



# Orange County Transportation Authority

## Board Agenda

**Monday, February 26, 2024 at 9:00 a.m.**

550 South Main Street, Orange, California

### **Board Members**

Tam T. Nguyen, Chair  
Doug Chaffee, Vice Chair  
Ashleigh Aitken  
Valerie Amezcua  
Andrew Do  
Jon Dumitru  
Jamey Federico  
Katrina Foley  
Patrick Harper  
Michael Hennessey  
Fred Jung  
Farrah N. Khan  
Stephanie Klopfenstein  
Vicente Sarmiento  
John Stephens  
Donald P. Wagner  
Vacant, Ex-Officio

Any person with a disability who requires a modification or accommodation in order to participate in this meeting should contact the Orange County Transportation Authority (OCTA) Clerk of the Board's office at (714) 560-5676, no less than two business days prior to this meeting to enable OCTA to make reasonable arrangements to assure accessibility to this meeting.

### **Agenda Descriptions**

Agenda descriptions are intended to give members of the public a general summary of items of business to be transacted or discussed. The posting of the recommended actions does not indicate what action will be taken. The Committee may take any action which it deems to be appropriate on the agenda item and is not limited in any way by the notice of the recommended action.

### **Public Availability of Agenda Materials**

All documents relative to the items referenced in this agenda are available for public inspection at [www.octa.net](http://www.octa.net) or through the Clerk of the Board's office at the OCTA Headquarters, 600 South Main Street, Orange, California.

# **BOARD MEETING AGENDA**

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## **Meeting Access and Public Comments on Agenda Items**

Members of the public can either attend in-person or listen to audio live streaming of the Board and Committee meetings by clicking this link: <https://octa.legistar.com/Calendar.aspx>

## **In-Person Comment**

Members of the public may attend in-person and address the Board regarding any item within the subject matter jurisdiction of the Orange County Transportation Authority. Please complete a speaker's card and submit it to the Clerk of the Board and notify the Clerk regarding the agenda item number on which you wish to speak. Speakers will be recognized by the Chair at the time of the agenda item is to be considered by the Board. Comments will be limited to three minutes. The Brown Act prohibits the Board from either discussing or taking action on any non-agendized items.

## **Written Comment**

Written public comments may also be submitted by emailing them to [ClerkOffice@octa.net](mailto:ClerkOffice@octa.net), and must be sent by 5:00 p.m. the day prior to the meeting. If you wish to comment on a specific agenda item, please identify the item number in your email. All public comments that are timely received will be part of the public record and distributed to the Board. Public comments will be made available to the public upon request.

## **Call to Order**

## **Invocation**

Director Hennessey

## **Pledge of Allegiance**

Director Federico

## **Closed Session**

There are no Closed Sessions scheduled.

## **Special Calendar**

### **Orange County Transportation Authority Special Calendar Matters**

#### **1. Presentation of Resolutions of Appreciation for Employees of the Month**

##### ***Overview***

Present Orange County Transportation Authority Resolutions of Appreciation Nos. 2024-012, 2024-013, and 2024-014 to Adrian Tavera, Coach Operator; Allan Phillips, Maintenance; Ellen Lee, Administration, as Employees of the Month for February 2024.

## BOARD MEETING AGENDA

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### Consent Calendar (Items 2 through 9)

All matters on the Consent Calendar are to be approved in one motion unless a Board Member or a member of the public requests separate action on a specific item.

### Orange County Transportation Authority Consent Calendar Matters

**2. Approval of Minutes**

Clerk of the Board

***Recommendation***

Approve the minutes of the February 12, 2024 Orange County Transportation Authority and affiliated agencies' regular meeting.

***Attachments:***

[Minutes](#)

**3. OC Vanpool Program, Internal Audit Report No. 24-505**

Jonathan Thompson/Janet Sutter

***Overview***

The Internal Audit Department of the Orange County Transportation Authority has completed an audit of the OC Vanpool Program. Based on the audit, controls are adequate and operating.

***Recommendation***

Receive and file OC Vanpool Program, Internal Audit Report No. 24-505, as an information item.

***Attachments:***

[Transmittal](#)

[Staff Report](#)

[Attachment A](#)

**4. Approval of Local Transportation Fund Fiscal Year 2024-25 Apportionment Estimates**

Sam Kaur/Andrew Oftelie

***Overview***

The Orange County Transportation Authority, as the transportation planning agency and county transportation commission for Orange County, is responsible for developing estimates used in apportioning revenues earned and deposited in the Orange County Local Transportation Fund. Transportation Development Act regulations require that the apportionments for fiscal year 2024-25 be determined, and prospective claimants be advised of the amounts.

***Recommendation***

Approve the Local Transportation Fund fiscal year 2024-25 apportionment estimates and authorize the Chief Executive Officer to advise all prospective claimants of the amounts of all area apportionments from the Orange County Local Transportation Fund.

## BOARD MEETING AGENDA

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***Attachments:***

[Transmittal](#)

[Staff Report](#)

**5. State Legislative Status Report**

Clara Brotcke/Lance M. Larson

***Overview***

The Orange County Transportation Authority provides regular updates to the Legislative and Communications Committee on policy issues directly impacting its overall programs, projects, and operations. A summary of the Governor's January budget proposal is provided with information on how it may impact transportation programs. An update is given on the formation of the State's Transit Transformation Task Force and its inaugural meeting. An overview of the most recent hearing of the Senate Transportation Subcommittee on Los Angeles - San Diego - San Luis Obispo Rail Corridor Resiliency is provided. Details are provided on relevant changes to the Assembly committees.

***Recommendation***

Receive and file as an information item.

***Attachments:***

[Transmittal](#)

[Staff Report](#)

[Attachment A](#)

[Attachment B](#)

[Attachment C](#)

**6. Federal Legislative Status Report**

Alexis Leicht/Lance M. Larson

***Overview***

The Orange County Transportation Authority regularly updates the Legislative and Communications Committee on policy and regulatory issues directly impacting the agency's programs, projects, and operations. An update is provided on the latest continuing resolution that was approved to maintain government funding, avoiding a governmental shutdown. Information is provided on a Federal Transit Administrative General Directive related to assaults on transit workers. A congressional hearing related to oversight of the Infrastructure Investment and Jobs Act's programs is summarized. A summary of an additional congressional hearing related to intercity passenger rail is provided.

***Recommendation***

Receive and file as an information item.

***Attachments:***

## BOARD MEETING AGENDA

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[Transmittal](#)

[Staff Report](#)

[Attachment A](#)

[Attachment B](#)

[Attachment C](#)

### 7. **Change in Classification of Salary Grade Assignment**

Karen DeCrescenzo/Maggie McJilton

#### **Overview**

The evolving landscape of project management and delivery methods necessitates a dedicated leadership role to oversee and implement alternative project delivery approaches. Staff proposes to change the salary grade assignment of the Senior Program Manager, Project Management position in the Capital Programs division to allow for the creation of a new executive-level position to oversee and implement alternative project delivery approaches in the Capital Programs division. This change will help ensure retention and better align organizational needs. Board of Directors' approval is required to make this change.

#### **Recommendation**

Direct staff to create a new executive-level, grade X position, titled Director, Alternative Project Delivery and Construction, from one of the existing Senior Program Manager positions within the Capital Programs Division.

#### **Attachments:**

[Transmittal](#)

[Staff Report](#)

### 8. **Agreement for Rideshare and Vanpool Marketing Services**

Kristopher Hewkin/Maggie McJilton

#### **Overview**

On August 29, 2023, the Orange County Transportation Authority released a request for proposals for a firm to provide rideshare and vanpool marketing services. Proposals were received in accordance with the Orange County Transportation Authority's procurement procedures for professional and technical services. Board of Directors' approval is requested to execute an agreement for these services.

#### **Recommendations**

- A. Approve the selection of Jovenville, LLC, doing business as We The Creative, as the firm to provide rideshare and vanpool marketing services.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-3-2607 between the Orange County Transportation Authority and Jovenville, LLC, doing business as We The Creative, in the amount of \$616,667, to provide rideshare and vanpool marketing services for a two-year initial term with two, two-year option terms.

## BOARD MEETING AGENDA

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### ***Attachments:***

[Transmittal](#)

[Staff Report](#)

[Attachment A](#)

[Attachment B](#)

[Attachment C](#)

### **Orange County Transit District Consent Calendar Matters**

#### **9. Consultant Selection for On-Call Construction Management and Engineering Technical Support Services for Transit Facility Projects**

George Olivo/James G. Beil

##### ***Overview***

On September 25, 2023, the Orange County Transportation Authority Board of Directors authorized the release of a request for proposals to retain a consultant to provide on-call construction management and engineering technical support services for transit facility projects. Board of Directors' approval is requested for the selection of a firm to perform the required work.

##### ***Recommendations***

- A. Approve the selection of Hout Construction Services, Inc., doing business as Hout Engineering, as the firm to provide on-call construction management and engineering technical support services for transit facility projects.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-3-2754 between the Orange County Transportation Authority and Hout Construction Services, Inc., doing business as Hout Engineering, to provide on-call construction management and engineering technical support services for transit facility projects for a three-year term, with one, two-year option term.

### ***Attachments:***

[Transmittal](#)

[Staff Report](#)

[Attachment A](#)

[Attachment B](#)

[Attachment C](#)

### **Regular Calendar**

There are no Regular Calendar matters.

## **BOARD MEETING AGENDA**

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### **Discussion Items**

**10. Public Comments**

**11. Chief Executive Officer's Report**

**12. Directors' Reports**

**13. Adjournment**

The next regularly scheduled meeting of this Board will be held:

**9:00 a.m., on Monday, March 11, 2024**

OCTA Headquarters

Board Room

550 South Main Street

Orange, California



## **Call to Order**

The February 12, 2024, regular meeting of the Orange County Transportation Authority (OCTA) Board of Directors and affiliated agencies was called to order by Chair Nguyen at 9:00 a.m. at the OCTA Headquarters, 550 South Main Street, Orange, California.

**Directors Present:** Tam T. Nguyen, Chair  
Doug Chaffee, Vice Chair  
Ashleigh Aitken  
Valerie Amezcua  
Andrew Do  
Jon Dumitru  
Jamey Federico  
Katrina Foley  
Patrick Harper  
Michael Hennessey  
Fred Jung  
Farrah N. Khan  
Stephanie Klopfenstein  
John Stephens  
Donald P. Wagner

**Directors Absent:** Vicente Sarmiento

**Staff Present:** Darrell E. Johnson, Chief Executive Officer  
Jennifer L. Bergener, Deputy Chief Executive Officer  
Andrea West, Clerk of the Board  
Gina Ramirez, Assistant Clerk of the Board  
Sahara Meisenheimer, Clerk of the Board Specialist  
James Donich, General Counsel

### **1. Closed Session**

A Closed Session was held pursuant to Government Code 54957.6 to discuss collective bargaining agreement negotiations with the Transportation Communications International Union regarding the parts/stock room clerks and facilities maintenance employee unit. The lead negotiator for the Orange County Transportation Authority is Maggie McJilton, Executive Director of People and Community Engagement and Transportation Communications International Union representative. James Donich, General Counsel, noted there was no report out on this item.

Chair Nguyen, Vice Chair Chaffee, Directors Aitken, Amezcua, Dumitru, Federico, Foley, Harper, Hennessey, Jung, Khan, Klopfenstein, Stephens, and Wagner were present.

There was no report out on this item.

**2. Board of Directors and Chief Executive Officer Initiatives and Action Plan**

Chair Nguyen provided an overview of the 2024 Board of Directors Initiatives.

Darrell E. Johnson, Chief Executive Officer (CEO), gave an overview of his efforts to support the Board Initiatives through the CEO's Initiatives and Action Plan, consisting of 107 specific milestones for which reports will be provided quarterly.

Public comments were heard from Lisa Grant, Joe Wilson, and Suzie Whitelaw

**Consent Calendar (Items 3 through 21)**

**3. Approval of Minutes**

A motion was made by Director Do, seconded by Director Foley, and declared passed, by those present, to approve the minutes of the January 22, 2024, Orange County Transportation Authority and affiliated agencies' regular meeting.

**4. Audit Responsibilities of the Finance and Administration Committee**

A motion was made by Director Do, seconded by Director Foley, and declared passed, by those present, to Approve the audit responsibilities of the Finance and Administration Committee.

**5. Accounts Payable Operations, Internal Audit Report No. 23-504**

A motion was made by Director Do, seconded by Director Foley, and declared passed, by those present, to direct staff to implement two recommendations provided in Accounts Payable Operations, Internal Audit Report No. 23-504.

**6. Fiscal Year 2023-24 Internal Audit Plan, Second Quarter Update**

A motion was made by Director Do, seconded by Director Foley, and declared passed, by those present, to Receive and file the second quarter update to the Orange County Transportation Authority Internal Audit Department Fiscal Year 2023-24 Internal Audit Plan as an information item.

**7. Amendment to Agreement for Service and Maintenance of Security Systems**

A motion was made by Director Do, seconded by Director Foley, and declared passed, by those present, to Authorize the Chief Executive Officer to negotiate and execute Amendment No. 3 to Agreement No. C-2-2893 between the Orange County Transportation Authority and Converjint Technologies, LLC, in the amount of \$468,333, for additional project support services. Amending this agreement will increase the maximum obligation of the agreement to a total contract value of \$708,333.

**8. Orange County Transportation Authority Investment and Debt Programs Report - December 2023**

A motion was made by Director Do, seconded by Director Foley, and declared passed, by those present, to receive and file as an information item.

**9. Proposed Revisions to Orange County Transportation Authority's Procurement Policies and Procedures**

Director Foley pulled this item to state how pleased she is that staff added this to the policy.

A motion was made by Director Foley, seconded by Director Jung, and declared passed, by those present, to Adopt the proposed revisions to the Orange County Transportation Authority's Procurement Policies and Procedures and authorize staff to implement the recommended changes related to piggybacking.

**10. Orange County Transportation Authority State and Federal Grant Programs - Update and Recommendations**

A motion was made by Director Do, seconded by Director Foley, and declared passed, by those present, to:

- A. Approve one change request from the City of San Clemente for a Bicycle Corridor Improvement Program project, contingent on final approval by the Southern California Association of Governments.
- B. Approve one technical correction request from Access California Services for an Enhanced Mobility for Seniors and Disabled Grant Program project.
- C. Authorize staff to request that the Southern California Association of Governments make all necessary amendments to the Federal Transportation Improvement Program and execute any required agreements or amendments to facilitate the recommendations above.

**11. 2023 Orange County Complete Streets Program Project Prioritization**

Director Foley pulled this item to make comments.

A motion was made by Director Foley, seconded by Director Amezcua, and declared passed, by those present, to:

- A. Approve the 2023 Orange County Complete Streets Program project prioritization recommendations.

- B. Authorize submittal of 2023 Orange County Complete Streets Program projects to the Southern California Association of Governments to be considered for final project selection, with four projects contingent on the approval of amendments to the Master Plan of Arterial Highways.
- C. Authorize the Chief Executive Officer or his designee to provide concurrence on future project scope changes, extension requests, and substitutions to the Southern California Association of Governments as needed for the 2023 Orange County Complete Streets Program projects.
- D. Authorize staff to process all necessary amendments to the Federal Transportation Improvement Program to facilitate the above actions.

Director Jung was not present to vote on this item.

## **12. 2025 Federal Transportation Improvement Program and Financial Plan**

A motion was made by Director Do, seconded by Director Foley, and declared passed, by those present, to:

- A. Authorize the submittal of the Federal Transportation Improvement Program project list and financial plan for the fiscal year 2024-25 through fiscal year 2029-30 to the Southern California Association of Governments.
- B. Authorize staff to process all necessary amendments to the Federal Transportation Improvement Program to facilitate the programming of projects.
- C. Adopt Resolution No. 2024-001 of the Board of Directors of the Orange County Transportation Authority.

## **13. Amendments to the Master Plan of Arterial Highways**

Director Foley pulled this item to inquire about the removal of bridges from the Master Plan.

Mr. Johnson, CEO stated that staff is happy to meet with the cities and provide traffic analysis. However, how the cities manage their own general plan and traffic elements.

Kia Mortazavi, Executive Director of Planning, responded that the bridge is in the right-of-way reserve status pending implementation of mitigations and staff will provide an update at a later date.

A motion was made by Director Foley, seconded by Vice Chair Chaffee, and declared passed, by those present, to:

- A. Conditionally approve the proposed amendments to the Master Plan of Arterial Highways for the facilities listed below within the City of Anaheim:
1. Reclassify Disney Way, from a major (six-lane, divided) arterial to a primary (four-lane divided) arterial, between Harbor Boulevard and Anaheim Boulevard.
  2. Remove Gene Autry Way, an unconstructed major (six-lane, divided) arterial, between Harbor Boulevard and Haster Street.
  3. Remove Clementine Street, an unconstructed secondary (four-lane, undivided) arterial, between Katella Avenue and Orangewood Avenue.

Final approval of the proposed amendment is contingent upon the Orange County Transportation Authority receiving documentation that the City of Anaheim has amended its general plan and has complied with the California Environmental Quality Act requirements.

Should the proposed Master Plan of Arterial Highways amendment not be reflected within an approved general plan within three years, the conditional approval will expire, and it must be returned to the Orange County Transportation Authority Board of Directors for reconsideration and action in order to proceed.

Should the proposed Master Plan of Arterial Highways amendment be modified for any reason after receiving conditional approval, the modified Master Plan of Arterial Highways amendment will be returned to the Orange County Transportation Authority Board of Directors for reconsideration and action.

- B. Direct the Executive Director of Planning, or his designee, to file a Notice of Exemption from the California Environmental Quality Act for the Master Plan of Arterial Highways amendments.
- C. Receive and file a status report on the active Master Plan of Arterial Highways amendments.

**14. Second Quarter Fiscal Year 2023-24 Capital Action Plan Performance Metrics**

A motion was made by Director Foley, seconded by Director Jung, and declared passed, by those present, to receive and file as an information item.

**15. Consultant Selection for Construction Management Support Services for the State Route 91 Improvement Project Between Acacia Street and La Palma Avenue**

A motion was made by Director Foley, seconded by Director Jung, and declared passed, by those present, to:

- A. Approve the selection of Arcadis U.S., Inc. as the firm to provide construction management support services for the State Route 91 Improvement Project between Acacia Street and La Palma Avenue.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-3-2827 between the Orange County Transportation Authority and Arcadis U.S., Inc., to provide construction management support services for the State Route 91 Improvement Project between Acacia Street and La Palma Avenue.

**16. Amendment to Agreement for Construction Management Support Services for the Interstate 5 Improvement Project Between State Route 73 to Oso Parkway**

Director Foley pulled this item to get an update for the public.

Niall Barrett, Program Manager, provided an update on this item.

A motion was made by Director Foley, seconded by Director Jung, and declared passed, by those present, to authorize the Chief Executive Officer to negotiate and execute Amendment No. 5 to Agreement No. C-8-1969 between the Orange County Transportation Authority and Arcadis U.S., Incorporated, in the amount of \$2,230,587, for additional construction management support services for the Interstate 5 Improvement Project between State Route 73 to Oso Parkway, and extend the agreement term through December 1, 2025. This will increase the maximum cumulative obligation of the agreement to a total contract value of \$13,205,510.

**17. Contract Change Order for Construction of the OC Streetcar Project**

A motion was made by Director Foley, seconded by Director Jung, and declared passed, by those present, to authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 28.3 to Agreement No. C-7-1904 with Walsh Construction Company II, LLC, in the amount of \$1,425,000, for schedule impacts associated with time impact evaluation no. 07 for the OC Streetcar project.

Directors Dumitru and Wagner voted in opposition to this item.

**18. Measure M2 Environmental Cleanup Program (Project X) - 2024 Tier 1 and Tier 2 Grant Program Call for Projects**

A motion was made by Director Foley, seconded by Director Jung, and declared passed, by those present, to:

- A. Approve the proposed revisions to the Comprehensive Transportation Funding Programs guidelines for the Environmental Cleanup Program.
- B. Authorize staff to issue the 2024 Environmental Cleanup Program Tier 1 call for projects.
- C. Authorize staff to issue the 2024 Environmental Cleanup Program Tier 2 call for projects.

**19. Measure M2 Community-Based Transit Circulators Program Project V Ridership Report**

A motion was made by Director Foley, seconded by Director Jung, and declared passed, by those present, to receive and file as an information item.

**20. Measure M2 Annual Eligibility Review**

Director Hennessey pulled this item to discuss the audit functions on Measure M2.

A motion was made by Director Hennessey, seconded by Director Foley, and declared passed, by those present, to:

- A. Approve 34 of Orange County's 35 local jurisdictions (excluding the City of Cypress) as eligible to continue receiving Measure M2 net revenues.
- B. Receive and file the Measure M2 eligibility verification documents submitted by the City of Cypress.

**21. Consultant Selection for Professional Services for the Countywide Signal Synchronization Baseline**

A motion was made by Director Foley, seconded by Director Jung, and declared passed, by those present, to:

- A. Approve the selection of Iteris, Inc., as the firm to provide professional services for the Countywide Signal Synchronization Baseline.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-3-2821 between the Orange County Transportation Authority and Iteris, Inc., in the amount of \$9,630,000, for a five-year term, to provide professional services for the Countywide Signal Synchronization Baseline.

## **Regular Calendar**

### **22. Zero-Emission Bus Pilot Update**

Mr. Johnson, CEO, provided opening comments and introduced Cliff Thorne, Director of Maintenance, who provided a presentation on this item.

No action was taken on this receive and file as an information item.

## **Discussion Items**

### **23. Public Comments**

There were no public comments received.

### **24. Chief Executive Officer's Report**

Mr. Johnson CEO, reported on the following:

- Rail Update on the LOSSAN rail corridor in San Clemente
- Lunar New Year event

### **25. Directors' Reports**

Director Khan thanked Chair Nguyen for the wonderful event this held past weekend for the Lunar New Year.

Director Harper discussed his attendance at the California Association of Councils of Governments Regional Leadership Forum. In addition, he thanked OCTA staff who attended the Tet Festival in Fountain Valley to promote OCTA.

Vice Chair Chaffee thanked OCTA staff for attending the Black History Parade and the Lunar New Year Festival.

Chair Nguyen thanked the OCTA Board members and the OCTA staff for participating in the Lunar New Year events this past week.

### **26. Adjournment**

The meeting adjourned at 10:37 a.m.

The next regularly scheduled meeting of this Board will be held:

**9:00 a.m., on Monday, February 26, 2024**

OCTA Headquarters  
Board Room  
550 South Main Street  
Orange, California



ATTEST:

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Gina Ramirez  
Assistant Clerk of the Board



## COMMITTEE TRANSMITTAL

***February 26, 2024***

**To:** Members of the Board of Directors  
**From:** Andrea West, Clerk of the Board *Andrea West*  
**Subject:** OC Vanpool Program, Internal Audit Report No. 24-505

Finance and Administration Committee Meeting of February 14, 2024

**Present:** Directors Do, Harper, Hennessey, and Nguyen  
**Absent:** Directors Federico, Klopfenstein, and Sarmiento

**Committee Vote**

This item was passed by the Members present.

**Staff Recommendation**

Receive and file OC Vanpool Program, Internal Audit Report No. 24-505, as an information item.



**February 14, 2024**

**To:** Finance and Administration Committee

**From:** Darrell E. Johnson, Chief Executive Officer

Janet Sutter, Executive Director  
Internal Audit

**Subject:** OC Vanpool Program, Internal Audit Report 24-505

### **Overview**

The Internal Audit Department of the Orange County Transportation Authority has completed an audit of the OC Vanpool Program. Based on the audit, controls are adequate and operating.

### **Recommendation**

Receive and file OC Vanpool Program, Internal Audit Report No. 24-505, as an information item.

### **Background**

The purpose of the OC Vanpool Program (program) is to provide commuters with a convenient and cost-effective transportation option. The program offers a monthly incentive of \$400 to \$500 to qualified vanpool groups to offset vanpool expenses. There are currently 137 active vanpools and 37 employers participating in the program.

The Orange County Transportation Authority (OCTA) is responsible for program implementation, including contracting with the vanpool providers, and providing a subsidy to offset vehicle costs for qualified vanpools.

### **Discussion**

Program staff has developed, documented, and implemented standard operating procedures to ensure program requirements are met and vanpool providers comply with their agreements. Program staff perform quarterly reviews to ensure vanpool providers comply with vehicle and maintenance requirements,

verify that vanpools qualify to participate in the program, and exercise controls to ensure the accuracy of subsidy amounts. These activities demonstrate a commitment to integrity and customer focus.

***Summary***

The Internal Audit Department has completed an audit of the OC Vanpool Program.

***Attachment***

- A. OC Vanpool Program, Internal Audit Report No. 24-505

**Prepared by:**

  
Jonathan Thompson  
Internal Auditor  
(714) 560-5930

**Approved by:**

  
Janet Sutter  
Executive Director, Internal Audit  
(714) 560-5591

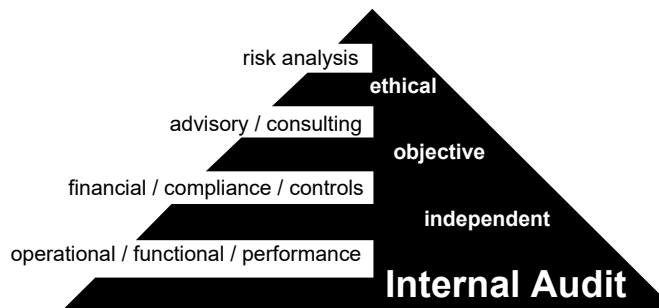
# ORANGE COUNTY TRANSPORTATION AUTHORITY INTERNAL AUDIT DEPARTMENT



## OC Vanpool Program

### Internal Audit Report No. 24-505

January 18, 2024



**Audit Team:** Jonathan Thompson, Internal Auditor *Jonathan Thompson*  
Janet Sutter, CIA, Executive Director

**Distributed to:** Johnny Dunning, Chief Operating Officer  
Damon Blythe, Jack Garate, Allison Kale

ORANGE COUNTY TRANSPORTATION AUTHORITY  
INTERNAL AUDIT DEPARTMENT  
OC Vanpool Program  
January 18, 2024

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**ORANGE COUNTY TRANSPORTATION AUTHORITY**  
**INTERNAL AUDIT DEPARTMENT**  
**OC Vanpool Program**  
**January 18, 2024**

## **Conclusion**

The Internal Audit Department (Internal Audit) of the Orange County Transportation Authority (OCTA) has completed an audit of the OC Vanpool Program (program). Based on the audit, controls are adequate and operating. Program staff has developed, documented, and implemented standard operating procedures to ensure program requirements are met and vanpool providers comply with their agreements.

## **Background**

The purpose of the program is to provide commuters with a convenient and cost-effective transportation option. There are currently 137 active vanpools and 37 employers participating in the program. The program offers a monthly incentive of \$400 to qualified vanpool groups to offset vanpool expenses. Vanpools that seat eight to 15 passengers and achieve an 85 percent or higher monthly occupancy qualify for a \$500 subsidy. Program participants share the costs of the vehicle rental, fuel, and parking costs. OC Vanpool Program Guidelines (Guidelines) outline qualifications of the program, including worksite destination, occupancy, and monthly usage requirements. Each passenger of a vanpool must sign an electronic Participation Agreement (PA), agreeing to abide by the Guidelines. OCTA program staff, within the Operations Division, have developed standard operating procedures to ensure program requirements are met and vanpool providers comply with their agreements.

OCTA utilizes TripSpark RidePro (system), a web-based tracking system, for recording, tracking, and reporting vanpool activities, as well as vanpool vehicle information. The system enables the ongoing exchange of information between vanpool groups, vehicle providers, and employers. Vanpool vehicle providers record information about assigned program vehicles, and vanpool drivers/coordinators record ridership and expense data in the system. For a vanpool to remain qualified they must submit ridership and expense reports into the system by the 10th of every month and achieve a monthly seat occupancy of at least 50 percent. If the monthly seat occupancy drops below the 50 percent requirement for three consecutive months, the vanpool becomes ineligible for a subsidy in the following month. The subsidy is suspended until the 50 percent occupancy requirement is achieved.

OCTA is responsible for program implementation, including contracting with the vanpool providers, and providing a subsidy to offset vehicle costs for qualified vanpools. OCTA utilizes Section 5307 funds from the Federal Transit Administration to cover the subsidy payments by collecting and reporting annual passenger and vehicle miles traveled and expenses incurred in the operation of each vanpool.

**ORANGE COUNTY TRANSPORTATION AUTHORITY**  
**INTERNAL AUDIT DEPARTMENT**  
**OC Vanpool Program**  
**January 18, 2024**

On April 13, 2020, the Board of Directors authorized the Chief Executive Officer to negotiate and execute Agreement No. C-9-1698 with Enterprise, Agreement No. C-0-2156 with AVR Vanpool, and Agreement No. C-0-2157 with Green Commuter, to provide vanpool program services, in an aggregate amount of \$12,923,121, for a five-year initial term, with two, two-year option terms. The agreements include invoice requirements, vehicle requirements, and maintenance plan requirements.

## **Objectives, Scope, and Methodology**

The objectives were to assess and test controls over program subsidy payments and compliance with contract terms, and program Guidelines.

According to Generally Accepted Government Auditing Standards (GAGAS), internal control is the system of processes that an entity's oversight body, management, and other personnel implement to provide reasonable assurance that the organization will achieve its operational, reporting, and compliance objectives. The five components are control environment, risk assessment, control activities, information and communication, and monitoring.<sup>1</sup> The components and principles that were evaluated as part of this audit are:

- Control Environment
  - OCTA demonstrates a commitment to attract, develop, and retain competent individuals in alignment with objectives.
- Control Activities
  - OCTA selects and develops control activities that contribute to the mitigation of risks to the achievement of objectives to acceptable levels.

The methodology consisted of testing a haphazard sample of invoices for compliance with selected key contract terms and evidence of review and approval by program staff, reviewing a haphazard sample of system occupancy reports to confirm that vanpools not meeting the occupancy requirement were not paid the subsidy, and testing a haphazard sample of vanpools to ensure subsidy requirements were met, amounts paid were accurate, and lease costs complied with vanpool provider agreements. Internal Audit tested a haphazard sample of vanpools at start-up to ensure compliance with Guidelines and to verify passengers had signed a PA. Internal Audit also tested a haphazard sample of Quarterly Maintenance and Vehicle Mileage and Model Year Program Reviews with supporting documentation to ensure compliance with contract terms and evidence of appropriate monitoring by OCTA program staff. Since the samples were non-statistical, any conclusions are limited to the sample items tested.

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<sup>1</sup> See U.S. Government Accountability Office publication, "Standards for Internal Control in the Federal Government," available at <http://www.gao.gov/products/GAO-14-704G>, for more information.

**ORANGE COUNTY TRANSPORTATION AUTHORITY  
INTERNAL AUDIT DEPARTMENT  
OC Vanpool Program  
January 18, 2024**

The scope was limited to program activities during the period September 1, 2021 through October 31, 2023, and did not include information for use in the monthly and annual reporting to the National Transit Database (NTD). The NTD data, including data from the vanpool system, is reviewed annually by OCTA's independent financial statement auditor when applying agreed-upon procedures to NTD reporting.

Internal Audit conducted this performance audit in accordance with GAGAS. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

**ORANGE COUNTY TRANSPORTATION AUTHORITY  
INTERNAL AUDIT DEPARTMENT  
OC Vanpool Program  
January 18, 2024**

**Noteworthy Accomplishments**

Program staff has developed, documented, and implemented standard operating procedures to ensure program requirements are met and vanpool providers comply with their agreements. Program staff perform quarterly reviews to ensure vanpool providers comply with vehicle and maintenance requirements, verify that vanpools qualify to participate in the program, and exercise controls to ensure the accuracy of subsidy amounts. These activities demonstrate a commitment to integrity and customer focus.



## COMMITTEE TRANSMITTAL

***February 26, 2024***

**To:** Members of the Board of Directors  
**From:** Andrea West, Clerk of the Board *Andrea West*  
**Subject:** Approval of Local Transportation Fund Fiscal Year 2024-25 Apportionment Estimates

Finance and Administration Committee Meeting of February 14, 2024

**Present:** Directors Do, Harper, Hennessey, and Nguyen  
**Absent:** Directors Federico, Klopfenstein, and Sarmiento

### **Committee Vote**

This item was passed by the Members present.

### **Staff Recommendation**

Approve the Local Transportation Fund fiscal year 2024-25 apportionment estimates and authorize the Chief Executive Officer to advise all prospective claimants of the amounts of all area apportionments from the Orange County Local Transportation Fund.



**February 14, 2024**

**To:** Finance and Administration Committee

**From:** Darrell E. Johnson, Chief Executive Officer

**Subject:** Approval of Local Transportation Fund Fiscal Year 2024-25 Apportionment Estimates

### **Overview**

The Orange County Transportation Authority, as the transportation planning agency and county transportation commission for Orange County, is responsible for developing estimates used in apportioning revenues earned and deposited in the Orange County Local Transportation Fund. Transportation Development Act regulations require that the apportionments for fiscal year 2024-25 be determined, and prospective claimants be advised of the amounts.

### **Recommendation**

Approve the Local Transportation Fund fiscal year 2024-25 apportionment estimates and authorize the Chief Executive Officer to advise all prospective claimants of the amounts of all area apportionments from the Orange County Local Transportation Fund.

### **Background**

The Transportation Development Act (TDA) of 1971 established a funding source dedicated to transit and non-transit-related projects. The funding source consists of two parts: the Local Transportation Fund (LTF) and the State Transit Assistance Fund (STAF). The LTF is derived from a one-quarter cent general sales tax collected statewide. LTF revenues are collected by the California Department of Tax and Fee Administration and returned monthly to the local jurisdictions, such as Orange County, based on the volume of sales during each month. The STAF is generated from the sales tax on diesel and funded through the Public Transportation Account. STAF revenues are appropriated to local agencies by formula on a quarterly basis. The Orange County Transportation Authority (OCTA) is the Transportation Planning Agency

responsible for the allocation of the LTF within Orange County. The LTF funds are deposited in the Orange County LTF account at the Orange County Treasury and administered by the Orange County Auditor-Controller (OCAC). Upon instructions from OCTA, LTF funds are distributed by the OCAC among the various administrative, planning, and program apportionments as specified in the TDA.

***Discussion***

The TDA Statutes and California Code of Regulations guidelines provide instructions on how apportionments should be calculated and allocated. Prior to March 1 of each year, OCTA must determine and advise all prospective claims of their apportionments from the LTF for the following fiscal year (FY). OCTA makes this determination by using the estimate of funds available for apportionment and allocation furnished by the OCAC.

In Orange County, OCTA has designated the Orange County Transit District (OCTD) as the public transportation services operator and the Consolidated Transportation Services Agency. Therefore, OCTD is the claimant for Article 4 and 4.5 funds, which are used primarily to fund bus operations.

OCTA provides LTF funds to other claimants including the Southern California Association of Governments (SCAG) and Laguna Beach Municipal Transit Lines (LBMTL). SCAG is eligible to receive up to three-fourths of one percent of annual revenues for transportation planning. The LBMTL, a department within the City of Laguna Beach, is eligible to receive funding from the LTF in Orange County for providing public transportation services throughout the City of Laguna Beach. The estimate of LTF revenues for FY 2024-25 has been estimated by the OCAC at \$232,624,566.

The FY 2024-25 apportionment is summarized in the following table on the next page:

**Approval of Local Transportation Fund Fiscal Year 2024-25  
Apportionment Estimates**

**Page 3**

LTF Revenues	
Estimated FY 2024-25 Sales and Use Tax Receipts	\$232,624,566.00
Article 3 payments:	
Orange County Auditor-Controller – Administration	\$6,198.86
Orange County Transportation Authority – County Transportation Commission Administration	165,916.00
Orange County Transportation Authority – County Transportation Commission Planning	5,234,052.73
Southern California Association of Governments – Regional Planning	1,744,684.25
Subtotal – Article 3 funding	\$7,150,851.84
Articles 4 and 4.5 payments:	
Orange County Transit District – Consolidated Transportation Service Agency Funding – Article 4.5	\$11,273,685.71
Orange County Transit District – Public Transit Funding – Article 4	214,076,564.37
Laguna Beach Municipal Transit Lines – Public Transit Funding – Article 4	123,464.08
Subtotal – Articles 4 and 4.5 funding	\$225,473,714.16
Total funds apportioned	\$232,624,566.00

**Summary**

Staff recommends approval of the LTF FY 2024-25 apportionment estimates. Staff also recommends the Board of Directors authorize the Chief Executive Officer to advise all prospective claimants of the amounts of all area apportionments from the Orange County LTF for FY 2024-25.

**Attachment**

None.

**Prepared by:**



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**Approved by:**



Andrew Oftelie  
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## COMMITTEE TRANSMITTAL

**February 26, 2024**

**To:** Members of the Board of Directors

**From:** Andrea West, Interim Clerk of the Board



**Subject:** State Legislative Status Report

Legislative and Communications Committee Meeting of February 15, 2024

**Present:** Directors Aitken, Dumitru, Jung, Nguyen, and Wagner

**Absent:** Director Foley

**Committee Vote**

No action was taken on this item.

**Staff Recommendation**

Receive and file as an information item.



**February 15, 2024**

**To:** Legislative and Communications Committee

**From:** Darrell E. Johnson, Chief Executive Officer

**Subject:** State Legislative Status Report

### **Overview**

The Orange County Transportation Authority provides regular updates to the Legislative and Communications Committee on policy issues directly impacting its overall programs, projects, and operations. A summary of the Governor's January budget proposal is provided with information on how it may impact transportation programs. An update is given on the formation of the State's Transit Transformation Task Force and its inaugural meeting. An overview of the most recent hearing of the Senate Transportation Subcommittee on Los Angeles – San Diego – San Luis Obispo Rail Corridor Resiliency is provided. Details are provided on relevant changes to the Assembly committees.

### **Recommendation**

Receive and file as an information item.

### **Discussion**

#### **Summary of the Governor's January Budget**

On January 10, 2024, Governor Newsom released his proposed state budget for fiscal year (FY) 2024-25. The Governor's proposal estimates General Fund revenues at approximately \$222.7 billion, with expenditures at approximately \$208.7 billion. The budget assumptions include a projected deficit of \$37.9 billion, which is significantly lower than what was projected by the Legislative Analyst's Office, a \$68 billion deficit. The budget deficit is attributed to a substantial decline in the stock market and delay in income tax collections. Because of the unprecedented tax filing and payment delay, the full scope of the estimated revenue decline was unclear until all the delayed tax returns and payments were received by the extended November 16, 2023, deadline, which was only two months before the 2024 budget proposal was due to the Legislature.

The Governor's budget includes \$13.6 billion for transportation programs and projects. To achieve this, the Governor recommends a variety of programmatic delays, shifts in funding, and reductions. Orange County Transportation Authority (OCTA) staff provided the Board of Directors (Board) with a memo highlighting the transportation programs (Attachment B). Notable among the proposed budget solutions is a delay to the Transit and Intercity Rail Program (TIRCP) funding. The formula TIRCP is proposed to delay \$1 billion of the remaining \$2 billion from FY 2024-2025 and FY 2025-2026. Last year's budget approved \$4 billion for this program to be distributed through a population-based formula over five years. OCTA is expected to receive \$380 million in formula TIRCP if the entire \$4 billion in funding is allocated. Additionally, the Active Transportation Program (ATP) is proposed to be reduced by \$200 million, with \$850 million of the \$1 billion remaining from the original one-time funding proposal. To ensure no impact on previously awarded projects, the \$200 million reduction will be backfilled from ATP funding that was anticipated to be available for allocation in future cycles. Lastly, it should be noted that the Governor's budget proposal includes a reversion of \$300 million in funding for the Regional Early Action Planning Grants 2.0; this reduces the available funding by 50 percent and significantly impacts projects that have already been awarded funding. OCTA staff is working with the Southern California Association of Governments to navigate these potential impacts.

With the State facing cost pressures with the current deficit, entities such as the Legislative Analyst's Office have expressed that the deficit is likely to grow in future years, and more reductions may be needed. OCTA will continue to participate in efforts to minimize impacts to transportation programs and provide timely updates to the Board as budgetary discussions continue.

#### Update on the State's Transit Transformation Task Force

SB 125 (Chapter 54, Statutes of 2023) required the California State Transportation Agency (CalSTA) to establish a Transit Transformation Task Force (Task Force) to develop policy recommendations to grow transit ridership, improve the transit experience, and address long-term operational needs. The legislation dictated that CalSTA include certain representatives on the Task Force including transit operators, both small and large operating in urban and rural jurisdictions, the California Department of Transportation, local governments, metropolitan planning organizations, regional transportation planning organizations, transportation advocacy organizations with expertise in public transit, labor organizations, academic institutions, the Senate Committee on Transportation, and the Assembly Committee on Transportation. On December 8, 2023, CalSTA announced the 25-member task force, which includes representatives from the Southern California Association of Governments, the California Transit Association, the Los Angeles County Metropolitan Transportation Authority, MoveLA, and more. Unfortunately, OCTA was not selected as a formal member of the Task Force. However, it is understood that a technical advisory body will be created to help inform the

discussions of the Task Force. At this time, OCTA anticipates being a part of those technical discussions. The inaugural meeting of the Task Force was held on December 19, 2023. This meeting was primarily to set the stage for further conversations. CalSTA Secretary Omishakin noted that there has never been a task force with this responsibility and that made it a historic effort for the State. He stated that his hope is that in five to ten years, there is an established foundation to transition transit to the best it can be for the state. The Task Force members were given a chance to express their top priorities which included addressing the fiscal cliff, addressing safety on transit, and developing changes for the existing farebox recovery requirements. The next meeting is scheduled for February 29, 2023.

#### Summary of Senate Transportation Subcommittee on Los Angeles – San Diego – San Luis Obispo Rail Corridor Resiliency Hearing

On December 11, 2023, the Senate Transportation Subcommittee on Los Angeles – San Diego – San Luis Obispo (LOSSAN) Rail Corridor Resiliency held its third hearing, entitled, “*Setting Southern California Rail on Track for Success*”, in the City of San Clemente. The first panel for this hearing focused on implementing SB 677 (Chapter 407, Statutes of 2023), which requires LOSSAN to provide information on climate impacts on the LOSSAN rail corridor in its annual business plan, including a list of projects planned to increase climate resiliency as well as possible funding options for those projects. Representatives from CalSTA and LOSSAN were on this panel speaking about the role of the state in network planning and an overview of the business plan process. The second panel was comprised of research professionals who gave testimony on LOSSAN’s challenges and opportunities as it pertains to their governance structure. However, collectively, they indicated that there is a lack of a federal or state model to compare the LOSSAN rail corridor to and that there is a role for the state as a partner in planning and implementing capital projects.

#### Overview of State Leadership and Committee Changes

The California State Legislature reconvened the 2023-24 Legislative session on January 3, 2024. With the reconvening of the legislative session, there were several changes to committee memberships. Speaker Robert Rivas (D-Salinas) selected Assembly Member Lori Wilson (D-Suisun City) to serve as Chair of the Assembly Transportation Committee, replacing former Chair Laura Friedman (D-Burbank). Chair Wilson shared that her priorities as chair are to improve transportation equity and advocate for transportation policies that support housing creation. Both Assembly Members Laurie Davies (R-Laguna Niguel) and Kate Sanchez (R-Murrieta) continue to serve on the Assembly Transportation Committee. Assembly Member Kate Sanchez continues to serve as Vice Chair of the Assembly Appropriations Committee. Assembly Members Diane Dixon (R-Newport Beach) and Tri Ta (R-Westminster) continue to serve on the Assembly Appropriations Committee. Speaker Rivas appointed Assembly Member Cottie Petrie-Norris (D-Irvine) to replace Assemblymember

Eduardo Garcia (D-Coachella) as Chair of the Assembly Utilities and Energy Committee. Additionally, Assembly Members Sharon Quirk-Silva (D-La Palma) and Avelino Valencia (D-Anaheim) continue to serve on the Assembly Budget Committee. Assembly Member Sharon Quirk-Silva was selected to serve as Chair of the Assembly Budget Subcommittee on State Administration. Assembly Member Avelino Valencia was selected to serve as Chair of the Assembly Budget Subcommittee on Accountability and Oversight. The full list of Assembly committee appointments is included as Attachment C.

At the time of writing this staff report, there has not yet been a change in Senate leadership. Senate President pro-Tempore Toni Atkins (D-San Diego) is set to be replaced by Senator Mike McGuire (D-Healdsburg) on February 5, 2024. Staff is expecting changes to Senate committee memberships once Senator McGuire assumes leadership as Senate President pro-Tempore.

### **Summary**

An update is provided on the Governor's proposed budget for fiscal year 2024-25. Summaries are provided on the State's Transit Transformation Task Force and the Senate Transportation Subcommittee hearing that was held in the City of San Clemente. An overview is provided on state legislative leadership and committee changes.

### **Attachments**

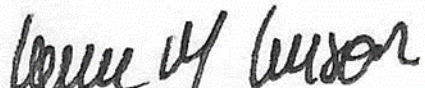
- A. Orange County Transportation Authority Legislative Matrix
- B. Orange County Transportation Authority Memo to Members of the Board of Directors, dated January 10, 2024, titled "Governor's Fiscal Year 2024-25 State Budget Proposal"
- C. Assembly Committee Membership Changes for the 2023-24 Legislative Session

**Prepared by:**



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**Approved by:**



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**Orange County Transportation Authority Legislative Matrix**

**2024 State Legislation Session  
February 15, 2024**

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<b>BILLS WITH POSITIONS</b>			
<b>► AB 6 (Friedman – D)</b>  Transportation Planning: Regional Transportation Plans	Requires a metropolitan planning organization to submit an adopted sustainable communities strategy or an alternative planning strategy, if applicable, to the State Air Resources Board for review.	<b>INTRODUCED:</b> 12/05/2022 <b>LOCATION:</b> Senate Transportation Committee <b>LAST AMEND:</b> 03/16/2023  <b>STATUS:</b> 07/14/2023 <i>In SENATE. Failed Deadline pursuant to Rule 61(a)(10).</i>	Oppose (partial list)  Support: 350 Bay Area Action, Streets For All, California Environmental Voters  Oppose: Mobility 21, Orange County Business Council, Rebuild SoCal Partnership, Transportation California, San Bernardino County Transportation Authority (SBCTA), Riverside County Transportation Commission (RCTC)

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► <b>AB 7</b> <b>(Friedman – D)</b></p> <p>Transportation: Planning: Project Selection Processes</p>	<p>Requires the California State Transportation Agency, the California Department of Transportation, and the California Transportation Commission to incorporate specified principles into their existing program funding guidelines and processes.</p>	<p><b>INTRODUCED:</b> 12/05/2022  <b>LOCATION:</b> Senate Appropriations Committee  <b>LAST AMEND:</b> 09/01/2023</p> <p><b>STATUS:</b> 09/14/2023  <i>In SENATE. Failed Deadline pursuant to Rule 61(a)(14).</i></p>	<p>Oppose (partial list)</p> <p>Support: Coalition for Clean Air, Streets For All, California Environmental Voters</p> <p>Oppose: Mobility 21, Orange County Business Council, Rebuild SoCal Partnership, Transportation California, RCTC, SBCTA</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► <b>AB 96</b> <b>(Kalra – D)</b></p> <p>Public Employment: Local Public Transit Agencies</p>	<p>Requires a public transit employer, at least a specified number of months before beginning a procurement process to acquire or deploy any autonomous transit vehicle technology for public transit services that would eliminate job functions or jobs of a workforce, to provide written notice to the exclusive employee representative of the workforce affected by the autonomous transit vehicle technology of its determination to begin that procurement process.</p>	<p><b>INTRODUCED:</b> 01/09/2023 <b>LOCATION:</b> CHAPTERED <b>LAST AMEND:</b> 09/06/2023</p> <p><b>STATUS:</b> 10/08/2023 <i>Approved by the Governor. Chaptered by Secretary of State – Chapter 419, Statutes of 2023.</i></p>	<p>Neutral (partial list)</p> <p>Support: Amalgamated Transit Union (Co-Sponsor) California Labor Federation, AFL-CIO (Co-Sponsor) California State Legislative Board of the Sheet Metal, Air, Rail and Transportation Workers – Transportation Division (Co-Sponsor) California Teamsters Public Affairs Council (Co-Sponsor)</p>
<p>► <b>AB 463</b> <b>(Hart – D)</b></p> <p>Electricity: Prioritization of Service: Public Transit</p>	<p>Requires the Public Utilities Commission, in establishing specified electrical priorities to also consider the economic, social equity, and mobility impacts of a temporary discontinuance in electrical service to the customers that rely on electrical service to operate public transit vehicles.</p>	<p><b>INTRODUCED:</b> 02/06/2023 <b>LOCATION:</b> Assembly Appropriations Committee</p> <p><b>STATUS:</b> 01/18/2024 <i>In ASSEMBLY. Died pursuant to Art. IV, Sec. 10(c) of the Constitution.</i></p>	<p>Support (partial list)</p> <p>Support: California Transit Association (CTA) (co-sponsor), Alameda-Contra Costa Transit District (co-sponsor), Monterey-Salinas Transit, San Diego Metropolitan Transit (SD MTS)</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► <b>AB 610</b> <b>(Holden – D)</b></p> <p><i>Fast Food Restaurant Industry: Fast Food Council: Health, Safety, Employment, and Minimum Wage</i></p>	<p><i>The law establishes a council to oversee fast food establishments and sets rules and limitations for their operation. It also sets a minimum wage for fast food workers and allows the council to increase it within specific guidelines. The law defines a fast food restaurant as a type of restaurant that is part of a national chain. However, certain exceptions to this definition are made for bakeries and certain restaurants located within grocery establishments. This bill is proposing to make additional exemptions for restaurants in places such as airports, hotels, event centers, theme parks, and museums. It is set to take effect immediately as an urgency statute.</i></p>	<p><b>INTRODUCED:</b> 02/09/2023  <b>LOCATION:</b> Senate Rules Committee  <b>LAST AMEND:</b> 01/29/2024</p> <p><b>STATUS:</b> 01/30/2024  <i>In SENATE. Read second time. Ordered to third reading. Re-referred to Committee on RULES.</i></p>	<p><i>No Position  (OCTA previously held a Support position on this bill when it was related to Youth Ride Free)</i></p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► <b>AB 719</b> <b>(Boerner Horvath – D)</b></p> <p>Medi-Cal: Nonmedical and Nonemergency Medical</p>	<p>Requires the State Department of Health Care Services to require Medi-Cal managed care plans that are contracted to provide nonmedical transportation or nonemergency medical transportation to contract with public paratransit service operators who are enrolled Medi-Cal providers for the purpose of establishing reimbursement rates for nonmedical and nonemergency medical transportation trips provided by a public paratransit service operator. Conditions implementation on receipt of necessary federal approvals.</p>	<p><b>INTRODUCED:</b> 02/13/2023 <b>LOCATION:</b> Governor <b>LAST AMEND:</b> 07/10/2023</p> <p><b>STATUS:</b> 10/07/2023 <i>Vetoed by Governor.</i></p>	<p>Support (partial list)</p> <p>Support: California Transit Association (CTA) (co-sponsor), SD MTS (co-sponsor)</p> <p>Oppose: America's Health Insurance Plans, Association of California Life and Health Insurance Companies, California Association of Health Plans, Local Health Plans of California</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► <b>AB 817</b> <b>(Pacheco – D)</b></p> <p>Open Meetings: Teleconferencing: Subsidiary Body</p>	<p>Relates to the Ralph Brown Act. Authorizes a subsidiary body to use alternative teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency.</p>	<p><b>INTRODUCED:</b> 02/13/2023 <b>LOCATION:</b> Senate Rules Committee <b>LAST AMEND:</b> 01/10/2024</p> <p><b>STATUS:</b> 01/25/2024 <i>In SENATE. Read first time. To Committee on RULES for assignment.</i></p>	<p>Support</p> <p>Support: California Association of Recreation and Park Districts (co-sponsor), League of California Cities (co-sponsor), Rural County Representatives of California (co-sponsor), and the Urban Counties of California (co-sponsor)</p>
<p>► <b>SB 55</b> <b>(Umberg – D)</b></p> <p>Vehicles: Catalytic Converters</p>	<p>Prohibits a dealer or retailer from selling a new or used motor vehicle equipped with a catalytic converter unless the catalytic converter has been permanently marked with the vehicle identification number of the vehicle to which it is attached. Provides that a violation of this provision would be punishable as an infraction.</p>	<p><b>INTRODUCED:</b> 12/05/2022 <b>LOCATION:</b> CHAPTERED <b>LAST AMEND:</b> 07/12/2023</p> <p><b>STATUS:</b> 10/13/2023 <i>Approved by the Governor. Chaptered by Secretary of State. Chapter 858, Statutes of 2023.</i></p>	<p>Support (partial list)</p> <p>Support: Auto Club of Southern California, California Vanpool Authority, Orange County Sheriff's Department, and the City of Burbank</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► <b>SB 381</b> (Min – D)</p> <p>Electric Bicycles: Study</p>	<p>Requires the Mineta Transportation Institute at San Jose State University to conduct a study on electric bicycles to inform efforts to improve the safety of users of the transportation system, and to submit a report of the findings to the Legislature. Requires the study to examine, identify, and analyze available information regarding, among other things, data on injuries, crashes, emergency room visits, and deaths related to bicycles and electric bicycles and policies to promote safe use of such bicycles.</p>	<p><b>INTRODUCED:</b> 02/09/2023 <b>LOCATION:</b> CHAPTERED <b>LAST AMEND:</b> 06/19/2023</p> <p><b>STATUS:</b> 10/13/2023 <i>Approved by the Governor. Chaptered by Secretary of State. Chapter 869, Statutes of 2023.</i></p>	<p>Support (partial list)</p> <p>Support: California Association of Bicycling Organizations, City of Huntington Beach, <i>Streets for All</i></p>
<p>► <b>SB 434</b> (Min – D)</p> <p>Transit Operators: Street Harassment Survey</p>	<p>Requires a transit operator, upon appropriation of funds by the Legislature, to collect and publish specified survey data for the purpose of informing efforts to improve the safety of riders and reduce street harassment on public transit. Authorizes a transit operator to collect survey data in multiple languages to reach limited-English-proficient riders impacted by street harassment. Requires a transit operator to publish and make publicly available on its internet website the survey data.</p>	<p><b>INTRODUCED:</b> 02/13/2023 <b>LOCATION:</b> CHAPTERED <b>LAST AMEND:</b> 09/08/2023</p> <p><b>STATUS:</b> 10/07/2023 <i>Approved by the Governor. Chaptered by Secretary of State. Chapter 396, Statutes of 2023.</i></p>	<p>Support (partial list)</p> <p>Support: Stop Asian American Pacific Islander Hate (sponsor), LA Metro, CTA</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► <b>SB 617</b> <b>(Newman – D)</b></p> <p>Public Contracts: Progressive Design-Build</p>	<p>Provides that existing law authorizes local agencies, defined as any city, county, or special district authorized by law to provide for the production, storage, supply, treatment, or distribution of water, to use the progressive design-build process for certain projects. Authorizes a transit district, municipal operator, consolidated agency, joint powers authority, regional transportation agency, or local or regional agency to use the progressive design-build process for up to a certain number of projects.</p>	<p><b>INTRODUCED:</b> 02/15/2023 <b>LOCATION:</b> <i>CHAPTERED</i> <b>LAST AMEND:</b> 06/28/2023</p> <p><b>STATUS:</b> 10/04/2023 <i>Approved by the Governor. Chaptered by Secretary of State. Chapter 310, Statutes of 2023.</i></p>	<p>Support</p> <p>Support: Self-Help Counties Coalition (sponsor), Associated General Contractors of California, California Association of Councils of Governments, California Special Districts Association (CSDA), CTA. Foothill Transit, RCTC, Southern California Regional Rail Authority, SD MTS, Transportation California</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► <b>SB 677</b> <b>(Blakespear – D)</b></p> <p>Intercity Rail: LOSSAN Rail Corridor</p>	Requires the LOSSAN Rail Corridor Agency, as part of the annual business plan submitted to the Secretary of Transportation, to include a description of the effects of climate change on the LOSSAN corridor, to identify projects planned to increase climate resiliency on the corridor, and to discuss possible funding options for those identified projects.	<p><b>INTRODUCED:</b> 02/16/2023 <b>LOCATION:</b> CHAPTERED <b>LAST AMEND:</b> 04/17/2023</p> <p><b>STATUS:</b> 10/07/2023 <i>Approved by the Governor. Chaptered by Secretary of State. Chapter 407, Statutes of 2023.</i></p>	<p>Support</p> <p>Support: Streets for All</p>
<p>► <b>SB 706</b> <b>(Caballero – D)</b></p> <p>Public Contracts: Progressive Design-Build</p>	Provides that existing law authorizes the Director of General Services to use the progressive design-build procurement process for the construction of up to three capital outlay projects. Provides additional authority for cities, counties, cities and counties, or special districts to use the progressive design-build process for up to a specified number of public works in excess of a specified amount, not limited to water-related projects, excluding projects on State-owned or State-operated facilities.	<p><b>INTRODUCED:</b> 02/16/2023 <b>LOCATION:</b> CHAPTERED <b>LAST AMEND:</b> 06/28/2023</p> <p><b>STATUS:</b> 10/08/2023 <i>Approved by the Governor. Chaptered by Secretary of State. Chapter 500, Statutes of 2023.</i></p>	<p>Support (partial list)</p> <p>Support: California State Association of Counties (Co-Sponsor) County of San Diego (Co-Sponsor) Design Build Institute of America Western Pacific Chapter (Co-Sponsor) League of California Cities (Co-Sponsor), CSDA, San Bernardino County</p>

## BILLS BEING MONITORED

*AB 9 (Muratsuchi), which pertained to greenhouse gases, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

*AB 16 (Dixon), which pertained to authorizing the Governor to suspend an adjustment to the motor vehicle fuel tax, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

*AB 53 (Fong), which pertained to suspending the imposition of tax on motor vehicle fuels for one year, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

*AB 69 (Waldron), which pertained to traffic signal synchronization, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

*AB 291 (Patterson), which pertained to sales and use tax exemptions for trucks, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

*AB 321 (Wilson), which pertained to sales and uses tax exemptions for zero-emission public transportation ferries, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

*AB 324 (Pacheco), which pertained to renewable gas procurement, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

*AB 340 (Fong), which pertained to California Environmental Quality Act grounds for noncompliance, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

*AB 411 (Bennett), which pertained to the establishment of a recreational trail grant program, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

*AB 530 (Boerner), which pertained to an electric bicycle licensing program, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

*AB 540 (Wicks), which pertained to the Social Service Transportation Improvement Act, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

*AB 558 (Arambula), which pertained to the Fresno County Transportation Authority, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

**AB 627**     **(Jackson, D) Drayage trucks: voucher incentive project.**

**Introduced:** 02/09/2023

**Last Amended:** 01/22/2024

**Status:** 01/29/2024 - Read third time. Passed. Ordered to the Senate. (Ayes 67. Noes 1.) In Senate. Read first time. To Com. on RLS. for assignment.

**Location:** 01/29/2024 - Senate Rules

**Summary:** The State Air Resources Board administers the California Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project under which the agency issues a limited number of vouchers to incentivize the purchase and use of zero-emission commercial vehicles. The Budget Act of 2023 appropriated funds from the Greenhouse Gas Reduction Fund to the state board for zero-emission drayage trucks to be administered through the project and, in expending those funds, requires the state board, before January 1, 2025, to limit the number and award amount levels under the project based on fleet size. This bill would require the state board to ensure that a voucher provided under the project for the purchase of a new, or the retrofit of a used, drayage truck is provided to an operator in an amount determined pursuant to a sliding scale established by the state board, based on the number of drayage trucks the operator owns. In administering the project, the bill would require the state board to prioritize the award of those vouchers to operators meeting certain criteria.

**Subject:** Funding

**AB 637**     **(Jackson, D) Zero-emission vehicles: fleet owners: rental vehicles.**

**Introduced:** 02/09/2023

**Last Amended:** 09/06/2023

**Status:** 01/25/2024 - Read third time. Passed. Ordered to the Senate. (Ayes 70. Noes 0.) In Senate. Read first time. To Com. on RLS. for assignment.

**Location:** 01/25/2024 - Senate Rules

**Summary:** Current law requires the State Air Resources Board to adopt and implement motor vehicle emission standards, in-use performance standards, and motor vehicle fuel specifications for the control of air contaminants and sources of air pollution the state board has found to be necessary, cost effective, and technologically feasible, to carry out specified purposes, unless preempted by federal law. This bill would, if the state board requires a fleet owner to acquire zero-emission vehicles as part of its fleet, require the state board to authorize the rental of a zero-emission vehicle or vehicles for a cumulative total of 260 days in a calendar year to be deemed ownership of one zero-emission vehicle for purposes of meeting that obligation.

**Subject:** Zero Emission

*AB 673 (Bennett), which pertained to hydrogen-fueling stations, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

**AB 761**      **(Friedman, D) Local finance: enhanced infrastructure financing districts.**

**Introduced:** 02/13/2023

**Last Amended:** 09/13/2023

**Status:** 09/14/2023 - Withdrawn from committee. Re-referred to Com. on RLS.

**Location:** 09/14/2023 - Senate Rules

**Summary:** Current law authorizes the legislative body of a city or a county to designate a proposed enhanced infrastructure financing district by adopting a resolution of intention to establish the proposed district which, among other things, is required to state that an enhanced infrastructure financing district is proposed and describe the boundaries of the proposed district. Current law requires the public financing authority to direct the preparation of and adopt an infrastructure financing plan consistent with the general plan and any relevant specific plan, and consisting of, among other things, a financing section. This bill, for plans proposed on or after January 1, 2024, would specify that for the purpose of development and construction of passenger rail projects in the County of Los Angeles where at least 75% of the revenue from the district is used for debt service on a federal Transportation Infrastructure Finance and Innovation Act loan, the date on which the district will cease to exist shall not be more than 75 years from the date of the issuance of bonds or approval of a loan, as specified. This bill would make legislative findings and declarations as to the necessity of a special statute for specified districts enacted primarily for the purpose of development and construction of zero-emission mass transit projects.

**Subject:** Transit

*AB 768 (Boerner), which pertained to establishing a state office for broadband services, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

*AB 823 (Schiavo), which pertained to eligible projects under the Clean Transportation Program, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

*AB 858 (Muratsuchi), which pertained to the creation of the California Climate Cashback Program, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

*AB 920 (Bryan), which pertained to discrimination against housing status, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

**AB 930**      **(Friedman, D) Local government: Reinvestment in Infrastructure for a Sustainable and Equitable California (RISE) districts.**

**Introduced:** 02/14/2023

**Last Amended:** 01/22/2024

**Status:** 01/29/2024 - Read third time. Passed. Ordered to the Senate. (Ayes 52. Noes 16.) In Senate. Read first time. To Com. on RLS. for assignment.

**Location:** 01/29/2024 - Senate Rules

**Summary:** Would authorize the legislative bodies of 2 or more cities or counties to jointly form a Reinvestment in Infrastructure for a Sustainable and Equitable California district (RISE district) in accordance with specified procedures. The bill would authorize a special district to join a RISE district, by resolution, as specified. The bill would require the Office of Planning and Research (OPR) to develop guidelines for the formation of RISE districts no later than November 30, 2026. The bill would provide for the establishment of a governing board of a RISE district with representatives of each participating local government.

**Subject:** Planning

*AB 980 (Friedman), which pertained to reporting requirements surrounding the Active Transportation Program, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

*AB 981 (Friedman), which pertained to recycling on certain Caltrans projects, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

*AB 1012 (Quirk-Silva), which pertained to mobile source regulations under the California Air Resources Board, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

**AB 1017 (Holden, D) Homelessness: Striking Worker Emergency Homelessness Prevention program.**

**Introduced:** 02/15/2023

**Last Amended:** 09/13/2023

**Status:** 09/14/2023 - Read second time. Ordered to third reading. Re-referred to Com. on RLS pursuant to Senate Rule 29.10(c).

**Location:** 09/14/2023 - Senate Rules

**Summary:** This bill would create a new program within the existing Encampment Resolution Funding Program to provide zero-interest loans to workers suffering strike-related hardship to help them with their housing costs. The program would be administered by the Labor and Workforce Development Agency and require applicants to fill out an online application with a declaration of strike-related hardship, under penalty of perjury. The bill would also expand the scope of an existing crime and require local agencies to provide data elements such as health information, in accordance with state and federal law. The bill would not require local agencies to be reimbursed for any costs.

**Subject:** Planning

*AB 1149 (Grayson), which pertained to the establishment of a task force to review protections for victims of human trafficking, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

*AB 1265 (Gallagher), which pertained to gasoline inspections, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

*AB 1295 (Friedman), which pertained to awarding projects to support sustainable communities, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

*AB 1374 (Alvarez), which pertained to an investment plan for the Greenhouse Gas Reduction Fund, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

*AB 1401 (Garcia), which pertained to alternative diesel fuel regulations, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

*AB 1475 (Fong), which pertained to the creation of a performance dashboard for projects overseen by Caltrans, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

*AB 1530 (Ortega), which pertained to public employer communication with exclusive representatives, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

*AB 1550 (Bennett), which pertained to renewable hydrogen, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

**AB 1567**     **(Garcia, D) Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, Clean Energy, and Workforce Development Bond Act of 2024.**

**Introduced:** 02/17/2023

**Last Amended:** 05/26/2023

**Status:** 06/14/2023 - Referred to Coms. on N.R. & W. and GOV. & F.

**Location:** 06/14/2023 - Senate Natural Resources and Water

**Summary:** This bill would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, Clean Energy, and Workforce Development Bond Act of 2024, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$15,995,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, clean energy, and workforce development programs.

**Subject:** Funding

*AB 1580 (Carrillo), which pertained to electric vehicle infrastructure, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

*AB 1626 (McCarty), which pertained to fleet data for transportation electrification, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

*AB 1700 (Hoover), which pertained to population growth resulting from housing projects, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

**AB 1773**     **(Dixon, R) Vehicles: bicycles on boardwalks.**

**Introduced:** 01/03/2024

**Status:** 01/16/2024 - Referred to Com. on TRANS.

**Location:** 01/16/2024 - Assembly Transportation

**Summary:** This bill would additionally authorize a local authority to adopt rules and regulations by ordinance or resolution regarding the operation of bicycles on boardwalks.

**Subject:** Active Transportation

**AB 1774**     **(Dixon, R) Vehicles: electric bicycles.**

**Introduced:** 01/03/2024

**Status:** 01/16/2024 - Referred to Com. on TRANS.

**Location:** 01/16/2024 - Assembly Transportation

**Summary:** Current law defines an electric bicycle as a bicycle equipped with fully operable pedals and an electric motor of less than 750 watts, and requires electric bicycles to comply with specified equipment and manufacturing requirements. Current law prohibits a person from tampering with or modifying an electric bicycle so as to change the speed capability of the bicycle, unless they appropriately replace the label indicating the classification required, as specified. A violation of the Vehicle Code is a crime. This bill would clarify that the exception to this prohibition only applies if the bicycle continues to meet the definition of an electric bicycle. This bill would prohibit a person from selling a product or device that can modify the speed capability of an electric bicycle such that it no longer meets the definition of an electric bicycle.

**Subject:** Active Transportation

**AB 1778** (Connolly, D) Vehicles: electric bicycles.

**Introduced:** 01/03/2024

**Status:** 01/16/2024 - Referred to Com. on TRANS.

**Location:** 01/16/2024 - Assembly Transportation

**Summary:** Under existing law electric bicycles are divided into 3 classes. Class 2 electric bikes have motors that can only help them reach a top speed of 20 mph. Class 3 electric bikes have speedometers and motors that help the rider pedal and cease to help the rider when the bike reaches a top speed of 28 mph. It is already illegal for people under the age of 16 to ride class 3 electric bikes, and they are required to wear a helmet. This bill would make it illegal for people under the age of 16 to ride class 2 electric bikes too, and they must wear helmets. It also clarifies that the class of an electric bike is based on the top speed it can reach, regardless of the mode.

**Subject:** Active Transportation

**AB 1785** (Pacheco, D) California Public Records Act.

**Introduced:** 01/03/2024

**Status:** 01/16/2024 - Referred to Com. on JUD.

**Location:** 01/16/2024 - Assembly Judiciary

**Summary:** The California Public Records Act requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. The act prohibits a state or local agency from posting the home address or telephone number of any elected or appointed official on the internet without first obtaining the written permission of that individual. This bill would define "home address," for purposes of the above provision, to include an assessor's parcel number, which may be converted to a physical address through reference to other information made available online by the state or local agency.

**Subject:** Records

**AB 1837** (Papan, D) San Francisco Bay area: public transportation.

**Introduced:** 01/16/2024

**Status:** 01/17/2024 - From printer. May be heard in committee February 16.

**Location:** 01/16/2024 - Assembly PRINT

**Summary:** Current law creates the Metropolitan Transportation Commission as a local area planning agency for the 9-county San Francisco Bay area with comprehensive regional transportation planning and other related responsibilities. Current law creates various transit districts located in the San Francisco Bay area, with specified powers and duties relating to providing public transit services. This bill would state the intent of the Legislature to enact subsequent legislation to encourage coordination and collaboration among transit agencies in the San Francisco Bay area.

**Subject:** Miscellaneous

**AB 1853** (Villapudua, D) San Joaquin Regional Transit District: meetings: surplus money investments.

**Introduced:** 01/17/2024

**Status:** 01/29/2024 - Referred to Com. on L. GOV.

**Location:** 01/29/2024 - Assembly Local Government

**Summary:** The San Joaquin Regional Transit District Act authorizes the creation of the San Joaquin Regional Transit District, and if created, specifies the district's powers and responsibilities. The act requires the district to be governed by a board of directors, requires the board to adopt rules for its proceedings, and authorizes the board to provide, by ordinance or resolution, that each board member receive \$50 for each board meeting attended, not to exceed \$100 in a calendar month. This bill instead would authorize the board to provide, by ordinance or resolution, that each board member receive \$100 for each board meeting and committee meeting attended, not to exceed \$500 in a calendar month.

**Subject:** Records

**AB 1870**    **(Ortega, D) Notice to employees: legal services.**

**Introduced:** 01/22/2024

**Status:** 01/23/2024 - From printer. May be heard in committee February 22.

**Location:** 01/22/2024 - Assembly PRINT

**Summary:** Employers who are subject to the workers' compensation system are generally required to keep posted in a conspicuous location frequented by employees and easily read by employees during the hours of the workday a notice that includes, among other information, to whom injuries should be reported, the rights of an employee to select and change a treating physician, and certain employee protections against discrimination. Current law requires the administrative director to make the form and content of this notice available to self-insured employers and insurers. This bill would require the notice to include information concerning an injured employee ability to consult licensed attorney to advise them of their rights under workers' compensations laws, as specified. The bill would also make technical, nonsubstantive changes to these provisions.

**Subject:** Employment

**AB 1879**    **(Gipson, D) Electronic signatures.**

**Introduced:** 01/22/2024

**Status:** 01/23/2024 - From printer. May be heard in committee February 22.

**Location:** 01/22/2024 - Assembly PRINT

**Summary:** Current law authorizes, in any written communication with a public entity, the use of a digital signature, which is defined, in part, as a type of electronic signature, as defined. Under current law, a digital signature has the same force and effect as the use of a manual signature if it complies with specified requirements and the public entity elects to use a digital signature. Current law requires, at the option of the parties, the use or acceptance of a digital signature. This bill would require, at the option of the parties, the use or acceptance of an electronic signature, unless otherwise provided. Under the bill, a digital signature would also have the same force and effect as the use of a manual signature if it complies with the above-referenced requirements and the public entity's use of a digital signature is mandated.

**Subject:** Records

**AB 1889**    **(Friedman, D) General plan: wildlife connectivity element.**

**Introduced:** 01/22/2024

**Status:** 01/23/2024 - From printer. May be heard in committee February 22.

**Location:** 01/22/2024 - Assembly PRINT

**Summary:** The Planning and Zoning Law requires the legislative body of a city or county to adopt a comprehensive general plan that includes various elements, including land use and housing elements, as specified. This bill would require a general plan to include a wildlife connectivity element, or related goals, policies, and objectives integrated in other elements, that considers the effect of development within the jurisdiction on fish, wildlife, and habitat connectivity, as specified. The bill would require the wildlife connectivity element to, among other things, identify and analyze connectivity areas, permeability, and natural landscape areas within the jurisdiction, incorporate and analyze specified guidelines and standards, incorporate and analyze relevant information from specified sources, and incorporate and analyze relevant best available science. The bill would require a city or county subject to these provisions to adopt or review the wildlife connectivity element, or related goals, policies, and objectives integrated in other elements, upon the adoption or next revision of one or more elements on or after January 1, 2025.

**Subject:** Planning

**AB 1890**    **(Patterson, Joe, R)** Public works: prevailing wage.

**Introduced:** 01/22/2024

**Status:** 01/23/2024 - From printer. May be heard in committee February 22.

**Location:** 01/22/2024 - Assembly PRINT

**Summary:** Current law defines the term "public works" for the purposes of requirements regarding the payment of prevailing wages, the regulation of working hours, and the securing of workers' compensation for public works projects. Current law requires an entity awarding a public works contract, as specified, to provide notice to the Department of Industrial Relations. Current law requires civil penalties to be imposed on an entity that fails to provide that required notice and authorizes the Labor Commissioner to issue a citation for civil penalties to an entity that fails to provide the required notice. This bill would additionally require the awarding body to provide notice to the department if there is a change in the identity of a contractor or subcontractor performing the project or, within 30 days, if the total amount of the contract change exceeds \$10,000.

**Subject:** Public Works

**AB 1904**    **(Ward, D)** Transit buses: yield right-of-way sign.

**Introduced:** 01/23/2024

**Status:** 01/24/2024 - From printer. May be heard in committee February 23.

**Location:** 01/23/2024 - Assembly PRINT

**Summary:** Current law authorizes a transit bus in the Santa Cruz Metropolitan Transit District and the Santa Clara Valley Transportation Authority to be equipped with a yield right-of-way sign on the left rear of the bus if the applicable entity approves a resolution requesting that this section be made applicable to it. Current law requires the sign to be designed to warn a person operating a motor vehicle approaching the rear of the bus that the bus is entering traffic and be illuminated by a red flashing light when the bus is signaling in preparation for entering a traffic lane after having stopped to receive or discharge passengers. This bill would expand the authorization to equip transit buses, as described above, to apply to any transit agency if the transit agency approves a resolution that this authorization be made applicable to it.

**Subject:** Transit

**AB 1924**    **(Nguyen, Stephanie, D)** Sacramento Regional Transit District.

**Introduced:** 01/25/2024

**Status:** 01/26/2024 - From printer. May be heard in committee February 25.

**Location:** 01/25/2024 - Assembly PRINT

**Summary:** Current law authorizes the Sacramento Regional Transit District to comprise the Cities of Citrus Heights, Davis, Elk Grove, Folsom, Rancho Cordova, Roseville, Sacramento, West Sacramento, and Woodland, the territory of the County of Sacramento that is the same area as the urban service area of the county, and other specified portions of the County of Yolo, provided those cities and counties have agreed to annexation by the district, as specified. This bill would authorize the district to also comprise the Cities of Galt and Isleton, and the unincorporated portions of the County of Sacramento where the county has declared a need for the district to operate, provided the cities and county agree to annexation, as specified.

**Subject:** Planning

**AB 1928**    **(Sanchez, R)** Worker classification: employees and independent contractors.

**Introduced:** 01/25/2024

**Status:** 01/26/2024 - From printer. May be heard in committee February 25.

**Location:** 01/25/2024 - Assembly PRINT

**Summary:** Current law, as established in the case of *Dynamex Operations W. v. Superior Court* (2018) 4 Cal.5th 903 (*Dynamex*), creates a presumption that a worker who performs services for a hirer is an employee for purposes of claims for wages and benefits arising under wage orders issued by the Industrial Welfare Commission. Current law requires a 3-part test, commonly known as the "ABC" test, to determine if workers are employees or independent contractors for those purposes. This bill would repeal the above-described provisions that codify the ABC test. The bill would declare that its purpose is to suspend and nullify the California Supreme Court's decision in *Dynamex* and provide that this decision does not apply for purposes of California law.

**Subject:** Employment

**AB 1951**    **(Fong, Vince, R) California Environmental Quality Act: exemption: roadside wildfire prevention projects.**

**Introduced:** 01/29/2024

**Status:** 01/30/2024 - From printer. May be heard in committee February 29.

**Location:** 01/29/2024 - Assembly PRINT

**Summary:** The California Environmental Quality Act (CEQA) requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. This bill would exempt from CEQA a project for wildfire prevention within 50 feet of either side of a roadway. Because a lead agency would be required to determine whether a project qualifies for this exemption, the bill would impose a state-mandated local program.

**Subject:** Public Works

**AB 1957**    **(Wilson, D) Public contracts: best value construction contracting for counties.**

**Introduced:** 01/29/2024

**Status:** 01/30/2024 - From printer. May be heard in committee February 29.

**Location:** 01/29/2024 - Assembly PRINT

**Summary:** Current law establishes a pilot program to allow the Counties of Alameda, Los Angeles, Monterey, Riverside, San Bernardino, San Diego, San Mateo, Santa Clara, Solano, and Yuba to select a bidder on the basis of best value, as defined, for construction projects in excess of \$1,000,000. Current law also authorizes these counties to use a best value construction contracting method to award individual annual contracts, not to exceed \$3,000,000, for repair, remodeling, or other repetitive work to be done according to unit prices, as specified. Current law establishes procedures and criteria for the selection of a best value contractor and requires that bidders verify specified information under oath. Current law requires the board of supervisors of a participating county to submit a report that contains specified information about the projects awarded using the best value procedures described above to the appropriate policy committees of the Legislature and the Joint Legislative Budget Committee before March 1, 2024. Current law repeals the pilot program provisions on January 1, 2025. This bill would instead authorize any county of the state to utilize this program and would remove the January 1, 2025, sunset date, thereby extending the operation of those provisions indefinitely.

**Subject:** Public Works

**AB 1958**    **(Berman, D) Santa Clara Valley Transportation Authority: board of directors.**

**Introduced:** 01/29/2024

**Status:** 01/30/2024 - From printer. May be heard in committee February 29.

**Location:** 01/29/2024 - Assembly PRINT

**Summary:** Current law vests the government of the Santa Clara Valley Transportation Authority (VTA) in a 12-member board of directors, appointed by the County of Santa Clara and the cities within the county, as specified. Current law requires, to the extent possible, the county and cities to appoint individuals to the board of directors who have expertise, experience, or knowledge relative to transportation issues. This bill would require, to the extent possible, the county and cities to appoint individuals to the board of directors who have expertise, experience, or knowledge relative to transportation or project management issues.

**Subject:** Public Works

**AB 1964** (Fong, Vince, R) State agencies: budgeting.

**Introduced:** 01/29/2024

**Status:** 01/30/2024 - From printer. May be heard in committee February 29.

**Location:** 01/29/2024 - Assembly PRINT

**Summary:** This bill would require the Department of Finance, on or before January 1, 2026, to compile a list of all state agencies and to split the list into 1/5 sections with each section equally distributing state agencies across the legislative budget subcommittees, as specified. The bill would require the department, on January 1, 2027, to publish on its internet website the full list of state agencies, as described above. The bill would require the department, on January 1, 2027, and annually thereafter, to publish a list of which section of state agencies is required to develop its budget using a zero-based budgeting method, as defined. The bill, commencing January 1, 2027, would require each state agency, as specified, to develop its budget based on a zero-based budgeting method for review during the budget process, as prescribed. In developing its budget based on a zero-based budgeting method, the bill would require, among other things, representatives from each state agency to work with the department to submit a report, as specified, to the Senate Committee on Budget and Fiscal Review, the Assembly Committee on Budget, and the Joint Legislative Budget Committee.

**Subject:** Funding

**AB 1976** (Haney, D) Occupational safety and health standards: first aid kits: naloxone hydrochloride.

**Introduced:** 01/30/2024

**Status:** 01/31/2024 - From printer. May be heard in committee March 1.

**Location:** 01/30/2024 - Assembly PRINT

**Summary:** The California Occupational Safety and Health Act of 1973 (OSHA) requires employers to comply with certain safety and health standards, as specified, and charges the division with enforcement of the act. Current law requires the Division of Occupational Safety and Health, before December 1, 2025, to submit to the Occupational Safety and Health Standards Board a rulemaking proposal to consider revising certain standards relating to the prevention of heat illness, protection from wildfire smoke, and toilet facilities on construction jobsites. Current law also requires the standards board to review the proposed changes and consider adopting revised standards on or before December 31, 2025. This bill would require the standards board, before December 1, 2026, to draft a rulemaking proposal to revise a regulation on first aid materials to require all first aid kits in a workplace to include nasal spray naloxone hydrochloride. The bill would require the standards board to adopt revised standards for the standards described above on or before December 31, 2026.

**Subject:** Safety and Security

**ACR 38** (Alvarez, D) Freeway lids.

**Introduced:** 03/09/2023

**Status:** 09/14/2023 - Ordered to inactive file at the request of Assembly Member Alvarez.

**Location:** 09/14/2023 - Assembly INACTIVE FILE

**Summary:** Would recognize the need to reunite communities split by the creation of the interstate highway system and the importance of freeway lids as a partial solution to that problem. The measure would also declare that the Legislature should utilize federal resources, in partnership with state agencies and local entities, to begin reconnecting these communities with, among other things, freeway lids.

**Subject:** Miscellaneous

**ACR 87** (Ta, R) "Surf City USA" interchange.

**Introduced:** 05/26/2023

**Last Amended:** 06/15/2023

**Status:** 08/23/2023 - Referred to Com. on TRANS.

**Location:** 08/23/2023 - Senate Transportation

**Summary:** Would designate the interchange at State Highway Route 405 and State Route 39 in the County of Orange at Beach Boulevard as the "Surf City USA" interchange. The measure would request the Department of Transportation to determine the cost of appropriate signs showing this special designation and, upon receiving donations from nonstate sources covering that cost, to erect those signs.

**Subject:** Miscellaneous

**ACR 93 (Dixon, R) Marian Bergeson Memorial Bridge.**

**Introduced:** 06/05/2023

**Last Amended:** 06/26/2023

**Status:** 08/23/2023 - Referred to Com. on TRANS.

**Location:** 08/23/2023 - Senate Transportation

**Summary:** Would designate the North Arm Newport Bay Bridge on State Route 1, in the County of Orange, as the Marian Bergeson Memorial Bridge. The measure would also request the Department of Transportation to determine the cost of appropriate signs showing this special designation and, upon receiving donations from nonstate sources to cover that cost, to erect those signs.

**Subject:** Miscellaneous

*SB 5 (Nguyen), which pertained to rate adjustments on the Motor Vehicle Fuel Tax Law, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

*SB 12 (Stern), which pertained to greenhouse gas emissions limit, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

*SB 32 (Jones), which pertained to suspending the Low Carbon Fuel Standard regulations for one year, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

*SB 222 (Nguyen), which pertained to outdoor advertising applications, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

*SB 334 (Cortese), which pertained to conducting employer-employee relations studies about the impact on public employees of net-zero carbon emissions initiatives, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

*SB 352 (Padilla), which pertained to minimum wage and housing, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

*SB 397 (Wahab), which pertained to public transportation for the San Francisco Bay Area, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

*SB 458 (Gonzalez), which pertained to local public entities updating a public database regarding the entity's contracting activity, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

**SB 532**     **(Wiener, D) San Francisco Bay area toll bridges: tolls: transit operating expenses.**

**Introduced:** 02/14/2023

**Last Amended:** 06/29/2023

**Status:** 08/23/2023 - August 23 set for first hearing canceled at the request of author.

**Location:** 07/05/2023 - Assembly Appropriations

**Summary:** Would, until December 31, 2028, require the Bay Area Toll Authority (BATA) to increase the toll rate for vehicles for crossing the state-owned toll bridges in the San Francisco Bay area by \$1.50, as adjusted for inflation. The bill would require the revenues collected from this toll to be deposited in the Bay Area Toll Account, would continuously appropriate moneys from this toll increase and other specified tolls, and would require moneys from this toll to be transferred to the Metropolitan Transportation Commission (MTC) for allocation to transit operators that provide service within the San Francisco Bay area and that are experiencing a financial shortfall, as specified. The bill would direct MTC to require each transit operator eligible to receive an allocation from the account to, on an annual basis, submit a 5-year projection of its operating needs, as specified.

**Subject:** Funding

**SB 537**     **(Becker, D) Open meetings: multijurisdictional, cross-county agencies: teleconferences.**

**Introduced:** 02/14/2023

**Last Amended:** 09/05/2023

**Status:** 09/14/2023 - Ordered to inactive file on request of Assembly Member Bryan.

**Location:** 09/14/2023 - Assembly INACTIVE FILE

**Summary:** Relates to law that authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member. Provides that these circumstances include if a member shows just cause. Expands the circumstances of just cause to apply to the situation in which an immunocompromised child, parent, grandparent, or other specified relative requires the member to participate remotely.

**Subject:** Public Meetings

*SB 563 (Archuleta), which pertained to funding for dependent and independent special districts, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

**SB 569**     **(Glazer, D) Political Reform Act of 1974: audits.**

**Introduced:** 02/15/2023

**Last Amended:** 08/28/2023

**Status:** 09/01/2023 - September 1 hearing: Held in committee and under submission.

**Location:** 08/28/2023 - Assembly Appropriations

**Summary:** Would transfer the responsibility for conducting audits and field investigations of lobbying reports to the Fair Political Practices Commission. The bill would also exclude lobbying firms and lobbyist employers with less than one dollar in payments or contributions from being selected for audit. Additionally, this bill would require the Fair Political Practices Commission to adopt regulations or policies that would ensure the operational independence of the commission's audit personnel from the Fair Political Practices Commission's enforcement operations. Audits conducted by the commission would be required to be posted on the commission's internet website for 10 years following the conclusion of the audit and the commission would be required to annually report to the Legislature on the number and types of audits completed by the commission. This bill would delay the operation of these provisions until the January 1 of the next odd numbered year following an appropriation made to support the commission's exercise of these responsibilities.

**Subject:** Reports

*SB 574 (Wahab), which pertained to project labor agreements for public agencies, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

**SB 638**     **(Eggman, D) Climate Resiliency and Flood Protection Bond Act of 2024.**

**Introduced:** 02/16/2023

**Last Amended:** 06/28/2023

**Status:** 07/06/2023 - July 11 hearing postponed by committee.

**Location:** 06/15/2023 - Assembly Water, Parks and Wildlife

**Summary:** Would enact the Climate Resiliency and Flood Protection Bond Act of 2024 which, if approved by the voters, would authorize the issuance of bonds in the amount of \$6,000,000,000 pursuant to the State General Obligation Bond Law, for flood protection and climate resiliency projects.

**Subject:** Funding

*SB 670 (Allen), which pertained to mapping vehicle miles traveled, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

*SB 682 (Skinner), which pertained to low-carbon cement and low-carbon concrete, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

**SB 689**     **(Blakespear, D) Local coastal program: bicycle lane: amendment.**

**Introduced:** 02/16/2023

**Last Amended:** 01/03/2024

**Status:** 01/29/2024 - Read third time. Passed. (Ayes 31. Noes 8.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

**Location:** 01/29/2024 - Assembly DESK

**Summary:** Would provide that an application by a local government to convert an existing motorized vehicle travel lane into a dedicated bicycle lane shall not require a traffic study for the processing of either a coastal development permit or an amendment to a local coastal program. The bill would require, if a proposal to create a dedicated bicycle lane within the developed portion of an existing right-of-way requires an amendment to a local coastal program, the amendment be processed according to specified law, if the executive director of the commission makes specified determinations.

**Subject:** Active Transportation

*SB 703 (Niello), which pertained to employees requesting flexible work schedules, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

**SB 782**     **(Limón, D) Gubernatorial appointments: report.**

**Introduced:** 02/17/2023

**Last Amended:** 01/03/2024

**Status:** 01/29/2024 - Read third time. Passed. (Ayes 39. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

**Location:** 01/29/2024 - Assembly DESK

**Summary:** Would require the office of the Governor, commencing January 1, 2026, to maintain on its internet website a list of every state board and commission that includes, for each state board or commission, the membership list, stated purpose, duties, meeting frequency, internet website, and vacancies in the membership. The bill would require the office of the Governor, on or before January 1, 2027, and annually thereafter, to create and publish on its internet website a report containing aggregate demographic information of appointments made by the office during the prior calendar year, as specified.

**Subject:** Reports

*SB 794 (Niello), which pertained to judicial challenges on housing projects, failed to meet committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.*

**SB 827**     **(Glazer, D) San Francisco Bay Area Rapid Transit District: Office of the BART Inspector General.**

**Introduced:** 02/17/2023

**Last Amended:** 01/11/2024

**Status:** 01/29/2024 - Read third time. Passed. (Ayes 39. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

**Location:** 01/29/2024 - Assembly DESK

**Summary:** This bill would provide that the Bay Area Rapid Transit District (BART) Inspector General is vested with the full authority to exercise all responsibility for maintaining a full scope, independent, and objective audit and investigation program. The bill would provide the office with access and authority to examine all records, files, documents, accounts, reports, correspondence, or other property of the district and external entities that perform work for the district. The bill would provide that all books, papers, records, and correspondence of the office are public records subject to the California Public Records Act, but would prohibit the BART Inspector General from releasing certain types of records to the public, except under certain circumstances.

**Subject:** Miscellaneous

**SB 863**     **(Allen, D) Measures proposed by the Legislature.**

**Introduced:** 02/17/2023

**Last Amended:** 01/03/2024

**Status:** 01/30/2024 - Read third time. Passed. (Ayes 30. Noes 7.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.

**Location:** 01/30/2024 - Assembly DESK

**Summary:** Would allow the Legislature to specify that a constitutional amendment, bond measure, or other legislative measure submitted to the people will appear on the ballot at an election other than the one described above if the election specified in the proposal would occur at least 131 days after adoption of the proposal by the Legislature.

**Subject:** Miscellaneous

**SB 892**     **(Padilla, D) Public contracts: artificial intelligence services: safety, privacy, and nondiscrimination standards.**

**Introduced:** 01/03/2024

**Status:** 01/04/2024 - From printer. May be acted upon on or after February 3.

**Location:** 01/03/2024 - Senate Rules

**Summary:** Would require the Department of Technology to establish safety, privacy, and nondiscrimination standards relating to artificial intelligence services, as defined. Commencing August 1, 2025, the bill would prohibit a contract for artificial intelligence services, as defined, from being entered into by the state unless the provider meets those standards. This bill would require the Department of Technology to report to the Legislature regarding the standards it establishes, as specified.

**Subject:** Public Works

**SB 896**     **(Dodd, D) Artificial Intelligence Accountability Act.**

**Introduced:** 01/03/2024

**Status:** 01/04/2024 - From printer. May be acted upon on or after February 3.

**Location:** 01/03/2024 - Senate Rules

**Summary:** This bill, the Artificial Intelligence Accountability Act, would, among other things, require the Government Operations Agency, the Department of Technology, and the Office of Data and Innovation to produce a State of California Benefits and Risk of Generative Artificial Intelligence Report that includes certain items, including an examination of the most significant, potentially beneficial uses for deployment of generative artificial intelligence tools by the state, and would require those entities to update the report, as prescribed.

**Subject:** Reports

**SB 904**      **(Dodd, D) Sonoma-Marín Area Rail Transit District.**

**Introduced:** 01/04/2024

**Status:** 01/05/2024 - From printer. May be acted upon on or after February 4.

**Location:** 01/04/2024 - Senate Rules

**Summary:** Current law creates, within the Counties of Sonoma and Marin, the Sonoma-Marín Area Rail Transit District with specified duties and powers relative to the provision of a passenger and freight rail system within the territory of the district. Under current law, the district is governed by a 12-member board of directors appointed by various local governmental entities. Current law authorizes the board to submit to the voters of the district a measure proposing a retail transactions and use tax ordinance. This bill would also authorize those special taxes to be imposed by a qualified voter initiative. The bill would require the board of supervisors of the Counties of Sonoma and Marin to call a special election on a tax measure proposed by the district's board of directors or a qualified voter initiative in their respective counties, as specified.

**Subject:** Miscellaneous

**SB 908**      **(Cortese, D) Public records: legislative records: electronic messages.**

**Introduced:** 01/08/2024

**Status:** 01/09/2024 - From printer. May be acted upon on or after February 8.

**Location:** 01/08/2024 - Senate Rules

**Summary:** Would prohibit an elected or appointed official or employee of a public agency from creating or sending a public record using a nonofficial electronic messaging system unless the official or employee sends a copy of the public record to an official electronic messaging system, as specified. By imposing additional duties on local agencies, the bill would create a state-mandated local program.

**Subject:** Records

**SB 925**      **(Wiener, D) San Francisco Bay area: local revenue measure: transportation improvements.**

**Introduced:** 01/11/2024

**Status:** 01/12/2024 - From printer. May be acted upon on or after February 11.

**Location:** 01/11/2024 - Senate Rules

**Summary:** Current law creates the Metropolitan Transportation Commission as a local area planning agency for the 9-county San Francisco Bay area with comprehensive regional transportation planning and other related responsibilities. Current law creates various transit districts located in the San Francisco Bay area, with specified powers and duties relating to providing public transit services. This bill would state the intent of the Legislature to enact subsequent legislation to authorize the Metropolitan Transportation Commission to propose a revenue measure to the voters in its jurisdiction to fund the operation, expansion, and transformation of the San Francisco Bay area's public transportation system, as well as other transportation improvements.

**Subject:** Funding

**SB 926**      **(Wahab, D) San Francisco Bay area: public transportation.**

**Introduced:** 01/12/2024

**Status:** 01/16/2024 - From printer. May be acted upon on or after February 12.

**Location:** 01/12/2024 - Senate Rules

**Summary:** Current law creates the Metropolitan Transportation Commission as a local area planning agency for the 9-county San Francisco Bay area with comprehensive regional transportation planning and other related responsibilities. Current law creates various transit districts located in the San Francisco Bay area, with specified powers and duties relating to providing public transit services. Current law establishes the Transportation Agency, consisting of various state agencies under the supervision of an executive officer known as the Secretary of Transportation, who is required to develop and report to the Governor on legislative, budgetary, and administrative programs to accomplish comprehensive, long-range, and coordinated planning and policy formulation in the matters of public interest related to the agency. This bill would require the Transportation Agency to develop a plan to consolidate all transit agencies, as defined, that are located within the geographic jurisdiction of the Metropolitan Transportation Commission.

**Subject:** Miscellaneous

**SB 930**      **(Laird, D) Streets and highways: memorial highways.**

**Introduced:** 01/16/2024

**Status:** 01/17/2024 - From printer. May be acted upon on or after February 16.

**Location:** 01/16/2024 - Senate Rules

**Summary:** Current law vests the Department of Transportation with full possession and control of all state highways. This bill would state the intent of the Legislature to enact subsequent legislation that would promote equity in the naming of memorial highways.

**Subject:** Miscellaneous

**SB 936**      **(Seyarto, R) Department of Transportation: state highway projects: use of collision data.**

**Introduced:** 01/17/2024

**Status:** 01/18/2024 - From printer. May be acted upon on or after February 17.

**Location:** 01/17/2024 - Senate Rules

**Summary:** Current law establishes the Department of Transportation and vests the department with full possession and control of all state highways and all property and rights in property acquired for state highway purposes. Current law requires the department to improve and maintain the state highways. This bill would require the department to use available collision data when considering projects or improvements on the state highway system.

**Subject:** Planning

**SB 947**      **(Seyarto, R) Department of Transportation: state highway projects: agreements with public entities: project design changes.**

**Introduced:** 01/18/2024

**Status:** 01/19/2024 - From printer. May be acted upon on or after February 18.

**Location:** 01/18/2024 - Senate Rules

**Summary:** Would require the Department of Transportation, in an agreement with a city, county, or other public entity for the contribution of funds for the acquisition, construction, or improvement of any portion of state highway, to include a provision that makes the department responsible for any additional costs associated with a new project design adopted by the department after the project is included in the state transportation improvement program or the state highway operation and protection program, as specified. The bill would also make this provision applicable to agreements in effect as of January 1, 2025.

**Subject:** Public Works

**SB 955**      **(Seyarto, R) Office of Planning and Research: Infrastructure Gap-Fund Program.**

**Introduced:** 01/22/2024

**Status:** 01/23/2024 - From printer. May be acted upon on or after February 22.

**Location:** 01/22/2024 - Senate Rules

**Summary:** Current law authorizes a local agency to finance infrastructure projects through various means, including by establishing an enhanced infrastructure financing district to finance public capital facilities or other specified projects of communitywide significance that provide significant benefits to the district or the surrounding community. This bill would require the Office of Planning and Research, upon appropriation by the Legislature, to establish the Infrastructure Gap-Fund Program to provide grants to assist local agencies in developing and constructing infrastructure projects. The bill would require the office to develop guidelines and criteria to implement the program.

**Subject:** Funding

**SB 960**      **(Wiener, D) Transportation: planning: transit priority projects: multimodal.**

**Introduced:** 01/23/2024

**Status:** 01/24/2024 - From printer. May be acted upon on or after February 23.

**Location:** 01/23/2024 - Senate Rules

**Summary:** Would require all transportation projects funded or overseen by the Department of Transportation to provide comfortable, convenient, and connected complete streets facilities unless an exemption is documented and approved, as specified.

**Subject:** Planning

**SB 961**      **(Wiener, D) Vehicles: safety equipment.**

**Introduced:** 01/23/2024

**Status:** 01/24/2024 - From printer. May be acted upon on or after February 23.

**Location:** 01/23/2024 - Senate Rules

**Summary:** The Department of the California Highway Patrol regulates the safe operation of specified vehicles, including motortrucks of 3 or more axles that are more than 10,000 pounds, truck tractors, trailers, semitrailers, and buses. Current federal law regulates required safety equipment on vehicles, including rear impact guards on certain large trucks to prevent rear underrides in collisions with passenger vehicles. This bill would require certain trucks and trailers to also be equipped with side guards, as specified.

**Subject:** Safety and Security

**SB 978**      **(Seyarto, R) State government: budget: state publications: format.**

**Introduced:** 01/29/2024

**Status:** 01/30/2024 - From printer. May be acted upon on or after February 29.

**Location:** 01/29/2024 - Senate Rules

**Summary:** The California Constitution requires the Governor to submit a budget for the ensuing fiscal year to the Legislature within the first 10 days of each regular session. Current law requires that budget to contain a complete plan and itemized statement of all proposed expenditures of the state provided by existing law or recommended by the Governor, and of all estimated revenues, as specified. Current law requires the budget to be prepared in a specified manner. This bill would require the budget to be made available, on or before January 1, 2026, on the Department of Finance internet website in a machine readable format.

**Subject:** Records

**SB 983**      **(Wahab, D) Energy: gasoline stations and alternative fuel infrastructure.**

**Introduced:** 01/29/2024

**Status:** 01/30/2024 - From printer. May be acted upon on or after February 29.

**Location:** 01/29/2024 - Senate Rules

**Summary:** Would require the State Energy Resources Conservation and Development Commission, upon appropriation by the Legislature, to form the Alternative Fuels Infrastructure Taskforce to conduct a study on retail gasoline fueling stations and alternative fuels infrastructure, as provided. The bill would require the taskforce, on or before January 1, 2027, to submit to the Legislature a report on the study with recommendations. Until the completion of the study and the submission of the report to the Legislature, the bill would prohibit a local government, including a charter city, from banning the construction or maintenance of retail gasoline fueling stations or alternative fuel infrastructure.

**Subject:** Planning

**SB 986**      **(Seyarto, R) Ballot label: bond measure fiscal impact.**

**Introduced:** 01/30/2024

**Status:** 01/31/2024 - From printer. May be acted upon on or after March 1.

**Location:** 01/30/2024 - Senate Rules

**Summary:** Current law prescribes the form and content of the ballot label for candidates and measures on the ballot, and requires the ballot label for statewide measures to include a condensed version of the title and summary, including the fiscal impact summary. Current law requires local governments, when submitting a measure for voter approval for the issuance of bonds that will be secured by an ad valorem tax, to provide voters a statement that includes estimates of the total debt service and tax rates required to fund the bonds, as specified. This bill would require, for state bond measures and for local measures to approve the issuance of bonds that will be secured by an ad valorem tax, the ballot label to include a summary of the measure's fiscal impact in a specified form.

**Subject:** Funding

**SCA 7**      **(Umberg, D) Employment: workers' rights.**

**Introduced:** 05/01/2023

**Last Amended:** 06/26/2023

**Status:** 06/26/2023 - Read second time and amended. Re-referred to Com. on E. & C.A.

**Location:** 06/22/2023 - Senate Elections and Constitutional Amendments

**Summary:** Current state law forbids a public employer from deterring or discouraging public employees from becoming or remaining members of an employee organization. Current federal law forbids employers from interfering with, restraining, or coercing employees in the exercise of rights relating to organizing, forming, joining, or assisting a labor organization for collective bargaining purposes, or from working together to improve terms and conditions of employment, or refraining from any such activity. This measure, the Right to Organize and Negotiate Act, would ensure that all Californians have the right to join a union and to negotiate with their employers, through their legally chosen representative, to protect their economic well-being and safety at work. This measure would require the Legislature to provide for the enforcement of these rights.

**Subject:** Employment

**SCR 74**      **(Nguyen, R) Officer Jon Coutchie Memorial Bridge.**

**Introduced:** 06/05/2023

**Last Amended:** 06/27/2023

**Status:** 01/12/2024 - Chaptered by Secretary of State- Chapter 2, Statutes of 2024

**Location:** 01/12/2024 - Senate CHAPTERED

**Summary:** Would designate the Aliso Creek Bridge on State Highway Route 1 in the County of Orange as the Officer Jon Coutchie Memorial Bridge. The measure would also request the Department of Transportation to determine the cost of appropriate signs showing this special designation and, upon receiving donations from nonstate sources to cover that cost, to erect those signs. This bill contains other related provisions.

**Subject:** Miscellaneous



MEMO

January 10, 2024

To: Members of the Board of Directors

From: Darrell E. Johnson, Chief Executive Officer 

Subject: **Governor's Fiscal Year 2024-25 State Budget Proposal**

This morning, Governor Gavin Newsom released his fiscal year (FY) 2024-25 budget proposal to the Legislature. For FY 2024-25, the Governor's proposal estimates General Fund revenues at approximately \$222.7 billion, with expenditures at approximately \$208.7 billion. The State has a projected budget deficit of \$37.9 billion. This deficit is significantly lower than what was projected by the Legislative Analyst's Office, a \$68 billion deficit.

The budget deficit is attributed to a substantial decline in the stock market and delay in income tax collections. Because of the unprecedented tax filing and payment delay, the full scope of the estimated revenue decline was unclear until all the delayed tax returns and payments were received by the extended November 16, 2023 deadline, which was only two months before the 2024 budget proposal was due to the Legislature.

The Governor's budget proposal includes \$18.4 billion in total budgetary reserves, which includes \$11.1 billion in the Budget Stabilization/Rainy Day Fund, \$3.9 billion in the Public School System Stabilization Account, \$900 million in the Safety Net Reserve, and \$3.4 billion in the State's operating reserve known as the Special Fund for Economic Uncertainties. These total reserve withdrawals represent about \$17.2 billion, almost half of the \$35.6 billion of total reserves proposed in the previous January budget proposal.

At this time, the Governor's budget economic forecast does not project a recession; however, if a recession were to occur, the forecast states it would be relatively mild and begin toward the end of 2024. To address the current budget shortfall, the Governor's proposed budget includes a variety of funding shifts, decreases, and delays, including \$5.1 billion in funding delays, \$8.5 billion in reductions, \$3.4 billion in fund shifts, \$2.1 billion in deferrals, and \$5.7 billion in limited revenue generation and borrowing.

## Transportation Investments in the Governor's Budget

The Governor's budget includes \$13.6 billion for transportation programs and projects. To achieve this, the budget includes \$200 million in General Fund reductions, \$791 million in fund shifts, and \$3.1 billion in delays across various programs. Furthermore, the Governor's budget notes that California has secured \$45.3 billion in Infrastructure Investments and Jobs Act formula funding and \$7.9 billion in competitive funding for transportation infrastructure, broadband, and climate resilience projects. As part of the Administration's effort to close the current budget gap, there are several proposals that would impact transportation funding, including:

- The formula Transit and Intercity Rail Program (TIRCP) is proposed to delay \$1 billion of the remaining \$2 billion from FY 2024-2025 and FY 2025-2026. As a reminder, last year's budget approved \$4 billion for this program, to be distributed through a population-based formula, over five years. The Orange County Transportation Authority (OCTA) is expected to receive \$380 million in formula TIRCP if the entire \$4 billion in funding were allocated.
- The competitive TIRCP grant program is proposed to shift \$529.7 million from the General Fund to the Greenhouse Gas Reduction Fund (GGRF). Additionally, a delay is proposed of \$2.1 billion from FY 2021-22 to as late as FY 2027-28 to align the budget with expenditure schedules. There is not expected to be any programmatic impacts.
- The Active Transportation Program (ATP) is proposed to be reduced by \$200 million, with \$850 million of the \$1 billion remaining from the original one-time funding proposal. To ensure no impact to previously awarded projects, the \$200 million reduction will be backfilled from ATP funding that was anticipated to be available for allocation in future cycles.
- The Climate Adaptation and Resilience Planning Grant is proposed to revert \$5 million in General Fund dollars. The proposed budget maintains \$20 million previously allocated to this program.
- For the Highway to Boulevards program, a delay of \$150 million in General Fund dollars is proposed from FY 2021-22 to align the budget with expenditure schedules. This should not have a programmatic impact.
- For the Port and Freight Infrastructure Program, a delay of \$100 million General Fund money is proposed from FY 2021-22 to align the budget

with expenditure schedules. This should not have a programmatic impact.

- A reduction of \$96 million is proposed from FY 2021-22, leaving \$184 million in General Fund dollars for Port of Oakland improvements.

#### Zero-Emission Vehicle Funding

Both the 2021 and 2022 enacted budgets committed \$10 billion over five years in investments for zero-emission vehicles (ZEV) as well as infrastructure. The Governor's budget maintains the \$10 billion investment by extending the funding over seven years instead of six. To achieve this, there are also reductions, shifts, and funding delays proposed. Specifically, the Governor's budget includes:

- \$38.1 million in General Fund reductions, which impacts various programs such as the Drayage Trucks and Infrastructure Pilot Project and ZEV Manufacturing Grants. The budget maintains the \$477 million previously allocated for these programs.
- Shifting \$475.3 million of General Fund dollars to GGRF, which impacts programs such as the \$28.5 million for Transit Buses and Infrastructure and \$71.3 million for Clean Trucks, Buses and Off-Road Equipment.
- Delay \$600 million GGRF from FY 2024-25 to FY 2027-28 across various programs including \$120 million for ZEV Fueling Infrastructure Grants, \$98 million for Drayage Trucks and Infrastructure, and \$100 million for Community-Based Plans, Projects and Support/Sustainable Community Strategies.

#### State Transit Assistance (STA)

The budget proposes \$931 million in STA funding for FY 2024-25, a decrease of approximately \$4 million from last year's \$935 million. Orange County is expected to receive \$50.4 million in STA funding in FY 2024-25, which represents the same amount we were expected to receive in last year's January Budget Proposal. As part of this year's STA funding, OCTA is expected to receive approximately \$7 million for the SB 1 (Chapter 5, Statutes of 2017) State of Good Repair, a slight increase over last year's funding level of \$6.7 million. The budget proposal also provides an anticipated \$182 million of funding for the Low Carbon Transit Operations Program in FY 2023-24. Orange County's share is expected to be approximately \$9.8 million, compared to \$5.7 million last year.

Since STA is based on actual fuel receipts, these initial estimates are subject to change.

#### Other Budgetary Items of Interest

The Governor's budget proposal includes a host of additional measures to reduce costs that are of interest:

- The Office of Planning and Research (OPR) develops long-range state goals and policies to address land use and planning, climate risk and resilience, sustainable economic development, and targeted long-range research needs. The Governor's budget includes a reorganization of OPR to a more traditional department and streamlines efforts to enable OPR to focus on its core responsibilities. The Administration highlights its plan to review certain programs within OPR to evaluate if other state departments may be better suited to administer those programs. Since OPR oversees the California Environmental Quality Act (CEQA), it is possible the Administration may choose to move the oversight of CEQA to another state department. Furthermore, the budget highlights a significant budget adjustment specific to CEQA judicial streamlining due to legislation last year that required such. The budget proposes \$2.3 million in ongoing General Fund money to implement the newly adopted and renewed judicial streamlining provisions in the Public Resources Code for certain infrastructure and environmental leadership development projects.
- The Regional Early Action Planning Grants 2.0 (REAP 2.0) is a state grant program to help regions with planning activities to accelerate infill housing development, reduce vehicle miles traveled, increase housing supply across affordability levels, and facilitate the implementation of adopted local and regional plans to help achieve these goals. REAP 2.0 is proposed to have a reversion of \$300 million in General Fund dollars.
- A reversion of \$200 million in General Fund money for the Infill Infrastructure Grant program, which leaves \$25 million for this purpose. This program provides gap funding for infrastructure improvements essential to both residential and mixed-use infill development, which refers to building within underutilized lands within existing development patterns, typically in urban areas.
- The Governor's budget maintains \$3.4 billion in General Fund money in to continue the State's efforts toward homelessness. Specifically, this includes previously budgeted amounts of \$1 billion for a fifth round of

Homeless Housing, Assistance, and Prevention grants. The proposed budget includes a significant adjustment to these grants, including transitioning which department administers the program, delays to align funding for when the funds will be available, and reverting \$100 million in an administrative set aside. The Administration asserts that as part of the spring budget process, it will commit to working closely with the Legislature on additional funding to support local governments' response to the homelessness crisis. This program was amended last year to ensure that applicants for this program took homelessness occurring on transit into account.

- The Governor's budget largely maintains previous investments for workforce training. However, the Governor's General Fund budget includes a reduction of \$45 million for the High Road Training Partnerships program at the California Workforce Development Board. Additionally, the Governor's budget proposes a delay of \$40 million in General Fund for a Goods Movement Workforce Training Facility in Southern California. The proposed budget includes \$20 million General Fund for this purpose in both FY 2025-26 and FY 2026-27.
- The Governor's budget also addresses statewide broadband network implementation. Specifically, SB 156 (Chapter 112, Statutes of 2021) established the California Department of Technology (CDT) Office of Broadband and Digital Literacy. SB 156 requires CDT to develop a statewide open-access middle-mile network to expand access to high-speed broadband across the State. This proposed budget includes a significant adjustment to the broadband implementation project. The budget proposes an additional \$1.5 billion in General Fund money over two years, \$250 million in FY 2024-25 and \$1.25 billion in FY 2025-26, for CDT to complete the development of the statewide middle-mile network. The Administration acknowledges that additional funding will be necessary to complete the project by December 31, 2026, due to changes in scope and inflation costs.
- \$6 billion is provided for the High-Speed Rail Property Fund for the reinvestment of excess property sale revenues to offset future costs related to right-of-way acquisitions for the California High-Speed Rail Authority's Central Valley Segment.

Staff will continue to analyze budget documents and provide further agency impacts of the Governor's budget proposal as data is reviewed. An update on the proposed budget will be presented at the Legislative and Communications

Committee meeting on February 15, 2024. For additional information, please visit <http://www.ebudget.ca.gov/>.

DEJ:al/cb

c: Executive Staff



**ROBERT RIVAS**  
SPEAKER OF THE ASSEMBLY

November 21, 2023

Sue Parker  
Chief Clerk of the Assembly  
State Capitol, Room 319  
Sacramento, California

Dear Ms. Parker,

Please be advised that I have made changes to the Standing Committees for the 2023-24 Regular Session.

The following committee appointment will be effective January 22, 2024:

**Appropriations**

Assemblymember Buffy Wicks will replace Assemblymember Chris Holden as Chair of the Assembly Appropriations Committee. Assemblymember Holden will be removed from the committee.

The remaining Standing Committee appointments will be effective immediately:

**Accountability and Administrative Review**

I have removed Assemblymember Cottie Petrie-Norris as Chair of the Assembly Accountability and Administrative Review Committee creating a vacancy.

**Arts, Entertainment, Sports, and Tourism**

I have appointed Assemblymember Mike Gipson to replace Assemblymember Sharon Quirk-Silva as Chair of the Assembly Arts, Entertainment, Sports, and Tourism Committee. Assemblymember Quirk-Silva has been removed from the committee.

**Budget**

I have appointed Assemblymember Jesse Gabriel to replace Assemblymember Phil Ting as Chair of the Assembly Budget Committee. I have also appointed Assemblymembers Sharon Quirk-Silva and Avelino Valencia to the committee. Assemblymembers Mia Bonta, Wendy Carrillo, and Kevin McCarty have been removed from the committee, creating a Democratic vacancy.

**Environmental Safety and Toxic Materials**

I have appointed Assemblymember Eduardo Garcia to replace Assemblymember Alex Lee as Chair of the Assembly Environmental Safety and Toxic Materials Committee. Assemblymember Lee has been removed from the committee.

### **Governmental Organization**

I have appointed Assemblymember Blanca Rubio to replace Assemblymember Miguel Santiago as Chair of the Assembly Governmental Organization Committee. Assemblymember Santiago has been removed from the committee creating a Democratic vacancy.

### **Health**

I have appointed Assemblymember Mia Bonta to replace Assemblymember Jim Wood as Chair of the Assembly Health Committee. Assemblymember Wood has been removed from the committee.

### **Housing and Community Development**

I have appointed Assemblymember Chris Ward to replace Assemblymember Buffy Wicks as Chair of the Assembly Housing and Community Development Committee. Assemblymember Wicks has been removed from the committee creating a Democratic vacancy.

### **Human Services**

I have appointed Assemblymember Alex Lee to replace Assemblymember Corey Jackson as Chair of the Assembly Human Services Committee. Assemblymember Jackson has been removed from the committee.

### **Judiciary**

I have appointed Assemblymember Ash Kalra to replace Assemblymember Brian Maienschein as Chair of the Assembly Judiciary Committee. Assemblymember Maienschein has been removed from the committee creating a Democratic vacancy.

### **Labor and Employment**

I have appointed Assemblymember Liz Ortega to replace Assemblymember Ash Kalra as Chair of the Assembly Labor and Employment Committee. Assemblymember Kalra has been removed from the committee creating a Democratic vacancy.

### **Natural Resources**

I have appointed Assemblymember Isaac Bryan to replace Assemblymember Luz Rivas as Chair of the Assembly Natural Resources Committee. Assemblymember Luz Rivas has been removed from the committee.

### **Privacy and Consumer Protection**

I have appointed Assemblymember Rebecca Bauer-Kahan to replace Assemblymember Jesse Gabriel as Chair of the Assembly Privacy and Consumer Protection Committee. Assemblymember Gabriel has been removed from the committee creating a Democratic vacancy.

### **Public Safety**

I have appointed Assemblymember Kevin McCarty to replace Assemblymember Reginald Jones-Sawyer as Chair of the Assembly Public Safety Committee. Assemblymember Jones-Sawyer has been removed from the committee.

### **Rules**

I have appointed Assemblymember Blanca Pacheco to replace Assemblymember James Ramos as Chair of the Assembly Rules Committee. Assemblymember Ramos has been removed from the committee creating a Democratic vacancy.

### **Transportation**

I have appointed Assemblymember Lori Wilson to replace Assemblymember Laura Friedman as Chair of the Assembly Transportation Committee. Assemblymember Friedman has been removed from the committee.

### **Utilities and Energy**

I have appointed Assemblymember Cottie Petrie-Norris to replace Assemblymember Eduardo Garcia as Chair of the Assembly Utilities and Energy Committee. Assemblymember Garcia has been removed from the committee.

### **Water, Parks, and Wildlife**

I have appointed Assemblymember Diane Papan to replace Assemblymember Rebecca Bauer-Kahan as Chair of the Assembly Water, Parks, and Wildlife Committee. Assemblymember Bauer-Kahan has been removed from the committee.

I have created the following Budget Subcommittees for the remainder of the 2023-24 Regular Session and have appointed the following Chairs:

#### **Budget Subcommittee No. 1 on Health**

I have appointed Assemblymember Akilah Weber as Chair of Assembly Budget Subcommittee No. 1 on Health.

#### **Budget Subcommittee No. 2 on Human Services**

I have appointed Assemblymember Corey Jackson as Chair of Assembly Budget Subcommittee No. 2 on Human Services.

#### **Budget Subcommittee No. 3 on Education Finance**

I have appointed Assemblymember David Alvarez as Chair of Assembly Budget Subcommittee No. 3 on Education Finance.

#### **Budget Subcommittee No. 4 on Climate Crisis, Resources, Energy, and Transportation**

I have appointed Assemblymember Steve Bennett as Chair of Assembly Budget Subcommittee No. 4 on Climate Crisis, Resources, Energy, and Transportation.

#### **Budget Subcommittee No. 5 on State Administration**

I have appointed Assemblymember Sharon Quirk-Silva as Chair of Assembly Budget Subcommittee No. 5 on State Administration.

#### **Budget Subcommittee No. 6 on Public Safety**

I have appointed Assemblymember James Ramos as Chair of Assembly Budget Subcommittee No. 6 on Public Safety.

#### **Budget Subcommittee No. 7 on Accountability and Oversight**

I have appointed Assemblymember Avelino Valencia as Chair of Assembly Budget Subcommittee No. 7 on Accountability and Oversight.

I have made the following changes to Joint Committees in the 2023-24 Regular Session:

**Joint Legislative Audit Committee**

I have appointed Assemblymember Gregg Hart to replace Assemblymember David Alvarez as Chair of the Joint Legislative Audit Committee. Assemblymember Alvarez has been removed from the committee creating a vacancy.

**Joint Legislative Budget Committee**

I have appointed Assemblymembers Jesse Gabriel to replace Assemblymember Phil Ting as Vice Chair of the Joint Legislative Budget Committee. I have also appointed Assemblymembers Corey Jackson, Sharon Quirk-Silva, and Avelino Valencia to replace Assemblymembers Mia Bonta, Wendy Carrillo, and Kevin McCarty on the committee.

I have made the following changes to the Democratic Leadership for the 2023-24 Session:

**Speaker pro Tempore**

I have appointed Assemblymember Jim Wood to replace Assemblymember Cecilia Aguiar-Curry as Speaker pro Tempore.

**Majority Leader**

I have appointed Assemblymember Cecilia Aguiar-Curry to replace Assemblymember Isaac Bryan as Majority Leader.

**Assistant Majority Leader**

I have appointed Assemblymember Miguel Santiago to replace Assemblymember Gregg Hart as Assistant Majority Leader.

**Assistant Majority Leader on Policy and Research**

I have appointed Assemblymember Dawn Addis to replace Assemblymember Diane Papan as Assistant Majority Leader on Policy and Research.

**Majority Whip**

I have appointed Assemblymember Matt Haney to replace Assemblymember Lori Wilson as Majority Whip.

**Assistant Majority Whip**

I have appointed Assemblymember Eloise Gómez Reyes to replace Assemblymember Matt Haney as Assistant Majority Whip.

Sincerely,



**ROBERT RIVAS**

Speaker of the Assembly



## COMMITTEE TRANSMITTAL

**February 26, 2024**

**To:** Members of the Board of Directors

**From:** Andrea West, Interim Clerk of the Board



**Subject:** Federal Legislative Status Report

Legislative and Communications Committee Meeting of February 15, 2024

**Present:** Directors Aitken, Dumitru, Jung, Nguyen, and Wagner

**Absent:** Director Foley

**Committee Vote**

No action was taken on this item.

**Staff Recommendation**

Receive and file as an information item.



**February 15, 2024**

**To:** Legislative and Communications Committee  
**From:** Darrell E. Johnson, Chief Executive Officer  
**Subject:** Federal Legislative Status Report

### **Overview**

The Orange County Transportation Authority regularly updates the Legislative and Communications Committee on policy and regulatory issues directly impacting the agency's programs, projects, and operations. An update is provided on the latest continuing resolution that was approved to maintain government funding, avoiding a governmental shutdown. Information is provided on a Federal Transit Administrative General Directive related to assaults on transit workers. A congressional hearing related to oversight of the Infrastructure Investment and Jobs Act's programs is summarized. A summary of an additional congressional hearing related to intercity passenger rail is provided.

### **Recommendation**

Receive and file as an information item.

### **Discussion**

#### **Congress Passes a Continuing Resolution for Fiscal Year 2024 Funding**

On January 18, 2024, Congress passed, and the President signed, a continuing resolution extending government funding, split into two different expiration deadlines. Federal agencies and programs covered by the Transportation Housing and Urban Development, Agriculture, Energy-Water, and Military Construction appropriations bills will have their funding extended to March 1, 2024, while the eight other appropriations bills will be extended to March 8, 2024. The bipartisan bill passed the House of Representatives with a vote of 314-108 with 11 abstentions and in the Senate with a vote of 77-18 with five abstentions. With government funding set to lapse on January 19, 2024, the passage of the continuing resolution maintains current funding levels for a

prorated period, avoiding a shutdown of federal government operations. There were no earmarks included in the continuing resolution.

Both chambers have already negotiated a \$1.7 trillion topline budget deal, with \$886 billion to be allocated to defense funding and \$773 billion for non-defense amounts. These totals represent only a marginal change from last year's budget; military funding would increase by roughly three percent and non-defense would decrease by less than one percent. This is an important and positive development for a possible fully funded transportation bill. As previously reported to the Board of Directors (Board), the House had proposed low levels of funding for many transit-related programs. The fate of earmarks being included in the final bill is still uncertain. One big caveat to note in this topline, bicameral agreement is that it would include some retraction of coronavirus (COVID-19) spending, but no further details have been released. It is possible this could impact transit COVID-19 relief dollars. Additionally, the President typically would provide his fiscal year (FY) 2025 budget in March; however, given that a full funding agreement for FY 2024 is likely to still be in the works, it is anticipated this proposal will be with little detail. At the time of writing this staff report, negotiations are still ongoing to pass a full funding bill for FY 2024. Staff will continue to keep the Board apprised of any further budgetary actions.

#### Summary of Federal Transit Administration's Proposed General Directive: Required Actions Regarding Assaults on Transit Workers

On December 20, 2023, the Federal Transit Administration (FTA) published a proposed General Directive to address the safety risk related to assaults on transit workers. Specifically, this directive would require an agency subject to the Public Transportation Agency Safety Plans, which includes the Orange County Transportation Authority (OCTA), to conduct a safety risk assessment, identify safety risk mitigations or strategies, and provide information to the FTA on how the agency is assessing, mitigating, and monitoring the safety risk associated with assaults on transit workers. Assaults on transit workers are impacting transit agencies across the nation and agencies are working diligently on ways to reduce this threat. At OCTA, staff have improved the data tracking of these incidents, which provides a better understanding of what is occurring on the system and how it can be prevented. Other preventative measures being taken include marketing campaigns, identifying hot spots, providing additional training, and installing protective barriers. OCTA staff will continue to monitor the development of this directive.

### Summary of House Transportation & Infrastructure Subcommittee on Railroads, Pipelines, and Hazardous Materials Hearing

On November 29, 2023, the House Transportation & Infrastructure Subcommittee on Railroads, Pipelines, and Hazardous Materials held a hearing entitled, *“Getting on the Right Track: Navigating the Future of Intercity Passenger Rail in America.”* The hearing explored opportunities and challenges, particularly concerning cost, ridership, and environmental impacts of intercity rail in the United States.

Ranking Member Rick Larsen (D-WA) highlighted the Infrastructure Investment and Jobs Act’s (IIJA) crucial role in funding intercity passenger rail projects nationwide, emphasizing the importance of avoiding drastic cuts proposed earlier in the year. He stressed the need for a balanced approach that prioritizes safety and ridership while safeguarding taxpayer dollars. Chairman Sam Graves (R-MO) expressed concerns about the California High-Speed Rail project as an example of mismanagement and lack of accountability. He advocated for a data-driven approach that prioritizes projects with clear ridership demand and cost-effectiveness. He also emphasized the importance of private sector involvement and learning from models like the Brightline project. Representative LaMalfa (R-CA) also expressed concerns about the California High-Speed Rail project, inquiring about whether there is enough demand to justify the cost. He continued to contrast the California project with other examples, like Brightline in Florida, which was built at a lower cost. Witness Stacey Mortensen, Executive Director of the San Joaquin Joint Powers Authority, highlighted reevaluating the ability to deliver such a project when the planning for the project began pre-COVID-19, prior to the substantial increase in inflation. Witness Lee Ohanian, Senior Fellow at the Hoover Institution, shared the same concerns as Mortensen but highlighted that the project can still be successful if it learns from its mistakes and is managed more effectively.

The discussion explored various aspects of intercity passenger rail development, including permitting reform, environmental considerations, and the potential for reducing carbon emissions. The hearing underscored the need for a comprehensive and strategic approach to intercity passenger rail development that balanced economic benefits, environmental considerations, and responsible use of taxpayer dollars.

### Summary of House Transportation & Infrastructure Subcommittee on Highways and Transit Hearing

On December 13, 2023, the House Transportation & Infrastructure Subcommittee on Highways and Transit held a hearing entitled *“Oversight of the*

*Infrastructure Investment and Jobs Act: Modal Perspectives*” with testimony from the Undersecretary of Transportation for Policy, Carlos Monje. Subcommittee Chairman Rick Crawford (R-AR) opened the hearing by sharing that November marked two years since Congress passed the IIJA, which included over \$500 billion for programs under the subcommittee’s jurisdiction. In addition to increasing funding for existing programs, the IIJA increased the amount of competitive grant funding by almost 500 percent. Chair Crawford expressed concern over the purchasing power of IIJA funding, noting the slow progress of project delivery. The Chairman urged the modal agencies to issue clear guidance to prevent project delays, in addition to urging that discussion include insight on spending federal dollars prudently. In Undersecretary Monje’s testimony, he noted that IIJA funding has gone to over 40,000 projects, with millions of dollars being announced regularly in federal funding for various formula and competitive grant programs.

Two notable questions from members, Representative Dina Titus (D-NV) commented about the challenges facing battery electric buses and what support is needed to ensure transit agencies can acquire zero or low-emissions systems. Undersecretary Monje explained that working with manufacturers is vital. Procurement for low or zero-emission buses has become an increasingly critical issue for transit agencies following the bankruptcy of Proterra Inc., a large manufacturer of electric buses. Additionally, Representative Salud Carbajal (D-CA) pointed to the Carbon Reduction Program and the Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation Program as ways to improve transportation resiliency and asked how agencies are working with states to take advantage of programs focused on reducing emissions. Undersecretary Monje referred to federal investments, including \$27.5 billion in climate-related funding and the commitment from the IIJA to reducing greenhouse gas emissions.

### **Summary**

Information is provided on the continuing resolution that will maintain transportation funding until March 8, 2024. A summary is given of a General Directive proposed by the Federal Transit Administration. Summaries are provided for two congressional hearings related to oversight of the Infrastructure Investment and Jobs Act and intercity passenger rail.

***Attachments***

- A. Potomac Partners DC, Monthly Legislative Report – October 2023
- B. Potomac Partners DC, Monthly Legislative Report – November 2023
- C. Potomac Partners DC, Monthly Legislative Report – December 2023

**Prepared by:**

A handwritten signature in blue ink that reads "Leicht".

Alexis Leicht  
Government Relations Representative  
Government Relations  
(714) 560-5475

**Approved by:**

A handwritten signature in blue ink that reads "Lance M. Larson".

Lance M. Larson  
Executive Director,  
Government Relations  
(714) 560-5908



## Monthly Legislative Report – October

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### October Advocacy Meetings

**Office of Congressman Mike Levin (D-CA)** – We met with Congressman Levin’s staff to discuss the Community Project Funding (CPF) request in the Transportation, Housing and Urban Development, and Related Agencies bill for the Coastal Rail Corridor Relocation Study.

**Office of Congressman Lou Correa (D-CA)** – We met with Congressman Correa’s staff to discuss the Fiscal Year 2024 Appropriations process and the possible timeline for a Continuing Resolution (CR) and the potential impact of the planned discretionary spending cuts if another CR is needed.

**Office of Congresswoman Young Kim (R-CA)** – We met with Congresswoman Kim’s staff to discuss our CPF request in the Transportation, Housing and Urban Development, and Related Agencies bill for the State Route–91 Improvement Project, and the CPF request for the Orange County Loop—Segments A and B.

**Office of Congresswoman Linda Sanchez (D-CA)** – We met with Congresswoman Sanchez’s staff to discuss the aviation fuel tax issue in the Federal Aviation Administration Reauthorization (FAA).

**Office of Congresswoman Katie Porter (D-CA)** – We met with Congresswoman Porter’s staff to discuss passenger rail projects in Orange County and the timing of the Federal Railroad Administration’s Federal-State Partnership State of Good Repair program.

**Office of Congresswoman Michelle Steel (R-CA)** – We met with Congresswoman Steel’s staff to discuss future transit funding opportunities in preparation for the Los Angeles Olympics.

**Office of Senator Alex Padilla (D-CA)** – We met with Senator Padilla’s staff to discuss the Senate’s FAA Reauthorization and when to expect conference negotiations with the House.

**Office of Congressman Tom Cole (R-OK)** – We met with Chairman Tom Cole to discuss funding levels in the Transportation, Housing and Urban Development, and Related Agencies bill, and the plan to advance a CR before the current CR expires on November 17<sup>th</sup>.

### Federal Aviation Administration Reauthorization

The House of Representatives passed a bill to extend the Federal Aviation Administration’s (FAA) statutory authorities until December 31<sup>st</sup>, 2023. This extension is part of a last continuing resolution (CR). The House Majority hopes to begin negotiations on the FAA

Reauthorization in November if the Senate passes its version of the legislation. At the time of this report, it appears the Senate will require more time to pass a bill on the Senate floor. The Senate Democrats and Republicans were divided on key issues, such as pilot training hours, with Sen. John Thune (R-SD) pushing for virtual training credit and Sen. Tammy Duckworth (D-IL) opposing it.

### **National Defense Authorization Act (NDAA)**

The Senate and House defense authorization committees have passed their respective Fiscal Year 2024 (FY24) National Defense Authorization Act (NDAA) versions (H.R. 2670 and S2226). A conference committee has yet to meet to reconcile these versions and analyze the differences and similarities between them. Due to the House Speaker election delay and the focus on passing Appropriations and a Continuing Resolution (CR), the NDAA conference is expected to occur in late November. The goal for Members remains to enact a final NDAA before the end of 2023.

### **Continuing Resolution (CR) Update**

Senate appropriators are initially proposing a CR that could extend until mid-December. While a CR ending around mid-January of 2024 is being discussed in the House, no House or Senate bill has been introduced as of the writing of this report. House Republicans are also considering a new approach to stopgap funding, referred to as a "laddered" continuing resolution, to extend appropriations for various government functions for different time periods. The goal is to avoid a single deadline that could lead to a government shutdown while keeping the pressure on the Senate to pass its bills and engage in conference talks with the House. This approach could involve extending funding for three bills at a time, expiring one week apart, with the hope of incentivizing conservatives to support it. However, Democrats and some senior appropriators express concerns about the potential complications and disruptions this method could create in the appropriations process.

Despite the proposed "laddered" approach, some Republicans also seek to "decouple" certain critical departments like Defense, Homeland Security, and Veterans Affairs from the continuing resolution to avoid hindering new programs and contracts. The debate highlights the challenges in the delayed appropriations process for the fiscal year and divisions within the GOP over spending priorities. There is also a looming conflict between the two chambers regarding aid for Israel and Ukraine, as well as other national defense and domestic funding priorities requested by President Joe Biden.

### **Senate Appropriations Update**

On November 1<sup>st</sup>, the Senate passed three Fiscal Year 2024 appropriations bills with a vote of 82-15. These bills include Military Construction, Veterans Affairs, and Related Agencies (MilCon-VA); Agriculture, Rural Development, Food and Drug Administration, and Related Agencies; and Transportation, Housing and Urban Development, and Related Agencies (THUD). The bills now need to be conferenced with the U.S. House of Representatives. The

MilCon-VA bill allocates \$154.352 billion, the Agriculture bill allocates \$25.993 billion, and the THUD bill allocates \$98.931 billion in discretionary funding.

### **House Speaker**

On October 25<sup>th</sup>, the House elected Rep. Mike Johnson (R-LA) as Speaker of the House. Speaker Johnson was elected to Congress in 2016, having previously served in the Louisiana Legislature, and as a Constitutional Attorney. Speaker Johnson outlined his priorities for the House in his first speech to the chamber, saying that he wishes to return to regular order on appropriations (passing each bill individually), get the legislative schedule back on track, and “decentralize” the leadership structure in the House by giving Members more opportunities for input.

### **FY24 House Appropriations Update**

On the week of October 23<sup>rd</sup>, the House began consideration of the Fiscal Year 2024 (FY24) Energy and Water Appropriations bill, passing it by a vote of 210-199. The rest of the bills are scheduled to be considered before the end of November, if possible:

#### **Week of October 30<sup>th</sup>:**

- Legislative Branch
- Interior and Environment
- Transportation, Housing & Urban Development

#### **Week of November 6<sup>th</sup>:**

- Financial Services
- Commerce, Justice, and Science

#### **Week of November 13<sup>th</sup>:**

- Labor, Health & Human Services, and Education
- Agriculture

The House will still need to negotiate these bills with the Senate during a conference negotiation. Consequently, another Continuing Resolution (CR) is expected on or before November 17<sup>th</sup>. If the government is not fully funded by January 1<sup>st</sup>, an overall 1% discretionary sequestration cut will occur.

### **White House \$56 Billion Domestic Request**

On October 25<sup>th</sup>, the White House submitted a request to Congress for approximately \$56 billion in emergency funding to address various domestic needs. The largest portion of this funding, over \$23 billion, is allocated for disaster relief efforts, assisting communities impacted by wildfires, floods, hurricanes, and tornadoes. The request also includes \$16 billion to support the continued operation of numerous childcare centers for an additional year and \$6 billion to extend access to free and discounted internet services until December

2024 for low-income families. Other components of this \$56 billion request cover international food aid, energy assistance for low-income households, and compensation for federal wildland firefighters. The breakdown of the funding components can be observed in the chart provided below.

<u>Issue</u>	<u>Funding (Billions)</u>	<u>Purpose and Description</u>
Disaster Response and Other Needs	\$23.5	<ul style="list-style-type: none"> <li>• \$9.0 billion for the Disaster Relief Fund, to address ongoing disaster response and recovery efforts.</li> <li>• \$2.8 billion to address housing and infrastructure needs caused by major disasters.</li> <li>• \$2.8 billion support to farmers and ranchers with crop losses from natural disasters.</li> <li>• \$634 million for Department of Transportation to repair Federal highways and roads damaged in disasters.</li> <li>• \$405 million for Department of Education for schools impacted by disasters nationwide.</li> <li>• \$127 million for disaster loans.</li> <li>• Funding for specific disaster recovery needs, including wildfires on Maui, the Guam typhoon, hurricanes in Florida and the southeastern United States, floods in California and Vermont, tornadoes in Mississippi and other natural disasters across the country.</li> </ul>
Child Care	\$16.0	<ul style="list-style-type: none"> <li>• For an additional year of childcare stabilization funding to help keep child care providers afloat, mitigating the likelihood that providers will close or raise costs for families.</li> </ul>
Affordable Connectivity Program	\$6.0	<ul style="list-style-type: none"> <li>• To extend free and discounted high- speed internet through the Affordable Connectivity Program for tens of millions of low- income households through December 2024.</li> </ul>
American Security and Energy Independence	\$6.0	<ul style="list-style-type: none"> <li>• \$3.1 to reimburse communications providers for the ongoing removal of insecure equipment and software from U.S. communications infrastructure.</li> <li>• \$2.2 billion to improve long-term, domestic enrichment capabilities for low-enriched uranium and high-assay low-enriched uranium.</li> <li>• \$300 million capital improvements to the Strategic Petroleum Reserve to better position it to combat global oil supply disruptions.</li> <li>• \$278 million to mitigate domestic vulnerabilities and enhance U.S. competitiveness in the global market for isotopes/</li> <li>• \$200 million in grants for nonprofit organizations, including synagogues, mosques, and other places of worship, that are at high risk of attack in order to strengthen facility security.</li> </ul>
Energy Assistance	\$1.6	<ul style="list-style-type: none"> <li>• For Low Income Home Energy Assistance Program (LIHEAP) grants to help cover home heating costs and prevent drastic service and benefit cuts compared to last year</li> </ul>
Countering Fentanyl	\$1.55	<ul style="list-style-type: none"> <li>• For Substance Abuse and Mental Health Services Administration State Opioid Response grants to provide treatment, harm reduction, and recovery support services in all States and territories</li> </ul>
International Food Assistance	\$1.05	<ul style="list-style-type: none"> <li>• \$1.0 billion Food for Peace grants to respond to global emergency food needs using food commodities grown in the United States by U.S. farmers.</li> <li>• \$5 million for the McGovern-Dole Food for Education program to support school feeding and maternal and child nutrition projects across the globe.</li> </ul>
Wildland Firefighter Pay	\$220 million	<ul style="list-style-type: none"> <li>• For Federal Firefighter and wildland firefighter salaries.</li> </ul>

### **Senator Laphonza Butler's (D-CA) Senate Committees Announced**

Newly appointed Senator Laphonza Butler (D-CA) will join four Senate Committees including the Senate Judiciary Committee, filling the vacancy left on that committee by the late Sen. Dianne Feinstein (D-CA). Democrats hold an 11-10 majority on the Judiciary committee, which is instrumental in confirming judicial nominees. The committee has been addressing various topics, including artificial intelligence, abortion rights, social media regulation, and ethical standards at the Supreme Court. Senate Majority Leader Charles Schumer (D-NY) also announced that Butler will serve on Banking, Housing, & Urban Affairs, Senate Rules, and Homeland Security Committees. Senate Banking, Housing, & Urban Affairs Committee has jurisdictional oversight of the Federal Transit Administration (FTA).

### **The Federal Railroad Administration (FRA) Mandates Locomotive Recording Devices on Passenger Trains**

The FRA has introduced a final rule that necessitates inward and outward-facing image recording devices on passenger train lead locomotives serving scheduled intercity or commuter routes. The rule is required by the 2015 [Fixing America's Surface Transportation \(FAST\) Act](#) (Pub. L. No. 114-94) and prompted by the National Transportation Safety Board (NTSB) aims to bolster passenger rail safety. With the rule, video recording devices on locomotives must remain operational when in motion, storing the last 12 hours of footage in crashworthy memory modules. These devices are classified as "safety devices," making tampering or disabling them prohibited. While the devices cannot prevent accidents, they elevate safety standards and aid post-accident investigations. The rule also establishes guidelines for utilizing these recordings to evaluate employee compliance with regulations and identify areas for improvement. While freight locomotives are not mandated to install these recording devices, many freight railroads have voluntarily adopted them. More details can be found in the Federal Register [HERE](#).

### **Federal Aviation Administrator Confirmed by the Senate**

On October 24<sup>th</sup>, U.S. Senate voted 98-0 to confirm Michael Whitaker, President Biden's nominee to serve as Administrator of the Federal Aviation Administration (FAA). Earlier in the month, the Senate Commerce, Science, and Transportation Committee advanced Mike Whitaker, a former United Airlines executive, for the position of head of the FAA which has lacked a permanent, Senate-confirmed leader since March 2022. President Biden nominated Whitaker in September after the initial nominee, Phillip Washington, withdrew his nomination in March. Commerce Committee Ranking Member Ted Cruz (R-TX) acknowledged the need for Whitaker's confirmation to end an "avoidable 18-month gap in FAA leadership."

During the nomination process, Whitaker pledged to focus on aviation safety, modernizing FAA systems, and strengthening the aviation workforce. Both Senator Cantwell (D- WA) and Senator Cruz (R-TX) hoped that Whitaker's quick confirmation would facilitate progress on the FAA reauthorization bill, which has been stalled since July due to disagreements over pilot training language and expected Whitaker to join ongoing discussions on the matter.

## **Federal Transit Administration (FTA) Publishes Guidance on New Disposition Method for TOD/Affordable Housing**

On October 31<sup>st</sup>, the FTA published interim guidance to enact a new provision that permits transit agencies to leverage their real property for the support of transit-oriented development, with a specific focus on affordable housing. This provision, established in the 2022 National Defense Authorization Act, grants the FTA the authority to authorize the transfer of federally funded property that is no longer required for its initial authorized purpose to eligible entities such as local governments or nonprofit organizations. This transfer is permissible if it aligns with the objectives of transit-oriented development and affordable housing.

## **Federal Grant Opportunities**

### **Fiscal Year 2023 Thriving Communities Program**

The Thriving Communities Program is designed to provide funding and support to eligible entities to advance infrastructure plans, projects, and processes, with a primary focus on communities disproportionately affected by pollution, poor air quality, persistent poverty, and historical disadvantages. This program consists of two sub-programs: the Thriving Communities National Capacity Builder Program (TCP-N) and the Thriving Communities Regional Pilot Program (TCP-R).

Under the TCP-N program, individualized technical assistance, planning, and capacity-building support will be provided to communities. The TCP-R program focuses on state and local governments and their agencies, offering agreements to support communities within their jurisdiction.

**Eligible Entities:** Under TCP-N Capacity Builders, non-profit organizations, philanthropic entities and other technical assistance providers are welcome to submit applications. Under TCP-R Pilot Program state and local governments, Indian tribes, government planning, transportation and regional planning organizations are eligible to apply.

**Total Program Funding Available:** \$22 million.

**Required Cost Sharing or Match:** This solicitation does not require a cost match.

**Application Deadline:** November 28<sup>th</sup>, 2023 at 4:59 PM EST.

More information is available [HERE](#).

### **Communities Facilities Program Disaster Repair Grants**

This grant program targets repairing eligible essential community facilities that were damaged under Presidentially Declared Disasters for calendar year 2022. The scope of projects includes various community-oriented initiatives such as fire and rescue stations, town halls, healthcare clinics, schools, and more. Eligible facilities must primarily serve rural areas, be situated in rural locations, and cater to a population with a median household income below certain income thresholds relative to the state's nonmetropolitan median household income.

**Eligible Entities:** Municipality, county, district, authority, other political subdivision of a State, or nonprofits.

**Total Program Funding Available:** \$50 million.

**Required Cost Sharing or Match:** A cost match of at least 25% is required.

**Application Deadlines:** Continual until funds are expended.

More information is available [HERE](#).

### **Accelerated Innovation Deployment (AID) Demonstration Grants (Fiscal Years 2023-2026)**

This program aims to accelerate the adoption of innovative highway transportation technologies and practices, with a focus on faster construction of efficient and safe highways and bridges, enhanced safety, mobility, and sustainability.

**Eligible Entities:** State Departments of Transportation, Federal Land Management Agency, Tribal Governments.

**Funding:** \$10 million (FY 2023) and up to \$12.5 million (FYs 2024 - 2026).

**Cost Sharing:** No cost match required.

**Deadline:** January 23<sup>rd</sup>, 2024.

More information is available [HERE](#).

### **Fiscal Year 2024 Rail Vehicle Replacement Grant Program**

The Rail Vehicle Replacement Program (Rail Program) assists States and local governmental authorities in funding capital projects to replace rail rolling stock. The purpose of the Rail Program is to modernize America's transit system, focusing on maintaining a State of Good Repair for fixed-guideway rail transit. Eligible projects are the replacement of rail rolling stock.

**Eligible Applicants:** Eligible applicants under this program are also those eligible for Section 5337 funds. This eligibility is composed of States and local governmental authorities located in Urbanized Areas (UZA) with fixed guideway or high-intensity motorbus systems in revenue for at least seven (7) years.

**Funding:** Approximately \$197 million is available from Fiscal Year 2024 funds.

**Cost Sharing:** Varies (please refer to the program details for specifics).

**Deadline:** Proposals must be submitted electronically through Grants.gov website by 11:59 PM Eastern Time on December 18<sup>th</sup>, 2023.

More information is available [HERE](#).

**Federal Highway Administration Fiscal Year 2023 – 2026 Bridge Investment Program, Large Bridge Project Grants**

This program provides funds for bridge construction and rehabilitation projects with a total cost greater than \$100 million. It focuses on improving safety, efficiency, and sustainability while encouraging non-federal contributions.

**Eligible Entities:** States or group of States; Metropolitan Planning Organizations; local governments; political subdivisions; special purpose district governments; Tribal Governments; and more.

**Funding:** \$9.62 billion.

**Cost Sharing:** A cost match of at least 50% is required.

**Deadline:** November 27<sup>th</sup>, 2023 at 11:59 PM EST.

More information is available [HERE](#).



## Monthly Legislative Report – November

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### **November Advocacy Meetings**

**Office of Congressman Mike Levin (D-CA)** – We met with Congressman Levin’s staff to discuss a pending earmark request in the Transportation, Housing and Urban Development, and Related Agencies (THUD) bill of \$3,500,000 for the Coastal Rail Corridor Relocation Study. We also discussed public transportation funding for programs in the Department of Transportation.

**Office of Congressman Lou Correa (D-CA)** – We met with Congressman Correa’s staff to discuss support for Chief Executive Officer Darrell Johnson’s nomination to the Federal System Funding Alternative Advisory Board of the Federal Highway Administration (FHWA).

**Office of Congresswoman Young Kim (R-CA)** – We met with Congresswoman Kim to discuss support for Chief Executive Officer Darrell Johnson’s nomination to the FHWA’s Federal System Funding Alternative Advisory Board. We also followed up on a pending earmark request in the THUD bill of \$4,000,000 for the SR-91 Improvement Project, and the \$3,000,000 request for the OC Loop—Segments A and B.

**Office of Congresswoman Linda Sanchez (D-CA)** – We followed up with Congresswoman Sanchez’s staff to discuss end-of-the-year Ways and Means Committee tax bills that could be considered on the House floor in December.

**Office of Congresswoman Katie Porter (D-CA)** – We met with Congresswoman Porter’s staff to discuss rail safety and transit legislation in the House.

**Office of Congresswoman Michelle Steel (R-CA)** – We met with Congresswoman Steel’s staff to discuss the Continuing Resolution and future funding opportunities for Orange County Transportation Authority (OCTA).

**Office of Senator Laphonza Butler (D-CA)** – We followed up with Senator Butler’s staff to discuss our Congressionally Directed Spending (CDS) request and the possibility for the House and the Senate to begin the conference process for the THUD Appropriations bill before the end of the year.

**Office of Senator Alex Padilla (D-CA)** – We met with Senator Padilla’s staff to discuss the Senate’s Federal Aviation Administration (FAA) and end-of-the-year legislation as it relates to the Water Resources Development Act (WRDA) and the THUD bill.

**Office of Congresswoman Grace Napolitano (D-CA)** – We met with Congresswoman Napolitano to discuss the aviation fuel tax issue in the Federal Aviation Administration Reauthorization (FAA).

**Department of Transportation** – We were in contact with the Department of Transportation's Office of the Secretary (OST) and Federal Highway Administration staff to discuss and distribute the invitation to the "Interstate 405 Dedication Event".

### **FY24 Appropriations**

On November 16<sup>th</sup>, Congress passed a Continuing Resolution (CR) to extend government funding for the second time in Fiscal Year 2024 (FY24). The CR was passed under 'Suspension of the Rules' in the House, a move that requires a two-thirds majority for approval. The CR passed with Democrat support by a vote of 336-95, with some members of the House Freedom Caucus opposing the CR, saying it didn't do enough to reduce government spending or decrease the deficit.

The House CR's funding extensions were split into two expiration deadlines. The Agriculture, Energy-Water, MilCon-VA, and THUD bills will have their funding extended to January 19<sup>th</sup>, 2024. The eight other appropriations bills are extended to February 2<sup>nd</sup>, 2024. This approach may trigger a brief 1% across-the-board discretionary spending cut, but it delivers on a promise from newly elected House Speaker Mike Johnson (R-LA) to avoid an end-of-year omnibus showdown with the Senate. The Senate approved the bill by a vote of 87-11, and President Biden signed it into law on November 16<sup>th</sup>. The full text of the Continuing Resolution (H.R. 6363) is available [HERE](#).

### **FY24 Appropriations Bills Status**

- House Passed (7 Of 12 )
- Senate Passed (3 Of 12 )

<b>FY24 Appropriations Bill</b>	<b>House Approval</b>	<b>Senate Approval</b>
Agriculture, Rural Development, Food and Drug Administration	Pending	11/01/2023
Commerce, Justice, Science, and Related Agencies	Pending	Pending
Defense	09/28/2023	Pending
Energy and Water Development and Related Agencies	10/26/2023	Pending
Financial Services and General Government	Pending	Pending
Homeland Security	09/28/2023	Pending
Interior, Environment, and Related Agencies	11/03/2023	Pending
Labor, Health and Human Services, Education	Pending	Pending
Legislative Branch	11/01/2023	Pending

Military Construction, Veterans Affairs, and Related	07/27/2023	11/01/2023
State, Foreign Operations, and Related Programs	09/28/2023	Pending
Transportation, Housing and Urban Development, and Agencies	Pending	11/01/2023

### **FY 2024 National Defense Authorization Act (NDAA)**

After lengthy negotiations on the FY 2024 NDAA lawmakers are expected to reach a compromise by the beginning of December. The Senate and House Armed Services committees are working to reconcile differences in their respective versions of the \$886.3 billion bill during the conferencing process. Reported disagreements include provisions related to Pentagon policies, and NDAA language restricting American technology flow to adversaries like China. On the Senate side efforts to resolve Sen. Tommy Tuberville's (R-AL) blockade of military nominations persist without an agreement reached. Democratic Senators are also seeking Republican support for a resolution allowing en bloc military promotions. Other challenges include disagreements on humanitarian parole in border policy, affecting emergency funding for Ukraine, Israel, and Taiwan.

### **Federal Aviation Administration (FAA) Reauthorization Bill Status**

In November Senate transportation leaders debated pilot training requirements in the FAA reauthorization bill. The bill has been stalled since June due to disagreements over a proposal by Sen. John Thune (R-SD), that suggests counting "enhanced training," potentially including flight simulator time, towards the mandatory 1,500 hours of in-flight experience for pilot certification. Sens. Maria Cantwell (D-WA), Ted Cruz (R-TX), and Thune are optimistic about finalizing an agreement soon, with Thune mentioning the possibility of a strong committee vote. This progress is critical as the FAA's funding authority is set to expire on January 1<sup>st</sup>. Meanwhile, the House has already passed its version of the FAA reauthorization bill and is awaiting the Senate's action. The House T&I Committee also held a hearing at the end of the month to discuss the *"Consequences of Delaying a Long-Term FAA Bill."* It remains unclear if other issues like increasing the pilot retirement age or adding flight slots to specific airports have been resolved. Nevertheless, key members of the relevant House and Senate Committee believe they could move a final bill before the end of the year.

## **Congressional Retirements**

As of late in November, 7 Senators and 35 Members of the House have announced they are not seeking re-election. The members from California are listed below:

- **Sen. Laphonza Butler (D-CA)**
  - Committees:
    - Committee on Banking, Housing, and Urban Affairs
    - Committee on Homeland Security and Governmental Affairs
    - Committee on Rules and Administration
    - Committee on the Judiciary
- **Rep. Grace Napolitano (D-CA)**
  - Congressional District: California's 32nd
  - Committees:
    - Committee on Transportation and Infrastructure
    - Committee on Natural Resources
- **Rep. Barbara Lee (D-CA)**
  - Congressional District: California's 13th
  - Committees:
    - Committee on Appropriations
    - Committee on the Budget
    - Committee on Judiciary
    - Committee on Homeland Security
- **Rep. Adam Schiff (D-CA)**
  - Congressional District: California's 28th
  - Committees:
    - Committee on Judiciary
- **Rep. Katie Porter (D-CA)**
  - Congressional District: California's 45th
  - Committees:
    - Committee on Oversight and Accountability
    - Committee on Natural Resources
    - Joint Economic Committee
- **Rep. Tony Cardenas (D-CA)**
  - Congressional District: California's 29<sup>th</sup>
  - Committees:
    - Committee on Energy and Commerce
- **Rep. Anna Eshoo (D-CA)**
  - Congressional District: California's 16<sup>th</sup>
  - Committees:
    - Committee on Energy and Commerce

### **Federal Highway Administration's (FHWA) Advanced Digital Construction Management Systems program grants**

On November 22<sup>nd</sup>, the FHWA announced the award of \$34 million in grants to 10 state projects under the Advanced Digital Construction Management Systems program. This initiative provides funding for adopting digital construction technologies like 3D modeling to improve project efficiency and aims to reduce delays and costs. The award recipients can be seen below:

<b>Applicant Name</b>	<b>Award</b>
California DOT	\$3,920,800
Connecticut DOT	\$4,497,696
Delaware DOT	\$4,000,000
Illinois DOT	\$4,500,000
Iowa DOT	\$1,501,200
Minnesota DOT	\$2,160,000
Oklahoma DOT	\$3,079,440
Pennsylvania DOT	\$3,910,000
Utah DOT	\$5,000,000
Washington State DOT	\$1,350,000

- For more information on the grant program click [HERE](#).

### **DOT Announces 2024 RAISE Program**

On November 30<sup>th</sup>, the DOT announced the availability of \$1.5 billion in grants for the 2024 RAISE program to support significant transportation projects and assist state and local entities, including municipalities and Tribal governments, in completing important transportation infrastructure projects. Special consideration will be given to projects in impoverished or disadvantaged areas, with a focus on climate change, racial equity, and job creation. The application deadline is February 28, 2024, with announcements due by June 27, 2024. For more information click [HERE](#).

### **Federal Transit Administration (FTA) announces \$343 million in Rail Funding**

On November 30<sup>th</sup>, the FTA announced \$343 million in fiscal year 2024 funding to enhance accessibility in America's older and busier rail transit systems for those with disabilities and mobility needs. The All Stations Accessibility Program (ASAP) aims to assist those reliant on rail systems for daily activities like work and school but also encourages less dependence on personal vehicles. This initiative focuses on stations built before 1990 including the installation of elevators. Applications and eligibility details are available [HERE](#) and the deadline for the program is on January 30<sup>th</sup>, 2024.

### **Department of Transportation (DOT) Crash Responder Safety Week**

On November 15<sup>th</sup>, the DOT highlighted safety measures for emergency responders as part of the past Crash Responder Safety Week. The week-long event ran from November 13-17 and was dedicated to increasing public awareness and promoting safety for emergency personnel, including law enforcement, fire, EMS, and towing services. The FHWA honored more than 700,000 individuals trained under the lifesaving Traffic Incident Management (TIM) program.

### **Federal Transit Administration (FTA) proposal on Rail Transit**

On November 15<sup>th</sup>, the FTA released a proposal on the oversight capabilities of State Safety Oversight Agencies (SSOAs) over rail transit. This Notice of Proposed Rulemaking seeks to grant SSOAs the authority for unannounced inspections and mandates the collection of detailed safety data to pursue a more robust risk assessment. The public has until January 16<sup>th</sup> of next year to submit comments on the proposal which includes updated reporting requirements as well as clarified oversight roles throughout transit project lifecycles. For more information click [HERE](#).

### **13 Transportation and Infrastructure Bills Unanimously Approved in Committee**

On November 14<sup>th</sup>, the House Transportation and Infrastructure Committee approved 13 bills with initiatives to consolidate federal office space, increase public building safety, and having the General Services Administration (GSA) provide public input on building design standards. The committee also passed other bills aiming to enhance FEMA's assistance for individuals with disabilities, promoting disaster-resilient buildings, supporting wildland firefighting, and funding water infrastructure projects. These bills received unanimous approval. We also discussed with the Committee Staff Director other legislative agenda items for next year to include on Water Resources Development Act, (WRDA) and rail safety bills. More information on current bill being considered by the Committee is available [HERE](#).

### **FAA's Advanced Air Mobility Leadership Series**

On November 28<sup>th</sup>, the FAA announced a new virtual thought leadership series titled "Up, Up, and Away: Innovations in Advanced Air Mobility." The seven-part series will run from November 2023 through February 2024 and will feature federal and private sector experts discussing the future of aviation such as advanced air mobility aircraft and drones. The series aims to explore the integration of these technologies safely and sustainably. More information is available [HERE](#).

### **\$3 Billion Federal Grant for Brightline High-Speed Rail**

In early December, it was announced that Brightline West will be receiving a \$3 billion federal grant for the proposed \$12 billion high-speed rail system between Las Vegas and Los

Angeles. This will be officially announced by President Joe Biden in Las Vegas the first week of December. More information is available [HERE](#).

### **Communities Facilities Program Disaster Repair Grants**

This grant program targets repairing eligible essential community facilities that were damaged under Presidentially Declared Disasters for calendar year 2022. The scope of projects includes various community-oriented initiatives such as fire and rescue stations, town halls, healthcare clinics, schools, and more. Eligible facilities must primarily serve rural areas, be situated in rural locations, and cater to a population with a median household income below certain income thresholds relative to the state's nonmetropolitan median household income.

**Eligible Entities:** Municipality, county, district, authority, other political subdivision of a State, or nonprofits.

**Total Program Funding Available:** \$50 million.

**Required Cost Sharing or Match:** A cost match of at least 25% is required.

**Application Deadlines:** Continual until funds are expended.

More information is available [HERE](#).

### **Accelerated Innovation Deployment (AID) Demonstration Grants (Fiscal Years 2023-2026)**

This program aims to accelerate the adoption of innovative highway transportation technologies and practices, with a focus on faster construction of efficient and safe highways and bridges, enhanced safety, mobility, and sustainability.

**Eligible Entities:** State Departments of Transportation, Federal Land Management Agency, Tribal Governments.

**Funding:** \$10 million (FY 2023) and up to \$12.5 million (FYs 2024 - 2026).

**Cost Sharing:** No cost match required.

**Deadline:** January 23<sup>rd</sup>, 2024.

More information is available [HERE](#).



## Monthly Legislative Report – December

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### December Advocacy Meetings

**Office of Congressman Mike Levin (D-CA)** – We met with Congressman Levin’s staff early in the month to provide an update on the Coastal Rail Resiliency Study (CRRS) and potential funding opportunities in 2024 to include Fiscal Year (FY) 2025 Community Project Funding (CPF) requests and the Federal Railroad Administration’s (FRA) Corridor ID program that could help guide intercity passenger rail development in the County.

**Office of Congressman Lou Correa (D-CA)** – We met with Congressman Correa’s staff to discuss update on the Streetcar. We also discussed potential projects for FY25 CPF requests.

**Office of Congresswoman Young Kim (R-CA)** – We met with Congresswoman Kim to discuss the status of the Appropriations process in Congress and our earmark request in the Transportation, Housing and Urban Development, and Related Agencies bill of \$4,000,000 for the SR-91 Improvement Project, and the \$3,000,000 request for the OC Loop—Segments A and B.

**Office of Congresswoman Linda Sanchez (D-CA)** – We met with Congresswoman Sanchez’s staff to discuss updates on the Ways and Means proposed legislative agenda for early 2024.

**Office of Congresswoman Michelle Steel (R-CA)** – We met with Congresswoman Steel’s staff to discuss transportation related provisions included in the National Defense Authorization Act (NDAA) on port logistics and supply chain. We also discussed legislative agenda for the Ways and Means committee in 2024.

**Office of Senator Laphonza Butler (D-CA)** – We met with Senator Butler’s staff to provide an update on the Coastal Rail Resiliency Study (CRRS).

**Office of Congressman Sam Graves (R-MO)** – We met with House Transportation and Infrastructure (T&I) Committee Chairman’s staff to discuss the Federal Aviation Administration (FAA) Authorization legislation and next steps. We also discussed the potential for Rail Safety legislation in 2024. Finally, we discussed Committee staff changes for 2024 that will likely include Abigail Wenk being promoted to Deputy Staff Director. Abby has served as Senior Advisor and Director of Member Services and Coalitions since December 2022. Corey Cooke will also be overseeing policy development in 2024. Corey has served as General Counsel for the Transportation and Infrastructure Committee Republicans since January 2020, having previously served as Deputy General Counsel.

**Office of Senator Alex Padilla (D-CA)** – We met with Senator Padilla’s staff to discuss recent funding from the Department of Transportation to the high-speed rail project from Los Angeles to Las Vegas and other rail projects in Orange County.

## **FY24 Appropriations**

The first spending deadline will be on January 19<sup>th</sup>. Congress enacted a “laddered” Continuing Resolution (CR) in November that split the 12 Fiscal Year (FY) 2024 spending bills into two groups with different funding extension dates, as outlined below:

- **January 19, 2024:** Agriculture; Military Construction & Veterans Affairs; Energy & Water; and Transportation, Housing & Urban Development (T-HUD).
- **February 2, 2024:** Commerce-Justice-Science; Defense; Financial Services; Homeland Security; Interior-Environment; Labor-HHS-Education; Legislative Branch; and State & Foreign Operations.

On January 7<sup>th</sup>, Senate Majority Leader Chuck Schumer (D-NY) and Speaker Mike Johnson (R-LA) announced a tentative agreement on a \$1.7 trillion funding levels for FY 24 setting the stage for a broader compromise that allow the completions of the Appropriations process for this year. The deal includes \$886 billion for defense and nearly \$773 billion for non-defense funding. The deal also includes provisions like rescinding over \$6 billion in unspent pandemic aid and over \$20 billion for IRS enforcement. We expect more details to be provided the week of January 8<sup>th</sup>.

## **National Defense Authorization Act (NDAA) Signed into Law**

On December 22<sup>nd</sup>, President Joe Biden signed the NDAA for fiscal year 2024 into law, authorizing \$886 billion in military spending. The Senate passed the bill with an 87-13 vote, following approval in the House with a 310-118 vote. The bill includes \$842 billion in discretionary funding for Department of Defense (DOD) programs, \$32.5 billion for the Energy Department's nuclear weapons programs, and \$11.5 billion for other national security programs.

## **House Transportation Hearing Infrastructure on Water Resources Development Act (WRDA)**

On December 13<sup>th</sup>, the House Subcommittee on Water Resources and Environment, chaired by David Rouzer (R-NC) held a hearing to gather stakeholder input for the 2024 WRDA that expect to be finalized by the full House T&I Committee before May. Witnesses discussed priorities, including the Army Corps of Engineers' responsibilities and the economic importance of shipping, dredging, and the national water crisis. The hearing emphasized the need for equal consideration of water projects and acknowledged the Army Corps of Engineers' current work. More information can be found [HERE](#).

## **Federal Highway Administration (FHWA) Grants \$110 Million for Wildlife Crossings**

On December 5<sup>th</sup>, The FHWA unveiled \$110 million in grants for 19 wildlife crossing projects across 17 states, including four Indian Tribes. This initiative aims to curtail wildlife-vehicle collisions causing fatalities, injuries, and economic costs exceeding \$10 billion annually. The

Wildlife Crossings Pilot Program allocates a total of \$350 million over five years for diverse projects like constructing wildlife crossings, adding fencing, and utilizing tracking tools. Notable grants include projects in Arizona, Wyoming, Colorado, Washington State, and California, addressing specific highway corridors with high wildlife-vehicle collision rates. More information can be found [HERE](#).

### **FHWA Opens Applications for Bridge Investment Program**

On December 20<sup>th</sup>, the FHWA opened applications for over \$9.7 billion in funding under President Biden's Bridge Investment Program. Aimed at improving bridges through the "Planning" and "Bridge Project" categories, the funds address planning, repair, and replacement projects under \$100 million. This funding initiative included in the Bipartisan Infrastructure Law (BIL) allocates \$40 billion over five years to enhance bridge safety, meet traveler needs, and support local economies. Priority will be given to states without previous Bridge Project grants, emphasizing the program's commitment to nationwide bridge improvement. More information can be found [HERE](#).

### **Funding Boost for Port of Long Beach by Senator Padilla**

On December 18<sup>th</sup>, Senator Padilla announced a \$283 million grant awarded to the Port of Long Beach. The funding from National Infrastructure Project Assistance (Mega) program seeks to double the rail yard's size and triple its cargo handling capacity and aims to significantly reduce reliance on truck transport. Another goal for the funding is to diminish emissions and contribute positively to environmental goals. More information is available [HERE](#).

### **Road Safety Initiatives in California Backed by Federal Funds**

On December 13<sup>th</sup>, Senator Padilla disclosed the award of over \$139 million in federal funding to California for enhancing road safety. Through the Safe Streets and Roads for All Grant Program, the funding is aimed at reducing traffic-related fatalities and injuries and creating a safer transit environment for pedestrians, cyclists, and motorcycle riders. More information and awards are available to view [HERE](#).

### **Manual on Uniform Traffic Control Devices for Streets and Highways**

On December 19<sup>th</sup>, the FHWA introduced the 11<sup>th</sup> edition of the "Manual on Uniform Traffic Control Devices for Streets and Highways" (MUTCD), marking the first update since 2009. The MUTCD serves as a guide for effective communication with road users about roadway usage. For more information click [HERE](#).

### **DOT Announces 2024 RAISE Program**

On November 30<sup>th</sup>, the DOT announced the availability of \$1.5 billion in grants for the 2024 RAISE program to support significant transportation projects and assist state and local entities, including municipalities and Tribal governments, in completing important

transportation infrastructure projects. Special consideration will be given to projects in impoverished or disadvantaged areas, with a focus on climate change, racial equity, and job creation. The application deadline is February 28, 2024, with announcements due by June 27, 2024. For more information click [HERE](#).

### **Federal Transit Administration (FTA) announces \$343 million in Rail Funding**

On November 30<sup>th</sup>, the FTA announced \$343 million in fiscal year 2024 funding to enhance accessibility in America's older and busier rail transit systems for those with disabilities and mobility needs. The All-Stations Accessibility Program (ASAP) aims to assist those reliant on rail systems for daily activities like work and school but also encourages less dependence on personal vehicles. This initiative focuses on stations built before 1990 including the installation of elevators. Applications and eligibility details are available [HERE](#) and the deadline for the program is on January 30<sup>th</sup>, 2024.

### **Accelerated Innovation Deployment (AID) Demonstration Grants (Fiscal Years 2023-2026)**

This program aims to accelerate the adoption of innovative highway transportation technologies and practices, with a focus on faster construction of efficient and safe highways and bridges, enhanced safety, mobility, and sustainability.

**Eligible Entities:** State Departments of Transportation, Federal Land Management Agency, Tribal Governments.

**Funding:** \$10 million (FY 2023) and up to \$12.5 million (FYs 2024 - 2026).

**Cost Sharing:** No cost match required.

**Deadline:** January 23<sup>rd</sup>, 2024.

More information is available [HERE](#).



## COMMITTEE TRANSMITTAL

***February 26, 2024***

**To:** Members of the Board of Directors  
**From:** Andrea West, Clerk of the Board *Andrea West*  
**Subject:** Change in Classification of Salary Grade Assignment

Finance and Administration Committee Meeting of February 14, 2024

**Present:** Directors Do, Harper, Hennessey, and Nguyen  
**Absent:** Directors Federico, Klopfenstein, and Sarmiento

**Committee Vote**

This item was passed by the Members present.

**Staff Recommendation**

Direct staff to create a new executive-level, grade X position, titled Director, Alternative Project Delivery and Construction, from one of the existing Senior Program Manager positions within the Capital Programs Division.



**February 14, 2024**

**To:** Finance and Administration Committee

**From:** Darrell E. Johnson, Chief Executive Officer

**Subject:** Change in Classification of Salary Grade Assignment

### **Overview**

The evolving landscape of project management and delivery methods necessitates a dedicated leadership role to oversee and implement alternative project delivery approaches. Staff proposes to change the salary grade assignment of the Senior Program Manager, Project Management position in the Capital Programs division to allow for the creation of a new executive-level position to oversee and implement alternative project delivery approaches in the Capital Programs division. This change will help ensure retention and better align organizational needs. Board of Directors' approval is required to make this change.

### **Recommendation**

Direct staff to create a new executive-level, grade X position, titled Director, Alternative Project Delivery and Construction, from one of the existing Senior Program Manager positions within the Capital Programs Division.

### **Background**

The Orange County Transportation Authority's (OCTA's) Position Control Policy, Section V. C., states that any position changes resulting in an X salary grade assignment will be approved by the Board of Directors (Board). The Senior Program Manager, Project Management positions in the Capital Programs Division are currently classified at a salary grade W. Staff proposes to change the salary grade assignment of one of the positions, to a salary grade X, to allow for the creation of a new executive-level position, entitled Alternative Project Delivery and Construction, to help OCTA to address the growing needs and strategic initiatives within our organization.

***Discussion***

Staff is requesting the Board authorize the change of the salary grade assignment of one of the Senior Program Manager, Project Management positions, in the Capital Programs Division from salary grade W to salary grade X to allow for the creation of a new executive-level position, entitled Director, Alternative Project Delivery and Construction.

The evolving landscape of project management and delivery methods necessitates a dedicated leadership role to oversee and implement alternative project delivery approaches. The Director of Alternative Project Delivery and Construction will lead, plan, manage, and oversee the planning, development, design, and construction implementation of complex capital projects in the areas of highways, rail, transit systems and facilities, and other transportation projects as assigned. This position will play a crucial role in enhancing efficiency, reducing costs, and ensuring the successful execution of projects through innovative methods. Alternative project delivery methods, such as variations of Design-Build and Construction Manager at Risk, where applicable, require a unique set of skills and expertise. Having a dedicated director will ensure that OCTA capitalizes on these methods effectively. This position will be instrumental in identifying opportunities for cost optimization and it will be responsible for evaluating and mitigating risks associated with alternative project delivery, ensuring that OCTA remains resilient in the face of challenges.

The financial impact of this request can be accommodated within the current year's budget.

***Summary***

The proposed change in the salary grade assignment of one of the Senior Program Manager, Project Management positions, in the Capital Programs Division, from salary grade W to salary grade X, will allow OCTA to address the growing needs and strategic initiatives within our organization. The financial impact of this request can be accommodated within the current year's budget.

***Attachment***

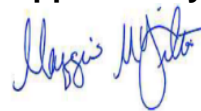
None.

**Prepared by:**



Karen DeCrescenzo  
Manager, Human Resources  
714-560-5547

**Approved by:**




Maggie McJilton  
Executive Director, People and  
Community Engagement  
714-560-5824



## COMMITTEE TRANSMITTAL

**February 26, 2024**

**To:** Members of the Board of Directors  
**From:** Andrea West, Interim Clerk of the Board   
**Subject:** Agreement for Rideshare and Vanpool Marketing Services

Legislative and Communications Committee Meeting of February 15, 2024

**Present:** Directors Aitken, Dumitru, Jung, Nguyen, and Wagner  
**Absent:** Director Foley

**Committee Vote**

This item was passed by the Members present.

**Committee Recommendations**

- A. Approve the selection of Jovenville, LLC, doing business as We The Creative, as the firm to provide rideshare and vanpool marketing services.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-3-2607 between the Orange County Transportation Authority and Jovenville, LLC, doing business as We The Creative, in the amount of \$616,667, to provide rideshare and vanpool marketing services for a two-year initial term with two, two-year option terms.



**February 15, 2024**

**To:** Legislative and Communications Committee

**From:** Darrell E. Johnson, Chief Executive Officer

**Subject:** Agreement for Rideshare and Vanpool Marketing Services

**Overview**

On August 29, 2023, the Orange County Transportation Authority released a request for proposals for a firm to provide rideshare and vanpool marketing services. Proposals were received in accordance with the Orange County Transportation Authority's procurement procedures for professional and technical services. Board of Directors' approval is requested to execute an agreement for these services.

**Recommendations**

- A. Approve the selection of Jovenville, LLC, doing business as We The Creative, as the firm to provide rideshare and vanpool marketing services.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-3-2607 between the Orange County Transportation Authority and Jovenville, LLC, doing business as We The Creative, in the amount of \$616,667, to provide rideshare and vanpool marketing services for a two-year initial term with two, two-year option terms.

**Discussion**

The Orange County Transportation Authority (OCTA) serves as the county transportation commission (CTC) for Orange County. OCTA and the following CTCs form the Regional Rideshare Partnership:

- 1. Los Angeles County Metropolitan Transportation Authority
- 2. Riverside County Transportation Commission
- 3. San Bernardino County Transportation Authority
- 4. Ventura County Transportation Commission

The CTCs have been jointly promoting and providing regional rideshare services to employers since the Southern California Association of Governments (SCAG) ceased to provide these services in 2003. In this context, “rideshare” refers to all modes of transportation other than driving alone to work, including commuting to work by bus, train, carpool, vanpool, walking, and bicycling - all which reduce vehicles miles traveled and traffic congestion, and improve air quality.

Like other CTCs in the South Coast Air Basin, OCTA conducts marketing campaigns and promotions that encourage commuters to rideshare and help employers comply with the South Coast Air Quality Management District’s Rule 2202 - On-Road Motor Vehicle Mitigation Options. The rule provides employers of 250 or more employees with options to reduce mobile-source emissions generated from employee commutes to comply with federal and state Clean Air Act requirements.

OCTA’s current rideshare programs and services include the following:

- Perk Pass – discounted bus passes for employers
- Average Vehicle Ridership survey calculation and data analysis
- Metrolink’s Corporate Pass Program – discounted passes for employers
- Guaranteed Ride Home – provides employees who rideshare the opportunity to reimburse the cost of an emergency trip home
- Vanpool Program – promotes commuting as a group in a shared vehicle
- Active transportation safety education including collateral for electric bicycles and production and promotion of various videos
- Employer outreach to encourage rideshare program participation
- Employer marketing training workshops and networking meetings
- Marketing campaigns for Rideshare Week, Bike Month (including Bike to Work Week), and Dump the Pump
- Ride matching and vanpool formation services
- Rule 2202 compliance assistance

Since 2007, OCTA has also provided a vanpool program, known as the OC Vanpool Program, contracting with vanpool companies to provide commuters with a convenient and cost-effective transportation option. A vanpool consists of a group of four to 15 people who regularly commute to work in a shared vehicle. OCTA provides all marketing and customer outreach for the program in an effort to grow the vanpool count and miles reported.

With support from a consultant, OCTA conducts marketing campaigns, promotions, and outreach to achieve the following goals:

- Increase awareness of OCTA's rideshare programs and services
- Stimulate use of alternative transportation modes
- Grow ridesharing participation by commuters and employers
- Expand the vanpool program participation

#### **Consultant Services**

To assist with the development and implementation of promotion and marketing of both the Rideshare and OC Vanpool programs, OCTA requires consultant support to provide various marketing services to conduct marketing campaigns and promotions. Services include:

- Integrated strategic marketing plan development and campaign development
- Email, social media, and mobile marketing
- Digital and traditional media planning, buying, and optimization
- Diversity marketing and translation services
- Print and digital creative development, including website development, video production, and photography
- Production and printing services

#### ***Procurement Approach***

The procurement was handled in accordance with OCTA Board of Directors (Board)-approved procedures for professional and technical services. Various factors are considered in the award for professional and technical services. Award is recommended to the firm offering the most comprehensive overall proposal considering such factors as prior experience with similar projects, staffing and project organization, work plan, as well as cost and price. On August 29, 2023, Request for Proposals (RFP) 3-2607 was issued electronically on CAMM NET. The RFP was advertised in a newspaper of general circulation on August 29 and September 5, 2023. A pre-proposal conference was held on September 7, 2023, with eight attendees representing seven firms. Two addenda were issued to provide a copy of the pre-proposal registration sheets and respond to written questions.

On October 2, 2023, six proposals were received. A responsiveness evaluation was conducted on all proposals. This project was assigned a nine percent Disadvantaged Business Enterprise (DBE) goal. Three firms were found to be non-responsive for failure to demonstrate responsiveness to meet the DBE goal or demonstrate adequate good faith efforts in accordance with the Federal Transit Administration's regulations. Three proposals were determined to be responsive and eligible to continue in the evaluation process.

An evaluation committee consisting of OCTA staff from the Contracts Administration and Materials Management, Marketing and Customer Engagement, and Planning and Analysis departments, as well as an external evaluator from the Los Angeles County Metropolitan Transportation Authority, met to review all proposals received. The proposals were evaluated based on the following evaluation criteria and weightings.

- Qualifications of the Firm 25 percent
- Staffing and Project Organization 20 percent
- Work Plan 30 percent
- Cost and Price 25 percent

Several factors were considered in developing the evaluation criteria weightings. Qualifications of the firm was weighted at 25 percent to ensure the firm has prior experience providing similar services. Staffing and project organization was weighted at 20 percent as the project team needed to demonstrate expertise related to marketing for rideshare and vanpool services. Staff assigned the highest weight to work plan to ensure the firm demonstrated a clear and detailed approach to marketing OCTA's rideshare and vanpool program. Cost and price was weighted at 25 percent to ensure OCTA receives competitive pricing for the services provided.

On October 17, 2023, the evaluation committee reviewed and discussed the three responsive proposals based on the evaluation criteria, and two firms were shortlisted and interviewed. The two firms are listed in alphabetical order as follows:

Firms and Location:

Jovenville, LLC, doing business as We The Creative (WTC)  
Irvine, California

Loma Media (Loma)  
San Diego, California

On October 26, 2023, the evaluation committee conducted interviews with the two short-listed firms. The interviews consisted of a presentation by each firm to demonstrate the firms' understanding of OCTA's requirements. The firms' project managers and key team members had an opportunity to present qualifications and respond to evaluation committee questions. Questions were asked relative to the qualifications and experience of the proposed project team's key personnel, innovative ideas for rideshare and vanpool marketing, and the

firm's approach to overcoming challenges for people attempting to rideshare and vanpool.

After considering the responses to the questions asked during the interviews, the evaluation committee reviewed the preliminary ranking and made adjustments to the scores. However, WTC remained the higher-ranked firm with the higher overall score.

Based on the evaluation of written proposals and interviews, staff recommends WTC as the firm to provide rideshare and vanpool marketing services. The following is a summary of the proposal evaluation results.

#### Qualifications of the Firm

Founded in 1995, WTC has 28 years of experience in the creative marketing industry. The firm demonstrated direct relevant experience and capabilities in all aspects of the services requested, including a strong background in creative and design work. Their design samples were extremely impressive and helped them stand out from the other vendors. Additionally, WTC has provided similar services to public agencies and municipalities including the City of Anaheim, City of Lancaster, and Marin Transit. The firm has also worked with OCTA on various successful marketing projects including rideshare and vanpool. WTC received positive feedback from their references, which responded that they were satisfied with the firm's performance. WTC proposed a qualified list of subcontractors. The proposal demonstrated the firm's relevant past experience providing rideshare and vanpool marketing services.

Founded in 2001, Loma is a full-service marketing and communications agency. The firm demonstrated experience providing similar services to public agencies including Chicago Metra, New York City Transit Authority, the San Diego Association of Governments, and the United States Department of Transportation. The references provided by Loma reported that they were satisfied with the firm's performance, and Loma proposed a qualified list of subcontractors. The proposal demonstrated the firm's relevant past experience providing rideshare and vanpool marketing services.

#### Staffing and Project Organization

WTC's key personnel proposed for the project are qualified and have prior experience with rideshare and vanpool programs. The proposed chief creative officer has 28 years of experience in the advertising field and creative strategy, and the account manager has five years of experience. During the interview, the

team provided clear responses and addressed their expertise with providing marketing services for rideshare and vanpool programs.

Loma proposed a team with experience and qualified backgrounds suitable to performing the requirements of the scope of work. The proposed chief creative officer has over 30 years of experience, and the account manager has 21 years of experience. During the interview, the project team members discussed their qualifications and experience and provided clear responses to the evaluation committee's questions.

#### Work Plan

The work plan proposed by WTC addressed all the requirements identified in the scope of work and outlined the activities that would be undertaken in completing the services. The firm developed a "4D Approach" based on discovery, design, development, and delivery to meet the needs of delivering a successful marketing campaign. WTC also proposed to apply a unique brainstorming approach called "Boardstorming" to develop innovative ideas and address the challenges of marketing rideshare and vanpool programs. Furthermore, WTC provided excellent samples of past collateral for similar marketing campaigns, and the firm's conceptual designs demonstrated a comprehensive understanding of rideshare and vanpool program requirements. During the interview, WTC provided a detailed response on the firm's approach to overcoming challenges for people attempting to rideshare and vanpool, as well as innovative ideas for the rideshare and vanpool marketing program.

Loma's work plan addressed the requirements of the scope of work and the firm demonstrated an understanding of rideshare and vanpool programs. Loma proposed a combination of quantitative and qualitative research techniques to grow OCTA's rideshare and vanpool programs. The firm also employs a five-step sequential approach to address the requirements of the scope of work. Furthermore, Loma provided good samples of past collateral for similar marketing campaigns, and the firm's conceptual designs demonstrated an understanding of rideshare and vanpool program requirements. During the interview, the firm addressed its approach to overcoming challenges for people attempting to rideshare and vanpool, as well as innovative ideas for the rideshare and vanpool marketing program.

#### Cost and Price

Pricing scores were based on a formula which assigned the higher score to the firm with the lower weighted average hourly rate and scored the other proposal's weighted average hourly rate based on their relation to the lower weighted

average hourly rate. WTC proposed weighted average hourly rate was comparable to that of Loma and the OCTA project manager's independent cost estimate. Therefore, the pricing proposed by WTC is deemed fair and reasonable.

#### **Procurement Summary**

Based on the evaluation of the written proposal, the firm's qualifications, and the information obtained from the interviews, the evaluation committee recommends the selection of WTC as the top-ranked firm to provide rideshare and vanpool marketing services. WTC delivered a thorough and comprehensive proposal and an interview that was responsive to requirements of the RFP.

#### **Fiscal Impact**

The cost of the program is included in OCTA's Fiscal Year 2023-24 Budget. The program is funded with Congestion Mitigation and Air Quality grant funds in People and Community Engagement Division Account No.1841-7519-A2237-L75.

#### **Summary**

Staff is recommending the Board of Directors authorize the Chief Executive Officer to negotiate and execute Agreement No. C-3-2607 between the Orange County Transportation Authority and Jovenville, LLC, doing business as We The Creative, in the amount of \$616,667, to provide rideshare and vanpool marketing services for a two-year initial term with two, two-year option terms.

***Attachments***

- A. Review of Proposals, RFP 3-2607 Rideshare and Vanpool Marketing Services
- B. Proposal Evaluation Criteria Matrix (Short-Listed Firms), RFP 3-2607 Rideshare and Vanpool Marketing Services
- C. Contract History for the Past Two Years, RFP 3-2607 Rideshare and Vanpool Marketing Services

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**Review of Proposals**  
**RFP 3-2607 Rideshare and Vanpool Marketing Services**  
 Presented to Legislative and Communications Committee - February 15, 2024  
**Six proposals were received, three proposals were evaluated, two firms were interviewed, one firm is being recommended**

Overall Ranking	Proposal Score	Firm & Location	Sub-Contractors	Evaluation Committee Comments	Weighted Average Hourly Rate
1	88	Jovenville, LLC, doing business as We The Creative Irvine, California	Lightsource Printing Main Graphics Select Graphics and Printing, Inc.	Founded in 1995 and brings 28 years of experience in the creative marketing industry. Demonstrated direct relevant experience and capabilities in all aspects of the services requested, including creative and design work. Provided similar services to public agencies including the City of Anaheim, City of Lancaster, Marin Transit, and Orange County Transportation Authority (OCTA). Key personnel proposed for the project are qualified and have prior experience with rideshare and vanpool programs. Chief creative officer brings 28 years of experience and the account manager has five years of experience. Addressed all the requirements identified in the scope of work and outlined the activities that would be undertaken in completing the services. Developed a "4D Approach" based on discovery, design, development, and delivery to meet the needs of delivering a successful marketing campaign. Employs a unique brainstorming approach called "Boardstorming" to come up with innovative ideas and address the challenges of marketing rideshare and vanpool programs. Excellent samples of past collateral for similar marketing campaigns. Received positive responses from references. Proposed competitive hourly rates.	\$141.21
2	84	Loma Media San Diego, California	Excitant Media Competitive Edge Research Excitant Media Competitive Edge Research SVPR Communications Chir Valle Photography, Inc. Phantasitc Design	Founded in 2001 and a full-service marketing and communications agency. Provided similar services to public agencies including Chicago Metra, New York City Transit Authority, the San Diego Association of Governments, and the United States Department of Transportation. Proposed a team with experience and qualified backgrounds suitable to perform the requirements of the scope of work. Chief creative officer has over 30 years of experience and the account manager has 21 years of experience. Addressed the requirements of the scope of work and the firm demonstrated an understanding of rideshare and vanpool programs. Proposed a combination of quantitative and qualitative research techniques to grow OCTA's rideshare and vanpool programs. Good samples of past collateral for similar marketing campaigns. Received positive responses from references. Proposed competitive hourly rates.	\$140.61

**Evaluation Panel: (5 members)***Internal*

Contracts Administration and Materials Management (1)  
 Marketing and Customer Engagement (2)  
 Planning and Analysis (1)

*External*

Los Angeles County Metropolitan Transportation Authority (1)

**Proposal Criteria**

Qualifications of the Firm  
 Staffing and Project Organization  
 Work Plan  
 Cost and Price

**Weight Factors**

25%  
 20%  
 30%  
 25%

**ATTACHMENT B****PROPOSAL EVALUATION CRITERIA MATRIX (Short-Listed Firms)  
RFP 3-2607 Rideshare and Vanpool Marketing Services**

JOVENVILLE, LLC, DOING BUSINESS AS WE THE CREATIVE						Weights	Overall Score
Evaluator Number	1	2	3	4	5		
Qualifications of Firm	4.0	4.5	4.5	4.5	4.0	5	21.5
Staffing/Project Organization	4.0	4.5	4.0	3.5	4.0	4	16.0
Work Plan	4.5	4.5	4.0	4.0	4.5	6	25.8
Cost and Price	4.98	4.98	4.98	4.98	4.98	5	24.9
Overall Score	87.9	92.4	87.4	85.4	87.9		88

LOMA MEDIA						Weights	Overall Score
Evaluator Number	1	2	3	4	5		
Qualifications of Firm	4.0	4.0	4.0	4.0	4.0	5	20.0
Staffing/Project Organization	4.0	4.0	4.0	4.0	4.0	4	16.0
Work Plan	4.0	3.5	4.0	4.0	4.0	6	23.4
Cost and Price	5.00	5.00	5.00	5.00	5.00	5	25.0
Overall Score	85.0	82.0	85.0	85.0	85.0		84

Score for non-short-listed firm was 55.

**ATTACHMENT C**

**CONTRACT HISTORY FOR THE PAST TWO YEARS**  
**RFP 3-2607 Rideshare and Vanpool Marketing Services**

Prime and Subconsultants	Contract No.	Description	Contract Start Date	Contract End Date	Subconsultant Amount	Total Contract Amount
<b>JOVENVILLE, LLC, DOING BUSINESS AS WE THE CREATIVE</b>						
Contract Type: N/A	None	N/A	N/A	N/A	N/A	\$ -
Subconsultants: None						
<b>Subtotal:</b>						<b>\$ -</b>
<b>LOMA MEDIA</b>						
Contract Type: N/A	None	N/A	N/A	N/A	N/A	\$ -
Subconsultants: None						
<b>Subtotal:</b>						<b>\$ -</b>



## COMMITTEE TRANSMITTAL

**February 26, 2024**

**To:** Members of the Board of Directors

**From:** Andrea West, Clerk of the Board *Andrea West*

**Subject:** Consultant Selection for On-Call Construction Management and Engineering Technical Support Services for Transit Facility Projects

### Transit Committee Meeting of February 8, 2024

**Present:** Directors Aitken, Amezcua, Do, Jung, and Klopfenstein  
**Absent:** Directors Harper and Sarmiento

### **Committee Vote**

This item was passed by the Members present.

### **Committee Recommendations**

- A. Approve the selection of Hout Construction Services, Inc., doing business as Hout Engineering, as the firm to provide on-call construction management and engineering technical support services for transit facility projects.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-3-2754 between the Orange County Transportation Authority and Hout Construction Services, Inc., doing business as Hout Engineering, to provide on-call construction management and engineering technical support services for transit facility projects for a three-year term, with one, two-year option term.



**February 8, 2024**

**To:** Transit Committee

**From:** Darrell E. Johnson, Chief Executive Officer

**Subject:** Consultant Selection for On-Call Construction Management and Engineering Technical Support Services for Transit Facility Projects

### **Overview**

On September 25, 2023, the Orange County Transportation Authority Board of Directors authorized the release of a request for proposals to retain a consultant to provide on-call construction management and engineering technical support services for transit facility projects. Board of Directors' approval is requested for the selection of a firm to perform the required work.

### **Recommendations**

- A. Approve the selection of Hout Construction Services, Inc., doing business as Hout Engineering, as the firm to provide on-call construction management and engineering technical support services for transit facility projects.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-3-2754 between the Orange County Transportation Authority and Hout Construction Services, Inc., doing business as Hout Engineering, to provide on-call construction management and engineering technical support services for transit facility projects for a three-year term, with one, two-year option term.

### **Discussion**

Transit facilities engineering is responsible for the development and implementation of capital rehabilitation, modifications, and new capital projects for Orange County Transportation Authority (OCTA) transit facilities, including five bus bases, five transportation centers, two park-and-ride facilities, and other transit-related projects located throughout Orange County. A construction

management (CM) and engineering consultant supports OCTA with on-call staff assistance and engineering technical support managing and delivering transit facility projects. The consultant provides professional services as needed to OCTA for project matters related to planning and development, environmental clearance, design, engineering, right-of-way, and construction activities associated with OCTA transit facilities. The consultant also provides engineering technical support and staff assistance to help manage development and delivery of capital rehabilitation, facility modifications, and new capital projects for OCTA transit facilities. OCTA is responsible for maintaining transit facilities in a state of good repair in accordance with Federal Transit Administration requirements and guidance.

Transit operations, transportation center, and park-and-ride facility projects may include heating and ventilation unit replacement, pavement striping and marking, pavement maintenance or replacement, upgrades to video, lighting, and electrical systems, and a wide range of other facility needs. Projects typically range in value from \$100,000 to \$4,000,000. Other transit projects may include the new capital improvement projects such as the Transit Security Operations Center, facility condition assessments, and other capital maintenance projects.

### ***Procurement Approach***

The procurement was handled in accordance with OCTA's Board of Directors (Board)-approved procedures for architectural and engineering (A&E) services that conform to both state and federal laws. Proposals are evaluated and ranked in accordance with the firm's qualifications, staffing and project organization, and work plan approach. As this is an A&E procurement, price is not an evaluation criterion pursuant to state and federal laws. Proposal evaluations were conducted based on overall qualifications to develop a competitive range of offerors. The highest-ranked firm is requested to submit a cost proposal, and the final agreement is negotiated. Should negotiations fail with the highest-ranked firm, a cost proposal will be solicited from the second-ranked firm in accordance with Board-approved procurement policies.

On September 25, 2023, the Board authorized the release of Request for Proposals (RFP) 3-2754, which was electronically issued on CAMM NET. The solicitation was advertised on September 25 and October 2, 2023, in a newspaper of general circulation. A pre-proposal conference was held on October 4, 2023, with 25 attendees representing 12 firms. Three addenda were issued to make available pre-proposal conference registration sheets, provide responses to questions received, and handle administrative issues related to the RFP.

On October 23, 2023, four proposals were received. An evaluation committee consisting of members from OCTA's Contracts Administration and Materials Management, Safety and Environmental, Facilities Maintenance Administration, and Facilities Engineering departments, met to review all the submitted proposals. The proposals were evaluated utilizing the following Board-approved evaluation criteria and weightings.

- Qualifications of the Firm 25 percent
- Staffing and Project Organization 40 percent
- Work Plan 35 percent

In developing the criteria and weightings, multiple factors were considered. The firm's qualifications and experience in the areas of work identified in the scope of work (SOW) and ability to support the necessary level of effort over the term of the contract are important to the success of the project. Staff assigned the highest weighting to the staffing and project organization criterion, as the qualifications of the construction manager and construction engineer, subconsultant teams, and the key team members must demonstrate experience and ability to work successfully on transit facility projects. The consultant's staff's ability to manage and support a variety of capital improvement projects at various sites is critical to timely project delivery. The work plan criterion was assigned a weighting of 35 percent as the technical approach and project direction is important to developing realistic schedules to complete the work.

On November 15, 2023, the evaluation committee reviewed all four proposals based on the evaluation criteria and found two firms most qualified to perform the required SOW. The most qualified firms are listed below in alphabetical order:

Firm and Location

Hill International, Inc. (Hill)  
Irvine, California

Hout Construction Services, Inc. doing business as Hout Engineering (Hout)  
Newport Beach, California

On November 28, 2023, the evaluation committee interviewed the two short-listed firms. The interviews consisted of a presentation to demonstrate the firms' understanding of the project's SOW. The firms' construction manager, construction engineer, and key team members presented qualifications and responded to the evaluation committee's questions. Questions were asked

about OCTA construction safety requirements, construction management qualification and experience, approach to resolving construction management issues, and construction engineering field experience. Clarifying questions were asked of each firm related to their submitted proposal. After considering responses to the interview questions from both firms, the evaluation committee adjusted the preliminary scoring for Hout and the firm remained the top-ranked firm with the higher cumulative score.

#### Qualifications of the Firm

Both short-listed firms are well established firms with experience in construction management and construction field engineering services. Positive references were received for both firms.

Hout was founded in 2007, has eight employees, and serves public work projects by providing comprehensive construction management and engineering services on various types of government agency projects. The firm's proposed team has successfully completed similar assignments described in the SOW. The firm has experience working on OCTA's facility engineering on-call project management and construction management contract for the past five years. In addition to experience at OCTA, the firm has experience with public works projects for the City of Rancho Palos Verdes on-call project management/construction management's task order contract. These projects entailed technical reviews and overseeing construction projects. Hout has design management oversight experience for the Orange County Great Park Corporation in cooperation with the City of Irvine. The firm proposes to utilize three subconsultants to provide right-of-way support, soil and material testing, and mechanical and electrical technical review services.

Hill was established in 1976, specializes in major construction projects and has experience in over 500 transit-related projects with a value of over \$275 billion. Hill employs 3,300 professionals with 170 employees based in Irvine, California, offering a large pool of resources for projects. Experience in transit projects is demonstrated by their work for OCTA on the City of Orange Metrolink Parking Structure Project. Hill also has recent experience in highway and rail public works projects but did not present any recent facility rehabilitation/ modification projects as reference. Hill proposes to utilize four subconsultants to provide construction engineering, surveying, and environmental and inspection services. Hill's key subconsultant, CPM Partners, provided construction management and inspection services on the Irvine Bus Base Wash Rehabilitation and Santa Ana Bus Base Lift Replacement projects for OCTA.

### Staffing and Project Organization

Both firms listed key personnel and subconsultants with relevant construction management and construction engineering experience. Each firm proposed staff resources to address the work requirements in the SOW.

Hout proposed the commitment of the required staff as identified in the RFP. The firm submitted a detailed staffing plan proposing experienced key personnel with relevant experience in managing and delivering transit facility-related projects.

The proposed construction manager has over 35 years of experience completing transit facility projects, of which 13 years have been at OCTA. Many of the construction manager's past and current project experience is with bus bases, transportation centers, and park-and-ride facilities. Hout has experience managing OCTA Measure M projects. Hout's proposed construction engineer has 19 years of experience and is committed to working full time at the OCTA administrative office with primary responsibility for facility construction management assignments.

Hill identified proposed staff experienced in public works and government agency projects. These key personnel demonstrate solid construction management experience on a variety of public work projects. Proposed subject matter experts demonstrate good project support services, including safety, project controls, and construction inspection. The proposed construction manager has 38 years of experience in all phases of construction, which meets the SOW requirements. The proposed construction engineers also have the experience required by SOW. However, during the interview it was not clear to the evaluation committee the percentage of time each of the two proposed construction engineers would be available to support facility construction projects, or the difference in their individual roles.

### Work Plan

Both short-listed firms met the requirement of the RFP, and each firm discussed its approach to the proposed construction management and engineering technical support services.

Hout's work plan approach demonstrates the firm's clear understanding and focus on key elements of the SOW. The work plan is outlined in detail listing all the tasks needed for the successful completion of a construction project. The work plan demonstrated a solid plan for following a manageable and

sequential task path to complete a project. The work plan addressed the need for all safety protocols to be adhered to at all times. In the interview, the team explained its approach to OCTA's safety requirements by reinforcing the need for safety personnel to be on site at all times.

Hill addressed most tasks needed to complete a transit facility project. Overall, the work plan was structured, organized, and had a good sequence of described tasks. The work plan demonstrated a general understanding of the SOW, although many of the tasks listed were not part of the SOW. The work plan did not list a safety plan; however, the firm was responsive to the evaluation committee's interview questions about OCTA's construction project safety requirements.

#### **Procurement Summary**

Based on the evaluation of the written proposals and information obtained from the interviews, the evaluation committee recommends the selection of Hout as the top-ranked firm to provide on-call construction management and engineering technical support services for transit facility projects. The Hout team provided detailed and thorough responses to the interview questions, demonstrated excellent relevant experience, and submitted a comprehensive proposal that was responsive to all requirements of the RFP.

#### **Fiscal Impact**

The project is included in OCTA's Fiscal Year 2023-24 Budget, Capital Programs Division, Account No. 1722-7519-D3120-0F3 and is funded with Federal Transit Administration funds.

#### **Summary**

Staff requests Board of Directors' authorization for the Chief Executive Officer to negotiate and execute Agreement No. C-3-2754 with Hout Construction Services, Inc., doing business as Hout Engineering, as the firm to provide on-call construction management and engineering technical support services for transit facility projects.

***Attachments***

- A. Review of Proposals, RFP 3-2754 On-Call Construction Management and Engineering Technical Support Services for Transit Facility Projects
- B. Proposal Evaluation Matrix (Short-Listed Firms), RFP 3-2754 On-Call Construction Management and Engineering Technical Support Services for Transit Facility Projects
- C. Contract History for the Past Two Years, RFP 3-2754 On-Call Construction Management and Engineering Technical Support Services for Transit Facility Projects

**Prepared by:**

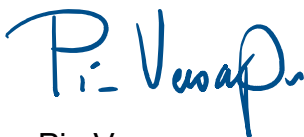


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**Review of Proposals**

**RFP 3-2754 On-Call Construction Management and Engineering Technical Support Services for Transit Facility Projects**

Presented to the Transit Committee - February 8, 2024

**4 proposals were received, 2 firms were interviewed, 1 firm is being recommended.**

Overall Ranking	Proposal Score	Firm & Location	Sub-Contractors	Evaluation Committee Comments
1	84	<b>Hout Construction Services Inc., doing business as Hout Engineering</b> Newport Beach, California	BKF Engineers, Inc. MTGL, Inc. Jeff Oviedo and Associates, Inc.	Firm has recent, relevant experience providing construction management services. Qualified team, including key personnel, technical staff, and subconsultants with experience working together on similar projects. The proposed project team has the experience required by the scope of work. Proposed construction manager has over 35 years of transit project management experience. Proposed construction engineer has 19 years of construction inspection and construction management services experience. Work plan approach demonstrates the firm's clear understanding and focus on key elements of the scope of work. Thorough presentation and participation from all key team members during interview demonstrated strong team cohesiveness. Provided detailed, project specific responses to interview questions further highlighting the team's expertise and understanding of the scope of work. Positive references received.
2	76	<b>Hill International, Inc.</b> Irvine, California	CPM Partners, Inc. Coast Surveying, Inc. GEI Consultants, Inc. MTGL, Inc.	Firm has strong experience providing construction management services on transit facilities projects. Proposed key personnel, technical staff, and subconsultants have the construction management and construction engineering experience required by the scope of work. Proposed construction manager has 38 years of structural and civil engineering experience. Proposed construction engineers have over 20 years combined experience in the construction and engineering industry. Demonstrated an understanding of scope of work. Work plan demonstrated a general understanding of the scope of work but did not discuss the required safety plan. During the interview, the firm discussed approach, including key stakeholders, potential risks, and quality control. Positive references received.

**Evaluation Panel:**

Internal:  
Contracts Administration and Materials Management (1)  
Safety and Environmental (1)  
Facilities Maintenance Administration (1)  
Facilities Engineering (2)

**Proposal Criteria**

Qualifications of the Firm  
Staffing and Project Organization  
Work Plan

**Weight Factors**

25%  
40%  
35%

**PROPOSAL EVALUATION CRITERIA MATRIX (Short-Listed Firms)**  
**RFP 3-2754 On-Call Construction Management and Engineering Technical Support Services**  
**for Transit Facility Projects**

<b>Hout Construction Services, Inc. doing business as Hout Engineering</b>							
<b>Evaluator Number</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>Weights</b>	<b>Criteria Score</b>
<b>Qualifications of Firm</b>	<b>4.50</b>	<b>4.50</b>	<b>4.00</b>	<b>4.50</b>	<b>4.00</b>	<b>5</b>	<b>21.5</b>
<b>Staffing/Project Organization</b>	<b>4.00</b>	<b>4.50</b>	<b>4.00</b>	<b>4.00</b>	<b>3.50</b>	<b>8</b>	<b>32.0</b>
<b>Work Plan</b>	<b>4.50</b>	<b>4.00</b>	<b>4.00</b>	<b>4.50</b>	<b>4.50</b>	<b>7</b>	<b>30.1</b>
<b>Overall Score</b>	<b>86</b>	<b>87</b>	<b>80</b>	<b>86</b>	<b>80</b>		<b>84</b>

<b>Hill International, Inc.</b>							
<b>Evaluator Number</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>Weights</b>	<b>Criteria Score</b>
<b>Qualifications of Firm</b>	<b>4.00</b>	<b>4.00</b>	<b>4.00</b>	<b>4.00</b>	<b>4.00</b>	<b>5</b>	<b>20.0</b>
<b>Staffing/Project Organization</b>	<b>4.00</b>	<b>4.00</b>	<b>3.50</b>	<b>4.00</b>	<b>3.50</b>	<b>8</b>	<b>30.4</b>
<b>Work Plan</b>	<b>4.00</b>	<b>3.50</b>	<b>3.50</b>	<b>3.50</b>	<b>4.00</b>	<b>7</b>	<b>25.9</b>
<b>Overall Score</b>	<b>80</b>	<b>77</b>	<b>73</b>	<b>77</b>	<b>76</b>		<b>76</b>

The range of scores for non-short-listed firms was 43-67.

**CONTRACT HISTORY FOR THE PAST TWO YEARS**

**RFP 3-2754 On-Call Construction Management and Engineering Technical Support Services for Transit Facility Projects**

Prime and Subconsultants	Contract No.	Description	Contract Start Date	Contract End Date	Subconsultant Amount	Total Contract Amount
<b>Hout Construction Services, Inc., doing business as Hout Engineering</b>						
Contract Type: Time and Expense	C81428	On-Call Project Management and Construction Management	March 19, 2019	February 17, 2024		\$ 2,323,142
Subconsultants:						
AESCO, INC.					N/A	
IDC Consulting Engineers, INC.					N/A	
JOA Group					N/A	
<b>Hill International, Inc.</b>						
Contract Type: N/A	None		N/A	N/A	N/A	\$ -
Subconsultants: N/A						
Total:						\$ 2,323,142