

## WEEKLY LEGISLATIVE REPORT

Arizona Transit Association

May 4, 2007

### A Week in Review

#### Transportation Issues in Senate Budget

##### **Striker to SB 1097 (Transportation BRB):**

- Extends the allowable repayment period for State Highway Fund bonds from 20 to 30 years.
- Appropriations \$10 million from the Statewide Transportation Acceleration Needs (STAN) Account to the newly established Roads of Regional Significance Congestion Mitigation (RRSCM) Account. The RRSCM Account is established as a separate account of the STAN Account and may include:
  - legislative appropriations, monies designated for deposit by the State Transportation Board (STB), monies received from the U.S. government for congestion mitigation projects, monies received from political subdivisions, Indian tribes or state agencies for congestion mitigation, interest and other investment income, and gifts, grants, donations or other amounts received from any public or private source designated for congestion mitigation.
- Prohibits the STB from approving any expenditure from the RRSCM Account unless the expenditure is made under the account's requirements and is for the construction, design or planning of roads and bridges that are contained but not funded in the transportation plan of a city, town or county. In addition, the project must be in a regional planning agency's or a county's transportation improvement plan.
- To be eligible to receive monies from the RRSCM Account, participating jurisdictions must be a county, city or town with an average growth rate that exceeds the respective average county, city or town growth rate in Arizona by at least 50 percent in the last five years.
- Prior to the awarding of funding to begin a project, each government entity that is awarded monies from the RRSCM Account for a project must enter into a MOU with every other government entity involved in the project before the project begins outlining each entity's fiscal responsibility for the project.
- Governmental entities that receive RRSCM monies must reimburse the account for the entire amount of the monies received for a project as outlined in the MOU.
- The RRSCM program terminates on July 1, 2012.
- Repeals a \$650,000 appropriation designated for railroad right-of-way acquisition adopted in 2002 and appropriates any unexpended or unencumbered monies to ADOT for costs related to the study, planning and acquisition of railroad right-of-way and infrastructure necessary to accommodate future freight and passenger rail service in the state's best interest. This provision does not alter or impact any existing agreements for permits that have been entered into or obtained by utility companies located within the existing railroad right of way.

- Allows a \$500,000 appropriation made to the ADOT for a MVD computer system assessment from the State Highway Fund in FY 2007 to be exempt from lapsing through June 30, 2008.

### **Striker to SB 1086 (general appropriations act)**

- Appropriates \$62 million from the State Highway Fund to the STAN Account.

### **Transportation Issues in House Budget**

#### HB 2793 (transportation BRB)

- Authorizes the ADOT to use up to \$10 million from the Highway Expansion and Extension Loan Program (HELP) Fund for eligible transit capital projects in municipalities with a population of 50,000 persons or less. (very similar to HB 2228 except that eligible project is defined in HB 2228 as those that items that are part of the federal transit administration's rural public transportation program for eligible entities listed in section 28-7676; in HB 2793 there is no reference to 28-7676)
- Prohibits STAN Account monies from being funded with monies from a consent agreement or any type of negotiated settlement by any state or local agency or any donation made in place of a consent agreement or any type of settlement
- Allows the STB to approve the reimbursement of interest costs for the acceleration of a transportation project from the STAN Account if:
  - The interest costs are bonds, loans or advances issued to a city or county that enters into an agreement with ADOT and the regional planning agency after January 1, 2007 for the acceleration of a transportation project that is

contained in the regional transportation plan of a county or the department's long-range statewide transportation plan.

- The regional planning agency in a county that is designated as a transportation management area or ADOT in cooperation with the MPO or COG establishes a process for the review and approval of reimbursement of interest costs from the STAN Account. After approval, the project may be considered with other eligible acceleration projects

- Allows a \$500,000 appropriation made to the ADOT for a MVD computer system assessment from the State Highway Fund in FY 2007 to be exempt from lapsing through June 30, 2008.

### **HB 2781 (general appropriations act)**

- Appropriates \$62 million from the State Highway Fund to the STAN Account.

### **A Preview for the Week Ahead**

As is typically the situation, the budget process has reached a temporary impasse, as key controversial budget related issues remain unresolved.

Neither the House nor the Senate has been able to secure enough votes for a budget by the end of the legislative week. While these issues always get resolved in the end, there is currently no light at the end of the tunnel.

Once again, no reasonable predictions for adjournment.

### **Comments**

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# LEGISLATIVE TRACKING REPORT

Arizona Transit Association

May 4, 2007

BILL	TITLE	SPONSORS	SUMMARY	HOUSE COMMITTEES	SENATE COMMITTEES	ACTION
HB 2131	development fees; public transportation	Farley (6)	As introduced, allows municipalities and counties to assess development fees to offset the costs of public transportation.	Counties and Municipalities, Ways and Means, Rules		committee assignment, 1/16
HB 2153	ADOT hearings	Biggs	<b>STRIKE EVERYTHING AMENDMENT:</b> Allows the Arizona Department of Transportation (ADOT) to dispose of property that was purchased with monies from the Regional Area Road Fund (RARF) or Highway User Revenue Fund (HURF) if the property is not needed for transportation purposes and establishes a reimbursement mechanism for the funds.	Transportation, Rules	Transportation, Rules	passed Senate 27-0, 4/11
HB 2228	vehicle license tax; hybrid vehicles  S/E: Highway expansion fund; transit capital projects	McClure (2)	<b>STRIKE EVERYTHING AMENDMENT:</b> Sets aside the sum of \$10,000,000 in the <i>Highway Expansion and Extension Loan Program (HELP)</i> fund for eligible transit capital projects in municipalities with a population of fifty thousand persons or less. <b>SECOND STRIKE EVERYTHING AMENDMENT IN SENATE APPROPRIATIONS:</b> Makes numerous changes conforming Arizona's commercial driver license (CDL) and commercial motor vehicle (CMV) statutes to federal regulations and rules.	Transportation, Rules	Appropriations, Rules	passed Senate 28-0, 5/2



BILL	TITLE	SPONSORS	SUMMARY	HOUSE COMMITTEES	SENATE COMMITTEES	ACTION
HB 2570	railroad right-of-way acquisition	Biggs	As introduced, on the approval of the State Transportation Board, the Arizona Department of Transportation shall use the monies from a designated fund to acquire a railroad right-of-way to accommodate future freight or passenger rail service. \$650,000 is available for the purchase of such right-of-way. <b>STRIKE EVERYTHING AMENDMNET: Requires evidence of legally authorized presence in the United States in order to obtain a vehicle title or registration.</b>	Transportation, Appropriations, Rules	Transportation, Appropriations, Rules	withdrawn Senate Appropriations, 4/2
HB 2682	blue ribbon transportation committee	Biggs	As passed by the House, establishes a legislative committee to review reports on transportation and make recommendations on which legislative issues relating to transportation should be addressed in the next legislative session. <b>AMENDMENT: Removes the requirement that the committee makes recommendations on transportation issues and, instead, requires the committee to review existing funding sources for transportation and the allocation of those resources and to review the composition and powers and duties of the State Transportation Board. Makes the co-chairpersons of the blue ribbon committee the chairman of each of the Transportation Committees and states the blue ribbon committee may only meet at the call of the co-chairpersons.</b>	Transportation, Rules	Transportation, Rules	failed, Senate 13-16, 4/25
SB 1161	HOV lanes; motorcycles; buses	Tibshraeny	As introduced, clarifies existing state law to allow unoccupied public transportation buses and motorcycles to use the HOV at all times. Consistent with federal law that governs the construction and use of federally funded HOV lanes.	Transportation, Rules	Transportation, Rules	Laws 2007, Chapter 32
SB 1585	HOV lane conversion; toll lane	Gould (2)	As introduced, requires the Department of Transportation, by November 15, 2012, to issue a request for proposals for the conversion of HOV lanes		Transportation, Rules	passed, Senate Transportation, 2/13

BILL	TITLE	SPONSORS	SUMMARY	HOUSE COMMITTEES	SENATE COMMITTEES	ACTION
			on Interstate 17 between Loop 101 and Interstate 10 into a high occupancy toll lane. Allows ADOT to issue an RFP for the conversion of the HOV lanes on any other highway in this state into a high occupancy toll lane by November 15, 2012.			
SB 1591	performance audits; light rail	Gould (1)	As introduced, states that if the light rail system is not completed on or before January 1, 2009, a separate performance audit shall be conducted twelve months after the minimum operating system is open. Requires the Auditor General to contract with a nationally recognized independent auditor with expertise in evaluating multimodal transportation systems and in regional transportation planning to conduct the performance audit. Requires the costs of the audit to be paid from revenues of the county transportation excise tax.	Transportation, Rules	Transportation, Rules	failed, House 27-27, 4/24
SB 1610	highway expansion; extension loan program	Tibshraeny	As introduced, makes transit capital projects eligible for the Highway Expansion and Extension Program. Also makes transit capital purposes under the Federal SIB Act eligible for the Program. Transit capital purposes is defined to mean eligible land, buildings or rolling stock or a combination of eligible land, buildings and rolling stock that is part of the federal Transit Administration's Rural Public Transportation Program for municipalities with populations of less than 50,000 persons.		Transportation, Rules	committee assignment, 2/1
SB 1635	FAST lanes	Gorman (1)	As introduced, requires the Department of Transportation, notwithstanding any other law, to issue a request for proposal by July 1, 2008, to private entities for the purpose of entering into a contract with a private entity for the conversion of an existing HOV lane to a freeway acceleration and sensible transportation (FAST) lane, for the purpose		Transportation, Rules	passed, Senate Transportation, 2/13

BILL	TITLE	SPONSORS	SUMMARY	HOUSE COMMITTEES	SENATE COMMITTEES	ACTION
			<p>of constructing new FAST lanes and for the purpose of entering into contracts for the operation of the FAST lanes by private entities. Allows the Department to convert, construct or operate or both convert and operate or construct and operate the FAST lane if no proposal by a private entity is acceptable. States a FAST lane is a lane for use by drivers of vehicles carrying fewer than two persons in a HOV lane who pay a specified fee. A person may operate a motorcycle in a FAST lane without paying a specified fee unless prohibited by official traffic control devices. The Department is prohibited from entering into a contract for the conversion of a HOV lane to a FAST lane if the conversion will result in the loss or refund of federal funds for construction, reconstruction, repairs, improvement, planning, supervision and maintenance of the state highway system and other public highways. Requires the Department to structure a variable fee to ensure unrestricted access to the lanes at all times by eligible vehicles, including buses, vehicles carrying more than one person, environmental protection agency certified low-emitting vehicles with a gross vehicle weight rating over ten thousand pounds and alternative fuel vehicles that have been issued alternative fuel vehicle special plates or alternative fuel vehicle stickers.</p>			
SB 1640	foreign motor carriers	Verschoor (1)	<p>As passed out of the Senate, conforms regulations and restrictions on foreign motor carriers and foreign private motor carriers to Federal rules and regulations.</p>	Transportation, Natural Resources and Public Safety, Rules	Transportation, Rules	passed House 57-0, 4/17