

September 1, 2015

TO: Members of the MAG Management Committee

FROM: Darryl H. Crossman, Litchfield Park, Chair

SUBJECT: MEETING NOTIFICATION AND TRANSMITTAL OF TENTATIVE AGENDA

Wednesday, September 9, 2015 - 12:00 noon
MAG Office, Suite 200 - Saguaro Room
302 North 1st Avenue, Phoenix

The next Management Committee meeting will be held at the MAG offices at the time and place noted above. Members of the Management Committee may attend the meeting either in person, by videoconference or by telephone conference call. The agenda and summaries also are being transmitted to the members of the Regional Council to foster increased dialogue between members of the Management Committee and Regional Council. You are encouraged to review the supporting information enclosed. A working lunch will be provided.

Please park in the garage under the building, bring your ticket, parking will be validated. For those who purchased a transit ticket to attend the meeting, Valley Metro/RPTA will provide transit tickets for your trip. For those using bicycles, please lock your bicycle in the bike rack in the garage.

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

Members are reminded of the importance of attendance by yourself or a proxy. Any time that a quorum is not present, we cannot conduct the meeting. Please set aside sufficient time for the meeting, and for all matters to be reviewed and acted upon by the Management Committee. Your presence and vote count.

**MAG MANAGEMENT COMMITTEE
TENTATIVE AGENDA
September 9, 2015**

COMMITTEE ACTION REQUESTED

1. Call to Order

2. Pledge of Allegiance

3. Call to the Audience

An opportunity is provided 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. Citizens will be requested not to exceed a three minute time period for their comments. A total of 15 minutes will be provided for the Call to the Audience agenda item, unless the Management Committee requests an exception to this limit. Please note that those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard.

4. Executive Director's Report

The MAG Executive Director will provide a report to the Management Committee on activities of general interest.

5. Approval of Consent Agenda

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

3. Information.

4. Information.

5. Recommend approval of the Consent Agenda.

ITEMS PROPOSED FOR CONSENT*

MINUTES

*5A. Approval of the August 5, 2015, Meeting Minutes

5A. Review and approval of the August 5, 2015, meeting minutes.

TRANSPORTATION ITEMS

*5B. MAG Pedestrian and Bicycle Facilities Design Assistance Program

The Fiscal Year (FY) 2016 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2015, includes \$400,000 for the Pedestrian and Bicycle Design Assistance Program. The Design Assistance Program allows MAG member agencies to apply for funding for the preliminary design portion of a bicycle or pedestrian project. Thirteen project applications were submitted by member agencies for the program. On July 21, 2015, the Bicycle and Pedestrian Committee reviewed and ranked applications, and voted to recommend approval of the seven top ranked projects for the Design Assistance Program. On August 27, 2015, the Transportation Review Committee voted to recommend approval of the seven top ranked projects. Please refer to the enclosed material.

*5C. MAG Valley Path Brand & Wayfinding Guidelines

The FY 2014 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2013, included \$75,000 to develop an off-street bicycle network wayfinding guide and brand name. The Valley Path Brand & Wayfinding Signage Guidelines project, completed in May 2015, includes brand standards, wayfinding tools, wayfinding guidelines, and an implementation approach. The Valley Path Brand & Wayfinding Signage Guidelines final report was recommended for acceptance on May 26, 2015, by the Bicycle and Pedestrian Committee, and on August 27, 2015, by the Transportation Review Committee. Please refer to the enclosed material.

*5D. Amendment to the Fiscal Year 2016 MAG Unified Planning Work Program and Annual Budget to Add a New On-Call Consultant Project for the Traffic Signal Optimization Program

Since its inception in Fiscal Year (FY) 2004, the MAG Traffic Signal Optimization Program (TSOP)

5B. Recommend approval of funding the seven top ranked projects for the Design Assistance Program.

5C. Recommend acceptance of the MAG Valley Path Brand & Wayfinding Signage Guidelines final report.

5D. Recommend approval of an amendment to the Fiscal Year 2016 Unified Planning Work Program and Annual Budget to add the Traffic Signal Optimization Program Project using \$300,000 in contingency funds to carry out the Fiscal Year 2016 Traffic Signal Optimization Program.

has successfully completed more than one hundred projects that have helped improve traffic signal timing at more than 1,000 intersections across the region. At the time the FY MAG 2016 Unified Planning Work Program and Annual Budget (UPWP) was approved by the MAG Regional Council in May 2015, it was projected that the funds for the FY 2015 UPWP TSOP project would carry forward to the FY 2016 UPWP. However, during the Spring of 2015 many TSOP projects were initiated and completed. An on-call consultant project is needed to continue to provide the ongoing technical assistance to local agencies during FY 2016. An amendment is needed to the Fiscal Year 2016 MAG Unified Planning Work Program and Annual Budget to add a new on-call consultant project with a budget of \$300,000 in contingency funds. If the amendment is approved, it is anticipated that a list of TSOP projects will be generated through a call for projects and considered through the MAG committee process in the coming months. These projects will be assigned to qualified on-call consultants that have been approved through the MAG process and carried out between January and June of 2016. Please refer to the enclosed material.

*5E. Amendment to the FY 2016 MAG Unified Planning Work Program and Annual Budget to Add the Northern Parkway Project Refinement and Implementation Study

The Northern Parkway project is the largest project in the Arterial Life Cycle Program and represents more than \$230 million of regional investment over a 20-year period. A Design Concept Report was completed in 2010 to establish the project's general design and implementation strategy. Since that time, there have been changes in land use, population growth projections, traffic forecasts, travel behavior, and available revenues. In June 2015, MAG awarded a task order to perform a financial and operational evaluation of Northern Parkway in cooperation with the Maricopa County Department of Transportation and cities of El Mirage, Glendale, and Peoria. The financial and operational

5E. Recommend approval of an amendment to the FY 2016 MAG Unified Planning Work Program and Annual Budget to add the Northern Parkway Project Refinement and Implementation Study using \$250,000 in Arterial Life Cycle Program sales tax funds designated for planning and implementation studies.

evaluation was presented to the project partners at a workshop held on August 11, 2015; at the conclusion of the workshop, there was unanimous agreement to move forward with a more detailed refinement and implementation study of the project. An amendment to the FY 2016 MAG Unified Planning and Work Program and Annual Budget is needed to add the Northern Parkway Project Refinement and Implementation Study. Please refer to the enclosed material.

ENVIRONMENTAL ITEMS

*5F. EPA Notice Proposing to Reclassify the Maricopa Eight-Hour Ozone Nonattainment Area From Marginal to Moderate for the 2008 Ozone Standard

On August 27, 2015, the Environmental Protection Agency (EPA) published a notice in the Federal Register proposing to take actions for each of the 36 nonattainment areas currently classified as Marginal for the 2008 ozone standard (0.075 parts per million). In the notice, EPA is proposing to determine that the Maricopa Eight-Hour Ozone Nonattainment Area did not attain the standard by the July 20, 2015 attainment date, did not qualify for a one-year extension of the attainment date, and would be reclassified from Marginal to Moderate. The attainment date for Moderate Areas is July 20, 2018. A new plan will be due by January 1, 2017 to address the Moderate Area requirements. The plan is required to demonstrate at least a 15 percent reduction in volatile organic compound emissions over a six year period (2012-2017). Since the attainment date is in the middle of the summer ozone season, the plan is required to demonstrate attainment of the standard in the prior 2017 ozone season. In addition, the region will need to have clean data at the air quality monitors in 2017 to meet the standard. MAG is closely coordinating with the Maricopa County Air Quality Department, Arizona Department of Environmental Quality, and Arizona Department of Transportation on the plan. The deadline for submitting comments to the EPA is September 28, 2015. Please refer to the enclosed material.

5F. Information and discussion.

GENERAL ITEMS***5G. MAG FY 2017 PSAP Annual Element/Funding Request and FY 2017-2021 Equipment Program**

Each year, the MAG Public Safety Answering Point (PSAP) Managers submit inventory and upgrade requests that are used to develop a five-year equipment program that forecasts future 9-1-1 equipment needs of the region and enables MAG to provide estimates of future funding needs to the Arizona Department of Administration (ADOA). The ADOA Order of Adoption stipulates allowable funding under the Emergency Telecommunications Services Revolving Fund. On August 13, 2015, the MAG PSAP Managers Group recommended approval of the MAG FY 2017 PSAP Annual Element/Funding Request and FY 2017-2021 Equipment Program. This item is on the September 1, 2015, MAG 9-1-1 Oversight Team agenda. An update will be provided on action taken by the Committee. Please refer to the enclosed material.

5G. Recommend approval of the MAG FY 2017 PSAP Annual Element/Funding Request and FY 2017-2021 Equipment Program.

ITEMS PROPOSED TO BE HEARD**6. Request for Second Deferral of the City of Phoenix Multiuse Path Project at Indian School Road and the Grand Canal**

The City of Phoenix has requested to defer its Fiscal Year (FY) 2015 multiuse path construction project on the Grand Canal near Indian School Road and 16th Street. This project was previously deferred from FY 2014 to FY 2015 and is identified in the FY 2014-2018 MAG Transportation Improvement Program (TIP) as PHX14-101. The MAG Federal Programming Guidelines require approval through the MAG Committee process for a second deferral of a project. To receive a second deferral, the project sponsor, in presentations before MAG committees, must establish that the cause of the project deferral was beyond the control of the project sponsor and that the sponsor has identified the problem causing the delay, continues to provide financial and staff commitment to the project, and has a plan and schedule for addressing the problem and completing the project. The

6. Recommend approval of a second deferral by the City of Phoenix from FY 2015 to FY 2017, for the multiuse path project at Indian School Road and the Grand Canal, TIP listing PHX14-101.

second deferral by the City of Phoenix from FY 2015 to FY 2017 for the multiuse path project at Indian School Road and the Grand Canal was recommended for approval on August 18, 2015, by the Bicycle and Pedestrian Committee, and on August 27, 2015, by the MAG Transportation Review Committee. Please refer to the enclosed material.

7. Resolution of Structural Issues With Using Special Census Numbers to Distribute State Shared Revenues

In April 2015, issues involving the population numbers to distribute state shared revenues were discussed. Historically, since the 1970's state shared revenues have been distributed using decennial or special census population numbers. State estimates have not been used due to accuracy issues using state population numbers. Due to Arizona being one of the fastest growing states in the nation, since 1975 a regional special census has been conducted in 1975, 1985, 1995 and a census survey was conducted in 2005. Following the 2005 census survey, the Bureau of the Census notified MAG that a survey could no longer be conducted. The Bureau also provided cost estimates for conducting a door to door census, ranging in cost from \$65 million to \$70 million. The Bureau also noted that approximately 35,000 enumerators would need to be hired to conduct a door to door census. Due to the cost and the inability to hire the enumerators to conduct a special census in 2015, it was determined that a regional special census would not be possible. Although a regional special census was not contemplated, Arizona state statutes provide that individual cities could work with the Bureau and conduct their own special census. To provide a better way to distribute state shared revenues, cities are exploring legislation using either state estimates that are subject to improvement, or federal estimates to allocate the funding. This would provide all of the cities in Arizona a yearly number and avoid the sharp adjustments needed every five years. To find an equitable solution for the seven cities that are proceeding this year with a special census, it is

7. Recommend approval of establishing a special projects fund at MAG to reimburse the seven cities in the MAG region that contracted to conduct a special census in 2015 for 50 percent of their special census costs, estimated at \$8,139,341, spread over approximately a five-year period.

being proposed that these cities in the MAG region receive 50 percent of their costs incurred and that a special fund be created at MAG for reimbursement purposes. The seven special census cities would use these funds over approximately a five-year period. Please refer to the enclosed material.

8. Update on the ADOT Passenger Rail Study: Tucson to Phoenix

Staff from the Arizona Department of Transportation (ADOT) will present the next step of the Passenger Rail Corridor Study: Tucson to Phoenix. ADOT plans to publish the Tier I draft environmental impact statement for review. This update will provide an overview of the technical and environmental analysis, as well as agency and public feedback on the proposed rail corridor. Please refer to the enclosed material.

9. Legislative Update

An update will be provided on legislative issues of interest.

10. 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.

11. 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.

Adjournment

8. Information and discussion.

9. Information, discussion, and possible action.

10. Information.

11. Information.

MINUTES OF THE
MAG MANAGEMENT COMMITTEE MEETING
August 5, 2015
MAG Office, Saguaro Room
Phoenix, Arizona

MEMBERS ATTENDING

- * Darryl H. Crossman, Litchfield Park, Chair
- Ed Zuercher, Phoenix, Vice Chair
- Matt Busby for Bryant Powell, Apache Junction
- David Fitzhugh, Avondale
- George Diaz for Stephen Cleveland, Buckeye
- * Gary Neiss, Carefree
- Peter Jankowski, Cave Creek
- Marsha Reed, Chandler
- Amber Wakeman for Dr. Spencer Isom, El Mirage
- # Jess Knudson for Lisa Garcia, Florence
- Alfonso Rodriguez for Phil Dorchester, Fort McDowell Yavapai Nation
- Grady Miller, Fountain Hills
- * Ernest Rubi, Gila Bend
- * Tina Notah, Gila River Indian Community
- Patrick Banger, Gilbert
- Brent Stoddard for Dick Bowers, Glendale
- Brian Dalke, Goodyear
- * Rosemary Arellano, Guadalupe
- * Gregory Rose, City of Maricopa
- Christopher Brady, Mesa
- Kevin Burke, Paradise Valley
- Jeff Tyne for Carl Swenson, Peoria
- # Louis Andersen for Greg Stanley, Pinal County
- John Kross, Queen Creek
- * Bryan Meyers, Salt River Pima-Maricopa Indian Community
- * Fritz Behring, Scottsdale
- Rick Buss for Bob Wingenroth, Surprise
- Marge Zylla for Andrew Ching, Tempe
- Reyes Medrano, Tolleson
- Joshua Wright, Wickenburg
- Jeanne Blackman, Youngtown
- Sintra Hoffman for John Halikowski, ADOT
- Joy Rich for Tom Manos, Maricopa County
- John Farry for Steve Banta, Valley Metro/RPTA

* Those members neither present nor represented by proxy.

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

1. Call to Order

The meeting of the MAG Management Committee was called to order by Vice Chair Ed Zuercher, Phoenix, at 12:00 p.m.

2. Pledge of Allegiance

Mr. John Kross led the Pledge of Allegiance.

Mr. Louis Anderson, Mr. Matt Busby, and Mr. Jess Knudson joined the meeting via teleconference.

Vice Chair Zuercher welcomed Mr. Grady Miller, who was named Town Manager for Fountain Hills.

Vice Chair Zuercher announced that public comment cards were available to members of the public who wish to comment on items for action or under MAG's jurisdiction.

Vice Chair Zuercher stated that parking validation was available for those who parked in the MAG parking garage and transit tickets were available for those who purchased transit tickets to come to the meeting. Hearing assisted devices were available from MAG staff.

3. Call to the Audience

Vice Chair Zuercher 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. 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. A total of 15 minutes will be provided for the Call to the Audience agenda item, unless the committee requests an exception to this limit.

Vice Chair Zuercher recognized public comment from Ms. Dianne Barker, who noted that the Chair had been a teacher in his former occupation and likely was more inclusive. Ms. Barker stated that she used multimodal options to travel to the Management Committee meeting and she appreciated receiving a transit ticket. She said that although rapid buses are the best value in the Valley, she thought there was always room for improvement. Ms. Barker reported how she used to visit her parents in Mesa using transit. Ms. Barker encouraged decision makers to consider comments made by citizens. She stated that the Arizona Department of Environmental Quality needs more information in decision making. Ms. Barker indicated she thought efforts to publicize measures to reduce pollution in the trip reduction plan should be increased and discussed at meetings. She noted that the 1992 plan includes a requirement for a five percent reduction in single occupant vehicle travel. Vice Chair Zuercher thanked Ms. Barker.

4. Executive Director's Report

Mr. Dennis Smith, MAG Executive Director, reported on items of interest to the MAG region. He announced that a press conference and signing ceremony will take place August 20, 2015, at the League of Arizona Cities and Towns. The event will commemorate a partnership between the Building an International Economic Network (BIEN) partners and CANACINTRA promoting the (ConnectBIEN.com) website in Mexico. Mr. Smith noted that CANACINTRA is a type of chamber of commerce in Mexico consisting of approximately 30,000 members.

Mr. Smith extended MAG's appreciation to ADOT and specifically to Mr. Reza Karimvand and his team for their efforts that resulted in an increase in the number of hours and days when electronic message boards will transmit messages to drivers on Valley freeways. He stated that

ADOT now has 82 overhead message boards, which can display messages to drivers on such things as commute times and crashes.

Mr. Smith stated that MAG, in partnership with Read on Arizona and the Virginia Piper Foundation, produced an educational viewer of preschool through grade three. He explained that the viewer displays education test scores and demographics for public and charter grade schools throughout Arizona. Mr. Smith acknowledged the contributions of MAG staff members Anubhav Bagley and Verne Wolfley to develop the viewer. He stated that the viewer website will be unveiled August 25, 2015. Mr. Smith spoke of school clubs, such as the robotics club at Carl Hayden High School, which defeated MIT in a robotics competition. He said that clubs such as these operate on very small amounts of funds and he suggested that cities could sponsor robotics teams in their high schools and perhaps bringing this through the MAG process. Mr. Smith noted that some of the students from this program have graduated Summa Cum Laude in engineering at ASU and the program has been sanctioned by AIA.

Mr. Smith stated that MAG will be conducting a Household Travel Survey of 7,000 households regarding their travel. He noted that the survey will be conducted in Maricopa, Pinal, and portions of Yavapai and Gila counties. Residents who choose to participate will be asked to provide details of the travel patterns of those living in the household.

Mr. Smith stated that at the direction of the MAG Executive Committee, a MAG Annual Report has been produced. He noted that copies have been provided to each member agency for distribution to their council members or public. Mr. Smith stated that extra copies are available.

Vice Chair Zuercher thanked Mr. Smith for his report. He noted that he recently visited the state of Michigan and electronic messaging signs on its freeways are operational at all times. He extended his appreciation to ADOT for increasing the operating time of the electronic message signs on the region's freeways.

5. Approval of Consent Agenda

Vice Chair Zuercher stated that agenda items #5A, #5B, #5C, #5D, #5E, #5F, and #5G were on the Consent Agenda.

Vice Chair Zuercher recognized public comment from Mr. Marvin Rochelle, who stated that he suggested to ADOT in 1997 that Interstate 17 should be double-decked. He said ADOT finally admitted in 2002 that he was right, but the double-decking has still not occurred. Mr. Rochelle stated that Interstate 17 and Interstate 10 from Phoenix are bad situations and need to be taken care of soon because federal money is getting tight. He stated that his average ride into downtown Phoenix at 6:30am from the Loop 101 area on Interstate 10 is 45 minutes. Mr. Rochelle stated that people oppose double decking the HOV lanes and tolls, but having a toll is less expensive than a 45-minute drive due to fuel costs, emissions, and time spent. Vice Chair Zuercher thanked Mr. Rochelle.

Vice Chair Zuercher recognized public comment from Ms. Dianne Barker, who expressed appreciation for Mr. Rochelle's participation. She expressed that her comments had been reflected accurately in the meeting minutes. Ms. Barker noted that as transportation commissioner, she will serve the people, but will speak for herself. She remarked that the region still has PM-10 and ozone problems. Ms. Barker spoke of the discussion on the Phoenix transportation election and indicated there needs to be a commitment to multimodalism. She noted that anything approved at the City of Phoenix must be approved at MAG. Vice Chair Zuercher thanked Ms. Barker.

Vice Chair Zuercher asked members if they had questions or requests to hear a presentation on any of the Consent Agenda items. None were noted.

Vice Chair Zuercher called for a motion to recommend approval of Consent Agenda items #5A, #5B, #5C, #5D, #5E, #5F, and #5G.

Ms. Jeanne Blackman moved, Mr. Kevin Burke seconded, and the motion passed unanimously.

5A. Approval of the June 10, 2015, Meeting Minutes

The MAG Management Committee, by consent, approved the June 10, 2015, meeting minutes.

5B. ADOT Red Letter Process

In June 1996, the MAG Regional Council approved the Arizona Department of Transportation (ADOT) Red Letter process, which requires MAG member agencies to notify ADOT of potential development activities in freeway alignments. Development activities include actions on plans, zoning, and permits. ADOT has forwarded a list of notifications from January 1, 2015, to June 30, 2015. Seven of the 87 notices received have an impact to the state highway system.

5C. MAG Federally Funded, Locally Sponsored Project Development Status Report

The MAG Management Committee, by consent, recommended acceptance of the MAG Federally Funded, Locally Sponsored Project Development Status Report. The MAG Federal Fund Programming Guidelines & Procedures were first approved by the MAG Regional Council on October 26, 2011, and were updated by the Regional Council on June 24, 2015. They outline the requirements for local agencies to submit information on the development and status of their federally funded projects. The Project Development Status Report focuses on projects funded with suballocated Federal Highway Administration funds (Congestion Mitigation and Air Quality Improvement, Highway Safety Improvement Program, regionwide Transportation Alternatives, and Pinal County Surface Transportation Program). These projects are programmed to obligate in Federal Fiscal Year (FFY) 2016 and 2017. The Status Report was recommended for acceptance by the MAG Transportation Review Committee on July 23, 2015.

5D. Programming of Transportation Alternatives/Safe Routes to School Projects in FY 2016-2017

The MAG Management Committee, by consent, recommended approval of the list of six projects, in the amounts shown in the handout provided, with a total budget of \$305,650 in FY 2016 and a budget of \$50,000 in FY 2017. Through prior MAG action, a total of \$400,000 in Transportation Alternatives funds is set aside each fiscal year for Safe Routes to School non-infrastructure projects. A call for qualifying projects was issued in March 2015 to program \$400,000 in FY 2016, and \$463,707 in FY 2017 (includes \$63,707 moved to FY 2017 from an earlier year). Six project applications requesting a total of \$305,650 in FY 2016 and one project application for \$50,000 in FY 2017 were received. On July 21, 2015, the Transportation Safety Committee conducted a technical review and evaluation of the project applications and recommended approval of a list of projects. The list of projects was recommended for approval by the MAG Transportation Review Committee on July 23, 2015. Available Transportation Alternatives/Safe Routes to School funds exceed the amounts needed to program the recommended projects for FY 2016 and FY 2017. Remaining Transportation Alternatives/Safe Routes to School funds will be programmed as part of the MAG Transportation Improvement Program call for projects to be announced in August 2015.

5E. Amendment to the FY 2016 MAG Unified Planning Work Program and Annual Budget to Add the RTSIMS Software Enhancements and Maintenance On-Call Project

The MAG Management Committee, by consent, recommended approval to amend the FY 2016 MAG Unified Planning Work Program and Annual Budget to add the new Transportation Safety Planning on-call project named RTSIMS Software Enhancements and Maintenance On-Call, and to increase the FY 2016 MAG Unified Planning Work Program and Annual Budget by \$40,000 using the Arizona Department of Transportation state funds provided for this work. MAG has developed a custom software tool for performing crash data analysis named Regional Transportation Safety Information Management System, or RTSIMS. This effort is funded by a grant provided by the Arizona Department of Transportation to support regional road safety planning. The software tool is used extensively by MAG staff for performing crash data analysis. The current version of the software was last updated in 2013. A new project is proposed to be added under the projects in the existing on-call contract. The project will implement a number of software enhancements and also provide one year of maintenance support. A consultant from the approved list of MAG On-Call consultants will be utilized to conduct the project. An amendment to the FY 2016 MAG Unified Planning Work Program and Annual Budget is being requested to add the RTSIMS Software Enhancements and Maintenance On-Call project.

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

A status report was provided on the remaining PM-10 certified street sweeper projects that have received approval, but have not requested reimbursement. To address new Federal Highway Administration procedures to minimize inactive obligations and to assist MAG in reducing the amount of obligated federal funds carried forward in the MAG Unified Planning Work Program and Annual Budget, we are requesting that street sweeper projects for FY 2015 CMAQ funding

be purchased and reimbursement requests be submitted to MAG within one year from the date of the MAG authorization letter.

5G. Conformity Consultation

The Maricopa Association of Governments is conducting consultation on a conformity assessment for an amendment and administrative modification to the FY 2014-2018 MAG Transportation Improvement Program and 2035 Regional Transportation Plan. The amendment and administrative modification involve several projects, including Arizona Department of Transportation and other miscellaneous projects. The amendment includes projects that may be categorized as exempt from conformity determinations. The administrative modification includes minor project revisions that do not require a conformity determination.

6. Streamlining of the 208 Water Quality Management Plan Process

Vice Chair Zuercher expressed appreciation to MAG for taking the lead on this issue. He remarked that this was a significant topic of discussion.

Mr. Dennis Smith stated that the process for streamlining the 208 Water Quality Management Plan process was a team effort. He credited the assistance of MAG staff, Ms. Julie Hoffman and Ms. Lindy Bauer, and it was truly a team effort among many entities.

Ms. Julie Hoffman provided the staff report. She noted that in September 2014, she reported to the Management Committee on efforts by the Arizona Department of Environmental Quality (ADEQ) to streamline the 208 Water Quality Management Plan Process. She noted that ADEQ had been working with the State Water Quality Management Working Group, which includes representatives from the councils of governments across the state, who had expressed concern with the ADEQ streamlining approach that would result in the issuance of permits for wastewater treatment facilities without first going through the 208 Process and receiving Regional Council approval.

Ms. Hoffman stated that during her reports in September 2014, the members of the Management Committee and Regional Council also expressed concern with the ADEQ streamlining approach. She indicated that on October 1, 2014, MAG staff met with the ADEQ director and discussed the concerns of the MAG member agencies. The ADEQ director indicated that ADEQ is committed to reducing its permitting time and being more responsive to its customers, the regulated community.

Ms. Hoffman stated that there was a lot of common ground discussed at the meeting. MAG shares the importance of economic development for the region with ADEQ and agreed to work with ADEQ on streamlining options that would not jeopardize the integrity of the 208 Process. Ms. Hoffman stated that the goal of this streamlining effort was to make the 208 Process more efficient and the region more globally competitive.

Ms. Hoffman stated that MAG was designated by the Governor as the Regional Water Quality Management Planning Agency for Maricopa County in accordance with Section 208 of the Clean Water Act. It is in this capacity that MAG prepares the 208 Water Quality Management Plan. Ms. Hoffman noted that the MAG 208 Plan only applies to Maricopa County.

Ms. Hoffman stated that there are two major elements of the MAG 208 Plan: the Point Source element and the Nonpoint Source element. She explained that the Point Source element describes the preferred wastewater treatment system to serve the wastewater treatment needs of the region over a twenty-year planning period. The Nonpoint Source element primarily describes the regional surface and groundwater quality, and the federal and state program activities designed to control nonpoint source pollution.

Ms. Hoffman stated that there are a number of permits and approvals linked to the MAG 208 Plan and it is the key guiding document used by ADEQ and Maricopa County in granting permits for wastewater treatment plants in the MAG region. Ms. Hoffman stated that consistency is required for Aquifer Protection Permits and Arizona Pollutant Discharge Elimination System Permits issued by ADEQ and for the Approval to Construct issued by the Maricopa County Environmental Services Department.

Ms. Hoffman stated that a small Stakeholder Group was formed for evaluation of the 208 Process. The MAG member agencies on the stakeholder group included representatives from the West Valley, East Valley, the central city and Maricopa County. The Stakeholder Group also included representatives from private utilities, the homebuilders, and the Arizona Department of Environmental Quality. Representatives included Roger Klingler from the City of Buckeye, Javier Setovich from the City of Glendale, Brandy Kelso from the City of Phoenix, John Kross from the Town of Queen Creek, Dale Bodiya from Maricopa County, Troy Day from EPCOR, Bhaskar Kolluri from Liberty Utilities, Spencer Kamps from the Homebuilders Association of Central Arizona, Ray Jones, a consultant used by the homebuilders on water issues whom the homebuilders requested be included in the group, and Trevor Baggio, Linda Taunt, Debra Daniel, Edwina Vogan from the Arizona Department of Environmental Quality.

Ms. Hoffman stated that five stakeholder meetings were conducted where the group evaluated the entire 208 Process, streamlining from the point in which the applicant contacts the jurisdiction in which the facility would be located, until approval by the Environmental Protection Agency.

Ms. Hoffman stated that a proposal has been developed that identifies the streamlining efforts of the stakeholder group. And these streamlining efforts identified in the proposal have shortened the 208 Process from approximately 18 to 24 months to approximately nine months – a 50 to 63 percent reduction in the overall timeline for a 208 amendment.

Ms. Hoffman stated that as part of the streamlining process, improvements have been made to the local process (before an amendment is submitted to MAG), to the MAG process (at the regional level), and to the ADEQ process (from the point in which the approved amendment is submitted to ADEQ from MAG). She noted that these improvements are identified in the draft proposal.

Ms. Hoffman stated that MAG developed two business-friendly fact sheets that describe when an amendment is required or not required and a step-by-step description of the 208 Process. She noted that MAG also developed two streamlined 208 amendment checklists that only require information that would be pertinent to each specific type of amendment. Ms. Hoffman added that other areas of the country were contacted and a white paper was prepared describing their 208 processes.

Ms. Hoffman stated that the Stakeholder Group also thoroughly reviewed the 208 planning approach used in SouthEastern Arizona Governments Organization and Yuma County. ADEQ staff provided two presentations to the Stakeholder Group on the 208 planning approach used in these rural areas.

Ms. Hoffman stated that the draft proposal identified improvements to the 208 Process that do not jeopardize the integrity of the 208 Process. Improvements to the MAG member agency portion of the 208 Process provide clarity, assistance to the business community, and a shortened timeframe.

Ms. Hoffman stated that the applicant would contact the jurisdiction in which the facility would be located to discuss the need for the amendment and the pre-application packet that would be developed by MAG and made available on the MAG website. If an amendment is required, the applicant would complete the appropriate checklist, draft the amendment document, and submit it to the sponsoring jurisdiction.

Ms. Hoffman stated that a 60-day deadline has been set for the sponsoring jurisdiction to determine an application complete. Once determined complete, a deadline of 60 days is set for the sponsoring jurisdiction to review the amendment and submit it to MAG. Also, during the 60-day review period, the sponsoring jurisdiction would conduct a workshop with jurisdictions within three miles of the amendment to inform them on the amendment and request letters of no objection, support, or comment. Ms. Hoffman stated that the sponsoring jurisdiction would also provide updates to MAG staff on these timelines so that MAG knows when the amendment would be coming to MAG. In addition, the applicant would identify and contact any private utilities within three miles of the amendment.

Ms. Hoffman stated that improvements to the MAG portion of the 208 Process include changes that provide clarity, transparency, and a shortened timeframe due to the pre-application packet. The pre-application packet would include fact sheets on when an amendment is required and not required, and a step-by-step description of the 208 Process, streamlined 208 amendment checklists, and links to previously approved amendments to use as an example. The pre-application packet would be made available on the MAG website.

Ms. Hoffman stated that an amendment would no longer be required for service area expansions. Instead, the impacted jurisdictions would provide letters to MAG indicating that there is agreement on the service area expansion. Ms. Hoffman stated that a representative from the Water Utilities Association of Arizona would be included on the MAG Water Quality Advisory Committee. MAG would also develop a table for the MAG Water Quality Advisory Committee

on the reviews and approvals conducted by other agencies for wastewater treatment facility permits for information.

Ms. Hoffman stated that improvements on the ADEQ portion of the 208 Process provide for parallel processing, concurrent reviews, and a shortened timeframe. A major change is ADEQ indicating that they could issue conditional Aquifer Protection Permits and/or Arizona Pollutant Discharge Elimination System Permits, which would allow for parallel processing and concurrent reviews with the 208 Process. Ms. Hoffman noted that this is significant since previously, ADEQ would not proceed with reviewing an Aquifer Protection Permit or Arizona Pollutant Discharge Elimination System Permit application until the 208 amendment was approved. Ms. Hoffman stated that ADEQ would now be able to conduct its review at the same time the 208 amendment is going through the process. In addition, the State Water Quality Management Working Group could meet as needed and use conference calls to save time.

Ms. Hoffman stated that ADEQ has indicated that it will make its certification decision within 15 days. If there is no Clean Water Act nexus, the process would be complete. If there is a Clean Water Act nexus, which would be the amendments in this region, such as a new plant discharge, ADEQ would submit the amendment to the Environmental Protection Agency for approval. If no comments are received from the Environmental Protection Agency within 30 days, ADEQ considers the amendment approved.

Ms. Hoffman stated that in general, these improvements to the MAG 208 Process identified in the proposal were the consensus of the Stakeholder Group. She noted the homebuilders representative on the Stakeholder Group indicated that they got more out of the streamlining process that they thought they would, however, it did not go far enough. They preferred that any entity be able to bring an amendment to MAG. Ms. Hoffman stated that the MAG member agencies on the Stakeholder Group felt sponsorship of a 208 amendment was important and so there was not agreement on that. Ms. Hoffman stated that the Stakeholder Group has requested that corresponding changes be made to the MAG Small Plant Review and Approval Process. This process is used for wastewater treatment facilities 2.0 million gallons per day or less with no discharge.

Ms. Hoffman stated that the Stakeholder Group also requested that an annual evaluation be conducted of the streamlined 208 Process to determine if there is a need for any additional improvements. Ms. Hoffman expressed appreciation to the Stakeholder Group for their participation and for sharing their ideas to make the 208 process more efficient and business friendly.

Vice Chair Zuercher thanked Ms. Hoffman for her report. He asked Mr. John Kross if he would like to add any comments.

Mr. Kross stated that during this three-month process, he learned a lot about the Clean Water Act and a lot of interesting issues were discussed. He stated that sponsorship was discussed and the Stakeholders Group recommended a 60-day filing stipulation for submittal of the 208 amendment to MAG so there is a time limit when the application has to move forward. Mr. Kross stated that

the MAG member agencies felt this was a significant response to the sponsorship issue and moving the process forward. He stated that the Stakeholders Group reviewed the parameters of the Clean Water Act as it relates to Section 208. Mr. Kross noted that the Act and Section 208 are somewhat broad with respect to the issues local governments are required to review before issuing permits. Those include such issues as economic, social, environmental, transportation, and land use. Mr. Kross stated that the other stakeholders wanted that review to be more narrowed. He noted that the MAG member agencies in the Stakeholders Group felt it was important to retain in the amendment process that sponsoring agencies have a broader perspective review so stakeholders can have a dialogue regarding impacts and potentially unforeseen issues. Mr. Kross noted that MAG staff provided significant research and did outstanding work to make the streamlining process easier.

Mr. John Kross moved to recommend approval of the Draft Proposal for Streamlining the 208 Water Quality Management Plan Process. Mr. Brian Dalke seconded.

Vice Chair Zuercher noted that no public comment cards had been received. Vice Chair Zuercher asked if the Stakeholders Group would stay together to provide the annual reviews that were requested. Ms. Hoffman replied yes. Vice Chair Zuercher asked members if they had questions.

Mr. Brent Stoddard complimented MAG staff and echoed the remarks by Mr. Kross. He remarked that 208 Water Quality Management Planning is a critical issue and the battle for cities to control their own destinies with water was fought years ago. Mr. Stoddard stated that we are not perfect and want to find ways to streamline processes and improve efficiency. He commented that the way MAG approached this, with stakeholders that know their business and the process, is a model on how good work can be accomplished. Mr. Stoddard extended his appreciation to MAG staff and Mr. Kross. He said they are very happy with the effort and realize the work is not yet done. Mr. Stoddard stated that a lot was on the line and what was accomplished was critical.

With no further discussion, the motion passed. The votes of Mr. Jess Knudson and Mr. Louis Andersen were abstentions, in observance of the MAG By-Laws regarding Pinal County voting: "Members of MAG that are in the Pinal County Area are entitled to vote on all matters coming before any meetings of its membership except those that are exclusive to the Maricopa County Boundary defined by State Law or through a planning designation by a Governor's Executive Order, including but not limited to the Transportation Excise Tax enacted by Maricopa County, Section 208 Water Quality Management Planning, and Solid Waste Management Planning."

7. Programming of Road Safety Projects in FY 2016-2018

Ms. Margaret Boone, MAG staff, reported that the Arizona Department of Transportation receives nearly \$42 million in federal Highway Safety Improvement Program (HSIP) funds each fiscal year for road safety improvements. She noted that 20 percent of that allocation is provided to Arizona councils of governments and metropolitan planning organizations to program qualifying projects. Ms. Boone stated that MAG's suballocation is \$1.9 million of the \$42 million.

Ms. Boone reported that in May 2015, ADOT announced a new process for programming HSIP funds that stipulates FY 2018 as the last year of the HSIP suballocation to MAG. In the new program, all HSIP projects would compete for project funding statewide and there will be no suballocation to any Arizona council of governments or metropolitan planning organization starting in FY 2019. Ms. Boone noted that the new guidance also included more stringent qualifying criteria, effective immediately.

Ms. Boone stated that the new HSIP criteria were incorporated into the MAG Call for Projects, which included funding from FY 2016 and FY 2017 made available from the deletion of ineligible projects or advancement of projects. She noted that the resulting amounts were approximately \$323,000 for FY 2016 and \$257,054 for FY 2017, along with the full \$1.9 million suballocation for FY 2018.

Ms. Boone reviewed the Call for Projects for FY 2016, FY 2017, and FY 2018. She said that two projects were received from Apache Junction, two from Glendale, and one from Tempe. Ms. Boone advised that the Apache Junction projects were subsequently withdrawn following ADOT pre-review of project eligibility for federal funds. The three projects remaining were recommended for approval by the Transportation Safety Committee on July 21, 2015, and the Transportation Review Committee on July 23, 2015.

Ms. Boone described the projects. She stated that the first Glendale project is to install flashing yellow arrows at 12 intersections and implement intersection modifications. She noted that this option is established as safer and more easily understood by motorists than “yield on green ball.” Ms. Boone added that the City plans on funding the installation at all of their major arterial intersections in future phases.

Ms. Boone stated that the second Glendale project is for the procurement and installation of GPS-based emergency vehicle preemption devices to be installed at 48 locations. She reported that the project was proposed based on a Glendale Council and management goal to decrease response times while increasing emergency vehicle safety. Ms. Boone noted that this equipment allows intersections to return to normal operation more quickly, which could reduce the potential of secondary crashes.

Ms. Boone stated that the Tempe project is for safety improvements at the intersection of Rural Road and Southern Avenue. She indicated that the basis for this application was the consistent high crash ranking of the location both in the City of Tempe and MAG. Ms. Boone explained that a road safety assessment for this location was completed in 2011 and a project assessment in 2015.

Ms. Boone stated that pending MAG approval, the list was submitted to ADOT to meet its deadline of July 31, 2015.

Vice Chair Zuercher asked if there was a way to grow this pot of money, given the rate of safety on roadways in this region. Mr. Dennis Smith responded that after FY 2018, the suballocation to MAG will go away and MAG would participate in the application process and compete with the

rest of the state for the approximately \$42 million in safety funds. He added that due to the new, stricter guidelines, this region might rank highly in the application process.

Ms. Boone noted that due to its high rate of fatal and serious injury crashes, this region should rise to the top in the application process and ideally, receive a higher award of safety funds.

Ms. Sintra Hoffman stated that Mr. Smith stated the process well. She indicated that streamlining is difficult. Ms. Hoffman remarked that she loved MAG, but there are a lot of needs statewide and that is the reason changes were made. She noted that the criteria will be looking at the needs.

Mr. Smith stated that he thought the MAG region would be all right if the process is data-driven.

With no further discussion, Ms. Jeanne Blackman moved to recommend approval of a list of safety projects to be funded with the available Highway Safety Improvement Program (HSIP) funds suballocated to MAG in FY 2016-2018. Mr. Rick Buss seconded, and the motion passed unanimously.

8. Project Changes - Amendment and Administrative Modification to the FY 2014-2018 MAG Transportation Improvement Program, FY 2016 Arterial Life Cycle Program, and as Needed, to the 2035 Regional Transportation Plan

Ms. Teri Kennedy, MAG staff, reported on requested project changes. Ms. Kennedy noted that the FY 2014-2018 MAG Transportation Improvement Program is a \$7.5 billion program. She noted that most of the project changes being requested are very general in nature.

Ms. Kennedy stated that Congress approved a continuation to fund surface transportation authorization for three months. She noted that the late signing puts MAG in a precarious position because the apportionment number is not yet known. Ms. Kennedy stated that MAG staff will work with ADOT on the regional freeway/highway program. She explained that she expected that a few changes will be forthcoming from ADOT between now and the August 26 Regional Council meeting, so there would be a couple of changes to the project change tables.

Ms. Kennedy also noted that there are currently six projects on the suballocation ledger that will not be able to authorize this year in the amount of \$4.5 million. She stated that another project is needed to advance, otherwise the funds could be at risk to be lost. Ms. Kennedy noted that the suballocated amount is expected to be known in the next couple of weeks and staff anticipates this will be a very busy time. She added that the funds on any project that advances are not added money, it is early money.

Vice Chair Zuercher thanked Ms. Kennedy for her report and asked if there were questions. There were none.

Mr. John Kross moved to recommend approval of amendments and administrative modifications to the FY 2014-2018 MAG Transportation Improvement Program, FY 2016 Arterial Life Cycle

Program, and as needed, to the 2035 Regional Transportation Plan. Mr. Patrick Banger seconded, and the motion passed unanimously.

9. Legislative Update

Mr. Nathan Pryor, MAG staff, provided a report on legislative issues of interest. He stated that surface transportation authorization was extended through October 31, 2015. Mr. Pryor stated that the Senate passed its version of reauthorization, the DRIVE Act (Developing a Reliable, Innovative Vision for the Economy), which is a six-year proposed bill with only three years of funding sources identified.

Mr. Pryor noted that the extension does create some certainty, but he noted there are still some concerns. For example, MAP-21 resulted in an approximate 12 percent in funding reductions to the MAG region. He said that MAP-21 funding levels were pegged at 2009 allocation levels and tied to the 2000 Census, which hurts faster growing states such as Arizona, and benefits older areas of the country where population is relatively flat or declining.

Mr. Pryor stated that under the DRIVE Act, funding continues to erode. He said it includes less Surface Transportation Program (STP) funding because it takes 15 percent off the top for bridges. Mr. Pryor stated that Senators Wicker and Booker proposed an amendment that would increase STP funds to local areas based on population, however, it was not adopted. Mr. Pryor stated that he has had conversations with Florida MPOs, the Western Regional Alliance, and Transportation for America and work continues to call attention to this issue in the House.

Mr. Pryor then addressed Arizona House Bill (HB) 2617, which was passed in the late hours of the legislative session. Mr. Pryor noted that HB 2617 would transfer annually almost \$3 million in sales tax funds (approximately \$2.5 million from MAG and approximately \$500,000 from the Pima Association of Governments) to fund the Arizona Department of Revenue.

Mr. Pryor stated that a working group, including Mayor Michael LeVault, Mayor W.J. "Jim" Lane, Mayor Mark Mitchell, and Supervisor Denny Barney, met with representatives from the Governor's Office. He noted that the group's findings were discussed at the June Regional Council meeting, and due to some concerns, the working group continued discussions with the Governor's Office. Mr. Pryor stated that the hope is to have some sort of accommodation by the August Regional Council meeting.

Mr. Smith stated that the Governor's Office recommended that representatives from the House and Senate attend the next group meeting in order to have a full discussion of this issue.

Vice Chair Zuercher thanked staff for the report. No questions from the Committee were noted.

10. 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 were requested.

No requests were noted.

11. Comments from the Committee

An opportunity was 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.

No comments were noted.

Adjournment

There being no further business, the meeting was adjourned at 1:00 p.m.

Chair

Secretary

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

DATE:

September 1, 2015

SUBJECT:

MAG Pedestrian and Bicycle Facilities Design Assistance Program

SUMMARY:

The FY 2016 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2015, includes \$400,000 for the MAG Pedestrian and Bicycle Facilities Design Assistance Program. The Design Assistance Program allows MAG member agencies to apply for funding for up to 15 percent design plans of a bicycle or pedestrian project. Thirteen applications from Cave Creek, Gilbert, Litchfield Park, Mesa, Peoria, Phoenix, Scottsdale, Surprise, and Tempe were received by the application deadline of June 29, 2015. These thirteen projects requested a total of \$752,800 in funding.

On July 21, 2015, the MAG Bicycle and Pedestrian Committee reviewed the applications, ranked the 13 projects, and unanimously recommended the top seven (7) ranked projects for approval:

- Mesa: Main Street Separated Bike Lanes and Complete Street Project - Gilbert Road to Power Road (\$80,000)
- Tempe: The Missing Link (\$55,000)
- Phoenix: Missouri Avenue: 43rd Avenue to 15th Avenue Bikeway Project (\$85,000)
- Phoenix: Oak Street Corridor & SR-51 Frontage Road/20th Street Bicycle Improvements (\$68,000)
- Peoria: New River Multi-Use Path: Pinnacle Peak Road to Happy Valley Road (\$36,000)
- Surprise: Pedestrian Enhancements at Greenway Road and Thompson Ranch Road (\$35,000)
- Gilbert: Signage and Wayfinding Master Plan (\$41,000)

Due to funding limitations, the below six (6) projects were not recommended for approval:

- Surprise: US-60/Grand Avenue Pedestrian Plaza (\$53,500)
- Peoria: 83rd Avenue Sidewalk and Bike Lanes (\$30,000)
- Scottsdale: McDowell Road Bike Lanes: Pima Road to 64th Street (\$105,000)
- Litchfield Park: Litchfield Road Mid-Block Pedestrian/Bicycle Crossing (\$15,500)
- Surprise: Bullard Avenue Multimodal Corridor Enhancement (\$89,800)
- Cave Creek: Cave Creek Traffic Calming Roundabouts (\$50,000)

PUBLIC INPUT:

None.

PROS & CONS:

PROS: This program assists MAG member agencies by offering professional design assistance to develop bicycle and pedestrian facilities that help reduce congestion and improve air quality.

CONS: According to federal law, any project which is not constructed after being designed with federal transportation funds could be required to return the funds used for design to the Federal Highway Administration.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: The Design Assistance Program encourages implementation of the adopted MAG Pedestrian Policies and Design Guidelines and nationally accepted bicycle facilities design practices.

POLICY: These programs encourage the development of facilities to encourage walking and bicycling.

ACTION NEEDED:

Recommend approval of funding the seven top ranked projects for the Design Assistance Program.

PRIOR COMMITTEE ACTIONS:

On August 27, 2015, the MAG Transportation Review Committee unanimously recommended the following projects for approval:

- Mesa: Main Street Separated Bike Lanes and Complete Street Project - Gilbert Road to Power Road (\$80,000)
- Tempe: The Missing Link (\$55,000)
- Phoenix: Missouri Avenue: 43rd Avenue to 15th Avenue Bikeway Project (\$85,000)
- Phoenix: Oak Street Corridor & SR-51 Frontage Road/20th Street Bicycle Improvements (\$68,000)
- Peoria: New River Multi-Use Path: Pinnacle Peak Road to Happy Valley Road (\$36,000)
- Surprise: Pedestrian Enhancements at Greenway Road and Thompson Ranch Road (\$35,000)
- Gilbert: Signage and Wayfinding Master Plan (\$41,000)

MEMBERS ATTENDING

Avondale: Jessica Blazina for David Fitzhugh
 * ADOT: Brent Cain
 * Apache Junction: Giao Pham
 # Buckeye: Scott Lowe
 * Cave Creek: Ian Cordwell
 Chandler: Dan Cook, Vice Chair
 El Mirage: Jorge Gastelum
 * Fountain Hills: Randy Harrel
 * Gila Bend: Ernie Rubi
 Gila River Indian Community: Tim Oliver
 Gilbert: Leah Hubbard
 Glendale: Debbie Albert
 * Goodyear: Cato Esquivel
 Litchfield Park: Woody Scoutten

Maricopa (City): Paul Jepson
 Maricopa County: Clem Ligocki for Jennifer Toth
 # Mesa: Jeff Martin for Scott Butler
 * Paradise Valley: Jim Shano
 * Peoria: Andrew Granger
 Phoenix: Ray Dovalina
 # Pinal County: Louis Andersen
 Queen Creek: Mohamed Youssef
 Scottsdale: Paul Basha
 Surprise: Mike Gent
 Tempe: Shelly Seyler
 Valley Metro: Abhi Dayal for John Farry
 * Wickenburg: Vince Lorefice
 # Youngtown: Grant Anderson

EX-OFFICIO MEMBERS ATTENDING

* Street Committee: Maria Deeb, City of Mesa
 * ITS Committee: Marshall Riegel, City of Phoenix
 * FHWA: Ed Stillings

* Bicycle/Pedestrian Committee: Jim Hash, City of Mesa
 * Transportation Safety Committee: Renate Ehm, City of Mesa

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

On July 21, 2015, the MAG Bicycle and Pedestrian Committee reviewed the applications and unanimously recommended the following projects for approval:

- Mesa: Main Street Separated Bike Lanes and Complete Street Project - Gilbert Road to Power Road (\$80,000)
- Tempe: The Missing Link (\$55,000)
- Phoenix: Missouri Avenue: 43rd Avenue to 15th Avenue Bikeway Project (\$85,000)
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- Surprise: Pedestrian Enhancements at Greenway Road and Thompson Ranch Road (\$35,000)
- Gilbert: Signage and Wayfinding Master Plan (\$41,000)

MEMBERS ATTENDING

Jim Hash, Mesa, Chair
Jose Macias, El Mirage, Vice-Chair of
Bicycle and Pedestrian Committee
* Michael Sanders, ADOT
Raquel Schatz, Apache Junction
Christina Underhill, Avondale
Phil Reimer, Buckeye
* Stacy Bridge-Denzak, Carefree
Ian Cordwell, Cave Creek
Jason Crampton, Chandler
Kristin Myers, Gilbert
Purab Adabala, Glendale
Joe Schmitz, Goodyear

Mike Gillespie for Julius Diogenes,
Litchfield Park
Ryan Wozniak, Maricopa
Denise Lacey, Maricopa Coounty
Brandon Forrey, Peoria
Katherine Coles, Phoenix
Sidney Urias, Queen Creek
Susan Conklu, Scottsdale
Stephen Chang, Surprise
Eric Iwersen, Tempe
Amanda Leuker, Valley Metro
* Robert Carmona, Wickenburg
Grant Anderson, Youngtown

* Members neither present nor represented by proxy
Attended via audio-conference

CONTACT PERSON:

Alex Oreschak, MAG, (602) 254-6300

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

DATE:

September 1, 2015

SUBJECT:

MAG Valley Path Brand & Wayfinding Guidelines

SUMMARY:

The Fiscal Year (FY) 2014 MAG Unified Planning Work Program and Annual Budget included \$75,000 to develop an Off-Street Bicycle Network Wayfinding Guide and Brand Name. In November 2013, the MAG Regional Council Executive Committee selected Alta Planning + Design to conduct the MAG Off-Street Bicycle Network Wayfinding Guide project. The purpose of the project was to develop a cohesive and comprehensive wayfinding system for the more than 700 miles of off-street bikeways in this region. In conjunction with the guidelines, a brand name for the regional off-street system was developed to create a sense of place and imbue the system with a unique and memorable name. After a 14-month study process, it is requested that the MAG Management Committee recommend acceptance of the MAG Valley Path Brand & Wayfinding Guidelines final report, which includes the designation of the Valley Path brand for the off-street path network.

In May 2015, the MAG Bicycle and Pedestrian Committee recommended acceptance of the MAG Valley Path Brand & Wayfinding Guidelines final report. The final report includes a review of best practices and national standards, an inventory of existing local ordinances, a detailed overview of the Valley Path brand for the off-street path network, regional wayfinding signage guidelines, and an implementation plan. The full report can be downloaded from the MAG website at <http://www.azmag.gov/Committees/Committee.asp?CMSID=1044> under "Resource Library".

PUBLIC INPUT:

None.

PROS & CONS:

PROS: These guidelines will provide technical support for MAG member agencies as they work to continue development and enhancement of the off-street path network in the MAG region.

CONS: None.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: The MAG Valley Path Brand & Wayfinding Guidelines serve as a technical resource for MAG member agencies and incorporate best practices and national standards for off-street wayfinding.

POLICY: None.

ACTION NEEDED:

Recommend acceptance of the MAG Valley Path Brand & Wayfinding Signage Guidelines final report.

PRIOR COMMITTEE ACTIONS:

On August 27, 2015, the MAG Transportation Review Committee unanimously recommended acceptance of the MAG Valley Path Brand & Wayfinding Signage Guidelines final report.

MEMBERS ATTENDING

- Avondale: Jessica Blazina for David Fitzhugh
- * ADOT: Brent Cain
- * Apache Junction: Giao Pham
- # Buckeye: Scott Lowe
- * Cave Creek: Ian Cordwell
- Chandler: Dan Cook, Vice Chair
- El Mirage: Jorge Gastelum
- * Fountain Hills: Randy Harrel
- * Gila Bend: Ernie Rubi
- Gila River Indian Community: Tim Oliver
- Gilbert: Leah Hubbard
- Glendale: Debbie Albert
- * Goodyear: Cato Esquivel
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- * Paradise Valley: Jim Shano
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- Surprise: Mike Gent
- Tempe: Shelly Seyler
- Valley Metro: Abhi Dayal for John Farry
- * Wickenburg: Vince Lorefice
- # Youngtown: Grant Anderson

EX-OFFICIO MEMBERS ATTENDING

- * Street Committee: Maria Deeb, City of Mesa
- * ITS Committee: Marshall Riegel, City of Phoenix
- * FHWA: Ed Stillings

- * Bicycle/Pedestrian Committee: Jim Hash, City of Mesa
- * Transportation Safety Committee: Renate Ehm, City of Mesa

* Members neither present nor represented by proxy.

+ Attended by Videoconference

Attended by Audioconference

On May 26, 2015, the MAG Bicycle and Pedestrian Committee unanimously recommended acceptance of the MAG Valley Path Brand & Wayfinding Signage Guidelines final report.

MEMBERS ATTENDING

- Katherine Coles, Phoenix, Chair
- # Jim Hash, Mesa, Vice-Chair
- Michael Sanders, ADOT
- Raquel Schatz, Apache Junction
- # Christina Underhill, Avondale
- # Phil Reimer, Buckeye
- # Stacy Bridge-Denzak, Carefree
- * Ian Cordwell, Cave Creek
- Jason Crampton, Chandler
- Jose Macias, El Mirage
- Kristin Myers, Gilbert
- Purab Adabala, Glendale

- Joe Schmitz, Goodyear
- * Julius Diogenes, Litchfield Park
- * Ryan Wozniak, Maricopa
- * Denise Lacey, Maricopa Coounty
- Brandon Forrey, Peoria
- # Sidney Urias, Queen Creek
- Susan Conklu, Scottsdale
- Stephen Chang, Surprise
- # Eric Iwersen, Tempe
- Amanda Leuker, Valley Metro
- * Robert Carmona, Wickenburg
- * Grant Anderson, Youngtown

* Members neither present nor represented by proxy

Attended via audio-conference

CONTACT PERSON:

Alex Oreschak, MAG, (602) 254-6300



Valley Path



brand & wayfinding signage guidelines

May 28, 2015

★ Prepared for: Maricopa Association of Governments, AZ

Executive Summary

The Phoenix metro area's bicycle network includes nearly 670 miles of off-street pathways. A cohesive wayfinding system will unify the network as it promotes the assets of the region while creating an appealing and intuitive cycling experience for all.

The Valley Path Brand & Wayfinding Signage Guidelines serve as a technical resource to guide parks and transportation agencies as they plan, design, and implement the brand and wayfinding signage along the off-street bicycle network in the Phoenix metro area. The Maricopa Association of Governments (MAG) and member agencies developed this manual in response to requests from the public for better uniformity and consistency of wayfinding signage throughout the regional off-street bicycle network.

The MAG bikeways network includes both on- and off-street facilities. Existing off-street bicycle facilities consist of paved multi-use pathways through the urbanized areas, while the preserves occurring on the periphery of the metro area have natural surface recreational paths. On-street bike lanes and routes follow the rectilinear street grid, while the off-street network largely follows miles of stormwater facilities and historic canals. Small scale neighborhood pathways feed into larger shared-use paths which extend through multiple cities. The focus of these wayfinding guidelines is the off-street bicycle network.

This document contains the results of the important process of gathering stakeholder and community input. The information within these guidelines will assist both current users of the bicycle network to find route options and discover new destinations, as well as entice non-system users to the option of bicycling. The wayfinding guidelines are aimed at both locals and visitors and are crafted to be easily understood and readily learned, while being legible and comprehensible to a wide range of users.

The document provides guidance for system brand applications, wayfinding element design, sign messaging, sign placement, and next steps. It should be used when signing new pathways for the first time, as well as when replacing or retrofitting signs along existing pathways. MAG member agencies should follow these guidelines and continue to coordinate with valley neighbors to assure that information is conveyed to travelers in a consistent manner. The Valley Path Brand & Wayfinding Signage Guidelines are organized as follows:

Section 1: Valley Path Brand Standards

The first section of the guidelines describes the Valley Path Brand Standards. Fonts, colors, and accepted layouts and applications of the brand identity are detailed. Native artwork files shall be available from MAG so that member agencies may consistently replicate the system brand mark while retaining the quality standards described within this document.

Section 2: Valley Path Wayfinding Tools

Section 2 describes the Valley Path Wayfinding Tools with the goal of creating a unified system of elements to guide and provide information to users of the off-street bicycle network. A menu of sign options is provided, including graphic standards and design details.

Section 3: Wayfinding Guidelines

Section 3 provides guidance related to destination selection and sign placement. A hierarchy of destination types and selection criteria is given so that municipalities can consistently select and prioritize destinations for inclusion on signs. Placement guidance within this section describes how to sign the most typically encountered navigational challenges encountered while on the off-street bicycle network.

Section 4: Implementation Approach

The fourth section describes specific next steps municipalities may take towards the implementation of a wayfinding system along pathways within their community. The master plan process is described, as well as the final design and fabrication process. Finally, an estimate of unit costs and funding opportunities are described.

These guidelines are intended to offer flexibility to agencies that already have wayfinding signs in place while working towards the creation of a unified Valley Path system.

Wayfinding options following the intent of the Manual on Uniform Traffic Control Devices (MUTCD) for bicycle facilities are included within this document. It is important to be in substantial conformance with the MUTCD standards in order to retain eligibility for federally-available transportation funding resources.

These guidelines should be considered a first edition. They should be updated on a periodic basis to ensure that they remain compliant with federal standards, as well as remaining at the forefront of technical knowledge as the practice of wayfinding continues to evolve.

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

DATE:

September 1, 2015

SUBJECT:

Amendment to the Fiscal Year 2016 MAG Unified Planning Work Program and Annual Budget to Add a New On-Call Consultant Project for the Traffic Signal Optimization Program

SUMMARY:

Since its inception in Fiscal Year 2004, the MAG Traffic Signal Optimization Program (TSOP) has successfully completed more than one hundred projects that have helped improve traffic signal timing at more than 1,000 intersections across the region. At the time the MAG Fiscal Year (FY) 2016 Unified Planning Work Program and Annual Budget (UPWP) was approved by the MAG Regional Council in May 2015, it was projected that the funds for the FY 2015 UPWP TSOP project would carry forward to the FY 2016 UPWP. However, during the Spring of 2015 many TSOP projects were initiated and completed. An on-call consultant project is needed to continue to provide the ongoing technical assistance to local agencies for improving traffic signal timing and coordination during FY 2016. An amendment to the Fiscal Year 2016 Unified Planning Work Program and Annual Budget to add the Traffic Signal Optimization Program Project using \$300,000 in contingency funds to carry out the FY 2016 Traffic Signal Optimization Program is being requested.

Projects launched through this program provide technical assistance to member agencies for improving traffic signal coordination, optimization and review of operations through simulation modeling. Technical assistance is provided by qualified consultants under contract with MAG for providing on-call consulting services. In addition, a key feature of the program is an annual three-day workshop that provides training for engineers and technicians at member agencies on SYNCHRO, a software tool used to determine the best signal timing.

Traffic signal optimization is one of the most cost-effective ways to improve traffic movement and make our streets safer and efficient. Signal optimization is performed for any or all of the following reasons:

- To adjust signal timing to account for changes in traffic patterns due to new developments and traffic growth
- To reduce motorist frustration and unsafe driving by reducing stops and delay
- To improve traffic flow through a group of signals, thereby reducing emissions and fuel consumption
- To postpone the need for costly long-term road capacity improvements by improving the traffic flow using existing resources

Signal optimization projects have been found to produce benefit to cost ratios as high as 40 to 1. This program, enthusiastically championed by the MAG Intelligent Transportation Systems Committee, provides traffic engineering assistance for refining signal operations across the MAG region. These projects do not require a local match.

PUBLIC INPUT:

None has been received specific to this project. In almost every public opinion poll on transportation needs in the MAG region, improvements to traffic signal timing and coordination rank very high.

PROS & CONS:

PROS: The MAG Traffic Signal Optimization Program is highly appreciated by member agencies and provides a valuable service to the region. Traffic signal timing adjusted through optimization procedures helps the region reduce vehicular emissions and also reduce driver inconvenience without compromising safety.

CONS: None.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: None.

POLICY: None.

ACTION NEEDED:

Recommend approval of an amendment to the Fiscal Year 2016 Unified Planning Work Program and Annual Budget to add the Traffic Signal Optimization Program Project using \$300,000 in contingency funds to carry out the Fiscal Year 2016 Traffic Signal Optimization Program.

PRIOR COMMITTEE ACTIONS:

None.

CONTACT PERSON:

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

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

DATE:

September 1, 2015

SUBJECT:

Amendment to the FY 2016 MAG Unified Planning Work Program and Annual Budget to Add the Northern Parkway Project Refinement and Implementation Study

SUMMARY:

The Northern Parkway project is the largest project in the Arterial Life Cycle Program (ALCP) and represents more than \$230 million of regional investment over a 20-year period. The project, located in Northwest Maricopa County, is managed by the Maricopa County Department of Transportation (MCDOT) in partnership with the cities of El Mirage, Glendale and Peoria. Northern Parkway extends for approximately 12-miles from Loop 303 to US-60/Grand Avenue, and includes a major junction with Loop 101/Agua Fria Freeway. A Design Concept Report was completed in 2010 to establish the project's general design and implementation strategy. Since that time, there have been changes in land use, population growth projections, traffic forecasts, travel behavior, and available revenues. In June 2015, MAG awarded a task order to perform a financial and operational evaluation of Northern Parkway in cooperation with the Maricopa County Department of Transportation and cities of El Mirage, Glendale, and Peoria. The financial and operational evaluation was presented to the project partners at a workshop held on August 11, 2015; at the conclusion of the workshop, there was unanimous agreement to move forward with a more detailed refinement and implementation study of the project. An amendment to the FY 2016 MAG Unified Planning and Work Program and Annual Budget is needed to add the Northern Parkway Project Refinement and Implementation Study.

An Environmental Assessment (EA) and Design Concept Report (DCR) for the project was completed in 2010 to establish the general design and implementation strategy. The Federal Highway Administration (FHWA) issued a Finding of No Significant Impact (FONSI) for a "superstreet"-expressway cross-section for the entire project between Loop 303 and US-60 that represented a \$600 million investment. From 2008 socioeconomic data sets, Northern Parkway was forecasted to accommodate between 61,000 and 142,000 vehicles per day at the 2030 horizon. While this selected alternative greatly exceeded the \$230 million ALCP funding for Northern Parkway, the project partners elected to phase the project in over time and focused initial construction efforts for the segment between Loop 303 and Loop 101.

Since completing the DCR and receiving the FONSI, there have been changes in land use, population projections, travel behavior, and available revenues due to the economic slowdown of 2008 and 2009. Based upon 2013 socioeconomic data sets adopted by the MAG Regional Council, the travel demand for Northern Parkway in 2035 is now forecasted to accommodate between 29,000 and 96,000 vehicles per day at the 2035 horizon. These volumes are well below the capacity of the superstreet-expressway concept originally envisioned for the corridor in 2008.

Citing this sharp downturn in travel demand for Northern Parkway, as well as the fluctuating nature of Regional Area Roadway Funds (RARF), Highway User Revenue Funds (HURF), and federal transportation funds, MCDOT asked MAG to conduct a task order from the MAG Regional Transportation Plan On-Call Services contract in June 2015 to perform a financial and operational evaluation of the Northern Parkway project. A kick-off workshop with the project partners was held on June 30, 2015 to outline the evaluation, provide project information, and solicit feedback. The second and final workshop was held on August 11, 2015 to present the results of the evaluation. During this workshop, the project partners were presented with "strawman" concepts of potential alternatives for an alternative to superstreet-expressway cross-section that would accommodate the revised travel demand estimates and potentially deliver enhancements east of Loop 101 to US-60 that included grade-separating Northern Parkway from the BNSF Railway at Grand Avenue.

At the conclusion of the second workshop, the project partners agreed to proceed with a more detailed Refinement and Implementation study of these strawman concepts to maximize the remaining ALCP funds programmed for the corridor.

This agenda item represents a request to amend MAG's Unified Planning Work Program (UPWP) and Annual Budget to include this Northern Parkway Project Refinement and Implementation Study. The scope of the study will be created with input from the Arizona Department of Transportation, Maricopa County Department of Transportation, and cities of El Mirage, Glendale, and Peoria. At the conclusion of the study, the partners will have discretion to adopt any of the recommendations into the Northern Parkway project's design and/or implementation strategy.

Funding for the study will come from ALCP sales tax funding that has been designated for planning and implementation studies. As established in the Regional Transportation Plan (RTP), approximately 3.65 percent of the Regional Area Road Funds (RARF) dedicated for the ALCP is allocated for implementation and planning studies for the region.

PUBLIC INPUT:

A thorough and continuing public comment process was completed during the EA and DCR portions of project development. Since receiving the FONSI, Maricopa County Department of Transportation, as the lead agency, has conducted a continuing public outreach effort to advise stakeholders and affected interests on the construction activities related to the Northern Parkway development.

No public input has been received for establishing this Refinement and Implementation Study as the outcomes for the future of Northern Parkway have not been established. As part of this process, an outreach effort will be completed to receive public comment on this study's recommendations.

PROS AND CONS:

PROS: The study will evaluate potential opportunities for refining the Northern Parkway project design and/or implementation strategy with the best possible facility to meet current and future transportation needs. The study outcome will also examine the potential to deliver improvements along the entire approximate 12-miles of the corridor, between Loop 303 and US-60, and fully address the Loop 101 connection and potential grade-separation of the BNSF Railway at Grand Avenue.

CONS: Planning decisions have been made in this portion of the MAG Region in anticipation of a significant facility along Northern Parkway. Recommendations from this project for maximizing the ALCP investment along the corridor could require a reevaluation of those decisions for both public and private sector interests.

TECHNICAL AND POLICY IMPLICATIONS:

TECHNICAL: Essentially this study will evaluate and recommend opportunities for maximizing the regional investment in Northern Parkway based upon current socioeconomic thinking for this portion of the MAG Region. As this study may recommend an outcome that could potentially differ from the recommendations identified in the project's EA and DCR, there will be a process for examining the differences and the potential for alternate mitigation strategies identified in the FONSI, as well as stakeholder/public process.

POLICY: None anticipated at this time. The Refinement and Implementation Study is an opportunity to reevaluate the future construction of Northern Parkway and is consistent with strategies undertaken by MAG and its partners to continually refine the projects identified in the Regional Transportation Plan.

ACTION NEEDED:

Recommend approval of an amendment to the FY 2016 MAG Unified Planning Work Program and Annual Budget to add the Northern Parkway Project Refinement and Implementation Study using \$250,000 in Arterial Life Cycle Program sales tax funds designated for planning and implementation studies.

PRIOR COMMITTEE ACTIONS:

None.

CONTACT PERSON:

Bob Hazlett, Senior Engineering Project Manager, 602-254-6300.

Proposed Rule: Determinations of Attainment by the Attainment Date, Extensions of the Attainment Date, and Reclassification of Several Areas Classified as Marginal for the 2008 Ozone National Ambient Air Quality Standards

FACT SHEET

ACTION

- On August 19, 2015, the U.S. Environmental Protection Agency (EPA) is proposing to take one of three actions for each of the 36 designated nonattainment areas currently classified as Marginal for the 2008 ozone National Ambient Air Quality Standards (NAAQS).
- First, the EPA proposes to determine that the 17 areas listed below attained the 2008 ozone standards by the July 20, 2015, attainment date.

Allentown-Bethlehem-Easton, PA	Knoxville, TN
Baton Rouge, LA	Lancaster, PA
Calaveras County, CA	Memphis, TN-MS-AR
Charlotte-Gastonia-Rock Hill, NC-SC	Reading, PA
Chico (Butte County), CA	San Francisco Bay Area, CA
Cincinnati, OH-KY-IN	Seaford, DE
Columbus, OH	Tuscan Buttes, CA
Dukes County, MA	Upper Green River Basin, WY
Jamestown, NY	

- Second, the EPA proposes to determine that the eight areas listed below did not attain the 2008 ozone standards by the July 20, 2015, attainment date, but qualify for a 1-year attainment date extension based in part on their 2014 monitored air quality data.

Cleveland-Akron-Lorain, OH	San Luis Obispo County (Eastern San Luis Obispo), CA
Houston-Galveston-Brazoria, TX	Sheboygan, WI
Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE	St. Louis-St. Charles-Farmington, MO-IL
Pittsburgh-Beaver Valley, PA	Washington, DC-MD-VA

- Third, the EPA proposes to determine that the 11 areas listed below did not attain the 2008 ozone standards by the July 20, 2015, attainment date, do not qualify for a 1-year attainment date extension, and would be reclassified as Moderate based on their 2012-2014 air quality data.

Atlanta, GA	Mariposa County, CA
Chicago-Naperville, IL-IN-WI	Nevada County (Western part), CA

Denver-Boulder-Greeley-Fort Collins-
Loveland, CO

Greater Connecticut, CT

Imperial County, CA

Kern County (Eastern Kern), CA

New York, N. New Jersey-Long Island,
NY-NJ-CT

Phoenix-Mesa, AZ

San Diego County, CA

- The EPA is proposing two options for establishing the due date by which air agencies would be required to submit State Implementation Plan (SIP) revisions to address Moderate nonattainment area requirements for the areas reclassified as a result of any final EPA action. The proposed due dates are: (1) the beginning of the respective 2017 ozone season for each reclassified area; or (2) January 1, 2017, for all areas.
- The EPA will accept comment on the proposal for 30 days after publication in the Federal Register.

BACKGROUND

- In March 2008, the EPA revised the primary and secondary ozone standards from a level of 0.08 ppm to 0.075 ppm. The EPA later issued a rule in April 2012 designating 46 areas throughout the country as nonattainment for the 2008 ozone standards, effective July 20, 2012. In that same rule, the EPA established classifications for the designated nonattainment areas, and classified 36 of those areas as Marginal. The deadline for Marginal areas to attain the 2008 ozone NAAQS is 3 years from the effective date of designation, or July 20, 2015.
- This action is proposing determinations for the 36 areas in 26 states and the District of Columbia subject to the July 20, 2015, Marginal area attainment date. If the EPA finalizes the determinations for the 11 areas that failed to attain the 2008 ozone standards, the Clean Air Act instructs the EPA to reclassify those areas as Moderate. The reclassified areas must then attain the 2008 ozone standards as expeditiously as practicable, but not later than July 20, 2018.
- The EPA's proposed determinations of attainment for 17 areas does not officially change the attainment status of any of these nonattainment area. These areas remain nonattainment until the state's request and the EPA takes separate action to approve redesignation requests that include 10-year maintenance plans. The EPA has recently approved redesignations to attainment for the Knoxville, TN, and the North Carolina portion of the Charlotte-Gastonia-Rock Hill, NC-SC, nonattainment areas. These redesignations are effective as of August 12, 2015, for the Knoxville, TN, area, and as of August 27, 2015, for the NC portion of the Charlotte--Gastonia-Rock Hill, NC-SC, area. Given that these areas were still designated nonattainment as of July 20, 2015, the EPA is including them among the areas for which the agency is proposing determinations of attainment by the attainment date.

HOW TO COMMENT

- Comments, identified by Docket ID No. EPA-HQ-OAR-2015-0468, may be submitted by one of the following methods:
 - Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the online instructions for submitting comments.
 - Email: A-and-R-Docket@epa.gov. Include Docket ID No. EPA-HQ-OAR-2015-0468 in the

subject line of the message.

- Fax: (202) 566-9744.
- Mail: Environmental Protection Agency, EPA Docket Center (EPA/DC), Mail Code 28221T, Attention Docket ID No. EPA-HQ-OAR-2015-0468, 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460. Please include a total of two copies. In addition, please mail a copy of your comments on the information collection provisions to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attn: Desk Officer for EPA, 725 17th Street, NW, Washington, D.C. 20503.
- Hand/Courier Delivery: EPA Docket Center, Room 3334, EPA WJC West Building, 1301 Constitution Avenue, NW, Washington, D.C. 20004. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

FOR MORE INFORMATION

- To download this action from the EPA's website, go to Ozone Regulatory Actions at <http://www.epa.gov/ozonepollution/actions.html>.
- Today's action and other background information are also available either electronically at <http://www.regulations.gov>, the EPA's electronic public docket and comment system, or in hardcopy at the EPA Docket Center's Public Reading Room.
 - The Public Reading Room is located at the EPA Headquarters, room number 3334 in the EPA William Jefferson Clinton West Building, 1301 Constitution Avenue, NW, Washington, D.C. Hours of operation are 8:30 a.m. to 4:30 p.m. eastern standard time, Monday through Friday, excluding Federal holidays.
 - Visitors are required to show photographic identification, pass through a metal detector and sign the EPA visitor log. All visitor materials will be processed through an X-ray machine as well. Visitors will be provided a badge that must be visible at all times.
 - Materials for these proposed actions can be accessed using Docket ID No. EPA-HQ-OAR-2015-0468
- For further information about this action, contact Mr. Cecil (Butch) Stackhouse of the EPA's Office of Air Quality Planning and Standards, at (919) 541-5208 or by email at stackhouse.butch@epa.gov.

hearings to run on schedule; however, due to on-site schedule fluctuations, actual speaking times may shift slightly.

Because the Denver, CO, and Pittsburgh, PA, hearings are being held at United States government facilities, individuals planning to attend these hearings should be prepared to show valid picture identification to the security staff in order to gain access to the meeting room. Please note that the REAL ID Act, passed by Congress in 2005, established new requirements for entering federal facilities. If your driver's license is issued by American Samoa, Louisiana, Minnesota, New Hampshire or New York, you must present an additional form of identification to enter the federal building. Acceptable alternative forms of identification include: Federal employee badges, passports, enhanced driver's licenses, and military identification cards. For additional information for the status of your state regarding REAL ID, go to <http://www.dhs.gov/real-id-enforcement-brief>. In addition, you will need to obtain a property pass for any personal belongings you bring with you. Upon leaving the buildings, you will be required to return this property pass to the security desk. No large signs will be allowed in the buildings, cameras may only be used outside of the buildings, and demonstrations will not be allowed on federal property for security reasons.

At all of the hearing locations, attendees will be asked to go through metal detectors. To help facilitate this process, please be advised that you will be asked to remove all items from all pockets and place them in provided bins for screening; remove laptops, phones, or other electronic devices from their carrying case and place in provided bins for screening; avoid shoes with metal shanks, toe guards, or supports as a part of their construction; remove any metal belts, metal belt buckles, large jewelry, watches; and follow the instructions of the guard if identified for secondary screening. Additionally, no weapons (*e.g.*, pocket knives) or drugs or drug paraphernalia (*e.g.*, marijuana) will be allowed in the buildings. We recommend that you arrive 20 minutes in advance of your speaking time in Denver, CO, Dallas, TX, and Pittsburgh, PA, to allow time to go through security and to check in with the registration desk.

How can I get copies of this document and other related information?

The EPA has established separate dockets for all three of the proposed rulemakings (available at <http://www.regulations.gov>). For the proposed

rulemaking titled, "Source Determination for Certain Emission Units in the Oil and Natural Gas Sector," the Docket ID No. is EPA-HQ-OAR-2013-0685. For the proposed rulemaking titled, "Oil and Natural Gas Sector: Emission Standards for New and Modified Sources," the Docket ID No. is EPA-HQ-OAR-2010-0505. For the proposed rulemaking titled, "Review of New Sources and Modifications in Indian Country: Federal Implementation Plan for Managing Air Emissions from True Minor Sources Engaged in Oil and Natural Gas Production in Indian Country," the Docket ID No. is EPA-HQ-OAR-2014-0606. All three proposed rulemakings are posted at <http://www.epa.gov/airquality/oilandgas/actions.html>. If you need assistance in accessing any information related to these rulemakings, please contact Ms. Aimee St. Clair, Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, by phone at (919) 541-1063, or by email at StClair.Aimee@epa.gov.

Dated: August 21, 2015.

Mary E. Henigin,
Acting Director, Office of Air Quality Planning and Standards.

[FR Doc. 2015-21255 Filed 8-26-15; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-HQ-OAR-2015-0468; FRL-9933-06-OAR]

Determinations of Attainment by the Attainment Date, Extensions of the Attainment Date, and Reclassification of Several Areas Classified as Marginal for the 2008 Ozone National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing three separate and independent determinations related to the 36 areas that are currently classified as "Marginal" for the 2008 ozone National Ambient Air Quality Standards (NAAQS). First, the EPA is proposing to determine that 17 areas attained the 2008 ozone NAAQS by the applicable attainment date of July 20, 2015, based on complete, quality-assured and certified ozone monitoring data for 2012-2014. Second, the EPA is proposing to grant 1-year attainment date extensions for eight areas on the

basis that the requirements for such extensions under the Clean Air Act (CAA or Act) have been met. Third, the EPA is proposing to determine that 11 areas failed to attain the 2008 ozone NAAQS by the applicable attainment date of July 20, 2015, and that they are not eligible for an extension, and to reclassify these areas as "Moderate" for the 2008 ozone NAAQS. Once reclassified as Moderate, states must submit State Implementation Plan (SIP) revisions that meet the statutory and regulatory requirements that apply to 2008 ozone NAAQS nonattainment areas classified as Moderate. In this action, the EPA is proposing and taking comment on two options for the deadline by which states would need to submit to the EPA for review and approval the SIP revisions required for Moderate areas once their areas are reclassified.

DATES: Comments. Comments must be received on or before September 28, 2015. **Public Hearings.** If anyone contacts us requesting a public hearing on or before September 11, 2015, we will hold a public hearing. Please refer to **SUPPLEMENTARY INFORMATION** for additional information on the comment period and the public hearing.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-OAR-2015-0468, to the *Federal eRulemaking Portal*: <http://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. If you need to include CBI as part of your comment, please visit <http://www.epa.gov/dockets/comments.html> for instructions. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. For additional submission methods, the full EPA public comment policy, and general guidance on making effective comments, please visit <http://www.epa.gov/dockets/comments.html>. **FOR FURTHER INFORMATION CONTACT:** Mr. Cecil (Butch) Stackhouse, Office of Air Quality Planning and Standards, Air Quality Policy Division, Mail Code C539-01, Research Triangle Park, NC 27711, telephone (919) 541-5208; fax number: (919) 541-5315; email address: stackhouse.butch@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

Entities potentially affected by this action include states (typically state air pollution control agencies), the District of Columbia and, in some cases, tribal governments. In particular, 26 states¹ with areas designated nonattainment and classified as "Marginal" for the 2008 ozone NAAQS and the District of Columbia are affected by this action. Entities potentially affected indirectly by this proposal include owners and operators of sources of volatile organic compounds (VOC) and nitrogen oxides (NO_x) emissions that contribute to ground-level ozone formation within the subject ozone nonattainment areas.

B. What should I consider as I prepare my comments for the EPA?

1. *Submitting CBI.* Do not submit this information to the EPA through <http://www.regulations.gov> or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to the EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed to be CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for Preparing Your Comments.* When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- Follow directions—The agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.
- Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

- Provide specific examples to illustrate your concerns, and suggest alternatives.

- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

- Make sure to submit your comments by the comment period deadline identified.

C. Where can I get a copy of this document and other related information?

In addition to being available in the docket, an electronic copy of this document will be posted at <http://www.epa.gov/airquality/ozonepollution/actions.html#impl>.

D. What information should I know about a possible public hearing?

To request a public hearing or information pertaining to a public hearing on this document, contact Ms. Pamela Long at (919) 541-0641 before 5 p.m. on September 11, 2015. If requested, further details concerning a public hearing for this proposed rule will be published in a separate **Federal Register** document. For updates and additional information on a public hearing, please check the EPA's Web site for this rulemaking at <http://www.epa.gov/airquality/ozonepollution/actions.html#impl>.

E. How is this preamble organized?

The information presented in this preamble is organized as follows.

I. General Information

- A. Does this action apply to me?
- B. What should I consider as I prepare my comments for EPA?
- C. Where can I get a copy of this document and other related information?
- D. What information should I know about a possible public hearing?
- E. How is this preamble organized?

II. Overview and Basis of Proposal

- A. Overview of Proposal
- B. What is the background for the proposed actions?
- C. What is the statutory authority for the proposed actions?
- D. How does the EPA determine whether an area has attained the 2008 ozone standard?

III. What is the EPA proposing and what is the rationale?

- A. Determination of Attainment
- B. Extension of Marginal Area Attainment Dates
- C. Determinations of Failure To Attain and Reclassification
- D. Moderate Area SIP Revision Submission Deadline
- E. Summary of Proposed Actions

IV. Environmental Justice Considerations

V. Statutory and Executive Order Reviews

- A. Executive Order 12866: Regulatory Planning and Review and Executive

Order 13563: Improving Regulation and Regulatory Review

B. Paperwork Reduction Act (PRA)

C. Regulatory Flexibility Act (RFA)

D. Unfunded Mandates Reform Act (UMRA)

E. Executive Order 13132: Federalism

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

I. National Technology Transfer and Advancement Act (NTTAA)

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

II. Overview and Basis of Proposal

A. Overview of Proposal

CAA section 181(b)(2) requires the EPA Administrator to determine, based on an area's design value (which represents air quality in the area for the most recent 3 year period)² as of an area's attainment deadline, whether an ozone nonattainment area attained the ozone standard by that date. The statute provides a mechanism by which states that meet certain criteria may request and be granted by the EPA Administrator a 1-year extension of an area's attainment deadline. The CAA also requires that areas that have not attained the standard by their attainment deadlines be reclassified to either the next "highest" classification (e.g., Marginal to Moderate, Moderate to Serious, etc.) or to the classifications applicable to the areas' design values in Table 1 of 40 CFR 51.1103. In this document, the EPA proposes to find that 17 Marginal areas attained the 2008 NAAQS by the applicable deadline of July 20, 2015, based on complete, quality-assured and certified ozone monitoring data for 2012–2014.³ The EPA also proposes to find that 8 Marginal areas meet the criteria, as provided in CAA section 181(a)(5) and interpreted by regulation at 40 CFR 51.1107, to qualify for a 1-year attainment date extension for the 2008 ozone NAAQS. Finally, the EPA proposes to find that 11 Marginal areas

² An area's design value for the 8-hour ozone NAAQS is the highest 3-year average of the annual fourth highest daily maximum 8-hour average ozone concentration of all monitors in the area. See 40 CFR part 50, appendix P.

³ These proposed determinations of attainment do not constitute a redesignation to attainment. Redesignations require states to meet a number of additional criteria, including EPA approval of a state plan to maintain the air quality standard for 10 years after redesignation.

¹ AR, AZ, CA, CO, CT, DE, GA, IL, IN, KY, LA, MA, MD, MO, MS, NC, NJ, NY, OH, PA, SC, TN, TX, VA, WI and WY.

failed to attain the 2008 ozone NAAQS by the applicable Marginal attainment deadline of July 20, 2015, and do not qualify for a 1-year extension. Accordingly, as required by CAA section 181(b)(2)(A), if the EPA finalizes the determinations that these areas failed to attain, the EPA must reclassify those 11 Marginal areas to Moderate. The reclassified areas must attain the

2008 ozone NAAQS as expeditiously as practicable, but no later than July 20, 2018. Table 1 provides a summary of the EPA's proposed actions that would apply to these 36 Marginal areas. The EPA is proposing in this document to apply the discretion granted to the Administrator in the statute to adjust the statutory deadlines for submitting required SIP revisions for

reclassified Moderate ozone nonattainment areas in order to align the SIP due dates with the regulatory deadline for implementing reasonably available control measures (RACTM), including reasonably available control technology (RACT), in such areas as necessary to attain the 2008 ozone standard by the Moderate area attainment deadline of July 20, 2018.

TABLE 1—2008 OZONE NAAQS MARGINAL NONATTAINMENT AREA EVALUATION SUMMARY

2008 NAAQS Nonattainment area	2012–2014 Design value (ppm)	Meets 2008 NAAQS by marginal attainment date	2014 4th Highest daily maximum 8-hr average (ppm)	Areas not attaining 2008 NAAQS eligible for attainment date extensions based on 2014 4th highest daily maximum 8-hr average ≤0.075 ppm
Allentown-Bethlehem-Easton, PA ..	0.070	Attaining	0.068	Not applicable.
Atlanta, GA	0.077	Not Attaining	0.079	No.
Baton Rouge, LA	0.072	Attaining	0.075	Not applicable.
Calaveras County, CA	0.071	Attaining	0.071	Not applicable.
Charlotte-Gastonia-Rock Hill, NC-SC.	0.073	Attaining	0.068	Not applicable.
Chicago-Naperville, IL-IN-WI	0.081	Not Attaining	0.076	No.
Chico (Butte County), CA	0.074	Attaining	0.074	Not applicable.
Cincinnati, OH-KY-IN	0.075	Attaining	0.071	Not applicable.
Cleveland-Akron-Lorain, OH	0.078	Not Attaining	0.075	Yes.
Columbus, OH	0.075	Attaining	0.070	Not applicable.
Denver-Boulder-Greeley-Fort Collins-Loveland, CO.	0.082	Not Attaining	0.077	No.
Dukes County, MA	0.068	Attaining	0.059	Not applicable.
Greater Connecticut, CT	0.080	Not Attaining	0.077	No.
Houston-Galveston-Brazoria, TX	0.080	Not Attaining	0.072	Yes.
Imperial County, CA	0.080	Not Attaining	0.078	No.
Jamestown, NY	0.071	Attaining	0.066	Not applicable.
Kern County (Eastern Kern), CA	0.084	Not Attaining	0.089	No.
Knoxville, TN	0.067	Attaining	0.064	Not applicable.
Lancaster, PA	0.071	Attaining	0.066	Not applicable.
Mariposa County, CA	0.078	Not Attaining	0.077	No.
Memphis, TN-MS-AR	0.073	Attaining	0.067	Not applicable.
Nevada County (Western part), CA	0.079	Not Attaining	0.082	No.
New York, N. New Jersey-Long Island, NY-NJ-CT.	0.085	Not Attaining	0.081	No.
Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE.	0.077	Not Attaining	0.074	Yes.
Phoenix-Mesa, Arizona	0.080	Not Attaining	0.080	No.
Pittsburgh-Beaver Valley, PA	0.077	Not Attaining	0.071	Yes.
Reading, PA	0.071	Attaining	0.068	Not applicable.
San Diego County, CA	0.079	Not Attaining	0.079	No.
San Francisco Bay Area, CA	0.072	Attaining	0.076	Not applicable.
San Luis Obispo County (Eastern San Luis Obispo), CA.	0.076	Not Attaining	0.073	Yes.
Seaford, DE	0.074	Attaining	0.067	Not applicable.
Sheboygan, Wisconsin	0.081	Not Attaining	0.072	Yes.
St. Louis-St. Charles-Farmington, MO-IL.	0.078	Not Attaining	0.072	Yes.
Tuscan Buttes, CA	0.075	Attaining	0.076	Not applicable.
Upper Green River Basin, WY	0.064	Attaining	0.065	Not applicable.
Washington, DC-MD-VA	0.076	Not Attaining	0.069	Yes.

B. What is the background for the proposed actions?

On March 12, 2008, the EPA issued its final action to revise the NAAQS for ozone to establish new 8-hour standards (73 FR 16436, March 27, 2008). In that action, we promulgated identical revised primary and secondary ozone standards, designed to protect public health and welfare, that specified an 8-

hour ozone standard of 0.075 parts per million (ppm).⁴ Specifically, the standards require that the 3-year average of the annual fourth highest daily maximum 8-hour average ozone concentration may not exceed 0.075

⁴ Since the 2008 primary and secondary NAAQS for ozone are identical, for convenience, we refer to both as “the 2008 ozone NAAQS” or “the 2008 ozone standard.”

ppm. The 2008 ozone NAAQS retains the same general form and averaging time as the 0.08 ppm NAAQS set in 1997 but is set at a level that is more protective of public health and the environment.

On April 30, 2012 (May 31, 2012), the EPA issued rules designating 46 areas throughout the country as nonattainment for the 2008 ozone

NAAQS, effective July 20, 2012 (77 FR 30088, May 21, 2012 and 77 FR 34221, June 11, 2012). In April 30, 2012, action, the EPA established classifications for the designated nonattainment areas, and classified 36 of those areas as Marginal. We used primarily certified air quality monitoring data from calendar years 2008–2010⁵ to designate these areas as nonattainment, and as the basis for their classification (77 FR 30088 and 77 FR 34221). Also in the April 30, 2012, action, the EPA promulgated a Classifications Rule that specified some of the requirements for implementing the 2008 ozone NAAQS under the provisions of Subpart 2 of part D of title I of the CAA to the newly designated nonattainment areas for the 2008 ozone standard (77 FR 30160, May 21, 2012). CAA Section 181 provides that the attainment deadline for ozone nonattainment areas is “as expeditiously as practicable” but no later than the prescribed dates that are provided in Table 1 of that section. In the 2008 ozone NAAQS Classifications Rule, the EPA translated the “maximum” deadlines in Table 1 of Subpart 2 for purposes of the 2008 standard by measuring those deadlines from the effective date of the new designations, but extended those deadlines by several months to December 31 of the corresponding calendar year (77 FR 30166).

Pursuant to a challenge of the EPA’s interpretation of the attainment deadlines, on December 23, 2014, the D.C. Circuit issued a decision rejecting, among other things, the Classifications Rule’s attainment deadlines for the 2008 ozone nonattainment areas, finding that the EPA did not have statutory authority under the CAA to extend those deadlines to the end of the calendar year. *NRDC v. EPA*, 777 F.3d 456, 464–69 (D.C. Cir. 2014). Accordingly, as part of the final 2008 ozone NAAQS SIP Requirements Rule (80 FR 12264, March 6, 2015), the EPA modified the maximum attainment dates for all nonattainment areas for the 2008 ozone NAAQS, consistent with the court’s decision. As relevant here, the SIP Requirements Rule established a maximum deadline for Marginal nonattainment areas of 3 years from the effective date of designation, or July 20, 2015, to attain the 2008 ozone NAAQS. See 80 FR at 12268; 40 CFR 51.1103.

⁵ In certain cases, states included as part of their designation recommendations a request that the EPA consider more up-to-date monitoring data from 2009–2011 in making final designation decisions. The EPA considered the state requests, and, accordingly, adjusted some of the classifications based on the more recent data.

C. What is the statutory authority for the proposed actions?

The statutory authority for the actions proposed in this document is provided by the CAA, as amended (42 U.S.C. 7401 *et seq.*). Relevant portions of the CAA include, but are not necessarily limited to, sections 181(a)(5) and 181(b)(2).

By way of background, CAA section 107(d) provides that when the EPA establishes or revises a NAAQS, the agency must designate areas of the country as nonattainment, attainment, or unclassifiable based on whether they are not meeting (or contributing to air quality in a nearby area that is not meeting) the NAAQS, meeting the NAAQS, or cannot be classified as meeting or not meeting the NAAQS, respectively. Subpart 2 of part D of title I of the CAA governs the classification, state planning and emissions control requirements for any areas designated as nonattainment for a revised primary ozone NAAQS. In particular, CAA section 181(a)(1) requires each area designated as nonattainment for a revised ozone NAAQS to be “classified” at the same time as the area is designated based on the severity of the ozone level in the area (as determined based on the area’s “design value,” which represents air quality in the area for the most recent 3 years). See footnote 2. Classifications for ozone nonattainment areas range from “Marginal” (for areas with monitored ozone levels just exceeding the level of the NAAQS) to “Extreme” (for areas with monitored ozone levels well above the levels of the NAAQS). CAA section 182 stipulates the specific attainment planning and additional requirements that apply to each ozone nonattainment area based on its classification. CAA section 182, as interpreted by the EPA’s implementation regulations at 40 CFR 51.1108–1117, also establishes the timeframes by which air agencies must submit SIP revisions to address the applicable attainment planning elements, and the timeframes by which ozone nonattainment areas must attain the relevant NAAQS.

Section 181(b)(2)(A) of the CAA requires that within 6 months following the applicable attainment date, the Administrator will determine whether an ozone nonattainment area attained the ozone standard based on the area’s design value as of that date. Section 181(a)(5) of the CAA gives the Administrator the discretion to grant a 1-year extension of the attainment date specified in CAA section 181(a) upon application by any state if: (i) The state has complied with all requirements and

commitments pertaining to the area in the applicable implementation plan; and (ii) no more than one measured exceedance of the NAAQS for ozone has occurred in the area preceding the extension year. The EPA may grant a second 1-year extension if these same criteria are met by the end of the first extension year.⁶

Because CAA section 181(a)(5)(B) was written for an exceedance-based standard, such as the 1-hour ozone NAAQS, the EPA has interpreted through notice-and-comment rulemaking the air quality requirement of the extension criteria for purposes of a concentration-based standard like the 2008 8-hour ozone NAAQS. For purposes of determining an area’s eligibility for an attainment date extension for the 2008 ozone NAAQS, the EPA has interpreted the criteria of CAA section 181(a)(5)(B) to mean that an area’s fourth highest daily maximum 8-hour value for the attainment year⁷ is at or below the level of the standard [80 FR 12264, 12292 (March 6, 2015); 40 CFR 51.1107].

In the event an area fails to attain the relevant ozone NAAQS by the applicable attainment date, CAA section 181(b)(2)(A) requires the Administrator to make the determination that an ozone nonattainment area failed to attain the ozone standard by the applicable attainment date, and subsequently requires the area to be reclassified by operation of law to the higher of (i) the next higher classification for the area, or (ii) the classification applicable to the area’s design value as determined at the time of the required **Federal Register** document.⁸ Section 181(b)(2)(B) requires the EPA to publish a document in the **Federal Register** identifying the reclassification status of an area that has failed to attain the standard by its attainment date no later than 6 months after the attainment date, which in the case of the Marginal nonattainment areas addressed in this document would be January 20, 2016.

Once an area is reclassified, the EPA must address the schedule by which the state is required to submit a revised SIP for that area to, among other things, demonstrate how the area will attain the relevant NAAQS as expeditiously as practicable but no later than the new

⁶ The EPA considers the average of the annual fourth-highest daily maximum 8-hour ozone concentrations for 2 years at each monitoring site in an area.

⁷ See 40 CFR 51.1107(a)(1).

⁸ All of the affected nonattainment areas addressed in this document would be classified to the next highest classification of Moderate. None of the affected areas has a design value that would otherwise place it in a higher classification (*e.g.*, Serious) under CAA section 181(b)(2)(A)(ii).

applicable attainment date under the statute. According to CAA section 182(i), a state with a reclassified ozone nonattainment area must submit the applicable attainment plan requirements “according to the schedules prescribed in connection with such requirements” in CAA section 182(b) for Moderate areas, section 182(c) for Serious areas, and section 182(d) for Severe areas. However, the Act permits the Administrator to adjust the statutory due dates that would otherwise apply for any SIP revisions required as a result of the reclassification “to the extent that such adjustment is necessary or appropriate to assure consistency among the required submissions.”

D. How does the EPA determine whether an area has attained the 2008 ozone standard?

Under EPA regulations at 40 CFR part 50, appendix P, the 2008 ozone NAAQS is attained at a site when the 3-year average of the annual fourth highest daily maximum 8-hour average ambient air quality ozone concentration is less than or equal to 0.075 ppm. This 3-year average is referred to as the design value. When the design value is less than or equal to 0.075 ppm at each ambient air quality monitoring site within the area, then the area is deemed to be meeting the NAAQS. The rounding convention under 40 CFR part 50, appendix P, dictates that concentrations shall be reported in ppm to the third decimal place, with additional digits to the right being truncated. Thus, a computed 3-year average ozone concentration of 0.076 ppm is greater than 0.075 ppm and, therefore, over the standard.

The EPA’s determination of attainment is based upon data that have been collected and quality-assured in accordance with 40 CFR part 58 and recorded in the EPA’s Air Quality System database (formerly known as the Aerometric Information Retrieval System). Ambient air quality monitoring data for the 3-year period must meet a data completeness requirement. The ambient air quality monitoring data completeness requirement is met when the average percent of required monitoring days with valid ambient monitoring data is greater than 90 percent, and no single year has less than 75 percent data completeness as determined according to Appendix P of part 50.

III. What is the EPA proposing and what is the rationale?

The EPA is issuing this proposal pursuant to the agency’s statutory obligation under CAA section 181(b)(2)

to determine whether the 36 Marginal ozone nonattainment areas have attained the 2008 ozone NAAQS by the applicable attainment date of July 20, 2015. The separate actions being taken in this proposal, as well as the rationale for these actions, are described in the sections below.

A. Determinations of Attainment

The EPA evaluated data from air quality monitors in the 36 Marginal nonattainment areas for the 2008 ozone NAAQS in order to determine the areas’ attainment status as of the applicable attainment date of July 20, 2015. The data were supplied and quality assured by state and local agencies responsible for monitoring ozone air monitoring networks. Seventeen of the 36 nonattainment areas’ monitoring sites with valid data had a design value equal to or less than 0.075 ppm based on the 2012–2014 monitoring period. Thus, the EPA proposes to determine, in accordance with section 181(b)(2)(A) of the CAA and the provisions of the SIP Requirements Rule (40 CFR 51.1103), that these 17 areas (listed in Table 2 below) attained the standard by the applicable attainment date for Marginal nonattainment areas for the 2008 ozone NAAQS. The EPA’s determination is based upon 3 years of complete, quality-assured and certified data. Table 2 displays the 2012–2014 design value for these 17 areas. The fourth high values for each of the 3 years used to calculate each monitor’s 2012–2014 design value are provided in the technical support document (TSD) in the docket for this action.⁹ The EPA is soliciting comments on these proposed determinations of attainment by the applicable attainment date.

TABLE 2—MARGINAL NONATTAINMENT AREAS THAT ATTAINED THE 2008 OZONE NAAQS BY THE JULY 20, 2015, ATTAINMENT DATE

2008 Ozone NAAQS nonattainment area	2012–2014 Design value (ppm)
Allentown-Bethlehem-Easton, PA	0.070
Baton Rouge, LA	0.072
Calaveras County, CA	0.071
Charlotte-Rock Hill, NC-SC ^a	0.073
Chico (Butte County), CA	0.074
Cincinnati, OH-KY-IN	0.075
Columbus, OH	0.075
Dukes County, MA	0.068

⁹“Technical Support Document Regarding Ozone Monitoring Data—Determinations of Attainment, 1-Year Attainment Date Extensions, and Reclassifications for Marginal Areas under the 2008 8-Hour Ozone National Ambient Air Quality Standard (NAAQS), EPA-HQ-OAR–2015–0468.

TABLE 2—MARGINAL NONATTAINMENT AREAS THAT ATTAINED THE 2008 OZONE NAAQS BY THE JULY 20, 2015, ATTAINMENT DATE—Continued

2008 Ozone NAAQS nonattainment area	2012–2014 Design value (ppm)
Jamestown, NY	0.071
Knoxville, TN ^b	0.067
Lancaster, PA	0.071
Memphis, TN-MS-AR	0.073
Reading, PA	0.071
San Francisco Bay Area, CA	0.072
Seaford, DE	0.074
Tuscan Buttes, CA	0.075
Upper Green River Basin, WY	0.064

^a On July 28, 2015, the EPA redesignated to attainment the North Carolina portion of the Charlotte-Rock Hill, NC-SC, nonattainment area for the 2008 8-hour ozone NAAQS, effective August 27, 2015. See 80 FR 44873. Given that this area was still designated nonattainment as of July 20, 2015, the EPA is herein proposing to determine that this area attained the 2008 ozone NAAQS by the applicable attainment date in order to satisfy the agency’s obligation under CAA section 181(b)(2)(A) to make determinations of attainment for nonattainment areas within 6 months following an area’s applicable attainment date.

^b On July 13, 2015, the EPA redesignated to attainment the Knoxville, TN, nonattainment area for the 2008 8-hour ozone NAAQS, effective August 12, 2015. See 80 FR 39970. Given that this area was still designated nonattainment as of July 20, 2015, the EPA is herein proposing to determine that this area attained the 2008 ozone NAAQS by the applicable attainment date in order to satisfy the agency’s obligation under CAA section 181(b)(2)(A) to make determinations of attainment for nonattainment areas within 6 months following an area’s applicable attainment date.

B. Extension of Marginal Area Attainment Dates

Of the 36 Marginal nonattainment areas for the 2008 ozone NAAQS, there are eight areas for which the EPA is proposing to grant a 1-year attainment date extension based on determinations that these areas have met the requirements for an extension under CAA section 181(a)(5).

Specifically, for each of the eight nonattainment areas, the EPA received a letter from a state air agency requesting a 1-year extension of the area’s attainment date and certifying that the state is in compliance with the applicable implementation plan, as required under CAA section 181(a)(5)(A). In their requests, the states certified that they have complied with all requirements and commitments pertaining to their respective nonattainment areas in the applicable implementation plan and that all monitors in the area have a fourth highest daily maximum 8-hour average

of 0.075 ppm or less for 2014 (*i.e.*, the last full year of air quality data prior to the July 20, 2015, attainment date). A summary of the information in these letters is provided in the TSD for this action. The EPA evaluated the information submitted by each state for its nonattainment area(s) and is proposing determinations that each state has met the requirement of CAA section 181(a)(5)(A) for each applicable area.¹⁰

The EPA has also evaluated the certified air quality monitoring data for 2014 and is proposing to determine that each of the eight areas listed in Table 3 meets the air quality requirements of CAA section 181(a)(5)(B) and the EPA's interpretation of that statutory provision in 40 CFR 51.1107. As explained in Section II.C of this preamble, the EPA

has interpreted the air quality criterion in CAA section 181(a)(5)(B) for purposes of the 2008 8-hour standard to mean that an eligible area's fourth highest daily maximum 8-hour average in the year preceding the attainment date is equal to or below the NAAQS (80 FR 12292). The EPA has evaluated the data for these eight areas and has determined that the fourth highest daily maximum 8-hour average for each area in 2014 is equal to or below 0.075 ppm. Table 3 provides the fourth highest daily maximum 8-hour averages for 2014 for each of the eight Marginal nonattainment areas for which a state has requested an attainment date extension.

Based on the EPA's evaluation and determination that eight Marginal

nonattainment areas for the 2008 ozone NAAQS that failed to attain the NAAQS by July 20, 2015, have met the attainment date extension criteria of CAA section 181(a)(5), the EPA is exercising its discretion to propose granting a 1-year extension of the applicable Marginal area attainment date to July 20, 2016, from July 20, 2015, for the nonattainment areas listed in Table 3. If this proposal is finalized, then the nonattainment areas would remain classified as Marginal for the 2008 ozone NAAQS unless and until the EPA makes a determination that the areas have not attained the NAAQS by the July 20, 2016, attainment date. The EPA is soliciting comments on this proposal.

TABLE 3—MARGINAL NONATTAINMENT AREAS THAT QUALIFY FOR A 1-YEAR ATTAINMENT DATE EXTENSION FOR THE 2008 OZONE NAAQS ^a

2008 Ozone NAAQS nonattainment area	2012–2014 Design value (ppm)	2014 4th Highest daily maximum 8-hr average (ppm)
Cleveland-Akron-Lorain, OH	0.078	0.075
Houston-Galveston-Brazoria, TX	0.080	0.072
Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE	0.077	0.074
Pittsburgh-Beaver Valley, PA	0.077	0.071
San Luis Obispo County (Eastern part), CA	0.076	0.073
Sheboygan, WI	0.081	0.072
St. Louis-St. Charles-Farmington, MO-IL	0.078	0.072
Washington, DC-MD-VA	0.076	0.069

^a The areas listed are Marginal nonattainment areas that did not attain the 2008 ozone standard by July 20, 2015, but qualify for an extended attainment date to July 20, 2016, under CAA section 181(a)(5).

C. Determinations of Failure To Attain and Reclassification

The EPA is proposing to determine that 11 Marginal nonattainment areas (listed in Table 4) have failed to attain the 2008 ozone NAAQS by the applicable attainment date of July 20, 2015. These areas are not eligible for a 1-year attainment date extension because the fourth highest daily maximum 8-hour average for at least one monitor in each area is greater than 0.075 ppm for 2014 (*i.e.*, last full year of air quality data prior to the July 20, 2015, attainment date). Each of these areas failed to attain because the 2012–2014 design value for at least one monitor in each area exceeded the 2008 ozone NAAQS of 0.075 ppm. The TSD for this action shows all monitoring data for the relevant years for each of these

nonattainment areas, as well as the 3-year design value calculations for each area.

CAA section 181(b)(2)(A) provides that a Marginal nonattainment area shall be reclassified by operation of law upon a determination by the EPA that such area failed to attain the relevant NAAQS by the applicable attainment date. Based on quality-assured ozone monitoring data from 2012–2014, as provided in the TSD for this proposal, the new classification applicable to each of these 11 areas would be the next higher classification of “Moderate” under the CAA statutory scheme.¹¹

Moderate nonattainment areas are required to attain the standard “as expeditiously as practicable” but no later than 6 years after the initial designation as nonattainment (which, in the case of these 11 areas, is July 20,

2018). The attainment deadlines associated with each classification are prescribed by the Act and codified at 40 CFR 51.1103.

We also note that the states with areas that attain the 2008 ozone NAAQS after they are reclassified to Moderate can use the EPA's existing Clean Data Policy. The state with areas attaining the NAAQS could also submit a complete redesignation request with a maintenance plan to the EPA prior to the SIP revision deadline that uses the EPA's redesignation guidance.¹²

There are a number of significant emission reduction programs that will lead to reductions of ozone precursors, and that are in place today or are expected to be in place by 2017 to meet the July 20, 2018 attainment date for the 2008 ozone NAAQS Moderate areas. Examples of such rules include state

¹⁰ The EPA notes that while Delaware did not submit a letter requesting a 1-year attainment date extension for the multi-state Philadelphia nonattainment area, based on extension requests from the other states with jurisdiction over that area, including Pennsylvania, New Jersey, and Maryland, and the EPA's own analysis of the CAA

section 181(a)(5)(A) criteria with regard to Delaware, the EPA is exercising its discretion to propose granting the Philadelphia area a 1-year extension of the attainment date.

¹¹ The 2012–2014 design value for each of the 11 areas does not exceed 0.100 ppm, which is the

threshold for reclassifying an area to Serious per CAA section 181(b)(2)(A)(ii) and 40 CFR 51.1103.

¹² Details on the EPA's existing Clean Data Policy and redesignation guidance are available at <http://www.epa.gov/air/urbanair/sipstatus/policy.html>.

and federal implementation plans adopted under the Cross-State Air Pollution Rule (CSAPR), the regional haze rule and the Best Available Retrofit Technology (BART) requirements, as well as regulations controlling on-road and non-road engines and fuels, Tier 3 motor vehicle emission and fuel standards program,¹³ hazardous air

pollutant rules for utility and industrial boilers, and various other programs already adopted by states to reduce emissions from key emissions sources. Further, states and the EPA are currently evaluating interstate transport obligations addressing CAA 110(a)(2)(D)(i)(I) requirements for this NAAQS, and the state or federal plans

that are adopted to satisfy these obligations will provide a level of additional emission reductions from upwind states that will further assist each nonattainment area in attaining the ozone NAAQS by the Moderate attainment area deadline.

TABLE 4—MARGINAL NONATTAINMENT AREAS THAT WILL BE RECLASSIFIED AS MODERATE BECAUSE THEY DID NOT ATTAIN THE 2008 OZONE NAAQS BY THE JULY 20, 2015, ATTAINMENT DATE

2008 Ozone NAAQS nonattainment area	2012–2014 Design value (ppm)	2014 4th highest daily maximum 8-hr average (ppm)
Atlanta, GA	0.077	0.079
Chicago-Naperville, IL-IN-WI	0.081	0.076
Denver-Boulder-Greeley-Fort Collins-Loveland, CO	0.082	0.077
Greater Connecticut, CT	0.080	0.077
Imperial County, CA	0.080	0.078
Kern County (Eastern Kern), CA	0.084	0.089
Mariposa County, CA	0.078	0.077
Nevada County (Western part), CA	0.079	0.082
New York-N. New Jersey-Long Island, NY-NJ-CT	0.085	0.081
Phoenix-Mesa, AZ	0.080	0.080
San Diego County, CA	0.079	0.079

D. Moderate Area SIP Revision Submission Deadline

For each new Moderate ozone nonattainment area, the states responsible for managing air quality in the 11 areas identified in Table 4 will be required to submit a revised SIP that addresses the CAA’s Moderate nonattainment area requirements, as interpreted and described in the final SIP Requirements Rule for the 2008 ozone NAAQS. See 40 CFR 51.1100 *et seq.* Those requirements include: (1) an attainment demonstration (CAA section 182(b) and 40 CFR 51.1108); (2) provisions for RACT (CAA section 182(b)(2) and 40 CFR 51.1112(a)–(b)) and RACM (CAA section 172(c)(1) and 40 CFR 51.1112(c)); (3) reasonable further progress (RFP) reductions in VOC and/or NO_x emissions in the area (CAA sections 172(c)(2) and 182(b)(1) and 40 CFR 51.1110); (4) contingency measures to be implemented in the event of failure to meet a milestone or to attain the standard (CAA section 172(c)(9)); (5) a vehicle inspection and maintenance program, if applicable (CAA section 181(b)(4) and 40 CFR 51.350); and, (6) NO_x and VOC emission offsets at a ratio of 1.15 to 1 for major source permits (CAA section 182(b)(5) and 40 CFR 51.165(a)). See also the requirements for Moderate ozone

nonattainment areas set forth in CAA section 182(b) and the general nonattainment plan provisions required under CAA section 172(c).¹⁴

As noted elsewhere in this preamble, when an area is reclassified under CAA section 181(b)(2), CAA section 182(i) directs that the state shall meet the new requirements according to the schedules prescribed in those requirements. It provides, however, “that the Administrator may adjust any applicable deadlines (other than attainment dates) to the extent such adjustment is necessary or appropriate to assure consistency among the required submissions.” CAA section 182(b), as interpreted by 40 CFR 51.1100 *et seq.*, describes the required SIP revisions and associated deadlines for a nonattainment area classified as Moderate at the time of the initial designations. However, these SIP submission deadlines (*e.g.*, 3 years after the effective date of designation for submission of an attainment plan and attainment demonstration) have already passed. Accordingly, the EPA is proposing to exercise its discretion under CAA section 182(i) to adjust the SIP submittal deadlines for these 11 new Moderate nonattainment areas.

In determining an appropriate deadline for the Moderate area SIP revisions for these 11 areas, the EPA

notes that pursuant to 40 CFR 51.1108(d), for each nonattainment area, the state must provide for implementation of all control measures needed for attainment no later than the beginning of the attainment year ozone season. The attainment year ozone season is the ozone season immediately preceding a nonattainment area’s attainment date. In the case of nonattainment areas classified as Moderate for the 2008 ozone NAAQS, the attainment year ozone season is the 2017 ozone season (40 CFR 51.1100(g)). The ozone season is the ozone monitoring season as defined in 40 CFR part 58, appendix D, section 4.1, Table D–3 (October 17, 2006, 71 FR 61236). We note that the EPA has proposed changes to the ozone monitoring season in its most recent proposal to revise the ozone NAAQS (79 FR 75234, December 17, 2014). For the purposes of reclassification for the 11 Marginal nonattainment areas identified in this proposal, Table 5 provides the starting month of the ozone monitoring season for each state with one of the 11 Marginal areas as currently codified in the EPA’s regulations. Table 5 also includes the December 17, 2014, proposed changes, if any, to the beginning of the ozone monitoring season in such states. If the proposed changes to the beginning of the ozone

¹³ 79 FR 23414 (April 29, 2014). Control of Air Pollution From Motor Vehicles: Tier 3 Motor Vehicle Emission and Fuel Standards.

¹⁴ All 11 of the areas reclassified to Moderate except Denver-Boulder-Greeley-Fort Collins-

Loveland, CO have been classified Moderate or higher classification for a prior ozone NAAQS.

monitoring seasons are included in the final ozone NAAQS revision (expected by October 1, 2015), and that rulemaking is finalized before the EPA finalizes this action, the revised ozone season dates would also apply to our adjusted deadlines for the Moderate area SIP revisions for the areas we propose to reclassify in this document. We also note that we believe it is reasonable to provide states with a period of at least approximately 1 year after the reclassification is finalized to develop and submit the Moderate area SIP revisions. This provides time necessary for states and local air districts to finish their review of available control measures, adopt necessary attainment strategies, address other SIP requirements, and complete the public notice process necessary to adopt and submit SIP revisions.

Therefore, the EPA is proposing and taking comment on two options for setting the date by which states with jurisdiction for these 11 reclassified nonattainment areas would be required to submit for EPA review and approval SIP revisions to address Moderate area requirements. The first option, which is reflected in Table 5 below, would require that states submit the required SIP revisions as expeditiously as practicable, but no later than the beginning of the ozone season in 2017 for each state. This proposed option would align the SIP submittal deadline with the deadline for implementing applicable controls, which, as noted above, is also no later than the beginning of the ozone season in 2017 for each area. This option would give 9 states additional time that may be needed to accomplish planning,

administrative and SIP revision processes. This option would treat states consistently in that they would need to have submitted SIP revisions by the beginning of their respective ozone seasons, but it would result in SIP submittal dates that vary among the states. In addition, as noted above, if the EPA finalizes the proposed changes to the start dates of the ozone season in a number of states, the proposed deadlines for SIP revisions in this rulemaking would also change accordingly. Under this first option, in multi-state nonattainment areas, such as the Chicago-Naperville area, where the three affected states do not have the same ozone season start date, the deadline for the entire nonattainment area would be the earliest ozone season start date for any of the states (e.g., April 1, 2017, for the Chicago area).

TABLE 5—BEGINNING OF OZONE SEASON FOR STATES WITH AREAS IDENTIFIED FOR RECLASSIFICATION TO MODERATE FOR THE 2008 OZONE NAAQS

2008 Moderate ozone areas	State	Current month or date ozone season begins ^a	Proposed deadline for moderate area SIP submittal	Proposed month or date ozone season begins ^b
Atlanta, GA	Georgia	March	1-Mar-17	No change.
Chicago-Naperville, IL-IN-WI.	Illinois	April	1-Apr-17	March.
Chicago-Naperville, IL-IN-WI.	Indiana	April	1-Apr-17	March.
Chicago-Naperville, IL-IN-WI.	Wisconsin	15-Apr	15-Apr-17	15-Mar.
Denver-Boulder-Greeley-Fort Collins-Loveland, CO.	Colorado	March	1-Mar-17	January.
Greater Connecticut, CT ...	Connecticut	April	1-Apr-17	March.
Imperial County, CA	California	January	1-Jan-17	No change.
Kern County (Eastern Kern), CA.	California	January	1-Jan-17	No change.
Mariposa County, CA	California	January	1-Jan-17	No change.
Nevada County (Western part), CA.	California	January	1-Jan-17	No change.
New York-N. New Jersey-Long Island, NY-NJ-CT.	New Jersey	April	1-Apr-17	March.
New York-N. New Jersey-Long Island, NY-NJ-CT.	New York	April	1-Apr-17	March.
New York-N. New Jersey-Long Island, NY-NJ-CT.	Connecticut	April	1-Apr-17	March.
Phoenix-Mesa, AZ	Arizona	January	1-Jan-17	No change.
San Diego County, CA	California	January	1-Jan-17	No change.

^a Table D-3 of Appendix D to Part 58—Ozone Monitoring Season by State. First day of beginning month except for WI.

^b Beginning of ozone season proposed in the ozone NAAQS revision proposal (79 FR 75234, December 17, 2014).

Under the second option, the EPA proposes that the deadline for the required SIP revisions for areas that would be reclassified under this rulemaking would be as expeditiously as practicable, but no later than January 1, 2017. By establishing a single specific submittal date, this option would establish a consistent deadline for all 11 areas, similar to the single uniform SIP submission deadline that would have applied to all areas if they had been

initially classified as Moderate. A uniform deadline of January 1, 2017, is reasonable because it would provide all states with approximately 1 year after these reclassifications are finalized to develop complete SIP submissions, and it is the latest SIP submittal date that would be compatible with ensuring controls are in place no later than the start of the attainment year ozone season for all of the 11 reclassified areas.

The EPA solicits comments on both of these proposed options for deadlines to submit the required SIP revisions that would apply to states after any current Marginal nonattainment area for the 2008 ozone NAAQS is reclassified to Moderate.

With regard to the New York-N. New Jersey-Long Island (NY-NJ-CT) nonattainment area, the EPA notes that in addition to the actions related to the 2008 ozone standard addressed in this

proposed rulemaking, on May 15, 2014, the agency proposed to rescind the clean data determination (CDD) for that nonattainment area under the 1997 8-hour ozone standard because the EPA determined that the area was no longer attaining the 1997 ozone NAAQS (79 FR 27830, “May 2014 proposal document”). The CDD, issued by the EPA in June 2012, suspended the three states’ obligations to meet attainment-related planning requirements for that standard, including submitting attainment demonstrations, RACM, RFP plans, and contingency measures. In the May 2014 proposal document, the EPA proposed to find that the New Jersey, New York, and Connecticut’s SIPs were substantially inadequate to demonstrate attainment of the 1997 ozone NAAQS, and the agency proposed to issue a SIP Call under the authority of CAA section 110(k)(5) requiring the states to submit revised SIPs within 18 months to demonstrate how the New York-N. New Jersey-Long Island nonattainment area would re-attain the 1997 standard as expeditiously as practicable.

One option proposed by the EPA in the May 2014 proposal document would permit the relevant states to respond to the final SIP Call by requesting to be reclassified to Moderate for the 2008 ozone standard (see CAA section 181(b)(3)), which would consequently require that the states submit SIPs demonstrating how they would attain the more stringent 2008 standard as expeditiously as practicable. We proposed that this alternative response of submitting an attainment plan for the 2008 ozone standard would satisfy a final SIP Call on the 1997 ozone standard because an approvable plan would demonstrate compliance with a more stringent NAAQS.

The public comment period for the May 2014 proposal document closed on June 16, 2014, and the EPA is reviewing comments received on the proposal. However, given that this action proposes to find that the New York-N. New Jersey-Long Island nonattainment area has failed to attain the 2008 ozone standard by its Marginal attainment date of July 20, 2015, and must be reclassified to Moderate by operation of law in accordance with CAA section 181(b)(2)(A), this proposed action would effectively eliminate the need for the three affected states to request reclassification for the area under the option described in the May 2014 proposal document. Although we are not taking final action in this document on the proposed CDD rescission and SIP Call (79 FR 27830), the actions which may occur pursuant to this proposal (i.e., a final finding of failure to attain

the 2008 standard by the applicable attainment date, reclassification of the area as Moderate, and a state submittal of a Moderate area attainment demonstration) would, thus, also serve to satisfy a final SIP Call under CAA section 110(k)(5). We also note that either of the 2008 ozone attainment plan due dates proposed in this document would meet the statutory timeframe for the SIP revision due subsequent to a SIP Call for the 1997 ozone NAAQS for the area.

E. Summary of Proposed Actions

The actions proposed in this document affect the 36 nonattainment areas for the 2008 ozone NAAQS that were initially designated and classified Marginal effective July 20, 2012, based on their individual design values. The design value of an area is represented by the annual fourth-highest daily maximum 8-hour average ozone concentration measured at each monitor in the area, averaged over a consecutive 3-year period. According to CAA section 181(a)(1), as interpreted by EPA regulations at 40 CFR 51.1103, nonattainment Marginal areas are required to attain the standard “as expeditiously as practicable” but no later than 3 years after the designation effective date of July 20, 2012 (i.e., no later than July 20, 2015). CAA section 181(b)(2)(A) requires that within six months of the attainment date, which, in the case of the Marginal areas that are the subject of this document, was July 20, 2015, the EPA must determine, based on the ozone nonattainment area’s design value as of the attainment date, whether the area attained the ozone standard by that date. A Marginal nonattainment area has attained the 2008 ozone NAAQS by the attainment date if its design value is equal to or less than 0.075 ppm based on data from the period 2012–2014. If the EPA determines that an area has failed to attain by its attainment date, CAA section 181(b)(2) requires that those areas be reclassified to the higher of (i) the next highest classification, or (ii) the classification that corresponds with the area’s design value as of the time that the EPA publishes the document identifying the areas that have failed to attain by their attainment date. Accordingly, the EPA is proposing that the following 11 Marginal nonattainment areas failed to attain the 2008 ozone NAAQS by July 20, 2015, and must be reclassified as Moderate: Atlanta, GA; Chicago-Naperville, IL-IN-WI; Denver-Boulder-Greeley-Fort Collins-Loveland, CO; Greater Connecticut, CT; Imperial County, CA; Kern County (Eastern Kern), CA;

Mariposa County, CA; Nevada County (Western part), CA; New York-N. New Jersey-Long Island, NY-NJ-CT; Phoenix-Mesa, AZ; and, San Diego County, CA. For these 11 areas, the EPA is further proposing that the responsible states must submit SIP revisions to fulfill the CAA’s Moderate area requirements by one of the following two alternative deadlines: Option 1—as expeditiously as practicable but not later than the start of each nonattainment area’s 2017 ozone season; Option 2—as expeditiously as practicable but not later than January 1, 2017. The EPA is taking comment on the determinations of failure to attain and subsequent reclassifications of each of these 11 nonattainment areas from Marginal to Moderate, and on an appropriate deadline for responsible states to submit SIP revisions to fulfill Moderate area requirements for these areas.

Upon application by any state, the Administrator may extend the 2008 ozone attainment date by 1 year, in accordance with CAA section 181(a)(5) and 40 CFR 51.1107, provided that the state has complied with all requirements and commitments pertaining to the area in the applicable implementation plan, and the area’s fourth highest daily maximum 8-hour average value for the last full year of air quality data prior to the July 20, 2015, attainment date (i.e., 2014) is at or below 0.075 ppm. Based on state requests and a review of 2014 ozone air quality data, the EPA is proposing to grant 1-year extensions of the attainment date to July 20, 2016 (from July 20, 2015) for the following eight Marginal nonattainment areas: Cleveland-Akron-Lorain, OH; Houston-Galveston-Brazoria, TX; Philadelphia-Wilmington-Atlantic City, PA-NJ-MD-DE; Pittsburgh-Beaver Valley, PA; San Luis Obispo County (Eastern part), CA; Sheboygan, WI; St. Louis-St. Charles-Farmington, MO-IL; and, Washington, DC-MD-VA. The EPA is taking comment on the 1-year attainment date extensions for each of these eight areas.

For the 17 remaining 2008 ozone NAAQS nonattainment areas currently classified as Marginal, the EPA is proposing to determine that each area has ozone design values for the 2012–14 period at or below 0.075 ppm, and, thus, each area has attained the NAAQS by the attainment date of July 20, 2015. The 17 areas are: Allentown-Bethlehem-Easton, PA; Baton Rouge, LA; Calaveras County, CA; Charlotte-Gastonia-Rock Hill, NC-SC; Chico (Butte County), CA; Cincinnati, OH-KY-IN; Columbus, OH; Dukes County, MA; Jamestown, NY; Knoxville, TN; Lancaster, PA; Memphis, TN-MS-AR; Reading, PA; San Francisco

Bay Area, CA; Seaford, DE; Tuscan Buttes, CA; and, Upper Green River Basin, WY. The EPA is taking comment on the determinations of attainment by the applicable attainment date for these 17 areas.

IV. Environmental Justice Considerations

The CAA requires that states with areas designated as nonattainment submit to the Administrator the appropriate SIP revisions and implement specified control measures by certain dates applicable to the area's classification. By requiring additional planning and implementation requirements for the 11 nonattainment areas proposed to be reclassified from Marginal to Moderate, the part of this action reclassifying the areas from Marginal to Moderate will protect all those residing, working, attending school, or otherwise present in those areas regardless of minority or economic status.

V. Statutory and Executive Order Reviews

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was, therefore, not submitted to the Office of Management and Budget (OMB) for review.

B. Paperwork Reduction Act (PRA)

The information collection activities associated with this proposed rule were submitted for approval to the OMB under the PRA as part of the information collection assessment for the 2008 ozone NAAQS SIP Requirements Rule. The Information Collection Request (ICR) document prepared by the EPA has been assigned the EPA ICR number 2347.01. You can find a copy of the ICR in the docket for the 2008 ozone NAAQS SIP Requirements Rule¹⁵ (EPA-HQ-OAR-2010-0885), and in the docket for this rule (EPA-HQ-OAR-2015-0468). The ICR is briefly summarized here.

The EPA issued the 2008 ozone NAAQS SIP Requirements Rule to provide states with assistance in interpreting how CAA requirements apply to their nonattainment areas when the states develop their SIPs for attaining and maintaining the 2008 ozone NAAQS. The intended effect of the SIP Requirements Rule—in conjunction with other rules that address additional aspects of implementation, such as this proposed

action—is to provide assistance to states regarding their planning obligations such that states may begin SIP development. In preparing its analysis of the estimated paperwork burden associated with the SIP Requirements Rule and additional rules providing clarity on implementation of the 2008 ozone NAAQS, the EPA calculated that burden for the 46 areas designated nonattainment under that standard.^{16 17} The estimate in the ICR included the assumption that 10 nonattainment areas originally classified as Marginal would require reclassification to Moderate after the July 20, 2015, attainment date for Marginal nonattainment areas. If this proposed action is finalized, 11 nonattainment areas originally classified as Marginal would be reclassified to Moderate. Therefore, we believe that the original estimate in the ICR has fairly quantified the information collection activities that will be associated with the 11 areas we proposed to reclassify in this action. Upon finalization of the reclassification to Moderate, the states with jurisdiction over the 11 areas will be required to prepare an attainment demonstration as well as submit SIP revisions for purposes of meeting RFP requirements and RACT. The attainment demonstration requirement is codified at 40 CFR 51.908, which implements CAA subsections 172(c)(1), 182(b)(1)(A) and 182(c)(2)(B). The RFP SIP submission requirement is codified at 40 CFR 51.910, which implements CAA subsections 172(c)(2) and 182(b)(1)(A), and the RACT SIP submission requirement is codified at 40 CFR 51.912, which implements CAA subsections 172(c)(1) 182(b)(2),(c),(d) and (e).

States should already have information from emission sources, as facilities should have provided this information to meet 1-hour and 1997 8-hour ozone NAAQS SIP requirements, operating permits and/or emissions reporting requirements. Such information does not generally reveal the details of production processes. But, to the extent it may, CBI for the affected facilities is protected. Specifically, submissions of emissions and control efficiency information that is confidential, proprietary and trade secret is protected from disclosure under the requirements of subsections 503(e) and 114(c) of the CAA.

The annual burden for the information collection associated with all 46 nonattainment areas, averaged over the first 3 years of the ICR, was estimated to be a total of 120,000 labor

hours per year at an annual labor cost of \$2.4 million (present value) over the 3-year period, or approximately \$91,000 per state for the 25 state respondents and the District of Columbia. The average annual reporting burden is 690 hours per response, with approximately two responses per state for 58 state responses.¹⁸ There are no capital or operating and maintenance costs associated with the SIP Requirements Rule's or this proposed rule's requirements. Burden is defined at 5 CFR 1320.3(b).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9.

The comment period on the agency's need for this information ran from June 6, 2013, to August 5, 2013.¹⁹ No comments were received on the accuracy of the provided burden estimates and any suggested methods for minimizing respondent burden. The EPA public docket for this rule includes the ICR approved in conjunction with the 2008 ozone NAAQS SIP Requirements Rule.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. The proposed determinations of attainment and failure to attain the 2008 ozone NAAQS (and resulting reclassifications), and the proposed determination to grant 1-year attainment date extensions do not in and of themselves create any new requirements beyond what is mandated by the CAA. Instead, this rulemaking only makes factual determinations, and does not directly regulate any entities.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action imposes no enforceable duty on any state, local or tribal governments or the private sector.

¹⁸ State responses are the number of SIP revisions required from the respective states to satisfy their 2008 ozone nonattainment requirements. Due to an oversight in the original submitted ICR, the estimated number of state responses (58) does not include the one required SIP revision for the Mississippi portion of the multi-state Memphis nonattainment area.

¹⁹ 78 FR 34178, June 6, 2013.

¹⁶ 77 FR 30088, May 21, 2012.

¹⁷ 77 FR 34227, June 11, 2012.

¹⁵ 80 FR 12264, March 6, 2015.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action has tribal implications. However, it will neither impose substantial direct compliance costs on federally recognized tribal governments, nor preempt tribal law. The EPA has identified a number of tribal areas implicated in the 36 areas covered by the EPA's proposed determinations of attainment and failure to attain the 2008 ozone NAAQS (and resulting reclassifications), and the proposed determination to grant 1-year attainment date extensions. We intend to communicate with potentially affected tribes located within the boundaries of the nonattainment areas for the 2008 ozone NAAQS as we move forward in developing a final rule.

G. Executive Order 13045: Protection of Children From Environmental Health and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of "covered regulatory action" in section 2-202 of the Executive Order. This action is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This action is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations

The EPA believes the human health or environmental risk addressed by this action will not have potential disproportionately high and adverse

human health or environmental effects on minority, low-income or indigenous populations. The results of this evaluation are contained in the section of the preamble titled "Environmental Justice Considerations."

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: August 19, 2015.

Janet G. McCabe,

Acting Assistant Administrator.

[FR Doc. 2015-21196 Filed 8-26-15; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 52**

[EPA-R07-OAR-2015-0512; FRL-9932-79-Region 7]

Approval and Promulgation of Air Quality Implementation Plans; State of Kansas; Infrastructure SIP Requirements for the 2008 Ozone National Ambient Air Quality Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve an element of a State Implementation Plan (SIP) submission from the State of Kansas addressing the applicable requirements of Clean Air Act (CAA) section 110 for the 2008 National Ambient Air Quality Standards (NAAQS) for Ozone (O₃), which requires that each state adopt and submit a SIP to support implementation, maintenance, and enforcement of each new or revised NAAQS promulgated by EPA. These SIPs are commonly referred to as "infrastructure" SIPs. The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA.

DATES: Comments on this proposed action must be received in writing by September 28, 2015.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-R07-OAR-2015-0512, by mail to Lachala Kemp, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard,

Lenexa, Kansas 66219. Comments may also be submitted electronically or through hand delivery/courier by following the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

FOR FURTHER INFORMATION CONTACT:

Lachala Kemp, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219 at (913) 551-7214 or by email at kemp.lachala@epa.gov.

SUPPLEMENTARY INFORMATION: In the final rules section of this **Federal Register**, EPA is approving the state's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no relevant adverse comments to this action. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action, no further activity is contemplated in relation to this action. If EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed action. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on part of this rule and if that part can be severed from the remainder of the rule, EPA may adopt as final those parts of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the rules section of this **Federal Register**.

List of Subjects in 40 CFR Part 52

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

Dated: August 12, 2015.

Mark Hague,

Acting Regional Administrator, Region 7.

[FR Doc. 2015-20894 Filed 8-26-15; 8:45 am]

BILLING CODE 6560-50-P

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

DATE:

September 1, 2015

SUBJECT:

MAG FY 2017 PSAP Annual Element/Funding Request and FY 2017-2021 Equipment Program

SUMMARY:

Each year, the Public Safety Answering Point (PSAP) Managers submit inventory and upgrade requests that are used to develop a five-year equipment program that forecasts future 9-1-1 equipment needs of the region and will enable MAG to provide estimates of future funding needs to the Arizona Department of Administration (ADOA). The funding request for FY 2017 is required to be submitted to the ADOA by December 15, 2015.

The ADOA Order of Adoption stipulates allowable funding under the Emergency Telecommunications Services Revolving Fund. The Emergency Telecommunications Services Revolving Fund is funded by the monthly 9-1-1 excise tax on wireline and wireless telephones. The 9-1-1 excise tax is currently 20 cents per month, which is the lowest monthly 9-1-1 collection in the United States. The State 9-1-1 Office has determined that sufficient revenue will be collected to allow for continued network and equipment maintenance services, but no capital expenditures to replace aging 9-1-1 will be funded until near the end of the fiscal year when budget overages are determined. The State 9-1-1 Office has indicated the 9-1-1 funds will not cover reimbursements for logging recorders, additional 9-1-1 call taking positions, and new PSAPs.

PUBLIC INPUT:

None.

PROS & CONS:

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

CONS: None.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: None.

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

ACTION NEEDED:

Recommend approval of the MAG FY 2017 PSAP Annual Element/Funding Request and FY 2017-2021 Equipment Program.

PRIOR COMMITTEE ACTIONS:

MAG 9-1-1 Oversight Team: This item is on the September 1, 2015, MAG 9-1-1 Oversight Team agenda. An update will be provided on action taken by the Committee.

MAG 9-1-1 PSAP Managers Group: On August 13, 2015, the MAG 9-1-1 PSAP Managers Group recommended approval of the MAG FY 2017 PSAP Annual Element/Funding Request and FY 2017-2021 Equipment Program.

MEMBERS ATTENDING

- Cari Zanella, Mesa Police Department, Chair
- Domela Finnessey, Surprise Police Department, Vice Chair
- # Jerry Ward for Lisa Eminhizer, Apache Junction Police Department
- Mike Sgrillo, Avondale Police Department
- Jim Tortora, Buckeye Police Department
- Michelle Potts, Chandler Police Department
- * Stephanie Beebe, Ft. McDowell Yavapai Nation
- # Alayna Bay for Janet Laird, Gilbert Police Department
- Loretta Hadlock, Glendale Police Department
- Carolyn Scotts for Chris Nadeau, Goodyear Police Department
- Rich Johnson, Maricopa County Sheriff's Office
- Shawna Henrie for Michael Cole, Paradise Valley Police Department
- Anje Reimer, Peoria Police Department
- # Dan McNemee, Phoenix Police Department
- Rachel Harris for Curtis Thomas, Salt River Pima-Maricopa Indian Community Police Department
- Karen Sutherland, Scottsdale Police Department
- Del Webb for Patrick Cutts, Tempe Police Department
- # Toni Rogers, Tolleson Police Department
- Ken Lutkiewicz, Wickenburg Police Department
- *+ Jami Perry, ASU Police Department
- + Barbara Jaeger, ADOA
- ##+Patty Simpson, DPS
- *+ David Demers, Luke AFB Fire Department
- ##+Doreen Wasick, Mesa Fire & Medical Department
- ##+Dori Beck, Phoenix Fire Department
- + Ellen White, Rural Metro Fire Department/Southwest Ambulance

- * Those members neither present nor represented by proxy.
- + Ex-Officio member
- # Attended by Teleconference

CONTACT PERSON:

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

MAG FY 2017 PSAP ANNUAL ELEMENT/FUNDING REQUEST

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

CONTACT: Liz Graeber
 TELEPHONE #: (602) 534-9775
 DATE: 24-Jun-15

Calendar Year	2016						2017					
TOTAL	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June

Wireline												
Maintenance:												
\$1,752,000	\$146,000	\$146,000	\$146,000	\$146,000	\$146,000	\$146,000	\$146,000	\$146,000	\$146,000	\$146,000	\$146,000	\$146,000

911 Monthly Service:												
\$3,060,000	\$255,000	\$255,000	\$255,000	\$255,000	\$255,000	\$255,000	\$255,000	\$255,000	\$255,000	\$255,000	\$255,000	\$255,000

Customer Premise Equipment												
\$6,175,000	\$50,000	\$165,000	\$150,000	\$250,000	\$150,000	\$60,000	\$350,000	\$300,000	\$250,000	\$4,000,000	\$450,000	

Special Projects/Misc maintenance												
\$784,980	\$65,415	\$65,415	\$65,415	\$65,415	\$65,415	\$65,415	\$65,415	\$65,415	\$65,415	\$65,415	\$65,415	\$65,415

Wireless												
Maintenance:												
\$0												

911 Monthly Service:												
\$2,880,000	\$240,000	\$240,000	\$240,000	\$240,000	\$240,000	\$240,000	\$240,000	\$240,000	\$240,000	\$240,000	\$240,000	\$240,000

Addressing/Mapping/GIS												
\$44,000	\$11,000			\$11,000			\$11,000			\$11,000		

Customer Premise Equipment												
\$500,000	\$500,000											

Special Projects												
\$3,000,000	\$3,000,000											

FY TOTALS												
\$18,195,980	\$4,267,415	\$871,415	\$856,415	\$967,415	\$856,415	\$766,415	\$1,067,415	\$1,006,415	\$956,415	\$4,717,415	\$1,156,415	\$706,415

Equipment:												
Upgrade Peripherals							\$50,000					
ASU PD	911 System Upgrade						\$165,000					
ASU PD	1 position, logging recorder						\$150,000					
Avondale PD	911 System Upgrade						\$250,000					
DPS	logging recorder						\$150,000					
Fort McDowell PD	911 System Upgrade						\$60,000					
Gilbert PD	911 System Upgrade						\$350,000					
Mesa Fire	6 positions, logging recorder						\$300,000					
Phoenix Fire	logging recorder						\$250,000					
Phoenix PD	911 System Upgrade						\$4,000,000					
Peoria PD	911 System Upgrade						\$450,000					

Equipment figures are only estimates - will have

preliminary quotes before submitting to ADOA

Equipment Total \$6,175,000

MAG FY2017-2021 PSAP Equipment Program

	FY2017	FY2018	FY2019	FY2020	FY2021
Apache Junction PD	No pending projects	No pending projects	No pending projects	No pending projects	No pending projects
ASU PD	1 Additional positions, Logging recorder	No pending projects	No pending projects	No pending projects	No pending projects
Avondale PD					
Buckeye PD	No pending projects	No pending projects	No pending projects	No pending projects	No pending projects
Chandler PD	No pending projects	No pending projects	No pending projects	No pending projects	No pending projects
DPS	Logging Recorder	No pending projects	No pending projects	No pending projects	No pending projects
Ft. McDowell					
Gilbert PD	No pending projects	No pending projects	No pending projects	No pending projects	No pending projects
Glendale PD	No pending projects	No pending projects	No pending projects	No pending projects	No pending projects
Goodyear PD	No pending projects	No pending projects	No pending projects	No pending projects	No pending projects
Luke AFB	No pending projects	No pending projects	No pending projects	No pending projects	No pending projects
MCSO					
Mesa Fire	Logging Recorder, 6 Additional Positions	2 Additional Positions, Logging Recorder, PSAP Move	2 Additional Positions	2 Additional Positions	2 Additional Positions
Mesa PD					
Paradise Valley PD					
Peoria PD	No pending projects	No pending projects	PSAP Move	No pending projects	No pending projects
Phoenix Fire	Logging Recorder	Logging Recorder,	No pending projects	No pending projects	No pending projects
Phoenix PD	No pending projects	No pending projects	No pending projects	No pending projects	No pending projects
Rural Metro PD					
Salt River PD	No pending projects	No pending projects	No pending projects	No pending projects	No pending projects
Scottsdale PD					
Surprise PD	No pending projects	1 Additional Position	No pending projects	No pending projects	No pending projects
Tempe PD					
Tolleson PD	No pending projects	No pending projects	No pending projects	No pending projects	Logging Recorder
Wickenburg PD	No pending projects	Logging Recorder, PSAP Move	No pending projects	No pending projects	No pending projects

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

DATE:

September 1, 2015

SUBJECT:

Request for Second Deferral of the City of Phoenix Multiuse Path Project at Indian School Road and the Grand Canal

SUMMARY:

A City of Phoenix of bicycle and pedestrian multiuse path project on the Grand Canal near Indian School Road and 16th Street is identified in the FY2014-2018 Transformation Improvement Program (TIP) as PHX14-101. The City of Phoenix first deferral of this project was approved by the Regional Council on August 21, 2013. On June 3, 2015, the City of Phoenix requested the second deferral of the project from FY2015 to FY 2017 due to delays necessary to acquire right-of-way from the Indian School Hospital. The MAG Federal Fund Programming Guidelines and Procedures, approved by the MAG Regional Council on June 24, 2015, outlines project requirements for requesting deferrals of federally funded projects. Each project is allowed a one-time deferral option. To demonstrate that a second deferral may be considered, the agency must show that the need for the second deferral was beyond the control of the agency.

Project deferrals and deletions are covered in section 600 of the MAG Federal Fund Programming Guidelines and Procedures. To request a second deferral, the agency is required to submit a request to MAG, and must adequately address the following to each review committee:

- Identification and explanation of specific problems or issues beyond the control of the agency other than financial issues that have caused the delay (e.g., the actions of outside actors), failure to achieve a required milestone or need to defer the project.
- Demonstration of financial commitment (e.g., staff time, funds) by the agency to develop the project prior to the rescheduling or deletion decision.
- A revised schedule and plan that address the specific issues identified.
- If a project has been previously deferred, demonstration that the previous cause of delay has been addressed and/or explanation of why the revised approach will address the problem causing the delay.

The federal amount of funding on this project is \$873,422 Congestion Mitigation and Air Quality Improvement Program (CMAQ) funding with \$994,788 local funding for a total work phase cost of \$1,868,210.

PUBLIC INPUT:

None.

PROS & CONS:

PROS: If it is agreed that progress on the project was delayed due to actions outside of the agency’s control, and the agency has addressed all items that impact the project and cause a delay, a second deferral is recommended and the project will move forward.

CONS: None.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: MAG staff, and agency project managers have determined that the updated project schedule is achievable. Air quality benefits from completing the project as currently proposed have been evaluated.

POLICY: The MAG Federal Fund Programming Guidelines and Procedures were approved by the MAG Regional Council on June 24, 2014. As per Section 600, each project is allowed a one-time deferral option. To demonstrate that a second deferral may be considered, the agency must show that the need for the second deferral was beyond the control of the agency as outlined:

“Beyond the control of the agency.” Refers to actions for which a project sponsor does not have decision making authority - e.g., the actions of third parties such as utility companies, railroads, property owners, the courts, other governmental agencies; and reviewing agencies who may fail to provide timely reviews and approvals. Actions also not under the control of a sponsor also include issues that could not have been reasonably anticipated when the project was initiated such as the discovery archaeological artifacts, hazardous materials, or impacts to endangered or threatened species in areas where none of these issues had been encountered or known to exist previously.

Actions within the control of a sponsoring agency may not be used to justify an appeal. These include the allocation of funding and staff time, project management, scheduling decisions, and the coordination of the project with other projects in the agency’s boundaries such as developer or other agency projects.

Additionally, the MAG Federal Fund Programming Guidelines and Procedures specify that a written record on questions and answers at committee meetings and the actions of the committees regarding a second deferral will be provided to all subsequent committees.

ACTION NEEDED:

Recommend approval of a second deferral by the City of Phoenix from FY 2015 to FY 2017, for the multiuse path project at Indian School Road and the Grand Canal, TIP listing PHX14-101.

PRIOR COMMITTEE ACTIONS:

On August 27, 2015, the MAG Transportation Review Committee recommended approval of a second deferral for the City of Phoenix of bicycle and pedestrian multiuse path project.

MEMBERS ATTENDING

- Avondale: Jessica Blazina for David Fitzhugh
- * ADOT: Brent Cain
- * Apache Junction: Giao Pham
- # Buckeye: Scott Lowe
- * Cave Creek: Ian Cordwell
- Chandler: Dan Cook, Vice Chair
- El Mirage: Jorge Gastelum
- * Fountain Hills: Randy Harrel
- * Gila Bend: Ernie Rubi

- Gila River Indian Community:
Tim Oliver
- Gilbert: Leah Hubbard
- Glendale: Debbie Albert
- * Goodyear: Cato Esquivel
- Litchfield Park: Woody Scoutten
- Maricopa (City): Paul Jepson
- Maricopa County: Clem Ligocki for
Jennifer Toth
- # Mesa: Jeff Martin for Scott Butler
- * Paradise Valley: Jim Shano

- * Peoria: Andrew Granger
- Phoenix: Ray Dovalina
- # Pinal County: Louis Andersen
- Queen Creek: Mohamed Youssef
- Scottsdale: Paul Basha
- Surprise: Mike Gent
- Tempe: Shelly Seyler
- Valley Metro: Abhi Dayal for John Farry
- * Wickenburg: Vince Lorefice
- # Youngtown: Grant Anderson

EX-OFFICIO MEMBERS ATTENDING

- * Street Committee: Maria Deeb, Mesa
- * ITS Committee: Marshall Riegel, Phoenix
- * FHWA: Ed Stillings
- * Bicycle/Pedestrian Committee: Jim Hash,
City of Mesa
- * Transportation Safety Committee:
Renate Ehm, City of Mesa

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

At the August 18, 2015 meeting, the Bicycle and Pedestrian Committee recommended approval of a second deferral for the City of Phoenix of bicycle and pedestrian multiuse path project.

MEMBERS ATTENDING

- Jim Hash, Mesa, Chair
- Jose Macias, El Mirage, Vice-Chair
- Michael Sanders, ADOT
- Raquel Schatz, Apache Junction
- # Christina Underhill, Avondale
- Phil Reimer, Buckeye
- # Stacy Bridge-Denzak, Carefree
- * Ian Cordwell, Cave Creek
- Ann Marie Riley for Jason Crampton,
Chandler
- Kristin Myers, Gilbert
- # Purab Adabala, Glendale
- Joe Schmitz, Goodyear
- Mike Gillespie for Julius Diogenes,
Litchfield Park
- * Ryan Wozniak, Maricopa
- * Denise Lacey, Maricopa County
- Brandon Forrey, Peoria
- Katherine Coles, Phoenix
- # Sidney Urias, Queen Creek
- Susan Conklu, Scottsdale
- Stephen Chang, Surprise
- Eric Iwersen, Tempe
- * Amanda Leuker, Valley Metro
- * Robert Carmona, Wickenburg
- # Grant Anderson, Youngtown

- * Members neither present nor represented by proxy
- # Attended via audio-conference

Questions and Responses:

At the August 27, 2015, the MAG Transportation Review Committee no additional questions were submitted.

At the August 18, 2015, Bicycle and Pedestrian Committee meeting regarding this project:

What was Phoenix's first deferral request for? It was asked whether this deferral was needed and was it something that was out of the agency's control, as right of way is something the agency has dealt with in the past?

Aaron Jensen from the City of Phoenix replied that the first deferral was based on the procurement process and setting up public meetings.

It was asked and answered that the year to be deterred is required to be in the TIP window and that member agencies have a right to a first time deferral without justification.

A member noted that he believed that the cause of the second deferral request was within the control of Phoenix. Two members indicated that the right-of-way issues causing the need to defer the project were outside the control as they were the result of the decisions of an outside agency, in this case the Bureau of Indian Affairs (BIA) and Indian Health Service, for which condemnation is not feasible.

Mr. Jensen noted that the BIA had in principal accepted the offer of Phoenix to purchase the needed right-of-way, but that the development of documents needed to complete the right-of-way acquisition may take as much as two years as the BIA is uncertain as to the mechanics of transferring the property to the City.

CONTACT PERSON:

Stephen Tate or Teri Kennedy, 602-254-6300

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

DATE:

September 1, 2015

SUBJECT:

Resolution of Structural Issues With Using Special Census Numbers to Distribute State Shared Revenues

SUMMARY:

In Arizona, more than \$1.5 billion of state shared revenue is distributed annually to municipal governments based on formulas using municipal population per Arizona Revised Statutes (ARS) 42-5029. This includes revenue from the Vehicle License Tax (VLT), Highway User Revenue Fund (HURF), State Sales Tax, and State Income Tax. The revenue from VLT and HURF is distributed to the cities and towns based on their portion of the population of their county, while State Sales Tax and State Income Tax are distributed to the cities and towns solely on a statewide, per capita basis. For the purposes of these distribution formulas, the population is taken from the most recent decennial census (ARS 42-5029 subsection I). State law also allows for cities, towns, and counties to contract with the United States Census Bureau to conduct a mid-decade census count in the fifth year following the decennial census (ARS 42-5033).

Due to higher growth rates in the MAG region as compared to the rest of Arizona, in 1985, the MAG region contracted with the Census Bureau to conduct a full mid-decade census at a cost to MAG member agencies of \$3 million. Again in 1995, the MAG region contracted with the Census Bureau to conduct a full mid-decade census at a cost of \$9 million with half paid by the Federal Highway Administration (FHWA) and half paid by MAG member agencies.

In 2005, the Census Bureau estimated the cost of a full census count for the region at \$31 million. Of that, \$6 million of FHWA funds could have been made available, making the net costs to member agencies \$25 million. After extensive study by the MAG Management Subcommittee on 2005 Population Options, the MAG Management Committee and Regional Council determined that a full census would be cost prohibitive. A census survey was presented as a more affordable and cost effective solution. Because state law only allowed the use of a full census count as a mid-decade population update, state law was amended to allow the use of a census survey in 2005 (ARS 42-5033.01). This legislation was specific to 2005, and would only affect population figures used for state shared revenue calculations for 2006-2010. The final cost of the census survey was approximately \$8 million, with \$4.5 million paid by FHWA funds and \$3.5 million paid by MAG member agencies. Subsequent to the 2005 census survey, the Census Bureau informed MAG that they would no longer be able to conduct special surveys like this, and would only be able to conduct full census counts for special mid-decade population figures. Unlike the decennial census, these mid-decade special censuses would be conducted entirely by door-to-door enumeration, and would include no questionnaire mailing or responses by mail.

In 2011, the question of another mid-decade census was discussed at the MAG Population Technical Advisory Committee (POPTAC). The Census Bureau estimated that a full mid-decade census count would cost approximately \$65 million to \$70 million for the MAG region, which includes the hiring of

approximately 35,000 enumerators to go door-to-door to conduct the census. At that time, population growth rates in the MAG region were not significantly higher than the growth rates of the rest of the state. There was little interest among member agencies in paying for a mid-decade census at the time because growth rates in the MAG region would not provide a meaningful change in state shared revenue for the MAG member agencies. By 2013, growth rates among some cities and towns began to outpace the growth rates of the rest of the state; however, there was no significant support for conducting a special census in 2015 due to the total cost estimate from the Census Bureau.

While a regionwide special census was not contemplated, individual cities and towns are authorized by state law to contract with the Census Bureau to conduct special censuses with their jurisdictions, and the population counts of those censuses could be used for those jurisdictions for purposes of state shared revenue calculations starting in 2016 (ARS 42-5033). Starting in 2014 and after discussions with other cities regarding the unlikelihood of using updated population estimates, seven cities and towns began the process of working with the Census Bureau to conduct their own individual censuses. These seven cities and towns are among the fastest growing municipalities in the state, and updating their population for the state shared revenue calculations would provide them with a portion of state shared revenue more commensurate with their proportion of state population. However, this exposed an issue with the current state law, in that while these seven cities and towns would see positive impacts on their share of state shared revenue, the other 84 cities and towns would see their populations remain at 2010 levels, and some may see negative impacts to their share of state shared revenue. State law allowing state shared revenue to be distributed using a mix of 2010 and 2015 population figures would exacerbate the higher and lower impacts of the changes in revenue shares.

To provide a better method to distribute state shared revenue, cities and towns are working with the League of Arizona Cities and Towns to explore the creation of legislation to change the population inputs used in state shared revenue calculations. There are two methods of estimating population that are being considered for this change: 1) the annual population estimates that are prepared by the Arizona Department of Administration (ADOA) and 2) annual population estimates prepared by the Census Bureau.

Arizona Executive Order 2011-04 designates ADOA as the state agency responsible for preparing the official population estimates for the state. The order also creates the Council for Technical Solutions as a body to review and provide recommendations to ADOA on the methodology for the creation of annual population estimates. The Council for Technical Solutions is made up of the State Demographer, a representative from each of the three state universities, a representative from each of the six Regional Councils of Governments in Arizona, a representative of the Arizona Department of Health Services, a representative from the Arizona Department of Transportation, and at least one demographic expert selected by ADOA.

The State Demographer's Office, which is part of ADOA, working with the Council for Technical Solutions, develops county-level population estimates using a Composite Method which relies on several sources of administrative data for four age groups: birth and death records for ages 0-5, school enrollment for ages 5-17, drivers' licenses and state identification cards for ages 18-64, and Medicare and Social Security enrollment for ages 65 and up. These data are used to create a ratio of the census household population in each age group to the population indicated by administrative records for the census date. This ratio, called Censal Ratio, is applied to the administrative data for the reference date of July 1 of the estimate year. The independent population estimates for each age group are added together to obtain the Household population for each county. The Group Quarters population is then added to produce the Total population control for each county. Once the county level estimates are created, estimates for incorporated places and the unincorporated balances of counties are produced using the controlled Housing Unit Method. The Housing Unit Method uses

residential completions/permits and demolitions since the end of the previous estimate period, annexed and de-annexed housing units, and newly added Group Quarters to distribute population provided in the county control totals to the incorporated and unincorporated areas of each county. Persons per household and occupancy rates for these housing units are taken from the most recent decennial census. For Maricopa County, these sub-county estimates are prepared by MAG, and are approved by the MAG Regional Council in December each year, while the State Demographer prepares sub-county estimates for the rest of the state.

Numerous flaws and data gaps have been identified and discussed at both the Council for Technical Solutions and POPTAC. Among the administrative data used for the Composite Method, drivers' license data has the most concerns. Each year when drivers' license data are made available, the figures for previous years are revised upward. This presents a problem in creating estimates because there is no static information for 2010 and no vintage 2010 data to deduce a good basis for a Censal Ratio.

The other data gap is with the residential occupancy rate. For the sub-county estimates, occupancy rate and persons per household are taken from the most recent decennial census. While persons per household does not change substantially year to year, the occupancy rate can be more volatile. Other datasets and methods have been examined to provide an improved proxy for the occupancy rate, but, other than the decennial census, there are no sources for the occupancy rate for the years between decennial censuses. This is especially problematic today, as the 2010 census had an unusually low occupancy rate due to the housing downturn.

The other source being considered is the annual population estimates produced by the U.S. Census Bureau. These estimates are created using different methodology. The 2010 Census base counts of housing units and associated population of each governmental unit are geographically updated each year to reflect legal boundary changes reported in the Boundary and Annexation Survey, from other geographic program revisions, and from 2010 Census corrections. The Bureau estimates the household population for sub-county governmental units by applying the Distributive Housing Unit Method to the county-level household population to distribute it to each sub-county area. The uncontrolled sub-county household population estimate begins with the July 1 housing unit estimate each year. The Bureau multiplies this estimate by the occupancy rate and persons per household from the most recent decennial census to produce the uncontrolled population estimate. The Bureau then controls the uncontrolled sub-county estimates so that they sum to the published county totals by dividing the county-level household population estimate by the sum of the uncontrolled sub-county household population estimate within the county. They then multiply this adjustment by the uncontrolled sub-county household population estimate calculated previously. This calculation produces the controlled sub-county household population estimate. This estimate is added to the Group Quarters estimate for the year to produce a total population estimate for July 1 each year.

The methodology for the Census Bureau population estimates has similar flaws to the ADOA estimates. Like the ADOA estimates, the occupancy rate used to calculate the Census Bureau estimates is taken from the most recent decennial census and remains constant throughout the decade. Additionally, the Census Bureau uses residential building permit data to produce the county-level totals. Using permit data creates a time lag, due to the time between the issuance of a permit and the occupation of a residence. This method can also artificially inflate estimates, as not all residential building permits result in construction. Finally, the Census Bureau methodology is applied nationwide, which does not take into account knowledge of local conditions. While this can be seen as a subjective criticism, there are instances of extraordinary population change that would not be captured by a nationwide approach. The most recent example of this locally is in Greenlee County, where the reopening and expansion of a gold and copper mine produced such rapid

population growth that the State Demographer created a special methodology for Greenlee County as part of the 2014 population estimates.

Using one of these methods would provide cities and towns with an updated population estimate annually to be used for state shared revenue calculations, which would result in smaller year-to-year changes in state shared revenue for each city and town as compared to the revenue changes that currently occur every five or ten years. Both methods have pluses and minuses, and there currently is no consensus on which method to use. The League of Arizona Cities and Towns is working with the University of Arizona (UA) to analyze the two methods and recommend the best course of action to use going forward. The UA demographics experts will conduct a high-level analysis of the methods, data, and estimates produced by each methodology, provide a comparative analysis of the methodological differences between the two sets of estimates, analyze the two sets of estimates for purposes of state shared revenue distribution, identify gaps in data and methods of the ADOA estimates, provide methods to address these gaps, and discuss any concerns or issues related to political influence on the administration and process of development of the ADOA estimates for purposes of state shared revenue distribution.

In order to find an equitable solution for the seven cities and towns that are proceeding this year with a special census, it is being proposed that these cities and towns in the MAG region receive 50 percent of their costs incurred in conducting a special census and that a special fund be created at MAG for reimbursement purposes. These seven cities and towns would use these funds over approximately a five-year period. Details on the development and distribution of this special fund can be found in Attachment A.

PUBLIC INPUT:

None.

PROS & CONS:

PROS: This would create a method of annual state shared revenue distribution with no major jumps or declines.

CONS: None.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: None.

POLICY: None.

ACTION NEEDED:

Recommend approval of establishing a special projects fund at MAG to reimburse the seven cities in the MAG region that contracted to conduct a special census in 2015 for 50 percent of their special census costs, estimated at \$8,139,341, spread over approximately a five-year period.

PRIOR COMMITTEE ACTIONS:

MAG Regional Council: On January 28, 2015, during discussion of the 2015 Census Test, questions were asked of the representatives of the Census Bureau regarding 2015 special census options.

MEMBERS ATTENDING

Mayor Michael LeVault, Youngtown, Chair
Mayor W.J. "Jim" Lane, Scottsdale,
Vice Chair

* Vice Mayor Robin Barker, Apache Junction
Vice Mayor Stephanie Karlin for Mayor
Kenneth Weise, Avondale

- * Mayor Jackie Meck, Buckeye
- * Councilmember Mike Farrar, Carefree
- * Councilmember Reginald Monachino, Cave Creek
- # Mayor Jay Tibshraeny, Chandler
- Mayor Lana Mook, El Mirage
- * Mayor Tom Rankin, Florence
- * President Ruben Balderas, Fort McDowell Yavapai Nation
- # Mayor Linda Kavanagh, Fountain Hills
- * Mayor Chuck Turner, Gila Bend
- * Governor Stephen Roe Lewis, Gila River Indian Community
- Mayor John Lewis, Gilbert
- # Mayor Jerry Weiers, Glendale
- Mayor Georgia Lord, Goodyear
- * Mayor Rebecca Jimenez, Guadalupe
- Mayor Thomas Schoaf, Litchfield Park
- # Mayor Christian Price, City of Maricopa

- Supervisor Denny Barney, Maricopa County
- Mayor John Giles, Mesa
- * Mayor Michael Collins, Paradise Valley
- Mayor Cathy Carlat, Peoria
- * Mayor Greg Stanton, Phoenix
- * Supervisor Todd House, Pinal County
- # Mayor Gail Barney, Queen Creek
- * President Delbert Ray, Salt River Pima-Maricopa Indian Community
- # Mayor Sharon Wolcott, Surprise
- Mayor Mark Mitchell, Tempe
- * Mayor Adolfo Gamez, Tolleson
- * Mayor John Cook, Wickenburg
- Mr. Roc Arnett, Citizens Transportation Oversight Committee
- Mr. Joseph La Rue, State Transportation Board
- Mr. Jack Sellers, State Transportation Board

* Those members neither present nor represented by proxy.

Attended by telephone conference call.

+ Attended by videoconference

MAG Management Committee: On October 8, 2014, during discussion of the 2015 Census Test, questions were asked of the representatives of the Census Bureau regarding 2015 special census options.

MEMBERS ATTENDING

- Christopher Brady, Mesa, Chair
- # Anna McCray for George Hoffman, Apache Junction
- # David Fitzhugh, Avondale
- Roger Klingler for Stephen Cleveland, Buckeye
- Gary Neiss, Carefree
- Peter Jankowski, Cave Creek
- Rich Dlugas, Chandler
- Dr. Spencer Isom, El Mirage
- # Charles Montoya, Florence
- Alfonso Rodriguez for Phil Dorchester, Fort McDowell Yavapai Nation
- Ken Buchanan, Fountain Hills
- # Ernest Rubi, Gila Bend
- * Tina Notah, Gila River Indian Community
- Patrick Banger, Gilbert
- Brent Stoddard for Brenda S. Fischer, Glendale
- Brian Dalke, Goodyear
- * Rosemary Arellano, Guadalupe

- Sonny Culbreth for Darryl Crossman, Litchfield Park
- # Gregory Rose, City of Maricopa
- * Jim Bacon, Paradise Valley
- Kevin Tyne for Carl Swenson, Peoria
- Thomas J. Remes for Ed Zuercher, Phoenix
- # Louis Andersen for Greg Stanley, Pinal County
- John Kross, Queen Creek
- * Bryan Meyers, Salt River Pima-Maricopa Indian Community
- Brad Lundahl for Fritz Behring, Scottsdale
- Bob Wingenroth, Surprise
- Andrew Ching, Tempe
- # Chris Hagen for Reyes Medrano, Tolleson
- Joshua Wright, Wickenburg
- Jeanne Blackman, Youngtown
- Jennifer Toth, ADOT

Clem Ligocki for Tom Manos,
Maricopa County

Jyme Sue McLaren for Steve Banta,
Valley Metro/RPTA

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

MAG POPTAC: On June 24, 2014, the MAG POPTAC discussed consideration of mid-decade population estimates.

MEMBERS ATTENDING

Patrick Banger, Gilbert, Chair
Tracy Clark, ADOT
Brad Steinke for Bryant Powell,
Apache Junction
Eric Morgan, Avondale
Andrea Marquez, Buckeye
DJ Stapley, Carefree
VACANT, Cave Creek
Sam Andrea for David de la Torre,
Chandler
Thomas Doyle, El Mirage
Ken Valverde, Fountain Hills
* Rick Buss, Gila Bend
Thomas Ritz, Glendale
Steve Careccia, Goodyear
VACANT, Guadalupe
Sonny Culbreth, Litchfield Park
Paul Jepsen for Kazi Haque, Maricopa

Rachel Applegate for Matt Holm,
Maricopa County
Scott Butler for Wahid Alam, Mesa
Paul Michaud, Paradise Valley
Hannah Van Nimwegen for Shawn
Kreuzwiesner, Peoria
Tom Remes for Chris DePerro, Phoenix
* Travis Ashbaugh, Pinal County
Brett Burningham, Queen Creek
* Bryan Meyers, Salt River Pima Maricopa
Indian Community
Adam Yaron, Scottsdale
VACANT, Surprise
Sherri Lesser, Tempe
Ratna Korepella, Valley Metro
Gayle Cooper for Diane Cordova,
Youngtown

- # Those attending by audioconference
- * Those not present

MAG POPTAC: On October 30, 2012, the MAG POPTAC discussed 2015 mid-decade census options.

MEMBERS ATTENDING

Charlie McClendon, Avondale
Tracy Clark, ADOT
* Brad Steinke for Bryant Powell,
Apache Junction
Andrea Marquez, Buckeye
* DJ Stapley, Carefree
Ian Cordwell for Usama Abujbarah,
Cave Creek
David de la Torre, Chandler
Mark Smith, El Mirage
Ken Valverde, Fountain Hills
* Rick Buss, Gila Bend
Patrick Banger, Gilbert
Thomas Ritz, Glendale
Katie Wilken, Goodyear

* Gino Turrubiarres, Guadalupe
* Sonny Culbreth, Litchfield Park
John Verdugo for Matt Holm,
Maricopa County
Wahid Alam, Mesa
* Molly Hood, Paradise Valley
Ed Boik, Peoria
Chris DePerro, Phoenix
Dave Williams, Queen Creek
* Bryan Meyers, Salt River Pima Maricopa
Indian Community
Adam Yaron, Scottsdale
* Lloyd Abrams, Surprise
Arlene Palisoc for Lisa Collins, Tempe

Stuart Boggs for Ratna Korepella, Valley Metro

* Diane Cordova, Youngtown

Those attending by audioconference

* Those not present

MAG POPTAC: On May 24, 2011, the MAG POPTAC discussed investigating options for conducting a special census in 2015.

MEMBERS ATTENDING

- * Jim Bacon, Paradise Valley, Chair
- # Tracy Clark, ADOT
- * Bryant Powell, Apache Junction
Charlie McClendon, Vice Chair, Avondale
- # Andrea Marquez, Buckeye
DJ Stapley, Carefree
- # Ian Cordwell for Usama Abujbarah,
Cave Creek
David de la Torre, Chandler
- # Mark Smith, El Mirage
- * Eugene Slechta, Fountain Hills
- * Rick Buss, Gila Bend
Thomas Ritz, Glendale
- # Katie Wilken, Goodyear
- * Gino Turrubiarres, Guadalupe

- # Linda Edwards for Kyle Mieras, Gilbert
Sonny Culbreth, Litchfield Park
John Verdugo for Matt Holm, Maricopa County
- * Wahid Alam, Mesa
- # Ed Boik, Peoria
Chris DePerro, Phoenix
Dave Williams, Queen Creek
- * Bryan Meyers, Salt River Pima Maricopa
Indian Community
Eddie Lamperez, Scottsdale
- # Lloyd Abrams, Surprise
- # Arlene Palisoc, Tempe
- * Anne McCracken, Valley Metro
- * Lloyce Robinson, Youngtown

Those attending by audioconference

* Those not present

CONTACT PERSON:

Anubhav Bagley, MAG, (602) 254-6300.

Census Funding Proposal

Revenue distribution in the State of Arizona has been based on the latest decennial or special census. While a special census has been a mechanism to capture population changes in the past, the cost to implement has become increasingly prohibitive. Potential legislation is being discussed by cities and towns that would revise the funding distribution to be based on state or federal population estimates. Distribution of funding based on state or federal population estimates will address the problem moving forward; however, an anomaly exists because some agencies already had committed financial resources to conduct a special census.

If a solution to the anomaly can be found, all agencies stand to benefit. Distribution of state-shared revenue based on population estimates will ensure stability in local budgets; agencies will no longer be faced with the uncertainty of a fiscal cliff every five years. Since the census cities are all in the MAG region, MAG has been working on a federal funding-based solution to provide assistance for projects within the impacted agencies.

In federal fiscal year (FFY) 2013, ADOT closed out a number of federal projects that resulted in a significant amount of obligation authority (OA) being returned to the MAG ledger. Additionally, FFY 2013 was the first year that the ADOT "use-it-or-lose-it" policy was strictly enforced; in the past, MAG had carried large balances of unused OA forward year-to-year.

As a result, there was a sizable amount of federal funding in the MAG region that had to be obligated. In order to use all the FFY 2013 OA, several ALCP projects were advanced from FFY 2017 – FFY 2019 to FFY 2013. This created a programming gap of unprogrammed funding in those future years.

The estimated \$8.1 million required to fund this proposal would come from this unprogrammed funding available in future years. The total amount would be determined by calculating 50% of the special census costs of all the census cities combined. The more than \$60 million estimated to be available for the August call-for-projects does not include the unprogrammed funding. It should be noted that MAG anticipates there will be additional unprogrammed funding as ADOT continues to close out projects; the new unprogrammed funding will be used either for the MAG closeout process or reallocated to other purposes.

Assistance to the census communities would come in the form of federal funding and is anticipated to occur within the first five years – although it could take longer if needed. Under the proposal, there would be a multi-option process to determine how the funding would be allocated, based on the prioritization of each census city's projects.

- The first option would be to fund the design phase (and ADOT fees) for any project that a) is currently in the TIP and b) has not yet started design. Since design otherwise would have been funded with local dollars, this results in a direct savings to the agencies.
- The second option would be a combination of funding the design phase (and ADOT fees) for projects awarded through the August 2015 call-for-projects process and/or move projects that ranked below the funding line to above the funding line.
- The third option would be to fund other projects for agencies who do not or opt to not receive their entire share from options one and two. MAG staff would work with each agency on an individual basis to determine where the funding could be programmed. Funding must be programmed on a project that has been competitively selected – through the call-for-projects process or through inclusion in one of the lifecycle programs or Regional Transportation Plan. The funding could be programmed on an ALCP project, on an existing ADOT project, or on a project that already has other federal funds (e.g., to fund elements of an existing safety project that could not be funded with safety funds) as well as allowing cost savings on an ALCP project to be reprogrammed on another project that is in the ALCP or added to the ALCP and meets the intent of the Transportation Improvement Program and the Policies and Procedures of the ALCP.

Programming of the census assistance funds would run concurrent with the call-for-project awards this fall. Specifically, the call-for-project awards would be made as part of one TIP amendment table, while the assistance to the census communities would be part of a second TIP amendment table. This would provide for transparency and allow tracking of the funds.

The call-for-projects was released to MAG member agencies and applications will be due at the end of September. It is anticipated that the evaluation process will occur throughout September, October, and November, and the items will go to Transportation Review Committee in December, and then Management Committee, Transportation Policy Committee, and Regional Council in January or February 2016.

Census Funding Proposal

Estimated Funding Allocations*		
Jurisdiction	Total Estimated Census Costs	Estimated Funding Amount
Buckeye	\$1,600,000	\$800,000
Chandler	\$4,150,000	\$2,075,000
Gilbert	\$4,193,000	\$2,096,500
Goodyear	\$1,570,000	\$785,000
Maricopa	\$1,021,000	\$510,500
Peoria	\$3,153,000	\$1,576,500
Queen Creek	\$591,681	\$295,841
Total	\$16,278,681	\$8,139,341

*funding allocations determined by census cities

1. Option 1: Fund the design phase and ADOT review fees for existing MAG/ADOT awarded projects (where design has not yet started).

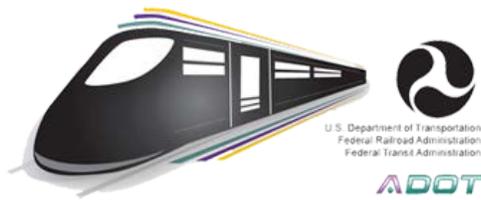
Agency	Estimated Eligible Amount
Buckeye	\$ 298,532
Chandler	--
Gilbert	--
Goodyear	--
Maricopa	512,000
Peoria	127,875
Queen Creek	--

2. Option 2: Fund the design phase and ADOT review fees for future awarded MAG/ADOT projects (call-for-projects to occur August 2015).

Agency	Historic Amount (Based on the 2012 call-for-projects)
Buckeye	\$ 512,000
Chandler	575,531
Gilbert	273,917
Goodyear	259,969
Maricopa	n/a
Peoria	172,300
Queen Creek	--

3. Option 3: move projects that were ranked below-the-line to above-the-line, fund ALCP projects, fund other projects.

Agency	Historic Amount
Buckeye	--
Chandler	\$ 2,400,000+
Gilbert	TBD
Goodyear	TBD
Maricopa	--
Peoria	TBD
Queen Creek	TBD



PASSENGER RAIL CORRIDOR STUDY
Tucson to Phoenix

www.azdot.gov/planning/CurrentStudies/PassengerRail/overview

