

RTA Roles & Responsibilities

**A Presentation for the
Broadway Citizens Task Force**

Aug. 30, 2012

RTA Formation

The RTA was formed by the Legislature in 2004 to develop a regional transportation plan through regional cooperation



People from diverse backgrounds were brought together to form the Citizens' Advisory Committee and Technical Management Committee to ensure a balanced regional approach

Public Involvement

All projects in the RTA were vetted by the public as the plan was developed and after it was approved for the ballots through:

- More than 400 group presentations
- 27 open houses

The Citizens' Advisory Committee met 19 times and the Technical Management Committee met 29 times over this period



RTA Board Approval

The RTA Board adopted the twenty-year Regional Transportation Plan [“RTA Plan”] on November 30, 2005, through its Resolution No. 2005-01.

Jurisdictional Approval

All RTA local member governing bodies **unanimously** approved the RTA plan



RTA Voter Approval

The RTA Plan was approved by the voters of Pima County on May 16, 2006 by a 3 – 2 margin



Four Elements of the RTA Plan



Roadway Improvement

Transit

Safety

Environment & Economic Vitality

Broadway Blvd

The RTA Plan described the Broadway project as:

RTA #17 Broadway Boulevard, Euclid to Country Club Widen roadway to 6-lane arterial plus 2 dedicated bus lanes, bike lanes & sidewalks.

RTA funds: \$42,125,000

Committed, Non-RTA funds: \$29,222,000

Other Sources of Funds

“Committed, Non-RTA funds” are:

- \$25,000,000 Pima Co. 1997 Bond Program
- \$ 3,000,000 City of Tucson (Impact fees)
- \$ 1,222,000 Regional Funds (PAG TIP)

Each fund source has rules for the use of its funds

RTA Board's Statutory Responsibility

The RTA Board is charged with developing, adopting, supplementing, changing, implementing and administering the RTA Plan

A.R.S. 48-5304 (6) (12) (13) & (16); 48-5309 (A); 48-5314 (A).

Substantial Change Defined

A.R.S. 48-5309(E)

“An estimated cost to complete one or more elements of the RTA Plan that exceeds the expenditure limitations of the RTA Plan . . . by the following or greater percentages:

- a. Ten per cent for a single element of the plan.
- b. Fifteen per cent for any two elements of the plan.
- c. Twenty per cent for three or more elements of the plan.”

What is an Element?

An element is a group of a certain type of transportation projects

[See: 48-5304(3); 48-5314(C)(4); 48-5308(F)]

The RTA Plan is broken into 4 separate elements:

- Roadway Improvements
- Safety Improvements
- Environmental and Economic Vitality Improvements
- Public Transit Improvements

Can the plan be changed?

This statute means that the RTA Board may make changes to the RTA Plan, so long as the “substantial change” thresholds, stated above, are not reached

Statutory Purposes

The purpose of the Legislature in empowering the RTA Board to make changes to the RTA Plan, without necessitating a public vote, was to ensure that the Board could react efficiently to changing circumstances throughout the RTA Plan's twenty-year implementation period

Overarching Fiduciary Duty

Public officials, like the members of the RTA Board, must use a high level of care in spending public funds. Indeed, it is the highest standard of care, known as a **fiduciary duty** *Op. Atty. Gen. 75-11*.

This is a duty which is owed to the public, and it means, in part, that public officials who have the authority to expend public funds, “have a fiduciary obligation to do so in the most economical and feasible manner.” *Id.* Specifically, they must “**obtain maximum return for each dollar spent**” *Op. Atty. Gen. 84-24. Hertz Drive-Ur-Self System, Inc. v. Tucson Airport Authority*, 81 Ariz. 80, 85 (1956).

The Board's Policy

Immediately after adopting the RTA Plan, the Board adopted its Resolution No. 2005-02, which approved policies for implementation of the RTA Plan. Among these policies was item 2, which read:

“Functionality Not to Be Diminished - The Technical/Management Committee as well as the Citizens Advisory Committee had specific capacity and/or performance improvements in mind when recommending highway improvement projects as well as transit improvements. This functionality should not and cannot be diminished. The voters, in approving the expenditure plan, are relying on the planned improvements actually being implemented.”

Implementing the Policy

The RTA Board Established Committees to Guide Project Implementation

1. **CART** -- *Citizens Accountability for Regional Transportation* – Ensures that the RTA Plan is implemented as promised to the voters.
2. **TMC** – *Technical Management Committee* – Advises the Board on specific project implementation and technical matters.
3. **CAC** – *Citizen Advisory Committees* (such as the Broadway Citizen’s Task Force) – Guide implementation of specific projects regarding roadway characteristics, design features, mitigation measures, etc.

Limitation on Spending RTA Funds

When the RTA Board is able to save money on individual projects, be it through value engineering, scope refinement, or market conditions, that money is still restricted, and must only be spent to implement other projects within the RTA Plan

A.R.S. 48-5307 (E); see A.R.S. 48-5304; A.R.S. 48-5308 (C).

Conclusions

- The public has provided input on all RTA projects, including Broadway
- The RTA Board retains authority to implement the RTA Plan
- The Voters must approve any substantial or elemental changes to the RTA Plan

Conclusions

- The RTA Board has adopted a policy not to diminish individual project functionality
- The RTA Board engages its committees to inform the Board on specifics of project design and implementation
- The RTA Board is bound by its fiduciary duty to the public to use wise discretion when spending the public's money
- Any RTA funds saved through efficient project implementation must be spent in furtherance of the

RTA Plan

Recommendations

- Establish “lines of communication” between the Broadway CTF and RTA CART & TMC

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- Establish “lines of communication” between the Broadway CTF and RTA CART & TMC
- Work to identify what “functionality” means on the Broadway Corridor

Questions?



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