

State of Arizona
House of Representatives
Forty-sixth Legislature
First Regular Session
2003

CHAPTER 217

HOUSE BILL 2292

AN ACT

AMENDING SECTIONS 28-6304, 28-6305, 28-6308, 28-6353, 28-6354, 28-6356 AND 48-5103, ARIZONA REVISED STATUTES; AMENDING TITLE 48, CHAPTER 29, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 48-5106; RELATING TO TRANSPORTATION; PROVIDING FOR CONDITIONAL ENACTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 28-6304, Arizona Revised Statutes, is amended to
3 read:
4 28-6304. Bond account; expenditures
5 A. The state treasurer shall:
6 1. Hold monies in the bond account in trust for the owners of the
7 bonds.
8 2. Pay monies in the bond account to the county, to paying agents or
9 to the owners of the bonds directly in accordance with a resolution of the
10 board authorizing the issuance of the bonds.
11 B. Monies in the bond account may be used:
12 1. To pay bond related expenses or recurring expenses pertaining to
13 administration and payment of the bonds.
14 2. For funding reserves for the payment of the bonds.
15 3. For payment of fees, charges and expenses incurred with respect to
16 bond related obligations.
17 C. Monies in the bond proceeds account may be obligated or spent as
18 directed by the board for the:
19 1. Payment of all bond related expenses.
20 2. Establishment and funding of reserve monies or to pay interest on
21 bonds during the expected period of construction.
22 3. Payment of fees, charges and expenses incurred with respect to bond
23 related obligations.
24 4. Design, right-of-way purchase or construction of controlled access
25 highways that are included in the regional transportation plan of the county
26 and that are accepted into the state highway system either as a state route
27 or as a state highway or related grade separations of controlled access
28 highways that are included in the regional transportation plan of the county.
29 5. DESIGN, RIGHT-OF-WAY PURCHASE OR CONSTRUCTION OF MAJOR ARTERIAL
30 STREETS AND HIGHWAYS THAT ARE INCLUDED IN THE REGIONAL TRANSPORTATION PLAN OF
31 THE COUNTY. FOR THE PURPOSES OF THIS PARAGRAPH, "MAJOR ARTERIAL" MEANS AN
32 INTERCONNECTED THOROUGHFARE WHOSE PRIMARY FUNCTION IS TO LINK AREAS IN THE
33 REGION AND TO DISTRIBUTE TRAFFIC TO AND FROM CONTROLLED ACCESS HIGHWAYS,
34 GENERALLY OF REGIONWIDE SIGNIFICANCE AND OF VARYING CAPACITY DEPENDING ON THE
35 TRAVEL DEMAND FOR THE SPECIFIC DIRECTION AND ADJACENT LAND USES.
36 ~~5-~~ 6. Design and construction of interim roadways within the adopted
37 corridors of the regional transportation plan of the county pursuant to
38 section 28-6309.
39 ~~6-~~ 7. Right-of-way costs associated with the construction of interim
40 roadways pursuant to section 28-6310.
41 ~~7-~~ 8. Payment of principal and interest on the bonds.

1 B. THROUGH THE REGIONAL PLANNING AGENCY, THE TRANSPORTATION POLICY
2 COMMITTEE SHALL:

3 1. BY A MAJORITY VOTE OF THE MEMBERS, RECOMMEND APPROVAL OF A TWENTY
4 YEAR COMPREHENSIVE, PERFORMANCE BASED, MULTIMODAL AND COORDINATED REGIONAL
5 TRANSPORTATION PLAN IN THE COUNTY, INCLUDING TRANSPORTATION CORRIDORS BY
6 PRIORITY AND A SCHEDULE INDICATING THE DATES THAT CONSTRUCTION WILL COMMENCE
7 FOR PROJECTS CONTAINED IN THE PLAN.

8 2. DEVELOP THE PLAN IN COOPERATION WITH THE REGIONAL PUBLIC
9 TRANSPORTATION AUTHORITY IN THE COUNTY AND THE DEPARTMENT OF TRANSPORTATION
10 AND IN CONSULTATION WITH THE COUNTY BOARD OF SUPERVISORS, INDIAN COMMUNITIES
11 AND CITIES AND TOWNS IN THE COUNTY.

12 3. SUBMIT THE PLAN FOR REVIEW BY THE REGIONAL PUBLIC TRANSPORTATION
13 AUTHORITY IN THE COUNTY, THE STATE BOARD OF TRANSPORTATION, THE COUNTY BOARD
14 OF SUPERVISORS, INDIAN COMMUNITIES AND CITIES AND TOWNS IN THE COUNTY AT THE
15 ALTERNATIVES STAGE OF THE PLAN AND THE FINAL DRAFT STAGE OF THE PLAN. AFTER
16 REVIEWING THE PLAN, THE REGIONAL PUBLIC TRANSPORTATION AUTHORITY IN THE
17 COUNTY, THE COUNTY BOARD OF SUPERVISORS AND THE STATE BOARD OF TRANSPORTATION
18 SHALL, BY MAJORITY VOTE OF THE MEMBERS OF EACH ENTITY WITHIN THIRTY DAYS
19 AFTER RECEIVING THE PLAN, SUBMIT A WRITTEN RECOMMENDATION TO THE
20 TRANSPORTATION POLICY COMMITTEE THAT THE PLAN BE APPROVED, MODIFIED OR
21 DISAPPROVED. WITHIN THIRTY DAYS AFTER RECEIVING THE PLAN, INDIAN COMMUNITIES
22 AND CITIES AND TOWNS IN THE COUNTY MAY SUBMIT A WRITTEN RECOMMENDATION TO THE
23 TRANSPORTATION POLICY COMMITTEE THAT THE PLAN BE APPROVED, MODIFIED OR
24 DISAPPROVED.

25 4. CONSIDER PLAN MODIFICATIONS PROPOSED BY ANY OF THE ENTITIES AS
26 PRESCRIBED IN PARAGRAPH 3 OF THIS SUBSECTION.

27 5. BY MAJORITY VOTE, APPROVE, DISAPPROVE OR FURTHER MODIFY EACH
28 PROPOSED PLAN MODIFICATION.

29 6. PROVIDE A WRITTEN RESPONSE TO THE REGIONAL PUBLIC TRANSPORTATION
30 AUTHORITY, THE STATE BOARD OF TRANSPORTATION, THE COUNTY BOARD OF SUPERVISORS
31 AND THE ENTITY THAT SUBMITTED THE PROPOSED MODIFICATION WITHIN THIRTY DAYS
32 AFTER THE VOTE ON THE PROPOSED MODIFICATION EXPLAINING THE AFFIRMATION,
33 REJECTION OR FURTHER MODIFICATION OF EACH PROPOSED MODIFICATION.

34 7. RECOMMEND THE PLAN TO THE REGIONAL PLANNING AGENCY FOR APPROVAL FOR
35 AN AIR QUALITY CONFORMITY ANALYSIS NO LATER THAN SEPTEMBER 30, 2003.

36 ~~B-~~ C. The regional transportation plan:

37 1. ~~May~~ SHALL also provide a suggested construction schedule for the
38 transportation ~~corridors~~ PROJECTS contained in the plan.

39 ~~C-~~ 2. ~~The regional transportation plan~~ May be annually updated to
40 introduce new controlled access highways, ~~and~~ related grade separations AND
41 TRANSPORTATION PROJECTS or to modify the existing plan.

42 3. SHALL BE DEVELOPED TO MEET FEDERAL AIR QUALITY REQUIREMENTS
43 ESTABLISHED FOR THE REGION IN WHICH IT IS LOCATED.

44 Sec. 4. Section 28-6353, Arizona Revised Statutes, is amended to read:
45 28-6353. Regional freeway system changes

1 A. The regional planning agency in the county shall approve any change
2 in the ~~priorities of the corridors or corridor segments in the regional~~
3 ~~freeway system~~ REGIONAL TRANSPORTATION PLAN AND THE PROJECTS FUNDED PURSUANT
4 TO SECTION 42-6104 THAT AFFECT THE PLANNING AGENCY'S TRANSPORTATION
5 IMPROVEMENT PROGRAM, INCLUDING PROJECT PRIORITIES.

6 B. Requests for changes to ~~facilities in the regional freeway system~~
7 TRANSPORTATION PROJECTS FUNDED PURSUANT TO SECTION 42-6104 that would
8 materially increase costs shall be submitted to the regional planning agency
9 for approval and submitted by the regional planning agency to the board for
10 approval.

11 C. If a local authority requests an enhancement to ~~the regional~~
12 ~~freeway system~~ A TRANSPORTATION PROJECT FUNDED PURSUANT TO SECTION 42-6104,
13 the local authority shall pay all costs associated with the enhancement.

14 Sec. 5. Section 28-6354, Arizona Revised Statutes, is amended to read:
15 28-6354. Annual report; hearing; priority criteria

16 A. The regional planning agency shall issue an annual report on the
17 status of the ~~regional freeway system~~ PROJECTS FUNDED PURSUANT TO SECTION
18 42-6104 and shall hold a public hearing in the county within thirty days
19 after the report is issued. The report and the hearing shall address the
20 following topics:

- 21 1. The status of the ~~regional freeway system~~ PROJECTS.
- 22 2. Proposed changes to the regional transportation plan.
- 23 3. Proposed changes in corridor and corridor segment priorities AND TO
24 OTHER PROJECTS FUNDED PURSUANT TO SECTION 42-6104.
- 25 4. Project financing and project options.
- 26 5. The criteria used to establish priorities as required by subsection
27 B of this section.

28 B. The regional planning agency shall develop criteria to establish
29 the priority of corridors and corridor segments AND OTHER TRANSPORTATION
30 PROJECTS, including:

- 31 1. The extent of local public and private funding participation.
- 32 2. The social and community impact.
- 33 3. The establishment of a complete ~~freeway~~ TRANSPORTATION system for
34 the region as rapidly as is practicable.
- 35 4. The construction of ~~segments~~ PROJECTS to serve regional
36 transportation needs.
- 37 5. The construction of segments that provide connectivity with other
38 elements of the regional ~~freeway~~ TRANSPORTATION system.
- 39 6. Other relevant criteria developed by the regional planning agency.

1 Sec. 6. Section 28-6356, Arizona Revised Statutes, is amended to read:
2 28-6356. Citizens transportation oversight committee
3 A. A citizens transportation oversight committee is established in
4 counties with a population of one million two hundred thousand or more
5 persons and that have levied a transportation excise tax pursuant to section
6 42-6104.
7 B. The citizens transportation oversight committee consists of the
8 following members who are not elected officials of or employed by this state
9 or any county, city or town in this state:
10 1. One member who serves as chairperson of the committee and who is
11 appointed by the governor pursuant to section 38-211.
12 2. One member who represents each supervisorial district in the county
13 and who is appointed by the board of supervisors. The board of supervisors
14 shall consult with the mayors of each city and town located within each
15 supervisorial district regarding appointments. At all times during the term,
16 each member appointed pursuant to this paragraph shall legally reside in a
17 different city or town located in the county. Members appointed pursuant to
18 this paragraph shall have expertise in transportation systems or issues.
19 3. One member who resides in the county and who is appointed by the
20 governor pursuant to section 38-211.
21 C. Members shall be appointed for terms of three years.
22 D. The chairperson shall also serve as:
23 1. A nonvoting member of the departmental committee established by
24 section 28-6951 only for issues relating to the regional freeway system. The
25 chairperson may appoint a designee to attend meetings of the departmental
26 committee.
27 2. A voting member of the governing body of the regional planning
28 agency in the county for all matters relating to the regional freeway system.
29 E. The citizens transportation oversight committee shall meet at least
30 once each calendar quarter.
31 F. The citizens transportation oversight committee shall:
32 1. Review and advise the board, the governor, the director, ~~and~~ the
33 governing body of the regional planning agency **AND THE BOARD OF DIRECTORS OF**
34 **THE REGIONAL PUBLIC TRANSPORTATION AUTHORITY** on matters relating to ~~the~~
35 ~~regional freeway system~~ **ALL PROJECTS FUNDED PURSUANT TO SECTION 42-6104.**
36 2. Review and make recommendations regarding any proposed major
37 revision of the regional transportation plan by the governing body of the
38 regional planning agency. For the purposes of this paragraph, "major
39 revision" means an addition or deletion of a ~~corridor or corridor segment in~~
40 ~~the regional freeway system~~ **TRANSPORTATION PROJECT FUNDED PURSUANT TO SECTION**
41 **42-6104.**
42 3. Annually review and comment on the criteria developed pursuant to
43 section 28-6354, subsection B.

1 4. Hold public hearings and issue public reports as it deems
2 appropriate.

3 5. Annually contract with an independent auditor who is a certified
4 public accountant to conduct a financial compliance audit of all expenditures
5 ~~for~~ FROM the regional ~~freeway-system~~ AREA ROAD FUND AND THE PUBLIC
6 TRANSPORTATION FUND and receive the auditor's report. The department shall
7 reimburse the committee for the cost of this audit from the highway user
8 revenue fund pursuant to section 28-6538, subsection B, paragraph 1.

9 6. In consultation with the auditor general, set parameters for the
10 performance audit prescribed in section 41-1279.03, subsection A, paragraph 6
11 in the county, review the results of the auditor general's performance audit
12 and make recommendations to the regional planning agency, THE REGIONAL PUBLIC
13 TRANSPORTATION AUTHORITY, the department, the speaker of the house of
14 representatives, the president of the senate and the governor.

15 G. The committee may:

16 1. Receive written complaints from citizens regarding adverse impacts
17 of ~~freeway design~~ ANY TRANSPORTATION PROJECT FUNDED PURSUANT TO SECTION
18 42-6104, determine which complaints warrant further review and make
19 recommendations to the state transportation board regarding the complaints.

20 2. Receive written complaints from citizens relating to the regional
21 planning agency's responsibilities as prescribed in this chapter, determine
22 which complaints warrant further review and make recommendations to the
23 regional planning agency regarding the complaints.

24 3. Make recommendations to the regional planning agency, THE REGIONAL
25 PUBLIC TRANSPORTATION AUTHORITY and the state transportation board regarding
26 PROJECTS FUNDED PURSUANT TO SECTION 42-6104 IN THE REGIONAL TRANSPORTATION
27 PLAN, THE TRANSPORTATION IMPROVEMENT PROGRAM, the DEPARTMENT'S five year
28 construction program and the life cycle management program for the regional
29 freeway system.

30 H. Failure by the citizens transportation oversight committee to act
31 does not bar the governing body of the regional planning agency OR THE BOARD
32 OF DIRECTORS OF THE REGIONAL PUBLIC TRANSPORTATION AUTHORITY from taking
33 action.

34 I. Members of the committee are not eligible to receive compensation
35 or reimbursement for expenses.

36 Sec. 7. Section 48-5103, Arizona Revised Statutes, is amended to read:
37 48-5103. Public transportation fund

38 A. A public transportation fund is established for the authority. The
39 fund consists of:

40 1. Monies appropriated by each municipality that is a member of the
41 authority or the county, if it elected to enter into the authority. Each
42 member municipality and member county shall appropriate monies to the public
43 transportation fund in an amount determined by the board.

1 2. Monies appropriated by a county that has not elected to enter into
2 the authority in an amount determined by the county board of supervisors.

3 3. **TRANSPORTATION EXCISE TAX REVENUES THAT ARE ALLOCATED TO THE FUND**
4 **PURSUANT TO SECTION 42-6104.**

5 ~~3.~~ 4. Monies distributed under title 28, chapter 17, article 1.

6 ~~4.~~ 5. Grants, gifts or donations from public or private sources.

7 ~~5.~~ 6. Monies granted by the federal government or appropriated by the
8 legislature.

9 ~~6.~~ 7. Fares or other revenues collected in operating a public
10 transportation system.

11 ~~7.~~ 8. Local transportation assistance monies that are distributed to
12 each member under section 28-8102 and as provided in section 48-5104.

13 ~~8.~~ 9. Local transportation assistance monies that are distributed to
14 a member pursuant to section 28-8102 and that must be used for public
15 transportation.

16 ~~9.~~ 10. Local transportation assistance monies that are distributed
17 pursuant to section 28-8103, subsection A, paragraph 1.

18 B. On behalf of the authority, the fiscal agent shall administer
19 monies paid into the public transportation fund. Monies in the fund may be
20 spent pursuant to or to implement the regional public transportation system
21 plan adopted pursuant to section 48-5121 **AND FOR PROJECTS IDENTIFIED IN THE**
22 **REGIONAL TRANSPORTATION PLAN ADOPTED BY THE REGIONAL PLANNING AGENCY PURSUANT**
23 **TO SECTION 28-6308.**

24 C. Monies in the fund shall not be spent to promote or advocate a
25 position, alternative or outcome of an election, to influence public opinion
26 or to pay or contract for consultants or advisors to influence public opinion
27 with respect to an election regarding taxes or other sources of revenue for
28 the fund or regarding the regional public transportation system plan.

29 Sec. 8. Title 48, chapter 29, article 1, Arizona Revised Statutes, is
30 amended by adding section 48-5106, to read:

31 48-5106. Budget process

32 **THE BOARD SHALL ADOPT A BUDGET PROCESS THAT ENSURES THAT THE ESTIMATED**
33 **COST OF THE REGIONAL PUBLIC TRANSPORTATION SYSTEM, INCLUDING CORRIDORS,**
34 **CORRIDOR SEGMENTS AND BUS PURCHASE AND OPERATING COSTS, DOES NOT EXCEED THE**
35 **TOTAL AMOUNT OF REVENUES ESTIMATED TO BE AVAILABLE FOR THE REGIONAL PUBLIC**
36 **TRANSPORTATION SYSTEM.**

37 Sec. 9. Regional transportation plan for extension of county
38 transportation excise tax; counties with a population
39 of one million two hundred thousand or more persons

40 A. Not later than November 30, 2003, the regional planning agency of a
41 county having a population of one million two hundred thousand or more
42 persons shall approve for an air quality conformity analysis and certify to
43 the governor and the legislature a comprehensive, performance based,
44 multimodal and coordinated regional area transportation plan for the county.
45 The plan shall cover a term of twenty years. The plan must consider the
46 impacts of growth and the transportation system in contiguous counties,

1 cities, towns and Indian communities. The plan must contain performance
2 based criteria, other revenues derived from sources in the planning area and
3 priorities for expenditures of revenues derived from a proposed extension of
4 a transportation excise tax pursuant to title 42, chapter 6, article 3,
5 Arizona Revised Statutes. The plan may also include design, right-of-way
6 purchase or construction of transportation projects that are included in the
7 regional transportation plan of the regional planning agency in the county.
8 The plan shall not affect or reduce in any way the current funding of other
9 projects in the department of transportation's five year transportation
10 facilities construction program provided by title 28, chapter 20, article 3,
11 Arizona Revised Statutes. The plan shall include an allocation of revenues
12 over a twenty-year term, in constant dollars, between the county's regional
13 area road fund pursuant to title 28, chapter 17, article 1, Arizona Revised
14 Statutes, and the public transportation fund pursuant to section 48-5103,
15 Arizona Revised Statutes.

16 B. After the transportation plan is certified to the governor and the
17 legislature:

18 1. The issue of levying a transportation excise tax in the county to
19 fund the projects and other expenses of the plan must be presented to the
20 voters in the county for approval in 2004.

21 2. The issue of levying a transportation excise tax in contiguous
22 counties affected by the plan may be allowed by a majority vote of the board
23 of supervisors in the contiguous county. The issue of levying a
24 transportation excise tax must be presented to the voters of each affected
25 county for approval.

26 3. The transportation plan is not subject to modification through
27 December 31, 2005 unless the proposed modifications are submitted and
28 reviewed by the regional public transportation authority in the county, the
29 department of transportation, the county board of supervisors, Indian
30 communities and cities and towns as prescribed in section 28-6308, Arizona
31 Revised Statutes, as amended by this act.

32 C. An election shall not be conducted pursuant to subsection B of this
33 section under either of the following circumstances:

34 1. If a comprehensive, performance based, multimodal and coordinated
35 regional transportation plan that is approved for an air quality conformity
36 analysis is not certified to the governor and the legislature by the regional
37 planning agency pursuant to subsection A of this section before December 1,
38 2003.

39 2. If the legislature fails to prescribe the terms and conditions for
40 presenting the ballot question to the voters.

1 Sec. 10. Conditional enactment

2 A. Sections 1, 2 and 4 through 8 of this act are not effective unless
3 on or before December 31, 2004 an extension of the term of the county
4 transportation excise tax is approved by the qualified electors as provided
5 by section 9 of this act.

6 B. The enactment of any provision of this act conditioned on the
7 results of the election does not constitute a submission of those provisions
8 to the voters under the power of the referendum.

APPROVED BY THE GOVERNOR MAY 14, 2003.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 15, 2003.