

February 20, 2008

TO: Members of the MAG Transportation Review Committee

FROM: Tom Callow, City of Phoenix Chair

SUBJECT: MEETING NOTIFICATION AND TRANSMITTAL OF TENTATIVE AGENDA

Thursday, February 28, 2008, 10:00 a.m.
MAG Office, Suite 200, Saguaro Room
302 North 1st Avenue, Phoenix

A meeting of the MAG Transportation Review Committee (TRC) will be held at the time and place noted above. **Please park in the garage under the building. Bring your ticket to the meeting as parking will be validated. Bicycles can be locked in the rack at the entrance to the parking garage.**

Members of the MAG Transportation Review Committee may attend **in person, via videoconference or by telephone conference call**. Those attending by videoconference must notify the MAG office three business days prior to the meeting. Those attending by telephone conference call are requested to call (602) 261-7510 between 9:55 a.m. and 10:00 a.m. on the date of the meeting. After the prompt, please enter the meeting ID number 6872 (MTRC) on the telephone keypad followed by the pound key. If you have a problem or require assistance, dial 0 after calling the number above.

Pursuant to Title II of the Americans with Disabilities Act (ADA), MAG does not discriminate on the basis of disability in admissions to or participation in its public meetings. Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting Christina Hopes at the MAG Office. Requests should be made as early as possible to allow time to arrange the accommodation.

Please be advised that under procedures adopted by the MAG Regional Council on June 26, 1996, all MAG committees need to have a quorum in order to conduct business. A quorum is a simple majority of the membership or twelve people for the MAG TRC. If you are unable to attend the meeting, please make arrangements for a proxy from your jurisdiction to represent you. If you have any questions or need additional information, please contact Eric Anderson or Christina Hopes at (602) 254-6300.

TENTATIVE AGENDA

1. Call to Order
2. Approval of Draft January 31, 2008 Minutes
3. Call to the Audience

An opportunity will be provided to members of the public to address the Transportation Review Committee on items not scheduled on the agenda that fall under the jurisdiction of MAG, or on items on the agenda for discussion but not for action. Citizens will be requested not to exceed a three minute time period for their comments. A total of 15 minutes will be provided for the Call to the Audience agenda item, unless the Transportation Review Committee requests an exception to this limit.

4. Transportation Director's Report

Recent transportation planning activities and upcoming agenda items for the MAG Management Committee will be reviewed by the Transportation Director.

COMMITTEE ACTION REQUESTED

2. Approve Draft minutes of the January 31, 2008 meeting.
3. For information and discussion.

4. For information and discussion.

ITEMS TO BE HEARD

5. CMAQ Funded Projects in the MAG 2008-2012 TIP

The FY 2008-2012 TIP was approved by Regional Council on July 25, 2007. It contains 164 local sponsored projects programmed with \$108 million Congestion Mitigation and Air Quality (CMAQ) funds. MAG, Transit, and the Arizona Department of Transportation (ADOT) have an additional 75 projects programmed with \$158 million CMAQ/CMAQ-Flex funds. On December 20, 2007, Congress passed the Energy Independence and Security Act. The Act

5. For information and discussion.

changes the minimum and maximum cost share levels for CMAQ funded projects in 2008 and 2009. The new legislation allows for CMAQ funds to be programmed for 100% of project costs, and establishes a minimum 80% share of CMAQ funds for project costs. The CMAQ funded projects in the MAG 2008-2012 TIP need to be assessed and reprogrammed to meet the new requirements minimum match requirements. MAG Staff would like to discuss the impact of the new policy, and steps to begin the reprogramming of affected projects. Please review the attached information for discussion at the meeting. Please refer to Attachment One.

6. 2007 MAG Internal Truck Travel Survey and Truck Model Development Study

MAG and Cambridge Systematics, Inc. have recently completed Internal Truck Survey and Truck Model Development project. State-of-the-practice truck travel modeling and survey techniques were applied in this study. The study provided insight into commercial vehicle travel patterns in the region and will help to improve the quality of regional travel forecasts and planning decisions. The survey methodology and sampling framework will be presented along with the model development process. Materials will be presented at the meeting.

7. Member Agency Update

This section of the Agenda will provide Committee members with an opportunity to share information regarding a variety of transportation-related issues within their respective communities.

8. Next Meeting Date

The next regular TRC meeting will be scheduled Thursday, March 27, 2008 at 10:00 a.m. in the MAG Office, Saguaro Room.

6. For information and discussion.

7. For information and discussion.

8. For information and discussion.

DRAFT MINUTES OF THE
MARICOPA ASSOCIATION OF GOVERNMENTS
TRANSPORTATION REVIEW COMMITTEE

January 31, 2008

Maricopa Association of Governments Office
302 North First Avenue, Suite 200, Saguaro Room
Phoenix, Arizona

MEMBERS ATTENDING

Phoenix: Don Herp for Tom Callow
*ADOT: Dan Lance
Avondale: David Fitzhugh
*Buckeye: Scott Lowe
Chandler: Patrice Kraus
*El Mirage: Lance Calvert
Fountain Hills: Randy Harrel
*Gila Bend: Lynn Farmer
*Gila River: David White
Gilbert: Tami Ryall
Glendale: Terry Johnson
Goodyear: Cato Esquivel
Guadalupe: Jim Ricker

Litchfield Park: Mike Cartsonis
Maricopa County: John Hauskins
Mesa: Mike James for Scott Butler
Paradise Valley: Robert M. Cicarelli
Peoria: Burton Charron for David Moody
Queen Creek: Mark Young
RPTA: Bryan Jungwirth
Scottsdale: David Meinhart for
Mary O'Connor
Surprise: Randy Overmyer
Tempe: Carlos de Leon
*Valley Metro Rail: John Farry
Youngtown: Lloyce Robinson

EX-OFFICIO MEMBERS ATTENDING

*Regional Bicycle Task Force: Randi Alcott,
RPTA
*Street Committee: Darryl Crossman, City
of Litchfield Park

*Pedestrian Working Group: Eric Iwersen,
City of Tempe
*ITS Committee: Alan Sanderson

* Members neither present nor represented by proxy. + - Attended by Videoconference
- Attended by Audioconference

OTHERS PRESENT

Eric Anderson, MAG
Ken Hall, MAG
Bob Hazlett, MAG
Roger Herzog, MAG
Roger Roy, MAG
Steve Tate, MAG
Kevin Wallace, MAG
Eileen O. Yazzie, MAG

Ed Stillings, FHWA
Bill Vachon, FHWA
Lynn Timmons, City of Phoenix
Noel Griemsmann, Snell Wilmer
David Kinnear, United Civil Group
Stuart Boggs, Valley Metro/RPTA
Paul Ward, Olssen Associates
Kwi-Sung Kang, ADOT

1. Call to Order

Mr. Don Herp from the City of Phoenix called the meeting to order at 10:05 a.m.

2. Approval of December 6, 2007 Draft Minutes

Mr. Herp asked if there were any changes or amendments to the meeting minutes, and there were none. Mr. David Fitzhugh from the City of Avondale moved to approve the minutes as presented. Then, Mr. Terry Johnson from the City of Glendale seconded, and the minutes were subsequently approved by unanimous voice vote of the Committee.

3. Call to the Audience

Mr. Herp asked if any cards requesting to speak on any item not included in the Committee's agenda had been submitted. None had been received, and Mr. Herp moved on to the next item on the agenda.

4. Transportation Director's Report

Mr. Eric Anderson, the MAG Transportation Director, presented the Transportation Director's Report. The first item on Mr. Anderson's report was Regional Area Road Fund (RARF) revenues. Mr. Anderson informed the Committee that December RARF revenues had decreased 0.5 percent from December 2006. He also informed the Committee that year-to-date RARF revenues were up \$50,000 from the previous year. However, the actual revenues were 3 percent lower than projected.

The second item on the Transportation Director's Report was the MAG Federal Funds Acceleration Process. Mr. Anderson announced that Management Committee Working Group on the Acceleration Policy met on Tuesday. He added that MAG staff would forward a revised Acceleration Policy to the Management Committee, Transportation Policy Committee, and Regional Council in February. Mr. Anderson informed the Committee that a Federal Funds workshop was held on Monday and was well attended. He added that MAG staff received helpful input from attendees that would be incorporated into the transportation programming process.

The final item on the Transportation Director's Report was the impact of the Energy Independence and Security Act passed by the US Congress in December 2007. According to Mr. Anderson, the Act contained a provision that requires Congestion Mitigation and Air Quality (CMAQ) projects to have a minimum 80 percent federal share. Mr. Anderson reminded the Committee that CMAQ projects in the MAG region are funded at differing match rates in order to leverage the limited CMAQ funding. As an example, Mr. Anderson cited the paving of dirt roads projects, which are funding at a 50-50 match.

Mr. Anderson informed the Committee the MAG staff was currently researching the issue due to the potential problems that the provision may cause. Toward that end, MAG staff has contacted the National Association of Regional Councils (NARC), the Association of Metropolitan Planning Organizations (AMPO), and the Arizona Department of Transportation (ADOT) to discuss the issue further. According to Mr. Anderson, unless the provision was amended or removed from the current Act, MAG staff would be required to reprogram the current Transportation Improvement Program (TIP). In addition, preliminary analysis conducted by MAG staff indicated the MAG would need \$33 million dollars in additional funding to meet the Act's match requirements.

Mr. Herp asked the Committee if there were any questions or comments about Mr. Anderson's report. Mr. Fitzhugh asked for additional information about the MAG Acceleration Policies and Federal Funds Process. In particular, he expressed interest in potential changes to the MAG Committee process. Mr. Anderson explained the MAG staff was reviewing all aspects of the MAG Committee process including how federal funding applications are considered at the Modal Committee level. He added that MAG staff is still in the review process and will develop recommendations to present to MAG Committees for a policy discussion at a later date. Mr. Fitzhugh also asked if the policy discussions would address the appointments of committee Chairs and Vice-Chairs. Mr. Anderson affirmed that chair appointments would be the type of recommendations that would result as part of the process.

Mr. Dave Meinhart from the City of Scottsdale asked Mr. Anderson to provide an update on the Freeways Noise Mitigation Process, which was sent to the ADOT for additional analysis. Mr. Anderson informed the Committee that ADOT has retained a consultant for the study. In addition, he reported expressing concerns to ADOT about variations in the data collection process and emphasized the need for accurate data to be used in the modeling process. He added that this request had slowed the progress of the study. Mr. Anderson reported that he anticipated receiving the results of the study in late March or early April of 2008.

Mr. Herp thanked Mr. Anderson for his report and asked if there were any questions. There were none, and this concluded the Transportation Directors' Report.

5. Project Changes – Amendments, and Administrative Modifications to the FY 2008-2012 MAG Transportation Improvement Program and FY2008 - Arterial Life Cycle Program

Mr. Herp invited Ms. Eileen Yazzie from MAG to present project changes to the fiscal year (FY) 2008 -2012 Transportation Improvement Program (TIP) and the FY 2008 Arterial Life Cycle Program (ALCP). Ms. Yazzie announced that additional handouts had been provided for this agenda item. She directed the Committee's attention towards two projects included on the handouts: (1) a Maricopa County Department of Transportation (MCDOT) project on El Mirage Road and (2) a City of Scottsdale project on Shea Boulevard.

Ms. Yazzie acknowledged that both projects required multiple line items in the handouts. She explained that the project changes were all financial in nature and assured the Committee that the changes did not negatively impact the ALCP. She added that the changes did not affect the amount of project funding or the current scope work for the projects.

Mr. Meinhart thanked Ms. Yazzie and MAG staff for their efforts in reprogramming the Shea project. He emphasized the importance of accurately programming the Shea project in lieu of the generic programming, which was listed in the currently approved Arterial Life Cycle Program (ALCP). Then, Mr. Meinhart motioned to approve the amendments and administrative modifications to the FY 2008-2012 TIP and the FY 2008 ALCP as presented by Ms. Yazzie. Mr. Carlos de Leon from the City of Tempe seconded the motion, and the motion was approved by the unanimous voice vote of the committee.

6. Status of Local Sponsored Federal Funded Projects

Mr. Herp invited Ms. Yazzie to present on the on the status of local sponsored federal funded projects for Fiscal Year 2008. Ms. Yazzie directed the Committee's attention to the MAG Federally Funded Projects Status Report handout. She informed the Committee that the Status Report only applied to FY 2008 projects.

Ms. Yazzie reported that Mr. Steve Tate from MAG met with John Dickson from ADOT on Tuesday morning to obtain the most recent data on the FY 2008 projects. According to Ms. Yazzie, the ADOT Local Government Section considers projects to be under active development once project related documents, such as DCR and/or clearances, have been submitted to ADOT. She acknowledged that the active status refers to a project and did not recognize the work that member agencies conducted due prior to ADOT milestones.

Ms. Yazzie announced that this information was available on the MAG Fed TIP Website at <http://www.fedtip.mag.maricopa.gov>. She also announced that in approximately 5 weeks MAG staff would begin the Federal Funds Closeout Process with deferral notifications.

Ms. Yazzie reported that there were 73 federally funded projects programmed to receive \$66.9 million in FY08. The status of the 73 projects was as follows: 6 authorized projects, 34 active projects; 2 active projects pending authorization; and 33 inactive projects. The six authorized projects are programmed for \$4,633,843 in federal funds. The six projects include three paving dirt roads/alley projects, two bicycle projects, and one Intelligent Transportation Systems (ITS) projects.

The 34 active projects are programmed to receive \$46,761,458 in federal funds. Of those 34 projects, two projects programmed to receive \$2.4 million are pending authorization; 16 projects programmed to receive \$13.8 million have submitted a DCR and received environmental clearances; five projects programmed to receive \$4.2 million have an approved DCR; and, 11 projects programmed to receive have not submitted a DCR and received environmental clearances. Ms. Yazzie informed the Committee that the funds associated with the comprise over 50 percent of the active funds.

The 33 inactive projects are programmed to receive \$15,528,900 in federal funds. The 33 inactive projects include 18 paving dirt roads/alley/shoulder projects, seven ITS projects, three bicycle projects, three street projects, and two pedestrian projects. Ms. Yazzie informed the Committee that the three street projects have been programmed in the MAG TIP for a significant period of time. Furthermore, these three inactive projects were programmed in the

TIP prior to the development of the MAG Regional Transportation Plan (RTP).

Ms. Yazzie reported that 44 projects programmed to receive \$41.8 million are in jeopardy of not obligating in fiscal year (FY) 2008. The projects comprise 62 percent of the funds programmed to obligate in FY08. She informed the Committee that only 42% of federally funded projects were obligated in FY07.

Mr. Anderson expressed concerns to the Committee about the number of projects and funds that are being carried over each year. He attributed the addition of Proposition 400 projects as contributing factor to the delay of the projects acknowledging the increased workload of local governments and ADOT. Mr. Anderson stated that is MAG's goal to fully obligate all projects each FY; however, MAG understands that some deferrals will occur but should do so on a case by case basis. He stressed the importance of resolving this issue to the Committee. Discussion followed.

Ms. Yazzie continued her presentation and informed the Committee about provisions of the Energy Independence and Security Act passed by the US Congress in December 2007. The Act provides federal guidance on the programming of Congestion Mitigation and Air Quality (CMAQ) funded projects. The current CMAQ Federal Guidance provides for higher local matches, which can be used to leverage CMAQ funding and extend the program to a greater pool of projects. The provisions of the Act amends this guidance for CMAQ funded projects programmed for FY08 and FY09 and establishes a minimum federal funding of 80 percent for these projects.

Ms. Yazzie reported that the 80 percent funding provision greatly impacted projects in the MAG region. She explained that paving dirt roads projects programmed last summer are at a 50-50 match, and arterial projects programmed in the RTP are programmed for a 70-30 match. Mr. Anderson cautioned the Committee about the potential consequences of the Act to the MAG Transportation Improvement Program. He explained to the Committee that as project costs increase the amount of CMAQ funding for a project would be required to increase to meet the 80 percent federal funding requirement. He reiterated that preliminary analysis indicates that MAG needs an additional \$33 million in CMAQ funding to meet the requirement for projects programmed in FY08 and FY09.

Mr. Anderson informed the Committee that the provision would require MAG to reprogram the entire TIP for CMAQ projects unless there is a congressional action to remove the provision. If the reprogramming were to occur, then projects currently programmed for FY08 and FY09 may be removed or deferred in the revised TIP. Mr. Anderson also informed the Committee that measures listed in the *MAG 2007 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area* would be given first priority during the reprogramming process. Discussion followed. Mr. Anderson stated that MAG staff would prepare a briefing paper on the Act's provision and provide any updates to MAG member agencies as needed.

Mr. Herp thanked Ms. Yazzie for her presentation, and asked the Committee if there were any questions or comments on the agenda item. There were none, and this concluded Ms. Yazzie's report.

7. The Interstate 10 - Hassayampa Valley Transportation Framework Study

Mr. Herp invited Mr. Bob Hazlett from MAG to present on the Interstate 10-Hassayampa Valley Transportation Framework Study . Mr. Herp informed the Committee that a request to speak on the agenda item had been received from the audience. He announced that the speaker would be heard after introductory remarks were provide by Mr. Hazlett.

Mr. Hazlett provided the Committee with a brief history of the Interstate 10-Hassayampa Valley Transportation Framework Study agenda item. He explained that the suggested recommendations for the agenda item were developed in conjunction with staff from member agencies. Mr. Hazlett thanked the following individuals for their assistance in refining the recommended actions: Mr. Dave Moody from the City of Peoria, Mr. Tom Callow from the City of Phoenix, Mr. Oliver from Maricopa County, Mr. Cato Esquivel from the Town of Goodyear, Mr. Randy Overmyer from the City of Surprise, and Mr. Terry Johnson from the City of Glendale.

Mr. Hazlett explained that the action before the Committee included recommending the following actions related to the framework study:

1. Accept the findings of the Interstate 10-Hassayampa Valley Transportation Framework Study as the surface and public transportation framework for the Hassayampa Valley;
2. Adopt the traffic interchange locations for the Interstate-10/Papago Freeway from SR-303L/Estrella Freeway to 459th Avenue;
3. Adopt a two-mile traffic interchange spacing policy for new freeway facilities within the Hassayampa Valley with appropriate planning for non-access crossings of the freeway facilities to facilitate local traffic movements;
4. Adopt a new functional classification as a parkway, recognizing the Arizona Parkway as a type of parkway with unique operating characteristics for congestion and air quality planning purposes;
5. Accept the findings and implementation strategies as described in the study for inclusion as illustrative corridors in the Regional Transportation Plan; and,
6. Recommend the affected jurisdictions within the Hassayampa Valley study area incorporate the study's recommendations into future updates of their general plans.

After hearing Mr. Hazlett's opening comments, Mr. Herp invited Mr. Noel Griemsmann from Snell and Wilmer Law Firm to speak on the agenda item. Mr. Griesmann then proceed to read a statement for the record (see attachment) for Mr. Richard Mallery from Toyota Engineering and Manufacturing. Mr Griemsmann stated that he did not object to the framework study overall and that his firm would be working with MAG staff to address the particular of the alignment on the map.

Mr. Anderson responded to Mr. Griesmann's comments and assured him that MAG would attempt to accommodate his request in regards to the suggested general corridors in the framework study. Discussion followed. Mr. Meinhart suggested that Mr. Hazlett revise action item three to refer to "transportation movements" instead of "traffic movements."

Mr. Herp asked the Committee if there were any additional questions or comments on the agenda and action items. There were none. Mr. Randy Overmyer from the City of Surprise motioned to approve the six recommendation actions for the agenda item with the condition that action item three was revised to read transportation movements. Mr. Meinhart from the City of Scottsdale seconded, and the motion was approved by a unanimous voice vote of the Committee.

8. MAG Regional Traffic Volume Study

Mr. Herp invited Mr. Roger Roy from MAG to present on the MAG Regional Traffic Volume Study. Mr. Roy informed the Committee that the data collected during the study would serve multiple purposes, such as use in the MAG traffic models, in the development of a draft map of the regional traffic volumes, and for dissemination to the public through the MAG website.

Mr. Roy informed the Committee that data was collected from 775 locations throughout the MAG Region. The data collected includes 200 locations where counts were made by vehicle classifications. Traffic counts were performed mid-block for every other mile of the arterial grid system. According to Mr. Roy, the goal of the study was to have counts available for every other mile of the arterial system in the modeling area. To prevent double counting, local jurisdictions were contacted to determine areas where other traffic counts were being conducted. In areas under construction, the traffic counts were performed after construction was completed, where possible.

The traffic counts were performed between September 2006 and April 2006 for periods of 48 hours. During that time, data was recorded in 15 minute intervals. Data collection occurred on Tuesday through Thursdays and did not include weeks of major holidays. The counts were generally performed one section of the valley at a time. The United Civil Group gathered the traffic data using TimeMark traffic counters.

Mr. Roy reported overall trends indicated by the data collected. The trends included a maximum AM traffic count peak between 7:45-8:00 am; a maximum PM traffic count peak between 5:15-5:30 pm; and minimum traffic counts between 3:00-3:15 am. Mr. Roy explained that for quality assurance purposes the results of the current study were compared with the results of the study conducted in 2002. The results of the comparison indicated a slight increase in traffic volume from 2002 to 2008.

Mr. Roy also reported on the total daily volumes at the various locations throughout the MAG region. He noted that the most common daily volumes (combined in both directions) recorded were approximately 30,000 vehicles per day (vpd), with almost 10 percent of the recorded arterials having volumes between 28,000 and 32,000 vpd. The busiest recorded arterials had over 60,000 vehicles per day. He then directed the Committee's attention to a table of the ten busiest locations. According to Mr. Roy, the ten busiest locations in 2007 included:

- Indian School Rd. between 24th Ave. and I-17 (60,411 vpd)
- Indian School Rd. between 27th Ave. and I-17 (59,436 vpd)
- Bell Rd. between RH Johnson Blvd. and El Mirage Rd. (57,488 vpd)
- Baseline Rd. between 1-10 and Priest Dr. (57,278 vpd)

- Indian School Rd. between 35th Ave. and 27th Ave. (56,717 vpd)
- Baseline Rd. between 24th St. and 32nd St. (55,751 vpd)
- 7th Street between 1-10 and McDowell Rd. (54,076 vpd)
- Shea Blvd. between Scottsdale Rd. and Hayden Rd. (54,028 vpd)
- Scottsdale Rd. between Cactus Rd. and Thunderbird Rd. (52,322 vpd)
- Chandler Blvd. between 40th St. and 48th St. (50,371 vpd)

Mr. Roy informed the Committee that location specific data was available in spreadsheet format that summarized the daily volumes each location by direction and listed the dates that the counts were performed. He also announced that an Access database developed by the United Civil Group was available for download from the MAG website. Mr. Roy cautioned that the size of the database exceeded 50 MB and would require a significant amount of time to download.

Mr. Roy informed the Committee that a final report discussing the study was available. He directed the Committee to the MAG website to download an electronic version of the final report or to download the Access database, summary table, or 2007 Traffic Volume Map. After his presentation, Mr. Roy inquired if the Committee had any questions or comments. Mr. Fitzhugh from the City of Avondale requested that references to 115th Avenue on the 2007 Traffic Volume Map be replaced with Avondale Boulevard for segment locations within the city limits of Avondale. Mr. Roy agreed to make the changes to the 2007 Traffic Volume Map per Mr. Fitzhugh's request.

Mr. Herp thanked Mr. Roy for his presentation and asked the Committee if there were any additional questions or comments. There were none and this concluded Mr. Roy's report.

9. Member Agency Update

Mr. Herp asked members of the Committee whether they would like to provide updates; address any issues or areas of concern regarding transportation at the regional level; and asked whether any members in attendance would like to address recent information that was relevant to transportation within their communities. There were none, and this concluded the Member Agency Update.

10. Next Meeting Date

Mr. Herp informed members in attendance that the next meeting of the Committee would be held on February 28, 2008. There being no further business, Mr. Herp adjourned the meeting at 11:15 p.m.

One Arizona Center
Phoenix, AZ 85004-2202
602.382.6000
602.382.6070 (Fax)
www.swlaw.com

Nicholas J. Wood
602.382.6269
nwood@swlaw.com

January 31, 2008

DENVER
LAS VEGAS
ORANGE COUNTY
PHOENIX
SALT LAKE CITY
TUCSON

Maricopa Association of Governments
Transportation Review Committee
302 North First Avenue, Suite 300
Phoenix, AZ 85003

Re: Interstate 10 – Hassayampa Valley Roadway Framework Study

Dear Chairman and Members of the Committee:

We represent Toyota Engineering and Manufacturing NA/TTTC (“Toyota”).

You will note in reviewing the enclosed aerial photograph and enclosed MAG Transportation Framework Recommendation, that your consultants are recommending the construction of the Hassayampa North-South Freeway through the 12,000-acre Toyota Technical Testing Facility (the “Testing Facility”) and, in particular, through its ten-mile oval testing track.

The Testing Facility is Toyota’s international center for research and development. It represents hundreds of millions of dollars in investment by Toyota. It is also the product of a multi-year effort by the State of Arizona, the Office of the Governor, Maricopa County and the City of Phoenix to bring this facility to our community. In the latter part of the 1980s through 1990, I worked closely with Governor Mofford, Governor Symington, Maricopa County and the City of Phoenix to successfully compete for the Testing Facility. Our efforts culminated in a trip by Governor Symington and me to Japan to meet personally with Chairman Toyoda, the head of Toyota Motors. During that visit, Governor Symington and I made a commitment that the State of Arizona would be a strong and trusted partner with Toyota now and in the future.

You also must realize that, not only will the planning and construction of this road embarrass Arizona and seriously jeopardize our relationship with Toyota, it will cause the closure of a valuable economic center. The loss of jobs and the destruction of one of the most advanced technical/engineering facilities in the world would severely damage Arizona’s reputation. The loss to Toyota will far exceed the \$300,000,000 cost (measured in 2008 dollars).

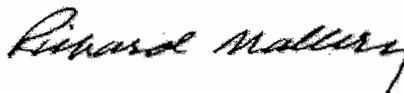
We have had numerous discussions with Mr. Mel Shultz, a principal in the ownership group of Douglas Ranch. Douglas Ranch is the 35,000 acre project immediately south of the Testing Facility. Mr. Shultz and his partners support the relocation of the Freeway to the West of the Testing Facility. You may reach Mr. Schultz at Sonoran West Properties, 2400 E. Arizona Biltmore Circle, Bld. 2 Suite 270, 85016. Mr. Shultz phone number is 602-224-2312.

Maricopa Association of Governments
Transportation Review Committee
January 31, 2008
Page 2

It is, frankly, incomprehensible that MAG would consider placing a freeway through such a valuable facility. We, therefore, respectfully request that the alignment for the Freeway be moved a reasonable distance to the West of the Technical Center.

Please call me at 602.382.6232. Thank you.

Sincerely,



Richard Mallery

RM:dls

Enclosure

cc: Mr. Mel Schultz
Daniel Fuchs, Esq.
Nicholas J. Wood, Esq.

ATTACHMENT ONE

February 19, 2008

TO: Members of the MAG Transportation Review Committee

FROM: Eileen O. Yazzie, Transportation Programming Manager

SUBJECT: CMAQ FUNDED PROJECTS IN THE MAG 2008-2012 TIP

On December 20, 2007, Congress passed the Energy Independence and Security Act. The Act changes the minimum and maximum cost share levels for CMAQ funded projects in 2008 and 2009. The new legislation allows for CMAQ funds to be programmed for 100% of project costs, and establishes a minimum 80% share of CMAQ funds for project costs.

The FY 2008-2012 TIP was approved by Regional Council on July 25, 2007. The TIP contains 164 local sponsored projects programmed with \$108 million CMAQ funds. MAG, Transit, and ADOT have an additional 75 projects programmed with \$158 million CMAQ/CMAQ-Flex funds. Over 70% of CMAQ funded projects in the 2008-2012 MAG TIP are programmed below the NEW minimum match requirement of 80% CMAQ funds.

To find a solution, MAG is pursuing dual, parallel strategies. The first is a Congressional remedy. Simultaneously, MAG and its member agencies need to begin preparation for reprogramming projects in the 2008-2012 MAG TIP. By the February 28, 2008 TRC meeting, MAG staff will have a better understanding of the possibility for a Congressional remedy.

If the reprogramming effort needs to move forward, MAG Staff and member agencies will need to outline this approach. The following points are for consideration in the discussion:

- The new policy impacts FFY08 & FFY09. This policy directive will most likely continue in the reauthorization bill, affecting 2010-2012 projects also.
- The 80% minimum applies to the actual project cost not the estimate. Cost increases and scope creep can result in higher costs therefore, requiring a higher amount of CMAQ than what was originally programmed.
- Transportation Control Measures (TCM) are high priority projects for funding.
- Possible reprogramming strategies: reallocating CMAQ & local funds within a jurisdiction, and reallocating funds with ADOT.
- Identifying projects for deferment and deletion
- Establishing a schedule of the reprogramming effort
- Development of the 09-13 TIP will be on hold pending resolution of this issue.

In addition, the attached tables provide more detailed project information. Table A focuses on Local Sponsored CMAQ funded projects in the 2008-2012 TIP. Table B shows an overview of the MAG, ADOT, and Transit CMAQ funded projects in the 2008-2012 TIP. The information in Table C is on the status of 2008 - Local Sponsored CMAQ funded projects.

TABLE A - Overview of Local Sponsored CMAQ Projects - 2008-2012 MAG TIP*

Year	Data	Mode							Grand Total
		AQ or TDM	Bicycle	ITS	Pedestrian	Street			
2008	Sum of Local Cost	\$ 12,768,167	\$ 12,110,077	\$ 6,536,454	\$ 4,739,827	\$ 9,908,400		\$ 46,062,925	
	Sum of Federal Cost	\$ 12,829,153	\$ 12,980,852	\$ 8,839,559	\$ 6,376,037	\$ 7,713,600		\$ 48,739,201	
	Sum of Total Cost	\$ 25,597,320	\$ 25,090,929	\$ 15,376,013	\$ 11,115,864	\$ 17,622,000		\$ 94,802,126	
2009	# of Projects	24	13	16	9	7		69	
	# of Projects less than 80% CMAQ	23	9	11	6	6		55	
	Sum of Local Cost	\$ 2,438,952	\$ 4,192,167	\$ 5,146,835	\$ 2,918,261	\$ 4,637,000		\$ 19,333,215	
2010	Sum of Federal Cost	\$ 3,500,000	\$ 4,062,733	\$ 5,315,902	\$ 3,253,656	\$ 1,710,000		\$ 17,842,291	
	Sum of Total Cost	\$ 5,938,952	\$ 8,254,900	\$ 10,462,737	\$ 6,171,917	\$ 6,347,000		\$ 37,175,506	
	# of Projects	4	5	11	3	2		25	
2011	# of Projects less than 80% CMAQ	4	5	11	3	2		25	
	Sum of Local Cost		\$ 2,297,926	\$ 6,551,534	\$ 5,977,132	\$ 2,244,000		\$ 17,070,592	
	Sum of Federal Cost		\$ 4,064,671	\$ 4,543,503	\$ 4,999,903	\$ 1,256,000		\$ 14,864,077	
2012	Sum of Total Cost		\$ 6,362,597	\$ 11,095,037	\$ 10,977,035	\$ 3,500,000		\$ 31,934,669	
	# of Projects		5	10	5	1		21	
	# of Projects less than 80% CMAQ		4	10	5	1		20	
2011	Sum of Local Cost		\$ 8,079,975	\$ 5,217,846	\$ 10,650,608			\$ 23,948,429	
	Sum of Federal Cost		\$ 3,878,994	\$ 5,237,444	\$ 4,364,831			\$ 13,481,269	
	Sum of Total Cost		\$ 11,958,969	\$ 10,455,290	\$ 15,015,439			\$ 37,429,698	
2012	# of Projects		5	12	9			26	
	# of Projects less than 80% CMAQ		5	12	9			26	
	Sum of Local Cost		\$ 2,228,541	\$ 5,736,899	\$ 2,833,776			\$ 10,799,216	
2012	Sum of Federal Cost		\$ 3,480,189	\$ 5,041,136	\$ 4,419,811			\$ 12,941,136	
	Sum of Total Cost		\$ 5,708,730	\$ 10,778,035	\$ 7,253,587			\$ 23,740,352	
	# of Projects		5	12	6			23	
2012	# of Projects less than 80% CMAQ		5	12	6			23	
	Sum of Local Cost		\$ 15,207,119	\$ 29,189,568	\$ 27,119,604	\$ 16,789,400		\$ 117,214,377	
	Sum of Federal Cost		\$ 16,329,153	\$ 28,467,439	\$ 23,414,238	\$ 10,679,600		\$ 107,867,974	
2012	Sum of Total Cost		\$ 31,536,272	\$ 57,376,125	\$ 50,533,842	\$ 27,469,000		\$ 225,082,351	
	Total # of Projects		28	33	61	32	10	164	
	Total # of Projects less than 80% CMAQ		27	28	56	29	9	149	

* This Table does not include projects programmed for ADOT, MAG, and Transit.

TABLE B - Overview of MAG, ADOT and Transit CMAQ Projects - 2008-2012 MAG TIP*

Year	Data	Mode							Grand Total
		AQ or TDM	Bicycle	Freeway	ITS	Pedestrian	Transit		
2008	Sum of Local Cost	\$ 87,000	\$ 274,249		\$ (4,729,555)		\$ 437,500	\$ (3,930,806)	
	Sum of Federal Cost	\$ 3,115,000	\$ 543,950		\$ 11,549,555		\$ 15,016,633	\$ 30,225,138	
	Sum of Total Cost	\$ 3,202,000	\$ 818,199		\$ 6,820,000		\$ 18,081,054	\$ 28,921,253	
	# of Projects	5	3		4		2	14	
	# of Projects less than 80% CMAQ	0	3		1		1	5	
2009	Sum of Local Cost	\$ 93,139	\$ 64,571		\$ 358,092		\$ -	\$ 515,802	
	Sum of Federal Cost	\$ 3,215,000	\$ 24,000		\$ 6,732,908		\$ 16,764,416	\$ 26,736,324	
	Sum of Total Cost	\$ 3,308,139	\$ 88,571		\$ 7,433,000		\$ 19,167,861	\$ 29,997,571	
	# of Projects	5	1		4		3	13	
	# of Projects less than 80% CMAQ	0	1		2		0	3	
2010	Sum of Local Cost	\$ 1,599,183			\$ 1,339,503	\$ 688,500	\$ -	\$ 3,627,186	
	Sum of Federal Cost	\$ 6,815,000			\$ 3,321,497	\$ 1,606,500	\$ 18,300,210	\$ 30,043,207	
	Sum of Total Cost	\$ 8,414,183			\$ 4,661,000	\$ 2,295,000	\$ 31,275,115	\$ 46,645,298	
	# of Projects	6			3	1	3	13	
	# of Projects less than 80% CMAQ	1			2	1	2	6	
2011	Sum of Local Cost	\$ 275,532	\$ 8,500		\$ 515,650		\$ 15,016,753	\$ 15,816,435	
	Sum of Federal Cost	\$ 6,654,362	\$ 20,000		\$ 5,324,350		\$ 18,610,000	\$ 30,608,712	
	Sum of Total Cost	\$ 6,929,894	\$ 28,500		\$ 5,840,000		\$ 36,586,753	\$ 49,385,147	
	# of Projects	6	1		8		4	19	
	# of Projects less than 80% CMAQ	0	1		1		2	4	
2012	Sum of Local Cost	\$ 357,500	\$ 73,000	\$ -	\$ 238,135		\$ 13,961,722	\$ 14,630,357	
	Sum of Federal Cost	\$ 8,000,000	\$ 165,000	\$ 8,000,000	\$ 798,865		\$ 24,036,888	\$ 41,000,753	
	Sum of Total Cost	\$ 8,357,500	\$ 238,000	\$ 8,000,000	\$ 1,037,000		\$ 40,458,610	\$ 58,091,110	
	# of Projects	6	1	1	2		6	16	
	# of Projects less than 80% CMAQ	0	1	0	1		2	4	
Total	Sum of Local Cost	\$ 2,412,354	\$ 420,320	\$ -	\$ (2,278,175)	\$ 688,500	\$ 29,415,975	\$ 30,658,974	
Total	Sum of Federal Cost	\$ 27,799,362	\$ 752,950	\$ 8,000,000	\$ 27,727,175	\$ 1,606,500	\$ 92,728,147	\$ 158,614,134	
Total	Sum of Total Cost	\$ 30,211,716	\$ 1,173,270	\$ 8,000,000	\$ 25,791,000	\$ 2,295,000	\$ 145,569,393	\$ 213,040,379	
Total	# of Projects	28	6	1	21	1	18	75	
Total	# of Projects less than 80% CMAQ	1	6	0	7	1	7	22	

* Negative numbers indicate a reimbursement due to ADOT or Transit.

TABLE C - Status of 2008 Local Sponsored CMAQ Projects

Project Status Feb 08	Data	Mode						Grand Total
		AQ or TDM	Bicycle	ITS	Pedestrian	Street		
Obligated - 1	Sum of Local Cost	\$ 1,566,100	\$ 1,973,683	\$ 242,693			\$ 3,782,476	
	Sum of Federal Cost	\$ 2,440,900	\$ 1,973,683	\$ 560,951			\$ 4,975,534	
	Sum of Total Cost	\$ 4,007,000	\$ 3,947,366	\$ 803,644			\$ 8,758,010	
	# of Projects	3	2	2			7	
Likely to Obligate - 2	# of Projects less than 80% CMAQ	2	2	2			6	
	Funds needed to be at 80%	\$ 782,700	\$ 1,184,210	\$ 81,964			\$ 2,048,874	
	Sum of Local Cost	\$ 1,519,562	\$ 2,265,081	\$ 1,260,900	\$ 2,692,577	\$ 7,368,400	\$ 15,106,520	
	Sum of Federal Cost	\$ 1,968,979	\$ 5,655,189	\$ 3,483,664	\$ 2,467,800	\$ 6,113,600	\$ 19,689,232	
Unlikely to Obligate - 3	Sum of Total Cost	\$ 3,488,541	\$ 7,920,270	\$ 4,744,564	\$ 5,160,377	\$ 13,482,000	\$ 34,795,752	
	# of Projects	3	7	7	5	4	26	
	# of Projects less than 80% CMAQ	3	3	4	3	3	16	
	Funds needed to be at 80%	\$ 821,854	\$ 925,000	\$ 369,187	\$ 1,663,662	\$ 4,672,000	\$ 8,451,703	
Unlikely to Obligate - 3	Sum of Local Cost	\$ 8,350,415	\$ 6,250,000	\$ 917,100	\$ 1,034,220	\$ 340,000	\$ 16,891,735	
	Sum of Federal Cost	\$ 7,011,064	\$ 3,350,000	\$ 550,221	\$ 2,744,180	\$ 500,000	\$ 14,155,465	
	Sum of Total Cost	\$ 15,361,479	\$ 9,600,000	\$ 1,467,321	\$ 3,778,400	\$ 840,000	\$ 31,047,200	
	# of Projects	15	1	1	3	1	21	
Will not Obligate in FY 2008 - 4	# of Projects less than 80% CMAQ	15	1	1	2	1	20	
	Funds needed to be at 80%	\$ 5,278,119	\$ 4,330,000	\$ 623,636	\$ 277,740	\$ 172,000	\$ 10,681,495	
	Sum of Local Cost	\$ 1,275,000	\$ 1,621,313	\$ 3,980,602	\$ 1,013,030	\$ 2,100,000	\$ 9,989,945	
	Sum of Federal Cost	\$ 1,275,000	\$ 2,001,980	\$ 3,952,998	\$ 1,164,057	\$ 800,000	\$ 9,194,035	
Total Sum of Local Cost	Sum of Total Cost	\$ 2,550,000	\$ 3,623,293	\$ 7,933,600	\$ 2,177,087	\$ 2,900,000	\$ 19,183,980	
	# of Projects	2	3	5	1	1	12	
	# of Projects less than 80% CMAQ	2	3	3	1	1	10	
	Funds needed to be at 80%	\$ 765,000	\$ 896,654	\$ 2,450,207	\$ 577,613	\$ 1,520,000	\$ 6,209,474	
Total Sum of Federal Cost	Sum of Local Cost	\$ 12,711,077	\$ 12,110,077	\$ 6,401,295	\$ 4,739,827	\$ 9,808,400	\$ 45,770,676	
	Sum of Federal Cost	\$ 12,695,943	\$ 12,980,852	\$ 8,547,834	\$ 6,376,037	\$ 7,413,600	\$ 48,014,266	
	Sum of Total Cost	\$ 25,407,020	\$ 25,090,929	\$ 14,949,129	\$ 11,115,864	\$ 17,222,000	\$ 93,784,942	
	Total # of Projects	23	13	15	9	6	66	
Total # of Projects less than 80% CMAQ	Total # of Projects less than 80% CMAQ	22	9	10	6	5	52	
	Total Funds needed to be at 80%	\$ 7,647,673	\$ 7,335,864	\$ 3,524,994	\$ 2,519,014	\$ 6,364,000	\$ 27,391,546	

1 - Projects that have obligated prior to December 20, 2007.

2 - Project has completed a DCR and well along in the environmental process, or is a procurement project.

3 - Project has not completed DCR and nor environmental.

4 - Agency has indicated that it will request project to be carry forward.