

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

Revised

DATE:

July 21, 2009

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 2008-2012 MAG Transportation Improvement Program (TIP). The proposed amendment and administrative modification involves several projects, including Arizona Department of Transportation projects, new American Recovery and Reinvestment Act projects for Fountain Hills and Scottsdale, and Valley Metro Rail projects.

In addition, since the July 8, 2009 Management Committee meeting, MAG has received requests for additional project changes for the amendment and administrative modification, including: DOT09-803, FTM09-801, MMA09-801, MES04-125C, and PHX08-642. Also, Queen Creek has requested that the local funds for a 2009 STP-MAG funded project, QNC09-803, be modified. The amendment includes projects that may be categorized as exempt from conformity determinations. The administrative modification includes minor project revisions that do not require a conformity determination. A description of the projects is provided in the attached interagency consultation memorandum. Comments on the conformity assessment are requested by July 22, 2009.

PUBLIC INPUT:

At the July 8, 2009 Management Committee meeting a citizen commented that the proposed conformity processes include transportation models from 2006 and surveys from 2001, and from a citizen perspective this is old information. The same citizen asked how air quality is being hooked up with national environmental protection such as at the airport that has six freeways running around the area; the thing is that MAG is here for cooperation and basically you usually try to do it, but there has got to be a better way to get more information that is more current for a growing area like this.

PROS & CONS:

PROS: Interagency consultation for the amendment and administrative modification notifies the planning agencies of project modifications to the TIP.

CONS: The review of the conformity assessment requires additional time in the project approval process.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: The amendment and administrative modification may not be considered until the consultation process for the conformity assessment is completed.

POLICY: Federal transportation conformity regulations require interagency consultation on development of the transportation plan, TIP, and associated conformity determinations to include a process involving the Metropolitan Planning Organization, State and local air quality planning agencies, State and local transportation agencies, Environmental Protection Agency, Federal Highway Administration, and the Federal Transit Administration. Consultation on the conformity assessment has been conducted in accordance with federal regulations, MAG Conformity Consultation Processes adopted by the Regional Council in February 1996 and MAG Transportation Conformity Guidance and Procedures adopted by the Regional Council in March 1996. In addition, federal guidance is followed in response to court rulings regarding transportation conformity.

ACTION NEEDED:

Consultation.

PRIOR COMMITTEE ACTIONS:

Management Committee: This item was on the agenda of the July 8, 2009 MAG Management Committee for consultation.

MEMBERS ATTENDING

Mark Pentz, Chandler, Chair	Darryl Crossman, Litchfield Park
Carl Swenson, Peoria, Vice Chair	Scott Butler for Christopher Brady, Mesa
# Matt Busby for George Hoffman, Apache Junction	Jim Bacon, Paradise Valley
Rogene Hill for Charlie McClendon, Avondale	Frank Fairbanks, Phoenix
Stephen Cleveland, Buckeye	John Kross, Queen Creek
Gary Neiss, Carefree	* Bryan Meyers, Salt River Pima-Maricopa Indian Community
* Usama Abujbarah, Cave Creek	Bridget Schwartz-Manock for John Little, Scottsdale
Spencer Isom for B.J. Cornwall, El Mirage	Randy Oliver, Surprise
Alfonso Rodriguez for Phil Dorchester, Fort McDowell Yavapai Nation	Charlie Meyer, Tempe
Julie Ghatti for Rick Davis, Fountain Hills	Chris Hagen for Reyes Medrano, Tolleson
Rick Buss, Gila Bend	Gary Edwards, Wickenburg
* David White, Gila River Indian Community	Mark Hannah for Lloyce Robinson, Youngtown
George Pettit, Gilbert	Kwi Sung Kang for John Halikowski, ADOT
Horatio Skeete for Ed Beasley, Glendale	Kenny Harris for David Smith, Maricopa County
Romina Korkes for John Fischbach, Goodyear	Carol Ketcherside for David Boggs, Valley Metro/RPTA
RoseMary Arellano, Guadalupe	

* 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.

July 21, 2009

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

FROM: Dean Giles, Air Quality Planning Program Specialist

SUBJECT: CONSULTATION ON A CONFORMITY ASSESSMENT FOR A PROPOSED
AMENDMENT AND ADMINISTRATIVE MODIFICATION TO THE FY 2008-2012
MAG TRANSPORTATION IMPROVEMENT PROGRAM

On June 30, 2009, the Maricopa Association of Governments distributed a memorandum for consultation on a conformity assessment for an amendment and administrative modification to the FY 2008-2012 MAG Transportation Improvement Program. The proposed amendment and administrative modification involves several projects, including Arizona Department of Transportation projects, new American Recovery and Reinvestment Act projects for Fountain Hills and Scottsdale, and Valley Metro Rail projects. On July 16, 2009, MAG distributed additional project changes for the amendment and administrative modification, including: DOT09-803, FTM09-801, MMA09-801, MES04-125C, and PHX08-642. Also, Queen Creek has requested that the local funds for a 2009 STP-MAG funded project, QNC09-803, be modified. A new list is attached that includes the new Queen Creek project. Comments on the conformity assessment are requested by July 22, 2009.

MAG has reviewed the projects for compliance with the federal conformity rule and has found that consultation is required on the conformity assessment. The amendment includes projects that may be categorized as exempt from conformity determinations. The administrative modification includes minor project revisions that do not require a conformity determination. The conformity finding of the TIP and the associated Regional Transportation Plan 2007 Update, as amended, that was made by the Federal Highway Administration and Federal Transit Administration on August 14, 2008 remains unchanged by this action. The conformity assessment is being transmitted for consultation to the agencies listed above and other interested parties. If you have any questions or comments, please contact me at (602) 254-6300.

Attachment

cc: Nancy Wrona, Arizona Department of Environmental Quality
Jennifer Toth, Arizona Department of Transportation
Mark Hodges, Arizona Department of Transportation

ATTACHMENT

CONFORMITY ASSESSMENT FOR A PROPOSED AMENDMENT AND ADMINISTRATIVE MODIFICATION TO THE FY 2008-2012 MAG TRANSPORTATION IMPROVEMENT PROGRAM

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

The amendment includes projects that may be categorized as exempt from conformity determinations. Types of projects considered exempt are defined in the federal transportation conformity rule at 40 CFR 93.126. The administrative modification includes minor project revisions that do not require a conformity determination. Examples of minor project revisions include funding changes, design, right-of-way, and utility projects. The proposed amendment and administrative modification to the FY 2008-2012 MAG Transportation Improvement Program includes the projects on the attached table. The project number, agency, and description is provided, followed by the conformity assessment.

MAG has reviewed the projects for compliance with the federal conformity rule and consultation is required on the conformity assessment. The projects are not expected to create adverse emission impacts or interfere with Transportation Control Measure implementation. The conformity finding of the TIP and the associated Regional Transportation Plan that was made by the Federal Highway Administration and Federal Transit Administration on August 14, 2008 remains unchanged by this action.

Amendment and Administrative Modification to the FY 2008-2012 MAG Transportation Improvement Program

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Section	TIP #	Agency	Project Location	Project Description	Fiscal Year	Length of Project	Fund Type	Local Cost	Federal Cost	ARRA Cost	Regional Cost	Total Cost	Requested Change	Conformity Assessment
Highway	DOT09-803	ADOT	Various Locations	Pump station improvements	2009	n/a	NHS	\$ 42,750	\$ 707,250			\$ 750,000	Clerical Error Correction: TIP # is DOT09-803 not DOT09-801	A revision to the project TIP number is needed. The conformity status of the TIP and Regional Transportation Plan would remain unchanged.
Highway	DOT08-841	ADOT	Freeways in MAG Region	Posting travel times on Dynamic Message Signs	2009	n/a	RARF/STP-MAG		\$ 250,000		\$ 300,000	\$ 550,000	Admin Modify: Defer project from 2008 to 2009 and add STP funds to the project.	A minor project revision is needed to defer the project to FY 2009 and add federal Surface Transportation Program funds. The conformity status of the TIP and Regional Transportation Plan 2007 Update would remain unchanged.
Highway	DOT10-840	ADOT	10: Avondale Blvd	TI improvement construction project	2010	0.1	IM	\$ 114,000	\$ 1,886,000			\$ 2,000,000	Amend: Add new TI improvement project in FY 2010.	The addition of this project would not change the assumptions used in the regional emissions analysis. The conformity status of the TIP and Regional Transportation Plan would remain unchanged.
Highway	DOT10-841	ADOT	10: MP 133.60 - MP 133.90	Erosion and drainage repair	2010	0.3	NHS	\$ 14,250	\$ 235,750			\$ 250,000	Amend: Add new drainage repair project in FY 2010.	The new project is considered exempt under the category "Projects that correct, improve, or eliminate a hazardous location or feature." The conformity status of the TIP and Regional Transportation Plan 2007 Update would remain unchanged.
Highway	DOT10-842	ADOT	10: 32nd St - SR202L, Santan, Phase 1	R/W Acquisition	2010	11	RARF				\$ 50,000,000	\$ 50,000,000	Amend: Add new R/W project in FY 2010.	The addition of this project would not change the assumptions used in the regional emissions analysis. The conformity status of the TIP and Regional Transportation Plan would remain unchanged.
Highway	DOT09-905	ADOT	101L Agua Fria Fwy: I-10 - Van Buren	Utility and R/W	2010	0.9	RARF				\$ 1,000,000	\$ 1,000,000	Amend: Defer project from 09 to 10. Change project name to "I-10 to VanBuren St".	A minor project revision is needed to change project name and defer the project to FY 2010. The conformity status of the TIP and Regional Transportation Plan 2007 Update would remain unchanged.
Highway	DOT07-323	ADOT	101L Agua Fria Fwy: I-10 - Van Buren	Construct roadway	2010	0.9	STP & Local	\$ 1,245,500	\$ 2,357,500			\$ 3,603,000	*Material Cost Change & Amend: Change project name to "I-10 to Van Buren St". Increase local costs by \$1.103 million.	A minor project revision is needed to change project name and increase local funds. The conformity status of the TIP and Regional Transportation Plan 2007 Update would remain unchanged.
Highway	DOT10-843	ADOT	101L Price Fwy: Baseline Rd to Chandler Blvd	FMS Construction	2010	5	RARF				\$ 783,000	\$ 783,000	Amend: Add new FMS project	The addition of this project would not change the assumptions used in the regional emissions analysis. The conformity status of the TIP and Regional Transportation Plan would remain unchanged.
Highway	DOT10-6C35	ADOT	202L South Mountain Fwy: 51st Ave - I-10 West	Construct roadway	2010	11	STP & RARF		\$ 5,000,000		\$ 17,400,000	\$ 22,400,000	Admin Modify: Decrease budget by \$87.6 million.	A minor project revision is needed to decrease funds. The conformity status of the TIP and Regional Transportation Plan 2007 Update would remain unchanged.

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Highway	DOT09-6C10	ADOT	202L South Mountain Fwy: 51st Ave - I-10 West	R/W Acquisition	2010	11	RARF				\$ 20,000,000	\$ 20,000,000	Amend: Change project name to "51st Ave - I-10 West" & change type of work to "R/W" from "Design"	A minor project revision is needed to change the project name, and the change in type of work would not change the assumptions used in the regional emissions analysis. The conformity status of the TIP and Regional Transportation Plan 2007 Update would remain unchanged.
Highway	DOT10-6C36	ADOT	202L South Mountain Fwy: 51st Ave - I-10 West	R/W Acquisition	2010	11	RARF				\$ 50,000,000	\$ 50,000,000	Admin Mod: Change project name from "1-10 East - 51st Ave" to "51st Ave - I-10 West"	A minor project revision is needed to change the project name. The conformity status of the TIP and Regional Transportation Plan 2007 Update would remain unchanged.
Highway	DOT10-844	ADOT	303L: Thomas Rd - Camelback Rd	Design roadway	2010	2	RARF				\$ 7,000,000	\$ 7,000,000	Amend: Add design project in FY 2010.	Project is considered exempt from conformity requirements 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 would remain unchanged.
Highway	DOT10-845	ADOT	303L: Camelback Rd - Glendale Ave	Design roadway	2010	2	RARF				\$ 5,300,000	\$ 5,300,000	Amend: Add design project in FY 2010.	Project is considered exempt from conformity requirements 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 would remain unchanged.
Highway	DOT10-846	ADOT	303L: Glendale Ave - Peoria Ave	Design roadway	2010	3	RARF				\$ 9,300,000	\$ 9,300,000	Amend: Add design project in FY 2010.	Project is considered exempt from conformity requirements 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 would remain unchanged.
Highway	DOT10-847	ADOT	303L: Peoria Ave - Waddell Rd	Design roadway	2010	2	RARF				\$ 6,500,000	\$ 6,500,000	Amend: Add design project in FY 2010.	Project is considered exempt from conformity requirements 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 would remain unchanged.

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Highway	DOT10-848	ADOT	303L: Waddell Rd - Mountain View Rd	Design roadway	2010	3.8	RARF				\$9,500,000	\$ 9,500,000	Amend: Add design project in FY 2010.	Project is considered exempt from conformity requirements 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 would remain unchanged.
Highway	DOT09-6C11	ADOT	802: SR202L, Santan - Meridian Rd	R/W Acquisition	2010	5	RARF				\$2,000,000	\$ 2,000,000	Admin Mod: Defer project from 09 to 10.	A minor project revision is needed to defer the project to FY 2010. The conformity status of the TIP and Regional Transportation Plan 2007 Update would remain unchanged.
Highway	DOT10-825	ADOT	MAG Regionwide	TI Improvements	2010	0.1	State	\$3,000,000				\$ 3,000,000	Amend: Delete TI improvement subitem.	The addition of this project would not change the assumptions used in the regional emissions analysis. The conformity status of the TIP and Regional Transportation Plan would remain unchanged.
Highway	DOT10-849	ADOT	MAG Regionwide	Pump station improvements	2010	0.1	NHS	\$42,750	\$707,250			\$ 750,000	Amend: Add new project in FY 2010.	The new project is considered exempt under the category "Projects that correct, improve, or eliminate a hazardous location or feature." The conformity status of the TIP and Regional Transportation Plan 2007 Update would remain unchanged.
Highway	FTM09-801	Ft. McDowell	Various Locations - Functionally Classified Roadways	Pre-Engineer/Design and Construct Pavement Rehab projects	2009	1	ARRA			\$ 518,436		\$ 518,436	Amend: Delete project and incorporate ARRA funds into MMA09-801	The project is considered exempt under the category "pavement resurfacing and/or rehabilitation". The conformity status of the TIP and Regional Transportation Plan 2007 Update would remain unchanged.
Highway	FTH07-301	Fountain Hills	Shea Blvd: Palisades Blvd to Fountain Hills Blvd	Widen for third (westbound) climbing lane and bicycle lane	2009		STP-MAG & ARRA	\$ 131,000	\$ 2,164,000	\$ 410,000		\$ 2,705,000	Admin Mod: Adjust Local and ARRA costs for project	A minor project revision is needed to change local and federal funds. The conformity status of the TIP and Regional Transportation Plan 2007 Update would remain unchanged.
Highway	FTH09-800	Fountain Hills	Saguaro Blvd: Shea to Palmer Way	Design, and mill and overlay existing roadway	2009	0.5	ARRA			\$ 671,614		\$ 671,614	Amend: Add new ARRA Project	The new project is considered exempt under the category "pavement resurfacing and/or rehabilitation". The conformity status of the TIP and Regional Transportation Plan 2007 Update would remain unchanged.
Highway	MMA09-801	MCDOT	Various Locations Countywide - Functionally Classified Roadways	Pre-Engineer/Design and construct AR Overlay	2009	32	ARRA & Local	\$ 8,938	\$ -	\$ 6,469,193		\$ 6,478,131	Admin Mod: Increase ARRA funds from \$5,950,757 to \$6,469,193 to include Ft. McDowell related ARRA funds.	A minor project revision is needed to increase federal funds. The conformity status of the TIP and Regional Transportation Plan 2007 Update would remain unchanged.
Highway	PHX08-642	Phoenix	Three Historic Phoenix Neighborhoods	Restore 123 historic streetlights	2009		STP-TEA	\$ 21,545	\$ 356,425			\$ 377,970	Admin Mod: Change type of funds from ARRA-TEA to STP-TEA	A minor project revision is needed to change type of federal funds. The conformity status of the TIP and Regional Transportation Plan 2007 Update would remain unchanged.

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Highway	SCT09-802	Scottsdale	Various Locations	Preliminary engineering, design and construction for Mill & Replace	2009	10.5 mi.	ARRA	\$ -	\$ 4,600,000	\$ -	\$ -	\$ 4,600,000	Amend: Add new ARRA project	The new project is considered exempt under the category "pavement resurfacing and/or rehabilitation". The conformity status of the TIP and Regional Transportation Plan 2007 Update would remain unchanged.
Transit	VMR10-631T	VM Rail	Regionwide	Fixed Guideway Corridor - Repayment of funds advanced in prior years	2010		5309	\$ (54,000,000)	\$ 54,000,000			\$ -	Admin Mod: Reduce FY2010 funding for ARRA; listed as \$90 million should only be \$54 million	A minor project revision is needed to decrease the federal funds for a project to repay funds advanced in prior years. The conformity status of the TIP and Regional Transportation Plan 2007 Update would remain unchanged.
Transit	VMR11-707T	VM Rail	Regionwide	Fixed Guideway Corridor - Repayment of funds advanced in prior years	2011		5309	\$ (7,249,903)	\$ 7,249,903			\$ -	Admin Mod: Reduce FY2011 funding to \$7,249,903; listed in TIP as \$90 million	A minor project revision is needed to decrease the federal funds for a project to repay funds advanced in prior years. The conformity status of the TIP and Regional Transportation Plan 2007 Update would remain unchanged.
Transit	VMR12-844T	VM Rail	Regionwide	Fixed Guideway Corridor - Repayment of funds advanced in prior years	2012		5309	\$ (6,332,000)	\$ 6,332,000			\$ -	Amend: Delete project from TIP.	The project is to delete the project to repay funds advanced in prior years. The conformity status of the TIP and Regional Transportation Plan 2007 Update would remain unchanged.
Transit	VMR09-805	VM Rail	Regionwide	Fixed Guideway Corridor - Repayment of funds advanced in prior years	2009		ARRA-5309	\$ (36,000,000)	\$ 36,000,000			\$ -	Amend: Add new ARRA - 5309/New Starts project to TIP.	The new project is to add new federal funds for a project to repay funds advanced in prior years. The conformity status of the TIP and Regional Transportation Plan 2007 Update would remain unchanged.
Highway	MAG09-614	MAG	Regionwide	Purchase PM-10 Certified Street Sweepers	2009	n/a	CMAQ	\$ 97,497	\$ 1,612,968			\$ 1,710,465	Admin Mod: Increase CMAQ funds from \$1,210,000 by \$402,968 to \$1,612,968.	A minor project revision is needed to increase federal funds. The conformity status of the TIP and Regional Transportation Plan 2007 Update would remain unchanged.
Highway	MMA09-610	Maricopa County	Rio Verde Dr: Forest Rd to 136th St alignment	Pave shoulders to include a bicycle lane	2009	5.8	CMAQ		\$ 1,440,000		\$ -	\$ 1,440,000	Admin Mod: Increase CMAQ funds by \$30,632 for 100% CMAQ funding.	A minor project revision is needed to increase federal funds. The conformity status of the TIP and Regional Transportation Plan 2007 Update would remain unchanged.
Highway	MES04-125C	Mesa	Superstition Springs Mall Area	Install real-time adaptive signal system	2009		CMAQ		\$ 1,370,000			\$ 1,370,000	Clerical Error Correction: Location should read Superstition Springs Mall Area	A minor project revision is needed to change project description. The conformity status of the TIP and Regional Transportation Plan 2007 Update would remain unchanged.
Highway	PHX07-740	Phoenix	Various Locations	Pave dirt roads	2009	8.79	CMAQ	\$ 828,954	\$ 4,428,954		\$ -	\$ 5,257,908	Admin Mod: Increase CMAQ funds by \$56,000 to \$4,428,954.	A minor project revision is needed to increase federal funds. The conformity status of the TIP and Regional Transportation Plan 2007 Update would remain unchanged.
Highway	GDY07-302	Goodyear	Various Locations (Goodyear Pave Dirt Road Program)	Pave dirt road	2011	1	CMAQ	\$ 384,400	\$ 449,600			\$ 834,000	Admin Mod: Defer project from 2009 to 2011	The addition of this project would not change the assumptions used in the regional emissions analysis. The conformity status of the TIP and Regional Transportation Plan would remain unchanged.

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Highway	GDY07-709	Goodyear	Various Locations (Goodyear Pave Dirt Road Program)	Pave dirt roads - Design	2010	1	CMAQ	\$ 20,000	\$ 40,000			\$ 60,000	Admin Mod: Defer project from 2009 to 2010	A minor project revision is needed to defer the project to FY 2010. The conformity status of the TIP and Regional Transportation Plan 2007 Update would remain unchanged.
Highway	QNC09-803	Queen Creek	Riggs Rd: Ellsworth to Meridian	Environmental Clearance	2009		STP-MAG	\$ 120,895	\$ 2,000,000			\$ 2,120,895	Admin Mod: Modify Local costs from \$6 million to \$120,891.	A minor project revision is needed to modify local funds for the environmental clearance part of the project. The conformity status of the TIP and Regional Transportation Plan 2007 Update would remain unchanged.