



Regional Transportation Authority

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[RTAmobility.com](http://RTAmobility.com)

**Date:** June 10, 2013

**To:** Broadway Citizens Task Force

**From:** Doug Mance, RTA CART Committee Member

**Re:** May 22, 2013, RTA CART Committee Draft Minutes

I requested a copy of the Draft Minutes of the May 22, 2013 CART Committee meeting from the Regional Transportation Authority. The content of the minutes conveys discussion on the Broadway Project by several members of the CART Committee.

Links to the presentations made by Jenn Toothaker Burdick and Thomas Benavidez, the RTA's legal counsel, are provided in the document.

Ms. Burdick's presentation can be found at: [Presentation Item6 A Broadway Proj Overview 05-22-2013](#)

Mr. Benavidez's presentation can be viewed at: [Presentation Item6 B Broadway Functionality 05-22-2013](#)

I believe a review of the minutes by the Task Force will be beneficial to help members understand the existing sentiments of members of the CART Committee. No official action or comment was requested at the meeting.

I am happy to discuss further during our next meeting.



*Regional Transportation Authority*

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## **Regional Transportation Authority CART Committee**

### **Minutes of May 22, 2013, Meeting**

#### **Committee Members Present**

Kelle Maslyn, Chair  
Dick Roberts  
Kendall Elmer  
Al Cook  
Charles Mendonca  
Albert Pesqueira  
Douglas Mance  
Herb Trossman  
George McFerron  
Joseph Olivia III  
Robert Cook  
Steve Huffman  
Chris Albright  
Kentton Grant  
M. Joe Yee  
Roger Cracraft  
Sami Hamed  
Tom Bush  
William N. Poorten III  
William Sheldon  
James Barber  
Grace Evans  
Emily Brott  
Pamela Traficanti  
Charlene Robinson  
Amber Smith

#### **Public/Agencies**

Jenn Burdick, COT  
Margot Garcia, BCC  
Sharon & Gordon Pairman

#### **Staff**

Jim DeGrood  
Rob Samuelson  
Jeremy Papuga  
Britton Dornquast  
Ryan Gurnett  
Jeff Hildebrand  
Sheila Storm  
Thomas Benavidez  
Tiki Lawson

#### **1. Call to Order**

The meeting was called to order by Ms. Maslyn at 12:00 p.m.

## 2. Approval of April 4, 2013, CART Committee Meeting Minutes

Motion was made by Grace Evans to approve the Minutes of April 4, 2013, as amended, seconded by James Barber, and approved unanimously.

## 3. Announcements

Mr. DeGroot updated the Committee on the following topics:

- The RTA is marking the 7<sup>th</sup> anniversary of plan approval and is one third of the way through implementation of the 20-year plan.
- The RTA Board passed the Intersection Safety and Capacity Upgrades Report at the April 2013 meeting, and it can be viewed online.
- The Board is fully engaged in the search for a new Executive Director. The application process closed on May 15 with a total of 27 having applied for the nationally advertised position. The final selection should be completed by the end of the summer.
- A Regional Assembly with local and southern Arizona elected officials and key stakeholders is tentatively scheduled for Sept. 12 to discuss various relevant transportation topics, among them the development of the proposed I-11 corridor.

Mr. Cracroft and Tom Bush suggested that one or more CART members take an active part in the Executive Director selection process. RTA attorney Thomas Benavidez advised that as this item was not on the Agenda, it could not be voted on. Mr. DeGroot said he would convey this interest by CART members to PAG management.

## 4. Executive Director's Report

Discussed in Announcements.

## 5. RTA Board Report

Mr. DeGroot introduced the newest Board appointee, Amber Smith, and pending appointee, Emily Brott.

## 6. Broadway Blvd. Project (RTA #17)

Mr. DeGroot opened up this item for discussion. Mr. Mance, CART Liaison to the Citizens Task Force for Broadway Boulevard, began by noting the project was entering a new detail stage and a charrette has emerged out of the first educational stage. He added all parties have been encouraged to work toward a good compromise as moving forward is the key and is supported by all. Mr. Mance noted that the RTA Board is interested in this project moving forward as indicated by RTA Board Chair Steve Christy's recent column in the newspaper. Mr. Mance noted that "this is a project that is bigger than all of us" and that it was approved by the voters in 2006 as part of the RTA plan.

Jenn Burdick, City of Tucson, gave some background and an overview of the Broadway Blvd., Euclid to Country Club project, and the current status of the undertaking. The following topics were covered:

- The 1987 Broadway Corridor Transportation Study was approved by Mayor and Council in 1987 with recommendations for bus and light rail transit options.
- The current funding summary with funding sources broken down shows the RTA as the largest funding source with 59 percent followed by Pima County with 35 percent and then the City and regional funds rounding up the estimated total project cost of over \$71 million.

- The Broadway construction schedule began in 2012 with a planning & design phase with final design coming to an end by 2016 when construction would begin. The recommended design for Broadway will define and support the roadway's functionality.
- Draft performance measures for Broadway taken into account include pedestrian, bicycle, transit and vehicular access and mobility as defined by EPA examples.
- Initial cross-section concepts and their merits range from options of four lanes, including two transit lanes, to six lanes with a local access lane, each with different right-of-way options. One of the reasons that four lanes are considered has to do with the end game results. The cross-sections will be analyzed to determine what works and what will not work.
- The next steps include future Citizens Task Force meetings with results to be shared at upcoming City, County and RTA meetings as well as presentations to the public in September 2013 where citizens can create their own cross-sections for consideration.

Ms. Burdick's presentation can be found at: [Presentation Item06 A Broadway Proj Overview 05-22-2013](#)

Joseph Oliva asked whether the cross sections could have transit lanes on the inside lanes vs. the outside lanes and whether the transit lane could be a carpool lane. Ms. Burdick noted this has not been discussed with the Task Force but could be in the future. Sami Hamed inquired about the overall cost and whether the numbers will come down as well as whether the streetcar would be applicable to this thoroughfare. Ms. Burdick noted it was still too early in the project to give an accurate response.

Robert Cook distributed various handouts to the Committee on the RTA and discussed what was intended seven years ago and that now is time for a new reality check. He said there is a new and emerging concept going forward which needs reinterpretation based on a better understanding of alternate mode usage and vehicle mile decline. He added this decline is not a local but a national phenomena, and the figures have been presented to the Broadway Task Force as an effort to understand the larger planning context.

William Poorten said he has looked at the RTA ballot and publicity pamphlet and stated that the project description as seen on the ballot is as was presented earlier by Ms. Burdick. He said the ballot language was clear and made no reference to qualities such as functionality. He also referenced letters in the publicity ballot that were against the RTA Plan ballot initiative and noted that the letters suggested voters vote "no" due to mistrust of government. He also said he has had the privilege of serving on the CART Committee for seven years and that this Committee was set up as a result of RTA foresight based on public mistrust at that time and to ensure the voters got what they were promised. Poorten said it's clear that the voters approved the RTA plan in its entirety and did not give the voters the option to pick or choose projects. He said the people who put the plan together had the foresight to bring together the stakeholders that helped bring the voters to the table to overwhelmingly approve the plan. Mr. Poorten said that while data informed the decision on whether the project was part of the plan, whether or not that data is good or bad is irrelevant. He said that it's a matter of giving the voters what the RTA promised to them. He added that he was unsure whether the RTA could deviate with what the voters approved and suggested the input of independent counsel and opinion on whether the RTA or the implementing jurisdiction has the legal authority to make changes to the language of the original ballot.

Herb Trossman commented that the CART Committee had no real authority. If it determined that there was non-compliance, there was no enforcement procedure other than an annual letter to the Board. In addition, the Plan covers a deviation scenario so that if it went over 10 percent, it would have to go back to voters. The change for Broadway could be less than 10 percent so alterations could be made without violating the Plan as the Plan anticipates changes to be made.

Ms. Maslyn said there is the opportunity for a CART member to go to the Board to argue a case if he or she feels something isn't being done correctly.

Mr. DeGroot said the RTA counsel should present his material after which time the Committee could engage in a broader discussion.

Thomas Benavidez, the attorney for the RTA, gave a brief presentation providing legal context of the RTA Board as fiduciary over the 20-Year RTA Plan in terms of developing, changing and administering the Plan. In essence, no element or certain type of transportation project of the Plan can be added or deleted without the prior approval of the voters who approved the Plan in the original 2006 election. The exception to this rule is the A.R.S. 48-5309 (E) substantial change definition based on an overexceedance of costs based on element percentages. The sole purpose of these percentages is to ensure that the Board could react, efficiently, to changing circumstances throughout the Plan's 20-year implementation period.

Mr. Benavidez also brought up the fiduciary duty and obligation of the RTA Board to exercise that duty within the context of the voter mandate as well as the functionality of the CART and Technical Management Committees to advise and ensure implementation on specific projects. In conclusion, he stated that:

- the RTA Board has adopted a policy not to diminish individual project functionality
- the RTA Board committees were designed 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 wide discretion when spending the public's money

Steve Huffman noted that the creation of the RTA was brought forward by his legislative bill while he was in the State Legislature. He noted that although changes in the RTA plan were anticipated by the Legislature, he said that the main reason that the RTA plan passed was because the whole community had to come together and had to believe the plan would be implemented as approved by the voters. The 10 percent language was included to stress that if the RTA deviates from what was promised that the Legislature could take action against the RTA. He noted that the RTA statute does not provide the latitude that people are suggesting.

Robert Cook said he was aware of the process. However, this Plan overshot population and vehicle mile travel projections when instead, it had the fiduciary responsibility to reflect reality; the voters should not be burdened by a rigid interpretation of a Plan without a modal mix.

Roger Cracroft asked a question regarding the long-term traffic model of the regional transportation program. Jim DeGroot said the modelers are continuously updating information and noted the RTA is working on its 2045 plan which would be developed next year and is looking at accepted state population statistics.

Tom Bush spoke about the mistrust and lack of confidence most people have for the promises made by government entities. He reiterated the need to honor the voters' decision or there would be no second 20-year program. Robert Cook spoke again about public mistrust and the Broadway Task Force vision for an alternate mode corridor. Grace Evans noted some Committee members might need guidance on this issue, and Dick Roberts suggested having the RTA talk to the public, in particular to residents of Green Valley who feel they are out of the loop.

Mr. DeGroot said this was an information item only for the time being, adding the Committee is not being asked to take action on it immediately. The project will continue to be a standing item on future agendas.

Margot Garcia spoke on behalf of the Broadway Coalition. She distributed a handout entitled Context Sensitive Design and spoke about its contents detailing the design and implementation of transportation projects with respect for their natural and urban contexts or surroundings. She said this was an opportunity for Tucson to be a leading edge City and follow the practice of design approach to enhance the surrounding community and places of business and to respect the history and culture of the area.

Mr. Benavidez's presentation can be viewed at: [Presentation Item06 B Broadway Functionality 05-22-2013](#)

## 7. RTA Program Review

Jim DeGroot presented information on the current and future completion status of RTA projects and noted that the majority of these have come in under or on budget. He gave updates on specific projects such as the Elderly and Pedestrian Safety Improvements of RTA #37, and the Greenways, Pathways, Bikeways & Sidewalks #41, as well as the City's HAWKs and summarized the distribution of funds spent cost effectively. Mr. DeGroot also mentioned the status of the City's Sidewalks Package and Arroyo Chico Greenway improvements, as well as the County's Bike Package. Please see: [Presentation Item07 A RTA Assessment 05-22-2013](#) for more information.

Main Street Business Assistance Program Manager Britton Dornquast addressed the Committee with an overview of the Program. He highlighted several projects within the Program, the services provided to over thousands of businesses and employees as well as concerns addressed by businesses that are affected during planning, design and construction phases. The Program's key points, which have produced high client satisfaction, were summarized including:

- Be proactive not reactive
- Always advance business fundamentals, growth opportunities and collaborative possibilities
- Take responsibility for your success
- Build trust early in the project
- Have an empathetic and compassionate ear

For additional information on the Main Street Program, please see the presentation: [Presentation Item07 B Main Street 05-22-2013](#) or the web page: [www.MainStreetinfo.org](http://www.MainStreetinfo.org).

## 8. Modern Streetcar Update

Jeremy Papuga, Director of Transit Services, updated the Committee on the following topics related to the modern streetcar:

Project status and timeline of works in progress  
Maintenance and Storage Facility  
Line Segment Construction  
Vehicle production, quality and delay

Robert Cook asked a question regarding spare parts for the vehicles and Douglas Mance questioned the future storage facilities for the vehicles. Please also see: [Presentation Item08 Streetcar Update 05-22-2013](#)

## 9. RTA FY 2014 Budget and Future Program Expenditures

Jim DeGroot gave a presentation on the FY 2014 proposed budget based on an expected increase in revenues and summarized financial statistics with a breakdown of all expenditures by category

Mr. Poorten mentioned that the operating side showed underperformance and that what was promised to voters should be matched up.

Mr. DeGroot noted the RTA is currently at its peak with nine projects in progress, and added the total expenditures projected for FY 2014 amount to \$191 million with bond revenue of \$75 million budgeted. Mr. Cracraft noted the bond issue should move forward as time is of the essence.

For further details, please see: [Presentation Item09 FY2014 Budget 05-22-2013](#)

## **10. RTA Projects Update**

Mr. DeGroot spoke about the projects and services completed, those currently under construction as well as upcoming bids. In summarizing the various projects, he noted that to date:

- 327 Safety Element projects have been completed, 9 are under construction and 44 are in design
- 89 Environmental & Economic Vitality Element projects are completed with 2 currently under construction and 16 in design
- 79 Transit Element projects have been completed with one currently under construction and in design

Other topics covered included:

- RTA financial statistics
- RTA project updates with a focus on the status of safety, environmental & economic vitality and transit elements and completion numbers
- Roadway projects under construction
- Recent bids for projects

Please see the following for more details: [Presentation Item10 May Project Update 05-22-2013](#)

## **11. RTA Finance Report**

Rob Samuelson gave a brief presentation covering key elements of the RTA's financial status including monthly sales tax receipts, revenue trends and the market value of the RTA fund. He said there has been consistent improvement for 28 months in a row, with \$10 million of bond money left.

## **12. Call to the Audience**

Sharon Pairman asked for news about the Kolb and Valencia project including when it is expected to move forward and asked for a timeline of the project. Mr. DeGroot said he would meet with her to give her the information she needs.

Tom Bush passed around a handout of a May 6, 2013, letter from two Tucson City Council Members sent to the Grant Road Task Force members, which, he said was in violation of the State open meeting law. He noted all those involved should be reprimanded and added the letter appeared to be a form of intimidation and warned the Broadway Coalition of similar action.

## **13. Future Agenda Items**

Mr. Poorten reiterated his request for the CART Committee to be an integral part of the RTA Executive Director search.

#### **14. Adjournment**

The meeting adjourned at 1:52 p.m.