



AGENDA

Legislative and Communications Committee Meeting

Committee Members

Laurie Davies, Chair
Lisa A. Bartlett, Vice Chairwoman
Barbara Delgleize
Michael Hennessey
Gene Hernandez
Tim Shaw
Gregory T. Winterbottom

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

Thursday, February 21, 2019 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 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

Director Delgleize

1. Public Comments

Special Calendar

2. Sacramento Advocate Presentation

Moira Topp/Lance M. Larson

Sacramento advocate, Moira Topp, will provide an overview of upcoming transportation policy and funding discussions by the new Administration and State Legislature.



3. Committee Meeting 2019 Schedule

Laurie Davies, Chair

Committee Chair Davies will lead a discussion regarding the 2019 meeting schedule for the Legislative and Communications Committee. The proposed dates and times for this Committee are provided in Attachment A.

4. Roles and Responsibilities of the Legislative and Communications Committee

Darrell E. Johnson

Roles and responsibilities for the Legislative and Communications Committee are reviewed periodically for any appropriate changes or additions. These roles and responsibilities are presented for discussion in Attachment A.

Consent Calendar (Item 5)

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

5. Approval of Minutes

Approval of the minutes of the Legislative and Communications Committee meeting of January 17, 2019.

Regular Calendar

6. State Legislative Status Report

Jaymal Patel/Lance M. Larson

Overview

A support position is recommended on a bill related to the delegation of federal environmental review authority under the National Environmental Protection Act.

Recommendation

Adopt a SUPPORT position on AB 252 (Daly, D-Anaheim) which would allow California to continue to perform federal environmental responsibilities for highway projects under the National Environmental Policy Act indefinitely.



7. Federal Legislative Status Report

Dustin J. Sifford/Lance M. Larson

Overview

An update is provided on the appropriations process, the long-term funding outlook for federal transportation programs, and a nomination to the Department of Transportation. Summaries of a recent Executive Order and a hearing on infrastructure investments are also included.

Recommendation

Receive and file as an information item.

Discussion Items

8. Chief Executive Officer's Report

9. Committee Members' Reports

10. Closed Session

There are no Closed Session items scheduled.

11. Adjournment

The next regularly scheduled meeting of this Committee will be held at **9:00 a.m. on Thursday, March 21, 2019**, at the Orange County Transportation Authority Headquarters, 550 South Main Street, Board Room - Conference Room 07, Orange, California.



ORANGE COUNTY TRANSPORTATION AUTHORITY ATTACHMENT A

2019 Legislative & Communications Committee Meetings

JANUARY						
SUN	MON	TUE	WED	THU	FRI	SAT
		1	2	3	4	5
6	7	8	9	10	11	12
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FEBRUARY						
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MARCH						
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31						

APRIL						
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MAY						
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JUNE						
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JULY						
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AUGUST						
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SEPTEMBER						
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OCTOBER						
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NOVEMBER						
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DECEMBER						
SUN	MON	TUE	WED	THU	FRI	SAT
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OCTA, OCTD, OCLTA, and OCSAFE regular Board meeting
9:00 a.m., OCTA Headquarters
550 South Main Street, Board Room - Conf. Room 07, Orange CA

Legislative & Communications Committee
9:00 a.m.

OCTA Holidays

**2019 OCTA Proposed Committee Meeting Calendar
Legislative and Communications Committee**

Month	2019 Proposed Changes - Comparison with 2018 Calendar
January	No change
February	No change
March	No change
April	No change
May	No change
June	No change
July	No change
August	No change
September	No change
October	No change
November	No change
December	No change

**Proposed Roles and Responsibilities
of the Board Committees for 2019
(02.21.19)**

Legislative and Communications Committee

- Recommends to the Board of Directors multi-level strategy and action plans for advancing priorities of OCTA at local, state, and federal levels of government;
- Reviews and makes recommendations to the Board of Directors for the annual legislative platforms and positions for legislative proposals;
- In coordination with the Chairman of the Board of Directors, advocates and testifies at the state and federal level on issues of importance to OCTA;
- Establishes relationships with legislative delegations at the state and federal levels;
- Makes recommendations to Board of Directors on use and procurement of professional services and contractors to support planning and delivery of OCTA projects, programs, and services;
- Interviews and recommends to the Board of Directors consultants to serve as legislative advocates in Sacramento and Washington, D.C.;
- Makes recommendations regarding annual state and federal funding requests;
- Provides guidance with public communication program goals, plans, and messages, and ensures they cultivate two-way communications with diverse communities, and are in compliance with Title VI and Environmental Justice requirements;
- Reviews and provides feedback on public communications, media relations, and community relations programs in support of OCTA initiatives;
- Reviews and provides feedback on marketing and customer relations engagement programs that are designed to create awareness or promote usage of OCTA transportation services and programs; and
- Monitors public and customer feedback, as well as communications program results and recommend course corrections as appropriate.



MINUTES

Legislative and Communications Committee Meeting

Committee Members Present

Michael Hennessey, Vice Chairman
Laurie Davies
Barbara Delgleize
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

None

Call to Order

The January 17, 2019 regular meeting of the Legislative and Communications Committee was called to order by Committee Vice Chairman Hennessey at 9:02 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:

- Last Monday, January 7th, the Legislature returned, and the Governor and all the constitutional constitutes were sworn-in for their terms.
- On Thursday, January 10th, the Governor released his proposed 2019-20 budget which includes:
 - A \$209 billion budget;
 - To the general fund \$144 billion;
 - A 4.1 percent increase over last year's spending;
 - To pre-kindergarten, kindergarten, and childcare \$1.8 billion;
 - Includes a surplus of \$13 billion; and
 - Proposes \$1.3 billion towards housing and a half billion towards homelessness.
- On the transportation side, the Governor proposes \$4.8 billion of Senate Bill (SB) 1.



2. (Continued)

- The bill introduction deadline is February 22nd and up to 2,500 bills will be introduced.
- Assembly and Senate both released the committee assignments.
- In the Assembly Committee on Transportation, Assembly Member Daly remains on the committee (who is a member of the Orange County delegation).
- In the Senate, the transportation and housing committee was split into two committees again and Senator Tom Umberg, who is an Orange County delegation, is a member of both committees.
- In the Assembly, after the election, Republican Caucus made a leadership change and elected Assembly Member, Marie Waldron, as the Assembly Republican leader.
- In the Senate, Senator Shannon Grove was elected as the California Senate Republican leader.

A discussion ensued regarding:

- The Governor's proposal with SB 1 and applying it to cities' compliance with the Regional Housing Needs Assessment.
- The Governor and the administration are required to release their trailer bills that underly the budget at the end of the month.
- Summary of SB 50, the challenges the bill faces, and the bi-partisan support.
- The Orange County Transportation Authority (OCTA) is currently analyzing SB 50 and has not taken a position since OCTA has no land-use authority; yet, there is a transit component in the bill. OCTA will further analyze SB 50 and bring it back to the Legislative and Communications Committee for further consideration.

Consent Calendar (Item 3)

3. Approval of Minutes

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to approve the minutes of the Legislative and Communications Committee meeting of November 15, 2018.

Regular Calendar

4. State Legislative Status Report

Kristin Essner, Manager of State and Federal Relations, reported on the following:

- Background on toll enforcement policies.
- SB 1268 and Assembly Bill 179 laid out processes to protect customer privacy information when processing toll violations; however, legislation did not anticipate several new ways of using data from toll facilities and the federal interoperability requirements.
- Since the passage of these bills, the federal law was changed to require all toll facilities to meet certain interoperability requirements.
- Further updates and clarification are needed to the toll code sections; within the statute authority, as to when to enforce paying penalties if a facility is being misused.
- OCTA plans to co-sponsor legislation with other toll operators within the state, including the Metropolitan Transportation Commission/Bay Area Toll Authority.
- Multiple avenues on clarifying toll enforcement policies could be handled in a stand-alone bill.
- Overview of the California Air Resources Board (ARB) Innovative Clean Transit Regulation (ICT). ARB unanimously adopted the ICT Regulation the previous month.
- OCTA requested ARB incentive funds to continue to be available for transit agencies through the life of the regulation but ARB was not willing to do that.
- An update on the Legislative Analyst's Office report discussing transportation, greenhouse gas emissions (GHG), and meeting the regional SB 375 GHG emissions reduction targets.

A discussion ensued regarding:

- OCTA's goal is to update technology and continue to maintain customer privacy requirements within toll enforcement policies.
- James Donich, General Counsel, stated the Board of Directors will receive an in-depth memo as a part of the January 28th Board Meeting Agenda (a closed session item).
- California has the toll interoperability under Title 21 to ensure OCTA can still do business transactions properly.
- OCTA will have several considerations as the long-term fleet plan is developed. It crosses all issues financially, operationally, and environmentally.



4. (Continued)

- Examples of how OCTA has experimented with different types of buses and how OCTA is currently experimenting with hydrogen fuel cell buses before making a purchase requirement decision.

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to amend the 2019-20 Orange County Transportation Authority State Legislative Platform to co-sponsor legislation to clarify roles and responsibilities related to toll enforcement policies to allow for interoperability between toll facilities while affirming user privacy protections.

5. Federal Legislative Status Report

Dustin Sifford, Senior Government Relations Representative, and Lance Larson, Executive Director of External Affairs, reported on the following:

- The background of the partial government shutdown which effects the Department of Transportation.
- OCTA's impacts with the government shutdown are seen through three specific model agencies: the Federal Highway Administration, the Federal Transit Administration, and the Federal Railroad Administration.
- Nicole R. Mason was nominated to serve as the Administrator of the Federal Highway Administration.
- Newly-elected Speaker of the House, Nancy Pelosi, is in the process of making committee assignments, and Congressman Harley Rouda of Orange County, will be assigned to the Transportation and Infrastructure Committee.

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

Discussion Items

6. Chief Executive Officer's Report

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

- Mr. Johnson, CEO, and staff were in Sacramento earlier this week to meet with several newly-elected officials and representatives from the California State Transportation Agency.



6. (Continued)

- The Interstate 405 (I-405) Improvement Project updates are as follows:
 - The Magnolia Street bridge is scheduled to close at 10:00 p.m. on Friday night until Saturday at 8:00 a.m. to allow crews to partially demolish the bridge.
 - On January 19th at 9:00 a.m. at Paularino Elementary school in Costa Mesa, OCTA's outreach team will host a neighborhood meeting regarding upcoming work on the Fairview Road bridge, which is expected to start next month.
 - A second neighborhood meeting is scheduled at 9:00 a.m. on January 26th at Wakeham Park in Costa Mesa.
- January is human trafficking awareness month and OCTA will have a booth at California State University Fullerton on Saturday at 1:00 p.m. to provide information about the *Be the One* campaign.
- On February 7th at 11:00 a.m. at Golden West College, OCTA will host a ribbon-cutting event for the newest Bravo Route 529 along Beach Boulevard.
- On February 9th at 8:00 a.m., OCTA will host the annual Lunar New Year celebration at the Irvine Metrolink Station.

7. Committee Members' Reports

Director Shaw inquired about how the storms are affecting transportation on the freeways.

Mr. Johnson, CEO, commented on the State Route 91 freeway incident, that there was an emergency closure due to flooding on the I-405, and concerns about the impacts to the open space property.

8. Closed Session

There were no Closed Session items scheduled.



9. Adjournment

The meeting adjourned at 9:45 a.m.

The next regularly scheduled meeting of this Committee will be held at **9:00 a.m. on Thursday, February 21, 2019**, at the Orange County Transportation Authority Headquarters, 550 South Main Street, Board Room - Conference Room 07, Orange, California.

ATTEST

Michael Hennessey
Committee Vice Chairman

Sahara Meisenheimer
Deputy Clerk of the Board



February 21, 2019

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

Overview

A support position is recommended on a bill related to the delegation of federal environmental review authority under the National Environmental Protection Act.

Recommendation

Adopt a SUPPORT position on AB 252 (Daly, D-Anaheim) which would allow California to continue to perform federal environmental responsibilities for highway projects under the National Environmental Policy Act indefinitely.

Discussion

AB 252 (Daly, D-Anaheim): Department of Transportation: Environmental Review Process: Federal Program

AB 252 (Daly, D-Anaheim) would allow the California Department of Transportation (Caltrans) to assume, indefinitely, the role of the U.S. Department of Transportation in National Environmental Policy Act (NEPA) decisions and approvals. Specifically, AB 252 would continue to provide Caltrans with a limited waiver of sovereign immunity under the 11th Amendment of the U.S. Constitution, so that the State may assume the responsibility and liability for its NEPA authority, as is required when accepting NEPA delegation.

Initially provided under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, the federal delegation of NEPA authority to the State has been a success in expediting the environmental review of transportation projects. Since the authority was delegated to the State in 2007, Caltrans and local agencies have been able to advance and deliver projects that could have been delayed had those projects been subject to the traditional federally-led NEPA review process. With NEPA delegation, substantial time savings has been achieved for numerous areas of the NEPA environmental

review process. As a result, the time savings provided with NEPA delegation has led to reduced project costs and the expedited start of project construction activities.

However, the recent enabling legislation, AB 28 (Chapter 4, Statutes of 2017), which provided the limited waiver of sovereign immunity, contains a sunset provision of January 1, 2020. As such, Caltrans would not be able to perform NEPA review responsibilities starting on January 1, 2020, unless a new waiver of sovereign immunity is approved by the legislature.

If NEPA delegation authority is not extended, numerous locally-funded Orange County Transportation Authority (OCTA) projects that are subject to the traditional NEPA review process could be delayed, resulting in cost increases. These projects include improvements to major arterials and numerous freeways in Orange County, including State Route 91, State Route 57, State Route 55, and Interstate 5. In total, it is estimated that approximately \$1.07 billion in infrastructure investments planned over the next decade could be delayed if NEPA delegation is allowed to expire indefinitely. These delays could be compounded further if the U.S. Federal Highway Administration lacks the necessary staff to adequately and readily assume the NEPA responsibilities.

The text of AB 252 and a comprehensive analysis of the legislation are included as Attachment A. A support position on AB 252 is consistent with OCTA's 2019-2020 State Legislative Platform principle to "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."

Summary

A support position is recommended on a bill related to the environmental review of transportation projects.

Attachments

- A. AB 252 (Daly, D-Anaheim) Bill Analysis with Bill Language
- B. Orange County Transportation Authority Legislative Matrix

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

BILL: AB 252 (Daly, D-Anaheim)

SUBJECT: AB 252 would allow California to continue to perform federal environmental responsibilities for highway projects under the National Environmental Policy Act indefinitely.

STATUS: Introduced January 23, 2019

SUMMARY AS OF January 23, 2019:

AB 252 (Daly, D-Anaheim) would continue to provide the California Department of Transportation (Caltrans) with a limited waiver of sovereign immunity under the 11th Amendment of the U.S. Constitution, which would allow Caltrans to assume, indefinitely, the role of the U.S. Department of Transportation (U.S. DOT) in National Environmental Policy Act (NEPA) decisions and approvals. As a result, California would be required to continue to accept the financial costs associated with the delegated NEPA authority for surface transportation projects, as well as full liability for lawsuits filed under NEPA in federal court. In keeping Caltrans as the lead agency for environmental reviews under NEPA, AB 252 would also subject the State to the same procedural and substantive requirements that the U.S. DOT would otherwise be responsible for.

EFFECTS ON ORANGE COUNTY:

Initially provided under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, the federal delegation of NEPA authority to the State has been a success in expediting the environmental review of transportation projects. Since the authority was delegated to the State in 2007, Caltrans and local agencies have been able to advance and deliver projects that could have been delayed, had those projects been subject to the traditional federally-led NEPA review process. With NEPA delegation, substantial time savings has been achieved for numerous areas of the NEPA environmental review process, including Section 7 Biological Assessments/Biological Opinions, draft environmental assessments, and Findings of No Significant Impact determinations. As a result, the time savings provided with NEPA delegation has led to reduced project costs and the expedited start of project construction activities.

However, the most recent enabling legislation, AB 28 (Chapter 4, Statutes of 2017), which provided the limited waiver of sovereign immunity, and was supported by the Orange County Transportation Authority (OCTA), contains a sunset provision of January 1, 2020. As such, Caltrans would be unable to do NEPA review responsibilities starting on January 1, 2020, unless it receives a new waiver of sovereign immunity from the legislature.

If NEPA delegation authority is not extended, numerous locally-funded OCTA projects that are subject to the traditional NEPA review process could be delayed resulting in cost increases. These projects include improvements to major arterials and numerous freeways in Orange County, including State Route 91, State Route 57, State Route 55,

and Interstate 5. In total, it is estimated that approximately \$1.170 billion in infrastructure investments planned over the next decade could be delayed if NEPA delegation is allowed to expire. These delays could be compounded further if the U.S. Federal Highway Administration lacks the necessary staff to adequately and readily assume the NEPA responsibilities.

A support position on AB 252 is consistent with the principle included in the OCTA 2019-2020 State Legislative Platform that states, "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."

OCTA POSITION:

Staff recommends: SUPPORT

ASSEMBLY BILL

No. 252

Introduced by Assembly Members Daly and Frazier

January 23, 2019

An act to amend Section 820.1 of the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 252, as introduced, Daly. Department of Transportation: environmental review process: federal program.

Existing law gives the Department of Transportation full possession and control of the state highway system. Existing federal law requires the United States Secretary of Transportation to carry out a surface transportation project delivery program, under which the participating states may assume certain responsibilities for environmental review and clearance of transportation projects that would otherwise be the responsibility of the federal government. Existing law, until January 1, 2020, provides that the State of California consents to the jurisdiction of the federal courts with regard to the compliance, discharge, or enforcement of the responsibilities it assumed as a participant in the program.

This bill would extend the operation of these provisions indefinitely.

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

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

1 SECTION 1. Section 820.1 of the Streets and Highways Code
2 is amended to read:

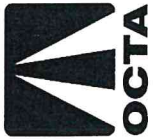
1 820.1. (a) The State of California consents to the jurisdiction
2 of the federal courts with regard to the compliance, discharge, or
3 enforcement of the responsibilities assumed by the department
4 pursuant to Section 326 of, and subsection (a) of Section 327 of,
5 Title 23 of the United States Code.

6 (b) In any action brought pursuant to the federal laws described
7 in subdivision (a), no immunity from suit may be asserted by the
8 department pursuant to the Eleventh Amendment to the United
9 States Constitution, and any immunity is hereby waived.

10 (c) The department shall not delegate any of its responsibilities
11 assumed pursuant to the federal laws described in subdivision (a)
12 to any political subdivision of the state or its instrumentalities.

13 (d) This section does not affect the obligation of the department
14 to comply with state and federal law.

15 ~~(e) This section shall remain in effect only until January 1, 2020,~~
16 ~~and as of that date is repealed.~~



Orange County Transportation Authority Legislative Matrix

2019 State Legislation Session
February 21, 2019

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
BILLS WITH POSITIONS			
► AB 252 (Daly – D) Department of Transportation: Environmental Review	<i>Extends indefinitely existing law which provides that the state consents to the jurisdiction of the federal courts with regard to the compliance, discharge, or enforcement of the environmental responsibilities it assumed as a participant in the federal surface transportation project delivery program.</i>	INTRODUCED: 01/23/2019 LOCATION: ASSEMBLY STATUS: 01/23/2019 INTRODUCED.	STAFF RECOMMENDS: SUPPORT Support: Self-Help Counties Coalition (Sponsor)

BILLS BEING MONITORED

▶ CA AB 11	<p>AUTHOR: Chiu [D] TITLE: Community Redevelopment Law INTRODUCED: 12/03/2018 LOCATION: <i>Assembly Housing and Community Development Committee</i> SUMMARY: Authorizes a city or county or two or more cities acting jointly, to propose the formation of an affordable housing and infrastructure agency by adoption of a resolution of intention. Provides for a governing board of the agency. Requires the agency to submit an annual report, and final report of any audit undertaken to its governing body. Requires the governing board of an agency to designate an appropriate official to prepare a proposed redevelopment project plan. STATUS: <i>01/17/2019 To ASSEMBLY Committees on HOUSING AND COMMUNITY DEVELOPMENT and LOCAL GOVERNMENT.</i> CATEGORY: Planning</p>
▶ CA AB 40	<p>AUTHOR: Ting [D] TITLE: Zero-Emission Vehicles: Comprehensive Strategies INTRODUCED: 12/03/2018 LOCATION: <i>Assembly Transportation Committee</i> SUMMARY: Requires the State Air Resources Board to develop a comprehensive strategy to ensure that the sales of new motor vehicles and new light-duty trucks in the state have transitioned fully to zero-emission vehicles by 2040. STATUS: <i>01/24/2019 To ASSEMBLY Committees on TRANSPORTATION and NATURAL RESOURCES.</i> CATEGORY: Environment</p>
▶ CA AB 51	<p>AUTHOR: Gonzalez [D] TITLE: Employment Discrimination: Enforcement INTRODUCED: 12/03/2018 LOCATION: <i>Assembly Labor and Employment Committee</i> SUMMARY: Prohibits a person from, as a condition of employment, continued employment, the receipt of any employment-related benefit, or as a condition of entering into a contractual agreement, prohibiting an applicant, employee, or independent contractor from disclosing sexual harassment in the workplace, or opposing any other lawful practice, or from exercising any right or obligation or participating in any investigation or proceeding with respect to unlawful harassment or discrimination. STATUS: <i>01/17/2019 To ASSEMBLY Committees on LABOR AND EMPLOYMENT and JUDICIARY.</i> CATEGORY: Employment Terms and Conditions</p>

CA AB 62	<p>AUTHOR: Fong [R] TITLE: State Government: Fiscal: Transparency INTRODUCED: 12/03/2018 LOCATION: ASSEMBLY SUMMARY: Enacts the Budget Transparency Act of 2019. Modifies the transparency component to require information regarding all state expenditures, including the amount, the type, and a description of each state expenditure. Requires the Internet Web site to be interactive, searchable, regularly updated, and include specified features, including information on each state expenditure. STATUS: 12/03/2018 INTRODUCED. CATEGORY: State Budget</p>
► CA AB 71	<p>AUTHOR: Melendez [R] TITLE: Independent Contractors and Employees INTRODUCED: 12/03/2018 LOCATION: <i>Assembly Labor and Employment Committee</i> SUMMARY: Requires a determination of whether a person is an employee or an independent contractor to be based on a specific multifactor test, including whether the person to whom the service is rendered has the right to control the manner and means of accomplishing the result desired. STATUS: 01/17/2019 <i>To ASSEMBLY Committee on LABOR AND EMPLOYMENT.</i> CATEGORY: Employment Terms and Conditions</p>
► CA AB 145	<p>AUTHOR: Frazier [D] TITLE: High-Speed Rail Authority: Senate Confirmation INTRODUCED: 12/13/2018 LOCATION: <i>Assembly Transportation Committee</i> SUMMARY: Provides that the members of the High-Speed Rail Authority appointed by the Governor are subject to appointment with the advice and consent of the Senate. STATUS: 01/24/2019 <i>To ASSEMBLY Committee on TRANSPORTATION.</i> CATEGORY: Rail</p>
► CA AB 146	<p>AUTHOR: Quirk-Silva [D] TITLE: State Highways: Property Leases: County of Orange INTRODUCED: 12/14/2018 LOCATION: <i>Assembly Local Government Committee</i> SUMMARY: Authorizes the Department of Transportation to lease airspace under a freeway, or real property acquired for highway purposes, in the County of Orange, that is not excess property, to a city located in the County of Orange, the County of Orange, a political subdivision of the state whose jurisdiction is located in the County of Orange, or another state agency for purposes of an emergency shelter or feeding program, subject to certain conditions. STATUS: 01/24/2019 <i>To ASSEMBLY Committees on LOCAL GOVERNMENT and TRANSPORTATION.</i> CATEGORY: Miscellaneous</p>

► CA AB 147	<p>AUTHOR: Burke [D]</p> <p>TITLE: Use Taxes: Collection: Retailer Engaged in Business</p> <p>INTRODUCED: 12/14/2018</p> <p>LOCATION: Assembly Revenue and Taxation Committee</p> <p>SUMMARY: Specifies that a retailer engaged in business in this state, for purposes of sales tax collection, includes any retailer that, in the preceding calendar year or the current calendar year, has a cumulative sales price from the sale of tangible personal property for delivery in this state that exceeds \$500,000.</p> <p>STATUS: 01/24/2019 To ASSEMBLY Committee on REVENUE AND TAXATION.</p> <p>CATEGORY: Funding</p>
► CA AB 170	<p>AUTHOR: Gonzalez [D]</p> <p>TITLE: Employment: Sexual Harassment: Liability</p> <p>INTRODUCED: 01/08/2019</p> <p>LOCATION: Assembly Labor and Employment Committee</p> <p>SUMMARY: <i>Requires a client employer to share with a labor contractor all civil legal responsibility and civil liability for harassment for all workers supplied by that labor contractor.</i></p> <p>STATUS: 01/24/2019 To ASSEMBLY Committees on LABOR AND EMPLOYMENT and JUDICIARY.</p> <p>CATEGORY: Employment Terms and Conditions</p>
► CA AB 171	<p>AUTHOR: Gonzalez [D]</p> <p>TITLE: Employment: Sexual Harassment</p> <p>INTRODUCED: 01/08/2019</p> <p>LOCATION: Assembly Labor and Employment Committee</p> <p>SUMMARY: <i>Prohibits an employer from discharging or in any manner discriminating or retaliating against an employee because of the employee's status as a victim of sexual harassment, as defined by the California Fair Employment and Housing Act. Establishes a rebuttable presumption of unlawful retaliation if an employer takes specified actions within 90 days following the date that the victim provides notice to the employer or the employer has actual knowledge of the status.</i></p> <p>STATUS: 01/24/2019 To ASSEMBLY Committees on LABOR AND EMPLOYMENT and JUDICIARY.</p> <p>CATEGORY: Employment Terms and Conditions</p>
► CA AB 176	<p>AUTHOR: Cervantes [D]</p> <p>TITLE: Alternative Energy Advanced Transportation Financing</p> <p>INTRODUCED: 01/09/2019</p> <p>LOCATION: Assembly Natural Resources Committee</p> <p>SUMMARY: <i>Extends the authorization for the California Alternative Energy and Advanced Transportation Financing Authority to provide financial assistance in the form of a sales and use tax exclusion for qualifying projects until January 2031.</i></p> <p>STATUS: 01/24/2019 To ASSEMBLY Committees on NATURAL RESOURCES and REVENUE AND TAXATION.</p> <p>CATEGORY: Funding</p>

► CA AB 185	<p>AUTHOR: Grayson [D]</p> <p>TITLE: Transportation Commission: Transportation Policies</p> <p>INTRODUCED: 01/10/2019</p> <p>LOCATION: ASSEMBLY</p> <p>SUMMARY:</p> <p><i>Requires the Department of Housing and Community Development to participate in joint meetings held by the Transportation Commission and the State Air Resources Board to coordinate implementation of transportation policies.</i></p> <p>STATUS:</p> <p>01/10/2019 INTRODUCED.</p> <p>CATEGORY: Miscellaneous</p>
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► CA AB 226	<p>AUTHOR: Mathis [R]</p> <p>TITLE: Transportation Funds: Transit Operators: Fare Revenues</p> <p>INTRODUCED: 01/17/2019</p> <p>LOCATION: ASSEMBLY</p> <p>SUMMARY:</p> <p><i>Requires a fare paid pursuant to a reduced fare transit program to be counted as a full adult fare for purposes of calculating any required ratios of fare revenues to operating costs specified in the Transportation Development Act, except for purposes of providing information in a specified annual report to the Controller or providing information to the entity conducting a fiscal or performance audit pursuant to specified provisions.</i></p> <p>STATUS:</p> <p>01/17/2019 INTRODUCED.</p> <p>CATEGORY: Transit</p>
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► CA AB 246	<p>AUTHOR: Mathis [R]</p> <p>TITLE: State Highways: Property Leases</p> <p>INTRODUCED: 01/22/2019</p> <p>LOCATION: ASSEMBLY</p> <p>SUMMARY:</p> <p><i>Authorizes the Department of Transportation to offer a lease on a right of first refusal basis of any airspace under a freeway, or real property acquired for highway purposes, located in a disadvantaged community, that is not excess property to the city or county in which the disadvantaged community is located for purposes of an emergency shelter or feeding program, or for park or open-space purposes for a rental amount of \$1 per month, subject to certain conditions.</i></p> <p>STATUS:</p> <p>01/22/2019 INTRODUCED.</p> <p>CATEGORY: Other</p>
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► CA AB 249	<p>AUTHOR: Choi [R]</p> <p>TITLE: Public Employers: Employee Organizations</p> <p>INTRODUCED: 01/22/2019</p> <p>LOCATION: ASSEMBLY</p> <p>SUMMARY:</p> <p><i>Prohibits a public employer from deterring or discouraging a public employee or an applicant to be a public employee from opting out of becoming or remaining a member of an employee organization. Prohibits a public employer from taking adverse action against a public employee or applicant to be a public employee who opts out of becoming or remaining a member of an employee organization.</i></p> <p>STATUS:</p> <p>01/22/2019 INTRODUCED.</p> <p>CATEGROY: Employment Terms and Conditions</p>
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► CA AB 254	<p>AUTHOR: Quirk-Silva [D] TITLE: Alternative Fuel Vehicles: Flexible Fuel Vehicles INTRODUCED: 01/23/2019 LOCATION: ASSEMBLY SUMMARY: <i>Authorizes the Joint Legislative Committee on Climate Change Policies to recommend that the State Air Resources Board provide education and support to local governments regarding specific components of local government climate action plans, such as ensuring the use of E85 in flexible fuel vehicles, expanding infrastructure for zero-emission vehicles, and enabling active transportation.</i> STATUS: 01/23/2019 INTRODUCED. CATEGORY: Environment</p>
► CA AB 285	<p>AUTHOR: Friedman [D] TITLE: California Transportation Plan INTRODUCED: 01/28/2019 LOCATION: ASSEMBLY SUMMARY: <i>Requires the Department of Transportation to address in the California Transportation Plan how the state will achieve maximum feasible emissions reductions in order to attain a certain statewide reduction of greenhouse gas emissions below 1990 levels by the end of 2030 and carbon neutrality by 2045.</i> STATUS: 01/28/2019 INTRODUCED. CATEGORY: Environment</p>
► CA AB 287	<p>AUTHOR: Voepel [R] TITLE: Public Employees' Retirement: Annual Audits INTRODUCED: 01/28/2019 LOCATION: ASSEMBLY SUMMARY: <i>Requires each state and local pension or retirement system to post a concise annual audit of the investments and earnings of the system on that system's internet website no later than the ninetieth day following the audit's completion.</i> STATUS: 01/28/2019 INTRODUCED. CATEGORY: Employment Terms and Conditions</p>
► CA AB 296	<p>AUTHOR: Cooley [D] TITLE: Climate Change: Climate Innovation Commission INTRODUCED: 01/28/2019 LOCATION: ASSEMBLY SUMMARY: <i>Establishes the Climate Innovation Grant Program, to be administered by the Climate Innovation Commission, which the bill would establish in the Natural Resources Agency. Provides that the program would award grants in the form of matching funds for the development and research of new innovations and technologies to address issues related to emissions of greenhouse gases and impacts caused by climate change.</i> STATUS: 01/28/2019 INTRODUCED. CATEGORY: Environment</p>

► CA AB 313	<p>AUTHOR: Frazier [D] TITLE: Road Maintenance and Rehabilitation Account: Reports INTRODUCED: 01/30/2019 LOCATION: ASSEMBLY SUMMARY: <i>Requires the University of California and the California State University, on or before a specified date of each year, to each submit a report to the Transportation Agency and specified legislative committees detailing its expenditures of those moneys for that fiscal year, including, but not limited to, research activities and administration.</i> STATUS: 01/30/2019 INTRODUCED. CATEGORY: Audits, Records, Reports, and Litigation</p>
► CA AB 314	<p>AUTHOR: Bonta [D] TITLE: Public Employment: Labor Relations: Release Time INTRODUCED: 01/30/2019 LOCATION: ASSEMBLY SUMMARY: <i>Prescribes requirements relating to release time that would apply to all of the public employers and employees subject to specified labor relations laws. Repeals the provisions relating to release time in those acts. Requires these public employers to grant a reasonable number of employee representatives of the exclusive representative reasonable time off without loss of compensation or other benefits for specified activities.</i> STATUS: 01/30/2019 INTRODUCED. CATEGORY: Employment Terms and Conditions</p>
► CA AB 322	<p>AUTHOR: Gallagher [R] TITLE: Political Reform Act: Online Filing System INTRODUCED: 01/30/2019 LOCATION: ASSEMBLY SUMMARY: <i>Requires a local government agency to post on its internet website a copy of any specified statement, report, or other document filed with that agency in paper format. Requires that the statement, report, or other document be made available for four years from the date of the election associated with the filing.</i> STATUS: 01/30/2019 INTRODUCED. CATEGORY: Information Systems</p>
CA ACA 1	<p>AUTHOR: Aguiar-Curry [D] TITLE: Local Government Financing: Affordable Housing INTRODUCED: 12/03/2018 LOCATION: ASSEMBLY SUMMARY: <i>Creates an exception to the 1 percent limit on the ad valorem property tax rate on real property that would authorize a city or county to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure or affordable housing, if the proposition proposing that tax is approved by 55% of the voters of the city or county.</i> STATUS: 12/03/2018 INTRODUCED. CATEGORY: Funding</p>

CA ACA 2	<p>AUTHOR: Nazarian [D]</p> <p>TITLE: State Tax Agency</p> <p>INTRODUCED: 12/03/2018</p> <p>LOCATION: ASSEMBLY</p> <p>SUMMARY:</p> <p>Abolishes the State Board of Equalization and instead requires the Legislature to create a state tax agency by statute for purposes of carrying out those powers, duties and responsibilities previously vested in the State Board of Equalization. Authorizes the Legislature to vest all powers, duties, and responsibilities in a single state tax agency or separately in multiple state tax agencies.</p> <p>STATUS:</p> <p>12/03/2018 INTRODUCED.</p> <p>CATEGORY: Funding</p>
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► CA SB 1	<p>AUTHOR: Atkins [D]</p> <p>TITLE: Environmental, Public Health, and Workers Defense Act</p> <p>INTRODUCED: 12/03/2018</p> <p>LOCATION: <i>Senate Environmental Quality Committee</i></p> <p>SUMMARY:</p> <p>Enacts the California Environmental, Public Health, and Workers Defense Act, which prohibits a state or local agency from amending or revising its rules to be less stringent than the federal baseline standards pertaining to environmental protection.</p> <p>STATUS:</p> <p>01/16/2019 <i>To SENATE Committees on ENVIRONMENTAL QUALITY, NATURAL RESOURCES AND WATER, and JUDICIARY.</i></p> <p>CATEGORY: Environment</p>
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► CA SB 5	<p>AUTHOR: Beall [D]</p> <p>TITLE: Local-State Sustainable Investment Incentive Program</p> <p>INTRODUCED: 12/03/2018</p> <p>LOCATION: <i>Senate Governance and Finance Committee</i></p> <p>SUMMARY:</p> <p>Establishes the Local-State Sustainable Investment Incentive Program, which would be administered by the Sustainable Investment Incentive Committee. Authorizes a city, county, city and county, joint powers agency, enhanced infrastructure financing district, affordable housing authority, community revitalization and investment authority or transit village development district to apply to the Committee to participate in the program and authorizes Committee to approve or deny applications for projects.</p> <p>STATUS:</p> <p>01/24/2019 <i>To SENATE Committees on GOVERNANCE AND FINANCE and HOUSING.</i></p> <p>CATEGORY: Funding</p>
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► CA SB 25	<p>AUTHOR: Caballero [D]</p> <p>TITLE: Environmental Quality Act: Qualified Opportunity Zones</p> <p>INTRODUCED: 12/03/2018</p> <p>LOCATION: <i>Senate Environmental Quality Committee</i></p> <p>SUMMARY:</p> <p>Establishes procedures for the administrative and judicial review of the environmental review and approvals granted for projects located in qualified opportunity zones that are funded by qualified opportunity funds or moneys from the Greenhouse Gas Reduction Fund.</p> <p>STATUS:</p> <p>01/16/2019 <i>To SENATE Committees on ENVIRONMENTAL QUALITY and JUDICIARY.</i></p> <p>CATEGORY: Environment</p>
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► CA SB 43	AUTHOR:	Allen [D]
	TITLE:	Carbon Taxes
	INTRODUCED:	12/03/2018
	LOCATION:	<i>Senate Environmental Quality Committee</i>
	SUMMARY:	Requires the State Air Resources Board in consultation with the Department of Tax and Fee Administration, to submit a report to the Legislature on the results of a study to propose and determine the feasibility and practicality of a system to replace the tax imposed pursuant to the Sales and Use Tax Law with an assessment on retail products sold or used in the state based on the carbon intensity of the product to encourage the use of less carbon-intensive products.
	STATUS:	
	01/16/2019	<i>To SENATE Committees on ENVIRONMENTAL QUALITY and GOVERNANCE AND FINANCE.</i>
	CATEGORY:	Funding

► CA SB 50	AUTHOR:	Wiener [D]
	TITLE:	Planning and Zoning: Housing Development
	INTRODUCED:	12/03/2018
	LOCATION:	<i>Senate Housing Committee</i>
	SUMMARY:	Requires a city or county to grant upon request an equitable communities incentive when a development proponent seeks and agrees to construct a residential development that satisfies specified criteria, including, among other things, that the residential development is either a job-rich housing project or a transit-rich housing project.
	STATUS:	
	01/24/2019	<i>To SENATE Committees on HOUSING and GOVERNANCE AND FINANCE.</i>
	CATEGORY:	Planning

► CA SB 59	AUTHOR:	Allen [D]
	TITLE:	Automated Vehicle Technology: Statewide Policy
	INTRODUCED:	12/19/2018
	LOCATION:	<i>Senate Transportation Committee</i>
	SUMMARY:	Establishes the policy of the state relating to automated vehicles in order to ensure that these vehicles support the state's efforts to, among other things, reduce greenhouse gas emissions and encourage efficient land use. Requires the Office of Planning and Research in the Governor's office, in coordination with the State Air Resources Board, to convene an automated vehicle interagency working group of specified state agencies to guide policy development for automated vehicle technology.
	STATUS:	
	01/24/2019	<i>To SENATE Committees on TRANSPORTATION and ENVIRONMENTAL QUALITY.</i>
	CATEGORY:	Autonomous Vehicles

► CA SB 127	<p>AUTHOR: Wiener [D]</p> <p>TITLE: Transportation Funding: Active Transportation: Streets</p> <p>INTRODUCED: 01/10/2019</p> <p>LOCATION: Senate Transportation Committee</p> <p>SUMMARY:</p> <p><i>Establishes a Division of Active Transportation within the Department of Transportation and requires that an undersecretary of the Transportation Agency be assigned to give attention to active transportation program matters to guide progress toward meeting the department's active transportation program goals and objectives. Requires the California Transportation Commission to give high priority to increasing safety for pedestrians and bicyclists.</i></p> <p>STATUS:</p> <p>01/24/2019 To SENATE Committee on TRANSPORTATION.</p> <p>CATEGORY: Active Transportation</p>
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► CA SB 128	<p>AUTHOR: Beall [D]</p> <p>TITLE: Enhanced Infrastructure Financing Districts: Bonds</p> <p>INTRODUCED: 01/10/2019</p> <p>LOCATION: Senate Governance and Finance Committee</p> <p>SUMMARY:</p> <p><i>Authorizes the public financing authority to issue bonds for purposes of enhanced infrastructure financing districts without submitting a proposal to the voters. Requires specified information related to the issuance of the bonds to be contained in the resolution.</i></p> <p>STATUS:</p> <p>01/24/2019 To SENATE Committee on GOVERNANCE AND FINANCE.</p> <p>CATEGORY: Funding</p>
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► CA SB 137	<p>AUTHOR: Dodd [D]</p> <p>TITLE: Federal Transportation Funds: State Exchange Programs</p> <p>INTRODUCED: 01/15/2019</p> <p>LOCATION: SENATE</p> <p>SUMMARY:</p> <p><i>Authorizes the Department of Transportation to allow federal transportation funds that are allocated as local assistance to be exchanged for Road Maintenance and Rehabilitation Program funds appropriated by the department.</i></p> <p>STATUS:</p> <p>01/24/2019 To SENATE Committee on TRANSPORTATION.</p> <p>CATEGORY: Funding</p>
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► CA SB 146	<p>AUTHOR: Beall [D]</p> <p>TITLE: Peninsula Rail Transit District</p> <p>INTRODUCED: 01/18/2019</p> <p>LOCATION: SENATE</p> <p>SUMMARY:</p> <p><i>Repeals provisions relating to the Peninsula Rail Transit District.</i></p> <p>STATUS:</p> <p>01/18/2019 INTRODUCED.</p> <p>CATEGORY: Rail</p>
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► CA SB 147 AUTHOR: Beall [D]
 TITLE: High-Speed Rail Authority
 INTRODUCED: 01/18/2019
 LOCATION: SENATE
 SUMMARY:
 Authorizes the High-Speed Rail Authority to keep the public informed through activities, including, but not limited to, community outreach events, public information workshops, and newsletters posted on the authority's internet website.
 STATUS:
 01/18/2019 INTRODUCED.
 CATEGORY: Rail

► CA SB 162 AUTHOR: Galgiani [D]
 TITLE: Alternative Energy and Advanced Transportation
 INTRODUCED: 01/24/2019
 LOCATION: SENATE
 SUMMARY:
 Extends the authorization for the Alternative Energy and Advanced Transportation Financing Authority to provide financial assistance in the form of specified sales and use tax exclusions for qualifying projects, and extends the sales and use tax exclusion for the lease or transfer of title of tangible personal property constituting a project to any contractor for use in the performance of a construction contract for a party that will use that property as part of the approved project.
 STATUS:
 01/24/2019 INTRODUCED.
 CATEGORY: Funding

► CA SB 168 AUTHOR: Wieckowski [D]
 TITLE: Chief Officer of Climate Adaptation and Resilience
 INTRODUCED: 01/28/2019
 LOCATION: SENATE
 SUMMARY:
 Establishes the Chief Officer of Climate Adaptation and Resilience in the Office of Planning and Research to serve as the statewide lead for planning and coordination of climate adaptation policy and implementation in California and would specify the duties of the chief officer.
 STATUS:
 01/28/2019 INTRODUCED.
 CATEGORY: Planning

► CA SB 197 AUTHOR: Beall [D]
 TITLE: Department of Transportation: Retention Proceeds
 INTRODUCED: 01/31/2019
 LOCATION: SENATE
 SUMMARY:
 Deletes the repeal provision of existing law prohibiting the Department of Transportation, until January 1, 2020 from withholding retention proceeds when making progress payments for work performed by a contractor, thereby making the prohibition operative indefinitely.
 STATUS:
 01/31/2019 INTRODUCED.
 CATEGORY: Funding



February 21, 2019

To: Legislative and Communications Committee

From: Darrell E. Johnson, Chief Executive Officer

Subject: Federal Legislative Status Report

Overview

An update is provided on the appropriations process, the long-term funding outlook for federal transportation programs, and a nomination to the Department of Transportation. Summaries of a recent Executive Order and a hearing on infrastructure investments are also included.

Recommendation

Receive and file as an information item.

Discussion

Appropriations Update

On January 25, 2019, Congress and the President ended the partial government shutdown, which lasted more than a month, by enacting a continuing resolution through February 15, 2019. The short-term continuing resolution, which funds agencies at current spending levels, passed both chambers of Congress by unanimous consent and was signed by the President shortly thereafter. In a separate legislative vehicle, the President signed into law a measure to provide backpay for federal workers affected by the shutdown. As of the writing of this staff report, no legislation had been enacted to fund those agencies subject to the continuing resolution, including the Department of Transportation, before its expiration. Staff will provide a verbal update with the latest information pertaining to the appropriations process.

Long-term Transportation Funding Outlook

On January 28, 2019, the Congressional Budget Office (CBO) issued its annual fiscal projections for the next decade. This report provides the latest, most detailed information about the long-term outlook for revenues into, and

expenditures from, the Highway Trust Fund (HTF), the federal government's dedicated transportation funding account. Revenues into the HTF come from the federal gas tax, an 18.3 cent per gallon excise tax on gasoline and a 24.3 cent per gallon diesel tax. These revenues go into the HTF and are then used to fund federal transportation programs according to the statutory guidelines set out in surface transportation reauthorization bills.

The CBO report confirms that HTF expenditures continue to exceed revenues, causing a long-term structural revenue deficit that threatens the viability of current transportation funding levels. The CBO estimates that HTF revenues will be unable to cover expenditures roughly one year after the expiration of the Fixing America's Surface Transportation (FAST) Act on September 30, 2020. Congress has not raised the federal gas tax since 1993. Instead, recent surface transportation reauthorization bills have transferred \$144 billion from the General Fund into the HTF to cover the cost of transportation programs, including a \$70 billion transfer in the FAST Act.

HTF expenditures have exceeded revenues by \$115 billion since 2008. The CBO estimates that HTF revenues will be approximately \$41 billion per year over the next decade. By comparison, the FAST Act authorized \$281 billion over the course of five years, or approximately \$56 billion per year, in HTF expenditures. Given this large revenue shortfall, the Government Accountability Office continues to classify funding for our nation's surface transportation programs as a "High-Risk" policy area. The HTF revenue shortfall is further exasperated by continued improvements to vehicles' fuel economy that will lead to a decrease in fuel consumption and, in turn, a decrease in HTF revenues stemming from the federal gas tax. Considering all relevant factors, the CBO predicts that annual HTF revenues will decrease by an average of 0.3 percent per year over the next decade, with HTF revenues declining to \$40 billion per year.

As reauthorization efforts begin this year, Congress must consider fiscally sustainable solutions to the HTF revenue deficit. The most recent HTF revenue proposal given a cost estimate by the Joint Committee on Taxation, the body responsible for providing revenue projections for tax legislation considered on the House floor, was the bill put forth last year by then-Chair of the House Transportation and Infrastructure Committee Bill Shuster (R-PA). This proposal would have increased the federal tax by 15 cents per gallon on gasoline and 20 cents per gallon on diesel fuel, increasing HTF revenues by an estimated \$220 billion over ten years, to generate additional funding capacity for transportation programs. In addition to this proposal, other Congressional leaders and stakeholders have pitched different HTF proposals, including a road user charge, that have not received official revenue estimates. Orange County Transportation Authority staff will continue to monitor, analyze, and provide

additional information on policy proposals affecting funding for federal transportation programs.

Nominations to the Department of Transportation

On January 29, 2019, the Senate Committee on Environment and Public Works held a hearing on the nomination of Nicole R. Nason to be the Administrator of the Federal Highway Administration. At the hearing, the Senators noted that the agency has not had an Administrator in almost two years. The Senators also noted the nominee's experience in transportation, specifically as the Administrator of the National Highway Traffic Safety Administration and as Assistant Secretary for Government Affairs at the Department of Transportation. On February 5, 2019, the Senate Environment and Public Works Committee approved the nomination by voice vote, and it currently awaits action by the full Senate.

State of the Union

On February 5, 2019, the President delivered his State of the Union Address to a Joint Session of Congress. In the Speech, the President discussed a desire to invest in our nation's infrastructure, although he did not mention the infrastructure plan he pitched in the same speech last year. While particular investments or policy solutions were not part of the speech, the President continues to emphasize the importance of providing much-needed infrastructure investments across the country. Staff will continue to track and summarize legislative proposals that invest in our nation's infrastructure.

Executive Order

On January 31, 2019, the President signed an Executive Order to encourage the increased use of project components manufactured within the United States. Under current law, waivers can be granted for certain statutory Buy America requirements, and the White House claims that only 65 of the 265 infrastructure projects receiving federal assistance in 2016 had a Buy America requirement. In addition to encouraging the use of American-made components, the Executive Order also reports, within 120 days, from government agencies providing financial assistance awards for infrastructure projects on ways to maximize American-made components to the Assistant to the President for Trade and Manufacturing Policy. Staff will continue to monitor developments or additional policy proposals related to Buy America requirements and provide additional information as necessary.

House Transportation and Infrastructure Committee Hearing on Infrastructure Investments

On February 7, 2019, the House Transportation and Infrastructure Committee held a hearing entitled, "The Cost of Doing Nothing: Why Investing in Our Nation's Infrastructure Cannot Wait." Committee Chair Peter DeFazio (D-OR) opened the hearing by stating that Congress must act to ensure a strong federal partner in the delivery of transportation projects, noting that we cannot achieve a 21st century infrastructure system by forcing state and local governments to finance projects on their own. The primary focus of the hearing was the implications of failing to address the HTF's long-term structural revenue deficit. Key witnesses included Minnesota Governor Tim Walz, Los Angeles Mayor Eric Garcetti, and former Secretary of Transportation Ray LaHood. Mayor Garcetti discussed the importance of public-private partnerships in meeting our country's infrastructure needs. Other issues raised at the hearing included climate change and the streamlining of the project delivery process. Following recent meetings with the Orange County Congressional Delegation, staff provided information on projects underway and investments needed in Orange County to members of the Orange County delegation that serve on the Transportation and Infrastructure Committee.

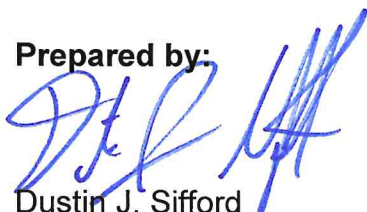
Summary

Updates are provided on the 2019 appropriations process, the long-term funding outlook for federal transportation programs, a nomination to the Department of Transportation, a recent Executive Order, and a hearing on infrastructure investments.

Attachments

- A. Potomac Partners DC, Monthly Legislative Report – January 2019

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Monthly Legislative Report – January 2019

January Advocacy Meetings

Congressman Gil Cisneros (D-CA) – We facilitated a meeting with Congressman Cisneros' Chief of Staff to discuss OCTA's priority projects to include the OC Streetcar, and the I-405 project. The OCTA CEO also provided an overview of the governing board structure, Measure M2, and other legislative issues and successes over the past few years. We also gave background information to the office on OCTA's work with the Department of Transportation and the Federal Transit Administration (FTA) on the recent FFGA for the OC Street Car and the TIFIA loan process for the I-405.

Congressman Lou Correa (D-CA) – We facilitated a meeting for OCTA with Congressman Correa and his senior staff to thank him for his ongoing support of the OC Streetcar and the I-405 project. We discussed the 2019 OCTA legislative platform and policy objectives for the 116th Congress. We discussed OCTA's 2018-19 strategic board initiatives and ways he might be able to support those initiatives this session of Congress.

Congresswoman Linda Sanchez (D-CA) – We facilitated a meeting for OCTA with Congresswoman Sanchez to discuss OCTA's 2019 legislative platform and provide an overview of OCTA's major accomplishments over the last two years. We discussed the progress on the OC Streetcar and the I-405 project. We also gave an update on the potential Highway Bill and reauthorization priorities and other issues surrounding local sales tax and the Wayfair decision in a separate meeting with the Congresswoman's staff.

Congressman Harley Rouda (D-CA) – We facilitated a meeting for OCTA with Congressman Rouda and his staff. During the meeting OCTA CEO provided an overview of OCTA's priority projects like the OC Streetcar and the I-405 project. We discussed the 2019 legislative platform and a number of recent accomplishments and successes. We also discussed upcoming issues with regard to Surface Transportation reauthorization and finding new revenue sources to support the Highway Trust Fund.

House Transportation and Infrastructure Committee (Majority) – We facilitated a meeting for OCTA with senior professional staff to House Transportation and Infrastructure Committee Chairman Peter DeFazio to discuss the Committee's goals and priorities in the 116th session. We discussed the possibility of a large infrastructure package this year and possible opportunities to include favorable language early in the process. We discussed the OCTA 2019 legislative platform and provided an overview of recent accomplishments. OCTA staff also gave an update on the County's Measure M2 program. We also discussed the possibility of a limited return to congressionally directed spending (earmarks) during the Highway Bill process.

House Transportation and Infrastructure Committee (Minority) – We facilitated a meeting for OCTA with the Deputy Staff Director for the full Committee (minority) to discuss the possibility and timeline for a broad infrastructure package in 2019. We also discussed possible green/climate initiatives. We also discussed OCTA's 2019 legislative platform and strategic board initiatives for 2019-20 and thanked the office for their help and support with the OC Street Car's FFGA at FTA.

Congressman Mike Levin (D-CA) and Congresswoman Katie Porter (D-CA) – We facilitated a joint meeting for OCTA with both Congressman Levin and Congresswoman Porter. The OCTA CEO provided an overview of OCTA's governing board structure, Measure M2, and priority projects. We also discussed the OC Streetcar and the I-405 project and our spoke about OCTA successes with 91 Express Lanes.

Congressman Alan Lowenthal (D-CA) – We facilitated a meeting for OCTA with Congressman Lowenthal and his staff to give an update on the OC Streetcar and the I-405 project. We also discussed the 2019 legislative platform and new strategic board initiatives. We also discussed priorities for the House Transportation and Infrastructure Committee in 2019 and Congressman's legislative efforts regarding freight funding.

Senator Dianne Feinstein (D-CA) – We met with senior staff to Senator Feinstein to give an update on the OC Streetcar and the I-405 project. We discussed the timeline for the FY19 and FY20 Transportation-HUD appropriations bill and the likelihood of a broad infrastructure package in 2019. We also discussed the board's strategic initiatives for 2019-20 and expressed our thanks for the Senator's ongoing support for OCTA priorities. We also discussed challenges regarding no emissions buses.

Senate Banking Committee – We met with senior professional staff from the Senate Banking Committee to provide an update on OCTA projects and priorities to include the OC Streetcar and the I-405 project. We also discussed issues surrounding no emission busses, transit asset management plans, and bus safety.

Department of Transportation – We facilitated a meeting for OCTA with the Deputy Assistant Secretary for Policy at the Department of Transportation to provide an update on the I-405 project. We also discussed ways to improve and streamline the TIFIA loan process.

FY19 Appropriations and Shutdown Update

The 35-day partial government shutdown was ended on January 25th when the President signed a Continuing Resolution ([H.J.Res. 28](#)). The Continuing Resolution (CR) will provide funding at fiscal year 2018 (FY18) enacted levels for the seven remaining appropriations bills. The CR will expire on February 15th. If Congress is unable to reach a deal by the end of the then, it is possible that there will be another partial government shutdown.

On Wednesday, January 30th, the House and Senate Homeland Security Appropriations Committees met for a conference committee to negotiate the Homeland Security bill and border security solutions. Senators on the panel included Richard Shelby (R-AL), Shelley Moore Capito (R-WV), John Hoeven (R-ND), Roy Blunt (R-MO), Patrick Leahy (D-VT), Dick Durbin (D-IL) and Jon Tester (D-MT). House conferees included Reps. Nita Lowey (D-NY), Lucille Roybal-Allard (D-CA), Barbara Lee (D-CA), Pete Aguilar (D-CA), David Price (D-NC), Henry Cuellar (D-TX), Kay Granger (R-TX), Chuck Fleischmann (R-TN), Tom Graves (R-GA) and Steven Palazzo (R-MS).

During and immediately following the conference committee, senior House Democrats like House Appropriations Chairwoman Nita Lowey (D-NY) softened their tone on border security saying that nothing is off the table, including funding for a physical barrier. The Chairwoman also seems to be in agreement with House Appropriations Committee Ranking Member Kay Granger (R-TX) on the need for increased money for immigration judges, detection technology and resources to help meet humanitarian needs of migrants, especially children. If conference committee negotiators are able to produce a deal on border security funding, it is likely to lead to the passage of the seven remaining FY19 appropriations bills so that Congress can begin working on the FY20 appropriations bills.

Orange County Delegation Committee Assignments

This month a number of subcommittee assignments were finalized in the House and the Senate. The Committee assignments for the Orange County Delegation in the 116th Congress are as follows:

Rep. Alan Lowenthal

- House Transportation and Infrastructure Committee
 - Highways and Transit Subcommittee
 - Water Resources and Environment Subcommittee
 - Coast Guard and Maritime Transportation Subcommittee
 - Railroads, Pipelines and Hazardous Materials Subcommittee
- House Natural Resources Committee
 - Chair of Energy and Mineral Resources Subcommittee
 - Federal Lands Subcommittee
 - Water, Power and Oceans Subcommittee

Rep. Mike Levin

- House Veterans' Affairs Committee
 - Chairman of Economic Opportunity Subcommittee
 - Heath Subcommittee
- House Natural Resources Committee
 - Water, Power and Oceans Subcommittee
 - Energy and Mineral Resources Subcommittee

Rep. Harley Rouda

- House Transportation and Infrastructure Committee
- House Oversight and Reform Committee
 - Environment Subcommittee

Rep. Lou Correa

- House Judiciary Committee
 - Immigration and Border Security Subcommittee
 - Court, Intellectual Property, and the Internet Subcommittee
- House Homeland Security Committee
 - Oversight and Management Efficiency Subcommittee
 - Chair of Transportation and Maritime Security Subcommittee

Rep. Katie Porter

- House Financial Services Committee
 - Consumer Protection and Financial Institutions Subcommittee
 - Investor Protection, Entrepreneurship and Capital Markets Subcommittee

Rep. Gil Cisneros

- House Veterans' Affairs Committee
- House Armed Services Committee
 - Military and Personnel Subcommittee
 - Seapower and Projection Forces Subcommittee

Rep. Linda Sanchez

- House Ways and Means Committee
 - Oversight Subcommittee
 - Select Revenue Measures Subcommittee
 - Social Security Subcommittee

Sen. Dianne Feinstein

- Senate Appropriations Committee
 - Vice Chair of Energy and Water Development Subcommittee
 - Agriculture, Rural Development, Food and Drug Administration and Related Agencies Subcommittee
 - Commerce, Justice, Science and Related Agencies Subcommittee
 - Defense Subcommittee
 - Transportation, Housing and Urban Development and Related Agencies Subcommittee
 - Interior, Environment and Related Agencies Subcommittee
- Senate Committee on Rules and Administration
- Ranking Member of the Senate Committee on the Judiciary
- Senate Select Committee on Intelligence

Sen. Kamala Harris

- Senate Homeland Security and Governmental Affairs Committee

- Senate Committee on Budget
- Senate Judiciary Committee
- Senate Committee on Intelligence

Infrastructure Update

The first hearing by the House Transportation and Infrastructure Committee led by Chairman Peter DeFazio (D-OR) will be held on Thursday, February 7th. The hearing will be entitled "*The cost of doing nothing: Why investing in our nation's infrastructure cannot wait.*" The hearing will examine the current state of the nation's roads, bridges, transit systems, ports, airports, and the backlog of maintenance and repair needs. After the announcement of the hearing, Ranking Member Sam Graves (R-MO) said that this will be the first of a series of hearings that both he and Chairman DeFazio hopes will lay the groundwork for a broad infrastructure package that hope to move this year followed by a Surface Transportation Reauthorization. Ranking Member Graves also said that while such legislation would include provisions for ports, airports, and maritime infrastructure needs, he expects the vast majority of an infrastructure bill to be focused on roads and bridges, which was confirmed separately with his senior committee staff. This would include the maintenance and repair of existing road and bridge infrastructure as well as the inclusion of new projects in areas with a great national significance, specifically citing Southern California goods movement and the Northeast Corridor. According to the Ranking Member, all funding options are on the table.

On January 29th the Senate Environment and Public Works Committee held a hearing to examine the nomination of Nicole Nason to be Administrator of the Federal Highway Administration (FHWA). Some of the issues that were discussed during the hearing included funding sources for infrastructure and the Highway Trust Fund and climate change. Regarding a long-term funding source for infrastructure and the Highway Trust Fund, Nason said that the Administration is also considering all available options. Nason also pledged to work with Congress on their concerns regarding climate change. The Senate has yet to schedule a vote on her confirmation.

FTA Grant Disbursements

On January 29th the Federal Transit Administration announced that they hope to distribute transit grants before mid-February. To prepare for the possibility of another partial shutdown, they have begun processing disbursements and grant payments to transit agencies in response to requests sent during January. A spokesperson for the FTA said they are "working expeditiously to process approximately \$531 million in grant payments requested through its financial system that were submitted during the lapse in appropriations."

Executive Order on American Steel

On January 31st the President announced his plans to sign an Executive Order (EO) directing federal agencies to encourage the use of more American-made steel of infrastructure projects that receive federal funding or financing. The EO would direct federal agencies to encourage the recipients of loans, loan guarantees, grants and interest subsidies to meet Buy American standards. In addition to steel, the EO would also encourage the use of American-produced concrete, aluminum, and other products.