



# **AGENDA**

## ***Legislative and Communications Committee Meeting***

---

### **Committee Members**

Shawn Nelson, Chairman  
Michael Hennessey, Vice Chairman  
Laurie Davies  
Barbara Delgleize  
Al Murray  
Tim Shaw  
Gregory T. Winterbottom

Orange County Transportation Authority  
Headquarters  
550 South Main Street  
Board Room – Conf. Room 07  
Orange, California

**Thursday, November 15, 2018 at 9:00 a.m.**

Any person with a disability who requires a modification or accommodation in order to participate in this meeting should contact the OCTA Clerk of the Board, telephone (714) 560-5676, no less than two (2) business days prior to this meeting to enable OCTA to make reasonable arrangements to assure accessibility to this meeting.

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.

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

### **Call to Order**

### **Pledge of Allegiance**

Committee Vice Chairman Hennessey

### **1. Public Comments**

### **Special Calendar**

### **2. Conference Call with State Legislative Advocate Moira Topp** Moira Topp/Lance M. Larson

An update of legislative items in Sacramento will be provided.



### **Consent Calendar (Item 3)**

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

#### **3. Approval of Minutes**

Approval of the minutes of the Legislative and Communications Committee meeting of October 18, 2018.

### **Regular Calendar**

#### **4. Orange County Transportation Authority 2019-20 State and Federal Legislative Platforms**

Dustin J. Sifford/Lance M. Larson

##### **Overview**

The final drafts of the revised 2019-20 Orange County Transportation Authority State and Federal Legislative Platforms are submitted for consideration and adoption by the Orange County Transportation Authority Board of Directors.

##### **Recommendations**

- A. Adopt the revised 2019-20 Orange County Transportation Authority State and Federal Legislative Platforms.
- B. Direct staff to distribute the adopted platforms to elected officials, advisory committees, local governments, affected agencies, the business community, and other interested parties.

#### **5. Status Report of State Legislation Enacted in 2018**

Jaymal Patel/Lance M. Larson

##### **Overview**

At the conclusion of the 2018 legislative session, 1,016 bills were signed and chaptered by Governor Jerry Brown, while 201 bills were vetoed. A report containing an analysis of legislation relevant to the Orange County Transportation Authority is provided.



**5. (Continued)**

**Recommendation**

Receive and file as an information item.

**6. Performance Evaluation of Sacramento Legislative Advocate, Platinum Advisors, LLC**

Kristin Essner/Lance M. Larson

**Overview**

The firm Platinum Advisors, LLC provides state legislative advocacy services for the Orange County Transportation Authority in Sacramento. A staff evaluation of the services provided this session is presented to the Board of Directors for consideration and further comment.

**Recommendation**

Receive and file the staff evaluation as an information item and provide any additional comments.

**Discussion Items**

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

**8. Committee Members' Reports**

**9. Closed Session**

There are no Closed Session items scheduled.

**10. Adjournment**

The next regularly scheduled meeting of this Committee will be held at **9:00 a.m. on Thursday, December 20, 2018**, at the Orange County Transportation Authority Headquarters, 550 South Main Street, Board Room - Conference Room 07, Orange, California.



**Committee Members Present**

Shawn Nelson, Chairman  
Barbara Delgleize  
Al Murray  
Tim Shaw  
Gregory T. Winterbottom

**Staff Present**

Darrell E. Johnson, Chief Executive Officer  
Ken Phipps, Deputy Chief Executive Officer  
Laurena Weinert, Clerk of the Board  
Sara Meisenheimer, Deputy Clerk of the Board  
James Donich, General Counsel  
OCTA Staff and Members of the General Public

**Committee Members Absent**

Michael Hennessey, Vice Chairman  
Laurie Davies

**Call to Order**

The October 18, 2018 regular meeting of the Legislative and Communications Committee was called to order by Board Vice Chairman Shaw at 9:13 a.m.

**Pledge of Allegiance**

Director Winterbottom led in the Pledge of Allegiance.

**1. Public Comments**

No public comments were received.

**Special Calendar**

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

Moira Topp, Sacramento Advocate, reported on the following:

- The Legislature adjourned in August and the Governor has dispensed all bills that were given to him on September 30<sup>th</sup>.
- The Sacramento legislatures are waiting for the November election.
- Last year, the Orange County Transportation Authority (OCTA) sponsored the state audit of the Board of Equalization (BOE) related to sales tax revenues in the local transportation fund.
- Legislation changed the following BOE functions: tax collection, renitence, and allocation, which were then shifted to the California Department of Tax and Fee Administration (CDTFA).
- Ms. Topp and OCTA staff met with the leadership team of the CDTFA and discussed the Local Transportation Funds issues.
- The CDTFA is looking forward to a policy discussion in regards to the Wayfair vs. South Dakota (Wayfair) decision.





**2. (Continued)**

- Summary of the Wayfair decision and how California sales tax would be affected.
- A stakeholder's meeting with CDTFA was scheduled for the following week.
- Senate Bill (SB) 1119, OCTA's sponsored bill, which is related to Low Carbon Transit Operations Program was signed by the Governor and will take effect on January 1, 2019.
- The California Air Resources Board (CARB) had a board meeting to discuss the zero-emissions bus mandate and the final regulations will be adopted in January 2019.

**Consent Calendar (Item 3)**

**3. Approval of Minutes**

A motion was made by Director Murray, seconded by Director Delgleize, and declared passed by those present, to approve the minutes of the Legislative and Communications Committee meeting of September 20, 2018.

**Regular Calendar**

**4. Federal Legislative Status Report**

Lance Larson, Executive Director of External Affairs, provided opening comments and introduced Kristin Essner, Manager of State and Federal Relations, who reported on the following:

- The 2019 Federal Fiscal Year appropriations process.
- The transportation funding bill was not enacted by Congress before the end of the Federal Fiscal Year; therefore, a continuing resolution was issued and will expire on December 7<sup>th</sup>.
- Drafts of the transportation funding bill that have been proposed by the Senate and House both maintain the authorized levels for funding, including the Capital Investment Grants program and the Full-Funding Grant Agreements (funding for the OC Streetcar Project).
- Congress passed a bill to reauthorize the Federal Aviation Administration (FAA). It did not address issues related to sales tax measures.
- Several hearings over the last month related to:
  - Positive Train Control Implementation.
  - Autonomous vehicles and connected vehicle technology.
- CARB took action to reaffirm their commitment to additional vehicle emission reduction requirements.
- The purpose of the FAA diverting sales tax revenues from aviation fuel is to ensure it benefits the infrastructure at airports.

#### **4. (Continued)**

A discussion ensued regarding:

- Several supporters want to prevent the diversion of sales tax revenues, such as Congresswoman Napolitano and Congressman Lowenthal.
- The City of Huntington Beach has been impacted by traffic going into the Long Beach Airport.
- Concerns about voters who were made promises to vote on the sales tax and the FAA taking away their local preference.
- Issues with airplanes and airport noise nationally.
- A proposal for the federal government to charge zero-emission vehicles a road user fee.
- Drivers of alternate fuel vehicles, such as electric vehicles, do not pay taxes and this cannot be a sustainable model to fund roadways in California.
- Committee Chairman Nelson described his experience with talking to leaders from Washington, D.C., who are not from California and how they appreciate OCTA's perspective.

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

#### **5. Agreement for Federal Legislative Advocacy and Consulting Services**

Committee Chairman Nelson provided opening comments and excused himself from this item due to the Levine Act. Consequently, Board Vice Chairman Shaw chaired the meeting for this item.

Kristin Essner, Manager of State and Federal Relations, gave an overview on the background, procurement process, and the recommendations.

A discussion ensued regarding:

- Director Murray stated he met with the representatives from Potomac Partners DC in the past and commended their work.
- During the interview process with various firms, there was a discussion on a potential issue of conflict with the Transportation Corridor Agencies.

A motion was made by Director Murray, seconded by Director Delgleize, and declared passed by those present, to:

- A. Approve the selection of Potomac Partners DC to provide federal legislative advocacy and consulting services.

**5. (Continued)**

- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-8-1750 with Potomac Partners DC, in the amount of \$20,000 per month, for the period of January 1, 2019 to December 31, 2020, with two, two-year options, to perform federal legislative advocacy and consulting services.

Committee Chairman Nelson did not participate or vote due to the Levine Act.

**Discussion Items**

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

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

- Updates to OC Flex service:
  - On Monday, October 15<sup>th</sup>, the OC Flex service was launched in Huntington Beach and Westminster.
  - Yesterday, Director Davies and he participated in a tour of the south county zone in Laguna Niguel, Mission Viejo, and Aliso Viejo, which will launch on Saturday.
  - The mobile app is now available in the Apple and Android store.
  - This is a pilot and OCTA is prepared to modify any “kinks” in the service.
- On Saturday, October 20<sup>th</sup>, there is an open space equestrian ride at the Trabuco Rose Preserve in Trabuco Canyon at 9:00 a.m.
- On Thursday, October 25<sup>th</sup>, from 5:30 p.m. to 7:30 p.m., OCTA is hosting a Public Hearing for the northbound State Route 57 Improvement Project from Orangewood Avenue to Katella Avenue. The Public Hearing will be in an open house format at the Portola Middle School in Orange.
- Last month, the Orange County Public Relations Society held its annual awards ceremony honoring the region’s top public relations professionals and campaigns in various categories. OCTA was acknowledged for the following awards:
  - The Protos award, the top honor, for the Interstate 405 (I-405) Improvement Project groundbreaking event and project interactive map/Waze integration;
  - An Award of Excellence for the Santa Ana Community College Pass Program; and
  - An Award of Excellence for the I-405 Improvement Project construction safety and coloring and activity book.



**6. (Continued)**

Committee Chairman Nelson inquired about the type of riders who are using OC Flex and how the service is being advertised. Mr. Johnson, CEO, stated there are two types of groups using the service: those using it for recreational activities and those using it for work and school. He also stated social media and those who already use public transportation have played a part in making people aware of the service.

Director Delgleize described how the OC Flex Service was promoted in Huntington Beach and asked about Marina High School.

Mr. Johnson, CEO, stated that the service goal is to try to match the service with the need of the communities.

**7. Committee Members' Reports**

There were no Committee Member's reports.

**8. Closed Session**

There were no Closed Session items scheduled.

**9. Adjournment**

The meeting adjourned at 9:50 a.m.

The next regularly scheduled meeting of this Committee will be held at **9:00 a.m. on Thursday, November 15, 2018**, at the Orange County Transportation Authority Headquarters, 550 South Main Street, Board Room - Conference Room 07, Orange, California.

ATTEST

---

Shawn Nelson  
Committee Chairman

---

Sahara Meisenheimer  
Deputy Clerk of the Board



**November 15, 2018**

**To:** Legislative and Communications Committee  
**From:** Darrell E. Johnson, Chief Executive Officer  
**Subject:** Orange County Transportation Authority 2019-20 State and Federal Legislative Platforms

### **Overview**

The final drafts of the revised 2019-20 Orange County Transportation Authority State and Federal Legislative Platforms are submitted for consideration and adoption by the Orange County Transportation Authority Board of Directors.

### **Recommendations**

- A. Adopt the revised 2019-20 Orange County Transportation Authority State and Federal Legislative Platforms.
- B. Direct staff to distribute the adopted platforms to elected officials, advisory committees, local governments, affected agencies, the business community, and other interested parties.

### **Background**

The annual Orange County Transportation Authority (OCTA) State and Federal Legislative Platforms (Platforms) are developed as a resource for the OCTA Board of Directors (Board), Orange County legislative delegation members, and OCTA staff. They serve as guides to communicate OCTA's legislative and regulatory priorities to both the state and federal government. Official OCTA legislative positions not directly addressed by the Platforms will be brought to the Board for separate action during the legislative sessions of the United States Congress and the California State Legislature.

The first drafts of the 2019-20 Platforms were reviewed and approved for further circulation by the Legislative and Communications Committee (Committee) on September 20, 2018, and by the Board on September 24, 2018. Since the initial reviews, the Platforms have been further refined based on additional feedback. The drafts of the 2019-20 Platforms were circulated to over 500 groups and individuals, including OCTA's Citizens Advisory Committee (CAC) and Special

Needs Advisory Committee (SNAC), to comment on proposed changes. An overview of the public comments received by staff is detailed below, as are the revisions made based on this feedback. Strikeout versions of the 2019-20 Platforms are included as Attachments A and B. Should the November election results significantly affect OCTA's advocacy priorities, staff will return to the Committee and the Board with additional updates to the Platforms.

#### Public Comments

On September 11, 2018, staff participated in a joint meeting of the CAC and SNAC to discuss the 2019-20 Platforms. The primary concern was the need to fully fund transportation projects and programs, specifically for the benefit of those with disabilities. Other major topics of discussion included funding parity for those with special needs, protecting transportation funding during the state's budget process, consistency in different regulations, and ensuring that alternative mobility providers benefit all users.

In addition, staff received three comments through OCTA's website during the comment period, each of which is summarized below. None of the commenters left their name or contact information.

- The first comment discussed the need to ensure the safety of rail and transit operations with a specific focus on emergency preparedness. Both the State and Federal Platforms contain a section dedicated to security and emergency preparedness funding, and staff continues to closely monitor legislative proposals related to transit safety and security.
- The next comment advocated for environmental reciprocity, specifically asking that California state environment reviews be allowed to stand in the place of federal environmental laws. This delegation authority is already authorized by state and federal law, and in the next legislative session, the California Legislature is expected to take up legislation that would further extend this authority.
- The final comment asked that staff not change the 2019-20 Legislative Platforms in a way that would harm OCTA's working relationship with the Transportation Corridor Agencies (TCA). OCTA did not make any revisions regarding its relationship with TCA. In fact, staff added a new provision to ensure the interoperability of toll systems, outlined below, which OCTA plans to pursue in coordination with TCA and other toll operators across California.



Staff assessed each comment not already addressed in the Platforms in light of the need to revise the language in anticipation of the upcoming legislative sessions. As such, the final revisions made to the 2019-20 Platforms are outlined below.

Sponsor Legislation

A new Governor will assume office in January, marking a significant transition in transportation-related policy and personnel in Sacramento. As of the writing of this staff report, there was not an identified policy issue that requires OCTA to sponsor legislation. If such issues arise, staff will update the Committee and the Board on the need for direction on this matter.

2019-20 OCTA State Legislative Platform

The final proposed revisions to the 2019-20 OCTA State Legislative Platform are summarized below and detailed in the proposed italicized and strikeout changes included in Attachment A.

- The section entitled “Transportation Funding” was edited slightly to reflect the political uncertainty resulting from efforts to repeal SB 1 (Chapter 5, Statutes of 2017), and more generally reference transportation funding.
- The section entitled “Implementation of Environmental Regulations and Cap-and-Trade” was updated to prioritize transportation as an eligible recipient of cap-and-trade revenues subject to annual appropriations.
- Subsection (c) of the section entitled “Implementation of Environmental Regulations and Cap-and-Trade” was amended to reflect the California Air Resource Board’s pending Innovative Clean Transit regulation, which could mandate the purchase of zero-emission bus technology.
- Subsection (d) of the section entitled “Implementation of Environmental Regulations and Cap-and-Trade” was amended to specifically ensure that cap-and-trade revenues continue to be appropriated for existing transit pots, such as the Low Carbon Transit Operations Program and the Transit and Intercity Rail Capital Program.
- Subsection (i) of Section VII, entitled “91 Express Lanes/Managed Lanes,” was added to support the interoperability of toll operations across California. This language was added due to discussions with other toll operators within the state as legislation is potentially sought to streamline the administration of toll systems by clarifying what information can be exchanged in enforcement and operational efforts.

2019-20 OCTA Federal Legislative Platform

The final proposed revisions to the 2019-20 OCTA Federal Legislative Platform are summarized below and detailed in the proposed italicized changes included in Attachment B.

- Subsection (e) was added to the section entitled “Key Policy Issues in the 116<sup>th</sup> Congress” to oppose the more than \$7.569 billion rescission included as part of the Fixing America’s Surface Transportation (FAST) Act that is scheduled to take place on July 1, 2020. This rescission was part of the FAST Act because Congress did not fully offset the cost of the legislation, but it could dramatically impact federal funding programs.
- Subsection (f) was added to the section entitled “Key Policy Issues in the 116<sup>th</sup> Congress” to ensure that transit agencies continue to be eligible recipients of Highway Trust Fund (HTF) revenues. Some proposals have called for a restructuring of or reduction in HTF transit funding. This provision is included to allow OCTA to advocate for a continued commitment to HTF transit expenditures.
- Subsection (p) of Section II, entitled “Reauthorization Priorities,” was added to oppose rescissions or other arbitrary funding cuts in the place of fiscally responsible legislative offsets. In recent years, spending cuts have been included in many legislative vehicles, including the FAST Act, deficit reduction efforts, and transportation funding bills. OCTA will continue to oppose this kind of approach to funding federal transportation programs.



***Summary***

The 2019-20 OCTA State and Federal Legislative Platforms are presented for consideration and adoption.

***Attachments***

- A. Orange County Transportation Authority 2019-20 State Legislative Platform
- B. Orange County Transportation Authority 2019-20 Federal Legislative Platform

**Prepared by:**



Dustin J. Sifford  
Senior Government Relations Representative,  
External Affairs  
(714) 560-5389

**Approved by:**



Lance M. Larson  
Executive Director,  
External Affairs  
(714) 560-5908

## **Orange County Transportation Authority 2019-20 State Legislative Platform**

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

The 2019-20 State Legislative Platform serves as a framework document to guide the Orange County Transportation Authority's (OCTA) legislative, regulatory, and administrative activities in the coming legislative session. The Key Policy Issues section offers guidance on the policy issues that will likely be the focus of the upcoming legislative session. The later sections present guiding policy statements for other major issue areas that may arise during the session. Positions on individual items not directly in this document will be brought to the OCTA Board of Directors (Board) for formal action.

### **Key Policy Issues in 2019-20**

A number of significant transportation issues are expected to be discussed in the 2019-20 legislative session. A few of these key issues are highlighted in this section, including: Transportation Funding and the Implementation of Environmental Regulations and Cap-and-Trade.

#### **Transportation Funding**

~~On April 28, 2017, Governor Brown signed SB 1 (Chapter 5, Statutes of 2017), also known as the Road Repair and Accountability Act of 2017. This legislation marks a significant investment in the state's transportation system, primarily targeted towards fix-it-first projects. Among its provisions, SB 1 will nearly double funding for transit and local streets and roads in Orange County. Many of the changes laid out in SB 1 are subject to guidance and regulations that will be issued in the coming months, and it is quite possible that additional legislation will be considered to finalize the implementation of SB 1. There are also ongoing efforts to repeal SB 1 because of its increase to the state gas tax. Securing stable transportation funding that provides long-term operational certainty continues to be one of OCTA's top priorities. It is anticipated that transportation funding will be affected by legislative and regulatory efforts requiring these developments will require OCTA's close attention in the upcoming session. As such, OCTA will:~~

- a) Support efforts to maximize OCTA's share of transportation and transit funding, especially through distribution formulas;
- b) Advocate for a continued strong state role in providing funding for transit operations rather than shifting responsibility to local transportation entities. No

additional requirements should be created for operation levels beyond existing capacity, unless agreed to by that entity or otherwise appropriately funded;

- c) Oppose efforts to divert or reclassify transportation revenue sources for other purposes, such as General Fund transfers or for debt service;
- d) Oppose efforts to link or reprioritize local and state transportation funding to programs not primarily intended to help the State meet its transportation needs;
- e) Support legislation to implement the provisions of the federal reauthorization, Fixing America's Surface Transportation Act, in an equitable manner that promotes traditional funding levels, programming roles, and local discretion in allocation decisions;
- f) Support the development of greater efficiencies within the existing eligibility standards of the Transportation Development Act, eliminating any unnecessary, overly burdensome and/or duplicative mandates;
- g) Support legislation protecting or expanding local decision-making in programming expenditures of transportation funds;
- h) Support the retention of existing and future local revenue sources;
- i) Support efforts to develop alternative definitions of "disadvantaged" and "low-income" communities to ensure that transportation funding flows to each region's most impacted areas;
- j) Support maintaining the current State Transportation Improvement Program (STIP) formula, which provides 75 percent of the STIP funding to the locally nominated Regional Transportation Improvement Program (RTIP) and 25 percent to the Interregional Transportation Improvement Program (ITIP) Program;
- k) Support efforts to provide secure transit funding for capital and operating expenses;
- l) Flexibility should be included in any state transit funding source, allowing transit operators to use the funding for both operations and capital expenditures;
- m) Monitor the study and development of alternative transportation funding proposals, including the state's road charge pilot program and ensure that efforts are made to address concerns related to equity, privacy, and public support of such proposals.



## Implementation of Environmental Regulations and Cap-and-Trade

In 2016, the state expanded upon its greenhouse reduction initiatives with the passage of SB 32 (Chapter 249, Statutes of 2016) and AB 197 (Chapter 250, Statutes of 2016), which set a new statewide emissions target of 40 percent below 1990 levels by the year 2030. In 2017, the state continued its commitment to these strategies with the passage of AB 398 (Chapter 135, Statutes of 2017), extending the market-based cap-and-trade system until January 1, 2031. The passage of AB 398 ensures the long-term stability of the cap-and-trade system. *However, approximately 40 percent of annual cap-and-trade revenues are still subject to annual appropriations. As such, OCTA will advocate for as much transportation funding as possible from these revenues.*

~~The state also enacted AB 134 (Chapter 254, Statutes of 2017), an expenditure plan to appropriate cap-and-trade funding for the 2017-18 fiscal year. While this funding can benefit transportation projects, concerns remain about the requirements mandating that cap-and-trade investments be prioritized in areas defined as disadvantaged, which has resulted in certain areas of the state being passed over for investment despite air quality challenges.~~

Therefore, in order to ensure that the state's environmental regulations and cap-and-trade program are implemented in an equitable manner which will both help to reduce emissions and encourage the development of necessary infrastructure and services to meet the needs of California's growing population, in 2019-20 OCTA will:

- a) Support efforts to ensure local flexibility in meeting the goals of the state's greenhouse gas reduction initiatives, including the creation of incentive based measures and grant programs to assist with compliance;
- b) Support the eligibility of the transportation sector and inclusion of county transportation commissions as eligible recipients of any funding mechanism created for implementation of the state's greenhouse gas reduction initiatives, including the cap-and-trade program;
- c) Support efforts to ensure the availability of proven technology and adequate funding prior to the implementation of *any mandated purchase requirements for zero-emission bus technology regulations*;
- d) Support the prioritization of transportation projects and programs that achieve greenhouse gas emissions reductions for cap-and-trade funding *while maintaining ongoing appropriations for transit*;
- e) Oppose policies that significantly increase costs, threatening OCTA's ability to deliver projects and provide transit service;
- f) Support legislation to streamline the environmental review and permitting processes for transportation projects and programs to avoid potentially duplicative

and unnecessary analysis, while still maintaining traditional environmental protections;

- g) Support the creation of formula-based funding programs under the cap-and-trade program to assist with compliance of any adopted regulations;
- h) Support efforts to establish an alternative electricity rate structure for transit agencies to mitigate costs associated with the operation of zero-emission transit buses.

### **Sponsored Legislation**

~~Each year, OCTA may consider sponsoring legislation to clarify or address various transportation policy areas that require additional attention. This session, the following major initiative will be emphasized as sponsor legislation:~~

- ~~a) Sponsor legislation to increase the flexibility in meeting disadvantaged community investment requirements to allow for projects that improve transit connectivity options.~~

### **I. STATE BUDGET**

As the Legislature continues to move forward in developing solutions to close the state's structural deficit, OCTA continues to monitor the status of transportation funding in California, promoting the continued stability of existing programs and efforts to address future funding deficiencies to meet transportation infrastructure needs. As a proven method to help rebuild the economy through investments in vital transportation infrastructure projects and critical transit services, OCTA will also work to promote methods of expediting such projects to allow for such stimulus.

Key actions by OCTA will include:

- a) Oppose unfunded mandates for transportation agencies, transit providers, and local governments in providing transportation improvements and services;
- b) Oppose cost shifts or changes in responsibility for projects funded by the state to the local transportation entities;
- c) Support legislation to treat the property tax of single-county transit districts the same as multi-county districts and correct other Educational Revenue Augmentation Fund inequities between like agencies;
- d) Support the constitutional protection of all transportation funding resources;
- e) Seek additional funding for paratransit operations and transit accessibility capital improvements that support persons with disabilities and senior citizens;

- f) Support removing the barriers for funding transportation projects, including allowing local agencies to advance projects with local funds when state funds are unavailable due to budgetary reasons, and allowing regions to pool federal, state, and local funds in order to limit lengthy amendment processes and streamline project delivery time.

## **II. FISCAL REFORMS AND ISSUES**

In recent years, the Legislature and Governor have worked collaboratively during the budget process to pass funding bills in a timely manner, providing some degree of certainty to the state-funded programs that OCTA relies upon. Unfortunately, uncertainties over future changes remain due to a continued structural deficit and the potential for an economic downturn.

Therefore, OCTA will:

- a) Oppose efforts to reduce local prerogative over regional program funds;
- b) Oppose levying new and/or increase in gasoline taxes or user fees, including revenue increases on fuel consumption categorized as charges, fees, revenue enhancements, or similar classifications. Consideration of such efforts shall occur when a direct nexus is determined to exist between revenues and transportation projects, and additional revenues are to be controlled by the county transportation commission;
- c) Oppose efforts to decrease the voter threshold requirement for local tax measures for transportation purposes and/or mandating specific uses of future local sales tax revenues;
- d) Oppose efforts to increase administrative fees charged by the California Department of Tax and Fee Administration on the collection of local sales tax measures;
- e) Support efforts to ease or simplify local matching requirements for state and federal grants and programs;
- f) Support legislation to protect the flexibility of the federal aid highway funds by requiring state compliance with federal highway safety requirements;
- g) Support flexibility for obligating regional federal transportation funds through interim exchange instead of loss of the funds by the local agency;
- h) Support efforts that ensure that all users of the state's transportation system pay their "fair share" to maintain and improve the system;



- i) Support efforts to restore equity with regards to the generation and disbursement of sales tax revenues that support the Local Transportation Fund;
- j) Seek methods to ensure the equitable collection and distribution of sales tax revenue from out-of-state, online retailers (South Dakota v. Wayfair, Inc.).

### **III. STATE TRANSPORTATION IMPROVEMENT PROGRAM STREAMLINING**

The STIP, substantially amended by SB 45 (Chapter 622, Statutes of 1997), is a programming document that establishes the funding priorities and project commitments for transportation capital improvements in California. SB 45 placed decision-making authority closest to the problem by providing project selection for 75 percent of the funding in the RTIP. This funding is distributed to counties based on an allocation formula. The remaining 25 percent of the funds is programmed by the California Department of Transportation (Caltrans) in the ITIP. SB 1 is expected to promote increased stability for future STIP fund estimates. OCTA will seek to ensure that the regional focus of the program is preserved.

Key provisions to be sought by OCTA include:

- a) Support legislation that maintains equitable allocations of transportation funding, such as the north/south formula distribution of county shares and ITIP allocations;
- b) Support legislation to clarify that programming of current period county shares has priority over advancement of future county shares;
- c) Support a formula-based guaranteed disbursement of the ITIP;
- d) Support legislation to involve county transportation commissions in the development and prioritization of State Highway Operation and Protection Program projects;
- e) Support efforts to allow a mode-neutral STIP;
- f) Support increased flexibility for the use of STIP funds to support alternative projects, including, but not limited to, transit and goods movement improvement projects.

### **IV. TRANSIT PROGRAMS**

In 2019-20, OCTA will continue with its focus on providing safe, reliable, and efficient transit services in Orange County. While state transit funding has recently become more stable, future demand increases due to environmental regulations and increased fuel prices may put further strain on existing resources. Thus, OCTA will make every effort to minimize additional state obligations to transit operations which lack a sufficient and secure revenue source.

To that end, OCTA will focus on the following:

- a) Support legislation to encourage and incentivize the interoperability of transit and rail systems within California;
- b) Support legislation to limit the liability of transit districts for the location of bus stops (Bonanno v. Central Contra Costa Transit Authority);
- c) Support the citing of transit-oriented development projects (i.e. authorize extra credit towards housing element requirements for these developments), including incentives for development;
- d) Support reforms to the Transportation Development Act and the State Transit Assistance Program that realign administrative rules, farebox recovery requirements, and various exclusions to ensure equitable distribution of transit funding;
- e) Support legislation and or/regulations which aim to enhance transit services, and the overall safety and security of transit riders, coach operators, and on-road vehicles;

## **V. ROADS AND HIGHWAYS**

OCTA's commitment to continuously improve mobility in Orange County is reflected through a dynamic involvement in such innovative highway endeavors as the ownership of the 91 Express Lanes and the use of design-build authority on the State Route 22 project and Interstate 405 Improvement Project. OCTA will continue to seek new and innovative ways to deliver road and highway projects to the residents of Orange County and, to that end, in 2019-20, OCTA will focus on the following:

- a) Oppose efforts to create a conservancy that would inhibit the delivery of transportation projects under study or being implemented in the region;
- b) Support efforts to expand, extend, and preserve new and existing alternative project delivery methods such as design-build, public-private partnership authority, and construction manager/general contractor authority, including expanding mode and funding eligibility, while allowing the appropriate balance of partnership between the state and local agencies;
- c) Support legislation that would authorize local agencies to advertise, award, and administer contracts for state highway projects;
- d) Oppose duplicative reporting mandates and efforts to impose additional requirements, beyond what is required in statute, on lead agencies awarding contracts using alternative project delivery mechanisms;



- e) Support streamlining of the Caltrans review process for projects, simplification of processes, and reduction of red tape, without compromising environmental safeguards;
- f) Support administrative policy changes to lower the oversight fee charged by Caltrans to ensure that project support costs are equivalent whether the project is administered by Caltrans or a local agency;
- g) Support studying the policies, funding options, and need for rail/highway grade separations, including any impact on existing state highway and transit funding sources;
- h) Support policies that improve signal synchronization programs in order to facilitate street signal coordination, prioritization, and preemption, as well as encouraging the use of intelligent transportation system measures;
- i) Support policies that expanding utilization of continuous access of high-occupancy vehicle (HOV) lanes;
- j) Monitor efforts to increase fines for HOV lane violations and, if implemented, ensure fines are dedicated to enforcement purposes;
- k) Support legislation that provides for equitable enforcement of regulations governing transportation network companies;
- l) Support efforts to study the development and safe operation of autonomous vehicles and related technologies;
- m) Oppose legislation that fails to preserve local discretion and flexibility in the development of the congestion management program.

## **VI. ROLES AND RESPONSIBILITIES**

In recent years, there have been many efforts to reorganize or restructure transportation programs and local agency responsibilities. In 2019-20, OCTA will continue to monitor legislation or regulations that would significantly affect the way in which it operates, with a focus on the following principles:

- a) Support efforts to preserve the role of county transportation commissions, as consistent with existing law, in the administration of transportation programs;
- b) Oppose proposals that reduce the rights and responsibilities of county transportation commissions in planning, funding, and delivering transportation programs;

- c) Oppose efforts to unnecessarily subject projects to additional reviews and project selection approvals that could adversely affect delivery timelines and processes;
- d) Support efforts to facilitate a partnership with alternative mobility providers that allows for adequate information sharing while also respecting the planning efforts of local agencies;
- e) Support efforts to improve local oversight and create operational improvements in the administration of the Orange County Taxi Administration Program;
- f) Support efforts to increase the flexibility for the use of funds for motorist service programs;

## **VII. 91 EXPRESS LANES/MANAGED LANES**

OCTA's commitment to continuously improve mobility in Orange County is reflected through a dynamic involvement in such innovative highway endeavors as the ownership of the 91 Express Lanes, a ten-mile managed lane facility on State Route 91, extending from State Route 55 to the Orange/Riverside County line. Since its purchase in 2003, the 91 Express Lanes has provided drivers an alternative mobility option between Orange and Riverside counties, while also allowing for investment in multi-modal improvements throughout the State Route 91 corridor.

As transportation demands continue to increase, innovative tools must be available to ensure transportation infrastructure projects continue to be built in a reliable, prompt, and efficient manner. OCTA took advantage of one such tool by securing a \$629 million federal loan to supplement state and local funds on the Interstate 405 Improvement Project. The loan, obtained through the Transportation Infrastructure Finance and Innovation Act (TIFIA), will save taxpayers approximately \$300 million in the decades to come. As the TIFIA loan illustrates, OCTA is committed to improving mobility for Orange County residents using the innovative tools and approaches that are allowing transportation agencies to stretch their dollars further than ever before.

Many agencies are discussing the increased use of managed lane facilities. To ensure not only the continued success of the 91 Express lanes, but also to ensure managed lane policy moving forward allows for local flexibility and input, in 2019-20, OCTA will:

- a) Support legislation to ensure revenues from managed lane facilities remain within the corridor from which they are generated, opposing efforts to divert revenues from managed lane facilities for state purposes;
- b) Support policies that allow OCTA and the Riverside County Transportation Commission to efficiently operate and maintain the 91 Express Lanes into Riverside County;
- c) Support efforts to preserve local flexibility in the administration of toll lanes;



- d) Oppose state efforts to construct or operate managed lane facilities that are established without an adopted statewide managed lane strategy or plan;
- e) Oppose state efforts to construct or operate managed lane facilities that fail to respect existing local transportation projects and funding programs;
- f) Support customer privacy rights while maintaining OCTA's ability to effectively communicate with customers and operate the 91 Express Lanes;
- g) Support the use of innovative means to enhance toll agency enforcement efforts, including ways to address toll violations due to protected plates;
- h) Support collaborative solutions to address the degradation of HOV lanes that respect local transportation funding sources and programs, have the support of the relevant regional transportation planning agency, do not redirect existing local transportation funding sources, and analyze the effect of single-occupant, low-emission vehicles, including associated federal requirements triggered by their access allowance.
- i) *Support efforts to improve the interoperability of the different toll systems across the state in order to ensure fair and efficient toll operations, including enforcement mechanisms, throughout California.*

## **VIII. RAIL PROGRAMS**

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

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

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

Key advocacy efforts will emphasize the following:

- a) Support legislation that encourages commercial, commuter-based development around passenger rail corridors that includes permanent job creation;
- b) Support efforts to create additional efficiency in rail program oversight, including consideration of possible program consolidation;
- c) Monitor and evaluate plans and progress of high-speed rail and its funding;
- d) Support efforts to provide resources for safety improvements on the rail network in Southern California, including for the implementation of Positive Train Control safety technology;
- e) Support policies that facilitate the development and construction of needed infrastructure projects that support modernization, connectivity, and general system-wide improvements to California's rail network.

## **IX. GOODS MOVEMENT**

The Ports of Los Angeles and Long Beach, the nation's two busiest in terms of container volume and value, are vital to California's economy and the surrounding region because goods are shipped to and through the surrounding counties. Our state's goods movement-related industries account for more than \$700 billion in revenue and more than five million jobs. While the state's goods movement system is the most robust in the nation, it is continually challenged by competing goods movement systems in other states. In order to continue to compete and engage in the global market place, California must continue to enhance its goods movement system, while at the same time be cognizant of taking the necessary actions to mitigate any negative impacts to local communities.

Key Positions for 2019-20 include:

- a) Support improvements in major trade gateways in California to facilitate the movement of intrastate, interstate, and international trade beneficial to the state's economy;
- b) Support legislation that will aid in the development, approval, and construction of projects to expand goods movement capacity and reduce congestion;



- c) Ensure that control of goods movement infrastructure projects and funding retained at the local level;
- d) Seek mitigation for the impacts of goods movement on local communities;
- e) Pursue ongoing, stable sources of funding for goods movement infrastructure.

## **X. ACTIVE TRANSPORTATION**

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

Key positions include:

- a) Support legislation that increases the visibility and safety of users engaged in active transportation;
- b) Support creative use of paths, roads, and abandoned rail lines using existing established rights-of-way to promote bike trails and pedestrian paths;
- c) Support policies that encourage the safe interaction and operation of integrated multi-modal systems, including roadways, rail lines, bikeways, and pedestrian ways, and the users of those facilities;
- d) Support efforts to streamline active transportation funding programs;
- e) Support legislation and regulatory changes to streamline and simplify the review and approval by the California Public Utilities Commission of lease agreements between sponsors of active transportation projects and public utility companies.

## **XI. ADMINISTRATION/GENERAL**

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

- a) Oppose legislation and regulations adversely affecting OCTA's ability to efficiently and effectively contract for goods and services, conduct business of the agency, and limit or transfer the risk of liability;
- b) Support legislation to provide greater protection of OCTA's computer and information security systems;

- c) Support legislation that establishes reasonable liability for non-economic damages in any action for personal injury, property damage, or wrongful death brought against a public entity based on principles of comparative fault;
- d) Support legislation that would provide for consistency of campaign contribution limits applied to both elected and appointed bodies;
- e) Monitor the effect of Brown Act legislation on OCTA Board operations as it relates to the use of new technologies for communication with the public.

## **XII. ENVIRONMENTAL POLICIES**

Changes in environmental laws can affect OCTA's ability to plan, develop, and build transit, rail, and highway projects. While OCTA has been a leading advocate for new, cleaner transit technologies and the efficient use of transportation alternatives, it also remains alert to new, conflicting, or excessive environmental statute changes.

Key positions include:

- a) Oppose efforts to grant special interest groups or new bureaucracies control, oversight, or influence over the California Environmental Quality Act process;
- b) Oppose legislation that restricts road construction by superseding existing broad-based environmental review and mitigation processes;
- c) Support incentives for development, testing, and purchase of clean fuel commercial vehicles;
- d) Support efforts to seek funding and flexibility for the retrofit or re-powering of transit buses and locomotives with cleaner engines to attain air quality standards;
- e) Oppose legislation that would limit lead agency discretion in the management and oversight of lands set aside for environmental mitigation purposes, while encouraging policies that promote advance mitigation planning programs;
- f) Support efforts to ensure that Caltrans can continue to review and approve transportation projects under the National Environmental Policy Act;
- g) Monitor the development, adoption, and implementation of the Air Quality Management Plan (AQMP) to avoid cost increases and prevent any potential conflicts between AQMP implementation, the adopted Regional Transportation Plan, and OCTA's projects or programs.

## **XIII. EMPLOYMENT ISSUES**



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

Key advocacy positions include:

- a) Oppose efforts to impose state labor laws on currently exempt public agencies;
- b) Oppose legislation that circumvents the collective bargaining process;
- c) Oppose legislation and regulations adversely affecting OCTA's ability to efficiently and effectively deal with labor relations, employee rights, benefits including pension benefits, Family Medical Leave Act, and working conditions, including health, safety, and ergonomic standards for the workplace;
- d) Support legislation that reforms and resolves inconsistencies in the workers' compensation and unemployment insurance systems, and labor law requirements that maintain protection for employees and allow businesses to operate efficiently.

#### **XIV. TRANSPORTATION SECURITY AND EMERGENCY PREPAREDNESS**

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

Heightened security awareness, an active public safety campaign, and greater surveillance efforts, all require additional financial resources. Consequently, in 2019-20, OCTA's advocacy position will highlight:

- a) Support state homeland security and emergency preparedness funding and grant programs to local transportation agencies to alleviate financial burden placed on local entities;
- b) Support legislation that balances retention mandates of video surveillance records to reflect current reasonable technological and fiscal capabilities;

- c) Support the use of new technology to increase the safety of public transportation passengers and operators.



## **Orange County Transportation Authority 2019-20 Federal Legislative Platform**

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

The 2019-20 Federal Legislative Platform serves as a framework document to guide the Orange County Transportation Authority's (OCTA) statutory, regulatory, and administrative goals and objectives in Washington, D.C. The Key Policy Issues section offers guidance on the policy issues that will likely be the focus of the 116<sup>th</sup> Congress, and the later sections present guiding policy statements for the other major issues that may arise. Positions on individual items not directly addressed in this document will be brought to the OCTA Board of Directors (Board) for formal action.

### **Key Policy Issues in the 116<sup>th</sup> Congress**

A number of significant transportation issues are expected to be discussed in the 116<sup>th</sup> Congress. OCTA will focus its advocacy efforts on the following principles:

- a) Enact long-term surface transportation reauthorization legislation that provides sustainable funding levels for transportation programs in order to meet our county's critical infrastructure needs;
- b) Seek responsible revenue solutions to fund future transportation projects without adversely affecting an agency's ability to provide services;
- c) Advocate for full funding of transportation programs without placing new limitations or conditions on the distribution of funds that would impede the delivery of infrastructure projects;
- d) Ensure that funding for any new infrastructure initiatives does not replace or adversely affect existing transportation programs.
- e) *Oppose the statutory rescission scheduled to take place on July 1, 2020.*
- f) *Ensure that Highway Trust Fund revenues continue to be used for transit expenditures.*

## **I. TRANSPORTATION FUNDING**

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

Funding limitations enacted with bipartisan support effectively prohibit funding specifically directed to individual projects, commonly referred to as earmarks. It is expected that appropriators will continue this practice for the foreseeable future. Accordingly, this platform does not contain any earmark requests. Should Congress once again allow earmarks, OCTA staff will seek the guidance from the Legislative and Communications Committee regarding project requests.

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

- a) Support sustainable transportation funding levels that allow OCTA to continue to improve mobility in and around Orange County;
- b) Oppose efforts to redirect, reduce, or eliminate existing transportation funding programs;
- c) Support funding for the Capital Investment Grants program to allow for an expansion of fixed-guideway projects;
- d) Ensure that federal funding is available for capital purposes to the extent not needed for direct operating costs;
- e) Support funding, with increased flexibility, for safety and security grant programs in order to protect Orange County's transportation system, including highways, transit facilities, rail lines, and related software systems;
- f) Support policies that encourage ridesharing and related congestion relief programs for Orange County commuters;
- g) Support funding for regional and intercity passenger rail corridors in California;
- h) Support funding for the Southern California Regional Training Consortium to develop bus maintenance training information for the transit agencies throughout Southern California;



## II. REAUTHORIZATION PRIORITIES

The Fixing America's Surface Transportation (FAST) Act (Pub. L. No. 114-94) authorized \$305.5 billion over five years for public transportation, rail, highway, safety, research, and technology programs. These funding levels provided modest increases in all major existing surface transportation programs over the life of the bill. It also added new formula and discretionary freight programs, a new discretionary bus capital program, and new funding for intercity rail. The legislation also preserved the federal focus on safety, kept intact the established structure of the various highway programs, and continued efforts to streamline project delivery.

The FAST Act expires on September 30, 2020. In the 116<sup>th</sup> Congress, OCTA will focus much of its advocacy efforts on enacting long-term reauthorization legislation that allows state and local government agencies to move forward with a federal partner on critical transportation projects. As such, OCTA will advocate for the following policies:

- a) Support the greatest possible share of funding for California and OCTA, focusing on increasing formula funds;
- b) Support increased flexibility in transportation funding programs to promote greater local decision-making in the planning process;
- c) Ensure a long-term partnership with the federal government that helps OCTA address capital and operating revenue shortfalls;
- d) Support a stable source of proposed future revenues that provides adequate resources for future transportation needs;
- e) Oppose efforts to subject public transportation providers to gas tax liability or other fees that increase operating costs;
- f) Oppose unfunded federal mandates that further stretch the resources of state and local transportation agencies;
- g) Oppose policies that undermine or limit local control over land use decisions;
- h) Ensure fair sub-allocations of funding to account for additional costs, increased administrative responsibilities, and the potential for increased liabilities to which the agency may be subject;
- i) Support efforts to ensure that all users of the national transportation system pay their "fair share" to maintain and improve the system;
- j) Oppose limitations or other arbitrary conditions on transportation programs that prevent an equitable distribution of transportation resources;

- k) Support efforts to clarify roles for state and local transportation agencies, as well as for the private sector, in developing innovative approaches to improving mobility;
- l) Support additional funding flexibility to facilitate the use of alternative mobility providers;
- m) Support policies to encourage the safe development, demonstration, deployment, and operation of connected and automated vehicle technologies;
- n) Support a collaborative approach to understanding the capital infrastructure and operational needs of local and state transportation agencies, as well as those of private sector partners, in the testing and deployment of autonomous vehicles and related technologies;
- o) Support proposals consistent with the recommendations contained in OCTA's Breaking Down Barriers Report and subsequent Follow-on Study;
- p) *Oppose rescissions or other arbitrary funding cuts to transportation programs.*

### **III. IMPLEMENTING FEDERAL TRANSPORTATION PROGRAMS**

In the 116<sup>th</sup> Congress, OCTA will continue support finalizing the implementation of the FAST Act while finding ways to complement the programs and provisions authorized under federal law. During this time, OCTA will advocate for the following issues:

- a) Oppose any effort to further reduce transportation funding for OCTA or California, advocating for a fair and equitable share;
- b) Pursue continued eligibility of Congestion Mitigation Air Quality (CMAQ) program funding for three-to-five years of operating expenses associated with any new start fixed-guideway or eligible bus projects;
- c) Support expanded use of alternative delivery methods for federally-funded transportation projects;
- d) Support environmental process improvements and stewardship efforts by the relevant federal agencies to expedite project delivery and accelerate the creation of jobs;
- e) Support expedited review and payments to local agencies and their contractors for project development, right-of-way acquisition, and construction activities;
- f) Support efforts that direct state departments of transportation to consider the condition and effectiveness of local evacuation routes in high-risk areas when setting priorities for the disbursement of highway funding;



- g) Support efforts to authorize, fund, and streamline the delivery of bike and pedestrian projects in Orange County;
- h) Advocate for policies to encourage, when possible, a “complete streets” approach to multi-modal project planning in order to expedite project delivery;
- i) Encourage the Federal Highway Administration (FHWA) to utilize the Regional Transportation Plan (RTP) as a long-range planning and vision document rather than a detailed 30-year financial plan;
- j) Support shifting the approval of RTP amendments involving Transportation Control Measures from the Environmental Protection Agency back to the FHWA while allowing for an adequate consultation process;
- k) Support flexibility and increased local decision-making authority regarding the operation of high-occupancy vehicle (HOV) lanes in order to reduce or eliminate the unintended consequences resulting from Section 166 of the Federal Highway Act or any similar policy regulating degradation of HOV lanes;
- l) Encourage cooperation between state and federal partners to mitigate or eliminate any policy that requires direct actions within 180 days of realized degradation on federally-funded highways;
- m) Support streamlining of Federal Buy America requirements to increase certainty while also advocating for greater flexibility in their application.

#### **IV. FISCAL REFORMS AND ISSUES**

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

- a) Oppose legislation and regulations that would divert revenues generated by locally-approved sales taxes to programs and projects that are not included in the sales tax ordinance;
- b) Support removing barriers to the release of transportation funding, including allowing local agencies to advance projects with local funds in order to limit lengthy amendment processes that delay project delivery;
- c) Support expansion and further development of innovative project finance methods, including the Transportation Infrastructure Finance and Innovation Act loan program;

- d) Support fiscally-sound legislation that adequately addresses the Highway Trust Fund's structural deficit, including initiatives to address the impact of low- and zero-emission vehicles on transportation funding;
- e) Seek methods to ensure the equitable collection and distribution of sales tax revenue from out-of-state, online retailers (*South Dakota v. Wayfair, Inc.*);
- f) Support tax policies that reduce costs or provide additional flexibility in OCTA's financial and operational activities;
- g) Support legislation or regulations that expedite the delivery of transportation improvements or the development of business opportunities in order to create jobs and economic activity in Southern California.

## **V. RAIL PROGRAMS**

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

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

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

- a) Support funding for rail safety programs, including funding for implementation and operation of Positive Train Control (PTC) safety technology and other safety enhancements;



- b) Support PTC implementation that allows for adequate consideration of technological, fiscal, and logistical implementation challenges, including reasonable exemptions from legislative deadlines on a case-by-case basis;
- c) Support efforts to ensure that any alternative safety technology is interoperable with, and contains the same safety benefits as, the PTC system implemented on passenger rail corridors in Southern California;
- d) Support the availability of technical resources, such as wireless spectrum, to fully implement rail safety technology;
- e) Oppose increasing the current rail passenger liability cap of \$295 million per incident and work with regional partners to ensure that any changes to the cap take into account the limited resources of passenger rail providers.

## **VI. GOODS MOVEMENT**

The twin Ports of Los Angeles and Long Beach are considered "America's Gateway" and the nation's busiest ports, handling more than \$180 billion dollars' worth of cargo each year. The maintenance and improvement of our region's goods movement infrastructure must continue to be a national priority if our region is to remain competitive with the rest of the world and responsive to the consumer needs of the nearly 18 million people living in Southern California. The need for the Southern California region to remain competitive is further underscored by the expansion and modernization efforts of foreign competitors. Even though the FAST Act provided \$10 billion for goods movement projects and programs, revenue streams remain insufficient to fund the projects needed to offset the costs of moving these goods considering the many years of underinvestment. OCTA's advocacy efforts regarding goods movement will continue to emphasize the following:

- a) Pursue new, stable, dedicated, and secure sources of funding for goods movement infrastructure;
- b) Ensure that the benefits of newly funded projects also take into account mitigation factors to impacted communities;
- c) Support a collaborative approach, including engaging with private sector partners, in developing and implementing the needed sustainable goods movement infrastructure programs and projects;
- d) Support for a high ranking of the Alameda Corridor projects as part of discretionary transportation programs;
- e) Support local control of goods movement infrastructure and freight mobility projects.

## **VII. TRANSPORTATION SECURITY AND EMERGENCY PREPAREDNESS**

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

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

## **VIII. ENERGY ISSUES**

The transportation sector is one of the largest consumers of petroleum in the nation. Therefore, legislation or regulations to further develop energy-efficient policies will likely have an impact on OCTA's operations. With such proposals in mind, OCTA will:

- a) Monitor legislation and rulemakings that address new or emerging energy policies;
- b) Encourage industry associations to comment on proposals affecting the public transportation sector;
- c) Support the continuation and expansion of tax incentives for using compressed natural gas, liquefied natural gas, and other alternative transit fuels;
- d) Provide reports to the Board outlining any energy-related legislation introduced in the 116<sup>th</sup> Congress potentially affecting OCTA.

## **IX. ENVIRONMENTAL POLICY**



Federal environmental policies affecting OCTA include the National Environmental Protection Act, the Clean Air Act, the Clean Water Act, and the Endangered Species Act. With regard to these policies, OCTA will:

- a) Seek opportunities to expedite and improve the efficiency of the environmental process without impairing substantive environmental requirements;
- b) Seek funding to meet state and local environmental quality requirements, including anticipated requirements for zero-emission buses, alternative fueling stations, and future greenhouse gas reduction requirements;
- c) Monitor proposals to address the environmental impacts of greenhouse gases to ensure that any new environmental requirements are accompanied by additional funding necessary to implement those requirements;
- d) Support expedited review and payments to local agencies and their contractors for project development, right-of-way acquisition, and construction activities.

## **X. REGULATORY REQUIREMENTS**

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

- a) Oppose regulatory efforts to extend the statutory requirements of the Americans with Disabilities Act;
- b) Support expedited and improved federal reporting and monitoring requirements to ensure efficiency and usefulness of data while also eliminating redundant state and federal requirements;
- c) Oppose regulatory proposals that unreasonably subject OCTA to burdensome bureaucratic requirements or increase operational costs, making it harder to deliver projects and improve mobility in Orange County.

## **XI. EMPLOYMENT ISSUES**

Federal employment laws affecting OCTA include the Fair Labor Standards Act, Family and Medical Leave Act, Occupational Safety and Health Act, and the Omnibus Transportation Employee Testing Act of 1991. OCTA's historical positions regarding labor and employment issues have included:

- a) Support tax incentives for employer-provided transit passes, vanpool benefits, parking spaces, or other commuter benefits;

- b) Oppose policies adversely affecting the agency's ability to effectively address labor relations, employee rights, benefits, and working conditions, such as health, safety, and ergonomic standards;
- c) Oppose policies that limit state or local pension benefit reforms.



**November 15, 2018**

**To:** Legislative and Communications Committee  
**From:** Darrell E. Johnson, Chief Executive Officer  
**Subject:** Status Report of State Legislation Enacted in 2018

### **Overview**

At the conclusion of the 2018 legislative session, 1,016 bills were signed and chaptered by Governor Jerry Brown, while 201 bills were vetoed. A report containing an analysis of legislation relevant to the Orange County Transportation Authority is provided.

### **Recommendation**

Receive and file as an information item.

### **Discussion**

#### **2018 Legislative Session Adjourns**

Following the State Legislature's adjournment, Governor Jerry Brown had until September 30, 2018, to either sign or veto all legislation submitted to his office. Of the 1,217 bills sent to the Governor in 2018, 201 bills were vetoed; about 16.5 percent of the total number of bills presented to his office. This is significantly higher than the 13 percent average veto rate dating back to 1967, and is higher than the 12 percent he vetoed in 2017. This was the highest number of bills he has had to consider as Governor since 2011.

The Orange County Transportation Authority (OCTA) Board of Directors (Board), legislative staff, and advocates were successful in advancing many of OCTA's interests in 2018. A detailed summary of legislation relevant to OCTA is included as Attachment A. Among the bills considered this session were the following transportation proposals:

---

**Status of Legislation Considered in 2018 - Bills Signed****AB 686 (Chapter 958, Statutes of 2018): House Discrimination: Further Fair Housing**

Position: Neutral (previously an “oppose” position)

In its original form, AB 686 (Chapter 958, Statutes of 2018), would have required public agencies, including OCTA, to administer programs and activities relating to housing and community development in a manner that would affirmatively further fair housing (AFFH). This would have created a legal loophole to challenge transportation funding, planning, programming, and construction activities, even when the transportation agency has no jurisdiction over housing and land use decisions. This would have also conflicted with other state goals, including those related to job creation, the environment, and disadvantaged communities. Given these concerns, the author had initially pulled the bill in 2017. However, the author, in an effort to address the concerns raised by the California Association of Councils of Governments, OCTA, the Southern California Association of Governments, the Riverside County Transportation Commission, and others, amended the bill this year. The amendments removed regional transportation agencies from the AFFH requirement, which allowed OCTA to go neutral on the bill.

**AB 1759 (Chapter 250, Statutes of 2018): Public Trust Lands: City of Sacramento**

Position: Neutral (previously an “oppose” position)

OCTA initially opposed AB 1759 (Chapter 250, Statutes of 2018), which in its original form would have required Orange County cities and the County of Orange to provide that it has met a minimum housing production goal in its annual report for a given reporting period to be eligible for Local Streets and Roads funding provided under SB 1 (Chapter 5, Statutes of 2017). With the addition of a housing production requirement, this bill would have set a concerning precedent, where other policy priorities could have potentially been linked to transportation funds. This could have impacted transportation planning, programming, and construction activities for cities, counties, and agencies such as OCTA looking to deliver critical infrastructure projects. The regional housing needs assessment requirement would also have reduced local authority over the implementation of funds provided under SB 1 and linked it to other goals without providing the necessary resources. However, AB 1759 was later gut-and-amended to relate to public trust lands in the City of Sacramento, and as a result, OCTA went neutral on the bill.



---

AB 1912 (Chapter 909, Statutes of 2018): Public Employees' Retirement: Joint Powers Agreements: Liability

Position: Oppose

AB 1912 (Chapter 909, Statutes of 2018) was introduced to ensure that all joint power authority (JPA) entities can cover their retirement obligations, even if these liabilities were not considered at the time the JPA was formed. The bill in its original form would have held current and former JPA member agencies jointly-and-severally liable for pension obligations. OCTA opposed the bill in this form because it would have adversely affected the agency's financial structure and deter against the future use of JPAs. As such, AB 1912 was later amended in an attempt to give more discretion to member agencies. While some stakeholders viewed the amendments as a compromise, OCTA remained opposed to the bill as the previously mentioned concerns were not adequately addressed.

The final version signed into law by the Governor does not allow a JPA to dissolve without a plan to apportion outstanding pension liabilities between current and former member agencies. Absent an apportionment agreement by member agencies, either the California Public Employees' Retirement System or the appropriate retirement plan, depending on the legal structure of the JPA, has discretion to apportion liability, with any challenges subject to arbitration. As a direct result of AB 1912, OCTA could be subject to significantly more financial liability than was anticipated upon the formation of the Southern California Regional Rail Authority (Metrolink) JPA. In addition, this bill has the potential to place additional burdens on the formation of future JPAs, making it more difficult for OCTA to collaborate with interested partners in Orange County.

AB 3124 (Chapter 22, Statutes of 2018): Vehicles: Length Limitations: Buses: Bicycle Transportation Devices

Position: Support

Sponsored by the California Transit Association (CTA), AB 3124 (Chapter 22, Statutes of 2018) authorizes the use of three-position bicycle racks on 60-foot articulated transit buses, subject to the approval of a route review committee. This legislation expands upon the authority provided by AB 2707 (Chapter 310, Statutes of 2014), which only allowed 40-foot buses to be equipped with three-position bicycle racks. The higher capacity racks on articulated buses will reduce the number of times a bicyclist will be left behind and will make the system more compatible for bicyclists. OCTA will be allowed to start deploying three-position bicycle racks as soon as January 1, 2019, assuming approval from a route review committee, which AB 3124 establishes, and OCTA's internal Configuration Control Committee.

SB 1119 (Chapter 606, Statutes of 2018): Low Carbon Transit Operations Program

Position: Sponsor

Co-sponsored by CTA and supported by a number of transportation agencies, SB 1119 (Chapter 606, Statutes of 2018) will provide system-wide flexibility in the use of Low Carbon Transit Operations Program (LCTOP) funding for new transit pass programs, new or expanded transit service serving disadvantaged communities (DACs) or low-income communities, and the purchase of zero-emission transit buses and supporting infrastructure. With the success of the Santa Ana College student transit pass program using LCTOP funding, this bill will allow OCTA to expand upon this transit pass program and further expand transportation choices for students and residents of DACs. This will have the dual benefit of increasing ridership while simultaneously reducing congestion on local streets and roads.

While the Assembly Appropriations Committee did provide in their analysis that there could be unknown costs for the California Department of Transportation (Caltrans) and the California Air Resources Board (ARB) to conduct administrative functions, it was later clarified by OCTA and CTA that SB 1119 would allow for greater efficiencies in project reviews, compliance with statutory requirements, and other administrative functions associated with LCTOP. As such, SB 1119 passed unanimously out of both the Senate and the Assembly and did not receive a single vote in opposition in any of its committee hearings. Moving forward, OCTA will remain engaged with the ARB and Caltrans as LCTOP guidelines are revised to comply with SB 1119.

SB 502 (Chapter 602, Statutes of 2018): Commuter Rail Systems: Availability of Automated External Defibrillators: Construction Manager/General Contractor Project Delivery Method: Metrolink Commuter Rail Projects

Position: Support (previously an "Oppose" position)

Since last September, SB 502 (Chapter 602, Statutes of 2018) would have only required public entities that operated a commuter rail system to ensure that each train is equipped with an automated external defibrillator. However, on August 23, 2018, amendments were made to SB 502 that added language that provided Construction Manager/General Contractor (CM/GC) authority to Metrolink for commuter rail projects without the consent or oversight of its member agencies, including OCTA. These initial amendments would have subverted OCTA's prerogative to maintain local control over the delivery of transportation projects on the 42 miles of OCTA-owned rail right-of-way in Orange County. As such, OCTA initially communicated an oppose position, but due to OCTA's opposition, Metrolink and the author's office showed a willingness to accept amendments to ensure the use of CM/GC would only be conducted



according to previous precedent. On August 27, 2018, SB 502 was amended to clarify that Metrolink could only use CM/GC authority upon approval from the county transportation commission that has jurisdiction over the project. The bill also provided CM/GC authority for the county transportation commissions, such as OCTA, to construct Metrolink commuter rail projects utilizing CM/GC. These amendments allowed OCTA to remove its opposition to SB 502 and support the bill. This final version signed into law could serve as a tool to expedite the delivery of Metrolink improvement projects throughout Southern California.

### **Additional Bills of Interest that OCTA Opposed – Failed Passage**

#### **AB 302 (Gipson, D-Carson) and AB 327 (Gipson, D-Carson) South Coast Air Quality Management District: Fleets**

AB 302 (Gipson, D-Carson) and AB 327 (Gipson, D-Carson) would have authorized the Governing Board of the South Coast Air Quality Management District (SCAQMD) to create requirements for the use of zero-and near-zero emission technology in public fleets to the maximum extent feasible in the south coast region. While AB 302 and AB 327 would have required the SCAQMD in adopting the regulations to consult with Caltrans, the California Highway Patrol, and the transportation commissions within their region, it would have presented significant implications for OCTA's existing transit services and financial plans. OCTA has embarked on numerous efforts to further reduce emissions through the integration of low-NOx engines, use of renewable natural gas, and the purchase of ten zero-emission hydrogen fuel cell buses. Additional requirements would have decreased OCTA's available funding needed to operate its current service. Due to these concerns, the author pulled AB 302 before it could be heard in a policy committee. Similarly, AB 327 was held in the Senate Transportation and Housing Committee, and thus failed passage.

#### **AB 344 (Melendez, D-Lake Elsinore): Toll Evasion Violations**

AB 344 (Melendez, D-Lake Elsinore) would have required a person contesting a notice of toll evasion violation or notice of delinquent toll evasion to only have to pay the penalty after exhausting all potential forms of appeal. Existing law states that if the person contesting the violation is not satisfied with the results of the initial investigation, then that person, within 15 days of the mailing of the results of the investigation, must deposit the full amount of the toll evasion penalty and request an administrative review. OCTA, as owner and operator of the 91 Express Lanes, receives about 5,500 challenges annually to toll violations. If OCTA continues with the enforcement of the toll penalty after the investigative stage of an appeal, the contestant can appeal the results to an administrative hearing, which requires a person to deposit the total amount of the toll violation plus penalties. AB 344 would have provided an incentive to challenge the

penalty and go to later stages of the appeal process without a deposit, which would have increased associated costs for OCTA and impacted OCTA's ability to enforce toll policies. AB 344 was set to be heard in the Senate Transportation and Housing Committee last year, but was ultimately cancelled at the request of the author due to the opposition presented from toll agencies statewide and concerns expressed by committee staff.

AB 1640 (Garcia, D-Coachella): Transportation Funding: Low Income Communities

AB 1640 (Garcia, D-Coachella) would have required the State Transportation Improvement Program and Regional Transportation Improvement Program funding to be prioritized for low income and transportation disadvantaged communities. While addressing the mobility and safety needs of these communities is important and necessary, AB 1640 would have created arbitrary thresholds of prioritization, potentially jeopardizing currently programmed projects and other funding sources associated with those projects. AB 1640 would have also undermined the discretion of regional transportation agencies and the state to determine the projects necessitating investment to meet regional connectivity and maintenance needs. Due to these concerns, the bill was never heard in a policy committee and, as a result, failed passage.

AB 2417 (Rodriguez, D-Pomona): Metro Gold Line Foothill Extension Construction Authority

AB 2417 (Rodriguez, D-Pomona) would have revised the board membership of the Metro Gold Line Foothill Extension Construction Authority by adding the City of Montclair (Montclair) as a voting member. While OCTA understood the intent of AB 2417, given Montclair's role as a regional transit hub for bus and rail service in San Bernardino County, OCTA supported the San Bernardino County Transportation Authority's (SBCTA) recommendation to also include SBCTA as an additional voting member. Not including SBCTA as a voting member would have set a concerning precedent, where a board composition for a project could be set in a way to leave off a primary funding and operating partner. In addition, AB 2417 would have been inconsistent with voter-approved transportation sales tax measures, such as Measure I in San Bernardino County. AB 2417 was set to be heard in the Assembly Appropriations Committee, but was ultimately cancelled at the request of the author given the concerns raised by SBCTA, OCTA, and other county transportation commissions in southern California.

SB 264 (Nguyen, R-Garden Grove): High-Occupancy Toll Lanes: Interstate 405

SB 264 (Nguyen, R-Garden Grove) would have detailed allocation requirements for the net excess toll revenues from the high-occupancy toll lanes on OCTA's



Interstate 405 Improvement Project, superseding the process outlined under AB 194 (Chapter 687, Statutes of 2015). Pursuant to AB 194, OCTA has already executed a toll operating agreement with Caltrans on terms and conditions related to the toll facility, including operational management and use of revenues. This bill would have significantly infringed upon the local control granted by AB 194 to regional transportation agencies implementing toll facilities, regardless of the fact that these agencies are taking on the risk of investing and operating such a facility. In addition, the bill would have prohibited investment in many multi-modal improvements in the corridor, including transit services and active transportation purposes to further alleviate congestion. SB 264 was set to be heard in the Senate Transportation and Housing Committee in 2017, but was ultimately cancelled at the request of the author.

SB 268 (Mendoza, D-Artesia): Los Angeles County Metropolitan Transportation Authority (LA Metro)

SB 268 (Mendoza, D-Artesia) would have revised the composition of the Los Angeles County Metropolitan Transportation Authority's (LA Metro) Board of Directors. In its original form, the bill would have created a precedent which would have been concerning for other public agencies, where a board composition could be changed without thorough consultation with the public agency. SB 268, similar to SB 522 (Mendoza, D-Artesia) and SB 1472 (Mendoza, D-Artesia) of 2016, which would have also increased the number of members on LA Metro's board, was pulled by the author from the policy committee in 2017.

**Additional Bills of Interest that OCTA Supported – Failed Passage**

AB 278 (Steinorth, R-Rancho Cucamonga): California Environmental Quality Act (CEQA): Exemption: Transportation

AB 278 (Steinorth, R-Rancho Cucamonga) would have exempted various transportation projects, or the issuance of a permit for those projects, from the California Environmental Quality Act (CEQA) if the project was located within an existing right-of-way. Eligible projects included the inspection, maintenance, repair, rehabilitation, replacement, or removal of existing transportation infrastructure, including, but not limited to, highways, roadways, bridges, transit systems, bikeways, and paths serving pedestrians. While the provisions of AB 278 did not apply to projects that added additional motor vehicle lanes, it could have applied to the addition of auxiliary lanes. The provisions of AB 278 were identical to AB 1569 (Steinorth, R-Rancho Cucamonga) that OCTA supported last session. Neither bill was able to pass out of its initial policy committee, both failing on a party line vote. Committee analysis raised concerns

about expanding CEQA exemptions, believing existing exemptions were broad enough.

AB 1454 (Bloom, D-Santa Monica) and SB 768 (Allen, D-Santa Monica)  
Transportation Projects: Lease Agreements

AB 1454 (Bloom, D-Santa Monica) and SB 768 (Allen, D-Santa Monica) would have extended the authority for Caltrans and regional transportation authorities to enter into public-private-partnership (P3) agreements for projects on the state highway system. SB 2X-4 (Chapter 2, Statutes of 2009) had previously authorized Caltrans and regional transportation agencies to enter into an unlimited number of P3 agreements, but the authority expired on January 1, 2017. Initially, the provisions of AB 1454 and SB 768 were nearly identical, but AB 1454 was later amended to just include intent language. Neither bill moved out of its respective Appropriations Committee in 2017, with strong opposition from the Professional Engineers in California Government.

AB 1905 (Grayson, D-Concord): Environmental Quality: Judicial Review:  
Transportation Projects

AB 1905 (Grayson, D-Concord) would have provided legal certainty for transportation projects that have been adopted as part of a sustainable communities strategy. The primary goal of AB 1905 was to limit injunctive relief awarded in litigation pursued under CEQA against projects that have already undergone California's thorough environmental review process and are part of a plan that has demonstrated overall emission reduction benefits. The bill would have reduced barriers between the conception and completion of transportation projects. The most recent version of AB 1905 also included amendments that would have limited the bill's applicability to projects that reduced vehicle miles traveled. This would have limited the scope of AB 1905, but OCTA remained supportive of the overall bill and was prepared to work with the author and stakeholder to make improvements. AB 1905 was set to be heard in the Assembly Natural Resources Committee, but was ultimately cancelled at the request of the author. In addition to continued opposition from the environmental community, the analysis from the Assembly Natural Resources Committee noted that there wasn't enough justification for the bill.

AB 3201 (Daly, D-Anaheim): California Clean Truck, Bus, and Off-Road Vehicle  
and Equipment Technology Program

AB 3201 (Daly, D-Anaheim) would have created added certainty about the availability of incentive funding for future deployments of zero-emission buses and related infrastructure by clarifying eligibility parameters. Given concerns about the adequacy of funding availability needed to meet ARB's proposed



Innovative Clean Transit Regulation, which would mandate the purchase of zero-emission buses, AB 3201 would have helped alleviate some of these issues by expanding the eligibility requirements under the California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program. However, AB 3201 was held in the Assembly Appropriations Committee, and thus failed passage. OCTA will continue to seek opportunities to promote an incentive-based approach which will allow testing of all compatible technologies, resulting in a more complete analysis of the cost implications and technology associated with zero-emission buses.

SB 1434 (Leyva, D-Chino): Transportation Electrification: Electricity Rate Design

Sponsored by CTA, SB 1434 (Leyva, D-Chino) would have required the California Public Utilities Commission to initiate a ratemaking proceeding that addresses the cost of electricity as a fuel for transit agencies. The bill would have allowed for a proceeding that brought relevant stakeholders together to deliberate on an appropriate rate structure rather than prescribing a specific rate structure in statute. OCTA estimates that charging an entire fleet of zero-emission buses would require 12 times the amount of energy than it would to charge a fleet of compressed natural gas buses. As such, this bill could have allowed for a more successful statewide transition to zero-emission technologies. Due to cost concerns outlined in the analysis of the Assembly Appropriations Committee, SB 1434 was ultimately held in committee.

SB 1466 (Glazer, D-Orinda) and SCA 20 (Glazer, D-Orinda): Local Sales Tax: Online Sales

SB 1466 (Glazer, D-Orinda) and SCA 20 (Glazer, D-Orinda) would have authorized adjustments in the distribution of revenues generated from the Bradley-Burns Uniform Local Sales and Use Tax Law as they relate to online sales. This would have allowed for a more equitable distribution of revenues provided under the Bradley-Burns taxes by allowing revenues to flow to the destination of goods sold, rather than point-of-sale, as current law provides. If SB 1466 and SCA 20 were signed into law, OCTA could have received a more equitable share of LTF funding, and extreme fluctuations due to the expected increase in online sales could have been mitigated. The provisions of SB 1466 and SCA 20 were nearly identical and, therefore, SB 1466 was integrated into SCA 20 and pulled by the author. Amendments were proposed to implement a phase-in and phase-out approach to mitigate the impact a redistribution would have on agencies; however, SCA 20 was held in the Senate Appropriations Committee over the need for more discussion. OCTA will continue to work with the relevant stakeholders as these discussions continue.

---

**Summary**

A summary report on all state legislation enacted in 2018 affecting OCTA is provided for review by the Board.

**Attachment**

- A. Orange County Transportation Authority 2018 End of Year Legislative Report

**Prepared by:**



Jaymal Patel  
Associate Government Relations Representative,  
External Affairs  
(714) 560-5475

**Approved by:**



Lance M. Larson  
Executive Director,  
External Affairs  
(714) 560-5908





## **ORANGE COUNTY TRANSPORTATION AUTHORITY 2018 END OF YEAR LEGISLATIVE REPORT**

### **LEGISLATION ENACTED**

#### **I. Active Transportation**

##### **AB 1755 (Steinorth, R-Rancho Cucamonga) Bicycle Operation (Chapter 139, Statutes of 2018)**

AB 1775 provides that a person operating a bicycle on a Class I bikeway is subject to the same responsibilities and penalties that apply to a driver of a vehicle in the event of an accident that causes injury or death, except those provisions which by their very nature can have no application.

OCTA Position – *Monitor*

Impact on OCTA: *For informational purposes.*

##### **AB 2363 (Friedman, D-Glendale) Zero Traffic Fatalities Task Force (Chapter 650, Statutes of 2018)**

AB 2363 requires the Secretary of the California State Transportation Agency (CalSTA), to establish and convene the Zero Traffic Fatalities Task Force on or before July 1, 2019. Requires the task force to include, but not limited to, representatives from the California Highway Patrol (CHP), University of California and other academic institutions, the California Department of Transportation (Caltrans), local governments, bicycle safety organizations, transportation advocacy organizations, and labor organizations. Requires the Secretary to prepare and submit a report of findings based on the task force's effort to the appropriate policy and fiscal committees of the Legislature on or before January 1, 2020. Specifies that the report should evaluate whether an alternative to the current process for setting speed limits should be considered and make recommendations on how to increase vehicular, pedestrian, and bicycle safety.

OCTA Position – *Monitor*

Impact on OCTA: *For informational purposes. The Orange County Transportation Authority (OCTA) must be aware of the impact that the Zero Traffic Fatalities Task Force's recommendations may have on OCTA's planning and traffic management efforts and be engaged in these efforts.*

##### **AB 2615 (Carrillo, D-Los Angeles) State Highway System: Parks and Recreation: Accessibility for Bicycles and Pedestrians (Chapter 496, Statutes of 2018)**

AB 2615 requires Caltrans, to the extent possible, and where feasible and cost effective, to partner with appropriate public agencies, including, but not limited to, any federal, regional or local public entity, to develop strategies and plans to improve access for

bicycles and pedestrians to federal, state, regional, and local parks adjacent to or connected to the state highway system.

OCTA Position – *Monitor*

Impact on OCTA: *AB 2615 will allow OCTA to build upon its active transportation projects and programs, which provide both connectivity and environmental benefits. In addition, OCTA will have to ensure Caltrans collaborates with OCTA to improve accessibility for bicyclists and pedestrians within Orange County.*

**AB 2989 (Flora, R-Ripon) Motorized Scooter: Use of Helmet: Maximum Speed (Chapter 552, Statutes of 2018)**

AB 2989 authorizes localities to permit the operation of motorized scooters on a highway with a speed limit of up to 35 miles per hour and would additionally allow for operation of a motorized scooter on a highway with a higher speed limit if the scooter is operated on a bikeway. AB 2989 specifies that the existing maximum speed limit for motorized scooters of 15 miles per hour applies regardless of a higher posted speed limit. AB 2989 also requires operators of motorized scooters under the age of 18 to wear a helmet.

OCTA Position – *Monitor*

Impact on OCTA: *AB 2989 authorizes localities in Orange County to permit the operation of motorized scooters in the specified circumstances and also mandates that users under 18 years old wear a helmet.*

**AB 3077 (Caballero, D-Salinas): Vehicles: Bicycle Helmets (Chapter 502, Statutes of 2018)**

AB 3077 allows a minor, under the age of 18, to correct a violation on their record for not wearing a properly fitted and fastened helmet, without having to pay a fine. They may do so, if within 120 days of the issuance of a violation, a parent or legal guardian provides proof that shows the minor possesses a helmet that meets all requirements, and shows the minor attends a bicycle or related safety course as prescribed by the authorities.

OCTA Position – *Monitor*

Impact on OCTA: *For informational purposes. The intent of AB 3077 is to increase the use of bicycle helmets and safety measures when bicycling, which may encourage minors to engage in active transportation.*

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

**AB 2822 (Obernalte, R-Hesperia): California State Auditor: High Risk Local Agency Audit (Chapter 498, Statutes of 2018)**

AB 2822 authorizes the State Auditor to use publicly available information to determine which local government agencies are high-risk for the potential of waste, fraud, abuse, or

mismanagement, or major challenges associated with its economy, efficiency, or effectiveness. Requires the Auditor to report this information to the Joint Legislative Audit Committee in a public hearing annually. The State Auditor may also consult with the Controller, Attorney General, or other state agencies that have oversight responsibilities over a local agency to make these determinations. Any local agencies identified may be subject to the state auditor's high-risk local government agency audit program.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

**SB 1244 (Wieckowski, D- Fremont): Public Records: Disclosure  
(Chapter 463, Statutes of 2018)**

SB 1244 would replace the term “plaintiff” with the term “requester” under the California Public Records Act (PRA), to clarify that the court shall award court costs and reasonable attorney's fees to the requester should the requester prevail in litigation. Requires the requester to pay the public agency's court costs and attorney's fees if the case proves frivolous.

OCTA Position – Monitor

Impact on OCTA: *This bill would make OCTA liable for court costs and attorney's fees if OCTA unsuccessfully litigates a PRA request. Alternatively, it also makes the requester of the records liable for OCTA's costs and fees if they cannot prevail in litigation.*

**SB 1293 (Lara, D-Long Beach): State Auditor: High Risk Local Government Agency Audits  
(Chapter 515, Statutes of 2018)**

SB 1293 relates to the State Auditor's high-risk local government agency audit program. This bill, separate from AB 2822, authorizes the State Auditor to conduct initial assessments at local agencies prior to an audit and requires notification be sent to the Joint Legislative Audit Committee before any such assessment takes place. It also requires the State Auditor to issue reports once every three years on the status of local agencies determined to be high-risk.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

**SB 1502 (Senate Environmental Quality Committee): Nonvehicular Air Pollution  
(Chapter 59, Statutes of 2018)**

SB 1502 authorizes local air districts to send electronically instead of by mail any required public notice. Requires the districts to send a public notice by mail to any person who has requested it to be sent by mail. Requires the governing board of the district to update procedures for a person to request public notices by mail and to update an electronic mail address for electronic notices.



OCTA Position – Monitor

Impact on OCTA: *For informational purposes. The South Coast Air Quality Management District (SCAQMD) would be subject to these provisions.*

### **III. Employment Terms and Conditions**

#### **AB 1912 (Rodriguez, D-Pomona) Public Employees' Retirement: Joint Powers Agreements: Liability (Chapter 909, Statutes of 2018)**

AB 1912 requires that a Joint Powers Authority (JPA) apportion the retirement liabilities of the employees covered by the JPA agreement by mutual agreement prior to filing a notice of termination. Absent an apportionment agreement between the JPA member agencies, the retirement plan administrator has discretion to apportion liability upon the dissolution of the JPA, with any challenges to the apportionment subject to arbitration. AB 1912 will hold current and former JPA member agencies liable for the retirement obligations of the JPA even if the member agencies did not intend to apportion responsibility for the retirement obligations when the JPA was originally formed. Under AB 1912, JPAs with inadequately funded retirement liabilities would subject more member agencies to financial liability and, in addition, the bill also authorizes a lien against the assets of a member agency in order to pay the JPA's retirement benefits.

OCTA Position – Oppose

Impact on OCTA: *AB 1912 does not allow a JPA to dissolve without a plan to apportion outstanding pension liabilities. As such, OCTA will now bear some portion of the retirement liability for those JPAs to which it is a member even if OCTA and the other member agencies did not intend to hold member agencies liable for these financial responsibilities. OCTA must also report this additional liability through multiple financial reporting disclosures required by law.*

*Of note, staff for the Los Angeles-San Diego-San Luis Obispo (LOSSAN) Rail Corridor Agency are employees of OCTA and not the JPA. As such, the provisions of the AB 1912 are not expected to affect OCTA's retirement liabilities for these employees.*

#### **AB 1976 (Limon, D-Santa Barbara): Employment: Lactation Accommodation (Chapter 940, Statutes of 2018)**

AB 1976 would require employers to make reasonable efforts to provide employees with space for lactation that is not a bathroom or bathroom stall. Employers that can demonstrate to the California Department of Industrial Relations that the bill imposes an undue hardship would be exempt, however, such employers must ensure the room utilized for expressing milk is not a bathroom or bathroom stall.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes, OCTA is already in compliance with AB 1976*

**AB 2034 (Kalra, D-San Jose): Human Trafficking: Notice  
(Chapter 812, Statutes of 2018)**

AB 2034 requires, on or before January 1, 2021, public agencies and other businesses that operate intercity rail and bus stations to train their new and existing employees, who may come in contact with victims or a report about victims from another employee, in human trafficking awareness and response. The bill requires an agency to provide at least 20 minutes of training that includes, but is not limited to: definition of human trafficking, including sex and labor trafficking; myths and misconceptions about such; physical and mental signs to be aware of that may indicate such; guidance on how to report, including, but not limited to, national hotlines for confidential reporting. The training may include information and material used by the Santa Clara County Valley Transit Authority (VTA), private nonprofit organizations that represent the interests of human trafficking victims, and the California Department of Justice.

OCTA Position – Monitor

Impact on OCTA: *OCTA's human trafficking awareness training will need to be reviewed and, if needed, amended to comply with the provisions set forth in AB 2034.*

**AB 2282 (Eggman, D-Stockton) Salary History Information  
(Chapter 127, Statutes of 2018)**

AB 2282 allows an employer to ask an applicant about his or her salary expectation for the position being applied for. Prohibits prior salary from justifying a disparity in pay based on gender, race, or ethnicity. Excludes from this prohibition a compensation decision based on a current employee's existing salary, so long as any wage differential resulting from that compensation decision is justified by one or more factors, such as a seniority system, a merit system, a system that measures earning by quantity or quality of production, or education, training, or experience.

OCTA Position – Monitor

Impact on OCTA: *OCTA's salary determination practices are to be consistent with the provisions set forth in AB 2282.*

**AB 2548 (Friedman, D-Glendale) Commute Benefit Policies: Los Angeles County  
Metropolitan Transportation Authority  
(Chapter 173, Statutes of 2018)**

AB 2548 authorizes the Los Angeles County Metropolitan Transportation Authority (LA Metro) to institute a commuter benefit ordinance in its service area that requires employers with over 50 employees to offer a commute benefit. The legislation prohibits the ordinance from contradicting the SCAQMD rules and regulations incentivizing employers, through its current voluntary program, to offer commuter benefits to their employees.

#### OCTA Position – Monitor

Impact on OCTA: *SCAQMD currently has regulations that create an incentive program for employers with more than 250 employees, which OCTA helps to facilitate in Orange County. This legislation could be a model for future attempts to transition to a more stringent commuter benefit program.*

#### **AB 2587 (Levine, D-San Rafael) Disability Compensation: Paid Family Leave (Chapter 80, Statutes of 2018)**

AB 2587 eliminates from statute the requirement that an employee requesting paid family leave apply unused vacation time toward the seven-day waiting period that was repealed by AB 908 (Chapter 5, Statutes of 2016). AB 2587 is meant to make the statutory provisions concerning paid family leave consistent with the previous legislation that removed the seven-day waiting period.

#### OCTA Position – Monitor

Impact on OCTA: *For informational purposes. OCTA's policies may need to be adjusted accordingly.*

#### **AB 2770 (Irwin, D-Thousand Oaks): Privileged Communications: By Former Employer (Chapter 82, Statutes of 2018)**

AB 2770 makes any employee who reports sexual harassment to their employer, not liable for the damage in reputation to the accused harasser, so long as the accusation is made without malice. It also makes any communications about sexual harassment, by the victim or witnesses to their employer, not liable for the damage in reputation to the accused. Finally, it makes former employers not liable for the damage in reputation to the accused, if, in response to inquiries from prospective employers, the former employer indicates it is not willing to rehire the accused.

#### OCTA Position – Monitor

Impact on OCTA: *This statute limits liability in allowing people to report sexual harassment in the workplace, potentially making it easier for a person to come forward with such complaints.*

#### **SB 866 (Senate Budget & Fiscal Review Committee) Employment (Chapter 53, Statutes of 2018)**

SB 866 instituted a legal structure and certain protections for the deduction of union dues following the United States Supreme Court ruling in *Janus v. AFSCME*, which limited the ability of unions to collect union dues from non-union members. Among its many provisions, SB 866 gives employee organizations access to public employers' new employee orientation and institutes a new policy regarding the dissemination of information to public employee organizations. Specifically, the bill gives employee



organizations the right to send information about union participation when it disagrees with the content of the public employer's information. In addition, SB 866 explicitly allows public employers to rely on union authorizations regarding union dues rather than independently obtaining authorization from each union employee.

#### OCTA Position – Monitor

*Impact on OCTA: OCTA must comply with the new requirements, including giving employee organizations access to new employee orientation and tailoring communications with employee organizations to comply with the provisions of AB 866. The bill allows OCTA to rely on the authorizations of employee organizations regarding paycheck deductions, although staff continues to monitor the efforts of the California Transit Association (CTA) and other agencies to determine how this language may affect existing deduction authorizations, if it does at all.*

#### **SB 880 (Pan, D-Sacramento) Workers' Compensation (Chapter 730, Statutes of 2018)**

SB 880 permits employers to commence a program until January 1, 2023, where disability indemnity benefits may be deposited on a prepaid card account, if the injured employee has provided written consent to receive disability benefits on a prepaid card. Allows either the employer or the injured employee to opt to change the method of payment by providing 30 days written notice to the other party. Requires the Commission on Health and Safety and Workers' Compensation to issue a report to the Legislature on payments made to prepaid card accounts on or before December 1, 2022.

#### OCTA Position – Monitor

*Impact on OCTA: For informational purposes, SB 880 allows OCTA to implement a program where disability indemnity benefits may be deposited on a prepaid card account.*

#### **SB 1085 (Skinner, D-Berkeley) Public Employees: Leave of Absence: Exclusive Bargaining Representative Service (Chapter 893, Statutes of 2018)**

SB 1085 requires a public employer to grant to public employees, upon request of the exclusive representative of that employee, reasonable leaves of absence without loss of compensation or other benefits for enabling employees to serve as stewards of the exclusive representative or any employee state or national employee organization with which the exclusive representative is affiliated. Requires the procedures for requesting and granting leave to be agreed on mutually between the employer and exclusive representative and provides that the representative shall reimburse the employer for all compensation paid to the employee on leave unless otherwise stated in a collective bargaining agreement. Provides that an employee shall have a right of reinstatement to the same position prior to the leave. Allows a public employer to be shielded from liability if an employee suffers an injury during the employee's leave. In addition, provides that the bill shall not invalidate any provision of a memorandum of understanding or collective bargaining agreement.

OCTA Position – *Monitor*

Impact on OCTA: *OCTA, as a public employer, will be required to comply with the provisions of SB 1085.*

**SB 1123 (Jackson, D-Santa Barbara) Disability Compensation: Paid Family Leave (Chapter 849, Statutes of 2018)**

SB 1123 expands the scope of the family disability insurance program, within the state disability insurance program, to include time off to attend a qualifying exigency related to the covered active duty status of the individual's spouse, domestic partner, child, or parent in the armed forces of the United States. Requires the employee to provide a copy of the active duty orders or other documentation issued by the military that indicates that the employee's spouse, domestic partner, child, or parent is under active duty status.

OCTA Position – *Monitor*

Impact on OCTA: *OCTA already has a leave of absence policy in effect, which will need to be reviewed, and amended to comply with the new provisions set forth in SB 1123.*

**SB 1270 (Vidak, R-Hanford) County Employees Retirement: Systems Personnel (Chapter 114, Statutes of 2018)**

SB 1270 allows counties to adopt the same retirement structure authorized by the County Employees Retirement Law of 1937 once the county's board of supervisors adopts a resolution, by a majority vote, to adopt the provisions of the 1937 law.

OCTA Position – *Monitor*

Impact on OCTA: *For informational purposes. The Orange County Employees Retirement System (OCERS) is one of the 20 counties already governed by the County Employees Retirement Law of 1937. SB 1270 expands the applicability of this law to those counties that affirmatively chose to adopt it.*

**SB 1300 (Jackson, D-Santa Barbara) Unlawful Employment Practices: Discrimination and Harassment (Chapter 955, Statutes of 2018)**

SB 1300 provides that an employer may provide bystander intervention training that includes information and practical guidance on how to enable bystanders to recognize potentially problematic behaviors and to motivate bystanders to take action when they observe such behaviors. Prohibits requiring an employee to sign a nondisparagement agreement or other document that purports to deny the employee the right to disclose information about unlawful acts in the workplace. Prohibits requiring an employee to sign a release of a claim or right in exchange for a raise or bonus, or as condition of employment or continued unemployment, unless the release is a voluntary negotiated settlement. Limits attorney and expert witness fees for a prevailing defendant to cases where the court finds the action was frivolous, unreasonable, or totally without foundation.

OCTA Position – *Monitor*

Impact on OCTA: *OCTA must ensure consistency with the provisions outlined in SB 1300, in employment practices.*

**SB 1343 (Mitchell, D-Los Angeles) Employers: Sexual Harassment Training: Requirements (Chapter 956, Statutes of 2018)**

SB 1343 reduces the sexual harassment training requirement threshold from employers with 50 or more employees to employers with five or more employees. Requires employers to provide at least one hour of classroom or other effective interactive training and education regarding sexual harassment to all nonsupervisory employees. This is in addition to the two hours of classroom or other effective interactive training and education to all supervisory employees that is required under current law. Requires that all employers must provide this training by January 1, 2020, but it does not need to be provided again if the training was provided to an employee after January 1, 2019. Allows an employer to develop a training module instead of the online training course developed by the California Department of Fair Employment and Housing, that this bill establishes.

OCTA Position – *Monitor*

Impact on OCTA: *All OCTA employees are currently responsible for adhering to the OCTA workplace harassment and discrimination prevention policy. Supervisors and managers are responsible for participating in harassment and discrimination prevention training and taking appropriate action to enforce the policy. OCTA's workplace harassment policy will need to be reviewed, and if needed, amended to comply with the provisions set forth in SB 1343.*

**SB 1412 (Bradford, D- Compton): Applicants for Employment: Criminal History (Chapter 987, Statutes of 2018)**

SB 1412 clarifies that an employer is not prohibited from seeking information about a particular conviction of the applicant if the employer is required to obtain information regarding the conviction under law, regardless of whether or not it has been expunged, sealed, or eradicated. The employer may also seek such information if the position requires the use of a firearm; if an individual with that particular conviction is prohibited by law from holding that position; or if an employer is forbidden by law from hiring an individual with that particular conviction, regardless of whether or not it has been expunged, sealed, or eradicated.

OCTA Position – *Monitor*

Impact on OCTA: *OCTA's current practices will need to be reviewed and amended to comply with the provisions set forth in SB 1412.*



**SB 1413 (Nielsen, R-Gerber) Public Employees' Retirement: Pension Prefunding (Chapter 665, Statutes of 2018)**

SB 1413 establishes the California Employers' Pension Prefunding Trust Fund to allow state and local public agency employers that provide a defined benefit pension plan through the California Public Employees' Retirement System (CalPERS) to prefund their required pension contributions. The bill authorizes eligible employers to elect to participate in the fund while also providing protections for investment portfolios. In addition, the bill specifies the fund's governing structure, including the conditions for entering into and making transfers from the fund.

OCTA Position – Monitor

Impact on OCTA: *In creating the California Employer's Pension Prefunding Trust Fund, SB 1413 provides a way to mitigate the potential cost of CalPERS retirement liabilities. If successful, a similar approach could be used by those counties already governed by the County Employees Retirement Law of 1937, which includes OCERS.*

## **IV. Environment**

**AB 2127 (Ting, D-San Francisco) Electric Vehicle Charging Infrastructure: Assessment (Chapter 365, Statutes of 2018)**

AB 2127 requires the California Energy Commission (CEC) to work with the California Air Resources Board (ARB) and the California Public Utilities Commission (CPUC) to prepare a statewide assessment of the amount of electric vehicle charging infrastructure needed to support statewide goals of putting at least five million zero-emission vehicles (ZEVs) on the road by 2030, and of reducing greenhouse gas (GHG) emissions to 40 percent below 1990 levels by 2030. Requires the assessment to consider all necessary charging infrastructure, as well as the existing and future infrastructure needs throughout California, including in low-income communities. Requires the CEC to seek data and input from stakeholders, such as the CPUC, ARB, electrical corporations, local publicly owned electric utilities, state and local transportation and transit agencies, charging infrastructure companies, environmental groups, and automobile manufacturers. Also requires the CEC to update the assessment at least once every two years.

OCTA Position – *Monitor*

Impact on OCTA: *AB 2127 will allow local transportation and transit agencies, such as OCTA, to provide input in CEC processes.*

**AB 2145 (Reyes, D-Fontana): Vehicular Air Pollution (Chapter 672, Statutes of 2018)**

AB 2145 adds to the list of projects eligible for funding under the Clean Truck, Bus, and Off-Road Vehicle and Equipment Program (Clean Truck Program) grid integration and integrated storage solutions projects, and charging management demonstration and analytics projects. Requires the CEC to advise the ARB on how to allocate money under

the clean truck program for vehicle charging infrastructure consistent with CEC's investment plan on charging infrastructure. Expands the priority given to projects benefitting disadvantaged communities to include communities with a Community Emissions Reduction Program. Adds infrastructure entities to the Alternative and Renewable Fuel and Vehicle Technology Program (ARFVTP) eligibility list. Adds to the ARFVTP funding priorities a project with the ability to deploy infrastructure not already deployed by other state agencies or utilities; a project that can integrate fueling infrastructure into the grid; and a project that can match infrastructure to the deployment of advanced light-, medium-, and heavy-duty vehicles. Requires that at least 20 percent of ARFVTP funds be allocated for the deployment of medium- and heavy-duty electric vehicle infrastructure.

OCTA Position – Monitor

Impact on OCTA: *Funds coming from ARB for electric vehicle charging infrastructure from the Clean Truck Program will now be subject to advisement from the CEC investment plan on said infrastructure. OCTA may be eligible to compete for these funds.*

**AB 2195 (Chau, D-Monterey Park) Natural Gas: Out of State Sources: Greenhouse Gases  
(Chapter 371, Statutes of 2018)**

AB 2195 requires that, starting on January 1, 2020, the ARB quantify and publish annually the amount of GHG emissions resulting from the loss or release of uncombusted natural gas into the atmosphere and emissions from natural gas flares during all processes associated with the production, processing, and transporting of natural gas imported into the state from out-of-state sources.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. The report required by AB 2195 will likely capture processes used to provide fuel for OCTA's natural gas powered bus fleet.*

**AB 2341 (Mathis, R-Visalia) California Environmental Quality Act: Aesthetic Impacts  
(Chapter 298, Statutes of 2018)**

AB 2341 provides that until January 1, 2024, a lead agency is not required to evaluate the aesthetic effects under the California Environmental Quality Act (CEQA) for projects involving the refurbishment, conversion, repurposing, or replacement of an existing abandoned, dilapidated, or vacant building, provided the new structure does not substantially exceed the height of the existing structure or create a new source of substantial light or glare. Provides that the exemption does not apply to a project with significant aesthetic effects on an official state scenic highway or on historical or cultural resources.

OCTA Position – *Monitor*

Impact on OCTA: *For informational purposes. Aesthetics are among the 18 environmental factors that must be evaluated by lead agencies in an initial study to determine the appropriate level of CEQA review.*

**AB 2381 (Carrillo, D-Los Angeles) Vehicles: Emissions: Certification, Auditing, and Compliance (Chapter 713, Statutes of 2018)**

AB 2381 requires that the ARB enhance its certification, audit, and compliance activities for new motor vehicles to detect defeat devices meant to evade emissions testing. The bill authorizes the ARB to impose a fee on the manufacturers of new motor vehicles to cover the costs associated with the activities required by the bill. AB 2381 authorizes penalties for manufactures who do not pay the imposed fee. These penalties will be deposited in the Air Pollution Control Fund.

OCTA Position – Monitor

Impact on OCTA: *AB 2381 is meant to improve ARB's ability to prevent vehicle manufacturers from evading emissions testing standards the way that Volkswagen did. According to estimates by the Senate Committee on Appropriations, funds collected as a result of these additional enforcement activities will amount to more than \$1 million in the Air Pollution Control Fund.*

**AB 2782 (Friedman D-Glendale): California Environmental Quality Act (Chapter 193, Statutes of 2018)**

AB 2782 would authorize a lead agency on a project in the environmental review stage and subject to CEQA, to describe specific economic, legal, social, and technological benefits when evaluating said project. The bill also authorizes the inclusion of negative impacts of denying the project.

OCTA Position – Monitor

Impact on OCTA: *AB 2782 would allow OCTA, or the lead agency for an OCTA-funded project, to include related economic, legal, social, and technological benefits of the project, and/or the negative impacts of a denial, in project environmental reviews. These findings, which must be based on substantial evidence may allow a holistic evaluation of a project. However, CEQA guidelines already authorize much of these factors.*

**SB 100 (De Leon, D-El Monte): Renewables Portfolio Standard: Greenhouse Gases (Chapter 312, Statutes of 2018)**

SB 100 accelerates the Renewables Portfolio Standard (RPS) obligations for retail sellers and publicly-owned utilities from 40 percent to 44 percent by 2024, from 45 percent to 52 percent by 2027, and from 50 percent to 60 percent by 2030. Establishes state policy that RPS-eligible and zero-carbon resources supply 100 percent of all retail sales of electricity to end-use customers no later than December 31, 2045. Clarifies the state goal is to achieve 50 percent renewable resources target by December 31, 2020. Prohibits increasing carbon emissions elsewhere on the western grid and resource shuffling.



Requires a report be submitted, by the CEC, to the Legislature by January 1, 2021, and every four years thereafter, that includes forecasts, costs, resources, barriers, and impacts of the 100 percent clean energy policy, the feasibility of achieving the goal, and alternative scenarios to achieve the goal and to achieve 60 percent by December 31, 2030.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. OCTA may potentially see increased electricity costs, pending SB 100's implementation.*

**SB 1403 (Lara, D-Long Beach) Clean Truck, Bus, and Off Road Vehicle Technology (Chapter 370, Statutes of 2018)**

SB 1403 requires that, starting with the Air Quality Improvement Program funding plan for fiscal year (FY) 2019–20, the ARB to include a three-year investment strategy for zero- and near-zero-emission heavy-duty vehicles and equipment commensurate with meeting the state's air quality goals. The bill would require that the funding plan include information related to milestones achieved by the state's schoolbus incentive programs and the projected need for funding.

OCTA Position – Monitor

Impact on OCTA: *SB 1403 requires that the ARB include an investment plan for zero- and near-zero emission vehicles, which will become of particular importance should the ARB mandate that transit agencies like OCTA be required to purchase zero-emission buses.*

## **V. Funding**

**AB 636 (Irwin, D-Thousand Oaks) Local Streets and Roads: Expenditure Reports (Chapter 159, Statutes of 2018)**

AB 636 changes the date by which localities must submit data about expenditures on local streets and roads to the State Controller from the first day of October to the first day December. In addition, AB 636 amends the statutory requirements regarding the way in which the State Controller publishes detailed information about the distribution of Highway Users Tax Account (HUTA) funds, which are used to improve local streets and roads. Under existing law, the State Controller must send a compiled report to state and local government agencies, including the localities themselves. AB 636 only requires that the State Controller make this report available on its website.

OCTA Position – Monitor

Impact on OCTA: *Localities in Orange County now have until December 1<sup>st</sup> each year to send the State Controller their HUTA local streets and roads expenditure reports. AB 636 does not affect the timing of the SB 1 (Chapter 5, Statutes of 2017) Local Streets and Roads (LSR) Program expenditure reports that localities must send to the California*

*Transportation Commission (CTC) by October 1<sup>st</sup> each year. In addition, the State Controller's compiled report regarding funding for streets and roads will no longer be sent directly to localities. Instead, this report can be found on the State Controller's website.*

**AB 1184 (Ting, D-San Francisco) City and County of San Francisco: Local Tax: Transportation Network Companies: Autonomous Vehicles (Chapter 644, Statutes of 2018)**

AB 1184 allows the City and County of San Francisco to impose a tax on each ride originating in the City and County of San Francisco provided by a participating transportation network company (TNC) driver or an autonomous vehicle in an amount not to exceed 1.5 percent of net rider fares for a shared ride, and 3.25 percent of net rider fares for a ride other than a shared ride. Authorizes the City and County of San Francisco to set a lower tax rate for net rider fares for rides provided by a ZEV to incentivize the use of these ZEVs. Requires revenue generated by the tax to be dedicated to fund transportation operations and infrastructure within the City and County of San Francisco. In addition, provides that the tax shall be subject to voter approval and shall expire no later than November 5, 2045.

OCTA Position – *Monitor*

*Impact on OCTA: For informational purposes. Similar taxes and fees have been instituted on TNC trips in other states across the country. The revenues generated from these taxes vary by state and city, with some funds being allocated for transportation purposes and others to a general fund or other purposes.*

**AB 1770 (Steinorth, R-Rancho Cucamonga) Local Government: Investments (Chapter 271, Statutes of 2018)**

AB 1770 revises the investment standards for mortgage-backed securities and other securitized financial instruments held by local governments. AB 1770 removes the existing rating requirement for issuers and amends the existing five-year maturity requirement to instead require that the financial instrument have a remaining maturity of five years or less, even if the security originally had a term of more than five years.

OCTA Position – Monitor

*Impact on OCTA: AB 1770 expands the pool of securities that OCTA can invest in by removing the rating requirement for security issuers and allowing for more flexibility regarding a security's maturity.*

**AB 2252 (Limon, D-Santa Barbara): State Grants: State Grant Administrator (Chapter 318, Statutes of 2018)**

Requires the California State Library to create a centralized location, in the form of an internet portal, for state grant opportunities by July 1, 2020. Requires each state agency to post a link to the page on their websites. Also requires the State Library to provide the Legislature with an annual report on the effectiveness of the website.

OCTA Position – Monitor

Impact on OCTA: *The creation of an internet hub that coalesces all state grant opportunities in one centralized location will potentially allow OCTA to more readily access funding opportunities.*

**AB 2543 (Eggman, D-Stockton): State Agencies: Infrastructure Project Budget (Chapter 918, Statutes of 2018)**

AB 2543 requires any state agency or department undertaking a project that costs \$100 million or more to publicly post on its website any change in the cost or schedule of the project that would increase the budget by more than ten percent or delay the project by more than 12 months. The posted information must describe by how much or how long the project will be exceeded.

OCTA Position – Monitor

Impact on OCTA: *OCTA has several projects funded by Measure M2, where Caltrans will oversee the construction that will cost more than \$100 million. These projects will be subject to these requirements. It is currently unclear how Caltrans intends to comply with the provisions of this bill.*

**AB 2920 (Thurmond, D-Richmond) Transactions and Use Taxes: North Lake Tahoe Transportation Authority and City of Berkeley (Chapter 771, Statutes of 2018)**

AB 2920 authorizes the City of Berkeley to impose a half percent general or specific transactions and use tax, which would be above the combined rate limit of two percent. AB 2920 also extends and expands the North Lake Tahoe Transportation Authority's currently authorized retail transactions and use tax. The bill extends the life of the tax from the 20 years currently prescribed by statute to 30 years, and it increases the tax rate from the current statutory cap of half a percent to a new maximum rate of one percent.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

**SB 903 (Cannella, R-Ceres) Transportation Development Act: County of Stanislaus (Chapter 107, Statutes of 2018)**

SB 903 authorizes the Stanislaus Council of Governments (StanCOG) to use additional flexibility when determining the eligibility of certain operators for Transportation Development Act (TDA) funding. Specifically, StanCOG may, when evaluating TDA claims for the 2018-19 and 2019-20 fiscal years, reduce the applicable ratio of fare revenues to operating cost by up to five percentage points from the ratio in effect for FY 2015–16. SB 903 also requires StanCOG to report, before January 1, 2020, on each utilization of the authority provided in this bill to the transportation policy committee of each house of the Legislature and to Caltrans.

## OCTA Position – Monitor

Impact on OCTA: *For informational purposes. This bill shows the types of TDA measures pursued this year. Comprehensive TDA legislation is expected to be discussed in the upcoming legislative session.*

### **SB 961 (Allen, D-Santa Monica) Enhanced Infrastructure Financing Districts (Chapter 559, Statutes of 2018)**

SB 961 authorizes localities to adopt a resolution to allocate tax revenues, including those imposed by the Bradley-Burns Uniform Local Sale and Use Tax Law, to an enhanced infrastructure financing district (EIFD) for the purposes of infill development. SB 961 specifically authorizes EIFDs to allocate 40 percent of the tax revenue toward infill development, with a preference for income-qualified housing within one-half mile of a major transit stop, which is defined by current law as existing transit stops and the intersection of two or more major bus routes, with a frequency of service interval of 15 minutes or less during peak commute times. For infrastructure financing plans proposing to allocate Bradley-Burns revenues, the bill requires that the locality receive the consent of any impacted transportation agency that receives tax revenues derived from any tax adopted pursuant to that law. The bill also requires that the locality ensure that existing or planned transportation operations and capital projects will not be negatively impacted by the proposed revenue allocation. SB 961 also includes additional language specifically prohibiting the diversion of voter-approved taxes meant for a specific purpose. Finally, SB 961 requires that the Office of Planning and Research complete a study, before January 1, 2021, on the effectiveness of tax increment financing tools for increasing housing production, including a comparison of the relative advantages and disadvantages of infrastructure financing districts, EIFDs, affordable housing authorities, use of the Neighborhood Infill Finance and Transit Improvements Act, and use of the Second Neighborhood Infill Finance and Transit Improvements Act.

## OCTA Position – Monitor

Impact on OCTA: *For informational purposes. Thanks to the efforts of CTA, the bill includes two different provisions to protect voter-approved revenues. First, the bill requires that localities take certain measures to protect revenues dedicated for transportation purposes. For infrastructure financing plans that propose to allocate Bradley-Burns revenue, localities must receive the consent of transportation agencies that receive revenues pursuant to that law, and the locality must also ensure that planned or existing transportation projects will not be affected. SB 961 also contains language that protects voter-approved revenues meant for a specific purposes from the infill development EIFD plans laid out in the bill.*



**SB 1145 (Leyva, D-Fontana): Enhanced Infrastructure Financing Districts: Maintenance (Chapter 563, Statutes of 2018)**

SB 1145 authorizes an EIFD to finance the ongoing or capitalized costs to maintain public capital facilities financed in whole or in part by the district. Prohibits the use of bonds to finance maintenance of any kind.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. Under existing law EIFDs may finance transportation improvements, including highways, streets, & transit facilities. SB 1145 broadens this authority to include the financing of maintenance costs associated with those facilities.*

**SB 1328 (Beall, D-San Jose): Mileage-Based Road Usage Fee (Chapter 698, Statutes of 2018)**

SB 1328 extends the life of the Road Usage Charge Technical Advisory Committee for four years, to January 1, 2023. Requires the committee to continue to assess potential funding mechanisms that can replace the gas tax, including, but not limited to, a mileage-based user fee to maintain and operate the state's transportation system. Also requires the committee to gather public input related to the assessment of those mechanisms.

OCTA Position – Monitor

Impact on OCTA: *SB 1328 extends the life of the committee that will be researching alternatives to the gas tax as a funding source for transportation. SB 1328 also broadened the scope of what the committee can analyze to include study of mechanisms beyond a mileage-based user fee.*

## **VI. Information Systems**

**AB 375 (Chau, D-Monterey Park) California Consumer Privacy Act of 2018 (Chapter 55, Statutes of 2018)**

AB 375 provides California consumers with greater control over their personal information and ensures that safeguards are in place to protect against data misuse. The bill gives consumers the right to request that a business disclose the type and specific pieces of personal information that it collects or sells about the consumer, including the purpose of the information collection and the categories of third parties with whom the information is shared, sold, or disclosed. The bill also generally gives consumers the right to request that a business delete any personal information collected from them and requires businesses to direct service providers to do the same. AB 375 also gives consumers the right to opt-out of the sale of their personal information while requiring affirmative consent to sell the personal information of kids up to age 16. Finally, the bill takes steps to prevent companies from discriminating people who do not want their data sold.

#### OCTA Position – Monitor

Impact on OCTA: *For-profit businesses that serve as contractors and subcontractors for OCTA may be subject to the provisions of AB 375. These businesses must be aware of how the bill's provisions may interact with OCTA's operational needs.*

#### **AB 2225 (Limon, D-Santa Barbara) Government: Storing and Recording: Public Records**

##### **(Chapter 535, Statutes of 2018)**

AB 2225 requires the California Secretary of State, in consultation with the California Department of Technology, to adopt uniform statewide standards for the electronic storage of public records in a cloud computing system. Specifically, AB 2225 requires that public records kept by a state agency use a cloud computing storage service that provides administrative users with controls to prevent stored public records from being overwritten, deleted, or altered. The bill also requires that a state agency, prior to partnering with a local government entity for the development, use, or maintenance of an information technology system, first enter into a written agreement with that local government entity to establish mutually agreeable terms that protect relevant public records. The requirements of AB 2225 only apply to local agencies that partner with state agencies to development information technology systems.

#### OCTA Position – Monitor

Impact on OCTA: *AB 2225 institutes new standards for the electronic storage of state public records, including those kept by Caltrans, the CTC, and any OCTA records stored as part of a partnership with a state agency. If OCTA enters into an agreement with a state agency to develop information technology systems, OCTA must sign a cooperative agreement with that agency to establish a mutually agreeable set of standards regarding public record protection.*

#### **AB 2958 (Quirk, D-Hayward) State Bodies Meetings: Teleconference** **(Chapter 881, Statutes of 2018)**

AB 2958 provides that in addition to the existing authorization to hold a meeting by teleconference, any state body that is an advisory board, advisory commission, advisory committee or subcommittee, or similar multimember advisory body may hold an open meeting by teleconference, provided the meeting protects public access to the meeting and creates flexibility in how members can participate in the meeting.

#### OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

#### **SB 929 (McGuire, D-Eureka) Special Districts: Internet Web Sites** **(Chapter 408, Statutes of 2018)**

SB 929 requires that special districts have a website with the same information required of other government websites, including financial reports, bonding information, and total

expenditures on public projects other than streets and highways Under current law, special districts are not required to have a website. The bill does not require any additional information be displayed on a special district website that is not already required by existing law.

OCTA Position – Monitor

Impact on OCTA: *OCTA is now required by statute, specifically by cross-reference, to display certain information on its website. As a matter of practice, OCTA's website already contained most of this information, and any information required by statute that was not on the webpage is in the process of being added before the end of the year.*

## **VII. Managed Lanes/Toll Facilities**

### **AB 91 (Cervantes, D-Corona): High Occupancy Vehicle Lanes (Chapter 468, Statutes of 2018)**

AB 91 requires Caltrans to report to the transportation policy committees of the legislature on or before January 1, 2020, on the feasibility and appropriateness of limiting the use of High-Occupancy Vehicle (HOV) lanes to HOV's and other clean air vehicles only during hours of heavy commuter traffic on State Route 91 (SR-91) between the Interstate 15 and Interstate 215, and State Route 60 in the County of Riverside.

OCTA Position – Monitor

Impact on OCTA: *Though there is no direct impact on the freeway network in Orange County, the results of the report will be of interest to OCTA's planning and traffic management efforts. The original intent of this bill was to implement part time HOV lanes in Riverside County immediately.*

### **AB 1041 (Levine, D-San Rafael) Bay Area Toll Authority and Oversight Committee: Conflict of Interest (Chapter 16, Statutes of 2018)**

AB 1041 prohibits members and staff, both current and former, of the Metropolitan Transportation Commission and the Bay Area Toll Authority (BATA) from serving on the BATA's independent oversight committee created when voters approved the Bay Bridge toll increase on June 5, 2018. AB 1041 also bars from the BATA oversight committee employees of any organization that is currently receiving funding or that has received funding from BATA within the last year.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes*

**AB 2535 (Obernolte, R-Hesperia) High Occupancy Toll Lanes: Notice of Toll Evasion Violation  
(Chapter 435, Statutes of 2018)**

AB 2534 requires an operator of a toll facility to include a copy of photographic evidence on which the determination of the violation was based in a toll evasion notice that is issued for failing to meet occupancy requirements in a High-Occupancy Toll (HOT) lane.

OCTA Position – *Monitor*

Impact on OCTA: *AB 2535 is directed at toll operators who have occupancy enforcement technology such as vehicle passenger detection systems. As operator of the 91 Express Lanes, OCTA only uses image technology to capture license plate information for safety and toll enforcement purposes. As occupancy enforcement technology progresses, OCTA may explore its use for occupancy enforcement purposes, and at that point, OCTA would have to comply with the provisions set forth in AB 2535.*

**AB 2865 (Chiu, D-San Francisco) High Occupancy Toll Lanes: Santa Clara Valley Transportation Authority  
(Chapter 501, Statutes of 2018)**

AB 2865 authorizes VTA to apply to the CTC to conduct, administer, and operate HOT lanes or other toll facilities on U.S. Highway 101 and State Route 280 in the City and County of San Francisco if the San Francisco County Transportation Authority (SFCTA) approves the toll facility. Requires VTA to manage the facility in coordination with SFCTA if CTC approves the application. In addition, requires SFCTA to develop an expenditure plan with Caltrans and VTA, as well as approve the plan and any updates. Requires the remaining toll revenue to be used to benefit the corridor that generated the revenue.

OCTA Position – *Monitor*

Impact on OCTA: *For informational purposes. AB 2865 authorizes VTA to apply to the CTC pursuant to the application process established in AB 194 (Chapter 687, Statutes of 2015), which also allowed OCTA to provide express lanes on Interstate 405.*

**SB 957 (Lara, D-Long Beach) Vehicles: High Occupancy Vehicle Lanes  
(Chapter 367, Statutes of 2018)**

SB 957 allows an owner of a clean vehicle, beginning January 1, 2020, and until January 1, 2024, to obtain a Clean Air Vehicle (CAV) program sticker for a vehicle whose sticker has expired if the household income is at or below 80 percent of the state median income and if the owner has not previously received a sticker for that same vehicle. Requires the California Department of Motor Vehicles (DMV) to report to the Legislature by June 1, 2023, on the number of stickers obtained pursuant to this bill.

OCTA Position – *Monitor*



Impact on OCTA: *This program's expansion will enable greater access to HOV lanes, increasing the number of single occupant vehicles that utilize Orange County's HOV lane network and potentially further degrading throughput in the County's HOV lane network.*

## **VIII. Planning**

### **AB 686 (Santiago, D-Los Angeles) Housing Discrimination: Affirmatively Further Fair Housing (Chapter 958, Statutes of 2018)**

AB 686 requires that localities be engaged in efforts that are “affirmatively furthering fair housing,” which includes combating discrimination, overcoming patterns of segregation, and taking meaningful action to overcome disparities. The locality must address these new requirements in its general plan to meet its regional housing needs, and as such, the locality is prohibited from taking any action that is inconsistent with these provisions. AB 686 specifies that the new housing requirements will apply to housing elements due to be revised after January 1, 2021. Under AB 686, a local government can now be required to undertake a major revision to its general plan in order to accommodate these housing-related policies, which, in turn, will be reflected in the regional Sustainable Communities Strategy (SCS)

OCTA Position – Monitor

Impact on OCTA: *AB 686 requires localities in Orange County to take additional actions related to ensuring adequate access to housing that further constrain their decision-making process. Through the aggregation of the general plans of each locality, the new requirements in AB 686 will be reflected in the Southern California Association of Governments' SCS, which will affect OCTA's regional planning efforts.*

### **AB 2263 (Friedman, D-Glendale) Designated Historical Resource: Conversion or Adaptation: Required Parking (Chapter 234, Statutes of 2018)**

AB 2263 requires that local agencies provide specified parking requirement reductions for development projects that affect property or a structure included in a local, state, or federal register of historic places. For such projects within one-half mile of a major transit stop, a local agency shall not require that the project provide parking spaces greater than the number of parking spaces that existed on the project site at the time the project application was submitted. Major transit stops are defined by cross-reference as existing transit stops and the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during peak commute times. The parking requirement reductions do not apply if they contradict a local historical preservation or adaptive reuse ordinance.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. AB 2263 limits the parking requirements for historical projects within one-half mile of OCTA's most significant transit stops. Since*

*OCTA does not have land use authority, localities in Orange County would be affected by projects within one-half mile of OCTA's major transit stops.*

**AB 2923 (Chiu, D-San Francisco) San Francisco Bay Area Rapid Transit District: Transit-oriented Development (Chapter 17, Statutes of 2018)**

AB 2923 requires that the Bay Area Rapid Transit District (BART) adopt by ordinance new transit-oriented development zoning standards. Specifically, the bill requires minimum local zoning requirements for the height, density, parking, and floor area ratio of transit-oriented development projects near BART stations. The bill also requires that affected local jurisdictions adopt a zoning ordinance to conform to the standards laid out in the bill. For local standards that remain inconsistent, the bill would mandate that, starting on July 1, 2022, the BART-adopted zoning standards become the local zoning standards for BART-owned parcels that are at least 75 percent within one-half mile of a BART station.

OCTA Position – Monitor

*Impact on OCTA: For informational purposes. AB 2923 illustrates the trend towards legislating around local control to implement transit-oriented development policies.*

**SB 1000 (Lara, D-Long Beach): Electric Vehicle Charging Infrastructure (Chapter 368, Statutes of 2018)**

SB 1000 prohibits local governments from restricting what types of electric vehicles may access an electric vehicle charging station approved for passenger vehicles that is both publicly accessible & the construction of which was funded, at least in part, by the State or through money collected from ratepayers. Requires the CEC and the ARB to assess the distribution of electric vehicle charging stations across the state and to determine if said stations are disproportionately deployed. Authorizes the two departments to use funding from the ARFVTP to more proportionately deploy electric vehicle charging stations. Directs the CPUC to consider possible options to speed this process along.

OCTA Position – Monitor

*Impact on OCTA: For informational purposes.*

## **IX. Public Works**

**AB 1565 (Thurmond, D-Richmond) Labor Related Liabilities: Direct Contractor (Chapter 528, Statutes of 2018)**

AB 1565 requires the general contractor, for any contract entered into on or after January 1, 2019, to specify in the terms of its contract with a subcontractor on private work, the documents and information the general contractor may require the subcontractor to produce to avoid withholding payment from the subcontractor for failure to produce adequate information about payroll records and lower-tiered subcontractors.

Allows subcontractors to include similar requirements in their contracts with lower-tiered subcontractors.

*Urgency Bill – Effective Immediately*

OCTA Position – *Monitor*

Impact on OCTA: *For informational purposes. Provides certainty to subcontractors about the nature of their obligations and what is required to avoid withholding of payments.*

**AB 1654 (Rubio, D-Baldwin Park) Labor Code Private Attorneys General Act of 2004: Construction  
(Chapter 529, Statutes of 2018)**

AB 1654 exempts from the Labor Code Private Attorneys General Act of 2004 an employee in the construction industry performing work under a valid collective bargaining agreement in effect before January 1, 2025. The bill requires that the collective bargaining agreement expressly provide for the wages, hours, and working conditions of employees while also including an overtime wage rate and a normal wage rate of 30 percent more than the minimum wage rate. The agreement must also expressly waive the provisions of the Labor Code Private Attorneys General Act of 2004 and include a grievance and binding arbitration process that authorizes the award of remedies. The bill authorizes the exemption until the collective bargaining agreement expires or until January 1, 2028, whichever is earlier. The exemption sunsets on January 1, 2028.

OCTA Position – *Monitor*

Impact on OCTA: *AB 1654 temporarily limits civil liability within the construction industry. Construction work done under collective bargaining agreements in place before 2025 that meet the specifications outlined in AB 1654 will not be subject to the Labor Code Private Attorneys General Act of 2004, which authorizes an expanded set of civil penalties for labor code violations. The exemption in AB 1654 sunsets at the beginning of 2028 or with the expiration of the conforming collective bargaining agreement.*

**AB 2062 (Maienschien, R-San Diego) State Highways: Landscaping  
(Chapter 165, Statutes of 2018)**

AB 2062 requires Caltrans to include wildflowers native to California and other native, climate-appropriate vegetation when undertaking planting projects.

OCTA Position – *Monitor*

Impact on OCTA: *For informational purposes. AB 2062 is consistent with efforts by Caltrans to discontinue water intensive highway landscaping.*

**AB 2249 (Cooley, D-Rancho Cordova) Public Contracts: Local Agencies: Alternative Procedure (Chapter 169, Statutes of 2018)**

AB 2249 increases bid limits for public agencies subject to uniform construction cost accounting procedures. Public projects of \$60,000 or less may be performed by the employees of a public agency by force account, by negotiated contract, or by purchase order. Public projects of \$200,000 or less may be contracted by informal bidding procedures, and public projects of \$200,000 or more shall be contracted by formal bidding procedures. AB 2249 also allows the governing body of the public agency, by adoption of a four-fifths vote, to award the contract at \$212,500 or less to the lowest responsible bidder if all informal bids received are in excess of \$200,000.

OCTA Position – *Monitor*

Impact on OCTA: *Since OCTA has not elected to become subject to the uniform construction cost accounting procedures, AB 2249 will not apply to OCTA.*

**AB 2411 (McCarty, D-Sacramento): Solid Waste: Use of Compost: Planning (Chapter 238, Statutes of 2018)**

AB 2411 requires the California Department of Resources Recycling to consult with Caltrans on possible cost-effective uses of organic compost along roadways in the 12 transportation districts. It also instructs districts to develop best practices for the use of compost in slope stabilization and reestablishing vegetation in recently burned wildfire areas during debris removal.

OCTA Position – *Monitor*

Impact on OCTA: *For informational purposes.*

**AB 2654 (Quirk-Silva, D-Fullerton) Design-build: Orange County (Chapter 238, Statutes of 2018)**

AB 2654 authorizes the County of Orange to use the design-build project delivery method for the following three types of public works projects: flood protection, harbor and beach improvements, and bikeway projects. AB 2654 limits the County to no more than one project per year in excess of \$5 million. The bill also authorizes the Orange County Flood Control District to use the design-build project delivery method on no more than 12 projects in excess of \$5 million prior to January 1, 2025. Finally, AB 2654 requires that both the County of Orange and the Orange County Flood Control District be responsible for project delivery services, and the bill provides that Orange County Public Works employees may perform project delivery services for each agency.

OCTA Position – *Monitor*

Impact on OCTA: *For informational purposes. AB 2654 could help to expedite bikeway projects led by the County of Orange.*



**AB 3018 (Low, D-Saratoga): State Contracts: Skilled and Trained Workforce (Chapter 882, Statutes of 2018)**

AB 3018 imposes a civil penalty on a contractor or subcontractor if the Labor Commissioner determines that the entity failed to use a skilled workforce with the existing required percentage of apprenticeship graduates. The bill specifies a penalty of \$5,000 per month of work in violation and increases the penalty to \$10,000 per month of work if the entity commits another violation within a three-year period. AB 3018 establishes that the prime contractor is not subject to the penalty so long as they had no knowledge of the subcontractor's violation. The bill prohibits a violating contractor or subcontractor from bidding on public works projects for one to three years, depending on severity of violation, and requires the Labor Commissioner to publish a list of contractors ineligible for public works bidding. AB 3018 requires a public agency, primary contractor, or awarding body to withhold 150 percent of the value of the monthly billing if a contractor or subcontractor is found to be in violation of current law. The withholding shall continue until the contractor or subcontractor submits to the public agency a plan to achieve compliance with this bill or the primary contractor replaces the subcontractor, at which point the public agency must resume payments immediately, including all previously withheld payments.

OCTA Position – Monitor

*Impact on OCTA: OCTA, as a public agency, would be required to withhold 150 percent of the monthly billing in a contract with a contractor or subcontractor found to be in violation of the existing skilled workforce percentages. As soon as the contractor has submitted their plan for compliance or has replaced the subcontractor with one in compliance, OCTA would be required to reinstitute the monthly payments, including withheld ones.*

**SB 1042 (Monning, D-Carmel) Contractors: Violations (Chapter 110, Statutes of 2018)**

SB 1042 allows an individual to contest a citation issued by the Registrar of the Contractors State License Board by filing a written request for an administrative hearing or a informal citation conference within 15 days of receiving of the citation. If an informal citation is conference is requested, SB 1062 requires the chief of the Board's enforcement division to hold an informal citation conference within 60 days of the request. In addition, allows an individual to contest a citation affirmed or modified at an informal citation conference by submitting a written request for an administrative hearing within 30 days.

OCTA Position – *Monitor*

*Impact on OCTA: For informational purposes. Provides contractors with expedient resolutions of their citations without the delay and complexity of a hearing, which helps save both time and money.*

**SB 1262 (Beall, D-San Jose) Construction Manager/General Contractor Project Method  
(Chapter 465, Statutes of 2018)**

SB 1262 removes the statutory limitation on the number of projects on which Caltrans may use the Construction Manager/General Contractor (CM/GC) project delivery method for the construction of a highway, bridge, or tunnel. Existing law only allows Caltrans to use the CM/GC method on up to 12 projects, of which 10 must have construction costs greater than \$10 million, plus 12 additional projects explicitly named in statute. The bill eliminates this cap and also requires that at least two-thirds of projects completed using this authority be completed with Caltrans employees or consultants.

OCTA Position – Monitor

*Impact on OCTA: Caltrans may use the CM/GC project delivery method on projects in Orange County, although the bill does not grant the same authority to regional transportation agencies.*

## **X. Rail**

**SB 502 (Portantino, D-La Cañada Flintridge) Commuter Rail Systems: Availability of Automated External Defibrillators: Construction Manager/General Contractor Project Delivery Method: Metrolink commuter rail projects  
(Chapter 602, Statutes of 2018)**

SB 502 has two components. First, it requires that commuter rail systems ensure that each train has an automated external defibrillator (AED) as part of its safety requirements, including a requirement that such equipment be installed on each train by July 1, 2020. SB 502 also exempts from liability commuter rail systems that comply with the bill's AED requirements. Second, SB 502 allows Metrolink to use CM/GC project delivery method on Metrolink commuter rail projects upon the approval of the county transportation commission in whose jurisdiction the project is being constructed. The bill also provides for county transportation commissions to use the CM/GC for Metrolink projects.

OCTA Position – Support

*Impact on OCTA: SB 502's AED requirements apply to Metrolink as a commuter rail operator. Metrolink supports and is expected to meet the implementation deadline. As written, the bill does not apply to intercity rail operators, including the LOSSAN Rail Corridor Agency.*

*Regarding the CM/GC authority, OCTA worked with Metrolink to clarify this authority would only apply to projects where the county transportation commission consents to Metrolink using the authority, or where the country transportation commission uses the authority itself. Such a measure ensures that Metrolink's use of this new authority would not adversely affect OCTA's ability to deliver projects on the 48 miles of rail right-of-way owned by OCTA in Orange County.*

**SB 1029 (McGuire, D-Eureka) North Coast Railroad Authority  
(Chapter 934, Statutes of 2018)**

SB 1029 requires CalSTA, in consultation with the Natural Resources Agency, to conduct an assessment of the North Coast Railroad Authority (NCRA) in order to provide the findings necessary to determine the most appropriate way to dissolve the NCRA and dispense with its assets and liabilities. Requires CalSTA to report to the Legislature before July 1, 2020, on its findings and recommendations from the assessment. Provides that it is in the public interest to transfer NCRA's right-of-way to other entities for the purpose of potentially developing a trail that could include railbanking and continuing freight. Appropriates \$4 million from the Public Transportation Account for rail improvements on the corridor owned by the Sonoma-Marín Area Rail Transit District and NCRA for the acquisition of freight rights and equipment from the Northwestern Pacific Railroad Company.

OCTA Position – *Monitor*

Impact on OCTA: *For informational purposes.*

**SB 1172 (Beall, D-San Jose): High-speed Rail Authority: Property Acquisition  
(Chapter 790, Statutes of 2018)**

SB 1172 exempts the California High-speed Rail Authority (CHSRA) from the California Department of General Services' (DGS) approval of contracts for sales or leases of real and state property if used for the CHSRA. Also exempts the CHSRA from the Property Acquisition Law for any funds appropriated for capital outlays. Authorizes the CHSRA to acquire land directly without the State Public Works Board (SPWB). Replaces the SPWB with the CHSRA for all eminent domain proceedings commenced by SPWB prior to and pending after January 1, 2019. Adds CHSRA to the definition of "department" under the State Contract Act, exempting the CHSRA from DGS control. Allows a County Assessor to disclose property information, furnish abstracts, or permit access to records upon request from the CHSRA and requires the CHSRA to reimburse any costs. Also requires the CHSRA to submit a report on the results of this statute and the effect on property acquisition, if any, by January 1, 2020.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

## **XI. State Budget**

**AB 1830 (Assembly Budget Committee) Budget Deficit Savings Account: Safety  
Net Reserve Fund  
(Chapter 42, Statutes of 2018)**

AB 1830 requires that deposits into the Budget Stabilization Account for the FY 2018-19 above the constitutional requirement be transferred to the Budget Deficit Savings Account established by Proposition 2 (2014). AB 1830 also requires a reconciliation between these two accounts based on latest revenue projections after May 31, 2019. The bill specifies

that half of the balance of the Budget Deficit Savings Account will be transferred to the Safety Net Reserve Fund, in which this bill creates two new subaccounts dedicated to Medi-Cal and the California Work Opportunity and Responsibility to Kids (CalWORKs) program. AB 1830 also requires that, upon the enactment of the budget, \$200 million be deposited into the CalWORKs subaccount.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

**AB 1831 (Assembly Budget Committee) State Government Appointments: Infrastructure (Chapter 43, Statutes of 2018)**

AB 1831 creates the Infrastructure Stabilization Fund to allocate funding dedicated for infrastructure pursuant to Proposition 2. Under Proposition 2, any revenues generated beyond the requirements for Rainy Day Fund purposes are to go to infrastructure. AB 1831 allocates this excess revenue as follows: the first \$415 million to the State Infrastructure Maintenance Fund, with any excess funds over \$415 million split evenly between the Housing Rehabilitation Loan Fund and the Rail Modernization Improvement Program. Funding from the Rail Modernization Improvement Program is to be administered at the discretion of CalSTA, with a focus on shared-use corridors and increased connectivity between state-run or state-administered passenger rail services and locally or regionally operated services.

*Urgency Bill – Effective Immediately*

OCTA Position – Monitor

Impact on OCTA: *For informational purposes, the California Department of Finance estimates that the Rail Modernization Fund will receive about \$300 million yearly through FY 2021-2022. OCTA will work with Metrolink and the LOSSAN Rail Corridor Agency to actively compete for these funds, for regional projects, when they become available.*

**SB 840 (Mitchell, D-Los Angeles) Budget Act of 2018 (Chapter 29, Statutes of 2018)**

SB 840 makes \$138.6 billion worth of appropriations to support the state government for FY 2018-19, which is \$1 billion higher than the May Revise. The bill also includes funding to bring the state's Budget Stabilization Account/Rainy Day Fund for FY 2018-19 to \$13.8 billion, meeting the constitutional target. For transportation purposes, the bill includes the first full year of revenues provided under SB 1, which will bring funding certainty for the following transportation infrastructure priorities:

- \$1.2 billion for LSR projects;
- \$330 million to the Transit and Intercity Rail Capital Program;
- \$200 million for the Local Partnership Program;
- \$100 million to the Active Transportation Program;



- \$1.2 billion for the State Highway Operation Protection Program;
- \$400 million for the state's bridge and culvert infrastructure;
- \$250 million for Solutions for Congested Corridors Program;
- \$306 million to the Trade Corridor Enhancement Program;
- \$25 million to the Freeway Service Patrol;
- \$663 million in State Transit Assistance (STA) funding for FY 2018-19;
- \$105 million for the SB 1 State of Good Repair (SOGR) Program;
- \$179.4 million for the cap-and-trade Low Carbon Transit Operations Program (LCTOP); and
- \$212.8 million for intercity and commuter rail.

*Urgency Bill – Effective Immediately*

OCTA Position – *Monitor*

*Impact on OCTA: SB 840 appropriates OCTA's share of SB 1 funds for FY 2018-19. OCTA is expected to receive about \$35.8 million in STA funding, \$5.7 million from the SB 1 SOGR Program, and \$9.7 million from LCTOP. According to the estimates compiled by the California State Association of Counties for FY 2018-19, Orange County will receive approximately \$89.6 million in funding for LSR projects. According to estimates provided by the California League of Cities for FY 2018-19, Orange County's cities will receive approximately \$118.6 million in funding for LSR projects. In addition, OCTA is eligible to compete for the competitive funding programs listed above.*

### **SB 848 (Senate Budget and Fiscal Review Committee) Transportation (Chapter 46, Statutes of 2018)**

SB 848 serves as the primary budget trailer bill for transportation. SB 848 limits to ten percent, the administrative indirect cost recovery that Caltrans charges for work it does on behalf of counties that have passed a countywide sales tax measure dedicated for transportation projects. These counties would continue to pay costs of functional overhead. This provision will sunset in three years. Makes decals issued for low-emission and energy-efficient vehicles to use lanes designated for high-occupancy vehicles between January 1, 2017 and March 1, 2018, valid until January 1, 2019. Makes decals issued between March 1, 2018, and January 1, 2019, valid until January 1, 2022, and makes those issued on or after March 1, 2018, for a vehicle that had previously been issued an identifier, valid until January 1, 2022. Allows cities and counties to expend from internal city and county funds and reimburse themselves with future year apportionments from SB 1's LSR Program. Allows the Golden Gate Bridge, Highway, and Transportation District to use CM/GC authority for the construction, alteration, repair, rehabilitation, or improvement of the Golden Gate Bridge. Allows the Ventura County Transportation Commission to allocate local transportation fund revenues apportioned to the City of Thousand Oaks for local streets and roads and other specified purposes, and not just transit projects, which is required under current law. Provides an appropriation of \$8 million to CalSTA from the General Fund for allocation to LA Metro for the River to Rail Project.

*Urgency Bill – Effective Immediately*

OCTA Position – *Monitor*

*Impact on OCTA: The cap on the administrative indirect cost recovery that Caltrans charges for work it does on behalf of self-help counties will result in cost savings for transportation projects that OCTA is undertaking. Specifically, it will result in over \$2 million in savings for the Interstate 405 Improvement Project related to Enhanced Oversight and Reimbursed Direct Work in OCTA's Cooperative Agreement with Caltrans. In addition, SB 848 will allow the cities in Orange County and the County of Orange to advance local streets and roads maintenance projects with an added layer of certainty. In addition, the extension of the CAV decals will enable greater access to HOV lanes, potentially increasing the number of single occupant vehicles that utilize Orange County's HOV lane network, which has the potential to further degrade the throughput of the County's HOV lane network.*

## **XII. Transit**

### **AB 3124 (Bloom, D-Santa Monica) Vehicles: Length Limitations: Buses: Bicycle Transportation Devices (Chapter 22, Statutes of 2018)**

AB 3124 allows a transit operator to equip a 60-foot articulated bus with a three-position bicycle rack. Specifically, AB 3124 provides operators with the flexibility to install a front-mounted bicycle rack that extends up to 40 inches from the front of the bus. Requires public agencies to establish a route review committee prior to the use of three-position bicycle racks to ensure the safe operation of these articulated buses. The committee would be comprised of four members: one member of the public agency, one member who is a traffic engineer, one member appointed by the labor organization that represents the coach operators of the public agency, and one member of the law enforcement agency that has jurisdiction over the routes.

OCTA Position – *Support*

*Impact on OCTA: Approximately 5,000 riders per day use a bicycle to connect to bus service in Orange County, and the 36 articulated buses operating in OCTA's bus system are currently equipped with two-position bicycle racks, resulting in a large number of pass-ups at bus stops. AB 3124 allows OCTA to expand on the contract approved by the OCTA Board of Directors on April 23, 2018, to install three-position bicycle racks on all standard 40-foot buses. In addition, prior to being brought before a route review committee, the potential addition of the racks on articulated buses must be reviewed by OCTA's Internal Configuration Control Committee, which is comprised of representatives from transit operations and maintenance, risk management, safety, and marketing.*

### **SB 1119 (Beall, D-San Jose) Low Carbon Transit Operations Program (Chapter 606, Statutes of 2018)**

SB 1119 allows flexibility in the use of LCTOP funding for transit connectivity options for residents of disadvantaged communities (DAC). SB 1119 allows transit agencies to meet the DAC requirements under LCTOP through investments in new transit pass programs; new or expanded transit service serving DACs; and the purchase of zero-emission transit buses and supporting infrastructure.

OCTA Position – *Sponsor*

*Impact on OCTA: SB 1119 allows transit agencies such as OCTA to increase ridership while simultaneously reducing congestion and greenhouse gas emissions. OCTA has had recent success in implementing a new student transit pass program for Santa Ana College using LCTOP funding. With the success of the program, other universities had also shown interest in adopting a similar program but were unable to meet the DAC requirement under LCTOP. This requirement limited where OCTA could use cap-and-trade funding to provide transit services that connect DAC residents to employment centers, educational institutions, and healthcare centers, unless that service actually occurred within a DAC census tract. SB 1119 will provide OCTA with system-wide flexibility to allow for investments in additional connectivity options for residents of DACs and will allow OCTA to more effectively and efficiently utilize funding shares to meet LCTOP's primary goal, which is to reduce greenhouse gas emissions.*

## **XIII. Transportation Network Companies/Taxicab Services**

### **AB 939 (Low, D-Saratoga) Local Government: Taxicab Transportation Services (Chapter 472, Statutes of 2018)**

AB 939 implements technical corrections to AB 1069 (Chapter 753, Statutes of 2017), which created a new framework for permitting and regulating taxicabs. Under AB 1069, only certain cities and counties where taxicabs are “substantially located” were permitted to regulate taxicabs, unless the cities enter into a JPA or enter into an agreement with a transit agency for administering or regulating taxicabs. Among its technical corrections, AB 939, modifies the definition of “substantially located” by stating that a taxicab company is substantially located within a city or county if that company has a primary business address within that city or county’s jurisdiction, or if the total number of prearranged and non-prearranged trips that originate within that jurisdiction account for the largest share of the taxicab company’s total trips. Allows a city or county to enter into an agreement to form a JPA to regulate or administer taxicab companies that are substantially located within the jurisdictional boundaries of the JPA. Provides that a taxicab company is substantially located within the jurisdictional boundaries of the JPA or transit agency if it is substantially located within one of the parties to the JPA or agreement with a transit agency.

OCTA Position – *Monitor*

Impact on OCTA: *While AB 939 cleans up some provisions under AB 1069, it did not substantially change the process of regulating taxis and does not have a significant effect on future plans for the Orange County Taxi Administration Program (OCTAP), which coordinates taxicab service, permitting, and other administrative functions, and is currently administered by OCTA on behalf of the cities and the County of Orange. Pursuant to AB 1069 and AB 939, as well as discussions between OCTAP stakeholders and member agencies, OCTA will take the steps necessary to continue to administer OCTAP on behalf of the member agencies for two years, beginning January 1, 2019. Furthermore, OCTA will work with member agencies and the taxi industry to determine what a newly structured OCTAP will look like. Should an agency decide not to enter into this agreement or delay action, they do so at their own risk with respect to state law.*

**AB 2986 (Cunningham, R-San Luis Obispo) Transportation Network Companies: Disclosure of Participating Driver Information (Chapter 286, Statutes of 2018)**

AB 2986 requires a TNC to provide the driver's first name and picture, an image of the make and model of the driver's vehicle, and the license plate number of the driver's vehicle to a passenger on its online-enabled application at the time the passenger is matched with a driver.

OCTA Position – *Monitor*

Impact on OCTA: *For informational purposes.*

**SB 1014 (Skinner, D-Berkeley) California Clean Miles Standard and Incentive Program (Chapter 369, Statutes of 2018)**

SB 1014 establishes the California Clean Miles Standard and Incentive Program, which would require, by January 1, 2020, that the ARB establish a baseline for GHG emissions for vehicles used in online-enabled applications or platforms developed by TNCs on a per-passenger-mile basis. SB 1014 requires that the CPUC implement annual GHG emissions targets for TNCs, established by the ARB, starting on January 1, 2021. Starting on January 1, 2022, each TNC must develop a GHG emissions reduction plan every two years that includes proposals on how to meet the targets and goals for reducing GHG emissions established pursuant to the bill.

OCTA Position – Monitor

Impact on OCTA: *SB 1014 subjects TNCs to the GHG emission targets set by the ARB. Actions taken by the ARB as a result of these targets could help the region meet its emissions reductions goals and may provide insight on targets for other vehicle types.*



**SB 1080 (Roth, D-Riverside) Transportation Network Companies: Driver Requirements and Identification  
(Chapter 511, Statutes of 2018)**

SB 1080 allows a nonresident active duty military member or a nonresident dependent of an active duty military member to drive for a TNC if they possess a valid driver's license in the state in which they reside. Requires the TNC to obtain and review the driving history report from the state that issued the individual's driver's license before permitting the individual to act as a participating driver.

OCTA Position – *Monitor*

Impact on OCTA: *For informational purposes.*

**SB 1376 (Hill, D-San Mateo) Transportation Network Companies: Accessibility for Persons with Disabilities  
(Chapter 701, Statutes of 2018)**

Requires the CPUC to develop regulations regarding accessibility for disabled persons, including wheelchair users who need a wheelchair-accessible vehicle (WAV). Specifically requires the CPUC to conduct a minimum of five workshops with relevant stakeholders starting January 1, 2019, to determine the demand for WAVs and provide recommendations regarding the establishment of geographic areas with a demand for WAVs. Assesses a minimum five cent fee by July 1, 2019, on each TNC ride originating in geographic areas with a demand for WAVs, to be deposited in a TNC Access for All Fund, which this bill creates. Requires the funds to be used to provide on-demand accessible transportation services for persons with disabilities on a competitive basis. Provides exemptions and offsets for TNCs if they provide WAV services and meet accessibility standards and allows TNCs to be eligible for funds if they do. Also requires the CPUC to distribute funds on a competitive basis to access providers that establish on-demand transportation programs or partnerships that meet the needs of persons with disabilities. Requires access providers that obtain monies from the TNC Access for All fund to submit quarterly reports to the CPUC on access services provided. Sunsets on January 1, 2026.

OCTA Position – *Monitor*

Impact on OCTA: *OCTA as a relevant stakeholder will be allowed to participate and provide input in the workshops required under SB 1376. Furthermore, OCTA as a paratransit provider, may be eligible to compete for future funds deposited in the TNC Access for All Fund to provide on-demand accessible transportation services. In addition, SB 1376 prioritizes establishing TNC accessibility requirements, which is consistent with prior CPUC decisions and research recommendations.*

## **XV. Other Legislation**

### **AB 709 (McCarty, D-Sacramento) Sacramento Regional Transit District (Chapter 522, Statutes of 2018)**

AB 709 amends the district boundaries of the Sacramento Regional Transit District (SacRT) so that the service area is the County of Sacramento. The bill also amends the definition of a quorum for SacRT board meetings and authorizes SacRT to contract for the provision of transit facilities and services. Finally, the bill modifies the existing taxing authority of SacRT, allowing the agency to impose a retail transactions and use tax in increments of one-eighth of one percent as opposed to the one-quarter and one-half percent rate in current law.

### **AB 1205 (Jones-Sawyer, D-Los Angeles) Los Angeles County Metropolitan Transportation Authority (Chapter 473, Statutes of 2018)**

AB 1205 would end, on January 1, 2024, the current statutory authority of LA Metro to set aside work for small business enterprises. The bill also caps the number of contracts that can be awarded using this authority before it sunsets to 20. AB 1205 also requires reports to the Legislature by the end of calendar years 2020 and 2023 regarding awards made under this authority.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

### **AB 1925 (Choi, R-Irvine): Vehicles: Unsafe, Unsecured Load (Chapter 124, Statutes of 2018)**

This bill requires the DMV, on at least 20 percent of its written driving tests, to include at least one question that tests the applicant's knowledge on unsecured vehicle loads that may create a severe traffic safety hazard for other motorists.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes, operators of OCTA vehicles should be aware of the provisions in AB 1925. The author's intent is to raise awareness and hopefully prevent accidents related to unsecured loads on vehicles*

### **AB 3177 (Chavez, R-Oceanside) North County Transit District: Contracting (Chapter 554, Statutes of 2018)**

AB 3177 sets specific thresholds at which the North County Transit District must award contracts to the lowest bidder. Whereas current law requires that contracts in excess of \$10,000 be awarded to the lowest bidder, AB 3177 sets the threshold for contracts to acquire or lease equipment at \$100,000. In addition, the bill authorizes certain expenditures to alleviate damage and ensure that operations are consistent with state and federal regulations regarding public transportation services.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

**ACR 149 (Choi, R-Irvine): Officer and Medal of Valor Recipient Waldron G. Karp Memorial Highway  
(Chapter 144, Statutes of 2018)**

ACR 149 would designate the portion of the Interstate 5 (I-5) from northbound Tustin Ranch Road to southbound Tustin Ranch Road in the City of Tustin as the Officer and Medal of Valor Recipient Waldron G. Karp Memorial Highway. Instructs Caltrans to erect proper signage upon receiving donations from nonstate sources sufficient to cover the cost.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

**ACR 188 (Quirk-Silva, D-Fullerton) Colonel Young Oak Kim, Memorial Highway  
(Chapter 122, Statutes of 2018)**

ACR 188 designates the I-5 freeway from the Los Angeles county border to the SR-91 interchange as the Colonel Young Oak Kim, United States Army, Memorial Highway, and instructs Caltrans to erect proper signage upon receiving donations from nonstate sources sufficient to cover the cost.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

**SB 1151 (Bates, R-Laguna Niguel) Neighborhood Electric Vehicles: County of San Diego  
(Chapter 564, Statutes of 2018)**

SB 1151 authorizes the City and County of San Diego to establish a neighborhood electric vehicle (NEV) transportation plan until January 1, 2029, by ordinance or resolution. Requires the plan to include various elements, but not limited to, route selections, coordination with other modes of transportation, special access points, parking facilities, special markings and signage, electrical charging stations, community involvement in planning, long-range transportation planning, and a map showing the NEV lane network. Requires the entity that adopts a NEV plan to submit a report about the effectiveness of the plan to the Legislature within two years of adoption in consultation with the San Diego Association of Governments, Caltrans, CHP, and local law enforcement agencies. Defines a NEV as a low-speed vehicle.

OCTA Position – *Monitor*

Impact on OCTA: *For informational purposes.*

**SB 1387 (Beall, D-San Jose): Vehicles: License Plate Pilot Programs  
(Chapter 520, Statutes of 2018)**

SB 1387 extends the sunset date to January 1, 2020, of authorized DMV pilot programs exploring the use of alternatives to stickers, tabs, license plates, and registration cards.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

**SCR 136 (Newman, D-Fullerton): Infrastructure Week  
(Chapter 87, Statutes of 2018)**

SCR 136 designates the week of May 14 to 20, 2018, as Infrastructure Week. It urges the citizens of the State of California to observe and participate in Infrastructure Week through the planning of events and commemorations.

OCTA Position -- Monitor

Impact on OCTA: *For informational purposes.*





**November 15, 2018**

**To:** Legislative and Communications Committee

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

**Subject:** Performance Evaluation of Sacramento Legislative Advocate, Platinum Advisors, LLC

### **Overview**

The firm Platinum Advisors, LLC provides state legislative advocacy services for the Orange County Transportation Authority in Sacramento. A staff evaluation of the services provided this session is presented to the Board of Directors for consideration and further comment.

### **Recommendation**

Receive and file the staff evaluation as an information item and provide any additional comments.

### **Background**

From December 2002 until March 2014, the Orange County Transportation Authority (OCTA) contracted with Sloat Higgins Jensen and Associates (SHJA) for state legislative advocacy services. On March 10, 2014, the OCTA Board of Directors (Board) voted to end the contract with SHJA and directed staff to procure interim state advocacy services, while simultaneously beginning the process to release a new request for proposals for advocacy services to coincide with the 2015-16 legislative session. On April 4, 2014, a contract for interim state advocacy services was entered into with Platinum Advisors, LLC (Platinum), with a scheduled contract completion date of July 31, 2014. As part of the interim contract, the services of Topp Strategies, LLC as a subcontractor were included, with Moira Topp serving as the lead legislative advocate for OCTA. Since 2007, Moira Topp served as OCTA's primary legislative advocate through her former employment with SHJA, and as a subcontractor on the current contract with Platinum.

On June 23, 2014, the OCTA Board awarded an agreement for state legislative advocacy services to Platinum. This contract became effective after the

completion of the interim state legislative advocacy contract. The initial term of the agreement began on August 1, 2014, and extended to July 31, 2016. The agreement also included two, two-year option terms, at the discretion of the Board, to exercise at a future date. On June 25, 2018, the OCTA Board exercised the second of these options. This term will expire on December 31, 2020.

### ***Discussion***

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

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

Priorities for Platinum for next year will include advancement of OCTA's positions on legislation; actively participating in state budget discussions; providing input on discussions about Transportation Development Act reforms; engaging in resulting legislation from Proposition 6; participating in discussions about implementing the *Wayfair* decision and any associated legislation to enforce sales tax application on online sales and/or changing situs rules associated with online sales; engaging in efforts to allow additional benchmarking and funding to meet any purchase mandates for zero-emission buses; and seeking clarification on interoperability standards for toll agencies.

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

---

**Summary**

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

**Attachments**

- A. Staff Evaluation of Services Provided by Platinum Advisors, LLC for 2018
- B. Sacramento Legislative Advocacy and Consulting Services Scope of Work

**Prepared by:**



Kristin Essner  
Manager, State and  
Federal Relations,  
External Affairs  
(714) 560-5754

**Approved by:**



Lance M. Larson  
Executive Director,  
External Affairs  
(714) 560-5908



**Staff Evaluation of Services Provided by  
Platinum Advisors, LLC for 2018**

The following narrative provides specific information with respect to major issues addressed by Platinum Advisors, LLC (Platinum) in 2018 and general services provided. Each issue has been evaluated based on effort and outcome using a rating of excellent, very good, good, fair, or poor.

**Sponsor Legislation – SB 1119 (Chapter 606, Statutes of 2018)**

*Effort: Excellent; Outcome: Excellent*

Co-sponsored by the California Transit Association (CTA) and supported by a number of transportation agencies, SB 1119 (Chapter 606, Statutes of 2018) will provide system-wide flexibility in the use of Low Carbon Transit Operations Program (LCTOP) funding for new transit pass programs, new or expanded transit service serving disadvantaged communities (DACs) or low-income communities, and the purchase of zero-emission transit buses and supporting infrastructure. With the success of the Santa Ana College student transit pass program using LCTOP funding, this bill will allow OCTA to expand upon this transit pass program and further expand transportation choices for students and residents of DACs. This will have the dual benefit of increasing ridership while simultaneously reducing congestion on local streets and roads.

Platinum was successful in not only securing the bill's initial author, former State Senator Josh Newman (D-Fullerton), but also securing Senator Jim Beall (D-San Jose), as the author when Senator Newman was recalled. This required quick action in order to meet policy committee deadlines. Platinum also proactively set up meetings with key agency staff at the California Department of Transportation (Caltrans), California Air Resources Board (ARB), California State Transportation Agency (CalSTA) and Governor's Office to address any concerns early on. While ARB continued to move forward recommending a veto to the bill, these meetings were critical to dispel those concerns with CalSTA and the Governor's Office. Notably, despite opposition from the environmental justice community who Platinum sought to work with early in the bill's formation, SB 1119 passed unanimously out of both the Senate and the Assembly and did not receive a single vote in opposition in any of its committee hearings.

**Major Legislation – AB 327 (Gipson, D-Carson)**

*Effort: Excellent; Outcome: Excellent*

AB 327 (Gipson, D-Carson) would have authorized the Governing Board of the South Coast Air Quality Management District (SCAQMD) to create requirements for the use of zero-and near-zero emission technology in public fleets to the maximum extent feasible in the south coast region. Including for transit agencies. While AB 327 would have required the SCAQMD in adopting the regulations to consult with Caltrans, the California Highway Patrol, and the transportation commissions within their region, it would have presented significant implications for the Orange County Transportation Authority's (OCTA) existing transit services and financial plans, and potentially



contradicted any requirements put in place by the ARB under its Innovative Clean Transit regulation. Working with representatives from CTA and the Los Angeles Metropolitan Transportation Authority, Platinum engaged the author's office and SCAQMD to address these concerns. This included offering compromise amendments to the bill to protect transit agencies moving forward who would be subject to the ARB regulatory actions, while also allowing SCAQMD to move forward with AB 327 for other public fleets. SCAQMD was unwilling to accept these amendments. However, due to the concerns about the significant impacts to transit agencies, AB 327 was held in the Senate Transportation and Housing Committee, and thus failed passage. This is the second time Platinum has worked to help defeat this type of proposal with SCAQMD in the last two years.

### **Major Legislation – AB 1912 (Chapter 909, Statutes of 2018)**

*Effort: Very Good; Outcome: Poor*

AB 1912 (Chapter 909, Statutes of 2018) was introduced as the result from a recommendation by the State Auditor to ensure that all joint power authority (JPA) entities can cover their retirement obligations, even if these liabilities were not considered at the time the JPA was formed. The bill in its original form would have held current and former JPA member agencies jointly-and-severally liable for pension obligations, although the State Auditor's report only recommended such policy for future JPAs. OCTA opposed the bill in this form because it would have adversely affected the agency's financial structure and deter against the future use of JPAs. Platinum worked in conjunction with numerous other public agency stakeholders to oppose the bill. This opposition led to amendments which softened the application of the bill, but still led to potential adverse implications for JPAs. As a direct result of AB 1912, OCTA could be subject to significantly more financial liability than was anticipated upon the formation of the Southern California Regional Rail Authority (Metrolink) JPA. Therefore, OCTA recommended the Governor veto the bill. Ultimately, because many entities withdrew their opposition to the final version of the bill, the Governor signed it. OCTA will be working with other Metrolink member agencies to mitigate the impacts of this bill going forward.

### **Major Legislation – SB 502 (Chapter 602, Statutes of 2018)**

*Effort: Excellent; Outcome: Excellent*

On August 23, 2018, amendments were made to SB 502 (Chapter 602, Statutes of 2018) in the last days of session which provided Construction Manager/General Contractor (CM/GC) authority to Metrolink for commuter rail projects without the consent or oversight of its member agencies, including OCTA. These initial amendments would have subverted OCTA's prerogative to maintain local control over the delivery of transportation projects on the 42 miles of OCTA-owned rail right-of-way in Orange County. As such, because of the timing in the introduction of the bill and lack of communication from Metrolink on the legislative proposal, OCTA was forced to take an oppose position. Platinum nimbly navigated the process with the Assembly Transportation Committee and the author to communicate this opposition, and willingness by OCTA to improve the bill. Platinum was ultimately successful in integrating OCTA-drafted amendments to ensure the use of CM/GC would only be

conducted according to previous precedent. On August 27, 2018, SB 502 was amended to clarify that Metrolink could only use CM/GC authority upon approval from the county transportation commission that has jurisdiction over the project. The bill also provided CM/GC authority for the county transportation commissions, such as OCTA, to construct Metrolink commuter rail projects utilizing CM/GC. These amendments allowed OCTA to remove its opposition to SB 502 and support the bill. This final version signed into law could serve as a tool to expedite the delivery of Metrolink improvement projects throughout southern California.

### **Major Legislation – SB 1466 (Glazer, D-Orinda) and SCA 20 (Glazier, D-Orinda)**

*Effort: Excellent; Outcome: Good*

SB 1466 (Glazer, D-Orinda) and SCA 20 (Glazier, D-Orinda) would have authorized adjustments in the distribution of revenues generated from the Bradley-Burns Uniform Local Sales and Use Tax Law, as they relate to online sales. This would have allowed for a more equitable distribution of revenues provided under the Bradley-Burns taxes by allowing revenues to flow to the destination of goods sold, rather than point-of-sale, as current law provides. These bills were directly influenced by a State Auditor report finding, from an audit request sponsored by OCTA in 2017. If SB 1466 and SCA 20 were signed into law, OCTA could have received a more equitable share of LTF funding, and extreme fluctuations due to the expected increase in online sales could have been mitigated. The provisions of SB 1466 and SCA 20 were nearly identical, and therefore, SB 1466 was integrated into SCA 20 and pulled by the author. Amendments were proposed to implement a phase-in and phase-out approach to mitigate the impact a redistribution would have on agencies, however, SCA 20 was held in the Senate Appropriations Committee over the need for more discussion. Platinum worked to ensure OCTA was at the table at the beginning of the process, providing opportunities for OCTA to testify before policy committees when the bills were heard. While neither bill was successful, this effort will inform future efforts as ongoing discussions take place with stakeholders.

### **Other Significant Legislation**

*Effort: Very Good; Outcome: Good*

AB 686 (Chapter 958, Statutes of 2018): In its original form, AB 686 (Chapter 958, Statutes of 2018), would have required public agencies, including OCTA, to administer programs and activities relating to housing and community development in a manner that would affirmatively further fair housing (AFFH). This would have created a legal loophole to challenge transportation funding, planning, programming, and construction activities, even when the transportation agency has no jurisdiction over housing and land use decisions. This would have also conflicted with other state goals, including those related to job creation, the environment, and disadvantaged communities. Given these concerns, the author had initially pulled the bill in 2017. However, the author, in an effort to address the concerns raised by the California Association of Councils of Governments, OCTA, the Southern California Association of Governments, the Riverside County Transportation Commission, and others, amended the bill this year. The amendments removed regional transportation agencies from the AFFH requirement, which allowed OCTA to go neutral on the bill.



AB 1905 (Grayson, D-Concord): AB 1905 (Grayson, D-Concord) would have provided legal certainty for transportation projects that have been adopted as part of a sustainable communities strategy. The primary goal of AB 1905 was to limit injunctive relief awarded in litigation pursued under CEQA against projects that have already undergone California's thorough environmental review process and are part of a plan that has demonstrated overall emission reduction benefits. While Platinum worked with committee and author staff to discuss the potential benefits of the bill, and demonstrate that this was part of the original vision of SB 375 (Chapter 728, Statutes of 2008), the author ultimately decided to pull the bill from policy committee. Ultimately, committee staff pointed to the lack of identified, specific projects that could benefit from the bill. Due to strong opposition from the environmental community, the bill could not be expanded to allow for more certainty in benefits.

AB 3201 (Daly, D-Anaheim): AB 3201 (Daly, D-Anaheim) would have created added certainty about the availability of incentive funding for future deployments of zero-emission buses and related infrastructure by clarifying eligibility parameters for ARB incentive funds. Given concerns about the adequacy of funding availability needed to meet ARB's proposed Innovative Clean Transit Regulation, which would mandate the purchase of zero-emission buses, AB 3201 would have helped alleviate some of these issues by expanding the eligibility requirements under the California Clean Truck, Bus, and Off-Road Vehicle and Equipment Technology Program. Platinum worked closely with Assembly Member Daly's office on the drafting of the bill, and all amendments proposed throughout the process to ensure continued benefit to OCTA. However, AB 3201 was held in the Assembly Appropriations Committee, and thus failed passage due to strong opposition from the environmental community. OCTA will continue to seek opportunities to promote an incentive-based approach as part of the ARB regulatory process.

SB 1434 (Leyva, D-Chino): Sponsored by CTA, SB 1434 (Leyva, D-Chino) would have required the California Public Utilities Commission to initiate a ratemaking proceeding that addresses the cost of electricity as a fuel for transit agencies. The bill would have allowed for a proceeding that brought relevant stakeholders together to deliberate on an appropriate rate structure rather than prescribing a specific rate structure in statute. As such, this bill could have allowed for a more a successful statewide transition to zero-emission technologies. Platinum worked to allow for support from Orange County delegation members, stressing the cost impacts the Innovative Clean Transit regulation poses to OCTA. However, due to opposition from the electric utilities, SB 1434 was ultimately held in committee. CTA plans to sponsor a similar bill next session.

### **Project Delivery Issues Affecting Transportation**

*Effort: Excellent; Outcome: Very Good*

While project delivery legislation was not prevalent in 2018, there were a couple bills that required significant resources. This included SB 502, Metrolink's sponsor bill to allow CM/GC authority for projects within Metrolink's jurisdiction. As the only county transportation commission to take an oppose position, Platinum was required to convey

the agency's concerns at the bill's initial policy committee meeting, which presented several political risks considering the bill was introduced in the last days of session and was authored by the Senate Appropriations Committee Chair. Platinum was not only able to convince the members of the Assembly Transportation Committee to hold the bill to allow for further discussions, but also the author to take amendments drafted by OCTA. These amendments specifically grant county transportation commissions CM/GC authority for Metrolink projects, the first CM/GC authority authorized for OCTA.

Several outstanding project delivery issues stalled in the Legislature this session, with expectations that they will again be discussed next session after discussions take place with stakeholders in opposition. This includes legislation to allow for public-private partnerships, as proposed by AB 1454 (Bloom, D-Santa Monica) and SB 768 (Allen, D-Santa Monica), and legislation to allow for California Environmental Quality Act streamlining for transportation projects consistent with a sustainable communities strategy, as proposed under AB 1905 (Grayson, D-Concord).

### **Funding Issues Affecting Transportation**

*Effort: Excellent; Outcome: Very Good*

Transportation funding was again one of the most discussed issues in 2018, with the passage of SB 1 (Chapter 5, Statutes of 2017) last year, providing the most substantial increase in funding transportation has seen in decades. With a proposition on the ballot seeking to repeal SB 1, much of the Legislature's attention was on getting funding out as quickly as possible, while seeking added protections to prevent any inappropriate use of funds. Thus, much of the focus was on the processing of competitive grant applications. Platinum played a critical role in this scope, securing delegation support for OCTA grant applications. This helped lead to the award of almost \$66 million from the Trade Corridor Enhancement Program for the Lambert interchange, a priority project within the county, and the first phase of the State Route 57 Truck Climbing Lane project. In addition, when certain grants were not awarded due to dispute about statutory interpretation, Platinum secured a meeting with Assembly Member Daly (D-Anaheim) and engaged him in the process, which while the grant was not ultimately awarded, allowed additional conversations about the potential need for legislative and/or regulatory clean-up.

In 2018, OCTA continued to see decreases in funding provided by the LTF and sales tax measures, likely due to the increase of online sales and nontaxable goods. The State Auditor report issued in 2017, recommending more equitable distribution of LTF revenues, led to legislation being introduced in 2018. While not successful, Platinum ensured OCTA was at the table throughout the process, including providing testimony at key committee hearings. Platinum was also able to secure meetings with the California Department of Tax and Fee Administration began discussions about how to implement the Supreme Court's *Wayfair* ruling. Next session, both the situs issues and implementation of *Wayfair* are expected to be discussed heavily, and Platinum has already taken steps to allow OCTA to be actively engaged.



## **Environmental Issues Affecting Transportation**

*Effort: Excellent; Outcome: Very Good*

Paramount among environmental issues addressed in 2018, was OCTA's sponsor bill, SB 1119, which provides transit agencies more flexibility to demonstrate benefits to disadvantaged community residents when using the cap-and-trade funded Low Carbon Transit Operations Program. As detailed before, Platinum did an excellent job in being able to navigate the bill through the Legislature, despite the need to change author's, the opposition brought by the environmental justice community, and a veto request by the California Air Resources Board. In fact, they were able to pass the legislation unanimously through every committee and floor vote. This represents the first major legislative change to addressing how the State makes investments in disadvantaged communities, and presents an opportunity to allow more regional discretion in directing the investments towards the infrastructure demands of that region's most disadvantaged residents.

Alternatively, while there was substantial discussion related to the potential impacts the California Air Resources Board's proposed Innovative Clean Transit regulation would have on transit agencies statewide, legislation attempting to make the regulation less costly failed. Both AB 3021 and SB 1434 would have provided more predictability in funding for transit agencies – the first bill seeking to allow incentive funding throughout the scope of the regulation, and the second bill seeking to provide certainty related to electricity cost. However, strong opposition by the environmental community and electricity providers stalled both bills. This presents the most significant ongoing environmental related issue OCTA will face going into the next legislative session. There are plans to seek the reintroduction of SB 1434 next year, using the groundwork laid this year.

## **General Services**

*Effort: Excellent; Outcome: Excellent*

Platinum has regularly scheduled meetings with legislators, committee consultants, Administration staff, and staff of various state departments, boards, and commissions to discuss issues of importance to OCTA. Members of the Legislature and the Administration consistently rely on Platinum to discuss and provide recommendations on a number of important transportation issues. Platinum has been responsive to requests by OCTA staff, provided timely information, advice and reports, and provided testimony in legislative committees that accurately reflected Board positions on legislation and policy issues. Platinum also worked on a number of other issues on behalf of OCTA that were not necessarily contained in legislation, including setting up meetings with key staff within the Administration and Legislature, promptly responding to questions from state delegation members, and relaying important information related to appointments by the Governor.

Specifically, this year Platinum arranged meetings with key members of the Legislature and Administration when OCTA visited Sacramento in 2018, in addition to assisting the scheduling of meetings for advocacy trips done in coordination with Mobility 21. This included meetings with California Department of Fee and Tax Administration Director



Nicholas Maduros; Assembly Member Jim Frazier (D-Oakley), Chair of the Assembly Transportation Committee; and meetings with key staff from the Governor's office, California Air Resources Board and California State Transportation Agency. In these meetings, OCTA was able to pursue advance discussions related to its sponsor bill, SB 1119 and resolve inconsistencies in the distribution of local sales tax revenue, while continuing the dialogue related to the proliferation of online sales and the impact on local sales tax measures.

### **Overall Rating**

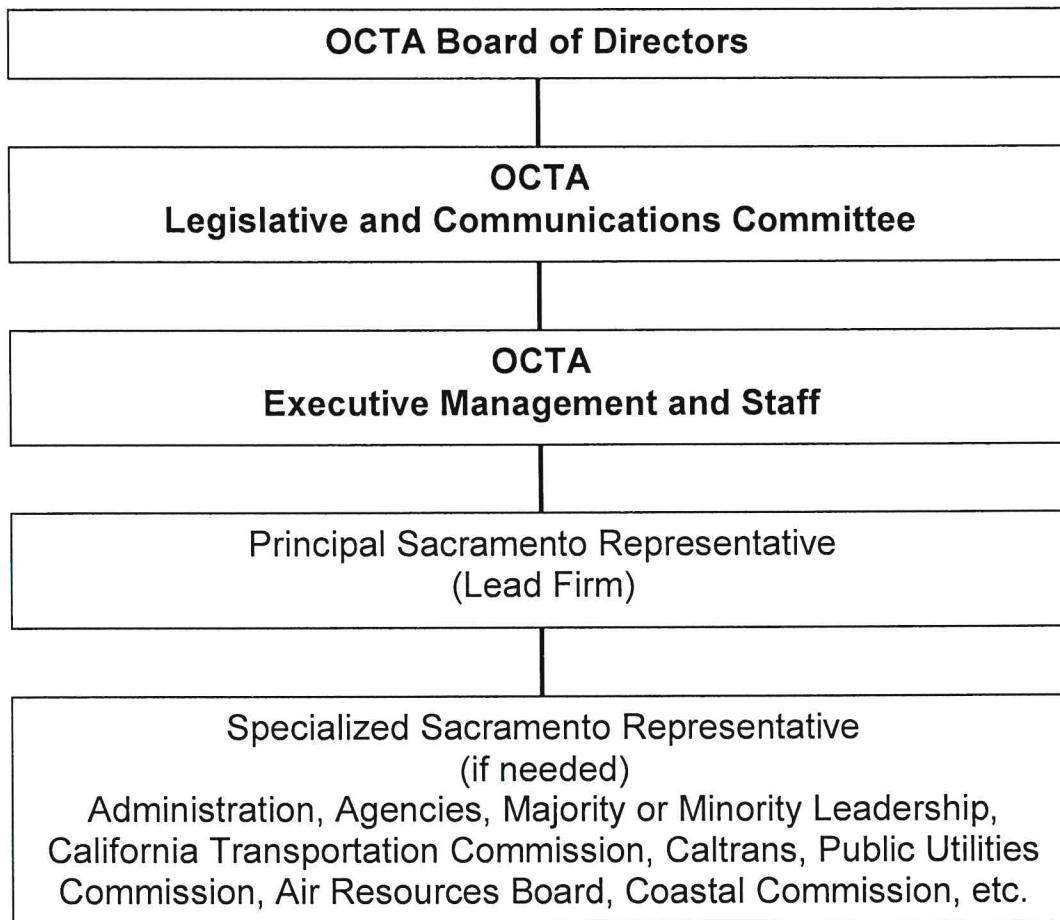
*Effort: Excellent; Outcome: Very Good*

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

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

**Reporting Relationship**

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



**Role of the CONSULTANT**

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

## **Objectives**

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

- Meet with members of the Governor's office and Legislature to discuss policy issues affecting OCTA.
- Meet with members and staff of the California Transportation Commission on issues that could affect the programming of OCTA projects.
- Attend meetings of the Board of Equalization and report on issues that could affect funding.
- Participate in transportation related meetings with various state departments, including, but not limited to, the Department of Finance; Business, Transportation, and Housing; Department of Transportation; California Highway Patrol; Environmental Protection Agency; and Air Resources Board.

### **Objective 1 Deliverable:**

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

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

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

### **Objective 2 Deliverables:**

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

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

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

**Objective 3 Deliverables:**

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

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

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

**Objective 4 Deliverables:**

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

**Objective 5: Maintain Sacramento office.**

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

**Objective 5 Deliverable:**

- Office in Sacramento.

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

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

**Objective 6 Deliverable:**

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