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House Engrossed

State of Arizona
House of Representatives
Forty-fifth Legislature
Second Regular Session
2002

HOUSE BILL 2496

AN ACT

AMENDING SECTIONS 28-302, 28-303 AND 28-304, ARIZONA REVISED STATUTES;
RELATING TO THE TRANSPORTATION BOARD.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1

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

2 Section 1. Section 28-302, Arizona Revised Statutes, is amended to
3 read:

4 28-302. Transportation board; members; appointments; terms;
5 compensation

6 A. A transportation board is established in the department of
7 transportation.

8 B. The board consists of one member from each transportation district
9 with a population of less than ~~two million two hundred thousand~~ SIX HUNDRED
10 THOUSAND persons, ~~according to the most recent United States decennial census~~
11 ~~and~~ two MEMBERS FROM EACH TRANSPORTATION DISTRICT WITH A POPULATION OF SIX
12 HUNDRED THOUSAND OR MORE PERSONS BUT LESS THAN TWO MILLION TWO HUNDRED
13 THOUSAND PERSONS AND THREE members from each transportation district with a
14 population of two million two hundred thousand or more persons ~~according to~~
15 ~~the most recent United States decennial census.~~

16 C. The governor shall appoint members of the board for terms of six
17 years pursuant to section 38-211 to expire on the third Monday in January of
18 the appropriate year. WHEN APPOINTING MEMBERS OF THE BOARD, THE GOVERNOR
19 SHALL CONSIDER INDIVIDUALS WHO HAVE A WIDE VARIETY OF RELEVANT EXPERIENCE,
20 INCLUDING KNOWLEDGE OF ROADWAYS, PUBLIC TRANSIT SERVICES, AVIATION, FREIGHT
21 MOVEMENT, BICYCLE AND PEDESTRIAN NEEDS AND LOCAL, REGIONAL, STATEWIDE AND
22 TRIBAL TRANSPORTATION ISSUES. When appointing members from a transportation
23 district with a population of two million two hundred thousand or more
24 persons ~~according to the most recent United States decennial census~~, the
25 governor shall ~~take into account geographic balance within the district~~
26 APPOINT ONE MEMBER FROM THE EASTERN PORTION OF THE DISTRICT, ONE MEMBER FROM
27 THE CENTRAL PORTION OF THE DISTRICT AND ONE MEMBER FROM THE WESTERN PORTION
28 OF THE DISTRICT.

29 D. A person is not qualified to be a member of the board representing
30 a transportation district if the person has not been a resident and taxpayer
31 of this state and the county from which the person is chosen for at least
32 five years immediately before the person's appointment.

33 E. The governor shall not appoint a member to serve two terms in
34 succession. ~~If a transportation district includes more than one county, the~~
35 ~~governor shall rotate the appointment of members for the district among the~~
36 ~~counties in the district.~~

37 F. If a member who represents a transportation district changes the
38 member's residence to another ~~county~~ TRANSPORTATION DISTRICT OR, IN A COUNTY
39 WITH A POPULATION OF TWO MILLION TWO HUNDRED THOUSAND OR MORE PERSONS, IF A
40 MEMBER WHO REPRESENTS A PORTION OF A TRANSPORTATION DISTRICT CHANGES THE
41 MEMBER'S RESIDENCE TO ANOTHER PORTION OF THE TRANSPORTATION DISTRICT, the
42 member's office becomes vacant.

43 G. Each member is eligible to receive compensation pursuant to section
44 38-611.

1 Sec. 2. Section 28-303, Arizona Revised Statutes, is amended to read:

2 28-303. Powers and duties of the board; meetings

3 A. The board may meet when necessary at any place in this state. The
4 board shall hold other regular meetings as it determines necessary. The
5 ~~chairman~~ CHAIRPERSON may call special meetings with the concurrence of at
6 least ~~two~~ THREE members.

7 B. The board shall meet for the purpose of organizing on or before the
8 third Monday in January of each year at which time the board shall ~~designate~~
9 ~~the district member with the shortest period of time remaining to serve a~~
10 ~~complete term as chairman~~ ELECT A MEMBER TO SERVE AS CHAIRPERSON AND A MEMBER
11 TO SERVE AS VICE-CHAIRPERSON. A MEMBER WHO IS ELECTED TO SERVE AS
12 VICE-CHAIRPERSON SHALL SERVE AS CHAIRPERSON IN THE FOLLOWING YEAR. AT LEAST
13 EVERY THIRD YEAR, THE CHAIRPERSON SHALL BE A MEMBER FROM A TRANSPORTATION
14 DISTRICT WITH A POPULATION OF TWO MILLION TWO HUNDRED THOUSAND OR MORE
15 PERSONS. The ~~chairman~~ CHAIRPERSON shall preside at all sessions. ~~The board~~
16 ~~shall designate the district member with the next shortest period of time~~
17 ~~remaining to serve a complete term as vice-chairman.~~ The ~~vice-chairman~~
18 VICE-CHAIRPERSON shall preside in the absence of the ~~chairman~~ CHAIRPERSON. ~~If~~
19 ~~the district member with the least time to serve does not choose to serve as~~
20 ~~chairman, the members shall select a chairman from the remaining board~~
21 ~~members.~~

22 C. If the ~~chairman's~~ CHAIRPERSON'S membership on the board is
23 terminated for any reason, the ~~remaining members of the board shall select~~
24 ~~another member to~~ VICE-CHAIRPERSON SHALL serve as ~~chairman~~ CHAIRPERSON. ~~until~~
25 ~~the regular organizational meeting on or before the third Monday in January~~
26 ~~of each year.~~

27 Sec. 3. Section 28-304, Arizona Revised Statutes, is amended to read:

28 28-304. Powers and duties of the board; transportation
29 facilities

30 A. With respect to highways, the board shall:

31 1. Establish a complete system of state highway routes.

32 2. Determine which state highway routes or portions of the routes are
33 accepted into the state highway system and which state highway routes to
34 improve.

35 3. Establish, open, relocate or alter a portion of a state route or
36 state highway.

37 4. Vacate or abandon a portion of a state route or state highway as
38 prescribed in section 28-7209.

39 5. Sell board funding obligations to the state treasurer as provided
40 in section 28-7678.

41 6. ESTABLISH STRICT ACCESS CONTROL STANDARDS FOR ALL FUTURE STATE
42 HIGHWAY DEVELOPMENT PROJECTS IN ORDER TO PROTECT RURAL COMMUNITY BYPASSES AND
43 OTHER NEW ROUTES FROM GRADUAL LAND USE CHANGES THAT INCREASE LOCAL TRAFFIC
44 AND ENTERING AND EXITING TRAFFIC.

1 B. The board shall establish policies and the relative weights given
2 to criteria to guide the development or modification of the five year
3 transportation facilities construction program, award all construction
4 contracts for transportation facilities and monitor the status of these
5 construction projects.

6 C. Consistent with the board's responsibilities, the board shall:

7 1. Approve, disapprove or modify the citizens transportation oversight
8 committee's recommendations on the five year construction program and the
9 life cycle management program for the regional freeway system as defined in
10 section 28-6351.

11 2. Respond to any complaint and approve, disapprove or modify
12 recommendations regarding a complaint forwarded to it by the citizens
13 transportation oversight committee within ninety days after the citizens
14 transportation oversight committee forwards a complaint to the board.

15 D. The board shall determine priority program planning with respect to
16 transportation facilities.

17 E. With respect to transportation facilities other than highways, the
18 board shall establish, open, relocate, alter, vacate or abandon all or
19 portions of the facilities.

20 F. With respect to aeronautics, the board shall perform the functions
21 prescribed in chapter 25 of this title.

22 G. THE BOARD SHALL DEVELOP AND ADOPT MULTIMODAL TRANSPORTATION
23 POLICIES TO BE KNOWN AS THE STATEWIDE TRANSPORTATION POLICY STATEMENT. THE
24 PURPOSE OF THE STATEWIDE TRANSPORTATION POLICY STATEMENT IS TO ASSURE THE
25 DEVELOPMENT AND MAINTENANCE OF A COMPREHENSIVE, MODALLY INTEGRATED AND
26 BALANCED STATEWIDE TRANSPORTATION SYSTEM. THE BOARD SHALL CONSIDER, AND TO
27 THE GREATEST EXTENT PRACTICABLE INCORPORATE, THE TRANSPORTATION GOALS AND
28 POLICIES OF LOCAL AND REGIONAL TRANSPORTATION AGENCIES IN DEVELOPING THESE
29 POLICIES. THE BOARD SHALL UPDATE THE STATEWIDE TRANSPORTATION POLICY
30 STATEMENT EVERY TWO YEARS.

31 H. SUBJECT TO LEGISLATIVE APPROPRIATION, THE BOARD MAY EMPLOY
32 PROFESSIONAL AND CLERICAL PERSONNEL IT DEEMS NECESSARY TO EVALUATE THE
33 STATEWIDE TRANSPORTATION POLICY STATEMENT, THE TWENTY YEAR TRANSPORTATION
34 FACILITIES CONSTRUCTION PLAN DEVELOPED PURSUANT TO SECTION 28-6956 AND SYSTEM
35 PERFORMANCE MEASURES. THESE EMPLOYEES ARE ELIGIBLE TO RECEIVE COMPENSATION
36 PURSUANT TO SECTION 38-611 AND SHALL NOT BE EMPLOYEES OF THE DEPARTMENT.

37 ~~G.~~ I. The board shall not spend any monies, adopt any rules or
38 implement any policies or programs to convert signs to the metric system or
39 to require the use of the metric system with respect to designing or
40 preparing plans, specifications, estimates or other documents for any highway
41 project before the conversion or use is required by federal law, except that
42 the board may:

1 1. Spend monies and require the use of the metric system ON TRAFFIC
2 CONTROL DEVICES ON STATE HIGHWAYS WITHIN SEVENTY-FIVE MILES FROM THE BORDER
3 BETWEEN THIS STATE AND MEXICO. ~~with respect to designing or preparing plans,~~
4 ~~specifications, estimates or other documents for a highway project that is~~
5 ~~awarded before October 1, 1997 and that is exclusively metric from its~~
6 ~~inception.~~

7 2. Prepare for conversion to and use of the metric system not more
8 than six months before the conversion or use is required by federal law.

9 Sec. 4. Terms of additional members

10 A. Notwithstanding section 28-302, Arizona Revised Statutes, as
11 amended by this act, the initial terms of additional members are:

12 1. The term of the member from a transportation district with a
13 population of six hundred thousand or more persons but less than two million
14 two hundred thousand persons ending January 19, 2004.

15 2. The term of the member from a transportation district with a
16 population of two million two hundred thousand or more persons ending January
17 21, 2008.

18 B. The governor shall make all subsequent appointments as prescribed
19 by statute.