

# Arizona Revised Statutes

## **49-474.01. Additional board duties in vehicle emissions control areas; definitions**

A. The board of supervisors of a county which contains any portion of area A or area B as defined in section 49-541 shall:

1. In area A, in consultation with the designated metropolitan planning organization, synchronize traffic control signals on all existing and new roadways, within the unincorporated area and at jurisdictional boundaries, which have a traffic flow exceeding fifteen thousand motor vehicles per day.
2. In area A, beginning January 1, 2000, develop and implement plans to stabilize targeted unpaved roads, alleys and unpaved shoulders on targeted arterials. The plans shall address the performance goals, the criteria for targeting roads, alleys and arterials, a schedule for implementation, funding options and reporting requirements.
3. In area A, acquire or utilize vacuum systems or other dust removal technology to reduce the particulates attributable to conventional crack sealing operations as existing equipment is retired.
4. In area A, beginning January 1, 2008, develop and implement plans to stabilize targeted unpaved roads, alleys and unpaved shoulders on targeted arterials. The plans shall address the performance goals, the criteria for targeting the roads, alleys and shoulders, a schedule for implementation, funding options and reporting requirements. Priority shall be given to the following:
  - (a) Unpaved roads with more than one hundred average daily trips.
  - (b) Unpaved shoulders on arterial roads and other road segments where vehicle use on unpaved shoulders is evident or anticipated due to projected traffic volume.
5. In a county with a population of two million or more persons or any portion of a county in an area designated by the environmental protection agency as a serious PM-10 nonattainment area or a maintenance area that was designated as a serious PM-10 nonattainment area, no later than March 31, 2008, adopt or amend codes or ordinances and, no later than October 1, 2008, commence enforcement of those codes or ordinances as necessary to require that parking, maneuvering, ingress and egress areas at developments other than residential buildings with four or fewer units are maintained with one or more of the following dustproof paving methods:
  - (a) Asphaltic concrete.
  - (b) Cement concrete.
  - (c) Penetration treatment of bituminous material and seal coat of bituminous binder and a mineral aggregate.
  - (d) A stabilization method approved by the county.
6. In a county with a population of two million or more persons or any portion of a county in an area designated by the environmental protection agency as a serious PM 10 nonattainment area or a maintenance area that was designated as a serious PM 10 nonattainment area, no later than March 31, 2008, adopt or amend codes or ordinances and, no later than October 1, 2009, commence enforcement of those codes or ordinances as necessary to require that parking, maneuvering, ingress and egress areas three thousand square feet or more in size at residential buildings with four or fewer units are maintained with a paving or stabilization method authorized by the county by code, ordinance or permit.
7. In area A, no later than March 31, 2008, adopt or amend codes or ordinances as necessary to restrict vehicle parking and use on unpaved or unstabilized vacant lots.

8. In area A, require that new or renewed contracts for street sweeping on city streets must be conducted with street sweepers that meet the south coast air quality management district rule 1186 street sweeper certification specifications for pick up efficiency and PM-10 emissions in effect on January 1, 2007.
  9. In area B, synchronize traffic control signals on roadways with a traffic flow exceeding fifteen thousand motor vehicles per day.
  10. Implement adjusted work hours for at least eighty five per cent of county employees in area A each year beginning October 1 and ending April 1 in order to reduce the level of carbon monoxide concentrations caused by vehicular travel.
  11. In A county with a population of two million or more persons or any portion of a county within an area designated by the environmental protection agency as a serious PM 10 nonattainment area or a maintenance area that was designated as a serious PM 10 nonattainment area, no later than March 31, 2008, adopt rule provisions, and, no later than October 1, 2008, commence enforcement of those rule provisions regarding the stabilization of disturbed surfaces of vacant lots that include the following:
    - (a) Reasonable written notice to the owner or the owner's authorized agent or the owner's statutory agent that the unpaved disturbed surface of a vacant lot is required to be stabilized. The notice shall be given not less than thirty days before the day set for compliance and shall include a legal description of the property and the estimated cost to the county for the stabilization if the owner does not comply. The notice shall be either personally served or mailed by certified mail to the owner's statutory agent, to the owner at the owner's last known address or to the address to which the tax bill for the property was last mailed.
    - (b) Authority for the county to enter the lot to stabilize the disturbed surface at the expense of the owner if the vacant lot has not been stabilized by the day set for compliance.
    - (c) Methods for stabilization of the disturbed surface of the vacant lot, the actual cost of stabilization and the fine that may be imposed for a violation of this section.
- B. For the purposes of subsection A, paragraph 11 of this section:
1. "Disturbed surface" means a portion of the earth's surface or material placed on the earth's surface that has been physically moved, uncovered, destabilized or otherwise modified from its undisturbed native condition if the potential for the emission of fugitive dust is increased by the movement, destabilization or modification.
  2. Vacant lots do not include any site of disturbed surface area that is subject to a permit issued by a control officer that requires control of PM-10 emissions from dust generating operations.
- C. The board of supervisors of a county that contains any portion of area A as defined in section 49-541 shall make and enforce ordinances consistent with section 49-588 to reduce or encourage the reduction of the commuter use of motor vehicles by employees of the county and employees whose place of employment is within area A.
- D. The board of supervisors in a county that contains any portion of area A shall develop and implement a vehicle fleet plan for the purpose of encouraging and progressively increasing the use of alternative fuels and clean burning fuels in county owned vehicles operating in area A.
- E. The plan shall include a timetable for increasing the use of alternative fuels and clean burning fuels in fleet vehicles either through purchase or conversion. The timetable shall reflect the following schedule and percentage of vehicles that operate on alternative fuels or clean burning fuels:
1. At least eighteen per cent of the total fleet by December 31, 1995.
  2. At least twenty five per cent of the total fleet by December 31, 1996.

3. At least fifty per cent of the total fleet by December 31, 1998.

4. At least seventy five per cent of the total fleet by December 31, 2000 and each year thereafter.

F. The requirements of subsections D and E of this section may be waived on receipt of certification supported by evidence acceptable to the department that the county is unable to acquire or be provided equipment or refueling facilities necessary to operate vehicles using alternative fuels or clean burning fuels at a projected cost that is reasonably expected to result in net costs of no greater than ten per cent more than the net costs associated with the continued use of conventional gasoline or diesel fuels measured over the expected useful life of the equipment or facilities supplied. Applications for waivers shall be filed with the department pursuant to section 49-412. An entity that receives a waiver pursuant to this section shall retrofit fleet heavy duty diesel vehicles with a gross vehicle weight of eight thousand five hundred pounds or more, that were manufactured in or before model year 1993 and that are the subject of the waiver with a technology that is effective at reducing particulate emissions at least twenty five per cent or more and that has been approved by the United States environmental protection agency pursuant to the urban bus engine retrofit/rebuild program. The entity shall comply with the implementation schedule pursuant to section 49-555.

G. If the requirements of subsections D and E of this section are met by the use of clean burning fuel, vehicle equivalents under those requirements shall be calculated as follows:

1. One vehicle equivalent for every four hundred fifty gallons of neat biodiesel or two thousand two hundred fifty gallons of a diesel fuel substitute prescribed in section 1-215, paragraph 7, subdivision (b).

2. One vehicle equivalent for every five hundred thirty gallons of the fuel prescribed in section 1-215, paragraph 7, subdivision (d).

H. Subsection A, paragraphs 5, 6 and 7 of this section do not apply to any site that has a permit issued by a control officer as defined in section 49-471 for the control of fugitive dust from dust generating operations.

I. For the purposes of this section, "alternative fuel" and "clean burning fuel" have the same meanings prescribed in section 1 215.