MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
STREET COMMITTEE

Tuesday July 10, 2012 1:30 p.m.
MAG Offices, Suite 300,
302 North First Avenue, Phoenix, Arizona 85003

MEMBERS ATTENDING

Charles Andrews, Avondale, Chairman
Lupe Harriger, ADOT
*Jose Heredia, Buckeye
Dan Cook, Chandler
Bob Senita, El Mirage
* Tony Rodriguez, Gila River Indian Community
Michael Gillespie, Gilbert
Allan Grover for Bob Darr, Glendale
L. Esquivel for Hugh Bigalk, Goodyear
Gino Turrubiates, Guadalupe
Thomas Chlebanowski for Darryl Crossman, Litchfield Park
Tanya Glass for Chris Plumb, Maricopa County
Maria Deeb, Mesa
*Andrew Cooper, Jr., Paradise Valley
Ben Wilson, Peoria
Shane L. Silsby, Phoenix
* Janet Martin, Queen Creek
* Elaine Cabrera, Salt River Pima-Maricopa Indian Community
Phil Kercher, Scottsdale
Tony Del La Cruz for Nicholas Mascia, Surprise
Shelly Seyler, Tempe
* Jason Earp, Tolleson
* Jim Fox, Youngtown

* Members neither present nor represented by Proxy

OTHERS PRESENT

Louis Malloque, ADOT
Giao N. Pham, Apache Junction
Teri Kennedy, MAG
Stephen Tate, MAG

1. Call to Order

Chairman Charles Andrews called the meeting to order at 1:32 p.m.

2. Approval of the May 8, 2012 Meeting Minutes

Mr. Shane L. Silsby moved approval of the May 8, 2012 Meeting Minutes. Ms. Maria Deeb seconded the motion. The motion carried unanimously.

3. Call to the Audience

There were no members of the public at the meeting who expressed a desire to address the Committee.

4. Transportation Programming Manager's Report

Ms. Teri Kennedy went over the calendar for August and September. She noted that MAG would release applications for federal funding on August 3rd and that there would be three workshops. The applications would be due on September 19th. She concluded by noting that all the paperwork should have been completed for FY 2012 projects by the time of the meeting for them to obligate by this federal fiscal year.

She then noted that MAG staff was still evaluating policies for the early replacement of street sweepers, but that MAG needed concurrence from FHWA for changes. If this is not reached, there will be no changes for this round of street sweeper selection.

6. Development and Review of MAG Model Networks

Mr. Stephen Tate presented on the topic. He noted that MAG maintained travel demand networks, that these networks consist largely of arterial and higher level facilities and that they are used to demonstrate air quality conformity and to plan for the Region's transportation needs. The networks that are to be distributed are for 2012, 2020, 2025, 2030 and 2035. Updates are needed for the number of lanes by direction, the alignment of roadways and the inclusion of new facilities. The networks will be available on the MAG website the day after the meeting and are requested to be submitted by Monday, September 3rd.

8. Overview of the Federal Right of Way Process

This item was taken out of order and was presented by Mr. Louis Malloque of ADOT. Mr. Malloque introduced himself by noting that he is the ADOT right-of-way liaison and then he provided a brief overview of the ADOT administered federal right-of-way process. He noted that the right-of-way process should begin with the initial planning of the project, but often does not begin until the start of project design. At the design level, appraisers may be hired and plans developed, but no contacts with owners or appraisal of properties can be initiated prior to the completion of the environmental clearance for the project. Once the environmental clearance has been received, property owners may be contacted, appraisals may be performed and property acquired. However, if federal funding is to be used in the right-of-way process, the FHWA must authorize the work prior to its initiation. Once all right-of-way is acquired, a right-of-way clearance will be provided by ADOT. If no right-of-way will be needed for the project, a right-of-way clearance will be provided when 95 percent plans are submitted for the project.

Mr. Malloque stressed that the right-of-way process cannot be compressed and that ADOT does not have the means to backstop the process for agencies. He noted that it generally takes twelve to eighteen months to acquire right-of-way, that owners must be provided with offers in writing and the offers must be based on an appraisal. He stressed that the right-of-way action must be accounted for in detail and that the time allotted to owners cannot be shortcut. Moreover, he stressed that coercive actions are not allowed. He stressed that contact logs be maintained properly and that these are the focus of audit activities.

Mr. Dan Cook asked if it was possible to discuss possible right-of-way issues with groups of owners prior to receiving the environmental clearance as part of the scoping and design process. Mr. Malloque indicated that as long as the discussion was in general terms with groups of property owners and was truthful it would be okay.

5. Review Policies Regarding MAG Member Agency Project Status Workbooks and Commitment Letters

Mr. Tate presented on the agenda item. He noted that in October last year, MAG adopted new policies for federally funded projects outside the life-cycle programs. These policies were developed to insure that federal funding was not lost to the region and to minimize the rolling over of projects in the TIP. He noted that the causes of these problems were diverse and the fault of all parties involved in the process.

The new policies establish three key milestones to be completed 13 months before the deadline for obligating projects and are as follows: completion of in-house draft 60 percent plans, submission of all three technical documents for the environmental clearance to ADOT and completion of a right-of-way inventory for the project.

Mr. Silsby noted that the MAG draft 60 percent reporting milestone conflicts with federal and ADOT requirements and that this applies to projects that are not federally funded for design. Ms. Deeb concurred with Shane and suggested that completion of 30 percent plans and commitment letters from member agencies should be sufficient.

Mr.Cook noted that Shane is correct about the conflict, but that a milestone needs to be established to assure MAG that a project can be completed as scheduled. He went on to note that it was his understanding that a jurisdiction that proceeded beyond 30 percent plans without an environmental clearance did so at its own risk and that in general it is difficult to maintain momentum in a design process if the process is required to conform to the schedule for the environmental clearance. He concluded by noting that perhaps a lessor requirement might be reasonable for smaller projects that did not require much design.

Mr. Silsby noted that the process was pursued to meet federal requirements and that it should therefore conform with federal requirements. He noted that Phoenix had expressed concern about the issue previously.

Mr. Tate went on to discuss the implementation of the MAG policies. He noted that MAG required commitment letters and used workbooks to collect information from agencies. He indicated that he planned to modify the workbooks to combine the two, so that the commitment letter would serve as a cover letter to the workbooks.

Mr. Silsby noted that for large organizations like Phoenix that identifying the appropriate signatory for the commitment letter is a problem. He suggested that the signatory should be the capital improvement program manager as such an individual would be more likely to be familiar with the project and would be less likely to simply rubber stamp the letter.

Mr. Tate agreed with Mr. Silsby that choosing a signatory at the city manager level was likely to lead to rubber stamping of the letter, but noted that when the signatory was too low it was difficult to determine whether the person signing the letter had the backing of the agency's top management. He suggested that MAG simply ask the member agencies to designate a signatory.

Ms. Kennedy noted that the purpose of the letter was to assure MAG that sponsoring agencies had committed both the staff resources and necessary matching funds needed to obligate the project and that this required upper management backing. She went on to note that the organization of agencies varied greatly and that identifying the appropriate signatory can be difficult.

Mr. Silsby noted that making the signatory high in the organization could cause delay. Mr. Cook noted in the past there had been occasions where lower level staff had pursued projects that were not backed by the agency's top management.

There followed a general discussion concerning the commitment letters and workbooks. It was noted that agencies had to submit these in order to continue in the TIP and that if a project was to be deferred a second time that a presentation before the Regional Council on the project would be required.

Ms. Kennedy noted that the primary aim of the workbooks is to develop information to manage federal funding under MAG's control and to weed out projects that are not feasible or for which agency commitment has waned over time. She noted that since the policies have been put in place that the number of MAG federally funded projects has been reduced from 135 down to 99 and that far fewer projects are now deferring.

Mr. Tate then went over the details of the project and the schedule for collecting workbooks. He noted that programming changes to projects would require updated workbooks.

It was noted that the one time deferral requirement applied even to projects that were advanced, so that agencies that had deferred their project one time and then advanced their project were taking the chance of having their project deleted if the project failed to obligate. However, it was noted that to advance a project, the project sponsor would have had to have completed the milestones and therefore would be unlikely to fail to obligate on schedule.

Ms. Kennedy noted that it is very difficult for MAG to preserve CMAQ funding from a project that failed to obligate near the end of the year and that if for example $5 million in projects were to fail to obligate, the funding could be lost to the Region and that projects from agencies could be adversely affected.

7. Process to Select PM-10 Paving Projects for the FY 2014 - 2018 Transportation Improvement Program

Mr. Tate presented on the topic. He indicated that their would be approximately $5 million available per year, that a 5.7 percent match would be required and that all projects would have to be in the PM-10 non attainment area. He went on to note that CMAQ cannot be used

to pay for through lane additions, but can be used to pay for drainage, if the drainage is integral to the project and with in reason. MAG would only be accepting construction projects and years to be programmed would be for 2015, 2016 and 2017.

He noted that the applications would be released on August 3rd and would be due on September 19th. The applications would be heard by the Committee at its October meeting. The primarily basis of project selection is expected to be CMAQ score which is simply the expected reductions in emissions divided by the project cost.

Chairman Andrews asked about the traffic count. Mr. Tate indicated that MAG preferred a traffic count if possible. It was noted that this could be difficult for dirt alleys.

Mr. Tate then noted that the application was designed to provide enough information to establish that the project is eligible from for CMAQ funding and that it is feasible. Mr. Tate noted that the application would include a detailed cost estimation form, so that members could evaluate the cost estimate for project.

9. Call to the Committee

No members presented on this topic.

10. Adjournment

The meeting adjourned at 3:00 p.m.