#### Amended version 07/21/10

# STATE TRANSPORTATION BOARD MEETING MINUTES 9:00 a.m., Friday, June 18, 2010 City of Flagstaff Council Chambers 211 W. Aspen Avenue Flagstaff, AZ 86001

### <u>Pledge</u>

[The Pledge of Allegiance was led by Mr. Flores.]

# Roll Call

In attendance: Bob Montoya, Bill Feldmeier, Felipe Zubia, Victor Flores, Kelly Anderson, and Steve Christy (telephonic). Bobbie Lundstrom was absent.

### Opening Remarks

Chair Montoya thanked Chris Fetzer, NACOG and David Wessel, FMPO and the supporting staff who put together the reception for their generous hospitality the prior evening.

### Call to the Audience

Matt Ryan, Flagstaff MPO Chair and Coconino County Supervisor, welcomed the Board. He thanked everyone for their service especially during these economic times. Their region has specific concerns with additional costs of material purchases, storage and damage done to roadways due to snow plowing and the freeze/thaw cycle. If any roadways are considered to be closed, it has an impact on the communities and he asked the Board to respectfully consider this reality as they reach their decisions over the next year. He thanked the Board for their interim recommendation to keep the roadways open.

On the behalf of the County, he wished to thank ADOT for its assistance with several projects: the pavement preservation on Lake Mary Road and West RT 66; redesign and eventual construction of US 89a, J. W. Powell intersection; and the positive step forward on the Lone Tree Traffic Interchange. He acknowledged Chair Montoya's service and hoped the Board would come back to Flagstaff in the future.

[A copy of the Flagstaff Metropolitan Planning Organization Resolution No. 2010-01; Resolution recommending placement of the Lone Tree Traffic Interchange in the Arizona Department of Transportation 5-Year Construction Program was submitted for the record]

Kevin Burke, City Manager for the City of Flagstaff, thanked the Board for coming to Flagstaff and being accessible to the community by attending the function the prior evening. He also recognized Chair Montoya, citing his leadership at the MPO level and City and State levels. He thanked the Board for the work they have done in the region over the past few years, including the East Traffic Interchange, Country Club improvements, repairs and pavement preservation done in town to RT 66. He emphasized the unique needs of northern Arizona and asked the Board to keep these in mind as they balance their budget each year. He thanked the Board for their consideration on the Lone Tree

Interchange, citing the situation as a win-win. He asked that the route transfers be incremental and timely so that they can build their resources to incorporate the transfers into their system.

Richard Bowen, Assistant to the President and VP for Economic Development at NAU, spoke on behalf of President, John Hager of NAU, thanking the Board for their service. He expressed his support of the Lone Tree Interchange, commenting that it will be a critical way for them to get large crowds of people to events such as graduation. The University is in a sharp growth period and transportation is a critical element in that growth. The University enjoys their good partnership with the City, the County and with ADOT.

Jesse Thompson, Navajo County Supervisor, expressed his appreciation for the Board sponsoring their partnership meetings. Navajo County is currently concerned about ADOT's policy of providing all engineering districts with the same level of maintenance, while northern Arizona has a greater need for funding to keep roadways clear in the winter. In addition, Navajo County is concerned with ADOT's new policy of pushing snow to the side of the road rather than to the middle. Pushing snow to the sidewalk prohibits their use and forces pedestrians to walk in the roadway. Navajo County has offered and repeats that offer today to assist ADOT in snow removal, and requests their reconsideration.

Jeff Tripp, immediate past president of the Arizona Air Force Association, spoke in support of FY 2011-2015 Airport Development Program as presented to the Board. He expressed appreciation for ADOT's and Director Halikowski's willingness to meet with them regularly. They are concerned about the 20% decrease from the previous Five Year Plan, which they believe is due to legislative transfers from the state aviation funds. They are opposed to a scheduled \$6.5M transfer from state aviation funds to help reimburse the state equipment funds, particularly because the equipment fund is protected by Statute, those funds cannot be returned to the aviation fund at a later date. He then pointed out the importance of airports as economic engines to the communities they serve, and the related importance of keeping the user tax revenues in that system. Although the proposed budget is not what they would like ideally, it is a step in the right direction and they thank ADOT for supporting the state aviation program and look forward to continuing a positive relationship.

Anthony Smith, Mayor of the City of Maricopa, representing the Pinal County Alliance. He spoke in support of the I-10 widening project. He cited increased safety, environmental concerns and also the impact on commerce as reasons that the I-10 is critical to that region and the statewide plan.

Robert Roos, Lewis & Roca, Attorney for Fisher. He asked that his comments be heard when Item 13h is considered.

Joe Acosta., Jr., Assistant Attorney General for ADOT. He asked also to have his comments be heard when Item 13h is considered.

Barbara Litrell, resident of Sedona, serving on the City Council of Sedona. She reported that the Sedona City Council voted on May 25, 2010, to oppose the continuous roadway lighting project of ADOT on Highway 89A, West Sedona. They found it to be inconsistent with their community values and not adequately addressing the safety issues on 89A. She hoped that the message from the community does not fall on deaf ears. She stated that ADOT's decision to continue with the lighting project and lack of explanation thereof was "not acceptable." She felt that Board members Montoya and Feldmeier were not responsive to requests of their constituents and that ADOT was "threatening" and "bullying" the City of Sedona by saying that they either "take the lights" or take back the road.

AMENDED - Mr. Chairman and members of the committee my name is Barbara Litrell and a residence of Sedona and serving on the City Council of Sedona. I think you all know having been in Sedona last month that the city council on May 25 voted 6-1 to oppose the continuous roadway lighting project of ADOT on hwy 89a in west Sedona because it is inconsistent with our community values and because it does not adequately address the safety issues on highway 89A. At last months meeting you asked me. I believe that you witnessed firsthand the feelings of the community about continuous roadway lighting, you asked me if I would help with (inaudible) public comment and we did that. And I have to admit that since then the turn of events is such that I guess I sort of wish that I'd allowed all public comment that was ready at that point - but we were cooperating because we thought there was a sign of hope. And over the course of the past several years; ADOT has known since June of 2007 when they first proposed continuous roadway lighting on 89A that community was opposed to it. There were members on council, who favored it, but the majority of the community was opposed to it, and that has continued to be the situation to the point where there was a landslide election that took place and all those councilors who favored continuous roadway lighting were defeated. There's a message in that from the community and I would hope that it doesn't fall on deaf ears with ADOT.

First of all in 2008 the memo from John Harper to the City of Sedona indicated that the safety package that the advisory panel came up with did present equivalent safety improvements to the continuous roadway lighting, and then that fell apart and we went back to continuous roadway lighting.

Before our meeting last month we had a meeting with Director Halikowski and in the morning it appeared as though there was hope, that we were going to put the lights in a box, and we were going to be working on real safety solutions for Hwy 89A. By the end of lunch, apparently that fell apart and the letter that came back to us said it's not a viable solution for the state, with no further explanation. And that's just not acceptable at this point. So the moments of hope are quickly fading. And the community is continuing to be passionate about opposition to continuous roadway lighting. Iguess I'm confused because representative Feldmeier, I know that you represent Yavapai County and yet you ignore the wishes of one of your communities. Chairman Montoya, likewise, you represent, Coconino County, and yet I feel you are not being responsive to the requests of this community. ADOT is threatening and bullying the City of Sedona. You can either take lights or take back the road. Somehow that doesn't seem like a viable choice for the City of Sedona; and we are given an August 24 deadline to decide what we're doing. This makes absolutely no sense. I know that when I think about the majority of people in the community, the feeling is that ADOT is not going to come to Sedona to put in streetlights and we all need to understand that and we all need to know that this is going to continue to get messy as it relates to Sedona and the issue of streetlights on 89A because they are not an effective solution and we need to talk; that's the option. Thank you.

Cliff Ochser, resident of City of Sedona, was also a member of the Highway 89A Safety Panel, which made substantial recommendations for improvement on that roadway. He expressed his dissatisfaction with ADOT's handling of the Sedona project. He stated that most importantly he thinks ADOT ignored their commitment to work with the communities they serve. He also criticized Board Member Feldmeier for not returning constituents phone calls. He criticized ADOT for not communicating effectively with the City of Sedona, noting that they do not like threats. He noted that ADOT is about to embark on a public relations nightmare over the lighting issue.

AMENDED - Good morning Mr. Chairman, members of the board. Cliff Ochser, resident of Sedona for 12 years. I was also a member of the Hwy 89A Safety Panel, which made substantial, legitimate recommendations for safety improvements on Hwy 89A, which were summarily ignored by your agency. I am not happy to be here, I have better things to do with my time than to come every month and speak to this board. So do the rest of us. But we drive up here and we speak, because we have

hope that reason will prevail. For Sedonans, ADOT is a rogue agency who has no moral or ethical legitimacy in Sedona. You continue to ignore and disregard your own value statements when it comes to Sedona. The most important one is your commitment to work with the communities and the cities that you serve. Mr. Feldmeier, our representative, doesn't represent us. He doesn't return our phone calls and he won't have any discussions with members of the community. It this is your idea of public service, I can give you some books to read, which might improve your situation. Several weeks ago Mr. Halikowski sat with our Mayor and committed to reopening discussions about highway safety on 89A. Two hours later he sent his staff to deliver an exact opposite message. Take back the road or you're getting lights. That, folks, is a threat and we don't like to be threatened in Sedona. If you think the citizens of Sedona are going to fade into the woodwork you are underestimating the passion that we come to the table with to protect our community and our environment. If you think at some point, these people will stop coming to these meetings, think again. If you think people in Sedona are crazy, you haven't seen anything yet. This agency is about to get into a very public, very national public relations nightmare, which will establish all of your legacies. Congratulations see you at next months meeting.

Doug Blackwell, Sedona resident, spoke against the lighting project on SR 89A. He asserted that the project will not help the safety situation on that route, noting that ADOT's solution is a "night-time solution to a daytime problem." He then read statistics on accidents and fatalities on that stretch of roadway, from the prior three years (2007-2009) furnished by the Sedona Police Department. Total crashes, 310: daytime - 293, night - 17. Total injuries, 103: day - 99, twilight - 1, total at night - 3. Fatalities: 0. The most recent months of 2010 total crashes in Sedona were 42: during the day - 40, at night - 2. Total injuries this year were 11: day - 11, at night - 0. Fatalities: 0. He asserted that ADOT reported to the City Council earlier this year that there had been 4 nighttime pedestrian injuries on West 89A since April of 2006. According to the data supplied to him by the Police Department: that is incorrect. There have been 20 pedestrian and pedi-cyclist injuries, zero at night, 3 at twilight and 17 during the day. He claimed that is ADOT had used "full disclosure" in 2007, the City Council might have voted responsibly for medians. He suggested that day and night medians, crosswalks, day and night signalized intersections would help.

AMENDED - My name is Doug Blackwell, I live in Sedona, I am a retired engineer. You have consented to a mistake that will allow injuries happening today in Sedona, probably at this very moment, to continue. That consent will increase the legal liability to the State of Arizona and to my city, Sedona. I am here to ask you please not to allow that to happen. ADOT is suggesting a nighttime solution to a daytime problem. These are the three most recent years, 2007, 8, and 9 of the Sedona Police Department data furnished by Sedona Police Department Commander Marlene (inaudible). Total crashes, 310: daytime - 293, night - 17. Total injuries, 103: day - 99, twilight -1, total at night - 3. Fatalities: 0. The most recent months of 2010 total crashes in Sedona were 42: during the day -40, at night -2. Total injuries this year were 11: day -11, at night -0. Fatalities: 0. ADOT is suggesting a nighttime solution to a daytime problem. ADOT's Kohinoor Kar, reported to the Sedona City Council earlier this year that there had been four nighttime pedestrian injuries on west 89A since April 2006. According to the data supplied me by the Sedona Policy Department, this is totally incorrect. There have been 20 pedestrian and Pedi cyclist injuries on west 89A, not four. Zero of them were at night, three were during twilight, and 17 during the day. ADOT continues to demonstrate reckless disregard for the daytime injuries and daytime problems on west 89a. The absence of those 17 daytime injured pedestrians and Pedi cyclists from that report is proof of this reckless behavior. ADOT is suggesting a nighttime solution to a daytime problem. The full Paul Box report and vital research were not given to the Sedona City Council in 2006 and 2007, when ADQT recommended lights. If they had used full disclosure, that City Council may have voted responsibly for medians and not for lights. I have a copy of the new safety program developed by the National

Highway Traffic Safety Administration begun last month. It's called, "Click it or Ticket", day and night. It says it right there, day and night. Its not, "Click it or Ticket", nighttime only, it's, "Click it or Ticket", day and night. Day and night medians would help. Crosswalks, day and night. Signalized Traffic Signal, day and night. ADOT is suggesting a nighttime solution to a daytime problem. I'd like to enter these for the record. Thank you.

Marlene Rayner, Sedona resident, wondered where the report was for the continuous lighting project. She claimed that the NEPA report remains unpublished. Although the EIS process was denied early on, the SR89A continuous roadway lighting project was given a CE Level II assignment. She asserted that the results of Committee input have not been publicly acknowledged by ADOT for their validity, nor have valid alternatives been given public credence. She believed that the root of the problem was that ADOT had an FHWA grant applied for and received long before community input on their decision. She also claimed that community input has been "totally ignored" by ADOT.

AMENDED - My name is Marlene Rayner, and I am a resident of Sedona, Arizona. Where are the NEPA results for the 89A continuous lighting project proposed by ADOT for Sedona? In the face of major community opposition how can this project go ahead without having time to evaluate published NEPA results. Although ADOT is pressuring an August decision from the city to make up its mind about take-back of that section, the required NEPA report for ADOT's proposal remains unpublished. Although the NEPA process, EIS process was denied early on, the 89A continuous roadway lighting project was given a CE level II assignment. I know that the NEPA process in general requires community input and assessment and examination of the alternatives. The results of community input have not been publicly acknowledged by ADOT for their validity, nor have valid alternatives been given public credence. The issue also is not an FHWA issue or a safety and liability issue. The FHWA has advocated any responsibility thus far and said that the issue is between ADOT and Sedona. The fact that ADOT has an FHWA grant for lights applied for and received long before any actual community input on their decision is the root of the problem. I also know that the (inaudible) seceded from the CRL project nighttime safety and liability are insufficient in that the community decided early in that 89A safety panel, that the 89A is actually a day and night safety issue. Further, despite overwhelming community opposition, numbers provided to ADOT, ADOT, at the required community input meeting said the city council elect decided on this issue. These overwhelming results have thus far been totally ignored by ADOT. In this time where we should be thinking of the environment and sustainability, ADOT should be reconsidering its position on roads within communities as urgified on that by FHWA and the ADOT April 9, 2009 report. Thank you.

Juliette Colangelo, resident of West Sedona, quoted from ADOT's Traffic Engineering Policies, Guidelines and Procedures regarding the conditions under which continuous lighting may be permitted by the State. She asserted that in insisting on CRL, ADOT is ignoring its own guidelines and Transportation Secretary LaHood's expression of federal policy of community responsive planning that is sustainable and livable. Also, ADOT is ignoring Sedona's stated position, and is out of sync with other Western states, whose policies and actions are moving away from continuous lighting. She questioned ADOT's "recalcitrant stance in opposition to safety data" and asked why ADOT refuses to negotiate anything other than a turnback.

AMENDED - Good morning Chairman Montoya and members, my name is Juliette Colangelo and I live in west Sedona. I trust we're not wearing out our welcome coming to you month after month, because you understand the process of democracy as we do. I'm quoting now from ADOT's Traffic Engineering policy guidelines and procedures; "Continuous lighting may be permitted by the State after the consideration of the following conditions: 1. Is lighting on the city street visible from

highway, 2. Are the cross streets lighted up to one-half mile in each direction from the highway, 3. Is the area under consideration urban, 4. What is the nighttime number of crashes vs. the daytime number for that section in the past three years." Lights are not warranted. Quoting again from the same document, "It is recommended that ADOT consider allowing context-sensitive review of crosswalk warrants. This is particularly applicable in communities where the state highway serves as the main street". In order to insist on CRL, ADOT is ignoring its own guidelines. It is ignoring Transportation Secretary Ray LaHood's expression of federal policy of community responsive planning that is sustainable and livable. It is ignoring Sedona's stated position. Sedona is now updating our community plan; public input is, overwhelmingly, as you saw, in favor of sustainable and livable solutions that are aligned with federal DOT standards. Additionally, ADOT is out of sync with other western states whose policies and actions are moving away from continuous lighting and ADOT is ignoring AASHTO studies. Mr. Zubia stated, the first time we spoke to you, that it was wise to reconsider CRL and to consider more innovative measures such as on-demand crosswalks. Now there was a shining moment, which disappeared quickly. What is going on here? What is your point in this recalcitrant stand in opposition of safety data? Why do you refuse to negotiate anything other than a turnback?

Steve DeVol, Sedona resident and representing "Keep Sedona Beautiful." He mentioned that the City is preparing for a celebration of the completion of SR 179 on August 20 and 21, 2010. He said the roadway has changed the face of the entire community in a positive way. He questioned how ADOT and Sedona can be hand-in-hand on the one project, yet divided over the continuous lighting project. He attributed ADOT's attention to context-sensitive solutions as the key to the success of the SR 179 project. He wondered why ADOT has forgotten about that approach with the SR 89A project. The community does not find continuous roadway lighting to be an acceptable solution to the pedestrian safety issue. He said that this controversy will not go away, and he asked the Board to stop ADOT's plans to install continuous roadway lighting on Highway 89A in West Sedona. He noted that the final authority for establishing a complete system of state highway routes rests with the Board.

AMENDED - Good morning Chairman Montoya, Board Members and staff. My name is Steve DeVol. I live in Sedona and I speak on behalf of Keep Sedona Beautiful. We have a dichotomy before us. Our community is prepared to celebrate the completion of State Route 179 road construction. The city and chamber of commerce, Sedona Main Street Program, Voice and Choice for State Route 179, and Arizona Department of Transportation are coordinating a celebrate Red Rock Road event August 20 - 21, 2010. The journey of designing and constructing this great road has changed the face of our entire community. It has become an award winning, beautiful and scenic gateway. The locals and visitors alike will enjoy it for years to come. Many of the ADOT personnel and consultants who worked with the community are currently involved in the continuous roadway lighting controversy. Here we are ready to party on one hand and at odds with one another on the other hand. How can this be? ADOT listened and worked with the community on 179. We educated ourselves about context-sensitive solutions and implemented those concepts. That was the mantra; context-sensitive solutions. And that's a concept that's now sweeping highway design all across the country. The Arizona Department of Transportation was showing leadership to the nation in context-sensitive design. What happened? The will of the people is being ignored and it continues. Time and again the citizens spoke. Surveys were conducted by ADOT and the community. Each time the results showed continuous roadway lighting was neither the safest answer nor did the community support the continuous roadway lighting solution. The community feels that tearing up highway 89A in west Sedona to install continuous roadway lighting is not an acceptable solution to the pedestrian safety issue. This controversy will not go away. I'm asking you on behalf of the citizens of Sedona and Keep Sedona Beautiful, to stop the Arizona Department of Transportation's plans to install

continuous roadway lighting on highway 89A in west Sedona. Let's use highway 179 as a model for context-sensitive solutions. From your own website, and I quote, "The Board is responsible for establishing a complete system of state highway routes and have the final authority on establishing, opening, relocating, altering, vacating, or abandoning any portion of a state route or state highway." You, ladies and gentlemen, are the final authority and I ask that you use this authority wisely and do the right thing. Thank you.

Vice-Chairman Feldmeier responded to a few of the prior comments. He noted that he resented and rejected the personal attacks on himself and other board members and would not let it go without a response. He stated that since the Casa Grande Board Meeting in 2010, the public conversations related to this issue have continued to deteriorate. He noted that the last speaker did make accurate and important comments related to the Board's authority and that the decision regarding continuous roadside lighting was made by the Board. He informed the audience that the option of taking the road back was presented early on to them, and this is the same procedure successfully used in other communities and areas of the state. ADOT simply does not have the funds to satisfy everyone's needs.

AMENDED - Bill Feldmeier. Mr. Chairman, if that is the last of the speakers, I need the record to reflect a couple of comments I have related to those earlier comments. In particular, I want to make it clear that not only do I reject, but I resent a lot of the personal attacks that a couple of the earlier speakers brought into this Sedona Lighting issue and over the period of time since we first met in Casa Grande, which I believe was in February. The conversations related to this issue have continued to deteriorate. Earlier, it was personal attacks upon staff people for ADOT and now its personal attacks on board members. I resent that and you need to know that, and I'm not going to tolerate it either. I'm not going to let your personal attacks upon me or other board members go without a response. It is indeed unfortunate, but the one thing that I would agree with is that the last person who spoke from your group did make accurate and, I think, important comments related to the very end of this conversation. That is, that the final authority rests with this board. You need to know, and you do know that the decision related to roadside lighting has been made by this board. You had an option that we presented to you in Casa Grande over six months ago. That was, you can have the road back. The same way that we talk to other communities throughout this state about taking their urban stretches back, their state highways. And its worked successfully everywhere but Sedona and that's very unfortunate because we're making great strides in assisting other communities with issues just like this and its unfortunate that you can't seem to move off of that. You can't have it both ways. We simply don't have the amount of funding it takes to satisfy everyone's needs, so we look for solutions to issues like this. And in virtually every other area of the state that I can think of, we've been successful. Thank you Mr. Chairman.

Seeing no more requests, Chair Montoya closed the Call to the Audience.

## ITEM 1: District Engineer's Report - John Harper, Flagstaff District Engineer

Mr. Harper began by providing an update on a project on the I-40 westbound, just east of Flagstaff. There was a problem in the winter when trucks get caught in vertical curves and tie up the roadway. ADOT re-profiled the curves and is almost finished with the project. Filling in the vertical curves seemed to have worked this past winter with trucks (no tie ups) so it is considered a success.

They are also helping Mohave County, which applied for emergency relief funding in Littlefield, off of the ADOT system. A bridge was damaged during the 2004-2005 flood and ADOT is administering the project for the County. It is about 50% complete and scheduled for completion in September-

October. He noted there is another bridge that is being replaced between Flagstaff and Winslow on I-40 eastbound at Buffalo Range

McGuireville Rest Area - An upgrade of the wastewater system is complete and next week they will start on the pavement preservation project, southbound on I-17, from the scenic overlook to the rest area - looking for completion by the end of summer.

SR179 - It has been a four-year construction journey with 2 projects. He showed some photos of the near-completed project in Sedona and Oak Creek. They hope to have it completed by mid-July or early August, with the completion celebration occurring on August 20-21.

McGuireville Traffic Interchange (Prescott District) – ADOT will be paving the new ramps, and putting the traffic out on the mainline. Substantial completion is anticipated in mid-July.

Oak Creek Switchbacks, SR89A - A piece of Oak Creek Canyon switchback was washed due to recent winter storms. It was an emergency project, constructed in about 10 days, with slide repairs and diverting of water to a catch basin.

There are a number of future projects, many of which are delayed because of ARRA projects and may not happen until the summer of 2011:

- Tuba City Lighting (safety project) they have applied for safety funding, and this will be coming up for approval in the next few months
- The Cedar Ridge pavement preservation project passing lanes and shoulders
- Cameron Bridge, a high priority for bridge section, will be a parallel bridge over the Little Colorado River and replacement of existing.
- Tusayan Street Improvements they were hoping for this summer, but they have to put new agreements together due to the Town of Tusayan being incorporated. ADOT is hoping to advertise in September this will include landscaping and pathways.
- Munds Park Traffic Interchange on I-17, a 100% designed project
- Long-range plans for the I-17 corridor from Flagstaff to the Prescott District (about a 40-mile stretch) looking at future capacity and wildlife crossings
- Long-range plans for a 30-mile stretch of I-40 from Belmont to Winona looking at road widening, traffic interchanges, improvements and wildlife crossings
- Lone Tree Traffic Interchange providing connection to NAU, Coconino Community College and a future planned housing and commercial area
- A number of wildlife crossing studies being performed on I-17, I-40, US89, US180 and SR64.

He commented that the winter storm which took place over Martin Luther King week, when 54" of snow fell, cost over \$500K for snow removal for the district. For the entire winter, 143" inches of snow fell at a cost of that costs \$3.5M for removal.

Mr. Anderson asked if the SR179 project was entirely within the town limits of Sedona. Mr. Harper replied there were two parts: one in the County and one in the City. Mr. Anderson asked if the cost of the project was upwards of \$100M, and Mr. Harper answered that both parts of the project were \$125M combined. Mr. Anderson remarked that the size of the project demonstrates their commitment to that area.

### ITEM 2: Director's Report - John Halikowski

Director Halikowski began by discussing the commercialization of rest stops. He reported that they have increased their efforts, recently leading a national discussion on that topic at ASHTO in Natchez, Mississippi. Mr. McGee and his team are continuing to work with private entities to discuss the federal restrictions and prohibitions. The previous Friday he spoke on KJZZ radio, facing the National Association of Truck Stop Operators who are strongly opposed in Congress to any commercialization of rest areas. However, that is an eastern-based organization in Virginia and often they do not have the distances to travel that we do in the western states. He will continue working with the Congressional delegation and lead efforts on this, at least to allow for flexibility for the states to make these types of decisions.

The Governor's Committee on Private Enterprise, of which Director Halikowski is a member on behalf of ADOT, met recently. That committee is looking for ways to become more efficient, and where privatization is warranted in state government to enact those types of efforts. They are very interested in the P3 effort that Mr. McGee is leading and that will be the highlight of that committee's initial draft report, due on July 31, 2010. The Committee is also interested in ADOT's rest area commercialization and internet access partnership with Service Arizona. He assured the Board that the Committee will continue looking for other ways to save the State highway dollars for efforts such as snow removal.

He reported that he, Mr. McGee, and Mr. Zubia were at the Governor's Institute on Sustainability Summit. They spoke with attendees from around the country on how transportation affects the economy and also housing, land use, and development. The culmination of the two day meeting was that in the next transportation reauthorization, the issues of livability and sustainability and mobility for people without vehicles will become very important. In addition, the State Land Director, Department of Housing, Department of Environmental Quality Director and he will begin meeting to plan together on future projects in Arizona.

He met with the three universities recently, discussing the establishment of a University Transportation Center in Arizona. This meeting forged an excellent partnership so that ADOT can begin to do applied and theoretical research on transportation issues facing the State. They will request changes in the statute to allow this to occur.

Rest areas continue to be an issue. Staff is looking at the FY2011 budget and determining whether or not there will be funding available to at least provide some relief. Commercialization and flexible funding is not likely to happen soon, so the State is somehow going to have to bootstrap issues with rest areas while maintaining the commitment to the northern region with snow removal.

He commented briefly on gas tax revenues, noting that at least the downward trends are not continuing.

He reported that they were in Tusayan several days prior, dedicating a new air/fire rescue building, a \$9.2M facility. It is the third busiest airport in Arizona, and airport officials are so pleased with the new building that they are talking about building a new terminal.

In conclusion, he thanked Mr. Harper and the snow removal crews and all the maintenance folks in the district.

Mr. Flores asked if the snow removal recommendations mentioned earlier in the meeting will be formally submitted to Mr. Harper or Director Halikowski and if they will be discussed transparently. Director Halikowski replied that those ideas need to be brought forth and he is committed to helping the locals as much as possible to keep the highways open.

Ms. Lisa Maxie-Mullins from the Attorney General's office requested that there be no discussion by the Board on the Director's report. If further information is needed, she asked that the question be posed further in the agenda. She responded to a request for clarification by informing Mr. Flores she could explain the legal interpretation of statute requirements to him in an executive session. She added that any kind of event is limited to the Director presenting those events, and a discussion is not allowed to take place.

### ITEM 3: Consent Agenda

Motion by Mr. Anderson, seconded by Mr. Zubia to approve the items on the Consent Agenda. In a voice vote, the motion passed unanimously.

# ITEM 4: Legislative Report – John McGee

Mr. McGee commented that since the legislature is not in session, there is not much to report on the state side.

The only thing of any note on the federal side that happened since the last meeting was a hearing at the Subcommittee on National Parks, Forests and Public Lands on the Sedona Red Rock NSA. That was on June 10, and Congresswoman Kirkpatrick provided an overview of the Sedona Red Rock NSA. Comments were given at the hearing by the Deputy Chief of U.S. Forest Service, Mayor Adams from Sedona, and Holly Mabery from Sedona-Verde Valley Association of Realtors. The Forest Service supports the NSA designation. Mayor Adams indicated that Sedona residents and businesses support the bill while Ms. Mabery's group opposes the bill as does the Cottonwood City Council.

# ITEM 5: Financial Report - John Fink

Mr. Fink reported as follows:

- HURF for May totaled \$99.1M, up 6.5% compared to last year and down 4.5% compared to estimate. YTD HURF stands at \$1.09B, down 4.5% compared to last year and down 4.2% compared to estimate. For the first 11 months, total HURF revenue is down approximately \$51.5M compared to last year, and is down about \$47.7M compared to estimate.
- Gas tax revenue YTD stands at \$416.4M, down slightly (0.2%) compared to last year, and down slightly compared to estimate. For May, gas tax revenue was \$40.5M, up 3.8% compared to last year and up 5.5% compared to estimate. This marks 6 of the past 7 months that gas tax revenue has been even with or above the same month as last year.
- YTD Use Fuel Tax revenue is at \$156.7M, down 1.7% compared to last year and down .5% compared to estimate. For May, Use Fuel Tax revenue was \$15.2M, down 3.7% compared to last year and up 2.3% compared to estimate. Use Fuel Tax has been up 5 of the last 6 months.
- VLT revenue is \$300.5M YTD, down 8.1% compared to last year and down 9.6% compared to estimate. While it remains weaker, May car registrations were actually up 3.7% over last May, and the average value of the vehicles was up this May compared to last May, by 9.4%.

[Mr. Fink then presented several charts depicting running totals for Gas Tax Revenue and VLT on a 12-month total.]

- The RARF results are for April, as final May results are not yet available. April RARF was \$26.5M, down about 0.8% compared to last year and down about 4.2% compared to estimate. YTD RARF is \$248.8M, down 10.3% compared to last year and down 5% compared to estimate. For the first 10 months, RARF is down about \$28.5M total from last year and \$15M down from the estimate. Preliminary RARF results for May are down about 0.3% compared to last May and down about 4% compared to estimate.
  - April retail sales totaled about \$118.4B, down 8.1% compared to last year, and down
     4.2% compared to estimate.
  - April retail sales revenue was \$10.9M, down 14.8% compared to last April and down 19.2% compared to estimate. This result was primarily due to a one time adjustment by the Department of Revenue to the retail sales category.
  - O YTD Contracting Revenue is at \$24.4M, down 40.1% compared to last year and down 29.2% compared to estimate. He noted that compared to April 2008, revenue was down 60%.
- Aviation Fund: May revenue was \$4.7M, down 1.8% compared to last year and up 29% compared to forecast. Year-to-date revenue was \$24.8M, up 5.8% compared to last year but down 2.7% compared to estimate.
  - o Flight property tax was \$9.4M year-to-date, down about 19.3% compared to last year and up 5.4% compared to estimate.
  - o Aircraft registration revenue of \$7.4M was up 6.3% compared to last year, and up 10.4% compared to estimate.

### Investment Report:

- May average invested balance for all funds was \$1.18B with 99.87% invested. May investment income received was \$1.16M for an annualized yield of 1.14%. Year-to-date investment interest is \$14.3M, for an annualized yield of 1.24%.
- The cash balance at the end of May for the HELP fund was \$59.5M. Currently there are five loans outstanding for a total principal outstanding of \$15.7M.

[He showed a slide of discretionary balance in the State Highway Fund.]

The May balance is very close to a year ago and he expects to end the year with a small positive cash balance. The chart has improved dramatically as DPS transfers ended in March and ADOT has made significant progress in conserving cash by moving the program more toward the federal side.

Mr. Zubia asked about the VLT and wondered if, when considering the percentage changes, it was before or after the transfers. Mr. Fink responded that it is the total revenue number to the Highway User Revenue Fund and represents the amount prior to the transfers. Mr. Zubia sought clarification on whether the percentage would be higher after the transfers and Mr. Fink replied that the slide depicts the amount of VLT revenue which would have been further distributed to the cities, town, counties and the State Highway Fund. The amount distributed to the State Highway Fund out of the \$300M was about \$150M. ADOT transferred \$43M of that to the state general fund, so the net to the State Highway Fund through May would have been \$107M.

### ITEM 6: Financing Program – John Fink

Mr. Fink remarked that at the Study Session earlier in the month he presented a Financial Plan for the FY2011-2015 Program. In that presentation, he indicated they were contemplating two bond issues during FY2011. One was for a \$180M RARF bond issue, and the other was a \$170M issue of Grant Anticipation Notes.

They have developed a preliminary timetable for the issues in conjunction with the financial advisor. He noted that there are drafts of the timetables in the Board members' books. These outline various milestones for the next few months. There will be several actions he will bring to the Board in the near future and they are highlighted in bold print. They are currently looking at an October pricing and closing for the RARF bond issue and a November pricing and closing for the GAN issue.

# ITEM 7: Direction to Proceed: Transportation Excise Tax Revenue Bonds (Maricopa County Regional Area Road Fund) – John Fink

Mr. Fink presented for the Board's consideration a resolution directing Department staff and their Financial Advisor to begin work on the upcoming bond issues. He directed the Board to the Resolution on page 118 of the agenda. He reiterated that the RARF bond will be for \$180M, and they are expecting the closing and pricing in October. He recommended that the Board take action on this item.

Motion by Mr. Feldmeier, seconded by Mr. Anderson, to approve the resolution. In a voice vote, the motion passed unanimously.

# ITEM 8: Final approval of the FY 2011-2015 Five-Year Transportation Facilities Construction Program – Jennifer Toth

Ms. Toth explained she would be taking the items one at a time.

a. FY-2011-2015 Statewide Highway Construction Program and Subprograms (Excluding MAG and PAG)

Motion by Mr. Feldmeier, seconded by Mr. Flores, to approve Item 8a. In a voice vote, the motion passed unanimously.

Mr. Feldmeier wanted to confirm that ADOT will continue its conversations with both Flagstaff and the Yavapai County people related to the turn-backs discussed. Ms. Toth clarified that the plan includes everything seen previously in the meeting as well as the last study session, including the Lone Tree Interchange and Fain Road. She added that the Lone Tree TI is part of the Five Year Program, but the Fain Road is in the MPD Overall Work Program, which is not part of the Five Year Program.

Mr. Zubia brought up the improvements regarding Highway 60 at Gonzales Pass into the town of Superior and noted how difficult it was to get that project through the Program. He asked when the next section of US 60 might get into a Five-Year Plan. It was noted that the Silver Creek Section and Superior Streets is in the Five-Year Program.

# b. FY 2011-2015 PAG Regional Highway Construction Program

Motion by Mr. Flores, seconded by Mr. Feldmeier, to approve Item 8b. In a voice vote, the motion passed unanimously.

### c. FY 2011-2015 MAG Regional Highway Construction Program

She noted that Board action on this item will be contingent on the MAG's approval at the July 28, 2010, Regional Council meeting.

Motion by Mr. Zubia, seconded by Mr. Anderson, to approve Item 8c. In a voice vote, the motion passed unanimously.

# d. FY 2011-2015 Airport Development Program

Motion by Mr. Zubia, seconded by Mr. Feldmeier, to approve Item 8d. In a voice vote, the motion passed unanimously.

### ITEM 9: Multimodal Planning Division Report - Jennifer Toth

The final documents for bqAZ have been distributed to each of the Board members as well as to the stakeholders associated with the project. Now they are transitioning into the Long-Range Transportation Plan. This looks at investment choices on expansion, preservation, capacity improvement, operational type of situations and how those are funneled through the vision identified in bqAZ and then tied to the Five-Year Program.

There are three different committees associated with bqAZ. The first is the Technical Advisory Committee, responsible for actual technical input to the project. The second is the Steering Team, also providing technical input but also ensuring a cooperative planning process is being followed that includes planning partners and agency stakeholders. Third is a Policy Committee, which will meet three times during the course of the project. That Committee will be considering policy issues that arise related to baseline revenue projections over a 20-year timeframe. The Committee will also look at instances where there may be opportunities for additional funding.

She encouraged the members of the Board to follow the progress of the long-range transportation plan and visit the website <a href="https://www.whatmovesyouarizona.gov">www.whatmovesyouarizona.gov</a>.

Mr. McGee thanked the Board for their participation and support of bqAZ; it has been an unprecedented effort on the part of the Department, with the board's oversight and input, in particular noting Felipe Zubia's leadership in the effort. Mr. Zubia returned the compliment, noting staff has done a tremendous job.

# ITEM 10: Priority Planning Advisory Committee (PPAC)

Ms. Toth proposed taking Item 10a through 10v together, with the exception of 10i. Staff recommended approval of Items 10a through 10v, with the exception of 10i. She noted that for Item 10e, MAG has approved \$139.5M and an additional \$9M is on MAG's agenda for June 30<sup>th</sup>. Approval would be contingent on MAG's approval on June 30, 2010.

# Motion by Mr. Zubia, seconded by Mr. Flores, to approve Items 10a through 10v, with the exception of 10i. In a voice vote, the motion passed unanimously.

Ms. Toth introduced Item 10i, a project on I-10 from Val Vista Road to Earley Road. On September 10, 2007, the U.S. Department of Transportation announced six interstate routes that were the first to participate in a new federal imitiative to develop multi-state corridors to reduce congestion. Those corridors are called "Corridors to the Future," and the I-10 and I-15 are two of these.

Seven hundred miles of the I-10 traverses through urban areas. According to the FHWA website, by 2035, 96% of the urban segments will be under heavy congestion. Congestion from non-urban segments will increase from the current 4% to over 45%. The I-10 project is part of a number of projects spanning many states including Arizona, especially east of Tucson traversing west of Phoenix. The I-10 is a critical link to the nation's economy as well as to Arizona's economy.

This project is planned for the 2013 timeframe as part of a larger placeholder project. It was part of an original FY 2010 Federal Aid Closeout list provided to the Board in January, but it did not make the final list in March. At that time, staff did not feel they would be able to complete the design and obtain the necessary clearances to advertise it within the fiscal year. The Department is now recommending adding this project in the FY2010 program. The FHWA has expressed concern with ADOT's ability to spend federal funds for this fiscal year, and the Department feels this is a good way to use the allocation and continue developing the I-10 corridor. She recommended that the Board approve the project, widening the I-10 Val Vista Road to Earley Road on Item 10i.

# Motion by Mr. Anderson, seconded by Mr. Flores to approve Item 10i. In a voice vote, the motion carried. In a voice vote, the motion passed unanimously.

Mr. Christy asked for clarification if they wanted to move it into the 2010 close-out fund, as opposed to keeping it on the current priority list. Ms. Toth responded it is not currently in the Five-Year Program and they are asking to include it so that they can advertise for construction in the June-July timeframe.

Mr. Feldmeier remarked that he had asked staff to provide the Board with the amount of money recently spent on I-10. Ms. Toth distributed the requested material and noted some of the figures referred to money to be spent in the Five-Year Program. Mr. Feldmeier expressed concern about the amount of rural money being dropped on I-10 at the expense of other state or US highways throughout rural Arizona. He said he has a difficult time with this project, even while understanding the need and responsibility ADOT has to complete the project.

Mr. Anderson remarked that the truck traffic is bad between Phoenix and Tucson, but when he gets to an improved stretch, the ease of traffic is noticeable. He wonders how Arizona is going to set itself apart from other states in terms of ease of routing goods into and out of the city.

#### ITEM 11: State Engineer's Report - Floyd Rochrich

The report was given and no action was taken.

## ITEM 12: American Recovery and Reinvestment Act (ARRA) 2009 Update - Floyd Roerich

The report was given and no action was taken.

# ITEM 13: Construction Contracts - Floyd Roehrich

Motion by Mr. Feldmeier, seconded by Mr. Anderson, to award Items 13a-13g. In a voice vote, the motion carried. In a voice vote, the motion passed unanimously.

ITEM 14: Acquisitions of Scenic Easements with Transportation Enhancement Funds – Tammy Flaitz

Motion by Mr. Feldmeier, seconded by Mr. Zubia, to approve Item 14 on the Agenda. Motion carried.

ITEM 15: Board Resolution on the Need for Adequate Funding for Transportation – John McGee

Motion by Mr. Zubia, seconded by Mr. Flores, to approve Item 15 on the Agenda. Motion carried.

ITEM 13h: (Amended Contract Item)

[Recording resumes at the beginning of Mr. Acosta's rebuttal to Robert Roos comments to the Board]

Mr. Acosta, Assistant Attorney General, commented that the Board has the discretion to decide whether the State Engineer or someone else holds the hearing. He suggested that the 29<sup>th</sup> is a good date for whoever is holding the hearing, as discussions between ADOT and Fisher staff, (excluding the Engineer) indicates. It has been noticed to the parties. He remarked that if the Board were to award the contract without thinking about the responsibility, the Board would be avoiding its duty to issue the contract to the lowest responsible bidder. He said he understood that in the past, the Board awards the contract, then holds the hearing later.

Mr. Znbia asked if it is appropriate to open bids and hold a hearing if the Board is not comfortable with who is bidding as they had issues with responsibility prior to opening the bids. Mr. Acosta said that should be considered at the hearing. Mr. Acosta recounted the history behind the current situation, saying that if the facts were offered by Fisher before the Pre-qualification Board, then they could have talked about it at the time. Fisher is claiming that by not talking about it at that time, ADOT has waived the right to ever investigate the matter at all. The suggestion to award the contract without regarding responsibility would remove any reason for the Board to hold a hearing later, and would result in the award of the contract to a non-responsible bidder, if Fisher is not responsible.

With regard to the State Engineer, Mr. Acosta stated the reason the Board has traditionally asked the State Engineer for a recommendation is that the Engineer knows about the industry and the bidding and construction process. The ultimate aim is that ADOT gets the best value for the best price. The public interest does require a bias in favor of the public interest, not a bias in favor of the contractor or the Department head. The Board should listen to both sides and find out what is going on. He said the Board has the right to hold the hearing and set the rules for it. Fisher requested to have people under oath and have a court reporter, and it could be either formal or informal. Mr. Acosta emphasized that this hearing needs to be considered whether or not there is an explanation to investigate the discrepancies.

Mr. Flores brought up something in the notes. The reason the Board was told there was a question about responsibility was that the contractor had not self-performed at 40%, which he saw as a technical item. He was curious if the Board denies the issuance of further contracts, would this

contractor be stopped from working, even though he is towards the end of a project. Mr. Acosta replied that self-performing is not considered a technicality.

Chair Montoya said it was now up to Board to decide how it wants to proceed: extend it, how to proceed with the hearing, appoint Board members or independent hearing officer, or continue with Mr. Roehrich if he is not conflicted.

Mr. Zubia brought up comments which were made in reference to holding the hearing after the contracts are awarded rendering the hearing moot. He does not agree, as he thinks the issue is still whether or not they have a responsible bidder, and whether or not the contractor who has been impugned has a chance to redeem themselves. He asked if they were aware of any problems with responsibility before they opened the bids, or was it afterwards. Mr. Acosta replied that he thought there were some issues before and some after. Mr. Zubia wondered if they had a significant amount of concern prior to letting the bid out, could the responsibility hearing on that particular bid been held at that point in time. In other words, is a responsibility hearing strictly being held for bidders or can the Board determine whether or not a contractor is responsible when they are actually on a project. Mr. Acosta said that once a contractor is on a project, it is not for the Board to consider. If there is a question if the bidder is responsible, the time to act is before the contract is signed. Once they are on the contract, other items may be found and perhaps there would be remedies under that contract. In the hearing proposed by the State Engineer, past performance would have been considered with the idea of considering whether that reflects on the current responsibility. Mr. Zubia was curious if the bid that was submitted was determined to be irresponsible or non-responsive. Mr. Acosta replied it was responsive.

Mr. Zubia said that the timing of the hearing concerns him, as they are told to rush ARRA projects particularly on I-10, and now we are saying "hurry up and wait." His concern is putting the Board and the Department in the position of defending that in court, knowing that the bid was responsive. Mr. Acosta noted that once the contract is signed, there is a copyright in favor of the contractor. Mr. Zubia noted that once the bids are opened, there is an expectation that the lowest responsible bidder is going to get the award. If there had been an issue, he thought the Board should have acted on it prior to opening the bids.

Mr. Roehrich remarked that at the time the bids were opened, they were looking at the allegations, and he was not prepared to direct the Department to act on those without subsequent facts to support the allegations. He was looking at the information coming in and determining its appropriateness. He had said that they will move forward with the project process, but will initiate an investigation and look closer into it in order to substantiate the allegations to facts before doing something negative to a contractor. He does not take the responsibilities of the Board, staff, or contractor lightly and was not prepared to take action before investigating to see if there was an actual basis to the allegations. This was all going on during the time the bids were opened and after that. The decision to proceed with a responsibility hearing was made when they felt they had sufficient information that they wanted Mr. Fisher to respond to as completely and accurately as possible.

Mr. Zubia noted he does not question staff's integrity and appreciates the explanation, but the appearance that this situation puts the Board in is not particularly favorable.

Mr. Feldmeier asked Mr. Roehrich how many responsibility hearings have there been in the past. Mr. Roehrich replied there was one last year that Mr. Roos had commented on, regarding Mr. Fisher and pertaining to the notice of a prosecution agreement and allegations of tax fraud. This is the second responsibility hearing concerning Mr. Fisher, albeit with different allegations. Mr. Feldmeier

said he believes the Board has been put in a very precarious position at the eleventh and one-half hour, and added he is not comfortable opening a bid, then saying to the person who receives the low bid that they are going to have a responsibility hearing over technical issues.

Motion by Mr. Zubia, seconded by Mr. Flores, to deny staff's request to extend the date for a hearing and direct staff to advertise for award the affected projects within the next 10 days.

Mr. Roehrich requested clarification on the wording of the motion, where "advertise for award" should say "special Board meeting to award the project."

Mr. Schlosser stated that in awarding the contracts, the Board is required to make the award to the lowest responsive and responsible bidder. The question has arisen as to the responsibility of this individual. Part and parcel of that award is finding the contractor responsible. The Department has provided the Board with information concerning its investigation, and the request has been made that a formal hearing be conducted. He believes that helps the Board in making that determination, and he hopes that the Board have the hearing soon.

Mr. Flores asked if Mr. Zubia would consider a friendly amendment to recommend a hearing and subsequent award in the same day. Mr. Zubia stated that he would rather put the department in a position to defend the board's decision based on whether or not the contractor was a responsible and responsive bidder rather than putting the Department in the position of defending, having a hearing, opening the bids, then taking away a bid. He believes the risk is greater with the later.

Mr. Christy suggested the possibility of having the entire Board hold the responsibility hearing itself, rather than the State Engineer, and make a determination of responsiveness and responsibility and let the board decide whether the construction projects should go on.

Motion by Mr. Zubia, seconded by Mr. Flores, to withdraw his previous motion.

Motion by Mr. Christy that a majority of the Board conduct a responsibility hearing on the contract at issue, with the ultimate decision of Board approval of the contract as its main focus.

Mr. Zubia restated the motion is to have the majority of the board hold a responsibility hearing within the next 10 days and at the same meeting advertise for possible award the affected projects.

Director Halikowski recommended that the motion be made in two parts, reflecting the denial of staff's request for a hearing extension and subsequent announcement of award contracts.

Motion by Felipe Zubia to deny staff's request for a hearing extension and that the board hold the responsibility hearing and subsequent announcement of award of contracts.

Motion seconded by Mr. Flores.

In a voice vote, the motion passed 5-1, as follows: Chair Montoya, yes; Mr. Feldmeier, no; Mr. Flores, yes; Mr. Anderson, yes; Mr. Zubia, yes; Mr. Christy, yes; Ms. Lundstrom, absent.

Mr. Feldmeier asked how many days they would have to set aside for the hearing and was it open to the public. Chair Montoya believed that it would be a private hearing. It was asked if the hearing would be subject to the open meeting law requirement or could it be held in executive session. Mr. Acosta responded that hearings conducted by both parties are generally open.

Mr. Schlosser believes it would be an open meeting and will research the information.

Mr. Roos explained that if the Board simply noticed the three contracts for award in 10 days, in considering the award under standard specifications, the Board is charged with awarding to a responsible contractor. Necessarily, if the Board notices a meeting for 10 days out and states the Board is going to consider and vote on and award these three contracts, the Board can at that meeting lawfully consider Fisher's responsibility. It would not be to notice and hold a separate responsibility hearing, and so the question of open/closed meeting would be avoided. With respect to whether a meeting or hearing needs to be open/closed, he does not have the answer to the ultimate question, but can point out that ADOT's regulations provide for the establishment of a pre-qualification board specifically to look at responsibility related issues. Proceedings of a pre-qualification board are private.

Mr. Christy inquired as to why they would not want an open hearing, and Mr. Schlosser said there can be an open meeting in reviewing these issues. If there were issues regarding confidentiality, financial records, or other related matters, then the meeting could adjourn to executive session to review those specific items.

Chair Montoya announced that the Department will schedule the hearing and the special Board meeting to take action, and will contact the Board members giving them potential dates.

Mr. Roos noted that Mr. Fisher needs access to all of his requested documents under Public Records Law to prepare for the hearing. He further noted that stipulations have been presented to Mr. Acosta relating to what the parties agree on.

Director Halikowski responded that he had been sent a letter by Mr. Roos' firm requesting those public records and asked if the list could be trimmed down as it was quite lengthy. Mr. Roos said they can probably work with the Attorney General's office and pare down the list to those that are essential.

Mr. Christy asked that the parties at the hearing concentrate solely on the issues at hand to help the Board focus on those, rather than on ancillary issues.

ITEM 16: Comments and Suggestions [None]

#### <u>Adjournment</u>

Motion by Mr. Flores, seconded by Mr. Anderson, to adjourn the meeting at 12:43 p.m. In a voice vote, the motion passed unanimously.

Bob Montoya, Charman State Transportation Board

ohn Halikowski, Director

Arizona Department of Transportation