

DRAFT MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
TRANSPORTATION REVIEW COMMITTEE

March 30, 2011

Maricopa Association of Governments Office
302 North First Avenue, Suite 200, Saguaro Room
Phoenix, Arizona

MEMBERS ATTENDING

Peoria: David Moody	Maricopa County: Clem Ligocki for John Hauskins
ADOT: Steve Hull	Mesa: Jeff Martin for Scott Butler
*Avondale: David Fitzhugh	Paradise Valley: Bill Mead
Buckeye: Jose Heredia for Scott Lowe	Phoenix: Wylie Bearup for Rick Naimark
Chandler: Dan Cook for Patrice Kraus	#Queen Creek: Kevin Johnson for Tom Condit
*El Mirage: Lance Calvert	RPTA: Bob Antilla for Bryan Jungwirth
Fountain Hills: Randy Harrel	Scottsdale: Dave Meinhart
Gila Bend: Eric Fitzer	Surprise: Bob Beckley
*Gila River: Doug Torres	Tempe: Robert Yabes for Chris Salomone
*Gilbert: Tami Ryall	Valley Metro Rail: John Farry
Glendale: Terry Johnson	*Wickenburg: Rick Austin
Goodyear: Cato Esquivel	Youngtown: Grant Anderson for Lloyce Robinson
*Guadalupe: Gino Turrubiarres	
*Litchfield Park: Woody Scoutten	

EX-OFFICIO MEMBERS ATTENDING

*Street Committee:	Bicycle/Pedestrian Committee: Katherine Coles, City of Phoenix
* ITS Committee: Nicolaas Swart, Maricopa County	Transportation Safety Committee: Julian Dresang, City of Tempe

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

OTHERS PRESENT

Eric Anderson, MAG	Eileen Yazzie, MAG
Lindy Bauer, MAG	Kwi-Sung Kang, ADOT
Maureen DeCindis, MAG	Andy Granger, Peoria
Dean Giles, MAG	Karen Savage, Surprise
Kiran Guntupalli, MAG	Jenna Goad, Glendale
Roger Herzog, MAG	Richard Stell, ADOT
Sarath Joshua, MAG	Lisa Danka, ADOT
Jorge Luna, MAG	Mayela Sosa, ADOT
Nathan Pryor, MAG	Greg Haggerty, Dibble Engineering

1. Call to Order

Chairman David Moody from the City of Peoria called the meeting to order at 10:03 a.m.

Before moving on the next agenda item, Chairman Moody announced that revised handouts were available at their places. He noted the draft meeting minutes had been revised to indicate the attendance of Ms. Katherine Coles, the Bicycle and Pedestrian Committee representative, at the previous meeting. He announced that revised attachments for agenda item #6 (project changes) and new handouts for agenda item #11 (PM-10 Plan) were available. Chairman Moody also announced that an addendum had been made to the agenda to include an item on Road Safety Assessments.

2. Approval of Draft February 24, 2011 Minutes

Chairman Moody asked if there were any changes or amendments to the February 24, 2011 meeting minutes, and there were none. Mr. David Meinhart from City of Scottsdale motioned to approve the minutes. Mr. Grant Anderson from Town of Youngtown seconded, and the motion passed by a unanimous voice vote of the Committee.

3. Call to the Audience

Chairman Moody announced that he had not received any cards requesting to speak and moved on to the next item on the agenda.

4. Transportation Director's Report

Chairman Moody invited Mr. Eric Anderson to present the Transportation Director's Report. Mr. Anderson announced that the Regional Area Road Fund (RARF) revenues for February were up 8.2 percent based on sales activity in January. He stated that revenues had been positive for the last five months adding the year-to-date revenues were up 1.4 percent.

Chairman Moody asked if there were any questions or comments about the Transportation Director's Report. There were none, and he proceed to the next item on the agenda.

5. Consent Agenda

Chairman Moody asked the Committee if there were any questions or comments regarding consent agenda items (5a) on the Arterial Life Cycle Program Status Report and (5b) on the Proposed Transportation Division projects. There were none, and Chairman Moody moved on to the next agenda item.

6. Project Changes - Amendment and Administrative Modification to the FY2011-2015 MAG Transportation Improvement Program

Chairman Moody invited Ms. Eileen Yazzie, MAG Transportation Programming Manager, to present project changes to the Fiscal Year (FY) 2011-2015 MAG Transportation Improvement Program (TIP). Ms. Yazzie directed the Committee's attention to handouts at their places, which included a revised summary transmittal and additional project changes for the Northern Parkway project in the MAG Arterial Life Cycle Program (ALCP). She also noted a handout on the material change policy for changes to the Freeway Life Cycle Program.

Ms. Yazzie reported that the changes to Northern Parkway did not affect the fiscal balance of the FY 2011 ALCP, which was fiscally constrained. She stated that the changes involved shifting funds between work phases not between years in the program. She informed the Committee that because the changes included revisions to the ALCP that the motion would need to address updating the ALCP and the Regional Transportation Plan (RTP), as appropriate.

Chairman Moody inquired if there were any questions or comment regarding the agenda item. There were none. Mr. Terry Johnson from the City of Glendale motioned to approve the amendments and administrative modifications to the FY 2011-2015 MAG TIP, the FY 2011 ALCP, and, as appropriate, to the RTP 2010 Update. Mr. Clem Ligocki from Maricopa County seconded, and the motion passed by a unanimous voice vote of the Committee.

7. MAG Complete Streets Guide

Next, Chairman Moody invited Ms. Maureen DeCindis, MAG Transportation Planner III, to present the MAG Complete Streets Guide. Ms. Decindis informed the Committee that in FY 2009, the MAG Regional Council had approved \$75,000 for the development of the MAG Bicycle and Pedestrian Facilities Integration Plan, which was later renamed the MAG Complete Streets Guide (Guide). She reported that MAG Staff and Technical Advisory Committees had worked on developing and refining the Guide for the last 18 months.

Ms. DeCindis stated that the purpose of Guide was to provide a resource to member agencies to ensure that facilities for bicycles, pedestrians and transit were recognized as integral components to a properly designed and functioning street. She explained that the implementation of the Complete Streets design would enable bicycle and pedestrian facilities to be considered as institutionalized components of streets. She stated that Complete Streets could be used by multiple users including bicyclists, pedestrians, persons with disabilities, seniors and school children. She added that Complete Streets designs encouraged healthy lifestyles, which would contribute to the quality of life in the region.

Ms. DeCindis informed the Committee that Complete Streets resulted from policies that ensure transportation agencies routinely designed and operated in the entire right-of-way to enable safe access for all users. She stated that the Guide was developed based on national direction. She reported that federal legislation on implementing Complete Streets had not been approved yet, but acknowledged that national rules likely would require Metropolitan Planning Organizations

to implement Complete Streets in the future. She stated that if passed by the US Congress, the draft Complete Streets Act of 2009 (SB 584/HR 1443) would apply restrictions to Surface Transportation Program (STP) funds if States were in non-compliance.

Moving on, Ms. DeCindis addressed the benefits of the Complete Streets design approach. She explained that a Complete Streets design benefitted all users, helped to avoid retrofit costs, eased congestion, and provided safe routes to schools. She stated that Complete Streets could be used by drivers, transit-users, pedestrians, bicyclist, the elderly, children, and other protected populations.

Ms. DeCindis discussed the health and economic impacts of implementing Complete Streets. She stated that the Center for Disease Control (CDC) had established a policy to increase the accountability of project planning and selection to ensure infrastructure supporting active transportation and other forms of physical activity. She cited a CDC statistic that an estimated \$147 billion in health costs could be attributed to obesity in the United States. She explained that public health officials believed that lifestyle changes, such as those promoted by Complete Streets, could increase daily levels of walking and bicycling more effectively than structured classes.

Next, Ms. DeCindis addressed the goals of the Guide and summarized the Complete Streets process. She explained that MAG's goals for the Guide was to provide consistent regional guidelines for Complete Streets, to document prototypes and best practices, and to provide planning guidance. She stated there were six key steps to the process, which included:

1. Identifying current context and land use;
2. Identifying current modes of transportation;
3. Determining the gaps;
4. Determining other priorities;
5. Identifying the right-of-way width; and,
6. Select the appropriate bicycle and pedestrian facilities.

Mr. David Meinhart stated that the City of Scottsdale had incorporated Complete Streets into the City's Master Plan last year and expressed support for the work conducted by MAG. Mr. Meinhart motioned to approve the MAG Complete Streets Guide. Mr. Dan Cook from the City of Chandler seconded the motion.

Mr. Grant Anderson stated that past items similar to the Guide had been "accepted" not "approved" by the Committee. Mr. Johnson agreed. Mr. Eric Anderson stated that approval typically indicated the Committee's acceptance of everything in the document noting that the Committee had to the option to "approve" or "accept" the document.

Mr. Meinhart stated that he agreed with the concept of Complete Streets. He stated that his motion for "approval" not "acceptance" of the guidelines. Chairman Moody explained that each member agency had the option to apply the guidelines and would not be required to implement the guidelines if the motion was to approve the Guide.

Mr. Cook requested that Ms. DeCindis clarify what the guidelines in the document would

obligate member agencies to do. Ms. DeCindis replied that the document included guidelines to assist member agencies with the implementation of Complete Streets. She emphasized that mandates were not included in the Guide.

Mr. Cook inquired if direction on Complete Streets was being provided by the federal government. Ms. DeCindis replied that there was national direction on Complete Streets, but that there were no federal requirements at this time.

Mr. Grant Anderson stated that the Guide affected streets and inquired if the Guide had been presented to the Street Committee for a technical review. Ms. DeCindis replied that the Guide had been presented to the Street Committee and had been vetted by the Bicycle and Pedestrian Committee. She informed the Committee that each MAG member agency had a six-month to review and comment period on the draft Guide before it was presented for approval.

Mr. Grant Anderson inquired about what Committees had previously recommended the Guide for approval. Ms. DeCindis replied that the Bicycle and Pedestrian Committee had recommended the Guide, but that the Guide had not been presented to the Streets Committee for approval. Mr. Cook stated that the Streets Committee had provided several comments on the Guide, which had been incorporated into the document. He added that the intent of the Guide was to assist member agencies in the Complete Streets decision-making process.

Mr. Grant Anderson motioned to amend the motion to “accept” instead of “approve” the Complete Streets Guide. Mr. Johnson seconded the motion to amend the original motion. A brief discussion followed.

Chairman Moody called a vote on the motion to amend the original motion. He requested a show of hands to indicate support to amend the motion, and five members voted to amend the motion while 12 voted against amending the motion. Then, Chairman Moody called a voice vote on the original motion, and the motion passed by a unanimous voice vote of the Committee.

8. MAG Design Assistance Program Update

Moving on, Chairman Moody invited Ms. DeCindis to provide an update on the MAG Design Assistance Program (Program). Ms. DeCindis informed the Committee that on February 17, 2011, Federal Highway Administration (FHWA) representatives and MAG Staff met to discuss the MAG Design Assistance Program. She reported that FHWA representatives had expressed concerns that the program designed bicycle and pedestrian projects up to 95 percent.

Ms. DeCindis reported that FHWA was requiring MAG to change the Program because the design process exceeded federal guidelines. She explained that FHWA only would allow the Program to support projects through the scoping phase or up to 15 percent design. She added that during the meeting, FHWA had asserted that there was a lack of federal oversight of the design process, which at times, preceded environmental work.

Then, Ms. DeCindis informed the Committee that three projects previously approved by the Regional Council for inclusion in the Design Assistance Program had been revised to conform with FHWA's guidance. Chairman Moody inquired if FHWA's guidance was retroactive. Ms. DeCindis replied that the guidance only impacted the three projects recently approved by the Regional Council. She stated that the projects had been put on hold by FHWA until the project scopes and budgets had been revised.

Chairman Moody inquired if there were any questions or comments about the agenda item. There were none. Chairman Moody announced that the Committee would hear agenda item #15 out of order. He explained that the agenda item had been an addendum to the original agenda and was on the agenda for action.

15. Road Safety Assessments (RSAs) at Intersections

Chairman Moody invited Mr. Sarath Joshua, MAG ITS and Safety Program Manager, to present on Road Safety Assessments (RSAs) at intersections. Mr. Joshua provided the Committee with a brochure on Road Safety Assessments from the Arizona Department of Transportation (ADOT).

Mr. Joshua introduced the MAG RSA program as a regional road safety improvement initiative recommended by the MAG Transportation Safety Committee (TSC). He presented recent intersection crash statistics for the MAG region and highlighted the need for improving road safety at intersections. Mr. Joshua indicated that \$398,000 had been previously approved by the MAG Regional Council to perform RSAs.

Mr. Joshua stated that the RSAs would be conducted by an independent multi-disciplinary safety team, which included a law enforcement officer, road design engineer, traffic engineer and a human factors expert. He explained that the team would identify safety issues at the intersections from a variety of perspectives. He stated that for each intersection the RSA team reviewed crash reports and conducted field observations during day/night and peak/non-peak hours. Mr. Joshua stated that the RSA report would be provided to the local agency and include recommendations on how to improve safety at the intersection studied. He explained that report recommendations could include both low cost safety improvements as well as major improvements necessary to improve safety the intersection. He also pointed out that local agencies were advised to prepare a response to the RSA recommendation and keep it on file.

Next, Mr. Joshua addressed the selection process for identifying the intersections where RSAs would be conducted. He explained that the list of intersections recommended by the TSC identified candidate sites the list of MAG Top 100 Intersection Crash Locations and other sites nominated by local agencies in response to a MAG announcement. Mr. Joshua stated that over 17,000 crash sites in the region were reviewed and ranked using factors that included crash severity, crash frequency, and collision type.

Mr. Joshua reported that ten locations from the Top 100 List had been selected first based on recommendations from MAG Member Agencies. He stated that the TSC had allowed

nominations for additional intersections and that an additional 13 intersections had been recommended for consideration. Mr. Joshua announced that the TSC had recommended RSAs at all 23 intersections, prioritized by their safety ranking due to the uncertainty that available funds would be adequate to cover all 23 sites.

Mr. Joshua informed the Committee that a workshop had been conducted in December 2010 in preparation for the Road Safety Assessments. He stated that MAG on-call consultants qualified in Transportation Safety were required to attend the workshop in order to conduct the assessments. He added that local agency staff where RSAs would be performed also attended the workshop. Mr. Joshua stated that work on performing the RSAs would commence upon MAG Regional Council approval of the list of RSA sites

Mr. Wylie Bearup from the City of Phoenix asked the reason for not funding the first 23 intersections on the ranked list if assessments at 23 intersections were being funded. Mr. Joshua replied that the top 100 intersection crash locations had been presented to each member agency and the member agencies were asked to nominate intersections in those areas. Mr. Joshua explained that some intersection improvements had been completed or were underway. He added that ADOT was funding additional RSAs and that some of the intersections may be addressed by ADOT.

Mr. Bearup inquired if the top 100 intersection crash locations map would be updated to reflect the improvements at these intersections. Mr. Joshua replied that three years of crash data typically were used in the analysis. He stated that he hoped that future years of crash data would demonstrate improvements at those intersections.

Mr. Clem Ligocki inquired about the administrative aspects of conducting the RSAs, which were funded by Highway Safety Improvement Program (HSIP) funds. He inquired specifically on whether MAG would coordinate with ADOT and FHWA or if local agencies would be required to coordinate directly with ADOT and FHWA similar to other federally funded projects. Mr. Joshua replied that MAG was attempting to supplement the ADOT process in the region. He stated that additional intersection could be submitted by local agencies to ADOT for funding consideration.

Mr. Eric Anderson clarified that MAG Staff would administer the RSAs funded with MAG-HSIP funds. Mr. Joshua explained that nine on-call consultant hired by MAG would conduct the RSAs. He added that during the first round of road safety assessments ADOT would be involved in an advisory capacity. He stated that after the first round of assessments, MAG would work in conjunction with the consultant.

Mr. Meinhart motioned to recommend approval of the list of 23 intersections for performing Road Safety Assessment as prioritized based on MAG Intersection Crash Risk Rank. Mr. Martin seconded the motion, and the motion passed by a unanimous voice vote of the Committee.

9. Federal Highway Administration (FHWA) Inactive Obligations

Chairman Moody announced that the Committee would hear the remaining agenda items in order and invited Ms. Eileen Yazzie to present on inactive obligations. Ms. Yazzie informed the Committee that ADOT and FHWA had recently determined that approximately 90 percent of the inactive obligations in the region were attributed to projects being implemented by certified agencies. Then, she introduced Ms. Lisa Danka from ADOT and Ms. Mayela Sosa from FHWA and asked them to define and discuss the ramifications of inactive obligations.

Ms. Lisa Danka, ADOT Deputy Chief Financial Officer, announced that ADOT conducted quarterly reviews on that status of project obligations. She reported that as of December 31, 2010, 149 projects in the region had inactive obligations. She stated that over \$46 million, or 6 percent, of the State's allocation of federal funds were tied up due to inactivity.

Ms. Danka explained that inactive projects appeared to be idle if funds were not being reimbursed or reallocated. She stated that inactive obligations prevented the reallocation of federal funds to projects underway that could expend the obligated funds. Ms. Danka explained that spending federal funds was important because of scrutiny at the national level stemming from the size of the federal deficit. She stated that inactive obligations were a liability to Arizona's federal funding because the amounts allocated to the State might be decreased during reauthorization if it appeared the State either did not need or could not effectively use the funds.

Ms. Danka informed the Committee that ADOT and FHWA's goal was to keep inactive obligation under four percent. She reported that the Office of the Inspector General had audited ADOT several times and that the audits found funding tied up on invalid projects. Ms. Danka explained that the audit results were important because they reflected poorly on the FHWA, the DOTs, and the sponsoring agencies and gave the appearance of inappropriately handling taxpayer monies.

Moving on, Ms. Danka discussed federal legislation that defined and addressed inactive obligations. She stated that an inactive project was defined as a project that has unexpended federal funding obligation against which no expenditures have been charged within certain time frame. She explained that there were three tiers for inactive projects, which included:

- Tier 1: Unexpended obligation balance over \$500,000 with no billing activity in last 12 months;
- Tier 2: Unexpended obligation balance of \$50,000 to \$500,000, with no billing activity in last 24 months; and,
- Tier 3: Unexpended obligation balance under \$50,000 with no billing activity in last 36 months.

Ms. Danka reported that in the December 2010 report, nine inactive projects in the MAG region were tying up \$7 million in federal funds. She stated that ADOT was coordinating with the sponsoring agencies to address the inactive obligations in an effort to reduce the inactive obligations to below four percent.

Next, Ms. Danka discussed the process established at ADOT to address inactive obligations.

She stated that pursuant to Code of Federal Regulations (CFR) 23 Part 630.106(a)(4), ADOT was required to adjust project authorizations within 90 days of award, completion of a project or phase, design change, etc.) if the federal share decreased by \$250,000 or more. She reported that 23 CFR Part 630.106(a)(5) also required ADOT to revise the Federal funds obligated for a project within 90 days to reflect the current cost estimate, based on the three tiers of inactive status and that if ADOT failed to comply, FHWA must revise the obligations or take other action pursuant to 23 CFR Part 630.106(a)(6). Ms. Danka stated that FHWA would advise ADOT of proposed actions and provided opportunities to respond before actions were taken.

Ms. Danka informed the Committee that ADOT had been reviewing inactive projects over the past year. She stated that the most frequent issues attributed to inactive obligations included:

- 1) Projects not ready to go (obligated prematurely);
- 2) ADOT did not receive notification from project managers about the status of the projects; and,
- 3) ADOT was not being invoiced by the local sponsors.

Then, Ms. Danka discussed the steps taken by ADOT to address inactive obligations. She reported that ADOT was analyzing and conducting follow-ups on projects on a monthly basis. She stated that ADOT was revising internal procedures to ensure the timely deobligation of funds and conducting quarterly meetings with FHWA to review all inactive obligations. Ms. Danka stated that ADOT was meeting with COGs and MPOs throughout the State to discuss inactive obligations and reported that ADOT had revised Joint Project Agreements (JPAs) on self-administered projects to contain provisions that required local agencies to invoice ADOT on a quarterly basis.

Ms. Danka announced that ADOT had hired Mr. Richard Stell to address inactive obligations. She explained that Mr. Stell would be coordinating with sponsoring agencies over the next few months on submitting invoices to activate projects. She stated that he also would document the rationale for inactive projects and would submit the inactive obligation reports to the FHWA DC Office.

Next, Ms. Danka summarized additional steps proposed to address inactive obligations. She stated that steps proposed included requiring the advertising date in authorization request letters and additional JPA project and billing deadline provisions, such as:

- Requiring work to begin within 9 months of initial authorization;
- Requiring invoices at least once every 90 days during the project;
- Notifying ADOT within 60 days of project completion;
- Amending Certification Acceptance (CA) procedures and contracts to include project and billing deadlines;
- Notifying projects sponsors and their respective COG/MPO and ADOT project manager 30 days before a project goes inactive to prevent the project from becoming inactive; and,
- Deobligating excess federal funds if a final voucher cannot be processed within 90 days.

Ms. Danka announced that the proposed steps would be implemented effective July 1, 2011. She requested feedback from the Committee on how ADOT could assist local agencies. Mr. Cook explained that one reason for inactivity was a delay in billing from contractors. He

inquired how local agencies should handle claims with contractors. He stated that resolving claims can be a protracted process, but that local agencies cannot proceed until the claims are settled. Ms. Danka replied that claims are a legitimate reason for project inactivity. She stated that if ADOT could provide FHWA with a legitimate rationale for inactivity and provide evidence of continued activity that the inactivity should not be an issue. Mr. Cook stated that he had been unaware of the timelines and would work toward establishing a monthly or quarterly billing process in the City of Chandler.

Next, Ms. Danka invited Ms. Mayela Sosa from FHWA to address the Committee. Ms. Sosa stated that inactive projects served as an indicator to FHWA explaining that FHWA was required to report invalid obligations to the US Treasury Department on an annual basis. She stated that justifications for inactivity, such as the example cited by Mr. Cook, would be considered a valid obligation.

Mr. Johnson expressed concerns about projects being listed as inactive. He stated that an inactive obligation did not necessarily mean that work was not being done on the projects. He explained that in some circumstances there are issues with attorneys and other agencies, such as the Indian communities, which caused a project to appear inactive. A brief discussion followed.

Chairman Moody asked if there were any additional questions or comments about the agenda item. There were none, and he proceeded to the next item on the agenda.

10. Interim Closeout of the Federal Fiscal Year (FFY) 2011 MAG Federally Funded Program

Chairman Moody invited Ms. Yazzie, MAG Transportation Programming Manager, to present on the Interim Closeout of the Federal Fiscal Year (FFY) 2011 MAG Federally Funded Program. Ms. Yazzie announced that MAG Staff was working to determine the amount of funds available for closeout and requested that member agencies notify MAG of deleted or abandoned federal-aid projects. She stated that MAG had been notified that one project for \$400,000 would be deleted.

Ms. Yazzie summarized the purpose of closeout. She stated that each year, MAG attempted to use all spending authority, also known as obligation authority (OA), allocated to the region. She explained that the Federal Fund Closeout Process was established in an effort to meet that goal. Ms. Yazzie stated that for a project to be funded through the closeout process that the federal project development process administered by the ADOT Local Government Section should be completed or near completion or the project should be in a position to obligate by the end of the Federal Fiscal Year (FFY), which was September 30, 2011.

Ms. Yazzie stated that member agencies interested in submitting projects for funding consideration must complete the eligibility form. She stated that projects would be selected based on three priorities. She explained that consideration would be given first to advanced projects of the same mode currently programmed with federal funds in the TIP. The advanced, funded projects would be selected in chronological order of the TIP. Then, consideration would

be given to increasing federal funds on an existing, unobligated project, up to the originally programmed, federal-aid maximum, or the maximum established by the mode in the RTP, whichever is less. Finally, funding consideration would be give to new projects.

Ms. Yazzie encouraged member agencies with project deferrals to notify MAG Staff by April 15, 2011. She acknowledged the date was a best effort deadline on the part of the member agencies. Then, Ms. Yazzie provided an overview of the deferral notification form, the justification letter, and the project request form. In addition, Ms. Yazzie stated that the deadline to submit project request forms for funding consideration was April 14th by 5:00 pm. She explained the deadline for funding consideration was a hard deadline and that late forms would not be accepted.

Ms. Yazzie stated that agencies interested in moving additional funds to a project or advancing an existing project needed to be ready to obligate by September 2011. She reported a schedule change at ADOT that required JPAs to be signed by July or early August for an obligation to occur in the current FFY.

Chairman Moody inquired if there were any questions or comments about the agenda item. There were none, and he proceeded to the next item on the agenda.

11. Update on Exception Events and the MAG Five Percent Plan for PM-10

Moving on, Chairman Moody invited Ms. Lindy Bauer, MAG Environmental Director, to provide an update on exceptional events and the MAG Five Percent Plan for PM-10 (Plan). Ms. Bauer informed the Committee that the Plan had been withdrawn by the Arizona Department of Environmental Quality (ADEQ) on January 25, 2011. She reported that the US Environmental Protection Agency (EPA) had published a Finding of Failure to Submit in the Federal Register on February 14, 2011 after the Plan was withdrawn.

Ms. Bauer explained that under the Clean Air Act (CAA), sanctions on the region would be imposed if a new complete Plan was not submitted within 18 months from the Finding of Failure to Submit. She stated that if a new Plan was not submitted in 18 months, the region would be subject to tighter controls on major industries, such as two-to-one offsets in emissions. She stated that 24-months after the finding that sanctions on federal funds would be imposed. She explained that the submittal of a new Plan and a completeness determination by EPA would stop the eighteen month and twenty-four month sanctions clocks. She stated that MAG would need submit a new Plan by January 2012 to avoid triggering the first sanction.

Ms. Bauer reported that the current Plan was withdrawn because of EPA concerns about four high wind events at the West 43rd Avenue monitor. She explained that EPA would not approve the events as exceptional events, which would cause the region to be in nonattainment.

Next, Ms. Bauer discussed inventory concerns. She stated the previous emissions inventory had been conducted in 2005 and reported that Maricopa County, ADEQ, and MAG were working on a revised 2008 emissions inventory information. She stated that MAG was working on new

information for vacant land, paved road dust, and windblown dust. She also reported that MAG was using the new EPA MOVES model to develop the new Plan.

Ms. Bauer explained that a new emissions inventory was needed because the downturn in the economy since 2005 had resulted in a change in emission sources. She stated that MAG had revised the paved road emissions based on the new EPA AP-42 equation. She announced that MAG also had prepared a draft of the windblown dust emissions, which was currently under review.

Ms. Bauer informed the Committee that the new Plan would incorporate agriculture information. She stated that the region had maximized the use of available measures in the current Plan. She added that there were 77 measures in the Serious Area and 53 additional measures in the Five Percent Plan.

Then, Ms. Bauer discussed steps that could be taken to prevent PM-10 exceedances at the monitors and throughout the region. She stated that ADEQ could notify cities and towns when high winds or stagnant conditions are forecasted with a three to five day lead time. She summarized steps member agencies could take to prevent exceedances, which included designating a contact person(s), establishing a customized Rapid Response Action Plan, reviewing local dust control ordinances in advance, watching real time monitor readings, and distributing monitor maps to the city departments, contractors that do work for the city, and contractors that come in for permits. She stated other steps member agencies could take included checking that areas that are most likely to produce dust emissions and notifying appropriate business and industry associations if help was needed with other sources.

Ms. Bauer addressed coordination efforts with the EPA. She reported that a meeting occurred on February 16, 2011. She stated that at the meeting, the EPA indicated that Clark County provided a good example for preventing exceedances. Ms. Bauer explained that in Clark County, when the County was notified that high winds were likely, inspectors are sent out to verify that dust controls are in place. She stated the elected officials at MAG would like to see a proactive approach to prevent PM-10 exceedances in the region.

Ms. Bauer stated that ADEQ forecasts high wind events and publishes advisories. She reported that local agencies had not been included on the ADEQ list until recently.

Next, Ms. Bauer addressed existing conditions at the monitors in the MAG Region. She stated that monitors often go unnoticed because people are unaware of what they look like. She directed the Committee's attention to several photos of monitors and existing conditions near those monitors.

Ms. Bauer provided an example of one monitor where an exceedance occurred in March 2011. She reported that the cause of the exceedance appeared to be individuals riding ATVs, go-Karts, and motorcycles and "doing donuts" across the street from the monitor. She stated that it was later discovered that the residents did not know that the monitor was nearby. Ms. Bauer announced that in an effort to address the issue, the residents gave permission for a fence to be erected around the lot to prevent the issue again and that the City of Phoenix sprayed the dirt

with water in the area to reduce the amount of airborne dust.

Moving on, Ms. Bauer summarized prevention activities underway in the region. She reported that MAG had conducted workshop with local governments, Maricopa County, and ADEQ on March 7, 2011. She announced that the City of Phoenix had established a Dust Reduction Task Force on March 16, 2011, and that the MAG Regional Council Executive Committee had approved \$90,000 for Maricopa County upgrades to provide “near real time” monitor data to prevent exceedances and approved additional funding for a PM-10 Prevention Video.

Chairman Moody inquired if there were any questions or comments about the agenda item. There were none, and he proceeded to the next item on the agenda.

12. Request for Future Agenda Items

Chairman Moody inquired if the members had any topics or issues of interest they would like to have considered for discussion at a future Committee meeting. There were none, and Chairman Moody moved onto the next agenda item.

13. Member Agency Update

Chairman Moody asked members of the Committee if they would like to provide updates, address any issues or concerns regarding transportation at the regional level, and asked if any members in attendance would like to address recent information that was relevant to transportation within their respective communities. There were none.

14. Next Meeting Date

Chairman Moody informed members in attendance that the next regularly scheduled meeting of the Committee would be held on April 28, 2011. There be no further business, Chairman Moody adjourned the meeting at 11:32 a.m.