



Orange County Transportation Authority

Legislative and Communications Committee Agenda

Thursday, September 19, 2024 at 9:00 a.m.

Board Room, 550 South Main Street, Orange, California

Committee Members

Donald P. Wagner, Chair
Katrina Foley, Vice Chair
Jon Dumitru
Fred Jung
Tam T. Nguyen
Mark Tetteimer

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

LEGISLATIVE AND COMMUNICATIONS COMMITTEE MEETING AGENDA

Written Comment

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

Call to Order

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

Kristin Jacinto/Moira Topp

Overview

An update of legislative items in Sacramento will be provided.

Consent Calendar (Items 2 through 4)

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(s)

Approve the minutes of the July 18, 2024 Legislative and Communications Committee meeting.

Attachments:

[Minutes](#)

3. Amendment to Agreement for Public Outreach Services for the OC Streetcar Project

Tresa Oliveri/Maggie McJilton

Overview

On April 25, 2022, the Orange County Transportation Authority Board of Directors approved an agreement with Katz & Associates, Inc., to provide public outreach services for the construction phase of the OC Streetcar project for an 18-month initial term with two, one-year option terms. The first option term approved by the Board of Directors expires on November 30, 2024. Staff is requesting approval to exercise the second option term effective December 1, 2024 through November 30, 2025.

LEGISLATIVE AND COMMUNICATIONS COMMITTEE MEETING AGENDA

Recommendation(s)

Authorize the Chief Executive Officer to negotiate and execute Amendment No. 5 to Agreement No. C-1-3853 between the Orange County Transportation Authority and Katz & Associates, Inc., to exercise the second option term, in the amount of \$154,000, to continue providing public outreach services for the OC Streetcar project, effective December 1, 2024 through November 30, 2025. This will increase the maximum obligation of the agreement to a total contract value of \$907,500.

Attachments:

[Staff Report](#)

[Attachment A](#)

4. Amendment to Agreement for Website Maintenance Support Services

Jacqueline Moon/Maggie McJilton

Overview

On November 23, 2020, the Orange County Transportation Authority Board of Directors approved an agreement with Web Advanced to provide website maintenance support services for a four-year initial term with one, three-year option term. In order to maintain these services, Board of Directors' approval is requested to exercise the option term effective December 1, 2024, through November 30, 2027.

Recommendation(s)

Authorize the Chief Executive Officer to negotiate and execute Amendment No. 3 to Agreement No. C-0-2524 between the Orange County Transportation Authority and Web Advanced to exercise the option term in the amount of \$675,000, to continue providing website maintenance support services, effective December 1, 2024, through November 30, 2027. This will increase the maximum obligation of the agreement to a total contract value of \$1,575,000.

Attachments:

[Staff Report](#)

[Attachment A](#)

Regular Calendar

5. State Legislative Status Report

Clara Brotcke/Kristin Jacinto

Overview

The Orange County Transportation Authority provides regular updates to the Legislative and Communications Committee on policy issues directly impacting its overall programs, projects, and operations. An update is provided on the end of the session for the State Legislature. This includes status updates and summaries of bills pending with the Governor for signature. An update is also provided on the Governor's Executive Order related to transportation and housing.

Recommendation(s)

Receive and file as an information item.

LEGISLATIVE AND COMMUNICATIONS COMMITTEE MEETING AGENDA

Attachments:

[Staff Report](#)

6. Federal Legislative Status Report

Alexis Carter/Kristin Jacinto

Overview

The Orange County Transportation Authority regularly updates the Legislative and Communications Committee on policy and regulatory issues directly impacting the agency's programs, projects, and operations. This status report includes information on the Senate fiscal year 2025 Transportation, Housing, and Urban Development appropriations bill. Summaries are provided on hearings that discuss the Department of Transportation's agenda for regulations and administration related to environmental goals and the economic benefits and impacts from federal infrastructure investment in public transportation.

Recommendation(s)

Receive and file as an information item.

Attachments:

[Staff Report](#)

[Attachment A](#)

[Attachment B](#)

Discussion Items

7. Public Comments

8. Chief Executive Officer's Report

9. Committee Members' Reports

10. Adjournment

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

9:00 a.m. on Thursday, October 17, 2024

OCTA Headquarters

Board Room

550 South Main Street

Orange, California



Committee Members Present

Katrina Foley, Vice Chair
Ashley Aitken
Jon Dumitru
Fred Jung
Tam T. Nguyen
Mark Tettemer

Staff Present

Darrell E. Johnson, Chief Executive Officer
Jennifer L. Bergener, Deputy Chief Executive Officer
Gina Ramirez, Assistant Clerk of the Board
David Aguirre, Employee Rotation Program
Cassie E. Trapesonian, General Counsel
OCTA Staff

Committee Members Absent

Donald P. Wagner, Chair

Call to Order

The July 18, 2024, regular meeting of the Legislative and Communications Committee was called to order by Committee Vice Chair Foley 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 Nguyen, seconded by Director Tettemer, and declared passed by those present to approve the minutes of the June 20, 2024, Legislative and Communications Committee Meeting.

3. Amendment to Agreement for the Safety Education and Public Awareness Program for the OC Streetcar Project

A motion was made by Director Nguyen, seconded by Director Tettemer, and declared passed by those present to Authorize the Chief Executive Officer to negotiate and execute Amendment No. 4 to Agreement No. C-2-2207 between the Orange County Transportation Authority and Katz & Associates, Inc., to exercise the option term, in the amount of \$150,000, to maintain and extend the safety education and public awareness program effective September 1, 2024, and continuing through August 31, 2026. This will increase the maximum obligation of the agreement to a total contract value of \$850,000.



Regular Calendar

4. State Legislative Status Report

Lance Larson, Executive Director of Government Relations, Kristin Jacinto, Department Manager, and Alexis Carter, Government Relations Representative, provided a report on this item.

A motion was made by Director Tetterer, seconded by Director Aitken, and declared passed by those present to adopt a SUPPORT position on SB 768 (Caballero, D-Fresno), which would require the California State Transportation Agency to study how vehicle miles traveled is used as a metric for measuring transportation impacts under the California Environmental Quality Act

5. Federal Legislative Status Report

Lance Larson, Executive Director of Government Relations, Kristin Jacinto, Department Manager, and Alexis Carter, Government Relations Representative, provided a report on this item.

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

Discussion Items

6. Public Comments

There were no public comments received.

7. Chief Executive Officer's Report

Darrell E. Johnson, Chief Executive Officer, reported that OC Fair Express service will be reinstated effective Saturday, July 20, operating on weekends through August 18.

8. Committee Members' Reports

Director Foley thanked the OCTA staff for the Committee Chair preparation notes, presentations at the Business at Beaches program at the University of California Irvine, and for serving as models in providing reports. In addition, she thanked the Deputy Chief Operating Officer for bringing back OC Fair Express, encouraging the use of the service.



9. Adjournment

The meeting adjourned at 9:32 a.m.

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

9:00 a.m. on Thursday, August 15, 2024

OCTA Headquarters

Board Room

550 South Main Street

Orange, California

ATTEST

Gina Ramirez
Assistant Clerk of the Board



September 19, 2024

To: Legislative and Communications Committee

From: Darrell E. Johnson, Chief Executive Officer

Subject: Amendment to Agreement for Public Outreach Services for the OC Streetcar Project

Overview

On April 25, 2022, the Orange County Transportation Authority Board of Directors approved an agreement with Katz & Associates, Inc., to provide public outreach services for the construction phase of the OC Streetcar project for an 18-month initial term with two, one-year option terms. The first option term approved by the Board of Directors expires on November 30, 2024. Staff is requesting approval to exercise the second option term effective December 1, 2024 through November 30, 2025.

Recommendation

Authorize the Chief Executive Officer to negotiate and execute Amendment No. 5 to Agreement No. C-1-3853 between the Orange County Transportation Authority and Katz & Associates, Inc., to exercise the second option term, in the amount of \$154,000, to continue providing public outreach services for the OC Streetcar project, effective December 1, 2024 through November 30, 2025. This will increase the maximum obligation of the agreement to a total contract value of \$907,500.

Discussion

The Orange County Transportation Authority (OCTA), in cooperation with the City of Santa Ana (Santa Ana) and the City of Garden Grove (Garden Grove), is implementing a modern streetcar running between the Santa Ana Regional Transportation Center in Santa Ana and the intersection of Harbor Boulevard and Westminster Avenue in Garden Grove. The OC Streetcar project (Project) will improve transit connectivity and accessibility, increase transit options, relieve congestion, and provide benefits to the community and traveling public. The Project is being implemented as part of Measure M2 Project S – Transit Extensions to Metrolink, approved by Orange County voters in November 2006.

Construction of the 4.15-mile alignment has involved complex and specialized work, including the installation of embedded track in existing streets, an overhead contact system (OCS) to supply power to the vehicles, passenger platforms with canopies, two bridges, and a maintenance and storage facility. The alignment spans several distinct districts within Santa Ana and into Garden Grove.

Public outreach services aid OCTA's efforts to communicate to a broad and diverse audience about the Project's benefits and current construction activities in their community, including the installation and powering up of the OCS. Katz & Associates, Inc. (Katz) is currently providing outreach services to OCTA under an agreement set to expire November 30, 2024. Current outreach activities include meetings with residential and business interests throughout the Project area and implementation of the public outreach program, which includes in-person and virtual meetings, community and civic organization presentations, construction noticing, social media, attending special events in the community, and other tactics. The approach of supplementing staff efforts with consultant services is consistent with the project outreach support functions for all other capital projects in OCTA's portfolio. In order to continue these efforts, an amendment is required to exercise the option term with Katz.

Procurement Approach

The procurement was handled in accordance with OCTA's Board of Directors (Board)-approved procedures for professional services. On April 25, 2022, the Board approved the award of the agreement with Katz to provide public outreach services for the construction phase of the Project. The original agreement was awarded on a competitive basis and includes an 18-month initial term with two, one-year option terms in the amount of \$430,000. The first option term was exercised by the Board on July 20, 2024. The agreement has been previously amended as shown in Attachment A.

The proposed Amendment No. 5 is to exercise the second option term of the agreement for a period of one year, effective December 1, 2024 through November 30, 2025. The budget for this amendment in the amount of \$154,000 is based on current and anticipated need for public outreach services through the construction phase, and it will increase the maximum payment obligation to a total contract value of \$907,500. A cost escalation was negotiated in the original contract. Exercising the option term will allow Katz to continue providing public outreach services through November 30, 2025.

Fiscal Impact

The Project was approved in OCTA's Fiscal Year 2024-25 Budget, People and Community Engagement, Account No. 0017-7519-TS010-Z84.

Summary

Staff is recommending the Board of Directors authorize the Chief Executive Officer to negotiate and execute Amendment No. 5 to Agreement No. C-1-3853 between the Orange County Transportation Authority and Katz & Associates, Inc., to exercise the second option term, in the amount of \$154,000, to continue providing public outreach services for the OC Streetcar project, effective December 1, 2024 through November 30, 2025. This amendment will increase the maximum obligation of the agreement to a total contract value of \$907,500.

Attachment

- A. Katz & Associates, Inc., Agreement No. C-1-3853 Fact Sheet

Prepared by:



Tresa Oliveri
Community Relations Specialist,
Principal
(714) 560-5374

Approved by:



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



Pia Veerapen
Director, Contracts Administration and
Materials Management
(714) 560-5619

**Katz and Associates, Inc.
Agreement No. C-1-3853 Fact Sheet**

1. April 25, 2022, Agreement No. C-1-3853, \$430,000, approved by the Board of Directors (Board).
 - Agreement for public outreach services for the construction phase of the OC Streetcar project.
 - Initial term effective May 27, 2022 through November 30, 2023, with two, one-year option terms.
2. March 28, 2023, Amendment No. 1 to Agreement No. C-1-3853, \$64,500, approved by the Contracts Administration and Materials Management Department (CAMM).
 - Amendment to increase maximum cumulative payment obligation.
3. July 24, 2023, Amendment No. 2 to Agreement No. C-1-3853, \$259,000, approved by the Board.
 - Amendment to exercise the first option term of the agreement effective December 1, 2023 through November 30, 2024.
4. November 21, 2023, Amendment No. 3 to Agreement No. C-1-3853, \$0.00, approved by CAMM.
 - Amendment to remove a subcontractor.
5. June 26, 2024, Amendment No. 4 to Agreement No. C-1-3853, \$0.00, approved by CAMM.
 - Amendment to revise key personnel.
6. September 23, 2024, Amendment No. 5 to Agreement No. C-1-3853, \$154,000, pending approval by the Board.
 - Amendment to exercise the second option term of the agreement effective December 1, 2024 through November 30, 2025.

The total amount committed to Katz and Associates, Inc., under Agreement No. C-1-3853: \$907,500.



September 19, 2024

To: Legislative and Communications Committee

From: Darrell E. Johnson, Chief Executive Officer

Subject: Amendment to Agreement for Website Maintenance Support Services

Overview

On November 23, 2020, the Orange County Transportation Authority Board of Directors approved an agreement with Web Advanced to provide website maintenance support services for a four-year initial term with one, three-year option term. In order to maintain these services, Board of Directors' approval is requested to exercise the option term effective December 1, 2024, through November 30, 2027.

Recommendation

Authorize the Chief Executive Officer to negotiate and execute Amendment No. 3 to Agreement No. C-0-2524 between the Orange County Transportation Authority and Web Advanced to exercise the option term in the amount of \$675,000, to continue providing website maintenance support services, effective December 1, 2024, through November 30, 2027. This will increase the maximum obligation of the agreement to a total contract value of \$1,575,000.

Discussion

As the Orange County Transportation Authority (OCTA) develops and delivers transportation solutions to keep Orange County moving and enhance the quality of life of residents and commuters, the OCTA.net website serves as the public face for all of OCTA's projects, programs, and services. A critical communication tool and information hub, the OCTA.net website informs the public about OCTA's various initiatives, serves as the starting point of the customer journey for transit riders, acts as an essential resource for communities during capital construction projects, and functions as the conduit for marketing and communication campaigns to increase public awareness and interest in riding public transportation.

With consultant support, OCTA performs ongoing website maintenance and evaluates and implements changing technologies that can enhance the user experience, navigation, accessibility, website security, as well as ensure compliance with local, state, and federal laws. OCTA.net contains more than 2,100 webpages and over 8,000 digital and creative assets that are reviewed, maintained, and updated.

These services are currently provided by Web Advanced through an agreement which expires November 30, 2024. In order to continue these services, staff recommends the Board of Directors (Board) approve an amendment to exercise the three-year option term.

Procurement Approach

This procurement was handled in accordance with OCTA Board-approved procedures for professional and technical services. On November 23, 2020, the Board approved the award of the agreement with Web Advanced to provide website maintenance support services. The original agreement was awarded on a competitive basis and includes a four-year initial term in the amount of \$900,000 with one, three-year option term to provide website maintenance support services. This agreement has been previously amended as shown in Attachment A.

The initial term of the agreement expires November 30, 2024. The proposed Amendment No. 3 is to exercise the option term through November 30, 2027, which will allow Web Advanced to continue providing website maintenance support services. The budget for this amendment is \$675,000, which is based on current and anticipated levels of efforts for website maintenance support services. In accordance with the current agreement, the option term rates will remain the same as originally negotiated.

Fiscal Impact

Funds are included in OCTA's Fiscal Year 2024-25 Budget, People and Community Engagement Division, account nos. 1831-7519-A0001-G82, 0036-7519-B0001-H2H, and 0017-7519-M0201-0KG, and is funded mainly by local revenues and some toll revenues.

Summary

Staff is recommending the Board of Directors authorize the Chief Executive Officer to negotiate and execute Amendment No. 3 to Agreement No. C-0-2524 between the Orange County Transportation Authority and Web Advanced to exercise the option term, in the amount of \$675,000, to continue providing website maintenance support services, effective December 1, 2024, through November 30, 2027. This amendment will increase the maximum obligation of the agreement to a total contract value of \$1,575,000.

Attachment

- A. Web Advanced, Agreement No. C-0-2524 Fact Sheet

Prepared by:



Jacqueline Moon
Digital Marketing Specialist,
Marketing
(714) 560-5902

Approved by:



Maggie McJilton
Executive Director, People and
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Pia Veesapen
Director, Contracts Administration
and Materials Management
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**Web Advanced
Agreement No. C-0-2524 Fact Sheet**

1. November 23, 2020, Agreement No. C-0-2524, \$900,000, for a four-year initial term with one, three-year option term approved by the Board of Directors (Board).
 - Agreement to provide website maintenance support services.
 - Four-year initial term effective December 1, 2020 through November 30, 2024, with one, three-year option term.
2. April 26, 2021, Amendment No. 1 to Agreement No. C-0-2524, \$0.00, approved by the Contracts Administration and Materials Management Department (CAMM).
 - To revise key personnel.
3. November 17, 2022, Amendment No. 2 to Agreement No. C-0-2524, \$0.00, approved by CAMM.
 - To revise the firm's address and key personnel.
4. September 23, 2024, Amendment No. 3 to Agreement No. C-0-2524, \$675,000, pending approval by the Board.
 - To exercise option term of the agreement effective December 1, 2024 through November 30, 2027.

Total committed to Web Advanced under Agreement No. C-0-2524: \$1,575,000.



September 19, 2024

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

A handwritten signature in blue ink, appearing to read "Darrell E. Johnson", is written over the "To:" and "From:" lines of the header.

Overview

The Orange County Transportation Authority provides regular updates to the Legislative and Communications Committee on policy issues directly impacting its overall programs, projects, and operations. An update is provided on the end of the session for the State Legislature. This includes status updates and summaries of bills pending with the Governor for signature. An update is also provided on the Governor's Executive Order related to transportation and housing.

Recommendation

Receive and file as an information item.

Discussion

End of Session Update

The Legislature had until August 31, 2024, to approve legislation to be submitted to the Governor. The Governor will have until September 30, 2024, to sign or veto bills passed by the Legislature this year.

This year, OCTA's state advocacy efforts were predominantly focused on the fiscal year 2024-25 state budget. An important achievement of these efforts was the preservation of \$5.1 billion statewide for public transit capital projects and operations originally promised as part of last year's state budget. In collaboration with other transit agencies and advocacy groups, such as the California Transit Association, OCTA played a key role in ensuring these funds were maintained. As a result, OCTA is anticipated to receive approximately \$380 million of these funds, which will be distributed over five years to support essential bus and rail operations.

Several bills in which OCTA took position on this year did not make it to the Governor's desk, including bills that OCTA opposed. These bills included proposals to revise SB 375 (Chapter 728, Statutes of 2008) greenhouse gas emission reduction targets, reprioritize state transportation funding, and to impose new transportation planning requirements.

While none of the bills OCTA took a position on this session are pending with the Governor, several bills OCTA was monitoring did make it out of the Legislature. These bills include a few that may have impacts to transportation programs if signed into law, and are summarized below:

AB 2086 (Schiavo, D-Santa Clarita): Transportation funding: California Transportation Plan (CTP): public dashboard

Current law requires the California Department of Transportation (Caltrans) to prepare the CTP to submit to the Governor and the Legislature. The CTP is California's long-range transportation plan that provides a vision for how the State will meet its transportation needs consistent with the State's greenhouse gas emission goals.

AB 2086 would require that the CTP include a new financial element, which will provide a comprehensive summary of the full cost associated with implementing the plan in the long term. Specifically, it requires detailed cost summaries for the first ten years of the planning period, an analysis of available revenues throughout the entire planning period, and an assessment of what aspects of the plan are feasible based on realistic revenue projections.

AB 2086 also directs Caltrans to enhance an existing public online dashboard by January 1, 2027, to display how annual project investments from various transportation funding programs are advancing the vision and the goals of the CTP. The dashboard must also include other information, such as the status of the implementation of the short-, mid-, and long-term implementation actions included in the CTP, and must be periodically updated to ensure the data and metrics remain current.

AB 2503 (Lee, D-Milpitas): California Environmental Quality Act (CEQA): exemption: passenger rail projects

AB 2503 would expand existing CEQA exemptions for transportation-related projects to include public passenger rail projects that exclusively use zero-emission trains. The exemption would apply to projects located entirely within existing rail or highway rights-of-way. This authority would remain in effect until January 1, 2030.

AB 2553 (Friedman, D-Glendale): Housing development: major transit stops: vehicular traffic impact fees

AB 2553 alters existing law related to local governments that charge fees for vehicular impacts from new development to allow for reduced fees for a housing development that is located within a transit priority area. A "transit priority area" means an area within one-half mile of a major transit stop that is existing or planned. AB 2553 would revise this definition to authorize major transit stops to be counted if they are included in the regional transportation plan or when the stops are planned for completion before or within a year from the housing development. In addition, the definition is expanded to include an intersection of two or more major bus routes with a frequency of service intervals of 20 minutes or less during the morning and afternoon peak commute periods, expanding the current definition of 15 minutes or less. The goal of this legislation is to expand the geographic scope for which these lower fees apply and encourage more housing near transit. However, the definitional changes for "major transit stop," specifically that related to transit frequency, may impact other state statutory requirements that cite this definition.

SB 960 (Wiener, D-San Francisco): Transportation: planning: complete streets facilities: transit priority facilities

Current law requires Caltrans, in consultation with the California Transportation Commission (CTC), to prepare an asset management plan to guide selection of projects for the State Highway Operation and Protection Program (SHOPP). It also requires the CTC, in connection with the plan, to adopt targets and performance measures reflecting state transportation goals and objectives. SB 960 would add targets for "complete streets" that include bicycle, pedestrian, and transit facilities to these performance measures and plans. It also directs Caltrans to commit to four-year targets for incorporating these facilities into SHOPP projects. For SHOPP projects with complete streets facilities, Caltrans would be required to consult with various stakeholders to develop guidance on implementation. Projects in underserved communities would be required to have targeted outreach. If Caltrans does not include complete streets facilities consistent with the aforementioned guidance, the justification must be documented and posted to Caltrans' website.

SB 960 also requires Caltrans to develop a policy for implementing transit priority facilities on state highways by January 1, 2026. This must be developed in consultation with relevant stakeholders, including transit operators, local government, regional transportation planning agencies, and transit advocacy organizations. By January 1, 2027, Caltrans must adopt guidance that defines transit performance measures and identifies specific responsibilities for Caltrans in supporting the reliable, predictable, and fast movement of transit vehicles on the state highway system. Design guidance for transit priority facilities must be adopted by Caltrans by July 1, 2028. Beginning with the 2028 SHOPP, Caltrans would be required to, in locations with current or future transit priority needs, provide and improve transit priority facilities on the state highway system in a

manner consistent with its most recent guidance, transit plans, and the State Highway System Management Plan.

SB 1098 (Blakespear, D-Encinitas): Passenger and freight rail: Los Angeles – San Diego – San Luis Obispo (LOSSAN) Rail Corridor

SB 1098, also known as the Southern California Rail Revitalization Act requires, upon appropriation by the Legislature, the California State Transportation Agency (CalSTA) Secretary to submit a report to the Legislature, no later than two years after the appropriation is made, on the LOSSAN Rail Corridor. In preparing this report, the Secretary must consult existing plans, studies, reports, and guidance. The report must include:

- A baseline summary of transportation and environmental conditions in existence as of January 1, 2025, along the rail corridor.
- Prioritized capital improvement projects in the corridor necessary to improve current services and achieve service growth, performance, and network goals consistent with the State Rail Plan.
- Prioritized improvement projects in the corridor necessary to ensure the resiliency of both natural resources and transportation infrastructure.
- A description of administrative actions taken by CalSTA, using authority in existence before January 1, 2025, to improve operations and performance of the corridor.
- Recommendations for the corridor to connect with other passenger rail services.
- Strategies to support and improve existing rail service and increase ridership, including a description of necessary operations funding for increased service frequencies.
- Recommendations to achieve zero-emission state-supported intercity service, including an analysis of available technologies and necessary corridor infrastructure.
- Strategies and recommendations to support coastal hazard resiliency planning in the corridor.
- A description of coordination activities through the federal Corridor Identification and Development (Corridor ID) Program.

The CalSTA Secretary must also convene a working group that includes at least the following representatives: LOSSAN Rail Corridor track owners, LOSSAN Rail Corridor passenger and freight operators, the county transportation commissions of the counties of Los Angeles, Orange, Riverside, San Bernardino, and Ventura, the metropolitan planning organizations for the counties of Los Angeles, Orange, Riverside, San Diego, San Luis Obispo, Santa Barbara, and Ventura; business, community, transportation, environmental, labor, and civic organizations; the California Coastal Commission (CCC); and Caltrans' Division of Rail and Mass Transportation.

The working group must submit consensus recommendations and feedback in a report to the Legislature by February 1, 2026. The recommendations must include strategies to increase rail service coordination and reduce disruptions or delays, alternative management and operations models or structures that improve intercity and regional rail services, changes to state statutes, rules, or funding necessary to improve passenger rail services, and coordination of planning and project development through the federal Corridor ID Program. The working group must recognize the ownership and rights held in the LOSSAN Rail Corridor and it must be developed with meaningful public engagement. Also, before submitting the report, the working group must submit the recommendations and feedback to the governing boards of the LOSSAN Rail Corridor Agency, the Southern California Regional Rail Authority, and the North County Transit District for review and consideration. More information can be included in the larger CalSTA report aforementioned if there is a need for follow-up on any of these items the working group provides information on. No funding is provided for the working group or report.

Upon appropriation, SB 1098 would also require the CalSTA Secretary to submit a report to the Legislature no later than three years after an appropriation is made, and then every two years, regarding the management of the LOSSAN Rail Corridor. The report must contain information related to all of the following:

- Performance, ridership, usage, and quality of intercity, regional rail, and freight services.
- Updates to capital improvement planning.
- Progress in delivering fleet and infrastructure improvement projects.
- Improvements to service and fare coordination.
- Opportunities to increase the quality and frequency of services.
- Updates on corridor resiliency, prepared in coordination with the CCC.

SB 1098 further stipulates that the CalSTA Secretary must provide guidance and recommendations to stakeholders to ensure the performance of the LOSSAN Rail Corridor. This would include planning, as needed, related to service frequencies, equipment and fleet management, infrastructure improvement and state-of-good-repair projects, and resiliency of the corridor.

Update on Executive Order N-2-24

On July 31, 2024, Governor Newsom issued Executive Order N-2-24, which is focused on transforming underdeveloped and underutilized infill sites and buildings into housing. The order is intended to assist communities in developing downtown areas and constructing housing near transportation hubs and job centers, aiming to increase housing availability while aligning with the state's housing and climate goals.

In order to achieve these goals, the order includes several recommendations related to transportation including:

- CalSTA and the Business, Consumer Services, and Housing Agency (BCSH) will coordinate to identify federal transportation funding sources that align with the objectives of promoting infill development and adaptive reuse.
- Caltrans, in consultation with CalSTA and the Governor's Office of Land Use and Climate Innovation, will explore and implement opportunities to leverage transportation funds and projects to support infill founding as an environmental mitigation approach, with guidance to be published under the "Transportation Analysis under CEQA" framework. Progress will be tracked and reported at the project level.
- Caltrans is to utilize its inventory of excess land and existing authorities to expedite and prioritize the development of permanent housing on these properties, where legally feasible while integrating transportation improvements where appropriate.
- The Governor's Office of Land Use and Climate Innovation will establish an Interagency Task Force on Mitigation Banks. This task force, which includes CalSTA, BCSH, Caltrans, the California Department of Housing and Community Development, and other relevant state agencies, will develop a framework for a Statewide Mitigation Bank. The framework will provide flexibility in using infill housing as a mitigation strategy for transportation and housing projects that have significant environmental impacts under CEQA.

Several of these directives would change how transportation funding is typically used, and the types of mitigation that are authorized for transportation projects. OCTA staff will continue to monitor these efforts and will provide updates as they become available.

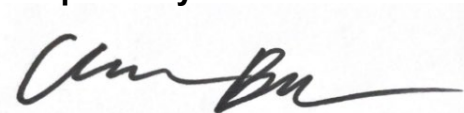
Summary

An update is provided on relevant legislation that is pending with the Governor. An update is also provided on an executive order related to transportation and housing.

Attachment

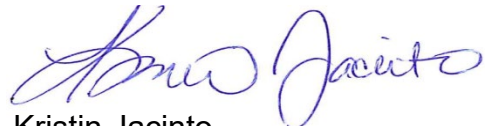
None.

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September 19, 2024

To: Legislative and Communications Committee

From: Darrell E. Johnson, Chief Executive Officer

Subject: Federal Legislative Status Report

A handwritten signature in blue ink, appearing to read "Darrell Johnson", is written over the "From:" line of the memo.

Overview

The Orange County Transportation Authority regularly updates the Legislative and Communications Committee on policy and regulatory issues directly impacting the agency's programs, projects, and operations. This status report includes information on the Senate fiscal year 2025 Transportation, Housing, and Urban Development appropriations bill. Summaries are provided on hearings that discuss the Department of Transportation's agenda for regulations and administration related to environmental goals and the economic benefits and impacts from federal infrastructure investment in public transportation.

Recommendation

Receive and file as an information item.

Discussion

Fiscal Year 2025 Senate Appropriations Update

On July 25, 2024, the Senate Appropriations Committee approved the fiscal year (FY) 2025 Transportation, Housing, and Urban Development (THUD) appropriations bill with a vote of 29-1. The bill provides \$87.7 billion in discretionary funding for the United States Department of Transportation (USDOT), which is \$1.7 billion below the FY 2024 enacted level. The Senate THUD bill includes \$63.171 billion for the Federal Highway Administration (FHWA), which is \$171 million above the FY 2024 enacted level, \$17 billion in total budgetary resources for the Federal Transit Administration (FTA), which is \$400 million below the FY 2024 enacted level, and \$3.46 billion in total budgetary resources for the Federal Railroad Administration (FRA), which is about \$460 million below the FY 2024 enacted level. This does not include advanced appropriations from the Infrastructure Investment and Jobs Act (IIJA), which total \$36.9 billion.

Discretionary transportation programs are well funded in the Senate proposal; however, they still largely remain below the authorized levels. Some examples include:

- \$2.262 billion is included for the Capital Investment Grants (CIG) program compared to the \$3 billion in authorized levels. As background, when Congress enacted the IIJA in 2021, they provided advanced appropriations which are amounts that become available for obligation in the fiscal years beyond the fiscal year for which the legislation was enacted. All other funding included in the IIJA was only authorized at certain levels and requires further action for appropriation each fiscal year. That being said, the bill retains the additional \$1.6 billion from the IIJA advanced appropriations and directs the Secretary to maintain the federal government funding commitments for all existing grant agreements.
- \$2.637 billion is included for Amtrak grants, \$1.617 million of which is for the National Network. An additional \$4.4 billion will be provided through advanced appropriations. The FY 2025 authorized levels are \$3.45 billion.
- \$550 million was provided for the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) competitive grant program, compared to no funding provided in the House's proposal. An additional \$1.5 billion will also be provided through advanced appropriations. The FY 2025 authorized levels are \$1.5 billion.
- No funding was provided for the Megaprojects program. However, \$1 billion will be provided through advanced appropriations. The FY 2025 authorized level is \$1 billion.
- \$375.821 million is included for the Consolidated Rail Infrastructure and Safety Program. \$1 billion is also provided in advanced appropriations for this program. Authorized levels for FY 2025 for this program are \$1 billion.
- \$100 million was provided for the Federal-State Partnership for Intercity Passenger Rail program. However, \$7.2 billion will be provided through advanced appropriations. The FY 2025 authorized level is \$1.5 billion.
- \$478.202 million was provided for Buses and Bus Facilities Competitive grant program and \$76.512 million was provided for the Low-No Emission Bus grant program. This is funded at authorized levels for FY 25.

Additionally, there were several initiatives in the Senate's proposal that received funding, including:

- \$200 million for planning, capital projects, and operating assistance necessary to support the mobility needs of the 2028 Olympic and Paralympic Games in Los Angeles.

- \$2 million for the FTA's operation and maintenance bus testing facility in Altoona, Pennsylvania.
- \$5 million to support technical assistance, research, demonstration, deployment activities or projects to accelerate the adoption of zero-emission buses in public transit.
- \$5 million for the Accelerating Innovative Mobility Initiative, administered by the FTA. Specifically, this will be for competitive grants to improve mobility and enhance the rider experience with a focus on innovative service delivery models, creative financing, novel partnerships, and integrated payment solutions in order to help disseminate proven innovation mobility practices throughout the public transportation industry.

Additionally, there were several policy provisions included in the Senate proposal worth noting, including:

- Expansion of public transit agencies' authority to acquire land prior to completion of National Environmental Policy Act review by replacing the term "right-of-way" with "real property interests."
- Blocks what is known as the Rostenkowski Test, which measures outstanding commitments against estimated income. This will prevent a possible across-the-board cut of FY 2024 transit formula funds to each public transit agency. It also prohibits the USDOT from hindering a project from advancing or approving a project seeking a CIG federal share of more than 40 percent.
- Notes the importance of long-distance passenger rail routes, particularly for those in rural areas, and the need to sustain such routes and services to ensure connectivity throughout the National Network.
- Removes exemptions from provisions that prohibit funds from being used to award or amend a contract for rail rolling stock with a restricted manufacturer.

Included in the Senate THUD appropriations bill is \$66 million in congressionally directed spending for transportation-related projects. While OCTA submitted projects for consideration, they were not ultimately included in the Senate THUD appropriations bill. It should be noted that only four transportation-related projects in California were included.

While both the Senate and House Appropriations Committee have acted on their THUD proposals, it is anticipated that a continuing resolution will be needed by October 1, 2024, in order to avoid a government shutdown. Therefore, formal action on the THUD proposal will not happen until a new Congress is installed following the election in November.

Summary of House Transportation and Infrastructure Subcommittee on Highways and Transit Hearing on the Department of Transportation's Regulatory and Administrative Agenda

On July 24, 2024, the House Transportation and Infrastructure Subcommittee on Highways and Transit held a hearing entitled, "*Examining the Department of Transportation's Regulatory and Administrative Agenda.*" The hearing explored testimony from various industry stakeholders regarding the lack of clarity from regulations that aim to decrease emissions.

The hearing opened with a statement from Subcommittee Chairman Rick Crawford (R-AR) highlighting efforts by the Administration to advance emission reductions policies that limit the scale of and influence project selection. He cited the Federal Highway Administration's (FHWA) December 2021 policy memo that encouraged states to prioritize funding from the IIJA for non-motorized modes and transit over development of new highway capacity. Though he lauded FHWA's decision to rescind the memo, he advocated for the ability of individual states to prioritize funding for projects addressing their unique needs.

Representative Salud Carbajal (D-CA) noted that transportation is a large emitter of greenhouse gas (GHG) emissions. Tim Duit, Chair of the American Road & Transportation Builders Association, expressed concern that states and local agencies, in planning for projects that meet intended GHG emission reductions, prioritize projects in a manner that potentially leads to a misallocation of resources that hinder state-specific transportation needs.

Beth Osborne, Director of Transportation for America, discussed the importance of investing in a robust transit, passenger rail, freight rail, and bicycle pedestrian system that has been deprioritized relative to the integrated highway system. When asked how the FHWA's GHG performance measuring rules equip states to reduce carbon emissions, she explained while it is important for agencies to be transparent on their emission reduction efforts, the absence of penalties for missing self-established goals should not be overlooked.

Summary of Senate Banking, Housing, and Urban Affairs Committee on Economic Benefits and Impacts from Federal Infrastructure Investment in Public Transportation

On July 31, 2024, the Senate Committee on Banking, Housing, and Urban Affairs held a hearing titled "*Long-Term Economic Benefits and Impacts from Federal Infrastructure and Public Transportation Investment.*" The discussion focused on impacts that investments from the IIJA has had on public transportation.

Chairman Sherrod Brown (D-OH) opened by emphasizing the frustration Americans have felt over years of Congressional inaction on infrastructure, but highlighted the progress made with 60,000 projects now underway due to the

IIJA. Ranking Member Tim Scott (R-SC) pointed out the challenges of addressing local infrastructure needs from a federal level, stressing the importance of streamlining processes to ensure effective and responsive investments. He also noted that rising construction costs have further complicated project execution.

Witnesses discussed the broader impacts of federal infrastructure investment. Christopher Coes, Acting Under Secretary of Transportation for Policy, noted the allocation of \$461 billion projects nationwide, with significant benefits for disadvantaged communities. Michael Knisley of the Ohio State Building and Construction Trades Council highlighted job creation in Ohio, while Dr. R. Richard Geddes of Cornell University warned that inflation, permitting delays, and the Build America, Buy America Act have slowed project delivery and increased costs.

During the question-and-answer portion of the hearing, Chairman Brown questioned Mr. Knisley about how the IIJA has impacted job creation in Ohio. Mr. Knisley responded that the commitment from companies like Intel has led to the creation of stable, well-paying jobs that have not only reduced inflation but also fostered multi-generational employment opportunities within families. Chairman Brown asked Mr. Coes about the potential consequences if the USDOT's competitive grant programs were discontinued. Mr. Coes warned that without these grants, many transformational projects would likely stall, as local governments depend on this federal support to partner with the private sector and move projects from vision to execution. Senator Tina Smith (D-MN) raised a question regarding the impact of the IIJA on rural transit, to which Mr. Coes responded that significant resources have been directed toward meeting the unique needs of rural communities, with over \$11 billion allocated specifically for rural transit initiatives.

The hearing highlighted the importance of continued federal investment in infrastructure and the need for improvements to maximize its benefits.

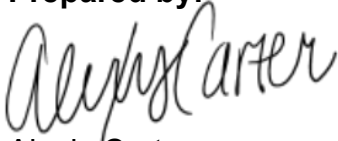
Summary

Information is provided here in on the Senate FY 2025 Transportation, Housing, and Urban Development appropriations bill. Additionally, two summaries are provided related to hearings pertaining to transportation.

Attachments

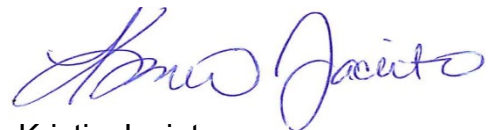
- A. Potomac Partners DC, Monthly Legislative Report – July 2024
- B. Potomac Partners DC, Monthly Legislative Report – August 2024

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Monthly Legislative Report – July 2024

July Advocacy Meetings

Office of Congressman Mike Levin (D-CA) – We met with Congressman Levin’s staff to discuss programmatic Appropriations language that could help prioritize future U.S. Army Corps of Engineers (Corps) studies and projects that prevent and mitigate coastal erosion that threatens rail routes that are critical to national security.

Office of Congresswoman Young Kim (R-CA) – We followed up with Congresswoman Kim and her staff to discuss funding for the I-5 Improvement Project (I-405 to SR-55), which was ultimately included in the Appropriations Committee report for \$4M in the House Fiscal Year 2025 (FY 25) Transportation, Housing and Urban Development (THUD) Appropriation bill (an increase from \$3M, which was originally requested). The House will likely consider the THUD Appropriations bill on the floor sometime in September.

Office of Congressman Lou Correa (D-CA) – We met with Congressman Correa’s staff to discuss the Katella Avenue Pedestrian Bridge project and the final funding amount of \$250,000 that was included in the THUD Appropriation bill under the Department of Housing and Urban Development’s Economic Development Initiatives (EDI) account.

Office of Senator Alex Padilla (D-CA) – We followed up with Senator Padilla’s staff regarding the recent press event in Southern California on July 22, where Senator Alex Padilla and senior leadership from the Environmental Protection Agency (EPA), the California Air Resources Board (CARB), and the South Coast Air Quality Management District (South Coast AQMD) announced almost \$500M in funding for AQMD’s Climate Pollution Reduction Grant (CPRG), made possible by the Inflation Reduction Act. We followed up with the office on potential agreements that were also announced to prevent any loss of transportation funding for the region because of failing to meet Clean Air Act requirements after the EPA rejected South Coast Air Quality Management District’s 2019 Contingency Measure Plan.

Office of Congressman Pete Aguilar (D-CA) – We followed up with Congressman’s staff on potential agreements with AQMD and EPA to prevent any loss of transportation funding for the region because of failing to meet Clean Air Act requirements. The Congressman’s staff provided several letters pertaining to this agreement that can be found below:

Joint Statement on Advancing Emissions Reductions

· [Joint Statement](#)

Letters of Intent

· [South Coast AQMD](#)

· [CARB](#)

· [U.S. EPA](#)

House Transportation and Infrastructure (T&I) Committee Chairman Sam Graves(R-MO) and Senior Staff– We met with Chairman Graves and his senior staff to discuss rail safety legislation and the potential for new funding for passenger rail.

Department of Housing and Urban Development’s Office of Economic Development – We followed with the HUD’s Deputy Director of Congressional Grants Division regarding OCTA’s pending grant for the “Rails to Trails Project” to facilitate access to help finalize the paperwork for the Community Project Funding (CPF) that was awarded.

House Appropriations Committee Chairman Tom Cole (R-OK) – We met with the Chairman and his staff to discuss potential transportation funding for the 2028 Olympics in the FY 25 THUD Appropriations bill.

Senate Environment & Public Works Committee Majority Staff – We met with Committee staff to discuss the Water Resources Development Act (WRDA) conference committee issues that include could the additions of programmatic language to address climate impacts, beach erosion, and infrastructure protection in a potential Senate committee report or conference committee report.

August Recess Begins with a Long September To-Do List for Congress

The House and Senate will be in recess for the entire month of August and will return to session on September 9th. When Congress returns to session a slate of “must-pass” legislation will dominate the schedule in the remaining three weeks before the end of the fiscal year 2024 (FY24) on September 30th. Programs authorized by the Farm Bill, the annual appropriations funding, the National Flood Insurance Program (NFIP), among others are set to expire on September 30, 2024. Congress is not scheduled to be in session in October, and there are only five weeks of session in the lame duck after the November election.

At this time of this report, a lapse in federal funding seems unlikely because a government shutdown at the end of the fiscal year would delay Congress’ October recess and take time away from the campaign trail.

What we can likely expect is for Congress to pass a Continuing Resolution (CR) to extend government funding to the end of the year. The election results and party control of the House and Senate in 2025 will have a major impact on negotiations after the elections.

At the end of the session, all legislation that has not been enacted into law is wiped from the slate. As consequence, changes in party control in either (or both) chambers could provide an impetus for current leadership to pass as much of their pending legislation as possible before the new Congress takes over.

FY25 Appropriations Update

The appropriations process in the House and Senate are moving on different tracks as the August recess period begins. Following mostly partisan votes to approve spending bills at

the Committee level, House leadership has been unable to garner sufficient support to ensure several of the pending appropriation's bills can pass the full House, while the Senate Appropriations Committee has approved 7 of its 12 spending bills in mostly bipartisan votes at the time of this report. While additional Committee and potential floor votes could occur in the Senate, and the House could similarly hold floor votes on pending appropriations bills before the September 30th deadline, at this time it does appear more than likely that Congress will once again be forced to pass a Continuing Resolution (CR) in September to avoid a government shutdown.

All twelve of the House Appropriations bills have been approved in Committee, and five have passed the House Floor, including the Homeland Security bill. In a surprising vote at the end of July, the Legislative Branch appropriations bill failed in a floor vote of 205-213. This vote caused House Leadership to delay additional votes planned for the end of the month (to include a vote on the THUD Appropriations Bill), and leadership released the House a week early to start the August recess. The Republican-controlled House and the Democrat-controlled Senate have some major differences between their bills and there is little expectation that they will be resolved before September 30th (and the election).

At the end of July, the Senate held a full committee markup of four bills: Commerce-Justice-Science (CJS), Interior-Environment, State-Foreign Operations, and Transportation, Housing and Urban Development (THUD). The Senate Appropriations Committee has released a list of all Congressionally Directed Spending (CDS/earmarks) submitted to the Committee for consideration. The 70 Senators participating in earmarks submitted a staggering **22,345** individual earmark requests for FY25. The comprehensive list of requests is available [here](#). Most of these requests will not likely be included in the final bills.

On August 1st, the Senate plans to hold a full committee markup of five bills: Energy and Water Development (Corps budget), Defense, Labor-Health Human Services-Education, Homeland Security, and Financial Services. The Committee will release the text of the draft bills, along with the explanatory materials and earmark lists, shortly after the markup.

California Air Resources Board (CARB) In-use Locomotive Waiver Application Update

On July 24th the House passed the Interior-Environment appropriations bill by a vote of 210-205. Included in the bill was an amendment sponsored by Rep. Obernolte (R-CA). The Obernolte amendment was passed on the House floor by a voice vote. The final language would effectively place an FY25 moratorium on EPA granting CARB's in-use locomotive waiver application. That language is as follows:

None of the funds made available by this Act or any other Act may be used to approve a waiver, pursuant to section 209(e) of the Clean Air Act (42 U.S.C. 7543(e)), for the In-Use Locomotive Regulation adopted by the California Air Resources Board on April 27, 2023.

Earlier in May, Rep. Obernolte had sent letter to the EPA strongly opposing CARB's proposed In-Use Locomotive Regulation. It was cosigned by 73 other members of the

House. Included in that group are every GOP member of House Energy & Commerce Committee (excluding Rep. Cathy McMorris Rodgers (R-WA) and Rep. Buddy Carter (R-GA), who sent their own letter) and every GOP member from California. It also included one Democrat, Congressman Cuellar from Texas.

By way of background, the CARB notified the EPA that it has adopted its In-Use Locomotive Regulation on November 7, 2023. CARB requested that the EPA authorize the In-Use Locomotive Regulation pursuant to section 209(e) of the Clean Air Act (CAA).

On February 27, 2024, the EPA issued in the Federal Register a notice that it will hold a public hearing to consider California's authorization request and that the EPA is accepting written comments on the request.

That EPA notice can be found [here](#).

The section of federal EPA Clean Air Act law for which CARB is seeking a waiver is 42 USC 7543(e), which can be found [here](#).

The Senate is not likely to adopt a similar amendment in their Interior-Environment appropriations bill, and this issue will likely be discussed in a conference committee, which we currently anticipate will happen during the lame duck session of Congress.

American Solar Manufacturing Act Introduced in the Senate

On July 31st a bipartisan group of Senators introduced the American *Solar Manufacturing Act*. Companies with ties to China and other foreign adversaries would be barred from getting a tax credit meant to bolster domestic energy manufacturing under the legislation.

Although the legislation is unlikely to swiftly reach a Senate floor vote, a similar proposal could be taken up by the House in September and possibly include in other tax legislation that may be considered during the lame duck session. The legislation, cosponsored by Republicans Bill Cassidy of Louisiana and Rick Scott of Florida as well as Democrat Jon Ossoff of Georgia, takes aim at the advanced manufacturing tax credit revived by the Inflation Reduction Act (IRA). The subsidy is meant to encourage investments in domestic manufacturing of equipment critical for the energy transition, from solar cells and wind towers to battery components and critical minerals. The legislation would ensure that only American manufacturers with a genuine domestic supply chain benefit from tax credits intended to strengthen American energy independence by building out the supply chain for solar, wind, critical mineral, and battery projects in the transportation sector.

National Defense Authorization Act (NDAA) Stalls in the Senate

After some speculation that the House and Senate would begin a conference in early September, the Senate was unable to move their NDAA to floor before the August recess. Republicans and Democrats blamed each other for the impasse, which spells an uncertain

future for the must-pass defense policy bill. Several GOP senators took to the floor at the end of the month to attack Majority Leader for not bringing the NDAA up for a vote.

The Senate legislation was favorably reported out of the Senate Armed Services Committee in June on an overwhelming bipartisan basis, but it has yet to be considered by the full chamber. The Senate legislation's topline spending authorization is \$25 billion higher than the amount lawmakers agreed to spend on defense in fiscal 2025 as part of the debt limit compromise deal (PL 118-5) last year. Republicans and Democrats on the Senate Armed Services Committee said the increase is needed to address wars in Ukraine and Gaza along with an increasingly aggressive China. GOP Senators accused Democrat leadership of punting on consideration of the bill because it could prompt Senate Democrats to endorse a defense spending increase that the Biden administration does not support. The House had approved their NDAA on the House floor in June by a vote of 217-199 vote, with six Democrats voting in favor and three Republicans voting against.

House Approves the Water Resources Development Act of 2024

On July 22nd the U.S. House of Representatives approved the Water Resources Development Act of 2024 (WRDA), H.R. 8812, by a vote of 359 to 13. WRDA authorizes the Corps Civil Works Program for projects to improve the nation's ports and harbors, inland waterway navigation, flood and storm protection, and other aspects of our water resources infrastructure. These are locally driven projects that also deliver regional and national benefits for strengthening the nation's global competitiveness and supply chain, growing the economy, moving goods throughout the country, protecting communities from flooding, and more.

H.R. 8812 was introduced in the House by T&I Chairman Sam Graves (R-MO), T&I Committee Ranking Member Rick Larsen (D-WA), Water Resources and Environment Subcommittee Chairman David Rouzer (R-NC), and Water Resources and Environment Subcommittee Ranking Member Grace Napolitano (D-CA).

The biennial water bill authorizes 161 new feasibility studies for locally proposed projects and 12 projects that have been thoroughly reviewed by the Corps and have culminated in a final report to Congress with approval by the Chief of Engineers or the Director of Civil Works.

The bill also makes commonsense Corps reforms that empower the non-federal project sponsors, increase project transparency, and improve project delivery. Provisions in WRDA will strengthen existing alternative delivery processes and create similar alternative delivery methods within the Continuing Authorities Program (CAP) for smaller projects. The bill requires the Corps to track National Environmental Policy Act (NEPA) documents for water resource projects through their online permitting dashboard. The legislation creates a new initiative to assist non-federal interests in accessing resources at the Corps to get new projects studied and constructed.

In addition, the legislation reauthorizes the Federal Emergency Management Agency's (FEMA's) National Dam Safety Program through 2028. It makes changes to strengthen the High Hazard Potential Dam program, including requiring that rehabilitated dams are maintained, and appropriate floodplain management plans are in place.

Click [here](#) for more information on WRDA.

EPA Announces \$4.3 billion Grant Awardees to Fund Clean Energy Projects

On July 22nd the Environmental Protection Agency announced 25 selected projects, totaling over \$4.3 billion in grants, to implement solutions to reduce air pollution and accelerate the transition to clean energy. Awardees will implement local and regional climate pollution reduction measures to reduce greenhouse gases by 2030.

A list of the projects can be found [here](#).

House Subcommittee for Railroads, Pipelines, and Hazardous Materials Holds Hearing on Rail Safety

On July 23rd, the House Subcommittee on Railroads, Pipelines, and Hazardous Materials held a hearing entitled "Examining the State of Rail Safety in the Aftermath of the Derailment in East Palestine Ohio." The hearing mainly focused on the federal government response to the East Palestine, Ohio train derailment on February 3rd, 2023. Subcommittee Chairman Troy Nehls (R-TX) also took the opportunity to discuss his bipartisan Railroad Safety Enhancement Act (RSEA), which seeks to improve railroad grade crossings and access to real-time data detailing tank cars' health and performance for first responders and shipping companies. According to House Transportation & Infrastructure Committee staff, this legislation is not likely to be marked in the full committee in September.

More information and the full hearing can be found [here](#).

Highways and Transit Subcommittee Holds Hearing

On July 24th the House Subcommittee on Highways and Transit held an oversight hearing entitled: "Examining the Department of Transportation's (DOT) Regulatory and Administrative Agenda". Subcommittee Chairman Rick Crawford (R-AR) and other GOP members mainly questioned witnesses regarding the Federal Highway Administration's supposed final rule to force greenhouse gas performance measures on state DOTs and metropolitan planning organizations despite not having the statutory authority to do so. The Subcommittee's ongoing interest in these topics is related to the Supreme Court's recent decision to overturn "Chevron Deference," a judicial decision that curtails the power of federal agencies to interpret vague Congressional laws by enacting rules and regulations that have requirements that are not very specifically delineated in the law itself.

More information and the full hearing can be found [here](#).

Senate Committee on the Budget Holds Electric Vehicle Hearing

On July 31st, the Senate Committee on the Budget held a hearing entitled: “Charging Ahead: The Future of Electric Vehicles”. Chairman Sheldon Whitehouse (D-RI) discussed the need for electrifying the transportation sector and positioning the United States for global competitiveness in this market, specifically through reforming the permitting process for upgrading the power grid.

More information and the full hearing can be found [here](#).



Monthly Legislative Report – August 2024

August Advocacy Meetings

House Transportation and Infrastructure (T&I) Committee Railroads, Pipelines & Hazardous Materials Subcommittee Majority Staff – We met with Railroad subcommittee staff to discuss rail safety legislation that could be marked up in September and the potential for new funding for passenger rail. We also followed up status of the Environmental Protection Agency (EPA) potential waiver for California Air Resource Board's (CARB's) authorization request to establish new emissions standards, procedures, financial assessments, and reporting requirements on railroad operations through its In-Use Locomotive Regulation.

Office of Congressman David Rouzer (R-NC)– We met with Congressman Rouzer's legislative staff to discuss the Water Resource Development Act (WRDA) timeline. House T&I Committee staff and Senate Environment and Public Works (EPW) staff begun informal staff-level conference committee negotiations. They expect additional work on the final bill in September. Staff are cautiously optimistic they could have final agreement before the end of the month, but final passage of the bill may be after the elections during the lame duck session.

Office of Congressman Mike Levin (D-CA) – We facilitated a virtual meeting with Rep. Levin's staff to discuss near-term infrastructure protection projects along the Los Angeles – San Diego – San Luis Obispo Rail Corridor (LOSSAN Corridor) that may need expedited permitting from the U.S. Army Corps of Engineers. We are currently working with the Congressman's office on the need for expedited permit approval for LOSSAN rail corridor improvements in South Orange County.

Office of Congresswoman Young Kim (R-CA) – We followed up with Congresswoman Kim's staff to provide an update on the I-5 Improvement projects and discuss next steps on fiscal year 2025 funding.

Office of Senator Alex Padilla (D-CA) – We followed up with Senator Padilla's staff regarding recent meetings with the U.S. Environmental Protection Agency (EPA) to prevent any loss of transportation funding for the region for failing to meet Clean Air Act requirements after the EPA rejected South Coast Air Quality Management District's 2019 Contingency Measure Plan.

Office of Congressman Steve Womack (R-AR) – We met with Transportation, Housing and Urban Development (THUD) Appropriation Subcommittee Chairman Womack's legislative staff to discuss EPA's potential waiver for CARB's authorization request to establish new emissions standards, procedures, financial assessments, and reporting requirements on railroad operations through its In-Use Locomotive Regulation.

House Appropriations Committee Majority Staff – We met with committee staff to discuss potential transportation funding for the 2028 Olympics in the FY 25 THUD Appropriations bill and the next steps for a potential Continuing Resolution (CR) to keep the federal government funded in September.

U.S. Department of Transportation (DOT) Government Affairs – We followed up with the government affairs staff at the department for an update on potential release of the Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) grant that is expected by the end of month.

Congress Prepares for Continuing Resolution in September

Congress was in recess the entire month of August, with Members and staff focusing on the November elections. When Congress returns to session on September 9th, the priority for Members will be to keep the federal government funded beyond the end of the fiscal year, which ends at midnight on September 30th. Congress is likely to pass a short-term funding extension, called a Continuing Resolution (CR), which may include a few funding additions and policy provisions. The Biden administration has already sent to Congress a 30-page list of extra funding it wants lawmakers to include in a short-term spending bill. The administration is pushing for an extra \$15.4 billion to help the Social Security Administration deal with staffing and customer service issues, as well as \$12 billion in mandatory funding to address a major looming shortfall for veterans' medical care. The White House also seeks \$7.7 billion to ensure that women, infants and children can continue receiving federal food assistance through WIC, nearly \$2 billion for Navy shipbuilding and \$2.4 billion to help manage federal student aid operations.

Republican House Freedom Caucus members are working against such a deal that provides additional supplemental funding and are instead pushing for a longer six-month CR unless House leadership includes a proposal that requires proof of citizenship to register to vote. These new House Freedom Caucus policy provisions seem unlikely to be included at this point. However, if some House GOP members vote NO on a CR, then government funding stops about five weeks before the election - unless some House Democrats vote with the GOP, which is very possible.

Fiscal Year 2025 (FY25) Appropriations Update

The Senate Appropriations Committee had advanced eleven of their twelve spending packages out of committee. The last remaining package, Homeland Security, was scheduled to be completed on August 1st, but committee leadership delayed the markup to finalize topline spending needs following the attempted assassination of Donald Trump. The Homeland Security package will advance with bipartisan support when the Senate returns to session in September. It is doubtful that any FY25 spending bills will be conferenced, passed on the floor by both chambers, and signed into law by the FY24 expiration date of September 30th.

As mentioned earlier, there is general agreement in Congress that a continuing resolution should run until December, but leaders will debate this in September. The House Appropriations Committee has marked up all twelve of their bills and passed five measures through the full chamber. All House bills have been passed on party-line votes, indicating they will struggle in the Senate. Republicans have not entirely rejected the idea of further votes on GOP funding bills in September, but they will have limited time.

The Federal Highway Administration (FHWA) Announces “August Redistribution” Funding

At the end of August, the FHWA issued the “August Redistribution” of federal-aid highway program obligation limitation to state departments of transportation for fiscal year 2024. According to FHWA, \$8.7 billion in obligation limitation has been made available from the Highway Trust Fund for distribution for FY 2024. This funding was made available from other “allocated programs,” federal programs for national purposes separate from formula dollars to states, that was not used during the year, which is subsequently redistributed to state transportation agencies.

Federal Transit Administration (FTA) Publishes Updates to its Safety Certification Training Regulation

On August 14th, the FTA published final updates to the Public Transportation Safety Certification Training Program (PTSCTP) regulation. The PTSCTP sets forth Federal training requirements for rail transit agency personnel who are directly responsible for safety oversight of rail transit systems and State Safety Oversight Agency (SSOA) personnel who conduct safety reviews, inspections, examinations and other safety oversight activities of public transportation systems. The final rule maintains a uniform safety training curriculum and minimum requirements for SSOAs and safety professionals in rail transit agencies. Specifically, the FTA rulemaking provided the following updates to the regulation:

- Requiring SSOAs and rail transit agencies to establish a point of contact for communication with FTA. The points of contact must provide semiannual reporting to FTA regarding participants status and their agency- defined recertification training requirements.
- Clarifying voluntary participation in the PTSCTP, including that voluntary participants are not required to complete recertification requirements to maintain their voluntary certification.
- Updating definitions to clarify existing requirements and adding definitions to provide consistency with other FTA programs and rulemakings.

Additionally, FTA sought industry input on whether mandatory PTSCTP participation should extend to bus transit agencies and personnel and decided that it would not expand its applicability at this time.

While the updates are primarily administrative, they will enable FTA to monitor compliance with the regulation and improve existing processes to ease the burden on transit agencies and SSOAs to coordinate the training program requirements.