



November 24, 2025

Pima County Board of Supervisors
130 W. Congress Street
Tucson, AZ 85701

Dear Chairman Scott and Members of the Board:

My name is Tony Bradley, President & CEO of the Arizona Trucking Association. I am writing regarding the 2025 Unpaved County Roads, Health Standards and Air Quality Ordinance, transmitted to the Board on November 12, 2025. After reviewing the memorandum and draft ordinance, it is clear that the proposal is illegal, exceeds the County's authority, and exposes Pima County to significant legal and financial risk, including potential impacts on federal transportation funding.

ATA recognizes that Pima County, through PDEQ, holds delegated authority to regulate certain air-quality programs. However, that authority does not permit the County to use a traffic ordinance to impose truck-trip caps or permit schemes—especially where such restrictions conflict with federal and state commercial-vehicle access laws.

I. The Ordinance Violates the Commerce Clause

The proposed 75-truck-per-day limit, combined with the requirement to obtain a discretionary permit after a public hearing, imposes an undue burden on interstate and intrastate commerce. The Commerce Clause prohibits local governments from adopting measures that materially impede the movement of goods essential to Arizona's economy.

**CLERK'S NOTE:
COPY TO SUPERVISORS
COUNTY ADMINISTRATOR**

DATE 11/24/25 mb

cc: Transportation
Kathryn Skinner

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The County's own memorandum acknowledges only that increased truck traffic "may" contribute to dust and "could" lead to non-attainment. Speculative concerns are not a lawful basis for restricting truck access or imposing trip caps. Non-attainment designations require actual monitoring data, modeling, public process, and EPA concurrence—not hypothetical scenarios or assumptions.

II. The Ordinance Violates Federal "Reasonable Access" Requirements and STAA Supremacy

Under the Surface Transportation Assistance Act (STAA) and FHWA regulations, counties must provide reasonable access for STAA-dimension commercial vehicles without permits. The STAA expressly preempts local laws that deny, restrict, or condition such access.

The proposed ordinance violates federal supremacy in several ways:

- The 75-truck cap denies functional access necessary for the movement of goods.
- A permit requirement for lawful STAA vehicles is prohibited by federal law.
- Restrictions must be based on documented, route-specific safety engineering, not on projected air-quality concerns.
- Violating STAA access rules risks consequences up to and including loss of federal highway funds.

Federal transportation law is clear and controlling: counties cannot impose restrictions that materially interfere with STAA-protected access.

III. The Patagonia Ordinance and 2018 Attorney General Letter Do Not Support the County's Position

The County's memorandum cites Patagonia's ordinance and a 2018 Attorney General letter. This reliance is misplaced:

1. Attorney General opinions are advisory and non-binding.
2. Patagonia's ordinance conflicts with A.R.S. § 28-1092 and would not survive judicial review today.
3. ATA's prior decision not to challenge Patagonia should not be viewed as acceptance of its legality.

An unchallenged ordinance does not become lawful by default, and it is unwise to use it as the basis for countywide regulation.

IV. State Law—Strengthened Since Patagonia—Prohibits Pima County's Approach

Since Patagonia enacted its ordinance, the Legislature has enacted significant reforms:

- A.R.S. § 28-1092, amended by HB 2521 (2018), prohibits local governments from denying reasonable access or requiring permits for STAA vehicles.
- A.R.S. § 28-1106, amended by SB 1097 (2023), limited the county's authority to restrict truck access on certain roads.

Even with PDEQ's delegated air-quality authority, the County must comply with these statutes. Air-quality powers may not be used to indirectly regulate truck access where transportation law prohibits direct restrictions.

Arizona's transportation system depends on consistent statewide standards, not a patchwork of conflicting local rules that threaten the efficiency and predictability of freight movement.

V. ATA Supports Lawful Dust-Mitigation Strategies

The Arizona Trucking Association supports lawful, data-driven dust-mitigation strategies that genuinely improve air quality. We remain ready to work with Pima

County and PDEQ on measures that protect public health without violating federal or state law or placing the county's federal transportation funding at risk.

VI. Conclusion

For these reasons—constitutional concerns, federal preemption, speculative factual grounding, conflicts with state statutes, and the need for statewide consistency—I strongly urge the Board to reconsider the proposed ordinance. Proceeding with the current provisions will expose Pima County to unnecessary financial, administrative, and legal consequences.

Respectfully,

A handwritten signature in black ink, appearing to read 'Tony Bradley', with a stylized flourish at the end.

Tony Bradley
President & CEO

cc: Jan Leshner
Kathryn Skinner
Jennifer Toth