

October 18, 2011

TO: Members of the MAG Regional Council

FROM: Mayor Hugh Hallman, City of Tempe, Chair

SUBJECT: MEETING NOTIFICATION AND TRANSMITTAL OF TENTATIVE AGENDA

Meeting - 5:00 p.m.

Wednesday, October 26, 2011

MAG Office, Suite 200 - Saguaro Room
302 North 1st Avenue, Phoenix

Dinner

MAG Office, Suite 200 - Ironwood Room

The next MAG Regional Council meeting will be held at the MAG offices at the time and place noted above. Members of the Regional Council may attend either in person, by videoconference or by telephone conference call. Members who wish to remove any items from the Consent Agenda are requested to contact the MAG office. Supporting information is enclosed for your review. MAG will host a dinner/reception for the Regional Council members following the meeting in the MAG Ironwood Room on the 2nd floor.

Please park in the garage underneath the building. Parking places will be reserved for Regional Council members on the first and second levels of the garage. Bring your ticket to the meeting, parking will be validated. For those using transit, the Regional Public Transportation Authority will provide transit tickets for your trip. For those using bicycles, please lock your bicycle in the bike rack in the garage.

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

If you have any questions, please call the MAG office.

c: MAG Management Committee

**MAG REGIONAL COUNCIL
TENTATIVE AGENDA
October 26, 2011**

COMMITTEE ACTION REQUESTED

1. Call to Order

2. Pledge of Allegiance

3. Call to the Audience

An opportunity will be provided to members of the public to address the Regional Council on items not scheduled on the agenda that fall under the jurisdiction of MAG, or on items on the agenda for discussion but not for action. Citizens will be requested not to exceed a three minute time period for their comments. A total of 15 minutes will be provided for the Call to the Audience agenda item, unless the Regional Council requests an exception to this limit. Please note that those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard.

4. Executive Director's Report

The MAG Executive Director will provide a report to the Regional Council on activities of general interest. Members will hear a report on the recent remodel of the MAG Offices, and are invited to take a tour following the meeting.

5. Approval of Consent Agenda

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

3. Information.

4. Information and discussion.

5. Approval of the Consent Agenda.

ITEMS PROPOSED FOR CONSENT*

MINUTES

*5A. Approval of the September 21, 2011, Meeting Minutes

5A. Review and approval of the September 21, 2011, meeting minutes.

TRANSPORTATION ITEMS

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

The Fiscal Year (FY) 2011-2015 Transportation Improvement Program and Regional Transportation Plan 2010 Update were approved by the MAG Regional Council on July 28, 2010, and have been modified eight times with the last modification pending approval by Regional Council on July 27, 2011. Since then, there is a need to modify projects in the programs. The MAG Transportation Review Committee recommended approval of the modifications on September 22, 2011, and the MAG Management Committee recommended approval on October 12, 2011. This item is on the October 19, 2011, Transportation Policy Committee agenda. An update will be provided on action taken by the committee. Please refer to the enclosed material.

*5C. Unprogrammed Federal Transit Fund Balances

As of August 2011, due to project savings and unspent funds, there was a balance of \$3,585,121 of unprogrammed federal funds: \$899,103 in 5307, \$438,000 in Congestion Mitigation and Air Quality (CMAQ), and \$2,248,018 in Surface Transportation Program (STP) funds. It is suggested to program the \$3,585,121 to Preventive Maintenance (PM) based on the currently adopted FY 2011 PM distribution methodology. Preventive Maintenance is not eligible under the CMAQ guidance, and in order to maximize the ability to use federal funds for PM, it is recommended to program \$438,000 of CMAQ funds for one of the City of Phoenix's bus purchases in exchange for \$434,407 of 5307 funds. This leaves a total of \$3,581,528 to program for PM based on the current adopted FY 2011 PM distribution methodology. The Transit Committee recommended approval on September 8, 2011, the MAG Transportation Review Committee recommended approval on September 22, 2011, and the MAG Management Committee on October 12, 2011. This item is on

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

5C. Approval to reprogram \$3,581,528 of 5307 and STP funds to preventive maintenance based on the FY 2011 approved distribution methodology, as shown in Table 4B, and modify the 2011-2015 TIP accordingly, as shown in Table 5.

the October 19, 2011, Transportation Policy Committee agenda. An update will be provided on action taken by the committee. Please refer to the enclosed material.

*5D. FFY 2011 and 2012 Adjustments of Local Sponsored Federal Funded Projects

In preparation for Federal Fiscal Year (FFY) 2012 beginning on October 1, 2011, MAG asked member agencies to check on the status of FFY 2011 federal funded projects and review FFY 2012 federal funded projects. MAG has been notified that some FFY 2011 federally funded CMAQ projects are not going to be authorized by September 30, 2011, the end of the federal fiscal year. The project sponsors have requested deferrals, which can be found in Table 1. Additionally, member agencies were requested to review the current FFY 2011 and FFY 2012 MAG TIP project listings for Surface Transportation Program-Transportation Enhancement Highway Safety Improvement Program, Safe Routes to School, Bridge, and STP-Railroad funded projects (ADOT federal funds) and submit changes or new projects to MAG. Project change information and requests to add new ADOT federal fund projects can be found in Table 2. The MAG Transportation Review Committee recommended approval on September 22, 2011, and the MAG Management Committee recommended approval on October 12, 2011. This item is on the October 19, 2011, Transportation Policy Committee agenda. An update will be provided on action taken by the committee. Please refer to the enclosed material.

5D. Approval of projects to be deferred from FFY 2011 to FFY 2012 or later, approval of project changes and additions for new ADOT federal fund projects, and to amend and modify the FY 2011-2015 Transportation Improvement Program, and as appropriate, the Regional Transportation Plan 2010 Update.

AIR QUALITY ITEMS

*5E. Conformity Consultation

The Maricopa Association of Governments is conducting consultation on a conformity assessment for an amendment and administrative modification to the FY 2011-2015 MAG Transportation Improvement Program (TIP). The amendment and administrative modification involve several projects, including changes to

5E. Consultation.

various Arizona Department of Transportation projects, revisions to transit projects, and FY 2011 and FY 2012 adjustments of local sponsored federal funded 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. Comments are requested by October 21, 2011. Please refer to the enclosed material.

*5F. Consultation on Proposed Transportation Conformity Processes for the 2012 MAG Conformity Analysis

Federal and state conformity regulations require that MAG consult with federal, state, and local air quality and transportation agencies on proposed processes for the conformity analysis on the Transportation Improvement Program and Plan. MAG is distributing for comment the proposed processes to be applied beginning with the upcoming conformity analysis on an amendment to the FY 2011-2015 MAG Transportation Improvement Program and the Regional Transportation Plan 2010 Update. Comments regarding this material are requested by October 21, 2011. Please refer to the enclosed material.

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

A status report is being provided on the remaining PM-10 certified street sweeper projects that have received approval, but have not requested reimbursement. To assist MAG in reducing the amount of obligated federal funds carried forward in the MAG Unified Planning Work Program and Annual Budget, MAG is requesting that street sweepers be purchased and reimbursement be requested by the agency within one year plus ten calendar days from the date of the MAG authorization letter. Please refer to the enclosed material.

5F. Consultation.

5G. Information and discussion.

GENERAL ITEMS***5H. HUD Application Project Listings**

On December 8, 1999, the MAG Regional Council approved MAG becoming the responsible entity for a year-round homeless planning process which includes submittal of the U.S. Department of Housing and Urban Development (HUD) McKinney-Vento Continuum of Care Consolidated Application for the MAG region. The Continuum of Care grant supports permanent supportive housing, transitional housing, and supportive services. A total of \$219 million has been awarded to the region since 1999. Last year, the region received more than \$23.9 million for 53 homeless programs. The 2011 federal application was released on August 30, 2011, with a deadline to HUD on October 28, 2011. A draft list of new and renewal projects will be provided to MAG Management Committee and MAG Regional Council members for information. The final consolidated application will be presented to the MAG Continuum of Care Regional Committee on Homelessness on October 24, 2011, for approval. The Continuum of Care will have an opportunity to apply for \$1,446,542 in new project funding, referred to as the Permanent Housing Bonus. Please refer to the enclosed material.

5H. Information and discussion.

ITEMS PROPOSED TO BE HEARD**TRANSPORTATION ITEMS****6. 2011 Annual Report on the Status of the Implementation of Proposition 400**

Proposition 400 was approved by the voters of Maricopa County in November 2004, and authorized the extension of a half-cent sales tax for use on transportation projects in the MAG Regional Transportation Plan. A.R.S. 28-6354 requires that MAG issue an annual report on projects included in Proposition 400, addressing factors such as project status, funding, and priorities. The 2011 Annual Report is the seventh

6. Information and discussion.

report in this series and covers the status of the life cycle programs for freeways/highways, arterial streets, and transit. A Summary of Findings and Issues is included in the attached material and the full report is available on the MAG website. This item was presented to the MAG Transportation Review Committee on September 22, 2011, the MAG Management Committee on October 12, 2011, and to the Transportation Policy Committee on October 19, 2011, for information and discussion. Please refer to the enclosed material.

7. Draft Federal Fund Programming Guidelines and Procedures

On July 8, 2009, the Management Committee formed the Federal Fund Working Group. The Working Group was tasked with addressing four issues: project deferrals, project development and small and/or inexperienced member agencies, project costs, and local financial commitment. Additional research was done in evaluating six MPO/COGs and their local sponsored federal aid project processes. Working together, MAG staff and the Federal Fund Working Group have developed the Draft Federal Fund Programming Guidelines and Procedures. The new Guidelines recommend changing the federal and local participation rate for bicycle, pedestrian, and intelligent transportation system (ITS) projects from 70 percent - federal/30 percent - local to the maximum federal rate 94.3 percent - federal/5.7 percent - local. This would be a change in the Regional Transportation Plan (RTP) funding participation policy. The MAG Transportation Review Committee provided input on the Draft Federal Fund Programming Guidelines and Procedures on September 22, 2011. On October 12, 2011, the MAG Management Committee recommended approval of the Draft Federal Fund Programming Guidelines and Procedures. This item is on the October 19, 2011, Transportation Policy Committee agenda. An update will be provided on action taken by the committee. Please refer to the enclosed material.

7. Approval of the Draft Federal Fund Programming Guidelines and Procedures.

8. The Future of Federal Transportation Funds

The current continuing resolution of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) for federal transportation funds expires in March 2012. In addition, the necessary appropriations to fund the continuing resolution was passed in September 2011 that provides funding through November 18, 2011. In addition, preliminary reauthorization bills have been drafted in both the House and the Senate. The revenue earned by the Highway Trust Fund is projected to be 30 percent less than current levels. Currently there are two bills that have been discussed, one from Rep. John Mica (R-FL) and the other from the Senate Environment and Public Works Committee. The House bill extends the transportation program for six years and reduces funding by about 30 percent, which aligns with the projected revenues. The Senate bill extends the program for two years and keeps funding levels as is in SAFETEA-LU, additionally, a short term, four month extension has been proposed. The actual detailed bills have not been released yet. MAG staff will provide a presentation on current information and how federal transportation funds are used in the region.

9. Update on Interstate 11 and the Punta Colonet Port and Potential Arizona Rail Crossing

Staff will provide a status update on Interstate 11 (I-11), a freeway corridor proposed between Phoenix and Las Vegas that could potentially reach from Mexico to Canada through the Pacific Northwest. It is envisioned that I-11 will improve upon trade and commerce opportunities for the MAG region. This facility would not compete with current Proposition 400 projects. In September 2011, MAG was notified that the proposed I-11 has been selected by the Brookings Institution as a Transformative Investment. The Transformative Investment is being undertaken by the Brookings Institution on structuring, financing and delivering innovative, high impact infrastructure projects with the potential to transform the physical and economic landscape of

8. Information and discussion.

9. Information and discussion.

the region. Brookings requested that MAG submit the Interstate 11 concept to be considered as a transformative investment.

Related to I-11, a status update will be provided on the proposed deep water port project, Punta Colonet, in Baja California. On August, 3, 2011, the Arizona Mexico Commission hosted a breakfast meeting with representatives from the Ministry of Communications and Transportation of Mexico (SCT) to discuss advancing the Punta Colonet project. The SCT discussed issuing a Request for Proposals (RFP) for the Punta Colonet project and the need to identify a potential rail crossing in Arizona for the new port. This item was presented at the September 6, 2011, MAG Economic Development Committee meeting, the September 7, 2011, MAG Management Committee meeting and the Transportation Policy Committee on September 14, 2011.

AIR QUALITY ITEMS

10. Update on the MAG Five Percent Plan for PM-10

An update will be provided on the MAG Five Percent Plan for Plan for PM-10 and the activities to prevent PM-10 exceedances at the monitors and throughout the region. To date in 2011, there have been 87 exceedances of the PM-10 standard with 86 due to exceptional events caused by haboobs, dust storms, thunderstorms, and residual dust. The Arizona Department of Environmental Quality is preparing the documentation for the 2011 exceptional events with technical assistance from Maricopa County and MAG staff. Due to the requirements that must be met and the number of exceptional events that have occurred, the documentation effort is resource intensive. MAG is researching legislative remedies regarding the amount of documentation for exceptional events. The City of Phoenix Dust Reduction Task Force has prepared a brochure to be used for public outreach efforts. Work has continued on the modeling attainment demonstration for the new Five Percent Plan for PM-10. On September 2,

10. Information and discussion.

2011, the U.S. District Court for the District of Arizona issued a court order in the lawsuit filed by the Arizona Center for Law in the Public Interest against the State regarding the repeal of the Local Transportation Assistance Fund by the Legislature in 2010. The court found the lottery funding requirement that was included in the air quality plans remains in full force and effect. An update will be provided. Please refer to the enclosed material.

GENERAL ITEMS

11. MAG FY 2013 PSAP Annual Element/Funding Request and FY 2013-2017 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. Due to fund transfers from designated 9-1-1 monies to the state budget, the ADOA has notified MAG that operations costs for the region would be funded, however, new capital equipment purchases would be deferred. These shortages are attributed to the \$2.2 million in fund transfers made in the overall state FY 2012 budget from designated 9-1-1 monies. From FY 2003 to FY 2012, \$53.1 million in designated 9-1-1 funds have been transferred to the state general fund. The Funding Request and Equipment Program were recommended for approval on July 14, 2011, by the MAG PSAP Managers, on September 19, 2011, by the MAG 9-1-1 Oversight Team, and by the MAG Management Committee on October 12, 2011. Please refer to the enclosed material.

12. Domestic Violence Awareness Month Activities

Each year, MAG coordinates a calendar of activities scheduled in October, Domestic Violence Awareness Month, to provide information about efforts to end domestic violence. Through the

11. Approval of the MAG FY 2013 Public Safety Answering Point Annual Element/Funding Request and FY 2013-2017 Equipment Program.

12. Information and discussion.

MAG Protocol Evaluation Project, MAG developed an outreach video to promote efforts that enhance the way the region responds to domestic violence through the criminal justice system. The trailer for the video will be shown at the meeting and copies will be distributed to members. The video also is available for viewing on the MAG website and on YouTube. The project is funded by a STOP grant from the Governor's Office with the goal of assessing the way the region arrests and prosecutes domestic violence offenders at the misdemeanor level. The protocol model developed through the project and featured in the video was approved by the MAG Regional Council in September 2011. Please refer to the enclosed material.

13. Update on the MAG Economic Development Committee

An update will be provided on recent activities of the MAG Economic Development Committee, including the status of the Brookings Metropolitan Business Planning Initiative.

14. Request for Future Agenda Items

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

15. Comments from the Council

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

Adjournment

13. Information, discussion and input.

14. Information and discussion.

15. Information.