

DRAFT MINUTES OF THE  
MARICOPA ASSOCIATION OF GOVERNMENTS  
TRANSPORTATION REVIEW COMMITTEE

December 13, 2012

Maricopa Association of Governments Office  
302 North First Avenue, Suite 200, Saguaro Room  
Phoenix, Arizona

MEMBERS ATTENDING

Scottsdale: David Meinhart, Chair	Litchfield Park: Woody Scoutten
Avondale: David Fitzhugh, Vice-Chair	*Maricopa County: John Hauskins
ADOT: Kwi-Sung Kang for Floyd Roehrich	Mesa: Jeff Martin for Scott Butler
*Buckeye: Scott Lowe	*Paradise Valley: Jim Shano
Chandler: Dan Cook for Patrice Kraus	Peoria: Andrew Granger
El Mirage: Sue McDermott	Phoenix: Rick Naimark
Fountain Hills: Randy Harrel	#Queen Creek: Troy White
*Gila Bend: Eric Fitzer	*Surprise: Bob Beckley
*Gila River: Doug Torres	Tempe: Chad Heinrich
Gilbert: Leah Hubbard	Valley Metro: John Farry
Glendale: Terry Johnson	*Wickenburg: Rick Austin
*Goodyear: Cato Esquivel	Youngtown: Grant Anderson for Lloyce Robinson
*Guadalupe: Gino Turrubiarres	

EX-OFFICIO MEMBERS ATTENDING

*Street Committee: Charles Andrews, Avondale	Bicycle/Pedestrian Committee: Katherine Coles, City of Phoenix
ITS Committee: Debbie Albert, Glendale	*Transportation Safety Committee: Julian Dresang, City of Tempe

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

OTHERS PRESENT

Eric Anderson, MAG	Dan Harrigan, ADOT
Christine McMurdy, Goodyear	Patrick Stone, ADOT
Amy St. Peter, MAG	Kristen Sexton, Avondale
DeDe Gaisthea, MAG	Jayne Hubbard, Foothills Curing Corporation
Sarath Joshua, MAG	Mark Wavering, Gannett Flemming
Teri Kennedy, MAG	Paul Porell, General Public
Mike Normand, ADOT	Marvin Rochelle, General Public
	Clem Ligocki, McDOT

1. Call to Order

Chairman David Meinhart from the City of Scottsdale called the meeting to order at 10:03 a.m.

2. Call to the Audience

Chairman Meinhart announced that he had received two speaker cards. Both were related to Agenda Item #9 and will be addressed during that item on the agenda.

3. Approval of Draft October 25, 2012 Minutes

Chairman Meinhart asked if there were any changes or amendments to the October 25, 2012 meeting minutes, and there were none.

Mr. Rick Naimark from City of Phoenix motioned to approve the minutes. Jeff Martin from the City of Mesa seconded, and the motion passed by a unanimous voice vote of the Committee.

4. Transportation Director's Report

Recent transportation planning activities and upcoming agenda items for the MAG Management Committee will be reviewed by Eric Anderson, MAG Transportation Director.

Mr. Anderson reported that revenues are up 4% compared to the first fiscal months of last Fiscal Year. However, the concerning trend is 7.7% growth in July, 5.2% in August, 2.2% September to 1.3% in October, reflecting a downward slide. ADOT revised sales tax forecast indicate a \$56 million cumulative decrease over life of the tax. Highway User Revenue Fund (HURF) revenues are down 2.4% compared October 2012. Year-to-date revenues are down about 4% to level similar to 2004. With regard to VLT tax and sales tax revenues, there are signs of recovery but use and gas tax revenues continue to be down.

Lastly, Mr. Anderson discussed the Resource Allocation Committee meeting held the prior week. This is a process to look at new 5th year at funding availability. The current 5 year program is over-programmed by \$350 million. HURF is flat and ADOT is holding future federal funds constant although there is small growth from MAP-21 for 2014 and 2015. These forecast projections are reflected in the forecast that will be used for the Transportation Improvement Plan (TIP) and plan.

Chairman Meinhart inquired if there were any questions or comments. There were none, and he proceeded to the next item on the agenda.

5. Consent Agenda

Addressing the next item of business, Chairman Meinhart directed the Committee's attention to the consent agenda. He asked the Committee if there were any questions or comments regarding consent Agenda 5a Recommendation of Projects for FY 2013 Traffic Signal

Optimization Program (TSOP), or 5b Transportation Review Committee 2013 Committee Tentative Meeting Schedule. There were none. Mr. Martin motioned to approve the remaining consent agenda. Mr. Grant Anderson seconded, and the motion passed with a unanimous voice vote of the Committee.

6. MAG Federally Funded Locally Sponsored Project Development: Status Report, December 5, 2012

Chairman Meinhart invited Ms. Teri Kennedy, MAG Transportation Improvement Program Manager, to present on MAG Federally Funded Locally Sponsored Project Development: Status Report, December 5, 2012.

Teri Kennedy stated that twice a year, member agencies are required to provide status report updates on Federal funded projects. The workbooks are used to prepare the financial analysis and updates. Scheduling is reviewed to ensure that projects are moving forward at a reasonable rate. Currently there are no deferrals this year. Several agencies have requested deferrals, and some deletions have been requested. There are some corrections in the handout provided today that will be updated for the MAG Management Committee meeting. GLN11-702, the project description will be updated to reflect the modified scope. They have eliminated some paving and lighting portions of the project. There is a correction to the status report on page 17 for PHX09-624. That item is not a procurement project as listed but is a construction project. If you see any other corrections that are needed, please let us know and we will update for Management Committee.

Mr. Naimark pointed out that the description is incorrect for TIP item PHX09-624. The project is an ITS fiber project not as listed in the report Ms Kennedy noted that the report would be updated for the Management Committee.

Chairman Meinhart asked if there were any questions or comments. There were none. Mr. Martin motioned to approval of federal fund projects to be deferred, deleted, advanced, and changed; and of the necessary amendments and administrative modifications to the FY 2011-2015 MAG Transportation Improvement Program, and as appropriate, to the Regional Transportation Plan 2010 Update. Mr. Cook seconded, and the motion passed with a unanimous voice vote of the Committee.

7. Year End Closeout Report Of Federal Fiscal Year (FFY) 2012 Funds, & FFY 2013 Funding Levels for Tier 3 Programming

Chairman Meinhart invited Teri Kennedy, MAG Transportation Improvement Program Manager, to present on Year End Closeout Report Of Federal Fiscal Year (FFY) 2012 Funds, & FFY 2013 Funding Levels for Tier 3 Programming

Ms. Kennedy reported that MAG staff conducted an analysis of 2012 and 4th quarter financials received from ADOT in December, the report included authorized projects and revenue streams. During January and February 2012 close out session, there was 42 million dollars available for carry forward for reprogramming. There was a call for projects, transfers to transit, and some project modifications. As a result of this activity there is still

a carryover of 16.5 million dollars in 2012 for closeout of FY2013. Regarding FHWA CMAQ funds for 2013, including carryover, and assuming 94.6% obligation authority (OA) on the regional allocations, funding is estimated presented is estimated, and is dependent on legislative action and the pending fiscal cliff. Under Map-21 funding levels for FFY2013 closeout, we are expecting 45.7 in CMAQ and 48.8 million in STP with carryover of approximately 62.7 million for the 2013 budget. For 2013 paving, air quality, bike pedestrian, and ITS projects we currently have programmed in TIP are. we have 24.8 programmed.. Also included are 16.4 million dollars transferred to rail projects. For 2014 currently we have 38.4m programmed and 16.5 million dollars in rail transfers scheduled which results in a deficit of 8 million dollars in CMAQ funding. We have 22 million in CMAQ funds which need to be obligated by June 2013. If they not authorized by then, OA could be lost from the region.

During the 2012 close out all projects programmed where expecting to make the authorization deadline, however three could not authorize on time which is what is contributing to the carryover. ADOT and FHWA have encouraged MPOs to not carry forward OA, ADOT is not able to absorb unobligated OA.

STP funds are used for projects in the ALCP and to repay the Grant Anticipation Notes payments. Currently we have one project in 2013 that may not obligate on time. For 2014 we have one project may not go forward. Staff is meeting with ALCP lead agencies and getting updated status reports. If we receive OA at 94%, we are \$800,000 overprogrammed. If we get 100% OA we are under-programmed by 200,000. All projects need to submit for obligation at ADOT by June 28, 2013.

Addressing the overprogramming, typically we see projects request to defer at a rate of over \$4.5 million each year (an additional \$6 million CMAQ after the Federal Fund Status Report was finalized were not submitted & missed authorization in FFY 2012). With \$8.8 over programmed for FFY2014, we expect some projects to defer to FFY2015. One option would be to request ADOT/FHWA to allow up to \$11 million of CMAQ carry forward to address FY2014 and program FFY2013 to \$11 million of un-programmed.

Ms. Kennedy presented scenario 1, which would fund all currently programmed projects phases of in FY2013 for ITS, Bicycle Pedestrian, and paving projects in the TIP at the maximum 94.3% federal level for eligible activities. This utilizes an estimated 11 million dollars, leaving a balance of 10.9 million un-programmed. Scenario 2 incorporates scenario 1 and in addition, creates a design phase in 2013 for all 2014 construction projects, funding design at an estimated rate of 10% of the total construction costs. This would decrease the balance of unprogrammed funds to under \$7.7 million.

Ms. Kennedy added that transferring funds to transit for bus purchase and preventive maintenance was also an option and had been exercised in the past. Also worth mentioning, rail is currently over-programmed under current projections. Another option would be to review ALCP projects that could accept CMAQ for eligible activities.

Mr. Farry inquired why on a state-level, it appears that CMAQ and STP has increased in MAP-21. Why there are lower funds available while overall apportionment went up.

Mr. Eric Anderson replied that 1.2 million dollars of CMAQ now goes to 2.5 non attainment areas which are outside of the Maricopa County region. He iterated that the other issue with apportionment is the obligation amount that can be spent. There has been three years of 100% OA however, based on guidance from ADOT, it is likely that the OA this year will be around 94.6%. The resulting OA percentage may be higher or lower, however, given the uncertainties as well there are the fiscal cliff negotiations, this is staff's current best estimate.

Mr. Naimark inquired if design phase as shown in option 2 include right-of-way.

Ms. Kennedy replied that design is part of the option. However, ROW is more expensive than design. Design is the easier option for future programmed construction projects to keep projects moving. As well, many projects have different needs for ROW.

Mr. Johnson asked if payment may be used to reimburse project in ALCP that has already been built. Ms. Kennedy replied that if the projects are not CMAQ eligible then the answer is no. Projects that are underway or about to be underway, then the projects may be competed for. CMAQ projects must go through competitive process using the CMP tool and require an air quality score. Currently there is a \$200,000 design project in ALCP that is federal project and could be evaluated and considered. In 2014 there are several intersection improvements that also could meet eligibility requirements.

Mr. Cook related the discussion about preventive maintenance at the transit management meeting. Funding is lower under Map-21 and City of phoenix will be receiving \$3M less in funds than originally projected. After all the projects have been funded, there is still a balance of about \$7 million, it may be an option that late in the fiscal year a transfer to Preventive Maintenance (PM) money for funds that cannot obligate.

Ms. Kennedy replied that CMAQ funds cannot be used for PM directly. It must be used for capital, exchanging for 5307 funding.

Chairman Meinhart asked if under scenario 2 the recommendation to add design is only for projects already programmed for CMAQ and not new projects. Ms. Kennedy replied in the affirmative, that it would be for existing construction projects.

Chairman Meinhart inquired if any projects for accelerations of construction were an option. Ms. Kennedy replied that no advancements were requested.

Mr. Meinhart requested clarification that on the balance of \$7.7 million due to overprogramming in later years. Ms. Kennedy replied that it was the hope that ADOT would allow a balance from FY2013 to carry forward to FY2014 to address the overprogramming. She would follow up with ADOT to confirm.

Mr. Naimark asked does it make sense to include design for 2015 construction projects. One of the options was recent call for projects for 2017. We could amend the TIP and look at design for those.

Ms. Kennedy replied that all 2014 projects eligible. Based on the policies, we look at current project first. For the Call For Projects in FY2015, it will be an agenda item in January, and we can include in the action to amend them into the current TIP and if funding is available, suggest to fund design in FY2013 for the FY2015 projects.

Mr. Naimark made a motion to approve scenario 2 with consideration for FY 2015 projects be included in the recommendation. Mr. Terry Johnson seconded.

Mr. Farry asked if there design funds for rail. Ms. Kennedy replied that the cost savings were from ITS, Bicycling and pedestrian, and paving projects and that the standard transfer for rail was included for each year. Mr. Farry requested design funds for rail as part of the options.

Chairman Meinhart asked if there was any additional discussion on the motion.

Mr. Anderson requested to modify the motion to add to rail design as an option. Mr. Naimark and Mr. Johnson agreed to the modification.

Mr. Grant Anderson expressed concern over the addition of design funds on future programming. Chairman Meinhart stated his support for evaluating all options, with priority given to projects currently in the TIP for future funding years.

Ms. Kennedy offered to find out from ADOT the amount that they would allow to be un-programmed. There are still uncertainties in the reporting that will be done in May 2013, however, by then, the amount of time for a transfer will be limited. Scenario 2 would support possible rail needs, possible design requests, as well as any new design requests to be submitted to MAG by the Jan 2, 2013 deadline.

Mr. Fitzhugh stated that funding priority should that be part of analysis. Mr. Eric Anderson iterated that Scenario 2 is an appropriate baseline. MAG staff will continue to communicate with ADOT to determine other funding opportunities. Those options can be discussed at future committee meetings. As well, there may be a higher OA than currently anticipated which will lead to additional funding opportunities.

Mr. Naimark expressed concern over unobligated funds. Ms. Kenney agreed that any funding that does not obligate is at risk of being swept by FHWA.

Chairman Meinhart asked if there was any further discussion on the motion. There being none, the motion to recommend approval for Scenario 2, with consideration for design funds for FY 2015 construction projects, with priority given to existing projects that can obligate by June 2013 passed with an unanimous voice vote of the committee.

Mr. Heinrich left the meeting.

8. MAP-21 A Federal Highway Administration (FHWA) Program Overview and Estimated Funding Levels for the MAG Region

Chairman Meinhart requested this item to be heard after Agenda Item 9.

Chairman Meinhart invited Ms. Kennedy to present MAP-21 A Federal Highway Administration (FHWA) Program Overview and Estimated Funding Levels for the MAG Region.

Ms. Kennedy began with some background. On July 6, 2012, President Obama signed into law P.L. 112-141, the Moving Ahead for Progress in the 21st Century Act (MAP-21). MAP-21 restructures core highway formula programs, merges and consolidates Transit formula programs.

Although MAP-21 achieves dramatic policy and programmatic changes, reform of the way highway & transit programs are funded remains a challenge for the future.

- Surface Transportation Program is authorized through FFY14
- SAFETEA-LU funding was extended through end of FFY12
- Most new provisions go into effect on October 1st, 2012, performance levels tba
- Overall Surface Transportation Program at FFY2012 levels. Average annual funding for CMAQ and PL at FFY09 levels (OA unknown at this time).
- Extends Highway Trust Fund taxes and ensures 2 years of solvency for Highway Trust Fund (HTF)
- No earmarks
- Most discretionary programs eliminated

MAP-21 is a 2 year bill to address a 5 year project development process. MAG will work under the reasonable assumption that MAP-21 will be continued through extensions & continuing resolutions to program the FY14-18 TIP and the RTP update. A summary of MAP-21:

- Funding for some programs eliminated, combined, reduced
- Existing projects programmed for FFY 2013 & 2014 under SAFETEA LU rules and guidance
- MAG is working with ADOT and FHWA to implement new MAP-21 rules and guidance
- Comments About MAP-21
- Overall Funding levels for Statewide Program is at 2012 distribution levels.
- Funding for MAP-21 CMAQ and PL programs, are based on each state's 2009 total apportionment of CMAQ and PL.
- More concentration on Safety
- Funding distributed within the state based on 2010 Census info

AZ has 3 new eligible MPOs which impacts our regional funding.

- Sierra Vista

- Lake Havasu City
- Casa Grande

The Transportation Alternatives (TA) program incorporates eligibilities from many current programs. It includes most (but not all) formerly Transportation Enhancements (TE) - eligible activities,

- Safe Routes to Schools program (SRTS)
- New: Planning, designing, or constructing roadways within the ROW of former Interstate or other divided highways
- Similar funding level to TEs under SAFETEA-LU
- Total TA \$ equal to 2% of MAP-21 highway funding
- Funded via takedown from each State's formula funds
- 50% sub-allocated for more local control
- 50% State allocation can be transferred to other formula programs

With the reduction in Statewide funding for Transportation Enhancements, Rec Trails, and SRTS, ADOT is evaluating all statewide STIP project listings for FFY2012, 13, 14, 15. MAG staff is recommending a two-step approach for TA Program:

Near Term FY 2013-14

- Evaluate current TE & SRTS projects in STIP/TIP
- Workbooks sent out in October; collected in November, Report January
- Evaluate funding shortages for programmed projects, in MAG region
- Develop & Present scenarios to utilize TA program OA for FFY 2013-14

Long Term FY 2015-18

- Determine MAG priorities and eligible activities
- Assign staff and committee
- Develop program evaluation & performance criteria
- Schedule Call For Projects
- Collect and evaluate applications
- Program in the TIP

Mr. Farry inquired why it appears as if the apportionment has increased statewide however regional funding has decreased. Mr. Eric Anderson replied that given the differences under SAFEA-LU and 2013 MAP-21 it is difficult to do a direct comparison. There will be increased emphasis on performance measures under MAP-21.

Mr. Grant Anderson requested that information be shared with member agency staff who can then provide TRC members input as to how to program Transportation Alternative funds.

Ms. Kennedy stated that preliminary information will be made available to the Managers working group members to address near term goals. However, long term goals will still need to be addressed.

Chairman Meinhart asked if there were questions. There being none, he moved on to the

next item on the agenda.

9. Assignment of Designated Recipient for Federal Transit Administration (FTA), Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities (Sr/ID) Program in the MAG Region

This item was heard out of order.

Chairman Meinhart invited Ms. Terri Kennedy to present on Assignment of Designated Recipient for Federal Transit Administration (FTA), Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities (Sr/ID) Program in the MAG Region.

Ms. Kennedy began with an over view of MAP-21 legislation. Under MAP-21, Urbanized Areas over 200,000 in population in coordination with the State may determine which agency will be their Designated Recipient (DR) of FTA, Section 5310 Sr/ID Program funding. Previously under SAFETEA-LU, the State of Arizona, Department of Transportation, Multimodal Planning Division was the DR of the Elderly and Persons with Disabilities program and the City of Phoenix was the DR for the Section 5317 New Freedom Program. Under MAP-21 the two programs have been combined and renamed, and several agencies are eligible to accept the responsibilities of the DR. While there are several eligible agencies, the top two candidates are ADOT and City of Phoenix.

A few of the responsibilities as DR include quarterly reporting on each project, ensuring all compliance with Federal and FTA regulations, certifications and assurances, and program guidance, applying for, maintaining and management of grants based on a Program Of Projects as developed by the region each year, and to procure capital items.

Chairman Meinhart invited Ms. Jayne Hubbard from Foothills Caring Corp to speak. Ms. Hubbard stated that her agency has been a grantee for the past 5 years working for ADOT. She offered support for the City of Phoenix as DR to move the process to a more regional level. Although ADOT has done a good job, she believed that they would be better served by a regional recipient rather than a statewide DR.

Chairman Meinhart invited Mr. Mike Normand, ADOT Transportation Director to speak. Mr. Norman offered to answer any questions for the committee and discuss ADOT's qualifications. He stated that ADOT has been DR for several years for the state. The agency has an organized structure in place for the program and has recently invested in key items such as a web based grant program to submit applications, facilitate reporting, invoicing, and reimbursing of funds for FTA grants. The agency has identified many improvements closing out old grants including reinvesting over 3 million dollars tied up in old grants. The agency conducts annual surveys and has a process to procure vehicles and schedule compliance reviews.

Mr. Martin inquired if the recommendation from MAG is in favor of City of Phoenix.

Ms. Kennedy replied that staff is requesting comments from all committees involved in the process, including Human Services and Transit. Mr. Eric Anderson added that both options are being presented.

Mr. Grant Anderson inquired how long would the designation last. Ms. Kennedy responded that it remains in effect until legislation changes, and maybe be revisited at the request of the committee. Mr. Grant Anderson questioned the commitment and staffing capability of COP staff to undertake the role of DR. Mr. Naimark referred to the letter from City of Phoenix (COP), indicating its commitment to take on the responsibility.

Mr. Johnson expressed concern over conflict of interest of having the City of Phoenix being the designated recipient, as they are also an applicant. He did not prescribe one agency over another.

Ms. Kennedy replied that 5310 recipients are typically private nonprofit based and not public agencies under this program. Mr. Farry indicated that Valley Metro is not currently able to assume the responsibility of the DR. He also supported decision making at local level through City of Phoenix.

Mr. Grant Anderson motioned to recommend the City of Phoenix Transit Department take over the responsibility as the FTA Designated Recipient of Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities (Sr/ID) Program beginning with FFY 2013.

Mr. Martin seconded.

Chairman Meinhart stated support of having a more regional DR rather than the state wide coordinator.

The motion to recommend the City of Phoenix Transit Department take over the responsibility as the FTA Designated Recipient of Section 5310 Enhanced Mobility of Seniors and Individuals with Disabilities (Sr/ID) Program beginning with FFY 2013 was approved with Mr. Kwi-Kang opposing.

Mr. Naimark left the meeting and Mr. Remus substituted for him

10. Request for Future Agenda Items

Chairman Meinhart requested Topics or issues of interest that the Transportation Review Committee would like to have considered for discussion at a future meeting.

11. Member Agency Update

Chairman Meinhart stated that he no longer be a full time Scottsdale employee at the end of the year but will return as a part time employee. His first assignment will be to continue his role as Chair until a replacement is found.

Mr. Terry Johnson shared that he will be retiring as of January 22, 2013.

12. Next Meeting Date

The next regular Transportation Review Committee meeting will be scheduled Thursday, January 24, 2013 at 10:00 a.m. in the MAG Office, Saguaro Room.