

October 16, 2007

TO: Members of the MAG Regional Council

FROM: Mayor James M. Cavanaugh, Goodyear, Chair

SUBJECT: MEETING NOTIFICATION AND TRANSMITTAL OF TENTATIVE AGENDA

Meeting - 5:00 p.m.

Wednesday, October 24, 2007
MAG Office, Suite 200 - Saguaro Room
302 North 1st Avenue, Phoenix

Dinner - 6:30 p.m.

MAG Office, Suite 200

The next 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. MAG will host a dinner/reception for the Regional Council members following the meeting in the MAG Cholla Room on the 2nd floor. Supporting information is enclosed for your review.

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 24, 2007**

COUNCIL 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.

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 26, 2007 Meeting Minutes

5A. Review and approval of the September 26, 2007 meeting minutes.

TRANSPORTATION ITEMS

- *5B. Project Changes: Amendments and Administrative Modifications to the FY 2008-2012 MAG Transportation Improvement Program, FY 2008 Arterial Life Cycle Program, and, as Appropriate, to the Regional Transportation Plan 2007 Update

The FY 2008-2012 Transportation Improvement Program (TIP) and the FY 2007 Regional Transportation Plan (RTP) 2007 Update were approved by the Regional Council on July 25, 2007, and the FY 2008 Arterial Life Cycle Program (ALCP) was approved by Regional Council on June 27, 2007. Since that time, member agencies have requested modifications to projects in the programs. The Transportation Review Committee and the Management Committee recommended approval. Please refer to the enclosed materials.

- 5B. Approval of amendments and administrative modifications, shown in the attached tables, to the FY 2008-2012 Transportation Improvement Program, the FY 2008 Arterial Life Cycle Program, and, as appropriate, to the Regional Transportation Plan 2007 Update.

AIR QUALITY ITEMS

- *5C. New Finding of Conformity for the Regional Transportation Plan 2007 Update and FY 2008-2012 MAG Transportation Improvement Program, as Amended

On July 25, 2007, the MAG Regional Council approved a proposed amendment to the Regional Transportation Plan to delete the SR 153 corridor and add a project to improve the existing SR 143 and SR 202 Loop traffic interchange, and to amend the Regional Transportation Plan and the FY 2008-2012 MAG Transportation Improvement Program subject to an air quality conformity analysis. MAG has conducted a regional emissions analysis for the proposed amendment. The results of the regional emissions analysis for the proposed amendment, when considered together with the RTP and TIP as a whole, indicate that the transportation improvements will not contribute to violations of federal air quality standards. Any comments on the amendment and finding of conformity are requested by October 22, 2007 following a 30-day public review period. Please refer to the enclosed material.

- 5C. Approval of the new Finding of Conformity for the Regional Transportation Plan 2007 Update and FY 2008-2012 MAG Transportation Improvement Program, as amended.

*5D. Recommendation of Prioritized List of Proposed PM-10 Certified Street Sweeper Projects for FY 2008 CMAQ Funding

The FY 2008 MAG Unified Planning Work Program and Annual Budget and the FY 2008-2012 MAG Transportation Improvement Program contain \$1,110,000 in Congestion Mitigation and Air Quality (CMAQ) funding for the purchase of PM-10 certified street sweepers. PM-10 certified street sweeper projects were solicited from member agencies in the Maricopa County PM-10 nonattainment area and 18 applications requesting \$3.07 million in federal funds were received. The MAG Air Quality Technical Advisory Committee and the MAG Management Committee recommended a prioritized list of proposed PM-10 certified street sweeper projects for FY 2008 CMAQ funding. Please refer to the enclosed material.

*5E. Conformity Consultation

The Maricopa Association of Governments is conducting consultation on a conformity assessment for an amendment to the FY 2008-2012 MAG Transportation Improvement Program. The proposed amendment includes the repackaging of existing Arizona Department of Transportation projects on Interstate-17 and on Interstate-10 between Loop 101 (Agua Fria Freeway) and Verrado Way. The amendment also includes nine federal-aid projects for the paving of dirt roads and shoulders in the Maricopa PM-10 Nonattainment Area for FY 2008, and several transit projects. The amendment includes projects that may be categorized as exempt and minor project revisions that do not require a conformity determination. Comments on the conformity assessment are requested by October 22, 2007. Please refer to the enclosed material.

5D. Approval of a prioritized list of proposed PM-10 certified street sweeper projects for FY 2008 CMAQ funding and retain the prioritized list for any additional FY 2008 CMAQ funds that may become available due to year-end closeout, including any redistributed obligation authority, or additional funding received by this region.

5E. Consultation.

GENERAL ITEMS

*5F. FY 2009 MAG PSAP Annual Element/Funding Request and FY 2009-2013 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 911

5F. Approval of the FY 2009 MAG PSAP Annual Element/Funding Request and FY 2009-2013 Equipment Program for submittal to the Arizona Department of Administration.

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, which is funded by the monthly 911 excise tax on wireline and wireless telephones. The funding request for FY 2009 is required to be submitted to the ADOA by December 15, 2007. The MAG PSAP Managers, the MAG 911 Oversight Team, and the MAG Management Committee recommended approval of the Funding Request and Equipment Program. Please refer to the enclosed material.

*5G. MAG 208 Small Plant Review and Approval for the Proposed Scorpion Bay Wastewater Treatment Plant

The City of Peoria has requested that MAG review the proposed Scorpion Bay Wastewater Treatment Plant through the Small Plant Review and Approval Process of the MAG 208 Water Quality Management Plan. The facility would have an ultimate capacity of 35,000 gallons per day and reclaimed water would be disposed of through on-site irrigation reuse at the Scorpion Bay Marina. The project is located within the Peoria Municipal Planning Area and Lake Pleasant Regional Park that is managed by Maricopa County. The right to use the land for the Scorpion Bay Marina has been granted through an agreement with the Maricopa County Parks and Recreation Department. Maricopa County has also provided a letter indicating that it does not object to the proposed wastewater treatment plant. In addition, Yavapai County is within three miles of the project and has indicated no objections. The MAG Water Quality Advisory Committee and the MAG Management Committee recommended approval of the Small Plant Review and Approval for the proposed plant. Please refer to the enclosed material.

*5H. 2007 Regional Human Services Summit Report

In June 2007, nearly 200 people attended MAG's first Regional Human Services Summit. Participants developed the framework for eight projects, which are detailed in the 2007 Regional Human Services Summit Report. The projects address a diverse range of issues such as juvenile crime,

5G. Approval of the proposed Scorpion Bay Wastewater Treatment Plant as part of the MAG 208 Water Quality Management Plan.

5H. Approval of the 2007 Regional Human Services Summit Report.

developmental disabilities and aging. Community leaders have pledged to move the projects forward. The MAG Continuum of Care Regional Committee on Homelessness, the MAG Regional Domestic Violence Council, the MAG Human Services Technical Committee, and the MAG Management Committee have recommended approval of the Report. The MAG Human Services Coordinating Committee may make a recommendation on the report on October 17, 2007. Please refer to the enclosed material.

ITEMS PROPOSED TO BE HEARD

TRANSPORTATION ITEMS

6. FY 2008 Early Phase Input Opportunity Report

The Early Phase Input Opportunity provides for initial public input prior to a draft listing of projects being compiled for a draft Transportation Improvement Program. Early Phase input opportunities included MAG committee meetings, an Early Phase Stakeholders meeting, and special events such as the National Federation of the Blind of Arizona statewide conference and Hispanic Women's Conference. Input was also received electronically via e-mail and through the MAG Web site. All input received is included in the FY 2008 Early Phase Input Opportunity Report. Please refer to the enclosed material.

6. Information and discussion.

7. 2007 Annual Report on the Status of the Implementation of Proposition 400

Arizona Revised Statute 28-6354 requires that MAG issue an annual report on the status of projects funded by the half-cent sales tax authorized by Proposition 400. The 2007 Annual Report is the third report in this series. Staff will brief the Committee on the findings of the 2007 report, including the status of the Life Cycle Programs for Freeways/Highways, Arterial Streets, and Transit. A Summary of Findings and Issues has been enclosed and the full report is available on the MAG website. Please refer to the enclosed material.

7. Information and discussion.

AIR QUALITY ITEMS8. Air Quality Update

In accordance with the Clean Air Act, the MAG Five Percent Plan for PM-10 is required to reduce PM-10 particulate emissions by five percent per year until the standard is attained at the monitors. The plan is due to the Environmental Protection Agency (EPA) by December 31, 2007. To date, commitments to implement measures have been received from ADOT, Maricopa County, and all of the cities and towns in the PM-10 nonattainment area. The Legislature also passed SB 1552 which contains several PM-10 measures. These committed measures are being evaluated to determine the air quality impacts. In addition, the MAG Eight-Hour Ozone Plan was submitted to the EPA by June 15, 2007. On June 20, 2007, EPA proposed to strengthen the eight-hour ozone standards and finalize them by March 12, 2008. Please refer to the enclosed material.

8. Information and discussion.

GENERAL ITEMS9. MAG 208 Water Quality Management Plan Amendment for the Hassayampa Utility Company Northeast Service Area

Maricopa County has requested that MAG amend the 208 Water Quality Management Plan to include four water reclamation facilities (WRFs) for the Hassayampa Utility Company Northeast Service Area. The expected wastewater flows throughout the Area are projected to be 45 million gallons per day. The four facilities would dispose of reclaimed water through reuse, recharge, and Arizona Pollutant Discharge Elimination System Permit discharges. The project is within three miles of the Town of Buckeye and Buckeye has expressed concern about the amendment. A public hearing on the draft amendment was conducted on August 7, 2007. Following the hearing, the MAG Water Quality Advisory Committee recommended approval of the Draft 208 Plan Amendment. At the September Management Committee meeting, the Committee continued the Draft 208 Plan Amendment for 30 days until the October meeting of the Management Committee. At the October 3, 2007 Management Committee meeting, the Town of Buckeye reported that the Town adopted a

9. Approval of the MAG 208 Water Quality Management Plan Amendment for the Hassayampa Utility Company Northeast Service Area.

Memorandum of Understanding outlining that the Town and Global Water would work to address its concerns and continue discussions. Buckeye indicated that it would not oppose the amendment at the Management Committee meeting based on those good faith discussions; however, the Town's position at the Regional Council meeting will also be determined by those good faith efforts. The Management Committee recommended approval of the Draft 208 Plan Amendment. Please refer to the enclosed material.

10. 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.

10. Information.

**MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
REGIONAL COUNCIL MEETING**

September 26, 2007
MAG Office, Saguaro Room
Phoenix, Arizona

MEMBERS ATTENDING

Vice Mayor Rob Antoniak for Mayor James M. Cavanaugh, Goodyear, Chair	Supervisor Don Stapley, Maricopa County
Mayor Mary Manross, Scottsdale, Vice Chair	Mayor Keno Hawker, Mesa
# Councilmember Robin Barker, Apache Junction	# Mayor Ed Winkler, Paradise Valley
Mayor Marie Lopez Rogers, Avondale	Mayor Bob Barrett, Peoria
# Mayor Bobby Bryant, Buckeye	Councilmember Greg Stanton for
Mayor Wayne Fulcher, Carefree	Councilmember Peggy Neely, Phoenix
* Councilmember Dick Esser, Cave Creek	# Mayor Art Sanders, Queen Creek
Mayor Boyd Dunn, Chandler	Vice President Martin Harvier for President
Mayor Fred Waterman, El Mirage	Diane Enos, Salt River Pima-Maricopa
* President Raphael Bear, Fort McDowell	Indian Community
Yavapai Nation	Councilmember Martha Bails for
Mayor Wally Nichols, Fountain Hills	Mayor Joan Shafer, Surprise
Mayor Fred Hull, Gila Bend	* Mayor Hugh Hallman, Tempe
* Governor William Rhodes, Gila River Indian	* Mayor Adolfo Gamez, Tolleson
Community	* Mayor Ron Badowski, Wickenburg
Mayor Steven Berman, Gilbert	Mayor Michael LeVault, Youngtown
Mayor Elaine Scruggs, Glendale	Joe Lane, State Transportation Board
* Mayor Bernadette Jimenez, Guadalupe	Felipe Zubia, State Transportation Board
Mayor Thomas Schoaf, Litchfield Park	# F. Rockne Arnett, Citizens Transportation
	Oversight Committee

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

1. **Call to Order**

The meeting of the MAG Regional Council was called to order by Vice Chair Mary Manross at 5:05 p.m.

2. **Pledge of Allegiance**

The Pledge of Allegiance was recited.

Vice Chair Manross noted that Councilmember Robin Barker, Mayor Bobby Bryant, Mayor Ed Winkler, Mayor Art Sanders, and Mr. Roc Arnett were participating by telephone. She welcomed proxies to the meeting: Vice Mayor Rob Antoniak for Mayor Jim Cavanaugh, Vice President Martin Harvier for President Diane Enos, Councilmember Greg Stanton for Councilmember Peggy Neely, and Councilmember Martha Bails for Mayor Joan Shafer.

Vice Chair Manross stated that parking validation and transit tickets were available from MAG staff.

3. Call to the Audience

Vice Chair Manross noted that members of the audience who wish to speak are requested to fill out public comment cards. The opportunity for public comment is 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 are requested not to exceed a three minute time period for their comments. A total of 15 minutes is provided for the Call to the Audience agenda item, unless the Regional Council requests an exception to this limit. Those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard.

Vice Chair Manross recognized public comment from Dianne Barker, who stated that she rode the bus to the meeting and expressed thanks for the transit tickets. Ms. Barker stated that flexible, multimodal transportation can be fun. Ms. Barker stated that the last CTOC meeting included presentations on the Broadway Curve, which is a big concern. She expressed her hope that planners and politicians will become involved. Ms. Barker stated that whatever happens with the redesign will affect the west side. She noted that next year, CTOC will have traveling meetings to different communities and asked members to encourage their citizens to attend. Vice Chair Manross thanked Ms. Barker for her comments.

Vice Chair Manross recognized public comment from Joseph Ryan from Sun City West. He said that he has never asked the Regional Council for earmarks for Sun City West. Mr. Ryan stated that there is a shortage of money. When focus groups were asked about the extension of the sales tax for transportation, people indicated they would support a tax greater than a half cent, yet MAG only asked for the half cent. Mr. Ryan stated that in the 1990s, people were selling light rail and showed rapid transit that did not run in the middle of the street. He commented that it was a bait and switch. If people were asked how many wanted a percentage of the tax to go to the trolley with no highway west of Loop 303, what do you think they would say? Mr. Ryan commented that when the bonds are due from interest costs there will still be a shortage of money. He said that MAG, as transportation planners, is responsible. Vice Chair Manross thanked Mr. Ryan for his comments.

4. Executive Director's Report

Dennis Smith, MAG Executive Director, provided a report to the Regional Council on activities of general interest.

Mr. Smith announced that a news conference was scheduled for the next day on the upcoming 2010 census. He said that Preston Waite, Deputy Director of the Census Bureau, will be present.

Mr. Smith stated that the Legislature formed the Blue Ribbon Transportation Committee. The Committee's first meeting will be on October 2, 2007, at 8:30 a.m. Mr. Smith noted that topics will include Arizona's transportation needs and outlook, Highway Users Revenue Fund (HURF) and federal revenue, and presentations on the existing toll road statutes and public private partnerships. Vice Chair Manross thanked Mr. Smith for his report. No questions from the Council were noted.

5. Approval of Consent Agenda

Vice Chair Manross noted that agenda items #5A through #5G were on the consent agenda. She noted that agenda item #5G, Approval to Accept the Rankings for the One-Step Design-Build Services RFO for the Regional Office Center and Enter Into Negotiations for a Design-Build Team, had been removed from the agenda.

Vice Chair Manross recognized public comment from Mr. Ryan, who said he had raised the issue in the past that MAG should create a request for proposals for a rapid transit system to lower costs and get traffic off I-10. Mr. Ryan stated that the Paradise Freeway was lost because there was not enough money and some projects, such as Loop 303, are not complete. He said that the Regional Council just sits there when he suggests solutions. Mr. Ryan stated that one solution is commuter rail, which needs frequent service to get people to use it. He stated that many cities, such as his hometown of Philadelphia, have discontinued trolleys because of the danger and high cost. Mr. Ryan stated that the trolley is ruining Central Avenue and they were told it would only take three lanes. He said that the costs will be higher; for example, they did not even take into account the relocation of utilities. Mr. Ryan stated that the EIS and record of decision were fraudulent. He stated that if MAG wants to play hardball, it could take money away from Phoenix. Vice Chair Manross thanked Mr. Ryan for his comments.

Vice Chair Manross asked members if they had any questions or any requests to hear an item individually. None were noted. With no further discussion of the consent agenda, Vice Chair Manross called for a motion to approve consent agenda items #5A, #5B, #5C, #5D, #5E, and #5F, noting that agenda item #5G had been removed. Mayor Nichols moved, Mayor Hull seconded, and the motion passed unanimously.

5A. Approval of the August 22, 2007 and September 6, 2007 Meeting Minutes

The Regional Council, by consent, approved the August 22, 2007 and September 6, 2007 meeting minutes.

5B. Arterial Life Cycle Program Status Report

The Arterial Life Cycle Program (ALCP) Status Report covers the period from January to June of 2007 and includes an update on ALCP Project work, the FY 2008 ALCP schedule, and ALCP revenues and finances. This item was on the agenda for information and discussion.

5C. ADOT Red Letter Process

In June of 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, 2007, to June 30, 2007. Upon request any of the notices can be removed from the consent agenda and returned for action at a future meeting. ADOT received 709 Red Letter notifications in the period from January 1, 2007 to June 30, 2007. In addition to the 181 separate examples attached, ADOT has requested a complete set of plans for the developments and a plan review on an additional 195 notifications. The 195 additional notices included zoning changes and/or general plan amendments that would put future developments adjacent or very close to ADOT right-of-way that would cause concerns. The ADOT Red Letter coordinator also received 84 telephone, mail, and/or email notifications of possible impact to the State Highway System. The 84 telephone, mail, and/or email notifications consisted of 25 notifications on the Estrella Corridor, 303 Loop and 26 on the South Mountain, 202 Loop, 20 on the I-10 Reliever and 13 on the 303 Loop south of I-10. This item was on the agenda for information and discussion.

5D. MAG 208 Water Quality Management Plan Amendment for the Hassayampa Utility Company Southwest Service Area

The Regional Council, by consent, approved the MAG 208 Water Quality Management Plan Amendment for the Hassayampa Utility Company Southwest Service Area. Maricopa County has requested that MAG amend the 208 Water Quality Management Plan to include the Campus 1 water reclamation facility for the Hassayampa Utility Company Southwest Service Area with an ultimate capacity of 32 million gallons per day. Reclaimed water from the facility would be disposed of through reuse, recharge, and Arizona Pollutant Discharge Elimination System Permit discharge points to the Delaney Wash, Four Mile Wash, Old Camp Wash, and/or a discharge point 12,000 feet northeast of the facility in an unnamed wash. The Delaney Wash, Old Camp Wash, and the unnamed wash are tributaries to the Four Mile Wash. A public hearing on the draft amendment was conducted on August 7, 2007. The MAG Water Quality Advisory Committee and the MAG Management Committee recommended approval of the Draft 208 Plan Amendment.

5E. Registration for the Local Update of Census Addresses Program

The Local Update of Census Addresses (LUCA) Program provides cities, towns and the county with an opportunity to update the Census Bureau address list for their jurisdiction. The address list will be used to distribute Census 2010 questionnaires. An accurate address list is crucial to obtaining a good census population count, which will be used to distribute billions of dollars in state-shared revenue to Arizona cities and towns. In early August, the Census Bureau sent out an invitation and a registration form to the Highest Elected Official of each city, town and the county, inviting him/her to participate in the LUCA program. To receive the full 120 days to review and provide comments on the address list, jurisdictions need to register for the LUCA Program by November 19, 2007. This item was on the agenda for information and discussion.

5F. Consultant Selection for Underwriting Services for the Regional Office Center (ROC)

The Regional Council, by consent, ratified the approval of the selection of the firm Piper Jaffray & Company to perform underwriting services for the Regional Office Center (ROC). The Maricopa Association of Governments requested proposals from qualified firms of underwriters to provide the most advantageous underwriting services for the issuance of Obligations of the ROC. In response to the Request for Proposals released on August 2, 2007, MAG received 11 proposals from qualified

underwriters. The ROC Underwriter Selection Team reviewed and evaluated the proposals and recommended to MAG that Piper Jaffray & Company be selected to perform the underwriting services for the ROC. The MAG Executive Committee concurred with the Selection Team and approved the selection of Piper Jaffray & Company. The all-inclusive price summary for the underwriter services is \$552,929. Payment for underwriting services shall be from monies derived from the issuance of the financial offering(s). The underwriter will be responsible for any costs incurred by their firm if such offering(s) are not issued.

5G. Approval to Accept the Rankings for the One-Step Design-Build Services RFO for the Regional Office Center and Enter Into Negotiations for a Design-Build Team

This item was removed from the agenda.

6. Reexamination of MAG Highway Acceleration Policy

Eric Anderson, MAG Transportation Director, provided an overview of the MAG Acceleration Policy that was adopted in March 2000. He stated that the policy outlines the process for jurisdictions to accelerate projects, and ensures that local financing is provided in a fiscally prudent manner, and that other projects are not affected and stay on schedule. Mr. Anderson stated that a provision for the sharing of interest costs benefits both the local jurisdiction and the region because if a project is built sooner, future inflation due to cost increases is avoided. In addition, the region benefits because the infrastructure is in place earlier than planned.

Mr. Anderson reviewed the background of the Acceleration Policy. He stated that when reimbursement guidelines were first established in February 1995, local jurisdictions had to pay 100 percent of the interest. Mr. Anderson stated that revised guidelines were adopted in May 1997 and provided for interest sharing between the ADOT Program and local jurisdictions. Mr. Anderson advised that this was a major change and was done because it avoids future inflation and it was felt that the cities should not have to bear 100 percent of the interest cost.

Mr. Anderson stated that the guidelines were revised again in March 2000. He said that language was added to cover non-Proposition 300 highway projects. Mr. Anderson stated that the City of Mesa, to accelerate the US 60 project, paid 100 percent of the interest cost.

Mr. Anderson noted that prior to Proposition 400, there were two separate funds. He stated that with the passage of Proposition 400, all freeway and highway projects are included in the 20-year life cycle program.

Mr. Anderson displayed a chart that showed projects accelerated to-date by the jurisdictions of Phoenix, Chandler, Mesa, and Avondale, Goodyear, and Litchfield Park. He noted that the funding sources included HELP loans, Grant Anticipation Notes, HPAN and local funds.

Mr. Anderson reviewed the requirements of the approved MAG Acceleration Policy: the project must be in the Plan; ADOT is responsible for constructing the project; enhancements, such as artwork, are not eligible for reimbursement; there must be agreement of other jurisdictions if the project crosses boundaries; coordination is needed with adjacent jurisdictions and avoidance of adverse traffic impacts; any previous commitments of local funds must be maintained; repayment of project costs and interest

will follow the life cycle program schedule, which means that repayment could be delayed or accelerated, depending on revenue; provides for the calculation of interest reimbursement, which is tied to the rate of financing and the ADOT inflation rate; the payment schedule is adjusted as other projects in the program; there can be no adverse impacts on other projects in the program; ADOT will notify MAG of any requests to accelerate a project; non-recoverable costs are paid by the jurisdiction if the accelerated project does not move forward, which protects the integrity of the program. Mr. Anderson noted that the acceleration policy was developed in the first place because cities would go to ADOT to accelerate projects ahead of others.

Mr. Anderson stated that the sharing of interest expense is a section that may warrant simplification. He stated that interest expense is shared between the ADOT Program and the local jurisdiction. Interest sharing is based on expected inflation savings and the local share of interest expense is reduced by half of the inflation rate. Mr. Anderson advised that the interest sharing amount depends on the interest rate and notes.

Mr. Anderson stated that issues that could be discussed during an examination of the Acceleration Policy could include: 1) Should the Acceleration Policy apply to all highway and freeway projects, both regional and interstates? 2) What form of local commitment does there need to be for MAG to consider an acceleration request? 3) Should the sharing of interest expense include a fixed percentage rather than one tied to the ADOT projected inflation rate, or should there be a minimum local share of interest? 4) What are the considerations for the use of regional financing capacity versus local financing? Mr. Anderson noted that MAG has a Grant Anticipation Note capacity of \$400 million, and currently, \$250 million of capacity is being used to accelerate the freeway program from 2014 to 2007. He noted that this obligation will be paid off in 2015.

Mr. Anderson stated that at the September 12th meeting, the MAG Management Committee proposed forming a working group to discuss these issues. He said that the working group's recommendations would come back to the MAG committees. Vice Chair Manross thanked Mr. Anderson for his report.

Vice Chair Manross recognized public comment from Mr. Ryan, who stated that he had listed to hours of discussion of minutiae. He stated that this was about chump change and suggested scrapping the whole works. Mr. Ryan stated that MAG is responsible for the region's situation, it is not the local jurisdiction's responsibility. Mr. Ryan stated that charging interest is nonsense and should be forgotten. It is much ado about nothing. Vice Chair Manross asked that Mr. Ryan keep his comments to the agenda item. Mr. Ryan replied that MAG needs money, doesn't it? He said that ADOT needs money and is handicapped by laws. By changing the laws for the acquisition of right of way, you get more money. Mr. Ryan commented that this is an emergency, so close the trolley funding spigot for a month or so, take care of the problem, then turn the trolley spigot back on. He said that one deadline was missed because of hassling over minutiae. Mr. Ryan suggested giving ADOT money right away, changing the laws, and taking money away from the trolley, because it does not deserve it. Vice Chair Manross thanked Mr. Ryan for his comments.

Vice Chair Manross opened the floor for discussion on agenda item #6.

Mayor Hawker stated that there needed to be discussion of establishing a policy on the \$10 million loan with repayment of interest that was provided in STAN II. He stated that the money is available

statewide, and there is an assumption that the MAG region will be getting the entire amount, but he was unsure how that would be accepted by the rest of the state. Mayor Hawker stated that discussion with ADOT needs to take place so that the projects most beneficial to the state come forward.

Mr. Zubia stated that he appreciated Mr. Ryan's comments, but he thought communities would beg to differ that the STAN funds are chump change; the funds still have impact. Mr. Zubia expressed his appreciation for Mayor Hawker's comments. He said that a note could be made to the Legislature to include the rural areas and Pima County.

Mayor Lopez Rogers asked for clarification of the working group, how it would be formed and who would serve. Mr. Anderson replied that MAG was still receiving names of those interested in serving and had received seven or eight names. He noted that Charlie McClendon, Avondale City Manager, had expressed his interest. Mr. Anderson stated that MAG will work with Management Committee Chair, Jan Dolan, Scottsdale City Manager, to ensure the group meets a geographic balance, is a workable size, and does not meet a quorum of the Management Committee. He added that Regional Council input on discussion topics would be forwarded to the working group.

Mayor Hawker suggested that perhaps there could be a penalty for those who receive below the line funds. He advised that the action taken by MAG was his concern. He commented that MAG could implode if all jurisdictions went through the Legislature instead of through the regional, cooperatively developed plan. Mayor Hawker expressed concern for letting the Legislature take over regional planning if they start doing earmarking and setting priorities. Mayor Hawker stated that MAG also has the ability to not put a project in the TIP or to not approve the TIP if it includes the project in question.

Mayor Dunn stated that the TPC discussed revisiting the policy and ensuring it serves the region as a whole. He asked if there was an acceleration policy working group at the beginning of the process. Mr. Smith replied that an ad hoc committee helped to establish the acceleration policy that was approved by the Regional Council. Mayor Dunn commented that the working group functioned before and he felt it would again. He said he felt it was a great idea. Mayor Dunn asked if action was needed. Mr. Smith replied that staff was seeking Regional Council input only tonight. He explained that the ad hoc working groups' findings would be reported back to the Management Committee, Transportation Policy Committee, and Regional Council, providing multiple opportunities as to what the final policy will be.

Vice Chair Manross asked those on the telephone if they had any comments. None were noted.

7. Assignment of Funding to the MAG Transportation Program by Congressional/Legislative Action

Dennis Smith, MAG Executive Director, reported on state and federal funding that comes to the region. Mr. Smith stated that MAG is federally required to develop the Regional Transportation Plan, the Transportation Improvement Program, and the Unified Planning Work Program in cooperation with the Arizona Department of Transportation and transit agencies.

Mr. Smith stated that because MAG is a Metropolitan Planning Organization (MPO) and Transportation Management Area (TMA), MAG is subject to a Certification Review. He explained that based on a finding during one of these reviews, ADOT is required to provide federal funding revenue estimates to MAG. Mr. Smith stated that the MAG TIP, approved by the Governor, needs to be included without

modification into the State Transportation Improvement Program. He noted that this is important because the TIP is being modeled for air quality and cannot be changed.

Mr. Smith stated that in 1999, after TEA-21 passed, Mary Peters, who was at that time the ADOT Director, convened representatives from the Arizona planning agencies. At this meeting, the Casa Grande Resolves agreement was reached. He advised that the Resolves established a process to develop a funding formula for federal and state transportation funds. Mr. Smith added that in many states, the federal process is not adhered to as closely, and the DOT drives the process. He stated that the Resource Allocation Advisory Committee evolved from the Casa Grade Resolves process and is very important in distributing the federal money that comes to Arizona. He added that the Committee is very unique in the United States.

Mr. Smith stated that during Proposition 400, there was interest by the Legislature to select projects. He noted that a memorandum by the General Counsel for the Arizona Legislative Council states that to receive federal funding for projects, the state must comply with the federal planning requirements; a legislatively developed plan would be contrary to these requirements, because the transportation plan must be cooperatively developed and approved by the MPO; if a transportation plan is developed contrary to the federal requirements, the Secretary of Transportation can refuse to approve projects and deny federal funding; the legislature probably could not appropriate federal monies provided for transportation projects; a state-funded project would require a conformity determination that would have to be made by MAG. Mr. Smith advised that MAG has to adhere to requirements for public involvement and air quality.

Mr. Smith stated that during the development of the Regional Transportation Plan for Proposition 400, all funding that was regional in nature was considered and programmed for 20 years. He noted that Colorado, for example, has a 20-year plan but only five years are programmed. Mr. Smith advised that Arizona statutes include not only very strict amendment procedures for making changes to the Plan, but also firewalls for funding categories. He added that below the line funding by Congressional earmarks disturbs the formula already agreed to by the planning agencies in the state.

Mr. Smith explained above the line and below the line funding. He stated that the majority of federal transportation dollars are included in the formula to ADOT and are considered below the line. Mr. Smith stated that the Resource Allocation Advisory Committee formula distributes all of the federal and state funds and they are programmed by ADOT and the regional planning agencies. He advised that above the line funding is very limited. Mr. Smith advised that Arizona does not ordinarily receive above the line funding. He said that the majority of funding Arizona receives is below the line funding. He added that above the line funding is usually earmarked to a specific project by Congress. Mr. Smith noted that if a consultant goes to Congress and obtains federal money for highway projects, that money already may be part of the formula and is below the line funding.

Mr. Smith explained that transit funding is different from highway funding. He said that some transit dollars to Arizona are similar to the highway program and are formula driven, while others are highly competitive, such as new and small starts for light rail, commuter rail and bus rapid transit, and bus capital. Mr. Smith stated that RPTA provides a list of projects to obtain federal transit money for the region's projects. He added that it is helpful to have a lobbyist for transit funding.

Mr. Smith stated that Arizona's cooperative relationship with ADOT is unique in the country. He noted that this region not only has a 20-year plan, it also has a 20-year program. Mr. Smith stated that a statewide funding formula is in place and has worked since 1999. Vice Chair Manross thanked Mr. Smith for his explanation. She asked those participating by telephone if they had questions. None were noted.

8. Building a Quality Arizona Update

Bob Hazlett, MAG Senior Engineer, provided an update on efforts to examine transportation issues statewide, called Building a Quality Arizona (BQAZ). Over the past year, the Association of Arizona Councils of Governments and Metropolitan Planning Organizations has been meeting to discuss growth and transportation issues. He said that a Statewide Reconnaissance Mobility Study was initiated to study the areas throughout the state. On August 31, 2007, the COGs/MPOs, the business partners, and ADOT met to receive preliminary information from the Reconnaissance Study and to discuss the areas throughout the state that would benefit from framework studies and a potential study process that could lead to a statewide transportation election.

Mr. Hazlett stated that framework studies are needed to get in front of future growth by understanding land use, socioeconomic, and development patterns, programmed improvements, regional connections, maintaining system continuity, and corridor preservation. He stated that data from the framework studies leads into the development of a statewide long range transportation plan.

Mr. Hazlett stated that a typical framework study takes about 12 to 16 months to complete. The bulk of the project centers around the study alternatives and developing consent, which takes about seven to ten months. As an example for the committee, Mr. Hazlett introduced how MAG is currently conducting the Interstates 8 and 10 – Hidden Valley study, which encompasses Western Pinal County and Southwest Maricopa County. He commented that with 160 developments entitled in this area, there is a need for more than roads, there is a need to for all modes of transportation. He stated that the study included an environmental scan, which is an extensive look at what is available in the way of cultural resources, air quality, aviation, slopes analysis, hazardous materials, natural vegetation, land ownership, major economic centers, Title VI/Environmental Justice, conservation areas, utility corridors, biological resources, recreation opportunities, and wildlife corridors. Mr. Hazlett stated that the project is 30 percent complete, and is now in the conceptual framework study phase, which includes determining multimodal possibilities, incorporating small area studies, the Pinal County Roads of Regional Significance study, and the Buckeye, Goodyear, Maricopa, and Casa Grande comprehensive plans, and identifying new corridors. Mr. Hazlett stated that completion of the project is anticipated in August 2008.

After introducing this example, Mr. Hazlett continued his presentation by bring the Committee up to date on the Statewide Mobility Reconnaissance Study, which provides a holistic approach using a linkage among land use, transportation, and economic development. Mr. Hazlett stated that while working on this study, he and the consultant traveled around the entire state, meeting with about 250 people and spoke with them about what is happening outside of Arizona as well as the corridors within Arizona.

Some of the information learned from the visits, included a statement of how 80 to 85 percent of goods distributed throughout the southwestern USA arrive on commercial trucks. He said that alternative routes, such as SR-89/SR-69, US-95/SR-95, and CANAMEX, are increasing in use. Mr. Hazlett noted that transportation mobility is important to commerce, as the state has the copper industry and emerging industries, such as the Welton Oil Refinery and warehousing. Mr. Hazlett mentioned the Sun Corridor, which is the Megapolitan area reaching from Nogales to Flagstaff. He noted that it is also important to maintain mobility for recreation and tourism.

Mr. Hazlett stated that the next effort for the Reconnaissance Study are the focus groups on statewide needs will be held in October, followed by a forum in November to bring the findings together. For this meeting, he said they are seeking committee input on additional framework studies, the framework map, the regional transit framework, the needs of existing highway system, the Building a Quality Arizona study process, and election timing. Mr. Hazlett noted that two framework studies are underway in the MAG region: the Interstate 10-Hassayampa Valley Study and the Interstates 8 and 10-Hidden Valley Study. In addition, nine framework studies are proposed throughout the state and will be conducted with the \$7 million approved by the State Transportation Board. Mr. Hazlett noted that these are indicated on the map included in the agenda packet.

Mr. Hazlett displayed the timeline, also included in the agenda packet, and stated that 2009 appears to be the earliest date for a statewide election due to the time needed to complete all elements of the process.

Mr. Smith noted that the framework studies would use common methodology and rolled into a statewide effort. He stated that ADOT has been very cooperative on this and even put its studies on hold in order to use the results of the framework studies to update Move AZ. Mr. Smith stated that the State Transportation Board will form a subcommittee and a member from the subcommittee will co-chair BQAZ. He said that the issue is timing to get the framework studies done for a statewide election. Mr. Smith commented that there are pluses and minuses for each of the election possibilities—2008, 2008 or 2010. Mr. Smith stated that there will be discussion with the Governor's office about this.

Vice Chair Manross stated that there is a lot of work to be done—seven of the framework studies have not yet begun. She asked members to express their concerns or interest in a statewide election. Vice Chair Manross expressed that she had concerns about the business community's interest to move more quickly toward a 2008 election. She said that having been involved in planning efforts locally, she felt that was too soon and suggested looking at 2009. Vice Chair Manross expressed that she felt that being thoughtful and thorough would provide a better chance at the ballot box.

Mayor Hawker asked if there had been any ideas put forth as to what would be on the ballot – a dollar figure or maps that would show what each county gets. He said that knowing the projects and the order they will be built sells well, and he was not sure that could be done without completing the studies. Mayor Hawker asked if there were other concepts he had not heard about. Mr. Hazlett replied that in traveling around the state, it was their understanding that broad consensus and an awareness of the magnitude of needs were necessary. He stated that MOVEAZ is being updated, but there is a need to identify other ways and new corridors to move people. Mr. Hazlett commented that one way to do this is through the framework approach, which provides the opportunity to piece regional studies together

into a statewide plan. He added that this has been the direction of the COGs/MPOs to show the public what is being brought before them.

Mayor Hawker asked what would get voters in this region to support a statewide tax, since the region already has a half cent sales tax. Mr. Hazlett stated that the region has outlying areas that need to be looked at. Another consideration is a regional transit framework study to figure out how to service a buildout population. Mr. Hazlett stated that right now, the plan goes to 25 to 30 year horizon. He advised that planning for the regional freeway system began in 1959, and it was not until 1985 that the work on a lot of the corridors in the plan began to move forward. Mr. Smith stated that two immediate needs that could be helped by a statewide tax include to plug the cost increases and system project accelerations. In addition, the collector/distributor system and double-decking I-17 exceed the money programmed.

Mayor Scruggs stated that she did not think people were looking at plugging holes and doing accelerations. She added that her city and the northwest Valley are still waiting for the completion of Loop 303. Mayor Scruggs commented that she thought people would see the Hassayampa as sprawl and they are tired of sprawl. She stated that as far as an election, she favored 2008. Mayor Scruggs commented that she was in favor of having this discussion lead to a conclusion or have it go away. She stated that continuing this discussion to 2010 would be irritating and would cause more problems as more congestion develops and people become more disenfranchised with what is not being built. Mayor Scruggs said that she thought asking for a 2009 special election in an off-election year would be asking for big trouble. She commented that she had spoken to the Time Coalition about this, and in her opinion, transit should be left out unless there is a permanent funding source for its ongoing costs. Mayor Scruggs advised that she thought a huge mistake in Proposition 400 was made not including a dedicated funding source for transit, but she was on the losing side of that discussion. She said that at the sunset of the half cent sales tax, it could be approved for another 20 years, or communities could find themselves securing funds to continue transit, or it could stop. Mayor Scruggs stated that she would not support transit again without the permanent funding, especially for rural areas, because at the end of the tax, they could be told they would have to pay for it. Mayor Scruggs stated that as far as interest in commuter rail, it also needs a permanent funding source because it is very expensive, not only to start up, but also to continue operations. She said that we need to look at funding streams that stay in place and have ongoing operations costs, or we will be in trouble. Mayor Scruggs stated that she would like to see an election in fall 2008 and see where the citizens fall on this, rather than continuing discussion.

Councilman Stanton asked about the relationship between this work and the Time Coalition. Mr. Hazlett replied that the Time Coalition has been a partner in the effort since the beginning, in collaboration with the COGs/MPOs, ADOT, the Governor's office, and the Legislature.

Vice Chair Manross recognized public comment from Marty Shultz, who was one of the founding members of the Time Coalition and Chair of the Vision 21 Transportation Task Force. Mr. Shultz said that he reinforced Mr. Hazlett's comments that this was a cooperative effort between the private sector and the government. He said that the Time Coalition has spoken to Chambers of Commerce, constituents, and business interests, and they have indicated they are interested in moving forward with a statewide plan. Mr. Shultz advised that the Time Coalition's position is to attempt a 2008 election because they concluded it needed to be statewide and needed authorization by the voters. He said that Mr. Hazlett, Mr. Anderson, and Mr. Smith have worked on studies that indicate a 2009 vote, but their

position is to move forward as quickly as possible, because there are issues out there that need to be resolved. Mr. Shultz advised that the tone around the state is consistent with the comments made by Mayor Scruggs that people are anxious to have the elected officials come together in a timeframe that is sooner rather than later. Vice Chair Manross thanked Mr. Shultz for his comments.

Mr. Smith noted that if a 2008 election is pursued, the work would need to be to the elections office in June 2008. He added that the economic climate is also a consideration.

Vice Chair Manross recognized public comment from Mr. Ryan, who expressed support for Mayor Scruggs because she raised the point of strategies. He said when you do planning, you have objectives, strategies and policies. Mr. Ryan stated that the Miamis, the Globes, and the Casa Grandes need to be considered to make Arizona strong. When executives look for jobs, transportation is important. Mr. Ryan suggested decentralizing like they do in other countries, to reduce crime and the cost of running a city. He added that decentralization helps cities become globalized. Mr. Ryan stated that a rapid transit strategy is needed between all cities and downtown Phoenix. The triangle strategy is home to job to the airport and home again. Mr. Ryan stated that a lot of money was paid to a consultant who did not know what he was talking about when he recommended commuter rail service three times in the morning and three times in the afternoon. Mr. Ryan said to forget about the details on population and get the towns globalized. He said he was tired of people trying to help their own city. Vice Chair Manross thanked Mr. Ryan for his comments.

Vice Chair Manross commented that this is an important issue and time is of the essence. She asked members if they had further comments.

Mayor Berman expressed his agreement with a 2008 election. He said that there is no sense delaying solving transportation problems because traffic is not improving.

Mayor Dunn commented that according to all indications, staff is trying to move forward as quickly as possible. He said that he thought the process would define the election date. If the studies cannot be completed, we could be looking at a later election date. Mayor Dunn asked if staff would keep the Regional Council updated. Mr. Smith replied that a report could be given at the next meeting.

Mayor Scruggs commented that she thought an election in an off-year would never happen and was doomed to failure. She stated that she was unsure how it would even be possible to get permission to have an election with the Legislature's intent that all elections be held in even-numbered years. Mayor Scruggs stated that she did not see 2009 as realistic.

Vice Chair Manross stated that the question is whether a thorough, effective job can be done to present a statewide plan to the voters and answer the questions of each community. Vice Chair Manross stated that the plan has to make sense, meet the needs, be equitable and balanced, and be done by June 2008. She said that it sounded like a challenge.

9. The Interstate 10-Hassayampa Valley Transportation Framework Study

Mr. Hazlett presented an update on the Interstate 10-Hassayampa Valley Transportation Framework Study, a joint project funded by Goodyear, Buckeye, Surprise, Maricopa County, ADOT and MAG. He said this study is to establish a mobility framework for a significant portion of Maricopa County west

of the White Tank Mountains. Mr. Hazlett stated that the study process included a buildout scenario, corridors determination, transit options, immediate actions, and funding options.

Mr. Hazlett noted that study area encompasses 1,400 square miles, contains more than 100 planned communities, and could reach a population close to three million people. He noted that the environmental scan included existing land use, future land use, environmental context, functional classification, land ownership, public land management, air quality, major economic centers, utility corridors, drainage, and wildlife corridors. Mr. Hazlett noted that even the Palo Verde Nuclear Plant evacuation plan was considered.

Mr. Hazlett stated that concerns about the number of traffic interchange requests brought this study into being. He said that studies showed having interchanges at two-mile spacing improved capacity and lessened the crash rate. Mr. Hazlett stated that the interchange spacing recommendation for the Interstate 10 freeway from Loop 303 to 459th Avenue was 20 traffic interchanges, instead of the 40 proposed.

Mr. Hazlett stated that the Arizona Parkway is a concept that utilizes high access management control. It was proposed to MAG by Dr. Maki, City of Surprise Traffic Engineer. Mr. Hazlett stated that the Parkway option has been used for 40 years in seven states, is a marginal cost increase over conventional arterials, delivers near-freeway volumes, blends into the environment, and has fewer conflict points with 60 percent fewer crashes and 75 percent fewer injuries over conventional arterials.

Mr. Hazlett displayed a map of the transportation framework that showed freeways, arterials and parkways. He noted that it had been reviewed in public and stakeholder meetings. He said that the goal was to maintain a grid system, but that was difficult due to topography and existing town centers.

Mr. Hazlett displayed a map of the transit framework. He stated that with a projection of 1.7 million trips, it was realized that more than roadways were needed, and they looked at high capacity transit and a freight rail corridor.

Mr. Hazlett stated that the study also examined funding options, including currently available revenue sources, and noted that none of the options in the framework study are currently funded and it would cost approximately \$22 billion to build. He noted that some of the facilities would be built by the development community.

Mr. Hazlett stated that acceptance of the study by MAG would be requested upon completion of the project, and would include key framework corridors, freeway interchange recommendations, the "Arizona Parkway" recommendation, and an implementation strategy.

Vice Chair Manross thanked Mr. Hazlett for his report. She asked what would be known by the time action would be requested and what decisions would be made at that time. Mr. Smith replied that to put a plan into the TIP, funding is a requirement. He noted that this plan does not have funding. Mr. Smith noted that one exception in federal law is to put in corridors as illustrative projects. He said that this would serve as a shopping list when going to an election. Mr. Smith stated that action on the interchange locations would be requested. He explained that this could stop disputes with developers going to ADOT requesting that an interchange be built because they can provide the funding; then the

mainline capacity has been sold. Mr. Smith added that a recommendation on the Arizona Parkway as a template would also be desired.

Mayor Hawker asked if accepting the study would facilitate a standard of an interchange every two miles but the traffic still gets dumped on I-10. He asked the next step that would trigger increasing capacity if an interchange is built. Mr. Anderson stated that Mayor Hawker raised an important policy issue. He said that it has been common practice in Arizona that a developer pays the cost of an interchange without any contribution to capacity. Mr. Anderson stated that a policy for this region that would not support developers paying for interchanges without a contribution to mainline capacity could be drafted and brought forward to the TPC and Regional Council. Mr. Anderson stated that one thing they are trying to do with acceptance of the two-mile interchange spacing is that the developer would have to come through the MAG process to build an interchange that was not on the map. He noted that pricing it out would also be a part of the policy.

Mayor Hawker asked if that would be a MAG-only policy. Mr. Anderson replied that was correct and they could work with ADOT and the State Transportation Board on a draft policy for this region. Mayor Hawker expressed his support for such a policy, as it has been too long without one.

Councilmember Bails stated that the community's facilities district would also need to be considered because it is the district that created the interchange at the initiation of the city or town.

Mayor Scruggs asked the basis for determining that the interchange at Northern Avenue and Loop 303 would be a parkway traffic interchange instead of a system interchange. Mr. Hazlett replied that due to a study underway on the Northern Parkway by the City of Glendale, the parkway interchange will be a higher type interchange along the line of a system interchange, but not as expensive in terms of ramping. He noted that the Northern Parkway has been identified in the Regional Transportation Plan and Life Cycle Program as having a higher type of interchange. Mayor Scruggs stated that Glendale's transportation staff sees the need for a system interchange. She commented that there is a distance of 14 miles between system interchanges so she did not think it was too closely spaced. Mayor Scruggs stated that their problem is a lack of east/west connections and they project high traffic volumes for the area. She stated that the distances between east/west connections are unbearable. Mayor Scruggs stated that the Northern Parkway will be carrying a higher load of traffic and would like the interchange to not be underbuilt. Mr. Hazlett noted that the dashed line indicating Northern Avenue continuing through the White Tanks reflects those traffic projections.

Mayor Scruggs expressed that she appreciated the statement included in the map that funding will be needed for continual operations once construction is complete. She added that this is sometimes forgotten. Mayor Scruggs noted that the study recognizes that Regional Area Road Fund (RARF) will not meet all of the needs. She asked for clarification of the dates. Mr. Hazlett stated that the time horizons identified reinforce there is a continuing need to support projects in the Regional Transportation Plan. He stated that other projects will happen after 2030 after the RARF horizon, and added that the idea is to get people into a mindset and look beyond current funding. Mayor Scruggs stated that a permanent funding source is necessary to address the future in a reliable way and having funding in 20 year increments is not seriously addressing the problems. Mayor Scruggs said that this is why she made her earlier comments about transit, not that transit is not needed, but the idea of

financing transit on a temporary basis is poor public policy. She said that she hoped there could be permanent funding to maintain a system once it is built.

Mr. Zubia stated that he had heard nothing but compliments on this process and staff's professionalism. He asked for clarification of the study area. Mr. Hazlett replied that it was approximately 1,400 square miles, roughly three-fourths the size of the Valley today. Mr. Zubia asked when the study kicked off. Mr. Hazlett replied that the request for proposals process began in spring 2006 and the project was underway in May 2006. Mr. Hazlett stated that the conceptual framework was identified in six months and the community outreach took 18 months. Mr. Zubia asked if the Hassayampa area was a much smaller area than the frameworks discussed in the BQAZ agenda item. Mr. Hazlett replied that was correct. In addition, some of those areas are not seeing the economic development intensity as the Hassayampa and Hidden Valley areas. He advised that the project consultant recommended that a framework study would require one year, especially in rural areas because they do not have the rich data available in the MAG region. Mr. Zubia asked Mr. Hazlett if, in his judgment, it would take at least one year to understand needs. Mr. Hazlett replied that was correct, and added that each study could present recommendations that might be in conflict. He said that because of this, it could take time to knit them together and reach consent.

Vice Mayor Antoniak asked if the ability to expedite the process was limited by manpower, or the time needed for the public involvement process. Mr. Hazlett stated that consent and the public involvement process takes the longest. He added that this is a very critical process because if you do not have consent, it does not make sense to move forward.

Mr. Smith stated that there was a meeting with ADOT on Friday to discuss the draft map. He said that no consultant has been hired and there is a lot of work to do. Mr. Smith noted that one option could be to give a portion of the funding to different parts of the state. He said that everyone knows the transportation problems and it has been suggested to draw up a list and take it to the Move AZ, and get a plan to the voters. Mr. Smith advised that this plan would not include transit.

Vice Chair Manross stated that she was hearing that a thorough job cannot be done by June 2008, a date that is likely to be supported by the state. She said that addressing transportation is very important to the health of the state. She asked if doing this quickly would increase the odds of success? Mr. Hazlett stated that studies sometimes show that improvements will be needed where they had not previously been considered. For example, including the buildout horizon in the Hassayampa study showed that some arterials should be freeways. He added that ensuring capacity would be gained by conducting framework studies.

10. Regional Support for Low Demand Homeless Overflow Shelter

Councilman Greg Stanton, Chair of the MAG Continuum of Care Committee on Homelessness, reported on the issue of funding the Central Arizona Shelter Services (CASS) men's overflow shelter. He said that this was discussed by the MAG Management Committee meeting a couple of months ago, and the Committee referred the issue to his committee, who drafted a resolution in support of the shelter. Councilman Stanton stated that this shelter, although located in Phoenix, needs to be supported regionally, because homelessness is a regional issue. He noted that he had appeared before the Regional Council on a couple of occasions about heat relief planning efforts after deaths occurred in the summer

of 2005. Councilman Stanton stated that the effort that followed was massive and successful. He noted that another victory was the Human Services Campus, which is a national model. Councilman Stanton stated that the City of Phoenix and CASS built a partnership and Phoenix has increased its budget significantly for homeless services. He noted that Phoenix now funds a year-round women's/children's shelter. Councilman Stanton stated that the men's overflow shelter has been experiencing unique funding challenges, and he hoped the Regional Council would support the resolution. He expressed his gratitude to those agencies that have already pledged their support: the Town of Paradise Valley, the City of Glendale, and the City of Peoria.

Mark Holleran, CASS CEO, stated that the organization was founded in 1984. He said that the regular CASS shelter houses 425 men, women, and children per night. Mr. Holleran stated that this is a structured program which focuses on helping people to become self-sufficient. He advised that there is also a need for those who cannot meet the requirements of a structured environment. Mr. Holleran stated that in the summer of 2005, a lot of people died from the heat and this was reported in the national press. In response, CASS opened a temporary shelter, which stretched to weeks and then to months. Mr. Holleran stated that the temporary shelter stayed open because the number of men needing this service continued to increase. Currently, it houses 325 men per night and costs \$1.1 million per year to operate. Mr. Holleran stated that Maricopa County has committed \$500,000 toward this expense, but that is all the funding the overflow shelter has. He advised that with the winter season approaching, CASS is facing the possibility that the shelter will need to close. Mr. Holleran advised that the City of Phoenix committed \$1.4 million for the women and families overflow shelter. Mr. Holleran stated that since the overflow shelter has been open, crime and public safety calls in the area have decreased significantly. Mr. Holleran stated that the Town of Paradise Valley pledged \$25,000, the City of Peoria has pledged \$8,000 and the City of Glendale has identified \$10,000 toward the overflow shelter. He advised that the donations will be matched by the Arizona Department of Housing dollar for dollar, so it may be possible to keep the shelter open until June 30th. He added that there is a policy issue that has not been addressed by the region at this point. He introduced Bryan Murphy, CASS Board member.

Mr. Murphy stated that he was a founding board member in 1984. At that time, they had a low demand shelter which was shut down in the 1990s due to funding issues. He noted that the decision was made because that was the program least related to CASS's mission of getting people off the streets. Mr. Murphy stated that since summer of 2005, when the shelter opened, they have been working off a patchwork of funding which they beg because there is no dedicated funding. He said that they need to get beyond piecemeal funding and find committed, long-term funding. Mr. Murphy stated that they have lacked policy guidance from the beginning and kept the doors open by strength of will. He said that direction is needed as to where it will be located and who is the best provider for this service. Mr. Murphy stated that CASS inherited the problems by default. He said that this is not a CASS problem, it is a community problem, and he asked the engagement of the Regional Council.

Vice Chair Manross recognized public comment from Dr. Sheila Harris, Director of the Arizona Department of Housing, who said that the Department created a challenge grant for CASS for the overflow shelter. She said that the Department is not in the business of operating, but of building, but sometimes there needs to be outreach to get people into housing. Dr. Harris stated that the Department has committed \$500,000 toward a dollar for dollar match to cities and towns who donate funds to the shelter. She noted that Governor Napolitano is committed to everyone having a quality of life and ensuring self sufficiency. Dr. Harris stated that the Department cannot continue this commitment on

an ongoing basis, and this is a one-time donation. Vice Chair Manross thanked Dr. Harris for her comments.

Vice Chair Manross recognized public comment from Stephen Jenkins, President of the St. Vincent de Paul Society. Mr. Jenkins stated that St. Vincent de Paul has served the Valley for more than 60 years. Its main work is keeping people in their homes, but it also gives people on the streets food and clothing. Mr. Jenkins stated that St. Vincent de Paul is a partner with Human Services LLC and serves with CASS. He stated that they concur with keeping people on the streets in a safe environment, and the shelters have made a difference. Mr. Jenkins stated that St. Vincent de Paul puts \$25 million per year into the region's communities, including visits to families to provide rent, food, and utility assistance. He noted that in August, Our Lady of Lourdes parish in Sun City paid \$17,000 in utility bills for people in Surprise and Sun City to help keep them in their homes. Mr. Jenkins stated that any investments will be returned many times over. Mr. Jenkins expressed his thanks for the opportunity to address the Regional Council and urged them to dig deep into their pockets to support this shelter. Vice Chair Manross thanked Mr. Jenkins for his comments.

Vice Chair Manross recognized public comment from Mr. Ryan, who stated that the problem is homelessness is being created because there is no money. He stated that the Hassayampa project includes three million people. In his hometown of Philadelphia are five medical colleges in roughly the same sized area. Mr. Ryan stated that a lot of doctors leave poorer areas for Scottsdale because there is less need for Medicaid. Mr. Ryan asked how many jobs will there be in the Hassayampa area. He stated that unless there is zoning to provide housing for people who make \$1 million per year, you will not have a successful area and will create homeless people. Mr. Ryan stated that you have to have transportation to take care of homeless people and need to stop creating more homeless people. He commented on the economy worsening because jobs are being sent out of the country and asked what was being done to bring in money. Vice Chair Manross thanked Mr. Ryan for his comments.

Vice Chair Manross recognized public comment from Duncan Miller, Paradise Valley Town Clerk, who expressed Mayor Winkler's regrets at not being able to attend the meeting in person. Mr. Miller said that Mayor Winkler asked him to attend the meeting and express the Town's support for the resolution. He stated that Paradise Valley has been a strong supporter of CASS and has provided financial support since 1985. Mr. Miller stated that the Town Council had approved \$26,000 for the shelter this year, but when it heard of the crisis, it voted unanimously to donate an additional \$25,000. Mr. Miller stated that Paradise Valley realizes the regional concern and the need for a regional response. He said that this shelter will provide a stable, safe refuge and will save municipalities money by reducing the need for emergency and safety services. Mr. Miller stated that the Town encourages support for the resolution, and on behalf of Mayor Winkler and the Town Council, he presented a check to Mr. Holleran. The Regional Council and audience applauded. Vice Chair Manross thanked Mayor Winkler and Mr. Miller.

Vice Chair Manross recognized public comment from Mr. Shultz, who said that he had been involved with homeless issues and had done some fund raising for the Human Services Campus. Mr. Shultz stated that he realized there are differences in the size of jurisdictions and budget capacities, and some are doing their own work in the homeless area, but he had done a quick calculation and with 23 cities donating \$25,000 each, and with the matching funds, the objective to fund the shelter for the remainder of the year would be accomplished. Mr. Shultz stated that the policy to address this over the long-term

still needs to be developed, but this will help the shelter in the interim. Vice Chair Manross thanked Mr. Shultz for his comments.

Mayor Hull moved to approve the resolution of the MAG Continuum of Care Regional Committee on Homelessness supporting the Central Arizona Shelter Services' low demand overflow shelter for single homeless men. Mr. Lane seconded, and the motion carried unanimously.

Vice Chair Manross thanked members for staying in order to take action on this important item.

11. Youth Empowerment Project Update

Vice Chair Manross, Chair of the MAG Regional Domestic Violence Council, reported on a public service announcement (PSA) competition where teens developed messages to address teen dating violence. She announced that there would be a press conference the next day at Coronado High School to try to get out the word about the project. Vice Chair Manross noted that the press conference will include a text-a-thon competition among students. She requested that members feature the PSA on their community cable stations and provide links on their websites to the www.weboffriends.org website dedicated to helping teens learn about dating violence. The winning video entry was played. Vice Chair Manross stated that any questions could be asked of MAG staff member, Renae Tenney.

12. 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.

No comments from the Council were noted.

There being no further business, the Regional Council meeting adjourned at 7:15 p.m.

Chair

Secretary

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

DATE:

October 16, 2007

SUBJECT:

Project Changes: Amendments and Administrative Modifications to the FY 2008-2012 MAG Transportation Improvement Program, FY 2008 Arterial Life Cycle Program, and, as Appropriate, to the Regional Transportation Plan 2007 Update

SUMMARY:

The FY 2008-2012 Transportation Improvement Program (TIP) and FY 2007 Regional Transportation Plan (RTP) 2007 Update were approved by the Regional Council on July 25, 2007, and the FY 2008 Arterial Life Cycle Program (ALCP) was approved by Regional Council on June 27, 2007. Since that time, there have been requests from member agencies to modify projects in the programs. The proposed amendments to the FY 2008-2012 TIP for 31 highway projects are listed in Table A, proposed amendments for 38 transit projects are listed in Table B, proposed administrative modifications for 24 highway projects are listed in Table C, and proposed administrative modifications for 13 transit projects are listed in Table D. In addition, administrative modifications to the ALCP are listed in Table E.

Four projects in the highway amendment: DOT06-221, DOT06-322, DOT07-344, and DOT08-838 have undergone a regional emissions analysis due to the nature of the project changes. This is covered under a separate agenda item. The other projects that may be categorized as exempt from conformity determinations and an administrative modification does not require a conformity determination, but a consultation process will be followed to confirm this.

PUBLIC INPUT:

None.

PROS & CONS:

PROS: Approval of this TIP amendment will allow the projects to proceed in a timely manner.

CONS: None.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: Projects that wish to utilize transportation federal funds need to be shown in the TIP in the year that they expect to commence and may need to undergo an air quality conformity analysis or consultation.

POLICY: This amendment request is in accord with all MAG guidelines.

ACTION NEEDED:

Approval of amendments and administrative modifications, shown in the attached tables, to the FY 2008-2012 Transportation Improvement Program, the FY 2008 Arterial Life Cycle Program, and, as appropriate, to the Regional Transportation Plan 2007 Update.

PRIOR COMMITTEE ACTIONS:

On October 3, 2007, the Management Committee recommended approval of the requested amendments and administrative modifications.

MEMBERS ATTENDING

- Jan Dolan, Scottsdale, Chair
- Rogene Hill for Charlie McClendon, Avondale, Vice Chair
- # Bryant Powell for George Hoffman, Apache Junction
- Jeanine Guy, Buckeye
- * Jon Pearson, Carefree
- * Usama Abujbarah, Cave Creek
- Mark Pentz, Chandler
- Pat Dennis for B.J. Cornwall, El Mirage
- Alfonso Rodriguez, Fort McDowell Yavapai Nation
- Tim Pickering, Fountain Hills
- * Lynn Farmer, Gila Bend
- * Joseph Manuel, Gila River Indian Community
- George Pettit, Gilbert
- Horatio Skeete for Ed Beasley, Glendale
- Jim Nichols for Brian Dalke, Goodyear
- * Mark Johnson, Guadalupe
- Darryl Crossman, Litchfield Park
- Christopher Brady, Mesa
- Tom Martinsen, Paradise Valley
- Carl Swenson for Terry Ellis, Peoria
- Frank Fairbanks, Phoenix
- John Kross, Queen Creek
- * Bryan Meyers, Salt River Pima-Maricopa Indian Community
- Jim Rumpeltes, Surprise
- Jeff Kulaga, Tempe
- * Reyes Medrano, Tolleson
- Gary Edwards, Wickenburg
- Lloyce Robinson, Youngtown
- Dale Buskirk for Victor Mendez, ADOT
- Kenny Harris for David Smith, Maricopa County
- David Boggs, Valley Metro/RPTA

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

On September 27, 2007, the Transportation Review Committee recommended approval of the requested amendments and administrative modifications.

MEMBERS ATTENDING

- Maricopa County: John Hauskins
- * ADOT: Dan Lance
- * Avondale: David Fitzhugh
- * Buckeye: Scott Lowe
- Chandler: Patrice Kraus
- El Mirage: Lance Calvert for B.J. Cornwall
- * Fountain Hills: Randy Harrel
- * Gila Bend: Lynn Farmer
- Gila River: David White
- Gilbert: Tami Ryall
- Glendale: Terry Johnson
- Goodyear: Cato Esquivel
- Guadalupe: Jim Ricker
- * Litchfield Park: Mike Cartsonis
- Mesa: Scott Butler for Jim Huling
- Paradise Valley: Robert M. Cicarelli
- Peoria: David Moody
- Phoenix: Don Herp for Tom Callow
- * Queen Creek: Mark Young
- RPTA: Bryan Jungwirth
- * Scottsdale: Mary O'Connor
- Surprise: Randy Overmyer
- Tempe: Carlos de Leon
- Valley Metro Rail: John Farry

EX-OFFICIO MEMBERS ATTENDING

- * Regional Bicycle Task Force: Randi Alcott
- * Street Committee: Darryl Crossman
- * Pedestrian Working Group: Eric Iwersen
- * ITS Committee: Alan Sanderson
- * Members neither present nor represented by proxy.
- + - Attended by Videoconference
- # - Attended by Audioconference

CONTACT PERSON:

Eileen O. Yazzie (602) 254-6300.

PROJECT CHANGES
September 25, 2007

Table A
Highway Projects - TIP FY 2008-2012 Amendments

PROJ #	Agency	Project Location	Project Description	Fiscal Year	Length	Fund Type	Local Cost	Federal Cost	Regional Cost	Total Cost	Requested Change
DOT06-221	ADOT	SH153 08 RC -- 153 Sky Harbor Expwy: Superior Ave to University Dr	Construct new 6 lane freeway	2009	1.30	RARF	\$ -	\$ -	\$ 16,000,000	\$ 16,000,000	Delete Project
DOT06-322	ADOT	SH153 08 LD -- 153 Sky Harbor Expwy: Superior Ave to University Dr	Design landscape	2009	1.30	RARF	\$ -	\$ -	\$ 60,000	\$ 60,000	Delete Project
DOT07-344	ADOT	SH153 08 LC -- 153 Sky Harbor Expwy: Superior Ave to University Dr	Construct landscape	2010	1.30	RARF	\$ -	\$ -	\$ 610,000	\$ 610,000	Delete Project
DOT07-641R1	ADOT	17: Jomax Rd to SR-74 (Carefree Hwy)	Widen freeway from 6 to 8 lanes	2008	5.00	RARF	\$ -	\$ -	\$ 95,000,000	\$ 95,000,000	Delete Project - Project is 'Repackaged'
DOT07-641R2	ADOT	17: Jomax Rd to SR-74 (Carefree Hwy)	Widen freeway from 6 to 8 lanes and Construct New Freeway Interchange at I-17 and 303L	2008	5.00	RARF	\$ -	\$ -	\$ 129,000,000	\$ 129,000,000	Add New Replacement Project - Project is 'Repackaged'
DOT07-711	ADOT	303 (Estrella Fwy): at I-17	Construct new freeway interchange	2008	1.20	RARF	\$ -	\$ -	\$ 34,000,000	\$ 34,000,000	Delete Project - Project is 'Repackaged'
DOT08-835	ADOT	101L (Pima): Princess Dr to SR202L (Red Mountain)	Design and Construct Freeway Management System (FMS)	2008	14.00	State	\$ 2,441,000	\$ -	\$ -	\$ 2,441,000	Add New Project
DOT08-836	ADOT	SR 85: Southern Ave to I-10	Design, Right-of-Way and Utilities	2008	2.30	State	\$ 2,850,000	\$ -	\$ -	\$ 2,850,000	Add New Project
DOT08-837	ADOT	I-17 at Dove Valley Rd TI	Advance design new traffic interchange (city advancement) for repayment in RTP phase 3	2008	-	Local	\$ 2,263,000	\$ -	\$ -	\$ 2,263,000	Add New Project
DOT08-838	ADOT	85: MP 139.01 to MP 141.71	Relocate utilities, Phase 2	2008	2.70	State	\$ -	\$ -	\$ 244,000	\$ 244,000	Add New Project
DOT08-838	ADOT	143 Hohokam, SR 143/SR202L TI	TI Improvements, adding ramps	2009	0.10	RARF	\$ -	\$ -	\$ 34,400,000	\$ 34,400,000	Add New Replacement Project
DOT08-839	ADOT	85: I-8 to I-10	Design, acquire right of way & relocate utilities, Phase 2	2008	34.00	State	\$ -	\$ -	\$ 280,000	\$ 280,000	Add New Project
BKY07-703	Buckeye	Various Locations: Yuma Rd, Miller Rd	Pave dirt roads	2008	2	CMAQ	\$ 42,350	\$ 42,350	\$ -	\$ 84,700	Add Project to FY2008 from FY07-11 TIP
BKY07-704	Buckeye	Various Locations: MC-85/Monroe, Southern Ave, Apache Rd	Pave dirt shoulders	2008	9.3	CMAQ	\$ 113,000	\$ 113,000	\$ -	\$ 226,000	Add Project to FY2008 from FY07-11 TIP
CHN03-107R	Chandler	Ryan Rd: Arizona Ave to McQueen Rd	Pave dirt road	2008	1	CMAQ	\$ 18,000	\$ 162,000	\$ -	\$ 180,000	Add Project to FY2008 from FY07-11 TIP
GLN07-779	Glendale	Various Locations: Camelback Rd, Litchfield Rd, Olive Ave, Greenway Rd, 83rd Ave, 75th Ave	Pave dirt shoulders	2008	5.17	CMAQ	\$ 133,035	\$ 133,035	\$ -	\$ 266,070	Add Project to FY2008 from FY07-11 TIP
GDY07-709	Goodyear	Various Locations: Chandler Heights Blvd, Queen Creek Rd, Rainbow Valley Rd	Pave dirt roads	2008	4.5	CMAQ	\$ 234,000	\$ 234,000	\$ -	\$ 468,000	Add Project to FY2008 from FY07-11 TIP

PROJ #	Agency	Project Location	Project Description	Fiscal Year	Length	Fund Type	Local Cost	Federal Cost	Regional Cost	Total Cost	Requested Change
MMA05-214	Maricopa County	PM-10 roads various locations	Pave dirt roads	2008	4.44	CMAQ	\$ 1,000,000	\$ 1,000,000	\$ -	\$ 2,000,000	Add Project to FY2008 from FY07-11 TIP
MES04-125C	Mesa	Country Club Dr: 8th Ave to Baseline Rd (including US-60 TI)	Install real-time adaptive signal system	2009	1.5	CMAQ	\$ 581,190	\$ 788,810	\$ -	\$ 1,370,000	Add Project to FY2009 from FY07-11 TIP
MES240-08P	Mesa	Power Rd: East Maricopa Floodway to Galveston Rd	Pre-design roadway widening	2008	3.5	RARF	\$ 161,000		\$ 374,000	\$ 535,000	Delete project and consolidate into MES240-06AD - ALCP Adjustment
PEO08-602	Peoria	84th Ave: Peoria Ave to Monroe St	Design and construct at-grade pedestrian improvements	2008	0.28	CMAQ	\$ 1,013,030	\$ 1,164,057	\$ -	\$ 2,177,087	Add Project to FY2008 from FY07-11 TIP
PEO08-603	Peoria	Traffic Management Center	Construct Traffic Management Center	2008	0	CMAQ	\$ 424,350	\$ 990,200	\$ -	\$ 1,414,550	Add Project to FY2008 from FY07-11 TIP
PHX07-310	Phoenix	24th St: Rio Salado to Roeser Rd	Improve pedestrian facilities	2008	1	CMAQ	\$ 1,889,577	\$ 500,000	\$ -	\$ 2,389,577	Add Project to FY2008 from FY07-11 TIP
PHX07-740	Phoenix	Various Locations	Pave dirt roads	2008	8.79	CMAQ	\$ 1,978,650	\$ 1,978,650	\$ -	\$ 3,957,300	Add Project to FY2008 from FY07-11 TIP
PHX07-741	Phoenix	Various Locations	Pave dirt shoulders	2008	12.1	CMAQ	\$ 1,525,304	\$ 1,525,304	\$ -	\$ 3,050,608	Add Project to FY2008 from FY07-11 TIP
QNC07-745	Queen Creek	Chandler Heights Rd: Power Rd to Hawes Rd	Pave dirt shoulders	2008	1.5	CMAQ	\$ 111,691	\$ 111,691	\$ -	\$ 223,382	Add Project to FY2008 from FY07-11 TIP
QNC07-746	Queen Creek	Hunt Highway: Power Rd to Elisworth	Pave dirt shoulders	2008	3	CMAQ	\$ 204,893	\$ 204,893	\$ -	\$ 409,786	Add Project to FY2008 from FY07-11 TIP
SCT07-606	Scottsdale	Dynamite Blvd: Pima Red to Alma School Rd	Install Vertical Curb and Gutter	2008	3	CMAQ	\$ 500,000	\$ 500,000	\$ -	\$ 1,000,000	Add Project to FY2008 from FY07-11 TIP
TMP04-102	Tempe	Curry Rd: Scottsdale Rd to McClintock Dr	Design and construct pedestrian facilities	2008	1	CMAQ	\$ 105,600	\$ 438,200	\$ -	\$ 543,800	Add Project to FY2008 from FY07-11 TIP
TMP04-104R	Tempe	Western Canal: Price Rd to Baseline Rd (phases 1 and 2)	Construct multi-use path	2008	3.75	CMAQ	\$ 6,250,000	\$ 3,350,000	\$ -	\$ 9,600,000	Add Project to FY2008 from FY07-11 TIP

**Table B
Transit Projects - TIP FY2008-2012 Amendment**

PROJ #	Agency	FTA ALI #	Project Description	Fiscal Year	Fund Type	Local Cost	Federal Cost	Regional Cost	Total Cost	Requested Change
AVN08-802T	Avondale	30.09.01	Operating Assistance	2008	5307	\$ 869,823	\$ 869,823	\$ -	\$ 1,739,646	Add new project: Avondale 5307 Appropriation
BKY08-807T	Buckeye	11.31.04	Pre-design for regional park-and-ride (East Buckeye)	2008	5309	\$ -	\$ 76,744	\$ 19,186	\$ 95,930	Add Project to FY2008 from FY07-11 TIP: Align TIP with TLCP and allocate Section 5309 fixed guideway (Transit HOV) formula allocation
GLN08-816T	Glendale	11.12.04	Purchase bus: < 30 foot - 4 replace (dial-a-ride)	2008	5307	\$ -	\$ 243,200	\$ 60,800	\$ 304,000	Add Project to FY2008 from FY07-11 TIP: Align TIP with Transit Life Cycle Program (TLCP)
MMA08-804T	Maricopa County	11.12.04	Purchase bus: < 30 foot - 7 replace (STS)	2008	5316	\$ 77,000	\$ 308,000	\$ -	\$ 385,000	Add New JARC Project
MMA08-805T	Maricopa County	11.42.07	Computer Hardware	2008	5316	\$ 13,785	\$ 55,140	\$ -	\$ 68,925	Add New JARC Project
MMA08-806T	Maricopa County	11.42.08	Computer Software	2008	5316	\$ 15,334	\$ 61,336	\$ -	\$ 76,670	Add New JARC Project

PROJ.#	Agency	Project Location	Project Description	Fiscal Year	Length	Fund Type	Local Cost	Federal Cost	Regional Cost	Total Cost	Requested Change
MMA08-807T	Maricopa County	30.09.01	Operating: Operating Assistance	2008		5316	\$ 939,127	\$ 939,127	\$ -	\$ 1,878,254	Add New JARC Project
MMA08-808T	Maricopa County	30.09.01	Operating: Operating Assistance	2008		5317	\$ 130,865	\$ 130,865	\$ -	\$ 261,730	Add New "New Freedoms" Project
MES08-810T	Mesa	11.31.04	Pre-design for regional park-and-ride (US60 and Country Club)	2008		5309	\$ -	\$ 76,744	\$ 19,186	\$ 95,930	Add Project to FY2008 from FY07-11 TIP: Align TIP with TLCP and allocate Section 5309 fixed guideway (Transit HOV) formula allocation
PEO07-302T	Peoria	11.12.04	Purchase bus: < 30 foot - 2 replace	2008		5307	\$ -	\$ 121,600	\$ 30,400	\$ 152,000	Add Project to FY2008 from FY07-11 TIP
PHX07-840T	Phoenix	11.43.02	Construct regional heavy maintenance facility	2007		5307	\$ -	\$ 1,972,000	\$ 493,000	\$ 2,465,000	Delete Project: Construction deferred. New year yet to be determined.
PHX08-844T	Phoenix	11.31.04	Repayment of pre-design for regional park-and-ride (I-17/Happy Valley)	2008		5309	\$ 17,180	\$ 68,722	\$ -	\$ 85,902	Add Project to FY2008 from FY07-11 TIP: Align TIP with TLCP and allocate Section 5309 fixed guideway (Transit HOV) formula allocation
PHX08-845T	Phoenix	11.41.02	Repayment design heavy maintenance facility	2008		5309	\$ -	\$ 200,640	\$ (200,640)	\$ -	Add Project to FY2008 from FY07-11 TIP: SAFETEA-LU reauthorization Section 5309 earmark
PHX08-846T	Phoenix	11.41.03	Repayment construct operating facility (West Valley)	2008		5309	\$ -	\$ 1,003,200	\$ (1,003,200)	\$ -	Add Project to FY2008 from FY07-11 TIP: SAFETEA-LU reauthorization Section 5309 earmark
PHX08-847T	Phoenix	11.41.03	Repayment design Paratransit facility (Phoenix)	2008		5309	\$ -	\$ 200,640	\$ (200,640)	\$ -	Add Project to FY2008 from FY07-11 TIP: SAFETEA-LU reauthorization Section 5309 earmark
PHX08-848T	Phoenix	11.80.00	Program Administration	2008		5316	\$ -	\$ 151,512	\$ -	\$ 151,512	Add New JARC Project
PHX08-849T	Phoenix	11.13.04	Four Sisters Meals 2-U: Purchase bus: < 30 foot - 1 expand	2008		5317	\$ 9,000	\$ 36,000	\$ -	\$ 45,000	Add New "New Freedoms" Project
PHX08-850T	Phoenix	30.09.01	Four Sisters Meals 2-U: Operating: Operating Assistance	2008		5317	\$ 132,400	\$ 132,400	\$ -	\$ 264,800	Add New "New Freedoms" Project
SCT08-807T	Scottsdale	11.33.03	Repayment construct intermodal facility (Scottsdale)	2008		5309	\$ -	\$ 501,600	\$ (501,600)	\$ -	Add new project: SAFETEA-LU reauthorization Section 5309 earmark
SUR08-804T	Surprise	30.09.01	Operating: Operating Assistance	2008		5317	\$ 50,000	\$ 50,000	\$ -	\$ 100,000	Add New "New Freedoms" Project
TMP08-809T	Tempe	11.41.03	Repayment construct operating facility (East Valley)	2008		5309	\$ -	\$ 1,304,160	\$ (1,304,160)	\$ -	Add Project to FY2008 from FY07-11 TIP: SAFETEA-LU reauthorization Section 5309 earmark
RPT06-312T	Valley Metro	11.32.04	Design and acquire right of way for regional park-and-ride	2007		5309	\$ -	\$ 1,312,000	\$ 328,000	\$ 1,640,000	Delete Project: Replaced by agency specific projects
VMT07-616T	Valley Metro	11.31.01	Pre-design regional transit center (4-bay)	2007		PTF	\$ -	\$ 31,523	\$ 7,881	\$ 39,404	Delete Project: Replaced by agency specific projects
VMT07-617T	Valley Metro	11.31.01	Pre-design regional transit center (6-bay)	2007		PTF	\$ -	\$ 47,762	\$ 11,941	\$ 59,703	Delete Project: Replaced by agency specific projects

PROJ.#	Agency	Project Location	Project Description	Fiscal Year	Length	Fund Type	Local Cost	Federal Cost	Regional Cost	Total Cost	Requested Change
VMT07-623T	Valley Metro	11.42.10	Purchase new fareboxes - 13 expand	2007		PTF	\$ -	\$ -	\$ 155,233	\$ 155,233	Delete Project: Fareboxes included in bus project line items
VMT07-624T	Valley Metro	11.42.10	Purchase new fareboxes - 19 expand	2007		5307	\$ -	\$ 181,503	\$ 45,376	\$ 226,879	Delete Project: Fareboxes included in bus project line items
VMT07-625T	Valley Metro	11.42.10	Purchase new fareboxes - 3 expand	2007		5309	\$ -	\$ 28,658	\$ 7,165	\$ 35,823	Delete Project: Fareboxes included in bus project line items
VMT07-626T	Valley Metro	11.42.10	Purchase new fareboxes - 4 expand	2007		5307	\$ -	\$ 38,211	\$ 9,553	\$ 47,764	Delete Project: Fareboxes included in bus project line items
VMT07-627T	Valley Metro	11.62.03	Purchase new radios/VMS - 13 expand	2007		PTF	\$ -	\$ -	\$ 170,716	\$ 170,716	Delete Project: Radios/VMS included in bus line items
VMT07-628T	Valley Metro	11.62.03	Purchase new radios/VMS - 19 expand	2007		5307	\$ -	\$ 199,606	\$ 49,902	\$ 249,508	Delete Project: Radios/VMS included in bus line items
VMT07-629T	Valley Metro	11.62.03	Purchase new radios/VMS - 3 expand	2007		5309	\$ -	\$ 31,517	\$ 7,879	\$ 39,396	Delete Project: Radios/VMS included in bus line items
VMT07-630T	Valley Metro	11.62.03	Purchase new radios/VMS - 4 expand	2007		5307	\$ -	\$ 42,022	\$ 10,506	\$ 52,528	Delete Project: Radios/VMS included in bus line items
VMT07-701T	Valley Metro	11.32.02	Design and acquire right of way for Regional Transit Center (4-bay)	2007		5307	\$ -	\$ 825,921	\$ 206,480	\$ 1,032,401	Delete Project: Replaced by agency specific projects
VMT07-702T	Valley Metro	11.32.04	Acquire land - two regional park-and-ride	2007		5309	\$ -	\$ 2,388,104	\$ 597,026	\$ 2,985,130	Delete Project: Replaced by agency specific projects
VMT08-823T	Valley Metro	11.12.01	Purchase bus: standard - 5 replace	2008		STP-Flex	\$ -	\$ 2,063,991	\$ 372,088	\$ 2,188,750	Add Project to FY2008 from FY07-11 TIP: 5 buses moved from RPT07-323T to utilize STP-Flex allocation
VMT08-825T	VM/RPTA	11.7L.00	Mobility Management - Travel Training Program	2008		5317	\$ 32,200	\$ 128,800	\$ -	\$ 161,000	Add New "New Freedoms" Project
VMT08-826T	VM/RPTA	11.7L.00	Mobility Management - EV Alternative Paratransit Services	2008		5317	\$ 36,000	\$ 144,000	\$ -	\$ 180,000	Add New "New Freedoms" Project
VMT08-827T	VM/RPTA	30.09.01	Operating: Operating Assistance - EV Alternative Paratransit Services	2008		5317	\$ 349,000	\$ 349,000	\$ -	\$ 698,000	Add New "New Freedoms" Project

**Table C
Highway Projects - TIP FY2008-2012 Administrative Modifications**

PROJ.#	Agency	Project Location	Project Description	Fiscal Year	Length	Fund Type	Local Cost	Federal Cost	Regional Cost	Total Cost	Requested Change
DOT07-336	ADOT	RM202L13 LC -- 202L Red Mountain Fwy: Power Rd to University Dr	Construct landscape	2008	4.50	RARF	\$ -	\$ -	\$ 6,400,000	\$ 6,400,000	Increase Regional Cost
DOT08-669	ADOT	10F: Loop 303 (Estrella Fwy) to Loop 202 (South Mountain Fwy)	Protect right of way	2008	14.00	RARF	\$ -	\$ -	\$ 15,000,000	\$ 15,000,000	Increase Regional Cost
DOT08-747	ADOT	10: Sarival Ave to Loop 101L (Agua Fria Fwy)	Advance construct HOV and general purpose lanes (City advancement) for repayment in 2014	2008	8.00	Local Agency	\$ 51,000,000	\$ -	\$ -	\$ 51,000,000	Change Project Location ²

PROJ #	Agency	Project Location	Project Description	Fiscal Year	Length	Fund Type	Local Cost	Federal Cost	Regional Cost	Total Cost	Requested Change
DOT08-749C	ADOT	10: Sarival Ave to 101L (Agua Fria)	Construct HOV and general purpose lanes (Pavement Preservation funds)	2008	8.00	State	\$ 6,000,000	\$ -	\$ -	\$ 6,000,000	Change Project Location ²
DOT08-750AC	ADOT	10: Sarival Ave to 101L (Agua Fria)	Advance construct HOV and general purpose lanes (City advancement phase 1 of 2) for reimbursement in 2011	2008	8.00	Local Agency	\$ 44,000,000	\$ -	\$ -	\$ 44,000,000	Change Project Location ²
DOT09-752AC	ADOT	10: Sarival Ave to Dysart Rd	Advance construct HOV and general purpose lanes (City advancement phase 2 of 2) for reimbursement in 2011	2009	4.00	Local Agency	\$ 35,000,000	\$ -	\$ -	\$ 35,000,000	Change Project Location ²
DOT09-815	ADOT	10: Verrado Way to Sarival Ave	Construct general purpose lanes (2009)	2009	5.5	State	\$ 43,200,000	\$ -	\$ -	\$ 43,200,000	Change Project Description ³
MMA08-805	Maricopa County	Regionwide	Expand arterial traveler information systems, including 511 and AZ511.com	2008	0	HURF	\$ 258,275	\$ -	\$ -	\$ 258,275	Delete - Duplicate
MMA09-809	Maricopa County	Glendale, Peoria and Scottsdale City Limits	Establish REACT arterial incident response teams in Glendale and Peoria	2009	0	HURF	\$ 386,380	\$ -	\$ -	\$ 386,380	Delete - Duplicate
MMA12-817	Maricopa County	Olive Ave: Litchfield Rd to Loop 101 (Agua Fria Fwy)	Construct and install new conduit and fiber-optic cable for existing and planned ITS field devices	2012	0	HURF	\$ 760,914	\$ -	\$ -	\$ 760,914	Delete - Duplicate
MMA12-819	Maricopa County	Regionwide	Upgrade regional archived data server (RADS) equipment	2012	0	HURF	\$ 29,508	\$ -	\$ -	\$ 29,508	Delete - Duplicate
MES110-08RW	Mesa	Dobson Rd at Guadalupe Rd	Acquire right of way for intersection improvement	2009	1	RARF	\$ 101,000	\$ -	\$ 496,000	\$ 597,000	Change year from 2008 to 2009 - ALCP Adjustment
MES120-08C	Mesa	Greenfield Rd: Baseline Rd to Southern Ave	Construct roadway widening	2009	1	RARF	\$ 1,690,000	\$ -	\$ 3,941,000	\$ 5,631,000	Change year from 2008 to 2009 - ALCP Adjustment
MES125-07P	Mesa	Greenfield Rd: Southern Ave to University Dr	Pre-design roadway widening	2012	2	RARF	\$ 124,000	\$ -	\$ 290,000	\$ 414,000	Change year from 2010 to 2012 - ALCP Amend.
MES125-08D	Mesa	Greenfield Rd: Southern Ave to University Dr	Design roadway widening	2013	2	RARF	\$ 124,000	\$ -	\$ 290,000	\$ 414,000	Change year from 2011 to 2013 - ALCP Amend
MES125-09RW	Mesa	Greenfield Rd: Southern Ave to University Dr	Acquire right of way for roadway widening	2014	2	RARF	\$ 3,620,000	\$ -	\$ 1,551,000	\$ 5,171,000	Change year from 2012 to 2014 - ALCP Amend
MES190-07D	Mesa	Thomas Rd: Gilbert Rd to Val Vista Dr	Design roadway widening	2009	2	RARF	\$ 154,000	\$ -	\$ 357,000	\$ 511,000	Change year from 2008 to 2009 - ALCP Adjustment
MES190-08RW	Mesa	Thomas Rd: Gilbert Rd to Val Vista Dr	Acquire right of way for roadway widening	2009	2	RARF	\$ 569,000	\$ -	\$ 1,327,000	\$ 1,896,000	Change year from 2008 to 2009 - ALCP Adjustment
MES240-06AD	Mesa	Power Rd: East Maricopa Floodway to Galveston Rd	Pre-Design and Design roadway widening	2008	3.5	RARF	\$ 607,000	\$ -	\$ 1,416,000	\$ 2,023,000	Change description and funding amounts to include pre-design - ALCP Amend.
MES240-07ARW	Mesa	Power Rd: East Maricopa Floodway to Galveston Rd	Acquire right of way for roadway widening	2009	3.5	RARF	\$ 819,000	\$ -	\$ 1,913,000	\$ 2,732,000	Change year from 2008 to 2009 and funding amounts - ALCP Amend.
MES240-09AC	Mesa	Power Rd: East Maricopa Floodway to Galveston Rd	Construct roadway widening	2009	3.5	RARF	\$ 4,121,000	\$ -	\$ 6,405,000	\$ 10,526,000	Change funding amounts - ALCP Amend.

PROJ #	Agency	Project Location	Project Description	Fiscal Year	Length	Fund Type	Local Cost	Federal Cost	Regional Cost	Total Cost	Requested Change
MES300-08ARW	Mesa	Country Club at University	Advance acquire right of way for intersection improvement for reimbursement in 2017	2009	1	Sales Tax	\$ 1,426,000		\$ -	\$ 1,426,000	Change year from 2008 to 2009 and funding amounts - ALCP Amend.
MES450-07AC	Mesa	Gilbert Rd at University Dr	Advance construct intersection improvement for reimbursement in 2021	2009	1	Sales Tax	\$ 10,693,000		\$ -	\$ 10,693,000	Change year from 2008 to 2009 - ALCP Adjustment
PHX08-710	Phoenix	19th Ave at Grand Canal	Construct bridge replacement	2009	0	BR	\$ 500,000	\$ 1,000,000	\$ -	\$ 1,500,000	Change type of funds from local to Federal Bridge funds

1. Combines widening of I-17 between Jomax and SR 74 with construction of a freeway interchange at the 303L. Does not affect air quality conformity.

2. Does not affect the location or construction of widening projects.

3. Corrects a typographical error in the TIP. Construction of the project was included in the air quality conformity analysis.

Table D Transit Projects - TIP FY2008-2012 Administrative Modifications											
PROJ #	Agency	FTA/ALI #	Project Description	Fiscal Year	Length	Fund Type	Local Cost	Federal Cost	Regional Cost	Total Cost	Requested Change
MMA07-302T	Maricopa County	11.12.04	Purchase bus: < 30 foot - 13 replace (dial-a-ride)	2007		5307	\$ -	\$ 790,400	\$ 197,600	\$ 988,000	Increase from 10 to 13 buses, revise unit cost, and change match to PTF
PEO07-701T	Peoria	11.12.04	Purchase bus: < 30 foot - 4 replace	2007		5307	\$ -	\$ 243,200	\$ 60,800	\$ 304,000	Correct quantity. Change from 2 to 4 buses and revise unit cost
PHX04-213TRX	Phoenix	11.31.04	Repayment of advance design for regional park-and-ride	2007		CMAQ-Flex	\$ (245,811)	\$ 245,811	\$ -	\$ -	Change location from I-17/Peoria to I-17/Happy Valley
PHX07-306T	Phoenix	11.12.04	Purchase bus: < 30 foot - 30 replace (dial-a-ride)	2007		5307	\$ -	\$ 1,824,000	\$ 456,000	\$ 2,280,000	Revise unit cost
PHX07-308T	Phoenix	11.12.01	Purchase bus: standard - 35 replace	2007		5307	\$ -	\$ 12,716,638	\$ 2,604,613	\$ 15,321,250	Increase from 31 to 35 buses and revise unit cost
RPT07-323T	Valley Metro	11.12.01	Purchase bus: standard - 7 replace	2007		5307	\$ -	\$ 2,543,328	\$ 520,923	\$ 3,064,250	Decrease from 12 to 7 buses by moving 5 buses to STP-Flex and revise unit cost
RPT07-324T	Valley Metro	11.12.15	Purchase vanpools: 30 replace	2007		STP-Flex	\$ -	\$ 927,000	\$ -	\$ 927,000	Move to STP-Flex
RPT07-326T	Valley Metro	11.13.15	Purchase vanpools: 11 expand	2007		CMAQ-Flex	\$ -	\$ 337,500	\$ -	\$ 337,500	Change quantity from 15 to 11
VMT07-213T	Valley Metro	11.13.01	Purchase bus: standard - 13 expand (Main St)	2007		5307	\$ -	\$ 4,857,766	\$ 994,964	\$ 5,852,730	Decrease from 15 to 13 buses and revise unit cost
VMT07-618T	Valley Metro	11.13.01	Advance purchase bus: standard - 29 expand (Dobson, Southern)	2007		PTF	\$ -	\$ -	\$ 13,056,090	\$ 13,056,090	Change from articulated to standard buses and quantity from 13 to 29
VMT07-619T	Valley Metro	11.13.01	Purchase bus: standard - 19 expand (East/West/North Loop 101)	2007		5307	\$ -	\$ 6,267,944	\$ 1,283,796	\$ 7,551,740	Revise unit cost
VMT07-621T	Valley Metro	11.12.01	Purchase bus: standard - 3 replace	2007		5307	\$ -	\$ 1,089,998	\$ 223,253	\$ 1,313,250	Correct unit quantity and cost calculation entry
VMT07-622T	Valley Metro	11.13.06	Purchase bus: standard - 5 expand Articulated (Red Mountain)	2007		5309	\$ -	\$ 2,505,539	\$ 513,183	\$ 3,018,022	Increase from 4 to 5 buses, revise unit cost, and change fund to 5309

PROJ.#	Agency	Project Location	Project Description	Fiscal Year	Length	Fund Type	Local Cost	Federal Cost	Regional Cost	Total Cost	Requested Change
Table E											
ALCP - Amendments & Administrative Modifications (These do not apply to the TIP)											
PROJ.#	Agency	Project Location	Project Description	Fiscal Year	Length	Fund Type	Local Cost	Federal Cost	Regional Cost	Total Cost	Requested Change
ACI-HWS-10-03-C	Mesa	Hawes: Elliot to Santan Greenfield Rd: Southern Ave to University Dr	Construct roadway widening	2024	2	RARF	\$ 1,034,000		\$ 2,412,000	\$ 3,446,000	Administrative error, change reimbursement date from 2021 to 2024 to match when construction will be complete.
MES125-10C	Mesa	Beardsley Rd Connection: Loop 101 (Aqua Fria Fwy) to Beardsley Rd at 83rd Ave/Lake Pleasant Pkwy	Construct roadway widening	2015	2	RARF	\$ 11,941,000		\$ 3,059,000	\$ 15,000,000	Change year from 2013 to 2015
PEO100-05ADX	Peoria	Beardsley Rd Connection: Loop 101 (Aqua Fria Fwy) to Beardsley Rd at 83rd Ave/Lake Pleasant Pkwy	Reimbursement of advance design for new frontage road and bridges completed in 2007	2011	2	RARF	\$ (1,616,000)		\$ 1,616,000	\$ -	Change amounts in ALCP - Calculation error
PEO100-06ARWX1	Peoria	Beardsley Rd Connection: Loop 101 (Aqua Fria Fwy) to Beardsley Rd at 83rd Ave/Lake Pleasant Pkwy	Reimbursement 1 of 2 of advance right of way acquisition for new frontage road and bridges completed in 2008	2011	2	RARF	\$ (2,832,000)		\$ 2,832,000	\$ -	Change amounts in ALCP - Calculation error
PEO100-07ACX1	Peoria	Beardsley Rd Connection: Loop 101 (Aqua Fria Fwy) to Beardsley Rd at 83rd Ave/Lake Pleasant Pkwy	Reimbursement 1 of 2 of advance construction for new frontage road and bridges completed in 2009	2011	2	RARF	\$ (7,397,000)		\$ 7,397,000	\$ -	Change amounts in ALCP - Calculation error
PEO100-07ACX2	Peoria	Beardsley Rd Connection: Loop 101 (Aqua Fria Fwy) to Beardsley Rd at 83rd Ave/Lake Pleasant Pkwy	Reimbursement 2 of 2 of advance construction for new frontage road and bridges completed in 2009	2012	2	RARF	\$ (7,397,000)		\$ 7,397,000	\$ -	Change amounts in ALCP - Calculation error
PEO100-07ARWX2	Peoria	Beardsley Rd Connection: Loop 101 (Aqua Fria Fwy) to Beardsley Rd at 83rd Ave/Lake Pleasant Pkwy	Reimbursement 2 of 2 of advance right of way acquisition for new frontage road and bridges completed in 2008	2012	2	RARF	\$ (2,832,000)		\$ 2,832,000	\$ -	Change amounts in ALCP - Calculation error

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

DATE:

October 16, 2007

SUBJECT:

New Finding of Conformity for the Regional Transportation Plan 2007 Update and FY 2008-2012 MAG Transportation Improvement Program, as Amended

SUMMARY:

On July 25, 2007, the MAG Regional Council approved a proposed amendment to the Regional Transportation Plan to delete the SR 153 corridor and add a project to improve the existing SR 143 and SR 202 Loop traffic interchange, and to amend the Regional Transportation Plan and the FY 2008-2012 MAG Transportation Improvement Program subject to an air quality conformity analysis. MAG has conducted a regional emissions analysis for the proposed amendment.

The results of the regional emissions analysis for the proposed amendment, when considered together with the RTP and TIP as a whole, indicate that the transportation improvements will not contribute to violations of federal air quality standards. Any comments on the amendment and finding of conformity are requested by October 22, 2007 following a 30-day public review period. The conformity assessment including the results of the regional emissions analysis, and project descriptions from the proposed amendment, are provided in the attached interagency consultation memorandum.

PUBLIC INPUT:

On October 3, 2007, MAG received written comments from a citizen objecting to ADOT's current plans to expand the Broadway curve Interstate-10 transportation corridor without considering all options, including hi-speed rail and flexible hourly bus rapid transit. The same citizen also commented that this faulty thinking will increase more congestion and pollution promoting the status quo of single occupancy vehicles and affect SR 153, SR 143, SR 202 and further eastern and westerly Maricopa County regions.

PROS & CONS:

PROS: Approval of the conformity finding is required prior to approval of an amendment to the Regional Transportation Plan or TIP by a metropolitan planning organization. The purpose of conformity is to ensure that transportation actions will not cause or contribute to violations of federal air quality standards.

CONS: None.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: Implementation of the Regional Transportation Plan and TIP will not cause or contribute to new violations of ambient air quality standards, increase the frequency or severity of any existing violations, or delay timely attainment of any standard or required emission reduction.

POLICY: The amendment to the Regional Transportation Plan and TIP may not be adopted until the conformity finding is approved. The conformity assessment is being prepared in accordance with federal and state regulations. In addition, federal guidance is followed in response to court rulings regarding transportation conformity.

ACTION NEEDED:

Approve the new Finding of Conformity for the Regional Transportation Plan 2007 Update and the FY 2008-2012 MAG Transportation Improvement Program, as amended.

PRIOR COMMITTEE ACTIONS:

Management Committee: On October 3, 2007, the MAG Management Committee recommended approval of the new Finding of Conformity for the Regional Transportation Plan 2007 Update and FY 2008-2012 MAG Transportation Improvement Program, as amended.

MEMBERS ATTENDING

- | | |
|--|--|
| Jan Dolan, Scottsdale, Chair | Jim Nichols for Brian Dalke, Goodyear |
| Rogene Hill for Charlie McClendon,
Avondale, Vice Chair | * Mark Johnson, Guadalupe |
| # Bryant Powell for George Hoffman,
Apache Junction | Darryl Crossman, Litchfield Park |
| Jeanine Guy, Buckeye | Christopher Brady, Mesa |
| * Jon Pearson, Carefree | Tom Martinsen, Paradise Valley |
| * Usama Abujbarah, Cave Creek | Carl Swenson for Terry Ellis, Peoria |
| Mark Pentz, Chandler | Frank Fairbanks, Phoenix |
| Pat Dennis for B.J. Cornwall, El Mirage | John Kross, Queen Creek |
| Alfonso Rodriguez, Fort McDowell
Yavapai Nation | * Bryan Meyers, Salt River
Pima-Maricopa Indian Community |
| Tim Pickering, Fountain Hills | Jim Rumpeltes, Surprise |
| * Lynn Farmer, Gila Bend | Jeff Kulaga, Tempe |
| * Joseph Manuel, Gila River
Indian Community | * Reyes Medrano, Tolleson |
| George Pettit, Gilbert | Gary Edwards, Wickenburg |
| Horatio Skeete for Ed Beasley,
Glendale | Lloyce Robinson, Youngtown |
| | Dale Buskirk for Victor Mendez, ADOT |
| | Kenny Harris for David Smith,
Maricopa County |
| | David Boggs, Valley Metro/RPTA |

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

Regional Council: On July 25, 2007, the MAG Regional Council approved the proposed amendment to the Regional Transportation Plan to delete SR 153 and use the available funding for improvements to SR 143 and that the Regional Transportation Plan and the FY 2008-2012 MAG Transportation Improvement Program be amended subject to the necessary air quality conformity analysis.

MEMBERS ATTENDING

- Mayor James M. Cavanaugh, Goodyear, Chair
- Councilmember Wayne Ecton for Mayor Mary Manross, Scottsdale, Vice Chair
- * Councilmember Robin Barker, Apache Junction
- Mayor Marie Lopez Rogers, Avondale
- Mayor Bobby Bryant, Buckeye
- * Mayor Wayne Fulcher, Carefree
- Councilmember Dick Esser, Cave Creek
- # Mayor Boyd Dunn, Chandler
- Mayor Fred Waterman, El Mirage
- * President Raphael Bear, Fort McDowell Yavapai Nation
- Mayor Wally Nichols, Fountain Hills
- * Mayor Fred Hull, Gila Bend
- * Governor William Rhodes, Gila River Indian Community
- Mayor Steven Berman, Gilbert
- * Mayor Elaine Scruggs, Glendale
- * Mayor Bernadette Jimenez, Guadalupe
- Mayor Thomas Schoaf, Litchfield Park
- Supervisor Don Stapley, Maricopa County
- Mayor Keno Hawker, Mesa
- * Mayor Ed Winkler, Paradise Valley
- Mayor Bob Barrett, Peoria
- Councilmember Peggy Neely, Phoenix
- Mayor Art Sanders, Queen Creek
- * President Joni Ramos, Salt River Pima-Maricopa Indian Community
- Mayor Joan Shafer, Surprise
- * Mayor Hugh Hallman, Tempe
- * Mayor Adolfo Gamez, Tolleson
- # Mayor Ron Badowski, Wickenburg
- Mayor Michael LeVault, Youngtown
- * Joe Lane, State Transportation Board
- Felipe Zubia, State Transportation Board
- # F. Rockne Arnett, Citizens Transportation Oversight Committee

* Those members neither present nor represented by proxy.

Attended by telephone conference call.

+ Attended by videoconference call.

Transportation Policy Committee: On July 18, 2007, the MAG Transportation Policy Committee recommended approval of the proposed amendment to the Regional Transportation Plan to delete SR 153 and use the available funding for improvements to SR 143 and that the Regional Transportation Plan and the FY 2008-2012 MAG Transportation Improvement Program be amended subject to the necessary air quality conformity analysis.

MEMBERS ATTENDING

- # Councilmember Peggy Bilsten, Phoenix, Chair
- * Mayor Keno Hawker, Mesa, Vice Chair
- # Councilmember Ron Aames, Peoria
- # Kent Andrews, Salt River Pima-Maricopa Indian Community
- # F. Rockne Arnett, Citizens Transportation Oversight Committee
- # Councilmember Gail Barney, Queen Creek
- # Stephen Beard, SR Beard & Associates
- # Mayor Steven Berman, Gilbert
- * Dave Berry, Swift Transportation
- # Jed S. Billings, FNF Construction
- # Mayor Bobby Bryant, Buckeye
- # Mayor James Cavanaugh, Goodyear
- # Mayor Boyd Dunn, Chandler
- # Mayor Hugh Hallman, Tempe
- * Eneas Kane, DMB Associates
- * Mark Killian, The Killian Companies/Sunny Mesa, Inc.
- # Joe Lane, State Transportation Board
- # Mayor Marie Lopez Rogers, Avondale
- * Mayor Mary Manross, Scottsdale
- David Scholl, Westcor
- * Mayor Elaine Scruggs, Glendale
- # Supervisor Max W. Wilson, Maricopa County

- * Not present
- # Participated by telephone conference call
- + Participated by videoconference call

Management Committee: On July 11, 2007, the MAG Management Committee recommended approval of the proposed amendment to the Regional Transportation Plan to delete SR 153 and use the available funding for improvements to SR 143 and that the Regional Transportation Plan and the FY 2008-2012 MAG Transportation Improvement Program be amended subject to the necessary air quality conformity analysis.

MEMBERS ATTENDING

- | | |
|---|--|
| <ul style="list-style-type: none"> # Bridget Schwartz-Manock for Jan Dolan, Scottsdale, Chair David Fitzhugh for Charlie McClendon, Avondale, Vice Chair # Bryant Powell for George Hoffman, Apache Junction * Dave Wilcox, Buckeye * Jon Pearson, Carefree * Usama Abujbarah, Cave Creek Mark Pentz, Chandler Pat Dennis for B.J. Cornwall, El Mirage Alfonso Rodriguez for Orlando Moreno, Fort McDowell Yavapai Nation Tim Pickering, Fountain Hills * Lynn Farmer, Gila Bend * Joseph Manuel, Gila River Indian Community George Pettit, Gilbert Ed Beasley, Glendale | <ul style="list-style-type: none"> Brian Dalke, Goodyear * Mark Johnson, Guadalupe Darryl Crossman, Litchfield Park Scott Butler for Christopher Brady, Mesa Tom Martinsen, Paradise Valley Terry Ellis, Peoria Frank Fairbanks, Phoenix John Kross, Queen Creek * Bryan Meyers, Salt River Pima-Maricopa Indian Community Kathy Rice for Jim Rumpeltes, Surprise Jeff Kulaga for Will Manley, Tempe * Reyes Medrano, Tolleson * Steve McKay, Wickenburg Lloyce Robinson, Youngtown Bill Hayden for Victor Mendez, ADOT Mike Sabatini for David Smith, Maricopa County David Boggs, Valley Metro/RPTA |
|---|--|

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

CONTACT PERSON:

Dean Giles, MAG, (602) 254-6300.



302 North 1st Avenue, Suite 300 ▲ Phoenix, Arizona 85003
Phone (602) 254-6300 ▲ FAX (602) 254-6490
E-mail: mag@mag.maricopa.gov ▲ Web site: www.mag.maricopa.gov

September 20, 2007

TO: Leslie Rogers, Federal Transit Administration
Robert Hollis, Federal Highway Administration
Victor Mendez, Arizona Department of Transportation
Stephen Owens, Arizona Department of Environmental Quality
David Boggs, Regional Public Transportation Authority/ Valley Metro
Debbie Cotton, City of Phoenix Public Transit Department
Robert Kard, Maricopa County Air Quality Department
Maxine Leather, Central Arizona Association of Governments
Donald Gabrielson, Pinal County Air Quality Control District
Wienke Tax, U.S. Environmental Protection Agency, Region IX
Other Interested Parties

FROM: Dean Giles, Air Quality Planning Program Specialist

SUBJECT: CONSULTATION ON CONFORMITY ASSESSMENT FOR A PROPOSED
AMENDMENT TO THE REGIONAL TRANSPORTATION PLAN 2007 UPDATE
AND FY 2008-2012 MAG TRANSPORTATION IMPROVEMENT PROGRAM

The proposed amendment to the Regional Transportation Plan 2007 Update and the FY 2008-2012 MAG Transportation Improvement Program (TIP) includes a request from the Arizona Department of Transportation for the deletion of the State Route 153 corridor and the addition of a project to improve the existing State Route 143 and State Route 202 Loop traffic interchange. The proposed amendment requires a new conformity determination on the Regional Transportation Plan and TIP. These project modifications impact the modeling assumptions used in the most recent conformity analysis and a new regional emissions analysis was conducted.

The results of the regional emissions analysis for the proposed amendment, when considered together with the Regional Transportation Plan 2007 Update and TIP as a whole, meet the transportation conformity requirements for carbon monoxide, ozone, and particulate matter PM-10 (see attachment). The proposed amendment and the corresponding regional emissions analysis are being provided for review and comment through the MAG Conformity Consultation Process. The amendment, as well as the corresponding consultation, will be on the agenda for the October 3, 2007 MAG Management Committee meeting and the October 24, 2007 MAG Regional Council meeting. Comments on this consultation item are requested by October 22, 2007.

If you have any questions or comments, please contact me at (602) 254-6300.

Attachment

cc: Nancy Wrona, Arizona Department of Environmental Quality

A Voluntary Association of Local Governments in Maricopa County

City of Apache Junction ▲ City of Avondale ▲ Town of Buckeye ▲ Town of Carefree ▲ Town of Cave Creek ▲ City of Chandler ▲ City of El Mirage ▲ Fort McDowell Yavapai Nation ▲ Town of Fountain Hills ▲ Town of Gila Bend
Gila River Indian Community ▲ Town of Gilbert ▲ City of Glendale ▲ City of Goodyear ▲ Town of Guadalupe ▲ City of Litchfield Park ▲ Maricopa County ▲ City of Mesa ▲ Town of Paradise Valley ▲ City of Peoria ▲ City of Phoenix
Town of Queen Creek ▲ Salt River Pima-Maricopa Indian Community ▲ City of Scottsdale ▲ City of Surprise ▲ City of Tempe ▲ City of Tolleson ▲ Town of Wickenburg ▲ Town of Youngtown ▲ Arizona Department of Transportation

ATTACHMENT

CONSULTATION ON CONFORMITY ASSESSMENT FOR A PROPOSED AMENDMENT TO THE REGIONAL TRANSPORTATION PLAN 2007 UPDATE AND FY 2008-2012 MAG TRANSPORTATION IMPROVEMENT PROGRAM

MAG has conducted a regional emissions analysis to assess the impacts of the deletion of the State Route 153 corridor and the addition of a project to improve the existing State Route 143 and State Route 202 Loop traffic interchange on the Regional Transportation Plan 2007 Update and the FY 2008-2012 MAG Transportation Improvement Program (TIP). The results of the regional emissions analysis indicate that the inclusion of the amendment to the Regional Transportation Plan and TIP meet the applicable transportation conformity criteria. The amendment is not expected to interfere with Transportation Control Measure implementation.

REGIONAL EMISSIONS ANALYSIS

The MAG transportation and air quality models were utilized in the regional emissions analysis to assess the effect of the estimated emissions from the proposed amendment, when considered together with the emissions from the Regional Transportation Plan 2007 Update and FY 2008-2012 MAG TIP as a whole. In the following table, the modeling results indicate that for each pollutant and for modeled years the regional emissions from the proposed amendment considered together with the Regional Transportation Plan 2007 Update and TIP are less than the motor vehicle emissions budgets for carbon monoxide, ozone, and particulate matter (PM-10).

For the analysis, the transportation network "Build" scenarios for 2009, 2015, 2019, and 2028 were revised to reflect the modifications for the amendment and to make minor technical corrections. For carbon monoxide, the total regional vehicle-related emissions for the analysis year 2009 is projected to be less than the emissions budget of 699.7 metric tons per day, and the emissions for the analysis years 2015, 2019, and 2028 are projected to be less than the emissions budget of 662.9 metric tons per day. The applicable conformity test for carbon monoxide is therefore satisfied.

For eight-hour ozone, the applicable emissions tests are the adjusted one-hour ozone budget test and a no-greater-than-2002 baseline test. The total vehicle-related volatile organic compound (VOC) and nitrogen oxide (NOx) emissions for 2009 are projected to be less than the adjusted 2006 emissions budgets for the one-hour ozone maintenance area. The VOC and NOx emissions for the analysis years 2019 and 2028 are projected to be less than the adjusted 2015 emissions budgets for the one-hour ozone maintenance area. In addition, the vehicle-related VOC and NOx emissions for the analysis years are projected to be less than the 2002 baseline emissions for the eight-hour ozone nonattainment area. The applicable conformity tests for eight-hour ozone are therefore satisfied.

For PM-10, the total vehicle-related emissions for the analysis years of 2009, 2019, and 2028 are projected to be less than the 2006 emissions budget of 59.7 metric tons per day. The conformity test for PM-10 is therefore satisfied.

The current conformity finding of the Regional Transportation Plan 2007 Update and TIP was made by the Federal Highway Administration and Federal Transit Administration on August 16, 2007. The regional emissions analysis for the proposed amendment to the Regional Transportation Plan and TIP demonstrates that the criteria specified in the federal transportation conformity rule for a conformity determination are satisfied. A finding of conformity is therefore supported.

CONFORMITY TEST RESULTS FOR CO, VOC, NOx, AND PM-10 (METRIC TONS/DAY)

Pollutant	Carbon ^a Monoxide		Eight-Hour Ozone ^b					PM-10 ^c			
	2006	2015	2002 Baseline VOC	2002 Baseline NOx	2006 VOC ^e	2006 NOx ^e	2015 VOC ^e	2015 NOx ^e	Onroad Mobile	Road Construction	2006 Total PM-10
Year - Scenario											
Budget or Test	699.7	662.9	94.8	158.1	71.8	104.7	48.7	53.6	N/A	N/A	59.7
2009											
— Action	529.0		66.0	105.9	62.0	95.3			48.4	0.3	48.7
2015											
— Action		488.0									
2019											
— Action		485.2	47.5	45.3			42.9	40.3	51.4	0.3	51.7
2028											
— Action		506.3	43.1	35.9			37.2	30.7	55.3	0.3	55.6

- a** The Carbon Monoxide Maintenance Plan established a 2006 budget and a 2015 budget. The onroad mobile source emissions correspond to a Friday in December episode day conditions.
- b** The Eight-Hour Ozone conformity tests consist of 2002 baseline emissions for the eight-hour ozone nonattainment area and adjusted one-hour ozone emission budgets for 2006 and 2015. The onroad mobile source emissions correspond to a Tuesday in August episode day conditions.
- c** The Revised MAG 1999 Serious Area Particulate Plan for PM-10 established a 2006 emissions budget corresponding to an average annual day.
- d** No-greater-than-2002 baseline emissions test for the eight-hour ozone nonattainment area.
- e** Eight-hour ozone interim emissions budget tests for the one-hour ozone maintenance area, excluding the Gila River Indian Community. The 2006 and 2015 conformity budgets were established in the One-hour Ozone Maintenance Plan.

Amendment to the FY 2008-2012 MAG Transportation Improvement Program

PROJ #	Agency	Project Location	Project Description	Fiscal Year	Length	Fund Type	Local Cost	Federal Cost	Regional Cost	Total Cost	Requested Change
DOT06-221	ADOT	SH153 08 RC -- 153 Sky Harbor Expwy: Superior Ave to University Dr	Construct new 6 lane freeway	2009	1.30	RARF	\$ -	\$ -	\$ 16,000,000	\$ 16,000,000	Delete Project
DOT06-322	ADOT	SH153 08 LD -- 153 Sky Harbor Expwy: Superior Ave to University Dr	Design landscape	2009	1.30	RARF	\$ -	\$ -	\$ 60,000	\$ 60,000	Delete Project
DOT07-344	ADOT	SH153 08 LC -- 153 Sky Harbor Expwy: Superior Ave to University Dr	Construct landscape	2010	1.30	RARF	\$ -	\$ -	\$ 610,000	\$ 610,000	Delete Project
DOT08-838	ADOT	143 Hohokam, SR 143/SR202L TI	TI Improvements, adding ramps	2009	0.10	RARF	\$ -	\$ -	\$ 34,400,000	\$ 34,400,000	Add New Replacement Project

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

DATE:

October 16, 2007

SUBJECT:

Prioritized List of Proposed PM-10 Certified Street Sweeper Projects for FY 2008 CMAQ Funding

SUMMARY:

The FY 2008 MAG Unified Planning Work Program and Annual Budget and the FY 2008-2012 MAG Transportation Improvement Program contain \$1,110,000 in FY 2008 Congestion Mitigation and Air Quality (CMAQ) funding to encourage the purchase and utilization of PM-10 certified street sweepers. The purpose of the CMAQ program is to fund projects and programs in nonattainment and maintenance areas that assist in achieving air quality standards.

In August 2007, MAG solicited PM-10 certified street sweeper projects from member agencies in the Maricopa County PM-10 Nonattainment Area. Eighteen projects requesting approximately \$3.07 million in federal funds were received. MAG staff evaluated the sweeper proposals for estimated emission reductions in accordance with CMAQ guidance. On September 25, 2007, the MAG Air Quality Technical Advisory Committee recommended a prioritized list of proposed PM-10 certified street sweeper projects submitted for FY 2008 CMAQ funding. On October 3, 2007, the MAG Management Committee concurred with the MAG Air Quality Technical Advisory Committee recommendation.

PUBLIC INPUT:

An opportunity for public comment was provided at the September 25, 2007 MAG Air Quality Technical Advisory Committee meeting and October 3, 2007 MAG Management Committee meeting. No public comments were received.

PROS & CONS:

PROS: The purchase of PM-10 Certified Street Sweepers is supported by Measure #29 in the Suggested List of Measures to Reduce PM-10 Particulate Matter. This measure encourages the purchase and utilization of PM-10 certified street sweepers for reducing particulate emissions from paved roads in the Maricopa County PM-10 Nonattainment Area.

CONS: None.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: A key measure in the MAG Five Percent Plan for PM-10 is PM-10 certified street sweepers.

POLICY: Using CMAQ funding for the member agency purchase of PM-10 certified street sweepers will assist in the reduction of PM-10 emissions in the Maricopa County PM-10 Nonattainment Area.

ACTION NEEDED:

Approval of a prioritized list of proposed PM-10 Certified Street Sweeper Projects for FY 2008 CMAQ funding and retain the prioritized list for any additional FY 2008 CMAQ funds that may become available due to year-end closeout, including any redistributed obligation authority, or additional funding received by this region.

PRIOR COMMITTEE ACTIONS:

Management Committee: On October 3, 2007, the MAG Management Committee recommended approval of a prioritized list of proposed PM-10 certified street sweeper projects for FY 2008 CMAQ funding and to retain the prioritized list of any additional FY 2008 CMAQ funds that may become available due to year-end closeout, including any redistributed obligation authority, or additional funding received by this region.

MEMBERS ATTENDING

Jan Dolan, Scottsdale, Chair	Jim Nichols for Brian Dalke, Goodyear
Rogene Hill for Charlie McClendon, Avondale, Vice Chair	* Mark Johnson, Guadalupe
# Bryant Powell for George Hoffman, Apache Junction	Darryl Crossman, Litchfield Park
Jeanine Guy, Buckeye	Christopher Brady, Mesa
* Jon Pearson, Carefree	Tom Martinsen, Paradise Valley
* Usama Abujbarah, Cave Creek	Carl Swenson for Terry Ellis, Peoria
Mark Pentz, Chandler	Frank Fairbanks, Phoenix
* Pat Dennis for B.J. Cornwall, El Mirage	John Kross, Queen Creek
Alfonso Rodriguez, Fort McDowell Yavapai Nation	* Bryan Meyers, Salt River
Tim Pickering, Fountain Hills	Pima-Maricopa Indian Community
* Lynn Farmer, Gila Bend	Jim Rumpeltes, Surprise
* Joseph Manuel, Gila River Indian Community	Jeff Kulaga, Tempe
George Pettit, Gilbert	* Reyes Medrano, Tolleson
Horatio Skeete for Ed Beasley, Glendale	Gary Edwards, Wickenburg
	Lloyce Robinson, Youngtown
	Dale Buskirk for Victor Mendez, ADOT
	Kenny Harris for David Smith, Maricopa County
	David Boggs, Valley Metro/RPTA

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

Air Quality Technical Advisory Committee: On September 25, 2007, the Air Quality Technical Advisory Committee recommended a prioritized list of proposed PM-10 Certified Street Sweeper Projects for FY 2008 CMAQ funding and to retain the prioritized list for any additional FY 2008 CMAQ funds that may become available due to year-end closeout, including any redistributed obligation authority, or additional funding received by this region, with eight members voting no (*italics*).

MEMBERS PRESENT

John Kross, Town of Queen Creek, Chairman	* Michelle Rill, Greater Phoenix Chamber of Commerce
# Jess Segovia, Avondale	* Amanda McGennis, Associated General Contractors
* Lucky Roberts, Buckeye	<i>Spencer Kamps for Connie Wilhelm-Garcia, Homebuilders Association of Central Arizona</i>
John Sherrill for Jim Weiss, Chandler	Mannie Carpenter, Valley Forward
<i>Jamie McCullough, El Mirage</i>	* Kai Umeda, University of Arizona Cooperative Extension
Stephanie Prybyl for Tami Ryall, Gilbert	Beverly Chenausky, Arizona Department of Transportation
Doug Kukino, Glendale	<i>Diane Arnst, Arizona Department of Environmental Quality</i>
Scott Bouchie, Mesa	<i>Wienke Tax, Environmental Protection Agency</i>
Joe Gibbs for Gaye Knight, Phoenix	Jo Crumbaker, Maricopa County Air Quality Department
# Larry Person, Scottsdale	<i>Duane Yantorno, Arizona Department of Weights and Measures</i>
Antonio DeLaCruz, Surprise	* Ed Stillings, Federal Highway Administration
Oddvar Tveit, Tempe	* Judi Nelson, Arizona State University
* Jesse Mendez, Youngtown	* B. Bobby Ramirez, Salt River Pima-Maricopa
* Walter Bouchard, Citizen Representative	
# Corey Woods, American Lung Association of Arizona	
Wendy Crites for Barbara Sprungl, Salt River Project	
<i>Brian O'Donnell, Southwest Gas Corporation</i>	
Mark Hajduk, Arizona Public Service Company	
* Gina Grey, Western States Petroleum Association	

- * Randi Alcott, Valley Metro
Dave Berry, Arizona Motor Transport Association
Jeannette Fish, Maricopa County Farm Bureau
- * Russell Bowers, Arizona Rock Products
Association
- Indian Community
* David Rueckert, Citizen Representative

*Members neither present nor represented by proxy.
#Participated via telephone conference call.
+Participated via video conference call.

CONTACT PERSON:

Dean Giles, (602) 254-6300

MAG Air Quality Technical Advisory Committee Recommendation Prioritized List of Proposed PM-10 Certified Street Sweeper Projects for FY 2008 CMAQ Funding

\$1,110,000 available in FY 2008 of the FY 2008-2012 MAG Transportation Improvement Program

Supplemental Information												
Agency	Federal Cost	Local Cost	Total Cost	Daily Emission Reduction (Kilograms/day)	Cost-Effectiveness (CMAQ dollar cost per annual metric ton reduced)	The requested certified street sweeper will:			If project is to expand or increase sweeping frequency, have additional local resources been committed for staff or equipment to support the project?	Please indicate in what geographical area(s) the requested certified street sweeper will operate	Number of certified street sweepers your agency has already purchased.	Does the requested sweeper satisfy a commitment by your agency in the SIP?
						Replace	Expand	Increase Frequency				
Gilbert (#1)	\$180,246	\$10,895	\$191,141	363	\$194		✓	✓	No	Guadalupe Rd (Arizona Ave to Higley Rd.)	10	No
Gilbert (#2)	\$180,246	\$10,895	\$191,141	296	\$238		✓	✓	No	McQueen Rd (Baseline Rd to Warner Rd.)	10	No
Gilbert (#3)	\$180,246	\$10,895	\$191,141	234	\$300		✓	✓	No	Greenfield Rd/Santian Village Pkwy (Warner Rd and Germann Rd.)	10	No
Goodyear (#1)	\$193,315	\$11,685	\$205,000	196	\$384		✓	✓	No	City limits from Dysart to Perryville and from Camelback to Patterson.	3	Yes
Chandler *	\$160,000	\$10,000	\$170,000	74	\$639	✓			No	City of Mesa boundary to Frye Rd, Alma School Rd to Interstate 10.	10	Yes
Surprise	\$174,271	\$14,116	\$188,387	72	\$948	✓		✓	No	Zone 7: North of Deer Valley Rd to Dynamite and 187 th Ave to 155 th Ave.	7	Yes
Subtotal	\$1,068,324											
Maricopa County (#1) +	\$165,025	\$9,975	\$175,000	66	\$979	✓			✓	County-maintained roads within 10 miles of PM-10 monitoring stations.	2	Yes
Maricopa County (#2) +	\$165,025	\$9,975	\$175,000	66	\$979	✓			✓	County-maintained roads within 10 miles of PM-10 monitoring stations.	2	Yes
Arizona State University	\$91,943	\$5,558	\$97,500	32	\$1,119	✓			✓	Rio Salado Pkwy and Packard Dr to Spence Rd extension; Mill Ave to Rural Rd.	0	No
ADOT +	\$166,491	\$10,063	\$176,554	58	\$1,125	✓				State highways in western part of Valley.	4	Yes
Queen Creek	\$155,894	\$9,423	\$165,317	48	\$1,260	✓		✓	No	Power Rd. To Meridian Rd; Germann Rd. To Empire Rd.	3	Yes
Phoenix (#1) *	\$198,000	\$12,000	\$210,000	41	\$1,902	✓				Camelback Rd to Pecos Rd, Central Ave to 107 th Ave and 111 th Ave.	36	Yes
Phoenix (#2) *	\$198,000	\$12,000	\$210,000	36	\$2,153	✓				Camelback Rd to Pecos Rd, Central Ave to 56 th St.	36	Yes
Peoria	\$196,280	\$11,864	\$208,144	28	\$2,761	✓		✓	No	City wide.	6	Yes

Supplemental Information												
Agency	Federal Cost	Local Cost	Total Cost	Daily Emission Reduction (Kilograms/day)	Cost-Effectiveness (CMAQ dollar cost per annual metric ton reduced)	The requested certified street sweeper will:			If project is to expand or increase sweeping frequency, have additional local resources been committed for staff or equipment to support the project?		Number of certified street sweepers your agency has already purchased.	Does the requested sweeper satisfy a commitment by your agency in the SIP?
						Replace	Expand	Increase Frequency	Yes	No		
Avondale	\$179,170	\$10,830	\$190,000	25	\$2,808		✓		✓		4	Yes
Goodyear (#2)	\$155,595	\$9,405	\$165,000	2	\$37,155			✓	✓		3	Yes
Paradise Valley	\$140,000	\$35,000	\$175,000	1	\$69,267				✓		2	No
Mesa+	\$189,724	\$11,468	\$201,192	1	\$74,745		✓		✓		6	Yes
Total			\$3,069,471									

* Replaces older, less efficient, certified sweepers.
+ Proposed sweeper projects for Maricopa County #1, Maricopa County #2, Mesa, and ADOT indicate sweeping within ½ mile of a PM-10 monitor.

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

DATE:

October 16, 2007

SUBJECT:

Conformity Consultation

SUMMARY:

The Maricopa Association of Governments is conducting consultation on a conformity assessment for an amendment to the FY 2008-2012 MAG Transportation Improvement Program (TIP). The proposed amendment includes the repackaging of existing Arizona Department of Transportation projects on Interstate-17 and on Interstate-10 between Loop 101 (Agua Fria Freeway) and Verrado Way. The amendment also includes nine federal-aid projects for the paving of dirt roads and shoulders in the Maricopa PM-10 Nonattainment Area for FY 2008, and several transit projects. Comments on the conformity assessment are requested by October 22, 2007.

MAG has reviewed the projects for compliance with the federal conformity rule and has found that the amendment requires consultation on the conformity assessment. The amendment includes projects that may be categorized as exempt from conformity determinations and minor project revisions that do not require a conformity determination.

PUBLIC INPUT:

An opportunity for public comment was provided at the October 3, 2007 MAG Management Committee meeting and no public comments were received.

PROS & CONS:

PROS: Interagency consultation for the amendment notifies the planning agencies of project modifications to the TIP.

CONS: The review of conformity assessment requires additional time in the project approval process.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: On July 25, 2007, the MAG Regional Council approved an amendment to the FY 2007-2011 MAG Transportation Improvement Program to include the PM-10 Paving Projects for FY 2007 CMAQ funding. An amendment to the FY 2008-2012 MAG Transportation Improvement Program is required to carry forward the funding for the PM-10 Paving Projects to FY 2008. The amendment may not be considered until the consultation process for the conformity assessment is completed.

POLICY: Federal transportation conformity regulations require interagency consultation on development of the transportation plan, TIP, and associated conformity determinations to include a process involving the Metropolitan Planning Organization, State and local air quality planning agencies, State and local transportation agencies, Environmental Protection Agency, Federal Highway Administration, and the Federal Transit Administration. Consultation on the conformity assessment

has been prepared in accordance with federal regulations, MAG Conformity Consultation Processes adopted by the Regional Council in February 1996 and MAG Transportation Conformity Guidance and Procedures adopted by the Regional Council in March 1996. In addition, federal guidance is followed in response to court rulings regarding transportation conformity.

ACTION NEEDED:

Consultation.

PRIOR COMMITTEE ACTIONS:

Management Committee: This item was on the agenda of the October 3, 2007 MAG Management Committee meeting for consultation.

MEMBERS ATTENDING

- | | |
|--|--|
| Jan Dolan, Scottsdale, Chair | Jim Nichols for Brian Dalke, Goodyear |
| Rogene Hill for Charlie McClendon,
Avondale, Vice Chair | * Mark Johnson, Guadalupe |
| # Bryant Powell for George Hoffman,
Apache Junction | Darryl Crossman, Litchfield Park |
| Jeanine Guy, Buckeye | Christopher Brady, Mesa |
| * Jon Pearson, Carefree | Tom Martinsen, Paradise Valley |
| * Usama Abujbarah, Cave Creek | Carl Swenson for Terry Ellis, Peoria |
| Mark Pentz, Chandler | Frank Fairbanks, Phoenix |
| Pat Dennis for B.J. Cornwall, El Mirage | John Kross, Queen Creek |
| Alfonso Rodriguez, Fort McDowell
Yavapai Nation | * Bryan Meyers, Salt River |
| Tim Pickering, Fountain Hills | Pima-Maricopa Indian Community |
| * Lynn Farmer, Gila Bend | Jim Rumpeltes, Surprise |
| * Joseph Manuel, Gila River
Indian Community | Jeff Kulaga, Tempe |
| George Pettit, Gilbert | * Reyes Medrano, Tolleson |
| Horatio Skeete for Ed Beasley,
Glendale | Gary Edwards, Wickenburg |
| | Lloyce Robinson, Youngtown |
| | Dale Buskirk for Victor Mendez, ADOT |
| | Kenny Harris for David Smith,
Maricopa County |
| | David Boggs, Valley Metro/RPTA |

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

CONTACT PERSON:

Dean Giles, MAG, (602) 254-6300.

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

DATE:

October 16, 2007

SUBJECT:

MAG FY 2009 PSAP Annual Element/Funding Request and FY 2009-2013 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 2009 is required to be submitted to the ADOA by December 15, 2007.

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 has been reduced from 37 cents per month to 28 cents per month as of July 1, 2006. The excise tax was further reduced to 20 cents per month effective July 1, 2007. Efforts are being made to stabilize the 9-1-1 funds through legislation to ensure appropriate funding in the future.

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:

Approval of the MAG FY 2009 PSAP Annual Element/Funding Request and FY 2009-2013 Equipment Program for submittal to the Arizona Department of Administration.

PRIOR COMMITTEE ACTIONS:

On October 3, 2007 the MAG Management Committee recommended approval of the MAG FY 2009 PSAP Annual Element/Funding Request and FY 2009-2013 Equipment Program for submittal to the Arizona Department of Administration.

MEMBERS ATTENDING

- | | |
|--|--|
| Jan Dolan, Scottsdale, Chair | Jim Nichols for Brian Dalke, Goodyear |
| Rogene Hill for Charlie McClendon,
Avondale, Vice Chair | * Mark Johnson, Guadalupe |
| # Bryant Powell for George Hoffman,
Apache Junction | Darryl Crossman, Litchfield Park |
| Jeanine Guy, Buckeye | Christopher Brady, Mesa |
| * Jon Pearson, Carefree | Tom Martinsen, Paradise Valley |
| * Usama Abujbarah, Cave Creek | Carl Swenson for Terry Ellis, Peoria |
| Mark Pentz, Chandler | Frank Fairbanks, Phoenix |
| Pat Dennis for B.J. Cornwall, El Mirage | John Kross, Queen Creek |
| Alfonso Rodriguez, Fort McDowell
Yavapai Nation | * Bryan Meyers, Salt River
Pima-Maricopa Indian Community |
| Tim Pickering, Fountain Hills | Jim Rumpeltes, Surprise |
| * Lynn Farmer, Gila Bend | Jeff Kulaga, Tempe |
| * Joseph Manuel, Gila River
Indian Community | * Reyes Medrano, Tolleson |
| George Pettit, Gilbert | Gary Edwards, Wickenburg |
| Horatio Skeete for Ed Beasley,
Glendale | Loyce Robinson, Youngtown |
| | Dale Buskirk for Victor Mendez, ADOT |
| | Kenny Harris for David Smith,
Maricopa County |
| | David Boggs, Valley Metro/RPTA |

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

9-1-1 Oversight Team: On September 11, 2007, the MAG 9-1-1 Oversight Team recommended approval of the MAG FY 2009 PSAP Annual Element/Funding Request and FY 2009-2013 Equipment Program for submittal to the Arizona Department of Administration.

MEMBERS ATTENDING

- | | |
|---|--|
| Harry Beck, Mesa Fire Department, Chair | Tom Melton for Helen Gandara-Zavala,
Scottsdale Police Department |
| * Mark Burdick, Glendale Fire Department | Brenda Buren, Tempe Police Department |
| Jessie Greening for Ray Churay, Maricopa
County Sheriff's Office | Lawrence Rodriguez, Tolleson Police
Department |
| * Mike Fusco, Emergency Mgmt, Peoria | |
| Steve Kreis, Phoenix Fire Department | |
| Robert Demlong, Phoenix Police Department | |

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

MAG 9-1-1 PSAP Managers Group: On July 19, 2007, the MAG 9-1-1 PSAP Managers Group recommended approval of the MAG FY 2009 PSAP Annual Element/Funding Request and FY 2009-2013 Equipment Program for submittal to the Arizona Department of Administration.

MEMBERS ATTENDING

Chris Nadeau, Goodyear, Chairperson
* Kathy Jeter, Apache Junction
* Carrie Lombana, Avondale
* Velma Washington, Buckeye
* Vicki Szczepkowski, Chandler
Stephanie Beebe for Mary Schlosser, Ft. McDowell Yavapai Nation
Peggy Nunez for Janet Laird, Gilbert
Sherrie Clark for Loretta Hadlock, Glendale
Erika Wilson, Mesa
Jesse Locksa, Maricopa County
Larry Scott, Paradise Valley
Viola Bent for Vicky Scott, Peoria
Tami deRuiter, Phoenix

Darren Shortey for Curtis Thomas, Salt River Pima-Maricopa Indian Community
* Chris Randall for Tom Melton, Scottsdale
* Carol Campbell, Surprise
Karen Allen, Tempe
* Tori Rogers, Tolleson
Ed Syzponik, Wickenburg
+ Brian Tobin, ASU
+ Barbara Jaeger, ADOA
*+ Nicole Ankenman, Capitol Police
*+ Debbie Henry, DPS
*+ David Demers Luke AFB
+ Louise Smith, Phoenix
+ Ellen Anderson, Rural Metro/
Southwest Ambulance

* Those members neither present nor represented by proxy.

CONTACT PERSON:

Liz Graeber, 602-534-9775, or Mary D. Franklin, 602-262-6260, Phoenix Fire Department.

MAG FY2009-2013 PSAP Equipment Program

	FY2009	FY2010	FY2011	FY2012	FY2013
Apache Junction PD	Nothing noted				
ASU/PD	Logging recorder				
Avondale PD	No Response				
Buckeye PD	Nothing noted	Logging recorder		4 positions	
Capitol PD	No Response				
Chandler PD	Nothing noted	Logging recorder/2 positions / Move			
DPS	1 position				
Ft. McDowell	Upgrade - No Response				
Gilbert PD	Nothing noted				
Glendale PD	Logging recorder				
Goodyear PD	Upgrade /2 positions/center remodel				Move
Luke AFB	Move				Move
MCSO	Upgrade - Nothing noted				Move
Mesa PD	Nothing noted		Logging recorder/2 positions	2 positions	Move
Paradise Valley PD	Center remodel				
Peoria PD	4 positions	Logging recorder			
Phoenix Fire	Prior state approval for non standard item requests	Prior state approval for non standard item requests	Logging recorder - Prior state approval for non standard item request		
Phoenix PD	Nothing noted	5 positions	5 positions	5 positions	Logging recorder/ 5 positions/Move
Rural Metro PD	Upgrade - Logging recorder				
Salt River PD	Nothing noted				
Scottsdale PD	No Response				
Surprise PD	1 position	1 position	1 position	1 position	Logging recorder
Tempe PD	Upgrade/8 positions/Move	2 positions	1 position	2 positions	1 position
Tolleson PD	Move				
Wickenburg PD	Nothing noted				

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

DATE:

October 16, 2007

SUBJECT:

Small Plant Review and Approval Process for the Proposed Scorpion Bay Wastewater Treatment Plant

SUMMARY:

The City of Peoria has requested that MAG review the proposed Scorpion Bay Wastewater Treatment Plant through the Small Plant Review and Approval Process of the MAG 208 Water Quality Management Plan. The facility would have an ultimate capacity of 35,000 gallons per day and reclaimed water would be disposed of through on-site irrigation reuse at the Scorpion Bay Marina. The project is located within the Peoria Municipal Planning Area and Lake Pleasant Regional Park that is managed by Maricopa County. The right to use the land for the Scorpion Bay Marina has been granted through an agreement with the Maricopa County Parks and Recreation Department. Maricopa County has also provided a letter indicating that they do not object to the proposed wastewater treatment plant. In addition, Yavapai County is within three miles of the project and has indicated no objections.

PUBLIC INPUT:

An opportunity for public comment was provided at the September 17, 2007 MAG Water Quality Advisory Committee meeting and the October 3, 2007 MAG Management Committee meeting. There were no public comments received on this item.

PROS & CONS:

PROS: Approval of the proposed Scorpion Bay Wastewater Treatment Plant as part of the MAG 208 Water Quality Management Plan would make the facility consistent with the MAG 208 Plan. The MAG 208 Water Quality Management Plan is the key guiding document used by Maricopa County and the Arizona Department of Environmental Quality in granting permits for wastewater treatment systems in the MAG region.

CONS: Currently, there do not appear to be any negative impacts associated with the approval of the Scorpion Bay Wastewater Treatment Plant.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: The proposed Scorpion Bay Wastewater Treatment Plant is needed to accommodate the Scorpion Bay Marina in the Lake Pleasant Regional Park.

POLICY: The MAG 208 Water Quality Management Plan is the key guiding document used by Maricopa County and the Arizona Department of Environmental Quality in granting permits for wastewater treatment systems in the MAG region. Approval of the facility would enable the facility to be deemed consistent with the MAG 208 Plan. Consistency is necessary for permit approvals.

ACTION NEEDED:

Approval of the proposed Scorpion Bay Wastewater Treatment Plant as part of the MAG 208 Water Quality Management Plan.

PRIOR COMMITTEE ACTIONS:

Management Committee: On October 3, 2007, the MAG Management Committee unanimously recommended approval of the proposed Scorpion Bay Wastewater Treatment Plant as part of the MAG 208 Water Quality Management Plan.

MEMBERS ATTENDING

Jan Dolan, Scottsdale, Chair	Jim Nichols for Brian Dalke, Goodyear
Rogene Hill for Charlie McClendon, Avondale, Vice Chair	* Mark Johnson, Guadalupe
# Bryant Powell for George Hoffman, Apache Junction	Darryl Crossman, Litchfield Park
Jeanine Guy, Buckeye	Christopher Brady, Mesa
* Jon Pearson, Carefree	Tom Martinsen, Paradise Valley
* Usama Abujbarah, Cave Creek	Carl Swenson for Terry Ellis, Peoria
Mark Pentz, Chandler	Frank Fairbanks, Phoenix
Pat Dennis for B.J. Cornwall, El Mirage	John Kross, Queen Creek
Alfonso Rodriguez, Fort McDowell Yavapai Nation	* Bryan Meyers, Salt River
Tim Pickering, Fountain Hills	Pima-Maricopa Indian Community
* Lynn Farmer, Gila Bend	Jim Rumpeltes, Surprise
* Joseph Manuel, Gila River Indian Community	Jeff Kulaga, Tempe
George Pettit, Gilbert	* Reyes Medrano, Tolleson
Horatio Skeete for Ed Beasley, Glendale	Gary Edwards, Wickenburg
	Lloyce Robinson, Youngtown
	Dale Buskirk for Victor Mendez, ADOT
	Kenny Harris for David Smith, Maricopa County
	David Boggs, Valley Metro/RPTA

* Those members neither present nor represented by proxy.

Participated by telephone conference call.

+ Participated by videoconference call.

Water Quality Advisory Committee: On September 17, 2007, the MAG Water Quality Advisory Committee unanimously recommended approval of the proposed Scorpion Bay Wastewater Treatment Plant as part of the MAG 208 Water Quality Management Plan.

MEMBERS ATTENDING

Roger Klingler, Scottsdale, Chair	Shawn Kreuzwiesner for Stephen Bontrager, Peoria
* Marilyn DeRosa, Avondale	Robert Hollander, Phoenix
Lucky Roberts, Buckeye	Rich Williams Sr., Surprise
# Jacqueline Strong, Chandler	# David McNeil, Tempe
# Greg Stack, El Mirage	Kevin Chadwick, Maricopa County
* Lonnie Frost, Gilbert	John Boyer, Pinnacle West Capital
# Chris Ochs, Glendale	Jim Kudlinski for Ray Hedrick, Salt River Project
# David Iwanski, Goodyear	Erin Taylor, U of A Cooperative Extension
# Bill Haney, Mesa	

*Those members neither present nor represented by proxy.

#Attended by telephone conference call.

CONTACT PERSON:

Julie Hoffman, MAG, 602-254-6300

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

DATE:

October 16, 2007

SUBJECT:

2007 Regional Human Services Summit Report

SUMMARY: In June 2007, nearly 200 people attended MAG's first Regional Human Services Summit. Participants developed the framework for eight projects, which are detailed in the 2007 Regional Human Services Summit Report. The projects address a diverse range of issues such as juvenile crime, developmental disabilities and aging. Community leaders have pledged to move the projects forward. While MAG will provide leadership for some of the projects, other agencies will implement the projects on behalf of the community. This helps to increase the capacity needed to support the identified initiatives while reducing duplication.

It has been proposed that MAG take leadership in two areas. First, participants from the Housing and Aging workshop proposed a conference that fits well into the special needs transportation conference already planned by MAG. The regional conference is part of the MAG Human Services Coordination Transportation Plan approved by the MAG Regional Council in May 2007. If approved, a Special Needs Conference on Housing and Transportation will be offered next spring.

Second, the MAG Continuum of Care Regional Committee on Homelessness has expressed interest in implementing the project proposed by the Homelessness and Mental Illness workshop participants. This entails creating a handbook and training about eligibility guidelines to help social service professionals place their clients in homeless and behavioral health services. Central Arizona Shelter Services has offered leadership on this project as well and will be active in the implementation. Other community leaders will initiate implementation of the remaining six projects.

PUBLIC INPUT: An opportunity for public input was offered at the October MAG Management Committee meeting, but there was no input given. Public comment was also offered at the September 19, 2007 Planning Subcommittee meeting of the MAG Regional Continuum of Care Committee on Homelessness. One person stated the new Behavioral Health Authority, Magellan, had offered assistance with the project focused on homelessness and mental illness. Additional opportunities for public input were given at the MAG Regional Domestic Violence Council, MAG Regional Continuum of Care Committee on Homelessness, and MAG Human Services Technical Committee meetings but no input was offered.

PROS & CONS:

PROS: This grass roots effort has created a bridge of communication between people living in the communities and affected by services to high-level decision makers and elected officials. This line of communication has resulted in projects that are responsive to true and emerging needs within the region. Because the projects were developed without anticipation of significant funding increases, the projects do not represent a financial burden. Instead, real and positive benefits can be realized by strategic collaborations and partnerships.

CONS: There are no anticipated negative consequences to this report or its proposed projects.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: The concept for the summit was developed from the 2006 MAG Regional Human Services Plan. The plan presents an array of information about the landscape of human services in the MAG region. Key issues such as aging, youth, homelessness and domestic violence are presented with corresponding research and reports about local activity. Information gathered through focus groups and surveys in which more than 500 people participated was used in developing the plan, adding layers of richness and detail seldom found elsewhere. The message from the community to human services providers and planners was clear: collaborate with each other, include the community in the planning process and address issues holistically. This summit strove to meet this call to action and has resulted in projects that will build on the region's resources.

POLICY: The motivation to create change through community engagement is shaped in part by realistic concerns about funding, staffing and sustainability. In the end, the most ambitious plans and greatest dreams without support are just paper and time wasted. While it is vital to be realistic about financial needs, funding itself does not create good projects. Funding supports good projects created from good planning. Good ideas attract talented people who contribute time and energy. This attracts funding which supports the project. The success of the project attracts new people and ideas, and so the cycle continues.

ACTION NEEDED:

Approval of the 2007 Regional Human Services Summit Report.

PRIOR COMMITTEE ACTIONS:

Action by the MAG Human Services Coordinating Committee is anticipated on October 17, 2007.

The MAG Management Committee voted to recommend approval of the 2007 Regional Human Services Summit Report on October 3, 2007.

MEMBERS ATTENDING

Jan Dolan, Scottsdale, Chair	Jim Nichols for Brian Dalke, Goodyear
Rogene Hill for Charlie McClendon, Avondale, Vice Chair	* Mark Johnson, Guadalupe
# Bryant Powell for George Hoffman, Apache Junction	Darryl Crossman, Litchfield Park
Jeanine Guy, Buckeye	Christopher Brady, Mesa
* Jon Pearson, Carefree	Tom Martinsen, Paradise Valley
* Usama Abujbarah, Cave Creek	Carl Swenson for Terry Ellis, Peoria
Mark Pentz, Chandler	Frank Fairbanks, Phoenix
Pat Dennis for B.J. Cornwall, El Mirage	John Kross, Queen Creek
Alfonso Rodriguez, Fort McDowell Yavapai Nation	* Bryan Meyers, Salt River
Tim Pickering, Fountain Hills	Pima-Maricopa Indian Community
* Lynn Farmer, Gila Bend	Jim Rumpeltes, Surprise
* Joseph Manuel, Gila River Indian Community	Jeff Kulaga, Tempe
George Pettit, Gilbert	* Reyes Medrano, Tolleson
Horatio Skeete for Ed Beasley, Glendale	Gary Edwards, Wickenburg
	Lloyce Robinson, Youngtown
	Dale Buskirk for Victor Mendez, ADOT
	Kenny Harris for David Smith, Maricopa County
	David Boggs, Valley Metro/RPTA

* Those members neither present nor represented by proxy.

Participated by telephone conference call.

+ Participated by videoconference call.

The MAG Regional Continuum of Care Committee on Homelessness voted to recommend approval of the Maintaining Housing and Self-Sufficiency Project as presented in the 2007 Regional Human Services Summit Report on September 24, 2007.

MEMBERS ATTENDING:

- | | |
|---|---|
| Councilmember Greg Stanton, Phoenix, Chair | Mike McQuaid, Human Services Campus |
| Robert Duvall for Roberto Armijo, Community Information & Referral Services | Nick Margiotta, Phoenix Police Department |
| Kim Hohman for David Barnhouse, Governor's Office | Carrie Mascaro, Catholic Charities |
| * Judy Bowden, Mesa United Way | * Terra Masias, Chicanos Por La Causa |
| Brad Bridwell, US Vets | * Guy Mikkelsen, Foundation for Senior Living |
| * Kathryn Brown, AZ Dept of Corrections | Darlene Newsom, United Methodist Outreach Ministries |
| Kendra Cea, APS | * Laura Skotnicki, Save the Family |
| Amy Schwabenlender for Trinity Donovan, Valley of the Sun United Way | * Annette Stein, Maricopa County HS |
| Erick Strunk for Councilmember Steve Frate, Glendale, | Jacki Taylor, ACEH |
| Theresa James, City of Tempe | * Margaret Trujillo, MG Trujillo Associates |
| Deanna Jonovich, City of Phoenix | * Councilmember Mike Whalen, Mesa |
| Don Keuth, Phoenix Community Alliance, Vice Chair | * Supervisor Mary Rose Wilcox, Maricopa Co. |
| * Mark Ludwig, AZ Department of Housing | * Ted Williams, AZ Behavioral Health Corporation |
| * Dan Lundberg, Surprise | Margot Cordova for Diana Yazzie Devine, Native American Connections |

*Those members neither present nor represented by proxy.

+Those members present by audio or videoconference.

The MAG Human Services Technical Committee voted to recommend approval of the 2007 Regional Human Services Summit Report on September 20, 2007.

COMMITTEE MEMBERS ATTENDING

- | | |
|--|--|
| Carl Harris-Morgan, Gilbert, Chair | Jose Mercado for Doris Marshall, Phoenix |
| Judy Bowden, Mesa United Way | Jayson Matthews, Tempe Community Council |
| Paige Garrett Quality of Life | Yolanda Ramos, for Joy McClain, Tolleson |
| Joyce Gross, Buckeye | * Sandra Mendez, DES |
| Jeffery Jamison, Phoenix | * Kyle Moore, DES/ACYF |
| Deanna Jonovich, Phoenix | Sylvia Sheffield, Avondale |
| * Jim Knaut, Area Agency on Aging | Carol Sherer, DES |
| Margarita Leyvas, Maricopa County | * Judy Tapscott, Tempe |
| Joyce Lopez-Powell, VSUW | + Patrick Tyrrell, Chandler |
| + Bob Baratko for Dan Lundberg, Surprise | |

*Those members neither present nor represented by proxy.

+Those members present by audio/videoconferencing.

The MAG Planning Subcommittee of the MAG Regional Continuum of Care Committee on Homelessness voted to recommend approval of the Maintaining Housing and Self-Sufficiency Project as presented in the 2007 Regional Human Services Summit Report on September 17, 2007.

COMMITTEE MEMBERS ATTENDING

- | | |
|---|-------------------------------|
| * Annette Stein, Maricopa County, Chair | Richard Geasland, Tumbleweed |
| Robert Duvall, CIR | Katie Hobbs, Sojourner Center |

Theresa James, Tempe, Vice Chair
Elizabeth Morales, AZ Behavioral Health
Darlene Newsom, UMOM
Amy Schwabenlender, VSUW
Laura Skotnicki, Save the Family
Michelle Thomas, YWCA
Deanna Jonovich, Phoenix
Deborah Forbes-Baker for John Landrum,
Salvation Army

Nick Margiotta, Phoenix Police Department
Monika Wallace for Ric Mason, Labor's
Community Service
John Wall, Central Arizona Shelter Services
Lisa Wilson, Mesa
* Diana Yazzie Devine, Native American
Connection

*Those members neither present nor represented by proxy.

+Those members present by audio/videoconferencing.

The MAG Regional Domestic Violence Council voted to recommend approval of the Home Safe Campaign and Judges Making a Difference projects as presented in the 2007 Regional Human Services Summit Report on August 16, 2007.

COMMITTEE MEMBERS ATTENDING

Mayor Mary Manross, Scottsdale, Chair
* John Blackburn Jr., AZ Criminal Justice
* Jennifer Casaletto, Maricopa Medical Cntr
Debbie Nez for SRPMIC
* Suzanne Cohen, MC Attorney's Office
* JoAnn Del-Colle, Phoenix FAC
Councilmember Trinity Donovan, Chandler
Laura Guild, DES
Shannon Cotton for Cindy Hallman, Marley
House
+ Bill Hart, Office of the Attorney General
* Councilmember Brenda Holland, Goodyear
Linda Melendez for Dan Hughes, Surprise
Police Department
* Cmdr. Kim Humphrey, Phoenix Police
Candace Johnson, Prehab of Arizona
Sarah Youngblood for Lillian Johnson,
Community Legal Services
Alice Gharieb for Mary Lynn Kasunic, Area
Agency on Aging

* Patricia Klahr, Chrysalis Shelter
Councilmember Phil Lieberman, Glendale
* Jodi Beckely Liggett, AZ Foundation for
Woment
Councilmember Betty Lynch, Avondale
* JoEllen Lynn, American Express
Kendra Leiby for Christy Moore, AZ Coalition
Against Domestic Violence
Maria-Elena Ochoa, Governor's Office
Michael Parascandola, Goodyear
Celeste Adams for Janice Parker, Save the
Family Foundation
Connie Phillips, Sojourner Center
Lynn Potts for John Pombier, Mesa
Michelle Layman for Kerry Ramella, Phoenix
Fire Department
* Sandra Renteria, Phoenix Police Dept.
Tina Solomon, Phoenix Prosecutor's Off
* Judy Tapscott, Tempe
* Rick Ybarra, ValueOptions

*Those members neither present nor represented by proxy.

+Those members present by audio/videoconferencing.

CONTACT PERSON:

Amy St. Peter, Human Services Manager, (602) 254-6300

2007 REGIONAL HUMAN SERVICES



SUMMIT REPORT



Presented by the Maricopa Association of Governments, June 7, 2007





2007 SUMMIT

REGIONAL HUMAN SERVICES SUMMIT REPORT

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Executive Summary

In the area of human services, what can we do now with what we have? This question was posed at the 2007 Regional Human Services Summit to nearly two hundred people committed to strengthening the quality of life in this region. On this one day, people from across the Valley and across diverse disciplines gathered to celebrate the good work being done in human services, to wrestle with competing needs and priorities, and to definitively develop the framework for projects that will result in tangible, positive change.

The summit was structured around the belief that the key to change is in the people who care about the community. Throughout the day, participants moved from plenary sessions with presentations from local and national speakers to workshops that focused on paired issues. At the end of the day, everyone came together to share the following projects developed within the workshops. Since then, community partners have rallied to move these projects forward on behalf of the community.

Judges Making a Difference

Collaborate with the Arizona Supreme Court to offer mandatory training about domestic violence to judges that will raise awareness and understanding about the dynamics of domestic violence, including how domestic violence can affect court cases. *For more information, please contact Missy Becker, Arizona State Supreme Court, mbecker@courts.az.gov.*

Juvenile Crime Reduction Campaign

Develop a grassroots campaign to engage community members in juvenile crime reduction and prevention. This campaign will empower the community through education. Parents, families and communities will receive information about issues and resources for juveniles, with the goal of prevention and intervention of juvenile crimes. *For more information, please contact Dennis Ichikawa, Casey Family Programs, dichikawa@casey.org.*

Developmental Disabilities and Aging Integration Project

Implement a pilot project to integrate persons with developmental disabilities who are over the age of 60 into senior centers, services and adult day centers. Caregivers will also benefit from respite, education, and training. *For more information, please contact Jim Knaut, Area Agency on Aging, knaut@aaaphx.org.*

Human Services Unification Project

Implement a marketing campaign and outreach plan that will increase awareness about the importance of human services. This will be done to raise the profile of human services. The campaign will also work to protect funding for human services programs during budget cuts and to promote collaboration among agencies to maximize the funding currently available. *For more information, please contact Timothy Schmaltz, Protecting Arizona's Family Coalition, at tim@pafcoalition.org.*

Housing and Aging Summit and Development of a Blue Ribbon Committee

Host a summit on aging and housing in order to gather input and community support to



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develop a model of housing options for older adults that can be replicated throughout our communities. Form a committee to address this topic throughout the year on an ongoing basis. *For more information, please contact Amy St. Peter, Maricopa Association of Governments, astpeter@mag.maricopa.gov.*

Home Safe Campaign

Provide training about housing rights and financial stability for survivors of domestic violence to shelter staff. This will reduce rates of homelessness and better equip survivors to secure and maintain stable housing. *For more information, please contact Betty McEntire, Arizona Coalition Against Domestic Violence, at tc3@azcadv.org.*

Affordable Housing and Transportation Civic Education Campaign

A civic information campaign will increase awareness about the relationship between transportation and housing. The ideology of live, work and play is an important part of the strategy. This will change perspectives and break down paradigms to encourage more informed choices. This will be done by researching best practices and putting a face on the issue. *For more information, please contact Fred Karnas, Arizona Department of Housing, fredk@housingaz.com, Jacky Alling, Arizona Community Foundation, jalling@azfoundation.org or Teresa Brice, LISC Phoenix, at TBrice@lisc.org.*

Maintaining Housing and Self-Sufficiency

Create a handbook about specific eligibility factors and a corresponding training to better inform homeless and mental health providers about each other's programs. This will build collaborative relationships and improve services. *For more information, please contact David Bridge, Central Arizona Shelter Services, Inc., dbridge@cass-az.org.*

Next Steps

These projects offer a starting point for a continuing dialogue in the community. There are many opportunities for engagement. The municipalities, nonprofit agencies, faith-based organizations, tribes, businesses, and community activists all have important roles to play. The answer lies in not just one person or solution, but in everyone coming together for the good of all. We are thankful for the people and agencies who are providing leadership in these project areas. Thanks to them, the momentum built at the summit will continue to have positive impacts for the entire community.

While each project addresses a different challenge within the community, the solutions are similar in focus. Communication and commitment will transform our community. The more we speak with each other about our plans and ideas, the more coordinated our actions will be. This will result in more efficient and responsive activity. The more we are committed to positive solutions and immediate action, the more people will become self-reliant and empowered. This will result in stronger communities.

For more information, please contact the MAG Human Services Division at (602) 254-6300 or at humanservices@mag.maricopa.gov. Thank you!

Letter from Mayor Lopez Rogers

It is with great pleasure that I present the 2007 Regional Human Services Summit Report. The following pages offer the research, planning and projects developed as part of the first summit on human services for the region. This document represents both a culmination and a beginning. The report presents the culmination of research and planning in areas such as affordable housing, disabilities, transportation, population growth and domestic violence. Nearly two hundred people attended this inaugural event while hundreds more shaped the data informing the day's discussions.

This report also represents a beginning. We now have the blueprint for innovative projects that have the potential to create incredible change. By collaborating with each other, we can multiply our capacity and achieve significant results. We have an opportunity to make life even better here in the region. We need only to embrace that opportunity and take the first steps. These steps are presented in the projects developed within the workshops at the summit. Activity will continue both within MAG and throughout the community to implement the projects and improve the quality of life for all.

MAG has provided leadership in human services planning for the region since 1976. As the council of governments for the area, the mission of MAG includes providing a forum for the discussion and study of regional issues, facilitating agreement among governmental units for the adoption of common policies, laying the groundwork for future growth and development, and identifying and solving regional problems by attaining the greatest degree of intergovernmental cooperation.

The MAG Human Services Planning Program strives to implement a collaborative approach for addressing critical community needs by identifying and leveraging resources, advocating for additional resources, and informing the public on prevalent human services issues. Through the human services committees at MAG, stakeholders from throughout the region strategically address human services issues through policy and planning. The committees represent membership from many disciplines and communities in an effort to be inclusive and responsive.

I invite you to take a few moments to read through this report and to be engaged through the MAG process. We need you as we take the next steps. If you have any questions, please contact the MAG Human Services Division by calling (602) 254-6300. Many reports, documents and a calendar of events may also be found at www.mag.maricopa.gov. I look forward to working with you.

Thank you for all you do!



Marie Lopez Rogers

City of Avondale, Mayor

MAG Human Services Coordinating Committee, Chair



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2007 REGIONAL HUMAN SERVICES SUMMIT REPORT

Introduction

In the area of human services, what can we do now with what we have? This question was posed at the 2007 Regional Human Services Summit to nearly two hundred people committed to strengthening the quality of life in this region. On this one day, people from across the Valley and across diverse disciplines gathered to celebrate the good work being done in human services, to wrestle with competing needs and priorities, and to definitively develop the framework for projects that will result in tangible, positive change. This report is the synthesis of all these voices and plans. This document provides a blueprint and contact people for communities, agencies and people wanting to implement collaborative projects that innovatively connect needs with resources.

On June 7, 2007, elected officials, government staff, social workers, faith-based organizations, academic representatives and the private sector rallied to the cause of human services planning. The purpose of the 2007 Maricopa Association of Governments (MAG) Regional Human Services Summit was to engage community stakeholders in a dynamic dialogue about forming partnerships and projects to create meaningful change in the community. The entire event was structured on the belief that the key to change is in the people who care about the community. Throughout the day, participants moved from plenary sessions with presentations from local and national speakers to workshops that focused on paired issues. At the end, everyone came together to share the projects developed within the workshops. This report reflects the research and discussions that shaped the projects. Since then, leaders in the community have stepped up to implement the projects. We are thankful to the community partners who are helping to maintain the momentum built at the summit.

The concept for the summit was developed from the 2006 MAG Regional Human Services Plan. The plan presents an array of information about the landscape of human services in the MAG region. Key issues such as aging, youth, homelessness and domestic violence are presented with corresponding research and reports about local activity. Information gathered through focus groups and surveys in which more than 500 people participated was used in developing the plan, adding layers of richness and detail seldom found elsewhere.

The message from the community to human services providers and planners was clear: collaborate with each other, include the community in the planning process and address issues holistically. People do not live their lives in carefully delineated boxes according to funding cycles or program boundaries. The same person who needs medical care may also need transportation to employment and affordable housing. That same person may also have critical insights on developmental disabilities and be a great volunteer with children. How to synthesize these experiences and harness the collective wisdom of the community became the driving force for the summit.

The motivation to create change through community engagement is shaped in part by realistic concerns about funding, staffing and sustainability. In the end, the most ambitious plans and greatest dreams without support are just paper and time wasted. While it is vital to be realistic about financial needs, funding itself does not create good projects. Funding supports good projects created from good planning. As the



event's keynote speaker Rick Lowe demonstrated, good ideas attract talented people who contribute time and energy. This attracts funding which supports the project. The success of the project attracts new people and ideas, and so the cycle continues.

So what *can* we do with what we have now? The answer is: quite a lot. Good starting points are found in the projects developed within the workshops. The dialogue initiated at the Regional Human Services Summit did not end with the closing session. The real work begins as we make the connections sparked by the summit and implement the projects. Every project will require broad based community support and engagement. Just as we are all affected by human services, we all have an important role to play in human services planning for the region.

Issue Pairings

The following section of the report presents the projects that were developed within the summit workshops, with an overview of the corresponding research. Prior to the workshops, all summit participants received copies of the templates that are included in the appendix. The templates offer a high level summary of each issue as well as the areas in common between the pairing.

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Domestic Violence and the Civil Legal System



Name of Project **Judges Making a Difference**

Definitions

Domestic Violence: A pattern of behavior used to establish power and control over another person, with whom an intimate relationship is or has been shared, through fear and intimidation, often including the threat or use of violence.

Civil Legal System: The body of law relating to contracts and suits as contrasted with criminal law. Civil law covers suits of one party by another for such matters as breach of contract, negligence or compensation for damages. The standard of proof in civil cases is preponderance of evidence—a greater weight of evidence for than against, which is a weaker standard than absence of a reasonable doubt.

Overview

While there are a number of domestic violence survivors who file police reports, quite a few are never involved with the criminal justice system. Their only involvement with the legal system is through the civil legal system, particularly in family court. This involvement includes seeking redress by obtaining legal separation, divorce, child custody, child support and/or compensation for damages. Preliminary findings from a recent study indicate that many judges are suspicious of people involved in Family Court disputes who claim domestic violence. This may have a negative affect on the decisions made in court that in turn will negatively affect domestic violence survivors and children.

Project Description

Collaborate with the Arizona Supreme Court to offer mandatory training about domestic violence to judges that will raise awareness and understanding about the dynamics of domestic violence, including how domestic violence can affect court cases.

Identified Need or Opportunity Addressed by the Project

While domestic violence is briefly addressed in the orientation for new judges, there is currently no mandatory training specific to domestic violence. This presents an opportunity to work collaboratively with the Supreme Court to develop a curriculum that will meet their need for more information about domestic violence. This will make judges better prepared to address domestic violence appropriately in their courts. Having judges who clearly understand the cycle of domestic violence will especially help when a survivor cannot afford representation. Lack of representation for the survivor coupled with a judge who may not have enough information about domestic violence can result in cases being handled inappropriately with devastating effects for the survivors and children.

Supporting Research or Models

The Morrison Institute for Public Policy is currently conducting a study of judges' attitudes about domestic violence. This is in follow-up to their research on attitudes of law enforcement about domestic violence. In that research, they found that many

law enforcement personnel have negative attitudes about domestic violence. Training has been implemented as a result. With the current research on judges, the Morrison Institute is finding that training for judges could be beneficial as well. Preliminary communication with the Supreme Court has indicated that such training would meet a current need.

Key Partners and Resources

The following categories are potential partners in this project:

- Advocacy agencies such as the Arizona Coalition Against Domestic Violence
- The Arizona Supreme Court
- Municipalities
- Government agencies focused on legal issues or domestic violence

Success Indicators

Successful implementation of a training program for judges will result in a better understanding of the dynamics of domestic violence as indicated by a pre- and post-test.

Next Steps

MAG staff has met with representatives from the Arizona Supreme Court. They will offer the following new training opportunities for judges about domestic violence:

- The mandatory orientation for new judges will feature domestic violence training. Week One will provide a case study about domestic violence and Week Two will feature one hour on domestic violence issues specifically.
- A full day of training on domestic violence will be offered on October 4, 2007, in conjunction with the Family Law Conference. If possible, additional information will be given at a plenary session at this event.
- The mandatory new rules training for all judges will feature information about domestic violence.
- The mandatory judicial conference will feature three hours on domestic violence training by the Arizona State Supreme Court Committee on the Impact of Domestic Violence on the Courts.

For more information

Please contact Missy Becker, Program Manager Education Services Division, Arizona State Supreme Court, mbecker@courts.az.gov.



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Youth and Crime

Name of Project

Juvenile Crime Reduction Campaign

Definitions

Youth: Minors under the age of 18, including those who are exposed to risk factors such as drugs, academic failure, family conflict and peers who encourage delinquent behavior.

Crime: According to Arizona Revised Statutes, a crime is a misdemeanor or a felony. Status offenses are crimes due to the person's age. If an adult committed that same act, then it would not be a crime, for example, truancy and curfew violations.

Overview

Arizona ranks third in the country for juvenile violent crime and fourth for juvenile property crime. Juveniles made up 13 percent of violent crime committed in 2005, with minority youth being disproportionately represented in the juvenile corrections system. With growing demands exceeding capacity in the county, the task force for the grassroots Juvenile Crime Reduction Campaign will seek to provide information and resources to communities where juveniles are at the greatest risk, with the goal of reducing and preventing crime.

Project Description

Develop a grassroots campaign to engage community members in juvenile crime reduction and prevention. This campaign will be designed to empower the community through education. Parents, families and communities will receive information about issues and resources for juveniles, with the goal of prevention and intervention of juvenile crimes.

Identified Need or Opportunity Addressed by Project

Summit participants identified education and the role of schools as well as substance abuse and lack of employment as needs to be addressed to prevent and reduce disproportional juvenile crime in communities. The group considered utilizing traditional family group decision-making models, education, and grass roots organizing to mobilize parents and families. If people are better informed of issues facing today's youth, this could lead to the prevention and intervention of juvenile crime. The diversity of the community can lend strength to this effort.

Supporting Research or Models

Two national best practices offer insight for how this project might be implemented. Children At Risk (CAR), a community based program dedicated to the prevention of offenses, substance abuse, gang activity, and other problem behaviors committed by high risk juveniles, offers compelling support for this approach. Delivered and tailored to five low-income, high crime cities (Austin, TX; Bridgeport, CT; Memphis TN; Savannah, GA; Seattle, WA), preventive measures included family counseling, family skills training, tutoring, after-school activities and case management. Studies of all five cities indicated that those who participated in a program were less likely to commit

violent juvenile crimes or use/sell drugs. They were also less likely to associate with delinquent peers and experienced less peer pressure to engage in juvenile crimes.

The Substance Abuse and Mental Health Services Administration “Communities That Care” (CTC) model, funded by the Office of Juvenile Justice and Delinquency Prevention, emphasizes the reduction of risk factors for juvenile crimes and enhances protective factors against delinquency. The multi-level planning process includes interventions that have demonstrated success by tailoring them to the community. This has established that the program helps mobilize communities in planning and implementing juvenile crime prevention programs on the basis of what works best for the community.

Key Partners and Resources

The members in the breakout group committed to participate in a task force to pilot the project.

Success Indicators

A successful pilot campaign will result in the reduction of juvenile crime in communities where juvenile crime rates are high and disproportionate confinement exists.

Next Steps

- Have summit participants reconvene as a task force for the pilot campaign.
- Recruit and confirm additional members for the task force.
- Develop the pilot project model.
- Secure funding as needed.
- Implement the pilot project.
- Evaluate, refine and expand the project.

For more information

Please contact Dennis Ichikawa, Arizona Field Offices and State Strategies Senior Director, Casey Family Programs, dichikawa@casey.org.



Aging and Development Disabilities



Name of Project

Developmental Disabilities and Aging Integration Project

Definitions

Aging: Persons age 60 or older.

Developmental disability: A severe chronic disability, attributable to cognitive disability, cerebral palsy, epilepsy or autism.

Overview

Thanks to better medical care, assistive devices and a better overall quality of life, people with developmental disabilities are living longer than ever before. According to the 2000 Census, there are 386,306 people aged 60 and over with some kind of developmental disability in the MAG region. This presents a significant challenge as the systems of care attempt to adjust. Seniors with developmental disabilities have different needs than seniors not impaired in this way and from younger people with developmental disabilities. The strain increases as people who have developmental disabilities are living with and trying to care for their aging parents. As both the adult children and their parents age, their needs intensify.

Project Description

Summit participants proposed to implement a pilot project to integrate persons with developmental disabilities over the age of 60 into senior centers, services and adult day centers. Caregivers will also benefit from respite, education, and training.

Identified Need or Opportunity Addressed by the Project

Because this is a relatively new area of service, there are few models that have demonstrated success in integrating aging people with developmental disabilities into the senior services arena. During the focus groups that informed the 2006 Regional Human Services Plan, people with developmental disabilities expressed great concern about being able to care for themselves and their parents as they aged. For many, they had never lived outside the home and did not know where they would go once their parents died. The parents were also very worried about who would care for their adult children in the long-term future. While very adept at addressing physical and sensory disabilities, the current senior service system has not been designed to meet the needs of people with developmental disabilities. Adjustments will need to be made to accommodate these special needs.

Supporting Research or Models

The Aging and Disability Resource Center is being developed by the Arizona Department of Economic Security to make information more readily accessible. This online service will be available in the next year. Some municipalities, such as the City of Tempe, have created an Americans with Disabilities Act (ADA) specialist position within the diversity office. This staff person works with external offices to educate the public and internally to develop projects and coordinate services. The Arizona Bridge to Independent Living, a private nonprofit agency, is working with many partners to

open a new facility in two years that will offer a variety of comprehensive services. This site will include services for seniors with developmental disabilities.

Key Partners and Resources

The following categories are potential partners in this project:

- Associations and agencies that address aging and developmental disabilities
- Municipalities
- Clients and consumers

Success Indicators

A successful pilot project will result in the integration of seniors with developmental disabilities into mainstream senior services, better utilization of funding and open communication between the two fields of aging and developmental disabilities.

Next Steps

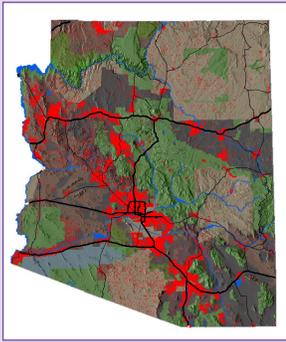
The Area Agency on Aging and the Division for Developmental Disabilities under the Arizona Department of Economic Security are meeting to develop the pilot project model.

- Recruit and confirm additional partners to assist in the pilot project.
- Secure funding as needed.
- Implement the pilot project.
- Evaluate, refine and expand the project.

For more information

Please contact Jim Knaut, Senior Vice President, Area Agency on Aging,
knaut@aaaphx.org





Community and Government/Population Growth and Human Services Capacity

The projects for these two workshops have been combined because they both address the need for a unified voice regarding human services. Both workshops found that rapid population growth, increasing needs and strained service delivery systems create a crisis for human services in the region. This crisis must be met with careful and deliberate strategies that unify all human services. By working together, we can elevate the community's understanding for and appreciation of human services.

Name of Project

Human Services Unification Project

Definitions

Community: A group of people who live in the same area, who may have a common background or shared interests within a society.

Government: The political direction and control exercised over the actions of the members, citizens, or inhabitants of communities, societies, and states; direction of the affairs of a state, community, etc.; political administration.

Population Growth: Percentage and absolute population growth. Maricopa County is the fourth most populous in the United States and has added more than 600,000 people between 2000 and 2005. Phoenix is the fifth largest city in the United States and between 2000 and 2005 added almost 150,000 people.

Human Services Capacity: The ability of a region to deliver human services and assistance that people need to maintain their quality of life. Also a measure of the performance and impact of services rendered.

Overview

The following three factors dramatically shape regional human services planning. First, the quickly changing dynamics of the region challenge municipalities and agencies to develop and maintain responsive plans and services. Second, as new issues emerge and needs increase, the strain already felt by human services agencies and municipalities to respond increases. Third, while there are many rich voices in the human services arena, there is not a unified message within the region for human services. These challenges limit the effectiveness of current efforts to meet human services needs. Developing a unified vision will help raise the profile of human services, protect resources dedicated to human services, inform the planning process, and more effectively meet the needs of the community.

Project Description

Implement a marketing campaign and outreach plan that will increase awareness about the importance of human services. This will be done to raise the profile of human services. The campaign will also work to protect funding for human services programs and to promote collaboration among agencies to maximize the funding currently available.

Identified Need or Opportunity Addressed by the Project

Factors such as limited resources and competing interests can make sustainable funding for human services difficult to achieve. The public may not understand or have empathy for people who access human services programs. The people who do receive services often are not engaged by the political process. This makes outreach based on accurate data and common needs a critical activity. If human services providers can rally around a unified vision, then the general public can be better informed. This will help to make funding more sustainable and available for the communities' residents in need.

Supporting Research or Models

Human services agencies report an increasingly limited ability to meet the needs that exists in the region. The unmet needs continue to grow as the population increases. The October 2006 Arizona Town Hall describes some of the infrastructure challenges wrought by the region's rapid population growth. One of the recommendations resulting from the Town Hall calls for a long-term human services plan to serve as a blueprint for municipalities, a benchmark of success, a stabilizing factor in turbulent times and a call to action for the public. With a clarified vision and voice, we can better mobilize support from the community to ensure that life-enhancing services continue.

Key Partners and Resources

The following categories are potential partners in this project:

- Funders
- Chambers of Commerce
- Municipalities
- Government, nonprofit and faith-based agencies
- Media
- Advocacy agencies

Success Indicators

Successful implementation will result in more stable support, funding and resources for human services and more collaboration among providers.

Next Steps

Protecting Arizona's Family Coalition (PAFCO) will work with community partners to establish an agenda addressing the diverse needs within human services. The same document will present solutions. This unified voice will pro-actively champion human services and provide tools for affecting change. PAFCO will raise awareness about this effort by engaging the media, community partners and the legislature.

For more information

Please contact Timothy Schmaltz, Coordinator/CEO, Protecting Arizona's Family Coalition, at tim@pafcoalition.org.



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Aging and Housing

Name of Project

Housing and Aging Summit and Development of a Blue Ribbon Committee

Definitions

Aging: Persons aged 60 or older.

Housing: Buildings or other facilities where people live. There is a need to ensure that a variety of housing options are affordable, or no more than 30 percent of a person's income, and accessible for people with limited physical ability.

Overview

People aged 60 and over represent 11 percent of the population. This number is expected to double by 2025. As people age, their physical, sensory and sometimes cognitive abilities can deteriorate. This means housing must be adapted to meet these emerging needs. There has been new emphasis on providing appropriate, affordable housing within each community. This will ensure that people can live safely in their own homes for as long as possible, thereby creating naturally occurring retirement communities. Research indicates that aging in place is the highest choice and priority for most seniors.

Project Description

Host a summit on aging and housing in order to gather input and community support to develop a model of housing options for older adults that can be replicated throughout our communities. Workshop participants also proposed to form a committee that could address this topic throughout the year on an ongoing basis.

Identified Need or Opportunity Addressed by the Project

As more people reach age 60 and older, they will need more information about housing options available to them. This conference will raise awareness about the variety of choices and help to coordinate communication and information about resources. When people do not live independently in their own homes, they are more likely to rely on expensive services like nursing homes and assisted care facilities. As medical costs increase, many older adults are forced to choose between paying for housing or medicine critical to their health. The homeless community has witnessed a significant influx of older adults living on the streets because they choose to pay for their medication and lose their homes as a result.

With such a large number of people reaching this age range in the years ahead, this will become an important community issue. As the ratio of working Americans to retired Americans will drop from five working Americans to one retired American down to two working Americans for every retiree, the region will be more strained to effectively address this issue. The ability of the region to truly meet this need will have indelible affects on older adults living within our communities.

Supporting Research or Models

According to the Joint Center for Housing Studies of Harvard University, the range of



housing options needs to be fully explored and communicated so people can make appropriate choices. When housing options are limited to expensive nursing homes or the decreasing feasibility of remaining in one's own home, older adults may suffer from overcare or undercare. Overcare creates increased dependence on unnecessary treatments and quality of life diminishes. When a person receives more care than needed, this often results in learned helplessness. The corresponding loss in mobility and freedom can exacerbate depression and confusion.

Undercare, or not receiving enough care, results in increased health problems and safety risks which also negatively affect quality of life. When a person does not receive the support they need at home, this affects the quality of the housing stock. Preventative home maintenance can save thousands of dollars. In-home services, such as home delivered meals and personal care, can enhance the independence of older adults for years. Instead of moving to a facility, an older adult can remain in their own home with such appropriate modifications made. Doing so will help older adults to maintain their social network and to limit the trauma associated with difficult transitions.

Key Partners and Resources

The following categories are potential partners in this project:

- Funders
- Real estate and housing developers
- Faith-based organizations
- Private nonprofit agencies
- Universities
- Advocacy groups
- Public entities

Success Indicators

The creation of more accessible housing for older adults, increased community collaboration as well as more information available on the Internet for ease of access will demonstrate success of this project.

Next Steps

- MAG will add housing to the planned special needs transportation conference scheduled for June 2008.
- Recruit and confirm speakers on both topics and how they intersect.
- Market and facilitate the event.
- Explore ways MAG can assist a committee with a community partner.

For more information

Please contact Amy St. Peter, Human Services Manager, Maricopa Association of Governments at astpeter@mag.maricopa.gov.



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Homelessness and Domestic Violence

Name of Project
Home Safe Campaign

Definitions

Homelessness: Individuals, families, and youth who lack a fixed, regular nighttime residence or who reside in institutions, shelters, or in a place not meant for human habitation.

Domestic Violence: A pattern of behavior used to establish power and control over another person, with whom an intimate relationship is or has been shared, through fear and intimidation, often including the threat or use of violence.

Overview

Homelessness and domestic violence are inextricably linked. While funding streams and programs are often very distinct, the people served are often the same. Many domestic violence survivors become homeless when they leave their abuser. Conversely, many homeless people become victims of abuse at the hands of their partners. If more survivors of domestic violence can secure safe housing, then this will help stabilize them as well as make current shelter beds more available to those still in need. Barriers such as crime-free housing regulations, limited supplies of affordable housing and low incomes all exacerbate this dilemma.

Project Description

The Home Safe Campaign will help prevent domestic violence survivors from becoming homeless by preparing them to secure housing. This will be done by providing domestic violence shelter staff information about housing rights and how to attain financial stability. This will help survivors access safe housing at a rate they can afford.

Identified Need or Opportunity Addressed by Project

Domestic violence survivors are at great risk for becoming homeless. MAG completed a survey of domestic violence survivors in 2005 and discovered that many lived on the streets, in unsafe and/or temporary housing until they were able to access shelter. Fleeing from the abuser often places survivors in living arrangements that are just as dangerous. This study demonstrates that more needs to be done to safely house domestic violence survivors when they leave their abuser.

There is also a danger that survivors could become homeless even before they leave their abuser. Many landlords will evict a family for domestic violence or calls made to the police. This leaves the survivor as well as the abuser with nowhere to go.

Even when survivors can access shelter, many face difficulty when trying to secure housing upon exit from the shelter. For many survivors, they are not earning enough money to secure safe housing at an affordable rate. This can compel a victim to return to the abuser or live on the streets. Focus groups conducted with survivors indicated that housing is a primary concern. The majority said they could find a job and secure an education on their own, but they needed assistance with housing. Some



have police records as a result of the domestic violence and cannot enter crime-free housing. This eliminates options at a critical juncture.

Supporting Research or Models

MAG completed a study of the capacity of domestic violence shelters in 2005. The report, *“The Need for Increased Domestic Violence Shelter in the MAG Region,”* was published in January 2006. Surveys were administered by all nine local domestic violence shelters to all current clients as well as people calling to request shelter. The findings demonstrated that when the survivors who were surveyed could not access shelter, 23 percent stayed with their abuser, 26 percent stayed with a friend, 23 percent stayed with a family member, and 30 percent stayed in a hotel or on the streets. The U.S. Department of Education considers temporary arrangements such as staying with friends and family (49 percent) as being homeless.

Thirty percent of those surveyed qualified as being homeless under the more stringent U.S. Department of Housing and Urban Development definition and were actually living on the streets. The remaining 23 percent staying with their abuser were not homeless but were living in extreme danger of further harm or death. In sum, people who were denied shelter lived in conditions that were unsafe such as being homeless, or violent, because they remained with their abuser. This research clearly illustrates the link between domestic violence and homelessness.

Key Partners and Resources

The following key partners and resources were identified:

- Advocacy organizations such as the Arizona Coalition Against Domestic Violence
- Local domestic violence shelter and service providers
- Faith-based organizations
- Financial institutions
- Homeless service providers
- Local police departments
- Local fire departments
- Municipalities
- Housing associations

Success Indicators

Pre- and post-testing of survivors regarding knowledge about financial stability and housing will indicate the effectiveness of the curricula changes.

Next Steps

- The Arizona Coalition Against Domestic Violence will recruit and confirm partners to assist in the project.
- Review curricula developed for domestic violence survivors and assess effectiveness of the financial stability and housing components.
- Make changes to the curricula as needed in partnership with the agencies offering the education.
- Implement the revised curricula and conduct pre- and post-testing.
- Evaluate the effectiveness and make changes as necessary.

For more information

Please contact Betty McEntire, Training Coordinator, Arizona Coalition Against Domestic Violence, at tc3@azcadv.org



Affordable Housing and Transportation

Name of Project

Affordable Housing and Transportation Civic Education Campaign

Definitions

Affordable housing: The generally accepted definition of affordability is for a household to pay no more than 30 percent of its annual income on housing.

Transportation: Modes of conveyance including private vehicles, taxis and shuttles, public transportation, bicycles, and walking. Essentially, access to reliable, affordable transportation greatly impacts one's quality of life and connection with the community.

Overview

"Drive until you qualify" is increasingly being heard as the answer to rising housing costs in the Phoenix metro area. Families and older adults especially are moving to the fringes of the region in order to access more affordable housing. Most people do not take into account the costs of transportation in dollars, time and vehicle use.

Project Description

A civic information campaign will increase awareness about the relationship between transportation and housing. The ideology of live, work and play is an important part of the strategy. This will change perspectives and break down paradigms to encourage more informed choices. This is done by researching best practices and putting a face on the issue.

Identified Need or Opportunity Addressed by Project

Summit participants acknowledged that the market responds to what people want. If people want houses with more land at cheaper prices, then developers will locate new subdivisions farther from the core of the region. If the priority becomes proximity to employment and services, this can result in the development of higher density housing more centrally located. The group looked to successful social marketing campaigns that changed the public's attitudes about water usage and smoking. If the community can be better informed about the relationship between housing and transportation, their shift in attitude will shift the market in ways that best meet people's needs.

Supporting Research or Models

According to the national Center for Housing, the average family spends 57 percent of its income on housing and transportation costs combined. Those who spend less on housing typically spend more on transportation. The reverse is also true. As one spends more on housing, transportation costs decline. In Phoenix, the typical household spends 27 percent of their income on housing and 30 percent on transportation. Moderate income households living in suburban areas can have very few transportation options as public transit often has a limited presence there. In Phoenix, 89 percent of commuters use their private vehicle with a mere three percent taking public transit.

The City of Goodyear has a campaign to "live, work and play" in Goodyear. This



model could be expanded to encourage the same of residents in other municipalities. This campaign also presents a challenge to local governments to align economic and housing development.

Key Partners and Resources

The following categories are potential partners in this project:

- Developers
- Elected officials and municipalities
- Agencies that develop affordable housing or related policy and research

Success Indicators

A successful civic education campaign will result in people making better informed choices about housing and transportation. As a result, their choices will be more closely aligned with their lifestyles and they will experience fewer unintended consequences.

Next Steps

- The Arizona Department of Housing has prepared a presentation through the new Center for Affordable Housing and Livable Communities. This will be presented at the Rural Conference in the fall of 2007.
- The Arizona Housing Commission will receive the presentation and will be encouraged to offer the presentation statewide.
- The Arizona Department of Housing will address transit-oriented development by encouraging thoughtful development of housing along key alternative transportation routes such as rail and bus lines.
- The Arizona Community Foundation is sponsoring research about the effects of commutes on social issues such as health and family life. This effort will be supported through the Foundation's recoverable grant pool for affordable housing.
- Local Initiatives Support Corporation (LISC) Phoenix is undertaking an initiative called Building Livable Neighborhoods in Metro Phoenix. Through this effort, LISC will develop a presentation tool and workshop strategy that engages community organizations and civic leaders in discussions of realistic solutions and realistic designs for building sustainable, affordable and healthy neighborhoods.

For more information

Please contact Fred Karnas, Administrator for the Center for Affordable Housing and Livable Communities, Arizona Department of Housing, fredk@housingaz.com. For more information about the proposed research on the effects of commutes, please contact Jacky Alling, Senior Program Officer, Arizona Community Foundation, jalling@azfoundation.org. For more information about LISC's activities, please contact Teresa Brice, Executive Director, LISC Phoenix, at TBrice@lisc.org.



2007 REGIONAL HUMAN SERVICES SUMMIT REPORT



Homelessness and Mental Illness

Name of Project

Maintaining Housing and Self-Sufficiency

Definitions

Homelessness: Individuals, families, and youth who lack a fixed, regular nighttime residence or who reside in institutions, shelters, or in a place not meant for human habitation.

Mental Illness: An abnormal mental condition or disorder associated with significant stress or dysfunction; cognitive, emotional, behavioral and interpersonal impairments.

Overview

There is considerable overlap between people who are homeless and people who experience mental illness. There can be a gap, however, between the programs serving these populations. According to recent research conducted by the agency Homeward, nearly half the people admitted to the psychiatric hospital were also in the Homeless Management Information System. The report indicates that homeless people were much more likely to have mental illness than substance abuse. Living on the streets greatly exacerbates mental illness due to the instability of the environment, isolation, poor nutrition and healthcare, increased likelihood of violence and lack of medication. Providers in each system report limited communication and misinformation between the two fields.

Project Description

Create a handbook about specific eligibility factors and a corresponding training to better inform homeless and mental health providers about each other's programs. This will build collaborative relationships and improve services.

Identified Need or Opportunity Addressed by Project

Lack of coordination between homeless assistance programs and the mental health community results in wasted resources financially, missed opportunities, and even harm as people remain on the streets. For example, lack of clarity about eligibility causes inappropriate referrals to be made from one system to the other. This slows access and frustrates everyone involved. It can be very difficult to engage mentally ill homeless people. If an opportunity is lost, another may not manifest. That means the person will remain homeless at great personal and societal cost.

Key Partners and Resources

The following key partners and resources were identified:

- Mental health community
- Homeless assistance programs

Success Indicators

Improved collaboration among homeless providers and behavioral health providers will result in clients remaining in housing for longer periods of time. They will report an increase in their self-sufficiency and satisfaction with services.

Next Steps

- Identify accurate eligibility factors and target populations best served by local providers of shelter and services in the homelessness and behavioral health field. Include useful practices in helping clients access programs.
- Organize this information into a comprehensive handbook and distribute it throughout the community.
- Develop a training based on the handbook and present it to local groups of providers.
- Develop a system to update the information annually.

For more information

Please contact David Bridge, Chief Administrative Officer, Central Arizona Shelter Services, Inc., dbridge@cass-az.org.





2007 REGIONAL HUMAN SERVICES SUMMIT

REGIONAL HUMAN SERVICES SUMMIT REPORT

Conclusion

The Maricopa Association of Governments thanks everyone who helped make the summit a success. We are grateful for the summit speakers—Mayor Mary Manross of Scottsdale, Mayor Marie Lopez Rogers of Avondale and Councilmember Greg Stanton of Phoenix—who helped to inspire the participants. Without the generous support of our sponsors, this event would not have been possible. This includes ValueOptions of Arizona, Arizona State University’s College of Human Services, SRP, APS, and the Arizona Department of Economic Security, Arizona Human Services Providers.

We offer a special thanks to all the participants, especially the facilitators of the workshops whose leadership resulted in the projects. The facilitators included:

- **Allie Bones**, *former State Homeless Coordinator and Program Manager, Arizona Department of Economic Security.*
- **Judith Fritsch**, *Program Administrator, Office of Community Partnerships and Innovative Practices, Arizona Department of Economic Security.*
- **Donald P. Keuth**, *President, Phoenix Community Alliance.*
- **Susan Hallett**, *Program Administrator, Office of Community Partnerships and Innovative Practices, Arizona Department of Economic Security.*
- **Bill Hart**, *Senior Research Analyst at Morrison Institute of Public Policy, Arizona State University.*
- **Steve Hastings**, *Chief of Real Estate Services, Foundation for Senior Living.*
- **Dennis Ichikawa, J.D.**, *Field Office and State Strategies Director, Casey Family Programs in Arizona.*
- **Bill Kennard**, *Executive Director of Recovery and Rehabilitation Systems Innovations, ValueOptions of Arizona.*
- **Jim Knaut**, *Senior Vice President, Area Agency on Aging, Region One.*
- **Carol Kratz**, *Senior Program Officer, The Virginia G. Piper Charitable Trust.*
- **Betty McEntire**, *Training Coordinator, Arizona Coalition Against Domestic Violence.*
- **Jeff Romine**, *Senior Regional Economist, Maricopa Association of Governments.*
- **Shannon Scutari**, *Policy Advisor for Growth and Infrastructure, Governor’s Office.*
- **Jacki Taylor, MC**, *Executive Director, Arizona Coalition to End Homelessness.*
- **Wayne Tormala**, *Community Initiatives Coordinator, City of Phoenix.*
- **Margaret Trujillo**, *Owner, Margaret Trujillo and Associates.*
- **Minnie Williams**, *Support Coordination Program Manager, Arizona Department of Economic Security, Division of Developmental Disabilities.*

Acknowledgments

We are indebted to all the providers and volunteers who toil on the front lines every day. Due to your steadfast commitment and ongoing efforts, people's lives are improved and communities are strengthened. Plans are made and projects are developed during events like this, but the real test comes with implementation. Thank you in advance for your support of these projects, but more importantly, for all that you do for those needing a second chance.

MAG Regional Council Members

- Mayor James M. Cavanaugh**
Goodyear, *Chair*
- Mayor Mary Manross**
Scottsdale, *Vice Chair*
- Councilmember Peggy Neely**
Phoenix, *Treasurer*
- Mayor Marie Lopez Rogers**
Avondale, *At-Large Member*
- Mayor Steve Berman**
Gilbert, *At-Large Member*
- Mayor Tom Schoaf**
Litchfield Park, *At-Large Member*
- Mayor Keno Hawker**
Mesa, *Past Chair*
- Councilmember Robin Barker**
Apache Junction
- Mayor Bobby Bryant**
Buckeye
- Mayor Wayne Fulcher**
Carefree
- Councilmember Dick Esser**
Cave Creek
- Mayor Boyd Dunn**
Chandler
- Mayor Fred Waterman**
El Mirage
- President Raphael Bear**
Fort McDowell Yavapai Nation
- Mayor Wally Nichols**
Fountain Hills
- Mayor Fred Hull**
Gila Bend
- Governor William Rhodes**
Gila River Indian Community
- Mayor Elaine M. Scruggs**
Glendale
- Mayor Bernadette Jimenez**
Guadalupe
- Supervisor Don Stapley**
Maricopa County
- Mayor Ed Winkler**
Paradise Valley
- Mayor Bob Barrett**
Peoria
- Mayor Art Sanders**
Queen Creek
- President Diane Enos**
Salt River Pima-Maricopa I.C.
- Mayor Joan Shafer**
Surprise
- Mayor Hugh Hallman**
Tempe
- Mayor Adolfo Gamez**
Tolleson
- Mayor Ron Badowski**
Wickenburg
- Mayor Michael LeVault**
Youngtown
- Joe Lane and Felipe Zubia**
Arizona Department of Transportation
- F. Rockne Arnett**
CTOC

Human Services Coordinating Committee

- Mayor Marie Lopez Rogers**
Avondale, *Chair*
- Councilmember Kyle Jones**
Mesa, *Vice Chair*
- Councilmember Trinity Donovan**
Chandler
- Councilmember Roy Delgado**
El Mirage
- Vice Mayor Dave Crozier**
Gilbert
- Vice Mayor Manuel Martinez**
Glendale
- Vice Mayor Rob Antoniak**
Goodyear
- Supervisor Mary Rose Wilcox**
Maricopa County
- Mayor Joan Shafer**
Surprise
- Councilmember Onnie Shekerjian**
Tempe
- Jim McCabe**
Area Agency on Aging
- Susan Hallett**
Arizona Department of Economic Security
- Carol McCormack**
Mesa United Way
- Leslie Evans**
Tempe Community Council
- Donna Reid**
Scottsdale Human Services Commission

Management Committee

- Jan Dolan**
Scottsdale, *Chair*
- Charlie McClendon**
Avondale, *Vice Chair*
- George Hoffman**
Apache Junction
- Dave Wilcox**
Buckeye
- Jonathan Pearson**
Carefree
- Usama Abujbarah**
Cave Creek
- Mark Pentz**
Chandler
- B. J. Cornwall**
El Mirage
- Alfonso Rodriguez**
Fort McDowell Yavapai Nation
- Tim Pickering**
Fountain Hills
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Gila Bend
- Joseph Manuel**
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- Bryan Meyers**
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- Jim Rumpeltes**
Surprise
- Jeff Kulaga**
Tempe
- Reyes Medrano**
Tolleson
- Gary Edwards**
Wickenburg
- Lloyce Robinson**
Youngtown
- Victor Mendez**
Arizona Department of Transportation
- Dave Boggs**
RPTA



2007 REGIONAL HUMAN SERVICES SUMMIT REPORT



The Maricopa Association of Governments would like to thank the following sponsors for their generous contributions to the 2007 Regional Human Services Summit:



ValueOptions of Arizona sponsored breakfast, lunch, and raffle items for conference participants.



Arizona State University, College of Human Services sponsored a portion of the facility charges, assisted with logistics and provided volunteers to help staff the workshops.



SRP sponsored the conference gifts for participants.



APS sponsored the honorarium for the keynote speaker.



The Arizona Department of Economic Security sponsored the printed materials as well as lodging for the speaker.



The Arizona Council of Human Service Providers sponsored the Continuing Education Units (CEU) for summit participants.

Thank you for helping to make this event a success!

MARICOPA ASSOCIATION OF GOVERNMENTS INFORMATION SUMMARY...for your review

DATE:

October 16, 2007

SUBJECT:

FY 2008 MAG Early Phase Public Input Opportunity

SUMMARY:

The Maricopa Association of Governments (MAG) conducts a four-phase public involvement process: Early Phase, Mid-Phase, Final Phase and Continuous Involvement. The FY 2008 Early Phase Input Opportunity was conducted from August 2007 through September 2007 and provides initial opportunity for input on a draft listing of projects that eventually make up the Draft FY 2009-2013 Transportation Improvement Program (TIP) and any draft update to the Regional Transportation Plan. During the Early Phase Public Input Opportunity, MAG participated in and cosponsored events with the Arizona Department of Transportation (ADOT), Regional Public Transportation Authority (Valley Metro), Valley Metro Rail (METRO) and City of Phoenix Public Transit Department. Various forums for input were used during the FY 2008 Early Phase Input Opportunity. MAG received public comment at all MAG policy committees during the phase. In addition, MAG also received comment via telephone and online correspondence.

On Thursday, August 16, 2007, MAG staffed a booth at the Independent Living Summit. Staff was available to answer questions and respond to comments. Information was translated into Braille for blind attendees of the Summit. On Friday, August 17, 2007, MAG held an Early Phase Stakeholders meeting. Approximately 60 people attended from the public and private sector, including several Valley residents interested in transportation planning. Staff from ADOT, Valley Metro and METRO provided presentations and public comment was received. On Wednesday, August 29, 2007, MAG staffed a booth at ADOT's I-17 Construction Open House. Staff received comments and responded to questions regarding I-17 construction. On Friday, September 7, 2007, MAG staffed a booth at the National Federation of the Blind of Arizona statewide conference. Staff was on hand to answer questions and respond to comments. Information was translated into Braille for conference attendees. On Thursday, September 14 and Friday, September 15, 2007, MAG staffed a booth at the Hispanic Women's Conference. MAG staff distributed a MAG Awareness survey, answered questions and responded to comments related to the Valley's transportation system.

PUBLIC INPUT:

Input was received throughout the Early Phase Input Opportunity and is included in the attached Draft FY 2008 Early Phase Input Opportunity Report. No input was received on this item at the October 3, 2007, MAG Management Committee meeting.

PROS & CONS:

PROS: The FY 2008 Early Phase Public Input Opportunity provides initial opportunity for the public to provide comment on transportation plans and programs prior to approval of draft documents by MAG policy committees, in accordance with federal law. The input process also provides information regarding the meeting process, content, and results to participants, staff, decision makers, federal agencies and other interested parties.

CONS: None.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: This input will be considered in the development of the Draft FY 2009-2013 Transportation Improvement Program.

POLICY: The Early Phase process fulfills both the federal requirements and MAG policy, while the report conveys these results to policymakers. In December 2006, the MAG Regional Council approved a Public Participation Plan to guide the MAG public input process. This enhanced plan incorporated many of the previously-adopted public involvement guidelines set forth by the Regional Council in 1994 and enhanced in 1998.

ACTION NEEDED:

Information and discussion.

PRIOR COMMITTEE ACTIONS:

A presentation on the FY 2008 Early Phase Public Input Opportunity was provided to the MAG Management Committee on October 3, 2007.

MEMBERS ATTENDING

- | | |
|--|--|
| Jan Dolan, Scottsdale, Chair | Jim Nichols for Brian Dalke, Goodyear |
| Rogene Hill for Charlie McClendon,
Avondale, Vice Chair | * Mark Johnson, Guadalupe |
| # Bryant Powell for George Hoffman,
Apache Junction | Darryl Crossman, Litchfield Park |
| Jeanine Guy, Buckeye | Christopher Brady, Mesa |
| * Jon Pearson, Carefree | Tom Martinsen, Paradise Valley |
| * Usama Abujbarah, Cave Creek | Carl Swenson for Terry Ellis, Peoria |
| Mark Pentz, Chandler | Frank Fairbanks, Phoenix |
| Pat Dennis for B.J. Cornwall, El Mirage | John Kross, Queen Creek |
| Alfonso Rodriguez, Fort McDowell
Yavapai Nation | * Bryan Meyers, Salt River |
| Tim Pickering, Fountain Hills | Pima-Maricopa Indian Community |
| * Lynn Farmer, Gila Bend | Jim Rumpeltes, Surprise |
| * Joseph Manuel, Gila River
Indian Community | Jeff Kulaga, Tempe |
| George Pettit, Gilbert | * Reyes Medrano, Tolleson |
| Horatio Skeete for Ed Beasley,
Glendale | Gary Edwards, Wickenburg |
| | Lloyce Robinson, Youngtown |
| | Dale Buskirk for Victor Mendez, ADOT |
| | Kenny Harris for David Smith,
Maricopa County |
| | David Boggs, Valley Metro/RPTA |

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

CONTACT PERSON:

Jason Stephens, MAG Public Involvement Planner, (602) 254-6300.

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

DATE:

October 16, 2007

SUBJECT:

2007 Annual Report on the Status of the Implementation of Proposition 400

SUMMARY:

Arizona Revised Statute 28-6354 requires that MAG issue an annual report on the status of projects funded by the half-cent sales tax authorized by Proposition 400. The 2007 Annual Report is the third report in this series. State law also requires that MAG hold a public hearing on the report after it is issued. It is anticipated that a public hearing on the Draft 2007 Annual Report will be conducted in November 2007. MAG staff will report on the key findings and issues identified in the Draft 2007 Annual Report.

The Draft 2007 Annual Report on the Status of the Implementation of Proposition 400 addresses project construction status, project financing, changes to the MAG Regional Transportation Plan, and criteria used to develop priorities. In addition, background information is provided on the overall transportation planning, programming and financing process. All projects for the major transportation modes, as defined in the MAG Regional Transportation Plan, are being monitored, whether they specifically receive sales tax funding or not. The annual report process draws heavily on data from the Freeway/Highway, Arterial Street, and Transit Life Cycle Programs.

PUBLIC INPUT:

It is anticipated that a public hearing on the Draft 2007 Annual Report will be held in November 2007 at the MAG office.

PROS & CONS:

PROS: Preparation of the Annual Report on the Status of the Implementation of Proposition 400 is required by State law.

CONS: None.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: The information in the Annual Report represents a "snapshot" of the status of the Proposition 400 program. As new information becomes available, it will be incorporated into subsequent annual updates of the Report.

POLICY: The Annual Report process represents a valuable tool to monitor the Regional Transportation Plan and identify changing conditions that may require plan and program adjustments.

ACTION NEEDED:

Information and discussion.

PRIOR COMMITTEE ACTIONS:

Management Committee: The Draft 2007 Annual Report was included on the October 3, 2007 MAG Management Committee agenda for information and discussion.

MEMBERS ATTENDING

- Jan Dolan, Scottsdale, Chair
- Rogene Hill for Charlie McClendon, Avondale, Vice Chair
- # Bryant Powell for George Hoffman, Apache Junction
- Jeanine Guy, Buckeye
- * Jon Pearson, Carefree
- * Usama Abujbarah, Cave Creek
- Mark Pentz, Chandler
- Pat Dennis for B.J. Cornwall, El Mirage
- Alfonso Rodriguez, Fort McDowell Yavapai Nation
- Tim Pickering, Fountain Hills
- * Lynn Farmer, Gila Bend
- * Joseph Manuel, Gila River Indian Community
- George Pettit, Gilbert
- Horatio Skeete for Ed Beasley, Glendale

- Jim Nichols for Brian Dalke, Goodyear
- * Mark Johnson, Guadalupe
- Darryl Crossman, Litchfield Park
- Christopher Brady, Mesa
- Tom Martinsen, Paradise Valley
- Carl Swenson for Terry Ellis, Peoria
- Frank Fairbanks, Phoenix
- John Kross, Queen Creek
- * Bryan Meyers, Salt River Pima-Maricopa Indian Community
- Jim Rumpeltes, Surprise
- Jeff Kulaga, Tempe
- * Reyes Medrano, Tolleson
- Gary Edwards, Wickenburg
- Lloyce Robinson, Youngtown
- Dale Buskirk for Victor Mendez, ADOT
- Kenny Harris for David Smith, Maricopa Co.
- David Boggs, Valley Metro/RPTA

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

Transportation Review Committee: The Draft 2007 Annual Report was included on the MAG Transportation Review Committee agenda for September 27, 2007, for information and discussion.

MEMBERS ATTENDING

- Maricopa County: John Hauskins
- * ADOT: Dan Lance
- * Avondale: David Fitzhugh
- * Buckeye: Scott Lowe
- Chandler: Patrice Kraus
- El Mirage: Lance Calvert for B.J. Cornwall
- * Fountain Hills: Randy Harrel
- * Gila Bend: Lynn Farmer
- Gila River: David White
- Gilbert: Tami Ryall
- Glendale: Terry Johnson
- Goodyear: Cato Esquivel
- Guadalupe: Jim Ricker

- * Litchfield Park: Mike Cartsonis
- Mesa: Scott Butler for Jim Huling
- Paradise Valley: Robert M. Cicarelli
- Peoria: David Moody
- Phoenix: Don Herp for Tom Callow
- * Queen Creek: Mark Young
- RPTA: Bryan Jungwirth
- * Scottsdale: Mary O'Connor
- Surprise: Randy Overmyer
- Tempe: Carlos de Leon
- Valley Metro Rail: John Farry

EX-OFFICIO MEMBERS ATTENDING

- * Regional Bicycle Task Force: Randi Alcott
- * Street Committee: Darryl Crossman

- * Pedestrian Working Group: Eric Iwersen
- * ITS Committee: Alan Sanderson

- * Members neither present nor represented by proxy.

- + - Attended by Videoconference
- # - Attended by Audioconference

CONTACT PERSON:

Roger Herzog, MAG, (602) 254-6300

DRAFT 2007 ANNUAL REPORT ON THE STATUS OF THE IMPLEMENTATION OF PROPOSITION 400 SUMMARY OF FINDINGS AND ISSUES

The *Draft 2007 Annual Report on the Status of the Implementation of Proposition 400* has been prepared by the Maricopa Association of Governments (MAG) in response to Arizona Revised Statute (ARS) 28-6354. ARS 28-6354 requires that MAG annually issue a report on the status of projects funded through Proposition 400, addressing project construction status, project financing, changes to the MAG Regional Transportation Plan, and criteria used to develop priorities. In addition, background information is provided on the overall transportation planning, programming and financing process. The key findings and issues from the 2007 Annual Report are summarized below.

MAG REGIONAL TRANSPORTATION PLAN

The MAG Regional Transportation Plan (RTP) provides the blueprint for the implementation of Proposition 400. By Arizona State law, the revenues from the half-cent sales tax for transportation must be used on projects and programs identified in the RTP adopted by MAG. The RTP identifies specific projects and revenue allocations by transportation mode, including freeways and other routes on the State Highway System, major arterial streets, and public transportation systems.

- The 2007 Update of the RTP complies with new federal transportation planning regulations required after July 1, 2007.

On July 25, 2007, the MAG Regional Council approved the MAG RTP 2007 Update and the MAG FY 2008-2012 Transportation Improvement Program. The RTP 2007 Update was structured to comply with the regional transportation planning requirements of the Federal Safe, Accountable, Flexible, Efficient, Transportation Equity Act - A Legacy for Users (SAFETEA-LU). These requirements must be met for plans adopted or amended after July 1, 2007. The RTP 2007 Update addresses several new topics to respond to SAFETEA-LU, including consultation on environmental mitigation and resource conservation, transportation security, and an updated public participation process.

- A major amendment to delete State Route (SR) 153/Sky Harbor Expressway from the RTP was approved by the MAG Regional Council, contingent upon air quality conformity analysis.

During FY 2007, a major amendment to the RTP was proposed to delete State Route (SR) 153/Sky Harbor Expressway from the RTP, and shift the available funding to improvements on SR 143/Hohokam Expressway. This proposal resulted

from recent analyses that indicate that the original concept for SR 153 as a connector to I-10 at 40th Street no longer would be effective. On July 25, 2007, the MAG Regional Council approved the proposed amendment, after completion of a thirty-day review period and agency consultation as set forth in Arizona Revised Statute (A.R.S.) 28-6353. This approval is contingent upon air quality conformity analysis of the amendment, which will occur later in 2007.

- Project phasing for the development of the Northwest Extension of the light rail transit (LRT) system was adjusted.

As part of the 2007 Update of the RTP, the LRT Northwest Extension will be implemented in two phases instead of a single project. The first phase will be from 19th Ave./Bethany Home Rd. to Dunlap Ave. (completion in 2012), and the second phase will be from Dunlap Ave. to 25th Ave./Mountain View Rd. (completion 2017). These changes were implemented to maintain flexibility relative to other future extensions of the LRT system and provide for the more efficient use of federal CMAQ funds.

- Work continued on the transportation framework studies.

During FY 2007, work continued on two transportation framework studies, covering the West Valley and parts of Pinal County. The findings of these studies, which are anticipated in FY 2008, will be a resource for possible adjustment and expansion of the RTP, as part of future updates of the Plan. In addition, during FY 2007 work was initiated on "Building a Quality Arizona: Statewide Intrastate Mobility Reconnaissance Study for the State of Arizona." MAG is managing this study as a partner with the Arizona Department of Transportation (ADOT), as well as the Councils of Governments and Metropolitan Planning Organizations covering all of Arizona.

- The 2007 Update of the RTP meets air quality conformity requirements.

MAG conducted a technical air quality analysis that demonstrated that the 2007 RTP Update and the MAG FY 2008-2012 Transportation Improvement Program meet the air quality conformity requirements of applicable state and federal air quality implementation plans. The U.S. Department of Transportation, in coordination with the U.S. Environmental Protection Agency, concurred with this finding on August 16, 2007.

HALF-CENT SALES TAX AND OTHER TRANSPORTATION REVENUES

The half-cent sales tax for transportation approved through Proposition 400 is the major funding source for the MAG Regional Transportation Plan (RTP), providing more than half the revenues for the Plan. In addition to the half-cent sales tax, there are a number of other RTP funding sources, which are primarily from state and federal agencies.

- Fiscal Year 2007 receipts from the Proposition 400 half-cent sales tax were 6.7 percent higher than the full year receipts from the half-cent tax in FY 2006.

During FY 2007, receipts from the Proposition 400 half-cent sales for transportation totaled \$391 million. This amount is 6.7 percent higher than the full year receipts from the half-cent tax in FY 2006. (During the first half of FY 2006, the half-cent tax was implemented under Proposition 300.) The growth in receipts on a monthly basis between FY 2006 and 2007 has slowed from 10.9 percent in July 2006 to 1.0 percent in June 2007.

- Forecasts of Proposition 400 half-cent revenues are 5.5 percent higher for the period FY 2008 through FY 2026, compared to the 2006 Annual Report.

Future half-cent revenues for the period FY 2008 through FY 2026 are forecasted to total \$14.4 billion. This amount is 5.5 percent higher than the forecast for the same period presented in the 2006 Annual Report. ADOT will update the half-cent forecasts in the latter part of calendar 2007, taking into account recent slowing in revenue growth as appropriate.

- Forecasts of ADOT Funds dedicated to the MAG area for FY 2008 through FY 2026 are 2.2 percent higher than the 2006 Annual Report estimate.

The forecast for ADOT funds totals \$7.8 billion for FY 2008 through FY 2026, which is 2.2 percent greater than the 2006 Annual Report forecast. This funding source represents nearly one-half of the total funding for the Freeway/Highway Life Cycle Program.

- Forecasts of MAG Federal Transportation Funds for FY 2008 through FY 2026 are unchanged from the 2006 Annual Report estimate.

MAG Federal Transportation Funds for FY 2008 through FY 2026 are forecasted to total \$5.5 billion. This estimate is unchanged from the amount projected in the 2006 Annual Report. These funding sources have been allocated to both transit and highway projects in the Regional Transportation Plan.

- STAN funding was revised by the Legislature to include reimbursement for interest expenses.

As part of the FY 2008 state budget, the Arizona State Legislature transferred \$62 million from the State Highway Fund to the State Transportation Acceleration Needs (STAN) account. In House Bill 2793, the Legislature established a subaccount for the reimbursement of interest expenses incurred by or on behalf of a local jurisdiction for the acceleration of transportation projects. The bill allocated \$10 million from the \$31 million in funding given to the MAG region for this purpose.

FREEWAY/HIGHWAY LIFE CYCLE PROGRAM

The Freeway/Highway Life Cycle Program extends through FY 2026 and is maintained by ADOT to implement freeway/highway projects listed in the MAG RTP. The program utilizes funding from the Proposition 400 half-cent sales tax extension, as well as funding from state and federal revenue sources.

- The Red Mountain Freeway (Loop 202) was completed between University Dr. and US 60.

During FY 2007, construction on the Red Mountain Freeway (Loop 202) was completed on the north half of the system interchange with US 60, and on the segment between Southern Ave. and University Dr. These projects were opened to traffic in June 2007. The segment between University Dr. and Power Rd. was also under construction in FY 2007 and is anticipated to be open to traffic by Fall 2008. These projects represent the final segments in the Proposition 300 - Regional Freeway Program.

- Additional general purpose and HOV lanes on the Superstition Freeway (U.S. 60) were completed between Gilbert Rd. and Power Rd.

Construction of addition general purpose and high occupancy vehicle (HOV) lanes from Gilbert Rd. to Power Rd. on the Superstition Freeway was completed in FY 2007, and opened to traffic June 2007.

- A number of major freeway/highway construction projects were advertised for bids during FY 2007.

During FY 2007, projects were advertised for bids covering:

- Higley Rd./US 60: (traffic interchange (TI) improvements
 - 43rdAve.-51st Ave./I-10: TI improvements
 - Carefree Hwy./I-17: TI improvements
 - Jomax Rd.-Dixileta Dr./I-17: New TI
 - 64th St./Loop 101: New TI
 - Bullard Ave./I-10: New TI
 - SR 51 (Shea Blvd. to Loop 101): New HOV lanes (including HOV ramp connections at Loop 101)
 - Loop 101 (Princess Dr. to Red Mountain Fwy.): New HOV lanes
 - SR 85 (MC 85 to Southern Ave. and MP 139.01 to 141.71): Widen to 4-lanes
 - SR 87 (Forest Bndry. to New Four Peaks Rd.): Road improvements
 - SR 93 (Wickenburg Bypass): New roadway
- Projects on a number of freeways were accelerated through the use of STAN funding.

On December 13, 2006, the MAG Regional Council approved a set of projects to be funded from the Statewide Transportation Acceleration Needs (STAN) Account. Specific projects advanced included:

- I-10 (Verrado Way to Sarival Ave.): General purpose lanes, advanced from 2023 to 2009.
 - I-17 (Anthem Way to Carefree Hwy.): General purpose lanes, advanced from 2024 to 2009.
 - Loop 101/Pima Fwy. (Tatum Blvd. to Princess Dr.): HOV lanes, advanced from 2011 to 2008.
 - Loop 101/Price Fwy. (Baseline Rd. to 202/Santan Fwy.): HOV lanes, advanced from 2010 to 2008.
 - Loop 303 (Bell Rd. TI): Partial interchange, advanced from 2011/15 to 2008.
 - Loop 303 (Cactus Rd. and Waddell Rd.): Bridge structures, advanced from 2011/15 to 2008.
 - SR 802/Williams Gateway Fwy. (202/Santan Fwy. to Meridian Rd.): Major right-of-way protection, advanced from 2016/20 to 2007.
- STAN funding was allocated to reimburse interest expenses in connection with the acceleration I-10 widening projects.

On September 6, 2007, the MAG Regional Council approved providing 70 percent (\$7 million) of the funding available through the STAN subaccount for interest reimbursement to participating West Valley cities for their share of the interest cost for the acceleration of widening projects on I-10 between Loop 303 and Loop 101. Thirty percent (\$3 million) was allocated to cover a portion of the regional share of interest costs for the acceleration of the projects.

- Estimated future costs for the Freeway/Highway Life Cycle Program are in balance with projected revenues.

For the remainder of the Freeway/Highway Life Cycle Program, which covers the period FY 2008 through FY 2026, projected revenues are in balance with estimated future projects costs, with revenues exceeding costs by approximately \$237 million. However, trends toward increasing project costs, which were reported in the both the 2005 and 2006 Annual Reports, continue to be an issue.

- Material cost increases were experienced for a number of FY 2007 projects and projects in the FY 2008-2026 Life Cycle Program.

During FY 2007, the MAG Regional Council approved cost increases requested by ADOT totaling \$204 million for freeway/highway projects, which were programmed for FY 2007. It was determined that the cost increases could be accommodated within available cash flow. Also, cost increases for certain projects in FY 2008-2026

resulted in an increase in the total program cost of \$740 million. These changes were included in the MAG RTP 2007 Update and the MAG FY 2008-2012 Transportation Improvement Program, which were approved by the MAG Regional Council on July 25, 2007.

- Project cost increases and extended environmental/design study schedules will have a substantial impact on the ability to deliver the Freeway/Highway Life Cycle Program within the originally anticipated schedule. This will require a review and possible adjustment of the Program in the near future.

During the past several years, major cost increases for the construction of roads, buildings and other capital facilities have been experienced in Arizona, and throughout the United States as well. While the rate of these increases has recently moderated somewhat, unit costs for right-of-way, construction materials, and project bids remain greatly in excess of what they were just a few years ago. To date, it has been possible to accommodate these cost increases, and estimated future costs are currently within projected revenues for the Freeway/Highway Life Cycle Program.

However, additional major cost increases are expected in the future, as scoping, design concepts, and environmental assessments are completed. Preliminary information from ongoing studies on the Loop 202 (South Mountain Freeway), Loop 303, SR 801 (I-10 Reliever) and the I-10 (Local/Express Lanes) indicate that the total cost of these projects could be in the range of \$2-3 billion more than the funding currently allocated to them in the Life Cycle Program. In addition to cost increases, the time required to complete environmental and design studies on the South Mountain Freeway and the I-10 Local/Express Lanes has been greater than originally anticipated. These factors will have a substantial impact on the ability to deliver the Freeway/Highway Life Cycle Program within the originally anticipated schedule. This will require a review and possible adjustment of the Program in the near future.

- There are a number of possible approaches, or combination of approaches, to address the potential imbalance between Freeway/Highway Life Cycle Program costs and revenues.

Maintaining the cost-revenue balance in the Freeway/Highway Life Cycle Program will represent a continuing challenge for the planning and programming process. This effort will require effective financing and cash flow management, phasing of project scopes, and Plan and Program adjustments as may be appropriate. Potential approaches to this issue include:

- Financial approaches that enhance revenues during the program period, such as more aggressive bonding of future revenues and public/private partnerships.

- Project phasing strategies that produce project scopes and designs that are in scale with available funding, so that plan elements can be implemented within future funding levels.
- Extension of the planning and programming period using adopted project priorities, which provides further funding for project implementation.

ARTERIAL STREET LIFE CYCLE PROGRAM

The Arterial Street Life Cycle Program (ALCP) extends through FY 2026 and is maintained by the Maricopa Association of Governments (MAG) to implement arterial street projects in the MAG RTP. The Program receives major funding from both the Proposition 400 half-cent sales tax and federal highway programs. Although MAG is charged with the responsibility of administering the overall program, the actual construction of projects is accomplished by local government agencies that provide funding to match regional level revenues.

- The Arterial Street Life Cycle Program Procedures and Project Listing were updated during FY 2007.

On December 13, 2006, MAG adopted changes to the ALCP Policies and Procedures to facilitate efficient administration of the Program. In addition, on June 27, 2007, the FY 2008 ALCP project listing was adopted to reflect updated information regarding project development status.

- During FY 2007, \$14 million in reimbursements were distributed to local governments from the ALCP, and work is continuing for reimbursements in FY 2008.

Three jurisdictions received reimbursements for project work during FY 2007 totaling over \$14 million. This brings the total reimbursements to \$21 million since the initiation of the Program. A total of sixteen project agreements were executed in FY 2007. This brings the total of project agreements to eighteen. It is anticipated that an additional 20 agreements will be executed during FY 2008. During FY 2008, it is anticipated that a total of six jurisdictions will receive reimbursements amounting to approximately \$75 million.

- Work will be proceeding on a broad range of projects in the ALCP.

During the period FY 2008 through FY 2012, work will be proceeding on 62 different arterial street segments. Various stages of work will be conducted on these projects, including 62 with design activity, 59 with right-of-way acquisition, and 46 with construction work at some time during the five-year period.

- The total estimated future regional revenue disbursements for ALCP projects are in balance with projected revenues.

For the remainder of the ALCP, which covers the period FY 2008 through FY 2026, projected revenues are in balance with estimated future projects disbursements, with revenues exceeding costs by approximately eleven percent through FY 2026. Since the ALCP is based on the principle of project budget caps, with a fixed amount of regional funding allocated to individual projects (on an inflation adjusted basis), it is anticipated that the balance between estimated future disbursements and projected revenues can be maintained in the future.

- Significant construction and right-of-way cost increases may result in some arterial street projects being reduced in scope or delayed.

Agencies implementing ALCP projects are continuing to encounter cost increase issues, as a result of the major cost increases for the construction that have been experienced throughout the United States. Since the regional funding contribution to ALCP projects remains fixed (adjusted for inflation), the share of total costs that must be borne by local jurisdictions has increased from 31.8 percent in 2005 to 42.2 percent in 2007. This raises questions regarding the ability of implementing agencies to provide the matching share for all the projects contained in the ALCP.

- MAG staff has taken steps to help facilitate the processing of federally funded ALCP projects.

Concerns have been raised regarding the potential effects of the Federal aid process on project implementation schedules. During FY 2007, MAG staff has worked closely with ADOT to improve this process and will do so on a continuing basis. In addition, MAG staff has conducted a series of workshops with local agencies aimed at enhancing local agency familiarity with federal funding procedures, and has established a website to assist local agencies to track the status of federal aid projects and obtain detailed information on project processing procedures.

TRANSIT LIFE CYCLE PROGRAM

The Transit Life Cycle Program is maintained by the Regional Public Transportation Authority (RPTA) and implements transit projects in the MAG RTP. The RPTA maintains responsibility for administering half-cent revenues deposited in the Public Transportation Fund for use on transit projects, including light rail transit (LRT) projects. Although RPTA maintains responsibility for the distribution of half-cent funds for light rail projects, the nonprofit corporation of Valley Metro Rail, Inc., was created to oversee the design, construction and operation of the light rail starter segment, as well as future corridor extensions to the system.

- New express and Supergrid bus routes were added to the system.

On July 23, 2007, two additional express routes and two Supergrid routes began service. Route 572, (Surprise/Scottsdale Express) began service between Bullard

Ave. and the Scottsdale Airpark via Bell Rd. and Loop 101. Route 573 (North Glendale Express) began service between North Glendale and downtown Phoenix via Loop 101 and I-10. Both routes operate bi-directionally with both in-bound and outbound trips during the morning and afternoon peak travel periods. The two Supergrid routes included Route 156 (Chandler Boulevard), which was extended east to Williams Gateway Airport in Mesa, and Route 70, (Glendale/24th St.), which was extended west to Luke Air Force Base. Both Supergrid routes feature consistent levels of service across all served jurisdictions, which is made possible by funding from Proposition 400. These routes were in addition to Route 72 (Scottsdale/Rural Rd.), which was initiated in July 2006.

Rural connector service has also been initiated. One route, Route 685, operates between Gila Bend and West Phoenix and was initiated in FY 2006. The second route, Route 660, operates between Wickenburg and Glendale and was initiated in FY 2007.

- Work is continuing on schedule for the construction of the light rail transit (LRT) minimum operating segment (MOS).

This facility will extend from Spectrum/Christown Mall to West Mesa. Construction and system testing and start-up are scheduled to be completed in 2008. Service is scheduled to begin for the entire system in December 2008. Half-cent sales tax money from Proposition 400 will not be utilized to pay for major route construction of the MOS, but is allocated toward certain elements of the support infrastructure (regional park-and-rides, bridges, vehicles, and for the cost to relocate utilities).

- The LRT Northwest Extension will be implemented in two phases.

After considerable study, the City of Phoenix asked Valley Metro Rail to break the construction of the Northwest Extension into two phases. The first phase would extend to 19th Ave./ Dunlap Ave. and be completed in FY 2012. The second phase would extend west on Dunlap Ave. then north on 25th Ave. to Mountain View Rd. and would be completed by FY 2017. This change was approved by the Valley Metro Board of Directors in April 2007 and incorporated into the MAG RTP in July 2007.

- RPTA continued planning work for new Bus Rapid Transit (BRT) routes.

The Main Street Bus Rapid Transit (BRT) Corridor Study was completed in FY 2007. The study defined the operational and capital requirements of the BRT line that will operate in Mesa along Main St. and Power Rd. The route will extend from the end-of-line LRT station at Sycamore St. in west Mesa to the Superstition Springs Mall transit center in east Mesa. With the completion of this study, the focus has now moved to design and construction of capital improvements within the project corridor, and the procurement of the associated bus fleet. Start of service on the Main Street BRT will coincide with the start of service of the initial operating segment of the LRT in December, 2008.

In early FY 2008, RPTA will begin work on the Arizona Ave. Design Concept Report, as well as the Comprehensive Arterial BRT Study. The Arizona Ave. service will be the second BRT line implemented under the RTP. Service on this line is scheduled to begin in FY 2011. The Comprehensive Arterial BRT Study will define the operational parameters of the arterial BRT network. It will also define how the system will integrate with Supergrid, fixed route bus, and LRT service to maximize the operational efficiencies of these transit networks.

- Valley Metro Rail Planning continued with necessary planning studies to implement future LRT extensions.

An I-10 West Corridor Study is underway to identify right-of-way opportunities for the placement of transit service within the I-10 corridor. Based on results of the study, a more detailed Alternatives Analysis will be initiated at a future date. In addition, an LRT Configuration Study is evaluating the operational characteristics and needs of the full 57.7 mile LRT system identified in the RTP. An associated effort, the Glendale Extension Study, will assess options for the Glendale LRT extension identified in the RTP. The alignment options being evaluated include service from I-10 to the stadium complex north of Bethany Home Rd., service to downtown Glendale, or service to the ASU west campus on Thunderbird Rd.

A Main Street Alternatives Analysis was initiated in FY 2006 and will be completed in FY 2008. This study will define the alignment and technology utilized for the high capacity transit extension identified in the RTP that will extend from the current end-of-line LRT station at Sycamore St. to the vicinity of Mesa Dr.

- Estimated future costs for the Transit Life Cycle Program are in balance with projected revenues.

For the remainder of the Transit Life Cycle Program, which covers the period FY 2008 through FY 2026, projected revenues are in balance with future projects costs, with revenues exceeding costs by approximately \$27 million through FY 2026.

- Transit service and capital cost increases will represent an ongoing challenge for the Transit Life Cycle programming process.

The cost of a number of key elements in the Transit Life Cycle Program has increased between the 2006 Annual Report and the 2007 Annual Report. The net total of these cost changes amounts to \$826 million. Given recent trends of escalating wages and fuel prices, pressure will increase to balance operations costs with available revenues. Similarly, recent increases for right-of-way and construction materials will continue to drive up costs for transit capital facilities, as they have in the freeway and arterial programs. Costs for the Transit Life Cycle Program will need to be evaluated on a continuing basis as the program is implemented, and program adjustments made as warranted to maintain the cost/revenue balance.

- The outlook for federal discretionary funding for light rail extensions will require continuous monitoring.

As noted in previous Annual Reports, a large part of the future funding for the LRT system extensions is assumed to be from awards by the US Department of Transportation through the discretionary “New Starts Program.” This funding is over-and-above the federal funding contained in the 20-mile starter system Full Funding Grant Agreement. The timing and amounts of light rail transit new start monies coming to the MAG region will be subject to a highly competitive process at the federal level. The prospects for awards from this program will require careful monitoring.

PERFORMANCE MONITORING PROGRAM

The MAG Transportation System Performance Monitoring and Assessment Program has been established to provide a framework for reporting performance at the system and project levels, and serve as a repository of historical, simulated and observed data for the transportation system in the MAG region.

- The RPTA has established a specific set of performance measures to monitor and evaluate bus and rail systems in the region.

The RPTA has conducted a Service Efficiency and Effectiveness Study (SEES). The SEES framework proposed performance targets, which establish a baseline of performance expectation for fixed route bus (systemwide); fixed route bus at the route level; paratransit; and LRT. These performance measures and performance targets have been incorporated into an annual Transit Performance Report, beginning in June 2007.

- MAG will initiate a consultant study in FY 2008 to further refine and focus the performance monitoring approach for the regional roadway network.

The FY 2008 MAG Unified Planning Work Program includes a study to further refine and focus the performance monitoring approach for the regional roadway network. As part of this effort, the program will consolidate the data collection efforts related to system performance and develop an archive of historic and current performance data sets that can be used for future evaluation and analysis. It is anticipated that a group of measures will be consistently reported as the implementation of the RTP moves forward. Based on the findings of this study and input from the Transit Performance Report, it is anticipated that MAG will annually produce a Transportation System Monitoring and Performance Report.



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October 16, 2007

TO: Members of the MAG Regional Council

FROM: Lindy Bauer, Environmental Director

SUBJECT: AIR QUALITY UPDATE

In accordance with the Clean Air Act, the MAG Five Percent Plan for PM-10 is required to reduce PM-10 particulate emissions by five percent per year until the standard is attained at the monitors. The plan is due to the Environmental Protection Agency (EPA) by December 31, 2007. To date, commitments to implement measures have been received from the Arizona Department of Transportation (ADOT), Maricopa County and all of the cities and towns in the PM-10 nonattainment area. The Legislature also passed SB 1552 which contains several PM-10 measures. These committed measures are being evaluated to determine the air quality impacts. In addition, the MAG Eight-Hour Ozone Plan was submitted to the EPA by June 15, 2007. On June 20, 2007, EPA proposed to strengthen the eight-hour ozone standards and finalize them by March 12, 2008. Background information is provided below.

Five Percent Plan for PM-10

In accordance with the Clean Air Act, the Five Percent Plan for PM-10 is due to the Environmental Protection Agency by December 31, 2007. The plan is required to reduce PM-10 emissions by five percent per year until the standard is met. In order to attain the standard, the region needs three years of clean data at the monitors (2007, 2008, 2009). In 2006, there were approximately twenty-one exceedance days of the twenty-four hour PM-10 standard. It is important to attain the PM-10 standard as quickly as possible or additional years of five percent reductions may need to be included in the plan.

To date, commitments to implement measures have been received from ADOT, Maricopa County and all of the cities and towns in the PM-10 nonattainment area. The Legislature also passed the SB 1552 Air Quality Program which contains several PM-10 measures (see Attachments One and Two). Some of the measures apply to Area A and some apply to the Serious Area PM-10 nonattainment area or other areas. A map depicting Area A and the nonattainment areas is included in Attachment Three. For example, the bill specifies that:

- Cities and towns in Area A and Maricopa County are required to develop and implement plans to stabilize unpaved roads, alleys and unpaved shoulders on targeted arterials by January 1, 2008.

- Cities and towns in Area A and Maricopa County are required to adopt, or amend codes or ordinances to stabilize unpaved parking areas, restrict vehicle parking and use on unpaved or unstabilized vacant lots, and ban the blowing of landscape debris into public roadways by March 31, 2008.
- Cities and towns in Area A are required to adopt, implement and enforce an ordinance that prohibits the operation of off-highway vehicles on unauthorized unpaved surfaces by March 31, 2008.

SB 1552 also contains reporting requirements for local governments.

- Cities and towns and any county in a Serious PM-10 nonattainment area are required to submit reports on particulate enforcement to the Joint Legislative Budget Committee on June 1 and December 1 of 2008 and 2009.
- In addition, the bill establishes a State Air Quality Committee which will review the implementation and enforcement of the air quality control measures as part of its duties.

The bill includes several other PM-10 measures. They address contract requirements for sweeping city streets with PM-10 street sweepers certified by the South Coast Air Quality Management District, agricultural best management practices, dust control training and coordinators, voluntary diesel retrofit program, covered loads, open and unlawful burning, construction contracts with public entities and a dust-free developments program. Collectively, SB 1552 and the local government commitments are being evaluated to determine the air quality impacts for the MAG Five Percent Plan for PM-10.

Eight-Hour Ozone Plan

The MAG Eight-Hour Ozone Plan was submitted to EPA by the June 15, 2007 deadline. Based upon air quality modeling, the plan demonstrated attainment of the standard with existing measures in place. In order to meet the June 15, 2009 attainment date, the region will need clean data at the monitors in 2006, 2007, and 2008. To date, the region has three consecutive three year periods of data with no violating monitors. On July 23, 2007, EPA representatives indicated that EPA may pursue a Clean Data Finding for the region indicating that the eight-hour ozone standard has been met. The Maricopa Association of Governments would then initiate work to develop a Maintenance Plan.

Also, on June 20, 2007, the EPA proposed to strengthen the eight-hour ozone standards and finalize them by March 12, 2008 (see Attachment Four). According to the EPA schedule, it is anticipated that states would make recommendations for areas to be designated by June 2009. The final nonattainment area designations would occur by June 2010 and plans would be due by 2013. Attainment dates would range from 2013 to 2030 depending upon the severity of the problem.

If you have any questions, please do not hesitate to contact me at (602) 254-6300.

Conference Engrossed

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SENATE BILL 1552

AN ACT

AMENDING SECTION 9-500.04, ARIZONA REVISED STATUTES; AMENDING TITLE 9, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-500.27; AMENDING SECTIONS 11-871 AND 11-872, ARIZONA REVISED STATUTES; AMENDING TITLE 11, CHAPTER 6, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-877; AMENDING SECTIONS 28-1098 AND 28-6705, ARIZONA REVISED STATUTES; AMENDING SECTION 41-2083, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2007, CHAPTER 145, SECTION 1; AMENDING SECTION 41-2083, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2007, CHAPTER 145, SECTION 2; AMENDING TITLE 41, CHAPTER 15, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-2083.01; AMENDING SECTION 41-2121, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 15, ARTICLE 6, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-2124.01; AMENDING SECTION 41-2124.01, ARIZONA REVISED STATUTES, AS ADDED BY SECTION 12 OF THIS ACT; AMENDING SECTION 49-457, ARIZONA REVISED STATUTES; AMENDING TITLE 49, CHAPTER 3, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 49-457.01, 49-457.02, 49-457.03 AND 49-457.04; AMENDING SECTION 49-474.01, ARIZONA REVISED STATUTES; AMENDING TITLE 49, CHAPTER 3, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTIONS 49-474.05, 49-474.06 AND 49-474.07; AMENDING SECTION 49-501, ARIZONA REVISED STATUTES; AMENDING SECTION 49-542, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2007, CHAPTER 171, SECTION 5; RELATING TO AIR QUALITY; PROVIDING FOR CONDITIONAL ENACTMENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 9-500.04, Arizona Revised Statutes, is amended to
3 read:

4 9-500.04. Air quality control; definitions

5 A. The governing body of a city or town in area A or AREA B as defined
6 in section 49-541 shall:

7 1. If the city has a population exceeding fifty thousand persons
8 according to the 1995 special census, adjust the work hours of at least
9 eighty-five per cent of municipal employees each year beginning October 1 and
10 ending April 1 in order to reduce the level of carbon monoxide, OZONE AND
11 PARTICULATE MATTER concentrations caused by vehicular travel.

12 2. In area A, in consultation with the designated metropolitan
13 planning organization, synchronize traffic control signals on all existing
14 and new roadways, within and across jurisdictional boundaries, ~~which~~ THAT
15 have ~~a traffic flow~~ AVERAGE DAILY TRIPS exceeding fifteen thousand motor
16 vehicles per day.

17 3. In area A, beginning on January 1, ~~2000~~ 2008, develop and implement
18 plans to stabilize targeted unpaved roads, alleys and unpaved shoulders on
19 targeted arterials. The plans shall address the performance goals, the
20 criteria for targeting the roads, alleys and shoulders, a schedule for
21 implementation, funding options and reporting requirements. PRIORITY SHALL
22 BE GIVEN TO THE FOLLOWING:

23 (a) UNPAVED ROADS WITH MORE THAN ONE HUNDRED AVERAGE DAILY TRIPS.

24 (b) UNPAVED SHOULDERS ON ARTERIAL ROADS AND OTHER ROAD SEGMENTS WHERE
25 VEHICLE USE ON UNPAVED SHOULDERS IS EVIDENT OR ANTICIPATED DUE TO PROJECTED
26 TRAFFIC VOLUME.

27 4. In area A, acquire or utilize vacuum systems or other dust removal
28 technology to reduce the particulates attributable to conventional crack
29 sealing operations as existing equipment is retired.

30 5. IN AREA A, IN ORDER TO REDUCE PARTICULATE MATTER IN AMBIENT AIR:

31 (a) BEGINNING MARCH 31, 2008, ON ANY HIGH POLLUTION ADVISORY DAY
32 FORECAST BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY PROHIBIT EMPLOYEES OR
33 CONTRACTORS OF THAT CITY OR TOWN FROM OPERATING LEAF BLOWERS EXCEPT WHILE IN
34 VACUUM MODE AND PROHIBIT THOSE EMPLOYEES OR CONTRACTORS FROM BLOWING
35 LANDSCAPE DEBRIS INTO PUBLIC ROADWAYS AT ANY TIME.

36 (b) NO LATER THAN MARCH 31, 2008, ADOPT, IMPLEMENT AND ENFORCE AN
37 ORDINANCE THAT BANS THE BLOWING OF LANDSCAPE DEBRIS INTO PUBLIC ROADWAYS AT
38 ANY TIME BY ANY PERSON.

39 6. IN AREA A, NO LATER THAN MARCH 31, 2008, ADOPT OR AMEND CODES OR
40 ORDINANCES AND, NO LATER THAN OCTOBER 1, 2008, COMMENCE ENFORCEMENT OF THOSE
41 CODES OR ORDINANCES AS NECESSARY TO REQUIRE THAT PARKING, MANEUVERING,
42 INGRESS AND EGRESS AREAS AT DEVELOPMENTS OTHER THAN RESIDENTIAL BUILDINGS
43 WITH FOUR OR FEWER UNITS ARE MAINTAINED WITH ONE OR MORE OF THE FOLLOWING
44 DUSTPROOF PAVING METHODS:

- 1 (a) ASPHALTIC CONCRETE.
2 (b) CEMENT CONCRETE.
3 (c) PENETRATION TREATMENT OF BITUMINOUS MATERIAL AND SEAL COAT OF
4 BITUMINOUS BINDER AND A MINERAL AGGREGATE.
5 (d) A STABILIZATION METHOD APPROVED BY THE CITY OR TOWN.
6 7. IN AREA A, NO LATER THAN MARCH 31, 2008, ADOPT OR AMEND CODES OR
7 ORDINANCES AND, NO LATER THAN OCTOBER 1, 2009, COMMENCE ENFORCEMENT OF THOSE
8 CODES OR ORDINANCES AS NECESSARY TO REQUIRE THAT PARKING, MANEUVERING,
9 INGRESS AND EGRESS AREAS THAT ARE THREE THOUSAND SQUARE FEET OR MORE IN SIZE
10 AT RESIDENTIAL BUILDINGS WITH FOUR OR FEWER UNITS ARE MAINTAINED WITH A
11 PAVING OR STABILIZATION METHOD AUTHORIZED BY THE CITY OR TOWN BY CODE,
12 ORDINANCE OR PERMIT.
13 8. IN AREA A, NO LATER THAN MARCH 31, 2008, ADOPT OR AMEND CODES OR
14 ORDINANCES AS NECESSARY TO RESTRICT VEHICLE PARKING AND USE ON UNPAVED OR
15 UNSTABILIZED VACANT LOTS.
16 9. IN AREA A, NO LATER THAN MARCH 31, 2008, REQUIRE THAT NEW OR
17 RENEWED CONTRACTS FOR STREET SWEEPING ON CITY STREETS MUST BE CONDUCTED WITH
18 STREET SWEEPERS THAT MEET THE SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT
19 RULE 1186 STREET SWEEPER CERTIFICATION SPECIFICATIONS FOR PICK UP EFFICIENCY
20 AND PM-10 EMISSIONS IN EFFECT ON JANUARY 1, 2007.
21 ~~5-~~ 10. In area B, synchronize traffic control signals on all roadways
22 ~~which~~ THAT have a ~~traffic flow~~ AVERAGE DAILY TRIPS exceeding fifteen thousand
23 motor vehicles per day.
24 B. The governing body of a city or town in area B as defined in
25 section 49-541 may make and enforce ordinances to reduce or encourage the
26 reduction of the commuter use of motor vehicles by employees of the city or
27 town and employees whose place of employment is within the city or town.
28 C. Except as provided in subsection F of this section, the governing
29 body of a city or town in area A as defined in section 49-541 in a county
30 with a population of more than one million two hundred thousand persons
31 according to the most recent United States decennial census shall develop and
32 implement a vehicle fleet plan for the purpose of encouraging and
33 progressively increasing the use of alternative fuels and clean burning fuels
34 in city or town owned vehicles. The plan shall include a timetable for
35 increasing the use of alternative fuels and clean burning fuels in fleet
36 vehicles either through purchase or conversion.
37 D. The timetable shall reflect the following schedule and percentage
38 of vehicles ~~which~~ THAT operate on alternative fuels and clean burning fuels:
39 1. At least eighteen per cent of the total fleet by December 31, 1995.
40 2. At least twenty-five per cent of the total fleet by December 31,
41 1996.
42 3. At least fifty per cent of the total fleet by December 31, 1998.
43 4. At least seventy-five per cent of the total fleet by December 31,
44 2000 and each year thereafter.

1 E. The requirements of subsections C and D of this section may be
2 waived on receipt of evidence acceptable to the city or town council that the
3 city or town is unable to acquire or be provided equipment or refueling
4 facilities necessary to operate vehicles using alternative fuels or clean
5 burning fuels at a projected cost that is reasonably expected to result in
6 net costs of no greater than ten per cent more than the net costs associated
7 with the continued use of conventional gasoline or diesel fuels measured over
8 the expected useful life of the equipment or facilities supplied.
9 Applications for waivers shall be filed with the department of environmental
10 quality pursuant to section 49-412. An entity that receives a waiver
11 pursuant to this section shall retrofit fleet heavy-duty diesel vehicles with
12 a gross vehicle weight of eight thousand five hundred pounds or more, that
13 were manufactured in or before model year 1993 and that are the subject of
14 the waiver with a technology that is effective at reducing particulate MATTER
15 emissions at least twenty-five per cent or more and that has been approved by
16 the United States environmental protection agency pursuant to the urban bus
17 engine retrofit/rebuild program. The entity shall comply with the
18 implementation schedule pursuant to section 49-555.

19 F. The plan prescribed by subsection C of this section shall include
20 provisions for the use of alternative fuels and clean burning fuels in the
21 bus fleet operated by that city or town or a regional public transportation
22 authority, except that all newly purchased buses shall use alternative fuel
23 or clean burning fuel. The bus fleet shall comply with the timetable
24 prescribed by subsection D of this section, except that the requirements of
25 subsections C and D of this section may be waived on receipt of certification
26 supported by evidence acceptable to the department of environmental quality
27 that the city or town is unable to acquire or be provided equipment or
28 refueling facilities necessary to operate vehicles using alternative fuels or
29 clean burning fuels at a projected cost that is reasonably expected to result
30 in net costs of no greater than twenty per cent more than the net costs
31 associated with the continued use of conventional gasoline or diesel fuels
32 measured over the expected useful life of the equipment or facilities
33 supplied.

34 G. If the requirements of subsections C, D and F of this section are
35 met by the use of clean burning fuel, vehicle equivalents under those
36 requirements shall be calculated as follows:

37 1. One vehicle equivalent for every four hundred fifty gallons of neat
38 biodiesel or two thousand two hundred fifty gallons of a diesel fuel
39 substitute prescribed in section 1-215, paragraph 7, subdivision (b).

40 2. One vehicle equivalent for every five hundred thirty gallons of the
41 fuel prescribed in section 1-215, paragraph 7, subdivision (d).

42 H. SUBSECTION A, PARAGRAPHS 5 THROUGH 8 OF THIS SECTION DO NOT APPLY
43 TO ANY SITE THAT HAS A PERMIT ISSUED BY A CONTROL OFFICER AS DEFINED IN
44 SECTION 49-471 FOR THE CONTROL OF FUGITIVE DUST FROM DUST GENERATING
45 OPERATIONS.

1 2. Meets performance standards for new residential wood heaters
2 manufactured on or after July 1, 1990 or sold at retail on or after July 1,
3 1992 as prescribed by 40 Code of Federal Regulations part 60, subpart AAA.
4 3. Burns gaseous fuels, including gas logs.
5 4. Meets rules adopted by the board of supervisors as prescribed in
6 section 49-479 for burning wood in approved appliances.
7 ~~C.~~ D. The ordinance shall provide that a person who violates an
8 ordinance adopted pursuant to this section is subject to:
9 1. A warning for the first violation.
10 2. The imposition of a civil penalty of fifty dollars for the second
11 violation.
12 3. The imposition of a civil penalty of one hundred dollars for a- THE
13 third ~~or any subsequent~~ violation.
14 4. THE IMPOSITION OF A CIVIL PENALTY OF TWO HUNDRED FIFTY DOLLARS FOR
15 THE FOURTH OR ANY SUBSEQUENT VIOLATION.
16 ~~D.~~ E. For violations of ordinances adopted pursuant to this section,
17 the control officer shall use a uniform civil ticket and complaint
18 substantially similar to a uniform traffic ticket and complaint prescribed by
19 the rules of procedure in civil traffic cases adopted by the supreme court.
20 The control officer may issue citations to persons in violation of ordinances
21 adopted pursuant to this section.
22 Sec. 4. Section 11-872, Arizona Revised Statutes, is amended to read:
23 11-872. Control techniques; rules; schedule for adoption
24 A. If the administrator of the United States environmental protection
25 agency makes a finding relating to area A, as defined in section 49-541,
26 pursuant to the clean air act amendments of 1990 (P.L. 101-549), section 172,
27 the county shall adopt by rule the necessary emission limitations or other
28 standards reflecting control techniques guidelines issued by the United
29 States environmental protection agency pursuant to the clean air act
30 amendments of 1990, section 183 in order to achieve emissions reductions
31 sufficient to respond to the finding.
32 B. The county shall begin to develop rules ~~which~~ THAT incorporate the
33 provisions of the control techniques guidelines being developed by the United
34 States environmental protection agency. The rule making process shall
35 parallel as closely as possible the United States environmental protection
36 agency process and incorporate adequate public notice and comment. The
37 county shall make every practical effort to assure the rules are consistent
38 with the concepts and provisions embodied in the United States environmental
39 protection agency process. Within sixty days ~~of~~ AFTER the formal adoption of
40 the United States environmental protection agency control techniques
41 guidelines for an industry sector, the county shall adopt rules, emission
42 limitations or other standards reflecting such guidelines. If the guidelines
43 are required pursuant to subsection A of this section prior to formal
44 adoption by the administrator of the guidelines, the county rules shall
45 become effective within sixty days ~~of~~ AFTER the United States environmental

1 protection agency finding. The county shall determine which industry sector
2 shall be subject to the requirements of this section.

3 C. If the director of the department of environmental quality
4 determines that emissions inventory data, monitoring information and modeling
5 or projections indicate it is likely that reasonable further progress or
6 attainment will not be achieved in order to comply with the clean air act
7 amendments of 1990 OR ACHIEVE OR MAINTAIN NATIONAL AMBIENT AIR QUALITY
8 STANDARDS OR OTHER AIR QUALITY STANDARDS APPLICABLE TO OZONE PRECURSORS, the
9 county shall adopt rules necessary to achieve emissions reductions to achieve
10 reasonable further progress or attainment. The rules shall be based on
11 technically feasible controls to reduce the emissions of volatile organic
12 compounds from industry sectors that the United States environmental
13 protection agency is considering for control technique guidelines.

14 D. All emissions reductions required pursuant to this section shall be
15 achieved FOR PURPOSES OF THE ONE-HOUR OZONE STANDARD no later than June 1,
16 1996 AND FOR PURPOSES OF THE EIGHT-HOUR AVERAGED OZONE STANDARD NO LATER THAN
17 DECEMBER 31, 2008.

18 Sec. 5. Title 11, chapter 6, article 4, Arizona Revised Statutes, is
19 amended by adding section 11-877, to read:

20 11-877. Air quality control measures

21 A. IN ORDER TO REDUCE PARTICULATE MATTER IN AMBIENT AIR, THE BOARD OF
22 SUPERVISORS OF ANY COUNTY THAT CONTAINS ANY PORTION OF AREA A, AS DEFINED IN
23 SECTION 49-541, SHALL DEVELOP, IMPLEMENT AND ENFORCE IN AREA A THE FOLLOWING
24 AIR QUALITY CONTROL MEASURES:

25 1. BEGINNING ON THE EFFECTIVE DATE OF THIS SECTION, PROHIBIT EMPLOYEES
26 OR CONTRACTORS OF THAT COUNTY FROM OPERATING LEAF BLOWERS ON ANY HIGH
27 POLLUTION ADVISORY DAY FORECAST BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY
28 EXCEPT WHILE IN VACUUM MODE AND PROHIBIT THOSE EMPLOYEES OR CONTRACTORS FROM
29 BLOWING LANDSCAPE DEBRIS INTO PUBLIC ROADWAYS AT ANY TIME.

30 2. NO LATER THAN MARCH 31, 2008, ADOPT, IMPLEMENT AND ENFORCE AN
31 ORDINANCE THAT BANS THE BLOWING OF LANDSCAPE DEBRIS INTO PUBLIC ROADWAYS AT
32 ANY TIME BY ANY PERSON.

33 3. NO LATER THAN MARCH 31, 2008, ADOPT, IMPLEMENT AND ENFORCE AN
34 ORDINANCE THAT PROHIBITS THE OPERATION OF LEAF BLOWERS EXCEPT ON SURFACES
35 THAT HAVE BEEN STABILIZED WITH ASPHALTIC CONCRETE, CEMENT CONCRETE,
36 HARDSCAPE, PENETRATION TREATMENT OF BITUMINOUS MATERIAL AND SEAL COAT OF
37 BITUMINOUS BINDER AND A MINERAL AGGREGATE, DECOMPOSED GRANITE COVER, CRUSHED
38 GRANITE COVER, AGGREGATE COVER, GRAVEL COVER, OR GRASS OR OTHER CONTINUOUS
39 VEGETATIVE COVER, OR ANY COMBINATION OF THOSE STABILIZERS.

40 B. THIS SECTION DOES NOT APPLY TO ANY SITE THAT HAS A PERMIT ISSUED BY
41 A CONTROL OFFICER AS DEFINED IN SECTION 49-471 FOR THE CONTROL OF FUGITIVE
42 DUST FROM DUST GENERATING OPERATIONS.

1 Sec. 6. Section 28-1098, Arizona Revised Statutes, is amended to read:
2 28-1098. Vehicle loads; restrictions; civil penalties

3 A. FOR THE PURPOSE OF HIGHWAY SAFETY OR AIR POLLUTION PREVENTION, a
4 person shall not drive or move a vehicle on a highway unless the vehicle is
5 constructed or loaded in a manner to prevent any of its load from dropping,
6 sifting, leaking or otherwise escaping from the vehicle, except ~~that either~~
7 THE FOLLOWING ARE PERMITTED:

8 1. SUFFICIENT sand may be dropped for the purpose of securing
9 traction.

10 2. Water or another substance may be sprinkled on a roadway in
11 cleaning or maintaining the roadway.

12 3. MINOR PIECES OF AGRICULTURAL MATERIALS SUCH AS LEAVES AND STEMS
13 FROM AGRICULTURAL LOADS.

14 B. A person shall not operate a vehicle on a highway with a load
15 unless the load and any covering on the load are securely fastened in a
16 manner to prevent the covering or load from becoming loose, detached or in
17 any manner a hazard to other users of the highway.

18 C. If a person is found in violation of this section and the
19 violation:

20 1. Does not cause any damage or injury and is the person's:

21 (a) First violation in a sixty month period, the person is subject to a
22 civil penalty of ~~up to~~ NOT MORE THAN two hundred fifty dollars.

23 (b) Second or subsequent violation in a sixty month period, the person
24 is subject to a civil penalty of ~~up to~~ NOT MORE THAN three hundred fifty
25 dollars.

26 2. Results in an accident causing serious physical injury as defined
27 in section 13-105 to another person, the person is subject to a civil penalty
28 of ~~up to~~ NOT MORE THAN five hundred dollars.

29 3. Results in an accident causing the death of another person, the
30 person is subject to a civil penalty of ~~up to~~ NOT MORE THAN one thousand
31 dollars.

32 Sec. 7. Section 28-6705, Arizona Revised Statutes, is amended to read:
33 28-6705. Public road and street maintenance

34 A. The board of supervisors may spend public monies for maintenance of
35 public roads and streets other than legally designated state and county
36 highways located without the limits of an incorporated city or town. Before
37 spending public monies under this section, the roads or streets shall be
38 both:

39 1. Laid out, opened and constructed without cost to the county.

40 2. Completed pursuant to a plat approved pursuant to sections 11-802
41 and 11-806.01 and in accordance with standard engineering road specifications
42 adopted by the board of supervisors to ensure uniform compliance.

43 B. The board of supervisors may spend public monies for maintenance of
44 public roads and streets laid out, constructed and opened before June 13,

1 1975 even if the roads and streets were not constructed in accordance with
2 subsection A of this section.

3 C. Maintenance of a public road or street does not include purchasing
4 or laying cement. To reduce long-term maintenance costs for maintenance
5 authorized by this section, the board of supervisors may spend monies to add
6 rock products, gravel and processed materials to the base of the roads and
7 streets. Petroleum based or nonpetroleum based products may be used in the
8 maintenance and repair of unpaved roads, alleys and shoulders identified
9 pursuant to section 9-500.04 or ~~section~~ 49-474.01 OR UNPAVED ROADS, ALLEYS
10 AND SHOULDERS IN ANY COUNTY WHERE THE CONTROL OFFICER AS DEFINED IN SECTION
11 49-471 CERTIFIES TO THE BOARD OF SUPERVISORS THAT EMISSIONS FROM SUCH ROADS,
12 ALLEYS OR SHOULDERS MAY ENDANGER COMPLIANCE WITH THE NATIONAL AMBIENT AIR
13 QUALITY STANDARD AS DEFINED IN SECTION 49-401.01.

14 Sec. 8. Section 41-2083, Arizona Revised Statutes, as amended by Laws
15 2007, chapter 145, section 1, is amended to read:

16 41-2083. Standards for motor fuel; exceptions

17 A. Except as provided in SECTION 41-2083.01 AND subsections C, D, E,
18 F, G, K, L, M and N of this section, a retail seller or fleet owner shall not
19 store, sell or expose or offer for sale any motor fuel, kerosene, oil or
20 other liquid or gaseous fuel or lubricating oil, lubricant, mixtures of
21 lubricants or other similar products if the product fails to meet the
22 standards specified in this section and in the rules adopted by the director.

23 B. A person shall not misrepresent the nature, origination, quality,
24 grade or identity of any product specified in subsection A of this section or
25 represent the nature, origination, quality, grade or identity of such product
26 in any manner calculated or tending to mislead or in any way deceive.

27 C. After consultation with the director of the department of
28 environmental quality, the standards and test methods for motor fuels shall
29 be established by the director of the department of weights and measures by
30 rule.

31 D. Maximum vapor pressure for gasoline that is supplied or sold by any
32 person and that is intended as a final product for the fueling of motor
33 vehicles in a county with a population of one million two hundred thousand or
34 more persons and any portion of a county contained in area A as defined in
35 section 49-541 shall be 9.0 pounds per square inch from and after September
36 30 through March 31 of each year. Fuel used in motor vehicles at a
37 manufacturer's proving ground or a motor vehicle racing event as defined by
38 section 41-2121 is exempt from this subsection.

39 E. From and after September 30 through March 31 of each year a person
40 shall not supply or sell gasoline that exceeds the ASTM D4814 class A vapor
41 pressure/distillation class ten volume per cent evaporated distillation
42 temperature.

43 F. Maximum vapor pressure for gasoline that is supplied or sold by any
44 person and that is intended as a final product for the fueling of motor
45 vehicles in a county with a population of one million two hundred thousand

1 persons or more and any portion of a county contained in area A as defined in
2 section 49-541 shall be 7.0 pounds per square inch from and after May 31
3 through September 30 of each year. Fuel used in motor vehicles at a
4 manufacturer's proving ground or a motor vehicle racing event as defined by
5 section 41-2121 is exempt from this subsection.

6 G. Exclusively for the purposes of transportation conformity and only
7 if the administrator of the United States environmental protection agency
8 fails to approve the applicable plan required pursuant to section 49-406,
9 maximum vapor pressure for gasoline that is supplied or sold by any person
10 and that is intended as a final product for the fueling of motor vehicles in
11 area B as defined in section 49-541 shall be ten pounds per square inch from
12 and after September 30 through March 31 of each year. Fuel used in motor
13 vehicles at a manufacturer's proving ground or a motor vehicle racing event
14 as defined by section 41-2121 is exempt from this subsection.

15 H. Notwithstanding subsections D, F and G of this section, the
16 director of the department of weights and measures in consultation with the
17 director of the department of environmental quality shall approve alternate
18 fuel control measures that are submitted by manufacturers or suppliers of
19 gasoline and that the directors determine will result in either of the
20 following:

21 1. Motor vehicle carbon monoxide emissions that are equal to or less
22 than emissions that result under compliance with subsection D of this section
23 and section 41-2123. In making this determination, the director of the
24 department of weights and measures and the director of the department of
25 environmental quality shall compare the emissions of the alternate fuel
26 control measure with the emissions of a fuel with a maximum vapor pressure
27 standard as prescribed by this section and with the minimum oxygen content or
28 percentage by volume of ethanol as prescribed by section 41-2123.

29 2. Motor vehicle non-methane hydrocarbon emissions that are equal to
30 or less than the emissions that result under compliance with subsection F of
31 this section. In making this determination, the director of the department
32 of weights and measures and the director of the department of environmental
33 quality shall compare the motor vehicle non-methane hydrocarbon emissions of
34 the alternate fuel control measure with the motor vehicle non-methane
35 hydrocarbon emissions of a fuel that complies with the maximum vapor pressure
36 standard as prescribed by subsection F of this section.

37 I. Any alternate fuel control measures that are approved shall not
38 increase emissions of non-methane hydrocarbons, particulates, carbon monoxide
39 or oxides of nitrogen. Alternate fuel control measures approved pursuant to
40 subsection H of this section and this subsection may be used by any
41 manufacturer or supplier of gasoline unless the approval is rescinded more
42 than one hundred eighty days before the first day of a gasoline control
43 period. Manufacturers and suppliers who use an approved alternate fuel
44 control measure shall annually submit a compliance plan to the director of

1 the department of weights and measures no later than sixty days before the
2 first day of a gasoline control period.

3 J. A person shall not sell or offer or expose for sale diesel fuel
4 grade 1, 2 or 4 as defined in ASTM D975 that contains sulfur in excess of:

5 1. For low sulfur diesel fuel, five hundred parts per million by
6 weight for use in area A as defined in section 49-541.

7 2. For ultra low sulfur diesel fuel, the amount that conforms with 40
8 Code of Federal Regulations section 80.520(a)(1).

9 K. A person shall not sell or offer or expose for sale biodiesel that
10 is not tested or does not meet the specifications established by ASTM D6751
11 or any blend of biodiesel and diesel fuel that is not tested or does not meet
12 the specifications established by ASTM D975 and that contains sulfur in
13 excess of five hundred parts per million for use in area A as defined in
14 section 49-541.

15 L. A person that blends biodiesel that is intended as a final product
16 for the fueling of motor vehicles shall report to the director by the
17 fifteenth day of each month the quantity and quality of biodiesel shipped to
18 or produced in this state during the preceding month. A person who supplies
19 biodiesel subject to this subsection shall report the following by batch:

20 1. The percentage of biodiesel in a final blend.

21 2. The volume of the finished product.

22 3. For neat biodiesel, the results of analysis for those parameters
23 established by ASTM D6751.

24 4. For biodiesel blended with any diesel fuel, the results of the
25 analysis of the following motor fuel parameters as established by ASTM D975:

26 (a) Sulfur content.

27 (b) Aromatic hydrocarbon content.

28 (c) Cetane number.

29 (d) Specific gravity.

30 (e) American petroleum institute gravity.

31 (f) The temperatures at which ten per cent, fifty per cent and ninety
32 per cent of the diesel fuel boiled off during distillation.

33 M. The report required by subsection L of this section shall be on a
34 form prescribed by the director and shall contain a certification of
35 truthfulness and accuracy of the data submitted and a statement of the
36 supplier's consent permitting the department or its authorized agent to
37 collect samples and access records as provided in rules adopted by the
38 department. A corporate officer who is responsible for operations at the
39 facility that produces or ships the final product shall sign the report.

40 N. A person shall label dispensers at which biodiesel is dispensed in
41 such a manner as to notify other persons of the volume percentage of
42 biodiesel in the finished product and that conforms with 40 Code of Federal
43 Regulations sections 80.570, 80.571, 80.572, 80.573 and 80.574 to inform the
44 customer of the sulfur content of the diesel fuel being dispensed.

1 O. A person shall label each dispenser at which ultra low sulfur
2 diesel fuel is dispensed in a manner that conforms with 40 Code of Federal
3 Regulations sections 80.570, 80.571, 80.572, 80.573 and 80.574 to inform the
4 customer of the sulfur content of the diesel fuel being dispensed.

5 P. A person shall label each dispenser at which low sulfur diesel fuel
6 is dispensed in a manner that conforms with 40 Code of Federal Regulations
7 sections 80.570, 80.571, 80.572, 80.573 and 80.574 to inform the customer of
8 the sulfur content of the diesel fuel being dispensed.

9 Q. If any person transfers custody or title of a diesel fuel or
10 distillate, except if the diesel fuel is dispensed into a motor vehicle or
11 nonroad, locomotive or marine equipment, the transferor shall provide to the
12 transferee product transfer documents that conform with 40 Code of Federal
13 Regulations section 80.590.

14 R. If the transfer of a motor fuel is from a terminal, storage
15 facility, or transmix facility, the product transfer documents shall contain
16 the information prescribed in subsection Q of this section as well as the
17 name and address of the final destination for the shipment, as prescribed by
18 department rule, and must accompany the shipment to its final destination.

19 Sec. 9. Section 41-2083, Arizona Revised Statutes, as amended by Laws
20 2007, chapter 145, section 2, is amended to read:

21 41-2083. Standards for motor fuel; exceptions

22 A. Except as provided in SECTION 41-2083.01 AND subsections C, D, E,
23 F, G, K, L, M and N of this section, a retail seller or fleet owner shall not
24 store, sell or expose or offer for sale any motor fuel, kerosene, oil or
25 other liquid or gaseous fuel or lubricating oil, lubricant, mixtures of
26 lubricants or other similar products if the product fails to meet the
27 standards specified in this section and in the rules adopted by the director.

28 B. A person shall not misrepresent the nature, origination, quality,
29 grade or identity of any product specified in subsection A of this section or
30 represent the nature, origination, quality, grade or identity of such product
31 in any manner calculated or tending to mislead or in any way deceive.

32 C. After consultation with the director of the department of
33 environmental quality, the standards and test methods for motor fuels shall
34 be established by the director of the department of weights and measures by
35 rule.

36 D. Maximum vapor pressure for gasoline that is supplied or sold by any
37 person and that is intended as a final product for the fueling of motor
38 vehicles in a county with a population of one million two hundred thousand or
39 more persons and any portion of a county contained in area A as defined in
40 section 49-541 shall be 9.0 pounds per square inch from and after September
41 30 through January 31 of each year. Fuel used in motor vehicles at a
42 manufacturer's proving ground or a motor vehicle racing event as defined by
43 section 41-2121 is exempt from this subsection.

44 E. From and after September 30 through March 31 of each year a person
45 shall not supply or sell gasoline that exceeds the ASTM D4814 class A vapor

1 pressure/distillation class ten volume per cent evaporated distillation
2 temperature.

3 F. Maximum vapor pressure for gasoline that is supplied or sold by any
4 person and that is intended as a final product for the fueling of motor
5 vehicles in a county with a population of one million two hundred thousand
6 persons or more and any portion of a county contained in area A as defined in
7 section 49-541 shall be 7.0 pounds per square inch from and after May 31
8 through September 30 of each year. Fuel used in motor vehicles at a
9 manufacturer's proving ground or a motor vehicle racing event as defined by
10 section 41-2121 is exempt from this subsection.

11 G. Exclusively for the purposes of transportation conformity and only
12 if the administrator of the United States environmental protection agency
13 fails to approve the applicable plan required pursuant to section 49-406,
14 maximum vapor pressure for gasoline that is supplied or sold by any person
15 and that is intended as a final product for the fueling of motor vehicles in
16 area B as defined in section 49-541 shall be ten pounds per square inch from
17 and after September 30 through March 31 of each year. Fuel used in motor
18 vehicles at a manufacturer's proving ground or a motor vehicle racing event
19 as defined by section 41-2121 is exempt from this subsection.

20 H. Notwithstanding subsections D, F and G of this section, the
21 director of the department of weights and measures in consultation with the
22 director of the department of environmental quality shall approve alternate
23 fuel control measures that are submitted by manufacturers or suppliers of
24 gasoline and that the directors determine will result in either of the
25 following:

26 1. Motor vehicle carbon monoxide emissions that are equal to or less
27 than emissions that result under compliance with subsection D of this section
28 and section 41-2123. In making this determination, the director of the
29 department of weights and measures and the director of the department of
30 environmental quality shall compare the emissions of the alternate fuel
31 control measure with the emissions of a fuel with a maximum vapor pressure
32 standard as prescribed by this section and with the minimum oxygen content or
33 percentage by volume of ethanol as prescribed by section 41-2123.

34 2. Motor vehicle non-methane hydrocarbon emissions that are equal to
35 or less than the emissions that result under compliance with subsection F of
36 this section. In making this determination, the director of the department
37 of weights and measures and the director of the department of environmental
38 quality shall compare the motor vehicle non-methane hydrocarbon emissions of
39 the alternate fuel control measure with the motor vehicle non-methane
40 hydrocarbon emissions of a fuel that complies with the maximum vapor pressure
41 standard as prescribed by subsection F of this section.

42 I. Any alternate fuel control measures that are approved shall not
43 increase emissions of non-methane hydrocarbons, particulates, carbon monoxide
44 or oxides of nitrogen. Alternate fuel control measures approved pursuant to
45 subsection H of this section and this subsection may be used by any

1 manufacturer or supplier of gasoline unless the approval is rescinded more
2 than one hundred eighty days before the first day of a gasoline control
3 period. Manufacturers and suppliers who use an approved alternate fuel
4 control measure shall annually submit a compliance plan to the director of
5 the department of weights and measures no later than sixty days before the
6 first day of a gasoline control period.

7 J. A person shall not sell or offer or expose for sale diesel fuel
8 grade 1, 2 or 4 as defined in ASTM D975 that contains sulfur in excess of:

9 1. For low sulfur diesel fuel, five hundred parts per million by
10 weight for use in area A as defined in section 49-541.

11 2. For ultra low sulfur diesel fuel, the amount that conforms with 40
12 Code of Federal Regulations section 80.520(a)(1).

13 K. A person shall not sell or offer or expose for sale biodiesel that
14 is not tested or does not meet the specifications established by ASTM D6751
15 or any blend of biodiesel and diesel fuel that is not tested or does not meet
16 the specifications established by ASTM D975 and that contains sulfur in
17 excess of five hundred parts per million for use in area A as defined in
18 section 49-541.

19 L. A person who blends biodiesel that is intended as a final product
20 for the fueling of motor vehicles shall report to the director by the
21 fifteenth day of each month the quantity and quality of biodiesel shipped to
22 or produced in this state during the preceding month. A person who supplies
23 biodiesel subject to this subsection shall report the following by batch:

24 1. The percentage of biodiesel in a final blend.

25 2. The volume of the finished product.

26 3. For neat biodiesel, the results of analysis for those parameters
27 established by ASTM D6751.

28 4. For biodiesel blended with any diesel fuel, the results of the
29 analysis of the following motor fuel parameters as established by ASTM D975:

30 (a) Sulfur content.

31 (b) Aromatic hydrocarbon content.

32 (c) Cetane number.

33 (d) Specific gravity.

34 (e) American petroleum institute gravity.

35 (f) The temperatures at which ten per cent, fifty per cent and ninety
36 per cent of the diesel fuel boiled off during distillation.

37 M. The report required by subsection L of this section shall be on a
38 form prescribed by the director and shall contain a certification of
39 truthfulness and accuracy of the data submitted and a statement of the
40 supplier's consent permitting the department or its authorized agent to
41 collect samples and access records as provided in rules adopted by the
42 department. A corporate officer who is responsible for operations at the
43 facility that produces or ships the final product shall sign the report.

44 N. A person shall label dispensers at which biodiesel is dispensed in
45 such a manner as to notify other persons of the volume percentage of

1 biodiesel in the finished product and that conforms with 40 Code of Federal
2 Regulations sections 80.570, 80.571, 80.572, 80.573 and 80.574 to inform the
3 customer of the sulfur content of the diesel fuel being dispensed.

4 O. A person shall label each dispenser at which ultra low sulfur
5 diesel fuel is dispensed in a manner that conforms with 40 Code of Federal
6 Regulations sections 80.570, 80.571, 80.572, 80.573 and 80.574 to inform the
7 customer of the sulfur content of the diesel fuel being dispensed.

8 P. A person shall label each dispenser at which low sulfur diesel fuel
9 is dispensed in a manner that conforms with 40 Code of Federal Regulations
10 sections 80.570, 80.571, 80.572, 80.573 and 80.574 to inform the customer of
11 the sulfur content of the diesel fuel being dispensed.

12 Q. If any person transfers custody or title of a diesel fuel or
13 distillate, except if the diesel fuel is dispensed into a motor vehicle or
14 nonroad, locomotive or marine equipment, the transferor shall provide to the
15 transferee product transfer documents that conform with 40 Code of Federal
16 Regulations section 80.590.

17 R. If the transfer of a motor fuel is from a terminal, storage
18 facility, or transmix facility, the product transfer documents shall contain
19 the information prescribed in subsection Q of this section as well as the
20 name and address of the final destination for the shipment, as prescribed by
21 department rule, and must accompany the shipment to its final destination.

22 Sec. 10. Title 41, chapter 15, article 3, Arizona Revised Statutes, is
23 amended by adding section 41-2083.01, to read:

24 41-2083.01. Area C; standards for motor fuel; exceptions

25 A. EXCEPT AS PROVIDED IN SUBSECTIONS C AND D OF THIS SECTION, AFTER
26 MAY 31, 2008, A RETAIL SELLER OR FLEET OWNER SHALL NOT STORE, SELL OR EXPOSE
27 OR OFFER FOR SALE IN AREA C AS DEFINED IN SECTION 41-2121 ANY MOTOR FUEL,
28 KEROSENE, OIL OR OTHER LIQUID OR GASEOUS FUEL OR LUBRICATING OIL, LUBRICANT,
29 MIXTURES OF LUBRICANTS OR OTHER SIMILAR PRODUCTS IF THE PRODUCT FAILS TO MEET
30 THE STANDARDS SPECIFIED IN THIS SECTION AND IN THE RULES ADOPTED BY THE
31 DIRECTOR.

32 B. A PERSON SHALL NOT MISREPRESENT THE NATURE, ORIGINATION, QUALITY,
33 GRADE OR IDENTITY OF ANY PRODUCT SPECIFIED IN SUBSECTION A OF THIS SECTION OR
34 REPRESENT THE NATURE, ORIGINATION, QUALITY, GRADE OR IDENTITY OF SUCH PRODUCT
35 IN ANY MANNER CALCULATED OR TENDING TO MISLEAD OR IN ANY WAY DECEIVE.

36 C. AFTER CONSULTATION WITH THE DIRECTOR OF THE DEPARTMENT OF
37 ENVIRONMENTAL QUALITY, THE STANDARDS AND TEST METHODS FOR MOTOR FUELS SHALL
38 BE ESTABLISHED BY THE DIRECTOR OF THE DEPARTMENT OF WEIGHTS AND MEASURES BY
39 RULE.

40 D. MAXIMUM VAPOR PRESSURE FOR GASOLINE THAT IS SUPPLIED OR SOLD BY ANY
41 PERSON AND THAT IS INTENDED AS A FINAL PRODUCT FOR THE FUELING OF MOTOR
42 VEHICLES IN AREA C AS DEFINED IN SECTION 41-2121 SHALL BE 7.0 POUNDS PER
43 SQUARE INCH FROM AND AFTER MAY 31 THROUGH SEPTEMBER 30 OF EACH YEAR. FUEL
44 USED IN MOTOR VEHICLES AT A MANUFACTURER'S PROVING GROUND OR A MOTOR VEHICLE
45 RACING EVENT AS DEFINED BY SECTION 41-2121 IS EXEMPT FROM THIS SUBSECTION.

1 E. THE DIRECTOR OF THE DEPARTMENT OF WEIGHTS AND MEASURES IN
2 CONSULTATION WITH THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY
3 SHALL APPROVE ALTERNATE FUEL CONTROL MEASURES THAT ARE SUBMITTED BY
4 MANUFACTURERS OR SUPPLIERS OF GASOLINE AND THAT THE DIRECTORS DETERMINE WILL
5 RESULT IN MOTOR VEHICLE NON-METHANE HYDROCARBON EMISSIONS THAT ARE EQUAL TO
6 OR LESS THAN THE EMISSIONS THAT RESULT UNDER COMPLIANCE WITH SUBSECTION D OF
7 THIS SECTION. IN MAKING THIS DETERMINATION, THE DIRECTOR OF THE DEPARTMENT
8 OF WEIGHTS AND MEASURES AND THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL
9 QUALITY SHALL COMPARE THE MOTOR VEHICLE NON-METHANE HYDROCARBON EMISSIONS OF
10 THE ALTERNATE FUEL CONTROL MEASURE WITH THE MOTOR VEHICLE NON-METHANE
11 HYDROCARBON EMISSIONS OF A FUEL THAT COMPLIES WITH THE MAXIMUM VAPOR PRESSURE
12 STANDARD AS PRESCRIBED BY SUBSECTION D OF THIS SECTION.

13 F. ANY ALTERNATE FUEL CONTROL MEASURES THAT ARE APPROVED SHALL NOT
14 INCREASE EMISSIONS OF NON-METHANE HYDROCARBONS, PARTICULATES, CARBON MONOXIDE
15 OR OXIDES OF NITROGEN. ALTERNATE FUEL CONTROL MEASURES APPROVED PURSUANT TO
16 SUBSECTION E OF THIS SECTION AND THIS SUBSECTION MAY BE USED BY ANY
17 MANUFACTURER OR SUPPLIER OF GASOLINE UNLESS THE APPROVAL IS RESCINDED MORE
18 THAN ONE HUNDRED EIGHTY DAYS BEFORE THE FIRST DAY OF A GASOLINE CONTROL
19 PERIOD. MANUFACTURERS AND SUPPLIERS WHO USE AN APPROVED ALTERNATE FUEL
20 CONTROL MEASURE SHALL ANNUALLY SUBMIT A COMPLIANCE PLAN TO THE DIRECTOR OF
21 THE DEPARTMENT OF WEIGHTS AND MEASURES NO LATER THAN SIXTY DAYS BEFORE THE
22 FIRST DAY OF A GASOLINE CONTROL PERIOD.

23 Sec. 11. Section 41-2121, Arizona Revised Statutes, is amended to
24 read:

25 41-2121. Definitions

26 In this article, unless the context otherwise requires:

- 27 1. "Area A" has the same meaning prescribed in section 49-541.
28 2. "Area B" has the same meaning prescribed in section 49-541.
29 3. "AREA C" MEANS THAT PORTION OF PINAL COUNTY LYING WEST OF RANGE 11
30 EAST, EXCLUDING THAT PORTION OF THE COUNTY LYING WITHIN AREA A AS DEFINED IN
31 SECTION 49-541 AND THAT PORTION OF THE COUNTY WITHIN THE JURISDICTION OF ANY
32 INDIAN TRIBE, BAND, GROUP OR COMMUNITY THAT IS RECOGNIZED BY THE UNITED
33 STATES SECRETARY OF THE INTERIOR AND THAT EXERCISES GOVERNMENTAL AUTHORITY
34 WITHIN THE LIMITS OF ANY INDIAN RESERVATION UNDER THE JURISDICTION OF THE
35 UNITED STATES GOVERNMENT, NOTWITHSTANDING THE ISSUANCE OF ANY PATENT AND
36 INCLUDING RIGHTS-OF-WAY RUNNING THROUGH THE RESERVATION.

37 ~~3.~~ 4. "Fleet owner" means a registered owner or lessee of at least
38 twenty-five vehicles.

39 ~~4.~~ 5. "Gasoline" means a volatile, highly flammable liquid mixture of
40 hydrocarbons that does not contain more than five one-hundredths grams of
41 lead for each United States gallon, that is produced, refined, manufactured,
42 blended, distilled or compounded from petroleum, natural gas, oil, shale oils
43 or coal and other flammable liquids free from undissolved water, sediment or
44 suspended matter, with or without additives, and that is commonly used as a

1 fuel for spark ignition internal combustion engines. Gasoline does not
2 include diesel fuel or the ethanol blend E85 as defined in ASTM D5798-99.

3 ~~5-~~ 6. "Manufacturer's proving ground" means a facility whose sole
4 purpose is to develop complete advanced vehicles for an automotive
5 manufacturer.

6 ~~6-~~ 7. "Motor vehicle racing event" means a race that uses unlicensed
7 vehicles that are designed and manufactured specifically for racing purposes
8 and that is conducted on a public or private racecourse for the entertainment
9 of the general public. A motor vehicle racing event includes practice,
10 qualifying and demonstration laps conducted as part of the activities related
11 to a motor vehicle race.

12 ~~7-~~ 8. "Oxygenate" means any oxygen-containing ashless, organic
13 compound, including aliphatic alcohols and aliphatic ethers, that may be used
14 as a fuel or as a gasoline blending component and that is approved as a
15 blending agent under the provisions of a waiver issued by the United States
16 environmental protection agency pursuant to 42 United States Code section
17 7545(f).

18 ~~8-~~ 9. "Oxygenated fuel" means an unleaded motor fuel blend that
19 consists primarily of gasoline and at least one and one-half per cent by
20 weight of one or more oxygenates and that has been blended consistent with
21 the provisions of a waiver issued by the United States environmental
22 protection agency pursuant to 42 United States Code section 7545(f).

23 ~~9-~~ 10. "Product transfer document" means any bill of lading, loading
24 ticket, manifest, delivery receipt, invoice or other documentation used on
25 any occasion when a person transfers custody or title of motor fuel other
26 than when motor fuel is sold or dispensed at a service station or fleet
27 vehicle fueling facility.

28 ~~10-~~ 11. "Supplier" means any person who imports gasoline into a
29 vehicle emissions control area by means of a pipeline or in truckload
30 quantities for the person's own use within the vehicle emissions control area
31 or any person who sells gasoline intended for ultimate consumption within a
32 vehicle emissions control area, except that supplier does not mean a person
33 with respect to gasoline supplied or sold by the person to another for resale
34 to a retailer within a vehicle emissions control area or to a fleet owner for
35 consumption within a vehicle emissions control area.

36 ~~11-~~ 12. "Vehicle emissions control area" has the same meaning
37 prescribed in section 49-541, except that such an area does not include a
38 manufacturer's proving ground that is located in the vehicle emissions
39 control area.

40 Sec. 12. Title 41, chapter 15, article 6, Arizona Revised Statutes, is
41 amended by adding section 41-2124.01, to read:

42 41-2124.01. Area C; fuel reformulation; rules

43 A. FROM AND AFTER MAY 31, 2008 THROUGH SEPTEMBER 30, 2008 AND DURING
44 THE PERIOD FROM AND AFTER MAY 31 THROUGH SEPTEMBER 30 OF EACH SUBSEQUENT
45 YEAR, ALL GASOLINE PRODUCED AND SHIPPED TO OR WITHIN THIS STATE AND SOLD OR

1 OFFERED FOR SALE FOR USE IN MOTOR VEHICLES IN AREA C SHALL COMPLY WITH EITHER
2 OF THE FOLLOWING FUEL REFORMULATION OPTIONS:

3 1. A GASOLINE THAT MEETS STANDARDS FOR FEDERAL PHASE II REFORMULATED
4 GASOLINE, AS PROVIDED IN 40 CODE OF FEDERAL REGULATIONS SECTION 80.41,
5 PARAGRAPHS (e) THROUGH (h), IN EFFECT ON JANUARY 1, 1999, EXCEPT THAT THE
6 MINIMUM OXYGEN CONTENT STANDARD DOES NOT APPLY. THE GASOLINE SHALL ALSO MEET
7 THE MAXIMUM VAPOR PRESSURE REQUIREMENTS IN SECTION 41-2083.01, SUBSECTION D.

8 2. CALIFORNIA PHASE 2 REFORMULATED GASOLINE, INCLUDING ALTERNATIVE
9 FORMULATIONS ALLOWED BY THE PREDICTIVE MODEL, AS ADOPTED BY THE CALIFORNIA
10 AIR RESOURCES BOARD PURSUANT TO CALIFORNIA CODE OF REGULATIONS TITLE 13,
11 SECTIONS 2261 THROUGH 2262.7 AND 2265, IN EFFECT ON JANUARY 1, 1997, EXCEPT
12 THAT THE MINIMUM OXYGEN CONTENT STANDARD DOES NOT APPLY. THE GASOLINE SHALL
13 ALSO MEET THE MAXIMUM VAPOR PRESSURE REQUIREMENTS IN SECTION 41-2083.01,
14 SUBSECTION D.

15 B. ANY REGISTERED SUPPLIER, AS DEFINED IN DEPARTMENT RULES, MAY
16 PETITION THE DIRECTOR TO REQUEST THAT ALL REGISTERED SUPPLIERS BE ALLOWED TO
17 SUPPLY GASOLINE IN AREA C THAT DOES NOT MEET THE STANDARDS IN SUBSECTION A OF
18 THIS SECTION IF THE PETITIONER DEMONSTRATES THAT A SHORTAGE IN THE SUPPLY OF
19 GASOLINE MEETING THE STANDARDS IN SUBSECTION A OF THIS SECTION IS IMMINENT.

20 C. A PETITION UNDER SUBSECTION B OF THIS SECTION SHALL:

21 1. IDENTIFY SPECIFIC SUPPLY CONDITIONS THAT WILL RESULT IN A SHORTAGE
22 OF GASOLINE MEETING THE STANDARDS IN SUBSECTION A OF THIS SECTION.

23 2. IDENTIFY THE FORMULATION OF GASOLINE THAT WILL BE SOLD IN AREA C IN
24 LIEU OF GASOLINE MEETING THE STANDARDS IN SUBSECTION A OF THIS SECTION.

25 3. SPECIFY A TIME PERIOD FOR COMPLIANCE WITH THE STANDARDS OF
26 SUBSECTION A OF THIS SECTION NOT TO EXCEED SIXTY DAYS.

27 D. THE DIRECTOR SHALL EITHER GRANT OR DENY A PETITION UNDER SUBSECTION
28 B OF THIS SECTION IN WRITING WITHIN SEVEN DAYS OF ITS RECEIPT. ANY DECISION
29 BY THE DIRECTOR TO GRANT THE PETITION SHALL BE EQUALLY APPLICABLE TO ALL
30 REGISTERED SUPPLIERS AND SHALL NOT BE SELECTIVELY APPLIED TO ANY SINGLE
31 REGISTERED SUPPLIER. THE PETITION MAY BE GRANTED ONLY IF THE DIRECTOR
32 VERIFIES THAT THE BASIS FOR REQUESTING THE PETITION IS FACTUAL.

33 E. THE DIRECTOR MAY REAUTHORIZE A PETITION GRANTED UNDER SUBSECTION B
34 OF THIS SECTION IF THE PETITIONER DEMONSTRATES THAT THE CONDITIONS IDENTIFIED
35 IN THE PETITION HAVE CONTINUED. THE REAUTHORIZATION OF A PETITION SHALL NOT
36 EXCEED THIRTY DAYS.

37 F. THE DIRECTOR OF THE DEPARTMENT OF WEIGHTS AND MEASURES SHALL
38 CONSULT WITH THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY BEFORE
39 GRANTING, REAUTHORIZING OR DENYING ANY PETITION UNDER SUBSECTION B OF THIS
40 SECTION.

41 G. THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY IN
42 CONSULTATION WITH THE DIRECTOR OF THE DEPARTMENT OF WEIGHTS AND MEASURES
43 SHALL ADOPT BY RULE:

44 1. REQUIREMENTS TO IMPLEMENT SUBSECTIONS A, B AND C OF THIS SECTION.

1 2. REQUIREMENTS FOR RECORD KEEPING, REPORTING AND ANALYTICAL METHODS
2 FOR FUEL PROVIDERS TO DEMONSTRATE COMPLIANCE WITH SUBSECTION A OF THIS
3 SECTION.

4 H. THIS SECTION DOES NOT APPLY TO FUEL SOLD FOR USE AT A MOTOR VEHICLE
5 MANUFACTURER PROVING GROUND OR AT A MOTOR VEHICLE RACING EVENT.

6 Sec. 13. Section 41-2124.01, Arizona Revised Statutes, as added by
7 section 12 of this act, is amended to read:

8 41-2124.01. Area C; fuel reformulation; rules

9 A. From and after May 31, 2008 through September 30, 2008 and during
10 the period from and after May 31 through September 30 of each subsequent
11 year, all gasoline produced and shipped to or within this state and sold or
12 offered for sale for use in motor vehicles in area C shall comply with either
13 of the following fuel reformulation options:

14 1. A gasoline that meets standards for federal phase II reformulated
15 gasoline, as provided in 40 Code of Federal Regulations section 80.41,
16 paragraphs (e) through (h), in effect on January 1, 1999, except that the
17 minimum oxygen content standard does not apply. The gasoline shall also meet
18 the maximum vapor pressure requirements in section 41-2083.01, subsection D.

19 2. California phase 2-3 reformulated gasoline, including alternative
20 formulations allowed by the predictive model, as adopted by the California
21 air resources board pursuant to California Code of Regulations title 13,
22 sections 2261 through ~~2262.7~~ and 2263, 2265 AND 2266.5, in effect on January
23 1, 1997 MAY 1, 2003, ~~except that the minimum oxygen content standard does not~~
24 ~~apply. The gasoline shall also meet the maximum~~ INCLUDING vapor pressure
25 requirements ~~in section 41-2083.01, subsection D~~ CONTAINED IN SECTION 2262.4.

26 B. Any registered supplier, as defined in department rules, may
27 petition the director to request that all registered suppliers be allowed to
28 supply gasoline in area C that does not meet the standards in subsection A of
29 this section if the petitioner demonstrates that a shortage in the supply of
30 gasoline meeting the standards in subsection A of this section is imminent.

31 C. A petition under subsection B of this section shall:

32 1. Identify specific supply conditions that will result in a shortage
33 of gasoline meeting the standards in subsection A of this section.

34 2. Identify the formulation of gasoline that will be sold in area C in
35 lieu of gasoline meeting the standards in subsection A of this section.

36 3. Specify a time period for compliance with the standards of
37 subsection A of this section not to exceed sixty days.

38 D. The director shall either grant or deny a petition under subsection
39 B of this section in writing within seven days of its receipt. Any decision
40 by the director to grant the petition shall be equally applicable to all
41 registered suppliers and shall not be selectively applied to any single
42 registered supplier. The petition may be granted only if the director
43 verifies that the basis for requesting the petition is factual.

44 E. The director may reauthorize a petition granted under subsection G
45 of this section if the petitioner demonstrates that the conditions identified

1 in the petition have continued. The reauthorization of a petition shall not
2 exceed thirty days.

3 F. The director of the department of weights and measures shall
4 consult with the director of the department of environmental quality before
5 granting, reauthorizing or denying any petition under subsection B of this
6 section.

7 G. The director of the department of environmental quality in
8 consultation with the director of the department of weights and measures
9 shall adopt by rule:

10 1. Requirements to implement subsections A, B and C of this section.

11 2. Requirements for record keeping, reporting and analytical methods
12 for fuel providers to demonstrate compliance with subsection A of this
13 section.

14 H. This section does not apply to fuel sold for use at a motor vehicle
15 manufacturer proving ground or at a motor vehicle racing event.

16 Sec. 14. Section 49-457, Arizona Revised Statutes, is amended to read:

17 49-457. Agricultural best management practices committee;
18 members; powers; permits; definitions

19 A. A best management practices committee for regulated agricultural
20 activities is established.

21 B. The committee shall consist of:

22 1. The director OF ENVIRONMENTAL QUALITY or the director's designee.

23 2. The director of the ARIZONA department of agriculture or the
24 director's designee.

25 3. The dean of the college of agriculture of the university of Arizona
26 or the dean's designee.

27 4. The state director of the United States natural resources
28 conservation service or the director's designee.

29 5. One person actively engaged in the production of citrus.

30 6. One person actively engaged in the production of vegetables.

31 7. One person actively engaged in the production of cotton.

32 8. One person actively engaged in the production of alfalfa.

33 9. One person actively engaged in the production of grain.

34 10. One soil taxonomist from the university of Arizona college of
35 agriculture.

36 C. The governor shall appoint the members designated pursuant to
37 subsection ~~A~~ B, paragraphs 5 through 10 of this section for a term of six
38 years. Members may be reappointed. Members are not entitled to compensation
39 for their services but are entitled to receive reimbursement of expenses
40 pursuant to ~~section 38-611, subsection D~~ TITLE 38, CHAPTER 4, ARTICLE 2.

41 D. The committee shall elect a chairman from the appointed members to
42 serve a two year term.

43 E. The committee shall meet at the call of the chairman or at the
44 request of a majority of the appointed members.

1 F. The department of environmental quality, the ARIZONA department of
2 agriculture and the college of agriculture of the university of Arizona shall
3 cooperate with and provide technical assistance and any necessary information
4 to the committee. The department of environmental quality shall provide the
5 necessary staff support and meeting facilities for the committee.

6 G. Notwithstanding subsections I, J and K of this section, a person
7 engaged in a regulated agricultural activity on ~~the effective date of this~~
8 ~~section~~ AUGUST 21, 1998 shall comply with the general permit as provided in
9 subsection H of this section by December 31, 2001. A person who commences a
10 regulated agricultural activity after December 31, 2000, shall comply with
11 the general permit within eighteen months of commencing the activity.

12 H. By June 10, 2000, the committee shall adopt, by rule, an
13 agricultural general permit specifying best management practices for
14 regulated agricultural activities to reduce PM-10 particulate emissions. A
15 person subject to an agricultural general permit pursuant to this section is
16 not subject to a permit issued pursuant to section 49-426 except as provided
17 in subsection K of this section. The committee shall adopt by rule a list of
18 best management practices, at least ~~one~~ TWO of which shall be used to
19 demonstrate compliance with applicable provisions of the general permit no
20 later than December 31, ~~2001~~ 2007. Best management practices may vary within
21 the ~~Maricopa PM-10 particulate nonattainment~~ REGULATED area, according to
22 regional or geographical conditions or cropping patterns. The director shall
23 submit the rule to the United States environmental protection agency as a
24 revision to the applicable implementation plan ~~within sixty days of adoption~~
25 NO LATER THAN DECEMBER 31, 2007.

26 I. If the director determines that a person engaged in a regulated
27 activity is not in compliance with the general permit, and that person has
28 not previously been subject to a compliance order issued pursuant to this
29 section, the director may serve upon the person by certified mail an order
30 requiring compliance with the general permit and notifying the person of the
31 opportunity for a hearing pursuant to title 41, chapter 6, article 10. The
32 order shall state with reasonable particularity the nature of the
33 noncompliance and shall specify that the person has a period that the
34 director determines is reasonable, but is not less than six months, to submit
35 a plan to the supervisors of the natural resource conservation district in
36 which the person engages in the regulated activity that specifies the best
37 management practices from among those adopted in rule pursuant to subsection
38 H of this section that the person will use to comply with the general permit.

39 J. If the director determines that a person engaged in a regulated
40 activity is not in compliance with the general permit, and that person has
41 previously submitted a plan pursuant to subsection I of this section, the
42 director may serve upon the person by certified mail an order requiring
43 compliance with the general permit and notifying the person of the
44 opportunity for a hearing pursuant to title 41, chapter 6, article 10. The
45 order shall state with reasonable particularity the nature of the

1 noncompliance and shall specify that the person has a period that the
2 director determines is reasonable, but is not less than six months, to submit
3 a plan to the department that specifies the best management practices from
4 among those adopted in rule pursuant to subsection H of this section that the
5 person will use to comply with the general permit.

6 K. If a person fails to comply with the plan submitted pursuant to
7 subsection J of this section, the director may revoke the agricultural
8 general permit for that person and ~~to~~ require that the person obtain an
9 individual permit pursuant to section 49-426. A revocation becomes effective
10 after the director has provided the person with notice and an opportunity for
11 a hearing pursuant to title 41, chapter 6, article 10.

12 L. The committee may periodically reexamine, evaluate and modify best
13 management practices. Any approved modifications shall be submitted to the
14 United States environmental protection agency as a revision to the applicable
15 implementation plan.

16 M. The committee shall develop and commence an education program by
17 June 10, 2000. The education program shall be conducted by the director or
18 the director's designee or designees.

19 N. In this section, unless the context otherwise requires:

20 1. "Agricultural general permit" means best management practices that:

21 (a) Reduce PM-10 particulate emissions from tillage practices and from
22 harvesting on a commercial farm.

23 (b) Reduce PM-10 particulate emissions from those areas of a
24 commercial farm that are not normally in crop production.

25 (c) Reduce PM-10 particulate emissions from those areas of a
26 commercial farm that are normally in crop production including prior to plant
27 emergence and when the land is not in crop production.

28 2. "Applicable implementation plan" means that term as defined in 42
29 United States Code SECTION 7601(q).

30 3. "Best management practices" means techniques THAT ARE verified by
31 scientific research, ~~AND~~ AND that on a case by case basis are practical,
32 economically feasible and effective in reducing PM-10 particulate emissions
33 from a regulated agricultural activity.

34 4. "Maricopa PM-10 particulate nonattainment area" means the Phoenix
35 planning area as set forth in 40 Code of Federal Regulations ~~part~~ SECTION
36 81.303.

37 5. "Regulated agricultural activities" means commercial farming
38 practices that may produce PM-10 particulate emissions within the Maricopa
39 ~~PM-10 particulate nonattainment area~~ REGULATED AREA.

40 6. "REGULATED AREA" MEANS THE MARICOPA PM-10 NONATTAINMENT AREA AND
41 ANY PORTION OF AREA A THAT IS LOCATED IN A COUNTY WITH A POPULATION OF TWO
42 MILLION OR MORE PERSONS.

1 49-457.04. Off-highway vehicle and all-terrain vehicle dealers;
2 informational material; outreach; applicability

3 A. ANY PERSON WHO RENTS OR SELLS IN THE NORMAL COURSE OF BUSINESS
4 OFF-HIGHWAY VEHICLES, ALL-TERRAIN VEHICLES OR OFF-ROAD RECREATIONAL MOTOR
5 VEHICLES, OTHER THAN GOLF CARTS SOLD TO PUBLIC OR PRIVATE GOLF COURSES, SHALL
6 PROVIDE TO THE BUYER OR RENTER OF THE VEHICLE PRINTED MATERIALS THAT ARE
7 APPROVED BY THE DEPARTMENT PURSUANT TO THIS SECTION.

8 B. THE DEPARTMENT SHALL PRODUCE PRINTED MATERIALS AND DISTRIBUTE THOSE
9 MATERIALS TO PERSONS WHO SELL OR RENT OFF-HIGHWAY VEHICLES, ALL-TERRAIN
10 VEHICLES OR OFF-ROAD RECREATIONAL MOTOR VEHICLES. THE PRINTED MATERIALS
11 SHALL BE DESIGNED TO EDUCATE AND INFORM THE USER OF THE VEHICLE ON METHODS
12 FOR REDUCING THE GENERATION OF DUST AND SHALL INCLUDE INFORMATION REGARDING
13 DUST CONTROL ORDINANCES AND RESTRICTIONS THAT MAY BE APPLICABLE. THE
14 DEPARTMENT SHALL MAKE AVAILABLE ON THE DEPARTMENT'S WEBSITE THE PRINTED
15 MATERIALS IN A FORMAT THAT IS ACCESSIBLE TO THE PUBLIC.

16 C. THIS SECTION APPLIES IN A COUNTY WITH A POPULATION OF TWO MILLION
17 OR MORE PERSONS OR ANY PORTION OF A COUNTY IN AN AREA DESIGNATED BY THE
18 ENVIRONMENTAL PROTECTION AGENCY AS A SERIOUS PM-10 NONATTAINMENT AREA OR A
19 MAINTENANCE AREA THAT WAS DESIGNATED AS A SERIOUS PM-10 NONATTAINMENT AREA.

20 Sec. 16. Section 49-474.01, Arizona Revised Statutes, is amended to
21 read:

22 49-474.01. Additional board duties in vehicle emissions control
23 areas; definitions

24 A. The board of supervisors of a county which contains any portion of
25 area A or area B as defined in section 49-541 shall:

26 1. In area A, in consultation with the designated metropolitan
27 planning organization, synchronize traffic control signals on all existing
28 and new roadways, within the unincorporated area and at jurisdictional
29 boundaries, which have a traffic flow exceeding fifteen thousand motor
30 vehicles per day.

31 2. In area A, beginning ~~on~~ January 1, 2000, develop and implement
32 plans to stabilize targeted unpaved roads, alleys and unpaved shoulders on
33 targeted arterials. The plans shall address the performance goals, the
34 criteria for targeting roads, alleys and arterials, a schedule for
35 implementation, funding options and reporting requirements.

36 3. In area A, acquire or utilize vacuum systems or other dust removal
37 technology to reduce the particulates attributable to conventional crack
38 sealing operations as existing equipment is retired.

39 4. IN AREA A, BEGINNING JANUARY 1, 2008, DEVELOP AND IMPLEMENT PLANS
40 TO STABILIZE TARGETED UNPAVED ROADS, ALLEYS AND UNPAVED SHOULDERS ON TARGETED
41 ARTERIALS. THE PLANS SHALL ADDRESS THE PERFORMANCE GOALS, THE CRITERIA FOR
42 TARGETING THE ROADS, ALLEYS AND SHOULDERS, A SCHEDULE FOR IMPLEMENTATION,
43 FUNDING OPTIONS AND REPORTING REQUIREMENTS. PRIORITY SHALL BE GIVEN TO THE
44 FOLLOWING:

- 1 (a) UNPAVED ROADS WITH MORE THAN ONE HUNDRED AVERAGE DAILY TRIPS.
2 (b) UNPAVED SHOULDERS ON ARTERIAL ROADS AND OTHER ROAD SEGMENTS WHERE
3 VEHICLE USE ON UNPAVED SHOULDERS IS EVIDENT OR ANTICIPATED DUE TO PROJECTED
4 TRAFFIC VOLUME.
- 5 5. IN A COUNTY WITH A POPULATION OF TWO MILLION OR MORE PERSONS OR ANY
6 PORTION OF A COUNTY IN AN AREA DESIGNATED BY THE ENVIRONMENTAL PROTECTION
7 AGENCY AS A SERIOUS PM-10 NONATTAINMENT AREA OR A MAINTENANCE AREA THAT WAS
8 DESIGNATED AS A SERIOUS PM-10 NONATTAINMENT AREA, NO LATER THAN MARCH 31,
9 2008, ADOPT OR AMEND CODES OR ORDINANCES AND, NO LATER THAN OCTOBER 1, 2008,
10 COMMENCE ENFORCEMENT OF THOSE CODES OR ORDINANCES AS NECESSARY TO REQUIRE
11 THAT PARKING, MANEUVERING, INGRESS AND EGRESS AREAS AT DEVELOPMENTS OTHER
12 THAN RESIDENTIAL BUILDINGS WITH FOUR OR FEWER UNITS ARE MAINTAINED WITH ONE
13 OR MORE OF THE FOLLOWING DUSTPROOF PAVING METHODS:
- 14 (a) ASPHALTIC CONCRETE.
15 (b) CEMENT CONCRETE.
16 (c) PENETRATION TREATMENT OF BITUMINOUS MATERIAL AND SEAL COAT OF
17 BITUMINOUS BINDER AND A MINERAL AGGREGATE.
18 (d) A STABILIZATION METHOD APPROVED BY THE COUNTY.
- 19 6. IN A COUNTY WITH A POPULATION OF TWO MILLION OR MORE PERSONS OR ANY
20 PORTION OF A COUNTY IN AN AREA DESIGNATED BY THE ENVIRONMENTAL PROTECTION
21 AGENCY AS A SERIOUS PM-10 NONATTAINMENT AREA OR A MAINTENANCE AREA THAT WAS
22 DESIGNATED AS A SERIOUS PM-10 NONATTAINMENT AREA, NO LATER THAN MARCH 31,
23 2008, ADOPT OR AMEND CODES OR ORDINANCES AND, NO LATER THAN OCTOBER 1, 2009,
24 COMMENCE ENFORCEMENT OF THOSE CODES OR ORDINANCES AS NECESSARY TO REQUIRE
25 THAT PARKING, MANEUVERING, INGRESS AND EGRESS AREAS THREE THOUSAND SQUARE
26 FEET OR MORE IN SIZE AT RESIDENTIAL BUILDINGS WITH FOUR OR FEWER UNITS ARE
27 MAINTAINED WITH A PAVING OR STABILIZATION METHOD AUTHORIZED BY THE COUNTY BY
28 CODE, ORDINANCE OR PERMIT.
- 29 7. IN AREA A, NO LATER THAN MARCH 31, 2008, ADOPT OR AMEND CODES OR
30 ORDINANCES AS NECESSARY TO RESTRICT VEHICLE PARKING AND USE ON UNPAVED OR
31 UNSTABILIZED VACANT LOTS.
- 32 8. IN AREA A, REQUIRE THAT NEW OR RENEWED CONTRACTS FOR STREET
33 SWEEPING ON CITY STREETS MUST BE CONDUCTED WITH STREET SWEEPERS THAT MEET THE
34 SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT RULE 1186 STREET SWEEPER
35 CERTIFICATION SPECIFICATIONS FOR PICK UP EFFICIENCY AND PM-10 EMISSIONS IN
36 EFFECT ON JANUARY 1, 2007.
- 37 ~~4-~~ 9. In area B, synchronize traffic control signals on roadways with
38 a traffic flow exceeding fifteen thousand motor vehicles per day.
- 39 ~~5-~~ 10. Implement adjusted work hours for at least eighty-five per
40 cent of county employees in area A each year beginning October 1 and ending
41 April 1 in order to reduce the level of carbon monoxide concentrations caused
42 by vehicular travel.
- 43 11. IN A COUNTY WITH A POPULATION OF TWO MILLION OR MORE PERSONS OR
44 ANY PORTION OF A COUNTY WITHIN AN AREA DESIGNATED BY THE ENVIRONMENTAL
45 PROTECTION AGENCY AS A SERIOUS PM-10 NONATTAINMENT AREA OR A MAINTENANCE AREA

1 THAT WAS DESIGNATED AS A SERIOUS PM-10 NONATTAINMENT AREA, NO LATER THAN
2 MARCH 31, 2008, ADOPT RULE PROVISIONS, AND, NO LATER THAN OCTOBER 1, 2008,
3 COMMENCE ENFORCEMENT OF THOSE RULE PROVISIONS REGARDING THE STABILIZATION OF
4 DISTURBED SURFACES OF VACANT LOTS THAT INCLUDE THE FOLLOWING:

5 (a) REASONABLE WRITTEN NOTICE TO THE OWNER OR THE OWNER'S AUTHORIZED
6 AGENT OR THE OWNER'S STATUTORY AGENT THAT THE UNPAVED DISTURBED SURFACE OF A
7 VACANT LOT IS REQUIRED TO BE STABILIZED. THE NOTICE SHALL BE GIVEN NOT LESS
8 THAN THIRTY DAYS BEFORE THE DAY SET FOR COMPLIANCE AND SHALL INCLUDE A LEGAL
9 DESCRIPTION OF THE PROPERTY AND THE ESTIMATED COST TO THE COUNTY FOR THE
10 STABILIZATION IF THE OWNER DOES NOT COMPLY. THE NOTICE SHALL BE EITHER
11 PERSONALLY SERVED OR MAILED BY CERTIFIED MAIL TO THE OWNER'S STATUTORY AGENT,
12 TO THE OWNER AT THE OWNER'S LAST KNOWN ADDRESS OR TO THE ADDRESS TO WHICH THE
13 TAX BILL FOR THE PROPERTY WAS LAST MAILED.

14 (b) AUTHORITY FOR THE COUNTY TO ENTER THE LOT TO STABILIZE THE
15 DISTURBED SURFACE AT THE EXPENSE OF THE OWNER IF THE VACANT LOT HAS NOT BEEN
16 STABILIZED BY THE DAY SET FOR COMPLIANCE.

17 (c) METHODS FOR STABILIZATION OF THE DISTURBED SURFACE OF THE VACANT
18 LOT, THE ACTUAL COST OF STABILIZATION AND THE FINE THAT MAY BE IMPOSED FOR A
19 VIOLATION OF THIS SECTION.

20 B. FOR THE PURPOSES OF SUBSECTION A, PARAGRAPH 11 OF THIS SECTION:

21 1. "DISTURBED SURFACE" MEANS A PORTION OF THE EARTH'S SURFACE OR
22 MATERIAL PLACED ON THE EARTH'S SURFACE THAT HAS BEEN PHYSICALLY MOVED,
23 UNCOVERED, DESTABILIZED OR OTHERWISE MODIFIED FROM ITS UNDISTURBED NATIVE
24 CONDITION IF THE POTENTIAL FOR THE EMISSION OF FUGITIVE DUST IS INCREASED BY
25 THE MOVEMENT, DESTABILIZATION OR MODIFICATION.

26 2. VACANT LOTS DO NOT INCLUDE ANY SITE OF DISTURBED SURFACE AREA THAT
27 IS SUBJECT TO A PERMIT ISSUED BY A CONTROL OFFICER THAT REQUIRES CONTROL OF
28 PM-10 EMISSIONS FROM DUST GENERATING OPERATIONS.

29 ~~B.~~ C. The board of supervisors of a county that contains any portion
30 of area A as defined in section 49-541 shall make and enforce ordinances
31 consistent with section 49-588 to reduce or encourage the reduction of the
32 commuter use of motor vehicles by employees of the county and employees whose
33 place of employment is within area A.

34 ~~C.~~ D. The board of supervisors in a county that contains any portion
35 of area A shall develop and implement a vehicle fleet plan for the purpose of
36 encouraging and progressively increasing the use of alternative fuels and
37 clean burning fuels in county owned vehicles operating in area A.

38 ~~D.~~ E. The plan shall include a timetable for increasing the use of
39 alternative fuels and clean burning fuels in fleet vehicles either through
40 purchase or conversion. The timetable shall reflect the following schedule
41 and percentage of vehicles that operate on alternative fuels or clean burning
42 fuels:

- 43 1. At least eighteen per cent of the total fleet by December 31, 1995.
- 44 2. At least twenty-five per cent of the total fleet by December 31,
45 1996.

1 3. At least fifty per cent of the total fleet by December 31, 1998.
2 4. At least seventy-five per cent of the total fleet by December 31,
3 2000 and each year thereafter.

4 ~~E~~ F. The requirements of subsections ~~G~~ D and ~~H~~ E of this section
5 may be waived on receipt of certification supported by evidence acceptable to
6 the department that the county is unable to acquire or be provided equipment
7 or refueling facilities necessary to operate vehicles using alternative fuels
8 or clean burning fuels at a projected cost that is reasonably expected to
9 result in net costs of no greater than ten per cent more than the net costs
10 associated with the continued use of conventional gasoline or diesel fuels
11 measured over the expected useful life of the equipment or facilities
12 supplied. Applications for waivers shall be filed with the department
13 pursuant to section 49-412. An entity that receives a waiver pursuant to
14 this section shall retrofit fleet heavy-duty diesel vehicles with a gross
15 vehicle weight of eight thousand five hundred pounds or more, that were
16 manufactured in or before model year 1993 and that are the subject of the
17 waiver with a technology that is effective at reducing particulate emissions
18 at least twenty-five per cent or more and that has been approved by the
19 United States environmental protection agency pursuant to the urban bus
20 engine retrofit/rebuild program. The entity shall comply with the
21 implementation schedule pursuant to section 49-555.

22 ~~F~~ G. If the requirements of subsections ~~G~~ D and ~~H~~ E of this
23 section are met by the use of clean burning fuel, vehicle equivalents under
24 those requirements shall be calculated as follows:

25 1. One vehicle equivalent for every four hundred fifty gallons of neat
26 biodiesel or two thousand two hundred fifty gallons of a diesel fuel
27 substitute prescribed in section 1-215, paragraph 7, subdivision (b).

28 2. One vehicle equivalent for every five hundred thirty gallons of the
29 fuel prescribed in section 1-215, paragraph 7, subdivision (d).

30 H. SUBSECTION A, PARAGRAPHS 5, 6 AND 7 OF THIS SECTION DO NOT APPLY TO
31 ANY SITE THAT HAS A PERMIT ISSUED BY A CONTROL OFFICER AS DEFINED IN SECTION
32 49-471 FOR THE CONTROL OF FUGITIVE DUST FROM DUST GENERATING OPERATIONS.

33 ~~G~~ I. For the purposes of this section, "alternative fuel" and "clean
34 burning fuel" have the same meanings prescribed in section 1-215.

35 Sec. 17. Title 49, chapter 3, article 3, Arizona Revised Statutes, is
36 amended by adding sections 49-474.05, 49-474.06 and 49-474.07, to read:

37 49-474.05. Dust control; training; site coordinators

38 A. THIS SECTION APPLIES IN A COUNTY WITH A POPULATION OF TWO MILLION
39 OR MORE PERSONS OR ANY PORTION OF A COUNTY IN AN AREA DESIGNATED BY THE
40 ENVIRONMENTAL PROTECTION AGENCY AS A SERIOUS PM-10 NONATTAINMENT AREA OR A
41 MAINTENANCE AREA THAT WAS DESIGNATED AS A SERIOUS PM-10 NONATTAINMENT AREA.

42 B. NO LATER THAN JANUARY 1, 2008, THE CONTROL OFFICER SHALL DEVELOP
43 AND IMPLEMENT BASIC AND COMPREHENSIVE TRAINING PROGRAMS FOR THE SUPPRESSION
44 OF PM-10 EMISSIONS FROM SOURCES OF PM-10 THAT ARE SUBJECT TO A PERMIT ISSUED
45 BY A CONTROL OFFICER THAT REQUIRES CONTROL OF PM-10 EMISSIONS FROM DUST

1 GENERATING OPERATIONS. THE CONTROL OFFICER MAY APPROVE TRAINING DEVELOPED
2 AND PROVIDED BY A THIRD PARTY AND THE BOARD OF SUPERVISORS MAY ADOPT RULES
3 PRESCRIBING STANDARDS FOR DUST CONTROL TRAINING.

4 C. AT LEAST ONCE EVERY THREE YEARS, THE FOLLOWING PERSONS ARE REQUIRED
5 TO SUCCESSFULLY COMPLETE BASIC DUST CONTROL TRAINING:

6 1. THE SITE SUPERINTENDENT OR OTHER DESIGNATED ON-SITE REPRESENTATIVE
7 OF THE PERMIT HOLDER IF PRESENT AT A SITE THAT HAS MORE THAN ONE ACRE OF
8 DISTURBED SURFACE AREA THAT IS SUBJECT TO A PERMIT ISSUED BY A CONTROL
9 OFFICER REQUIRING CONTROL OF PM-10 EMISSIONS FROM DUST GENERATING OPERATIONS.

10 2. WATER TRUCK AND WATER PULL DRIVERS.

11 D. PERSONS WHO ARE REQUIRED TO BE TRAINED UNDER THIS SECTION SHALL
12 COMPLETE THE TRAINING NO LATER THAN DECEMBER 31, 2008. ALL PERSONS WHO HAVE
13 SUCCESSFULLY COMPLETED TRAINING DURING THE 2006 AND 2007 CALENDAR YEARS ARE
14 DEEMED TO HAVE SATISFIED THIS REQUIREMENT IF THE TRAINING PROGRAM COMPLETED
15 WAS CONDUCTED OR APPROVED BY A COUNTY AIR POLLUTION CONTROL OFFICER.
16 COMPLETION OF THE TRAINING REQUIRED UNDER SUBSECTION G SATISFIES THE
17 REQUIREMENTS OF THIS SUBSECTION.

18 E. NO LATER THAN JUNE 30, 2008, THE PERMITTEE FOR ANY SITE OF FIVE
19 ACRES OR MORE OF DISTURBED SURFACE AREA SUBJECT TO A PERMIT ISSUED BY A
20 CONTROL OFFICER REQUIRING CONTROL OF PM-10 EMISSIONS FROM DUST GENERATING
21 OPERATIONS SHALL HAVE ON SITE AT LEAST ONE DUST CONTROL COORDINATOR TRAINED
22 IN ACCORDANCE WITH THIS SECTION AT ALL TIMES DURING PRIMARY DUST GENERATING
23 OPERATIONS RELATED TO THE PURPOSES FOR WHICH THE DUST CONTROL PERMIT WAS
24 OBTAINED.

25 F. A DUST CONTROL COORDINATOR HAS FULL AUTHORITY TO ENSURE THAT DUST
26 CONTROL MEASURES ARE IMPLEMENTED ON SITE, INCLUDING CONDUCTING INSPECTIONS,
27 DEPLOYMENT OF DUST SUPPRESSION RESOURCES AND MODIFICATION OR SHUTDOWN OF
28 ACTIVITIES AS NEEDED TO CONTROL DUST. THE DUST CONTROL COORDINATOR SHALL BE
29 RESPONSIBLE FOR MANAGING DUST PREVENTION AND DUST CONTROL ON THE SITE.

30 G. AT LEAST ONCE EVERY THREE YEARS, THE DUST CONTROL COORDINATOR SHALL
31 SUCCESSFULLY COMPLETE A COMPREHENSIVE DUST CONTROL CLASS CONDUCTED OR
32 APPROVED UNDER SUBSECTION A BY THE COUNTY AIR POLLUTION CONTROL OFFICER WITH
33 JURISDICTION OVER THE SITE. THE DUST CONTROL COORDINATOR SHALL HAVE A VALID
34 DUST TRAINING CERTIFICATION IDENTIFICATION CARD READILY ACCESSIBLE ON SITE
35 WHILE ACTING AS A DUST CONTROL COORDINATOR. ALL PERSONS HAVING SUCCESSFULLY
36 COMPLETED TRAINING DURING THE 2006 AND 2007 CALENDAR YEARS ARE DEEMED TO HAVE
37 SATISFIED THIS REQUIREMENT IF THE TRAINING PROGRAM COMPLETED WAS CONDUCTED OR
38 APPROVED BY A COUNTY AIR POLLUTION CONTROL OFFICER.

39 H. SUBSECTIONS C AND D DO NOT APPLY WHEN ON-SITE DUST GENERATING
40 OPERATIONS ARE CONDUCTED BY A PERMITTEE WHO IS REQUIRED TO OBTAIN A SINGLE
41 PERMIT FOR MULTIPLE NONCONTIGUOUS SITES THAT IS ISSUED BY A CONTROL OFFICER
42 AND THAT REQUIRES CONTROL OF PM-10 EMISSIONS.

43 I. THE REQUIREMENTS OF SUBSECTIONS E AND F LAPSE IF ALL OF THE
44 FOLLOWING APPLY:

45 1. THE AREA OF THE DISTURBED SURFACE AREA IS LESS THAN FIVE ACRES.

1 2. THE PREVIOUSLY DISTURBED AREAS ARE STABILIZED IN ACCORDANCE WITH
2 THE REQUIREMENTS OF APPLICABLE RULES.

3 3. THE PERMITTEE PROVIDES NOTICE OF THE ACREAGE STABILIZED TO THE
4 CONTROL OFFICER.

5 J. PERMITTEES WHO ARE REQUIRED TO OBTAIN A SINGLE PERMIT FOR MULTIPLE
6 NONCONTIGUOUS SITES THAT IS ISSUED BY A CONTROL OFFICER AND THAT REQUIRES
7 CONTROL OF PM-10 EMISSIONS FROM DUST GENERATING OPERATIONS SHALL HAVE ON
8 SITES WITH GREATER THAN ONE ACRE OF DISTURBED SURFACE AREA AT LEAST ONE
9 INDIVIDUAL WHO IS DESIGNATED BY THE PERMITTEE AS A DUST CONTROL COORDINATOR
10 TRAINED IN ACCORDANCE WITH SUBSECTION C. THE DUST CONTROL COORDINATOR SHALL
11 BE PRESENT ON SITE AT ALL TIMES DURING PRIMARY DUST GENERATING ACTIVITIES
12 THAT ARE RELATED TO THE PURPOSES FOR WHICH THE PERMIT WAS OBTAINED. THIS
13 SUBSECTION DOES NOT APPLY TO PERMITTEES SUBJECT TO SUBSECTIONS B AND C.

14 49-474.06. Dust control; subcontractor registration; fee

15 A. IN AN AREA DESIGNATED BY THE ENVIRONMENTAL PROTECTION AGENCY AS A
16 SERIOUS PM-10 NONATTAINMENT AREA OR A MAINTENANCE AREA THAT WAS DESIGNATED AS
17 A SERIOUS PM-10 NONATTAINMENT AREA, A SUBCONTRACTOR WHO IS ENGAGED IN DUST
18 GENERATING OPERATIONS AT A SITE THAT IS SUBJECT TO A PERMIT THAT IS ISSUED BY
19 A CONTROL OFFICER AND THAT REQUIRES CONTROL OF PM-10 EMISSIONS FROM DUST
20 GENERATING OPERATIONS SHALL REGISTER WITH THE CONTROL OFFICER BY SUBMITTING
21 INFORMATION IN THE MANNER PRESCRIBED BY THE CONTROL OFFICER. THE CONTROL
22 OFFICER SHALL ISSUE A REGISTRATION NUMBER AFTER PAYMENT OF THE FEE AUTHORIZED
23 UNDER SUBSECTION C.

24 B. THE SUBCONTRACTOR SHALL HAVE ITS REGISTRATION NUMBER READILY
25 ACCESSIBLE ON SITE WHILE CONDUCTING ANY DUST GENERATING OPERATIONS.

26 C. THE CONTROL OFFICER MAY ESTABLISH AND ASSESS A FEE FOR THE
27 REGISTRATION REQUIRED UNDER SUBSECTION A BASED ON THE TOTAL COST OF
28 PROCESSING THE REGISTRATION AND ISSUANCE OF A REGISTRATION NUMBER.

29 49-474.07. Voluntary diesel equipment retrofit program;
30 criteria; inventory; permits

31 A. A COUNTY WITH A POPULATION OF MORE THAN FOUR HUNDRED THOUSAND
32 PERSONS SHALL OPERATE AND ADMINISTER A VOLUNTARY DIESEL EMISSIONS RETROFIT
33 PROGRAM IN THE COUNTY FOR THE PURPOSE OF REDUCING PARTICULATE EMISSIONS FROM
34 DIESEL EQUIPMENT. THE PROGRAM SHALL PROVIDE FOR REAL AND QUANTIFIABLE
35 EMISSIONS REDUCTIONS BASED ON ACTUAL EMISSIONS REDUCTIONS BY AN AMOUNT
36 GREATER THAN THAT ALREADY REQUIRED BY APPLICABLE LAW, RULE, PERMIT OR ORDER
37 AND COMPUTED BASED ON THE PERCENTAGE EMISSIONS REDUCTIONS FROM THE TESTING OF
38 THE DIESEL RETROFIT EQUIPMENT PRESCRIBED IN SUBSECTION C AS APPLIED TO THE
39 RATED EMISSIONS OF THE ENGINE AND USING THE STANDARD OPERATING HOURS OF THE
40 EQUIPMENT.

41 B. A PERSON MAY PARTICIPATE IN THE PROGRAM IF BOTH OF THE FOLLOWING
42 APPLY:

43 1. THE PERSON IS THE OWNER OF DIESEL POWERED EQUIPMENT THAT REQUIRES A
44 PERMIT ISSUED PURSUANT TO THIS ARTICLE FOR LAWFUL OPERATION.

1 2. THE PERSON REPORTS TO THE CONTROL OFFICER ON THE TYPE OF EQUIPMENT
2 THAT IS RETROFITTED, PROVIDES A METHOD FOR CALCULATING THE EMISSIONS
3 REDUCTIONS ACHIEVED THAT IS APPROVED BY THE CONTROL OFFICER AND PROVIDES
4 EVIDENCE THAT THE RETROFITTED EQUIPMENT IS ACTUALLY USED IN A MANNER THAT
5 RESULTS IN LOWER PARTICULATE EMISSIONS WITH NO INCREASE IN EMISSIONS OF OTHER
6 POLLUTANTS.

7 C. THE VOLUNTARY DIESEL RETROFIT PROGRAM SHALL PROVIDE FOR THE
8 FOLLOWING:

9 1. EACH PERSON WHO PARTICIPATES SHALL ALLOCATE TO THE AIR QUALITY
10 EMISSIONS REDUCTION INVENTORY FOR THAT COUNTY ONE-HALF OF THE TOTAL
11 PARTICULATE EMISSIONS REDUCTION ACHIEVED THROUGH THAT PERSON'S RETROFIT OF
12 DIESEL EQUIPMENT OPERATING AT THE PERMITTED SITE WHETHER OR NOT THAT
13 EQUIPMENT IS REQUIRED TO HAVE A PERMIT.

14 2. EACH PERSON WHO PARTICIPATES SHALL RETAIN ONE-HALF OF THE TOTAL
15 PARTICULATE EMISSIONS REDUCTION ACHIEVED THROUGH THAT PERSON'S RETROFIT OF
16 EQUIPMENT AT THE SITE FOR PURPOSES OF RECEIVING A MODIFICATION TO AN EXISTING
17 PERMIT OR A PROVISION IN A NEW PERMIT THAT ALLOWS FOR EXTENDED HOURS OF
18 OPERATION FOR THE PERMITTED EQUIPMENT, AS COMPARED TO THE EXISTING PERMIT, OR
19 FOR NEW PERMITS, AS COMPARED TO PERMITS FOR SIMILAR EQUIPMENT.

20 3. THE DIESEL EMISSIONS REDUCTION EQUIPMENT THAT IS RETROFITTED SHALL
21 BE REGISTERED WITH THE DEPARTMENT OF ENVIRONMENTAL QUALITY WITH NOTICE TO THE
22 APPLICABLE COUNTY, SHALL BE TESTED WITH AN ISO 8178 TEST BY A PROPERLY
23 EQUIPPED LABORATORY AND SHALL DEMONSTRATE AT LEAST A THIRTY-FIVE PER CENT
24 REDUCTION IN PARTICULATE POLLUTION WITH NO INCREASE IN THE GENERATION OR
25 EMISSION OF OTHER REGULATED POLLUTANTS. THIS PARAGRAPH APPLIES WITHOUT
26 REGARD TO WHETHER THE PARTICIPANT IS REQUIRED TO OBTAIN AN AIR QUALITY PERMIT
27 FOR THE EQUIPMENT.

28 4. THE CONTROL OFFICER SHALL PROVIDE A METHOD FOR DETERMINING THE
29 PARTICIPANT'S ELIGIBILITY FOR THE PROGRAM AND FOR THE MODIFICATION OF
30 EXISTING PERMITS OR FOR INCORPORATING THIS PROGRAM'S PROVISIONS INTO THE
31 TERMS OF ANY APPLICABLE NEW PERMITS AS WELL AS ANY REPORTING REQUIREMENTS TO
32 ENSURE CONTINUED USE OF THE EMISSIONS REDUCTION MEASURES.

33 D. THIS SECTION DOES NOT AUTHORIZE A PERMIT CONDITION OR A
34 MODIFICATION TO A PERMIT CONDITION THAT WOULD VIOLATE A REQUIREMENT OF THE
35 CLEAN AIR ACT, THIS CHAPTER OR A RULE ADOPTED UNDER THIS CHAPTER, INCLUDING
36 THE NATIONAL AMBIENT AIR QUALITY STANDARDS. THIS SECTION DOES NOT AUTHORIZE
37 THE USE OF REDUCTIONS IN MOBILE SOURCE EMISSIONS FOR PURPOSES OF DETERMINING
38 THE APPLICABILITY OF NEW SOURCE REVIEW REQUIREMENTS.

39 Sec. 18. Section 49-501, Arizona Revised Statutes, is amended to read:
40 49-501. Unlawful open burning; exceptions; fine; definition

41 A. Notwithstanding the provisions of any other section of this
42 article: —

43 1. It is unlawful for any person to ignite, cause to be ignited,
44 permit to be ignited, or suffer, allow, or maintain any open outdoor fire
45 except as provided in this section.

1 2. FROM MAY 1 THROUGH SEPTEMBER 30 EACH YEAR, IT IS UNLAWFUL FOR ANY
2 PERSON TO IGNITE, CAUSE TO BE IGNITED, PERMIT TO BE IGNITED OR SUFFER, ALLOW
3 OR MAINTAIN ANY OPEN OUTDOOR FIRE IN AREA A AS DEFINED IN SECTION 49-541.

4 ~~E~~ B. The following fires are excepted from ~~the provisions of this~~
5 section:

6 1. Fires used only for cooking of food or for providing warmth for
7 human beings ~~or for recreational purposes~~ or the branding of animals or the
8 use of orchard heaters for the purpose of frost protection in farming or
9 nursery operations.

10 2. Any fire set or permitted by any public officer in the performance
11 of official duty, if such fire is set or permission given for the purpose of
12 weed abatement, the prevention of a fire hazard, or instruction in the
13 methods of fighting fires.

14 3. Fires set by or permitted by the director of the department of
15 agriculture or county agricultural agents of the county for the purpose of
16 disease and pest prevention.

17 4. Fires set by or permitted by the federal government or any of its
18 departments, agencies or agents or the state or any of its agencies,
19 departments or political subdivisions for the purpose of watershed
20 rehabilitation or control through vegetative manipulation.

21 5. Fires permitted by any rule or regulation issued pursuant to this
22 article, by any conditional permit issued by a hearing board established
23 under this article or by any rule or conditional permit issued pursuant to
24 article 2 of this chapter when the department of environmental quality
25 pursuant to section 49-402 has assumed jurisdiction of the county in which
26 the fire is located.

27 6. Fires set for the disposal of dangerous materials where there is no
28 safe alternate method of disposal.

29 ~~D~~ C. Permission for the setting of any fire given by a public
30 officer in the performance of official duty under subsection ~~E~~ B, paragraph
31 2, 3 or 4 OF THIS SECTION shall be given in writing and a copy of the written
32 permission shall be transmitted immediately to the director OF ENVIRONMENTAL
33 QUALITY and the control officer of the county, district or region in which
34 such fire is allowed. The setting of any such fire shall be conducted in a
35 manner and at such time as approved by the control officer or the director OF
36 ENVIRONMENTAL QUALITY, unless doing so would defeat the purpose of the
37 exemption.

38 ~~E~~ D. Notwithstanding section 49-107, the director may delegate
39 authority for the issuance of open burning permits to a county, city, town or
40 fire district. A county, city, town or fire district that has been delegated
41 authority for the issuance of open burning permits may assign the issuance of
42 these permits to a private fire protection service provider that performs
43 fire protection services within that county, city, town or fire district.
44 Any private fire protection service provider that is authorized to issue open
45 burning permits pursuant to this subsection shall maintain a copy of all

1 currently effective permits issued including a means of contacting the person
2 authorized by the permit to set the fire in the event that an order to
3 extinguish the open burning is issued. Permits issued pursuant to this
4 subsection shall contain both of the following:

5 1. Conditions that limit the manner and time of setting the fire and
6 that are consistent with this section and rules adopted pursuant to this
7 section.

8 2. A provision that all burning be extinguished at the discretion of
9 the director or the director's authorized representative during periods of
10 inadequate atmospheric smoke dispersion, periods of excessive visibility
11 impairment that could adversely affect public safety or periods when smoke is
12 blown into populated areas so as to create a public nuisance.

13 ~~F.~~ E. The director may issue a general permit to allow persons
14 engaged in farming or ranching on forty acres or more in an unincorporated
15 area to burn household waste, as defined in section 49-701, that is generated
16 on site, if no household waste collection and disposal service is available.
17 The general permit shall include the following:

18 1. Conditions governing the method, manner and times for burning.

19 2. Limitation on materials which may be burned, including a
20 prohibition on burning of materials which generate noxious fumes.

21 3. A requirement that any person seeking coverage under the general
22 permit shall register with the director on a form prescribed by the director.
23 Upon receipt of a registration form, the director shall notify the county in
24 which the farm or ranch is located of such registration.

25 4. A statement that the director, a local air pollution control
26 officer, or any other public officer may order the extinguishment of burning
27 or may prohibit burning during periods of inadequate smoke dispersion
28 or excessive visibility impairment or at other times when public health or
29 safety could be adversely affected.

30 ~~G.~~ F. Nothing in this section is intended to permit any practice
31 which is a violation of any statute, ordinance, rule or regulation in a
32 county with a population in excess of one million two hundred thousand
33 persons. ~~according to the most recent United States decennial census.~~
34 NOTWITHSTANDING ANY OTHER LAW, SUCH A COUNTY SHALL PROHIBIT BY ORDINANCE THE
35 USE OF WOOD BURNING CHIMINEAS, OUTDOOR FIRE PITS AND SIMILAR OUTDOOR FIRES ON
36 THOSE DAYS FOR WHICH THE COUNTY HAS ISSUED A NO BURN DAY RESTRICTION.

37 ~~H.~~ G. A person who violates any provision of this section may be
38 served a notice of violation and be subject to the enforcement provisions of
39 this article to the same extent as a person violating any rule or regulation
40 adopted pursuant to this article, EXCEPT THAT A VIOLATION THAT LASTS NO MORE
41 THAN TWENTY-FOUR HOURS AND THAT IS THE FIRST VIOLATION COMMITTED BY THAT
42 PERSON IS SUBJECT TO A CIVIL PENALTY OF NO MORE THAN FIVE HUNDRED DOLLARS.

43 ~~I. Any violation of this section shall be punishable by a fine not to~~
44 ~~exceed twenty five dollars.~~

1 ~~B.~~ H. FOR THE PURPOSES OF THIS SECTION, "open outdoor fire", ~~as used~~
2 ~~in this section~~, means any combustion of combustible material of any type
3 outdoors, in the open where the products of combustion are not directed
4 through a flue. FOR THE PURPOSES OF THIS SUBSECTION, "flue", ~~as used in~~
5 ~~this subsection~~, means any duct or passage for air, gases or the like, such
6 as a stack or chimney.

7 Sec. 19. Section 49-542, Arizona Revised Statutes, as amended by Laws
8 2007, chapter 171, section 5, is amended to read:

9 49-542. Emissions inspection program; powers and duties of
10 director; administration; periodic inspection;
11 minimum standards and rules; exceptions; definition

12 A. The director shall administer a comprehensive annual or biennial
13 emissions inspection program which shall require the inspection of vehicles
14 in this state pursuant to this article and applicable administrative rules.
15 Such inspection is required in area A and area B, for those vehicles owned by
16 a person who is subject to section 15-1444 or 15-1627 and for those vehicles
17 registered outside of area A or area B but used to commute to the driver's
18 principal place of employment located within area A or area B. Inspection in
19 other counties of the state shall commence upon application by a county board
20 of supervisors for participation in such inspection program, subject to
21 approval by the director. In all counties with a population of three hundred
22 fifty thousand or fewer persons according to the most recent United States
23 decennial census, except for the portion of counties that contain any portion
24 of area A, the director shall as conditions dictate provide for testing to
25 determine the effect of vehicle related pollution on ambient air quality in
26 all communities with a metropolitan area population of twenty thousand
27 persons or more according to the most recent United States decennial census.
28 If such testing detects the violation of state ambient air quality standards
29 by vehicle related pollution, the director shall forward a full report of
30 such violation to the president of the senate, the speaker of the house of
31 representatives and the governor.

32 B. The state's annual or biennial emissions inspection program shall
33 provide for vehicle inspections at official emissions inspection stations or
34 at fleet emissions inspection stations. Each inspection station in area A
35 shall employ at least one mechanic who is available during the station's
36 hours of operation to provide technical advice and assistance for persons who
37 fail the emissions test. The director may enter into agreements with the
38 department of transportation or with county assessors for the use of official
39 emissions inspection stations for the purpose of conducting vehicle
40 registrations. An official or fleet emissions inspection station permit
41 shall not be sold, assigned, transferred, conveyed or removed to another
42 location except on such terms and conditions as the director may prescribe.

43 C. Vehicles required to be inspected and registered in this state,
44 except those provided for in section 49-546, shall be inspected, for the
45 purpose of complying with the registration or reregistration requirement

1 pursuant to subsection D of this section, in accordance with the provisions
2 of this article no more than ninety days prior to each reregistration
3 expiration date. A vehicle may be submitted voluntarily for inspection more
4 than ninety days before the reregistration expiration date on payment of the
5 prescribed inspection fee. Such voluntary inspection shall not be considered
6 as compliance with the registration or reregistration requirement pursuant to
7 subsection D of this section.

8 D. A vehicle shall not be registered or reregistered until such
9 vehicle has passed the emissions inspection, and the tampering inspection
10 prescribed in subsection G of this section AND THE LIQUID FUEL LEAK
11 INSPECTION PRESCRIBED IN SUBSECTION Z OF THIS SECTION or has been issued a
12 certificate of waiver. A certificate of waiver shall only be issued one time
13 to a vehicle after January 1, 1997. If any vehicle to be registered or
14 reregistered is being sold by a dealer licensed to sell motor vehicles
15 pursuant to title 28, the cost of any inspection and any repairs necessary to
16 pass the inspection shall be borne by the dealer. A dealer who is licensed
17 to sell motor vehicles pursuant to title 28 and whose place of business is
18 located in area A or area B shall not deliver any vehicle to the retail
19 purchaser until the vehicle passes any inspection required by this article or
20 the vehicle is exempt under subsection J of this section.

21 E. On the registration or reregistration of a vehicle which has
22 complied with the minimum emissions standards pursuant to this section or is
23 otherwise exempt under this section, the registering officer shall issue an
24 air quality compliance sticker to the registered owner which shall be placed
25 on the vehicle as prescribed by rule adopted by the department of
26 transportation or issue a modified year validating tab as prescribed by rule
27 adopted by the department of transportation. Those persons who reside
28 outside of area A or area B but who elect to test their vehicle or are
29 required to test their vehicle pursuant to this section and who comply with
30 the minimum emissions standards pursuant to this section or are otherwise
31 exempt under this section shall remit a compliance form, as prescribed by the
32 department of transportation, and proof of compliance issued at an official
33 emissions inspection station to the department of transportation along with
34 the appropriate fees. The department of transportation shall then issue the
35 person an air quality compliance sticker which shall be placed on the vehicle
36 as prescribed by rule adopted by the department of transportation. The
37 registering officer or the department of transportation shall collect an air
38 quality compliance fee of twenty-five cents. The registering officer or the
39 department of transportation shall deposit, pursuant to sections 35-146 and
40 35-147, the air quality compliance fee in the state highway fund established
41 by section 28-6991. The department of transportation shall deposit, pursuant
42 to sections 35-146 and 35-147, any emissions inspection fee in the emissions
43 inspection fund. The provisions of this subsection do not apply to those
44 vehicles registered pursuant to title 28, chapter 7, article 7 or 8, the sale
45 of vehicles between motor vehicle dealers or vehicles leased to a person

1 residing outside of area A or area B by a leasing company whose place of
2 business is in area A or area B.

3 F. The director shall adopt minimum emissions standards pursuant to
4 section 49-447 with which the various classes of vehicles shall be required
5 to comply as follows:

6 1. For the purpose of determining compliance with minimum emissions
7 standards in area B:

8 (a) A motor vehicle manufactured in or before the 1980 model year,
9 other than a diesel powered vehicle, shall be required to take and pass the
10 curb idle test condition. A diesel powered vehicle is subject to only a
11 loaded test condition. The conditioning mode shall, at the option of the
12 vehicle owner or owner's agent, be administered only after the vehicle has
13 failed the curb idle test condition. Upon completion of such conditioning
14 mode, a vehicle that has failed the curb idle test condition may be retested
15 in the curb idle test condition. If the vehicle passes such retest, it shall
16 be deemed in compliance with minimum emissions standards unless the vehicle
17 fails the tampering inspection pursuant to subsection G of this section OR
18 THE LIQUID LEAK FUEL INSPECTION PURSUANT TO SUBSECTION Z OF THIS SECTION.

19 (b) A motor vehicle manufactured in or after the 1981 model year,
20 other than a diesel powered vehicle, shall be required to take and pass the
21 curb idle test condition and the loaded test condition or an onboard
22 diagnostic check as may be required pursuant to title II of the clean air
23 act.

24 2. For purposes of determining compliance with minimum emissions
25 standards and functional tests in area A:

26 (a) Motor vehicles manufactured in or after model year 1981 with a
27 gross vehicle weight rating of eighty-five hundred pounds or less, other than
28 diesel powered vehicles, shall be required to take and pass a transient
29 loaded emissions test or an onboard diagnostic check as may be required
30 pursuant to title II of the clean air act.

31 (b) Motor vehicles other than those prescribed by subdivision (a) of
32 this paragraph and other than diesel powered vehicles shall be required to
33 take and pass a steady state loaded test and a curb idle emissions test.

34 (c) A diesel powered motor vehicle applying for registration or
35 reregistration in area A shall be required to take and pass an annual
36 emissions test conducted at an official emissions inspection station or a
37 fleet emissions inspection station as follows:

38 (i) A loaded, transient or any other form of test as provided for in
39 rules adopted by the director for vehicles with a gross vehicle weight rating
40 of eight thousand five hundred pounds or less.

41 (ii) A test that conforms with the society for automotive engineers
42 standard J1667 for vehicles with a gross vehicle weight rating of more than
43 eight thousand five hundred pounds.

44 (d) Motor vehicles by specific class or model year shall be required
45 to take and pass any of the following tests:

- 1 (i) An evaporative system purge test.
- 2 (ii) An evaporative system integrity test.
- 3 (e) An onboard diagnostic check as may be required pursuant to title
- 4 II of the clean air act.
- 5 3. A motorcycle in area A or any constant four wheel drive vehicle
- 6 shall be required to take and pass a curb idle emissions test or an onboard
- 7 diagnostic check as required pursuant to title II of the clean air act.
- 8 4. Fleet operators in area B must comply with this section, except
- 9 that used vehicles sold by a motor vehicle dealer who is a fleet operator and
- 10 who has been issued a permit under section 49-546 shall be tested as follows:
- 11 (a) A motor vehicle manufactured in or before the 1980 model year
- 12 shall take and pass only the curb idle test condition, except that a diesel
- 13 powered vehicle is subject to only a loaded test condition.
- 14 (b) A motor vehicle manufactured in or after the 1981 model year shall
- 15 take and pass the curb idle test condition and a twenty-five hundred
- 16 revolutions per minute unloaded test condition.
- 17 5. Vehicles owned or operated by the United States, this state or a
- 18 political subdivision of this state shall comply with this subsection without
- 19 regard to whether those vehicles are required to be registered in this state,
- 20 except that alternative fuel vehicles of a school district that is located in
- 21 area A shall be required to take and pass the curb idle test condition and
- 22 the loaded test condition.
- 23 6. Fleet operators in area A shall comply with this section, except
- 24 that used vehicles sold by a motor vehicle dealer who is a fleet operator and
- 25 who has been issued a permit pursuant to section 49-546 for purposes of
- 26 determining compliance with minimum emission standards in area A shall be
- 27 tested as follows:
- 28 (a) A motor vehicle manufactured in or before the 1980 model year
- 29 shall take and pass the curb idle test condition, except that a diesel
- 30 powered vehicle is subject to only a loaded test condition.
- 31 (b) A motor vehicle manufactured in or after the 1981 model year shall
- 32 take and pass the curb idle test condition and a two thousand five hundred
- 33 revolutions per minute unloaded test condition.
- 34 7. Beginning on January 1, 2004 and except for any registered owner or
- 35 lessee of a fleet of less than twenty-five vehicles, a diesel powered motor
- 36 vehicle with a gross vehicle weight of more than twenty-six thousand pounds
- 37 and for which gross weight fees are paid pursuant to title 28, chapter 15,
- 38 article 2 in area A shall not be allowed to operate in area A unless it was
- 39 manufactured in or after the 1988 model year or is powered by an engine that
- 40 is certified to meet or surpass emissions standards contained in 40 Code of
- 41 Federal Regulations section 86.088-11. This paragraph does not apply to
- 42 vehicles that are registered pursuant to title 28, chapter 7, article 7 or 8.
- 43 8. Beginning on January 1, 2006 for any registered owner or lessee of
- 44 a fleet of less than twenty-five vehicles, a diesel powered motor vehicle
- 45 with a gross vehicle weight of more than twenty-six thousand pounds and for

1 which gross weight fees are paid pursuant to title 28, chapter 15, article 2
2 in area A shall not be allowed to operate in area A unless it was
3 manufactured in or after the 1988 model year or is powered by an engine that
4 is certified to meet or surpass emissions standards contained in 40 Code of
5 Federal Regulations section 86.088-11. This paragraph does not apply to
6 vehicles that are registered pursuant to title 28, chapter 7, article 7 or 8.

7 G. In addition to an emissions inspection, a vehicle is subject to a
8 tampering inspection on at least a biennial basis if the vehicle was
9 manufactured after the 1974 model year and the vehicle is not subject to a
10 transient loaded emissions test or an onboard diagnostic check as required
11 pursuant to title II of the clean air act. The director shall adopt vehicle
12 configuration guidelines for the tampering inspection which shall be based on
13 the original configuration of the vehicle when manufactured. The tampering
14 inspection shall consist of the following:

15 1. A visual check to determine the presence of properly installed
16 catalytic converters.

17 2. An examination to determine the presence of an operational air
18 pump.

19 3. In area A, if the vehicle was manufactured after the 1974 model
20 year and is not subject to a transient loaded emissions test or an onboard
21 diagnostic check as required pursuant to title II of the clean air act, a
22 visual inspection for the presence or malfunction of the positive crankcase
23 ventilation system and the evaporative control system.

24 H. Vehicles required to be inspected shall undergo a functional test
25 of the gas cap to determine if the cap holds pressure within limits
26 prescribed by the director, except for any vehicle that is subject to an
27 evaporative system integrity test.

28 I. Motor vehicles failing the initial or subsequent test are not
29 subject to a penalty fee for late registration renewal if the original
30 testing was accomplished before the expiration date and if the registration
31 renewal is received by the motor vehicle division or the county assessor
32 within thirty days of the original test.

33 J. The director may adopt rules for purposes of implementation,
34 administration, regulation and enforcement of the provisions of this article
35 including:

36 1. The submission of records relating to the emissions inspection of
37 vehicles inspected by another jurisdiction in accordance with another
38 inspection law and the acceptance of such inspection for compliance with the
39 provisions of this article.

40 2. The exemption from inspection of:

41 (a) A motor vehicle manufactured in or before the 1966 model year.

42 (b) New vehicles originally registered at the time of initial retail
43 sale and titling in this state pursuant to section 28-2153 or 28-2154.

44 (c) Vehicles registered pursuant to title 28, chapter 7, article 7
45 or 8.

- 1 (d) New vehicles before the sixth registration year after initial
2 purchase or lease.
- 3 (e) Vehicles which will not be available within the state during the
4 ninety days prior to registration.
- 5 (f) Golf carts.
- 6 (g) Electrically-powered vehicles.
- 7 (h) Vehicles with an engine displacement of less than ninety cubic
8 centimeters.
- 9 (i) The sale of vehicles between motor vehicle dealers.
- 10 (j) Vehicles leased to a person residing outside of area A or area B
11 by a leasing company whose place of business is in area A or area B.
- 12 (k) Collectible vehicles.
- 13 (l) Motorcycles in area B.
- 14 3. Compiling and maintaining records of emissions test results after
15 servicing.
- 16 4. A procedure which shall allow the vehicle service and repair
17 industry to compare the calibration accuracy of its emissions testing
18 equipment with the department's calibration standards.
- 19 5. Training requirements for automotive repair personnel using
20 emissions measuring equipment whose calibration accuracy has been compared
21 with the department's calibration standards.
- 22 6. Any other rule which may be required to accomplish the provisions
23 of this article.
- 24 K. The director shall, after consultation with automobile
25 manufacturers and the vehicle service and repair industry, establish by rule
26 a definition of "low emissions tune-up" for motor vehicles subject to
27 inspection under this article. The definition shall specify repair
28 procedures which, when implemented, will reduce vehicle emissions.
- 29 L. The director shall adopt rules which specify that the estimated
30 retail cost of all recommended maintenance and repairs shall not exceed the
31 amounts prescribed in this subsection, except that if a vehicle fails a
32 tampering inspection there is no limit on the cost of recommended maintenance
33 and repairs. The director shall issue a certificate of waiver for a vehicle
34 which has failed reinspection, if the director has determined that all
35 recommended maintenance and repairs have been performed. If, after
36 reinspection, the director has determined that the vehicle is in compliance
37 with minimum emissions standards or that all recommended maintenance and
38 repairs for compliance with minimum emissions standards have been performed,
39 but that tampering discovered at a tampering inspection has not been
40 repaired, the director may issue a certificate of waiver if the owner of the
41 vehicle provides to the director a written statement from an automobile parts
42 or repair business that an emissions control device which is necessary to
43 repair the tampering is not available and cannot be obtained from any usual
44 source of supply before the vehicle's current registration expires. Rules
45 adopted by the director for the purpose of establishing the estimated retail

1 cost of all recommended maintenance and repairs pursuant to this subsection
2 shall specify that:

3 1. In area A the cost shall not exceed:

4 (a) Five hundred dollars for a diesel powered vehicle with a gross
5 weight in excess of twenty-six thousand pounds.

6 (b) Five hundred dollars for a diesel powered vehicle with tandem
7 axles.

8 (c) For a vehicle other than a diesel powered vehicle with a gross
9 weight in excess of twenty-six thousand pounds and other than a diesel
10 powered vehicle with tandem axles:

11 (i) Two hundred dollars for such a vehicle manufactured in or before
12 the 1974 model year.

13 (ii) Three hundred dollars for such a vehicle manufactured in the 1975
14 through 1979 model years.

15 (iii) Four hundred fifty dollars for such a vehicle manufactured in or
16 after the 1980 model year.

17 2. In area B the cost shall not exceed:

18 (a) Three hundred dollars for a diesel powered vehicle with a gross
19 weight in excess of twenty-six thousand pounds.

20 (b) Three hundred dollars for a diesel powered vehicle with tandem
21 axles.

22 3. For a vehicle other than a diesel powered vehicle with a gross
23 weight in excess of twenty-six thousand pounds and other than a diesel
24 powered vehicle with tandem axles:

25 (a) Fifty dollars for such a vehicle manufactured in or before the
26 1974 model year.

27 (b) Two hundred dollars for such a vehicle manufactured in the 1975
28 through 1979 model years.

29 (c) Three hundred dollars for such a vehicle manufactured in or after
30 the 1980 model year.

31 M. Each person whose vehicle has failed an emissions inspection shall
32 be provided a list of those general recommended tune-up procedures for
33 vehicles which are designed to reduce vehicle emissions levels. The list
34 shall include the following notice: "This test is the result of federal law.
35 You may wish to contact your representative in the United States Congress."

36 N. Notwithstanding any other provisions of this article, the director
37 may adopt rules allowing exemptions from the requirement that all vehicles
38 must meet the minimum standards for registration or reregistration.

39 O. The director of environmental quality shall establish, in
40 cooperation with the assistant director for the motor vehicle division of the
41 department of transportation:

42 1. An adequate method for identifying bona fide residents residing
43 outside of area A or area B to ensure that such residents are exempt from
44 compliance with the inspection program established by this article and rules
45 adopted under this article.

1 2. A written notice that shall accompany the vehicle registration
2 application forms that are sent to vehicle owners pursuant to section 28-2151
3 and that shall accompany or be included as part of the vehicle emissions test
4 results that are provided to vehicle owners at the time of the vehicle
5 emissions test. This written notice shall describe at least the following:
6 (a) The restriction of the waiver program to one time per vehicle and
7 a brief description of the implications of this limit.
8 (b) The availability and a brief description of the vehicle repair and
9 retrofit program established pursuant to section 49-474.03.
10 (c) Notice that many vehicles carry extended warranties for vehicle
11 emissions systems, and those warranties are described in the vehicle's
12 owner's manual or other literature.
13 (d) A description of the catalytic converter replacement program
14 established pursuant to section 49-474.03.
15 P. Notwithstanding any other law, if area A or area B is reclassified
16 as an attainment area, emissions testing conducted pursuant to this article
17 shall continue for vehicles registered inside that reclassified area,
18 vehicles owned by a person who is subject to section 15-1444 or 15-1627 and
19 vehicles registered outside of that reclassified area but used to commute to
20 the driver's principal place of employment located within that reclassified
21 area.
22 Q. A fleet operator who is issued a permit pursuant to section 49-546
23 may electronically transmit emissions inspection data to the department of
24 transportation pursuant to rules adopted by the director of the department of
25 transportation in consultation with the director of environmental quality.
26 R. The director shall prohibit a certificate of waiver pursuant to
27 subsection L of this section for any vehicle which has failed inspection in
28 area A due to the catalytic converter system.
29 S. The director shall establish provisions for rapid testing of
30 certain vehicles and to allow fleet operators, singly or in combination, to
31 contract directly for vehicle emissions testing.
32 T. Each vehicle emissions control station in area A shall have a sign
33 posted to be visible to persons who are having their vehicles tested. This
34 sign shall state that enhanced testing procedures are a direct result of
35 federal law.
36 U. The initial adoption of rules pursuant to this section shall be
37 deemed emergency rules pursuant to section 41-1026.
38 V. The director of environmental quality and the director of the
39 department of transportation shall implement a system to exchange information
40 relating to the waiver program, including information relating to vehicle
41 emissions test results and vehicle registration information.
42 W. Any person who sells a vehicle that has been issued a certificate
43 of waiver pursuant to this section after January 1, 1997 and who knows that a
44 certificate of waiver has been issued after January 1, 1997 for that vehicle

1 shall disclose to the buyer before completion of the sale that a certificate
2 of waiver has been issued for that vehicle.

3 X. Vehicles that fail the emissions test at emission levels higher
4 than twice the standard established for that vehicle class by the department
5 pursuant to section 49-447 are not eligible for a certificate of waiver
6 pursuant to this section unless the vehicle is repaired sufficiently to
7 achieve an emissions level below twice the standard for that class of
8 vehicle.

9 Y. If an insurer notifies the department of transportation of the
10 cancellation or nonrenewal of collectible vehicle or classic automobile
11 insurance coverage for a collectible vehicle, the department of
12 transportation shall cancel the registration of the vehicle and the vehicle's
13 exemption from emissions testing pursuant to this section unless evidence of
14 coverage is presented to the department of transportation within sixty days.

15 Z. IN ADDITION TO AN EMISSIONS INSPECTION, A VEHICLE IS SUBJECT TO A
16 LIQUID FUEL LEAK INSPECTION ON AT LEAST A BIENNIAL BASIS IF THE VEHICLE WAS
17 MANUFACTURED AFTER THE 1974 MODEL YEAR AND IS NOT A DIESEL VEHICLE. THE
18 DIRECTOR SHALL ADOPT RULES PRESCRIBING PROCEDURES AND STANDARDS FOR THE
19 LIQUID FUEL LEAK INSPECTION.

20 ~~Z.~~ AA. For the purposes of this section, "collectible vehicle" means
21 a vehicle that complies with both of the following:

22 1. Either:

23 (a) Bears a model year date of original manufacture that is at least
24 fifteen years old.

25 (b) Is of unique or rare design, of limited production and an object
26 of curiosity.

27 2. Meets both of the following criteria:

28 (a) Is maintained primarily for use in car club activities,
29 exhibitions, parades or other functions of public interest or for a private
30 collection and is used only infrequently for other purposes.

31 (b) Has a collectible vehicle or classic automobile insurance coverage
32 that restricts the collectible vehicle mileage or use, or both, and requires
33 the owner to have another vehicle for personal use.

34 Sec. 20. Interim rule making; publication

35 Notwithstanding title 41, chapter 6, article 3, Arizona Revised
36 Statutes, the best management practices committee for regulated agricultural
37 activities established under section 49-457, Arizona Revised Statutes, shall
38 adopt the rules required by section 49-457, Arizona Revised Statutes, as
39 amended by this act, as interim rules with an immediate effective date in
40 compliance with section 41-1032, Arizona Revised Statutes, in order to comply
41 with the December 31, 2007 deadline imposed by the United States
42 environmental protection agency for failure to attain the national ambient
43 air quality standard for PM-10 on or before December 31, 2006. The rules
44 shall have an immediate effective date. Interim rules are exempt from title
45 41, chapter 6, article 3, Arizona Revised Statutes, except that the committee

1 shall submit the rules for publication and the secretary of state shall
2 publish the rules in the Arizona administrative register.

3 Sec. 21. Construction contracts with public entities;
4 definition

5 A. If this state or an agency or political subdivision of this state
6 is party to a construction contract executed before enactment of this act,
7 the state, agency or political subdivision may agree to a contract amendment
8 to provide for supplemental payments to reimburse the contractor for costs
9 incurred solely and directly as a result of new dust control requirements
10 imposed under this act if the following conditions are satisfied:

11 1. The measures taken to comply with the new dust control requirements
12 were necessary and appropriate.

13 2. The measures taken to comply with the new dust control requirements
14 were not necessary or appropriate to comply with dust control requirements or
15 any other legal or contractual requirements in existence before enactment of
16 this act.

17 3. The contractor provides the state, agency or political subdivision
18 with complete documentation for the costs for which supplemental payment is
19 requested.

20 4. The contractor did not expressly or impliedly assume the risk that
21 additional costs would be incurred as a result of changes in dust control
22 requirements.

23 B. Any invitation to bid or request for proposals issued by this state
24 or an agency or political subdivision of this state for a construction
25 project in area A as defined in section 49-541, Arizona Revised Statutes,
26 shall require that the offer address compliance with all dust control
27 requirements applicable to the project.

28 C. For the purposes of this section, "political subdivision" means an
29 entity supported in whole or in part by tax revenues.

30 Sec. 22. Delayed repeal

31 Section 21 of this act, relating to public contracts and dust control
32 requirements, is repealed from and after September 30, 2009.

33 Sec. 23. City and county particulate enforcement; report; joint
34 legislative budget committee

35 A county and any city or town that is located in an area designated by
36 the environmental protection agency as a serious PM-10 nonattainment area or
37 a maintenance area that was designated as a serious PM-10 nonattainment area
38 shall submit reports on particulate enforcement to the joint legislative
39 budget committee on June 1 and December 1 in 2008 and 2009. The reports
40 shall include the following information for each county, city and town:

41 1. The number of notices of violation issued, fines or penalties
42 assessed or other sanctions imposed for particulate violations.

43 2. The number of inspectors or other enforcement personnel employed
44 for purposes of enforcing statutes, rules or ordinances related to
45 particulates.

1 3. The number of miles of streets, roads, alleys, shoulders and vacant
2 areas paved or otherwise stabilized.

3 4. Any other information relevant to enforcement of particulate
4 measures prescribed by this act.

5 Sec. 24. State air quality study committee; members; duties;
6 report

7 A. The state air quality study committee is established consisting of
8 the following members:

9 1. Five members of the senate who are appointed by the president of
10 the senate, not more than three of whom are members of the same political
11 party. The president of the senate shall designate one of these members to
12 serve as cochairperson of the committee.

13 2. Five members of the house of representatives who are appointed by
14 the speaker of the house of representatives, not more than three of whom are
15 members of the same political party. The speaker of the house of
16 representatives shall designate one of these members to serve as
17 cochairperson of the committee.

18 B. The purpose of the committee is to examine and make recommendations
19 for current and future compliance with primary national ambient air quality
20 standards in this state.

21 C. The committee shall:

22 1. Review the implementation and enforcement of the particulate matter
23 and ozone control measures for areas A and C prescribed in this act and
24 adopted by the Maricopa association of governments and Maricopa county for
25 area A. On request of the committee, the Maricopa association of governments
26 shall provide a summary of the five per cent PM-10 reduction plan submitted
27 to the United States environmental protection agency on or before December
28 31, 2007.

29 2. Examine the need to adopt additional particulate matter and ozone
30 control measures in areas A and C to ensure compliance with national ambient
31 air quality standards in areas A and C and any other federal requirements.

32 3. Review the different types of motor fuel standards required by law
33 in this state.

34 4. Examine the need to adjust the different types of motor fuel
35 standards in this state based on the following criteria:

36 (a) Current and future compliance with primary national ambient air
37 quality standards to protect public health.

38 (b) Effect on supply of motor fuel into this state.

39 (c) Effect on the price and costs of production and delivery of motor
40 fuel to consumers.

41 (d) Cost-effectiveness of motor fuel standard changes in comparison
42 with other types of control measures.

43 (e) Federal regulations on locally-specific motor fuel types.

44 5. Review the vehicle emission inspection requirements in this state
45 and examine the applicability of these requirements.

1 6. Review and examine other air quality control measures, as the
2 committee deems necessary, to ensure current and future compliance with
3 primary national ambient air quality standards to protect public health,
4 including vapor recovery system technologies and requirements.

5 7. Make any recommendations on review and examination of the subjects
6 prescribed in paragraphs 1 through 6 of this subsection.

7 8. Submit a report of its findings and recommendations to the
8 governor, the president of the senate and the speaker of the house of
9 representatives on or before December 31, 2009 and submit copies of these
10 reports to the secretary of state and the director of the Arizona state
11 library, archives and public records.

12 Sec. 25. Department of environmental quality; motor fuels
13 emissions studies; recommendations

14 A. The department of environmental quality shall evaluate the
15 coordinating research council study E-74b. The department of environmental
16 quality shall receive comments evaluating the coordinating research council
17 study E-74b from the department of weights and measures, any trade
18 organizations representing automobile manufacturers, ethanol producers and
19 marketers, petroleum refiners, suppliers, distributors and marketers, and
20 other interested parties.

21 B. The department of environmental quality and each of the entities
22 submitting comments pursuant to subsection A of this section shall consider
23 providing additional research and cooperating to design and conduct any
24 additional studies.

25 C. If funding is made available, and if the department of
26 environmental quality in consultation with each of the entities submitting
27 comments pursuant to subsection A of this section determines additional
28 research is necessary, the department of environmental quality, in
29 consultation with the department of weights and measures, shall develop and
30 implement research that would complement and incorporate the coordinating
31 research council study E-74b regarding Reid vapor pressure and oxygen content
32 effects on emissions of 1994 model year and newer light duty vehicles. The
33 research:

34 1. May include federal test procedure testing of a sufficient number
35 and variety of federal tier 1 and tier 2 standard vehicles to be
36 representative of the current in-use light duty vehicle fleet.

37 2. May include an emissions and air quality assessment of the impacts
38 of changing the area A wintertime Reid vapor pressure standard to comply with
39 American society for testing and materials Reid vapor pressure standards
40 applicable to area A, including the wintertime Reid vapor pressure waiver for
41 ethanol blends allowed by provisions of a waiver issued or other limits
42 established by the United States environmental protection agency.

43 3. May include an assessment of the emissions and air quality impacts
44 of requiring ten per cent ethanol in tandem with any change in Reid vapor
45 pressure, including an assessment of Reid vapor pressure being allowed to

1 rise with no ethanol content and an assessment of fuel containing greater
2 than twenty per cent ethanol content.

3 4. Notwithstanding the receipt of the coordinating research council
4 study E-74b, shall include:

5 (a) An assessment of costs of production and delivery of gasoline and
6 ethanol and an assessment of gasoline and ethanol supplies and logistics.

7 (b) A statewide assessment of increasing flexibility under state
8 standards for blending ethanol to include impacts on the environment, vehicle
9 performance and costs to consumers.

10 D. On or before February 15, 2008, the department of environmental
11 quality shall submit its evaluation of the coordinating research council
12 study E-74b and any comments received pursuant to subsection A of this
13 section to the governor, the president of the senate and the speaker of the
14 house of representatives for referral to the appropriate standing committees
15 of the senate and the house of representatives. The department shall submit
16 copies of the evaluation and comments to the secretary of state and the
17 director of the Arizona state library, archives and public records.

18 E. On or before September 1, 2008, the department of environmental
19 quality shall submit a report of all of the findings and recommendations made
20 pursuant to this section to the state air quality study committee established
21 by this act and shall submit copies of these reports to the secretary of
22 state and the director of the Arizona state library, archives and public
23 records.

24 Sec. 26. Delayed repeal

25 Section 24 of this act, relating to the state air quality study
26 committee, and section 25 of this act, relating to motor fuels emissions
27 studies, are repealed from and after December 31, 2009.

28 Sec. 27. Conditional enactment

29 A. Section 41-2083, Arizona Revised Statutes, as amended by Laws 2007,
30 chapter 145, section 2 and this act, is effective as prescribed in Laws 2005,
31 chapter 104, section 7, subsection A, as amended by Laws 2007, chapter 145,
32 section 4.

33 B. Section 41-2124.01, Arizona Revised Statutes, as amended by section
34 13 of this act, is not effective unless, on or before November 1, 2009, the
35 conditions specified in Laws 2005, chapter 104, section 7, subsection B, as
36 amended by Laws 2007, chapter 145, section 4, are satisfied.


HOUSE OF REPRESENTATIVES
 SB 1552
 air quality program
 Sponsors: Senator Allen, Huppenthal

DPA Committee on Environment

DPA Caucus and COW

X As Transmitted to the Governor

SB 1552 makes various changes to statutes pertaining to air quality control.

History

The Clean Air Act (CAA) was established in 1990 to address the nation's problems with air pollutants. Through the CAA, the Environmental Protection Agency (EPA) set primary and secondary standards for the amounts of any pollutant that can be in the air anywhere in the United States. Currently, there are six criteria pollutants included in the National Ambient Air Quality Standards (NAAQS): carbon monoxide (CO), nitrogen dioxide (NO_x), particulate matter (PM-10 and PM-2.5), ozone, sulfur dioxide (SO₂), and lead (Pb).

On December 31, 2006, a large portion of Maricopa County and the Apache Junction portion of Area A failed to reach attainment of the federal PM-10 health standards. The Maricopa Association of Governments (MAG), which is the designated regional agency for air quality, is required to submit a State Implementation Plan (SIP) to the EPA by December 31, 2007 that includes measures to reduce PM-10 emissions over the next three years. As of May 23, 2007, MAG has suggested 55 measures to reduce PM-10 emissions. Potential implementing entities for the measures include state, local and county governments and the private sector. Some of the state measures include a Dust-Free Certification program; paving or stabilizing dirt roads, alleys and shoulders; and banning or discouraging use of leaf blowers on High Pollution Advisory Days (HPA).

Additionally, on April 15, 2004 the EPA designated Area A as nonattainment for the NAAQS for ozone; the Maricopa County nonattainment area is classified as basic and is required to reach attainment of the standard at all ozone monitors by June 15, 2009. MAG is also required to submit a SIP to the EPA by June 15, 2007 that demonstrates an approach to reducing the ozone level in the air and emissions of ozone precursors.

The Arizona Department of Environmental Quality estimates that the provisions contained in SB 1552 will reduce PM-10 emissions by 10,425 tons per year, VOC emissions by 12,243 tons per year and NO_x by 5,529 tons per year. According to MAG, the total reduction of PM-10 needed for attainment is 13,782 tons.

Area A – means greater Phoenix metropolitan area, a portion of Apache Junction and a portion of Yavapai County. .
A county with a population of two million or more persons or any portion of a county within an area designated by the EPA as a serious PM-10 nonattainment area or a maintenance area that was designated as a serious PM-10 nonattainment area – Currently, this description means Maricopa County in its entirety and the Apache Junction portion of Area A.

Provisions

Unpaved Roads

- Requires a city or town in Area A and a county which contains any portion of Area A to develop and implement plans to stabilize unpaved roads, alleys and unpaved shoulders on targeted arterials by January 1, 2008.
- Specifies that the plans of a county which contains any portion of Area A must address the performance goals; the criteria for targeting the roads, alleys and shoulders; a schedule for implementation; funding options; and reporting requirements.

- Requires a city or town in Area A and a county which contains any portion of Area A to give priority to:
 1. Unpaved roads with more than 100 average daily trips; and
 2. Unpaved shoulders on arterial roads where vehicle use is evident or anticipated due to projected traffic volume.
- Allows counties to use petroleum based or non-petroleum based products in the maintenance and repair of unpaved roads, alleys and shoulders in any county where the control officer certifies that the emissions from such roads, alleys or shoulders may endanger compliance with the NAAQS.

Parking Areas

- Requires that no later than March 31, 2008, a city and town in Area A, Maricopa County and the Apache Junction portion of Area A, adopt or amend codes or ordinances and, no later than October 1, 2008, commence enforcement of those codes or ordinances as necessary to require dustproof paving methods for the following:
 1. Parking, maneuvering, ingress and egress areas at developments other than residential buildings with four or fewer units; and
 2. Parking, maneuvering, ingress and egress areas that are 3000 square feet or more in size at residential buildings with four or fewer units.

Vacant Lots

- Requires that no later than March 31, 2008, a city and town in Area A and a county which contains any portion of Area A, adopt or amend codes or ordinances as necessary to restrict vehicle parking and use on unpaved or unstabilized vacant lots.
- Requires that no later than March 31, 2008, Maricopa County and the Apache Junction portion of Area A, adopt rule provisions and enforce those rule provisions pertaining to the stabilization of disturbed surfaces of vacant lots no later than October 1, 2008.
- Stipulates that the county rules must include reasonable written notice to the property owner that the unpaved disturbed surface of a vacant lot is required to be stabilized and must also grant the county authority to enter the lot to stabilize the disturbed surface at the expense of the owner if it has not been stabilized by the day set for compliance.
- Specifies that vacant lots do not include any site that has been issued a county dust control permit.
- Defines *disturbed surface*.

Leaf Blowers

- Stipulates that beginning on March 31, 2008, employees or contractors of a city or town in Area A or a county which contains any portion of Area A (beginning on the general effective date) are prohibited from operating leaf blowers, except in vacuum mode, on high pollution advisory days.
- Prohibits employees or contractors of a city or town in Area A or a county which contains any portion of Area A from blowing landscape debris into public roadways at any time.
- Exempts any site that has been issued a county dust control permit.
- Requires a city and town in Area A to adopt, implement and enforce an ordinance by March 31, 2008 that bans the blowing of landscape debris into public roadways at any time by any person.
- Prohibits any person from blowing landscape debris into public roadways in Maricopa County and the Apache Junction portion of Area A after March 31, 2008.
- Requires that by March 31, 2008, a county that contains any portion of Area A, Maricopa County and the Apache Junction portion of Area A, to adopt, implement and enforce an ordinance that prohibits the operation of leaf blowers, except on surfaces that have been stabilized.

In Maricopa County and the Apache Junction portion of Area A:

- Requires any person operating a leaf blower for remuneration to successfully complete training approved by

the Arizona Department of Environmental Quality (ADEQ) on how to operate a leaf blower in a manner designed to minimize the generation of fugitive dust emissions at least every three years.

- Specifies that any person required to complete training must complete the initial training no later than December 31, 2008.
- Requires ADEQ to produce printed materials for persons who sell or rent equipment used for blowing landscape debris for the purpose of educating and informing the user of the equipment on the safe and efficient use of the equipment.
- Requires any person who rents or sells equipment that is used for blowing landscape debris to provide the buyer or renter of the equipment with the materials approved by ADEQ.

Street Sweepers

- Requires new or renewed contracts for street sweeping on city streets in a city or town in Area A and in a county which contains any portion of Area A, no later than March 31, 2008, to specify that the street sweepers meet the South Coast Air Quality Management rule pertaining to pick-up efficiency and PM-10 emissions.

Off-Highway Vehicles

- Requires a city and town in Area A to adopt, implement and enforce an ordinance that prohibits the operation of any vehicle, including an off-highway vehicle (OHV), an all-terrain vehicle (ATV) or an off-road recreation motor vehicle (ORRMV), on an unpaved surface that is not a public or private road, street or lawful easement and that is closed by the landowner.
- Prohibits a person from operating an OHV, an ATV or an ORRMV on an unpaved surface during any HPA by ADEQ for particulate matter.
- Exempts the operation of vehicles used in the normal course of business or the normal course of government operations.
- Clarifies that this does not prohibit or preempt the enforcement of any similar ordinance that is adopted by a city or town in Area A before March 31, 2008 for purposes of dust abatement.
- Prescribes a Class 3 misdemeanor for a violation of a city or town ordinance prohibiting OHVs on unpaved surfaces.
- Allows a judge to order a person to perform at least 8-24 hours of community restitution or to complete an approved OHV safety course, or both, in lieu of a fine.

The following provisions apply in Area A:

- Prohibits a person from operating an OHV, an ATV or an ORRMV, on an unpaved surface that is not a public or private road, street or lawful easement during any high pollution advisory day forecast by ADEQ.
- Provides exemptions for:
 1. An event that is intended for an OHV, an ATV or an ORRMV and that is endorsed, authorized, permitted or sponsored by a public agency, occurs on a designated route or area and includes dust abatement measures at all staging areas, parking areas and entrances;
 2. An event that occurs at a facility where an admission or use fee is charged and includes dust abatement measures;
 3. A closed course that is maintained with dust abatement measures;
 4. An OHV, an ATV or an ORRMV used in the normal course of business or government operations; or
 5. Golf carts that are used as part of a private or public golf course.
- Allows the control officer or other enforcement officer to issue citations and prescribes the following penalties:
 1. A warning for the first violation;
 2. A civil penalty of \$50 for the second violation;
 3. A civil penalty of \$100 for the third violation; and

4. A civil penalty of \$250 for the fourth or any subsequent violation.

In Maricopa County and the Apache Junction portion of Area A:

- Requires ADEQ to produce printed materials, make the material available on ADEQ's website and distribute the materials to persons who sell or rent OHVs, ATVs or ORRMVs.
- Specifies that the materials must be designed to educate and inform the user of the vehicle on methods for reducing the generation of dust and dust control ordinances and restrictions.
- Requires any person who rents or sells OHVs, ATVs or ORRMVs in the normal course of business, other than golf carts, to provide the buyer or renter of the vehicle printed materials that are approved by ADEQ.

Agricultural Best Management Practices

- Increases the number of agricultural Best Management Practices (BMPs) from one to two and requires that the BMPs be used to demonstrate compliance with the general permit no later than December 31, 2007.
- Requires the Director of the Agricultural Best Management Practices Committee (Committee) to submit the rule containing the two BMPs to the EPA no later than December 31, 2007.
- Specifies that the Committee adopt the rules as interim rules in order to comply with the December 2007 deadline imposed by the EPA for PM-10 compliance.
- Defines *regulated area* for the purposes of BMPs as Maricopa County.

Dust Control Training and Coordinators

The following provisions apply in Maricopa County and the Apache Junction portion of Area A:

- Requires that no later than January 1, 2008, the control officer develop and implement basic and comprehensive training programs for the suppression of PM-10 emissions from sources that are subject to a county dust control permit.
- Allows the county to adopt rules prescribing standards for training.
- Requires that by December 31, 2008 and at least once every three years thereafter, the following persons successfully complete *basic* dust control training:
 1. The site superintendent or other designated on-site representative of a county dust control permit holder if the site has *more than one acre* of disturbed surface; and
 2. Water truck and water pull drivers.
- Specifies that the requirements of site superintendents, water truck and water pull drivers do not apply to a permittee that has a single permit for multiple noncontiguous sites that are *one acre or less*.
- Specifies that no later than June 30, 2008, a site subject to a county dust control permit of *five acres or more* of disturbed surface area must have at least one trained dust control coordinator (coordinator) on site at all times during primary dust generating operations.
- Grants the coordinator full authority to ensure that dust control measures are implemented on site, including conducting inspections, deployment of dust suppression resources and modification or shutdown of activities as needed to control dust.
- Stipulates that the coordinator must be responsible for managing dust prevention and dust control on the site.
- Requires that at least once every three years, the coordinator successfully complete a *comprehensive* dust control class conducted or approved by the appropriate control officer and that the coordinator have a valid coordinator certification on site.
- States that the requirement to have a coordinator for any site *five acres or more* and the ability for the coordinator to have full authority lapse if all of the following apply:

1. The area of disturbed surface area is less than five acres;
 2. The previously disturbed areas are stabilized in accordance with the requirements of applicable rules; and
 3. The permittee provides notice of the acreage stabilized to the control officer.
- Stipulates that a permittee that has a single permit for multiple noncontiguous sites must have on sites *greater than one acre* of disturbed surface area at least one designated coordinator.

The following provisions apply in a designated PM-10 nonattainment area:

- Requires a subcontractor engaged in dust generating operations at a site that is subject to a county dust control permit to register with the control officer.
- Allows the control officer to establish and assess a fee for subcontractor registration.
- Requires that the subcontractor have the registration number readily accessible on site.

Voluntary Diesel Retrofit Program

- Requires a county with a population of more than 400,000 persons to operate and administer a voluntary diesel emissions retrofit program for the purpose of reducing particulate emissions from diesel equipment.
- Stipulates that the program must allow for extended hours of operation by a modification to an existing permit or provision in a new permit.
- Requires that the diesel retrofit demonstrate at least a 35 percent reduction in particulate pollution with no increase in the generation or emission of other regulated pollutants.

Covered Loads

- Exempts minor pieces of agricultural materials such as leaves and stems from agricultural loads and vehicles that drop sufficient sand for the purpose of securing traction or sprinkle water or another substance on a roadway to clean or maintain the roadway.
- Adds that the covered load requirements are for highway safety or air pollution prevention.

Open and Unlawful Burning

- Requires a county which contains any part of Area A, on or before October 31, 2007, to prescribe a no burn restriction for any HPA for particulate matter.
- Stipulates that a fourth or subsequent violation of the no burn restriction is a civil penalty of \$250.
- Prohibits any open outdoor fire in Area A, from May 1 through September 30 each year.
- Removes fires for recreational purposes from the exemptions of unlawful burning.
- Requires a county with a population in excess of 1.2 million persons to prohibit by ordinance the use of wood burning chimineas, outdoor fire pits and similar outdoor fires on those days for which the county has issued a No Burn Day Restriction.
- Increases the fine for open burning from \$25 to \$500 for the first violation.

Vehicle Emissions

- Adds the Liquid Fuel Leak Inspection to the Vehicle Emissions Inspection Program.
- Requires the Director of ADEQ to adopt rules prescribing procedures and standards for the Liquid Fuel Leak Inspection.

Area C

- Establishes Area C in western Pinal County and requires Area C to use clean burning gasoline (CBG) from May 31st to September 30th.
- Contains conditional enactments based on the EPA approving a revision to the SIP.

Construction Contracts with Public Entities

- Allows the state, an agency or political subdivision of this state that is party to a construction contract executed prior to the enactment of these air quality control measures to agree to a contract amendment to provide for supplement payments to reimburse the contractor for the costs incurred solely and directly as a result of new dust control standards.
- Requires that any invitation to bid or request for proposals for a construction project in Area A issued by this state, an agency or political subdivision of this state, address compliance with all dust control requirements applicable to the project.
- Includes a delayed repeal date of September 30, 2009.

Dust-Free Developments Program

- Requires ADEQ to develop the Dust-Free Developments Program (Program).
- Requires that the Program include a voluntary certification process based on criteria developed by ADEQ.
- Stipulates that any person or entity may apply for certification under the Program, and if approved, may lawfully use a certification, seal, logo or other similar indicator established by ADEQ for promotional, civic, public relations or public involvement purposes.
- Stipulates that the Program does not include a specific expiration date.

Reporting Requirements

- Requires any city, town and county located in a PM-10 nonattainment area to submit reports on particulate enforcement to the Joint Legislative Budget Committee (JLBC) on June 1 and December 1 of 2008 and 2009.
- Specifies that the reports must include the following information:
 1. The number of notices of violation issued, fines or penalties assessed or other sanctions imposed for particulate violations.
 2. The number of inspectors or other enforcement personnel employed for purposes of enforcing statutes, rules or ordinances related to particulates.
 3. The number of miles of streets, roads, alleys, shoulders and vacant areas paved or otherwise stabilized.
 4. Any other information relevant to the enforcement of particulate measures.

State Air Quality Study Committee

- Creates the State Air Quality Study Committee consisting of 10 legislators and states that its purpose is to examine and make recommendations for current and future compliance with primary NAAQS.
- Outlines the duties of the State Air Quality Study Committee which include submitting a report to the Legislature.
- Contains a delayed repeal date from and after December 31, 2009.

Motor Fuels Emissions Studies

- Requires ADEQ to evaluate the Coordinating Research Council study E-74b and to receive comments from the Department of Weights and Measures, any trade organizations representing automobile manufacturing, ethanol producers and marketers, petroleum refiners, suppliers, distributors and marketers, and other interested parties.
- Stipulates that ADEQ must consider providing additional research and cooperating to design and conduct any additional studies.
- Specifies that if funding is made available and it is determined that additional research is necessary, ADEQ must work with the Department of Weights and Measures to develop and implement research that would complement and incorporate the Coordinating Research Council study E-74b regarding Reid vapor pressure and oxygen content effects on emissions.
- Stipulates that ADEQ must submit its evaluation of the Coordinating Research Council study E-74b to the

Legislature by February 15, 2008.

- Requires that ADEQ submit a report of all of the findings and recommendations to the State Air Quality Study Committee by September 1, 2008.

Miscellaneous

- Adds that the work hours of municipal employees in a city or town with a population of 50,000 persons or more be adjusted in order to reduce ozone and particulate matter concentrations caused by vehicular travel.
- Stipulates that if the Director of ADEQ determines that progress or attainment will not be achieved in order to achieve or maintain NAAQS or other air quality standards applicable to ozone precursors, the county must adopt rules necessary to achieve progress or attainment.
- Requires emissions reductions for the 8-hour ozone standard be achieved by December 31, 2008.
- Makes technical and conforming changes.

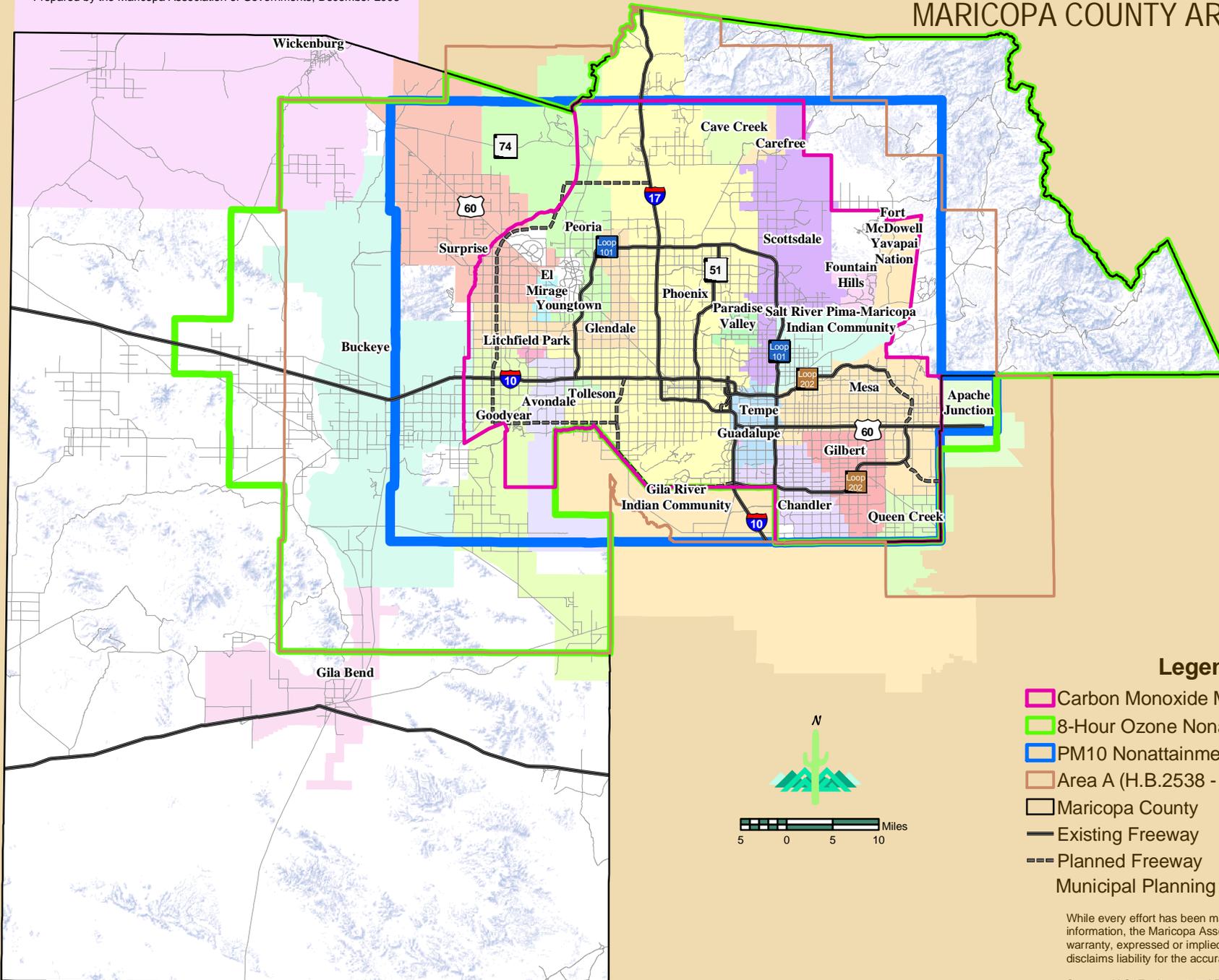
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Forty-eighth Legislature

First Regular Session 2 June 27, 2007

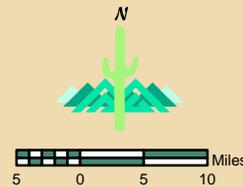
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AIR QUALITY NONATTAINMENT AND MAINTENANCE AREAS FOR THE MARICOPA COUNTY AREA, ARIZONA



Legend

- ▭ Carbon Monoxide Maintenance Area
- ▭ 8-Hour Ozone Nonattainment Area
- ▭ PM10 Nonattainment Area
- ▭ Area A (H.B.2538 - 2001)
- Maricopa County
- Existing Freeway
- - - Planned Freeway
- Municipal Planning Areas shaded



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FACT SHEET
PROPOSAL TO REVISE THE NATIONAL AMBIENT AIR QUALITY STANDARDS
FOR OZONE

ACTION

- On June 20, 2007, EPA proposed to strengthen the national ambient air quality standards for ground-level ozone, the primary component of smog. The proposed revisions reflect new scientific evidence about ozone and its effects on people and public welfare.
- Breathing air containing ozone can reduce lung function, thereby aggravating asthma or other respiratory conditions. Ozone exposure has also been associated with increases in respiratory infection susceptibility, medicine use by asthmatics, doctors' visits, emergency department visits and hospital admissions. Ozone exposure also may contribute to premature death in people with heart and lung disease.
- Scientific evidence indicates that adverse public health effects occurs following exposure to ozone at levels below the current standard, particularly in those with respiratory illnesses.
- In addition, new scientific evidence since the last review shows that repeated exposure to low levels of ozone damages vegetation, trees and crops leading to increased susceptibility to disease, damaged foliage, and reduced crop yields.
- EPA's proposal would revise both ozone standards: the *primary* standard, designed to protect human health; and the *secondary* standard, designed to protect welfare (such as vegetation and crops). The existing primary and secondary standards, set in 1997, are identical: an 8-hour standard of 0.08 parts per million (ppm). (In practice, because of rounding, an area meets the standard if ozone levels are 0.084 ppm or lower.)

Proposed revisions to the primary standard

- EPA proposes to set the primary (health) standard to a level within the range of 0.070-0.075 ppm (70 -75 ppb) The Agency also requests comments on alternative levels of the 8-hour primary ozone standard, within a range from 0.060 ppm up to and including retention of the current standard (0.084 ppm). (EPA also proposes to specify the level of the primary standard to the third decimal place, because today's monitors can detect ozone that accurately.

Proposed revisions to the secondary standard

- EPA is proposing two options for the secondary standard:
 - One option would establish a new form of standard designed specifically to protect sensitive plants from damage caused by repeated ozone exposure throughout the growing season. This cumulative standard would add daily ozone concentrations across a three-month period. EPA is proposing to set the level of the cumulative standard within the range of 7 to 21 ppm-hours.

- The other option would follow the current practice of making the secondary standard identical to the proposed primary 8-hour standard.
- EPA will take public comment for 90 days following publication of the proposal in the Federal Register. The agency also will hold four public hearings on the proposal in: Los Angeles and Philadelphia on Aug. 30, and Chicago and Houston on Sept. 5.
- EPA will issue final standards by March 12, 2008.

OZONE AND PUBLIC HEALTH

- Exposures to ozone can:
 - Reduce lung function, making it more difficult for people to breathe as deeply and vigorously as normal,
 - Irritate the airways, causing coughing, sore or scratchy throat, pain when taking a deep breath and shortness of breath,
 - Increase frequency of asthma attacks,
 - Inflammate and damage the lining of the lung,
 - Increase susceptibility to respiratory infection, and
 - Aggravate chronic lung diseases such as asthma, emphysema and bronchitis.
- In some people, these effects can lead to:
 - Increased medicine use among asthmatics,
 - More frequent doctors visits,
 - School absences, and
 - Increased emergency room visits and hospital admissions.
- Ozone may continue to cause lung damage even when the symptoms have disappeared.
- Breathing ozone may contribute to premature death in people with heart and lung disease.

OZONE AND THE ENVIRONMENT

- Ground-level ozone can have harmful effects on plants and ecosystems. When sufficient ozone enters the leaves of a plant, it can:
 - Interfere with the ability of sensitive plants to produce and store food, making them more susceptible to certain diseases, insects, other pollutants, competition and harsh weather.
 - Visibly damage the leaves of trees and other plants, harming the appearance of urban vegetation, national parks, and recreation areas.
 - Reduce forest growth and crop yields.

DETERMINING COMPLIANCE: THE FORM OF THE STANDARDS

- When EPA sets air quality standards, it also must specify the measurement unit, or “form” of each standard, that the Agency will use to determine whether an area is meeting the standards.
- For the primary ozone standard, an area meets the standard if the three-year average of the annual fourth-highest reading at a particular monitor is less than or equal to the level of the standard.
- EPA is proposing a new and distinct form for the secondary standard. The form, called W126, is designed to account for the cumulative effects of ozone on vegetation during the three months of the year when ozone concentrations are highest. The form focuses on the highest exposure during the growing season.
- If EPA finalizes the W126 option, an area would meet the secondary standard if the W126 value is less than or equal to the level of the standard. If the agency finalizes the section option proposed, compliance with the secondary standard would be based on compliance with the primary 8-hour standard.

BENEFITS AND COSTS

- While the Clean Air Act prohibits EPA from considering costs in setting or revising National Ambient Air Quality Standards, the Agency analyzes the benefits and costs of meeting the standards in order to provide states and other stakeholders with the information necessary to assess the implications of meeting alternative standards. The analysis, which is required by Executive Order 12866, is based on guidance from the White House Office of Management and Budget. These analyses of benefits and costs will be detailed in a Regulatory Impact Analysis to be released in the next few weeks.
- To estimate the benefits of meeting a standard, EPA utilizes a sophisticated peer-reviewed approach to modeling the relationship between air quality and health and welfare effects, the air quality impacts of implementing future control technologies, and the dollar values of public health improvements.
- To estimate the costs of meeting a standard, EPA uses several peer-reviewed approaches for modeling the cost of using both existing controls and controls that may be developed in the future for reducing NOx and VOCs .

ESTIMATED TIMELINE FOR IMPLEMENTING THE PROPOSED STANDARDS

- EPA will issue final standards by March 12, 2008. Based on that date, EPA estimates the following implementation schedule:
 - *By June 2009*: States make recommendations for areas to be designated attainment and nonattainment.
 - *By June 2010*: EPA makes final designations of attainment and nonattainment areas. Those designations would become effective 60 days after publication in the Federal Register.
 - *2013*: State Implementation Plans, outlining how states will reduce pollution to meet the standards, are due to EPA (three years after designations).
 - *2013 to 2030*: States are required to meet the standard, with deadlines depending on the severity of the problem.

WHAT IS OZONE?

- Ozone is found in two regions of the Earth's atmosphere – at ground level and in the upper regions of the atmosphere. Both types of ozone have the same chemical composition (O₃). While upper atmospheric ozone forms a protective layer from the sun's harmful rays, ground level ozone is the primary component of smog.
- Ground-level ozone is not emitted directly into the air, but forms through a reaction of nitrogen oxides (NO_x) and volatile organic compounds (VOCs) in the presence of sunlight.
- Emissions from industrial facilities and electric utilities, motor vehicle exhaust, gasoline vapors, and chemical solvents are the major man-made sources of NO_x and VOCs.
- Because sunlight and hot weather accelerate its formation, ozone is mainly a summertime air pollutant. Both urban and rural areas can have high ozone levels, often due to transport of ozone or its precursors (NO_x and VOCs) from hundreds of miles away.

BACKGROUND ON THE NATIONAL AIR QUALITY STANDARDS FOR OZONE

- The Clean Air Act requires EPA to set National Ambient Air Quality Standards (NAAQS) for pollutants considered harmful to public health and the environment. National standards exist for six pollutants: ozone, particulate matter, nitrogen oxides, carbon monoxide, sulfur dioxide, and lead.

- The law also requires EPA to periodically review the standards and their scientific basis to determine whether revisions are appropriate.
- EPA last updated the ozone standards in 1997. The decision to revise the standards was challenged in court by a number of parties and ultimately reached the U.S. Supreme Court. The Court unanimously upheld the constitutionality of the 1970 Clean Air Act provision that authorizes EPA to set NAAQS to protect public health and welfare. The Court also affirmed that the Clean Air Act requires EPA to set ambient air quality standards, at levels necessary to protect the public health and welfare, without considering the economic costs of implementing the standards.

HOW TO COMMENT

- EPA will accept public comments for 90 days after the proposed revisions to the ozone standards are published in the Federal Register.
- Comments should be identified by Docket ID No. EPA-HQ-OAR-2005-0172 and submitted by one of the following methods:
 - Federal eRulemaking Portal (<http://www.regulations.gov>),
 - e-mail (a-and-r-docket@epa.gov),
 - Mail (EPA Docket Center, Environmental Protection Agency, Mail code 6102T, 1200 Pennsylvania Avenue, NW, Washington, DC 20460), or
 - Hand delivery (EPA Docket Center, Environmental Protection Agency, Room 3334, 1301 Constitution Avenue, NW, Washington, DC).

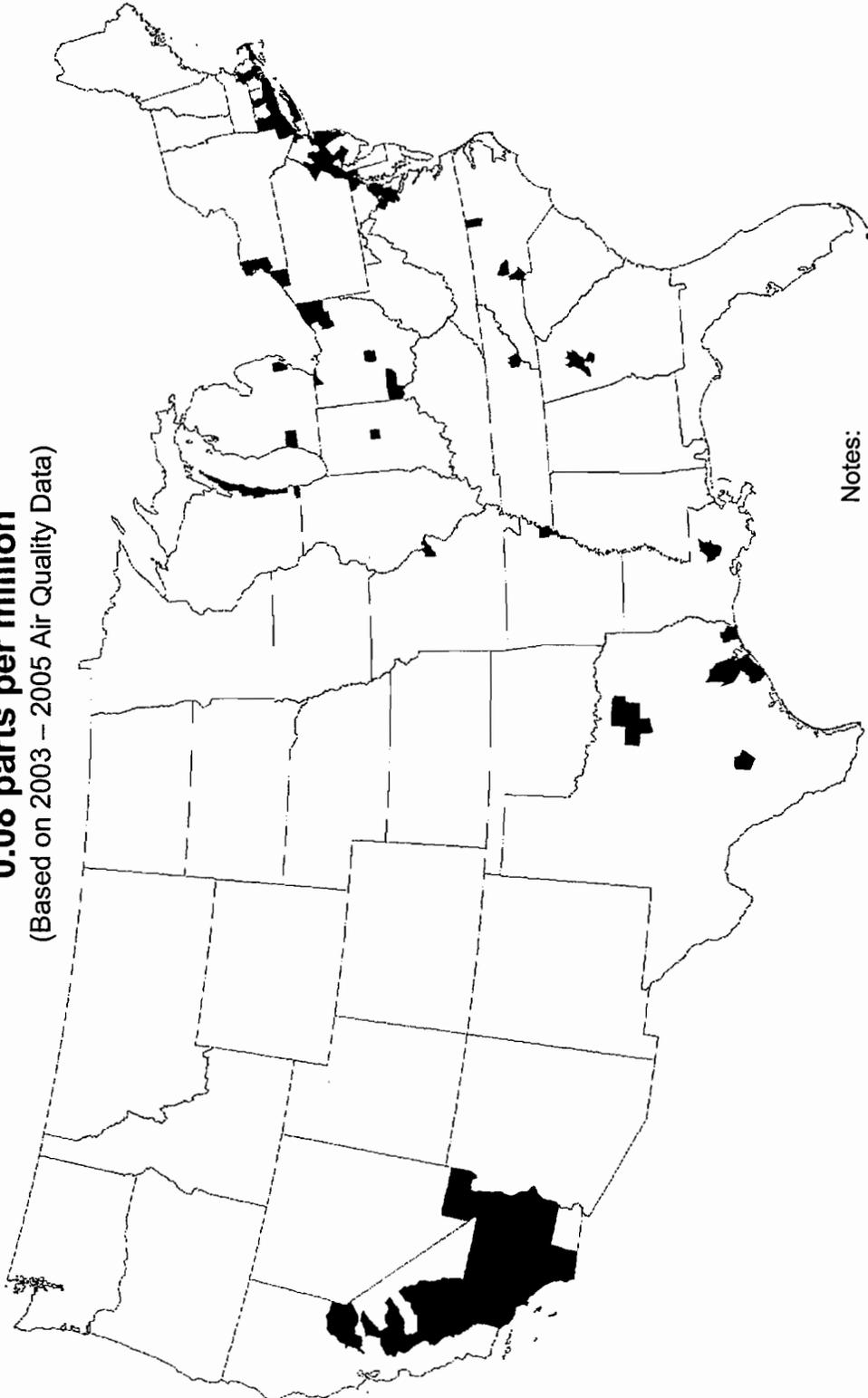
FOR MORE INFORMATION

- To download the Federal Register notice about the proposed revisions to the ozone standards, visit www.epa.gov/groundlevelozone.
- Today's proposal and other background information are also available either electronically at <http://www.regulations.gov>, 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 in the EPA Headquarters Library, Room Number 3334 in the EPA West Building, located at 1301 Constitution Ave., NW, Washington, DC. 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 this action can be accessed using Docket ID No. EPA-HQ-OAR-2005-0172.

MAPS



Counties With Monitors Violating the Current Primary 8-hour Ozone Standard 0.08 parts per million (Based on 2003 – 2005 Air Quality Data)



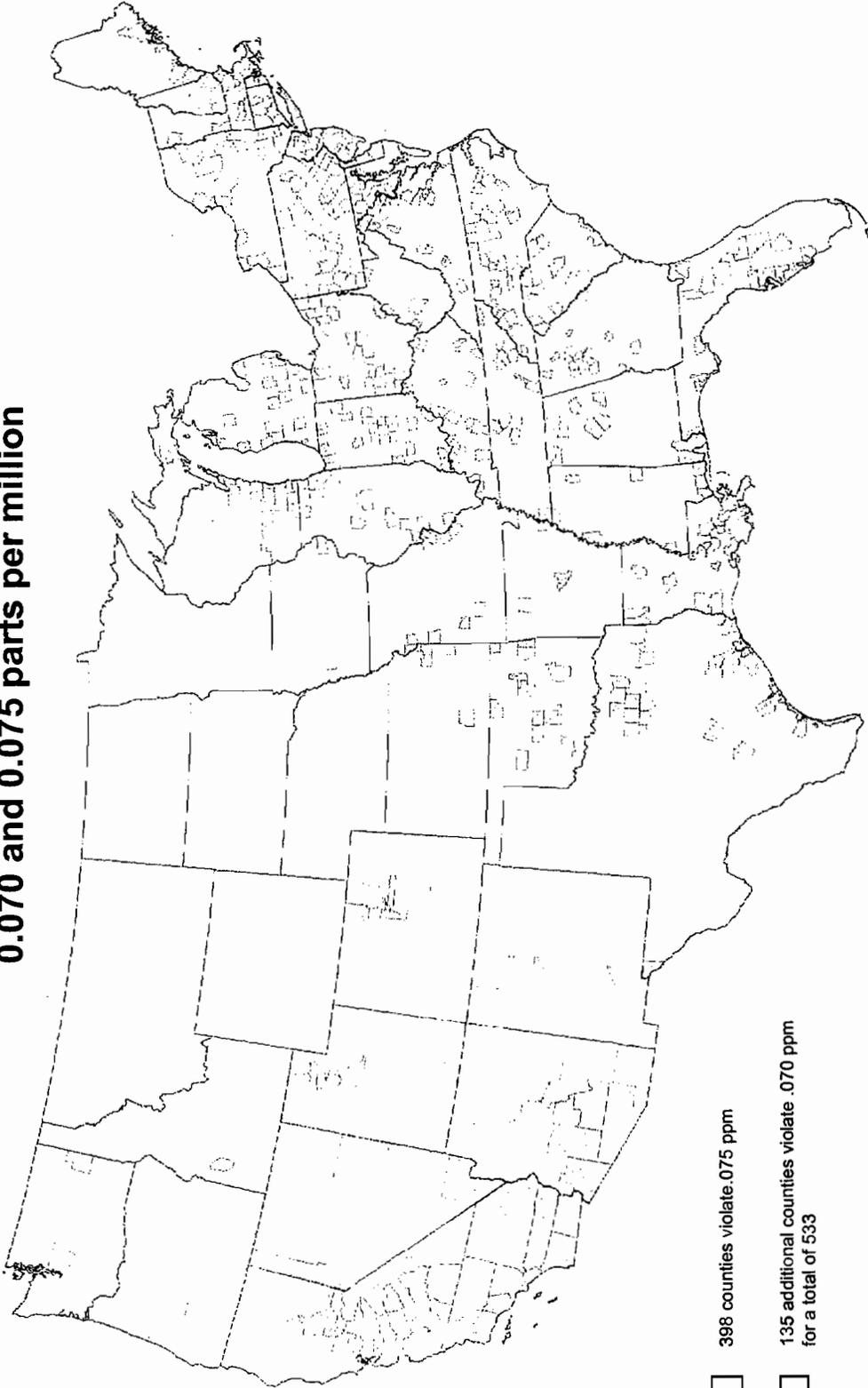
Notes:

- ¹ 104 of 639 monitored counties violate.
- ² No monitored counties outside the continental U.S. violate.
- ³ Monitored data can be obtained from the AQS system at <http://www.epa.gov/ttn/airs/airsaqs/>
- ⁴ The current standard of 0.08 ppm is effectively expressed as 0.084 ppm when rounding conventions are applied.



Estimates are based on the most recent data (2003 - 2005). EPA will not designate areas as nonattainment on these data, but likely on 2006 - 2008 data which we expect to show improved air quality.

Counties With Monitors Violating Alternate 8-hour Ozone Standards 0.070 and 0.075 parts per million



Notes:

¹ 398 of 639 monitored counties violate 0.075,
533 of 639 monitored counties violate 0.070.

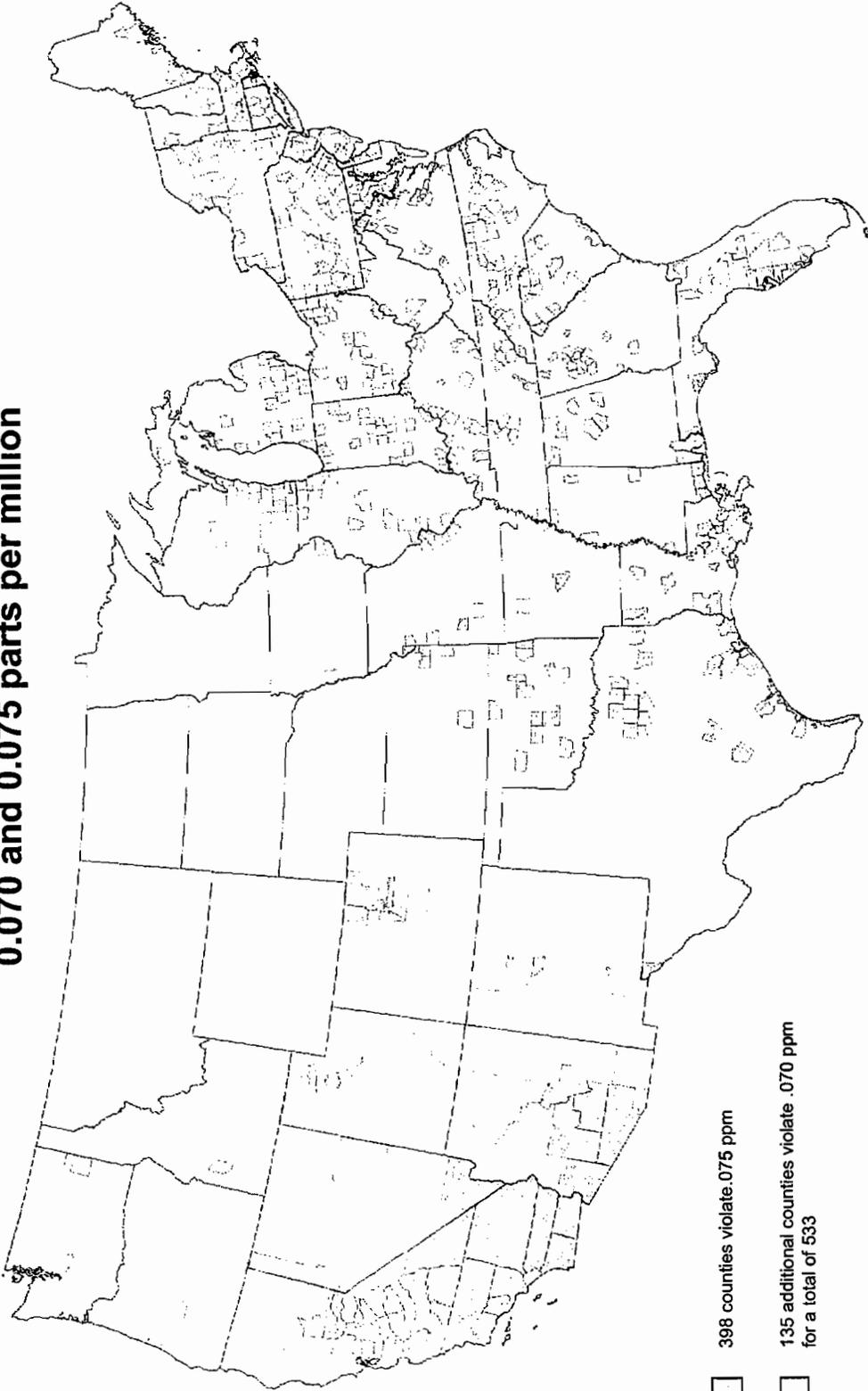
² No monitored counties outside the continental U.S. violate.

³ Monitored data can be obtained from the AQS system at
<http://www.epa.gov/ttn/airs/airsags/>



Estimates are based on the most recent data (2003 - 2005). EPA will not designate areas as nonattainment on these data, but likely on 2006 - 2008 data which we expect to show improved air quality.

Counties With Monitors Violating Alternate 8-hour Ozone Standards 0.070 and 0.075 parts per million



398 counties violate 0.075 ppm

135 additional counties violate 0.070 ppm
for a total of 533

Notes:

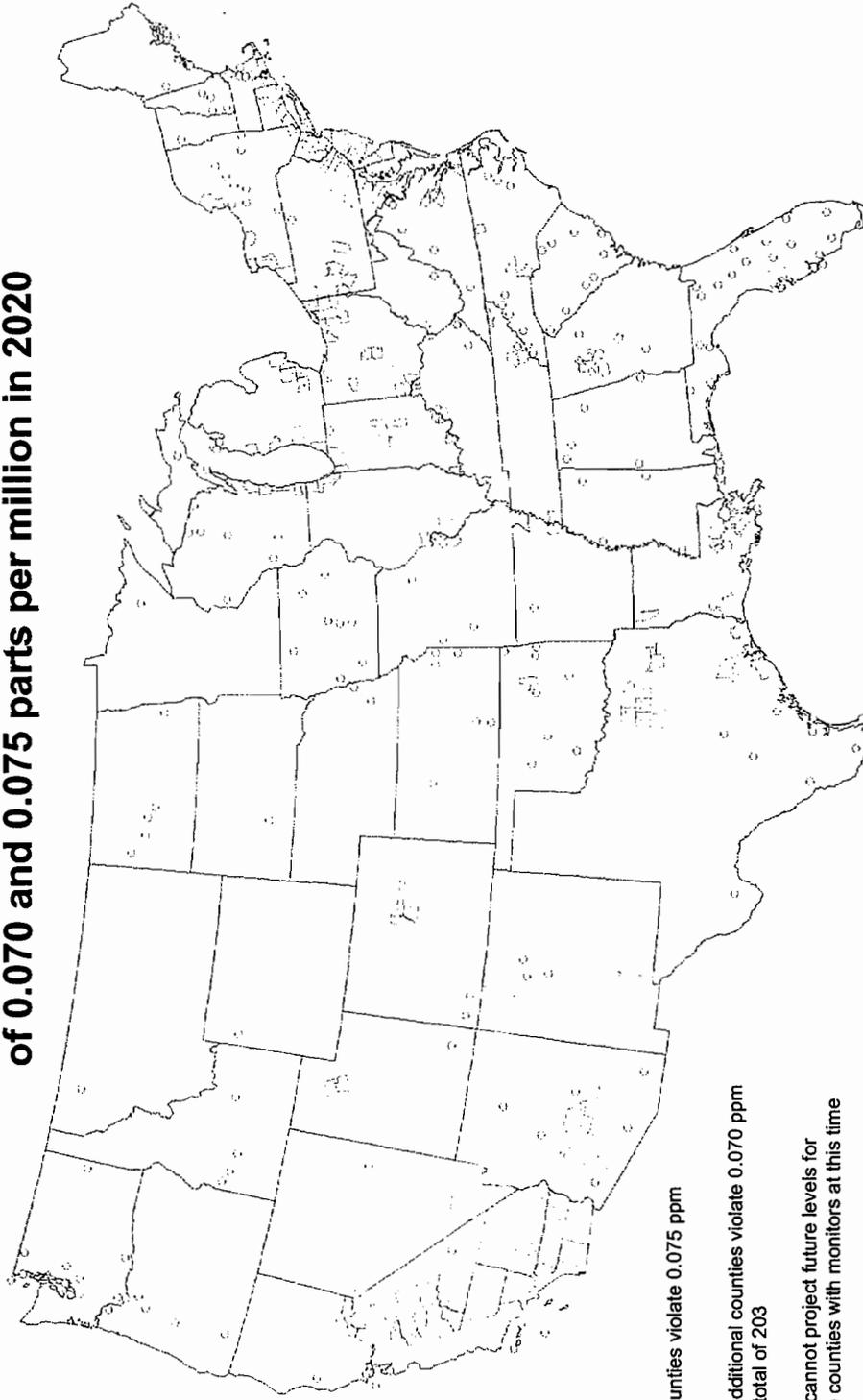
¹ 398 of 639 monitored counties violate 0.075,
533 of 639 monitored counties violate 0.070.

² No monitored counties outside the continental U.S. violate.

³ Monitored data can be obtained from the AQS system at
<http://www.epa.gov/ttn/airs/airsaqs/>



Counties With Monitors Projected to Violate Alternate 8-hour Ozone Standards of 0.070 and 0.075 parts per million in 2020



82 counties violate 0.075 ppm

121 additional counties violate 0.070 ppm for a total of 203

EPA cannot project future levels for these counties with monitors at this time

Notes:

¹ Modeled emissions reflect the expected reductions from federal programs including the Clean Air Interstate Rule, the Clean Air Mercury Rule, the Clean Air Visibility Rule, the Clean Air Nonroad Diesel Rule, the Light-Duty Vehicle Tier 2 Rule, the Heavy Duty Diesel Rule, proposed rules for Locomotive and Marine Vessels and for Small Spark-Ignition Engines, and state and local level mobile and stationary source controls identified for additional reductions in emissions for the purpose of attaining the current PM 2.5 and Ozone standards.

² Controls applied are illustrative. States may choose to apply different control strategies for implementation.

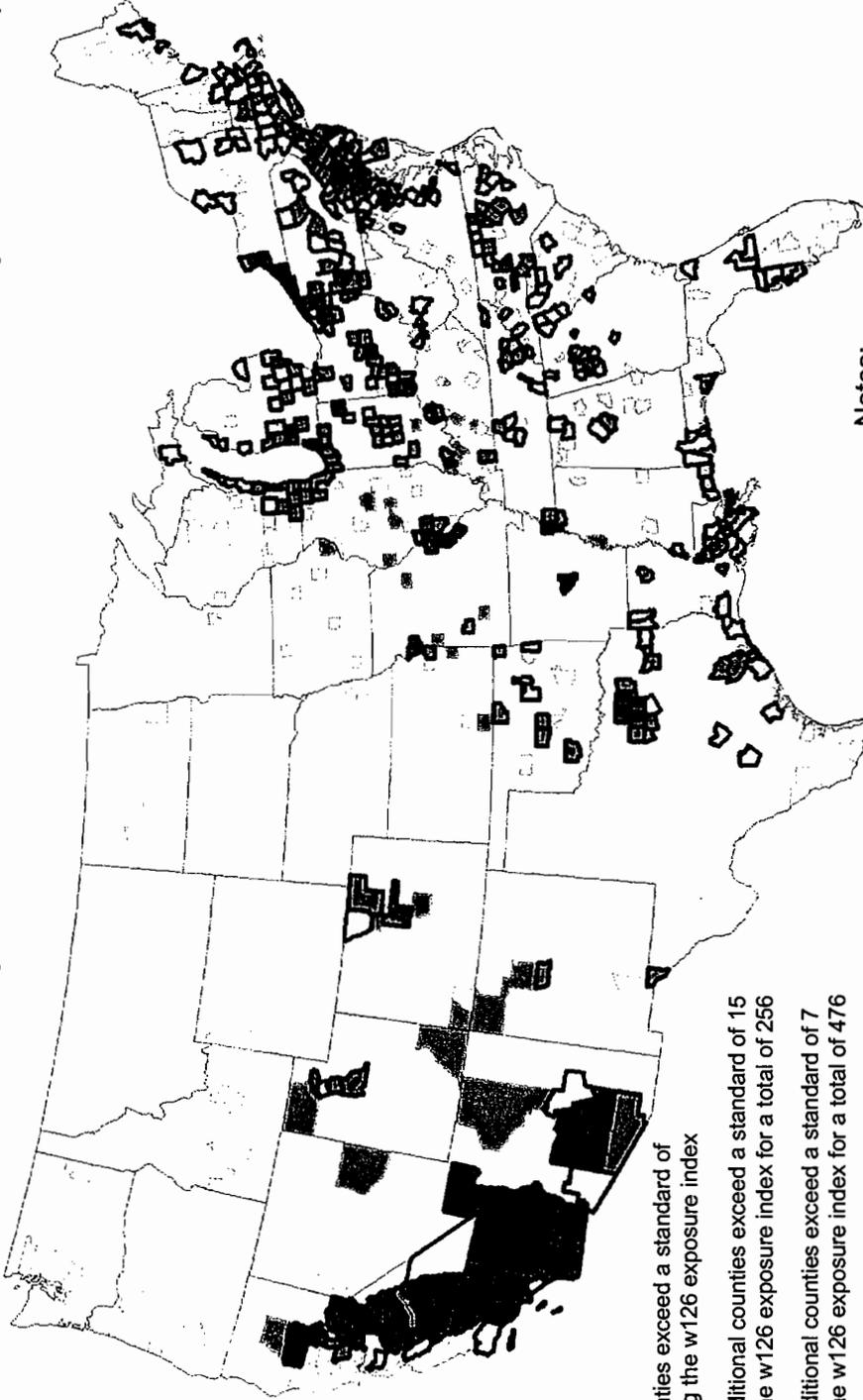
³ Modeled design values in ppm are only interpreted up to 3 decimal places.

⁴ Consistent with current modeling guidance, EPA did not project 2020 concentrations for counties where 2001 base year concentrations were less than recommended criterion. Such projections may not represent expected future levels. These counties are shown on the map with a grey dot.



Status of Counties with Monitors – Proposed Alternative w126 Index Secondary Standard and 8-hour 0.075 Ozone Primary Standard

(Based on 2005 Air Quality Data for the w126 and 2003-2005 Air Quality Data for 0.075)



-  72 counties exceed a standard of 21 using the w126 exposure index
-  184 additional counties exceed a standard of 15 using the w126 exposure index for a total of 256
-  220 additional counties exceed a standard of 7 using the w126 exposure index for a total of 476
-  79 counties meet a standard of 7 using the w126 exposure index for a total of 555
-  Outlined in heavy black are the 398 counties that exceed the 0.075 alternate 8-hr primary standard

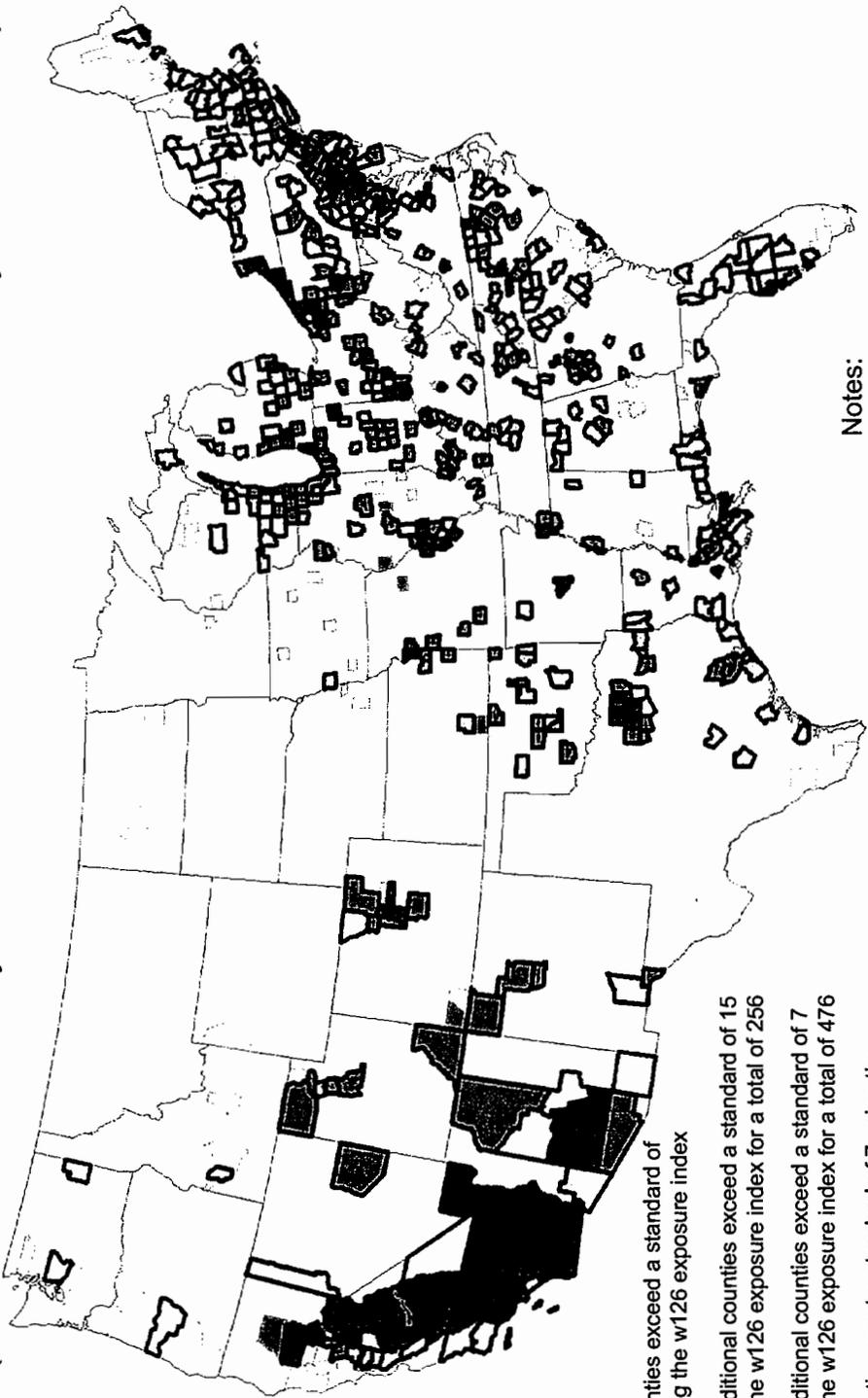
Notes:

- ¹ w126 is out of 555 monitored counties in 2005
- ² No monitored counties outside the continental U.S. violate
- ³ Monitored data can be obtained from the AQS system at <http://www.epa.gov/ttn/airs/airsacs/>
- ⁴ These estimates are based on the most recent data (2005). EPA will not designate areas as nonattainment on these data, but likely on 2006 - 2008 data which we expect to show improved air quality.



Counties With Monitors Violating Alternative w126 Exposure Index Secondary Standard and 8-hour 0.070 Ozone Primary Standard

(Based on 2005 Air Quality Data for the w126 and 2003-2005 Air Quality Data for 0.070)



-  72 counties exceed a standard of 21 using the w126 exposure index
-  184 additional counties exceed a standard of 15 using the w126 exposure index for a total of 256
-  220 additional counties exceed a standard of 7 using the w126 exposure index for a total of 476
-  79 counties meet a standard of 7 using the w126 exposure index for a total of 555
-  Outlined in heavy black are the 533 counties that exceed the 0.070 alternate 8-hr primary standard

Notes:

- ¹ w126 is out of 555 monitored counties in 2005
- ² No monitored counties outside the continental U.S. violate
- ³ Monitored data can be obtained from the AQS system at <http://www.epa.gov/ttn/airs/airsaqs/>
- ⁴ These estimates are based on the most recent data (2005). EPA will not designate areas as nonattainment on these data, but likely on 2006 - 2008 data which we expect to show improved air quality.

MARICOPA ASSOCIATION OF GOVERNMENTS

INFORMATION SUMMARY... for your review

DATE:

October 16, 2007

SUBJECT:

MAG 208 Water Quality Management Plan Amendment for the Hassayampa Utility Company Northeast Service Area

SUMMARY:

Maricopa County has requested that MAG amend the 208 Water Quality Management Plan to include four water reclamation facilities (WRFs) for the Hassayampa Utility Company (HUC) Northeast Service Area located in unincorporated Maricopa County. The total expected wastewater flows throughout the Area are projected to be 45 million gallons per day (mgd). On August 7, 2007, MAG conducted a public hearing on the Draft MAG 208 Plan Amendments for the HUC Northeast Service Area and HUC Southwest Service Area. Following the public hearing, the MAG Water Quality Advisory Committee recommended approval of the Draft MAG 208 Plan Amendment for the HUC Northeast Service Area.

The written comments, public hearing transcript, response by Maricopa County to public comments, and a letter from the Maricopa County Board of Supervisors were transmitted to the MAG Management Committee. On September 11, 2007, MAG received two letters as well as written comments supporting the Draft MAG 208 Plan Amendment for the HUC Northeast Service Area which were provided to the MAG Management Committee at the September 12, 2007 meeting. The MAG Management Committee continued the Draft 208 Plan Amendment for 30 days until the October meeting of the MAG Management Committee. At the October 3, 2007 MAG Management Committee meeting, the Town of Buckeye reported that the Town adopted a Memorandum of Understanding outlining that the Town and Global Water would work to address its concerns and continue discussions. Buckeye indicated that it would not oppose the amendment at the MAG Management Committee meeting based on those good faith discussions; however, the Town's position at the MAG Regional Council meeting will also be determined by those good faith efforts. The MAG Management Committee recommended approval of the Draft 208 Plan Amendment.

The Campus 1 WRF would be located in the southeast quarter of Section 22 of Township 2 North, Range 5 West and have an ultimate capacity of 9 mgd. Reclaimed water would be disposed of through reuse, recharge, and an Arizona Pollutant Discharge Elimination System (AZPDES) Permit discharge to the Hassayampa River. The Campus 2 WRF would be located in the southwest quarter of Section 8 of Township 1 North, Range 5 West and have an ultimate capacity of 10 mgd. Reclaimed water would be disposed of through reuse, recharge, and AZPDES Permit discharge points to the Dickey Wash and/or Hassayampa River. The Campus 3 WRF would be located in the southwest quarter of Section 30 of Township 2 North, Range 5 West and have an ultimate capacity of 12 mgd. Reclaimed water would be disposed of through reuse, recharge, and AZPDES Permit discharge points to the Dickey Wash and/or Phillips Wash. The Campus 4 WRF would be located in the southeast quarter of Section 14 of Township 2 North, Range 6 West and have an ultimate capacity of 14 mgd. Reclaimed water would be disposed of through reuse, recharge, and an AZPDES Permit discharge to the Phillips Wash. The Dickey Wash and Phillips Wash are tributaries to the Luke Wash. The project is within three miles of the Town of Buckeye and Buckeye has expressed concern about the amendment.

PUBLIC INPUT:

On June 6, 2007, the MAG Water Quality Advisory Committee authorized a public hearing on the Draft MAG 208 Plan Amendment for the HUC Northeast Service Area. At the meeting, three public comments were received. In addition, one individual indicated his support on a comment card, but did not wish to speak.

Comments were received from a representative from Maricopa County supporting the project. He indicated that Global Water has spend the last months briefing and working with Maricopa County staff on the technical issues and he is confident that the 208 Amendment is technically sound and urged the Water Quality Advisory Committee to pass the 208 Amendment on for public hearing and ultimately approval.

A representative from Don't Waste Arizona and Arizona Nuclear Energy Watch provided public comment. His comments included: the application is silent on the depth and direction of groundwater flow in the area; there is tritium in the groundwater; no data on how the pumping of groundwater and recharge will affect the speed, flow, and direction of the radioactive water; does not state how radioactive emissions from the Palo Verde Nuclear Generation Station will affect the water; silent on potential effects for contamination of the aquifer by recharging contaminated water; concern of building next to a power plant; concern of large quantities of gaseous chlorine at the water and wastewater plants causing vulnerability of the power plant; private water utility companies are not as well regulated or scrutinized; and, the Hassayampa Sub-Basin historically has not had enough water to support this type of growth.

Comments were provided by a representative from the Henderson Law Firm, representing Harvard Investments, the developer of Hassayampa Ranch. His comments included: Hassayampa Ranch has been going through the process for close to three years; for the first year and a half, Buckeye had no interest and no desire to annex the project; the concern about being able to provide was not an issue with regard to Buckeye; met with the Mayor and Town Manager for Buckeye, where they indicated that the real issue was trying to force annexation and if they agreed to annexation, all the objections with water supply would go away; and, the objections are not about technical issues regarding the 208 Amendment, it is about trying to abuse the process to force annexation.

On August 7, 2007, the MAG Water Quality Advisory Committee conducted a public hearing on the Draft MAG 208 Plan Amendments for the HUC Northeast Service Area and HUC Southwest Service Area. At the public hearing, five testimonies was received and three members of the Water Quality Advisory Committee provided comments. In addition, MAG received written comments from five individuals/entities.

Written comments were received from a representative of the Arizona Corporation Commission urging MAG to act affirmatively on the HUC Northeast Service Area 208 Amendment. The comments included: a law review article has recently been written that includes discussion of the benefits of Global's proposed water conservation practices; the HUC currently holds a Certificate of Convenience and Necessity for both water and wastewater service that covers the application area; and, the Commission has encouraged the development of integrated utilities. The Arizona Law Review article was provided.

Written comments were provided by Daniel E. Blackson encouraging MAG to find a balance between the request of HUC and the demands of the Town of Buckeye for the sake and future of the Tonopah community. The comments included: neither the HUC nor the Town of Buckeye should have their way; Buckeye believes it can better manage the water basin by emphasizing recharge efforts, however plans for this area that are within the Town's incorporated area have green belts and golf courses utilizing reclaim water rather than recharge; Buckeye opposes water and wastewater by a private utility, yet have encouraged it in other parts of their incorporated limits; Buckeye opposes taking water from

the southern part of the basin, however it has an existing well field in this area; the request should only accommodate the first phases of master plan community development and be allowed to expand with future phases of development; the community of Tonopah is undergoing incorporation efforts and the new town should have the opportunity to provide water and wastewater service; and, if the Town of Buckeye is allowed to block the 208 and force the master plan communities to incorporate into Buckeye, it will overpower the ability of Tonopah to incorporate.

The Town of Buckeye provided written comments requesting an extension of the public notice period for an additional 120 days. The Town indicated that when Buckeye first reviewed the 208 Amendment it was limited to the Hassayampa Ranch development and has since been enlarged to an area that exceeds the initial development and other planned developments in the County. Buckeye requested an extension of the public notice period for an additional 120 days to allow time to accomplish three objectives: 1) Allow adequate time for the applicant to work cooperatively with the Town on this application and to address the concerns the Town has on the effect of water quality and sustainability of the Hassayampa Lower Sub-Basin watershed and aquifer; 2) Improve the delineation of the boundaries of the service area requested for the sewage treatment facilities, the site of these facilities, and the disposition of effluent with respect to the comprehensive management of water resources and assurance of water quality; and 3) Inclusion of the proposed sewage facility effluent management strategy into the Hassayampa Lower Sub-Basin model.

Additional written comments from the Town of Buckeye included: there are many planning issues other than water quality and sustainability of water resources associated with this large, dense development that have not yet been discussed or examined; the Town relies on the Hassayampa River and the health of the river and the watershed that recharges the aquifer to sustain planned development; and, the framework for water quality management in Arizona was intended to be based on comprehensive goals that consider the relationship of groundwater and surface water and the affect of water withdrawal on water quality, watershed and waterways. The Town is seeking to understand the water management and effluent management plans proposed and then to discuss options that can preserve and sustain the Lower Hassayampa River watershed, aquifer, and Sub-Basin.

The Town of Buckeye also submitted a written position on the 208 Amendment stating that the sustainability of water resources in the region can only be accomplished through an integrated, coordinated approach and until the long-term effect of the 208 Amendment's reuse and recharge is determined, the Town has no choice but to oppose the 208 Amendment and to request that the local governments within MAG support the Town's water management policy for responsible growth. The comments included: concern that the HUC will place a disproportionate number of wells near the Town's western boundary, affecting groundwater conditions within the Town; Section 208 of the Clean Water Act is not meant to write water quantity issues out of the equation; the Town believes the 208 Plan must consider water resource issues as part of the planning process; MAG cannot take measures to improve water quality through the 208 Plan if water quantity is impaired; it is imperative to limit groundwater level decline in order to preserve groundwater quality; the Lower Hassayampa Sub-Basin cannot support planned development without proper management which includes strategic recharge of a significant percentage of the total water use; and, the Town is troubled by HUC's priority to reuse reclaimed water rather than recharge the aquifer. The Town requested that MAG postpone its decision on the 208 Amendment for an additional 120 days to evaluate the 208 Amendment through its consulting engineer and consider (i) whether the recharge sites identified therein are in locations that will contribute to the sustainability of groundwater in the area, and (ii) whether the proposed recovery well sites impact the Town's existing and planned future wells. The Town welcomed an opportunity to work with HUC to resolve these concerns.

Written comments were provided by a representative of Don't Waste Arizona and Arizona Nuclear Energy Watch. The comments included: the application documentation is silent on the potential effects of the radioactive emissions of Palo Verde Nuclear Generating Station on the use and reuse

of water in the proposed project and should be quantified and the effect examined; there is already tritium-contaminated water under Palo Verde as well as tritium contamination found in nearby roof vents of homes (portions of a Nuclear Regulatory Commission report were submitted for the record); a study showed a relationship between proximity to nuclear plants and infant mortality rates (article submitted for the record); a question about the wisdom of placing so many dwelling units and people near the Palo Verde Nuclear Generating Station and there is a ten-mile evacuation zone in the event of incident releasing unpermitted radiation; the Hassayampa Sub-Basin has not had enough water to support this type of growth historically and probably not enough to assure a 100-year water supply; concern groundwater pumping could cause subsidence that threatens homes, buildings, and the Palo Verde Nuclear Power Plant; there appears to have been no active solicitation for public participation in the public process by folks in that area; and, question as to why a public hearing was not held out by Palo Verde.

The City of Scottsdale representative on the MAG Water Quality Advisory Committee asked clarification questions during the public hearing. He inquired about Certificates of Convenience and Necessity for the developments other than Hassayampa Ranches in the HUC Northeast Service Area.

The Town of Buckeye representative on the MAG Water Quality Advisory Committee asked clarification questions during the public hearing. His questions included: does HUC hold Certificates of Convenience and Necessity that cover the application area; is the Certificate of Convenience and Necessity for Hassayampa Ranch conditioned or preliminary based on the MAG approval; how is the water quality criteria A+ related to water quality under Section 208 of the Clean Water Act; is the A+ criteria a state water quality requirement or related to discharge to Waters of the United States; what water quality would be released under a Clean Water Act discharge permit, relating to designated uses; does Global Water have any CAP allocations for recharge and what is the accessibility; and, is it a safe assumption that if Global does not own surface water that Global says it is recharging, then it will still be primarily relying on groundwater.

The City of Surprise representative on the MAG Water Quality Advisory Committee asked clarification questions during the public hearing. He inquired about the location of the Tonopah community in relation to the service area and asked if Global has engaged that community in preparation of the 208 proposal. He inquired about interaction with the County residents and specific information or documentation, group meetings, or casual meetings, one on one.

Testimony was received from a representative from the Town of Buckeye. He referenced written comments that were submitted, pointed to those comments as raising objections to the requested 208 Amendment and stated that the Town is standing by those comments. He indicated that apparently the Town of Buckeye and Global Water have a failure to communicate. He stated that it was mentioned that Global Water made overtures to speak with Buckeye, but those calls were not made to him. He stated that the Town would like more time to talk to Global Water and work together to make decisions in the interest of the region of the Hassayampa Valley. He indicated that he had sent an email to Global Water but did not receive a reply.

A Tonopah resident provided testimony requesting that the 208 Amendment be approved. His comments included: support for Global Water's regional comprehensive water plan; Global Water has other programs in effect and is more than qualified to provide services to the Tonopah area; Global Water did come out and speak with the Tonopah Valley Community Council; met with the president of Global Water individually; and, similar plan presented when Global Water bought the Water Utility of Greater Tonopah.

Testimony was received from a representative of Don't Waste Arizona and Arizona Nuclear Energy Watch. His comments included: concern about the radioactive emissions from the Palo Verde Nuclear Generating Station; a study points out the relationship between the proximity to nuclear plants and

infant mortality rates; concern about the ability to evacuate people from the area in case of nuclear incident; Palo Verde is a troubled facility; someone in government has to be responsible and take a look; and, it would have been a better idea to have the public hearing in the vicinity of the communities affected.

Testimony was provided both verbally and in written form from a representative from the Tonopah Valley Association and resident of Tonopah requesting that MAG approve the 208 Amendment. Her comments included: information provided by Global Water at meetings has been impressive including the systems Global Water is currently providing in Maricopa and Casa Grande, Arizona; Global Water is interested in recycling and reusing the water more times than is customarily done; Global Water is technically capable of providing good wastewater treatment needs for the developments proposed in the Tonopah Valley; Global Water is well-capitalized and can operate and maintain good regional systems; Global Water purchased the Water Utility of Greater Tonopah and are upgrading and improving the condition of the water system; concern about the desire of Buckeye to annex part of Tonopah Valley; want to retain own identity as Tonopah; a lot of people from Tonopah are in attendance in support; Global Water as a private company is capable of serving the area better than Buckeye; and, if a private company such as Global Water is not able to provide the needed water and wastewater services to the area and Buckeye is, it could involve developments that are being proposed across the Tonopah Valley and be devastating to the future growth and development of Tonopah Valley.

Testimony was received from a representative from Henderson Law Firm on behalf of Harvard Investments, owner and developer of Hassayampa Ranch. His comments included: have met with the residents of Tonopah and they like what is being proposed; he provided comment a year ago, on the Balterra 208 Amendment that Maricopa County was sponsoring, where landowners opposed it moving forward; it is a similar situation today except a municipality is objecting; the Water Quality Advisory Committee determined that there were no technical issues with the Balterra 208 Amendment and no reason for delay so it moved forward; he thinks that has to be the outcome with this 208 Amendment; the County, a MAG member, is sponsoring the amendment and is present; and, there are no technical issues and no property in the 208 Amendment is within a municipal planning area and to his knowledge all want to be in the 208.

On August 31, 2007, MAG received a letter from the Maricopa County Board of Supervisors. Comments included: Maricopa County Board of Supervisors supports the application of the Global Water HUC Northeast Service Area and Southwest Service Area Amendment Applications; the County Environmental Services Department has thoroughly reviewed the applications and determined that the proposed amendments meet the legal and procedural requirements of the MAG 208 Checklist; on August 22, 2007, Board of Supervisors passed a resolution of support for these applications (provided); they are essential to support the development of several mater planned communities in the area, and will ensure that the needs of the citizens are met; the applications are within unincorporated Maricopa County and not within any other member's planning area; and, therefore, ask that the Regional Council approve the applications.

On September 11, 2007, MAG received two letters as well as written comments supporting the Draft MAG 208 Plan Amendment for the HUC Northeast Service Area. In addition, two members of the public commented on the 208 Plan Amendment at the September 12, 2007 MAG Management Committee meeting.

Written comments were received from a representative of the Arizona State Land Department (ASLD) supporting the inclusion of the State Trust land within the HUC Northeast Service Area 208 Plan Amendment. The comments included: there is a significant amount of State Trust land contained within the proposed 208 amendment area; the ASLD believes that it is in the best interest of State Trust land that it be included within the 208 amendment; the ASLD encourages the integration of water and wastewater services on State Trust lands whenever possible; much of the Trust land contained

in the proposed 208 amendment is within existing service territory of a private water provider or is currently being considered as part of a Certificate of Convenience and Necessity extension request; and, the information provided to the ASLD indicates that the 208 amendment will facilitate integrated water/wastewater service on State Trust lands.

Written comments were provided by a representative of Beus Gilbert responding to comments and questions received at the August 7, 2007 public hearing for the Draft MAG 208 Plan Amendments for the HUC Northeast Service Area and HUC Southwest Service Area. The responses included: a 208 plan amendment is by definition an areawide wastewater planning document that is not limited only to areas of "immediate future" development; HUC is responding to the requests of many landowners in the West Valley; the Town of Buckeye has not submitted a 208 amendment to serve areas west of the Hassayampa River as described in the HUC amendments and does not have planning jurisdiction over unincorporated Maricopa County; there are no imminent annexations from Buckeye; the 208 amendment in no way precludes, enables, delays, or affects area residents from proceeding with their efforts towards incorporation in a future Tonopah, or from choosing to request annexation from Buckeye; the 208 plan amendments are located in unincorporated Maricopa County, sponsored by Maricopa County, and meet the technical requirements; HUC has offered to meet with the Town of Buckeye and to discuss the 208 amendments and has communicated through letters, and personally met with the Town on this and a number of subjects during the past year; all MAG members have had ample time to review the 208 amendments; the proposed wastewater treatment facilities have a net positive impact to area groundwater supply and produce Class A+ reclaimed water which will be reused and recharged in the service area; reclaimed water is part and parcel of Arizona's water supply future - and all the agencies involved support its use in recharge and reuse applications; discussion of the HUC reclaimed water management strategy; the amendments exceed any mandated requirements for recharge and reuse; and, the Hassayampa Lower Sub-Basin model relies on 30 percent of the water demand being met by reclaimed water reuse or recharge for the 100-year Assured Water Supply and HUC commits to this strategy.

Additional written comments from a representative of Beus Gilbert included: the 208 Plan Amendment Process does not require the siting of recharge facilities; other model simulations in the Hassayampa Lower Sub-Basin model rely on the West Maricopa Combine Managed Recharge Facility which is permitted, constructed, and operated by Global Water Resources; Global Water has permits for a second facility in the same area; with this CAP recharge located within the Hassayampa River, HUC and Global Water are going above and beyond what is prescribed in the 208 process; there is no requirement to mention recovery wells or recovery pumping and future infrastructure siting in the amendment service area would have to be undertaken in accordance with Maricopa County Environmental Services Department (MCESD), Arizona Department of Environmental Quality, and Arizona Department of Water Resources (ADWR); HUC's integrated approach offers this region the ability to serve the development community with one-third less water than that required elsewhere in the state for comparable services; the sustainability of water resources remains the jurisdiction of ADWR; MCESD has found the 208 Plan amendments technically sound and to meet the 208 Plan amendment criteria; HUC president and CEO has met with key community leaders in the Tonopah area for the last several years; Belmont has held over 20 neighborhood meetings; and, the responses provided by HUC are substantive to demonstrate satisfaction, beyond any doubt, of the requirements of the MAG 208 Water Quality Management Plan, and that approval of the HUC Northeast Service Area and HUC Southwest Service Area 208 Plan Amendments inures to the benefits of the public.

Comments was provided both verbally and in written form from a representative from the Tonopah Valley Association requesting that MAG approve, per Maricopa County's sponsorship, the HUC Northeast Service Area and Southwest Service Area 208 Plan Amendments. Her comments included: information provided by Global Water Resources at meetings has been impressive including the systems Global Water is currently providing in Maricopa and Casa Grande, Arizona; the systems use only about 40 percent of the amount of water used in other like towns; Global Water is interested in recycling and reusing the water more times than is customarily done; Global Water is technically

capable of providing good wastewater treatment needs for the developments proposed in the Tonopah Valley; Global Water is well-capitalized and can operate and maintain good regional systems; Global Water purchased the Water Utility of Greater Tonopah and are upgrading and improving the condition of the water system; concern about the desire of Buckeye to annex part of Tonopah Valley; want to retain own identity as Tonopah; Buckeye does not have the experience of owning and operating these integrated services, nor the financial resources immediately available, as compared to Global Water; Global Water as a private company is capable of serving the area better than Buckeye; if a private company such as Global Water is not able to provide the needed water and wastewater services to the area and Buckeye is, it could involve developments that are being proposed across the Tonopah Valley and be devastating to the future growth and development of Tonopah Valley; and, a lot of people from Tonopah are in attendance in support.

Comments were provided by a representative from Beus Gilbert representing Global Water and Hassayampa Utility Company. He stated that they are cognizant of the fact that Buckeye has requested a 30 day continuance and will go along with that request, but would like to put a few things on the record. His comments included: there are two requests before the Management Committee, the HUC Southwest Service Area 208 Plan Amendment which was approved on the consent agenda and the HUC Northeast Service Area 208 Plan Amendment; the two amendments are parallel cases and are virtually the same; by approving the Southwest Service Area 208 amendment it is implicit acknowledgment that Global Water has complied with all the requirements under the 208 process; the only difference in the amendments is the location; take vigorous exception with Buckeye's request in connection with the 208 Program to discuss matters that deal exclusively with the Arizona Department of Water Resources and water quantity and quality and reclaim issues that are not part of the 208 process; establishing a precedent that is going to be deleterious in the future by bringing these issues into the 208 process; concerned that there is nothing in the Clean Water Act that talks about the issues that Buckeye has raised for continuing the amendment; remain adamant that proper consideration of 208 is limited to that section of the Clean Water Act and not relevant for consideration before the Management Committee; will continue to maintain that position, however, Global has agreed that they will meet with and discuss in detail Buckeye's concerns; there has already been good, meaningful dialogue; happy to have Buckeye Town Manager on board; dialogue is taking place, but Global is not changing position; not relevant to the consideration under the 208 Amendment Process; willing to go along with the 30 day continuance with the understanding that will be the last request for a continuance; will meet and talk to resolve these problems and put some type of memorandum of understanding together; when back before the Management Committee, the hope is that there is a commitment from the Committee that this case can be heard on the merits and go forward; and, with these caveats and explanation, Global will not object to the 30 day continuance.

At the October 3, 2007 MAG Management Committee meeting, two members of the public commented on the Draft MAG 208 Plan Amendment for the Hassayampa Utility Company Northeast Service Area.

Comments were received from a representative from Henderson Law Firm on behalf of Harvard Investments, owner and developer of Hassayampa Ranch, located in the HUC Northeast Service Area. He indicated that they are in support of the 208 amendment and believe it provides the best regional solution for water and wastewater. He requested that the MAG Management Committee move the 208 amendment forward.

Comments were received from a member of the public speaking on behalf of one of the developers in the HUC Northeast Service Area. He indicated that they presented their development master plan to the Maricopa County Board of Supervisors last week and were asked if they felt confident in the MAG Management Committee recommending approval. He stated that they were confident and have been working with the Town of Buckeye to get the Memorandum of Understanding approved in anticipation of the MAG Management Committee meeting. He encouraged the Committee to move the 208 amendment forward.

PROS & CONS:

PROS: Approval of the 208 Plan Amendment for the Hassayampa Utility Company Northeast Service Area would make the four facilities included in the amendment consistent with the MAG 208 Plan. The MAG 208 Water Quality Management Plan is the key guiding document used by Maricopa County and the Arizona Department of Environmental Quality in granting permits for wastewater treatment systems in the MAG region.

CONS: Currently, there are concerns about the water and effluent management plans for the Hassayampa Utility Company Northeast Service Area, proximity of the service area to the Palo Verde Nuclear Power Plant, not enough water to assure a 100-year water supply, and the impact of the 208 Plan Amendment on the incorporation efforts of the community of Tonopah.

TECHNICAL & POLICY IMPLICATIONS:

TECHNICAL: The four facilities included in the Hassayampa Utility Company Northeast Service Area 208 Plan Amendment are needed to accommodate growth in the Maricopa County unincorporated area.

POLICY: The MAG 208 Water Quality Management Plan is the key guiding document used by Maricopa County and the Arizona Department of Environmental Quality in granting permits for wastewater treatment systems in the MAG region. Approval of the 208 Plan Amendment would enable the facility to be deemed consistent with the MAG 208 Plan. Consistency is necessary for permit approvals.

ACTION NEEDED:

Approval of the MAG 208 Water Quality Management Plan Amendment for the Hassayampa Utility Company Northeast Service Area.

PRIOR COMMITTEE ACTIONS:

Management Committee: On October 3, 2007, the MAG Management Committee recommended approval of the Draft MAG 208 Plan Amendment for the Hassayampa Utility Company Northeast Service Area, with one member voting no (*italics*).

MEMBERS ATTENDING

- | | |
|---|---------------------------------------|
| Jan Dolan, Scottsdale, Chair | Jim Nichols for Brian Dalke, Goodyear |
| <i>Rogene Hill for Charlie McClendon,</i> | * Mark Johnson, Guadalupe |
| <i>Avondale, Vice Chair</i> | Darryl Crossman, Litchfield Park |
| # Bryant Powell for George Hoffman, | Christopher Brady, Mesa |
| Apache Junction | Tom Martinsen, Paradise Valley |
| Jeanine Guy, Buckeye | Carl Swenson for Terry Ellis, Peoria |
| * Jon Pearson, Carefree | Frank Fairbanks, Phoenix |
| * Usama Abujbarah, Cave Creek | John Kross, Queen Creek |
| Mark Pentz, Chandler | * Bryan Meyers, Salt River |
| Pat Dennis for B.J. Cornwall, El Mirage | Pima-Maricopa Indian Community |
| Alfonso Rodriguez, Fort McDowell | Jim Rumpeltes, Surprise |
| Yavapai Nation | Jeff Kulaga, Tempe |
| Tim Pickering, Fountain Hills | * Reyes Medrano, Tolleson |
| * Lynn Farmer, Gila Bend | Gary Edwards, Wickenburg |
| * Joseph Manuel, Gila River | Lloyce Robinson, Youngtown |
| Indian Community | Dale Buskirk for Victor Mendez, ADOT |
| George Pettit, Gilbert | Kenny Harris for David Smith, |
| Horatio Skeete for Ed Beasley, | Maricopa County |
| Glendale | David Boggs, Valley Metro/RPTA |

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

Management Committee: On September 12, 2007, the MAG Management Committee continued the Draft 208 Plan Amendment for the Hassayampa Utility Company Northeast Service Area for 30 days until the October meeting of the MAG Management Committee.

MEMBERS ATTENDING

- | | |
|--|--|
| Jan Dolan, Scottsdale, Chair | Darryl Crossman, Litchfield Park |
| Charlie McClendon, Avondale, Vice Chair | Christopher Brady, Mesa |
| # Bryant Powell for George Hoffman,
Apache Junction | Tom Martinsen, Paradise Valley |
| Dave Wilcox, Buckeye | Terry Ellis, Peoria |
| * Jon Pearson, Carefree | Frank Fairbanks, Phoenix |
| * Usama Abujbarah, Cave Creek | John Kross, Queen Creek |
| Mark Pentz, Chandler | * Bryan Meyers, Salt River Pima-Maricopa
Indian Community |
| Pat Dennis for B.J. Cornwall, El Mirage | Doug Sandstrom for Jim Rumpeltes,
Surprise |
| Alfonso Rodriguez, Fort McDowell
Yavapai Nation | Jeff Kulaga, Tempe |
| # Tim Pickering, Fountain Hills | Reyes Medrano, Tolleson |
| * Lynn Farmer, Gila Bend | Gary Edwards, Wickenburg |
| * Joseph Manuel, Gila River
Indian Community | Loyce Robinson, Youngtown |
| George Pettit, Gilbert | Bill Hayden for Victor Mendez, ADOT |
| Jessica Blazina for Ed Beasley, Glendale | David Smith, Maricopa County |
| Brian Dalke, Goodyear | Bryan Jungwirth for David Boggs,
Valley Metro/RPTA |
| * Mark Johnson, Guadalupe | |

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

Water Quality Advisory Committee: On August 7, 2007, the MAG Water Quality Advisory Committee conducted a public hearing on the Draft 208 Plan Amendment for the Hassayampa Utility Company Northeast Service Area. Following the hearing, the Committee recommended approval of the Draft 208 Plan Amendment to the MAG Management Committee, with five members voting no (*italics*).

MEMBERS ATTENDING

- | | |
|--|--|
| Roger Klingler, Scottsdale, Chair | Robert Hollander, Phoenix |
| Marilyn DeRosa, Avondale | <i>Rich Williams Sr., Surprise</i> |
| Steve Borst for Lucky Roberts, Buckeye | David McNeil, Tempe |
| Jacqueline Strong, Chandler | Dale Bodiya for Kevin Chadwick, Maricopa
County |
| Greg Stack, El Mirage | John Boyer, Pinnacle West Capital |
| * Lonnie Frost, Gilbert | <i>Jim Kudlinski for Ray Hedrick, Salt River
Project</i> |
| Chris Ochs, Glendale | <i>Erin Taylor, U of A Cooperative Extension</i> |
| David Iwanski, Goodyear | |
| Bill Haney, Mesa | |
| # Stephen Bontrager, Peoria | |

- *Those members neither present nor represented by proxy.
- #Attended by telephone conference call.

CONTACT PERSON:

Julie Hoffman, MAG, 602-254-6300