

WEEKLY LEGISLATIVE REPORT

Arizona Transit Association

June 13, 2008

Senator Franklin “Jake” Flake

As it has been widely reported, Senator Jake Flake passed away this week as a result of complications associated with an injury he sustained on the family ranch.

Senator Flake was a staunch supporter of local and county governments and was a major champion of the Arizona Transit Association’s efforts to restore the statutory formula for the Local Transportation Assistance Fund (LTAF II) during the 2006 legislative session.

He was extraordinarily responsive to the communication of county and city managers within his legislative district on the LTAF II program. The success AzTA achieved at the time was due in large part to his interest in the issue.

While Senator Flake’s legacy will appropriately be remembered for his focus on ranching, agriculture and natural resource related issues, he was also an effective advocate on behalf of rural public transportation, recognizing the importance of creating transportation alternatives in order to facilitate the use of regional medical and education centers.

Quite simply, Senator Flake, as an individual and as a legislator, established a level of statesmanship that others will aspire to achieve and be challenged to exceed.

The following is a verse from LaVerna Johnson’s poem “Homestead:”

We hear calls of cattle lowering, voices carry on the breeze

As it wanders down the canyon, then meanders through the trees.

While we stop to smell the sage, light shimmers “quakie’s” golden leaves

And it sure feels good to be back home again.

FY 09 Budget Update

As has been the case in previous weekly reports, there has been no noticeable progress on resolving the FY 09 budget issues, despite the beginning of the fiscal year quickly approaching, which is less than three weeks away.

A popular speculation is that as the date draws closer to June 30th (the end of the current fiscal year), all parties will be forced to reach an agreement in order to avoid a government shut down.

Moreover, it has also been widely rumored that legislators will be forced to adopt a placeholder budget in order to meet the immediate demands of government at the start of FY 09 and then come back, before the end of the calendar year, to make the difficult decisions on spending, bonding, fund transfers and other mechanisms needed to balance the budget.

Perhaps Nietzsche was correct in his observation that “out of chaos comes order.”

TIME Initiative Update

The State Board of Transportation continues to hold successful meetings with stakeholders to discuss the Arizona Department of Transportation’s Investment Strategy. The

majority of comments received in both Flagstaff and Phoenix have been positive in support of the transportation projects identified for the proposed 30-year program.

Despite the support from major stakeholder organizations and the business community, the initiative is receiving organized opposition from recognized groups such as the Arizona Federation of Taxpayers, the Goldwater Institute and the Sierra Club's Grand Canyon (Arizona) Chapter.

Ironically, while the Sierra Club supports the initiative's investment in public transportation, the group is basing its opposition on the overall program due to what it perceives as too much emphasis on the construction of road related projects.

A Preview for the Week Ahead

Unless special permission is granted by the President of the Senate or Speaker of the House, with the exception of the Committees on Appropriations, regular committee hearings have concluded for the 2008 legislative session.

Comments

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LEGISLATIVE TRACKING REPORT

Arizona Transit Association

June 13, 2008

BILL	TITLE	SPONSORS	SUMMARY	HOUSE COMMITTEES	SENATE COMMITTEES	ACTION
HB 2043	air quality; idling; study committee NOW: FY 2007-2008 state hiring; moratorium	Robson	As introduced, establishes a 13 member Vehicle Idling Study Committee to consider the issues involved in developing a program to reduce the amount of pollution caused by unnecessary diesel engine idling. The Committee is required to examine possible measures relating to cars, buses, trucks and mobile equipment. The Committee is repealed on October 1, 2009. STRIKE EVERYTHING AMENDMENT: An emergency measure that prohibits state budget units from hiring or promoting any new or existing employees for the remainder of the fiscal year.	Environment, Rules	Appropriations, Rules	vetoed by the Governor, 3/14
HB 2049	ADOT rule revisions	McClure	As introduced, repeals the responsibility of the State Transportation Board (STB) and the ADOT Director to adopt rules related to highway construction contracts, bonding, airport grants, expenditures of highway funds and public transit money. Repeals the Vehicle Equipment Safety Compact (VESC). Was introduced at the request of ADOT.	Transportation, Rules	Transportation, Rules	retained, Senate COW, 5/13
HB 2088	motor carrier safety; vehicle equipment	Biggs (3)	As introduced, makes several changes to statutes governing safety equipment on trucks and buses, including a requirement that vehicles exceeding 30 feet in length must have a reflector mounted at the midpoint between front and rear reflectors, and two red flags or lanterns (formerly only one) are required to be displayed at the rear of a load that extends four or more feet from the back of the bed or body of the vehicle. Also, repeals state laws regarding the maximum number of consecutive hours a driver of a commercial vehicle may be on duty.	Transportation, Rules	Transportation, Rules	Laws 2008, Chapter 142

BILL	TITLE	SPONSORS	SUMMARY	HOUSE COMMITTEES	SENATE COMMITTEES	ACTION
HB 2091	transportation plans; ballot; mode delineation	Biggs (8)	As introduced, requires any state or county transportation plan that appears on a ballot and that asks for voter approval of more than one mode of transportation, to be written to delineate the following: each proposed transportation mode, the cost for each of the proposed modes, and A "Yes" or "No" vote for each of the proposed modes.	Transportation, Rules		held, Transportation, 1/31
HB 2092	motor vehicle accidents; death; injury	Biggs (4)	As introduced, adds two additional moving traffic violations to those with increased penalties if the violation results in an accident causing serious physical injury or death. In addition, it adds persons without a valid driver's license to the category of persons ineligible to operate a motor vehicle for sentencing purposes if death or serious physical injury results from the accident. STRIKE EVERYTHING AMENDMENT: Requires any state or county transportation plan that appears on a ballot and that asks for voter approval of more than one mode of transportation, to be written to delineate each proposed transportation mode, the cost for each of the proposed modes, and a "yes" or "no" vote for each of the proposed modes. AMENDMENT TO STRIKER: Provisions apply to any transportation plan that is referred by the state or any political subdivision of the state. Prohibits a political subdivision from adopting any ordinance that regulates the form of the ballot for governmentally referred referenda in a manner that differs with the provisions.	Transportation, Judiciary, Rules		failed House 26-33 on reconsideration, 3/17
HB 2094	highway project advancement notes	Biggs	As introduced, allows a county to issue highway project advancement notes (HPAN). Redefines "highway project" to include a highway project that is included in the transportation improvement plan of a regional association of governments. Allows a political subdivision to issue HPANs in excess of the aggregate of uncollected highway project advance revenues due to the political subdivision if the political subdivision has pledged another source of revenue to cover the excess amount. Raises the HPAN cap from \$100 million to \$300 million.	Transportation, Counties and Municipalities, Rules	Transportation, Rules	passed, Senate Rules, 5/12

BILL	TITLE	SPONSORS	SUMMARY	HOUSE COMMITTEES	SENATE COMMITTEES	ACTION
HB 2133	transportation districts	Rios P	As introduced, states if after January 1, 2009, a county attains a population of 500,000 or more, a new transportation district will be formed consisting of that county. AMENDMENT: Provides a notification procedure for when a county attains the population necessary and stipulates requirements for the Governor's appointment of a new member to the State Transportation Board.	Transportation, Rules	Transportation, Rules	Laws 2008, Chapter 157
HB 2164	regional transportation authorities	Prezelski (2)	As introduced, allows a transportation authority to be established in any county that is a member of a regional council of governments. Allows a regional transportation authority to levy a transportation excise tax if approved in a county wide election.	Transportation, Counties and Municipalities, Rules		committee assignment, 1/16
HB 2665	development fees; public transportation	Farley (7)	As introduced, allows a county or a municipality to assess development fees to offset the costs of public transportation.	Counties and Municipalities, Transportation, Rules		committee assignment, 2/4
HCR 2001	highway user revenue fund uses	Chad Campbell	As introduced, subject to voter approval at the next general election amends the state constitution to state that HURF revenues shall be used for "transportation" purposes instead of "highway and street" purposes.	Transportation, Counties and Municipalities, Rules		committee assignment, 1/14
HCR 2016	NOW: statewide transportation plan	Nelson	STRIKE EVERYTHING AMENDMENT: Subject to voter approval, amends the Constitution of Arizona to require the Arizona Department of Transportation to make recommendations to the Governor and the Legislature for the implementation of a Statewide Transportation Plan.	Counties, Municipalities and Military Affairs, Rules		passed, COW, 3/24
SB 1027	NOW: municipal incentives; technical conforming changes	Tibshraeny	As passed by the Senate, corrects a defective enactment. STRIKE EVERYTHING AMENDMENT: Authorizes the establishment of Public Highway Authorities to construct, finance, operate and maintain public highways and tollways.	Ways and Means, Transportation, Rules	Judiciary, Finance, Rules	passed, House Ways and Means, 4/7

BILL	TITLE	SPONSORS	SUMMARY	HOUSE COMMITTEES	SENATE COMMITTEES	ACTION
SB 1039	HOV lanes; restricted hours	Harper	As introduced, codifies in statute the HOV restricted times - between 5 and 9 am and between 3 and 7 pm.		Transportation, Rules	committee assignment, 1/14
SB 1041	HOV lane usage; hybrids	Harper	As introduced, allows hybrid vehicles in HOV lanes if the vehicle has at least 45% fuel efficiency in combined city-highway fuel economy. STRIKE EVERYTHING AMENDMENT: Defines low emission and energy efficient vehicles and specifies when they can be operated in High Occupancy Vehicle (HOV) lanes. Determines when HOV lanes have become degraded and what action is to be taken by the Arizona Department of Transportation (ADOT) if lane degradation should occur. Provides for Low Emission and Energy Efficient special vehicle license plates.	Environment, Transportation, Rules	Transportation, Rules	passed, House Transportation, 4/10
SB 1042	toll roads; ADOT; private entity	Harper	As introduced, requires ADOT to issue an RFP for Construction of a toll road beginning at the Loop 303 and 75th avenue and ending in Prescott by December 31, 2009. ADOT must award the contract by the end of 2010. Removes the requirement that a reasonable alternative route must exist.		Transportation, Rules	committee assignment, 1/14
SB 1204	state transportation board; tribal representation	Hale (30)	As introduced, adds a representative of a tribal government to the State Transportation Board.		Transportation, Rules	committee assignment, 1/28
SB 1220	public transportation authorities	Johnson	As introduced, removes the requirement that the boards of intergovernmental public transportation authorities initiate proceedings to determine the application of federal voting laws to the authority and that the board take any necessary action to comply with the applicable federal law.		Transportation, Rules	committee assignment, 1/28
SB 1276	transportation financing; revenue anticipation bond	Huppenthal	As introduced, establishes the transportation finance committee that may recommend to the state transportation board the source of taxation to secure payment of revenue anticipation bonds. Allows the Board to issue such bonds that are secured by the Board based on recommendation of the finance committee and may be authorized in an aggregate principal amount of not more than \$20 billion. States requirements for the		Transportation, Rules	held, Transportation, 2/26

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			bonds, their payment and their proceeds. States the proceeds shall be used for corridors with high traffic volume, improvements on highways, improvements on city streets, a mass transit method, and for a public bidding process in specified amounts for each.			
SB 1415	transportation districts; transportation board member	Rios (6)	As introduced, expands the number of state transportation districts to 10, giving Coconino, Pinal, Yavapai, and Yuma counties their own district. Places Greenlee County in the Fourth district with Gila and Graham Counties. Expands the membership of the State Transportation Board accordingly.		Transportation, Rules	committee assignment, 2/7
SB 1420	toll roads; public highway authorities	Tibshraeny	As introduced, allows any combination of municipalities, counties or counties and municipalities that are located in the same metropolitan region to form an authority that can establish, collect and increase or decrease fees, tolls, rates and charges for traveling on any public highway financed, constructed, operated or maintained by the authority. Stipulates requirements for an authority including: creation, board of directors, powers and duties, and issuance of bonds by the authority. AMENDMENT: Modifies definitions, specifies that the state is entitled to only one member appointed by the Governor for a two-year term on a board within an Authority, and specifies bond requirements. Specifies that any obligation or liability of an Authority does not create an obligation or liability for this state. Prohibits fees, tolls, rates and charges from being imposed on public transit vehicles. Prohibits an Authority or its board from exercising the power of eminent domain, but allows any member of the Combination establishing an Authority to exercise its power of eminent domain on behalf of the Authority pursuant to an intergovernmental agreement with the Authority.	Transportation, Rules	Transportation, Rules	House committee assignment, 3/25
SB 1465	transportation; innovative partnerships program	Gould (5)	As introduced, requires ADOT to establish the Innovative Partnership Program for the planning, acquisition, financing, development, design, construction, replacement, improvement, maintenance, management, repair, leasing and operation of		Transportation, Appropriations, Rules	failed Senate 13-15, 3/20

BILL	TITLE	SPONSORS	SUMMARY	HOUSE COMMITTEES	SENATE COMMITTEES	ACTION
			transportation projects. ADOT may enter into agreements for the Program with any private entity or unit of government or a combination of the two. Establishes the State Transportation Enterprise Fund for the Program consisting of bond proceeds and revenues derived from a Program project. Allows ADOT to use monies in the Highway Expansion and Extension Loan Program Fund to ensure repayment of loan guarantees for the Program's projects. Stipulates requirements for the Program regarding agreements, evaluation of proposed agreements, eminent domain powers, advisory committees, financing, use of federal monies, and revenues within the district. Terminates the Program on July 1, 2018.			
SB 1471	HOV lane conversion; toll lane	Gould (1)	As introduced, requires ADOT to issue an RFP by November 15, 2013 for the conversion of HOV lanes on SR51 into high occupancy toll lanes. ADOT may also issue an RFP for the conversation of HOV lanes on other state highways.		Transportation, Rules	passed, Transportation, 2/19
SB 1495	light rail performance audit	Gorman (9)	As introduced, states a separate performance audit will be conducted 12 months after the minimum operating system of the light rail system is opened if the minimum operating system is not completed by January 1, 2009.	Transportation, Rules	Transportation, Rules	held, House Transportation, 4/3
SB 1496	home loans; payment disclosures	Gorman (1)	STRIKE EVERYTHING AMENDMENT: Allows the Arizona Department of Transportation (ADOT) to enter into public-private partnerships for the construction, financing, operation and maintenance of transportation projects in Arizona.	Government, Transportation, Rules	Financial Institutions, Rules	passed, House Government, 4/8
SB 1498	public-private partnerships in transportation	Gorman (2)	As introduced, stipulates requirements for ADOT to enter into public-private partnerships regarding: project delivery methods, procurements, agreements, funding and financing (allows for any lawful source of funding including tolls). Facilities eligible for public-private partnerships include any facility developed, operated or held, including existing or new facilities and may involve highways, railways, monorails, transit, bus systems, guided rapid transit, parking facilities, rail yards, and others.		Transportation, Rules	failed Senate 13-17, 3/25; motion to reconsider, passed, 3/26

BILL	TITLE	SPONSORS	SUMMARY	HOUSE COMMITTEES	SENATE COMMITTEES	ACTION
SB 1503	FAST lanes	Gorman (2)	As introduced, requires ADOT, prior to July 1, 2009, to issue an RFP for private entities to bid on the construction of new freeway acceleration and sensible transportation lanes (FAST lanes). FAST lanes are to be used by drivers of vehicles carrying less than two persons in an HOV lane that have paid a specified fee. Requires ADOT to structure a variable fee for the FAST lanes to ensure unrestricted access for eligible vehicles. ADOT is also required to develop and adopt functional specifications and standards for an automatic vehicle identification system for use on HOV lanes, FAST lanes and any other toll roads.		Transportation, Rules	passed, Transportation, 2/19
SB 1507	state aviation fund	Verschoor	STRIKE EVERYTHING AMENDMENT: Requires the Arizona Department of Transportation (ADOT), in cooperation with regional planning agencies, metropolitan planning organizations and councils of governments, to establish the Arizona New Directions in Innovation Program, and requires ADOT to develop an expedited transportation project delivery process using public-private partnership contracting, financing, construction operation maintenance and delivery methods. The amendment sunsets the program in 2018. In addition, the proposed amendment makes changes to the Statewide Transportation Acceleration Needs Account (STAN) to allow the fund to pay for interest costs for eligible transportation projects and also makes changes to the State Aviation Fund grants and loan process.	Transportation, Rules	Transportation, Rules	withdrawn, House Appropriations, 5/7
SCM 1009	states; withdrawal; federal highway system	Gould (2)	As introduced, requests the U.S. Congress to enact legislation either ending the current Federal Highway Program (Program) or allowing states to opt out of the Program and maintain their own roads.	Transportation, Rules	Transportation, Rules	passed, House Transportation, 4/10