



# **Orange County Transportation Authority**

## **Legislative and Communications Committee Agenda**

### **Thursday, November 16, 2023 at 9:00 a.m.**

Board Room, 550 South Main Street, Orange, California

#### **Committee Members**

Brian Goodell, Chairman  
Donald P. Wagner, Vice Chairman  
Jose Diaz  
Jon Dumitru  
Katrina Foley  
Gene Hernandez  
Fred Jung

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.

#### **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. Please complete a speaker's card and submit it to the Clerk of the Board or notify the Clerk of the Board the item number on which you wish to speak. Speakers will be recognized by the Chairman at the time the agenda item is to be considered. Comments shall be limited to three minutes.

#### **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.

# LEGISLATIVE AND COMMUNICATIONS COMMITTEE MEETING AGENDA

---

## Call to Order

## Pledge of Allegiance

Director Foley

## Closed Session

There are no Closed Session items scheduled.

## Special Calendar

### 1. Conference Call with State Legislative Advocate Moira Topp

Moira Topp/Lance M. Larson

#### **Overview**

An update of legislative items in Sacramento will be provided.

## Consent Calendar (Items 2 through 5)

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

### 2. Approval of Minutes

Clerk of the Board

#### **Recommendation**

Approve the minutes of the October 19, 2023 Legislative and Communications Committee Meeting.

#### **Attachments:**

[Minutes](#)

### 3. Status Report of State Legislation Enacted in 2023

Clara Brotcke/Lance M. Larson

#### **Overview**

At the conclusion of the 2023 state legislative session, 890 bills were signed into law by Governor Newsom and chaptered by the Secretary of State, while 156 bills were vetoed. A report containing an analysis of legislation relevant to the Orange County Transportation Authority is provided.

#### **Recommendation**

Receive and file as an information item.

#### **Attachments:**

[Staff Report](#)

[Attachment A](#)

## LEGISLATIVE AND COMMUNICATIONS COMMITTEE MEETING AGENDA

---

### 4. Performance Evaluation of State Legislative Advocate, Topp Strategies

Alexis Leicht/Lance M. Larson

#### **Overview**

The firm Topp Strategies provides state legislative advocacy services for the Orange County Transportation Authority. A staff evaluation of the services provided during this legislative session is presented to the Board of Directors for consideration and further comment.

#### **Recommendation**

Receive and file the staff evaluation of the state advocacy services of Topp Strategies as an information item and provide any additional comments.

#### **Attachments:**

[Staff Report](#)

[Attachment A](#)

[Attachment B](#)

### 5. Performance Evaluation of Federal Legislative Advocate, Potomac Partners, DC

Lance M. Larson

#### **Overview**

The firm Potomac Partners, DC provides federal legislative advocacy services for the Orange County Transportation Authority in Washington, DC. A staff evaluation of the services provided this legislative session is presented to the Board of Directors for consideration and further comment.

#### **Recommendation**

Receive and file the staff evaluation of the federal advocacy services of Potomac Partners, DC as an information item and provide any additional comments.

#### **Attachments:**

[Staff Report](#)

[Attachment A](#)

[Attachment B](#)

# LEGISLATIVE AND COMMUNICATIONS COMMITTEE MEETING AGENDA

---

## Regular Calendar

### 6. Orange County Transportation Authority's 2023-24 State and Federal Legislative Platforms

Alexis Leicht/Lance M. Larson

#### **Overview**

Halfway through each legislative session, staff conducts a refresh to the Orange County Transportation Authority's State and Federal Legislative Platforms to ensure updates are provided on relevant issues that are anticipated to be of discussion for the upcoming year. The final drafts of the revised 2023-24 Orange County Transportation Authority State and Federal Legislative Platforms are submitted for consideration and adoption by the Orange County Transportation Authority Board of Directors.

#### **Recommendations**

- A. Adopt the revised final draft of the 2023-24 State and Federal Legislative Platforms.
- B. Direct staff to distribute the adopted platforms to elected officials, advisory committees, local governments, affected agencies, the business community, and other interested parties.

#### **Attachments:**

[Staff Report](#)

[Attachment A](#)

[Attachment B](#)

## Discussion Items

### 7. Marketing and Communications Update

Ryan Armstrong/Maggie McJilton

#### **Overview**

Staff will present an update on marketing programs for the Orange County Transportation Authority's multimodal transportation services and programs.

#### **Attachments:**

[PowerPoint](#)

### 8. Public Comments

### 9. Chief Executive Officer's Report

### 10. Committee Members' Reports

## LEGISLATIVE AND COMMUNICATIONS COMMITTEE MEETING AGENDA

---

### 11. **Adjournment**

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

**9:00 a.m. on Thursday, December 21, 2023**

OCTA Headquarters

Board Room

550 South Main Street

Orange, California



**Committee Members Present**

Donald P. Wagner, Vice Chair  
Jose Diaz  
Jon Dumitru  
Katrina Foley  
Gene Hernandez  
Fred Jung

**Staff Present**

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

**Committee Members Absent**

Brian Goodell, Chair

**Call to Order**

The October 19, 2023, regular Legislative and Communications (L&C) Committee meeting was called to order by Committee Vice Chairman Wagner at 9:00 a.m.

**Closed Session**

There were no Closed Session items scheduled.

**Special Calendar**

**1. Conference Call with State Legislative Advocate Moira Topp**

Moira Topp, State Legislative Advocate, provided an update on this item.

No action was taken on this item.

**Consent Calendar (Items 2 and 3)**

**2. Approval of Minutes**

A motion was made by Director Hernandez, seconded by Director Jung, and declared passed by those present to approve the August 17, 2023 minutes of the Legislative and Communications Committee meeting.

**3. Update to Orange County Transportation Authority Limited English Proficiency Plan**

A motion was made by Director Hernandez, seconded by Director Jung, and declared passed by those present to review and approve Orange County Transportation Authority's updated 2023 Limited English Proficiency Plan.



## **Regular Calendar**

### **4. Federal Legislative Status Report**

Lance Larson, Executive Director of Government Relations, provided an update.

Following the discussion, no action was taken on this receive and file information item.

### **5. Draft Revision to the Orange County Authority's 2023-24 State and Federal Legislative Platforms**

Lance Larson, Executive Director of Government Relations, provided opening comments and introduced Alexis Leicht, Government Relations Representative, and Clara Brotcke, Associate Government Relations Representative, who provided a report on this item.

Director Foley requested that staff revise the language under the Active Transportation Section in the State Legislative Platform.

In addition, she also requested revising and adding principles under the Key Policy Issues Section.

James Donich, General Counsel, provided an overview of SB 722.

Mr. Johnson, CEO, stated that staff will update the State and Federal Platforms with Director Foley's suggestions and return to the next L&C Committee meeting before the final Board of Directors' approval.

A motion was made by Director Jung, seconded by Director Foley, and declared passed by those present to direct staff to integrate the recommended revisions to the 2023-24 Orange County Transportation Authority State and Federal Legislative Platforms and seek further feedback from the Orange County Transportation Authority Board of Directors and internal staff, with subsequent drafts being brought forward for final consideration and adoption later this year.



**6. Diversity Outreach Update**

Ted Nguyen, Section Manager, Senior of Public Outreach, provided a presentation on this item.

Following the presentation, no action was taken on this receive and file information item.

**Discussion Items**

**7. Public Comments**

There were no public comments received.

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

Darrell E. Johnson, Chief Executive Officer, reported on the following:

- Opening of the toll lanes event for the 405 Improvement Project on December 1, 2023.
- Later today, Mr. Johnson and Andy Oftelie will be attending the 29th Annual Economic Forecast Conference hosted by the Orange County Business Council and California State University, Fullerton.

**9. Committee Members' Reports**

There were no Committee Members' Reports.

**10. Adjournment**

The meeting adjourned at 9:55 a.m.

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

**9:00 a.m. on November 16, 2023**

OCTA Headquarters

550 South Main Street

Orange, California

ATTEST

---

Gina Ramirez  
Assistant Clerk of the Board





**November 16, 2023**

**To:** Legislative and Communications Committee  
**From:** Darrell E. Johnson, Chief Executive Officer  
**Subject:** Status Report of State Legislation Enacted in 2023

**Overview**

At the conclusion of the 2023 state legislative session, 890 bills were signed into law by Governor Newsom and chaptered by the Secretary of State, while 156 bills were vetoed. A report containing an analysis of legislation relevant to the Orange County Transportation Authority is provided.

**Recommendation**

Receive and file as an information item.

**Discussion**

**2023 Legislative Session Adjourns**

Following the State Legislature's adjournment, the Governor had until October 14, 2023, to either sign or veto all legislation submitted to his office. Of the 1046 bills sent to the Governor this year, 156 bills were vetoed, or 14.9 percent of the total number of bills passed by the Legislature. The Governor acted on 120 less bills this year than last year.

The Orange County Transportation Authority (OCTA) Board of Directors, legislative staff, stakeholders, and advocates were successful in advancing many of OCTA's interests in 2023. A detailed summary of legislation relevant to OCTA is included as Attachment A.

---

**Status of Legislation Considered in 2023 – Notable Bills Signed****AB 96 (Kalra, D-San Jose): Public Employment: Local Public Transit Agencies: Autonomous Transit Vehicle Technology**

Position: Neutral (Previously “Oppose Unless Amended”)

AB 96 requires public transit employers to provide certain information to union representatives when the employer is beginning the process of procuring autonomous transit vehicle technology. Specifically, AB 96 requires a public transit employer to notify, in writing, the union representative at least ten 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 the workforce. Following a written request by the union, the public transit employer must commence collective bargaining within 30 days of the union receiving the notification or within ten days of the public transit employer receiving the written request, whichever occurs later. The bargaining can only be on the following subjects: developing the new autonomous transit vehicle technology, implementing the new autonomous transit vehicle technology, creating a transition plan for affected workers, and creating plans to train and prepare the affected workforce to fill new positions created by a new autonomous transit vehicle technology. OCTA originally took an “Oppose Unless Amended” position, citing the redundancy of transit agencies already being engaged in collective bargaining procedures with employees, in addition to inadequate time for agencies to provide information to employee representatives that would encompass a comprehensive analysis for the effects associated with the new autonomous transit vehicle technology. OCTA successfully secured amendments to address these concerns resulting with an updated “Neutral” position.

**SB 381 (Min, D-Irvine): Electric Bicycles: Study**

Position: Support

SB 381 requires the Mineta Transportation Institute at San Jose State University to conduct a study by January 1, 2026, on electric bicycles. This study would inform efforts for improving the safety of riders and pedestrians with a report of the findings being submitted to the Legislature. The report would examine, identify, and analyze available information, including data on injuries, factors that are correlated with the crashes, best practices to promote safe use, laws in other states pertaining to electric bicycles, data on safety accessories, data on manufacturing of electric bicycles, review of policies in other counties, and recommendations for state policy to support expanded use of electric bicycles that protects the safety of riders. OCTA has been working with cities throughout the County on providing information to improve the safe operation of electric bicycles, including attending community events, hosting city roundtable discussions, and distributing materials. OCTA will monitor the development of

this report to help inform OCTA's efforts to promote the safe operation of electric bicycles.

SB 617 (Newman, D-Fullerton): State Government

Position: Support

SB 617 authorizes a local agency to utilize progressive design-build authority for ten public works projects over \$5 million so long as they follow certain requirements. Additionally, SB 617 specifies that a local agency would include that a transit district, municipal operator, consolidated agency, joint powers authority, regional transportation agency, or local or regional agency are all authorized to use the progressive design-build procurement method. Furthermore, the legislation requires that one of the following circumstances be met: a lead agency enters into a project labor agreement that will bind contractors and subcontractors to use a skilled and trained workforce, the project or contract is being performed under the extension or renewal of a project labor agreement that was entered into before January 1, 2023, or the project labor agreement will bind the entity and all its subcontractors at every tier of performing the project or contract to use a skilled and trained workforce. No later than January 1, 2028, a local agency that uses this authorization must submit a report to the Legislature on the use of the progressive design-build process, including a description of the project, contract award amounts, any written protests, description of the prequalification process, number of specialty contractors, and more. The authority is available until January 1, 2029.

SB 617 was a part of the Governor's infrastructure streamlining package for this year, aiming to spur economic activity. OCTA will consider utilizing this authority on relevant transit projects. By using this authority, a lead agency procures a design-builder much earlier in the project development process than under traditional design-build authority. This ensures the design-build entity is involved in some of the earliest design decisions. Through this increased collaboration, risks can be identified earlier and mitigated. Progressive design-build project delivery also requires cost estimates to be developed and agreed to earlier, placing more responsibility on the design-builder to remain within budget, thus affording more price certainty.

SB 677 (Blakespear, D-Encinitas): Intercity Rail: Los Angeles – San Diego – San Luis Obispo (LOSSAN) Rail Corridor

Position: Support

The LOSSAN Rail Corridor Agency develops an annual business plan for submittal to the California State Transportation Agency (CalSTA). The business plan includes a report on recent and historical performance of the corridor service, overall operating plan to increase ridership and provide for increased traveler demands in the corridor, short- and long-term capital improvement

programs, funding requirements for the upcoming fiscal year, and an action plan with performance goals and objectives. SB 677 requires future iterations of the business plan to include a description of how to adapt to climate changes impacts on the LOSSAN Corridor, an identification of the projects planned to increase climate resiliency on the corridor, and possible funding options for the projects identified, including but not limited to, federal and state funding. This bill provides that these additions be included in the upcoming business plan with a due date of April 1, 2024, and every plan annually thereafter. SB 677 provides an opportunity to identify potential future environmental challenges to the corridor.

**SB 706 (Caballero, D-Salinas): Public Contracts: Progressive Design-Build: Local Agencies**

Position: Support

SB 706 authorizes a city, county, or special district to utilize progressive design-build authority for ten public works projects over \$5 million for each project so long as they follow certain requirements, including those related to labor and reporting. The authority would be available until January 1, 2030. Prior to this law, this authority was only authorized in limited situations under state statute, specifically for certain water projects and projects undertaken by the Department of General Services. The legislation requires that one of the following circumstances be met: a lead agency enters into a project labor agreement that will bind contractors and subcontractors to use a skilled and trained workforce, the project or contract is being performed under the extension or renewal of a project labor agreement that was entered into before January 1, 2023, or the project labor agreement will bind the entity and all its subcontractors at every tier of performing the project or contract to use a skilled and trained workforce. By December 31, 2028, a local agency that uses this authorization must submit a report to the Legislature on the use of the progressive design-build process, including a description of the project, contract award amounts, any written protests, description of the prequalification process, number of specialty contractors, and more.

SB 706 was a part of the Governor's infrastructure streamlining package for this year, aiming to spur economic activity. OCTA will consider utilizing this authority on relevant projects. By using this authority, a lead agency procures a design-builder much earlier in the project development process than under traditional design-build authority. This ensures the design-build entity is involved in some of the earliest design decisions. Through this increased collaboration, risks can be identified earlier and mitigated. Progressive design-build project delivery also requires cost estimates to be developed and agreed to earlier, placing more responsibility on the design-builder to remain within budget, thus affording more price certainty.

---

Additional Bills of Interest – VetoedAB 719 (Boerner, D-Carlsbad): Medi-Cal: Nonmedical and Nonemergency Medical Transportation

Position: Support

Following the enactment of AB 2394 (Chapter 615, Statutes of 2016), transportation providers are responsible for acquiring reimbursement from the Medi-Cal Managed Care Plans (MCP) on their own. MCPs can receive both state and federal funds to offer Medi-Cal related transportation services, but they are not required to reimburse transportation providers. As a result, MCPs are placed under little to no pressure to partner with transportation providers on conducting such reimbursements. AB 719 would have required the California State Department of Health Care Services (DHCS) to require MCP to contract with public transit operators to establish reimbursement rates for nonmedical and nonemergency medical transportation trips based on the fee-for-service rates determined by DHCS for nonmedical and nonemergency medical transportation service. This legislation would have affected OCTA's OC ACCESS service, which is a shared-ride service that is available to qualified applicants whose physical or cognitive limitations prevent them from utilizing the regular OC Bus fixed-route service. Public transportation operators are federally mandated to provide transportation for medically necessary Medi-Cal-related services, such as traveling to a doctor's appointment and picking up prescriptions. In these instances, public transportation is the only affordable option to access such care. AB 719 would have provided a more robust line of communication between the MCPs and public transportation operators, taking the burden off the transportation provider to make reimbursement requests on their own. AB 719 would have created an opportunity for a more equitable reimbursement system to occur and ultimately, save transit operators money.

In his veto message, the Governor indicated he supports efforts to encourage more public paratransit service operators to enroll as nonmedical transportation providers in Medi-Cal and that it would be beneficial to have more options for nonmedical transportation in the Medi-Cal system. However, AB 719 would have required DHCS to pursue a series of federal approvals that are currently not allowable under federal guidance.

AB 819 (Bryan, D-Culver City): Crimes: Public Transportation: Fare Evasion

Position: Monitor

AB 819 would have no longer categorized public transportation fare evasion, misuse of a transfer, pass, ticket, or token as a misdemeanor following a third or subsequent violation. Instead, it would have made a third or subsequent violation punishable by only a fine of up to \$400. With safety being a top concern for transit operators, this bill could have negatively impacted efforts toward

creating a safer transit system. In his veto message, the Governor indicated that fare evasion continues to be an issue for transit operators across the state, costing them millions of dollars each year. The veto message went on to say that many of the crimes committed on certain transit systems are committed by people who have not paid a fare. The Governor vetoed this bill because taking an action to reduce penalties could contribute to an increase in crime on transit.

#### Additional Bills of Interest with OCTA Position – Two-Year Bills

##### AB 6 (Friedman, D-Burbank): Transportation Planning: Regional Transportation Plans: Solutions for Congested Corridors Program (SCCP): Reduction of Greenhouse Gas Emissions

Position: Oppose

AB 6 revises the SB 375 (Chapter 728, Statutes of 2008) greenhouse gas (GHG) emission reduction target setting process to require regions to not only meet targets for 2020 and 2035, but also for 2045. As part of the process of complying with SB 375, AB 6 would set forward specific deadlines a metropolitan planning organization (MPO) must meet as they develop their sustainable communities strategy (SCS):

- At least 60 days before the start of the public participation process related to the SCS, the MPO must submit a description of the technical methodology it intends to use to estimate GHG emission reductions. AB 6 would require this methodology to be subject to the California Air Resources Board's (CARB) approval. AB 6 also requires, rather than encourages, the MPO to work with CARB until CARB concludes the technical methodology is accurate and approves its use.
- Within 120 business days after adoption of the SCS (or alternative planning strategy), the MPO is to submit it to CARB for review. AB 6 would also now require CARB to approve the SCS (or alternative planning strategy). CARB is to complete its review within 180 days.

In addition to the revisions to the process of developing an SCS under SB 375, AB 6 would also revise the criteria for the SB 1 (Chapter 5, Statutes of 2017) SCCP to require a project application submitted for funding to demonstrate how the project would contribute to achieving the state's GHG emission reduction targets.

AB 6 would add significant, additional oversight from CARB in how a region meets its GHG emission reduction targets. Already, CARB must review a region's technical methodology for measuring GHG emission reductions, and a region's final SCS (or alternative planning strategy). However, under existing law, this is only subject to feedback and not explicit approval. Further, nothing

requires an MPO to continue to work with CARB until an agreement is reached that the technical methodology is accurate. These new requirements would allow CARB to not only potentially delay the start of the public input process, but also would provide CARB the ability to reject a region's strategies for meeting the GHG emission reduction targets, even when the technical methodology is accurate. This changes the original intent of SB 375 in affording a bottoms-up approach to these strategies and gives CARB direct oversight over a region's models and strategies.

AB 6 is likely to be taken up by the Legislature again next year in a potentially revised format following negotiations during the interim.

AB 7 (Friedman, D-Burbank): Transportation: Planning: Project Selection Processes

Position: Oppose

AB 7 seeks to add new requirements for the California Transportation Plan (CTP) and lists priorities which CalSTA, the California Department of Transportation (Caltrans), and the California Transportation Commission (CTC) are to incorporate into their processes for transportation project development, selection, and implementation, to the extent applicable, feasible, and cost effective.

The CTP is a long-range transportation plan developed by Caltrans every five years, pursuant to state statute, to demonstrate how the State will meet its GHG emission reduction goals. AB 7 would require the CTP to include a financial element that summarizes the full cost of the CTP, available revenues through the planning period, and what is feasible within the plan if constrained by actual revenues. Further, this element is to evaluate the feasibility of any policy assumptions or scenarios included in the CTP and may discuss tradeoffs within the plan considering fiscal constraints. AB 7 also requires the CTP to include an analysis, to the extent applicable and feasible, of how CalSTA, Caltrans, and the CTC are achieving principles outlined in the Climate Action Plan for Transportation Infrastructure (CAPTI), the Infrastructure Investment and Jobs Act, and the federal Justice40 initiative, which is from a federal Executive Order that created the goal of having 40 percent of certain federal investments flow to disadvantaged communities.

AB 7 also requires CalSTA, Caltrans, and the CTC to incorporate goals to CAPTI into program funding guidelines and planning processes. Overall, the language in AB 7 is ambiguous and could jeopardize transportation funding and planning programs. For example, as currently drafted, AB 7 would apply to any funding program administered by the specified agencies, including formula programs OCTA receives directly like State Transportation Improvement Program and Low Carbon Transit Operations Program. It would also apply to various competitive

grant programs including the Transit and Intercity Rail Capital Program and SB 1 programs. The bill's reference to project development and implementation also infers that these principles are to apply beyond the funding programs, including potentially in approval processes and permitting.

Of the priorities listed in AB 7, some do not align with the intent of existing funding programs, and they do not encompass all of the priorities of the federal funding programs cited. This could create discrepancies between how state agencies prioritize transportation programs and what is required under federal law. Further, complete discretion is given to CalSTA, Caltrans, and the CTC to determine which priorities are applicable, feasible, and cost-effective for each area, regardless of what statute already requires. This could provide an opportunity to add significant new requirements to SB 1 programs and other transportation funds, rewriting the original intent of those programs. It could also provide authorization to add new requirements to how a project is planned and implemented. This creates significant uncertainty for future transportation funding and planning efforts, impacting projects by OCTA. It is expected that the author may address any concerns. This bill is likely to again be taken up by the Legislature, perhaps in a revised format, next year.

**Summary**

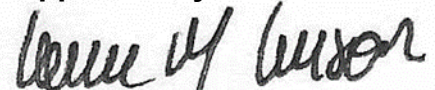
A report containing an analysis of legislation enacted in 2023 affecting OCTA is provided.

**Attachment**

- A. Orange County Transportation Authority 2023 End of Year Legislative Report

**Prepared by:**

Clara E. Brotcke  
Associate Government Relations Representative  
Government Relations  
(714) 560-5329

**Approved by:**

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





## ORANGE COUNTY TRANSPORTATION AUTHORITY 2023 END OF YEAR LEGISLATIVE REPORT

### LEGISLATION ENACTED

#### I. Active Transportation

**AB 410 (Jones-Sawyer, D-Los Angeles): Shared mobility devices.  
(Chapter 36, Statutes of 2023)**

To inform visually impaired individuals how to identify and contact a shared mobility service provider, current law requires a shared mobility service provider to affix to each shared mobility device a tactile sign containing raised characters and accompanying braille and specified information about the service provider. AB 410 enhances braille protections for visually impaired individuals by adding a certain height and color contrast to the characters. These added requirements become operative on January 1, 2024, with the bill taking effect immediately to ensure changes are made before the operative date.

*Urgency Bill – Effective Immediately*

Orange County Transportation Authority (OCTA) Position – Monitor

Impact on OCTA: *For informational purposes.*

**AB 458 (Jones-Sawyer, D-Los Angeles): Shared mobility devices: insurance.  
(Chapter 440, Statutes of 2023)**

Current law requires that a shared mobility service provider enters into an agreement with a city or county and that the agreement asserts a specified amount of commercial general liability insurance. Current law also requires that the shared mobility service provider offer the user of a shared mobility device insurance coverage for bodily injury or death suffered by a pedestrian when negligent conduct of the shared mobility device is involved. AB 458 asserts that the insurance offered is not a group insurance policy and provides that the insurance coverage on the device for bodily injury or death suffered by a pedestrian does not prohibit an aggregated cap on that insurance coverage. In short, this bill clarifies language from previous legislation, AB 371 (Chapter 740, Statutes of 2022), to explicitly state an aggregate limit for insurers not less than \$5 million.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

**SB 381 (Min, D-Irvine): Electric bicycles: study.  
(Chapter 869, Statutes of 2023)**

SB 381 requires the Mineta Transportation Institute at San Jose State University (Mineta Institute) to conduct a study on electric bicycles by January 1, 2026. This study would

inform efforts for improving the safety of riders and pedestrians with a report of the findings being submitted to the Legislature. The report would examine, identify, and analyze available information, including data on injuries, factors that are correlated with the crashes, best practices to promote safe use, laws in other states about electric bicycles, data on safety accessories, data on manufacturing of electric bicycles, review of policies in different counties, and recommendations for state policy to support expanded use of electric bicycles that protects the safety of riders.

#### OCTA Position – Support

Impact on OCTA: *OCTA has been working with cities throughout the County on providing information to improve the safe operation of electric bicycles, including attending community events, hosting city roundtable discussions, and distributing materials. OCTA will monitor the development of this report to help inform OCTA's efforts to promote the safe operation of electric bicycles.*

#### **SB 538 (Portantino, D-Glendale): Department of Transportation: Chief Advisor on Bicycling and Active Transportation. (Chapter 617, Statutes of 2023)**

The California Department of Transportation (Caltrans) currently includes the Bicycle Facilities Unit, which coordinates all of Caltrans' bicycle programs, promotes bicycle facility design, and pursues the funding and regulations that make the facilities possible. SB 538 requires the Director of Caltrans to appoint a Chief Advisor on Bicycling and Active Transportation, who will serve as Caltrans' chief advisor on everything related to bicycle transportation. The Chief Advisor on Bicycling and Active Transportation will serve as a point of contact for local officials, stakeholders, and the public to provide suggestions related to bicycle transportation, safety, and infrastructure, in addition to ensuring that bicycle avenues are up to date with regulations. The Chief Advisor on Bicycling and Active Transportation will also coordinate with directors at Caltrans on issues such as legislative and public affairs, sustainability, and active transportation.

#### OCTA Position – Monitor

Impact on OCTA: *The Chief Advisor on Bicycling and Active Transportation will have the expertise to seek improvements related to bicycle and pedestrian safety across California. This will provide guidance for active transportation projects at OCTA as the advisor will be tasked with implementing safe bicycle and pedestrian policies that may be implemented state-wide or locally.*

## **II. Audits, Records, Reports, and Litigation**

#### **AB 251 (Ward, D-San Diego): California Transportation Commission: vehicle weight safety study. (Chapter 320, Statutes of 2023)**

AB 251 requires the California Transportation Commission (CTC) to convene a task force to study the relationship between vehicle weight and road user injuries and fatalities,

degradation of road infrastructure, and appropriate responses, including the potential costs and benefits of imposing a passenger vehicle weight fee to factor in passenger vehicle weight to offset unreasonable impacts. Task force members will include the Office of Traffic Safety, the Department of Motor Vehicles, local transportation agencies, safety advocates, and representatives from the automobile industry. A report must be submitted to the Legislature by January 1, 2026. This report will include information on topics such as an analysis of the relationship between passenger vehicle weight and vulnerable road user injuries, an analysis of passenger vehicle weight and degradation of road infrastructure, a discussion of how a passenger vehicle weight fee may change driver behavior, a discussion of how any revenues generated by the imposition of that fee could enhance road infrastructure, and an equity analysis. They must all consider the differential weights of comparable zero-emission and internal combustion engine vehicles and the existing incentives and environmental goals to promote zero-emission vehicle (ZEV) adoption.

OCTA Position – Monitor

Impact on OCTA: *OCTA may wish to inform this process as a task force member or otherwise. Regarding the discussion about a passenger vehicle weight fee, OCTA will work to ensure that any fee is fair and that the funding is reinvested in transportation infrastructure.*

**AB 302 (Ward, D-San Diego): Department of Technology: high-risk automated decision systems: inventory. (Chapter 800, Statutes of 2023)**

AB 302 requires the California Department of Technology to conduct a comprehensive inventory of all high-risk automated decision systems proposed for use or currently used by any state agency. The inventory must include information such as the intended benefits of the system, the results of any research assessing the efficacy of such, categories of data and personal information being used to make these decisions, and any measures in place to mitigate risk. The California Department of Technology must report on this inventory beginning January 1, 2025, and then every year after to the Assembly Committee on Privacy and Consumer Protection and the Senate Committee on Governmental Organization.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. This bill does not directly apply to OCTA. However, if there are systems OCTA uses that are similar to these technologies, staff may wish to monitor the inventory and assess any impacts it could have on future technologies being utilized.*

**AB 594 (Maienschein, D-San Diego): Labor Code: alternative enforcement. (Chapter 659, Statutes of 2023)**

Due to California's high population and thus populated workforce, the Division of Labor Standards Enforcement and local agencies are unable to keep up with the number of

labor law violations. As a result, AB 594 authorizes a public prosecutor to prosecute a civil or criminal action for a violation of the Labor Code or to enforce provisions of the code independently. This is different from current practice as AB 594 may cause agencies to be more vulnerable to prosecution since a public prosecutor would be authorized to prosecute a civil or criminal action for violation of the Labor Code without specific direction from the Division of Labor Standards Enforcement or the Division of Workers' Compensation. Regarding the prosecution of an action, an agreement between an employee and their employer mandating private arbitration would have no effect on the proceedings or on the authority of the public prosecutor to enforce the Labor Code. Any employer who attempts to compel a local prosecutor to arbitrate a claim would be deemed frivolous. The Labor Commissioner would also be authorized to issue citations to employers who willfully misclassified their workers. This bill requires money recovered by public prosecutors under the Labor Code to apply firstly to payments due to affected workers. It also requires that all civil penalties recovered pursuant to the provisions be paid to the State's General Fund until January 1, 2029.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

**AB 1404 (Carrillo, W., D-Los Angeles): Disability access: internet website-related accessibility claims.**

**(Chapter 842, Statutes of 2023)**

AB 1404 requires that when a civil complaint alleging a website accessibility violation is served on a business, the business also receives a notice detailing important legal rights relating to the accessibility of internet websites. This could include that the business may not be liable for any damages if its website complies with the standards. The Judicial Council must adopt a written advisory notice by January 1, 2026.

OCTA Position – Monitor

Impact on OCTA: *If a complaint is filed against OCTA related to a website accessibility violation, OCTA will additionally receive this notice. The purpose of the bill is to help businesses get into compliance and avoid litigation.*

**SB 69 (Cortese, D-Campbell): California Environmental Quality Act: local agencies: filing of notices of determination or exemption.**

**(Chapter 860, Statutes of 2023)**

SB 69 requires local agencies in charge of California Environmental Quality Act (CEQA) projects to provide additional public notices about the project on certain timelines. Specifically, the notice is to be posted both in the office and on the internet website of the county clerk and by the Office of Planning and Research (OPR) on the State Clearinghouse internet website within 24 hours of receipt. A notice shall remain posted for a period of 30 days.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. Prior to this legislation, only state agencies were required to post CEQA notices. SB 69 adds further CEQA filing processes for local agencies, including OCTA. OCTA will now be required to file CEQA notices with the Governor's Office of Planning and Research, which will then be posted publicly for 30 days.*

**SB 259 (Seyarto, R-Murrieta): Reports submitted to legislative committees.  
(Chapter 148, Statutes of 2023)**

SB 259 requires a state agency to post on its website any report required or requested by law that the agency submits to a committee of the Legislature or to members of either house of the Legislature. It will also require the Legislative Counsel to make a list of state and local agency reports submitted to the Legislature made available to the public via a link. This bill allows the public to be able to view and read the same materials that legislators have available when making decisions on legislation.

OCTA Position – Monitor

Impact on OCTA: *This bill creates a process for the public to view and read materials that go before legislators when they make decisions in the legislative process. This bill does not directly impact OCTA legislative matters but could afford the opportunity to access state and local agency reports.*

**SB 681 (Allen, D-El Segundo): Political Reform Act of 1974: amendments.  
(Chapter 499, Statutes of 2023)**

SB 681 reduces the time that bills amending the Political Reform Act of 1974 (PRA) be in final form before passage in each house from 12 to eight days if the previous form of a bill did not amend the PRA. This bill also requires Legislative Counsel to make notification available for the public to sign-up to be notified when the following occurs:

- A new bill amending the PRA is introduced.
- An existing bill amending the PRA is amended, referred to the floor or committee, voted on, or other action triggering notification.
- An existing bill that would not amend the PRA is amended to include provisions that would amend the PRA.

This bill outlines that public notification alerts be sent as soon as feasible, but no later than 9 a.m. the calendar day after the legislative action, and that all alerts regarding the PRA must include "Political Reform Act Bill" in the email subject line.

OCTA Position – Monitor

Impact on OCTA: *OCTA staff monitors PRA legislation because of the impact that the bills have on reporting requirements, which affects OCTA's lobbying efforts. This will afford OCTA with extended time to review these bills.*

**SB 695 (Gonzalez, D-Long Beach): Department of Transportation: internet website: state highway system data and information. (Chapter 629, Statutes of 2023)**

SB 695 requires Caltrans to prepare and make available data and information about projects on the state highway system covering projects between July 1, 2018, and June 30, 2023. This information must be provided no later than January 1, 2025. This data must include, but is not limited to, all of the following:

- The number of total lane miles in the state highway system.
- The number of new total lane miles added to the state highway system.
- Of the lane miles added to the state highway system, a breakdown of the number of miles added by type, including, but not limited to, general purpose lanes, auxiliary lanes, managed lanes, including high-occupancy vehicle lanes, and interchanges, as well as information on improvements to interchanges.
- A project description of each project that added lane miles to the state highway system.
- The number of miles of the state highway system that were relinquished.
- The number of miles of the state highway system that were converted from a general purpose lane to a managed lane, including a high-occupancy vehicle lane, and a high-occupancy vehicle lane to a high-occupancy toll lane or other type of lane.
- The number of homes and businesses that were relocated due to the acquisition of rights-of-way for the new lane miles on the state highway system.
- The number of new bike lane miles added to state highways, broken down by Class I, Class II, Class III, and Class IV.
- The number of new sidewalk miles added to state highways and the number of existing sidewalks that were reconstructed to improve accessibility and the safety of pedestrians.

SB 695 additionally requires Caltrans to prepare and make available data and information on planned, pending projects on the state highway system no later than January 1, 2025. This must include, but is not limited to, all of the following:

- A description of each project, including the location. Location information shall allow the public to clearly understand where the project is being undertaken and may include, to the extent available, specific highway routes, project boundaries, and geolocation data.
- The date each project initiation document was completed.
- The status of each project, including the current phase of development, designated as environmental, design, right-of-way, or construction.
- A determination of the primary purpose and need of each project, if available.

Finally, SB 695 also requires Caltrans to prepare and make available on an annual basis data and information about projects on the state highway system covering the prior fiscal year (FY). This information must be made available no later than January 1, 2026, and

then every January 1 each following year. The data must include, but is not limited to, the following:

- All of the data and information included in the historical report.
- A quantification of an increase or decrease in greenhouse gas emissions associated with the lane miles added to the state highway system, if available.
- A quantification of an increase or decrease in vehicle miles traveled on the state highway system associated with the lane miles added to the state highway system.
- A quantification of the mitigation required by Section 21099 of the Public Resources Code as part of the projects that resulted in additional lane miles on the state highway system.
- The number of connections made with locally owned bicycle and pedestrian facilities.

#### OCTA Position – Monitor

*Impact on OCTA: OCTA will likely receive requests from Caltrans to help inform this data report. It will be of OCTA's interest to monitor the publication of such data to ensure accuracy. The intent of the legislation is to create more transparency in the projects on the state highway system, which could inform future policy and funding decisions.*

#### **SB 790 (Padilla, D-EI Centro): Public records: contracts for goods and services. (Chapter 77, Statutes of 2023)**

The California Public Records Act requires public records to be open to inspection at all times during the office hours of the state or local agency that retains those records and provides that every person has a right to inspect any public record. The act requires state and local agencies to make public records available upon receipt of a request for a copy that reasonably describes an identifiable record not otherwise exempt from disclosure and upon payment of fees to cover costs.

SB 790 requires that any executed contract for the purchase of goods or services by a state or local agency, including terms of payment, is a public record subject to disclosure under the California Public Records Act. The bill provides that any provision in a written agreement that claims to exclude a contract from disclosure by agreeing to consider it a confidential or proprietary record of the vendor is void and unenforceable.

#### OCTA Position – Monitor

*Impact on OCTA: Currently, OCTA is subject to public records requests, which can be found on OCTA's website. Any member of the public may go to the OCTA Public Records Request Center and submit a records request, find answers to frequently asked questions, or look in the public records archive. A member of the public may choose the type of record they are requesting, such as employee compensation, project reports, media requests, and more. SB 790 adds a new option under the types of records that a member of the public may request to include goods and services contracts. OCTA staff*

*will have to update the Public Records Request Center to comply with the new requirements.*

### **III. Employment Terms and Workforce Development**

**AB 96 (Kalra, D-San Jose): Public employment: local public transit agencies: autonomous transit vehicle technology.**

**(Chapter 419, Statutes of 2023)**

AB 96 requires public transit employers to provide certain information to union representatives when the employer is beginning the process of procuring autonomous transit vehicle technology. Specifically, AB 96 requires a public transit employer to notify, in writing, the union representative at least ten 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 the workforce. Following a written request by the union, the public transit employer must commence collective bargaining within 30 days of the union receiving the notification or within ten days of the public transit employer receiving the written request, whichever occurs later. The bargaining can only be on the following subjects: developing the new autonomous transit vehicle technology, implementing the new autonomous transit vehicle technology, creating a transition plan for affected workers, and creating plans to train and prepare the affected workforce to fill new positions created by a new autonomous transit vehicle technology.

OCTA Position – Neutral

*Impact on OCTA: If OCTA intends to procure autonomous transit vehicle technology, it must ensure that it complies with these notification requirements, which could result in a collective bargaining agreement with the union.*

**AB 1020 (Grayson, D-Concord): County Employees Retirement Law of 1937: disability retirement: medical conditions: employment-related presumption.**

**(Chapter 554, Statutes of 2023)**

AB 1020 amends the County Employees Retirement Law of 1937 (CERL) to expand the scope of medical conditions and employment-related presumptions for disability retirement for members of public safety or law enforcement who have completed five or more years of service and that the condition arises out of and in the course of employment. This bill establishes consistency between the California Public Employees' Retirement System and CERL, ensuring that public safety employees do not have inconsistencies with the presumptions that govern workers' compensation disability retirement.

OCTA Position – Monitor

*Impact on OCTA: Orange County is one of 20 California counties that operates separate retirement systems under the CERL. The Orange County Employees Retirement System (OCERS) covers the County of Orange employees and OCTA. As such, OCERS is subject to the provisions of CERL and, thus, subject to the provisions of this bill.*



**AB 1484 (Zbur, D-Los Angeles): Temporary public employees.  
(Chapter 691, Statutes of 2023)**

AB 1484 requires that temporary employees of a public employer be automatically included in the same bargaining unit as the permanent employees upon the request of the recognized employee organization. The public employer must provide each temporary employee with their job description, wage rates, eligibility for benefits, anticipated length of employment, and procedures on how to apply for open permanent positions upon the temporary employee's hiring.

This bill adds the following to be a matter within the scope of representation in the bargaining units:

- Whether a temporary employee who subsequently obtains permanent employment receives seniority or other credit or benefit for their time spent in temporary employment.
- Whether a temporary employee receives a hiring preference over external candidates for permanent positions.

If a recognized employee organization requests, the public employer must promptly engage in collective bargaining to establish wages, hours, and terms and conditions of employment for the newly added temporary employees if the parties' current memorandum of understanding does not address them. This legislation, however, does not require public employers to retain temporary employees whose services are no longer needed, to require pre-termination hearings before the dismissal of temporary employees, or to prevent a public employer from replacing temporary employees with employees hired for permanent positions.

OCTA Position – Monitor

*Impact on OCTA: This bill directly affects OCTA employees classified as temporary employees, specifically extra-help, limited-term, casual, and seasonal employees. Temporary employees employed through a temporary services employer are not included in the new requirements from the bill. The interns that OCTA employs also fall under the defined temporary employee in the bill. As a result, the bill captures employees retained for intermittent and seasonal needs. The bill also assumes local processes for determining bargaining units and could disrupt the timeline for utilizing a negotiated grievance procedure. AB 1484 mandates that OCTA's bargaining team will need to work with employee organizations to include temporary employees in the same bargaining unit.*

**SB 150 (Durazo, D-Los Angeles): Construction: workforce development: public contracts.  
(Chapter 61, Statutes of 2023)**

SB 150 requires Caltrans to partner with the California Workforce Development Board to support California's high-road construction jobs careers program, reserving \$50 million from the Infrastructure Investment and Jobs Act for this purpose. After

January 1, 2026, would authorize a state agency only to enter into a project labor agreement for a project over \$35 million when that agreement also includes provisions addressing community benefits. Community benefits may include partnerships with high-road construction careers programs, local hire goals, coordination with programs that assist veterans in transitioning to civilian employment, job fairs for construction apprenticeship or pre-apprenticeship programs, or other methods agreed upon by the parties to promote employment and training opportunities for veterans and individuals who reside in economically disadvantaged areas. Finally, SB 150 would require CalSTA, the California Workforce Development Agency, and the Government Operations Agency to convene relevant stakeholders to provide recommendations to establish terms to be included as a material part of a contract, including provisions to maximize benefits to marginalized and disadvantaged communities. These recommendations are to be reported to the Legislature and Governor by March 30, 2024.

*Urgency Bill – Effective Immediately*

OCTA Position – Monitor

*Impact on OCTA: This legislation is a part of the Governor's infrastructure streamlining package. OCTA will be aware of these requirements related to project labor agreements. Additionally, staff should be prepared to engage and inform any stakeholder meeting related to developing recommendations to establish terms to be included in a contract.*

**SB 428 (Blakespear, D-Encinitas): Temporary restraining orders and protective orders: employee harassment.  
(Chapter 286, Statutes of 2023)**

SB 428, which is operative on January 1, 2025, provides employers or collective bargaining representatives with the ability to seek a temporary restraining order on behalf of an employee who is being harassed at work. In the bill, any course of conduct that alarms, annoys, or harasses a person that serves no legitimate purpose is considered harassment. SB 428 defines harassment to expand on the grounds for which an employer can seek a civil restraining order on behalf of an employee. The court cannot grant a civil restraining order that prohibits speech or other activities protected by federal laws governing labor organizing or state laws that regulate communication between public employees and their unions. An employer seeking a temporary restraining order will have to provide the employee the opportunity to decline to be named in the order before the filing of the petition. SB 428 provides employers with a legal tool to stop harassment of employees.

OCTA Position – Monitor

*Impact on OCTA: This bill provides OCTA with the means to stop harassment of employees. Specifically, across the country, there has been an increase in the harassment of employees in general, and especially coach operators working for transportation agencies. OCTA will need to ensure that it has reasonable proof that an employee has suffered harassment to file a civil restraining order on behalf of the employee. As a result, staff will likely need to be trained in what constitutes sufficient*

*evidence of harassment, when to file a civil restraining order, and how to file a civil restraining order. This bill provides OCTA with an opportunity to defend its coach operators or any other employee from harassment.*

**SB 553 (Cortese, D-Campbell): Occupational safety: workplace violence: restraining orders and workplace violence prevention plan. (Chapter 289, Statutes of 2023)**

SB 553 requires an employer to include a workplace violence prevention plan as a part of its injury prevention program. The plan must be in writing and easily accessible to employees. It must include the following information:

- Names or job titles of the persons responsible for implementing the plan.
- Effective procedures to obtain the active involvement of employees and authorized employee representatives in developing and implementing the plan.
- Methods the employer will use to coordinate the implementation of the plan with other employers, when applicable, to ensure that those employers and employees understand their respective roles, as provided in the plan.
- Effective procedures for the employer to accept and respond to reports of workplace violence and to prohibit retaliation against an employee who makes such a report.
- Effective procedures to ensure that supervisory and nonsupervisory employees comply with the plan.
- Effective procedures to communicate with employees regarding workplace violence matters.
- Effective procedures to respond to actual or potential workplace violence emergencies.
- Procedures to develop and provide training.
- Procedures to identify and evaluate workplace violence hazards.
- Procedures to correct workplace violence hazards.
- Procedures for post-incident response and investigation.
- Procedures to review the effectiveness of the plan and revise the plan as needed.
- Procedures or other information required by Cal/OSHA as being necessary and appropriate to protect the health and safety of employees.

Additionally, the employer must record information in a violent incident log for every workplace violence incident, as specified. These must be maintained for five years. SB 553 also requires the employer to provide effective training to employees on the plan and how to report workplace violence incidents. Cal/OSHA must adopt standards regarding the plan required by December 31, 2026, with an initial proposal by December 31, 2025. Beginning January 1, 2025, SB 553 allows for an employer or a collective bargaining representative of an employee who has suffered unlawful violence or a credible threat to seek a temporary restraining order. An opportunity must be provided to the employee who experienced the incident to decline to be named in the temporary restraining order.

OCTA Position – Monitor

Impact on OCTA: *OCTA will engage with Cal/OSHA as they adopt the standards for the workplace violence prevention plan. Following its adoption, OCTA will need to ensure it is compliant with the plan and the new provisions related to temporary restraining orders. Additional training for employees will likely need to be provided.*

**SB 616 (Gonzalez, D-Long Beach): Sick days: paid sick days accrual and use.  
(Chapter 309, Statutes of 2023)**

SB 616 increases, from three days to five days, the number of paid sick days available to employees. Specifically, beginning January 1, 2024, this bill provides employees with no less than five days of paid sick leave within a specified period of time: either annually, in each 12-month period, or by the 200th calendar day of employment. Workers can use the leave for personal or family illnesses, seeking medical care, or to care for a designated person. This bill also extends certain procedural provisions regarding paid sick days to employees subject to collective bargaining agreements, such as:

- Prohibiting retaliation for using paid sick days.
- Prohibiting the imposition of placing responsibility on the employee to find a replacement worker when using paid sick days.
- Requiring the use of paid sick days for specified health care and situations.

“Employee” does not include an employee covered by a valid collective bargaining agreement if the agreement expressly provides for the wages, hours of work, and working conditions of employees and expressly provides for paid sick days that permit the use of sick days for those employees.

OCTA Position – Monitor

Impact on OCTA: *OCTA largely follows the requirements outlined in the bill. As a result, this bill does not have a significant impact on OCTA aside from ensuring that the provisions outlined are included in OCTA’s collective bargaining agreements; however, OCTA will need to ensure compliance.*

**SB 700 (Bradford, D-Inglewood): Employment discrimination: cannabis use.  
(Chapter 408, Statutes of 2023)**

SB 700 expands on current law prohibiting an employer from discriminating against a person in hiring, termination, or any condition of employment if it is based on the person’s use of cannabis off the job and away from the workplace. This bill would make it unlawful for an employer to request information from an applicant relating to their prior use of cannabis. Information about a person’s prior cannabis use obtained from the person’s criminal history would also be exempt from the described law only if the employer is permitted to inquire about that information under the California Fair Employment and Housing Act or other state or federal law. Certain federal regulations require that applicants or employees be tested for controlled substances; applicants or employees hired for positions that require a federal government background investigation or security clearance will still receive inquiries into their cannabis use.

## OCTA Position – Monitor

Impact on OCTA: *OCTA will need to ensure that it complies with these provisions for individuals that do not need federal security clearances. However, this law does not override laws prohibiting the operation of a vehicle while impaired by a controlled substance. Since it is considered professional malpractice to operate a vehicle while impaired by a controlled substance, OCTA may continue to inquire into the use of cannabis for employees such as coach operators or maintenance workers.*

### **SB 723 (Durazo, D-Los Angeles): Employment: rehiring and retention: displaced workers.**

#### **(Chapter 719, Statutes of 2023)**

SB 723 extends a coronavirus (COVID-19)-related measure pertaining to displaced workers. As a result of the COVID-19 pandemic, a law was enacted that requires an employer to offer its laid-off employees information about new and open job positions at the company that the laid-off employee may be qualified for; the employer must offer positions to laid-off employees based on a preference system. This law also prohibits an employer from taking any adverse action against a laid-off employee. The law was set to be repealed on December 31, 2024.

This bill extends that repeal date to December 31, 2025, and redefines laid-off employee to include any employee that was employed for six months or more by the employer in the 12 months following January 1, 2020; the separation from the employer was due to a reason related to the COVID-19 pandemic, including a government shutdown, public health directive, reduction in force, or any other economic non-disciplinary reason related to COVID-19. The bill assumes that employee separation due to lack of business or economic non-disciplinary reasons is because of the COVID-19 pandemic unless the employer demonstrates evidence proving otherwise.

## OCTA Position – Monitor

Impact on OCTA: *For informational purposes. If OCTA has any COVID-19-related layoffs, it will need to ensure compliance with this legislation.*

**SB 848 (Rubio, D-West Covina): Employment: leave for reproductive loss.  
(Chapter 724, Statutes of 2023)**

It is currently unlawful for an employer to refuse to grant a request from an employee to take up to five days of bereavement leave upon the loss of a family member. SB 848 expands current law, asserting that it is unlawful for an employer to refuse to grant a request by an employee to take up to five days of reproductive loss leave following a reproductive loss event. This bill requires that the leave be taken within three months of the reproductive loss, pursuant to the employer's existing leave policy, and that if an employee experiences more than one reproductive loss within 12 months, the employer is not required to grant a total amount of reproductive loss leave time in excess of 20 days within a 12-month period.

If there is no existing policy, the reproductive loss leave may be unpaid, but the employee may use certain other leave balances available to them, including accrued and available sick leave. An employer may not retaliate against an individual because of the individual's right to reproductive loss leave, and the employer must maintain employee confidentiality relating to reproductive loss leave. Reproductive loss leave applies only to the parent carrying a child to term.

OCTA Position – Monitor

*Impact on OCTA: To be compliant with the new requirements for reproductive loss leave, OCTA staff will need to evaluate existing policy to ensure that they maintain employee confidentiality associated with reproductive loss leave. OCTA staff must also evaluate existing policies to ensure that employees are eligible to take reproductive loss leave, including unpaid time off or another form of leave balance available.*

## **IV. Environment**

**AB 1159 (Aguiar-Curry, D-Davis): California Global Warming Solutions Act of 2006: natural and working lands: market-based compliance mechanisms.  
(Chapter 358, Statutes of 2023)**

The California Global Warming Solutions Act of 2006 established the California Air Resources Board (CARB) as the state agency responsible for regulating sources emitting greenhouse gas emissions. The act declared the state's policy to achieve net zero greenhouse gas emissions no later than 2045 and maintain negative greenhouse gas emissions thereafter. It requires CARB to create a scoping plan for achieving the state's goals and to update the plan at least once every five years.

AB 1159 instead requires CARB to ensure that all greenhouse gas (GHG) emissions reductions and removals used for any market-based compliance mechanism are in addition to any reductions and removals that would otherwise occur. This clarifies provisions outlined in AB 1757 (Chapter 341, Statutes of 2022) to make sure that projects that rely on state funds, such as returning ancestral lands to tribes, are not halted.

OCTA Position – Monitor

Impact on OCTA: *This bill requires that CARB ensure all emissions reductions from projects and actions developed to achieve the state's targets are accounted for in a way that does not result in double counting of emissions reductions. It also requires that CARB ensure that all GHG reductions and removals used for any market-based compliance mechanism are in addition to any reductions and removals that would otherwise occur. This could impact the information OCTA submits as it pertains to reporting GHG reductions.*

**SB 91 (Umberg, D-Santa Ana): California Environmental Quality Act: supportive and transitional housing: motel conversion: environmental leadership transition projects.**

**(Chapter 732, Statutes of 2023)**

SB 91 removes the sunset date related to a CEQA exemption for certain projects that convert a motel, hotel, residential hotel, or hostel to supportive or transitional housing. Additionally, this legislation extends CEQA streamlining provisions for “environmental leadership transit projects” (ELTP) located within the County of Los Angeles. An ELTP is a project that constructs a fixed guideway and related fixed facilities that meet certain conditions like operating at zero emissions, reducing emissions, reducing vehicle miles traveled, and being consistent with the applicable sustainable communities strategy and regional transportation plan.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. OCTA may wish to monitor the benefits of using such exemptions on ELTP projects.*

**SB 145 (Newman, D-Fullerton): Environmental mitigation: Department of Transportation.**

**(Chapter 57, Statutes of 2023)**

SB 145 makes several changes related to Caltrans' responsibilities as it pertains to environmental mitigation and wildlife crossings. Specifically, until January 1, 2034, SB 145 authorizes Caltrans to acquire environmental mitigation property for the State Highway System to be preserved, restored, and maintained as natural habitat to offset environmental impacts caused by the system or for advance mitigation purposes and to transfer or purchase the property. Caltrans must submit a report as specified.

In January 2023, a three-way agreement was reached between Brightline West High-Speed Rail project, Caltrans, and the Department of Fish and Wildlife (CDFW) to work together to provide three wildlife crossings over a proposed rail line between southern California and Nevada. There is consensus that constructing the wildlife overcrossing at the same time as the rail line is being built is likely to be the most efficient and cost-effective approach. SB 145 specifies that if an intercity passenger rail project is constructed within the Interstate 15 right-of-way at the segment described in Recital B of the “Agreement to Implement Wildlife Overcrossings Over Interstate 15” executed on January 11, 2023, by and among DesertXpress Enterprises, LLC, Caltrans, and the CDFW, Caltrans must ensure three wildlife crossings are constructed at three priority

locations. Caltrans can use an authorized agreement with a rail entity (defined in such a way that would only include Brightline) to comply with such. Caltrans must report on the progress of such to the Legislature.

*Urgency Bill – Effective Immediately*

OCTA Position – Monitor

*Impact on OCTA: This legislation was a part of the infrastructure streamlining package proposed by the Governor. OCTA staff is aware of the changes this legislation makes related to the agreements Caltrans is now authorized to make related to acquiring environmental mitigation property on the State Highway System.*

**SB 147 (Ashby, D-Sacramento): Fully protected species: California Endangered Species Act: authorized take.  
(Chapter 37, Statutes of 2023)**

The California Endangered Species Act (CESA) requires the Fish and Game Commission to establish a list of endangered species and a list of threatened species and to add or remove species from either list if it finds that the action is warranted. The act prohibits the taking of an endangered or threatened species through the issuance of a permit, commonly known as an incidental take permit.

This bill provides a temporary permitting process lasting until December 31, 2033, for the take of species associated with a number of activities, including a transportation project undertaken by a state, regional, or local agency that does not increase highway or street capacity for automobile or truck travel. In addition, an applicant for the new permit must develop and implement a monitoring program to mitigate the impacts of the authorized take. Lastly, the bill removes the American peregrine falcon, brown pelican, and thicktail chub from the fully protected species list.

*Urgency Bill – Effective Immediately*

OCTA Position – Monitor

*Impact on OCTA: SB 147 combines the rules of CESA and the fully protected species list (FPSL), creating specific categories of projects while maintaining both CESA and FPSL statutes. In short, it outlines the categories that will now allow projects to be eligible for incidental take permits. Examples include projects critical to regional or local water agency infrastructure or transportation projects not associated with increasing highway or street capacity for vehicle travel. SB 147 impacts OCTA's projects, such as rail or active transportation projects, as those types of transportation projects do not increase automobile capacity.*



**SB 149 (Cabareello, D-Fresno): California Environmental Quality Act: administrative and judicial procedures: record of proceedings: judicial streamlining. (Chapter 60, Statutes of 2023)**

SB 149 makes changes to CEQA in relation to Environmental Leadership Development Projects (ELDP) and judicial streamlining. ELDP was defined in SB 7 (Chapter 19, Statutes of 2021) as any residential, retail, commercial, sports, cultural, entertainment, or recreational use project that is certified as Leadership in Energy and Environmental Design gold or better by the United States Green Building Council and, where applicable, that achieves a 15 percent greater standard for transportation efficiency than for comparable projects. SB 149 expands on that definition of ELDP to now include an energy infrastructure project, a semiconductor or microelectronic project, a water-related project, or a transportation-related project that advances one or more of the goals related to the Climate Action Plan for Transportation Infrastructure (CAPTI) adopted by CalSTA. This bill extends the date from January 1, 2024, to January 1, 2032, for the certification of ELDP by the Governor. It also extends the date that a certified project is to be approved by the lead agency from January 1, 2025, to January 1, 2034.

An applicant for ELDP must minimize environmental impacts and mitigate any environmental impacts to a disadvantaged community. An applicant must also enter into an agreement to comply with the application requirements prior to certification of the environmental impact report for the project. SB 149 requires that the certified projects cannot result in any net additional emission of GHG and that the lead agency on the project must provide public notice of the certification within ten days of being certified.

SB 149 also shortens the record required for the CEQA report by removing internal communications on non-substantive materials and adds that if there is a complaint, the court must schedule a case management conference within 30 days of the complaint. A public agency on the project may deny a request by a plaintiff to prepare the record; however, if the agency denies the request, then the agency must bear the costs of the preparation of the record by the plaintiff.

**OCTA Position – Monitor**

*Impact on OCTA: SB 149 applies to any OCTA project that may be classified under ELDP. Specifically, the Governor may certify up to 20 transportation-related projects, including up to ten California Department of Transportation projects, and up to ten local or regional projects. Since any transportation-related project that advances CAPTI goals is eligible to be certified as an ELDP, OCTA has the opportunity to apply for certification under the criteria. OCTA will also be required to follow the requirements for application under CEQA, including any mitigation efforts and record of proceedings that must be lodged with the court.*

## V. Funding

**AB 126 (Reyes, D-San Bernardino): Vehicular air pollution: Clean Transportation Program: vehicle registration and identification plate service fees: smog abatement fee: extension.**

**(Chapter 319, Statutes of 2023)**

AB 126 requires no less than 15 percent of the money appropriated by the Legislature from the Alternative and Renewable Fuel and Vehicle Technology Fund to be allocated to the Clean Transportation Program for the purposes of funding hydrogen fueling stations to support hydrogen vehicles until there is a sufficient network of hydrogen fueling stations in California to support existing and expected hydrogen vehicles. Of that allocation, 50 percent must be used to fund hydrogen-fueling stations that directly benefit or service residents of low-income communities and disadvantaged communities, as defined by CalEnviroScreen. This funding will be provided through a competitive grant fund. These provisions sunset on July 1, 2035.

AB 126 also amends the goals of the Clean Transportation Program to advance the state's clean transportation, equity, air quality, and climate emission policies. It also creates new priorities for the program to include the deployment of infrastructure that advances or supports the deployment of medium- and heavy-duty vehicles and the deployment of light-duty vehicle infrastructure technology to fill gaps and advance the goals identified in the Governor's Executive Order N-79-20. AB 126 requires the State Energy Resources Conservation and Development Commission (CEC) to use at least 50 percent of the funding appropriated for the Clean Transportation Program on programs that directly benefit or serve residents of disadvantaged and low-income communities and low-income Californians beginning January 1, 2025. Eligible programs could include infrastructure for public transportation, the deployment of clean medium- and heavy-duty vehicles and programs that create high-quality jobs related to supporting new clean technologies. Preference will be given to hydrogen applicants with the least carbon-intensive proposed fuel, measured well-to-gate.

By January 1, 2026, the CEC must propose to the Legislature alternative funding methodologies or fee structures for funding ZEV infrastructure and must include an assessment of the economic equity of the alternatives. AB 126 extends vehicle registration, identification plate, and smog abatement fees until July 1, 2035.

*Urgency Bill – Effective Immediately*

OCTA Position – Monitor

Impact on OCTA: *This legislation makes significant changes to the Clean Transportation Program. OCTA staff will monitor the new guidelines created to adhere to these provisions and identify opportunities to pursue funding for zero-emission transit vehicles and infrastructure.*

**AB 1052 (McCarty, D-Sacramento): Sacramento Regional Transit District : taxes.  
(Chapter 674, Statutes of 2023)**

AB 1052 allows the Sacramento Regional Transit District (SacRT) to impose a district tax that applies in a portion of the incorporated and unincorporated territory so long as it meets certain conditions. Essentially, this allows SacRT to impose a tax in some places but not others. AB 1052 requires the SacRT Board to state the nature of the tax and the purposes of the revenue. It also limits the use of the tax revenues to public transit purposes serving the area of the jurisdiction of the district. Finally, it allows SacRT to impose special taxes.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. Their argument is that it makes sense to only have a certain population pay for services that only benefit them, instead of the entire county. OCTA will monitor the result of such endeavors and evaluate if that could be beneficial in a possible future sales tax measure.*

**AB 1385 (Garcia, D-Coachella): Riverside County Transportation Commission: transaction and use tax.  
(Chapter 578, Statutes of 2023)**

Under current law, the Riverside County Transportation Commission (RCTC) may impose a transaction and use tax for transportation purposes subject to approval by the voters at a rate that cannot exceed one percent. AB 1385 raises that maximum tax rate to one and a half percent.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. The projects RCTC uses as justification include the Coachella Valley Rail Project, the Mid-County Parkway, Coachella Valley Sync Phase II, extending Metrolink service from Perris to Hemet and San Jacinto, the Santa Ana River Trail, the Interstate 10 bypass, smart freeways, grade separation, rapid/commuter bus service expansion, and zero-emission bus fleet replacement.*

**AB 1377 (Friedman, D-Glendale): Homeless Housing, Assistance, and Prevention (HHAP) Program.  
(Chapter 728, Statutes of 2023)**

Under current law, the HHAP program provides funding to support regional coordination and expand or develop local capacity to address their immediate homelessness needs. Beginning on or after July 1, 2024, applicants must include data and a narrative summary of specific and quantifiable steps that the applicant has taken to improve the delivery of housing and services to people experiencing homelessness or at risk of homelessness on transit facilities owned and operated by a transit agency.

OCTA Position – Monitor

Impact on OCTA: *This legislation was sponsored by the Los Angeles County Metropolitan Transportation Authority (LA Metro) and supported by the California Transit Association. OCTA is aware that applicants in the Orange County area may be reaching out to OCTA to take steps to address homelessness in transit facilities. OCTA could also proactively work with these applicants to make requests for the use of the funding, as appropriate.*

**AB 1679 (Santiago, D-Los Angeles): Transactions and use taxes: County of Los Angeles: homelessness. (Chapter 731, Statutes of 2023)**

AB 1679 allows the County of Los Angeles to impose a transaction and use tax at a rate of no more than half a percent so long as certain requirements are met. These requirements include that it is approved by the voters and that all of the revenue must be dedicated to services for people experiencing homelessness or to provide affordable housing. If this is approved, Measure H will be repealed. This must be done by December 31, 2028.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. There is a large effort to put more resources toward addressing homelessness in transit systems in Los Angeles. It may be of interest to monitor the success of such measures and if any funding can be used for transit.*

**SB 335 (Cortese, D-Campbell): Transactions and use taxes: County of Santa Clara. (Chapter 391, Statutes of 2023)**

Under current law, the County of Santa Clara cannot impose a tax that exceeds two percent. SB 862 would allow the Santa Cruz Metropolitan Transit District to impose a district tax above the cap of two percent so long as certain conditions are met. This includes the Board adopting an ordinance to submit to the electorate, the rate of the additional tax cannot exceed 0.65 percent, and the voters approve the tax. These provisions would be repealed by December 31, 2028. Additionally, SB 335 shifts the current authority to impose a countywide district tax for transportation programs in Ventura County from the Ventura County Transportation Commission (VCTC) to the County of Ventura.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. It should be noted that the shift from VCTC to Ventura County is being done because their current authority to impose a tax that exceeds the two percent cap is limited solely to measures VCTC places on the ballot and does not apply to one imposed by voter initiatives due to their procedure for elections.*

**SB 825 (Limon, D-Santa Barbara): Local government: public broadband services. (Chapter 186, Statutes of 2023)**

Current law defines various terms, including defining “local agency” to mean any agency of local government authorized by any other law to provide broadband internet access service, and lists specified categories of local government agencies included in that

definition of “local agency.” SB 825 would add metropolitan planning organizations (MPO) and regional transportation planning authorities (RTPA) to that list of local government agencies included in the definition of “local agency.” Adding MPOs and RTPAs to the list of local government agencies allows those agencies to be eligible to apply for Local Agency Technical Assistance (LATA) grants to expand broadband services.

OCTA Position – Monitor

*Impact on OCTA: SB 825 allows OCTA to now be included in the definition of “local agency” relating to public broadband services. Since OCTA is now included in the definition, OCTA is eligible to apply for LATA grants, which help expand broadband service to unserved/underserved areas. OCTA will be able to apply for grants to expand broadband to unserved areas, such as areas along highways where broadband service is lacking for residents living in that area.*

**SB 862 (Laird, D-Monterey): Santa Cruz Metropolitan Transit District: transaction and use tax rates.**

**(Chapter 296, Statutes of 2023)**

Under current law, the Santa Cruz Metropolitan Transit District cannot impose a tax that exceeds two percent. SB 862 would allow the Santa Cruz Metropolitan Transit District to impose a district tax above the cap of two percent so long as certain conditions are met. This includes the Board adopting an ordinance approving the tax before January 1, 2035, and the rate of the additional tax cannot exceed half of a percent.

OCTA Position – Monitor

*Impact on OCTA: For informational purposes. The justification provided by the sponsor includes that they will soon face a fiscal cliff, and this will allow them to generate additional revenue.*

**ACA 1 (Aguilar-Curry, D-Davis): Local government financing: affordable housing and public infrastructure: voter approval.**

**(Chapter 173, Statutes of 2023)**

ACA 1 is a constitutional amendment to allow a city, county, or special district to incur bonded indebtedness or impose specified special taxes to fund projects for affordable housing, permanent supportive housing, or public infrastructure with 55 percent voter approval rather than two-thirds. Certain requirements must be met in order to qualify under these provisions, including that funds cannot be used for salaries or other operating expenses, an evaluation of alternative funding sources is completed, an annual performance audit is conducted, an audit of the proceeds from the sale of bonds is conducted, a citizens’ oversight committee is appointed, proceeds from the sale of the bonds only can be spent on projects and programs within the jurisdiction, and an entity owned or controlled by a local official that votes on whether the proposition is put on the ballot is prohibited. ACA 1 also specifies that a city, county, city and county, or special district can levy a 55 percent vote ad valorem tax, with the same requirements. This

legislation also allows the Legislature to create laws to establish additional accountability measures with a two-thirds vote and they can enact laws for the downpayment assistance programs by a majority vote. Special districts cannot exceed their statutorily prescribed tax rate limit. ACA 1 will appear on the next ballot and is subject to voter approval since it is amending the State's Constitution.

OCTA Position – Monitor

Impact on OCTA: *OCTA has successfully secured over a two-thirds vote for its Measure M2 Program, which was voted on in 2006. If ACA 1 is approved by the voters, OCTA would have a lower threshold to meet if it were to pursue a third measure after the current one expires.*

## **VI. Planning**

### **AB 350 (Aguiar-Curry, D-Davis): Regional transportation plans: Sacramento Area Council of Governments. (Chapter 648, Statutes of 2023)**

AB 350 extends the Sacramento Area Council of Governments' (SACOG) regional transportation plan (RTP), sustainable communities strategy, and environmental impact report adopted on November 18, 2019, by two years, submitting it to Caltrans and the CTC by December 31, 2025. The update must include a development and pilot implementation of equity-centered, community-cocreated infrastructure development and funding prioritization process in disadvantaged communities, as identified in SACOG's implementation of a grant they were awarded through the Rebuilding American Infrastructure with Sustainability and Equity. It must also include a description of how the updates further equity through engagement efforts and data on the update's performance outcomes in disadvantaged communities. Until December 31, 2025, if SACOG nominates a project for the Solutions for Congested Corridors Program, it must also meet the eligibility requirements of Transit Intercity Rail Capital Program (TIRCP), the Low Carbon Transit Operations Program, and the Active Transportation Program. The next RTP update must be adopted by November 15, 2027, and submit subsequent updates to its RTP every four years. SACOG is required to provide an online report by July 1, 2026, regarding its implementation with information including a comparison between the land use and housing development assumptions, a discussion of the comparison's results, and the status of approvals for, funding for, construction of, and projected dates of operation for transportation projects in the region.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. SACOG sponsored this legislation to align its RTP submission date with the RTP due dates of the other members of the Northern California Megaregion.*

**AB 413 (Lee, D-Milpitas): Vehicles: stopping, standing, and parking.**

**(Chapter 652, Statutes of 2023)**

AB 413 prohibits vehicles from being stopped, left, or parked within 20 feet of any unmarked or marked crosswalk. This measure allows pedestrians to better see oncoming traffic, in addition to an increased visual field for drivers pulling up to an intersection. Furthermore, a person cannot stop, park, or leave standing a vehicle within 15 feet of any crosswalk where a curb extension is present. A local authority may establish a distance other than 15 feet if they establish that distance by ordinance to demonstrate traffic safety standards justify the new distance, and they have marked the different distance at the intersection using a sign or paint. Prior to January 1, 2025, jurisdictions may only issue a warning for a violation, and cannot issue a citation for a violation unless the violation occurs in an area marked with paint or sign.

OCTA Position – Monitor

*Impact on OCTA: For informational purposes. This will primarily affect cities' implementation of the safety measure. This bill seeks to address concerns that impact pedestrian and vehicle safety.*

**AB 645 (Friedman, D-Glendale): Vehicles: speed safety system pilot program.**

**(Chapter 808, Statutes of 2023)**

AB 645 establishes a five-year pilot program to give local transportation authorities in the cities of Glendale, Long Beach, Oakland, San Jose, and the City and County of San Francisco the authority to install speed safety systems. This can be done in certain areas, including a street meeting the standards of a safety corridor, on a street the local authority determines has had a high number of incidents, and school zones. For a jurisdiction with a population of over three million, no more than 125 systems can be operating, and it goes down from there in increments. These speed safety systems must be placed in locations that are geographically and socioeconomically diverse. The program must meet certain requirements such as identification, regular inspection, and the systems provide real-time notification to the driver. A speed safety program cannot be operating on any California state route.

Prior to enforcing speed laws using a speed safety system, the jurisdiction must administer a public information campaign and issue warning notices for the first 60 calendar days of enforcement. A governing body of the jurisdiction must adopt a Speed Safety System Use Policy before entering into an agreement regarding a speed safety system, purchasing or leasing equipment for a program, or implementing a program. Additionally, they must approve a Speed Safety System Impact Report prior to implementing a program, detailed with specified information. Uniform guidelines must be developed pertaining to the screening and issuing of notices of violation as well as the processing and storage of confidential information. AB 645 also creates requirements related to the photographic evidence. A speed safety system at a specific location must only be operated for no more than 18 months following the installation of a system. AB 645 does not authorize the suspension or revocation of a driver's license for this violation and instead institutes an escalating penalty structure. Revenues from the

program must first be used to recover program costs and jurisdictions must maintain their existing commitment of local funds for traffic calming measures in order to remain authorized to participate in the pilot program.

OCTA Position – Monitor

*Impact on OCTA: No cities within Orange County are authorized under this pilot program. However, it may behoove staff to monitor the implementation of such and determine, in coordination with the cities, if a speed safety program may be beneficial to reduce traffic incidents.*

**AB 744 (Carrillo, J., D-Palmdale): California Transportation Commission: data, modeling, and analytic software tools procurement. (Chapter 541, Statutes of 2023)**

AB 744 requires the CTC to convene relevant state agencies to assess the procurement and implementation of data, modeling, and analytic software tools to support the state's sustainable transportation, congestion management, affordable housing, efficient land use, air quality, economic, and climate change strategies and goals. On or before July 1, 2025, the CTC must develop a proposal to procure data, modeling, and analytic software tools and a process by which the CTC allows access to state and local agencies to the data it procures directly. As a part of the proposal, the CTC may establish best practices for the use of the data in transportation planning. To receive access to this data, modeling, and analytic software tool, a local agency must submit a report no later than August 1, 2027, about how they will use the tool to meet the aforementioned goals. CTC must report to the Legislature by June 1, 2028, based on the report received regarding the tools' use.

OCTA Position – Monitor

*Impact on OCTA: OCTA understands that the author may introduce clean-up legislation to ensure local agencies are at the table when assessing the procurement and implementation of these tools. OCTA will remain engaged in the development, especially concerning the best practices that may be drafted. Additionally, OCTA will be ready to submit a report if it wishes to have access to these tools.*

**AB 894 (Friedman, D-Burbank): Parking requirements: shared parking. (Chapter 749, Statutes of 2023)**

AB 894 requires public agencies with underutilized parking to share parking with a private entity, the public, other public agencies, or other users. It requires a public agency to allow shared parking arrangements to be counted toward meeting the automobile parking requirements for an existing or new development. AB 894 requires that shared parking strategies be considered when public funds are used for new development or new parking lots.

Additionally, this bill requires a local agency to approve the shared parking agreement if it includes a parking analysis conducted by a professional planning association. If the



shared parking agreement does not include a parking analysis conducted by a professional planning association, then a local agency is required to approve or deny the shared parking agreement and determine how many parking spaces can be feasibly shared between uses to fulfill parking requirements.

Furthermore, if there is no parking analysis and the local agency must approve or deny an agreement for specified developments, the agency is also required to notify all property owners within 300 feet of the shared parking spaces about the proposed agreement. The agency must hold a public meeting if there is a request to do so, so long as the request is made within 14 days of notifying property owners. The notification and public meeting requirements do not affect local agencies that enact an ordinance for shared parking agreements.

OCTA Position – Monitor

*Impact on OCTA: Currently, this bill does not directly affect OCTA as parking at OCTA headquarters is owned and operated by the property manager. OCTA currently shares parking with the other businesses and agencies owned by the property management company. This bill has the potential to impact OCTA if OCTA builds any new development using state dollars.*

**AB 1308 (Quirk-Silva, D-La Palma): Planning and Zoning Law: single-family residences: parking requirements.  
(Chapter 756, Statutes of 2023)**

AB 1308 prohibits a local agency from increasing the minimum parking requirement that applies to a single-family residence as a condition of approving a project to remodel, renovate, or add to the residence so long as the project does not cause the residence to exceed any maximum size limit by the applicable zoning regulations. This does not prohibit property owners from building parking but rather gives property owners flexibility to decide how much parking to build based on the need and affordability, not requiring them to comply with a blanket mandate.

OCTA Position – Monitor

*Impact on OCTA: For informational purposes. This bill primarily affects local governments, such as cities that implement minimum parking requirements. However, the definition of a public agency under this section extends to a special district. Therefore, if OCTA were ever in this situation, it would need to comply.*

## VII. Public Meetings

### **AB 557 (Hart, D-Santa Barbara): Open meetings: local agencies: teleconferences. (Chapter 534, Statutes of 2023)**

Since the COVID-19 pandemic, the Legislature has enacted several pieces of legislation to modify the Ralph M. Brown Act to allow for flexibility in utilizing teleconferencing. One of those bills was AB 361 (Chapter 165, Statutes of 2021), which allowed a local agency to use teleconferencing if they were holding a meeting during a proclaimed state of emergency. In order to do this, legislative bodies are required to make certain findings to make that determination every 30 days. AB 557 would extend those requirements to every 45 days and extend the sunset of these provisions until January 1, 2026. Another bill from last year expanded the requirements to allow for teleconferencing outside a state of emergency, so long as certain requirements were met, including that the member experienced an emergency circumstance or had just cause to participate remotely. AB 557 also adds that a member may participate remotely if they have an immunocompromised child, parent, grandparent, grandchild, sibling, spouse, or domestic partner.

OCTA Position – Monitor

Impact on OCTA: *OCTA no longer holds its meetings virtually. However, if there were to be another state of emergency proclaimed, the resolution to make findings for needing to participate remotely would only need to occur every 45 days.*

### **SB 143 (Senate Budget & Fiscal Review): State government. (Chapter 196, Statutes of 2023)**

SB 143 is a general government trailer bill. Of particular interest in this trailer bill is the provision that extends teleconferencing for state entities until December 31, 2023, so long as it meets certain requirements. These requirements include accommodating modification requests consistent with the Americans with Disabilities Act and advertising the procedure each time notice is given for the public to observe the meeting.

Urgency Bill – Effectively Immediately

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. OCTA is not governed by the Bagley-Keene Open Meeting Act.*

### **SB 411 (Portantino, D-Glendale): Open meetings: teleconferences: neighborhood councils. (Chapter 605, Statutes of 2023)**

SB 411 expands flexible teleconferencing requirements to a neighborhood council, which is an advisory body that is established pursuant to the charter of a city with a population of more than three million people. In order to utilize this flexibility, the city council of the neighborhood council must adopt a resolution to authorize it by a two-thirds vote. The

neighborhood council must provide notice that it will be holding its meeting by teleconference, as specified. If the meeting is disrupted, the proceedings must cease until that is resolved. At least a quorum of the members must participate from locations within the boundaries of the city in which they are established. At least once a year, a quorum of members must participate in person from a singular physical location.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. This legislation does not apply to the OCTA.*

**SB 544 (Laird, D-Monterey): Bagley-Keene Open Meeting Act: teleconferencing. (Chapter 216, Statutes of 2023)**

SB 544 allows state agencies governed by the Bagley-Keene Open Meeting Act to hold a meeting by teleconference so long as certain requirements are met. The state agency must designate the primary physical meeting location in the notice of the meeting where members of the public may physically attend the meeting and participate. Additionally, the agency must provide a means by which the public may remotely hear audio of the meeting, remotely observe the meeting, remotely address the body, or attend the meeting by providing the information on the agenda, website, or physical address for a teleconference location. Furthermore, state agencies must accommodate modification requests consistent with the Americans with Disabilities Act and advertise the procedure each time notice is given for the public to observe the meeting. At least one member of the state body needs to be physically present at each teleconference location, with a majority of members being physically present at the same teleconference location. Once that is met, the rest of the members can participate remotely and do not need to disclose the remote location if they have a need related to a physical or mental disability, or they let the state body know as early as possible of their need to participate remotely. All votes done remotely must be taken by rollcall, and if remote access is ever disrupted, the meeting proceedings must cease until it is resolved. SB 544 also allows the following state agency entities: advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body. These provisions will be in effect until January 1, 2026.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. OCTA is not governed by the Bagley-Keene Open Meeting Act. However, the requirements to hold teleconference meetings are similar under this Act as well as the Ralph M. Brown Act.*

## **VIII. Public Works and Procurement**

**AB 334 (Rubio, D-West Covina): Public contracts: conflicts of interest. (Chapter 263, Statutes of 2023)**

AB 334 is a direct response to California Government Code Section 1090, which provides that public “officers” and public employees are prohibited from being financially interested

in any contract made by them in their official capacity. More recently, the application of California Government Code Section 1090 has expanded to include independent contractors when their actions are level with being an agent of a public agency. As such, public agencies are limited in awarding work to any independent contractor because of potential conflict. As a result, qualified professionals are unable to participate in certain phases of work. AB 334 establishes that if a public entity has entered into a contract with an independent contractor to perform one phase of a project and seeks to enter into a subsequent contract with that independent contractor for a later phase of the same project, the independent contractor is not an “officer” if the independent contractor’s duties and services related to the initial contract did not include engaging in or advising on public contracting on behalf of the public entity. This means that they did not prepare or assist the public entity with any portion of the preparation of requests for proposals, requests for qualifications, or any other solicitation regarding a subsequent contract with the public entity.

OCTA Position – Monitor

*Impact on OCTA: This bill directly affects OCTA’s procurement process. Local governments and agencies can experience contracting issues because of Government Code Section 1090 when searching to partner with an independent contractor on projects. Specifically, consultants who have been hired by OCTA for one part of a project may have been found to have a conflict that prohibits them from working on a future phase of that same project. This bill changes that prohibition and would allow an independent contractor who performs one phase of a project to enter into a subsequent contract for a future phase of the same project if certain criteria are met.*

**AB 338 (Aguiar-Curry, D-Davis): Fuel reduction work.  
(Chapter 428, Statutes of 2023)**

AB 338 creates standards for fuel reduction work contracts. These standards include that all workers be paid a prevailing rate of per diem wages, all contractors and subcontractors maintain payroll records that are made available for inspection, and a contractor must be registered to be qualified to be on, be awarded contracts for, or engage in the performance of, any work related to these provisions. Fuel reduction work is described as residential chipping, rural road fuel breaks, and firebreaks. These provisions do not apply to work done on Indian lands, prescribed fire or grazing work, work performed on private land, nonprofit organizations, any workers who are currently exempt from public works requirements, or any work performed by an inmate. This legislation has a delayed implementation date of July 1, 2026.

OCTA Position – Monitor

*Impact on OCTA: For informational purposes. OCTA, at times, will engage in fuel reduction work. OCTA staff should ensure compliance with these provisions if it does not qualify under the exemptions.*

**AB 400 (Rubio, D-West Covina): Local agency design-build projects: authorization. (Chapter 201, Statutes of 2023)**

Current law allows for local agencies to use the design-build procurement process for projects that meet specific requirements, such as transit capital projects, development projects related to transit facilities, or certain projects selected by Caltrans. This authority for a design-build procurement process is set to be repealed on January 1, 2025. AB 400 extends the repeal date to January 1, 2031. Additionally, this legislation expands the definition of a local agency to include any joint powers authority (JPA) responsible for constructing transit projects. Previously, this authority only included a JPA that was formed to provide transit service.

OCTA Position – Monitor

*Impact on OCTA: This bill directly impacts OCTA project development by extending the repeal date of design-build projects. Design-build allows for the design and construction of a project to be procured from a single source. The method streamlines project delivery by allowing local governments to enter into a single contract with a design and construction team that will design and build the project, creating more efficient and timely project delivery. The Interstate 405 Improvement Project is an example of a design-build project where the completion of construction was expedited because of the design-build process.*

**AB 427 (Alvarez, D-Chula Vista): Otay Mesa East Toll Facility Act: alternative project delivery method. (Chapter 163, Statutes of 2023)**

AB 427 allows the San Diego Association of Governments (SANDAG) to use the Construction Manager/General Contractor (CMGC) method for the State Route 11/ Otay Mesa East Port of Entry Project. The CMGC method allows for SANDAG to streamline the construction project, having the construction manager be involved in the project's design phase. SANDAG may enter into an alternative project delivery method after comparing the traditional design, bid, and build process of construction with the proposed alternative project delivery method in a public meeting. If SANDAG's governing board finds that the use of an alternative project delivery method on the project will accomplish reducing comparable project costs, expediting project completion, or providing features not achievable through the traditional design-bid-build method, then may enter into an alternative project delivery method contract such as the CMGC method. This bill will allow SANDAG to select a contractor earlier in the process to enable further collaboration on project schedule, cost, and risk mitigation.

*Urgency Bill – Effective Immediately*

OCTA Position – Monitor

*Impact on OCTA: For informational purposes. The CMGC method could be helpful in future OCTA construction projects if such authorization was granted.*

**AB 521 (Bauer-Kahan, D-San Ramon): Occupational safety and health standards: construction job sites: toilet facilities.**

**(Chapter 529, Statutes of 2023)**

AB 521 requires the California Occupational Safety and Health Standards Board (Cal/OSHA) in the California Department of Industrial Relations to draft a proposed rulemaking to revise a regulation on construction job site toilet facilities before December 1, 2025. The rulemaking proposal will include requiring at least one single-user toilet facility to be present on construction job sites, specifically designated for users who may self-identify as female or nonbinary. A construction job site is not subject to the requirements in the Health and Safety Code that require all single-user toilet facilities to be identified as all-gender toilet facilities by signage. This bill requires Cal/OSHA to consider adopting the proposal on or before December 31, 2025.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. If Cal/OSHA adopts the rulemaking proposal, then this bill will affect toilet facilities present on OCTA construction project sites.*

**AB 587 (Rivas, D-Salinas): Public works: payroll records.**

**(Chapter 806, Statutes of 2023)**

Contractors and subcontractors are legally obligated to maintain accurate payroll records on public works projects. They are required to have any copy of records available for inspection as copies and furnished upon request to the public or any public agency to be marked to prevent disclosure of an individual's information. AB 587 requires that any copy of records requested by a multiemployer Taft-Hartley trust fund or joint labor-management committee be made on forms provided by the Division of Labor Standards Enforcement. This bill further specifies that copies of electronically certified payroll records do not satisfy the payroll records requests.

OCTA Position – Monitor

Impact on OCTA: *Contractors and subcontractors on public works projects must keep accurate payroll records, including detailed employee information and hours. These records must be available for inspection by authorized labor representatives and the Division of Labor Standards Enforcement. Electronic submission of these records has become more commonplace, showing more inconsistencies. This has caused labor representatives to request traditional paper records to confirm information. This bill aligns the reporting criteria in both the physical and electronic copies of certified payroll records so that there is further success in ensuring labor compliance on public works projects. This will impact contractors and subcontractors working on OCTA public works projects.*

**AB 752 (Rubio, D-West Covina): State highways: worker safety.  
(Chapter 813, Statutes of 2023)**

AB 752 expands on the use of Caltrans' "Guidelines on the Use of Positive Work Zone Protection (PWP) & Mitigation Measures." Caltrans uses PWP measures on most state highways in California. Caltrans was required to update this guidance in 2021 and then required to submit a report to the Legislature by January 1, 2024, with certain findings and declarations. After the report is submitted, Caltrans is now required to prescribe standards to align with the report related to the appropriate use of positive protection on all covered activities, such as utility work and repair activities on the state highway system. Caltrans may adopt regulations as necessary to carry out the purpose of the safety requirements.

OCTA Position – Monitor

*Impact on OCTA: OCTA partners with Caltrans on highway improvement projects within Orange County. Caltrans has seen a substantial increase in highway construction work zone fatalities over the past ten years. Updating these guidelines may help increase safety in highway work zones. OCTA will inform and monitor the report and ensure compliance with the updated guidance.*

**AB 965 (Carrillo, D-Hesperia): Local government: broadband permit applications.  
(Chapter 553, Statutes of 2023)**

AB 965 requires local agencies to undertake batch broadband permit processing, which is the simultaneous processing of two or more broadband permit applications for similar broadband project sites under a single permit. The broadband project sites can include any fiber optic connections, wireless facilities, or other supporting equipment. According to the bill, local agencies may set reasonable limits on the number of broadband project sites included in a single permit. This bill identifies that local agencies may lack the resources to process large volumes of applications, so it allows for local agencies to work with the applicant to resolve any resource limitations. Furthermore, a local agency may only remove a broadband project site from grouping under a single permit if there is a mutual agreement with the applicant or to expedite the approval of other similar broadband project sites. If a local agency denies the permit application, the agency is required to notify the applicant in writing of the reasons for denial.

OCTA Position – Monitor

*Impact on OCTA: In this bill, "local agency" is defined as a city, county, city and county, charter city, special district, or publicly owned utility. Most of the broadband permit applications are submitted to the Orange County Department of Public Works or individual cities. However, since OCTA is a special district, there is a possibility that the broadband permit processing system may affect OCTA projects. Batch broadband permit processing is meant to expedite permit applications, so if OCTA needs to apply for this permit under a project, the application will be streamlined.*

**AB 1121 (Haney, D-San Francisco): Public works: ineligibility list.  
(Chapter 465, Statutes of 2023)**

AB 1121 requires awarding authorities to annually submit a list of contractors that are ineligible to be a subcontractor, bid on, or be awarded a public works project pursuant to local suspension processes to the Department of Industrial Relations electronic registration database. This bill requires the list of contractors submitted to the Department of Industrial Relations to include the name of the contractor, the Contractors State License Board license number, the jurisdiction where the suspension applies, and the effective period of suspension of the contractor.

OCTA Position – Monitor

Impact on OCTA: *OCTA is an awarding authority and is thus required to adhere to the new guidelines outlined in this bill, which would require contractors to submit appropriate information.*

**AB 1175 (Quirk-Silva, D-La Palma): Outdoor advertising displays: redevelopment agency project areas.  
(Chapter 361, Statutes of 2023)**

Current law authorizes Caltrans to enforce standards and regulations for outdoor advertising displays. Local governments generally regulate “on-premises” advertising displays, which include those advertising the sale of the property for which it is located. Before redevelopment agencies were eliminated, the Outdoor Advertising Act, as enforced by Caltrans, allowed for advertising signs that are located within the boundaries of a redevelopment project area to be considered on-premises sign. The dissolution of redevelopment agencies raised questions about how existing signs would be treated by Caltrans because the agency no longer existed to negotiate with Caltrans and indicated it needed further legislative direction. SB 684 (Chapter 544, Statutes of 2013) allowed for the continuation of this on-premises redevelopment agency exemption until January 1, 2023. AB 1175 would extend this exemption until January 1, 2026, for those advertising displays that were in operation as of December 31, 2022.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

**AB 1204 (Holden, D-Pasadena): Contractors: contracts: restrictions.  
(Chapter 568, Statutes of 2023)**

AB 1204 prohibits a specialty contractor from entering into a contract for the performance of work on the same single project with more than one subcontractor in the same license classification unless either of the following requirements are satisfied:

- The subcontractor employs persons who are classified as employees to perform work in that license classification on a single project.



- The specialty contractor is a signatory to a bona fide collective bargaining agreement that covers the type of work being performed on the single project and addresses the issue of subcontracting.

This bill adds that any violation of the above provisions is a cause for disciplinary action.

OCTA Position – Monitor

*Impact on OCTA: AB 1204 will require OCTA to ensure the proper classification of employees in contracts. Specifically, licensed specialty contractors that OCTA may use for certain projects may not be properly utilizing employees, and instead, subcontracting with other specialty contractors. This creates an issue where specialty contractors avoid having employees, and thus, avoid certain workers' compensation insurance requirements. AB 1204 changes this by prohibiting a licensed specialty contractor from subcontracting with two or more contractors in the same classification on the same job site, which consolidates payroll records and ensures that contractors abide by labor laws and provide proper employee benefits. This ensures OCTA's contractors and subcontractors follow labor laws.*

**AB 1649 (Kalra, D-San Jose): Local Agency Public Construction Act: change orders: County of Santa Clara. (Chapter 281, Statutes of 2023)**

The Local Agency Public Construction Act regulates contracting by local agencies, which includes special districts and counties. The act includes provisions for contracting by counties and contracting for county highways. Those provisions include change order authorization for construction contracts and the imposition of caps on the extra cost of any change order.

AB 1649 would authorize the County of Santa Clara to be subject to a change order of \$400,000 for contracts whose original cost exceeds \$25,000,000 and of \$750,000 for contracts whose original cost exceeds \$50,000,000, adjusted annually to reflect the percentage change in the California Consumer Price Index. These change order caps would apply to construction contracting by the county and contracting for county highways. The bill would require the County of Santa Clara to modify no more than seven contracts pursuant to these provisions and would require the County of Santa Clara to provide a review report to the Assembly Committee on Local Government and the Senate Committee on Governance and Finance no later than July 1, 2026.

OCTA Position – Monitor

*Impact on OCTA: For informational purposes. The Local Agency Public Construction Act provides change order authorization to the County of Los Angeles under existing law and now the County of Santa Clara. It is possible that more counties will follow suit.*

**AB 1673 (Pacheco, D-Downey): Outdoor Advertising Act: local governmental entities: relocation.**

**(Chapter 590, Statutes of 2023)**

AB 1673 makes changes to the Outdoor Advertising Act as it pertains to relocation. Specifically, it clarifies that nothing prohibits local governments from designating zones where advertising displays may be placed or relocated. Additionally, it provides that any government entity may enter into a relocation agreement for an advertising display. Relocated or existing advertising displays may be converted to a message center per the agreement. Finally, AB 1673 clarifies that nothing prevents a relocation agreement from being referred to as a “development agreement” by a local governmental entity so long as the requirements of the agreement are satisfied.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

**SB 146 (Gonzalez, D-Long Beach): Public resources: infrastructure: contracting.**

**(Chapter 58, Statutes of 2023)**

SB 146 removes the sunset date for existing National Environmental Policy Act (NEPA) delegation authority for transit and rail projects and clarifies that CalSTA can also assume such authority for local projects requested by a local or regional agency, including but not limited to cities, counties, special districts, and joint powers authorities. This would require agreement from the federal agencies. In addition, until December 31, 2033, this bill would authorize the use of progressive design-build authority for Caltrans and Department of Water Resources projects. This could only apply to eight projects, and those projects would have to be over \$25 million. Finally, SB 146 would grant job order contracting procurement authority to Caltrans until December 31, 2033, for the following types of projects: (1) highway maintenance or safety projects; (2) traffic management and detection system installation, replacement and repair; (3) tree removal; (4) clearing and grubbing; (5) culvert installation and repair; (6) Americans with Disability Act-related facilities; (7) facility repairs, including building maintenance; (8) installation of stormwater pollution control devices; and (9) safety barriers.

*Urgency Bill – Effective Immediately*

OCTA Position – Monitor

Impact on OCTA: *This legislation was a part of the infrastructure streamlining package proposed by the Governor. OCTA staff will consider that the NEPA delegation authority now would pertain to local projects, if requested. Staff will be aware of the new project streamlining tools Caltrans can utilize for projects, as specified.*

**SB 617 (Newman, D-Fullerton): Public contracts: progressive design-build: local and regional agencies: transit.  
(Chapter 196, Statutes of 2023)**

SB 617 authorizes a local agency to utilize progressive design-build authority for ten public works projects over \$5 million so long as they follow certain requirements. Additionally, SB 617 specifies that a local agency would include a transit district, municipal operator, consolidated agency, joint powers authority, regional transportation agency, or local or regional agency is authorized to use the progressive design-build procurement method. Furthermore, the legislation requires that one of the following circumstances be met: a lead agency enters into a project labor agreement that will bind contractors and subcontractors to use a skilled and trained workforce, the project or contract is being performed under the extension or renewal of a project labor agreement that was entered into before January 1, 2023, or the project labor agreement will bind the entity and all its subcontractors at every tier of performing the project or contract to use a skilled and trained workforce. No later than January 1, 2028, a local agency that uses this authorization must submit a report to the Legislature on the use of the progressive design-build process, including a description of the project, contract award amounts, any written protests, a description of the prequalification process, the number of specialty contractors, and more. The authority would be available until January 1, 2029.

**OCTA Position – Support**

*Impact on OCTA: OCTA could consider utilizing this authority on relevant transit projects. By using this authority, a lead agency procures a design-builder much earlier in the project development process than under traditional design-build authority. This ensures the design-build entity is involved in some of the earliest design decisions. Through this increased collaboration, risks can be identified earlier and mitigated. Progressive design-build project delivery also requires cost estimates to be developed and agreed to earlier, placing more responsibility on the design-builder to remain within budget, thus affording more price certainty.*

**SB 706 (Caballero, D-Salinas): Public contracts: progressive design-build: local agencies.  
(Chapter 500, Statutes of 2023)**

SB 706 authorizes a city, county, or special district to utilize progressive design-build authority for ten public works projects over \$5 million for each project so long as they follow certain requirements, including those related to labor and reporting. The authority would be available until January 1, 2030. Prior to this law, this authority was only authorized in limited situations under state statute, specifically for certain water projects and projects undertaken by the Department of General Services. Furthermore, the legislation requires that one of the following circumstances be met: a lead agency enters into a project labor agreement that will bind contractors and subcontractors to use a skilled and trained workforce, the project or contract is being performed under the extension or renewal of a project labor agreement that was entered into before January 1, 2023, or the project labor agreement will bind the entity and all its subcontractors at every tier of performing the project or contract to use a skilled and trained workforce. By

December 31, 2028, a local agency that uses this authorization must submit a report to the Legislature on the use of the progressive design-build process, including a description of the project, contract award amounts, any written protests, description of the prequalification process, number of specialty contractors, and more.

#### OCTA Position – Support

*Impact on OCTA: OCTA could consider utilizing this authority on relevant projects. By using this authority, a lead agency procures a design-builder much earlier in the project development process than under traditional design-build authority. This ensures the design-build entity is involved in some of the earliest design decisions. Through this increased collaboration, risks can be identified earlier and mitigated. Progressive design-build project delivery also requires cost estimates to be developed and agreed to earlier, placing more responsibility on the design-builder to remain within budget, thus affording more price certainty.*

## IX. Transit

### **AB 971 (Lee, D-Milpitas): Vehicles: Transit-only traffic lanes. (Chapter 672, Statutes of 2023)**

AB 971 makes clarifying changes to ensure local authorities can allow other vehicles designated by a local authority or Caltrans to utilize a transit-only lane. The transit agency must work with the agency that has jurisdiction over that section of the highway when placing and maintaining signs, as well as other traffic control devices.

#### OCTA Position – Monitor

*Impact on OCTA: Should OCTA need to instruct other vehicles to operate in transit-only lanes, such as bus supervisor vehicles, this legislation ensures that OCTA has the authority to make such a determination.*

### **SB 506 (Laird, D-Monterey): California Public Utilities Commission: railroads: colored pavements marking project. (Chapter 288, Statutes of 2023)**

SB 506 requires the California Public Utilities Commission (CPUC) to develop and implement a pilot or limited demonstration and research project for colored pavement markings at one or more at-grade highway-railroad crossings prior to January 1, 2026. The purpose of this bill is to measure and evaluate the effectiveness of the colored pavements marking project to reduce incidents. The CPUC is required to report its findings on the project to the Legislature up to one year after project completion. These provisions sunset on January 1, 2030.

#### OCTA Position – Monitor

*Impact on OCTA: For informational purposes. If the CPUC finds colored markings are effective in reducing safety incidents in their report to the Legislature, this legislation could*

*result in agencies implementing colored markings at railroad crossings in the future, which may create costs for local agencies once the pilot project is complete. For now, OCTA will monitor this pilot project.*

**SB 677 (Blakespear, D-Encinitas): Intercity rail: The Los Angeles – San Diego – San Luis Obispo (LOSSAN) Rail Corridor.  
(Chapter 407, Statutes of 2023)**

The LOSSAN Rail Corridor Agency (LOSSAN Agency) develops an annual business plan for submittal to the California State Transportation Agency. The business plan includes a report on the recent and historical performance of the corridor service, an overall operating plan to increase ridership and provide for increased traveler demands in the corridor, short- and long-term capital improvement programs, funding requirements for the upcoming FY, and an action plan with performance goals and objectives.

This bill requires future iterations of the business plan to include a description of how to adapt to climate change impacts on the LOSSAN corridor, an identification of the projects planned to increase climate resiliency on the corridor, and possible funding options for the projects identified, including but not limited to, federal and state funding. This bill provides that these additions be included in the upcoming business plan with a due date of April 1, 2024, and every plan annually thereafter.

**OCTA Position – Support**

*Impact on OCTA: SB 677 impacts the LOSSAN Agency by requiring new climate-related inclusions in the LOSSAN annual business plan. Since the LOSSAN Agency will be required to identify projects planned to increase climate resiliency in the corridor and possible funding options for those projects, this bill may increase the opportunity for state and federal funding on LOSSAN projects. It also increases the opportunity for state and federal funding for member agency projects in conjunction with the LOSSAN Rail Corridor. The SB 677 bill provides an opportunity to identify potential future environmental challenges to the corridor. The bill also will help in identifying potential funding sources to address problems occurring in Orange, San Diego, and Santa Barbara counties.*

**SB 757 (Archuleta, D-Norwalk): Railroads: contract crew transportation vehicles.  
(Chapter 411, Statutes of 2023)**

SB 757 defines a “contract crew transportation vehicle” as a motor vehicle mainly used by third parties under contract with a railroad corporation to transport rail crews. This bill prohibits the operation of a contract crew transportation vehicle without a valid permit, overseen by the CPUC. SB 757 also specifies insurance requirements for operating a contract crew transportation vehicle, such as crew transportation operators being required to carry at least \$5 million in liability coverage and at least \$1 million in underinsured and uninsured motorist coverage. This bill also would exempt carpools, regardless of whether all persons work for a railroad corporation or not, and motor vehicles operated by railroad employees from the bill’s provisions.

**OCTA Position – Monitor**

Impact on OCTA: *Although charter-party carriers and taxis are regulated for insurance purposes, contract crew transportation operators have not been defined in law until this legislation. The new regulations for contract crew transportation operators impact OCTA and LOSSAN Agency subcontractors who may be working on certain rail projects. For example, subcontractors who may be working on a portion of the LOSSAN corridor will be subject to the permitting and insurance requirements outlined in this bill if they fall under the definition of a contract crew transportation operator or motor vehicle.*

## **X. Safety and Security**

### **AB 1638 (Fong, M., D-Alhambra): Local government: emergency response services: use of languages other than English. (Chapter 587, Statutes of 2023)**

Beginning on January 1, 2025, AB 1638 requires, in the event of an emergency within the jurisdiction of a local agency that provides emergency response services and that serves a population within which five percent or more of the people speak English less than “very well” and jointly speak a language other than English, the local agency to provide information related to the emergency in English and in all languages spoken jointly by the five percent or more of the population that speaks English less than “very well.” The data can be used from the American Community Survey. A local agency must reassess the data every five years. The quality of the information must be as comprehensive, actionable, and timely as the information provided to English speakers. And they must endeavor to use community members to help effectively communicate. Starting January 1, 2027, the Office of Planning and Research must survey a sample of local agencies every three years to determine the level of compliance. A local agency means a city, county, city and county, or a department of a city or county.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. This does not directly apply to OCTA per the definition of local agency.*

### **AB 1735 (Low, D-Cupertino): Transit districts: prohibition orders. (Chapter 69 Statutes of 2023)**

AB 1735 provides the Santa Clara Valley Transportation Authority the authority currently provided to the SacRT, the Los Angeles County Metropolitan Transportation Authority, the Fresno Area Express, and the San Francisco Bay Area Rapid Transit to issue prohibition orders to any person cited for committing a specified act. This authority would include the ability to issue a prohibition order to any person who, on at least three separate occasions within a period of 90 consecutive days, is cited for an infraction committed in or on a vehicle, bus stop, or train or light rail station of the transit district, or a property, facility, or vehicle upon which the agency owes policing responsibilities, as specified. The types of infractions include:

- Interfering with the operator or operation of a transit vehicle or impeding the safe boarding or alighting of passengers;
- Extending any portion of the body through a window opening of a transit vehicle in a manner that may cause harm or injury;
- Throwing an object from a transit vehicle;
- Committing an act or engaging in any behavior that may, with reasonable foreseeability, cause harm or injury to any person or property;
- Willfully disturbing others on or in a transit facility or vehicle by engaging in boisterous or unruly behavior;
- Carrying an explosive, acid, or flammable liquid in a public transit facility or vehicle;
- Urinating or defecating in a transit facility or vehicle, except in a lavatory;
- Willfully blocking the free movement of another person in a transit facility or vehicle;
- Defacing with graffiti the interior or exterior of the facilities or vehicles of a public transportation system.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. OCTA may wish to further understand the benefits of having this authorization to increase safety and security.*

**SB 434 (Min, D-Irvine): Transit operators: street harassment survey.  
(Chapter 396, Statutes of 2023)**

SB 434 requires the ten largest transit agencies in the state to conduct outreach and survey passengers about incidents of street harassment while using the agency's respective transit system on or before December 31, 2024. SB 434 would build on SB 1161 (Chapter 318, Statutes of 2022), which requires the Mineta Institute to create a survey, in coordination with the ten largest transit agencies, that could be used to gather data about street harassment on their systems. The Mineta Institute is currently developing this sample survey; however, nothing requires a transit agency to use this survey once completed. This legislation would require on or before July 1, 2024, the California Department of Transportation to enter into a funding agreement with the ten largest transit agencies to use the survey developed by the Mineta Transportation Institute, or a similar survey, to collect data on street harassment and conduct outreach activities with subpopulations of riders who are underrepresented in surveys and impacted by street harassment. This latter requirement could include focus groups, workshops, or other methods. Subpopulations of riders may include, but are not limited to, non-English speaking riders, riders with disabilities, LGBTQ+ riders, and women riders. The survey can be done in multiple languages, as determined by ridership on the system. After the data is collected, the transit agency is to publish the findings on its website and notify the Governor and Legislature of the publication of the survey data. If a transit agency has collected such data in the previous five years, it shall be deemed to have met the requirements of this bill.

OCTA Position – Support

Impact on OCTA: *OCTA is considered one of the ten largest transit agencies in the State and would be subject to the provisions of this bill. SB 434 requires OCTA to survey its riders about specific incidents of street harassment on its system, the commonality of such incidents, and ways to mitigate the issue if needed. This could inform future safety and security measures on OC Bus, preventing this issue from increasing. It is not required to utilize the survey created by the Mineta Transportation Institute.*

## **XI. State Budget**

### **AB 100 (Ting, D-San Francisco): Budget Acts of 2021 and 2022. (Chapter 3, Statutes of 2023)**

AB 100 amends both the 2022 and 2021 Budget Acts to make mostly technical changes associated with the FY 2022-23 mid-year budget package. Specifically, this legislation includes funding for the McKinney Fire and allows the State to extend the waiver of family fees for early care and education programs.

*Urgency Bill – Effective Immediately*

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

### **AB 102 (Ting, D-San Francisco): Budget Act of 2023. (Chapter 38, Statutes of 2023)**

AB 102 is a subsequent budget bill detailing further agreements between the Legislature and the Administration for the FY 2023-24 state budget. Specifically of note, this budget bill makes the appropriation of \$2 billion to CalSTA for the population-based TIRCP (\$4 billion total through 2024-25) and appropriates \$410 million to CalSTA for Zero Emission Transit Capital Program (ZETCP) (\$1.1 billion total through 2026-27). AB 102 makes additional investments, including:

- Restoring \$25 million to the OPR for purposes of regional climate resilience.
- Appropriating \$2.3 million General Fund to OPR for the Zero Emissions Job Roadmap, which shall identify the actions needed to meet California's zero-emission goals, with minimal displacement of existing workers.
- Appropriating \$550 million Greenhouse Gas Reduction Fund (GGRF) for the Zero Emission Vehicle Package, which includes:
  - \$80 million GGRF to CARB for Clean Cars 4 All
  - \$100million GGRF to CEC for Equitable At-Home Charging
  - \$80 million GGRF to CARB for Drayage Trucks and Infrastructure
  - \$85 million GGRF to CEC for Drayage Trucks and Infrastructure
  - \$145 million GGRF to CEC for Clean Trucks, Buses, and Off-Road Equipment
  - \$60 million GGRF to CARB/CalSTA for Community-Based Plans, Projects, and Support/Sustainable Community Strategies



*Urgency Bill – Effective Immediately*  
OCTA Position – Monitor

*Impact on OCTA: OCTA staff were heavily engaged in conversations to maintain the funding provided in last year's budget of \$4 billion in additional formulaic TIRCP funding. This budget bill makes the actual appropriations for the originally proposed amount. AB 102 also makes the appropriation for the ZECTP program that provides additional resources for OCTA to purchase zero-emission buses or associated infrastructure or flex the funding for operations purposes. This budget bill additionally outlines the agreement created for the zero-emission programs.*

**AB 127 (Committee on Budget): State government.  
(Chapter 45, Statutes of 2023)**

AB 127 is the State Government trailer bill, making various statutory changes to implement the general state government provisions in the budget act. Some details worth noting include establishing the Racial Equity Commission in the Office of Planning and Research, which will be charged with developing resources, best practices, and tools for advancing racial equity by, among other things, developing a statewide Racial Equity Framework that includes methodologies and tools. AB 127 also establishes the State Middle Mile Broadband Enterprise Fund at the California Department of Technology. Under the ZEV Market Development Office, AB 127 updates the equity action plan to include recommendations on actionable steps and metrics to measure and improve access to ZEVs, public and private charging infrastructure, and ZEV transportation options in low-income, disadvantaged, and historically underserved communities and, then requires the assessment of progress toward the equity action plan to include metrics tracking state and federal subsidies for ZEVs and different ownership structures for ZEVs.

*Urgency Bill – Effective Immediately*

OCTA Position – Monitor

*Impact on OCTA: OCTA will monitor the development of resources produced by the Racial Equity Commission and utilize the tools produced as appropriate. OCTA will consider reviewing the information published by the California Department of Technology related to state middle mile system; specifically, the map of the middle mile project segments following the execution of a lease, build, or joint-built contract for the project segment.*

**SB 101 (Skinner, D-Oakland): Budget Act of 2023.  
(Chapter 12, Statutes of 2023)**

The state budget provides \$227 billion in total General Fund expenditures for FY 2023-24. For FY 2023-24, the state budget assumes General Fund revenues of approximately \$235.5 billion. The Legislature's budget still expects that the State is facing a total \$31.5 billion shortfall. As of this budget deal, the full budget picture was not yet clear since Californians had until October 1, 2023, to file their taxes.

Of significance in the budget package is the \$4 billion provided for transit capital and operations. Even with the State experiencing significant budgetary shortfalls, the Legislature's budget rejected the Governor's proposed \$2 billion reduction to the formula-based TIRCP, which was agreed to as a part of the budget last year. This agreement was key in approving Proposition 1A funding for the California High-Speed Rail Authority. The funding will be restored as it was originally enacted to a total of \$4 billion, with \$2 billion to be made available in 2023-24, and \$2 billion for 2024-25. This funding will be distributed via a population-based formula where it is anticipated that OCTA will receive slightly over \$380 million over the next two years from this funding.

The Legislature's budget also contains several provisions related to transitioning transit to zero emission, with \$1.1 billion being provided through various sources, including the GGRF, to CalSTA across FYs 2023-24, 2024-25 and 2025-26 to create the ZETCP. \$300 million of this amount is to come from yet-to-be-identified funding sources in future years. The \$1.1 billion for zero-emission vehicles and related infrastructure is expected to be delivered on a formula basis and to also be available to be flexed for operations purposes.

Other transportation provisions worth noting include the following:

- Last year, the budget included \$1.049 billion for the Active Transportation Program (ATP). In the Governor's proposed budget, a reduction of ATP by \$200 million while shifting \$300 million from the State Highway Account (SHA) for ATP was included. In this final budget agreement, the following actions were taken:
  - Approved shifting \$300 million from SHA for ATP. It is currently unclear which programs, if any, will be impacted by the shift in SHA funding. This could potentially impact funds traditionally used for highway, multimodal, and local streets and road projects.
  - Rejected the proposed reduction to ATP of \$200 million.
- Approves the proposed fund shift of \$200 million to the Climate Adaptation Program from the SHA.
- Approves \$350 million in TIRCP funding for grade separations to be delayed from FY 2023-24 to FY 2025-26.
- Approves the delay of the \$600 million for the Port and Freight Infrastructure Program scheduled for FY 2023-24 and the May Revision proposal to reduce a portion of the General Fund scheduled to be provided to the Port and Freight Infrastructure Program in FY 2023-24 by \$150 million and to backfill the decrease with an equal amount from the SHA. Again, it is unclear what kind of impact this will have on the SHA.
- Appropriates \$500,000 to the OPR to create a zero-emission roadmap for the State, which will identify the actions needed to meet California's zero-emission goals, including those related to workforce development. A workgroup consisting of transit agencies, other relevant public agencies, educational institutions, and relevant community organizations, will help inform this effort. OPR will also develop model solicitation and contract language to be utilized in procurement for

zero-emission buses, for the training of public service employees on the servicing of the zero-emission buses being purchased.

*Urgency Bill – Effective Immediately*

OCTA Position – Monitor

*Impact on OCTA: OCTA benefits significantly from the supplemental funding provided by this budget. Therefore, OCTA is engaged in the development of the guidelines for the funding provided by TIRCP and ZETCP, as outlined in SB 125. Staff will be prepared that this is likely a one-time augmentation in the budget and be ready to draw down these funds, as appropriate.*

**SB 104 (Skinner, D-Oakland): Budget Acts of 2022 and 2023.  
(Chapter 189, Statutes of 2023)**

SB 104 is a subsequent budget bill to make changes in order to implement the budget agreement. Among other items, this bill appropriates \$2.3 million to the OPR. It further dictates that OPR will work with the California Labor Workforce Development Agency to convene a working group made up of transit agencies, other relevant public agencies, educational institutions, relevant community organizations, and other to create a zero-emission roadmap for the state. The roadmap is intended to identify the actions needed to meet California's zero-emission goals, with minimal displacement of existing workers. This could include the following:

- An estimate of the number of public operations and maintenance jobs provided by existing buses, rolling stock, vehicles, or related equipment that would require significant upskilling to adapt to the transition to zero emission.
- Identification of gaps in skills needed to operate and maintain the new electric-powered buses, rolling stock, vehicles, or related equipment.
- Development of model solicitation and contract language to be utilized in procurement for zero-emission buses, for the training of public service employees on the servicing of the zero-emission buses being purchased.
- Development of a comprehensive plan to transition, train, or retrain public transportation system employees impacted by transition goals, including an estimated budget for implementing this plan and the identification of funding streams to fund this transition.

*Urgency Bill – Effective Immediately*

OCTA Position – Monitor

*Impact on OCTA: OCTA is on track to meet the zero-emission transition goals set out by the Innovative Clean Transit regulation. Recruiting and maintaining OCTA's workforce has continued to be a top priority. With this transition to newer technologies, OCTA has been engaged with other stakeholders on how best to retrain existing workers. It would*

*behoove the agency to be engaged with the development of this roadmap to inform OCTA's experience.*

**SB 105 (Skinner, D-Oakland): Budget Acts of 2022 and 2023.  
(Chapter 862, Statutes of 2023)**

SB 105 is a subsequent budget act to reflect changes necessary to update the 2023 budget agreement. This budget bill includes several minor adjustments, such as funding authority for the federal American Rescue Plan Act funding for afterschool and summer programs, removing \$3 million that was provided to the Department of Industrial Relations to resume the operations of the Industrial Welfare Commission, and provides the CEC with spending authority for approximately \$102.8 million in additional federal grant funds.

*Urgency Bill – Effective Immediately*

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

**SB 125 (Skinner, D-Oakland): Transportation budget trailer bill.  
(Chapter 54, Statutes of 2023)**

SB 125 is the transportation trailer bill for this year. The primary component of this bill is the accountability provisions related to the supplemental funding provided for transit capital and operations. Specifically, \$4 billion was included for the TIRCP, with \$2 billion to be made available in FY 2023-24 and \$2 billion for FY 2024-25. This funding will be distributed via a population-based formula where it is anticipated that OCTA will receive slightly over \$300 million over the next two years from this funding.

Beyond the \$4 billion in TIRCP funding, the budget agreement also includes \$1.1 billion for a new ZETCP, to be administered by CalSTA. The funding will be distributed on a formula basis to the regions, using the formula that governs the State Transit Assistance (STA) program, over the next four FYs. The bulk of the program is funded by the Greenhouse Gas Emission Reduction Fund, otherwise known as the Cap-and-Trade Program, with a small amount also provided via the Public Transportation Account. It is estimated that OCTA would receive about \$60 million of these funds over the four-year period, assuming future budgets include the specified amounts.

In order for a region to receive funding from either the formula-based TIRCP or the new ZETCP, the region and its transit operators are subject to significant, new accountability provisions governed under a budget trailer bill. Flexibility is provided to use the funding from either program for operational purposes. Guidelines are developed by CalSTA on the use of the funds. In order to be eligible to receive funding from these programs in FY 2023-24, each RTPA, defined to be OCTA in Orange County, would have to submit a short-term financial plan to CalSTA for approval. This short-term financial plan would cover all transit operators in the region and would include the following elements:

- A demonstration of how the region will address any operational deficit, using all available funds through FY 2025-26, based on a 2022 service baseline.
- Justification for how the region's funding is proposed to be allocated to capital and operational expenses.
- A detailed breakdown and justification for how the funding is proposed to be distributed between transit operators and among projects.
- A demonstration of how the plan will mitigate service cuts, fare increases, or layoffs relative to a 2022 service baseline to achieve short-term financial sustainability.
- A summary of how the plan will support ridership improvement strategies that focus on riders, such as coordinating schedules and ease of payment and improving cleanliness and safety to improve the ridership experience.

The RTPA is not required to submit a short-term financial plan in FY 2023-24 if they can attest that the region does not have an operational need between the 2023-24 and 2026-27 FYs for any transit operator in the region. "Transit operator" is undefined in the bill. Regardless of whether an RTPA submits a short-term financial plan in FY 2023-24, starting in FY 2024-25, they would be required to do so, regardless of operational need.

By December 31, 2023, the bill requires RTPAs to compile regionally representative transit operator data for submittal to CalSTA per the guidelines they developed earlier this year. The Legislature provides that these guidelines must include:

- Existing fleet and asset management plans by transit operators.
- Revenue collection methods and annual costs involved in collecting revenue for each transit operator and RTPA in the region.
- A statement of the existing service plan and planned service changes.
- Expenditures on security and safety measures.
- Opportunities for service restructuring, eliminating service redundancies and improving coordination amongst transit operators, including, but not limited to, consolidation of agencies or reevaluation of network management and governance structure.
- Schedule data in General Transit Feed Specification format to enable full visibility of service and service changes when feasible.

If an RTPA is unable to meet the above criteria, CalSTA is to provide the RTPA an opportunity to remedy its plan by April 30, 2024, for the 2023-24 FY and by April 30, 2025, for the 2024-25 FY.

Starting in FY 2026-27, in order for an RTPA to be eligible to receive any future TIRCP funding, including through the competitive program, they would be required to have CalSTA approve a long-term financial plan by June 26, 2026. This plan would be to demonstrate how the region plans to sustain its transit operations absent any additional discretionary or non-formula state funding. The plan would be required to include the following:

- A demonstration of the implementation of ridership retention and recovery strategies, including, but not limited to, policies that prioritize safety and cleanliness and streamlined coordination between transit operators, such as schedule coordination, operational management, and site sharing, to improve rider experience; and
- A five-year forecast of operating funding requirements with details on all sources of funding proposed for operations, including any new local and regional funding sources being pursued and the progress and improvements implemented since the last submitted regional short-term financial plan.

The RTPA is also required to post on its website a summary of monthly ridership data for the transit operators in its region, consistent with the data submitted to the National Transit Database.

Specifically for the ZETCP, the RTPA is required to submit a report to CalSTA on the use of those funds during the previous FY. The report is required to include:

- How much funding was used for operating costs.
- The number, type, date, and location of zero-emission buses, trains, or other vehicles purchased.
- The number, type, date, and location of electric charging stations or hydrogen fueling stations installed.
- The nameplate capacity of installed equipment in kilowatts for electric charging stations and kilograms per day for hydrogen fueling stations.
- The total costs and the source of funding for vehicles and equipment purchased using these funds.

Beyond the accountability reform measures included related to the increased transit funding made available in the state budget, the following transportation-related provisions were also included:

- An extension of transit relief measures previously granted through FY 2025-26, including exemptions from farebox recovery requirements STA efficiency criteria, continued use of 2019 revenue data for STA formula allocations, and flexibility to use SB 1 (Chapter 5, Statutes of 2017) State of Good Repair formula funds for operations purposes.
- A requirement that the CalSTA Secretary, by January 1, 2024, establish and convene a Transit Transformation Task Force to include representatives from transit agencies, MPOs, Caltrans, transportation advocacy organizations with expertise in public transit, labor organizations, academic institutions, legislative committee staff, and other stakeholders. The task force is to develop policy recommendations to grow transit ridership and improve the transit experience for all users, including identification of the appropriate state agency to have oversight over transit in the State, potential reforms to existing metrics governing transit agencies, and identification of revenue sources to sustain transit. These

recommendations are to be included in a report that is to be submitted to the Legislature by October 31, 2025.

- Removes the sunset date on provisions limiting Caltrans from charging self-help counties with countywide sales tax measures dedicated to transportation improvements more than ten percent for administration indirect cost recovery.
- Appropriates \$5.8 million to Caltrans from the General Fund to support statewide efforts addressing homelessness within the state highway system. Caltrans would be required to submit a report to the Legislature by January 1, 2026, detailing implementation, including the number and location of sites identified and addressed, how Caltrans coordinated with local partners, and a summary of alternative solutions Caltrans is implementing to reduce the likelihood of an encampment moving from the state highway system to a local jurisdiction's right-of-way.

*Urgency Bill – Effective Immediately*

OCTA Position – Monitor

*Impact on OCTA: As this bill is already in effect, OCTA has been heavily engaged to inform the development of the SB 125 guidelines. OCTA was primarily focused on ensuring that “transit operator” was defined, among other needed clarifications. There may be an opportunity to work with the California Transit Association next year on further clean-up legislation to ensure a more seamless implementation process. An internal task force has been created to ensure that OCTA is ready to draw down this funding for projects and operations and is prepared to submit the necessary reports.*

*Regarding the extension of the various relief measures being provided, OCTA will be prepared that this will likely be the final extension of such. To that end, OCTA has submitted its name for the Transit Transportation Task Force and will be informing the recommendations that result, which could include those related to the Transportation Development Act.*

## **XII. Surplus Land**

### **AB 480 (Ting, D-San Francisco): Surplus land. (Chapter 788, Statutes of 2023)**

AB 480 makes several changes to the Surplus Land Act (SLA). Specifically, it adds a definition of “dispose” to mean the sale of surplus land or the lease of surplus land for longer than 15 years, inclusive of any extension or renewal options included in the initial lease, entered into on or after January 1, 2024. Additionally, it modifies the definition of “exempt surplus land.” Specifically, AB 480 adds that, for local agencies whose primary mission is to supply the public with a transportation system, agency’s use may include commercial or industrial activities. AB 480 clarifies that “participating in negotiations” does not include issuing a request for proposals or request for qualifications, negotiating a lease, exclusive negotiating agreement, or option agreement, or negotiating with a developer to determine if the local agency can satisfy disposal exemption requirements. It also clarifies that SLA must not prevent a local agency from obtaining fair market value for the disposition of surplus land.

OCTA Position – Monitor

*Impact on OCTA: Previous legislation had made it difficult for transportation agencies to lease surplus land. The California Transit Association worked with the author to help mitigate these issues and identify other difficulties with the SLA. At this time, OCTA does not have that same challenge, but OCTA’s legal counsel remains engaged in the development of SLA guidelines to ensure fairness and, ultimately, compliance.*

### **SB 34 (Umberg, D-Santa Ana): Surplus land disposal: violations: County of Orange. (Chapter 772, Statutes of 2023)**

This bill requires any city located within, or the County of Orange, to correct any violation of surplus land disposal within 60 days of notification by the California Department of Housing and Community Development (HCD). Any County of Orange jurisdiction that has not corrected any violation is prohibited from disposing of the parcel until HCD finds that it has complied with existing law or deems the violation to not be a violation. It also requires a local agency that receives a notice of violation from HCD to provide HCD with a statement on the actions taken to correct the violation within 60 days of receiving the notice. If HCD receives the statement, it must make determinations and notify the local agency of those determinations within 30 days of receiving the local agency’s statement. SB 34 remains in effect until January 1, 2030.

OCTA Position – Monitor

*Impact on OCTA: For informational purposes. SB 34 applies to the County of Orange and cities within the County of Orange. There is no specification that this bill applies to special districts. This legislation is in response to the recent Anaheim Stadium transaction.*



**SB 229 (Umberg, D-Santa Ana): Surplus land: disposal of property: violations: public meeting.**

**(Chapter 774, Statutes of 2023)**

If a local agency is in violation of the SLA and receives a notification from HCD of such violation, SB 229 would require the agency to hold an open and public meeting to review and consider the substance of the notice of violation. The local agency must provide adequate notification of this meeting and cannot take final action to ratify or approve the proposed disposal of surplus land until a public meeting is held. An agency would be exempt if it ceases to dispose of the surplus land after receiving the violation notice.

OCTA Position – Monitor

*Impact on OCTA: OCTA could be in a situation where it may wish to dispose of surplus land. In such case, if there is a violation notice, OCTA would need to hold a public meeting or drop to disposal in order to be compliant.*

**SB 747 (Caballero, D-Fresno): Land use: surplus land.**

**(Chapter 786, Statutes of 2023)**

SB 747 makes several changes to the SLA. Specifically, it defines “dispose” to mean the sale of surplus land or the entering of a lease for surplus land for longer than 15 years into or after January 1, 2024. It provides that disposal does not mean entering into a lease for surplus land, which is for a term of 15 years or less, or the entering of a lease for surplus land on which no development or demolition will occur. Additionally, SB 747 revises the definition of valid legal restrictions by revising the exemption related to making housing prohibited on the site and providing a non-exhaustive list of examples. It also establishes categories of exempt surplus land, one of which includes land disposed for commercial or other revenue-generating activities for transit agencies so long as they meet certain requirements. SB 747 modifies the penalties for the land disposed of in violation of the SLA and repeals the California Housing and Community Development Department’s exemption from the Administrative Procedures Act when adopting the guidelines to implement the SLA.

OCTA Position – Monitor

*Impact on OCTA: Previous legislation had made it difficult for transportation agencies to lease surplus land. The California Transit Association worked with the author to help mitigate these issues and identify other difficulties with the SLA. At this time, OCTA does not have that same challenge, but OCTA’s legal counsel remains engaged in the development of SLA guidelines to ensure fairness and, ultimately, compliance.*

### **XIII. Transportation Electrification/Energy**

**AB 579 (Ting, D-San Francisco): School buses: zero-emission vehicles.**

**(Chapter 445, Statutes of 2023)**

SB 579 requires, beginning January 1, 2035, that 100 percent of all newly purchased school buses by a charter school, county office of education, or school district be zero

emission. To comply with this requirement, the bill also authorizes local educational agencies to request an up to five-year, one-time extension if the agencies find that purchasing a zero-emission school bus is not feasible due to certain constraints. The local educational agency must demonstrate that a daily planned bus route for transporting students to and from school cannot be serviced by zero-emission technology in 2035. This bill also asserts that beginning January 1, 2040, frontier local agencies are able to apply for an annual extension through January 1, 2045, to the requirement; the frontier local agency must determine that the purchase or contracting of a zero-emission school bus is not feasible due to both terrain and route constraints.

If a contract for using zero-emission school buses to transport students to and from school is made, it must be made for a term that does not exceed 15 years. The contract is renewable at the option of the local educational agency and the party contracting to provide transportation services at the end of the term of the contract. The renewed contract must include all of the terms and conditions of the previous contract. If the original contract provides that the local educational agency may exercise an option to either purchase the buses or cancel the lease at the end of each annual period during the duration of the contract, then the contract may be made for a term of up to 20 years.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

**AB 585 (Rivas, R., D-Salinas): Climate change: infrastructure and clean energy projects: assessments.  
(Chapter 336, Statutes of 2023)**

AB 585 requires the Governor's Office of Business and Economic Development (Go-Biz) to work with CARB, the CEC, and the CPUC to prepare an assessment of the barriers, challenges, and impediments limiting the deployment of clean energy projects. This must be submitted to the Legislature by January 1, 2026. This assessment must include at least three clean energy project types, specific challenges at different stages of project development, different methods for developing and deploying these projects, and recommended approaches, models, or strategies. This work will be incorporated into what is being done by the Infrastructure Strike Team established by Executive Order N-8-23. Additionally, every three years, the California Council on Science and Technology is requested to assess the infrastructure project types, scale, and pace necessary to achieve the state's energy, climate, and air quality goals.

OCTA Position – Monitor

Impact on OCTA: *OCTA may wish to monitor the development of this assessment as it pertains to the ongoing transition to zero-emission transit vehicles. It will also be important as local governments are working to install appropriate infrastructure throughout the County.*

**AB 844 (Gipson, D-Gardena): Zero-emission trucks: insurance.  
(Chapter 347, Statutes of 2023)**

AB 844 directs the California Department of Insurance to gather data, such as surveys and calls, on the availability and affordability of insurance for heavy-duty trucks and truck fleets, with the first data collection beginning February 1, 2024, and requires responses by May 1, 2024. AB 844 creates credible data for insurance companies to use in adequately pricing and selling insurance for zero-emission truck fleets. The data the Department of Insurance gathers as a result of this bill will create a “one-stop shop” for truck fleets to smoothly find insurance options. The Department of Insurance, in consultation with CARB, will provide an assessment of the availability and affordability of insurance for existing and new advanced technologies deployed for heavy-duty vehicles, in addition to the role of insurance markets in meeting the greenhouse gas reduction and climate pollutant reduction goals of the state.

OCTA Position – Monitor

*Impact on OCTA: OCTA can monitor the development of the data collected by the California Department of Insurance, in addition to the assessment that will be provided outlining the availability and affordability of insurance for zero-emission heavy-duty vehicles. This will help OCTA further understand the insurance available for clean truck fleets, should OCTA ever have to contract or procure such vehicles.*

**AB 1594 (Garcia, D-Coachella): Medium- and heavy-duty zero-emission vehicles: public agency utilities.  
(Chapter 585, Statutes of 2023)**

AB 1594 dictates that any state regulation seeking to require the procurement of medium- and heavy-duty zero-emission vehicles must allow public agency utilities to purchase replacements, without regard to the model year of the vehicle being replaced, in order to maintain reliable service and respond to major foreseeable events, such as severe weather, wildfires, natural disasters, and physical attacks. This bill defines a public agency utility to include a local publicly owned electric utility, community water system, water district, and wastewater treatment provider.

OCTA Position – Monitor

*Impact on OCTA: For informational purposes. OCTA is not classified as a public agency utility under this bill.*

**SB 49 (Becker, D-Menlo Park): Renewable energy: Department of Transportation: evaluation.  
(Chapter 379, Statutes of 2023)**

SB 49, on or before December 31, 2025, requires Caltrans, coordinating with the CEC, and the CPUC, to evaluate the leasing and licensing of Caltrans rights-of-way to public utilities and other entities for the purpose of building and operating renewable energy and energy storage facilities.

The evaluation must consist of the following:

- Considering various ownership for the energy facilities.
- Identifying the issues and policies related to the development of energy and electrical facilities on Caltrans right-of-way that could be made available.
- Identifying the amount of renewable energy generation and storage that could be developed.
- Evaluating the suitability of the different types of Caltrans right-of-way for the development of electrical transmission and distribution facilities.
- Establishing a process for entities interested in operating and building electric facilities on the right-of-way to apply to Caltrans for agreements.

OCTA Position – Monitor

Impact on OCTA: *This evaluation will impact decisions related to building renewable energy, energy storage, electrical transmission, and distribution facilities on Caltrans right-of-way property. If it is decided that entities may apply to build energy facilities on Caltrans right-of-way, this may impact OCTA and Caltrans transportation projects that use Caltrans right-of-way property. SB 49 may also lead to further legislation over other agencies' use of right-of-way property.*

**SB 746 (Eggman, D-Stockton): Energy conservation contracts: alternate energy equipment: green hydrogen: Tri-Valley-San Joaquin Valley Regional Rail Authority. (Chapter 410, Statutes of 2023)**

SB 746 authorizes the Tri-Valley-San Joaquin Regional Rail Authority to enter into energy service contracts, facility financing contracts and contracts for the sale of energy sources relating to green electric hydrogen for use by the authority for financing the construction and operation of passenger rail service through the Altamont Pass Corridor. The Altamont Pass Corridor connects the San Joaquin Valley to the Bay Area, and this bill authorizes the Tri-Valley San Joaquin Valley Regional Rail Authority to enter into contracts related to green electric hydrogen for supporting rail service through the corridor.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

**SBX1 2 (Skinner, D-Oakland): Energy: transportation fuels: supply and pricing: maximum gross gasoline refining margin. (Chapter 1, Statutes of 2023)**

SBX1 2 authorizes the CEC to establish a maximum gross gasoline refining margin, requiring the CEC to create a penalty for exceeding the refining margin. This bill also authorizes the CEC to enforce an administrative civil penalty on any refiner found exceeding the refining margin; however, the CEC must consider a refiner's request for exemption from the maximum gross gasoline refining margin. A refiner seeking an exemption must file a statement under the penalty of perjury, setting the basis of their request for exemption.

In addition, major oil producers, marketers, refiners, and transporters must annually submit information to the CEC pertaining to the supply chain of the oil. Refiners must submit information regarding the volume, price, and type for each of their refineries, including the origin of petroleum receipts, imports of petroleum products, exports of petroleum products, and the entity receiving any exports of the products. Oil marketers are required to report on volume, price, and type of petroleum product receipts and must demonstrate the source of their receipts, inventories of petroleum, distribution systems, and exports from the state. The CEC will publish a publicly available report quarterly based on the data they gather from the oil producers, marketers, and refiners. The California State Auditor must evaluate the efficacy of the maximum gross gasoline refining margin and penalty for submittal of a report to the Legislature and CEC outlining if the intended goal is being achieved.

Furthermore, in addition to the CEC's report, the Division of Petroleum Market Oversight (DPMO) is established through this bill, which will act as an authority to provide analysis and oversight of the transportation fuels market and give guidance to the CEC on reports and data it will conduct and gather as a result of this bill. The bill also establishes the Independent Consumer Fuels Advisory Committee within the CEC, which will be composed of six members appointed by the Governor for the purpose of advising the CEC and the DPMO. The CEC will release an assessment to the Legislature and to the Governor every three years that identifies methods to ensure a reliable supply of transportation fuels in the state. The California Department of Tax and Fee Administration will also submit a report to the Legislature prior to March 1st of each year, beginning March 1, 2024, that reviews the price of gasoline in California and the impact of gasoline prices on state revenues for the previous calendar year. In short, this bill creates a dedicated penalty and numerous safeguards to hold the oil industry accountable for any price gouging that may occur in the state of California.

OCTA Position – Monitor

*Impact on OCTA: In addition to this bill creating a penalty for any price gouging of oil that may occur in the state, it also creates a way for the state to gather data on the oil supply chain. The data that will be collected because of this bill may be helpful to OCTA in understanding where oil is being sourced from. It also demonstrates the state's transition away from petroleum fuels.*

**SCR 21 (Archuleta, D-Norwalk): Clean energy: hydrogen.  
(Chapter 136, Statutes of 2023).**

SCR 21 urges the Alliance for Renewable Clean Hydrogen Energy Systems (ARCHES) to prioritize clean and renewable hydrogen for California. ARCHES is a public-private partnership that was formed by the Go-Biz in conjunction with the University of California. ARCHES is a consortium to create a statewide clean hydrogen hub for the acceleration of the development and deployment of clean hydrogen projects and infrastructure. ARCHES has been applying for IIJA funding to generate the state's clean hydrogen system; the Legislature urges ARCHES to focus its efforts on communities with

the largest pollution burden for a swift and just environmental transition, investing in energy systems and distribution infrastructure through a multisector approach, and prioritize sectors that are hard to abate.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. This bill may impact investment into clean and renewable hydrogen systems and infrastructure, also relating to transportation. OCTA is currently working with ARCHES to develop clean hydrogen projects and infrastructure.*

## **XIV. Other Legislation**

### **AB 34 (Valencia, D-Anaheim): Elections: County of Orange Citizens Redistricting Commission.**

#### **(Chapter 315, Statutes of 2023)**

AB 34 establishes the Citizens Redistricting Commission in the County of Orange, which would be responsible for adjusting district lines of the Board of Supervisors in Orange County, following specific criteria. The commission will be made up of 14 voting members and two non-voting alternate members, requiring them to attend all meetings and hearings of the commission. The commission members must meet certain qualifications, including being a resident of Orange County, having voted in at least one of the last three statewide elections, and being a voter who has been continually registered in Orange County who has not changed their party preference for five or more years immediately preceding the date of their appointment to the commission.

County officials must select 60 of the most qualified applicants, whose names will be made publicly available and then grouped into five sub-pools for each of the five supervisorial districts in Orange County. A random drawing will be conducted to select one commissioner from each of the five sub-pools, and after those five drawings, another random drawing will be conducted from all of the remaining applicants without respect to the sub-pools to select three additional commissioners. Those eight commissioners selected will review the remaining names in sub-pools and appoint eight additional commissioners, including two nonvoting appointees, to the commission.

Before the commission draws a map, they must hold at least seven public hearings to take place over a period of no less than 30 days, with at least one hearing in each of the five supervisorial districts. The mapping process must comply with federal law, and each district must have a reasonably equal population with other districts. The districts must also be geographically contiguous and respect communities of interest, which are populations that share common social and economic interests who should be included in the same district for the purpose of fair representation. The draft map must be posted publicly so that it is available for public comment.

The commission must also take steps to ensure public engagement, such as providing information through media announcements, coordinating with community organizations,

and posting information on the County of Orange website explaining the redistricting process with the inclusion of the notices of each public hearing. All outreach materials must also be translated into all applicable languages. Lastly, the commission has the ability to create a course of action where it may remove a member for not fulfilling the duties of the role, and the commission must be created no later than December 31, 2030.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. The County of Orange Citizens Redistricting Commission, when it is created, will have the ability to affect the makeup of the Board of Supervisors and, thus, affect the makeup of the OCTA Board of Directors (Board).*

**AB 354 (Nguyen, D-Elk Grove): Sacramento Regional Transit District: Board of Directors: membership.**

**(Chapter 35, Statutes of 2023)**

This bill authorizes the City of Elk Grove to appoint two members to the SacRT Board instead of one member due to population increase in the City of Elk Grove so long as the City of Elk Grove remained annexed into SacRT.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

**AB 764 (Bryan, D-Culver City): Local redistricting.**

**(Chapter 343, Statutes of 2023)**

Previous bills have created the Fair and Inclusive Redistricting for Municipalities and Political Subdivisions (FAIR MAPS Act). The FAIR MAPS Act proscribes partisan gerrymandering and institutes fair redistricting criteria for cities and counties in California. The first redistricting done under the FAIR MAPS Act was in 2021 and 2022. This bill strengthens the redistricting criteria under the FAIR MAPS Act, prohibiting incumbency protection and clarifying the prioritization of criteria, ensuring compliance with the federal Voting Rights Act.

Specifically, AB 764 establishes ranked criteria that prioritize keeping whole neighborhoods and communities of interest together, which is outlined to facilitate constituent representation and prohibit gerrymandering. It also establishes requirements to ensure minimum standards of transparency and accessibility in the local governments' redistricting process so that the public can provide information to assist local governments in adopting fair redistricting maps. In maintaining that standard, this bill also requires local jurisdictions to hold at least one public workshop and at least five public hearings prior to adopting new district boundaries; jurisdictions must have outreach and education plans for redistricting.

OCTA Position – Monitor

Impact on OCTA: *Local redistricting affects the Board at OCTA. As such, this bill strengthens redistricting criteria, which may affect the districts of the Board and other elected officials who have a stake in OCTA and Orange County functions.*

**AB 1519 (Bains, D-Bakersfield): Vehicles: catalytic converters.  
(Chapter 847, Statutes of 2023)**

AB 1519 stipulates that any person who removes, alters, or obfuscates any vehicle identification number (VIN) that has been added to a catalytic converter would be guilty of a misdemeanor. It also provides that a person who knowingly possesses three or more catalytic converters with VIN numbers that have been removed, altered, or obfuscated would also be guilty of a misdemeanor. Certain exceptions are allowed.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. This bill acts as a companion bill to SB 55 (Chapter 858, Statutes of 2023), which OCTA has supported that essentially requires VIN to be installed on new or used vehicles being sold by a retailer.*

**AB 1637 (Irwin, D-Thousand Oaks): Local government: internet websites and email addresses.  
(Chapter 586, Statutes of 2023)**

AB 1637 requires a local agency to ensure that its website and public email addresses for its employees utilize a “.gov” or “.ca.gov” domain name by January 1, 2029. A local agency means a city, county, or city and county. The intended purpose of the legislation is to increase security.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. This legislation does not apply to OCTA. However, OCTA will consider whether it may be prudent to transfer its domain name to a “.gov” as this could be something that comes back to apply to special districts.*

**SB 55 (Umberg, D-Santa Ana): Vehicles: catalytic converters.  
(Chapter 858, Statutes of 2023)**

SB 55 prohibits a motor vehicle dealer or retailer from selling a new or used vehicle that does not have a catalytic converter that has been permanently marked with the VIN corresponding to the vehicle to which it is attached. SB 55 includes several exemptions from this, including a collector motor vehicle, vehicles sold under certain conditions, and motorcycles. This will have a delayed implementation date of January 1, 2025.

OCTA Position – Support

Impact on OCTA: *While OCTA has not experienced theft of its agency-owned vehicles, there have been instances of catalytic converters being stolen from school buses and paratransit buses. For instance, in October 2022, Solano County Transit reported thieves*



*sawed off and stole the devices from three of their paratransit vehicles, costing the agency over \$10,000 to replace the converters and make appropriate repairs.*

**SB 710 (Durazo, D-Los Angeles): Sale of excess state highway property: State Highway Route 710 Terminus.  
(Chapter 501, Statutes of 2023)**

SB 710 requires Caltrans to establish and administer a Terminus Regional Planning Task Force, with representatives from the City of Alhambra, the City of Los Angeles, the County of Los Angeles, the California State University, Los Angeles, LA Metro, a business or workforce entity, and a community-based organization. This task force will meet quarterly to discuss the issues of traffic, and potential land uses as it relates to the State Route 710 Terminus. By December 1, 2025, they will complete and submit a report to the Legislature on projects and land use in the State Route Terminus adjacent areas addressing issues such as affordable housing, student housing, workforce development space, public university expansion, parks, open space, and alternative transportation. The report will also include a summary and status of the Alhambra 710 Arterial Project.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

**SB 891 (Committee on Transportation): Transportation: omnibus bill.  
(Chapter 219, Statutes of 2023)**

Each year, the transportation committee authors a bill to clean up outdated code sections or make other minor changes. SB 891 repeals the process for the San Diego Metropolitan Transit Development Board since it is now the sole operator of transit within its jurisdiction. Additionally, the San Diego County Association of Governments is required to submit an annual report on the region's transit needs annually. SB 891 would change the submission date from July 1st every year to December 31st so it can reflect the most recent FY in the report. SB 891 also allows the Alameda County Transportation Commission to independently manage an express lane in their jurisdiction to eliminate duplicative requirements for administrative hearings. Lastly, SB 891 amends the vehicle code to comply with federal regulations on nonpneumatic tires so that the California Highway Patrol can continue receiving grant funding.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*



**November 16, 2023**

**To:** Legislative and Communications Committee

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

**Subject:** Performance Evaluation of State Legislative Advocate, Topp Strategies

### **Overview**

The firm Topp Strategies provides state legislative advocacy services for the Orange County Transportation Authority. A staff evaluation of the services provided during this legislative session is presented to the Board of Directors for consideration and further comment.

### **Recommendation**

Receive and file the staff evaluation of the state advocacy services of Topp Strategies as an information item and provide any additional comments.

### **Background**

Since 2007, Moira Topp has served as the Orange County Transportation Authority's (OCTA) primary state legislative advocate through her former employment with Sloat Higgins Jensen and Associates, and then as a subcontractor on OCTA's prior contract with Platinum Advisors, LLC. On October 26, 2020, the OCTA Board of Directors (Board) awarded a new contract for state legislative advocacy services to Topp Strategies, with Platinum as a subcontractor. Under the new contract, Moira Topp continues in her role as lead state legislative advocate for OCTA. The new agreement took effect on January 1, 2021, for a two-year term, with two, two-year option terms. On July 25, 2022, the Board exercised the first two-year option term, which will last until December 31, 2024.

***Discussion***

Annually, OCTA staff evaluates the services provided by the state legislative advocate with respect to major issues addressed and general services provided. Staff's evaluation of the services provided by Topp Strategies is included in Attachment A. The major issues and general services provided by Topp Strategies have been evaluated based on effort and outcome using a rating of excellent, very good, good, fair, or poor.

Staff has rated Topp Strategies' efforts overall as "excellent" based on responsiveness, advancing OCTA's positions and policies, and assisting in building cooperative relationships with legislators and members of various state departments, boards, and commissions. Staff has rated Topp Strategies' outcomes overall as "excellent" based on the outcomes of the issues discussed.

Next year, the expected focus of Topp Strategies' advocacy for OCTA will include continued efforts related to seeking funding, project delivery and planning assistance to address climate change impacts to the Los Angeles - San Diego – San Luis Obispo Rail Corridor within Orange County; protecting taxpayer intent in the passage of local sales tax measures, ensuring projects and programs can be delivered, and; engaging in the Transit Transformation Task Force. In addition, priorities for Topp Strategies will include advancement of OCTA's positions on legislation and policy goals contained in the Board-adopted 2023-24 OCTA State Legislative Platform, and continued policy discussions about strategies for the State to meet greenhouse gas emission reduction goals; methods to address safety for both coach operators and passengers when using transit; interoperability for toll operators; and protecting state budget allocations for transportation purposes.

To assist the Board in fully evaluating Topp Strategies, the legislative advocate's current scope of work is included as Attachment B.

---

***Summary***

An evaluation of state legislative advocacy services performed by Topp Strategies is presented to the Board of Directors for information and further comment.

***Attachments***

- A. Staff Evaluation of Services Provided by Topp Strategies for 2023
- B. Sacramento Legislative Advocacy and Consulting Services Scope of Work

**Prepared by:**



Alexis Leicht  
Government Relations Representative  
Government Relations  
(714) 560-5754

**Approved by:**



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

## **Staff Evaluation of Services Provided by Topp Strategies for 2023**

The following narrative provides specific information with respect to major issues addressed by Topp Strategies, with Moira Topp as the Orange County Transportation Authority's (OCTA) primary state legislative advocate in 2023, and general services provided. Each issue has been evaluated based on effort and outcome using a rating of excellent, very good, good, fair, or poor.

### **State Budget Provisions for Transportation Purposes**

*Effort: Excellent; Outcome: Very Good*

In previous budget cycles, when the State was operating in a budget surplus, the Legislature approved \$4 billion in formula funding for the Transit Intercity Rail Capital Program (TIRCP). This funding was originally intended for transit capital projects. This year, being faced with a budget deficit, the Governor's budget proposed to reduce that funding by \$2 billion. Topp Strategies was successful in advocating, in coordination with the California Transit Association (CTA), for the reinstatement of the full \$4 billion for TIRCP, with an additional \$1.1 billion for the newly established Zero-Emission Transit Capital Program, which could be used for zero-emission bus purposes. Topp strategies was also successful in ensuring that the funding from both of those programs is flexible, allowing transit agencies to utilize the funding for transit operations. Over the next five years, OCTA is expected to receive approximately \$380 million from both the TIRCP and ZECTP. Alongside the funding, the Legislature required the California State Transportation Agency (CalSTA) to craft accountability guidelines for transit agencies to comply with in order to receive their portion of the funding. Of the \$4 billion for TIRCP, only \$2 billion has been officially allocated; therefore, Topp Strategies will need to work next year to ensure the Legislature provides the remaining \$2 billion for the formula TIRCP program.

While there have been significant proposed investments for the Active Transportation Program, the Legislature did reduce the program by \$200 million from the original \$1 billion proposed. This program is vastly oversubscribed, so this reduction will be reflected in how many Orange County projects are successful in competing for the funding. There were additional delays in the funding for grade separations and for the Port and Freight Infrastructure Program. Through each of these discussions, Topp Strategies sought to ensure that OCTA would be eligible for funding, and to advocate for formula-based funding programs. In order to ensure OCTA maximizes its funding opportunities within the programs ultimately approved, Topp Strategies will have to continue to work next year to help position OCTA to be successful within the competitive programs.

Also included in the budget was a provision that prohibits the California Department of Transportation (Caltrans) from charging any self-help counties more than ten percent for the administration of their indirect cost recovery. This will result in cost savings for OCTA and was a key priority for the Self-Help Counties Coalition (SHCC).

## **Staff Evaluation of Services Provided by Topp Strategies for 2023**

### **Senate Transportation Subcommittee on LOSSAN Rail Corridor Resiliency**

*Effort: Excellent; Outcome: Excellent*

This year, Senator Catherine Blakespear (D-Encinitas) formed the Senate Transportation Subcommittee on the Los Angeles – San Diego – San Luis Obispo Rail Corridor Resiliency. Topp Strategies was instrumental in helping OCTA successfully participate in this subcommittee at two separate hearings. This effort has helped OCTA promote its message of needing to perform a short-term study to protect the rail corridor in the intermediary, while also endeavoring on a long-term study. Topp Strategies has also been helpful in setting up meetings with state officials to discuss the State's role in long-term planning for the entire corridor. The subcommittee was commissioned for two years; therefore, it is anticipated that OCTA will continue to be involved in future hearings next year.

### **Bills Signed or Vetoed**

*Effort: Excellent; Outcome: Very Good*

AB 96 (Chapter 419, Statutes of 2023): This legislation was highly influenced by previous proposals related to new technology, including AB 2441, legislation that was vetoed by the Governor last year. AB 96 requires public transit employers to provide certain information to union representatives when the employer is beginning the process of procuring autonomous transit vehicle technology. Working with CTA, after OCTA adopted an oppose unless amended position, Topp Strategies sought amendments to ensure the bill did not create undue hardships on transit agencies. Amendments included simplifying the notification of procurement process, lengthening the timeframe for which agencies would need to develop a comprehensive analysis of worker impacts, and limiting the requirements pertaining to collective bargaining to better align with existing law. The author agreed to address each of these points. Following those amendments, OCTA was able to remove its oppose unless amended position.

AB 719 (Boerner, D-Encinitas): AB 719 would have required Medi-Cal Managed Care Plans to reimburse public transit operators for nonmedical transportation and nonemergency medical transportation services. Historically, Medi-Cal could directly reimburse transportation providers, through an agreement, for nonmedical and nonemergency medical transportation for individuals that were covered by Medi-Cal so long as they were utilizing the transportation services to gain access to services that were also covered by Medi-Cal. However, this is no longer the case. Therefore, AB 719 would have created an opportunity for a more equitable reimbursement system to occur and ultimately, save the transit operators money. Working in conjunction with CTA, who was the sponsor of the bill, Topp Strategies sought to maximize the benefits from this bill to allow OCTA to achieve cost savings. Ultimately, the bill was vetoed by the Governor, citing concerns with the Department of Health Care Services needing to pursue a series of federal approvals that are currently not allowed under federal guidance.

## **Staff Evaluation of Services Provided by Topp Strategies for 2023**

SB 434 (Chapter 396, Statutes of 2023): SB 434 requires the ten largest transit agencies in the state to conduct outreach and survey passengers about incidents of street harassment while using the agency's respective transit system on or before December 31, 2024. Working with CTA, Topp Strategies was successful in ensuring that such requirements would not impose an unfunded mandate on transit agencies. Additionally, flexibility was granted on what kind of survey can be used by agencies, since in the previous year there was legislation that directed the Mineta Transportation Institute to create a survey to gather data about street harassment. This results in OCTA creating a tailored survey that serves our customers more effectively.

SB 617 (Chapter 196, Statutes of 2023) & SB 706 (Chapter 500, Statutes of 2023): Both of these pieces of legislation expand progressive design-build authority. Alongside CTA and SHCC, Topp Strategies was able to secure these proposals as a part of the Governor's streamlining package. OCTA is expected to use this authority on its transit projects, as appropriate, to help expedite project delivery and create cost savings.

### **Other Bills of Interest**

*Effort: Excellent; Outcome: Excellent*

AB 6 (Friedman, D-Glendale): This is one of two bills introduced by Assembly Member Friedman that OCTA opposed. Specifically, AB 6 would have revised the SB 375 (Chapter 728, Statutes of 2008) greenhouse gas emission reduction target setting process to require regions to not only meet targets for 2020 and 2035, but also for 2045. Topp Strategies, recognizing the need for a strong coalition, took leadership in organizing traditional stakeholder coalition members to oppose the bill. Given the sensitivity of having the Chair of the Assembly Transportation Committee as the author, Topp Strategies also reached out to committee staff to engage early and often, in addition to several meetings with key members of the Legislature. Throughout the process, Topp Strategies worked to both try to defeat the bill, but also improve the bill in the scenario that it was signed. Ultimately, the bill was held as a two-year bill to allow for further negotiations. It can be expected conversations will resume next year.

AB 7 (Friedman, D-Glendale): This is the second piece of legislation OCTA opposed by Assembly Member Friedman. AB 7 would add new requirements for the California Transportation Plan and lists priorities which CalSTA, Caltrans, and the California Transportation Commission would incorporate into their existing funding guidelines and planning processes, to the extent applicable and cost effective. Assembly Member Friedman organized a working group to discuss and provide input on this legislation. While OCTA was not directly invited to participate in this working group, Topp Strategies was a leader in creating a coalition to oppose this legislation and was also successful in getting most of the Orange County delegation members to not vote in support of AB 7. This legislation faced a series of amendments in an attempt to reach consensus, which was ultimately never achieved despite several conversations with the committee staff. Ultimately, the bill was held as a two-year bill to allow for further negotiations. It can be expected conversations will resume next year.

## **Staff Evaluation of Services Provided by Topp Strategies for 2023**

### **General Services**

*Effort: Excellent; Outcome: Excellent*

Topp Strategies regularly scheduled meetings with legislators, committee consultants, Administration staff, and staff of various state departments, boards, and commissions to discuss issues of importance to OCTA. Topp Strategies has been responsive to requests by OCTA staff, provided timely information, advice and reports, and provided testimony in legislative committees that accurately reflected Board positions on legislation and policy issues. Topp Strategies also worked on a number of other issues on behalf of OCTA that were not necessarily contained in legislation. Specifically, this year, Topp Strategies provided critical meetings with new and existing Orange County delegation members to discuss OCTA's top priorities including support for the rail corridor, transit operations funding, and concerns with proposal that could alter funding programs in such a way that hinders the ability for transportation agencies to deliver their projects and programs. Additionally, in-person meetings were also held with key members of the Orange County delegation to discuss the suspension of rail service in southern Orange County. These conversations have allowed OCTA to communicate its message on the investments OCTA has made into the corridor and the plans OCTA has charted for the future, long-term viability of the rail system.

While the construction activities at the State Capitol continued to present challenges for arranging in-person meetings, Topp Strategies has always remained in contact with key staff and afforded OCTA the ability to be at the table for critical conversations. Topp Strategies successfully arranged meetings with key members of the Legislature and Administration to communicate positions on legislation and policies. This included in-person meetings with the Orange County Delegation members, Secretary of CalSTA, the Director of Caltrans, and committee staff from both the Assembly Transportation Committee and Senate Transportation Committee.

*Effort: Excellent; Outcome: Excellent*

Topp Strategies efforts overall are rated as excellent based on responsiveness, time dedicated to advocating for and advancing of OCTA's positions and policies, timeliness of information, assisting in building cooperative relationships with legislators and members of various state departments, boards, and commissions, and availability. Topp Strategies outcomes overall are rated as excellent based on the outcomes of the issues discussed.



**Sacramento Legislative Advocacy and Consulting Services  
Scope of Work**

**Reporting Relationship**

The Manager of State and Federal Relations and/or his/her designee will be the key contact and will coordinate the work of the CONSULTANT. The Orange County Transportation Authority (OCTA), at its sole discretion, may enter into more than one contract with additional firms with a Reporting Relationship of:

**Role of the CONSULTANT**

Under the coordination of the Manager of State and Federal Relations and/or his/her designee, the CONSULTANT shall be responsible for implementing the objectives described below.

## **Objectives**

**Objective 1:** Maintain regular contact with the Governor's office; members of the Legislature and committee staff; and state departments, agencies, boards, commissions, committees, and staff to determine impending changes in laws, regulations, and funding priorities that relate to the OCTA.

- Meet with members of the Governor's office and Legislature to discuss policy issues affecting OCTA,
- Meet with members and staff of state agencies on issues that could impact the programming, delivery and funding of OCTA projects and services, including the California Transportation Commission; California State Transportation Agency; California Department of Transportation; California Air Resources Board,
- Track and attend meetings and actions by state agencies directly impacting transportation, including those associated with the Department of Finance; California Department of Tax and Fee Administration; Office of Planning and Research; California State Transportation Agency, Department of Transportation; California High-Speed Rail Authority; California Highway Patrol; California Department of Motor Vehicles; California Public Utilities Commission; California Environmental Protection Agency; and California Air Resources Board.

### **Objective 1 Deliverable:**

- Electronic reports of issues that could affect OCTA projects or funding.

**Objective 2:** Notify OCTA of anticipated, newly introduced or amended state legislation and proposed regulations, which could impact OCTA.

- Provide bill number and brief summary of introduced or amended state legislation via e-mail,
- Provide information relative to legislative hearings,
- Provide information on bills' sponsors, supporters, and opponents,
- Advise OCTA of proposed transportation, environmental, employment, and safety related legislation and regulations which could impact OCTA and provide copies as requested.

### **Objective 2 Deliverables:**

- Copies of legislation, committee analyses, and proposed regulations as requested,
- Electronic notification of introduced bills and amendments, with summaries,
- Notification of legislative hearings.

**Objective 3:** Advocate OCTA's legislative program and positions on legislation, proposed regulations, and funding and transportation programming priorities as adopted by the Board.

- Participate in the preparation of OCTA's legislative program by informing staff of upcoming legislative proposals, budget forecasts, and potential policy issues,
- Assist in securing authors and drafting language for sponsor bills,
- Assist in drafting amendments to legislation and regulations,
- Build coalitions to support OCTA's positions on significant legislation,
- Testify on behalf of OCTA on Board-adopted positions on legislation at committee and floor hearings, as appropriate,
- Provide copies of all written correspondence, testimony, and position papers given on behalf of OCTA,
- Schedule meetings with legislators, Governor's office, and state departments for OCTA Directors and staff to advocate legislative and funding priorities,
- Participate in transit and transportation lobbying coalitions,
- Analyze and prepare advice on the proposed state budget as it relates to transportation, including, but not limited to, identifying decreases/increases in existing programs, new funding sources, and strategies to enhance transportation funding for OCTA.

**Objective 3 Deliverables:**

- Copies of all written correspondence, testimony, and position papers given on behalf of OCTA,
- Schedule of meetings with legislators, Governor, and administration,
- Budget analyses.

**Objective 4:** Provide written and oral reports.

- While the Legislature is in session, highlight significant transportation and related issues in Sacramento of importance to OCTA as needed,
- Submit a monthly written report of advocacy activities and accomplishments,
- As needed, present an in-person report to the Board or the Legislative and Communications Committee during a regular meeting. At least one in-person meeting should occur to develop legislative strategy,
- Once per month, participate via telephone in the Legislative and Communications Committee meeting or other designated committee of the Board,
- Maintain close contact with the Manager of State and Federal Relations on issues of importance,
- Provide electronic updates via e-mail to designated recipients on meetings of the Legislature, transportation issues of importance, press releases, and other issues of importance to OCTA.

**Objective 4 Deliverables:**

- Written reports highlighting significant transportation and related developments in Sacramento, as needed,
- Monthly written report of advocacy activities and accomplishments,
- As needed, oral presentations to the Board or Legislative and Communications Committee,
- As needed, an in-person legislative strategy session with Members of the Board of Directors,
- Monthly conference calls with the Legislative and Communications Committee or other designated committee,
- Electronic updates on issues of importance.

**Objective 5: Maintain Sacramento office.**

- Maintain an office in Sacramento, convenient to the State Capitol,
- Provide briefings at office prior to meetings at the Capitol,
- Have available an office for use by Board Members and staff while performing OCTA business in Sacramento.

**Objective 5 Deliverable:**

- Office in Sacramento.

**Objective 6: Provide monthly invoices of services,**

- Provide a written summary of meetings attended on behalf of OCTA,
- Provide a list of issues advocated during the month and status.

**Objective 6 Deliverable:**

- Monthly invoice that includes a written summary of meetings attended on behalf of OCTA and a list and status of the issues advocated for OCTA during the month.



**November 16, 2023**

**To:** Legislative and Communications Committee

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

**Subject:** Performance Evaluation of Federal Legislative Advocate,  
Potomac Partners, DC

### **Overview**

The firm Potomac Partners, DC provides federal legislative advocacy services for the Orange County Transportation Authority in Washington, D.C. A staff evaluation of the services provided this legislative session is presented to the Board of Directors for consideration and further comment.

### **Recommendation**

Receive and file the staff evaluation of the federal advocacy services of Potomac Partners, DC as an information item and provide any additional comments.

### **Background**

Since 2003, the Orange County Transportation Authority (OCTA) has contracted with Potomac Partners, DC (PPDC) for federal legislative advocacy services. On October 22, 2018, the OCTA Board of Directors (Board) approved a contract with PPDC to provide federal advocacy and consulting services for an initial term of two years through December 31, 2020, with two, two-year option terms. On June 22, 2020, the Board exercised the first two-year option term, which expired on December 31, 2022. Most recently, on July 25, 2022, the Board exercised the second two-year option which took effect on January 1, 2023, and will expire on December 31, 2024. The federal legislative advocacy and consulting services provided by PPDC are led by Richard Alcalde, Daniel Feliz, and Adam Cross.

### **Discussion**

The evaluation of federal legislative advocacy services covers major issues addressed and general services provided by PPDC, mirroring the process also

used to evaluate the state legislative advocacy services. Staff's evaluation of the services provided by PPDC is included in Attachment A. The major issues and general services provided by PPDC have been evaluated based on effort and outcome using a rating of excellent, very good, good, fair, or poor.

Staff has rated PPDC's efforts overall as "very good" based on responsiveness, advancing OCTA's positions and policies, and assisting in building cooperative bipartisan relationships with members of Congress and the Administration. Staff has rated PPDC's outcomes overall as "very good" based on the outcomes of the issues discussed.

Priorities for PPDC for the upcoming Second Session of the 118th Congress will continue to focus on implementation of the Infrastructure Investment and Jobs Act and the Inflation Reduction Act, ensuring that programs are funded at least at the levels authorized, eligibility for transportation and transit agencies is considered for relevant programs, and statutory intent is honored in implementation. As part of this effort, if Congress continues to authorize community project funding and congressionally directed spending requests in future appropriations bills, PPDC will also be focused on seeking opportunities to fund specific OCTA projects, consistent with Board priorities and direction. Next year, there will also be the opportunity to begin coordinating on developing priorities for the next surface transportation reauthorization bill. Additionally, PPDC will seek to advance OCTA's policy positions outlined in the 2023-24 OCTA Federal Legislative Platform, including seeking funding, project delivery, and planning assistance to address environmental impacts occurring throughout the Los Angeles – San Diego – San Luis Obispo Rail Corridor within Orange County and informing any proposals that may impact formula funding or which may delay OCTA federal grants.

To assist the Board in fully evaluating PPDC, the federal legislative advocate's current scope of work is included as Attachment B.

***Summary***

An evaluation of federal legislative advocacy services performed by Potomac Partners, DC is presented to the Board of Directors for information and further comment.

***Attachments***

- A. Staff Evaluation of Services Provided by Potomac Partners, DC for 2023
- B. Scope of Work Federal Legislative Advocates

**Prepared by:**



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

**Staff Evaluation of Services Provided by  
Potomac Partners, DC for 2023**

The following narrative provides specific information with respect to major issues addressed by Potomac Partners, DC (PPDC) as the Orange County Transportation Authority's (OCTA) primary federal legislative advocate for 2023. Each issue has been evaluated based on effort and outcome using a rating of excellent, very good, good, fair, or poor.

**Appropriations and Grant Funding Opportunities**

*Effort: Excellent; Outcome: Very Good*

Both the House and Senate continued to entertain requests for earmarks this year, rebranded as “community project funding” requests in the House and “congressionally directed spending” requests in the Senate. Subject to added transparency requirements and limitations on overall amounts a member could request, PPDC ensured OCTA projects and programs were included. In the final fiscal year (FY) 2023 appropriations bill, OCTA received almost \$13 million in earmarks for projects including the Orange County (OC) Loop, Santa Ana-Garden Grove Rails to Trails, State Route 74 Improvements, and the State Route 91 Project from Lakeview to State Route 55. For FY 2024, PPDC worked equally diligently to submit several OCTA proposals, and successfully ensured these proposals were included in draft FY 2024 appropriations bills. This includes funding for the State Route 91 Improvement Project, the Coastal Rail Corridor Relocation Study, and the OC Loop. While an appropriations bill has yet to be passed, the fact that PPDC was able to get these projects included in the draft omnibus bill demonstrates a high potential for successful inclusion in the final FY 2024 appropriations bill.

In order to be successful in these project submittals, PPDC had to invest significant time to ensure project submittals met all updated guidelines for submittal, which differs by member, the pot of funding being earmarked, and whether it's a member of the Senate or House that is seeking the funding. This required PPDC to answer several questions about each project prior to submittal, working with OCTA staff to get the details necessary. In addition, PPDC assisted OCTA staff in securing support letters and other documents necessary to meet the requirements.

Related to discretionary grants, PPDC again led efforts to secure support from delegation members for projects pursued by OCTA. This included projects for several new programs authorized by the Infrastructure Investment and Jobs Act (IIJA), including the Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) program. OCTA is beginning preparations to undertake a study for the Coastal Rail Infrastructure Resiliency Project, which will evaluate strategies to ensure uninterrupted rail operations in southern Orange County in the short- and medium-term. The funding being requested through the PROTECT program would allow OCTA to move identified strategies to the next phase of project approval.



and environmental documentation. The political support for the grant application PPDC was able to obtain was critical to ensuring a comprehensive application. Continued work will need to be done moving forward to better position OCTA for other grant opportunities.

## **IIJA Implementation**

*Effort: Very Good; Outcome: Good*

Most all transportation policy discussions this year at the federal level revolved around the implementation of the IIJA. Entering 2023 without an annual appropriations bill approved stalled some of the most immediate implementation activities as the funding levels provided via continuing resolution were aligned with previous authorizations. PPDC remained engaged throughout the appropriations process to ensure funding levels in the final appropriations bill matched at least what was provided by the IIJA. Programs such as the Buses and Bus Facilities Discretionary Grant Program and the Capital Investment Grant Program ultimately received even more funding than authorized, demonstrating the emphasis Congress had on investments in transit capital projects. Additionally, Congress had to act this year to suspend the debt ceiling, since the United States Treasury Department was not going to be able to meet its financial commitments. This resulted in the passage of the Fiscal Responsibility Act of 2023. This legislation established budgetary caps on both defense and nondefense spending for FYs 2024 and 2025. In FY 2024, total nondefense spending, which includes transportation funding, is \$703.7 billion, which is a \$40.2 billion (5.4 percent) decrease compared to FY 2023 funding levels. During the appropriations discussions for FY 24, which remain ongoing, PPDC continued to communicate the importance of maintaining authorized levels for transportation funding. The House has proposed significant cuts to transportation programs in their draft appropriations bill; however, this has yet to be fully negotiated with the Senate.

Beyond appropriations discussions, much of the IIJA implementation activities were correlated with required rulemaking and guidance documents from the Administration. A continued concern this year was a rulemaking related to Buy America required by the IIJA to expand applicability to construction materials, and a memo from the Federal Highway Administration (FHWA) deprioritizing highway investments in federal grant programs in favor of multimodal projects. Since the work done last year, the Government Accountability Office issued a decision that the memo meets the definition of a rule and therefore, the FHWA would need to have submitted a Congressional Review Act report on the memo to enforce such action, for which was not done. For the Buy America conversations, OCTA worked with PPDC to submit comments on this rulemaking, urging continued waiver of enforcement until more information about the feasibility of meeting these requirements, and not adversely impacting transportation projects, could be put together. Waivers have been granted to include some flexibility, but it is expected that conversations related to Buy America will continue next year.

## **General Services**

*Effort: Very Good; Outcome: Very Good*

PPDC was highly successful in securing key meetings for OCTA on trips to Washington, DC this year. This included meetings with Orange County delegation members as well as key members of committee leadership, including Chair of the House Transportation & Infrastructure Committee Sam Graves (R-MO), Ranking Member of the House Transportation & Infrastructure Committee Rick Larsen (D-WA), and Chair of the Subcommittee on Railroads, Pipelines, and Hazardous Materials Troy Nehls (R-TX). These meetings provided OCTA the opportunity to advocate for policy and funding priorities, including maintaining mode neutrality on federal grant programs, securing community project funding for OCTA projects, and ensuring transportation agencies remain eligible for federal funding programs, including those included in the Inflation Reduction Act. PPDC was also able to timely secure a meeting with the Federal Railroad Administration, which allowed for a key opportunity to discuss the environmental impacts happening on the Los Angeles – San Diego – San Luis Obispo Rail Corridor.

While many of these issues did not lead to ultimate resolution this year, the groundwork was laid for next session to move forward in several areas. Plans have already been formed as a result of these meetings to have a more corridor-wide discussion about the coastal rail lines in the State, and what potential funding and permitting needs may be required to preserve rail operation in the long-term.

While the majority of PPDC's work for OCTA surrounded informing federal policy discussions, PPDC also worked on several other issues on behalf of OCTA including promptly responding to questions from federal delegation members and advising on new policy proposals. This included participating in meetings requested by Orange County delegation staff and in tracking policy proposals by transportation advocacy groups.

## **Overall Rating**

*Effort: Very Good; Outcome: Very Good*

PPDC's efforts overall are rated as very good based on responsiveness, time dedicated to advocating for and advancing of OCTA's positions and policies, timeliness of information, assisting in building cooperative relationships with Congress and members of the Administration, and availability. PPDC's outcomes overall are rated as very good based on the outcomes of the issues discussed.

**SCOPE OF WORK  
FEDERAL LEGISLATIVE ADVOCATES**

**I. General**

The Orange County Transportation Authority (OCTA) is seeking a federal legislative advocate team (Consultant) to address a series of issues described in and will be organized around the federal goals and objectives of the OCTA Legislative Platform. The primary issues and objectives are summarized as follows:

1. Secure a stable and reliable long-term transportation reauthorization bill, and annual appropriations bills in accordance with current Legislative Platform and Board of Directors (Board)-approved project requests.
2. Advocate at the Congressional and Executive Branch levels for federal funding for OCTA capital projects, including fixed-guideway projects.
3. Advocate on behalf of OCTA's position on Goods Movement.
4. Seek to maximize funding for all OCTA modal programs, but especially restoration of a well-funded bus discretionary program, in the next transportation reauthorization bill.
5. Seek to streamline and accelerate the delivery of federally funded projects with minimal federal requirements.
6. Advocate for funding of compliance costs for any new federally mandated requirements.
7. Advocate for federal intercity passenger rail funding in the San Luis Obispo - Los Angeles - San Diego Rail Corridor.

**II. Coalition Activities**

The Consultant shall build and sustain a strong federal coalition in support of OCTA.

**1. OCTA Legislative Platform**

- 1.1 Provide input to and implement OCTA-developed funding strategies for transportation projects described in the Information and Issues discussion and Legislative Platform, including bus, highway, intelligent transportation systems projects, and any other projects which may be appropriate to achieve OCTA legislative goals.

1.2 Recommend appropriate activities for OCTA Board Members and local elected officials at various stages of the legislative process.

1.3 Provide general political and advocacy advice to OCTA.

## 2. Legislation, Regulations, and Policy

2.1 Notify OCTA of anticipated, newly introduced, or amended federal legislation, regulations, and administrative policy actions which could impact OCTA and provide a legislative analysis on how such action(s) may affect the interest of OCTA.

2.2 Work with OCTA to develop positions and tactics which implement OCTA's strategy objectives regarding the upcoming reauthorization of the transportation program.

2.3 Provide information and advice regarding upcoming legislative hearings which may impact policies and programs of OCTA.

2.4 Attend hearings and other public sessions of interest to OCTA.

2.5 Assist in the preparation of testimony before congressional committees and represent OCTA before such committees, including, but not limited to, the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure, the Senate Committee on Banking and Urban Affairs, the Senate Commerce Committee, and the Senate Committee on Environment and Public Works.

2.6 Assist in drafting legislative language and other written materials deemed to be of interest to OCTA to ensure that the goals and objectives of OCTA are fulfilled.

2.7 Assist in drafting responses to Federal Register notices and other federal public comment announcements.

2.8 Assist in the preparation of appropriate written materials supporting OCTA legislative goals, including letters, talking points, bill summaries, and position papers.

## 3. Liaison and Advocacy Activities

### 3.1 Orange County Congressional Delegation

3.1.1 Maintain frequent formal and informal contact with the Orange County delegation members and staff to represent and advocate OCTA policies and positions.

3.1.2 Recommend when OCTA Board Members should be in direct contact with members of the Orange County delegation or their key legislative staff.

3.2 House and Senate

3.2.1 Maintain direct and frequent contact with key members and staff of appropriate Senate and House Committees to represent and advocate OCTA policies and positions.

3.2.2 Arrange meetings between key legislation members and OCTA personnel as appropriate in Washington, D.C. or Orange County. Provide logistical support for Washington, D.C. visits.

3.2.3 Recommend timing and nature of contacts with the Orange County delegation and other legislation members in Washington, D.C.

3.3 Executive Branch

3.3.1 Meet with and arrange meetings with appropriate White House officials and staff, as necessary, to represent and advocate OCTA policies and positions.

3.3.2 Meet with and arrange meetings with appropriate Department of Transportation officials and staff, and other federal agencies, as necessary, to represent and advocate OCTA policies and positions.

III. **Administrative Coordination**

The Consultant shall continuously coordinate with OCTA Board, Chief Executive Officer and staff.

1. Coordination

1.1 Coordinate all activities with the OCTA State and Federal Relations Manager and Executive Director, Government Relations as appropriate.

1.2 Coordinate with members of the OCTA Board, as appropriate.

1.3 Coordinate with other OCTA consultants, as appropriate.

## 2. Other Activities

- 2.1 Preparation of materials, conference calls, oral reports, written reports, and additional assignments.
- 2.2 Participate via teleconference with the Manager of Grants and Federal Relations, other OCTA staff, and other consultants as necessary.
- 2.3 Provide on-site and in-person oral reports to the Board and meet with appropriate OCTA staff at the OCTA headquarters in Orange, California, as needed. The number of on-site reports is not expected to exceed four per year.
- 2.4 Submit a written monthly activity and status report, including key advocacy activities undertaken on behalf of OCTA during each month.
- 2.5 Undertake additional assignments that have been mutually agreed upon by both parties and are necessary to accomplish OCTA's objectives in Washington, D.C.



**November 16, 2023**

**To:** Legislative and Communications Committee

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

**Subject:** Orange County Transportation Authority's 2023-24 State and Federal Legislative Platforms

### **Overview**

Halfway through each legislative session, staff conducts a refresh to the Orange County Transportation Authority's State and Federal Legislative Platforms to ensure updates are provided on relevant issues that are anticipated to be of discussion for the upcoming year. The final drafts of the revised 2023-24 Orange County Transportation Authority State and Federal Legislative Platforms are submitted for consideration and adoption by the Orange County Transportation Authority Board of Directors.

### **Recommendations**

- A. Adopt the revised final draft of the 2023-24 State and Federal Legislative Platforms.
- B. Direct staff to distribute the adopted platforms to elected officials, advisory committees, local governments, affected agencies, the business community, and other interested parties.

### **Background**

At the beginning of each legislative session, the Orange County Transportation Authority (OCTA) adopts updated legislative platforms to guide OCTA's state and federal advocacy activities for the duration of the upcoming session. With each session covering a two-year period, revisions to the legislative platforms are presented to the Board of Directors (Board) midway through the sessions to reflect any significant changes since adoption by the Board. Official OCTA legislative positions not directly addressed by the legislative platforms will be brought to the Board for separate action during the legislative sessions.

The initial drafts of the 2023-24 State and Federal Legislative Platforms were reviewed and approved for further circulation by the Legislative and

Communications Committee (Committee) on October 19, 2023, and by the Board on October 23, 2023. After receiving additional feedback, the State and Federal Legislative Platforms have been refined further and are included as Attachments A and B. The recommended revisions are designated by underline and strikethrough text.

When developing the 2024-25 State and Federal Legislative Platforms next year, a more widespread input solicitation process will occur, with outreach to interested groups, stakeholders, and individuals to allow for a more comprehensive update for the next legislative session.

### 2023-24 OCTA State Legislative Platform

The final proposed revisions to the 2023-24 OCTA State Legislative Platform are summarized below. Language was edited, amended, or removed as necessary to ensure grammatical and stylistic integrity.

- Revisions are proposed to Subsection (c) under the section entitled, "Key Policy Issues in 2023-24" per direction from Director Foley with Committee concurrence. This is one of several principles created to expand on the importance of engaging with the state on issues pertaining to adaptation and resiliency. Specifically, this principle broadens the approach to support all efforts seeking to combat the environmental impacts occurring on transportation infrastructure throughout the County.
- Per direction from Director Foley with Committee concurrence, Subsection (d) is proposed to be added under the section entitled, "Key Policy Issues in 2023-24." This principle underscores OCTA's advocacy efforts specifically as it pertains to the pursuit of funding and need for administrative solutions, as necessary, to address environmental impacts along the rail corridor. For example, in the last year, OCTA had successfully advocated that the California Transportation Commission (CTC) should delegate authority to the Executive Director of the CTC to approve fund allocations for emergencies impacting publicly owned rail facilities. This aids in streamlining various approval processes and quickly allows local agencies to quickly draw down funding to respond to emergencies. With this principle, OCTA will be positioned to advocate for funding and any administrative solution deemed appropriate to support adaptation and resiliency efforts throughout the entire rail corridor.
- Per direction from Director Foley with Committee concurrence, Subsection (e) is proposed to be added under the section entitled, "Key Policy Issues in 2023-24." The intention for this new principle is for OCTA to engage in potential activities regarding the management of sea level



rise and other environmental impacts occurring throughout the rail corridor with the possibility of pursuing funding for such activities.

- Subsection (f) under the section entitled, “Key Policy Issues in 2023-24” is proposed to be added. OCTA, alongside other member agencies of the Los Angeles – San Diego – San Luis Obispo (LOSSAN) Rail Corridor Agency, submitted a letter to the Secretary of the California State Transportation Agency to urge the State’s support in developing a long-term study related to potential track relocation. This issue is much greater than any one agency and requires significant state coordination. While local agencies will still be key stakeholders in informing such study, OCTA should continue to advocate for a strong state role in this effort.
- Revisions to Subsection (o) under the section entitled, “Key Policy Issues in 2023-24” are recommended. Last year’s budget provided \$4 billion for transit operations and capital projects, with \$2 billion being allocated in this budget and the remaining \$2 billion to be allocated in next year’s budget. There were also several accountability and responsibility measures associated with the funding. These proposed revisions reflect the need to protect these funds as they have been outlined in this year’s budget and that the remainder of the funding is provided in fiscal year 2024-25.
- Subsection (h) under the section entitled, “Transit Programs” is proposed to be added. Included in the State’s budget this year was the creation of and an appropriation for the Zero-Emission Roadmap. The roadmap is intended to identify the actions needed to meet California’s zero-emission goals, with minimal displacement of existing workers, specifically as it pertains to the transit sector. This will include gathering information related to jobs provided by existing buses, determining the skills gap that exists to operate and maintain the new zero-emission equipment, and developing a plan to aid in this transition. OCTA should be engaged to help inform this discussion to ensure a seamless and effective transition.
- Revisions to Subsection (f) under the section entitled, “Active Transportation” are included per direction from Director Foley. This principle adds that the pursuit of funding may be appropriate for OCTA to advocate for as it pertains to projects that could help increase safety of electric bicycle operation.
- A minor revision to Subsection (c) under the section entitled, “Employment Issues” is recommended to strike Family Medical Leave Act and replace it with the California Family Rights Act. This more accurately

aligns with California state law. The previous reference was to federal law.

- Revisions to Subsection (d) under the section entitled, "Transportation Security and Emergency Preparedness" are included. The California Transit Association is exploring an opportunity to expand current provisions that assesses a \$10,000 fine as it relates to committing assault or battery against a coach operator or ticket agent. Transit agencies are always looking at ways to increase the safety and security of their employees and passengers. Expanding this penalty to include all public transit employees could help in this effort by creating a deterrent of this behavior.

#### **Sponsor Bills**

OCTA often encounters specific legislative issues requiring sponsor legislation, prompting OCTA to take the lead in developing legislative language and securing an author. Staff is currently exploring the need for any potential sponsor bills that may be useful for the remainder of the session. Staff is recommending that should any need arise for a sponsor bill, it be considered by the Board through Committee at a later date.

#### **2023-24 OCTA Federal Legislative Platform**

The final proposed revisions to the 2023-24 OCTA Federal Legislative Platform are summarized below. Language was edited, amended, or removed as necessary to ensure grammatical and stylistic integrity.

- Revisions are proposed to Subsection (j) under the section entitled, "Key Policy Issues in 118th Congress" per direction with Committee concurrence to align with the State Legislative Platform. This is one of several principles created to expand on the importance of engaging with OCTA's federal partners on issues pertaining to adaptation and resiliency. Specifically, this principle broadens the approach to support all efforts seeking to combat the environmental impacts occurring on transportation infrastructure throughout the County.
- Per direction and Committee concurrence to align with the State Legislative Platform, Subsection (k) is proposed to be added under the Section entitled, "Key Policy Issues in 118th Congress." This principle underscores OCTA's advocacy efforts specifically as it pertains to the pursuit of funding and need for administrative solutions, as necessary, to address environmental impacts along the rail corridor. For example, in the last year, OCTA had successfully advocated that the CTC should

delegate authority to the Executive Director of the CTC to approve fund allocations for emergencies impacting publicly owned rail facilities. This aids in streamlining various approval processes and quickly allows local agencies to quickly draw down funding to respond to emergencies. With this principle, OCTA will be positioned to advocate for funding and any administrative solution deemed appropriate to support adaptation and resiliency efforts throughout the entire rail corridor.

- Per direction and Committee concurrence to align with the State Legislative Platform, Subsection (l) is proposed to be added under the section entitled, "Key Policy Issues in 118th Congress." The intention for this new principle is for OCTA to engage in potential activities regarding the management of sea level rise and other environmental impacts occurring throughout the rail corridor with the possibility of pursuing funding for such activities.
- Subsection (m) under the section entitled, "Key Policy Issues in 118th Congress" is proposed to be added. OCTA, alongside other member agencies of the LOSSAN Rail Corridor Agency submitted a letter to the Secretary of the California State Transportation Agency to urge the State's support in developing a long-term study related to potential track relocation. This issue is much greater than any one agency and requires significant federal and state coordination. While local agencies will still be key stakeholders in informing such study, OCTA should continue to advocate for a strong federal role in this effort.
- Revisions to Subsection (i) under the section entitled, "Transportation Funding" are recommended. Recent federal guidance has required some changes to the suballocation process as it pertains to certain federal funding programs. OCTA maintains its concerns with altering longstanding formula distribution practices within the State. However, OCTA staff continues to work diligently to ensure it receives its current formula share of federal funding and supports the reinstatement of the previous suballocation practice.

***Summary***

The 2023-24 OCTA State and Federal Legislative Platforms are presented for consideration and adoption.

***Attachments***

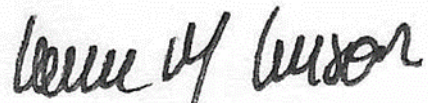
- A. Final Draft Orange County Transportation Authority 2023-24 State Legislative Platform
- B. Final Draft Orange County Transportation Authority 2023-24 Federal Legislative Platform

**Prepared by:**



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

**Approved by:**



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

## **Final Draft Orange County Transportation Authority 2023-24 State Legislative Platform**

With over three million residents, Orange County is the third most populous county in California and the sixth most populous county in the nation. Orange County is one of the most densely populated areas in the country and is served by one of the nation's busiest transit systems. In addition, Orange County provides highway and rail corridors that facilitate the increasing level of international trade entering the Southern California ports.

The 2023-24 State Legislative Platform serves as a framework document to guide the Orange County Transportation Authority's (OCTA) legislative, regulatory, and administrative activities in the coming legislative session. The Key Policy Issues section offers guidance on the policy issues that will likely be the focus of the upcoming legislative session. The later sections present guiding policy statements for other major issue areas that may arise during the session. Positions on individual items not directly in this document will be brought to the OCTA Board of Directors for formal action.

### **Key Policy Issues in 2023-24**

A number of significant transportation issues are expected to be discussed in the 2023-24 legislative session. OCTA will focus its advocacy efforts on the following principles.

- a) Support transportation funding investments and policy flexibilities that allow OCTA to provide essential, multimodal mobility improvements and services in order to meet the mobility needs of Orange County;
- b) Encourage policies and guidance that incentivize public transit ridership;
- c) Seek support for adaptation and resiliency efforts related to ~~throughout the coastal rail corridor to address the evolving and imminent impacts of the environment on~~ for critical transportation infrastructure;
- d) Seek funding and other administrative solutions, such as permit streamlining, to support adaptation and resiliency efforts throughout the rail corridor;
- e) Seek support, funding, and streamlining to manage and address sea level rise, beach erosion, landslides, and other environmental impacts along the rail corridor;
- f) Encourage State leadership, in conjunction with local collaboration, in developing long-term studies related to potential track relocation in the Los Angeles – San Diego – San Luis Obispo corridor;
- g) Support efforts to maximize OCTA's share of transportation and transit funding, especially through distribution formulas and more equitable competitive funding processes;

**Final Draft Orange County Transportation Authority 2023-24  
State Legislative Platform**

- h) Oppose linking, reprioritizing, or aligning local and state transportation funding with policies that could significantly hinder a local agency's ability to deliver transportation programs and projects;
- i) Support efforts to maintain the promises self-help counties have made to taxpayers in the implementation of local sales tax measures and oppose mandating specific uses of future sales tax revenues;
- j) Support workforce development and training policies that allow OCTA to hire and retain personnel ready to implement the next generation of mobility;
- k) Oppose policies that would circumvent existing transit operator funding eligibility requirements;
- l) Support dedicated funding for transit operations, preferably through an ongoing formulaic approach;
- m) Support efforts to ensure local control is maintained in policy decisions made by local transportation agency boards in delivering, funding, and operating transportation programs and projects;
- n) Inform the State's Transit Transformation Task Force, created pursuant to SB 125 (Chapter 54, Statutes of 2023), in order to seek improvements to the Transportation Development Act and make recommendations related to transit funding, cost drivers, strategies for workforce retention, and ridership;
- o) Protect existing transit operations and capital funding while monitoring the implementation of the accountability provisions associated with the funding provided for transit capital projects and operations and inform clarifying legislation as needed;
- p) Oppose policies that change existing formula funding structures to redistribute funds in a way that would inhibit a local agency from delivering critical transportation projects and programs.

**I. IMPLEMENTATION OF ENVIRONMENTAL POLICIES**

In order to ensure that the State's environmental regulations and cap-and-trade program are implemented in an equitable manner, which will both help to reduce emissions and encourage the development of necessary infrastructure to serve California's growing population, OCTA will:

- a) Support efforts to ensure local flexibility in meeting the goals of the State's greenhouse gas reduction and vehicle miles traveled initiatives;

**Final Draft Orange County Transportation Authority 2023-24  
State Legislative Platform**

- b) Support formula-based cap-and-trade programs, including maintaining the prioritization of cap-and-trade funding for transportation projects;
- c) Support streamlined environmental review and permitting processes for transportation projects and programs to avoid potentially duplicative and unnecessary analysis, while still maintaining traditional environmental protections;
- d) Ensure that air quality determinations and policies do not constrain funding availability or otherwise undermine OCTA's ability to deliver transportation improvements;
- e) Monitor the State's transition to zero-emission vehicle technology to ensure that any corresponding policies adequately address the impact to long-term transportation funding stability;
- f) Oppose lengthening the California Environmental Quality Act process in a manner that would delay mobility improvements;
- g) Oppose efforts to restrict road and highway construction by superseding existing broad-based environmental review and mitigation processes;
- h) Oppose policies that would limit lead agency discretion in the management and oversight of lands set aside for environmental mitigation purposes while promoting advance mitigation planning programs;
- i) Monitor efforts to create a statewide model related to vehicle miles traveled in order to ensure that local modeling is taken into account.

## **II. TRANSPORTATION FUNDING**

OCTA will monitor the status of transportation funding in California, promoting the continued stability of existing programs and efforts to address future funding deficiencies to meet transportation infrastructure needs. Given that future revenues remain unpredictable, OCTA will also work to protect funding dedicated for transportation purposes, including appropriations made in the fiscal year 2023-24 Budget Act for transit operations and capital projects.

Furthermore, there have been two Executive Orders that will impact OCTA's programs and services, which will be closely monitored to ensure that transportation funds are used for their intended purposes. First, Executive Order N-79-20 requires all passenger vehicles and light trucks sold in California to be zero-emission by 2035, and the same for medium- and heavy-duty trucks by 2045. And secondly, Executive Order N-19-19, directed the California State Transportation Agency to review requirements for discretionary transportation investments to ensure consistency with state emission reduction goals. As a result, the State developed the Climate Action Plan

**Final Draft Orange County Transportation Authority 2023-24  
State Legislative Platform**

for Transportation Infrastructure which detailed recommendations for administering state funds related to transportation in a way that helps the State reach its goals related to climate change. Key actions to continue to inform the State's goals include:

- a) Oppose unfunded mandates for transportation agencies, transit providers, and local governments in providing transportation improvements and services;
- b) Oppose cost shifts or changes in responsibility for projects funded by the State to local transportation entities;
- c) Support efforts to treat the property tax of single-county transit districts the same as multi-county districts and correct other Educational Revenue Augmentation Fund inequities between like agencies;
- d) Support the constitutional protection of all transportation funding resources;
- e) Support protecting or expanding local decision-making in programming transportation funds;
- f) Oppose efforts to reduce local prerogative over regional program funds;
- g) Support efforts to involve county transportation commissions in the development and prioritization of State Highway Operation and Protection Program projects;
- h) Oppose redirecting or reclassifying transportation revenue sources, including earned interest, for anything other than their intended purposes;
- i) Support the implementation of federal transportation programs in an equitable manner that promotes traditional funding levels, programming roles, and local discretion in allocation decisions;
- j) Oppose policies that significantly increase costs, threatening OCTA's ability to deliver projects and provide transit service;
- k) Support removing the barriers for funding transportation projects, including allowing local agencies to advance projects with local funds when state funds are unavailable due to budgetary reasons, and allowing regions to pool federal, state, and local funds in order to limit lengthy amendment processes and streamline project delivery time;
- l) Seek to ensure OCTA's projects and programs related to the 2028 Olympic and Paralympic Games in Los Angeles are eligible for any related funding incentives and project delivery tools;



**Final Draft Orange County Transportation Authority 2023-24  
State Legislative Platform**

- m) Support flexibility in the application of “disadvantaged” and “low-income” communities to ensure that transportation funding flows to each region’s most impacted areas, allowing OCTA to best meet the needs of its local communities.

**III. FISCAL REFORMS AND ISSUES**

In recent years, the Legislature and Governor have worked collaboratively during the budget process to pass funding bills in a timely manner. Given that the State continues to report lower revenues than projected, uncertainties over future funding levels remain. Therefore, OCTA will:

- a) Monitor the study and development of alternative transportation funding proposals, including the State’s road charge pilot program and ensure that efforts are made to address concerns related to equity, privacy, and public support of such proposals;
- b) Oppose levying new and/or increase in gasoline taxes or user fees, including revenue increases on fuel consumption categorized as charges, fees, revenue enhancements, or similar classifications. Consideration of such efforts shall occur when a direct nexus is determined to exist between revenues and transportation projects, and additional revenues are to be controlled by the county transportation commission;
- c) Oppose efforts to decrease the voter threshold requirement for local tax measures for transportation purposes;
- d) Oppose increases to administrative fees charged by the California Department of Tax and Fee Administration on the collection of local sales tax measures;
- e) Support policies that ensure all users of the State’s transportation system pay their “fair share” to maintain and improve the system;
- f) Support efforts to restore equity with regards to the generation and disbursement of sales tax revenues that support the Local Transportation Fund;
- g) Support the retention of existing and future local revenue sources;
- h) Support an extension of the state sales tax exemption for the purchase of zero-emission buses.

**IV. STATE TRANSPORTATION IMPROVEMENT PROGRAM**

The State Transportation Improvement Program (STIP), substantially amended by SB 45 (Chapter 622, Statutes of 1997), is a programming document that establishes the funding priorities and project commitments for transportation capital improvements in California. SB 45 placed decision-making authority closest to the problem by providing project

## **Final Draft Orange County Transportation Authority 2023-24 State Legislative Platform**

selection for 75 percent of the funding in the Regional Transportation Improvement Program (RTIP). This funding is distributed to counties based on an allocation formula. The remaining 25 percent of the funds are programmed by the California Department of Transportation (Caltrans) in the Interregional Transportation Improvement Program (ITIP). OCTA will seek to ensure that the regional focus of the program is preserved. Key provisions to be sought by OCTA include:

- a) Support maintaining the current STIP formula, which provides 75 percent of STIP funding to the locally-nominated RTIP and 25 percent to the ITIP;
- b) Support equitable allocations of transportation funding, such as the north/south formula distribution of county shares and ITIP allocations;
- c) Support efforts to clarify that programming of current period county shares has priority over advancement of future county shares;
- d) Support a formula-based guaranteed disbursement of the ITIP;
- e) Support efforts to allow a mode-neutral STIP;
- f) Support increased flexibility for the use of STIP funds to support alternative projects, including, but not limited to, transit and goods movement improvement projects.

### **V. TRANSIT PROGRAMS**

OCTA will continue with its focus on providing safe, reliable, and efficient transit services in Orange County. While state transit funding has recently become more stable, future demand increases due to environmental regulations and increased fuel prices may put further strain on existing resources. OCTA will make every effort to minimize additional state obligations to transit operations which lack a sufficient and secure revenue source. To that end, OCTA will focus on the following:

- a) Advocate for a continued strong state role in providing funding for transit operations rather than shifting responsibility to local transportation entities. No additional requirements should be created for operation levels beyond existing capacity, unless agreed to by that entity or otherwise appropriately funded;
- b) Support efforts to mitigate costs associated with the development, testing, purchase, and operation of zero-emission transit buses, including an alternative electricity rate structure, tax incentives, and other forms of financial assistance;
- c) Seek additional funding for paratransit operations and transit accessibility capital improvements that support persons with disabilities and senior citizens;

**Final Draft Orange County Transportation Authority 2023-24  
State Legislative Platform**

- d) Support efforts to encourage and incentivize the interoperability of transit and rail systems within California;
- e) Support limiting the liability of transit districts for the location of bus stops (*Bonanno v. Central Contra Costa Transit Authority*);
- f) Support the citing of transit-oriented development projects (i.e., authorize extra credit towards housing element requirements for these developments), including incentives for development;
- g) Support funding and incentives to develop free- or reduced-fare transit programs without impacting existing programs or creating unfunded mandates-;
- h) Monitor and inform the creation of the Zero Emission Roadmap, which will work to identify actions needed to meet California's zero-emission transit goals with minimal displacement of existing workers.

**VI. ROADS AND HIGHWAYS**

OCTA's commitment to continuously improve mobility in Orange County is reflected through a dynamic involvement in such innovative highway endeavors as the ownership of the 91 Express Lanes and the use of design-build authority on the State Route 22 project and Interstate 405 (I-405) Improvement Project. OCTA will continue to seek new and innovative ways to deliver road and highway projects to the residents of Orange County and, to that end, OCTA will focus on the following:

- a) Oppose the creation of a conservancy that would inhibit the delivery of transportation projects under study or being implemented in the region;
- b) Support new and existing alternative project delivery methods, such as design-build, public-private partnership authority, construction manager/general contractor authority, and progressive design build, through expanding mode and funding eligibility while also allowing the appropriate balance of partnership between the State and local agencies;
- c) Support authorizing local agencies to advertise, award, and administer contracts for state highway projects;
- d) Oppose duplicative reporting mandates and efforts to impose additional requirements, beyond what is required in statute, on lead agencies awarding contracts using alternative project delivery mechanisms;
- e) Support streamlining of the Caltrans review process for projects, simplification of processes, and reduction of red tape, without compromising environmental safeguards;

**Final Draft Orange County Transportation Authority 2023-24  
State Legislative Platform**

- f) Support policies that improve signal synchronization programs in order to facilitate street signal coordination, prioritization, and preemption, as well as encouraging the use of intelligent transportation system measures;
- g) Support management and integration of express lanes to promote consistent and seamless user experience;
- h) Monitor efforts to increase fines for high-occupancy vehicle (HOV) lane violations and, if implemented, ensure fines are dedicated to enforcement purposes;
- i) Support the equitable enforcement of regulations governing transportation network companies;
- j) Support studying the development and safe operation of autonomous vehicles and related technologies;
- k) Support preserving local discretion and flexibility in the development of the congestion management program.

**VII. ROLES AND RESPONSIBILITIES**

In recent years, there have been many efforts to reorganize or restructure transportation programs and local agency responsibilities. OCTA will continue to monitor policies that would significantly affect the way in which it operates, with a focus on maintaining local control and continued partnerships in order to advocate for the following principles:

- a) Support preserving the role of county transportation commissions, as consistent with existing law, in the administration of transportation programs;
- b) Oppose proposals that reduce the rights and responsibilities of county transportation commissions in planning, funding, and delivering transportation programs;
- c) Oppose policies that unnecessarily subject projects to additional reviews and project selection approvals that could adversely affect delivery timelines and processes;
- d) Support partnerships with alternative mobility providers that allow for adequate information sharing while also respecting the planning efforts of local agencies;
- e) Support efforts to increase the flexibility of funds used for motorist service programs.

**Final Draft Orange County Transportation Authority 2023-24  
State Legislative Platform**

**VIII. TOLLED & MANAGED LANES**

OCTA's commitment to continuously improve mobility in Orange County is reflected through a dynamic involvement in such innovative highway endeavors, including both the ownership of the 91 Express Lanes, a ten-mile toll facility on State Route 91, extending from State Route 55 to the Orange/Riverside County line, and the 405 Express Lanes, which will operate two lanes in each direction from State Route 73 to the Interstate 605.

As transportation demands continue to increase, innovative tools must be available to ensure transportation infrastructure projects continue to be built in a reliable, prompt, and efficient manner. OCTA took advantage of one such tool by securing a \$629 million federal loan to supplement state and local funds on the I-405 Improvement Project. The loan, obtained through the Transportation Infrastructure Finance and Innovation Act (TIFIA), will save taxpayers approximately \$300 million in the decades to come.

As the TIFIA loan and purchase of the 91 Express Lanes in 2003 illustrate, OCTA's leadership in improving mobility for Orange County residents through the use of innovative tools and approaches allow transportation agencies to stretch their dollars further than ever before. Because many agencies are discussing the increased use of managed lane facilities, there remains a need to advocate for local flexibility and input. To ensure the continued success of the 91 Express Lanes, the 405 Express lanes, and for toll policy moving forward, OCTA will:

- a) Ensure that revenues from toll facilities remain within the corridor from which they are generated, opposing efforts to divert revenues from toll facilities for state purposes;
- b) Support policies that allow OCTA, and its partners, to efficiently operate and maintain the 91 Express Lanes and the 405 Express Lanes;
- c) Support efforts to preserve local flexibility in the administration of toll lanes and encourage the State to work with OCTA on operating policies to ensure seamless system operation;
- d) Oppose the construction or operation of toll facilities that are inconsistent with local long range transportation plans;
- e) Oppose the construction or operation of toll facilities that fail to respect existing local transportation projects and funding programs;
- f) Support customer privacy rights while maintaining OCTA's ability to effectively communicate with customers and operate the 91 and 405 Express Lanes;
- g) Support the use of innovative means to enhance toll agency enforcement efforts, including ways to address toll violations due to protected plates;

**Final Draft Orange County Transportation Authority 2023-24  
State Legislative Platform**

- h) Support collaborative solutions to address the degradation of HOV lanes that respect local transportation funding sources and programs, have the support of the relevant regional transportation planning agency, do not redirect existing local transportation funding sources, and analyze the effect of single-occupant, low-emission vehicles, including associated federal requirements triggered by their access allowance;
- i) Support efforts to improve the interoperability of the different toll systems across the State in order to ensure fair and efficient toll operations while affirming user privacy protections;
- j) Inform discussions related to revising toll evasion penalties, toll exemptions, and other changes to enforcement strategies and mechanisms in order to maintain local control, opposing efforts that will hinder the ability to meet congestion management and financing requirements;
- k) Support policies that protect the process prescribed in AB 194 (Chapter 687, Statutes of 2015), which authorizes regional transportation agencies to develop and operate toll facilities, and ensure it is maintained in its application on future toll facilities;
- l) Oppose policies that interfere with local determination of project impacts on the functionality of the Express Lanes operated and maintained by OCTA.

**IX. RAIL PROGRAMS**

Metrolink is Southern California's commuter rail system that links residential communities to employment and activity centers. Orange County is served by three Metrolink lines: the Orange County Line, the Inland Empire-Orange County Line, and the 91/Perris Valley Line. In support of these routes, OCTA owns 48 miles of rail right-of-way in Orange County on which Metrolink operates. OCTA's rail capital budget supports improvements to the regional commuter rail system in Orange County, and under existing policy, OCTA is the primary construction lead on major capital improvements to the regional commuter rail system on its right-of-way.

In addition to Metrolink services, Orange County is also served by the state-supported Pacific Surfliner intercity passenger rail service traveling between San Luis Obispo and San Diego. The Pacific Surfliner is operated by Amtrak and managed by the Los Angeles – San Diego – San Luis Obispo Rail Corridor Agency (LOSSAN Agency). OCTA has served as the managing agency for the LOSSAN Agency since 2013 and assumed full administrative and management responsibility for the Pacific Surfliner service in June 2015 via an interagency transfer agreement with the State. OCTA continues to serve in this capacity, providing all necessary administrative support to the LOSSAN Agency.

## **Final Draft Orange County Transportation Authority 2023-24 State Legislative Platform**

Other rail systems could also travel through Orange County at some point in the future, including additional intercity rail service. While the status and future of these programs is uncertain, OCTA will be watchful to ensure that funding for these rail systems does not impact other transportation funding sources. Key advocacy efforts will emphasize the following:

- a) Support policies that encourage commercial, commuter-based development around passenger rail corridors that includes permanent job creation;
- b) Support efforts to create additional efficiency in rail program oversight, including consideration of possible program consolidation;
- c) Monitor and evaluate plans and progress of high-speed rail and its funding;
- d) Support efforts to provide resources for safety improvements on the rail network in Southern California, including for the implementation, operation, and maintenance of Positive Train Control safety technology;
- e) Support studying the policies, funding options, and need for rail/highway grade separations, including any impact on existing state highway and transit funding sources;
- f) Support policies that facilitate the development and construction of needed infrastructure projects that support modernization, connectivity, and general system-wide improvements to California's rail network;
- g) Monitor the implementation of the In Use Locomotive Regulation to ensure the transition to zero-emission locomotives is technically feasible and provides adequate funding.

### **X. GOODS MOVEMENT**

The Ports of Los Angeles and Long Beach, the nation's two busiest ports, are vital to California's economy and the surrounding region because goods are shipped to and through the surrounding counties. While the State's goods movement system is the most robust in the nation, it is continually challenged by competing goods movement systems in other states. In order to continue to compete and engage in the global marketplace, California must continue to enhance its goods movement system, while at the same time be cognizant of taking the necessary actions to mitigate any negative impacts to local communities. Key positions include:

- a) Support improvements in major trade gateways in California to facilitate the movement of intrastate, interstate, and international trade beneficial to the State's economy;

**Final Draft Orange County Transportation Authority 2023-24  
State Legislative Platform**

- b) Support policies that will aid in the development, approval, and construction of projects to expand goods movement capacity and reduce congestion;
- c) Ensure that control of goods movement infrastructure projects and funding retained at the local level;
- d) Seek mitigation for the impacts of goods movement on local communities;
- e) Pursue ongoing, stable sources of funding for goods movement infrastructure;
- f) Support additional funding and policy reforms to aid in expediting transportation projects to address supply chain concerns;
- g) Ensure any effort to establish a container fee program dedicates funding to projects that mitigate the impact port activity may have on local communities, informed by input from local and regional agencies.

**XI. ACTIVE TRANSPORTATION**

Active transportation projects and programs, which encourage greater mobility through walking and bicycling, have grown in popularity due to the environmental, health, and cost savings benefits. Through local planning efforts such as Orange County's Regional Bikeways Planning Collaborative, the Pacific Coast Highway Corridor Study, and the development of OCTA's Commuter Bikeways Strategic Plan, OCTA continues to study, plan, and fund active transportation projects and programs as part of its mission to provide Orange County with an efficient and multi-modal transportation system. Key positions include:

- a) Support policies to increase the visibility and safety of users engaged in active transportation;
- b) Support creative use of paths, roads, flood channels, and abandoned rail lines using existing established rights-of-way to promote bicycles trails and pedestrian paths, in coordination with any local agency with jurisdiction over those properties;
- c) Support funding and programs or policies that encourage the safe operation of an integrated multimodal system, which includes the interaction between roadways, rail lines, bikeways, and pedestrian ways, and the users of those facilities;
- d) Support streamlined active transportation funding programs;
- e) Support efforts to streamline and simplify the review and approval by the California Public Utilities Commission of lease agreements between sponsors of active transportation projects and public utility companies.



**Final Draft Orange County Transportation Authority 2023-24  
State Legislative Platform**

- f) Seek funding and support policies and projects ~~that seek~~ to increase safety requirements related to the utilization of electric bicycles.

**XII. ADMINISTRATION/GENERAL**

General administrative issues arise every session that could impact OCTA's ability to operate efficiently. Key positions include:

- a) Oppose policies adversely affecting OCTA's ability to efficiently and effectively contract for goods and services, conduct business of the agency, and limit or transfer the risk of liability;
- b) Support efforts to provide greater protection of OCTA's computer and information security systems;
- c) Support establishing reasonable liability for non-economic damages in any action for personal injury, property damage, or wrongful death brought against a public entity based on principles of comparative fault;
- d) Support consistent campaign contribution limits as applied to both elected and appointed bodies;
- e) Monitor proposed changes related to the Ralph M. Brown Act, and other statutes governing public meetings, including the expanded use of technology;
- f) Support equitable policies to ensure that the inclusive public engagement, planning, and delivery of mobility improvements best serve all residents of Orange County;
- g) Oppose policies that create undue burden on transportation procurement practices or restrict ability to maintain local governing board award authority.

**XIII. EMPLOYMENT ISSUES**

As a public agency and one of the largest employers in Orange County, OCTA balances its responsibility to the community and the taxpayers to provide safe, reliable, cost-effective service with its responsibility of being a reasonable, responsive employer. Key advocacy positions include:

- a) Oppose efforts to impose state labor laws on currently exempt public agencies;
- b) Oppose policies that circumvent the collective bargaining process;
- c) Oppose policies adversely affecting OCTA's ability to efficiently and effectively deal with labor relations, employee rights, benefits including pension benefits,

**Final Draft Orange County Transportation Authority 2023-24  
State Legislative Platform**

~~Family Medical Leave Act~~ California Family Rights Act, and working conditions, including health, safety, and ergonomic standards for the workplace;

- d) Support efforts to reform and resolve inconsistencies in the workers' compensation and unemployment insurance systems, and labor law requirements that maintain protection for employees and allow businesses to operate efficiently;
- e) Support workforce development policies that facilitate a more efficient talent acquisition process;
- f) Support policies that encourage ridesharing, teleworking, vanpool, and related congestion relief programs for Orange County commuters.

**XIV. TRANSPORTATION SECURITY AND EMERGENCY PREPAREDNESS**

As natural and man-made disasters continue to threaten transportation systems around the world, significant improvements have been, and continue to be, carried out to enhance the safety, security, and resilience of transportation infrastructure in the United States. As Orange County's bus provider and a Metrolink partner, OCTA comprehends the importance of ensuring the safety and security of our transportation network and protecting our customers. Presently, OCTA maintains a partnership with the Orange County Sheriff's Department to provide OCTA Transit Police Services for the bus and train systems in Orange County and continues to be actively involved in a variety of state and regional preparedness exercises in support of first responders. OCTA is also currently working with its community partners on an effort to install video surveillance systems at Metrolink stations and on its fleet of buses and throughout its bus facilities. The development of a new Transit Security and Operations Center is also underway to enhance security efforts and further the resiliency of the Orange County transit system.

Heightened security awareness, an active public safety campaign, and greater surveillance efforts, all require additional financial resources. Consequently, OCTA's advocacy positions will highlight:

- a) Support state homeland security and emergency preparedness funding and grant programs to local transportation agencies to alleviate financial burden placed on local entities;
- b) Support policies that balance retention mandates of video surveillance records to reflect current reasonable technological and fiscal capabilities;
- c) Support the use of new technology to increase the safety of public transportation passengers and operators;
- d) Support policies that aim to enhance transit services and the overall safety and security of transit riders, public transit employees-coach operators, and on-road vehicles while avoiding undue burden on transportation agencies to implement unfunded safety measures.

## **Final Draft Orange County Transportation Authority 2023-24 Federal Legislative Platform**

With over three million residents, Orange County is the third most populous county in California and the sixth most populous county in the nation. Orange County is one of the most densely populated areas in the country and is served by one of the nation's busiest transit systems. In addition, Orange County provides highway and rail corridors that facilitate the increasing level of international trade entering the Southern California ports.

The 2023-24 Federal Legislative Platform serves as a framework document to guide the Orange County Transportation Authority's (OCTA) statutory, regulatory, and administrative goals and objectives in Washington, D.C. The Key Policy Issues section offers guidance on the policy issues that will likely be the focus of the 118<sup>th</sup> Congress, and the later sections present guiding policy statements for the other major issues that may arise. Positions on individual items not directly addressed in this document will be brought to the OCTA Board of Directors for formal action.

### **Key Policy Issues in the 118<sup>th</sup> Congress**

A number of significant transportation issues will be discussed in the 118<sup>th</sup> Congress. OCTA will focus its advocacy efforts on the following principles:

- a) Support transportation funding investments and policy flexibilities that allow OCTA to provide essential, multimodal mobility improvements, and services in order to meet the mobility needs of Orange County;
- b) Request annual appropriations at least consistent with authorized funding levels and advanced appropriations provided in the Infrastructure Investment and Jobs Act (IIJA) are maintained in order to meet our county's critical infrastructure needs;
- c) Encourage policies and guidance that incentivize public transit ridership;
- d) Support equitable policies to ensure that the inclusive public engagement, planning, and delivery of mobility improvements best serves all the residents of Orange County;
- e) Seek responsible revenue solutions to fund future transportation projects without adversely affecting an agency's ability to provide services;
- f) Advocate for full funding of transportation programs without placing new limitations or conditions on the distribution of funds that would impede the delivery of infrastructure projects;
- g) Advocate for transit and transportation agencies to be eligible for transportation funding programs under the Inflation Reduction Act;

**Final Draft Orange County Transportation Authority 2023-24  
Federal Legislative Platform**

- h) Ensure that Highway Trust Fund (HTF) revenues continue to be used for transit expenditures;
- i) Ensure that air quality determinations and policies do not constrain funding availability or otherwise undermine OCTA's ability to deliver transportation improvements;
- j) ~~Seek support for adaptation and resiliency efforts related to throughout the coastal rail corridor to address the evolving and imminent impacts of the environment on for critical transportation infrastructure;~~
- k) Seek funding and other solutions, such as permit streamlining, to support adaptation and resiliency efforts throughout the rail corridor;
- l) Seek support, funding, and project streamlining to manage and address sea level rise, beach erosion, landslides, and other environmental impacts along the rail corridor;
- m) Encourage federal leadership, in conjunction with state and local collaboration, in developing long-term studies related to potential track relocation in the Los Angeles – San Diego – San Luis Obispo rail corridor;
- n) Support the authority to secure direct funding for Orange County projects;
- o) Support efforts to preserve local flexibility in the administration of toll lanes and use of toll revenues;
- p) Support efforts to ensure local control is maintained in policy decisions made by local transportation agency boards in delivering, funding, and operating transportation programs and projects.

**I. TRANSPORTATION FUNDING**

Current federal law does not require the appropriation of authorized HTF dollars. Therefore, the annual appropriations process will continue to play an important role in funding OCTA's programs and projects. OCTA will continue to advocate for the largest possible amount and share of appropriations funding to ensure adequate resources to meet the infrastructure needs of Orange County.

OCTA will continue to aggressively pursue discretionary funding for transportation projects within the statutory and regulatory requirements of funding programs and the current funding status of OCTA's capital program. Other funding priorities for OCTA include:

**Final Draft Orange County Transportation Authority 2023-24  
Federal Legislative Platform**

- a) Support sustainable transportation funding levels that allow OCTA to continue to improve mobility in and around Orange County;
- b) Oppose efforts to redirect, reduce, or eliminate existing transportation funding programs;
- c) Support funding for the Capital Investment Grants program to allow for an expansion of bus and rail transit projects;
- d) Ensure that federal funding is available for capital purposes to the extent not needed for direct operating costs;
- e) Support funding, with increased flexibility, for safety and security grant programs in order to protect Orange County's transportation system, including highways, transit operations and facilities, rail lines, and related software systems;
- f) Support funding for regional and intercity passenger rail corridors in California;
- g) Support funding to develop training information programs to instruct on the use of new technology and address workforce needs at transit and transportation agencies;
- h) Seek to ensure OCTA's projects and programs related to the 2028 Olympic and Paralympic Games in Los Angeles are eligible for any related funding incentives and project delivery tools;
- i) Monitor Support efforts to reinstate the state suballocation process regarding the distribution of federal formula funding in order to ensure that existing state suballocation processes are utilized;
- j) Support funding and incentives to develop free- or reduced-fare transit programs without impacting existing programs or creating unfunded mandates.

**II. IIJA IMPLEMENTATION**

The IIJA (Pub. L. No. 1147-58) authorized over \$567 billion over five years for programs. With the IIJA as law, OCTA will focus much of its advocacy efforts in the 118<sup>th</sup> Congress on implementation efforts that allow state and local government agencies to move forward with a federal partner on critical transportation projects. As such, OCTA will advocate for the following policies:

- a) Support the greatest possible share of funding for California and OCTA, focusing on increasing formula funds;

**Final Draft Orange County Transportation Authority 2023-24  
Federal Legislative Platform**

- b) Support increased flexibility in transportation funding programs to promote greater local decision-making in the planning process;
- c) Ensure a long-term partnership with the federal government that helps OCTA address capital and operating revenue shortfalls;
- d) Oppose unfunded federal mandates that further reduce the resources of state and local transportation agencies;
- e) Oppose policies that undermine or limit local control over land use decisions;
- f) Ensure fair suballocations of funding to account for additional costs, increased administrative responsibilities, and the potential for increased liabilities to which the agency may be subject;
- g) Oppose limitations or other arbitrary conditions on discretionary transportation grant programs that prevent an equitable distribution of transportation resources;
- h) Support policies to encourage the safe development, demonstration, deployment, and operation of connected and automated vehicle technologies;
- i) Oppose rescissions or other arbitrary funding cuts to transportation programs;
- j) Support policies that encourage ridesharing, teleworking, vanpool and related congestion relief programs for Orange County commuters;
- k) Oppose any effort to further reduce transportation funding for OCTA or California, advocating for a fair and equitable share.

**III. TRANSPORTATION PLANNING AND PROGRAMMING**

In the 118<sup>th</sup> Congress, OCTA will continue to support the implementation of the IIJA while finding ways to complement the programs and provisions authorized under federal law. During this time, OCTA will advocate for the following issues:

- a) Pursue continued eligibility of Congestion Mitigation Air Quality program funding for three-to-five years of operating expenses associated with any fixed-guideway or eligible bus projects;
- b) Support expanded use of alternative delivery methods for federally-funded transportation projects;
- c) Support environmental process improvements and stewardship efforts by the relevant federal agencies to expedite project delivery and accelerate the creation of jobs;

**Final Draft Orange County Transportation Authority 2023-24  
Federal Legislative Platform**

- d) Support expedited review and payments to local agencies and their contractors for project development, right-of-way acquisition, and construction activities;
- e) Support efforts to authorize, fund, and streamline the delivery of bicycle and pedestrian projects in Orange County;
- f) Advocate for policies to encourage, when possible, a “complete streets” approach to multimodal project planning in order to expedite project delivery;
- g) Support shifting the approval of Regional Transportation Plan amendments involving Transportation Control Measures from the Environmental Protection Agency back to the Federal Highway Administration while allowing for an adequate consultation process;
- h) Support flexibility and increased local decision-making authority regarding the operation of high-occupancy vehicle (HOV) lanes in order to reduce or eliminate the unintended consequences resulting from Section 166 of the Federal Highway Act or any similar policy regulating degradation of HOV lanes;
- i) Encourage cooperation between local, state, and federal partners to mitigate or eliminate any policy that places burdensome requirements on operators related to degradation of facilities and performance;
- j) Support streamlining and greater flexibility of Federal Buy America requirements including increased clarification on market availability and technical feasibility of the Build America, Buy America Act requirements created in the IIJA to prevent any unintended disruption to projects and programs;
- k) Support efforts to clarify roles and responsibilities related to toll enforcement policies to allow for interoperability between toll facilities while affirming user privacy;
- l) Encourage policies on the planning, delivery, and operation of tolling projects that are aligned with the flexibility provided in California State law.

**IV. FISCAL REFORMS AND ISSUES**

Several legislative and regulatory proposals would have economic impacts, both positive and negative, affecting the delivery of transportation infrastructure projects that create jobs and spur further business development in Orange County. Regarding these developments, OCTA will:

- a) Oppose policies that would divert revenues generated by locally-approved sales taxes to programs and projects that are not included in the sales tax ordinance;

**Final Draft Orange County Transportation Authority 2023-24  
Federal Legislative Platform**

- b) Support removing barriers to the release of transportation funding, including allowing local agencies to advance projects with local funds in order to limit lengthy amendment processes that delay project delivery;
- c) Support expansion, streamlining, and further development of innovative project finance methods, including the Transportation Infrastructure Finance and Innovation Act loan program;
- d) Support fiscally-sound proposals to adequately address the HTF's structural deficit, including initiatives to address the impact of low- and zero-emission vehicles on transportation funding;
- e) Support the equitable collection and distribution of sales tax revenue from out-of-state, online retailers (*South Dakota v. Wayfair, Inc.*);
- f) Support tax policies that reduce costs or provide additional flexibility in OCTA's financial and operational activities;
- g) Support policies that expedite the delivery of transportation improvements or the development of business opportunities in order to create jobs and economic activity in Southern California;
- h) Support a stable source of proposed future revenues that provides adequate resources for future transportation needs;
- i) Oppose subjecting public transportation providers to gas tax liability or other fees that increase operating costs;
- j) Support efforts to ensure that all users of the national transportation system pay their "fair share" to maintain and improve the system;
- k) Support additional funding flexibility to facilitate the use of alternative mobility providers.

**V. RAIL PROGRAMS**

Metrolink is Southern California's commuter rail system that links residential communities to employment and activity centers. Orange County is served by three Metrolink lines: the Orange County Line, the Inland Empire-Orange County Line, and the 91/Perris Valley Line. OCTA owns 48 miles of rail right-of-way in Orange County on which Metrolink operates. OCTA's rail capital budget supports improvements to the regional commuter rail system in Orange County, and under existing policy, OCTA is the primary construction lead on major capital improvements to the regional commuter rail system on its right-of-way.



## **Final Draft Orange County Transportation Authority 2023-24 Federal Legislative Platform**

In addition to Metrolink services, Orange County is also served by the state-supported Pacific Surfliner intercity passenger rail service traveling between San Luis Obispo and San Diego. The Pacific Surfliner is operated by Amtrak and managed by the Los Angeles – San Diego – San Luis Obispo Rail Corridor Agency (LOSSAN Agency). OCTA has served as the managing agency for the LOSSAN Agency since 2013 and assumed full administrative and management responsibility for Pacific Surfliner service in June 2015 via an interagency transfer agreement with the State of California. OCTA continues to serve in this capacity, providing all necessary administrative support to the LOSSAN Agency.

Other rail systems could also travel through Orange County at some point in the future, including additional intercity rail service. OCTA will continue to monitor the development of additional service to ensure that it does not adversely affect other transportation funding sources. Other rail policy priorities include the following:

- a) Support funding for rail safety programs, including funding for operation and maintenance of Positive Train Control (PTC) safety technology and other safety enhancements;
- b) Support efforts to ensure that any alternative safety technology is interoperable with, and contains the same safety benefits as, the PTC system implemented on passenger rail corridors in Southern California;
- c) Support the availability of technical resources, such as wireless spectrum, to fully implement rail safety technology;
- d) Oppose increasing the current rail passenger liability cap and work with regional partners to ensure that any changes to the cap take into account the limited resources of passenger rail providers.

### **VI. GOODS MOVEMENT**

The twin Ports of Los Angeles and Long Beach are considered “America’s Gateway” and the nation’s busiest ports. The maintenance, improvement, and modernization of our region’s goods movement infrastructure must continue to be a national priority if our region is to remain competitive with the rest of the world and responsive to the consumer needs of Southern California. The need for the Southern California region to remain competitive is further underscored by the expansion and modernization efforts of foreign competitors. Even though the IIJA continued to provide funding for goods movement projects and programs, revenue streams remain insufficient to fund the projects needed to offset the costs of moving these goods considering the many years of underinvestment. OCTA’s advocacy efforts regarding goods movement will continue to emphasize the following:

- a) Pursue new, stable, dedicated, and secure sources of funding for goods movement infrastructure;

**Final Draft Orange County Transportation Authority 2023-24  
Federal Legislative Platform**

- b) Ensure that the benefits of newly-funded projects also take into account mitigation factors to impacted communities;
- c) Support a collaborative approach, including engaging with private sector partners, in developing and implementing the needed sustainable goods movement infrastructure programs and projects;
- d) Support regionally-significant grade separation projects that improve the flow of goods and people throughout Southern California;
- e) Support local control of goods movement infrastructure and freight mobility projects;
- f) Support additional funding and policy reforms to aid in expediting transportation projects to address supply chain concerns;
- g) Ensure eligibility for funding and programs is available to all transportation modes that benefit regional goods movement.

**VII. TRANSPORTATION SECURITY AND EMERGENCY PREPAREDNESS**

OCTA continues cooperative efforts with neighboring transit agencies, Urban Area Security Initiative partners, state and federal Homeland Security and Emergency Preparedness grant partners, and local jurisdictions to enhance the security and resiliency of Orange County's transportation system. OCTA will pursue the following priorities to ensure that the agency's safety, security, and emergency preparedness needs are met:

- a) Support increased funding for training, increased surveillance, and emergency preparedness improvements with adequate flexibility to ensure that local agencies can effectively use the resources to ensure a more resilient transportation system;
- b) Support a funding distribution that considers all risk threats, including natural disasters, acts of terrorism, and other man-made disasters, as estimated by the Department of Homeland Security, in cooperation with state and local officials;
- c) Support programs that facilitate cooperation with security and emergency preparedness officials to refine and improve information exchange protocols, emergency preparedness systems, and regional data coordination;
- d) Support efforts to provide funding incentives and policy flexibility to facilitate programs to provide safe working conditions for coach operators and transit personnel;

**Final Draft Orange County Transportation Authority 2023-24  
Federal Legislative Platform**

- e) Support efforts to provide sufficient funding for transit agencies to implement physical security, mandated employee screenings, and cybersecurity directives while also incorporating transit agency technical expertise in developing regulatory guidelines and procedures.

**VIII. ENVIRONMENTAL AND ENERGY ISSUES**

Federal environmental policies affecting OCTA include the National Environmental Protection Act, the Clean Air Act, the Clean Water Act, and the Endangered Species Act. Therefore, policies to further develop environmental and energy-efficient goals will likely have an impact on OCTA's operations. With such proposals in mind, OCTA will:

- a) Seek opportunities to expedite and improve the efficiency of the environmental process without impairing substantive environmental requirements;
- b) Seek funding to meet state and local environmental quality requirements, including requirements for zero-emission buses, alternative fueling stations, and future greenhouse gas reduction requirements;
- c) Support the continuation and expansion of tax incentives for using compressed natural gas, hydrogen, and other zero-emission transit fuels;
- d) Monitor proposals to address the environmental impacts of greenhouse gases to ensure that any new environmental requirements are accompanied by additional funding necessary to implement those requirements;
- e) Support expedited review for project development, right-of-way acquisition, and construction activities;
- f) Ensure adequate flexibility in the application of resiliency, natural infrastructure, or other climate-related policies to the delivery of mobility improvements, as opposed to mandates that would constrain transportation resources;
- g) Monitor policies regarding zero-emission transit fuels to ensure they remain technology neutral.

**IX. REGULATORY REQUIREMENTS**

OCTA must also monitor several other administrative requirements, including new and expanded regulatory definitions that may affect the agency's operations. As such, OCTA will:

**Final Draft Orange County Transportation Authority 2023-24  
Federal Legislative Platform**

- a) Support expedited and improved federal reporting and monitoring requirements to ensure efficiency and usefulness of data while also eliminating redundant state and federal requirements;
- b) Oppose regulatory proposals that unreasonably subject OCTA to burdensome bureaucratic requirements or increase operational costs, making it harder to deliver projects and improve mobility in Orange County;
- c) Oppose policies adversely affecting the agency's ability to effectively address labor relations, employee rights, benefits, and working conditions, such as health, safety, and ergonomic standards;
- d) Oppose policies that limit state or local pension benefit reforms;
- e) Support a collaborative approach to understanding the capital infrastructure and operational needs of local and state transportation agencies, as well as those of private sector partners, in the testing and deployment of autonomous vehicles and related technologies.



# Marketing and Communications Update

# OC Flex Summer Promotion



 **OCTA**  
Sponsored · 

Save on gas, parking, and driving hassles without a car. Gather your family & friends and ride all day for 50%. OC Flex group rides are back on our clean, safe, reliable vans.

**50% OFF GROUP RIDES**  
All day. Everyday.


[octa.net](https://octa.net)  
**Unlimited trips all day**  
2 Riders/\$4.50, 3 Riders/...

[Learn more](#)

 **OCTA**  
Sponsored · 

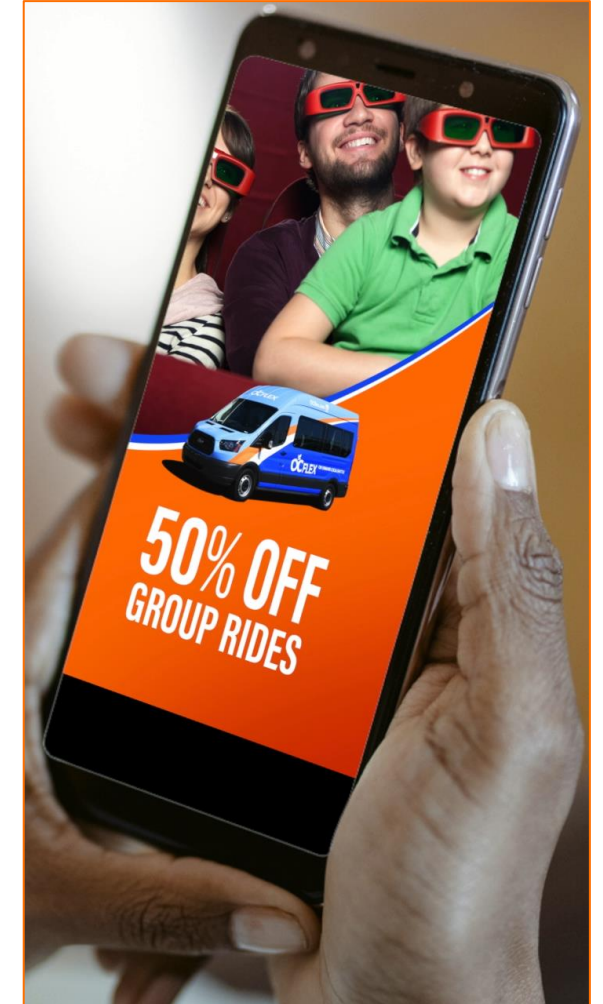
Save on gas, parking, and driving hassles without a car. Gather your family & friends and ride all day for 50%. OC Flex group rides are back on our clean, safe, reliable vans.

**50% OFF GROUP RIDES**  
All day. Everyday.

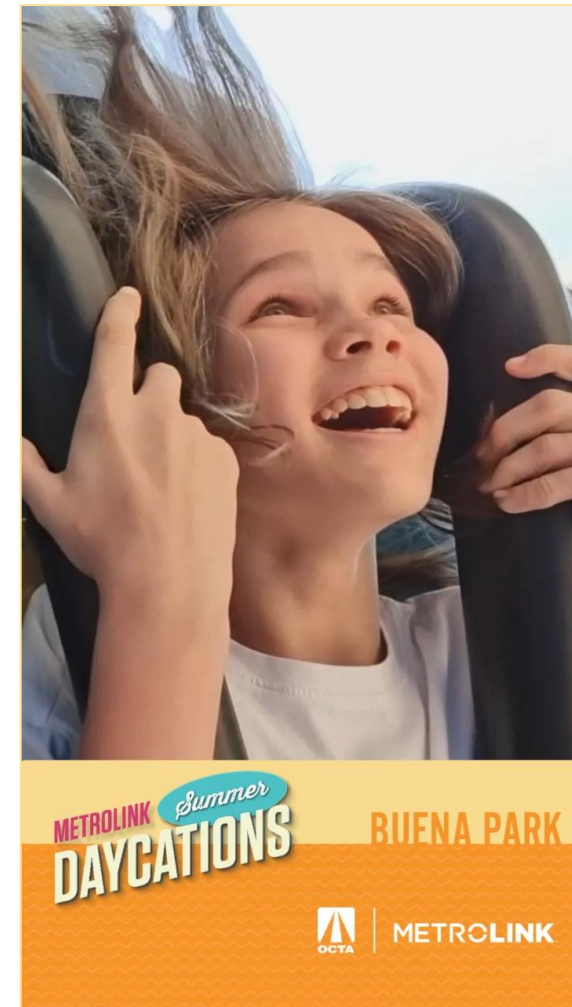
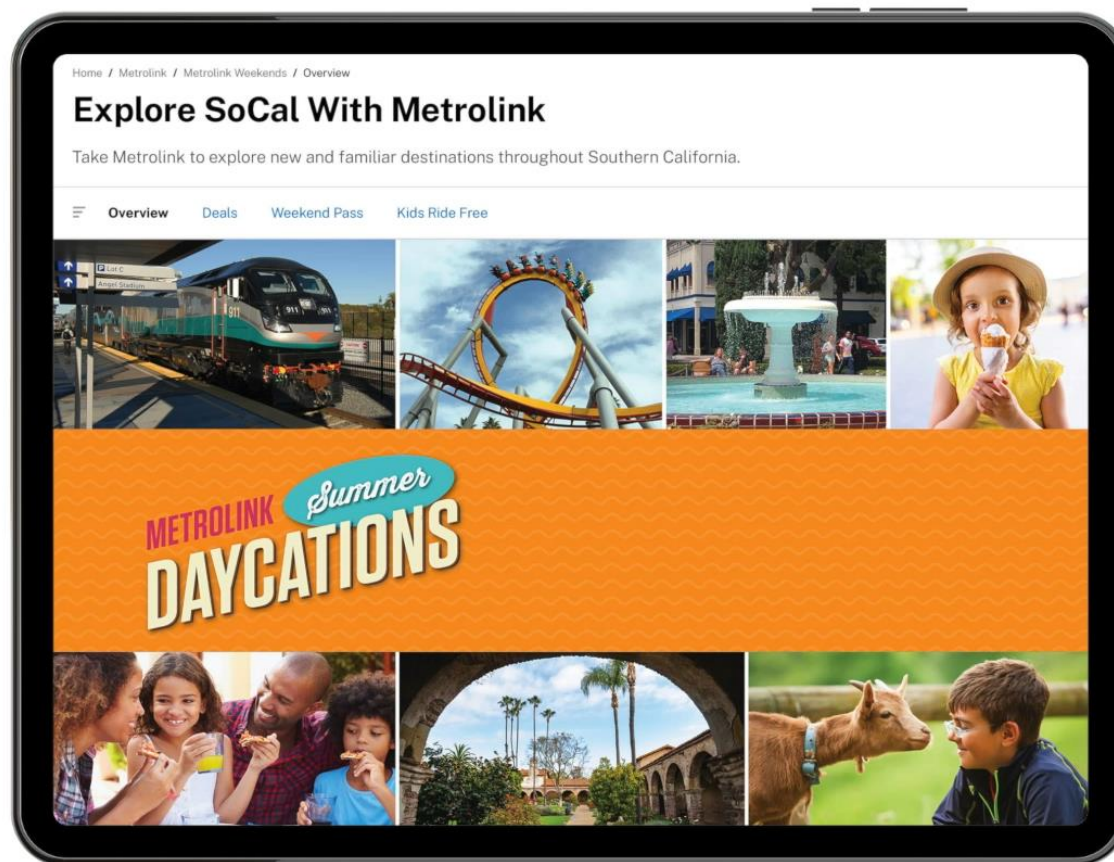

[octa.net](https://octa.net)  
**Unlimited trips all day**  
2 Riders/\$4.50, 3 Riders/...

[Learn more](#)





# Metrolink Daycations Summer

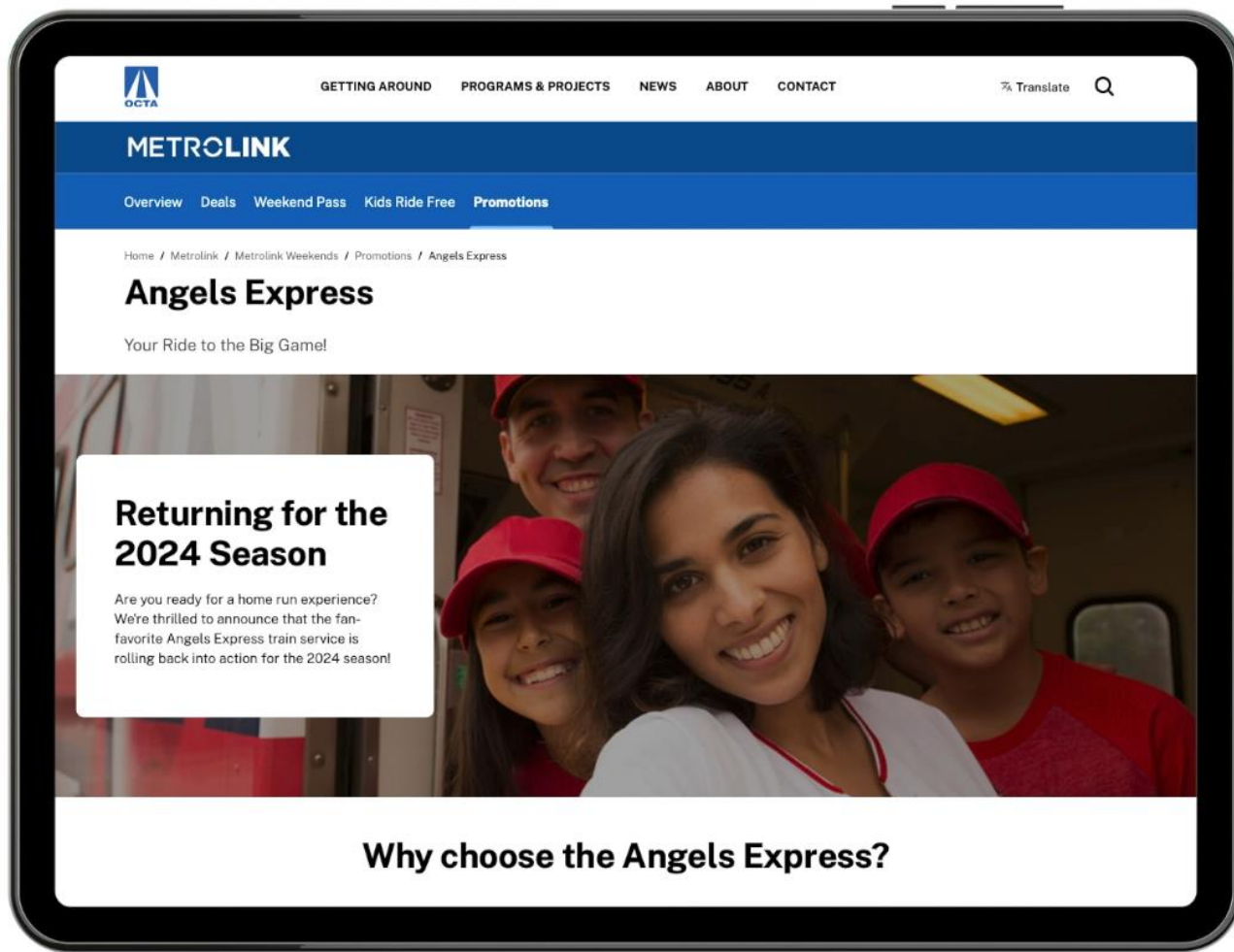


# Metrolink Summer Partnerships

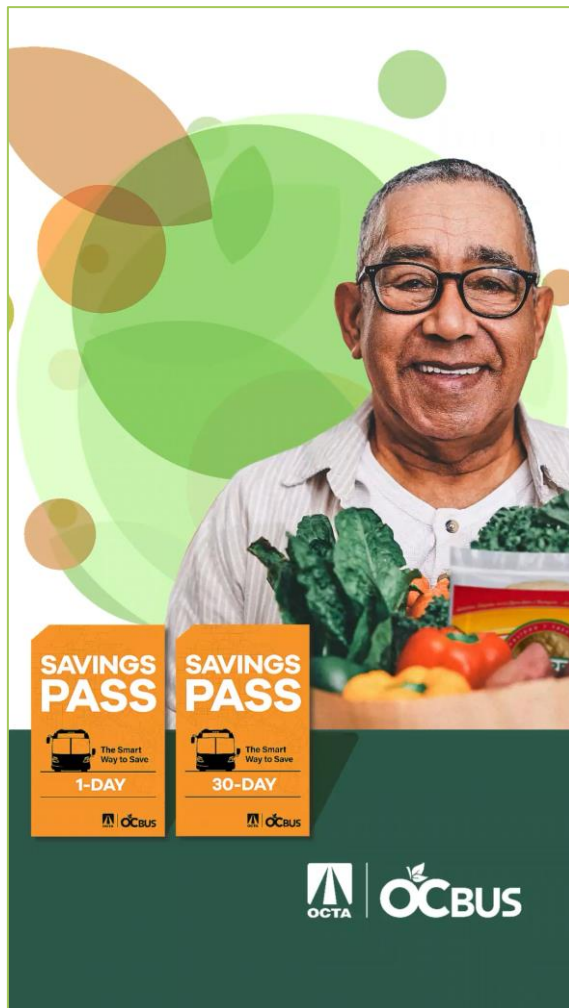




# Angels Express Returns



# Savings Pass





# Youth Ride Free



## YOUTH RIDE FREE PROGRAM

The Orange County Transportation Authority (OCTA) Youth Ride Free Program is available for the 2023-24 school year. A new pass is required along with a new parental request form. Using the new pass, Orange County youth ages 6 to 18 can ride OC Bus for free for travel to school, work or fun all year long.

To request a Youth Ride Free pass for your child, just complete this form and return it to your child's participating school.



## EL PROGRAMA YOUTH RIDE FREE

El Programa Youth Ride Free de la Orange County Transportation Authority (OCTA) está disponible para el año escolar 2023-24. Se requiere un nuevo pase junto con un nuevo formulario de solicitud de los padres. Con el nuevo pase, los jóvenes de Orange County de 6 a 18 años pueden viajar en OC Bus gratis para viajar a la escuela, al trabajo o divertirse durante todo el año.

Para solicitar un pase Youth Ride Free para su hijo, solo tiene que completar este formulario y devolverlo a la escuela participante de su hijo.



## CHƯƠNG TRÌNH YOUTH RIDE FREE

Hiện có Chương Trình Bè Lại Miễn Phí cho Thanh Thiếu Niên của Cơ Quan Chuyển Chở Quận Cam (Orange County Transportation Authority - hay OCTA) cho năm học 2023-24. Cần có thẻ vé mới cùng với mẫu yêu cầu mới của phụ huynh. Sử dụng thẻ mới, thanh thiếu niên Quận Cam từ 6 đến 18 tuổi có thể đi OC Bus miễn phí để đi học, đi làm hoặc đi chơi suốt cả năm.

Để yêu cầu vé Youth Ride Free cho con em của quý vị, chỉ cần điền vào mẫu đơn này và gửi lại cho trường học tham gia của con em quý vị.



## YOUTH RIDE FREE 프로그램

오렌지 카운티 교통국(OCTA) 청소년 무료 승차 프로그램이 2023-24 학년도에 제공됩니다. 새로 승차권을 받기 위해 학부모 신청서를 새로 작성하여 제출하셔야 합니다. 오렌지 카운티의 6세부터 18세 사이의 청소년은 신규 승차권을 사용하여 연중 내내 통학, 출퇴근을 위해 또는 다른 이동을 위해 OC 버스를 무료로 이용할 수 있습니다.

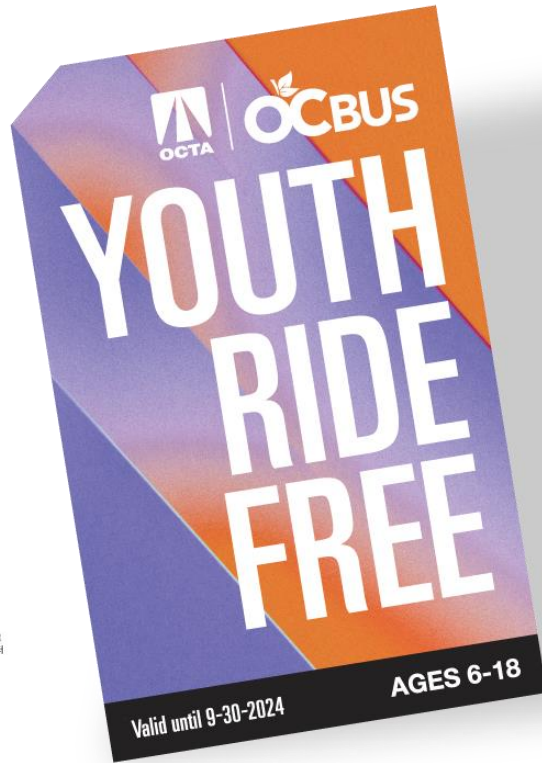
Youth Ride Free (유스 라이드 프리 패스) 승차권은 참가하는 오렌지 카운티 학교에서 구할 수 있습니다. 이 유스 라이드 프리 패스는 2023년 9월 30일까지 유효합니다.



## YOUTH RIDE FREE 方案

橙縣交通管理局 (OCTA) 青少年免費乘車計劃適用於 2023-24 學年。該計劃需要新的乘車證和新的家長申請表。使用新乘車證，橙縣 6 至 18 歲的青少年可全年免費乘坐奧蘭治縣巴士上學、上班或遊玩。

如想為您的孩子申請 Youth Ride Free 通行證，僅需填寫此表格並將其送回至您孩子所在的學校。



# Vanpool

## LIMITED TIME OFFER \$100 OFF VANPOOLING



Vanpooling is always a great way for your employees to save money on their commutes, but acting now will save them even more!

In honor of Rideshare Week, any group which forms a vanpool between October 2nd through November 13th may be eligible to receive **\$100 off** its first month of vanpooling.

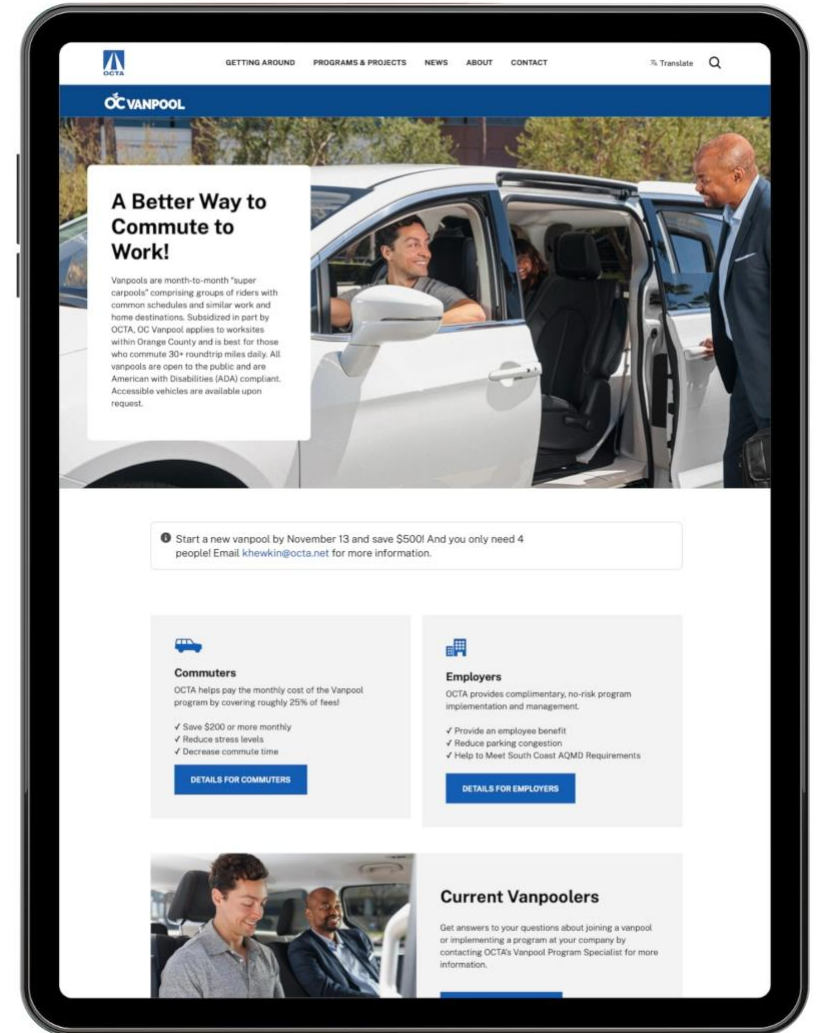


## HOW THE PROGRAM WORKS

Groups of four or more commuters with common work hours lease a vehicle from one of our three contracted vendors. OCTA provides a monthly subsidy to qualifying groups to help lower the van lease cost.

Learn more by emailing [khewkin@octa.net](mailto:khewkin@octa.net) or calling **714-560-5331**!

This first-come, first-served discount may be limited depending on selected vendor. Act today!





# Transit Royale



## The Ultimate Trip Planner

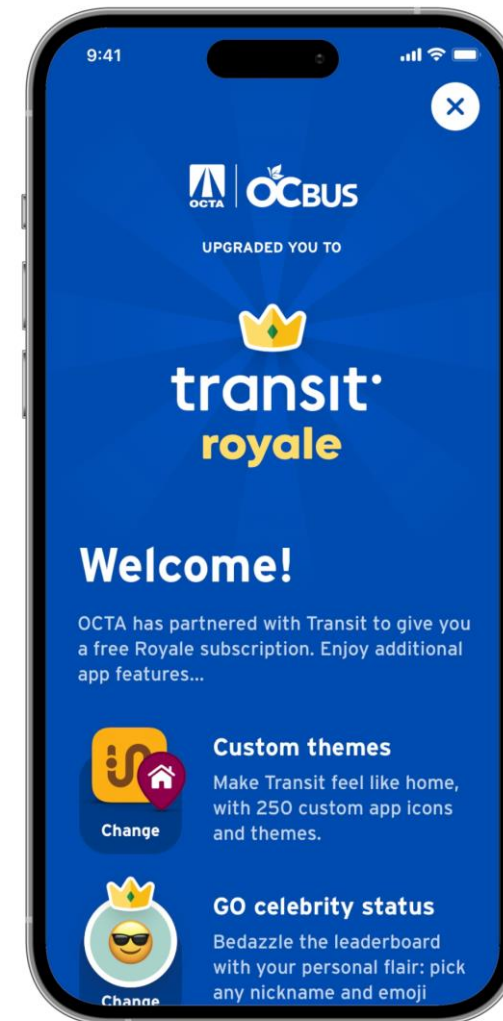
Free Transit App Upgrade  
for OC Bus riders.

Download Today!

 transit

[OCbus.com/transitapp](https://OCbus.com/transitapp)



# Clean Air Day

 **OC Bus**  
Just now · 🌐

On October 4, take a free ride on any fixed route bus or Metrolink. You'll honor the planet by choosing transportation that helps reduce pollution and removes vehicles from the road.

**OUR PLANET WILL BREATHE EASIER**

 **CALIFORNIA  
CLEAN AIR DAY**  
A PROJECT OF THE COALITION FOR CLEAN AIR



 **OCBUS METROLINK**

OCTA.NET  
**Ride Free on October 4th**  
Take a free ride on any fixed route bus or Metrolink.



**OUR PLANET WILL  
BREATHE EASIER**

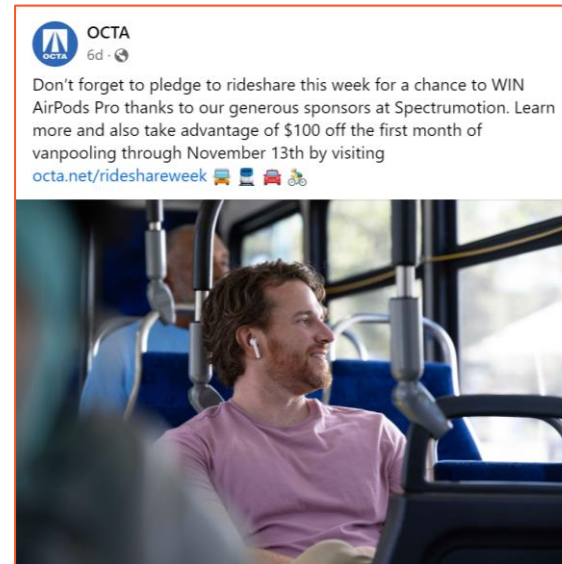
 **CALIFORNIA  
CLEAN AIR DAY**  
A PROJECT OF THE COALITION FOR CLEAN AIR



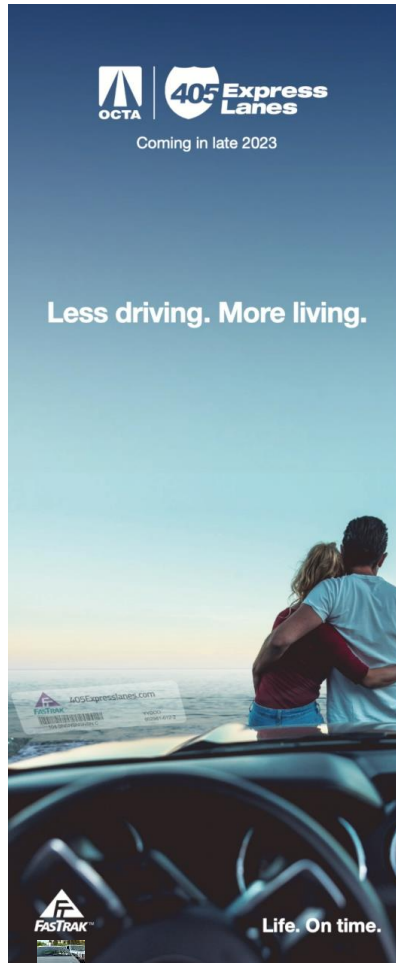
 **OCBUS METROLINK**



# Rideshare Week



# 405 Express Lanes



## The new 405 Express Lanes will open in late 2023. What will you do with all the time you'll save?

Let's face it, nobody lives in Southern California because they want to spend more time behind the wheel. We all have things we'd much rather be doing, like enjoying the great outdoors and being with our loved ones. The new 405 Express Lanes will greatly reduce traffic congestion and help you connect more easily to things you'd rather do than sit in traffic.



## More than just convenient, the 405 Express Lanes also helps:



### Save Time

Wherever and whenever you drive, you'll experience free-flowing traffic to help you reach your destination safely and efficiently.



### Reduce Stress

Driving in heavy traffic conditions leads to greater stress. Free-flowing traffic isn't just more convenient – it's good for your health.



### Ease Congestion

The 405 Express Lanes benefit all who drive the I-405. Those in the regular lanes will enjoy reduced drive times because space will be freed up by those who choose the 405 Express Lanes, such as carpools with three or more people that always travel toll-free.

## Your FasTrak® transponder opens up a whole new way to enjoy the drive.

Because everyone using the 405 Express Lanes is required to have a transponder, traffic will always flow as freely as possible. All tolls will be collected electronically, with no toll booths or cash payments to slow you down.

Your FasTrak® transponder will give you access to the extensive network of established toll agencies anywhere in California. Simply attach the transponder to your vehicle and you're good to go.



## Smoother and safer, too.

Car trouble on the 405 Express Lanes? We've got you covered. Our traffic operations center will keep a close watch on the Express Lanes 24 hours a day, 365 days a year and will dispatch our free tow truck service to you within minutes.



For further information, please visit us at: [405ExpressLanes.com](http://405ExpressLanes.com).

