

February 16, 2010

TO: Members of the MAG Regional Council Executive Committee

FROM: Dennis Smith, Executive Director

SUBJECT: DIRECTION REGARDING RPTA LEGISLATION AND TRANSIT PLANNING AGREEMENT (MOU)

At the January 19, 2010, Executive Committee meeting, staff presented recommendations for consolidation of transit planning roles and responsibilities. Staff indicated that the recommendations would be incorporated into the transit planning agreement (MOU) that was currently under consideration by the working group representing MAG, RPTA, METRO and the City of Phoenix Public Transit Department (FTA Designated Recipient). At the Executive Committee meeting, the possibility of legislation was discussed and it was noted that this could be brought to the Executive Committee in February for review. Staff is seeking direction on legislation and the draft transit planning agreement (MOU).

Draft Legislation: At the January Executive Committee meeting, it was requested that staff bring proposed legislation to better align the current state statutes for the Regional Public Transportation Authority with the federal transportation law for MAG as a metropolitan planning organization to the February Executive Committee meeting. Staff noted that bill folders were being opened. Since the January Executive Committee meeting, SB 1416 was introduced. Concerns were expressed by the RPTA concerning the language in SB 1416 and several options to modify the bill have been proposed. The main themes of the proposed options are noted below:

Option #1 – SB 1416 as Introduced: Under this option, the transit planning responsibilities would be performed by MAG in cooperation with state and local transit operators. The life cycle program developed by the RPTA would be in conformance with the MAG Regional Transportation Plan. Upon reviewing this draft legislation, RPTA requested that it be made clear in the legislation that MAG would not be controlling the RPTA life cycle program. MAG staff indicated that it was not the intent of the legislation and it could be clarified. MAG staff also indicated that the bill should be modified to indicate that major changes to the RPTA life cycle program should be done by MAG in cooperation with transit operators because it would be changing the Regional Transportation Plan.

Option #2 – First Changes Proposed by the RPTA: Under this option, the RPTA proposed that the RPTA develop the transit element of the MAG Regional Transportation Plan and recommend it to MAG. In discussions with the staff of the RPTA, it did not appear that this was their intent and they indicated that another draft of the legislation would be developed.

Option #3 – Second Draft of Legislation by the RPTA: Under this option, the RPTA clarified that the RPTA Board would conduct regional public transportation planning that implements the regional public transportation elements included in the MAG Regional Transportation Plan. This would include recommending to MAG corridor planning (alternatives analysis) and technology for the corridor.

Option #4 – Modifications Suggested by El Mirage Attorney: The El Mirage Attorney noted that if the goal is to move the regional system planning function from the RPTA to MAG, the planning section in the RPTA statute should be deleted and replaced with a reference to the Regional Planning Agency in title 48. Then in title 48, note that the Regional Planning Agency is the same as in Title 28. Then take the current RPTA planning language and place it in the MAG Regional Planning Agency section of Title 28.

Option #5 – No Bill, Approve the Transit Agreement (MOU), Wait for the Performance Audit Recommendations: As noted by the RPTA, the planning responsibilities are defined in the Transit Agreement.

Transit Planning Agreement (MOU): Since January, the Working Group has reached consensus on placing the recommendations into the transit planning agreement. Comments were received at the January Executive Committee regarding local prerogative in transit planning. In a transit alternatives analysis, the city works with the agency conducting the alternatives analysis to develop a locally preferred alternative (LPA). This is subject to approval by the city council. For the locally preferred alternative to be recognized by the Federal Transit Administration, the LPA needs to be amended into the MAG Regional Transportation Plan. The MAG Regional Council approves amendments to the RTP.

Staff is seeking guidance on the options for the legislation and on recommending approval of the transit planning agreement (MOU). If you have any questions, please contact me or Eric Anderson at the MAG Office.

Option #1

REFERENCE TITLE: regional public transportation authority

**State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010**

SB 1416

**Introduced by
Senator Verschoor**

AN ACT

AMENDING SECTIONS 48-5103, 48-5121 AND 48-5122, ARIZONA REVISED STATUTES; RELATING TO THE REGIONAL PUBLIC TRANSPORTATION AUTHORITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 48-5103, Arizona Revised Statutes, is amended to read:

48-5103. Public transportation fund

A. A public transportation fund is established for the authority. The fund consists of:

1. Monies appropriated by each municipality that is a member of the authority or the county, if it elected to enter into the authority. Each member municipality and member county shall appropriate monies to the public transportation fund in an amount determined by the board.

2. Monies appropriated by a county that has not elected to enter into the authority in an amount determined by the county board of supervisors.

3. Transportation excise tax revenues that are allocated to the fund pursuant to section 42-6104 or 42-6105. The board shall separately account for monies from transportation excise tax revenues allocated pursuant to section 42-6105, subsection E, paragraph 3 for:

(a) A light rail public transit system.

(b) Capital costs for other public transportation.

(c) Operation and maintenance costs for other public transportation.

4. Monies distributed under title 28, chapter 17, article 1.

5. Grants, gifts or donations from public or private sources.

6. Monies granted by the federal government or appropriated by the legislature.

7. Fares or other revenues collected in operating a public transportation system.

8. Local transportation assistance monies that are distributed to each member under section 28-8102 and as provided in section 48-5104.

9. Local transportation assistance monies that are distributed to a member pursuant to section 28-8102 and that must be used for public transportation.

10. Local transportation assistance monies that are distributed pursuant to section 28-8103, subsection A, paragraph 1.

B. On behalf of the ~~authority~~ REGIONAL PLANNING AGENCY, the fiscal agent shall administer monies paid into the public transportation fund. Monies in the fund may be spent pursuant to or to implement the regional ~~public transportation system~~ plan DEVELOPED AND APPROVED BY THE REGIONAL PLANNING AGENCY, including reimbursement for utility relocation costs as prescribed in section 48-5107, adopted pursuant to section 48-5121 and for projects identified in the regional transportation plan adopted by the regional planning agency pursuant to section 28-6308.

C. Monies in the fund shall not be spent to promote or advocate a position, alternative or outcome of an election, to influence public opinion or to pay or contract for consultants or advisors to influence public opinion with respect to an election regarding taxes or other sources of revenue for the fund or regarding the regional public transportation system plan.

Sec. 2. Section 48-5121, Arizona Revised Statutes, is amended to read:

48-5121. Regional public transportation system plan

A. In counties with a population of one million two hundred thousand persons or more, the ~~board~~ REGIONAL PLANNING AGENCY shall develop, ~~a~~ IN COOPERATION WITH STATE AND LOCAL PUBLIC TRANSPORTATION OPERATORS, THE regional public transportation system ELEMENT OF THE REGIONAL TRANSPORTATION plan that is coordinated with the regional transportation plan adopted pursuant to section 28-6308.

B. Among other things, the regional public transportation system ELEMENT OF THE REGIONAL TRANSPORTATION plan shall:

1. Define and identify regional public transportation corridors.

2. Define the public transportation problems, goals and needs for each corridor.

~~3. Define land use goals.~~

~~4~~ 3. Determine environmental, economic, energy and social policies to guide public transportation investment decisions.

~~5~~ 4. Order the priority of regional public transportation corridors for development.

~~6~~ 5. Determine the mix of alternative public transportation modes appropriate for development in light of the public transportation goals and needs for each corridor.

~~7~~ 6. Select appropriate public transportation technology, including high occupan cy vehicle lanes and related facilities.

~~8~~ 7. Determine the capacity for exclusive public transportation technology.

~~9~~ 8. Determine operating performance criteria and costs for public transportati on systems.

~~10~~ 9. Locate routes and access points to the public transportation systems.

~~11~~ 10. Determine the ridership of public transportation systems.

C. The regional public transportation system ELEMENT OF THE REGIONAL TRANSPORTATION plan shall include, in addition to the appropriate items prescribed in subsection B of this section, the following items presented on an individual fiscal year basis:

1. The capital and operating costs of the planned regional public transportation system.
2. The revenue needed by source, according to section 48-5103, to fund the regional public transportation

system plan.

D. If the plan includes a rail component and if the ~~board~~ REGIONAL PLANNING AGENCY adopts estimates of capital and maintenance and operation costs of the rail system, each member municipality in which the rail system is constructed shall pay to the public transportation fund amounts by which the actual capital, maintenance and operation costs exceed the estimated costs by more than fifteen per cent, computed in constant dollars. The excess costs shall be allocated among the affected member municipalities according to the proportion of the rail system facilities that are located in each municipality. The affected member municipalities shall:

1. Pay the monies from their respective general funds to the public transportation fund in the fiscal year following the fiscal year in which the excess costs were incurred.
2. Not pay to the public transportation fund under this subsection monies that it received from any source pursuant to title 28.
3. Not reduce its support of transportation projects funded by any source pursuant to title 28 in order to make payments under this subsection.

~~E. The board may modify the regional public transportation system plan to reflect changes in population density or technological advances in the approved public transportation modes. A majority of the members of the board voting at a public hearing called for that purpose must approve a modification to the plan.~~

Sec. 3. Section 48-5122, Arizona Revised Statutes, is amended to read:

48-5122 Board powers and duties

The board shall:

1. Determine ~~the exclusive public transportation systems to be acquired and constructed, the means to finance the systems and~~ whether to operate the systems or to let contracts for their operation.
2. Adopt an annual budget and fix the compensation of its employees.
3. Adopt an administrative code by ordinance that:
 - (a) Prescribes the powers and duties of the employees of the authority that are not inconsistent with this chapter.
 - (b) Prescribes the method of appointing board employees.
 - (c) Prescribes methods, procedures and systems of operating and managing the board.
 - (d) May provide for, among other things, appointing a general manager and organizing the employees of the board into units for administration, design and construction, planning and operation, property acquisition and community relations and other units as the board deems necessary.
4. Cause a postaudit of the financial transactions and records of the board to be made at least annually by a certified public accountant.
5. Adopt all ordinances and make all rules proper or necessary to:
 - (a) Regulate the use, operation and maintenance of its property and facilities, including its public transportation systems and related transportation facilities and services operating in its area of jurisdiction.
 - (b) Carry into effect the powers granted to the board.
6. Appoint advisory commissions as it deems necessary.
7. Do all things necessary to carry out the purposes of this chapter.



February 3, 2010

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MEMORANDUM

TO: Members of the Valley Metro RPTA Board of Directors

FROM: David A. Boggs, Executive Director

RE: Senate Bill 1416 & Recent Transit Planning Roles and Responsibilities Discussions

As discussed at the January 21, 2010 Valley Metro Board of Directors Meeting a working group made up of Maricopa Association of Governments (MAG), METRO (Rail), Regional Public Transportation Authority (RPTA), and the City of Phoenix Public Transit Department has been discussing the appropriate assignment of regional transit planning roles for nearly a year. The Working Group came to a consensus on appropriate planning roles.

MAG Executive Director Dennis Smith recommended to his Executive Committee a revised Memorandum of Understanding (MOU) as the vehicle to accomplish these changes. RPTA staff also recommended the MOU concept to the TMC. The TMC's recommendation will be forwarded to the Board for consideration at its February 18, 2010 meeting.

Surprisingly, Senator Verschoor introduced SB 1416 on February 2, 2010 (attached) that proposes significant and detrimental changes to RPTA's enabling legislation beyond what the Working Group is recommending for Board consideration. The proposed legislation:

1. Requires all monies placed into the Public Transportation Fund (including Proposition 400 funds and all member agency LTAF II funds) to be administered on behalf of MAG (see page 1, lines 33-37). Presently, the RPTA Board of Directors is responsible for such funds.
2. Removes the RPTA Board of Directors role in modifying the transit element of the Regional Transportation Plan (RTP) and determining the transportation systems to be acquired, constructed, and the means to finance such systems (see page 3, lines 10-14 and lines 18-19).
3. Makes MAG responsible for nearly all transit planning, prioritization, and determination of performance criteria and costs of the public transit system including the light rail system (see page 2, lines 3-30).

SB 1416 proposes an approach which has not been vetted by the parties. At the next Board meeting I will be seeking Board guidance on how to respond.

c: Member Agency Representatives

Attachment

REFERENCE TITLE: regional public transportation authority

State of Arizona
Senate
Forty-ninth Legislature
Second Regular Session
2010

SB 1416

Introduced by
Senator Verschoor

AN ACT

AMENDING SECTIONS 48-5103, 48-5121 AND 48-5122, ARIZONA REVISED STATUTES;
RELATING TO THE REGIONAL PUBLIC TRANSPORTATION AUTHORITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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6 fund consists of:

7 1. Monies appropriated by each municipality that is a member of the
8 authority or the county, if it elected to enter into the authority. Each
9 member municipality and member county shall appropriate monies to the public
10 transportation fund in an amount determined by the board.

11 2. Monies appropriated by a county that has not elected to enter into
12 the authority in an amount determined by the county board of supervisors.

13 3. Transportation excise tax revenues that are allocated to the fund
14 pursuant to section 42-6104 or 42-6105. The board shall separately account
15 for monies from transportation excise tax revenues allocated pursuant to
16 section 42-6105, subsection E, paragraph 3 for:

17 (a) A light rail public transit system.

18 (b) Capital costs for other public transportation.

19 (c) Operation and maintenance costs for other public transportation.

20 4. Monies distributed under title 28, chapter 17, article 1.

21 5. Grants, gifts or donations from public or private sources.

22 6. Monies granted by the federal government or appropriated by the
23 legislature.

24 7. Fares or other revenues collected in operating a public
25 transportation system.

26 8. Local transportation assistance monies that are distributed to each
27 member under section 28-8102 and as provided in section 48-5104.

28 9. Local transportation assistance monies that are distributed to a
29 member pursuant to section 28-8102 and that must be used for public
30 transportation.

31 10. Local transportation assistance monies that are distributed
32 pursuant to section 28-8103, subsection A, paragraph 1.

33 B. On behalf of the authority REGIONAL PLANNING AGENCY, the fiscal
34 agent shall administer monies paid into the public transportation fund.
35 Monies in the fund may be spent pursuant to or to implement the regional
36 public transportation system plan DEVELOPED AND APPROVED BY THE REGIONAL
37 PLANNING AGENCY, including reimbursement for utility relocation costs as
38 prescribed in section 48-5107, adopted pursuant to section 48-5121 and for
39 projects identified in the regional transportation plan adopted by the
40 regional planning agency pursuant to section 28-6308.

41 C. Monies in the fund shall not be spent to promote or advocate a
42 position, alternative or outcome of an election, to influence public opinion
43 or to pay or contract for consultants or advisors to influence public opinion
44 with respect to an election regarding taxes or other sources of revenue for
45 the fund or regarding the regional public transportation system plan.

1 Sec. 2. Section 48-5121, Arizona Revised Statutes, is amended to read:
2 48-5121. Regional public transportation system plan
3 A. In counties with a population of one million two hundred thousand
4 persons or more, the ~~board~~ REGIONAL PLANNING AGENCY shall develop, ~~a-~~ IN
5 COOPERATION WITH STATE AND LOCAL PUBLIC TRANSPORTATION OPERATORS, THE
6 regional public transportation system ELEMENT OF THE REGIONAL TRANSPORTATION
7 plan that is coordinated with the regional transportation plan adopted
8 pursuant to section 28-6308.
9 B. Among other things, the regional public transportation system
10 ELEMENT OF THE REGIONAL TRANSPORTATION plan shall:
11 1. Define and identify regional public transportation corridors.
12 2. Define the public transportation problems, goals and needs for each
13 corridor.
14 ~~3. Define land use goals.~~
15 ~~4.~~ 3. Determine environmental, economic, energy and social policies
16 to guide public transportation investment decisions.
17 ~~5.~~ 4. Order the priority of regional public transportation corridors
18 for development.
19 ~~6.~~ 5. Determine the mix of alternative public transportation modes
20 appropriate for development in light of the public transportation goals and
21 needs for each corridor.
22 ~~7.~~ 6. Select appropriate public transportation technology, including
23 high occupancy vehicle lanes and related facilities.
24 ~~8.~~ 7. Determine the capacity for exclusive public transportation
25 technology.
26 ~~9.~~ 8. Determine operating performance criteria and costs for public
27 transportation systems.
28 ~~10.~~ 9. Locate routes and access points to the public transportation
29 systems.
30 ~~11.~~ 10. Determine the ridership of public transportation systems.
31 C. The regional public transportation system ELEMENT OF THE REGIONAL
32 TRANSPORTATION plan shall include, in addition to the appropriate items
33 prescribed in subsection B of this section, the following items presented on
34 an individual fiscal year basis:
35 1. The capital and operating costs of the planned regional public
36 transportation system.
37 2. The revenue needed by source, according to section 48-5103, to fund
38 the regional public transportation system plan.
39 D. If the plan includes a rail component and if the ~~board~~ REGIONAL
40 PLANNING AGENCY adopts estimates of capital and maintenance and operation
41 costs of the rail system, each member municipality in which the rail system
42 is constructed shall pay to the public transportation fund amounts by which
43 the actual capital, maintenance and operation costs exceed the estimated
44 costs by more than fifteen per cent, computed in constant dollars. The
45 excess costs shall be allocated among the affected member municipalities

1 according to the proportion of the rail system facilities that are located in
2 each municipality. The affected member municipalities shall:

3 1. Pay the monies from their respective general funds to the public
4 transportation fund in the fiscal year following the fiscal year in which the
5 excess costs were incurred.

6 2. Not pay to the public transportation fund under this subsection
7 monies that it received from any source pursuant to title 28.

8 3. Not reduce its support of transportation projects funded by any
9 source pursuant to title 28 in order to make payments under this subsection.

10 ~~E. The board may modify the regional public transportation system plan
11 to reflect changes in population density or technological advances in the
12 approved public transportation modes. A majority of the members of the board
13 voting at a public hearing called for that purpose must approve a
14 modification to the plan.~~

15 Sec. 3. Section 48-5122, Arizona Revised Statutes, is amended to read:

16 48-5122 Board powers and duties

17 The board shall:

18 1. Determine ~~the exclusive public transportation systems to be~~
19 ~~acquired and constructed, the means to finance the systems and~~ whether to
20 operate the systems or to let contracts for their operation.

21 2. Adopt an annual budget and fix the compensation of its employees.

22 3. Adopt an administrative code by ordinance that:

23 (a) Prescribes the powers and duties of the employees of the authority
24 that are not inconsistent with this chapter.

25 (b) Prescribes the method of appointing board employees.

26 (c) Prescribes methods, procedures and systems of operating and
27 managing the board.

28 (d) May provide for, among other things, appointing a general manager
29 and organizing the employees of the board into units for administration,
30 design and construction, planning and operation, property acquisition and
31 community relations and other units as the board deems necessary.

32 4. Cause a postaudit of the financial transactions and records of the
33 board to be made at least annually by a certified public accountant.

34 5. Adopt all ordinances and make all rules proper or necessary to:

35 (a) Regulate the use, operation and maintenance of its property and
36 facilities, including its public transportation systems and related
37 transportation facilities and services operating in its area of jurisdiction.

38 (b) Carry into effect the powers granted to the board.

39 6. Appoint advisory commissions as it deems necessary.

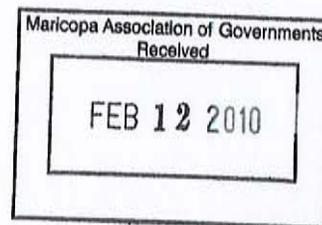
40 7. Do all things necessary to carry out the purposes of this chapter.



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February 12, 2010

Mr. Dennis Smith
Executive Director
Maricopa Association of Governments
302 N. First Avenue, Suite 300
Phoenix, AZ 85003



Re: SB 1416

Dear Mr. Smith:

Based on concerns that were raised by the Maricopa Association of Governments ("MAG") staff, we have revised the recommended language for Senate Bill 1416 (attached). We believe that the revised language addresses the concerns raised by your staff regarding the possibility of having multiple plans. Multiple plans were never the intent. We believe this new language fairly represents the agreements reached by the working group comprised of representatives of MAG, METRO Rail ("METRO"), the Regional Public Transportation Authority ("RPTA") and the City of Phoenix Public Transit Department. RPTA staff will recommend this legislation to the RPTA Board of Directors.

The parties' agreement on this issue was also documented in a draft Memorandum of Understanding ("MOU"). RPTA staff believes that the MOU is still the proper vehicle to document the agreement and that legislation is not warranted at this time. In order to expedite the agreement, RPTA staff will recommend to the RPTA Board the MOU as most recently proposed by MAG without the additional language we had originally suggested. If legislation is truly needed, it should be introduced only after careful review and consideration by the members of the RPTA, MAG and METRO.

We look forward to working with you and your staff to finalize the MOU and legislation.

Sincerely,

A handwritten signature in cursive script that reads 'David A. Boggs'.

David A. Boggs
Executive Director

C: RPTA Board of Directors
Kevin Wallace, MAG

RPTA suggested SB 1416

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

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3 48-5103. Public transportation fund

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6 to enter into the authority. Each member municipality and member county shall appropriate monies to the public
7 transportation fund in an amount determined by the board.

8 2. Monies appropriated by a county that has not elected to enter into the authority in an amount
9 determined by the county board of supervisors.

10 3. Transportation excise tax revenues that are allocated to the fund pursuant to section 42-6104 or 42-
11 6105. The board shall separately account for monies from transportation excise tax revenues allocated pursuant to
12 section 42-6105, subsection E, paragraph 3 for:

13 (a) A light rail public transit system.

14 (b) Capital costs for other public transportation.

15 (c) Operation and maintenance costs for other public transportation.

16 4. Monies distributed under title 28, chapter 17, article 1.

17 5. Grants, gifts or donations from public or private sources.

18 6. Monies granted by the federal government or appropriated by the legislature.

19 7. Fares or other revenues collected in operating a public transportation system.

20 8. Local transportation assistance monies that are distributed to each member under section 28-8102 and
21 as provided in section 48-5104.

22 9. Local transportation assistance monies that are distributed to a member pursuant to section 28-8102
23 and that must be used for public transportation.

24 10. Local transportation assistance monies that are distributed pursuant to section 28-8103, subsection A,
25 paragraph 1.

26 B. On behalf of the authority, the fiscal agent shall administer monies paid into the public transportation
27 fund. Monies in the fund may be spent pursuant to or to implement the regional public transportation ~~system~~
28 ELEMENTS plan, including reimbursement for utility relocation costs as prescribed in section 48-5107, adopted
29 pursuant to section 48-5121 and ~~for WHICH IMPLEMENTS REGIONAL PUBLIC TRANSPORTATION ELEMENTS~~
30 projects identified in the regional transportation plan adopted by the regional planning agency pursuant to section
31 28-6308.

32 C. Monies in the fund shall not be spent to promote or advocate a position, alternative or outcome of an
33 election, to influence public opinion or to pay or contract for consultants or advisors to influence public opinion
34 with respect to an election regarding taxes or other sources of revenue for the fund or regarding the regional
35 public transportation ~~system plan~~ ELEMENTS OF THE REGIONAL TRANSPORTATION PLAN ADOPTED PURSUANT TO
36 SECTION 28-6308.

37 Section 2. Section 48-5106, Arizona Revised Statutes, is amended to read:

38 48-5106. Budget process

39 The board shall adopt a budget process, IN COORDINATION WITH THE REGIONAL PLANNING AGENCY, that
40 ensures that the estimated cost of the regional public transportation system, including corridors, corridor
41 segments and bus purchase and operating costs, does not exceed the total amount of revenues estimated to be
42 available for the regional public transportation system.

1 Section 3. Section 48-5121, Arizona Revised Statutes, is amended to read:

2 48-5121. Regional public transportation system plan PLANNING

3 A. In counties with a population of one million two hundred thousand persons or more, the board shall
4 ~~develop a~~CONDUCT regional public transportation ~~system plan~~PLANNING that ~~is coordinated with~~ IMPLEMENTS
5 THE REGIONAL PUBLIC TRANSPORTATION ELEMENTS INCLUDED IN the regional transportation plan adopted
6 pursuant to section 28-6308.

7 B. Among other things, ~~the~~ regional public transportation ~~system plan~~PLANNING shall:

8 1. ~~Define and identify~~DEVELOP THE regional public transportation corridors IDENTIFIED IN THE REGIONAL
9 TRANSPORTATION PLAN ADOPTED PURSUANT TO SECTION 28-6308.

10 2. Define the public transportation problems, goals and needs for each IDENTIFIED corridor.

11 ~~3. Define land use goals.~~
12 ~~43. Determine~~INCORPORATE environmental, economic, energy and social policies IDENTIFIED IN THE
13 REGIONAL TRANSPORTATION PLAN ADOPTED PURSUANT TO SECTION 28-6308 to guide public transportation
14 investment decisions.

15 ~~54. Order~~DEVELOP the priority of regional public transportation corridors ~~for development~~BASED ON THE
16 PRIORITIES IDENTIFIED IN THE REGIONAL TRANSPORTATION PLAN ADOPTED PURSUANT TO SECTION 28-6308.

17 ~~65. Determine~~RECOMMEND TO THE REGIONAL PLANNING AGENCY the mix of alternative public
18 transportation modes appropriate for development in light of the public transportation goals and needs for each
19 IDENTIFIED corridor.

20 ~~76. Select~~RECOMMEND TO THE REGIONAL PLANNING AGENCY appropriate public transportation
21 technology ~~including high occupancy vehicle lanes and related facilities~~FOR IDENTIFIED CORRIDORS.

22 ~~87. Determine the capacity for exclusive public transportation technology~~FOR IDENTIFIED CORRIDORS.

23 ~~98. Determine operating performance criteria and costs for public transportation systems.~~

24 ~~109. Locate routes and access points to the public transportation systems.~~

25 ~~110. Determine the ridership of public transportation systems.~~

26 C. ~~The r~~Regional public transportation ~~system plan~~PLANNING shall include, in addition to the appropriate
27 items prescribed in subsection B of this section, the following items presented on an individual fiscal year basis:

28 1. The capital and operating costs of the planned regional public transportation system.

29 2. The revenue needed by source, according to section 48-5103, to fund the regional public transportation
30 ~~system plan.~~

31 D. If the plan includes a rail component and if the board adopts estimates of capital and maintenance and
32 operation costs of the rail system, each member municipality in which the rail system is constructed shall pay to
33 the public transportation fund amounts by which the actual capital, maintenance and operation costs exceed the
34 estimated costs by more than fifteen per cent, computed in constant dollars. The excess costs shall be allocated
35 among the affected member municipalities according to the proportion of the rail system facilities that are located
36 in each municipality. The affected member municipalities shall:

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38 following the fiscal year in which the excess costs were incurred.

39 2. Not pay to the public transportation fund under this subsection monies that it received from any source
40 pursuant to title 28.

41 3. Not reduce its support of transportation projects funded by any source pursuant to title 28 in order to
42 make payments under this subsection.

1 E. The board may modify ~~the regional public transportation system plan~~ ELEMENTS to reflect changes in
2 ~~population density or technological advances in the approved public transportation modes~~ THE REGIONAL
3 TRANSPORTATION PLAN ADOPTED PURSUANT TO SECTION 28-6308. A majority of the members of the board
4 voting at a public ~~hearing~~ MEETING called for that purpose must approve a modification to ~~the plan~~ REGIONAL
5 PUBLIC TRANSPORTATION ELEMENTS.

6 Section 4. Section 48-5122, Arizona Revised Statutes, is amended to read:

7 48-5122 Board powers and duties

8 The board shall:

9 1. ~~Determine~~ ACQUIRE AND CONSTRUCT the ~~exclusive~~ public transportation systems ~~to be acquired and~~
10 ~~constructed~~ IDENTIFIED IN THE REGIONAL TRANSPORTATION PLAN ADOPTED PURSUANT TO SECTION 28-6308,
11 DETERMINE the means to finance the systems and whether to operate the systems or to let contracts for their
12 operation.

13 2. Adopt an annual budget and fix the compensation of its employees.

14 3. Adopt an administrative code by ordinance that:

15 (a) Prescribes the powers and duties of the employees of the authority that are not inconsistent with ~~this~~
16 chapter.

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20 the board into units for administration, design and construction, planning and operation, property acquisition and
21 community relations and other units as the board deems necessary.

22 4. Cause a postaudit of the financial transactions and records of the board to be made at least annually by
23 a certified public accountant.

24 5. Adopt all ordinances and make all rules proper or necessary to:

25 (a) Regulate the use, operation and maintenance of its property and facilities, including its public
26 transportation systems and related transportation facilities and services operating in its area of jurisdiction.

27 (b) Carry into effect the powers granted to the board.

28 6. Appoint advisory commissions as it deems necessary.

29 7. Do all things necessary to carry out the purposes of this chapter.

30 Section 5. Section 48-5141, Arizona Revised Statutes, is amended to read:

31 48-5141. Regional bus system

32 A. The board shall establish and operate a regional bus system THAT IS COORDINATED WITH THE
33 REGIONAL TRANSPORTATION PLAN ADOPTED PURSUANT TO SECTION 28-6308. ~~The monies distributed under~~
34 ~~section 28-6305, subsection B shall be spent for incremental increases in a regional bus system and for community~~
35 ~~funded transportation services including dial a ride programs and special needs transportation services and shall~~
36 ~~not be used to supplant any existing sources of monies currently being used in operating an existing bus system.~~
37 ~~The monies shall only be spent for community funded transportation services including dial a ride programs and~~
38 ~~special needs transportation services and to establish and operate a regional bus system, including extending~~
39 ~~existing bus routes into regional routes, adding new regional routes, increasing the service on existing regional~~
40 ~~routes and capital expenditures.~~

41 B. The board may contract with a public agency or with a person on the terms and conditions the board
42 finds in its best interest to operate a regional bus system.

Valerie Day

Subject: FW: SB 1416
Attachments: City of El Mirage Seal; ATT29704.htm

From: Boggs, Dave [mailto:DBoggs@valleymetro.org]
Sent: Thursday, February 11, 2010 12:48 PM
To: Dennis Smith
Subject: FW: SB 1416

Dennis:

Pat Dennis called and asked that I forward this email to you from the El Mirage City Attorney.

Thanks,
Dave

From: Pat Dennis [mailto:pdennis@cityofelmirage.org]
Sent: Thursday, February 11, 2010 11:36 AM
To: Boggs, Dave
Subject: Fwd: SB 1416

FYI

Sent from my iPhone

Begin forwarded message:

From: "Rick Flaaen" <rflaaen@cityofelmirage.org>
Date: February 11, 2010 11:06:09 AM MST
To: "Pat Dennis" <pdennis@cityofelmirage.org>
Subject: SB 1416

Pat:

I understand that MAG is trying to have the regional public transportation system planning function shifted to MAG from the RPTA.

However, I do not recommend they do so by simply amending § 48-5121. This section is part of Chapter 29 of Title 48 of the statutes. Chapter 29 is titled Regional Public Transportation Authority, and the sections within this Chapter deal with the roles, duties and obligations of the RPTA. Simply amending § 48-5121 creates confusion and conflict with the remainder of Chapter 29.

If all that is being proposed is moving the regional system planning function from the RPTA to MAG, then I suggest the following:

1. Amend the title of Article 2 of Chapter 29, which currently reads "Planning" to simply "Powers" since moving the planning function to MAG will make this title no longer applicable.

2. Rather than just deleting § 48-5121, I suggest it be amended by deleting everything there and replacing it with the following:

“The regional public transportation function in counties with a population of one million two hundred thousand persons or more shall be the responsibility of the Regional Planning Agency for the county in accordance with section 48-5182.”

3. Add a new Chapter 29.1 to Title 48 of the statutes titled, “Regional Planning Agency.”

4. The first section of Chapter 29.1 should be 48-5181 titled “Definitions.” Included in this section should be any definitions in § 48-5101 that are applicable to the planning function. Also, there should be a definition for “Regional Planning Agency.” A suggestion is to simply state the Regional Planning Agency for purposes of this chapter shall be the same body serving as the Regional Planning Agency in Title 28, Chapter 17, sections 28-6301 through 28-6391.

5. The next section would be 48-5182, titled “Regional public transportation system plan.” This would then contain the language from the current 48-5121 amended as necessary to reflect that the planning function is with the Regional Planning Agency.

Rick

Richard H. Flaaen

City Attorney

City of El Mirage

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