

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

November 12, 2003
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
Councilmember 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 4:10 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.

Chairman Giuliano recognized public comment from Blue Crowley, who stated that he had tried to come to the meeting by bus, but after waiting ten minutes in the rain at a bus stop with no shelter, he drove

his vehicle to the meeting. Mr. Crowley noted that approximately 60 to 80 percent of bus stops do not have shelters. He commented that Phoenix has expressed it wants 40 percent of the sales tax extension revenue because they did not get their fair share from the last sales tax. Mr. Crowley stated that he has not seen an audit that proves this. He commented that Wickenburg did not receive anything from the sales tax, even though its residents paid the tax. Mr. Crowley questioned whether anything happens as a result of citizen input. He stated that he has been told for years that the spring training schedules will be included in the bus book. Mr. Crowley stated that light rail routes along 16th Street or 24th Street would end at the mountains, which leaves SR 51 as the only corridor for light rail. This option would cost twice as much. Mr. Crowley stated that there is no bus on Roosevelt, and no bus south of Roosevelt on 51st Avenue. Chairman Giuliano thanked Mr. Crowley for his comments.

4. Approval of October 15, 2003 Meeting Minutes

Mayor Thomas moved to approve the October 15, 2003 meeting minutes. Mr. Shultz seconded, and the motion carried unanimously.

5. Regional Transportation Plan Policy Concepts

Chairman Giuliano stated that policy concepts were discussed at the October 15, 2003 TPC meeting. He noted that the TPC gave direction to staff on revisions to the policy concepts, which were reflected in the summary at each place. He noted that an unchecked box indicated that no consensus had been reached on that policy concept. Chairman Giuliano stated that concepts could potentially be included in the legislation language. He asked staff to review those concepts that required discussion.

Dennis Smith referred to the sheet titled "Potential Additional Improvements" that was included in the agenda packet. He stated that interest had been expressed in discussing issues #2 and #6. Chairman Giuliano read item #2: "Clarify that if cities use the acceleration process and bond for the project that the repayment for that project will not be at risk from a future performance audit."

Eric Anderson explained that in the current acceleration policy process, if an entity advances a project by providing a means to fund that acceleration, it has to come through the MAG process. He stated that concern has been expressed that a city could advance a long-term project by issuing bonds, thus taking the project out of the performance audit.

Mr. Smith stated that many street projects may be the subject of accelerations because most of the funding will be coming in phases later than the cities need the projects. He noted that cities will want to use bonding, but if there is no guarantee a city will be reimbursed, that could quash a lot of street accelerations.

Mr. Shultz stated that accelerations would be a good option for those cities that have the means. He commented that he would prefer to leave those projects out of the performance audit. However, if that is not possible, the TPC might want to consider saying that the project would not be at risk in terms of recapturing funds. Mr. Shultz mentioned that the statement could mean that there would be no review of the project in the future, or it could mean that a performance audit might be developed in the future. Mr. Shultz stated that the performance audit is an evaluation tool, used by many regulatory bodies, to look back and see if decisions were correct. He commented that this would serve to ensure continuous evaluation, and also the incentive for cities to move projects forward.

Mayor Thomas commented that criteria from performance audits could be useful in judgments on the next 20-year plan.

Mr. Berry commented that if a project is midway and not all of the funds have been spent, and the audit finds that the project is underperforming, there is the potential to use the unspent funds to pay back the bond and stop the project at that point.

Mr. Smith stated that this concept is not advocating having no review, just that the agency would not be financially harmed.

Ms. Scherer asked for clarification that this means if a city was denied permission to accelerate a project through the MAG process, it could not proceed with the project. Mr. Anderson replied that a city can bond and build a project, but if it did not go through the MAG process, it might not be reimbursed. He explained that the purpose of the acceleration process is to ensure that if a city advances a project, that project would not impact the scheduling of other projects. The process includes safeguards to protect priorities in the program. Mr. Anderson stated that one important part of the Acceleration Policy was that payback would be subject to advancements or delays based on cash flows.

Ms. Scherer asked if a city requested an acceleration and was denied, but proceeded with the project anyway, would that project be reconsidered for reimbursement in its normal priority order? Mr. Anderson replied that a city could be at risk if a project was dropped from regional funding. He added that it is preferential to follow the adopted process. Mr. Smith commented that the auditor would not be doing the regional planning, but making findings. Action by the TPC and Regional Council would be required to change the Plan.

Mr. Anderson addressed Mr. Berry's previous comment. He stated that a decision to stop a project would depend on a project's status. For example, if six miles of a 12-mile light rail project have been constructed, those initial six miles may not do much good without the completion of the remaining six miles. Mr. Anderson commented that when the Paradise Freeway was taken off the program, only right-of-way had been purchased, which was subsequently sold. This is an example of a project that could be stopped and public investment funds recouped.

Vice Chair Scruggs asked if bonding for the hypothetical six-mile light rail segment had been approved through the MAG process, does that take the entire 12-mile segment out of the performance audit? Mr. Smith replied that the entire 12-mile segment would be subject to the performance audit, but the reimbursement for the six-mile segment would be protected.

Vice Chair Scruggs commented that a city could request acceleration of the second six-mile segment, or it could be dropped from the RTP, per policy for major amendments that still needs to be decided. Mr. Anderson commented that another factor is if the second six-mile segment is a logical extension of the line. Vice Chair Scruggs asked if the second six-mile segment is a logical termination of the initial six-mile segment, which the audit showed was under-performing, the extension beyond the initial six-mile segment could be removed from the RTP through the MAG process. Mr. Smith stated that the auditor would make the finding, and the TPC would respond to the finding. Vice Chair Scruggs stated that once an investment is made, it seemed that there is no guarantee that the entire project would be protected. Vice Chair Scruggs stated that the acceleration policy has been effectively used by cities for many years. She added that nothing new had been specially crafted for this.

Chairman Giuliano commented that if a city wanted to advance a part of the approved RTP and had the means, it seems the TPC would want to accommodate that. Mr. Anderson noted as an example that Phoenix advanced completion of SR 51 to connect to Loop 101.

Mr. Shultz offered substitute language for item #2: “Clarify that if cities are authorized to use the official acceleration policy and bond for the project, that the repayment for that project will not be at risk.” He noted that the remainder of the sentence, “from a future performance audit” would be stricken. Mr. Smith pointed out language on page one, paragraph three, sentence two of the material for agenda item #5 that says, “Projects that have already been approved for acceleration by the Regional Planning Agency shall not be at risk, once the financial contractual obligations have been made.”

Mr. Berry stated that he interpreted “not be at risk” to mean that repayment would be made regardless of what could occur in the future. He noted that revenue projections are assumptions only, and might not reflect actual revenue that may be forthcoming. Mr. Berry commented that each city is guaranteed repayment by that statement. Mr. Berry commented that he thought the intent was that repayment would not be taken off the table as a result of the performance audit.

Mr. Shultz stated that the TPC is authorized to review and approve. This group will serve as the contractual arrangement between MAG and local government. Mr. Shultz stated that development of the contract is a legal, and not a policy issue. Mr. Smith stated that for Grant Anticipation Notes (GANS) MAG has provided these assurances for federal funds used for freeway accelerations.

Supervisor Stapley stated that he did not think anyone opposed the concept of accelerating projects, and he thought the system worked well. Supervisor Stapley stated that the concept was to have a mechanism to evaluate projects that are larger in nature. He stated that he agreed with Mr. Shultz’s suggestion, and would add, “cities are authorized by a majority vote of the TPC to use the official acceleration process.” Supervisor Stapley stated that this will level the playing field and raise the bar for protection. He commented that Phoenix could pass an acceleration with a weighted vote at Regional Council, thus eliminating the risk of a performance audit. Mr. Smith expressed caution for giving sole authority to the TPC when the Regional Council is the MPO. He suggested having a majority recommendation to the Regional Council from the TPC.

Mayor Hawker suggested striking “and bond.” He commented that a city could use cash as a means to finance the acceleration. Mr. Shultz stated his agreement with this change.

Mayor Thomas commented that there is value in going back through the entire MAG process.

Supervisor Stapley asked if the TPC does not recommend an acceleration, would the project cease to move forward, or could the Regional Council approve the acceleration without a recommendation from the TPC? Mr. Smith replied that the Regional Council would have the authority to approve the acceleration, but if these provisions are in statute, it would be difficult for the Regional Council to override the recommendation of the TPC.

Vice Chair Scruggs when the TPC was created, it was decided that transportation matters would come through the TPC. The Regional Council monitors and imposes rules on themselves. When action is taken on a transportation matter, it goes through the Transportation Review Committee (TRC) and Management Committee prior to TPC or Regional Council. Vice Chair Scruggs stated that it was her understanding that all transportation matters go through the TPC for a recommendation and do not

bypass the process straight to the Regional Council. Mr. Smith noted that the Regional Council passed the rules that delegated certain authority to the TPC.

Vice Chair Scruggs asked if the TPC votes against an acceleration, could the city choose to bypass the TPC and go straight to the Regional Council? Mr. Smith replied that setting the agenda is a duty of the Regional Council Chair. However, a bypass would require changing or suspending the adopted rules. Vice Chair Scruggs commented that a denial of a recommendation from the TPC could be appealed to the Regional Council, but the denial would follow along with the appeal.

Mayor Thomas commented that the Legislature is also involved in the process. He remarked that his City Council approves projects that their planning and zoning department did not approve.

Chairman Giuliano commented that it would be difficult to have a TPC vote reversed by the Regional Council, when the majority of voting members at Regional Council are also representatives on the TPC.

Vice Chair Scruggs noted that it would be unusual for the Regional Council Chair to put an item on the agenda without the recommendation of the TRC, Management Committee and TPC.

Chairman Giuliano requested that Mr. Smith review the weighted voting process. Mr. Smith stated that any Regional Council or Management Committee member can call for a weighted vote. At that time, the vote on the floor is negated. He explained that in order for the weighted vote to pass, it must pass two tests. The vote must pass by a majority vote numerically and by weight according to share of population. Mr. Smith advised that it is difficult to make a weighted vote work for one single city, because that city would need to have other cities go along with their vote in order to meet the numerical majority test.

Councilmember Bilsten commented that all seemed comfortable with the safeguards in the MAG process.

Chairman Giuliano restated revised item #2: “Clarify that if cities are authorized to use the official acceleration policy for the project, that the repayment for that project will not be at risk.”

Mr. Berry suggested bringing the legislative dimension into the discussion. He commented that he thought the Legislature was looking for balance and safeguards. If you can bond and keep a project from being reviewed in a performance audit, there goes the comfort level some have from the safety measures. While it is easy for us to say, we need agreement on the Legislature to get the bill out. He expressed being flexible on some issues and having open dialogue with the lobbying team.

Mr. Shultz commented that he appreciated Mr. Berry’s concerns and being sensitive to the Legislature, but the TPC needs to step up and say this is a good Plan. These policies support the development of the Plan and the accelerations in the Plan. Mr. Shultz stated that he thought an oversight provision would be acceptable. However, if the Legislature gets too much into the management of the Plan, that would be inconsistent with HB 2292. Mr. Shultz remarked that the TPC has done a good job and can advocate for it in a proud manner.

Mr. Berry stated that he thought the five-year audit was an important element. If we gut the performance review, it will become a toothless tiger. Those who found confidence in the review will lose that comfort level.

Chairman Giuliano commented that the intent of this concept is to state our desire to have an acceleration process that would be allowed to be implemented for the Plan. We have a strong performance audit policy concept and this is being thrown into the acceleration process. Might be desired by some, but the performance audit concept is thoroughly covered. Chairman Giuliano stated that when the performance audit is discussed with the Legislators, they will see it is a very important concept. Chairman Giuliano stated that the acceleration process can stand on its own and does not need to be linked to the performance audit process.

Chairman Giuliano proceeded to item #6 on the document titled, "Potential Additional Improvements," which says that federal criteria will be used to evaluate light rail projects. Mr. Smith referred to paragraph two "For light rail transit, the criteria used by the Federal Transit Administration to provide federal funds to light rail shall be used as the criteria to evaluate light rail." Mr. Anderson commented that the FTA guidelines include six categories of criteria, including 15 measures. He indicated that these guidelines are thought to be a high standard, not only because the performance measures are nationally adopted, but there is a lot of documentation on how a light rail system is expected to perform and provides a benchmark for how the system is functioning.

Councilmember Dennis asked if commitment of both local funds and federal match funds would be necessary to accelerate light rail. Mr. Anderson replied that the FTA says in order to proceed from step one to step two, FTA approval would be required. A proposal to advance a hypothetical light rail project from 2021 to 2012 would mean that a city would have to do all of the analysis in order to receive FTA's approval in enough time to accelerate a project. Mr. Anderson commented there are many hurdles in the federal process.

Councilmember Bilsten remarked that accelerating the light rail project is almost impossible because of the years of preliminary work that must be done. She stated that FTA is checking the project every step of the way, and added that Phoenix cannot move ahead without the federal government's approval.

Consensus was noted to use FTA criteria as a guideline to evaluate light rail projects.

Mr. Smith stated that Mayor Hawker had requested that a list of potential major amendments be drafted, as noted under #9 on the "Potential Additional Improvements" document. He stated that an explanation in reverse could be simpler. Mr. Anderson referred to the second page of the agenda material for item #5. "A major amendment to the RTP includes any of the following: the addition or deletion of a freeway, expressway or high capacity transit project in the RTP." He noted that by omission, this does not include bus transit or street projects. Mr. Anderson explained the rationale that as growth occurs, more street deletions/additions are anticipated. Also, on bus transit, if a route does not work, the ability would be provided to the transit operator to change the route. Mr. Anderson stated that if there was a proposal to delete or add a freeway interchange in the RTP, we would have to go through the MAG process—it would be a major amendment. Mayor Hawker commented that this explanation offered clarification.

Ms. Scherer asked for clarification on the vote for a major amendment. She noted that the agenda material mentioned a minor amendment may be recommended by a majority vote of the TPC, but did not mention recommendations on major amendments. Mr. Smith stated that a major amendment vote was still at a majority vote. He commented that this was discussed at the October TPC meeting, but no consensus had been reached. Ms. Scherer stated that she would prefer a super majority vote of the entire TPC, not just those present at the meeting, on major amendments.

Chairman Giuliano noted that the major amendment recommendation was included in the fourth paragraph of the material titled, "Maricopa County Regional Transportation Plan Policy Concepts," that says, "A major amendment to the RTP must be approved by a majority vote of the TPC and a majority vote of the citizens of Maricopa County. (A major amendment includes any of the following: the addition or deletion of a freeway, expressway or high capacity transit project; or any other adjustment that would change the overall modal funding percentages in the RTP.) The TPC, on approval of a major amendment, shall request the County Board of Supervisors to call for an election, on the next general election date, to consider the amendment."

Mr. Shultz stated that he believed that when you have a super majority you empower the minority and the negatives. I think we are trying to develop a Plan that works—this gives them power by staying home. Stick with the majority—it has worked since the founding of our country, and it will work for another 20 years.

Vice Mayor Schweiker stated that the TPC did not need a super majority to create the Plan, and that process should be good enough for amendments.

Mayor Cavanaugh commented that he thought the TPC was leaning away from a vote of the citizens on major amendments. He stated that he supported a super majority vote of the TPC on major amendments, which would make a major amendment difficult to do, but not impossible. Mayor Cavanaugh stated that he agreed with Mr. Shultz that a super majority protected the minority—but what was wrong with that? He stated that his question was what would constitute a super majority—those present or the total body? Mayor Cavanaugh stated that the super majority concept is preferable to a simple majority, especially if we are not going to the citizens for a vote on a major amendment.

Mayor Berman stated his agreement with Ms. Scherer and Mayor Cavanaugh. He commented that it was a painful experience to divide up the funds, and he was concerned that if he did not attend every meeting someone could take 20 miles of freeway off the Plan.

Councilmember Dennis stated that full membership is needed to vote on major amendments. She commented that whether it is a simple or super majority, it is just a matter of a vote or two.

Mr. Kane commented that the workability of a simple or a super majority is more related to all being present. He noted that addressing the quorum requirement might be more appropriate than amending the majority vote. He said would be happy for a majority vote if the room is full.

Mayor Thomas commented that the discussion touches on concern about who are our successors. In addition, there is the proposal that state leadership would appoint TPC members. He noted that he favored a super majority vote because it would come after the vote of the citizens on the tax. Goes back to promises made to citizens, and changing those promises. Mayor Thomas expressed that the TPC voting on major amendments might not be the same as the current group and that could mean unintended consequences.

Mayor Hawker stated that he supported a majority vote of the TPC.

Councilmember Bilsten expressed concern with the vote being based on the full TPC or on those in attendance. She remarked that if the vote is important enough, everyone will attend. If you base the vote on the entire body, that changes the dynamics. Councilmember Bilsten requested that whether the

vote is simple or super majority, that the vote be based on who is at the meeting. If it is based on the full TPC membership, that could allow for strategic absences.

Ms. Scherer stated that a super majority vote was needed to keep the faith of the public. This would make a better sell to the public. If only a majority vote, then what would be the difference between a major or minor amendment? There has to be a distinguishing difference.

Chairman Giuliano stated that he agreed with the process of a majority vote that has been in use since the founding of the Republic. Think there is no problem with a full vote. He stated that from past experience, we have found no problem with attendance, and have gone to great lengths to ensure that all are in attendance when important votes are taken.

Mr. Berry stated that he favored a majority vote.

Mayor Dunn reiterated Mayor Hawker's comments that if an amendment occurs, the funds remain within the project corridor. He asked Mr. Smith to clarify how a major amendment would affect an area. For example, if the South Mountain Freeway was removed from the Plan, would the funds go to another freeway, or another mode on that corridor? Mr. Smith replied that the way the language is crafted now, the funds would stay within that corridor to address congestion issues and would stay within the firewall to remain as freeway funds. Mayor Dunn asked if that meant there is no way for the TPC to change that. Mr. Smith replied that would depend on whether the language is included in statute. For instance, if you could not find a solution to address mobility in a corridor or could not spend the funds, the audit might find that you would need to break the firewall. You would need to go back to the Legislature to break the firewall if it was in statute. Mr. Smith noted that this is a significant point and provides protection.

Mayor Dunn commented that a requirement for 100 percent attendance to take a vote might be difficult to achieve. If a simple or super majority would not be much difference.

Chairman Giuliano commented that a TPC quorum is nine Regional Council members. He added that the TPC is currently 22 members, 23 if the Native American seat is filled.

Mayor Drake stated his support for a simple majority.

Mayor McDermott stated that he felt minor amendments recommendations could be a majority vote, but felt that a super majority vote should be attached for major amendments.

Mayor Dunn stated that he favored a super majority if a quorum was nine Regional Council members.

Councilmember Bilsten asked if there would be discussion if votes would be based on the entire TPC or those present. Chairman Giuliano stated that he felt the sense of the body was total membership, not those present.

Mr. Shultz suggested creating a different quorum. Have 23 members, quorum could be 12 or 15 to vote, then go with the majority. Set the quorum as high as you want for minor and major amendments.

Mr. Anderson stated that one option could be a quorum of nine Regional Council to conduct regular business at TPC meetings. A quorum could be constructed so that there could be a majority of both Regional Council members at 9 of 17, and business members at four of six, combined at the table for

major amendment votes. This would be an increase over the five that constitutes a majority vote presently.

Chairman Giuliano clarified that a Regional Council representative is a seat, and represents a MAG member agency as an elected official. He added that this would apply to the Native American seat. Chairman Giuliano stated that the suggestion had been made to raise the quorum requirements and keep the majority vote because then the quorum threshold would be higher. He explained that the quorum of non-Regional Council members would be a factor and would raise the quorum to a larger overall number.

Vice Chair Scruggs commented that this means a quorum would be 13, of which seven would be a majority vote and could recommend approval of major amendments. She remarked that this does not demonstrate responsibility to anyone.

Mr. Berry stated that he could not imagine having a vote on a major amendment and not having almost everyone show up.

Councilmember Bilsten agreed with Mr. Berry, and in addition, she could not imagine the Chair allowing a vote to proceed without significant attendance.

Mayor McDermott mentioned that consensus had not yet been reached to exclude the language about a vote of the citizens of Maricopa County. Because the TPC does not want to go that route, it is incumbent upon the TPC to have a super majority vote on major amendments. Mayor McDermott expressed concern with the six appointments by the state and how they would fit into the quorum. Chairman Giuliano noted that the six appointees is only a concept that has been put forward. He added that during discussion at the last meeting, the TPC rejected that concept.

Mr. Shultz suggested an option that 12 Regional Council members would need to be in attendance, and six non-Regional Council members would need to be in attendance. Ten would be the majority, and that number could also be raised. Mr. Shultz commented that instead of empowering the minority, incent all to attend, which would be done by classification.

Mayor Thomas stated that MAG is making a commitment to citizens and we need to set the bar high. He expressed concern that ten representatives out of 23 would allow changes.

Mayor Berman suggested changing the minimum affirmative vote to 12 on any major amendment. He explained that if only 12 attended the meeting, that would still represent half of the members, and would prevent the minority from making a major change. That would be an absolute majority of the entire body.

Vice Mayor Schweiker expressed concern for Mr. Shultz's suggestion because that could empower the minority if one of the six business representatives did not attend the meeting. He commented that he favored Mayor Berman's suggestion.

Mayor Cavanaugh stated that he would be more comfortable with Mayor Berman's suggestion than with a simple majority. He commented that the firewall protection is important to citizens, and so is the Plan as structured. To change the Plan in a major way should require more than a simple majority.

Chairman Giuliano noted agreement among the TPC to give direction to staff that a yes vote of 12 TPC members would be required for minor and major amendments without regard to category of membership. He stated that the last unchecked box was “In no case may an amendment change the regional funding percentages in the RTP.” Consensus was noted among the TPC on this item.

Discussion took place on a vote on major amendments by the voters.

Ms. Scherer stated that she supported that way it was written in the agenda material. She stated that this will make it sellable to the public that the Plan will not be changed on a whim.

Mr. Shultz stated that he believed that voters expect responsibility on the Plan from the elected officials. There is an expectation that leaders are responsible. Voters do not want to micro manage a plan of this magnitude over 20 years. Feel it would be a tactical error to suggest that.

Ms. Scherer commented that no trust in government is why the Legislature’s hands are tied.

Mayor Dunn stated that it depends on how the Plan is presented to voters in terms of the aspects that make it secure. Major elements of the Plan will stay around for 20 years. To not have a way to adjust some of the Plan, not knowing how much actual revenue will become available. This is almost saying that we anticipate changes. That would be an unwise decision.

Mayor Hawker commented that the question is what do you take back to the voters? Here are your choices of what we will do with the money as the second step.

Chairman Giuliano stated that a vote of the citizens means that we would also need to go back to the Legislature and the County and he was not in favor of that.

Vice Chair Scruggs brought up a hypothetical situation where the citizens could vote no on a major change, even though the original project was impossible to build.

Mr. Smith commented that going back to the voters would not provide certainty to bonding companies.

Councilmember Bilsten stated that when Phoenix proceeded with the transit election, it was straightforward about what voters would get. In Transit 2000, gave people confidence that the plan they voted on would be done. Councilmember Bilsten expressed concern that we would have to go back to the Legislature and the County if voters had to approve a major change.

Mr. Anderson stated that there are a lot of parts in the RTP and caution needs to be exercised to not hamstring implementation of the Plan. He noted that the Plan will change over time, and for these changes, we have safeguards in place. Mr. Anderson commented that there could be three or four or more public votes over the next 20 years. He commented that this sounds like the TPC is unable to make up its mind and needs to ask the voters what to do. Also, the unintended consequences if voters turn down a change, then what is the alternative?

Mr. Kane commented that the more affirmative answer is that this body has not allowed itself authority to shift funding. If it is not in the legislation, then we are back to agreeing with the concept that government is untrustworthy.

Councilmember Dennis said that if a major amendment is approved, it would have to go back through the air quality process and public hearing. She noted that this might help alleviate problems with the public's understanding. Mr. Smith remarked that was correct, that the amendment would have to go through the public involvement process, consultation with the consulting agencies, the air quality conformity analysis, and the MAG committee process.

Chairman Giuliano noted consensus of the TPC not to have a vote by the citizens on major amendments.

6. Finding of Conformity for the Draft Special FY 2004-2007 Transportation Improvement Program and Draft Regional Transportation Plan

Lindy Bauer addressed the Committee on the air quality conformity analysis for the draft Transportation Improvement Program (TIP) and the Regional Transportation Plan (RTP) She stated that the Clean Air Act requires transportation plans, programs, and projects to conform to the purpose of the air quality plans and ensures that transportation activities do not cause violations of the air quality standards. Ms. Bauer explained the conformity requirements that must be met by the draft TIP and the RTP. She noted that the draft 2003 Conformity Analysis concludes that the TIP and RTP meet all applicable federal conformity requirements and are in conformance with applicable air quality plans. Ms. Bauer stated that the Conformity Analysis, TIP and RTP are available for a 30-day public review and comment period that began October 23rd, and will be followed by a public hearing on November 21st. Ms. Bauer stated that the MAG Air Quality Technical Advisory Committee is anticipated to make a recommendation on the conformity analysis on November 24th. Approval of the conformity finding by the Regional Council is required for MAG adoption of the TIP and RTP, and will be considered by the Regional Council at a special meeting on November 25th. Chairman Giuliano thanked Ms. Bauer for her report and asked if there were questions.

Mayor Hawker commented that he keeps getting questions that light rail will increase pollution. He noted that these questions seem to emanate from findings in an environmental impact statement document pertinent to light rail. Ms. Bauer replied that the conformity analysis evaluates the RTP as a whole with all its component parts. She speculated that findings from the environmental impact statement may have been misinterpreted. Ms. Bauer stated that she had checked the environmental impact statement (EIS) table and it showed the carbon monoxide concentrations were well below the one-hour and eight-hour standards. She emphasized that each value in the build light rail column is below the carbon monoxide standard. Ms. Bauer noted that the slight increases in concentration in the EIS table are still well below the standard. She noted that the EPA considers concentrations above the standard to be a problem.

Mr. Arnett commented that a press release should be drafted to refute these claims. Mr. Smith commented that it would be appropriate for the press release to come from the light rail office, and MAG staff could work with them on the press release. Councilmember Bilsten remarked that common sense dictates that if you take cars off the street, that will not increase pollution.

Mr. Smith mentioned that the public hearing was scheduled for November 21st. He noted that the MAG air quality staff have been working for one year on the air quality conformity analysis. Chairman Giuliano thanked MAG staff for a phenomenal job.

7. Recommendation to Approve the Draft MAG Regional Transportation Plan and to Certify the Plan to the Legislature and the Governor

Chairman Giuliano stated that at the October 15, 2003 TPC meeting, the Draft Regional Transportation Plan was reviewed. Since the October TPC meeting, the air quality conformity analysis has been conducted and the results are now undergoing a 30-day public review with a hearing scheduled for November 21, 2003. He said that the results of the conformity analysis have been incorporated into the Draft Regional Transportation Plan. Chairman Giuliano stated that approval of the Plan is being requested, contingent upon the conformity analysis being approved by the Regional Council at their meeting on November 25, 2003. He stated that the Regional Council will also be requested to certify the Plan to the Legislature and the Governor pursuant to the requirements of HB 2292.

Mr. Shultz moved to recommend approval of the Draft MAG Regional Transportation Plan and to certify the Plan to the Legislature and the Governor, with these actions contingent upon the approval of the air quality conformity analysis. Mr. Arnett seconded.

Before a vote was taken, Chairman Giuliano recognized public comment from Mr. Crowley, who stated that he did see a commitment in the Plan to pedestrians, and bicycle and bus users, and when roadways are being upgraded, addressing these modes. Mr. Crowley stated that 80 percent of bus stops have no shelters, and he did not see a plan where the development of bus infrastructure is being addressed. He stated that transit for the community of Komatke is not being addressed. Mr. Crowley commented that if the City of Tempe can pay for a bus to Phoenix, why cannot Phoenix do this for others? He questioned what would happen with the Plan if the Governor and Legislature tamper with it? Mr. Crowley stated that in the past, promises were made that 50 percent of sales tax funds would go to bus. With the Plan, 39 percent will go to transit, of which two-thirds Phoenix wants to put into light rail. That leaves 13 percent for bus. Chairman Giuliano thanked Mr. Crowley for his comments.

The vote taken on the motion passed unanimously.

There being no further business, the meeting adjourned at 6:02 p.m.

Chairman

Secretary