

A black and white photograph of the Pima County Courthouse in Tucson, Arizona. The image features the large, ornate dome of the building on the left, with a palm tree in the foreground on the right. The text 'Legislative Policy Positions 2012' is overlaid in white on a semi-transparent dark grey background on the right side of the image. A white horizontal line is positioned below the text.

# Legislative Policy Positions 2012



**DRAFT Nov. 2011**

# 2012 Legislative Policy Positions

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## INTRODUCTION

The legislative policy positions presented herein were developed in order to:

- Provide information for PAG member jurisdictions on the possible ramifications of pending legislative actions.
- Provide guidance to PAG staff to react to legislative issues in a timely manner when time is of the essence.
- Provide the framework for proactive jurisdictional support of legislative solutions that may be articulated within the PAG committee structure.
- These positions allow the PAG Executive Director or his/her representatives to take action to meet the legislative goals of the Regional Council as set forth in the annual PAG Legislative Policy Positions. The actions available to the Executive Director include, but may not necessarily be limited to:
  - The writing of letters to the state/federal legislators outlining the PAG legislative policy positions or other policy positions endorsed by the Regional Council.
  - Visiting with state/federal legislators to discuss the PAG legislative policy positions or other policy positions endorsed by the Regional Council.
  - Testifying at state/federal hearings to discuss the PAG legislative policy positions or other policy positions endorsed by the Regional Council.
  - PAG staff, however, is not empowered to initiate legislative bills based on adoption of this legislative policy position. Any initiation of legislation would only be undertaken at the specific direction of Regional Council.

In addition to the direct action outlined above, PAG staff will provide technical assistance as requested to its member jurisdictions for their efforts in support of positions included in the PAG legislative policy positions.

PAG staff may be called upon to provide information and assistance on current or previous Regional Council policy positions as necessary.

The policies outlined in this document were developed by applying basic legislative principles to current events and issues.

## **2012 PAG LEGISLATIVE PRINCIPLES**

The following principles guide the development of PAG's annual legislative policy positions.

1. PAG strives to help ensure the region and its member jurisdictions achieve equitable representation and funding distribution.
2. PAG seeks to facilitate cooperative decision-making that involves all essential stakeholders and keeps final decision-making authority at the level closest to the level of knowledge of the problem and responsibility for implementation.
3. PAG works to ensure that selected project priorities can be determined to meet demonstrated current and future needs of the region.
4. PAG strives to meet environmental and social needs within the region.
5. PAG strives to ensure that available resources are shared and that work efforts are not duplicated.
6. PAG seeks regional solutions to transportation and environmental issues with the goal of a seamless infrastructure unhampered by jurisdictional boundaries or resources across the region and state.
7. PAG supports development of strategies and mechanisms to increase transportation revenues and promote sustainable funding sources.
8. PAG takes a multi-modal approach in planning for current and future transportation needs.
9. PAG supports legislation and/or administrative actions that ensure transportation funds are used only for transportation infrastructure improvements and maintenance.
10. PAG supports legislation and/or administrative actions that protect and retain state-shared revenues to assure adequate local community services in response to local needs; PAG opposes any reduction in state-shared income and sales tax revenues for local governments.
11. PAG opposes efforts to erode local and regional control and authority through preemption and mandates, particularly unfunded mandates.
12. PAG supports local/regional self determination of representation type, composition and voting structure for local/regional boards and authorities.
13. PAG seeks to help the region and its member jurisdictions address federal issues and concerns by conforming the policy position below to federal issues as appropriate.

## **PAG LEGISLATIVE POLICY POSITIONS**

The 2012 PAG Legislative Policy Positions are founded on the legislative principles articulated above and developed by Regional Council. The PAG Regional Council may update or amend these positions at any time.

**A. OPPOSE ANY CHANGE IN THE MAKE-UP OF THE ARIZONA STATE TRANSPORTATION BOARD UNLESS THAT CHANGE RESULTS IN IMPROVED REPRESENTATION FOR THE PAG REGION**

**Issue:**

The Arizona State Transportation Board (ASTB) makes critical decisions regarding the expenditure of state and federal revenues for transportation improvements, including improvements in the PAG region.

Since the Board's inception in 1927, the State Transportation Board membership has only been adjusted once, in 1973, to expand from five members to the current seven members. At the time the Board was formed, the state was primarily rural in nature, but over the past 80 years the state has developed highly urbanized areas and state population has grown to over 5 million people. The Board has not been adjusted to reflect these changes nor is there a mechanism in place to do so. At this time, the Board membership reflects one representative from PAG, four non-urban representatives and two MAG representatives. The term of service is six years, meaning that every region takes turn as chair, with one of the MAG representatives not being chair during his/her term of service.

In 2008, the Legislature approved a change to allow for the creating of new state transportation districts, stating that if a county reaches 500,000 in population, it becomes its own transportation district. As a result of this provision, the membership of the State Transportation Board could expand to include the new district if a county reaches 500,000 in population, which would dilute PAG representation on the Board.

**PAG Position:**

*PAG opposes any changes in the composition of the ASTB that further dilutes PAG regional representation or that changes the rotation of the chair that currently provides for a PAG chair every six years.*

**B. OPPOSE LEGISLATION THAT WOULD DILUTE THE ABILITY OF THE REGIONAL COUNCIL TO OPERATE EFFECTIVELY**

**Issue:**

In 2011, legislation was introduced that would have required regional councils / Councils of Government throughout the state to include representatives from both the private sector and from census-tracked, unincorporated areas.

Such a change to the composition of the PAG Regional Council would have compromised its ability to meet its statutory responsibilities and operate as an effective regional planning agency. As it was written, the bill could have been interpreted to expand the PAG Regional Council from nine members to 54, reflecting each 2010 Census "Designated Place" in Pima County.

In addition, because unincorporated areas have no elected officials other than their County Supervisor, selecting which citizen would be appointed as that area's representative could be problematic. The same would hold true for the private sector representative. The legislation did not indicate how either of these types of representatives would be selected, nor how many representatives from the private sector would be expected to serve on the Regional Council.

The current nine-member PAG/RTA Board includes the Chief Elected Official from each member Jurisdiction plus the Southern Arizona Representative to the State Transportation Board. The current composition of the council provides the representative from Pima County to speak on behalf of unincorporated areas, without overwhelming the single vote granted to the City of Tucson (which represents over half of all residents in the PAG region).

**PAG Position:**

*PAG opposes legislation that would alter the composition of the Regional Council in a way that would make the council less effective or less able to meet its statutory responsibilities.*

**C. PROTECT AND MAINTAIN THE INTEGRITY OF THE REGIONAL TRANSPORTATION AUTHORITY ENABLING LEGISLATION**

**Issue:**

On April 23, 2004, Governor Janet Napolitano signed legislation re-establishing PAG as a Regional Transportation Authority (RTA) with the ability to call for a half-cent sales tax election. This legislation became effective on August 25, 2004. The new Regional Transportation Authority Board held its first meeting and elected officers on September 10, 2004. The RTA plan and a half-cent sales tax were approved by the voters in May 2006.

The RTA's 20-year multi-modal transportation plan is funded by a voter-approved half-cent excise tax. It is expected that the RTA could generate approximately \$2.1 billion over the 20-year period for transportation projects beginning with an estimated \$65 million in the first year.

In the 2006 legislative session, several bills were introduced that would have removed or substantively altered the PAG region's ability to move forward on developing the Regional Transportation Authority. One of those bills would have required the RTA to gain legislative approval prior to placing the RTA plan before the voters, which would have resulted in a significant delay in finalizing the proposed RTA plan. None of these bills were successful in the 2006 legislative session; however, even minor changes in the RTA enabling legislation could affect the future activities of the RTA and hamper the RTA Board's ability to implement the voter-approved plan.

**PAG Position:**

*PAG supports protecting and maintaining the integrity of the Regional Transportation Authority enabling legislation.*

**D. MAINTAIN THE VEHICLE LICENSE TAX REVENUES**

**Issue:**

The Vehicle License Tax (VLT) is an important revenue source for the PAG region as it is across the state. The VLT is collected based on the value of the vehicle, making it the only transportation revenue that has an inflationary factor. The VLT is a responsive element to the HURF; without the tax, buying power of the HURF would decrease significantly each year.

The VLT component is distributed to the towns and cities, the counties, the highway fund and the general fund.

In addition, approximately 25 percent of the HURF distribution comes from the VLT. By the end of the decade, VLT will account for nearly one-third of the total HURF revenue. All of the jurisdictions in the state share in the distribution of the HURF and realize the benefit of the VLT dollars to the state transportation system.

In each legislative session for many years, bills have been introduced to change, modify or restrict the VLT funds.

**PAG Position:**

*PAG opposes any reduction in VLT revenues.*

**E. SEEK TO EXPAND TRANSPORTATION REVENUES AND DEVELOP SUSTAINABLE FUNDING SOURCES**

**Issue:**

Gas and fuel tax revenues will decrease over time even if they are indexed to inflation due to the increased fuel efficiency of the fleet. While this is positive news for the environment, more fuel efficient cars will still cause the same amount of congestion as their non-efficient predecessors. Therefore, alternate funding opportunities need to be explored at the federal, state, regional and local levels. Below are some examples of alternative revenue sources.

**Sales tax:** A transportation sales tax would allow more flexibility to fund transit, pedestrian and bicycle projects in addition to roadway projects.

**Adjusting the Gas Tax/Indexing Gas Tax:** See related PAG Policy Position F.

**High Occupancy Toll (HOT) Lane:** HOT lanes have been implemented in numerous states as a new strategy of reducing congestion and increasing tax revenue. Vehicles are taxed for driving during peak hours or through congested areas, with the cost varying depending on the level of congestion. HOT lanes can be implemented by having a length of road with a single toll lane, or by having a cordon system encompassing an area of high congestion with toll booths on popular roads. With time, HOT lanes could encourage travelers to seek alternative modes of transportation, including carpools, vanpools and transit, which reduces wear and tear on roadways.

**Vehicles Miles Traveled (VMT) Tax:** Ongoing tests are being conducted in Oregon and Washington to test the efficiency of taxing Vehicle Miles Travelled instead of a fixed per gallon of gasoline. Consequently many of the new "green" vehicles, whose engines require less fuel and thus pay less gas tax, would start paying proportionate taxes. This idea needs further planning because of its complexity and its vast start-up costs; in the Oregon test, readers were placed on gas pumps that would access computers mounted in volunteer participants' cars. Implementing sensors in cars seems cost prohibitive at this time, and there is heated debate over privacy rights of drivers under this system.

**PAG Position:**

*PAG supports legislation that expands federal, state, regional or local revenues available to fund transportation purposes.*

**F. ADJUST AND INDEX THE STATE GAS TAX**

**Issue:**

At 18 cents per gallon, the gas tax in Arizona is the 8th lowest gas tax in the country, and the fourth lowest in the West and Southwest (Wyoming, New Mexico, and Oklahoma all have lower gas taxes). State gas taxes range from a low of 8 cents per gallon (in Alaska) to a high of 47.7 cents per gallon (in California).

Many citizens feel that the gas tax is one of the most equitable means of paying for transportation improvements, since those who are paying the tax are using the improvements. The amount of tax paid is reasonably proportionate to the amount of use, i.e. those who drive more, use more gas and in turn pay more in taxes. Residents and long-term (winter visitors, university students and military) as well as short-term visitors pay the tax.

The gas tax has not kept pace with rising inflation rates and increased construction costs. The effective buying power of the original \$0.08 gas tax is equal to \$0.34 cents in 2011. Since 1975, the gas tax has increased from \$0.08 per gallon to the current \$0.18. Therefore, the current gas tax is only half of the inflation-adjusted gas tax of 1975. During the same time period, the cost to maintain the infrastructure and add new capacity has more than tripled.

Indexing of the state gas tax is warranted since the last increase in the state gas tax occurred in 1984. The state's buying power to construct new transportation improvements and maintain the existing transportation infrastructure has diminished due to inflation and the technological advances that allow more miles per gallon for the fleet. Due to the complexities of raising the gas tax, expecting to increase the gas tax every three to four years to adjust for inflation is unrealistic. An increase in taxes is never popular. Indexing the gas tax to inflation will separate the needed transportation dollars from the yearly budget decisions made by the Legislature.

***PAG Position:***

*PAG supports legislation, introduced by others, that may provide for an adjustment in the state gas tax by increasing the base rate of 18 cents by a recommended \$.05 and/or that provides for an automatic annual adjustment that reflects changes in the Consumer Price Index.*

**G. REINSTATE LOCAL TRANSPORTATION ASSISTANCE FUNDS (LTAF I AND II) FOR TRANSPORTATION PURPOSES OR IDENTIFY AN ALTERNATIVE FUNDING MECHANISM FOR PUBLIC TRANSPORTATION**

**Issue:**

LTAF provided an important transportation funding source that was distributed to the towns, cities and counties (LTAF I was distributed to the cities and towns only). These transportation funds had additional flexibility over HURF funds as LTAF could be used for public transportation. These funds were vital to the region since most Federal Transit monies are for capital purchases and matched at a minimal 80/20 ratio, and there are few funding sources for operations. LTAF funds were an important source for local match monies for federal grants and in some cases provided the only source of transit operating funds in some communities. As a result, without LTAF I and II, available federal transit dollars may be lost and service reductions may occur

LTAF I and II funds originated primarily from the sales of lottery tickets. Approximately one-quarter of the funding was derived from the state's general fund. Annual funding amounts depended on lottery earning thresholds set within the LTAF legislation, which is why funding allocations were difficult to forecast and varied from year to year.

The elimination of LTAF funding has made matching transit funds a challenge and may have a significant impact on statewide air quality conformity, senior mobility, and meeting ADA requirements for people with disabilities.

LTAF and LTAF II should both be reinstated, or a more consistent state-generated funding source should be considered.

**PAG Position:**

*PAG supports reinstating funding for transportation from LTAF or identifying an alternative funding source for public transportation that is dedicated and sustainable.*

**H. SUPPORT STATEWIDE POLICIES PROMOTING AND ENHANCING THE USE OF PUBLIC-PRIVATE PARTNERSHIPS**

**Issue:**

A Public-Private Partnership (PPP) is a contractual agreement between a public agency (federal, state or local) and a private sector entity. Through this agreement, the skills and assets of each sector (public and private) are shared in delivering a service or facility for the use of the general public. In addition to the sharing of resources, each party shares in the risks and rewards potential in the delivery of the service and/or facility.

In Arizona, Governor Jan Brewer signed HB 2396 into law, making possible public-private partnerships (P3's). The Arizona Department of Transportation's (ADOT) ability to use P3's could provide for new methods of funding transportation projects in our state. Tolls may be employed as a user fee to collect revenues to pay for and/or maintain transportation facilities.

However, the law states that those tolls are refundable to users if the tolled transportation facility is built via a P3. PAG feels this portion of the law is ambiguous as it discourages private sector investment. Furthermore, methods for calculating and refunding tolls are not provided by the law. The refunds would most likely come from the Highway User Revenue Fund (HURF) and, therefore, toll refunds could have a significant adverse impact on the HURF budget. These tolls should not be refunded as they are user fees for the right to use the tolled facility and not a tax. Vagueness associated with the law needs to be addressed.

***PAG Position:***

*PAG supports legislation that would promote and enhance the potential for public-private partnerships in Arizona.*

## **I. PROTECT AND RETAIN STATE SHARED REVENUES**

### **Issue:**

The state of Arizona shares several tax revenues it collects with cities and towns throughout the state. Every Arizona city, town and county relies on state-shared revenues to deliver city and town services to their community. While percentages vary by jurisdiction, between 15 percent and 40 percent of a community's funding for basic services will depend on state-shared revenues. Any change in the amount of state-shared revenues will dramatically impact the region as well as the cities and towns in their ability to maintain an adequate level of performance of local services. State-shared revenues also help prevent wide variations in tax rates from community to community. Local and regional governments do not have the taxation ability of the state and therefore could not make up the loss of revenues. Subsequently, they would be forced to reduce services.

State-collected, locally shared revenues are vital to the region. Sharing of state-collected revenues returns tax dollars back to the community and allows local decisions on the best uses of these funds for meeting unique local needs. It should be noted that Pima County has the largest share of unincorporated population in the state; and, state-shared income tax excludes Arizona counties.

State-collected, locally shared revenues include portions of the state sales tax, HURF and income tax (Source: <http://www.strongcities.org/funding.htm>):

### **Income Tax**

- Fifteen percent of state income taxes are shared with cities and towns
- State income tax sharing eliminates the ability to levy local income or luxury taxes
- State income taxes are distributed per each community's percentage of total state incorporated population
- Unincorporated population is not considered in income tax distribution formulas.

### **State Sales Tax**

- Twenty-five percent of the distribution base is returned to the local community
- Distributed based on the individual community's percentage of total state incorporated population

### **Highway Users Revenue Fund (HURF)**

- Local cities and towns receive 27.5 percent of net highway user revenues collected by the state
- Counties receive about 19 percent of net HURF collected by the state
- Consists of motor fuel, registration, operator licenses and other transportation-related taxes
- Strictly limited to street and highway purposes
- Distributed on a population basis and overall fuel usage and sales at the individual county level

### **Local Transportation Assistance Fund I (LTAF I)**

- Generated through the Arizona Lottery
- Distributed on population basis of all cities and towns applying for funds
- Restricted to transportation purposes

### **Local Transportation Assistance Fund II (LTAF II)**

- Similar to LTAF I, however, revenues are generated through the Powerball, instant Bingo game monies, a portion of the VLT and state General Fund
- Amount distributed subject to a threshold that is legislatively established

When significant budget deficits exist, legislators often consider cuts in state-collected, locally shared revenues. Often budget cuts accompany economic downturns. Thus, at the time when local jurisdictions can least afford cuts, state lawmakers are considering diversion of crucial funding. Any reduction in state-collected, locally shared revenues can have an erosive result in terms of meeting basic local community needs. Other impacts include safety and a spiraling of negative economic effects.

Using transportation as an example, even small delays in infrastructure improvement can cause long-term harm. Often timely repairs and maintenance may be delayed due to budget shortfalls and, in the long run, can cause the taxpayers much more to maintain and repair. Increased costs or deferral of expenditures over time has a rippling effect on both the infrastructure and future need as well as on the overall economic health. Decreasing investment in local economies costs jobs and further economic erosion that will impact the state for many years to come.

### **Regional Coordination:**

While PAG provides a regional forum for human service, environmental and transportation discussions, there are other regional activities that have an indirect impact on the funding for the region's environmental and transportation activities. One example is the loss of municipal court fees to the state. The loss of court fees is usually made up

from a jurisdiction's general funds; in turn, leaving less general fund money for transportation. While PAG does not typically speak to municipal court issues, it can, as directed by the Regional Council, track and provide assistance on such issues of regional concern.

In addition, from time to time, action is proposed at the federal level that may have a significant impact on state revenues and thus on PAG revenues to meet critical regional needs. For example, in FY 2006, the federal budget discussions included a proposed cut in funding for Social Services Block Grants of over 19 percent. This action at the federal level would have resulted in significant cuts at the state level and in a total loss to the PAG region of \$305,926. While PAG does not typically address federal budget matters, it can, as directed by the Regional Council, track and provide assistance on such issues of regional concern.

***PAG Position:***

*PAG supports legislation and/or administrative actions that protect and retain state shared revenues to assure adequate local community services in response to local needs; PAG opposes any reduction in State Shared Income and Sales Tax Revenues for local governments. PAG also supports continued Air Quality Fund appropriations for regional air quality programs.*

**J. SUPPORT LEGISLATION THAT RECOGNIZES BUFFELGRASS AS A HEALTH AND SAFETY HAZARD**

**Issue:**

Buffelgrass, a fire-prone African perennial grass, is spreading rapidly across the region, with concentrations along transportation corridors, washes and disturbed vacant lands. It grows in dense stands, crowds out native plants, and negatively impacts native wildlife habitat. Because buffelgrass burns three times hotter than native brush fires, native vegetation is often severely damaged by buffelgrass fires. Furthermore, these fires threaten lives and properties when stands of the grass occur along roadways, alleyways, washes and open spaces that directly abut private property.

Over the past several years, the buffelgrass invasion in the Southwest has received extensive media coverage, and there is near-universal consensus about the need to aggressively control its spread. Local governments, scientists, business leaders, and nonprofit organizations are banding together to lead control efforts. Citizens and volunteer groups are vigorously fighting to reclaim the Sonoran desert before disastrous grass fires destroy our natural resources and threaten homes and property. Since the Sonoran desert and the presence of the urban/desert interface are key economic drivers, buffelgrass infestation and associated grass fires also pose a threat to our region's economic vitality.

Recent mapping indicates that buffelgrass is disproportionately located along roadways and highways. This is because vehicles transport the seeds, and disturbed areas along roadways are ideal places for buffelgrass to germinate. In addition, buffelgrass is spreading along dry watercourses and is taking hold in many of our large open spaces. Public land management agencies have numerous priorities including safety, transportation mobility, road and lands maintenance. Vegetation control has historically been a secondary priority for local and state departments. With budget cuts, these secondary priorities are often not being accomplished. In addition, buffelgrass control can only be accomplished through labor intensive removal by hand, or by spraying herbicide when the plant is greening. Organizational barriers to large-scale removal include harnessing enough labor force, accessing personnel trained and certified in herbicide application, conducting mapping, and coordinating control efforts over the entire region.

**PAG Position:**

*PAG supports legislation recognizing buffelgrass infestation as a health and safety concern, not just as a threat to native species.*

**K. SUPPORT LEGISLATION THAT ENHANCES THE CAPACITY, SAFETY AND SECURITY OF THE RAIL SYSTEM.**

**Issue:**

The Tucson region is projected to experience 80 percent growth in population over the next 30 years. This growth will bring increased demand for goods and services and, as a result, increased freight and passenger traffic on our roads and rail corridors. Freight is the movement of both finished products and raw materials from the manufacturer to the consumer by rail, truck and air. It is crucial that we proactively manage freight movements along the region's main transportation corridors in order to reduce congestion and improve efficiency on the system of interstate roads and rail lines.

As an industry, freight movements are critical to our local and state economy. In Arizona, the logistics industry, which includes truck and rail transportation, contributes \$6.8 billion or 3 percent to the gross state product.

Rail can move a ton of freight more than 450 miles on just one gallon of fuel, which is three times more fuel-efficient than moving freight on highways. Rail also reduces harmful air pollutants by three to 12 times, accounting for just 2 percent of U.S. greenhouse gas emissions from transportation sources, according to the U.S. EPA.

Properly planned rail facilities and improved rail capacity can not only help provide jobs within the region but also have the net effect of taking trucks off the road and reducing congestion.

PAG staff recommends continued support for the freight and rail industries through the following policy:

**PAG Position:**

*PAG supports legislation that promotes the development of rail infrastructure projects designed to improve or increase rail system freight handling capacity, as well as safety and security.*

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**L. SUPPORT ADOPTION OF A PRIMARY SEATBELT LAW**

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**Issue:**

A primary seat-belt law would allow law enforcement officers to issue a citation any time they observe an unbelted driver or passenger. Arizona's current secondary seat-belt enforcement allows officers to issue a safety belt citation if and only if the officer has stopped the vehicle for some other reason. Moreover, Arizona's current law does not require any seat-belt usage for back seat occupants over the age of 5.

Primary enforcement sends the message that saving lives is a priority, and primary safety belt laws have a proven track record of increasing a state's safety belt use rate. On average, states that have upgraded their laws from secondary to primary enforcement have seen a 15 percentage point increase in belt use.

Traffic crashes are a leading cause of death in the United States. Increasing safety belt use has tremendous potential for saving lives, preventing injuries and reducing the economic costs associated with crashes. Strong occupant protection laws coupled with high visibility enforcement campaigns are currently the most effective ways to increase safety belt use.

Under the reauthorization of federal transportation legislation (SAFETEA-LU), some safety incentive grants are contingent on whether or not the state has a primary seat-belt law.

***PAG Position:***

*PAG supports the State adoption of a primary seat-belt law.*

**M. SUPPORT ADOPTION OF A DISTRACTED DRIVING LAW**

**Issue:**

Distracted driving is a major cause of traffic accidents, including multiple vehicle collisions and single vehicle collisions with bicyclists and pedestrians. Distracted driving is any non-driving activity a person engages in that has the potential to distract him or her from the primary task of driving and increase the risk of crashing. There are three main types of distractions: 1) visual, or taking eyes off the road; 2) manual, or taking hands off the wheel; and 3) Cognitive, or taking the mind off what is happening on the road. Examples include eating and drinking, watching a video, or reading a map. While all distractions can endanger driver safety, cell phone use and texting are the most alarming because they involve all three types of distractions.

A distracted driving law would allow law enforcement officers to issue a citation when they observe distracted driving or when distracted driving is identified as a contributing factor to a traffic accident. Arizona does not currently have a distracted driving or cell phone use law, except as cell phone usage applies to school bus drivers. As of 2011, 34 states and the District of Columbia have banned text messaging from all drivers and nine states plus the District of Columbia prohibit all drivers from using handheld cell phones while driving. In 2007, the City of Phoenix passed a law banning text messaging while driving.

In 2009, 20 percent of injury crashes involved reports of distracted driving. In addition, 5,474 people were killed in U.S. roadways in 2009, and an estimated additional 448,000 were injured in motor vehicle crashes that were reported to have involved distracted driving. A combination of legislation, law enforcement and public education is required to reduce the number of distracted driving related injuries and deaths.

**PAG Position:**

*PAG supports the state adoption of a distracted driving law.*

**N. SUPPORT LEGISLATION THAT PROVIDES FOR SAFER AND MORE EFFICIENT TRANSIT OPERATIONS**

**Issue 1: Yield to Buses**

Bus pullouts increase passenger safety and minimize the impact of bus stops on traffic. The RTA plan provides funding for 200 bus pullouts in addition to the existing pullouts within the region. Buses using these pullouts may experience difficulties or delays in safely re-entering the traffic stream.

The ability to run a transit service on a safe and reliable schedule is paramount to building a sustainable ridership base. Providing for legislation that would require traffic to yield to merging buses would help the region address safety concerns as well as help keep the buses on schedule.

Currently, three states have “Yield to Bus” (YTB) legislation: California, Oregon and Washington. The Transportation Research Board (TRB) has published a “State of the Practice” on YTB Legislation that can be found at [http://onlinepubs.trb.org/onlinepubs/tcrp/tcrp\\_syn\\_49.pdf](http://onlinepubs.trb.org/onlinepubs/tcrp/tcrp_syn_49.pdf).

An ideal YTB system would be designed based on operational data related to schedule, speed, safety and delay, and may include various types of signage or signals as well as an educational component. Given the regional benefits of a safe and efficient transit system, Pima Association of Governments supports appropriate “Yield to Bus” legislation.

**Issue 2: Park-and-Ride Lots**

Park-and-Ride lots increase the use, efficiency and appeal of public transit by offering drivers a place to park their car and transfer to public transit for the rest of their trip. These lots are generally located in the suburbs or on the outer edge of cities and allow commuters to avoid driving their vehicle in congested traffic and reduce or eliminate the cost of parking within the city.

An example of legislation that supports Park-and-Ride lot development would be tax incentives to businesses that allow transit riders to use their parking facilities to encourage growth in the number of park-and-ride lots and can result in expanded use of public transit.

**Issue 3: Protecting Transit Employees**

Due to the nature of their work, transit employees are vulnerable to dangerous criminal attacks. Transit employees handle money, deal with rider complaints, work alone, work

late hours and enforce regulations, all of which makes them susceptible to injury and harm from riders who are either upset or mentally unstable.

In addition, when the life and safety of vehicle operators is threatened while performing their duties, all passengers' safety is also put at risk. For example, in November 1998, a Seattle vehicle operator was shot and killed by a deranged passenger while driving his bus over a bridge. The bus fell to the ground below where one passenger died and 32 were injured. This event prompted the Amalgamated Transit Union, the largest labor organization representing transit workers in the United States and Canada, to introduce federal legislation in 2001 that would make it a felony to assault a bus operator or passenger.

More than 20 states provide for increased penalties on individuals who assault transit and school bus operators; however, often those penalties are misdemeanors instead of felonies. It is also critical to post notices on buses that alert riders to the existence of these laws in order to deter potential criminals.

**PAG Position:**

*PAG supports the concept of the establishment of legislation that provides for safer or more efficient transit operations, such as appropriate statewide "Yield to Bus" legislation, tax incentives for businesses or other provisions that allow/encourage the development of Park-and-Ride lots, and making it a felony to attack a transit worker.*

**O. OPPOSE INTERGOVERNMENTAL COMPETITION FOR ECONOMIC DEVELOPMENT**

**Issue:**

Arizona state, local, and municipal governments exist in a competitive environment in which they seek to enhance their own economies through increased revenue. They have become more competitive in courting business and economic growth because of the increasing mobility of business and the stagnant growth in some sectors of the economy and in some regions of the state and country. One way Arizona governments compete in this marketplace is through the use of state tax revenue to attract business investment in local communities. For example, a community may invest in capital improvements such as roads and buildings that would be desirable to businesses. Alternatively, a community may offer tax incentives that would be desirable to businesses. In general, the use of state tax revenue by Arizona state, local, and municipal governments to court business and economic growth can produce benefits to communities that outweigh the costs.

However, an inherent conflict of interests exists when an Arizona state, local, or municipal government uses state tax revenues to lure a business away from another community in Arizona. The State has a responsibility to all of its citizens not to favor one over the other. Communities should not have their state elected officials appropriate a portion of their state tax revenues, which could have been allocated to the community, spent to its disadvantage. In addition, they suffer by having their tax generating business pirated away by another Arizona community. Furthermore, no Arizona state, local, or municipal entity can be immune from this practice if all of the communities in Arizona are not treated the same. Thus, the use of state tax revenue funds to lure businesses from one Arizona community to another Arizona community is inappropriate.

***PAG Position:***

*PAG supports legislation that would prohibit the use of state tax revenue to lure businesses from one Arizona community to another Arizona community.*

**P. OPPOSE LEGISLATION THAT RESTRICTS JURISDICTION'S POWER OF EMINENT DOMAIN AND LIMITS THEIR ABILITY TO IMPLEMENT TRANSPORTATION AND OTHER PUBLIC PROJECTS**

**Issue:**

In 2010, five eminent domain bills which could have limited the Regional Transportation Authority (RTA) and local jurisdictions' authority to implement project and programs, made progress in the Arizona State Legislature. Only one of the bills, SB 1366, was signed by the Governor; this bill did not have a significant impact on implementing transportation projects.

The RTA and local jurisdictions' use of eminent domain and their need for acquiring right of way is critical to the successful completion of many transportation projects. While private property rights are important, the Federal Uniform Relocation and Real Property Acquisitions Act [49 CFR Part 24] addresses these issues by ensuring that property owners and displaced persons involved in eminent domain acquisition receive the benefits and protections to which they are entitled as well as consistent and fair treatment. In addition, there are state laws that address eminent domain.

While some changes to state laws regarding eminent domain may be merited, such as increases in the relocation allowance paid to tenants, new eminent domain regulations that restrict jurisdictional control in the area of eminent domain can severely hamper jurisdictions' transportation project progress. Additional eminent domain restrictions also can increase litigation rather than negotiation, which leads to higher costs for both the condemning entity and the property owner.

**PAG Position:**

*PAG opposes legislation that would curtail or restrict jurisdictions' power of eminent domain, increase the cost of transportation and other public projects, or limit jurisdictions' ability to implement those projects.*

## **POLICIES NOT REQUIRING A POSITION STATEMENT**

The following items are previous legislative policies adopted by the Regional Council. These positions are still valid; positions that are no longer supported have been removed from the document. However, these policies do not require a lengthy position statement.

1. Support for maintaining the Integrity of the Highway Users Revenue Fund and Restoration of HURF Revenues Lost to the Region.
2. Oppose the transfer of HURF funds for non-transportation purposes, including Department of Public Safety (DPS) funding support.
3. Support or oppose, as appropriate, changes in Arizona Revised Statutes (ARS) that impact regional environmental quality.
4. Support or oppose, as appropriate, changes in ARS that impact regional transportation planning and funding.
5. Support for state mandated performance measures if the costs and time associated with data collection are not prohibitive and those measures are determined regionally.
6. Support for maintaining the integrity of Municipal Court fee system for local governments.
7. Support for the extension of the Enterprise Zones.
8. Support for the Airport Capital Improvement Program.
9. Support Legislation that Provides for Tax Equity Exemption for Prior Purchases.
10. Support appropriate beverage container deposit legislation.



## **PAG Member Jurisdictions and Regional Council Representatives**

### **Town of Oro Valley**

Regional Council Chair:  
Mayor Satish Hiremath

### **City of South Tucson**

Regional Council Vice Chair:  
Mayor Jennifer Eckstrom

### **Pascua Yaqui Tribe**

Regional Council Treasurer:  
Vice Chairman Robert Valencia

### **Town of Sahuarita**

Regional Council Member:  
Mayor Duane Blumberg

### **Tohono O'odham Nation**

Regional Council Member:  
Chairman Ned Norris Jr.

### **Town of Marana**

Regional Council Member:  
Mayor Ed Honea

### **Pima County**

Regional Council Member:  
Supervisor Ramon Valadez

### **City of Tucson**

Regional Council Member:  
Mayor Robert Walkup

### **Arizona State Transportation Board**

Regional Council Member:  
Stephen W. "Steve" Christy  
Arizona State Transportation Board  
Representative  
(votes on transportation matters only)

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