

MINUTES OF THE
MAG MANAGEMENT COMMITTEE MEETING
July 14, 2010
MAG Office Building - Saguaro Room
Phoenix, Arizona

MEMBERS ATTENDING

Carl Swenson, Peoria, Chair	Mark Gaillard for John Fischbach, Goodyear
Charlie Meyer, Tempe, Vice Chair	Bill Hernandez, Guadalupe
# Matt Busby for George Hoffman, Apache Junction	Darryl Crossman, Litchfield Park
Charlie McClendon, Avondale	Christopher Brady, Mesa
David Johnson for Stephen Cleveland, Buckeye	David Andrews for Jim Bacon, Paradise Valley
* Gary Neiss, Carefree	David Cavazos, Phoenix
Wayne Anderson for Usama Abujbarah, Cave Creek	# John Kross, Queen Creek
Rich Dlugas, Chandler	* Bryan Meyers, Salt River Pima-Maricopa Indian Community
Pat Dennis for B.J. Cornwall, El Mirage	Brad Lundahl for Dave Richert, Scottsdale
* Phil Dorchester, Fort McDowell Yavapai Nation	# Michael Celaya for Mark Coronado, Surprise
# 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	* Lloyce Robinson, Youngtown
Collin DeWitt, Gilbert	Steve Hull for John Halikowski, ADOT
Ed Beasley, Glendale	Kenny Harris for David Smith, Maricopa Co.
	Bryan Jungwirth for David Boggs, Valley Metro/RPTA

* Those members neither present nor represented by proxy.

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

1. Call to Order

The meeting was called to order by Chair Carl Swenson at 12:01 p.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

Chair Swenson noted that John Kross, Matt Busby, Chris Hagen, Julie Ghatti, and Michael Celaya were participating in the meeting via teleconference.

Chair Swenson introduced new members to the Management Committee: Collin DeWitt, Town Manager for Gilbert, and Rich Dlugas, Interim City Manager for Chandler.

Chair Swenson noted that at each place were the following materials: For agenda item #5D, a revised Attachment Two; for agenda item #5E and 5I a revised table and consultation memorandum that were updated to reflect the addition of an ADOT embankment project to the requested project changes; for agenda item #5G, the Arterial Life Cycle Program; for agenda item #5H, a revised summary transmittal that was updated to include language in the requested action that allows for the FY 2008-2012 MAG TIP to be modified; for agenda item #5L, updated heat relief maps that show additional locations; and for agenda item #8, a packet of material regarding MAG's comments on the EPA technical support document.

Chair Swenson announced that public comment cards were available to members of the public who wish to comment. He noted that parking garage validation and transit tickets were available from Valley Metro/RPTA for those using transit to come to the meeting.

3. Call to the Audience

Chair Swenson stated that Call to the Audience provides an opportunity to the public to address the Management Committee on items that are not on the agenda that are within the jurisdiction of MAG, or non-action agenda items that are on the agenda for discussion or information only. Chair Swenson noted that those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard. Public comments have a three minute time limit and there is a timer to help the public with their presentations.

Chair Swenson recognized public comment from Dianne Barker, who extended her congratulations to Chair Swenson on being elected Chair of the Management Committee. She noted that her nonprofit organization, which assists people who use transit, received an award from the MAG Transportation Ambassador Program. Ms. Barker stated that she also recently assisted in an effort to get the City of Phoenix to install an ADA-compliant door at the City and a bike rack at the City Council building. She informed the committee that she sometimes gives the transit tickets she receives at MAG meetings to people who might need some monetary help to ride transit. Ms. Barker stated that she began participating at MAG when she moved to the Valley 23 years ago. She says that there are many stories about the ruffians about town, and then she related her recent experience with the good people of Phoenix who helped her when she was stranded without a way home. Chair Swenson thanked Ms. Barker for her comments.

4. Executive Director's Report

Dennis Smith, MAG Executive Director, reported on items of interest in the MAG region.

Mr. Smith stated that this was the last Management Committee meeting for Rita Walton, who will be retiring in August. He stated that Ms. Walton, the Manager of the MAG Information Services Division, has done the population projections and estimates in the MAG region since the 1980s. Mr. Smith stated that Ms. Walton was fundamental in ensuring the cities and towns received their state shared revenue. He noted that she was a mentor to many staff members, and the Communications Division and the Information Technology Division sprang from her division. Mr. Smith commented that Ms. Walton is an outstanding manager and will be missed at MAG. Ms. Walton was applauded.

Mr. Smith stated that the Governor's Blue Ribbon Panel for Water Sustainability was formed by Governor Brewer on August 29, 2009, to advance the statewide sustainability of water. He said that the Panel has a number of working groups and MAG had no issue the original objectives developed by the Panel's Infrastructure/Retrofit Working Group, which were to recommend measures that will facilitate the design, construction, operation, and maintenance of new and retrofitted reclaimed and recycled water systems; and develop reclaimed water distribution standards in Arizona. However, the working group added a new objective, which is to bring as many standards as possible into state rule, so there is less disparity among jurisdictions within Arizona. He noted that a final report by the Blue Ribbon Committee is anticipated in November 2010.

Mr. Smith stated that in the first MAG Regional Council meeting on April 12, 1967, the Regional Council discussed uniformity between Public Works Construction and development of specifications and details. He added that cities had started the effort in 1966. Mr. Smith stated that the MAG Specifications and Details were first published in 1979, and are available to everyone in the region and used throughout the state. Mr. Smith advised that MAG representatives serve on the Infrastructure/Retrofit Working Group and have been voicing their objections to a statewide standard. Mr. Smith said that MAG's issue is local control, for example, there are local conditions that require a supplement to be issued, which is then written and added to the MAG Specifications and Details. He advised that the Blue Ribbon Committee wants to add the Specifications and Details to state rule, which may be updated every five years or so, but MAG feels that keeping local control will be more responsive and flexible. Mr. Smith noted that the Directors of the Arizona Municipal Water Users Association and the League of Arizona Cities and Towns serve on the Committee and support MAG's position.

Mr. Smith announced that the MAG Continuum of Care Regional Committee on Homelessness was awarded \$1,393,580 for two new local programs. He reported that the funding will provide 67 permanent housing units and an end to homelessness for more than 100 people living on the streets in the region. Mr. Smith stated that the new project funding, combined with the renewal project funding, results in a total funding award of \$23,567,138 this year for the region. He advised that since 1999, the Committee has been responsible for securing more than \$196 million in homeless assistance funding for the MAG region. Mr. Smith advised that the unfortunate issue, however, there is no permanent funding source to continue this program in the region. He stated that the new federal program may contain planning funds for this program.

Mr. Smith introduced the newly produced MAG "I Ride" bicycle video. He said that the video focuses on commuting to work, using multimodal facilities, providing an asset that is important to knowledge workers, emphasized bike routes/trails and the beauty of Arizona, and health benefits. Mr. Smith stated that a copy of the video was at each member's place and will be provided to municipal channel 11s. He recognized Jason Stephens and Gary Stafford for their work on the video. A short clip of the video was shown.

Chair Swenson expressed that it was a great video. He asked members if they had questions for Mr. Smith.

Vice Chair Meyer asked how long the homeless grant was expected to last. Brande Mead, MAG Human Services staff, replied that MAG will continue to apply for a renewal of this grant, so it

is ongoing funding. Mr. Meyer asked if this was supplemental to what MAG already has in place and was a new, continuing funding stream. Ms. Mead replied that was correct.

5. Approval of Consent Agenda

Chair Swenson stated that agenda items #5A, #5B, #5C, #5D, #5E, #5F, #5G, #5H, #5I, #5J, #5K, #5L, #5M, #5N, and #5O were on the Consent Agenda. He reviewed the public comment guidelines for the Consent Agenda. Chair Swenson noted that no public comment cards had been received.

Chair Swenson asked if any member of the Committee had questions or a request to have a presentation on any Consent Agenda item. None were noted.

Mr. Crossman moved to recommend approval of the Consent Agenda. Mr. Hernandez seconded, and the motion passed unanimously.

5A. Approval of June 9, 2010, Meeting Minutes

The Management Committee, by consent, approved the June 9, 2010, meeting minutes.

5B. American Recovery and Reinvestment Act (ARRA) Status Report

A Status Report on the American Recovery and Reinvestment Act (ARRA) funds dedicated to transportation projects in the MAG region details the status of project development. The report covers highway, local, transit, and enhancement projects programmed with ARRA funds and the status of project development milestones per project.

5C. Enhancement Peer Review Group Round 18 Recommendations

The Management Committee, by consent, recommended that the list of ranked applications from the MAG Enhancement Peer Review Group be forwarded to the Arizona Department of Transportation for consideration by the State Transportation Enhancement Review Committee. The Enhancement Peer Review Group, (EPRG), formerly the Enhancement Funds Working Group, was formed by the MAG Regional Council in April 1993 to review and recommend a ranked list of Enhancement Fund applications from this region to the Arizona Department of Transportation (ADOT) Transportation Enhancement Review Committee (TERC). In January 2010, after MAG was notified by ADOT that Round 18 Enhancement Fund applications would be due on August 13, 2010, MAG member agencies were informed of the availability of the funding and a schedule was distributed for the ranking and evaluation for transportation enhancement projects. Transportation enhancement funds can be used for many types of non-traditional transportation projects, including the design and construction of pedestrian walkways and bicycle paths, bicycle education, landscaping, scenic and historic preservation, billboard removal, archaeological research, and other projects that are related to the surface transportation system. This year, twelve enhancement fund applications for projects on local roads were received totaling \$7,442,160 with approximately \$12 million available statewide. Two applications for projects on the ADOT right-of-way were received totaling \$1,886,000 with approximately \$8 million available statewide. Projects were evaluated and ranked by the EPRG

using criteria established by ADOT. The EPRG reviewed applications and recommended changes to strengthen the applications and improve their ability to compete on a statewide basis. Applicants were then requested to revise their applications based upon EPRG input. After the revised applications were reviewed, the EPRG ranked the applications. The Enhancement Peer Review Group recommended that the list of ranked applications be forwarded to ADOT for consideration by the TERC.

5D. Consultant Selection for the MAG Intelligent Transportation Systems and Transportation Safety On-Call Services Request for Qualifications

The Management Committee, by consent, recommended approval of the selected list of consultants for the ITS and Transportation Safety on-call services, for the following areas of expertise: (1) Traffic Engineering, (2) ITS Planning, (3) ITS Operations Planning, (4) ITS Training, (5) ITS Evaluation & Feasibility Studies, (6) ITS Modeling and Supporting Services (7) Regional Fiber Network Planning and Management (8) Transportation Safety Planning. The FY 2011 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2010, includes a number of projects to be launched in the areas of Intelligent Transportation Systems (ITS) and Transportation Safety. These projects will be executed through on-call consultant contracts with qualified consultants selected in eight areas of technical expertise. A request for qualifications was advertised on April 26, 2010. Two selection panels, each appointed by the ITS Committee and the Transportation Safety Committee, evaluated the statements of qualifications and recommended to MAG the selection of a number of qualified consultant teams, in each of the areas of expertise. On June 22, 2010, the MAG Transportation Safety Committee recommended approval of the list of consultants for Transportation Safety Projects. On July 7, 2010, the ITS Committee recommended approval of the on-call list of consultants for ITS projects.

5E. Project Changes – Amendment and Administrative Modification to the FY 2008-2012 MAG Transportation Improvement Program

The Management Committee, by consent, recommended approval of amendments and administrative modifications to the FY 2008-2012 MAG Transportation Improvement Program, and as appropriate, to the Regional Transportation Plan 2007 Update. The fiscal year (FY) 2008-2012 MAG Transportation Improvement Program (TIP) and Regional Transportation Plan 2007 Update were approved by the MAG Regional Council on July 25, 2007. Since that time, there has been a request from Phoenix to add a new transit project. This transit project received federal discretionary funds and needs to be programmed in the TIP. On July 1, 2010, the Transportation Review Committee (TRC) recommended approval. Since the TRC recommendation, the Arizona Department of Transportation requested the addition of a new embankment project on SR-87.

5F. Final Closeout of the Federal Fiscal Year 2010 MAG Federally Funded Program

The Management Committee, by consent, recommended approval of the Final Closeout for federal fiscal year 2010 and amending/adjusting the FY 2008-2012 MAG Transportation Improvement Program and the Regional Transportation Plan 2007 Update as needed. The Interim federal fiscal year (FFY) 2010 MAG Closeout, approved on June 30, 2010, by the MAG Regional Council, includes the deferral and deletion of federal funds from totaling close to \$20 million.

In addition, the Interim FFY 2010 MAG Closeout identified three projects to be funded with funds available. Since the Interim FFY 2010 Closeout was approved, there has been one request to defer a project, which was recommended for approval by the Transportation Review Committee on July 1, 2010.

5G. Draft Fiscal Year 2011 Arterial Life Cycle Program

The Management Committee, by consent, recommended approval of the Draft fiscal year (FY) 2011 Arterial Life Cycle Program contingent on a finding of conformity of the FY 2011-2015 MAG Transportation Improvement Program and Regional Transportation Plan 2010 Update with applicable air quality plans. The Regional Transportation Plan (RTP) identified 94 arterial street projects to receive funding from the regional sales tax extension and from MAG Federal Funds. The Arterial Life Cycle Program (ALCP) provides information for each project spanning a 20-year life cycle. Information contained in the ALCP includes project location, regional funding, fiscal year (FY) or work, type of work, status of project and the Lead Agency. As part of the ALCP process, Lead Agencies update project information annually, at a minimum. MAG staff has programmed the Draft FY 2011 ALCP based on the information provided by Lead Agencies and from projected revenue streams of the Regional Area Road Fund (RARF), MAG Surface Transportation Program (STP-MAG) funds, and Congestion Mitigation and Air Quality (CMAQ) funds. Please refer to the enclosed material for a memorandum, a list of project changes, and the Draft FY 2011 Arterial Life Cycle Program. An electronic copy of the Draft FY 2011 ALCP also is available for download from the MAG website. On July 1, 2010, the Transportation Review Committee voted to recommend approval.

5H. L101 High Occupancy Vehicle Lane Budget Increase

The Management Committee, by consent, recommended approval that the L101 HOV project budget be increased by \$9.0 million, that the project include the proposed realignment of the freeway in the vicinity of Maryland Avenue, that the FY 2008-2012 MAG Transportation Improvement Program be modified, and that the Maryland Avenue Overpass Ramps be included as an illustrative project in the Regional Transportation Plan 2010 Update. In January 2010, the Regional Council approved a design-build project to construct High Occupancy Vehicle (HOV) lanes on Loop 101 from Tatum Boulevard to the junction with Interstate-10 in the West Valley as a project to use a potential second round of stimulus funding. In May 2010, the Regional Council was informed that the prospects for the second round of stimulus funding had diminished. However, the Arizona Department of Transportation (ADOT) and MAG determined that the \$138.5 million project could be funded from the available cash flow of the Freeway Life Cycle Program. The available cash flow stemmed from project savings on other Freeway Life Cycle Program projects, such as right-of-way expenditures for the Loop 303. ADOT has recommended that the proposed project budget be increased by \$9.0 million to include the realignment of the freeway in the vicinity of the Maryland Overpass as part of the design-build project in order to accommodate planned direct access ramps in the future. The initial plan for the Maryland Overpass included direct connection ramps to provide access to a nearby park-and-ride lot and the Westgate/University of Phoenix stadium complex. After reviewing the program cash flow, MAG staff recommends the project budget be increased by \$9.0 million to \$147.5 million. A modification to the FY 2008-2012 MAG Transportation Improvement Program will be needed. In addition, the City of Glendale has requested that the Maryland Overpass Ramps be included

in the Draft Regional Transportation Plan (RTP) 2010 Update as an illustrative project. The Draft RTP 2010 Update is scheduled for approval by the MAG Regional Council on July 28, 2010.

5I. Conformity Consultation

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 amendment and administrative modification involve several projects, including a new City of Phoenix project to design a park-and-ride facility for FY 2010, and minor project revisions to an Arizona Department of Transportation Loop 101 High Occupancy Vehicle project and a Town of Buckeye project to construct sidewalks, curb and gutter. 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. This item was on the agenda for consultation.

5J. Finding of Conformity for the Draft FY 2011-2015 MAG Transportation Improvement Program and Draft Regional Transportation Plan 2010 Update

The Management Committee, by consent, recommended approval of the Finding of Conformity for the Draft FY 2011-2015 MAG Transportation Improvement Program and Draft MAG Regional Transportation Plan 2010 Update. The Draft 2010 Conformity Analysis concludes that the draft Transportation Improvement Program (TIP) and the Regional Transportation Plan 2010 Update meet all applicable federal conformity requirements and are in conformance with applicable air quality plans. On June 21, 2010, a public hearing was conducted on the Draft TIP, Draft Regional Transportation Plan 2010 Update, and Draft Conformity Analysis. On June 24, 2010, the MAG Air Quality Technical Advisory Committee recommended approval of the Draft 2010 MAG Conformity Analysis for the Draft FY 2011-2015 MAG Transportation Improvement Program and Draft Regional Transportation Plan 2010 Update. Approval of the conformity finding by the Regional Council is required for MAG adoption of the TIP and RTP.

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

A status report is being provided to members of the MAG Management Committee 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.

5L. 2010 Heat Relief Maps

The summer heat in Arizona can be deadly. Vulnerable populations like older adults, children, people who are experiencing homelessness and those who work outdoors, need to take extra precautions. The MAG Human Services Division has partnered with nonprofit organizations, the faith-based community, cities and towns in the region, and others to provide heat relief maps. Two maps have been created to indicate resources available in the community. The collection

map provides regional locations that are collecting bottled water and other donations such as clothing, unopened sun block, and food items for those who are in need. The hydration and refuge map indicates regional locations that people can go to for water, refuge or both.

5M. Consultant Selection for Building and Employment Databases Project

The Management Committee, by consent, recommended approval of the selection of Applied Economics to conduct the Building and Employment Database project in an amount not to exceed \$100,000. The fiscal year (FY) 2010 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2009, includes \$100,000 to create a unified Building and Employment Database. This database will allow for better modeling and visualization capabilities for MAG staff and MAG member agencies. MAG has been preparing subregional socioeconomic projections for the region for more than twenty-five years to provide input to transportation and air quality modeling. With the increase in population in the region – from 1.5 million in 1980 to four million in 2009 – sound socioeconomic projections are crucial to properly plan for and manage this growth. Recently, MAG initiated a behavioral socioeconomic model, Arizona’s Socioeconomic Model, Analysis and Reporting Toolbox (AZ-SMART) to enhance the MAG socioeconomic modeling and to prepare for the transportation activity model currently being developed. A clear understanding of the built space and employment in the region is an important input to this model. MAG staff currently maintains a Geographic Information System (GIS) database of employers and employment in Maricopa County. This database represents a synthesis of employer location and employment data purchased or acquired from a private clearinghouse, government agencies, and local knowledge. MAG’s 2009 draft Employer database contains more than 45,000 distinct locations for employers in Maricopa County with five or more employees. MAG recently created a Built Space database of data on residential and non-residential built space by MAG parcel. This project will then compile additional building and employment inventory databases for the MAG Region and link all of these databases together for a unified Building and Employment Database. The Request for Proposals was advertised on April 7, 2010. Five proposals were received: Applied Economics, ARCADIS, Belfiore Real Estate Consulting, InfoGroup and TerraSystems Southwest. A multi-agency proposal evaluation team consisting of MAG member agencies and MAG staff reviewed the proposal documents and, on June 15, 2010, the proposal evaluation team recommended to MAG the selection of Applied Economics to conduct this project in an amount not to exceed \$100,000.

5N. Amendment of the FY 2011 MAG Unified Planning Work Program and Annual Budget to Accept FY 2010 Federal Highway Administration Metropolitan Planning Funding

The Management Committee, by consent, recommended amending the FY 2011 MAG Unified Planning Work Program and Annual Budget to decrease the FY 2010 Federal Highway Administration Metropolitan Planning funding by \$4,479.64. Each year, MAG prepares a Unified Planning Work Program and Annual Budget that lists anticipated revenues for the coming year. Recently, MAG was notified by the Arizona Department of Transportation of the official amount of FY 2010 Federal Highway Administration Metropolitan Planning (PL) funding. An amendment to the FY 2011 MAG Unified Planning Work Program and Annual Budget is needed to decrease this amount by \$4,479.64.

50. Sustainable Communities Planning Grant Program

The purpose of the Sustainable Communities Planning Grant Program offered through the U.S. Department of Housing and Urban Development (HUD) in partnership with the U.S. Department of Transportation and the Environmental Protection Agency is to integrate housing, economic development, and transportation planning in order to enhance the economy, environment, and social equity. Since April 2010, MAG staff have collected feedback from the MAG Executive Committee and community partners. In May 2010, additional direction was offered by the MAG Regional Council and the officers of the MAG technical Committees. In June 2010, MAG staff completed a survey of MAG member agencies and offered a report on the results to the MAG Executive Committee. To date, feedback indicates support for MAG to submit an application on behalf of the MAG region or the Sun Corridor, defined as Maricopa, Pima, and Pinal Counties. A potential focus could be developing green housing and jobs along high capacity transit routes and completing paths along the canal system. HUD released the Notice of Funding Availability on June 24, 2010 with a deadline for the grant of August 23, 2010. Per HUD, large metropolitan areas are eligible to receive up to \$5 million to develop a regional plan for sustainable development. Additional funding is available for technical assistance and implementation of the plans. In total, up to \$100 million is available nationally. The application process is expected to be very competitive. Feedback will be solicited from the Committee to ensure the region's response to this grant will be competitive and reflect local priorities and activities.

6A. FY 2010 MAG Final Phase Public Input Opportunity

Jason Stephens, MAG Public Involvement Planner, reported on MAG's public involvement process conducted on transportation plans and programs for the Final Phase public input opportunity. He noted that all of the information presented today is included in the Final Phase report. Mr. Stephens stated that MAG participated in a variety of special events and small group presentations, and also gathered comments from MAG committee meetings and e-mail, telephone and website correspondence. He stated that the process also included a transportation public hearing on June 21, 2010, hosted by MAG with representatives from Arizona Department of Transportation, Citizen's Transportation Oversight Committee, Valley Metro, METRO and the City of Phoenix Public Transit Department in attendance. Mr. Stephens stated that a majority of the comments received from the public focused on transit and expressed concerns for cuts in service, the loss of Local Transportation Assistance Funding, the need for Dial-a Ride service, and cuts to routes on the Super Grid. He advised that all of the questions are answered on the spot or within 48 hours. Chair Swenson thanked Mr. Stephens for his report. No public comments were noted. No questions for Mr. Stephens were noted.

Vice Chair Meyer moved to recommend acceptance of the Draft FY 2010 MAG Final Phase Public Input Opportunity Report. Mr. McClendon seconded, and the motion passed unanimously.

6B. Approval of the Draft MAG Regional Transportation Plan 2010 Update

Roger Herzog, MAG Senior Project Manager, stated that the Draft MAG Regional Transportation Plan (RTP) 2010 Update is a comprehensive, performance based, multimodal and coordinated plan, identifying transportation improvements in the region over the next 20 years. Mr. Herzog noted that the Draft RTP 2010 Update includes a number of elements, including transportation

modes of freeways, highways, arterial streets, public transit, freight, and bicycles, and the elements of travel demand management, safety, regional development, and transportation revenues.

Mr. Herzog stated that the major modal programs in the RTP total approximately \$59 billion. That total broken down includes about \$24 billion for arterial streets, about \$18 billion for freeways and highways, and about \$17 billion for transit. He said that about half of the RTP is funded by local/other funds and half of the RTP is funded by regional funds, which include federal transit and highway funds, ADOT funds, and the half cent sales tax for transportation.

Mr. Herzog stated that the RTP 2010 Update includes the 20-year planning period through FY 2031 – a federal planning requirement. He indicated that one of the major issues addressed since the 2007 Update was the historic decline of revenue that resulted in a 25 percent decrease in the long range revenue forecast. Mr. Herzog stated that reduced revenues presented a major challenge to balance the modal program, which was addressed through the MAG committee process for more than one year and resulted in balanced programs included in the RTP 2010 Update.

Mr. Herzog stated that an important element is the public input process, which began about one year ago, and culminated in the public hearing in June. He said that these public hearings were held in addition to the public input opportunities provided at MAG committee meetings.

Mr. Herzog stated that the Draft 2010 Update was approved by the Regional Council for air quality conformity analysis on April 28, 2010. A technical air quality conformity analysis was performed on the RTP and concluded that the Plan and the FY 2011-2015 MAG Transportation Improvement Plan meet all air quality conformity requirements. Mr. Herzog noted that on June 24, 2010, the MAG Air Quality Technical Advisory Committee recommended acceptance of the Draft Air Quality Conformity Analysis. Mr. Herzog stated that the final step is the approval process of the Draft RTP 2010 Update through the MAG committee process. He noted that the MAG Transportation Review Committee recommended approval of the RTP 2010 Update on July 1, 2010. Chair Swenson thanked Mr. Herzog for his presentation. No public comment cards were received. No questions from the Committee were noted.

Ms. Dennis moved to recommend approval of the Draft MAG Regional Transportation Plan (RTP) 2010 Update, contingent on a finding of conformity of the FY 2011-2015 MAG Transportation Improvement Program and RTP 2010 Update with applicable air quality plans. Mr. Cavazos seconded, and the motion passed unanimously.

6C. Approval of the Draft FY 2011-2015 MAG Transportation Improvement Program

Eileen Yazzie, MAG Transportation Programming Manager, reported on the Draft FY 2011-2015 MAG Transportation Improvement Program (TIP). She said that the TIP provides a five year window of the Regional Transportation Plan and provides specific project details, costs, and schedules. She said that this is done to comply with federal regulations for the fiscal constraint of the short range plan and planning and environmental guidance.

Ms. Yazzie stated that MAG is operating under the current federal legislation, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, known as

SAFETEA-LU. She noted that this transportation act expired this past year, and Congress has since approved Continuing Resolutions while working on a new transportation act. Ms. Yazzie advised that MAG will have the opportunity to adjust the TIP if Congress passes new legislation. She said the Transportation Improvement Program is required to report on all federally funded projects and regionally significant projects, and that enough information is provided to run an air quality analysis. Ms. Yazzie stated that the federal regulations also mandate that the TIP covers a minimum four-year time period, and is reported every four years. She noted that the MAG 2011-2015 TIP covers five years.

Ms. Yazzie stated that data for the TIP comes from current MAG transportation programs, the MAG Work Program, member agencies, and federal, state, and local agencies and programs through the Transportation Programming Guidebook and the TIP Data Entry System. Ms. Yazzie stated that input is provided by members of the public, MAG technical advisory committees, and MAG staff.

Ms. Yazzie then spoke of the great undertaking by the MAG technical committees to rebalance the freeway program and program the federal funds. She noted that the FY 2011-2015 MAG TIP includes more than 1,200 projects, the majority of which are street and transit projects.

Ms. Yazzie then reviewed the funding for the FY 2011-2015 MAG TIP, which totals more than \$7 billion. She stated that highway projects include street, bicycle, pedestrian, safety, freeway, Intelligent Transportation System (ITS), and bridge projects in the region, and about two-thirds of their funding comes from regional and local revenue sources. Ms. Yazzie then addressed transit projects by stating that 5307, 5309, and CMAQ are types of federal transit funds that account for 45 percent of the \$1.3 billion in transit funding in the FY 2011-2015 MAG TIP. She advised that this does not include transit operations. Ms. Yazzie stated that about \$360 million of the \$412 million of committed local transit funds are associated with the City of Phoenix airport Sky Train project, and the remaining \$64 million is for transit capital projects.

Ms. Yazzie reviewed the approval schedule. She said that during July 2010, the Management Committee, Transportation Policy Committee, and Regional Council review and take action on the Draft FY 2011-2015 MAG TIP, the Draft Regional Transportation Plan 2010 Update, and Draft air quality conformity analysis, followed by action by the Governor's designee, the Federal Highway Administration and the Federal Transit Administration.

Chair Swenson thanked Ms. Yazzie for her presentation. No public comment cards were received. No questions from the Committee were noted.

Mr. McClendon moved to recommend approval of the Draft FY 2011-2015 MAG Transportation Improvement Program (TIP), contingent on a finding of conformity of the TIP and Regional Transportation Plan 2010 Update with applicable air quality plans and that the programming of transit preventive maintenance be reviewed for potential amendments/modifications no later than December 2010. Mr. Crossman seconded, and the motion passed unanimously.

7. Resolution Supporting the Expansion of Amtrak Passenger Service into the Metropolitan Phoenix Region as Part of the National Intercity Rail Network

Marc Pearsall, MAG Transit Planner, reported on a resolution supporting the expansion of Amtrak passenger service into the metropolitan Phoenix region as part of the National Intercity Rail Network, an element identified in President Obama's high speed rail plan. He stated that Amtrak service was discontinued to the Phoenix/Tempe metropolitan area in the summer of 1996, when the existing rail was rerouted to a more direct rail line between Tucson to Yuma. Mr. Pearsall noted that the maintenance costs of the old line were deemed excessive, and neither Amtrak, the State of Arizona, nor Union Pacific had the funds for maintenance.

Mr. Pearsall displayed a list of United States cities without Amtrak passenger service and noted that Phoenix is currently the largest city in this category, followed by Las Vegas, Columbus, and Nashville. He displayed a map of the current Amtrak routes and noted that the President's vision is to return Amtrak service to most of the cities shown on the list. Mr. Pearsall stated that the plan of the Western High Speed Rail Alliance, of which MAG is a member, is to connect high speed rail service in Phoenix, Las Vegas, and Reno to Los Angeles.

Mr. Pearsall displayed a map of the current Union Pacific railroad line and the out-of-service Wellton line. Mr. Pearsall stated that 40 to 60 freight trains operate on the current southern Gila Line daily, and two Amtrak trains operate every other day. He said that staff has heard that Amtrak plans to operate daily passenger service between Los Angeles and San Antonio beginning in October.

Mr. Pearsall stated that the goal of the resolution is to bring Amtrak service through the Phoenix metro area. He advised that the Wellton line needs some upgrading and is currently used for rail car storage. Mr. Pearsall indicated that Union Pacific is not opposed to upgrading the track, it just does not want to be responsible for the entire cost. He remarked that passenger service could benefit their schedules by rerouting the Amtrak service through Phoenix and away from their busy southern Arizona freight corridor.

Mr. Pearsall stated that a study and a grant application are underway. He reported that a study is expected to be awarded this week by the Arizona Department of Transportation (ADOT) for a study of Phoenix to Tucson passenger rail. Mr. Pearsall stated that ADOT is also in the process of preparing a grant application for federal funds to evaluate the opportunities of reopening the Wellton Branch in the Southwest Valley, which would be needed for future Amtrak service. He noted that MAG has committed to provide the matching funds for this study.

Mr. Pearsall stated that there was some passenger rail service as far back as the 1880s in southern and northern Arizona, but passenger rail service in Phoenix began in the 1920s and was a part of the route of Los Angeles to the east coast. He said that up to 12 passenger trains daily served Union Station in downtown Phoenix in the 1960s, and this service dwindled to one train every other day by the 1970s. Mr. Pearsall stated that this demonstrates the switch from trains to cars and airplanes as a mode of passenger travel. He stated that Union Station is currently owned by Qwest, which has done a superb job of preservation, including a new roof, and Qwest has also secured the site. Mr. Pearsall stated that the building is on the National Register of Historic Places and is a potential candidate for a future passenger rail terminal.

Mr. Pearsall then showed examples of terminals in other cities that have been revitalized through partnerships of the federal government with regions and the private sector. He noted that the Denver terminal revitalization was a public private partnership that cost \$900 million, \$300 million of which came from federal funds. He said that there are other opportunities for revitalization in the MAG region, including the Tempe depot, on which Macayo's has done an excellent job of preservation and could provide dual use through a connection of commuter rail with light rail; and the old Litchfield depot preserved by the City of Goodyear, which could be converted to a terminal for passenger service in the West Valley. Mr. Pearsall stated that the resolution could provide a step toward returning passenger rail to the Valley, and will be considered by the Regional Council later this month.

Chair Swenson thanked Mr. Pearsall for his presentation. No requests for public comment were received. No questions from the Committee were noted.

Mr. Meyer moved to recommend approval of a resolution supporting the expansion of Amtrak passenger service into the metropolitan Phoenix region as part of the national intercity rail network. Mr. McClendon seconded, and the motion passed unanimously.

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

Lindy Bauer, MAG Environmental Director, stated that on May 26, 2010, staff reported to the MAG Regional Council that the Environmental Protection Agency (EPA) decided not to concur with four exceptional events at the West 43rd Avenue monitor in 2008 and on EPA's decision to disapprove the MAG Five Percent Plan for PM-10 for reducing dust pollution in the Valley. Ms. Bauer stated that at the May meeting, the MAG Regional Council directed staff to bring recommendations to the Executive Committee on obtaining legal advice and suggested that staff work with the Governor and the Arizona Congressional Delegation to stay the action of EPA until EPA corrects its flawed Exceptional Events Rule. She said that on June 21, 2010, the MAG Executive Committee directed staff to retain legal counsel and other consultants on administrative action needed regarding the EPA nonconcurrence. Ms. Bauer stated that MAG staff has been considering potential legal firms for legal counsel and anticipates the need for legal advice as a result of EPA's action.

Ms. Bauer noted that on June 23, 2010, the EPA indicated that the proposed consent decree had been lodged with the court. She advised that EPA and the Arizona Center for Law in the Public Interest have agreed to a settlement on the timetable for EPA to take action on the Five Percent Plan for PM-10. Ms. Bauer noted that EPA has to propose action on the MAG Five Percent Plan for PM-10 by September 3, 2010, and then deliver the proposed action to the Federal Register office for publication. Ms. Bauer stated that the EPA will sign a notice of final action by January 28, 2011. She indicated that publication in the Federal Register starts the clock ticking for potential sanctions.

Ms. Bauer pointed out that the EPA notes that this is a proposed consent decree. She said that the publication in the Federal Register provides for a reasonable opportunity for public comments. Ms. Bauer stated that if the comments do not disclose facts or other considerations which indicate that the consent decree is inappropriate or inconsistent with the Clean Air Act, EPA will move to ask the court to officially enter the consent decree.

Ms. Bauer stated that MAG staff have been working on comments on EPA's technical document supporting its decision to not concur with the exceptional events at the West 43rd Avenue monitor. She noted that the Arizona Department of Environmental Quality (ADEQ) submitted these comments to EPA on June 30, 2010, and a copy of the comments was at each place. Ms. Bauer stated that there are three principal concerns with EPA's review: 1) The EPA is not always consistent with its own Exceptional Events Rule; 2) The EPA failed to take into account some of the ADEQ supporting data and analysis; 3) The EPA is not always consistent with how they have treated other areas, for example, EPA's concurrence with California's request that the best control measures for the San Joaquin Valley had been approved and were in place, while EPA rejected ADEQ's identical demonstration for the MAG region.

Ms. Bauer stated that in addition, MAG and ADEQ feel the process has been unfair. She said that MAG, its consultants, and ADEQ submitted supplemental information regarding the four exceptional events. Ms. Bauer pointed out that a letter from Westar, a group of 15 Western states that had problems with EPA's Exceptional Events Rule, was also at each place. Ms. Bauer noted that the Westar letter states that EPA indicated it would address concerns with the Exceptional Events Rule, but to date, has done nothing. She commented that the letter goes on to state that this is critical for EPA to address.

Ms. Bauer stated that MAG staff continues to work on the supplemental information and with the Executive Committee. She reported that MAG region could go into a conformity freeze and only the first four years of projects of the conforming TIP and RTP could proceed until the plan is fixed and EPA approves a new motor vehicle emissions budget and there is a new finding of conformity. She added that some projects, such as safety and mass transit projects, would be exempt. Ms. Bauer advised that Clean Air Act sanctions would be imposed if the problem is not corrected, and the imposition of highway sanctions may trigger a conformity lapse. She stated that the TIP could not proceed and there could be a loss of federal highway funds. Ms. Bauer stated that there could be tighter controls on the private sector of 2:1 offsets in emissions, which would be quite expensive. She remarked that these threats from EPA could present severe economic consequences to the MAG region.

Chair Swenson thanked Ms. Bauer for her report and asked members if they had questions.

Mr. Harris asked about the timeline for potential legal action and if funding was in place or needed for such a significant action. He remarked that this is a high level, serious issue that affects many. Ms. Bauer replied that there is not a specific timeline but the Executive Committee would be discussing the selection of legal counsel next week. After that, there would be a better understanding of a timeline. Ms. Bauer pointed out that the Executive Committee previously gave direction to staff to pursue administrative action.

Mr. Smith stated that funds are available for the administrative action, and he added that there might be other groups, such as Westar and perhaps the state, who might join MAG in the lawsuit. He advised that the interviews with the attorneys have been completed and they hope to begin work shortly.

Chair Swenson expressed appreciation for the aggressive focus and commented that there is a lot at stake for the MAG region. He requested that updates be provided on future Management Committee agendas.

9. Request for Future Agenda Items

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

No requests from the Committee were noted.

10. Comments from the Committee

An opportunity will be provided for Management Committee members to present a brief summary of current events. The Management Committee is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

Mr. Smith noted that the August meeting would be canceled unless there were agenda items.

Adjournment

With no further business, Mr. Crossman moved, Mr. Meyer seconded, and the motion passed to adjourn the meeting at 12:55 p.m.

Chair

Secretary