



Orange County Transportation Authority

Board Agenda

Monday, June 26, 2023 at 9:00 a.m.

550 South Main Street, Orange, California

Board Members

Gene Hernandez, Chairman

Tam Nguyen, Vice Chairman

Doug Chaffee

Jose Diaz

Andrew Do

Jon Dumitru

Jamey Federico

Katrina Foley

Brian Goodell

Patrick Harper

Michael Hennessey

Steve Jones

Fred Jung

Farrah N. Khan

Jessie Lopez

Vicente Sarmiento

Donald P. Wagner

Ryan Chamberlain, Ex-Officio

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

Agenda Descriptions

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

Public Availability of Agenda Materials

All documents relative to the items referenced in this agenda are available for public inspection at www.octa.net 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>

BOARD MEETING AGENDA

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

Call to Order

Invocation

Director Do

Pledge of Allegiance

Director Federico

Closed Session

There are no Closed Sessions scheduled.

Special Calendar

Orange County Transportation Authority Special Calendar Matters

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

Overview

Present Orange County Transportation Authority Resolutions of Appreciation Nos. 2023-034, 2023-035, and 2023-036 to Jovetta Randall, Coach Operator; Leo Diza, Maintenance; Jason Ko, Administration, as Employees of the Month for June 2023.

Orange County Local Transportation Authority Special Calendar Matters

2. Update on Emergency Railroad Track Protection from a Landslide in the Vicinity of Mile Post 204.6 on the Orange Subdivision

Jason Lee/James G. Beil

Overview

A hillside owned by the City of San Clemente at the Casa Romantica Cultural Center and Gardens adjacent to the Orange County Transportation Authority-owned railroad right-of-way, in the vicinity of Mile Post 204.6 on the Orange Subdivision, has failed and continues to incrementally move. Landslide debris continues to crumble down the slope and foul the tracks, necessitating suspension of all rail services. Measures must be taken to protect the rail line from landslide debris so that passenger and freight rail services can be safely restored as quickly as possible.

BOARD MEETING AGENDA

Recommendation

Reaffirm Resolution No. 2023-033 authorizing the Chief Executive Officer to take all necessary actions to address the emergency need for railroad track protection in the vicinity of Mile Post 204.6 on the Orange Subdivision.

Attachments:

[Staff Report](#)

[Attachment A](#)

[Attachment B](#)

[Attachment C](#)

[Attachment D](#)

[Attachment E](#)

3. Measure M2 Taxpayer Oversight Committee New Member Recruitment and Lottery

Alice T. Rogan/Maggie McJilton

Overview

The Renewed Measure M2 Ordinance No. 3 calls for a committee to oversee implementation of the program of transportation improvements. Each year, new committee members are recruited and selected to fill vacancies left by expired terms. The recruitment process for the Measure M2 Taxpayer Oversight Committee has been completed for 2023, and a lottery must take place in public session to fill vacancies in the Second and Third Supervisorial Districts.

Recommendation

Pursuant to the Renewed Measure M2 Ordinance No. 3, conduct the lottery for final selection of new Measure M2 Taxpayer Oversight Committee members by drawing one name each representing the Second and Third Supervisorial Districts from the list of recommended finalists from the Grand Jurors Association of Orange County.

Attachments:

[Staff Report](#)

[Attachment A](#)

[Attachment B](#)

[Attachment C](#)

[Attachment D](#)

[Attachment E](#)

BOARD MEETING AGENDA

Consent Calendar (Items 4 through 18)

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

Orange County Transportation Authority Consent Calendar Matters

4. Approval of Minutes

Recommendation

Approve the minutes of the June 12, 2023, Orange County Transportation Authority and affiliated agencies' regular meeting.

Attachments:

[Minutes](#)

5. Purchase Order for 91 Express Lanes Back-Office System Source Code Verification

Kirk Avila

Overview

In March 2022, Cofiroute USA, LLC deployed a new back-office system on the 91 Express Lanes. As part of the contractual requirements, an agreement with an escrow agent is required to hold the back-office system source code. To protect the investments the Orange County Transportation Authority and the Riverside County Transportation Commission have made to the back-office system, source code verification is being requested for the items held in escrow and for future major functionality releases deposited in escrow. A source code verification provides assurance that the material deposited in escrow is correct and complete by ensuring that the deposit can be rebuilt into a working application. Board of Directors' approval is requested for NCC Group Escrow Associates, LLC, to provide source code verifications for the 91 Express Lanes back-office system.

Recommendation

Authorize the Chief Executive Officer to negotiate and execute sole source Purchase Order No. C32478 between the Orange County Transportation Authority and NCC Group Escrow Associates, LLC, in the amount of \$102,500, for verifications of the 91 Express Lanes back-office system source code for a three-year and seven-month term.

Attachments:

[Transmittal](#)

[Staff Report](#)

BOARD MEETING AGENDA

6. **91 Express Lanes Update for the Period Ending - March 31, 2023**

Kirk Avila

Overview

The Orange County Transportation Authority has owned and managed the operations of the 91 Express Lanes since January 2003. Since that time, traffic volumes and toll revenues have fluctuated with the changes in the economy and the added capacity to the State Route 91 corridor. Over the last quarter, there were approximately 4.7 million trips taken on the 91 Express Lanes in Orange County. This report focuses on the operational and financial activities for the period ending March 31, 2023.

Recommendation

Receive and file as an information item.

Attachments:

[Transmittal](#)

[Staff Report](#)

[Attachment A](#)

[Attachment B](#)

7. **Cooperative Agreement with the City of Laguna Beach for Federal Transit Administration, State Transit Administration, SB 1 (Chapter 5, Statutes of 2017) State of Good Repair, and Cap and Trade Funds for Public Transit Services**

Sam Kaur/Andrew Oftelie

Overview

The City of Laguna Beach and its municipally owned Laguna Beach Municipal Transit Lines are eligible to receive funding from the Federal Transit Administration Section 5307 Urbanized Area Formula Program Funds, Federal Transit Administration Section 5339 Bus and Bus Facilities Program funds, State Transit Assistance funds, State of Good Repair funds provided through SB 1 and Cap and Trade funds. Board of Directors' approval is requested to execute a new cooperative agreement to provide the City of Laguna Beach with additional Federal Transit Administration, State Transit Assistance, SB 1 State of Good Repair and Cap and Trade funds for the next five fiscal years beginning fiscal year 2023-24 through fiscal year 2027-28.

Recommendation

Authorize the Orange County Transportation Authority Chief Executive Officer to negotiate and execute Cooperative Agreement No. C-3-2477 between the Orange County Transportation Authority and the City of Laguna Beach, for a maximum cumulative amount not to exceed \$1,743,712 for Federal Transit Administration funding, \$2,225,913 for State Transit Assistance funding, including SB 1 augmentation, \$299,011 for State of Good Repair funds provided through SB 1, and \$174,524 for Cap and Trade funds, totaling \$4,443,160 for the next five fiscal years commencing fiscal year 2023-24 through fiscal year 2027-28, for providing public transit services and operating assistance.

BOARD MEETING AGENDA

Attachments:

[Transmittal](#)

[Staff Report](#)

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

Robert Davis/Andrew Oftelie

Overview

The Orange County Transportation Authority has a comprehensive investment and debt program to fund its immediate and long-term cash flow demands. Each month, the Treasurer submits a report detailing investment allocation, performance, compliance, outstanding debt balances, and credit ratings for the Orange County Transportation Authority's debt program. This report is for the month ending April 30, 2023.

Recommendation

Receive and file as an information item.

Attachments:

[Transmittal](#)

[Staff Report](#)

[Attachment A](#)

[Attachment B](#)

9. State Legislative Status Report

Kristin Jacinto/Lance M. Larson

Overview

The Orange County Transportation Authority provides regular updates to the Legislative and Communications Committee on policy issues directly impacting its overall programs, projects, and operations. This report includes two recommended oppose positions on legislation relating to greenhouse gas emission reduction targets and state transportation planning and funding priorities. These positions are consistent with the Orange County Transportation Authority's Board of Directors'-approved State Legislative Platform for 2023-24. An update is provided on the Governor's proposals to streamline infrastructure delivery and efforts to inform funding for transit operations and a summary related to the California Air Resources Board's In-Use Locomotive Regulation are provided.

Recommendations

- A. Adopt an OPPOSE position on AB 6 (Friedman, D-Glendale), which would create new requirements for meeting regional greenhouse gas emission targets for the transportation sector.
- B. Adopt an OPPOSE position on AB 7 (Friedman, D-Glendale), which would revise statewide transportation planning requirements and add new priorities for state transportation funding, planning and project implementation.

BOARD MEETING AGENDA

Attachments:

[Transmittal](#)

[Staff Report](#)

[Attachment A](#)

[Attachment B](#)

[Attachment C](#)

[Attachment D](#)

[Attachment E](#)

[Attachment F](#)

10. Federal Legislative Status Report

Alexis Leicht/Lance M. Larson

Overview

The Orange County Transportation Authority regularly updates the Legislative and Communications Committee on policy and regulatory issues directly impacting the agency's programs, projects, and operations. An overview of the negotiated federal debt ceiling deal and a summary of projects the Orange County delegation members have submitted for community project funding and congressionally directed spending on behalf of the Orange County Transportation Authority are provided herein.

Recommendation

Receive and file as an information item.

Attachments:

[Transmittal](#)

[Staff Report](#)

[Attachment A](#)

[Attachment B](#)

11. Citizens Advisory Committee Annual Update and Member Appointments

Christina Byrne/Maggie McJilton

Overview

The Orange County Transportation Authority's Citizens Advisory Committee was formed to provide feedback on significant transportation issues, help identify opportunities for community input, and serve as a public liaison for the Orange County Transportation Authority. A summary of the committee's activities during the past year and the new member appointment status is provided with this report.

Recommendation

Receive and file the Citizens Advisory Committee status report.

Attachments:

BOARD MEETING AGENDA

[Transmittal](#)

[Staff Report](#)

[Attachment A](#)

12. Accessible Transit Advisory Committee Annual Update and Member Appointments

Christina Byrne/Maggie McJilton

Overview

The Accessible Transit Advisory Committee was formed to advise the Orange County Transportation Authority on the transportation needs of seniors and persons with disabilities. The member appointment status and a summary of the committee's activities during the past year are provided with this report.

Recommendation

Receive and file the Accessible Transit Advisory Committee status report.

Attachments:

[Transmittal](#)

[Staff Report](#)

[Attachment A](#)

13. Active Transportation Program Biannual Update

Peter Sotherland/Kia Mortazavi

Overview

The Orange County Transportation Authority coordinates regional active transportation efforts with local jurisdictions, key stakeholders, and the public. An update on recent and upcoming activities is provided for review.

Recommendation

Receive and file as an information item.

Attachments:

[Transmittal](#)

[Staff Report](#)

[Attachment A](#)

[Attachment B](#)

[Attachment C](#)

[Attachment D](#)

[Presentation](#)

BOARD MEETING AGENDA

Orange County Transit District Consent Calendar Matters

14. Lost and Found Operations, Internal Audit Report No. 23-513

Jonathan Thompson/Janet Sutter

Overview

The Internal Audit Department of the Orange County Transportation Authority has completed an audit of lost and found operations. Based on the audit, controls are generally adequate and operating; however, one recommendation has been made to improve controls over handling and recording of cash and check deposits.

Recommendation

Direct staff to implement one recommendation provided in Lost and Found Operations, Internal Audit Report No. 23-513.

Attachments:

[Transmittal](#)

[Staff Report](#)

[Attachment A](#)

15. Approval to Release Request for Proposals for the Purchase of Replacement OC ACCESS and OC Flex Vehicles

Cliff Thorne/Johnny Dunning, Jr.

Overview

The Orange County Transportation Authority operates a fleet of 247, 22-foot cutaway buses and one, 20-foot van to provide OC ACCESS paratransit service, of which 121 of them are nearing the end of their useful life. Additionally, six, 20-foot vans are used for OC Flex on-demand service, four of which have met their useful life. Two requests for proposals have been developed to purchase replacement vehicles through the California Association for Coordinated Transportation/Morongo Basin Transit Authority Purchasing Cooperative. Staff is seeking Board of Directors' approval to release the requests for proposals.

Recommendations

- A. Approve the proposed evaluation criteria and weightings for Request for Proposals 3-2511 for the procurement of up to 13, 22-foot gasoline-powered cutaway buses for OC ACCESS service, with an option for ten additional 22-foot gasoline-powered cutaway buses.
- B. Approve the release of Request for Proposals 3-2511 for the procurement of up to 13, 22-foot gasoline-powered cutaway buses for OC ACCESS service, with an option for ten additional 22-foot gasoline-powered cutaway buses from qualified vendors under the California Association for Coordinated Transportation/Morongo Basin Transit Authority Purchasing Cooperative.

BOARD MEETING AGENDA

- C. Approve the proposed evaluation criteria and weightings for Request for Proposals 3-2510 for the procurement of up to 112, 22-foot gasoline-powered vans for OC ACCESS and OC Flex services, with an option for 15 additional 22-foot gasoline-powered vans.

- D. Approve the release of Request for Proposals 3-2510 for the procurement of up to 112, 22-foot gasoline-powered vans for OC ACCESS and OC Flex services, with an option for 15 additional 22-foot gasoline-powered vans from qualified vendors under the California Association for Coordinated Transportation/Morongo Basin Transit Authority Purchasing Cooperative.

Attachments:

[Staff Report](#)

[Attachment A](#)

[Attachment B](#)

Orange County Local Transportation Authority Consent Calendar Matters

16. Environmental Mitigation Program Endowment Fund Investment Report for March 31, 2023

Robert Davis/Andrew Oftelie

Overview

The Orange County Transportation Authority has developed a Natural Community Conservation Plan/Habitat Conservation Plan, acquired conservation properties, and funded habitat restoration projects to mitigate the impacts of Measure M2 freeway programs. The California Community Foundation manages the non-wasting endowment required to fund the long-term management of the conservation properties. Each quarter, the California Community Foundation publishes a comprehensive report detailing the composition of the pool and its performance.

Recommendation

Receive and file as an information item.

Attachments:

[Transmittal](#)

[Staff Report](#)

[Attachment A](#)

[Attachment B](#)

[Attachment C](#)

BOARD MEETING AGENDA

17. Agreement for Public Outreach Consultant Services for the Interstate 605/Katella Avenue Interchange Project

Christina Byrne/Maggie McJilton

Overview

On December 22, 2022, the Orange County Transportation Authority released a request for proposals for public outreach consulting services during the pre-construction and construction phases of the Interstate 605/Katella Avenue Interchange Project. Board of Directors' approval is requested to execute an agreement for these services.

Recommendations

- A. Approve the selection of Costin Public Outreach Group, Inc., as the firm to provide public outreach consultant services for the Interstate 605/Katella Avenue Interchange Project.

- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-2-3025 between the Orange County Transportation Authority and Costin Public Outreach Group, Inc., in the amount of \$399,887, for a three-year initial term with a two-year option term, to provide public outreach consultant services for the Interstate 605/Katella Avenue Interchange Project.

Attachments:

[Transmittal](#)

[Staff Report](#)

[Attachment A](#)

[Attachment B](#)

[Attachment C](#)

[Attachment D](#)

18. Regional Traffic Signal Synchronization Program Update

Alicia Yang/Kia Mortazavi

Overview

The Orange County Transportation Authority has been working with cities, the County of Orange, and the California Department of Transportation to fund and implement key regional traffic signal synchronization projects. This annual report provides an update on the Measure M2 Regional Traffic Signal Synchronization Program, including results from recently completed projects.

Recommendation

Receive and file as an information item.

Attachments:

BOARD MEETING AGENDA

[Transmittal](#)

[Staff Report](#)

[Attachment A](#)

[Attachment B](#)

Regular Calendar

There are no Regular Calendar matters.

Discussion Items

19. Infrastructure Investment and Jobs Act

Adriann Cardoso/Kia Mortazavi

Overview

The Infrastructure Investment and Jobs Act went into effect in 2021, reauthorizing federal transportation programs and increasing authorized funding levels through 2026. Staff has prepared an overview of the new funding provided for formula programs and the relevant federal transportation discretionary grant programs, the basic criteria, and what the Orange County Transportation Authority is pursuing or has pursued.

Recommendation

Receive and file as an information item.

Attachments:

[Transmittal](#)

[Staff Report](#)

[Presentation](#)

20. Public Comments

21. Chief Executive Officer's Report

22. Directors' Reports

23. Adjournment

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

9:00 a.m., on Monday, July 10, 2023

OCTA Headquarters

Board Room

550 South Main Street

Orange, California



June 26, 2023

To: Members of the Board of Directors

From: Darrell E. Johnson, Chief Executive Officer 

Subject: Update on Emergency Railroad Track Protection from a Landslide in the Vicinity of Mile Post 204.6 on the Orange Subdivision

Overview

A hillside owned by the City of San Clemente at the Casa Romantica Cultural Center and Gardens adjacent to the Orange County Transportation Authority-owned railroad right-of-way, in the vicinity of Mile Post 204.6 on the Orange Subdivision, has failed and continues to incrementally move. Landslide debris continues to crumble down the slope and foul the tracks, necessitating suspension of all rail services. Measures must be taken to protect the rail line from landslide debris so that passenger and freight rail services can be safely restored as quickly as possible.

Recommendation

Reaffirm Resolution No. 2023-033 authorizing the Chief Executive Officer to take all necessary actions to address the emergency need for railroad track protection in the vicinity of Mile Post 204.6 on the Orange Subdivision.

Discussion

The Orange County Transportation Authority (OCTA) owns the Orange Subdivision railroad right-of-way (ROW) between the Fullerton Junction and the San Diego County Line. This rail corridor is part of the Los Angeles – San Diego – San Luis Obispo (LOSSAN) rail corridor that provides intercity and commuter passenger and freight rail service. This corridor is a critical link in Southern California’s rail network and is of both state and national importance, designated as a federal defense connector line as part of the Strategic Rail Corridor Network by the United States Department of Defense.

On April 27, 2023, a significant landslide on a slope owned by the City of San Clemente (City) at the Casa Romantica Cultural Center and Gardens, located above OCTA’s railroad tracks at Mile Post (MP) 204.6 (Attachment A), resulted

in passenger service being suspended due to landslide debris fouling the track and safety concerns due to continued slope movement. The City procured a geotechnical engineer to assess the landslide, and a contractor to grade the slope as a remedial measure to stop the sliding and reduce risk to nearby buildings and the railroad. The City's remedial grading was intended to be an interim stabilization measure until the City could prepare a more permanent stabilization project for implementation. The City completed the grading activity and the Southern California Regional Rail Authority's (SCRRA) maintenance contractor removed material that fell into OCTA's railroad ROW, allowing for passenger rail service to resume on May 27, 2023.

Unfortunately, on June 5, 2023, significant additional slope movement occurred, and landslide debris fouled the tracks, requiring the tracks to again be closed and all rail services suspended to ensure passenger safety. The City is working with their contractor who is performing a more in-depth investigation to refine solutions and actions they will take to stabilize the landslide.

OCTA and SCRRA are committed to resuming safe rail service through this landslide area as quickly as possible and are working together to develop and implement a safe, effective, and rapid method to protect the railroad so that critical passenger rail services can resume. OCTA and SCRRA consultant engineers have assessed the evolving landslide and have recommended construction of a temporary barrier wall to protect the railroad and allow for restored operations. On June 13, 2023, SCRRA prepared and issued a request for proposals to two contractors to design and build a temporary barrier wall at the bottom of the slope within OCTA's ROW to protect the tracks from landslide debris. Proposals were solicited from two firms. Both firms submitted proposals on June 20, 2023. An evaluation team of SCRRA, OCTA, and program management consultant technical staff assessed the design concepts, means and methods, material availability, schedule, and cost of the two proposals. SCRRA intends to award the design-build contract to Condon Johnson & Associates, Inc., a specialized contractor with expertise in geotechnical slope stability design and construction. The total costs to mitigate this landslide and construct the temporary barrier wall is approximately \$6 million. This cost includes the design and construction, construction contingency, construction management, testing and inspection, railroad flagging, emergency resource agency permitting, and staff and consultant effort expended since the first slide event took place on April 27, 2023. The construction is estimated to be completed by approximately July 20, 2023, pending any unknown risks that could surface.

The California Department of Transportation declared a transportation emergency in Orange County on June 16, 2023 (Attachment C). This action allowed for the California Transportation Commission to allocate \$3 million, 50 percent of the estimated project cost, of state funds through the Interregional Transportation Improvement Program to the OCTA. This allocation occurred on June 20, 2023, providing the necessary action for SCRRA to formally award the design-build contract at their Board of Directors meeting on June 23, 2023. The balance of the project cost will be funded by OCTA.

Contracts and agreements necessary to affect these measures will need to be executed by OCTA as expeditiously as possible, including a cooperative agreement with SCRRA to support the emergency work.

Emergency Procurement

Under normal circumstances, OCTA, like most public agencies, is required by the Public Contract Code (PCC) to procure public works projects utilizing a competitive process which normally includes an invitation for bids and awarding the contract to the lowest, responsible, responsive bidder. However, in certain circumstances, the PCC does allow for emergency procurements whereby the requirement for a competitive process is waived and the public agency can authorize the procurement of equipment, services, and supplies to address emergency circumstances without giving notice for bids to let contracts.

Specifically, PCC Section 22050 provides that a public agency can, by a four-fifths vote of its governing body, authorize the procurement of equipment, services, and supplies to address an emergency circumstance. Before taking this action, the governing body is required to make findings, based upon substantial evidence, that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency. The governing body can then delegate authority to order any action required to address the emergency.

Once the governing body has made those findings, the authorized individual, in the present case, the Chief Executive Officer (CEO), can immediately enter into contracts and agreements necessary to address the emergency circumstance. The CEO is then required by the statute to report to the governing body, at its next regular meeting, and at every regularly scheduled meeting thereafter, the status of the emergency, and the governing body must determine at each meeting by a four-fifths vote that there is a need to continue the emergency action until such time that the emergency no longer exists.

Update on Emergency Railroad Track Protection from a Landslide in the Vicinity of Mile Post 204.6 on the Orange Subdivision **Page 4**

In the present case, the City's remedial grading mitigation measures have failed to stabilize the landslide, and OCTA's ROW, including the railroad tracks, are in imminent threat of continued debris fall from the landslide. The City is working on additional geological site assessment and coming up with a potential design solution to protect Casa Romanica Cultural Center and Gardens. OCTA does not have the City's plan or timeline to stabilize the landslide. This emergency resolution is necessary to provide protection of the railroad tracks and to allow all rail services to resume as soon as possible.

Summary

Staff recommends reaffirmation of Resolution No. 2023-033 and authorization for the Chief Executive Officer to take whatever actions are necessary to address the emergency need for railroad track protection in the vicinity of Mile Post 204.6 on the Orange Subdivision (Attachment E).

Attachments

- A. Project Location Map
- B. Mile Post 204.6 Casa Romantica Landslide, June 13, 2023
- C. California Department of Transportation Declaration of Transportation Emergency in Orange County
- D. California Transportation Commission, G-23-20, Emergency Allocation for a Rail Project
- E. Resolution No. 2023-033

Prepared by:



Jason Lee
Project Manager
(714) 560-5833

Approved by:



James G. Beil, P.E.
Executive Director, Capital Programs
(714) 560-5646

Project Location Map

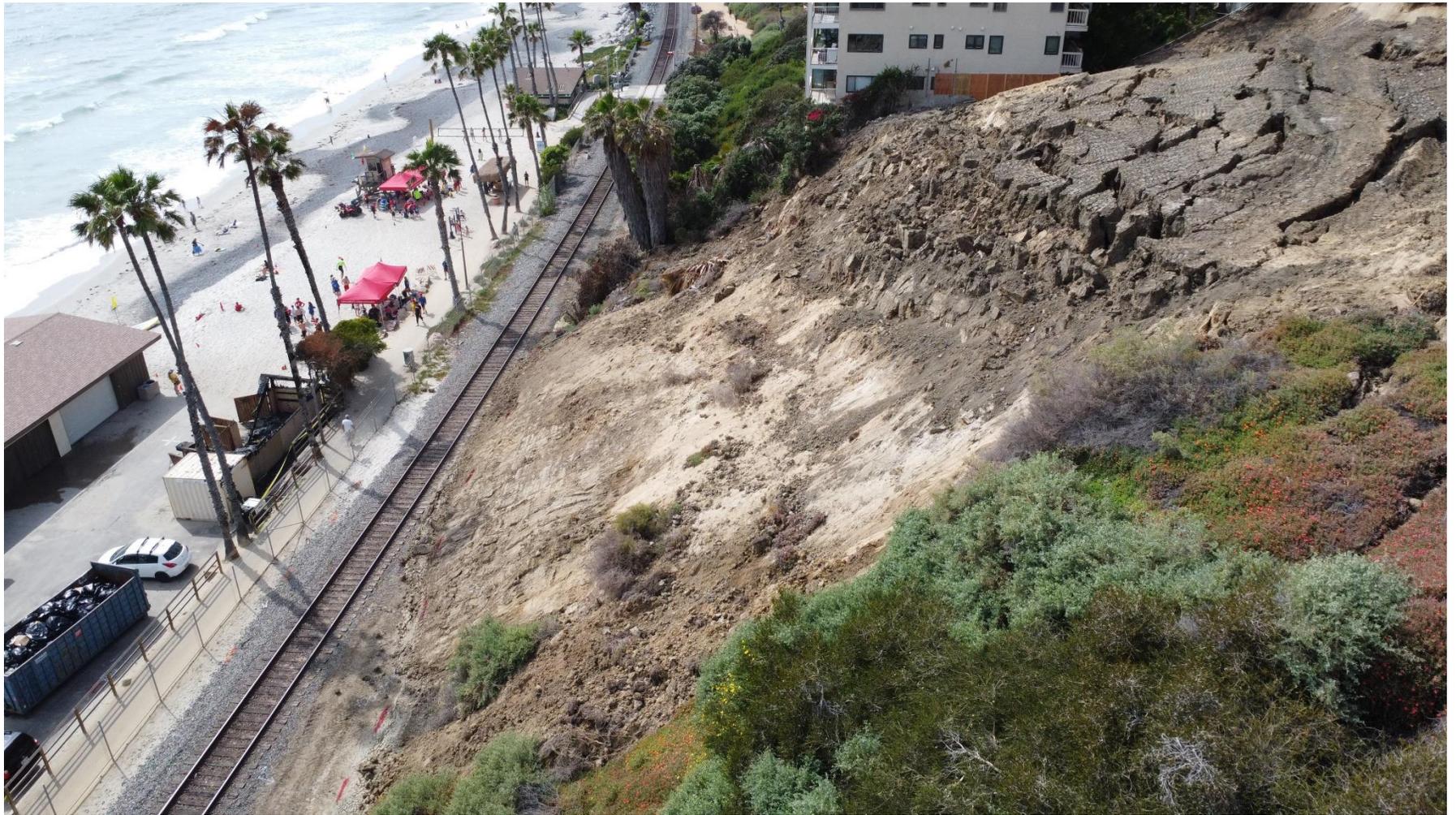


— Approximate Project Limits
- - - Rail Right-of-way



Mile Post 204.6 Casa Romantica Landslide June 13, 2023





State of California
DEPARTMENT OF TRANSPORTATION

California State Transportation Agency

MEMORANDUM

To: CHAIR AND COMMISSIONERS
CALIFORNIA TRANSPORTATION COMMISSION

June 16, 2023


Michael Keever (Jun 16, 2023 10:48 PDT)

From: TONY TAVARES, Director, Department of Transportation

Subject: **DECLARATION OF TRANSPORTATION EMERGENCY IN ORANGE COUNTY**

WHEREAS on September 9, 2022, Tropical Storm Kay ("Kay"), downgraded from a hurricane, brought heavy rain and winds to Southern California; and

WHEREAS on October 3, 2022, I made a declaration of a transportation emergency due to an unstable portion of slope adjacent to and within the locally-owned railroad right-of-way, in the vicinity of Mile Post 206.8 on the Orange Subdivision near San Clemente Beach in Orange County along the Los Angeles-San Diego–San Luis Obispo (LOSSAN) Rail Corridor; and

WHEREAS on October 3, 2022, the California Transportation Commission held an emergency meeting to make an allocation for emergency action to stabilize that slope and restore safe operation of the corridor; and

WHEREAS the record and near-record rainfall throughout the state during the winter storms of 2022-23 continued to add to the instability of certain slopes along the LOSSAN Rail Corridor; and

WHEREAS the railroad track in the vicinity of Mile Post 204.6 in the City of San Clemente near the coast has become unusable and at risk due to two massive landslides from an adjacent property called the Casa Romantica Cultural Center and Gardens, owned by the City of San Clemente; and

WHEREAS the landslides have resulted in significant slope movement and debris has fouled the tracks slope stabilization measures must be constructed to maintain operation of the LOSSAN Rail Corridor; and

WHEREAS this section of railway hosts passenger routes operated by the California Department of Transportation, Metrolink, and Amtrak, carrying between 3,000 and 5,000 passengers daily; and

WHEREAS under the provisions of Government Code section 14120, the Director of the Department of Transportation may declare an emergency, if, in their opinion, the emergency is a matter of State concern, and work and remedial measures are required to immediately alleviate, repair, or restore damage from storms and floods; and

"Provide a safe and reliable transportation network that serves all people and respects the environment."

WHEREAS I find that closure of State-operated, locally-operated, and Amtrak-operated routes to be a matter of State concern; and

WHEREAS I find that immediate measures are necessary to stabilize the slide, repair damage, and ensure the operational safety of a vital rail line,

NOW, THEREFORE, I, TONY TAVARES, Director of the California Department of Transportation, in accordance with the authority vested in me by the State Constitution and statutes, including Government code section 14120, HEREBY PROCLAIM A TRANSPORTATION EMERGENCY to exist at the slide location adjacent to and within the railroad right-of-way, in the vicinity of Mile Post 204.6 on the Orange Subdivision near in the city of San Clemente in Orange County.

June 16 23 LOSSAN declaration of transportation emergency

Final Audit Report

2023-06-16

Created:	2023-06-16
By:	Steven Keck (s118629@dot.ca.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAf17oEXIEEoMBLXPWpuDDWEGUzKNV5H7J

"June 16 23 LOSSAN declaration of transportation emergency" History

-  Document created by Steven Keck (s118629@dot.ca.gov)
2023-06-16 - 5:46:23 PM GMT
-  Document emailed to Michael Keever (mike.keever@dot.ca.gov) for signature
2023-06-16 - 5:47:02 PM GMT
-  Email viewed by Michael Keever (mike.keever@dot.ca.gov)
2023-06-16 - 5:47:40 PM GMT
-  Document e-signed by Michael Keever (mike.keever@dot.ca.gov)
Signature Date: 2023-06-16 - 5:48:07 PM GMT - Time Source: server
-  Agreement completed.
2023-06-16 - 5:48:07 PM GMT



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CALIFORNIA TRANSPORTATION COMMISSION

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<http://www.catc.ca.gov>

STATE OF CALIFORNIA
 GAVIN NEWSOM, Governor



G-23-20

Emergency Allocation for a Rail Project

Date: June 20, 2023

Requestor: Orange County Transportation Authority

Implementing Agency: Southern California Regional Rail Authority

Project Name: Mile Post 204.6 Track Protection Project in San Clemente

County: Orange County

Amount: \$3,000,000

Phase: Construction phase

Program: State Transportation Improvement Program – Interregional Improvement Program

Account: Budget Act of 2022, 2660-301-0046

Pursuant to Resolution G-23-20, the Executive Director of the California Transportation Commission approves an emergency allocation of \$3,000,000 for the Mile Post 204.6 Track Protection Project in San Clemente.

This emergency allocation is in response to a declared emergency by Director of the California Department of Transportation (Department) on June 16, 2023, consistent with Government Code section 14120.

The Department shall provide an update at the August 2023 Commission meeting. The update shall include the project name, implementing agency, scope of work, project location, the approved allocation amount, a description of the emergency and its safety concerns, and the project's current status.

Approved:

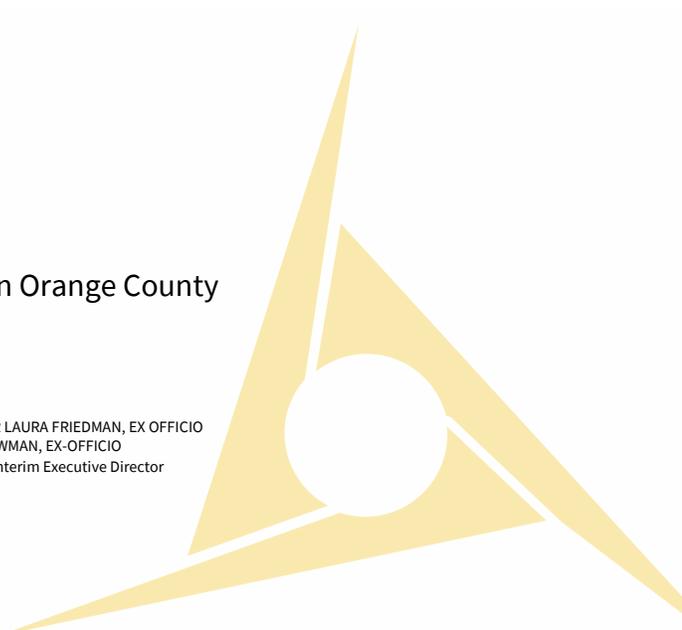
TANISHA TAYLOR
 Interim Executive Director

Attachment: Declaration of transportation Emergency in Orange County

LEE ANN EAGER, Chair
 CARL GUARDINO, Vice-Chair
 JAY BRADSHAW
 JOSEPH CRUZ
 CLARISSA FALCON
 DARNELL GRISBY

ADONIA E. LUGO, PH.D.
 JOSEPH K. LYOU, PH.D.
 MICHELE MARTINEZ
 HILARY NORTON
 JOSEPH TAVAGLIONE

ASSEMBLY MEMBER LAURA FRIEDMAN, EX OFFICIO
 SENATOR JOSH NEWMAN, EX-OFFICIO
 TANISHA TAYLOR, Interim Executive Director



RESOLUTION NO. 2023-033

A RESOLUTION OF THE ORANGE COUNTY TRANSPORTATION AUTHORITY FINDING AND DETERMINING THAT AN EMERGENCY CONDITION EXISTS AND IMMEDIATE ACTION IS REQUIRED TO PRESERVE THE PROPERTY OF THE AUTHORITY AND PREVENT AN IMMEDIATE TERMINATION OF A CRITICAL AUTHORITY FUNCTION SUCH THAT PROCUREMENT OF EQUIPMENT, SERVICES, AND SUPPLIES FOR THOSE PURPOSES WITHOUT GIVING NOTICE FOR BIDS TO LET CONTRACTS IS REQUIRED.

WHEREAS, the Orange County Transportation Authority (the “Authority”) is the owner of the certain rail right-of-way known as the Orange Subdivision Corridor, a portion of which is located in the City of San Clemente.

WHEREAS, the rail right-of-way and the entire rail corridor represent the only rail connection between San Diego County and Orange and Los Angeles Counties and is of state-wide and national importance; and

WHEREAS, the adjacent hillside to the rail right-of-way owned by the City of San Clemente has been sliding and depositing debris on the rail right-of-way resulting in closures of critical rail service; and

WHEREAS, the City of San Clemente has over the past several months attempted to mitigate the landslide impacting the rail right-of-way by grading the slope with the expectation that said action would alleviate the movement and depositing of debris onto rail right-of-way; and

WHEREAS, on June 5, 2023, the Authority was informed by its geotechnical consultant that the City of San Clemente mitigation measures are no longer effective, and the adjacent hillside is again sliding and depositing debris onto rail right-of-way thereby severing the only rail corridor between San Diego County and Orange and Los Angeles Counties; and

WHEREAS, the City of San Clemente has advised Authority that no solution or timeline to mitigate the landslide has been developed, therefore the Authority must take immediate action to develop measures to protect the rail right-of-way; and

WHEREAS, the sliding of the adjacent hillside and debris on the rail right-of-way represents a clear emergency circumstance requiring immediate action to preserve Authority property and prevent the immediate termination of a critical Authority function. Specifically, the movement of rail traffic along the Orange Subdivision; and

WHEREAS, this emergency circumstance will not permit the delay that would result from a competitive solicitation for bids; and

WHEREAS, Public Contract Code Section 22050 authorizes the Authority, in the case of an emergency, to repair or replace a public facility, take any action directly related or required by that emergency, and to procure the necessary equipment, services, and supplies for those purposes, without giving notice for bid or letting of contracts pursuant to the Public Contract Code; and

WHEREAS, said action requires a four-fifths vote of the Authority's Board of Directors in order to delegate the emergency authority to its Chief Executive Officer.

NOW, THEREFORE, BE IT RESOLVED, by at least a four-fifths vote of the Authority's Board of Directors under Public Contract Code Section 22050, the Authority does hereby find and determine as follows:

Section 1. Incorporation of Findings and Recitals. The above findings and recitals are true and correct and are incorporated herein in full by this reference.

Section 2. Findings. The Authority hereby finds, determines, and declares each of the following:

(a) The rail right-of-way and the entire corridor represent the only rail connection between San Diego County and Orange and Los Angeles Counties and is of state-wide and national importance; and

(b) The Authority has been informed by its geotechnical consultant that the previous mitigation measures implemented by the City of San Clemente are no longer effective and the adjacent hillside is continuing to move and deposit debris on said rail right-of-way thereby causing the further suspension of rail service along the corridor; and

(c) The Authority has been advised by its geotechnical consultant that there are options to design and construct a temporary wall at the bottom of the slope to provide the rail right-of-way protection from landslide debris and resume rail service until such time the City of San Clemente provides slope stabilization; and

(d) The continued slope failure depositing debris within the rail right-of-way constitutes an emergency circumstance that requires immediate action; and

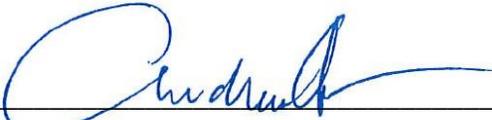
(e) This emergency circumstance will not permit the delay that would result from a competitive solicitation for bids under the Public Contract Code.

Section 3. Acquisition of Necessary Equipment, Services, and Supplies. Pursuant to the authority set forth in Public Contract Code Section 22050, the Authority's Chief Executive Officer is hereby authorized to take any directly related and immediate action required to address the emergency circumstance detailed herein and to procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts.

Section 4. Review of Emergency Circumstance. Pursuant to Public Contract Code Section 22050, the Authority's Board of Directors shall review the circumstance set forth herein and shall terminate said emergency circumstance when the need to continue said action no longer exists.

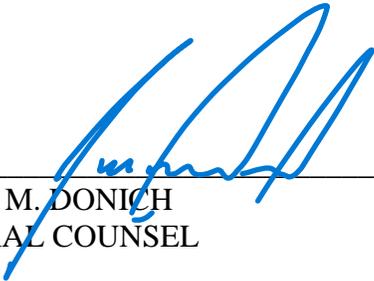
Section 5. Effective Date. This Resolution No. 2023-033 shall take effect upon adoption.

PASSED, APPROVED, and ADOPTED on this 12th day of June 2023.



ANDREW DO, CHAIR TEMPORE
ORANGE COUNTY TRANSPORTATION AUTHORITY

APPROVED AS TO FORM:



JAMES M. DONICH
GENERAL COUNSEL

ATTEST:

I, Andrea West, Interim Clerk of the Board of Directors of the Orange County Transportation Authority, do hereby certify that the foregoing Resolution No. 2023-033, by the following votes:

AYES: Chair Tempore Do, and Directors Chaffee, Diaz, Dumitru, Federico, Foley, Goodell, Harper, Hennessey, Jones, Jung, Khan, Lopez, Sarmiento, and Wagner

NOES: None

ABSENT: Chairman Hernandez and Vice Chairman Nguyen

A handwritten signature in black ink that reads "Andrea West". The signature is written in a cursive style and is positioned above a horizontal line.

ANDREA WEST
INTERIM CLERK OF THE BOARD



June 26, 2023

To: Members of the Board of Directors

From: Darrell E. Johnson, Chief Executive Officer 

Subject: Measure M2 Taxpayer Oversight Committee New Member Recruitment and Lottery

Overview

The Renewed Measure M2 Ordinance No. 3 calls for a committee to oversee implementation of the program of transportation improvements. Each year, new committee members are recruited and selected to fill vacancies left by expired terms. The recruitment process for the Measure M2 Taxpayer Oversight Committee has been completed for 2023, and a lottery must take place in public session to fill vacancies in the Second and Third Supervisorial Districts.

Recommendation

Pursuant to the Renewed Measure M2 Ordinance No. 3, conduct the lottery for final selection of new Measure M2 Taxpayer Oversight Committee members by drawing one name each representing the Second and Third Supervisorial Districts from the list of recommended finalists from the Grand Jurors Association of Orange County.

Background

The Measure M2 (M2) Taxpayer Oversight Committee (TOC) is required by the Renewed M2 Ordinance No. 3 (M2 Ordinance). The TOC is an independent committee representing all five supervisorial districts in the County and is responsible for ensuring the transportation projects in M2 are implemented according to the M2 Investment Plan, approved by the voters. The 11-member committee has a balanced representation of all supervisorial districts, with ten private citizens plus the Orange County Auditor-Controller. The TOC meets bimonthly to review progress on the implementation of the M2 program.

Each year, as terms of appointed members on the TOC end, a recruitment process is conducted to fill vacancies. As outlined in the M2 Ordinance, the recruitment process is conducted by the Grand Jurors Association of Orange

County (GJAOC). The GJAOC acts as an independent body serving in the interest of Orange County citizens. In its role, the GJAOC appoints a five-member selection panel (Panel) to conduct the recruitment process.

The Panel has conducted the application/recruitment program since the beginning of Measure M in 1990. The first lottery took place on November 15, 1990, and the individuals chosen began meeting in January 1991, serving staggered one-year, two-year, or three-year terms. Following the same recruitment process, new members serving three-year terms have joined the committee each year, replacing outgoing members whose terms have expired.

Discussion

On June 30, 2023, the terms of two members of the TOC will expire. The current membership roster is attached (Attachment A). The schedule for the recruitment process for this year began in late January to fill vacancies in the Second and Third Supervisorial Districts (Attachment B).

The Panel concluded the recruitment process to fill the two vacant positions in early May (Attachment C). A fact sheet/application form was used for recruitment purposes (Attachment D). Announcements were distributed to more than 7,000 persons by sending an email to the Orange County Transportation Authority (OCTA) database. Advertisements were placed in the Los Angeles Times and the Orange County Register, and digital banners were placed on their websites, and an article was included in the American Automobile Association Westways magazine. In addition, postings were made on OCTA's social media pages and targeted Facebook and mobile application advertisements were used to notify residents in the Second and Third Supervisorial Districts; announcements were sent to the media, cities, and elected offices; information was sent to local civic organizations and professional associations (Orange County Business Council, Orange County Taxpayers Association, Chambers of Commerce, etc.) to include in their newsletters and social media accounts. Also, information was sent to Orange County universities and colleges (University of California, Irvine, Chapman University, and California State University, Fullerton, and Santiago Canyon College) to share with graduate students, alumni, and veterans' services centers.

The members of the Panel screened 28 applications from interested citizens, looking closely at each applicant's community service record, as well as experience in community and transportation issues. The Panel considered each individual's ability to assess and analyze facts, desire to make the TOC a priority, their involvement in community organizations, any special skills or experience, and their degree of knowledge of government. In addition, the M2 Ordinance

prohibits elected or appointed officers of any public entity from serving on the TOC. Based on a previous amendment to the M2 Ordinance, the Panel also included more specific questions on the application regarding conflicts of interest. Any appointed and elected officers of any public entity were required to fill out an “intent to resign” form in order to have their TOC application considered.

Following the initial screening process, 22 interviews were conducted by the Panel in an effort to gain as much insight as possible into the most qualified candidates. The Panel is recommending ten candidates for possible membership on the committee: five from the Second Supervisorial District and five from the Third Supervisorial District (Attachment E).

At the June 26, 2023, OCTA Board of Directors meeting, the Chairman will select two persons by lottery to fill the vacant positions. The two new members will begin serving their terms in July 2023, for a three-year term.

During the lottery process, the first name drawn from each supervisorial district will be the selected committee member. The remaining names will be drawn from each supervisorial district to establish a contingency list. Should a vacancy occur, finalists would be called upon to serve on the committee in the order in which the names were drawn.

Resolutions for Outgoing Members

Participation in the TOC requires dedication, time, and commitment. The volunteers who serve on the TOC provide expertise and insight, resulting in thoughtful discussions regarding the implementation and oversight of M2. In recognition of this contribution to the citizens of Orange County, resolutions of appreciation will be given to the following TOC members who have completed their terms: Harry Sloan – Second Supervisorial District and Joseph McCarthy – Third Supervisorial District.

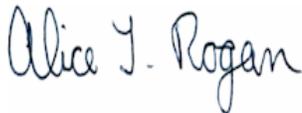
Summary

The Panel has completed its recruitment for two open positions on the TOC for the Second and Third Supervisorial Districts and submitted the names of eligible candidates for the 2023 lottery to fill the two positions. Outgoing members will receive resolutions of appreciation.

Attachments

- A. Measure M2 Taxpayer Oversight Committee Members Fiscal Year 2022-23
- B. Measure M2 Taxpayer Oversight Committee, 2023 Recruitment Schedule, Supervisorial Districts Two and Three
- C. 2023 Grand Jurors Association of Orange County Oversight Committee Selection Panel
- D. 2023-24 Taxpayer Oversight Committee Application
- E. Measure M2 Taxpayer Oversight Committee 2023 Finalists

Prepared by:



Alice T. Rogan
Director, Marketing and Public Outreach
(714) 560-5577

Approved by:



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

**Measure M2
Taxpayer Oversight Committee Members
Fiscal Year 2022-23**

District	Name	Term	Expiration
1	Naresh D. Patel	3 Years	2025
1	Andrew Ramirez	3 Years	2024
2	Harry Sloan	3 Years	2023
2	Mark Kizzar	3 Years	2024
3	Joseph McCarthy	3 Years	2023
3	Kirk Watilo	3 Years	2025
4	Ajay Khetani	3 Years	2024
4	Rasik N. Patel	3 Years	2025
5	Shannon O'Toole	3 Years	2024
5	Mark W. Eisenberg	3 Years	2025
	Andrew Hamilton: Orange County Auditor-Controller		Required by M2 Ordinance

**MEASURE M2 TAXPAYER OVERSIGHT COMMITTEE
2023 RECRUITMENT SCHEDULE
SUPERVISORIAL DISTRICTS TWO AND THREE**

January 16	Planning meeting with Grand Jurors Association of Orange County (GJAOC) selection panel
January 23	Orange County Transportation Authority (OCTA) website updated with 2023 recruitment content and application
January 24	Article included in spring edition of American Automobile Association Westways magazine
February 13 - April 17	Biweekly blog in OCTA's <i>On the Move</i> Monthly call with GJAOC on recruitment status / weekly recap emails
February 20	Press release distributed Info sent to County Supervisor offices, city public information officers, city clerks and city managers, Orange County Business Council, Women's Transportation Seminar, and other organizations for newsletters/blogs/social media
February 25 - May 5	Biweekly social media posts (Facebook and Twitter)
February 24 - May 4	Notify legal counsel to make time in May to review applications Paper advertisement in the Los Angeles Times / OC Register Electronic advertisement posted on Los Angeles Times website and Orange County Register website
May 5	Application deadline
May 5 - 9	GJAOC interview panel resume screening and interview scheduling
May 9 - 15	GJAOC selection panel interviews candidates and prepares finalist list
May 17	GJAOC selection panel submits list of finalists to OCTA
May 22 – June 2	Legal counsel review of finalists
June 26	OCTA Chairman draws names at Board of Directors meeting

2023
GRAND JURORS ASSOCIATION OF ORANGE COUNTY
OVERSIGHT COMMITTEE SELECTION PANEL

William Underwood, Chair

Robin Bowen

Lynette Fujitani

Patty LaVoie

Laree Lopez

2023-24 Taxpayer Oversight Committee Application

The Taxpayer Oversight Committee (TOC) is an independent committee formed after the passage of Measure M in 1990. The committee upholds the integrity of the measure by monitoring the use of OC Go (formerly Measure M) funds and ensuring that all revenue collected from OC Go is spent on voter-approved transportation projects. We are currently recruiting for districts 2 & 3.

For information on how members are chosen, committee responsibilities, and more please visit:
<https://www.octa.net/About-OC-Go/Taxpayer-Oversight-Committee/>

All applications MUST be received no later than May 5, 2023. For additional information, please call 714-560-5643. Failure to provide the information requested on this form will result in the denial of your application.

1. First Name *

2. Middle Initial

3. Last Name *

4. Email Address *

Home Phone *

5. Home Street Address *

City *

State *

Zip *

6. Business Email Address

7. Business Phone

8. Business Street Address

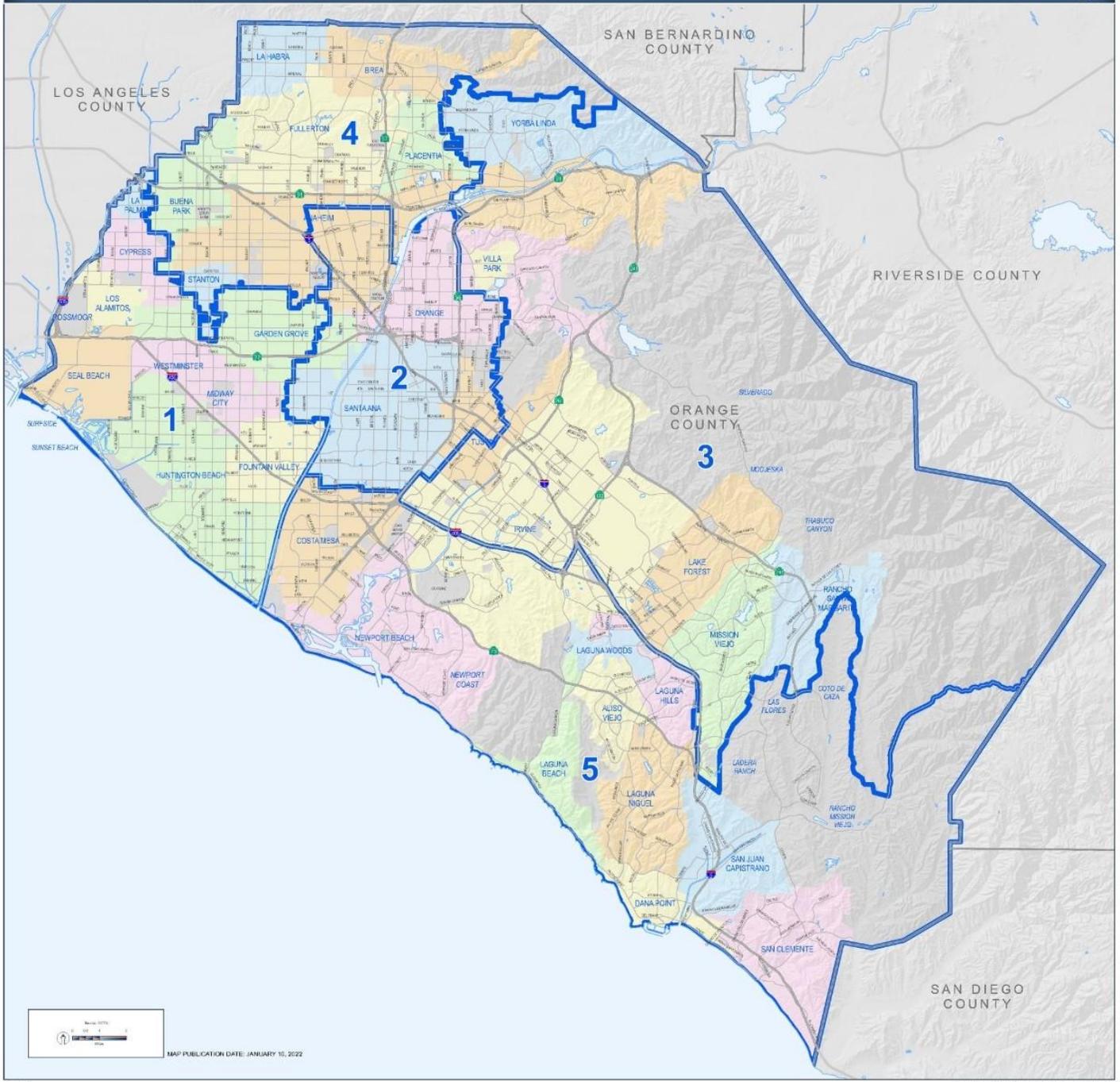
City

State

Zip

Click [here](#) to confirm your district.

Orange County Supervisorial Districts



9. Supervisorial District Number (Visit <https://ocvote.gov/map-central> to confirm your district) *

2 3

10. Present Employment Status *

Employed Unemployed Retired

11. Present Occupation and Title *

12. Present Employer

13. How many years have you lived in Orange County? *

14. Are you a citizen of the United States? *

Yes No

15. Are you a registered voter? *

Yes No

16. Have you (or your spouse) or any entity that you either work for or have a financial interest in, received any financial remuneration for goods or services provided by you, or by any entity you work for or have a financial interest in, that was paid for with OC Go revenues, either directly or indirectly, within the past 12 months?

*Required **

Yes No

17. Do you have any possible conflict of interest with respect to the allocation of OC Go revenues? *

Yes No

18. Are you currently an elected or appointed officer of any public entity? *

Yes No

19. Are you related to or closely associated with any elected official or public employee? *

Yes No

20. Have you ever been convicted of malfeasance in office, or of any felony? *

Yes No

21. As a member of any profession or organization, or as a holder of any office, have you ever been suspended, disbarred, or otherwise disqualified? *

Yes No

22. Do you personally have any past or pending issues related to development or transportation in any Orange County city? *

Yes No

23. Have you ever been involved in a lawsuit with OCTA? *

Yes No

24. Do you possess research abilities, including complex reading facility and capability to assess and analyze facts? *

Yes No

25. Is there any reason that you may be biased and not objective if you are chosen to serve as a member of the Taxpayer Oversight Committee? *

Yes No

26. While no specific time commitment is predetermined, are you willing to make a conscientious effort for a period of three years to give membership on this committee a priority and participate as necessary? *

Yes No

27. If you are presently active or have been active in the past five years in any organization, please give the organization name, nature of your activities and duties, and appropriate dates. *

28. In what transportation-related activities have you been involved? *

29. What do you know about OC Go/Measure M? *

30. What specialized skill or expertise would you bring to the Oversight Committee? *

31. EDUCATIONAL BACKGROUND: *

▼

32. Employment Background/Resume:

Drag files here or [Select files](#)

33. Previous Employment

- Resume Attached
- List Below

34. How did you hear about the TOC? Select all that apply. *

- Printed LA Times
- Online LA Times
- Printed OC Register
- Online OC Register
- Westways Magazine
- Mobile App Advertising
- OCTA Website
- E-Blast (Board of Supervisors email, OCTA Blog, etc)
- Professional Organization (Orange County Business Council, OC Tax, Women's Transportation Seminar, etc)
- Recommended by Friend or Family
- Facebook
- Twitter
- Other

35. Why do you wish to be considered for membership on the Taxpayer Oversight Committee? *

36. I hereby declare the information provided in this Application for the Taxpayer Oversight Committee is true, correct and complete to the best of my knowledge. I understand that my statements may be verified and I give permission to do so. *

 [Select to sign](#)

Submit

**MEASURE M2 TAXPAYER OVERSIGHT COMMITTEE
2023 FINALISTS**

DISTRICT 2

<u>NAME</u>	<u>CITY</u>
Chris Donabedian	North Tustin
Grant Harting	Orange
Meera Patel	Orange
Peter Riley	Tustin
Monica Shin	Santa Ana

DISTRICT 3

<u>NAME</u>	<u>CITY</u>
John Beall	Rancho Santa Margarita
Adam Gonzalez	Anaheim
Nilima Gupta	Lake Forest
Travis Lee	Irvine
Michael Neben	Irvine



Call to Order

The meeting was opened at 9:05 a.m. by Cassie Trapesonian, Assistant General Counsel, who indicated that in the absence of the Chairman and Vice Chairman of the Orange County Transportation Authority (OCTA) Board of Directors (Board), a Chair Tempore and Vice Chair Tempore would need to be selected for the meeting.

A motion was made by Director Federico, seconded by Director Foley, and following a roll call vote declared passed 11-0 to select Director Do as Chair Tempore and Director Hennessey as Vice Chair Tempore, in the absence of the Chair and Vice Chair.

Directors Goodell, Jones, Lopez, and Wagner were not present to vote on this item.

The June 12, 2023, regular meeting of the OCTA Board and affiliated agencies was called to order by Chair Tempore Do at the OCTA Headquarters, 550 South Main Street, Orange, California.

Directors Present: Andrew Do, Chair Tempore
Michael Hennessey, Vice Chair Tempore
Doug Chaffee
Jose Diaz
Jon Dumitru
Jamey Federico
Katrina Foley
Brian Goodell
Patrick Harper
Steve Jones
Farrah N. Khan
Jessie Lopez
Vicente Sarmiento
Donald. P. Wagner

Via Teleconference: Fred Jung

Directors Absent: Gene Hernandez, Chairman
Tam Nguyen, Vice Chairman
Ryan Chamberlain, Ex-Officio

Staff Present: Darrell E. Johnson, Chief Executive Officer
Jennifer L. Bergener, Deputy Chief Executive Officer
Allison Cheshire, Clerk of the Board Specialist, Senior
Sahara Meisenheimer, Clerk of the Board Specialist
Andrea West, Interim Clerk of the Board
Cassie Trapesonian, Assistant General Counsel



Special Calendar

1. Public Hearing on Orange County Transportation Authority's Fiscal Year 2023 24 Budget and Personnel and Salary Resolution

Sean Murdock, Director, Finance and Administration, provided a presentation on this item.

The Clerk of the Board received a public comment from Nicole Nguyen via email on June 3, 2023, and provided it to the Board on June 11, 2023.

In-person, public comment was received from Peter Warner.

A motion was made by Vice Chair Tempore Hennessey, seconded by Director Foley, and following a roll call vote, declared passed 15-0, to approve:

- A. Approve by resolution the Orange County Transportation Authority's Fiscal Year 2023-24 Budget.
- B. Approve the Personnel and Salary Resolution for fiscal year 2023-24.
- C. Authorize the Chief Executive Officer, or his designee, to negotiate and execute the software and hardware licensing, maintenance, and emergency support purchase orders and/or agreements.

A motion was made by Vice Chair Tempore Hennessey, seconded by Director Foley, and following a roll call vote, declared passed 12-3, to approve:

- D. Approve fiscal year 2023-24 Orange County Transportation Authority member agency contribution to the Southern California Regional Rail Authority, operating subsidy, in an amount up to \$50,750,849, including authorization of federal funding to be drawn down directly by the Southern California Regional Rail Authority, in an amount up to \$9,534,777. In addition, approve the capital and rehabilitation expenditure budget contingent upon all member agencies' approval of their respective capital and rehabilitation budgets. The Orange County Transportation Authority's portion of the costs for capital is \$4,129,290 and \$25,543,735 for rehabilitation. Also, authorize a working capital reserve contribution of up to \$7,150,000 to facilitate the funding of capital expenditures and lessen the necessity of using operating funds to front capital expenditures.

Directors Diaz, Dumitru, and Wagner voted in opposition to Recommendation D.



Consent Calendar (Items 2 through 20)

2. Approval of Minutes

A motion was made by Director Dumitru, seconded by Director Foley, and following a roll call vote, declared passed 15-0, to approve the minutes of the May 22, 2023, Orange County Transportation Authority and affiliated agencies' regular meeting.

3. Amendment to the 91 Express Lanes Riverside County Transportation Commission / Orange County Transportation Authority Facility Agreement

A motion was made by Director Dumitru, seconded by Director Foley, and following a roll call vote, declared passed 15-0, to authorize the Chief Executive Officer to negotiate and execute Amendment No. 8 to Agreement No. C-5-3828 between the Orange County Transportation Authority and Riverside County Transportation Commission, in the amount of \$1,452,388, for the reimbursement of shared operational expenses through June 30, 2024.

4. Agreement for Security Officer Services

A motion was made by Director Dumitru, seconded by Director Foley, and following a roll call vote, declared passed 15-0, to:

- A. Approve the selection of Inter Con Security, Inc., as the firm to provide Security Officer services.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C 2 2886 between the Orange County Transportation Authority and Inter Con Security, Inc., in the amount of \$1,092,000, to provide security officer services for a two-year initial term with one-year option term.

5. Amendment to Cooperative Agreement with the County of Orange, Orange County Sheriff's Department

Director Sarmiento requested a performance metrics report at a future date on services provided by this agreement.

A motion was made by Director Dumitru, seconded by Director Foley, and following a roll call vote, declared passed 15-0, to authorize the Chief Executive Officer to negotiate and execute Amendment No. 4 to Cooperative Agreement No. C-0-2330 between the Orange County Transportation Authority and County of Orange, Orange County Sheriff's Department, in the amount of \$11,396,565, for Transit Police Services, effective July 1, 2023, through June 30, 2024. This will increase the maximum obligation of the agreement to a total contract value of \$44,810,826.



6. Fiscal Year 2022-23 Third Quarter Grant Reimbursement Status Report

A motion was made by Director Dumitru, seconded by Director Foley, and following a roll call vote declared passed 15-0 to receive and file as an information item.

7. Third Quarter Fiscal Year 2022-23 Procurement Status Report

A motion was made by Director Dumitru, seconded by Director Foley, and following a roll call vote declared passed 15-0 to receive and file as an information item.

8. Purchase Order for Disk Storage Arrays

A motion was made by Director Dumitru, seconded by Director Foley, and following a roll call vote, declared passed 15-0, to authorize the Chief Executive Officer to negotiate and execute Purchase Order No. A53853 between the Orange County Transportation Authority and vCloud Tech, Inc., in the amount of \$376,739, for disk storage arrays.

9. Amendment to Cooperative Agreement with the City of Laguna Beach for Public Transit Services

A motion was made by Director Dumitru, seconded by Director Foley, and following a roll call vote, declared passed 15-0, to authorize the Chief Executive Officer to negotiate and execute Amendment No. 4 to Cooperative Agreement No. C-8-1679 between the Orange County Transportation Authority and the City of Laguna Beach, in the amount of \$778,530, for the pass through of additional Federal Transit Administration, State Transit Assistance, and SB 1 State of Good Repair funding and to extend the expiration date for an additional six months through December 31, 2023. This will increase the maximum obligation of the cooperative agreement to a total contract value of \$4,569,306.

10. Resolution to Establish the Orange County Transportation Authority General Fund Appropriations Limit for Fiscal Year 2023-24

A motion was made by Director Dumitru, seconded by Director Foley, and following a roll call vote, declared passed 15-0, to adopt Orange County Transportation Authority Resolution No. 2023-026 to establish the Orange County Transportation Authority General Fund appropriations limit at \$14,628,424, for fiscal year 2023-24.



11. Orange County Transportation Authority Investment and Debt Programs Report - March 2023

A motion was made by Director Dumitru, seconded by Director Foley, and following a roll call vote, declared passed 15-0 to receive and file as an information item.

12. Measure M2 Comprehensive Transportation Funding Programs Project Audits

A motion was made by Director Dumitru, seconded by Director Foley, and following a roll call vote, declared passed 15-0, to:

- A. Direct staff to implement one recommendation provided in the audit of the County of Orange, Regional Capacity Program, La Pata Avenue Phase II, Project No. 13 ORCO-ACE-3655, Construction Phase.
- B. Direct staff to perform follow-up with the County of Orange and the cities of Costa Mesa, Laguna Beach, and San Clemente on actions taken to address recommendations made.

13. Amendments to Cooperative Agreements with the City of Westminster and the City of Seal Beach and Cooperative Agreement with the City of Huntington Beach for the Interstate 405 Improvement Project

A motion was made by Director Dumitru, seconded by Director Foley, and following a roll call vote, declared passed 15-0, to:

- A. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 5 to Cooperative Agreement No. C-5-3615 between the Orange County Transportation Authority and the City of Westminster, in the amount of \$590,000, for additional city support services during construction of the Interstate 405 Improvement Project. This will increase the maximum obligation of the cooperative agreement to a total value of \$4,251,331.
- B. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 4 to Cooperative Agreement No. C-6-1126 between the Orange County Transportation Authority and the City of Seal Beach, in the amount of \$200,000, for additional city support services during construction of the Interstate 405 Improvement Project. This will increase the maximum obligation of the cooperative agreement to a total value of \$940,600.



- C. Authorize the Chief Executive Officer to negotiate and execute Cooperative Agreement No. C-3-2580 between the Orange County Transportation Authority and the City of Huntington Beach, in the amount of \$200,000, for city support services required during the remainder of construction of the Interstate 405 Improvement Project.

14. Cooperative Agreement with the California Department of Transportation for State Route 57 Northbound Improvement Project Between Orangewood Avenue and Katella Avenue for Right-of-Way Services

A motion was made by Director Dumitru, seconded by Director Foley, and following a roll call vote, declared passed 15-0, to:

- A. Authorize the Chief Executive Officer to negotiate and execute Cooperative Agreement No. C-3-2577 between the Orange County Transportation Authority and the California Department of Transportation, in the amount of \$3,294,358, to perform right-of-way services, for the State Route 57 Northbound Improvement Project between Orangewood Avenue and Katella Avenue.
- B. Authorize the use of up to \$1,794,358 in Measure M2 freeway funds for right-of-way capital and right-of-way services for the State Route 57 Northbound Improvement Project between Orangewood Avenue and Katella Avenue.
- C. Authorize staff to process all necessary amendments to the Federal Transportation Improvement Program and execute or amend all necessary agreements to facilitate the above actions.

15. Resolution to Establish the Orange County Local Transportation Authority/Measure M2 Appropriations Limit for Fiscal Year 2023-24

A motion was made by Director Dumitru, seconded by Director Foley, and following a roll call vote, declared passed 15-0, to adopt Orange County Local Transportation Authority/Measure M2 Resolution No. 2023-025 to establish the Orange County Local Transportation Authority/Measure M2 appropriations limit at \$2,210,761,786, for fiscal year 2023-24.

16. Membership Appointments for the Measure M2 Environmental Cleanup Allocation Committee

A motion was made by Director Dumitru, seconded by Director Foley, and following a roll call vote, declared passed 15-0, to

- A. Approve the reappointment of current committee members serving on the Measure M2 Environmental Cleanup Allocation Committee for an additional three-year term.



- B. Appoint three committee members to replace outgoing members on the Measure M2 Environmental Cleanup Allocation Committee.

17. Membership Appointments for the Measure M2 Environmental Oversight Committee

A motion was made by Director Dumitru, seconded by Director Foley, and following a roll call vote, declared passed 15-0, to approve the reappointment of the 12 current committee members serving on the Measure M2 Environmental Mitigation Program Environmental Oversight Committee for an additional three-year term beginning July 1, 2023.

18. Measure M2 Environmental Mitigation Program Update

A motion was made by Director Dumitru, seconded by Director Foley, and following a roll call vote, declared passed 15-0, to receive and file as an information item.

19. Measure M2 Quarterly Progress Report for the Period of January 2023 Through March 2023

A motion was made by Director Dumitru, seconded by Director Foley, and following a roll call vote, declared passed 15-0, to receive and file as an information item.

20. Comprehensive Transportation Funding Programs Semi-Annual Review - March 2023

A motion was made by Director Dumitru, seconded by Director Foley, and following a roll call vote, declared passed 15-0, to:

- A. Approve requested adjustments to Comprehensive Transportation Funding Programs projects and Local Fair Share and Senior Mobility Program funds.
- B. Amend the Comprehensive Transportation Funding Programs, Measure M2 Eligibility, and Senior Mobility Program guidelines (documented in this staff report and attachments) to allow for requested project adjustments due to the unique circumstances created by the coronavirus pandemic.



Regular Calendar

21. Update on the Railroad Track Stabilization Project in the Vicinity of Milepost 206.8 and Related Agreement and Contract Change Order

Jim Beil, Executive Director, Capital Planning, reported this item.

A motion was made by Director Foley, seconded by Director Sarmiento, and following a roll call vote, declared passed 15-0, to:

- A. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-3-2612 between the Orange County Transportation Authority and Wildlands SLR Holdings I, LLC, in the amount of \$307,500, for mitigation credits for waters of the United States.
- B. Authorize the Chief Executive Officer to negotiate and execute Contract Change Order No. 2 to Agreement No. C-2-2884 between the Orange County Transportation Authority and Condon Johnson & Associates, Inc., in the amount of \$2,174,626, for additional tieback strands, design support, and a temporary soil nail wall.
- C. Authorize the use of \$307,500 in Measure M2 High-Frequency Metrolink Service (Project R) funds for the mitigation work.
- D. Authorize staff to process all necessary amendments to the Federal Transportation Improvement Program and execute or amend all necessary agreements to facilitate the above actions.

22. Adopt Resolution No. 2023-033 and Authorize the Chief Executive Officer to Take All Necessary Actions to Address the Emergency Need for Railroad Track Protection from a Landslide in the Vicinity of Mile Post 204.6 on the Orange Subdivision

Jim Beil, Executive Director, Capital Planning, reported this item.

A motion was made by Director Foley, seconded by Director Federico, and following a roll call vote, declared passed 15-0, to adopt Resolution No. 2023-033 and authorize the Chief Executive Officer to take all necessary actions to address the emergency need for railroad track protection in the vicinity of Mile Post 204.6 on the Orange Subdivision, including working with the Southern California Regional Rail Authority to develop and implement protective measures to safely restore rail service as soon as possible, and return to the Board of Directors, as required, to report on the status thereof.



23. Interstate 405 Improvement Project Update

Jeff Mills, Senior Program Manager, and Chris Boucly, Outreach Project Manager, provided a presentation on this item.

No action was taken on this receive and file item.

24. 91 Express Lanes Financing Documents

Robert Davis, Department Manager, Treasury and Public Finance, reported this item.

A motion was made by Director Wagner, seconded by Director Foley, and following a roll call vote, declared passed 15-0, to adopt Resolution No. 2023-027, authorizing the issuance of Orange County Transportation Authority Senior Lien Toll Road Revenue Refunding Bonds (91 Express Lanes), Series 2023, in an aggregate principal amount not to exceed \$71.42 million, and the execution and delivery of related financing documents. The related financing documents include forms of the Second Supplemental Indenture, Purchase Contract, Preliminary Official Statement, and the form of the Continuing Disclosure Certificate, and taking all other actions necessary in connection with the proposed transaction.

25. Consultant Selection for Construction Management Services for the Transit Security and Operations Center Project

A motion was made by Vice Chair Tempore Hennessey, seconded by Director Wagner, and following a roll call vote, declared passed 15-0, to:

- A. Approve the selection of Anser Advisory Management, LLC, as the firm to provide construction management services for the Transit Security and Operations Center project.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-2-2643 between the Orange County Transportation Authority and Anser Advisory Management, LLC, to provide construction management services for the Transit Security and Operations Center project.

Discussion Items

26. Update on Interstate 5/EI Toro Road Interchange Project

Rosey Casey, Director of Highways, and Fernando Chavarria, Manager, Community Outreach, provided a presentation on this item.

No action was taken on this item.



27. Public Comments

Public comments were received via email on June 5, 2023 from Maria Lopez and on June 11, 2023 from Vivian Pallack and provided to the Board on June 11.

In person public comment was received from the following:

- Brian Yanity, Rail Passenger Association of California and Nevada
- Paul Hyek
- Peter Warner
- Erik Rodriguez, Southern California Association of Governments

28. Chief Executive Officer's Report

Derrell E. Johnson, Chief Executive Officer, provided an update on the following:

- Bond rating of the 91 Express Lanes
- Transition of Contracted Fixed-Route Service to Keolis

29. Directors' Reports

Vice Chair Tempore Hennessey reported that the Taxpayers' Oversight Committee meeting will be held on Tuesday, June 13 at 6:00 p.m. at the OCTA Headquarters.

30. Adjournment

The meeting was adjourned at 10:43 a.m.

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

9:00 a.m., on Monday, June 12, 2023

OCTA Headquarters
550 South Main Street
Orange, California

ATTEST:

Gina Ramirez
Clerk of the Board Specialist, Principal



COMMITTEE TRANSMITTAL

June 26, 2023

To: Members of the Board of Directors

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

Subject: Purchase Order for 91 Express Lanes Back-Office System Source Code Verification

Finance and Administration Committee Meeting of June 14, 2023

Present: Directors Do, Federico, Goodell, Harper, Hennessey, and Sarmiento

Absent: Director Jones

Committee Vote

This item was passed by the Members present.

Committee Recommendation

Authorize the Chief Executive Officer to negotiate and execute sole source Purchase Order No. C32478 between the Orange County Transportation Authority and NCC Group Escrow Associates, LLC, in the amount of \$102,500, for verifications of the 91 Express Lanes back-office system source code for a three-year and seven-month term.



June 14, 2023

To: Finance and Administration Committee

From: Darrell E. Johnson, Chief Executive Officer

Subject: Purchase Order for 91 Express Lanes Back-Office System Source Code Verification

Overview

In March 2022, Cofiroute USA, LLC deployed a new back-office system on the 91 Express Lanes. As part of the contractual requirements, an agreement with an escrow agent is required to hold the back-office system source code. To protect the investments the Orange County Transportation Authority and the Riverside County Transportation Commission have made to the back-office system, source code verification is being requested for the items held in escrow and for future major functionality releases deposited in escrow. A source code verification provides assurance that the material deposited in escrow is correct and complete by ensuring that the deposit can be rebuilt into a working application. Board of Directors' approval is requested for NCC Group Escrow Associates, LLC, to provide source code verifications for the 91 Express Lanes back-office system.

Recommendation

Authorize the Chief Executive Officer to negotiate and execute sole source Purchase Order No. C32478 between the Orange County Transportation Authority and NCC Group Escrow Associates, LLC, in the amount of \$102,500, for verifications of the 91 Express Lanes back-office system source code for a three-year and seven-month term.

Background

The 91 Express Lanes (91 EL) is a four-lane, 18-mile tolled facility in the median of the State Route 91 (SR-91) between the State Route 55 (SR-55) in Anaheim and Interstate 15 (I-15) interchange in Riverside. The Orange County Transportation Authority (OCTA) operates the portion of the 91 Express Lanes that extends from SR-55 to the Orange County/Riverside County line, and the

Riverside County Transportation Commission (RCTC) operates the remaining portion into Riverside County.

In January 2020, a three-party agreement was executed amongst OCTA, RCTC, and Cofiroute USA, LLC (CUSA), in the amount of \$72,982,804, to provide the back-office system (BOS) and customer service center operations services for the 91 EL in Orange and Riverside Counties, for an initial term of seven years with two, three-year option terms. The designated share for OCTA is \$35,420,566, with \$7,124,546 attributed to the design, development, and implementation of the BOS. RCTC's designated share is nearly the same.

As part of CUSA's contractual requirements, CUSA was required to enter into an agreement with an escrow agent to hold the source code for the new 91 EL BOS in order to give both OCTA and RCTC (Agencies) legal access to the intellectual property (IP) material in the event the three-party agreement terminates, if CUSA declares bankruptcy, it is dissolved, liquidated, or can no longer provide the services under the agreement. CUSA selected NCC Group Escrow Associates, LLC (NCC) to serve as the escrow agent to house the intellectual property deposits.

As the escrow agent, NCC conducts media checks when a deposit has been submitted to ensure that the deposit is virus-free and accessible. However, this process does not provide any assurance that the source code is correct, complete, and can be rebuilt into a working application. Due to the significant investments the Agencies have made to the 91 EL BOS, the Agencies believe it would be in their best interest that a more in-depth verification be performed as a safeguard should a situation arise where CUSA can no longer perform the services under the three-party agreement. In order to affect that, staff recommends that an entry level verification can be conducted by NCC to ensure that the source code mirrors the production application, so that the deposit is the most complete and correct version. In addition, it ensures that all associated files and documents are deposited along with the source code. NCC will witness and document the build process and produce a detailed report to describe what is required to achieve a successful build. This report becomes invaluable in terms of business continuity as it allows a successor to gain an understanding of the application should the situation arise.

A verification will be performed with each major release of upgraded BOS functionalities. The cost of the verification will be shared equally between the Agencies. OCTA will seek reimbursement from RCTC for its share of the cost.

Procurement Approach

The procurement was handled in accordance with OCTA’s Board of Directors (Board)-approved policies and procedures for a sole source procurement.

NCC is the escrow agent that holds the source code for the BOS for the 91 EL. NCC must perform the source code verification as part of the contractual requirements agreed to by Agencies. Therefore, NCC meets OCTA’s criteria for a sole source procurement, and based on its technical ability and financial status, the firm is deemed responsible.

NCC’s proposal was reviewed by staff from the Contracts Administration and Materials Management (Camm) and Express Lanes Programs departments to ensure compliance with the contract terms and conditions, as well as the technical requirements.

In accordance with OCTA’s sole source procurement procedures, a sole source over \$50,000 requires OCTA’s Internal Audit (IA) Department to conduct a price review of the vendor’s proposed pricing. NCC did not provide a detailed cost breakdown. Instead, IA compared the rates proposed by NCC to comparable contract between NCC and the North Texas Tollway Authority. IA calculated the agreed upon procedures (AUP) rate by escalating the pricing from the comparable contract using the increases in compensation costs for civilian workers for the 12-month periods ending March 2022 and March 2023, which were obtained from the United States Bureau of Labor Statistics’ Employment Cost Index Summary. As a result, the proposed amount for OCTA is less than the calculated AUP amount. In addition, the quoted price is consistent with the OCTA project manager’s independent cost estimate. Therefore, the quoted price is deemed fair and reasonable.

	Proposed Rate	Comparable Agreement	AUP Rate	Quantity	Proposed Amount	AUP Amount
Entry Level Verifications (EVL)	\$20,500	\$18,950	\$20,753	4	\$82,000	\$83,012

Fiscal Impact

Funding to Purchase Order No. C32478 is included in OCTA’s Fiscal Year 2022-23 Budget, 91 EL Account No. 0036-7629-B0001-F36, and is funded through toll revenues.

Summary

Staff recommends the Board of Directors authorize the Chief Executive Officer to negotiate and execute sole source Purchase Order No. C32478 between the Orange County Transportation Authority and NCC Group Escrow Associates, LLC, in the amount of \$102,500, for verifications of the 91 Express Lanes back-office system source code for a three-year and seven-month term.

Attachment

None.

Prepared by:



Kirk Avila
General Manager
Express Lanes Programs
714-560-5674



Pia Veaspen
Director, Contracts Administration and
Materials Management
714-560-5619



COMMITTEE TRANSMITTAL

June 26, 2023

To: Members of the Board of Directors
From: Andrea West, Interim Clerk of the Board *Andrea West*
Subject: 91 Express Lanes Update for the Period Ending – March 31, 2023

Finance and Administration Committee Meeting of June 14, 2023

Present: Directors Do, Federico, Goodell, Harper, Hennessey, Jones, and Sarmiento
Absent: None

Committee Vote

This item was passed by the Members present.

Committee Recommendation

Receive and file as an information item.



June 14, 2023

To: Finance and Administration Committee

From: Darrell E. Johnson, Chief Executive Officer

Subject: 91 Express Lanes Update for the Period Ending – March 31, 2023

Overview

The Orange County Transportation Authority has owned and managed the operations of the 91 Express Lanes since January 2003. Since that time, traffic volumes and toll revenues have fluctuated with the changes in the economy and the added capacity to the State Route 91 corridor. Over the last quarter, there were approximately 4.7 million trips taken on the 91 Express Lanes in Orange County. This report focuses on the operational and financial activities for the period ending March 31, 2023.

Recommendation

Receive and file as an information item.

Background

The Orange County segment of the 91 Express Lanes (EL) is a four-lane, ten-mile tolled facility built in the median of State Route 91 (SR-91) between the State Route 55 (SR-55)/SR-91 interchange and the Orange/Riverside County Line. The 91 EL was built by the California Private Transportation Company (CPTC) for a cost of approximately \$135 million. The Orange County section of the project was authorized as a toll road by the State of California in 1989 and opened in 1995. An agreement with the State of California Department of Transportation (Caltrans) included a non-compete provision that created a 1.5-mile protection zone along each side of SR-91. This zone prohibited improvements along the corridor and created mobility problems as the region and corresponding transportation demands grew.

To mitigate growing concerns over congestion, the Orange County Transportation Authority (OCTA) acquired the 91 EL franchise rights in January 2003 from the CPTC. This eliminated the non-compete provision,

clearing the way for future enhancements that would increase capacity and improve traffic flow along the SR-91 corridor.

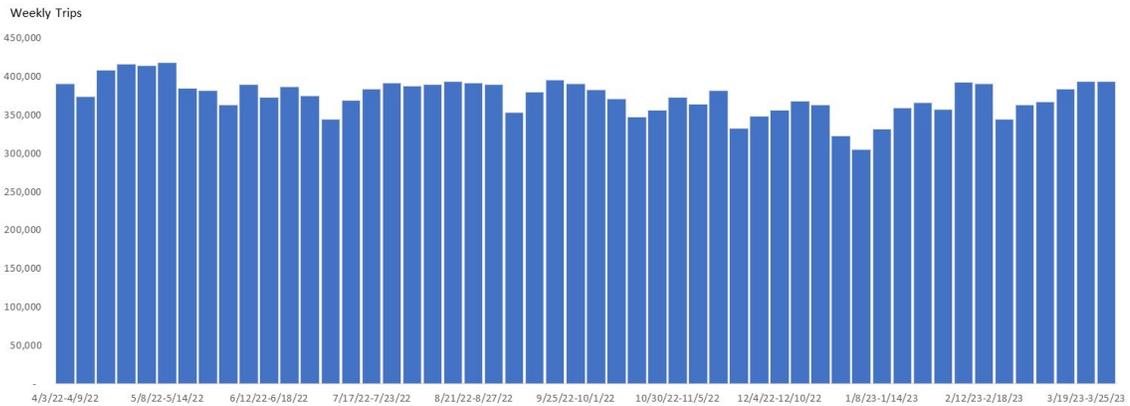
With the non-compete provisions removed, the Riverside County Transportation Commission (RCTC) received authority to extend the 91 EL to Interstate 15 (I-15) in 2008. At a cost of \$1.4 billion, the RCTC 91 Corridor Improvement Project added regular lanes, tolled express lanes, auxiliary lanes and direct express lane connectors from the Orange/Riverside County Line to I-15. The Riverside County segment of the 91 EL opened in 2017, providing customers with eight additional miles of travel on the SR-91. To provide 91 EL customers with a seamless experience, OCTA and RCTC entered into a three-party operating agreement with one firm to service both segments of the facility.

The 91 EL uses congestion management pricing to adjust tolls quarterly based on the number of vehicles. Since 2003, OCTA and RCTC in 2017, have used this method of tolling to provide our customers a safe, reliable, and predictable trip on the 91 EL. Motorists pay tolls using a transponder that automatically deducts the toll amount from a prepaid account. The transponder can be used on any California tolled facility through existing interoperability agreements.

OCTA and RCTC's tolling agreements allow both agencies to operate the 91 EL well into the future (2065 for OCTA and 2067 for RCTC). This provides customers with transportation options for 18 miles of travel in one of California's busiest corridors.

Discussion

The graph below provides the weekly trips on the 91 EL over the past 12 months. Traffic volumes were higher during the first few months of the 12-month period; however, as the months progressed, volumes began to level off and show some declines. This could be due to the high levels of inflation and gasoline prices. Although the past few months were not as strong as the early months of 2022, traffic volumes remain relatively high and are exceeding levels from the pre-coronavirus (COVID-19) pandemic period. A graph of toll revenues would show a similar trend for the same period.



Traffic Volumes

Total traffic volume on the OCTA 91 EL for the month of March 2023 was 1,703,261. This represents a daily average of 54,944. This is a 0.7 percent increase in total traffic volume from the same period last year when traffic levels totaled 1,690,829. In looking at the 12-month period ending March 2023, traffic volumes totaled 19.5 million, which was equal to the figures during the same period the prior year. Although lower than the all-time high of 19.8 million, traffic volumes remain at high levels. Carpool percentage for the period ending March 2023 was 22.7 percent.

Gross Potential Toll Revenues (GPTR)

GPTR for the month of March 2023 was \$5,486,531, which represents an increase of 3.9 percent from the prior year’s total of \$5,281,955 for the month of March. GPTR is equal to the toll rate times the number of vehicles traveling on the 91 EL (the amount does not consider violations or discounts). For the previous 12 months, GPTR totaled \$61.4 million and increased by two percent.

Toll Adjustments

The Board of Directors (Board)-adopted Toll Policy requires staff to review traffic volumes on the Orange County segment of the 91 EL for potential toll adjustments on a quarterly basis. Based upon the traffic volumes for the quarter-ending period of December 2022, no specific hours reached the trigger point for a toll adjustment in January 2023. As of the end of March 2023, toll rates ranged from a minimum of \$1.80 to a maximum of \$8.60. The next scheduled toll adjustment will occur on April 1, 2023, and will be reported on in the next report.

Number of Accounts and Transponders

The number of active accounts totaled 167,896, and 658,173 transponders were assigned to those accounts as of March 31, 2023. Over the past 12 months, the number of accounts increased by approximately 6,876, while the number of transponders in circulation increased by 28,034. There has been continued growth in the number of accounts and transponders over the past several years, largely driven by the extension of the 91 EL into Riverside County and the opening of the 15 Express Lanes.

Outstanding Debt

As of March 31, 2023, the outstanding amount of the 91 EL tax-exempt 2013 Senior Lien Toll Road Revenue Refunding Bonds (Bonds) totaled \$71.4 million. The Bonds are rated “AA-“ by Standard and Poor’s, “A1” by Moody’s, and “A+” by Fitch Ratings. The next scheduled debt service payment is on August 15, 2023.

Reserve Funds

The bond indenture for the 2013 Bonds requires three reserve funds: a major maintenance fund, an operating fund, and a debt service reserve fund. All three funds are fully funded with a total balance of \$25.1 million as of March 31, 2023.

In addition to the required debt reserve funds, the OCTA Board elected to establish two additional reserve funds. An internal capital projects fund has a balance of \$27.4 million and is used for large capital projects for the 91 EL such as pavement rehabilitation and back-office system (BOS) upgrades. The other reserve fund was established in 2017 for two future Measure M2 projects (Projects I and J) on the SR-91 corridor. Project I improves interchanges, on- and off-ramps, and bridges along SR-91 between SR-55 and State Route 57 and is estimated to cost approximately \$460 million. This project is in final design and is expected to be completed in 2028. Project J includes operational improvements on SR-91 between State Route 241 and the Orange/Riverside County Line and is currently scheduled for completion in 2035. The balance in that reserve fund is \$102.3 million and is used as project expenses are incurred. Lastly, OCTA has approximately \$101.9 million set aside in excess toll revenues for SR-91 corridor projects.

Operations Update

Last year, Cofiroute USA, LLC (CUSA) deployed a new BOS for the 91 EL for both Orange and Riverside counties. Since deployment, CUSA, OCTA, RCTC,

and project consultant staff have been continuously monitoring the system and actively implementing fixes for any issues that arise. During the past quarter, some key performance measure indicators have been improving as seen in Attachment A.

In January 2023, OCTA and RCTC received restitution from CUSA for liquidated and actual damages related to the BOS, in the amount of approximately \$2 million (amount was equally divided between the two agencies). The damages were due to the delay of the new BOS implementation for the 91 EL for both Orange and Riverside counties and various issues that arose since system deployment.

Looking Ahead

In August 2023, the outstanding 91 EL Bonds will become callable, meaning they can be refinanced with no penalties. If interest rates are lower than the outstanding coupon rate of the Bonds, the refinancing can save OCTA in future interest costs. OCTA will have the opportunity to refinance this debt starting May 15, 2023, which is 90 days prior to the call date. OCTA debt policy requires that any potential refinancing produces a minimum of three percent savings. Given the current market, the minimum threshold is being met.

Summary

An operational report for the 91 Express Lanes for the period ending March 31, 2023, is provided for Board of Directors' review. The report provides a summary of key operational and financial activities.

Attachments

- A. 91 Express Lanes, Key Performance Measures, March 2023
- B. 91 Express Lanes Status Report, March 2023

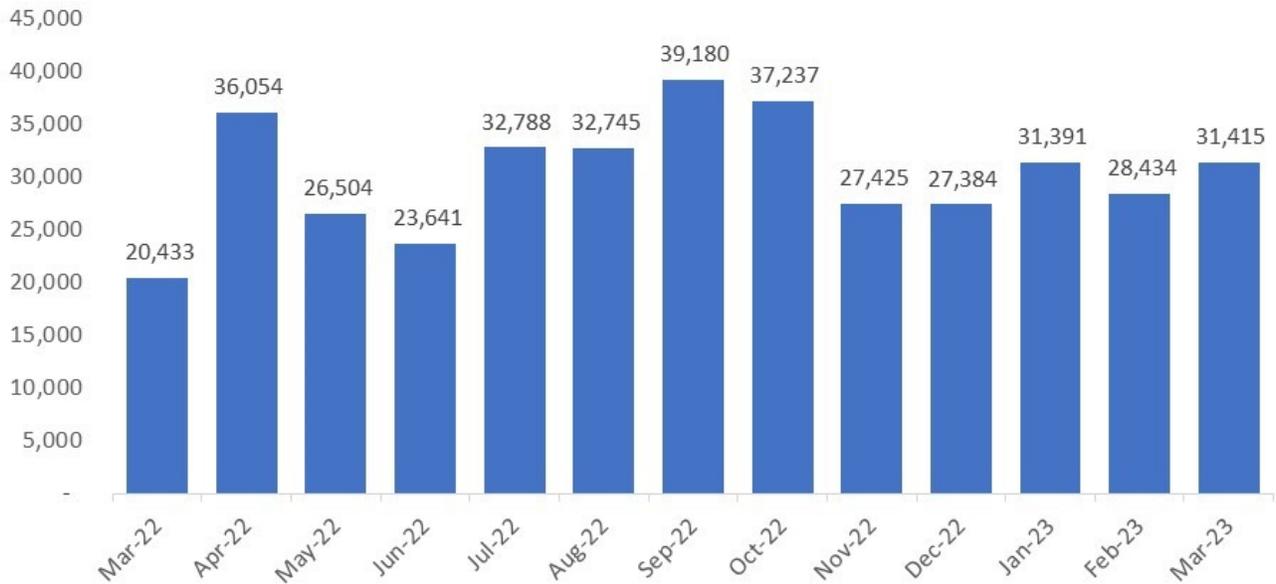
Prepared by:



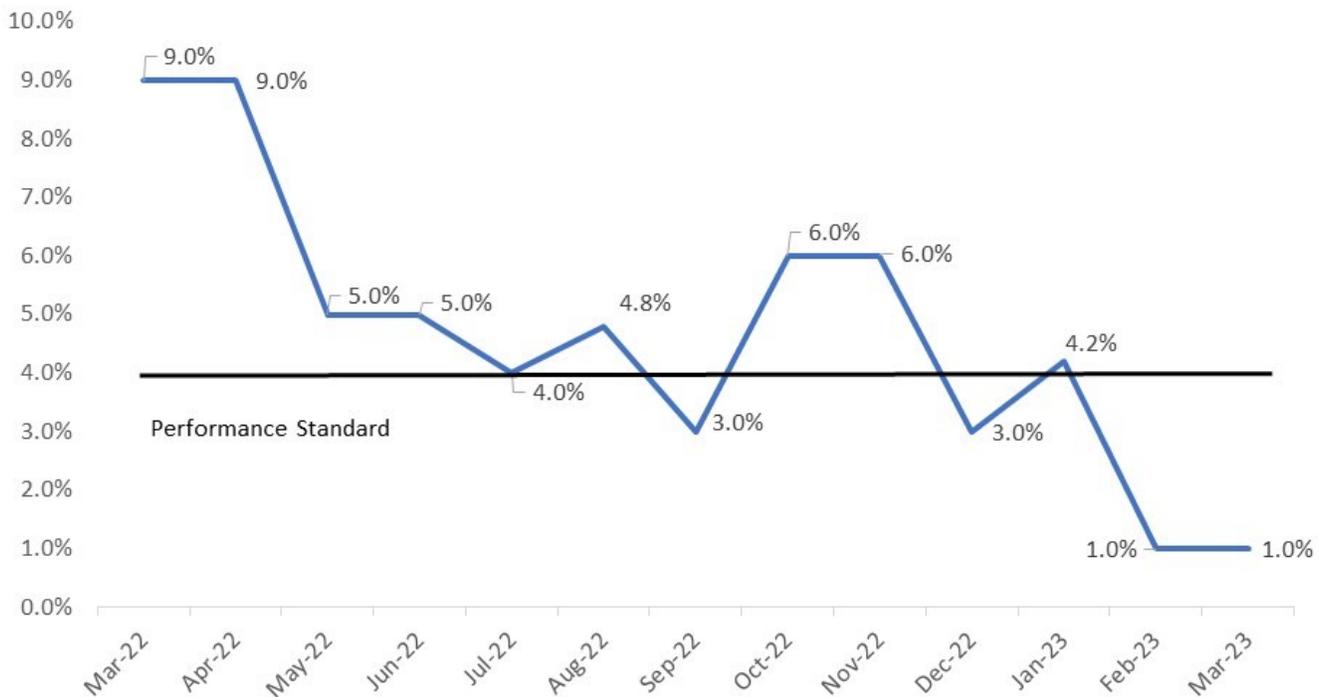
Kirk Avila
General Manager,
Express Lanes Programs
(714) 560-5674

**91 Express Lanes
Key Performance Measures
March 2023**

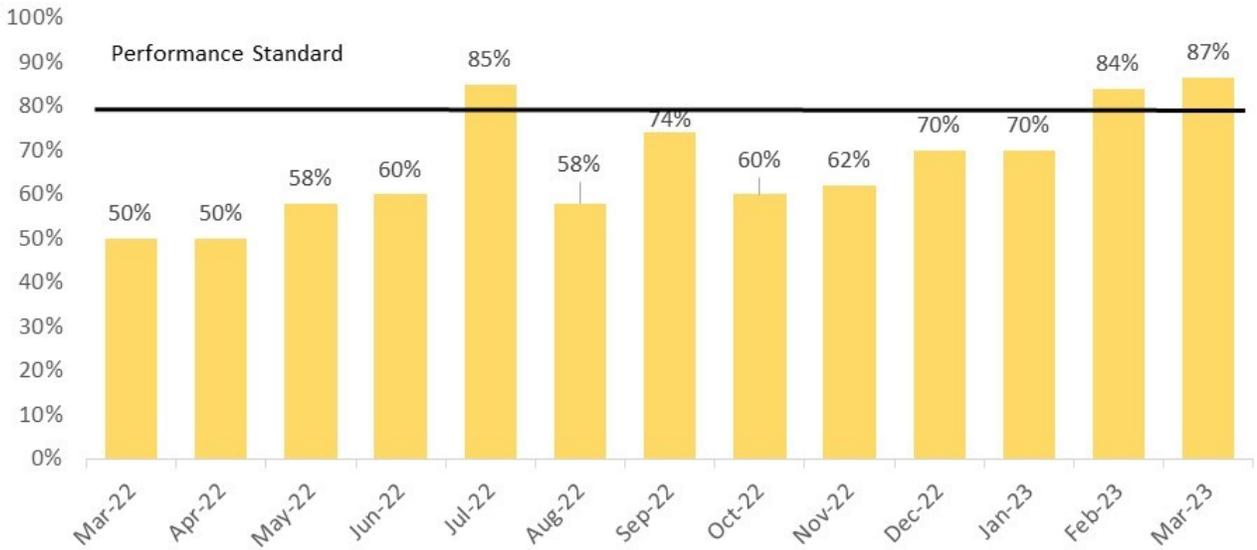
**Customer Service Center
Number of Monthly Calls**



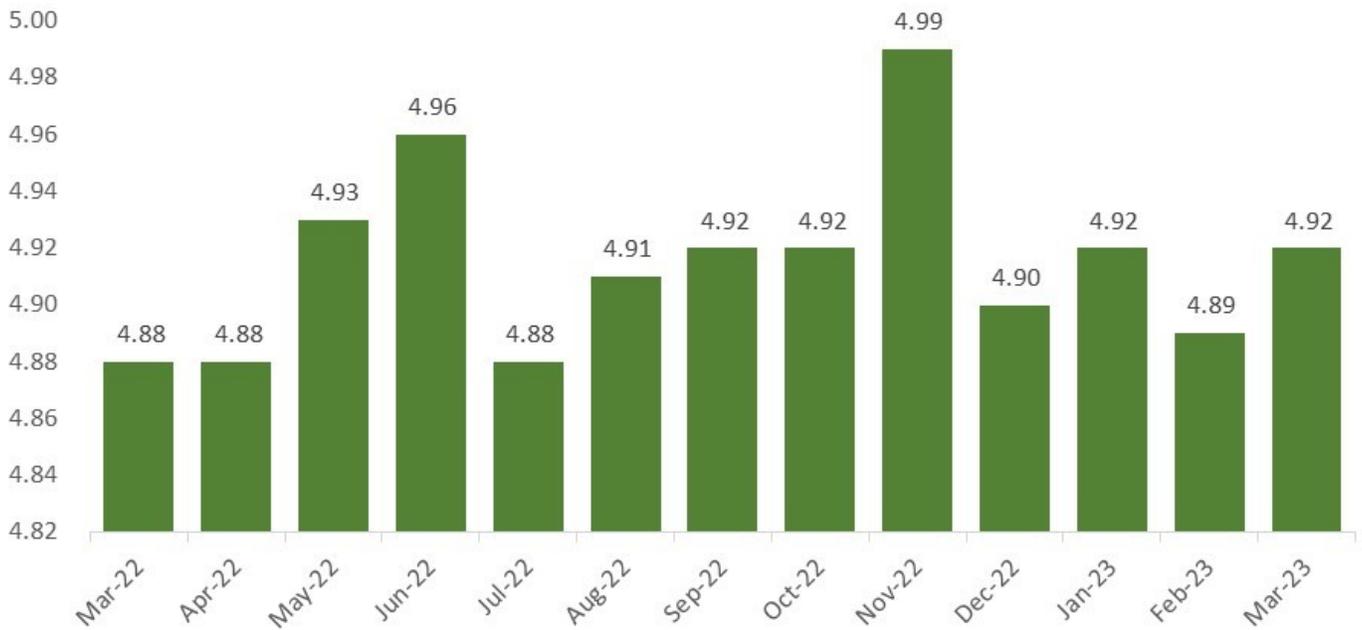
Abandon Rate



Call Wait Times Answered Within 60 Seconds



Customer Satisfaction Monthly Scores (Out of 5)





**Orange County Transportation Authority
Riverside County Transportation Commission**



Status Report
March 2023

As of March 31, 2023

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OPERATIONS OVERVIEW OCTA

TRAFFIC AND REVENUE STATISTICS FOR OCTA

Total traffic volume on the 91 Express Lanes (91 EL) for March 2023 was 1,703,261. This represents a daily average of 54,944 vehicles. This is a 0.7 percent increase in total traffic volume from the same period last year, which totaled 1,690,829. Potential toll revenue for March was \$5,486,531, which represents an increase of 3.9 percent from the prior year’s total of \$5,281,955. Carpool percentage for March was 22.7 percent as compared to the previous year’s rate of 22.4 percent.

Month-to-date (MTD) traffic and revenue data is summarized in the table below. The following trip and revenue statistics tables represent all trips taken on the Orange County Transportation Authority (OCTA) 91 EL and associated potential revenue for the month of March 2023.

Current MTD as of March 31, 2023

	MAR-23 MTD Actual	MAR-22 MTD Actual	Yr-to-Yr % Variance
Trips			
Full Toll Lanes	1,316,675	1,312,379	0.3%
3+ Lanes	386,586	378,450	2.1%
Total Gross Trips	1,703,261	1,690,829	0.7%
Revenue			
Full Toll Lanes	\$5,421,934	\$5,218,400	3.9%
3+ Lanes	\$64,597	\$63,555	1.6%
Total Gross Revenue	\$5,486,531	\$5,281,955	3.9%
Average Revenue per Trip			
Average Full Toll Lanes	\$4.12	\$3.98	3.5%
Average 3+ Lanes	\$0.17	\$0.17	0.0%
Average Gross Revenue	\$3.22	\$3.12	3.2%



The 2023 fiscal year-to-date (YTD) traffic volume decreased by 2.1 percent, and potential toll revenue increased by 0.7 percent when compared with the same period the prior year. YTD average revenue per trip is \$3.18.

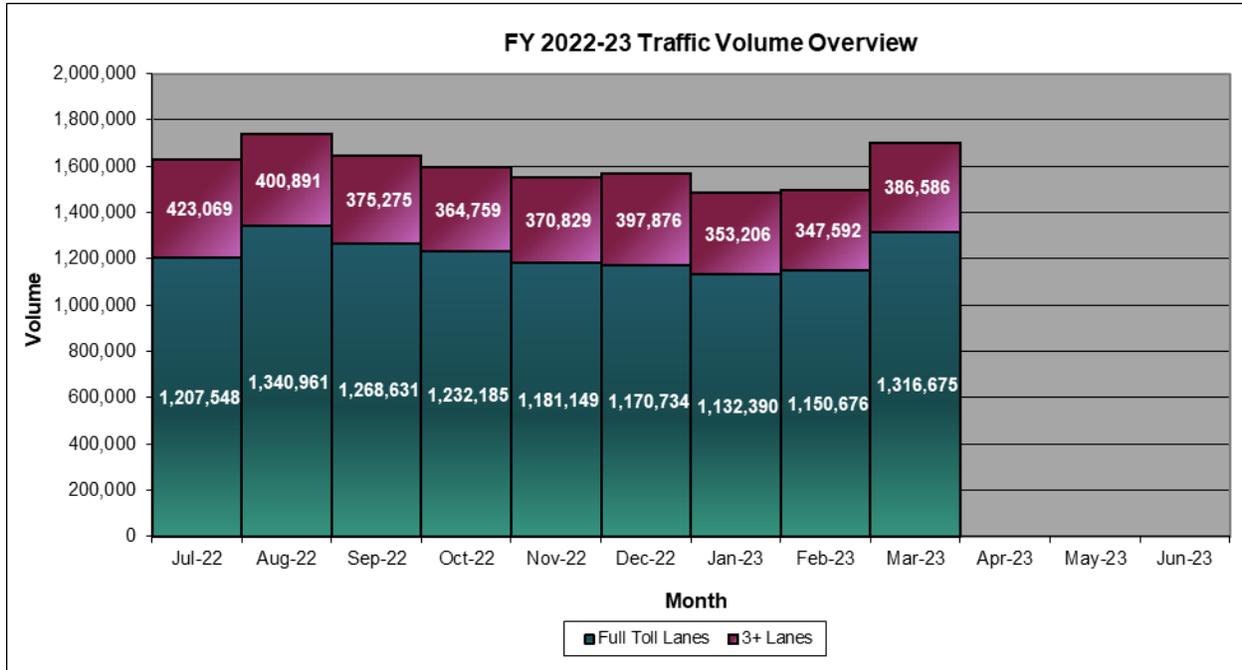
Fiscal YTD traffic and revenue data are summarized in the table below. The following trip and revenue statistics tables represent all trips taken on the OCTA 91 EL and associated potential revenue for the months of July 2022 through March 2023.

Fiscal Year (FY) 2022-23 YTD as of March 31, 2023

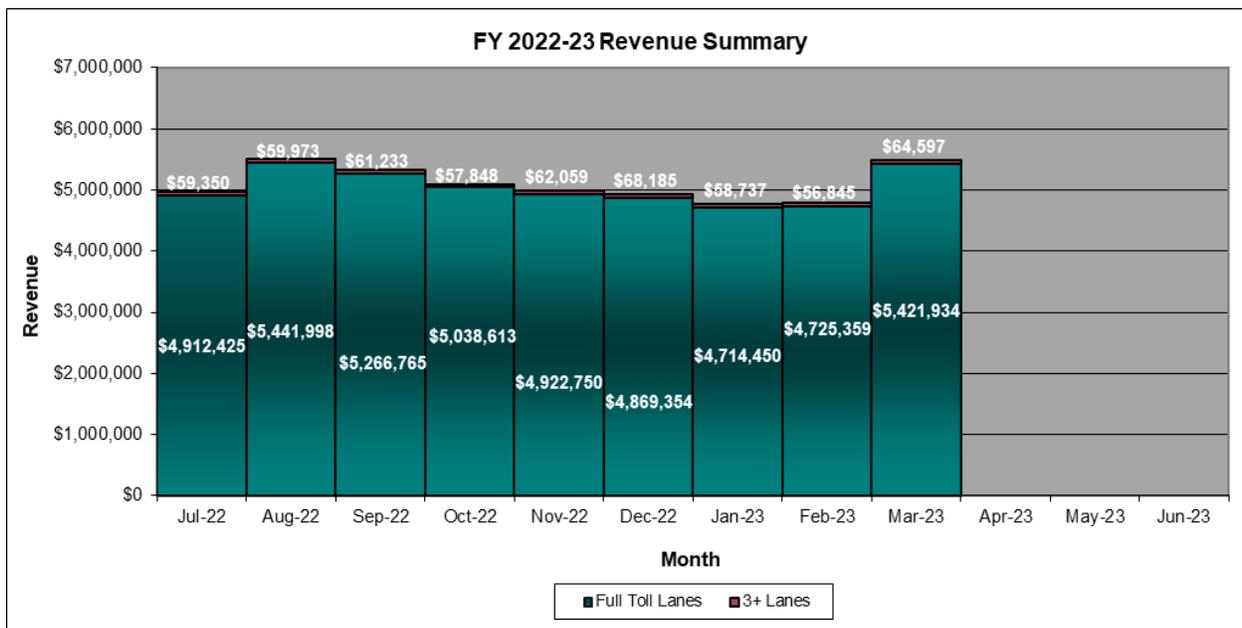
Trips	FY 2022-23 YTD Actual (7/2022-3/2023)	FY 2021-22 YTD Actual (7/2021-3/2022)	Yr-to-Yr % Variance
Full Toll Lanes	11,000,949	11,348,338	(3.1%)
3+ Lanes	3,420,083	3,374,613	1.3%
Total Gross Trips	14,421,032	14,722,951	(2.1%)
Revenue			
Full Toll Lanes	\$45,313,648	\$45,057,881	0.6%
3+ Lanes	\$548,826	\$469,372	16.9%
Total Gross Revenue	\$45,862,474	\$45,527,254	0.7%
Average Revenue per Trip			
Average Full Toll Lanes	\$4.12	\$3.97	3.8%
Average 3+ Lanes	\$0.16	\$0.14	14.3%
Average Gross Revenue	\$3.18	\$3.09	2.9%

OCTA Traffic and Revenue Summary

The chart below reflects the total trips breakdown between full toll trips and high-occupancy vehicle (HOV3+) trips for FY 2022-23 on a monthly basis.



The chart below reflects the gross potential revenue breakdown between full toll trips and HOV3+ trips for FY 2022-23 on a monthly basis.



OCTA PEAK-HOUR VOLUMES

Peak-hour traffic in the eastbound and westbound directions reached or exceeded 90 percent of defined capacity 13 times during the month of March 2023. As demonstrated on the next chart, westbound peak-hour traffic volumes top out at 92 percent of defined capacity.

OCTA EASTBOUND PEAK-HOUR VOLUMES

EASTBOUND WEEKDAY PEAK VOLUME:

PM Time	Monday 02/27/23				Tuesday 02/28/23				Wednesday 03/01/23				Thursday 03/02/23				Friday 03/03/23			
	Price	HOV	Vol.	Cap.	Price	HOV	Vol.	Cap.	Price	HOV	Vol.	Cap.	Price	HOV	Vol.	Cap.	Price	HOV	Vol.	Cap.
1400 - 1500									\$5.30	414	2,979	88%	\$7.70	434	2,920	86%	\$8.60	445	2,687	79%
1500 - 1600									\$7.45	381	2,342	69%	\$7.45	471	2,900	85%	\$8.15	444	2,654	78%
1600 - 1700									\$6.50	438	2,941	87%	\$7.00	423	2,885	85%	\$6.95	392	2,227	66%
1700 - 1800									\$5.40	475	2,967	87%	\$6.70	389	2,504	74%	\$6.95	381	1,995	59%
1800 - 1900									\$4.05	455	2,061	61%	\$4.50	505	2,581	76%	\$6.95	535	2,382	70%
1900 - 2000									\$3.95	445	1,745	51%	\$5.75	613	2,606	77%	\$6.45	681	2,613	77%

PM Time	Monday 03/06/23				Tuesday 03/07/23				Wednesday 03/08/23				Thursday 03/09/23				Friday 03/10/23			
	Price	HOV	Vol.	Cap.	Price	HOV	Vol.	Cap.	Price	HOV	Vol.	Cap.	Price	HOV	Vol.	Cap.	Price	HOV	Vol.	Cap.
1400 - 1500	\$5.30	459	2,873	85%	\$5.30	441	2,962	87%	\$5.30	442	2,855	84%	\$7.70	480	2,997	88%	\$8.60	468	2,513	74%
1500 - 1600	\$5.65	478	3,087	91%	\$5.75	425	2,401	71%	\$7.45	492	2,885	85%	\$7.45	476	2,942	87%	\$8.15	527	2,702	79%
1600 - 1700	\$5.10	444	2,892	85%	\$5.25	405	2,828	83%	\$6.50	382	2,478	73%	\$7.00	457	2,891	85%	\$6.95	531	2,602	77%
1700 - 1800	\$4.95	480	3,038	89%	\$4.90	336	1,655	49%	\$5.40	182	990	29%	\$6.70	437	2,940	86%	\$6.95	517	2,539	75%
1800 - 1900	\$5.65	594	2,664	78%	\$4.05	574	2,798	82%	\$4.05	561	2,901	85%	\$4.50	603	2,822	83%	\$6.95	607	2,489	73%
1900 - 2000	\$3.95	408	1,543	45%	\$3.95	671	2,855	84%	\$3.95	698	2,769	81%	\$5.75	687	2,831	83%	\$6.45	546	1,918	56%

PM Time	Monday 03/13/23				Tuesday 03/14/23				Wednesday 03/15/23				Thursday 03/16/23				Friday 03/17/23			
	Price	HOV	Vol.	Cap.	Price	HOV	Vol.	Cap.	Price	HOV	Vol.	Cap.	Price	HOV	Vol.	Cap.	Price	HOV	Vol.	Cap.
1400 - 1500	\$5.30	374	2,625	77%	\$5.30	377	2,607	77%	\$5.30	387	2,749	81%	\$7.70	471	2,832	83%	\$8.60	462	2,891	85%
1500 - 1600	\$5.65	470	2,885	85%	\$5.75	435	2,683	79%	\$7.45	448	2,732	80%	\$7.45	503	3,041	89%	\$8.15	498	2,933	86%
1600 - 1700	\$5.10	445	3,031	89%	\$5.25	430	2,609	77%	\$6.50	422	2,896	85%	\$7.00	487	2,987	88%	\$6.95	538	2,877	85%
1700 - 1800	\$4.95	465	2,900	85%	\$4.90	467	2,736	80%	\$5.40	488	2,858	84%	\$6.70	479	2,940	86%	\$6.95	535	2,972	87%
1800 - 1900	\$5.65	562	2,842	84%	\$4.05	520	2,529	74%	\$4.05	470	2,340	69%	\$4.50	553	2,923	86%	\$6.95	631	2,709	80%
1900 - 2000	\$3.95	436	1,681	49%	\$3.95	537	2,184	64%	\$3.95	367	1,459	43%	\$5.75	578	2,545	75%	\$6.45	533	1,975	58%

PM Time	Monday 03/20/23				Tuesday 03/21/23				Wednesday 03/22/23				Thursday 03/23/23				Friday 03/24/23			
	Price	HOV	Vol.	Cap.	Price	HOV	Vol.	Cap.	Price	HOV	Vol.	Cap.	Price	HOV	Vol.	Cap.	Price	HOV	Vol.	Cap.
1400 - 1500	\$5.30	385	2,401	71%	\$5.30	377	2,378	70%	\$5.30	452	2,736	80%	\$7.70	511	2,978	88%	\$8.60	545	2,982	88%
1500 - 1600	\$5.65	517	3,230	95%	\$5.75	441	2,582	76%	\$7.45	434	2,934	86%	\$7.45	471	2,881	85%	\$8.15	575	3,067	90%
1600 - 1700	\$5.10	442	3,003	88%	\$5.25	416	2,582	76%	\$6.50	450	2,868	84%	\$7.00	426	2,732	80%	\$6.95	523	2,823	83%
1700 - 1800	\$4.95	557	3,050	90%	\$4.90	454	2,422	71%	\$5.40	490	2,874	85%	\$6.70	474	2,821	83%	\$6.95	528	2,932	86%
1800 - 1900	\$5.65	433	1,924	57%	\$4.05	554	2,383	70%	\$4.05	566	2,756	81%	\$4.50	585	2,894	85%	\$6.95	444	1,980	58%
1900 - 2000	\$3.95	405	1,385	41%	\$3.95	349	1,333	39%	\$3.95	390	1,613	47%	\$5.75	654	2,775	82%	\$6.45	40	114	3%

PM Time	Monday 03/27/23				Tuesday 03/28/23				Wednesday 03/29/23				Thursday 03/30/23				Friday 03/31/23			
	Price	HOV	Vol.	Cap.	Price	HOV	Vol.	Cap.	Price	HOV	Vol.	Cap.	Price	HOV	Vol.	Cap.	Price	HOV	Vol.	Cap.
1400 - 1500	\$5.30	465	2,684	79%	\$5.30	466	2,816	83%	\$5.30	411	2,461	72%	\$7.70	459	2,916	86%	\$8.60	514	2,808	83%
1500 - 1600	\$5.65	470	2,887	85%	\$5.75	238	1,254	37%	\$7.45	448	2,987	88%	\$7.45	487	3,011	89%	\$8.15	514	2,914	86%
1600 - 1700	\$5.10	468	2,919	86%	\$5.25	445	2,931	86%	\$6.50	442	2,811	83%	\$7.00	504	2,978	88%	\$6.95	500	2,926	86%
1700 - 1800	\$4.95	447	2,892	85%	\$4.90	464	2,765	81%	\$5.40	456	2,817	83%	\$6.70	413	2,722	80%	\$6.95	506	2,832	83%
1800 - 1900	\$5.65	589	2,724	80%	\$4.05	481	2,481	73%	\$4.05	444	2,145	63%	\$4.50	543	2,685	79%	\$6.95	666	2,777	82%
1900 - 2000	\$3.95	430	1,638	48%	\$3.95	533	2,240	66%	\$3.95	405	1,528	45%	\$5.75	440	1,690	50%	\$6.45	589	2,046	60%

OCTA WESTBOUND PEAK-HOUR VOLUMES

WESTBOUND WEEKDAY PEAK VOLUME:

AM Time	Monday 02/27/23				Tuesday 02/28/23				Wednesday 03/01/23				Thursday 03/02/23				Friday 03/03/23			
	Price	HOV	Vol.	Cap.	Price	HOV	Vol.	Cap.	Price	HOV	Vol.	Cap.	Price	HOV	Vol.	Cap.	Price	HOV	Vol.	Cap.
0400 - 0500									\$3.15	394	1,138	33%	\$3.15	421	1,136	33%	\$3.25	384	1,043	31%
0500 - 0600									\$5.10	714	2,314	68%	\$5.10	741	2,590	76%	\$5.00	580	2,112	62%
0600 - 0700									\$5.30	646	3,021	89%	\$5.30	653	2,993	88%	\$5.25	599	2,667	78%
0700 - 0800									\$5.80	570	2,777	82%	\$5.80	653	2,940	86%	\$5.80	561	2,473	73%
0800 - 0900									\$5.30	288	2,233	66%	\$5.30	277	2,380	70%	\$5.25	259	2,028	60%
0900 - 1000									\$4.20	217	1,922	57%	\$4.20	343	2,745	81%	\$4.35	325	2,102	62%

AM Time	Monday 03/06/23				Tuesday 03/07/23				Wednesday 03/08/23				Thursday 03/09/23				Friday 03/10/23			
	Price	HOV	Vol.	Cap.	Price	HOV	Vol.	Cap.	Price	HOV	Vol.	Cap.	Price	HOV	Vol.	Cap.	Price	HOV	Vol.	Cap.
0400 - 0500	\$3.15	431	1,225	36%	\$3.15	427	1,164	34%	\$3.15	430	1,193	35%	\$3.15	448	1,246	37%	\$3.25	329	967	28%
0500 - 0600	\$5.10	685	2,558	75%	\$5.10	787	2,748	81%	\$5.10	772	2,757	81%	\$5.10	786	2,729	80%	\$5.00	554	1,956	58%
0600 - 0700	\$5.30	623	3,059	90%	\$5.30	674	3,083	91%	\$5.30	667	3,097	91%	\$5.30	690	3,125	92%	\$5.25	506	2,305	68%
0700 - 0800	\$5.80	542	2,714	80%	\$5.80	629	2,971	87%	\$5.80	647	3,091	91%	\$5.80	634	3,003	88%	\$5.80	515	2,441	72%
0800 - 0900	\$5.30	348	2,454	72%	\$5.30	350	2,827	83%	\$5.30	361	2,702	79%	\$5.30	345	2,589	76%	\$5.25	311	2,092	62%
0900 - 1000	\$4.20	304	2,548	75%	\$4.20	306	2,595	76%	\$4.20	337	2,499	74%	\$4.20	323	2,442	72%	\$4.35	340	2,021	59%

AM Time	Monday 03/13/23				Tuesday 03/14/23				Wednesday 03/15/23				Thursday 03/16/23				Friday 03/17/23			
	Price	HOV	Vol.	Cap.	Price	HOV	Vol.	Cap.	Price	HOV	Vol.	Cap.	Price	HOV	Vol.	Cap.	Price	HOV	Vol.	Cap.
0400 - 0500	\$3.15	393	1,149	34%	\$3.15	389	1,084	32%	\$3.15	364	1,016	30%	\$3.15	434	1,238	36%	\$3.25	351	980	29%
0500 - 0600	\$5.10	735	2,597	76%	\$5.10	755	2,454	72%	\$5.10	691	2,241	66%	\$5.10	770	2,813	83%	\$5.00	635	2,292	67%
0600 - 0700	\$5.30	688	2,883	85%	\$5.30	651	2,773	82%	\$5.30	684	2,823	83%	\$5.30	716	3,087	91%	\$5.25	629	2,644	78%
0700 - 0800	\$5.80	608	2,805	83%	\$5.80	507	2,580	76%	\$5.80	601	2,806	83%	\$5.80	671	3,085	91%	\$5.80	585	2,558	75%
0800 - 0900	\$5.30	321	2,484	73%	\$5.30	297	2,199	65%	\$5.30	281	2,466	73%	\$5.30	374	2,713	80%	\$5.25	290	2,135	63%
0900 - 1000	\$4.20	302	2,214	65%	\$4.20	243	1,988	58%	\$4.20	289	2,202	65%	\$4.20	329	2,424	71%	\$4.35	348	2,471	73%

AM Time	Monday 03/20/23				Tuesday 03/21/23				Wednesday 03/22/23				Thursday 03/23/23				Friday 03/24/23			
	Price	HOV	Vol.	Cap.	Price	HOV	Vol.	Cap.	Price	HOV	Vol.	Cap.	Price	HOV	Vol.	Cap.	Price	HOV	Vol.	Cap.
0400 - 0500	\$3.15	445	1,206	35%	\$3.15	533	2,036	60%	\$3.15	436	1,196	35%	\$3.15	440	1,203	35%	\$3.25	356	988	29%
0500 - 0600	\$5.10	776	2,616	77%	\$5.10	656	2,348	69%	\$5.10	734	2,558	75%	\$5.10	801	2,745	81%	\$5.00	635	2,253	66%
0600 - 0700	\$5.30	657	2,876	85%	\$5.30	529	2,300	68%	\$5.30	688	2,828	83%	\$5.30	695	3,127	92%	\$5.25	638	2,634	77%
0700 - 0800	\$5.80	687	2,981	88%	\$5.80	508	2,021	59%	\$5.80	557	2,691	79%	\$5.80	648	3,003	88%	\$5.80	570	2,524	74%
0800 - 0900	\$5.30	372	2,624	77%	\$5.30	413	2,595	76%	\$5.30	336	2,463	72%	\$5.30	441	2,978	88%	\$5.25	338	2,069	61%
0900 - 1000	\$4.20	365	2,414	71%	\$4.20	376	2,676	79%	\$4.20	309	2,161	64%	\$4.20	441	2,698	79%	\$4.35	395	2,095	62%

AM Time	Monday 03/27/23				Tuesday 03/28/23				Wednesday 03/29/23				Thursday 03/30/23				Friday 03/31/23			
	Price	HOV	Vol.	Cap.	Price	HOV	Vol.	Cap.	Price	HOV	Vol.	Cap.	Price	HOV	Vol.	Cap.	Price	HOV	Vol.	Cap.
0400 - 0500	\$3.15	388	1,133	33%	\$3.15	444	1,225	36%	\$3.15	394	1,092	32%	\$3.15	433	1,186	35%	\$3.25	327	937	28%
0500 - 0600	\$5.10	697	2,579	76%	\$5.10	801	2,752	81%	\$5.10	745	2,482	73%	\$5.10	716	2,372	70%	\$5.00	607	2,081	61%
0600 - 0700	\$5.30	676	2,964	87%	\$5.30	686	3,106	91%	\$5.30	628	2,719	80%	\$5.30	675	2,872	84%	\$5.25	580	2,568	76%
0700 - 0800	\$5.80	606	2,797	82%	\$5.80	625	2,887	85%	\$5.80	513	2,408	71%	\$5.80	585	2,647	78%	\$5.80	491	2,282	67%
0800 - 0900	\$5.30	371	2,410	71%	\$5.30	434	2,523	74%	\$5.30	392	2,379	70%	\$5.30	356	2,323	68%	\$5.25	329	2,003	59%
0900 - 1000	\$4.20	378	2,175	64%	\$4.20	463	2,758	81%	\$4.20	356	2,339	69%	\$4.20	331	2,279	67%	\$4.35	406	2,090	61%



OCTA OPERATIONAL HIGHLIGHTS

On-Road Operations

OCTA Freeway Service Patrol responded to 80 calls during the month of March. Of those calls, 33 were to assist disabled vehicles, two were to remove debris, 20 were to tow vehicles, and 25 were to aid motorists in the 91 EL.

FINANCIAL HIGHLIGHTS OCTA

91 Express Lanes Operating Statement

Description	YTD as of : 3/31/2023		YTD Variance	
	Actual ⁽¹⁾	Budget ⁽¹⁾	Dollar \$	Percent (%)
Operating revenues:				
Toll Revenue	\$ 41,904,325.88	\$ 38,053,494.00	\$ 3,850,831.88	10.1
Fee Revenue	4,965,881.98	2,898,756.00	2,067,125.98	71.3
Total operating revenues	46,870,207.86	40,952,250.00	5,917,957.86	14.5
Operating expenses:				
Contracted Services	4,064,328.27	5,708,784.00	1,644,455.73	28.8
Administrative Fee	2,227,594.00	2,693,619.00	466,025.00	17.3
Other Professional Services	1,066,374.03	3,336,412.00	2,270,037.97	68.0
Credit Card Processing Fees	1,167,196.25	993,753.00	(173,443.25)	(17.5)
Toll Road Account Servicing	94,086.58	649,997.00	555,910.42	85.5
Other Insurance Expense	428,776.62	762,497.00	333,720.38	43.8
Toll Road Maintenance Supply Repairs	515,314.50	303,750.00	(211,564.50)	(69.7)
Patrol Services	739,212.48	825,003.00	85,790.52	10.4
Building Equipment Repairs and Maint	452,610.72	655,119.00	202,508.28	30.9
6C Transponders	-	56,250.00	56,250.00	100.0
Other Service	-	587,250.00	587,250.00	100.0
Utilities	60,185.93	33,750.00	(26,435.93)	(78.3)
Office Expense	(88,381.20)	585,378.00	673,759.20	115.1
Bad Debt Expense	601.68	-	(601.68)	N/A
Miscellaneous ⁽²⁾	46,070.96	114,867.00	68,796.04	59.9
Leases	363,444.72	401,247.00	37,802.28	9.4
Total operating expenses	11,137,415.54	17,707,676.00	6,570,260.46	37.1
Depreciation and Amortization ⁽³⁾	3,394,461.60	-	(3,394,461.60)	N/A
Operating income (loss)	32,338,330.72	23,244,574.00	9,093,756.72	39.1
Nonoperating revenues (expenses):				
Reimbursement from Other Agencies	77,339.30	200,000.00	(122,660.70)	(61.3)
Interest Income	2,157,991.70	1,411,317.00	746,674.70	52.9
Interest Expense	(2,705,306.02)	(2,774,772.00)	69,465.98	2.5
Other	-	-	-	N/A
Total nonoperating revenues (expenses)	(469,975.02)	(1,163,455.00)	693,479.98	59.6
Transfers In	-	-	-	N/A
Transfers Out ⁽⁴⁾	(5,331,676.15)	-	(5,331,676.15)	N/A
Net income (loss)	\$ 26,536,679.55	\$ 22,081,119.00	\$ 4,455,560.55	20.2

¹Actual amounts are accounted for on the accrual basis of accounting in an enterprise fund. Budget amounts are accounted for on a modified accrual basis of accounting.

²Miscellaneous expenses include: Bond Insurance Costs, Bank Service Charge, Transponder Materials.

³Depreciation and amortization are not budgeted items.

⁴Transfers Out: For M2 Project I and Project J expense reimbursements.

Capital Asset Activity

During the nine months ending March 31, 2023, capital asset activities included payments of \$835,718 attributed to the Electronic Toll and Traffic Management system project and \$297,339 attributed to the back-office system implementation project.

OPERATIONS OVERVIEW

RIVERSIDE COUNTY

TRANSPORTATION COMMITTEE

(RCTC)

TRAFFIC AND REVENUE STATISTICS FOR RCTC

Total traffic volume on the 91 EL for March 2023 was 1,448,513. This represents a daily average of 46,726 vehicles. This is a one percent increase in total traffic volume from the same period last year which totaled 1,434,558. Potential toll revenue for March was \$6,102,946 which represents an increase of 9.5 percent from the prior year's total of \$5,574,910. Carpool percentage for March was 22.3 percent as compared to the previous year's rate of 21.2 percent.

MTD traffic and revenue data is summarized in the table below. The following trip and revenue statistics tables represent all trips taken on the RCTC 91 EL and associated potential revenue for the month of March 2023.

Current MTD as of March 31, 2023

Trips	MAR-23 MTD Actual	Stantec MTD Projected	# Variance	% Variance	MAR-22 MTD Actual	Yr-to-Yr % Variance
Full Toll Lanes	1,126,110	958,000	168,110	17.5%	1,130,326	(0.4%)
3+ Lanes	322,403	353,714	(31,311)	(8.9%)	304,232	6.0%
Total Gross Trips	1,448,513	1,311,714	136,799	10.4%	1,434,558	1.0%
Revenue						
Full Toll Lanes	\$6,049,623	\$4,594,429	\$1,455,195	31.7%	\$5,529,578	9.4%
3+ Lanes	\$53,322	\$0	\$53,322		\$45,331	17.6%
Total Gross Revenue	\$6,102,946	\$4,594,429	\$1,508,517	32.8%	\$5,574,910	9.5%
Average Revenue per Trip						
Average Full Toll Lanes	\$5.37	\$4.80	\$0.57	11.9%	\$4.89	9.8%
Average 3+ Lanes	\$0.17	\$0.00	\$0.17		\$0.15	13.3%
Average Gross Revenue	\$4.21	\$3.50	\$0.71	20.3%	\$3.89	8.2%

The 2023 fiscal YTD traffic volume decreased by 3.1 percent, and potential toll revenue increased by 4.5 percent when compared with the same period the prior year. YTD average revenue per trip is \$4.04.

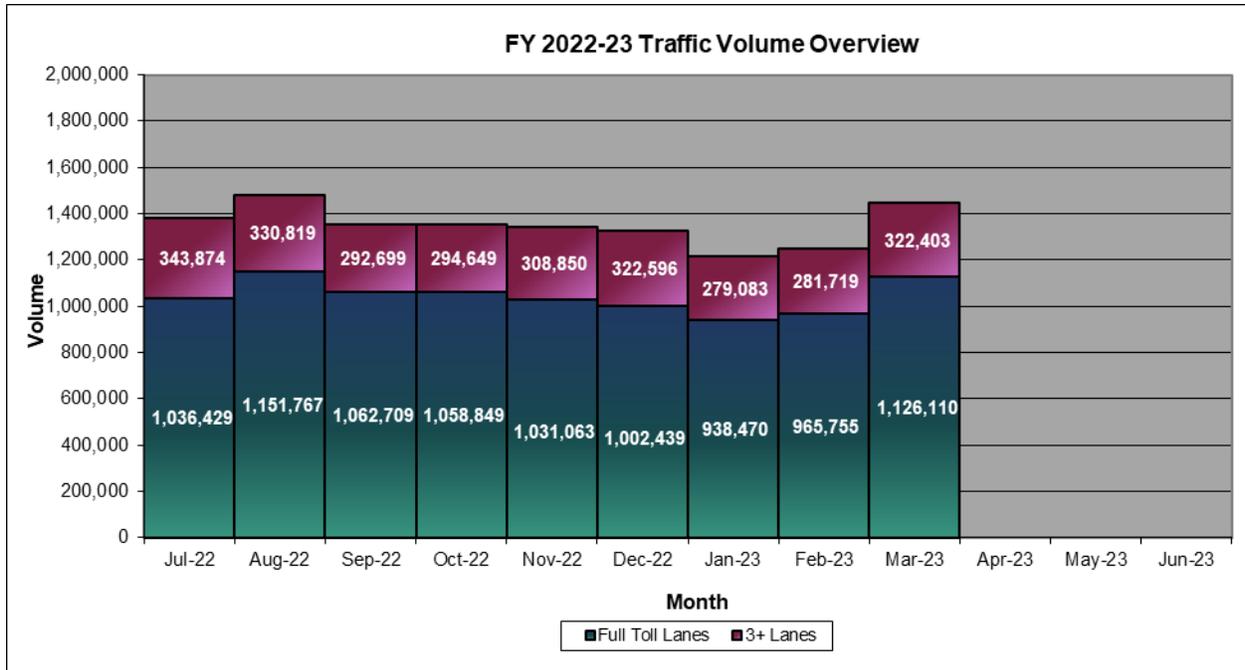
Fiscal YTD traffic and revenue data are summarized in the table below. The following trip and revenue statistics tables represent all trips taken on the RCTC 91 EL and associated potential revenue for the months of July 2022 through March 2023.

FY 2022-23 YTD as of March 31, 2023

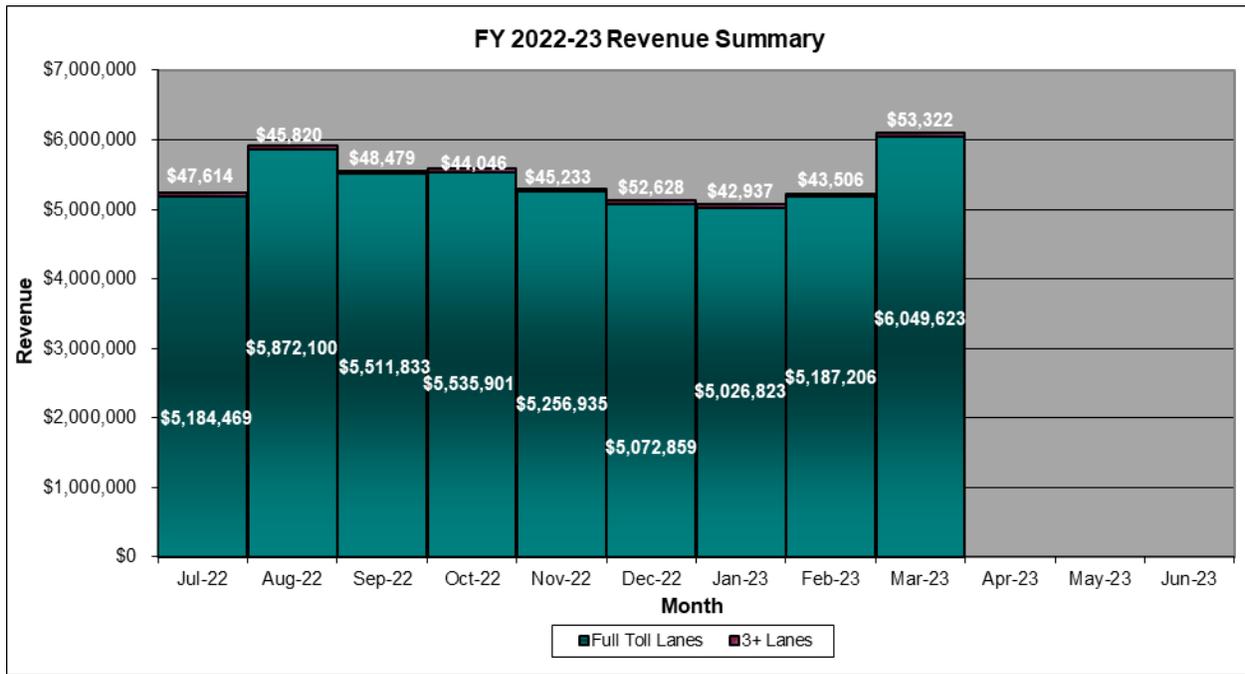
Trips	FY 2022-23 YTD Actual (7/2022-3/2023)	Stantec YTD Projected	# Variance	% Variance	FY 2021-22 YTD Actual (7/2021-3/2022)	Yr-to-Yr % Variance
Full Toll Lanes	9,373,591	8,162,600	1,210,991	14.8%	9,845,857	(4.8%)
3+ Lanes	2,776,692	2,969,286	(192,594)	(6.5%)	2,689,818	3.2%
Total Gross Trips	12,150,283	11,131,886	1,018,397	9.1%	12,535,675	(3.1%)
Revenue						
Full Toll Lanes	\$48,697,748	\$38,997,514	\$9,700,234	24.9%	\$46,624,847	4.4%
3+ Lanes	\$423,587	\$0	\$423,587		\$368,297	15.0%
Total Gross Revenue	\$49,121,335	\$38,997,514	\$10,123,821	26.0%	\$46,993,144	4.5%
Average Revenue per Trip						
Average Full Toll Lanes	\$5.20	\$4.78	\$0.42	8.8%	\$4.74	9.7%
Average 3+ Lanes	\$0.15	\$0.00	\$0.15		\$0.14	7.1%
Average Gross Revenue	\$4.04	\$3.50	\$0.54	15.4%	\$3.75	7.7%

RCTC Traffic and Revenue Summary

The chart below reflects the total trips broken down between full toll lanes and HOV3+ lanes for FY 2022-23 on a monthly basis.



The chart below reflects the gross potential revenue breakdown between full toll lanes and HOV3+ lanes for FY 2022-23 on a monthly basis.



RCTC PEAK-HOUR VOLUMES

In March no toll rates were adjusted. RCTC evaluates traffic volumes for peak-period hours and adjusts rates according to the toll rate policy.

RCTC EASTBOUND PEAK-HOUR VOLUMES

Eastbound PM Peak - County Line to McKinley

PM Time	Monday 02/27/23					Tuesday 02/28/23					Wednesday 03/01/23					Thursday 03/02/23					Friday 03/03/23				
	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS
1400 - 1500											\$10.65	224	1066	1,290	E	\$13.85	210	1,044	1,254	E	\$27.90	281	1,046	1,327	F
1500 - 1600											\$13.40	209	751	960	C	\$17.30	262	946	1,208	E	\$27.60	267	962	1,229	E
1600 - 1700											\$5.65	204	929	1,133	D	\$8.05	211	1,064	1,275	E	\$16.25	225	855	1,080	D
1700 - 1800											\$5.65	217	891	1,108	D	\$5.65	219	944	1,163	D	\$7.35	206	592	798	B
1800 - 1900											\$5.65	212	654	866	C	\$5.65	226	870	1,096	D	\$5.65	218	639	857	C
1900 - 2000											\$4.45	184	496	680	B	\$5.65	272	900	1,172	D	\$4.45	327	870	1,197	D

PM Time	Monday 03/06/23					Tuesday 03/07/23					Wednesday 03/08/23					Thursday 03/09/23					Friday 03/10/23				
	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS
1400 - 1500	\$7.35	205	952	1,157	D	\$7.35	197	1,037	1,234	E	\$10.65	229	1,005	1,234	E	\$13.85	227	1,173	1,400	F	\$27.90	231	906	1,137	D
1500 - 1600	\$8.05	240	983	1,223	E	\$10.20	231	902	1,133	D	\$13.40	264	954	1,218	E	\$17.30	272	942	1,214	E	\$27.60	308	813	1,121	D
1600 - 1700	\$5.65	220	994	1,214	E	\$5.65	203	1,061	1,264	E	\$5.65	219	978	1,197	D	\$8.05	215	1,116	1,331	F	\$16.25	263	841	1,104	D
1700 - 1800	\$5.65	204	943	1,147	D	\$5.65	172	730	902	C	\$5.65	101	566	667	B	\$5.65	246	1,041	1,287	E	\$7.35	271	838	1,109	D
1800 - 1900	\$5.65	274	834	1,108	D	\$5.65	246	876	1,122	D	\$5.65	335	1,064	1,399	F	\$5.65	291	950	1,241	E	\$5.65	288	906	1,194	D
1900 - 2000	\$2.40	199	481	680	B	\$4.45	316	823	1,139	D	\$4.45	284	807	1,091	D	\$5.65	308	928	1,236	E	\$4.45	249	685	934	C

PM Time	Monday 03/13/23					Tuesday 03/14/23					Wednesday 03/15/23					Thursday 03/16/23					Friday 03/17/23				
	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS
1400 - 1500	\$7.35	202	1,056	1,258	E	\$7.35	206	929	1,135	D	\$10.65	173	914	1,087	D	\$13.85	246	1,091	1,337	F	\$27.90	265	1,042	1,307	F
1500 - 1600	\$8.05	253	968	1,221	E	\$10.20	228	818	1,046	D	\$13.40	184	840	1,024	D	\$17.30	267	1,027	1,294	E	\$27.60	321	1,015	1,336	F
1600 - 1700	\$5.65	195	1,021	1,216	E	\$5.65	216	864	1,080	D	\$5.65	217	899	1,116	D	\$8.05	287	1,096	1,383	F	\$16.25	304	1,012	1,316	F
1700 - 1800	\$5.65	220	940	1,160	D	\$5.65	225	851	1,076	D	\$5.65	211	807	1,018	D	\$5.65	247	1,037	1,284	E	\$7.35	268	1,039	1,307	F
1800 - 1900	\$5.65	278	924	1,202	E	\$5.65	243	839	1,082	D	\$5.65	198	695	893	C	\$5.65	287	984	1,271	E	\$5.65	290	982	1,272	E
1900 - 2000	\$2.40	174	529	703	B	\$4.45	249	684	933	C	\$4.45	154	370	524	B	\$5.65	262	753	1,015	D	\$4.45	247	683	930	C

PM Time	Monday 03/20/23					Tuesday 03/21/23					Wednesday 03/22/23					Thursday 03/23/23					Friday 03/24/23				
	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS
1400 - 1500	\$7.35	194	790	984	C	\$7.35	190	714	904	C	\$10.65	220	880	1,100	D	\$13.85	248	1,077	1,325	F	\$27.90	359	1,186	1,545	F
1500 - 1600	\$8.05	282	987	1,269	E	\$10.20	233	705	938	C	\$13.40	253	878	1,131	D	\$17.30	289	975	1,264	E	\$27.60	347	1,120	1,467	F
1600 - 1700	\$5.65	231	1,003	1,234	E	\$5.65	203	788	991	C	\$5.65	215	957	1,172	D	\$8.05	279	1,053	1,332	F	\$16.25	398	959	1,357	F
1700 - 1800	\$5.65	254	847	1,101	D	\$5.65	184	697	881	C	\$5.65	232	843	1,075	D	\$5.65	231	1,052	1,283	E	\$7.35	359	1,032	1,391	F
1800 - 1900	\$5.65	214	548	762	B	\$5.65	254	732	986	C	\$5.65	263	832	1,095	D	\$5.65	322	965	1,287	E	\$5.65	378	1,009	1,387	F
1900 - 2000	\$2.40	179	372	551	B	\$4.45	158	452	610	B	\$4.45	184	491	675	B	\$5.65	336	898	1,234	E	\$4.45	139	503	642	B

PM Time	Monday 03/27/23					Tuesday 03/28/23					Wednesday 03/29/23					Thursday 03/30/23					Friday 03/31/23				
	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS
1400 - 1500	\$7.35	207	891	1,098	D	\$7.35	254	1,008	1,262	E	\$10.65	196	769	965	C	\$13.85	253	1,103	1,356	F	\$27.90	286	1,102	1,388	F
1500 - 1600	\$8.05	243	977	1,220	E	\$10.20	173	594	767	B	\$13.40	229	906	1,135	D	\$17.30	280	890	1,170	D	\$27.60	334	1,093	1,427	F
1600 - 1700	\$5.65	239	997	1,236	E	\$5.65	284	1,204	1,488	F	\$5.65	201	875	1,076	D	\$8.05	237	989	1,226	E	\$16.25	271	1,067	1,338	F
1700 - 1800	\$5.65	245	985	1,230	E	\$5.65	239	1,000	1,239	E	\$5.65	214	831	1,045	D	\$5.65	212	871	1,083	D	\$7.35	300	1,015	1,315	F
1800 - 1900	\$5.65	265	803	1,068	D	\$5.65	234	834	1,068	D	\$5.65	191	599	790	B	\$5.65	257	847	1,104	D	\$5.65	347	1,014	1,361	F
1900 - 2000	\$2.40	209	510	719	B	\$4.45	252	754	1,006	D	\$4.45	175	416	591	B	\$5.65	199	471	670	B	\$4.45	309	700	1,009	D



Eastbound PM Peak - County Line to 15 SB Ontario

PM Time	Monday 02/27/23					Tuesday 02/28/23					Wednesday 03/01/23					Thursday 03/02/23					Friday 03/03/23				
	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS
1400 - 1500											\$5.65	128	777	905	C	\$5.65	118	827	945	C	\$5.65	103	700	803	C
1500 - 1600											\$5.65	117	600	717	B	\$5.65	130	716	846	C	\$5.65	112	618	730	B
1600 - 1700											\$5.65	114	653	767	B	\$5.65	115	671	786	B	\$3.15	132	513	645	B
1700 - 1800											\$3.15	135	660	795	B	\$3.15	118	600	718	B	\$3.15	107	419	526	B
1800 - 1900											\$3.15	140	478	618	B	\$3.15	156	567	723	B	\$3.15	115	395	510	B
1900 - 2000											\$3.15	125	395	520	B	\$3.15	164	617	781	B	\$3.15	165	539	704	B

PM Time	Monday 03/06/23					Tuesday 03/07/23					Wednesday 03/08/23					Thursday 03/09/23					Friday 03/10/23				
	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS
1400 - 1500	\$5.65	116	730	846	C	\$5.65	124	753	877	C	\$5.65	114	723	837	C	\$5.65	127	772	899	C	\$5.65	124	588	712	B
1500 - 1600	\$5.65	162	685	847	C	\$5.65	142	623	765	B	\$5.65	150	681	831	C	\$5.65	131	635	766	B	\$5.65	145	518	663	B
1600 - 1700	\$3.15	115	608	723	B	\$5.65	97	653	750	B	\$5.65	121	619	740	B	\$5.65	126	601	727	B	\$3.15	128	492	620	B
1700 - 1800	\$3.15	132	608	740	B	\$3.15	94	445	539	B	\$3.15	64	332	396	A	\$3.15	127	623	750	B	\$3.15	148	466	614	B
1800 - 1900	\$3.15	165	547	712	B	\$3.15	157	651	808	C	\$3.15	189	789	978	C	\$3.15	154	570	724	B	\$3.15	164	558	722	B
1900 - 2000	\$3.15	110	352	462	B	\$3.15	195	702	897	C	\$3.15	207	671	878	C	\$3.15	191	694	885	C	\$3.15	162	442	604	B

PM Time	Monday 03/13/23					Tuesday 03/14/23					Wednesday 03/15/23					Thursday 03/16/23					Friday 03/17/23				
	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS
1400 - 1500	\$5.65	111	686	797	B	\$5.65	140	710	850	C	\$5.65	99	669	768	B	\$5.65	115	681	796	B	\$5.65	119	682	801	C
1500 - 1600	\$5.65	121	692	813	C	\$5.65	132	638	770	B	\$5.65	92	685	777	B	\$5.65	139	638	777	B	\$5.65	121	657	778	B
1600 - 1700	\$3.15	126	570	696	B	\$5.65	125	581	706	B	\$5.65	113	635	748	B	\$5.65	134	630	764	B	\$3.15	126	636	762	B
1700 - 1800	\$3.15	123	596	719	B	\$3.15	127	532	659	B	\$3.15	118	626	744	B	\$3.15	143	583	726	B	\$3.15	116	586	702	B
1800 - 1900	\$3.15	146	573	719	B	\$3.15	155	536	691	B	\$3.15	128	535	663	B	\$3.15	130	574	704	B	\$3.15	152	610	762	B
1900 - 2000	\$3.15	126	396	522	B	\$3.15	158	505	663	B	\$3.15	116	324	440	B	\$3.15	180	650	830	C	\$3.15	161	493	654	B

PM Time	Monday 03/20/23					Tuesday 03/21/23					Wednesday 03/22/23					Thursday 03/23/23					Friday 03/24/23				
	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS
1400 - 1500	\$5.65	112	625	737	B	\$5.65	90	577	667	B	\$5.65	109	650	759	B	\$5.65	124	769	893	C	\$5.65	138	711	849	C
1500 - 1600	\$5.65	135	732	867	C	\$5.65	126	566	692	B	\$5.65	131	714	845	C	\$5.65	123	704	827	C	\$5.65	145	710	855	C
1600 - 1700	\$3.15	138	656	794	B	\$5.65	114	558	672	B	\$5.65	137	620	757	B	\$5.65	145	608	753	B	\$3.15	153	577	730	B
1700 - 1800	\$3.15	147	625	772	B	\$3.15	127	507	634	B	\$3.15	138	586	724	B	\$3.15	107	604	711	B	\$3.15	147	610	757	B
1800 - 1900	\$3.15	123	374	497	B	\$3.15	155	532	687	B	\$3.15	141	633	774	B	\$3.15	149	615	764	B	\$3.15	183	557	740	B
1900 - 2000	\$3.15	103	332	435	B	\$3.15	78	329	407	B	\$3.15	100	379	479	B	\$3.15	181	602	783	B	\$3.15	62	276	338	A

PM Time	Monday 03/27/23					Tuesday 03/28/23					Wednesday 03/29/23					Thursday 03/30/23					Friday 03/31/23				
	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS
1400 - 1500	\$5.65	140	709	849	C	\$5.65	119	718	837	C	\$5.65	118	618	736	B	\$5.65	143	747	890	C	\$5.65	154	654	808	C
1500 - 1600	\$5.65	139	684	823	C	\$5.65	92	419	511	B	\$5.65	133	716	849	C	\$5.65	140	676	816	C	\$5.65	140	685	825	C
1600 - 1700	\$3.15	135	588	723	B	\$5.65	157	779	936	C	\$5.65	109	623	732	B	\$5.65	139	589	728	B	\$3.15	131	620	751	B
1700 - 1800	\$3.15	112	609	721	B	\$3.15	131	579	710	B	\$3.15	121	597	718	B	\$3.15	108	552	660	B	\$3.15	157	602	759	B
1800 - 1900	\$3.15	147	589	736	B	\$3.15	137	560	697	B	\$3.15	125	496	621	B	\$3.15	153	558	711	B	\$3.15	167	579	746	B
1900 - 2000	\$3.15	120	380	500	B	\$3.15	139	636	775	B	\$3.15	120	359	479	B	\$3.15	122	387	509	B	\$3.15	164	443	607	B



RCTC WESTBOUND PEAK-HOUR VOLUMES

Westbound AM Peak - McKinley to County Line

AM Time	Monday 02/27/23					Tuesday 02/28/23					Wednesday 03/01/23					Thursday 03/02/23					Friday 03/03/23				
	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS
0400 - 0500											\$2.40	177	351	528	B	\$2.40	220	378	598	B	\$2.40	198	328	526	B
0500 - 0600											\$11.65	412	840	1,252	E	\$9.85	404	932	1,336	E	\$5.65	304	786	1,090	D
0600 - 0700											\$19.05	390	1,171	1,561	F	\$18.00	418	1,208	1,626	F	\$10.90	377	1,147	1,524	F
0700 - 0800											\$16.35	350	1,129	1,479	F	\$15.30	371	1,233	1,604	F	\$8.35	346	975	1,321	E
0800 - 0900											\$10.10	188	954	1,142	D	\$9.05	189	1,023	1,212	E	\$5.65	140	813	953	C
0900 - 1000											\$5.65	129	804	933	C	\$5.65	191	1,134	1,325	E	\$4.45	197	847	1,044	D

AM Time	Monday 03/06/23					Tuesday 03/07/23					Wednesday 03/08/23					Thursday 03/09/23					Friday 03/10/23				
	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS
0400 - 0500	\$2.40	196	382	578	B	\$2.40	210	385	595	B	\$2.40	215	371	586	B	\$2.40	230	428	658	B	\$2.40	175	320	495	B
0500 - 0600	\$11.65	374	934	1,308	E	\$11.65	431	1,000	1,431	F	\$11.65	436	1,004	1,440	F	\$9.85	439	1,031	1,470	F	\$5.65	317	716	1,033	D
0600 - 0700	\$19.45	408	1,219	1,627	F	\$19.05	439	1,264	1,703	F	\$19.05	420	1,257	1,677	F	\$18.00	422	1,290	1,712	F	\$10.90	304	842	1,146	D
0700 - 0800	\$15.60	303	835	1,138	D	\$16.35	414	1,278	1,692	F	\$16.35	422	1,339	1,761	F	\$15.30	389	1,255	1,644	F	\$8.35	307	888	1,195	D
0800 - 0900	\$8.35	270	1,328	1,598	F	\$10.10	232	1,378	1,610	F	\$10.10	198	1,295	1,493	F	\$9.05	214	1,181	1,395	F	\$5.65	196	861	1,057	D
0900 - 1000	\$5.65	230	1,368	1,598	F	\$5.65	164	1,176	1,340	E	\$5.65	178	1,065	1,243	E	\$5.65	173	1,133	1,306	E	\$4.45	157	813	970	C

AM Time	Monday 03/13/23					Tuesday 03/14/23					Wednesday 03/15/23					Thursday 03/16/23					Friday 03/17/23				
	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS
0400 - 0500	\$2.40	207	407	614	B	\$2.40	190	346	536	B	\$2.40	183	348	531	B	\$2.40	232	400	632	B	\$2.40	182	304	486	B
0500 - 0600	\$11.65	413	1,035	1,448	E	\$11.65	418	843	1,261	E	\$11.65	345	715	1,060	D	\$9.85	448	1,018	1,466	F	\$5.65	368	867	1,235	E
0600 - 0700	\$19.45	434	1,107	1,541	F	\$19.05	382	1,018	1,400	F	\$19.05	371	1,032	1,403	F	\$18.00	431	1,201	1,632	F	\$10.90	391	983	1,374	F
0700 - 0800	\$15.60	385	1,265	1,650	F	\$16.35	317	1,080	1,397	F	\$16.35	373	1,092	1,465	F	\$15.30	394	1,303	1,697	F	\$8.35	360	973	1,333	E
0800 - 0900	\$8.35	199	1,163	1,362	F	\$10.10	171	802	973	C	\$10.10	196	1,146	1,342	E	\$9.05	255	1,367	1,622	F	\$5.65	151	867	1,018	D
0900 - 1000	\$5.65	149	841	990	C	\$5.65	126	830	956	C	\$5.65	166	949	1,115	D	\$5.65	197	1,171	1,368	F	\$4.45	172	835	1,007	D

AM Time	Monday 03/20/23					Tuesday 03/21/23					Wednesday 03/22/23					Thursday 03/23/23					Friday 03/24/23				
	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS
0400 - 0500	\$2.40	220	376	596	B	\$2.40	205	439	644	B	\$2.40	208	375	583	B	\$2.40	230	382	612	B	\$2.40	178	325	503	B
0500 - 0600	\$11.65	425	1,020	1,445	F	\$11.65	385	908	1,293	E	\$11.65	383	834	1,217	E	\$9.85	404	1,027	1,431	F	\$5.65	358	799	1,157	D
0600 - 0700	\$19.45	434	1,077	1,511	F	\$19.05	367	939	1,306	E	\$19.05	380	980	1,360	F	\$18.00	426	1,192	1,618	F	\$10.90	358	974	1,332	E
0700 - 0800	\$15.60	451	1,152	1,603	F	\$16.35	376	983	1,359	F	\$16.35	343	1,082	1,425	F	\$15.30	402	1,204	1,606	F	\$8.35	308	953	1,261	E
0800 - 0900	\$8.35	227	1,218	1,445	F	\$10.10	273	1,250	1,523	F	\$10.10	204	1,020	1,224	E	\$9.05	311	1,358	1,669	F	\$5.65	201	904	1,105	D
0900 - 1000	\$5.65	214	912	1,126	D	\$5.65	264	1,251	1,515	F	\$5.65	174	782	956	C	\$5.65	245	1,218	1,463	F	\$4.45	232	785	1,017	D

AM Time	Monday 03/27/23					Tuesday 03/28/23					Wednesday 03/29/23					Thursday 03/30/23					Friday 03/31/23				
	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS
0400 - 0500	\$2.40	204	402	606	B	\$2.40	225	411	636	B	\$2.40	199	376	575	B	\$2.40	216	396	612	B	\$2.40	178	342	520	B
0500 - 0600	\$11.65	389	988	1,377	F	\$11.65	434	1,014	1,448	F	\$11.65	381	843	1,224	E	\$9.85	406	842	1,248	E	\$5.65	333	789	1,122	D
0600 - 0700	\$19.45	439	1,211	1,650	F	\$19.05	422	1,238	1,660	F	\$19.05	358	957	1,315	E	\$18.00	378	1,014	1,392	F	\$10.90	328	989	1,317	E
0700 - 0800	\$15.60	378	1,154	1,532	F	\$16.35	408	1,324	1,732	F	\$16.35	336	902	1,238	E	\$15.30	369	1,110	1,479	F	\$8.35	312	938	1,250	E
0800 - 0900	\$8.35	228	955	1,183	D	\$10.10	257	1,229	1,486	F	\$10.10	236	1,042	1,278	E	\$9.05	241	1,038	1,279	E	\$5.65	197	815	1,012	D
0900 - 1000	\$5.65	188	835	1,023	D	\$5.65	225	1,138	1,363	F	\$5.65	202	1,014	1,216	E	\$5.65	192	952	1,144	D	\$4.45	211	736	947	C

Westbound AM Peak - I-15 North to County Line

AM Time	Monday 02/27/23					Tuesday 02/28/23					Wednesday 03/01/23					Thursday 03/02/23					Friday 03/03/23				
	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS
0400 - 0500											\$3.15	176	434	610	B	\$3.15	183	430	613	B	\$3.15	141	363	504	B
0500 - 0600											\$9.40	268	837	1,105	D	\$9.40	265	920	1,185	D	\$7.30	233	837	1,070	D
0600 - 0700											\$10.85	267	1,064	1,331	E	\$10.85	275	1,224	1,499	F	\$7.30	234	961	1,195	D
0700 - 0800											\$10.50	206	1,117	1,323	E	\$9.40	245	1,264	1,509	F	\$7.30	183	883	1,066	D
0800 - 0900											\$7.30	104	971	1,075	D	\$7.30	134	1,167	1,301	E	\$5.65	121	853	974	C
0900 - 1000											\$5.65	90	766	856	C	\$5.65	125	1,115	1,240	E	\$5.65	126	753	879	C

AM Time	Monday 03/06/23					Tuesday 03/07/23					Wednesday 03/08/23					Thursday 03/09/23					Friday 03/10/23				
	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS
0400 - 0500	\$3.15	175	467	642	B	\$3.15	189	443	632	B	\$3.15	187	457	644	B	\$3.15	160	440	600	B	\$3.15	142	406	548	B
0500 - 0600	\$9.40	263	921	1,184	D	\$9.40	290	970	1,260	E	\$9.40	270	1,003	1,273	E	\$9.40	269	1,007	1,276	E	\$7.30	195	695	890	C
0600 - 0700	\$10.50	281	1,173	1,454	F	\$10.85	304	1,237	1,541	F	\$10.85	301	1,201	1,502	F	\$10.85	286	1,151	1,437	F	\$7.30	217	864	1,081	D
0700 - 0800	\$9.40	211	1,152	1,363	E	\$9.40	248	1,192	1,440	F	\$10.50	248	1,210	1,458	F	\$9.40	235	1,121	1,356	E	\$7.30	151	840	991	C
0800 - 0900	\$7.30	161	1,116	1,277	E	\$7.30	181	1,100	1,281	E	\$7.30	136	1,118	1,254	E	\$7.30	145	1,104	1,249	E	\$5.65	145	800	945	C
0900 - 1000	\$5.65	134	937	1,071	D	\$5.65	101	996	1,097	D	\$5.65	136	911	1,047	D	\$5.65	151	1,023	1,174	D	\$5.65	131	712	843	C

AM Time	Monday 03/13/23					Tuesday 03/14/23					Wednesday 03/15/23					Thursday 03/16/23					Friday 03/17/23				
	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS
0400 - 0500	\$3.15	168	437	605	B	\$3.15	182	417	599	B	\$3.15	188	364	552	B	\$3.15	173	419	592	B	\$3.15	132	376	508	B
0500 - 0600	\$9.40	260	898	1,158	D	\$9.40	263	915	1,178	D	\$9.40	260	830	1,090	D	\$9.40	278	930	1,208	E	\$7.30	215	785	1,000	C
0600 - 0700	\$10.50	303	1,019	1,322	E	\$10.85	311	1,062	1,373	E	\$10.85	269	1,004	1,273	E	\$10.85	304	1,117	1,421	F	\$7.30	252	900	1,152	D
0700 - 0800	\$9.40	197	1,018	1,215	E	\$9.40	206	1,055	1,261	E	\$10.50	227	1,054	1,281	E	\$9.40	235	1,187	1,422	F	\$7.30	171	893	1,064	D
0800 - 0900	\$7.30	118	1,022	1,140	D	\$7.30	146	1,108	1,254	E	\$7.30	153	1,036	1,189	D	\$7.30	153	1,124	1,277	E	\$5.65	114	840	954	C
0900 - 1000	\$5.65	113	740	853	C	\$5.65	97	770	867	C	\$5.65	128	869	997	C	\$5.65	119	924	1,043	D	\$5.65	130	703	833	C

AM Time	Monday 03/20/23					Tuesday 03/21/23					Wednesday 03/22/23					Thursday 03/23/23					Friday 03/24/23				
	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS
0400 - 0500	\$3.15	175	440	615	B	\$3.15	177	424	601	B	\$3.15	190	437	627	B	\$3.15	190	419	609	B	\$3.15	138	356	494	B
0500 - 0600	\$9.40	274	922	1,196	D	\$9.40	276	919	1,195	D	\$9.40	250	853	1,103	D	\$9.40	298	966	1,264	E	\$7.30	218	809	1,027	D
0600 - 0700	\$10.50	288	1,083	1,371	E	\$10.85	263	903	1,166	D	\$10.85	228	1,063	1,291	E	\$10.85	294	1,148	1,442	F	\$7.30	238	903	1,141	D
0700 - 0800	\$9.40	229	1,054	1,283	E	\$9.40	205	788	993	C	\$10.50	222	985	1,207	E	\$9.40	241	1,202	1,443	F	\$7.30	158	888	1,046	D
0800 - 0900	\$7.30	118	1,044	1,162	D	\$7.30	150	1,016	1,166	D	\$7.30	149	1,013	1,162	D	\$7.30	173	1,232	1,405	F	\$5.65	108	839	947	C
0900 - 1000	\$5.65	97	734	831	C	\$5.65	113	855	968	C	\$5.65	97	802	899	C	\$5.65	141	924	1,065	D	\$5.65	138	765	903	C

AM Time	Monday 03/27/23					Tuesday 03/28/23					Wednesday 03/29/23					Thursday 03/30/23					Friday 03/31/23				
	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS	Price	HOV	SOV	Vol.	LOS
0400 - 0500	\$3.15	174	436	610	B	\$3.15	188	447	635	B	\$3.15	189	431	620	B	\$3.15	185	445	630	B	\$3.15	132	353	485	B
0500 - 0600	\$9.40	251	959	1,210	E	\$9.40	285	1,014	1,299	E	\$9.40	268	875	1,143	D	\$9.40	262	808	1,070	D	\$7.30	209	746	955	C
0600 - 0700	\$10.50	287	1,078	1,365	E	\$10.85	294	1,242	1,536	F	\$10.85	274	992	1,266	E	\$10.85	302	1,117	1,419	F	\$7.30	256	886	1,142	D
0700 - 0800	\$9.40	203	1,033	1,236	E	\$9.40	217	1,122	1,339	E	\$10.50	201	953	1,154	D	\$9.40	225	1,007	1,232	E	\$7.30	164	789	953	C
0800 - 0900	\$7.30	144	967	1,111	D	\$7.30	141	1,100	1,241	E	\$7.30	177	942	1,119	D	\$7.30	149	991	1,140	D	\$5.65	134	801	935	C
0900 - 1000	\$5.65	138	878	1,016	D	\$5.65	158	966	1,124	D	\$5.65	130	811	941	C	\$5.65	127	838	965	C	\$5.65	135	712	847	C



RCTC OPERATIONAL HIGHLIGHTS

On-Road Operations

RCTC Freeway Service Patrol responded to 69 calls during the month of March. Of those calls, 58 were to assist disabled vehicles, five calls to remove debris, and six were in response to accidents that affected the 91 EL.

FINANCIAL HIGHLIGHTS RCTC

RCTC 91 Express Lanes Operating Statement

Description	YTD as of :		YTD Variance	
	Actual ¹	Budget	Dollar \$	Percent (%)
Operating revenues:				
Toll Revenue	\$ 45,504,827.42	\$ 43,174,500.00	\$ 2,330,327.42	5.4
Fee Revenue	4,240,523.79	4,859,100.00	(618,576.21)	(12.7)
Total operating revenues	49,745,351.21	48,033,600.00	1,711,751.21	3.6
Operating expenses:				
Salaries and Benefits	558,553.94	604,125.00	45,571.06	7.5
Legal Services	28,795.80	94,950.00	66,154.20	69.7
Advisory Services	32,885.88	57,000.00	24,114.12	42.3
Audit and Accounting Fees	31,096.00	28,125.00	(2,971.00)	(10.6)
Service Fees	4,735.12	9,750.00	5,014.88	51.4
Other Professional Services	402,445.87	933,750.00	531,304.13	56.9
Lease Expense	193,240.41	250,275.00	57,034.59	22.8
Operations	1,849,430.51	3,489,000.00	1,639,569.49	47.0
Utilities	34,507.83	54,450.00	19,942.17	36.6
Supplies and Materials	4,911.08	7,950.00	3,038.92	38.2
Membership and Subscription Fees	29,076.29	21,225.00	(7,851.29)	(37.0)
Office Equipment & Furniture (Non-Capital)	-	60,000.00	60,000.00	100.0
Maintenance/Repairs	184,509.46	330,000.00	145,490.54	44.1
Training Seminars and Conferences	611.25	6,000.00	5,388.75	89.8
Transportation Expenses	469.97	2,175.00	1,705.03	78.4
Lodging	1,784.93	1,875.00	90.07	4.8
Meals	232.48	2,250.00	2,017.52	89.7
Other Staff Expenses	75.13	375.00	299.87	80.0
Advertising	-	112,500.00	112,500.00	100.0
Program Management	49,217.12	39,300.00	(9,917.12)	(25.2)
Program Operations	1,380,965.39	6,254,025.00	4,873,059.61	77.9
Litigation Settlement	-	-	-	N/A
Furniture & Equipment	4,160.23	56,250.00	52,089.77	92.6
Improvements	-	30,000.00	30,000.00	100.0
Bad Debt Expense	601.65	-	(601.65)	N/A
Total operating expenses	4,792,306.34	12,445,350.00	7,653,043.66	61.5
Operating income (loss)	44,953,044.87	35,588,250.00	9,364,794.87	26.3
Nonoperating revenues (expenses):				
Interest Revenue	2,292,105.60	84,150.00	2,207,955.60	(2,623.8)
Other Miscellaneous Revenue	42,543.79	-	42,543.79	N/A
Loss on Refunding	-	-	-	N/A
Principal Expense	-	-	-	N/A
Interest Expense	(18,451,244.48)	(16,650,750.00)	(1,800,494.48)	10.8
Total nonoperating revenues (expenses)	(16,116,595.09)	(16,566,600.00)	450,004.91	2.7
Transfers In	42.90	-	42.90	N/A
Transfers Out	(598,700.00)	(933,525.00)	334,825.00	(35.9)
Net income (loss)	\$ 28,237,792.68	\$ 18,088,125.00	\$ 10,149,667.68	56.1

¹ Unaudited

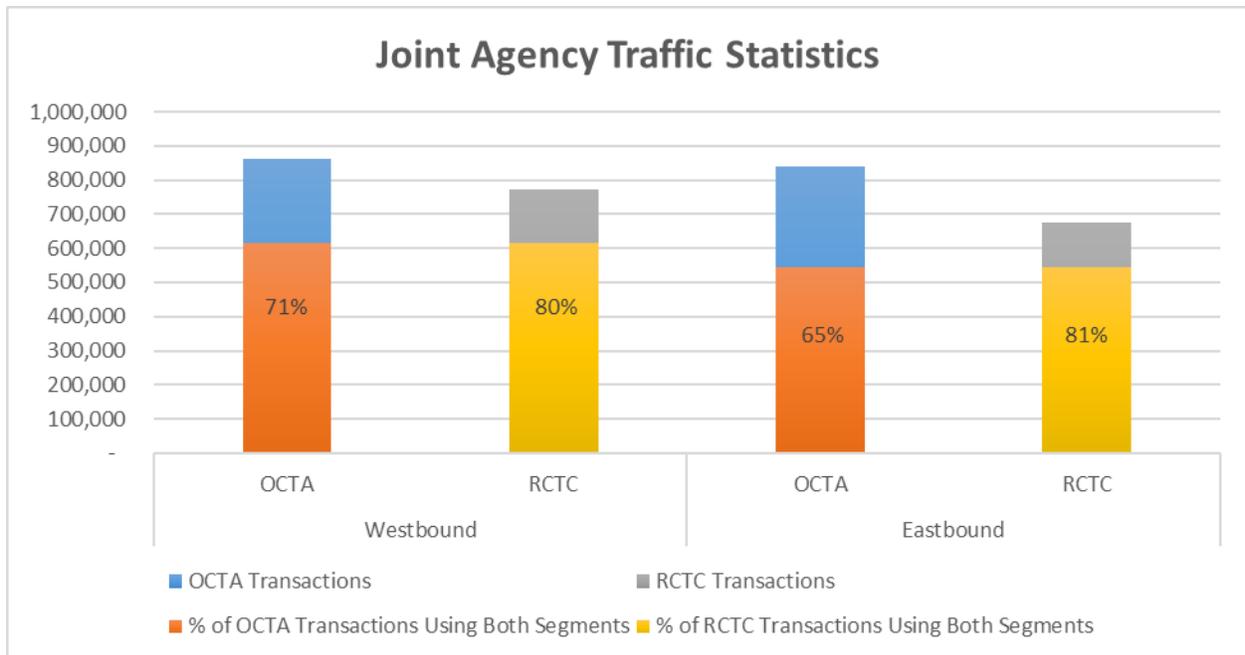
JOINT AGENCY TRIP AND REVENUE STATISTICS

MULTI AGENCY TRIP AND REVENUE STATISTICS

MONTH ENDING **March 31, 2023**

MTD	Transactions by Agency	Transactions Using Both Segments	% Using Both Segments	Revenue
Westbound				
OCTA	863,544	617,210	71%	\$2,489,503.00
RCTC	772,958	617,210	80%	\$3,475,372.80
Eastbound				
OCTA	839,717	546,134	65%	\$2,997,028.15
RCTC	675,555	546,134	81%	\$2,627,573.05

JOINT AGENCY TRAFFIC STATISTICS



JOINT AGENCY PERFORMANCE MEASURES

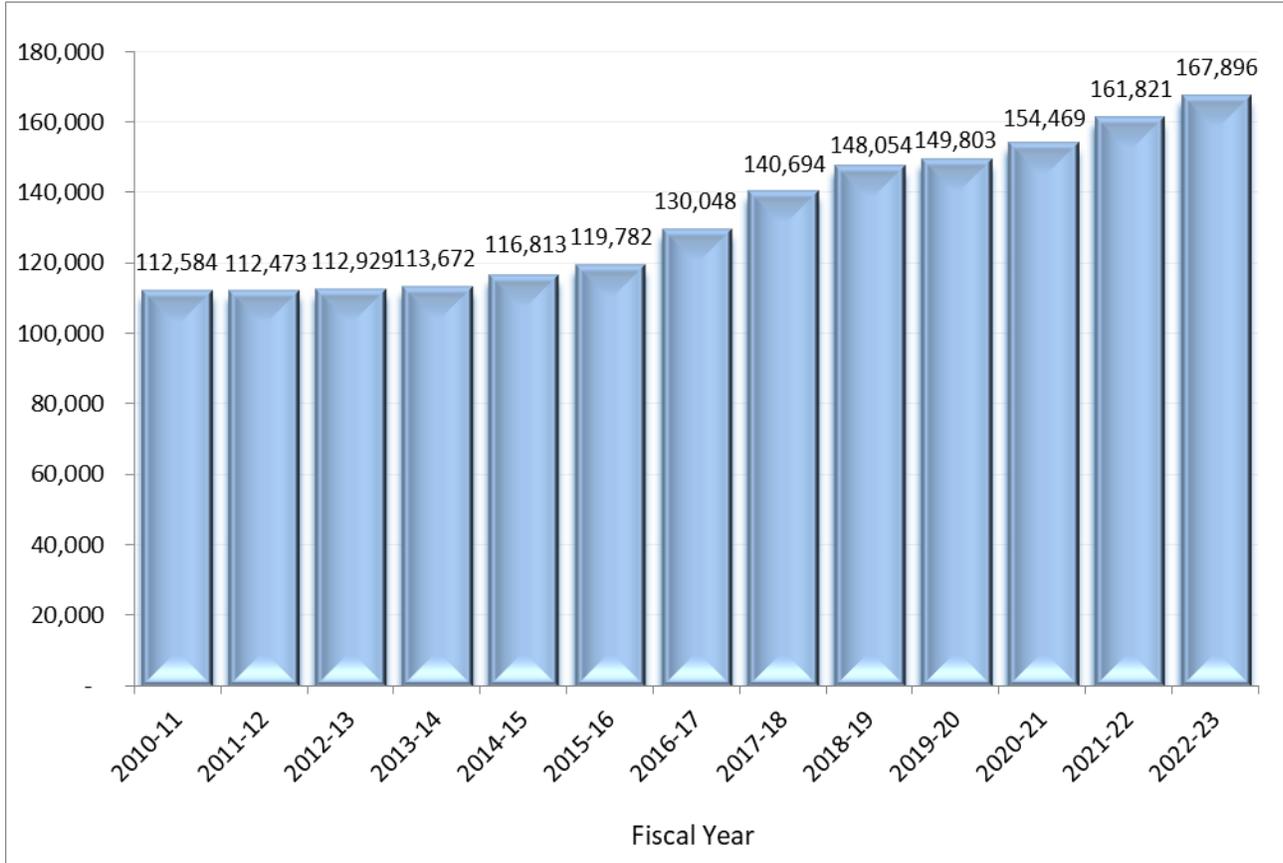
REPORTING REQUIREMENT	REPORTING PERIOD	PERFORMANCE STANDARD	MARCH 2023 PERFORMANCE
Customer Service			
Service Level /Speed of Answer	Monthly	80% answered within 60 seconds	86.66% answered within 60 seconds
Abandon Percentage	Monthly	4 % <	1%
Customer Satisfaction Score	Monthly	4.5 =>	4.92
First Contact Resolution	Monthly	85% of calls resolved on the first contact	95%
Timeliness of Case Resolution			
	Monthly	90% of cases resolved in one (1) business day	99%
	Monthly	98% of cases resolved within five (5) business days	100%
Mail Performance			
Processing Returned Mail	Monthly	Per business day in which 90% of returned mail is processed within three (3) business days	100%
	Monthly	Per Business Day in which 100% of returned mail is processed within five (5) Business Days	100%
Research and resolve unidentified Payments	Monthly	100% of all unidentified payments are completely and accurately resolved within five (5) business days	100%
Payment Processing	Monthly	Per business day in which 100% of payments are processed within two (2) business days	100%
Accounting			
Customer Refunds Processed	Monthly	Per Business Day in which 100% of all refunds are completely and accurately issued within five (5) Business Days	100%

JOINT AGENCY TRANSPONDER DISTRIBUTION

6C TRANSPONDER DISTRIBUTION	March-23		February-23		FY 2022-23	
	Tags	% of Total	Tags	% of Total	Average To-Date	
Issued						
To New Accounts	1,761	21.2%	1,516	20.9%	363	11.0%
Additional Tags to Existing Accounts	6,558	78.8%	5,734	79.1%	2,930	88.9%
Replacement Transponders	1	0.0%	0	0.0%	3	0.1%
Total Issued	8,320		7,250		3,296	

At the end of March 2023, the 91 EL had 167,896 active customer accounts and 658,173 transponders classified as assigned.

Number of Accounts by FY
As of March 31, 2023





COMMITTEE TRANSMITTAL

June 26, 2023

To: Members of the Board of Directors

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

Subject: Cooperative Agreement with the City of Laguna Beach for Federal Transit Administration, State Transit Administration, SB 1 (Chapter 5, Statutes of 2017) State of Good Repair, and Cap and Trade Funds for Public Transit Services

Finance and Administration Committee Meeting of June 14, 2023

Present: Directors Do, Federico, Goodell, Harper, Hennessey, and Sarmiento

Absent: Director Jones

Committee Vote

This item was passed by the Members present.

Committee Recommendation

Authorize the Orange County Transportation Authority Chief Executive Officer to negotiate and execute Cooperative Agreement No. C-3-2477 between the Orange County Transportation Authority and the City of Laguna Beach, for a maximum cumulative amount not to exceed \$1,743,712 for Federal Transit Administration funding, \$2,225,913 for State Transit Assistance funding, including SB 1 augmentation, \$299,011 for State of Good Repair funds provided through SB 1, and \$174,524 for Cap and Trade funds, totaling \$4,443,160 for the next five fiscal years commencing fiscal year 2023-24 through fiscal year 2027-28, for providing public transit services and operating assistance.



June 14, 2023

To: Finance and Administration Committee  For

From: Darrell E. Johnson, Chief Executive Officer

Subject: Cooperative Agreement with the City of Laguna Beach for Federal Transit Administration, State Transit Administration, SB 1 (Chapter 5, Statutes of 2017) State of Good Repair, and Cap and Trade Funds for Public Transit Services

Overview

The City of Laguna Beach and its municipally owned Laguna Beach Municipal Transit Lines are eligible to receive funding from the Federal Transit Administration Section 5307 Urbanized Area Formula Program Funds, Federal Transit Administration Section 5339 Bus and Bus Facilities Program funds, State Transit Assistance funds, State of Good Repair funds provided through SB 1 and Cap and Trade funds. Board of Directors' approval is requested to execute a new cooperative agreement to provide the City of Laguna Beach with additional Federal Transit Administration, State Transit Assistance, SB 1 State of Good Repair and Cap and Trade funds for the next five fiscal years beginning fiscal year 2023-24 through fiscal year 2027-28.

Recommendation

Authorize the Orange County Transportation Authority Chief Executive Officer to negotiate and execute Cooperative Agreement No. C-3-2477 between the Orange County Transportation Authority and the City of Laguna Beach, for a maximum cumulative amount not to exceed \$1,743,712 for Federal Transit Administration funding, \$2,225,913 for State Transit Assistance funding, including SB 1 augmentation, \$299,011 for State of Good Repair funds provided through SB 1, and \$174,524 for Cap and Trade funds, totaling \$4,443,160 for the next five fiscal years commencing fiscal year 2023-24 through fiscal year 2027-28, for providing public transit services and operating assistance.

Background

The City of Laguna Beach (City) has provided public transportation services through the Laguna Beach Municipal Transit Lines (LBMTL), an enterprise fund within the City, throughout the City limits since 1970. As a result, LBMTL is eligible to receive its share of federal funds.

Based on the transportation services provided by LBMTL, additional federal grant funding is generated that can be utilized to support transportation services within Orange County. The Orange County Transportation Authority (OCTA), as the direct grant recipient, has the option to utilize the additional funds directly for OCTA-related transportation services or to provide the additional funds to the City to support the services provided by LBMTL.

OCTA has historically utilized federal and state funds for OCTA-related projects and provided an equivalent amount of funds to the City to support the transportation services provided by the LBMTL. To receive Federal Transit Administration (FTA) funds, the City must submit annually a National Transit Database (NTD) report to the Federal Department of Transportation and OCTA. Federal funds are apportioned based on the service levels reported by the transit operators to the NTD system and remain reasonably consistent with the funding levels identified in the long-term federal legislation.

The receipt of State Transit Assistance (STA) funds for operating purposes requires that claimants meet certain performance standards relating to increases in costs per service hour. The City will be required to submit a Transit Operators Financial Transaction Report to the California State Controller to establish eligibility for these funds. The amount of state funds can vary from year to year as funding program levels are determined by the state legislature as part of the annual state budget process. For STA, State of Good Repair (SGR) funds and Cap and Trade funds, OCTA is responsible for allocating City a sum determined annually based on formulas and provisions provided by the State.

Discussion

On June 11, 2018, the Orange County Transportation Authority Board of Directors approved a cooperative agreement with the City of Laguna Beach for five fiscal years (FY) from FY 2018-19 through FY 2022-23. Board of Directors' approval is requested to execute a new cooperative agreement to continue

Cooperative Agreement with the City of Laguna Beach for Federal Transit Administration, State Transit Administration, SB 1 (Chapter 5, Statutes of 2017) State of Good Repair, and Cap and Trade Funds for Public Transit Services **Page 3**

providing the City of Laguna Beach with FTA, STA, SB 1 SGR and Cap and Trade funds for the next five FYs beginning FY 2023-24 through FY 2027-28.

The current amount of federal funding that would be available to the City is a maximum cumulative obligation that shall not exceed \$1,743,712 for five FYs. The current amount of STA funding that would be available to the City is a maximum cumulative obligation not to exceed \$2,225,913 for five FYs, including SB 1 augmentation. The SGR SB 1 funds shall not exceed \$299,011 for five FYs. The SGR funds and STA augmentation is contingent on continuation of SB1.

In the event SB 1 is repealed and funds are no longer available to OCTA, the City will not receive these funds. In addition, the City is also eligible to receive Cap and Trade funds for a total maximum cumulative obligation not to exceed \$174,524 for five FYs.

OCTA staff will calculate the City's share of state and federal funds each year when the amounts are available for allocation and only provide their eligible share.

Fiscal Impact

There is no fiscal impact to OCTA. OCTA is the recipient and will pass through funds to the City. The payments will occur through the Orange County Transit District fund.

Summary

Staff requests Board of Directors' approval to negotiate and execute Cooperative Agreement No. C-3-2477 between the City of Laguna Beach and Orange County Transportation Authority for the transfer of funds. This transfer allows for a more efficient means of providing operating assistance to the City to continue its public transit services.

Attachment

None.

Prepared by:



Sam Kaur
Department Manager,
Revenue Administration
(714) 560-5889

Approved by:



Andrew Oftelie
Chief Financial Officer,
Finance and Administration
(714) 560-5649



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



COMMITTEE TRANSMITTAL

June 26, 2023

To: Members of the Board of Directors

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

Subject: Orange County Transportation Authority Investment and Debt Programs Report – April 2023

Finance and Administration Committee Meeting of June 14, 2023

Present: Directors Do, Federico, Goodell, Harper, Hennessey, and Sarmiento

Absent: Director Jones

Committee Vote

This item was passed by the Members present.

Committee Recommendation

Receive and file as an information item.



June 14, 2023

To: Finance and Administration Committee

From: Darrell E. Johnson, Chief Executive Officer  For

Subject: Orange County Transportation Authority Investment and Debt Programs Report – April 2023

Overview

The Orange County Transportation Authority has a comprehensive investment and debt program to fund its immediate and long-term cash flow demands. Each month, the Treasurer submits a report detailing investment allocation, performance, compliance, outstanding debt balances, and credit ratings for the Orange County Transportation Authority's debt program. This report is for the month ending April 30, 2023.

Recommendation

Receive and file as an information item.

Discussion

As of April 30, 2023, the Orange County Transportation Authority's (OCTA) outstanding investments totaled \$2.5 billion. The portfolio is divided into three managed portfolios: the liquid portfolio for immediate cash needs, the short-term portfolio for future budgeted expenditures, and the bond proceeds portfolio to meet Measure M2 (M2) transportation program needs. In addition to these portfolios, OCTA has funds invested in debt service reserve funds for the 91 Express Lanes Program.

Portfolio Compliance and Liquidity Requirements for the Next Six Months: The portfolio is in full compliance with OCTA's Investment Policy and the State of California Government Code. Additionally, OCTA has reviewed the liquidity requirements for the next six months and anticipates that OCTA's liquidity will be sufficient to meet projected expenditures during the next six months.

The weighted average book yield for the OCTA portfolio is 2.5 percent. The book yield measures the exact income, or interest, on a bond without regard to market

price change. The yield is the income return on an investment, such as the interest received from holding a particular security. The yield is usually expressed as an annual percentage rate based on the investment's cost and market value.

OCTA's month-end balance in the Local Agency Investment Fund was \$21,514,966, with an average monthly effective yield of 2.87 percent. OCTA's month-end balance in the Orange County Investment Pool (OCIP) was \$570,349, with a monthly gross yield of 3.54 percent.

During the month of April, two securities held within OCTA's investment portfolio were downgraded or placed on Negative Credit Watch. Please refer to A-8 (Rating Downgrades and Negative Credit Watch) of Attachment A for further details. As of April 30, 2023, the securities reflected on A-8 still meet the minimum ratings requirements set forth by OCTA's Investment Policy.

OCTA's debt program is separate from its investment program and is comprised of M2 Sales Tax Revenue Bonds, 91 Toll Revenue Bonds, and 2021 Transportation Infrastructure Finance and Innovation Act Loan. The debt program currently has an outstanding principal balance of \$1.3 billion as of April 30, 2023. Approximately 46.3 percent of the outstanding balance is comprised of M2 debt, 5.6 percent is associated with the 91 Express Lanes Program, and 48.1 percent is associated with the 405 Express Lanes.

Summary

The Treasurer is submitting a copy of the Orange County Transportation Authority Investment and Debt Programs report to the Finance and Administration Committee. The report is for the month ending April 30, 2023.

Attachments

- A. Orange County Transportation Authority Investment and Debt Programs
– For the Period Ending April 30, 2023
- B. Orange County Transportation Authority Portfolio Listing as of
April 30, 2023

Prepared by:



Robert Davis
Department Manager
Treasury/Public Finance
(714) 560-5675

Approved by:



Andrew Oftelie
Chief Financial Officer
Finance and Administration
(714) 560-5649

**Treasury/Public Finance Department's
Report On**

**Orange County Transportation Authority
Investment and Debt Programs**



**Presented to the
Finance and Administration Committee**

**For The Period Ending
April 30, 2023**

INVESTMENT PROGRAM

OCTA Investment Dashboard

4/30/2023

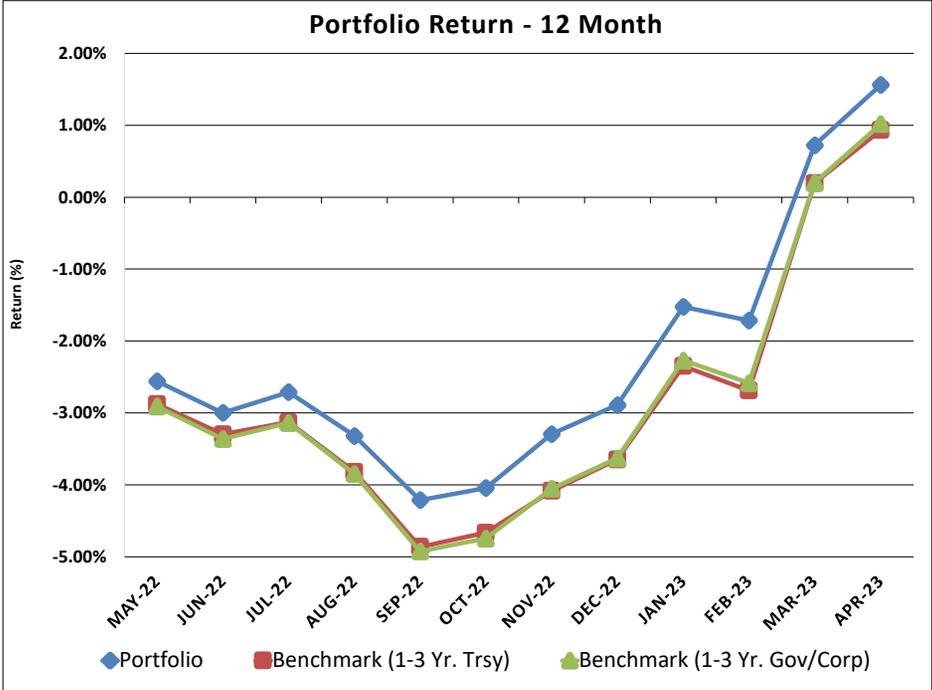
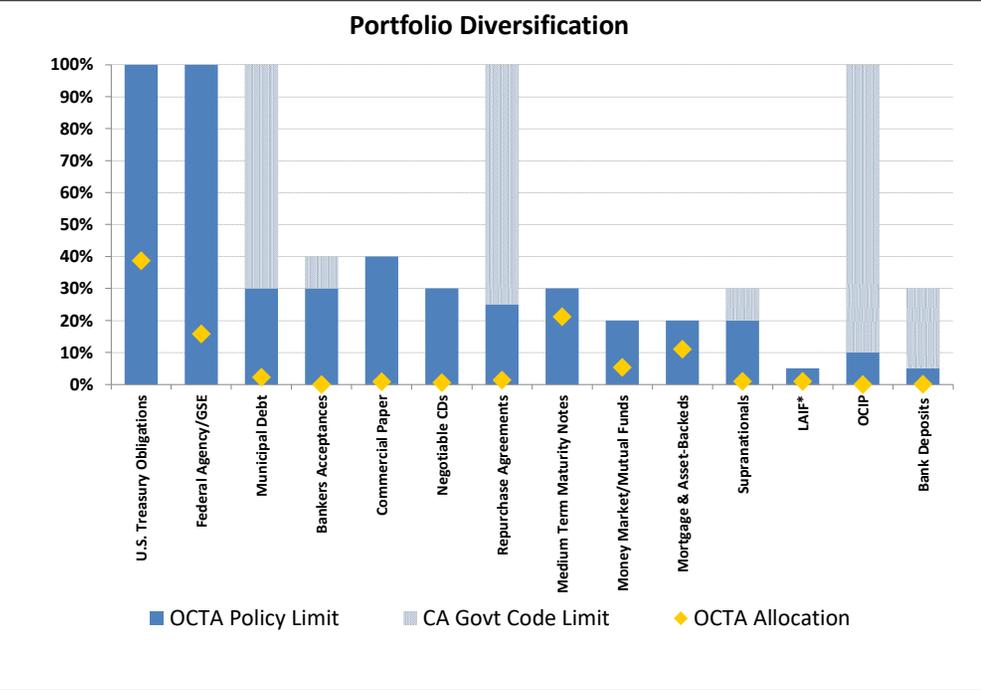
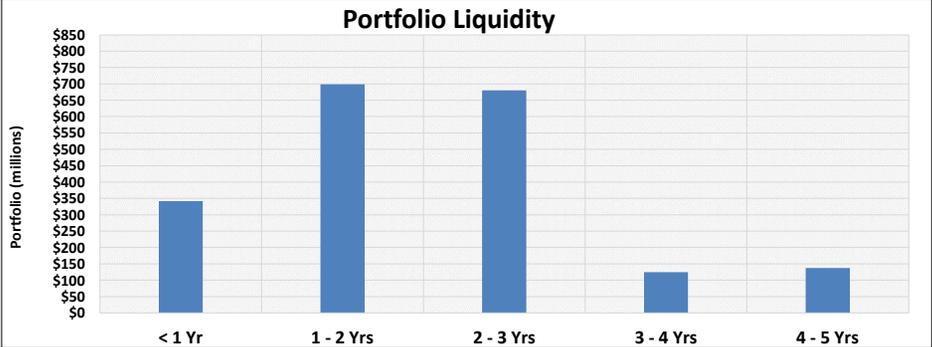
Safety of Principal

Securities that fell below OCTA's minimum credit quality requirements during the month of April 2023:
Not applicable.

Securities currently held within OCTA's portfolio that fell below OCTA's minimum credit quality requirements during prior reporting periods:
Not applicable.

Securities downgraded or placed on Negative Credit Watch during the month of April 2023, but remain in compliance with OCTA's Investment Policy:
Two securities held within OCTA's investment portfolio were downgraded during the month.

For further details please refer to A-8 of this report.



* Per CA Government Code LAIF limit is \$75 million
 ** Per OCTA's Investment Policy the limit is 30% for variable and floating rate securities. As of April 30, 2023, 7.0% of the portfolio was invested in variable & floating rate securities.

Investment Compliance

4/30/2023

Portfolio Subject to Investment Policy			
	Dollar Amount	Percent Of	Investment Policy
Short-Term/Liquid Portfolio ¹	Invested	Portfolio	Max. Percentages
U.S. Treasury Obligations	\$ 833,388,713	38.8%	100%
Federal Agency/GSE	342,182,092	15.9%	100%
Municipal Debt	\$ 49,206,296	2.3%	30%
Commercial Paper	20,399,085	0.9%	40%
Negotiable Certificates of Deposit	\$ 13,025,000	0.6%	30%
Repurchase Agreements	31,458,505	1.5%	25%
Medium Term Maturity Notes/Corporates	\$ 457,639,284	21.3%	30%
Money Market/Mutual Funds	115,885,109	5.4%	20%
Mortgage & Asset-Backed	\$ 239,269,539	11.1%	20%
Supranationals	22,014,316	1.0%	20%
Local Agency Investment Fund	\$ 21,514,966	1.0%	\$ 75 Million
Orange County Investment Pool	570,349	0.0%	10%
Bank Deposits	\$ 4,000,000	0.2%	5%
Total Short-Term/Liquid Portfolio²	\$ 2,150,553,254		

1. Excludes portion of Liquid Portfolio subject to Indenture

2. Includes variable & floating rate securities invested in the amount of \$150,139,547 (7.0% of total Short-Term/Liquid portfolio) and subject to 30% limit per OCTA's Investment Policy.

Portfolio Subject to Indenture					
Portfolio	Dollar Amount Invested	OCTA		Indenture Requirements	
		Credit Quality	Term	Min. Credit Quality	Max. Term
Liquid Portfolio*					
Government Obligations MMKT Fund	305,327,911	AAA	N/A	AAA	N/A
Natixis CP	10,799,339	"A-1"/"P-1"/"F1"	180	"A-1" or "P-1"	180 days
Total Liquid Portfolio	\$ 316,127,250				
Bond Proceeds Portfolio					
2021 Bond Anticipation Notes (BANs):					
Government Obligations MMKT Fund	52,155	"AAAm"/ "Aaa-mf"/"AAAmmf"	N/A	"AAAm" or "AAAm-G"	N/A
Total Bond Proceeds Portfolio	\$ 52,155				
Reserve Funds Portfolio					
Government Obligations MMKT Fund	337,670	"AAAm"/ "Aaa-mf"/"AAAmmf"	N/A	N/A	N/A
Barclays CP	10,263,400	"A-1"/"P-1"/"F1"	169	"A-1" or "P-1"	180 days
Barclays CP	3,030,147	"A-1"/"P-1"/"F1"	169	"A-1" or "P-1"	180 days
Bank Deposits	547,989	N/A	N/A	N/A	N/A
Bank Deposits	211,864	N/A	N/A	N/A	N/A
Government Obligations MMKT Fund**	5,198	"AAAm"/ "Aaa-mf"/"AAAmmf"	N/A	N/A	N/A
Total Reserve Funds Portfolio	\$ 14,396,268				
Total Portfolio Subject to Indenture	\$ 14,448,423				
Portfolio Total	\$ 2,481,128,927				

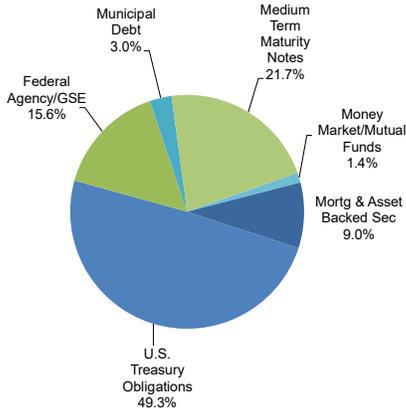
*Reflects portion of Liquid Portfolio subject to Indenture (OCTA Sales Tax Revenue)

**91 EL Debt Service Fund

Investment Manager Diversification and Maturity Schedules

**MetLife Investment Management
4/30/2023**

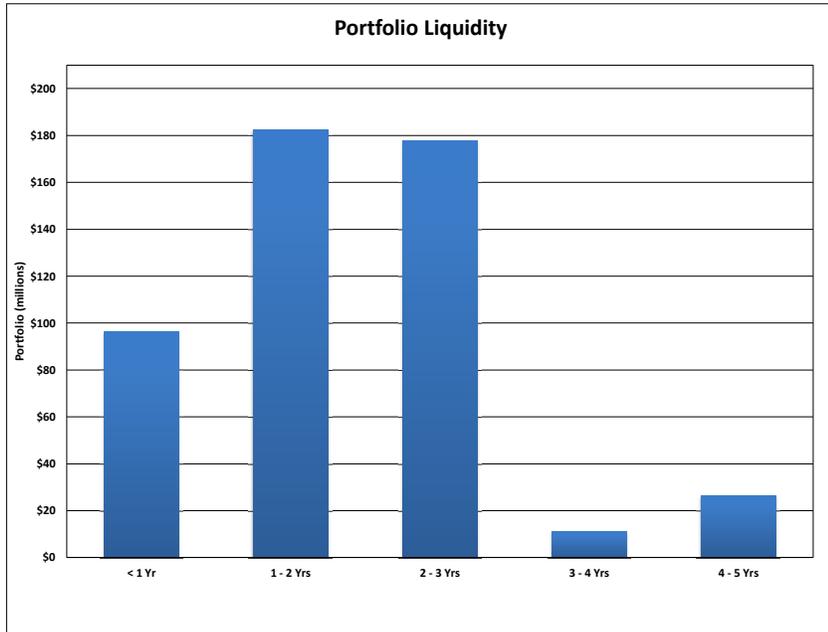
SHORT-TERM PORTFOLIO (\$493.8M)



	Book Value	Market Value
U.S. Treasury Obligations	\$ 243,426,236	\$ 239,950,342
Federal Agency/GSE	\$ 76,811,788	\$ 73,623,790
Municipal Debt	\$ 14,891,086	\$ 14,345,142
Bankers Acceptances	\$ -	\$ -
Commercial Paper	\$ -	\$ -
Negotiable Certificates of Deposit	\$ -	\$ -
Repurchase Agreements	\$ -	\$ -
Medium Term Maturity Notes	\$ 107,247,631	\$ 104,018,772
Money Market/Mutual Funds	\$ 6,769,121	\$ 6,769,121
Mortg & Asset Backed Securities	\$ 44,637,236	\$ 43,443,790
Supranationals	\$ -	\$ -
	<u>\$ 493,783,098</u>	<u>\$ 482,150,956</u>

Note: Variable & floating rate securities are comprised of \$49,139,221 or 10.0% of total book value.

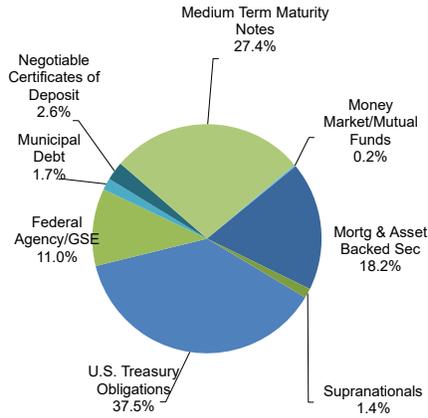
Wtd Avg Life	1.82 Yrs
Duration	1.61 Yrs
Monthly Yield	4.68%
TSY Benchmark	4.24%
Gov/Corp Benchmark	4.37%
Monthly Return	0.36%
TSY Benchmark	0.26%
Gov/Corp Benchmark	0.31%
Three Months Return	1.03%
TSY Benchmark	1.12%
Gov/Corp Benchmark	1.09%
Six Months Return	2.92%
TSY Benchmark	2.67%
Gov/Corp Benchmark	2.79%
12 Months Return	1.45%
TSY Benchmark	0.93%
Gov/Corp Benchmark	1.02%



Investment Manager Diversification and Maturity Schedules

**PFM
4/30/2023**

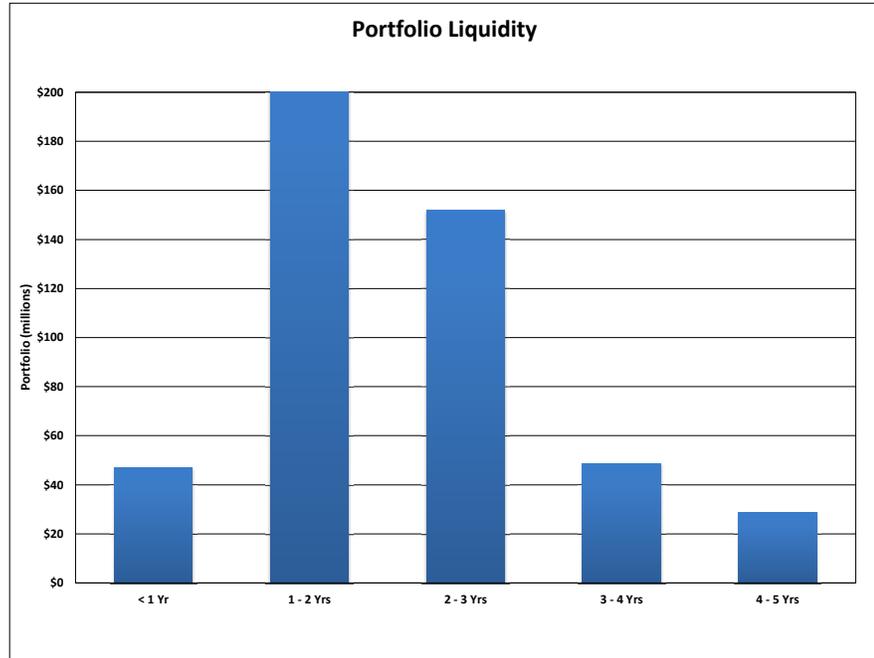
SHORT-TERM PORTFOLIO (\$496.0M)



	<u>Book Value</u>	<u>Market Value</u>
U.S. Treasury Obligations	\$ 186,130,912	\$ 179,635,034
Federal Agency/GSE	\$ 54,397,230	\$ 53,636,903
Municipal Debt	\$ 8,240,000	\$ 7,946,891
Bankers Acceptances	\$ -	\$ -
Commercial Paper	\$ -	\$ -
Negotiable Certificates of Deposit	\$ 13,025,000	\$ 13,083,591
Repurchase Agreements	\$ -	\$ -
Medium Term Maturity Notes	\$ 136,098,601	\$ 132,809,089
Money Market/Mutual Funds	\$ 1,118,010	\$ 1,118,010
Mortg & Asset Backed Securities	\$ 90,122,088	\$ 88,004,690
Supranationals	\$ 6,856,183	\$ 6,572,131
	\$ 495,988,023	\$ 482,806,340

Note: Variable & floating rate securities are comprised of \$31,062,944 or 6.3% of total book value.

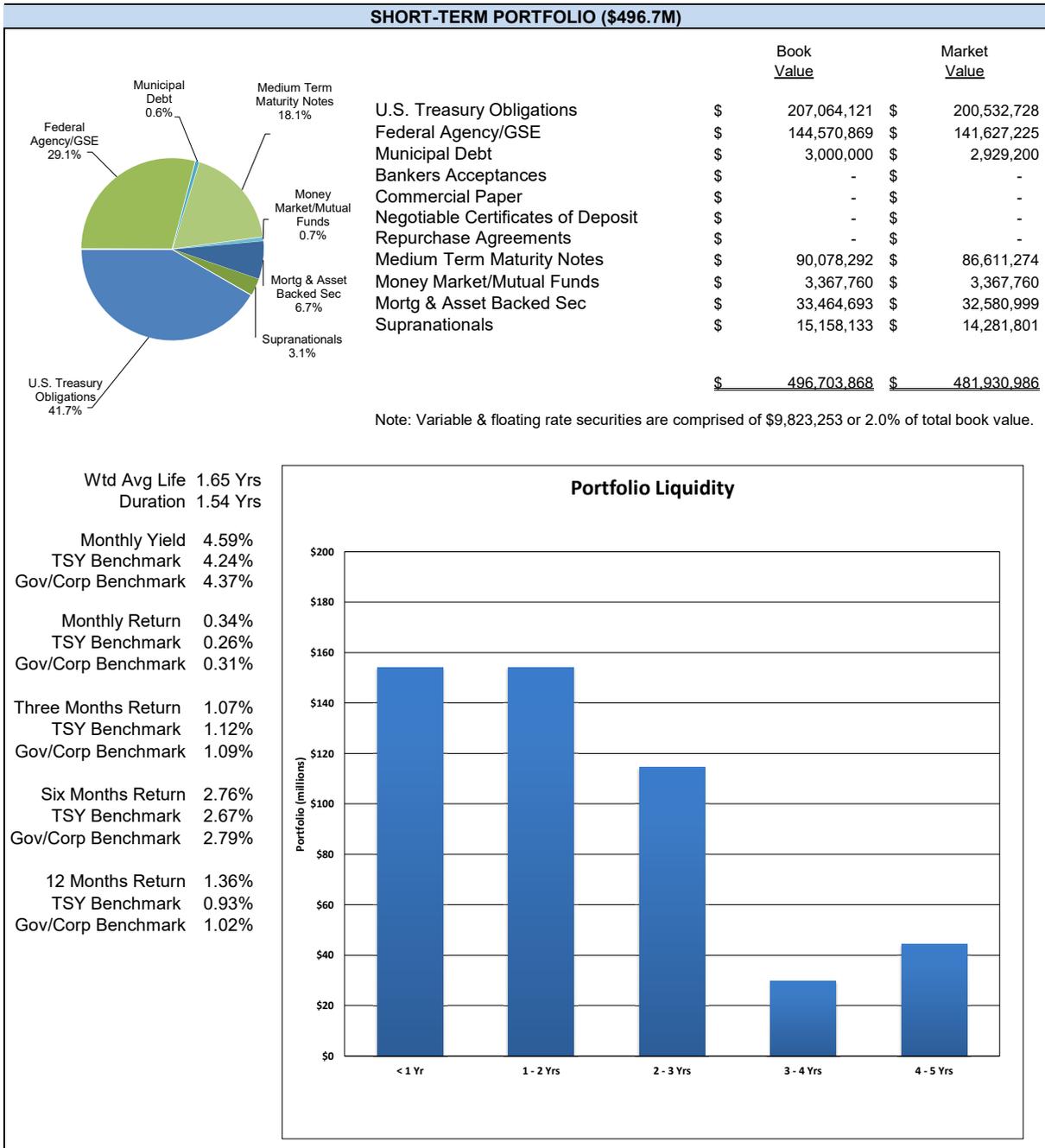
Wtd Avg Life	1.72 Yrs
Duration	1.58 Yrs
Monthly Yield	4.68%
TSY Benchmark	4.24%
Gov/Corp Benchmark	4.37%
Monthly Return	0.36%
TSY Benchmark	0.26%
Gov/Corp Benchmark	0.31%
Three Months Return	1.05%
TSY Benchmark	1.12%
Gov/Corp Benchmark	1.09%
Six Months Return	2.87%
TSY Benchmark	2.67%
Gov/Corp Benchmark	2.79%
12 Months Return	1.35%
TSY Benchmark	0.93%
Gov/Corp Benchmark	1.02%



Investment Manager Diversification and Maturity Schedules

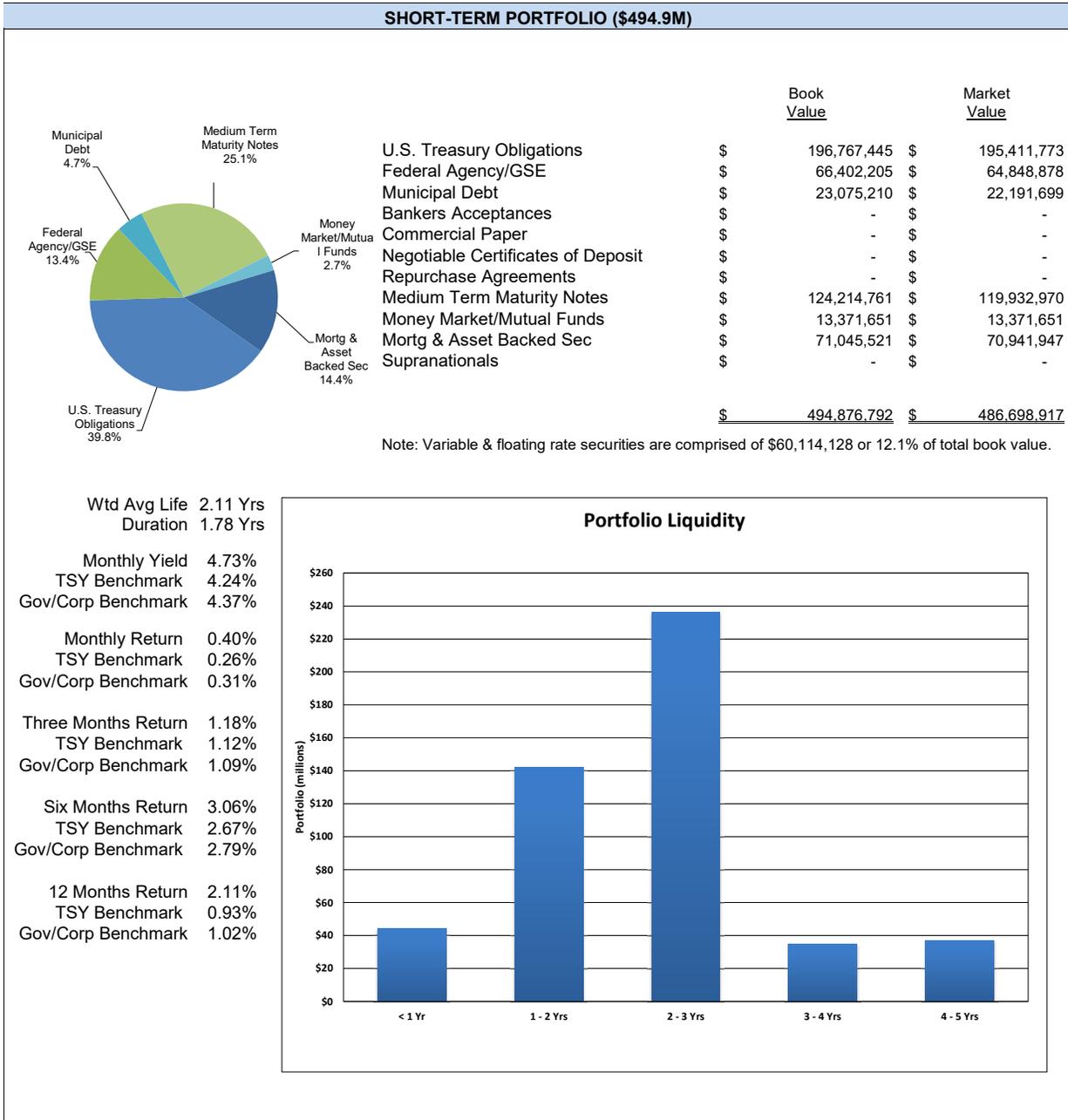
Chandler Asset Management

4/30/2023



Investment Manager Diversification and Maturity Schedules

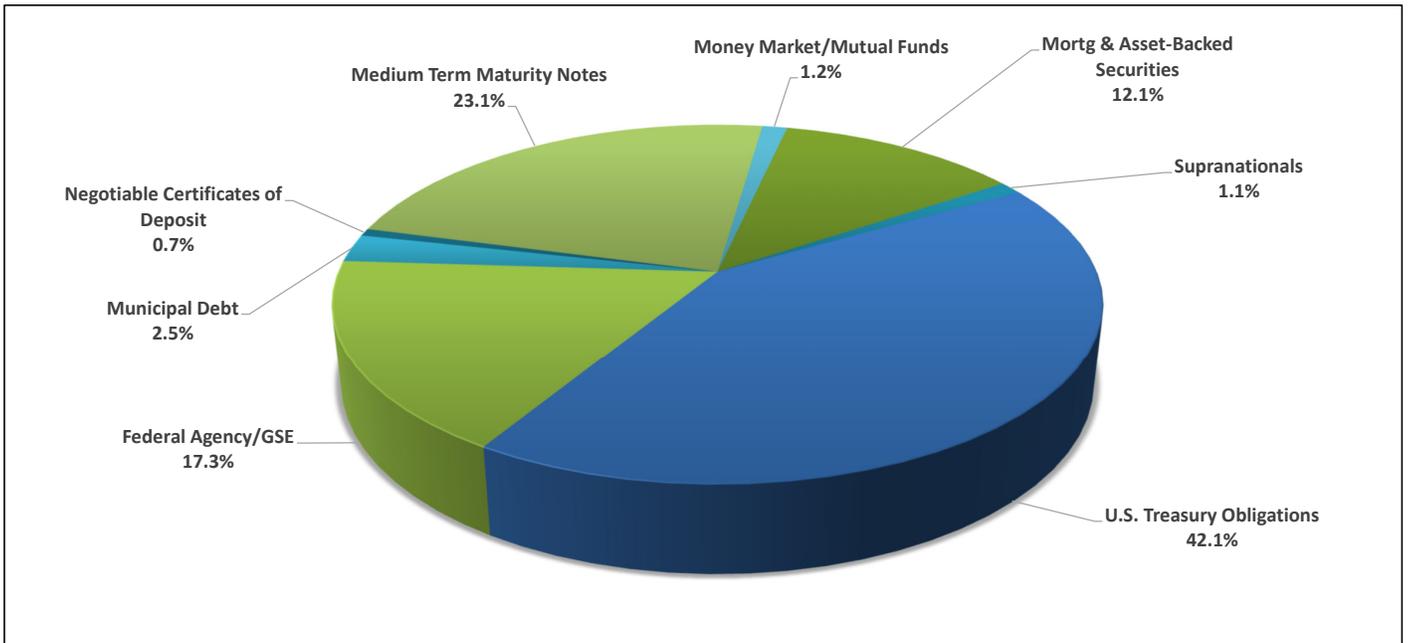
Payden & Rygel
4/30/2023



Short-Term Portfolio

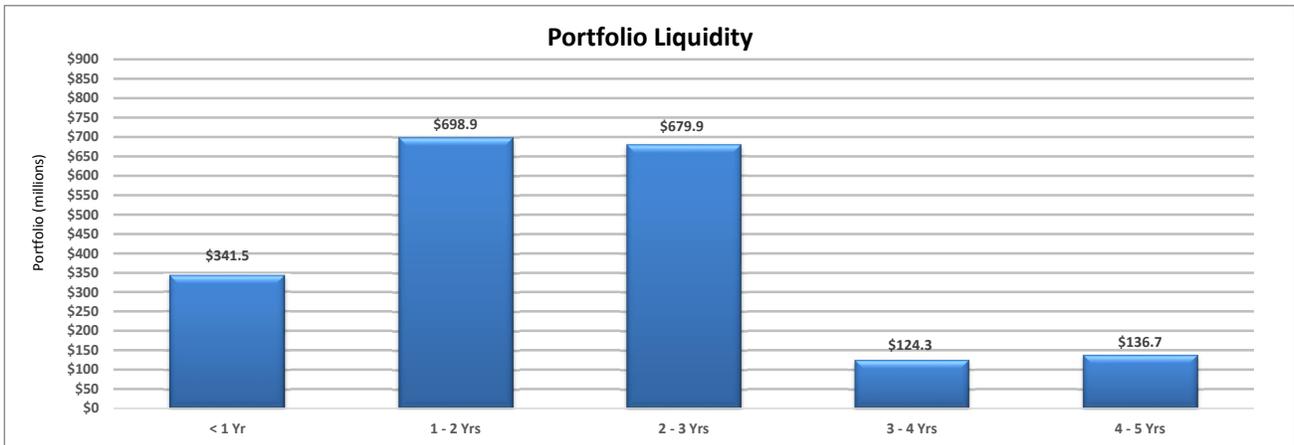
4/30/2023

Portfolio Composition



Note: Variable & floating rate securities are comprised of 7.6% of total book value.

Portfolio Liquidity



Rating Downgrades & Negative Credit Watch

4/30/2023

Investment Manager / Security	Par Amount	Maturity	S&P	Moody's	Fitch Ratings
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Rating Downgrades:

PFM/CAM/Payden & Rygel

CHARLES SCHWAB CORP	\$ 7,370,000	3/18/2024	A-	A2	A
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During the third week of April 2023, Charles Schwab Corp was downgraded by S&P by one notch to A- from A. The downgrade by S&P reflects the heightened interest rate risk Charles Schwab faces from the Fed's sharp hike in interest rates, which has reduced the fair value of its securities portfolio, negatively impacting its funding mix. However, while Charles Schwab has recently reported declines in customer deposits, they reiterated their ample capital and liquidity positions and expect funding cost headwinds to largely abate by next year. The security complies with the requirements of the Investment Policy, and the investment managers maintain a recommendation to hold the position until maturity.

CAM

US BANCORP

\$ 2,000,000	2/5/2024	A+	A3	A+
\$ 2,500,000	7/30/2024			

During the third week of April 2023, US Bancorp was downgraded by Moody's by one notch to A3 from A2 with stable outlook. The downgrade by Moody's reflects relatively low capitalization resulting from the recent acquisitions and unrealized losses on its securities. The security complies with the requirements of the Investment Policy, and the investment manager maintains a recommendation to hold the position until maturity given the company's liquidity strength, competitive position in the industry, and increased geographic diversification with its recent acquisition of MUFU Union Bank.

Negative Credit Watch:

N/A

DEBT PROGRAM

(M2 Sales Tax Revenue Bonds, 91 Toll Revenue Bonds, 2021 TIFIA Loan (I-405))

Outstanding Debt¹

As of 4/30/2023

Orange County Local Transportation Authority (OCLTA-M2)

2010 Series A Taxable Build America Bonds - Sales Tax Revenue Bonds

Issued:	\$	293,540,000
Outstanding:		250,000,000
Debt Service FY 2023:		17,270,000
All in True Interest Cost:		4.33%
Pledged Revenue Source:	M2 Sales Tax Revenues	
Ratings (Fitch/ Moody's/ S&P):		AA+/Aa2/AA+
Final Maturity:		2041

2019 M2 Sales Tax Bond

Issued:	\$	376,690,000
Outstanding:		340,235,000
Debt Service FY 2023:		37,613,650
All in True Interest Cost:		3.14%
Pledged Revenue Source:	M2 Sales Tax Revenues	
Ratings (Fitch/ S&P):		AA+/AA+
Final Maturity:		2041

Sub-total M2 Outstanding Debt	\$	590,235,000
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91 Express Lanes

2013 OCTA 91 Express Lanes Refunding Bonds

Issued:	\$	124,415,000
Outstanding:		71,420,000
Debt Service FY 2023:		10,794,700
All in True Interest Cost:		3.83%
Pledged Revenue Source:	91 Toll Road Revenues	
Ratings (Fitch/ Moody's/ S&P):		A+/A1/AA-
Final Maturity:		2030

Sub-total 91 Express Lanes Outstanding Debt	\$	71,420,000
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405 Express Lanes²

2021 TIFIA Loan

Amount Available	\$	628,930,000
Outstanding:		613,711,295
Accrued Interest:		-
Interest Rate:		1.95%
Pledged Revenue Source:	405 Toll Road Revenues	
Ratings (Moody's/Kroll):		Baa2/BBB-
Final Maturity:		2058

Sub-total 405 Express Lanes Outstanding Debt	\$	613,711,295
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TOTAL OUTSTANDING DEBT:	\$	1,275,366,295
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1. Comprised of OCTA's debt obligations (M2 Sales Tax Revenue Bonds, 91 Toll Revenue Bonds, and 2021 TIFIA Loan (I-405) currently outstanding and irrespective of OCTA's investment program.

2. The 20221 Bond Anticipation Notes, issued on September 9, 2021, in a par amount of \$662,820,000, were legally defeased on December 16, 2022.

Orange County Transportation Authority
Portfolio Listing
As of April 30, 2023

LIQUID PORTFOLIO					
NOTE	DESCRIPTION	MATURITY DATE	BOOK VALUE	MARKET VALUE	YIELD
	<u>CASH EQUIVALENTS</u>				
	BANK DEPOSITS	N/A	4,000,000	4,000,000	0.00
	REPURCHASE AGREEMENT	N/A	31,458,505	31,458,505	0.25
	NATIXIS CP	6/1/2023	20,399,085	20,904,840	4.44
	MONEY MARKET DEMAND ACCOUNT	N/A	91,258,567	91,258,567	3.42
	FIDELITY TREASURY OBLIGATIONS FUND	N/A	288,531,599	288,531,599	4.74
	FEDERATED TREASURY OBLIGATIONS FUND	N/A	16,796,312	16,796,312	4.66
	SUB-TOTAL		452,444,068	452,949,823	
	<u>LOCAL AGENCY INVESTMENT FUND (LAIF)</u>				
		N/A	21,514,966	21,514,966	2.87
	<u>ORANGE COUNTY INVESTMENT POOL (OCIP)</u>				
		N/A	570,349	570,349	3.54
	LIQUID PORTFOLIO - TOTAL		\$ 474,529,384	\$ 475,035,139	

SHORT-TERM PORTFOLIO					
NOTE	DESCRIPTION	MATURITY DATE	BOOK VALUE	MARKET VALUE	YIELD
	<u>Money Market Funds</u>				
	FIRST AMER-GVT OBLG Z	4/30/2023	24,626,542	24,626,542	4.69
	SUB-TOTAL		24,626,542	24,626,542	
	<u>NEGOTIABLE CERTIFICATES OF DEPOSIT</u>				
	Credit Agricole Corporate And Investment Bank, New York Branch	8/16/2024	3,550,000	3,480,314	5.56
	Nordea ABP - New York Branch	11/3/2025	4,750,000	4,811,655	4.98
	Toronto-Dominion Bank - New York Branch	10/27/2025	4,725,000	4,791,623	4.83
	SUB-TOTAL		13,025,000	13,083,591	
	<u>U.S. TREASURY OBLIGATIONS</u>				
	UNITED STATES TREASURY	8/31/2027	7,737,813	7,859,360	3.57
	UNITED STATES TREASURY	7/31/2027	5,867,913	5,698,339	3.58
	UNITED STATES TREASURY	6/30/2027	17,424,887	17,467,068	3.59
	UNITED STATES TREASURY	4/30/2027	8,049,434	8,229,700	3.61
	UNITED STATES TREASURY	3/31/2027	6,686,992	6,957,173	3.61
	UNITED STATES TREASURY	2/15/2027	8,006,270	8,093,275	3.61
	UNITED STATES TREASURY	4/15/2026	907,085	910,282	3.74
	UNITED STATES TREASURY	3/15/2026	12,607,339	12,624,810	3.74
	UNITED STATES TREASURY	2/28/2026	14,271,250	14,605,000	3.77
	UNITED STATES TREASURY	2/28/2026	22,395,022	22,991,135	3.76
	UNITED STATES TREASURY	2/15/2026	68,185,742	69,143,886	3.78
	UNITED STATES TREASURY	1/15/2026	10,113,863	10,166,240	3.81
	UNITED STATES TREASURY	12/15/2025	1,818,663	1,833,340	3.81
	UNITED STATES TREASURY	11/15/2025	36,450,577	36,660,044	3.87
	UNITED STATES TREASURY	11/15/2025	14,569,102	14,420,550	3.86
	UNITED STATES TREASURY	10/31/2025	8,032,813	7,834,080	3.88
	UNITED STATES TREASURY	10/15/2025	4,129,650	4,174,279	3.89
	UNITED STATES TREASURY	9/30/2025	20,555,623	21,144,514	3.82
	UNITED STATES TREASURY	9/30/2025	9,515,918	9,302,970	3.90
	UNITED STATES TREASURY	8/15/2025	12,794,347	12,703,593	3.94
	UNITED STATES TREASURY	7/31/2025	14,709,063	14,278,755	3.93
	UNITED STATES TREASURY	7/15/2025	3,993,281	3,917,040	3.99
	UNITED STATES TREASURY	6/30/2025	6,811,055	6,469,260	3.92
	UNITED STATES TREASURY	6/15/2025	11,264,705	11,036,006	4.01
	UNITED STATES TREASURY	5/31/2025	7,357,324	6,939,525	4.01
	UNITED STATES TREASURY	5/15/2025	16,908,293	16,645,844	4.07
	UNITED STATES TREASURY	5/15/2025	29,946,447	29,194,443	4.05
	UNITED STATES TREASURY	5/15/2025	6,230,727	6,231,152	4.06
	UNITED STATES TREASURY	4/30/2025	2,441,619	2,393,724	4.08
	UNITED STATES TREASURY	4/30/2025	7,440,527	6,975,000	4.04
	UNITED STATES TREASURY	4/15/2025	1,717,430	1,682,425	4.10
	UNITED STATES TREASURY	3/31/2025	10,137,754	10,047,891	4.06
	UNITED STATES TREASURY	3/31/2025	24,239,802	23,716,130	4.06
	UNITED STATES TREASURY	3/15/2025	333,041	325,496	4.13
	UNITED STATES TREASURY	2/15/2025	5,349,375	5,150,466	4.19
	UNITED STATES TREASURY	1/31/2025	8,313,750	7,623,440	4.18
	UNITED STATES TREASURY	12/31/2024	2,496,885	2,308,424	4.26
	UNITED STATES TREASURY	12/31/2024	22,589,278	20,905,742	4.24
	UNITED STATES TREASURY	12/31/2024	5,274,535	5,297,509	4.28
	UNITED STATES TREASURY	12/15/2024	16,601,615	15,750,578	4.28
	UNITED STATES TREASURY	11/30/2024	8,498,842	7,851,172	4.30
	UNITED STATES TREASURY	11/15/2024	17,620,260	16,711,726	4.34
	UNITED STATES TREASURY	10/31/2024	12,940,527	11,980,500	4.38
	UNITED STATES TREASURY	10/15/2024	5,552,688	5,279,023	4.41
	UNITED STATES TREASURY	9/15/2024	12,463,633	11,825,750	4.45
	UNITED STATES TREASURY	8/15/2024	22,145,359	21,095,003	4.53
	UNITED STATES TREASURY	7/15/2024	34,015,398	32,345,536	4.58
	UNITED STATES TREASURY	6/15/2024	21,739,206	21,476,766	4.69
	UNITED STATES TREASURY	6/15/2024	50,725,898	48,473,137	4.68
	UNITED STATES TREASURY	5/15/2024	38,325,054	36,819,851	4.78
	UNITED STATES TREASURY	4/30/2024	4,036,334	3,743,663	4.85
	UNITED STATES TREASURY	4/15/2024	29,025,559	28,093,824	4.81
	UNITED STATES TREASURY	4/15/2024	28,192,511	27,396,936	4.84

**Orange County Transportation Authority
Portfolio Listing
As of April 30, 2023**

<u>NOTE</u>	<u>DESCRIPTION</u>	<u>MATURITY DATE</u>	<u>BOOK VALUE</u>	<u>MARKET VALUE</u>	<u>YIELD</u>
	UNITED STATES TREASURY	3/15/2024	7,794,863	7,510,059	4.83
	UNITED STATES TREASURY	2/29/2024	3,083,276	3,019,488	1.54
	UNITED STATES TREASURY	2/15/2024	1,533,323	1,482,912	4.90
	UNITED STATES TREASURY	1/31/2024	10,646,584	10,587,612	4.90
	UNITED STATES TREASURY	12/31/2023	6,325,741	6,152,328	4.92
	UNITED STATES TREASURY	12/15/2023	9,837,077	9,599,225	4.83
	UNITED STATES TREASURY	12/15/2023	6,602,586	6,505,281	4.85
	UNITED STATES TREASURY	10/31/2023	8,007,188	7,871,600	4.88
	SUB-TOTAL		833,388,713	815,529,877	
	<u>FEDERAL AGENCY/GSE</u>				
	FEDERAL FARM CREDIT BANKS FUNDING CORP	2/25/2025	4,956,270	4,780,300	4.28
	FEDERAL FARM CREDIT BANKS FUNDING CORP	10/2/2023	4,994,600	4,894,200	5.26
	FEDERAL FARM CREDIT BANKS FUNDING CORP	8/14/2023	4,993,550	4,950,550	4.99
	FEDERAL FARM CREDIT BANKS FUNDING CORP	8/14/2023	7,983,280	7,891,600	4.87
	FEDERAL FARM CREDIT BANKS FUNDING CORP	7/17/2023	5,060,200	4,972,000	5.41
	FEDERAL FARM CREDIT BANKS FUNDING CORP	6/26/2023	6,967,450	6,964,090	4.95
	FEDERAL HOME LOAN BANKS	3/10/2028	5,108,250	5,188,500	3.65
	FEDERAL HOME LOAN BANKS	12/10/2027	5,105,600	5,120,100	3.68
	FEDERAL HOME LOAN BANKS	2/12/2026	4,147,095	3,759,485	4.21
	FEDERAL HOME LOAN BANKS	2/28/2025	4,254,377	4,314,571	4.26
	FEDERAL HOME LOAN BANKS	2/28/2025	850,000	815,001	4.57
	FEDERAL HOME LOAN BANKS	2/28/2025	4,095,000	3,921,454	4.64
	FEDERAL HOME LOAN BANKS	12/20/2024	7,643,648	7,247,687	4.35
	FEDERAL HOME LOAN BANKS	12/6/2024	3,710,000	3,696,088	5.54
	FEDERAL HOME LOAN BANKS	10/3/2024	7,092,261	7,100,071	4.50
	FEDERAL HOME LOAN BANKS	7/8/2024	6,427,506	6,321,182	4.60
	FEDERAL HOME LOAN BANKS	3/8/2024	5,201,750	4,875,050	4.87
	FEDERAL HOME LOAN BANKS	12/8/2023	6,686,160	6,401,135	4.80
	FEDERAL HOME LOAN BANKS	9/8/2023	8,240,400	7,920,160	5.17
	FEDERAL HOME LOAN MORTGAGE CORP	2/24/2026	2,268,865	2,259,286	5.58
	FEDERAL HOME LOAN MORTGAGE CORP	1/27/2026	5,000,000	4,961,375	5.60
	FEDERAL HOME LOAN MORTGAGE CORP	1/27/2026	2,380,000	2,367,672	5.50
	FEDERAL HOME LOAN MORTGAGE CORP	10/20/2025	3,149,742	3,179,089	4.14
	FEDERAL HOME LOAN MORTGAGE CORP	9/30/2025	3,260,000	3,232,323	5.13
	FEDERAL HOME LOAN MORTGAGE CORP	8/28/2025	3,060,000	3,011,683	4.77
	FEDERAL HOME LOAN MORTGAGE CORP	8/28/2025	3,060,000	3,017,588	4.83
	FEDERAL HOME LOAN MORTGAGE CORP	8/12/2025	4,095,490	3,781,061	4.20
	FEDERAL HOME LOAN MORTGAGE CORP	7/21/2025	4,785,000	4,704,287	4.85
	FEDERAL HOME LOAN MORTGAGE CORP	2/28/2025	3,030,000	2,980,793	4.93
	FEDERAL HOME LOAN MORTGAGE CORP	1/27/2025	6,899,698	6,861,153	5.46
	FEDERAL HOME LOAN MORTGAGE CORP	1/27/2025	324,935	323,055	5.48
	FEDERAL HOME LOAN MORTGAGE CORP	1/24/2025	3,920,000	3,905,065	5.38
	FEDERAL HOME LOAN MORTGAGE CORP	12/30/2024	2,685,000	2,641,130	5.03
	FEDERAL HOME LOAN MORTGAGE CORP	11/25/2024	2,250,000	2,106,810	4.69
	FEDERAL HOME LOAN MORTGAGE CORP	12/4/2023	12,877,239	12,533,720	4.98
	FEDERAL HOME LOAN MORTGAGE CORP	11/6/2023	3,946,445	3,852,277	5.11
	FEDERAL HOME LOAN MORTGAGE CORP	10/16/2023	9,040,441	8,871,448	5.04
	FEDERAL HOME LOAN MORTGAGE CORP	9/8/2023	8,100,177	7,961,085	5.09
	FEDERAL HOME LOAN MORTGAGE CORP	8/24/2023	8,401,432	8,270,976	5.09
	FEDERAL HOME LOAN MORTGAGE CORP	6/26/2023	7,463,144	7,430,285	4.82
	FEDERAL NATIONAL MORTGAGE ASSOCIATION	2/17/2026	2,610,000	2,593,166	5.45
	FEDERAL NATIONAL MORTGAGE ASSOCIATION	8/25/2025	7,771,280	7,355,920	4.04
	FEDERAL NATIONAL MORTGAGE ASSOCIATION	7/30/2025	3,614,768	3,631,524	4.21
	FEDERAL NATIONAL MORTGAGE ASSOCIATION	11/27/2023	1,797,948	1,752,282	4.94
	FEDERAL NATIONAL MORTGAGE ASSOCIATION	7/10/2023	8,203,399	8,135,782	4.81
	FHMS K-031 A2	4/25/2023	1,912,612	1,795,222	3.30
(1)	FHMS K-032 A2	5/25/2023	1,502,391	1,471,785	4.16
(1)	FHMS K-033 A2	7/25/2023	2,488,266	2,358,910	5.19
(1)	FHMS K-035 A2	8/25/2023	373,586	357,928	5.56
	FHMS K-040 A2	9/25/2024	4,783,225	4,727,857	4.97
	FHMS K-041 A1	8/25/2024	137,800	131,161	5.37
	FHMS K-045 A2	1/25/2025	4,699,986	4,610,985	4.76
	FHMS K-046 A1	1/25/2025	164,856	155,850	5.26
	FHMS K-046 A2	3/25/2025	2,679,855	2,632,338	4.57
	FHMS K-047 A2	5/25/2025	3,597,902	3,492,918	4.48
(1)	FHMS K-048 A2	6/25/2025	180,617	161,193	4.42
	FHMS K-049 A2	7/25/2025	4,803,978	4,726,946	4.45
	FHMS K-050 A1	1/25/2025	1,420,922	1,324,839	4.82
	FHMS K-051 A2	9/25/2025	12,057,972	11,199,188	4.42
	FHMS K-052 A2	11/25/2025	1,219,955	1,101,847	4.38
	FHMS K-053 A2	12/25/2025	3,360,820	3,286,338	4.36
	FHMS K-054 A2	1/25/2026	6,278,145	6,360,066	4.33
	FHMS K-057 A2	7/25/2026	1,766,852	1,809,104	4.22
	FHMS K-058 A2	8/25/2026	2,290,781	2,284,392	4.20
	FHMS K-062 A2	12/25/2026	492,458	477,817	4.21
(1)	FHMS K-063 A2	1/25/2027	8,615,836	8,485,883	4.21
	FHMS K-066 A2	6/25/2027	521,186	504,467	4.16
	FHMS K-067 A2	7/25/2027	3,858,125	3,852,520	4.14
	FHMS K-726 A2	4/25/2024	3,635,392	3,564,794	5.26

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	FHMS K-727 A2	7/25/2024	3,856,107	3,492,272	5.11
	FHMS K-728 A2	8/25/2024	4,584,160	4,470,678	5.01
(1)	FHMS K-730 AM	1/25/2025	3,800,660	3,367,511	4.74
(1)	FHMS K-733 A2	8/25/2025	1,859,986	1,887,401	4.53
	FHMS K-734 A2	2/25/2026	1,933,125	1,940,820	4.44
	FHMS K-BX1 A1	9/25/2024	604,156	589,501	4.97
	FHMS K-BX1 A2	1/25/2026	744,258	725,228	4.59
	FHMS K-J30 A1	1/27/2025	143,594	142,796	4.66
	FHMS K-PLB A	5/25/2025	5,316,560	4,869,497	4.39
	FHMS K-S07 A2	9/25/2025	489,922	482,095	4.22
	FHMS K-S08 A2	3/25/2027	1,350,764	1,346,730	4.33
(1)	FHMS Q-015 A	8/25/2024	576,458	575,576	5.45
	FHR 2756 KA	2/15/2024	16,676	15,910	6.22
	FHR 3778 L	12/15/2025	227,779	221,373	5.16
	FHR 3806 L	2/15/2026	1,085,152	1,045,766	5.44
	FHR 4285 BA	12/15/2023	116,220	111,997	6.19
	FN AM8730	7/1/2025	1,687,977	1,521,746	5.10
	FN AN0429	1/1/2025	946,530	849,317	5.31
	FN AN0992	2/1/2026	948,418	923,046	5.61
	FN AN6001	7/1/2027	517,450	520,246	5.49
	FN BL5365	2/1/2027	300,816	304,332	4.26
(1)	FNA 2012-M14 AL	9/25/2027	3,945,669	3,947,333	4.12
(1)	FNA 2014-M13 A2	8/25/2024	330,320	322,389	5.15
(1)	FNA 2014-M8 A2	6/25/2024	902,673	816,525	6.93
	FNA 2016-M03 A2	2/25/2026	3,788,929.57	3,779,513.34	4.93
(1)	FNA 2017-M2 A2	2/25/2027	416,292.82	417,830.58	4.91
(1)	FNA 2018-M1 A2	12/25/2027	709,194.28	713,954.08	4.70
	FNR 0333J LB	5/25/2023	18.19	17.49	6.05
	FNR 0338C MP	5/25/2023	97.27	93.16	6.47
	FNR 0364L HQ	7/25/2023	2,040.10	1,967.86	5.64
	FNR 2011-74 UY	3/25/2026	624,172.71	604,936.26	5.46
	SUB-TOTAL		342,182,092	333,736,796	
	<u>MEDIUM TERM NOTES</u>				
	AMAZON.COM INC	4/13/2025	2,136,597	2,093,177	4.18
	AMAZON.COM INC	5/12/2024	6,200,933	5,939,492	4.80
(1)	AMERICAN EXPRESS CO	11/4/2026	3,310,000	3,255,915	5.96
	AMERICAN EXPRESS CO	8/1/2025	2,452,545	2,407,275	4.87
	AMERICAN EXPRESS CO	3/4/2025	1,087,483	1,037,909	4.99
	AMERICAN EXPRESS CO	7/30/2024	2,304,655	2,156,960	5.04
	AMERICAN HONDA FINANCE CORP	1/13/2025	1,224,032	1,163,346	4.60
	AMERICAN HONDA FINANCE CORP	8/9/2024	2,387,806	2,277,072	4.93
	AMERICAN HONDA FINANCE CORP	1/12/2024	1,585,215	1,485,585	4.95
	APPLE INC	2/23/2026	3,855,100	3,915,200	4.05
	ASTRAZENECA FINANCE LLC	5/28/2024	1,924,827	1,841,802	4.84
	AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD (NEW Y	12/8/2025	2,025,000	2,042,638	4.73
	BAKER HUGHES HOLDINGS LLC	12/15/2023	520,000	507,151	5.26
(1)	BANK OF AMERICA CORP	1/20/2027	1,425,000	1,422,278	5.15
(1)	BANK OF AMERICA CORP	7/22/2026	195,000	193,124	5.29
(1)	BANK OF AMERICA CORP	4/2/2026	550,000	530,360	5.36
(1)	BANK OF AMERICA CORP	12/6/2025	2,930,000	2,748,692	5.57
(1)	BANK OF AMERICA CORP	10/22/2025	2,185,494	1,982,891	5.62
(1)	BANK OF AMERICA CORP	4/22/2025	2,595,000	2,471,244	5.79
(1)	BANK OF AMERICA CORP	2/4/2025	5,645,000	5,476,553	5.67
(1)	BANK OF AMERICA CORP	10/24/2024	2,155,000	2,104,918	5.62
	BANK OF NEW YORK MELLON CORP	1/26/2027	3,695,080	3,640,080	4.70
(1)	BANK OF NEW YORK MELLON CORP	7/24/2026	3,510,000	3,467,985	4.98
(1)	BANK OF NEW YORK MELLON CORP	6/13/2025	3,410,000	3,338,902	5.36
	BANK OF NEW YORK MELLON CORP	4/25/2025	4,214,410	4,087,370	4.97
	BANK OF NEW YORK MELLON CORP	4/24/2025	1,279,625	1,175,850	4.76
	BANK OF NEW YORK MELLON CORP	10/25/2024	2,926,102	2,757,433	5.11
	BMW US CAPITAL LLC	4/1/2025	1,068,994	1,044,095	4.58
	BMW US CAPITAL LLC	8/12/2024	874,921	831,443	4.78
	BRIGHTHOUSE FINANCIAL GLOBAL FUNDING	1/13/2025	2,172,216	2,037,475	5.68
	BURLINGTON NORTHERN SANTA FE LLC	4/1/2025	753,641	681,695	4.43
(1)	CAPITAL ONE FINANCIAL CORP	12/6/2024	470,000	454,819	6.04
	CATERPILLAR FINANCIAL SERVICES CORP	1/6/2026	3,859,035	3,920,795	4.17
	CATERPILLAR FINANCIAL SERVICES CORP	9/13/2024	1,642,763	1,560,414	4.50
	CATERPILLAR FINANCIAL SERVICES CORP	5/17/2024	7,265,252	6,945,370	4.92
	CATERPILLAR FINANCIAL SERVICES CORP	1/10/2024	1,844,705	1,797,953	4.69
	CATERPILLAR FINANCIAL SERVICES CORP	7/7/2023	724,594	719,534	4.61
	CHARLES SCHWAB CORP	3/18/2024	7,374,035	7,050,805	5.82
	CINTAS NO 2 CORP	5/1/2025	1,184,739	1,157,164	4.69
	CITIGROUP GLOBAL MARKETS HOLDINGS INC	6/7/2024	2,000,000	1,896,160	5.65
(1)	CITIGROUP INC	1/25/2026	1,435,000	1,354,339	5.44
(1)	CITIGROUP INC	11/3/2025	420,221	394,250	5.48
(1)	CITIGROUP INC	5/1/2025	5,169,353	4,923,133	5.72
(1)	CITIGROUP INC	10/30/2024	4,565,000	4,452,884	5.61
(1)	CITIZENS BANK NA	10/24/2025	1,855,000	1,795,009	7.55
(1)	CITIZENS BANK NA	5/23/2025	625,000	596,381	7.54
	CNO GLOBAL FUNDING	1/6/2025	694,555	651,285	5.60
	COLGATE-PALMOLIVE CO	3/2/2026	1,243,556	1,272,627	3.97
	COLGATE-PALMOLIVE CO	8/15/2025	769,292	751,266	4.22

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	COMCAST CORP	11/7/2025	1,239,665	1,265,594	4.38
	COMCAST CORP	10/15/2025	4,042,257	3,572,560	4.46
	COMMONWEALTH BANK OF AUSTRALIA (NEW YORK BRANCH)	3/13/2026	2,350,000	2,397,306	4.56
	COMMONWEALTH BANK OF AUSTRALIA (NEW YORK BRANCH)	1/10/2025	3,290,000	3,312,043	4.66
	COOPERATIVE RABOBANK UA (NEW YORK BRANCH)	1/10/2025	2,043,727	1,934,544	4.87
	COOPERATIVE RABOBANK UA (NEW YORK BRANCH)	8/22/2024	1,684,225	1,663,365	4.89
	COOPERATIVE RABOBANK UA (NEW YORK BRANCH)	1/12/2024	4,332,009	4,187,913	5.34
	ELEVANCE HEALTH INC	2/8/2026	958,992	958,166	4.97
	ENTERGY LOUISIANA LLC	10/1/2024	1,203,193	1,141,822	4.80
	ENTERGY LOUISIANA LLC	11/17/2023	905,255	882,233	5.35
	EQUITABLE FINANCIAL LIFE GLOBAL FUNDING	8/12/2024	2,504,775	2,368,002	5.24
	EXXON MOBIL CORP	3/1/2026	3,559,696	3,599,064	4.07
	F&G GLOBAL FUNDING	9/20/2024	4,454,142	4,161,448	5.97
(1)	FIFTH THIRD BANK NA (OHIO)	10/27/2025	950,000	943,930	6.22
	GA GLOBAL FUNDING TRUST	9/13/2024	1,551,563	1,452,448	5.86
	GA GLOBAL FUNDING TRUST	4/8/2024	2,886,990	2,800,170	8.49
(1)	GOLDMAN SACHS GROUP INC	1/24/2025	2,575,000	2,499,269	5.70
(1)	GOLDMAN SACHS GROUP INC	10/21/2024	5,050,237	4,928,497	5.57
	GOLDMAN SACHS GROUP INC	3/3/2024	440,856	395,004	5.52
	HOME DEPOT INC	9/15/2025	2,204,206	2,198,870	4.12
	HOME DEPOT INC	4/15/2025	369,353	359,847	4.17
	HOME DEPOT INC	2/15/2024	6,008,141	5,805,619	4.94
	HONEYWELL INTERNATIONAL INC	11/1/2024	2,094,644	2,106,900	4.46
	HORMEL FOODS CORP	6/3/2024	4,518,355	4,358,676	4.83
	HSBC USA INC	5/24/2024	3,544,858	3,482,360	5.47
(1)	HUNTINGTON NATIONAL BANK	11/18/2025	2,415,000	2,358,006	6.86
(1)	HUNTINGTON NATIONAL BANK	5/16/2025	3,410,000	3,286,797	6.89
	INTEL CORP	7/29/2025	1,713,075	1,722,805	4.43
	INTERCONTINENTAL EXCHANGE INC	5/23/2025	3,351,310	3,295,113	4.56
	INTERNATIONAL BUSINESS MACHINES CORP	7/27/2025	2,600,000	2,571,998	4.51
	INTERNATIONAL BUSINESS MACHINES CORP	2/12/2024	1,027,846	924,640	5.07
	JACKSON NATIONAL LIFE GLOBAL FUNDING	1/9/2026	1,601,549	1,601,260	5.59
	JACKSON NATIONAL LIFE GLOBAL FUNDING	1/12/2025	2,329,604	2,178,620	5.80
	JOHN DEERE CAPITAL CORP	1/9/2026	1,714,194	1,740,982	4.20
	JOHN DEERE CAPITAL CORP	6/6/2025	639,853	627,469	4.38
	JOHN DEERE CAPITAL CORP	3/7/2025	259,888	249,249	4.47
	JOHN DEERE CAPITAL CORP	1/10/2025	1,789,159	1,695,685	4.50
	JOHN DEERE CAPITAL CORP	9/10/2024	534,652	506,923	4.63
	JOHN DEERE CAPITAL CORP	1/17/2024	3,512,504	3,401,571	5.07
(1)	JPMORGAN CHASE & CO	4/26/2026	1,000,000	982,660	5.00
(1)	JPMORGAN CHASE & CO	2/24/2026	2,570,000	2,446,769	5.39
(1)	JPMORGAN CHASE & CO	12/10/2025	3,295,542	3,394,160	5.52
(1)	JPMORGAN CHASE & CO	8/9/2025	1,100,000	1,034,187	5.53
(1)	JPMORGAN CHASE & CO	6/1/2025	6,445,597	6,118,580	5.60
(1)	JPMORGAN CHASE & CO	2/16/2025	815,000	782,848	5.58
(1)	JPMORGAN CHASE & CO	12/5/2024	4,710,650	4,250,151	5.60
(1)	JPMORGAN CHASE & CO	9/16/2024	2,333,331	2,330,588	5.63
(1)	JPMORGAN CHASE & CO	6/1/2024	1,575,000	1,569,677	5.19
	KENVUE INC	3/22/2025	904,665	920,285	4.56
	KEYBANK NA	1/26/2026	354,705	342,731	6.08
	KEYBANK NA	8/8/2025	1,319,630	1,263,808	6.18
(1)	KEYBANK NA	6/14/2024	2,045,000	2,000,848	6.63
(1)	KEYCORP	5/23/2025	240,040	231,912	6.68
	LINDE INC	12/5/2025	3,516,198	3,548,970	4.35
	LOCKHEED MARTIN CORP	10/15/2025	782,763	798,172	4.20
	MANUFACTURERS AND TRADERS TRUST CO	1/27/2026	2,430,763	2,358,419	5.90
	MASSMUTUAL GLOBAL FUNDING II	8/26/2025	1,208,754	1,189,357	4.93
	MASSMUTUAL GLOBAL FUNDING II	6/9/2023	5,023,997	4,992,332	4.83
	MET TOWER GLOBAL FUNDING	6/13/2025	1,973,065	1,923,314	5.01
	METROPOLITAN LIFE GLOBAL FUNDING I	1/6/2026	2,380,000	2,390,686	4.82
	METROPOLITAN LIFE GLOBAL FUNDING I	3/21/2025	579,484	557,519	4.96
	METROPOLITAN LIFE GLOBAL FUNDING I	9/27/2024	5,137,921	4,848,439	5.18
(1)	MORGAN STANLEY	1/28/2027	754,985	757,001	4.94
(1)	MORGAN STANLEY	10/16/2026	1,165,000	1,195,616	4.99
(1)	MORGAN STANLEY	2/18/2026	2,970,000	2,826,846	5.47
(1)	MORGAN STANLEY	10/21/2025	615,000	572,116	5.74
(1)	MORGAN STANLEY	1/22/2025	3,032,519	2,936,811	5.54
(1)	MORGAN STANLEY	1/25/2024	1,085,000	1,083,937	5.37
	MORGAN STANLEY BANK NA	4/21/2026	3,720,000	3,738,488	4.57
	NATIONAL AUSTRALIA BANK LTD (NEW YORK BRANCH)	1/12/2026	2,960,000	2,996,171	4.48
	NATIONAL AUSTRALIA BANK LTD (NEW YORK BRANCH)	6/9/2025	2,280,000	2,221,427	4.79
	NATIONAL RURAL UTILITIES COOPERATIVE FINANCE CORP	3/13/2026	2,488,648	2,504,157	4.31
	NATIONAL RURAL UTILITIES COOPERATIVE FINANCE CORP	10/30/2025	758,982	773,900	4.67
	NATIONAL RURAL UTILITIES COOPERATIVE FINANCE CORP	6/15/2025	3,164,145	3,087,299	4.67
	NATIONAL RURAL UTILITIES COOPERATIVE FINANCE CORP	2/7/2025	2,254,932	2,146,783	4.72
	NATIONAL RURAL UTILITIES COOPERATIVE FINANCE CORP	2/8/2024	809,441	780,143	5.25
	NATIONAL SECURITIES CLEARING CORP	11/21/2024	3,254,251	3,262,096	4.90
	NESTLE HOLDINGS INC	3/13/2026	819,729	843,214	4.19
	NESTLE HOLDINGS INC	9/12/2025	1,034,658	1,028,925	4.26
	NESTLE HOLDINGS INC	9/14/2024	3,120,000	2,950,054	4.74
	NEW YORK LIFE GLOBAL FUNDING	1/14/2025	5,948,569	5,625,986	4.85
	NEW YORK LIFE GLOBAL FUNDING	10/29/2024	2,162,186	2,042,115	4.86
	NEW YORK LIFE GLOBAL FUNDING	8/27/2024	2,171,977	2,054,179	4.97

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	NEW YORK LIFE GLOBAL FUNDING	6/6/2024	5,135,837	5,043,831	4.91
(1)	NEXTERA ENERGY CAPITAL HOLDINGS INC	3/1/2025	2,175,425	2,206,436	5.09
(1)	NEXTERA ENERGY CAPITAL HOLDINGS INC	9/1/2024	300,762	297,132	5.00
	NIKE INC	3/27/2025	44,939	43,601	4.10
	NORTHERN TRUST CORP	5/10/2027	3,930,215	3,928,080	4.49
	NORTHWESTERN MUTUAL GLOBAL FUNDING	4/6/2026	6,038,862	6,033,310	4.71
	NORTHWESTERN MUTUAL GLOBAL FUNDING	7/1/2025	5,003,298	4,919,515	4.83
	PACCAR FINANCIAL CORP	4/7/2025	10,162,357	9,834,028	4.62
	PACCAR FINANCIAL CORP	11/8/2024	1,544,907	1,457,831	4.77
	PACCAR FINANCIAL CORP	8/9/2024	2,068,882	1,959,897	4.83
	PACCAR FINANCIAL CORP	2/2/2024	1,618,121	1,562,911	5.13
	PACCAR FINANCIAL CORP	8/11/2023	449,411	443,750	5.27
	PACIFICORP	4/1/2024	3,344,749	3,267,430	5.21
	PAYPAL HOLDINGS INC	10/1/2024	1,759,687	1,645,311	4.76
	PEPSICO INC	2/13/2026	1,579,084	1,602,784	3.98
	PEPSICO INC	7/17/2025	1,649,663	1,673,293	4.25
	PNC BANK NA	4/10/2025	4,562,820	4,353,975	5.66
(1)	PNC FINANCIAL SERVICES GROUP INC	1/26/2027	1,630,000	1,611,385	5.21
(1)	PNC FINANCIAL SERVICES GROUP INC	10/28/2025	1,570,000	1,572,308	5.66
	PRICOA GLOBAL FUNDING I	8/28/2025	504,692	496,400	4.98
	PRICOA GLOBAL FUNDING I	12/6/2024	4,565,293	4,292,830	5.13
	PRINCIPAL LIFE GLOBAL FUNDING II	1/10/2025	922,003	868,214	5.19
	PRINCIPAL LIFE GLOBAL FUNDING II	8/23/2024	1,124,303	1,060,335	5.32
	ROCHE HOLDINGS INC	3/10/2025	6,220,000	5,957,143	4.52
	ROCKWELL AUTOMATION INC	8/15/2023	314,849	310,536	5.19
	ROYAL BANK OF CANADA	4/14/2025	2,524,066	2,454,856	4.88
	ROYAL BANK OF CANADA	11/1/2024	4,205,160	3,837,480	5.08
	SALESFORCE INC	7/15/2024	1,064,457	1,015,680	4.59
	SECURITY BENEFIT GLOBAL FUNDING	5/17/2024	3,128,811	2,981,137	5.98
	SOUTHERN CALIFORNIA EDISON CO	4/1/2024	4,014,000	3,842,040	5.54
	SOUTHERN CALIFORNIA GAS CO	9/15/2024	3,704,883	3,647,388	4.85
(1)	STATE STREET CORP	11/4/2026	685,000	696,398	5.04
(1)	STATE STREET CORP	3/30/2026	2,045,440	1,924,900	4.97
(1)	STATE STREET CORP	2/6/2026	3,765,000	3,544,672	5.25
(1)	STATE STREET CORP	1/26/2026	345,000	344,448	4.95
	TARGET CORP	7/1/2024	1,487,696	1,381,982	4.63
	TEXAS INSTRUMENTS INC	11/18/2024	509,771	510,928	4.58
	TORONTO-DOMINION BANK	6/12/2024	3,171,900	2,915,670	5.26
	TOYOTA MOTOR CREDIT CORP	1/13/2025	973,694	925,412	4.58
	TOYOTA MOTOR CREDIT CORP	6/18/2024	3,086,323	2,945,048	4.78
	TOYOTA MOTOR CREDIT CORP	1/11/2024	899,946	872,145	4.99
(1)	TRUIST BANK	8/2/2024	4,277,480	3,976,800	5.89
(1)	TRUIST FINANCIAL CORP	10/28/2026	1,650,000	1,657,442	5.70
(1)	TRUIST FINANCIAL CORP	7/28/2026	3,065,000	2,967,656	5.78
	TRUIST FINANCIAL CORP	8/1/2024	6,114,362	5,864,967	5.71
	UNILEVER CAPITAL CORP	8/12/2024	705,000	667,854	4.89
	UNITEDHEALTH GROUP INC	10/15/2025	539,951	550,427	4.32
	UNITEDHEALTH GROUP INC	5/15/2024	5,075,306	4,871,079	4.81
	US BANCORP	7/30/2024	2,662,075	2,413,850	5.27
	US BANCORP	2/5/2024	2,107,940	1,967,940	5.52
	USAA CAPITAL CORP	5/1/2025	1,903,754	1,854,075	4.92
	WALMART INC	4/15/2026	2,628,843	2,630,736	3.99
	WALMART INC	9/9/2025	4,306,983	4,284,442	4.16
(1)	WELLS FARGO & CO	8/15/2026	1,360,000	1,339,654	5.24
(1)	WELLS FARGO & CO	4/25/2026	1,850,000	1,803,972	5.24
	WELLS FARGO & CO	4/22/2026	2,046,240.00	2,071,209.00	4.73
(1)	WELLS FARGO & CO	10/30/2025	6,660,523.30	6,587,292.60	5.44
(1)	WELLS FARGO & CO	5/19/2025	455,000.00	432,882.45	5.48
	WISCONSIN PUBLIC SERVICE CORP	11/10/2025	684,849.30	696,843.65	4.60
	SUB-TOTAL		457,639,284	443,372,104	
	<u>MORTGAGE AND ASSET-BACK SECURITIES</u>				
	ACAR 2021-4 B	2/13/2026	315,891	315,457	1.86
	ACAR 221 B	9/14/2026	2,049,954	2,026,159	2.98
	ALLYA 2022-1 A3	11/16/2026	2,659,485	2,598,660	5.21
	ALLYA 2022-2 A3	5/15/2027	2,374,971	2,367,709	4.97
	AMCAR 2021-3 A3	8/18/2026	949,884	915,420	5.92
	AMXCA 2022-2 A	5/17/2027	11,233,105	11,013,631	4.55
	BMWLT 2021-1 A3	1/25/2024	24,652	24,628	1.68
	BMWLT 2021-2 A3	12/26/2024	809,436	795,102	6.50
	BMWLT 2022-1 A3	3/25/2025	1,589,622	1,555,328	6.91
	BMWLT 2023-1 A3	11/25/2025	1,399,967	1,402,114	5.10
	BMWOT 2022-A A3	8/25/2026	3,049,841	2,972,256	5.22
	CARMX 2019-4 B	7/15/2025	1,758,871	1,661,893	5.83
	CARMX 2020-1 A3	12/16/2024	225,815	223,513	5.04
	CARMX 2020-2 A4	5/15/2025	1,492,594	1,424,557	5.32
	CARMX 2020-3 A3	3/17/2025	174,331	172,117	5.35
	CARMX 2020-3 B	3/16/2026	858,341	807,033	4.47
	CARMX 2020-4 A3	8/15/2025	234,127	228,303	5.23
	CARMX 2021-1 A3	12/15/2025	373,009	361,472	5.12
	CARMX 2021-2 A3	2/17/2026	995,328	960,480	5.32
	CARMX 2021-3 A3	6/15/2026	2,355,991	2,257,976	5.14
	CARMX 2022-2 A3	2/16/2027	1,929,706	1,887,791	5.20

**Orange County Transportation Authority
Portfolio Listing
As of April 30, 2023**

<u>NOTE</u>	<u>DESCRIPTION</u>	<u>MATURITY DATE</u>	<u>BOOK VALUE</u>	<u>MARKET VALUE</u>	<u>YIELD</u>
	CARMX 2022-3 A3	8/15/2025	2,529,940	2,486,003	4.97
	CARMX 2022-4 A3	8/16/2027	7,453,252	7,516,877	4.99
	CARMX 232 A3	1/18/2028	6,029,359	6,047,366	5.09
	COMET 2021-3 A	11/16/2026	2,774,618	2,619,628	4.85
	COMET 2022-1 A	3/17/2025	7,399,825	7,212,562	4.66
	COMET 2022-2 A	5/15/2025	5,254,160	5,149,217	4.56
	COPAR 2021-1 A3	9/15/2026	1,239,977	1,179,587	5.08
	COPAR 2022-1 A3	4/15/2027	1,469,679	1,428,340	4.82
	COPAR 2022-2 A3	5/15/2027	1,459,895	1,430,698	5.22
	CRVNA 2021-P1 A3	12/10/2025	1,269,817	1,243,978	8.91
	DCENT 2021-1 A	9/16/2024	1,334,714	1,256,382	5.05
	DCENT 2022-2 A	5/17/2027	2,674,783	2,609,275	4.62
	DCENT 2022-3 A	7/15/2027	3,029,624	2,969,097	4.56
	DRIVE 2021-3 A3	10/15/2025	190,675	190,324	5.07
	DRIVE 2021-3 B	5/15/2026	1,249,989	1,226,800	6.09
	FCAT 231 A3	8/16/2027	1,599,884	1,591,248	5.34
	FORDF 2019-2 B	4/15/2024	1,831,370	1,667,387	5.91
	FORDF 2019-4 A	9/15/2024	5,716,489	5,420,451	5.30
	FORDO 2021-A A3	8/15/2025	1,146,544	1,116,324	5.55
	FORDO 2022-A A3	6/15/2026	769,909	738,345	5.10
	FORDO 2022-B	9/15/2026	844,954	829,824	5.01
	GALC 2021-2 A3	7/15/2025	3,199,590	3,049,120	9.32
	GALC 221 A3	5/15/2025	3,699,362	3,719,092	4.83
	GMALT 2021-2 A3	5/20/2024	527,772	524,788	4.32
	GMALT 2022-1 A3	3/20/2025	3,329,971	3,246,317	7.01
	GMALT 231 A3	4/20/2026	1,349,777	1,353,942	5.02
	GMCAR 2020-3 A3	4/16/2025	277,973	273,015	5.47
	GMCAR 2020-4 A3	8/18/2025	180,235	176,300	4.84
	GMCAR 2021-1 A3	10/16/2025	190,413	185,116	5.37
	GMCAR 2021-4 A3	9/16/2026	2,094,947	1,993,099	6.51
	GMCAR 2022-1 A3	11/16/2026	2,129,815	2,030,763	5.10
	GMCAR 2022-2 A3	2/16/2027	1,209,747	1,176,350	4.91
	GMCAR 2022-3 A3	4/16/2027	1,549,989	1,520,845	4.74
	GMCAR 2022-4 A3	8/16/2027	1,899,689	1,907,296	4.68
	GMCAR 2023-2 A3	2/16/2028	664,982	662,407	4.67
	HALST 2022-A A3	1/15/2025	1,919,958	1,872,941	6.53
	HALST 2022-C A3	10/15/2025	1,999,937	1,978,500	5.49
	HALST 21C A3	8/15/2024	1,572,541	1,545,759	6.36
	HAROT 2020-1 A3	4/22/2024	231,852	231,144	4.14
	HAROT 2021-3 A3	11/18/2025	5,152,445	4,967,905	5.13
	HAROT 2021-4 A3	1/21/2026	2,824,404	2,698,186	5.35
	HAROT 2022-1 A3	5/15/2026	1,084,837	1,041,264	4.95
	HAROT 2022-2 A3	7/20/2026	1,614,904	1,586,447	4.85
	HART 2019-B C	6/15/2026	1,557,012	1,466,850	5.16
	HART 2021-A A3	9/15/2025	1,844,723	1,794,403	5.04
	HART 2021-B A3	1/15/2026	3,264,004	3,150,198	5.52
	HART 2021-C A3	5/15/2026	954,787	913,152	5.45
	HART 2022-A A3	10/15/2026	2,699,896	2,597,508	5.07
	HART 2022-B A3	11/16/2026	1,549,999	1,523,201	4.82
	HART 2022-C A3	6/15/2027	6,804,967	6,881,760	4.87
	HDMOT 2022-A A3	2/16/2027	2,534,578	2,464,375	5.09
	HDMOT 2023-A A3	12/15/2027	1,639,835	1,654,088	4.75
	JDOT 2020 A3	8/15/2024	157,983	157,584	3.63
	JDOT 2021 A3	9/15/2025	1,691,733	1,637,903	5.25
	JDOT 2022 A3	9/15/2026	1,994,559	1,921,883	5.47
	JDOT 2022-C A3	3/15/2027	3,899,697	3,933,813	4.70
	KCOT 2021-1 A3	8/15/2025	882,012	850,778	5.93
	KCOT 212 A3	11/17/2025	1,529,942	1,458,518	5.93
	KCOT 221 A2	4/15/2025	565,895	557,137	5.69
	KCOT 221 A3	10/15/2026	2,499,643	2,396,150	5.63
	KCOT 222 A3	12/15/2026	2,374,565	2,339,518	5.05
	KCOT 231 A3	6/15/2027	6,743,944	6,783,312	4.89
	MBALT 2021-B A3	11/15/2024	1,665,814	1,633,138	6.32
	MBART 2020-1 A3	2/18/2025	124,036	122,508	4.31
	MBART 2022-1 A3	8/16/2027	3,894,230	3,932,314	4.80
	MBART 2023-1 A3	2/15/2024	729,912	729,226	4.60
	MCCT 211 A	11/21/2025	4,741,016	4,751,600	5.40
	MMAF 2020-A A2	4/9/2024	144,088	143,540	4.82
	MMAF 22B A2	9/9/2025	3,399,561	3,395,410	5.82
	NAROT 2020-B A3	7/15/2024	80,726	80,445	3.72
	NAROT 2022-B A3	5/17/2027	1,504,689	1,497,054	4.77
	NAROT 23A A3	11/15/2027	3,299,417	3,316,500	4.83
	PFSFC 20E A	10/15/2025	1,309,578	1,272,401	5.75
	SDART 2021-3 B	12/15/2025	330,962	330,151	4.89
	SDART 2021-4 B	6/15/2026	215,184	212,068	5.39
	SDART 2022-6 A3	11/16/2026	1,999,946	1,977,860	5.67
	SRT 2022-A A3	7/21/2025	2,199,830	2,107,270	6.33
	TAOT 2020-D A3	1/15/2025	609,503	600,918	4.86
	TAOT 2021-A A3	5/15/2025	1,821,209	1,777,083	5.18
	TAOT 2021-D A3	4/15/2026	1,264,973	1,206,418	5.41
	TAOT 2022-B A3	9/15/2026	1,399,967	1,359,554	4.99
	TAOT 2022-C A3	4/15/2027	3,025,132	3,037,995	4.70
	TAOT 2022-D A3	9/15/2027	4,799,526	4,867,200	4.72

**Orange County Transportation Authority
Portfolio Listing
As of April 30, 2023**

<u>NOTE</u>	<u>DESCRIPTION</u>	<u>MATURITY DATE</u>	<u>BOOK VALUE</u>	<u>MARKET VALUE</u>	<u>YIELD</u>
	TAOT 2023-A A3	9/15/2027	775,000	774,566	4.78
	TLOT 2021-A A3	4/22/2024	1,193,646	1,181,466	7.45
	TLOT 2022-A A3	2/20/2025	1,217,383	1,214,125	5.09
	TLOT 21B A3	10/21/2024	684,749	673,152	6.16
	TLOT 23A A3	4/20/2026	2,599,547	2,600,000	4.83
	UART 211 A3	6/16/2025	79,867	79,712	2.96
	VALET 2021-1 A3	6/22/2026	1,379,946	1,321,902	5.49
	VWALT 2022-A A3	7/21/2025	739,941	725,947	5.46
	VZMT 2022-5 A1A	7/20/2027	1,824,920	1,800,016	5.71
	VZOT 2020-B A	2/20/2025	204,973	202,902	6.31
	WLAKE 223 A3	7/15/2026	4,799,655	4,785,360	5.80
	WLAKE 231 A3	1/18/2028	1,599,921	1,598,176	5.40
	WLAKE 232 A3	2/16/2027	3,799,858	3,820,520	5.00
	WOART 2020-B A3	5/15/2025	286,753	282,603	6.18
	WOART 2021-D A3	10/15/2026	1,504,795	1,436,297	5.27
	SUB-TOTAL		239,269,539	234,971,426	
	<u>Municipal Debt</u>				
	ALABAMA FED AID HWY FIN AUTH SPL OBLIG REV	9/1/2027	1,349,172	1,351,972	4.13
	CALIFORNIA EARTHQUAKE AUTH REV	7/1/2023	365,000	362,587	5.26
	CALIFORNIA EARTHQUAKE AUTH REV	7/1/2023	2,380,000	2,379,048	5.53
	CALIFORNIA ST	4/1/2024	3,239,373	3,028,915	5.03
	CALIFORNIA ST DEPT WTR RES CENT VY PROJ REV	12/1/2023	230,000	223,900	5.02
	CALIFORNIA ST UNIV REV	11/1/2023	2,090,000	2,042,055	5.10
	CONNECTICUT ST	6/15/2024	1,668,696	1,620,367	4.79
	CORONA	5/1/2024	1,510,000	1,446,278	5.06
	EL CAJON CALIF	4/1/2024	540,000	519,853	5.11
	EL DORADO CALIF IRR DIST REV	3/1/2024	720,000	697,262	4.96
	FLORIDA ST BRD ADMIN FIN CORP REV	7/1/2025	1,025,000	953,927	4.65
	GOLDEN ST TOB SECURITIZATION CORP CALIF TOB SETTLE	6/1/2025	2,120,000	1,978,638	4.79
	HAWAII ST ARPTS SYS CUSTOMER FAC CHARGE REV	7/1/2024	715,000	691,005	4.98
	LOS ALTOS CALIF SCH DIST	10/1/2024	1,826,514	1,705,032	4.88
	LOS ANGELES CALIF MUN IMPT CORP LEASE REV	11/1/2025	1,600,000	1,457,552	4.75
	MASSACHUSETTS (COMMONWEALTH OF)	1/15/2025	2,345,000	2,310,271	4.57
	MASSACHUSETTS (COMMONWEALTH OF)	7/15/2024	4,240,000	4,177,757	4.90
	NEW JERSEY ST TPK AUTH TPK REV	1/1/2025	850,000	797,028	4.81
	NEW YORK ST	2/15/2024	3,000,000	2,929,200	5.06
	NEW YORK ST URBAN DEV CORP REV	3/15/2024	2,790,000	2,684,705	5.06
	NEW YORK STATE DORMITORY AUTHORITY	3/15/2025	2,690,000	2,533,119	4.14
	NEW YORK STATE DORMITORY AUTHORITY	3/15/2026	3,570,000	3,505,669	4.43
	REDONDO BEACH CALIF CMNTY FING AUTH LEASE REV	5/1/2026	1,495,000	1,357,654	4.63
	RIVERSIDE CNTY CALIF INFRASTRUCTURE FING AUTH LEAS	11/1/2024	1,810,000	1,709,020	4.75
	SAN BERNARDINO CALIF CMNTY COLLEGE DIST	8/1/2024	890,000	849,558	4.70
	SAN DIEGO CNTY CALIF WTR AUTH WTR REV	5/1/2024	2,067,541	2,017,348	4.88
	VALLEJO CALIF WTR REV	5/1/2023	840,000	840,000	1.46
	WISCONSIN ST GEN FD ANNUAL APPROPRIATION REV	5/1/2026	1,240,000	1,243,212	4.27
	SUB-TOTAL		49,206,296	47,412,931	
	<u>Supranationals</u>				
	INTER-AMERICAN DEVELOPMENT BANK	9/23/2024	10,976,871	10,408,068	4.40
	INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPM	3/19/2024	5,349,700	4,899,650	4.82
	INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPM	11/24/2023	5,687,745	5,546,214	5.09
	SUB-TOTAL		22,014,316	20,853,932	
	SHORT-TERM PORTFOLIO - TOTAL		\$ 1,981,351,782	\$ 1,933,587,200	

BOND PROCEEDS PORTFOLIO

<u>NOTE</u>	<u>DESCRIPTION</u>	<u>MATURITY DATE</u>	<u>BOOK VALUE</u>	<u>MARKET VALUE</u>	<u>YIELD</u>
	2021 Bond Anticipation Notes (BANs) - US Bank				
	FIRST AMERICAN GOVERNMENT OBLIGATIONS FUND	N/A	52,155	52,155	4.42
	BOND PROCEEDS PORTFOLIO-TOTAL		\$ 52,155	\$ 52,155	

DEBT SERVICE RESERVE FUNDS

<u>NOTE</u>	<u>DESCRIPTION</u>	<u>MATURITY DATE</u>	<u>BOOK VALUE</u>	<u>MARKET VALUE</u>	<u>YIELD</u>
	91 EXPRESS LANES 2013 BONDS (US Bank DSRF)				
	NATIXIS NY BRANCH CP	7/3/2023	10,799,339	10,968,931	5.00
	FIRST AMERICAN GOVERNMENT OBLIGATIONS FUND	N/A	342,868	342,868	4.42
	91 EXPRESS LANES 2013 BONDS - OPERATING & MAINTENANCE RESERVES				
	BANK DEPOSITS	N/A	759,853	759,853	0.00
	OPERATING RESERVE - BARCLAYS CP	6/28/2023	3,030,147	3,028,691	4.91
	MAINTENANCE RESERVE - BARCLAYS CP	6/28/2023	10,263,400	10,258,471	4.91
	DEBT SERVICE RESERVE FUNDS - TOTAL		\$ 25,195,606	\$ 25,358,814	

	<u>Book Value</u>	<u>Market Value</u>
TOTAL PORTFOLIO	\$ 2,481,128,927	\$ 2,434,033,308

NOTE: 1. Variable or floating rate securities.



COMMITTEE TRANSMITTAL

June 26, 2023

To: Members of the Board of Directors

From: Andrea West, Interim Clerk of the Board

(A)

Subject: State Legislative Status Report

Legislative and Communications Committee Meeting of June 15, 2023

Present: Directors Diaz, Dumitru, Goodell, Jung, and Wagner

Absent: Directors Foley and Hernandez

Committee Vote

This item was passed by the Members present.

Committee Recommendations

- A. Adopt an OPPOSE position on AB 6 (Friedman, D-Glendale), which would create new requirements for meeting regional greenhouse gas emission targets for the transportation sector.
- B. Adopt an OPPOSE position on AB 7 (Friedman, D-Glendale), which would revise statewide transportation planning requirements and add new priorities for state transportation funding, planning and project implementation.



June 15, 2023

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. This report includes two recommended oppose positions on legislation relating to greenhouse gas emission reduction targets and state transportation planning and funding priorities. These positions are consistent with the Orange County Transportation Authority's Board of Directors'-approved State Legislative Platform for 2023-24. An update is provided on the Governor's proposals to streamline infrastructure delivery and efforts to inform funding for transit operations and a summary related to the California Air Resources Board's In-Use Locomotive Regulation are provided.

Recommendations

- A. Adopt an OPPOSE position on AB 6 (Friedman, D-Glendale), which would create new requirements for meeting regional greenhouse gas emission targets for the transportation sector.
- B. Adopt an OPPPOSE position on AB 7 (Friedman, D-Glendale), which would revise statewide transportation planning requirements and add new priorities for state transportation funding, planning and project implementation.

Discussion

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

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 now require this methodology be subject to the California Air Resources Board's (CARB) approval. AB 6 also now 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) Solutions for Congested Corridors Program (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 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 currently requires an MPO to continue to work with CARB until 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 allowing a bottoms-up approach to these strategies and gives CARB direct oversight over a region's models and strategies.

AB 6 also adds another GHG emission reduction target year without addressing the underlying issues regions may have in meeting the existing targets. This may include the lack of tools to accelerate certain types of projects, insufficient funding to expand services to allow for modal shift, and inaction at the state level to implement various strategies. Rather than setting an additional target, further work should be done to provide regions with what is necessary to meet existing targets.

Finally, AB 6 would revise the criteria put in place by SB 1 for the SCCP. Because the language references the "State's GHG emission reduction targets," it's unclear if this would be the same as the regional targets adopted under

SB 375. Already, projects funded via the SCCP have to demonstrate they are in a regional transportation plan (RTP) with an approved SCS. This new requirement would create uncertainty for future projects as to what goals they must meet and create the precedent of requiring project level GHG emission reductions rather than demonstration of reductions through the regional planning process.

Mobility 21, the Orange County Business Council, Rebuild SoCal, the Riverside County Transportation Commission, and others have adopted oppose positions to this bill. An OPPOSE position is consistent with the Orange County Transportation Authority's (OCTA) 2023-24 State Legislative Platform principle to "Ensure that air quality determinations and policies do not constrain funding availability or otherwise undermine OCTA's ability to deliver transportation improvements." A comprehensive analysis and copy of the text of this legislation are included as Attachment A.

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

AB 7 adds new requirements for the California Transportation Plan (CTP) and lists priorities which the California State Transportation Agency (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 possible, feasible, applicable 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. Previous iterations of this plan have been critiqued for including proposals that are not financially constrained, as an RTP is required to be, and for including assumptions related to land use and development that are not realistic. 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 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 (IIJA) 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.

Both the OCTA Long-Range Transportation Plan and the Southern California Association of Governments' RTP must be financially constrained, based on existing and projected revenues. As currently developed, however, the CTP is not subject to the same restrictions. Therefore, the CTP can propose significantly

higher transit service levels; expansion of transit, rail and active transportation systems; and the location of future land use and housing that are not aligned with available revenues or policies adopted in a RTP. While AB 7's proposed language related to adding a financial element is a step in the right direction to resolve these discrepancies, the currently proposed language does not ensure alignment with assumptions in adopted RTPs. Without consistency, the CTP could include proposals that would require a redirection of existing resources, include new revenues that are not likely to accrue, or projected service levels or pricing assumptions that are not currently planned or feasible.

AB 7's proposed language to require analysis of how the plan aligns with the principles of CAPTI, IIJA and Justice40, is not only unclear but would also put into statute policy documents that could change moving forward or are not statutorily authorized. For instance, CAPTI and Justice40 were both done via Executive Order. These goals are evolving and may change in the future. However, the CTP would continue to have to reference them, not affording an opportunity for the CTP to align with the most current requirements. Further, the IIJA was a federal reauthorization bill that reauthorized several federal transportation funding programs, some of which have existed for decades. Under each funding program there are a host of eligibility parameters and goals. Based on the current language, staff analysis concludes that the CTP would have to show how it's meeting all of these goals, regardless of whether an authorized program is only created for a limited duration or intent. Already part of the intent of the CTP is to show how the State will meet various state goals and objectives; this added language is not only unclear but could complicate the focus of this plan.

AB 7 also requires, on or after January 1, 2025, CalSTA, Caltrans, and the CTC, to the extent possible, feasible, applicable, and cost effective, to incorporate various principles into their processes for transportation project development, selection and implementation. These principles include cross-references to federal statutory sections, selectively choosing certain parameters governing federal funding programs, including short-term discretionary grant programs. For instance, there are principles that cross-reference the National Highway Performance Program and discuss resiliency and safety, a principle that cross-references the Americans with Disabilities Act, and another principle that cross-references the One Federal Decision framework that has not yet been finalized. In addition, principles are included that address other priorities, including promoting compact infill development; reducing vehicle miles traveled, including considering alternatives to general purpose lanes; building an integrated state rail and transit network; making safety improvements to reduce fatalities and severe injuries; strengthening commitment to social and racial equity, including avoiding placing new or exacerbating existing burdens on these communities; and protecting natural and working lands from conversion by supporting local and region conservation.

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 (Chapter 5, Statutes of 2017) 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 possible, feasible, applicable, 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.

Mobility 21, the Orange County Business Council, Rebuild SoCal, the Riverside County Transportation Commission, and others have already adopted oppose positions to this bill. An OPPOSE position is consistent with OCTA's 2023-24 State Legislative Platform principle to "Oppose linking or reprioritizing local and state transportation funding to programs not primarily intended to help the State meet its transportation needs." A comprehensive analysis and copy of the text of this legislation are included as Attachment B.

Governor's Plan to Streamline Infrastructure Project Delivery

As previously communicated to the OCTA Board of Directors (Board), on May 19, 2023, the Governor announced proposals to reform infrastructure project permitting, review, and delivery, while also seeking to meet the State's economic, climate and social goals. These proposals were informed by the work of the Governor's Infrastructure Advisor, former Los Angeles Mayor Antonio Villaraigosa, and a nonprofit organization, California Forward, who have met with stakeholders over the last year to gather input on needed reforms, especially with the new investment coming from the federal IIJA and Inflation Reduction Act.

In order to put some of these proposals into action, the Governor signed an Executive Order which requires the Infrastructure Advisor to convene an Infrastructure Strike Team (Strike Team) to work across state agencies, including CalSTA, to maximize state and federal funding opportunities. The Strike Team's responsibilities are to identify projects to focus streamlining efforts; support

coordination between agencies on project review, permitting and approvals; prioritize investments from other sectors in supporting the identified project; and share challenges and best practices across agencies. Individual projects are to be tracked as they move through the process by the Strike Team to identify areas of improvement. Specific working groups are to be formed focused on various sectors including transportation, hydrogen, and zero-emission vehicles.

Separately, the Executive Order also requires CalSTA to establish an interagency Task Force on Third Parties, with participation from Caltrans, California High Speed Rail Authority, the California Department of Water Resources, the California Department of Fish and Wildlife, and other state agencies to assist major infrastructure projects by working with private parties to obtain approvals and facilitate agreements necessary to relocate utilities or mitigate project impacts and allow construction to commence sooner. In addition, the Executive Order directs the Governor's Office of Business and Economic Development, in collaboration with CARB and California Energy Commission, in addition to other state agencies, to identify opportunities to support local permitting of clean energy and zero-emission vehicle infrastructure.

Since the signing of the Executive Order, the Governor has also released several trailer bill proposals to enact most of the reforms recommended by the work of the Infrastructure Advisor. They include the following:

- National Environmental Policy Act Delegation for Transit and Rail Projects: Removes sunset for existing authority 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.
- Streamlined California Environmental Quality Act (CEQA) Judicial Review: Based on similar streamlining provided for select projects, including professional sports stadiums, projects over \$250 million would be eligible. For transportation, up to ten local or regional transportation projects can be selected, with only those that advance and do not conflict with CAPTI goals being eligible. The goal of the authority is to complete judicial challenges within 270 days.
- CEQA Administrative Record Streamlining: Revises the definition of "internal communications" and allows a public agency to prepare the administrative record, even if plaintiff initially offered to do so.
- California Endangered Species Act Reforms: Removes the American peregrine falcon, brown pelican, and thickettail chub from the list of fully protected species.

- Progressive Design-Build Authority: Similar to pending bills OCTA has supported granting this authority for regional agencies and local governments, this proposal would only apply to Caltrans and Department of Water Resources projects. This could only apply to eight projects, and those projects would have to be over \$25 million.
- Job Order Contracting: Would grant this procurement authority to Caltrans 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; (9) safety barriers.
- Environmental Mitigation Clarification for Caltrans: Would clarify mitigation requirements for habitats related to Caltrans structures, and for authorities related to the purchase of environmental mitigation properties, credits, and associated endowments.
- Public-Private Partnership Authority for Interstate 15 Wildlife Crossings: Authorizes Caltrans to directly contract with Brightline West to construct three wildlife crossings as part of their high-speed rail project.

As of the writing of this staff report, these trailer bill proposals had not yet been approved by the Legislature as part of the state budget process. Staff will provide updates on the status of these initiatives as discussion occurs.

Transit Operations Funding Budget Request Update

As detailed to the OCTA Board earlier this year, staff have been engaged with the California Transit Association (CTA) to inform efforts to pursue additional transit operations funding, which resulted in a formal request to the Legislature. The CTA budget request letter includes a variety of strategies to help offset the financial hardship many transit agencies are experiencing following the impacts of the pandemic. OCTA has been heavily involved in the discussions to inform this request and ensure any funding provided will be utilized equitably throughout the State. CTA is requesting \$5.15 billion in multiyear funding for transit operations from a collection of state funding sources that have historically supported transit capital and operations and limit the impact to the State's General Fund. Importantly, the CTA budget request does not divert critical funding from other transportation sources and does not require an increase in taxes or fees of any kind. This budget request is consistent with OCTA's 2023-24 State Legislative Platform Principle to, "Support dedicated funding for transit operations, preferably through an ongoing formulaic approach." The letter describing this request is included as Attachment C. Southern California agencies also submitted a letter on May 15, 2023, to support CTA's budget

request. This letter is included as Attachment D. The following is a high-level breakdown of CTA's budgetary requests:

- An additional appropriation of revenue from sales tax on diesel fuel [\$1.35 billion from FY 2023-24 through FY 2027-28]. With the existing statute, 80 percent of the revenue already flows to transit agencies with the remaining going toward the General Fund.
- An additional appropriation of unallocated cap-and-trade revenues (\$2.5 billion from FY 2023-24 through FY 2027-28). Recent reports indicate cap and trade revenues to be above projections, identified as \$800 million in unallocated revenue. This request would provide \$500 million of that unallocated revenue to transit agencies.
- The conversion of transit capital funding to transit operations funding (\$300 million in FYs 2026-27 and 2027-28). The Transit and Intercity Rail Capital Program (TIRCP) receives \$650 million annually for distribution for transit capital programs. This request would convert a portion of that funding to be available for transit operations purposes without impacting projects with previous, multi-year funding commitments.
- Maintaining the \$4 billion General Fund investment from last year's budget for transit capital projects through TIRCP while creating flexibility to use this transit capital funding for transit operations (up to \$1 billion from FY 2023-24 through FY 2027-28).

Additionally, the Legislature had requested that transit agencies detail certain accountability and reform measures in order to receive such funding. CTA, again through extensive conversation with its Transit Operations Funding Subcommittee, discussed the best approach to respond to the Legislature, with the understanding that no funding would be provided if it were not accompanied with such measures. CTA submitted a letter, included as Attachment E, to the Legislature on May 18, 2023, outlining recommendations for a proposed accountability and reform framework. As proposed, this would require transit agencies to have their governing board pass a resolution prior to receiving the funding that demonstrates the need and strategies that will be used to address operating deficits or to increase ridership. It also would require transit agencies to then submit a transit recovery plan within 18 months of receiving operations funding on specific strategies to enhance its ridership and address its operating deficit.

CTA has had ongoing conversations with the Legislature regarding its proposal and has presented to both Assembly and Senate budget subcommittees several times to demonstrate the need for relief, the funding requests, and associated accountability measures. Since these conversations and the letters, both the Senate and Assembly budget committees have advanced several

recommendations related to transit. This includes maintaining the \$4 billion in population-based TIRCP General Fund dollars with flexibility for operations so long as, not yet specified, accountability and reform requirements are met. It also extends certain flexibilities and relief measures established during the pandemic related to the Transportation Development Act and the State Transit Assistance Program. The Senate's budget proposal also expands the provisions to allow for increased flexibility in the use of funds transit operators receive from the State of Good Repair program and the Low Carbon Transit Operations Program.

Presently, these proposals do not include the remainder of CTA's budget request, such as the unallocated cap and trade funds, remainder of the revenues for the sales tax on diesel, and annual TIRCP funding flexibilities. Instead, the budget committees have increased funding for zero-emission bus and infrastructure with the argument being that many transit agencies are facing cost pressures because of the State's zero-emission mandate and adding more funding to this pot will free up other state and local funds for operations purposes. The identified funding for this could be between \$100 million and \$220 million. With all that, negotiations remain ongoing. The Legislature is required to approve a budget by June 15, 2023. OCTA staff remain engaged with stakeholders and will keep the Board updated as necessary.

California Air Resources Board's In-Use Locomotive Regulation

Since late 2019, CARB has organized workshops and meetings with stakeholders to inform the proposed In-Use Locomotive Regulation. The primary goals of this regulation are to prioritize emission reductions in the most disadvantaged communities, decrease locomotive emissions by increasing turnover to Tier 4 and cleaner locomotives, and to eventually move toward zero-emission locomotives in California. OCTA staff have provided several updates to the Board throughout the rulemaking process, which has now concluded with the CARB Board's approval of the regulation on April 27, 2023.

As a summary, there are four primary components associated with this regulation. First, is the Spending Account, which is to be established by 2024. As a part of this spending account, operators will be assessed a charge based on locomotive emissions levels and amount of work performed in California. These charges will be held in the individual railroads' trust, with annual public reporting of usage and funds deposited. Rail operators will use accumulated charges to purchase cleaner locomotives. Until 2034, usage of zero-emission locomotives will generate a credit used to offset monies owed to the spending account.

OCTA collaborated with the Southern California Regional Rail Authority (Metrolink) and CTA on amendments to the regulation that would exempt passenger rail operators, such as Metrolink, from the purchase mandates. Metrolink has already committed to transitioning to zero-emission technology for

locomotives as soon as feasibly possible. As a joint powers authority member of Metrolink, OCTA contributes approximately 29 percent of Metrolink's entire operations budget. Any increases to Metrolink's operating and capital budgets will create a significant financial burden for OCTA and potentially stall other transit projects and programs. Therefore, following significant negotiations with CARB staff and passenger rail operators, CARB included language that would allow locomotive operators to use an Alternative Compliance Plan (ACP) or the Alternative Fleet Milestone Option (AFMO) instead of direct compliance with these requirements. A locomotive operator that submits an AFMO application must commit to, and following approval by CARB, demonstrate, conversion of their fleet to 100 percent Tier 4 locomotives (or cleaner) by 2035 and 100 percent zero emission locomotives by 2047, with intermediate conversion targets in 2035 and 2042. Once approved, a locomotive operator's AFMO is valid in perpetuity unless revoked. A locomotive operator that submits an ACP must commit to an equivalent to or greater reduction of particulate matter, nitrogen oxides, and GHG emissions than would have been achieved during the five-year verification period for which the ACP can be implemented.

Second, the regulation would institute a useful life limit by requiring all locomotives 23 years old or older to cease operations in California starting in 2030. Third, the regulation would implement a 30-minute idling limit, which is based on the United States Environmental Protection Agency's requirements. Fourth, and finally, this regulation would require operators to report to CARB annually, starting July 1, 2024, depending on which pathway they use to comply with this regulation.

CARB staff indicated in its staff report that they will be undergoing technology assessments in 2027 and 2032. This will include an analysis of the progress made in zero emission technologies and, therein, making subsequent determinations if compliance dates need to be adjusted. Staff will continue to monitor these assessments and conversations related to zero emission transition.

Summary

Recommendations for positions are made on legislation related to transportation planning and project priorities. An overview is provided of proposals from the Governor related to infrastructure project streamlining. An update on efforts to inform funding for transit operations and a summary on the finalization of the California Air Resources Board's In-Use Locomotive Regulation are provided.

Attachments

- A. AB 6 (Friedman, D-Burbank) Bill Analysis and Bill Language
- B. AB 7 (Friedman, D-Burbank) Bill Analysis and Bill Language
- C. Letter from Michael Pimentel, Executive Director, California Transit Association, dated April 25, 2023, re: California Transit Association's Funding Request and Policy Recommendations to Address Near-Term Operating Deficits
- D. Letter to the Honorable Gavin Newsom, Governor, State of California, the Honorable Toni G. Atkins, Senate President pro Tempore, California State Senate, and the Honorable Anthony Redon, Speaker of the Assembly, California State Assembly, dated May 15, 2023
- E. Letter from Michael Pimentel, Executive Director, California Transit Association, dated May 18, 2023, re: California Transit Association's Proposed Accountability and Reform Framework
- F. Orange County Transportation Authority Legislative Matrix

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BILL: AB 6 (Friedman, D-Burbank)
Introduced December 5, 2022
Amended March 16, 2023

SUBJECT: AB 6 would create new regional greenhouse gas emission goals for the transportation sector with increased oversight by the California Air Resources Board while revising criteria for certain transportation funding programs

STATUS: Pending in Senate
Passed the Assembly 45-19
Passed the Assembly Appropriations Committee 12-3
Passed the Assembly Natural Resources Committee 8-2
Passed the Assembly Transportation Committee 11-4

SUMMARY AS OF JUNE 1, 2023:

AB 6 (Friedman, D-Burbank) 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 now require this methodology be subject to the California Air Resources Board's (CARB) approval. AB 6 also now 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) Solutions for Congested Corridors Program (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.

EFFECTS ON ORANGE COUNTY:

The Southern California Association of Governments (SCAG) develops the regional transportation plan (RTP) for a six-county area, which includes Orange County, every four years. The RTP outlines the region's transportation planning objectives for at least a 20-year period. The Orange County Transportation Authority (OCTA) develops a long-range transportation plan to detail transportation planning priorities in Orange

County, which is then integrated into SCAG's RTP. In 2008, SB 375 required the development of the SCS as a new element of the RTP. The SCS serves as the region's plan for reducing regional GHG by better integrating transportation, land use, and planning decisions. The SCS currently must demonstrate the region's ability to meet GHG emission reduction targets, set by CARB, by 2020 and 2035. The intent behind SB 375 was to facilitate a bottoms-up planning approach that maximized flexibility in the SCS development process in order to meet the region's specific needs, recognizing differences in geographic, demographic, and funding requirements while reflecting the fact that transportation agencies do not have control over land use decisions.

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 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.

Further AB 6 adds another GHG emission reduction target year without addressing the underlying issues regions may have in meeting the existing targets. This may include the lack of tools to accelerate certain types of projects, insufficient funding to expand services to allow for mode shift, and inaction at the state level to implement various strategies. Rather than setting an additional target, further work should be done to provide regions what is necessary to meet existing targets.

Finally, AB 6 would revise the criteria put in place by SB 1 for the SCCP. Because the language references the "State's GHG emission reduction targets," it's unclear if this would be the same as the regional targets adopted under SB 375. Already, projects funded via the SCCP have to demonstrate they are in a RTP with an approved SCS. This new requirement would create uncertainty for future projects as to what goals they must meet, and create the precedent of requiring project level GHG emission reductions rather than demonstration of reductions through the regional planning process.

Mobility 21, the Orange County Business Council, Rebuild SoCal, the Riverside County Transportation Commission and others have already adopted oppose positions to this bill. An OPPOSE position is consistent with OCTA's 2023-24 State Legislative Platform principles to "Ensure that air quality determinations and policies do not constrain funding availability or otherwise undermine OCTA's ability to deliver transportation improvements."

OCTA POSITION:

Staff recommends: OPPOSE

AMENDED IN ASSEMBLY MARCH 16, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 6

Introduced by Assembly Member Friedman

December 5, 2022

An act to amend Section 65080 of the Government Code, and to amend Section 2393 of the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 6, as amended, Friedman. ~~Transportation planning.~~ *planning: regional transportation plans: Solutions for Congested Corridors Program: reduction of greenhouse gas emissions.*

Existing law requires certain transportation planning agencies to prepare and adopt regional transportation plans directed at achieving a coordinated and balanced regional transportation system. Existing law requires *that* each regional transportation plan ~~to~~ also include a sustainable communities strategy prepared by each metropolitan planning organization in order to, among other things, achieve certain targets established by the State Air Resources Board for the reduction of greenhouse gas emissions from automobiles and light trucks in the region for 2020 and 2035, respectively.

~~This bill would state the intent of the Legislature to enact subsequent legislation that would require regional transportation agencies to prioritize and fund transportation projects, including those funded by a local sales tax measure, that significantly contribute towards the goals outlined in a region's sustainable communities strategy and the state's climate goals. require the state board, after January 1, 2024, and not~~

later than September 30, 2026, to establish additional targets for 2035 and 2045, respectively, as specified.

Existing law requires a metropolitan planning organization, before starting a specified public participation process, to submit a description to the state board of the technical methodology it intends to use to estimate the emissions of greenhouse gases from its sustainable communities strategy and, if appropriate, its alternative planning strategy. Existing law encourages a metropolitan planning organization to work with the state board until the state board concludes that the technical methodology operates accurately.

This bill would instead require a metropolitan planning organization, at least 60 days before starting that public participation process, to submit that description of the technical methodology to the state board for approval. The bill would require, rather than encourage, a metropolitan planning organization to work with the state board until the state board concludes that the technical methodology operates accurately and approves its use.

Existing law requires a metropolitan planning organization to submit an adopted sustainable communities strategy or an alternative planning strategy, if applicable, to the state board for review. Existing law limits the state board's review to acceptance or rejection of the metropolitan planning organization's determination that the strategy submitted would, if implemented, achieve the greenhouse gas emission reduction targets established by the state board. Existing law requires the state board to complete its review within 60 days.

This bill would instead require a metropolitan planning organization, within 120 business days after adoption, to submit an adopted sustainable communities strategy or an alternative planning strategy, if applicable, to the state board for both review and approval. The bill would instead require that the state board's review include acceptance or rejection of the metropolitan planning organization's determination described above. The bill would require the state board to complete its review within 180, instead of 60, business days.

To the extent this bill would impose new requirements on a metropolitan planning organization, the bill would impose a state-mandated local program.

Existing law creates the Solutions for Congested Corridors Program to fund projects designed to achieve a balanced set of transportation, environmental, and community access improvements within highly congested travel corridors throughout the state, as specified. Existing

law authorizes regional transportation planning agencies, county transportation commissions, certain transportation authorities, and the Department of Transportation to nominate projects for funding through the program, and requires each project nomination to include documentation regarding the quantitative and qualitative measures validating the project’s consistency with the policy objectives of the program.

This bill would additionally require each project nomination to demonstrate how the project would contribute to achieving the state’s greenhouse gas emission reduction targets.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes. State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65080 of the Government Code is
2 amended to read:
3 65080. (a) Each transportation planning agency designated
4 under Section 29532 or 29532.1 shall prepare and adopt a regional
5 transportation plan directed at achieving a coordinated and balanced
6 regional transportation system, including, but not limited to, mass
7 transportation, highway, railroad, maritime, bicycle, pedestrian,
8 goods movement, and aviation facilities and services. The plan
9 shall be action-oriented and pragmatic, considering both the
10 short-term and long-term future, and shall present clear, concise
11 policy guidance to local and state officials. The regional
12 transportation plan shall consider factors specified in Section 134
13 of Title 23 of the United States Code. Each transportation planning
14 agency shall consider and incorporate, as appropriate, the
15 transportation plans of cities, counties, districts, private
16 organizations, and state and federal agencies.

1 (b) The regional transportation plan shall be an internally
2 consistent document and shall include all of the following:

3 (1) A policy element that describes the transportation issues in
4 the region, identifies and quantifies regional needs, and describes
5 the desired short-range and long-range transportation goals, and
6 pragmatic objective and policy statements. The objective and policy
7 statements shall be consistent with the funding estimates of the
8 financial element. The policy element of transportation planning
9 agencies with populations that exceed 200,000 persons may
10 quantify a set of indicators including, but not limited to, all of the
11 following:

12 (A) Measures of mobility and traffic congestion, including, but
13 not limited to, daily vehicle hours of delay per capita and vehicle
14 miles traveled per capita.

15 (B) Measures of road and bridge maintenance and rehabilitation
16 needs, including, but not limited to, roadway pavement and bridge
17 conditions.

18 (C) Measures of means of travel, including, but not limited to,
19 percentage share of all trips (work and nonwork) made by all of
20 the following:

21 (i) Single occupant vehicle.

22 (ii) Multiple occupant vehicle or carpool.

23 (iii) Public transit including commuter rail and intercity rail.

24 (iv) Walking.

25 (v) Bicycling.

26 (D) Measures of safety and security, including, but not limited
27 to, total injuries and fatalities assigned to each of the modes set
28 forth in subparagraph (C).

29 (E) Measures of equity and accessibility, including, but not
30 limited to, percentage of the population served by frequent and
31 reliable public transit, with a breakdown by income bracket, and
32 percentage of all jobs accessible by frequent and reliable public
33 transit service, with a breakdown by income bracket.

34 (F) The requirements of this section may be met using existing
35 sources of information. No additional traffic counts, household
36 surveys, or other sources of data shall be required.

37 (2) A sustainable communities strategy prepared by each
38 metropolitan planning organization as follows:

39 (A) No later than September 30, 2010, the State Air Resources
40 Board shall provide each affected region with greenhouse gas

1 emission reduction targets for the automobile and light truck sector
2 for 2020 and 2035, respectively. *After January 1, 2024, and no*
3 *later than September 30, 2026, the State Air Resources Board shall*
4 *provide each affected region with greenhouse gas emissions targets*
5 *for the automobile and light truck sector for 2035 and 2045,*
6 *respectively, which shall be updated as provided in clause (iv).*

7 (i) No later than January 31, 2009, the ~~state board~~ *State Air*
8 *Resources Board* shall appoint a Regional Targets Advisory
9 Committee to recommend factors to be considered and
10 methodologies to be used for setting greenhouse gas emission
11 reduction targets for the affected regions. The committee shall be
12 composed of representatives of the metropolitan planning
13 organizations, affected air districts, the League of California Cities,
14 the California State Association of Counties, local transportation
15 agencies, and members of the public, including homebuilders,
16 environmental organizations, planning organizations,
17 environmental justice organizations, affordable housing
18 organizations, and others. The advisory committee shall transmit
19 a report with its recommendations to the ~~state board~~ *State Air*
20 *Resources Board* no later than September 30, 2009. In
21 recommending factors to be considered and methodologies to be
22 used, the advisory committee may consider any relevant issues,
23 including, but not limited to, data needs, modeling techniques,
24 growth forecasts, the impacts of regional jobs-housing balance on
25 interregional travel and greenhouse gas emissions, economic and
26 demographic trends, the magnitude of greenhouse gas reduction
27 benefits from a variety of land use and transportation strategies,
28 and appropriate methods to describe regional targets and to monitor
29 performance in attaining those targets. The ~~state board~~ *State Air*
30 *Resources Board* shall consider the report before setting the targets.

31 (ii) Before setting the targets for a region, the ~~state board~~ *State*
32 *Air Resources Board* shall exchange technical information with
33 the metropolitan planning organization and the affected air district.
34 The metropolitan planning organization may recommend a target
35 for the region. The metropolitan planning organization shall hold
36 at least one public workshop within the region after receipt of the
37 report from the advisory committee. The ~~state board~~ *State Air*
38 *Resources Board* shall release draft targets for each region no later
39 than June 30, 2010.

1 (iii) In establishing these targets, the ~~state board~~ *State Air*
2 *Resources Board* shall take into account greenhouse gas emission
3 reductions that will be achieved by improved vehicle emission
4 standards, changes in fuel composition, and other measures it has
5 approved that will reduce ~~the emissions of~~ greenhouse ~~gas~~
6 ~~emissions~~ *gases* in the affected regions, and prospective measures
7 the ~~state board~~ *State Air Resources Board* plans to adopt to reduce
8 ~~the emissions of~~ greenhouse ~~gas emissions~~ *gases* from other
9 greenhouse gas emission sources as ~~that term is~~ defined in
10 subdivision (i) of Section 38505 of the Health and Safety Code
11 and consistent with the regulations ~~promulgated~~ *adopted* pursuant
12 to the California Global Warming Solutions Act of 2006 (Division
13 25.5 (commencing with Section 38500) of the Health and Safety
14 Code), including Section 38566 of the Health and Safety Code.

15 (iv) The ~~state board~~ *State Air Resources Board* shall update the
16 regional greenhouse gas emission reduction targets every eight
17 years consistent with each metropolitan planning organization's
18 timeframe for updating its regional transportation plan under
19 federal law until 2050. The ~~state board~~ *State Air Resources Board*
20 may revise the targets every four years based on changes in the
21 factors considered under clause (iii). The ~~state board~~ *State Air*
22 *Resources Board* shall exchange technical information with the
23 Department of Transportation, metropolitan planning organizations,
24 local governments, and affected air districts and engage in a
25 consultative process with public and private stakeholders, before
26 updating these targets.

27 (v) The greenhouse gas emission reduction targets may be
28 expressed in gross tons, tons per capita, tons per household, or in
29 any other metric deemed appropriate by the ~~state board~~. *State Air*
30 *Resources Board*.

31 (B) Each metropolitan planning organization shall prepare a
32 sustainable communities strategy, subject to the requirements of
33 Part 450 of Title 23 of, and Part 93 of Title 40 of, the Code of
34 Federal Regulations, including the requirement to use the most
35 recent planning assumptions considering local general plans and
36 other factors. The sustainable communities strategy shall ~~(i)~~
37 ~~identify~~ *do all of the following:*

38 (i) *Identify* the general location of uses, residential densities,
39 and building intensities within the ~~region~~, ~~(ii)~~ *identify* *region*.

- 1 (ii) *Identify* areas within the region sufficient to house all the
2 population of the region, including all economic segments of the
3 population, over the course of the planning period of the regional
4 transportation plan taking into account net migration into the
5 region, population growth, household formation and employment
6 ~~growth, (iii) identify growth.~~
- 7 (iii) *Identify* areas within the region sufficient to house an
8 eight-year projection of the regional housing need for the region
9 pursuant to Section ~~65584, (iv) identify 65584.~~
- 10 (iv) *Identify* a transportation network to service the transportation
11 needs of the ~~region, (v) gather region.~~
- 12 (v) *Gather* and consider the best practically available scientific
13 information regarding resource areas and farmland in the region
14 as defined in subdivisions (a) and (b) of Section ~~65080.01, (vi)~~
15 ~~consider 65080.01.~~
- 16 (vi) *Consider* the state housing goals specified in Sections 65580
17 and ~~65581, (vii) set 65581.~~
- 18 (vii) *Set* forth a forecasted development pattern for the region,
19 which, when integrated with the transportation network, and other
20 transportation measures and policies, will reduce the *emissions of*
21 ~~greenhouse gas emissions~~ *gases* from automobiles and light trucks
22 to achieve, if there is a feasible way to do so, the greenhouse gas
23 emission reduction targets approved by the ~~state board, and (viii)~~
24 ~~allow State Air Resources Board.~~
- 25 (viii) *Allow* the regional transportation plan to comply with
26 Section 176 of the federal Clean Air Act (42 U.S.C. Sec. 7506).
- 27 (C) (i) Within the jurisdiction of the Metropolitan
28 Transportation Commission, as defined by Section 66502, the
29 Association of Bay Area Governments shall be responsible for
30 clauses (i), (ii), (iii), (v), and (vi) of subparagraph (B); the
31 Metropolitan Transportation Commission shall be responsible for
32 clauses (iv) and (viii) of subparagraph (B); and the Association of
33 Bay Area Governments and the Metropolitan Transportation
34 Commission shall jointly be responsible for clause (vii) of
35 subparagraph (B).
- 36 (ii) Within the jurisdiction of the Tahoe Regional Planning
37 Agency, as defined in Sections 66800 and 66801, the Tahoe
38 Metropolitan Planning Organization shall use the Regional Plan
39 for the Lake Tahoe Region as the sustainable communities strategy,

1 provided that it complies with clauses (vii) and (viii) of
2 subparagraph (B).

3 (D) In the region served by the Southern California Association
4 of Governments, a subregional council of governments and the
5 county transportation commission may work together to propose
6 the sustainable communities strategy and an alternative planning
7 strategy, if one is prepared pursuant to subparagraph (I), for that
8 subregional area. The metropolitan planning organization may
9 adopt a framework for a subregional sustainable communities
10 strategy or a subregional alternative planning strategy to address
11 the intraregional land use, transportation, economic, air quality,
12 and climate policy relationships. The metropolitan planning
13 organization shall include the subregional sustainable communities
14 strategy for that subregion in the regional sustainable communities
15 strategy to the extent consistent with this section and federal law
16 and approve the subregional alternative planning strategy, if one
17 is prepared pursuant to subparagraph (I), for that subregional area
18 to the extent consistent with this section. The metropolitan planning
19 organization shall develop overall guidelines, create a public
20 participation plan pursuant to subparagraph (F), ensure
21 coordination, resolve conflicts, make sure that the overall plan
22 complies with applicable legal requirements, and adopt the plan
23 for the region.

24 (E) The metropolitan planning organization shall conduct at
25 least two informational meetings in each county within the region
26 for members of the board of supervisors and city councils on the
27 sustainable communities strategy and alternative planning strategy,
28 if any. The metropolitan planning organization may conduct only
29 one informational meeting if it is attended by representatives of
30 the county board of supervisors and city council members
31 representing a majority of the cities representing a majority of the
32 population in the incorporated areas of that county. Notice of the
33 meeting or meetings shall be sent to the clerk of the board of
34 supervisors and to each city clerk. The purpose of the meeting or
35 meetings shall be to discuss the sustainable communities strategy
36 and the alternative planning strategy, if any, including the key land
37 use and planning assumptions with the members of the board of
38 supervisors and the city council members in that county and to
39 solicit and consider their input and recommendations.

1 (F) Each metropolitan planning organization shall adopt a public
2 participation plan, for development of the sustainable communities
3 strategy and an alternative planning strategy, if any, that includes
4 all of the following:

5 (i) Outreach efforts to encourage the active participation of a
6 broad range of stakeholder groups in the planning process,
7 consistent with the agency's adopted Federal Public Participation
8 Plan, including, but not limited to, affordable housing advocates,
9 transportation advocates, neighborhood and community groups,
10 environmental advocates, home builder representatives,
11 broad-based business organizations, landowners, commercial
12 property interests, and homeowner associations.

13 (ii) Consultation with congestion management agencies,
14 transportation agencies, and transportation commissions.

15 (iii) Workshops throughout the region to provide the public with
16 the information and tools necessary to provide a clear
17 understanding of the issues and policy choices. At least one
18 workshop shall be held in each county in the region. For counties
19 with a population greater than 500,000, at least three workshops
20 shall be held. Each workshop, to the extent practicable, shall
21 include urban simulation computer modeling to create visual
22 representations of the sustainable communities strategy and the
23 alternative planning strategy.

24 (iv) Preparation and circulation of a draft sustainable
25 communities strategy and an alternative planning strategy, if one
26 is prepared, not less than 55 days before adoption of a final regional
27 transportation plan.

28 (v) At least three public hearings on the draft sustainable
29 communities strategy in the regional transportation plan and
30 alternative planning strategy, if one is prepared. If the metropolitan
31 transportation organization consists of a single county, at least two
32 public hearings shall be held. To the maximum extent feasible, the
33 hearings shall be in different parts of the region to maximize the
34 opportunity for participation by members of the public throughout
35 the region.

36 (vi) A process for enabling members of the public to provide a
37 single request to receive notices, information, and updates.

38 (G) In preparing a sustainable communities strategy, the
39 metropolitan planning organization shall consider spheres of

1 influence that have been adopted by the local agency formation
2 commissions within its region.

3 (H) Before adopting a sustainable communities strategy, the
4 metropolitan planning organization shall quantify the reduction in
5 ~~the emissions of greenhouse gas emissions gases~~ projected to be
6 achieved by the sustainable communities strategy and set forth the
7 difference, if any, between the amount of that reduction and the
8 target for the region established by the ~~state board~~. *State Air*
9 *Resources Board*.

10 (I) If the sustainable communities strategy, prepared in
11 compliance with subparagraph (B) or (D), is unable to reduce ~~the~~
12 ~~emissions of greenhouse gas emissions gases~~ to achieve the
13 greenhouse gas emission reduction targets established by the ~~state~~
14 ~~board~~, *State Air Resources Board*, the metropolitan planning
15 organization shall prepare an alternative planning strategy to the
16 sustainable communities strategy showing how those greenhouse
17 gas emission *reduction* targets would be achieved through
18 alternative development patterns, infrastructure, or additional
19 transportation measures or policies. The alternative planning
20 strategy shall be a separate document from the regional
21 transportation plan, but it may be adopted concurrently with the
22 regional transportation plan. In preparing the alternative planning
23 strategy, the metropolitan planning organization:

24 (i) Shall identify the principal impediments to achieving the
25 targets within the sustainable communities strategy.

26 (ii) May include an alternative development pattern for the
27 region pursuant to subparagraphs (B) to (G), inclusive.

28 (iii) Shall describe how the greenhouse gas emission reduction
29 targets would be achieved by the alternative planning strategy, and
30 why the development pattern, measures, and policies in the
31 alternative planning strategy are the most practicable choices for
32 achievement of the greenhouse gas emission reduction targets.

33 (iv) An alternative development pattern set forth in the
34 alternative planning strategy shall comply with Part 450 of Title
35 23 of, and Part 93 of Title 40 of, the Code of Federal Regulations,
36 except to the extent that compliance will prevent achievement of
37 the greenhouse gas emission reduction targets approved by the
38 ~~state board~~. *State Air Resources Board*.

39 (v) For purposes of the California Environmental Quality Act
40 (Division 13 (commencing with Section 21000)) of the Public

1 Resources Code), an alternative planning strategy shall not
2 constitute a land use plan, policy, or regulation, and the
3 inconsistency of a project with an alternative planning strategy
4 shall not be a consideration in determining whether a project may
5 have an environmental effect.

6 (J) (i) ~~Before~~ *At least 60 days before* starting the public
7 participation process adopted pursuant to subparagraph (F), the
8 metropolitan planning organization shall submit a description to
9 ~~the state board~~ *State Air Resources Board* of the technical
10 methodology it intends to use to estimate the *emissions of*
11 ~~greenhouse gas emissions~~ *gases* from its sustainable communities
12 strategy and, if appropriate, its alternative planning ~~strategy~~
13 *strategy, for State Air Resources Board approval.* ~~The state board~~
14 *State Air Resources Board* shall respond to the metropolitan
15 planning organization in a timely manner with written comments
16 about the technical methodology, including specifically describing
17 any aspects of that methodology it concludes will not yield accurate
18 estimates of *the emissions of* ~~greenhouse gas emissions~~, *gases* and
19 ~~suggested~~ *suggesting* remedies. The metropolitan planning
20 organization ~~is encouraged to~~ *shall* work with the ~~state board~~ *State*
21 *Air Resources Board* until the ~~state board~~ *State Air Resources*
22 *Board* concludes that the technical methodology operates
23 ~~accurately~~ *accurately and approves its use.*

24 (ii) ~~After~~ *Within 120 business days after* adoption, a metropolitan
25 planning organization shall submit a sustainable communities
26 strategy or an alternative planning strategy, if one has been adopted,
27 to the ~~state board~~ *State Air Resources Board* for ~~review~~, *review*
28 *and approval*, including the quantification of the *reductions of*
29 ~~emissions of~~ *greenhouse gas emission reductions* *gases* the strategy
30 would achieve and a description of the technical methodology used
31 to obtain that result. Review by the ~~state board~~ *State Air Resources*
32 *Board* shall ~~be limited to~~ *include* acceptance or rejection of the
33 metropolitan planning organization's determination that the strategy
34 submitted would, if implemented, achieve the greenhouse gas
35 emission reduction targets established by the ~~state board~~. *State Air*
36 *Resources Board.* ~~The state board~~ *State Air Resources Board* shall
37 complete its review within ~~60~~ *180* days.

38 (iii) If the ~~state board~~ *State Air Resources Board* determines
39 that the strategy submitted would not, if implemented, achieve the
40 greenhouse gas emission reduction targets, the metropolitan

1 planning organization shall revise its strategy or adopt an
 2 alternative planning strategy, if not previously adopted, and submit
 3 the strategy for review pursuant to clause (ii). At a minimum, the
 4 metropolitan planning organization ~~must~~ *shall* obtain ~~state board~~
 5 *State Air Resources Board* acceptance that an alternative planning
 6 strategy would, if implemented, achieve the greenhouse gas
 7 emission reduction targets established for that region by the ~~state~~
 8 ~~board~~ *State Air Resources Board*.

9 (iv) On or before September 1, 2018, and every four years
 10 thereafter to align with target setting, notwithstanding Section
 11 10231.5, the ~~state board~~ *State Air Resources Board* shall prepare
 12 a report that assesses progress made by each metropolitan planning
 13 organization in meeting the regional greenhouse gas emission
 14 reduction targets set by the ~~state board~~ *State Air Resources Board*.
 15 The report shall include changes to *the emissions of* greenhouse
 16 ~~gas emissions~~ *gases* in each region and data-supported metrics for
 17 the strategies used to meet the targets. The report shall also include
 18 a discussion of best practices and the challenges faced by the
 19 metropolitan planning organizations in meeting the targets,
 20 including the effect of state policies and funding. The report shall
 21 be developed in consultation with the metropolitan planning
 22 organizations and affected stakeholders. The report shall be
 23 submitted to the Assembly Committee on Transportation and the
 24 Assembly Committee on Natural Resources, and to the Senate
 25 Committee on Transportation, the Senate Committee on Housing,
 26 and the Senate Committee on Environmental Quality.

27 (K) Neither a sustainable communities strategy nor an alternative
 28 planning strategy regulates the use of land, nor, except as provided
 29 by subparagraph (J), shall either one be subject to any state
 30 approval. ~~Nothing in a~~ A sustainable communities strategy ~~shall~~
 31 ~~be interpreted as superseding~~ *does not supersede* the exercise of
 32 the land use authority of cities and counties within the region.
 33 ~~Nothing in this~~ *This section shall be interpreted to does not* limit
 34 the ~~state board's~~ *State Air Resources Board's* authority under any
 35 other law. ~~Nothing in this~~ *This section shall be interpreted to does*
 36 *not* authorize the abrogation of any vested right whether created
 37 by statute or by common law. ~~Nothing in this~~ *This section shall*
 38 *does not* require a city's or county's land use policies and
 39 regulations, including its general plan, to be consistent with the
 40 regional transportation plan or an alternative planning strategy.

1 ~~Nothing in this~~ *This section requires does not require* a
2 metropolitan planning organization to approve a sustainable
3 communities strategy that would be inconsistent with Part 450 of
4 Title 23 of, or Part 93 of Title 40 of, the Code of Federal
5 Regulations and any administrative guidance under those
6 regulations. ~~Nothing in this~~ *This section relieves does not relieve*
7 a public or private entity or any person from compliance with any
8 other local, state, or federal law.

9 (L) ~~Nothing in this~~ *This section requires does not require*
10 projects programmed for funding on or before December 31, 2011,
11 to be subject to ~~the provisions of~~ this paragraph if they (i) are
12 contained in the 2007 or 2009 Federal Statewide Transportation
13 Improvement Program, (ii) are funded pursuant to the Highway
14 Safety, Traffic Reduction, Air Quality, and Port Security Bond
15 Act of 2006 (Chapter 12.49 (commencing with Section 8879.20)
16 of Division 1 of Title 2), or (iii) were specifically listed in a ballot
17 measure before December 31, 2008, approving a sales tax increase
18 for transportation projects. ~~Nothing in this~~ *This section shall does*
19 *not* require a transportation sales tax authority to change the
20 funding allocations approved by the voters for categories of
21 transportation projects in a sales tax measure adopted before
22 December 31, 2010. For purposes of this subparagraph, a
23 transportation sales tax authority is a district, as defined in Section
24 7252 of the Revenue and Taxation Code, that is authorized to
25 impose a sales tax for transportation purposes.

26 (M) A metropolitan planning organization, or a regional
27 transportation planning agency not within a metropolitan planning
28 organization, that is required to adopt a regional transportation
29 plan not less than every five ~~years,~~ *years* may elect to adopt the
30 plan not less than every four years. This election shall be made by
31 the board of directors of the metropolitan planning organization
32 or regional transportation planning agency no later than June 1,
33 2009, or thereafter 54 months before the statutory deadline for the
34 adoption of housing elements for the local jurisdictions within the
35 region, after a public hearing at which comments are accepted
36 from members of the public and representatives of cities and
37 counties within the region covered by the metropolitan planning
38 organization or regional transportation planning agency. Notice
39 of the public hearing shall be given to the general public and by
40 mail to cities and counties within the region no later than 30 days

1 before the date of the public hearing. Notice of election shall be
2 promptly given to the Department of Housing and Community
3 Development. The metropolitan planning organization or the
4 regional transportation planning agency shall complete its next
5 regional transportation plan within three years of the notice of
6 election.

7 (N) Two or more of the metropolitan planning organizations
8 for Fresno County, Kern County, Kings County, Madera County,
9 Merced County, San Joaquin County, Stanislaus County, and
10 Tulare County may work together to develop and adopt
11 multiregional goals and policies that may address interregional
12 land use, transportation, economic, air quality, and climate
13 relationships. The participating metropolitan planning organizations
14 may also develop a multiregional sustainable communities strategy,
15 to the extent consistent with federal law, or an alternative planning
16 strategy for adoption by the metropolitan planning organizations.
17 Each participating metropolitan planning organization shall
18 consider any adopted multiregional goals and policies in the
19 development of a sustainable communities strategy and, if
20 applicable, an alternative planning strategy for its region.

21 (3) An action element that describes the programs and actions
22 necessary to implement the plan and assigns implementation
23 responsibilities. The action element may describe all transportation
24 projects proposed for development during the 20-year or greater
25 life of the plan. The action element shall consider congestion
26 management programming activities carried out within the region.

27 (4) (A) A financial element that summarizes the cost of plan
28 implementation constrained by a realistic projection of available
29 revenues. The financial element shall also contain
30 recommendations for allocation of funds. A county transportation
31 commission created pursuant to the County Transportation
32 Commissions Act (Division 12 (commencing with Section 130000)
33 of the Public Utilities Code) shall be responsible for recommending
34 projects to be funded with regional improvement funds, if the
35 project is consistent with the regional transportation plan. The first
36 five years of the financial element shall be based on the five-year
37 estimate of funds developed pursuant to Section 14524. The
38 financial element may recommend the development of specified
39 new sources of revenue, consistent with the policy element and
40 action element.

- 1 (B) The financial element of transportation planning agencies
2 with populations that exceed 200,000 persons may include a project
3 cost breakdown for all projects proposed for development during
4 the 20-year life of the plan that includes total expenditures and
5 related percentages of total expenditures for all of the following:
- 6 (i) State highway expansion.
 - 7 (ii) State highway rehabilitation, maintenance, and operations.
 - 8 (iii) Local road and street expansion.
 - 9 (iv) Local road and street rehabilitation, maintenance, and
10 operation.
 - 11 (v) Mass transit, commuter rail, and intercity rail expansion.
 - 12 (vi) Mass transit, commuter rail, and intercity rail rehabilitation,
13 maintenance, and operations.
 - 14 (vii) Pedestrian and bicycle facilities.
 - 15 (viii) Environmental enhancements and mitigation.
 - 16 (ix) Research and planning.
 - 17 (x) Other categories.
- 18 (C) The metropolitan planning organization or county
19 transportation agency, whichever entity is appropriate, shall
20 consider financial incentives for cities and counties that have
21 resource areas or farmland, as defined in Section 65080.01, for
22 the purposes of, for example, transportation investments for the
23 preservation and safety of the city street or county road system
24 and farm-to-market and interconnectivity transportation needs.
25 The metropolitan planning organization or county transportation
26 agency, whichever entity is appropriate, shall also consider
27 financial assistance for counties to address countywide service
28 responsibilities in counties that contribute toward the greenhouse
29 gas emission reduction targets by implementing policies for growth
30 to occur within their cities.
- 31 (c) Each transportation planning agency may also include other
32 factors of local significance as an element of the regional
33 transportation plan, including, but not limited to, issues of mobility
34 for specific sectors of the community, including, but not limited
35 to, senior citizens.
- 36 (d) (1) Except as otherwise provided in this subdivision, each
37 transportation planning agency shall adopt and submit, every four
38 years, an updated regional transportation plan to the California
39 Transportation Commission and the Department of Transportation.
40 A transportation planning agency located in a federally designated

1 air quality attainment area or that does not contain an urbanized
2 area may at its option adopt and submit a regional transportation
3 plan every five years. When applicable, the plan shall be consistent
4 with federal planning and programming requirements and shall
5 conform to the regional transportation plan guidelines adopted by
6 the California Transportation Commission. Before adoption of the
7 regional transportation plan, a public hearing shall be held after
8 the giving of notice of the hearing by publication in the affected
9 county or counties pursuant to Section 6061.

10 (2) (A) Notwithstanding subdivisions (b) and (c), and paragraph
11 (1), ~~inclusive~~, the regional transportation plan, sustainable
12 communities strategy, and environmental impact report adopted
13 by the San Diego Association of Governments on October 9, 2015,
14 shall remain in effect for all purposes, including for purposes of
15 consistency determinations and funding eligibility for the San
16 Diego Association of Governments and all other agencies relying
17 on those documents, until the San Diego Association of
18 Governments adopts its next update to its regional transportation
19 plan.

20 (B) The San Diego Association of Governments shall adopt and
21 submit its update to the 2015 regional transportation plan on or
22 before December 31, 2021.

23 (C) After the update described in subparagraph (B), the time
24 period for San Diego Association of Governments' updates to its
25 regional transportation plan shall be reset and shall be adopted and
26 submitted every four years.

27 (D) Notwithstanding clause (iv) of subparagraph (A) of
28 paragraph (2) of subdivision (b), the State Air Resources Board
29 shall not update the greenhouse gas emission reduction targets for
30 the region within the jurisdiction of the San Diego Association of
31 Governments before the adoption of the update to the regional
32 transportation plan pursuant to subparagraph (B).

33 (E) The update to the regional transportation plan adopted by
34 the San Diego Association of Governments on October 9, 2015,
35 which will be prepared and submitted to federal agencies for
36 purposes of compliance with federal laws applicable to regional
37 transportation plans and air quality conformity and which is due
38 in October 2019, shall not be considered a regional transportation
39 plan pursuant to this section and shall not constitute a project for
40 purposes of the California Environmental Quality Act (Division

1 13 (commencing with Section 21000) of the Public Resources
2 Code).

3 (F) In addition to meeting the other requirements to nominate
4 a project for funding through the Solutions for Congested Corridors
5 Program (Chapter 8.5 (commencing with Section 2390) of Division
6 3 of the Streets and Highways Code), the San Diego Association
7 of Governments, until December 31, 2021, shall only nominate
8 projects for funding through the Solutions for Congested Corridors
9 Program that are consistent with the eligibility requirements for
10 projects under any of the following programs:

11 (i) The Transit and Intercity Rail Capital Program (Part 2
12 (commencing with Section 75220) of Division 44 of the Public
13 Resources Code).

14 (ii) The Low Carbon Transit Operations Program (Part 3
15 (commencing with Section 75230) of Division 44 of the Public
16 Resources Code).

17 (iii) The Active Transportation Program (Chapter 8
18 (commencing with Section 2380) of Division 3 of the Streets and
19 Highways Code).

20 (G) Commencing January 1, 2020, and every two years
21 thereafter, the San Diego Association of Governments shall begin
22 developing an implementation report that tracks the implementation
23 of its most recently adopted sustainable communities strategy. The
24 report shall discuss the status of the implementation of the strategy
25 at the regional and local level, and any successes and barriers that
26 have occurred since the last report. The San Diego Association of
27 Governments shall submit the implementation report to the ~~state~~
28 ~~board~~ *State Air Resources Board* by including it in its sustainable
29 communities strategy implementation review pursuant to clause
30 (ii) of subparagraph (J) of paragraph (2) of subdivision (b).

31 ~~(e) This section shall become operative on January 1, 2023.~~

32 *SEC. 2. Section 2393 of the Streets and Highways Code is*
33 *amended to read:*

34 2393. A project nomination shall include documentation
35 regarding the quantitative and qualitative measures validating the
36 project's consistency with the policy objectives of the program as
37 set forth in this chapter. *A project nomination shall demonstrate*
38 *how the project would contribute to achieving the state's*
39 *greenhouse gas emission reduction targets.* In addition to being
40 included in a corridor plan, a nominated project shall also be

1 included in the region’s regional transportation plan. Projects
2 within the boundaries of a metropolitan planning organization
3 ~~must~~ shall be included in an adopted regional transportation plan
4 that includes a sustainable communities strategy determined by
5 the State Air Resources Board to achieve the region’s greenhouse
6 gas emissions reduction targets.

7 *SEC. 3. If the Commission on State Mandates determines that*
8 *this act contains costs mandated by the state, reimbursement to*
9 *local agencies and school districts for those costs shall be made*
10 *pursuant to Part 7 (commencing with Section 17500) of Division*
11 *4 of Title 2 of the Government Code.*

12 ~~SECTION 1. It is the intent of the Legislature to enact~~
13 ~~subsequent legislation that would require regional transportation~~
14 ~~agencies to prioritize and fund transportation projects, including~~
15 ~~those funded by a local sales tax measure, that significantly~~
16 ~~contribute towards the goals outlined in a region’s sustainable~~
17 ~~communities strategy and the state’s climate goals.~~

BILL: AB 7 (Friedman, D-Burbank)
Introduced December 5, 2022
Amended March 16, 2023
Amended May 25, 2023

SUBJECT: AB 7 would create new priorities for how the California State Transportation Agency, the California Department of Transportation and California Transportation Commission are to implement transportation funding programs, project development and project implementation; and require revision to the elements of the California Transportation Plan.

STATUS: Pending in Senate
Passed Assembly 54-17
Passed the Assembly Appropriations Committee 12-3
Passed the Assembly Transportation Committee 11-4

SUMMARY AS OF MAY 31, 2023:

AB 7 (Friedman, D-Burbank) adds new requirements for the California Transportation Plan (CTP) and lists priorities which the California State Transportation Agency (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 possible, feasible, applicable and cost effective. The intent of the author is to better align transportation programs with the State's climate, maintenance and safety goals, in addition to some of the new goals included in the federal Infrastructure Investment and Jobs Act.

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 greenhouse gas emission reduction goals. Previous iterations of this plan have been critiqued for including proposals that are not financially constrained, as a regional transportation plan is required to be, and including assumptions related to land use and development that are not realistic. AB 7 seeks to help address these shortcomings by requiring 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 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 (IIJA) 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 then goes further to require, on or after January 1, 2025, CalSTA, Caltrans and the CTC, to the extent possible, feasible, applicable and cost effective, to incorporate various

principles into their processes for transportation project development, selection and implementation. These principles include cross-references to federal statutory sections, selectively choosing certain parameters governing federal funding programs, including short-term discretionary grant programs. For instance, there are principles that cross-reference the National Highway Performance Program and discuss resiliency and safety, a principle that cross-references the Americans with Disabilities Act, and another principle that cross-references the One Federal Decision framework that has not yet been finalized. In addition, principles are included that address other priorities, including promoting compact infill development; reducing vehicle miles traveled including considering alternatives to general purpose lanes; building an integrated state rail and transit network; making safety improvements to reduce fatalities and severe injuries; strengthening commitment to social and racial equity including avoiding placing new or exacerbating existing burdens on these communities; and protecting natural and working lands from conversion by supporting local and region conservation.

EFFECTS ON ORANGE COUNTY:

The Orange County Transportation Authority (OCTA) is responsible for developing the long-range transportation plan (LRTP), which outlines the transportation priorities for the county over the horizon year of the Southern California Association of Governments' (SCAG) regional transportation plan (RTP). The LRTP is then integrated into the RTP. These plans must be financially constrained, based on existing and projected revenues. As currently developed, however, the CTP is not subject to the same restrictions. Therefore the CTP can propose significantly higher transit service levels; expansion of transit, rail and active transportation systems; and the location of future land use and housing that are not aligned with available revenues or policies adopted in a RTP. While AB 7's proposed language related to adding a financial element is a step in the right direction to resolve these discrepancies, the currently proposed language does not ensure alignment with assumptions in adopted RTPs. Without consistency, the CTP could include proposals that would require a redirection of existing resources, include new revenues that are not likely to accrue, or projected service levels or pricing assumptions that are not currently planned or feasible.

Further, AB 7's proposed language to require analysis of how the plan aligns with the principles of CAPTI, IIJA and Justice40, is not only unclear but would also put into statute policy documents that could change moving forward or are not statutorily authorized. For instance, CAPTI and Justice40 were both done via executive order. These goals are evolving and may change in the future. However, the CTP would continue to have to reference them, not affording an opportunity for the CTP to align with the most current requirements. Further, the IIJA was a federal reauthorization bill that reauthorized several federal transportation funding programs, some of which have existed for decades. Under each funding program there are a host of eligibility parameters and goals. Based on the current language, it would appear that the CTP would have to show how its meeting all of these goals. This is regardless of whether an authorized program is only created for a limited duration or intent. Already part of the intent of the CTP is to show how the State

will meet various state goals and objectives; this added language is not only unclear but could complicate the focus of this plan.

Similarly, AB 7's language which would require CalSTA, Caltrans and the CTC to incorporate various priorities into their project development, selection and implementation, is unclear and could jeopardize transportation funding and planning programs. 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 (Chapter 5, Statutes of 2017) 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.

AB 7 includes 18 priorities, some of which do not align with the intent of existing programs, and selectively chooses which priorities to include from federal programs. For instance, AB 7 directly sites to several specific sections of federal code governing programs like the NHPP, ADA and various discretionary grant programs. However, the priority of those programs described in AB 7 does not align with what federal statute provides as the priorities. 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 possible, feasible, applicable 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.

Mobility 21, the Orange County Business Council, Rebuild SoCal, the Riverside County Transportation Commission and others have already adopted oppose positions to this bill. An OPPOSE position is consistent with OCTA's 2023-24 State Legislative Platform principles to "Oppose linking or reprioritizing local and state transportation funding to programs not primarily intended to help the State meet its transportation needs."

OCTA POSITION:

Staff recommends: OPPOSE

AMENDED IN ASSEMBLY MAY 25, 2023
AMENDED IN ASSEMBLY MARCH 16, 2023
CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 7

Introduced by Assembly Member Friedman

December 5, 2022

An act to *amend Section 65072 of, and to add Section 13985-~~to~~ to*, the Government Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 7, as amended, Friedman. Transportation: *planning*: project selection processes.

~~Existing~~

(1) ~~Existing~~ law establishes within state government the Transportation Agency, which consists of the Department of the California Highway Patrol, the California Transportation Commission, the Department of Motor Vehicles, the Department of Transportation, the High-Speed Rail Authority, and the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun. The agency is under the supervision of the Secretary of Transportation, who has the power of general supervision over each department within the agency. The secretary, among other duties, is charged with developing and reporting to the Governor on legislative, budgetary, and administrative programs to accomplish coordinated planning and policy formulation in matters of public interest, including transportation projects.

~~This bill would require, on and after January 1, 2025, the project selection process for each transportation project that would be funded, at least partially, from specified funding sources, including the State~~

Highway Account, the Road Maintenance and Rehabilitation Account, and the Trade Corridor Enhancement Account, to incorporate specified principles. The bill would require the agency, on or before January 1, 2026, and annually thereafter, to submit a report to the Legislature on how those transportation projects that were completed during the prior year incorporated those principles.

To the extent this bill would impose new duties on a local government, the bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

On and after January 1, 2025, and to the extent possible, feasible, applicable, and cost effective, this bill would require the agency, the Department of Transportation, and the California Transportation Commission to incorporate specified principles into their processes for project development, selection, and implementation.

(2) Existing law requires the Department of Transportation to prepare the California Transportation Plan for submission to the Governor and the Legislature, to complete the 3rd update to the plan by December 31, 2025, and to update the plan every 5 years thereafter, as a long-range planning document that incorporates various elements and is consistent with specified expressions of legislative intent.

This bill would require the California Transportation plan to include a financial element, as specified, and an analysis of how certain entities are achieving principles outlined in the Climate Action Plan for Transportation Infrastructure, the federal Infrastructure Investment and Jobs Act of 2021, and the federal Justice40 initiative.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: ~~yes~~-no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all the
- 2 following:
- 3 (a) State transportation accounts for approximately
- 4 \$30,000,000,000 of spending between state and local funds, and

1 *contributes approximately 40 percent of the state’s greenhouse*
2 *gas emissions.*

3 *(b) President Biden’s Executive Order No. 14052 (E.O. 14052),*
4 *titled “Implementation of the Infrastructure Investment and Jobs*
5 *Act” (IIJA), says that the IIJA is “a once-in-a-generation*
6 *investment in our Nation’s infrastructure and competitiveness.”*
7 *E.O. 14052 also says that the programs and funding enabled*
8 *through IIJA will “help rebuild America’s roads, bridges, and*
9 *rails; expand access to clean drinking water; work to ensure access*
10 *to high-speed internet throughout the Nation; tackle the climate*
11 *crisis; advance environmental justice; and invest in communities*
12 *that have too often been left behind” and that it will “accomplish*
13 *all of this while driving the creation of good-paying union jobs*
14 *and growing the economy sustainably and equitably for decades*
15 *to come.”*

16 *(c) Effective implementation by the executive departments and*
17 *agencies with statutory responsibilities designated in the IIJA will*
18 *be critical to achieving these goals.*

19 *(d) It is the intent of the state to implement federal guidance*
20 *from the IIJA to the utmost and fullest extent in order for the state*
21 *to be competitive for future federal funding, and to improve the*
22 *lives of all Californians.*

23 *(e) Under Governor Gavin Newsom’s Climate Action Plan for*
24 *Transportation Infrastructure (CAPTI), California is committed*
25 *to investing billions of discretionary transportation dollars to*
26 *combat and adapt to climate change while supporting other vital*
27 *state goals, including the economy, the environment, quality of*
28 *life, public health, high-quality resilient infrastructure, safety,*
29 *accessibility, and equity.*

30 *SEC. 2. Section 65072 of the Government Code is amended to*
31 *read:*

32 *65072. The California Transportation Plan shall include all of*
33 *the following:*

34 *(a) A policy element that describes the state’s transportation*
35 *policies and system performance objectives. These policies and*
36 *objectives shall be consistent with legislative intent described in*
37 *Sections 14000, 14000.5, 14000.6, and 65088.*

38 *(b) A strategies element that shall incorporate the broad system*
39 *concepts and strategies synthesized from the adopted regional*

1 transportation plans prepared pursuant to Section 65080. The
2 California Transportation Plan shall not be project specific.

3 (c) *A financial element that summarizes the full cost of the*
4 *implementation of the California Transportation Plan, a summary*
5 *of available revenues through the planning period, and an analysis*
6 *of what is feasible within the plan if constrained by a realistic*
7 *projection of available revenues. The financial element shall also*
8 *evaluate the feasibility of any policy assumptions or scenarios*
9 *included in the plan. The financial element may include a*
10 *discussion of tradeoffs within the plan considering financial*
11 *constraints.*

12 (d) *An analysis of how the Transportation Agency, Department*
13 *of Transportation, and California Transportation Commission are*
14 *achieving principles outlined in the Climate Action Plan for*
15 *Transportation Infrastructure, the federal Infrastructure Investment*
16 *and Jobs Act of 2021 (Public Law 117-58), and the federal*
17 *Justice40 initiative.*

18 (e)

19 (e) A recommendations element that includes economic forecasts
20 and recommendations to the Legislature and the Governor to
21 achieve the plan's broad system concepts, strategies, and
22 performance objectives.

23 SECTION 1.

24 SEC. 3. Section 13985 is added to the Government Code, to
25 read:

26 13985. ~~(a) On and after January 1, 2025, the project selection~~
27 ~~process for each transportation project that would be funded, at~~
28 ~~least partially, from a funding source specified in subdivision (b)~~
29 ~~shall incorporate the principles specified in subdivision (e): to the~~
30 ~~extent possible, feasible, applicable, and cost effective, the~~
31 *Transportation Agency, Department of Transportation, and*
32 *California Transportation Commission shall incorporate into their*
33 *processes for project development, selection, and implementation*
34 *all of the following principles:*

35 ~~(b) This section shall only apply to a transportation project~~
36 ~~funded, at least partially, from one or more of the following~~
37 ~~sources:~~

38 ~~(1) The State Highway Account described in Section 182 of the~~
39 ~~Streets and Highways Code.~~

- 1 ~~(2) The Road Maintenance and Rehabilitation Account created~~
2 ~~pursuant to Section 2031 of the Streets and Highways Code.~~
- 3 ~~(3) A local transportation fund established by a county pursuant~~
4 ~~to Article 11 (commencing with Section 29530) of Chapter 2 of~~
5 ~~Division 3 of Title 3.~~
- 6 ~~(4) The Highway Safety, Traffic Reduction, Air Quality, and~~
7 ~~Port Security Fund of 2006 created pursuant to Section 8879.23.~~
- 8 ~~(5) The Highway Users Tax Account described in Section 2100~~
9 ~~of the Streets and Highways Code.~~
- 10 ~~(6) The Trade Corridor Enhancement Account created pursuant~~
11 ~~to Section 2192.4 of the Streets and Highways Code.~~
- 12 ~~(e) The following principles shall be incorporated into the~~
13 ~~project selection processes described in subdivision (a):~~
 - 14 ~~(1)~~
15 ~~(a) Improving the condition, resilience, and safety of road and~~
16 ~~bridge assets consistent with asset management plans, including~~
17 ~~investing in preservation of those assets, consistent with Section~~
18 ~~119 of Title 23 of the United States Code.~~
 - 19 ~~(2)~~
20 ~~(b) Promoting and improving safety for all road users,~~
21 ~~particularly vulnerable users, and supporting major actions and~~
22 ~~goals consistent with the federal Department of Transportation's~~
23 ~~January 2022 National Roadway Safety Strategy for safer people,~~
24 ~~safer roads, safer vehicles, safer speeds, and enhanced post-crash~~
25 ~~care, consistent with Section 148 of Title 23 of the United States~~
26 ~~Code.~~
 - 27 ~~(3)~~
28 ~~(c) Supporting accelerated project delivery and an efficient~~
29 ~~environmental review process through the One Federal Decision~~
30 ~~framework and by continuing to coordinate with other federal~~
31 ~~partners to ensure that the benefits of projects are realized as soon~~
32 ~~as possible, consistent with Section 139 of Title 23 of the United~~
33 ~~States Code.~~
 - 34 ~~(4)~~
35 ~~(d) Making streets and other transportation facilities accessible~~
36 ~~to all users and compliant with the Americans with Disabilities~~
37 ~~Act, consistent with Part 37 (commencing with Section 37.1) of~~
38 ~~Title 49 of the Code of Federal Regulations.~~
 - 39 ~~(5)~~

- 1 (e) Addressing environmental impacts ranging from ~~storm water~~
 2 *stormwater* runoff to the emissions of greenhouse gases, consistent
 3 with Sections 175 and 176 of Title 23 of the United States Code.
- 4 ~~(6)~~
- 5 (f) Prioritizing infrastructure that is less vulnerable and more
 6 resilient to a changing climate, consistent with Sections 101, 119,
 7 176, and 520 of Title 23 of the United States Code.
- 8 ~~(7)~~
- 9 (g) Future-proofing transportation infrastructure by
 10 accommodating new and emerging technologies such as electric
 11 vehicle charging stations, renewable energy generation, and
 12 broadband deployment in transportation rights-of-way, consistent
 13 with Part 645 (commencing with Section 645.101) of Title 23 of
 14 the Code of Federal Regulations and Section 151 of Title 23 of
 15 the United States Code.
- 16 ~~(8)~~
- 17 (h) Reconnecting communities and reflecting the inclusion of
 18 disadvantaged and underrepresented groups in the planning, project
 19 selection, and design process, consistent with Section 11509 of
 20 the federal Infrastructure Investment and Jobs Act (Public Law
 21 117-58).
- 22 ~~(d) (1) On or before January 1, 2026, and annually thereafter,~~
 23 ~~the agency shall submit a report to the Legislature on how each~~
 24 ~~transportation project described in subdivision (a) that was~~
 25 ~~completed during the prior year incorporated the principles~~
 26 ~~specified in subdivision (c):~~
- 27 ~~(2) A report to be submitted pursuant to this subdivision shall~~
 28 ~~be submitted in compliance with Section 9795.~~
- 29 (i) *Building toward an integrated, statewide rail and transit*
 30 *network, centered around the existing California State Rail Plan,*
 31 *that leverages the California Integrated Travel Project to provide*
 32 *seamless, affordable, multimodal travel options in all contexts,*
 33 *including suburban and rural settings, to all users.*
- 34 (j) *Investing in networks of safe and accessible bicycle and*
 35 *pedestrian infrastructure, particularly by closing gaps on portions*
 36 *of the state highway system that intersect local active*
 37 *transportation and transit networks or serve as small town or rural*
 38 *main streets, with a focus on investments in low-income and*
 39 *disadvantaged communities throughout the state.*

1 (k) Including investments in light, medium, and heavy-duty
2 zero-emission vehicle (ZEV) infrastructure as part of larger
3 transportation projects. Supporting the innovation in and
4 development of the ZEV market and help ensure ZEVs are
5 accessible to all, particularly to those in more rural or remote
6 communities.

7 (l) Strengthening our commitment to social and racial equity
8 by reducing public health and economic harms and maximizing
9 community benefits to disproportionately impacted disadvantaged
10 communities, low-income communities, and Black, Indigenous,
11 and People of Color (BIPOC) communities in urbanized and rural
12 regions, and involving these communities early in decisionmaking.
13 Investments should also avoid placing new or exacerbating existing
14 burdens on these communities, even if unintentional.

15 (m) Making safety improvements to reduce fatalities and severe
16 injuries of all users towards zero on our roadways, railways, and
17 transit systems by focusing on context-appropriate speeds,
18 prioritizing vulnerable user safety to support mode shift, designing
19 roadways to accommodate for potential human error and injury
20 tolerances, and ultimately implementing a safe systems approach.

21 (n) Assessing physical climate risk as standard practice for
22 transportation infrastructure projects to enable informed
23 decisionmaking, especially in communities that are most vulnerable
24 to climate-related health and safety risks.

25 (o) Promoting projects that do not significantly increase
26 passenger vehicle travel, particularly in congested urbanized
27 settings where other mobility options can be provided and where
28 projects are shown to induce significant auto travel. These projects
29 should generally aim to reduce vehicle miles traveled (VMT) and
30 not induce significant VMT growth. When addressing congestion,
31 consider alternatives to highway capacity expansion, such as
32 providing multimodal options in the corridor, employing pricing
33 strategies, and using technology to optimize operations.

34 (p) Promoting compact infill development while protecting
35 residents and businesses from displacement by funding
36 transportation projects that support housing for low-income
37 residents near job centers, provide walkable communities, and
38 address affordability to reduce the housing-transportation cost
39 burden and auto trips.

1 (q) *Developing a zero-emission freight transportation system*
2 *that avoids and mitigates environmental justice impacts, reduces*
3 *criteria and toxic air pollutants, improves freight’s economic*
4 *competitiveness and efficiency, and integrates multimodal design*
5 *and planning into infrastructure development on freight corridors.*

6 (r) *Protecting natural and working lands from conversion to*
7 *more intensified uses and enhance biodiversity by supporting local*
8 *and regional conservation planning that focuses development*
9 *where it already exists and aligns transportation investments with*
10 *conservation priorities to reduce transportation’s impact on the*
11 *natural environment.*

12 ~~SEC. 2.—If the Commission on State Mandates determines that~~
13 ~~this act contains costs mandated by the state, reimbursement to~~
14 ~~local agencies and school districts for those costs shall be made~~
15 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
16 ~~4 of Title 2 of the Government Code.~~



Connecting us.

April 25, 2023

The Honorable Gavin Newsom
Governor, State of California

The Honorable Toni G. Atkins
Senate President Pro Tempore
California State Senate

The Honorable Anthony Rendon
Speaker of the Assembly
California State Assembly

The Honorable Nancy Skinner
Chair, Senate Budget Committee
California State Senate

The Honorable Phil Y. Ting
Chair, Assembly Budget Committee
California State Assembly

RE: California Transit Association's Funding Request and Policy Recommendations to Address Near-Term Operating Deficits

Dear Governor Newsom, Pro Tempore Atkins, Speaker Rendon, Senator Skinner, and Assemblymember Ting:

On behalf of the California Transit Association, I write to you to today to share our state funding request and policy recommendations to address the near-term operating deficits faced by California transit agencies. Our recommendations were unanimously approved by the Association's leadership in the week of April 16, following months of discussion between our members from across the state and shaped by our engagement with decision makers in Sacramento. With the state itself facing a difficult budget outlook for Fiscal Year 2023-24, our recommendations consciously internalize your message to limit (to the extent possible) new impacts to the state's General Fund and tackle impediments to the long-term financial and operational sustainability of our industry. As public transportation is at the center of the state's strategy for combatting climate change and vital to the mobility of the most vulnerable Californians, we intend for our recommendations to provide actionable guidance to the Legislature and Newsom Administration for addressing in 2023 the near-term needs of California transit agencies and the communities they serve, and to set the stage for a larger discussion about state support for transit operations, potential reforms to long-standing transit funding programs and formulas, and strategies to retain and rebuild riders. We thank you for your continued engagement with us, and for your demonstrated support for public transportation throughout your careers and in this pivotal moment.

Funding Request

As we presented at the Assembly Budget Subcommittee #3 hearing on March 15, **the Association estimates, through surveys of our member agencies, that California transit agencies statewide require at least \$6 billion from FY 2023-24 to FY 2027-28** to address

pandemic-induced operating deficits that threaten transit service and jobs statewide, undermine transit agencies' work to support the state's environmental and mobility objectives, and stymie transit agencies' – and our most vulnerable communities' – recovery from the pandemic. Our data shows that most of this total statewide need derives from the operating deficits of agencies in the San Francisco Bay Area and broader Southern California region, respectively. The remaining balance of this total statewide need derives from the operating deficits of agencies in the broader Northern California region (exclusive of the San Francisco Bay Area), Central Valley and Central Coast. Thus, we argue that this statewide crisis requires a state-level solution, with flexible parameters to address unique local needs.

We find that these operating deficits stem from a variety of factors impacting agencies nationwide, including the depletion of federal emergency relief funding; the increased costs of transit operations resulting from a tight labor market and historically high fuel and energy costs; the increased costs of capital projects, resulting from inflation and supply chain issues; and, a slower-than-anticipated recovery in ridership caused by prevalence and endurance of remote work and the advent of new public safety concerns. The start date and severity of these operating deficits in California, much like for agencies across the nation, vary greatly by agency and depend on the funding portfolios that comprise their operating budgets, their level of dependence on fare revenue, and the socioeconomic characteristics of their ridership (which correlate with ridership retention and recovery).

Our findings are validated by a recent report completed by the UCLA Institute of Transportation Studies, entitled [“Financing the Future: Examining the Fiscal Landscape of California Public Transit in the Wake of the Pandemic.”](#) which found, among other things, that *“[d]espite lagging demand, energy, equipment, and especially labor costs are up, while both ridership and associated fare revenues remain depressed. While state and local subsidies have mostly rebounded, they are falling behind rising costs. As a result, California transit agencies may be forced to cut service to reduce costs, and in doing so precipitate a vicious cycle of falling resources, service, and ridership.”*

To address this near-term funding need, we request that the State of California provide \$5.15 billion in multiyear funding for transit operations from a collection of state funding sources that have historically supported transit capital and operations. As detailed below, our request is intentionally designed to limit its impact to the state's General Fund and is only expected to result in a \$213 million reduction to General Fund revenue in FY 2023-24 (assuming prior year funding commitments are upheld).

Specifically, we request the following:

- **An Additional Appropriation of Revenue from Sales Tax on Diesel Fuel (\$1.35B from FY 2023-24 through FY 2027-28):** Under current law, California transit agencies receive approximately 80% of revenue generated by the state sales tax on diesel fuel. In usual years, the remaining balance of revenue flows to the state's General Fund. However, [AB 194 \(Committee on Budget\) \[Chapter 55, Statutes of 2022\]](#), last year's taxation budget trailer bill, paused collection of the portion of the sales tax on diesel fuel that generates the remaining balance of revenue through October 1, 2023.

We request that you direct the full balance of revenue generated by the state sales tax on diesel fuel to transit operations for the next five years – from FY 2023-24 through FY

2027-28 once collection of that portion of the sales tax on diesel fuel resumes. This element of our request would provide transit agencies with approximately \$213 million in FY 2023-24 and approximately \$284 million annually from FY 2024-25 to FY 2027-28 for operations. This element would reduce General Fund revenue by the corresponding amount in each fiscal year.

- **An Additional Appropriation of Unallocated Cap and Trade Revenue (\$2.5B from FY 2023-24 through FY 2027-28):** In its report to the Senate Budget Subcommittee No. 2, entitled [“Cap-and-Trade Spending Overview.”](#) the Legislative Analyst’s Office identified \$800 million in unallocated (or “discretionary”) Cap and Trade revenue in FY 2022-23 and FY 2023-24 above the Governor’s proposed FY 2023-24 budget, which includes a significant investment of Cap and Trade revenue in zero-emission vehicles and AB 617 communities.

We request that you provide \$500 million in discretionary Cap and Trade revenue annually to transit agencies for operations for the next five years – from FY 2023-24 through FY 2027-28. We argue that this action is prudent in the face of increased demand for this revenue, given the nexus between transit service and greenhouse gas emission reduction, the centrality of public transit service to the state’s long-term environmental goals, the immediate equity co-benefits that such an investment would deliver, and the dearth of other non-General Fund options for this purpose. We also believe it is important to highlight that the [California Air Resources Board’s 2022 Scoping Plan](#) warns that *“[t]ransit’s fiscal crisis has only exacerbated the adverse equity impacts of the pandemic, considering people with low-income, people with disabilities, and BIPOC communities are commonly transit dependent populations and the service available to them are now more limited,”* and argues *“[a]ccordingly, securing the necessary funding to return transit operations to pre-pandemic levels in the short term needs to be considered both a priority climate and equity action for the State.”*

- **The Conversion of Transit Capital Funding to Transit Operations Funding (\$300M in FYs 2026-27, 2027-28):** Under current law, the Transit and Intercity Rail Capital Program receives \$650 million annually for distribution as competitive grant for transformative transit capital projects through the Transit and Intercity Rail Capital Program. These funds have been encumbered through the end of FY 2025-26 under previously approved multi-year grant awards through the Transit and Intercity Rail Capital Program.

We have long supported TIRCP and recognize the significant value the program provides to communities across the state by supporting the construction of transformative projects that will significantly reduce vehicle miles traveled, congestion, and greenhouse gas emissions. That said, in this time of growing needs and fewer resources, we believe it is appropriate to redirect – on a one-time basis – a portion of this capital funding to operations. Specifically, we request that the state convert \$300 million of the \$1.3 billion that will be available in FYs 2026-27 and 2027-28 from capital funding to operations funding. In this process, we urge the state to ensure that all projects that previously received a multi-year commitment of funds see those commitments upheld.

- **Maintenance of \$4 Billion General Fund Investment in Transit, Flexibility to Use this Transit Capital Funding for Transit Operations (Up to \$1B in FYs 2023-24 through FY 2027-28):** The adopted FY 2022-23 budget commits \$4 billion in General Fund revenue in FYs 2023-24 and 2024-25 for transit capital projects, to be distributed to regions via a population-based formula. The Governor’s proposed FY 2023-24 budget proposes to reduce that commitment by \$2 billion.

As we outlined in our letter, dated January 24, we urge the state to maintain its original \$4 billion commitment for FYs 2023-24 and 2024-25. This investment in the TIRCP was a key element of the budget discussions that ultimately led to the historic \$11 billion commitment to transit, active transportation, climate adaptation and high-speed rail in the adopted FY 2022-23 budget. However, we request that the state grant regions the authority to “flex” up to 25% of their share of funding in these years for transit operations. This element would preserve at least 75% of this funding for building transformative capital projects, as originally directed by the FY 2022-23 budget.

Recognizing that this funding request does not address the full balance of our estimated funding need, we look forward to reviewing, and engaging you on, the funding recommendations being prepared by the Legislative Analyst’s Office. As these discussions continue, we will be sharing recommendations with you for a preferred distribution mechanism, eligible uses, eligible entities, and accountability measures. At the highest-level, we have established as priorities that any new funding be available to transit agencies statewide and be accessible to stop service cuts and layoffs, but also to help agencies retool their service in ways that will retain and attract riders.

Policy Recommendations

As we submit this significant funding request, we acknowledge that in our initial round of discussions with you, you have emphasized the importance of continuing to improve transit service and the rider experience, with the goals of increasing the attractiveness of transit service and setting transit agencies on a path to achieving long-term operational and financial sustainability.

In those discussions, we have communicated our industry’s commitment to this work and our continued interest in partnering with you to scope and implement legislation and operational improvements to deliver these shared goals. In recent years, we have demonstrated what this partnership looks like in practice by scoping and co-sponsoring legislation, including [SB 922 \(Wiener\) \[Chapter 987, Statutes of 2022\]](#) and [AB 917 \(Bloom\) \[Chapter 709, Statutes of 2021\]](#) to, among other things, improve transit travel times and on-time performance within existing resources. Today, we offer the following policy recommendations for consideration by the Legislature:

- **Pass Legislation to Address Safety and Homelessness on Transit Systems:** With the cleanliness and safety of our transit systems being a top concern for the public and key impediments to growing transit ridership, we and our member agencies previously supported the creation of the Clean California Program and the passage of [SB 1161 \(Min\) \[Chapter 218, Statutes of 2022\]](#), and called for the state to provide direct access to homelessness funding to transit agencies.

This year, we and/or our member agencies have worked with the members of the Legislature to scope [SB 434 \(Min\)](#) and [AB 1377 \(Friedman\)](#), new legislation to combat street harassment and the incidence of homelessness on our systems. We urge the Legislature to pass both bills. If California transit agencies are to regain riders and establish long-term financial and operational viability, we stress that it is imperative that we receive targeted support to address these larger societal challenges.

- **Continue Discussions on Reforms to Transit Service and Performance Metrics, Extend Current Statutory Relief:** In late 2018, in response to a request by then-Senate Transportation Committee Chair Jim Beall and then-Assembly Transportation Committee Chair Jim Frazier, the Association initiated an effort to reform the performance metrics in the Transportation Development Act (TDA) that provide accountability on transit operations and that govern access to state transit funding. In early 2020, the Association transmitted preliminary reform recommendations to these committees for their review and further guidance.

Unfortunately, in March 2020, the COVID-19 pandemic began, and work on “TDA reform” between the Association and the Legislature was put on hold. In its place, the Legislature enacted in 2020 and 2021, at the Association’s urging, a series of “statutory relief measures” that incorporated elements of the broader reform effort, but which also shielded transit agencies from unwarranted and counterproductive shifts in transit funding as well as a series of financial penalties that otherwise would have resulted under TDA due to the sharp pandemic-induced loss of fare revenues.

As the pandemic has subsided, the Association has restated its commitment to the Legislature to pursue mutually agreeable reforms to TDA’s performance metrics and to transit service, more generally, to help agencies regrow their ridership and establish fiscal stability over the next five years. Such engagement will take place through the process outlined in [AB 761 \(Friedman and Gonzalez\)](#) and through upcoming listening sessions organized by the California State Transportation Agency.

As that work progresses, we urge you to extend the statutory relief provided to transit agencies through FY 2024-25 as this extension would allow more time for transit operations to recover, stave off unwarranted and counterproductive shifts in transit funding, while also allowing agencies to continue operations without service impacts. From the data we have collected, more than 80% of responding agencies noted that such relief has been helpful in maintaining their service and ridership.

- **Maintain Existing Flexibility in State Transit Assistance-State of Good Repair Program, Expand Flexibility in Low Carbon Transit Operations Program:** [SB 1 \(Beall and Frazier\) \[Chapter 5, Statutes of 2017\]](#) created the State Transit Assistance – State of Good Repair Program (STA-SGR) to provide additional revenues for transit infrastructure repair and service improvements.

Under current law, enacted in 2020 and 2021, California transit agencies were granted flexibility to access STA-SGR to address funding shortfalls in operating or capital expenses resulting from the impact of the COVID-19 pandemic. This redirection of SGR funds requires transit agencies to obtain an approved declaration, board resolution and/or other appropriate document(s), from their respective governing board identifying

the fiscal challenges which may cause reduction of service and thereby directing agency staff to pursue the flexibility of redirecting SGR funds toward these expenses. This flexibility expires at the end of FY 2022-23. We urge you to extend this flexibility for five years through FY 2027-28.

Under current law, California transit agencies can access the Low Carbon Transit Operations Program to support new or expanded bus or rail services, expand intermodal transit facilities, including equipment acquisition, fueling, maintenance and other costs to operate those services or facilities, provided each project reduces greenhouse gas emissions. We urge you to provide flexibility in this program for five years through FY 2027-28 to allow LCTOP funds to be used to maintain operations.

We estimate that, combined, these two policy recommendations would maintain and create operating flexibility of approximately \$1.63 billion over five years.

I also wish to thank you for holding hearings in the Senate and Assembly on this important issue and listening sessions at the California State Transportation Agency to discuss the issues facing my industry and for availing yourselves and your staff to us to carry out deeper conversations on how the state can provide support to California transit agencies amidst a difficult state budget outlook and over the long-term. We look forward to meeting with your offices soon to discuss these requests and recommendations in more detail as we work together to implement solutions to the issues our public transit agencies are facing. If you have any questions about our requests, please contact me at Michael@caltransit.org or (916)-446-4656 x1034.

Sincerely,



Michael Pimentel
Executive Director

cc: The Honorable Maria Elena Durazo, Chair, Senate Budget Subcommittee No. 5
The Honorable Josh Becker, Chair, Senate Budget Subcommittee No. 2
The Honorable Steve Bennett, Chair, Assembly Budget Subcommittee No. 3
Toks Omishakin, Secretary, California State Transportation Agency
Mark Tollefson, Undersecretary, California State Transportation Agency
Chad Edison, Chief Deputy Secretary for Rail and Transit, California State Transportation Agency
James Hacker, Deputy Cabinet Secretary, Office of Governor Gavin Newsom
Steve Cliff, Executive Officer, California Air Resources Board

ATTACHMENT 1: California Transit Association – Budget Request (by Funding Category, Source)

California Transit Association - Budget Request (By Funding Category, Source)

Summary Sheet

New Ops. Funding - New Allocations	Annual Funding Opportunity	5-Year Funding Opportunity	5-Year Funding Request (FY 2023-24 - FY 2027-28)	Notes
Redirection - Sales Tax on Diesel Fuel	\$284,000,000	\$1,349,000,000	\$1,349,000,000	Funding in FY 2023-24 available for partial year only.
Appropriation - Cap and Trade Unallocated	\$800,000,000	\$4,000,000,000	\$2,500,000,000	
Subtotal	\$1,084,000,000	\$5,349,000,000	\$3,849,000,000	
New Ops. Funding - Repurposing of Existing Transit Capital Funding	Annual Funding Opportunity (FY 2026-27 - FY 2027-28 Only)	5-Year Funding Opportunity	5-Year Funding Request (FY 2023-24 - FY 2027-28)	Notes
Redirection - TIRCP (TIF Only)	\$250,000,000	\$500,000,000	\$200,000,000	Funding for FY 2023-24 - FY 2025-26 encumbered in existing multi-year grant awards.
Redirection - TIRCP (GGRF Only)	\$400,000,000	\$800,000,000	\$100,000,000	Funding for FY 2023-24 - FY 2025-26 encumbered in existing multi-year grant awards.
Subtotal	\$650,000,000	\$1,300,000,000	\$300,000,000	
Flexibility in Existing Transit Capital Funding	Annual Funding Opportunity (FY 2023-24 - FY 2024-25 Only)	5-Year Funding Opportunity	5-Year Funding Request (FY 2023-24 - FY 2027-28)	Notes
Flexibility - TIRCP (GF Only)	\$2,000,000,000	\$4,000,000,000	\$1,000,000,000	Funding only available in FY 2023-24 - FY 2024-25. Assumes 25% of \$2 billion annual funding.
Subtotal	\$2,000,000,000	\$4,000,000,000	\$1,000,000,000	
TOTAL			\$5,149,000,000	
Statutory Changes to Existing Transit Operations Funding	Annual Funding Opportunity	5-Year Funding Opportunity	5-Year Funding Request (FY 2023-24 - FY 2027-28)	Notes
Flexibility - LCTOP	\$200,000,000	\$1,000,000,000	\$1,000,000,000	Allow LCTOP, an existing operations funding program, to be used to maintain service.
Flexibility - STA-SOGR	\$125,000,000	\$625,000,000	\$625,000,000	Extend current flexibility to use STA-SOGR to maintain service.
Total	\$325,000,000	\$1,625,000,000	\$1,625,000,000	



May 15, 2023

The Honorable Gavin Newsom
Governor, State of California

The Honorable Toni G. Atkins
Senate President Pro Tempore
California State Senate

The Honorable Anthony Rendon
Speaker of the Assembly
California State Assembly

Dear Governor Newsom, President Pro Tempore Atkins, and Speaker Rendon:

The undersigned write to express our support for the recommendations outlined in the budget request letter from the California Transit Association dated April 25, 2023, and underscore the importance of supporting public transportation as a lifeline that keeps our population and economy moving. We represent the transit agencies and county transportation commissions in Southern California. We serve more than 20 million people from San Diego to Santa Barbara. In total, our population is more than one-half of the State's population, and our combined economies would rank as the 15th largest in the world.

Public transportation is critical to mobility in our region and essential to supporting our economy. It plays a crucial role in achieving our shared climate goals by providing a clean alternative to single-occupancy vehicle travel. High quality public transportation will be critical to the State's prosperity as people return to the offices, as we add increased housing, and as we plan for and implement services to support the 2028 Olympics.

As you know, transit agencies across the State are facing significant financial challenges now and in the future. Southern California transit agencies have a long tradition of working together to achieve common goals. Our agencies have taken a responsible approach to addressing this issue, while recognizing the economic challenges that the state faces. We ask that you work with us to address the immediate funding needs of public transit by providing multi-year support from funding sources that have historically supported public transit. Your support will ensure that all transit agencies in California are sustainable. By ensuring the long-term viability of public transit, we will uphold our mutual sustainability goals and provide improved mobility for Southern Californians who rely on our system.

During the pandemic, it became abundantly clear that public transportation is a lifeline service for many residents. The economy relied on essential workers, and essential workers relied on transit. While we are now well-prepared to address the changes coming out of the pandemic, we experienced significantly increased operating costs during this period. Although we received assistance from the federal government to augment operating budgets, federal assistance has ended, and the costs remain. We continue to focus our efforts towards increasing ridership, decreasing congestion, and improving the well-being of our patrons. With your support, we can secure the funding our systems need to remain sustainable.

The provisions detailed in the California Transit Association's budget request (attached) were developed through a consensus-building process involving transit agencies across the State. All agencies involved in this process have endorsed the Association's approach.

On behalf of our agencies and those who ride our systems, we want to stress the importance of a reliable, sustainable, and equitable public transit system. We, the undersigned, ask for your support in securing direct ongoing multi-year financial support that will help us avoid significant service reductions in the near future.

Sincerely,



Stephanie Wiggins
Chief Executive Officer
Los Angeles Metropolitan Transit Authority



Erin Rogers
Chief Executive Officer/General Manager
OmniTrans



Martin J. Tompkins
Executive Director/CEO
Antelope Valley Transit Authority



Darrell Johnson
Chief Executive Officer
Orange County Transportation Authority



Diana Chang
Chief Transportation Officer
Culver City Bus



Nicole Carranza
Chief Executive Officer
Pomona Valley Transportation Authority



Doran Barnes
Chief Executive Officer
Foothill Transit



Marjie Kirn
Executive Director
Santa Barbara County Association of Governments

Kenneth McDonald

Kenneth McDonald
President and Chief Executive Officer
Long Beach Transit

Kome Ajise

Kome Ajise
Executive Director
Southern California Association of Governments

Darren M. Kettle

Darren M. Kettle
Chief Executive Officer
METROLINK

Jerry Estrada

Jerry Estrada
General Manager
Santa Barbara Metropolitan Transit District

Sharon Cooney

Sharon Cooney
Chief Executive Officer
Metropolitan Transit System

Hasan Ikhata

Hasan Ikhata
Chief Executive Officer
SANDAG

Matthew O. Tucker

Matthew O. Tucker
Executive Officer
North County Transit District

Martin Erickson

Martin Erickson
Executive Director
Ventura County Transportation Commission

ATTACHMENT: California Transit Association – Budget Request Letter Dated April 25, 2023



Connecting us.

May 18, 2023

The Honorable Gavin Newsom
Governor, State of California

The Honorable Toni G. Atkins
Senate President Pro Tempore
California State Senate

The Honorable Anthony Rendon
Speaker of the Assembly
California State Assembly

The Honorable Nancy Skinner
Chair, Senate Budget Committee
California State Senate

The Honorable Phil Y. Ting
Chair, Assembly Budget Committee
California State Assembly

RE: California Transit Association's Proposed Accountability and Reform Framework

Dear Governor Newsom, Pro Tempore Atkins, Speaker Rendon, Senator Skinner, and Assemblymember Ting:

On behalf of the California Transit Association, I write to you today to share our proposed accountability and reform framework for governing access to, and use of, any transit operations funding newly appropriated by the State of California to address the pandemic-induced operating deficits faced by California transit agencies and to support agencies in their recovery from the pandemic and manage other external factors impacting their operations. This proposed framework was developed by our 15-member Transit Operations Funding Subcommittee and serves as an addendum to our budget request for transit operations funding, submitted to the Newsom Administration and Legislature on April 25, 2023.

The transmittal of our proposed framework follows months of engagement with you and your staff on our industry's operations funding needs, including through public hearings, listening sessions, and one-on-one meetings. The proposed framework formally responds to your request that we provide policy recommendations for ensuring that access to any new transit operations funding is conditioned on transit agencies accepting additional and enforceable state accountability and reform requirements. We previously alluded to our proposed framework and transit agencies' standing commitment to improving their services in our presentations to the Senate Budget Subcommittee No. 5 on April 27 and Assembly Budget Subcommittee No. 3 on May 10.

Our proposed framework builds on the extensive oversight and accountability measures already placed on transit agencies by federal, state, regional, and local governments by creating the following additional requirements.

Accountability Prior to Accessing Funding: For an eligible transit agency to receive newly appropriated operations funding, our proposed framework would require its governing board to pass a resolution at a public meeting that:

1. Identifies and demonstrates the agency's estimated operations funding need through FY 2027-28 by year to: a) mitigate service cuts and/or layoffs; and/or b) implement service and/or fare changes and/or ridership retention and recovery strategies.
2. Identifies relevant service and/or fare changes as well as broader ridership retention and recovery and/or operating deficit reduction strategies implemented by the agency on or after March 1, 2020 in response to changing ridership travel patterns.
3. Authorizes the agency to pursue relief funding; and,
4. Identifies broad strategies and tactics for how the agency will apply the funding to address its operating deficit and/or advance ridership recovery in the first year of receiving said funding.

This requirement would ensure that the state and the public have full visibility into how the funding would be used by agencies in their first year of receipt. By mandating a public process at the transit governing board level, this requirement would ensure that the local elected officials that largely comprise transit governing boards, riders, and regional and local stakeholders have the opportunity to influence the use of funds received. This requirement would also provide agencies with the opportunity to identify the steps they have already taken (or are taking) to grow their ridership and reduce their operating deficit in the face of pandemic-induced changes to travel patterns and increased costs, creating for the state a record of transit service and budget changes that subsequently can be used to assess the full balance of agencies' response to the COVID-19 pandemic. Finally, this requirement, when coupled with the accountability, reform, and reporting requirements that apply to agencies after receiving funding (detailed below), would balance the state's interest in transparency and the productive use of state funding with the local interest of putting dollars to use quickly and efficiently to stave off service cuts and/or mass layoffs and to set agencies on a path to recovery. Our proposed framework recommends that the state develop template forms that can be used by eligible transit agencies to ensure that information provided is reported in a standardized manner.

Accountability, Reform, and Reporting Requirements After Receiving Funding: Our proposed framework would further require a recipient transit agency to submit to the state a transit recovery plan (TRP) within 18 months of the agency receiving operations funding that identifies the service and/or fare changes and specific strategies (or reforms) it plans to implement over a "specified period" with this funding to help enhance its ridership and address its operating deficit. This "specified period" would be scaled based on the number of years for which the state provides funding.

The changes and strategies that could be included in a TRP include, but are not limited to, fare and service improvements that enhance the customer experience; accessibility improvements; workforce recruitment, retention and development efforts; improvements that increase transit reliability, speed, or on-time performance, including transit prioritization measures; customer communication enhancements; rider and operator safety enhancements; improvements to the cleanliness of transit stations, stops, and vehicles. The TRP may also include information on the steps the agency will take to achieve operational savings or increase local revenue. The list of changes and strategies we have identified in our framework for possible inclusion in a TRP draw extensively on the findings and recommendations of the [Los Angeles County Metropolitan](#)

[Transportation Authority's Recovery Task Force Report](#) and the [Metropolitan Transportation Commission's Bay Area Transit Transformation Action Plan](#), which were products of research, regional and local deliberations, and extensive public engagement, as well as the scope of [AB 761 \(Friedman and Gonzalez, 2023\)](#).

To ensure that the changes and strategies included in an agency's TRP are supported by data, reflect the pandemic's impacts on travel/commuting for the agency, and facilitate measurable progress toward greater financial and operational viability for the agency, our proposed framework would require that each TRP be informed by a data-driven analysis conducted or commissioned by the agency or its regional transportation planning agency on or after March 1, 2020. Our proposed framework includes flexibility in what constitutes a data-driven analysis to acknowledge that certain analyses are only relevant to some agency types – for example, a comprehensive operational analysis, which often contemplates route changes would be relevant to bus agencies, but not rail agencies; reflect differences in the severity of funding and recovery needs between agencies; and contemplate differences in resource availability between agencies of different sizes.

Finally, to maintain accountability to the state and the public, our proposed framework would require a recipient transit agency to submit to the state a biennial report that provides an update on its implementation of its TRP and that reports on a series of cost and service metrics as well as barriers to implementation of the plan. The submittal of these reports by a recipient transit agency would be a precondition for the agency receiving successive rounds of funding. Our proposed framework recommends that the state develop template forms that can be used by recipient transit agencies to ensure that information provided is reported in a standardized manner.

As we advance our proposed framework and restate our industry's commitment to accountability and reforms, we must also continue to elevate – as we have in our public and private discussions – that today, California transit agencies face significant external challenges that are not of their making, but that impact their budgets, operating environments, and ridership levels. These challenges include, but are not limited to:

- The prevalence of remote work;
- The hollowing out of downtown cores;
- The increase in homelessness, including on our systems;
- The housing crisis;
- The rise in violent crime;
- Rampant inflation and supply chain issues; and
- The opioid epidemic.

As demonstrated by our proposed framework, we are committed to continuing to improve our services while addressing many of these external challenges (to the extent we can). That said, transit agencies will require stepped up state intervention to address those external challenges for which we have no clear role or means of intervention. The Association and our member agencies stand ready to support that intervention moving forward.

We greatly appreciate the continued and open dialogue with you and your staff in addressing the significant operations funding shortfalls California's transit agencies face. If you have any

questions about our proposed framework, please contact me at 916-446-4656 x1034 or at michael@caltransit.org.

Sincerely,



Michael Pimentel
Executive Director

cc: The Honorable Maria Elena Durazo, Chair, Senate Budget Subcommittee No. 5
The Honorable Josh Becker, Chair, Senate Budget Subcommittee No. 2
The Honorable Steve Bennett, Chair, Assembly Budget Subcommittee No. 3
Members, Senate Budget Subcommittee No. 5
Members, Senate Budget Subcommittee No. 2
Members, Assembly Budget Subcommittee No. 3
Toks Omishakin, Secretary, California State Transportation Agency
Mark Tollefson, Undersecretary, California State Transportation Agency
Chad Edison, Chief Deputy Secretary for Rail and Transit, California State
Transportation Agency
James Hacker, Deputy Cabinet Secretary, Office of Governor Gavin Newsom
Ronda Paschal, Deputy Legislative Secretary, Office of Governor Gavin Newsom
Steve Cliff, Executive Officer, California Air Resources Board

ATTACHMENT 1: California Transit Association – Proposed Accountability and Reform Framework

ATTACHMENT 2: California Transit Association – Funding Request and Policy Recommendations to Address Near-Term Operating Deficits (April 25, 2023)



Proposed Accountability and Reform Framework for Newly Appropriated Transit Operations Funding

Front-End Accountability Requirement (Before Receiving Funding)

- A. Governing board of eligible agency passes board resolution at a public meeting that:
1. Identifies and demonstrates the agency's estimated operations funding need through FY 2027-28 by year to:
 - i. Mitigate service cuts and/or layoffs; and/or
 - ii. Implement service and/or fare changes and/or ridership retention and recovery strategies.
 2. Identifies relevant service and/or fare changes as well as broader ridership retention and recovery and/or operating deficit reduction strategies implemented by the agency on or after March 1, 2020 in response to changing ridership or travel patterns;
 3. Authorizes the agency to pursue relief funding; and,
 4. Identifies broad strategies and tactics for how the agency will apply relief funding to address its operating deficit and/or advance ridership recovery in year 1.

Back-End Accountability, Reform, and Report Requirements (After Receiving Funding)

- A. A recipient agency shall submit to the state a transit recovery plan (TRP) within 18 months that identifies relevant service and/or fare changes and specific strategies it will implement to help enhance its ridership and address its operating deficit over a specified period.
1. A transit recovery plan shall be informed by a data-driven analysis conducted or commissioned by the agency or the applicable regional transportation planning agency on or after March 1, 2020 that may include, but is not limited to:
 - i. A comprehensive operational analysis; strategic plan; service growth development plan, comprehensive service planning study; market opportunity analysis; or short-range transit plan or other local, regional, state, or federal planning document that identifies service adjustments to improve transit operations and align service with demand;
 - ii. A ridership/customer experience survey; or
 - iii. A fare study.

2. A TRP shall identify service and/or fare changes, rider retention and recovery strategies, including customer experience improvements, and/or operating deficit reduction strategies that the agency implemented on or after March 1, 2020 in response to changing ridership or travel patterns.
3. A TRP shall identify service and/or fare changes, rider retention and recovery strategies, and/or operating deficit reduction strategies that the agency will continue or implement over a specified period. These changes and/or strategies shall be consistent with the changes and strategies outlined in requirement 5 of the board resolution outlined above and may include, but are not limited to:
 - i. Service and/or fare changes including, but not limited to:
 1. Fare improvements that enhance the customer experience, including:
 - a. Fare coordination or integration between transit agencies;
 - b. Introduction of simplified or reduced fare schedules or fare promotions targeted at growing ridership; or
 - c. Technologies, including digital ticketing and contactless payment system, coordination and integration with neighboring systems, where feasible.
 2. Service improvements that enhance the customer experience, including:
 - a. Service enhancements to meet increased demand;
 - b. Introduction of coordinated scheduling and timed transfers; or
 - c. Introduction of targeted marketing campaigns and service enhancements.
 3. Strategies to increase system accessibility.
 4. Strategies to improve workforce recruitment, retention, and development.
 - ii. Rider retention and recovery strategies including, but not limited to:
 1. Strategies to increase transit reliability, speed, or on-time performance, including transit prioritization measures or right-of-way improvements that help increase reliability, on-time performance, or safety (e.g. dedicated lanes, traffic light synchronization, etc.).
 2. Customer communication enhancements, including:
 - a. Development and publication of GTFS feed and service alerts;

- b. Mapping and wayfinding between transit agencies and to final passenger destinations; or
 - c. Improvements to customer communications systems, including station intercom and onboard systems.
 3. Strategies to enhance safety for riders and operators; and
 4. Strategies to enhance the cleanliness of transit stations, stops, and vehicles.
 - iii. Operating deficit reduction strategies including, but not limited to:
 1. Strategies to achieve operational savings; or
 2. Strategies to increase local revenue, including through the introduction of innovative and non-traditional revenue sources.
 4. A transit recovery plan shall identify any barriers that impede the agency's recovery or implementation of preferred strategies to recover its ridership and address its operating deficit. Such barriers may include, but are not limited to:
 - i. Long-term funding uncertainty;
 - ii. External economic forces;
 - iii. Workforce recruitment, retention, development challenges, impacting service;
 - iv. Local, state, or federal policies;
 - v. Barriers to introduction of innovative and non-traditional revenue sources; or,
 - vi. A public health emergency.
- B. A recipient agency shall submit to the state a biennial report that provides an update on its implementation of its TRP and that reports on the cost and service metrics identified in (B)(1) and any challenges implementing the plan, including additional operations funding need.
 1. Cost and service metrics include the following, as reported by the recipient agency to the National Transit Database:
 - i. Transit operating funds expended, including expenditures from:
 1. Fares and directly generated revenue;
 2. Local funds;
 3. State funds; and,
 4. Federal assistance.

- ii. Transit service delivered, including:
 - 1. Average Weekday Unlinked Trips;
 - 2. Average Saturday Unlinked Trips;
 - 3. Average Sunday Unlinked Trips;
 - 4. Annual Vehicle Revenue Miles; and
 - 5. Annual Vehicle Revenue Hours.
- iii. Transit service use, including:
 - 1. Annual Passenger Miles; and
 - 2. Annual Unlinked Trips.
- iv. Transit service cost, and efficiency & effectiveness measures, including:
 - 1. Operating Cost Per Vehicle Revenue Hour;
 - 2. Operating Cost Per Service Revenue Hour;
 - 3. Operating Cost Per Passenger Mile; and
 - 4. Operating Cost Per Unlinked Passenger Trip.

C. The report may include information on the recipient agency's progress in accelerating the state's shared goals, which may include but are not limited to reductions in Vehicle Miles Travelled (VMT), avoided emissions, and progress toward local, regional, state, or national strategies or plans.

NOTE: The Association encourages the creation of standard forms and templates to capture consistent information from transit agencies at the state-level.

April 25, 2023

The Honorable Gavin Newsom
Governor, State of California

The Honorable Toni G. Atkins
Senate President Pro Tempore
California State Senate

The Honorable Anthony Rendon
Speaker of the Assembly
California State Assembly

The Honorable Nancy Skinner
Chair, Senate Budget Committee
California State Senate

The Honorable Phil Y. Ting
Chair, Assembly Budget Committee
California State Assembly

RE: California Transit Association's Funding Request and Policy Recommendations to Address Near-Term Operating Deficits

Dear Governor Newsom, Pro Tempore Atkins, Speaker Rendon, Senator Skinner, and Assemblymember Ting:

On behalf of the California Transit Association, I write to you to today to share our state funding request and policy recommendations to address the near-term operating deficits faced by California transit agencies. Our recommendations were unanimously approved by the Association's leadership in the week of April 16, following months of discussion between our members from across the state and shaped by our engagement with decision makers in Sacramento. With the state itself facing a difficult budget outlook for Fiscal Year 2023-24, our recommendations consciously internalize your message to limit (to the extent possible) new impacts to the state's General Fund and tackle impediments to the long-term financial and operational sustainability of our industry. As public transportation is at the center of the state's strategy for combatting climate change and vital to the mobility of the most vulnerable Californians, we intend for our recommendations to provide actionable guidance to the Legislature and Newsom Administration for addressing in 2023 the near-term needs of California transit agencies and the communities they serve, and to set the stage for a larger discussion about state support for transit operations, potential reforms to long-standing transit funding programs and formulas, and strategies to retain and rebuild riders. We thank you for your continued engagement with us, and for your demonstrated support for public transportation throughout your careers and in this pivotal moment.

Funding Request

As we presented at the Assembly Budget Subcommittee #3 hearing on March 15, **the Association estimates, through surveys of our member agencies, that California transit agencies statewide require at least \$6 billion from FY 2023-24 to FY 2027-28** to address

pandemic-induced operating deficits that threaten transit service and jobs statewide, undermine transit agencies' work to support the state's environmental and mobility objectives, and stymie transit agencies' – and our most vulnerable communities' – recovery from the pandemic. Our data shows that most of this total statewide need derives from the operating deficits of agencies in the San Francisco Bay Area and broader Southern California region, respectively. The remaining balance of this total statewide need derives from the operating deficits of agencies in the broader Northern California region (exclusive of the San Francisco Bay Area), Central Valley and Central Coast. Thus, we argue that this statewide crisis requires a state-level solution, with flexible parameters to address unique local needs.

We find that these operating deficits stem from a variety of factors impacting agencies nationwide, including the depletion of federal emergency relief funding; the increased costs of transit operations resulting from a tight labor market and historically high fuel and energy costs; the increased costs of capital projects, resulting from inflation and supply chain issues; and, a slower-than-anticipated recovery in ridership caused by prevalence and endurance of remote work and the advent of new public safety concerns. The start date and severity of these operating deficits in California, much like for agencies across the nation, vary greatly by agency and depend on the funding portfolios that comprise their operating budgets, their level of dependence on fare revenue, and the socioeconomic characteristics of their ridership (which correlate with ridership retention and recovery).

Our findings are validated by a recent report completed by the UCLA Institute of Transportation Studies, entitled [“Financing the Future: Examining the Fiscal Landscape of California Public Transit in the Wake of the Pandemic.”](#) which found, among other things, that *“[d]espite lagging demand, energy, equipment, and especially labor costs are up, while both ridership and associated fare revenues remain depressed. While state and local subsidies have mostly rebounded, they are falling behind rising costs. As a result, California transit agencies may be forced to cut service to reduce costs, and in doing so precipitate a vicious cycle of falling resources, service, and ridership.”*

To address this near-term funding need, we request that the State of California provide \$5.15 billion in multiyear funding for transit operations from a collection of state funding sources that have historically supported transit capital and operations. As detailed below, our request is intentionally designed to limit its impact to the state's General Fund and is only expected to result in a \$213 million reduction to General Fund revenue in FY 2023-24 (assuming prior year funding commitments are upheld).

Specifically, we request the following:

- **An Additional Appropriation of Revenue from Sales Tax on Diesel Fuel (\$1.35B from FY 2023-24 through FY 2027-28):** Under current law, California transit agencies receive approximately 80% of revenue generated by the state sales tax on diesel fuel. In usual years, the remaining balance of revenue flows to the state's General Fund. However, [AB 194 \(Committee on Budget\) \[Chapter 55, Statutes of 2022\]](#), last year's taxation budget trailer bill, paused collection of the portion of the sales tax on diesel fuel that generates the remaining balance of revenue through October 1, 2023.

We request that you direct the full balance of revenue generated by the state sales tax on diesel fuel to transit operations for the next five years – from FY 2023-24 through FY

2027-28 once collection of that portion of the sales tax on diesel fuel resumes. This element of our request would provide transit agencies with approximately \$213 million in FY 2023-24 and approximately \$284 million annually from FY 2024-25 to FY 2027-28 for operations. This element would reduce General Fund revenue by the corresponding amount in each fiscal year.

- **An Additional Appropriation of Unallocated Cap and Trade Revenue (\$2.5B from FY 2023-24 through FY 2027-28):** In its report to the Senate Budget Subcommittee No. 2, entitled [“Cap-and-Trade Spending Overview.”](#) the Legislative Analyst’s Office identified \$800 million in unallocated (or “discretionary”) Cap and Trade revenue in FY 2022-23 and FY 2023-24 above the Governor’s proposed FY 2023-24 budget, which includes a significant investment of Cap and Trade revenue in zero-emission vehicles and AB 617 communities.

We request that you provide \$500 million in discretionary Cap and Trade revenue annually to transit agencies for operations for the next five years – from FY 2023-24 through FY 2027-28. We argue that this action is prudent in the face of increased demand for this revenue, given the nexus between transit service and greenhouse gas emission reduction, the centrality of public transit service to the state’s long-term environmental goals, the immediate equity co-benefits that such an investment would deliver, and the dearth of other non-General Fund options for this purpose. We also believe it is important to highlight that the [California Air Resources Board’s 2022 Scoping Plan](#) warns that *“[t]ransit’s fiscal crisis has only exacerbated the adverse equity impacts of the pandemic, considering people with low-income, people with disabilities, and BIPOC communities are commonly transit dependent populations and the service available to them are now more limited,”* and argues *“[a]ccordingly, securing the necessary funding to return transit operations to pre-pandemic levels in the short term needs to be considered both a priority climate and equity action for the State.”*

- **The Conversion of Transit Capital Funding to Transit Operations Funding (\$300M in FYs 2026-27, 2027-28):** Under current law, the Transit and Intercity Rail Capital Program receives \$650 million annually for distribution as competitive grant for transformative transit capital projects through the Transit and Intercity Rail Capital Program. These funds have been encumbered through the end of FY 2025-26 under previously approved multi-year grant awards through the Transit and Intercity Rail Capital Program.

We have long supported TIRCP and recognize the significant value the program provides to communities across the state by supporting the construction of transformative projects that will significantly reduce vehicle miles traveled, congestion, and greenhouse gas emissions. That said, in this time of growing needs and fewer resources, we believe it is appropriate to redirect – on a one-time basis – a portion of this capital funding to operations. Specifically, we request that the state convert \$300 million of the \$1.3 billion that will be available in FYs 2026-27 and 2027-28 from capital funding to operations funding. In this process, we urge the state to ensure that all projects that previously received a multi-year commitment of funds see those commitments upheld.

- **Maintenance of \$4 Billion General Fund Investment in Transit, Flexibility to Use this Transit Capital Funding for Transit Operations (Up to \$1B in FYs 2023-24 through FY 2027-28):** The adopted FY 2022-23 budget commits \$4 billion in General Fund revenue in FYs 2023-24 and 2024-25 for transit capital projects, to be distributed to regions via a population-based formula. The Governor’s proposed FY 2023-24 budget proposes to reduce that commitment by \$2 billion.

As we outlined in our letter, dated January 24, we urge the state to maintain its original \$4 billion commitment for FYs 2023-24 and 2024-25. This investment in the TIRCP was a key element of the budget discussions that ultimately led to the historic \$11 billion commitment to transit, active transportation, climate adaptation and high-speed rail in the adopted FY 2022-23 budget. However, we request that the state grant regions the authority to “flex” up to 25% of their share of funding in these years for transit operations. This element would preserve at least 75% of this funding for building transformative capital projects, as originally directed by the FY 2022-23 budget.

Recognizing that this funding request does not address the full balance of our estimated funding need, we look forward to reviewing, and engaging you on, the funding recommendations being prepared by the Legislative Analyst’s Office. As these discussions continue, we will be sharing recommendations with you for a preferred distribution mechanism, eligible uses, eligible entities, and accountability measures. At the highest-level, we have established as priorities that any new funding be available to transit agencies statewide and be accessible to stop service cuts and layoffs, but also to help agencies retool their service in ways that will retain and attract riders.

Policy Recommendations

As we submit this significant funding request, we acknowledge that in our initial round of discussions with you, you have emphasized the importance of continuing to improve transit service and the rider experience, with the goals of increasing the attractiveness of transit service and setting transit agencies on a path to achieving long-term operational and financial sustainability.

In those discussions, we have communicated our industry’s commitment to this work and our continued interest in partnering with you to scope and implement legislation and operational improvements to deliver these shared goals. In recent years, we have demonstrated what this partnership looks like in practice by scoping and co-sponsoring legislation, including [SB 922 \(Wiener\) \[Chapter 987, Statutes of 2022\]](#) and [AB 917 \(Bloom\) \[Chapter 709, Statutes of 2021\]](#) to, among other things, improve transit travel times and on-time performance within existing resources. Today, we offer the following policy recommendations for consideration by the Legislature:

- **Pass Legislation to Address Safety and Homelessness on Transit Systems:** With the cleanliness and safety of our transit systems being a top concern for the public and key impediments to growing transit ridership, we and our member agencies previously supported the creation of the Clean California Program and the passage of [SB 1161 \(Min\) \[Chapter 218, Statutes of 2022\]](#), and called for the state to provide direct access to homelessness funding to transit agencies.

This year, we and/or our member agencies have worked with the members of the Legislature to scope [SB 434 \(Min\)](#) and [AB 1377 \(Friedman\)](#), new legislation to combat street harassment and the incidence of homelessness on our systems. We urge the Legislature to pass both bills. If California transit agencies are to regain riders and establish long-term financial and operational viability, we stress that it is imperative that we receive targeted support to address these larger societal challenges.

- **Continue Discussions on Reforms to Transit Service and Performance Metrics, Extend Current Statutory Relief:** In late 2018, in response to a request by then-Senate Transportation Committee Chair Jim Beall and then-Assembly Transportation Committee Chair Jim Frazier, the Association initiated an effort to reform the performance metrics in the Transportation Development Act (TDA) that provide accountability on transit operations and that govern access to state transit funding. In early 2020, the Association transmitted preliminary reform recommendations to these committees for their review and further guidance.

Unfortunately, in March 2020, the COVID-19 pandemic began, and work on “TDA reform” between the Association and the Legislature was put on hold. In its place, the Legislature enacted in 2020 and 2021, at the Association’s urging, a series of “statutory relief measures” that incorporated elements of the broader reform effort, but which also shielded transit agencies from unwarranted and counterproductive shifts in transit funding as well as a series of financial penalties that otherwise would have resulted under TDA due to the sharp pandemic-induced loss of fare revenues.

As the pandemic has subsided, the Association has restated its commitment to the Legislature to pursue mutually agreeable reforms to TDA’s performance metrics and to transit service, more generally, to help agencies regrow their ridership and establish fiscal stability over the next five years. Such engagement will take place through the process outlined in [AB 761 \(Friedman and Gonzalez\)](#) and through upcoming listening sessions organized by the California State Transportation Agency.

As that work progresses, we urge you to extend the statutory relief provided to transit agencies through FY 2024-25 as this extension would allow more time for transit operations to recover, stave off unwarranted and counterproductive shifts in transit funding, while also allowing agencies to continue operations without service impacts. From the data we have collected, more than 80% of responding agencies noted that such relief has been helpful in maintaining their service and ridership.

- **Maintain Existing Flexibility in State Transit Assistance-State of Good Repair Program, Expand Flexibility in Low Carbon Transit Operations Program:** [SB 1 \(Beall and Frazier\) \[Chapter 5, Statutes of 2017\]](#) created the State Transit Assistance – State of Good Repair Program (STA-SGR) to provide additional revenues for transit infrastructure repair and service improvements.

Under current law, enacted in 2020 and 2021, California transit agencies were granted flexibility to access STA-SGR to address funding shortfalls in operating or capital expenses resulting from the impact of the COVID-19 pandemic. This redirection of SGR funds requires transit agencies to obtain an approved declaration, board resolution and/or other appropriate document(s), from their respective governing board identifying

the fiscal challenges which may cause reduction of service and thereby directing agency staff to pursue the flexibility of redirecting SGR funds toward these expenses. This flexibility expires at the end of FY 2022-23. We urge you to extend this flexibility for five years through FY 2027-28.

Under current law, California transit agencies can access the Low Carbon Transit Operations Program to support new or expanded bus or rail services, expand intermodal transit facilities, including equipment acquisition, fueling, maintenance and other costs to operate those services or facilities, provided each project reduces greenhouse gas emissions. We urge you to provide flexibility in this program for five years through FY 2027-28 to allow LCTOP funds to be used to maintain operations.

We estimate that, combined, these two policy recommendations would maintain and create operating flexibility of approximately \$1.63 billion over five years.

I also wish to thank you for holding hearings in the Senate and Assembly on this important issue and listening sessions at the California State Transportation Agency to discuss the issues facing my industry and for availing yourselves and your staff to us to carry out deeper conversations on how the state can provide support to California transit agencies amidst a difficult state budget outlook and over the long-term. We look forward to meeting with your offices soon to discuss these requests and recommendations in more detail as we work together to implement solutions to the issues our public transit agencies are facing. If you have any questions about our requests, please contact me at Michael@caltransit.org or (916)-446-4656 x1034.

Sincerely,



Michael Pimentel
Executive Director

cc: The Honorable Maria Elena Durazo, Chair, Senate Budget Subcommittee No. 5
The Honorable Josh Becker, Chair, Senate Budget Subcommittee No. 2
The Honorable Steve Bennett, Chair, Assembly Budget Subcommittee No. 3
Toks Omishakin, Secretary, California State Transportation Agency
Mark Tollefson, Undersecretary, California State Transportation Agency
Chad Edison, Chief Deputy Secretary for Rail and Transit, California State Transportation Agency
James Hacker, Deputy Cabinet Secretary, Office of Governor Gavin Newsom
Steve Cliff, Executive Officer, California Air Resources Board

ATTACHMENT 1: California Transit Association – Budget Request (by Funding Category, Source)

California Transit Association - Budget Request (By Funding Category, Source)

Summary Sheet

New Ops. Funding - New Allocations	Annual Funding Opportunity	5-Year Funding Opportunity	5-Year Funding Request (FY 2023-24 - FY 2027-28)	Notes
Redirection - Sales Tax on Diesel Fuel	\$284,000,000	\$1,349,000,000	\$1,349,000,000	Funding in FY 2023-24 available for partial year only.
Appropriation - Cap and Trade Unallocated	\$800,000,000	\$4,000,000,000	\$2,500,000,000	
Subtotal	\$1,084,000,000	\$5,349,000,000	\$3,849,000,000	
New Ops. Funding - Repurposing of Existing Transit Capital Funding	Annual Funding Opportunity (FY 2026-27 - FY 2027-28 Only)	5-Year Funding Opportunity	5-Year Funding Request (FY 2023-24 - FY 2027-28)	Notes
Redirection - TIRCP (TIF Only)	\$250,000,000	\$500,000,000	\$200,000,000	Funding for FY 2023-24 - FY 2025-26 encumbered in existing multi-year grant awards.
Redirection - TIRCP (GGRF Only)	\$400,000,000	\$800,000,000	\$100,000,000	Funding for FY 2023-24 - FY 2025-26 encumbered in existing multi-year grant awards.
Subtotal	\$650,000,000	\$1,300,000,000	\$300,000,000	
Flexibility in Existing Transit Capital Funding	Annual Funding Opportunity (FY 2023-24 - FY 2024-25 Only)	5-Year Funding Opportunity	5-Year Funding Request (FY 2023-24 - FY 2027-28)	Notes
Flexibility - TIRCP (GF Only)	\$2,000,000,000	\$4,000,000,000	\$1,000,000,000	Funding only available in FY 2023-24 - FY 2024-25. Assumes 25% of \$2 billion annual funding.
Subtotal	\$2,000,000,000	\$4,000,000,000	\$1,000,000,000	
TOTAL			\$5,149,000,000	
Statutory Changes to Existing Transit Operations Funding	Annual Funding Opportunity	5-Year Funding Opportunity	5-Year Funding Request (FY 2023-24 - FY 2027-28)	Notes
Flexibility - LCTOP	\$200,000,000	\$1,000,000,000	\$1,000,000,000	Allow LCTOP, an existing operations funding program, to be used to maintain service.
Flexibility - STA-SOGR	\$125,000,000	\$625,000,000	\$625,000,000	Extend current flexibility to use STA-SOGR to maintain service.
Total	\$325,000,000	\$1,625,000,000	\$1,625,000,000	



Orange County Transportation Authority Legislative Matrix

**2023 State Legislation Session
June 15, 2023**

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
BILLS WITH POSITIONS			
<p>► AB 6 (Friedman – D)</p> <p><i>Transportation Planning: Regional Transportation Plans</i></p>	<p><i>Requires a metropolitan planning organization to submit an adopted sustainable communities strategy or an alternative planning strategy, if applicable, to the State Air Resources Board for review.</i></p>	<p>INTRODUCED: 12/05/2022 LOCATION: Assembly Third Reading LAST AMEND: 03/16/2023</p> <p>STATUS: 05/11/2023 <i>In ASSEMBLY. Read second time. To third reading.</i></p>	<p><i>Recommend Position: Oppose (partial list)</i></p> <p><i>Support: 350 Bay Area Action, Streets For All, California Environmental Voters</i></p> <p><i>Oppose: Mobility 21, Orange County Business Council, Rebuild SoCal Partnership, Transportation California</i></p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 7 (Friedman – D)</p> <p>Transportation: Planning: Project Selection Processes</p>	<p><i>Requires the California State Transportation Agency, the California Department of Transportation, and the California Transportation Commission to incorporate specified principles into their processes for project development, selection, and implementation.</i></p>	<p>INTRODUCED: 12/05/2022 LOCATION: Assembly Third Reading LAST AMEND: 05/25/2023</p> <p>STATUS: 05/25/2023 <i>In ASSEMBLY. Read third time and amended. To third reading.</i></p>	<p><i>Recommend Position:</i> <i>Oppose</i> <i>(partial list)</i></p> <p><i>Support: Coalition for Clean Air, Streets For All, California Environmental Voters</i></p> <p><i>Oppose: Mobility 21, Orange County Business Council, Rebuild SoCal Partnership, Transportation California</i></p>
<p>► AB 96 (Kalra – D)</p> <p>Public Employment: Local Public Transit Agencies</p>	<p><i>Requires a public transit employer, at least a specified number of months before beginning a procurement process to acquire or deploy any autonomous transit vehicle technology for public transit services that would eliminate job functions or jobs of a workforce, to provide written notice to the exclusive employee representative of the workforce affected by the autonomous transit vehicle technology of its determination to begin that procurement process.</i></p>	<p>INTRODUCED: 01/09/2023 LOCATION: Senate Labor, Public Employment and Retirement Committee LAST AMEND: 05/01/2023</p> <p>STATUS: 05/17/2023 <i>To SENATE Committee on LABOR, PUBLIC EMPLOYMENT AND RETIREMENT.</i></p>	<p><i>Neutral</i> <i>(partial list)</i></p> <p><i>Support: Amalgamated Transit Union (Co-Sponsor) California Labor Federation, AFL-CIO (Co-Sponsor) California State Legislative Board of the Sheet Metal, Air, Rail and Transportation Workers – Transportation Division (Co-Sponsor) California Teamsters Public Affairs Council (Co-Sponsor)</i></p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 463 (Hart – D)</p> <p>Electricity: Prioritization of Service: Public Transit</p>	<p>Requires the Public Utilities Commission, in establishing specified electrical priorities to also consider the economic, social equity, and mobility impacts of a temporary discontinuance in electrical service to the customers that rely on electrical service to operate public transit vehicles.</p>	<p>INTRODUCED: 02/06/2023 LOCATION: Assembly Appropriations Committee</p> <p>STATUS: 05/18/2023 <i>In ASSEMBLY Committee on APPROPRIATIONS: Held in committee.</i></p>	<p>Support (partial list)</p> <p>Support: California Transit Association (CTA) (co-sponsor), Alameda-Contra Costa Transit District (co-sponsor), Monterey-Salinas Transit, San Diego Metropolitan Transit (SD MTS)</p>
<p>► AB 610 (Holden – D)</p> <p><i>Student Transit Pass Pilot Program: Free Student Passes</i></p>	<p><i>Creates the Student Transit Pass Pilot Program, administered by the Department of Transportation, for purposes of awarding grants to transit agencies for the costs of creating, designing, developing, advertising, distributing, and implementing free student transit passes to persons attending public educational institutions, and persons 18 years of age or younger, providing free transit service to holders of those passes, and administering and participating in the program.</i></p>	<p>INTRODUCED: 02/09/2023 LOCATION: Assembly Third Reading LAST AMEND: 05/18/2023</p> <p>STATUS: 05/22/2023 <i>In ASSEMBLY. Read second time. To third reading.</i></p>	<p>Support (partial list)</p> <p>Support: Move LA, ClimatePlan, Greenlining Institute, Los Angeles County Metropolitan Transportation Authority (LA Metro)</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 719 (Boerner Horvath - D)</p> <p>Medi-Cal benefits</p>	<p>Requires the Department of Health Care Services to require managed care plans to contract with public transit operators for the purpose of establishing reimbursement rates for nonmedical and nonemergency medical transportation trips provided by a public transit operator. Requires the rates reimbursed by the managed care plan to the public transit operator to be based on the department's fee-for-service rates for nonmedical and nonemergency medical transportation service.</p>	<p>INTRODUCED: 02/13/2023 LOCATION: <i>Assembly Third Reading</i></p> <p>STATUS: 05/30/2023 <i>In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE.</i></p>	<p>Support</p> <p>Support: California Transit Association (CTA) (co-sponsor), SD MTS (co-sponsor)</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>AB 817 (Pacheco – D)</p> <p>Open Meetings: Teleconferencing: Subsidiary Body</p>	<p>Relates to the Ralph Brown Act. Authorizes a subsidiary body to use alternative teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency.</p>	<p>INTRODUCED: 02/13/2023 LOCATION: Assembly Local Government Committee LAST AMEND: 03/16/2023</p> <p>STATUS: 03/16/2023 To ASSEMBLY Committee on LOCAL GOVERNMENT.</p> <p>03/16/2023 From ASSEMBLY Committee on LOCAL GOVERNMENT with author's amendments.</p> <p>03/16/2023 In ASSEMBLY. Read second time and amended. Re-referred to Committee on LOCAL GOVERNMENT.</p>	<p>Support</p> <p>Support: California Association of Recreation and Park Districts (co-sponsor), League of California Cities (co-sponsor), Rural County Representatives of California (co-sponsor), and the Urban Counties of California (co-sponsor)</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► SB 381 (Min – D)</p> <p>Electric Bicycles: Study</p>	<p>Requires the Mineta Transportation Institute at San Jose State University to conduct a study on electric bicycles to inform efforts to improve the safety of users of the transportation system, and to submit a report of the findings to the Legislature. Requires the study to examine, identify, and analyze available information regarding, among other things, data on injuries, crashes, emergency room visits, and deaths related to bicycles and electric bicycles and policies to promote safe use of such bicycles.</p>	<p>INTRODUCED: 02/09/2023 LOCATION: Assembly Transportation Committee LAST AMEND: 03/14/2023</p> <p>STATUS: 05/04/2023 <i>To ASSEMBLY Committee on TRANSPORTATION.</i></p>	<p>Support</p> <p>Support: California Association of Bicycling Organizations, City of Huntington Beach</p>
<p>► SB 434 (Min – D)</p> <p>Transit Operators: Street Harassment Survey</p>	<p>Requires a transit operator, upon appropriation of funds by the Legislature, to collect and publish specified survey data for the purpose of informing efforts to improve the safety of riders and reduce street harassment on public transit. Authorizes a transit operator to collect survey data in multiple languages to reach limited-English-proficient riders impacted by street harassment. Requires a transit operator to publish and make publicly available on its internet website the survey data.</p>	<p>INTRODUCED: 02/13/2023 LOCATION: ASSEMBLY LAST AMEND: 03/16/2023</p> <p>STATUS: 05/25/2023 <i>In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY. (40-0)</i></p>	<p>Support (partial list)</p> <p>Support: Stop Asian American Pacific Islander Hate (sponsor), LA Metro, CTA</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► SB 617 (Newman – D)</p> <p>Public Contracts: Progressive Design-Build</p>	<p>Authorizes a transit district, municipal operator, consolidated agency, joint powers authority, regional transportation agency, or local or regional agency to use the progressive design-build process. Specifies that the authority to use the progressive design-build process does not include inspection services for projects on, or interfacing with, the State highway system.</p>	<p>INTRODUCED: 02/15/2023 LOCATION: <i>Assembly Local Government Committee</i> LAST AMEND: 03/30/2023</p> <p>STATUS: 05/11/2023 <i>To ASSEMBLY Committee on LOCAL GOVERNMENT.</i></p>	<p>Support</p> <p>Support: Self-Help Counties Coalition (sponsor)</p>
<p>► SB 706 (Caballero – D)</p> <p>Public Contracts: Progressive Design-build</p>	<p><i>Authorizes all cities, counties, city and counties, or special districts to use the progressive design-build process for other projects in addition to water-related projects and extends these provisions until specified date.</i></p>	<p>INTRODUCED: 02/16/2023 LOCATION: <i>Assembly Local Government Committee</i> LAST AMEND: 04/10/2023</p> <p>STATUS: 05/04/2023 <i>To ASSEMBLY Committee on LOCAL GOVERNMENT.</i></p>	<p>Support (partial list)</p> <p>Support: California State Association of Counties (Co-Sponsor) County of San Diego (Co-Sponsor) Design Build Institute of America Western Pacific Chapter (Co-Sponsor) League of California Cities (Co-Sponsor), California Special Districts Association, San Bernardino County</p>

BILLS BEING MONITORED

▶ AB 9	AUTHOR:	Muratsuchi [D]
	TITLE:	<i>Greenhouse Gases: Market-Based Compliance Mechanism</i>
	INTRODUCED:	12/05/2022
	LAST AMEND:	04/17/2023
	LOCATION:	<i>Assembly Third Reading</i>
	SUMMARY:	<i>Authorizes the State Air Resources Board to include the use of market-based compliance mechanisms in regulating greenhouse gas emissions. Requires the State Board to prepare and approve a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions and to update the scoping plan at least once every specified number of years.</i>
	STATUS:	
	05/18/2023	<i>From ASSEMBLY Committee on APPROPRIATIONS: Do pass. (11-4)</i>
	05/18/2023	<i>In ASSEMBLY. Read second time. To third reading.</i>
	CATEGORY:	Environment

CA AB 16 (Dixon), which pertained to motor vehicle fuel tax law, failed to meet policy committee deadlines and is now a two-year bill. Therefore, the bill has been removed from the matrix.

CA AB 53 (Fong), which pertained to motor vehicle fuel tax law, failed to meet policy committee deadlines and is now a two-year bill. Therefore, the bill has been removed from the matrix.

CA AB 69 (Waldron), which pertained to traffic signal synchronization, failed to meet policy committee deadlines and is now a two-year bill. Therefore, the bill has been removed from the matrix.

▶ AB 72	AUTHOR:	Boerner Horvath [D]
	TITLE:	Coastal resources: landslide and Erosion
	INTRODUCED:	12/13/2022
	LAST AMEND:	05/17/2023
	LOCATION:	Senate Education Committee
	SUMMARY:	
		<i>Provides that existing law requires the Scripps Institution of Oceanography to conduct real-time measurements of land deformation to identify and analyze conditions that precede catastrophic bluff failure on two specified sites as a condition of receiving funds. Requires those real-time measurements, and identification and analysis of those conditions, for a 3rd specified site as a condition of receiving that funding, and postpones the deadline for the research to be completed to specified date.</i>
	STATUS:	
	05/17/2023	From SENATE Committee on EDUCATION with author's amendments.
	05/17/2023	In SENATE. Read second time and amended. Re-referred to Committee on EDUCATION.
	CATEGORY:	Planning

▶ AB 99	AUTHOR:	Connolly [D]
	TITLE:	Department of Transportation: State Roads and Highways
	INTRODUCED:	01/09/2023
	LAST AMEND:	04/17/2023
	LOCATION:	Senate
	SUMMARY:	
		<i>Requires the Department of Transportation to adopt, on or before specified date, a statewide policy to use integrated pest management on State roads and highways and to implement the statewide policy in cities or counties that have adopted integrated pest management approaches to road-side vegetation management. Requires the Department to make publicly available on its website the amount, location, and type of pesticides, and the formulation it uses, at least 24 hours before applying a pesticide.</i>
	STATUS:	
	05/22/2023	In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE. (55-16)
	CATEGORY:	Public Works

▶ AB 251	AUTHOR:	Ward [D]
	TITLE:	California Transportation Commission: Vehicle Weight
	INTRODUCED:	01/18/2023
	LAST AMEND:	03/02/2023
	LOCATION:	Senate
	SUMMARY:	Requires the California Transportation Commission to convene a task force to study the relationship between vehicle weight and injuries to vulnerable road users, such as pedestrians and cyclists and degradation to roads, and to study the costs and benefits of imposing a passenger vehicle weight fee or restructuring an existing fee to include consideration of vehicle weight.
	STATUS:	
	05/22/2023	In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE. (58-15)
	CATEGORY:	Active Transportation

CA AB 291 (Patterson, Jim), which pertained to sales and use tax exemptions, failed to meet policy committee deadlines and is now a two-year bill. Therefore, the bill has been removed from the matrix.

▶ AB 295	AUTHOR:	Fong, Vince [R]
	TITLE:	Department of Transportation: Maintenance Projects
	INTRODUCED:	01/25/2023
	LAST AMEND:	05/18/2023
	LOCATION:	Assembly Third Reading File
	SUMMARY:	Requires the Department of Transportation to expedite roadside maintenance for specified projects related to roadside maintenance and the removal and clearing of material. Authorizes local governmental entities, fire protection districts, fire safe councils, and tribal entities to notify the department of those projects that have not been completed in an efficient and timely manner. Requires the Division of Maintenance to begin the maintenance project within a specified number of days.
	STATUS:	
	05/22/2023	In ASSEMBLY. Read second time. To third reading.
	CATEGORY:	Public Works

▶ AB 316	AUTHOR:	Aguiar-Curry [D]
	TITLE:	Vehicles: Autonomous Vehicles
	INTRODUCED:	01/26/2023
	LAST AMEND:	04/24/2023
	LOCATION:	Assembly Third Reading File
	SUMMARY:	<i>Requires the Department of Motor Vehicles, by specified date, or a specified number of years after commencement of testing, whichever occurs later, and upon appropriation by the Legislature, to submit a report to the appropriate policy and fiscal committees of the Legislature evaluating the performance of autonomous vehicle technology and its impact on public safety and employment in the transportation sector for autonomous vehicles with a gross vehicle weight of a specified number of pounds or more.</i>
	STATUS:	
	05/18/2023	From ASSEMBLY Committee on APPROPRIATIONS: Do pass. (13-1)
	5/18/2023	In ASSEMBLY. Read second time. To third reading.
	CATEGORY:	Public Works

CA AB 321 (Wilson), which pertained to zero-emission ferries, failed to meet fiscal committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

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

▶ AB 334	AUTHOR:	Rubio [D]
	TITLE:	Public Contracts: Conflicts of Interest
	INTRODUCED:	01/30/2023
	LAST AMEND:	05/30/2023
	LOCATION:	Senate Elections and Constitutional Amendments Committee
	HEARING:	06/06/2023 9:30am
	SUMMARY:	Establishes that an independent contractor, who meets specified requirements, is not an officer for purposes of being subject to the prohibition on being financially interested in a contract.
	STATUS:	
	05/30/2023	From SENATE Committee on ELECTIONS AND CONSTITUTIONAL AMENDMENTS with author's amendments.
	05/30/2023	In SENATE. Read second time and amended. Re-referred to Committee on ELECTIONS AND CONSTITUTIONAL AMENDMENTS.
	CATEGORY:	Public Works

CA AB 340 (Fong), which pertained to the California Environmental Quality Act, failed to meet policy committee deadlines and is now a two-year bill. Therefore, the bill has been removed from the matrix.

▶ AB 350	AUTHOR:	Aguiar-Curry [D]
	TITLE:	Regional Transportation Plans: Sacramento Area Council
	INTRODUCED:	01/31/2023
	LAST AMEND:	03/30/2023
	LOCATION:	Senate
	SUMMARY:	Requires the updated regional transportation plan, sustainable communities strategy, and environmental impact report adopted by the Sacramento Area Council of Governments (SACOG) on November 18, 2019, to remain in effect for all purposes until the SACOG adopts its next update to its regional transportation plan.
	STATUS:	
	05/18/2023	In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE. (74-0)
CATEGORY:	Planning	

▶ AB 354	AUTHOR:	Nguyen, Stephanie [D]
	TITLE:	Sacramento Regional Transit District
	INTRODUCED:	01/31/2023
	LAST AMEND:	03/30/2023
	LOCATION:	Senate Transportation Committee
	HEARING:	06/13/2023 1:30pm
	SUMMARY:	Relates to law that authorizes the formation of the Sacramento Regional Transit District with various powers and duties with respect to transportation planning, programming, construction, and operations. Provides that the government of the district is vested in a board of directors. Authorizes the City of Elk Grove to appoint a specified number of members to the board.
	STATUS:	
05/24/2023	To SENATE Committee on TRANSPORTATION.	
CATEGORY:	Public Works	

▶ AB 364	AUTHOR:	Bryan [D]
	TITLE:	Street Furniture Data: Statewide Data Platform
	INTRODUCED:	02/01/2023
	LAST AMEND:	04/11/2023
	LOCATION:	Assembly Third Reading File
	SUMMARY:	
		Requires the Department of Transportation to develop guidelines for data sharing, documentation, public access, quality control, and promotion of open-source and accessible platforms and decision support tools related to street furniture data. Requires the Department to designate the Integrated Climate Adaptation and Resiliency Program Technical Advisory Council to advise on the development of the initial and subsequent guidelines, and review the reports related to those guidelines.
	STATUS:	
	05/18/2023	From ASSEMBLY Committee on APPROPRIATIONS: Do pass. (15-0)
	05/18/2023	In ASSEMBLY. Read second time. To third reading.
	CATEGORY:	Transit

▶ AB 376	AUTHOR:	Villapudua [D]
	TITLE:	Student Financial Aid: Cal Grant C: Driver Training
	INTRODUCED:	02/01/2023
	LAST AMEND:	03/28/2023
	LOCATION:	Assembly Third Reading File
	SUMMARY:	
		Requires the Student Aid Commission to classify an institution as a qualifying institution if its driver training program has a graduation rate of at least a specified percent, is listed on the Federal Motor Carrier Safety Administration training provider registry, and has been approved by the Bureau for Private Postsecondary Education.
	STATUS:	
	05/18/2023	From ASSEMBLY Committee on APPROPRIATIONS: Do pass. (15-0)
	05/18/2023	In ASSEMBLY. Read second time. To third reading.
	CATEGORY:	Miscellaneous

▶ AB 382	AUTHOR:	Cervantes [D]
	TITLE:	High-Occupancy Vehicle Lanes: County of Riverside
	INTRODUCED:	02/02/2023
	LOCATION:	Senate
	SUMMARY:	
		Requires the Transportation Agency, on or before January 1, 2025, to report to the transportation policy committees of the Legislature on the feasibility and appropriateness of removing from high-occupancy vehicle lanes in the County of Riverside, except for certain high-occupancy toll lanes, any double parallel solid lines to restrict the entrance into or exit from those lanes, including the use of the appropriate markings and signage.
	STATUS:	
	05/18/2023	In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE. (74-0)
	CATEGORY:	Planning

▶ AB 400	AUTHOR:	Rubio [D]	
	TITLE:	Local Agency Design-Build Projects: Authorization	
	INTRODUCED:	02/02/2023	
	LAST AMEND:	05/01/2023	
	LOCATION:	Senate	
	SUMMARY:		
		<i>Provides that existing law authorizes local agencies to use the design-build procurement process for specified types of projects, and requires specified information submitted by a design-build entity to be certified under penalty of perjury. Extends the repeal date to a specified date.</i>	
	STATUS:		
	05/18/2023	In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE. (74-0)	
CATEGORY:	Public Works		

CA AB 411 (Bennett), which pertained to creating the California Recreational Trails and Greenways Act, failed to meet fiscal committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

▶ AB 427	AUTHOR:	Alvarez [D]	
	TITLE:	Otay Mesa East Toll Facility Act: Project Delivery	
	INTRODUCED:	02/06/2023	
	LOCATION:	Senate Transportation Committee	
	HEARING:	06/13/2023 1:30pm	
	SUMMARY:		
		Provides that the San Diego Association of Governments (SANDAG) is no longer required to use the design-bid-build delivery method for construction of a project if specified conditions for utilizing an alternative delivery method are not met. This bill would authorize SANDAG to use the Construction Manager/General Contractor method (CMGC) as an additional alternative project delivery method.	
	STATUS:		
	05/24/2023	To SENATE Committee on TRANSPORTATION.	
CATEGORY:	Public Works		

▶ AB 457	AUTHOR:	Patterson [R]
	TITLE:	Surplus Land Act: exempt surplus land: leases
	INTRODUCED:	02/06/2023
	LAST AMEND:	03/15/2023
	LOCATION:	<i>Senate Governance and Finance Committee</i>
	SUMMARY:	
		Expands exempt surplus land to include a parcel that is identified in the local agency's circulation element or capital improvement program for future roadway development, no larger than a specified number of acres, zoned for retail commercial use, and leased for a purpose consistent with the underlying zoning, and abuts a State highway right-of-way.
	STATUS:	
	05/03/2023	<i>To SENATE Committee on GOVERNANCE AND FINANCE.</i>
	CATEGORY:	Surplus Land

▶ AB 469	AUTHOR:	Fong, Vince [R]
	TITLE:	California Public Records Act Ombudsperson
	INTRODUCED:	02/06/2023
	LOCATION:	<i>Senate</i>
	SUMMARY:	
		Establishes, within the California State Auditors Office, the California Public Records Act Ombudsperson. Requires the ombudsperson to receive and investigate requests for review, as defined, determine whether the denials of original requests, as defined, complied with the California Public Records Act, and issue written opinions of its determination, as provided.
	STATUS:	
	05/25/2023	<i>In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE. (77-0)</i>
	CATEGORY:	Records

CA AB 476 (Villapudua), which pertained to outdoor advertising has been amended to only apply to San Joaquin County. Therefore, the bill has been removed from the matrix.

▶ AB 480	AUTHOR:	Ting [D]
	TITLE:	Surplus Land
	INTRODUCED:	02/07/2023
	LAST AMEND:	04/05/2023
	LOCATION:	Senate
	SUMMARY:	
		<i>Exempts a local agency, in specified instances, from making a declaration at a public meeting for land that is exempt surplus land if the local agency identifies the land in a notice that is published and available for public comment at least a specified number of days before the exemption takes effect.</i>
	STATUS:	
	05/22/2023	<i>In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE. (53-16)</i>
	CATEGORY:	Surplus Land

▶ AB 499	AUTHOR:	Rivas, Luz [D]
	TITLE:	Los Angeles County Metropolitan Transportation
	INTRODUCED:	02/07/2023
	LAST AMEND:	05/30/2023
	LOCATION:	Assembly Third Reading File
	SUMMARY:	
		Establishes a pilot program to authorize the Los Angeles County Metropolitan Transportation Authority to use job order contracting as a procurement method. Imposes a specified cap on awards under a single job order contract and a specified cap on any single job order. Limits the term of an initial contract to a maximum of 12 months, with extensions as prescribed.
	STATUS:	
	05/30/2023	<i>In ASSEMBLY. Read third time and amended. To third reading.</i>
	CATEGORY:	Public Works

▶ AB 518	AUTHOR:	Wicks [D]
	TITLE:	Paid Family Leave
	INTRODUCED:	02/07/2023
	LAST AMEND;	04/04/2023
	LOCATION:	Assembly Third Reading File
	SUMMARY:	
		<i>Expands eligibility for benefits under the paid family leave program to include individuals who take time off work to care for a seriously ill designated person. Defines designated person to mean any individual related by blood or whose association with the employee is the equivalent of a family relationship. Authorizes the employee to identify the designated person when they file a claim for benefits.</i>
	STATUS:	
	05/18/2023	<i>From ASSEMBLY Committee on APPROPRIATIONS: Do pass. (12-1)</i>
	05/18/2023	<i>In ASSEMBLY. Read second time. To third reading.</i>
	CATEGORY:	Employment

▶ AB 524	AUTHOR:	Wicks [D]
	TITLE:	Discrimination: Family Caregiver Status
	INTRODUCED:	02/07/2023
	LAST AMEND:	05/18/2023
	LOCATION:	<i>Assembly Third Reading File</i>
	SUMMARY:	
		Prohibits employment discrimination on account of family caregiver status. Recognizes the opportunity to seek, obtain, and hold employment without discrimination because of family caregiver status as a civil right.
	STATUS:	
	05/22/2023	<i>In ASSEMBLY. Read second time. To third reading.</i>
	CATEGORY:	Employment

CA AB 540 (Wicks), which pertained to the Social Service Transportation Improvement Act, failed to meet policy committee deadlines and is now a two-year bill. Therefore, the bill has been removed from the matrix.

▶ AB 557	AUTHOR:	Hart [D]
	TITLE:	Open Meetings: Local Agencies: Teleconferences
	INTRODUCED:	02/08/2023
	LOCATION:	<i>Senate Governance and Finance Committee</i>
	HEARING:	06/07/2023 9:00am
	SUMMARY:	
		Extends the abbreviated teleconferencing provisions when a declared state of emergency is in effect, or in other situations related to public health, indefinitely. The bill would also extend the period for a legislative body to make specified findings related to a continuing state of emergency and social distancing to not later than 45 days after the first teleconferenced meeting, and every 45 days thereafter, in order to continue to meet under the abbreviated teleconferencing procedures.
	STATUS:	
	05/24/2023	<i>To SENATE Committees on GOVERNANCE AND FINANCE and JUDICIARY.</i>
	CATEGORY:	Public Meetings

▶ AB 579	AUTHOR:	Ting [D]	
	TITLE:	School buses: Zero-emission Vehicles	
	INTRODUCED:	02/08/2023	
	LAST AMEND:	03/13/2023	
	LOCATION:	<i>Assembly Third Reading File</i>	
	SUMMARY:		
		Requires, commencing on specified date, a specified percent of all newly purchased or contracted schoolbuses of a school district, county office of education, or charter school to be zero-emission vehicles, where feasible. Authorizes local educational agencies to request a one-time extension for a term not to exceed a specified number of years if a local educational agency determines that the purchase or contracting of a zero-emission schoolbus is not feasible due to both terrain and route constraints.	
	STATUS:		
	05/18/2023	<i>From ASSEMBLY Committee on APPROPRIATIONS: Do pass. (11-3)</i>	
	05/18/2023	<i>In ASSEMBLY. Read second time. To third reading.</i>	
CATEGORY:	Environment		

CA AB 627 (Jackson), which pertained to heavy-duty trucks, failed to meet policy committee deadlines and is now a two-year bill. Therefore, the bill has been removed from the matrix.

▶ AB 630	AUTHOR:	Ramos [D]	
	TITLE:	Department of Transportation: Contracts: Tribes	
	INTRODUCED:	02/09/2023	
	LAST AMEND:	03/16/2023	
	LOCATION:	<i>Senate</i>	
	SUMMARY:		
		Authorizes the Department of Transportation to enter into contracts with federally recognized Indian tribes and entities owned by those tribes. Subjects off-reservation traffic impact mitigation contracts between the department and entities owned by those tribes to the same requirements as are applicable to department contracts with those tribes.	
	STATUS:		
	05/18/2023	<i>In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE. (74-0)</i>	
	CATEGORY:	Public Works	

▶ AB 645	AUTHOR:	Friedman [D]
	TITLE:	Vehicles: Speed Safety System Pilot Program
	INTRODUCED:	02/09/2023
	LAST AMEND:	05/01/2023
	LOCATION:	Assembly Third Reading File
	SUMMARY:	
		<i>Authorizes the Cities of Los Angeles, San Jose, Oakland, Glendale, and Long Beach, and the City and County of San Francisco to establish a Speed Safety System Pilot Program if the system meets specified requirements. Designates all photographic or administrative records, not including data about the number of violations issued or the speeds at which they were issued for, made by a system as confidential, and authorizes public agencies to use and allow access to these records for specified purposes.</i>
	STATUS:	
	05/18/2023	In ASSEMBLY. Joint Rule 62(a) suspended.
	05/18/2023	From ASSEMBLY Committee on APPROPRIATIONS: Do pass. (11-3)
	05/18/2023	In ASSEMBLY. Read second time. To third reading.
	CATEGORY:	Planning

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

▶ AB 744	AUTHOR:	Carrillo, J. [D]
	TITLE:	California Transportation Commission: Data
	INTRODUCED:	02/13/2023
	LAST AMEND:	05/18/2023
	LOCATION:	Senate
	SUMMARY:	
		<i>Authorizes the California Transportation Commission to provide a direct allocation of funding to local agencies for specified purposes, and requires State and local agencies that receive the funds or access to data, modeling, and analytic software tools to submit reports to the commission no later than specified date, regarding their use of the data, modeling, and analytic software tools.</i>
	STATUS:	
	05/30/2023	In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE. (79-0)
	CATEGORY:	Reports

▶ AB 752	AUTHOR:	Rubio [D]
	TITLE:	State Highways: Worker Safety
	INTRODUCED:	02/13/2023
	LAST AMEND:	03/14/2023
	LOCATION:	Senate
	SUMMARY:	
		Requires the Department of Transportation to require, when certain criteria are met, the use of barriers and other devices placed between workers and motorized traffic for all construction, utility work, maintenance, and repair activities on state highways. Requires the department to require alternative methods to protect workers under certain conditions. Authorizes the Division of Occupational Safety and Health to adopt rules and regulations to administer and enforce these provisions.
	STATUS:	
	05/30/2023	In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE. (80-0)
	CATEGORY:	Public Works

▶ AB 761	AUTHOR:	Friedman [D]
	TITLE:	Transit Transformation Task Force
	INTRODUCED:	02/13/2023
	LOCATION:	Senate
	SUMMARY:	
		Requires the Transportation Secretary, on or before July 1, 2024, to establish and convene the Transit Transformation Task Force to include representatives from the department, the Controller's office, various local agencies, academic institutions, nongovernmental organizations, and other stakeholders. Requires the task force to develop a structured, coordinated process for early engagement of all parties to develop policies to grow transit ridership and improve the transit experience.
	STATUS:	
	05/30/2023	In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE. (79-0)
	CATEGORY:	Transit

▶ AB 819	AUTHOR:	Bryan [D]
	TITLE:	Crimes: Public Transportation: Fare Evasion
	INTRODUCED:	02/13/2023
	LOCATION:	Senate Public Safety Committee
	SUMMARY:	
		States that it would no longer categorize as a misdemeanor a 3rd or subsequent violation, by an adult, of evading the payment of a fare of a public transportation system, the misuse of a transfer, pass, ticket, or token with the intent to evade the payment of a fare, or the unauthorized use of a discount ticket, and would make a 3rd or subsequent violation punishable only by a fine of up to \$400.
	STATUS:	
	05/24/2023	To SENATE Committee on PUBLIC SAFETY.
	CATEGORY:	Safety and Security

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

▶ AB 824	AUTHOR:	Calderon [D]
	TITLE:	Highway Greening: Statewide Strategic Plan
	INTRODUCED:	02/13/2023
	LAST AMEND:	03/14/2023
	LOCATION:	Senate
	SUMMARY:	Enacts the Highway Greening Act, which would require the Department of Transportation to complete a statewide strategic plan to work to achieve at least a specified percent increase of green highways in urban areas, disadvantaged communities, and low-income communities by specified year. Requires the department to submit the plan to the Legislature and specified committees of the Legislature on or before specified date.
	STATUS:	
	05/30/2023	In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE. (63-9)
	CATEGORY:	Public Works

▶ AB 825	AUTHOR:	Bryan [D]
	TITLE:	Vehicles: Bicycles on Sidewalks
	INTRODUCED:	02/13/2023
	LOCATION:	Senate
	SUMMARY:	Prohibits a local authority from prohibiting the operation of a bicycle on a sidewalk adjacent to a highway or corridor that does not include a Class I, Class II, or Class IV bikeway. Requires a person riding a bicycle upon a sidewalk to yield the right-of-way to pedestrians and to adhere to a 10-miles-per-hour speed limit.
	STATUS:	
	05/25/2023	In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE. (61-14)
	CATEGORY:	Active Transportation

▶ AB 832	AUTHOR:	Cervantes [D]
	TITLE:	California Transportation Commission: Membership
	INTRODUCED:	02/13/2023
	LAST AMEND:	03/01/2023
	LOCATION:	Senate
	SUMMARY:	
		Requires that at least one of the Governor-appointed members of the California Transportation Commission have expertise in transportation issues and professional experience that includes experience working in, or representing, disadvantaged communities.
	STATUS:	
	05/22/2023	In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE. (61-15)
	CATEGORY:	Miscellaneous

▶ AB 844	AUTHOR:	Gipson [D]
	TITLE:	Zero-Emission Trucks: Insurance
	INTRODUCED:	02/14/2023
	LAST AMEND:	04/13/2023
	LOCATION:	Senate Insurance Committee
	SUMMARY:	
		<i>Requires the Department of Insurance to implement specific data collections on the availability and affordability of insurance for heavy-duty trucks and truck fleets. Requires the Insurance Commissioner to establish and maintain a link on the department internet website that provides public access to this information.</i>
	STATUS:	
	05/17/2023	To SENATE Committees on INSURANCE and JUDICIARY.
	CATEGORY:	Zero Emission

CA AB 858 (Muratsuchi), which pertained to a State Climate Cashback Program, failed to meet policy committee deadlines and is now a two-year bill. Therefore, the bill has been removed from the matrix.

▶ AB 894	AUTHOR:	Friedman [D]
	TITLE:	Parking Requirements: Shared Parking
	INTRODUCED:	02/14/2023
	LATS AMEND:	04/20/2023
	LOCATION:	Senate
	SUMMARY:	
		<i>Requires a public agency to allow parking spaces identified in shared parking agreements to count toward meeting automobile parking requirements for a new or existing development or use, including, but not limited to, shared parking in underutilized spaces and in parking lots and garages that will be constructed as part of the development or developments when specified conditions regarding the distance between the entities that will share the parking are met.</i>
	STATUS:	
	05/22/2023	<i>In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE. (62-10)</i>
	CATEGORY:	Planning

▶ AB 902	AUTHOR:	Rodriguez [D]
	TITLE:	Ambulances: Fee and Toll Exemptions
	INTRODUCED:	02/14/2023
	LAST AMEND:	04/19/2023
	LOCATION:	Senate
	SUMMARY:	
		<i>Provides that existing law requires the owner or operator of a toll facility, upon the request of the local emergency service provider, to enter into an agreement for the use of a toll facility. Clarifies that the owner or operator of a toll facility is required to enter into an agreement for the use of a toll facility upon the request of a private or public local emergency service provider.</i>
	STATUS:	
	05/18/2023	<i>In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE. (74-0)</i>
	CATEGORY:	Tolling

CA AB 920 (Bryan), which pertained to housing status, failed to meet policy committee deadlines and is now a two-year bill. Therefore, the bill has been removed from the matrix.

CA AB 930 (Friedman), which pertained to Reinvestment in Infrastructure for a Sustainable and Equitable California districts, failed to meet fiscal committee deadlines and is now a two-year bill. Therefore, the bill has been removed from the matrix.

▶ AB 966	AUTHOR:	Davies [R]
	TITLE:	Division of Boating and Waterways
	INTRODUCED:	02/14/2023
	LAST AMEND:	03/02/2023
	LOCATION:	<i>Assembly Third Reading File</i>
	SUMMARY:	
		Requires the Division of Boating and Waterways within the Department of Parks and Recreation to, no later than specified date, and in cooperation with the State Coastal Conservancy, prepare and submit a joint report to the Legislature on shoreline erosion control and public beach restoration programs.
	STATUS:	
	05/18/2023	<i>From ASSEMBLY Committee on APPROPRIATIONS: Do pass. (15-0)</i>
	05/18/2023	<i>In ASSEMBLY. Read second time. To third reading.</i>
	CATEGORY:	Miscellaneous

▶ AB 971	AUTHOR:	Lee [D]
	TITLE:	Vehicles: Local Ordinances
	INTRODUCED:	02/14/2023
	LAST AMEND:	04/11/2023
	LOCATION:	<i>Senate Transportation Committee</i>
	HEARING:	06/13/2023 1:30pm
	SUMMARY:	
		<i>Relates to law that prohibits a person from operating a motor vehicle, or stopping, parking, or leaving a vehicle standing, on a portion of the highway designated for the exclusive use of public transit buses, subject to specified exceptions. Relates to a requirement for a public transit agency to place and maintain signs and traffic control devices indicating that a portion of a highway is designated for the exclusive use of public transit buses. Makes provisions applicable to transit-only traffic lanes.</i>
	STATUS:	
	02/23/2023	To ASSEMBLY Committee on TRANSPORTATION.
	CATEGORY:	Planning

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

CA AB 981 (Friedman), which pertained to a pilot program for highway maintenance projects failed to meet fiscal committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

CA AB 1012 (Quirk-Silva), which pertained to mobile source regulations, failed to meet fiscal committee deadlines and is now a two-year bill. Therefore, the bill has been removed from the matrix.

▶ AB 1017	AUTHOR:	Friedman [D]
	TITLE:	Engineering and Traffic surveys: Equestrian Safety
	INTRODUCED:	02/15/2023
	LOCATION:	Senate Transportation Committee
	HEARING:	06/13/2023 1:30pm
	SUMMARY:	
		Authorizes a local authority to consider equestrian safety when conducting an engineering and traffic survey.
	STATUS:	
	05/10/2023	To SENATE Committee on TRANSPORTATION.
	CATEGORY:	Planning

▶ AB 1052	AUTHOR:	McCarty [D]
	TITLE:	Sacramento Regional Transit District: Taxes
	INTRODUCED:	02/15/2023
	LAST AMEND:	05/04/2023
	LOCATION:	Assembly Third Reading File
	SUMMARY:	
		Authorizes the board of directors of the Sacramento Regional Transit District to adopt a retail transactions and use tax ordinance. Authorizes the district to impose a property tax or retail transactions and use tax in the entirety of, or a portion of, the incorporated and unincorporated territory. Authorizes the district to impose a special tax pursuant to specified procedures. Authorizes the district to impose the special tax in the entirety of, or a portion of, the territory.
	STATUS:	
	05/31/2023	In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE.
	CATEGORY:	Funding

CA AB 1100 (Low), which pertained to workweeks, failed to meet policy committee deadlines and is now a two-year bill Therefore, the bill has been removed from the matrix.

▶ AB 1121	AUTHOR:	Haney [D]
	TITLE:	Public Works: Ineligibility List
	INTRODUCED:	02/15/2023
	LAST AMEND:	03/20/2023
	LOCATION:	Senate
	SUMMARY:	
		Requires awarding authorities to submit to the Department of Industrial Relations electronic project registration database a list of ineligible contractors, as specified, pursuant to local debarment or suspension processes.
	STATUS:	
	05/30/2023	In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE. (79-0)
	CATEGORY:	Public Works

CA AB 1149 (Grayson), which pertained to human trafficking, failed to meet fiscal committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

▶ AB 1159	AUTHOR:	Aguiar-Curry [D]
	TITLE:	State Global Warming Solutions Act: Lands
	INTRODUCED:	02/16/2023
	LAST AMEND:	04/12/2023
	LOCATION:	Senate
	SUMMARY:	<i>Prohibits natural and working lands projects and actions that receive State funding from generating credits under any market-based compliance mechanism for any greenhouse gas emissions reduced or removed as a result of the State funding.</i>
	STATUS:	
	05/30/2023	In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE. (80-0)
CATEGORY:	Environment	

▶ AB 1248	AUTHOR:	Bryan [D]
	TITLE:	Local Redistricting: Independent Commissions
	INTRODUCED:	02/16/2023
	LAST AMEND:	05/18/2023
	LOCATION:	Senate
	SUMMARY:	<i>Requires a county, general law city, charter city, or charter city and county that contains over a specified number of residents, and a school district or community college district that contains over a specified number of residents, to establish an independent redistricting commission to adopt district boundaries after each federal decennial census.</i>
	STATUS:	
	05/30/2023	In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE. (61-17)
CATEGORY:	Miscellaneous	

▶ AB 1250	AUTHOR:	Friedman [D]
	TITLE:	Department of Transportation: Low-Carbon Materials
	INTRODUCED:	02/16/2023
	LAST AMEND:	03/16/2023
	LOCATION:	Senate
	SUMMARY:	Requires the Secretary of Transportation, in consultation with the Director of Transportation, to submit a report to the Legislature that discusses, among other things, the carbon emissions associated with materials currently used in State transportation projects, alternative materials with lower carbon emissions, and benchmarks for using materials with lower carbon materials.
	STATUS:	
	05/25/2023	In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE. (76-0)
CATEGORY:	Public Works	

CA AB 1265 (Gallagher), which pertained to transportation fuels, failed to pass its policy committee vote threshold and is now dead. Therefore, the bill has been removed from the matrix.

CA AB 1295 (Friedman), which pertained to Affordable Housing and Sustainable Communities Program, failed to meet fiscal committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

▶ AB 1308	AUTHOR:	Quirk-Silva [D]
	TITLE:	Planning and Zoning Law: Single-family Residences
	INTRODUCED:	02/16/2023
	LAST AMEND:	03/30/2023
	LOCATION:	Senate
	SUMMARY:	Prohibits a public agency from increasing the minimum parking requirement that applies to a single-family residence as a condition of approval of a project to remodel, renovate, or add to a single-family residence, with specified exceptions.
	STATUS:	
	05/25/2023	In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE. (71-3)
CATEGORY:	Planning	

▶ AB 1335	AUTHOR:	Zbur [D]
	TITLE:	Local Government: Transportation Planning and Land Use
	INTRODUCED:	02/16/2023
	LAST AMEND:	05/11/2023
	LOCATION:	Senate
	SUMMARY:	
		<i>Provides that existing law requires specified designated transportation planning agencies to prepare and adopt a regional transportation plan directed at achieving a coordinated and balanced regional transportation system. Requires each metropolitan planning organization to include in the sustainable communities strategy the total number of new housing units necessary to house all the population of the region over the course of the planning period of the regional transportation plan.</i>
	STATUS:	
	05/18/2023	<i>In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE. (60-10)</i>
	CATEGORY:	Planning

CA AB 1374 (Alvarez), which pertained to the Greenhouse Gas Reduction Fund, failed to meet policy committee deadlines and is now a two-year bill. Therefore, the bill has been removed from the matrix.

▶ AB 1377	AUTHOR:	Friedman [D]
	TITLE:	Interagency Council on Homelessness
	INTRODUCED:	02/17/2023
	LAST AMEND:	04/13/2023
	LOCATION:	Senate
	SUMMARY:	
		<i>Relates to the Homeless Housing, Assistance, and Prevention program. Relates to law that requires applicants to provide specified information for all rounds of program allocations through a data collection, reporting, performance monitoring, and accountability framework. Requires 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.</i>
	STATUS:	
	05/18/2023	<i>In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE. (74-0)</i>
	CATEGORY:	Transit

▶ AB 1385	AUTHOR:	Garcia [D]
	TITLE:	Riverside County Transportation Commission: Transaction
	INTRODUCED:	02/17/2023
	LAST AMEND:	03/23/2023
	LOCATION:	Senate
	SUMMARY:	
		Raises the maximum tax rate the Riverside County Transportation Commission may impose to a specified percent.
	STATUS:	
	05/18/2023	In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE. (54-10)
	CATEGORY:	Funding

CA AB 1401 (Garcia), which pertained to Low Carbon Fuel Standard Regulations, failed to meet policy committee deadlines and is now a two-year bill. Therefore, the bill has been removed from the matrix

▶ AB 1447	AUTHOR:	Flora [R]
	TITLE:	Vehicles: Motorized Scooters
	INTRODUCED:	02/17/2023
	LAST AMEND:	04/17/2023
	LOCATION:	Senate
	SUMMARY:	
		<i>Changes the definition of a motorized scooter by including 3-wheeled devices, limiting its maximum weight to a specified number of pounds and width to a specified number of feet, and specifying that it is powered by a motor that ceases to provide power at a specified number of miles per hour. Prohibits a person from operating a motorized scooter in excess of a specified number of miles per hour while standing up or in excess of a specified number of miles per hour while sitting down.</i>
	STATUS:	
	05/25/2023	In ASSEMBLY. Read third time. Passed ASSEMBLY. *****To SENATE. (76-0)
	CATEGORY:	Active Transportation

▶ AB 1484	AUTHOR:	Zbur [D]
	TITLE:	Temporary Public Employees
	INTRODUCED:	02/17/2023
	LAST AMEND:	05/18/2023
	LOCATION:	Assembly Third Reading File
	SUMMARY:	
		Relates to the Meyers-Milias-Brown Act. Requires a public employer to, upon hire, provide each temporary employee with their job description, wage rates, and eligibility for benefits, anticipated length of employment, and procedures to apply for open, permanent positions. Requires complaints alleging a violation of its provisions to be processed as unfair practice charges under the act.
	STATUS:	
	05/22/2023	In ASSEMBLY. Read second time. To third reading.
	CATEGORY:	Employment

▶ AB 1519	AUTHOR:	Bains [D]
	TITLE:	Vehicles: Catalytic Converters
	INTRODUCED:	02/17/2023
	LAST AMEND:	04/19/2023
	LOCATION:	Assembly Third Reading File
	SUMMARY:	
		Relates to law prohibits a motor vehicle dealer or retail seller from selling any motor vehicle that is not in compliance with the requirements enumerated in the Vehicle Code. Prohibits any person, except as exempted, from removing, altering, or obfuscating the vehicle identification number that has been added to a catalytic converter, or from knowingly possessing a specified number or more catalytic converters that have been so altered. Provides that a violation would be punishable as a misdemeanor.
	STATUS:	
	05/18/2023	In ASSEMBLY. Joint Rule 62(a) suspended.
	05/18/2023	From ASSEMBLY Committee on APPROPRIATIONS: Do pass. (15-0)
	05/18/2023	In ASSEMBLY. Read second time. To third reading.
	CATEGORY:	Safety and Security

CA AB 1525 (Bonta), which pertained to allocations for transportation projects, failed to meet fiscal committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

CA AB 1530 (Ortega), which pertained to public employment, failed to meet policy committee deadlines and is now a two-year bill. Therefore, the bill has been removed from the matrix.

▶ AB 1550	AUTHOR:	Bennett [D]
	TITLE:	Green Hydrogen
	INTRODUCED:	02/17/2023
	LAST AMEND:	05/22/2023
	LOCATION:	Assembly Third Reading File
	SUMMARY:	
		<i>Prohibits green hydrogen used by a generating facility from qualifying as an eligible renewable energy resource for purposes of that requirement, with exceptions. Relates to all hydrogen produced and used in California for the generation of electricity or fueling of vehicles shall be green hydrogen in furtherance of the state's policy to achieve net zero greenhouse gas emissions as soon as possible.</i>
	STATUS:	
	05/23/2023	<i>In ASSEMBLY. Read second time. To third reading.</i>
	CATEGORY:	Environment

▶ AB 1567	AUTHOR:	Garcia [D]
	TITLE:	Safe Drinking Water, Wildfire Prevention, Drought Prep
	INTRODUCED:	02/17/2023
	LAST AMEND:	05/26/2023
	LOCATION:	Assembly Third Reading File
	SUMMARY:	
		<i>Enacts the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, Clean Energy, and Workforce Development Bond Act of 2024, which, if approved by the voters, would authorize the issuance of bonds in a specified amount to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, clean energy, and workforce development programs.</i>
	STATUS:	
	05/23/2023	<i>In ASSEMBLY. Read second time. To third reading.</i>
	CATEGORY:	Funding

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

CA AB 1609 (Garcia), which pertained to motor vehicle registration, failed to meet fiscal committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

▶ AB 1614	AUTHOR:	Gabriel [D]
	TITLE:	Gasoline Fueling Stations: Phase Out: Study
	INTRODUCED:	02/17/2023
	LAST AMEND:	04/26/2023
	LOCATION:	Assembly Third Reading File
	SUMMARY:	
		<i>Requires the State Energy Resources Conservation and Development Commission to conduct a study on the feasibility of phasing out the existence of gasoline fueling stations by a specified date. Requires the study to include an assessment by the Energy Commission that identifies the potential incentives and regulatory barriers for gasoline fueling stations to convert to electric vehicle charging stations.</i>
	STATUS:	
	05/18/2023	From ASSEMBLY Committee on APPROPRIATIONS: Do pass. (11-4)
	05/18/2023	In ASSEMBLY. Read second time. To third reading.
	CATEGORY:	Reports

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

▶ AB 1637	AUTHOR:	Irwin [D]
	TITLE:	Local Government: Internet Websites and Email Addresses
	INTRODUCED:	02/17/2023
	LAST AMEND:	05/18/2023
	LOCATION:	Assembly Third Reading File
	SUMMARY:	
		<i>Requires, no later than specified date, a local agency that maintains an internet website for use by the public to ensure that the internet website utilizes a .gov top-level domain or a .ca.gov second-level domain and requires a local agency that maintains an internet website that is noncompliant with that requirement to redirect that internet website to a domain name that does utilize a .gov or .ca.gov domain.</i>
	STATUS:	
	05/22/2023	In ASSEMBLY. Read second time. To third reading.
	CATEGORY:	Public Meetings

CA AB 1700 (Hoover), which pertained to the California Environmental Quality Act, failed to meet policy committee deadlines and is now a two-year bill. Therefore, the bill has been removed from the matrix.

▶ AB 1735	AUTHOR:	Low [D]
	TITLE:	Transit Districts: Prohibition Orders
	INTRODUCED:	02/17/2023
	LOCATION:	Senate Transportation Committee
	HEARING:	06/13/2023 1:30pm
	SUMMARY:	
		Relates to existing law which prohibits a person subject to a prohibition order from entering the property, facilities, or vehicles of the transit district for specified periods of time. Provides that the Santa Clara Valley Transportation Authority is a transit district for purposes of these provisions regarding prohibition orders.
	STATUS:	
	05/10/2023	To SENATE Committee on TRANSPORTATION.
	CATEGORY:	Transit

ACA 1	AUTHOR:	Aguar-Curry [D]
	TITLE:	Local Government Financing: Affordable Housing
	INTRODUCED:	12/05/2022
	LAST AMEND:	05/30/2023
	LOCATION:	Assembly Local Government Committee
	SUMMARY:	
		Creates an additional exception to the one percent limit that would authorize a city, county, city and county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, or the acquisition or lease of real property for those purposes, if the proposition proposing that tax is approved by 55 percent of the voters of the city or county.
	STATUS:	
	05/30/2023	From ASSEMBLY Committee on LOCAL GOVERNMENT with author's amendments.
	05/30/2023	In ASSEMBLY. Read second time and amended. Re-referred to Committee on LOCAL GOVERNMENT.
	CATEGORY:	Funding

▶ ACR 38	AUTHOR:	Alvarez [D]
	TITLE:	Freeway Lids
	INTRODUCED:	03/09/2023
	LOCATION:	Assembly Third Reading File
	SUMMARY:	
		Recognizes the need to reunite communities split by the creation of the interstate highway system and the importance of freeway lids as a partial solution to that problem. Declares that the Legislature should utilize federal resources, in partnership with state agencies and local entities, to begin reconnecting these communities with, among other things, freeway lids.
	STATUS:	
	05/22/2023	In ASSEMBLY. From Consent Calendar. To third reading.
	CATEGORY:	Planning

▶ SB 5	AUTHOR:	Nguyen [R]
	TITLE:	Motor Vehicle Fuel Tax Law: Limitation on Adjustment
	INTRODUCED:	12/05/2022
	LOCATION:	Senate Governance and Finance Committee
	SUMMARY:	Limits the annual adjustment of the tax upon motor vehicle fuel removed from a refinery or terminal rack to a maximum of two percent for rate adjustments made on or after July 1, 2023.
	STATUS:	
	05/03/2023	<i>In SENATE Committee on GOVERNANCE AND FINANCE: Failed passage.</i>
	05/03/2023	<i>In SENATE Committee on GOVERNANCE AND FINANCE: Reconsideration granted.</i>
	CATEGORY:	Funding

CA SB 12 (Stern), which pertained to the Global Warming Solutions Act of 2006, failed to meet fiscal committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

▶ SB 30	AUTHOR:	Umberg [D]
	TITLE:	Transportation: Zero-Emission Vehicle Signage
	INTRODUCED:	12/05/2022
	LAST AMEND:	02/27/2023
	LOCATION:	<i>Assembly Transportation Committee</i>
	SUMMARY:	Requires the Department of Transportation, in coordination with the Governor's Office of Business and Economic Development (GO-Biz) and the State Energy Resources Conservation and Development Commission, to develop and design light-duty zero-emission vehicle charging and fueling station signage to be placed along State highways based on charger or fueling type and vehicle compatibility, to increase consumer confidence in locating electric vehicle chargers and hydrogen fueling stations.
	STATUS:	
	05/26/2023	<i>To ASSEMBLY Committee on TRANSPORTATION.</i>
	CATEGORY:	Public Works

CA SB 32 (Jones), which pertained to motor vehicle fuel tax, failed to meet policy committee deadlines and is now a two-year bill. Therefore, the bill has been removed from the matrix.

▶ SB 34	AUTHOR:	Umberg [D]
	TITLE:	Surplus Land Disposal: Violations: Orange County
	INTRODUCED:	12/05/2022
	LAST AMEND:	02/22/2023
	LOCATION:	<i>Assembly Local Government Committee</i>
	SUMMARY:	Requires the County of Orange, or any city located within Orange County, if notified by the Department of Housing and Community Development that its planned sale of surplus land is in violation of existing law, to cure or correct the alleged violation within 60 days. Prohibits an Orange County jurisdiction that has not cured or corrected any alleged violation from disposing of the parcel until the department determines that it has complied with existing law.
	STATUS:	
	05/26/2023	<i>To ASSEMBLY Committees on LOCAL GOVERNMENT and HOUSING AND COMMUNITY DEVELOPMENT.</i>
CATEGORY:	Surplus Land	

▶ SB 49	AUTHOR:	Becker [D]
	TITLE:	Renewable Energy: Solar Canopy Tax Incentives
	INTRODUCED:	12/05/2023
	LAST AMEND:	04/24/2023
	LOCATION:	<i>Assembly</i>
	SUMMARY:	<i>Requires the Department of Transportation, in coordination with the State Energy Resources Conservation and Development Commission and the Public Utilities Commission, to develop a strategic plan to lease and license department-owned rights-of-way to public utilities or other entities to build and operate renewable energy generation facilities, energy storage facilities connected to renewable energy generation facilities, and electrical transmission facilities.</i>
	STATUS:	
	05/25/2023	<i>In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY. (40-0)</i>
CATEGORY:	Funding	

▶ SB 69	AUTHOR:	Cortese [D]
	TITLE:	Environmental Quality Act: Proceedings: Limitations
	INTRODUCED:	01/05/2023
	LAST AMEND:	05/18/2023
	LOCATION:	Assembly
	SUMMARY:	<i>Relates to the California Environmental Quality Act. Relates to local agencies filing of notices of determination or exemption. Requires a lead agency to prepare or cause to be prepared and certify the completion of an environmental impact report with significant effect on the environment. Requires local agency to file a notice of determination with the Office of Planning and research in addition to the county clerk of each county where the project will be located.</i>
	STATUS:	
	05/30/2023	<i>In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY. (40-0)</i>
	CATEGORY:	Environment

CA SB 222 (Nguyen), which pertained to outdoor advertising, failed to meet policy committee deadlines and is now a two-year bill. Therefore, the bill has been removed from the matrix.

▶ SB 229	AUTHOR:	Umberg [D]
	TITLE:	Surplus Land: Disposal of Property: Violations
	INTRODUCED:	01/23/2023
	LAST AMEND:	02/23/2023
	LOCATION:	Assembly Local Government Committee
	SUMMARY:	Requires a local agency that has received a notification of violation from the Department of Housing and Community Development to hold an open and public session to review and consider the substance of the notice of violation. Requires the local agency's governing body to provide prescribed notice no later than 14 days before the public session. Prohibits the local agency's governing body from taking final action to ratify or approve the proposed disposal until a public session is held as required.
	STATUS:	
	05/26/2023	<i>To ASSEMBLY Committees on LOCAL GOVERNMENT and HOUSING AND COMMUNITY DEVELOPMNENT.</i>
	CATEGORY:	Surplus Land

▶ SB 258	AUTHOR:	Roth [D]
	TITLE:	General Aviation Airports: Funding Needs Assessment
	INTRODUCED:	01/30/2023
	LAST AMEND:	03/15/2023
	LOCATION:	Assembly
	SUMMARY:	Requires the California Transportation Commission to prepare a funding needs assessment for the State's general aviation airports. Requires the commission, as part of the needs assessment, to forecast the expected revenue to pay for the costs identified in the needs assessment, any shortfall in revenue to cover the costs, and recommendations on how any shortfall should be addressed. Requires the assessment to be informed by the California Aviation System Plan and the most recent capital improvement plan.
	STATUS:	
	05/25/2023	In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY. (40-0)
	CATEGORY:	Miscellaneous

▶ SB 259	AUTHOR:	Seyarto [R]
	TITLE:	Reports Submitted to Legislative Committees
	INTRODUCED:	01/30/2023
	LOCATION:	Assembly Accountability and Administrative Review Committee
	HEARING:	06/07/2023 9:30am
	SUMMARY:	Requires a state agency to post on its internet website any report, as defined, that the state agency submits to a committee of the Legislature.
	STATUS:	
	05/04/2023	To ASSEMBLY Committee on ACCOUNTABILITY AND ADMINISTRATIVE REVIEW.
	CATEGORY:	Reports

▶ SB 265	AUTHOR:	Hurtado [D]
	TITLE:	Cybersecurity Preparedness: Critical Infrastructure
	INTRODUCED:	01/31/2023
	LAST AMEND:	05/18/2023
	LOCATION:	Assembly
	SUMMARY:	Requires the Office of Emergency Services to direct the California Cybersecurity Integration Center to prepare, and Cal OES to submit to the Legislature, a strategic, multiyear outreach plan to assist critical infrastructure sectors, in their efforts to improve cybersecurity and an evaluation of options for providing grants or alternative forms of funding to, and potential voluntary actions that do not require funding and that assist, that sector in their efforts to improve cybersecurity preparedness.
	STATUS:	
	05/30/2023	In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY. (40-0)
	CATEGORY:	Safety and Security

CA SB 270 (Wiener), which pertained to the California Environmental Quality Act, failed to meet fiscal committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

▶ SB 272	AUTHOR:	Laird [D]
	TITLE:	Sea Level Rise: Planning and Adaptation
	INTRODUCED:	01/31/2023
	LAST AMEND:	05/18/2023
	LOCATION:	Assembly
	SUMMARY:	<i>Requires a local government lying, in whole or in part, within the coastal zone, as defined, or within the jurisdiction of the San Francisco Bay Conservation and Development Commission, to implement sea level rise planning and adaptation through either submitting, and receiving approval for, a local coastal program to the California Coastal Commission. Establishes guidelines for the preparation of that planning and adaptation on or before specified date.</i>
	STATUS:	
	05/24/2023	In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY. (37-1)
	CATEGORY:	Environment

▶ SB 304	AUTHOR:	Laird [D]
	TITLE:	Monterey-Salinas Transit District: Public Contracting
	INTRODUCED:	02/02/2023
	LAST AMEND:	03/20/2023
	LOCATION:	Senate Transportation Committee
	HEARING:	04/11/2023 1:30pm
	SUMMARY:	<i>Increases the monetary threshold for contracts above which the Monterey-Salinas Transit District is required to award contracts to the lowest responsible bidder, or to the responsible bidder that provides the best value. Provides that, until specified date, the rules concerning monetary thresholds, excluding services related to certain public construction projects and architectural, landscape architectural, engineering, environmental, land surveying, or construction project management services, apply.</i>
	STATUS:	
	03/20/2023	From SENATE Committee on TRANSPORTATION with author's amendments.
	03/20/2023	In SENATE. Read second time and amended. Re-referred to Committee on TRANSPORTATION.
	CATEGORY:	Public Works

CA SB 312 (Wiener), which pertained to state highways, failed to meet policy committee deadlines and is now a two-year bill. Therefore, the bill has been removed from the matrix.

CA SB 334 (Cortese), which pertained to the Public Employment Relations Board, failed to meet fiscal committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

CA SB 352 (Padilla), which pertained to the California Workforce Development Board, failed to meet fiscal committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

▶ SB 360	AUTHOR:	Blakespear [D]
	TITLE:	California Coastal Commission: Member Voting
	INTRODUCED:	02/08/2023
	LAST AMEND:	04/18/2023
	LOCATION:	Assembly Natural Resources Committee
	SUMMARY:	
		<i>Provides that the provisions of the California Coastal Act do not preclude or prevent any member or employee of the California Coastal Commission who is also an employee of another public agency, a county supervisor or city councilperson, a member of specified associations or organizations, members of a joint powers authority, or members of the local agency formation commission.</i>
	STATUS:	
	05/18/2023	To ASSEMBLY Committee on NATURAL RESOURCES.
	CATEGORY:	Resiliency and adaptation

▶ SB 411	AUTHOR:	Portantino [D]
	TITLE:	Open Meetings: Teleconferences: Neighborhood Councils
	INTRODUCED:	02/09/2023
	LAST AMEND:	04/24/2023
	LOCATION:	Assembly Local Government Committee
	SUMMARY:	
		<i>Authorizes an eligible legislative body to use alternate teleconferencing provisions related to notice, agenda, and public participation, if the city council has adopted an authorizing resolution and a specified fraction of an eligible legislative body votes to use the alternate teleconferencing provisions. Requires an eligible legislative body authorized to provide publicly accessible physical locations for public participation.</i>
	STATUS:	
	05/26/2023	To ASSEMBLY Committee on LOCAL GOVERNMENT.
	CATEGORY:	Public Meetings

▶ SB 422	AUTHOR:	Portantino [D]	
	TITLE:	California Environmental Quality Act	
	INTRODUCED:	02/09/2023	
	LAST AMEND:	03/20/2023	
	LOCATION:	Assembly	
	SUMMARY:		
		<i>Requires specified public agencies, at the time of adoption of a rule or regulation requiring the reduction in emissions of greenhouse gases, criteria air pollutants, or toxic air contaminants, to perform an environmental analysis of the reasonably foreseeable methods of compliance with the California Environmental Quality Act.</i>	
	STATUS:		
	05/24/2023	In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY. (38-0)	
CATEGORY:	Public Meetings		

CA SB 358 (Gonzalez), which pertained to public contracts, failed to meet policy committee deadlines and is now a two-year bill. Therefore, the bill has been removed from the matrix.

▶ SB 493	AUTHOR:	Min [D]	
	TITLE:	Air Pollution: Alternative Vehicles and Hydrogen	
	INTRODUCED:	02/14/2023	
	LAST AMEND:	04/24/2023	
	LOCATION:	Assembly	
	SUMMARY:		
		<i>Provides that existing law requires the State Energy Resources Conservation and Development Commission to prepare a statewide assessment of fuel cell electric vehicle fueling infrastructure and fuel production needed to support the adoption of zero-emission trucks, buses, and off-road vehicles at levels necessary for the State to meet specified goals and requirements. Requires the assessment of the infrastructure and fuel production to include an assessment of storage and transport facilities.</i>	
	STATUS:		
	05/26/2023	In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY. (36-0)	
CATEGORY:	Zero Emission		

▶ SB 506	AUTHOR:	Laird [D]
	TITLE:	Public Utilities Commission: Railroads
	INTRODUCED:	02/14/2023
	LAST AMEND:	04/18/2023
	LOCATION:	Assembly
	SUMMARY:	<i>Requires the Public Utilities Commission, to the extent permitted by federal law or regulation, 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 no later than specified date to measure and evaluate the effectiveness of such a project to reduce incidents.</i>
	STATUS:	
	05/25/2023	In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY. (40-0)
	CATEGORY:	Public Works

CA SB 507 (Gonzalez), which pertained to electric vehicle charging station infrastructure, failed to meet fiscal committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

▶ SB 511	AUTHOR:	Blakespear [D]
	TITLE:	Greenhouse Gas Emissions Inventories
	INTRODUCED:	02/14/2023
	LAST AMEND:	04/24/2023
	LOCATION:	Assembly
	SUMMARY:	<i>Provides that the California Global Warming Solutions Act requires the State Air Resources Board to prepare and approve a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions and to update the scoping plan. Requires the Board to develop, and publish on its website, a report on greenhouse gas emissions inventories for the specified calendar year for each city, county, or city and county that requests inclusion in the report.</i>
	STATUS:	
	05/24/2023	In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY. (38-0)
	CATEGORY:	Environment

▶ SB 532	AUTHOR:	Wiener [D]
	TITLE:	Ballot Measures: Local Taxes
	INTRODUCED:	02/14/2023
	LAST AMEND:	05/18/2023
	LOCATION:	Senate Third Reading File
	SUMMARY:	<i>Provides that if including the fiscal disclosure in the ballot would result in the total number of words on the ballot label to exceed the 75 word limit and would necessitate the printing of an extra ballot card compared to the ballot labels not exceeding the 75 word limit, the type size of the fiscal disclosure may be reduced by the minimal amount needed to stop from necessitating an extra ballot card, as long as the type size meets specified requirements.</i>
	STATUS:	
	05/22/2023	In SENATE. Read second time. To third reading.
	CATEGORY:	Funding

▶ SB 537	AUTHOR:	Becker [D]
	TITLE:	Open Meetings: Local Agencies: Teleconferences
	INTRODUCED:	02/14/2023
	LAST AMEND:	04/24/2023
	LOCATION:	Assembly
	SUMMARY:	<i>Relates to law that authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member. Provides that these circumstances include if a member shows just cause. Expands the circumstances of just cause to apply to the situation in which an immunocompromised child, parent, grandparent, or other specified relative requires the member to participate remotely.</i>
	STATUS:	
	05/30/2023	In SENATE. Read third time, urgency clause adopted. Passed SENATE. *****To ASSEMBLY. (32-8)
	CATEGORY:	Public Meetings

▶ SB 538	AUTHOR:	Portantino [D]
	TITLE:	Department of Transportation
	INTRODUCED:	02/14/2023
	LAST AMEND:	04/18/2023
	LOCATION:	Assembly Transportation Committee
	SUMMARY:	<i>Requires the Director of Transportation to appoint a Chief Advisor on Bicycling and Active Transportation, to serve as the Department of Transportation's primary advisor on all issues related to bicycle transportation, safety, and infrastructure.</i>
	STATUS:	
	05/26/2023	To ASSEMBLY Committee on TRANSPORTATION.
	CATEGORY:	Active Transportation

▶ SB 544	AUTHOR:	Laird [D]
	TITLE:	Bagley-Keene Open Meeting Act: Teleconferencing
	INTRODUCED:	02/15/2023
	LAST AMEND:	04/27/2023
	LOCATION:	Assembly Governmental Organization Committee
	SUMMARY:	<i>Relates to the Bagley-Keene Open Meeting Act. Provides that existing law authorizes, subject to specified requirements, a State body to hold public meetings through teleconferencing. Requires a State body, upon discovering that a means of remote participation required by the bill has failed during a meeting and cannot be restored, to end or adjourn the meeting in accordance with prescribed adjournment and notice provisions, including information about reconvening.</i>
	STATUS:	
	05/26/2023	To ASSEMBLY Committee on GOVERNMENTAL ORGANIZATION.
	CATEGORY:	Public Meetings

CA SB 546 (Alvarado-Gil), which pertained to sales and use taxes, failed to meet policy committee deadlines and is now a two-year bill. Therefore, the bill has been removed from the matrix.

▶ SB 553	AUTHOR:	Cortese [D]
	TITLE:	Occupational Safety: Workplace Violence
	INTRODUCED:	02/15/2023
	LAST AMEND:	05/22/2023
	LOCATION:	Senate Third Reading File
	SUMMARY:	<i>Authorizes a collective bargaining representative of an employee to seek a temporary restraining order and an order after hearing on behalf of the employee and other employees at the workplace. Requires every employer to establish, implement, and maintain at all times in all of their facilities a workplace violence prevention plan as part of the injury prevention program. Requires the employer to record information in a violent incident log about every incident, postincident response, and investigation.</i>
	STATUS:	
	05/23/2023	In SENATE. Read second time. To third reading.
	CATEGORY:	Employment

CA SB 563 (Archuleta), which pertained to the air pollution control districts, failed to meet fiscal committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

CA SB 574 (Wahab), which pertained to project labor agreements, failed to meet policy committee deadlines and is now a two-year bill. Therefore, the bill has been removed from the matrix.

▶ SB 638	AUTHOR:	Eggman [D]
	TITLE:	Climate Resiliency and Flood Protection Bond Act
	INTRODUCED:	02/16/2023
	LAST AMEND:	05/18/2023
	LOCATION:	Senate Third Reading File
	SUMMARY:	Enacts the Climate Resiliency and Flood Protection Bond Act of 2024 which, if approved by the voters, would authorize the issuance of bonds in the amount of a specified amount pursuant to the State General Obligation Bond Law, for flood protection and climate resiliency projects. <i>Provides that this bill is operative only if SB 867 of the 2023-24 Regular Session is enacted and takes effect on or before specified date.</i>
	STATUS:	
	05/22/2023	In SENATE. Read second time. To third reading.
CATEGORY:	Funding	

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

▶ SB 672	AUTHOR:	McGuire [D]
	TITLE:	State Highways: Parklets
	INTRODUCED:	02/16/2023
	LAST AMEND:	04/19/2023
	LOCATION:	Assembly
	SUMMARY:	<i>Requires the Department of Transportation to establish a standard fee structure for the application and placement of a parklet on a State highway. Prohibits the department from charging an encroachment permit fee for the application and placement of a parklet on a State highway. Requires the department to consider an encroachment permit application for commercial use.</i>
	STATUS:	
	05/25/2023	In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY. (40-0)
CATEGORY:	Public Works	

▶ SB 677	AUTHOR:	Blakespear [D]
	TITLE:	Intercity Rail: LOSSAN Rail Corridor
	INTRODUCED:	02/16/2023
	LAST AMEND:	04/17/2023
	LOCATION:	Assembly Transportation Committee
	SUMMARY:	<i>Requires the LOSSAN Rail Corridor Agency, as part of the annual business plan submitted to the Secretary of Transportation, to include a description of the effects of climate change on the LOSSAN corridor, to identify projects planned to increase climate resiliency on the corridor, and to discuss possible funding options for those identified projects.</i>
	STATUS:	
	05/18/2023	To ASSEMBLY Committee on TRANSPORTATION.
	CATEGORY:	Transit

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

CA SB 689 (Blakespear), which pertained to the Local Coastal Program, failed to meet policy committee deadlines and is now a two-year bill. Therefore, the bill has been removed from the matrix.

▶ SB 695	AUTHOR:	Gonzalez [D]
	TITLE:	Department of Transportation: State Highway System
	INTRODUCED:	02/16/2023
	LAST AMEND:	05/18/2023
	LOCATION:	Assembly
	SUMMARY:	<i>Requires the Department of Transportation to annually prepare and make available on its internet website information and data about activities on the state highway system from the prior fiscal year. requires the department to prepare and post on its internet website data and information about activities on the state highway system covering a specified time period. Requires the California Transportation Commission to include this data and information in its annual report to the Legislature.</i>
	STATUS:	
	05/30/2023	In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY. (40-0)
	CATEGORY:	Reports

CA SB 703 (Niello), which pertained to flexible work schedules, failed to meet its policy committee vote threshold and is now dead. Therefore, the bill has been removed from the matrix.

▶ SB 731	AUTHOR:	Ashby [D]
	TITLE:	Employment Discrimination: Unlawful Practices
	INTRODUCED:	02/17/2023
	LAST AMEND:	04/20/2023
	LOCATION:	Assembly
	SUMMARY:	<i>Makes it an unlawful employment practice for an employer to fail to provide an employee who is working from home pursuant to an agreement with, or policy of, the employer with at least a specified number of days' advance notice before requiring that employee to return to work in person. Requires that notice to include, at a minimum, prescribed text with information about the rights of an employee to reasonable accommodation for a disability.</i>
	STATUS:	
	05/25/2023	<i>In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY. (40-0)</i>
	CATEGORY:	Employment

▶ SB 747	AUTHOR:	Caballero [D]
	TITLE:	Land Use: Economic Development: Surplus Land
	INTRODUCED:	02/17/2023
	LAST AMEND:	05/18/2023
	LOCATION:	Senate Third Reading
	SUMMARY:	<i>Relates to exempt surplus land, including surplus land that is not contiguous to land owned by a State or local agency, that is used for open space or low and moderate-income housing purposes and meets specified conditions. Authorizes a local agency to administratively declare that land is exempt surplus land if the land is located within a city, county, or city and county that has been found to have a substantially compliant housing element and has been designated prohousing.</i>
	STATUS:	
	05/22/2023	<i>In SENATE. Read second time. To third reading.</i>
	CATEGORY:	Planning

▶ SB 769	AUTHOR:	Gonzalez [D]
	TITLE:	Local Government: Fiscal and Financial Training
	INTRODUCED:	02/17/2023
	LAST AMEND:	04/20/2023
	LOCATION:	Assembly Local Government Committee
	SUMMARY:	<i>Provides that existing law imposes ethics training and sexual harassment prevention training and education on specified local agency officials. Exempts a local agency official from the training requirements if they comply with specified criteria under existing law relating to eligibility for appointment or election to, and continuing education for, the office of county treasurer, county tax collector, or county treasurer-tax collector.</i>
	STATUS:	
	05/26/2023	<i>To ASSEMBLY Committee on LOCAL GOVERNMENT.</i>
	CATEGORY:	Miscellaneous

▶ SB 790	AUTHOR:	Padilla [D]
	TITLE:	Public Records: Contracts for Goods and Services
	INTRODUCED:	02/17/2023
	LAST AMEND:	03/22/2023
	LOCATION:	Assembly Judiciary Committee
	HEARING:	06/06/2023 9:00am
	SUMMARY:	Provides that any executed contract for the purchase of goods or services by a State or local agency, including the price and terms of payment, is a public record subject to disclosure under the California Public Records Act.
	STATUS:	
	05/11/2023	To ASSEMBLY Committee on JUDICIARY.
	CATEGORY:	Records

CA SB 794 (Niello), which pertained to the California Environmental Quality Act, failed to meet policy committee deadlines and is now a two-year bill. Therefore, the bill has been removed from the matrix.

▶ SB 822	AUTHOR:	Durazo [D]
	TITLE:	Workforce Development: Interagency High Road Team
	INTRODUCED:	02/17/2023
	LAST AMEND:	05/18/2023
	LOCATION:	Senate Third Reading File
	SUMMARY:	Requires the Department of Industrial Relations and the California Workforce Development Board, within the Labor and Workforce Development Agency, to collectively be responsible for oversight and decision-making, including, among other duties, creating high road evaluation metrics and providing technical assistance to agencies. Requires, upon request by a State agency, the board to establish interagency agreements that advance the objectives of high road procurement, contracting, and incentive programs.
	STATUS:	
	05/22/2023	In SENATE. Read second time. To third reading.
	CATEGORY:	Employment

CA SB 827 (Glazer), which pertained to the San Francisco Bay Area Rapid Transit District, failed to meet policy committee deadlines and is now dead. Therefore, the bill has been removed from the matrix.

▶ SB 848	AUTHOR:	Rubio [D]
	TITLE:	Employment: Leave for Loss Causing Grief
	INTRODUCED:	02/17/2023
	LAST AMEND:	05/18/2023
	LOCATION:	Assembly
	SUMMARY:	Makes it an unlawful employment practice for an employer to refuse to grant a request by an eligible employee to take up to a specified number of days of reproductive loss leave upon a specified event, including a miscarriage, unsuccessful assisted reproduction, or failed adoption. <i>Provides that if an employee experiences more than one reproductive loss leave event within a specified period, the total amount of time taken shall not exceed a specified number of days within a specified period.</i>
	STATUS:	
	05/24/2023	In SENATE. Read third time. Passed SENATE. *****To ASSEMBLY. (35-3)
	CATEGORY:	Employment

▶ SB 891	AUTHOR:	Senate Transportation Committee
	TITLE:	Transportation: Omnibus Bill
	INTRODUCED:	03/23/2023
	LOCATION:	Assembly Transportation Committee
	SUMMARY:	Repeals the requirement for the San Diego Metropolitan Transit System to coordinate the operation of all regional public transportation services in the area under its jurisdiction and to establish and adopt regulations for the dispute resolution process.
	STATUS:	
	05/11/2023	To ASSEMBLY Committee on TRANSPORTATION.
	CATEGORY:	Miscellaneous

▶ SCR 21	AUTHOR:	Archuleta [D]
	TITLE:	Clean Energy: Hydrogen
	INTRODUCED:	02/08/2023
	LAST AMEND:	03/21/2023
	LOCATION:	Assembly Transportation Committee
	SUMMARY:	Urges the Alliance for Renewable Clean Hydrogen Energy Systems to prioritize renewable, clean hydrogen for California, as provided.
	STATUS:	
	05/04/2023	To ASSEMBLY Committee on TRANSPORTATION.
	CATEGORY:	Environment



COMMITTEE TRANSMITTAL

June 26, 2023

To: Members of the Board of Directors

From: Andrea West, Interim Clerk of the Board

(A)

Subject: Federal Legislative Status Report

Legislative and Communications Committee Meeting of June 15, 2023

Present: Directors Diaz, Dumitru, Goodell, Jung, and Wagner

Absent: Directors Foley and Hernandez

Committee Vote

No action was taken on this item.

Staff Recommendation

Receive and file as an information item.



June 15, 2023

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 "To:" and "From:" lines of the header.

Overview

The Orange County Transportation Authority regularly updates the Legislative and Communications Committee on policy and regulatory issues directly impacting the agency's programs, projects, and operations. An overview of the negotiated federal debt ceiling deal and a summary of projects the Orange County delegation members have submitted for community project funding and congressionally directed spending on behalf of the Orange County Transportation Authority are provided herein.

Recommendation

Receive and file as an information item.

Discussion

Community Project Funding/Congressionally Directed Spending Requests

Similar to what occurred during the federal fiscal year (FY) 2022 and FY 2023 appropriations process, Members of Congress have again solicited earmark requests for FY 2024. For context, the House of Representatives (House) uses the term, "community project funding," (CPF) while the Senate uses "congressionally directed spending" (CDS). Both are colloquially known as earmarks and can be defined as any congressionally directed spending, tax benefit or tariff benefit that would benefit an entity or a specific state, locality, or congressional district. CPF and CDS are similar to the earmark process, but with added transparency and accountability rules to ensure the funding is being used for its intended purposes, supported by the community, and can be used on a project or program in a timely manner. The House created additional parameters to requests this year to require a federal nexus.

This year, the Orange County Transportation Authority (OCTA) has been actively engaged with the Orange County delegation members to submit requests for a variety of multimodal projects. The following projects have been submitted for consideration in the FY 2024 appropriations package by members:

- \$5 million for the acceleration of zero-emission bus deployment in Orange County submitted by Senator Padilla (D-CA). This project would support the advancement of zero emission buses including necessary infrastructure upgrades.
- \$4 million for the Coastal Rail Corridor Relocation Study in Southern Orange County submitted by Representative Mike Levin (D-Dana Point). This study will examine long-term solutions to address slope failure and beach erosion in South Orange County, including potential relocation of the railroad.
- \$3 million for the Orange County (OC) Loop submitted by Representative Young Kim (R-Placentia). The OC Loop includes 66 miles of seamless connections that provide the community opportunities to bike, walk, and connect to some of California's most scenic beaches and inland reaches. This funding would be used to close gaps on the trail that cut off continuous use and enhance existing segments, specifically Segment A in the City of La Habra and Segment B in the City of Brea. In the FY 2023 appropriations process, Representative Young Kim also secured a \$3 million CPF for the OC Loop for OCTA.
- \$3 million for Segment 2 of the State Route 91 Improvement Project submitted by Representative Young Kim. The Project will add a new eastbound general purpose lane and reconstruct Kramer Boulevard and Tustin Avenue overcrossings to include standard lanes, shoulders, and sidewalks in each direction. In the FY 2023 appropriations process, Representative Young Kim also secured a \$5 million CPF for Segment 1 of State Route 91 Improvement Project for OCTA.
- \$2 million for the South Coast Rail Infrastructure Study submitted by Senator Diane Feinstein (D-CA). This study will evaluate strategies to ensure uninterrupted rail operations in Southern Orange County in the short and medium term. The funding from the requested CDS will allow the OCTA to move identified strategies to the next phase of project approval and environmental documentation.

This list does not include other projects that were submitted within Orange County, which were requested by individual cities, the County, or other transportation agencies like Metrolink. Although a project may be submitted by a member for funding, this does not guarantee that the project will receive

funding in the final FY 2024 appropriations bill. Staff will continue to work with the delegation members throughout the appropriations process and will provide updates to the OCTA Board of Directors.

Summary of Approved Debt Limit Deal

The United States Secretary of the Treasury communicated that the United States will be unable to meet its financial commitments on June 5, 2023, if Congress does not suspend or increase the debt limit. In an effort to keep the federal government from defaulting on its debt, the Biden Administration and Congress have been engaging in weeks-long negotiations to finalize a deal regarding the debt limit. On May 31, 2023, the House of Representatives approved HR 3746, or the Fiscal Responsibility Act of 2023, with a vote of 314 to 117 and on June 1, 2023, the Senate approved the legislation with a vote of 63-36. The President signed the bill on June 3, 2023. The Fiscal Responsibility Act of 2023 suspends the debt limit through January 1, 2025, and reduces spending and makes policy changes in several ways, as detailed below.

This legislation establishes 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. Following enactment, appropriators will begin to determine how that funding will be distributed across the 12 FY 2024 spending bills; therefore, it is not yet clear what the exact impacts will be to the Department of Transportation.

Additionally, the bill includes new accountability measures for future spending. If Congress cannot agree on any or all of the annual FY 2024 appropriations bills this year, and any agencies are still operating on stopgap “continuing resolutions” as of January 1, 2024, then the spending cap for 2024 for that respective side of government will be reduced to 99 percent of its 2023 level. Then, if any of the twelve appropriations bills are still not enacted by April 30, 2024, then whatever continuing resolution that is in effect at that time will be subject to further reductions across the board of one percent. It also provides that, whenever a federal agency is considering an action that is not required by law and would increase mandatory federal spending by more than \$100 million in a year or more than \$1 billion over a decade, the agency must also include a proposal that would decrease federal spending by the same amount. This will expire on December 31, 2024.

The bill also rescinds the unobligated balances of remaining coronavirus (COVID-19) funds from a variety of programs. For OCTA’s purposes, it is expected that the Highway Infrastructure Programs is estimated to have a rescission amount of \$2.242 billion of the supplemental funds that were provided through the Coronavirus Response and Relief Supplemental Appropriations Act in FY 2021. These rescissions are anticipated to occur immediately upon

enactment. At the time of writing this staff report, California transportation planning agencies engaged with state and federal agencies to ensure these dollars could be obligated before the rescission took place. It should be noted, however, that the bill does not rescind public transit COVID-19 unobligated balances as originally proposed by House of Representatives leadership. The legislation does ensure that funding, including the advanced appropriations, in the Infrastructure Investments and Jobs Act are not impacted by these rescissions.

Finally, the bill also amends the National Environmental Policy Act (NEPA) for the first time since 1982 to incorporate streamlined environmental review processes. The legislation sets timelines for completing environmental reviews and establishes responsibilities for lead agencies during the review process, codifying elements of the “One Federal Decision” policy.

Specifically, environmental impact statements are directed to be completed within two years, environmental assessments are to be completed within one year, and limits are placed on the number of pages for both documents. Additionally, the amendments would require a lead federal agency to be appointed and for a single environmental analysis to be done even if multiple agencies are involved in approving a specific project. It also expands categorical exclusions by allowing agencies to adopt a categorical exclusion listed in a different agency’s NEPA procedures. Perhaps most notably, the amendments limit where NEPA applies to “reasonably foreseeable” environmental impacts and a “reasonable range” of alternatives that are “technically and economically feasible.” Many of these NEPA reforms were largely informed by OCTA’s commissioned Breaking Down Barriers initiative, which sought to accelerate the federal transportation project approval process.

Also under this legislation, the White House Council on Environmental Quality is directed to study within a year addressing delays in NEPA reviews and improve public accessibility, including the potential for technologies to aid in communications and data sharing during the environmental review process with the potential of a government-wide permitting portal.

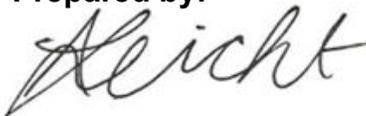
Summary

An update is provided on the federal debt ceiling negotiated deal and the fiscal year 2024 community project funding and congressionally directed spending requests.

Attachments

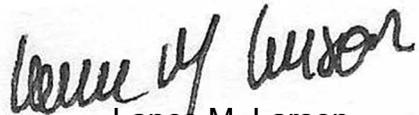
- A. Potomac Partners DC, Monthly Legislative Report – April 2023
- B. Potomac Partners DC, Monthly Legislative Report – May 2023

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Monthly Legislative Report – April 2023

April Advocacy Meetings

Congresswoman Young Kim (R-CA) – We met with Congresswoman Kim and her staff to discuss our Fiscal Year 2024 Community Project Funding requests. We also provided the office with additional information for the two submissions the Congresswoman made with House Appropriations Committee for the State Route-91 Improvement project and the Orange County Loop project.

Congressman Mike Levin (D-CA) – We met with Congressman Levin's staff to discuss our Fiscal Year 2024 Community Project Funding request and provided support materials for the request. We also obtained a support letter from the Congressman for Orange County Transportation Authority's (OCTA) grant application for the Low or No Emission and the Buses and Bus Facilities Competitive Grant Programs. We also followed up with the Congressman and provided a thank you letter for his support for OCTA's Transit and Intercity Rail Capital Program (TIRCP) funding request.

Congresswoman Katie Porter (D-CA) – We were in contact with Congresswoman Porter's staff to discuss OCTA's grant application for the Low or No Emission Grant Program and the Buses and Bus Facilities Competitive Grant Program. The Congresswoman subsequently provided a support letter for the grant applications.

Congressman Troy Nehls (R-TX) – We met with the Congressman Nehls, Chairman of the Railroads, Pipelines, and Hazardous Materials Subcommittee, this month to discuss the Congressman's possible trip to Southern California this summer. We also continued to discuss with the Congressman staff potential rail safety legislation and the Congressman's priorities for that legislation that includes robust funding for passenger rail service.

Congressman Sam Graves (R-MO) – We met with the Chairman of the Transportation and Infrastructure Committee's staff to discuss rail safety legislation as well as the Committee's upcoming plans for additional oversight of the Infrastructure Investment and Jobs Act (IIJA) during the month of May.

Senator Dianne Feinstein (D-CA) – We met with Senator Feinstein's staff to discuss the submitted Fiscal Year 2024 Congressionally Directed Spending request for the Los Angeles – San Diego – San Luis Obispo Rail Corridor (LOSSAN Corridor) rail study and provided the Senator's appropriations staff members with additional information for the project. We also provided the staff with update on the LOSSAN Corridor rail service.

Senator Alex Padilla (D-CA) – We met with Senator Padilla's staff to discuss the submitted Fiscal Year 2024 Congressionally Directed Spending request and provided updates and additional information for OCTA's Advancement of zero emission buses request.

Senator Roger Wicker (R-MS) – We met with Senator Wicker to discuss upcoming legislation in the Senate Commerce, Science, and Transportation Committee, the rail safety bill, and the FAA Reauthorization.

Fiscal Year 2024 (FY24) Appropriations

In March and April Members submitted the following appropriations requests for OCTA projects:

\$2,000,000 – Sen. Dianne Feinstein (D-CA) - Short-term LOSSAN corridor rail study- a list of Senator’s requests can be found at the following [LINK](#)

\$4,000,000 – Rep. Mike Levin (D-CA) - Coastal Rail Corridor Relocation Study – a list of the Congressman’s requests can be found at the following [LINK](#)

\$3,000,000 – Rep. Kim (R-CA) – State Route-91 Improvement Project and
\$3,000,000 – Orange County Loop Project – a list of the Congresswoman’s requests can be found at the following [LINK](#)

\$5,000,000 – Sen. Alex Padilla (D-CA) – Advancement of zero emission buses – a list of the Senator’s requests can be found at the following [LINK](#)

The House Appropriations Committee Chairwoman released a preliminary Appropriations markup schedule (dates below). The specific bills that will be marked up on each day have yet to be determined as of this report, but we are expecting markups of the Defense, Energy-Water, Homeland Security, Military Construction-Veteran Affairs, and Legislative Branch bills to be held first followed by Transportation-Housing and Urban Development, Interior-Environment, State-Foreign Operations, Financial Services, and Labor-Health and Human Services-Education. House Appropriations Subcommittee leaders will also likely receive their Subcommittee allocation numbers in May.

- **May 17th and 18th** - Subcommittee markups will be scheduled on these dates and are expected to be finished by the time votes end on May 18th.
- **May 23rd, 24th, and 25th** - Full Committee markups will be scheduled on these dates and are likely to go well into the afternoon and evening. Members are expected to remain in Washington, D.C., after votes on Thursday, May 25th, as these markups will not be completed by the time votes end on May 25th.
- **June 7th and 8th** - Subcommittee markups will be scheduled on these dates and are expected to be finished by the time votes end on June 8th.
- **June 13th, 14th, and 15th** - Full Committee markups will be scheduled on these dates and will likely go well into the afternoon and evening. Members are expected to

remain in Washington, DC, after votes on June 15th, as these markups will not be completed by the time votes end on Thursday, June 15th.

In the Senate, Appropriations Leaders are expecting to begin the markup process in June but no dates have been scheduled as of this report.

Limit, Save, Grow Act of 2023 and Debt Ceiling Negotiations

The House passed H.R. 2811 - Limit, Save, Grow Act of 2023, Republican Leadership's debt limit proposal, by a vote of 217-215, with 4 Republicans voting no. The House bill is seen as the opening salvo in the upcoming debt ceiling negotiations. As part of the negotiations leading up to the bill's passage, Speaker McCarthy (R-CA) agreed to remove several provisions in the original bill that would have repealed ethanol and other bio-fuel tax incentives, but the repeal of the alternative fuels tax did remain.

The legislation would suspend the debt ceiling through March 2024, or raise the limit by \$1.5 trillion above the current \$31.4 trillion ceiling. If enacted, it would also limit new discretionary spending by capping FY24 spending at FY22 levels while capping annual federal spending growth at 1% each year for the next decade. The bill would also rescind unspent Coronavirus relief funds and repeal most new tax incentives included within President Biden's Inflation Reduction Act of 2023 (IRA), including energy and climate tax credits. It would also rescind the Inflation Reduction Act of 2023 increased funding for the Internal Revenue Service (IRS) enforcement efforts. It would also expand work requirements in safety net programs, including the Temporary Assistance for Needy Families (TANF) and Supplemental Nutrition Assistance Program (SNAP).

The U.S. Department of Transportation (DOT) released a factsheet on the impacts of the Limit, Save, Grow Act of 2023 ahead of the House floor vote. In the release, the DOT stated that the enacted proposal would cut critical programs by 22%, which would lead to 7,500 fewer rail safety inspection days, 30,000 fewer miles of track inspected, a shutdown of services at 375 Air Traffic Control Towers, and longer Transportation Security Administration (TSA) security wait times. Additionally, DOT stated that the proposal would claw back funding for transportation programs, putting \$5.2 billion in funding for transit and highway infrastructure projects at risk. A state-by-state breakdown is available at the following link found [here](#).

Nearly all Senate Democrats are opposed to the bill and the White House quickly issued a statement saying the President would veto this legislation if it reached his desk. Nevertheless, the bill serves as a starting point for House Republicans in the debt-limit negotiations with the Biden Administration and Senate Democrats. House and Senate Leaders are expected to meet at the White House with President Biden on May 9th. That May 9th meeting was announced after Treasury Secretary Janet Yellen sent a letter to House Speaker McCarthy updating the debt ceiling timeline and indicating that legislative action was needed to raise the debt ceiling in June.

House Appropriations U.S. Department of Transportation Budget Hearing

On April 20th, Secretary Buttigieg appeared before the House Appropriations Subcommittee on Transportation and Housing and Urban Development (THUD) to provide testimony and answer questions about President Biden’s proposed Fiscal Year 2024 budget for the U.S. Department of Transportation (DOT). Buttigieg described the current DOT funded projects and defended the funding provided in the Infrastructure Investment and Jobs Act (IIJA), as well as DOT’s ongoing repairs of over 4,500 bridges in the US and the agency’s efforts to improve 70,000 miles of road. Republican Members of the committee expressed concern over the allocation of funding from the IIJA, and many said that the upcoming THUD appropriations bill they were preparing would likely cut or eliminate funding for several IIJA programs.

Department of Transportation Seeks Applications for \$848 Million PROTECT Grant

The U.S. Department of Transportation’s Federal Highway Administration (FHWA) opened applications for the first round of the Bipartisan Infrastructure Law’s Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) Discretionary Grant Program. The Notice of Funding Opportunity for Fiscal Years 2022 and 2023 is available at the link [HERE](#) and will remain open for applicants through August 18, 2023.

Other resources are as follows:

- [PROTECT Grant Opportunity \(Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation\)](#)
- [PROTECT Grant Factsheet](#)

U.S. Department of Transportation Announces More Than \$1 Billion for Local Communities to Improve Roadway Safety through the “Safe Streets and Roads for All (SS4A) Grant

On April 17th, the U.S. Department of Transportation (DOT) announced the availability of \$1.177 billion in grant funding for local projects that improve roadway safety. The funds are from the competitive grant program “*Safe Streets and Roads for All (SS4A)*.” In February, DOT announced 473 communities received Action Planning grants, and 37 communities received Implementation grants from the first round of SS4A funding. With similar funding available this year, the Department is encouraging all interested communities to apply.

National Highway Traffic Safety Administration’s Estimates for Roadway Fatalities

The National Highway Traffic Safety Administration (NHTSA) has released its latest projections for traffic fatalities in 2022, estimating that 42,795 people died in motor vehicle traffic crashes. This represents a small decrease of about 0.3% compared to 42,939 fatalities reported for 2021. The estimated fatality rate decreased to 1.35 fatalities per 100 million vehicle miles traveled (VMT) in 2022, down from 1.37 fatalities per 100 million VMT

in 2021. Americans are driving more than they did during the height of the pandemic, almost a 1% increase over 2021.

NHTSA also projects a decline in fatalities during the fourth quarter of 2022. This is the third straight quarterly decline in fatalities after seven consecutive quarters of increases that started in the third quarter of 2020.

Department of Transportation Requests Public Input on Ways to Improve the Environmental Review Process

The Federal Highway Administration (FHWA) will consider ideas and recommendations from public and private stakeholders on how to reduce project delays through the development of more efficient and effective environmental reviews. FHWA is also seeking information on the following:

- The types of assistance that would be most beneficial to recipients of direct funding and facilitate an efficient and effective environmental review process for surface transportation projects.
- What program areas would most benefit from new or continued research; and,
- Ways in which FHWA can make resources available to the eligible entities while promoting equity and maximizing the opportunity to improve the efficiency and effectiveness of the environmental review process.

The full request for information from the FHWA can be found at the link [HERE](#).

Department of Transportation Opens Applications for Grant Program to Reduce Truck Air Pollution at America's Ports

FHWA has opened applications for the first round of the Reduction of Truck Emissions at Port Facilities grant, which focuses on port electrification and efficiency improvements. The FY 22-23 funding for the Reduction of Truck Emissions at Port Facilities Grant Program totals \$160 million and aims to reduce emissions from idling trucks at ports, improving air quality for surrounding communities, truck drivers, and port workers. Eligible projects include developing port-related infrastructure, and on-truck technologies, using zero or low emissions powertrains or fuels on trucks, reducing truck congestion within or adjacent to ports, and reducing port-related emissions from idling trucks through port electrification and improving efficiency. The program aims to install more charging stations and electrical hookups for trucks alongside auxiliary electric power units, providing power to the cab or sleeper berth while allowing the truck's engine to be turned off and save fuel.

Department of Transportation Opens Grant Opportunity for Electric Vehicle Charging and Fueling Infrastructure

This FHWA grant program will fund projects for electric vehicle charging infrastructure, as well as hydrogen and natural gas fueling infrastructure located on public roads or publicly accessible locations or along designated alternative fuel corridors. This program is intended to accelerate the development and implementation of an advanced electric and alternative fuel transportation system that is convenient, affordable, reliable, equitable, and safe. The goal is to have a nationwide network of 500,000 charging stations and improved fueling networks by 2030. Further, the program is intended to supplement private sector investments; and complement existing federal programs to facilitate broad public access to a national charging and alternative fuel infrastructure network. The program also seeks to reduce transportation costs, and advance workforce development; and reduce greenhouse gas and vehicle-related emissions. The program is split between two grant categories that include a “Community Program” and a “Corridor Program.” Community program grants must be located on any public road or in publicly accessible areas such as public parking facilities. Funds may be used to contract with private organizations; and charging infrastructure must be accessible by individuals with disabilities. Corridor grants follow the same criteria as community grants, however, corridor grants are limited to locations within 1 mile of designated alternative fuel corridors previously identified.

Eligible Entities: City, County, State, and Special district governments, MPO’s, Port Authorities, and agencies or instrumentalities owned by one or more of the previously listed entities.

Total Program Funding Available: \$700 million.

- \$350 million for the Community Program Award, with a minimum award amount of \$500,000 and maximum award amount of \$15 million.
- \$350 million for the Corridor Program Award, with a minimum award amount of \$1 million and no maximum award amount.

Required Cost Sharing or Match: A cost match of at least 20% is required.

Application Deadline: May 30th, 2023 at 11:59 PM EST.



Monthly Legislative Report – May 2023

May Advocacy Meetings

Congresswoman Young Kim (R-CA) – We met with Congresswoman Kim and staff to discuss support for the two “Community Project Funding” requests to be included in the Transportation, Housing and Urban Development, and Related Agencies bill.

Congressman Mike Levin (D-CA) – We met with Congressman Levin’s staff to discuss support for the Community Project Funding request to be included in the Transportation, Housing and Urban Development, and Related Agencies bill. We also discussed the debt ceiling negotiations as well as the transportation rescissions that were part of the final deal and the impact it could have for Orange County Transportation Authority (OCTA). Finally, we facilitated a meeting with the Congressman’s staff to discuss the Los Angeles – San Diego – San Luis Obispo Rail Corridor (**LOSSAN** Corridor).

Congresswoman Katie Porter (D-CA) – We met with Congresswoman Porter’s staff to provide an update on OCTA projects and grant requests.

Congressman Troy Nehls (R-TX) – We met with Congressman Nehls’ staff to discuss rail safety legislation and other issues to include the House Transportation and Infrastructure’s Rail Subcommittee letter to the Federal Railroad Administration (FRA) Administrator. The Committee’s letter can be found [HERE](#).

Congressman Sam Graves (R-MO) – We met with the Chairman’s staff to discuss transportation projects in the region and updated his staff on the LOSSAN service. We also discussed potential rail safety legislation and funding for commuter rail.

Senator Dianne Feinstein (D-CA) – We met with Senator Feinstein’s appropriations and transportation staff to discuss support for our Congressionally Directed Spending request to be included in the Transportation, Housing and Urban Development, and Related Agencies bill. We also discussed the impact of transportation rescissions on transportation entities.

Senator Alex Padilla (D-CA) – We met with Senator Padilla’s staff to discuss support for our Congressionally Directed Spending request to be included in the Transportation, Housing and Urban Development, and Related Agencies bill and provided additional project details. We also provided the staff with updates on the LOSSAN rail service. We discussed with staff the debt limit and how rescissions have the potential to impact transportation programs in California.

Debt Ceiling Negotiations

On May 31st, the House passed a bill to raise the debt limit, rescind certain COVID-19 emergency funding, and impose new budget requirements. The bill, [H.R. 3746](#) - *Fiscal Responsibility Act of 2023*, was passed by a vote of 314-117 (2-R & 2-D not voting). On June 1st the Senate passed the debt limit bill on a 63-to-36 vote clearing the 60-vote threshold. The bill will now head to the President's desk for signing.

Rep. Porter (D-CA) voted against the bill. All votes are available at the following link [here](#).

Bill Summary:

- Rescinds certain unobligated funds that were provided to address COVID-19 and to the Internal Revenue Service (*see the attached summary*).
- Reinstates pay-as-you-go rules (Administrative actions that cost money must be offset).
- Terminates the suspension of federal student loan payments.
- Expands work requirements for the Supplemental Nutrition Assistance Program (SNAP) and the Temporary Assistance for Needy Families (TANF) program.
- Expedites the permitting process for certain energy projects.
- If Congress does not pass the appropriations bills on time, there will be an automatic cut of 1% to all discretionary accounts in the Continuing Resolution.
- Provides funding for the Department of Veterans Affairs Cost of War Toxic Exposure Fund.
- Provides funding for the Department of Commerce Nonrecurring Expenses Fund.

A Republican House Budget Committee summary is available at the following link [here](#).

The House Rules Committee Hearing, where Members from both parties discussed the bill, is available at the following link [here](#).

The Appropriations process has been halted while Congress focused on the debt limit, but appropriators are expected to resume the process in June.

Federal Transit Administration (FTA) \$220 million for Ferry Service

On May 18th, the U.S. Department of Transportation's (USDOT) FTA announced the availability of \$220 million to support or modernize passenger ferry service in rural and urban communities. This funding will be allocated to two grant programs, the Passenger Ferry Program and the Ferry Service for Rural Communities Program, and will be used to buy, replace, or modernize passenger ferries, terminals, and related equipment, as well as to provide funding to ensure essential ferry service in rural communities. Instructions for applying and eligibility can be found on [FTA's website](#) and at [GRANTS.GOV](#). Proposals must be submitted electronically by July 17, 2023.

LOCAL Infrastructure Act Reintroduced in Senate

Senators Roger Wicker (R-MS) and Debbie Stabenow (D-MI) have reintroduced [S.1453](#) - *LOCAL Infrastructure Act*, which would allow counties to advance refunds of municipal bonds on a tax-exempt basis. The tax-exempt status of advance refunding municipal bonds has been unavailable to counties since 2017 due to a spending offset provision of the Tax Cuts and Jobs Act. Counties have historically relied on tax-exempt advance refunding to lower borrowing costs, freeing up funds to be used for other important capital projects and minimizing costs to taxpayers. The *LOCAL Infrastructure Act* has been sponsored in the U.S. Senate by Sens. Wicker and Stabenow since the 116th Congress. Although a companion bill has not yet been introduced in the U.S. House, House Municipal Finance Caucus co-Chair Rep. Dutch Ruppersberger (D-MD) and Rep. David Kustoff (R-TN) recently reintroduced the "*Investing in Our Communities Act*," which would also restore the tax-exempt status of advance refunding municipal bonds. More information is available [HERE](#).

Charging and Fueling Infrastructure Discretionary Grant Program

On May 15th, the *Charging and Fueling Infrastructure Discretionary Grant Program* details were announced. The program would deploy publicly accessible electric vehicle charging and alternative fueling infrastructure in urban and rural areas. The program provides two funding categories of grants and offers up to \$700 million from Fiscal Years 2022 and 2023. The application submission deadline has been extended to June 13, 2023. Eligible applicants include States or political subdivision of states, metropolitan planning organizations, unit of local governments, special purpose districts or public authorities with a transportation function, including port authorities, Indian tribes, U.S. territories authorities, agencies, or instrumentalities or entities owned by, one or more entities listed above group of, entities listed above, state or local authorities with ownership of publicly accessible, transportation facilities (applies to community program only). More information is available [HERE](#).

U.S. Environmental Protection Agency (EPA) Electrification Programs

The EPA has earmarked \$3 billion for the Clean Ports Program, focusing on electrifying port infrastructure, as part of efforts to reduce carbon emissions and transition to cleaner energy sources. The EPA, in collaboration with the Department of Energy (DOE) and the USDOT, is actively working on a goal for decarbonizing transportation. In early May, the EPA announced a \$4 billion investment from the 2022 legislation, with \$3 billion allocated to technologies targeting harmful air and climate pollutants at US ports, primarily for the development of electrification infrastructure under the Clean Ports Program. The remaining funding will be used for reducing vehicle emissions through the Clean Heavy-Duty Vehicle Program. More information can be found [HERE](#).

Federal Railroad Administration's Interstate Rail Compacts (IRC) Program

On May 8th, the FRA made \$5.8 million in funding available through the Interstate Rail Compacts (IRC) Program. The program aims to support the development of multi-state and regional intercity passenger rail services by providing federal funding and technical assistance to implementing entities. The grants can be used for administering IRCs, systems planning, promoting intercity passenger rail operations, preparing grant applications, and coordinating operations. The funds will help entities prepare for rail capital projects aligned with the USDOT's strategic goals. Applications must be submitted by July 10, 2023. Additional information can be found [HERE](#).

Rail Research and Development Center of Excellence

On May 1st, the FRA announced the availability of \$5 million in funding to establish a rail research and development Center of Excellence. The program aims to enhance the safety, performance, and sustainability of freight, intercity passenger, and commuter rail systems. The three-year initiative will support research, education, workforce development, and training efforts related to various aspects of rail, including safety technologies, energy efficiency, maintenance, and operational reliability. Eligible applicants are encouraged to have a strong track record in rail research and development can apply for grants, with the Center of Excellence funding up to 50 percent of selected proposals. More information can be found at the link [HERE](#).

Rail Vehicle Replacement Program Awards

On May 5th, the FTA announced the selection of six projects across six states to receive funding for the replacement of aging passenger railcars. With approximately \$703 million in funding, these projects aim to improve reliability, safety, and accessibility on rail transit systems. The Rail Vehicle Replacement Program, established to enhance service and the customer experience on subways, commuter rail, and light rail systems, will allocate a total of \$1.5 billion in funding through 2026. By replacing outdated railcars, which contribute to service delays and lack modern amenities and accessibility features, these grants will provide faster, safer, and more reliable service for millions of Americans who rely on rail transit. The selected projects include the purchase of new rail vehicles by transit agencies

in Sacramento, California; South Florida; Chicago; the Missouri-Illinois Metropolitan District; Greater Cleveland; and Utah. For more information click [HERE](#).

Federal Aviation Administration (FAA) Blueprint for Air Taxis

The FAA has unveiled an updated blueprint outlining airspace and procedure changes to accommodate future air taxis and other Advanced Air Mobility (AAM) operations. The blueprint shows gradual implementation of AAM operations, starting with air taxis using existing routes and infrastructure like helipads and vertiports. As the number of operations increases, air taxis are expected to fly in designated corridors between major airports and vertiports in city centers. Over time, these corridors may become more complex, accommodating multiple flows of aircraft in both directions. The FAA anticipates that aircraft technology, including automation and real-time data sharing, will play an increasingly significant role in these corridors. Developed in collaboration with NASA and industry stakeholders, the blueprint serves as a common reference for research and decision-making in the field of AAM. More information can be found [HERE](#).

2023 FAA Drone Symposium and Advanced Air Mobility Summit

On May 5th, the FAA and the Association for Uncrewed Vehicle Systems International (AUVSI) announced the co-hosting of two significant events: the 8th Annual FAA Drone Symposium and the inaugural Advanced Air Mobility (AAM) Summit. Taking place from August 1-3 at the Baltimore Convention Center in Maryland, these events will gather representatives from the FAA, government agencies, international aviation experts, industry leaders, and academia. The symposium will focus on accelerating the safe integration of drones, including advanced operations such as beyond visual line of sight and UAS Traffic Management. The AAM Summit will explore the transformative potential of air taxis and electric vertical take-off and landing aircraft, highlighting the FAA's efforts to ensure safe and efficient operations that meet rigorous safety standards. More information can be found [HERE](#).

\$52 Million in grants to Improve Safety and Reduce Travel Times

On May 25th, the USDOT granted \$52 million to eight states for technology-based solutions to improve travel experiences in highways and transit systems. The program is called Advanced Transportation Technology and Innovation and includes funding for projects in rural areas and areas of persistent poverty. To view the grant recipient and more information on the program click [HERE](#).

USDOT Partners with Supply Chain Companies to Launch New Data Exchange to Strengthen Supply Chains

The *Freight Logistics Optimization Works* (FLOW) was launched in March 2022 and is a first-of-its-kind program to develop new shared data infrastructure to give companies information to proactively address supply chain challenges via a forward-looking, integrated view of container volumes and equipment in the US. The initiative aims to improve supply

chain resilience and address structural weaknesses exposed by the COVID-19 pandemic. FLOW currently has 53 member companies. More information about the initiative and private partners is available [HERE](#).

Wildlife Crossings Program from Federal Highway Administration

The Wildlife Crossings Pilot Program (WCPP) is a competitive grant program aimed at reducing Wildlife Vehicle Collisions (WVCs) and improving habitat connectivity for terrestrial and aquatic species. There is an authorized total of \$350 million in federal-aid contract authority funding from 2022 to 2026 for the WCPP. 60% of the funds will be allocated towards rural areas. The USDOT, through the Federal Highway Administration (FHWA), is responsible for awarding these funds with applications open until August 1st. Additional information can be found at the link [HERE](#).

DOE funding for Electric Vehicle Infrastructure

On May 22nd, the DOE introduced a funding opportunity of \$99.5 million and have selected 45 projects amounting to \$87 million to propel the development of electric vehicle (EV) technologies, train a skilled workforce for electrified transportation, and ensure fair access to clean mobility options in disadvantaged communities. These projects aim to expedite the adoption of EV transportation. The recently unveiled funding opportunity also aims to assist projects that enhance EV charging infrastructure in underserved communities, create EV batteries utilizing readily available materials, and provide further education to consumers about EVs and charging. More information can be found [HERE](#).

2023 Natural Gas Distribution Infrastructure and Safety Modernization Grant

The Pipeline and Hazardous Materials Safety Administration (PHMSA) has released the funding opportunity for the Natural Gas Distribution Infrastructure Safety and Modernization (NGDISM) grant program. The funding totals to \$1 billion over the next five years and the grants will be accessible to municipalities or community-owned utilities (excluding for-profit organizations) with the aim of addressing the repair, rehabilitation, or replacement of their natural gas distribution pipeline systems, or specific sections. The funding can be utilized to acquire equipment that serves the purpose of reducing incidents and fatalities and preventing economic losses. More information can be found [HERE](#).

\$1 Billion for Local Communities to Improve Roadway Safety through the “Safe Streets and Roads for All (SS4A) Grant

On April 17th, the US Department of Transportation announced the availability of \$1.177 billion in grant funding for local projects that improve roadway safety. The funds are from the competitive grant program “*Safe Streets and Roads for All (SS4A)*.” In February, USDOT announced 473 communities received Action Planning grants, and 37 communities received Implementation grants from the first round of SS4A funding. With similar funding available this year, the Department is encouraging all interested communities to apply.

More Resources:

- [Safe Streets and Roads for All Notice of Funding Opportunity](#)
- [Funding can be targeted toward known high-crash areas, identified here](#)



COMMITTEE TRANSMITTAL

June 26, 2023

To: Members of the Board of Directors
From: Andrea West, Interim Clerk of the Board 
Subject: Citizens Advisory Committee Annual Update and Member Appointments

Legislative and Communications Committee Meeting of June 15, 2023

Present: Directors Diaz, Dumitru, Goodell, Jung, and Wagner

Absent: Directors Foley and Hernandez

Committee Vote

This item was passed by the Members present.

Committee Recommendation

Receive and file the Citizens Advisory Committee status report.



June 15, 2023

To: Legislative and Communications Committee
From: Darrell E. Johnson, Chief Executive Officer
Subject: Citizens Advisory Committee Annual Update and Member Appointments

Overview

The Orange County Transportation Authority's Citizens Advisory Committee was formed to provide feedback on significant transportation issues, help identify opportunities for community input, and serve as a public liaison for the Orange County Transportation Authority. A summary of the committee's activities during the past year and the new member appointment status is provided with this report.

Recommendation

Receive and file the Citizens Advisory Committee status report.

Discussion

In its role as the county transportation commission, the Orange County Transportation Authority (OCTA) is required by the Public Utilities Code (PUC) 130105 to appoint a Citizens Advisory Committee (CAC) to provide input on transportation projects, programs, services, and outreach activities. The PUC states that the commission shall "appoint a citizens advisory committee, which membership shall reflect a broad spectrum of interests and all geographic areas of the county." The CAC is structured such that each OCTA Board of Directors (Board) member appoints two citizens to serve, creating a 34-member committee representing diverse interests and geographic areas of Orange County.

To carry out the CAC's mission, ongoing responsibilities include:

- Providing input on significant transportation issues, suggesting possible solutions, and making recommendations when appropriate
- Identifying opportunities for community input

- Recommending mechanisms and methodologies for obtaining public feedback on specific transportation issues
- Serving as a liaison between the public and OCTA

In 2011, the CAC formed a Bicycle and Pedestrian Active Transportation Subcommittee, which meets quarterly to review items and issues related specifically to active transportation.

As an advisory committee, members' feedback or input and suggestions help shape OCTA's services and communications to be responsive and user-friendly to the public. The wide range of viewpoints and interests represented by the membership also provides OCTA with an added sounding board for prospective programs and initiatives.

CAC input is communicated to the Board in a variety of ways. Members' feedback on projects and initiatives is incorporated as programs develop, which is often noted in project staff reports. As direct appointees of the Board, CAC members are also encouraged to communicate directly with their appointing Board Member.

During the past fiscal year, the CAC met four times to review and provide feedback on a variety of OCTA programs and topics. Key activities for this past year included:

- Acting as OCTA's stakeholder working group for the 2022 Long Range Transportation Plan
- Providing feedback on Making Better Connections Study
- Discussing OCTA's diversity outreach and inclusion efforts
- Receiving presentations on the Coastal Rail Planning framework and track stabilization updates
- Reviewing the progress of OC Streetcar and Interstate-405 (I-405) Improvement Project
- Receiving an overview of the 2023 Complete Streets Call for Projects
- Reviewing the projects and programs included in OCTA's Fiscal Year 2023-24 Budget
- Receiving updates on sales tax forecasts

Bicycle and Pedestrian Active Transportation Subcommittee

During the past year, the CAC Bicycle and Pedestrian Active Transportation Subcommittee met two times to provide feedback on ways to better incorporate active transportation as an alternative mode of travel, and to emphasize the need to practice and provide safe transportation methods for adults and youth. The

subcommittee received updates and provided input on the Bike Gap Closure Study, Interstate-5 (I-5) Improvement Project, Interstate-605/Katella Avenue Interchange, and the I-5 Stage 2 Bridge Extension.

Member Appointments

CAC members serve staggered two-year terms from July through June, so each year every Board Member has one CAC member whose term expires on June 30. Committee members can serve unlimited terms. In February, each committee member with an expiring term was contacted to see if they were interested in continuing to serve.

Beginning in March 2023, Board Members and their staff were contacted with current recruitment information, including existing CAC members interested in reappointment and member resignations. The recruitment is now complete. Board Members have reappointed existing members and/or appointed new members to begin service on July 1, 2023, or have appointments pending (Attachment A).

To show OCTA's appreciation to members who are leaving the committee, resolutions of appreciation have been prepared to thank them for their contribution.

Summary

The CAC plays a vital role in OCTA's efforts to incorporate public feedback into the agency's transportation decision-making process. CAC members have contributed substantially to the work of OCTA in the past year. With the recruitment process for fiscal year 2023-24 now complete, OCTA Board Members have either reappointed existing CAC members or appointed new members. Members who are not continuing on the committee will receive resolutions of appreciation to thank them for their efforts.

Attachment

- A. Orange County Transportation Authority Citizens Advisory Committee Roster Fiscal Year 2023-24

Prepared by:



Christina L. Byrne
Department Manager,
Public Outreach
(714) 560-5717

Approved by:



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

ATTACHMENT A**Orange County Transportation Authority
Citizens Advisory Committee
Roster Fiscal Year 2023-24
(as of 6/5/2023)**

District	Name	Affiliation	Expiration	Director
1	Mary Ann Remnet	Rossmoor Resident	2025	Andrew Do
1	Linda Nguyen	Garden Grove Resident	2024	Andrew Do
1	Jim Cunneen	Fountain Valley School District Board of Trustees	2025	Patrick Harper
1	Paul Adams	Santa Ana Resident	2024	Patrick Harper
1	Randy Styner	Garden Grove Resident	2025	Steve Jones
1	Mark Paredes	Garden Grove Resident	2024	Steve Jones
2	Martin Varona	Orange Resident	2025	Jessie Lopez
2	Lisandro Orozco	Historic Santa Ana	2024	Jessie Lopez
2	Brendon Moeller	Orange Resident	2025	Jon Dumitru
2	Jeff Thompson	Building Industry	2024	Jon Dumitru
2	Carah Reed	Santa Ana Resident	2025	Vicente Sarmiento
2	Damon Tordini	Engineers Without Borders / Santa Ana Resident	2024	Vicente Sarmiento
3	Kunal Mittal	Civil Engineer	2025	Don Wagner
3	Steve Kozak	Tustin Planning Commission	2024	Don Wagner
3	Kenneth Truong	Fountain Valley Resident	2025	Farrah N. Khan
3	Derek McGregor	Trabuco Canyon Advisory Committee	2024	Farrah N. Khan
3	Karalee Darnell	Yorba Linda Resident	2025	Gene Hernandez
3	Roy Shahbazian	California Community Colleges	2024	Gene Hernandez

ATTACHMENT A

4	Daniel Soper	Cal State Fullerton	2025	Doug Chaffee
4	Nick Polichetti	Placentia Resident	2024	Doug Chaffee
4	Jamie Valencia	City of Fullerton - Infrastructure and Natural Resources Advisory Committee	2025	Fred Jung
4	Laurel Reimer	American Planning Association: Orange Section	2024	Fred Jung
4	Amelia Castro	Anaheim Housing and Community Development Commission	2025	Jose Diaz
4	Deepak Krishan	Irvine Resident	2024	Jose Diaz
5	John Kinney	Laguna Niguel Traffic and Transportation Commissioner	2025	Brian Goodell
5	Tyler Holst	Civil Engineer	2024	Brian Goodell
5	Jason Spates	Commercial Trucking Industry	2025	Jamey Federico
5	David Wheeler	Laguna Hills City Council	2024	Jamey Federico
5	Alex Rounaghi	Laguna Beach City Council	2025	Katrina Foley
5	Marc Vukceovich	Costa Mesa Alliance for Better Streets	2024	Katrina Foley
Public Member	Appointment Pending	TBD	2025	Michael Hennessey
Public Member	Frank Murphy	Orange Resident	2024	Michael Hennessey
Public Member	Kristen Jasko	Cal State Fullerton	2025	Tam Nguyen
Public Member	Dan Kalmick	Huntington Beach City Council	2024	Tam Nguyen



COMMITTEE TRANSMITTAL

June 26, 2023

To: Members of the Board of Directors

From: Andrea West, Interim Clerk of the Board

(A)

Subject: Accessible Transit Advisory Committee Annual Update and Member Appointments

Legislative and Communications Committee Meeting of June 15, 2023

Present: Directors Diaz, Dumitru, Goodell, Jung, and Wagner

Absent: Directors Foley and Hernandez

Committee Vote

This item was passed by the Members present.

Committee Recommendation

Receive and file the Accessible Transit Advisory Committee status report.



June 15, 2023

To: Legislative and Communications Committee
From: Darrell E. Johnson, Chief Executive Officer
Subject: Accessible Transit Advisory Committee Annual Update and Member Appointments

Overview

The Accessible Transit Advisory Committee was formed to advise the Orange County Transportation Authority on the transportation needs of seniors and persons with disabilities. The member appointment status and a summary of the committee's activities during the past year are provided with this report.

Recommendation

Receive and file the Accessible Transit Advisory Committee status report.

Background

On January 13, 1992, the Orange County Transportation Authority (OCTA) Board of Directors (Board), concurrent with approving the OCTA 1992 Complementary Paratransit Plan as required by the Americans with Disabilities Act, established a standing citizens' committee, the Accessible Transit Advisory Committee (ATAC), to advise OCTA on the transportation needs of senior citizens and persons with disabilities.

Discussion

The ATAC's mission is to advise OCTA on the promotion of integrated public transit services and to improve communication between OCTA and seniors as well as customers with disabilities. ATAC members also provide support for OC ACCESS service eligibility appeals. The ATAC is comprised of 34 members appointed by the OCTA Board. Members serve staggered three-year terms and meet quarterly.

Beginning in February 2023, Board Members were contacted with current recruitment information for their respective appointees, including existing ATAC

members interested in reappointment and member resignations. The recruitment is now complete. Board Members have reappointed existing members and/or appointed new members to begin service on July 1, 2023, or have appointments pending (Attachment A).

As a reflection of OCTA's appreciation to members who will be leaving the committee, resolutions of appreciation have been prepared to thank them for their contribution.

During the past year, the ATAC met four times to review and provide feedback on a variety of OCTA programs and topics. Key presentation and discussion topics for this past year included:

- OC ACCESS program update
- OC ACCESS eligibility/mobility management service
- Senior Mobility Program
- Making Better Connections Study
- Trapeze EZ Wallet
- OC ACCESS policy
- Transit training program
- OC ACCESS fleet mix
- OC ACCESS reservations process
- OC Streetcar
- New OC ACCESS Riders Guide
- Contracted fixed-route bus service

Summary

The ATAC continues to serve in an advisory and advocacy role on transit issues of importance for seniors and persons with disabilities throughout the year. ATAC members have contributed substantially to the work of OCTA in the past year. With the recruitment process for fiscal year 2023-24 now complete, OCTA Board Members have either reappointed existing ATAC members or appointed new members. Members who are not continuing on the committee will receive resolutions of appreciation to thank them for their time and efforts.

Attachment

- A. Orange County Transportation Authority Accessible Transit Advisory Committee Roster Fiscal Year 2023-24

Prepared by:



Christina L. Byrne
Public Outreach Department
Manager
(714) 560-5717

Approved by:



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

**Orange County Transportation Authority
Accessible Transit Advisory Committee Roster
Fiscal Year 2023-24
(as of 6/5/2023)**

District	Name	Affiliation	Expiration	Director
1	Appointment Pending	TBD	2025	Andrew Do
1	Mary Ann Remnet	Rossmoor Resident	2025	Andrew Do
1	Henry Michaels	Ashlings Residential Villa	2025	Patrick Harper
1	Scott Quinlan	Lions District 4-L4/ Fountain Valley Accessibility Committee/ Blinded Veterans Association	2024	Patrick Harper
1	Jim Nguyen	AlzOC	2024	Steve Jones
1	Mario Ortega	Abrazar, Inc.	2025	Steve Jones
2	Beck Levin	Dayle McIntosh Center	2024	Jessie Lopez
2	Lawrence Klein	Santa Ana Resident	2024	Jessie Lopez
2	Arturo Cazares	Regional Center of Orange County	2024	Jon Dumitru
2	Raymond Bueche	Coordinator of Transition Services, Saddleback Valley Unified School District	2025	Jon Dumitru
2	Appointment Pending	TBD	2024	Vicente Sarmiento
2	Cesar Hernandez	Transportation Solutions	2024	Vicente Sarmiento
3	Richard King	Committee for Persons with Disabilities, Fountain Valley	2024	Donald P. Wagner
3	Ellen Schenk	State of California Department of Rehabilitation	2024	Donald P. Wagner
3	Sandy Rains	Laguna Niguel Resident	2024	Farrah N. Khan
3	Claudia Harris	County of Orange Office on Aging	2024	Farrah N. Khan
3	Sue Lau	Polio Survivors Plus, AARP	2024	Gene Hernandez

**Orange County Transportation Authority
Accessible Transit Advisory Committee Roster
Fiscal Year 2022-23
(as of 6/5/2023)**

District	Name	Affiliation	Expiration	Director
3	Nelly Gomez	Dayle McIntosh Center	2025	Gene Hernandez
4	Appointment Pending	TBD	2024	Doug Chaffee
4	Paul Miller	Disability Support Services, Emeritus California State University, Fullerton	2025	Doug Chaffee
4	Arnel Dino	Fullerton Resident	2024	Fred Jung
4	Oscar Valadez	Fullerton Resident	2024	Fred Jung
4	Appointment Pending	TBD	2024	Jose Diaz
4	Appointment Pending	TBD	2024	Jose Diaz
5	John Ulrich	Laguna Niguel Chamber of Commerce	2024	Brian Goodell
5	Tom Krogstad	Senior and Special Needs Advocate	2025	Brian Goodell
5	Pam Thompson	Saddleback Unified School District	2024	Jamey Federico
5	Sandra Stang	Housing and Transportation Committee / Senior Citizens Advisory Council	2025	Jamey Federico
5	Appointment Pending	TBD	2024	Katrina Foley
5	Jon Peat	Cypress Council Member	2024	Katrina Foley
Public Member	Appointment Pending	TBD	2024	Michael Hennessey
Public Member	Isaac López	Advocate for Persons with Disabilities	2024	Michael Hennessey
Public Member	Meredith Chillemi	LeadingAge	2024	Tam Nguyen
Public Member	Brandi Kelly Contreras	City of Huntington Beach	2025	Tam Nguyen



COMMITTEE TRANSMITTAL

June 26, 2023

To: Members of the Board of Directors

From: Andrea West, Interim Clerk of the Board

Andrea West

Subject: Active Transportation Program Biannual Update

Regional Transportation Planning Committee Meeting of June 5, 2023

Present: Directors Do, Chaffee, Dumitru, Federico, Foley, Harper, and Khan

Absent: None

Committee Vote

No action was taken on this item.

Staff Recommendation

Receive and file as an information item.



June 5, 2023

To: Regional Transportation Planning Committee

From: Darrell E. Johnson, Chief Executive Officer

A handwritten signature in blue ink, appearing to read "DE Johnson", with the word "For" written in smaller letters above the signature.

Subject: Active Transportation Program Biannual Update

Overview

The Orange County Transportation Authority coordinates regional active transportation efforts with local jurisdictions, key stakeholders, and the public. An update on recent and upcoming activities is provided for review.

Recommendation

Receive and file as an information item.

Background

The Orange County Transportation Authority (OCTA) is engaged in regional active transportation (bicycling and walking) projects and programs in Orange County. These efforts support OCTA's vision for a balanced multimodal transportation system. To realize this vision, OCTA works with local jurisdictions, stakeholders, and the public to advance the development of safe, easy to use, and connected bicycling and walking networks. OCTA's recent efforts include sharing information, encouraging people to walk and bicycle (education/encouragement), planning and design of pedestrian and bikeway projects (engineering), and collecting data for measuring projects and programs (evaluation). Details on these activities are described below.

Discussion

2023 Bike to Work Day

OCTA celebrated its first Bike to Work Day since 2019 on May 18 by holding a bicycle rally between the Orange Metrolink station and OCTA headquarters. Over 70 cyclists participated including Board members, OCTA management and staff, and members of the public.

Electric Bicycles (E-bikes)

OCTA continues its work related to E-bikes in Orange County. This includes data gathering, interagency coordination, and developing education and encouragement materials. E-bikes are included in OCTA's Cyclic Counts Program and play a role in ongoing planning studies.

E-bike Multimedia

In 2022, OCTA developed an e-bike video with a local social media influencer. The video delivered basic e-bike safety and courtesy messaging accessible to multiple age groups. The video was very successful with over one million plays on Instagram, over 450,000 views on TikTok, and 22,000 views on OCTA's YouTube channel. The video is available on OCTA's OC Active website under the e-bikes tab. OCTA will develop additional videos in the upcoming year with the goal of reaching out to other user groups.

OCTA developed several e-bike-related resources hosted on the e-bike page of OCTA's website including an e-bike basic operation video, a database of existing Orange County e-bike ordinances, and other information on e-bike operation and safety. OCTA will continue to develop associated materials for local jurisdictions and residents.

E-bike Quarterly Coordination Meeting

OCTA initiated a reoccurring, quarterly e-bike coordination meeting in October 2022. These meetings will bring together staff from cities and enforcement agencies to discuss emerging issues and approaches to e-bike use and safety in Orange County. OCTA hosted the second meeting in February. The meeting was attended by 36 participants from 25 different city and enforcement agencies discussing topics including legislative updates, outreach events, promotional materials, planning studies, and enforcement activities and concerns. OCTA provides meeting notes and information on any follow-up requests by participants. OCTA will continue holding meetings to provide a forum to discuss e-bike-related information, issues, and concerns.

E-bike Safety Study

OCTA is developing a study focusing on a gap analysis of existing e-bike safety resources and strategies at the local, regional, and state levels. Based on the findings of the gap analysis, strategies will be developed to bridge the identified gaps and inform future planning, outreach, and other safety efforts pertaining to e-bikes. The study outreach efforts will include two e-bike rodeo safety events, stakeholder engagement, and community outreach. The project study is in the

process of kicking-off and will be completed by December 2024. A final report and presentation will be included at that time.

OC Loop

The OC Loop is a vision for 66 continuous miles of infrastructure for the County's active transportation users (Attachment A). Approximately 88 percent of the multijurisdictional loop is complete with the most recent construction taking place in the cities of Yorba Linda and Anaheim, as well as the County of Orange, marking the completion of the Segment H portion of the El Cajon Bikeway. OC Loop Segments O, P, and Q, located in the City of Buena Park, were funded for construction through the Active Transportation Program (ATP) Cycle 6 call for projects. The cities of La Habra and Brea are in negotiations for purchasing right-of-way (ROW) from Union Pacific Railroad Segments A and B, as well as seeking funding to complete construction of these segments. There is currently no major work planned for Segments L, M, or T, which are California Department of Transportation (Caltrans) and local roadways.

Garden Grove – Santa Ana Gap Closure Study

This study will complete the Project Approval and Environmental Document for a proposed active transportation facility along 3.1 miles of OCTA-owned, former Pacific-Electric ROW (PEROW). The corridor is between Raitt Street and Euclid Avenue and includes a spur along 0.85 miles of the Wintersburg Channel that would connect to Hazard Avenue. Funding is provided through a \$3 million State ATP Cycle 5 grant. The project will involve close coordination with the cities of Garden Grove and Santa Ana, Orange County Flood Control, and internal OCTA stakeholders. Key tasks include a baseline analysis of the corridor, agency coordination, preliminary engineering studies, environmental documentation, and public outreach. Challenges for the study will be the potential creative reuse of the historic PEROW bridge that spans the Santa Ana River, roadway crossings, and any soil contamination along the PEROW corridor. Staff is in the process of kicking off the project and it will be completed in approximately 18 months. The completion of this study will support the advancement of subsequent project phases.

Bike Gap Closure Feasibility Study

The current Bike Gap Closure Feasibility Study is evaluating potential alignments for three key regional bikeways including the OC Central loop, the OC South loop and the OC Connect (Attachment B). Study recommendations will be available to local agencies to pursue funding opportunities. The project team is developing draft concepts and cost estimates and the study is anticipated to be completed this summer.

Multiple strategies were used to engage with the public and stakeholders to solicit feedback on the project's overall approach and to increase public awareness. Outreach for the study included the following elements:

- **Virtual Workshops:** Two public virtual workshops took place on March 24, 2022, and February 16, 2023. The meetings reviewed gap closure concepts, project partners and background, as well as solicited feedback on facility types, level of comfort on roadways, and concerns with bicycling in Orange County.
- **Events:** Staff attended ten community events to promote the project and solicit feedback from residents on bicycling in Orange County. The most recent event occurred on February 5, 2023.
- **City Meetings:** To evaluate the OC Loops corridors, the project team met twice with city staff where the feasibility analysis work was being undertaken. The first meeting aimed to vet potential concepts and alternatives. The second meeting reviewed the feasibility analysis that was conducted and made updates or changes to the bikeway concepts.
- **OCTA Committees:** The project team presented twice to the OCTA Bicycle and Pedestrian Active Transportation Subcommittee and once to the OCTA Technical Advisory Committee (TAC). A final presentation is scheduled for the TAC on June 28, 2023.

Safe Travels Education Program

The Safe Travels Education Program (STEP) focuses on the implementation of safe routes to school programs. The STEP Campaign is funded through a \$500,000 ATP Cycle 4 grant. The project is a collaboration between OCTA, the Orange County Health Care Agency, and local partners and stakeholders that include schools, local jurisdictions, and the public.

This project develops and delivers education and encouragement activities for walking and bicycling to 25 public elementary schools (Attachment C) serving disadvantaged communities. Most recently, the project team initiated semiannual meetings between staff from the cities of Anaheim, Buena Park, Costa Mesa, Garden Grove, Orange, Santa Ana, Placentia, Westminster, and Yorba Linda, OCTA, and participating schools and parents. These meetings coordinated Safe Routes to School efforts, concluded work with schools for the spring semester, and began work on the final report which will be completed by November 2023.

The executive summary of the final report for both the Bike Gap Closure Study and the STEP Campaign will be included in the December 2023 staff report.

OCTA Cyclic Count Program

OCTA continued its cyclic count program in 2022 and 2023 by taking bi-directional counts at 120 locations across Orange County. Based on recommendations from the 2019 Active Transportation Count Program report to establish a countywide bicycle flow map, count locations are evenly distributed across geography and bikeway facility types. This data will be incorporated into the countywide bicycle flow map as well as be made available to partner agencies for their use. The data provides critical information to local agencies for grant applications, evaluation of existing facilities, and assists with decision making on where to locate facilities in the future.

Funding and Policy Shift

Over the past several years, a shift in funding and policy priorities at the state and federal level has been taking place. Highlighted by a \$1 billion augmentation to the state ATP grant program, development of new grant programs such as the Regional Early Action Planning (REAP) 2.0 being administered by Southern California Association of Governments and funded by the California Department of Housing & Community Development, and the Rebuilding America Infrastructure with Sustainability and Equity Grants focusing almost entirely on multimodal transportation and resiliency. Mirroring this shift, Caltrans is issuing guidance documents focusing on land-use context, multimodalism, and complete streets with their Complete Streets Contextual Design Guidance, Complete Streets Elements Tools Box, and Main Street, California Guide all being published in quick succession. These changes are shaping the way that OCTA develops and delivers grant funded projects.

Grant Pursuits

OCTA active transportation continues its commitment to implement active transportation projects and concepts outlined in OCTA's guiding planning documents (i.e., OC Active, Safe Routes to School Action Plan, Regional Bikeways Strategies, the Long Range Transportation Plan, and the Systemic Safety Plan) by applying to grant programs such as the ATP, the Caltrans Sustainable Transportation Grant, and REAP 2.0. The list of recent grant pursuits is provided as Attachment D. If awarded funding, these projects would support OCTA's ongoing Safe Routes to School, active transportation safety, data collection, and first and last mile connectivity efforts.

Summary

OCTA supports efforts to improve active transportation throughout Orange County. This includes continued ongoing education, encouragement, engineering, and evaluation efforts for active transportation. Coordination and collaboration will continue between state, regional and local agencies, key stakeholders, and the public to encourage and support safer walking and bicycling within Orange County.

Attachments

- A. OC Loop – Funding Award Summary
- B. OC Loops – Bike Gap Closure Study
- C. OC STEP Campaign Participating Schools
- D. OCTA 2023 Active Transportation Grant Pursuits

Prepared by:



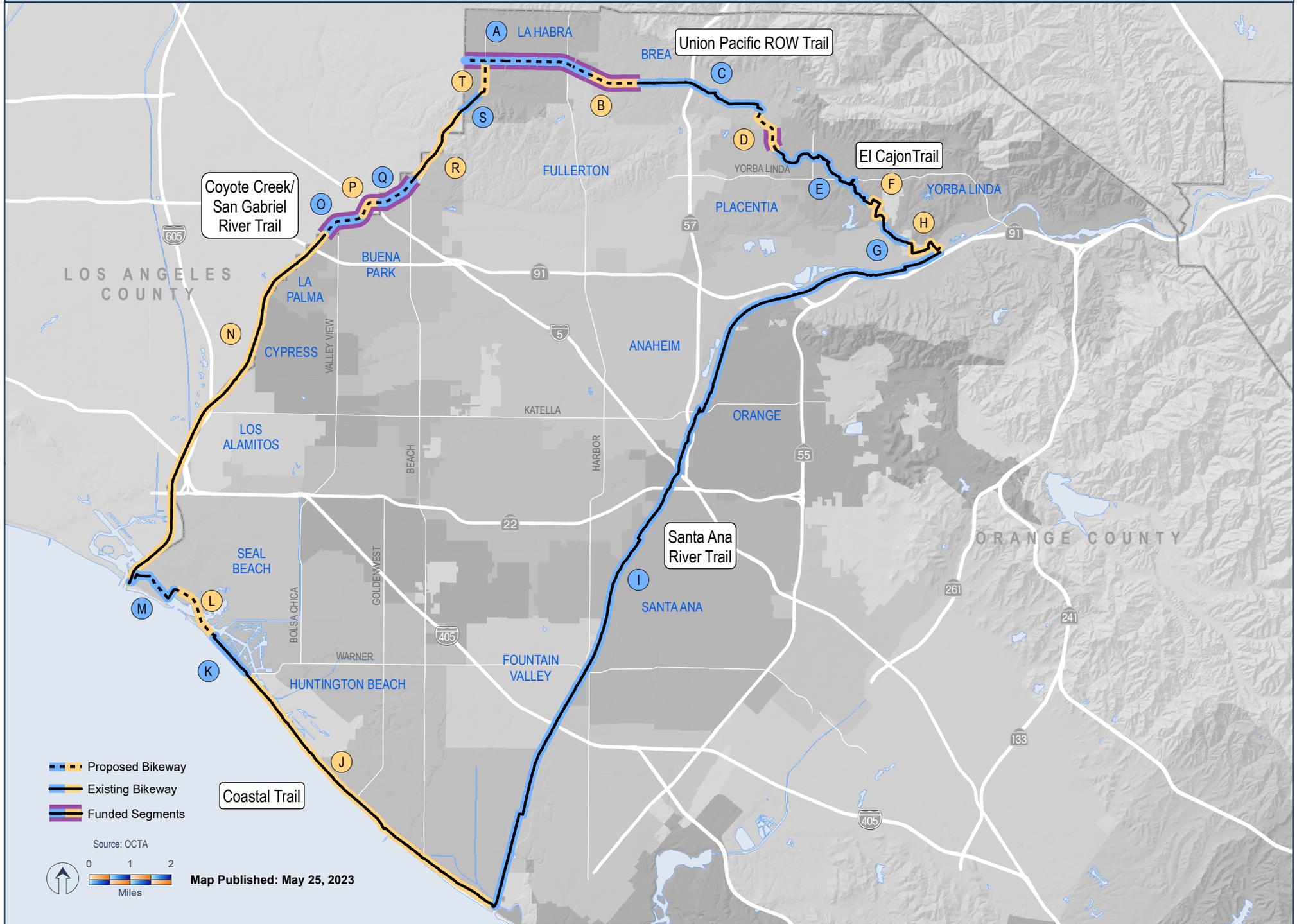
Peter Sotherland
Active Transportation Coordinator
(714) 560-5386

Approved by:

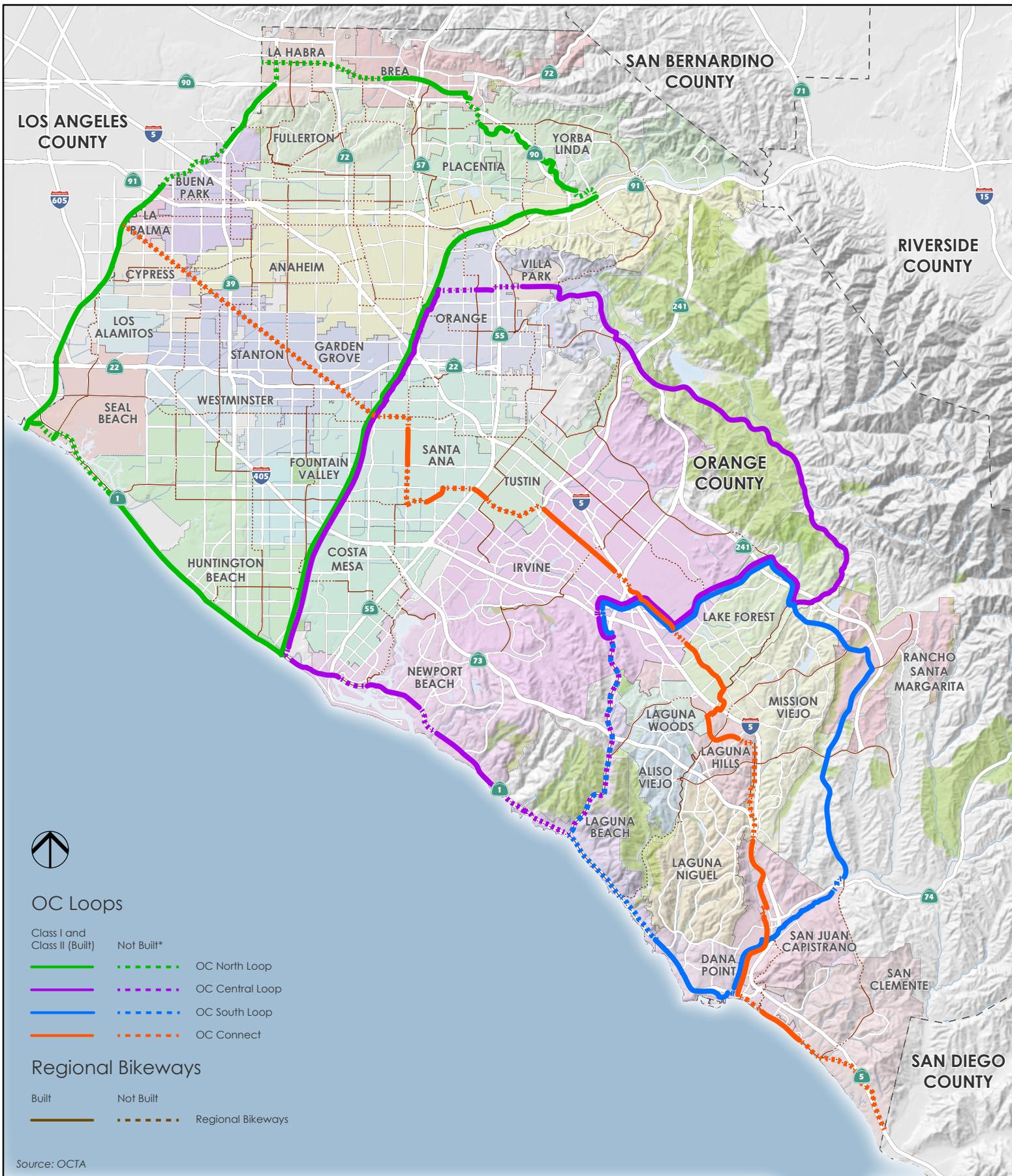


Kia Mortazavi
Executive Director, Planning
(714) 560-5741

OC Loop - Funding Award Summary



OC Loops - Bike Gap Closure Study



OC Loops

Class I and Class II (Built)	Not Built*	
		OC North Loop
		OC Central Loop
		OC South Loop
		OC Connect

Regional Bikeways

Built	Not Built	
		Regional Bikeways

Source: OCTA

OC STEP Campaign Participating Schools

School Name	School District
Barton (Clara) Elementary	Anaheim Elementary
C. C. Violette Elementary	Garden Grove Unified
Carver Elementary School	Santa Ana Unified
Centralia Elementary	Centralia Elementary
Fryberger Elementary	Westminster
Heroes Elementary	Santa Ana Unified
Lampson Elementary	Orange Unified
Linton T. Simmons Elementary	Garden Grove Unified
Mabel L. Pendleton Elementary	Buena Park Elementary
Madison Elementary	Anaheim Elementary
Martin Luther King Jr. Elementary	Santa Ana Unified
Meairs Elementary	Westminster
Melrose Elementary	Placentia-Yorba Linda Unified
Monte Vista Elementary	Santa Ana Unified
Murdy Elementary	Garden Grove Unified
Newhope Elementary	Garden Grove Unified
Pio Pico Elementary	Santa Ana Unified
Pomona Elementary	Newport-Mesa Unified
Prospect Elementary	Orange Unified
Ruby Drive Elementary	Placentia-Yorba Linda Unified
Schmitt Elementary	Westminster
Sonora Elementary School	Newport-Mesa Unified
Whittier Elementary	Newport-Mesa Unified
Wilson Elementary	Newport-Mesa Unified

STEP - Safe Travels Education Program

OCTA 2023 Active Transportation Grant Pursuits

Reconnecting Communities (REAP 2.0, \$550k)

- Evaluating ten interchanges for complete streets improvements and developing conceptual recommendations for local implementation.

Complete Ramps (Caltrans Sustainable Transportation, \$550k)

- Evaluating ten interchanges for complete streets improvements and developing conceptual recommendations for local implementation.

Next STEP (ATP Cycle 6, \$850k)

- Delivering safe routes to school education and encouragement at ten schools that serve disadvantaged communities.
- Conducting an evaluation of the active transportation infrastructure surrounding selected schools and developing conceptual recommendations for local implementation.

Next STEP 2.0 (REAP 2.0, \$1.25 million)

- Delivering safe routes to school education and encouragement at 15 schools that serve disadvantaged communities.
- Conducting an evaluation of the surrounding active transportation infrastructure and developing conceptual recommendations for local implementation.

Bicycle Counts (REAP 2.0, \$400k)

- Conducting bicycle counts at approximately 450 locations for one weekday and one weekend in May of 2024 and 2025.

Bikeway Connectivity Study (REAP 2.0, \$500k)

- Evaluate MPAH segments with excess roadway capacity to determine their potential for connecting potential origins/destination and regional bikeway network using Class IV bikeways.

Active Transportation Education/Encouragement (REAP 2.0, \$400k)

- Delivering bicycle and e-bicycle rodeos, online education modules, pop-up tables, street team ambassadors, partnership development activities, and safety equipment.

Acronyms

ATP – Active Transportation Program
Caltrans – California Department of Transportation
MPAH – Master Plan of Arterial Highways
OCTA – Orange County Transportation Authority
REAP – Regional Early Action Planning
STEP – Safe Travels Education Program

Active Transportation Program Update



Existing Plans

- Completed Studies
 - Regional Bikeways Studies (2013-2015)
 - OC Loop 70/30 Plan (2015)
 - OC Active (2019)
 - Systemic Safety Plan (2019)
 - Orange County Active Transportation Counts Program Study (2019)
 - Safe Routes to School Action Plan (2021)



Where We Are

Orange County Bikeways

- Estimated existing bikeways mileage
 - Class I: 300 miles
 - Class II: 800 miles
 - Class III: 100 miles
 - Class IV: 4 miles

OC Loop Status

- 66-mile loop 88% complete
 - Segments D, O, P & Q fully funded
 - Segments A & B, negotiating right-of-way and seeking right-of-way and construction funding
 - Segments L, M, T Caltrans facilities no work currently underway



Outreach And Events

Coordination

- E-bike
- Safe Routes to School
- Quarterly E-bike Meeting Series

Bike to Work Day 2023

- May 18th
- Over 70 participants



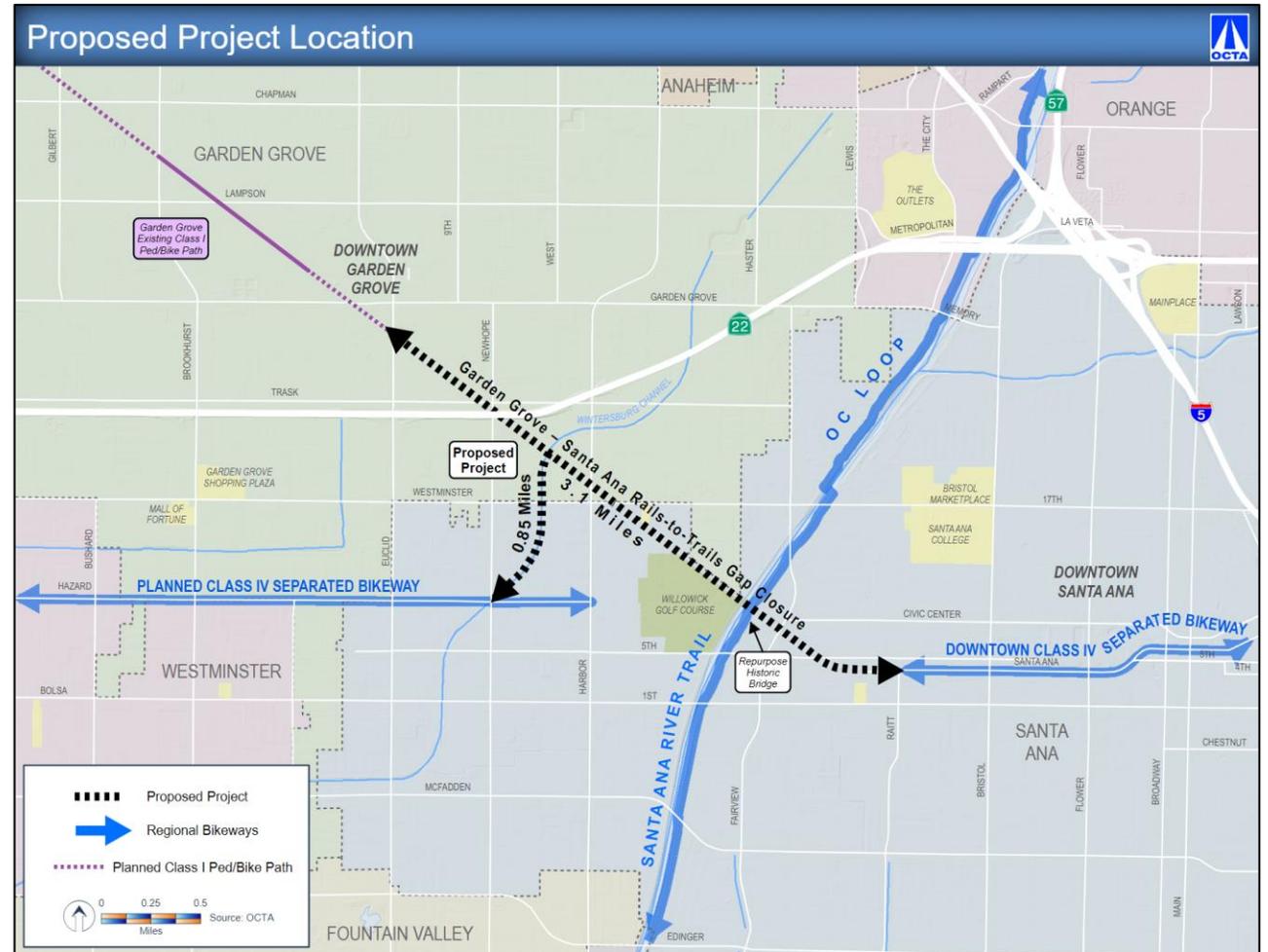
Ongoing Projects

- STEP - \$500k delivering SRTS outreach and education at 25 schools serving DACs
- OC Loops - \$200k evaluating a Central, South, and Cross County Connector to complement OC Loop (North)
- Cyclic Counts - \$100k for 120 counts over 2 years (taking counts since 2019)
- Bus Stop Safety and Accessibility Study –\$300k evaluating 10 stops for safety/accessibility improvements



2023 Projects

- Garden Grove – Santa Ana Bikeway
 - \$3 million to complete the project approval/environmental document for a proposed bikeway on the PEROW between Raitt Street and Euclid Street as well as Wintersburg Channel
- E-bike Safety Study
 - \$200,000 to conduct a gap analysis and strategize approaches to e-bike safety at the local, regional, and state level



PEROW – Pacific Electric Right-of-Way

Funding And Policy Shifts

Funding

- OCTA's Complete Streets Grant
- Increases in active transportation and transit grants/funding
- Decreasing awards for freeways and road expansion

Policy

- Increased focus on land-use/transportation nexus
- Context/ multimodal/Complete Streets focus
- Vehicle miles traveled/single-occupancy vehicle reduction



Grant Applications / Project Pursuits

- Reconnecting Communities (\$550k)
- Complete Ramps (\$550k)
- Next STEP (\$850k)
- Next STEP 2.0 (\$1.25m)
- Bicycle Counts (\$400k)
- Bikeway Connectivity Study (\$500k)
- Active Transportation Education/Encouragement (\$400k)



Next Steps

- Return to the Board with updates on active transportation efforts including:
 - Garden Grove – Santa Ana Rails to Trails, E-bike Safety Study, grant awards
 - Partnering with stakeholders
- Seek funding opportunities to support active transportation activities
 - Continue working with local agencies and community groups to advance active transportation measures for all Orange County residents



COMMITTEE TRANSMITTAL

June 26, 2023

To: Members of the Board of Directors
From: Andrea West, Interim Clerk of the Board *Andrea West*
Subject: Lost and Found Operations, Internal Audit Report No. 23-513

Finance and Administration Committee Meeting of June 14, 2023

Present: Directors Do, Federico, Goodell, Harper, Hennessey, and Sarmiento
Absent: Director Jones

Committee Vote

This item was passed by the Members present.

Committee Recommendation

Direct staff to implement one recommendation provided in Lost and Found Operations, Internal Audit Report No. 23-513.



June 14, 2023

To: Finance and Administration Committee

From: Darrell E. Johnson, Chief Executive Officer

Janet Sutter, Executive Director
Internal Audit Department

Subject: Lost and Found Operations, Internal Audit Report No. 23-513

Overview

The Internal Audit Department of the Orange County Transportation Authority has completed an audit of lost and found operations. Based on the audit, controls are generally adequate and operating; however, one recommendation has been made to improve controls over handling and recording of cash and check deposits.

Recommendation

Direct staff to implement one recommendation provided in Lost and Found Operations, Internal Audit Report No. 23-513.

Background

The Lost and Found Office (LFO) is part of the General Services Department and is staffed with two administrative specialists, with oversight by a section manager. The LFO is responsible for the storing, returning, and disposing of all articles that are found on Orange County Transportation Authority (OCTA) property pursuant to California Civil Code 2080.6, and in accordance with the OCTA Lost and Found Policy (Policy). The Operations Division and contracted service providers are responsible for retrieving lost articles found on OCTA property and buses and providing articles to the LFO. For articles that are subject to Policy, OCTA staff shall document the article, assign a reference number, and provide a location for its temporary storage for a period of 90 days from the date the article is found. LFO staff prepare a Monthly Lost and Found Tracking Report.

Items valued at \$250 or more that remain unclaimed after 90 days will be sold at public auction. The auction service provides LFO staff with details of bid wins. Bid winners pick up items at the LFO and payment, typically a cashier's check or money order, is collected. The bill of sale and related payment are stored in a safe until deposited.

If money is found on OCTA property, LFO staff will document the sum, assign a reference number, and keep it in a locked safe until deposited.

Discussion

Staff did not consistently record deposits for auctioned items on the Public Surplus system, and do not reconcile the amounts recorded to deposits made to the general ledger. In addition, two deposits recorded on the monthly tracking report were not recorded to the proper general ledger account. The Internal Audit Department (Internal Audit) recommended management enhance controls to ensure cash, checks, and money orders are properly recorded and reconciled to deposits and general ledger entries. Management agreed and indicate improved tracking procedures will be implemented.

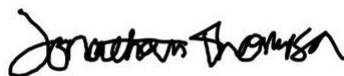
Summary

Internal Audit has completed an audit of lost and found operations and has offered one recommendation, which management agreed to implement or otherwise address.

Attachment

- A. Lost and Found Operations, Internal Audit Report No. 23-513

Prepared by:



Jonathan Thompson
Internal Auditor
714-560-5930

Approved by:



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

ORANGE COUNTY TRANSPORTATION AUTHORITY INTERNAL AUDIT DEPARTMENT



Lost and Found Operations

Internal Audit Report No. 23-513

June 5, 2023



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

Distributed to: Andrew Oftelie, Chief Financial Officer, Finance and Administration
Sean Murdock, Director, Finance and Administration
Sara Belovsky, Jessica Lopez

**ORANGE COUNTY TRANSPORTATION AUTHORITY
INTERNAL AUDIT DEPARTMENT
Lost and Found Operations
June 5, 2023**

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ORANGE COUNTY TRANSPORTATION AUTHORITY
INTERNAL AUDIT DEPARTMENT
Lost and Found Operations
June 5, 2023

Conclusion

The Internal Audit Department (Internal Audit) of the Orange County Transportation Authority (OCTA) has completed an audit of lost and found operations. Based on the audit, controls are generally adequate and operating; however, one recommendation has been made to improve controls over handling and recording of cash and check deposits.

Background

The Lost and Found Office (LFO) is part of the General Services Department and is staffed with two administrative specialists, with oversight by a section manager. The LFO is responsible for storing, returning, and disposing of all articles that are found on OCTA property pursuant to California Civil Code 2080.6, and in accordance with the OCTA Lost and Found Policy (Policy). The Operations Division and contracted service providers are responsible for retrieving lost articles found on OCTA property and buses and providing articles to the LFO.

Items are forwarded in locked bags to the LFO via courier each day. LFO staff sort, tag, and record items into the Lost and Found database (database). Individuals submit inquiries about lost items through online forms or by calling customer service. Inquiries are recorded in the database and LFO staff attempt to match items received to inquiries made. If a match is identified, the customer is notified that he/she may retrieve the item at the LFO after reasonably establishing ownership.

Items valued at \$250 or more that remain unclaimed after 90 days will be sold at public auction. The auction service provides the LFO staff with details of bid wins. Bid winners pick up items at the LFO and payment, typically cashier's check or money order, is collected and recorded in the Public Surplus system. The bill of sale and related payment are stored in a safe until deposited. Items valued at less than \$250, or phones, tablets, and computers that may contain personally identifiable information are not auctioned but are donated to qualified charities, disposed of, or turned in to recycling centers certified in electronic data removal, as appropriate.

If money is found on OCTA property, the LFO staff will document the sum, assign a reference number, and keep it in a locked safe until deposited. Cash under \$15, or for whom an owner cannot be identified, may be transferred to OCTA's general fund after one year from the date the money is found if unclaimed. Cash totaling \$15 or more, for which the owner's identity is known, is required to be held for three years. After three years, OCTA must post notice once a week for two consecutive weeks in a newspaper of general circulation. The money becomes the property of OCTA on a date that is 45 days after the first publication of the notice if it is not claimed by the owner.

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LFO staff prepares a Monthly Lost and Found Tracking Report which includes information such as the date, the number of found items received for that day, the number of customer inquiries received for the day, and whether or not items were identified, any customer comments were received, and any found cash/auction fund deposits were made.

ORANGE COUNTY TRANSPORTATION AUTHORITY
INTERNAL AUDIT DEPARTMENT
Lost and Found Operations
June 5, 2023

Objectives, Scope, and Methodology

The objectives were to determine the adequacy of controls and activities related to lost and found operations.

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

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

The methodology consisted of review of the Policy, observation of the LFO office and staff activities on April 11, 2023, and testing a haphazard sample of items stored at the LFO against tag numbers and descriptions recorded in the database; testing of all Monthly Lost and Found Tracking Reports for evidence of proper completion and tracing of deposits noted on the reports to the detailed trial balance and Public Surplus Sold and Paid Report for auctioned items; testing the annual unclaimed cash process to ensure compliance with Policy; and testing to determine that LFO staff and the section manager have signed Code of Conduct forms on file. Since samples were non-statistical, any conclusions are limited to the sample items tested.

The scope period was from July 1, 2022 through March 31, 2023, and April 11, 2023, for observation.

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

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

**ORANGE COUNTY TRANSPORTATION AUTHORITY
INTERNAL AUDIT DEPARTMENT
Lost and Found Operations
June 5, 2023**

Audit Comment, Recommendation, and Management Response

Monitoring and Recording of Deposits

Staff did not consistently record deposits for auctioned items in the Public Surplus system, and do not reconcile the amounts recorded to deposits made to the general ledger. In addition, two deposits recorded on the monthly tracking report were not recorded to the proper general ledger account.

Recommendation 1:

Internal Audit recommends management enhance controls to ensure found cash and checks/money orders received are properly recorded and reconciled to deposits and general ledger entries.

Management Response:

Management agrees with the recommendation to enhance controls of found cash and checks/money orders received for auctioned items and will do so by improving tracking procedures through the LFO internal database application. Management will also ensure the LFO staff works in collaboration with the Accounting and Financial Reporting Department to ensure accurate recording and reconciliation of LFO deposits to the general ledger.



June 26, 2023

To: Members of the Board of Directors

From: Darrell E. Johnson, Chief Executive Officer

Subject: Approval to Release Request for Proposals for the Purchase of Replacement OC ACCESS and OC Flex Vehicles

Overview

The Orange County Transportation Authority operates a fleet of 247, 22-foot cutaway buses and one, 20-foot van to provide OC ACCESS paratransit service, of which 121 of them are nearing the end of their useful life. Additionally, six, 20-foot vans are used for OC Flex on-demand service, four of which have met their useful life. Two requests for proposals have been developed to purchase replacement vehicles through the California Association for Coordinated Transportation/Morongo Basin Transit Authority Purchasing Cooperative. Staff is seeking Board of Directors' approval to release the requests for proposals.

Recommendations

- A. Approve the proposed evaluation criteria and weightings for Request for Proposals 3-2511 for the procurement of up to 13, 22-foot gasoline-powered cutaway buses for OC ACCESS service, with an option for ten additional 22-foot gasoline-powered cutaway buses.
- B. Approve the release of Request for Proposals 3-2511 for the procurement of up to 13, 22-foot gasoline-powered cutaway buses for OC ACCESS service, with an option for ten additional 22-foot gasoline-powered cutaway buses from qualified vendors under the California Association for Coordinated Transportation/Morongo Basin Transit Authority Purchasing Cooperative.
- C. Approve the proposed evaluation criteria and weightings for Request for Proposals 3-2510 for the procurement of up to 112, 22-foot gasoline-powered vans for OC ACCESS and OC Flex services, with an option for 15 additional 22-foot gasoline-powered vans.

- D. Approve the release of Request for Proposals 3-2510 for the procurement of up to 112, 22-foot gasoline-powered vans for OC ACCESS and OC Flex services, with an option for 15 additional 22-foot gasoline-powered vans from qualified vendors under the California Association for Coordinated Transportation/Morongo Basin Transit Authority Purchasing Cooperative.

Discussion

The Orange County Transportation Authority (OCTA) is currently operating 247, 22-foot gasoline-powered buses, and one 20-foot gasoline-powered van under the contracted services operation for OC ACCESS paratransit service, and six vans for the OC Flex service. Of the 247 cutaway buses, 130 were deployed in revenue service in 2016 and one paratransit van was deployed in 2020 as a pilot. This procurement is intended to replace 120 cutaway buses, one 20-foot van, and four OC Flex vans, for a total of 125 units. Additionally, ten 22-foot gasoline-powered cutaway buses will be replaced with battery-electric cutaway buses in a separate procurement pending Board of Directors' approval.

The Federal Transit Administration (FTA) defines the minimum useful life of cutaway buses as seven years/200,000 miles based on the gross vehicle weight rating of the 22-foot cutaway buses, and four years/100,000 miles for the vans currently in service. Consistent with FTA guidelines and the OCTA Fleet Plan, the 120, 22-foot gasoline-powered cutaway buses will be replaced at a minimum of seven years/200,000 miles. The one OC ACCESS van and four OC Flex vans will be replaced at a minimum of four years/100,000 miles. Four of the six vans deployed in OC Flex service in 2018 have exceeded their useful life and one will require replacement within two years. Due to the reduction in services during the coronavirus pandemic, the life of these vehicles was extended by one to two years.

The recommended option to purchase 15 additional 22-foot gasoline-powered vans and ten additional 22-foot gasoline-powered cutaway buses is intended to accommodate a potential shortage of paratransit vehicles and to accommodate potential planned service expansion based on projected ridership demand. Based on an analysis conducted by staff on fuel types and infrastructure availability, the cutaway buses will be procured in the same gasoline configuration as the current vehicles.

On June 13, 2022, the Board of Directors (Board) approved the OCTA Fiscal Year 2022-23 Budget, which includes funding to replace 131, 22-foot cutaway buses for OC ACCESS paratransit service. Based on a Fleet Mix Study completed in February 2021 and an internal pilot, 108 cutaway buses can be

replaced with vans. The study revealed that although the capacity provided by cutaway buses is warranted during peak hours of service to transport passengers traveling to high-trip-generating locations, most trips throughout the day can be supported by a van. The trip data, analyzed in the Fleet Mix Study and confirmed by staff's internal pilot, found that an average of three passengers were on board a cutaway bus 80 percent of the time.

The new vans will include equipment needed to carry up to two passengers using mobility devices such as wheelchairs. The replacement cutaway buses will carry up to five passengers using mobility devices. All vehicles will be equipped with a fire suppression system, on-board video surveillance, radio communication systems, and will be covered by factory and manufacturers' warranties that will contribute to lowering the overall operating cost.

The California Association for Coordinated Transportation/Morongo Basin Transit Authority (CalACT/MBTA) Purchasing Cooperative includes this class of vehicle offered by two vendors. Public transit agencies, such as OCTA, may elect to participate in the cooperative and are then allowed to purchase vehicles under this competitively procured purchasing cooperative.

The request for proposals (RFP) will include all equipment and branding required by OCTA to be installed following delivery and acceptance of the cutaway buses and the vans. The estimated value is \$2,340,000 for 13, 22-foot gasoline-powered cutaway buses and \$14,000,000 for 112, 22-foot gasoline-powered vans. The combined total value of these purchases is approximately \$16,340,000, excluding the option for the ten additional 22-foot gasoline-powered cutaway buses and 15 additional 22-foot gasoline-powered vans.

Procurement Approach

According to the FTA, public transit agencies are encouraged to use cooperative agreements for the procurement of common goods and services in order to foster greater economy and efficiency. As such, OCTA has identified an existing contract with another agency for the type of buses desired containing exercisable options and issues an RFP to a list of pre-qualified firms. The advantage of this procurement method is a shortened timeline, and OCTA can begin receiving buses in a much shorter period of time; in some cases, this could reduce vehicle delivery for the entire bus order by as much as six months. In addition to the base configuration of the vehicles under the existing contract, OCTA is able to include standard fire detection and suppression systems, as well as radio hardware consistent with OCTA's existing fleet.

Based on the immediate need and established service demand, staff recommends that the cooperative contract procurement option is the most advantageous to OCTA due to the shortened procurement and vehicle delivery time. It was determined that CalACT/MBTA completed a cooperative procurement that specified a vehicle with similar specifications to OCTA's requirements. The procurement included a contract participant list, which includes OCTA as a participant, and therefore OCTA is able to utilize this cooperative procurement.

OCTA's policies and procedures require that the Board approve all RFPs over \$1,000,000, as well as approve the evaluation criteria and weightings. Staff is submitting for Board approval the draft RFPs and evaluation criteria and weightings, which will be used to evaluate proposals received in response to the RFPs. The proposed evaluation criteria and weightings are as follows for both RFPs:

- Technical Specifications 45 percent
- Qualifications of the Firm 15 percent
- Cost and Price 40 percent

Technical specifications is assigned a high level of importance because proposals should address each section of the technical specifications in sufficient detail to demonstrate a clear understanding of the scope of work. The firm's ability to comply with the vehicle specifications and requirements is a critical element to the successful manufacturing of the vehicles. The proposals should provide evidence of sufficient planning to show that work will be accomplished as required and include suggestions intended to improve the technical and operational aspects of the vehicles. Compliance with performance requirements, proposed vehicle design, proposed construction, forecasted reliability, warranties, past performance and experience with the proposed bus platform, type and number of requested deviations, ability to provide all requested and optional items, and survey of other transit operators will be evaluated under this criterion. Proposals should provide information regarding engineering, manufacturing, program and quality controls, plans for the coordination of major suppliers and subcontractors, and schedule for the production of the vehicles.

Qualifications of the firm is assigned a 15 percent weighting and will include the history of the firm and information regarding the firm's manufacturing capabilities in producing the same or similar vehicles, with an emphasis on experience in producing similar vehicles. Under this criterion, proposals should provide federal and non-federal certifications, warranty and service center locations,

maintenance information, financial documentation, past performance of vehicles, and references. The overall reputation of the firm will also be assessed through the review of any judgements, liens, fleet defect history, and/or warranty claims, and the steps the firm took to resolve these matters.

Cost and price is assigned a 40 percent weighting to ensure OCTA receives competitive cost proposals with supporting data.

Fiscal Impact

Funding is included in OCTA's Proposed Fiscal Year 2023-24 Budget, Operations Division, Account No. 2114-9024-D2116-BHM and OC Flex Service Account 2149-9024-D2116-BHM.

Summary

Board approval is requested for the proposed evaluation criteria and weightings and release of RFP 3-2511 for the procurement of up to 13, 22-foot gasoline-powered cutaway buses for OC ACCESS service, with an option for ten additional cutaway buses, and RFP 3-2510 for the procurement of up to 112, 22-foot gasoline-powered vans for OC ACCESS and OC Flex services, with an option for 15 additional vans, from qualified vendors under the California Association for Coordinated Transportation/Morongo Basin Transit Authority Purchasing Cooperative.

Attachments

- A. Draft Request for Proposals (RFP) 3-2511, 13, 22-Foot Cutaways for OC ACCESS
- B. Draft Request for Proposals (RFP) 3-2510, 112, 22-Foot OC ACCESS and OC Flex Vans

Prepared by:



Bill Habibe
Sr. Section Manager, Maintenance
Transit Technical Services
(714) 668-4574

Approved by:



Cliff Thorne
Director, Maintenance Administration
(714) 560-5964



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



Johnny Dunning, Jr.
Chief Operating Officer
(714) 560-5964

DRAFT REQUEST FOR PROPOSALS (RFP) 3-2511

13, 22-FOOT CUTAWAYS FOR OC ACCESS



ORANGE COUNTY TRANSPORTATION AUTHORITY
550 South Main Street
P.O. Box 14184
Orange, CA 92863-1584
(714) 560-6282

Key RFP Dates

Issue Date:	June 12, 2023
Pre-Proposal Conference Date:	June 20, 2023
Question Submittal Date:	June 27, 2023
Proposal Submittal Date:	August 15, 2023

FEDERAL TRANSIT ADMINISTRATION FUNDED PROJECT

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June 12, 2023

NOTICE OF REQUEST FOR PROPOSALS (RFP)

RFP 3-2511: “13, 22-FOOT CUTAWAYS FOR OC ACCESS ”

TO: ALL CALACT BIDDERS

FROM: ORANGE COUNTY TRANSPORTATION AUTHORITY

The Orange County Transportation Authority (Authority) invites firms who are participants in the California Association for Coordinated Transportation (CalACT) / Morongo Basin Transit Authority (MBTA), Contract No. 20-01, to provide proposals for Class B, 2023-24, Ford E450, 22-foot (+/-1') gasoline powered cutaway buses.

Please note that by submitting a Proposal, Offeror certifies that it is not subject to any Ukraine/Russia-related economic sanctions imposed by the State of California or the United States Government including, but not limited to, Presidential Executive Order Nos. 13660, 13661, 13662, 13685, and 14065. Any individual or entity that is the subject of any Ukraine/Russia-related economic sanction is not eligible to submit a Proposal. In submitting a Proposal, all Offerors agree to comply with all economic sanctions imposed by the State or U.S. Government.

Proposals delivered in person or by a means other than the U.S. Postal Service shall be submitted to the following:

**Orange County Transportation Authority
Contracts Administration and Materials Management
600 South Main Street, (Lobby Receptionist)
Orange, California 92868
Attention: Masih Bahadori, Section Manager III**

Proposals delivered using the U.S. Postal Service shall be addressed as follows:

**Orange County Transportation Authority
Contracts Administration and Materials Management
P.O. Box 14184
Orange, California 92863-1584
Attention: Masih Bahadori, Section Manager III**

Proposals and amendments to proposals received after the date and time specified above will be returned to the Offerors unopened.

Note: The Authority utilizes a third-party delivery service therefore, Offerors should anticipate a 48-hour delay in delivery of proposals mailed to the P.O. Box listed above. Proposals are considered received once time-stamped at the Authority's physical address.

All firms interested in doing business with the Authority are required to register their business on-line at CAMM NET. The website can be found at <https://cammnet.octa.net>. From the site menu click on CAMM NET to register.

A pre-proposal conference will be held via teleconference on June 20, 2023, at 11:00 a.m. Prospective Offerors may join or call-in using the following credentials:

- [<Join MS TEAMS Pre-proposal Conference>](#)
- OR Call-in Number: 916-550-9867
- Conference ID: 331 912 291

An on-site/in-person conference will not be held. A copy of the presentation slides and pre-proposal conference registration sheet(s) will be issued via addendum prior to the date of the pre-proposal conference. All prospective Offerors are encouraged to attend the pre-proposal conference.

Offerors are encouraged to subcontract with small businesses to the maximum extent possible.

All Offerors will be required to comply with all applicable equal opportunity laws and regulations.

The award of this contract is subject to receipt of federal, state and/or local funds.

SECTION I: INSTRUCTIONS TO OFFERORS

SECTION I. INSTRUCTIONS TO OFFERORS**A. PRE-PROPOSAL CONFERENCE**

A pre-proposal conference will be held via teleconference on June 20, 2023, at 11:00 a.m. Prospective Offerors may join or call in using the following credentials:

- [<Join MS TEAMS Pre-proposal Conference>](#)
- OR Call-in Number: 916-550-9867
- Conference ID: 331 912 291

An on-site/in-person conference will not be held. A copy of the presentation slides and pre-proposal conference registration sheet(s) will be issued via addendum prior to the date of the pre-proposal conference. All prospective Offerors are encouraged to attend the pre-proposal conference.

B. EXAMINATION OF PROPOSAL DOCUMENTS

By submitting a proposal, Offeror represents that it has thoroughly examined and become familiar with the work required under this RFP and that it is capable of performing quality work to achieve the Authority's objectives.

C. ADDENDA

The Authority reserves the right to revise the RFP documents. Any Authority changes to the requirements will be made by written addendum to this RFP. Any written addenda issued pertaining to this RFP shall be incorporated into the terms and conditions of any resulting Agreement. The Authority will not be bound to any modifications to or deviations from the requirements set forth in this RFP as the result of oral instructions. Offerors shall acknowledge receipt of addenda in their proposals. Failure to acknowledge receipt of Addenda may cause the proposal to be deemed non-responsive to this RFP and be rejected.

D. AUTHORITY CONTACT

All communication and/or contacts with Authority staff regarding this RFP are to be directed to the following Contract Administrator:

Masih Bahadori, Section Manager III
Contracts Administration and Materials Management Department
Phone: 714.560. 5841
Email: mbahadori@octa.net

Commencing on the date of the issuance of this RFP and continuing until award of the contract or cancellation of this RFP, no Offeror, subcontractor, lobbyist or agent hired by the Offeror shall have any contact or communications regarding this RFP with any Authority's staff; member of the evaluation committee for this RFP;

or any contractor or consultant involved with the procurement, other than the Contract Administrator named above or unless expressly permitted by this RFP. Contact includes face-to-face, telephone, electronic mail (e-mail) or formal written communication. Any Offeror, subcontractor, lobbyist or agent hired by the Offeror that engages in such prohibited communications may result in disqualification of the Offeror at the sole discretion of the Authority.

E. CLARIFICATIONS

1. Examination of Documents

Should an Offeror require clarifications of this RFP, the Offeror shall notify the Authority in writing in accordance with Section E.2. below. Should it be found that the point in question is not clearly and fully set forth, the Authority will issue a written addendum clarifying the matter.

2. Submitting Requests

- a. All questions, including questions that could not be specifically answered at the pre-proposal conference must be put in writing and received via e-mail at mbahadori@octa.net no later than 5:00 p.m., on June 27, 2023.
- b. Requests for clarifications, questions and comments must be clearly labeled, "Written Questions RFP 3-2511" in the subject line of the e-mail. The Authority is not responsible for failure to respond to a request that has not been labeled as such.

3. Authority Responses

Responses from the Authority will be sent to all prospective Offerors no later than July 11, 2023.

Inquiries received after 5:00 p.m. on June 27, 2023, will not be responded to.

F. SUBMISSION OF PROPOSALS

1. Date and Time

Proposals must be received in the Authority's office at or before 2:00 p.m. on August 15, 2023.

Proposals received after the above-specified date and time will be returned to Offerors unopened.

2. Address

Proposals delivered in person or by a means other than the U.S. Postal

Service shall be submitted to the following:

**Orange County Transportation Authority
Contracts Administration and Materials Management (Camm)
600 South Main Street, (Lobby Receptionist)
Orange, California 92868
Attention: Masih Bahadori, Section Manager III**

Or proposals delivered using the U.S. Postal Services shall be addressed as follows:

**Orange County Transportation Authority
Contracts Administration and Materials Management (Camm)
P.O. Box 14184
Orange, California 92863-1584
Attention: Masih Bahadori, Section Manager III**

Note: The Authority utilizes a third-party delivery service therefore, Offerors should anticipate a 48-hour delay in delivery of proposals mailed to the P.O. Box listed above. Proposals are considered received once time-stamped at the Authority's physical address.

3. Identification of Proposals

Offeror shall submit one (1) original hard copy of its proposal in a sealed package, addressed as shown above in F.2. The outer envelope must show the Offeror's name and address and clearly marked as follows:

RFP 3-2511 "13, 22-Foot Cutaways for OC ACCESS"

In addition to the above, Offerors shall also include one (1) electronic copy of their entire RFP submittal package in "PDF" format on a USB/flash drive.

4. Acceptance of Proposals

- a. The Authority reserves the right to accept or reject any and all proposals, or any item or part thereof, or to waive any informalities or irregularities in proposals.
- b. The Authority reserves the right to withdraw or cancel this RFP at any time without prior notice and the Authority makes no representations that any contract will be awarded to any Offeror responding to this RFP.
- c. The Authority reserves the right to issue a new RFP for the project.
- d. The Authority reserves the right to postpone proposal openings for its own convenience.

- e. Each proposal will be received with the understanding that acceptance by the Authority of the proposal to provide the services described herein shall constitute a contract between the Offeror and Authority which shall bind the Offeror on its part to furnish and deliver at the prices given and in accordance with conditions of said accepted proposal and specifications.
- f. The Authority reserves the right to investigate the qualifications of any Offeror, and/or require additional evidence of qualifications to perform the work.
- g. Submitted proposals are not to be copyrighted.

G. PRE-CONTRACTUAL EXPENSES

The Authority shall not, in any event, be liable for any pre-contractual expenses incurred by Offeror in the preparation of its proposal. Offeror shall not include any such expenses as part of its proposal.

Pre-contractual expenses are defined as expenses incurred by Offeror in:

- 1. Preparing its proposal in response to this RFP;
- 2. Submitting that proposal to the Authority;
- 3. Negotiating with the Authority any matter related to this proposal; or
- 4. Any other expenses incurred by Offeror prior to date of award, if any, of the Agreement.

H. JOINT OFFERS

Where two or more firms desire to submit a single proposal in response to this RFP, they should do so on a prime-subcontractor basis rather than as a joint venture. The Authority intends to contract with a single firm and not with multiple firms doing business as a joint venture.

I. TAXES

Offerors' proposals are subject to State and Local sales taxes. However, the Authority is exempt from the payment of Federal Excise and Transportation Taxes. Offeror is responsible for payment of all taxes for any goods, services, processes and operations incidental to or involved in the contract.

J. PROTEST PROCEDURES

The Authority has on file a set of written protest procedures applicable to this solicitation that may be obtained by contacting the Contract Administrator responsible for this procurement. Any protests filed by an Offeror in connection with this RFP must be submitted in accordance with the Authority's written procedures.

K. CONTRACT TYPE

It is anticipated that the Purchase Order resulting from this solicitation, if awarded, will be a firm-fixed price contract specifying firm-fixed unit prices for the vehicles as specified in the Technical Specifications, included in this RFP under Section IV.

L. CONFLICT OF INTEREST

All Offerors responding to this RFP must avoid organizational conflicts of interest which would restrict full and open competition in this procurement. An organizational conflict of interest means that due to other activities, relationships or contracts, an Offeror is unable, or potentially unable to render impartial assistance or advice to the Authority; an Offeror's objectivity in performing the work identified in the Technical Specifications is or might be otherwise impaired; or an Offeror has an unfair competitive advantage. Conflict of Interest issues must be fully disclosed in the Offeror's proposal.

All Offerors must disclose in their proposal and immediately throughout the course of the evaluation process if they have hired or retained an advocate to lobby Authority staff or the Board of Directors on their behalf.

Offerors hired to perform services for the Authority are prohibited from concurrently acting as an advocate for another firm who is competing for a contract with the Authority, either as a prime or subcontractor.

M. CODE OF CONDUCT

All Offerors agree to comply with the Authority's Code of Conduct as it relates to Third-Party contracts which is hereby referenced and by this reference is incorporated herein. All Offerors agree to include these requirements in all of its subcontracts.

N. DEBARMENT & SUSPENSION**CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS – PRIMARY PARTICIPANT AND LOWER-TIER PARTICIPANTS**

Unless otherwise permitted by law, any person or firm that is debarred, suspended, or voluntarily excluded, as defined in the Federal Transit Administration (FTA) Circular 2015.1, dated April 28, 1989, may not take part in any federally funded transaction, either as a participant or a principal, during the period of debarment, suspension, or voluntary exclusion. Accordingly, the Authority, acting on behalf of the district, may not enter into any transaction with such debarred, suspended, or voluntarily excluded persons or firms during such period.

A process has been established by 2 CFR Part 180, as adopted and supplemented by 2 CFR Part 1200 as a means to ensure that debarred, suspended, or voluntarily

excluded persons or firms do not participate in Federally assisted projects. A person or firm that is unable to provide a positive certification as required by the solicitation must submit a complete explanation attached to the certification. FTA will consider the certification and any accompanying explanation in determining whether or not to provide assistance for the project. Failure to furnish a certification or an explanation may disqualify that person or firm from participating in the project.

O. OWNERSHIP OF RECORDS/PUBLIC RECORDS ACT

All proposals and documents submitted in response to this RFP shall become the property of the Authority and a matter of public record pursuant to the California Public Records Act, Government Code sections 6250 et seq. (the "Act"). Offerors should familiarize themselves with the provisions of the Act requiring disclosure of public information. Offerors are discouraged from marking their proposal documents as "confidential" or "proprietary."

If a Proposal does include "confidential" or "proprietary" markings and the Authority receives a request pursuant to the Act, the Authority will endeavor (but cannot guarantee) to notify the Offeror of such a request. In order to protect any information submitted within a Proposal, the Offeror must pursue, at its sole cost and expense, any and all appropriate legal action necessary to maintain the confidentiality of such information. The Authority generally does not consider pricing information, subcontractor lists, or key personnel, including resumes, as being exempt from disclosure under the Act. In no event shall the Authority or any of its officers, directors, employees, agents, representatives, or consultants be liable to a Offeror for the disclosure of any materials or information submitted in response to the RFP or by failing to notify a Offeror of a request seeking its Proposal. The Authority reserves the right to make an independent decision to disclose records and material.

Notwithstanding the above, all information regarding proposal responses will be held as confidential until such time as the evaluation has been completed; an award has been made by the Board of Directors or Authority Staff, as appropriate; and the contract has been fully negotiated.

P. STATEMENT OF ECONOMIC INTERESTS

The awarded Offeror (including designated employees and subconsultants) may be required to file Statements of Economic Interests (Form 700) in accordance with the Political Reform Act (Government Code section 81000 et seq.). This applies to individuals who make, participate in making, or act in a staff capacity for making governmental decisions. The Authority determines which individuals are required to file a Form 700, and if such determination is made, the individuals must file Form 700s with the Authority's Clerk of the Board no later than 30 days after the execution of the Agreement, annually thereafter for the duration of the Agreement, and within 30 days of termination of the Agreement.

SECTION II: PROPOSAL CONTENT

SECTION II. PROPOSAL CONTENT

A. PROPOSAL FORMAT AND CONTENT

1. Format

Proposals should be typed with a standard 12-point font, double-spaced and submitted on 8 1/2" x 11" size paper, using a single method of fastening. Charts and schedules may be included in 11"x17" format. Proposals should not include any unnecessarily elaborate or promotional materials. Proposals should not exceed seventy-five (75) pages in length, excluding any appendices, cover letters, resumes, or forms.

2. Letter of Transmittal

The Letter of Transmittal shall be addressed to Masih Bahadori, Section Manager III and must, at a minimum, contain the following:

- a. Identification of Offeror that will have contractual responsibility with the Authority. Identification shall include legal name of company, corporate address, telephone and fax number, and email address. Include name, title, address, email address, and telephone number of the contact person identified during period of proposal evaluation.
- b. Identification of all proposed subcontractors including legal name of company, contact person's name and address, phone number and fax number, and email address; relationship between Offeror and subcontractors, if applicable.
- c. Acknowledgement of receipt of all RFP addenda, if any.
- d. A statement to the effect that the proposal shall remain valid for a period of not less than 180 days from the date of submittal.
- e. Signature of a person authorized to bind Offeror to the terms of the proposal.
- f. Signed statement attesting that all information submitted with the proposal is true and correct.

3. Technical Proposal

a. Technical Specifications

This section of the proposal should establish evidence that Offerors understand the Technical Specifications in detail and can comply with all requirements to the successful manufacturing of buses, with

suggestions intended to improve the technical and operational aspect of the buses. Compliance with performance requirements, proposed vehicle design, proposed construction, forecasted reliability, provided warranties, past performance and experience with the proposed bus platform, type and number of requested deviations, ability to provide all requested and optional items, surveys of other transit operators, among others may be used for this criterion. Proposals shall address the following:

- (1) Offeror shall provide a narrative addressing the Technical Specifications contained in Section IV of this RFP, which exhibits the Offeror's understanding of the Authority's needs and requirements.
- (2) Offeror may also propose enhancements to the Technical Vehicle Specifications which do not materially deviate from the objectives or required content of the program.
- (3) Offeror shall submit one (1) copy of the California Air Resources Board Executive Order.
- (4) Offeror shall submit scaled elevation drawings depicting exterior, interior views, seating layout and two ADA accommodations.
- (5) Offeror shall provide proposed gasoline tank size, and estimated vehicle range at Gross Vehicle Weight Rating (GVWR).
- (6) Offeror shall provide a table with GVWR and weight calculations to include ADA equipment, components, accessories, passenger, and driver.
- (7) Offeror shall provide one (1) copy of the final Altoona Testing report.
- (8) Offeror shall provide a minimum design life (e.g., 4-years, 100,000 miles or other) with the proposal submission.
- (9) Offeror shall propose critical path schedule for the production of the First Article and remaining vehicles as well as the methodology for controlling the schedule.
- (10) Offerors shall provide an estimate, in number of weeks, the proposed production and delivery schedule for two (2) pilot vans.

- (11) Offeror shall state on the form provided in “Contractor Service and Parts Support Data”, Exhibit I, the representatives responsible for assisting the Authority, as well as the location of the nearest distribution center which shall furnish a complete supply of parts and components, for the repair and maintenance of the buses to be supplied.
- (12) Provide evidence that the human and physical resources are sufficient to perform the contract as specified and assure delivery of all equipment within the time specified in the Contract.
- (13) Provide evidence Offeror has adequate manufacturing facilities sufficient to produce and factory-test equipment on schedule. Include a detailed description of the proposed facilities where work will be done.
- (14) Provide evidence that Offeror is qualified in accordance with Section VI: Quality Assurance.
- (15) Complete and submit Section VII: Warranty Requirements’ table.

b. Qualifications, Related Experience and Project Management

This section of the proposal should establish the ability of the Offeror to satisfactorily provide the required equipment and services by reasons of; demonstrated competence in the product and service to be provided; the nature and relevance of recently completed work; staffing capability, workload and record of meeting schedules on similar projects; strength and stability as a business concern; strength of dealer/manufacturer relationship; and supportive client references.

- (1) Provide a brief profile of the firm, including the principal line of business, the year founded, form of organization (corporation, partnership, sole proprietorship), number and location of offices, licenses held, and number of employees. Identify any conditions (e.g. bankruptcy, pending litigation, planned office or plan closures, impending merger) that may impede the Offeror’s ability to complete the project.
- (2) Describe the firm’s experience in providing like equipment to that solicited in this RFP with emphasis on experience in producing accessible transit/paratransit vehicles and highlight the participation in such work by the key personnel. Offeror shall provide names and brief resumes of key personnel

including project/account manager and the representatives responsible for assisting the Authority.

- (3) A copy of the firm's three (3) most recent financial statements. Offeror's financial statements should be prepared in accordance with United States Generally Accepted Accounting Principles (GAAP) and audited by an independent certified public accountant authorized to practice in the jurisdiction of either the Authority or the Offeror.
- (4) Provide evidence of satisfactory performance and integrity on contracts in making deliveries on time, meeting specifications and warranty provisions, parts availability, and steps Offeror has taken to resolve any judgments, liens, fleet defects history, and warranty claims. Evidence shall be by client references.
- (5) Identify subcontractors, if any, by company name, address, contact person, telephone number and project function. Provide the same information for each subcontractor as requested above, and describe any experience working with each subcontractor.
- (6) Offeror to provide the location of the nearest distribution center which shall furnish a complete supply of parts and components, for the repair and maintenance of the buses to be supplied. Provide past maintenance and warranty experience including qualified staff.
- (7) Provide as a minimum three (3) references for the projects cited as related experience, and furnish the name, title, address, telephone number, and email address of the person(s) at the client organization who is most knowledgeable about the work performed. Offeror may also supply references from other work not cited in this section as related experience.
- (8) Complete and sign all forms required in this RFP including Federal certifications: Buy America Certification, Non-Collusion Affidavit, Lobbying Certification, Certificate of Compliance with Bus Testing Requirement, DBE Approval Certification, and Federal Motor Vehicle Safety Standards.
- (9) Furnish brief resumes (not more than two (2) pages each) for the proposed key personnel. Resumes must feature experience most directly relevant to the work proposed for such key personnel on this project. Resumes should also describe the involvement of the key personnel in related experience and indicate length of time employed by the Offeror.

- (10) Provide engineering organization chart, engineering change control procedure, field modification process, including program controls and quality controls and plans for the coordination of major suppliers and subcontractors. Provide a schedule for the production of the pilot vehicle and remaining vehicles.
- (11) Provide evidence Offeror has sufficient engineering, management and services; can provide sufficient personnel and requisite disciplines, licenses, skills, experience, and equipment to complete the contract as required, and satisfy any engineering or service problems that may arise during the warranty period. Provide interface relationship between engineering manufacturing, program control, quality control and test departments.
- (12) Provide evidence Offeror can provide spare parts and procurement and distribution system sufficient to support equipment maintenance without delays and a service organization with skills, experience, and equipment sufficient to perform all warranty and on-site work.
- (13) Provide Technical and Operational Training and Documentation.

b. Cost and Price

As part of the cost and price proposal, the Offeror shall submit proposed pricing to provide the vehicles as specified in Section IV, Technical Specifications.

Offer shall complete the "Price Summary Sheet" and Acknowledgement of Receipt of Addenda and Offer" forms included with this RFP (Section V), and furnish any narrative required to explain the prices quoted in the schedules. It is anticipated that the Authority will issue a firm-fixed price contract specifying firm-fixed unit prices for each vehicle.

Contractor shall be liable for payment of all state and local taxes applicable to the complete vehicle as delivered. The Authority shall furnish to the Contractor a list of applicable state and local taxes imposed by the Authority's state or local governments at the Due Date. The Authority shall be liable for any such state and local taxes applicable to the complete bus as delivered that are promulgated and become effective between the Due Date and the delivery date. Quantities listed are estimated quantities which shall be used for the purpose of evaluation.

d. Exceptions/Deviations

State any technical and/or contractual exceptions and/or deviations from the requirements of this RFP, including the Authority's technical requirements and contractual terms and conditions set forth in the Technical Specifications (Section IV) and General Provisions (Section VIII), using the form entitled "Proposal Exceptions and/or Deviations" included in this RFP. This Proposal Exceptions and/or Deviations form must be included in the original proposal submitted by the Offeror. If no technical or contractual exceptions and/or deviations are submitted as part of the original proposal, Offerors are deemed to have accepted the Authority's technical requirements and contractual terms and conditions set forth in the Technical Specifications (Section IV) and General Provisions (Section VIII). Offerors will not be allowed to submit the Proposal Exceptions and/or Deviations form or any technical and/or contractual exceptions after the proposal submittal date identified in the RFP. Exceptions and/or deviations submitted after the proposal submittal date will not be reviewed by Authority.

All exceptions and/or deviations will be reviewed by the Authority and will be assigned a "pass" or "fail" status. Exceptions and deviations that "pass" do not mean that the Authority has accepted the change but that it is a potential negotiable issue. Exceptions and deviations that receive a "fail" status means that the requested change is not something that the Authority would consider a potential negotiable issue. Offerors that receive a "fail" status on their exceptions and/or deviations will be notified by the Authority and will be allowed to retract the exception and/or deviation and continue in the evaluation process. Any exceptions and/or deviation that receive a "fail" status and the Offeror cannot or does not retract the requested change may result in the firm being eliminated from further evaluation.

4. Appendices

Information considered by Offeror to be pertinent to this project and which has not been specifically solicited in any of the aforementioned sections may be placed in a separate appendix section. Offerors are cautioned, however, that this does not constitute an invitation to submit large amounts of extraneous materials. Appendices should be relevant and brief.

B. FORMS**1. Campaign Contribution Disclosure Form, Exhibit A**

In conformance with the statutory requirements of the State of California Government Code Section 84308, part of the Political Reform Act and Title 2, California Code of Regulations 18438 through 18438.8, regarding campaign contributions to members of appointed Board of Directors, Offeror is required to complete and sign the Campaign Contribution Disclosure Form provided in this RFP and submit as part of the proposal.

This form **must** be completed regardless of whether a campaign contribution has been made or not and regardless of the amount of the contribution.

The prime contractor, subconsultants, lobbyists and agents are required to report all campaign contributions made from the proposal submittal date up to and until the Board of Directors makes a selection.

Offeror is required to submit only **one** copy of the completed form(s) as part of its proposal and it must be included in only the **original** proposal.

2. Status of Past and Present Contracts Form, Exhibit B

Offeror shall complete and sign the form entitled "Status of Past and Present Contracts" provided in this RFP and submit as part of its proposal. Offeror shall identify the status of past and present contracts where the firm has either provided services as a prime vendor or a subcontractor during the past five (5) years in which the contract has been the subject of or may be involved in litigation with the contracting authority. This includes, but is not limited to, claims, settlement agreements, arbitrations, administrative proceedings, and investigations arising out of the contract. Offeror shall have an ongoing obligation to update the Authority with any changes to the identified contracts and any new litigation, claims, settlement agreements, arbitrations, administrative proceedings, or investigations that arise subsequent to the submission of Offeror's proposal.

A separate form must be completed for each identified contract. Each form must be signed by the Offeror confirming that the information provided is true and accurate. Offeror is required to submit one copy of the completed form(s) as part of its proposals and it should be included in only the original proposal.

3. Disadvantaged Business Enterprise Approval Certification Form, Exhibit C

In conformance with Title 49 CFR Part 26, "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs," Offerors must complete and submit DBE Approval Certification.

4. Restrictions on Lobbying Form, Exhibit D

This form requires the Offeror to certify compliance with the lobbying requirements of 31 U.S.C. Section 1352 and the applicable regulations under 49 CFR part 19 and 20. (Required if the bid is equal or greater than \$100,000). The offeror is required to submit the Certification of Restrictions on Lobbying Form" and "Disclosure of Lobbying Activities Form", in order for the offeror's proposal to be responsive and to be considered for evaluation.

5. Buy America Certification, Exhibit E

Pursuant to 49 CFR Part 661, as amended by Section 337 of the Surface Transportation and Uniform Relocation Act of 1987, no federal funds authorized by the Urban Mass Transportation Act of 1964, as amended; 23 USC 103 (e)(4); and Section 14 of the National Capital Transportation Act of 1969 as amended; and which were obligated by the Federal Transit Administration (FTA) after January 6, 1983 shall be obligated by the Authority unless steel and manufacturers' products used in such articles are produced in the United States.

A bidder providing articles that do not meet the above provision must submit a written request to the Authority, which may be forwarded to FTA. FTA shall review the request for waiver and FTA may grant such a waiver if FTA determines that:

1. The application of the domestic preference requirements would be inconsistent with the public interest; Materials are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or
2. The inclusion of a domestic item or domestic material will increase the cost of the contract for the item or material by more than 25 percent.

FTA may grant a waiver in the case of the procurement of buses and other rolling stock (including train control, communications and traction power equipment), if the cost of components and subcomponents of such items which are produced in the United States is more than 60 percent for contracts entered into after April 1, 1992 with any supplier or contractor or any successor in interest or assignee which complied with the requirements of Section

165(b)(3) of the Surface Transportation Assistance Act of 1982 prior to April 2, 1987.

To determine costs of components or subcomponents for compliance with the Buy America Requirements, the bidder is referred to the Federal Register, Volume 56, No. 6, Dated January 9, 1991.

In order to demonstrate compliance with the Buy America Requirements, bidder shall complete the Certificates of Compliance/Noncompliance, included in this RFP. Failure to complete the appropriate certificate shall render a bidder non-responsive to this solicitation and will result in the rejection of the bid.

6. Certificate of Compliance with Bus Testing Requirement, Exhibit F

Certifies that the vehicle offered in this procurement complies and will, when delivered, comply with 49 USC § 5323(c) and FTA's implementing regulation at 49 CFR Part 665.

7. Federal Motor Vehicle Safety Standards (FMVSS), Exhibit G

Offeror and (if selected) Contractor shall submit 1) manufacturer's FMVSS self-certification sticker information that the vehicle complies with relevant FMVSS or 2) manufacturer's certified statement that the contracted buses will not be subject to FMVSS regulations.

8. Non-Collusion Affidavit, Exhibit H

Certifies that proposers are not in collusion to restrict competition or are otherwise engaged in anti-competitive practices.

9. Contractor Service and Parts Support Data, Exhibit I

Offeror shall state on the form provided in "Contractor Service and Parts Support Data", the representatives responsible for assisting the Authority, as well as the location of the nearest distribution center which shall furnish a complete supply of parts and components, for the repair and maintenance of the buses to be supplied.

10. Iran Contracting Act Certification, Exhibit J

Pursuant to California Public Contract Code Sections 2200-2208, Offeror shall certify that Offeror is not engaged in specified investment activities in the energy sector of Iran, is exempted from the requirements, or the bid not subject to the Iran Contracting Act.

11. Proposal Exceptions and/or Deviation Form, Exhibit K

Offerors shall complete the form entitled “Proposal Exceptions and/or Deviations” provided in this RFP and submit it as part of the original proposal. For each exception and/or deviation, a new form should be used, identifying the exception and/or deviation and the rationale for requesting the change. Exceptions and/or deviations submitted after the proposal submittal date will not be reviewed nor considered by the Authority.

12. General Bus Data Sheet, Exhibit L

Offeror shall complete and submit Exhibit L, per the requirement set forth in Section III “Evaluation and Award”.

SECTION III: EVALUATION AND AWARD

SECTION III. EVALUATION AND AWARD

A. EVALUATION CRITERIA

The Authority will evaluate the offers received based on the following criteria:

1. Technical Requirements 45%

Offeror's understanding of the Authority's needs and requirements; compliance with performance requirements; proposed vehicle design; proposed construction, forecasted reliability, provided warranties, gross vehicle weight requirement, quality assurance; past experience with the proposed bus platform; complete the General Bus Data Sheet; exceptions to or deviations from the requirements of this RFP, segregating "technical" exceptions from "contractual" exceptions; ability to meet proposed delivery dates; warranty coverage.

2. Qualifications, Related Experience and Project Management 15%

Demonstrate competence in the product and service to be provided; the nature and relevance of recently completed work; staffing capability, work load and record of meeting schedules on similar projects; strength and stability as a business concern; strength of dealer/manufacturer relationship; and supportive client references; understanding the Authority's needs; federal compliance; the logic of the Proposer's proposed project organization as measured by lines of reporting and control; adequacy of labor resources; lead time, reasonableness of proposed schedule; training and documentation.

3. Cost and Price 40%

Reasonableness of the price per vehicle and total price and competitiveness with other offers received; adequacy of data in support of figures quoted and completion of required documentation.

B. EVALUATION PROCEDURE

An evaluation committee will be appointed to review all proposals received for this RFP. The committee is comprised of Authority staff and may include outside personnel. The committee members will evaluate the written proposals using criteria identified in Section III A. A list of top ranked proposals, firms within a competitive range, will be developed based upon the totals of each committee members' score for each proposal.

At the conclusion of the proposal evaluations, Offerors remaining within the competitive range may be asked to submit a Best and Final Offer (BAFO). In the

BAFO request, the firms may be asked to provide additional information, confirm or clarify issues and submit a final cost/price offer. A deadline for submission will be stipulated.

At the conclusion of the evaluation process, the evaluation committee will recommend to the Transit Committee, the Offeror with the highest final ranking or a short list of top ranked firms within the competitive range whose proposal(s) is/are most advantageous to the Authority. The Board Committee will review the evaluation committee's recommendation and forward its decision to the full Board of Directors for final action.

C. AWARD

The Authority's Board of Directors will consider the selection of the firm(s) recommended by the Board Committee.

The Authority may also negotiate contract terms with the selected Offeror prior to award, and expressly reserves the right to negotiate with several Offerors simultaneously and, thereafter, to award a contract to the Offeror offering the most favorable terms to the Authority.

Offeror acknowledges that the Authority's Board of Directors reserves the right to award this contract in its sole and absolute discretion to any Offeror to this RFP regardless of the evaluation committee's recommendation or recommendation of a Board Committee.

The Authority reserves the right to award its total requirements to one Offeror or to apportion those requirements among several Offerors as the Authority may deem to be in its best interest. In addition, negotiations may or may not be conducted with Offerors; therefore, the proposal submitted should contain Offeror's most favorable terms and conditions, since the selection and award may be made without discussion with any Offeror.

The selected Offeror will be required to submit to the Authority's Accounting department a current IRS W-9 form prior to commencing work.

D. NOTIFICATION OF AWARD AND DEBRIEFING

Offerors who submit a proposal in response to this RFP shall be notified via CAMM NET of the contract award. Such notification shall be made within three (3) business days of the date the contract is awarded.

Offerors who were not awarded the contract may obtain a debriefing concerning the strengths and weaknesses of their proposal. Unsuccessful Offerors, who wish to be debriefed, must request the debriefing in writing or electronic mail and the Authority must receive it within three (3) business days of notification of the contract award.

SECTION IV: TECHNICAL SPECIFICATIONS

TECHNICAL SPECIFICATIONS

The Authority intends to purchase up to 13, 22-foot (+/-1') gasoline powered cutaway buses, Class B, Ford E450, with an option for ten (10) additional units. These buses are intended for the widest possible spectrum of passengers, including children, adults, the elderly, and persons with disabilities.

The basic vehicle, both chassis and body, must be 2023-2024 model year, factory production, medium duty, Altoona tested cutaway vehicle rated to a seven (7)-year, 200,000 miles designed life, equipped with five American with Disabilities Act (ADA) stations (see Attachment 2); a design that is cataloged by the manufacturer and for which manufacturer's published literature and printed specifications are currently available.

The specification is intended for use in the purchase of a new and complete vehicle unit and all equipment and accessories necessary for its operation. All parts, equipment and accessories shall be new and completely installed, assembled and/or adjusted as required. The buses are required to meet all regulations, standards and laws including revisions, at the time of bus acceptance and through the term of the contract.

The Contractor shall begin production of the First Article (FA) bus upon receipt of the Notice to Proceed (NTP), in accordance with the manufacturing schedule provided by the Contractor and approved by the Authority. Upon approval of the FA, there will be a secondary NTP for the production run.

The schedule provided by Contractor must be realistic and meet or exceed the Authority's requirements. **The cutaway bus deliveries must be completed no later than November 30, 2024.**

The Contractor, prior to delivery, shall be responsible for the licensing and registration of each vehicle. All buses shall be delivered cleaned and with a full tank of gas.

As part of the proposal submission, Contractor must provide:

1. One (1) copy of the vehicle's California Air Resources Board Executive Order.
2. Manufacturing Location(s) – Contractor must indicate all the intended location(s) where the vehicles will be manufactured, assembled, integrated, etc., including the address, city and state of each location.
3. Table with Gross Vehicle Weight Rating (GVWR) and weight calculations to include ADA equipment, components, accessories, passenger and driver.

4. Scaled elevation drawings depicting exterior, interior views and five ADA accommodations.
5. Proposed gasoline tank size, and estimated vehicle range at GVWR.
6. One (1) copy of the final Altoona Bus Testing report.
7. Using as a reference the NTP with the FA unit, Contractor to indicate in number of weeks the proposed production and delivery schedule for the following for the FA.
8. One (1) FA unit must be delivered to the Authority in a fully functional and fully operational state of completion, ready to be deployed in revenue service, having all systems and components in operation, **no later than twenty-six (26) weeks after receiving the NTP with the FA.**
 - a) Authority's delivery location:
Santa Ana Base
4301 West MacArthur Boulevard
Santa Ana, California 92704
 - b) The Contractor shall produce one (1) FA bus with respect to the base order. The FA bus shall demonstrate that the bus fully meets all contractual requirements. The FA bus shall be inspected, tested, and approved by the Authority prior to making the decision to move forward with the production of the remaining order.
 - c) An FA inspection shall include both a physical configuration inspection and a functional demonstration. The FA's inspections shall be conducted at the Contractor's facilities and the Contractor shall furnish the Authority, prior to each inspection, a written inspection and demonstration plan for each item intended for review. The Authority's inspectors shall attend each FA inspection unless the Authority provides a written waiver of its right to attend any such inspection. The results of each FA inspection shall be documented by the Contractor in a format deemed acceptable to the Authority and all documents relating to the inspection shall be forwarded to the Authority's Contract Administrator.
 - d) Additionally, upon arrival to the Authority's facilities, the FA build shall be evaluated/tested for a period up to four (4) weeks. The evaluation/testing shall start after the bus is licensed, registered and delivered to the Authority and all, if any detected discrepancies, are repaired and/or corrected to the Authority's satisfaction. The four (4) week evaluation/testing shall include, at the Authorities' discretion,

compliance with specifications, compliance with regulations, California Highway Patrol inspection, ergonomics, driver's reach and controls, wheelchair locations, securement, placement, pressure and actions required to activate pedals, switches, knobs, access doors, driver's field of view, windshield glare, interior and exterior lighting, vehicle handling, vehicle's ability to maintain its intended course and direction of travel, steering, braking, turning radius, suspension, approach and break over angles, vehicle range, handling of slopes, power plant, to include entire and individual pieces of the fuel system, fuel consumption, maintenance logging of break downs, fittings, connections, and others as applicable.

- e) At the Authority's discretion, the evaluation period may be extended based on exhibited vehicle performance and required timelines to complete the evaluation processes.
- f) Upon acceptance of the FA, a second Notice to Proceed (NTP) letter will be provided to authorize the startup of production of the remaining vehicles.

9. Production Buses

- a) Using the second NTP with the production buses as a reference, Contractor must indicate the number of weeks that it will take to commence and complete the manufacturing and final delivery, to the Authority's Santa Ana Base, of the complete production run.
- b) Manufacturing Location(s) – Contractor must indicate all the intended location(s) where the vehicles will be manufactured, assembled, integrated, etc., including the address, city and state of each location.
- c) The Authority intends to secure contracted inspection services to provide the in-plant manufacturing inspection services for these vehicles. As such, the Contractor shall assume the financial responsibility for compensating the Authority's contracted inspection services resulting for any delays or deviations, from the proposed, and/or agreed upon manufacturing and production schedule and working weekends.

10. Particular attention is given to features that will provide the safest possible vehicle for transporting people. These features include a steel cage that surrounds the passengers to protect them during accidents. Wheel housing shall be constructed of heavy gauge steel and provide ample tire clearance during all operating conditions. The Contractor must provide structural drawings depicting the proposed structural configuration including steel

plates and framing intended to protect the passengers from a broken driveshaft breaking through the floor into the passenger compartment, and a heat shield intended to provide protection against heat generated by the exhaust/catalytic converter combination.

11. Buses will be delivered with a complete OCTA decal package using the Authority's Identity package for cutaway buses. **See Attachment No .1**
12. Each vehicle shall be equipped with seven (7) original equipment manufacturer (OEM) white matching steel-disc wheels (including one full spare mounted and balanced). The rated capacity shall equal or exceed the GVWR of the vehicle.
13. Vehicle shall be equipped with a roof mounted HVAC designed, and sized to fulfill the cooling requirements of the vehicle.
14. The entrance step height shall not be more than 10.75-inches, as measured from ground level, and each step-riser shall be no higher than 8-inches. The step well shall incorporate LED lights to illuminate the step tread area when the entry door is opened. The steps shall be designed so that water will not pool at any time.
15. InterMotive Gateway or High Lock systems which provide a wheelchair interlock and high idle system to prevent the bus from moving with the wheelchair lift in operation; system should go into fast idle mode while the lift is in operation, and during all extreme load conditions. The interlock system shall be a fully automatic, solid state, microprocessor-controlled unit (Ref. InterMotive ILIS 501) or approved equal capable of self-diagnosis. Interlock shall utilize an LED display panel to show subsystem status.
16. Contractor must provide detailed warranty table to include at minimum all pertinent items, i.e., original equipment warranty, complete bus, powertrain, suspension, rust, destination sign, fire suppression system, on board video surveillance system, Conduent provided components intended for communication including all cabling and components, ADA equipment, flooring, Telma retarder, mirrors, roof hatch, seating, door system, body structure and others as applicable. **See Section VII, Warranty.**
17. Contractor shall be responsible for providing detailed, scaled drawings with dimensions, including all views (front, rear, top and both sides) and, in electronic AutoCAD and Adobe Illustrator format. These files will be used by the Authority's Marketing Department to evaluate and re-design the Identity package if needed.
18. A Kidde automatic fire suppression system shall be installed, using the component list in **Attachment No. 3**. The fire suppression system must be

wired into the ITMS radio system IVU, so that fire alarms are broadcast through the ITMS radio. Fire suppression system power needs to be connected on the vehicle side of the battery switch.

19. A March Networks On-Board Video Surveillance System (OBVSS) shall be installed in accordance with **Attachment No. 4**.
20. The vehicle shall be fully installed with a Conduent® ITMS radio system, in accordance with **Attachment No. 5**.
21. All front stanchions, driver's entry door & windshield support stanchions to be yellow powder coat - stanchion fittings to remain stainless steel
22. A yellow stanchion shall be located by the front entrance door for mounting a Diamond farebox; the farebox will require 12V power for the farebox light. The stanchion shall be pre-drilled to accommodate the Authority's farebox. Jig/template will be provided by Authority.
23. Entry door full length stanchions - yellow powder coat, yellow handles added to entry door to be yellow powder coat.
24. No towing from chassis, from manufacturer to dealer.
25. Key all units alike to Authority key code; code to be provided.
26. Standard Authority's battery box, cable routing and connections; terminal blocks to be used under the hood and in the battery box for power and Battery Terminal Connections. No stacking of cables. All harnesses that are added to the vehicle will be secured to the frame at a maximum of 24" intervals. Plastic wire ties are not acceptable. A wiring diagram must be submitted upon vehicle delivery that will match the as-built wiring for each vehicle. See **Attachment No. 6** for example.
27. The fuse box must be properly labeled to identify each circuit with a corresponding label identifying the function attached to the fuse box cover.
28. Thirty-six (36) "L" Track Mounted to StreetSide Wall, or under flip-up seats for QRT Storage.
29. Thermal insulation may be required for the underside of the driver's station and the battery box exposed to the heat of the exhaust system, to prevent the temperature of battery box and the driver's floor area from exceeding ambient temperature. This thermal insulation should be clear of any obstruction or rubbing issues with other components surrounding the insulation. If the battery box is near the entrance door, steps at the entrance

area should have good insulation to prevent floor area from exceeding ambient temperature.

30. Bus frame shall resist corrosion or deterioration from atmospheric condition and/or road salts. The bus frame should have proper undercoating to prevent any corrosion.
31. The bus shall be equipped with a FleetWatch combination bus mileage/fluid management system transponder that shall be installed and programmed with the Authority vehicle's ID number and odometer mileage. The system shall be capable of communication at the Authority's fuel island, or other location to be determined in accordance with **Attachment No. 7**. Use of this device will not impact or be impacted by other devices operating in the vehicle, or vehicles, on a CAN-bus network and/or platform.

The module must be accessible by a mechanic, without removing panels or other electronic devices or components.

The Authority shall approve the location of the FleetWatch datalogger module during the presentation/evaluation of the first article bus.

The Contractor must contact FleetWatch to obtain the latest transponder/interface required for the Authority's existing configuration.

S&A Systems Inc., Rockwell, Texas, phone (972) 722-1009.

FleetWatch contact information:

Jeremy Rothermel

S&A Systems, Inc.

FleetWatch Customer Support

972-722-0981

992 Sids Rd., Rockwall, TX 75032

jeremy@fleetwatch.com

www.fleetwatch.com

32. Exterior

The Contractor, as shown below, shall be responsible for installing the van's exterior, Identity package including, any and all, decals or paintings on the van.

The exterior decals shall consist of the following basic elements and the Authority reserves the right of final approval upon acceptance of the FA's prototype. Decals shall consist of 3M reflective 580 series material with 9700 series ink.

- a) "Swoosh" Stripe decals consisting of PMS 2935 Blue and PMS 151 Orange colors.
- b) OCTA logos and identification
- c) OCTA 4-digit vehicle ID numbers
- d) Rooftop ID number, 48 inches
- e) CA commercial carrier number (CA 100967)
- f) "OC ACCESS" text on all sides
- g) OCTA approved roof line reflective arrows.

Basic Exterior Sample

The basic color layout is white. Signs shall be durable and fade, chip, and peel-resistant; they may be painted signs, decals, or pressure-sensitive appliques. All decals shall be sealed with clear, waterproof sealant around all exposed edges if required by the decal supplier. Signs shall be provided in compliance with the ADA requirements defined in 49 CFR Part, Subpart B, 38.27. **See Attachment No. 1.**

33. Parts books, manuals and drawings: The following shall be provided at time of delivery. The information shall be organized in a thumb drive with each section clearly identified. A draft copy must be available for review and acceptance prior to preproduction meeting.
- a) A complete set of operating instructions, troubleshooting guide, inspection and service guide and detailed manufacturers parts list.
 - b) A complete "as built" electrical wiring diagram covering all electrical equipment and electrical circuits installed, complete with wiring codes for each vehicle ordered, including the integration of the OBVSS, ITMS radio system, Fluid management system, and fire suppression systems with the bus electrical system.
 - c) All manuals for the bus accessories, to include complete parts guide, and equipment to include wheelchair lift, air-conditioning system, tie downs, seating, heater, etc.
 - d) The Contractor shall have available complete bus maintenance manuals to include the engine, transmission, and OEM chassis as well as a complete parts manual for each component. Also, the Contractor shall include OEM part numbers if available.
 - e) All manuals should be in accordance with the latest updates.
34. Quality Assurance (QA) Requirements

- a) Contractor shall establish and maintain an effective in-plant quality assurance organization. It shall be a specifically defined organization and should be directly responsible to the Contractor's top management.
- b) The quality assurance organization shall exercise quality control over all phases of production from initiation of design through manufacture and preparation for delivery. The organization shall also control the quality of supplied articles.
- c) The quality assurance organization shall have the authority and responsibility for reliability, quality control, inspection planning, establishment of the quality control system, and acceptance/rejection of materials and manufactured articles in the production of the transit buses.

35. Quality Assurance Organizational Functions

The quality assurance organization shall include the following minimum functions.

- a) The quality assurance organization shall verify inspection operation instructions to ascertain that the manufactured product meets all prescribed requirements.
- b) The quality assurance organization shall maintain and use records and data essential to the effective operation of its program. These records and data shall be available for review by the Resident Inspectors. Inspection and test records for this procurement shall be available for a minimum of one (1) year after inspections and tests are completed.
- c) The quality assurance organization shall detect and promptly assure correction of any conditions that may result in the production of defective transit buses. These conditions may occur in designs, purchases, manufacture, tests, or operations that culminate in defective supplies, services, facilities, technical data, or standards.

36. Basic Standards and Facilities

The following standards and facilities shall be basic in the quality assurance process.

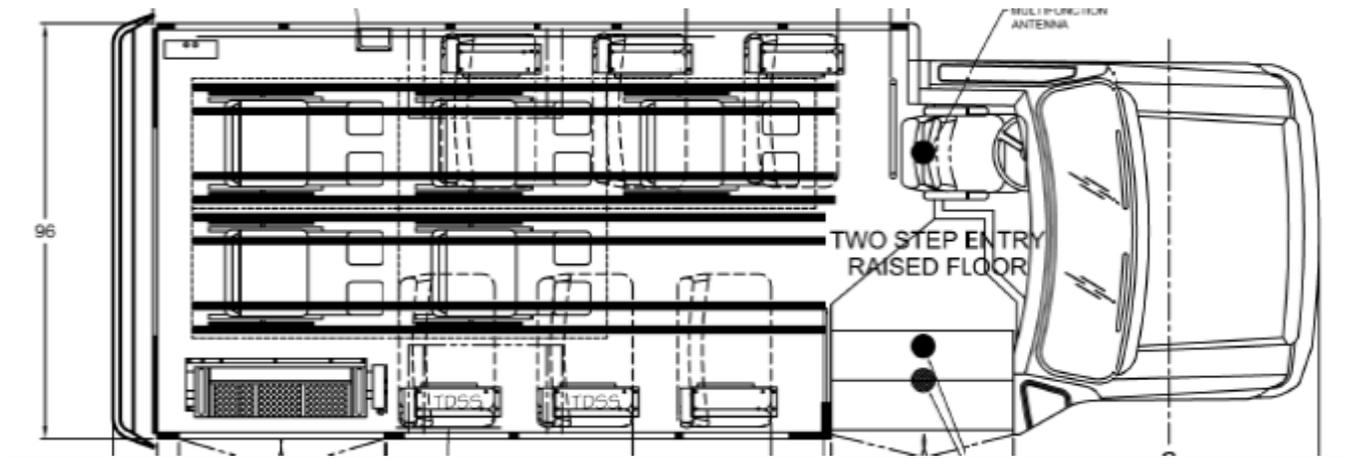
- a) Contractor shall maintain drawings, assembly procedures, and other documentation that completely describe a qualified bus that meets all of the options and special requirements of this procurement. The

quality assurance organization shall verify that each transit bus is manufactured in accordance with these controlled drawings, procedures, and documentation.

- b) Contractor shall provide and maintain the necessary gauges and other measuring and testing devices for use by the quality assurance organization to verify that the buses conform to all specification requirements. These devices shall be calibrated at established periods against certified measurement standards that have known valid relationships to national standards.
- c) Production jigs, fixtures, tooling masters, templates, patterns, and other devices are used as media of inspection, they shall be proved for accuracy at formally established intervals and adjusted, replaced, or repaired as required to maintain quality.
- d) Contractor's gauges and other measuring and testing devices shall be made available for use by the resident inspectors to verify that the buses conform to all specification requirements. If necessary, the Contractor's personnel shall be made available to operate the devices and to verify their condition and accuracy.

ATTACHMENT NO. 2

Interior Seating



12 passengers or 5 ADA

ATTACHMENT NO. 3

Kidde Automatic Fire Detection and Suppression System

Pos	Product	Part Number	Quantity
1	Control Panel - Fire	413410-14	1
2	Manual Activation Switch	477544	1
3	Battery Backup Module (12V-12V) w/ Battery	421915-2	1
4	Reset Switch	421440	1
5	PM-3M Optical Detector	420010	2
6	Armor Linear Thermal Detector (ALTD) -10FT	476265-10	1
7	Mounting Clip - Armored LTD	476845-1	20
8	Red Linear Thermal Detection - 4ft	421430-4	1
9	Double headed tie wrap	404788-1	10
10	LTD grommet	404787	10
11	EXTGR,PK,Vertical,G-RIGHT, 9.8L	477126-127A	1
12	Bracket, Extinguisher, Floor Mount	474959	1
13	Bushing, Reducer - 1"X3/4" NPT	5406-16-12	1
14	Nozzle, Dry Chemical	474946	4
15	90-degree bracket	420584	1
16	Distribution block	420588	1
17	1/2" NPT plug	5406-P-08	1
18	Harness, Main	421478	1
19	Harness Assy, Battery Back-up Unit	474985	1
20	Harness Assy - BBU to Battery	474986	1
21	Harness - interconnect - 13ft	420373-13	1
22	Harness - interconnect - 10ft	420373-10	1
23	Harness - interconnect to EPM - 10ft	476668-10	1
	If a horizontal extinguisher config is required, replace items 11 & 12 with items 24 & 25		
24	EXTGR,PK,Horizontal ,G-RIGHT. 9.8L	477126-527A	1
25	Bracket, Extinguisher	409475	1

ATTACHMENT NO. 4

On-Board Vehicle Surveillance System (OBVSS)

The following general requirements shall be used to define the overall OBVSS. The OBVSS shall include the most current model of mobile digital video recording system manufactured by March Networks Incorporated that complies with National Defense Authorization Act (NDAA)-compliant. The objective and general guidelines are as follows:

The system shall be a turnkey, digital OBVSS, fully supported by the March Networks, an integrator, or both. The system at a minimum shall include the following:

1. The system shall operate on input vehicle power between 9-32 vdc.
2. Include a NVR with an internal Solid-State Device (SSD) data storage capacity of 150 hours minimum at four (4) frames per second recording speed and 352 x 240 resolution with up to six (6) video input channels and two (2) audio input channels utilized and operating simultaneously.
3. Data review via all the following: remote wireless connectivity, direct Ethernet/serial interface via laptop, and removable hard drive utilizing an external docking station.
4. The system shall use MPEG-4 audio/video compression algorithm for data downloading.
5. Data download via secured WPA encrypted standard 802.11g protocols that permit remote wireless downloading of thirty (30) minutes of video and audio data from all audio/video channels (per item number 2 above) in ten (10) minutes or less.
6. The OBVSS shall be equipped with one impact sensor specifically designed for transit that responds to changes in acceleration on its X and Y axis. The OBVSS supplier shall provide engineering support to properly position, locate, and calibrate the impact sensor for proper circuit closure, approximately 4g's.
7. Events shall be "flagged" via a variety of programmable inputs, to include, operator activation of a switch, operator activation of the ITCS silent alarm function and automated inputs, such as, speed, acceleration, etc.
8. The on-board system shall be equipped with GPS and a means of synchronizing with actual time.
9. The on-board system shall be equipped with a UPS system capable of ten (10) minutes of back up.
10. The vehicle shall be equipped with a silent alarm / event flagging button for triggering events.
11. To the extent practical, all OBVSS devices mentioned in this section shall be installed within a single enclosure, excluding cameras, and located behind the driver above the left front wheel housing.

MOBILE DIGITAL NETWORK VIDEO RECORDER (NVR)

The March Networks OBVSS NVR complies with National Defense Authorization Act (NDAA)-compliant. The system shall have an internal Solid-State Device (SSD) hard drive with a minimum 150 hours of storage space, recording at least four (4) frames per second

and a minimum 352 x 240 resolution with six (6) video input channels and one (1) audio input channel utilized and operating simultaneously. The NVR shall include a compatible hard drive docking station for data retrieval and review. The NVR shall provide built-in secured file format using digital encryption security features to protect system and data integrity as well as system settings and cabling connections. Further, the NVR shall include the following features and functionality:

The NVR must be of a size and weight to permit installation and operation on board fixed route or Paratransit type vehicle and operate in an ambient temperature environment of 30°F – 130°F.

1. NVR shall be certified to durability testing as defined in SAE J1455 for shock, vibration, J1113 for EMI/RFI, and meet NEMA 4 standards as defined in NEMA Standards Publication 250-2003 Enclosures for Electrical Equipment.
2. The NVR shall capture data at vehicle startup and continue recording after shutdown (ignition off). The recording after shutdown shall be user programmable up to maximum of ninety (90) minutes.
3. At a minimum two motion detection sensors shall be installed or built-in with the IP cameras for capturing movement on the vehicle when recording is necessary after fifteen (15) minutes of vehicle shutdown. The motion detectors shall be mounted on the curbside of vehicle and capable capturing any movement within the vehicle.
4. The NVR shall digitally capture and store data to its hard drive in a linear continuous indefinite sequence that as disk space fills writes over old information not stored as a flagged event.
5. The NVR shall record the time/date/latitude/longitude from the GPS and attach to the audio/video file.
6. Include on separate channels, a minimum of six (6) video inputs.
7. Each of the video channels shall independently permit user selectable frame rate recording speed up to thirty (30) frames per second.
8. Minimum of one (1) audio input recording at full-motion rate fully synchronized with the video. Each audio input shall provide filtering for vehicle noises while recording.
9. The NVR shall utilize a secured removable Solid-State Device (SSD) hard drive for optional physical removal/exchange of the hard drive cartridge enclosure for review.
10. The NVR shall capture and catalog a user-defined quantity of events that are time/date stamped and filed for easy removal/access. Events shall be stored in a non-volatile memory location that cannot be overwritten without proper system administration access.
11. The NVR shall include a user programmable pre-alarm and post-alarm recording buffer up to maximum ten (10) minutes for all connected inputs.

12. The NVR shall receive impact sensor data, Authority selected discrete ON/OFF or J1708, J1939/CAN vehicle signals, operator-initiated incident/event trigger, and silent alarm activation (panic button) via auxiliary inputs (minimum 4 inputs).
13. The NVR shall be capable of providing wireless live-feed or image transfer to a remotely accessed vehicle fitted with appropriate optional router equipment.
14. The NVR shall include a health monitoring / system diagnostic function that during system startup checks functionality of all connected inputs, backup system, network connection, and hard drive integrity. The system supplier is encouraged to deploy methods that can determine if camera lenses are dirty, etched, or partially covered. The system shall include a system fault indicator, which provides indication only during system faults. System faults shall be transferred automatically via wireless download upon site/vehicle interface.
15. The NVR shall be capable of communicating and synchronizing with an on-board event data recorder.

CAMERAS

The OBVSS shall include mobile environment rated low profile, vandal resistant housed cameras. All the interior cameras shall be designed to operate in low lighting conditions. The interior and exterior camera housings shall be resistant to scratching, moisture, fogging, dust, shock, and vibration and meet NEMA 4X standards.

The vehicle shall be equipped with two IR illuminating devices to assist proper interior camera operation during complete darkness.

Interior cameras shall be positioned to provide the best possible coverage. The exterior cameras shall be positioned with one (1) forward facing located within the display head sign compartment and the other providing parallel vehicle side coverage from the curbside front to the rear of the vehicle.

The Contractor shall submit a proposed camera, IR illuminator, and audio layout and receive Authority's approval prior to installation, approval to include camera quantity and location. Authority's suggested layout of cameras and related equipment is in the following diagram.

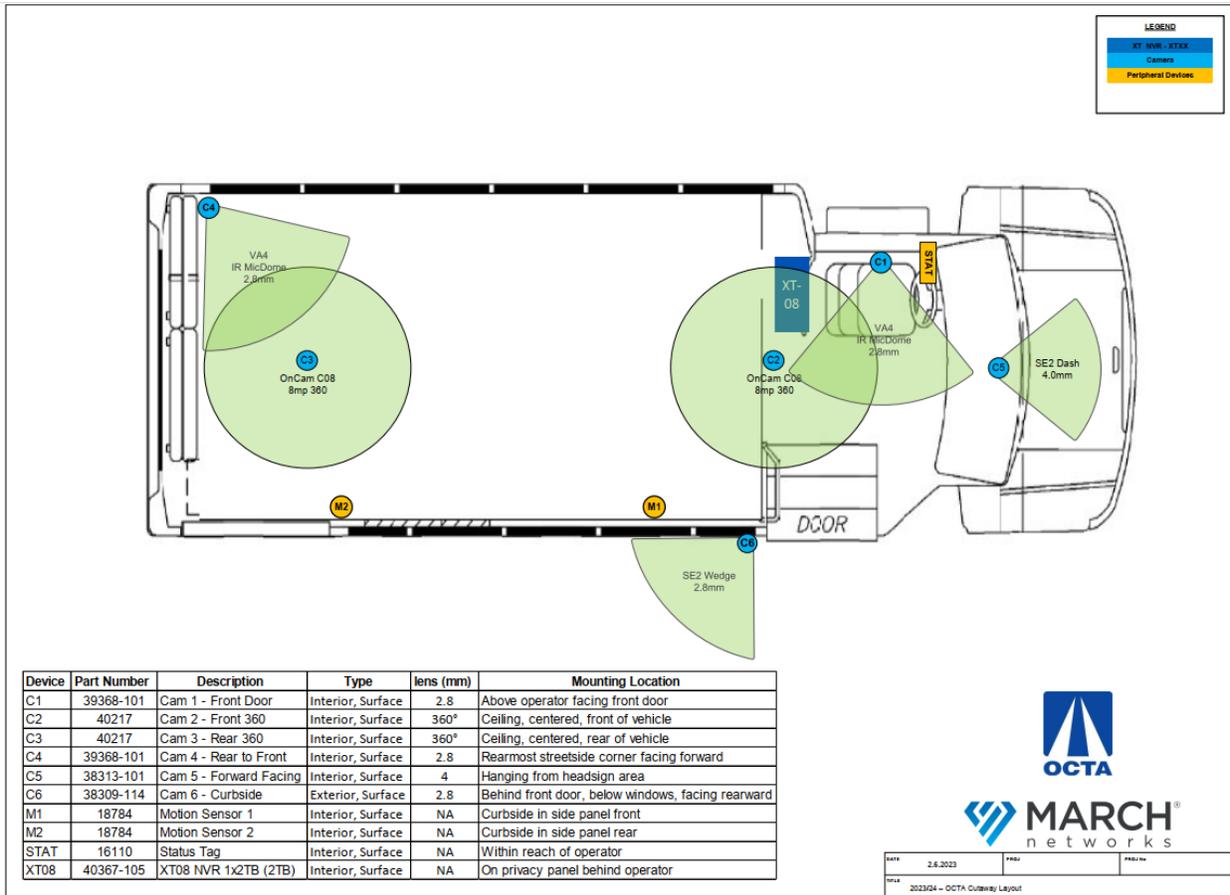
ACCESS BUS CAMERA/AUDIO LAYOUT

Cameras

- 4 Interior, (2) 360 cameras, (2) IP cameras with built-in microphone
- 1 HD camera Forward Facing
- 1 HD camera Curbside

Audio

Digital microphone built-in with IP camera



Item Number	Product ID	Product Name	DESCRIPTION	QTY	Notes
1	40367-105	NVR XT08 G1 SSD 1X2TB	XT08 - IP Mobile Recorder, 8 IP channels, 8 POE, 200Mbps, 1x2TB, 2TB of internal SSD storage.	1	
2	39368-101	CAM C2403A VA4 IR MICDOME 2.8MM RJ45	VA4 IR MicDome - 2.8mm Fixed Lens, 4MP HDR, RJ45, Integrated Microphone, Dynamic IR, IP66/IK10	2	
3	38313-101	CAM C2002A SE2 DASH 4.0MM	SE2 Fleet Dash Camera - 4.0mm Fixed Lens, HDR, PoE, RJ45	1	
4	38309-114	CAM C2702A SE2 WEDGE 2.8MM RJ45 WHT	SE2 Fleet Wedge Camera - H.264, RJ45, PoE, 2.8mm fixed iris lens, White Housing.	1	
5	40217	CAM C-08 O/D PLUS	Oncam C-08 Outdoor Plus Camera - 8MP 180/360, HDR, D/N, Alarm I/O, Audio input, POE, IP69K, IK10	2	
6	30200-101	CBL GTXX G1 STATUS ALARM HARNESS L=4.000	Breakout Cable Harness - 4-inch (10.16cm) - Connects recorder to 1 status/tag module, 1 switch, and 5 alarms. Compatible with RideSafe GT and XT	1	
7	16110	STATUS INDICATOR/TAG MODULE	Status LED/Tag Module - Includes tag/alarm button (to mark video segment for download) and LED (indicates system recording status and camera fault). Compatible with RideSafe MT, GT and XT Series	1	
8	16442-25	FG STATUS TAG MODULE CABLE 25FT	Status Module Extension Cable - 25 feet (7.6m) - Connects module to recorder. Includes connector at each end. Straight socket to straight socket. Compatible with RideSafe MT, GT and XT Series Recorders.	1	
9	18781-14	CABLE, MOBILE, MOTION SENSOR, 14' LENGTH	Motion Sensor Extension Cable - 14 feet (4.2m) - Connects sensor to recorder. Compatible with RideSafe MT, GT and XT Series Recorders.	1	
10	18781-22	CABLE, MOBILE, MOTION SENSOR, 22' LENGTH	Motion Sensor Extension Cable - 22 feet (6.7m) - Connects sensor to recorder. Compatible with RideSafe MT, GT and XT Series Recorders.	1	
11	18782	CABLE, MOBILE, Y, MOTION SENSOR	Y Motion Sensor Cable - Enables two-channel motion sensor operation when connected to either the RideSafe MT Recorder or the RideSafe GT and XT timer module.	1	
12	18784	MODULE MOTION DETECTOR 360 DEGREE DIGITA	Motion Sensor - 360 Degree digital motion sensor. Detection range is 7m x 6m (24ft x 20ft), at a height of 2.4m (8ft). Compatible with RideSafe MT, GT and XT Series Recorders.	2	
13	23684	AUX MDL 5 MINUTE TIMER W/ 5FT CABLE	Five Minute Timer Module - To initiate recorder boot up sequence following motion detection. Compatible with RideSafe GT and XT Series Recorders.	1	No built-in Timer on XT
14	30202-101	CBL GTXX G1 POWER ADAPTER L=4FT	Timer Module Power Adaptor Cable - 48-inch (1.2m) - Compatible with RideSafe GT and XT Series	1	Conenct Timer to XT
17	18930-20	CABLE, MOBILE, IR PWR, UNTERMINATED, 20'	NA	2	Brake and Silent Alarm
18	35341-103	CBL CAT5E RJ45-RJ45 SFTP BLK L= 7.60M	CAT5e Patch Cable - 25 feet (7.6m) - General Purpose. Straight RJ45 plug to straight RJ45 plug, SFTP, black jacket.	1	For NVR<>Router Connection

ATTACHMENT NO 5

Radio Communications

Conduent All-in-One IVU4000P VoIP Radio System with OpenSky option (to be finalized with Conduent OEM).

Contractor shall be responsible for delivering a bus equipped with all necessary components for a fully functional ITMS radio system based on the All-in-One IVU4000P VoIP with OpenSky option. These items for radio system operations are to be included in the equipment furnished and installed by the Contractor, except for Harris M7300 radio. AUTHORITY will transfer / install the L3Harris M7300 radio upon receipt of the vehicle. The Contractor shall submit a detailed bill of materials to Orange County Transportation Authority for approval after the contract is awarded but prior to the installation or delivery of any pilot or prototype vehicles. This equipment shall be compatible with the Authority's existing communication system. Hardware location shall be determined at the pre-production meeting and may require refinement during the evaluation of the prototype bus.

The following list of Conduent's' All-in-one IVU4000P and other items are provided only as a reference. The Contractor shall be responsible for contacting Conduent to secure the most accurate and up-to-date bill of materials (BOM), and configuration build for the AUTHORITY, Paratransit bus platform.

All cabinet and wire harnesses shall be custom fitted to a Paratransit chassis so that there is no excess cabling bundled under the dashboard or in the overhead compartment. There should be no more than 6 to 8 inches of extra cable for each component, anything more is excessive, and may cause damage to cables or wire harnesses.

Fire Suppression System Alarms shall be capable of being transmitted over the ITMS Radio system; as well as other predetermined trouble codes to be determined during the building of the First Article Bus.

Conduent - Contact Information

Nii Quartey

Conduent, TMS

Program Manager, OEM.

Nii.Quartey@conduent.com

7160 Riverwood Dr.

Columbia, MD 21046

443-259-7386 PH

301-792-2085 Cell.

IVU4000P for 6 Vehicles
Tablet Dock
OBD-II to USB converter (CAN converter for discrettes and Intermotive gateway)
Ethernet cable,5 meter
Tablet power cable
USB 2.0 A to B cable, 5 Meters
USB 2.0 A to B cable, 5M
USB Handset
Handset Clip
RAM Mount
USB to 4 Isolated Inputs Digital Interface Adapter
HERE License (2 years priced, any additional pricing will be added into warranty)
1 Critical Spare: IVU4000P Tablet

All-in-one VoIP IVU4000P unit

Mobile Routers and Antenna

Mobile Router

- a. Contractor shall provide and install a Cradlepoint, or approved equal, router, model number IBR1700-1200M, modular modem MC400 plus five (5) year Advance licensing and a compatible 9-in-1 antenna for each bus. The router shall be mounted within the electronics cabinet using 3.5-inches of 1-inch-wide 3M Dual Lock SJ3560 applied according to the manufacturer's directions along the mounting holes edge of each side of the mobile router. The 9-in-1 antenna (4 cellular input, 4 Wi-Fi and 1 GPS) shall be mounted at a location approved by Authority's project manager. Power, ground, and ignition signal shall be sourced from the same points as the 12 Volts of the ITMS radio power source.
- b. In addition, each mobile router shall be pre-paid and added to Authority's Cradlepoint ECM Prime account and Authority's CradleCare account for a period of five (5) years. Cradlepoint ECM shall be at Prime service level and CradleCare shall be at full-service level to include:
 - i. Twenty-four (24) hours per day, seven (7) days per week qualified phone support and twelve (12) hours per day, five (5) days per week portal/chat support for Cradlepoint routers, NCM and NetCloud Gateway
 - ii. Next business day replacement
 - iii. Service level targets
 - iv. Knowledge Base access
 - v. NetCloud OS upgrades
 - vi. Extended router warranty for term of CradleCare license
- c. **Cloud Services** – Cloud Services for management of the mobile routers for a period of five (5) years shall be provided. At minimum, the cloud services shall meet the following features, functionality, and specifications:
 - i. Open API such that third-party applications can interphase with the cloud service to provide added value functionality.
 - ii. Manage user access at multiple levels.
 - iii. Single point management of all mobile routers in Authority's fleet
 - iv. Fleet configurations that provide the ability to set-up and save a single router, then copy that configuration to another router, group, or fleet.

- v. Group configurations that provide the ability to designate groups of routers with individual configurations to be managed together.
 - vi. Remote firmware management that provides the ability to download and apply firmware to a single router, group, or fleet.
 - vii. GPS based location services.
 - viii. Command line interface to individual routers in real-time.
 - ix. Historical storage of data for a minimum of ninety (90) days.
- d. **Alert System** – Provides the ability for the router to alert the system administrator of critical issues with the router. The system shall be capable of alerting via the cloud interface, through SNMP trapping, and email. Alerts shall be configurable for the following:
- i. Down time
 - ii. Security
 - iii. Data usage
 - iv. Hardware failure
 - v. Geo-fencing
- e. **Support** – Technical support for the mobile routers for a period of five (5) years shall be provided. At minimum technical support shall meet the following features, functionality and specifications:
- i. Unlimited twenty-four (24) hours per day, seven days per week phone support
 - ii. Carrier specific support
 - iii. Dedicated assigned technical engineer
 - iv. Complete access to technical training on the router, networking and cloud services
 - v. Unlimited access to firmware, software, feature upgrades, and patches
 - vi. Priority consideration for advanced access to features and beta testing

Mobile Router IBR1700-1200M, MC400 & Cellular GPS Antenna (9-in-1, 4-in-1)

ATTACHMENT NO. 6

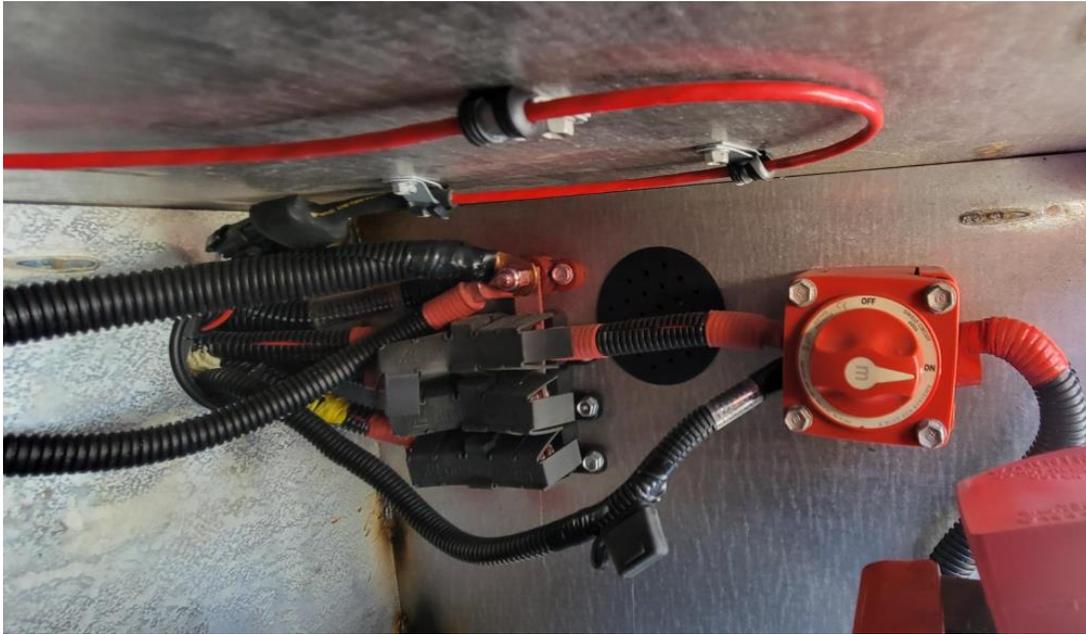
Battery Box Configuration



Battery Box Configuration



Battery Box Configuration



ATTACHMENT NO. 7

FleetWatch Fluid Management System

Below is just for example purpose. The Contractor must contact FleetWatch for the most updated equipment and installation.

FleetWatch contact information:

Jeremy Rothermel
S&A Systems, Inc.
FleetWatch Customer Support
972-722-0981
992 Sids Rd., Rockwall, TX 75032
jeremy@fleetwatch.com
www.fleetwatch.com

Transit Shuttles

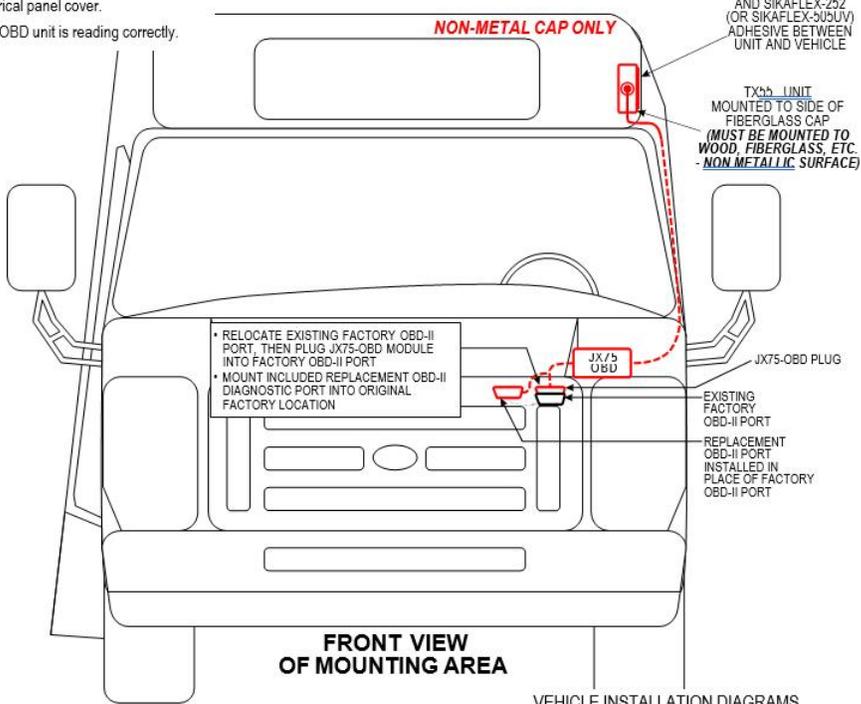
- ① JX755 securely mounted behind dash (*JX UNIT MUST NOT INTERFERE WITH SAFE VEHICLE OPERATION!*)
- ② Relocate existing factory OBD-II port, then plug JX75-OBD module into factory OBD-II port
- ③ Mount included replacement OBD-II diagnostic port into original factory location
- ④ TX55 Transceiver unit mounted in side cabinet left of driver's head behind the back electrical panel cover.
- ⑤ Start vehicle and use MR55 to program vehicle number, etc. and to make sure the JX75-OBD unit is reading correctly.



SIDE VIEW OF MOUNTING AREA



FRONT VIEW OF MOUNTING AREA



FRONT VIEW OF MOUNTING AREA

3M DUAL LOCK AND SIKAFLEX-252 (OR SIKAFLEX-300UV) ADHESIVE BETWEEN UNIT AND VEHICLE

TX55 UNIT MOUNTED TO SIDE OF FIBERGLASS CAP (MUST BE MOUNTED TO WOOD, FIBERGLASS, ETC. -NON METALLIC SURFACE)

JX75-OBD PLUG

EXISTING FACTORY OBD-II PORT

REPLACEMENT OBD-II PORT INSTALLED IN PLACE OF FACTORY OBD-II PORT

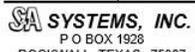
NON-METAL CAP ONLY

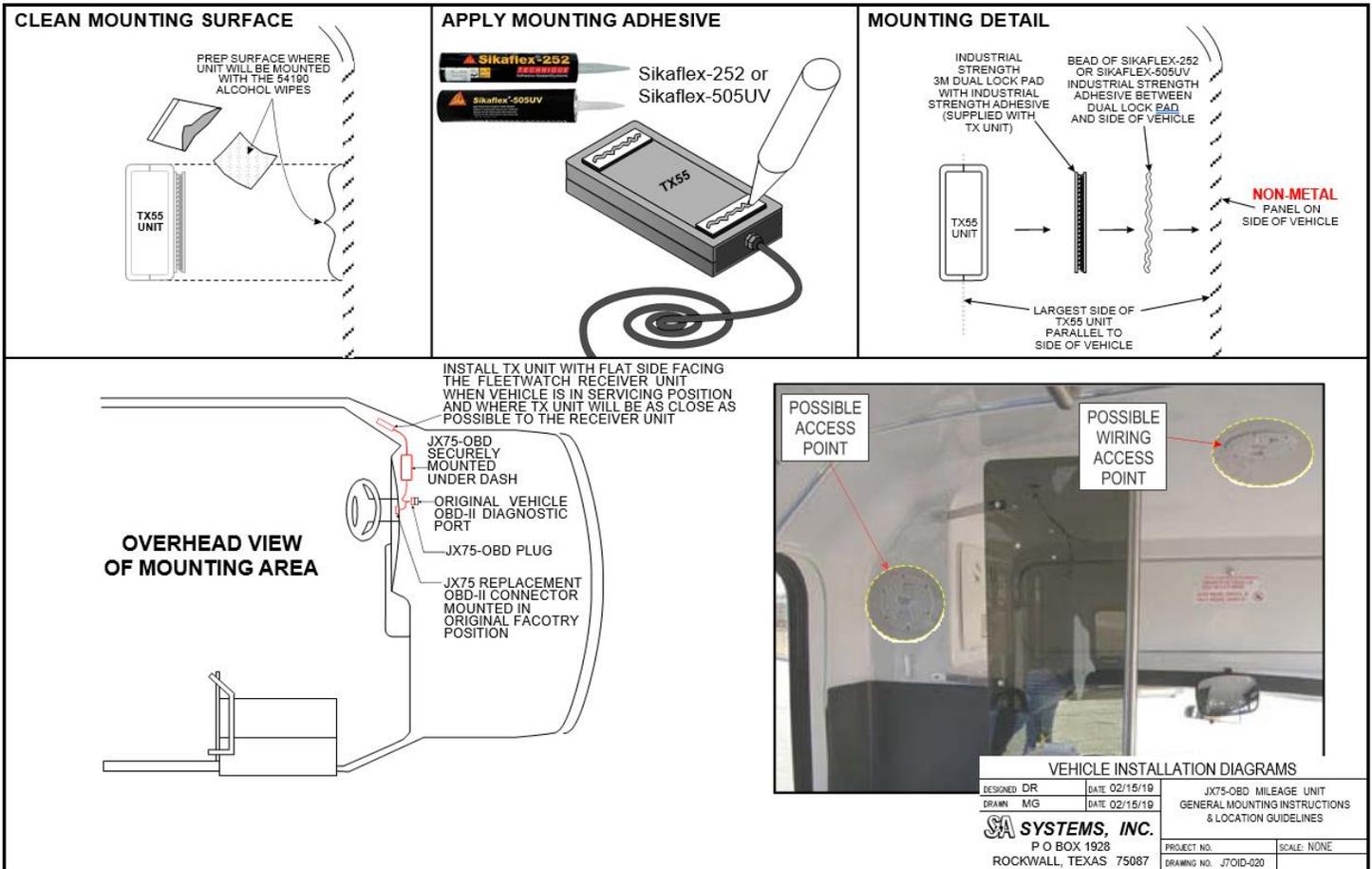
• RELOCATE EXISTING FACTORY OBD-II PORT, THEN PLUG JX75-OBD MODULE INTO FACTORY OBD-II PORT

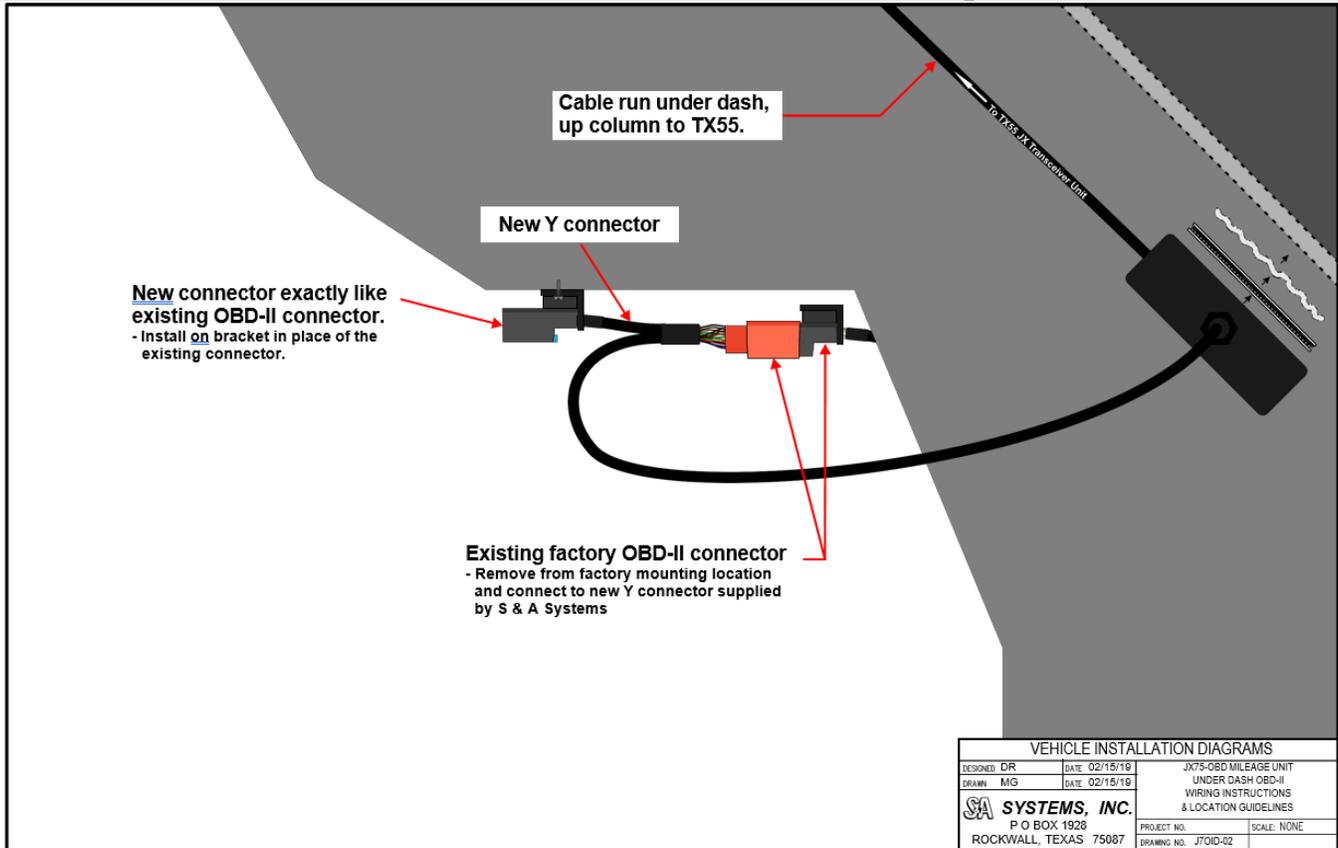
• MOUNT INCLUDED REPLACEMENT OBD-II DIAGNOSTIC PORT INTO ORIGINAL FACTORY LOCATION

JX75 OBD

VEHICLE INSTALLATION DIAGRAMS

DESIGNED DR	DATE 02/15/19	JX75-OBD MILEAGE UNIT TRANSIT SHUTTLE MOUNTING INSTRUCTIONS & LOCATION GUIDELINES
DRAWN MG	DATE 02/15/19	
 P O BOX 1928 ROCKWALL, TEXAS 75087		PROJECT NO.
		SCALE: NONE
		DRAWING NO. JT01D-010





SECTION V: COST AND PRICE FORMS

ACKNOWLEDGMENT OF RECEIPT OF ADDENDA AND OFFER

Offeror shall complete and return all forms in this Section with their proposal. Failure to acknowledge receipt of all addenda may cause the proposal to be considered non-responsive to the solicitation. Acknowledged receipt of each addendum must be clearly established and included in the Offer.

Prices quoted are firm for the term of the Agreement.

1. I acknowledge receipt of RFP 3-2511 Addenda No.(s) _____
2. This offer shall remain firm for _____ days from the date of proposal.
(Minimum 180)

COMPANY NAME _____

ADDRESS _____

TELEPHONE _____

FACSIMILE NO. _____

EMAIL ADDRESS _____

SIGNATURE OF PERSON
AUTHORIZED TO BIND OFFEROR _____

NAME AND TITLE OF PERSON
AUTHORIZED TO BIND OFFEROR _____

Offeror Name:
Gasoline Powered
Class B (Gasoline Powered Cutaway Ford E450)

Base Price:
Option Pricing: Items 1 to 45 \$0.00
Total: Base Price + Option Pricing \$0.00

Item No.	PRICE SUMMARY SHEET - UP TO THIRTEEN (13) OC ACCESS VAN	Qty	Unit Price	Extended	Notes/Clarifications
1	Pilot 22 (+/-1) Foot Gasoline Powered Cutaway Ford E450. Pilot shall include all items specified below (3 through 39) to make one complete unit. Bidders are to provide one all-inclusive pricing for Pilot and identify all ADA components/items as well as all taxable and non-taxable items.	1			
2	22 (+/-1) Foot Gasoline Powered Cutaway Ford E450	12			
3	Freedman Foldaway Seat (double)	12			
4	Freedman Drivers Seat	12			
5	Freedman Docket 90 cloth (per seat)	12			
6	Credit for seat delete	12			
7	Roof Vents	12			
8	Telma Driveline Brake Retarder	12			
9	Pentex 200 Amp Alternator	12			
10	Rear Tow hooks	12			
11	Kidde Automatic Fire Suppression w/Methane	12			
12	Exterior LEDs	12			
13	Interior LEDs	12			
14	Roof mount AC	12			
15	Farebox rail/prewire	12			
16	Additional Battery	12			
17	Intermotive Gateway Interface/Interlock	12			
18	Intermotive Pre-Trip Module	12			
19	Ford Gaseous Fuel Prep Package	12			
20	Altro Bus Flooring	12			
21	40" Entrance Door	12			
22	Complete OCTA Decal package (NOT TO EXCEED AMOUNT)	12			
23	Six (6) OEM white matching steel wheels	12			
24	Spare tire (loose, full size, to match OEM chassis)	12			
25	Maximum Entrance Step Height of 10.75 inches	12			
26	All front stanchions powder coated yellow	12			
27	Yellow stanchion by front door for mounting Diamond Farebox; wired for 12V light.	12			
28	Entry door full length yellow powder coated stanchions, and yellow powder coated handles added to front door.	12			
29	Key all units alike to OCTA key code	12			
30	Anderson SB50 Jump Starter	12			
31	Fleetwatch combination bus mileage/fluid management system transponder installed and programmed with OCTA vehicle ID and odometer mileage.	12			
32	Conduent All-in-One IVU4000P VoIP Radio System with OpenSky option (full install)	12			
33	2 Way Radio Prep	12			
34	March Networks On-Board Video Surveillance System (OBVSS)	12			
35	Wheelchair lift (1000 lbs capacity lift)	12			
36	Q Straint QRT 360(WC 18) (Additional Position)	12			
37	36 inch "L-Track" mounted to streetside interior wall, or under flip-up seats for QRT storage.	12			
38	ADA/Accessibility Equipment Includes All Needed Equipment	12			
39	Additional Mobility Aid positions (w/tie downs)	12			
40	Training Hours (20)	20			
41	Three sets of 48" x 31" wall schematics of the complete bus electrical system, specific to the Authority's build.	3			
42	One set of OEM vehicle manuals, schematics, including and including OEM, and add-on components (HVAC, Wheelchair lift, etc.), Preventive Maintenance guidelines, and drawings shall be delivered with the first article; and three more delivered at the end of production.	6			
43	Ford OEM online subscription for three years	1			
44	Scaled drawings with dimensions, including all views (Front, rear, top and both sides) in electronic AutoCAD file	1			
45	Delivery to Santa Ana, California	13			
	CalACT Base Price - Class B				
	OCTA Optional Equipment				
	Unit Price - (Before Ford GPC and Mobility Discounts)				
	Ford GPC - (Incentive) (Non-Taxable)				
	Ford Mobility - (Rebate) (Taxable)				
	Doc Prep Fee - (Taxable)				
	Base Selling Price				
	ADA Amount - (Non-Taxable)				
	Total Taxable Amount				
	Sales Tax 7.75%				
	CalACT Fee				
	DMV Fee - (Exempt Plates)				
	DMV Electronic Filing Fee				
	Tire Fee				
	Total Price Per Unit				
	Grand total (13 units)				

Offeror Name:
Gasoline Powered
Class B (Gasoline Powered Cutaway Ford E450)

Base Price:
Option Pricing: Items 1 to 44
Total: Base Price + Option Pricing

\$0.00
\$0.00

Item No.	PRICE SUMMARY SHEET - OPTIONAL (10) OC ACCESS VANS	Qty	Unit Price	Extended	Notes/Clarifications
1	22 (+/-1) Foot Gasoline Powered Cutaway Ford E450	10			
2	Freedman Foldaway Seat (double)	10			
3	Freedman Drivers Seat	10			
4	Freedman Docket 90 cloth (per seat)	10			
5	Credit for seat delete	10			
6	Roof Vents	10			
7	Telma Driveline Brake Retarder	10			
8	Pentex 200 Amp Alternator	10			
9	Rear Tow hooks	10			
10	Kidde Automatic Fire Suppression w/Methane	10			
11	Exterior LEDs	10			
12	Interior LEDs	10			
13	Roof mount AC	10			
14	Farebox rail/prewire	10			
15	Additional Battery	10			
16	Intermotive Gateway Interface/Interlock	10			
17	Intermotive Pre-Trip Module	10			
18	Ford Gaseous Fuel Prep Package	10			
19	Altro Bus Flooring	10			
20	40" Entrance Door	10			
21	Complete OCTA Decal package (NOT TO EXCEED AMOUNT)	10			
22	Six (6) OEM white matching steel wheels	10			
23	Spare tire (loose, full size, to match OEM chassis)	10			
24	Maximum Entrance Step Height of 10.75 inches	10			
25	All front stanchions powder coated yellow	10			
26	Yellow stanchion by front door for mounting Diamond Farebox; wired for 12V light.	10			
27	Entry door full length yellow powder coated stanchions, and yellow powder coated handles added to front door.	10			
28	Key all units alike to OCTA key code	10			
29	Anderson SB50 Jump Starter	10			
30	Fleetwatch combination bus mileage/fluid management system transponder installed and programmed with OCTA vehicle ID and odometer mileage.	10			
31	Conduent All-in-One IVU4000P VoIP Radio System with OpenSky option (full install)	10			
32	2 Way Radio Prep	10			
33	March Networks On-Board Video Surveillance System (OBVSS)	10			
34	Wheelchair lift (1000 lbs capacity lift)	10			
35	Q Straint QRT 360(WC 18) (Additional Position)	10			
36	36 inch "L-Track" mounted to streetside interior wall, or under flip-up seats for QRT storage.	10			
37	ADA/Accessibility Equipment Includes All Needed Equipment	10			
38	Additional Mobility Aid positions (w/tie downs)	10			
39	Training Hours (20)	10			
40	One sets of 48" x 31" wall schematics of the complete bus electrical system, specific to the Authority's build.	1			
41	One set of OEM vehicle manuals, schematics, including and including OEM, and add-on components (HVAC, Wheelchair lift, etc.), Preventive Maintenance guidelines, and drawings shall be delivered with the first article; and three more delivered at the end of production.	4			
42	Ford OEM online subscription for three years	1			
43	Scaled drawings with dimensions, including all views (Front, rear, top and both sides) in electronic AutoCAD file	1			
44	Delivery to Santa Ana, California	10			
	CalACT Base Price - Class B				
	OCTA Optional Equipment				
	Unit Price - (Before Ford GPC and Mobility Discounts)				
	Ford GPC - (Incentive) (Non-Taxable)				
	Ford Mobility - (Rebate) (Taxable)				
	Doc Prep Fee - (Taxable)				
	Base Selling Price				
	ADA Amount - (Non-Taxable)				
	Total Taxable Amount				
	Sales Tax 7.75%				
	CalACT Fee				
	DMV Fee - (Exempt Plates)				
	DMV Electronic Filing Fee				
	Tire Fee				
	Total Price Per Unit				
	Grand total (10 units)				

SECTION VI: QUALITY ASSURANCE

QUALITY ASSURANCE

A. CONTRACTOR'S IN-PLANT QUALITY ASSURANCE REQUIREMENTS

1. QUALITY ASSURANCE REQUIREMENTS

Contractor, the Contractor's manufacturing plant and organization shall be certified to the appropriate QS-9000/ISO 9000 series of standards.

2. QUALITY ASSURANCE ORGANIZATION

a. ORGANIZATION ESTABLISHMENT

Contractor shall establish and maintain an effective in-plant quality assurance organization. It shall be a specifically defined organization and should be directly responsible to the Contractor's top management.

b. CONTROL

The quality assurance organization shall exercise quality control over all phases of production from initiation of design through manufacture and preparation for delivery. The organization shall also control the quality of supplied articles.

c. AUTHORITY AND RESPONSIBILITY

The quality assurance organization shall have the authority and responsibility for reliability, quality control, inspection planning, establishment of the quality control system, and acceptance/rejection of materials and manufactured articles in the production of the transit buses.

3. QUALITY ASSURANCE ORGANIZATION FUNCTIONS

The quality assurance organization shall include the following minimum functions.

a. WORK INSTRUCTIONS

The quality assurance organization shall verify inspection operation instructions to ascertain that the manufactured product meets all prescribed requirements.

b. RECORDS MAINTENANCE

The quality assurance organization shall maintain and use records and data essential to the effective operation of its program. These records and data shall be available for review by the Resident inspectors. Inspection and test records for this procurement shall be available for a minimum of one (1) year after inspections and tests are completed.

c. CORRECTIVE ACTION

The quality assurance organization shall detect and promptly assure correction of any conditions that may result in the production of defective transit buses. These conditions may occur in designs, purchases, manufacture, tests, or operations that culminate in defective supplies, services, facilities, technical data, or standards.

4. QUALITY ASSURANCE BASIC STANDARDS AND FACILITIES

a. BASIC STANDARDS AND FACILITIES

The following standards and facilities shall be basic in the quality assurance process.

b. CONFIGURATION CONTROL

Contractor shall maintain drawings, assembly procedures, and other documentation that completely describe a qualified bus that meets all of the options and special requirements of this procurement. The quality assurance organization shall verify that each transit bus is manufactured in accordance with these controlled drawings, procedures, and documentation.

c. MEASURING AND TESTING FACILITIES

Contractor shall provide and maintain the necessary gauges and other measuring and testing devices for use by the quality assurance organization to verify that the buses conform to all specification requirements. These devices shall be calibrated at established periods against certified measurement standards that have known valid relationships to national standards.

d. PRODUCTION TOOLING AS MEDIA OF INSPECTION

When production jigs, fixtures, tooling masters, templates, patterns, and other devices are used as media of inspection, they shall be proved for accuracy at formally established intervals and adjusted, replaced, or repaired as required to maintain quality.

e. EQUIPMENT USED BY RESIDENT INSPECTORS

Contractor's gauges and other measuring and testing devices shall be made available for use by the resident inspectors to verify that the buses conform to all specification requirements. If necessary, Contractor's personnel shall be made available to operate the devices and to verify their condition and accuracy.

5. CONTROL OF PURCHASES

Contractor shall maintain quality control of purchases.

a. SUPPLIER CONTROL

Contractor shall require that each supplier maintains a quality control program for the services and supplies that it provides. The Contractor's quality assurance organization shall inspect and test materials provided by suppliers for conformance to specification requirements. Materials that have been inspected, tested, and approved shall be identified as acceptable to the point of use in the manufacturing or assembly processes. Controls shall be established to prevent inadvertent use of nonconforming materials.

b. PURCHASING DATA

Contractor shall verify that all applicable specification requirements are properly included or referenced in purchase orders of articles to be used on transit buses.

6. MANUFACTURING CONTROL

a. CONTROLLED CONDITIONS

Contractor shall ensure that all basic production operations, as well

as all other processing and fabricating, are performed under controlled conditions. Establishment of these controlled conditions shall be based on the documented work instructions, adequate production equipment, and special working environments if necessary.

b. COMPLETED ITEMS

A system for final inspection and test of completed transit buses shall be provided by the quality assurance organization. It shall measure the overall quality of each completed bus.

c. NONCONFORMING MATERIALS

The quality assurance organization shall monitor the Contractor's system for controlling nonconforming materials. The system shall include procedures for identification, segregation, and disposition.

d. STATISTICAL TECHNIQUES

Statistical analysis, tests, and other quality control procedures may be used when appropriate in the quality assurance processes.

e. INSPECTION STATUS

A system shall be maintained by the quality assurance organization for identifying the inspection status of components and completed transit buses. Identification may include cards, tags, or other normal quality control devices.

7. INSPECTION SYSTEM

a. INSPECTION SYSTEM SCOPE

The quality assurance organization shall establish, maintain, and periodically audit a fully-documented inspection system. The system shall prescribe inspection and test of materials, work in process, and completed articles. As a minimum, it shall include the following controls.

b. INSPECTION PERSONNEL

Sufficient trained inspectors shall be used to ensure that all

materials, components, and assemblies are inspected for conformance with the qualified bus design.

c. INSPECTION RECORDS

Acceptance, rework, or rejection identification shall be attached to inspected articles. Articles that have been accepted as a result of approved materials review actions shall be identified. Articles that have been reworked to specified drawing configurations shall not require special identification. Articles rejected as unsuitable or scrap shall be plainly marked and controlled to prevent installation on the bus. Articles that become obsolete as a result of engineering changes or other actions shall be controlled to prevent unauthorized assembly or installation. Unusable articles shall be isolated and then scrapped.

Discrepancies noted by the Contractor or resident inspectors during assembly shall be entered by the inspection personnel on a record that accompanies the major component, subassembly, assembly, or bus from start of assembly through final inspection. Actions shall be taken to correct discrepancies or deficiencies in the manufacturing processes, procedures, or other conditions that cause articles to be in nonconformity with the requirements of the contract specifications. The inspection personnel shall verify the corrective actions and mark the discrepancy record. If discrepancies cannot be corrected by replacing the nonconforming materials, the Authority shall approve the modification, repair, or method of correction to the extent that the contract specifications are affected.

d. QUALITY ASSURANCE AUDITS

The quality assurance organization shall establish and maintain a quality control audit program. Records of this program shall be subject to review by the Authority.

B. INSPECTIONS

1. INSPECTION STATIONS

Inspection stations shall be at the best locations to provide for the work content and characteristics to be inspected. Stations shall provide the facilities and equipment to inspect structural, electrical, hydraulic, and other components and assemblies for compliance with the design requirements.

Stations shall also be at the best locations to inspect or test characteristics before they are concealed by subsequent fabrication or assembly operations. These locations shall minimally include underbody structure completion, body framing completion, body prior to paint preparation, water test before interior trim and insulation installation, engine installation completion, underbody dress-up and completion, bus prior to final paint touchup, bus prior to road test, and bus final road test completion.

2. RESIDENT INSPECTOR

a. RESIDENT INSPECTOR ROLE

The Authority shall be represented at the Contractor's plant by resident inspectors. Resident inspectors shall monitor, in the Contractor's plant, the manufacture of transit buses built under the procurement. The presence of these resident inspectors in the plant shall not relieve the Contractor of its responsibility to meet all of the requirements of this procurement. The Authority shall designate a primary resident inspector, whose duties and responsibilities are delineated in "Pre-Production Meetings", "Authority" and "Pre-Delivery Tests". Contractor and resident inspector relations shall be governed by the "Guidelines" and "Quality Assurance" Provisions.

b. PRE-PRODUCTION MEETINGS

The primary resident inspector shall participate in design review and pre-production meetings with the Authority. At these meetings the configuration of the buses and the manufacturing processes shall be finalized, and all contract documentation provided to the inspector.

No less than thirty (30) days prior to the beginning of bus manufacture, the primary resident inspector shall meet with the Contractor's quality assurance manager and shall conduct a pre-production audit meeting to review the inspection procedures and finalize inspection checklists. The resident inspectors may begin monitoring bus construction activities two (2) weeks prior to the start of bus fabrication.

c. AUTHORITY

Records and data maintained by the quality assurance organization

shall be available for review by the resident inspectors. Inspection and test records for this procurement shall be available for a minimum of one year after inspections and tests are completed.

Contractor's gauges and other measuring and testing devices shall be made available for use by the resident inspectors to verify that the buses conform to all specification requirements. If necessary, the Contractor's personnel shall be made available to operate the devices and to verify their condition and accuracy.

Discrepancies noted by the resident inspector during assembly shall be entered by the Contractor's inspection personnel on a record that accompanies the major component, subassembly, assembly, or bus from start of assembly through final inspection. Actions shall be taken to correct discrepancies or deficiencies in the manufacturing processes, procedures, or other conditions that cause articles to be in nonconformity with the requirements of the contract specifications. The inspection personnel shall verify the corrective actions and mark the discrepancy record. If discrepancies cannot be corrected by replacing the nonconforming materials, the Authority shall approve the modification, repair, or method of correction to the extent that the contract specifications are affected.

The primary resident inspector shall remain in the Contractor's plant for the duration of bus assembly work under the contract. Only the primary resident inspector or designee shall be authorized to release the buses for delivery. The resident inspectors shall be authorized to approve the pre-delivery acceptance tests. Upon request to the quality assurance supervisors, the resident inspectors shall have access to the Contractor's quality assurance files related to this procurement. These files shall include drawings, assembly procedures, material standards, parts lists, inspection processing and reports, and records of defects.

d. **SUPPORT PROVISIONS**

Contractor shall provide office space for the resident inspectors in close proximity to the final assembly area. This office space shall be equipped with desks, outside and interplant telephones, file cabinet, chairs, and clothing lockers sufficient to accommodate the resident staff.

C. ACCEPTANCE TESTS

1. RESPONSIBILITY

Fully-documented tests shall be conducted on each production bus following manufacture to determine its acceptance to the Authority. These acceptance tests shall include pre-delivery inspections and testing by the Contractor and inspections and testing by the Authority after the buses have been delivered.

2. PRE-DELIVERY TESTS

Contractor shall conduct acceptance tests at its plant on each bus following completion of manufacture and before delivery to the Authority. These pre-delivery tests shall include visual and measured inspections, as well as testing the total bus operation. The tests shall be conducted and documented in accordance with written test plans, approved by the Authority.

Additional tests may be conducted at the Contractor's discretion to ensure that the completed buses have attained the desired quality and have met the requirements in "Technical Specifications" (Section IV). The Authority may, prior to commencement of production, demand that the Contractor demonstrate compliance with any requirement in "Technical Specifications" (Section IV), if there is evidence that prior tests have been invalidated by Contractor's change of supplier or change in manufacturing process. Such demonstration shall be by actual test or by supplying a report of a previously performed test on similar or like components and configuration. Any additional testing shall be recorded on appropriate test forms provided by the Contractor and shall be conducted before approval of bus delivery to the Authority.

The pre-delivery tests shall be scheduled and conducted with fifteen (15) days' notice so that they may be witnessed by the resident inspectors, who may accept or reject the results of the tests. The results of pre-delivery tests, and any other tests, shall be filed with the assembly inspection records for each bus. The underfloor equipment shall be available for inspection by the resident inspectors, using a pit or bus hoist provided by the Contractor. A hoist, scaffold, or elevated platform shall be provided by the Contractor to

easily and safely inspect bus roofs. Delivery of each bus shall require written authorization of the primary resident inspector. Authorization forms for the release of each bus for delivery shall be provided by the Contractor. An executed copy of the authorization shall accompany the delivery of each bus.

a. INSPECTION - VISUAL AND MEASURED

Visual and measured inspections shall be conducted with the bus in a static condition. The purpose of the inspection testing is to verify overall dimensional and weight requirements, to verify that required components are included and are ready for operation, and to verify that components and subsystems that are designed to operate with the bus in a static condition do function as designed.

b. TOTAL BUS OPERATION

Total bus operation shall be evaluated during road tests. The purpose of the road tests is to observe and verify the operation of the bus as a system and to verify the functional operation of the subsystems that can be operated only while the bus is in motion.

Each bus shall be driven for a minimum of fifteen (15) miles during the road tests. Observed Defects shall be recorded on the test forms. The bus shall be retested when Defects are corrected and adjustments are made. This process shall continue until Defects or required adjustments are no longer detected. Results shall be pass/fail for these bus operation tests.

3. POST-DELIVERY TESTS

The Authority may conduct vehicle inspection tests on each delivered bus. These tests shall be completed within thirty (30) calendar days after bus delivery and shall be conducted in accordance with written test plans. The purpose of these tests is to identify defects that have become apparent between the time of bus release and delivery to the Authority. The post-delivery tests shall include visual inspection and bus operations. No post-delivery test shall apply criteria that are different from the criteria applied in an analogous pre-delivery test (if any).

Buses that fail to pass the post-delivery tests are subject to rejection. The

Authority shall record details of all Defects on the appropriate test forms and shall notify the Contractor of each bus status within thirty (30) calendar days according to "Acceptance of Bus" after completion of the tests. The Defects detected during these tests shall be repaired according to procedures defined in the Agreement, "Repairs By Contractor."

a. **VISUAL INSPECTION**

The post-delivery inspection is similar to the inspection at the Contractor's plant and shall be conducted with the bus in a static condition. Any visual delivery damage shall be identified and recorded during the visual inspection of each bus.

b. **BUS OPERATION**

Road tests will be used for total bus operation similar to those conducted at the Contractor's plant. In addition, the Authority may elect to perform chassis dynamometer tests. Operational deficiencies of each bus shall be identified and recorded.

D. GUIDE FOR INSPECTION

The following provides the Authority's general criteria of the manufacturing and bus inspections intended for each one of the buses procured under this solicitation, including product quality assurance, audit, certifications required by FTA, Buy America regulations pertaining to rolling stock purchases and the Authority's on-site inspection tests and acceptance guidelines.

This inspection is intended to be in compliance with all Code of Federal Regulations (CFR), 49 CFR 661 Buy America, 49 CFR 668 Pre-Award and Post Delivery Audits of Rolling Stock purchases, 49 CFR 668 Bus Testing, United States Code (USC) 49 USC 5323 (j) Buy America, Federal Acquisitions Regulations, FTA Master Agreement, FTA Circular 4220.1F, FTA Circular 5000 Grants Management, FTA Handbook Conducting Pre and Post-Delivery Audits, FTA Best Practices Procurement manual to include Buy America Certification, Buy America and Buy America Requirements and all applicable standards set forth in 49 CFR, Part 571 – Federal Motor Vehicle Safety Standards.

1. TASKS

- a. Pre-production meeting in Orange County, California, or at the manufacturer's location having representatives from the Authority and the Contractor prior to the manufacturing of First Article bus.
- b. Authority's issuing of the Notice to Proceed with the manufacturing of the First Article bus.
- c. In-plant inspection of the First Article bus at the Contractor's facility/location, to include configuration review of the Authority's first article, Buy America Audit.
- d. Contractor's presentation of a fully completed First Article bus at the manufacturer's location.
- e. Authority personnel perform the in-plant review of the First Article bus and, if in compliance with all the requirements, approval for shipment is provided to the Contractor.
- f. Contractor performs licensing and registration of the First Article bus prior to delivery to the Authority.
- g. Continued inspection at the final delivery location, any of the Authority facilities in Orange County, California, including forty (40) hours of uninterrupted revenue service testing.
- h. Completion of First Article testing and review after all discrepancies are corrected to Authority's satisfaction.
- i. Authority issues Notice to Proceed with the Production Run
- j. Same above listed steps are followed with the Production Run

2. PRE-PRODUCTION PHASE

- a. Authority personnel or its On-Site inspector will conduct a review of Contractor's supplied documents for areas such as Buy America Pre-Award Compliance audit, Buy America Pre-Award Purchasers Requirements Certification, Buy America Pre-Award FMVSS Certification, DOT Safety requirements/specifications/regulations; and Quality Control/Quality Assurance procedures. Formal reports to the Authority in these areas are required.
- b. Authority personnel and its On-Site inspector will be provided with all contract documentation with bus manufacturer prior to start of manufacture.

- c. Authority personnel and/or its On-Site inspector will attend a pre-production audit meeting with the bus manufacturer. At this meeting, primary contact persons from the Authority, the bus manufacturer and In-Plant inspection representatives are expected to be present to finalize vehicle configuration decisions/documentation; and review manufacturing processes and schedule.

3. MANUFACTURING PHASE

- a. Authority personnel or its On-Site inspectors will be on site at the manufacturer's location during all phases of manufacture, unless otherwise instructed by the Authority in writing.
- b. Authority personnel or its On-Site inspectors will provide continuity of inspectors during each vehicle acquisition for the Authority.
- c. The Authority or its On-Site inspectors will ensure sufficient staffing on site based on the production schedules and quantity of buses to ensure expedited production. Inspection delays cannot be allowed to slow down the manufacturing process, except for documented quality problems.
- d. On-site inspectors will be available during all normal work hours of the manufacturer.
- e. On-Site Inspectors will work cooperatively with manufacturers and the Authority representatives. The expected result is a high-quality transit vehicle completed on schedule, and in conformance with Federal, State & local specifications, with minimal changes in configuration during manufacture.
- f. Authority or its On-Site inspectors will designate a project "Team Leader" (in the event more than one inspector is assigned to a project). This person will be the primary point of contact for the Authority staff, and will be the direct liaison with the manufacturer's personnel, and the only person delegated to make "stop work" or "stop ship" decisions on behalf of the Authority, based on pre-agreed criteria. The Authority will similarly appoint a single point of contact.
- g. The On-Site inspector will provide daily and weekly summary reports by e-mail or facsimile to the designated Authority Project Manager. The written reports will include, at a minimum, the following items:
 - Production progress during the period.
 - Production schedule.
 - Vehicle shipment status.
 - Production line movement identified by stage and Authority

- vehicle numbers.
 - Specific problems encountered during the period.
 - Status of problems/issues reported during the previous reporting periods.
 - Recommended solutions to problems/issues reported.
 - Request for input from the Authority to make a decision or support the On-Site inspector's position.
 - General comments.
- h. The On-Site inspector will ensure that the manufacture of the vehicles is in a manner consistent with all 49 CFR Part 571 & California State regulations (Title 13 CCR and specifications; as well as Authority's specifications (incorporating any approved changes).
- i. The On-Site inspector will meet with the Authority Project Manager at the end of production of the First Article, to conduct a configuration audit on the First Article bus. Once the configuration has been established, the On-Site inspector will produce the required Buy America post-delivery audit documents prior to Authority's issuing of the Notice to Proceed to the Manufacturer.
- j. The On-Site inspector will inspect and certify that each bus complies with the Buy America content/requirement, and Authority's configuration requirements, as approved with the first article.
- k. The On-Site inspector will maintain and distribute meeting minutes for any formal meeting (i.e.: pre-production audit meeting) held with the manufacturer and/or the Authority.
- l. Except for those differences among vehicles in a single order that might be required for in the specifications, the On-Site inspector will ensure that all transit vehicles manufactured are identical and interchangeable within the same order. The On-Site inspector will similarly ensure that vehicle manuals and other documentation are updated with any changes to match actual vehicle configuration.
- m. During the production of the first buses, the production line will be thoroughly evaluated for its conformity to the agreements set forth during the initial audit process. This will include compliance to the quality assurance program, testing requirements, documentation of certification testing, including but not limited to fastener testing, steel treatment, torque wrench calibration, welding testing (ultra sound and die penetrant testing), paint adhesion testing, paint thickness testing, electrical wiring and component ratings, etc.
- n. All final operating tests will be checked during the final buy-off stage

to help ensure that all of the appropriate testing has been completed. If the tests fail to meet the standard of the technical specifications, the On-Site inspector will develop a list that will be forwarded to the manufacturer requesting adjustments in the process. The goal is to adjust the testing within the final stages of the first two to five buses.

- o. As part of the final inspection phase, the On-Site inspector will perform a road test, riding each bus and listening for abnormal power train noises, interior rattles, and observing for proper shift points, acceleration, braking performance, ride quality, and appropriate functioning of other bus systems.
- p. Upon completion of manufacture of each unit, the On-Site inspector will perform a full inspection test at the manufacturer's location prior to shipment to the Authority. Any defects noted will be made known to the manufacturer and tracked for correction prior to shipment to the Authority. Upon approval for shipment by the On-Site inspector, the On-Site inspector will transmit a copy of the inspection sheet to the Authority for each vehicle as quickly as practical to expedite final vehicle inspection at the Authority. On-Site inspector will not allow the manufacturer to ship any vehicle that has not successfully passed this inspection, unless approved in writing by the Authority.
- q. Specific emphasis will be placed on undercarriage, electrical installation, brakes, wheelchair lift, air conditioning, differential, and interior seating. It cannot be over-emphasized that the production line is critical point for identification and documentation of non-compliant matters and to clarify and resolve noted discrepancies and issues to include:
 - QC production procedures.
 - Weld integration (Zyglow, ultrasound test methods, etc.).
 - Frame undercoating thickness.
 - Sheet metal application, fit and finish, sidewall trueness as well as sheet metal quality.
 - Paint adherence pull test and thickness tests.
 - Paint Quality (orange peel, fisheye, sagging, and dirt)
 - Detailed Inspection to include hydraulic lines, fuel lines and electrical harnesses.
 - Electrical component ratings and proper grounding.
 - Proper clamping, routing and spacing of air lines from making contact with other components.
 - Proper clamping, routing and spacing of electrical wire harnesses from making contact with other components.
 - Etc.

- r. The on-site inspector will be responsible for providing at a minimum, the following (As applicable) with each individual bus record:
- Inspection Report verifying conformity to all specifications.
 - Methane Detection System Test.
 - Wheel alignment
 - Fire Suppression System Test
 - Water test certification
 - Front end alignment and steering stop adjustment certification.
 - “Completed Bus” inspection document.
 - Copy of defects and corrections noted during bus inspection.
 - VIN number (copy of bus data plate)
 - Manufacturer inspection records
 - Certificate of Origin
 - Certified Weight slip (curb weight)
 - On-Site Inspector’s inspection documents
 - Final factory bus inspection Report
 - Road Test function Report to include:
 - Acceleration Test
 - Top Speed Test
 - Service Brake Test
 - Parking Brake Test
 - Turning Effort Test
 - Turning Radius Test
 - Shift Quality
 - Retarder Deceleration Test
 - During the road test, one vehicle should be taken to a weigh station to record the vehicle’s front axle weight; rear axle weight and total vehicle (curb) weight.
 - A list of major component serial numbers will be documented for each bus; at a minimum the following components will be listed:
 - Engine
 - Transmission
 - Alternator
 - Starter
 - HVAC Unit
 - AC Compressor
 - Drive Axle

- Power Steering Unit
 - Air Compressor
 - Engine Cooling System (EMP)
 - All other components that the manufacturer will require in order to process warranty claims.
- s. The On-Site inspector will be responsible for providing at a minimum, the following (As applicable) with each separate bus build:
- A Pre-Award Purchasers Requirements certification, which certifies that the product meets the Authority's specifications and is being built within the requirements outlined in 49 CFR, Sections 663.27, 663.25 & 663.23.
 - A copy of the Pre-Award and Post-Delivery manufacturer's self-certification of compliance with the Federal Motor Vehicle Safety Standards (FMVSS) stating that the bus manufactured meets the requirements of those standards (49 CFR, Sec. 663.41).
 - A Post-Delivery Audit. The On-Site inspector will certify that each bus was built to the specified FTA requirements/specifications and Authority configuration in accordance with 49 CFR, Sections, 663.33, 663.35, 663.37 & 663.39.
- t. The On-Site inspector is not responsible for final bus acceptance. This task will be performed by the Authority personnel.
4. POST-PRODUCTION ACTIVITIES
- a. The On-Site inspector will provide final written documentation to the Authority summarizing the production processes and issues supplemented for each bus; and copies of the inspection write-ups of each vehicle inspected.
 - b. In addition to the bus production documents, and Road Test Sheets, all memoranda and QA correspondence will be stored and chronologically organized and provided in the final production report.
5. VEHICLE INSPECTION PHASE AT AUTHORITY
- a. Upon delivery of the bus to the Authority facilities, Authority personnel shall perform a complete delivery/vehicle inspection/verification to include, among others, recording of all

vehicle serialized components, e.g., VIN number, transmission serial #, engine, serial #, axles, etc.

- b. Visual checks to include, among others, all exterior lights, body finish, paint, decals, installation of bike rack, operation of all interior and exterior access panels and doors, latches, condition of tires, etc.
- c. Mechanical checks to include verification of lug nuts torque, belt tensions, lubrication of chassis, lubrication of driveshaft, lubrication of components, re-torqueing of components, testing of fire suppression and methane detection systems, drain and replace engine oil, check of transmission and engine mounts, etc.
- d. Operational checks to include, among others, seat belts, steering column, horn, sun visors, mirrors, windows, parking brake, wiper blades, ventilation system, transmission shifting quality, air conditioning, parking brake, fluid and fuel leaks, plumbing, radio system, on board video surveillance system, passenger counters, voice announcement, destination signs, sun visors, driver's controls, passenger circulation, lights, switches, knobs, emergency releases, etc.
- e. Drivability tests to include, among others, at a minimum, 40-hours of continuous uninterrupted service testing to evaluate performance, driving ability, steering response, cooling system's performance, vehicle speed, system's operation and interaction, acceleration, engine compartment temperature, braking distances, etc.
- f. Dimensional and performance tests to include complete electrical system audit, dimensional requirements audit, seating capacity, water test, water runoff test, function test of systems and subsystems and components, sound/noise level tests, airflow test, PA function, silent alarm, interior lighting, exterior lighting, gradeability test, kneeling, HVAC pull-down test, wheelchair ramp, axle weight, engine and transmission performance test among others.
- g. Additional tests and/or verifications maybe included based on the outcome of previously listed tests, inspections and checks.
- h. If any discrepancies are noted, the bus shall be rejected and the list of discrepancies shall be provided to the bus manufacturer. The bus manufacturer shall be responsible for removing the bus from the Authority property, performing the corrections and repairs to the highlighted deficiencies and re-delivering the bus to Authority for a secondary vehicle inspection.

- i. Upon receipt of the re-delivered bus, the Authority shall perform a new bus inspection to verify that all items are individually, and/or as a system, in working order to include all items provided in the discrepancy list. If existing or additional discrepancies are noted, the bus shall be rejected and the bus manufacturer will be required to remove the bus from Authority's property to perform the necessary repairs. Upon completion of the manufacturer's repairs, the bus will be redelivered to Authority for a follow up inspection and at that point, if all repairs were performed to the Authority's satisfaction, the bus shall be released for revenue service and Authority personnel will start the necessary paperwork to add the bus to the revenue fleet and will complete the internal paperwork e.g., forms, approvals, signature of invoices, etc. If the bus is rejected, the bus manufacturer shall be required to remove the bus from Authority property and to continue the repairs until completion of a satisfactory and fully functional bus.

SECTION VII: WARRANTY REQUIREMENTS

WARRANTY REQUIREMENTS

Offerors are to complete this Warranty Table and submit with proposal.

Warranty table should include, at minimum, all pertinent items, i.e., original equipment warranty, complete van, powertrain, suspension, rust, destination sign, fire suppression system, on board video surveillance system, Conduent provided components intended for communication including all cabling and components, ADA equipment, flooring, mirrors, roof hatch, seating, door system, body structure and others as applicable. Use separate sheet as attachment if needed.

Component / System	Term (i.e., Years, Miles)
Ford Motor Company	
Ford Safety Restraint System	
Ford Corrosion	
Manufacturer Base Warranty	
Manufacturer Body Structure	
Manufacturer Electrical System	
Ford Propulsion system	
Heating, Ventilation and Air conditioning (HVAC)	
Entry Door	
InterMotive Components	
Altro flooring	
Wheelchair lift	
Headlights	
LED lights (interior and exterior)	
Rosco Rear View Mirrors	
Q-Strait Tiedowns	
Telma Retarder	
Roof Hatch	
Operator seat	
Passenger seat: Frames and Mounting	
Passenger seat: Fabric and Cushions	
Windows	
Wiper and wiper system	
Kidde fire systems	
Conduent / Communication / Voice	
March Networks OBVSS	
Mobile Router	
Covert Microphone	
Fleetwatch	
Decals	
Paint	
Towing	
Other - Specify	

SECTION VIII: GENERAL PROVISIONS

GENERAL PROVISIONS

1. **INSPECTION AND ACCEPTANCE** - All items are subject to final inspection and acceptance by AUTHORITY at destination notwithstanding any payment or prior inspection at SELLER'S facilities. Final inspection will be made within a reasonable time after receipt of items hereunder.
2. **CHANGES** - By written notice or order. AUTHORITY may, from time to time, order work suspension or make changes in quantities, drawings, designs, specifications, place of delivery or delivery schedules, methods of shipment and packaging, and property and services furnished by A. If any such change causes an increase or decrease in the price of this agreement or in the time required for its performance. SELLER OR AUTHORITY shall promptly notify the other party thereof and assert its claim for adjustment within (30) days after the change is ordered, and an equitable adjustment shall be made. However, nothing in this clause shall excuse SELLER from proceeding immediately with the agreement as changed.
3. **DEFAULT AND EXCESS REPROCUREMENT LIABILITY** - AUTHORITY may terminate this agreement if a federal or state proceeding for the relief of debtors is undertaken by or against Seller, or if SELLER makes an assignment for the benefit of creditors, or if SELLER fails after reasonable notice by AUTHORITY to cure a deficiency in performance or lack of progress thereto, and AUTHORITY shall have, such additional remedies as may be available whether or not it so terminates this agreement, including but not limited to the payment by SELLER to AUTHORITY of expenses incurred by AUTHORITY in reprocurring elsewhere the same or similar items or services defaulted by SELLER hereunder provided such Seller's reprocurement expenses obligation shall be limited to the excess over the price specified herein for such items or services.
4. **INDEMNIFICATION** - SELLER shall indemnify, defend, and hold harmless AUTHORITY from and against any loss, damage, claim, or harm for bodily injuries, including death or damage to property caused by SELLER or its employees, subcontractors, or supplies in connection with the performance of this agreement.
5. **ASSIGNMENTS AND SUBCONTRACTORS** - Neither this agreement nor any interest herein nor claim hereunder may be assigned by SELLER either voluntarily or by operation of law, nor may all or substantially all of this agreement be further subcontracted by SELLER without the prior written consent of AUTHORITY. No consent shall not be deemed to relieve SELLER of its obligations to comply fully with the requirements hereof.
6. **FEDERAL, STATE, AND LOCAL LAWS** - SELLER warrants that in the performance of this agreement is shall comply with all applicable Federal, State and local laws and ordinances and all lawful orders, rules and regulations thereunder.
7. **INFRINGEMENT INDEMNITY** - In lieu of any other warranty by AUTHORITY or SELLER against infringement statutory, or otherwise, it is agreed that SELLER shall defend at its expense and suit against AUTHORITY based on a claim that any item furnished under this agreement or the normal use or sale thereof infringes any United States Letters Patent or copyright and shall pay cost and damages finally awarded in any such suit, provided that SELLER is notified in writing of the suit and given authority, information, assistance at

SELLER'S expense for the defense of same. If the use or sale of said item is enjoined as a result of such suit, SELLER, at no expense to AUTHORITY, shall obtain for AUTHORITY the right to use and sell said item, or shall substitute an equivalent item acceptable to AUTHORITY and extend this patent indemnity hereto.

8. TITLE AND RISK OF LOSS - Unless otherwise provided in this agreement, SELLER shall have title to and bear the risk of any loss of or damage to the items purchased hereunder until they are delivered in conformity with this agreement at the F.O.B. point specified herein, and upon such delivery title shall pass from SELLER and SELLER'S responsibility for loss or damage shall cease, except for loss or damage resulting from SELLER'S negligence. Passing of title upon such delivery shall not constitute acceptance of the item by AUTHORITY.
9. NOTICE OF LABOR DISPUTE - Whenever SELLER has knowledge that any actual or potential labor dispute may delay this agreement, SELLER shall immediately notify and submit all relevant information to AUTHORITY. SELLER shall insert the substance of this entire clause in any subcontract hereunder as to which a labor dispute may delay this agreement. However, any subcontractor needs to give notice and information only to its next higher-tier subcontractor.
10. EQUAL EMPLOYMENT OPPORTUNITY - In connection with the execution of this agreement, the SELLER shall not discriminate against any employee or applicant because of race, religion, color, sex or national origin. The SELLER shall take affirmative action to ensure that applicants are employed, and that employees are treated during their employment without regard to their race, religion, color, sex or national origin. Such actions shall include pay, or other forms of compensation and selection for training, including apprenticeship.
11. DISADVANTAGE BUSINESS ENTERPRISE - In connection with the performance of this agreement, the SELLER will cooperate with the AUTHORITY in meeting its commitments and goals with regard to the maximum utilization of Disadvantaged business enterprises, and seller will use its best efforts to ensure that disadvantaged business enterprises shall have an equitable opportunity to compete for subcontract work under this agreement.
12. PROHIBITED INTEREST - A. SELLER covenants that no member of, or delegate to, the Congress of the United States shall have any interest, direct or indirect, in the agreement or the proceeds hereof.

B. SELLER further covenants that, for the term of this agreement, no director, member, officer, or employee of the AUTHORITY during his tenure in office or one (1) year thereafter shall have any interest, direct or indirect, in this agreement or the proceeds thereof.
13. TERMINATION FOR CONVENIENCE - the Authority may terminate this agreement at any time by giving written notice to SELLER of such termination, effective on the date of such notice. Upon receipt of said notice, SELLER shall immediately take action not to incur any further obligations, costs, or expenses, except as may be reasonably necessary to terminate its activities. All finished or unfinished documents and other materials procured or produced by SELLER hereunder shall, at the option of AUTHORITY, become AUTHORITY property upon the date of such termination.

14. AUDIT AND INSPECTION OF RECORDS - SELLER shall provide AUTHORITY such access to SELLER's books, records, and facilities as may be deemed necessary to examine, audit, and inspect all work data, documents, and activities related to the goods or services described herein. SELLER shall maintain such books, records, data and documents on a generally accepted accounting basis and shall clearly identify and make such items readily accessible to such parties during SELLER'S performance hereunder and for a period of four (4) years from the date of final payment by AUTHORITY hereunder.

SECTION IX: REQUIRED FEDERAL CLAUSES

REQUIRED FEDERAL CLAUSES

The Orange County Transportation Authority, (hereinafter referred to as "AUTHORITY").
_____, (hereinafter referred to as "CONTRACTOR").

ARTICLE 1. FEDERAL CHANGES

CONTRACTOR shall at all times comply with all applicable Federal Transit Administration (FTA) regulations, policies, procedures and directives, including without limitation those listed directly or by reference in the agreement between the AUTHORITY and FTA, as they may be amended or promulgated from time to time during this Agreement. CONTRACTOR's failure to comply shall constitute a material breach of contract.

ARTICLE 2. NO FEDERAL GOVERNMENT OBLIGATION TO THIRD PARTIES

AUTHORITY and CONTRACTOR acknowledge and agree that, notwithstanding any concurrence by the Federal Government in or approval of the solicitation or award of the underlying Agreement, absent the express written consent by the Federal Government, the Federal Government is not a party to this Agreement and shall not be subject to any obligations or liabilities to the AUTHORITY, CONTRACTOR, or any other party (whether or not a party to this Agreement) pertaining to any matter resulting from the underlying Agreement. CONTRACTOR agrees to include these requirements in all of its subcontracts.

ARTICLE 3. PROGRAM FRAUD AND FALSE OR FRAUDULENT STATEMENTS AND RELATED ACTS

A. CONTRACTOR acknowledges that the provisions of the Program Fraud Civil Remedies Act of 1986, as amended, 31 U.S.C. Section 3801 et seq. and United States Department of Transportation (DOT) regulations, "Program Fraud Civil Remedies," 49 C.F.R. Part 31, apply to its actions pertaining to this project. Accordingly, by signing this Agreement, CONTRACTOR certifies or affirms the truthfulness and accuracy of any statement it has made, it makes, it may make, or causes to be made, pertaining to the underlying Agreement of the FTA assisted project for which this Agreement's work is being performed. In addition to other penalties that may be applicable, CONTRACTOR also acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification, the Federal Government reserves the right to impose penalties of the Program Fraud Civil Remedies Act of 1986 on the CONTRACTOR to the extent the Federal Government deems appropriate.

B. CONTRACTOR also acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification to the Federal Government under an agreement connected with a project that is financed in whole or part with Federal assistance awarded by FTA under the authority of 49 U.S.C. Chapter 53, the Federal Government reserves the right to impose the penalties of 18 U.S.C. Section 1001 and 49 U.S.C. Section 5323 on the CONTRACTOR, to the extent the Federal Government deems appropriate. CONTRACTOR agrees to include this requirement in all of its subcontracts.

ARTICLE 4. NONDISCRIMINATION

A. Nondiscrimination: In accordance with Federal transit law at 49 U.S.C. Section 5332, CONTRACTOR agrees that it will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, sex disability, or age. CONTRACTOR agrees to comply with all applicable regulations and other implementing requirements the FTA may issue.

B. Race, Color, Creed, National, Origin, Sex: In accordance with Title VII of the Civil Rights Act, as amended, 42 U.S.C. Section 2000e et seq.; and Federal transit laws at 49 U.S.C. Section 5332; CONTRACTOR agrees to comply with all applicable equal employment opportunity requirements of U.S. Department of Labor (U.S. DOL) regulations, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor;" 41 CFR part 60; and Executive Order No. 11246, "Equal Employment Opportunity in Federal Employment," September 24, 1965, 42 U.S.C. Section 2000e note, as amended by any later Executive Order that amends or supersedes it, referenced in 42 U.S.C. Section 2000e. CONTRACTOR further agrees to comply with Title VI of the Civil Rights Act, as amended, 42 U.S.C. Section 2000d et seq.; 49 CFR part 21; the most recent version of FTA Circular 4702.1B, "Title VI Requirements and Guidelines for FTA Recipients;" DOT Order 5610.2(a) to Address Environmental Justice in Minority Populations and Low Income Populations;" Executive Order No. 13166 and DOT Policy Guidance concerning Recipients' Responsibilities to Limited English Proficiency (70 FR 74087, Dec. 14, 2005); and the most recent version of FTA Circular 4704.1 "Equal Employment Program Guidelines for Grant Recipients," as applicable. CONTRACTOR agrees to comply with any implementing requirements FTA may issue.

C. Age: In accordance with the Age Discrimination in Employment Act, 29 U.S.C. Sections 621-634; U.S. Equal Employment Opportunity Commission regulations, "Age Discrimination in Employment Act," 29 C.F.R. part 1625; the Age Discrimination Act of 1975, as amended, 42 U.S.C. Section 6101 et seq.; U.S. Health and Human Services regulations, "Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance," 45 CFR part 90; and Federal transit law at 49 U.S.C. Section 5332; CONTRACTOR agrees to refrain from discrimination against present and prospective employees for reason of age. CONTRACTOR agrees to comply with implementing requirements FTA may issue.

D. Disabilities: In accordance with Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. Section 794; the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. Section 12101 et seq.; the Architectural Barriers Act of 1968, as amended, 42 U.S.C. Section 4151 et seq., and Federal transit law at 49 U.S.C. Section 5332; CONTRACTOR agrees that it will not discriminate against individuals on the basis of disability. CONTRACTOR agrees to comply with all applicable implementing regulations and requirements FTA may issue, including 49 CFR parts 27, 37, 38, and 39 and the most recent version of FTA Circular 4710.1 "Americans with Disabilities Act: Guidance."

E. CONTRACTOR agrees to include these requirements in all subcontracts at any tier.

ARTICLE 5. DISADVANTAGED BUSINESS ENTERPRISE (DBE)

This Contract is subject to the requirements of Title 49, Code of Federal Regulations, Part 26, Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs.

CONTRACTOR shall maintain compliance with “DBE Approval Certification” throughout the period of Contract performance.

CONTRACTOR shall not discriminate on the basis of race, color, national origin or sex in the performance of this Contract. CONTRACTOR shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of this DOT-assisted Contract. Failure by CONTRACTOR to carry out these requirements is a material breach of this Contract, which may result in the termination of this Contract or such other remedy as the Agency deems appropriate. Each subcontract CONTRACTOR signs with a Subcontractor must include the assurance in this paragraph (see 49 CFR 26.13(b)).

ARTICLE 6. ACCESS TO RECORDS AND REPORTS

CONTRACTOR shall provide AUTHORITY, DOT, the Comptroller General of the United States, and their respective representatives, and any other agents of AUTHORITY, such access to CONTRACTOR's accounting books, records, payroll documents and facilities of the CONTRACTOR which are directly pertinent to this Agreement for the purposes of examining, auditing and inspecting all accounting books, records, work data, documents and activities related hereto. CONTRACTOR shall maintain such books, records; data and documents in accordance with generally accepted accounting principles and shall clearly identify and make such items readily accessible to such parties during CONTRACTOR's performance hereunder and for a period of four (4) years from the date of final payment by AUTHORITY, except in the event of litigation or settlement of claims arising from the performance of this Agreement, in which case CONTRACTOR agrees to maintain same until AUTHORITY, or any of their duly authorized representatives, have disposed of all such litigation, appeals, claims or exceptions related thereto. AUTHORITY's right to audit books and records directly related to this Agreement shall also extend to all first-tier subcontractors CONTRACTOR shall permit any of the foregoing parties to reproduce documents by any means whatsoever or to copy excerpts and transcriptions as reasonably necessary. CONTRACTOR agrees to include these requirements in all subcontracts at any tier.

ARTICLE 7. INCORPORATION OF FTA TERMS

All contractual provisions required by DOT, whether or not expressly set forth in this document, as set forth in FTA Circular 4220.1F, as amended, are hereby incorporated by reference. Anything to the contrary herein notwithstanding, all FTA mandated terms shall be deemed to control in the event of a conflict with other provisions contained in this Agreement. CONTRACTOR shall not perform any act, fail to perform any act, or refuse to comply with any requests, which would cause AUTHORITY to be in violation of the FTA terms and conditions.

ARTICLE 8. SAFE OPERATION OF MOTOR VEHICLES

- A. Seat Belt Use. Pursuant to Executive Order 13043, “Increasing Seat Belt Use in the United States,” April 16, 1996, 23 U.S.C Section 402, note (62 Fed. Reg. 19217), CONTRACTOR shall adopt and promote on-the-job seat belt use policies and programs for its employees and other personnel that operate company-owned, company-rented, or personally operated vehicles.
- B. Distracted Driving. Pursuant to Executive Order 13513, “Federal Leadership on Reducing Text Messages While Driving,” October 1, 2009, 23 U.S.C. Section 402, note (74 Fed. Reg. 51225); and U.S. DOT Order 3902.10, “Text Messaging While Driving,” December 30,

2009; CONTRACTOR is encouraged to comply with the following pertaining to distracted driving:

1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers, including policies to ban text messaging while using an electronic device supplied by an employer, and driving a vehicle the driver owns or rents, a vehicle CONTRACTOR owns, leases, or rents, or a privately-owned vehicle when on official business in connection with the Agreement, or when performing any work under the Agreement.
2. Conduct workplace safety initiatives in a manner commensurate with CONTRACTOR's size, such as establishing new rules and programs to prohibit text messaging while driving, re-evaluating the existing programs to prohibit text messaging while driving, and providing education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

C. Subcontracts. CONTRACTOR shall include these requirements in all of its subcontracts.

ARTICLE 9. FLY AMERICA REQUIREMENTS

CONTRACTOR agrees to comply with 49 U.S.C. Section 40118 (the "Fly America" Act) in accordance with the General Services Administration's regulations at 41 CFR Part 301-10, which provide that recipients and sub-recipient of Federal funds and their contractors are required to use U.S. Flag air carriers for U.S. Government-financed international air travel and transportation of their personal effects or property, to the extent such service is available, unless travel by foreign air carrier is a matter of necessity, as defined by the Fly America Act. CONTRACTOR shall submit, if a foreign air carrier was used, an appropriate certification or memorandum adequately explaining why service by a U.S. flag air carrier was not available or why it was necessary to use a foreign air carrier and shall, in any event, provide a certificate of compliance with the Fly America requirements. CONTRACTOR agrees to include the requirements of this section in all subcontracts that may involve international air transportation.

ARTICLE 10. CARGO PREFERENCE REQUIREMENTS

A. CONTRACTOR shall utilize privately owned United States-flag commercial vessels to ship at least fifty percent (50%) of the gross tonnage (computed separately for dry bulk carriers, dry cargo liners and tankers) involved, whenever shipping any equipment, materials or commodities pursuant to this section, to the extent such vessels are available at fair and reasonable rates for United States-flag commercial vessels.

B. CONTRACTOR shall furnish within twenty (20) working days following the date of loading for shipments originating within the United States or within thirty (30) working days following the date of loading for shipping originating outside the United States, a legible copy of a rated, "on-board" commercial ocean bill-of lading in English for each shipment of cargo described in this Article to AUTHORITY (through the prime CONTRACTOR in the case of subcontractor bills-of-lading) and to the Division of National Cargo, Office of Market Development, Maritime Administration, Washington, DC 20590, marked with appropriate identification of the project.

C. CONTRACTOR shall include these requirements in all subcontractors entered into pursuant to this Agreement when the subcontract may involve the transport of equipment, material, or commodities by ocean vessel.

ARTICLE 11. PROHIBITED INTERESTS

A. CONTRACTOR covenants that, for the term of this Agreement, no director, member, officer or employee of AUTHORITY during his/her tenure in office or for one (1) year thereafter, shall have any interest, direct or indirect, in this Agreement or the proceeds thereof.

B. No member of or delegate to, the Congress of the United States shall have any interest, direct or indirect, in this Agreement or to the benefits thereof.

ARTICLE 12. ALCOHOL AND DRUG POLICY

A. CONTRACTOR agrees to establish and implement an alcohol and drug program that complies with 41 U.S.C sections 701-707 (the Drug Free Workplace Act of 1988), and produce any documentation necessary to establish its compliance with sections 701-707.

B. Failure to comply with this Article may result in nonpayment or termination of this Agreement.

ARTICLE 13. PRIVACY ACT

A. CONTRACTOR shall comply with, and assures the compliance of its employees with, the information restrictions and other applicable requirements of the Privacy Act of 1974, 5 U.S.C. §552a. Among other things, CONTRACTOR agrees to obtain the express consent of the Federal Government before CONTRACTOR or its employees operate a system of records on behalf of the Federal Government. CONTRACTOR understands that the requirements of the Privacy Act, including the civil and criminal penalties for violation of that Act, apply to those individuals involved, and that failure to comply with the terms of the Privacy Act may result in termination of the underlying Agreement.

B. CONTRACTOR agrees to include this requirement in all of its subcontracts.

ARTICLE 14. CONFLICT OF INTEREST

CONTRACTOR agrees to avoid organizational conflicts of interest. An organizational conflict of interest means that due to other activities, relationships or contracts, the CONTRACTOR is unable, or potentially unable to render impartial assistance or advice to the AUTHORITY; CONTRACTOR's objectivity in performing the work identified in the Scope of Work is or might be otherwise impaired; or the CONTRACTOR has an unfair competitive advantage. CONTRACTOR is obligated to fully disclose to the AUTHORITY in writing Conflict of Interest issues as soon as they are known to the CONTRACTOR. CONTRACTOR is obligated to fully disclose to the AUTHORITY in writing Conflict of Interest issues as soon as they are known to the CONTRACTOR. All disclosures must be submitted in writing to AUTHORITY pursuant to the Notice provision herein. This disclosure requirement is for the entire term of this Agreement.

ARTICLE 15. CODE OF CONDUCT

CONTRACTOR agrees to comply with AUTHORITY's Code of Conduct as it relates to Third-Party contracts which is hereby referenced and by this reference is incorporated herein. CONTRACTOR agrees to include these requirements in all of its subcontracts.

ARTICLE 16. FEDERAL, STATE AND LOCAL LAWS

CONTRACTOR warrants that in the performance of this Agreement, it shall comply with all applicable federal, state and local laws, statutes and ordinances and all lawful orders, rules and regulations promulgated thereunder.

ARTICLE 17. TERMINATION

A. AUTHORITY may terminate this Agreement for its convenience at any time, in whole or part, by giving CONTRACTOR written notice thereof. Upon termination, AUTHORITY shall pay CONTRACTOR its allowable costs incurred to date of that portion terminated. Said termination shall be construed in accordance with the provisions of CFR Title 48, Chapter 1, Part 49, of the Federal Acquisition Regulation (FAR) and specific subparts and other provisions thereof applicable to termination for convenience. If AUTHORITY sees fit to terminate this Agreement for convenience, said notice shall be given to CONTRACTOR in accordance with the provisions of the FAR referenced above. Upon receipt of said notification, CONTRACTOR shall immediately proceed with all obligations, regardless of any delay in determining or adjusting any amounts due under this Article, and agrees to comply with all applicable provisions of the FAR pertaining to termination for convenience.

B. AUTHORITY may terminate this Agreement for CONTRACTOR's default if a federal or state proceeding for the relief of debtors is undertaken by or against CONTRACTOR, or if CONTRACTOR makes an assignment for the benefit of creditors, or for cause if CONTRACTOR fails to perform in accordance with the scope of work or breaches any term(s) or violates any provision(s) of this Agreement and does not cure such breach or violation within ten (10) calendar days after written notice thereof by AUTHORITY. CONTRACTOR shall be liable for any and all reasonable costs incurred by AUTHORITY as a result of such default or breach including, but not limited to, reprocurement costs of the same or similar services defaulted by CONTRACTOR under this Agreement. Such termination shall comply with CFR Title 48, Chapter 1, Part 49, of the FAR.

ARTICLE 18. DEBARMENT AND SUSPENSION

CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS - PRIMARY PARTICIPANT AND LOWER-TIER PARTICIPANTS

Unless otherwise permitted by law, any person or firm that is debarred, suspended, or voluntarily excluded, as defined in the Federal Transit Administration (FTA) Circular 2015.1, dated April 28, 1989, may not take part in any federally funded transaction, either as a participant or a principal, during the period of debarment, suspension, or voluntary exclusion. Accordingly, the Authority, acting on behalf of the District, may not enter into any transaction with such debarred, suspended, or voluntarily excluded persons or firms during such period.

A certification process has been established by 49 CFR Part 29, as a means to ensure that debarred suspended or voluntarily excluded persons or firms do not participate in Federally assisted projects. The inability to provide the required certification will not necessarily result in denial of participation in a covered transaction. A person or firm that is unable to provide a positive certification as required by this solicitation must submit a complete explanation attached

to the certification. FTA will consider the certification and any accompanying explanation in determining whether or not to provide assistance for the project. Failure to furnish a certification or an explanation may disqualify that person or firm from participating in the project.

ARTICLE 19. DISPUTES

A. Except as otherwise provided in this Agreement, when a dispute arises between CONTRACTOR and AUTHORITY, the project managers shall meet to resolve the issue. If project managers do not reach a resolution, the dispute will be decided by AUTHORITY's Director of Contracts Administration and Materials Management (CAMM), who shall reduce the decision to writing and mail or otherwise furnish a copy thereof to CONTRACTOR. The decision of the Director, CAMM, shall be the final and conclusive administrative decision.

B. Pending final decision of a dispute hereunder, CONTRACTOR shall proceed diligently with the performance of this Agreement and in accordance with the decision of AUTHORITY's Director, CAMM. Nothing in this Agreement, however, shall be construed as making final the decision of any AUTHORITY official or representative on a question of law, which questions shall be settled in accordance with the laws of the State of California.

ARTICLE 20. PROHIBITION ON CONTRACTING FOR CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT

A. Definitions. As used in this Article:

1. "Backhaul" means intermediate links between the core network, or backbone network, and the small subnetworks at the edge of the network (e.g., connecting cell phones/towers to the core telephone network). Backhaul can be wireless (e.g., microwave) or wired (e.g., fiber optic, coaxial cable, Ethernet).

2. "Covered foreign country" means The People's Republic of China.

3. "Covered telecommunications equipment or services" means:

a) Telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities);

b) For the purpose of public safety, security of Government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities);

c) Telecommunications or video surveillance services provided by such entities or using such equipment; or

d) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

4. "Critical technology" means:

a) Defense articles or defense services included on the United States

Munitions List set forth in the International Traffic in Arms Regulations under 22 C.F.R. subchapter M of chapter I;

- b) Items included on the Commerce Control List set forth in Supplement No. 1 to part 774 of the Export Administration Regulations under 15 C.F.R. subchapter C of chapter VII, and controlled
 - 1. Pursuant to multilateral regimes, including for reasons relating to national security, chemical and biological weapons proliferation, nuclear nonproliferation, or missile technology; or
 - 2. For reasons relating to regional stability or surreptitious listening;
- c) Specially designed and prepared nuclear equipment, parts and components, materials, software, and technology covered by 10 C.F.R. Part 810 (relating to assistance to foreign atomic energy activities);
- d) Nuclear facilities, equipment, and material covered by 10 C.F.R. Part 110 (relating to export and import of nuclear equipment and material);
- e) Select agents and toxins covered by 7 CFR Part 331, 9 C.F.R. Part 121, or 42 C.F.R. Part 73; or
- f) Emerging and foundational technologies controlled pursuant to section 1758 of the Export Control Reform Act of 2018 (50 U.S.C. §4817).

5. “Interconnection arrangements” means arrangements governing the physical connection of two or more networks to allow the use of another’s network to hand off traffic where it is ultimately delivered (e.g., connection of a customer of telephone provider A to a customer of telephone company B) or sharing data and other information resources.

6. “Reasonable inquiry” means an inquiry designed to uncover any information in the entity’s possession about the identity of the producer or provider of covered telecommunications equipment or services used by the entity that excludes the need to include an internal or third-party audit.

7. “Roaming” means cellular communications services (e.g., voice, video, data) received from a visited network when unable to connect to the facilities of the home network either because signal coverage is too weak or because traffic is too high.

8. “Substantial or essential component” means any component necessary for the proper function or performance of a piece of equipment, system, or service.

B. Prohibition

1. Section 889(a)(1)(A) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232) prohibits the head of a federal executive agency, on or after August 13, 2019, from procuring or obtaining, or extending or renewing a contract to procure or obtain, any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. CONTRACTOR is prohibited from providing to AUTHORITY or the Federal Government any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system, unless an exception at paragraph (C) of this Article applies or the covered telecommunication equipment or services are covered by a waiver described in FAR §4.2104.

2. Section 889(a)(1)(B) of the John S. McCain National Defense Authorization Act

for Fiscal Year 2019 (Pub. L. 115-232) prohibits the head of a federal executive agency on or after August 13, 2020, from entering into a contract, or extending or renewing a contract, with an entity that uses any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system, unless an exception at paragraph (C) of this Article applies or the covered telecommunication equipment or services are covered by a waiver described in FAR section 4.2104. This prohibition applies to the use of covered telecommunications equipment or services, regardless of whether that use is in performance of work under a federally-funded contract.

C. Exceptions. This Article does not prohibit CONTRACTOR from providing:

1. A service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or
2. Telecommunications equipment that cannot route or redirect user data traffic or permit visibility into any user data or packets that such equipment transmits or otherwise handles.

D. Reporting Requirement

1. In the event CONTRACTOR identifies covered telecommunications equipment or services used as a substantial or essential component of any system, or as critical technology as part of any system, during Agreement performance, or CONTRACTOR is notified of such by a subcontractor at any tier or by any other source, CONTRACTOR shall report the information in paragraph (d)(2) of this Article to the Chief Executive Officer of AUTHORITY, or designee, unless elsewhere in this Agreement are established procedures for reporting the information; in the case of the Department of Defense, CONTRACTOR shall report to the website at <https://dibnet.dod.mil>. For indefinite delivery contracts, CONTRACTOR shall report to the Chief Executive Officer of AUTHORITY, or designee, for the indefinite delivery contract and the Chief Executive Officer of AUTHORITY, or designee, for any affected order or, in the case of the Department of Defense, identify both the indefinite delivery contract and any affected orders in the report provided at <https://dibnet.dod.mil>.

2. CONTRACTOR shall report the following information pursuant to paragraph (D)(1) of this Article:

- a) Within one (1) business day from the date of such identification or notification: the contract number; the order number(s), if applicable; supplier name; supplier unique entity identifier (if known); supplier Commercial and Government Entity (CAGE) code (if known); brand; model number (original equipment manufacturer number, manufacturer part number, or wholesaler number); item description; and any readily available information about mitigation actions undertaken or recommended.
- b) Within ten (10) business days of submitting the information in paragraph (D)(2)(i) of this Article: any further available information about mitigation actions undertaken or recommended. In addition, CONTRACTOR shall describe the efforts it undertook to prevent use or submission of covered telecommunications equipment or services, and any additional efforts that will be incorporated to prevent future use or submission of covered telecommunications equipment or services.

E. Subcontracts. CONTRACTOR shall insert the substance of this Article, including this paragraph (E) and excluding paragraph (B)(2), in all subcontracts and other contractual

instruments, including subcontracts for the acquisition of commercial products or commercial services.

ARTICLE 21. NOTICE TO AUTHORITY AND FTA OF INFORMATION RELATED TO FRAUD, WASTE, ABUSE, OR OTHER LEGAL MATTERS

CONTRACTOR shall report to AUTHORITY and FTA any current or prospective legal matter that may affect the Federal Government, including a major dispute, default, breach, litigation, or naming the Federal Government as a party to litigation, or a legal disagreement in any forum for any reason. Matters that may affect the Federal Government include, but are not limited to, the Federal Government's interest in the federal award, any underlying agreements, or the Federal Government's administration or enforcement of federal laws, regulations, and requirements. In addition, CONTRACTOR shall promptly notify AUTHORITY, FTA, and the U.S. DOT Inspector General of any knowledge of potential fraud, waste, or abuse occurring on the Project. This includes knowledge that any person or entity, including CONTRACTOR, has or may have submitted a false claim under the False Claims Act, 31 U.S.C. § 3729, et seq., or has or may have committed a criminal or civil violation of law pertaining to such matters as fraud, conflict of interest, bid rigging, misappropriation or embezzlement, bribery, gratuity, or similar misconduct involving federal assistance. "Knowledge," as used in this Article, includes, but is not limited to, knowledge of a criminal or civil investigation by a federal, state, or local law enforcement or other investigative agency; a criminal indictment or civil complaint; or probable cause that could support a criminal indictment, or any other credible information in the possession of the CONTRACTOR. CONTRACTOR agrees to include these requirements in all subcontracts at any tier.

ARTICLE 22. PRE-AWARD AND POST-DELIVERY AUDITS

CONTRACTOR agrees to comply with 49 USC § 5323(l) and FTA's implementing regulation at 49 CFR Part 663 and to submit the following certifications:

1. Buy America requirements: CONTRACTOR shall complete and submit a declaration certifying either compliance or noncompliance with Buy America. If the recommended Bidder/Proposer certifies compliance with Buy America, it shall submit documentation that lists (1) component and subcomponent parts of the rolling stock to be purchased identified by manufacturer of the parts, their country of origin and costs; and (2) the location of the final assembly point for the rolling stock, including a description of the activities that shall take place at the final assembly point and the cost of final assembly.
2. Solicitation specification requirements: CONTRACTOR shall submit evidence that it shall be capable of meeting the bid specifications.
3. Federal Motor Vehicle Safety Standards (FMVSS): CONTRACTOR shall submit (1) manufacturer's FMVSS self-certification, Federal Motor Vehicle Safety Standards, that the vehicle complies with relevant FMVSS or (2) manufacturer's certified statement that the contracted buses shall not be subject to FMVSS regulations.

ARTICLE 23. BUS TESTING

The Contractor agrees to comply with the Bus Testing requirements under 49 U.S.C. 5318(e) and FTA's implementing regulation at 49 C.F.R. Part 665 to ensure that the requisite testing is performed for all new bus models or any bus model with a major change in configuration or components, and that the bus model has achieved a passing score. Upon

completion of the testing, the Contractor shall obtain a copy of the bus testing report(s) from the operator of the testing facility and make that report(s) publicly available prior to final acceptance of the first vehicle by AUTHORITY.

ARTICLE 24. RECYCLED PRODUCTS

CONTRACTOR shall comply with all the requirements of Section 6002 of the Resource Conservation and Recovery Act (RCRA), as amended (42 U.S.C. Section 6962), including but not limited to the regulatory provisions of 40 CFR Part 247, and Executive Order 12873, as they apply to the procurement of the items designated in subpart B of 40 CFR Part 247. CONTRACTOR agrees to include this requirement in all of its subcontracts.

ARTICLE 25. LOBBYING

CONTRACTOR shall comply with the lobbying requirements of 31 U.S.C. Section 1352 and the applicable regulations under 49 CFR Part 20. If the maximum cumulative payment obligation of this Agreement exceeds \$100,000, CONTRACTOR shall file the certification required by 49 CFR Part 20, "New Restrictions on Lobbying". CONTRACTOR shall also require each subcontractor to certify to CONTRACTOR that subcontractor will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. Section 1352. CONTRACTOR shall also require any subcontractor to disclose to CONTRACTOR the name of any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contacts on its behalf with non-Federal funds with respect to that Federal contract, grant or award covered by 31 U.S.C. Section 1352.

ARTICLE 26. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

The Contractor shall comply with all federal laws, regulations, and requirements providing wage and hour protections for non-construction employees, in accordance with 40 U.S.C. § 3702, Contract Work Hours and Safety Standards Act, and other relevant parts of that Act, 40 U.S.C. §3701 et seq., and U.S. DOL regulations, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (also Labor Standards Provisions Applicable to Non-construction Contracts Subject to the Contract Work Hours and Safety Standards Act)," 29 C.F.R. part 5. The Contractor shall maintain payrolls and basic payroll records during the course of the work and shall preserve them for a period of three (3) years from the completion of the contract for all laborers and mechanics, including guards and watchmen, working on the contract. Such records shall contain the name and address of each such employee, social security number, correct classifications, hourly rates of wages paid, daily and weekly number of hours worked, deductions made, and actual wages paid. Such records maintained under this paragraph shall be made available by the Contractor for inspection, copying, or transcription by authorized representatives of the FTA and the Department of Labor, and the Contractor will permit such representatives to interview employees during working hours on the job. The Contractor shall require the inclusion of the language of this clause within subcontracts of all tiers

The Contractor shall comply with all federal laws, regulations, and requirements providing wage and hour protections for non-construction employees, in accordance with 40 U.S.C. § 3702, Contract Work Hours and Safety Standards Act, and other relevant parts of that Act, 40 U.S.C. § 3701 et seq., and U.S. DOL regulations, "Labor Standards Provisions Applicable to Contracts

Covering Federally Financed and Assisted Construction (also Labor Standards Provisions Applicable to Non-construction Contracts Subject to the Contract Work Hours and Safety Standards Act),” 29 C.F.R. part 5. The Contractor shall maintain payrolls and basic payroll records during the course of the work and shall preserve them for a period of three (3) years from the completion of the contract for all laborers and mechanics, including guards and watchmen, working on the contract. Such records shall contain the name and address of each such employee, social security number, correct classifications, hourly rates of wages paid, daily and weekly number of hours worked, deductions made, and actual wages paid. Such records maintained under this paragraph shall be made available by the Contractor for inspection, copying, or transcription by authorized representatives of the FTA and the Department of Labor, and the Contractor will permit such representatives to interview employees during working hours on the job. The Contractor shall require the inclusion of the language of this clause within subcontracts of all tiers.

ARTICLE 27. CLEAN WATER REQUIREMENTS

If the maximum cumulative payment obligation of this Agreement exceeds \$150,000, CONTRACTOR shall comply with all applicable standards, orders or regulations issued pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. Sections 1251 et seq. CONTRACTOR shall report any violations of use of prohibited facilities to the FTA and the United States Environmental Protection Agency (US EPA). CONTRACTOR agrees to include this requirement in each subcontract exceeding \$150,000.

ARTICLE 28. CLEAN AIR

If the maximum cumulative payment obligation of this Agreement exceeds \$150,000, CONTRACTOR shall comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. Section 7401 et seq. CONTRACTOR shall report any violations of use of prohibited facilities to the FTA and the US EPA. CONTRACTOR agrees to include this requirement in each subcontract exceeding \$150,000.

ARTICLE 29. BUY AMERICA

A. If the maximum cumulative payment obligation of this Agreement exceeds \$150,000, CONTRACTOR shall comply with the “Buy America” requirements of 49 U.S.C. Section 5323(j) and 49 CFR part 661, as amended, which provide that Federal funds may not be obligated unless all steel, iron, and manufactured products used in FTA-funded projects are produced in the United States, unless a waiver has been granted by FTA or the product is subject to a general waiver.

B. CONTRACTOR shall furnish a Certificate of Compliance, conforming to the provisions of this Article, for all steel and iron materials.

C. CONTRACTOR shall ensure all subcontractors at every tier comply with these requirements.

ARTICLE 30. ENERGY CONSERVATION REQUIREMENTS

If the maximum cumulative payment obligation of this Agreement exceeds \$150,000, CONTRACTOR shall comply with mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy Conservation Act.

ARTICLE 31. IRAN CONTRACTING ACT CERTIFICATION

The Iran Contracting Act of 2010 (PCC Sections 2200-2208), prohibits bidders who are engaged in investment activities in the energy sector of Iran from bidding on, submitting proposals for, or entering into or renewing contracts with public entities for goods or services of one million dollars (\$1,000,000) or more. At the time of submitting a bid, each bidder must certify that the bidder is not identified on the Department of General Services list of ineligible persons pursuant to PCC Section 2203(b). Each bidder is also required to certify that the bidder is not engaged in investment activities in violation of the Iran Contracting Act of 2010.

EXHIBIT A: CAMPAIGN CONTRIBUTION DISCLOSURE FORM

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Information Sheet

ORANGE COUNTY TRANSPORTATION AUTHORITY

The attached Campaign Contribution Disclosure Form must be completed by applicants for, or persons who are the subject of, any proceeding involving a license, permit, or other entitlement for use pending before the Board of Directors of the OCTA or any of its affiliated agencies. (Please see next page for definitions of these terms.)

IMPORTANT NOTICE

Basic Provisions of Government Code Section 84308

- A. If you are an applicant for, or the subject of, any proceeding involving a license, permit, or other entitlement for use, you are prohibited from making a campaign contribution of more than \$250 to any board member or his or her alternate. This prohibition begins on the date your application is filed or the proceeding is otherwise initiated, and the prohibition ends three months after a final decision is rendered by the Board of Directors. In addition, no board member or alternate may solicit or accept a campaign contribution of more than \$250 from you during this period.
- B. These prohibitions also apply to your agents, and, if you are a closely held corporation, to your majority shareholder as well. These prohibitions also apply to your subcontractor(s), joint venturer(s), and partner(s) in this proceeding. Also included are parent companies and subsidiary companies directed and controlled by you, and political action committees directed and controlled by you.
- C. You must file the attached disclosure form and disclose whether you or your agent(s) have in the aggregate contributed more than \$250 to any board member or his or her alternate during the 12-month period preceding the filing of the application or the initiation of the proceeding.
- D. If you or your agent have in the aggregate contributed more than \$250 to any individual board member or his/or her alternate during the 12 months preceding the decision on the application or proceeding, that board member or alternate must disqualify himself or herself from the decision. However, disqualification is not required if the board member or alternate returns the campaign contribution within 30 days from the time the director knows, or should have known, about both the contribution and the fact that you are a party in the proceeding. The Campaign Contribution Disclosure Form should be completed and filed with your proposal, or with the first written document you file or submit after the proceeding commences.

1. A proceeding involving "a license, permit, or other entitlement for use" includes all business, professional, trade and land use licenses and permits, and all other entitlements for use, including all entitlements for land use, all contracts (other than competitively bid, labor or personal employment contracts), and all franchises.
2. Your "agent" is someone who represents you in connection with a proceeding involving a license, permit or other entitlement for use. If an individual acting as an agent is also acting in his or her capacity as an employee or member of a law, architectural, engineering, consulting firm, or similar business entity, both the business entity and the individual are "agents."
3. To determine whether a campaign contribution of more than \$250 has been made by you, campaign contributions made by you within the preceding 12 months must be aggregated with those made by your agent within the preceding 12 months or the period of the agency, whichever is shorter. Contributions made by your majority shareholder (if a closely held corporation), your subcontractor(s), your joint venturer(s), and your partner(s) in this proceeding must also be included as part of the aggregation. Campaign contributions made to different directors or their alternates are not aggregated.
4. A list of the members and alternates of the Board of Directors is attached.

This notice summarizes the major requirements of Government Code Section 84308 of the Political Reform Act and California Code of Regulations, Title 2 Sections 18438-18438.8.

ORANGE COUNTY TRANSPORTATION AUTHORITY
CAMPAIGN CONTRIBUTION DISCLOSURE FORM

RFP Number: _____ RFP Title: _____

Was a campaign contribution made to any OCTA Board Member within the preceding 12 months, regardless of dollar amount of the contribution by either the proposing firm, proposed subconsultants and/or agent/lobbyist? Yes ____ No ____

If no, please sign and date below.

If yes, please provide the following information:

Prime Contractor Firm Name: _____

Contributor or Contributor Firm's Name: _____

Contributor or Contributor Firm's Address: _____

Is Contributor:

- The Prime Contractor Yes ____ No ____
- Subconsultant Yes ____ No ____
- Agent/Lobbyist hired by Prime to represent the Prime in this RFP Yes ____ No ____

Note: Under the State of California Government Code section 84308 and California Code of Regulations, Title 2, Section 18438, campaign contributions made by the Prime Contractor and the Prime Contractor's agent/lobbyist who is representing the Prime Contractor in this RFP must be aggregated together to determine the total campaign contribution made by the Prime Contractor.

Identify the Board Member(s) to whom you, your subconsultants, and/or agent/lobbyist made campaign contributions, the name of the contributor, the dates of contribution(s) in the preceding 12 months and dollar amount of the contribution. Each date must include the exact month, day, and year of the contribution.

Name of Board Member: _____

Name of Contributor: _____

Date(s) of Contribution(s): _____

Amount(s): _____

Name of Board Member: _____

Name of Contributor: _____

Date(s) of Contribution(s): _____

Amount(s): _____

Date: _____

Signature of Contributor

Print Firm Name

Print Name of Contributor

**ORANGE COUNTY TRANSPORTATION AUTHORITY
AND AFFILIATED AGENCIES**

Board of Directors

Gene Hernandez, Chairman
Tam Nguyen, Vice Chairman
Doug Chaffee, Director
Jose Diaz, Director
Andrew Do, Director
Jon Dumitru, Director
Jamey Federico, Director
Katrina Foley, Director
Brian Goodell, Director
Patrick Harper, Director
Michael Hennessey, Director
Steve Jones, Director
Fred Jung, Director
Farrah N. Khan, Director
Jessie Lopez, Director
Vicente Sarmiento, Director
Donald P. Wagner, Director

EXHIBIT B: STATUS OF PAST AND PRESENT CONTRACTS

STATUS OF PAST AND PRESENT CONTRACTS FORM

On the form provided below, Offeror/Bidder shall list the status of past and present contracts where the firm has either provided services as a prime vendor or a subcontractor during the past five (5) years in which the contract has been the subject of or may be involved in litigation with the contracting authority. This includes, but is not limited to, claims, settlement agreements, arbitrations, administrative proceedings, and investigations arising out of the contract.

A separate form must be completed for each contract. Offeror/Bidder shall provide an accurate contact name and telephone number for each contract and indicate the term of the contract and the original contract value. Offeror/Bidder shall also provide a brief summary and the current status of the litigation, claims, settlement agreements, arbitrations, administrative proceedings, or investigations. If the contract was terminated, list the reason for termination.

Offeror/Bidder shall have an ongoing obligation to update the Authority with any changes to the identified contracts and any new litigation, claims, settlement agreements, arbitrations, administrative proceedings, or investigations that arise subsequent to the submission of the bid. Each form must be signed by an officer of the Offeror/Bidder confirming that the information provided is true and accurate.

Project city/agency/other:	
Contact Name:	Phone:
Project Award Date:	Original Contract Value:
Term of Contract:	
(1) Litigation, claims, settlements, arbitrations, or investigations associated with contract:	
(2) Summary and Status of contract:	
(3) Summary and Status of action identified in (1):	
(4) Reason for termination, if applicable:	

By signing this Form entitled "Status of Past and Present Contracts," I am affirming that all of the information provided is true and accurate.

Name

Signature

Title

Date

EXHIBIT C: DISADVANTAGED BUSINESS APPROVAL CERTIFICATION

DBE Approval Certification

I hereby certify that the Proposer has complied with the requirements of 49 CFR 26, Participation by Disadvantaged Business Enterprises in DOT Programs, and that its goals have not been disapproved by the Federal Transit Administration.

Name and Title of the Proposer's authorized official:

_____ Company Name

_____ Signature of Proposer's Authorized Official

_____ Name and Title of Proposer's Authorized Official

_____ Date

EXHIBIT D: RESTRICTIONS ON LOBBYING

CERTIFICATION
LIMITATION ON PAYMENTS TO INFLUENCE CERTAIN
FEDERAL TRANSACTIONS

A. DEFINITIONS

1. Authority, as used in this clause, means the Orange County Transportation Authority, acting on behalf of the Orange County Transit District.
2. Covered Federal action, as used in this clause, means any of the following Federal actions:
 - a. The awarding of any Federal contract.
 - b. The making of any Federal grant.
 - c. The making of any Federal loan.
 - d. The entering into of any cooperative agreement.
 - e. The extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
3. Indian tribe and tribal organization, as used in this clause, have the meaning provided in Section 450b of the Indian self-determination and Education Assistance Act (25 U.S.C. 450) and include Alaskan Natives.
4. Influencing or attempting to influence, as used in this clause, means making, with the intent to influence, any communication to or appearance before an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any covered Federal action.
5. Local government, as used in this clause, means a unit of government in a State and, if chartered, established, or otherwise recognized by a State for the performance of a governmental duty, including a local public authority, a special district, an intrastate district, a council of governments, a sponsor group representative organization, and any other instrumentality of a local government.
6. Officer or employee of an agency, as used in this clause, includes the following individuals who are employed by an agency:
 - a. An individual who is appointed to a position in the Government under title 5, United States code, including a position under a temporary appointment.
 - b. A member of the uniformed services, as defined in the subsection

101(3), Title 37, United States Code.

- c. A special Government employee, as defined in Section 202, Title 18, United States Code.
 - d. An individual who is a member of a Federal advisory committee, as defined by the Federal Advisory Committee Act, Title 5, United States Code, Appendix section 3.
7. Person, as used in this clause, means an individual, corporation, company, association, authority, firm, partnership, society, State, and local government, regardless of whether such entity is operated for profit, or not for profit. This term excludes an Indian tribe, tribal organization or any other Indian organization with respect to expenditures specifically permitted by other Federal law.
 8. Reasonable compensation, as used in this clause, means with respect to a regularly employed officer or employee of any person, compensation that is consistent with the normal compensation for such officer or employee for work that is not furnished to, not funded by, or not furnished in cooperation with the Federal Government.
 9. Reasonable payment, as used in this clause means, with respect to professional and other technical services, a payment in an amount that is consistent with the amount normally paid for such services in the private sector.
 10. Recipient, as used in this clause, includes the CONSULTANT and all subcontractors. This term excludes an Indian tribe, tribal organization, or any other Indian organization with respect to expenditures specifically permitted by other Federal law.
 11. Regularly employed, as used in this clause, means, with respect to an officer or employee of a person requesting or receiving by such person for at least 130 working days within one year immediately preceding the date of the submission that initiates agency consideration of such person for receipt of such contract. An officer or employee who is employed by such person for less than 130 working days within one year immediately preceding the date of the submission that initiates agency consideration of such person shall be considered to be regularly employed as soon as he or she is employed by such person for 130 working days.
 12. State, as used in this clause, means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, an agency or instrumentality of a State, and a multi-State regional or interstate entity having governmental duties and powers.

B. PROHIBITIONS

1. Section 1352 of Title 31, United States Code, among other things, prohibits a recipient of a Federal contract, grant, loan or cooperative agreement from using appropriated funds to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any of the following covered Federal actions: the awarding of any Federal contract; the making of any Federal grant; the making of any Federal loan; the entering into of any cooperative agreement; or, the modification of any Federal contract, grant, loan, or cooperative agreement.
2. The Act also requires consultant to furnish a disclosure if any funds other than Federal appropriated funds (including profit or fee received under a covered Federal transaction) have been paid, or will be paid, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a Federal contract, grant, loan or cooperative agreement.
3. The prohibitions of the Act do not apply under the following conditions:
 - a. Agency and legislative liaison by own employees.
 - (1) The prohibition on the use of appropriated funds, in subparagraph C.1. of this clause, does not apply in the case of payment of reasonable compensation made to an officer or employee of a person requesting or receiving a covered Federal action if the payment is for agency and legislative liaison activities not directly related to a covered Federal action.
 - (2) For purposes of paragraph C.3.a.(1) of this clause, providing any information specifically requested by an agency or Congress is permitted at any time.
 - (3) The following agency and legislative liaison activities are permitted any time where they are not related to a specific solicitation for any covered Federal action:

Discussing with an agency (including individual demonstrations) the qualities and characteristics of the person's products or services, conditions or terms of sale, and service capabilities.

Technical discussions and other activities regarding the application of adaptation of the person's products or services for an agency's use.

- (4) The following agency and legislative liaison activities are permitted where they are prior to formal solicitation of any covered Federal action:

Providing any information not specifically requested but necessary for an agency to make an informed decision about initiation of a covered Federal action;

Technical discussions regarding the preparation of an unsolicited proposal prior to its official submission; and,

Capability presentations by persons seeking awards from an agency pursuant to the provisions of the Small Business Act, as amended by Public Law 95-507, and subsequent amendments.

- (5) Only those services expressly authorized by paragraph C.3.a.(1) of this clause are permitted under this clause.

b. Professional and technical services

- (1) The prohibition on the use of appropriated funds, in subparagraph C.1. of this clause, does not apply in the case of:

A payment of reasonable compensation made to an officer or employee of a person requesting or receiving a covered Federal action or an extension, continuation, renewal, amendment, or modification of covered Federal action, if payment is for professional or technical services rendered directly in the preparation, submission, or negotiation of any bid, proposal, or application for that Federal action or for meeting requirements imposed by or pursuant to law as condition for receiving that Federal action.

Any reasonable payment to a person, other than an officer or employee of a person requesting or receiving a covered Federal action or an extension, continuation, renewal, amendment, or modification of a covered Federal action if the payment is for professional or technical services rendered directly in the preparation, submission or negotiation of any bid, proposal, or application or that Federal action or for meeting requirements imposed by or pursuant to law as a condition for receiving that Federal action. Persons other than officers or employees of a person requesting or receiving a covered Federal action include contractors and trade associations.

- (2) For purposes of paragraph C.3.a.(1) of this clause, professional and technical services shall be limited to advise and analysis directly applying any professional or technical discipline. For

example, drafting of a legal document accompanying a bid or proposal is allowable. Similarly, technical advice provided by an engineer on the performance or operational capability of a piece of equipment rendered directly in the negotiation of a contract is allowable. However, communications with the intent to influence made by a professional (such as a licensed lawyer) or a technical person (such as a licensed accountant) are not allowable under this section unless they provide advice and analysis directly applying their professional or technical expertise and unless the advice or analysis is rendered directly and solely in the preparation, submission, or negotiation of a covered Federal action. Thus, for example, communications with the intent to influence made by a lawyer that do not provide legal advice or analysis directly and solely related to the legal aspects of his or her client's proposal, but generally advocate one proposal over another are not allowable under this section because the lawyer is not providing professional legal services. Similarly, communications with the intent to influence made by an engineer providing an engineering analysis prior to the preparation or submission of a bid or proposal are not allowable under this section since the engineer is providing technical services but not directly in the preparation, submission, or negotiation of a covered Federal action.

- (3) Requirements imposed by or pursuant to law as a condition for receiving a covered Federal award include those required by law or regulation and any other requirements in the actual award documents.
- (4) Only those services expressly authorized by paragraph C.3.a.(1) and (2) of this clause are permitted under this clause.
- (5) The reporting requirements of FAR 3.803(a) shall not apply with respect to payments of reasonable compensation made to regularly employed officers or employees of a person.

c. Disclosure

- (1) The consultant who requests or receives from an agency a Federal contract shall file with that agency a disclosure form OMB standard form LLL, Disclosure of Lobbying Activities, (Attachment to the bid package) if such person has made or had agreed to made any payment using non appropriated funds (to include profits from any covered Federal action), which would be prohibited under subparagraph B.1. of this clause, if paid for with appropriated funds.

- (2) The consultant shall file a disclosure form at the end of each calendar quarter in which there occurs any event that materially affects the accuracy of the information contained in any disclosure form previously filed by such person under subparagraph II.A. of this clause. An event that materially affects the accuracy of the information reported includes:

A cumulative increase of \$25,000 or more in the amount paid or expected to be paid for influencing or attempting to influence a covered Federal action; or

A change in the person(s) or individual(s) influencing or attempting to influence a covered Federal action; or

A change in the officer(s), employee(s), or Member(s) contacted to influence or attempt to influence a covered Federal action.

- (3) The consultant shall require the submittal of a certification, and if required, a disclosure form by any person who requests or receives any subcontract exceeding \$100,000 under the Federal contract.

- (4) All subcontractor disclosure forms (but not certifications) shall be forwarded from tier to tier until received by the prime consultant. The prime consultant shall submit all disclosures to the District at the end of the calendar quarter in which the disclosure form is submitted by the subcontractor. Each subcontractor certification shall be retained in the subcontract file of the awarding consultant.

d. Agreement

The consultant agrees not to make any payment prohibited by this clause.

e. Penalties

- (1) Any person who makes an expenditure prohibited under paragraph a) of this clause or who fails to file or amend the disclosure form to be filed or amended by paragraph d) of this clause shall be subject to civil penalties as provided for by 31 U.S.C. 1352. An imposition of a civil penalty does not prevent the Government from seeking any other remedy that may be applicable.

- (2) Consultants may relay without liability on the representation made by their subcontractors in the certification and disclosure

forms.

f. Cost Allowability:

Nothing in this clause is to be interpreted to make allowable or reasonable any costs, which will otherwise be unallowable or unreasonable. Conversely, costs made specifically unallowable by the requirements in this clause will not be made allowable under any other provisions.

**CERTIFICATION OF
RESTRICTIONS ON LOBBYING**

I, _____, hereby certify on behalf (name of bidder/offeror) of _____ that:
(Firm name)

1. No Federal appropriated funds have been paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds, other than Federal appropriated funds, have been paid or will be paid to any person for influencing or attempting to influence making lobbying contracts to an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit the attached Standard Form-LLL, "Disclosure of Lobbying Activities", in accordance with its instructions.
3. If bidder/offeror does not have any reportable activities to disclose, they shall check the box entitled "No Reportable Activities" on the attached Standard Form-LLL "Disclosure of Lobbying Activities" and complete Section 16 of the form. The certifying official shall sign and date the form, print his/her name, title and telephone number.
4. The undersigned shall require that the language of this certification be included in all subcontracts, and that all subcontractors shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance is placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The bidder/offeror, _____, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the bidder/offeror understands and agrees that the provisions of 31 U.S.C. 3801, et seq. apply to this certification and disclosure, if any.

Executed this _____ day of _____, 202_____

By _____
(Signature of authorized official)

(Title of authorized official)

INSTRUCTIONS FOR COMPLETION OF SF-LLL DISCLOSURE OF LOBBYING ACTIVITIES

This DISCLOSURE FORMS SHALL BE COMPLETED BY the reporting entity, whether Subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be a prime or subaward recipient. Identify the tier of the subawardee e.g., the first subawardee of the prime is the first tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee" then enter the full name, address city, state, and zip code of the prime Federal recipient. Include Congressional District.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency, name if known. For example, Department of Transportation, United State Coast Guard.
7. Enter the Federal program name for description of the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g. Request for Proposal (RFP) number, Invitation for Bid (IFB) number, grant announcement number, the contract, grant, or loan award number, the application/ proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, state, and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a.). Enter Last Name, First Name, and Middle Initial (MI).
11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.
12. Check the appropriate box (es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
13. Check the appropriate box (es). Check all boxes that apply. If other, specify nature.
14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.
15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.
16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Office of Management and Budget Paperwork Reduction Project (0348-0446), Washington, D.C. 20503.

Approved by
OMB
003480045

DISCLOSURE OF LOBBYING ACTIVITIES CONTINUATION SHEET

Reporting Entity: _____ Page _____ of _____

Authorized for Local Reproduction

EXHIBIT E: BUY AMERICA

BIDDER'S CERTIFICATE REGARDING
"BUY AMERICA" REQUIREMENTS
FOR
PROCUREMENT OF BUSES, OTHER ROLLING STOCK AND ASSOCIATED
EQUIPMENT

In order to demonstrate compliance with the Buy America Requirements, if the bid is for a contract greater than one hundred and fifty thousand dollars (\$150,000), Bidder shall complete only one of the two statements below:

The		
	Firm name/principal	
hereby certifies that it will comply with the requirements of 49 U.S.C. Section 5323(j), and the applicable regulations in 49 CFR Part 661.11.		
		Signature
		Name
		Title
		Date

OR:

The		
	Firm name/principal	
hereby certifies that it cannot comply with the requirements of 49 U.S.C. Section 5323(j) but may qualify for an exception to the requirement pursuant to 49 U.S.C. Section 5323(j)(2), as amended, and the applicable regulations in 49 CFR Part 661.7.		
		Signature
		Name
		Title
		Date

Revised: 05/12/2023

**EXHIBIT F: CERTIFICATE OF COMPLIANCE WITH BUS TESTING
REQUIREMENT**

CERTIFICATE OF COMPLIANCE WITH BUS TESTING REQUIREMENT

The undersigned certifies that the vehicle offered in this procurement complies and will, when delivered, comply with 49 USC § 5323(c) and FTA's implementing regulation at 49 CFR Part 665 according to the indicated one of the following three alternatives.

Mark one and only one of the three blank spaces with an "X."

1. _____ The buses offered herewith have been tested in accordance with 49 CFR Part 665 on _____ (date). If multiple buses are being proposed, provide additional bus testing information below or on attached sheet. The vehicles being sold should have the identical configuration and major components as the vehicle in the test report, which must be submitted with this Proposal. If the configuration or components are not identical, then the manufacturer shall provide with its Proposal a description of the change and the manufacturer's basis for concluding that it is not a major change requiring additional testing. If multiple buses are being proposed, testing data on additional buses shall be listed on the bottom of this page.

2. _____ The manufacturer represents that the vehicle is "grandfathered" (has been used in mass transit service in the United States before October 1, 1988, and is currently being produced without a major change in configuration or components), and submits with this Proposal the name and address of the recipient of such a vehicle and the details of that vehicle's configuration and major components.

3. _____ The vehicle is a new model and will be tested and the results will be submitted to the Agency prior to acceptance of the first bus.

The undersigned understands that misrepresenting the testing status of a vehicle acquired with federal financial assistance may subject the undersigned to civil penalties as outlined in the Department of Transportation's regulation on Program Fraud Civil Remedies, 49 CFR Part 31. In addition, the undersigned understands that FTA may suspend or debar a manufacturer under the procedures in 49 CFR Part 29.

_____ Company Name

_____ Signature of Offeror

_____ Name and Title of Offeror's Authorized Official

_____ Date

EXHIBIT G: FEDERAL MOTOR VEHICLE SAFETY STANDARDS

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Offeror and (if selected) Contractor shall submit (1) manufacturer's FMVSS self-certification sticker information that the vehicle complies with relevant FMVSS or (2) manufacturer's certified statement that the contracted buses will not be subject to FMVSS regulations.

_____ Company Name

_____ Signature of Offeror

_____ Name and Title of Offeror's Authorized Official

_____ Date

EXHIBIT H: NON-COLLUSION AFFIDAVIT

NON-COLLUSION AFFIDAVIT

To the Orange County Transportation Authority

In accordance with Title 23 United States Code Section 112 and Public Contract Code 7106 the bidder declares that the bid is not made in the interest of, or on the behalf of, any undisclosed person, partnership, company, association, organization or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and, further, that the bidder has not, directly, or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.

Name of Offeror: _____

Signature: _____

Date: _____

EXHIBIT I: CONTRACTOR SERVICE AND PARTS DATA

CONTRACTOR SERVICE AND PARTS SUPPORT DATA

Location of nearest Technical Service Representative to Authority

Name _____

Address _____

Telephone _____

Offeror to describe technical services readily available from said representative.

Location of nearest Parts Distribution Center to Authority

Name _____

Address _____

Telephone _____

Offeror shall describe the extent of parts available at said center.

Policy for Delivery of Parts and Components to be Purchased for Service and Maintenance

Regular Method of Shipment _____

Cost to Authority _____

EXHIBIT J: IRAN CONTRACTING ACT CERTIFICATION

IRAN CONTRACTING ACT CERTIFICATION
(California Public Contract Code Sections 2200, *et seq.*)

The Iran Contracting Act of 2010 (PCC Sections 2200-2208), prohibits bidders who are engaged in investment activities in the energy sector of Iran from bidding on, submitting proposals for, or entering into or renewing contracts with public entities for goods or services of one million dollars (\$1,000,000) or more. At the time of submitting a bid, each bidder must certify that the bidder is not identified on the Department of General Services list of ineligible persons pursuant to PCC Section 2203(b). Each bidder is also required to certify that the bidder is not engaged in investment activities in violation of the Iran Contracting Act of 2010.

A bidder who is engaged in investment activities in the energy sector of Iran is defined as:

1. A person providing goods or services of twenty million dollars (\$20,000,000) or more in the energy sector of Iran, including a person that provides oil or liquefied natural gas tankers, or products used to construct or maintain pipelines used to transport oil or liquefied natural gas, for the energy sector of Iran; or
2. A person that is a financial institution that extends twenty million dollars (\$20,000,000) or more in credit to another person, for 45 days or more, if that person will use the credit to provide goods or services in the energy sector in Iran and is identified on a list created pursuant to PCC Section 2203(b).

A bidder is not required to certify that it is engaged in investment activities in the energy sector of Iran if the bidder is exempt from the certification under PCC Section 2203(c) or (d). If the bidder is exempt from the certification requirement, the bidder will be required to provide documentation demonstrating the exemption.

To comply with the Iran Contracting Act of 2010, the bidder shall complete **one** of the options below. Please note: under PCC Section 2205, false certification of this form may result in civil penalties of \$250,000 or twice the amount of the contract for which false certification was made, termination of the contract, and/or ineligibility to bid on contracts for a period of three years.

Option No. 1: Certification

I, the official named below, certify I am duly authorized to execute this certification on behalf of the vendor/financial institution identified below, and the vendor/financial institution identified below, and any subcontractor who will perform work or labor or render services to the vendor identified below, is not on the current Department of General Services list identifying persons engaged in investment activities in the energy sector of Iran, and is not a financial institution extending twenty million dollars (\$20,000,000) or more in credit to another person/vendor, for 45 days or more, if that other person/vendor will use the credit to provide goods or services in the energy sector in Iran and is identified on the current Department of General Services list identifying persons engaged in investment activities in the energy sector of Iran.

Vendor/Financial Institution: _____

Signature: _____

Name and Title: _____

Date: _____

Option No. 2: Exemption

Pursuant to PCC Section 2203(c) and (d), a public entity may permit a bidder or financial institution engaged in investment activities in Iran, on a case-by-case basis, to be eligible for, or to bid on, submit proposals for, or enter into or renew a contract with a public entity for goods or services of one million dollars (\$1,000,000) or more. If the bidder, financial institution, or any subcontractor who will perform work or labor or render services to the bidder has obtained an exemption from the certification requirement, please complete and sign below and attach the documentation demonstrating the exemption approval.

Vendor/Financial Institution: _____

Signature: _____

Name and Title: _____

Date: _____

Option No. 3: Non-Applicability

Pursuant to PCC Section 2203(b), a bidder or financial institution engaged in investment activities in Iran may not be eligible for, or to bid on, submit proposals for, or enter into or renew a contract with a public entity for goods or services of one million dollars (\$1,000,000) or more. If the contract is not for goods or services of one million dollars (\$1,000,000) or more, please sign below indicating that the contract is not for goods or services of one million dollars (\$1,000,000) or more and thus bidder is not required to certify and does not meet the exemption.

Vendor/Financial Institution: _____

Signature: _____

Name and Title: _____

Date: _____

EXHIBIT K: PROPOSAL EXCEPTIONS AND/OR DEVIATIONS

PROPOSAL EXCEPTIONS AND/OR DEVIATIONS

The following form shall be completed for each technical and/or contractual exception or deviation that is submitted by Offeror for review and consideration by Authority. The exception and/or deviation must be clearly stated along with the rationale for requesting the exception and/or deviation. If no technical or contractual exceptions or deviations are submitted as part of the original proposal, Offerors are deemed to have accepted Authority's technical requirements and contractual terms and conditions set forth in the Scope of Work (Exhibit A) and Proposed Agreement (Exhibit C). Offerors will not be allowed to submit this form or any contractual exceptions and/or deviation after the proposal submittal date identified in the RFP. Exceptions and/or deviations submitted after the proposal submittal date will not be reviewed by Authority.

Offeror: _____

RFP No.: _____ RFP Title: _____

Deviation or Exception No. : _____

Check one:

- Scope of Work (Technical) _____
- Proposed Agreement (Contractual) _____

Reference Section/Exhibit: _____ Page/Article No. _____

Complete Description of Deviation or Exception:

Rationale for Requesting Deviation or Exception:

Area Below Reserved for Authority Use Only:

EXHIBIT L: GENERAL VEHICLE DATA SHEET

General Vehicle Data Sheet (Ford E450)

Vehicle Manufacturer:

Vehicle Model Number:

Basic Body Construction Type:

SECTION 1: General Dimensions (Bidder to provide scale drawings)

Overall length	Over bumpers	<input style="width: 50px; height: 25px;" type="text"/>	feet	<input style="width: 50px; height: 25px;" type="text"/>	inches
	Over body	<input style="width: 50px; height: 25px;" type="text"/>	feet	<input style="width: 50px; height: 25px;" type="text"/>	inches
Overall width	Over body excluding mirrors and lights	<input style="width: 50px; height: 25px;" type="text"/>	feet	<input style="width: 50px; height: 25px;" type="text"/>	inches
	Over body including mirrors	<input style="width: 50px; height: 25px;" type="text"/>	feet	<input style="width: 50px; height: 25px;" type="text"/>	inches
	Over tires	<input style="width: 50px; height: 25px;" type="text"/>	feet	<input style="width: 50px; height: 25px;" type="text"/>	inches
Overall height (maximum)		<input style="width: 50px; height: 25px;" type="text"/>	feet	<input style="width: 50px; height: 25px;" type="text"/>	inches

Doorway clear opening (at widest point) inches

Step height from ground (measured at center of doorway) inches

Body - Shell material

Interior head room (floor to ceiling at center of aisle)

First axle location inches

Rear axle location inches

Wheelbase

Front axle to rear axle inches

Capacity

Total number of passenger sittings

Passenger seating manufacturer/model number

Total number of standing passengers (if applicable)

Minimum hip to knee space	<input type="text"/>	inches
Maximum hip to knee space	<input type="text"/>	inches
ADA Restraint system type	<input type="text"/>	
ADA Restraint system model number	<input type="text"/>	
ADA Restraint system passenger capacity	<input type="text"/>	person(s)

Vehicle Weight

	Curb weight	Curb weight plus seated load*	GVWR
Front axle	<input type="text"/> lbs.	<input type="text"/> lbs.	<input type="text"/> lbs.
Rear axle	<input type="text"/> lbs.	<input type="text"/> lbs.	<input type="text"/> lbs.
Total	<input type="text"/> lbs.	<input type="text"/> lbs.	<input type="text"/> lbs.

* Including operator and passengers at 150 lbs. per person

SECTION 2: Steering Axle

Manufacturer	<input type="text"/>
Type and weight rating	<input type="text"/>
Model number	<input type="text"/>

SECTION 3: Drive Axle

Manufacturer	<input type="text"/>
Type and weight rating	<input type="text"/>
Model number	<input type="text"/>
Gear Oil capacity & Type	<input type="text"/>

Drive Axle Ratio

Differential ratio	<input type="text"/>
--------------------	----------------------

SECTION 4: Cooling System

Radiator Manufacturer	<input type="text"/>	
Total Cooling system capacity (gallons)	<input type="text"/>	gals
Coolant type	<input type="text"/>	
Overheat alarm temperature	<input type="text"/>	degrees F
Shutdown temperature setting	<input type="text"/>	degrees F

SECTION 5: Electrical

Primary interior lighting system

Manufacturer	
Type	
Model number	

Alternator

Manufacturer	
Type	
Model number	

Batteries

Manufacturer	
Type	
Model number	
Cold Cranking Amps	

SECTION 6: Engine

Manufacturer		
Model number/size		
Horsepower/torque		
Engine Oil		
Engine Oil Capacity		Qts

SECTION 7: Fire Suppression/Fuel Detection System

Manufacturer				
Number of detectors		fire		fuel
Type of fire detectors		Thermal		Optical
Battery backup		Yes		No

SECTION 8: Bumpers

Manufacturer	
Type	

SECTION 9: Fuel and Exhaust System

Fuel type		
Operating Range		
Fuel tank capacity		Gals.
Quantity and location of tanks		
Life expectancy (years/miles)		

SECTION 10: Transmission

Manufacturer	
Type / No. of fwd. speeds	
Model number	
Cooling Type	
Trans. Oil Type & Capacity (Qts.)	

SECTION 11: Wheels

Manufacturer	
Type	
Size	
Mounting Type	
Bolt Circle diameter	
Protective Coating	

Tires

Manufacturer	
Type	
Size	
Load range/Air pressure	

SECTION 12: A/C, Heating and Ventilation Equipment

Heating system capacity		Btu
A/C system capacity		Btu
Ventilating capacity		CFM per passenger
Manufacturer and model no.		
Refrigerant type and capacity		

SECTION 13: Passenger Loading System

Manufacturer	
Type (hydraulic, electric, or both)	
Model number	
Capacity (lbs.)	

Dimensions

Width of lift/ramp	<input type="text"/>	inches
Length of lift/ramp	<input type="text"/>	inches

Cycle Times

	Normal idle	Fast idle
Stowed to ground	<input type="text"/> seconds	<input type="text"/> seconds
Ground to stow	<input type="text"/> seconds	<input type="text"/> seconds

SECTION 14: Electronics

OBVSS Manufacturer	
OBVSS Model No.	
Number of cameras	
Auto. Passenger Counter (APC) system Manufacturer	
APC system Model No.	
AVL/AVM system Manufacturer	
AVL/AVM system Model No.	
Radio System Manufacturer	
Radio System Model No.	

DRAFT REQUEST FOR PROPOSALS (RFP) 3-2510

112, 22-FOOT OC ACCESS AND OC FLEX VANS



ORANGE COUNTY TRANSPORTATION AUTHORITY
550 South Main Street
P.O. Box 14184
Orange, CA 92863-1584
(714) 560-6282

Key RFP Dates

Issue Date:	June 12, 2023
Pre-Proposal Conference Date:	June 20, 2023
Question Submittal Date:	June 27, 2023
Proposal Submittal Date:	August 15, 2023

FEDERAL TRANSIT ADMINISTRATION FUNDED PROJECT

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June 12, 2023

NOTICE OF REQUEST FOR PROPOSALS (RFP)

RFP 3-2510: “112, 22-FOOT OC ACCESS AND OC FLEX VANS”

TO: ALL CALACT BIDDERS

FROM: ORANGE COUNTY TRANSPORTATION AUTHORITY

The Orange County Transportation Authority (Authority) invites firms who are participants in the California Association for Coordinated Transportation (CalACT) / Morongo Basin Transit Authority (MBTA), Contract No. 20-01, to provide proposals for Class V, 22-Foot Ford Transit 350 EL, Vans.

Please note that by submitting a Proposal, Offeror certifies that it is not subject to any Ukraine/Russia-related economic sanctions imposed by the State of California or the United States Government including, but not limited to, Presidential Executive Order Nos. 13660, 13661, 13662, 13685, and 14065. Any individual or entity that is the subject of any Ukraine/Russia-related economic sanction is not eligible to submit a Proposal. In submitting a Proposal, all Offerors agree to comply with all economic sanctions imposed by the State or U.S. Government.

Proposals delivered in person or by a means other than the U.S. Postal Service shall be submitted to the following:

**Orange County Transportation Authority
Contracts Administration and Materials Management
600 South Main Street, (Lobby Receptionist)
Orange, California 92868
Attention: Monique Touch, Senior Contract Administrator**

Proposals delivered using the U.S. Postal Service shall be addressed as follows:

**Orange County Transportation Authority
Contracts Administration and Materials Management
P.O. Box 14184
Orange, California 92863-1584
Attention: Monique Touch, Senior Contract Administrator**

Proposals and amendments to proposals received after the date and time specified above will be returned to the Offerors unopened.

Note: The Authority utilizes a third-party delivery service therefore, Offerors should anticipate a 48-hour delay in delivery of proposals mailed to the P.O. Box listed above. Proposals are considered received once time-stamped at the Authority's physical address.

All firms interested in doing business with the Authority are required to register their business on-line at CAMM NET. The website can be found at <https://cammnet.octa.net>. From the site menu click on CAMM NET to register.

A pre-proposal conference will be held via teleconference on June 20, 2023, at 11:00 a.m. Prospective Offerors may join or call-in using the following credentials:

- [<Join MS TEAMS Pre-proposal Conference>](#)
- OR Call-in Number: 916-550-9867
- Conference ID: 331 912 291

An on-site/in-person conference will not be held. A copy of the presentation slides and pre-proposal conference registration sheet(s) will be issued via addendum prior to the date of the pre-proposal conference. All prospective Offerors are encouraged to attend the pre-proposal conference.

Offerors are encouraged to subcontract with small businesses to the maximum extent possible.

All Offerors will be required to comply with all applicable equal opportunity laws and regulations.

The award of this contract is subject to receipt of federal, state and/or local funds.

SECTION I: INSTRUCTIONS TO OFFERORS

SECTION I. INSTRUCTIONS TO OFFERORS**A. PRE-PROPOSAL CONFERENCE**

A pre-proposal conference will be held via teleconference on June 20, 2023, at 11:00 a.m. Prospective Offerors may join or call in using the following credentials:

- [<Join MS TEAMS Pre-proposal Conference>](#)
- OR Call-in Number: 916-550-9867
- Conference ID: 331 912 291

An on-site/in-person conference will not be held. A copy of the presentation slides and pre-proposal conference registration sheet(s) will be issued via addendum prior to the date of the pre-proposal conference. All prospective Offerors are encouraged to attend the pre-proposal conference.

B. EXAMINATION OF PROPOSAL DOCUMENTS

By submitting a proposal, Offeror represents that it has thoroughly examined and become familiar with the work required under this RFP and that it is capable of performing quality work to achieve the Authority's objectives.

C. ADDENDA

The Authority reserves the right to revise the RFP documents. Any Authority changes to the requirements will be made by written addendum to this RFP. Any written addenda issued pertaining to this RFP shall be incorporated into the terms and conditions of any resulting Agreement. The Authority will not be bound to any modifications to or deviations from the requirements set forth in this RFP as the result of oral instructions. Offerors shall acknowledge receipt of addenda in their proposals. Failure to acknowledge receipt of Addenda may cause the proposal to be deemed non-responsive to this RFP and be rejected.

D. AUTHORITY CONTACT

All communication and/or contacts with Authority staff regarding this RFP are to be directed to the following Contract Administrator:

Monique Touch, Sr. Contracts Administrator
Contracts Administration and Materials Management Department
Phone: 714.560. 5083
Email: mtouch@octa.net

Commencing on the date of the issuance of this RFP and continuing until award of the contract or cancellation of this RFP, no Offeror, subcontractor, lobbyist or agent hired by the Offeror shall have any contact or communications regarding this RFP with any Authority's staff; member of the evaluation committee for this RFP;

or any contractor or consultant involved with the procurement, other than the Contract Administrator named above or unless expressly permitted by this RFP. Contact includes face-to-face, telephone, electronic mail (e-mail) or formal written communication. Any Offeror, subcontractor, lobbyist or agent hired by the Offeror that engages in such prohibited communications may result in disqualification of the Offeror at the sole discretion of the Authority.

E. CLARIFICATIONS

1. Examination of Documents

Should an Offeror require clarifications of this RFP, the Offeror shall notify the Authority in writing in accordance with Section E.2. below. Should it be found that the point in question is not clearly and fully set forth, the Authority will issue a written addendum clarifying the matter.

2. Submitting Requests

- a. All questions, including questions that could not be specifically answered at the pre-proposal conference must be put in writing and received via e-mail at mtouch@octa.net no later than 5:00 p.m., on June 27, 2023.
- b. Requests for clarifications, questions and comments must be clearly labeled, "Written Questions RFP 3-2510" in the subject line of the e-mail. The Authority is not responsible for failure to respond to a request that has not been labeled as such.

3. Authority Responses

Responses from the Authority will be sent to all prospective Offerors no later than July 11, 2023.

Inquiries received after 5:00 p.m. on June 27, 2023, will not be responded to.

F. SUBMISSION OF PROPOSALS

1. Date and Time

Proposals must be received in the Authority's office at or before 2:00 p.m. on August 15, 2023.

Proposals received after the above-specified date and time will be returned to Offerors unopened.

2. Address

Proposals delivered in person or by a means other than the U.S. Postal Service shall be submitted to the following:

**Orange County Transportation Authority
Contracts Administration and Materials Management (CAMM)
600 South Main Street, (Lobby Receptionist)
Orange, California 92868
Attention: Monique Touch, Sr. Contracts Administrator**

Or proposals delivered using the U.S. Postal Services shall be addressed as follows:

**Orange County Transportation Authority
Contracts Administration and Materials Management (CAMM)
P.O. Box 14184
Orange, California 92863-1584
Attention: Monique Touch, Sr. Contracts Administrator**

Note: The Authority utilizes a third-party delivery service therefore, Offerors should anticipate a 48-hour delay in delivery of proposals mailed to the P.O. Box listed above. Proposals are considered received once time-stamped at the Authority's physical address.

3. Identification of Proposals

Offeror shall submit one (1) original hard copy of its proposal in a sealed package, addressed as shown above in F.2. The outer envelope must show the Offeror's name and address and clearly marked as follows:

RFP 3-2510 "112, 22-Foot OC ACCESS and OC Flex Vans"

In addition to the above, Offerors shall also include one (1) electronic copy of their entire RFP submittal package in "PDF" format on a USB/flash drive.

4. Acceptance of Proposals

- a. The Authority reserves the right to accept or reject any and all proposals, or any item or part thereof, or to waive any informalities or irregularities in proposals.
- b. The Authority reserves the right to withdraw or cancel this RFP at any time without prior notice and the Authority makes no representations that any contract will be awarded to any Offeror responding to this RFP.
- c. The Authority reserves the right to issue a new RFP for the project.

- d. The Authority reserves the right to postpone proposal openings for its own convenience.
- e. Each proposal will be received with the understanding that acceptance by the Authority of the proposal to provide the services described herein shall constitute a contract between the Offeror and Authority which shall bind the Offeror on its part to furnish and deliver at the prices given and in accordance with conditions of said accepted proposal and specifications.
- f. The Authority reserves the right to investigate the qualifications of any Offeror, and/or require additional evidence of qualifications to perform the work.
- g. Submitted proposals are not to be copyrighted.

G. PRE-CONTRACTUAL EXPENSES

The Authority shall not, in any event, be liable for any pre-contractual expenses incurred by Offeror in the preparation of its proposal. Offeror shall not include any such expenses as part of its proposal.

Pre-contractual expenses are defined as expenses incurred by Offeror in:

- 1. Preparing its proposal in response to this RFP;
- 2. Submitting that proposal to the Authority;
- 3. Negotiating with the Authority any matter related to this proposal; or
- 4. Any other expenses incurred by Offeror prior to date of award, if any, of the Agreement.

H. JOINT OFFERS

Where two or more firms desire to submit a single proposal in response to this RFP, they should do so on a prime-subcontractor basis rather than as a joint venture. The Authority intends to contract with a single firm and not with multiple firms doing business as a joint venture.

I. TAXES

Offerors' proposals are subject to State and Local sales taxes. However, the Authority is exempt from the payment of Federal Excise and Transportation Taxes. Offeror is responsible for payment of all taxes for any goods, services, processes and operations incidental to or involved in the contract.

J. PROTEST PROCEDURES

The Authority has on file a set of written protest procedures applicable to this solicitation that may be obtained by contacting the Contract Administrator responsible for this procurement. Any protests filed by an Offeror in connection

with this RFP must be submitted in accordance with the Authority's written procedures.

K. CONTRACT TYPE

It is anticipated that the Purchase Order resulting from this solicitation, if awarded, will be a firm-fixed price contract specifying firm-fixed unit prices for the vehicles as specified in the Technical Specifications, included in this RFP under Section IV.

L. CONFLICT OF INTEREST

All Offerors responding to this RFP must avoid organizational conflicts of interest which would restrict full and open competition in this procurement. An organizational conflict of interest means that due to other activities, relationships or contracts, an Offeror is unable, or potentially unable to render impartial assistance or advice to the Authority; an Offeror's objectivity in performing the work identified in the Technical Specifications is or might be otherwise impaired; or an Offeror has an unfair competitive advantage. Conflict of Interest issues must be fully disclosed in the Offeror's proposal.

All Offerors must disclose in their proposal and immediately throughout the course of the evaluation process if they have hired or retained an advocate to lobby Authority staff or the Board of Directors on their behalf.

Offerors hired to perform services for the Authority are prohibited from concurrently acting as an advocate for another firm who is competing for a contract with the Authority, either as a prime or subcontractor.

M. CODE OF CONDUCT

All Offerors agree to comply with the Authority's Code of Conduct as it relates to Third-Party contracts which is hereby referenced and by this reference is incorporated herein. All Offerors agree to include these requirements in all of its subcontracts.

N. DEBARMENT & SUSPENSION

CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS – PRIMARY PARTICIPANT AND LOWER-TIER PARTICIPANTS

Unless otherwise permitted by law, any person or firm that is debarred, suspended, or voluntarily excluded, as defined in the Federal Transit Administration (FTA) Circular 2015.1, dated April 28, 1989, may not take part in any federally funded transaction, either as a participant or a principal, during the period of debarment, suspension, or voluntary exclusion. Accordingly, the Authority, acting on behalf of the district, may not enter into any transaction with such debarred, suspended, or voluntarily excluded persons or firms during such period.

A process has been established by 2 CFR Part 180, as adopted and supplemented by 2 CFR Part 1200 as a means to ensure that debarred, suspended, or voluntarily excluded persons or firms do not participate in Federally assisted projects. A person or firm that is unable to provide a positive certification as required by the solicitation must submit a complete explanation attached to the certification. FTA will consider the certification and any accompanying explanation in determining whether or not to provide assistance for the project. Failure to furnish a certification or an explanation may disqualify that person or firm from participating in the project.

O. OWNERSHIP OF RECORDS/PUBLIC RECORDS ACT

All proposals and documents submitted in response to this RFP shall become the property of the Authority and a matter of public record pursuant to the California Public Records Act, Government Code sections 6250 et seq. (the "Act"). Offerors should familiarize themselves with the provisions of the Act requiring disclosure of public information. Offerors are discouraged from marking their proposal documents as "confidential" or "proprietary."

If a Proposal does include "confidential" or "proprietary" markings and the Authority receives a request pursuant to the Act, the Authority will endeavor (but cannot guarantee) to notify the Offeror of such a request. In order to protect any information submitted within a Proposal, the Offeror must pursue, at its sole cost and expense, any and all appropriate legal action necessary to maintain the confidentiality of such information. The Authority generally does not consider pricing information, subcontractor lists, or key personnel, including resumes, as being exempt from disclosure under the Act. In no event shall the Authority or any of its officers, directors, employees, agents, representatives, or consultants be liable to a Offeror for the disclosure of any materials or information submitted in response to the RFP or by failing to notify a Offeror of a request seeking its Proposal. The Authority reserves the right to make an independent decision to disclose records and material.

Notwithstanding the above, all information regarding proposal responses will be held as confidential until such time as the evaluation has been completed; an award has been made by the Board of Directors or Authority Staff, as appropriate; and the contract has been fully negotiated.

P. STATEMENT OF ECONOMIC INTERESTS

The awarded Offeror (including designated employees and subconsultants) may be required to file Statements of Economic Interests (Form 700) in accordance with the Political Reform Act (Government Code section 81000 et seq.). This applies to individuals who make, participate in making, or act in a staff capacity for making governmental decisions. The Authority determines which individuals are required to file a Form 700, and if such determination is made, the individuals must file Form 700s with the Authority's Clerk of the Board no later than 30 days after

the execution of the Agreement, annually thereafter for the duration of the Agreement, and within 30 days of termination of the Agreement.

SECTION II: PROPOSAL CONTENT

SECTION II. PROPOSAL CONTENT

A. PROPOSAL FORMAT AND CONTENT

1. Format

Proposals should be typed with a standard 12-point font, double-spaced and submitted on 8 1/2" x 11" size paper, using a single method of fastening. Charts and schedules may be included in 11"x17" format. Proposals should not include any unnecessarily elaborate or promotional materials. Proposals should not exceed seventy-five (75) pages in length, excluding any appendices, cover letters, resumes, or forms.

2. Letter of Transmittal

The Letter of Transmittal shall be addressed to Monique Touch, Sr. Contracts Administrator and must, at a minimum, contain the following:

- a. Identification of Offeror that will have contractual responsibility with the Authority. Identification shall include legal name of company, corporate address, telephone and fax number, and email address. Include name, title, address, email address, and telephone number of the contact person identified during period of proposal evaluation.
- b. Identification of all proposed subcontractors including legal name of company, contact person's name and address, phone number and fax number, and email address; relationship between Offeror and subcontractors, if applicable.
- c. Acknowledgement of receipt of all RFP addenda, if any.
- d. A statement to the effect that the proposal shall remain valid for a period of not less than 180 days from the date of submittal.
- e. Signature of a person authorized to bind Offeror to the terms of the proposal.
- f. Signed statement attesting that all information submitted with the proposal is true and correct.

3. Technical Proposal

a. Technical Specifications

This section of the proposal should establish evidence that Offerors understand the Technical Specifications in detail and can comply with all requirements to the successful manufacturing of buses, with

suggestions intended to improve the technical and operational aspect of the buses. Compliance with performance requirements, proposed vehicle design, proposed construction, forecasted reliability, provided warranties, past performance and experience with the proposed bus platform, type and number of requested deviations, ability to provide all requested and optional items, surveys of other transit operators, among others may be used for this criterion. Proposals shall address the following:

- (1) Offeror shall provide a narrative addressing the Technical Specifications contained in Section IV of this RFP, which exhibits the Offeror's understanding of the Authority's needs and requirements.
- (2) Offeror may also propose enhancements to the Technical Vehicle Specifications which do not materially deviate from the objectives or required content of the program.
- (3) Offeror shall submit one (1) copy of the California Air Resources Board Executive Order.
- (4) Offeror shall submit scaled elevation drawings depicting exterior, interior views, seating layout and two ADA accommodations.
- (5) Offeror shall provide proposed gasoline tank size, and estimated vehicle range at Gross Vehicle Weight Rating (GVWR).
- (6) Offeror shall provide a table with GVWR and weight calculations to include ADA equipment, components, accessories, passenger, and driver.
- (7) Offeror shall provide one (1) copy of the final Altoona Testing report.
- (8) Offeror shall provide a minimum design life (e.g., 4-years, 100,000 miles or other) with the proposal submission.
- (9) Offeror shall propose critical path schedule for the production of the First Article and remaining vehicles as well as the methodology for controlling the schedule.
- (10) Offerors shall provide an estimate, in number of weeks, the proposed production and delivery schedule for two (2) pilot vans for OC ACCESS service and one (1) for OC Flex service.

- (11) Offeror shall state on the form provided in “Contractor Service and Parts Support Data”, Exhibit I, the representatives responsible for assisting the Authority, as well as the location of the nearest distribution center which shall furnish a complete supply of parts and components, for the repair and maintenance of the buses to be supplied.
- (12) Provide evidence that the human and physical resources are sufficient to perform the contract as specified and assure delivery of all equipment within the time specified in the Contract.
- (13) Provide evidence Offeror has adequate manufacturing facilities sufficient to produce and factory-test equipment on schedule. Include a detailed description of the proposed facilities where work will be done.
- (14) Provide evidence that Offeror is qualified in accordance with Section VI: Quality Assurance.
- (15) Complete and submit Section VII: Warranty Requirements’ table.

b. Qualifications, Related Experience and Project Management

This section of the proposal should establish the ability of the Offeror to satisfactorily provide the required equipment and services by reasons of; demonstrated competence in the product and service to be provided; the nature and relevance of recently completed work; staffing capability, workload and record of meeting schedules on similar projects; strength and stability as a business concern; strength of dealer/manufacturer relationship; and supportive client references.

- (1) Provide a brief profile of the firm, including the principal line of business, the year founded, form of organization (corporation, partnership, sole proprietorship), number and location of offices, licenses held, and number of employees. Identify any conditions (e.g. bankruptcy, pending litigation, planned office or plan closures, impending merger) that may impede the Offeror’s ability to complete the project.
- (2) Describe the firm’s experience in providing like equipment to that solicited in this RFP with emphasis on experience in producing accessible transit/paratransit vehicles and highlight the participation in such work by the key personnel. Offeror shall provide names and brief resumes of key personnel

including project/account manager and the representatives responsible for assisting the Authority.

- (3) A copy of the firm's three (3) most recent financial statements. Offeror's financial statements should be prepared in accordance with United States Generally Accepted Accounting Principles (GAAP) and audited by an independent certified public accountant authorized to practice in the jurisdiction of either the Authority or the Offeror.
- (4) Provide evidence of satisfactory performance and integrity on contracts in making deliveries on time, meeting specifications and warranty provisions, parts availability, and steps Offeror has taken to resolve any judgments, liens, fleet defects history, and warranty claims. Evidence shall be by client references.
- (5) Identify subcontractors, if any, by company name, address, contact person, telephone number and project function. Provide the same information for each subcontractor as requested above, and describe any experience working with each subcontractor.
- (6) Offeror to provide the location of the nearest distribution center which shall furnish a complete supply of parts and components, for the repair and maintenance of the buses to be supplied. Provide past maintenance and warranty experience including qualified staff.
- (7) Provide as a minimum three (3) references for the projects cited as related experience, and furnish the name, title, address, telephone number, and email address of the person(s) at the client organization who is most knowledgeable about the work performed. Offeror may also supply references from other work not cited in this section as related experience.
- (8) Complete and sign all forms required in this RFP including Federal certifications: Buy America Certification, Non-Collusion Affidavit, Lobbying Certification, Certificate of Compliance with Bus Testing Requirement, DBE Approval Certification, and Federal Motor Vehicle Safety Standards.
- (9) Furnish brief resumes (not more than two (2) pages each) for the proposed key personnel. Resumes must feature experience most directly relevant to the work proposed for such key personnel on this project. Resumes should also describe the involvement of the key personnel in related experience and indicate length of time employed by the Offeror.

- (10) Provide engineering organization chart, engineering change control procedure, field modification process, including program controls and quality controls and plans for the coordination of major suppliers and subcontractors. Provide a schedule for the production of the pilot vehicle and remaining vehicles.
- (11) Provide evidence Offeror has sufficient engineering, management and services; can provide sufficient personnel and requisite disciplines, licenses, skills, experience, and equipment to complete the contract as required, and satisfy any engineering or service problems that may arise during the warranty period. Provide interface relationship between engineering manufacturing, program control, quality control and test departments.
- (12) Provide evidence Offeror can provide spare parts and procurement and distribution system sufficient to support equipment maintenance without delays and a service organization with skills, experience, and equipment sufficient to perform all warranty and on-site work.
- (13) Provide Technical and Operational Training and Documentation.

b. Cost and Price

As part of the cost and price proposal, the Offeror shall submit proposed pricing to provide the vehicles as specified in Section IV, Technical Specifications.

Offeror shall complete the "Price Summary Sheet" and Acknowledgement of Receipt of Addenda and Offer" forms included with this RFP (Section V), and furnish any narrative required to explain the prices quoted in the schedules. It is anticipated that the Authority will issue a firm-fixed price contract specifying firm-fixed unit prices for each vehicle.

Contractor shall be liable for payment of all state and local taxes applicable to the complete vehicle as delivered. The Authority shall furnish to the Contractor a list of applicable state and local taxes imposed by the Authority's state or local governments at the Due Date. The Authority shall be liable for any such state and local taxes applicable to the complete bus as delivered that are promulgated and become effective between the Due Date and the delivery date. Quantities listed are estimated quantities which shall be used for the purpose of evaluation.

d. Exceptions/Deviations

State any technical and/or contractual exceptions and/or deviations from the requirements of this RFP, including the Authority's technical requirements and contractual terms and conditions set forth in the Technical Specifications (Section IV) and General Provisions (Section VIII), using the form entitled "Proposal Exceptions and/or Deviations" included in this RFP. This Proposal Exceptions and/or Deviations form must be included in the original proposal submitted by the Offeror. If no technical or contractual exceptions and/or deviations are submitted as part of the original proposal, Offerors are deemed to have accepted the Authority's technical requirements and contractual terms and conditions set forth in the Technical Specifications (Section IV) and General Provisions (Section VIII). Offerors will not be allowed to submit the Proposal Exceptions and/or Deviations form or any technical and/or contractual exceptions after the proposal submittal date identified in the RFP. Exceptions and/or deviations submitted after the proposal submittal date will not be reviewed by Authority.

All exceptions and/or deviations will be reviewed by the Authority and will be assigned a "pass" or "fail" status. Exceptions and deviations that "pass" do not mean that the Authority has accepted the change but that it is a potential negotiable issue. Exceptions and deviations that receive a "fail" status means that the requested change is not something that the Authority would consider a potential negotiable issue. Offerors that receive a "fail" status on their exceptions and/or deviations will be notified by the Authority and will be allowed to retract the exception and/or deviation and continue in the evaluation process. Any exceptions and/or deviation that receive a "fail" status and the Offeror cannot or does not retract the requested change may result in the firm being eliminated from further evaluation.

4. Appendices

Information considered by Offeror to be pertinent to this project and which has not been specifically solicited in any of the aforementioned sections may be placed in a separate appendix section. Offerors are cautioned, however, that this does not constitute an invitation to submit large amounts of extraneous materials. Appendices should be relevant and brief.

B. FORMS**1. Campaign Contribution Disclosure Form, Exhibit A**

In conformance with the statutory requirements of the State of California Government Code Section 84308, part of the Political Reform Act and Title 2, California Code of Regulations 18438 through 18438.8, regarding campaign contributions to members of appointed Board of Directors, Offeror is required to complete and sign the Campaign Contribution Disclosure Form provided in this RFP and submit as part of the proposal.

This form **must** be completed regardless of whether a campaign contribution has been made or not and regardless of the amount of the contribution.

The prime contractor, subconsultants, lobbyists and agents are required to report all campaign contributions made from the proposal submittal date up to and until the Board of Directors makes a selection.

Offeror is required to submit only **one** copy of the completed form(s) as part of its proposal and it must be included in only the **original** proposal.

2. Status of Past and Present Contracts Form, Exhibit B

Offeror shall complete and sign the form entitled "Status of Past and Present Contracts" provided in this RFP and submit as part of its proposal. Offeror shall identify the status of past and present contracts where the firm has either provided services as a prime vendor or a subcontractor during the past five (5) years in which the contract has been the subject of or may be involved in litigation with the contracting authority. This includes, but is not limited to, claims, settlement agreements, arbitrations, administrative proceedings, and investigations arising out of the contract. Offeror shall have an ongoing obligation to update the Authority with any changes to the identified contracts and any new litigation, claims, settlement agreements, arbitrations, administrative proceedings, or investigations that arise subsequent to the submission of Offeror's proposal.

A separate form must be completed for each identified contract. Each form must be signed by the Offeror confirming that the information provided is true and accurate. Offeror is required to submit one copy of the completed form(s) as part of its proposals and it should be included in only the original proposal.

3. Disadvantaged Business Enterprise Approval Certification Form, Exhibit C

In conformance with Title 49 CFR Part 26, "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs," Offerors must complete and submit DBE Approval Certification.

4. Restrictions on Lobbying Form, Exhibit D

This form requires the Offeror to certify compliance with the lobbying requirements of 31 U.S.C. Section 1352 and the applicable regulations under 49 CFR part 19 and 20. (Required if the bid is equal or greater than \$100,000). The offeror is required to submit the Certification of Restrictions on Lobbying Form" and "Disclosure of Lobbying Activities Form", in order for the offeror's proposal to be responsive and to be considered for evaluation.

5. Buy America Certification, Exhibit E

Pursuant to 49 CFR Part 661, as amended by Section 337 of the Surface Transportation and Uniform Relocation Act of 1987, no federal funds authorized by the Urban Mass Transportation Act of 1964, as amended; 23 USC 103 (e)(4); and Section 14 of the National Capital Transportation Act of 1969 as amended; and which were obligated by the Federal Transit Administration (FTA) after January 6, 1983 shall be obligated by the Authority unless steel and manufacturers' products used in such articles are produced in the United States.

A bidder providing articles that do not meet the above provision must submit a written request to the Authority, which may be forwarded to FTA. FTA shall review the request for waiver and FTA may grant such a waiver if FTA determines that:

1. The application of the domestic preference requirements would be inconsistent with the public interest; Materials are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or
2. The inclusion of a domestic item or domestic material will increase the cost of the contract for the item or material by more than 25 percent.

FTA may grant a waiver in the case of the procurement of buses and other rolling stock (including train control, communications and traction power equipment), if the cost of components and subcomponents of such items which are produced in the United States is more than 60 percent for contracts entered into after April 1, 1992 with any supplier or contractor or any successor in interest or assignee which complied with the requirements of Section

165(b)(3) of the Surface Transportation Assistance Act of 1982 prior to April 2, 1987.

To determine costs of components or subcomponents for compliance with the Buy America Requirements, the bidder is referred to the Federal Register, Volume 56, No. 6, Dated January 9, 1991.

In order to demonstrate compliance with the Buy America Requirements, bidder shall complete the Certificates of Compliance/Noncompliance, included in this RFP. Failure to complete the appropriate certificate shall render a bidder non-responsive to this solicitation and will result in the rejection of the bid.

6. Certificate of Compliance with Bus Testing Requirement, Exhibit F

Certifies that the vehicle offered in this procurement complies and will, when delivered, comply with 49 USC § 5323(c) and FTA's implementing regulation at 49 CFR Part 665.

7. Federal Motor Vehicle Safety Standards (FMVSS), Exhibit G

Offeror and (if selected) Contractor shall submit 1) manufacturer's FMVSS self-certification sticker information that the vehicle complies with relevant FMVSS or 2) manufacturer's certified statement that the contracted buses will not be subject to FMVSS regulations.

8. Non-Collusion Affidavit, Exhibit H

Certifies that proposers are not in collusion to restrict competition or are otherwise engaged in anti-competitive practices.

9. Contractor Service and Parts Support Data, Exhibit I

Offeror shall state on the form provided in "Contractor Service and Parts Support Data", the representatives responsible for assisting the Authority, as well as the location of the nearest distribution center which shall furnish a complete supply of parts and components, for the repair and maintenance of the buses to be supplied.

10. Iran Contracting Act Certification, Exhibit J

Pursuant to California Public Contract Code Sections 2200-2208, Offeror shall certify that Offeror is not engaged in specified investment activities in the energy sector of Iran, is exempted from the requirements, or the bid not subject to the Iran Contracting Act.

11. Proposal Exceptions and/or Deviation Form, Exhibit K

Offerors shall complete the form entitled “Proposal Exceptions and/or Deviations” provided in this RFP and submit it as part of the original proposal. For each exception and/or deviation, a new form should be used, identifying the exception and/or deviation and the rationale for requesting the change. Exceptions and/or deviations submitted after the proposal submittal date will not be reviewed nor considered by the Authority.

12. General Bus Data Sheet, Exhibit L

Offeror shall complete and submit Exhibit L, per the requirement set forth in Section III “Evaluation and Award”.

SECTION III: EVALUATION AND AWARD

SECTION III. EVALUATION AND AWARD

A. EVALUATION CRITERIA

The Authority will evaluate the offers received based on the following criteria:

1. Technical Requirements 45%

Offeror's understanding of the Authority's needs and requirements; compliance with performance requirements; proposed vehicle design; proposed construction, forecasted reliability, provided warranties, gross vehicle weight requirement, quality assurance; past experience with the proposed bus platform; complete the General Bus Data Sheet; exceptions to or deviations from the requirements of this RFP, segregating "technical" exceptions from "contractual" exceptions; ability to meet proposed delivery dates; warranty coverage.

2. Qualifications, Related Experience and Project Management 15%

Demonstrate competence in the product and service to be provided; the nature and relevance of recently completed work; staffing capability, work load and record of meeting schedules on similar projects; strength and stability as a business concern; strength of dealer/manufacturer relationship; and supportive client references; understanding the Authority's needs; federal compliance; the logic of the Proposer's proposed project organization as measured by lines of reporting and control; adequacy of labor resources; lead time, reasonableness of proposed schedule; training and documentation.

3. Cost and Price 40%

Reasonableness of the price per vehicle and total price and competitiveness with other offers received; adequacy of data in support of figures quoted and completion of required documentation.

B. EVALUATION PROCEDURE

An evaluation committee will be appointed to review all proposals received for this RFP. The committee is comprised of Authority staff and may include outside personnel. The committee members will evaluate the written proposals using criteria identified in Section III A. A list of top ranked proposals, firms within a competitive range, will be developed based upon the totals of each committee members' score for each proposal.

At the conclusion of the proposal evaluations, Offerors remaining within the competitive range may be asked to submit a Best and Final Offer (BAFO). In the

BAFO request, the firms may be asked to provide additional information, confirm or clarify issues and submit a final cost/price offer. A deadline for submission will be stipulated.

At the conclusion of the evaluation process, the evaluation committee will recommend to the Transit Committee, the Offeror with the highest final ranking or a short list of top ranked firms within the competitive range whose proposal(s) is/are most advantageous to the Authority. The Board Committee will review the evaluation committee's recommendation and forward its decision to the full Board of Directors for final action.

C. AWARD

The Authority's Board of Directors will consider the selection of the firm(s) recommended by the Board Committee.

The Authority may also negotiate contract terms with the selected Offeror prior to award, and expressly reserves the right to negotiate with several Offerors simultaneously and, thereafter, to award a contract to the Offeror offering the most favorable terms to the Authority.

Offeror acknowledges that the Authority's Board of Directors reserves the right to award this contract in its sole and absolute discretion to any Offeror to this RFP regardless of the evaluation committee's recommendation or recommendation of a Board Committee.

The Authority reserves the right to award its total requirements to one Offeror or to apportion those requirements among several Offerors as the Authority may deem to be in its best interest. In addition, negotiations may or may not be conducted with Offerors; therefore, the proposal submitted should contain Offeror's most favorable terms and conditions, since the selection and award may be made without discussion with any Offeror.

The selected Offeror will be required to submit to the Authority's Accounting department a current IRS W-9 form prior to commencing work.

D. NOTIFICATION OF AWARD AND DEBRIEFING

Offerors who submit a proposal in response to this RFP shall be notified via CAMM NET of the contract award. Such notification shall be made within three (3) business days of the date the contract is awarded.

Offerors who were not awarded the contract may obtain a debriefing concerning the strengths and weaknesses of their proposal. Unsuccessful Offerors, who wish to be debriefed, must request the debriefing in writing or electronic mail and the Authority must receive it within three (3) business days of notification of the contract award.

SECTION IV: TECHNICAL SPECIFICATIONS

TECHNICAL SPECIFICATIONS

I. The Orange County Transportation Authority (Authority) intends to purchase up to 112, 22-Foot Ford Transit Vans CalACT Class V, gasoline powered vans. This purchase includes following:

- 108, 22-Foot Ford Transit 350 EL, high roof passenger vans with an option for 10 additional units. This purchase is intended for Authority's OC ACCESS service.
- 4, 22-Foot Ford Transit 350 EL, high roof passenger vans with an option for 5 additional units. This purchase is intended for Authority's OC Flex service. The 4- OC-Flex intended vans shall be the same vehicle but will have Shift and Step wheelchair lift and seating arrangements, and exterior graphics/identity package will be different from OC ACCESS.

OC ACCESS Vans shall have a capacity of six (6) ambulatory seats and two (2) American with Disabilities Act (ADA) wheelchair stations. The Van shall be equipped with a rear-side mounted wheelchair lift. These vehicles are intended for the widest possible spectrum of passengers, including children, adults, the elderly, and persons with disabilities.

OC Flex Vans shall have a capacity of seven (7) ambulatory seats and two (2) American with Disabilities Act (ADA) wheelchair stations. The Van shall be equipped with a center mounted Shift and Slide wheelchair lift. These vehicles are intended for the widest possible spectrum of passengers, including children, adults, the elderly, and persons with disabilities.

The basic vehicle, both chassis and body, must be 2023-24 model year, factory production, 110" high roof with two ADA stations, Altoona tested van rated to a minimum four-year, 100,000 miles designed life; a design that is cataloged by the manufacturer and for which manufacturer's published literature and printed specifications are currently available. If additional Altoona testing is completed for the 2023/24 chassis, any and all changes required by Altoona testing shall be incorporated into the entire order of the Authority production vans before delivery to the Authority, including the pilot vans.

The Van shall be equipped with a California Air Resources Board (CARB) certified engine and shall include, among others, a complete vehicle/engine/evaporative emission control system in compliance with all of California's emission standards and emissions-related requirements.

The specification is intended for use in the purchase of a new and complete vehicle unit and all equipment and accessories necessary for its operation. All parts, equipment and accessories shall be completely installed, assembled and/or adjusted as required. The vans are required to meet all regulations, standards and

laws including revisions, at the time of acceptance and through the term of the contract.

II. First Articles:

Contractor shall begin production of the First Articles (FA's) upon receipt of the Notice to Proceed (NTP) in accordance with the schedule provided by the Contractor and approved by the Authority. Upon approval of the FA's, there will be a secondary NTP for the production run.

OC ACCESS service requires two (2) pilot vans:

- One (1) pilot van equipped with standard Q'Straint L-track anchoring's and corresponding wheelchair tie downs.
- One (1) pilot van equipped with Slide and click floor anchoring's along with all corresponding wheelchair and scooter tie downs and provisions including applicable/needed straps.

OC-Flex service requires one (1) pilot

- Contractor shall produce only one (1) pilot for OC-Flex service.

All three (3) pilot vans must be delivered to Authority in a fully functional and fully operational state of completion, ready to be deployed in revenue service, having all systems and components in operation, **no later than twenty-six (26) weeks after receiving the first NTP.**

III. Production Vans:

- a. After evaluation and acceptance of the First Articles, the Authority will issue a second NTP with the production run of up to 109 vans, 106 ACCESS and 3 OC-FLEX, requiring the vans to commence arrival to the Authority within **thirty-six (36) weeks after receiving the second NTP** on a continuous basis.
- b. Contractor shall complete the manufacturing and make final delivery, to the Authority's Santa Ana Base, **no later than November 30, 2024.**
- c. The Authority intends to secure contracted inspection services to provide the in-plant manufacturing inspection services for these vehicles. As such, the Contractor shall assume the financial responsibility for compensating the Authority's contracted inspection services resulting for any delays or deviations, from the proposed, and/or agreed upon manufacturing and production schedule and working weekends.
- d. All vans shall be delivered with complete Authority decal package using the Authority's identity package for both vans (OC ACCESS and OC Flex service) in accordance with **Attachment No. 1.**

IV. Overall Requirements

The Contractor shall begin production of two (2) pilot vans for OC ACCESS service and one (1) for OC Flex service upon receipt of the Notice to Proceed (NTP), in accordance with the schedule provided by the Contractor and approved by the Authority. Upon approval of the pilots, there will be a secondary NTP for the production run.

The manufacturing schedule provided by Contractor must be realistic and meet or exceed the Authority's requirements. The van deliveries must be completed no later than November 30, 2024.

The Contractor, prior to delivery, shall be responsible for the licensing and registration of each vehicle. All vans shall be delivered cleaned, ready for service and with a full tank of gas.

As part of the proposal submission, Contractor must provide:

1. One (1) copy of the California Air Resources Board Executive Order.
2. Manufacturing Location(s): Contractor must indicate all the intended location(s) where the vehicles will be manufactured, assembled, integrated, etc., including the address, city, and state of each location.
3. Table with Gross Vehicle Weight Rating (GVWR) and weight calculations to include ADA equipment, components, accessories, passenger, and driver.
4. Scaled elevation drawings depicting exterior, interior views, seating layout and two ADA accommodations.
5. Proposed gasoline tank size, and estimated vehicle range at GVWR.
6. One (1) copy of the final Altoona Testing report.
7. Contractor must provide a minimum design life (e.g., 4-years, 100,000 miles or other) with the quote submittal.
8. Using as a reference the Notice to Proceed with the pilot vans, Contractor to indicate in number of weeks the proposed production and delivery schedule for two (2) pilot vans for OC ACCESS service and one (1) for OC Flex service.
9. Two (2) pilot vans for OC ACCESS service and one (1) van for OC Flex service must be delivered to Authority in a fully functional and fully

operational state of completion, ready to be deployed in revenue service, having all systems and components in operation, **no later than Twenty-six (26) weeks after receiving the first NTP with the pilots.**

- a) Authority's delivery location:
Santa Ana Base
4301 West MacArthur Boulevard
Santa Ana, California 92704
- b) The Contractor shall produce two (2) pilot vans for OC ACCESS service and One (1) for OC Flex service with respect to the base order. The pilots shall demonstrate that the van fully meets all contractual requirements. The pilots shall be inspected, tested, and approved by the Authority prior to making the decision to move forward with the production of the remaining order.
- c) Pilot vans inspection shall include both a physical configuration inspection and a functional demonstration. Pilot vans inspections shall be conducted at the Contractor's facilities and the Contractor shall furnish the Authority, prior to each inspection, a written inspection and demonstration plan for each item intended for review. The Authority's inspectors shall attend each pilot inspection unless the Authority provides a written waiver of its right to attend any such inspection. The results of each pilot inspection shall be documented by the Contractor in a format deemed acceptable to the Authority and all documents relating to the inspection shall be forwarded to the Authority's Contract Administrator.
- d) Additionally, upon arrival to the Authority's facilities, the pilot vans build shall be evaluated/tested for a period up to four (4) weeks. The evaluation/testing shall start after the van is licensed, registered and delivered to the Authority and all, if any detected discrepancies, are repaired and/or corrected to the Authority's satisfaction. The four (4) weeks evaluation/testing shall include, at the Authorities' discretion, compliance with specifications, compliance with regulations, California Highway Patrol inspection, ergonomics, driver's reach and controls, wheelchair locations, securement, placement, pressure and actions required to activate pedals, switches, knobs, access doors, driver's field of view, windshield glare, interior and exterior lighting, vehicle handling, vehicle's ability to maintain its intended course and direction of travel, steering, braking, turning radius, suspension, approach and break over angles, vehicle range, handling of slopes, power plant, to include entire and individual pieces of the fuel system, fuel consumption, maintenance logging of break downs, fittings, connections, and others as applicable. After all detected discrepancies are cleared by contractor, both pilots will be put in 40-

hours of in-service testing. Both pilots will have to pass uninterrupted 40-hours of in-service testing to get accepted.

- e) At the Authority's discretion, the evaluation period may be extended based on exhibited vehicle performance and required timelines to complete the evaluation processes.
 - f) Upon acceptance of pilot vans OC ACCESS service and OC Flex service, a second NTP letter will be provided to authorize the startup of production of the remaining vehicles. Each production van also needs to pass uninterrupted 40 hours of in-service testing to get accepted.
10. Particular attention is given to features that will provide the safest possible vehicle for transporting people. These features include a steel cage that surrounds the passengers to protect them during accidents. Wheel housing shall be constructed of heavy gauge steel and provide ample tire clearance during all operating conditions. The contractor must provide structural drawings depicting the proposed structural configuration including steel plates and framing intended to protect the passengers from a broken driveshaft breaking through the floor into the passenger compartment.
 11. Vans will be delivered with complete Authority decal package using the Authority's identity package for vans. Information about decals, bus numbering, paint will be discussed during pre-production meeting.
See Attachment No. 1
 12. Each vehicle shall be equipped with all standard Ford OEM wheels (plus one full size spare tire). The rated capacity shall equal or exceed the GVWR of the vehicle.
 13. The entrance step height shall not be more than 10-inches, as measured from ground level, and each step-riser shall be no higher than 10-inches. The step well shall incorporate LED lights to illuminate the step tread area when the entry door is opened. The steps shall be designed so that water will not pool at any time. Additional auxiliary steps, curbside running boards, can be installed to comply with the maximum step-height requirements.
 14. Intermotive Gateway or HighLock systems which provide a wheelchair interlock and high idle system to prevent the van from moving with the wheelchair lift in operation; system should go into fast idle mode while the lift is in operation, and during all extreme load conditions. The interlock system shall be a fully automatic, solid state, microprocessor-controlled unit (Ref. Intermotive ILIS 501) or approved equal capable of self-diagnosis. Interlock shall utilize an LED display panel to show subsystem status.

15. Contractor must provide detailed warranty table to include at minimum all pertinent items, i.e., original equipment warranty, complete van, powertrain, suspension, rust, destination sign, fire suppression system, on board video surveillance system, Conduent provided components intended for communication including all cabling and components, ADA equipment, flooring, mirrors, roof hatch, seating, door system, body structure and others as applicable. **See Section VII, Warranty.**
16. Successful Offeror shall be responsible for providing detailed, scaled drawings with dimensions, including all views (front, rear, top and both sides) and, in electronic AutoCAD and Adobe Illustrator format. These files will be used by the Authority's Marketing Department to evaluate and re-design the identity package if needed.
17. A Kidde automatic fire suppression system shall be installed, using the component list in **Attachment No 2**. The fire suppression system must be wired into the ITMS radio system IVU, so that fire alarms are broadcast through the ITMS radio. Fire suppression system power needs to be connected on the vehicle side of the battery switch. Fire suppression system piping discharge shall be stainless steel. Fire suppression system should have the capability to shut down the engine by turning the ignition off and not just turning off fuel pump when the discharge happens during a thermal event.
18. A March Networks On-Board Video Surveillance System (OBVSS) shall be installed in accordance with **Attachment No. 3**.
19. Only for OC ACCESS service vans: The vehicle shall be fully installed (not pre-wired but full install) with a Conduent® ITMS radio system, in accordance with **Attachment No. 4**. For testing purposes, radio system components will be supplied to the manufacturer to ensure that the prewire is correctly installed before shipping.
20. All stanchions to be yellow powder coat - stanchion fittings to remain stainless steel.
21. Only for OC ACCESS service: The farebox will require 12V power for the farebox light. The stanchion shall be pre-drilled to accommodate Authority farebox. Jig/template will be provided by Authority. Additional details shall be discussed during the pre-production meeting and first article's evaluations.
22. Entry door shall have two (2) assist handles yellow powder coated, yellow handles added to entry door.
23. No towing from chassis, from manufacturer to dealer.

24. Key/FOB all units shall be alike to Authority's key code; code to be provided.
25. The fuse box must be properly labeled to identify each circuit with a corresponding label identifying the function attached to the fuse box cover.
26. Van frame shall resist corrosion or deterioration from atmospheric condition and/or road salts. The van frame should have proper undercoating to prevent any corrosion.
27. The van shall be equipped with a Fleet Watch combination mileage/fluid management system transponder that shall be installed and programmed with the Authority vehicle's ID number and odometer mileage. The system shall be capable of communication at the Authority fuel island, or other location to be determined in accordance with **Attachment No. 5**. Use of this device will not impact or be impacted by other devices operating in the vehicle, or vehicles, on a CAN-bus network and/or platform.

The module must be accessible by a mechanic, without removing panels or other electronic devices or components. The Authority shall approve the location of the Fleetwatch datalogger module during the presentation/evaluation of the pilot van. The contractor must contact FleetWatch to obtain the latest transponder/interface required for the Authority's existing configuration. S&A Systems Inc., Rockwell, Texas, phone (972) 722-1009.

28. Exterior

The Contractor, as shown below, shall be responsible for installing the van's exterior, identity package including, any and all, decals or paintings on the van. Vendor must verify paint details with Authority during preproduction meeting and before finalizing the paint colors.

The exterior decals shall consist of the following basic elements and Authority reserves the right of final approval upon acceptance of the pilot van prototype. Decals shall consist of 3M reflective 580 series material with 9700 series ink.

OC Flex Branding

- Vehicle Body painted two tone blue = dark blue will be PMS 2935 match, light blue will be PMS 284 match
- Orange stripe color = PMS 151 match using film specs listed below
- White stripe color = 100% white using film specs listed below
- Branding logos = 100% white using film specs listed below; all copy to be die cut
- Authority's 4-digit vehicle ID numbers. Black color

- Rooftop ID number at 24 inches high = 100 % black using film specs below
- CA commercial carrier number of CA 100967 = 100 % black using film specs below
- **See Attachment No. 1**

OC Access Branding

- Vehicle Body painted white = HSV 921472 match
- Orange stripe color = PMS 151 match using film specs listed below
- Blue stripe color = PMS 2935 match using film specs listed below
- Branding logos = PMS 2935 match using film specs listed below; all copy to be die cut
- Authority's 4-digit vehicle ID numbers. Black color
- Rooftop ID number at 24 inches high = 100 % black using film specs below
- CA commercial carrier number of CA 100967 = 100 % black using film specs below
- **See Attachment No. 1**

Film Specs for stripes and logo decals (note all copy will be die cut)

- Film: 3M Controltac IJ180Cv3
- Film: Arlon 4500 clear vinyl
- Overlaminates: 3M Scotchcal 8519 Lustre Lam (applied to all film applications)

Basic Exterior Sample:

The basic color layout is white. Signs shall be durable and fade, chip, and peel-resistant; they may be painted signs, decals, or pressure-sensitive appliques. All decals shall be sealed with clear, waterproof sealant around all exposed edges if required by the decal supplier. Signs shall be provided in compliance with the ADA requirements defined in 49 CFR Part, Subpart B, 38.27. **See Attachment No. 1.**

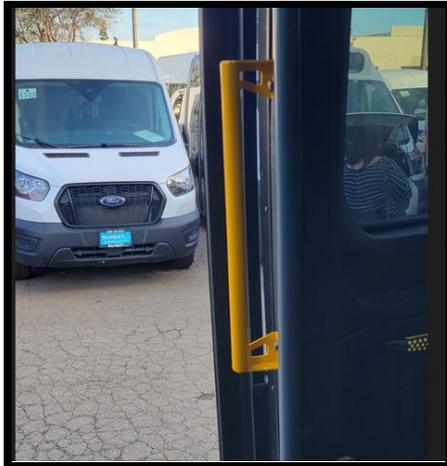
29. OTHERS

The specification is intended for use in the purchase of a new and complete vehicle unit and all equipment and accessories necessary for its operation. All parts, equipment and accessories shall be completely installed, assembled and/or adjusted as required. The vans are required to meet all regulations, standards and laws including revisions, at time of acceptance and throughout the term of the contract.

- The Van shall be equipped with an emergency escape window on the street side of the van.

**RFP 3-2510
SECTION IV**

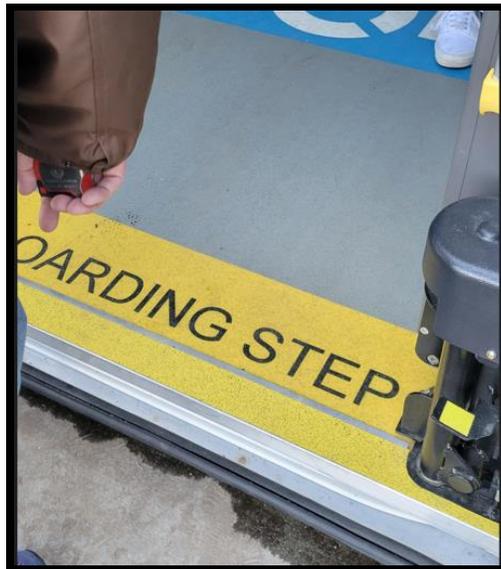
- The Van shall be equipped with all-weather floor mats, heated exterior mirrors with turn signals, back-up alarm and reverse sensing equipment, driver's seat with all adjustment functions.
- The Van shall be equipped with Right Hand side door w/c lift, electro-hydraulic operated, rated to 1,000 lbs. minimum weight capacity.
- The Van shall be equipped with grab Handles (2) ~ LH & RH, Placed on each entrance door. See below for examples; reference only.



- The Van shall be equipped with a Curbside Running Board - Full Length of Passenger Door and Slider - 7" deep footprint, flat surfaced w/antiskid material on top and reflecting tape on the vertical edge of the step. The board height shall be, approx. 9-inches from the ground and equidistant with the first van's inner entrance step.
- The Van shall be equipped with double USB charging ports at each passenger seating location.
- The Van shall be equipped with Seat link, or approved equal, to alert and track when passengers unbuckle seatbelt while vehicle is in motion. See referential sample below.



- The flooring shall be Altro or equivalent with a seven (7)-year, unlimited miles warranty.
- The Van shall be equipped with caution sign at the door entrance and other applicable caution signs if there are steps inside the van. See referential sample below.



- The Van shall be equipped with a reverse backing camera system and 360° surround view camera. See referential sample below.



- The Van shall be equipped with Driver's door storage box. A compartment or box in front passenger space, storage behind the driver's seat and storage box at rear doors. See referential samples below.







30. Parts books, manuals and drawings: The following shall be provided at time of delivery. The information shall be organized in a thumb drive with each section clearly identified. A draft copy must be available for review and acceptance prior to preproduction meeting.
- a) A complete set of operating instructions, troubleshooting guide, inspection and service guide and detailed manufacturers parts list.
 - b) A complete "as built" electrical wiring diagram covering all electrical equipment and electrical circuits installed, complete with wiring codes for each vehicle ordered, including the integration of the OBVSS, ITMS radio system, Fluid management system, and fire suppression systems with the van electrical system.
 - c) All manuals for the van accessories, to include complete parts guide, and equipment to include wheelchair lift, air-conditioning system, tie downs, seating, heater, etc.
 - d) The Contractor shall have available complete van maintenance manuals to include the engine, transmission, and OEM chassis as

well as a complete parts manual for each component. Also, the contractor shall include OEM part numbers if available.

- e) All manuals should be in accordance with the latest updates.

31. Quality Assurance (QA) Requirements

- a) Contractor shall establish and maintain an effective in-plant quality assurance organization. It shall be a specifically defined organization and should be directly responsible to the Contractor's top management.
- b) The quality assurance organization shall exercise quality control over all phases of production from initiation of design through manufacture and preparation for delivery. The organization shall also control the quality of supplied articles.
- c) The quality assurance organization shall have the authority and responsibility for reliability, quality control, inspection planning, establishment of the quality control system, and acceptance/rejection of materials and manufactured articles in the production of the vans.

32. Quality Assurance Organizational Functions

The quality assurance organization shall include the following minimum functions.

- a) The quality assurance organization shall verify inspection operation instructions to ascertain that the manufactured product meets all prescribed requirements.
- b) The quality assurance organization shall maintain and use records and data essential to the effective operation of its program. These records and data shall be available for review by the Resident Inspectors. Inspection and test records for this procurement shall be available for a minimum of one (1) year after inspections and tests are completed.
- c) The quality assurance organization shall detect and promptly assure correction of any conditions that may result in the production of defective vans. These conditions may occur in designs, purchases, manufacture, tests, or operations that culminate in defective supplies, services, facilities, technical data, or standards.

33. Basic Standards and Facilities

The following standards and facilities shall be basic in the quality assurance process.

- a) Contractor shall maintain drawings, assembly procedures, and other documentation that completely describe a qualified van that meets all of the options and special requirements of this procurement. The quality assurance organization shall verify that each van is manufactured in accordance with these controlled drawings, procedures, and documentation.
- b) Contractor shall provide and maintain the necessary gauges and other measuring and testing devices for use by the quality assurance organization to verify that the vans conform to all specification requirements. These devices shall be calibrated at established periods against certified measurement standards that have known valid relationships to national standards.
- c) Production jigs, fixtures, tooling masters, templates, patterns, and other devices are used as media of inspection, they shall be proved for accuracy at formally established intervals and adjusted, replaced, or repaired as required to maintain quality.
- d) Contractor's gauges and other measuring and testing devices shall be made available for use by the resident inspectors to verify that the vans conform to all specification requirements. If necessary, the Contractor's personnel shall be made available to operate the devices and to verify their condition and accuracy.

Sample Van pictures for OC ACCESS service (Referential Pictures)



Rear Side Wheelchair lift

Current OCTA OC ACCESS with identity package (Referential picture)



Sample Van Pictures for OC-Flex service (Referential Pictures)



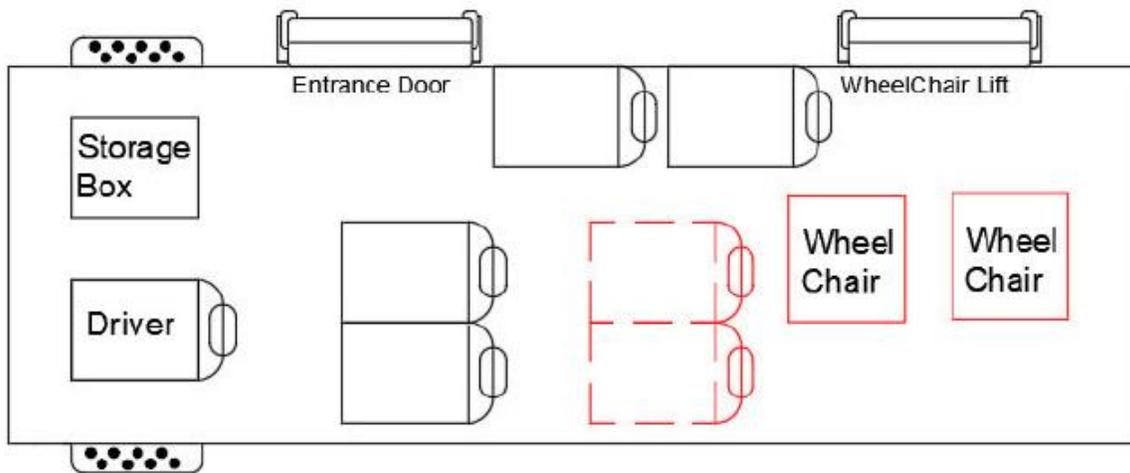


Shift and step lift



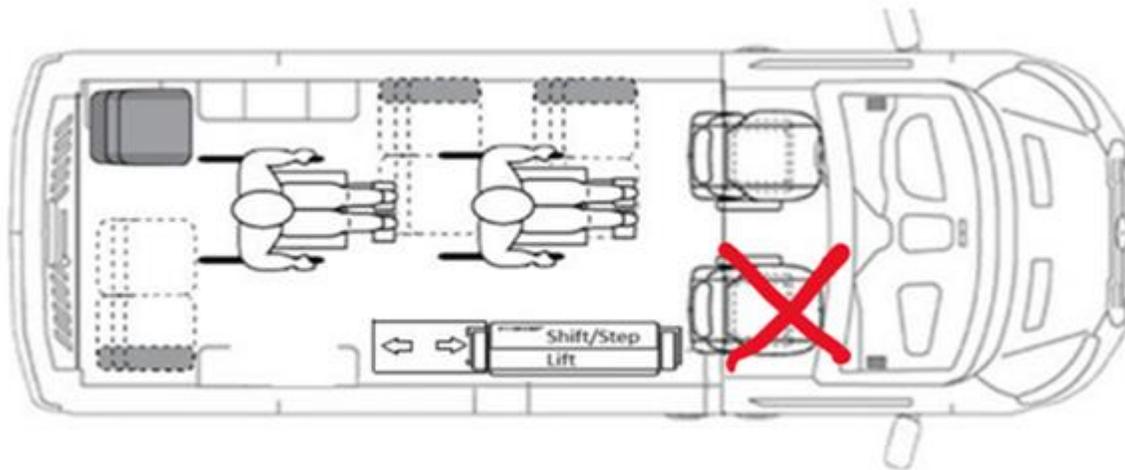
Sample Seating Layout for OC ACCESS service

Six (6) Ambulatory seats and two (2) ADA wheelchairs. The second row of seats marked in red dotted line shall be foldaway seats. Driver side passenger seat shall be removed to accommodate Radio equipment, OBVSS, Fire suppression equipment and others as needed. The contractor shall be responsible for providing a storage box, enclosures, cabinets, or applicable including conduit, cabling, fused protected power supply, anchoring provisions and, all and any needed components, hardware and features required for proper mounting and securing of OBVSS, Kidde, Radio and any system, peripherals and components intended for this location. Details will be discussed during the preproduction meeting and will be finalized during the FA's review and acceptance. Final selection of interior seating shall be done after review of pilot vans.

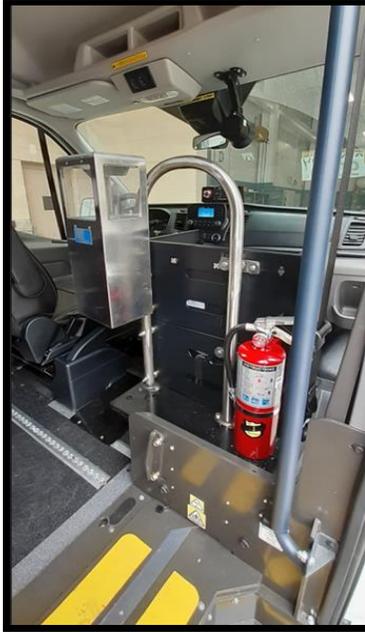


Sample Seating Layout for OC Flex service

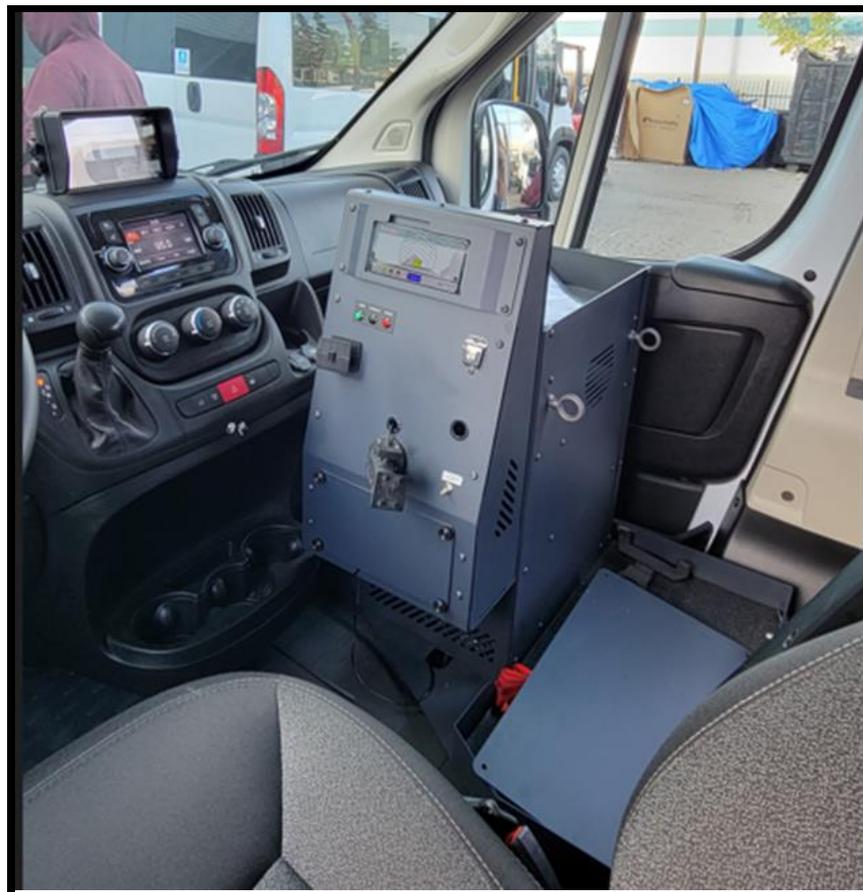
Eight Seven (7) Ambulatory seats and two (2) ADA wheelchairs. The third row of seats marked in red dotted line shall be foldaway seats. The driver's side passenger seat shall be removed to accommodate Radio equipment, OBVSS, Fire suppression equipment and others as needed. The contractor shall be responsible for proving a storage box, enclosures, cabinets, or applicable including conduit, cabling, fused protected power supply, anchoring provisions and, all and any needed components, hardware and features required for proper mounting and securing of OBVSS, Kidde, Radio and any system, peripherals and components intended for this location. Details will be discussed during the preproduction meeting and will be finalized during the FA's review and acceptance. Final selection of interior seating shall be done after review of pilot vans.



Example for Farebox (Only for OC ACCESS service)



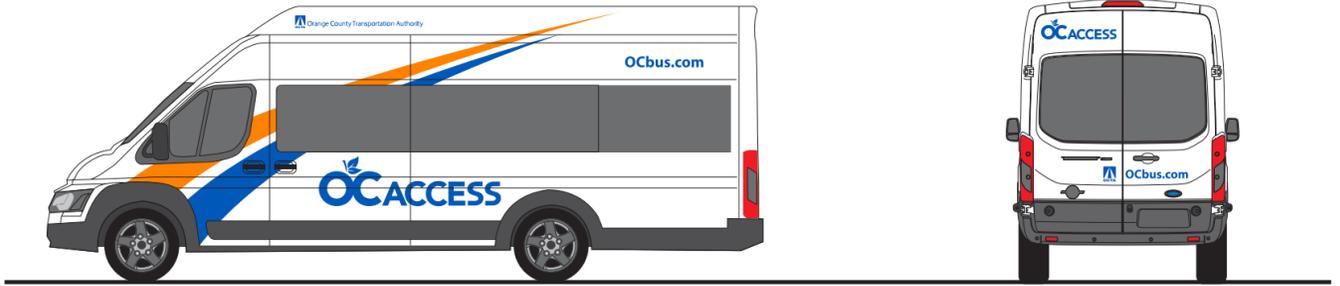
Examples for Radio installation box



ATTACHMENT NO. 1

Identity Package

OC ACCESS SERVICE (Referential Picture)



OC Flex service (Referential Picture)



ATTACHMENT NO. 2

Kidde Automatic Fire Detection and Suppression System

Pos	Product	Part Number	Qty.
1	Control Panel - Fire	413410-14	1
2	Manual Activation Switch	477544	1
3	PM-3M Optical Detector	420010	2
4	Armor Linear Thermal Detector (ALTD) -8FT	476265-8	1
5	Linear Thermal Detector, 460F - 4ft	475743-4	1
6	Double headed tie wrap	404788-1	8
7	LTD grommet	404787	8
8	EXTGR,PK,Horizontal ,G-RIGHT. 9.8L	477126-127A	1
9	Bracket, Extinguisher Floor Mount	474959	1
10	Harness, Front Engine (Fire \$ Gias)	421478_05BU0	1
11	Harness Assy, Interconnect 4'	420373-4	2
12	Harness Assy, Interconnect 10'	420373-10	1
13	Harness Assy, Interconnect 4' - Detector to Press. Mon.	476668-10	1
14	Battery Backup Module (12V-12V) w/ Battery	421915-2	1
15	Harness Assy, Battery Back-up Unit	474985	1
16	Hrns Assy - BBU to Battery	474986	1
17	System, Reset Switch - 1 Pos Conn	421440	1
18	Cone, Nozzle Assembly	474946	2
If a Horizontall extinguisher config is required, replace items 11 & 12 with items 24 & 25			
15	EXTGR,PK,Vertical,G-RIGHT, 9.8L	477126-527A	1
16	Bracket, Extinguisher, Floor Mount	409475	1
If a vertical extinguisher config is required, replace items 11 & 12 with items 24 & 25			
17	Control Panel - Fire - Vertical mount	413410-14	1

ATTACHMENT NO. 3

ON-BOARD VEHICLE SURVEILLANCE SYSTEM (OBVSS)

The following general requirements shall be used to define the overall OBVSS. The OBVSS shall include the most current model of mobile digital video recording system manufactured by March Networks Incorporated that complies with National Defense Authorization Act (NDAA)-compliant. The objective and general guidelines are as follows:

The system shall be a turnkey, digital OBVSS, fully supported by the March Networks, an integrator, or both. The system at a minimum shall include the following:

1. The system shall operate on input vehicle power between 9-32 vdc.
2. Include a NVR with an internal Solid-State Device (SSD) data storage capacity of 150 hours minimum at four (4) frames per second recording speed and 352 x 240 resolution with up to six (6) video input channels and two (2) audio input channels utilized and operating simultaneously.
3. Data review via all the following: remote wireless connectivity, direct Ethernet/serial interface via laptop, and removable hard drive utilizing an external docking station.
4. The system shall use MPEG-4 audio/video compression algorithm for data downloading.
5. Data download via secured WPA encrypted standard 802.11g protocols that permit remote wireless downloading of thirty (30) minutes of video and audio data from all audio/video channels (per item number 2 above) in ten (10) minutes or less.
6. The OBVSS shall be equipped with one impact sensor specifically designed for transit that responds to changes in acceleration on its X and Y axis. The OBVSS supplier shall provide engineering support to properly position, locate, and calibrate the impact sensor for proper circuit closure, approximately 4g's.
7. Events shall be "flagged" via a variety of programmable inputs, to include, operator activation of a switch, operator activation of the ITCS silent alarm function and automated inputs, such as, speed, acceleration, etc.
8. The on-board system shall be equipped with GPS and a means of synchronizing with actual time.
9. The on-board system shall be equipped with a UPS system capable of ten (10) minutes of back up.
10. The vehicle shall be equipped with a silent alarm / event flagging button for triggering events.
11. To the extent practical, all OBVSS devices mentioned in this section shall be installed within a single enclosure, excluding cameras, and located behind the driver above the left front wheel housing.

MOBILE DIGITAL NETWORK VIDEO RECORDER (NVR)

The March Networks OBVSS NVR complies with National Defense Authorization Act (NDAA)-compliant. The system shall have an internal Solid-State Device (SSD) hard drive with a minimum 150 hours of storage space, recording at least four (4) frames per second

and a minimum 352 x 240 resolution with six (6) video input channels and one (1) audio input channel utilized and operating simultaneously. The NVR shall include a compatible hard drive docking station for data retrieval and review. The NVR shall provide built-in secured file format using digital encryption security features to protect system and data integrity as well as system settings and cabling connections. Further, the NVR shall include the following features and functionality:

- The NVR must be of a size and weight to permit installation and operation on board fixed route or Paratransit type vehicle and operate in an ambient temperature environment of 30°F – 130°F.
- NVR shall be certified to durability testing as defined in SAE J1455 for shock, vibration, J1113 for EMI/RFI, and meet NEMA 4 standards as defined in NEMA Standards Publication 250-2003 Enclosures for Electrical Equipment.
- The NVR shall capture data at vehicle startup and continue recording after shutdown (ignition off). The recording after shutdown shall be user programmable up to maximum of ninety (90) minutes.
- At a minimum two motion detection sensors shall be installed or built-in with the IP cameras for capturing movement on the vehicle when recording is necessary after fifteen (15) minutes of vehicle shutdown. The motion detectors shall be mounted on the curbside of vehicle and capable capturing any movement within the vehicle.
- The NVR shall digitally capture and store data to its hard drive in a linear continuous indefinite sequence that as disk space fills writes over old information not stored as a flagged event.
- The NVR shall record the time/date/latitude/longitude from the GPS and attach to the audio/video file.
- Include on separate channels, a minimum of six (6) video inputs.
- Each of the video channels shall independently permit user selectable frame rate recording speed up to thirty (30) frames per second.
- Minimum of one (1) audio input recording at full-motion rate fully synchronized with the video. Each audio input shall provide filtering for vehicle noises while recording.
- The NVR shall utilize a secured removable Solid-State Device (SSD) hard drive for optional physical removal/exchange of the hard drive cartridge enclosure for review.
- The NVR shall capture and catalog a user-defined quantity of events that are time/date stamped and filed for easy removal/access. Events shall be stored in a

non-volatile memory location that cannot be overwritten without proper system administration access.

- The NVR shall include a user programmable pre-alarm and post-alarm recording buffer up to maximum ten (10) minutes for all connected inputs.
- The NVR shall receive impact sensor data, Authority selected discrete ON/OFF or J1708, J1939/CAN vehicle signals, operator-initiated incident/event trigger, and silent alarm activation (panic button) via auxiliary inputs (minimum 4 inputs).
- The NVR shall be capable of providing wireless live-feed or image transfer to a remotely accessed vehicle fitted with appropriate optional router equipment.
- The NVR shall include a health monitoring / system diagnostic function that during system startup checks functionality of all connected inputs, backup system, network connection, and hard drive integrity. The system supplier is encouraged to deploy methods that can determine if camera lenses are dirty, etched, or partially covered. The system shall include a system fault indicator, which provides indication only during system faults. System faults shall be transferred automatically via wireless download upon site/vehicle interface.
- The NVR shall be capable of communicating and synchronizing with an on-board event data recorder.

CAMERAS

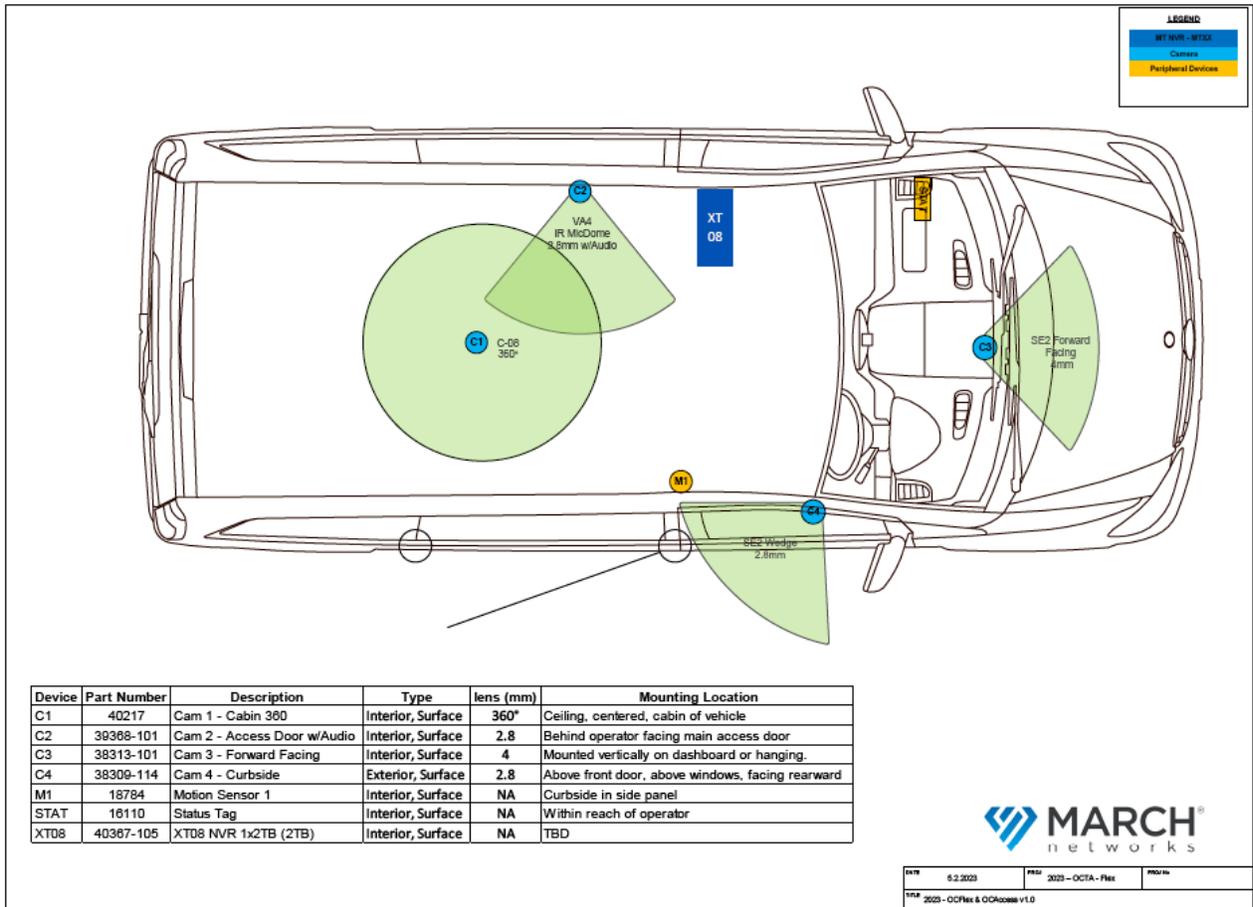
The OBVSS shall include mobile environment rated low profile, vandal resistant housed cameras. All the interior cameras shall be designed to operate in low lighting conditions. The interior and exterior camera housings shall be resistant to scratching, moisture, fogging, dust, shock, and vibration and meet NEMA 4X standards.

The vehicle shall be equipped with two IR illuminating devices to assist proper interior camera operation during complete darkness.

Interior cameras shall be positioned to provide the best possible coverage. The exterior cameras shall be positioned with one (1) forward facing located within the display head sign compartment and the other providing parallel vehicle side coverage from the curbside front to the rear of the vehicle.

The Contractor shall submit a proposed camera, IR illuminator, and audio layout and receive Authority approval prior to installation, approval to include camera quantity and location. Authority suggested layout of cameras and related equipment is in the following diagram.

OC ACCESS AND OC FLEX CAMERA AND AUDIO LAYOUT



LAYOUT INFORMATION:

OC Flex					
Device	Part Number	Description	Type	lens (mm)	Mounting Location
C1	40217	Cam 1 - Cabin 360	Interior, Surface	360°	Ceiling, centered, cabin of vehicle
C2	39368-101	Cam 2 - Access Door w/Audio	Interior, Surface	2.8	Behind operator facing main access door
C3	38313-101	Cam 3 - Forward Facing	Interior, Surface	4	Mounted vertically on dashboard or hanging.
C4	38309-114	Cam 4 - Curbside	Exterior, Surface	2.8	Above front door, above windows, facing rearward
M1	18784	Motion Sensor 1	Interior, Surface	NA	Curbside in side panel
STAT	16110	Status Tag	Interior, Surface	NA	Within reach of operator
XT08	40367-105	XT08 NVR 1x2TB (2TB)	Interior, Surface	NA	TBD
OC Access					
Device	Part Number	Description	Type	lens (mm)	Mounting Location
C1	40217	Cam 1 - Cabin 360	Interior, Surface	360°	Ceiling, centered, cabin of vehicle
C2	39368-101	Cam 2 - Access Door w/Audio	Interior, Surface	2.8	Rear streetside corner, facing main access door
C3	38313-101	Cam 3 - Forward Facing	Interior, Surface	4	Mounted vertically on dashboard or hanging.
C4	38309-114	Cam 4 - Curbside	Exterior, Surface	2.8	Above front door, above windows, facing rearward
M1	18784	Motion Sensor 1	Interior, Surface	NA	Curbside in side panel
STAT	16110	Status Tag	Interior, Surface	NA	Within reach of operator
XT08	40367-105	XT08 NVR 1x2TB (2TB)	Interior, Surface	NA	TBD

**RFP 3-2510
SECTION IV**

Item Num	Product ID	Product Name	DESCRIPTION	QTY	Extended Total	Notes
1	40367-105	NVR XT08 G1 SSD 1X2TB	XT08 - IP Mobile Recorder, 8 IP channels, 8 POE, 200Mbps, 1x2TB, 2TB of internal SSD storage.	1	1	
2	39368-101	CAM C2403A VA4 IR MICDOME 2.8MM RJ45	VA4 IR MicDome - 2.8mm Fixed Lens, 4MP HDR, RJ45, Integrated Microphone, Dynamic IR, IP66/IK10	1	1	
3	38313-101	CAM C2002A SE2 DASH 4.0MM	SE2 Fleet Dash Camera - 4.0mm Fixed Lens, HDR, PoE, RJ45	1	1	
4	38309-114	CAM C2702A SE2 WEDGE 2.8MM RJ45 WHT	SE2 Fleet Wedge Camera - H.264, RJ45, PoE, 2.8mm fixed iris lens, White Housing.	1	1	
5	40217	CAM C-08 O/D PLUS	Oncam C-08 Outdoor Plus Camera - 8MP 180/360, HDR, D/N, Alarm I/O, Audio input, POE, IP69K, IK10	1	1	
6	30200-101	CBL GTXX G1 STATUS ALARM HARNESS L=4.000	Breakout Cable Harness - 4-inch (10.16cm) - Connects recorder to 1 status/tag module, 1 switch, and 5 alarms. Compatible with RideSafe GT and XT Series Recorders.	1	1	
7	16110	STATUS INDICATOR/TAG MODULE	Status LED/Tag Module - Includes tag/alarm button (to mark video segment for download) and LED (indicates system recording status and camera fault). Compatible with RideSafe MT, GT and XT Series Recorders.	1	1	
8	16442-25	FG STATUS TAG MODULE CABLE 25FT	Status Module Extension Cable - 25 feet (7.6m) - Connects module to recorder. Includes connector at each end. Straight socket to straight socket. Compatible with RideSafe MT, GT and XT Series Recorders.	1	1	
10	18781-22	CABLE, MOBILE, MOTION SENSOR, 22' LENGTH	Motion Sensor Extension Cable - 22 feet (6.7m) - Connects sensor to recorder. Compatible with RideSafe MT, GT and XT Series Recorders.	1	1	
12	18784	MODULE MOTION DETECTOR 360 DEGREE DIGITA	Motion Sensor - 360 Degree digital motion sensor. Detection range is 7m x 6m (24ft x 20ft), at a height of 2.4m (8ft). Compatible with RideSafe MT, GT and XT Series Recorders.	2	2	
13	23684	AUX MDL 5 MINUTE TIMER W/ 5FT CABLE	Five Minute Timer Module - To initiate recorder boot up sequence following motion detection. Compatible with RideSafe GT and XT Series Recorders.	1	1	No built-in Timer on XT
14	30202-101	CBL GTXX G1 POWER ADAPTER L=4FT	Timer Module Power Adaptor Cable - 48-inch (1.2m) - Compatible with RideSafe GT and XT Series Recorders.	1	1	Conenct Timer to XT
17	18930-20	CABLE, MOBILE, IR PWR, UNTERMINATED, 20'	NA	2	2	Brake and Silent Alarm Cable
18	35341-103	CBL CAT5E RJ45-RJ45 SFTP BLK L=7.60M	CAT5e Patch Cable - 25 feet (7.6m) - General Purpose. Straight RJ45 plug to straight RJ45 plug, SFTP, black jacket.	1	1	For NVR<->Router Connection

ATTACHMENT NO. 4

Radio Communications (Only for OC ACCESS service vans)

Conduent All-in-One IVU4000P VoIP Radio System with OpenSky option (to be finalized with Conduent OEM).

Contractor shall be responsible for delivering a bus equipped with all necessary components for a fully functional ITMS radio system based on the All-in-One IVU4000P VoIP with OpenSky option. These items for radio system operations are to be included in the equipment furnished and installed by the contractor, except for Harris M7300 radio. OCTA will transfer / install the L3Harris M7300 radio upon receipt of the vehicle. The contractor shall submit a detailed bill of materials to Orange County Transportation Authority for approval after the contract is awarded but prior to the installation or delivery of any pilot or prototype vehicles. This equipment shall be compatible with the Authority's existing communication system. Hardware location shall be determined at the pre-production meeting and may require refinement during the evaluation of the prototype bus.

The following list of Conduent's' All-in-one IVU4000P and other items are provided only as a reference. The successful bidder shall be responsible for contacting Conduent to secure the most accurate and up-to-date bill of materials (BOM), and configuration build for the OCTA, Paratransit bus platform.

All cabinet and wire harnesses shall be custom fitted to a Paratransit chassis so that there is no excess cabling bundled under the dashboard or in the overhead compartment. There should be no more than 6 to 8 inches of extra cable for each component, anything more is excessive, and may cause damage to cables or wire harnesses.

Fire Suppression System Alarms shall be capable of being transmitted over the ITMS Radio system; as well as other predetermined trouble codes to be determined during the building of the First Article Bus.

Conduent - Contact Information

Nii Quartey

Conduent, TMS

Program Manager, OEM.

Nii.Quartey@conduent.com

7160 Riverwood Dr.

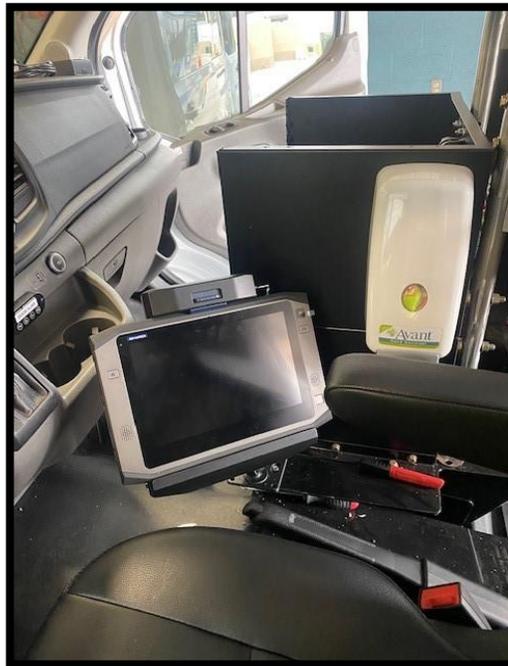
Columbia, MD 21046

443-259-7386 PH

301-792-2085 Cell

IVU4000P for 6 Vehicles
Tablet Dock
OBD-II to USB converter (CAN converter for discrete and Intermotive gateway)
Ethernet cable,5 meter
Tablet power cable
USB 2.0 A to B cable, 5 Meters
USB 2.0 A to B cable, 5M
USB Handset
Handset Clip
RAM Mount
USB to 4 Isolated Inputs Digital Interface Adapter
HERE License (2 years priced, any additional pricing will be added into warranty)
1 Critical Spare: IVU4000P Tablet

All-in-one VoIP IVU4000P unit



The cabinet for mobile router and related components



Mobile Routers and Antenna

Mobile Router

- a. Contractor shall provide and install a Cradlepoint, or approved equal, router, model number IBR1700-1200M, modular modem MC400 plus five (5) year Advance licensing and a compatible 9-in-1 antenna for each bus. The router shall be mounted within the electronics cabinet using 3.5-inches of 1-inch-wide 3M Dual Lock SJ3560 applied according to the manufacturer's directions along the mounting holes edge of each side of the mobile router. The 9-in-1 antenna (4 cellular input, 4 Wi-Fi and 1 GPS) shall be mounted at a location approved by Authority's project manager. Power, ground, and ignition signal shall be sourced from the same points as the 12 Volts of the ITMS radio power source.
- b. In addition, each mobile router shall be pre-paid and added to Authority's Cradlepoint ECM Prime account and Authority's CradleCare account for a period of five (5) years. Cradlepoint ECM shall be at Prime service level and CradleCare shall be at full-service level to include:
 - i. Twenty-four (24) hours per day, seven (7) days per week qualified phone support and twelve (12) hours per day, five (5) days per week portal/chat support for Cradlepoint routers, NCM and NetCloud Gateway
 - ii. Next business day replacement
 - iii. Service level targets
 - iv. Knowledge Base access
 - v. NetCloud OS upgrades
 - vi. Extended router warranty for term of CradleCare license
- c. **Cloud Services** – Cloud Services for management of the mobile routers for a period of five (5) years shall be provided. At minimum, the cloud services shall meet the following features, functionality, and specifications:
 - i. Open API such that third-party applications can interphase with the cloud service to provide added value functionality.
 - ii. Manage user access at multiple levels.
 - iii. Single point management of all mobile routers in Authority's fleet
 - iv. Fleet configurations that provide the ability to set-up and save a single router, then copy that configuration to another router, group, or fleet.
 - v. Group configurations that provide the ability to designate groups of routers with individual configurations to be managed together.
 - vi. Remote firmware management that provides the ability to download and apply firmware to a single router, group, or fleet.
 - vii. GPS based location services.
 - viii. Command line interface to individual routers in real-time.
 - ix. Historical storage of data for a minimum of ninety (90) days.

- d. **Alert System** – Provides the ability for the router to alert the system administrator of critical issues with the router. The system shall be capable of alerting via the cloud interface, through SNMP trapping, and email. Alerts shall be configurable for the following:
 - i. Down time
 - ii. Security
 - iii. Data usage
 - iv. Hardware failure
 - v. Geo-fencing

- e. **Support** – Technical support for the mobile routers for a period of five (5) years shall be provided. At minimum technical support shall meet the following features, functionality and specifications:
 - i. Unlimited twenty-four (24) hours per day, seven days per week phone support
 - ii. Carrier specific support
 - iii. Dedicated assigned technical engineer
 - iv. Complete access to technical training on the router, networking and cloud services
 - v. Unlimited access to firmware, software, feature upgrades, and patches
 - vi. Priority consideration for advanced access to features and beta testing

Mobile Router IBR1700-1200M, MC400 & Cellular GPS Antenna (9-in-1, 4-in-1)

ATTACHMENT NO. 5

FleetWatch Fluid Management System

Below is an example of similar vehicle installation of FleetWatch system. Contractor must contact OEM vendor FleetWatch for detailed installation of FleetWatch system.

FleetWatch contact information:

Jeremy Rothermel
S&A Systems, Inc.
FleetWatch Customer Support
972-722-0981
992 Sids Rd., Rockwall, TX 75032
jeremy@fleetwatch.com
www.fleetwatch.com



SECTION V: COST AND PRICE FORMS

ACKNOWLEDGMENT OF RECEIPT OF ADDENDA AND OFFER

Offeror shall complete and return all forms in this Section with their proposal. Failure to acknowledge receipt of all addenda may cause the proposal to be considered non-responsive to the solicitation. Acknowledged receipt of each addendum must be clearly established and included in the Offer.

Prices quoted are firm for the term of the Agreement.

1. I acknowledge receipt of RFP 3-2510 Addenda No.(s) _____
2. This offer shall remain firm for _____ days from the date of proposal.
(Minimum 180)

COMPANY NAME _____

ADDRESS _____

TELEPHONE _____

FACSIMILE NO. _____

EMAIL ADDRESS _____

SIGNATURE OF PERSON
AUTHORIZED TO BIND OFFEROR _____

NAME AND TITLE OF PERSON
AUTHORIZED TO BIND OFFEROR _____

Offeror Name:
Gasoline Powered
Class V (Ford Transit 350 EL)
Base Price:
Option Pricing: Items 1 to 41
Total: Base Price + Option Pricing
\$0.00
\$0.00

Item No.	PRICE SUMMARY SHEET - UP TO ONE HUNDRED AND EIGHT (108) OC ACCESS VANS	Qty	Unit Price	Extended	Notes/Clarifications
1	Ford Transit 350 High Roof, regular floor height with 6 ambulatory seats (19") and 2 ADA postions. Pilot#1 shall include slide click anchor and all items specified below (5 through 36) to make one complete unit. Bidders are to provide one all-inclusive pricing for Pilot #1 and identify all ADA components/items as well as all taxable and non-taxable items.	1			
2	Ford Transit 350 High Roof, regular floor height with 6 ambulatory seats (19") and 1 ADA postions. Pilot#2 shall include L-track Anchor and all items specified below (5 through 36) to make one complete unit. Bidders are to provide one all-inclusive pricing for Pilot #2 and identify all ADA components/items as well as all taxable and non-taxable items.	1			
3	Ford Transit 350 High Roof, regular floor height with 6 ambulatory seats (19") and 2 ADA postions. For 106 vans with slide and click anchor.	106			
4	Ford Transit 350 High Roof, regular floor height with 6 ambulatory seats and 2 ADA postions. For 106 vans with L-track Anchor.	106			
5	Freedman foldaway seat (double) (19") (qty.1)	106			
6	Freedman stationary seat (double) (19") (qty.1)	106			
7	Freedman single seat (19") (qty.2)	106			
8	Credit for seat delete	106			
9	Freedman docket 90 cloth (per seat)	106			
10	Front Passenger Seat Delete and Storage Area	106			
11	Exterior LED lights	106			
12	Interior LED Lights	106			
13	Entrance door	106			
14	RH rear-side wheelchair door	106			
15	Roof vent	106			
16	Key all units alike to OCTA key code	106			
17	Complete OCTA Identity package	106			
18	Assist handles (2) Left-hand side and Right-Hand side at the entrance door	106			
19	Altro Flooring	106			
20	Side Mirrors With Turn Signals in Glass	106			
21	Floor Mats	106			
22	Curbside Running Board - Full Length of Passenger Door and Slider 7-Inch Expanded Metal	106			
23	Engine Hour Meter	106			
24	Fleetwatch combination bus mileage/fluid management system transponder installed and programmed with OCTA vehicle ID and odometer mileage.	106			
25	Conduent All-in-One IVU4000P VoIP Radio System with OpenSky option (full install)	106			
26	2 Way Radio Prep	106			
27	March Networks On-Board Video Surveillance System (OBVSS)	106			
28	Kidde Automatic Fire Supression (stainless steel piping for discharge lines)	106			
29	Spare tire additional (loose, full size, match OEM)	106			
30	Additional Mobility Aid Position 8100s (w/tie downs)	106			
31	Qstraint Deluxe (8100) credit per set of 4	106			
32	Wheelchair Lift with cover	106			
33	Lift Sensor to PREVENT wheelchair from Closing on an Obstruction	106			
34	USB Charging Port - Double - Installed - All seats	106			
35	360° surround view camera	106			
36	Seat link by Freedman or equivalent	106			
37	Three sets of 48" x 31" wall schematics of the complete bus electrical system, specific to the Authority's build.	3			
38	One set of OEM vehicle manuals, schematics, including and including OEM, and add-on components (HVAC, Wheelchair lift, etc.), Preventive Maintenance guidelines, and drawings shall be delivered with the first article; and three more delivered at the end of production.	60			
39	Scaled drawings with dimensions, including all views (Front, rear, top and both sides) in electronic AutoCAD file	3			
40	Training Hours (40)	40			
41	Delivery to Santa Ana, California	108			
Summary Price Calculation: Pilot#1 with slide and click anchor					
Summary Price Calculation: Pilot#2 with L-track Anchor					
OCTA Optional Equipment					
Doc Prep Fee - (Taxable)					
Base Selling Price					
ADA Amount - (Non-Taxable)					
Total Taxable Amount					
Sales Tax 7.75%					
CalACT Fee					
DMV Fee - (Exempt Plates)					
DMV Electronic Filing Fee					
Tire Fees					
Grand Total - Pilot#1 with slide and click anchor					
Grand Total - Pilot#2 with L-track Anchor					
Grand Total - 106 Vans with slide and click anchor					
Grand Total - 106 Vans with L-track Anchor					

Offeror Name:
Gasoline Powered
Class V (Ford Transit 350 EL)
\$0.00
\$0.00

Base Price:
Option Pricing: Items 1 to 39
Total: Base Price + Option Pricing

Item No.	PRICE SUMMARY SHEET - UP TO FOUR (4) OC FLEX VANS	Qty	Unit Price	Extended	Notes/Clarifications
1	Pilot Ford Transit 350 High Roof, with 8 ambulatory seats (19") and 1 ADA positions shall include all items specified below (3 through 34) to make one complete unit. Bidders are to provide one all-inclusive pricing for Pilot and identify all ADA components/items as well as all taxable and non-taxable items.	1			
2	Ford Transit 350 High Roof, regular floor height with 8 ambulatory seats and 1 Fixed seats (19") and 2 ADA positions.	3			
3	Freedman foldaway seat (double) (19") (qty.1)	3			
4	Freedman stationary seat (double) (19") (qty.2	3			
5	Freedman single seat (19") (qty.2)	3			
6	Credit for seat delete	3			
7	Freedman docket 90 cloth (per seat)	3			
8	Front Passenger Seat Delete and Storage Area	3			
9	Exterior LED lights	3			
10	Interior LED Lights	3			
11	Entrance door	3			
12	RH rear-side wheelchair door	3			
13	Roof vent	3			
14	Key all units alike to OCTA key code	3			
15	Complete OCTA Decal package (NOT TO EXCEED AMOUNT)	3			
16	Assist handles (2) Left-hand side and Right-Hand side at the entrance door	3			
17	Altro Flooring	3			
18	Side Mirrors With Turn Signals in Glass	3			
19	Floor Mats	3			
20	Curbside Running Board - Full Length of Passenger Door and Slider 7-Inch Expanded Metal	3			
21	Engine Hour Meter	3			
22	Fleetwatch combination bus mileage/fluid management system transponder installed and programmed with OCTA vehicle ID and odometer mileage.	3			
23	Conduent All-in-One IVU4000P VoIP Radio System with OpenSky option (full install)	3			
24	2 Way Radio Prep	3			
25	March Networks On-Board Video Surveillance System (OBVSS)	3			
26	Kidde Automatic Fire Supression (stainless steel piping for discharge lines)	3			
27	Spare tire additional (loose, full size, match OEM)	3			
28	Additional Mobility Aid Position 8100s (w/tie downs)	3			
29	Qstraint Deluxe (8100) credit per set of 4	3			
30	Wheelchair Lift with cover	3			
31	Lift Sensor to PREVENT wheelchair from Closing on an Obstruction	3			
32	USB Charging Port - Double - Installed - All seats	3			
33	360° surround view camera	3			
34	Seat link by Freedman or equivalent	3			
35	48" x 31" wall schematics of the complete bus electrical system, specific to the Authority's build.	2			
36	One set of OEM vehicle manuals, schematics, including and including OEM, and add-on components (HVAC, Wheelchair lift, etc.), Preventive Maintenance guidelines, and drawings shall be delivered with the first article; and three more delivered at the end of production.	2			
37	Scaled drawings with dimensions, including all views (Front, rear, top and both sides) in electronic AutoCAD file	1			
38	Training Hours (20)	20			
39	Delivery to Santa Ana, California	4			
Summary Price Calculation: Pilot Van					
Summary Price Calculation: Production Van					
OCTA Optional Equipment					
Doc Prep Fee - (Taxable)					
Base Selling Price					
ADA Amount - (Non-Taxable)					
Total Taxable Amount					
Sales Tax 7.75%					
CalACT Fee					
DMV Fee - (Exempt Plates)					
DMV Electronic Filing Fee					
Tire Fees					
Grand Total - Pilot Van					
Grand Total - 3 Vans					

Offeror Name:
Gasoline Powered
Class V (Ford Transit 350 EL)
Base Price:
Option Pricing: Items 1 to 36
Total: Base Price + Option Pricing
\$0.00
\$0.00

Item No.	PRICE SUMMARY SHEET - OPTIONAL TEN (10) OC ACCESS VANS	Qty	Unit Price	Extended	Notes/Clarifications
1	Freedman foldaway seat (double) (19") (qty.1)	10			
2	Freedman stationary seat (double) (19") (qty.1)	10			
3	Freedman single seat (19") (qty.2)	10			
4	Credit for seat delete	10			
5	Freedman docket 90 cloth (per seat)	10			
6	Front Passenger Seat Delete and Storage Area	10			
7	Exterior LED lights	10			
8	Interior LED Lights	10			
9	Entrance door	10			
10	RH rear-side wheelchair door	10			
11	Roof vent	10			
12	Key all units alike to OCTA key code	10			
13	Complete OCTA Identity package	10			
14	Assist handles (2) Left-hand side and Right-Hand side at the entrance door	10			
15	Altro Flooring	10			
16	Side Mirrors With Turn Signals in Glass	10			
17	Floor Mats	10			
18	Curbside Running Board - Full Length of Passenger Door and Slider 7-Inch Expanded Metal	10			
19	Engine Hour Meter	10			
20	Fleetwatch combination bus mileage/fluid management system transponder installed and programmed with OCTA vehicle ID and odometer mileage.	10			
21	Conduent All-in-One IVU4000P VoIP Radio System with OpenSky option (full install)	10			
22	2 Way Radio Prep	10			
23	March Networks On-Board Video Surveillance System (OBVSS)	10			
24	Kidde Automatic Fire Supression (stainless steel piping for discharge lines)	10			
25	Spare tire additional (loose, full size, match OEM)	10			
26	Additional Mobility Aid Position 8100s (w/tie downs)	10			
27	Qstraint Deluxe (8100) credit per set of 4	10			
28	Wheelchair Lift with cover	10			
29	Lift Sensor to PREVENT wheelchair from Closing on an Obstruction	10			
30	USB Charging Port - Double - Installed - All seats	10			
31	360° surround view camera	10			
32	Seat link by Freedman or equivalent	10			
33	Three sets of 48" x 31" wall schematics of the complete bus electrical system, specific to the Authority's build.	1			
34	One set of OEM vehicle manuals, schematics, including and including OEM, and add-on components (HVAC, Wheelchair lift, etc.), Preventive Maintenance guidelines, and drawings shall be delivered with the first article; and three more delivered at the end of production.	3			
35	Scaled drawings with dimensions, including all views (Front, rear, top and both sides) in electronic AutoCAD file	1			
36	Delivery to Santa Ana, California	10			
	OCTA Optional Equipment				
	Doc Prep Fee - (Taxable)				
	Base Selling Price				
	ADA Amount - (Non-Taxable)				
	Total Taxable Amount				
	Sales Tax 7.75%				
	CalACT Fee				
	DMV Fee - (Exempt Plates)				
	DMV Electronic Filing Fee				
	Tire Fee				
	Grand Total - 10 Vans				

Offeror Name:
Gasoline Powered
Class V (Ford Transit 350 EL)
Base Price: \$0.00
Option Pricing: Items 1 to 36 \$0.00
Total: Base Price + Option Pricing \$0.00

Item No.	PRICE SUMMARY SHEET - OPTIONAL FIVE (5) OC FLEX VANS	Qty	Unit Price	Extended	Notes/Clarifications
1	Freedman foldaway seat (double) (19") (qty.1)	5			
2	Freedman stationary seat (double) (19") (qty.2	5			
3	Freedman single seat (19") (qty.2)	5			
4	Credit for seat delete	5			
5	Freedman docket 90 cloth (per seat)	5			
6	Front Passenger Seat Delete and Storage Area	5			
7	Exterior LED lights	5			
8	Interior LED Lights	5			
9	Entrance door	5			
10	RH rear-side wheelchair door	5			
11	Roof vent	5			
12	Key all units alike to OCTA key code	5			
13	Complete OCTA Decal package (NOT TO EXCEED AMOUNT)	5			
14	Assist handles (2) Left-hand side and Right-Hand side at the entrance door	5			
15	Altro Flooring	5			
16	Side Mirrors With Turn Signals in Glass	5			
17	Floor Mats	5			
18	Curbside Running Board - Full Length of Passenger Door and Slider 7-Inch Expanded Metal	5			
19	Engine Hour Meter	5			
20	Fleetwatch combination bus mileage/fluid management system transponder installed and programmed with OCTA vehicle ID and odometer mileage.	5			
21	Conduit All-in-One IVU4000P VoIP Radio System with OpenSky option (full install)	5			
22	2 Way Radio Prep	5			
23	March Networks On-Board Video Surveillance System (OBVSS)	5			
24	Kidde Automatic Fire Supression (stainless steel piping for discharge lines)	5			
25	Spare tire additional (loose, full size, match OEM)	5			
26	Additional Mobility Aid Position 8100s (w/tie downs)	5			
27	Qstraint Deluxe (8100) credit per set of 4	5			
28	Wheelchair Lift with cover	5			
29	Lift Sensor to PREVENT wheelchair from Closing on an Obstruction	5			
30	USB Charging Port - Double - Installed - All seats	5			
31	360° surround view camera	5			
32	Seat link by Freedman or equivalent	5			
33	48" x 31" wall schematics of the complete bus electrical system, specific to the Authority's build.	1			
34	One set of OEM vehicle manuals, schematics, including and including OEM, and add-on components (HVAC, Wheelchair lift, etc.), Preventive Maintenance guidelines, and drawings shall be delivered with the first article; and three more delivered at the end of production.	3			
35	Scaled drawings with dimensions, including all views (Front, rear, top and both sides) in electronic AutoCAD file	1			
36	Delivery to Santa Ana, California	5			
Summary Price Calculation: Pilot Van					
Summary Price Calculation: Production Van					
OCTA Optional Equipment					
Doc Prep Fee - (Taxable)					
Base Selling Price					
ADA Amount - (Non-Taxable)					
Total Taxable Amount					
Sales Tax 7.75%					
CalACT Fee					
DMV Fee - (Exempt Plates)					
DMV Electronic Filing Fee					
Tire Fee					
Grand Total - 5 Vans					

SECTION VI: QUALITY ASSURANCE

QUALITY ASSURANCE

A. CONTRACTOR'S IN-PLANT QUALITY ASSURANCE REQUIREMENTS

1. QUALITY ASSURANCE REQUIREMENTS

Contractor, the Contractor's manufacturing plant and organization shall be certified to the appropriate QS-9000/ISO 9000 series of standards.

2. QUALITY ASSURANCE ORGANIZATION

a. ORGANIZATION ESTABLISHMENT

Contractor shall establish and maintain an effective in-plant quality assurance organization. It shall be a specifically defined organization and should be directly responsible to the Contractor's top management.

b. CONTROL

The quality assurance organization shall exercise quality control over all phases of production from initiation of design through manufacture and preparation for delivery. The organization shall also control the quality of supplied articles.

c. AUTHORITY AND RESPONSIBILITY

The quality assurance organization shall have the authority and responsibility for reliability, quality control, inspection planning, establishment of the quality control system, and acceptance/rejection of materials and manufactured articles in the production of the transit buses.

3. QUALITY ASSURANCE ORGANIZATION FUNCTIONS

The quality assurance organization shall include the following minimum functions.

a. WORK INSTRUCTIONS

The quality assurance organization shall verify inspection operation instructions to ascertain that the manufactured product meets all prescribed requirements.

b. RECORDS MAINTENANCE

The quality assurance organization shall maintain and use records and data essential to the effective operation of its program. These records and data shall be available for review by the Resident inspectors. Inspection and test records for this procurement shall be available for a minimum of one (1) year after inspections and tests are completed.

c. CORRECTIVE ACTION

The quality assurance organization shall detect and promptly assure correction of any conditions that may result in the production of defective transit buses. These conditions may occur in designs, purchases, manufacture, tests, or operations that culminate in defective supplies, services, facilities, technical data, or standards.

4. QUALITY ASSURANCE BASIC STANDARDS AND FACILITIES

a. BASIC STANDARDS AND FACILITIES

The following standards and facilities shall be basic in the quality assurance process.

b. CONFIGURATION CONTROL

Contractor shall maintain drawings, assembly procedures, and other documentation that completely describe a qualified bus that meets all of the options and special requirements of this procurement. The quality assurance organization shall verify that each transit bus is manufactured in accordance with these controlled drawings, procedures, and documentation.

c. MEASURING AND TESTING FACILITIES

Contractor shall provide and maintain the necessary gauges and other measuring and testing devices for use by the quality assurance organization to verify that the buses conform to all specification requirements. These devices shall be calibrated at established periods against certified measurement standards that have known valid relationships to national standards.

d. PRODUCTION TOOLING AS MEDIA OF INSPECTION

When production jigs, fixtures, tooling masters, templates, patterns, and other devices are used as media of inspection, they shall be proved for accuracy at formally established intervals and adjusted, replaced, or repaired as required to maintain quality.

e. EQUIPMENT USED BY RESIDENT INSPECTORS

Contractor's gauges and other measuring and testing devices shall be made available for use by the resident inspectors to verify that the buses conform to all specification requirements. If necessary, Contractor's personnel shall be made available to operate the devices and to verify their condition and accuracy.

5. CONTROL OF PURCHASES

Contractor shall maintain quality control of purchases.

a. SUPPLIER CONTROL

Contractor shall require that each supplier maintains a quality control program for the services and supplies that it provides. The Contractor's quality assurance organization shall inspect and test materials provided by suppliers for conformance to specification requirements. Materials that have been inspected, tested, and approved shall be identified as acceptable to the point of use in the manufacturing or assembly processes. Controls shall be established to prevent inadvertent use of nonconforming materials.

b. PURCHASING DATA

Contractor shall verify that all applicable specification requirements are properly included or referenced in purchase orders of articles to be used on transit buses.

6. MANUFACTURING CONTROL

a. CONTROLLED CONDITIONS

Contractor shall ensure that all basic production operations, as well as all other processing and fabricating, are performed under controlled conditions. Establishment of these controlled conditions

shall be based on the documented work instructions, adequate production equipment, and special working environments if necessary.

b. COMPLETED ITEMS

A system for final inspection and test of completed transit buses shall be provided by the quality assurance organization. It shall measure the overall quality of each completed bus.

c. NONCONFORMING MATERIALS

The quality assurance organization shall monitor the Contractor's system for controlling nonconforming materials. The system shall include procedures for identification, segregation, and disposition.

d. STATISTICAL TECHNIQUES

Statistical analysis, tests, and other quality control procedures may be used when appropriate in the quality assurance processes.

e. INSPECTION STATUS

A system shall be maintained by the quality assurance organization for identifying the inspection status of components and completed transit buses. Identification may include cards, tags, or other normal quality control devices.

7. INSPECTION SYSTEM

a. INSPECTION SYSTEM SCOPE

The quality assurance organization shall establish, maintain, and periodically audit a fully-documented inspection system. The system shall prescribe inspection and test of materials, work in process, and completed articles. As a minimum, it shall include the following controls.

b. INSPECTION PERSONNEL

Sufficient trained inspectors shall be used to ensure that all materials, components, and assemblies are inspected for conformance with the qualified bus design.

c. INSPECTION RECORDS

Acceptance, rework, or rejection identification shall be attached to inspected articles. Articles that have been accepted as a result of approved materials review actions shall be identified. Articles that have been reworked to specified drawing configurations shall not require special identification. Articles rejected as unsuitable or scrap shall be plainly marked and controlled to prevent installation on the bus. Articles that become obsolete as a result of engineering changes or other actions shall be controlled to prevent unauthorized assembly or installation. Unusable articles shall be isolated and then scrapped.

Discrepancies noted by the Contractor or resident inspectors during assembly shall be entered by the inspection personnel on a record that accompanies the major component, subassembly, assembly, or bus from start of assembly through final inspection. Actions shall be taken to correct discrepancies or deficiencies in the manufacturing processes, procedures, or other conditions that cause articles to be in nonconformity with the requirements of the contract specifications. The inspection personnel shall verify the corrective actions and mark the discrepancy record. If discrepancies cannot be corrected by replacing the nonconforming materials, the Authority shall approve the modification, repair, or method of correction to the extent that the contract specifications are affected.

d. QUALITY ASSURANCE AUDITS

The quality assurance organization shall establish and maintain a quality control audit program. Records of this program shall be subject to review by the Authority.

B. INSPECTIONS

1. INSPECTION STATIONS

Inspection stations shall be at the best locations to provide for the work content and characteristics to be inspected. Stations shall provide the facilities and equipment to inspect structural, electrical, hydraulic, and other components and assemblies for compliance with the design requirements.

Stations shall also be at the best locations to inspect or test characteristics

before they are concealed by subsequent fabrication or assembly operations. These locations shall minimally include underbody structure completion, body framing completion, body prior to paint preparation, water test before interior trim and insulation installation, engine installation completion, underbody dress-up and completion, bus prior to final paint touchup, bus prior to road test, and bus final road test completion.

2. RESIDENT INSPECTOR

a. RESIDENT INSPECTOR ROLE

The Authority shall be represented at the Contractor's plant by resident inspectors. Resident inspectors shall monitor, in the Contractor's plant, the manufacture of transit buses built under the procurement. The presence of these resident inspectors in the plant shall not relieve the Contractor of its responsibility to meet all of the requirements of this procurement. The Authority shall designate a primary resident inspector, whose duties and responsibilities are delineated in "Pre-Production Meetings", "Authority" and "Pre-Delivery Tests". Contractor and resident inspector relations shall be governed by the "Guidelines" and "Quality Assurance" Provisions.

b. PRE-PRODUCTION MEETINGS

The primary resident inspector shall participate in design review and pre-production meetings with the Authority. At these meetings the configuration of the buses and the manufacturing processes shall be finalized, and all contract documentation provided to the inspector.

No less than thirty (30) days prior to the beginning of bus manufacture, the primary resident inspector shall meet with the Contractor's quality assurance manager and shall conduct a pre-production audit meeting to review the inspection procedures and finalize inspection checklists. The resident inspectors may begin monitoring bus construction activities two (2) weeks prior to the start of bus fabrication.

c. AUTHORITY

Records and data maintained by the quality assurance organization shall be available for review by the resident inspectors. Inspection and test records for this procurement shall be available for a

minimum of one year after inspections and tests are completed.

Contractor's gauges and other measuring and testing devices shall be made available for use by the resident inspectors to verify that the buses conform to all specification requirements. If necessary, the Contractor's personnel shall be made available to operate the devices and to verify their condition and accuracy.

Discrepancies noted by the resident inspector during assembly shall be entered by the Contractor's inspection personnel on a record that accompanies the major component, subassembly, assembly, or bus from start of assembly through final inspection. Actions shall be taken to correct discrepancies or deficiencies in the manufacturing processes, procedures, or other conditions that cause articles to be in nonconformity with the requirements of the contract specifications. The inspection personnel shall verify the corrective actions and mark the discrepancy record. If discrepancies cannot be corrected by replacing the nonconforming materials, the Authority shall approve the modification, repair, or method of correction to the extent that the contract specifications are affected.

The primary resident inspector shall remain in the Contractor's plant for the duration of bus assembly work under the contract. Only the primary resident inspector or designee shall be authorized to release the buses for delivery. The resident inspectors shall be authorized to approve the pre-delivery acceptance tests. Upon request to the quality assurance supervisors, the resident inspectors shall have access to the Contractor's quality assurance files related to this procurement. These files shall include drawings, assembly procedures, material standards, parts lists, inspection processing and reports, and records of defects.

d. **SUPPORT PROVISIONS**

Contractor shall provide office space for the resident inspectors in close proximity to the final assembly area. This office space shall be equipped with desks, outside and interplant telephones, file cabinet, chairs, and clothing lockers sufficient to accommodate the resident staff.

C. ACCEPTANCE TESTS

1. RESPONSIBILITY

Fully-documented tests shall be conducted on each production bus following manufacture to determine its acceptance to the Authority. These acceptance tests shall include pre-delivery inspections and testing by the Contractor and inspections and testing by the Authority after the buses have been delivered.

2. PRE-DELIVERY TESTS

Contractor shall conduct acceptance tests at its plant on each bus following completion of manufacture and before delivery to the Authority. These pre-delivery tests shall include visual and measured inspections, as well as testing the total bus operation. The tests shall be conducted and documented in accordance with written test plans, approved by the Authority.

Additional tests may be conducted at the Contractor's discretion to ensure that the completed buses have attained the desired quality and have met the requirements in "Technical Specifications" (Section IV). The Authority may, prior to commencement of production, demand that the Contractor demonstrate compliance with any requirement in "Technical Specifications" (Section IV), if there is evidence that prior tests have been invalidated by Contractor's change of supplier or change in manufacturing process. Such demonstration shall be by actual test or by supplying a report of a previously performed test on similar or like components and configuration. Any additional testing shall be recorded on appropriate test forms provided by the Contractor and shall be conducted before approval of bus delivery to the Authority.

The pre-delivery tests shall be scheduled and conducted with fifteen (15) days' notice so that they may be witnessed by the resident inspectors, who may accept or reject the results of the tests. The results of pre-delivery tests, and any other tests, shall be filed with the assembly inspection records for each bus. The underfloor equipment shall be available for inspection by the resident inspectors, using a pit or bus hoist provided by the Contractor. A hoist, scaffold, or elevated platform shall be provided by the Contractor to easily and safely inspect bus roofs. Delivery of each bus shall require written authorization of the primary resident inspector. Authorization forms

for the release of each bus for delivery shall be provided by the Contractor. An executed copy of the authorization shall accompany the delivery of each bus.

a. **INSPECTION - VISUAL AND MEASURED**

Visual and measured inspections shall be conducted with the bus in a static condition. The purpose of the inspection testing is to verify overall dimensional and weight requirements, to verify that required components are included and are ready for operation, and to verify that components and subsystems that are designed to operate with the bus in a static condition do function as designed.

b. **TOTAL BUS OPERATION**

Total bus operation shall be evaluated during road tests. The purpose of the road tests is to observe and verify the operation of the bus as a system and to verify the functional operation of the subsystems that can be operated only while the bus is in motion.

Each bus shall be driven for a minimum of fifteen (15) miles during the road tests. Observed Defects shall be recorded on the test forms. The bus shall be retested when Defects are corrected and adjustments are made. This process shall continue until Defects or required adjustments are no longer detected. Results shall be pass/fail for these bus operation tests.

3. POST-DELIVERY TESTS

The Authority may conduct vehicle inspection tests on each delivered bus. These tests shall be completed within thirty (30) calendar days after bus delivery and shall be conducted in accordance with written test plans. The purpose of these tests is to identify defects that have become apparent between the time of bus release and delivery to the Authority. The post-delivery tests shall include visual inspection and bus operations. No post-delivery test shall apply criteria that are different from the criteria applied in an analogous pre-delivery test (if any).

Buses that fail to pass the post-delivery tests are subject to rejection. The Authority shall record details of all Defects on the appropriate test forms and shall notify the Contractor of each bus status within thirty (30)

calendar days according to "Acceptance of Bus" after completion of the tests. The Defects detected during these tests shall be repaired according to procedures defined in the Agreement, "Repairs By Contractor."

a. **VISUAL INSPECTION**

The post-delivery inspection is similar to the inspection at the Contractor's plant and shall be conducted with the bus in a static condition. Any visual delivery damage shall be identified and recorded during the visual inspection of each bus.

b. **BUS OPERATION**

Road tests will be used for total bus operation similar to those conducted at the Contractor's plant. In addition, the Authority may elect to perform chassis dynamometer tests. Operational deficiencies of each bus shall be identified and recorded.

D. GUIDE FOR INSPECTION

The following provides the Authority's general criteria of the manufacturing and bus inspections intended for each one of the buses procured under this solicitation, including product quality assurance, audit, certifications required by FTA, Buy America regulations pertaining to rolling stock purchases and the Authority's on-site inspection tests and acceptance guidelines.

This inspection is intended to be in compliance with all Code of Federal Regulations (CFR), 49 CFR 661 Buy America, 49 CFR 668 Pre-Award and Post Delivery Audits of Rolling Stock purchases, 49 CFR 668 Bus Testing, United States Code (USC) 49 USC 5323 (j) Buy America, Federal Acquisitions Regulations, FTA Master Agreement, FTA Circular 4220.1F, FTA Circular 5000 Grants Management, FTA Handbook Conducting Pre and Post-Delivery Audits, FTA Best Practices Procurement manual to include Buy America Certification, Buy America and Buy America Requirements and all applicable standards set forth in 49 CFR, Part 571 – Federal Motor Vehicle Safety Standards.

1. TASKS

- a. Pre-production meeting in Orange County, California, or at the manufacturer's location having representatives from the Authority and the Contractor prior to the manufacturing of First Article bus.
- b. Authority's issuing of the Notice to Proceed with the manufacturing of the First Article bus.
- c. In-plant inspection of the First Article bus at the Contractor's facility/location, to include configuration review of the Authority's first article, Buy America Audit.
- d. Contractor's presentation of a fully completed First Article bus at the manufacturer's location.
- e. Authority personnel perform the in-plant review of the First Article bus and, if in compliance with all the requirements, approval for shipment is provided to the Contractor.
- f. Contractor performs licensing and registration of the First Article bus prior to delivery to the Authority.
- g. Continued inspection at the final delivery location, any of the Authority facilities in Orange County, California, including forty (40) hours of uninterrupted revenue service testing.
- h. Completion of First Article testing and review after all discrepancies are corrected to Authority's satisfaction.
- i. Authority issues Notice to Proceed with the Production Run
- j. Same above listed steps are followed with the Production Run

2. PRE-PRODUCTION PHASE

- a. Authority personnel or its On-Site inspector will conduct a review of Contractor's supplied documents for areas such as Buy America Pre-Award Compliance audit, Buy America Pre-Award Purchasers Requirements Certification, Buy America Pre-Award FMVSS Certification, DOT Safety requirements/specifications/regulations; and Quality Control/Quality Assurance procedures. Formal reports to the Authority in these areas are required.
- b. Authority personnel and its On-Site inspector will be provided with all contract documentation with bus manufacturer prior to start of manufacture.

- c. Authority personnel and/or its On-Site inspector will attend a pre-production audit meeting with the bus manufacturer. At this meeting, primary contact persons from the Authority, the bus manufacturer and In-Plant inspection representatives are expected to be present to finalize vehicle configuration decisions/documentation; and review manufacturing processes and schedule.

3. MANUFACTURING PHASE

- a. Authority personnel or its On-Site inspectors will be on site at the manufacturer's location during all phases of manufacture, unless otherwise instructed by the Authority in writing.
- b. Authority personnel or its On-Site inspectors will provide continuity of inspectors during each vehicle acquisition for the Authority.
- c. The Authority or its On-Site inspectors will ensure sufficient staffing on site based on the production schedules and quantity of buses to ensure expedited production. Inspection delays cannot be allowed to slow down the manufacturing process, except for documented quality problems.
- d. On-site inspectors will be available during all normal work hours of the manufacturer.
- e. On-Site Inspectors will work cooperatively with manufacturers and the Authority representatives. The expected result is a high-quality transit vehicle completed on schedule, and in conformance with Federal, State & local specifications, with minimal changes in configuration during manufacture.
- f. Authority or its On-Site inspectors will designate a project "Team Leader" (in the event more than one inspector is assigned to a project). This person will be the primary point of contact for the Authority staff, and will be the direct liaison with the manufacturer's personnel, and the only person delegated to make "stop work" or "stop ship" decisions on behalf of the Authority, based on pre-agreed criteria. The Authority will similarly appoint a single point of contact.
- g. The On-Site inspector will provide daily and weekly summary reports by e-mail or facsimile to the designated Authority Project Manager. The written reports will include, at a minimum, the following items:
 - Production progress during the period.
 - Production schedule.
 - Vehicle shipment status.
 - Production line movement identified by stage and Authority

- vehicle numbers.
 - Specific problems encountered during the period.
 - Status of problems/issues reported during the previous reporting periods.
 - Recommended solutions to problems/issues reported.
 - Request for input from the Authority to make a decision or support the On-Site inspector's position.
 - General comments.
- h. The On-Site inspector will ensure that the manufacture of the vehicles is in a manner consistent with all 49 CFR Part 571 & California State regulations (Title 13 CCR and specifications; as well as Authority's specifications (incorporating any approved changes).
- i. The On-Site inspector will meet with the Authority Project Manager at the end of production of the First Article, to conduct a configuration audit on the First Article bus. Once the configuration has been established, the On-Site inspector will produce the required Buy America post-delivery audit documents prior to Authority's issuing of the Notice to Proceed to the Manufacturer.
- j. The On-Site inspector will inspect and certify that each bus complies with the Buy America content/requirement, and Authority's configuration requirements, as approved with the first article.
- k. The On-Site inspector will maintain and distribute meeting minutes for any formal meeting (i.e.: pre-production audit meeting) held with the manufacturer and/or the Authority.
- l. Except for those differences among vehicles in a single order that might be required for in the specifications, the On-Site inspector will ensure that all transit vehicles manufactured are identical and interchangeable within the same order. The On-Site inspector will similarly ensure that vehicle manuals and other documentation are updated with any changes to match actual vehicle configuration.
- m. During the production of the first buses, the production line will be thoroughly evaluated for its conformity to the agreements set forth during the initial audit process. This will include compliance to the quality assurance program, testing requirements, documentation of certification testing, including but not limited to fastener testing, steel treatment, torque wrench calibration, welding testing (ultra sound and die penetrant testing), paint adhesion testing, paint thickness testing, electrical wiring and component ratings, etc.
- n. All final operating tests will be checked during the final buy-off stage

to help ensure that all of the appropriate testing has been completed. If the tests fail to meet the standard of the technical specifications, the On-Site inspector will develop a list that will be forwarded to the manufacturer requesting adjustments in the process. The goal is to adjust the testing within the final stages of the first two to five buses.

- o. As part of the final inspection phase, the On-Site inspector will perform a road test, riding each bus and listening for abnormal power train noises, interior rattles, and observing for proper shift points, acceleration, braking performance, ride quality, and appropriate functioning of other bus systems.
- p. Upon completion of manufacture of each unit, the On-Site inspector will perform a full inspection test at the manufacturer's location prior to shipment to the Authority. Any defects noted will be made known to the manufacturer and tracked for correction prior to shipment to the Authority. Upon approval for shipment by the On-Site inspector, the On-Site inspector will transmit a copy of the inspection sheet to the Authority for each vehicle as quickly as practical to expedite final vehicle inspection at the Authority. On-Site inspector will not allow the manufacturer to ship any vehicle that has not successfully passed this inspection, unless approved in writing by the Authority.
- q. Specific emphasis will be placed on undercarriage, electrical installation, brakes, wheelchair lift, air conditioning, differential, and interior seating. It cannot be over-emphasized that the production line is critical point for identification and documentation of non-compliant matters and to clarify and resolve noted discrepancies and issues to include:
 - QC production procedures.
 - Weld integration (Zyglow, ultrasound test methods, etc.).
 - Frame undercoating thickness.
 - Sheet metal application, fit and finish, sidewall trueness as well as sheet metal quality.
 - Paint adherence pull test and thickness tests.
 - Paint Quality (orange peel, fisheye, sagging, and dirt)
 - Detailed Inspection to include hydraulic lines, fuel lines and electrical harnesses.
 - Electrical component ratings and proper grounding.
 - Proper clamping, routing and spacing of air lines from making contact with other components.
 - Proper clamping, routing and spacing of electrical wire harnesses from making contact with other components.

- Etc.

- r. The on-site inspector will be responsible for providing at a minimum, the following (As applicable) with each individual bus record:
 - Inspection Report verifying conformity to all specifications.
 - Methane Detection System Test.
 - Wheel alignment
 - Fire Suppression System Test
 - Water test certification
 - Front end alignment and steering stop adjustment certification.
 - “Completed Bus” inspection document.
 - Copy of defects and corrections noted during bus inspection.
 - VIN number (copy of bus data plate)
 - Manufacturer inspection records
 - Certificate of Origin
 - Certified Weight slip (curb weight)
 - On-Site Inspector’s inspection documents
 - Final factory bus inspection Report
 - Road Test function Report to include:
 - Acceleration Test
 - Top Speed Test
 - Service Brake Test
 - Parking Brake Test
 - Turning Effort Test
 - Turning Radius Test
 - Shift Quality
 - Retarder Deceleration Test
 - During the road test, one vehicle should be taken to a weigh station to record the vehicle’s front axle weight; rear axle weight and total vehicle (curb) weight.
 - A list of major component serial numbers will be documented for each bus; at a minimum the following components will be listed:
 - Engine
 - Transmission
 - Alternator
 - Starter
 - HVAC Unit
 - AC Compressor

- Drive Axle
 - Power Steering Unit
 - Air Compressor
 - Engine Cooling System (EMP)
 - All other components that the manufacturer will require in order to process warranty claims.
- s. The On-Site inspector will be responsible for providing at a minimum, the following (As applicable) with each separate bus build:
- A Pre-Award Purchasers Requirements certification, which certifies that the product meets the Authority's specifications and is being built within the requirements outlined in 49 CFR, Sections 663.27, 663.25 & 663.23.
 - A copy of the Pre-Award and Post-Delivery manufacturer's self-certification of compliance with the Federal Motor Vehicle Safety Standards (FMVSS) stating that the bus manufactured meets the requirements of those standards (49 CFR, Sec. 663.41).
 - A Post-Delivery Audit. The On-Site inspector will certify that each bus was built to the specified FTA requirements/specifications and Authority configuration in accordance with 49 CFR, Sections, 663.33, 663.35, 663.37 & 663.39.
- t. The On-Site inspector is not responsible for final bus acceptance. This task will be performed by the Authority personnel.

4. POST-PRODUCTION ACTIVITIES

- a. The On-Site inspector will provide final written documentation to the Authority summarizing the production processes and issues supplemented for each bus; and copies of the inspection write-ups of each vehicle inspected.
- b. In addition to the bus production documents, and Road Test Sheets, all memoranda and QA correspondence will be stored and chronologically organized and provided in the final production report.

5. VEHICLE INSPECTION PHASE AT AUTHORITY

- a. Upon delivery of the bus to the Authority facilities, Authority personnel shall perform a complete delivery/vehicle

inspection/verification to include, among others, recording of all vehicle serialized components, e.g., VIN number, transmission serial #, engine, serial #, axles, etc.

- b. Visual checks to include, among others, all exterior lights, body finish, paint, decals, installation of bike rack, operation of all interior and exterior access panels and doors, latches, condition of tires, etc.
- c. Mechanical checks to include verification of lug nuts torque, belt tensions, lubrication of chassis, lubrication of driveshaft, lubrication of components, re-torquing of components, testing of fire suppression and methane detection systems, drain and replace engine oil, check of transmission and engine mounts, etc.
- d. Operational checks to include, among others, seat belts, steering column, horn, sun visors, mirrors, windows, parking brake, wiper blades, ventilation system, transmission shifting quality, air conditioning, parking brake, fluid and fuel leaks, plumbing, radio system, on board video surveillance system, passenger counters, voice announcement, destination signs, sun visors, driver's controls, passenger circulation, lights, switches, knobs, emergency releases, etc.
- e. Drivability tests to include, among others, at a minimum, 40-hours of continuous uninterrupted service testing to evaluate performance, driving ability, steering response, cooling system's performance, vehicle speed, system's operation and interaction, acceleration, engine compartment temperature, braking distances, etc.
- f. Dimensional and performance tests to include complete electrical system audit, dimensional requirements audit, seating capacity, water test, water runoff test, function test of systems and subsystems and components, sound/noise level tests, airflow test, PA function, silent alarm, interior lighting, exterior lighting, gradeability test, kneeling, HVAC pull-down test, wheelchair ramp, axle weight, engine and transmission performance test among others.
- g. Additional tests and/or verifications maybe included based on the outcome of previously listed tests, inspections and checks.
- h. If any discrepancies are noted, the bus shall be rejected and the list of discrepancies shall be provided to the bus manufacturer. The bus manufacturer shall be responsible for removing the bus from the Authority property, performing the corrections and repairs to the highlighted deficiencies and re-delivering the bus to Authority for a secondary vehicle inspection.

- i. Upon receipt of the re-delivered bus, the Authority shall perform a new bus inspection to verify that all items are individually, and/or as a system, in working order to include all items provided in the discrepancy list. If existing or additional discrepancies are noted, the bus shall be rejected and the bus manufacturer will be required to remove the bus from Authority's property to perform the necessary repairs. Upon completion of the manufacturer's repairs, the bus will be redelivered to Authority for a follow up inspection and at that point, if all repairs were performed to the Authority's satisfaction, the bus shall be released for revenue service and Authority personnel will start the necessary paperwork to add the bus to the revenue fleet and will complete the internal paperwork e.g., forms, approvals, signature of invoices, etc. If the bus is rejected, the bus manufacturer shall be required to remove the bus from Authority property and to continue the repairs until completion of a satisfactory and fully functional bus.

SECTION VII: WARRANTY REQUIREMENTS

WARRANTY REQUIREMENTS

Offerors are to complete this Warranty Table and submit with proposal.

Warranty table should include, at minimum, all pertinent items, i.e., original equipment warranty, complete van, powertrain, suspension, rust, destination sign, fire suppression system, on board video surveillance system, Conduent provided components intended for communication including all cabling and components, ADA equipment, flooring, mirrors, roof hatch, seating, door system, body structure and others as applicable. Use separate sheet as attachment if needed.

Component / System	Term (i.e. Years, Miles)
Ford Transit 350 Medium Roof Passenger Van OEM warranty	
Corrosion warranty	
Manufacturer Base Warranty	
Manufacturer Body Structure	
Manufacturer Electrical System	
Dodge Propulsion system	
Heating, Ventilation and Air conditioning (HVAC)	
Entry Door	
Intermotive Components	
Altro flooring	
Wheelchair lift	
Headlights	
LED lights (interior and exterior)	
360° surround view camera	
Seat link	
Slide and click anchor and Tie downs	
Q-Straint L-track anchor and Tie downs	
Roof Hatch	
Operator seat	
Passenger seat: Frames and Mounting	
Passenger seat: Fabric and Cushions	
Windows	
Exterior mirrors	
USB ports	
Wiper and wiper system	
Kidde fire systems	
Conduent / Communication / Voice	
March Networks OBVSS	
Mobile Router	
Covert Microphone	
Fleetwatch	
Decals	
Paint	
Towing	
Other - Specify	

SECTION VIII: GENERAL PROVISIONS

GENERAL PROVISIONS

1. **INSPECTION AND ACCEPTANCE** - All items are subject to final inspection and acceptance by AUTHORITY at destination notwithstanding any payment or prior inspection at SELLER'S facilities. Final inspection will be made within a reasonable time after receipt of items hereunder.
2. **CHANGES** - By written notice or order. AUTHORITY may, from time to time, order work suspension or make changes in quantities, drawings, designs, specifications, place of delivery or delivery schedules, methods of shipment and packaging, and property and services furnished by A. If any such change causes an increase or decrease in the price of this agreement or in the time required for its performance. SELLER OR AUTHORITY shall promptly notify the other party thereof and assert its claim for adjustment within (30) days after the change is ordered, and an equitable adjustment shall be made. However, nothing in this clause shall excuse SELLER from proceeding immediately with the agreement as changed.
3. **DEFAULT AND EXCESS REPROCUREMENT LIABILITY** - AUTHORITY may terminate this agreement if a federal or state proceeding for the relief of debtors is undertaken by or against Seller, or if SELLER makes an assignment for the benefit of creditors, or if SELLER fails after reasonable notice by AUTHORITY to cure a deficiency in performance or lack of progress thereto, and AUTHORITY shall have, such additional remedies as may be available whether or not it so terminates this agreement, including but not limited to the payment by SELLER to AUTHORITY of expenses incurred by AUTHORITY in reprocurring elsewhere the same or similar items or services defaulted by SELLER hereunder provided such Seller's reprocurement expenses obligation shall be limited to the excess over the price specified herein for such items or services.
4. **INDEMNIFICATION** - SELLER shall indemnify, defend, and hold harmless AUTHORITY from and against any loss, damage, claim, or harm for bodily injuries, including death or damage to property caused by SELLER or its employees, subcontractors, or supplies in connection with the performance of this agreement.
5. **ASSIGNMENTS AND SUBCONTRACTORS** - Neither this agreement nor any interest herein nor claim hereunder may be assigned by SELLER either voluntarily or by operation of law, nor may all or substantially all of this agreement be further subcontracted by SELLER without the prior written consent of AUTHORITY. No consent shall not be deemed to relieve SELLER of its obligations to comply fully with the requirements hereof.
6. **FEDERAL, STATE, AND LOCAL LAWS** - SELLER warrants that in the performance of this agreement is shall comply with all applicable Federal, State and local laws and ordinances and all lawful orders, rules and regulations thereunder.
7. **INFRINGEMENT INDEMNITY** - In lieu of any other warranty by AUTHORITY or SELLER against infringement statutory, or otherwise, it is agreed that SELLER shall defend at its expense and suit against AUTHORITY based on a claim that any item furnished under this agreement or the normal use or sale thereof infringes any United States Letters Patent or copyright and shall pay cost and damages finally awarded in any such suit, provided that SELLER is notified in writing of the suit and given authority, information, assistance at SELLER'S expense for the defense of same. If the use or sale of said item is enjoined as a

result of such suit, SELLER, at no expense to AUTHORITY, shall obtain for AUTHORITY the right to use and sell said item, or shall substitute an equivalent item acceptable to AUTHORITY and extend this patent indemnity hereto.

8. **TITLE AND RISK OF LOSS** - Unless otherwise provided in this agreement, SELLER shall have title to and bear the risk of any loss of or damage to the items purchased hereunder until they are delivered in conformity with this agreement at the F.O.B. point specified herein, and upon such delivery title shall pass from SELLER and SELLER'S responsibility for loss or damage shall cease, except for loss or damage resulting from SELLER'S negligence. Passing of title upon such delivery shall not constitute acceptance of the item by AUTHORITY.
9. **NOTICE OF LABOR DISPUTE** - Whenever SELLER has knowledge that any actual or potential labor dispute may delay this agreement, SELLER shall immediately notify and submit all relevant information to AUTHORITY. SELLER shall insert the substance of this entire clause in any subcontract hereunder as to which a labor dispute may delay this agreement. However, any subcontractor needs to give notice and information only to its next higher-tier subcontractor.
10. **EQUAL EMPLOYMENT OPPORTUNITY** - In connection with the execution of this agreement, the SELLER shall not discriminate against any employee or applicant because of race, religion, color, sex or national origin. The SELLER shall take affirmative action to ensure that applicants are employed, and that employees are treated during their employment without regard to their race, religion, color, sex or national origin. Such actions shall include pay, or other forms of compensation and selection for training, including apprenticeship.
11. **DISADVANTAGE BUSINESS ENTERPRISE** - In connection with the performance of this agreement, the SELLER will cooperate with the AUTHORITY in meeting its commitments and goals with regard to the maximum utilization of Disadvantaged business enterprises, and seller will use its best efforts to ensure that disadvantaged business enterprises shall have an equitable opportunity to compete for subcontract work under this agreement.
12. **PROHIBITED INTEREST** - A. SELLER covenants that no member of, or delegate to, the Congress of the United States shall have any interest, direct or indirect, in the agreement or the proceeds hereof.

B. SELLER further covenants that, for the term of this agreement, no director, member, officer, or employee of the AUTHORITY during his tenure in office or one (1) year thereafter shall have any interest, direct or indirect, in this agreement or the proceeds thereof.
13. **TERMINATION FOR CONVENIENCE** - the Authority may terminate this agreement at any time by giving written notice to SELLER of such termination, effective on the date of such notice. Upon receipt of said notice, SELLER shall immediately take action not to incur any further obligations, costs, or expenses, except as may be reasonably necessary to terminate its activities. All finished or unfinished documents and other materials procured or produced by SELLER hereunder shall, at the option of AUTHORITY, become AUTHORITY property upon the date of such termination.
14. **AUDIT AND INSPECTION OF RECORDS** - SELLER shall provide AUTHORITY such access to SELLER'S books, records, and facilities as may be deemed necessary to examine, audit,

and inspect all work data, documents, and activities related to the goods or services described herein. SELLER shall maintain such books, records, data and documents on a generally accepted accounting basis and shall clearly identify and make such items readily accessible to such parties during SELLER'S performance hereunder and for a period of four (4) years from the date of final payment by AUTHORITY hereunder.

SECTION IX: REQUIRED FEDERAL CLAUSES

REQUIRED FEDERAL CLAUSES

The Orange County Transportation Authority, (hereinafter referred to as "AUTHORITY").
_____, (hereinafter referred to as "CONTRACTOR").

ARTICLE 1. FEDERAL CHANGES

CONTRACTOR shall at all times comply with all applicable Federal Transit Administration (FTA) regulations, policies, procedures and directives, including without limitation those listed directly or by reference in the agreement between the AUTHORITY and FTA, as they may be amended or promulgated from time to time during this Agreement. CONTRACTOR's failure to comply shall constitute a material breach of contract.

ARTICLE 2. NO FEDERAL GOVERNMENT OBLIGATION TO THIRD PARTIES

AUTHORITY and CONTRACTOR acknowledge and agree that, notwithstanding any concurrence by the Federal Government in or approval of the solicitation or award of the underlying Agreement, absent the express written consent by the Federal Government, the Federal Government is not a party to this Agreement and shall not be subject to any obligations or liabilities to the AUTHORITY, CONTRACTOR, or any other party (whether or not a party to this Agreement) pertaining to any matter resulting from the underlying Agreement. CONTRACTOR agrees to include these requirements in all of its subcontracts.

ARTICLE 3. PROGRAM FRAUD AND FALSE OR FRAUDULENT STATEMENTS AND RELATED ACTS

A. CONTRACTOR acknowledges that the provisions of the Program Fraud Civil Remedies Act of 1986, as amended, 31 U.S.C. Section 3801 et seq. and United States Department of Transportation (DOT) regulations, "Program Fraud Civil Remedies," 49 C.F.R. Part 31, apply to its actions pertaining to this project. Accordingly, by signing this Agreement, CONTRACTOR certifies or affirms the truthfulness and accuracy of any statement it has made, it makes, it may make, or causes to be made, pertaining to the underlying Agreement of the FTA assisted project for which this Agreement's work is being performed. In addition to other penalties that may be applicable, CONTRACTOR also acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification, the Federal Government reserves the right to impose penalties of the Program Fraud Civil Remedies Act of 1986 on the CONTRACTOR to the extent the Federal Government deems appropriate.

B. CONTRACTOR also acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification to the Federal Government under an agreement connected with a project that is financed in whole or part with Federal assistance awarded by FTA under the authority of 49 U.S.C. Chapter 53, the Federal Government reserves the right to impose the penalties of 18 U.S.C. Section 1001 and 49 U.S.C. Section 5323 on the CONTRACTOR, to the extent the Federal Government deems appropriate. CONTRACTOR agrees to include this requirement in all of its subcontracts.

ARTICLE 4. NONDISCRIMINATION

A. Nondiscrimination: In accordance with Federal transit law at 49 U.S.C. Section 5332, CONTRACTOR agrees that it will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, sex disability, or age. CONTRACTOR agrees to comply with all applicable regulations and other implementing requirements the FTA may issue.

B. Race, Color, Creed, National, Origin, Sex: In accordance with Title VII of the Civil Rights Act, as amended, 42 U.S.C. Section 2000e et seq.; and Federal transit laws at 49 U.S.C. Section 5332; CONTRACTOR agrees to comply with all applicable equal employment opportunity requirements of U.S. Department of Labor (U.S. DOL) regulations, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor;" 41 CFR part 60; and Executive Order No. 11246, "Equal Employment Opportunity in Federal Employment," September 24, 1965, 42 U.S.C. Section 2000e note, as amended by any later Executive Order that amends or supersedes it, referenced in 42 U.S.C. Section 2000e. CONTRACTOR further agrees to comply with Title VI of the Civil Rights Act, as amended, 42 U.S.C. Section 2000d et seq.; 49 CFR part 21; the most recent version of FTA Circular 4702.1B, "Title VI Requirements and Guidelines for FTA Recipients;" DOT Order 5610.2(a) to Address Environmental Justice in Minority Populations and Low Income Populations;" Executive Order No. 13166 and DOT Policy Guidance concerning Recipients' Responsibilities to Limited English Proficiency (70 FR 74087, Dec. 14, 2005); and the most recent version of FTA Circular 4704.1 "Equal Employment Program Guidelines for Grant Recipients," as applicable. CONTRACTOR agrees to comply with any implementing requirements FTA may issue.

C. Age: In accordance with the Age Discrimination in Employment Act, 29 U.S.C. Sections 621-634; U.S. Equal Employment Opportunity Commission regulations, "Age Discrimination in Employment Act," 29 C.F.R. part 1625; the Age Discrimination Act of 1975, as amended, 42 U.S.C. Section 6101 et seq.; U.S. Health and Human Services regulations, "Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance," 45 CFR part 90; and Federal transit law at 49 U.S.C. Section 5332; CONTRACTOR agrees to refrain from discrimination against present and prospective employees for reason of age. CONTRACTOR agrees to comply with implementing requirements FTA may issue.

D. Disabilities: In accordance with Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. Section 794; the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. Section 12101 et seq.; the Architectural Barriers Act of 1968, as amended, 42 U.S.C. Section 4151 et seq., and Federal transit law at 49 U.S.C. Section 5332; CONTRACTOR agrees that it will not discriminate against individuals on the basis of disability. CONTRACTOR agrees to comply with all applicable implementing regulations and requirements FTA may issue, including 49 CFR parts 27, 37, 38, and 39 and the most recent version of FTA Circular 4710.1 "Americans with Disabilities Act: Guidance."

E. CONTRACTOR agrees to include these requirements in all subcontracts at any tier.

ARTICLE 5. DISADVANTAGED BUSINESS ENTERPRISE (DBE)

This Contract is subject to the requirements of Title 49, Code of Federal Regulations, Part 26, Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs.

CONTRACTOR shall maintain compliance with "DBE Approval Certification" throughout the period of Contract performance.

CONTRACTOR shall not discriminate on the basis of race, color, national origin or sex in the performance of this Contract. CONTRACTOR shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of this DOT-assisted Contract. Failure by CONTRACTOR to carry out these requirements is a material breach of this Contract, which may result in the termination of this Contract or such other remedy as the Agency deems appropriate. Each subcontract CONTRACTOR signs with a Subcontractor must include the assurance in this paragraph (see 49 CFR 26.13(b)).

ARTICLE 6. ACCESS TO RECORDS AND REPORTS

CONTRACTOR shall provide AUTHORITY, DOT, the Comptroller General of the United States, and their respective representatives, and any other agents of AUTHORITY, such access to CONTRACTOR's accounting books, records, payroll documents and facilities of the CONTRACTOR which are directly pertinent to this Agreement for the purposes of examining, auditing and inspecting all accounting books, records, work data, documents and activities related hereto. CONTRACTOR shall maintain such books, records; data and documents in accordance with generally accepted accounting principles and shall clearly identify and make such items readily accessible to such parties during CONTRACTOR's performance hereunder and for a period of four (4) years from the date of final payment by AUTHORITY, except in the event of litigation or settlement of claims arising from the performance of this Agreement, in which case CONTRACTOR agrees to maintain same until AUTHORITY, or any of their duly authorized representatives, have disposed of all such litigation, appeals, claims or exceptions related thereto. AUTHORITY's right to audit books and records directly related to this Agreement shall also extend to all first-tier subcontractors CONTRACTOR shall permit any of the foregoing parties to reproduce documents by any means whatsoever or to copy excerpts and transcriptions as reasonably necessary. CONTRACTOR agrees to include these requirements in all subcontracts at any tier.

ARTICLE 7. INCORPORATION OF FTA TERMS

All contractual provisions required by DOT, whether or not expressly set forth in this document, as set forth in FTA Circular 4220.1F, as amended, are hereby incorporated by reference. Anything to the contrary herein notwithstanding, all FTA mandated terms shall be deemed to control in the event of a conflict with other provisions contained in this Agreement. CONTRACTOR shall not perform any act, fail to perform any act, or refuse to comply with any requests, which would cause AUTHORITY to be in violation of the FTA terms and conditions.

ARTICLE 8. SAFE OPERATION OF MOTOR VEHICLES

- A. Seat Belt Use. Pursuant to Executive Order 13043, "Increasing Seat Belt Use in the United States," April 16, 1996, 23 U.S.C Section 402, note (62 Fed. Reg. 19217), CONTRACTOR shall adopt and promote on-the-job seat belt use policies and programs for its employees and other personnel that operate company-owned, company-rented, or personally operated vehicles.
- B. Distracted Driving. Pursuant to Executive Order 13513, "Federal Leadership on Reducing Text Messages While Driving," October 1, 2009, 23 U.S.C. Section 402, note (74 Fed. Reg. 51225); and U.S. DOT Order 3902.10, "Text Messaging While Driving," December 30, 2009; CONTRACTOR is encouraged to comply with the following pertaining to distracted driving:

1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers, including policies to ban text messaging while using an electronic device supplied by an employer, and driving a vehicle the driver owns or rents, a vehicle CONTRACTOR owns, leases, or rents, or a privately-owned vehicle when on official business in connection with the Agreement, or when performing any work under the Agreement.
2. Conduct workplace safety initiatives in a manner commensurate with CONTRACTOR's size, such as establishing new rules and programs to prohibit text messaging while driving, re-evaluating the existing programs to prohibit text messaging while driving, and providing education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

C. Subcontracts. CONTRACTOR shall include these requirements in all of its subcontracts.

ARTICLE 9. FLY AMERICA REQUIREMENTS

CONTRACTOR agrees to comply with 49 U.S.C. Section 40118 (the "Fly America" Act) in accordance with the General Services Administration's regulations at 41 CFR Part 301-10, which provide that recipients and sub-recipient of Federal funds and their contractors are required to use U.S. Flag air carriers for U.S. Government-financed international air travel and transportation of their personal effects or property, to the extent such service is available, unless travel by foreign air carrier is a matter of necessity, as defined by the Fly America Act. CONTRACTOR shall submit, if a foreign air carrier was used, an appropriate certification or memorandum adequately explaining why service by a U.S. flag air carrier was not available or why it was necessary to use a foreign air carrier and shall, in any event, provide a certificate of compliance with the Fly America requirements. CONTRACTOR agrees to include the requirements of this section in all subcontracts that may involve international air transportation.

ARTICLE 10. CARGO PREFERENCE REQUIREMENTS

A. CONTRACTOR shall utilize privately owned United States-flag commercial vessels to ship at least fifty percent (50%) of the gross tonnage (computed separately for dry bulk carriers, dry cargo liners and tankers) involved, whenever shipping any equipment, materials or commodities pursuant to this section, to the extent such vessels are available at fair and reasonable rates for United States-flag commercial vessels.

B. CONTRACTOR shall furnish within twenty (20) working days following the date of loading for shipments originating within the United States or within thirty (30) working days following the date of loading for shipping originating outside the United States, a legible copy of a rated, "on-board" commercial ocean bill-of lading in English for each shipment of cargo described in this Article to AUTHORITY (through the prime CONTRACTOR in the case of subcontractor bills-of-lading) and to the Division of National Cargo, Office of Market Development, Maritime Administration, Washington, DC 20590, marked with appropriate identification of the project.

C. CONTRACTOR shall include these requirements in all subcontractors entered into pursuant to this Agreement when the subcontract may involve the transport of equipment, material, or commodities by ocean vessel.

D.

ARTICLE 11. PROHIBITED INTERESTS

A. CONTRACTOR covenants that, for the term of this Agreement, no director, member, officer or employee of AUTHORITY during his/her tenure in office or for one (1) year thereafter, shall have any interest, direct or indirect, in this Agreement or the proceeds thereof.

B. No member of or delegate to, the Congress of the United States shall have any interest, direct or indirect, in this Agreement or to the benefits thereof.

ARTICLE 12. ALCOHOL AND DRUG POLICY

A. CONTRACTOR agrees to establish and implement an alcohol and drug program that complies with 41 U.S.C sections 701-707 (the Drug Free Workplace Act of 1988), and produce any documentation necessary to establish its compliance with sections 701-707.

B. Failure to comply with this Article may result in nonpayment or termination of this Agreement.

ARTICLE 13. PRIVACY ACT

A. CONTRACTOR shall comply with, and assures the compliance of its employees with, the information restrictions and other applicable requirements of the Privacy Act of 1974, 5 U.S.C. §552a. Among other things, CONTRACTOR agrees to obtain the express consent of the Federal Government before CONTRACTOR or its employees operate a system of records on behalf of the Federal Government. CONTRACTOR understands that the requirements of the Privacy Act, including the civil and criminal penalties for violation of that Act, apply to those individuals involved, and that failure to comply with the terms of the Privacy Act may result in termination of the underlying Agreement.

B. CONTRACTOR agrees to include this requirement in all of its subcontracts.

ARTICLE 14. CONFLICT OF INTEREST

CONTRACTOR agrees to avoid organizational conflicts of interest. An organizational conflict of interest means that due to other activities, relationships or contracts, the CONTRACTOR is unable, or potentially unable to render impartial assistance or advice to the AUTHORITY; CONTRACTOR's objectivity in performing the work identified in the Scope of Work is or might be otherwise impaired; or the CONTRACTOR has an unfair competitive advantage. CONTRACTOR is obligated to fully disclose to the AUTHORITY in writing Conflict of Interest issues as soon as they are known to the CONTRACTOR. CONTRACTOR is obligated to fully disclose to the AUTHORITY in writing Conflict of Interest issues as soon as they are known to the CONTRACTOR. All disclosures must be submitted in writing to AUTHORITY pursuant to the Notice provision herein. This disclosure requirement is for the entire term of this Agreement.

ARTICLE 15. CODE OF CONDUCT

CONTRACTOR agrees to comply with AUTHORITY's Code of Conduct as it relates to Third-Party contracts which is hereby referenced and by this reference is incorporated herein. CONTRACTOR agrees to include these requirements in all of its subcontracts.

ARTICLE 16. FEDERAL, STATE AND LOCAL LAWS

CONTRACTOR warrants that in the performance of this Agreement, it shall comply with all applicable federal, state and local laws, statutes and ordinances and all lawful orders, rules and regulations promulgated thereunder.

ARTICLE 17. TERMINATION

A. AUTHORITY may terminate this Agreement for its convenience at any time, in whole or part, by giving CONTRACTOR written notice thereof. Upon termination, AUTHORITY shall pay CONTRACTOR its allowable costs incurred to date of that portion terminated. Said termination shall be construed in accordance with the provisions of CFR Title 48, Chapter 1, Part 49, of the Federal Acquisition Regulation (FAR) and specific subparts and other provisions thereof applicable to termination for convenience. If AUTHORITY sees fit to terminate this Agreement for convenience, said notice shall be given to CONTRACTOR in accordance with the provisions of the FAR referenced above. Upon receipt of said notification, CONTRACTOR shall immediately proceed with all obligations, regardless of any delay in determining or adjusting any amounts due under this Article, and agrees to comply with all applicable provisions of the FAR pertaining to termination for convenience.

B. AUTHORITY may terminate this Agreement for CONTRACTOR's default if a federal or state proceeding for the relief of debtors is undertaken by or against CONTRACTOR, or if CONTRACTOR makes an assignment for the benefit of creditors, or for cause if CONTRACTOR fails to perform in accordance with the scope of work or breaches any term(s) or violates any provision(s) of this Agreement and does not cure such breach or violation within ten (10) calendar days after written notice thereof by AUTHORITY. CONTRACTOR shall be liable for any and all reasonable costs incurred by AUTHORITY as a result of such default or breach including, but not limited to, reprocurement costs of the same or similar services defaulted by CONTRACTOR under this Agreement. Such termination shall comply with CFR Title 48, Chapter 1, Part 49, of the FAR.

ARTICLE 18. DEBARMENT AND SUSPENSION

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER
RESPONSIBILITY MATTERS - PRIMARY PARTICIPANT AND LOWER-TIER PARTICIPANTS**

Unless otherwise permitted by law, any person or firm that is debarred, suspended, or voluntarily excluded, as defined in the Federal Transit Administration (FTA) Circular 2015.1, dated April 28, 1989, may not take part in any federally funded transaction, either as a participant or a principal, during the period of debarment, suspension, or voluntary exclusion. Accordingly, the Authority, acting on behalf of the District, may not enter into any transaction with such debarred, suspended, or voluntarily excluded persons or firms during such period.

A certification process has been established by 49 CFR Part 29, as a means to ensure that debarred suspended or voluntarily excluded persons or firms do not participate in Federally assisted projects. The inability to provide the required certification will not necessarily result in denial of participation in a covered transaction. A person or firm that is unable to provide a positive certification as required by this solicitation must submit a complete explanation attached to the certification. FTA will consider the certification and any accompanying explanation in

determining whether or not to provide assistance for the project. Failure to furnish a certification or an explanation may disqualify that person or firm from participating in the project.

ARTICLE 19. DISPUTES

A. Except as otherwise provided in this Agreement, when a dispute arises between CONTRACTOR and AUTHORITY, the project managers shall meet to resolve the issue. If project managers do not reach a resolution, the dispute will be decided by AUTHORITY's Director of Contracts Administration and Materials Management (CAMM), who shall reduce the decision to writing and mail or otherwise furnish a copy thereof to CONTRACTOR. The decision of the Director, CAMM, shall be the final and conclusive administrative decision.

B. Pending final decision of a dispute hereunder, CONTRACTOR shall proceed diligently with the performance of this Agreement and in accordance with the decision of AUTHORITY's Director, CAMM. Nothing in this Agreement, however, shall be construed as making final the decision of any AUTHORITY official or representative on a question of law, which questions shall be settled in accordance with the laws of the State of California.

ARTICLE 20. PROHIBITION ON CONTRACTING FOR CERTAIN TELECOMMUNICATIONS AND VIDEO SURVEILLANCE SERVICES OR EQUIPMENT

A. Definitions. As used in this Article:

1. "Backhaul" means intermediate links between the core network, or backbone network, and the small subnetworks at the edge of the network (e.g., connecting cell phones/towers to the core telephone network). Backhaul can be wireless (e.g., microwave) or wired (e.g., fiber optic, coaxial cable, Ethernet).
2. "Covered foreign country" means The People's Republic of China.
3. "Covered telecommunications equipment or services" means:
 - a) Telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities);
 - b) For the purpose of public safety, security of Government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities);
 - c) Telecommunications or video surveillance services provided by such entities or using such equipment; or
 - d) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.
4. "Critical technology" means:
 - a) Defense articles or defense services included on the United States Munitions List set forth in the International Traffic in Arms Regulations under 22 C.F.R. subchapter M of chapter I;
 - b) Items included on the Commerce Control List set forth in Supplement No. 1 to part 774 of the Export Administration

Regulations under 15 C.F.R. subchapter C of chapter VII, and controlled

1. Pursuant to multilateral regimes, including for reasons relating to national security, chemical and biological weapons proliferation, nuclear nonproliferation, or missile technology; or
2. For reasons relating to regional stability or surreptitious listening;
- c) Specially designed and prepared nuclear equipment, parts and components, materials, software, and technology covered by 10 C.F.R. Part 810 (relating to assistance to foreign atomic energy activities);
- d) Nuclear facilities, equipment, and material covered by 10 C.F.R. Part 110 (relating to export and import of nuclear equipment and material);
- e) Select agents and toxins covered by 7 CFR Part 331, 9 C.F.R. Part 121, or 42 C.F.R. Part 73; or
- f) Emerging and foundational technologies controlled pursuant to section 1758 of the Export Control Reform Act of 2018 (50 U.S.C. §4817).

5. "Interconnection arrangements" means arrangements governing the physical connection of two or more networks to allow the use of another's network to hand off traffic where it is ultimately delivered (e.g., connection of a customer of telephone provider A to a customer of telephone company B) or sharing data and other information resources.

6. "Reasonable inquiry" means an inquiry designed to uncover any information in the entity's possession about the identity of the producer or provider of covered telecommunications equipment or services used by the entity that excludes the need to include an internal or third-party audit.

7. "Roaming" means cellular communications services (e.g., voice, video, data) received from a visited network when unable to connect to the facilities of the home network either because signal coverage is too weak or because traffic is too high.

8. "Substantial or essential component" means any component necessary for the proper function or performance of a piece of equipment, system, or service.

B. Prohibition

1. Section 889(a)(1)(A) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232) prohibits the head of a federal executive agency, on or after August 13, 2019, from procuring or obtaining, or extending or renewing a contract to procure or obtain, any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. CONTRACTOR is prohibited from providing to AUTHORITY or the Federal Government any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system, unless an exception at paragraph (C) of this Article applies or the covered telecommunication equipment or services are covered by a waiver described in FAR §4.2104.

2. Section 889(a)(1)(B) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232) prohibits the head of a federal executive agency on or after August 13, 2020, from entering into a contract, or extending or renewing a contract, with an entity that uses any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system, unless an exception at paragraph (C) of this Article applies or the covered telecommunication equipment or services are covered by a waiver described in FAR section 4.2104. This prohibition applies to the use of covered telecommunications equipment or services, regardless of whether that use is in performance of work under a federally-funded contract.

C. Exceptions. This Article does not prohibit CONTRACTOR from providing:

1. A service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or
2. Telecommunications equipment that cannot route or redirect user data traffic or permit visibility into any user data or packets that such equipment transmits or otherwise handles.

D. Reporting Requirement

1. In the event CONTRACTOR identifies covered telecommunications equipment or services used as a substantial or essential component of any system, or as critical technology as part of any system, during Agreement performance, or CONTRACTOR is notified of such by a subcontractor at any tier or by any other source, CONTRACTOR shall report the information in paragraph (d)(2) of this Article to the Chief Executive Officer of AUTHORITY, or designee, unless elsewhere in this Agreement are established procedures for reporting the information; in the case of the Department of Defense, CONTRACTOR shall report to the website at <https://dibnet.dod.mil>. For indefinite delivery contracts, CONTRACTOR shall report to the Chief Executive Officer of AUTHORITY, or designee, for the indefinite delivery contract and the Chief Executive Officer of AUTHORITY, or designee, for any affected order or, in the case of the Department of Defense, identify both the indefinite delivery contract and any affected orders in the report provided at <https://dibnet.dod.mil>.

2. CONTRACTOR shall report the following information pursuant to paragraph (D)(1) of this Article:

- a) Within one (1) business day from the date of such identification or notification: the contract number; the order number(s), if applicable; supplier name; supplier unique entity identifier (if known); supplier Commercial and Government Entity (CAGE) code (if known); brand; model number (original equipment manufacturer number, manufacturer part number, or wholesaler number); item description; and any readily available information about mitigation actions undertaken or recommended.
- b) Within ten (10) business days of submitting the information in paragraph (D)(2)(i) of this Article: any further available information about mitigation actions undertaken or recommended. In addition, CONTRACTOR shall describe the efforts it undertook to prevent use or submission of covered telecommunications equipment or services, and any additional efforts that will be incorporated to prevent future use or submission of covered telecommunications equipment or services.

E. Subcontracts. CONTRACTOR shall insert the substance of this Article, including this paragraph (E) and excluding paragraph (B)(2), in all subcontracts and other contractual instruments, including subcontracts for the acquisition of commercial products or commercial services.

ARTICLE 21. NOTICE TO AUTHORITY AND FTA OF INFORMATION RELATED TO FRAUD, WASTE, ABUSE, OR OTHER LEGAL MATTERS

CONTRACTOR shall report to AUTHORITY and FTA any current or prospective legal matter that may affect the Federal Government, including a major dispute, default, breach, litigation, or naming the Federal Government as a party to litigation, or a legal disagreement in any forum for any reason. Matters that may affect the Federal Government include, but are not limited to, the Federal Government's interest in the federal award, any underlying agreements, or the Federal Government's administration or enforcement of federal laws, regulations, and requirements. In addition, CONTRACTOR shall promptly notify AUTHORITY, FTA, and the U.S. DOT Inspector General of any knowledge of potential fraud, waste, or abuse occurring on the Project. This includes knowledge that any person or entity, including CONTRACTOR, has or may have submitted a false claim under the False Claims Act, 31 U.S.C. § 3729, et seq., or has or may

have committed a criminal or civil violation of law pertaining to such matters as fraud, conflict of interest, bid rigging, misappropriation or embezzlement, bribery, gratuity, or similar misconduct involving federal assistance. "Knowledge," as used in this Article, includes, but is not limited to, knowledge of a criminal or civil investigation by a federal, state, or local law enforcement or other investigative agency; a criminal indictment or civil complaint; or probable cause that could support a criminal indictment, or any other credible information in the possession of the CONTRACTOR. CONTRACTOR agrees to include these requirements in all subcontracts at any tier.

ARTICLE 22. PRE-AWARD AND POST-DELIVERY AUDITS

CONTRACTOR agrees to comply with 49 USC § 5323(l) and FTA's implementing regulation at 49 CFR Part 663 and to submit the following certifications:

1. Buy America requirements: CONTRACTOR shall complete and submit a declaration certifying either compliance or noncompliance with Buy America. If the recommended Bidder/Proposer certifies compliance with Buy America, it shall submit documentation that lists (1) component and subcomponent parts of the rolling stock to be purchased identified by manufacturer of the parts, their country of origin and costs; and (2) the location of the final assembly point for the rolling stock, including a description of the activities that shall take place at the final assembly point and the cost of final assembly.
2. Solicitation specification requirements: CONTRACTOR shall submit evidence that it shall be capable of meeting the bid specifications.
3. Federal Motor Vehicle Safety Standards (FMVSS): CONTRACTOR shall submit (1) manufacturer's FMVSS self-certification, Federal Motor Vehicle Safety Standards, that the vehicle complies with relevant FMVSS or (2) manufacturer's certified statement that the contracted buses shall not be subject to FMVSS regulations.

ARTICLE 23. BUS TESTING

The Contractor agrees to comply with the Bus Testing requirements under 49 U.S.C. 5318(e) and FTA's implementing regulation at 49 C.F.R. Part 665 to ensure that the requisite testing is performed for all new bus models or any bus model with a major change in configuration or components, and that the bus model has achieved a passing score. Upon completion of the testing, the Contractor shall obtain a copy of the bus testing report(s) from the operator of the testing facility and make that report(s) publicly available prior to final acceptance of the first vehicle by AUTHORITY.

ARTICLE 24. RECYCLED PRODUCTS

CONTRACTOR shall comply with all the requirements of Section 6002 of the Resource Conservation and Recovery Act (RCRA), as amended (42 U.S.C. Section 6962), including but not limited to the regulatory provisions of 40 CFR Part 247, and Executive Order 12873, as they apply to the procurement of the items designated in subpart B of 40 CFR Part 247. CONTRACTOR agrees to include this requirement in all of its subcontracts.

ARTICLE 25. LOBBYING

CONTRACTOR shall comply with the lobbying requirements of 31 U.S.C. Section 1352 and the applicable regulations under 49 CFR Part 20. If the maximum cumulative payment obligation of this Agreement exceeds \$100,000, CONTRACTOR shall file the certification required by 49 CFR Part 20, "New Restrictions on Lobbying". CONTRACTOR shall also require each subcontractor to certify to CONTRACTOR that subcontractor will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. Section 1352. CONTRACTOR shall also require any subcontractor to disclose to CONTRACTOR the name of any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contacts on its behalf with non-Federal funds with respect to that Federal contract, grant or award covered by 31 U.S.C. Section 1352.

ARTICLE 26. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT

The Contractor shall comply with all federal laws, regulations, and requirements providing wage and hour protections for non-construction employees, in accordance with 40 U.S.C. § 3702, Contract Work Hours and Safety Standards Act, and other relevant parts of that Act, 40 U.S.C. § 3701 et seq., and U.S. DOL regulations, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (also Labor Standards Provisions Applicable to Non-construction Contracts Subject to the Contract Work Hours and Safety Standards Act)," 29 C.F.R. part 5. The Contractor shall maintain payrolls and basic payroll records during the course of the work and shall preserve them for a period of three (3) years from the completion of the contract for all laborers and mechanics, including guards and watchmen, working on the contract. Such records shall contain the name and address of each such employee, social security number, correct classifications, hourly rates of wages paid, daily and weekly number of hours worked, deductions made, and actual wages paid. Such records maintained under this paragraph shall be made available by the Contractor for inspection, copying, or transcription by authorized representatives of the FTA and the Department of Labor, and the Contractor will permit such representatives to interview employees during working hours on the job. The Contractor shall require the inclusion of the language of this clause within subcontracts of all tiers.

ARTICLE 27. CLEAN WATER REQUIREMENTS

If the maximum cumulative payment obligation of this Agreement exceeds \$150,000, CONTRACTOR shall comply with all applicable standards, orders or regulations issued pursuant to the Federal Water Pollution Control Act, as amended, 33 U.S.C. Sections 1251 et seq. CONTRACTOR shall report any violations of use of prohibited facilities to the FTA and the United States Environmental Protection Agency (US EPA). CONTRACTOR agrees to include this requirement in each subcontract exceeding \$150,000.

ARTICLE 28. CLEAN AIR

If the maximum cumulative payment obligation of this Agreement exceeds \$150,000, CONTRACTOR shall comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act, as amended, 42 U.S.C. Section 7401 et seq. CONTRACTOR shall report any violations of use of prohibited facilities to the FTA and the US EPA. CONTRACTOR agrees to include this requirement in each subcontract exceeding \$150,000.

ARTICLE 29. BUY AMERICA

A. If the maximum cumulative payment obligation of this Agreement exceeds \$150,000, CONTRACTOR shall comply with the “Buy America” requirements of 49 U.S.C. Section 5323(j) and 49 CFR part 661, as amended, which provide that Federal funds may not be obligated unless all steel, iron, and manufactured products used in FTA-funded projects are produced in the United States, unless a waiver has been granted by FTA or the product is subject to a general waiver.

B. CONTRACTOR shall furnish a Certificate of Compliance, conforming to the provisions of this Article, for all steel and iron materials.

C. CONTRACTOR shall ensure all subcontractors at every tier comply with these requirements.

ARTICLE 30. ENERGY CONSERVATION REQUIREMENTS

If the maximum cumulative payment obligation of this Agreement exceeds \$150,000, CONTRACTOR shall comply with mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy Conservation Act.

ARTICLE 31. IRAN CONTRACTING ACT CERTIFICATION

The Iran Contracting Act of 2010 (PCC Sections 2200-2208), prohibits bidders who are engaged in investment activities in the energy sector of Iran from bidding on, submitting proposals for, or entering into or renewing contracts with public entities for goods or services of one million dollars (\$1,000,000) or more. At the time of submitting a bid, each bidder must certify that the bidder is not identified on the Department of General Services list of ineligible persons pursuant to PCC Section 2203(b). Each bidder is also required to certify that the bidder is not engaged in investment activities in violation of the Iran Contracting Act of 2010.

EXHIBIT A: CAMPAIGN CONTRIBUTION DISCLOSURE FORM

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Information Sheet

ORANGE COUNTY TRANSPORTATION AUTHORITY

The attached Campaign Contribution Disclosure Form must be completed by applicants for, or persons who are the subject of, any proceeding involving a license, permit, or other entitlement for use pending before the Board of Directors of the OCTA or any of its affiliated agencies. (Please see next page for definitions of these terms.)

IMPORTANT NOTICE

Basic Provisions of Government Code Section 84308

- A. If you are an applicant for, or the subject of, any proceeding involving a license, permit, or other entitlement for use, you are prohibited from making a campaign contribution of more than \$250 to any board member or his or her alternate. This prohibition begins on the date your application is filed or the proceeding is otherwise initiated, and the prohibition ends three months after a final decision is rendered by the Board of Directors. In addition, no board member or alternate may solicit or accept a campaign contribution of more than \$250 from you during this period.
- B. These prohibitions also apply to your agents, and, if you are a closely held corporation, to your majority shareholder as well. These prohibitions also apply to your subcontractor(s), joint venturer(s), and partner(s) in this proceeding. Also included are parent companies and subsidiary companies directed and controlled by you, and political action committees directed and controlled by you.
- C. You must file the attached disclosure form and disclose whether you or your agent(s) have in the aggregate contributed more than \$250 to any board member or his or her alternate during the 12-month period preceding the filing of the application or the initiation of the proceeding.
- D. If you or your agent have in the aggregate contributed more than \$250 to any individual board member or his/or her alternate during the 12 months preceding the decision on the application or proceeding, that board member or alternate must disqualify himself or herself from the decision. However, disqualification is not required if the board member or alternate returns the campaign contribution within 30 days from the time the director knows, or should have known, about both the contribution and the fact that you are a party in the proceeding. The Campaign Contribution Disclosure Form should be completed and filed with your proposal, or with the first written document you file or submit after the proceeding commences.

1. A proceeding involving "a license, permit, or other entitlement for use" includes all business, professional, trade and land use licenses and permits, and all other entitlements for use, including all entitlements for land use, all contracts (other than competitively bid, labor or personal employment contracts), and all franchises.
2. Your "agent" is someone who represents you in connection with a proceeding involving a license, permit or other entitlement for use. If an individual acting as an agent is also acting in his or her capacity as an employee or member of a law, architectural, engineering, consulting firm, or similar business entity, both the business entity and the individual are "agents."
3. To determine whether a campaign contribution of more than \$250 has been made by you, campaign contributions made by you within the preceding 12 months must be aggregated with those made by your agent within the preceding 12 months or the period of the agency, whichever is shorter. Contributions made by your majority shareholder (if a closely held corporation), your subcontractor(s), your joint venturer(s), and your partner(s) in this proceeding must also be included as part of the aggregation. Campaign contributions made to different directors or their alternates are not aggregated.
4. A list of the members and alternates of the Board of Directors is attached.

This notice summarizes the major requirements of Government Code Section 84308 of the Political Reform Act and California Code of Regulations, Title 2 Sections 18438-18438.8.

ORANGE COUNTY TRANSPORTATION AUTHORITY
CAMPAIGN CONTRIBUTION DISCLOSURE FORM

RFP Number: _____ RFP Title: _____

Was a campaign contribution made to any OCTA Board Member within the preceding 12 months, regardless of dollar amount of the contribution by either the proposing firm, proposed subconsultants and/or agent/lobbyist? Yes _____ No _____

If no, please sign and date below.

If yes, please provide the following information:

Prime Contractor Firm Name: _____

Contributor or Contributor Firm's Name: _____

Contributor or Contributor Firm's Address: _____

Is Contributor:

- The Prime Contractor Yes____ No ____
- Subconsultant Yes____ No ____
- Agent/Lobbyist hired by Prime to represent the Prime in this RFP Yes____ No ____

Note: Under the State of California Government Code section 84308 and California Code of Regulations, Title 2, Section 18438, campaign contributions made by the Prime Contractor and the Prime Contractor's agent/lobbyist who is representing the Prime Contractor in this RFP must be aggregated together to determine the total campaign contribution made by the Prime Contractor.

Identify the Board Member(s) to whom you, your subconsultants, and/or agent/lobbyist made campaign contributions, the name of the contributor, the dates of contribution(s) in the preceding 12 months and dollar amount of the contribution. Each date must include the exact month, day, and year of the contribution.

Name of Board Member: _____

Name of Contributor: _____

Date(s) of Contribution(s): _____

Amount(s): _____

Name of Board Member: _____

Name of Contributor: _____

Date(s) of Contribution(s): _____

Amount(s): _____

Date: _____

Signature of Contributor

Print Firm Name

Print Name of Contributor

**ORANGE COUNTY TRANSPORTATION AUTHORITY
AND AFFILIATED AGENCIES**

Board of Directors

Gene Hernandez, Chairman
Tam Nguyen, Vice Chairman
Doug Chaffee, Director
Jose Diaz, Director
Andrew Do, Director
Jon Dumitru, Director
Jamey Federico, Director
Katrina Foley, Director
Brian Goodell, Director
Patrick Harper, Director
Michael Hennessey, Director
Steve Jones, Director
Fred Jung, Director
Farrah N. Khan, Director
Jessie Lopez, Director
Vicente Sarmiento, Director
Donald P. Wagner, Director

EXHIBIT B: STATUS OF PAST AND PRESENT CONTRACTS

STATUS OF PAST AND PRESENT CONTRACTS FORM

On the form provided below, Offeror/Bidder shall list the status of past and present contracts where the firm has either provided services as a prime vendor or a subcontractor during the past five (5) years in which the contract has been the subject of or may be involved in litigation with the contracting authority. This includes, but is not limited to, claims, settlement agreements, arbitrations, administrative proceedings, and investigations arising out of the contract.

A separate form must be completed for each contract. Offeror/Bidder shall provide an accurate contact name and telephone number for each contract and indicate the term of the contract and the original contract value. Offeror/Bidder shall also provide a brief summary and the current status of the litigation, claims, settlement agreements, arbitrations, administrative proceedings, or investigations. If the contract was terminated, list the reason for termination.

Offeror/Bidder shall have an ongoing obligation to update the Authority with any changes to the identified contracts and any new litigation, claims, settlement agreements, arbitrations, administrative proceedings, or investigations that arise subsequent to the submission of the bid. Each form must be signed by an officer of the Offeror/Bidder confirming that the information provided is true and accurate.

Project city/agency/other:	
Contact Name:	Phone:
Project Award Date:	Original Contract Value:
Term of Contract:	
(1) Litigation, claims, settlements, arbitrations, or investigations associated with contract:	
(2) Summary and Status of contract:	
(3) Summary and Status of action identified in (1):	
(4) Reason for termination, if applicable:	

By signing this Form entitled "Status of Past and Present Contracts," I am affirming that all of the information provided is true and accurate.

Name

Signature

Title

Date

EXHIBIT C: DISADVANTAGED BUSINESS APPROVAL CERTIFICATION

DBE Approval Certification

I hereby certify that the Proposer has complied with the requirements of 49 CFR 26, Participation by Disadvantaged Business Enterprises in DOT Programs, and that its goals have not been disapproved by the Federal Transit Administration.

Name and Title of the Proposer's authorized official:

_____ Company Name

_____ Signature of Proposer's Authorized Official

_____ Name and Title of Proposer's Authorized Official

_____ Date

EXHIBIT D: RESTRICTIONS ON LOBBYING

CERTIFICATION
LIMITATION ON PAYMENTS TO INFLUENCE CERTAIN
FEDERAL TRANSACTIONS

A. DEFINITIONS

1. Authority, as used in this clause, means the Orange County Transportation Authority, acting on behalf of the Orange County Transit District.
2. Covered Federal action, as used in this clause, means any of the following Federal actions:
 - a. The awarding of any Federal contract.
 - b. The making of any Federal grant.
 - c. The making of any Federal loan.
 - d. The entering into of any cooperative agreement.
 - e. The extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
3. Indian tribe and tribal organization, as used in this clause, have the meaning provided in Section 450b of the Indian self-determination and Education Assistance Act (25 U.S.C. 450) and include Alaskan Natives.
4. Influencing or attempting to influence, as used in this clause, means making, with the intent to influence, any communication to or appearance before an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any covered Federal action.
5. Local government, as used in this clause, means a unit of government in a State and, if chartered, established, or otherwise recognized by a State for the performance of a governmental duty, including a local public authority, a special district, an intrastate district, a council of governments, a sponsor group representative organization, and any other instrumentality of a local government.
6. Officer or employee of an agency, as used in this clause, includes the following individuals who are employed by an agency:
 - a. An individual who is appointed to a position in the Government under title 5, United States code, including a position under a temporary appointment.
 - b. A member of the uniformed services, as defined in the subsection

101(3), Title 37, United States Code.

- c. A special Government employee, as defined in Section 202, Title 18, United States Code.
 - d. An individual who is a member of a Federal advisory committee, as defined by the Federal Advisory Committee Act, Title 5, United States Code, Appendix section 3.
7. Person, as used in this clause, means an individual, corporation, company, association, authority, firm, partnership, society, State, and local government, regardless of whether such entity is operated for profit, or not for profit. This term excludes an Indian tribe, tribal organization or any other Indian organization with respect to expenditures specifically permitted by other Federal law.
 8. Reasonable compensation, as used in this clause, means with respect to a regularly employed officer or employee of any person, compensation that is consistent with the normal compensation for such officer or employee for work that is not furnished to, not funded by, or not furnished in cooperation with the Federal Government.
 9. Reasonable payment, as used in this clause means, with respect to professional and other technical services, a payment in an amount that is consistent with the amount normally paid for such services in the private sector.
 10. Recipient, as used in this clause, includes the CONSULTANT and all subcontractors. This term excludes an Indian tribe, tribal organization, or any other Indian organization with respect to expenditures specifically permitted by other Federal law.
 11. Regularly employed, as used in this clause, means, with respect to an officer or employee of a person requesting or receiving by such person for at least 130 working days within one year immediately preceding the date of the submission that initiates agency consideration of such person for receipt of such contract. An officer or employee who is employed by such person for less than 130 working days within one year immediately preceding the date of the submission that initiates agency consideration of such person shall be considered to be regularly employed as soon as he or she is employed by such person for 130 working days.
 12. State, as used in this clause, means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, an agency or instrumentality of a State, and a multi-State regional or interstate entity having governmental duties and powers.

B. PROHIBITIONS

1. Section 1352 of Title 31, United States Code, among other things, prohibits a recipient of a Federal contract, grant, loan or cooperative agreement from using appropriated funds to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any of the following covered Federal actions: the awarding of any Federal contract; the making of any Federal grant; the making of any Federal loan; the entering into of any cooperative agreement; or, the modification of any Federal contract, grant, loan, or cooperative agreement.
2. The Act also requires consultant to furnish a disclosure if any funds other than Federal appropriated funds (including profit or fee received under a covered Federal transaction) have been paid, or will be paid, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a Federal contract, grant, loan or cooperative agreement.
3. The prohibitions of the Act do not apply under the following conditions:
 - a. Agency and legislative liaison by own employees.
 - (1) The prohibition on the use of appropriated funds, in subparagraph C.1. of this clause, does not apply in the case of payment of reasonable compensation made to an officer or employee of a person requesting or receiving a covered Federal action if the payment is for agency and legislative liaison activities not directly related to a covered Federal action.
 - (2) For purposes of paragraph C.3.a.(1) of this clause, providing any information specifically requested by an agency or Congress is permitted at any time.
 - (3) The following agency and legislative liaison activities are permitted any time where they are not related to a specific solicitation for any covered Federal action:

Discussing with an agency (including individual demonstrations) the qualities and characteristics of the person's products or services, conditions or terms of sale, and service capabilities.

Technical discussions and other activities regarding the application of adaptation of the person's products or services for an agency's use.

- (4) The following agency and legislative liaison activities are permitted where they are prior to formal solicitation of any covered Federal action:

Providing any information not specifically requested but necessary for an agency to make an informed decision about initiation of a covered Federal action;

Technical discussions regarding the preparation of an unsolicited proposal prior to its official submission; and,

Capability presentations by persons seeking awards from an agency pursuant to the provisions of the Small Business Act, as amended by Public Law 95-507, and subsequent amendments.

- (5) Only those services expressly authorized by paragraph C.3.a.(1) of this clause are permitted under this clause.

b. Professional and technical services

- (1) The prohibition on the use of appropriated funds, in subparagraph C.1. of this clause, does not apply in the case of:

A payment of reasonable compensation made to an officer or employee of a person requesting or receiving a covered Federal action or an extension, continuation, renewal, amendment, or modification of covered Federal action, if payment is for professional or technical services rendered directly in the preparation, submission, or negotiation of any bid, proposal, or application for that Federal action or for meeting requirements imposed by or pursuant to law as condition for receiving that Federal action.

Any reasonable payment to a person, other than an officer or employee of a person requesting or receiving a covered Federal action or an extension, continuation, renewal, amendment, or modification of a covered Federal action if the payment is for professional or technical services rendered directly in the preparation, submission or negotiation of any bid, proposal, or application or that Federal action or for meeting requirements imposed by or pursuant to law as a condition for receiving that Federal action. Persons other than officers or employees of a person requesting or receiving a covered Federal action include contractors and trade associations.

- (2) For purposes of paragraph C.3.a.(1) of this clause, professional and technical services shall be limited to advise and analysis directly applying any professional or technical discipline. For

example, drafting of a legal document accompanying a bid or proposal is allowable. Similarly, technical advice provided by an engineer on the performance or operational capability of a piece of equipment rendered directly in the negotiation of a contract is allowable. However, communications with the intent to influence made by a professional (such as a licensed lawyer) or a technical person (such as a licensed accountant) are not allowable under this section unless they provide advice and analysis directly applying their professional or technical expertise and unless the advice or analysis is rendered directly and solely in the preparation, submission, or negotiation of a covered Federal action. Thus, for example, communications with the intent to influence made by a lawyer that do not provide legal advice or analysis directly and solely related to the legal aspects of his or her client's proposal, but generally advocate one proposal over another are not allowable under this section because the lawyer is not providing professional legal services. Similarly, communications with the intent to influence made by an engineer providing an engineering analysis prior to the preparation or submission of a bid or proposal are not allowable under this section since the engineer is providing technical services but not directly in the preparation, submission, or negotiation of a covered Federal action.

- (3) Requirements imposed by or pursuant to law as a condition for receiving a covered Federal award include those required by law or regulation and any other requirements in the actual award documents.
- (4) Only those services expressly authorized by paragraph C.3.a.(1) and (2) of this clause are permitted under this clause.
- (5) The reporting requirements of FAR 3.803(a) shall not apply with respect to payments of reasonable compensation made to regularly employed officers or employees of a person.

c. Disclosure

- (1) The consultant who requests or receives from an agency a Federal contract shall file with that agency a disclosure form OMB standard form LLL, Disclosure of Lobbying Activities, (Attachment to the bid package) if such person has made or had agreed to made any payment using non appropriated funds (to include profits from any covered Federal action), which would be prohibited under subparagraph B.1. of this clause, if paid for with appropriated funds.

- (2) The consultant shall file a disclosure form at the end of each calendar quarter in which there occurs any event that materially affects the accuracy of the information contained in any disclosure form previously filed by such person under subparagraph II.A. of this clause. An event that materially affects the accuracy of the information reported includes:

A cumulative increase of \$25,000 or more in the amount paid or expected to be paid for influencing or attempting to influence a covered Federal action; or

A change in the person(s) or individual(s) influencing or attempting to influence a covered Federal action; or

A change in the officer(s), employee(s), or Member(s) contacted to influence or attempt to influence a covered Federal action.

- (3) The consultant shall require the submittal of a certification, and if required, a disclosure form by any person who requests or receives any subcontract exceeding \$100,000 under the Federal contract.

- (4) All subcontractor disclosure forms (but not certifications) shall be forwarded from tier to tier until received by the prime consultant. The prime consultant shall submit all disclosures to the District at the end of the calendar quarter in which the disclosure form is submitted by the subcontractor. Each subcontractor certification shall be retained in the subcontract file of the awarding consultant.

d. Agreement

The consultant agrees not to make any payment prohibited by this clause.

e. Penalties

- (1) Any person who makes an expenditure prohibited under paragraph a) of this clause or who fails to file or amend the disclosure form to be filed or amended by paragraph d) of this clause shall be subject to civil penalties as provided for by 31 U.S.C. 1352. An imposition of a civil penalty does not prevent the Government from seeking any other remedy that may be applicable.

- (2) Consultants may relay without liability on the representation made by their subcontractors in the certification and disclosure

forms.

f. Cost Allowability:

Nothing in this clause is to be interpreted to make allowable or reasonable any costs, which will otherwise be unallowable or unreasonable. Conversely, costs made specifically unallowable by the requirements in this clause will not be made allowable under any other provisions.

**CERTIFICATION OF
RESTRICTIONS ON LOBBYING**

I, _____, hereby certify on behalf (name of bidder/offeror) of _____ that:
(Firm name)

1. No Federal appropriated funds have been paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds, other than Federal appropriated funds, have been paid or will be paid to any person for influencing or attempting to influence making lobbying contracts to an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit the attached Standard Form-LLL, "Disclosure of Lobbying Activities", in accordance with its instructions.
3. If bidder/offeror does not have any reportable activities to disclose, they shall check the box entitled "No Reportable Activities" on the attached Standard Form-LLL "Disclosure of Lobbying Activities" and complete Section 16 of the form. The certifying official shall sign and date the form, print his/her name, title and telephone number.
4. The undersigned shall require that the language of this certification be included in all subcontracts, and that all subcontractors shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance is placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The bidder/offeror, _____, certifies or affirms the truthfulness and accuracy of each statement of its certification and disclosure, if any. In addition, the bidder/offeror understands and agrees that the provisions of 31 U.S.C. 3801, et seq. apply to this certification and disclosure, if any.

Executed this _____ day of _____, 202_____

By _____
(Signature of authorized official)

(Title of authorized official)

INSTRUCTIONS FOR COMPLETION OF SF-LLL DISCLOSURE OF LOBBYING ACTIVITIES

This DISCLOSURE FORMS SHALL BE COMPLETED BY the reporting entity, whether Subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a follow-up report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be a prime or subaward recipient. Identify the tier of the subawardee e.g., the first subawardee of the prime is the first tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee" then enter the full name, address city, state, and zip code of the prime Federal recipient. Include Congressional District.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency, name if known. For example, Department of Transportation, United State Coast Guard.
7. Enter the Federal program name for description of the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g. Request for Proposal (RFP) number, Invitation for Bid (IFB) number, grant announcement number, the contract, grant, or loan award number, the application/ proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, state, and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.

(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a.). Enter Last Name, First Name, and Middle Initial (MI).
11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.
12. Check the appropriate box (es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
13. Check the appropriate box (es). Check all boxes that apply. If other, specify nature.
14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.
15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.
16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Office of Management and Budget Paperwork Reduction Project (0348-0446), Washington, D.C. 20503.

Approved by
OMB
003480045

DISCLOSURE OF LOBBYING ACTIVITIES CONTINUATION SHEET

Reporting Entity: _____ Page _____ of _____

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EXHIBIT E: BUY AMERICA

BIDDER'S CERTIFICATE REGARDING
"BUY AMERICA" REQUIREMENTS
FOR
PROCUREMENT OF BUSES, OTHER ROLLING STOCK AND ASSOCIATED
EQUIPMENT

In order to demonstrate compliance with the Buy America Requirements, if the bid is for a contract greater than one hundred and fifty thousand dollars (\$150,000), Bidder shall complete only one of the two statements below:

The		
	Firm name/principal	
hereby certifies that it will comply with the requirements of 49 U.S.C. Section 5323(j), and the applicable regulations in 49 CFR Part 661.11.		
		Signature
		Name
		Title
		Date

OR:

The		
	Firm name/principal	
hereby certifies that it cannot comply with the requirements of 49 U.S.C. Section 5323(j) but may qualify for an exception to the requirement pursuant to 49 U.S.C. Section 5323(j)(2), as amended, and the applicable regulations in 49 CFR Part 661.7.		
		Signature
		Name
		Title
		Date

Revised: 05/12/2023

**EXHIBIT F: CERTIFICATE OF COMPLIANCE WITH BUS TESTING
REQUIREMENT**

CERTIFICATE OF COMPLIANCE WITH BUS TESTING REQUIREMENT

The undersigned certifies that the vehicle offered in this procurement complies and will, when delivered, comply with 49 USC § 5323(c) and FTA's implementing regulation at 49 CFR Part 665 according to the indicated one of the following three alternatives.

Mark one and only one of the three blank spaces with an "X."

1. _____ The buses offered herewith have been tested in accordance with 49 CFR Part 665 on _____ (date). If multiple buses are being proposed, provide additional bus testing information below or on attached sheet. The vehicles being sold should have the identical configuration and major components as the vehicle in the test report, which must be submitted with this Proposal. If the configuration or components are not identical, then the manufacturer shall provide with its Proposal a description of the change and the manufacturer's basis for concluding that it is not a major change requiring additional testing. If multiple buses are being proposed, testing data on additional buses shall be listed on the bottom of this page.

2. _____ The manufacturer represents that the vehicle is "grandfathered" (has been used in mass transit service in the United States before October 1, 1988, and is currently being produced without a major change in configuration or components), and submits with this Proposal the name and address of the recipient of such a vehicle and the details of that vehicle's configuration and major components.

3. _____ The vehicle is a new model and will be tested and the results will be submitted to the Agency prior to acceptance of the first bus.

The undersigned understands that misrepresenting the testing status of a vehicle acquired with federal financial assistance may subject the undersigned to civil penalties as outlined in the Department of Transportation's regulation on Program Fraud Civil Remedies, 49 CFR Part 31. In addition, the undersigned understands that FTA may suspend or debar a manufacturer under the procedures in 49 CFR Part 29.

_____ Company Name

_____ Signature of Offeror

_____ Name and Title of Offeror's Authorized Official

_____ Date

EXHIBIT G: FEDERAL MOTOR VEHICLE SAFETY STANDARDS

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Offeror and (if selected) Contractor shall submit (1) manufacturer's FMVSS self-certification sticker information that the vehicle complies with relevant FMVSS or (2) manufacturer's certified statement that the contracted buses will not be subject to FMVSS regulations.

_____ Company Name

_____ Signature of Offeror

_____ Name and Title of Offeror's Authorized Official

_____ Date

EXHIBIT H: NON-COLLUSION AFFIDAVIT

NON-COLLUSION AFFIDAVIT

To the Orange County Transportation Authority

In accordance with Title 23 United States Code Section 112 and Public Contract Code 7106 the bidder declares that the bid is not made in the interest of, or on the behalf of, any undisclosed person, partnership, company, association, organization or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and, further, that the bidder has not, directly, or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.

Name of Offeror: _____

Signature: _____

Date: _____

EXHIBIT I: CONTRACTOR SERVICE AND PARTS DATA

CONTRACTOR SERVICE AND PARTS SUPPORT DATA

Location of nearest Technical Service Representative to Authority

Name _____

Address _____

Telephone _____

Offeror to describe technical services readily available from said representative.

Location of nearest Parts Distribution Center to Authority

Name _____

Address _____

Telephone _____

Offeror shall describe the extent of parts available at said center.

Policy for Delivery of Parts and Components to be Purchased for Service and Maintenance

Regular Method of Shipment _____

Cost to Authority _____

EXHIBIT J: IRAN CONTRACTING ACT CERTIFICATION

IRAN CONTRACTING ACT CERTIFICATION
(California Public Contract Code Sections 2200, *et seq.*)

The Iran Contracting Act of 2010 (PCC Sections 2200-2208), prohibits bidders who are engaged in investment activities in the energy sector of Iran from bidding on, submitting proposals for, or entering into or renewing contracts with public entities for goods or services of one million dollars (\$1,000,000) or more. At the time of submitting a bid, each bidder must certify that the bidder is not identified on the Department of General Services list of ineligible persons pursuant to PCC Section 2203(b). Each bidder is also required to certify that the bidder is not engaged in investment activities in violation of the Iran Contracting Act of 2010.

A bidder who is engaged in investment activities in the energy sector of Iran is defined as:

1. A person providing goods or services of twenty million dollars (\$20,000,000) or more in the energy sector of Iran, including a person that provides oil or liquefied natural gas tankers, or products used to construct or maintain pipelines used to transport oil or liquefied natural gas, for the energy sector of Iran; or
2. A person that is a financial institution that extends twenty million dollars (\$20,000,000) or more in credit to another person, for 45 days or more, if that person will use the credit to provide goods or services in the energy sector in Iran and is identified on a list created pursuant to PCC Section 2203(b).

A bidder is not required to certify that it is engaged in investment activities in the energy sector of Iran if the bidder is exempt from the certification under PCC Section 2203(c) or (d). If the bidder is exempt from the certification requirement, the bidder will be required to provide documentation demonstrating the exemption.

To comply with the Iran Contracting Act of 2010, the bidder shall complete **one** of the options below. Please note: under PCC Section 2205, false certification of this form may result in civil penalties of \$250,000 or twice the amount of the contract for which false certification was made, termination of the contract, and/or ineligibility to bid on contracts for a period of three years.

Option No. 1: Certification

I, the official named below, certify I am duly authorized to execute this certification on behalf of the vendor/financial institution identified below, and the vendor/financial institution identified below, and any subcontractor who will perform work or labor or render services to the vendor identified below, is not on the current Department of General Services list identifying persons engaged in investment activities in the energy sector of Iran, and is not a financial institution extending twenty million dollars (\$20,000,000) or more in credit to another person/vendor, for 45 days or more, if that other person/vendor will use the credit to provide goods or services in the energy sector in Iran and is identified on the current Department of General Services list identifying persons engaged in investment activities in the energy sector of Iran.

Vendor/Financial Institution: _____

Signature: _____

Name and Title: _____

Date: _____

Option No. 2: Exemption

Pursuant to PCC Section 2203(c) and (d), a public entity may permit a bidder or financial institution engaged in investment activities in Iran, on a case-by-case basis, to be eligible for, or to bid on, submit proposals for, or enter into or renew a contract with a public entity for goods or services of one million dollars (\$1,000,000) or more. If the bidder, financial institution, or any subcontractor who will perform work or labor or render services to the bidder has obtained an exemption from the certification requirement, please complete and sign below and attach the documentation demonstrating the exemption approval.

Vendor/Financial Institution: _____

Signature: _____

Name and Title: _____

Date: _____

Option No. 3: Non-Applicability

Pursuant to PCC Section 2203(b), a bidder or financial institution engaged in investment activities in Iran may not be eligible for, or to bid on, submit proposals for, or enter into or renew a contract with a public entity for goods or services of one million dollars (\$1,000,000) or more. If the contract is not for goods or services of one million dollars (\$1,000,000) or more, please sign below indicating that the contract is not for goods or services of one million dollars (\$1,000,000) or more and thus bidder is not required to certify and does not meet the exemption.

Vendor/Financial Institution: _____

Signature: _____

Name and Title: _____

Date: _____

EXHIBIT K: PROPOSAL EXCEPTIONS AND/OR DEVIATIONS

PROPOSAL EXCEPTIONS AND/OR DEVIATIONS

The following form shall be completed for each technical and/or contractual exception or deviation that is submitted by Offeror for review and consideration by Authority. The exception and/or deviation must be clearly stated along with the rationale for requesting the exception and/or deviation. If no technical or contractual exceptions or deviations are submitted as part of the original proposal, Offerors are deemed to have accepted Authority's technical requirements and contractual terms and conditions set forth in the Scope of Work (Exhibit A) and Proposed Agreement (Exhibit C). Offerors will not be allowed to submit this form or any contractual exceptions and/or deviation after the proposal submittal date identified in the RFP. Exceptions and/or deviations submitted after the proposal submittal date will not be reviewed by Authority.

Offeror: _____

RFP No.: _____ RFP Title: _____

Deviation or Exception No. : _____

Check one:

- Scope of Work (Technical) _____
- Proposed Agreement (Contractual) _____

Reference Section/Exhibit: _____ Page/Article No. _____

Complete Description of Deviation or Exception:

Rationale for Requesting Deviation or Exception:

Area Below Reserved for Authority Use Only:

_____ _____

EXHIBIT L: GENERAL VEHICLE DATA SHEET

General Vehicle Data Sheet (Ford Transit 350 EL)

Vehicle Manufacturer:

Vehicle Model Number:

Basic Body Construction Type:

SECTION 1: General Dimensions (Bidder to provide scale drawings)

Overall length

Over bumpers

feet

inches

Over body

feet

inches

Overall width

Over body excluding mirrors and lights

feet

inches

Over body including mirrors

feet

inches

Over tires

feet

inches

Overall height (maximum)

feet

inches

Doorway clear opening (at widest point)

inches

Step height from ground (measured at center of doorway)

inches

Body - Shell material

Interior head room (floor to ceiling at center of aisle)

First axle location

inches

Rear axle location

inches

Wheelbase

Front axle to rear axle

inches

Capacity

Total number of passenger sittings

Passenger seating manufacturer/model number

Total number of standing passengers (if applicable)

Minimum hip to knee space	<input type="text"/>	inches
Maximum hip to knee space	<input type="text"/>	inches
ADA Restraint system type	<input type="text"/>	
ADA Restraint system model number	<input type="text"/>	
ADA Restraint system passenger capacity	<input type="text"/>	person(s)

Vehicle Weight

	Curb weight	Curb weight plus seated load*	GVWR
Front axle	<input type="text"/> lbs.	<input type="text"/> lbs.	<input type="text"/> lbs.
Rear axle	<input type="text"/> lbs.	<input type="text"/> lbs.	<input type="text"/> lbs.
Total	<input type="text"/> lbs.	<input type="text"/> lbs.	<input type="text"/> lbs.

* Including operator and passengers at 150 lbs. per person

SECTION 2: Steering Axle

Manufacturer	<input type="text"/>
Type and weight rating	<input type="text"/>
Model number	<input type="text"/>

SECTION 3: Drive Axle

Manufacturer	<input type="text"/>
Type and weight rating	<input type="text"/>
Model number	<input type="text"/>
Gear Oil capacity & Type	<input type="text"/>

Drive Axle Ratio

Differential ratio	<input type="text"/>
--------------------	----------------------

SECTION 4: Cooling System

Radiator Manufacturer	<input type="text"/>	
Total Cooling system capacity (gallons)	<input type="text"/>	gals
Coolant type	<input type="text"/>	
Overheat alarm temperature	<input type="text"/>	degrees F
Shutdown temperature setting	<input type="text"/>	degrees F

SECTION 5: Electrical

Primary interior lighting system

Manufacturer	
Type	
Model number	

Alternator

Manufacturer	
Type	
Model number	

Batteries

Manufacturer	
Type	
Model number	
Cold Cranking Amps	

SECTION 6: Engine

Manufacturer			
Model number/size			
Horsepower/torque			
Engine Oil			
Engine Oil Capacity		Qts	

SECTION 7: Fire Suppression/Fuel Detection System

Manufacturer				
Number of detectors		fire		fuel
Type of fire detectors		Thermal		Optical
Battery backup		Yes		No

SECTION 8: Bumpers

Manufacturer	
Type	

SECTION 9: Fuel and Exhaust System

Fuel type		
Operating Range		
Fuel tank capacity		Gals.
Quantity and location of tanks		
Life expectancy (years/miles)		

SECTION 10: Transmission

Manufacturer	
Type / No. of fwd. speeds	
Model number	
Cooling Type	
Trans. Oil Type & Capacity (Qts.)	

SECTION 11: Wheels

Manufacturer	
Type	
Size	
Mounting Type	
Bolt Circle diameter	
Protective Coating	

Tires

Manufacturer	
Type	
Size	
Load range/Air pressure	

SECTION 12: A/C, Heating and Ventilation Equipment

Heating system capacity		Btu
A/C system capacity		Btu
Ventilating capacity		CFM per passenger
Manufacturer and model no.		
Refrigerant type and capacity		

SECTION 13: Passenger Loading System

Manufacturer	
Type (hydraulic, electric, or both)	
Model number	
Capacity (lbs.)	

Dimensions

Width of lift/ramp	<input type="text"/>	inches
Length of lift/ramp	<input type="text"/>	inches

Cycle Times

	Normal idle	Fast idle
Stowed to ground	<input type="text"/> seconds	<input type="text"/> seconds
Ground to stow	<input type="text"/> seconds	<input type="text"/> seconds

SECTION 14: Electronics

OBVSS Manufacturer	
OBVSS Model No.	
Number of cameras	
Auto. Passenger Counter (APC) system Manufacturer	
APC system Model No.	
AVL/AVM system Manufacturer	
AVL/AVM system Model No.	
Radio System Manufacturer	
Radio System Model No.	



COMMITTEE TRANSMITTAL

June 26, 2023

To: Members of the Board of Directors
From: Andrea West, Interim Clerk of the Board *Andrea West*
Subject: Environmental Mitigation Program Endowment Fund Investment Report for March 31, 2023

Finance and Administration Committee Meeting of June 14, 2023

Present: Directors Do, Federico, Goodell, Harper, Hennessey, and Sarmiento

Absent: Director Jones

Committee Vote

This item was passed by the Members present.

Committee Recommendation

Receive and file as an information item.



June 14, 2023

To: Finance and Administration Committee

From: Darrell E. Johnson, Chief Executive Officer  For

Subject: Environmental Mitigation Program Endowment Fund Investment Report for March 31, 2023

Overview

The Orange County Transportation Authority has developed a Natural Community Conservation Plan/Habitat Conservation Plan, acquired conservation properties, and funded habitat restoration projects to mitigate the impacts of Measure M2 freeway programs. The California Community Foundation manages the non-wasting endowment required to fund the long-term management of the conservation properties. Each quarter, the California Community Foundation publishes a comprehensive report detailing the composition of the pool and its performance.

Recommendation

Receive and file as an information item.

Background

On September 26, 2016, the Board of Directors approved the selection of the California Community Foundation (CCF) as an endowment fund manager for the Measure M2 Freeway Environmental Mitigation Program. Annually, approximately \$2.9 million will be deposited in the endowment. These annual deposits are expected over a ten-to-twelve-year period, or until the fund totals approximately \$46.2 million. As of March 31, 2023, the Orange County Transportation Authority (OCTA) has made seven deposits to the CCF Endowment Pool, each in the amount of \$2,877,000.

Discussion

Per Attachment A, as of March 31, 2023, total pool assets in the CCF Endowment Pool were \$1.13 billion. Total foundation assets were \$2.33 billion. Performance for the CCF Endowment Pool exceeded the blended benchmark (Benchmark) for the one-year time period, while underperforming the Benchmark for the three-to-five-year time periods. Over the longer time frame, the CCF Endowment Pool was in-line with the Benchmark in the ten-year time period, while slightly underperforming the Benchmark in the 20-year time period.

Per Attachment B, the balance as of March 31, 2023, was \$23,112,620. The balance is below the target of \$23,750,112 for the third quarter of fiscal year (FY) 2022-23. However, based on the CCF's performance to date, OCTA is on track to meet the endowment target of \$46.2 million in FY 2027-28 (See Attachment C). A decline in United States (U.S.) Treasury yields during the quarter led to positive returns for both fixed-income and equity markets. Gold, non-U.S. developed-market equities, and large cap growth stocks experienced the highest returns, while longer maturity bond categories posted the best fixed-income gains. Diversification, asset allocation, and appropriate sizing of underlying investments in the endowment portfolio are the main methods to protect the portfolio from outsized volatility.

Summary

The Orange County Transportation Authority is submitting a copy of the California Community Foundation Investment March 31, 2023.

Attachments

- A. California Community Foundation Endowment Pool Investments – March 31, 2023
- B. California Community Foundation Fund Statement – 1/1/2023 – 3/31/2023
- C. EMP Portfolio Performance – Actual vs. Projection

Prepared by:



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Treasury and Public Finance
(714) 560-5675

Approved by:



Andrew Oftelie
Chief Financial Officer
Finance and Administration
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**Endowment Pool
March 31, 2023**

INVESTMENTS

Total Pool Assets

\$1.13 billion (Endowment Pool), \$2.33 billion (total foundation assets) as of March 31, 2023.

Pool Objective

Prudent investment of funds to provide real growth of the assets over time while protecting the value of the assets from undue volatility or risk of loss. Managed on a total return basis (i.e., yield plus capital appreciation) while taking into account the level of liquidity required to meet withdrawals from the pool - mainly expenses and grants to external organizations. While the Investment Committee recognizes the importance of the preservation of capital, they also adhere to the principle that varying degrees of risk are generally rewarded with commensurate returns over full market cycles (5-10 years).

Outsource CIO

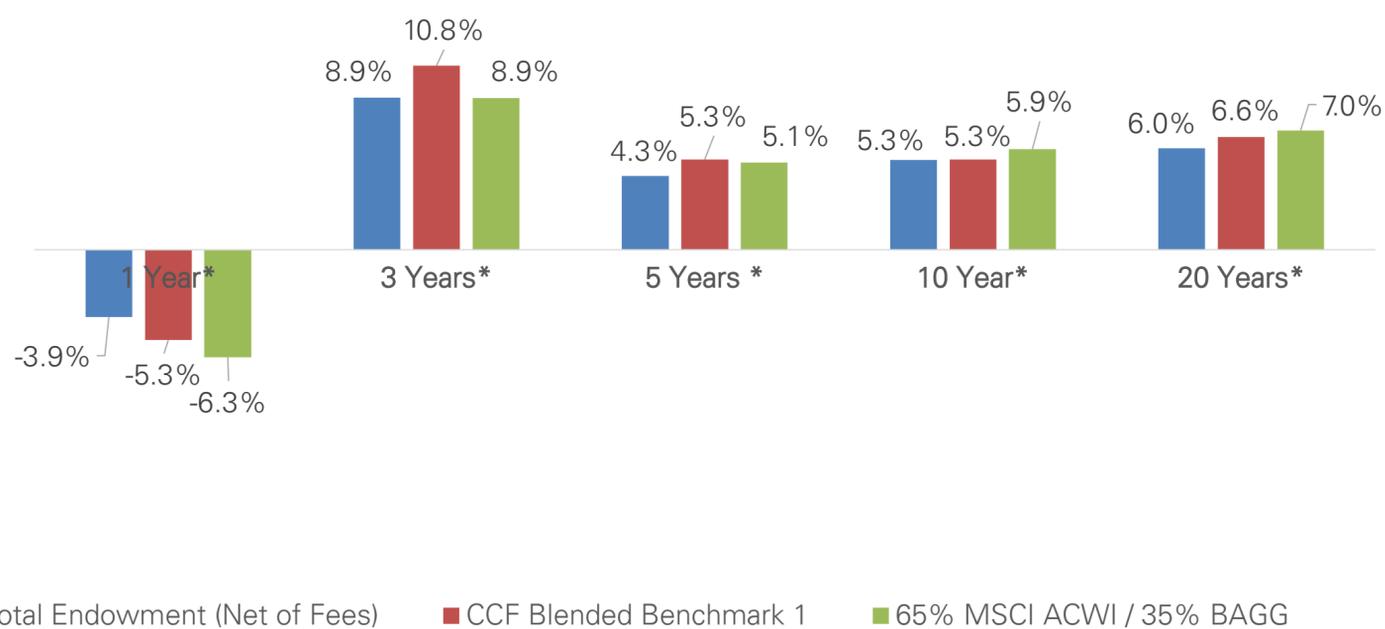
Hall Capital Partners

Performance & Asset Allocation

Performance for March was 0.9% ^(2,5)

Performance for the three months ended March 31, 2023 was 4.4%

CCF Total Endowment (net of fees) vs. Blended Benchmark ⁽¹⁾



Asset Class	Balance (\$m)	% of Port	Long-Term Target Range ⁽⁴⁾
Cash & Equivalent ⁽³⁾	\$4	0.4%	0 - 5%
Fixed Income	\$127	11.2%	10 -20%
Public Equities	\$541	48.0%	40 - 60%
Alternative Assets	\$148	13.0%	10 - 25%
Private Investments	\$150	13.3%	10 - 20%
Real Assets	\$159	14.1%	5 - 10%
Total Endowment Assets	\$1,129	100.0%	

* Represents Annualized Returns.

Footnotes:

1 – Total benchmark intended to roughly match CCF portfolio asset allocation with relevant constituent benchmarks. Current blended benchmark effective since 7/1/21.

Current blend: ML Treasury 1-3 (2%), Barclays Agg. Bond Index (18%), MSCI ACWI (50%), Hedge Fund Blend (7.5% BofA ML High Yield, 3.75% ML 3-Month T-bills, 3.75% MSCI ACWI), Cambridge PE Index (3.5%), Cambridge VC Index (1.5%), Cambridge RE Index (7%), S&P Infrastructure Index (3%).

65% MSCI ACWI / 35% Barclays Aggregate Bond Index Blend.

CPI +5%.

CCF benchmark blends prior to 7/1/21: Total Fund Benchmark is a combination of: 48% MSCI ACWI - 2% Cambridge PE Index 1-Qtr Lag / 14% HFR FOF / 5% ODCE - 5% S&P Global Large Mid NR - 4% S&P Global Infrastructure / 9% Barc Agg. - 3% Barc 1-5 Yr. Gov/Cr - 3% Barc 0-5 Yr. US Treasury TIPs / 2% Barc High Yield - 2% S&P/LSTA Leveraged Loan - 3% JP Morgan EMBI Global Diversified.

2 – Performance is preliminary and at times estimated pending final reporting from all investments. Managers often report on substantial lags, particularly private illiquid investments. In the instances where we do not have actual or estimated performance for a manager, we default to a 0% performance. Investment performance is presented net of investment expenses, including fund manager incentive fees

3 – Includes cash in transit to or from investments. For example, 2/28 cash could include money that is being sent to an investment on 3/1

4 – Current portfolio allocations may be outside of strategic ranges as it can take substantial time to adjust investments to meet range goals. This is particularly true for private illiquid investments that call capital into strategies over time and typically necessitate multi-year periods to gain exposure for appropriate vintage diversification

5 – Investment expense ratio approximates weighted-average 1.17% excluding fund manager incentive fees



Fund Name OCTA - Measure M2 Environmental Mitigation Program Fund
Fund Start Date 2/28/2017
Investment Pool(s) Endowment Pool

FUND STATEMENT

OCTA - Measure M2 Environmental Mitigation Program Fund (V398)

1/1/2023 - 3/31/2023

Fund Summary

	Report Period 1/1/2023 - 3/31/2023	Calendar YTD 1/1/2023 - 3/31/2023
Opening Fund Balance	\$22,206,586.48	\$22,206,586.48
Contributions	0.00	0.00
Investment Activity, net	965,978.09	965,978.09
Administration & Grant Management Fees	(59,944.20)	(59,944.20)
Net Changes to Fund	906,033.89	906,033.89
Ending Balance	\$23,112,620.37	\$23,112,620.37

Investment Pool Performance as of 3/31/2023

	This Qtr.	1-Year	3-Years	5-Years	10-Years
Endowment Pool	4.4%	-3.9%	8.9%	4.3%	5.3%
Social Impact Endowment Pool	7.5%	-7.3%	10.4%	7.0%	6.9%
Conservative Balanced Pool	3.5%	-2.8%	4.9%	4.0%	n/a
Short Duration Bond Pool	1.9%	-0.3%	-0.8%	1.3%	n/a
Capital Preservation Pool	1.0%	2.3%	1.0%	1.4%	0.9%

Endowment Pool - Invested for long-term growth and appreciation across multiple investment managers. It seeks to preserve the purchasing power of assets over an indefinite time horizon through long-term investment opportunities, while providing a relatively predictable and stable stream of distributions that keeps pace with inflation.

Social Impact Endowment Pool - Invested in a diversified pool of equities and fixed income aiming to offer capital growth for long-term grantmaking. It seeks to preserve the purchasing power of assets over an indefinite time horizon by following a sustainable investing approach that combines rigorous financial, environmental, social and governance (ESG) analysis, while providing a relatively predictable and stable stream of distributions that keeps pace with inflation.

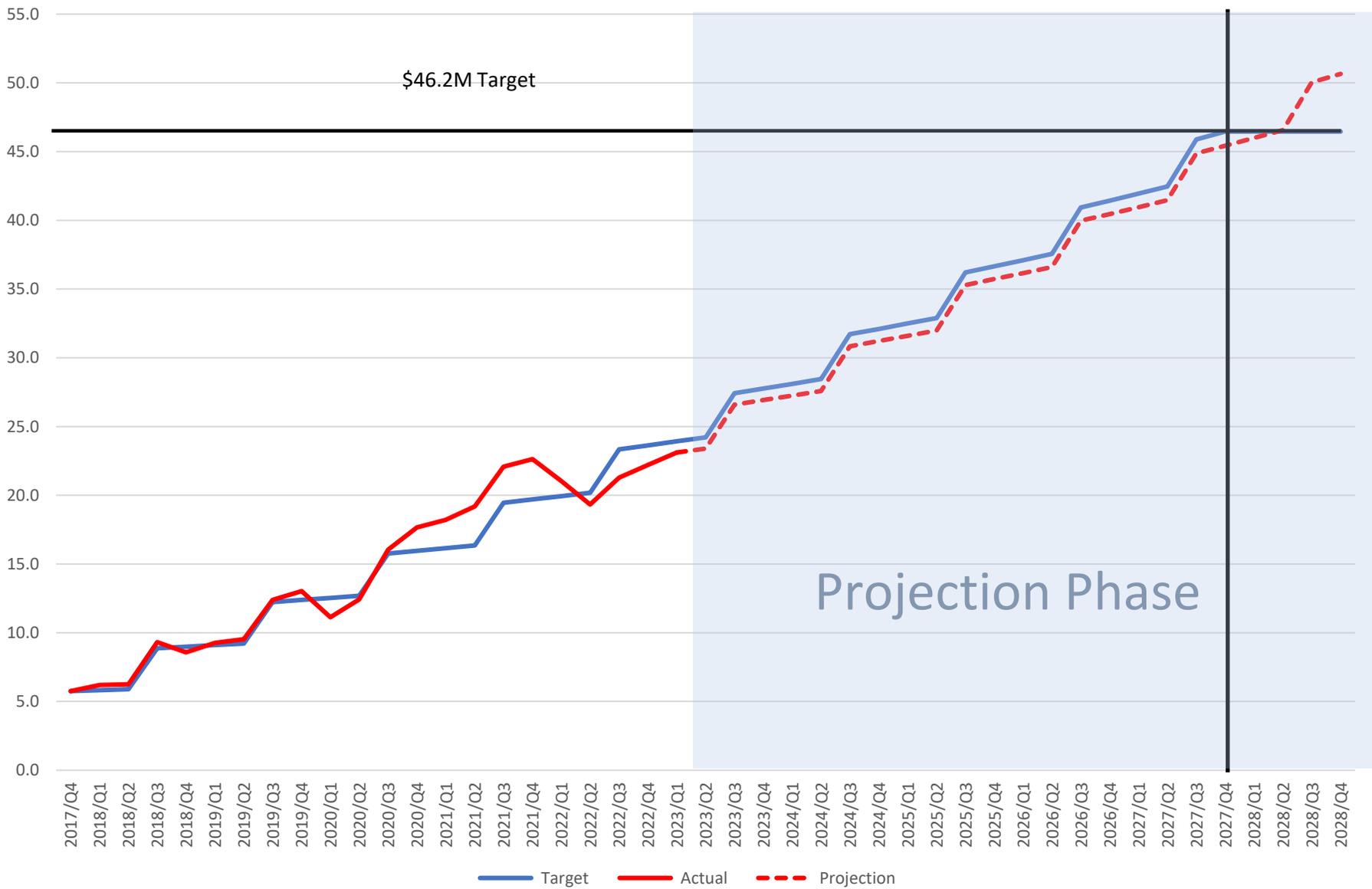
Conservative Balanced Pool - Invested to strike a balance between growth and liquidity by combining current income with an opportunity for moderate capital appreciation. It seeks to offer diversified exposure to fixed income with maturities from 1-5 years as well as the entire U.S. equity market for purposes of grantmaking over an intermediate horizon.

Short Duration Bond Pool - Invested to offer diversified exposure to fixed income with maturities from one to five years for the purposes of grants over a near-term one to four year horizon.

Capital Preservation Pool - Invested to meet the needs of funds with short-term grant objectives. It seeks to preserve principal and provide liquidity and working funds for present and future needs through investment in high-quality, short-term fixed income and cash instruments.

**EMP Portfolio Investment
- Actual vs. Projection**

(In millions)





COMMITTEE TRANSMITTAL

June 26, 2023

To: Members of the Board of Directors
From: Andrea West, Interim Clerk of the Board 
Subject: Agreement for Public Outreach Consultant Services for the Interstate 605/Katella Avenue Interchange Project

Legislative and Communications Committee Meeting of June 15, 2023

Present: Directors Diaz, Dumitru, Goodell, Jung, and Wagner

Absent: Directors Foley and Hernandez

Committee Vote

This item was passed by the Members present.

Committee Recommendations

- A. Approve the selection of Costin Public Outreach Group, Inc., as the firm to provide public outreach consultant services for the Interstate 605/Katella Avenue Interchange Project.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-2-3025 between the Orange County Transportation Authority and Costin Public Outreach Group, Inc., in the amount of \$399,887, for a three-year initial term with a two-year option term, to provide public outreach consultant services for the Interstate 605/Katella Avenue Interchange Project.



June 15, 2023

To: Legislative and Communications Committee

From: Darrell E. Johnson, Chief Executive Officer 

Subject: Agreement for Public Outreach Consultant Services for the Interstate 605/Katella Avenue Interchange Project

Overview

On December 22, 2022, the Orange County Transportation Authority released a request for proposals for public outreach consulting services during the pre-construction and construction phases of the Interstate 605/Katella Avenue Interchange Project. Board of Directors' approval is requested to execute an agreement for these services.

Recommendations

- A. Approve the selection of Costin Public Outreach Group, Inc., as the firm to provide public outreach consultant services for the Interstate 605/Katella Avenue Interchange Project.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-2-3025 between the Orange County Transportation Authority and Costin Public Outreach Group, Inc., in the amount of \$399,887, for a three-year initial term with a two-year option term, to provide public outreach consultant services for the Interstate 605/Katella Avenue Interchange Project.

Discussion

The Interstate 605 (I-605)/Katella Avenue Interchange Project (Project) is known as Project M in the Measure M2 program and connects the I-605, a major north-south transportation route in Orange and Los Angeles counties, with Katella Avenue, an east-west regional corridor that crosses through the two counties. The Project area includes the interchange as well as Katella Avenue between Coyote Creek Channel at the Orange and Los Angeles county line and Civic Center Drive in the City of Los Alamitos, adjacent to the community of Rossmoor.

The \$35 million Project is funded by local and federal funds and includes widening the northbound loop off-ramp and the southbound on- and off-ramps and realigning and widening the northbound on-ramp. In addition, Katella Avenue will be widened in both directions to provide standard-width lanes and shoulders within the interchange, which will tie in with the ramp improvements.

The Project is in the final design phase, which is expected to be completed in mid-2023. Right-of-way activities, such as utility relocation agreements, appraisals, acquisitions, and certifications, are anticipated to continue through mid-2024. The Project will be advertised for construction by the California Department of Transportation (Caltrans) in summer 2024 and a contract will be awarded in late 2024. Construction is expected to take approximately two years.

Consultant services are needed to support outreach efforts during the pre-construction and construction phases of the Project. These consultant services will aid the Orange County Transportation Authority (OCTA) and Caltrans with the development and delivery of communications on a day-to-day basis and provide advanced public information messages that help the public know what to expect during construction and upcoming activities as well as understand the value and benefits of investments in Orange County's transportation network.

The selected consultant will develop and implement a comprehensive public outreach program that will engage with all applicable stakeholders, including diverse and disadvantaged communities, using a variety of methods and tools, such as:

- Conducting one-on-one meetings with city representatives, key stakeholders, community-based organizations, and members of the business, ethnic, and faith communities
- Attending city council and speaker's bureau presentations
- Sending email newsletters and automated notifications
- Hosting in-person and virtual neighborhood meetings
- Creating an interactive closures and detours map
- Developing a social media, digital communications, and geofencing communication plan and content for a Project website
- Producing print and digital collateral materials
- Coordinating pre- and post-construction surveys
- Facilitating implementation of temporary construction easements
- Assisting with resolving constituent concerns and issues
- Coordinating collateral canvassing efforts

Procurement Approach

The procurement was handled in accordance with OCTA Board of Directors' (Board)-approved procedures for professional and technical services. Various factors are considered in the award for professional and technical services. Award is recommended to the firm offering the most comprehensive overall proposal considering such factors as prior experience with similar projects, staffing and project organization, and work plan, as well as cost and price.

On December 22, 2022, Request for Proposals (RFP) 2-3025 was issued electronically on CAMM NET. The Project was advertised in a newspaper of general circulation on December 27, 2022, and January 9, 2023. A pre-proposal conference was held on January 12, 2023, with four attendees representing three firms. Two addenda were issued to make available the pre-proposal conference registration sheet and presentation, as well as provide responses to written questions related to the RFP.

On January 30, 2023, two proposals were received. An evaluation committee consisting of OCTA staff from Contracts Administration and Materials Management, Highway Programs, Public Information, and Public Outreach departments met to review all the proposals received.

The proposals were evaluated based on the following evaluation criteria and weightings:

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

Several factors were considered in developing the evaluation criteria weightings. Qualifications of the firm was weighted at 20 percent to ensure the firm has prior experience providing public outreach services on complex transportation projects during the pre-construction and construction phases. Staffing and project organization was weighted at 25 percent as the firm had to present an experienced, well-rounded team consisting of senior and junior level staff with adequate availability and relevant experience performing outreach services on large construction projects. Work plan was weighted at 30 percent to ensure the firm's approach addressed the unique needs of a corridor composed of residential, commercial, and industrial businesses that serves motorists driving to and from Orange County and Los Angeles County. Additionally, the proposed work plan had to demonstrate an understanding of the Project scope and challenges, as well as the level of effort required to complete the requirements

of the scope of work. Cost and price was weighted at 25 percent to ensure that OCTA receives value for the services provided.

The evaluation committee utilized a best-value selection process for this RFP. The best-value determination is based on a 100-point scale with 75 points based on the evaluation of the technical proposal and the remaining 25 points based on the evaluation of the price proposal. The RFP required proposing firms to submit a separate price proposal in a sealed package. In order to focus on the technical aspects of the proposals, the evaluation committee first evaluated the written proposals on technical merit based on the weighted criteria for qualifications of the firm, staffing and project organization, and work plan. The two proposing firms were then interviewed. After the interviews, the technical scores of the firms were finalized and the sealed price proposals were then opened and shared with the evaluation committee. The cost and price score was then factored into the overall proposal score for a maximum of 100 points.

On February 13, 2023, the evaluation committee reviewed the two proposals received based on the evaluation criteria and determined both firms were qualified and are listed below in alphabetical order:

Firm and Location

Costin Public Outreach Group, Inc. (CPOG)
Corona, California

Kleinfelder Construction Services, Inc. (Kleinfelder)
San Diego, California

On February 22, 2023, the evaluation committee conducted interviews with the two firms. The interviews consisted of a presentation by each firm to demonstrate the firms' understanding of OCTA's requirements. The firms' project managers and key team members had an opportunity to present each team's qualifications and respond to the evaluation committee's questions. Questions were related to the firm's approach for addressing specific ways to engage with multilingual, low-income, and other underrepresented populations, as well as anticipating specific stakeholder needs. The firms were also asked specific clarification questions related to each firm's proposal.

After considering responses to questions asked during the interviews, the evaluation committee reviewed the preliminary ranking and made no adjustments to individual scores. As a result, the rankings did not change.

Based on the evaluation of the written technical proposals and the information obtained from the interviews, as well as cost and price, the evaluation committee recommends CPOG for consideration of the award. The following is a brief summary of the proposal evaluation results.

Qualifications of the Firm

Both firms demonstrated relevant experience providing public outreach services for complex transportation projects during the pre-construction and construction phases, including maintaining and expanding the stakeholder database, planning and conducting multilingual outreach, compiling and providing communications metrics, as well as planning and executing small- and large-scale special events.

CPOG was founded in 2013 and has offices in the cities of Corona and Huntington Beach. The firm has ten employees and has provided public outreach services on various projects for the San Bernardino County Transportation Authority (SBCTA), such as the State Route 210 Lane Addition/Base Line Interchange Project, the Interstate 10 (I-10)/Cedar Avenue Interchange Project, the I-10/Alameda Street Interchange Project, the I-10/University Street Interchange Project, and the State Route 60 Archibald Avenue/Central Avenue Interchange Project. CPOG is also currently providing public outreach services to OCTA on the State Route 55 (SR-55) Improvement Project between Interstate 405 (I-405) and Interstate 5 (I-5). The firm proposed subconsultants for videography, photography, social media support, translation, and community outreach support services. CPOG received positive comments from its references.

Kleinfelder was founded in 1986 and has 87 employees. The firm is headquartered in San Diego and has an office in the City of Laguna Hills. The firm demonstrated extensive public outreach experience working on projects including OCTA's I-405 Improvement Project and West County Connectors Project, as well as Riverside County Transportation Commission's Menifee Interstate 215 Newport Road Interchange Project. The firm also provided outreach services for SBCTA on the I-5/Baseline Interchange Improvement Project, Orange County Public Works, the County of Orange Chief Executive Officer's Office, and the Riverside County Transportation Department. Kleinfelder proposed various subconsultants for community liaison, account coordinator, and 3-D visualization services. The firm received positive comments from its references.

Staffing and Project Organization

CPOG proposed a project team with extensive experience. The proposed project manager is the founder of CPOG and has 31 years of public outreach experience, including managing outreach programs for several transportation projects throughout Southern California including the OCTA SR-55 Improvement Project (I-405 to I-5) and the SBCTA I-10 Express Lanes. The individual proposed as the lead community liaison has over 15 years of construction outreach experience and has worked on multiple interchange projects throughout San Bernardino County. The lead community liaison will be supported by two community liaisons. The project team is proposed with high availability and consists of senior and junior-level staff with experience engaging key stakeholders on various transportation and freeway projects. During the interview, the project team's presentation demonstrated an understanding and familiarity with the Project corridor and stakeholders. The team addressed key elements of the Project and provided specific examples of engaging impacted audiences. The team members demonstrated cohesiveness and provided detailed responses to the evaluation committee's questions, which emphasized their experience and individual strengths.

Kleinfelder proposed an experienced and knowledgeable project team. The proposed project manager has over 17 years of experience in community outreach and public relations, as well as leading outreach efforts on major projects such as OCTA's I-405 Improvement Project, which is still under construction, and the City of Escondido Citracado Parkway Extension Project. The proposed community liaison has ten years of experience, which includes the I-405 Improvement Project and Elsinore Valley Municipal Water District's Septic to Sewer Project. The proposed staff does not have experience implementing the projects listed in the proposal and only has experience working on the I-405 Improvement Project together. While Kleinfelder proposed a project team of several senior-level staff with relevant freeway construction experience, some of the proposed staff had very limited hours. When asked about this during the interview, the firm's response indicated that it was a precaution in the event of staff turnover.

Work Plan

CPOG presented a comprehensive work plan that addressed all the elements of the scope of work. CPOG's work plan was highly detailed, tailored to the I-605/Katella Interchange Project, and demonstrated a strong understanding of the Project and the surrounding community. The firm proposed utilizing specific tools that it is currently using on OCTA's SR-55 Improvement Project, including the Smartsheet software to archive project documents, track deliverables, and

share files. CPOG provided clear and detailed stakeholder ascertainment, project archive, and communications plans, as well as identified little-known facts about the Project corridor, such as extensive/ongoing construction fatigue, maintaining school access, and mutual aid between jurisdictions. CPOG prepared an initial stakeholder list showcasing their corridor knowledge to properly customize community outreach plans for the unique interests of specific stakeholders. The firm also demonstrated an attention to detail and an understanding of the importance of consistency in branding, translations, and language. Furthermore, the firm discussed OCTA's diversity, equity, and inclusion framework and noted the importance of incorporating equity into its outreach efforts and wide range of communications tools, as well as plans to evaluate the effectiveness of its communications strategies throughout the project. CPOG identified specific potential communications campaigns and the need for targeted communication plans for closures, detours, and other construction impacts. The firm also discussed their video simulation, Waze, interactive maps, helpline, text messaging, and social media experience. Additionally, CPOG illustrated their experience with implementing geofencing ads, business support programs, media/government relations support and special event planning, and evaluating the success of the outreach efforts. The firm elaborated on potential challenges associated with the Project, particularly with active transportation groups and multicultural groups, and provided potential solutions. In addition, the firm provided real-world examples in their responses to the evaluation committee's questions to demonstrate their approach, understanding of the Project, and ability to implement a successful outreach program.

Kleinfelder's work plan demonstrated a strong understanding of the Project, OCTA's mission, and Measure M2, as well as diverse communities near the Project area and their outreach needs. The firm discussed its approach to building trust with stakeholders and integrating significant cultural holidays and milestones into social media content to better connect with those audiences. The firm demonstrated its understanding of construction and the importance of providing timely and accurate information. Kleinfelder elaborated on the importance of storytelling, such as utilizing feature stories of crews and emphasized the importance of consistent messaging, content, responsiveness, and embracing emerging communication trends. The firm also emphasized the importance of diverse community engagement beyond translating collateral and the importance of leveraging faith-based organizations, as well as providing a tailored approach to engaging unique audiences, such as college students and seniors. Kleinfelder recommended the use of innovative and multimedia communications tools, such as a unique navigation map partnership with Waze and Apple Map editors, as well as ArcGIS Story Maps. The firm also provided case study examples and outlined potential challenges and solutions. However,

the work plan did not clearly address certain elements of the scope of work, such as the project archive and stakeholder ascertainment plan. Although Kleinfelder detailed its approach and strategies during the interview, the firm did not elaborate or mention key outreach elements, such as how the ascertainment effort would be the foundation of all communication planning.

Cost and Price

Pricing scores were based on a formula that assigned the highest score to the firm with the lowest weighted average hourly rate and scored the other proposal's weighted average hourly rate based on its relation to the lowest weighted average hourly rate.

For cost and price analysis purposes, the weighted average hourly rate considers the proposed hourly rates of key job functions consisting of the project manager, community liaison, account coordinator, and graphic designer, as these positions are considered key positions for this Project. Offerors can then propose additional project staff as they see necessary to achieve the requirements outlined in the scope of work. A copy of the Project budget spreadsheets outlining all cost elements, including the final Project budget proposed by the firms, is included as Attachment D. The budget for the firms ranged from \$399,360 to \$399,887.

Although Kleinfelder proposed the lower weighted average hourly rate and scored higher for cost and price, CPOG's proposed hourly rates are comparable to the rates OCTA currently pays for public engagement during capital project construction and planning studies. Therefore, CPOG's proposed hourly rates are deemed fair and reasonable.

Procurement Summary

Based on the evaluation of written proposals, the firms' qualifications, the information obtained from the interviews, as well as cost and price, the evaluation committee recommends the selection of CPOG as the top-ranked firm to provide public outreach consulting services for the I-605/Katella Avenue Interchange Project. CPOG delivered a thorough and comprehensive proposal and an interview that was responsive to all the requirements of the RFP.

Fiscal Impact

The Project was approved in OCTA's Fiscal Year 2022-23 Budget, People and Community Engagement Division, Account No. 0017-7519-FM003-0ID.

Summary

Staff is recommending the Board of Directors authorize the Chief Executive Officer to negotiate and execute Agreement No. C-2-3025 between the Orange County Transportation Authority and Costin Public Outreach Group, Inc., in the amount of \$399,887, for a three-year initial term with a two-year option term, to provide public outreach consultant services for the I-605/Katella Avenue Interchange Project.

Attachments

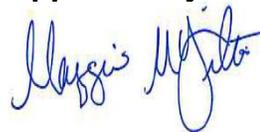
- A. Review of Proposals, RFP 2-3025 Public Outreach for Interstate 605/Katella Avenue Interchange Project
- B. Proposal Evaluation Criteria Matrix, RFP 2-3025 Public Outreach for Interstate 605/Katella Avenue Interchange Project
- C. Contract History for the Past Two Years, RFP 2-3025 Public Outreach for Interstate 605/Katella Avenue Interchange Project
- D. Orange County Transportation Authority Summary of Analysis, C-2-3025

Prepared by:



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Approved by:



Maggie McJilton
Executive Director,
People and Community Engagement
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Pia Veesapen
Director, Contracts Administration and
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Review of Proposals
RFP 2-3025 Public Outreach for Interstate 605/Katella Avenue Interchange Project
 Presented to Legislative and Communications Committee - June 15, 2023
Two firms proposed, two firms were interviewed, one firm is being recommended

Overall Ranking	Proposal Score	Firm & Location	Sub-Contractors	Evaluation Committee Comments	Weighted Average Hourly Rate
1	88	Costin Public Outreach Group, Inc.	AJ Design Translating Services, Inc. DBA, Lazar Translating & Interpreting Intertwined, Inc., doing business as Become Intertwined The Sierra Group	Founded in 2013 and has offices in the cities of Corona and Huntington Beach. Has relevant public outreach experience on complex transportation projects. Received positive responses from references. Proposed a project team with extensive construction outreach experience. Proposed project manager has over 31 years of public outreach experience. Lead community liaison has over 15 years of construction outreach experience and will be supported by two community liaisons. The team members demonstrated cohesiveness and provided detailed responses to the evaluation committee's questions. Demonstrated an understanding of the project objectives and key stakeholders. Work plan was highly detailed and tailored to the Katella/605 Interchange project. Extensive collateral samples were included in the proposal. Addressed outreach to diverse communities. Provided clear and detailed ascertainment, project database, and communications plans. Proposed competitive weighted average hourly rate.	\$135
2	85	Kleinfelder Construction Services, Inc.	The Greenway Group McCormick & Busse, doing business as MBI Media AJ Design	Founded in 1986 and has an office in the City of Laguna Hills with headquarters in San Diego. Has relevant public outreach experience on transportation projects. Received positive reference checks. Proposed an experienced and knowledgeable project team. Proposed project manager has over 17 years of community outreach and public relations experience, and community liaison has over ten years outreach experience. Proposed staff had very limited hours. Work plan demonstrates a strong understanding of the project. Extensive collateral samples were included in the proposal. Elements of the scope of work were not clearly defined in the work plan, such as the Project archive, podcast proposal, and ascertainment plan. Did not elaborate or mention key outreach elements during the interview. Proposed lower weighted average hourly rate.	\$129

<u>Evaluation Panel:</u>	<u>Proposal Criteria</u>	<u>Weight Factors</u>
Internal:		
Contracts Administration and Materials Management (1)	Qualifications of the Firm	20%
Highway Program (1)	Staffing and Project Organization	25%
Public Information (1)	Work Plan	30%
Public Outreach (2)	Cost and Price	25%

**PROPOSAL EVALUATION CRITERIA MATRIX
RFP 2-3025 Public Outreach for Interstate 605/ Katella Avenue
Interchange Project**

Costin Public Outreach Group, Inc.						Weights	Overall Score
Evaluator Number	1	2	3	4	5		
Qualifications of Firm	4.5	4.5	4.5	4.5	4.0	4	17.6
Staffing/Project Organization	4.0	4.0	4.0	4.0	4.0	5	20.0
Work Plan	4.5	4.5	4.5	4.5	4.0	6	26.4
Cost and Price	4.7	4.7	4.7	4.7	4.7	5	23.5
Overall Score	88.5	88.5	88.5	88.5	83.5		88
Kleinfelder Construction Services, Inc.						Weights	Overall Score
Evaluator Number	1	2	3	4	5		
Qualifications of Firm	4.5	4.0	4.5	4.5	4.0	4	17.2
Staffing/Project Organization	3.5	3.5	3.5	4.0	4.0	5	18.5
Work Plan	4.0	4.0	4.5	4.0	4.0	6	24.6
Cost and Price	5.0	5.0	5.0	5.0	5.0	5	25.0
Overall Score	84.5	82.5	87.5	87.0	85.0		85

CONTRACT HISTORY FOR THE PAST TWO YEARS
RFP 2-3025 Public Outreach for Interstate 655/Katella Avenue Interchange Project

Prime and Subconsultants	Contract No.	Description	Contract Start Date	Contract End Date	Subconsultant Amount	Total Contract Amount
Costin Public Outreach Group, Inc.						
Contract Type: Time-and-Expense	C-0-2104	Public Outreach for State Route 55 Improvement Project	June 2, 2021	May 31, 2026	N/A	\$ 1,684,990
Subconsultants:						
<i>AJ Design</i>						
<i>Become Intertwined</i>						
<i>Franklin Hill Group</i>						
<i>Lazar Translating & Interpreting</i>						
<i>The Sierra Group</i>						
Contract Type: Time-and-Expense	C-2-2976	Public Outreach for State Route 91 Improvement Project	April 1, 2023	April 30, 2029	NA	\$1,842,755
Subconsultants:						
<i>AJ Design</i>						
<i>Become Intertwined</i>						
<i>Hill International</i>						
<i>The Sierra Group</i>						
<i>Lazar Translating & Interpreting</i>						
Sub Total						\$ 3,527,745
Kleinfelder Construction Services, Inc.						
Contract Type: Time-and-Expense	C-1-3369	Health, Safety and Environmental Compliance Support	December 22, 2021	June 30, 2024	N/A	\$ 126,000
Subconsultants:						
<i>Aerovironment Environment Service</i>						
<i>ESCI Enviro Services, Inc.</i>						
<i>Aurora Industrial Hygiene</i>						
<i>Global ASR Consulting, Inc.</i>						
Contract Type: Time-and-Expense	C-5-3673	Construction Management Laguna/San Juan Passing Siding	August 12, 2019	November 1, 2022	NA	\$ 3,523,000
Subconsultants:						
<i>Safework Inc.</i>						
<i>AESCO, Inc.</i>						
<i>Chaudhary & Associates</i>						
<i>Padilla & Associates, Inc.</i>						
<i>FCG</i>						
<i>Syrusa Engineering, Inc.</i>						
<i>ZT Consulting Group, Inc.</i>						
Contract Type: Time-and-Expense	C-8-1523	Environmental Compliance Support	September 11, 2018	August 31, 2021	NA	\$ 69,000
Subconsultants:						
<i>ESCI Enviro Services, Inc.</i>						
<i>Global ASR Consulting Inc.</i>						
Contract Type: Time-and-Expense	C-9-1571	Public Outreach for Interstate 405 Improvement Project	June 30, 2020	April 30, 2024	NA	\$ 3,325,544
Subconsultants:						
<i>MBI Media</i>						
<i>Lazar Translating & Interpreting</i>						
<i>Kennedy Communications</i>						
<i>Hill International, Inc.</i>						
<i>ArrowGTP</i>						
<i>AJ Design</i>						
<i>RDS Printing & Graphics</i>						
Sub Total						\$ 7,043,544



Orange County Transportation Authority

Summary of Analysis

C-2-3025

Costin Public Outreach Group (CPOG)

Total Costs	Personnel Cost	Direct Cost	Total Cost
Year 1	\$ 125,456	\$ 17,800	\$ 143,256
Year 2	\$ 111,473	\$ 14,000	\$ 125,473
Year 3	\$ 122,028	\$ 9,130	\$ 131,158
Total Cost for All Years	\$ 358,957	\$ 40,930	\$ 399,887

KCS

Total Costs	Personnel Cost	Direct Cost	Total Cost
Year 1	\$ 176,343	\$ 23,600	\$ 199,943
Year 2	\$ 107,880	\$ 11,600	\$ 119,480
Year 3	\$ 72,336	\$ 7,600	\$ 79,936
Total Cost for All Years	\$ 356,559	\$ 42,800	\$ 399,359



Orange County Transportation Authority

Summary Detail of Analysis

C-2-3025

Costin Public Outreach Group (CPOG)

Personnel Costs by Employee	Year 1	Year 2	Year 3	Total
Project Management	\$ 13,518	\$ 11,206	\$ 13,335	\$ 38,059
Deputy Project Manager/Lead Community Liaison	\$ 44,468	\$ 37,886	\$ 42,861	\$ 125,215
Account Coordinator	\$ 36,285	\$ 31,056	\$ 33,280	\$ 100,621
Graphic Design	\$ 11,435	\$ 12,006	\$ 12,607	\$ 36,048
Social Media Expert	\$ 2,250	\$ 1,890	\$ 1,984	\$ 6,124
Community Liaison	\$ 11,700	\$ 11,340	\$ 11,246	\$ 34,286
Community Liaison	\$ 5,800	\$ 6,090	\$ 6,714	\$ 18,604
Total Personnel Costs	\$ 125,456	\$ 111,473	\$ 122,028	\$ 358,957

Direct Costs	Year 1	Year 2	Year 3	Total
Refreshments				
Equipment Rentals/Supplies/Venues and Virtual Platforms for Meetings				
Translators				
Court Reporters				
Postcard Mailings				
Newspaper (print) Ads (typical quarter-page)				
Printing				
Postage/Mailhouse				
Social Media Advertising				
Special Event Planning/Implementation				
Traditional Advertising/Media Buy				
Text Messaging Campaign				
Total Direct Cost	\$ 17,800	\$ 14,000	\$ 9,130	\$ 40,930

Total Proposed Budget Cost for CPOG	\$ 143,256	\$ 125,473	\$ 131,158	\$ 399,887
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KCS

Personnel Costs by Employee	Year 1	Year 2	Year 3	Total
Project Manager	\$ 27,128	\$ 16,616	\$ 9,139	\$ 52,882
Community Liaison	\$ 28,635	\$ 25,633	\$ 15,276	\$ 69,545
Community Liaison	\$ 17,624	\$ 10,094	\$ 7,066	\$ 34,784
Community Liaison	\$ 9,200	\$ 4,830	\$ 5,072	\$ 19,102
Community Liaison	\$ 12,414	\$ 7,448	\$ 7,821	\$ 27,683
Community Liaison	\$ 4,274	\$ 2,992	\$ 3,141	\$ 10,407
Account Coordinator	\$ 5,342	\$ 1,870	\$ -	\$ 7,212
Account Coordinator	\$ 7,488	\$ 7,862	\$ 7,224	\$ 22,574
Account Coordinator	\$ 6,604	\$ 4,623	\$ 2,427	\$ 13,653
Account Coordinator	\$ 3,696	\$ 1,941	\$ -	\$ 5,637
Account Coordinator	\$ 2,442	\$ -	\$ -	\$ 2,442
Account Coordinator	\$ 8,806	\$ 6,164	\$ 3,236	\$ 18,206
Account Coordinator	\$ 2,935	\$ 3,082	\$ -	\$ 6,017
Graphic Designer	\$ 10,013	\$ 5,257	\$ 3,680	\$ 18,949
Graphic Designer	\$ 9,176	\$ 4,818	\$ 3,372	\$ 17,366
GIS Specialist	\$ 2,765	\$ -	\$ -	\$ 2,765
Multimedia Specialist	\$ 5,000	\$ -	\$ -	\$ 5,000
Multimedia Specialist	\$ 3,032	\$ -	\$ -	\$ 3,032
Senior Project Controls Manager	\$ 2,071	\$ 2,175	\$ 2,283	\$ 6,529
Project Administrator	\$ 5,339	\$ -	\$ -	\$ 5,339
Administrative Support	\$ 2,359	\$ 2,477	\$ 2,601	\$ 7,436
Total Personnel Costs	\$ 176,343	\$ 107,880	\$ 72,336	\$ 356,559

Direct Costs	Year 1	Year 2	Year 3	Total
Team Mileage	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 6,000
The Walking Man - Canvassing	\$ 4,000.00	\$ 2,000.00	\$ 1,000.00	\$ 7,000
Courier Services	\$ 500.00	\$ 500.00	\$ 500.00	\$ 1,500
Party Plus Event Rental	\$ 5,000.00	\$ -	\$ -	\$ 5,000
Archive Social - Social Media Archiving	\$ -	\$ -	\$ -	\$ -
DTN Tech	\$ 3,000.00	\$ 1,000.00	\$ 500.00	\$ 4,500
Photography	\$ 2,000.00	\$ -	\$ -	\$ 2,000
Constant Contact	\$ 1,600.00	\$ 1,600.00	\$ 1,600.00	\$ 4,800
One Box (English, Spanish, and Vietnamese)	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 3,000
Social Media Ads	\$ 2,000.00	\$ 2,000.00	\$ 500.00	\$ 4,500
Lazar Translation	\$ 2,000.00	\$ 1,000.00	\$ -	\$ 3,000
Mobile Text Alert	\$ 500.00	\$ 500.00	\$ 500.00	\$ 1,500
Total Direct Costs	\$ 23,600	\$ 11,600	\$ 7,600	\$ 42,800
Total Proposed Budget Cost for KCS	\$ 199,943	\$ 119,480	\$ 79,936	\$ 399,359



COMMITTEE TRANSMITTAL

June 26, 2023

To: Members of the Board of Directors

From: Andrea West, Interim Clerk of the Board

Andrea West

Subject: Regional Traffic Signal Synchronization Program Update

Regional Transportation Planning Committee Meeting of June 5, 2023

Present: Directors Do, Chaffee, Dumitru, Federico, Foley, Harper, and Khan

Absent: None

Committee Vote

This item was passed by the Members present.

Committee Recommendation

Receive and file as an information item.



June 5, 2023

To: Regional Transportation Planning Committee
From: Darrell E. Johnson, Chief Executive Officer
Subject: Regional Traffic Signal Synchronization Program Update

Overview

The Orange County Transportation Authority has been working with cities, the County of Orange, and the California Department of Transportation to fund and implement key regional traffic signal synchronization projects. This annual report provides an update on the Measure M2 Regional Traffic Signal Synchronization Program, including results from recently completed projects.

Recommendation

Receive and file as an information item.

Background

The Orange County Transportation Authority (OCTA) provides funding and assistance to implement multiagency signal synchronization as part of the Measure M2 (M2) Regional Traffic Signal Synchronization Program (Project P). Annually, OCTA provides competitive grants dedicated to the coordination of traffic signals across jurisdictional boundaries. The goal of Project P is to improve traffic flow by developing and implementing regional signal coordination that crosses local agencies' boundaries and maintains coordination through freeway interchanges, where possible.

Since 2008, OCTA and local agencies have implemented 101 signal synchronization projects along key corridors within Orange County. The projects have improved travel times, reduced delays and congestion, and increased the number of successive green lights drivers experience on their travels. The results of the program translate into direct benefits to motorists and the environment measured in time and cost savings from lower fuel consumption, a reduction of greenhouse gas (GHG) emissions, and air pollution. Additionally, the program includes signal infrastructure upgrades to improve signal operations and safety for all modes of travel along and crossing the project corridors.

Discussion

Signal synchronization is a cost-effective way to maximize roadway throughput without major new construction. M2 Project P provides funding for signal synchronization projects through annual competitive calls for projects (call), with 80 percent of funding from M2 Project P and 20 percent from local agencies' matching funds. Supplemental funding is used whenever available, including SB 1 (Chapter 5, Statutes of 2017) Local Partnership Program funds, and Solutions for Congested Corridors Program grants. Prior to M2 Project P, various sources have been used in the past to fund signal synchronization projects, including Measure M1, Proposition 1B Traffic Light Signal Synchronization Program, and air quality funds.

Projects are corridor-based and begin with detailed field review. The existing basic parameters, such as the yellow, all-red, and flashing don't walk intervals, for vehicles, bicycles, and pedestrians are also evaluated with the field data to ensure these parameters meet the standards approved by the agency that operates them for safe clearance through each signalized intersection. The new optimized signal timings are developed based on current traffic conditions and travel patterns and ultimately give users an overall better travel experience. Key to these efforts is through regular dialogue between all partner agencies along each project corridor, including the California Department of Transportation (Caltrans) at highway and freeway crossings, to ensure the project addresses the unique operational needs of the corridor, resulting in agencies working together towards the multijurisdictional goal of the program.

Signal synchronization projects implement a coordination strategy involving time-based synchronization of the respective agencies' signal systems, including the necessary upgrades to the traffic signal infrastructure. Eligible signal infrastructure improvements include traffic signal devices, central system upgrades, and solutions that enhance the operation and increase safety for all modes of travel. This includes modifications that prepare for future connected and autonomous vehicle technologies and applications. Existing synchronization on crossing arterials is incorporated when and where possible. Optimized timings are developed and implemented for identified peak periods, which are typically weekday mornings, midday, and evenings. For weekend operations, the peak is typically mid-morning through early evening. To quantify signal synchronization benefits, "before" and "after" travel time studies are conducted to evaluate the improvements from these new optimized timing plans.

The travel time studies are conducted during peak-traffic periods with specially equipped vehicles that have computer-linked global positioning system devices to collect traffic data. Several runs are made in each direction with the car "floating" in the middle of the traffic platoon of vehicles for each run. These studies showed improvements across all performance measures, including travel time, number of stops, and average safe speed. Additionally, fuel consumption, GHG, and other vehicle emission data are also captured. Historically, signal synchronization efforts

nationwide have resulted in the range between five and 15 percent of travel time and speed improvements, as well as a reduction in stops. Comparisons of the corridors’ before and after studies indicate results in the high-end of this range due to the combination of the optimized traffic signal timing plans, cooperation between all participating agencies, and minor signal upgrades to maximize traffic flow.

Signal Synchronization Projects

The signal synchronization program’s target is to regularly synchronize 2,000 signalized intersections, as expressed in the M2 voter pamphlet. OCTA and local agencies have completed 101 signal synchronization projects since 2008, of which 21 projects were a revisit and retiming of a previously completed corridor. A total of 3,522 signalized intersections and 903 centerline miles of streets have been implemented. The total Board of Directors (Board) grant awards for the completed projects were approximately \$92.1 million. The completed projects are identified on the map in Attachment A.

The completed projects have reduced average travel time by 13 percent and the average number of stops by 29 percent (Attachment B). Average speed improved by 14 percent. Consumers will save approximately \$227.5 million (at \$3.90 per gallon in today’s dollars) on fuel costs and reduce GHG emissions by approximately 1.19 billion pounds over the three-year project cycle. The reduction of GHG emissions is made possible by reducing the number of stops, smoothing the flow of traffic, and reducing the amount of acceleration and deceleration of vehicles. These results are comparable to signal synchronization efforts nationwide.

The following table lists three signal synchronization projects that reported the completion of new timing plan implementation since the 2022 update to the Board, along with the corresponding travel time and speed improvements:

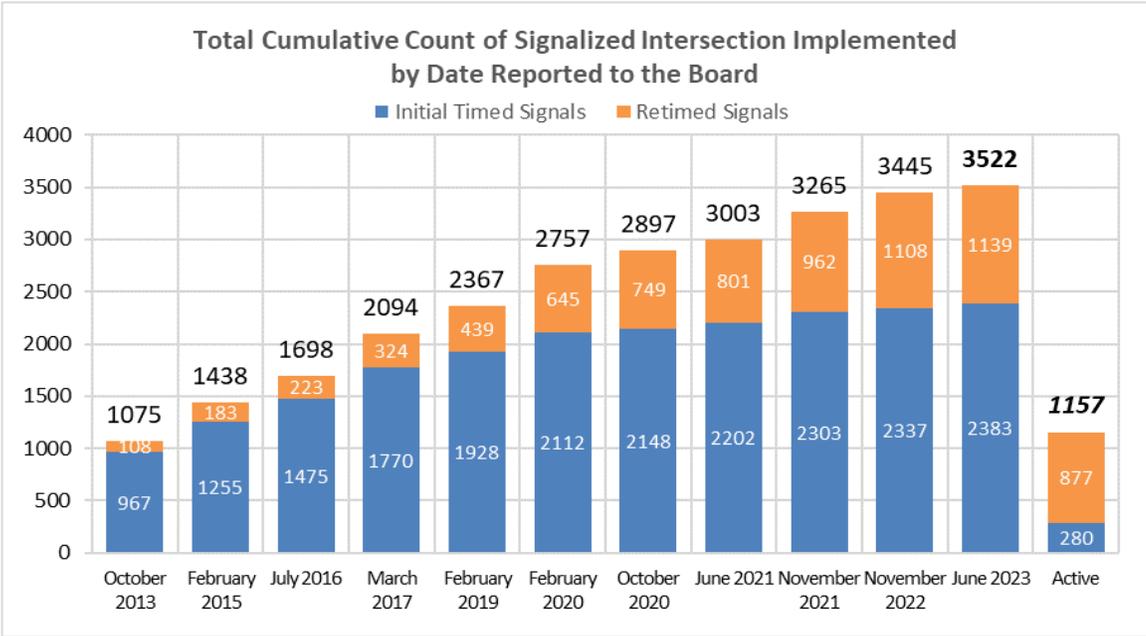
Corridor	Limits	Length (Miles)	Travel Time Improvements	Average Speed Improvements
Aliso Creek Road	El Toro Road to Moulton Parkway	4.98	14 percent	15 percent
Bear Street	Seegerstrom Avenue to Bristol Street	2.41	10 percent	11 percent
Malvern Avenue/Chapman Avenue	Beach Boulevard to Orangethorpe Avenue	9.33	15 percent	17 percent

Note that these three projects faced significant challenges due to traffic patterns that fluctuated because of the pandemic. As part of the projects, advanced signal operation equipment and software were also installed, which will greatly benefit future retiming efforts to quickly account for a change in traffic volumes. Traffic engineers continue to monitor and update the signal timing to respond to changes

in traffic patterns and to ensure travelers experience benefits from the completed projects.

Currently, there are 24 active projects funded by OCTA that aim to synchronize traffic signals. These projects are in various stages of implementation and have been awarded a total of approximately \$64.3 million in grants, including external funds. Once completed, these projects will synchronize an additional 1,157 signalized intersections and 240 miles of roadway. This investment is in addition to the \$92.1 million for completed projects described earlier in this report.

Resynchronizing traffic signals periodically is the best practice to respond to changes in traffic. The OCTA M2 Signal Synchronization Program allows previously completed streets and highways projects to compete again for funding during the annual call. The following chart displays the cumulative count of signalized intersections of completed projects organized by the order in which it was presented to the Board. For each reporting year, the total signalized intersections implemented is further divided to indicate the total number of those signalized intersections that were initially timed and have been retimed as part of the program.



The last column in the chart above shows the additional 1,157 signalized intersections that will be synchronized by currently active projects. This includes a total of 877 intersections (75.8 percent) that will be a revisit of timing implemented previously as part of this program and make adjustments based on current traffic patterns. The program incorporates previous investments made as part of earlier projects into revisited projects, resulting in a program that can regularly coordinate intersections as the basis for synchronized operation across Orange County.

Next Steps

OCTA continues to work with local agencies through various venues, including the Technical Steering Committee, Technical Advisory Committee, and the traffic forum to identify corridors that are eligible for funding and would benefit from signal program funding as part of the annual call. On March 14, 2022, OCTA staff provided the Board a summary of the Countywide Signal Synchronization Plan Study that identified opportunities for enhancements to the signal program. The next generation of Project P will begin with a cooperative partnership that leverages external funds to implement a countywide signal synchronization project. As part of that effort, the Countywide Signal Synchronization Baseline project will retime approximately 2,500 signals in Orange County, evaluate corridor synchronization as a network, reduce the impact to crossing coordination, and establish a new baseline for signal synchronization performance. The project will be implemented over a 36-month period starting in early 2024. This project will build on the investments to date and shift the approach of synchronization from a corridor-based approach to a grid-based coordination because coordinated corridors often cross one another. OCTA will be leveraging the Congestion Mitigation and Air Quality and Surface Transportation Block Grant Program funds to ensure that partner agencies and Caltrans can participate without requiring matching funds.

Summary

OCTA and local agencies have successfully implemented new cooperative traffic signal synchronization timing on 101 corridors. Another 24 projects are planned or underway. The synchronization of traffic signals along these regional corridors continually results in significant improvements to traffic flow by reducing total travel times, stops per mile, and improving average safe speeds while decreasing fuel costs, GHG, and overall vehicle emissions.

Attachments

- A. OCTA-Funded Signal Synchronization Projects, (2008 – Present)
- B. Summary of Results for Completed Regional Traffic Signal Synchronization Projects

Prepared by:



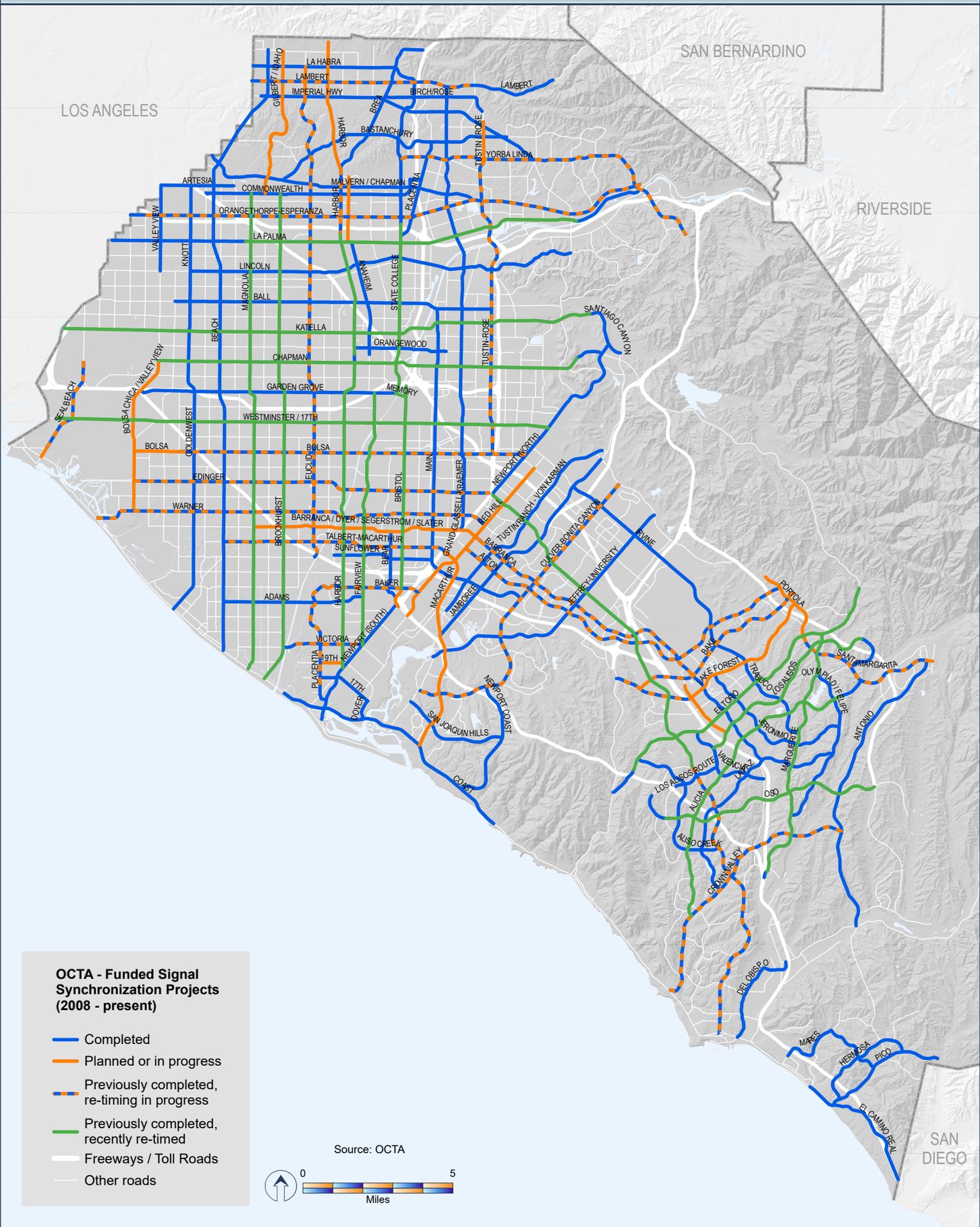
Alicia Yang
Project Manager III
(714) 560-5362

Approved by:



Kia Mortazavi
Executive Director, Planning
(714) 560-5741

OCTA - Funded Signal Synchronization Projects (2008 - present)



Summary of Results for Completed Regional Traffic Signal Synchronization Projects

	Corridor Name	Timing Completed	Lead Agency	Length (Miles)	Signals	M1 / M2 Grant Board Allocation	Estimated Project Life Gas Savings (Dollars)^	Estimated Project Life Greenhouse Gas Savings (lbs.)	Travel Time Improvement	Average Speed Improvement	Stops Improvement
1	Euclid Street	2008	OCTA	15	62	\$ 480,083	\$ 3,091,631	16,188,276	20%	24%	43%
2	Pacific Park Drive/Oso Parkway	2009	OCTA	9	34	\$ 248,272	\$ 3,647,370	19,098,249	22%	29%	50%
3	Alicia Parkway ¹	2010	OCTA	11	41	\$ 939,144	\$ 806,001	4,220,358	13%	12%	40%
4	Beach Boulevard ¹	2010	OCTA	21	70	\$ 1,243,859	\$ 10,469,722	54,821,202	14%	21%	28%
5	Chapman Avenue (South) ¹	2010	OCTA	14	52	\$ 798,161	\$ 3,244,679	16,989,696	16%	18%	46%
6	Edinger Avenue/Irvine Center Drive/ Moulton Parkway ¹	2011	OCTA	22	109	\$ 846,217	\$ 4,609,706	24,137,220	11%	14%	34%
7	Harbor Boulevard ¹	2011	OCTA	16	107	\$ 890,377	\$ 3,226,111	16,892,430	11%	12%	23%
8	Orangethorpe Avenue ¹	2011	OCTA	17	47	\$ 697,585	\$ 2,659,036	13,923,183	17%	20%	42%
9	State College Boulevard/Bristol Street ¹	2011	OCTA	17	97	\$ 574,639	\$ 4,089,735	21,414,531	15%	18%	28%
10	Westminster Avenue ¹	2011	OCTA	13	48	\$ 308,847	\$ 4,233,390	22,166,736	14%	17%	35%
11	Brookhurst Street ¹	2012	OCTA	16	56	\$ 631,764	\$ 7,850,213	41,105,031	19%	18%	31%
12	El Toro Road ¹	2012	OCTA	11	40	\$ 478,916	\$ 3,302,828	17,294,160	19%	24%	32%
13	Katella Avenue ¹	2012	OCTA	17	69	\$ 673,845	\$ 4,435,716	23,226,165	14%	14%	36%
14	La Palma Avenue ¹	2012	OCTA	18	61	\$ 803,999	\$ 6,281,546	32,391,229	18%	22%	27%
15	Bastanchury Road	2013	Fullerton	8	27	\$ 539,936	\$ 1,053,007	5,513,723	13%	15%	49%
16	Euclid Street*	2013	Fullerton	17	66	\$ 1,000,000	\$ 4,316,031	22,599,458	15%	17%	39%
17	Tustin Avenue/Rose Drive	2013	OCTA	10	43	\$ 683,200	\$ 2,309,842	12,094,717	15%	17%	37%
18	Yorba Linda Boulevard ¹	2013	OCTA	12	46	\$ 521,837	\$ 1,813,693	9,496,799	12%	10%	21%
19	Culver Drive	2014	Irvine	11	39	\$ 779,856	\$ 3,625,648	18,984,498	12%	12%	19%
20	Fairview Road/Street	2014	Costa Mesa	8	31	\$ 620,001	\$ 1,735,472	9,087,220	11%	12%	24%
21	Jamboree Road	2014	Irvine	9	27	\$ 230,608	\$ 3,173,217	16,615,495	9%	9%	19%
22	Jeffrey Road	2014	Irvine	9	40	\$ 410,032	\$ 1,910,910	10,005,845	9%	10%	26%
23	Lincoln Avenue	2014	Anaheim	13	53	\$ 777,910	\$ 1,564,300	8,190,935	9%	15%	25%
24	MacArthur Boulevard/Talbert Avenue	2014	OCTA	7	24	\$ 392,256	\$ 524,129	2,744,427	7%	8%	13%
25	Magnolia Street	2014	OCTA	16	54	\$ 399,943	\$ 2,208,937	11,566,362	10%	12%	26%
26	Pacific Park Drive/Oso Parkway*	2014	OCTA	8	32	\$ 490,222	\$ 1,912,481	10,014,071	16%	19%	29%
27	Valley View Street	2014	Buena Park	3	20	\$ 280,000	\$ 3,056,089	16,002,194	28%	24%	37%
28	Warner Avenue	2014	OCTA	13	43	\$ 621,848	\$ 1,797,186	9,410,366	8%	6%	15%
29	Avenida Pico	2014	San Clemente	4	21	\$ 416,453	\$ 705,991	3,696,687	9%	10%	21%
30	Crown Valley Parkway	2014	OCTA	9	30	\$ 367,200	\$ 556,861	2,915,820	4%	3%	20%
31	Edinger Avenue*	2014	OCTA	12	38	\$ 753,800	\$ 1,264,832	6,622,870	2%	5%	25%
32	El Camino Real	2014	San Clemente	4	19	\$ 359,998	\$ 1,482,733	7,763,838	9%	10%	25%
33	First Street/Bolsa Avenue	2014	OCTA	12	49	\$ 980,000	\$ 3,506,276	18,359,448	11%	12%	26%
34	Jeronimo Road ¹	2015	OCTA	6	16	\$ 267,360	\$ 1,508,063	7,896,471	12%	3%	35%
35	Lake Forest Drive	2014	OCTA	2	10	\$ 119,679	\$ 685,904	3,591,510	19%	23%	33%
36	Lambert Avenue	2013	La Habra	10	26	\$ 520,000	\$ 4,578,312	23,972,807	14%	16%	41%
37	Marguerite Parkway	2014	OCTA	9	31	\$ 323,056	\$ 609,084	3,189,264	11%	12%	21%
38	Santa Margarita Parkway	2015	OCTA	5	20	\$ 311,912	\$ 1,705,334	8,929,416	15%	18%	41%
39	Del Obispo Street	2014	San Juan Capistrano	4	16	\$ 138,800	\$ 992,762	5,198,269	13%	10%	11%
40	Knott Avenue	2015	Buena Park	7	28	\$ 448,000	\$ 1,918,098	10,043,483	23%	26%	37%
41	17th Street	2014	Costa Mesa	3	9	\$ 220,000	\$ 123,098	644,563	7%	3%	0%
42	Baker Street/Placentia Avenue	2014	Costa Mesa	8	27	\$ 519,960	\$ 540,228	2,828,724	14%	16%	34%
43	Victoria Street	2014	Costa Mesa	3	11	\$ 200,000	\$ 124,820	653,581	22%	15%	25%
44	Brea Boulevard	2014	Fullerton	4	16	\$ 320,000	\$ 813,531	4,259,783	12%	13%	43%
45	Commonwealth Avenue	2014	Fullerton	8	30	\$ 600,000	\$ 803,023	4,204,761	11%	12%	36%
46	Lemon Street/Anaheim Boulevard	2014	Fullerton	2	13	\$ 280,000	\$ 531,872	2,784,969	16%	21%	40%
47	Placentia Avenue	2014	Fullerton	4	15	\$ 380,000	\$ 570,921	2,989,436	18%	22%	48%

Summary of Results for Completed Regional Traffic Signal Synchronization Projects

	Corridor Name	Timing Completed	Lead Agency	Length (Miles)	Signals	M1 / M2 Grant Board Allocation	Estimated Project Life Gas Savings (Dollars)^	Estimated Project Life Greenhouse Gas Savings (lbs.)	Travel Time Improvement	Average Speed Improvement	Stops Improvement
48	La Habra Boulevard/Central Avenue/ State College Boulevard	2014	La Habra	6	23	\$ 460,000	\$ 1,550,184	8,117,025	10%	11%	27%
49	Paseo de Valencia	2014	Laguna Hills	3	12	\$ 190,742	\$ 169,859	889,411	8%	5%	34%
50	Newport Coast Drive	2015	Newport Beach	5	15	\$ 260,000	\$ 651,984	3,413,896	10%	0%	6%
51	San Joaquin Hills Road	2015	Newport Beach	4	11	\$ 220,000	\$ 584,913	3,062,701	11%	12%	32%
52	Avenida Vista Hermosa	2015	San Clemente	3	17	\$ 305,856	\$ 252,899	1,324,219	17%	19%	54%
53	Camino De Los Mares	2015	San Clemente	2	13	\$ 248,208	\$ 1,806,683	3,153,365	27%	37%	57%
54	Los Alisos Boulevard	2014	OCTA	7	21	\$ 332,617	\$ 27,876	145,962	5%	3%	16%
55	Antonio Parkway ¹	2016	OCTA	10	27	\$ 1,156,920	\$ 2,274,125	11,907,699	16%	19%	23%
56	Adams Avenue ¹	2016	OCTA	5	17	\$ 1,042,374	\$ 2,065,973	10,817,781	7%	14%	27%
57	Trabuco Road ¹	2015	OCTA	5	16	\$ 266,971	\$ 1,294,844	6,780,018	15%	18%	32%
58	State College Boulevard* ¹	2016	OCTA	5	35	\$ 1,041,579	\$ 1,484,920	7,775,289	10%	11%	16%
59	Newport Avenue/Boulevard (North) ¹	2016	OCTA	7	24	\$ 946,045	\$ 581,731	3,046,041	12%	15%	36%
60	Ball Road	2014	OCTA	11	38	\$ 733,416	\$ 1,532,115	8,022,411	5%	7%	13%
61	Alton Parkway	2016	Irvine	14	48	\$ 1,209,396	\$ 3,082,089	16,138,332	12%	14%	39%
62	Bake Parkway	2016	OCTA	6	19	\$ 532,603	\$ 1,434,344	7,510,464	12%	12%	28%
63	Barranca Parkway	2016	Irvine	13	44	\$ 2,106,434	\$ 2,734,900	14,320,395	10%	11%	26%
64	Seal Beach Boulevard/Los Alamitos Boulevard	2016	Seal Beach	3	13	\$ 586,720	\$ 1,016,379	5,321,931	10%	11%	31%
65	La Paz Road	2016	OCTA	8	23	\$ 328,192	\$ 1,951,861	10,220,270	14%	16%	21%
66	Harbor Boulevard*	2017	Anaheim	4	22	\$ 731,867	\$ 1,414,593	7,407,047	8%	9%	15%
67	Birch Street/Rose Drive	2017	Brea	4	14	\$ 664,230	\$ 629,603	3,296,709	23%	30%	37%
68	El Toro Road*	2018	Laguna Woods	3	15	\$ 514,000	\$ 1,116,724	5,847,356	17%	20%	33%
69	Moulton Parkway*	2018	Laguna Woods	11	37	\$ 645,440	\$ 939,620	4,920,008	12%	2%	41%
70	Kraemer Boulevard/Glassell Street/ Grand Avenue	2018	OCTA	15	61	\$ 2,433,520	\$ 1,722,240	441,600	12%	7%	8%
71	Artesia Boulevard	2016	Buena Park	2	11	\$ 422,142	\$ 795,156	4,163,572	20%	16%	38%
72	Harbor Boulevard*	2017	Santa Ana	10	46	\$ 1,852,080	\$ 4,320,825	22,624,563	10%	10%	15%
73	Bristol Street*	2017	OCTA	8	45	\$ 1,884,620	\$ 1,649,926	8,639,290	7%	8%	13%
74	Chapman Avenue*	2018	OCTA	14	55	\$ 2,344,044	\$ 2,322,428	12,160,622	8%	9%	0%
75	Newport Boulevard (South)	2016	OCTA	7	33	\$ 1,304,596	\$ 944,446	4,945,276	5%	7%	17%
76	Westminster Avenue/17th Street*	2019	OCTA	16	63	\$ 2,820,102	\$ 141,754	742,246	5%	5%	16%
77	Goldenwest Street	2017	OCTA	8	32	\$ 380,800	\$ 374,406	1,960,454	11%	7%	23%
78	Irvine Boulevard	2019	Irvine	7	29	\$ 378,166	\$ 2,757,359	14,437,996	17%	21%	37%
79	Orangewood Avenue	2019	Anaheim	3	15	\$ 683,328	\$ 1,140,726	5,973,032	17%	22%	46%
80	Olympiad Road-Felipe Road	2018	Mission Viejo	6	18	\$ 515,656	\$ 197,900	1,036,240	3%	3%	6%
81	Coast Highway	2019	OCTA	9	27	\$ 1,799,210	\$ 1,907,001	9,985,376	5%	5%	8%
82	Alicia Parkway*	2019	OCTA	11	40	\$ 1,847,200	\$ 3,550,240	18,589,652	12%	13%	31%
83	Marquerite Parkway*	2018	Mission Viejo	9	30	\$ 759,232	\$ 1,663,372	8,709,695	8%	9%	18%
84	El Toro Road*	2019	OCTA	7	25	\$ 1,112,447	\$ 4,079,112	21,358,911	20%	25%	42%
85	Anaheim Boulevard	2017	Anaheim	4	18	\$ 787,940	\$ (95,430)	(499,686)	-1%	0%	9%
86	Irvine Center Drive/Edinger Avenue*	2019	Irvine	9	39	\$ 1,824,000	\$ 3,402,931	17,818,317	16%	19%	31%
87	Von Karman Avenue/Tustin Ranch Road	2019	Irvine	8	30	\$ 1,439,980	\$ 2,231,534	11,684,688	13%	14%	27%
88	Sunflower Avenue	2018	Costa Mesa	3	14	\$ 617,960	\$ 631,288	3,305,529	15%	32%	38%
89	Camino Vera Cruz	2019	San Clemente	1	5	\$ 192,686	\$ 145,831	763,596	9%	8%	35%

Summary of Results for Completed Regional Traffic Signal Synchronization Projects

	Corridor Name	Timing Completed	Lead Agency	Length (Miles)	Signals	M1 / M2 Grant Board Allocation	Estimated Project Life Gas Savings (Dollars)^	Estimated Project Life Greenhouse Gas Savings (lbs.)	Travel Time Improvement	Average Speed Improvement	Stops Improvement
90	Brookhurst Street* ²	2020	OCTA	17	59	\$ 2,895,884	\$ 12,421,778	65,042,507	19%	25%	35%
91	Imperial Highway/SR-90	2018	La Habra	10	46	\$ 2,760,001	\$ 6,317,107	33,077,428	14%	17%	22%
92	Magnolia Street* ²	2020	OCTA	16	50	\$ 2,711,694	\$ 276,528	1,447,948	2%	0%	3%
93	Main Street ¹²	2021	OCTA	12	67	\$ 3,058,176	\$ 3,120,385	16,338,858	14%	15%	28%
94	Los Alisos Boulevard Route* ¹²	2020	OCTA	11	40	\$ 1,777,782	\$ 550,476	2,882,383	2%	2%	19%
95	La Palma Avenue* ²	2020	Anaheim	11	39	\$ 2,518,146	\$ 6,957,096	36,428,521	7%	6%	16%
96	Fairview Road* ²	2020	Costa Mesa	9	34	\$ 1,695,150	\$ 8,987,055	47,057,724	27%	30%	45%
97	Garden Grove Boulevard ¹²	2021	OCTA	9	34	\$ 2,116,670	\$ 3,086,850	16,163,261	14%	16%	30%
98	Katella Avenue* ¹²	2022	OCTA	20	73	\$ 3,924,488	\$ 4,645,486	24,324,540	9%	10%	24%
99	Malvern Avenue/Chapman Avenue	2019	Fullerton	9	40	\$ 2,202,304	\$ 920,450	18,796,563	15%	17%	39%
100	Bear Street	2021	Costa Mesa	2	14	\$ 494,752	\$ 148,122	3,024,813	10%	11%	25%
101	Aliso Creek Road	2022	OCTA	5	23	\$ 1,143,978	\$ 1,581,765	8,282,388	14%	15%	25%
Summary of All Projects				903	3522	\$ 92,111,918	\$ 227,464,731	1,191,886,509	13%	14%	29%

* Project is a revisit and retiming of a previously funded corridor.

¹ Project Board allocation includes external funding.

² After study runs for these corridors were collected after the breakout of the coronavirus pandemic and results could be negatively impacted.

^ \$3.90 per gal gasoline price used to estimate savings.

Note: Improvements are averaged across both directions over the full corridor.

Board - Board of Directors

gal - gallons

lbs - pounds

M1 - Measure 1

M2 - Measure M2

OCTA - Orange County Transportation Authority

SR-90 - State Route 90



COMMITTEE TRANSMITTAL

June 26, 2023

To: Members of the Board of Directors

From: Andrea West, Interim Clerk of the Board

Andrea West

Subject: Infrastructure Investment and Job Act

Regional Transportation Planning Committee Meeting of June 5, 2023

Present: Directors Do, Chaffee, Dumitru, Federico, Foley, Harper, and Khan

Absent: None

Committee Vote

No action was taken on this item.

Staff Recommendation

Receive and file as an information item.



June 5, 2023

To: Regional Transportation Planning Committee

From: Darrell E. Johnson, Chief Executive Officer

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

Subject: Infrastructure Investment and Jobs Act

Overview

The Infrastructure Investment and Jobs Act went into effect in 2021, reauthorizing federal transportation programs and increasing authorized funding levels through 2026. Staff has prepared an overview of the new funding provided for formula programs and the relevant federal transportation discretionary grant programs, the basic criteria, and what the Orange County Transportation Authority is pursuing or has pursued.

Recommendation

Receive and file as an information item.

Discussion

The \$1.2 trillion Infrastructure Investment and Jobs Act (IIJA), also known as the Bipartisan Infrastructure Law, is the first reauthorization of transportation funding programs since the passage of the Fixing America's Surface Transportation (FAST) Act, which expired in 2020. Until the passage of the IIJA, transportation programs were being funded through several short-term extensions of FAST Act at existing funding levels. The IIJA is unique in its support of traditional surface transportation programs, including highways, transit, and rail in addition to its funding of other critical infrastructure, such as broadband. The IIJA provides \$550 billion in new federal investment in infrastructure including roads, bridges, and mass transit, water, climate resilience, and broadband, through both new authorized funding levels and advanced appropriations over fiscal years 2022 through 2026.

Overall, the IIJA authorizes \$567 billion through the Department of Transportation for ground transportation programs (including highway and transit), compared to the \$305 billion that was provided through the FAST Act. These funds will be distributed to states, local governments, and other entities through both formula apportionments and competitive grants, administered through the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), Federal Railroad Administration, and the Federal Aviation Administration, among

others. Funds are typically distributed out to states or Metropolitan Planning Organizations (MPO) through formulas. Federal agencies may also distribute funds out directly to state, regional, and local agencies through competitive programs.

Formula Funds

Over the five-year period, the Orange County Transportation Authority (OCTA) expects \$1.1 billion in formula IIJA funding, which is a 26 percent increase over the FAST Act. The Board of Directors’ (Board)-approved capital programming policies for formula program funds will guide funding recommendations for formula program funds to support transit, highway, and active transportation investments.

OCTA has historically used transit formula funds to support OC Bus and Metrolink operations and capital investments. OCTA has also historically programmed projects for the Orange County share of FHWA Congestion Mitigation and Air Quality Improvement (CMAQ) Program and Surface Transportation Block Grant (STBG) Program; however, FHWA and FTA recently advised California that the MPO is responsible for selecting projects. The Southern California Association of Governments (SCAG) is working with OCTA and the other County Transportation Commissions (CTC) on a project selection process. Meanwhile, SCAG gave the CTCs the opportunity to program funds to priority projects before the new project selection process has been initiated.

In December, the Board approved funding for transit, highway, and street projects which allowed OCTA to commit 100 percent of the expected CMAQ and STBG funding through federal fiscal year 2026. The projects using these funds are listed on slide 9 of Attachment A, IIJA presentation, and includes:

Transit - \$180 million	Highway - \$144 million	Streets/ATP- \$70 million
Zero-Emission Bus	I-5 Improvements	Complete Streets
OC Streetcar	SR-74 Gap Closure Project	Signal Synchronization
Transit Expansion	I-605 and Katella Avenue Interchange	
Bus/Vanpool Operations	I-5 High-Occupancy Vehicle	
	SR-57 Improvements	
	I-5 and El Toro Road Interchange	

ATP – Active Transportation Programs
 I-5 – Interstate 5
 I-605 – Interstate
 SR-57- State Route 57
 SR-74 – State Route 74

Discretionary Grant Programs

Discretionary grant programs are typically administered to support projects that meet federal program criteria based on statutory requirements and federal priorities. There are a number of new competitive discretionary programs that

include goals related to climate change or environmental concerns, clean transportation, modernization, state of good repair, public health, safety, workforce development, and the federal Justice-40 equity program. Most of the programs require applicants to submit information on how the proposed project will meet performance-based criteria and require reporting related to those criteria. The discretionary grant programs that are most relevant for OCTA are listed on slides 12 – 14 of the presentation provided in Attachment A.

OCTA focuses its efforts on writing applications for competitive funding on projects that have been determined to be needed and are a priority for OCTA and may be advanced with competitive program funds. The list of priority project which have been and will be submitted for consideration of federal discretionary grant program funds, where applicable, is provided in slide 15 of Attachment A and includes:

ATP/Streets	Climate/Resiliency	Highway	Transit
OC Loop	Southcoast Rail Infrastructure Protection	I-5 from Avenida Pico to San Diego County Line	Zero-Emission Bus
Complete Ramps: Mobility Safety Study	Coastal Rail Corridor Relocation	I-5 from SR-57 to SR-91	Facility Improvements (security gates)
Orange County Regional Bikeways	Ortega Highway – Wildlife Crossing (county/city)	SR-57 from Orangewood Avenue to Katella Avenue	Bus Stop Improvements
Santa Ana-Garden Grove Rails to Trails		SR-91 from SR-55 to La Palma Avenue (2 segments)	Harbor Boulevard Connected Bus Pilot
First Street and McFadden Street Signal Priority		SR-241/91 Connector	Future Bravo! Projects
		I-605/Katella Avenue Interchange	Metrolink Locomotive Replacement
		Commuter Carpool/Vanpool and Incentives	Orange County Maintenance Facility
			Irvine Station Improvements
			Serra Siding

SR-55 – State Route 55
 SR-91- State Route 91
 SR-241/91 - State Route 241/91

Finally, OCTA is currently considering submitting applications for five near-term federal discretionary grant programs. These are listed on slide 16 of Attachment A.

Attachment

- A. Infrastructure Investment and Jobs Act Presentation

Prepared by:



Adriann Cardoso
Manager, Capital Programming
(714) 560-5915

Approved by:



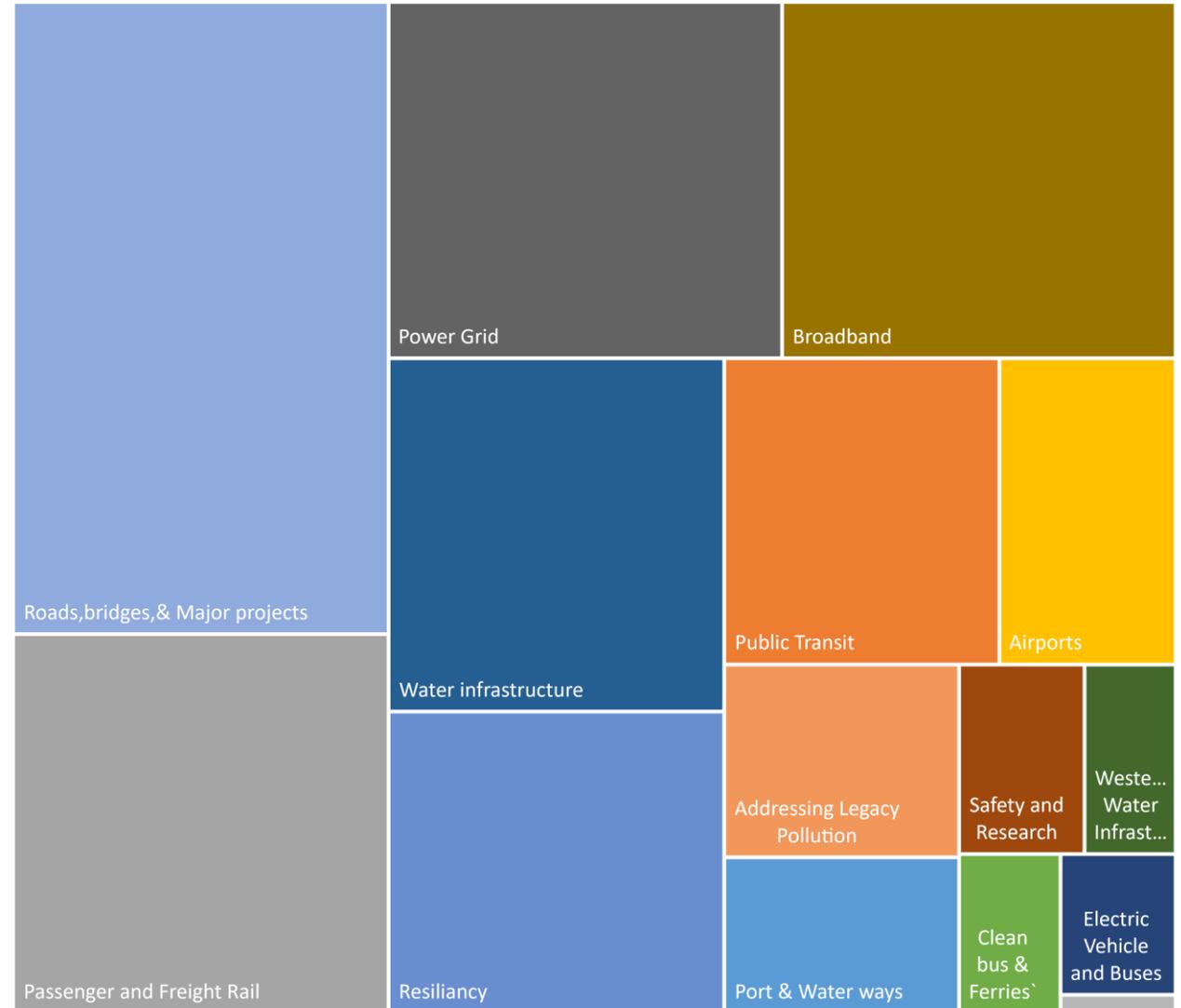
Kia Mortazavi
Executive Director, Planning
(714) 560-5741



Infrastructure Investment and Jobs Act

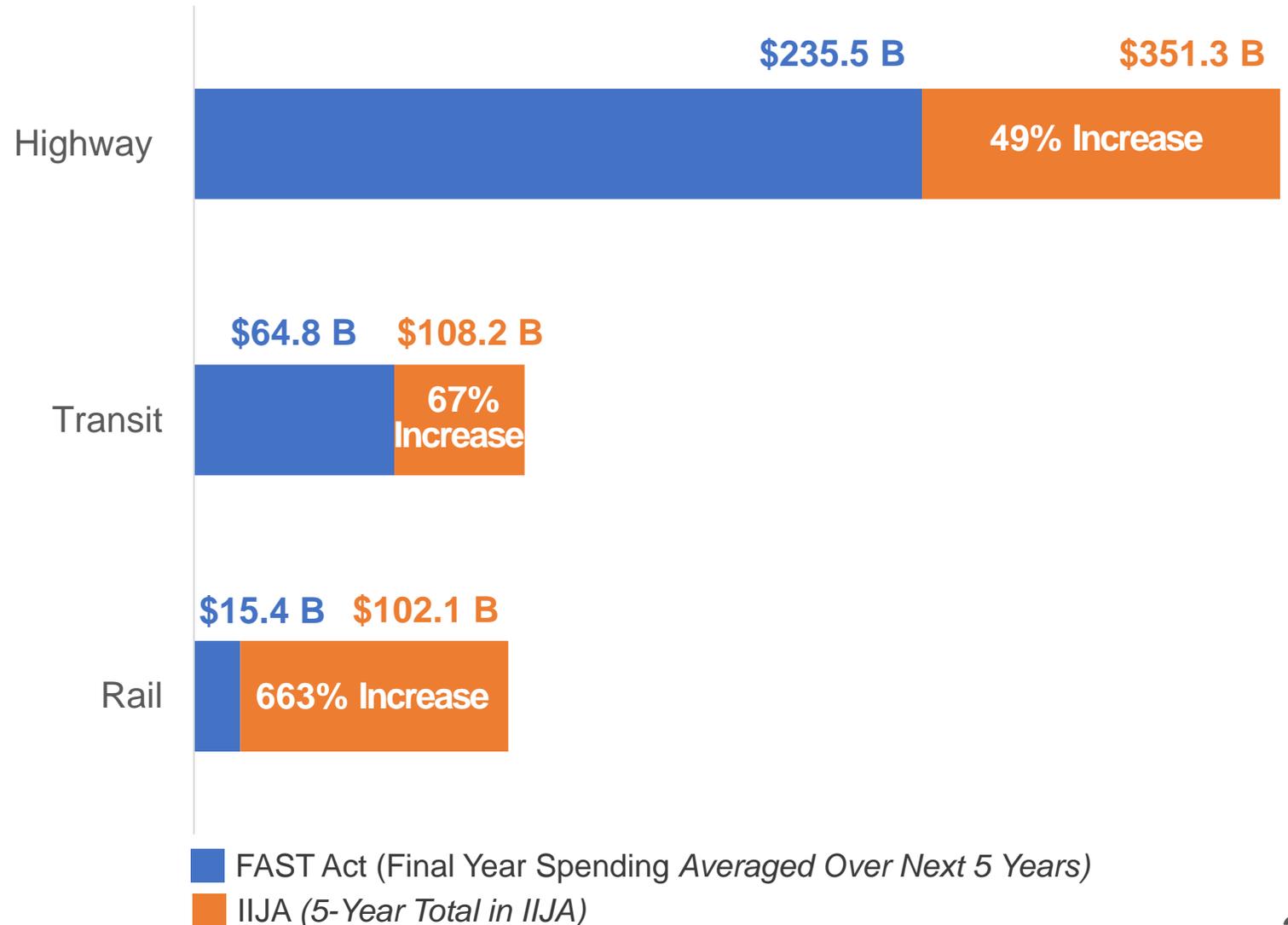
- \$1.2 trillion of funding over five years
- Over \$550 billion in new funding for new programs:
 - Transportation
 - Utilities
 - Resilience and Environment
 - Others

IIJA Funding Programs



Transportation Funding Comparison

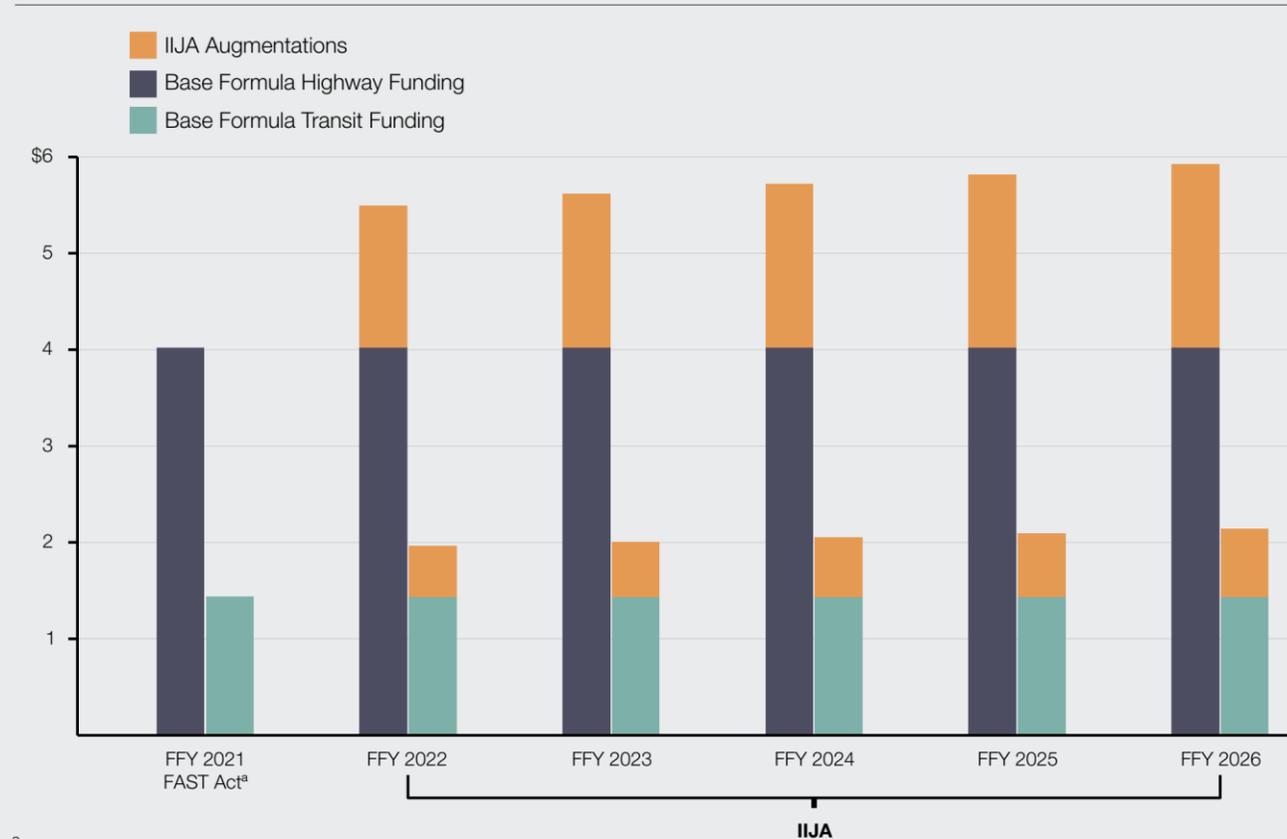
- Approximately \$567 billion for ground transportation programs vs. \$305 billion in FAST Act
- Funds distributed via “formula” or “competitive” processes
- Projects selected by federal, state, or local transportation agencies depending on programs



- Advance transition to a zero-emission bus fleet
- Invest in bus transit
- Modernize regional rail
- Improve state highway infrastructure
- Enhance biking network and safety
- Achieve climate resiliency

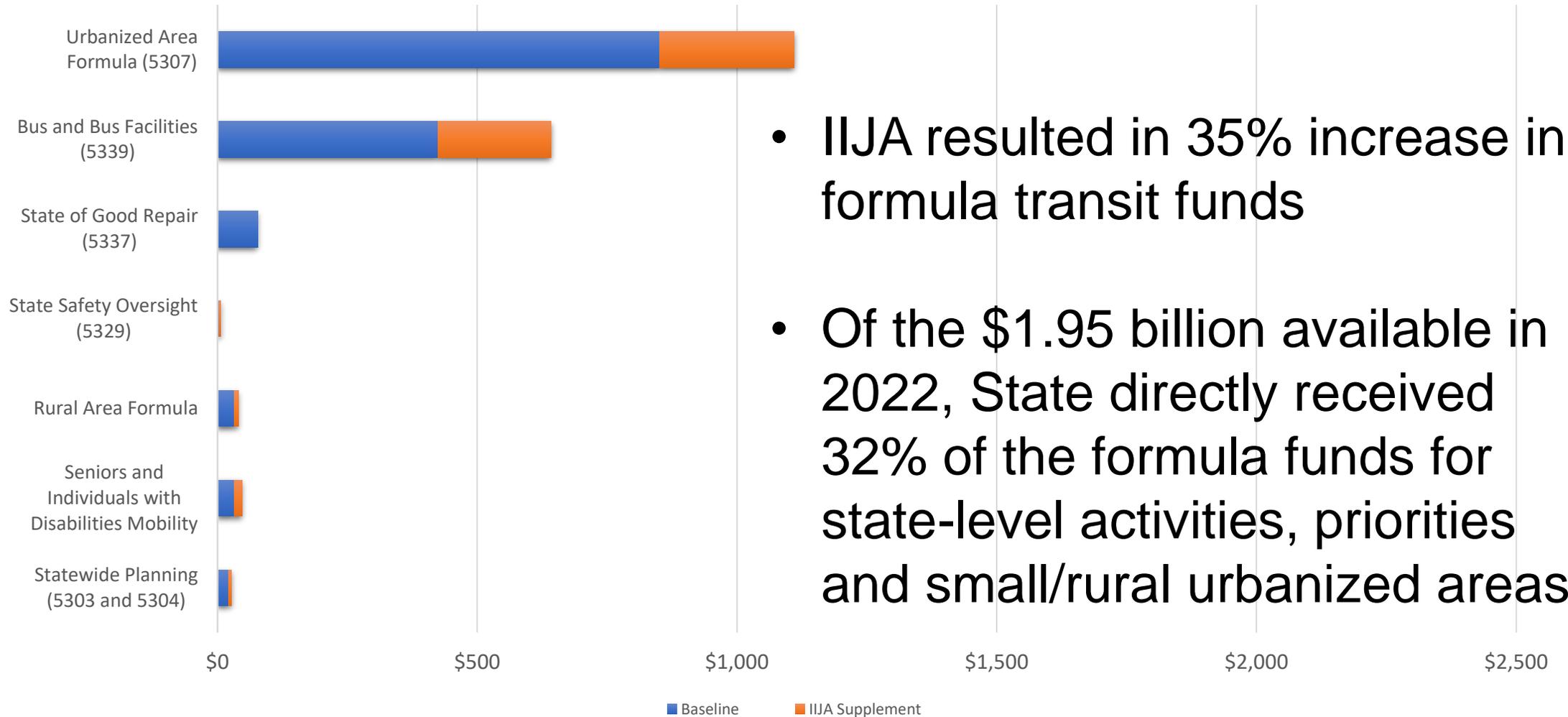
- Increases formula transit funding by:
 - \$620 million annually
 - \$3.1 billion over five years
- Increases formula highway funding by:
 - \$1.7 billion annually
 - \$8.5 billion over five years

Federal IIJA Increases Formula Highway and Transit Funding to California
(In Billions)



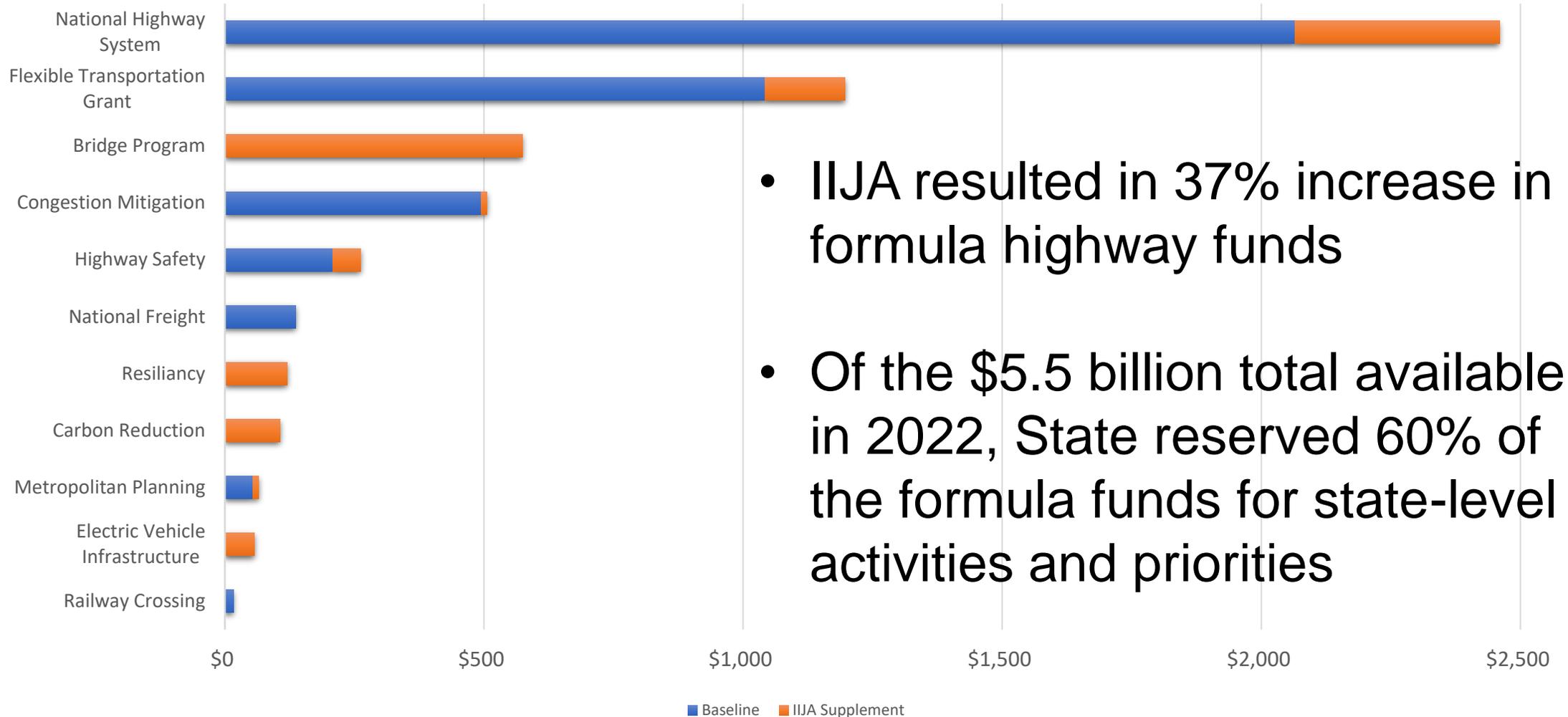
^a Amount provided under the last year of the FAST Act.

IIJA = Infrastructure Investment and Jobs Act; FFY = federal fiscal year; and FAST = Fixing America's Surface Transportation.



- IIJA resulted in 35% increase in formula transit funds
- Of the \$1.95 billion available in 2022, State directly received 32% of the formula funds for state-level activities, priorities and small/rural urbanized areas

Formula Federal Highway to CA



- Starting July 1, 2023 – SCAG selects projects for CMAQ, CRP and STBG
- Previously, OCTA selected projects for CMAQ and STBG
- OCTA programmed STBG and CMAQ funds through FFY 26

IIJA OCTA Formula Program	OCTA FAST Act 5-Year Share	OCTA IIJA 5-Year Share	Increase %
(in Millions)			
Federal Transit Administration (FTA)			
FTA Formula Programs	\$436	\$593	36%
Federal Highway Administration (FHWA Flexible Funds)			
CRP Program	n/a	\$30	N/A
CMAQ Program	\$236	\$247	5%
STGB Program	\$205	\$235	15%
Totals:	\$877	\$1,105	26%

CMAQ - Congestion Mitigation and Air Quality Improvement Program
 CRP - Carbon Reduction Program
 FFY – Federal Fiscal Year

OCTA – Orange County Transportation Authority
 SCAG - Southern California Association of Governments
 STBG - Surface Transportation Block Grant Program

- Transit - \$180 million
 - \$116 million Zero-Emission Bus Transition
 - \$40 million OC Streetcar
 - \$15 million Transit Service Expansion
 - \$9 million Bus / Vanpool Operations
- Highway - \$144 million
 - \$60 million I-5 Improvements (I-405 to SR-55)
 - \$35 million SR-74 Gap Closure Project
 - \$18 million I-605 and Katella Interchange
 - \$17 million I-5 HOV (Avenida Pico Interchange to County Line)
 - \$9 million SR-57 Improvements
 - \$5 million I-5 and El Toro Interchange
- Active Transportation/Streets - \$70 million
 - \$55 million Complete Streets Call for Projects
 - \$15 million Countywide Signal Synchronization

Programs

- Multimodal solutions
- Large scale projects
- Bridges
- EV charging infrastructure
- Truck emission solutions
- Resilience
- Wildlife crossings
- Reconnecting communities
- Safe streets for all
- Earmarks

OCTA Outcomes to Date

- \$2.5 million for ten zero-emission paratransit buses
- \$1.6 million for the Harbor Boulevard Bus Pilot
- \$30 million in earmarks for various Orange County agencies

- **Competitive Programs Criteria***
 - Performance-Based
 - Climate/Sustainability (Clean Transportation)
 - Modernization
 - Equity
 - Public Health
 - Safety
 - State of Good Repair
 - Work Force Development
- **Build America Buy America**

ENVIRONMENTAL JUSTICE

JUSTICE40

A WHOLE-OF-GOVERNMENT INITIATIVE

*Federal policies are closely aligned with California state policies.

IJA Competitive Programs

Multimodal Programs	Funding (in billions)	Timing/ Due
Infrastructure for Rebuilding America (INFRA)	\$8.00	Spring 2023
Mega Grant Program	\$5.00	Spring 2023
Federal Bridge Investment Program	\$12.50	Summer 2023
Rebuilding American Infrastructure with Sustainability and Equity	\$7.50	Winter 2023-24
Congestion Relief Program	\$0.25	TBD
Earmarks*	\$9.00	Early Spring
Technology Programs	Funding (in millions)	Timing/ Due
Advanced Transportation Technology and Innovation Programs	\$300	TBD
Advanced Driver Assistance and Automated Transit Bus Operations Demo	\$6.5	TBD
Strengthening Mobility and Revolutionizing Transportation (SMART) Demo**	\$500	Fall 2024

*Orange County Agencies awarded \$30 million in earmarks, so far

**OCTA was awarded \$1.6 million for the Harbor Boulevard Connected Bus Pilot.

***OCTA is eligible to apply for the competitive programs listed on slides 12 - 14

TBD – To Be Determined

Climate Programs	Funding (in billions)	Timing/ Due
Charging and Fueling Infrastructure	\$2.50	May 30, 3023
Wildlife Crossing Elimination	\$0.35	August 1, 2023
Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) Grants	\$1.40	August 18, 2023
National Culvert Removal, Replacement and Restoration Grant Program	\$4.00	Next Winter
Healthy Streets Program (Urban Reforesting)	\$0.50	TBD
Active Transportation/Complete Streets Programs		
Safe Streets for All (SS4A)	\$5.00	July 10, 2023
Neighborhood Access and Equity Grant Program	\$3.00	Spring 2023
Thriving Communities	\$0.03	Summer 2023
Reconnecting Communities	\$1.00	Fall 2023

Transit/Other Programs	Funding (in billions)	Timing/Due (next)
Capital Investments Grants	\$23.00	Ongoing/TBD
All Station Accessibility Program (ASAP)	\$1.75	Summer 2023
Transit-Oriented Development Pilot Program	TBD	Summer 2023
Railroad Crossing Elimination	\$3.00	Summer 2023
Consolidated Rail Infrastructure and Safety Improvements Program	\$5.00	Fall 2023
Bus and Bus Facilities	\$2.00	Spring 2024
Low or No Emission*	\$5.60	Spring 2024
Federal-State Partnership for Intercity Passenger Rail (includes Corridor Identification and Development Program)	\$43.50	Spring 2024
Public Transportation Technical Assistance and Workforce Development	\$ 0.06	TBD
Rail Vehicle Replacement	\$1.50	TBD

*OCTA was awarded \$2.5 million for ten zero-emission paratransit buses

OCTA Potential Projects

ATP/Streets and Roads	Climate/Resiliency	Highway	Transit
OC Loop	Southcoast Rail Infrastructure Protection	I-5 from Avenida Pico to SD County Line	Zero-Emission Bus
Complete Ramps: Mobility Safety Study	Coastal Rail Corridor Relocation	I-5 from SR-57 to SR-91	Facility Improvements (security gates)
Orange County Regional Bikeways	Ortega Highway – Wildlife Crossing (county/city)	SR-57 from Orangewood Avenue to Katella Avenue	Bus Stop Improvements
Santa Ana-Garden Grove Rails to Trails		SR-91 from SR-55 to La Palma Avenue (2 segments)	Harbor Boulevard Connected Bus Pilot
First Street and McFadden Street Signal Priority		SR-241/91 Connector	Future Bravo! Projects
		I-605/Katella Avenue Interchange	Metrolink Locomotive Replacement
		Commuter Carpool/Vanpool and Incentives	Orange County Maintenance Facility
			Irvine Station Improvements
			Serra Siding

SD – San Diego
 SR-91 – State Route 91
 SR-241/91 – State Route 241/91

Upcoming Opportunities

Program	Funding (In Billions)	Due
Building Pathways to Infrastructure Jobs Grant Program	\$0.080	July 7, 2023
Safe Streets for All (SS4A)	\$1.177	July 10, 2023
State California Transportation Commission – Local Transportation Climate Adaptation Program (LCTAP)	\$0.296	July 19, 2023
Wildlife Crossing Elimination	\$0.112	August 1, 2023
Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation Grants – Federal Competitive	\$0.848	August 18, 2023