

MINUTES OF THE
MAG MANAGEMENT COMMITTEE MEETING
May 9, 2007
MAG Office Building - Saguaro Room
Phoenix, Arizona

MEMBERS ATTENDING

Ed Beasley, Glendale, Chair	Mark Johnson, Guadalupe
Jan Dolan, Scottsdale, Vice Chair	Mike Cartsonis for Darryl Crossman, Litchfield Park
Bryant Powell for George Hoffman, Apache Junction	Jim Huling for Christopher Brady, Mesa
Charlie McClendon, Avondale	Tom Martinsen, Paradise Valley
Dave Wilcox, Buckeye	Terry Ellis, Peoria
* Jon Pearson, Carefree	Frank Fairbanks, Phoenix
Usama Abujbarah, Cave Creek	Mark Young for John Kross, Queen Creek
Patrice Kraus for Mark Pentz, Chandler	* Bryan Meyers, Salt River Pima-Maricopa Indian Community
Pat Dennis for B.J. Cornwall, El Mirage	Jim Rumpeltes, Surprise
Alfonso Rodriguez for Orlando Moreno, Fort McDowell Yavapai Nation	Amber Wakeman for Will Manley, Tempe
* Tim Pickering, Fountain Hills	* Reyes Medrano, Tolleson
* Lynn Farmer, Gila Bend	* Steve McKay, Wickenburg
Joseph Manuel, Gila River Indian Community	Lloyce Robinson, Youngtown
George Pettit, Gilbert	Dale Buskirk for Victor Mendez, ADOT
Stephen Cleveland, Goodyear	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.

1. Call to Order

The meeting was called to order by Chair Ed Beasley at 12:00 p.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

Chair Beasley noted that MAG staff was available to assist members of the public in turning in their public comment cards. Chair Beasley stated that transit tickets were available from Valley Metro/RPTA for those using transit to come to the meeting. Parking validation was available from MAG staff for those who parked in the parking garage.

Chair Beasley noted materials at each place: for agenda item #4C, the list of ranked Section 5310 Transportation Program applications; for agenda item #4F, an updated resolution; for agenda item #4I, each jurisdiction's individualized profile; and for agenda item #9, a bill summary chart.

3. Call to the Audience

Chair Beasley stated that Call to the Audience provides an opportunity to the public to address the Management Committee on items that are not on the agenda that are within the jurisdiction of MAG, or non-action agenda items that are on the agenda for discussion or information only. Chair Beasley noted that those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard. Public comments have a three minute time limit and there is a timer to help the public with their presentations.

Chair Beasley recognized public comment from Dianne Barker, who said that she had come to the meeting by bicycle and bus and expressed thanks for the transit tickets. She said that she believed MAG was going to do something about PM-10, but what was next. Ms. Barker noted that the region also has an ozone problem. She stated that many citizens do not receive MAG committee information and many are interested in mobility and the ability to breathe. Chair Beasley thanked Ms. Barker for her comments.

Chair Beasley recognized public comment from Marvin Rochelle, who said that he has lived in the Valley since 1944. He expressed that his one dream is to have transportation system as it should be. Mr. Rochelle stated that he had worked for mass transit, RTA, and light rail since 1970. He stated that heavy rail is needed to go from Phoenix to Buckeye to Wickenburg, followed by a venture of Phoenix to Casa Grande and then to Tucson. Mr. Rochelle stated that this will help alleviate the EPA problems. He commented that there are too many cars driving in the Valley and too much dust from construction. Mr. Rochelle stated that all the new homes being built will negate everything MAG is trying to do with roadways. He said that he was willing to work on any committee where he could be of service. Chair Beasley thanked Mr. Rochelle for his comments.

Chair Beasley recognized public comment from Mike Cartsonis, who stated that the reason HOV lanes were created was to facilitate public transit. Since that time, the lanes have been utilized by private automobiles during non-peak hours and with multiple passengers. Mr. Cartsonis stated that alternative fuel vehicles with stickers were then allowed to use the HOV lanes, and the Governor has proposed that hybrid vehicles also be allowed to use the lanes. Mr. Cartsonis stated that traffic congestion is mounting and public transit is being negated. He said that it is important to look at a policy which will free those lanes so public transit can move freely. Chair Beasley thanked Mr. Cartsonis for his comments.

4. Approval of Consent Agenda

Chair Beasley stated that agenda items #4A, #4B, #4C, #4D, #4E, #4F, #4G, #4H, #4I, and #4J were on the consent agenda. He noted that a request had been received to remove agenda item #4G from the consent agenda. Chair Beasley asked if any member of the Committee had questions or a request to have a presentation on any other agenda item. None were noted. He

reviewed the public comment guidelines. He noted that no public comment cards had been turned in.

Mr. Pettit moved to recommend approval of consent agenda items #4A, #4B, #4C, #4D, #4E, #4F, #4H, #4I, and #4J. Mr. Rumpeltes seconded, and the motion carried unanimously.

4A. Approval of April 11, 2007 Meeting Minutes

The Management Committee, by consent, approved the April 11, 2007 meeting minutes.

4B. Conformity Consultation

The Maricopa Association of Governments is conducting consultation on a City of Phoenix project-level conformity determination prepared for a park-and-ride facility located at the southwest corner of Happy Valley Road and Interstate-17. The proposed facility will provide parking for approximately 500 vehicles. The advance construction phase of the project is programmed in FY 2008 of the FY 2007-2011 MAG Transportation Improvement Program. MAG has reviewed the project air quality assessment for compliance and concurs with the project-level conformity determination. Comments were requested by May 18, 2007. This item was on the agenda for consultation.

4C. Section 5310 Elderly and Individuals with Disabilities Transportation Program Applications

The Management Committee, by consent, recommended forwarding the priority listing of applicants for FTA Elderly and Persons with Disabilities Transportation Program to the Arizona Department of Transportation. On April 27, 2007, the MAG FTA Elderly and Persons with Disabilities Transportation Program Ad Hoc Committee interviewed all applicants for the Federal Transit Administration (FTA) Section 5310 funding. The Committee will meet again on May 4, 2007 to develop rankings for the applications. FTA provides these funds to the Arizona Department of Transportation (ADOT) for capital assistance to agencies and public bodies that provide transportation services for people who are elderly and for people who have a disability. This year, 17 agencies submitted 24 applications for capital assistance awards, totaling 38 van requests, three radio requests, four walkie-talkie requests, and two software requests, were received and considered by the Committee. The ranking provided by MAG is considered by ADOT in determining which applicants are to be awarded. ADOT procures accessible and non-accessible passenger vans and ancillary equipment with these funds. The FTA provides 80 percent of the award cost, and the applicant provides a 20 percent match plus 1.5 percent to cover costs related to state program administration. Approximately \$3 million is available statewide for funding this year's projects. This funding comprises traditional FTA 5310 formula funds and federal Surface Transportation Program (STP) Flexible Funds. The latter is from additional funding targeted by the State Transportation Board toward augmenting rural-area programs. Applicants within small and large urban planning regions are eligible for STP funding if they can substantiate predominately rural routes or service areas within these regions.

4D. Application Process for U.S. Department of Housing and Urban Development Stuart B. McKinney Funds for Homeless Assistance Programs

On December 8, 1999, the Regional Council approved MAG becoming the responsible entity for a year-round homeless planning process which includes submittal of the Department of Housing and Urban Development (HUD) Stuart B. McKinney Continuum of Care Consolidated Application for the MAG region. The Continuum of Care grant supports permanent and transitional housing as well as supportive services. Forty-nine homeless assistance applications were submitted this year. The Ranking and Review Committee, administered by the Valley of the Sun United Way, is reviewing and scoring each application. Scores will be released on May 11, 2007. The MAG Continuum of Care Regional Committee on Homelessness will consider approval of the final rankings at the May 21, 2007 meeting. The final rankings will be presented to the MAG Regional Council on May 23, 2007 for information. This item was on the agenda for information and discussion.

4E. MAG Human Services Coordination Transportation Plan

The Management Committee, by consent, recommended approval of the MAG Human Services Coordination Transportation Plan. In June 2006, the MAG Regional Council approved the development of a plan to coordinate human services transportation in compliance with SAFETEA-LU regulations. MAG member agencies and community partners were invited to designate representatives to participate in a stakeholders group to develop the plan. The stakeholders group met from August 2006 to February 2007. The short-term strategies for the plan were approved by the MAG Regional Council in February 2007 in order that training could be offered for the Section 5310 applications. The MAG Human Services Coordinating Committee and the MAG Human Services Technical Committee recommended approval.

4F. Resolution to Support Level or Increased Funding for Federal Human Services Programs

The Management Committee, by consent, recommended approval of a resolution supporting level or increased funding for the Community Services Block Grant, the Community Development Block Grant, the Social Services Block Grant and Low-Income Home Energy Assistance Program. In April 2007, the MAG Human Services Coordinating Committee approved a motion to request the MAG Regional Council to pass a resolution supporting level or increased funding for federal programs that support human services. These include the Community Services Block Grant, the Community Development Block Grant, the Social Services Block Grant and Low-Income Home Energy Assistance Program. All are facing cuts at the federal level. If these budget cuts are approved, the ability of agencies in this region to serve people in need would be greatly diminished.

4H. Management Committee Nomination Process

In June 2005, the Management Committee elected Mike Hutchinson as Chair and Ed Beasley as Vice Chair. In November 2005, due to the retirement of Mr. Hutchinson, the Management Committee elected Vice Chair Beasley as Chair and Jan Dolan as Vice Chair to serve the remainder of the term to June 30, 2006. According to the nomination process that was

determined by the Management Committee in May 2002, the outgoing Chair of the Management Committee would be responsible for working with members to nominate a manager for the Vice Chair position, and the current Vice Chair would be nominated for the position of Chair. At the meeting, it was acknowledged that the tradition was for officers to serve two one-year terms, and that the positions rotate to achieve geographic balance. In June, the election of officers will be held. This item was on the agenda for information and discussion.

4I. Approval of the Municipal Planning Areas and the 2007 MAG Socioeconomic Projections

The Management Committee, by consent, recommended approval of the Municipal Planning Areas and the 2007 MAG socioeconomic projections of population, housing and employment for July 1, 2010, 2020 and 2030 by Municipal Planning Area and Regional Analysis Zone for use in all regional planning activities. In accordance with Executive Order 95-2, MAG prepares subregional socioeconomic projections. These projections are used as input to the transportation and air quality models. Using the 2005 Census Survey as the base and County projections approved by the Regional Council in December 2006, and in collaboration with member agency staff, MAG has prepared draft socioeconomic projections. The data projected are population, housing units, and employment for July 1, 2010, 2020 and 2030 by Municipal Planning Area and Regional Analysis Zone. All data, methods and assumptions used to prepare the draft projections have been reviewed by members of the MAG POPTAC and other member agency staff and revised based upon input received. Two drafts of the projections were also prepared for review by member agencies and revised based on comments provided. The resulting socioeconomic projections and a resolution were recommended for approval by the MAG POPTAC on April 24, 2007.

4J. Approval of the Draft FY 2008 MAG Unified Planning Work Program and Annual Budget

The Management Committee, by consent, recommended approval of the Municipal Planning Areas and the 2007 MAG socioeconomic projections of population, housing and employment for July 1, 2010, 2020 and 2030 by Municipal Planning Area and Regional Analysis Zone for use in all regional planning activities. Each year MAG develops a Unified Planning Work Program and Annual Budget. This year, draft budget presentations were held and incremental information on the budget was presented beginning in January 2007 through April 2007. Presenting the draft budget information throughout the budget development period gives the members and the public time to review and discuss the draft budget. The Draft Work Program Videoconference presentation was held on February 22, 2007, and the Work Program and Annual Budget was discussed by State and Federal agencies at the April 12, 2007 Intermodal Planning Group meeting. As adjustments to the budget were made, the draft budget document was updated and presented to the Management Committee, Regional Council Executive Committee, and Regional Council.

4G. Incarceration Stakeholders Group

This item was removed from the Consent Agenda.

Mr. Ellis stated that the West Valley Managers suggested that an item be added to the MAG Management Committee agenda to establish a stakeholders group to discuss incarceration issues. Mr. Ellis commented that Maricopa County does a good job of providing a difficult service. Mr. Ellis stated that he disagreed somewhat with the agenda that the stakeholders would explore possible options to the present system because he did not believe there were options. He said that the jail tax is paid by everyone. Incarceration is a large cost center for everyone and is increasing. Mr. Ellis stated that showing how the costs are derived and gaining an understanding of the methodology will show accountability. He added that he would also like to improve communication with the County on incarceration issues. Mr. Ellis commented that these are large costs and should be included in jurisdictions' budgets. He noted that he received his notice the end of March and his budget is completed by then. He added that he was getting questions from his Council. Mr. Ellis stated that the stakeholders could suggest changes and improvements to the contracts and then be sunsetted.

Mr. Ellis moved to establish the Incarceration Stakeholders Group. Mr. Fairbanks, upon seconding the motion, commented that having a cooperative discussion with the County was positive. He added that other solutions ought to be explored if a resolution cannot be found in collaborative way.

David Smith expressed his support for the idea of looking at the charges and the system from a necessary process. He stated that the cost part is transparent and the County could provide that. Mr. Smith advised that the County could provide two to three years of projections. Mr. Smith noted that cities and towns are receiving their notifications in March because the Intergovernmental Agreement says an April 1 date. He advised that this could be changed to an earlier date. Mr. Smith stated that the wider question is the number of individuals in the jail system. He advised that three percent of the population are costing the County \$970 million. Mr. Smith stated that it is time to look at repeat offenders from the municipal systems to the County's system and see if there is a better solution.

Mr. Ellis stated that cities and towns need to have a better understanding of the use of the jail tax--how the system is funded and the municipalities' share.

Mr. Huling expressed his support for establishing a stakeholders group to discuss incarceration issues. He said that he echoed Mr. Fairbanks' suggestion to look at options. Mr. Huling noted that as the Valley grows, more of law enforcement officers' time is being spent on transporting prisoners to County jail. Mr. Huling expressed concern for the impact of the 30-day minimum jail term in the new DUI bill. He added that his city's projections show an increase of \$2 million for the next fiscal year. Mr. Huling stated that some prisoners need to be in jail longer, not less, but there are cost concerns.

With no further discussion, the vote on the motion passed, with Mr. Buskirk abstaining.

5. Update on the Regional Office Center

Marlene Pontrelli, from Mariscal, Weeks, McIntyre and Friedlander, the firm who represents MAG as General Counsel, updated members on the Regional Office Center. She said that the

process continues on legal issues and work continues with attorneys from the Regional Public Transportation Authority, Valley Metro Rail, and the City of Phoenix on the Regional Office Center. Ms. Pontrelli advised that updates will be provided as they become available. No questions from Ms. Pontrelli were noted.

6. Additional PM-10 Measures Recommended by Maricopa County for the Suggested List and Letter from the Environmental Protection Agency

Lindy Bauer, MAG Environmental Director, stated that on March 28, 2007, Maricopa County presented a memorandum at the MAG Regional Council meeting recommending additional PM-10 measures for the Suggested List and identified some concerns. Ms. Bauer stated that at the meeting, the MAG Regional Council took action to approve the Suggested List of Measures to Reduce PM-10 Particulate Matter, including one measure and one modification recommended by the County, which would provide the County authority to assess liens to recover dust control costs on vacant lots, and would add "state" as an implementing entity on another measure for vacant lots.

Ms. Bauer noted that the Regional Council also directed the MAG Air Quality Technical Advisory Committee (TAC) to consider the remaining County measures at their April meeting. On April 26, 2007, the Air Quality Technical Advisory Committee considered the remainder of the recommendations from the County. Ms. Bauer stated that the Air Quality TAC recommended that two measures from the County should be sent back to the MAG consultant for additional information. These two measures include: 1) Reduce trackout length to 25 feet before immediate cleanup is required at construction sites; 2) No visible emissions at the property line. She said that the TAC also recommended that two measures from the County should not be considered further: 1) Just in time grading for construction; 2) Modeling cumulative impacts for permitted sources of PM-10.

Ms. Bauer stated that in an April 20, 2007 letter sent to MAG, the Environmental Protection Agency expressed concern about the development of the new PM-10 Plan, the violations of the PM-10 standard occurring outside the Phoenix nonattainment area, and the development of the Eight-Hour Ozone Plan. Ms. Bauer described the consequences if EPA disapproves the plan. Chair Beasley thanked Ms. Bauer for her report and asked members if they had questions.

Mr. Fairbanks thanked the Air Quality TAC for their excellent work and Stephen Cleveland, as Chair of the TAC, for his outstanding leadership and dedication to this effort. Mr. Fairbanks stated that for many years MAG has been a vigorous advocate in protecting air quality. He said that MAG has drafted strong regulatory measures, taken strong actions, and spent large amounts of money to produce results. Mr. Fairbanks stated that in 2006, the City of Phoenix issued 10,000 notices of violations and citations. He said that the elected officials and citizens have made it clear that they want clean air and they want it now. Mr. Fairbanks commented that it is time for aggressive action. If a mistake is to be made, it should be made in the direction of trying to clean the air too quickly rather than too slowly. He said that all proposals that could potentially have a significant impact on cleaning our air should be considered, which is consistent with the commitment demonstrated by the cities and towns.

Mr. Fairbanks moved that the Management Committee recommend to the Regional Council, the approval of all measures evaluated at the most recent meeting of the MAG Air Quality Technical Advisory Committee, and the additional measures contained in the document titled Recommendation for Additional PM-10 Measures. He mentioned that a copy of these measures was before each of the members on the table, and additional copies were available for the audience. Mr. Fairbanks commented that this is a vigorous program that exceeds what has been done in Nevada and elsewhere. He added that this program will require stronger action by cities, towns, the county, the state, and private business. Mr. Fairbanks read the recommendation for Additional PM-10 Measures:

MAG Support for Maricopa County Measures.

- 1) Measure #2, Just-in-time grading limitations for construction be placed in Maricopa County Rule 310 and incorporated into local grading and drainage permits.
- 2) Measure #3, Reduce the tolerance of trackout to 25 feet before immediate cleanup is required for construction sites be placed in Maricopa County Rule 310.
- 3) Measure #4, No visible emissions across the property line be placed in Maricopa County Rule 310 and 310.01, and in local ordinances for nonpermitted sources as appropriate.
- 4) Measure #5, Modeling cumulative impacts. This measure would need further definition by Maricopa County and the Arizona Department of Environmental Quality and be subject to input to ensure that unintended consequences for temporary uses are not created.

Additional MAG Measures and Recommendations

- 5) MAG member agencies reexamine existing ordinances to ensure that nonpermitted sources, such as unpaved parking, unpaved staging areas, unpaved roads, unpaved shoulders, vacant lots and open areas, receive priority attention.
- 6) Forward to the Governor's Agricultural Best Management Practices Committee that cessation of tilling be required on high wind days and that agricultural best management practices be required in existing Area A.
- 7) The Arizona State Legislature provide funding to the Arizona Department of Environmental Quality for four agriculture dust compliance officers for a total of five inspectors.
- 8) Support Maricopa County in receiving statutory authority to prohibit new dirt roads including those associated with lot splits. At a minimum, this would be within the Maricopa County PM-10 Nonattainment Area.
- 9) Each year the Maricopa Association of Governments conduct an inventory of dirt roads and estimated traffic counts by jurisdiction to measure progress in eliminating dirt roads.

Also, each year MAG would issue a report on the status of the implementation of the committed measures for this region by the cities, towns, Maricopa County and the State. These reports would be made available to the Governor's Office, Legislature, the Arizona Department of Environmental Quality and the Environmental Protection Agency.

- 10) MAG allocate \$5 million in FY 2007 MAG federal funds matched on a 50/50 basis by MAG member agencies for paving dirt roads and shoulders projects and that these projects be immediately submitted to MAG for consideration at the July meetings of the MAG Management Committee and Regional Council for an amendment to the Transportation Improvement Program. These funds would be on a nonsupplanting basis for new projects.
- 11) The Arizona State Legislature provide funding to this region for paving dirt roads and shoulders and provide a funding source to local governments for the enforcement of nonpermitted sources, such as unpaved parking, unpaved vehicle staging areas, unpaved roads, unpaved shoulders, vacant lots and open areas. Also to provide funding to Maricopa County for additional inspectors for the enforcement of Maricopa County Rule 310.
- 12) Maricopa County Rules 310 and 316 be amended to provide that larger construction and mineral production facilities in excess of 50 acres be required to install two or more continuous PM-10 monitors certified by the County. Also that a graduated penalty system be implemented for exceeding limits at the same location. Violators who do not come into compliance would be shut down, until a demonstration is filed and accepted by the County indicating appropriate mitigation measures.
- 13) Maricopa County should increase enforcement in the areas where PM-10 violations continue to occur, along with efforts throughout the region. When an area continually experiences higher PM-10 concentrations than other areas, increased enforcement in areas experiencing high monitor readings is needed to protect public health.

Mr. Cleveland seconded the motion. He stated that the Air Quality Technical Advisory Committee consists of members who represent broad-based interests. In addition to MAG member agencies, the Committee includes citizens and representatives from the private sector, including Rock Products Association, Associated General Contractors, the Homebuilders Association, interests such as the Lung Association, and agriculture. Mr. Cleveland stated that the Air Quality committee had a difficult task to reach consensus on the many measures it considered. He said the Committee discussed many measures during multiple meetings—some that lasted four to five hours. Mr. Cleveland remarked that there are a lot of different views on how to control dust and who should be impacted. He commented on the balance that would be achieved with these recommendations, bringing the nonpermitted sources into the equation and placing responsibility on cities and towns, not just the county. Mr. Cleveland stated that cities and towns could be the initial contact with violators at job sites. He stated that some agencies have done this because they had resources. Each agency needs to step up and find resources. Mr. Cleveland advised that agencies are making a commitment for the next three years on these measures. He said that the five percent reduction has to happen each year. If the region does

not meet the numbers, one more year of five percent reduction will be added. Mr. Cleveland stated that all new industry and economic growth will be impacted. A city or town might have to say an industry cannot come into this community because it might exceed the overall number. Mr. Cleveland stated that there is a social demand for doing this and it needs to be a collective effort.

Mr. Ellis stated that the motion is a bold statement and the City of Peoria supports it. Mr. Ellis referenced a previous Management Committee action to solicit member agencies to send in a list of dirt roads on unincorporated islands, bundle them together, and make a request to the County to develop a basic remedial dust project. He asked if that this action would disallow that effort. Ms. Bauer replied that the effort would continue. She noted that to date, 23.27 miles of unpaved roads on County islands have been submitted to MAG.

David Smith explained the County's thinking on how it can be one of the facilitators. He offered that data were received last night that shows the sources of the tonnage. He acknowledged there is a need for resources in large amounts. Mr. Smith noted that immediately, the County will be hiring fifteen air inspectors and two supervisors. He said that nonpermitted sources, such as parking lots, need to be brought into the mix. Mr. Smith stated that the County is considering several dozen more staff whose work could be augmented by direct contact with city staff. He said that the County also wants to bring in a process improvements expert and see if changes to enforcement could be made. Mr. Smith said that the County might be divided into geographic districts, each with an assigned team who would be responsible for their district. He said that a community based effort that crosses jurisdictions would be retained. Mr. Smith noted that technology might also be applied, such as aerial surveillance, cell phones, and GIS systems for hot spot strategy. He indicated that his management team is prepared to step up aggressively. Mr. Smith stated that he and MAG staff had been meeting with Representative Barnes regarding funding. He advised that the County will probably increase the fees for permitting sources.

Ms. Dennis asked about paving roads. She noted that the existing program includes \$2 million in 2008 and \$3.5 million in 2009. Ms. Dennis asked if additional funds would be provided to future year projects. Dennis Smith replied that the \$5 million amount, matched by cities and towns, was to be allocated for new projects. He said that the funds would not supplant existing projects; that way, credit could be received in the plan. Ms. Dennis referenced Measure #5. She asked if MAG had model ordinances it could provide. Mr. Smith replied that MAG could compile a list of ordinances and provide it to entities. Mr. Cleveland commented that through the Air Quality Workshop, a number of cities were noted to have ordinances, such as Peoria, Phoenix, and Goodyear.

Chair Beasley recognized public comment from Spencer Kamps, representing the Homebuilders Association of Central Arizona and member of the MAG Air Quality Technical Advisory Committee (TAC). Mr. Kamps expressed his agreement with many of Mr. Cleveland's comments; however, he said that some important information had been left out. Mr. Kamps stated that one area of agreement is that the Clean Air Act must be met. Mr. Kamps stated that when considering the measures, the benefits must be weighed against the cost. He said that Measure #2, Just in Time Grading, was voted down at the Air Quality TAC because the only number is a Department of Environmental Quality number of an 800-ton reduction. Mr. Kamps

stated that a conservative cost to industry for this measure is \$80 million, depending on how it is implemented. Mr. Kamps stated that the Environmental Protection Agency concluded that Maricopa County and Clark County requirements are of equivalent stringency. He asked if an 800-ton reduction was worth the \$80 million cost when the Maricopa County rules are the same. Mr. Kamps spoke about the 25-foot trackout, which is a cumulative amount for an entire construction site. He said that the current rule is 50 feet. Mr. Kamps stated that a 40-ton reduction will cost industry \$40 million. He commented on Measure #3, No Visible Emissions at the Property Line. Mr. Kamps stated that there is currently no calculation of the dust reduction and the cost will probably be in the millions of dollars. He added that the Homebuilders Association will get the number and provide it. Mr. Kamps stated that SouthCoast has this rule of 25 feet of trackout and it applies to five acres or more. Mr. Kamps stated that in Rule 310 the 50-foot standard applies to two acres or more. He commented that these rules are literally the same and there is significant cost associated with the reduction. Mr. Kamps stated that the last recommendation is to have air monitors on sites of 50 acres or more. He stated that the industry is committed to dust coordinators and dust training, which will reduce construction by 4,300 tons, which is one year of the Five Percent Plan. Mr. Kamps stated that the industry is being asked to place monitors on 50 acres or more for an unquantifiable amount of dust. Mr. Kamps stated that all plans that have been adopted have failed, and most have been construction oriented. He said he did not want to make that mistake again. Mr. Kamps stated that the construction industry is willing to step up and commit to measures to make Rule 310 more efficient, but spending hundreds of millions of dollars for unquantifiable reductions is difficult to take. Chair Beasley thanked Mr. Kamps for his comments.

Chair Beasley recognized public comment from Russell Bowers, representing Rock Products Association. He said the Association is small, but crucial. Mr. Bowers expressed his thanks to Mr. Cleveland for his work on the TAC, on which Mr. Bowers sits. He stated his agreement with Mr. Kamps' comments and asked the Committee to consider the natural event of May 8, 2007, where tons of dirt were moved. Mr. Bowers stated that they will be employing tremendous measures in their industry and foresee additional numbers. He said that the Cumulative Air Quality Modeling and Moderate Size Sources measure is directly aimed at them. Mr. Bowers stated that it is a protocol invented to justify a policy to breaking up their plants. Mr. Bowers requested consideration of the work they do—they mine where the rocks are and where the market dictates. He said his industry is not the favorite and news articles name it as the culprit. Mr. Bowers stated that his industry has asked for and passed air testing at one-third the federal standards. He said that they know they will be spending millions of dollars on this issue. Mr. Bowers stated that the industry looks forward to a favorable review and thoughtful examination of the measures. He expressed that he hoped the Committee would reconsider recommending those measures turned down by the TAC. Chair Beasley thanked Mr. Bowers for his comments.

David Smith stated that a rational process was conducted and all stakeholders were included. He stated that no one wants to put a productive industry out of business, but a solution is needed on how to do work without dust. Mr. Smith commented that it would be somewhat of a failure on our part if we do not figure out a solution to keeping the economy robust while having a community ethic that protects the air. Mr. Smith commented that leaders have a public responsibility to keep the air clean. Mr. Smith advised that he, his staff, and the Board of

Supervisors are willing to take off the list what will not work from an enforcement standpoint, and asked that the list be given a chance to show progress to meet the goal of the EPA.

Vice Chair Dolan stated that this is a major health issue. She commented that leaders need to correct it, not only because \$1 billion is at risk, but because people's health is at risk. Vice Chair Dolan commented that if this region becomes a non-quality place to live, there will be major problems. She advised that the City of Scottsdale will support the measures strongly, because they feel there are measures that have the potential to address the problem. Vice Chair Dolan stated that the City will commit resources to things that will address the problem and work with everyone so that the cost to industry will be lower. Vice Chair Dolan added that the City was concerned about putting money toward the original list of measures because they were uncertain they would address the problem. She commented that the region has to move forward or it will have a major problem besides not meeting the standard.

Dennis Smith spoke about the MAG process. He said that those regulated are at the table, which strengthens the process. Mr. Smith noted that this process has resulted in the MAG region attaining an acceptable level for carbon monoxide and ozone. He added that a solution to the dust problem also can be accomplished.

With no further discussion, the vote on the motion passed unanimously.

7. Proposed Major Amendment to Delete SR 153 from the MAG Regional Transportation Plan

Eric Anderson, MAG Transportation Director, stated that the City of Phoenix and the Arizona Department of Transportation have been working on a proposal to remove SR 153/Sky Harbor Expressway from the Regional Freeway System and using the available funding for improvements to SR 143. Mr. Anderson said that if approved, the ownership of SR 153 would be transferred to the City of Phoenix to be used for access to the airport and better access to I-10.

Mr. Anderson stated that there are reasons for improving SR 143 instead of SR 153. He said that SR 153 would not directly connect to I-10 at 40th Street, complicates the I-10 Collector/Distributor road design, and has a lower traffic volume than SR 143. Mr. Anderson stated that improvements to SR 143 could facilitate increased security measures and better connections at I-10. He said that the project cost is estimated at \$34.4 million. Mr. Anderson stated that this change would be a major amendment to the Regional Transportation Plan. He reviewed the statutory consultation requirements for a major amendment. Mr. Anderson said that following the consultation, action would be taken to amend the TIP and RTP subject to air quality conformity analysis. Mr. Anderson then showed aerial photos of the current and proposed plan of the Collector/Distributor road system and pointed out how the SR 143 connection would work better than the SR 153 connection. Chair Beasley thanked Mr. Anderson for his report. No questions from the Committee were noted.

Mr. Buskirk moved to recommend that MAG consult with the State Transportation Board, the Maricopa County Board of Supervisors, the Regional Public Transportation Authority, the Indian Communities, the cities and towns in Maricopa County, and the Citizens Transportation Oversight Committee, as required by A.R.S. 28-6353, on the proposal to delete SR 153 from the

Regional Transportation Plan and to shift the available funding for improvements to SR 143. Mr. Fairbanks seconded, and the motion passed unanimously.

8. Building a Quality Arizona Resolution

Dennis Smith reported that the Chairs and Directors of the Arizona Councils of Governments (COGs) and Metropolitan Planning Organizations (MPOs) (Arizona COG/MPO Association), as well as business leaders, the Arizona Department of Transportation (ADOT) and representatives from the Governor's Office, have been participating in a series of meetings to address statewide transportation needs. He stated that at a meeting of the Arizona COG/MPO Association, the consensus of the group was to have each COG/MPO approve a resolution supporting the Building a Quality Arizona project. Mr. Smith noted that this resolution has been prepared, and that the Pima Association of Governments' Regional Council had passed the Resolution. No questions from the Committee were noted.

Vice Chair Dolan moved to recommend approval of the Resolution supporting Building a Quality Arizona. Mr. Pettit seconded, and the motion carried unanimously.

9. Legislative Update

Matthew Clark, MAG Senior Policy Planner, provided an update on legislative issues of interest. He reported that House budget bill, HB 2781, includes funding for the Maricopa County Travel Reduction Plan, for the Arizona Department of Transportation, and the STAN account. He added that the bill also appropriates funds from the HURF fund to the Department of Public Safety.

Mr. Clark reported that HB 2793 would authorize ADOT to use up to \$10 million from the HELP fund for eligible transit capital projects in municipalities with a population of 50,000 persons or less.

Mr. Clark stated that SB 1097 repeals an appropriation designated for railroad right-of-way acquisition and appropriates the funds to ADOT for costs related to future freight and passenger rail service.

Mr. Clark stated that SB 1591 adds language that states if the light rail system is not completed on or before January 1, 2009, a separate performance audit will be conducted within 12 months after the minimum operating segment has opened. He reported that this bill failed on April 24, 2007.

Mr. Clark stated that HB 2682, which would establish a Blue Ribbon Transportation Committee, failed April 25th.

Mr. Clark reported on an air quality bill, SB 1552, which deals with the adoption of local ordinances in regard to air pollution, is likely to go to conference committee.

Mr. Clark stated that a strike everything amendment to House Bill (HB) 2228 passed Rules on April 9th and is awaiting full Senate action.

Mr. Clark stated that a strike everything amendment to HB 2486 was passed in the House Ways and Means Committee that would permit county residents to establish a road improvement and maintenance district with the purpose of building a community road to less-than-county standards. He commented that this could be a concern if the road falls within an area that is subsequently annexed by a city or town.

Mr. Clark stated that a strike everything amendment to HB 2570 passed in the Senate Transportation Committee. He said the amendment changes the bill from setting aside funds for the purchase of rail right-of-way to requiring evidence of legally authorized presence in the United States in order to obtain a vehicle title or registration.

Chair Beasley thanked Mr. Clark for his report. No questions from the Committee were noted.

8. Comments from the Committee

An opportunity will be provided for Management Committee members to present a brief summary of current events. The Management Committee 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 Committee were noted.

There being no further business, the meeting adjourned at 1:15 p.m.

Secretary

Chairman