

**MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
TRANSPORTATION POLICY COMMITTEE MEETING**

January 14, 2004
MAG Office, Saguaro Room
Phoenix, Arizona

MEMBERS ATTENDING

Mayor Neil Giuliano, Tempe, Chair	*Mayor Boyd Dunn, Chandler
* Mayor Elaine Scruggs, Glendale, Vice Chair	#Rusty Gant, ADOT
Benito Almanza, Bank of America Arizona	Mayor Keno Hawker, Mesa
F. Rockne Arnett, Citizens Transportation Oversight Committee	*Eneas Kane, DMB Associates
Mayor Steven Berman, Gilbert	#Mayor Mary Manross, Scottsdale
* Dave Berry, Swift Transportation	#Mayor Lon McDermott, Wickenburg
Jed S. Billings, FNF Construction	Diane Scherer, Phoenix Association of Realtors
Vice Mayor Peggy Bilsten, Phoenix	Vice Mayor Daniel Schweiker, Paradise Valley
Mayor James Cavanaugh, Goodyear	Martin Shultz, Pinnacle West Capital Corp.
Councilmember Pat Dennis, Peoria	Supervisor Don Stapley, Maricopa County
Mayor Ron Drake, Avondale	Mayor J. Woodfin Thomas, Litchfield Park

* Not present

Participated by videoconference or telephone conference call

1. Call to Order

The meeting of the Transportation Policy Committee (TPC) was called to order by Chairman Neil Giuliano at 4:08 p.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

Chairman Giuliano announced that transit tickets were available for those who used transit to come to the meeting. Validation was available from MAG staff for those who parked in the parking garage.

3. Call to the Audience

Chairman Giuliano stated that an opportunity is provided to the public to address the Transportation Policy 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. Citizens will be requested not to exceed a three minute time period for their comments. He noted that an opportunity is provided to comment on agenda items posted for action at the time the item is heard.

Chairman Giuliano recognized public comment from Blue Crowley, who commented that the TPC had done their job. Mr. Crowley noted that in 1989, 50 percent of a future transportation tax would go to rubber tired transit. He stated that 39 percent of the Plan is allocated to transit, and with the City of Phoenix demanding its two-thirds share, the amount for rubber tired transit is now down to 13 percent. Adding in the allocation to HOV ramps, which should be taken out of freeway money, the amount for rubber tired transit is now 6.5 percent. Mr. Crowley stated that the Governor said that she did not want to impose taxes to balance the budget. He commented that the roadways need a two cents tax just to maintain the status quo. Mr. Crowley informed the TPC that the Goldwater Institute has endorsed appointing the TPC business representatives to ten year terms. He questioned how many of the elected officials are elected to their offices for ten years? He indicated that he did not agree with the Institute's endorsement and meddling with CTOC. Mr. Crowley stated that the City of Phoenix feels that light rail is the best option, but he felt it should be done with a separate vote. He felt that both votes would pass, and then there would be documentation that the public approves of light rail. Mr. Crowley stated that a one-cent sales tax for transportation is needed: one-third to roadway, bicycle, pedestrian; one-third to rubber tired transit and a heavy rail study; one-third to light rail and freeway within the same right-of-way. He questioned whether the light rail route along SR 51 through Phoenix and ending at Paradise Valley Mall was a regional project. Chairman Giuliano thanked Mr. Crowley for his comments.

4. Approval of December 17, 2003 Meeting Minutes

Mayor Thomas moved to approve the December 17, 2003 meeting minutes. Supervisor Stapley seconded, and the motion carried unanimously.

5. Proposed Election Authorization Legislation

Chairman Giuliano informed the TPC that Supervisor Stapley had a letter from the Board of Supervisors. Supervisor Stapley stated that the Board had gone on record supporting the Plan and will be working to see that it passes this legislative session.

Chairman Giuliano expressed his thanks to all for the coordinated and cooperative efforts to communicate with the legislature and to advance the legislation.

Dennis Smith provided an update on legislation. He expressed appreciation to those who worked on drafting the legislation. Mr. Smith mentioned that all of the intergovernmental representatives have worked very hard on this issue. Mr. Smith stated that three bills are of interest: HB 2456, which is MAG's bill; HB 2376, which includes a bifurcated vote; and HB 2489, which does not include light rail. Mr. Smith noted companion bills SB 1074 to HB 2456, and SB 1082 to HB 2376. He added that there is a Senate version of HB 2489. Mr. Smith indicated that HB 2456 and HB 2376 are essentially the same, except that HB 2376 is bifurcated and calls for a November election. He added that HB 2376 also has an emergency clause and will need the 20/40 votes to pass. Mr. Smith noted that all three bills will be heard the same day in the House Transportation Committee.

Mr. Smith provided a summary of provisions in HB 2456. The election date is May 18, 2004. One member of CTOC would be appointed by the President of the Senate and one member by the Speaker of the House. Five CTOC members would be appointed by the Board of Supervisors, and the CTOC members would elect the Chair. Mr. Smith stated that MAG would submit two names for each business representative vacancy on the TPC to the Speaker of the House and the President of the Senate for their

consideration. He stated that three firewalls that cannot be broken would be included: (1) Freeways, with sub accounts for capital & maintenance. (2) Arterial Streets. (3) Public Transportation, with sub accounts for capital and maintenance and operations and light rail. Mr. Smith stated that the legislation provides for the Regional Transportation Plan to be developed by MAG in cooperation with the RPTA and ADOT. Mr. Smith stated that the Five-Year Performance Audit is on modal systems and uses Federal Transit Administration criteria and existing performance criteria set in State Law (HB 2660). He stated that the TPC would establish a nine-member Audit Subcommittee to work with the auditor. Mr. Smith noted that public hearing on the audit findings would be required. He advised that ADOT, RPTA, CTOC and the County would recommend that the findings be approved, modified or disapproved. Projects deemed not warranted by the audit would need 17 votes by the TPC to be recommended to proceed to the Regional Council.

Mr. Smith stated that an amendment process would be required for major amendments to projects approved in the Plan by the voters. He added that major amendments cannot break the firewalls. Mr. Smith stated that major amendment means the addition or deletion of a freeway, a route on the State Highway System or Fixed Guideway Transit System; the addition or deletion of a portion of a freeway, a route on the State Highway System or a Fixed Guideway Transit System that either exceeds one mile in length or exceeds an estimated cost of \$40 million as provided in the Regional Transportation Plan; modification of a transportation project in a manner that eliminates a connection between freeway or fixed guideway facilities. Mr. Smith explained the major amendment process that requires that alternatives in the same modal category that will relieve congestion and improve mobility in the same general corridor be addressed. The alternative goes through the consultation process developed in HB 2292. A major amendment requires a vote of at least 12 members of the TPC. If ADOT, RPTA or the County does not agree with the major amendment, a vote of 17 by the TPC is required. This does not restrict the Regional Council from taking action.

Mr. Smith stated that a Life Cycle would be performed for freeways, streets, and transit. ADOT performs Life Cycle management of freeways, the RPTA performs Life Cycle management of transit as provided in State law, HB 2292, and MAG performs Life Cycle management of streets. The Material Cost Change safeguard is retained in State Law. ADOT maintains the arterial street fund and would issue bonds on behalf of the street program.

Mr. Smith stated that HB 2456 and SB 1074 keep the Regional Transportation Plan intact, and \$164 million for the initial rail segment is maintained.

Mr. Smith stated that the utility relocation provision has been worked out with the City of Phoenix. Reasonable costs for relocation, and reasonable ongoing cost related to the relocation of utility facilities incurred after July 1, 2003 as a direct result of the construction and operation of a light rail project, would be reimbursed by the light rail project to the utility.

Mayor Thomas asked Mr. Smith to expand on the firewalls concept in regard to major amendments. Mr. Smith replied that funding could not be moved from a corridor unless all options within that corridor had been exhausted. He added that the major amendment provision includes protections of mileage, connection, and dollar amount.

Chairman Giuliano introduced Chuck Coughlin, a consultant with HighGround, working with Maricopa 2020 on the legislation. Mr. Coughlin reported on a poll sponsored by Maricopa 2020 that surveyed 600 voters on their opinions on the sales tax extension and the RTP. He stated that the poll indicates that

the voters felt the Plan should stay the way it is drafted and that it is a good Plan. He introduced Ann Hamilton, HighGround, who updated the TPC on legislative hearings. She noted that HB 2456 has 45 signatures in the House, and SB 1074 has 14 signatures in the Senate.

Chairman Giuliano expressed thanks to Maricopa 2020 for conducting the survey. The data received verifies that the Plan is balanced and sound.

Vice Mayor Bilsten asked if the poll asked if voters would support a plan without light rail, would they subsidize projects in other parts of the Valley? Mr. Coughlin replied that his presentation did not include all questions asked in the survey, but to present support for a variety of modes. He stated that there is a general awareness that we have a problem and need to act. Mr. Coughlin related that Mr. Bowers, President of Rock Products, was told by some that they were not sure they wanted to support the transit program. He indicated that Mr. Bowers replied to them that proponents of the transit program feel they are supporting the freeway program. Vice Mayor Bilsten commented that the polling questions were good and showed what the responses would be on the extreme side. She commented that it would be interesting to see the other extreme, as well. Mr. Coughlin advised that the voters in built-out cities, such as Phoenix and Tempe, are less inclined to support freeways. To keep those voters at the table, you need to serve the core constituencies' needs. Mr. Coughlin stated that we need to convey that the Plan encompasses the entire Valley.

Mayor Thomas asked if there was a distinction made between light rail and commuter rail. Mr. Coughlin replied that commuter rail was not in the Plan, so it was not tested. Mayor Thomas asked if the poll explained light rail or used the respondents' understanding. Mr. Coughlin replied that the poll used their understanding.

Councilmember Dennis asked what responses had been received from legislators on the poll's data. Mr. Coughlin replied that comments on the poll ranged from "very interesting" to "I'll do a poll and get different results." He indicated that the results of the poll will be helpful to those in support of the Plan. Mr. Coughlin stated that the business coalition has collected a lot of resources to run the campaign to ensure its success, and are relying on that data. He added that when the data is conveyed to leadership, they appreciate knowing the electorate's opinions.

Mr. Coughlin urged using encouraging words in support of the process. He stated that he believed there will be multiple committee hearings, which is a part of going through the process. Mr. Coughlin stated that the committee chairs understand that a lot of work has been done, and they are providing the opportunity to have this issue heard.

Mr. Smith asked what arguments against a May election Mr. Coughlin had heard. Mr. Coughlin replied that one argument against May is that a November election would have a higher turnout. He stated that there would probably be approximately a 40 percent turnout in a May election, which is typical for a transportation election. Mr. Coughlin explained that Arizona has four election dates. He commented that this Plan deserves a rigorous community discussion, which will happen with a May election, but will not happen with a November election that will be crowded with several issues. He advised that a special Rules Committee is scheduled for January 27th to permit floor action on the bill.

Chairman Giuliano asked about the level of support for the other House bills. Ms. Hamilton replied that she felt most were supportive of the MAG bill. Mr. Coughlin commented that he did not feel there was much support in either body for the bifurcated vote.

Mr. Shultz stated that the President of the Senate gave permission for Senator Binder to have a hearing at the Transportation Committee’s meeting on January 20th. Mr. Shultz commented that the President needs to work with 30 or 90 chairs and members, and this becomes a juggling act. He stated that the balance of the Plan is getting very positive reviews. At issue are the process and a few individuals who have problems with the investments for light rail, even though the arguments fly in the face of their opposition. Mr. Shultz stated that he believed most will vote for the bill eventually. He stated that the Tucson legislators had not signed on to the bill because they had not yet consulted with their Southern Arizona leadership in Pima County, PAG and City of Tucson. Mr. Shultz stated that they have now met with those leaders who requested the legislators do what they can to assist Maricopa County. He noted that this means there will probably mean more votes in the House and Senate.

Chairman Giuliano expressed his thanks to Mr. Coughlin and Ms. Hamilton for their reports.

There being no further business, the meeting adjourned at 5:50 p.m.

Secretary

Chairman