37 miles per gallon.

Mr. Anderson stated that currently, the state gas tax rate translates into about .68 cents per mile driven. With increased fuel economy, that number is projected to decline to .5 cents per mile and with additional inflation the yield will be about 3.8 cents per mile. Mr. Anderson stated that due to the increase in fuel economy, the gas tax revenue in 10 to 20 years is expected to see a 25 percent reduction, not only in automobiles, but large truck fleets. He said that he has heard that up to ten percent of 18-wheel diesel trucks might be fueled by alternative fuels, such as liquefied natural gas, and this will also impact HURF. Mr. Anderson stated that 92 percent of the Highway Trust Fund is derived from fuel taxes.

Mr. Anderson displayed a graph of the state gas taxes in other states and said that Arizona is near the bottom of the list. He noted that Vermont recently passed a two percent tax on gas, raising it about six cents per gallon, and Wyoming increased its tax by ten cents to 24 cents per gallon. Mr. Anderson stated that the average gas tax rate for the states surrounding Arizona is 30 cents per gallon, which is about where Arizona's tax would be if it was tied to inflation.

Mr. Anderson stated that the HURF needs to be fixed by stopping the diversions and returning the fund to the statutory limit of \$20 million annually; raising the fuel tax and indexing it for future inflation; and replacing the fuel tax with alternative mechanisms to fund transportation. He noted that other states are moving away from the per gallon method to a percentage tax to fund transportation.

Mr. Anderson stated that the cumulative shortfall in the federal Highway Trust Fund from 2015 to 2023 is projected to be approximately \$92 billion. He noted that approximately 30 percent of federal transportation funding comes from the general fund, and Congress could decide to fix this, such as imposing additional federal gas taxes or alternative mechanisms. Mr. Anderson stated that staff is putting together briefing materials on transportation funding.

Chair Rogers thanked Mr. Anderson for his report and asked if there were questions.

Mayor Wolcott stated that she has heard reports on the same issues for the past 20 years and nothing changes. She said that even though the gas tax has been a source for transportation funding for a long time and will continue to be the primary source, it is disappearing as an effective mechanism for transportation funding. Mayor Wolcott stated that it behooves this body to be more proactive in solving the problem, and a solution needs more than indexing the gas tax – a package is needed that affects the entire state, not just this region. MAG does planning and the region's economy needs diversification from something other than rooftops. Mayor Wolcott economic activity follows investment and infrastructure and we need to be working together as a state, not just a region. She said that this is a disaster waiting to happen and other states that have indexed the gas tax are out of jeopardy, they are just not falling behind as fast as Arizona. Mayor Wolcott stated that there are other taxing mechanisms out there but political will is lacking. She said that Arizona has a lot to lose if it does not become more aggressive and more proactive about finding a funding solution. Mayor Wolcott stated that MAG, as a transportation planning body, is in a position to go to the Legislature and return this state to productivity. She expressed her hope that MAG would take the lead. Mayor Wolcott pointed out that

ADOT hardly has funds to maintain existing infrastructure and none to build anything new. She expressed that she was tired of hearing the same situation being reported and a resolution is never reached. Mayor Wolcott stated that the leakage needs to be taken care of by the Legislature, perhaps a constitutional amendment is needed to preserve the HURF. She said that a plan is needed and it needs to be enacted.

Mayor Lord expressed her agreement with the statements made by Mayor Wolcott. She said that there is a certain comfort zone and siphoning money is easier if no one expresses an objection and accepts the situation.

Mr. La Rue stated that the same recommendations from an Arizona Town Hall in 1997 are still being discussed but have not been acted on. He expressed that while this region is better positioned, the rest of the state is in dire need.

Chair Rogers called on Executive Director Smith, who suggested three options: (1) Adapt the existing community facilities district law that cities utilize for building infrastructure. The concept could be adapted so it could be used to build new facilities like Interstate 11 and property owners would pay more as buildings are added. It could also help transit with an overlay district. The idea is that businesses that will come in and reap the benefits will help pay for some of the improvements. (2) Extend the horizon of the 20-year sales tax for transportation, which would help with bonding. He noted that San Diego passed a 40-year tax at about the same time as Maricopa County. (3) Enable a local option gas tax, which is currently prohibited by the Arizona constitution. He suggested that the Legislature could possibly give authority to counties to go to the voters.

Mr. Anderson stated that Washoe County, Nevada, passed enabling legislation and a voter initiative to allow indexing of the local, state and federal gas taxes and keeping the revenue. He added that Clark County, Nevada, is in the process of considering enactment of the same thing. Mr. Anderson stated that there are a lot of policy issues associated with this. Mr. Anderson remarked that in his judgment, a package of expanded revenue sources is probably what would be moved forward to maintain what we have and provide for expansion of highway and transit.

Mayor Wolcott expressed her agreement that a package was needed, not just one source. She remarked that sales tax is not always a stable source of funding. Mayor Wolcott stated that the package also needs to impact the entire state and she felt full buy-in around the state is needed to be successful. She noted that tourism is a big deal in Arizona and brings in a lot of money. Attractions in rural Arizona are a big part of the tourism draw.

Councilmember Carlat stated that she was interested in learning how MAG proceeds on these types of concepts, how a study gets on an agenda and how it moves forward. Mr. Smith replied that for the community facilities district concept to move forward, those who would be impacted (such as those in the homebuilders industry) need to hear how it would be to their benefit. He stated that MAG could launch another study, but this is about ownership and the political will to do something. Mr. Smith stated that what he liked about a regional or multi-regional effort is that there is accountability – people see what projects they will get if the tax is passed – and that is why Propositions 300 and 400 were successful. He stated that there is study money, but there is a need to make sure there is political will

to do this. Mr. Smith stated that politicians are the ones who will be on the line for looking at more taxes, and he thought more stakeholders were needed so politicians are not standing alone.

Mayor Mitchell expressed his concurrence with Mr. Smith's statements about stakeholders, because this is about driving commerce. He noted that an extension of the sales tax for transportation would require action by the State Legislature.

Citizen Mr. Ryan raised his hand and spoke out from his seat. Chair Rogers informed Mr. Ryan that public comment was not being taken at this time.

Chair Rogers recognized Mayor Lord, who stated that information needs to be communicated to the people so they are aware of the situation of financing the future of Arizona. She said that so often, information like that is kept around the table, but she thought there should be an effort to publicize the situation even before going to the Legislature.

Mr. Smith stated that MAG can put out brochures and information, but the dilemma is congestion. Citizen Mr. Ryan interrupted Mr. Smith and the meeting by speaking out from his seat. Chair Rogers informed Mr. Ryan it was not the opportunity for public comment and he did not have the floor. Citizen Ryan continued speaking for two and one-half minutes without being recognized by the Chair.

Chair Rogers thanked Mr. Ryan for concluding and asked Mr. Smith to continue what he was going to say. Mr. Smith stated that staff could come back with a strategy if the Regional Council wished.

Mayor Mitchell suggested an outreach program.

Chair Rogers stated that she would like to hear about the state's plan from the State Legislative Transportation Chair. Mr. Smith stated that the Senate and House leadership could be invited to a future meeting.

7. Recommendation from the MAG Managed Lanes Network Development Strategy - Phase I Study

Mr. Anderson reported on the MAG Managed Lanes Network Development Strategy - Phase I Study. He said that the study was divided into four phases, and the purpose of this presentation was to report on the recommendations from Phase I, which are included in the Draft Executive Summary. Mr. Anderson stated that Phase I assessed the overall system feasibility. He said that this was a high level look at Managed Lanes, HOT Lanes, and Express Lanes. Mr. Anderson stated that part of the action being requested was to continue on to the next phase of the study. He advised that there are a lot of policy issues and concerns that still need to be studied and discussed and we are not at a point where any decision has been made. Mr. Anderson advised that the Transportation Policy Committee recommended continuing on to Phase II.

Mr. Anderson stated that Express Lanes and Managed Lanes are lanes dedicated for a certain use. He stated that the region's HOV system is a managed lanes system and is the fourth largest managed lanes system in the nation, although it does not have the tolling used in other states. One of the benefits of managed lanes is travel time savings and reliability. Mr. Anderson stated that a HOT Lanes study was

done in 2002 and the concept was to determine if managed lanes could generate revenue over and above what it takes to implement them and also provide improvements to the system.

Mr. Anderson stated that HOT Lanes as a revenue-generator has been disproven and most managed lanes systems generate enough funding to pay costs, contribute to operations, and pay for some improvements to the corridor, but they do improve travel times.

Mr. Anderson stated that Active Traffic Management proactively manages traffic on the system to maximize the traffic flow, instead of reacting to an incident. He said that one of the goals of managed lanes is to increase the throughput on the highway system. Mr. Anderson stated that the freeway system is projected to handle 2,000 to 2,200 vehicles per hour per lane, but breaks down at about 1,500 to 1,600 vehicles per lane per hour. He stated that bringing the capacity to 2,000 increases capacity by 25 percent with very limited capital expansion and is the essence of Active Traffic Management.

Mr. Anderson discussed project goals and objectives. The four goals are improved mobility, revenue alternatives (ensure it can pay for itself), public and political support, and improved environmental quality. Mr. Anderson stated that improved mobility is the key goal.

Mr. Anderson stated that full deployment of technology would increase throughput and one of the recommendations is a pilot rollout of Active Traffic Management on Interstate 10 in the West Valley. He said they have done a lot of work on active corridor management in that section of Interstate 10 that has chronic congestion. Mr. Anderson stated that they think Active Traffic Management could significantly reduce congestion and improve reliability in that section.

Mr. Anderson stated that the Express Lanes were screened for capacity and constructibility and using a single lane system (Scenario One) and a dual lane system (Scenario Two). Mr. Anderson advised that toll lanes would remain free to transit and HOV users, and the only ones paying a toll would be single occupant vehicles that chose to achieve a more reliable travel time in the toll lanes. He stated that the dual managed lanes are preferable, but are more costly to construct and are not able to be constructed in some areas.

Mr. Anderson reported that I-17, I-10, Loop 101, and US-60 were top performing segments in both the single lane and dual lane scenarios. He said that I-10 was not in the top five for a single lane because the demand is too great, and would not perform very well unless a second lane was added.

Mr. Anderson then discussed revenue forecasts and costs over a 30-year period. The single lane scenario is projected to generate \$100 million per year in revenue over and above construction, operations, and maintenance costs. He remarked that it is a significant amount, but not a huge revenue generator. Mr. Anderson stated that Scenario Two generates less net revenue, due to construction costs of a two-lane system. He indicated that he thought the revenue numbers might be generous and the construction cost numbers might be low because they do not include such things as DHOV ramp connections. Mr. Anderson advised that these figures are very preliminary and will be studied in Phase II.

Mr. Anderson stated that based on the findings, it is recommended that MAG and its key transportation partners actively pursue implementing a broad array of enhanced mobility options, including the use

of managed lanes, congestion pricing, active traffic management, and other similar innovative transportation solutions. He advised that this is still the study mode and no implementation is being discussed.

Mr. Anderson stated there were also four sub-recommendations, one of which is branding. He noted that Washington state was successful in this regard, calling their program “Good to Go.” Mr. Anderson noted that Washington combined the tolling program with other elements of the transportation system, such as ferry or transit, to convey a comprehensive and cohesive strategy.

Mr. Anderson stated that the next part of the recommendation is to identify an opportunity to institute an Active Traffic Management pilot program on Interstate 10 West. He noted that work needs to be done to ensure the concept would fulfill relief from traffic congestion.

Mr. Anderson stated that another recommendation is to have some price managed lanes demonstration projects to determine how to start.

Mr. Anderson stated that the last part of the recommendations is to review guiding policies, for example, the striping of HOV lanes, which does not meet the national standard. He explained that one of the recommendations is to maintain the transit and the existing HOV 2+ configuration in HOV lanes at no charge. Mr. Anderson stated that some places, such as Los Angeles, are moving toward an HOV 3+ due to congestion. He said that a recommendation to move on to Phase II of the study is requested.

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

Mayor Lord stated that the West Valley has some concerns, especially Goodyear. She said that some citizens have expressed their objections to toll roads because they feel they have already paid for the highway on which the tolls would be placed and why Interstate 10 was selected over other corridors. Mayor Lord noted that families moved to the West Valley to have affordable living and now will have to pay a toll to get into the HOV lane. She said she was not expressing opposition to toll roads, she just wanted to convey the concerns of the citizens about why Interstate 10 was selected.

Mr. Anderson stated that there are major congestion issues on Interstate 10 and the pilot program they would propose for the West Valley would not involve any tolls at all. He noted that managed or express lanes could provide additional capacity. Mr. Anderson added that this would only be a study. Mayor Lord expressed that she hoped this would be conveyed to the citizens that it is only for a study and no decision had been made at this time.

Mayor Wolcott spoke of her previous experience with this technology. She said that is a difficult, heavy lift politically, because citizens feel they have paid for the roads once and wonder why they should pay a second time. Mayor Wolcott stated that she supported the concept of the study, but wanted to clarify that this is a traffic management tool, not a people moving tool. When there was discussion about getting buy-in from stakeholders for a new funding stream, bus rapid transit on Interstate 10 was part of Proposition 400, but is not there any more. She stated that bus rapid transit could operate in HOT lanes and move people, not cars, which is the ultimate goal. Mayor Wolcott stated that the West Valley is looking for rapid transit options, getting people to work, and a freeway system that moves people and

gets goods to market. Mayor Wolcott expressed concern about proceeding cautiously on this study or we could end up with mixing messages. She said that people could say the freeways are built out in the Central and East Valleys, but now that the West Valley is going to complete its freeways, they will not be able to fully use all of the options because of HOT lanes.

Mr. Anderson stated that none of these concepts are being done in isolation. He said that what they do not want to do is something in one area that will negatively impact another area. Mr. Anderson stated that if there is an effort to increase funding statewide, perhaps some of these ideas can be put on the back burner, because they want to ensure they are not working at cross purposes and that strategies are coordinated.

Mr. Smith stated that it is unfortunate that the focus has become toll roads. He said when the pilot program on Interstate 10 is discussed, it is not for toll roads, but for the concept of Active Traffic Management. Mr. Smith stated that Active Traffic Management is already in use in the East Valley on Chandler Boulevard, informing drivers of traffic conditions. He said if there is a drive for new funding led by toll roads, it will not be successful.

Mayor Mitchell asked for a description of the public outreach for the entire project. He indicated that he felt there was some misinformation out there and he would like to know the strategy. Mayor Mitchell stated that a cohesive outreach plan is needed. Mr. Anderson replied that one of the first tasks of Phase II is an outreach plan to ensure that the messages are clear. He said that we may decide to discount the express lane concept and promote active traffic management. Mr. Anderson expressed that he felt it had extreme potential to help congestion without tolls and he did not want to lose that message in the clutter.

Chair Rogers recognized public comment from Mr. Ryan, who spoke about subways in Philadelphia and New York. He said to forget about HOV lanes if you want to solve problems – develop instead an elevated system with four lanes: inside lanes are express lanes and the outside lanes are local lanes. Mr. Ryan discussed the system designed by John Shaw, which gets traffic off the highways. Mr. Ryan stated that the needs of corporate headquarters have to be served by proper transportation. Chair Rogers thanked Mr. Ryan for his comments.

With no further discussion, Chair Rogers requested a motion. Mayor Mitchell moved approval to move on to Phase II of the MAG Managed Lanes Network Development Strategy project. Mayor LeVault seconded, and the motion passed unanimously.

8. ADOT Passenger Rail Study, Tucson to Phoenix

Mike Kies, from the Arizona Department of Transportation (ADOT), provided an update on the ADOT Passenger Rail Study from Tucson to Phoenix. Mr. Kies stated that setting a vision for the transportation system in Arizona for 2050 resulted from the Building a Quality Arizona (BQAZ) process in 2010. He said that passenger rail was part of the vision.

Mr. Kies displayed a map of possible intercity rail, commuter rail, and passenger rail corridors. He stated that implementation was then studied, with the Phoenix to Tucson corridor the highest priority in the feasibility study.

Mr. Kies then explained the passenger rail corridor study process and indicated that the alternatives analysis is being completed, after which they will complete their deliverables. Mr. Kies stated that two processes were blended into this one study – from the Federal Railroad Administration and the Federal Transit Administration – who are co-leads on the study.

Mr. Kies stated that seven preliminary alternatives will be presented to the public and agencies to distill down to a couple of preferences. He noted that one bus option on Interstate 10 is one of the alternatives to provide express bus service between Tucson and Phoenix. Mr. Kies stated that the alternatives include six rail options, including one that follows the Interstate 10 alignment, one that follows the Union Pacific alignment, and combination alternatives.

Mr. Kies stated that they conducted a three-legged process on the alternatives: (1) outreach to the public to get comments; (2) coordinate with 46 agencies in Maricopa and Pinal counties; (3) conduct technical analyses of the alternatives. Mr. Kies then reported on the outreach they conducted – he said almost 7,000 surveys were completed by the public, which is a significant amount.

Mr. Kies stated that survey respondents were asked their preferred travel choice between Tucson and Phoenix and more than 77 percent responded train. He noted that the respondents also indicated preference for alternatives in the East Valley. Mr. Kies stated that they will be taking two alternatives forward to the EIS and select a locally preferred alternative. He noted that the two alternatives have not yet been fully vetted, but he thought one alternative would follow Interstate 10 from Phoenix to Tucson and one alternative would access eastern Pinal County and the East Valley of the Phoenix Metro area.

Mr. Kies also noted some orange areas on a map that indicate areas that will be evaluated in the EIS, called common corridors. He said that the final alternative will have one alignment that goes as far west as Surprise and Buckeye, one common corridor to Tempe, and one corridor from Picacho to Tucson.

Mr. Kies noted the schedule and next steps, which includes continuing coordination and support from local agencies; completing the Final Alternatives in Spring 2013; completing the Draft EIS in Fall 2013, followed by a 45-day public comment period and public hearings. Mr. Kies stated that a Final EIS and final report is anticipated by early 2014. He stated that the Final EIS will document the locally preferred alternative. Mr. Kies stated that the Service Development Plan, which is an implementation plan, will then be created.

Chair Rogers thanked Mr. Kies for his report and asked members if they had questions.

Chair Rogers recognized Mayor Wolcott, who thanked Mr. Kies for bringing the proposal to the communities impacted for feedback. She said that in her city's meeting, she had asked why an urban bus in a diamond lane was being considered as an alternative instead of bus rapid transit in a dedicated corridor, because it is not an apples-to-apples comparison in terms of service. Mr. Kies replied that the study did not get into the specifics on how the bus alternatives would operate. He said that their assumption was that whatever facility provided, the bus would operate at posted speed limits. Mr. Kies stated that the goal was to provide intercity bus service at 75 m.p.h. compared to rail that could reach speeds of 125 m.p.h. He noted that the staff recommendation at this time is that the bus alternative is not realistic to solve transportation needs between Phoenix to Tucson. Mayor Wolcott commented that

besides speed, the destination is a critical element, otherwise, why build it? She expressed her support for connecting all of the population centers.

Chair Rogers noted that some of the members needed to leave and asked if there were further questions from the Regional Council. Hearing none, she allowed an extra public comment period for Mr. Ryan, who said that Mayor Wolcott was right, people want speed, however, tracks limit speed and can derail. Mr. Ryan stated that John Shaw's technology never derails because it uses central guide beams. He stated that the Phoenix to Tucson rail plans to use vehicles made in Spain, and this would be combined with trolleys made in Japan for the light rail system, and vehicles made in Canada for the airport shuttle. Mr. Ryan encouraged teamwork and having a flexible, elevated system with American-made vehicles. He stated that everyone wants to lower the cost of the market basket, which is higher in Arizona than the rest of the nation due to transportation costs. Mr. Ryan stated that John Shaw's vehicles could go right to the delivery doors of stores. He stated that many incomes here are from military manufacturing. People around the world hate us because of the missiles manufactured here that destroy facilities in their countries, such as the plant in Africa that makes an anti-malaria pill. Mr. Ryan stated that John Shaw spent thousands of hours and his own money to develop this system and provided to public agencies, yet it is not even mentioned in this presentation. Chair Rogers thanked Mr. Ryan for his comments.

Chair Rogers asked Mr. Kies, when he gives presentations, if people are informed about the outcome if nothing is done. Mr. Kies replied that a no-build alternative is included as part of the EIS. Chair Rogers stated that it is important that people understand that. She stated that when doing surveys, people are asked if they would like a certain facility and they indicate yes. The other part that needs to be asked is the manner they want to pay for it. Mr. Kies replied that one of the questions in the survey was phrased that no funding had been identified for this system and asked respondents to propose a method of paying for it. He noted that responses are still being analyzed due to the length of responses.

9. Maricopa Association of Governments Agency Performance Review Questionnaire

Due to the length of the meeting, this agenda item was not considered.

10. Development of the FY 2014 Unified Planning Work Program and Annual Budget

Due to the length of the meeting, this agenda item was not considered.

11. Nominating Committee

Annually, the Chair of the Regional Council appoints a five-member Nominating Committee from the Regional Council. In accordance with the approved MAG Regional Council Nominating Process, the Nominating Committee develops a slate of seven candidates. These candidates include a Chair, Vice Chair, Treasurer, the Past Chair, and three members at-large. If the Past Chair is not a current member of the Council, the Nominating Committee nominates an additional at-large member. The past Chair of the Regional Council, if still a current member, serves as Chair of the Nominating Committee. The Nominating Committee is required to provide a balanced slate of officers. The slate of nominations is forwarded to all of the Regional Council members at least two weeks prior to the annual meeting in June.

Chair Rogers noted that the memorandum announcing the members of the Nominating Committee was at each place. Members of the Nominating Committee include Mayor Tom Schoaf, Litchfield Park; Mayor Jackie Meck, Town of Buckeye; Mayor John Lewis, Town of Gilbert; Mayor Georgia Lord, City of Goodyear; and Mayor Mark Mitchell, City of Tempe. Also at each place was the memorandum from Mayor Schoaf requesting letters of interest from Regional Council members who wish to be nominated for the Executive Committee. Chair Rogers requested that letters be submitted by May 10, 2013.

12. Legislative Update

No report.

13. 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 were requested.

Chair Rogers noted that agenda items #9 and #10 would be heard at the May Regional Council meeting.

No other requests for agenda items were noted.

14. Comments from the Council

An opportunity was 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.

Chair Rogers noted that the next Regional Council meeting is May 22, 2013, at 11:30 a.m.

Adjournment

There being no further business, the meeting adjourned at 1:30 p.m.

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Chair

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Secretary

# MARICOPA ASSOCIATION OF GOVERNMENTS

## INFORMATION SUMMARY... for your review

**DATE:**

May 14, 2013

**SUBJECT:**

Project Changes – Amendment and Administrative Modification to the FY 2011-2015 MAG Transportation Improvement Program, and to the Regional Transportation Plan 2010 Update

**SUMMARY:**

The Fiscal Year 2011-2015 MAG Transportation Improvement Program (TIP) and Regional Transportation Plan (RTP) 2010 Update were approved by the MAG Regional Council on July 28, 2010, and have been modified twenty four times with the last modification approved on March 27, 2013.

The Arizona Department of Transportation (ADOT) has requested project changes that include amendments, budget adjustments, advancements, deferrals, and administrative changes on projects. Additionally, ADOT has included new projects that have been awarded Highway Safety Improvement Program Rail Grade Crossing funding (HSIP-RGC). Member agencies have requested project changes that include Congestion Mitigation and Air Quality(CMAQ), Safe Routes to School (SRTS), and Transportation Alternatives (TA-MAG) program cost changes, general budget adjustments, and deferrals. The requested project changes are included in Table D. Since the Transportation Review Committee heard this item, several project changes have been submitted by member agencies. These changes are tinted in yellow. Since the Management Committee reviewed the project change list, the City of Phoenix has requested to modify three bridge inspection listings to include federal funding. The changes are tinted in blue. Projects to be amended require conformity consultation. Projects that need administrative modifications do not require a conformity determination.

**PUBLIC INPUT:**

At the May 8, 2013, MAG Management Committee meeting, a citizen commented that project changes link to conformity.

**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 the 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:**

This item is on the May 15, 2013, MAG Transportation Policy Committee agenda. An update will be provided on action taken by the Committee.

On May 8, 2013, the MAG Management Committee recommended approval of the proposed projects changes in Table D.

### MEMBERS ATTENDING

|   |   |
|---|---|
| Tom Remes for David Cavazos, Phoenix                                | Christopher Brady, Mesa                                   |
| Dr. Spencer Isom, El Mirage, Vice Chair                             | * Jim Bacon, Paradise Valley                              |
| # George Hoffman, Apache Junction                                   | Carl Swenson, Peoria                                      |
| Charlie McClendon, Avondale   | # John Kross, Queen Creek                                 |
| * Stephen Cleveland, Buckeye  | * Bryan Meyers, Salt River Pima-Maricopa Indian Community |
| * Gary Neiss, Carefree  | * Dan Worth, Scottsdale                                   |
| * Usama Abujbarah, Cave Creek                                       | Michael Celaya for Chris Hillman, Surprise                |
| Rich Dlugas, Chandler   | Andrew Ching, Tempe                                       |
| Alfonso Rodriguez for Phil Dorchester, Fort McDowell Yavapai Nation | # Chris Hagen for Reyes Medrano, Tolleson                 |
| Ken Buchanan, Fountain Hills  | Joshua Wright, Wickenburg                                 |
| Rick Buss, Gila Bend  | Lloyce Robinson, Youngtown                                |
| * David White, Gila River Indian Community                          | John Nelson for John Halikowski, ADOT                     |
| Patrick Banger, Gilbert   | John Hauskins for Tom Manos, Maricopa County              |
| Brent Stoddard for Dick Bowers, Glendale                            | JymeSue McLaren for Steve Banta, Valley Metro/RPTA        |
| # Brian Dalke, Goodyear   |   |
| * Bill Hernandez, Guadalupe   |   |
| # Darryl Crossman, Litchfield Park                                  |   |

\* Those members neither present nor represented by proxy.

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

The Transportation Review Committee on April 25, 2013 reviewed and recommended the proposed projects changes in Table D.

### MEMBERS ATTENDING

|   |   |
|---|---|
| Scottsdale: David Meinhart, Chair         | * Litchfield Park: Woody Scoutten             |
| Avondale: David Fitzhugh, Vice-Chair      | Maricopa County: John Hauskins                |
| ADOT: Kwi-Sung Kang for Floyd Roehrich    | Mesa: Jeff Martin for Scott Butler            |
| Buckeye: Scott Lowe                       | * Paradise Valley: Jim Shano                  |
| Chandler: Dan Cook for Patrice Kraus      | * Peoria: Andrew Granger                      |
| El Mirage: Sue McDermott                  | Phoenix: Rick Naimark                         |
| Fountain Hills: Randy Harrel              | * Queen Creek: Troy White                     |
| * Gila Bend: Eric Fitzer                  | Surprise: Terry Lowe                          |
| * Gila River: Doug Torres                 | * Tempe: Vacant                               |
| Gilbert: Leah Hubbard                     | Valley Metro: John Farry                      |
| Glendale: Purab Adabala for Debbie Albert | * Wickenburg: Julius Diogenes for Rick Austin |
| Goodyear: Cato Esquivel                   | Youngtown: Grant Anderson for Lloyce Robinson |
| * Guadalupe: Gino Turrubiarres            |   |

### EX-OFFICIO MEMBERS ATTENDING

|   |  |
|---|--|
| * Street Committee: Charles Andrews, Avondale | * Bicycle/Pedestrian Committee: Katherine Coles, City of Phoenix |
| * ITS Committee: Vacant Position              | * Transportation Safety Committee: Julian Dresang, City of Tempe |
| FHWA: Ed Stillings                            |  |

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

# Attended by Audioconference

On April 9, 2013, the Street Committee reviewed and recommended changes to the Glendale, Myrtle Ave pedestrian project, TIP #GLN12-102C, and to Tempe, Holdeman Neighborhood Alley Stabilization project, TIP#TMP13-101.

**MEMBERS ATTENDING**

- |  |   |
|--|---|
| Charles Andrews, Avondale, Chairman                      | Jack Lorbeer for Chris Plumb, Maricopa Co.                  |
| Steve Beasley for Lupe Harriger, ADOT                    | Maria Deeb, Mesa  |
| * Jose Heredia, Buckeye                                  | * James Shano, Paradise Valley                              |
| Dan Cook, Chandler                                       | Ben Wilson, Peoria  |
| Bob Senita, El Mirage                                    | Dana Owsiany for Shane Silsby, Phoenix                      |
| * Tony Rodriguez, Gila River Indian Community            | * Janet Martin, Queen Creek                                 |
| * Michael Gillespie, Gilbert                             | * Elaine Cabrera, Salt River Pima-Maricopa Indian Community |
| Bob Darr, Glendale                                       | Todd Taylor for Phil Kercher, Scottsdale                    |
| Hugh Bigalk, Goodyear                                    | Jason Mahkovtz, Surprise                                    |
| * Gino Turrubiates, Guadalupe                            | Shelly Seyler, Tempe  |
| Thomas Chlebanowski for Darryl Crossman, Litchfield Park | * Jason Earp, Tolleson                                      |
|  | Grant Anderson, Youngtown                                   |

\* Members neither present nor represented by Proxy  
+ Attended by Videoconference # Attended by Audioconference

**CONTACT PERSON:**

Teri Kennedy, Transportation Improvement Program Manager, (602) 254-6300.

Table D. Non-ALCP Project Changes to the Fiscal Year 2011-2015 MAG Transportation Improvement Program

5/7/2013

| HIGHWAY   |        | REQUESTED CHANGE TO THE FY2011-2014 TIP  |  |             |                                       |        |              |             |           |            |              |               |              |  |
|-----------|--------|--|--|-------------|---------------------------------------|--------|--------------|-------------|-----------|------------|--------------|---------------|--------------|--|
| TIP #     | Agency | Project Location                         | Project Description  | Fiscal Year | Completion/Open to Traffic: Est. Date | Length | Lanes Before | Lanes After | Fund Type | Local Cost | Federal Cost | Regional Cost | Total Cost   | Requested Change   |
| DOT13-144 | ADOT   | Business Route 8: I-8 to Gillespie Canal | Construct Pavement Preservation  | 2013        | Apr-14                                | 3.1    | 4            | 4           | STP-AZ    | \$ 267,900 | \$ 4,432,100 | \$ -          | \$ 4,700,000 | Amend: Add a new construction project. pavement preservation .   |
| DOT13-142 | ADOT   | 17: Durango Curve                        | Construction of Erosion and Sedimentation Mitigation   | 2013        | Jun-14                                | 0.5    | 6            | 6           | NHS       | \$ 57,000  | \$ 943,000   | \$ -          | \$ 1,000,000 | Amend: Add a new construction project, erosion mitigation in FY 2013.  |
| DOT13-174 | ADOT   | Broadway Road (Tempe)                    | Design and construction of new railroad gates and flashers and a new cantilever by the Union Pacific Railroad Co. Under ADOT STIP as item 72613. | 2013        | June 2014                             | 0.1    | 5            | 5           | HSIP-RGC  | \$ -       | \$ 490,000   | \$ -          | \$ 490,000   | Amend: NEW project, ADOT Rail Safety Program. Railroad safety project using Section 130 funds from FHWA administered by ADOT Utility & Railroad Section. |
| DOT13-175 | ADOT   | Dobson Road (Mesa)                       | Design and construction of new railroad gates and flashers and new cantilevers by the Union Pacific Railroad Co. Under ADOT STIP as item 72613.  | 2013        | June 2014                             | 0.1    | 6            | 6           | HSIP-RGC  | \$ -       | \$ 650,000   | \$ -          | \$ 650,000   | Amend: NEW project, ADOT Rail Safety Program. Railroad safety project using Section 130 funds from FHWA administered by ADOT Utility & Railroad Section. |
| DOT13-173 | ADOT   | 5th Street (Tempe)                       | Design and construction of new railroad gates and flashers by the Union Pacific Railroad Co. Under ADOT STIP as item 72613.                      | 2013        | April 2014                            | 0.1    | 3            | 3           | HSIP-RGC  | \$ -       | \$ 340,000   | \$ -          | \$ 340,000   | Amend: NEW project, ADOT Rail Safety Program. Railroad safety project using Section 130 funds from FHWA administered by ADOT Utility & Railroad Section. |
| DOT13-141 | ADOT   | 17: Buckeye, Grant, Jefferson & Adams    | Design Electrical Rehabilitation   | 2013        | May-14                                | 5      | 6            | 6           | NHS       | \$ 9,975   | \$ 165,025   | \$ -          | \$ 175,000   | Amend: Add a new design project. Electrical rehabilitation.  |
| DOT13-140 | ADOT   | 17: Buckeye, Grant, Jefferson & Adams    | Design for ADA Ramp Improvement & Pavement Maintenance   | 2013        | May-14                                | 5      | 6            | 6           | NHS       | \$ 11,400  | \$ 188,600   | \$ -          | \$ 200,000   | Amend: Add new design project. Pavement maintenance.   |

| TIP #     | Agency  | Project Location                                | Project Description                          | Fiscal Year | Completion/Open to Traffic: Est. Date | Length | Lanes Before | Lanes After | Fund Type | Local Cost   | Federal Cost | Regional Cost | Total Cost   | Requested Change  |
|-----------|---------|---|--|-------------|---------------------------------------|--------|--------------|-------------|-----------|--------------|--------------|---------------|--------------|---|
| DOT13-143 | ADOT    | 60 (Grand Ave): Jomax Rd to SR303L              | Design Pavement Preservation                 | 2013        | Jun-15                                | 4.4    | 4            | 4           | NHS       | \$ 3,534     | \$ 58,466    | \$ -          | \$ 62,000    | Amend: Add a new design project. Pavement preservation.   |
| DOT13-112 | ADOT    | 10:Salome Road - SR85                           | Design Pavement Preservation (Crack Sealing) | 2013        | Jun-14                                | 32     | 4            | 4           | NHPP      | \$ 3,021     | \$ 49,979    | \$ -          | \$ 53,000    | Amend: Add a new design project. Pavement preservation.   |
| DOT12-838 | ADOT    | 60 (Superstition Fwy) at Meridian Rd            | Design Traffic Interchange                   | 2013        | Dec-15                                | 0.3    | 4            | 4           | RARF      | \$ -         | \$ -         | \$ 920,000    | \$ 920,000   | Amend: Increase total project budget by \$120,000 from \$800,000 to \$920,000.  |
| DOT13-170 | ADOT    | 10: 35th Ave - Sky Harbor Blvd                  | Safety Study                                 | 2013        | Jun-14                                | 7.5    | 8            | 8           | HSIP-AZ   | \$ 28,500    | \$ 471,500   | \$ -          | \$ 500,000   | Amend: Add a new ADOT safety study project in FY 2013 for \$500,000.  |
| DOT14-115 | ADOT    | 74: Picacho Wash Trail to I-17                  | Construct Pavement Preservation              | 2014        | Feb-15                                | 8      | 2            | 2           | STP-AZ    | \$ 285,000   | \$ 4,715,000 | \$ -          | \$ 5,000,000 | Amend: Add new construction project. Pavement preservation.   |
| DOT98-111 | ADOT    | 101 (Pima Fwy): Pima Rd Extension (JPA)         | Design Roadway Extension                     | 2014        | Apr-16                                | 2      | 0            | 4           | RARF      | \$ -         | \$ -         | \$ 297,000    | \$ 297,000   | Amend: Defer design JPA project to FY2014 from FY 2013. Current coordination with Salt River Pima Maricopa Indian Community's development plans.      |
| DOT12-118 | ADOT    | 10: SR101L (Agua Fria) to I-17                  | Utility Design                               | 2014        | Dec-15                                | 9      | 10           | 10          | RARF      | \$ -         | \$ -         | \$ 1,000,000  | \$ 1,000,000 | Amend: Defer utility design work to FY 2014 from FY 2013 while South Mountain Freeway study progresses.   |
| DOT08-817 | ADOT    | 10: Desert Creek/323rd Avenue                   | Design Traffic Interchange                   | 2015        | May-17                                | 0.3    | 4            | 4           | Private   | \$ 1,900,000 | \$ -         | \$ -          | \$ 1,900,000 | Amend: Defer privately funded traffic interchange design project to FY 2015 from FY 2013.   |
| DOT09-903 | ADOT    | 10: 395th Ave                                   | Design Traffic Interchange                   | 2015        | May-17                                | 0.3    | 4            | 4           | Private   | \$ 1,820,000 | \$ -         | \$ -          | \$ 1,820,000 | Amend: Defer privately funded traffic interchange design project to FY 2015 from FY 2013.   |
| BKY11-801 | Buckeye | North Watson Road and MC85 Phase I and Phase II | Pave Unpaved Road                            | 2013        | June 2014                             | 0.2    | 0            | 0           | CMAQ      | \$ 15,082    | \$ 249,518   | \$ -          | \$ 264,600   | Amend: Received updated engineering cost estimate. Increase total project cost by \$ 196,248.   |
| BKY13-101 | Buckeye | 7th St: Norton Dr from Bloat Rd                 | Construct pave unpaved road project          | 2014        | June 2015                             | 0.4    | 2            | 2           | CMAQ      | \$ 256,559   | \$ 233,225   | \$ -          | \$ 489,784   | Amend: Agency requests to defer project to FY2014 from 2013. Agency received updated engineering estimate increase local and total cost by \$242,261. |

| TIP #      | Agency   | Project Location  | Project Description  | Fiscal Year | Completion/Open to Traffic: Est. Date | Length | Lanes Before | Lanes After | Fund Type | Local Cost           | Federal Cost          | Regional Cost   | Total Cost            | Requested Change  |
|------------|----------|---|--|-------------|---------------------------------------|--------|--------------|-------------|-----------|----------------------|-----------------------|-----------------|-----------------------|---|
| CHN14-102  | Chandler | Ray, Elliot, Dobson, connecting at Arizona back to TMC  | Construct ITS project for fiber communications from signals to the TMC | 2013        | Aug-14                                | 9.0    | 0            | 0           | CMAQ      | \$ 47,191            | \$ 780,721            | \$ -            | \$ 827,912            | Amend: Increase total project cost by \$13,778 based on current engineering estimate. Project schedule allows advancement from FY2014 to FY2013. Closeout funding available, increase federal cost by \$191,244, reduce local share by \$177,466.                           |
| CHN13-102  | Chandler | Alleys bounded by Dobson Rd, Warner Rd, Alma School Rd and Knox Rd (FMA 15); Alma School Rd, Knox Rd, Arizona Ave and Ray Rd. (FMA 16); & Elliot Rd, Alma School Rd, Cheyenne Dr, and Evergreen St (FMA 7). | Construct/Pave Dirt Alleys   | 2013        | Feb-14                                | 9.7    | 0            | 0           | CMAQ      | \$ 44,802            | \$ 741,198            | \$ -            | \$ 786,000            | Amend: Advance CHA14-103 work elements and combine with CHN13-102 work elements. The length of 9.68 miles is an actual based on current needs, and updated engineering estimate of cost. The balance of the original project will be completed at a later date by the city. |
| CHN14-103  | Chandler | <del>Alleys bounded by Dobson Rd, Warner Rd, Alma School Rd and Knox Rd &amp; Alma School Rd, Knox Rd, Arizona Ave and Ray Rd.</del>  | <del>Construct/Pave Dirt Alleys</del>                                  | 2014        | Aug 14                                | 13     | 0            | 0           | CMAQ      | <del>\$ 44,802</del> | <del>\$ 741,198</del> | <del>\$ -</del> | <del>\$ 786,000</del> | Amend: Project activities to advance to FY2013 and combine funding with CHN13-102. Delete TIP Listing CHN14-103.  |
| GLN09-610R | Glendale | Glendale Ave to Glenn Dr and 58th Ave to 57th Ave.  | Construct Pedestrian Improvements                                      | 2014        | June 2015                             | 0.1    | 4            | 4           | CMAQ      | \$ 237,759           | \$ 315,721            | \$ -            | \$ 553,480            | Amend: Agency requests to defer project to FY2014 from 2012 due to elements outside agency's control. Loss of closeout funding; decrease federal closeout award by \$150,014. Street Committee reviewed project on 4-9-2013 and recommended deferral.                       |
| GLN12-102D | Glendale | Myrtle Avenue   | Sidewalk Improvements  | 2014        | June 2015                             | 0.4    | 2            | 2           | TA-MAG    | \$ 8,282             | \$ 137,018            | \$ -            | \$ 145,300            | Amend: Split project into Design and Construction phases. Defer Design to FY2014. ADOT award for construction was \$400,000. Eligible for TA-MAG funding for design phase.  |

| TIP #      | Agency          | Project Location  | Project Description   | Fiscal Year | Completion/Open to Traffic: Est. Date | Length | Lanes Before | Lanes After | Fund Type | Local Cost   | Federal Cost | Regional Cost | Total Cost   | Requested Change  |
|------------|-----------------|---|---|-------------|---------------------------------------|--------|--------------|-------------|-----------|--------------|--------------|---------------|--------------|---|
| GLN12-102C | Glendale        | Myrtle Avenue   | Sidewalk Improvements   | 2015        | June 2017                             | 0.4    | 2            | 2           | SRTS      | \$ 106,410   | \$ 400,000   | \$ -          | \$ 506,410   | Amend: Split project into Design and Construction phases. Defer construction from FY2014. ADOT award was \$400,000. Total Construction cost estimate increase by \$106,410. |
| MMA13-190  | Maricopa County | Avondale Blvd at MC 85: RR and Intersection modifications | Design the construction of a new concrete crossing, new railroad cantilever & updating of the railroad preemption by the Union Pacific Railroad Co. In addition, relocate traffic signals and connecting sidewalks at the intersection of Avondale Boulevard and MC 85. | 2013        | June 2014                             | 0      | 4            | 4           | HSIP-RGC  | \$ 90,455    | \$ 100,000   | \$ -          | \$ 190,455   | Amend: NEW project, ADOT Rail Safety Program.   |
| MMA14-190  | Maricopa County | Avondale Blvd at MC 85: RR and Intersection modifications | Acquisition of right-of-way for the installation of a new concrete crossing, new railroad cantilever & updating of the railroad preemption by the Union Pacific Railroad Co. In addition, relocate traffic signals & connecting sidewalks at the                        | 2014        | June 2015                             | 0      | 4            | 4           | HSIP-RGC  | \$ 38,000    | \$ 62,000    | \$ -          | \$ 100,000   | Amend: NEW project, ADOT Rail Safety Program.   |
| MMA15-190  | Maricopa County | Avondale Blvd at MC 85: RR and Intersection modifications | Construction of a new concrete crossing, new railroad cantilever & updating of the railroad preemption by the Union Pacific Railroad Co. Additionally, relocate traffic signals & connecting sidewalks at the intersection of Avondale Boulevard and MC 85.             | 2015        | June 2015                             | 0      | 4            | 4           | HSIP-RGC  | \$ 1,000,925 | \$ 946,075   | \$ -          | \$ 1,947,000 | Amend: NEW project, ADOT Rail Safety Program.   |

| TIP #       | Agency  | Project Location  | Project Description   | Fiscal Year | Completion/Open to Traffic: Est. Date | Length | Lanes Before | Lanes After | Fund Type | Local Cost            | Federal Cost    | Regional Cost   | Total Cost            | Requested Change   |
|-------------|---------|---|---|-------------|---------------------------------------|--------|--------------|-------------|-----------|-----------------------|-----------------|-----------------|-----------------------|--|
| MES13-171   | Mesa    | Dobson Road (Mesa)  | Acquisition of right-of-way by the City of Mesa for the sidewalk adjustments necessary for the installation of railroad gates and flashers and cantilevers. Under ADOT STIP Item 72613.   | 2013        | June 2014                             | 0.1    | 6            | 6           | HSIP-RGC  | \$ -                  | \$ 20,000       | \$ -            | \$ 20,000             | Amend: NEW project, ADOT Rail Safety Program. City of Mesa to acquire right of way from Railroad in support of their work. |
| MES13-170   | Mesa    | Dobson Road (Mesa)  | Construction of railroad crossing road approach improvements, raised medians, and sidewalk adjustments by the City of Mesa to facilitate necessary railroad crossing safety improvements. | 2013        | June 2014                             | 0.1    | 6            | 6           | HSIP-RGC  | \$ -                  | \$ 40,000       | \$ -            | \$ 40,000             | Amend: NEW project, ADOT Rail Safety Program   |
| PHX13-933   | Phoenix | Various locations   | Bridge Inspection Program   | 2013        | 13-May                                | 0      | 0            | 0           | STP-BR    | \$ 22,800             | \$ 377,200      | 0               | 400,000               | Amend: Revise cost and funding sources as listed   |
| PHX13-107   | Phoenix | Various Locations   | Equipment Rental for bridge inspections   | 2013        | 13-May                                | 0      | 0            | 0           | STP-BR    | \$ 11,030             | \$ 182,471      | 0               | 193,500               | Amend: Revise cost and funding sources as listed   |
| PHX13-106   | Phoenix | Various Locations   | Pontis / Virtis Software for bridge inspections   | 2013        | 13-May                                | 0      | 0            | 0           | STP-BR    | \$ 5,324              | \$ 88,072       | 0               | 93,396                | Amend: Revise cost and funding sources as listed   |
| PHX13-901D  | Phoenix | Nevitt Park and Western Canal (northwest of 46th St and Vineyard Rd)            | Nevitt park Bicycle & Pedestrian Bridge Crossing: Design Phase  | 2014        | -                                     | 0.5    | 4            | 4           | CMAQ      | \$ 46,400             | \$ 188,600      | \$ -            | \$ 235,000.00         | Admin: Increase local cost by \$ 35,000 and total cost by 35,000.  |
| PHX13-901   | Phoenix | Nevitt Park and Western Canal (northwest of 46th St and Vineyard Rd)            | Nevitt park Bicycle & Pedestrian Bridge Crossing: Construction Phase  | 2015        | 2016                                  | 0.5    | 4            | 4           | CMAQ      | \$ 178,105            | \$ 300,395      | \$ -            | \$ 478,500.00         | Amend: Increase local cost by \$159,751 and total cost by \$156,500, reduce federal amount by \$ 3,251.                    |
| PHX14-181   | Phoenix | <del>Nevitt Park and Western Canal (northwest of 46th St and Vineyard Rd)</del> | <del>Nevitt park Bicycle &amp; Pedestrian Bridge Crossing: Right-of-Way Acquisition</del>   | 2015        | -                                     | 0.5    | 4            | 4           | Local     | <del>\$ 200,000</del> | <del>\$ -</del> | <del>\$ -</del> | <del>\$ 200,000</del> | Delete duplicate work phase.   |
| PHX13-901RW | Phoenix | Nevitt Park and Western Canal (northwest of 46th St and Vineyard Rd)            | Nevitt park Bicycle & Pedestrian Bridge Crossing: ROW Phase   | 2015        | -                                     | 0.5    | 4            | 4           | CMAQ      | \$ 19,249             | \$ 26,826       | \$ -            | \$ 49,326.00          | Admin: Increase local cost by \$ 17,824, increase federal amount by \$3,251 and total cost by \$24,326.                    |

| TIP #      | Agency     | Project Location                               | Project Description  | Fiscal Year | Completion/Open to Traffic: Est. Date | Length | Lanes Before | Lanes After | Fund Type | Local Cost   | Federal Cost | Regional Cost | Total Cost   | Requested Change   |
|------------|------------|--|--|-------------|---------------------------------------|--------|--------------|-------------|-----------|--------------|--------------|---------------|--------------|--|
| SCT12-102D | Scottsdale | Hayden/Thomas Rd                               | Design intersection improvement  | 2013        | Jun-16                                | 0.5    | 6            | 6           | HSIP      | \$ 858,550   | \$ 141,450   | \$ -          | \$ 1,000,000 | Amend: Increase local and total project cost by \$850,000.   |
| SCT14-106T | Scottsdale | Thomas Road: 73rd St to Indian Bend Wash       | Construct: Streetscape project to enhance sidewalks, add new bike lanes, turn lanes and lighting   | 2014        | Oct-14                                | 0.6    | 5            | 5           | Local     | \$ 4,613,900 | \$ -         | \$ -          | \$ 4,613,900 | Amend: New Project will follow FTA guidelines. Project has Federal interest (FTA) in it from retired Loma Transit center project.  |
| SCT14-110  | Scottsdale | Hayden/Thomas Rd                               | ROW for intersection improvement   | 2014        | Jun-16                                | 0.5    | 6            | 6           | Local     | \$ 200,000   | \$ -         | \$ -          | \$ 200,000   | Amend: Add new ROW phase   |
| SCT12-102  | Scottsdale | Hayden/Thomas Rd                               | Construct intersection improvement   | 2015        | Jun-16                                | 0.5    | 6            | 6           | HSIP      | \$ 4,459,369 | \$ 1,240,631 | \$ -          | \$ 5,700,000 | Amend: Increase local and total cost by \$4,384,379. Cost estimate may be revised later when engineer's estimate is updated.       |
| TMP13-172  | Tempe      | Broadway Road (Tempe)                          | Acquisition of right-of-way by the City of Tempe for the sidewalk adjustments necessary for the installation of railroad gates and flashers and cantilevers. Under ADOT STIP Item 72613.   | 2013        | June 2014                             | 0.1    | 5            | 5           | HSIP-RGC  | \$ -         | \$ 20,000    | \$ -          | \$ 20,000    | Amend: NEW project, ADOT Rail Safety Program. City of Tempe to acquire right of way from Railroad in support of their work.        |
| TMP12-805  | TEMPE      | HARDY DRIVE; UNIVERSITY DRIVE TO BROADWAY ROAD | BICYCLE AND PEDESTRIAN IMPROVEMENTS  | 2013        | Dec-14                                | 1      | 2            | 2           | CMAQ      | \$ 166,109   | \$ 1,600,000 | \$ -          | \$ 1,766,109 | Admin: Updated Engineering estimate received, Increase total cost by \$406,109, Close out eligible, increase federal by \$406,109. |
| TMP13-170  | Tempe      | 5th Street (Tempe)                             | Construction of railroad crossing road approach improvements, raised medians, and sidewalk adjustments by the City of Tempe to facilitate necessary railroad crossing safety improvements. | 2013        | April 2014                            | 0.1    | 3            | 3           | HSIP-RGC  | \$ -         | \$ 205,000   | \$ -          | \$ 205,000   | Amend: NEW project, ADOT Rail Safety Program   |

| TIP #       | Agency     | Project Location                           | Project Description  | Fiscal Year | Completion/Open to Traffic: Est. Date | Length | Lanes Before | Lanes After | Fund Type | Local Cost | Federal Cost | Regional Cost | Total Cost | Requested Change   |
|-------------|------------|--|--|-------------|---------------------------------------|--------|--------------|-------------|-----------|------------|--------------|---------------|------------|--|
| TMP13-171   | Tempe      | Broadway Road (Tempe)                      | Construction of railroad crossing road approach improvements, raised medians, and sidewalk adjustments by the City of Tempe to facilitate necessary railroad crossing safety improvements. | 2013        | June 2014                             | 0.1    | 5            | 5           | HSIP-RGC  | \$ -       | \$ 160,000   | \$ -          | \$ 160,000 | Amend: NEW project, ADOT Rail Safety Program   |
| TMP13-101   | TEMPE      | HOLDEMAN NEIGHBORHOOD ALLEY STABILIZATION  | DESIGN & CONSTRUCT ALLEY STABILIZATION PROJECT   | 2013        | Dec-13                                | 7.8    | 0            | 0           | CMAQ      | \$ 45,202  | \$ 747,823   | \$ -          | \$ 793,025 | Amend: Scope Change: Increase project area coverage by 82% (41% increase in total project costs). Increase federal funding by \$216,726, increase local cost by \$13,099, total project phase cost increase of \$229,825. Street Committee reviewed project on 4-9-2013 and recommended expanding the scope. |
| TMP14-103   | TEMPE      | EVERGREEN NEIGHBORHOOD ALLEY STABILIZATION | DESIGN & CONSTRUCT ALLEY STABILIZATION PROJECT   | 2013        | Dec-14                                | 4.5    | 2            | 2           | CMAQ      | \$ 29,140  | \$ 482,057   | \$ -          | \$ 511,197 | Amend: Advance Project from FY2014-2013.   |
| WKN10-801C2 | Wickenburg | US93 Bypass at Hassayampa River            | Construct Wickenburg Pedestrian and Bicycle Bridge   | 2013        | Jun-14                                | 0.1    | 0            | 0           | TA-MAG    | \$ 6,010   | \$ 99,421    | \$ -          | \$ 105,431 | Amend: Increase TA-MAG from \$56,477 to \$99,421, and increase local cost from \$3,414 to \$6,010. Updated 60% plans/Engineering estimate received at a total construction cost of \$617,922. Project has multiple Federal funding sources; STP-TEA is \$483,279, TA-MAG is \$99,421.                        |

# MARICOPA ASSOCIATION OF GOVERNMENTS

## INFORMATION SUMMARY... for your review

**DATE:**

May 14, 2013

**SUBJECT:**

Southwest Valley Local Transit System Study

**SUMMARY:**

The Southwest Valley Local Transit System Study (SWVLTSS) was launched in October 2011 to investigate what a future transit system for the Southwest Valley area would look like.

The Southwest Valley has experienced an extended period of rapid population growth, which has been confirmed by the 2010 United States Census. The study area has also seen significant employment growth. However, due to the recent economic downturn, existing and future transit services have been scaled back, with reduced service levels for some bus routes, suspension of service on others, and delays to future regional services. The study area includes portions of the cities of Avondale, Goodyear, Litchfield Park, Phoenix, and Tolleson, the town of Buckeye, and unincorporated Maricopa County. Valley Metro is also a participant in the study. The study has finalized and staff is requesting acceptance of the study findings and recommendations.

The study had two purposes. The first was to identify potential efficiencies in the current service. The second was to develop a comprehensive, market-defined, local transit system plan that meets the internal mobility needs of the sub-area and ties the sub-area to the overall regional transit system. The study took a seven task approach in developing its recommendations:

- Task 1 - project scope refinement
- Task 2 - a lengthy public involvement process
- Task 3 - research and analysis of existing and future patterns in areas such as land use and socioeconomic data
- Task 4 - needs assessment
- Task 5 - financial analysis
- Task 6 and 7 - developing and recommending a transit system plan

The study has identified a short-, mid-, and long-range local transit plan that effectively provides circulation within the Southwest Valley and also connects to the regional transit system. The timeframes are identified as what can be accomplished in the short-range (next several years), mid-range (by 2020), and long-range (by 2030). These horizon years help organize planning efforts and are subject to funding availability. Please see the attached Executive Summary for more details.

The study lays out an approach and potential funding requirements for developing transit service in the Southwest Valley over time that responds to local travel patterns and is reasonably cost-effective. Proposed recommendations include instituting new and expanding current neighborhood circulators, implementing major north-south routes as well as major east-west routes, implementing flexible transit service in certain areas, and providing the required complementary Americans with Disabilities Act (ADA) paratransit service. Detailed information on the recommendations can be found on the MAG project website at: <http://www.azmag.gov/Projects/Project.asp?CMSID=4173>.

**PUBLIC INPUT:**

The study incorporated a continuous eighteen month public involvement process which included an online and intercept survey, a transit summit, open house, and presentation before various Councils

and Boards of participating study members. At the May 8, 2013, MAG Management Committee meeting, a citizen expressed support for the plan. Another citizen stated that this item had to do with connectivity. A third citizen spoke about elevated rail technology instead of light rail.

**PROS & CONS:**

PROS: This study provides a detailed evaluation for expanding and implementing transit service in the Southwest Valley for the short-, mid-, and long-range.

CONS: NONE.

**TECHNICAL & POLICY IMPLICATIONS:**

TECHNICAL: The resulting transit service study will identify capital and operating requirements, needs based service options, and funding opportunities for transit service in the Southwest Valley.

POLICY: The Southwest Valley Local Transit System Study provides decision-makers in the Southwest Valley with a comprehensive perspective on the needs and opportunities as well as the cost implications of implementing transit service.

**ACTION NEEDED:**

Acceptance of the Southwest Valley Local Transit System Study short-, mid-, and long range findings and recommendations.

**PRIOR COMMITTEE ACTIONS:**

On May 8, 2013 the MAG Management Committee, through the consent agenda, unanimously recommended acceptance of the study recommendations, findings and plan.

**MEMBERS ATTENDING**

- Tom Remes for David Cavazos, Phoenix
- Dr. Spencer Isom, El Mirage, Vice Chair
- # George Hoffman, Apache Junction
- Charlie McClendon, Avondale
- \* Stephen Cleveland, Buckeye
- \* Gary Neiss, Carefree
- \* Usama Abujbarah, Cave Creek
- Rich Dlugas, Chandler
- Alfonso Rodriguez for Phil Dorchester, Fort McDowell Yavapai Nation
- Ken Buchanan, Fountain Hills
- Rick Buss, Gila Bend
- \* David White, Gila River Indian Community
- Patrick Banger, Gilbert
- Brent Stoddard for Dick Bowers, Glendale
- # Brian Dalke, Goodyear
- \* Bill Hernandez, Guadalupe
- # Darryl Crossman, Litchfield Park

- Christopher Brady, Mesa
- \* Jim Bacon, Paradise Valley
- Carl Swenson, Peoria
- # John Kross, Queen Creek
- \* Bryan Meyers, Salt River Pima-Maricopa Indian Community
- \* Dan Worth, Scottsdale
- Michael Celaya for Chris Hillman, Surprise
- Andrew Ching, Tempe
- # Chris Hagen for Reyes Medrano, Tolleson
- Joshua Wright, Wickenburg
- Lloyce Robinson, Youngtown
- John Nelson for John Halikowski, ADOT
- John Hauskins for Tom Manos, Maricopa County
- JymeSue McLaren for Steve Banta, Valley Metro/RPTA

\* Those members neither present nor represented by proxy.

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

On April 25, 2013, the MAG Transportation Review Committee recommended acceptance of the study recommendations, findings and plan.

MEMBERS ATTENDING

- Scottsdale: David Meinhart, Chair
- Avondale: David Fitzhugh, Vice-Chair
- ADOT: Kwi-Sung Kang for Floyd Roehrich
- Buckeye: Scott Lowe
- Chandler: Dan Cook for Patrice Kraus
- El Mirage: Sue McDermott
- Fountain Hills: Randy Harrel
- \* Gila Bend: Eric Fitzer
- \* Gila River: Doug Torres
- Gilbert: Leah Hubbard
- Glendale: Purab Adabala for Debbie Albert
- Goodyear: Cato Esquivel
- \* Guadalupe: Gino Turrubiarres
- \* Litchfield Park: Woody Scoutten

- Maricopa County: John Hauskins
- Mesa: Jeff Martin for Scott Butler
- \* Paradise Valley: Jim Shano
- \* Peoria: Andrew Granger
- Phoenix: Rick Naimark
- \* Queen Creek: Troy White
- Surprise: Terry Lowe
- \* Tempe: Vacant
- Valley Metro: John Farry
- \* Wickenburg: Julius Diogenes for Rick Austin
- Youngtown: Grant Anderson for Lloyce Robinson

EX-OFFICIO MEMBERS ATTENDING

- \* Street Committee: Charles Andrews, Avondale
- \* ITS Committee: Vacant Position
- FHWA: Ed Stillings

- \* Bicycle/Pedestrian Committee: Katherine Coles, City of Phoenix
- \* Transportation Safety Committee: Julian Dresang, City of Tempe

\* Members neither present nor represented by proxy.

+ Attended by Videoconference

# Attended by Audioconference

On April 11, 2013 the MAG Transit Committee unanimously recommended acceptance of the study recommendations, findings and plan.

MEMBERS ATTENDING

- ADOT: Nicole Patrick
- Avondale: Kristen Sexton for Rogene Hill
- # Buckeye: Andrea Marquez
- Chandler: Dan Cook for RJ Zeder
- El Mirage: Sue McDermott
- Gilbert: Leslie Hart
- Glendale: Matthew Dudley
- Goodyear: Cato Esquivel
- \* Maricopa County DOT: Mitch Wagner
- Mesa: Jeff Martin for Jodi Sorrell

- \* Paradise Valley: Jeremy Knapp
- Peoria: Maher Hazine
- Phoenix: Neal Young
- # Queen Creek: Chris Anaradian
- Scottsdale: Madeline Clemann, Chair
- # Surprise: David Kohlbeck
- Tempe: Robert Yabes for Greg Jordan
- \* Tolleson: Chris Hagen
- Valley Metro: Wulf Grote
- Youngtown: Grant Anderson

\* Members neither present nor represented by proxy.

+ Attended by Videoconference

# Attended by Audioconference

**CONTACT PERSON:**

Jorge Luna, MAG (602) 254-6300.



# Southwest Valley Local Transit System Study

## EXECUTIVE SUMMARY 2013

Avondale | Buckeye | Goodyear | Litchfield Park | Tolleson | West Phoenix | Maricopa County

*The Maricopa Association of Governments (MAG) Southwest Valley Local Transit System Study (SWVLTSS) was conducted to assess the transit service needs within the Southwest Valley of the MAG region. The study area includes portions of the City of Phoenix, City of Avondale, City of Goodyear, City of Tolleson, City of Litchfield Park, Town of Buckeye, and unincorporated Maricopa County. These communities worked with MAG and Valley Metro to consider short-, mid-, and long-term strategies to improve local transit service cost-effectively within the Southwest Valley.*

### Local Transit Provides Options

Earlier this year residents were asked: if a fully funded local transit system is implemented in the Southwest Valley, how might it affect your life and how you get around your community?

#### Residents shared their visions...

- ▶ *After walking a short distance, I board a small bus which takes me to the store, library, city hall, medical appointment or school.*
- ▶ *Instead of being a carpool mom, my child rides the local bus to meet his friends at the park or movie theatre.*
- ▶ *During the week, I ride the local bus to a regional transit center where I transfer to a Valley Metro bus or ride the light rail to downtown Phoenix or other major employment centers.*



### Residents Speak Out

During spring 2012, more than 2,100 residents listed their transportation needs and helped create a vision for a local transit system by participating in an online survey and a Southwest Valley Transit Summit.



Most of the participants agreed the Southwest Valley needed a local transit system which was:

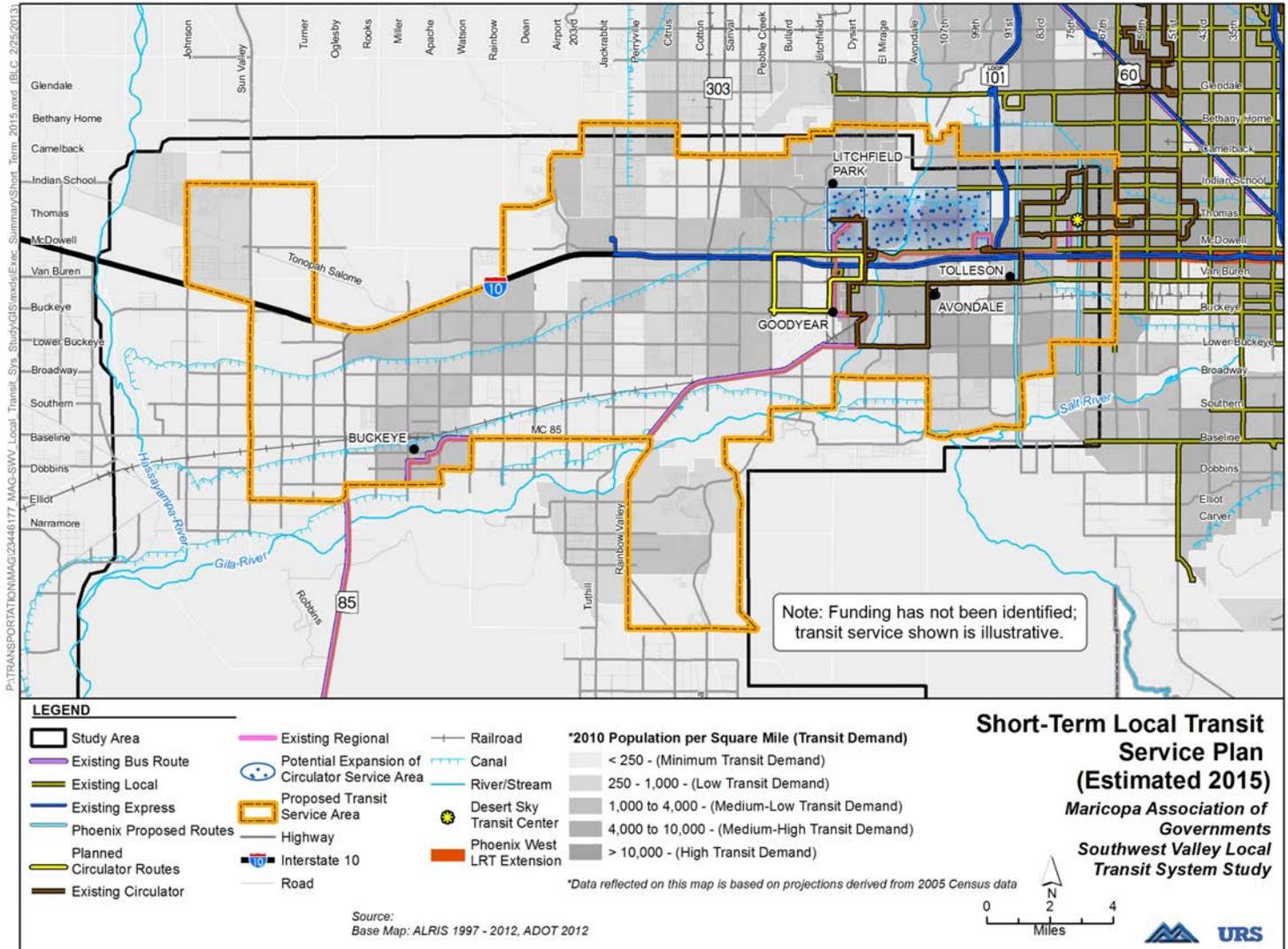
**Accessible** – easy-to-use route map and passenger information that are available to all generations.

**Affordable** – a simple, low-cost fare policy.

**Convenient** – frequent service, 7 days a week with service to key activity centers: downtowns, medical facilities, employment centers, shopping and schools.

**Multi-modal** – a total transit system which provides for transfers between local buses, regional buses, dial-a-ride, express buses and light rail.

**Regional** – easy transfers to Valley Metro buses, express buses, and light rail with service to major employment centers such downtown Phoenix, Luke Air Force Base and Palo Verde Nuclear Generating Station.

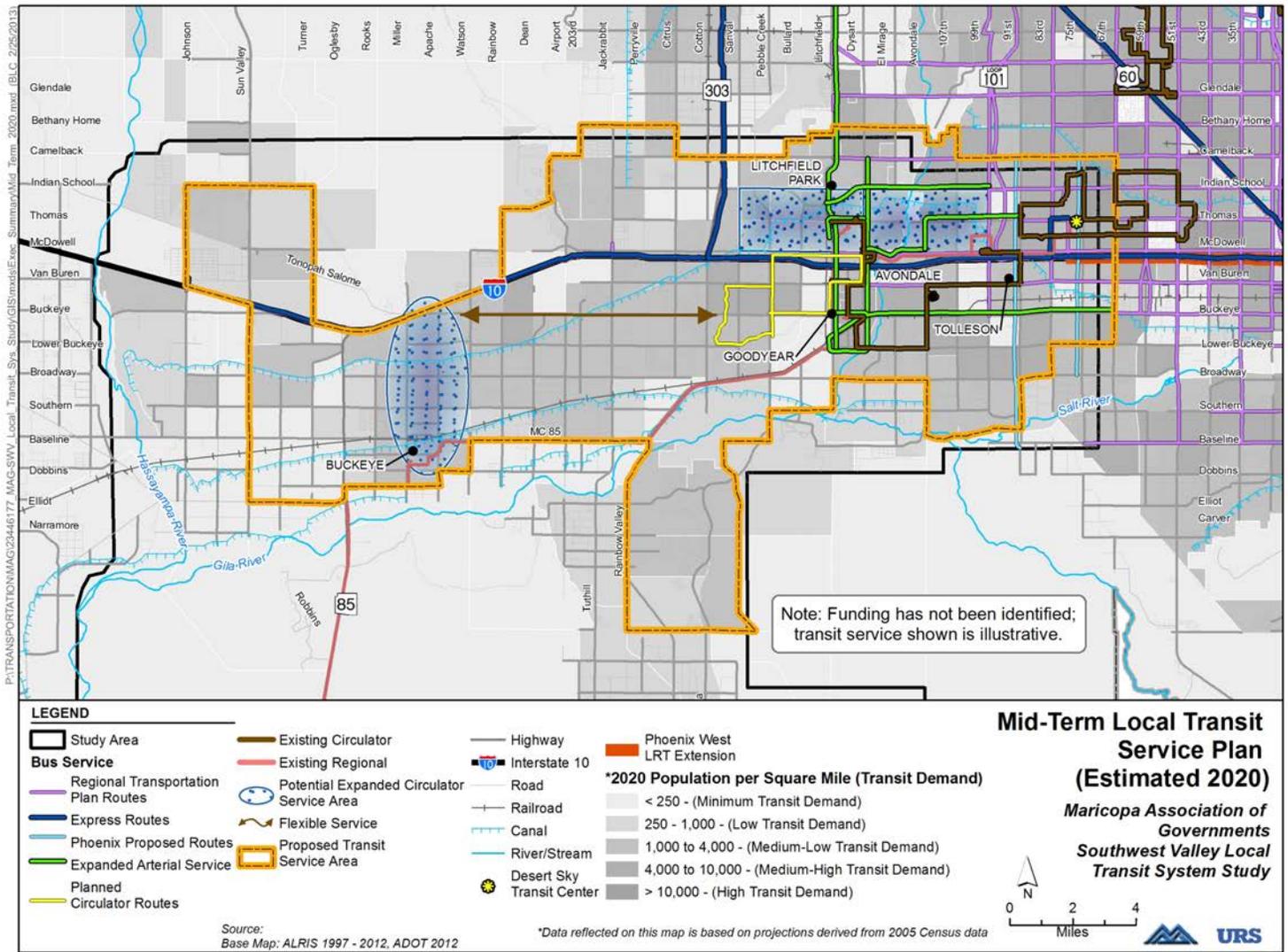


## Short-Term Recommendations – What Can Be Done Now?

In advance of any major funding initiative, short-term recommendations focus on reducing travel times and expanding services to meet needs as well as building a collaborative foundation for longer term, subregional efforts like expanding the arterial grid system into the service area.

### The short-term recommendations identified in this plan include:

- Improving service on existing arterial fixed route service (on McDowell and Van Buren) to 30 minute frequency, interlining, or providing expanded hours of service.
- Building on the success of the ZOOM circulator by increasing service area to the north and/or increasing capacity.
- Initiating the previously recommended circulator services in Goodyear
- Conducting a localized planning study to investigate a circulator service plan in Buckeye.
- Establishing an ongoing planning group or other institutional structure for continuing coordination among the jurisdictions who wish to advance the mid- and long-term implementation steps.
- Promoting transit through partnerships with local businesses and coordinated land use-transportation decision making.

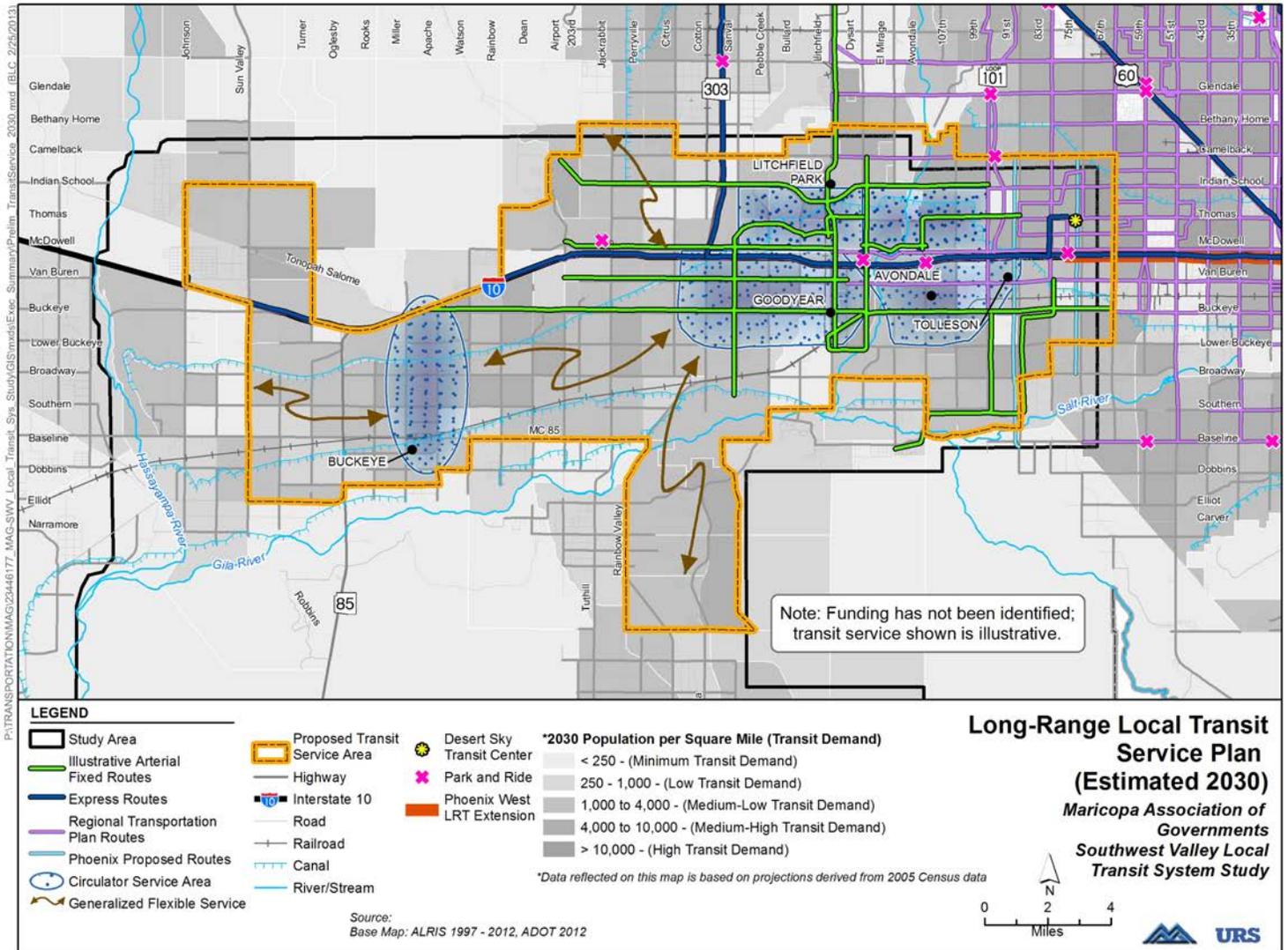


## Mid-Term Recommendations – Expanding Service by 2020

The mid-term (2020) recommendations focus on areas that are projected to support productive transit at that time. It is also recommended that the performance of transit service be reviewed periodically to determine any modifications to respond to the actual pace and type of development that occurs.

### The mid-term recommendations identified in this plan include:

- Expanding east-west fixed route bus service on major arterials west to Litchfield Road, providing 30 minute service or matching the connecting service levels.
- Introducing north-south fixed route service on a major arterials such as Litchfield and/or Dysart Roads.
- Expanding circulator service area in Goodyear, and modifying all continuing circulator services to respond to conditions.
- Initiating pilot circulator service in Buckeye.



## Long-Term Recommendations – Advancing Transit in the Southwest Valley

Over the long-term, the transit system would need to be built out to levels that are projected to be transit-supportive based on current land use plans. The timing for long-term recommendations is contingent on funding and the realization of the projected pace of development. The implementation steps include expansion of more services into the central portion of the service area and continual refinements to service to meet or exceed transit service performance goals.

### The long-term recommendations identified in this plan include:

- Expanding the service area for arterial fixed route transit service farther west.
- Improving service frequencies as appropriate on productive routes.
- Identifying opportunities for flexible service (such as route deviation or demand responsive, non-ADA service that is reservations-based or that serves specific activity centers).
- Continuing to modify circulator routes or operations to respond to changes in conditions.

### Implementing and Funding New Transit Services

A key step in implementing new transit service is to obtain dedicated, sustainable funding for operating costs. Local transit services may be funded through a commitment of general funds, an existing or new transportation tax, and leveraging federal funds. In pursuing major investments like expanded arterial service, collaboration among communities will benefit services that cross city boundaries.

May 14, 2013

TO: Members of MAG Regional Council

FROM: Eileen O. Yazzie, Transportation Planning Project Manager

SUBJECT: USDOT TIGER GRANT

On April 26, 2013, the federal government issued a notice of funding availability (NOFA) for the 5th Round of Transportation Investment Generating Economic Recovery (TIGER) discretionary grant funding. There is a total of \$473.8 million available through a multi-modal, merit-based competitive grant program. There is a set aside of \$120 million for rural areas, leaving \$353.8 million dedicated to projects in urban areas, like our region. Projects submitted to compete for TIGER funding will be evaluated on how well they meet the six primary selection criteria: state of good repair, safety, economic competitiveness, livability, environmental sustainability, and project readiness; and the two secondary selection criteria: innovation and partnership.

The whole process has quick deadlines and turnaround times. The grant submission is due on June 3, 2013 and the projects are required to be through the federal design, environmental, and right-of-way process by September 30, 2014, with priority for projects that can meet the federal requirements by June 30, 2014. Additionally, projects submitted have to have a minimum 20 percent local match, and it has been suggested by the USDOT to have a 40 – 60 percent local cost share to be competitive.

In working with Valley Metro and MAG member agencies, the Region has identified two projects that can meet the federal requirements and compete for TIGER funding: the Tempe Streetcar and South Phoenix Transit Facility Refurbishment. Valley Metro with MAG attending, hosted two meetings to go over project ideas, project costs and local match requirements, and project readiness. Additionally, MAG talked with their members' intergovernmental affairs staff for additional input. The two projects that meet the grant requirements and align with most of the selection criteria are the Tempe Streetcar and South Phoenix Transit Facility Refurbishment. For more information about the two projects, please see Table I: MAG Supported Projects – TIGER Grant – V.

Please contact me at the MAG Office if you have any questions.

**Table 1: MAG Supported Projects – TIGER Grant – V**

| Project Name               | Tempe Streetcar  | South Phoenix Transit Facility Refurbishment   |
|----------------------------|--|--|
| <b>Project Description</b> | <p>A 2.6-mile streetcar project in the Mill Avenue corridor was adopted locally and regionally into the Regional Transportation Plan in 2010. The adopted project travels in a one-way loop between Rio Salado and University Drive, going north on Mill Avenue and south on Ash Avenue. It continued to travel north/south on Mill Avenue between University Drive and Southern Avenue. The Federal Transit Administration (FTA) is requesting modifications to the route to better fit the new funding criteria. In April 2013, the FTA approved Tempe Streetcar into Project Development. Entrance into Project Development signals the first step in receiving federal approval and ultimately federal funds for the project.</p> <p>The modified project would continue to include the one-mile downtown Tempe loop on Mill and Ash avenues and a branch south to Apache Boulevard.</p> | <p>The project is located at the South Transit Facility at 2225 West Lower Buckeye Road. The facility is a bus operating and maintenance garage. The facility serves as the operating base for a fleet of 199 buses. These buses provide service to 18 local, commuter, and circulator routes in the Phoenix metro area. Together these routes provide transportation service to an average of 58,000 passengers daily (1,225,000 passengers monthly).</p> <p>The South Transit Facility Refurbishments project includes facility improvements to support the operation and maintenance of transit buses and meet the requirements of FTA to maintain federally-funded transit facilities in a State of Good Repair. The project scope also includes the incorporation of CNG fueling at the facility in support of a new CNG bus fleet, and significant facility security improvements to ensure the bus equipment is less susceptible to terrorist-related attacks, as well as providing additional protection to the employees.</p> |
| <b>Project Total Cost</b>  | \$129,000,000  | \$21,250,000   |
| <b>Local Share</b>         | \$42,000,000 - 28%   | \$11,250,000 - 53%   |
| <b>Project Readiness</b>   | The project is currently in Federal Project Development. A reconfigured alignment will be a Categorical Exclusion.   | The South Transit Facility Refurbishments project has NEPA environmental clearance from the FTA issued May 2012. The project is currently at 99% design stage, and is awaiting construction bidding.   |

# MARICOPA ASSOCIATION OF GOVERNMENTS

## INFORMATION SUMMARY... for your review

**DATE:**

May 14, 2013

**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) and Regional Transportation Plan 2010 Update. The amendment and administrative modification involve several projects, including projects funded by federal Highway Safety Improvement Program Rail Grade Crossing, Congestion Mitigation and Air Quality Improvement Program, Safe Routes to School, and Transportation Alternatives. 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.

Following the MAG Management Committee, changes were made to the project list including the addition of three Phoenix bridge projects. An updated description of the projects is provided in the revised interagency consultation memorandum. Comments on the conformity assessment are now requested by May 22, 2013.

**PUBLIC INPUT:**

Citizen comments were received at the May 8, 2013 MAG Management Committee meeting. A citizen commented on the transit study and air quality, using hydrogen produced by the Palo Verde Nuclear Generating Station as fuel, and light rail transit. Another citizen commented that the conformity item links into what is happening with the Draft Environmental Impact Statement (EIS) for the South Mountain bypass reliever on Interstate-10 and that a public hearing on the Draft EIS will be held at the Phoenix Convention Center on May 21 from 10:00 a.m. to 8:00 p.m. and there is the draft EIS at the libraries at Burton Barr will be there that day.

**PROS & CONS:**

**PROS:** Interagency consultation for the amendment and administrative modification notifies the planning agencies of project modifications to the TIP and Regional Transportation Plan 2010 Update.

**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 May 8, 2013 MAG Management Committee meeting for consultation.

MEMBERS ATTENDING

- Tom Remes for David Cavazos, Phoenix
- Dr. Spencer Isom, El Mirage, Vice Chair
- # George Hoffman, Apache Junction
- Charlie McClendon, Avondale
- \* Stephen Cleveland, Buckeye
- \* Gary Neiss, Carefree
- \* Usama Abujbarah, Cave Creek
- Rich Dlugas, Chandler
- Alfonso Rodriguez for Phil Dorchester,  
Fort McDowell Yavapai Nation
- Ken Buchanan, Fountain Hills
- Rick Buss, Gila Bend
- \* David White, Gila River Indian Community
- Patrick Banger, Gilbert
- Brent Stoddard for Dick Bowers, Glendale
- \* Brian Dalke, Goodyear
- \* Bill Hernandez, Guadalupe
- # Darryl Crossman, Litchfield Park

- Christopher Brady, Mesa
- \* Jim Bacon, Paradise Valley
- Carl Swenson, Peoria
- # John Kross, Queen Creek
- \* Bryan Meyers, Salt River Pima-Maricopa  
Indian Community
- \* Dan Worth, Scottsdale
- Michael Celaya for Chris Hillman, Surprise
- Andrew Ching, Tempe
- # Chris Hagen for Reyes Medrano, Tolleson
- Joshua Wright, Wickenburg
- Lloyce Robinson, Youngtown
- John Nelson for John Halikowski, ADOT
- John Hauskins for Tom Manos,  
Maricopa County
- JymeSue McLaren for Steve Banta,  
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, (602) 254-6300.

May 14, 2013

TO: Leslie Rogers, Federal Transit Administration  
Karla Petty, Federal Highway Administration  
John Halikowski, Arizona Department of Transportation  
Henry Darwin, Arizona Department of Environmental Quality  
Neal Young, City of Phoenix Public Transit Department  
Stephen Banta, Valley Metro/RPTA  
William Wiley, Maricopa County Air Quality Department  
Kenneth Hall, Central Arizona 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 TO THE FY 2011-2015 MAG TRANSPORTATION IMPROVEMENT  
PROGRAM AND REGIONAL TRANSPORTATION PLAN 2010 UPDATE

We are providing notification of changes to the project list including the addition of three Phoenix bridge projects. This new information is included in the attached table. Comments on the conformity assessment are now requested by May 22, 2013. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.

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

Attachment

cc: Eric Massey, Arizona Department of Environmental Quality  
Scott Omer, Arizona Department of Transportation

## AMENDMENT AND ADMINISTRATIVE MODIFICATION TO THE FY 2011-2015 MAG TRANSPORTATION IMPROVEMENT PROGRAM AND REGIONAL TRANSPORTATION PLAN 2010 UPDATE

| TIP #     | Agency | Project Location                        | Project Description                          | Fiscal Year | Length | Fund Type | Local Cost   | Federal Cost | Regional Cost | Total Cost   | Requested Change   | Conformity Assessment  |
|-----------|--------|---|--|-------------|--------|-----------|--------------|--------------|---------------|--------------|--|--|
| DOT13-170 | ADOT   | 10: 35th Ave - Sky Harbor Blvd          | Safety Study                                 | 2013        | 7.5    | HSIP-AZ   | \$ 28,500    | \$ 471,500   | \$ -          | \$ 500,000   | Amend: Add a new ADOT safety study project in FY 2013 for \$500,000.   | The new project is considered exempt under the category "Highway Safety Improvement Program implementation." The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged. |
| DOT09-903 | ADOT   | 10: 395th Ave                           | Design Traffic Interchange                   | 2015        | 0.3    | Private   | \$ 1,820,000 | \$ -         | \$ -          | \$ 1,820,000 | Amend: Defer privately funded traffic interchange design project to FY 2015 from FY 2013.  | A minor project revision is needed to defer the project. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.   |
| DOT08-817 | ADOT   | 10: Desert Creek/323rd Avenue           | Design Traffic Interchange                   | 2015        | 0.3    | Private   | \$ 1,900,000 | \$ -         | \$ -          | \$ 1,900,000 | Amend: Defer privately funded traffic interchange design project to FY 2015 from FY 2013.  | A minor project revision is needed to defer the project. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.   |
| DOT12-118 | ADOT   | 10: SR101L (Agua Fria) to I-17          | Utility Design                               | 2014        | 9      | RARF      | \$ -         | \$ -         | \$ 1,000,000  | \$ 1,000,000 | Amend: Defer utility design work to FY 2014 from FY 2013 while South Mountain Freeway study progresses.  | A minor project revision is needed to defer the project. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.   |
| DOT13-112 | ADOT   | 10: Salome Road - SR85                  | Design Pavement Preservation (Crack Sealing) | 2013        | 32     | NHPP      | \$ 3,021     | \$ 49,979    | \$ -          | \$ 53,000    | Amend: Add a new design project. Pavement preservation.  | The new project is considered exempt under the category "Pavement resurfacing and/or rehabilitation." The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.        |
| DOT98-111 | ADOT   | 101 (Pima Fwy): Pima Rd Extension (JPA) | Design Roadway Extension                     | 2014        | 2      | RARF      | \$ -         | \$ -         | \$ 297,000    | \$ 297,000   | Amend: Defer design JPA project to FY2014 from FY 2013. Current coordination with Salt River Pima Maricopa Indian Community's development plans. | A minor project revision is needed to defer the project. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.   |

| TIP #     | Agency | Project Location                      | Project Description   | Fiscal Year | Length | Fund Type | Local Cost | Federal Cost | Regional Cost | Total Cost   | Requested Change   | Conformity Assessment  |
|-----------|--------|---------------------------------------|---|-------------|--------|-----------|------------|--------------|---------------|--------------|--|--|
| DOT13-140 | ADOT   | 17: Buckeye, Grant, Jefferson & Adams | Design for ADA Ramp Improvement & Pavement Maintenance  | 2013        | 5      | NHS       | \$ 11,400  | \$ 188,600   | \$ -          | \$ 200,000   | Amend: Add new design project. Pavement maintenance.   | The new 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. |
| DOT13-141 | ADOT   | 17: Buckeye, Grant, Jefferson & Adams | Design Electrical Rehabilitation  | 2013        | 5      | NHS       | \$ 9,975   | \$ 165,025   | \$ -          | \$ 175,000   | Amend: Add a new design project. Electrical rehabilitation.  | The new 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. |
| DOT13-142 | ADOT   | 17: Durango Curve                     | Construction of Erosion and Sedimentation Mitigation  | 2013        | 0.5    | NHS       | \$ 57,000  | \$ 943,000   | \$ -          | \$ 1,000,000 | Amend: Add a new construction project, erosion mitigation in FY 2013.  | The new project is considered exempt under the category "Plantings, landscaping, etc." The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.   |
| DOT13-173 | ADOT   | 5th Street (Tempe)                    | Design and construction of new railroad gates and flashers by the Union Pacific Railroad Co. Under ADOT STIP as item 72613. | 2013        | 0.1    | HSIP-RGC  | \$ -       | \$ 340,000   | \$ -          | \$ 340,000   | Amend: NEW project, ADOT Rail Safety Program. Railroad safety project using Section 130 funds from FHWA administered by ADOT Utility & Railroad Section. | The new project is considered exempt under the category "Railroad/highway crossing." The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.   |
| DOT13-143 | ADOT   | 60 (Grand Ave): Jomax Rd to SR303L    | Design Pavement Preservation  | 2013        | 4.4    | NHS       | \$ 3,534   | \$ 58,466    | \$ -          | \$ 62,000    | Amend: Add a new design project. Pavement preservation.  | The new 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. |
| DOT12-838 | ADOT   | 60 (Superstition Fwy) at Meridian Rd  | Design Traffic Interchange  | 2013        | 0.3    | RARF      | \$ -       | \$ -         | \$ 920,000    | \$ 920,000   | Amend: Increase total project budget by \$120,000 from \$800,000 to \$920,000.   | A minor project revision is needed to adjust funding. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.  |

| TIP #     | Agency  | Project Location                                | Project Description  | Fiscal Year | Length | Fund Type | Local Cost | Federal Cost | Regional Cost | Total Cost   | Requested Change   | Conformity Assessment   |
|-----------|---------|---|--|-------------|--------|-----------|------------|--------------|---------------|--------------|--|---|
| DOT14-115 | ADOT    | 74: Picacho Wash Trail to I-17                  | Construct Pavement Preservation  | 2014        | 8      | STP-AZ    | \$ 285,000 | \$ 4,715,000 | \$ -          | \$ 5,000,000 | Amend: Add new construction project. Pavement preservation.  | The new project is considered exempt under the category "Pavement resurfacing and/or rehabilitation." The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged. |
| DOT13-174 | ADOT    | Broadway Road (Tempe)                           | Design and construction of new railroad gates and flashers and a new cantilever by the Union Pacific Railroad Co. Under ADOT STIP as item 72613. | 2013        | 0.1    | HSIP-RGC  | \$ -       | \$ 490,000   | \$ -          | \$ 490,000   | Amend: NEW project, ADOT Rail Safety Program. Railroad safety project using Section 130 funds from FHWA administered by ADOT Utility & Railroad Section. | The new project is considered exempt under the category "Railroad/highway crossing." The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.                  |
| DOT13-144 | ADOT    | Business Route 8: I-8 to Gillespie Canal        | Construct Pavement Preservation  | 2013        | 3.1    | STP-AZ    | \$ 267,900 | \$ 4,432,100 | \$ -          | \$ 4,700,000 | Amend: Add a new construction project. Pavement preservation.  | The new project is considered exempt under the category "Pavement resurfacing and/or rehabilitation." The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged. |
| DOT13-175 | ADOT    | Dobson Road (Mesa)                              | Design and construction of new railroad gates and flashers and new cantilevers by the Union Pacific Railroad Co. Under ADOT STIP as item 72613.  | 2013        | 0.1    | HSIP-RGC  | \$ -       | \$ 650,000   | \$ -          | \$ 650,000   | Amend: NEW project, ADOT Rail Safety Program. Railroad safety project using Section 130 funds from FHWA administered by ADOT Utility & Railroad Section. | The new project is considered exempt under the category "Railroad/highway crossing." The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.                  |
| BKY13-101 | Buckeye | 7th St: Norton Dr from Beloat Rd                | Construct pave unpaved road project  | 2014        | 0.4    | CMAQ      | \$ 256,559 | \$ 233,225   | \$ -          | \$ 489,784   | Amend: Agency requests to defer project to FY2014 from 2013. Agency received updated engineering estimate increase local and total cost by \$242,261.    | A minor project revision is needed to defer the project. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.  |
| BKY11-801 | Buckeye | North Watson Road and MC85 Phase I and Phase II | Pave Unpaved Road  | 2013        | 0.2    | CMAQ      | \$ 15,082  | \$ 249,518   | \$ -          | \$ 264,600   | Amend: Received updated engineering cost estimate. Increase total project cost by \$ 196,248.  | A minor project revision is needed to adjust funding. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.   |

| TIP #      | Agency   | Project Location  | Project Description  | Fiscal Year | Length | Fund Type | Local Cost | Federal Cost | Regional Cost | Total Cost | Requested Change  | Conformity Assessment   |
|------------|----------|---|--|-------------|--------|-----------|------------|--------------|---------------|------------|---|---|
| CHN14-103  | Chandler | Alleys bounded by Dobson Rd, Warner Rd, Alma School Rd and Knox Rd & Alma School Rd, Knox Rd, Arizona Ave and Ray Rd.   | Construct/Pave Dirt Alleys   | 2014        | 12.8   | CMAQ      | \$ 44,802  | \$ 741,198   | \$ -          | \$ 786,000 | Amend: Project activities to advance to FY2013 and combine funding with CHN13-102. Delete TIP Listing CHN14-103.  | A minor project revision is needed to advance and combine funding. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.        |
| CHN13-102  | Chandler | Alleys bounded by Dobson Rd, Warner Rd, Alma School Rd and Knox Rd (FMA 15); Alma School Rd, Knox Rd, Arizona Ave and Ray Rd. (FMA 16); & Elliot Rd, Alma School Rd, Cheyenne Dr, and Evergreen St (FMA 7). | Construct/Pave Dirt Alleys   | 2013        | 9.68   | CMAQ      | \$ 44,802  | \$ 741,198   | \$ -          | \$ 786,000 | Amend: Advance CHA14-103 work elements and combine with CHN13-102 work elements. The length of 9.68 miles is an actual based on current needs, and updated engineering estimate of cost. The balance of the original project will be completed at a later date by the city. | A minor project revision is needed to advance and combine projects. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.       |
| CHN14-102  | Chandler | Ray, Elliot, Dobson, connecting at Arizona back to TMC  | Construct ITS project for fiber communications from signals to the TMC | 2013        | 9.0    | CMAQ      | \$ 47,191  | \$ 780,721   | \$ -          | \$ 827,912 | Amend: Increase total project cost by \$13,778 based on current engineering estimate. Project schedule allows advancement from FY2014 to FY2013. Closeout funding available, increase federal cost by \$191,244, reduce local share by \$177,466.                           | A minor project revision is needed to advance project and adjust funding. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged. |
| GLN09-610R | Glendale | Glendale Ave to Glenn Dr and 58th Ave to 57th Ave.  | Construct Pedestrian Improvements                                      | 2014        | 0.1    | CMAQ      | \$ 237,759 | \$ 315,721   | \$ -          | \$ 553,480 | Amend: Agency requests to defer project to FY2014 from 2012 due to elements outside agency's control. Loss of closeout funding; decrease federal closeout award by \$150,014. Street Committee reviewed project on 4-9-2013 and recommended deferral.                       | A minor project revision is needed to defer the project. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.                  |

| TIP #      | Agency          | Project Location  | Project Description  | Fiscal Year | Length | Fund Type | Local Cost | Federal Cost | Regional Cost | Total Cost | Requested Change  | Conformity Assessment  |
|------------|-----------------|---|--|-------------|--------|-----------|------------|--------------|---------------|------------|---|--|
| GLN12-102C | Glendale        | Myrtle Avenue   | Sidewalk Improvements  | 2015        | 0.4    | SRTS      | \$ 106,410 | \$ 400,000   | \$ -          | \$ 506,410 | Amend: Split project into Design and Construction phases. Defer construction from FY2014. ADOT award was \$400,000. Total Construction cost estimate increase by \$106,410. | A minor project revision is needed to defer the project. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.                             |
| GLN12-102D | Glendale        | Myrtle Avenue   | Sidewalk Improvements  | 2014        | 0.4    | TA-MAG    | \$ 8,282   | \$ 137,018   | \$ -          | \$ 145,300 | Amend: Split project into Design and Construction phases. Defer Design to FY2014. ADOT award for construction was \$400,000. Eligible for TA-MAG funding for design phase.  | A minor project revision is needed to defer the project. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.                             |
| MMA13-190  | Maricopa County | Avondale Blvd at MC 85: RR and Intersection modifications | Design the construction of a new concrete crossing, new railroad cantilever & updating of the railroad preemption by the Union Pacific Railroad Co. In addition, relocate traffic signals and connecting sidewalks at the intersection of Avondale Boulevard and MC 85.                        | 2013        | 0      | HSIP-RGC  | \$ 90,455  | \$ 100,000   | \$ -          | \$ 190,455 | Amend: NEW project, ADOT Rail Safety Program.   | The new project is considered exempt under the category "Railroad/highway crossing." The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged. |
| MMA14-190  | Maricopa County | Avondale Blvd at MC 85: RR and Intersection modifications | Acquisition of right-of-way for the installation of a new concrete crossing, new railroad cantilever & updating of the railroad preemption by the Union Pacific Railroad Co. In addition, relocate traffic signals & connecting sidewalks at the intersection of Avondale Boulevard and MC 85. | 2014        | 0      | HSIP-RGC  | \$ 38,000  | \$ 62,000    | \$ -          | \$ 100,000 | Amend: NEW project, ADOT Rail Safety Program.   | The new project is considered exempt under the category "Railroad/highway crossing." The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged. |

| TIP #     | Agency          | Project Location  | Project Description  | Fiscal Year | Length | Fund Type | Local Cost   | Federal Cost | Regional Cost | Total Cost   | Requested Change   | Conformity Assessment   |
|-----------|-----------------|---|--|-------------|--------|-----------|--------------|--------------|---------------|--------------|--|---|
| MMA15-190 | Maricopa County | Avondale Blvd at MC 85: RR and Intersection modifications | Construction of a new concrete crossing , new railroad cantilever & updating of the railroad preemption by the Union Pacific Railroad Co. Additionally, relocate traffic signals & connecting sidewalks at the intersection of Avondale Boulevard and MC 85. | 2015        | 0      | HSIP-RGC  | \$ 1,000,925 | \$ 946,075   | \$ -          | \$ 1,947,000 | Amend: NEW project, ADOT Rail Safety Program.  | The new project is considered exempt under the category "Railroad/highway crossing." The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.  |
| MES13-170 | Mesa            | Dobson Road (Mesa)  | Construction of railroad crossing road approach improvements, raised medians, and sidewalk adjustments by the City of Mesa to facilitate necessary railroad crossing safety improvements.  | 2013        | 0.1    | HSIP-RGC  | \$ -         | \$ 40,000    | \$ -          | \$ 40,000    | Amend: NEW project, ADOT Rail Safety Program   | The new project is considered exempt under the category "Railroad/highway crossing." The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.  |
| MES13-171 | Mesa            | Dobson Road (Mesa)  | Acquisition of right-of-way by the City of Mesa for the sidewalk adjustments necessary for the installation of railroad gates and flashers and cantilevers. Under ADOT STIP Item 72613.  | 2013        | 0.1    | HSIP-RGC  | \$ -         | \$ 20,000    | \$ -          | \$ 20,000    | Amend: NEW project, ADOT Rail Safety Program. City of Mesa to acquire right of way from Railroad in support of their work. | The new project is considered exempt under the category "Railroad/highway crossing." The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.  |
| PHX13-933 | Phoenix         | Various locations   | Bridge Inspection Program  | 2013        | 0      | STP-BR    | \$ 22,800    | \$ 377,200   | \$ -          | \$ 400,000   | Amend: Revise cost and funding sources as listed   | The new project is considered exempt under the category "Specific activities which do not involve or lead directly to construction, such as: Planning and technical studies." The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged. |

| TIP #       | Agency     | Project Location   | Project Description  | Fiscal Year | Length | Fund Type | Local Cost   | Federal Cost | Regional Cost | Total Cost   | Requested Change   | Conformity Assessment   |
|-------------|------------|--|--|-------------|--------|-----------|--------------|--------------|---------------|--------------|--|---|
| PHX13-107   | Phoenix    | Various Locations  | Equipment Rental for bridge inspections                                    | 2013        | 0      | STP-BR    | \$ 11,030    | \$ 182,471   | \$ -          | \$ 193,500   | Amend: Revise cost and funding sources as listed   | The new project is considered exempt under the category "Specific activities which do not involve or lead directly to construction, such as: Planning and technical studies." The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged. |
| PHX13-106   | Phoenix    | Various Locations  | Pontis / Virtis Software for bridge inspections                            | 2013        | 0      | STP-BR    | \$ 5,324     | \$ 88,072    | \$ -          | \$ 93,396    | Amend: Revise cost and funding sources as listed   | The new project is considered exempt under the category "Specific activities which do not involve or lead directly to construction, such as: Planning and technical studies." The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged. |
| PHX13-901   | Phoenix    | Nevitt Park and Western Canal (northwest of 46th St and Vineyard Rd) | Nevitt park Bicycle & Pedestrian Bridge Crossing: Construction Phase       | 2015        | 0.5    | CMAQ      | \$ 178,105   | \$ 300,395   | \$ -          | \$ 478,500   | Amend: Increase local cost by \$159,751 and total cost by \$156,500, reduce federal amount by \$3,251.                       | A minor project revision is needed to adjust funding. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.   |
| PHX13-901D  | Phoenix    | Western Canal (northwest of 46th St and Vineyard Rd)                 | Nevitt park Bicycle & Pedestrian Bridge Crossing: Design Phase             | 2014        | 0.5    | CMAQ      | \$ 46,400    | \$ 188,600   | \$ -          | \$ 235,000   | Admin: Increase local cost by \$35,000 and total cost by \$35,000.   | A minor project revision is needed to adjust funding. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.   |
| PHX13-901RW | Phoenix    | Nevitt Park and Western Canal (northwest of 46th St and Vineyard Rd) | Nevitt park Bicycle & Pedestrian Bridge Crossing: ROW Phase                | 2015        | 0.5    | CMAQ      | \$ 19,249    | \$ 26,826    | \$ -          | \$ 49,326    | Admin: Increase local cost by \$17,824, increase federal amount by \$3,251 and total cost by \$24,326.                       | A minor project revision is needed to adjust funding. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.   |
| PHX14-181   | Phoenix    | Nevitt Park and Western Canal (northwest of 46th St and Vineyard Rd) | Nevitt park Bicycle & Pedestrian Bridge Crossing: Right-of-Way Acquisition | 2015        | 0.5    | Local     | \$ 200,000   | \$ -         | \$ -          | \$ 200,000   | Delete duplicate work phase.   | A minor project revision is needed to delete the duplicate project. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.   |
| SCT12-102   | Scottsdale | Hayden/Thomas Rd   | Construct intersection improvement   | 2015        | 0.5    | HSIP      | \$ 4,459,369 | \$ 1,240,631 | \$ -          | \$ 5,700,000 | Amend: Increase local and total cost by \$4,384,379. Cost estimate may be revised later when engineer's estimate is updated. | A minor project revision is needed to adjust funding. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.   |

| TIP #      | Agency     | Project Location                         | Project Description  | Fiscal Year | Length | Fund Type | Local Cost   | Federal Cost | Regional Cost | Total Cost   | Requested Change  | Conformity Assessment  |
|------------|------------|--|--|-------------|--------|-----------|--------------|--------------|---------------|--------------|---|--|
| SCT12-102D | Scottsdale | Hayden/Thomas Rd                         | Design intersection improvement  | 2013        | 0.5    | HSIP      | \$ 858,550   | \$ 141,450   | \$ -          | \$ 1,000,000 | Amend: Increase local and total project cost by \$850,000.  | A minor project revision is needed to adjust funding. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.  |
| SCT14-110  | Scottsdale | Hayden/Thomas Rd                         | Right-of-way for intersection improvement  | 2014        | 0.5    | Local     | \$ 200,000   | \$ -         | \$ -          | \$ 200,000   | Amend: Add new ROW phase  | The new project is considered exempt under the category "Highway Safety Improvement Program implementation." The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged. |
| SCT14-106T | Scottsdale | Thomas Road: 73rd St to Indian Bend Wash | Construct: Streetscape project to enhance sidewalks, add new bike lanes, turn lanes and lighting   | 2014        | 0.6    | Local     | \$ 4,613,900 | \$ -         | \$ -          | \$ 4,613,900 | Amend: New Project will follow FTA guidelines. Project has Federal interest (FTA) in it from retired Loma Transit center project. | The new 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.                 |
| TMP13-170  | Tempe      | 5th Street (Tempe)                       | Construction of railroad crossing road approach improvements, raised medians, and sidewalk adjustments by the City of Tempe to facilitate necessary railroad crossing safety improvements. | 2013        | 0.1    | HSIP-RGC  | \$ -         | \$ 205,000   | \$ -          | \$ 205,000   | Amend: NEW project, ADOT Rail Safety Program  | The new project is considered exempt under the category "Railroad/highway crossing." The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.                         |
| TMP13-171  | Tempe      | Broadway Road (Tempe)                    | Construction of railroad crossing road approach improvements, raised medians, and sidewalk adjustments by the City of Tempe to facilitate necessary railroad crossing safety improvements. | 2013        | 0.1    | HSIP-RGC  | \$ -         | \$ 160,000   | \$ -          | \$ 160,000   | Amend: NEW project, ADOT Rail Safety Program  | The new project is considered exempt under the category "Railroad/highway crossing." The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.                         |

| TIP #       | Agency     | Project Location                           | Project Description  | Fiscal Year | Length | Fund Type | Local Cost | Federal Cost | Regional Cost | Total Cost   | Requested Change   | Conformity Assessment   |
|-------------|------------|--|--|-------------|--------|-----------|------------|--------------|---------------|--------------|--|---|
| TMP13-172   | Tempe      | Broadway Road (Tempe)                      | Acquisition of right-of-way by the City of Tempe for the sidewalk adjustments necessary for the installation of railroad gates and flashers and cantilevers. Under ADOT STIP Item 72613. | 2013        | 0.1    | HSIP-RGC  | \$ -       | \$ 20,000    | \$ -          | \$ 20,000    | Amend: NEW project, ADOT Rail Safety Program. City of Tempe to acquire right of way from Railroad in support of their work.  | The new project is considered exempt under the category "Railroad/highway crossing." The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.              |
| TMP14-103   | Tempe      | Evergreen Neighborhood alley stabilization | Design and construct alley stabilization project   | 2013        | 4.5    | CMAQ      | \$ 29,140  | \$ 482,057   | \$ -          | \$ 511,197   | Amend: Advance Project from FY2014-2013.   | A minor project revision is needed to advance the project. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.  |
| TMP12-805   | Tempe      | Hardy Dr; University Dr to Broadway Rd     | Bicycle and pedestrian improvements  | 2013        | 1      | CMAQ      | \$ 166,109 | \$ 1,600,000 | \$ -          | \$ 1,766,109 | Admin: Updated Engineering estimate received, Increase total cost by \$406,109, Close out eligible, increase federal by \$406,109.   | A minor project revision is needed to adjust funding. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.   |
| TMP13-101   | Tempe      | Holdeman Neighborhood alley stabilization  | Design and construct alley stabilization project   | 2013        | 7.81   | CMAQ      | \$ 45,202  | \$ 747,823   | \$ -          | \$ 793,025   | Amend: Scope Change: Increase project area coverage by 82% (41% increase in total project costs). Increase federal funding by \$216,726, increase local cost by \$13,099, total project phase cost increase of \$229,825. Street Committee reviewed project on 4-9-2013 and recommended expanding the scope. | The project is considered exempt under the category "Pavement resurfacing and/or rehabilitation." The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged. |
| WKN10-801C2 | Wickenburg | US93 Bypass at Hassayampa River            | Construct Wickenburg Pedestrian and Bicycle Bridge   | 2013        | 0.1    | TA-MAG    | \$ 6,010   | \$ 99,421    | \$ -          | \$ 105,431   | Amend: Increase TA-MAG from \$56,477 to \$99,421, and increase local cost from \$3,414 to \$6,010. Updated 60% plans/Engineering estimate received at a total construction cost of \$617,922. Project has multiple Federal funding sources; STP-TEA is \$483,279, TA-MAG is \$99,421.                        | A minor project revision is needed to adjust funding. The conformity status of the TIP and Regional Transportation Plan 2010 Update would remain unchanged.   |

**V. Statutory and Executive Order Reviews**

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this proposed action merely approves state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
  - does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
  - is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
  - does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
  - does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
  - is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
  - is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
  - is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
  - does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).
- In addition, this proposed rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct

costs on tribal governments or preempt tribal law.

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Greenhouse gases, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements.

**Authority:** 42 U.S.C. 7401 *et seq.*

**Dated:** April 8, 2013.

**A. Stanley Meiburg,**  
*Acting Regional Administrator, Region 4.*  
 [FR Doc. 2013-09314 Filed 4-18-13; 8:45 am]  
**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA-R09-OAR-2013-0194; FRL- 9804-7]

**Revisions to the Arizona State Implementation Plan, Maricopa County Area**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve revisions to the Maricopa County Area portion of the Arizona State Implementation Plan (SIP). These revisions concern particulate matter (PM<sub>10</sub>) emissions from fugitive dust sources. We are approving local statutes that regulate these emission sources under the Clean Air Act as amended in 1990 (CAA or the Act). We are taking comments on this proposal and plan to follow with a final action.

**DATES:** Any comments must arrive by May 20, 2013.

**ADDRESSES:** Submit comments, identified by docket number EPA-R09-OAR-2013-0194, by one of the following methods:

1. *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). Follow the on-line instructions.
2. *Email:* [steckel.andrew@epa.gov](mailto:steckel.andrew@epa.gov).
3. *Mail or deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105-3901.

**Instructions:** All comments will be included in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov), including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is

restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through [www.regulations.gov](http://www.regulations.gov) or email. [www.regulations.gov](http://www.regulations.gov) is an "anonymous access" system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send email directly to EPA, your email address will be automatically captured and included as part of the public comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

**Docket:** Generally, documents in the docket for this action are available electronically at [www.regulations.gov](http://www.regulations.gov) and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California. While all documents in the docket are listed at [www.regulations.gov](http://www.regulations.gov), some information may be publicly available only at the hard copy location (e.g., copyrighted material, large maps), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:** Robert Marinaro, (415) 972-3019, [marinaro.robert@epa.gov](mailto:marinaro.robert@epa.gov) or Nancy Levin, (415) 972-3848, [levin.nancy@epa.gov](mailto:levin.nancy@epa.gov), EPA Region IX,

**SUPPLEMENTARY INFORMATION:** Throughout this document, "we," "us" and "our" refer to EPA.

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  - B. Do the statutes meet the evaluation criteria?
  - C. EPA Recommendations To Further Improve the Statutes
  - D. Public Comment and Final Action
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**I. The State's Submittal**

*A. What statutes did the State submit?*

Table 1 lists the statutes addressed by this proposal with the dates that they were adopted and submitted by the Arizona Department of Environmental Quality (ADEQ).

TABLE 1—SUBMITTED STATUTES

| Local agency | Statute No.     | Statute title  | Adopted  | Submitted |
|--------------|-----------------|--|----------|-----------|
| ADEQ .....   | 9-500.04 .....  | Air Quality Control; Definitions .....   | 07/02/07 | 05/25/12  |
| ADEQ .....   | 11-877 .....    | Air Quality Control Measures .....   | 07/02/07 | 05/25/12  |
| ADEQ .....   | 49-457.01 ..... | Leaf Blower Use Restrictions and Training; Leaf Blower Equipment Sellers; Informational Material; Outreach; Applicability. | 07/02/07 | 05/25/12  |
| ADEQ .....   | 49-474.01 ..... | Additional Board Duties in Vehicle Emissions Control Areas; Definitions  | 07/02/07 | 05/25/12  |
| ADEQ .....   | 49-474.05 ..... | Dust Control; Training; Site Coordinators .....  | 07/02/07 | 05/25/12  |
| ADEQ .....   | 49-474.06 ..... | Dust Control; Subcontractor Registration; Fee .....  | 07/02/07 | 05/25/12  |

On July 20, 2012 EPA determined that the submittal for Maricopa County, Statutes: 9-500.04, 11-877, 49-457.01, 49-474.01, 49-474.05, and 49-474.06 met the completeness criteria in 40 CFR Part 51 Appendix V, which must be met before formal EPA review.

*B. Are there other versions of these statutes?*

There are no previous versions of statutes 9-500.04, 11-877, 49-457.01, 49-474.01, 49-474.05, and 49-474.06 in the SIP, although ADEQ adopted these statutes on July 2, 2007. ADEQ submitted them to us on December 21, 2007; however, they were consequently withdrawn on January 25, 2011 and then resubmitted on May 25, 2012.

*C. What is the purpose of the submitted statutes?*

PM contributes to effects that are harmful to human health and the environment, including premature mortality, aggravation of respiratory and cardiovascular disease, decreased lung function, visibility impairment, and damage to vegetation and ecosystems. Section 110(a) of the CAA requires States to submit regulations that control PM emissions.

Statute 9-500.04 requires municipalities to stabilize certain unpaved roads, alleys, and unpaved shoulders. Additionally, it requires the stabilization of parking and traffic areas and restricts parking and vehicle use on unpaved or unstabilized vacant lots.

Statute 11-877 mandates counties to develop, implement, and enforce air quality control measures that prohibit any person from operating leaf blowers on any high pollution advisory day except while in vacuum mode.

Statute 49-457.01 prohibits the use of leaf blowers to blow landscape debris into public roadways and limits their use to stabilized surfaces. It also mandates the County to produce and distribute materials to educate operators for the purpose of minimizing entrained dust.

Statute 49-474.01 requires counties, densely populated areas, and serious nonattainment areas to stabilize certain

unpaved roads, parking, and traffic areas. Additionally, it restricts parking and vehicle use on unpaved or unstabilized vacant lots and requires certified street sweepers.

Statute 49-474.05 requires counties, densely populated areas, and serious nonattainment areas to have an air pollution control officer (APCO) to develop and implement training programs. Additionally, it requires an on-site dust control coordinator who has full authority to ensure implementation of dust control measures.

Statute 49-474.06 requires subcontractors in counties, densely populated areas, and serious nonattainment areas engaging in dust generation operations to register with the APCO. The APCO may also establish registration fees.

EPA's technical support documents (TSD) have more information about these statutes.

## II. EPA's Evaluation and Action

### A. How is EPA evaluating the statutes?

Generally, SIP measures must be enforceable (see section 110(a) of the Act) and must not relax existing requirements (see sections 110(l) and 193).

Guidance and policy documents that we use to evaluate enforceability consistently include the following:

1. "Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations; Clarification to Appendix D of November 24, 1987 *Federal Register* Notice," (Blue Book), notice of availability published in the May 25, 1988 *Federal Register*.

2. "Guidance Document for Correcting Common VOC & Other Rule Deficiencies," EPA Region 9, August 21, 2001 (the Little Bluebook).

3. "State Implementation Plans; General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990," 57 FR 13498 (April 16, 1992); 57 FR 18070 (April 28, 1992).

4. "State Implementation Plans for Serious PM-10 Nonattainment Areas, and Attainment Date Waivers for PM-10 Nonattainment Areas Generally; Addendum to the General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990," 59 FR 41998 (August 16, 1994).

5. "PM-10 Guideline Document," EPA 452/R-93-008, April 1993.

6. State of Arizona Senate Bill 1552, Adopted July 2, 2007.

7. A Report of the California Legislature on the Potential Health and Environmental Impacts of Leaf Blowers, California Air resources Board, February 2000.

*B. Do the statutes meet the evaluation criteria?*

We believe these statutes are consistent with the relevant policy and guidance regarding enforceability and SIP relaxations. The TSDs have more information on our evaluation.

### C. EPA Recommendations To Further Improve the Statutes

The TSDs describe additional revisions that we recommend for the next time the local agency modifies the statutes but are not currently the basis for rule disapproval. This is particularly the case with the leaf blower statutes: 11-877 and 49-457.01.

### D. Public Comment and Final Action

Because EPA believes the submitted statutes fulfill all relevant requirements, we are proposing to fully approve them as described in section 110(k)(3) of the Act. We will accept comments from the public on this proposal for the next 30 days. Unless we receive convincing new information during the comment period, we intend to publish a final approval action that will incorporate these statutes into the federally enforceable SIP.

## III. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this proposed action merely proposes to approve State law as meeting Federal requirements and does not impose additional requirements

beyond those imposed by State law. For that reason, this proposed action:

- is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- does not provide EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, and legally permissible methods under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed action does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements.

**Authority:** 42 U.S.C. 7401 et seq.

Dated: April 9, 2013.

Jared Blumenfeld,

Regional Administrator, Region IX.

[FR Doc. 2013-09288 Filed 4-18-13; 8:45 am]

BILLING CODE 6560-50-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 90

[PS Docket Nos. 13-87, 06-229; WT Docket No. 96-86; RM-11433, RM-11577; FCC 13-40]

### Service Rules Governing Public Safety Narrowband Operations in the 769-775/799-805 MHz Bands

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This document seeks comment on proposals to amend the Commission’s rules to promote spectrum efficiency, interoperability, and flexibility in 700 MHz public safety narrowband operations (769-775/799-805 MHz). By this action, the Commission affords interested parties an opportunity to submit comments on these proposed rule changes.

**DATES:** Comments are due on or before June 18, 2013 and reply comments are due on or before July 18, 2013.

**ADDRESS:** You may submit comments, identified by PS Docket No. 13-87, by any of the following methods:

- *Federal Communications Commission’s Web site:* <http://fjallfoss.fcc.gov/ecfs2/>. Follow the instructions for submitting comments.
- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or phone: 202-418-0530 or TTY: 202-418-0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Brian Marengo, Policy and Licensing Division, Public Safety and Homeland Security Bureau, (202) 418-0838.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission’s Notice of Proposed Rulemaking, FCC 13-40, released on April 1, 2013. The document is available for download at [http://fjallfoss.fcc.gov/edocs\\_public/](http://fjallfoss.fcc.gov/edocs_public/). The complete text of this document is also available for inspection and copying during normal business hours in the FCC Reference Information Center, Portals II, 445 12th Street SW., Room CY-A257, Washington, DC 20554. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to

[FCC504@fcc.gov](mailto:FCC504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

1. In the Notice of Proposed Rulemaking (NPRM) in PS Docket No. 13-87, the Commission initiates a new proceeding to seek comment on proposals to amend the Commission’s rules governing 700 MHz public safety narrowband operations (769-775/799-805 MHz). The Commission seeks comment on whether to extend or eliminate the December 31, 2016 narrowbanding deadline for 700 MHz public safety narrowband licensees to transition from 12.5 kilohertz to 6.25 kilohertz channel bandwidth technology.

2. The Commission also seeks comment on a proposal from the National Public Safety Telecommunications Council (NPSTC) to authorize secondary use of certain channels in the 700 MHz band for public safety aircraft voice operations. Furthermore, the Commission seeks comment on additional NPSTC proposals to modify the rules governing use of the designated nationwide interoperability channels, data-only interoperability channels, reserve channels, and low power channels.

3. Finally, the Commission seeks comment on a number of other issues, including adjacent channel power (ACP) limits for signal boosters, harmonizing power limits, certifying Project 25 equipment and establishing a standardized Network Access Code (NAC) for operation on 700 MHz interoperability channels.

4. Pursuant to §§ 1.415 and 1.419 of the Commission’s rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. All filings related to the NPRM should refer to PS Docket No. 13-87. Comments may be filed using: (1) The Commission’s Electronic Comment Filing System (ECFS), (2) the Federal Government’s eRulemaking Portal, or (3) by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24,121 (1998).

- *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs>. Filers should follow the instructions provided on the Web site for submitting comments.

- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for

**ARIZONA CENTER FOR LAW  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

|  |  |
|--|--|
| <p>Sandra L. Bahr and David Matusow,</p> <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">vs.</p> <p>Bob Perciasepe, in his official capacity as<br/>Acting Administrator of the United States<br/>Environmental Protection Agency, and the<br/>United States Environmental Protection<br/>Agency.</p> <p style="text-align: center;">Defendants.</p> | <p>) Case No.:</p> <p>)</p> <p>)</p> <p>) COMPLAINT</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> |
|--|--|

Plaintiffs, by and through their attorneys, the Arizona Center for Law in the Public Interest, for their Complaint against defendants allege as follows:

NATURE OF ACTION

1. This is an action to compel the United States Environmental Protection Agency and its Administrator (collectively “the Administrator”) to perform nondiscretionary duties under the Clean Air Act (the “Act”). Specifically, the Administrator has a duty to either act upon the “MAG 2012 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area,” Maricopa Association of Governments,

1 2012 (“5% Replacement Plan”), which was submitted by the State of Arizona, and/or  
2 promulgate a Federal Implementation Plan (“FIP”). The Administrator has failed to take  
3 either action as required by 42 U.S.C. §7410(c)(1).

4 JURISDICTION AND VENUE

5 2. The Court has jurisdiction over this action pursuant to 42 U.S.C.  
6 §7604(a)(2), 28 U.S.C. §1331, 28 U.S.C. §§2201 and 2202, and 28 U.S.C. §1361. Venue  
7 lies in the District of Arizona, pursuant to 28 U.S.C. §§1391(b) & (e).

8 ADMINISTRATIVE PREREQUISITE TO THE FILING OF THIS ACTION

9 3. On February 15, 2013, plaintiffs served notice on the Administrator of the  
10 matters complained of herein pursuant to 42 U.S.C. §7604(b) and 40 C.F.R. §§54.1-3.

11 PARTIES

12 4. Plaintiffs Sandra L. Bahr and David Matusow live, work recreate, and own  
13 property in “Area A,” an area encompassing metropolitan Phoenix (hereinafter referred  
14 to in this Complaint as “Phoenix”) that has been designated by the Administrator as  
15 “serious nonattainment” in failing to meet federal health and welfare standards for  
16 airborne particulates. Levels of airborne particulates in Phoenix threaten, and are  
17 anticipated to threaten the health and welfare of Bahr, Matusow and the public. Bahr and  
18 Matusow are adversely affected by being forced to breathe air in Phoenix that is less pure  
19 than required under the Act with respect to particulates. The excessive levels of  
20 particulate pollution in Phoenix threaten the health, welfare, and economic well-being of  
21 Bahr, Matusow, their families and the public.

22 5. The Administrator's failure to timely perform the nondiscretionary duties  
23 complained of herein adversely affects Bahr and Matusow, and deprives them of health,  
24 welfare, and procedural protections to which they are entitled under the Act. The relief  
25 sought herein would redress those injuries.

26



1           13.     When Phoenix failed to achieve attainment by the attainment deadline of  
2 December 31, 1994, pursuant to section 188(b) of the Act, 42 U.S.C. §7512(b), on May  
3 10, 1996, EPA reclassified Phoenix as a “serious” PM<sub>10</sub> nonattainment area. 61 Fed Reg.  
4 21372.

5           14.     Pursuant to section 189(b)(2) of the Act, 42 U.S.C. §7513a(b)(2), the State  
6 of Arizona was required to submit a serious area plan addressing both the 24-hour and  
7 annual PM<sub>10</sub> NAAQS for Phoenix by December 10, 1997. This plan, referred to in the  
8 Act as a state implementation plan (“SIP”), was to include specific control measures to  
9 reduce PM<sub>10</sub> pollution. Among other things, the Act required the SIP to ensure that all  
10 best available control measures (“BACM”) for the control of PM<sub>10</sub> would be  
11 implemented by May 10, 2000. 42 U.S.C. §7513a(b)(1)(B). The Act further required the  
12 SIP to contain a demonstration either that the plan would produce attainment of the PM<sub>10</sub>  
13 NAAQS by December 31, 2001 or that attainment by that date was impracticable. 42  
14 U.S.C. §§7502(c)(1), 7513(c)(2), and 7513a(b). The Act required the SIP to include  
15 numerous other provisions to promote attainment and maintenance of the PM<sub>10</sub> NAAQS,  
16 and to be adopted after public notice and hearing. See, e.g. 42 U.S.C. §7410(a), 7502(c),  
17 7513a(c).

18           15.     The Serious Area PM<sub>10</sub> Plan (“SAPP”) was first submitted by the state to  
19 EPA on July 8, 1999. EPA found the plan "complete" on August 4, 1999 but in  
20 November 1999, EPA notified the state that additional work needed to be done in order  
21 for EPA to approve it. Consequently, on February 23, 2000, the state submitted a revised  
22 SAPP, which was found "complete" by EPA on February 25, 2000.

23           16.     On April 13, 2000, EPA proposed to approve the SAPP for the annual  
24 standard, but took no action on the 24 hour standard. Consequently, in May 2001,  
25 plaintiffs Bahr and Matusow filed a citizen suit in U.S. District Court on behalf of  
26 Phoenix residents to compel EPA to take action. *Bahr v. Whitman*, CIV 01-0835 PHX

1 ROS (D. Ariz.) The parties entered into a Consent Decree requiring EPA to take action  
2 on the 24 hour standard on or before September 14, 2001, and to approve or disapprove  
3 the entire plan by January 14, 2002. *Id.*, Consent Decree entered October 2, 2001.

4 17. On July 25, 2002, EPA published its final approval of the SAPP. The  
5 approval also granted the Phoenix area the maximum five year extension of the  
6 attainment deadline, giving the area until December 31, 2006 to come into compliance  
7 with the NAAQS.

8 18. Residents of the Phoenix area filed a Petition for Review of the SAPP with  
9 the Ninth Circuit Court of Appeals. *Vigil v. Leavitt*, 381 F. 3d 826 (9<sup>th</sup> Cir. 2004). In  
10 ruling on that Petition, the Ninth Circuit held that EPA's approval of the SAPP was  
11 arbitrary and capricious and remanded the action to the EPA for further consideration of  
12 whether Arizona's decision to reject requiring "clean" diesel fuel as an emissions control  
13 measure satisfied the Clean Air Act's requirement that the plan include BACM and "most  
14 stringent measures" (MSM). The Court also remanded the question of Arizona's  
15 eligibility for the extension of the attainment deadline insofar as that question depended  
16 on EPA's determination regarding MSM.

17 19. In June 2005, EPA proposed to reapprove the BACM and MSM  
18 demonstrations and finalized the reapproval in July 2006. Phoenix residents again  
19 petitioned for review; however, that action was resolved through a voluntary remand  
20 when it became apparent that the state would not be able to meet the extended December  
21 31, 2006 deadline for attainment.

22 20. In March 2007, EPA filed a proposed finding of nonattainment and the  
23 final notice of nonattainment was published on June 6, 2007 (72 Fed. Reg. 31183).

24 21. Under section 189(d) of the CAA, serious PM<sub>10</sub> nonattainment areas that  
25 fail to attain are required to submit within 12 months of the applicable attainment date,  
26 "plan revisions which provide for attainment of the PM<sub>10</sub> air quality standard and, from

1 the date of such submission until attainment, for an annual reduction in PM<sub>10</sub> or PM<sub>10</sub>  
2 precursor emissions within the area of not less than 5 percent of the amount of such  
3 emissions as reported in the most recent inventory prepared for such area.” 42 U.S.C.  
4 §7513a(d).

5 22. Arizona submitted its 5% plan to EPA by the December 2007 deadline and  
6 EPA had six months, or until June 30, 2008 to find the plan “complete.” 42 U.S.C.  
7 §7410(k)(1)(b). Because EPA did not take action by that date, the plan was deemed  
8 “complete” by operation of law. *Id.* Once a plan is deemed complete, EPA then has 12  
9 months to approve or disapprove the plan. *Id.* at (k)(2). In the case of the Phoenix area’s  
10 5% plan, EPA had until June 30, 2009 to approve or disapprove the submitted plan.

11 23. When EPA had taken no action on the 5% plan by the June 30, 2009  
12 deadline, the plaintiffs filed an action in federal district court requesting enforcement of  
13 that deadline. *Bahr v. Jackson*, CV09-2511-PHX-MHM (D. Ariz.).

14 24. Pursuant to the Consent Order filed in *Bahr v. Jackson*, on September 3,  
15 2010, the EPA proposed action on the 5% plan. The EPA proposed to disapprove  
16 substantial parts of the plan finding that it was deficient. 75 Fed. Reg. 54806 (September  
17 9, 2010).

18 25. In response to EPA’s proposed action, on January 25, 2011, the state  
19 withdrew its 5% plan.

20 26. A few days later, on January 31, 2011, the EPA found that Arizona failed to  
21 make a SIP submittal required under the CAA for the Maricopa County PM<sub>10</sub>  
22 nonattainment area by the required deadline. 76 Fed. Reg. 8300-8303 (February 14,  
23 2011). This finding, effective February 14, 2011, triggered the 18-month clock for  
24 mandatory sanctions and a two year clock for a Federal Implementation Plan (“FIP”).  
25  
26

CLAIM FOR RELIEF

(The Administrator's failure to either take action on the submitted plan or promulgate a FIP)

27. Plaintiffs incorporate by reference paragraphs 1 through 26 as though fully set forth herein.

28. On May 25, 2012, the state submitted the 5% Replacement Plan to the EPA, which the EPA found complete on July 20, 2012. The finding of completeness stopped the sanctions clock.

29. Pursuant to 42 U.S.C. §7410(c)(1), the Administrator was required to promulgate a FIP by February 14, 2013 unless by that date the State had corrected the deficiency and the Administrator had approved the plan or plan revision.

30. As of this date, the Administrator has neither promulgated a FIP nor approved the 5% Replacement Plan.

31. Thus, the Administrator is in violation of his nondiscretionary duty pursuant to section 110(c)(1) to promulgate a FIP. The Administrator's violation of such nondiscretionary duty is ongoing. Plaintiffs are informed and believe that such violation will continue unless enjoined by order of this Court.

32. Plaintiffs are suffering and will suffer irreparable harm because of the Administrator's failure to timely perform his nondiscretionary duty to promulgate a FIP.

33. For all of the foregoing reasons, plaintiffs are entitled to an order of this Court directing the Administrator to promulgate a FIP and/or take action on the 5% Replacement Plan.

WHEREFORE, plaintiffs respectfully request that the Court:

- A. Declare that the Administrator is in violation of his nondiscretionary duty under section 110(c)(1) of the Act, 42 U.S.C. §7410(c)(1), to promulgate a Federal Implementation Plan;

- 1 B. Issue a mandatory injunction requiring the Administrator to perform his  
2 nondiscretionary duty under section 110(c)(1) of the Act to promulgate a FIP.  
3 C. Retain jurisdiction of this matter for purposes of enforcing and effectuating the  
4 Court's order;  
5 D. Grant plaintiffs their reasonable costs of litigation, including their attorney's  
6 and expert witness fees; and,  
7 E. Grant such further relief as the Court deems just and proper.

8  
9 Dated this 30th day of April, 2013.

10 Arizona Center for Law  
11 In the Public Interest  
12 2205 E. Speedway Blvd.  
13 Tucson, AZ 85719

14 s/ Joy E. Herr-Cardillo  
15 Joy E. Herr-Cardillo  
16 Timothy M. Hogan  
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STATE OF ARIZONA

JANICE K. BREWER  
GOVERNOR

EXECUTIVE OFFICE

May 9, 2013

Ms. Karla Petty  
Division Administrator  
Federal Highway Administration  
4000 N. Central Avenue, Suite 1500  
Phoenix, Arizona 85012-3500

Re: Redesignation of the Maricopa Association of Governments Metropolitan Planning Area

Dear Division Administrator Petty:

The 2010 United States census has redefined the boundaries of the Phoenix/Mesa Urbanized Area (UZA) to include a population of 3,629,114 persons. The UZA is now defined to extend outside the limits of Maricopa County, and include sections of Pinal County. This expansion of the Phoenix/Mesa UZA has required the Maricopa Association of Governments (MAG) to re-evaluate the boundaries of their Metropolitan Planning Area (MPA).

On April 15, 2013, the MAG Executive Committee approved the proposed MPA boundary as shown on the attached map. The Executive Committee of MAG has also agreed, following the approval of these boundaries, to amend the MAG By-Laws and allow the new member entities be represented within MAG.

The Town of Florence and the City of Maricopa have passed resolutions seeking admittance in and participation as full members of the MAG MPA. Also, the Gila River Indian Community has reaffirmed its intent to remain a member of MAG and to include all lands within its external boundaries, including both Maricopa and Pinal County portions, in the MAG MPA.

I trust that the attached map and supporting documents are satisfactory to demonstrate an acceptance of this arrangement by the State of Arizona and all of the local entities involved. Therefore, I respectfully request that the new boundaries for the Maricopa Association of Governments Metropolitan Planning Area be approved.

Sincerely,

A handwritten signature in cursive script that reads "Janice K. Brewer".

Janice K. Brewer  
Governor

Attachments

BY-LAWS

OF

MARICOPA ASSOCIATION OF GOVERNMENTS

ARTICLE I

STATEMENT OF PRINCIPLES AND POLICIES

Section 1:

The underlying concept of the Maricopa Association of Governments is that cities, towns, counties and Indian communities, which are closest to the people, should exercise the basic initiative and leadership and that they should have the primary responsibility for treating with those local problems and needs which require action on an area-wide or regional basis.

Section 2:

The area of concern for the Maricopa Association of Governments is defined as those issues or projects which affect all or a significant part of Maricopa County and the urbanized areas contiguous to Maricopa County, and certain portions of Pinal County within the MAG Metropolitan Planning Area Boundary as determined and modified from time to time by the Maricopa Association of Governments and the Governor, and depicted on Appendix A. (referred to henceforth as the "Pinal County Area"). In the event that the MAG Metropolitan Planning Area Boundary is modified, the modified depiction may be substituted for Appendix A and such substitution shall not be considered an amendment to these Bylaws.

Section 3:

Constructive and workable policies and programs for meeting area-wide problems of local government will be most effectively and expeditiously developed by regular meetings of governmental unit members in an area-wide voluntary and cooperative association dedicated to the solution of these problems.

Section 4:

Nothing contained in these By-Laws shall authorize the Maricopa Association of Governments to intervene in matters which are essentially within the jurisdiction of any one (1) member, nor to intervene in matters which may affect more than one (1) member but are effective only within each jurisdiction.

Section 5:

The Maricopa Association of Governments is not, nor is it intended to be, a substitute for local government. It is, however, an organization through which individual governmental units can work on regional problems and coordinate their efforts.

ARTICLE II

## DEFINITIONS

### Section 1:

Association. Association, as used in these By-Laws, means the Maricopa Association of Governments, a nonprofit corporation of the State of Arizona created pursuant to Title 10, Arizona Revised Statutes.

### Section 2:

Regional Council. Regional Council, as used in these By-Laws, means the membership of this corporation. The number and qualifications of members is set forth in Article III of these By-Laws. The Regional Council is also constituted as the Board of Directors of this corporation.

### Section 3:

Executive Committee. Executive Committee, as used in these By-Laws, means the Chair, Vice Chair and Treasurer of the Regional Council in addition to any other member selected by the Regional Council to serve on the Executive Committee.

### Section 4:

Management Committee. Management Committee, as used in these By-Laws, means the eligible city or town managers, or city or town clerks of incorporated municipalities which do not have the council-manager form of government; the county ~~manager~~managers of Maricopa County and Pinal County; the chief administrative officer of an Indian community; and the Director of the Arizona Department of Transportation and the Chief Executive

~~Director~~Officer of the Regional Public Transportation Authority, who shall serve as ex-officio members of the Management Committee for traffic and transportation matters only.

Section 5:

Standing and Special Committees. Standing Committee, as used in these By-laws, means the permanent committee(s) formed by the Regional Council to conduct studies and projects on a continuing basis. Special Committee, as used in these By-Laws, means the committee(s) formed by the Regional Council on a temporary basis for the completion of special studies and projects.

## ARTICLE III

### MEMBERSHIP

#### Section 1:

A person shall not be eligible to be a member of this corporation unless he or she is a duly elected member of a governing body of a unit of local government located in Maricopa County, in the Pinal County Area, or in an urbanized area contiguous to Maricopa County, except that the two Arizona Department of Transportation board members for District I shall have ex-officio membership in the corporation for traffic and transportation matters only and the Chairman of the Citizens Transportation Oversight Committee shall have ex-officio membership in the corporation for matters relating to the regional freeway system only. For the purposes of this section, a unit of local government is defined as a city or town located in Maricopa County or the Pinal County Area, in an urbanized area contiguous to Maricopa County, that portion of an Indian ~~Community~~community located in Maricopa County, that portion of an Indian community located in the Pinal County Area that chooses to join MAG, and the ~~County~~Counties of Maricopa— and Pinal. The unit of local government shall designate the person among its duly elected governing body that shall serve as a member of the corporation. Not more than (1) member of the governing body may represent any unit of local government at any time. The government of the corporation shall be vested in the membership and shall be collectively known as the “Regional Council.”

#### Section 2:

A certificate of membership shall be issued to each member, which certificate shall not be transferable. Any person ceasing to be a member, whether voluntarily or by expulsion or no longer meeting the eligibility requirements established by Section 1 of this Article, shall

forfeit all rights and privileges of membership and all rights and claims in and to the property of the corporation, and all his or her, its or their interests in such property shall vest in the corporation, absolutely. Each certificate of membership shall express on its face that it shall not be transferable.

Section 3:

The membership of the Maricopa Association of Governments can be increased by a majority vote of the members.

ARTICLE IV

**MEETINGS OF MEMBERS**

Section 1:

The annual meeting of the members of Maricopa Association of Governments shall be held on the fourth Wednesday in June of each year in Phoenix, Maricopa County, Arizona, at a time and place to be designated in the notice of the meeting.

Section 2:

Regular meetings of the members may be held in Maricopa County, Arizona, with the time, date and location of said meetings to be determined by the Regional Council.

Section 3:

Special meetings of the Regional Council may be held in Maricopa County, Arizona, whenever called in writing by the Chair or Vice Chair. In the absence of the Chair, any six

(6) members of the corporation may call said meetings. The place of holding special meetings shall be designated in the notice.

Section 4:

The calls and notices of all meetings of the members shall conform to the provisions of Article V of these By-Laws.

Section 5:

The Chair, and in his or her absence the Vice Chair, shall preside at such meetings.

Section 6:

~~Each member of the corporation, excepting the Arizona Department of Transportation board members for District I, and the Chairman of the Citizens Transportation Oversight Committee~~Except as otherwise specifically provided herein, each member of the corporation is entitled to vote on all matters coming before any meeting of its membership, and each member of the corporation, including the Chair, Vice Chair and Treasurer of the Regional Council may be represented in vote by proxy. The Secretary shall enter a record of such proxies in the minutes of the meetings. ~~On traffic and transportation matters, the~~Members of MAG that are in the Pinal County Area are entitled to vote on all matters coming before any meetings of its membership except those that are exclusive to the Maricopa County Boundary defined by State Law or through a planning designation by a Governor's Executive Order, including but not limited to the Transportation Excise Tax enacted by Maricopa County, Section 208 Water Quality Management Planning, and Solid Waste Management Planning. The District I transportation board members for the Arizona Department of Transportation may vote only on traffic and transportation matters and shall each have one vote. ~~On matters relating~~

~~to the regional freeway system, the~~The Chairman of the Citizens Transportation Oversight Committee may vote only on matters relating to the Regional Transportation Plan and shall have only one vote.

Section 7:

A simple majority in number of the members, either in person or by proxy, shall constitute a quorum for all purposes. In the absence of a quorum, the Chair of the meeting may adjourn the meeting from time to time without notice, other than by announcement at the meeting, until members sufficient to constitute a quorum shall attend, either in person, or by proxy. At the adjourned meeting at which a quorum shall be present any business may be transacted which might have been transacted at the meeting as originally notified.

Section 8:

All information and/or irregularities in calls, notices of meeting and in the manner of voting, form of proxy credentials, method of ascertaining those present shall be deemed waived if no objection is made at the meeting.

Section 9:

The Regional Council may adopt rules governing its procedures.

ARTICLE V

NOTIFICATION REQUIREMENTS FOR  
MEETINGS OF REGIONAL COUNCIL

Section 1:

Whenever all of the members shall meet in person or by proxy, such meeting shall be valid for all purposes without call or notice and at such meeting any corporate action may be taken. Whenever all of the Regional Council members meet, such meeting shall be valid for all purposes without call or notices. No call or notice of any meeting of the members shall be necessary if waiver of call and notice be signed by all of the members.

Section 2:

At least five (5) days before the day of any meeting of the members, the Secretary, when requested by the Chair, or in his or her absence by the Vice Chair; or a majority of the Regional Council, shall cause a written notice setting forth the time, place and general purpose of the meeting to be delivered personally or by mail with postage prepaid to each member of record at his or her last post office address as it appears on the books of the corporation.

Section 3:

Any meeting of the Regional Council sitting as a Board of Directors may be called by the Chair or in his or her absence, the Vice Chair, or by ~~a majority~~ any six (6) members of the Regional Council, and notice of such meetings shall be given by the Secretary at least twenty-four (24) hours before the time fixed for the meeting and such notice shall specify time, place and general purpose of the meeting and shall be delivered personally or mailed, postage prepaid, to each member at his or her last post office address as it appears on the books of the corporation, or shall be communicated to the member by telephone.

## ARTICLE VI

### MEETINGS OF COMMITTEES NOTIFICATION REQUIREMENTS

#### Section 1:

The Management Committee shall meet on the call of its Chair with the date, time and place to be fixed by the Chair. At least two (2) days prior notice shall be given to Committee members and the Secretary.

#### Section 2:

Standing and Special Committees shall meet on the call of their Chair with notification to the Committee members and to the Secretary two (2) days prior to meeting of said Standing or Special Committees.

## ARTICLE VII

### REGIONAL COUNCIL SITTING AS A BOARD OF DIRECTORS

#### Section 1:

The business and affairs of the corporation shall be conducted by the Regional Council sitting as a Board of Directors at properly called meetings.

#### Section 2:

In case the office of Chair, Vice Chair or Treasurer becomes vacant, the remaining Regional Council members, by affirmative vote of the majority thereof, shall elect a successor to hold office for the unexpired term of the officer whose position shall be vacant.

Section 3:

~~Each~~ Subject to the provisions of Article IV, Section 6, each director is entitled to vote on all matters coming before any meeting of Regional Council, and each director may be represented in vote by proxy. The Secretary shall enter a record of such proxies in the minutes of the meeting.

Section 4:

The powers and functions of the Regional Council subject to the limitations hereinafter stated, shall include, but not be limited to, the following:

- a. The formulating of policy decisions and determination of policy matters for the corporation.
- b. The approval and adoption of a budget for each fiscal year and a service charge schedule.
- c. The initiation and/or request for studies to be undertaken either by inter-agency agreement, contract, or otherwise as they may deem appropriate.
- d. The right of any director at any meeting of the Regional Council to propose a subject for study by the Maricopa Association of Governments.

- e. The right of any director at any meeting of the Regional Council to request review of any action taken by the Management Committee during the interval between meetings of the Regional Council.
- f. The appointment of such Standing and Special committees deemed necessary to achieve the purposes of the Association. The Regional Council may delegate its appointment authority for Standing and Special committee members to the Chair of the Regional Council.

Section 5:

No person shall have the authority to make or execute binding contracts on behalf of the Maricopa Association of Governments except upon approval of the Regional Council or Executive Committee acting at a properly called meeting. Any contract made or executed by the Executive Committee shall be subject to ratification by the Regional Council at its next meeting.

ARTICLE VIII

**OFFICERS**

Section 1:

At the annual meeting, the members shall elect the following officers of the corporation: Chair, Vice Chair, and Treasurer, each of whom shall, when elected, also serve as a member of the Executive Committee of this corporation.

Section 2:

The Chair shall be the chief executive of the corporation and shall exercise general supervision over its affairs. He or she shall sign on behalf of the corporation all documents requiring the signature of the corporation and shall do and perform all other acts and things which the Regional Council may require of him or her. He or she shall serve without compensation.

Section 3:

In the absence of the Chair, or his or her inability to act or serve, the Vice Chair shall have the powers of the Chair. He or she shall perform such further duties as the Regional Council may delegate to him or her and shall receive no compensation for his or her services.

Section 4:

The Treasurer shall have the custody and control of the funds of the corporation, subject to the acts of the Regional Council, and shall report the state of the finances of the corporation at each annual meeting of the members and at any special meeting of the members when requested by the Chair. He or she shall perform such other services as the Regional Council may require of him or her and shall serve without compensation.

Section 5:

The Secretary shall be appointed by and serve at the pleasure of the Regional Council and shall keep the minutes of the corporation and such books and these By-Laws or resolutions of the Regional Council may require him or her to keep. He or she shall attest the

signature of the authorized officer of all documents requiring the signature of the corporation, shall be the custodian of the seal of the corporation and shall affix the seal to all papers and instruments requiring it. He or she shall perform such other services as the Regional Council may require of him or her and shall receive such compensation for his or her services as the Regional Council may allow. The Secretary shall not be a member of this corporation.

## ARTICLE IX

### EXECUTIVE COMMITTEE

#### Section 1:

At the annual meeting of the Regional Council, the Regional Council shall elect an Executive Committee of not less than three (3) Regional Council members to serve until the next annual meeting of the Regional Council. The Chair, Vice Chair and Treasurer of the Regional Council shall be ex-officio members of the Executive Committee, and the Chair shall serve as Chair of the Executive Committee.

#### Section 2:

In case of any vacancy in the Executive Committee, the Regional Council at its next meeting, may elect a successor to the Committee in the same manner as provided for in Article VII, Section 2, of these By-Laws.

Section 3:

The business and affairs of the corporation which arise between meetings of the Regional Council shall be conducted by the Executive Committee.

Section 4:

The Executive Committee shall meet at the call of the Chair at such place designated by him or her and special meetings may be called by any member of the Committee by having the Secretary give written notice thereof to all of the other members.

Section 5:

A majority of the members of the Executive Committee shall constitute a quorum for the transaction of business at any meeting of the Executive Committee.

Section 6:

The Secretary shall take minutes at all meetings of the Executive Committee and copies of said minutes shall be furnished to the members of the Regional Council after approval by the Executive Committee.

## ARTICLE X

### MANAGEMENT COMMITTEE

#### Section 1:

There is established a Management Committee of the Maricopa Association of Governments which shall consist of the eligible city or town managers, or city or town clerks of incorporated municipalities which do not have the council-manager form of government; the county ~~manager~~managers of Maricopa County and Pinal County; and the chief administrative ~~officer~~officers of the Indian communities. The Director of the Arizona Department of Transportation and the Chief Executive ~~Director~~Officer of the Regional Public Transportation Authority shall serve in an ex-officio capacity only when matters of traffic and transportation are before the Management Committee. In such matters the Arizona Department of Transportation Director and the Chief Executive ~~Director~~Officer of the Regional Public Transportation Authority shall each have one vote.

#### Section 2:

The Management Committee shall be responsible for the functions as hereinafter set forth:

- a. There shall be selected a Chair and Vice Chair, from the members of the Management Committee. Said selection shall occur at the first meeting in June of each year. In the event a vacancy occurs in the chairmanship, the Vice Chair shall become the Chair for the unexpired term and a Vice Chair shall be elected to complete the remainder of the Vice Chair's term.

- b. The Management Committee shall have the authority to appoint committees and personnel to study specific problems, programs, or other matters which the Management Committee has approved for study.
- c. The Management Committee shall act as the coordinating agency for all other committees and subsidiary groups.
- d. The Management Committee shall keep the Regional Council informed on any matter or problem involving intergovernmental cooperation.
- e. The Management Committee shall perform any other functions assigned by the Regional Council.

## ARTICLE XI

### STANDING AND SPECIAL COMMITTEES

#### Section 1:

Standing and Special Committees shall be created by the Regional Council from time to time, as the Regional Council may deem appropriate.

#### Section 2:

The Regional Council shall authorize and define the powers and duties of all committees of the Council.

Section 3:

The Regional Council shall designate a Chair and Vice Chair of the Standing and Special Committees. Vacancies occurring in these positions shall be filled by the Regional Council or the Executive Committee unless such authority has been delegated to the Chair of the Regional Council.

Section 4:

Membership on Standing and Special Committees shall be determined by the Regional Council. There shall be no minimum nor maximum number of members on any Standing or Special Committee unless specified by the Regional Council. Nothing in these By-Laws shall be construed to limit membership on these aforesaid committees exclusively to officials serving political subdivisions of the State. The Regional Council, in its discretion, may appoint any individual it deems qualified to serve on a Standing or Special Committee.

ARTICLE XII

**FINANCES**

Section 1:

Fiscal Year. The fiscal year of the Maricopa Association of Governments shall commence on July 1 of each year.

Section 2:

The Maricopa Association of Governments shall have the power to receive from any public or private source including, but not limited to the federal, state, and local governments, voluntary associations, nonprofit corporation, firms, partnerships, or persons or any combination thereof, bequests, donations, devices, grants, and gifts of all kinds of property, including all forms of ownership interest therein, to do all acts necessary to carry out the purposes of such bequests, gifts, grants, devised and donations, with power to manage, sell, convey, contract, lease or otherwise dispose of the same in accordance with the terms of the bequest, gift, grant, donation, device of trust, or absolutely in case such bequest, grant, gift, donation or device of trust be unconditional.

Section 3:

Members of the corporation representing local units of government in Maricopa County ~~and~~, in the urbanized areas contiguous to Maricopa County, and in the Pinal County Area shall be responsible for insuring that any service charges assessed by the Regional Council are paid into the association's treasury. All service charges for cities and towns shall be based on population, provided that service charges for cities and towns shall be based on the population within their corporate limits ~~and service~~. Service charges for Maricopa County shall be based upon population in the unincorporated area of the County, exclusive of Indian communities that are members of Maricopa Association of Governments. Service charges for the Pinal County Area shall be based on population in the unincorporated area of the County that is within the Maricopa Metropolitan Planning Area, exclusive of Indian communities that are members of Maricopa Association of Governments. Service charges for Indian communities that are members of MAG shall be based on population in that portion of the Indian community located in Maricopa County: or in the Pinal County Area, as applicable.

Section 4:

The Regional Council may assess special service charges for individual studies or projects, sufficient to provide the funds required for the completion of said studies and projects, in addition to any regularly established service charges.

Section 5:

Annual Audit. The Secretary shall cause an annual audit of the financial affairs of the Association to be made by a public accountant or a certified public accountant selected by the Regional Council or the Executive Committee at the end of each fiscal year. The audit report shall be made available to all members.

ARTICLE XIII

**VOTING PROCEDURE FOR THE REGIONAL COUNCIL AND THE  
MANAGEMENT COMMITTEE**

Section 1:

(A) The Regional Council and Management Committee shall vote on all motions on the basis of one vote per member, except that the two Arizona Department of Transportation board members for District I on the Regional Council shall each have one vote. However, if any member entity requests a weighted vote, the numerical vote shall have no force or effect unless concurred in by the weighted vote.

(B) When a weighted vote is taken, each member voting on that issue shall have as many votes as the population of the member entity that the member represents bears to the total population of all member entities voting on the issue, expressed in percentages. In

calculating percentages, fractions of a percent less than one-half or more shall be rounded to the next higher whole number, excepting that no member shall be allocated less than one full percent. Thus each member representing an entity with one percent of the population or less shall have one vote, and each member representing an entity with more than one percent of the population shall have as many votes as that entity's percentage of the population. The affirmative vote of members present representing not less than a majority of the total population of all members present and voting on the issue shall be required in order for the motion to pass.

(C) The population of the member entity shall be determined by the most recent decennial or mid-decade special census, excepting that the population of Maricopa County shall be that of the unincorporated portion of Maricopa County only, exclusive of the population of Indian communities within its boundaries that are members of Maricopa Association of Governments, and the population of Pinal County shall be that of the unincorporated portion of the Pinal County Area only, exclusive of the population of Indian communities within its boundaries that are members of the Maricopa Association of Governments. The population of an Indian community is for that portion of the Indian community within Maricopa County, or the Pinal County Area, as applicable. The representatives for the Arizona Department of Transportation vote only on traffic and transportation related issues, do not represent an entity having a population, and shall always have one vote on such issues in a weighted vote. ~~The~~ Chairman of the Citizens Transportation Oversight Committee votes only on issues matters relating to the ~~regional freeway system~~ Regional Transportation Plan, does not represent an entity having a population, and shall always have one vote on such issues in a weighted vote.

(D) Upon receipt of an official decennial or mid-decade special census, or if a new member entity joins Maricopa Association of Governments, the population percentages of each of the member entities, and when applicable the total regional population, shall be recomputed. If an existing member withdraws its membership, the weighted vote shall not be recomputed,

but the remaining members shall have the right to vote the number of votes established by the existing percentages.

#### ARTICLE XV

The seal of the corporation shall be impressed as follows: "Maricopa Association of Governments, incorporated October 24, 1967, Arizona."

#### ARTICLE XVI

These By-Laws may be amended at any meeting of the Regional Council by a majority vote of all members provided written notice of proposed amendment has been given not less than fifteen (15) days prior to the meeting at which it is to be voted upon.

**RESOLUTION NO. 1383-13**

**A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, SEEKING ADMITTANCE IN AND PARTICIPATION AS A FULL MEMBER OF THE MARICOPA ASSOCIATION OF GOVERNMENTS METROPOLITAN PLANNING ORGANIZATION.**

**WHEREAS**, membership in the Metropolitan Planning Organization will ensure consistent coordination and enhance the quality of local and regional planning efforts; and

**WHEREAS**, the Town of Florence lies within the 20 year planning horizon of the Maricopa Association of Governments Urbanized Planning Area; and

**WHEREAS**, the Town of Florence has strong economic, community and transportation linkages to the region represented by the Maricopa Association of Governments including commuting patterns and service agreements with Maricopa Association of Governments member agencies; and

**WHEREAS**, representatives of the Maricopa Association of Governments have let it be known that the inclusion of the Town of Florence as a member of Maricopa Association of Governments is viable and welcomed; and

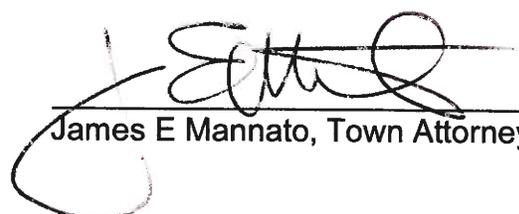
**WHEREAS**, The Town Council of the Town of Florence believes it is in the best interest of citizens of the Town of Florence to become a member of the Maricopa Association of Governments Metropolitan Planning Organization.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Town Council of the Town of Florence, Arizona, to seek admittance in and participation as a full member of the Maricopa Association of Governments Metropolitan Planning Organization based on mutual agreement and in accordance with Maricopa Association of Governments Bylaws.

**PASSED AND ADOPTED** by the Mayor and Council of the Town of Florence, Arizona, this 25<sup>th</sup> day of February, 2013.

  
\_\_\_\_\_  
Tom J. Rankin, Mayor

**ATTEST:**  
  
\_\_\_\_\_  
Lisa Garcia, Town Clerk

**APPROVED AS TO FORM:**  
  
\_\_\_\_\_  
James E Mannato, Town Attorney

**Gregory Mendoza**  
Governor



**Stephen Roe Lewis**  
Lieutenant Governor

## GILA RIVER INDIAN COMMUNITY

### *Executive Office*

*"A New Generation of Leadership Serving the People"*

April 3, 2013

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

Dear Mr. Smith,

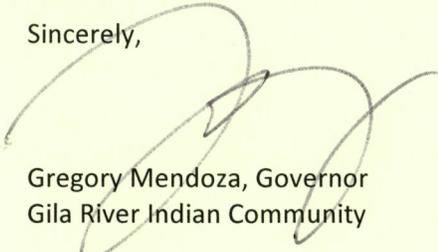
The Gila River Indian Community has been a member of the Maricopa Association of Governments (MAG) since 1989. During this time, the Community has benefited through active participation in regional planning matters.

On February, 26, 2013, at the request of the Gila River Indian Community, representatives from MAG made a presentation to the Community's Transportation Technical Team (TTT) regarding the new proposed metropolitan planning organization (MPO) based in Casa Grande, Arizona and potential associated metropolitan planning area (MPA) boundaries. During the ensuing discussion, the Community was presented with three options for consideration in terms of a potential realignment of MPA boundaries: (a) join the new proposed MPO based in Casa Grande; (b) become part of the extended MAG MPA, which would include Community lands that fall within Pinal County; or (c) continue to participate as a MAG member agency, with Community lands in Maricopa County, while joining the newly proposed MPO based in Casa Grande with Community lands in Pinal County.

Based on recommendations by the TTT and from other departments, including the Community's Department of Transportation, a motion was made to recommend that the Gila River Indian Community remain a MAG member agency. Additionally, it was recommended that the portions of Community land in Pinal County will now be included in the MAG MPA.

It is in the best interest of the Community to remain in the MAG region. This letter hereby reaffirms the Community's intent to remain in the Maricopa Association of Governments and that all lands within the external boundaries of the Gila River Indian Community, including both Maricopa and Pinal County portions, to be considered for inclusion in the MAG MPA.

Sincerely,



Gregory Mendoza, Governor  
Gila River Indian Community

**RESOLUTION NO. 12-76**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA SEEKING ADMITTANCE IN AND PARTICIPATION AS A FULL MEMBER OF THE MARICOPA ASSOCIATION OF GOVERNMENTS METROPOLITAN PLANNING ORGANIZATION.**

**WHEREAS**, membership in a Metropolitan Planning Organization will ensure consistent coordination and enhance the quality of local and regional planning efforts; and

**WHEREAS**, the City of Maricopa lies within the 20 year planning horizon of the Maricopa Association of Governments Urbanized Planning Area; and

**WHEREAS**, the City of Maricopa has strong economic and community linkages to the region represented by the Maricopa Association of Governments including commuting patterns and service agreements with Maricopa Association of Governments members agencies; and

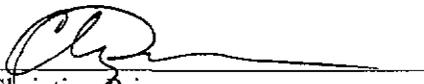
**WHEREAS**, representatives of the Maricopa Association of Governments have let it be known that the inclusion of the City of Maricopa as a member of Maricopa Association of Governments is viable and welcomed; and

**WHEREAS**, the City Council of the City of Maricopa believe it is in the best interest of the citizens of the City of Maricopa to become a member of the Maricopa Association of Governments Metropolitan Planning Organization.

**NOW, THEREFORE, BE IT RESOLVED BY** the Mayor and City Council of the City of Maricopa to seek admittance in and participation as a full member of the Maricopa Association of Governments Metropolitan Planning Organization based on mutual agreement and in accordance with Maricopa Association of Governments Bylaws.

**PASSED AND ADOPTED** by the Mayor and Council of the City of Maricopa Arizona, this 18<sup>th</sup> day of December, 2012.

APPROVED:

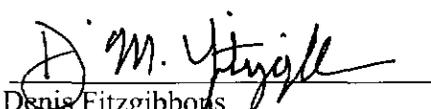
  
Christian Price  
Mayor

ATTEST:

  
Vanessa Bueras  
City Clerk



APPROVED AS TO FORM:

  
Denis Fitzgibbon  
City Attorney

April 29, 2013

The Honorable Janice K. Brewer  
Arizona Governor  
Executive Tower  
1700 West Washington Street  
Phoenix, Arizona 85007

Dear Governor Brewer:

On April 15, 2013, the Regional Council Executive Committee of the Maricopa Association of Governments (MAG) approved the MAG Metropolitan Planning Area Boundary (MPA) map to be conveyed to the Governor. The excerpt of the relevant section of the minutes of the Executive Committee, certified by the MAG Executive Director and MAG General Counsel, and the new MPA Boundary map are attached for your information. Your concurrence with the new MPA map is appreciated.

The issue of expanding the MPA boundary to comply with federal law has been under discussion for several months by the MAG Regional Council Executive Committee and the MAG Regional Council. A MAG By-Laws amendment to provide for new members from Pinal County was approved for review at the February 27, 2013 Regional Council meeting. Final approval of the amendment is contingent upon a new boundary being determined in accordance with federal regulations §450.312 metropolitan planning area boundaries. According to this regulation, "the boundaries of a metropolitan planning area (MPA) shall be determined by agreement between the MPO and the Governor."

To develop the map, the MAG staff worked closely with the communities in Pinal County and with the staff of the Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT).

If you have any questions regarding the actions of the Executive Committee and the Regional Council, or if there is any other information we can provide to you, please contact me at (623) 333-1900, or Dennis Smith at the MAG Office.

Sincerely,



Marie Lopez Rogers  
Chair, MAG Regional Council  
Mayor of Avondale

Attachment

c: MAG Regional Council  
John Halikowski, ADOT  
Karla Petty, FHWA  
Ryan Owens, Governor's Office

CERTIFICATION OF ADOPTION OF  
THE METROPOLITAN PLANNING AREA BOUNDARY FOR THE  
MARICOPA ASSOCIATION OF GOVERNMENTS REGION

An Excerpt from the April 15, 2013, MAG Regional Council Executive Committee  
Meeting Minutes

The Regional Council Executive Committee, by consent, approved the Metropolitan Planning Area Boundary Map to be conveyed to the Governor via the Arizona Department of Transportation.

I, Dennis Smith, hereby certify that on April 15, 2013, the MAG Regional Council Executive Committee approved and adopted the Metropolitan Planning Area Boundary map to be conveyed to the Governor via the Arizona Department of Transportation. I further certify that this matter was listed on the agenda for the Executive Committee for the April 15 meeting, that said agenda was posted more than twenty-four (24) hours in advance of the meeting, that the meeting was duly called, and that a quorum was present.



\_\_\_\_\_  
Dennis Smith  
MAG Executive Director

April 26, 2013  
Date

Approved as to Form:

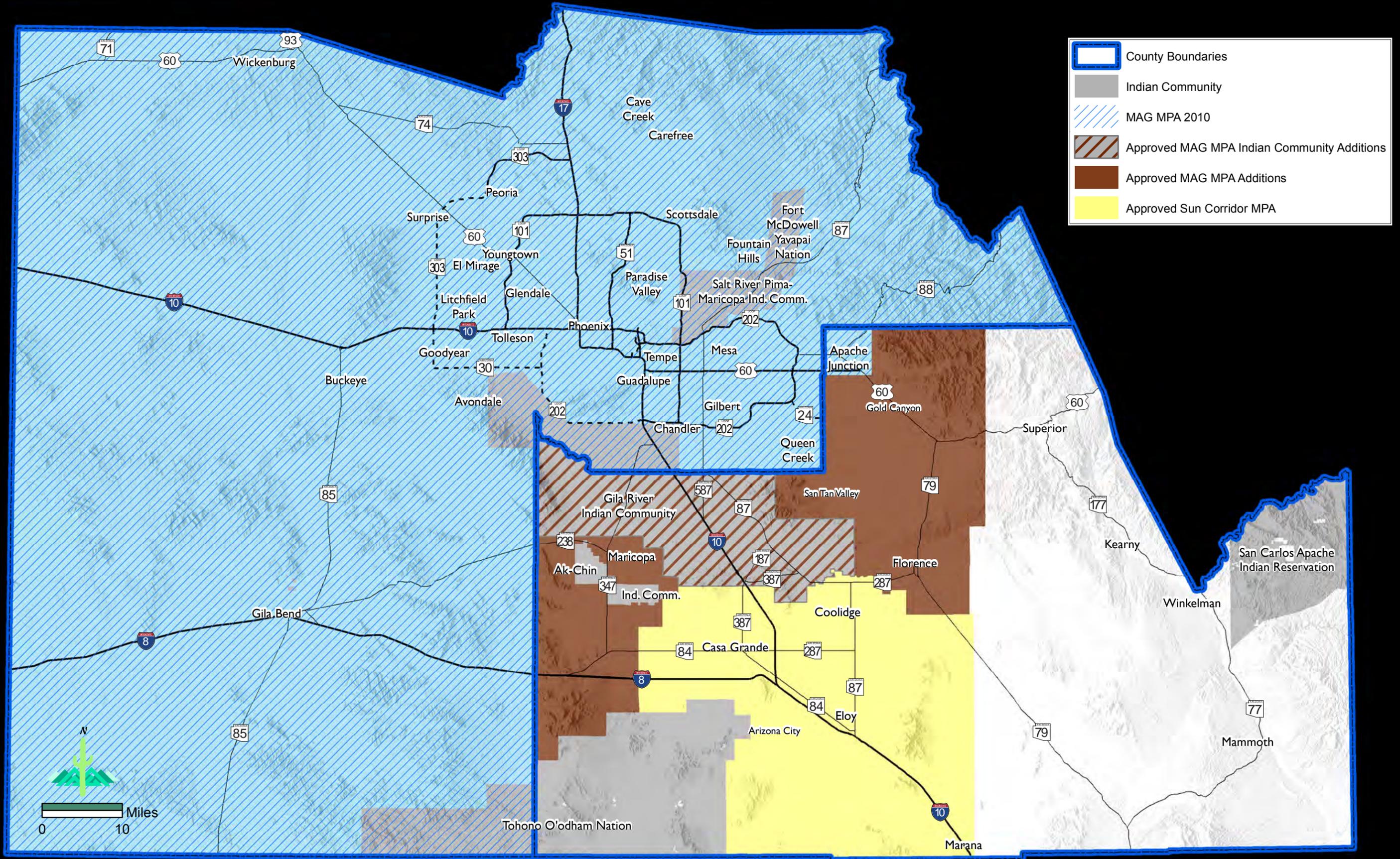


\_\_\_\_\_  
Fredda Bisman, Esquire  
MAG General Counsel  
Dickinson Wright Mariscal Weeks

April 26, 2013  
Date



# Approved MAG Metropolitan Planning Area (MPA) Boundary



# MARICOPA ASSOCIATION OF GOVERNMENTS

## INFORMATION SUMMARY... for your review

**DATE:**

May 14, 2013

**SUBJECT:**

Approval of the Draft FY 2014 MAG Unified Planning Work Program and Annual Budget and the Member Dues and Assessments

**SUMMARY:**

Each year staff develops the MAG Unified Planning Work Program and Annual Budget. The Work Program is reviewed in early spring by the federal agencies and approved by the Regional Council in May. The proposed budget information was presented incrementally each month, and adjustments have been made as information was received.

The Management Committee reviewed the development of the Work Program and Annual Budget at its meetings on January 16, February 13, March 13, and April 10, 2013. The Executive Committee reviewed the draft budget document at its meetings on January 22, February 19, March 18, April 15, and May 13, 2013. The Regional Council reviewed the draft budget document at its meetings on January 30, February 27, March 27, 2013 and May 1, 2013.

Each year new projects are proposed for inclusion in the MAG planning efforts. The proposed new projects for FY 2014 were first presented at the February 13, 2013, Management Committee meeting, the February 19, 2013, Executive Committee meeting, and the February 27, 2013, Regional Council meeting. These new project proposals come from the various MAG technical committees, policy committees and other discussions with members and stakeholders regarding joint efforts within the region. These projects are subject to review and input by the committees as they go through the budget process. No additional revisions have been made to proposed projects from last month's presentations.

The review of the draft Work Program and Annual Budget for the Intermodal Planning Group (IPG) meeting on April 3, 2013, was very positively received by both the federal, state and other parties and we have not received any recommendations as the result of this meeting for the FY 2014 Work Program and Annual Budget document at this time.

The draft FY 2014 draft Work Program and Annual Budget reflects a slight increase overall of 5.26 percent in budgeted expenses that is primarily due to an overall increase in personnel and carryforward consultant projects. The amount set aside for contingent costs also increased slightly as some of the FY 2013 contingency has been used during the fiscal year. For FY 2014 there are lower anticipated costs in overhead, consultants, pass-through agreements, and capital expenditures. The anticipated decrease in budgeted overhead reflects reduced budgets for a number of overhead items with the highest dollar decreases in professional services, legal, professional development and workshops, and printing. The majority of the decrease in professional services is due to the conclusion of the professional services contract during FY 2013 in support of the Metropolitan Business Planning Initiative. The other part of the reduction in the professional services budget is due to the completion of professional services related to the accounting data conversion performed in FY 2013. Budgeted legal costs for FY 2014 have decreased from prior year as two of the law firms hired in previous years for air quality issues, completed their work. Overhead line item costs for both professional development and workshops, and outside printing are expected to decrease as the number of outside workshops and the related printing costs for the workshops reduce in FY 2014. Another significant decrease in overhead costs for FY 2014 is a reduction in membership costs due to the reduction in dues for Western High Speed Rail membership. The capital

items budget was reduced significantly in FY 2014 with the purchase of the ERP software that was accomplished during FY 2013. A carryforward cost of \$250,000 for this capital item has been budgeted for FY 2014 and final implementation is anticipated in October. Overhead for FY 2014 shows an overall budgeted decrease of 4.65 percent.

MAG received a letter from Governor Brewer redesignating the MAG planning areas on May 9, 2013. The Planning Areas section at the front of the Work Program has been updated to include the new boundaries for MAG. The determination of the planning areas may also increase Federal Highway funding awarded to MAG and a footnote with this information is included in the four page financial summary in the front section of the budget. The planning boundaries decision also resulted in a reallocation of dues and assessments to each member for FY 2014.

The draft of the FY 2014 MAG Unified Planning Work Program and Annual Budget has narrative by division and associated program costs, and draft schedules in the budget appendix, including overall program allocations, allocation of funding by funding source, budgeted positions, dues and assessments, and consultant pages for new and carryforward consultants.

The MAG region, as a Transportation Management Area and as a Metropolitan Planning Organization, is required (by federal regulations 23 CFR 450.314) to describe all of the regional transportation-related activities within the planning area, regardless of funding sources or agencies conducting activities. The regional transportation projects received from other organizations are noted in the Work Program.

**PUBLIC INPUT:**

None.

**PROS & CONS:**

PROS: MAG is presenting the final draft FY 2014 budget, which provides for an incremental review of key budget details of the complete draft budget.

CONS: None.

**TECHNICAL & POLICY IMPLICATIONS:**

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

POLICY: As requested by the MAG Executive Committee and subsequently approved by the Regional Council in May 2002, the MAG Work Program and Annual Budget detail is being presented earlier to the Management Committee and there is increased notice to members on the budget as it is drafted. MAG is providing a budget summary, "MAG Programs in Brief," that outlines new programs and presents the necessary resources to implement these programs. This summary allows member agencies to quickly decipher the financial implications of such programs prior to their approval for implementation. The draft FY 2014 Unified Planning Work Program and Annual Budget is also provided.

**ACTION NEEDED:**

Approval of the resolution adopting the Draft FY 2014 MAG Unified Planning Work Program and Annual Budget and the member dues and assessments.

**PRIOR COMMITTEE ACTIONS:**

On May 13, 2013, the MAG Executive Committee agenda recommended approval of the resolution adopting the FY 2014 MAG Unified Planning Work Program and Annual Budget and the member dues and assessments.

MEMBERS ATTENDING

Mayor Marie Lopez Rogers, Avondale, Chair  
Mayor Scott Smith, Mesa, Vice Chair  
Mayor Michael LeVault, Youngtown, Treasurer  
Mayor Gail Barney, Queen Creek

Mayor W. J. "Jim" Lane, Scottsdale  
Mayor Thomas L. Schoaf, Litchfield Park  
Mayor Greg Stanton, Phoenix

\* Not present

# Participated by video conference.

On May 8, 2013, the MAG Management Committee approval of the resolution adopting the FY 2014 MAG Unified Planning Work Program and Annual Budget and the member dues and assessments.

MEMBERS ATTENDING

Tom Remes for David Cavazos, Phoenix  
Dr. Spencer Isom, El Mirage, Vice Chair  
# George Hoffman, Apache Junction  
Charlie McClendon, Avondale  
\* Stephen Cleveland, Buckeye  
\* Gary Neiss, Carefree  
\* Usama Abujbarah, Cave Creek  
Rich Dlugas, Chandler  
Alfonso Rodriguez for Phil Dorchester,  
Fort McDowell Yavapai Nation  
Ken Buchanan, Fountain Hills  
Rick Buss, Gila Bend  
\* David White, Gila River Indian Community  
Patrick Banger, Gilbert  
Brent Stoddard for Dick Bowers, Glendale  
# Brian Dalke, Goodyear  
\* Bill Hernandez, Guadalupe  
# Darryl Crossman, Litchfield Park

Christopher Brady, Mesa  
\* Jim Bacon, Paradise Valley  
Carl Swenson, Peoria  
# John Kross, Queen Creek  
\* Bryan Meyers, Salt River Pima-Maricopa  
Indian Community  
\* Dan Worth, Scottsdale  
Michael Celaya for Chris Hillman, Surprise  
Andrew Ching, Tempe  
# Chris Hagen for Reyes Medrano, Tolleson  
Joshua Wright, Wickenburg  
Lloyce Robinson, Youngtown  
John Nelson for John Halikowski, ADOT  
John Hauskins for Tom Manos,  
Maricopa County  
JymeSue McLaren for Steve Banta,  
Valley Metro/RPTA

\* Those members neither present nor represented by proxy.

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

The draft budget was on the May 1, 2013 MAG Regional Council agenda for information and input. Due to the extended length of the meeting this agenda item was not heard.

MEMBERS ATTENDING

Mayor Marie Lopez Rogers, Avondale, Chair  
\* Mayor Scott Smith, Mesa, Vice Chair  
# Councilwoman Robin Barker, Apache  
Junction  
Mayor Jackie Meck, Buckeye  
# Vice Mayor Melissa Price for Mayor David  
Schwan, Carefree  
\* Councilman Dick Esser, Cave Creek  
# Mayor Jay Tibshraeny, Chandler  
Mayor Lana Mook, El Mirage  
\* President Clinton Pattea, Fort McDowell  
Yavapai Nation  
# Mayor Linda Kavanagh, Fountain Hills  
\* Mayor Ron Henry, Gila Bend

\* Governor Gregory Mendoza, Gila River  
Indian Community  
Vice Mayor Ben Cooper for Mayor John  
Lewis, Gilbert  
Mayor Jerry Weiers, Glendale  
Mayor Georgia Lord, Goodyear  
\* Mayor Yolanda Solarez, Guadalupe  
# Mayor Thomas Schoaf, Litchfield Park  
Supervisor Steve Chucri, Maricopa Co.  
# Mayor Scott LeMarr, Paradise Valley  
Councilmember Cathy Carlat, Peoria  
\* Mayor Greg Stanton, Phoenix  
# Mayor Gail Barney, Queen Creek  
\* President Diane Enos, Salt River  
Pima-Maricopa Indian Community

Mayor W. J. "Jim" Lane, Scottsdale  
Mayor Sharon Wolcott, Surprise  
Mayor Mark Mitchell, Tempe  
\* Mayor Adolfo Gamez, Tolleson  
\* Mayor John Cook, Wickenburg  
Mayor Michael LeVault, Youngtown

Victor Flores, State Transportation Board  
Joseph La Rue, State Transportation Board  
Roc Arnett, Citizens Transportation Oversight Committee

\* Those members neither present nor represented by proxy.

# Attended by telephone conference call.

+ Attended by videoconference

The draft budget to-date was on the April 15, 2013 Executive Committee agenda for information and input.

MEMBERS ATTENDING

Mayor Marie Lopez Rogers, Avondale, Chair  
Mayor Scott Smith, Mesa, Vice Chair  
Mayor Michael LeVault, Youngtown, Treasurer  
Mayor Gail Barney, Queen Creek

Mayor W. J. "Jim" Lane, Scottsdale  
Mayor Thomas L. Schoaf, Litchfield Park  
\* Mayor Greg Stanton, Phoenix

\* Not present

# Participated by video conference.

The draft budget to-date was on the April 10, 2013 Management Committee agenda for information and input.

MEMBERS ATTENDING

Tom Remes for David Cavazos, Phoenix  
Dr. Spencer Isom, El Mirage, Vice Chair  
# Matt Busby for George Hoffman, Apache Junction  
Charlie McClendon, Avondale  
# Stephen Cleveland, Buckeye  
Gary Neiss, Carefree  
Wayne Anderson for Usama Abujbarah, Cave Creek  
Rich Dlugas, Chandler  
Alfonso Rodriguez for Phil Dorchester, Fort McDowell Yavapai Nation  
Ken Buchanan, Fountain Hills  
Rick Buss, Gila Bend  
\* David White, Gila River Indian Community  
Leah Hubbard for Patrick Banger, Gilbert  
Brent Stoddard for Dick Bowers, Glendale  
\* Brian Dalke, Goodyear

\* Bill Hernandez, Guadalupe  
Darryl Crossman, Litchfield Park  
Christopher Brady, Mesa  
\* Jim Bacon, Paradise Valley  
Carl Swenson, Peoria  
John Kross, Queen Creek  
\* Bryan Meyers, Salt River Pima-Maricopa Indian Community  
Dan Worth, Scottsdale  
Chris Hillman, Surprise  
Andrew Ching, Tempe  
\* Reyes Medrano, Tolleson  
Joshua Wright, Wickenburg  
\* Lloyce Robinson, Youngtown  
John Nelson for John Halikowski, ADOT  
John Hauskins for Tom Manos, Maricopa County  
Steve Banta, Valley Metro/RPTA

\* Those members neither present nor represented by proxy.

# Participated by telephone conference call.

+ Participated by videoconference.

The draft budget to-date was on the March 27, 2013 MAG Regional Council agenda for information and input.

MEMBERS ATTENDING

Mayor Marie Lopez Rogers, Avondale, Chair  
# Vice Mayor Alex Finter for Mayor Scott Smith, Mesa  
# Councilwoman Robin Barker, Apache

Junction  
\* Mayor Jackie Meck, Buckeye  
Vice Mayor Melissa Price for Mayor David Schwan, Carefree

- \* Councilman Dick Esser, Cave Creek
- # Mayor Jay Tibshraeny, Chandler
- \* Mayor Lana Mook, El Mirage
- \* President Clinton Pattea, Fort McDowell Yavapai Nation
- \* Mayor Linda Kavanagh, Fountain Hills
- \* Mayor Ron Henry, Gila Bend
- \* Governor Gregory Mendoza, Gila River Indian Community
- Vice Mayor Ben Cooper for Mayor John Lewis, Gilbert
- \* Mayor Jerry Weiers, Glendale
- Mayor Georgia Lord, Goodyear
- Councilmember Joe Sanchez for Mayor Yolanda Solarez, Guadalupe
- Mayor Thomas Schoaf, Litchfield Park
- \* Supervisor Steve Chucuri, Maricopa Co.

- Mayor Scott LeMarr, Paradise Valley
- Councilmember Cathy Carlat, Peoria
- Mayor Greg Stanton, Phoenix
- Mayor Gail Barney, Queen Creek
- \* President Diane Enos, Salt River Pima-Maricopa Indian Community
- Mayor W. J. "Jim" Lane, Scottsdale
- Mayor Sharon Wolcott, Surprise
- Mayor Mark Mitchell, Tempe
- \* Mayor Adolfo Gamez, Tolleson
- \* Mayor John Cook, Wickenburg
- Mayor Michael LeVault, Youngtown
- \* Victor Flores, State Transportation Board
- Joseph La Rue, State Transportation Board
- Roc Arnett, Citizens Transportation Oversight Committee

\* Those members neither present nor represented by proxy.

# Attended by telephone conference call.

+ Attended by videoconference

The draft budget to-date was on the March 18, 2013, MAG Executive Committee agenda for information and input.

#### MEMBERS ATTENDING

- # Mayor Marie Lopez Rogers, Avondale, Chair
- Mayor Scott Smith, Mesa, Vice Chair
- Mayor Michael LeVault, Youngtown, Treasurer

- # Mayor Gail Barney, Queen Creek
- \* Mayor W. J. "Jim" Lane, Scottsdale
- Mayor Thomas L. Schoaf, Litchfield Park
- Mayor Greg Stanton, Phoenix

\* Not present

# Participated by video or telephone conference call

The draft budget to-date was on the March 13, 2013 MAG Management Committee agenda for information and input.

#### MEMBERS ATTENDING

- David Cavazos, Phoenix, Chair
- Dr. Spencer Isom, El Mirage, Vice Chair
- # George Hoffman, Apache Junction
- Charlie McClendon, Avondale
- # Stephen Cleveland, Buckeye
- \* Gary Neiss, Carefree
- \* Usama Abujbarah, Cave Creek
- Rich Dlugas, Chandler
- Alfonso Rodriguez for Phil Dorchester, Fort McDowell Yavapai Nation
- # Ken Buchanan, Fountain Hills
- Rick Buss, Gila Bend
- \* David White, Gila River Indian Community
- Patrick Banger, Gilbert
- Jenna Goad for Horatio Skeete, Glendale
- Brian Dalke, Goodyear
- \* Bill Hernandez, Guadalupe
- Darryl Crossman, Litchfield Park

- Kari Kent for Christopher Brady, Mesa
- \* Jim Bacon, Paradise Valley
- Carl Swenson, Peoria
- # Patrick Flynn for John Kross, Queen Creek
- \* Bryan Meyers, Salt River Pima-Maricopa Indian Community
- \* Dan Worth, Scottsdale
- # Chris Hillman, Surprise
- Andrew Ching for Jeff Kulaga, Tempe
- \* Reyes Medrano, Tolleson
- Joshua Wright, Wickenburg
- # Lloyce Robinson, Youngtown
- John Nelson for John Halikowski, ADOT
- John Hauskins for Tom Manos, Maricopa County
- JymeSue McLaren for Steve Banta, Valley Metro/RPTA



- \* David White, Gila River Indian Community  
Patrick Banger, Gilbert  
Horatio Skeete, Glendale  
Brian Dalke, Goodyear
- \* Bill Hernandez, Guadalupe  
Darryl Crossman, Litchfield Park  
Christopher Brady, Mesa
- \* Jim Bacon, Paradise Valley  
Carl Swenson, Peoria  
John Kross, Queen Creek

- \* Bryan Meyers, Salt River Pima-Maricopa  
Indian Community  
Dan Worth, Scottsdale  
Chris Hillman, Surprise  
Charlie Meyer, Tempe  
Reyes Medrano, Tolleson  
Joshua Wright, Wickenburg
- \* Lloyce Robinson, Youngtown  
Floyd Roehrich for John Halikowski, ADOT  
Clem Ligocki for Tom Manos, Maricopa Co.  
John Farry for Steve Banta,  
Valley Metro/RPTA

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

The draft budget to-date was on the January 29, 2013, Regional Council agenda for information and input.

MEMBERS ATTENDING

- Mayor Marie Lopez Rogers, Avondale, Chair  
Mayor Scott Smith, Mesa, Vice Chair
- # Councilwoman Robin Barker,  
Apache Junction  
Mayor Jackie Meck, Buckeye
- # Mayor David Schwan, Carefree
- # Councilman Dick Esser, Cave Creek  
Mayor Jay Tibshraeny, Chandler  
Mayor Lana Mook, El Mirage
- \* President Clinton Pattea, Fort McDowell  
Yavapai Nation  
Mayor Linda Kavanagh, Fountain Hills
- \* Mayor Ron Henry, Gila Bend
- \* Governor Gregory Mendoza, Gila River  
Indian Community  
Mayor John Lewis, Gilbert  
Mayor Jerry Weiers, Glendale  
Mayor Georgia Lord, Goodyear
- \* Mayor Yolanda Solarez, Guadalupe

- Mayor Thomas Schoaf, Litchfield Park
- \* Supervisor Steve Chucuri, Maricopa Co.  
Mayor Scott LeMarr, Paradise Valley
- \* Mayor Bob Barrett, Peoria  
Mayor Greg Stanton, Phoenix  
Mayor Gail Barney, Queen Creek
- \* President Diane Enos, Salt River  
Pima-Maricopa Indian Community  
Mayor W. J. "Jim" Lane, Scottsdale  
Mayor Sharon Wolcott, Surprise  
Mayor Mark Mitchell, Tempe
- \* Mayor Adolfo Gamez, Tolleson  
Mayor John Cook, Wickenburg  
Mayor Michael LeVault, Youngtown  
Victor Flores, State Transportation Board  
Joseph La Rue, State Transportation Board  
Roc Arnett, Citizens Transportation  
Oversight Committee

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

The draft budget to-date was on the January 22, 2013, Regional Council Executive Committee agenda for information and input.

MEMBERS ATTENDING

- \* Mayor Marie Lopez Rogers, Avondale, Chair  
Mayor Scott Smith, Mesa, Vice Chair  
Mayor Michael LeVault, Youngtown,  
Treasurer

- Mayor Gail Barney, Queen Creek  
Mayor W. J. "Jim" Lane, Scottsdale  
Mayor Thomas L. Schoaf, Litchfield Park
- \* Mayor Greg Stanton, Phoenix

- \* Not present      # Participated by video or telephone conference call

The draft budget to-date was on the January 16, 2013 MAG Management Committee for information and input.

**MEMBERS ATTENDING**

- David Cavazos, Phoenix, Chair
- Dr. Spencer Isom, El Mirage, Vice Chair
- # George Hoffman, Apache Junction
- Charlie McClendon, Avondale
- \* Stephen Cleveland, Buckeye
- # Gary Neiss, Carefree
- \* Usama Abujbarah, Cave Creek
- Rich Dlugas, Chandler
- Alfonso Rodriguez for Phil Dorchester, Fort McDowell Yavapai Nation
- Ken Buchanan, Fountain Hills
- Rick Buss, Gila Bend
- \* David White, Gila River Indian Community
- Patrick Banger, Gilbert
- Horatio Skeete, Glendale
- Jim Rumpeltes for Brian Dalke, Goodyear
- \* Bill Hernandez, Guadalupe
- Darryl Crossman, Litchfield Park

- Christopher Brady, Mesa
- \* Jim Bacon, Paradise Valley
- Carl Swenson, Peoria
- # Wendy Kaserman for John Kross, Queen Creek
- \* Bryan Meyers, Salt River Pima-Maricopa Indian Community
- Dan Worth, Scottsdale
- # Chris Hillman, Surprise
- Charlie Meyer, Tempe
- Reyes Medrano, Tolleson
- Joshua Wright, Wickenburg
- Lloyce Robinson, Youngtown
- Floyd Roehrich for John Halikowski, ADOT
- John Hauskins for Tom Manos, Maricopa County
- JymeSue McLaren for Steve Banta, Valley Metro/RPTA

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

**CONTACT PERSON:**

Rebecca Kimbrough, MAG Fiscal Services Manager, (602) 452-5051