

## HOUSE FLOOR AMENDMENT EXPLANATION



Bill Number: **SB 1102**

        Cook         Floor Amendment

---

---

### ***County Transportation Excise Tax***

1. Changes the allocations of the County Transportation Excise Tax (Excise Tax) revenues to:
  - a) 40.5%, instead of 40%, to the Regional Area Road Fund (RARF) for freeways and other routes in the state highway system, including capital expense and maintenance;
  - b) 22.5%, instead of 21%, to the RARF for major arterial streets, intersection improvements and regional transportation infrastructure, including capital expense and implementation studies; and
  - c) 37%, instead of 39%, to the Public Transportation Fund for both:
    - i. Capital costs, maintenance and operation of public transportation mode classifications; and
    - ii. Capital rehabilitation costs associated with the light rail system.
2. Modifies the allocation to the RARF for major arterial streets and regional programs by removing regional programs and including intersection improvements and regional transportation infrastructure.
3. Defines *regional transportation infrastructure* as transportation projects that are selected through a performance-based process for non-motorized mobility infrastructure, emerging technologies and air quality measures.
4. States that no more than 5% of Excise Tax revenues may be used for regional transportation infrastructure.
5. Modifies the allocation to the Public Transportation Fund by including capital rehabilitation costs associated with the light rail system instead of capital costs and utility relocation costs of the light rail system.
6. States that no more than 3.5% of the monies distributed to the Public Transportation Fund may be used for light rail capital rehabilitation.
7. Prohibits Excise Tax revenues from being spent on:
  - a) Any light rail, commuter rail, streetcar or trolley extension;
  - b) Any project that will result in a reduction in existing lane miles on a highway or state highway unless;

Amendment explanation prepared by J. Bassham

Phone Number 6-5725

jb

7/31/2023

- i. Reconfiguration for operational efficiency is necessary as determined by an Arizona Department of Transportation (ADOT) approved third-party engineering study or road safety assessment;
    - ii. An opportunity for public input is provided;
    - iii. The overall system capacity and transportation mobility will not be reduced; and
    - iv. The reduction will not increase vehicle congestion or travel times.
  - c) A project that results in a reduction in existing lane miles on a street, highway or roadway unless:
    - i. A third-party engineering study demonstrates that the project will not materially increase vehicle congestion or travel times;
    - ii. An opportunity for public input is provided; and
    - iii. The reduction is recommended for approval by an affirmative vote of the Transportation Policy Committee (TPC).
8. Removes language that allowed up to 5% of Excise Tax revenues to be transferred annually between their specified allocations.
9. Strikes the requirement that reallocations of Excise Tax revenues be recommended by the TPC and approved by the Regional Planning Agency Board and that changes of over 2.5% go through the major investment change process.
10. Removes the major investment change process.
11. Strikes the ability for:
  - a) Up to 1% of the allocated Excise Tax revenues for transit be used to acquire land for religious organizations, nonprofit organizations and low-income housing organizations; and
  - b) Up to 0.6% of the allocated Excise Tax revenues for transit be used to fund grants for municipalities that allow maximum height and density restrictions in areas adjacent to high-capacity transit routes.

***Farebox Recovery Audit***

12. Requires, beginning FY 2027, the Regional Public Transportation Authority in Maricopa County to conduct in coordination with the Regional Planning Agency a farebox recovery audit (Audit) of operating costs and revenues for the previous fiscal year for all public transportation.
13. Directs the Audit to:
  - a) Document all revenue sources including fares and Excise Tax funding;
  - b) Determine a 'farebox recovery ratio' calculated by the percentage of operating expenses paid for by fares as a measure of cost efficiency;
  - c) Detail the farebox recovery ratio for the entire regional public transportation system and by jurisdiction; and
  - d) Be presented to the Regional Public Transportation Authority Board and the TPC.
14. Requires the annual farebox recovery ratio to achieve the following percentages:
  - a) For FY 2027 through FY 2028, 10%;
  - b) For FY 2029 through FY 2031, 15%; and

- c) For FY 2032 and thereafter, 20%.
15. States that if the systemwide farebox recovery ratio fails to meet the required percentage, then the Regional Public Transportation Authority must demonstrate through the Audit that monies from sources other than the Excise Tax make up the difference between the farebox recovery ratio and the required percentage.
  16. Declares that if the Regional Public Transportation Authority cannot demonstrate that monies from sources other than the Excise Tax make up the difference between the farebox recovery ratio and the required percentage, then the excess cost will be allocated between the affected jurisdictions according to the proportion of service in that jurisdiction that falls below the required percentage.
  17. Requires the affected jurisdictions to pay the monies from sources other than the Excise Tax to the Public Transportation Fund within two fiscal years following the Audits completion.
  18. Directs the payments to be documented as part of future Audits.
  19. Exempts vanpool services, ride choice and transportation service required by the Federal 'Americans with Disabilities Act of 1990' [U.S.C §§ 12101-12213](#) from the Audit and farebox recovery ratio percentage requirements.

***Transportation Policy Committee***

20. Increases the number of members on the TPC from the Regional Planning Agency from 17 to 18 members, instead of from 17 to 19.
21. Specifies that an added member to the TPC will represent *residential housing development* instead of representing *housing interests*.
22. Adds one member to the TPC, beginning FY 2025, who represents resiliency interests and is appointed by the Governor to serve a six-year term.

***Miscellaneous***

23. Replaces all mentions of *regional programs* with *intersection improvements and regional transportation infrastructure*.
24. Strikes all language in the bill relating to:
  - a) Maximum height and density restrictions in areas zoned for commercial and residential mixed-use;
  - b) Pocket shelters; and
  - c) Grants for acquiring land for residential and commercial mixed-use properties.
25. Prohibits public monies from being used to extend light rail service in Phoenix to the area and any property within 50 linear yards of the area with a boundary of 17<sup>th</sup> Avenue on the east, Adams Street on the north, 18<sup>th</sup> Avenue on the west and Jefferson Street on the south.
26. Requires that the speed limit for all types of motor vehicles be at least 65 miles per hour on interstate system highways in Maricopa County unless;

- a) A reduction in the speed limit for operational efficiency is necessary as determined by an ADOT-approved third-party engineering study or road safety assessment;
  - b) An opportunity for public input is provided; and
  - c) The overall system capacity and transportation mobility will not be reduced.
27. Prohibits this state or a city, town, county or political subdivision of this state from restricting the use or sale of a vehicle in this state if the restriction is based on the vehicle's energy source. Government-owned vehicles are exempt from this restriction.
28. Changes the deadline for the Regional Planning Agency to allocate at least \$90,000,000 to implement a commercial motor vehicle parking consistent with a regionally adopted truck parking plan to December 31, 2045, instead of December 31, 2050.
29. Removes a section of the bill that modified statute dealing with the current Transportation Excise Tax in Maricopa County.
30. Modifies the description on the ballot for the proposed County Transportation Excise Tax.
31. Includes a conditional enactment clause.
32. Defines terms.
33. Makes technical and conforming changes.

COOK FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1102  
(Reference to APPROPRIATIONS Committee amendment)

1 Page 1, strike lines 2 through 28

2 Strike pages 2 and 3, insert:

3 "Section 1. Title 28, chapter 1, article 3, Arizona Revised  
4 Statutes, is amended by adding section 28-145, to read:

5 28-145. Vehicle energy source; restrictions prohibited;  
6 exception

7 EXCEPT AS PROVIDED IN SECTION 28-737, SECTION 49-410 AND ITS  
8 IMPLEMENTING RULES AND SECTIONS 49-571 AND 49-573, THIS STATE OR A CITY,  
9 TOWN, COUNTY OR POLITICAL SUBDIVISION OF THIS STATE SHALL NOT RESTRICT THE  
10 USE OR SALE OF A VEHICLE IN THIS STATE IF THE RESTRICTION IS BASED ON THE  
11 VEHICLE'S ENERGY SOURCE. THIS SECTION DOES NOT APPLY TO GOVERNMENT-OWNED  
12 VEHICLES."

13 Renumber to conform

14 Page 6, line 15, after "PERSONS" insert "UNLESS ALL OF THE FOLLOWING APPLY:

- 15 1. A REDUCTION IN THE SPEED LIMIT FOR OPERATIONAL EFFICIENCY IS  
16 NECESSARY AS DETERMINED BY A DEPARTMENT-APPROVED THIRD-PARTY ENGINEERING  
17 STUDY OR ROAD SAFETY ASSESSMENT.  
18 2. AN OPPORTUNITY FOR PUBLIC INPUT IS PROVIDED.  
19 3. THE OVERALL SYSTEM CAPACITY AND TRANSPORTATION MOBILITY WILL NOT  
20 BE REDUCED."

21 Between lines 25 and 26, insert:

1 "1. "AIR QUALITY MEASURES" MEANS PAVING UNPAVED ROADS AND PROCURING  
2 STREET SWEEPERS TO HELP MEET THE REQUIREMENTS OF THE CLEAN AIR ACT AS  
3 DEFINED IN SECTION 49-401.01."

4 Renumber to conform

5 Page 7, between lines 25 and 26, insert:

6 "8. "INTERSECTION IMPROVEMENTS" MEANS PROJECTS THAT ARE DESIGNED TO  
7 DECREASE VEHICLE CONGESTION, LOWER TRAVEL TIMES OR IMPROVE SAFETY."

8 Renumber to conform

9 Between lines 30 and 31, insert:

10 "10. "NONMOTORIZED MOBILITY INFRASTRUCTURE" MEANS THE IMPROVEMENT OF  
11 SAFETY, ACCESSIBILITY OR CONNECTIVITY THROUGH SIDEWALKS, CROSSWALKS, CURB  
12 RAMPS, ELEMENTS THAT ARE REQUIRED BY THE AMERICANS WITH DISABILITIES ACT OF  
13 1990 (42 UNITED STATES CODE SECTIONS 12101 THROUGH 12213) OR OTHER  
14 COMPONENTS ADJACENT TO STREETS OR ROADWAYS FOR VULNERABLE ROAD USERS AS  
15 DEFINED IN 23 UNITED STATES CODE SECTION 148(a)(15)."

16 Renumber to conform

17 Page 8, line 20, strike "PROGRAMS" insert "TRANSPORTATION INFRASTRUCTURE"

18 Line 21, strike "ARTERIAL IMPROVEMENTS,"

19 Strike lines 22 and 23, insert "NONMOTORIZED MOBILITY INFRASTRUCTURE, EMERGING  
20 TECHNOLOGIES AND AIR QUALITY MEASURES."

21 Page 10, line 31, after "streets" strike remainder of line

22 Line 32, strike "PROGRAMS" insert ", ~~and~~ intersection improvements AND  
23 REGIONAL TRANSPORTATION INFRASTRUCTURE"

24 Page 11, line 7, strike "AND REGIONAL PROGRAMS" insert ", INTERSECTION  
25 IMPROVEMENTS AND REGIONAL TRANSPORTATION INFRASTRUCTURE"

26 Page 12, line 4, after "streets" strike remainder of line insert ", ~~and~~  
27 intersections AND REGIONAL TRANSPORTATION INFRASTRUCTURE"

28 Page 14, line 19, strike "NINETEEN" insert "EIGHTEEN"

29 Page 15, line 11, strike "HOUSING INTERESTS" insert "RESIDENTIAL HOUSING  
30 DEVELOPMENT"

31 Between lines 13 and 14, insert:

1           "6. BEGINNING FISCAL YEAR 2024-2025, ONE MEMBER WHO REPRESENTS  
2 RESILIENCY INTERESTS AND WHO IS APPOINTED BY THE GOVERNOR. THE MEMBER WHO  
3 IS APPOINTED PURSUANT TO THIS PARAGRAPH SERVES A SIX-YEAR TERM."

4 Page 17, strike lines 7 through 10

5 Renumber to conform

6 Line 12, strike "D" insert "C"

7 Line 14, strike "PROGRAMS" insert "TRANSPORTATION INFRASTRUCTURE"

8 Page 20, line 7, strike "Section" insert "Sections"; after "28-6352" insert "and  
9 28-6353"; strike "is" insert "are"

10 Line 9, strike "a"; strike "section" insert "sections"; after "28-6352" insert  
11 "and 28-6353"

12 Line 17, strike "2050" insert "2045"

13 Line 25, after "FUND" insert "ESTABLISHED BY SECTION 28-6302"

14 Line 27, after "FUND" insert "ESTABLISHED BY SECTION 28-6302"; after "STREETS"  
15 insert ", INTERSECTION IMPROVEMENTS"

16 Line 28, strike "PROGRAMS" insert "TRANSPORTATION INFRASTRUCTURE"

17 Page 21, line 1, strike "COSTS AND UTILITY RELOCATION" insert "REHABILITATION"

18 Strike lines 3 through 11

19 Reletter to conform

20 Line 23, after "STREETS" insert ", INTERSECTION IMPROVEMENTS"

21 Line 24, strike "PROGRAMS" insert "TRANSPORTATION INFRASTRUCTURE"

22 Line 28, strike "D" insert "C"

23 Page 22, strike lines 7 through 29

24 Reletter to conform

25 Page 23, line 11, strike "D" insert "C"

26 Between lines 26 and 27, insert:

27           "28-6353. Public transportation farebox recovery audit; ratio;  
28   exemption

29           A. IN A COUNTY WITH A POPULATION OF THREE MILLION OR MORE PERSONS,  
30 BEGINNING FISCAL YEAR 2026-2027, THE REGIONAL PUBLIC TRANSPORTATION  
31 AUTHORITY, IN COORDINATION WITH THE REGIONAL PLANNING AGENCY, SHALL CONDUCT  
32 A FAREBOX RECOVERY AUDIT OF OPERATING COSTS AND REVENUES FOR THE PREVIOUS

1 FISCAL YEAR FOR ALL PUBLIC TRANSPORTATION AS DEFINED IN SECTION 28-6301.  
2 THE AUDIT SHALL:

3 1. DOCUMENT ALL REVENUE SOURCES, INCLUDING FARES AND FUNDING  
4 GENERATED FROM SECTION 42-6105.01.

5 2. DETERMINE A FAREBOX RECOVERY RATIO CALCULATED BY THE PERCENTAGE  
6 OF OPERATING EXPENSES PAID FOR BY FARES AS A MEASURE OF COST EFFICIENCY.

7 3. DETAIL THE FAREBOX RECOVERY RATIO FOR THE ENTIRE REGIONAL PUBLIC  
8 TRANSPORTATION SYSTEM AND BY JURISDICTION.

9 4. BE PRESENTED TO THE REGIONAL PUBLIC TRANSPORTATION AUTHORITY  
10 BOARD AND TRANSPORTATION POLICY COMMITTEE.

11 B. THE ANNUAL FAREBOX RECOVERY RATIO SHALL ACHIEVE THE FOLLOWING  
12 PERCENTAGES:

13 1. IN FISCAL YEAR 2026-2027 THROUGH FISCAL YEAR 2027-2028, TEN  
14 PERCENT.

15 2. IN FISCAL YEAR 2028-2029 THROUGH FISCAL YEAR 2030-2031, FIFTEEN  
16 PERCENT.

17 3. IN FISCAL YEAR 2031-2032 AND EACH SUBSEQUENT FISCAL YEAR, TWENTY  
18 PERCENT.

19 C. IF THE SYSTEMWIDE FAREBOX RECOVERY RATIO FAILS TO MEET THE  
20 PERCENTAGES PRESCRIBED BY SUBSECTION B OF THIS SECTION, THE REGIONAL PUBLIC  
21 TRANSPORTATION AUTHORITY MUST DEMONSTRATE THROUGH THE FAREBOX RECOVERY  
22 AUDIT THAT MONIES FROM SOURCES OTHER THAN SECTION 42-6105.01 MAKE UP THE  
23 DIFFERENCE BETWEEN THE FAREBOX RECOVERY RATIO AND THE PERCENTAGES  
24 PRESCRIBED BY SUBSECTION B OF THIS SECTION.

25 D. IF THE REGIONAL PUBLIC TRANSPORTATION AUTHORITY CANNOT SATISFY  
26 THE REQUIREMENTS PRESCRIBED BY SUBSECTION C OF THIS SECTION, THE EXCESS  
27 COSTS SHALL BE ALLOCATED BETWEEN AFFECTED JURISDICTIONS ACCORDING TO THE  
28 PROPORTION OF SERVICE IN THAT JURISDICTION THAT FALLS BELOW THE PERCENTAGE  
29 REQUIREMENT PRESCRIBED BY SUBSECTION B OF THIS SECTION. THE AFFECTED  
30 JURISDICTIONS SHALL PAY MONIES FROM SOURCES OTHER THAN SECTION 42-6105.01  
31 TO THE PUBLIC TRANSPORTATION FUND ESTABLISHED BY SECTION 48-5103 WITHIN TWO



1 FISCAL YEARS FOLLOWING COMPLETION OF THE AUDIT. THE PAYMENTS SHALL BE  
2 DOCUMENTED AS PART OF FUTURE AUDITS.

3 E. VANPOOL SERVICES, RIDE CHOICE AND TRANSPORTATION SERVICE THAT ARE  
4 REQUIRED BY THE AMERICANS WITH DISABILITIES ACT OF 1990 (42 UNITED STATES  
5 CODE SECTIONS 12101 THROUGH 12213) ARE EXEMPT FROM THIS SECTION."

6 Page 23, line 28, strike "28-6353,"

7 Page 26, line 12, strike "D" insert "C"

8 Page 30, strike lines 5 through 31

9 Page 31, strike lines 1 through 12, insert:

10 "Sec. 24. Title 28, chapter 27, article 1, Arizona Revised Statutes,  
11 is amended by adding section 28-9204, to read:

12 28-9204. Public monies; prohibition

13 NOTWITHSTANDING ANY OTHER LAW, PUBLIC MONIES MAY NOT BE USED TO  
14 EXTEND LIGHT RAIL SERVICE IN PHOENIX TO:

15 1. THE AREA WITH A BOUNDARY OF SEVENTEENTH AVENUE ON THE EAST, ADAMS  
16 STREET ON THE NORTH, EIGHTEENTH AVENUE ON THE WEST AND JEFFERSON STREET ON  
17 THE SOUTH.

18 2. ANY PROPERTY THAT IS WITHIN FIFTY LINEAR YARDS OF THE AREA  
19 DESCRIBED IN PARAGRAPH 1 OF THIS SECTION."

20 Renumber to conform

21 Lines 16 and 17, strike ": conditional enactment"

22 Page 32, line 14, strike "FORTY" insert "40.5"

23 Line 17, strike "TWENTY-ONE" insert "22.5"

24 Line 18, after "STREETS" insert ", INTERSECTION IMPROVEMENTS"; strike  
25 "PROGRAMS" insert "TRANSPORTATION INFRASTRUCTURE"

26 Line 20, strike "THIRTY-NINE" insert "37"

27 Line 23, strike "COSTS AND UTILITY RELOCATION" insert "REHABILITATION"

28 Line 25, strike "SALES"; after "NOT" insert ":

29 1."

30 Line 26, strike "NEW"; after "RAIL" insert ", COMMUTER RAIL, STREETCAR OR  
31 TROLLY"

32 Page 32, between lines 26 and 27, insert:

1           "2. BE SPENT ON ANY PROJECT THAT WILL RESULT IN A REDUCTION IN  
2           EXISTING LANE MILES ON A HIGHWAY AS DEFINED IN SECTION 28-101 OR A STATE  
3           HIGHWAY AS DEFINED IN SECTION 28-101, UNLESS ALL OF THE FOLLOWING APPLY:

4           (a) RECONFIGURATION FOR OPERATIONAL EFFICIENCY IS NECESSARY AS  
5           DETERMINED BY A DEPARTMENT-APPROVED THIRD-PARTY ENGINEERING STUDY OR ROAD  
6           SAFETY ASSESSMENT.

7           (b) AN OPPORTUNITY FOR PUBLIC INPUT IS PROVIDED.

8           (c) THE OVERALL SYSTEM CAPACITY AND TRANSPORTATION MOBILITY WILL NOT  
9           BE REDUCED.

10          (d) THE REDUCTION WILL NOT INCREASE VEHICLE CONGESTION OR TRAVEL  
11          TIMES.

12          3. BE SPENT ON A PROJECT THAT RESULTS IN A REDUCTION IN EXISTING  
13          LANE MILES ON A STREET OR HIGHWAY AS DEFINED IN SECTION 28-601 OR A ROADWAY  
14          AS DEFINED IN SECTION 28-601 UNLESS ALL THE FOLLOWING APPLY:

15          (a) A THIRD-PARTY ENGINEERING STUDY DEMONSTRATES THAT THE PROJECT  
16          WILL NOT MATERIALLY INCREASE VEHICLE CONGESTION OR TRAVEL TIMES.

17          (b) AN OPPORTUNITY FOR PUBLIC INPUT IS PROVIDED.

18          (c) THE REDUCTION IS RECOMMENDED FOR APPROVAL BY AN AFFIRMATIVE VOTE  
19          OF THE TRANSPORTATION POLICY COMMITTEE."

20          Line 27, strike "PARAGRAPH" insert "PARAGRAPHS"; after "1" insert "AND 2"

21          Strike lines 31 and 32

22          Reletter to conform

23          Page 33, line 1, strike "3.4" insert "3.5"

24          Line 3, strike "MAINTENANCE AND OPERATIONS" insert "CAPITAL REHABILITATION"

25          Strike lines 4 through 14, insert:

26                 "I. NOT MORE THAN FIVE PERCENT OF THE REVENUES COLLECTED UNDER THIS  
27                 SECTION MAY BE USED FOR REGIONAL TRANSPORTATION INFRASTRUCTURE."

28          Page 37, line 16, strike the first "and" insert a comma

29          Line 17, after "services" insert "and providing for capital rehabilitation of  
30          light rail. Revenues will be allocated as follows:

31                 (a) 40.5 percent to freeways and other routes in the state highway  
32                 system.

1 (b) 37 percent to public transportation.

2 (c) 22.5 percent to arterial streets, intersection improvements and  
3 regional transportation infrastructure"

4 Page 39, between lines 8 and 9, insert:

5 "Sec. 33. Conditional enactment

6 Section 42-6105.01, Arizona Revised Statutes, as added by this act,  
7 is effective only if the qualified electors approve the extension of the  
8 county transportation excise tax."

9 Amend title to conform

DAVID L. COOK

1102FloorCOOK.docx  
07/31/2023  
11:15 AM  
C: MU