

MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
MAG REGIONAL COUNCIL EXECUTIVE COMMITTEE
May 17, 2010
MAG Offices, Cholla Room
302 N. 1st Avenue, Phoenix, Arizona

MEMBERS ATTENDING

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| * Councilwoman Peggy Neely, Chair | Mayor Marie Lopez Rogers, Avondale |
| Mayor Thomas L. Schoaf, Litchfield Park,
Vice Chair | # Mayor James M. Cavanaugh, Goodyear |
| # Mayor Hugh Hallman, Tempe, Treasurer | Mayor Scott Smith, Mesa |
| | Mayor Jim Lane, Scottsdale |

- * Not present
- # Participated by video or telephone conference call

1. Call to Order

The Executive Committee meeting was called to order by Vice Chair Schoaf at 12:07 p.m. He noted that an addendum, agenda item #11, and a map of the Wellton Branch were at their place. Vice Chair Schoaf stated that public comment cards were available for those members of the public who wish to comment. Transit tickets were available from Valley Metro for those using transit to come to the meeting. Parking validation was available from MAG staff for those who parked in the parking garage.

2. Call to the Audience

Vice Chair Schoaf noted that, according to the MAG public comment process, members of the audience who wish to speak are requested to fill out the public comment cards. He stated that there is a three-minute time limit. Public comment is provided at the beginning of the meeting for 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. Vice Chair Schoaf noted that no public comment cards had been received.

3. Consent Agenda

Vice Chair Schoaf noted that prior to action on the consent agenda, members of the audience are provided an opportunity to comment on consent items that are being presented for action. Following the comment period, Committee members may request that an item be removed from the consent agenda. Vice Chair Schoaf noted that no public comment cards had been received.

Vice Chair Schoaf requested a motion to approve the consent agenda. Mayor Hallman commented on consent agenda item 3B. He stated that he is grateful that these resources are going into this project. He asked for clarification from staff that this effort is focused on the fact that Interstate 10 is being built out and little if any effort was put into looking at alternatives to the I-10 corridor. Mayor Hallman stated that he understands that this is to supplement what is going forward so that

MAG has a better understanding of the possibility of using rail, particularly commuter rail, from Maricopa up through the same corridor to address not just post construction, but also the provision of transportation options during construction as a mitigation measure. Mr. Smith stated that was correct and is the purpose.

Mayor Hallman then moved to approve items #3A and #3B. Mayor Cavanaugh seconded the motion and the motion carried unanimously.

3A. Approval of the April 19, 2010, Executive Committee Meeting Minutes

The Regional Council Executive Committee, by consent, approved the April 19, 2010, Executive Committee meeting minutes.

3B. Consultant Selection for the Southeast Corridor Major Investment Study

The Regional Council Executive Committee, by consent, approved the selection of HDR, Inc. to conduct the Southeast Corridor Major Investment Study for an amount not to exceed \$300,000. The fiscal year (FY) 2010 MAG Unified Planning Work Program and Annual Budget, approved by the MAG Regional Council in May 2009, was amended in March 2010 to include \$300,000 to conduct the Southeast Corridor Major Investment Study. The Arizona Department of Transportation (ADOT) is in the process of completing an Environmental Impact Statement (EIS) for the widening of Interstate 10, the Maricopa Freeway, between the SR-51/SR-202L/Red Mountain “Mini-Stack” and SR-202L/Santan-South Mountain “Pecos Stack” traffic interchanges. During the course of the EIS, questions have been raised by MAG member agencies about the investment being made in this corridor and the need for alternative transportation options, in addition to widening Interstate 10 and improving the system traffic interchanges, to accommodate the growing travel demand between the East Valley and Central Phoenix. MAG proposes conducting the Southeast Corridor Major Investment Study for these purposes. A request for proposals was advertised on March 22, 2010 and four proposals were received. A multi-agency proposal evaluation team reviewed the proposal documents and, on April 28, 2010, the proposal evaluation team recommended to MAG the selection of HDR, Inc. to conduct the project in an amount not to exceed \$300,000.

4. Approval of the Draft FY 2011 MAG Unified Planning Work Program and Annual Budget and the Member Dues and Assessments

Becky Kimbrough stated that the draft MAG Unified Planning Work Program and Annual Budget is on the agenda for recommendation of approval. She noted the draft Work Program is presented incrementally beginning in January with proposed dues and assessments. This year MAG is proposing to keep a 50 percent overall reduction of member dues in place in the FY 2011 budget due to the economic conditions. Ms. Kimbrough stated that in February MAG presented proposed projects for the Work Program and began work on the initial draft for mail out to our committee members in March. She explained that this incremental presentation allows time for questions, input, and a more thorough review of the proposed budgetary items. Ms. Kimbrough stated that we also covered positions and the proposed additional floor and renovations at the April meeting. She explained that the final draft budget reflects this information and the overall increase is almost solely due to the reported changes.

Ms. Kimbrough stated that the Intermodal Planning Group meeting was held on Friday, April 29, 2010. Representatives from Federal Highway, the Federal Transit Administration, the Arizona Department of Transportation, the Environmental Protection Agency (via telephone), the City of Phoenix Public Transit, Valley Metro, Valley Metro Rail and the Arizona Department of Environmental Quality were in attendance. She noted that there were great presentations and a lot of discussion, and no new recommendations for budget revisions were made. Ms. Kimbrough stated that MAG submits its Work Program each year to the Government Finance Officer's Association for review and application for the Distinguished Budget Presentation Award. She noted that MAG received this award for the current Work Program, and the approved budget for FY 2011 will be submitted for the 11th consecutive year. Ms. Kimbrough thanked the Executive Committee and asked if there were any questions.

Vice Chair Schoaf stated that in the explanation of the budget, it notes that there is a 5 percent change in salaries. He noted that on page 61 of the budget under expenditures and personnel costs, it has a percentage change of 7.44 percent. He also noted that in the narrative it indicates that there are 8 percent more people. Vice Chair Schoaf asked staff to explain how all these number come together. Ms. Kimbrough explained the net change of 7.44 percent. She noted that six positions were added to the budget, as well as a five percent increase for some of the staff positions that were not part of the compensation study and received no increase. She also noted an increase in the Arizona State Retirement System (ASRS) contribution, which is also part of the personnel costs. Vice Chair Schoaf asked how you can have an eight percent increase in people and any increase at all in compensation and only have a net increase of 7.44 percent. Ms. Kimbrough explained that the salaries for the different positions vary and all positions were not budgeted to receive an increase.

Mayor Hallman moved to recommend approval of the resolution adopting the Draft FY 2011 MAG Unified Planning Work Program and Annual Budget and the member dues and assessments. Mayor Smith seconded the motions and the motion was carried unanimously.

5. Sustainable Communities Planning Grant Program Update

Amy St. Peter thanked the Executive Committee for the opportunity to present information regarding the Sustainable Communities Planning Grant Program. She stated that since the April Executive Committee meeting, staff has undertaken a number of efforts to gather more information about the Sustainable Communities Program per the Executive Committee's request. Ms. St. Peter explained that this included meetings with the officers of the MAG technical Committees, community partners, and other councils of governments. She stated that the highlights from these meetings will be shared and guidance will be sought regarding future potential activity in response to the upcoming grant competition.

Ms. St. Peter stated that the grant competition will be offered through the U.S. Department of Housing and Urban Development (HUD) in partnership with the U.S. Department of Transportation (DOT) and the Environmental Protection Agency (EPA). She explained that the funding supports the development of regional plans for sustainable development and that MAG may be eligible to apply for funding. Ms. St. Peter stated that applying for this funding source may position MAG well in the future if such plans become a requirement with the re-authorization of federal transportation funding. She stated that approximately \$100 million is available nationally with up to \$5 million potentially available for large metropolitan areas. A 20 percent match is required. She noted that it

is anticipated that this grant process will be very competitive and oversubscribed. In a recent address, HUD Secretary Sean Donovan indicated that they expect to make 40 awards nationwide, and the time frame to apply for the grant will likely be as short as 60 days.

Ms. St. Peter stated that the advance notice published by HUD in March did not define an eligible applicant or region, but it is hoped that the Notice of Funding Availability (NOFA) due by mid-June will clarify who can apply for this funding. She noted that such clarification will help determine if MAG is the most appropriate applicant for the region. She also noted that many other agencies in this region have expressed interest in applying or partnering for the grant. Ms. St. Peter stated that feedback received so far indicates support for a regional application through MAG. Some cities are also weighing the benefits of applying on their own or through a regional effort, and other councils of governments are considering their options. She noted that the Joint Planning Advisory Council, at its April 2010 meeting, discussed the possibility of a consolidated application.

Ms. St. Peter stated that if MAG does submit an application on behalf of the region or on behalf of the Sun Corridor, there are some potential opportunities for action. A regional plan for sustainable development could include a focus on developing green housing and jobs along high capacity transit lines such as commuter rail, light rail, and the proposed intercity rail from Phoenix to Tucson. She noted that the officers of the technical Committees expressed support for this focus. She stated that they also indicated it was important to focus on the entire region, to consider infill development, to specifically identify the impact desired by the plan, and to leverage existing efforts proposed in the MAG FY 2011 Unified Planning Work Program. Ms. St. Peter stated that potential community partners, such as Urban Land Institute, ASU, LISC, Sonoran Institute and others expressed support for transit oriented development, connecting the paths along the canals, working with the tribal communities to connect them with additional transit services, and developing model codes to promote transit oriented development and fiscal effectiveness. She noted that feedback received from HUD indicates support for a consolidated application on behalf of the Sun Corridor, specific criteria to measure the impact of the planning process, and strong partners committed to a unifying purpose. Sustainability has been a common theme among other federal agencies such as the Federal Transit Administration and is expected to be an ongoing priority. Ms. St. Peter thanked the Executive Committee for their time and asked if there were any questions or suggestions.

Mayor Lane asked whether there has been sacrifice of local control on any of the issues. Ms. St. Peter stated that one of the items that has been looked at is leveraging existing efforts. That will help to focus the effort on what is underway and what we currently have support to do. Ms. St. Peter stated that the NOFA is expected to be out mid June 2010 and we hope it will help to clarify some questions. She noted that the positive side is that this gives applicants more time to organize. Ms. St. Peter stated that staff will be paying careful and close attention to the NOFA, when it does come out, to determine if there is anything staff needs to discuss with the Executive Committee. Mr. Smith stated that as a result of the stakeholders meeting, staff heard interest in modeling this after California's efforts where regions are setting targets and really becoming more involved in comprehensive land use planning. He noted that staff indicated MAG elected officials were not there at this point. The local head of HUD office said focus on things that are totally supported throughout the region. Mr. Smith stated that the support is with commuter and light rail lines, as well as transit oriented development around these rail lines and canals. Mr. Smith suggested coming up with "guiding principles" that are adopted by the Regional Council. He noted that we would then send those principles out to the cities and the city would send back a commitment that is

comfortable. MAG would take that commitment and model those efforts and put them together in a plan. He noted that the cities would still keep local control.

Mayor Lane confirmed that the NOFA will help clarify some of the questions. Ms. St. Peter confirmed that staff hopes the NOFA will clarify some things. Vice Chair Schoaf thanked Ms. St. Peter for her report.

6. Regional Council Request for Future Agenda Items – Clarification and Guidance Regarding Transit Planning Responsibilities

Dennis Smith stated that on July 22, 2009, the MAG Regional Council adopted the MAG Committee Operating Policies and Procedures. He noted that under *Section 1.08 - Agenda Development* item number 4, it states the “Requests for future agenda items” will be placed on all Regional Council agendas. Items requested as future agenda items at Regional Council will be considered by the Executive Committee for further direction. Mr. Smith stated that at the April 28, 2010 MAG Regional Council meeting, the member from the City of Surprise requested that a future agenda item be considered by the Regional Council regarding transit planning responsibilities. Staff was directed to further clarify this request. Mr. Smith noted that the City of Surprise is seeking clarification and guidance regarding MAG’s regional transit planning responsibilities in relation to the Regional Public Transportation Authority (RPTA) since the approval of the Transit Planning Agreement by the Regional Council on March 31, 2010 and the changes in state law (SB 1063), regarding transit responsibilities, signed by the Governor on April 28, 2010. He noted that the effective date for SB 1063 is July 29, 2010. Mr. Smith explained that the provision in SB 1063, ARS §5106, states that the RPTA Board adopts a budget process in conjunction with MAG and that changes to the budget that materially impact the performance of the Regional Transportation Plan or that add or delete current or planned regional service in a corridor, shall be approved by MAG. Mr. Smith stated that MAG staff received a request on Friday for an update of the Transit Related Roles and Responsibilities chart. He noted that this was prepared and is in draft form at your place. Mr. Smith concluded by stating that the City of Surprise has requested that the clarification of transit planning roles and responsibilities be placed on the Regional Council agenda. He stated the staff is requesting direction from the Executive Committee on this agenda item.

Mayor Hallman asked what is it that the City of Surprise is asking for clarification. Mr. Smith replied that in his discussions with the City of Surprise, they are asking that if there are major changes to the Transit Life Cycle Program (TLCP), who has the primary responsibility. Is it the RPTA Board or it is the MAG Regional Council. Mayor Hallman proposed that we discuss this at the next Executive Committee meeting so that we can review the materials. Vice Chair Schoaf stated that this issue needs to be looked at carefully. Mayor Smith asked what the outcome would be of further discussion. He noted that we have an MOU and we have a law that is in place. Mayor Hallman stated that it is his understanding that we reviewed and agreed on what the MOU and law stated. Vice Chair Schoaf asked if staff or the attorney would clarify Section 3 of 485121 E in SB1063 which states that “the Board may recommend modifications to the public transportation element of the Regional Transportation Plan (RTP).” He stated that his question is whether that means changes to the Transit Life Cycle Plan are recommendations to the extent that they effect any change in the RTP. Mr. Smith confirmed that is correct. He explained that when you make changes to the TLCP, those changes need to be in the TIP and the RTP. Vice Chair Schoaf stated that he interprets this section as all changes, not just material changes. Mr. Smith noted that the intent was

material changes. Vice Chair Schoaf stated that he believes that is one of the questions that the City of Surprise would like answered. How those two sections interplay. Fredda Bisman asked for the opportunity to review the documents and report back at the next Executive Committee meeting. Mayor Smith suggested that staff gather together any other specific questions regarding transit planning responsibilities. Vice Chair Schoaf commented that some cities are concerned about the difficulty that the RPTA Board is having in producing any compromise to deal with budget issues and the conflicts that could have an effect on other regional transportation efforts. Mayor Smith asked if this clarification will assist in addressing the issue. Vice Chair Schoaf stated that the Executive Committee has been very clear to MAG staff that all four step in the table are suppose to be implemented. He added that one of the questions we have not asked staff is can we finish those steps without other changes in state law, and if we do, will that allow mitigation of the issues at RPTA.

Mr. Smith stated that the four options were addressed on the prior chart. He noted that the Executive Committee directed staff to move quickly and come back in 60 days. He stated that there were a series of negotiations with our planning partners and MAG staff came back to the Executive Committee with a compromise. The compromise was reflected in the memorandum and aligning the state law with the federal law. Mr. Smith explained that if the desire was to have total control of all operations in the MAG arena, it would require changing state statute. Mr. Smith stated that there was never total support for this idea (column four). Vice Chair Schoaf stated that he did not take away that the process was finished and that should also be part of the conversation. He noted that there still is the problem of multiple boards with multiple memberships that represent the same entities that have an inability to have consistent resolution of planning issues. Mr. Smith commented that the City of Surprise stated their question was that if there are major changes to the TLCF that impact the RTP, who should take the lead. He noted that first question is what is a material change and should there be some type of threshold.

Mayor Hallman stated that he needed to leave the meeting. He suggested that we discuss the issue at the next meeting. He also noted that he is very concerned about local control. Mayor Hallman stated that his suggestion would be to take this one step at a time. For example if the planning responsibilities work well, then we could look at merging the operations of bus and rail, if possible. He noted that he supports following the steps. Vice Chair Schoaf stated that this item will be on the next Executive Committee agenda. Mr. Smith stated that staff will look into the questions and be prepared to give a report at the next meeting.

7. MAG Committee Operating Policies and Procedures - Clarification on Chair and Vice Chair of Technical Committees

Denise McClafferty stated that in July of last year, the Regional Council approved the MAG Committee Operating Policies and Procedures. She noted that it states that "Officer appointments for technical and other policy committees, will be made by the MAG Executive Committee and are eligible for one-year terms, with possible reappointment to serve up to one additional term by consent of the respective committee." It also states that "In the event of a vacancy in the Chair position, the Vice Chair becomes Chair for the unexpired term of the previous Chair and a Vice Chair is elected to complete the remainder of the Vice Chair's term." Ms. McClafferty noted that in other MAG committees, such as the Transportation Policy Committee, it is noted in the Policies and Procedures that the Chair needs to be a MAG member agency. The Technical and Policy

Committees section does not specifically state this. She stated that currently, the Chairs of the technical committees are from MAG member agencies, but the Vice Chairs, in some cases, are from outside agencies, such as a community council. Ms. McClafferty explained that the question is what happens when the second one-year term of the Chair expires and the Vice Chair ascends to the Chair position. She noted that staff is requesting guidance on whether the Chair and Vice Chair of the Technical and Policy Committees should be from a MAG member agency.

Mayor Lopez Rogers stated that this goes back to local control and supports that the chair and vice chair should be from a member agency. Mayor Smith asked if the intent was for the vice chair to ascend to the chair. Mr. Smith stated that the understanding was that the vice chair would ascend to chair. Mayor Smith asked if there was any other compelling agreements why we would not want to have a non MAG member agency as vice chair. Ms. McClafferty stated that in the past there have been issues of non MAG member agencies not completely understanding the MAG process. Mr. Smith added that on the positive side of having a non member agency serve as vice chair is that they can bring new ideas to the table. He stated, however, that it comes back to local control. Mayor Lopez Rogers moved to approve that both chair and vice chair of MAG Technical and Policy Committees need to be from a MAG member agency. Mayor Smith seconded the motion and the motion carried unanimously.

11. Amendment of the MAG FY 2010 Unified Planning Work Program and Annual Budget to Provide Matching Funds to ADOT for a Federal Railroad Administration Grant to Study the Union Pacific Railroad Wellton Branch for Possible Future Amtrak Service to the Phoenix Metropolitan Area

This agenda item was taken out of order. Dennis Smith stated MAG received a call from the state of Arizona and they indicated that they would be applying for funding in the High Speed Rail category and would have to submit their grant with no matching funds because they were unable to provide the match. The State indicated the match would be \$60,000. Mr. Smith noted that they are applying for \$300,000 total and the application is due by May 19, 2010. Mr. Smith stated that he indicated to the State that he would bring the request for MAG to provide the \$60,000 match to the Executive Committee for approval. Mr. Smith then introduced Mark Pearsall, who does the MAG rail planning, to discuss the Wellton Branch rail line.

Mr. Pearsall stated that before the Committee is a slide of the former Southern Pacific Wellton Branch. He noted that Union Pacific currently owns this branch line. Mr. Pearsall pointed out the current Amtrak Sunset Limited Texas Eagle routing through the southern part of the State of Arizona serving the communities of Tucson, Maricopa and Yuma. He noted that the main line, also known as the Gila line, has seen Amtrak service for the last 14 years. He also pointed out the former Amtrak and Intercity Passenger Rail routes through Phoenix, which was in service from 1927 to 1996. These routes were taken out of service when the western portion of this service was down graded to storage. Phoenix then became the 5th largest city in the United States without intercity passenger rail service. Mr. Pearsall stated that the city of Maricopa is the closest city with Amtrak service, and the only way to get to this station is by private vehicle or taxi. The shuttle bus service was discontinued a few years ago. Mr. Pearsall stated that this grant would be used to study the re-implementation of Amtrak service through the Valley by looking at the cost of reopening the line through the west valley.

Mr. Pearsall gave an overview of historic Phoenix Union Station, which was built in 1923. It

received its first through passenger rail service in 1927. Between 1950 and 1960, Southern Pacific and Santa Fe Railway were featuring approximately 12 intercity passenger trains a day, which was a substantial amount for a city the size of Phoenix at that time. He noted that 10 of those train were transcontinental trains from Tucson through Phoenix to Yuma. One train came from Chicago through Flagstaff and Williams and terminating here in Phoenix. Mr. Pearsall showed a slide of a demonstration train that many MAG committee members were lucky enough to ride. He noted that in May 2000, Phoenix borrowed the Amtrak Talgo train from Washington State for a weekend to test the viability and interest of passenger rail between Phoenix and Tucson. Mr. Pearsall presented a slide of Phoenix Union Station today. He noted that Sprint and Qwest currently own the property and it has been restored. Mr. Pearsall then showed an aerial view of Union Station in the 1940's and today. He noted the vacant and industrial areas to the southwest of Union Station today. He also noted that there are ways to connect Union Station again should passenger rail service frequent this facility, with possible extension of the Dash shuttle service. Mr. Pearsall showed the Committee what a future station might look like by putting together a track platform scenario. He noted that with the MAG Commuter Rail Studies, this area was surveyed and looked at for its capability of being an urban rail hub again. This scenario shows the ability to service eight trains a day.

Mayor Hallman stated that he had the pleasure of taking Amtrak from Maricopa to Houston and Boston to New Orleans in 2005. He indicated his concerns of what this region will have to deal with if Amtrak returns. He noted that we need to recognize that freight, which he is in support of through our Sun Corridor efforts, will be in direct conflict with Amtrak. He stated that freight definitely has priority. Mayor Hallman stated that he learned that the Amtrak time schedule is subjective noting that his experience left him 15 to 20 hours late. He stated that he supports moving forward with the grant, but stated that we need to recognize these challenges. Mr. Pearsall stated that Mayor Hallman's points were very relevant. He noted that the things that may be game changers for the region are that Amtrak has proposed remedies to those points. He explained that Amtrak is running a three day a week train in each direction and has been doing this for 40 years with poor results averaging only 78,000 riders a year when most of their other daily services, specifically through Flagstaff, are carrying in the hundreds of thousands. Mr. Pearsall stated that some of the remedies that Amtrak put forward for October is daily service in both directions, thus allowing people to rely on that train; working with Union Pacific to tighten up their scheduled window so that UP can schedule their freight in tandem with their passenger service; focusing everything out of their San Antonio station so that passenger can travel from Chicago to San Antonio to Tucson, Maricopa and Los Angeles; and resurrecting a bus connection between Phoenix and Maricopa. He noted that UP has spent \$20 million in the past five months on improving infrastructure in the Valley, which is something that this region would not have to financially absorb. Mr. Pearsall stated that UP also stated that getting the Amtrak Sunset Limited off the congested southern Gila line and perhaps rerouting through the Valley, would benefit their freight.

Mayor Hallman stated that getting service down onto that Sunset Limited line that goes through Tucson would require reactivating a line that was abandoned, the Valley to Maricopa Line, which is missing a segment. He noted that the massive amount of freight that is currently on the line will take precedence.

Vice Chair Schoaf asked if there were any other comments or questions. There being none he called for a motion.

Mayor Smith moved to approve amending the MAG FY 2010 Unified Planning Work Program and Annual Budget to provide \$60,000 to ADOT as matching funds for a Federal Railroad Administration grant to study the Union Pacific Railroad Wellton Branch for possible future Amtrak service to the Phoenix metropolitan area. Mayor Lopez Rogers seconded the motion and the motion passed unanimously.

8. Request for Future Agenda Items

Vice Chair Schoaf asked if there were any requests for future agenda items. Mayor Hallman confirmed that staff will bring back agenda item number six after further clarification on specific questions or concerns from member agencies. Executive Committee agreed.

9. Comments from the Committee

Vice Chair Schoaf asked if there were any comments for the committee members. Mayor Lane commented on the Wellton Branch item to Mayor Hallman's comment regarding point-to-point service. He noted that he is interested in if this is a controlling study focusing specifically on Amtrak. He asked if there were any other alternative studies regarding rail outside of Amtrak. Mr. Smith stated that the Western High Speed Rail Alliance (WHSRA) is also putting in an application for the connectivity between Phoenix and Las Vegas and Phoenix and Los Angeles. He noted the difference is that the WHSRA is also looking at freight

10. Adjournment

Mayor Lane moved to adjourn the Executive Committee meeting. Mayor Hallman seconded the motion and it carried unanimously. There being no further business, the Executive Committee adjourned at 1:08 p.m.

Chair

Secretary