

April 15, 2009

TO: Members of the MAG Transportation Review Committee

FROM: David Moody, City of Peoria, Chair

SUBJECT: MEETING NOTIFICATION AND TRANSMITTAL OF TENTATIVE AGENDA

Thursday, April 23, 2009, 10:00 a.m.
MAG Office, Suite 200, Saguaro Room
302 North 1st Avenue, Phoenix

A meeting of the MAG Transportation Review Committee (TRC) will be held at the time and place noted above. **Please park in the garage under the building. Bring your ticket to the meeting as parking will be validated. Bicycles can be locked in the rack at the entrance to the parking garage.**

The next meeting of the MAG Transportation Review Committee will be held at the time and place noted above. Committee members or their proxies may attend **in person, via videoconference or by telephone conference call**. Those attending video conference must notify the MAG site three business days prior to the meeting. Those attending by telephone conference call please contact MAG offices for conference call instructions.

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 Christina Hopes at the MAG Office. Requests should be made as early as possible to allow time to arrange the accommodation.

Please be advised that under procedures adopted by the MAG Regional Council on June 26, 1996, all MAG committees need to have a quorum in order to conduct business. A quorum is a simple majority of the membership or twelve people for the MAG TRC. If you are unable to attend the meeting, please make arrangements for a proxy from your jurisdiction to represent you. If you have any questions or need additional information, please contact Eric Anderson or Christina Hopes at (602) 254-6300.

TENTATIVE AGENDA

	COMMITTEE ACTION REQUESTED
1. <u>Call to Order</u>	
2. <u>Approval of Draft March 26, 2009 Minutes</u>	2. Approve Draft minutes of the March 26, 2009 meeting.
3. <u>Call to the Audience</u> An opportunity will be provided to members of the public to address the Transportation Review Committee 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 Transportation Review Committee requests an exception to this limit.	3. For information and discussion.
4. <u>Transportation Director's Report</u> Recent transportation planning activities and upcoming agenda items for the MAG Management Committee will be reviewed by the Transportation Director.	4. For information and discussion.

ITEMS TO BE HEARD

5. <u>Project Changes – Amendment and Administrative Modification to the FY 2008-2012 MAG Transportation Improvement Program and FY 2009 Arterial Life Cycle Program</u> The FY 2008-2012 Transportation Improvement Program (TIP) and Regional Transportation Plan (RTP) 2007 Update were approved by the MAG Regional Council on July 25, 2007, and the FY 2009 Arterial Life Cycle Program (ALCP) was approved by Regional Council on June 25, 2008. Since that time, there have been requests from member agencies to modify projects in the	5. For information, discussion and recommendation to approve of amendments and administrative modifications to the FY 2008-2012 Transportation Improvement Program, the FY 2009 Arterial Life Cycle Program and as appropriate, to the Regional Transportation Plan 2007 Update.
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programs. A handout of the proposed amendments and administrative modifications to the FY 2008-2012 TIP and FY 2009 ALCP will be provided at the meeting.

6. Update and Review of Project Deferral Requests for Federal Fiscal Year (FFY) 2009 MAG Closeout

MAG Staff will provide an update on the amount of funds available for FFY09 MAG Federal Fund Closeout (Closeout) and review projects deferral requests for the FFY09 Closeout. The deadline for FFY09 Closeout project submittal and initial deferral notification is April 20, 2009. Information regarding project deferral requests will be provided via email to TRC members prior to the meeting and be available at the meeting. Projects submitted for Closeout funds will be reviewed at the May 2009 TRC meeting. The Draft MAG Federal Fund Programming Principles are provided in Attachment One.

7. Fiscal Year 2009 - Arterial Life Cycle Program (ALCP) Regional Area Road Fund (RARF) Closeout

MAG Staff will provide an overview of the ALCP RARF Closeout process as established in the approved ALCP Policies and Procedures. An update on the fiscal analysis of ALCP revenues and expenditures and a list of eligible projects for ALCP RARF Closeout will be presented. Please refer to Attachment Two for the FY09 ALCP RARF Closeout Memorandum, list of eligible projects, and Section 260 of the ALCP Policies and Procedures.

8. Update on the American Recovery and Reinvestment Act of 2009: Arizona Department of Transportation (ADOT) Portion, MAG Sub-Allocation, Transportation Enhancement Portion, and MAG Region

6. For information and discussion, and possible recommendation to approve a list of projects to be deferred from FFY 2009 to FFY 2010 or later and make the necessary amendments and modifications to the 2008-2012 MAG Transportation Improvement Program, and as necessary to the Regional Transportation Plan 2007 Update.

7. Information, discussion, and recommendation to approve ALCP project reimbursements for the Fiscal Year 2009 ALCP RARF Closeout, and amend the FY 2009 Arterial Life Cycle Program, the 2008-2012 Transportation Improvement Program, and 2007 Regional Transportation Plan Update, as necessary.

8. For information and discussion.

Transit Funds

The American Recovery and Reinvestment Act (ARRA) of 2009 was signed by President Obama on February 17, 2009. The Act directs transportation infrastructure funds to both highways and transit agencies in states and metropolitan planning organizations. On March 25, 2009, the MAG Regional Council approved the necessary Transportation Improvement Program (TIP) project changes for ADOT-led freeway projects and MAG regional transit projects that are programmed with ARRA funds. At the same meeting, the MAG Regional Council approved a member agency allocation for the distribution of the MAG sub-allocated portion of the ARRA funds, with four stipulations related to defining projects, technical MAG processes, and obligation deadlines. A list of identified projects to be funded with the MAG sub-allocated ARRA funds is on the April 22, 2009 MAG Regional Council agenda. An update will be provided regarding project development for the MAG sub-allocated transportation ARRA funds, the status of the highway and transit funded ARRA projects, and any new developments.

9. Member Agency Update

This section of the agenda will provide Committee members with an opportunity to share information regarding a variety of transportation-related issues within their respective communities.

10. Next Meeting Date

The next regular TRC meeting will be scheduled Thursday, May 28, 2009 at 10:00 a.m. in the MAG Office, Saguaro Room.

9. For information and discussion.

10. For information and discussion.

DRAFT MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
TRANSPORTATION REVIEW COMMITTEE

March 26, 2009

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

MEMBERS ATTENDING

Peoria: David Moody	Maricopa County: John Hauskins
ADOT: Floyd Roehrich	Mesa: Scott Butler
Avondale: David Fitzhugh	*Paradise Valley: Robert M. Cicarelli
*Buckeye: Scott Lowe	Phoenix: Vacant
Chandler: Patrice Kraus	Queen Creek: Mark Young
El Mirage: Lance Calvert	RPTA: Bryan Jungwirth
Fountain Hills: Randy Harrel	Scottsdale: Dave Meinhart for Mary O'Connor
*Gila Bend: Rick Buss	Surprise: Randy Overmyer
Gila River: Sreedevi Samudrala for Doug Torres	Tempe: Carlos de Leon
Gilbert: Michelle Gramley for Tami Ryall	Valley Metro Rail: John Farry
Glendale: Terry Johnson	#Wickenburg: Gary Edwards
Goodyear: Luke Albert for Cato Esquivel	Youngtown: Grant Anderson for Lloyce Robinson
*Guadalupe: Gino Turrubiarres	
*Litchfield Park: Mike Cartsonis	

EX-OFFICIO MEMBERS ATTENDING

Regional Bicycle Task Force: Jim Hash, City of Mesa	Pedestrian Working Group: Brandon Forrey, City of Peoria
*Street Committee: Darryl Crossman, City of Litchfield Park	*Transportation Safety Committee: Kerry Wilcoxon, City of Phoenix
*ITS Committee: Mike Mah	
* Members neither present nor represented by proxy.	+ - Attended by Videoconference # - Attended by Audioconference

OTHERS PRESENT

Eric Anderson, MAG	Eileen Yazzie, MAG
Craig Chenery, MAG	Steve Hull, ADOT
Maureen DeCindis, MAG	Andy Granger, City of Peoria
Monique de los Rios-Urban, MAG	Paul Ward, Olsson Associates
Roger Herzog, MAG	Bob Antilla, Valley Metro/RPTA
Sarath Joshua, MAG	Linda Branch-Dasch, Maricopa County
Nathan Pryor, MAG	Lynne Hilliard, Maricopa County
Steve Tate, MAG	Mike Sabatini, Maricopa County
Audrey Skidmore, MAG	Ben Limmer, METRO
Tim Strow, MAG	

1. Call to Order

Mr. David Moody from the City of Peoria called the meeting to order at 10:03 a.m.

2. Approval of February 26, 2009 Draft Minutes

Mr. Moody asked if there were any changes or amendments to the meeting minutes, and there were none. Mr. Randall Overmyer from the City of Surprise moved to approve the minutes. Mr. Lance Calvert from City of El Mirage seconded the motion, and the minutes were subsequently approved by unanimous voice vote of the Committee.

3. Call to the Audience

Mr. Moody stated that he had not received any request to speak cards from the audience, and moved onto the next item on the agenda.

4. Transportation Director's Report

Mr. Moody invited Mr. Eric Anderson from MAG to present the Transportation Director's Report. Mr. Anderson announced that the Chamber of Commerce and the Associated General Contractors of America (AGC) were sponsoring a forum on March 27, 2009 at the Biltmore. He reported that the forum included the U.S. Secretary of Transportation, Ray La Hood, as a guest speaker and six breakout groups. He added that Mr. Dennis Smith, the MAG Executive Director, would be present at transportation breakout session and encouraged members of the Committee to attend.

Mr. Anderson announced that the January revenues for the Regional Area Road Fund (RARF) were down 15.9 percent from the previous fiscal year (FY). He stated the decrease was a record loss. He reported that year-to-date RARF revenues were 12 percent lower than FY 2008. Mr. Anderson explained that a portion of the record loss for January could be attributed to the pre-Superbowl activity, which occurred the previous fiscal year.

Continuing on, Mr. Anderson addressed the American Recovery and Reinvestment Act of 2009 (ARRA). He thanked everyone in attendance for their work on the stimulus package. He announced the approval of the MAG sub-allocation funding formula by the Regional Council the previous evening.

Mr. Anderson reported that MAG Staff had been collaborating with the Federal Highway Administration (FHWA), the Arizona Department of Transportation (ADOT) on the implementation of the ARRA program. He also reported the collaborative efforts of MAG Staff and Member Agencies on the project selection and programming of ARRA funded

projects. He stated that MAG Staff would be meeting with representatives from the General Accountability Office (GAO) on the reporting requirements of the Act.

Mr. Anderson cautioned there would be significant overlap on the ARRA requirements. He stated that in addition to FHWA and ADOT, agencies would be required to post reports to Recovery.org and Senator Oberstar. He expressed concerns about the ability of member agencies to meet the reporting requirements given recent staff reductions in the region. He stated the MAG Staff would assist the member agencies, when feasible.

Mr. Moody asked if there were any additional questions or comments about this agenda item. Mr. David Fitzhugh from the City of Avondale inquired about ADOT's ability to process materials, such as Intergovernmental Agreements, for the ARRA projects given the recent staff reductions. Mr. Anderson stated that agenda item nine would address such questions.

Mr. Moody asked if there were any additional questions or comments about this agenda item. There were none, and this concluded the Transportation Director's Report.

5. Regional Community Network Reporting Structure

Mr. Moody announced that the Regional Community Network (RCN) was on the consent agenda for information, discussion, and recommendation to approve the RCN reporting structure as outlined in the agenda attachment. Mr. Carlos de Leon from the City of Tempe inquired about the on-going costs to the member agencies associated with the RCN as well as potential financing sources. Mr. Anderson asked Ms. Audrey Skidmore, the MAG Information Technology Manager, to speak on the RCN reporting structure.

Ms. Skidmore informed the Committee that the RCN Working Group was in the process of determining long-term funding sources for the project. She stated the RCN Working Group would have more accurate costs estimate once the Arizona Department of Transportation's (ADOT) contract expired with the current service provider and a new contract was signed with the Phase 1A service provider. She estimated the maintenance cost for the network would be between \$100,000 and \$200,000 per year.

Mr. Moody asked if there were any additional questions about the agenda item. Mr. Grant Anderson from the Town of Youngtown stated that he had questions about the second item on the consent agenda. Mr. Moody replied that the Committee would hear Mr. Anderson's questions before voting on the consent agenda. Before moving on to the second item on the consent agenda, Mr. Moody asked if there were any questions regarding the first item on the consent agenda, and there were none.

6. ADOT Red Letter Process

Mr. Moody invited Mr. Grant Anderson to state his inquiry on the second item on the consent agenda, the ADOT Red Letter Process. Mr. Grant Anderson asked if by approving the consent agenda that the TRC was acknowledging the list presented in the attachment. Mr. Eric

Anderson explained that the approval served as a notification to communities of events during the six month period.

Mr. Grant Anderson stated that the ADOT Red Letter Process had evolved from the MAG Region to a statewide process. He inquired if the Committee should review the current process to determine if MAG should take a greater role in the process. He inquired what, if any additional action, MAG could move forward with in regards to the Red Letter Process given the current budget crisis. He added that the ADOT Red Letter notifications for areas outside the MAG Region should have a separate approval process in lieu of requiring approval through the MAG Committee process. Mr. Moody affirmed Mr. Grant Anderson's position.

Mr. Moody asked if there were any additional comments or questions about the items on the consent agenda. There were none. Mr. John Hauskins from Maricopa County motioned to recommend the consent agenda for approval. Mr. Grant Anderson seconded, and the consent agenda was approved by a unanimous voice vote of the Committee.

7. Project Changes – Amendment and Administrative Modification to the FY 2008-2012 MAG Transportation Improvement Program and FY 2009 Arterial Life Cycle Program

Mr. Moody invited Ms. Eileen Yazzie, the MAG Transportation Programming Manager, to present proposed project changes to the MAG 2008-2012 Transportation Improvement Program (TIP) and the FY 2009 Arterial Life Cycle Program (ALCP). Ms. Yazzie directed the Committee's attention to revised handouts at their seats. She explained the revised handouts included updated dollar amounts for the Beardsley Rd. Connector project in the TIP and ALCP.

Ms. Yazzie informed the Committee that member agencies were seeking a funding modification for two projects funded with Congestion Mitigation and Air Quality (CMAQ) funds. She explained that the project listing, which was previously approved by the Air Quality Technical Advisory Committee, included administrative errors for two projects. She stated that the funding amounts previous listed had been switched.

Then, Ms. Yazzie explained the change request for the Beardsley Rd. Connector project. She reported that Northern Parkway would be unable obligate in the current fiscal year; however, the Beardsley project would be able to obligate. She stated the change request was to defer the reimbursement schedule for Northern Parkway and advance the reimbursement schedule for Beardsley in an effort to obligate the Surface Transportation Program (STP) funds allocated to the region.

Mr. Moody asked if there were any questions about the agenda item, and there were none. Mr. Carlos de Leon from the City of Tempe motioned to approve the project changes as presented in the revised summary table and handout. Mr. Overmyer seconded, and the agenda item was approved by a unanimous voice vote of the Committee members in attendance.

8. Update to the Arterial Life Cycle Program Policies and Procedures

Mr. Moody invited Ms. Christina Hopes to present the update to the Arterial Life Cycle Program (ALCP) Policies and Procedures. Ms. Hopes stated that the current ALCP Policies and Procedures approved by the Regional Council on December 19, 2007 required revisions. She reported that the ALCP Working Group meet in November 2008 and January 2009 to discuss proposed revisions to the current policies. In addition to the ALCP Working Group meeting, MAG Staff received input through emails, phones calls, and office visits from member agency staff.

Next, Ms. Hopes provided an overview and objective of key policy and procedural revisions. First, Ms. Hopes directed the Committee's attention to Sections 220 and 400 of the draft ALCP Policies and Procedures (Draft Policies). She stated that revisions to these sections would require Lead Agencies to demonstrate local funding in their Capital Improvement Program (CIP) for projects programmed in the first two years of the ALCP. The revisions would also require MAG Staff to consider the CIP data in a funding analysis when programming projects for the current and upcoming fiscal years of the ALCP. Ms. Hopes stated the objective of the revision was to ensure the fiscal integrity of the program and to reduce the amount of reimbursements being deferred each year.

Then, Ms. Hopes directed the Committee's attention to revisions in Section 220 that addressed proposed changes in ALCP project scope and the substitution of projects in the ALCP. She stated that the proposed revisions would require a technical review and recommendation by the MAG Street Committee before rescoped or substitute projects would be included in the Arterial Life Cycle Program. The revisions would require a presentation by Lead Agency Staff that addressed:

- Why original project was not feasible;
- How the rescoped/substitute project would relieve congestion and improve mobility; and,
- The new/revised project cost estimates.

Ms. Hopes listed additional criteria included in the Draft Policies for the proposed project changes. First, the reimbursements of the rescoped or substitute project would be programmed in the same fiscal year as the original project. Second, the rescoped or substitute project would be limited to the remaining regional budget of the original project. Finally, the addition of projects or projects segments completed prior to inclusion in the ALCP would be prohibited. Ms. Hopes explained the objective of the revisions was to maintain the intent of the program and build the plan as expected by the voters.

Continuing on, Ms. Hopes presented refinements to the Regional Area Road Fund (RARF) Closeout Process in Section 260 of the Draft Policies. She informed the Committee that FY 2008 was the first year for RARF Closeout, which demonstrated areas for improvement. Ms. Hopes explained that in order for projects to be eligible for RARF Closeout the project or project segment must be completed, and all ALCP project requirements must be submitted to MAG. She added that projects are then prioritized based on the fiscal year of programmed reimbursement in the ALCP and then by the fiscal year work was completed on the project.

Ms. Hopes reported that several projects eligible for FY 2008 RARF Closeout were programmed for reimbursement and completed work in the same fiscal year. Given the

experience, MAG Staff asked the ALCP Working Group for guidance on additional priorities for recommending eligible projects to receive RARF Closeout Funds. Ms. Hopes stated that based on internal and external discussions two new priorities were added: the final invoice date for the project and the date the ALCP Project Reimbursement Request was accepted by MAG Staff.

Next, Ms. Hopes informed the Committee that policies had been established in Section 310 and 320 of the Draft Policies to address High Priority Projects (HPP). Ms. Hopes stated that the policy was incorporated at the suggestion of the Member Agencies as a method to achieve funding equity. She also stated that the policy would ensure consistent policies between the ALCP and the Freeway Life Cycle Program. Under the proposed policies, “below the line” earmarks that reduce the distribution of regional funds to the region are would be ineligible for reimbursement and could not be applied toward the ALCP local match requirement. In contrast earmarks considered “above the line” would not be eligible for reimbursements, but the earmark could be applied toward the ALCP local match requirement.

According to Ms. Hopes, the Draft Policies pertaining to ineligible project expenditures had been refined at the request of Lead Agencies. She reported that the Draft Policies expanded the list on ineligible project expenditures to include lump sum incentives, salaries/administrative expenses related to the completion of ALCP project requirements, as well as projects or project segments completed prior to inclusion in the ALCP. She explained that these Policies were refined to provide guidance to MAG Staff on specific project expenditures and in an effort to maintain the intent of the program.

Then, Ms. Hopes summarized proposed revisions to Section 410, which addressed amending or terminating project agreements between MAG and a Lead Agency. She explained that the current policies did not specify circumstances that would trigger the amendment or termination of a project agreement. As a result, some project agreements inaccurately reflected project data due to changes made after the agreement was in effect. Ms. Hopes told the Committee that the objective of the policy language was to ensure that project agreements accurately reflected project data.

Ms. Hopes explained that typical project changes, such a minor project schedule changes and the reallocation of funds from one work phase to another, would not trigger an amendment or termination. She addressed circumstances that would require the termination of a project agreement. The circumstances included changes in project type or Lead Agency as well as changes that affected more than one project segment or signed project agreement. Next, Ms. Hopes listed circumstances, which would require an amendment to a project agreement, such as the change in project limits or a significant change in project scope.

Continuing on, Ms. Hopes summarized miscellaneous refinements to the current policies. She stated that Lead Agencies would be required to inform MAG Staff of designated signatories for Project Agreements and Project Reimbursement Request on an each fiscal year. She explained the current policies requires the information to be provided in a Project Overview; however, given turnover and other factors, MAG Staff felt an annual notification was more appropriate.

Mr. Moody asked if there were any questions or comments about the agenda item. Mr. David Meinhart from the City of Scottsdale inquired about the language in the draft policies that

required the termination of a Project Agreement if a reimbursement request had not been submitted to MAG within the established time frames. In particular, Mr. Meinhart questioned the policy in regards to projects eligible for RARF Closeout. Ms. Hopes explained that although the language was contained in the Project Agreements, it was at the discretion of MAG Staff and the Lead Agency to terminate agreements that exceeded the time frames.

Mr. Moody asked if there were any additional questions, and there were none. Mr. Moody thanked MAG Staff for their efforts in refining the ALCP Policies and Procedures. He also noted the collaborative effort between MAG Staff and Member Agencies on developing the refinements.

Mr. de Leon motioned to approve the Draft ALCP Policies and Procedures as presented. Mr. Overmyer seconded, and the agenda item was approved by a unanimous voice vote of the Committee members in attendance.

9. Update on the American Recovery and Reinvestment Act of 2009: ADOT Portion, MAG Sub-Allocation, and MAG Region Transit Funds

Mr. Moody invited Ms. Eileen Yazzie to provide an update on the American Recovery and Reinvestment Act of 2009 (ARRA). Ms. Yazzie stated she would provide an update on ARRA as well as summarize Regional Council actions from the previous evening. Ms. Yazzie thanked the Committee and member agency staff for their efforts in regards to determining the MAG sub-allocation and project eligibility criteria.

Ms. Yazzie stated that the Arizona Department of Transportation (ADOT) informed MAG the sub-allocation to the region would be \$104.6 million. The amount represented 66 percent of the total sub-allocation of ARRA funds for the State. She explained the total amount of ARRA funds allocated to the region was approximately \$300 million.

Next, Ms. Yazzie summarized the Regional Council action from the previous evening. She reported that the Regional Council approved Scenario 1A for the distribution of the MAG sub-allocation of ARRA funds. Under the scenario, MAG Member Agencies would receive a minimum allocation of \$500,000 plus an additional allocation based on population.

Ms. Yazzie informed the Committee that the Regional Council adopted four additional items regarding the sub-allocation. First, the Regional Council established a deadline of April 3, 2009, for MAG Member Agencies to submit projects to receive ARRA funding. She explained the deadline was established due to the limited time frame to obligate projects. Second, the Regional Council instructed MAG Staff to prepare the necessary administrative adjustments and amendments to the FY 2008-2012 Transportation Improvement Program (TIP) and Regional Transportation Plan (RTP), as appropriate. In addition, the Regional Council instructed MAG Staff to conduct air quality consultation and conformity, as necessary. Finally, the Regional Council established a deadline of November 30, 2009 to obligate projects.

Continuing on, Ms. Yazzie summarized eligible projects for ARRA funds. She explained that ARRA funds could be used on projects that meet the requirements of the Surface

Transportation Program (STP). According to Ms. Yazzie, STP was the most flexible federal program. Requirements for Surface Transportation Program included road projects on a functionally classified roadway, transit projects, bicycle and pedestrian projects, and intelligent transportation systems (ITS) projects. In addition, projects which would bring a roadway into compliance with the American with Disabilities Act (ADA) would also be eligible. Ms. Yazzie informed the Committee that projects to pave dirt roads and alleys were not eligible under the program.

Ms. Yazzie directed the Committee's attention to the memoranda distributed in the agenda packet and by email. She provided a brief overview of the forms member agencies should submit to MAG by April 3rd. In addition, she referenced various resources at the regional, state, and federal level available to assist member agencies.

Then, Ms. Yazzie informed the Committee of the reporting requirements and deadlines associated with the American Recovery and Reinvestment Act of 2009 (ARRA). She stated that all of the reporting requirements would be coordinated and implemented at the State level. Ms. Yazzie explained that self-certified jurisdictions would be required to coordinate with the State to meet the established reporting requirements.

Ms. Yazzie stated that the Federal Highway Administration (FHWA) had developed forms and specific report requirements. She explained that reports would be posted electronically at <http://www.recovery.gov>. She cautioned that the reporting requirements for the Act were more extensive than other federal requirements.

Mr. Eric Anderson inquired if additional information, such as the number of jobs generated, would be required under the ARRA reporting requirements. Ms. Yazzie replied yes. She stated that some of the reporting requirements included the number projects underway and complete; the number of direct jobs; the amount of funds appropriated, allocated, obligated, and outlaid; as well as the number of projects bid and awarded. Ms. Yazzie informed the Committee that ADOT and FHWA were revising contracts and other forms to include language pertaining to the reporting requirements. A brief discussion followed.

Continuing on, Ms. Yazzie outlined the next steps of the ARRA funding allocation process. She stated that during April, TIP amendments and conformity consultations would proceed through the MAG Committee process. In addition, MAG Staff would conduct a joint meeting FHWA, ADOT Local Governments section, and MAG Member Agencies regarding project implementation. Mr. Anderson stated that MAG Member Agencies would be given ample opportunity to pose questions and raise concerns about the process. Similarly, Ms. Yazzie informed the Committee that project changes to the TIP and RTP, as needed, would be occurring on a monthly basis for the next several months. She explained that member agencies would have ample opportunity to update project information listed in the TIP as information became available.

A brief discussion occurred about projects eligible for STP funds, such as airport improvements and transit projects. Ms. Yazzie replied that airport projects would not be eligible; however, stimulus funds through the Federal Aviation Administration (FAA) might be available. She also replied that transit projects would be eligible under STP using ARRA

funds. She stated that if a transit project was “flexed” to transit, then the ARRA funds would be removed from the FHWA accounting system and added to the Federal Transit Administration (FTA) accounting system and would be obligated according to FTA rules.

Mr. Carlos de Leon inquired about the obligation date of November 30th established by the Regional Council. He asked if a jurisdiction was unable to obligate the funds by that deadline would that jurisdiction have an opportunity to submit a substitute project or would the funds be returned to the region for reallocation. Ms. Yazzie stated that most jurisdictions would know in advance of the deadline if the ARRA funds would need to be reallocated to another project in the jurisdiction. She explained that MAG Staff would assist member agencies in programming the funds. She added that the Regional Council and the Transportation Policy Committee did not provide any further guidance on how to prioritize the funding after the November 30th deadline.

Mr. Moody asked if there were any additional questions or comments on the agenda item. There were none, and this concluded Ms. Yazzie’s presentation.

10. Status of Local Sponsored Federal Funded Projects

Then, Mr. Moody invited Ms. Yazzie to discuss the status of local sponsored federal funded projects. Ms. Yazzie asked each member agency to review the handouts provided in the agenda packet. She encouraged member agencies to contact herself or Steve Tate, at MAG, with any necessary revisions.

Ms. Yazzie informed the Committee that MAG Staff anticipated that a high number of projects would not obligate in the current federal fiscal year (FFY). She stated the number of projects was concerning and that project readiness would be discussed in future TRC agenda items.

Mr. Moody asked if there were any questions or comments on the agenda item. There were none, and Mr. Moody proceeded to the next agenda item.

11. Interim Closeout of the Federal Fiscal Year (FFY) 2009 MAG Federally Funded Program

Mr. Moody asked Ms. Yazzie to present on the Interim Closeout of the Federal Fiscal Year (FFY) 2009 MAG Federally Funded Program. Ms. Yazzie informed the Committee that MAG Staff would conduct the FFY 2009 Closeout process according to the Draft Federal Fund Programming Principles (Draft Principles). She explained that the Draft Principles were developed from previously approved closeout policies.

Ms. Yazzie reported that policies on deferrals had changed in the Draft Principles. She stated that MAG Staff would adhere to the one-time deferral rule in the Draft Principles. She explained the member agencies deferring for the second time or more must submit a deferral notification form and justification letter documenting the history, status and intent of the project.

Ms. Yazzie stated that member agencies interested in submitting projects for federal fund

consideration must complete the eligibility form. She stated that projects would be selected based on three priorities. Consideration would be given first to advanced projects of the same mode currently programmed with federal funds in the TIP. The advanced, funded projects would be selected in chronological order of the TIP. Then, consideration would be given to increasing federal funds on an existing, unobligated project, up to the originally programmed, federal-aid maximum, or the maximum established by the mode in the RTP, whichever is less. Finally, funding consideration would be give to new projects.

Ms. Yazzie encouraged member agencies with project deferrals to notify MAG Staff by April 20, 2009. She acknowledged the date was a best effort deadline on the part of the member agencies due to numerous extenuating circumstances. Then, Ms. Yazzie provided an overview of the deferral notification form, the justification letter, and the project request form. In addition, Ms. Yazzie stated that the deadline to submit project request forms for funding consideration was also April 20th by noon. She explained the deadline for funding consideration was a hard deadline and that late forms would not be accepted.

Mr. Anderson inquired if the ARRA sub-allocation to a member agency could be applied to the local match requirement on projects funded with CMAQ funds. Ms. Yazzie stated this was correct if the member agency applied their intended local match to other transportation improvements. Mr. Anderson asked if this were also true with projects programmed with STP funds. Ms. Yazzie explained that projects programmed in FFY 2008 and FFY 2009 were permitted to fund CMAQ with 100 percent federal funds. However, CMAQ projects programmed after FFY 2009 and all projects programmed with STP funds must meet the local match requirement of 5.7 percent.

Mr. Anderson then asked if STP or ARRA funds could be applied to projects to pave dirt roads and alleys. Ms. Yazzie replied that paving dirt roads and alleys would not be permitted under STP or ARRA. A brief discussion followed.

Mr. Moody asked if there were any additional questions or comments on the agenda item. There were none, and this concluded Ms. Yazzie's presentation.

12. Arterial Life Cycle Program Update

Mr. Moody invited Ms. Christina Hopes to present the FY 2010 Arterial Life Cycle Program (ALCP) update. Ms. Hopes directed the Committee's attention to a memorandum, which had been placed at their seats. She stated the memorandum addressed the Regional Area Road Fund (RARF) Closeout Process. Ms. Hopes explained that RARF Closeout applied to agencies with completed projects programmed in the ALCP.

Ms. Hopes asked member agencies interested in RARF Closeout with eligible projects to complete the RARF Closeout Eligibility Form and submit it to MAG Staff by April 15, 2009. She added that all ALCP project requirements must be submitted and accepted by MAG Staff as complete on May 15th for all projects recommended to receive RARF Closeout funds. Mr. Moody asked if the materials would be posted to the MAG-ALCP website or sent electronically to the MAG Member Agencies. Ms. Hopes stated that copies of the materials would be emailed to the ALCP Working Group and posted to the website after the Committee

meeting.

Ms. Hopes informed the Committee that a draft of the FY 2010 Arterial Life Cycle Program was disseminated to the ALCP Working Group as well as the Committee. She directed to the Committee's attention to a revised draft that included corrections to projects in the cities of Mesa and Scottsdale. She reported that \$97.7 million in programmed reimbursements were deferred to unfunded years in an effort to balance the ALCP.

Ms. Hopes stated that MAG Staff was able to reduce the amount of unfunded projects in the program by increasing the amount of Congestion Mitigation and Air Quality (CMAQ) funds and Surface Transportation Program (STP) funds programmed. She stated that over \$26 million in CMAQ funding was allocated to seven intersection improvements projects. In addition, over \$51 million in STP funding was allocation to eight capacity improvement projects.

Ms. Hopes informed the Committee that CMAQ and STP funding was still available in Phase IV of the Arterial Life Cycle Program. She encouraged member agencies to review ALCP projects schedules for opportunities to maximize the use of federal funds in the program. Ms. Hopes stated that comments on the FY 2010 ALCP Draft should be submitted to MAG Staff by Monday, March 30, 2009.

Continuing on, Ms. Hopes provided an update on program activities over the last six months. She reported that two Project Overviews and six Project Reimbursement Requests (PRR) had been submitted to MAG. She stated that over \$22 million had been reimbursed to ALCP Lead Agencies thus far in FY 2009. She reported that two additional PRR were being processed and that the balance of the ALCP RARF Account was approximately \$58 million.

Concluding her presentation, Ms. Hopes asked if the Committee had any questions about RARF Closeout, the FY 2010 ALCP Draft or the status report. There were none, and this concluded the presentation.

13. Member Agency Update

Mr. Moody asked members of the Committee if they would like to provide updates; address any issues or concerns regarding transportation at the regional level; and asked if any members in attendance would like to address recent information that was relevant to transportation within their respective communities.

Mr. Anderson thanked Ms. Eileen Yazzie and Mr. Steve Tate for their efforts on the ARRA Program. Mr. Moody and the other Committee members concurred with Mr. Anderson's sentiments.

14. Next Meeting Date

Mr. Moody informed members in attendance that the next meeting of the Committee would be held on April 23, 2009. There being no further business, Mr. Moody adjourned the meeting at 11:27 a.m.

ATTACHMENT ONE

MAG Federal Fund Programming Principles
Competitive Project Selection Process for MAG Federal Funds

DRAFT August 6, 2008

RELATED CLOSEOUT SECTIONS ONLY 500-800

500. Closeout Process

1. MAG attempts to utilize all of the spending authority, known as Obligation Authority (OA), made available to the region. To meet this goal, MAG established a Closeout process. The most important criteria for a project to be funded through closeout is that it has completed, is near completion of the federal project development process administered by ADOT Local Government Section, and/or be in a position to obligate by the end of the current federal fiscal year.
2. The Closeout Process consists of three phases:
 - a. Initial Closeout: The initial closeout usually occurs as soon as the FY Appropriations Bill is available. It involves a simple comparison between the funds available and the projects programmed, resulting in an estimate of "uncommitted" funds.
 - b. Interim Closeout: Member agencies notify MAG staff, during the month of March of each year, of the projects that they wish to defer from the current fiscal year to the following fiscal year or that they do not wish to proceed with. When this total amount of federal funds to be deferred or removed is known, agencies are then requested to identify projects that can utilize the funds made available. Project submittals to use Closeout funds usually occur in mid to late April. Through the MAG Committee Process, Closeout projects are selected in the established priority order as described in 700.2. If the number of projects submitted to use Closeout funds, exceeds the Interim Closeout amount, a contingency project list of rank ordered projects may be developed.
 - c. Final Closeout: Final Closeout captures additional funds identified by changes to a project schedule, to the apportionment or appropriations formulas, and notification of redistributed obligation authority (OA) that can add to, or subtract from, the funds available. If additional funds are identified, contingency projects that were identified and rank ordered during Interim Closeout can be funded.
3. *The Transportation Programming Guidebook* will explain the Closeout schedule, due dates, forms, and requirements for project deferrals and project submittals for the Closeout.
4. During the closeout process, the deferred projects and non-obligated federal funds will be considered within each mode as determined by the Regional Transportation Plan (RTP).
5. If a MAG federally funded project is requested to be deferred, the close-out process continues through the mode classification of the project.
6. The modes that are programmed in the RTP to receive federal funds and are in the MAG Federal Fund Program are: Streets/ITS-CMAQ, Streets-STP-MAG, Bicycle/Ped-CMAQ, and Air Quality-CMAQ. The funds (in dollars not percentages) would stay in each mode.
 - i. Example: if Bike Project A, funded by CMAQ, was deferred to a later year, the funds associated with Bike Project A would stay in the Bike/Pedestrian mode.

600. Closeout Process – Deferrals

1. MAG member agencies will complete a Project Deferral/Deletion Form to request a project to be deferred, to delete federal funds from a project, or to delete a federal funded project from the current TIP.
 - a. The *Guidebook* will explain the schedule and forms.
2. For construction and right of way projects, member agencies would be allowed a one time deferral without justification.
 - a. If this project has a design contract underway, the project would be deferred 1 year, if and only if, it had an approved scoping document, project assessment, or DCR from ADOT.
 - b. If there is no design contract underway, the project would be deferred 2 years as it generally takes 2 years to complete the ADOT process.
 - c. If there is a design and clearance work phase for the project, it would be deferred accordingly.
3. For procurement, pre design, design, and planning study projects, member agencies would be allowed a one time deferral without justification.
4. If a project is requesting to be deferred for the second time or more, the sponsoring agency for the project will submit a justification letter explaining why the project should remain in the MAG Federal Fund Program.
 - a. The sponsoring agency for the project will submit a justification letter to MAG with the deferral notification that will be taken through the MAG Committee Process, beginning at TRC.
 - i. If the justification is approved the project would remain in the program.
 - ii. If the justification is not submitted or not approved, the project would be removed from the program.
 - b. MAG will provide either a form, or memo explaining the information for the justification memo in *The Transportation Programming Guidebook*.

700. Closeout Process - Prioritization of Unobligated Federal Funds

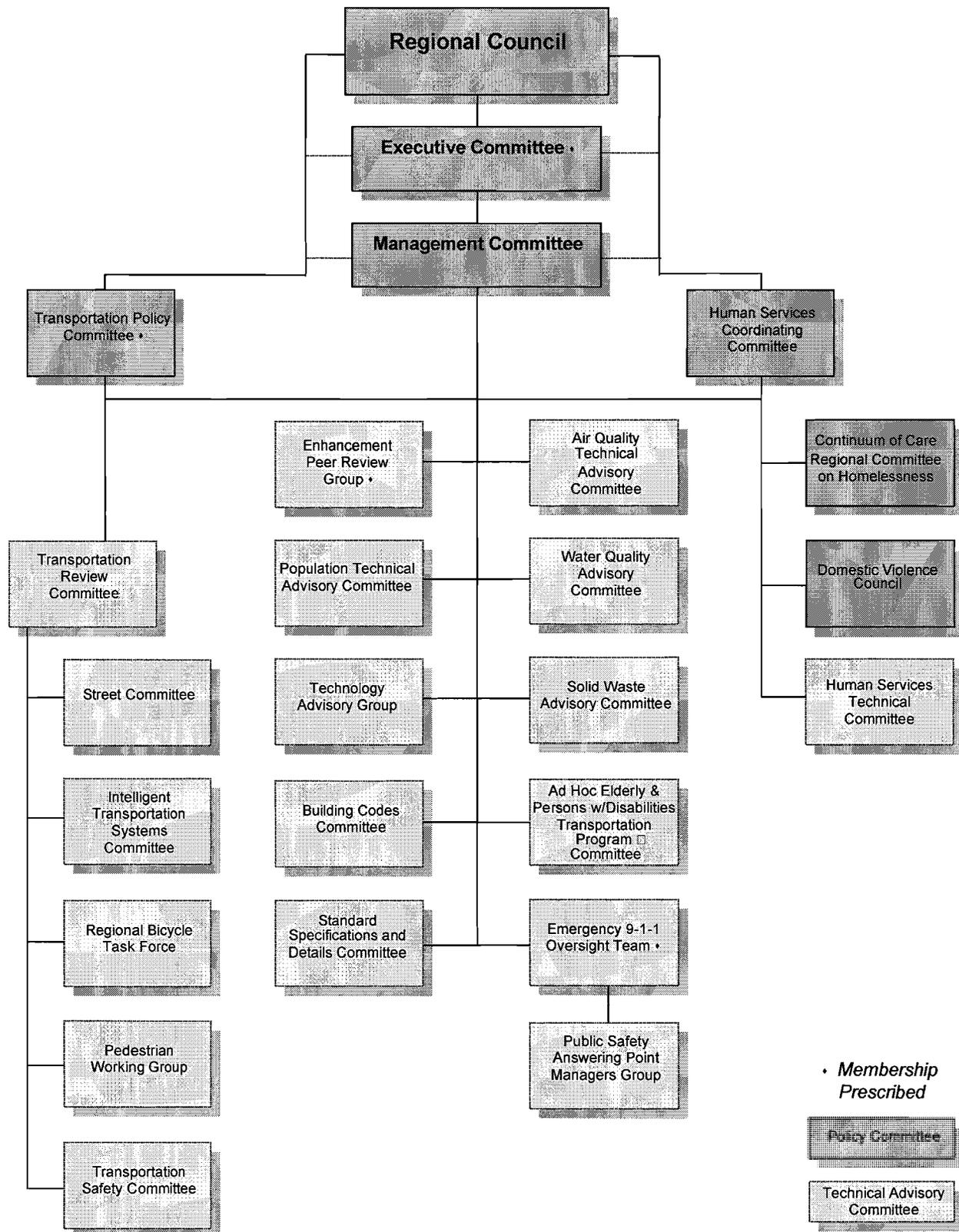
1. MAG member agencies will complete a Closeout Project Submittal or a new project application to submit projects for the use of unobligated Federal funds for the current federal fiscal year.
 - a. The *Guidebook* will explain due dates and forms.
 - b. Forms and/or applications must be submitted before or on the due date and time. Late forms and/or applications will not be accepted.
2. Projects submitted for use of Closeout funds will be selected based on the following three priorities in order:
 - a. Advancing projects (or phases of projects) of the same mode, that are already programmed in the current Transportation Improvement Program (TIP) with MAG federal funds from a future year, in chronological order of the TIP;
 - b. Adding additional federal funds to an existing, unobligated project, up to the originally programmed, federal-aid maximum, or the maximum established by the mode in the RTP, whichever is less.
 - c. New projects

3. Local jurisdictions submitting a project for advancement or additional funds will complete and submit a Closeout Project Submittal Form by the due date for project submittals for Closeout funds.
4. Local jurisdictions submitting a new project for Closeout will complete and submit the most current project application form by the due date for project submittals for Closeout funds.
5. MAG staff will conduct a fiscal analysis to determine if the program can provide additional funds to an existing project (priority 2), and/or fund new projects (priority 3) within the fiscally constrained federal programs in the current TIP.
6. MAG staff will review the projects submitted for Closeout funds with ADOT Local Government Section to ensure that the projects can be obligated before the end of the current federal fiscal year.
7. Once projects are submitted, an evaluation of the expected emissions reductions and cost effectiveness is conducted for all proposed CMAQ funded projects by MAG staff for consideration by the Air Quality Technical Advisory Committee (AQTAC). The proposed projects proceed through the MAG Committee Process for evaluation and prioritization beginning at TRC.

800. Re-distributed Obligation Authority (OA)

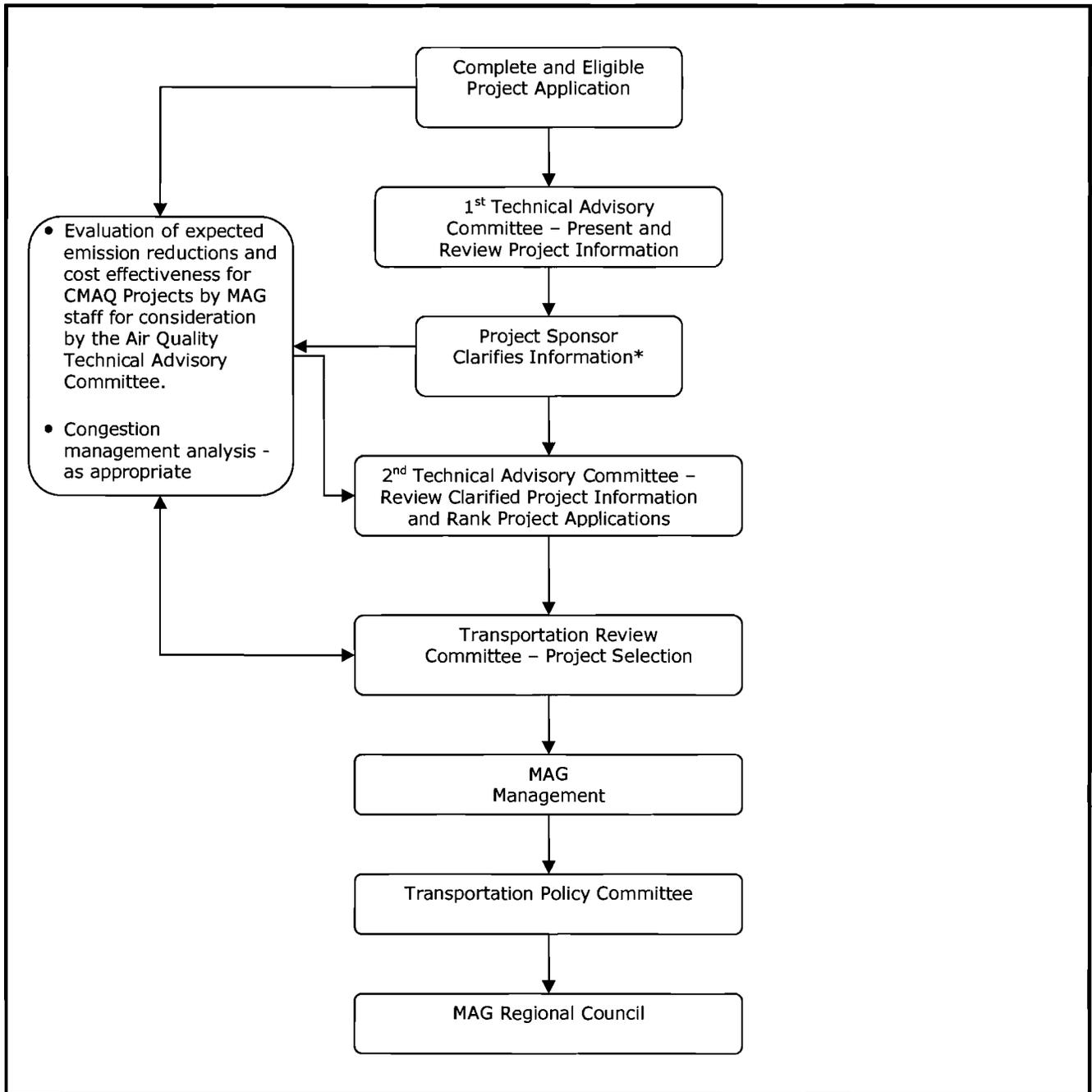
1. Re-distributed OA are federal funds in addition to the annual allocation and obligation authority that are distributed to the states. These additional funds are usually distributed at the end of the federal fiscal year. It will be decided through the MAG Committee Process on the Region's priority/priorities for re-distributed OA. The priorities can, but are not limited to, establishing contingency lists of projects for funding. This allows the MAG Committees flexibility to address the needs of the region, which can change over time.
 - a. The priority/priorities for re-distributed OA will be established during the close-out process, which can be funded in the remainder of the current fiscal year.

APPENDIX A



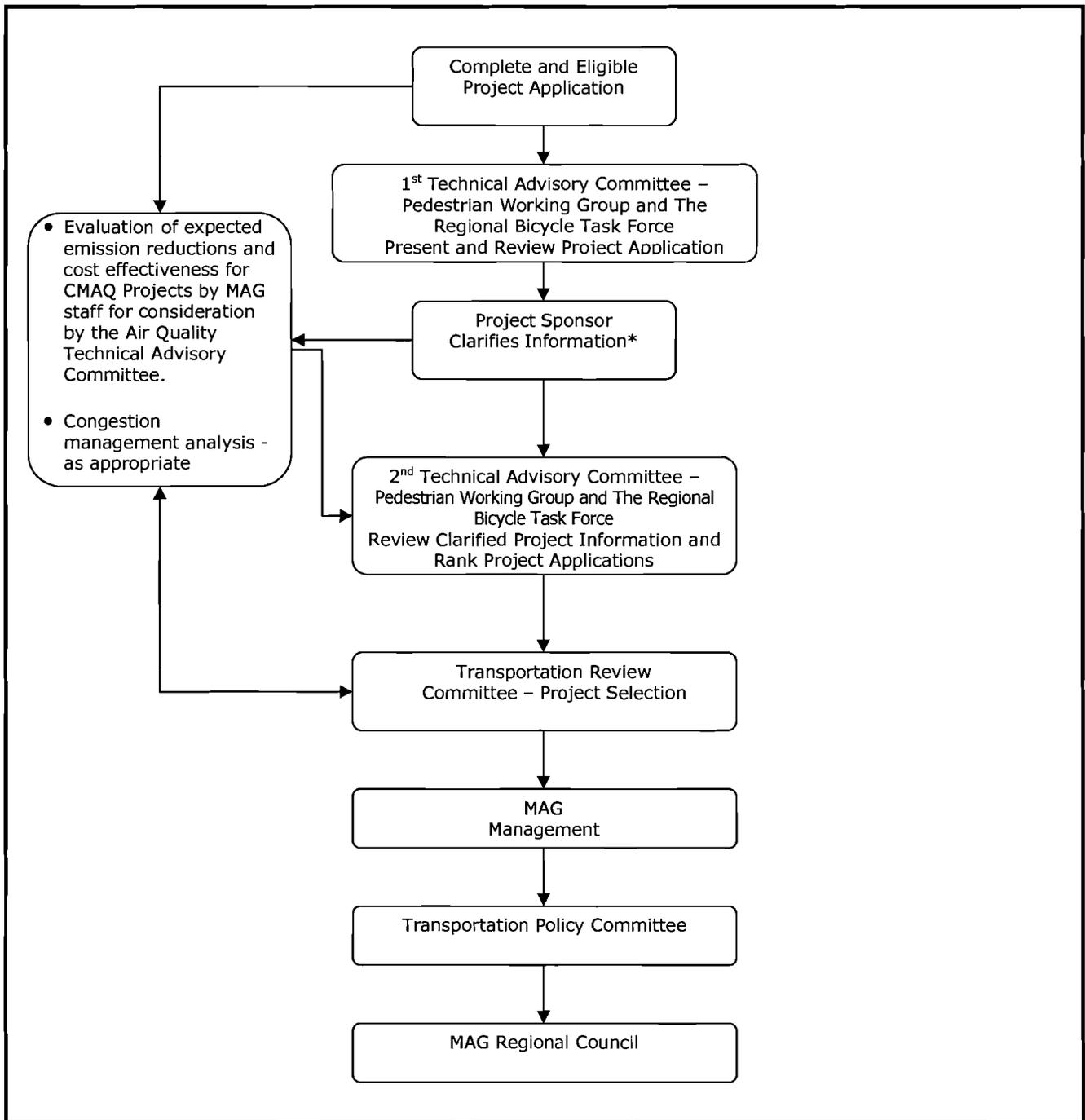
APPENDIX B

Flowchart – Competitive Project Selection Process for MAG Federal Funds



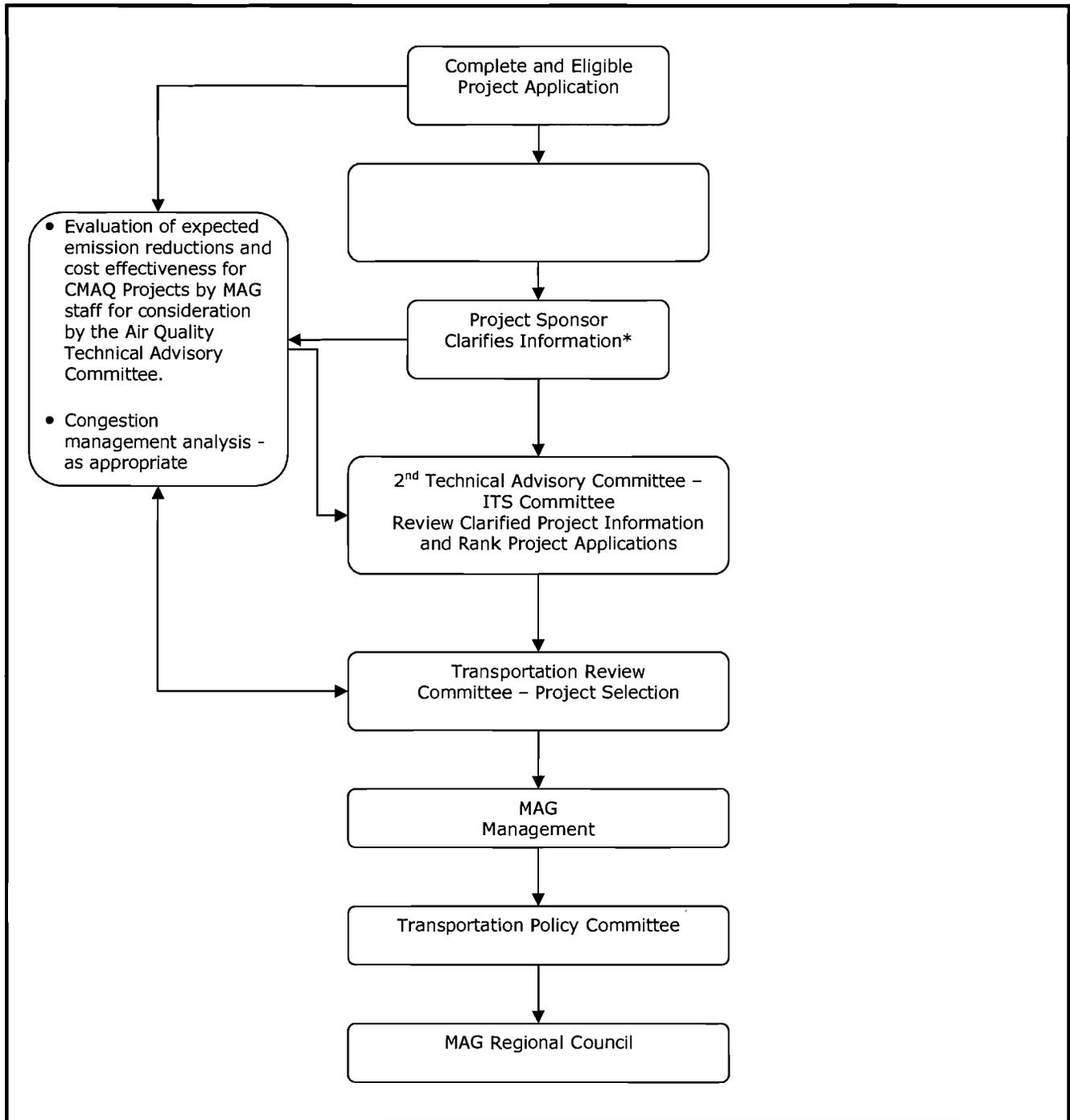
*If needed

Flowchart – Competitive Project Selection Process for MAG BICYCLE AND PEDESTRIAN PROJECTS



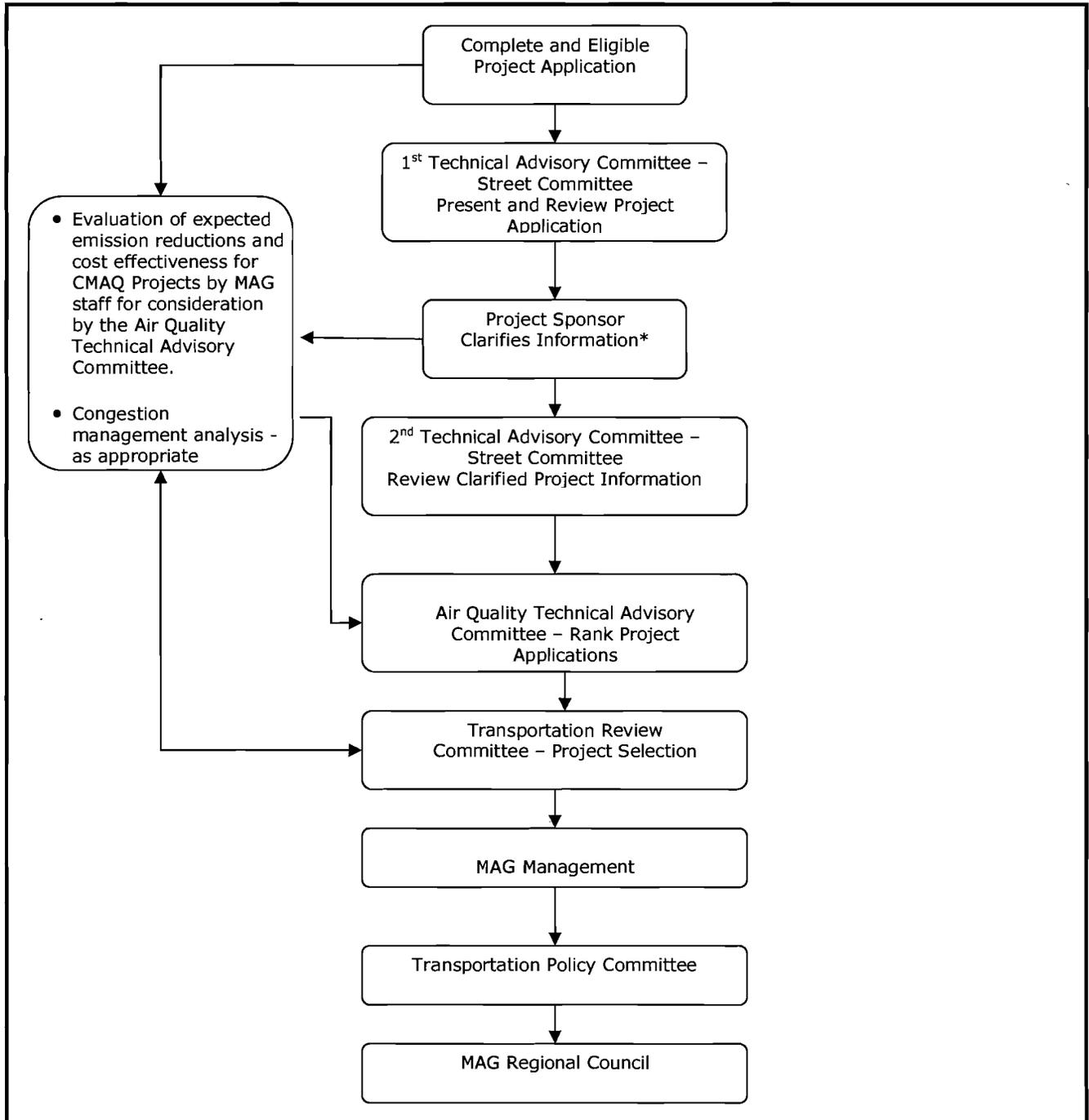
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Flowchart – Competitive Project Selection Process for MAG INTELLIGENT TRANSPORTATION SYSTEM (ITS) PROJECTS



*If needed

Flowchart – Competitive Project Selection Process for MAG Federal Funds PAVE UNPAVED ROAD PROJECTS



*If needed

ATTACHMENT TWO

April 18, 2008

TO: Members of Transportation Review Committee

FROM: Christina Hopes, Transportation Planner II

SUBJECT: ARTERIAL LIFE CYCLE PROGRAM (ALCP) - REGIONAL AREA ROAD FUND (RARF) FISCAL YEAR (FY) 2009 CLOSEOUT PROCESS

The *Arterial Life Cycle Program (ALCP) Policies and Procedures* approved by the MAG Regional Council established the ALCP RARF Closeout process that includes a fiscal analysis of the ALCP and proposed RARF Closeout options. The ALCP RARF Closeout options are based on the priorities and project eligibility as established in Section 260 of the *ALCP Policies and Procedures*. The allocation of ALCP RARF Closeout funds is prioritized by:

1. Projects scheduled for reimbursement in the next fiscal year;
2. All other Projects according to the chronological order of the programmed reimbursement;
3. The fiscal year work was completed on the project;
4. The date of the project's final invoice; and
5. The date the final Project Reimbursement Request was accepted by MAG Staff.

BACKGROUND

On December 19, 2007, the MAG Regional Council approved the *ALCP Policies and Procedures* and established the RARF Closeout Process. Section 260 of the Policies details the RARF Closeout procedures, project eligibility, and the allocation process of available closeout funds. Throughout FY 2009, MAG Staff, in conjunction with the ALCP Working Group, refined the allocation process of available closeout funds. The *Draft ALCP Policies and Procedures* include the refinements and was recommended for approval by the MAG Management Committee on April 8, 2009. A copy of this section has been attached for your review.

MAG Staff performed a detailed financial analysis to determine the impact of proposed ALCP RARF Closeout options. As part of the financial analysis, MAG Staff reviewed:

- Eligible projects for the ALCP RARF Closeout
- The FY2009 programmed vs. actual project expenditures
- Historical trends in RARF revenue collection
- The FY2009 and Draft FY2010 ALCP bonding program
- The impact of the various Closeout reimbursement scenarios on the Draft FY2010 life cycle budget and bonding program
- Programmed project expenditures for FY 2010 in the Draft FY 2010 ALCP

After reviewing the output of the financial analysis, MAG staff recommends that two eligible projects are reimbursed in the FY2009 ALCP Regional Area Road Funds (RARF) Closeout: Queen Creek Rd from Arizona Ave to McQueen Rd \$6.076 million and Lake Pleasant Parkway from Union Hills Drive to Dynamite Road for \$4.793 million. The attached table summarizes the list of eligible projects in chronological order of programmed reimbursements and completed fiscal year of work.

FY2009 Regional Area Road Fund (RARF) Closeout Eligible Projects

Eligible projects are in consecutive order based on the fiscal year the project is programmed for reimbursement and fiscal year for work.

Fiscal Year for Reimb.	RTP ID	Lead Agency	Project Name	Fiscal Year for Work	Amount 2008\$ (millions)	Completed Project Requirements	Recommended for Reimb. to be Advanced to FY09
2012	ACI-LKP-10-03-B	Peoria	Lake Pleasant Pkwy: Union Hills to Dynamite Rd	2008	4.793	PO, PA, PRR	Yes
2012	ACI-QNC-10-03-A	Chandler	Queen Creek Rd: Arizona Avenue to McQueen Rd	2009	6.098	PO, PA, PRR*	Yes
2017	ACI-ELM-10-03-B	Maricopa County	El Mirage Rd: Deer Valley Drive to L303	2009	9.722	PO*	No
2021	AII-ARZ-10-03	Chandler	Arizona Ave/Elliot Rd Intersection Improvements	2006	3.714	PO, PA, PRR	No
2021	ACI-SHA-20-03-C	Scottsdale	Shea Blvd at Via Linda (Phase1)	2006	0.945	PO, PA	No
2021	ACI-SHA-20-03-F	Scottsdale	Shea Blvd at Mayo/134th St	2006	0.280	PO, PA	No
2021	ACI-SHA-20-03-A	Scottsdale	Shea Blvd at 90th/92nd/96th Streets	2007	3.500	PO, PA	No
2022	ACI-HPV-20-03-A	Phoenix	Happy Valley: I-17 to 35th Ave	2005	5.439	PO, PA, PRR	No

* In Process

LEGEND	
PA	Project Agreement
PO	Project Overview
PRR	Project Reimbursement Request
Reimb.	Reimbursement

DRAFT



ARTERIAL LIFE CYCLE PROGRAM

POLICIES AND PROCEDURES

Update to the December 19, 2007

MARICOPA ASSOCIATION OF GOVERNMENTS

Additional text has been **bolded** and **underlined**

Deleted text has been **~~bolded~~** and **~~stricken-through~~**

Footnotes provide additional information.

2. The remaining regional reimbursement funds may be moved within the original Project, to another work phase or a Project Segment that is programmed in that fiscal year or a later fiscal year.
- C. At that time, the ALCP and Project budgets will be adjusted to reflect the remaining Project funds.
- D. Administrative Adjustments may occur each fiscal quarter. Changes will be reported in the ALCP Status Report, and the ALCP will be reprinted.

SECTION 260: ALCP RARF CLOSEOUT

- A. Annually, MAG Staff will determine the availability of RARF funds to be used for the ALCP RARF Closeout **by April 15th**.
 1. MAG Staff will demonstrate the fiscal constraint of the ALCP with proposed ALCP RARF Closeout options.
 2. A Project or Project segment in the ALCP may not be adversely impacted, delayed, reduced or removed as a result of the reimbursement of RARF funds in the Closeout process to another Project, portion or segment.
 3. Lead Agencies and other agency(ies)/jurisdiction(s) listed in a Project Agreement that receive RARF Closeout funds will not be liable to reimburse the RARF funds to the Program if a Program deficit occurs in the future.
- B. **Lead Agencies should submit a RARF Closeout Notification to MAG per eligible project.**
 1. **MAG Staff will provide a RARF Closeout Notification Form on the MAG ALCP website.**
- C. The ALCP RARF Closeout Process will begin at the April TRC and continue through the MAG Committee process in May, one month before the annual update of the ALCP.
 1. **The ALCP Schedule published annually in the MAG Transportation Programming Guidebook will specify all deadlines pertaining to the ALCP RARF Closeout Process, including due dates to submit RARF Closeout Notification forms and ALCP Project Requirements.**
 2. **MAG Staff will notify the ALCP Working Group, in advance, if a change in the ALCP Project Schedule is required.**
- D. To be considered as **an eligible project** for reimbursement with RARF Closeout funds:
 1. The Project or Project segment must be completed/closed out.
 2. The Lead Agency must completed the following Project Requirements:
 - a. Project Overview
 - b. Project Agreement, and
 - c. Project Reimbursement Request.
 3. All three requirements must be ~~completed and~~ **accepted by MAG Staff as complete by June 1st**.⁵
- E. The determination and allocation of ALCP RARF Closeout funds for eligible completed projects will be made according to the following priorities (in sequential order):
 1. Projects scheduled for reimbursement in the next fiscal year;

⁵ Section 260.D was reformatted for clarification.

2. All other Projects according to the chronological order of the programmed reimbursements.

F. If two or more eligible projects are programmed for reimbursement in the same fiscal year, the reimbursement of the eligible projects will be made according to the following additional priorities (in sequential order):

1. The date of the Project's final invoice.

2. The date the Project Reimbursement Request was accepted by MAG Staff.

SECTION 270: USE OF SURPLUS OR DEFICIT PROGRAM FUNDS

A. If a surplus Program funds occurs, existing Projects may be accelerated. Any acceleration will occur according to priority order of the ALCP.

1. For Projects to be accelerated, matching local funds must be committed.

2. If there are no current Projects ready for acceleration, the next Project scheduled for reimbursement may be accelerated.

3. If there are surplus funds available upon the full completion of the ALCP, the MAG Transportation Policy Committee will discuss options regarding additional Projects.

B. ALCP Projects may be delayed if there is a deficit of Program funds. ALCP Projects will be delayed in priority order of the ALCP.