

GOODMAN ▪ SCHWARTZ
PUBLIC AFFAIRS

WEEKLY LEGISLATIVE REPORT

Arizona Transit Association

March 14, 2003

Budget Special Session

The Governor has called a special legislative session to address the FY 2003 budget shortfall for Monday, March 17th at 9:00 a.m. Historically, such special sessions are not called unless an agreement has been reached between the legislative leadership and the Governor's Office.

MAG Takes Neutral Position on Regional Transportation Planning Legislation

HB 2292 passed, unamended, out of the Senate Committee on Natural Resources and Transportation with a 6-0 vote. Although the bill passed out of the House with a 60-0 vote, the Maricopa Association of Governments (MAG) has recently raised concerns regarding the legislation and its impact on public transportation related issues.

Complicating the issue is that despite MAG's opposition in the committee hearing, a Letter to the Editor from the MAG chairman was published in the March 10th *East Valley Tribune* supporting the legislation and did not express any of the concerns raised in committee.

List below are the issues raised in the Senate committee this week:

1. Funding Mechanism for Streets – HB 2292 calls for a multi-modal plan, yet, according to MAG, no funding mechanism is available for the improvement of streets. Accordingly, MAG is advocating for the definition of RARF to be modified to allow for street improvements.
2. Material Cost Change Requirement – although HB 2292 requires a multi-modal plan, the protection against cost overruns is nonexistent for transit projects. In response, MAG proposes that the statutorily created material cost change provision for freeways could be modified to include transit projects.
3. Enhancement Requirement – In the design concept, certain costs are considered standard. Without an enhancement policy, it is difficult to control who pays for enhancements to the transit system. Similar to the material cost change issue raised above, the enhancement policy for freeways could be modified to ensure that costs for transit enhancements are paid by local agencies.
4. Annual Report to the Public and Public Hearing – Many of the best practices for the freeway program, such as improved revenue forecasting, were based on the ability to identify such issues in the annual report as the freeway program was being implemented. Not including this mechanism for transit projects would lessen the scrutiny of the transit program for projects funded by the sales tax. Accordingly, the enhancement policy for freeways could be modified to ensure that costs for transit enhancements are paid by local agencies.
5. Citizen's Oversight – Not including citizen oversight for sales tax funds expended for transit would reduce the public confidence in the controls for the program. Public confidence can be restored by modifying the existing Citizen's Transportation Oversight Committee for freeway expenditures to include transit expenditures.

6. Public Transportation Fund – Although HB 2292 requires a multi-modal plan, the Public Transportation Fund currently in state law does not provide for accepting regional sales tax funds beyond the current approximate 2%. Therefore, the proposed transportation plan could call for transit projects with no funding mechanism. The Public Transportation Fund would need to be modified to accept regional sales tax funds identified in the Regional Transportation Plan approved by the voters.

January 19, 2004 is the “soft date” for the regional transportation plan election according to MAG. However, it was stated that the election could occur as late as May 2005.

Week in Review

HB 2292, regarding the transportation policy committee and regional planning, passed out of the Senate Committee on Natural Resources and Transportation with a 6-0 vote.

SB 1059, regarding critical public service facilities trespassing, passed the House Committee on Judiciary with a 10-0 vote.

SB 1107, regarding ADOT and federal monies, passed the House Committee on Natural Resources with a 9-0 vote.

SB 1108, regarding vehicle load restrictions and assessments, passed the House Committee on Transportation with an 8-0 vote.

A Preview for the Week Ahead

No bills relating to AzTA are scheduled to be heard during the week of March 17th.

Comments

Please contact Stuart Goodman at 602-277-0911 or stuart@goodmanschwartz.com

LEGISLATIVE TRACKING REPORT

Arizona Transit Association

March 14, 2003

BILL	TITLE	SPONSORS	SUMMARY	HOUSE COMMITTEES	SENATE COMMITTEES	ACTION
HB 2027	local transportation assistance fund	McClure	Placeholder legislation developed on behalf of the Arizona Transit Association.	Rules		failed in chamber of origin
HB 2288	regional transportation districts	Pierce, Thompson		Transportation, Rules		failed in chamber of origin
HB 2292	county transportation; planning; excise tax	Pierce, Pearce, Chase, Senator Binder	In order for a county with a population in excess of 1.2 million in population to extend an existing excise tax for transportation, the regional planning agency in a county must establish a Transportation Policy Committee consisting of public and private sector members and legislators. The committee is requires to adopt a comprehensive, multi-modal and coordinated regional transportation plan for the county, including the establishment of priority transportation corridors. Any changes to the adopted regional transportation plan must be approved by the Legislature and the State Transportation Board .	Transportation, rules	Natural Resources and Transportation, Finance, rules	passed Senate NRT 6-0, 3/11
HB 2387	older motor vehicles; registration	Pearce, Pierce, Gray, Johnson		Transportation, Environment, Appropriations, Rules		failed in chamber of origin

BILL	TITLE	SPONSORS	SUMMARY	HOUSE COMMITTEES	SENATE COMMITTEES	ACTION
SB 1059	trespass; critical public service facilities	Tibshraeny, Mitchell, Allen, Harper	Prohibits knowingly entering or remaining unlawfully in a critical public service facility and classifies the crime as a class 6 felony. Judiciary Amendment: Specifies trespassing in a critical public service facility constitutes a class 6 felony.	Judiciary, Utilities and Municipalities, rules	Judiciary, Rules	passed House Jud 10-0, 3/13
SB 1107	ADOT; federal monies; acceptance; expenditures	Binder	Adds tribal governments to the list of entities that the Arizona Department of Transportation may cooperate with for the benefit of transportation purposes.	Transportation, Natural Resources, rules	Natural Resources and Transportation	passed House NRA 9-0, 3/12
SB 1108	vehicle load restrictions; violations; assessments	Binder	Makes changes to the penalties associated with vehicle loads that become loose, detached or in any manner a hazard to other users of the highway.	Transportation, Environment, rules	Natural Resources and Transportation	passed House Trans 8-0, 3/10