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# MEMORANDUM

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Date: November 24, 2025

To: The Honorable Chair and Members  
Pima County Board of Supervisors

From: Jan Leshner   
County Administrator

Re: **Revision to Ordinance to Regulate Certain Unpaved Roads to Maintain Healthy Air Quality**

On November 12, 2025, I transmitted a proposed ordinance to regulate certain unpaved County roads to maintain healthy air quality. Since then, staff realized a change is necessary regarding the required permit process. The November 12 version only requires a permit if an entity is applying to exceed the total daily heavy truck limit. However, without additional data on other entities' heavy duty truck usage it may be difficult for the County to determine if the additional usage is over the limit. Version 2 of the ordinance attached includes revisions to rectify this issue. Attached is both a clean version and track changes version.

Version 2 requires a permit for any entity driving or causing heavy duty trucks to be driven on the roads that have traffic volumes, triggering control measures. The Department of Transportation (DOT) will maintain a log of the number of heavy-duty trucks permitted to use the road. DOT will review applications for completeness, in the order received, and approve those that do not result in exceeding the limit. For those applications that would exceed the limit, DOT will submit the application to the Board, and the Board, if finding good cause, can approve the permit.

DOT has submitted this item to Clerk of the Board for the December 2, 2025 agenda. If you have questions before then, please contact me or Deputy County Administrator Carmine DeBonis.

JKL/mp

## Attachments

c: Carmine DeBonis Jr., Deputy County Administrator  
Steve Holmes, Deputy County Administrator  
Sam Brown, Chief Deputy County Attorney  
Theresa Cullen, MD, MS, Director, Health Department  
Scott DiBiase, Director, Department of Environmental Quality  
Kris Gade, Director, Conservation Lands and Resources  
Kathryn Skinner, Director, Department of Transportation  
Nicole Fyffe, Senior Advisor, County Administrator's Office

## **ORDINANCE 2025-\_\_**

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, RELATING TO TRAFFIC AND HIGHWAYS (TITLE 10); CREATING A NEW SECTION 10.37 UNPAVED COUNTY ROADS, TO REGULATE CERTAIN UNPAVED COUNTY ROADS TO MAINTAIN HEALTH STANDARDS FOR AIR QUALITY.**

### **THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA FINDS THAT:**

1. Unpaved roads with heavy traffic volumes traveling at higher speeds have the potential for generating a higher level of dust emissions, especially those that include heavy duty trucks.
2. Pima County intends to apply certain preventive control measures to avoid exceedances of health-based standards (National Ambient Air Quality Standards) for particulate matter (PM10) in the air that could lead to a non-attainment area designation by the U.S. Environmental Protection Agency (EPA).
3. Pima County has the authority under A.R.S. § 28-703(C) to decrease the speed limit to not less than fifteen miles per hour on an unpaved street or road within its jurisdiction to achieve or maintain national ambient air quality standards.
4. Pima County has the authority under A.R.S. § 28-1106(C) to prohibit by ordinance or resolution the operation of trucks or other commercial vehicles or may impose limitations as to the weight of vehicles on designated highways.

### **BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:**

**Section 1.** Pima County Code Title 10 (Traffic and Highways) is amended to create a new Section 10.37 (Unpaved County Roads) as follows:

#### **CHAPTER 10.37 UNPAVED COUNTY ROADS**

##### **10.37.10. Applicability**

1. Unpaved county roads with average daily trips (ADT) greater than 150 and 75 or more heavy duty trucks shall be subject to control measures in section 10.37.20.
2. ADT means the average number of motor vehicles that cross a given surface over a 48-hour period, divided by two, which may consist of two non-consecutive 24-hour periods. Motor vehicle traffic shall be measured continuously during each 24-hour period and shall represent typical traffic patterns.
3. A heavy duty truck is any vehicle in Class 6 or above, as defined by the Federal Highway Administration (FHWA)'s truck classification system.

#### 10.37.20. Control Measures

1. Establish a 15 mile per hour speed limit.
2. Restrict the number of heavy duty trucks to no more than 75 ADT for heavy duty truck trips.
3. Require a permit for all persons, firms or entities driving or causing heavy duty trucks to be driven.
4. Install signage at either ends of the road to provide notice of speed limit and heavy duty truck traffic control measures, as well as the statutorily required speed limit signs.
5. Notify all adjacent property owners via certified mail.

#### 10.37.30. Exemptions

1. All emergency vehicles shall be exempt from the ADT count used to determine applicability under Chapter 10.37, whether they are responding to an actual emergency.
2. All heavy duty trucks conducting maintenance on behalf of the county shall be exempt from section 10.37.20(2) and 10.37.20(3), the 75 ADT heavy duty truck trip restriction and required permit.

#### 10.37.40. Penalties

1. Speed limits will be enforced and fines issued consistent with standard county speed limit enforcement and fines.
2. First offense. A notice of opportunity to comply (NOC) shall be issued to all known persons, firms, or entities driving or causing to be driven heavy duty trucks on the applicable road requiring compliance with section 10.37.20 no later than 60 days from the issuance date of the NOC. The purpose of the NOC is to (a) provide the noticed persons, firms. or entities information on PM10 emissions from heavy duty trucks on unpaved roads and educational material regarding compliance with this chapter, (b) reduce the total number of heavy duty trucks to less than 75, and (c) provide additional opportunity for the noticed person, firm, or entity to apply for the required permit as detailed in section 10.37.50.
3. Second or later offense or failure to comply with a NOC. Any person, firm, or entity who fails to comply with NOC is subject to a civil sanction for which the court shall impose a sanction in the amount of \$500.

#### 10.37.50. Permits

1. An applicant shall submit an application in writing to the Pima County Department of Transportation to comply with section 10.37.20.
2. Applications determined not to cause exceedance of the maximum number trips will be reviewed for completeness and approved at the department level.

3. The board of supervisors may consider a permit to exceed use restriction after holding a public hearing, and hearing from all interested parties desiring to be heard thereon.
4. The board of supervisors, upon finding good cause after a public hearing, may issue a special permit in writing authorizing the applicant to exceed the maximum number of trips specified in section 10.37.20.
5. The permit shall be issued for no more than one year, and in substantial conformity to the procedures adopted by the Arizona Department of Transportation pursuant to A.R.S. § 28-1104.
6. Each permit issuance shall include the following conditions and restrictions:
  - a. Maximum number of heavy duty truck trips per day.
  - b. Designation of specific locations and times of day that the permit holder will make heavy duty truck access to and from the county road.
  - c. Additional measures the permit holder will take to reduce dust emissions.
  - d. Such other conditions that the board of supervisors in its sole discretion deems necessary to secure the peace, safety, health, and welfare of the residents of Pima County.
7. The permit limitations and conditions as provided in this section shall have the force and effect of law when submitted to and approved by the board.
8. As part of the permit issuance, the board of supervisors may, consistent with the 90-day limits of A.R.S. § 28-1106(A):
  - a. Establish seasonal or other time limitations within which the vehicles described may be operated upon the county road.
  - b. Limit and prescribe conditions of operation of the vehicle or vehicles when necessary to ensure against undue damage to the road foundations, surfaces, or structures.
  - c. Require such undertaking or other security as may be deemed necessary to compensate for any risk of damage to any roadway or road structure or to public safety.
9. A permit issued pursuant to this section shall be carried in the vehicle, or combination of vehicles, to which it refers and shall be open to inspection by any peace officer or agent of the county and no person shall violate any of the terms and conditions of the special permit.
10. Any violation of the terms or conditions of the permit issued pursuant to this section may be enforced as a violation of this ordinance. In addition, a violation or written notification from the county as to nuisance or safety concerns regarding the permitted use are sufficient grounds for the county administrator to notice a public hearing with the board of supervisors at which the board of supervisors may revoke the permit.

**Section 2.** This ordinance is effective 31 days after its adoption.

PASSED AND ADOPTED by the Board of Supervisors, Pima County, Arizona, this 2nd day of December 2025.

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Rex Scott  
Chairman, Pima County Board of  
Supervisors

ATTEST:

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Melissa Manriquez, Clerk of the Board

APPROVED AS TO FORM:



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Bobby Yu, Deputy County Attorney

## ORDINANCE 2025-\_\_

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3. Pima County has the authority under A.R.S. § 28-703(C) to decrease the speed limit to not less than fifteen miles per hour on an unpaved street or road within its jurisdiction to achieve or maintain national ambient air quality standards.
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3. A heavy duty truck is any vehicle in Class 6 or above, as defined by the Federal Highway Administration (FHWA)'s truck classification system.

#### 10.37.20. Control Measures

1. Establish a 15 mile per hour speed limit. ~~and~~
- ~~2.~~ Restrict the number of heavy duty trucks to no more than 75 ADT for heavy duty truck trips.
- ~~2-3.~~ Require a permit for all persons, firms or entities driving or causing heavy duty trucks to be driven.
- ~~3-4.~~ Install signage at either ends of the road to provide notice of speed limit and heavy duty truck traffic control measures, as well as the statutorily required speed limit signs.
- ~~4-5.~~ Notify all adjacent property owners via certified mail.

#### 10.37.30. Exemptions

1. All emergency vehicles shall be exempt from the ADT count used to determine applicability under Chapter 10.37, whether they are responding to an actual emergency.
2. All heavy duty trucks conducting maintenance on behalf of the county shall be exempt from section 10.37.20(2) and 10.37.20(3), the 75 ADT heavy duty truck trip restriction and required permit.

#### 10.37.40. Penalties

1. Speed limits will be enforced and fines issued consistent with standard county speed limit enforcement and fines.
2. First offense. A notice of opportunity to comply (NOC) shall be issued to all known persons, firms, or entities driving or causing to be driven heavy duty trucks on the applicable road requiring compliance with section 10.37.20 no later than 60 days from the issuance date of the NOC. The purpose of the NOC is to (a) provide the noticed persons, firms, or entities information on PM10 emissions from heavy duty trucks on unpaved roads and educational material regarding compliance with this chapter, (b) reduce the total number of heavy duty trucks to less than 75, and (c) provide additional opportunity for process by which the noticed person, firm, or entity can to apply for the required a permit to exceed the limit as detailed in section 10.37.50.
3. Second or later offense or failure to comply with a NOC. Any person, firm, or entity who fails to comply with a NOC is subject to a civil sanction for which the court shall impose a sanction in the amount of \$500.

#### 10.37.50. Permits ~~to Exceed Use Restriction~~

- ~~1.~~ An applicant may shall submit an application in writing to the Pima County Department of Transportation to request to exceed the maximum number of trips specified in comply with section 10.37.20~~10~~.
- ~~1-2.~~ Applications determined not to cause exceedance of the maximum number trips will be reviewed for completeness and approved at the department level.

- ~~2.3.~~ The board of supervisors may consider a permit to exceed use restriction after holding a public hearing, and hearing from all interested parties desiring to be heard thereon.
- ~~3.4.~~ The board of supervisors, upon finding good cause after a public hearing, may issue a special permit in writing authorizing the applicant to exceed the maximum number of trips specified in section 10.37.~~4020~~.
- ~~4.5.~~ The permit shall be issued for no more than one year, and in substantial conformity to the procedures adopted by the Arizona Department of Transportation pursuant to A.R.S. § 28-1104.
- ~~5.6.~~ Each permit issuance shall include the following conditions and restrictions:
- a. Maximum number of heavy duty truck trips per day.
  - b. Designation of specific locations and times of day that the permit holder will make heavy duty truck access to and from the county road.
  - c. Additional measures the permit holder will take to reduce dust emissions.
  - d. Such other conditions that the board of supervisors in its sole discretion deems necessary to secure the peace, safety, health, and welfare of the residents of Pima County.
- ~~6.7.~~ The permit limitations and conditions as provided in this section shall have the force and effect of law when submitted to and approved by the board.
- ~~7.8.~~ As part of the permit issuance, the board of supervisors may, consistent with the 90-day limits of A.R.S. § 28-1106(A):
- a. Establish seasonal or other time limitations within which the vehicles described may be operated upon the county road.
  - b. Limit and prescribe conditions of operation of the vehicle or vehicles when necessary to ensure against undue damage to the road foundations, surfaces, or structures.
  - c. Require such undertaking or other security as may be deemed necessary to compensate for any risk of damage to any roadway or road structure or to public safety.
- ~~8.9.~~ A permit issued pursuant to this section shall be carried in the vehicle, or combination of vehicles, to which it refers and shall be open to inspection by any peace officer or agent of the county and no person shall violate any of the terms and conditions of the special permit.
- ~~9.10.~~ Any violation of the terms or conditions of the permit issued pursuant to this section may be enforced as a violation of this ordinance. In addition, a violation or written notification from the county as to nuisance or safety concerns regarding the permitted use are sufficient grounds for the county administrator to notice a public hearing with the board of supervisors at which the board of supervisors may revoke the permit.

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