

State of Arizona
House of Representatives
Fiftieth Legislature
First Regular Session
2011

HOUSE BILL 2318

AN ACT

AMENDING SECTIONS 28-9102, 48-5301 AND 48-5302, ARIZONA REVISED STATUTES;
RELATING TO TRANSPORTATION AUTHORITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-9102, Arizona Revised Statutes, is amended to
3 read:

4 28-9102. Formation

5 A. An intergovernmental public transportation authority may be
6 organized as provided by this section in any county with a population of two
7 hundred thousand persons or less.

8 B. The governing body of one or more incorporated cities or towns may
9 petition the county board of supervisors to establish an authority consisting
10 of the area within the incorporated boundary of the municipality or
11 municipalities.

12 C. If the organizing municipalities are not contiguous, the
13 unincorporated areas between the organizing municipalities must also be
14 included in the authority with the approval of the county board of
15 supervisors. The board of supervisors shall establish the boundaries of the
16 unincorporated area to be included in the authority.

17 D. Incorporated cities and towns in different counties, each of which
18 meet the population limit prescribed by subsection A, may petition their
19 respective county boards of supervisors to establish a joint authority
20 consisting of the combined areas within their respective municipal boundaries
21 and including any intervening unincorporated areas in the counties.

22 E. The board of supervisors shall hold at least one hearing on the
23 petition in one of the petitioning municipalities to determine public support
24 for the authority and whether establishing the authority would be in the
25 public interest. In the case of petitioning municipalities in different
26 counties, the board of supervisors of each county shall hold separate
27 hearings and each board shall make its determination separately.

28 F. If the board of supervisors determines that establishing the
29 authority would serve the public convenience, necessity, safety or welfare,
30 the board of supervisors shall establish the authority by a resolution that
31 includes a description of the boundaries of the authority. In the case of an
32 authority in different counties, the county boards of supervisors shall
33 establish the authority by an intergovernmental agreement.

34 G. If an authority is established under this chapter, any university
35 that is under the jurisdiction of the Arizona board of regents and that is
36 located in a municipality in the authority, **ANY COMMUNITY COLLEGE DISTRICT
37 THAT IS LOCATED IN A MUNICIPALITY IN THE AUTHORITY, OR ANY INDIAN NATION THAT
38 HAS A BOUNDARY WITHIN A COUNTY IN WHICH AN AUTHORITY IS ESTABLISHED,** may
39 become a member of the authority by intergovernmental agreement.

40 Sec. 2. Section 48-5301, Arizona Revised Statutes, is amended to read:

41 48-5301. Definitions

42 In this chapter, unless the context otherwise requires:

43 1. "Arterial street or highway" means a street or highway that is used
44 primarily for through traffic such that vehicular traffic from intersecting

1 streets and highways is required by law to stop or yield before entering or
2 crossing the street or highway.

3 2. "Authority" means a regional transportation authority organized
4 under this chapter.

5 3. "Board" means the board of directors of a regional transportation
6 authority established pursuant to section 48-5303.

7 4. "Controlled access highway" has the same meaning prescribed in
8 section 28-601.

9 5. "County" means a county with a population of ~~more than two hundred~~
10 ~~thousand but~~ less than one million two hundred thousand persons in which a
11 regional transportation authority is established pursuant to section 48-5302.

12 6. "Fiscal agent" means a bank or trust company authorized to do
13 business in this state or the county treasurer as designated by the board.

14 7. "Municipality" means an incorporated city or town.

15 8. "Population" means the population determined in the most recent
16 United States decennial census or the most recent special census as provided
17 in section 28-6532.

18 9. "Public transportation" means local transportation of passengers by
19 means of a public conveyance, including para-transit.

20 Sec. 3. Section 48-5302, Arizona Revised Statutes, is amended to read:
21 48-5302. Regional transportation authority; establishment

22 A. A regional transportation authority is established in a county with
23 a population of more than four hundred thousand but less than one million two
24 hundred thousand persons. The board of supervisors of a county with a
25 population of four hundred thousand or fewer persons ~~but more than two~~
26 ~~hundred thousand persons~~ may establish a regional transportation authority in
27 the county.

28 B. An authority is a public, political, tax levying public improvement
29 and taxing subdivision of this state and a municipal corporation to the
30 extent of the powers and privileges conferred by this chapter or granted
31 generally by the constitution and statutes of this state, including immunity
32 of its property and the interest income and gain on its bonds from taxation.

33 C. The membership of the authority consists of each municipality in
34 the county, the county and any other members of the regional council of
35 governments. The authority may operate in all areas of the county in which
36 it is organized.

37 D. The executive director of the regional council of governments acts
38 as the executive director of the authority and serves in that specific role
39 until replaced at the discretion of the board of the regional council of
40 governments.