



# **AGENDA**

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

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### **Committee Members**

Laurie Davies, Chair  
Lisa A. Bartlett, Vice Chairwoman  
Barbara Delgleize  
Michael Hennessey  
Gene Hernandez  
Donald P. Wagner

Orange County Transportation Authority  
Headquarters  
Conference Room 07  
550 South Main Street  
Orange, California

**Thursday, November 19, 2020 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.

### **Guidance for Public Access to the Board of Directors/Committee Meeting**

On March 12, 2020 and March 18, 2020, Governor Gavin Newsom enacted Executive Orders N-25-20 and N-29-20 authorizing a local legislative body to hold public meetings via teleconferencing and make public meetings accessible telephonically or electronically to all members of the public to promote social distancing due to the state and local State of Emergency resulting from the threat of Novel Coronavirus (COVID-19).

In accordance with Executive Order N-29-20, and in order to ensure the safety of the Orange County Transportation Authority (OCTA) Board of Directors (Board) and staff and for the purposes of limiting the risk of COVID-19, in-person public participation at public meetings of the OCTA will not be allowed during the time period covered by the above-referenced Executive Orders.

Instead, members of the public can listen to AUDIO live streaming of the Board and Committee meetings by clicking the below link:

<http://www.octa.net/About-OCTA/Who-We-Are/Board-of-Directors/Live-and-Archived-Audio/>



**Guidance for Public Access to the Board of Directors/Committee Meeting  
(Continued)**

Public comments may be submitted for the upcoming Board and Committee meetings by emailing them to [boardofdirectors@octa.net](mailto:boardofdirectors@octa.net).

If you wish to comment on a specific agenda Item, please identify the Item number in your email. All public comments that are timely received will be part of the public record and distributed to the Board. Public comments will be made available to the public upon request.

In order to ensure that staff has the ability to provide comments to the Board Members in a timely manner, please submit your public comments **30 minutes prior to the start time of the Board and Committee meeting date.**

**Roll Call**

**Call to Order**

**Pledge of Allegiance**

Committee Chair Davies

**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**

Approve the minutes of the Legislative and Communications Committee meeting of October 15, 2020.



## **Regular Calendar**

### **4. Agreement for Website Maintenance Support Services**

Ryan Armstrong/Maggie McJilton

#### **Overview**

On August 25, 2020, the Orange County Transportation Authority released a request for proposals for website maintenance support services. Proposals were received in accordance with the Orange County Transportation Authority's procurement procedures for professional and technical services. Board of Directors' approval is requested to execute an agreement for website maintenance support services.

#### **Recommendations**

- A. Approve the selection of Web Advanced as the firm to provide website maintenance support services.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2524 between the Orange County Transportation Authority and Web Advanced in the amount of \$900,000, for a four-year initial term with one, three-year option term, to provide website maintenance support services.

### **5. Status Report of State Legislation Enacted in 2020**

Alexis Leicht/Lance M. Larson

#### **Overview**

At the conclusion of the 2020 legislative session, 372 bills were signed into law by Governor Newsom and chaptered by the Secretary of State, while 56 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.



**6. Final 2021-22 State and Federal Legislative Platforms**

Dustin J. Sifford/Lance M. Larson

**Overview**

The final drafts of the revised 2021-22 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 2021-22 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.

**7. Performance Evaluation of Federal Legislative Advocate, Potomac Partners, DC**

Kristin Jacinto/Lance M. Larson

**Overview**

The firm Potomac Partners, DC provides federal legislative advocacy services for the Orange County Transportation Authority in Washington, DC. A staff evaluation of the services provided this 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.

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

Kristin Jacinto/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.



**8. (Continued)**

**Recommendation**

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

**Discussion Items**

**9. Marketing Update**

Stella Lin/Maggie McJilton

Staff will provide an update on marketing and customer communication programs to create awareness for the Orange County Transportation Authority's programs, services, and initiatives.

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

**11. Committee Members' Reports**

**12. Closed Session**

There are no Closed Session items scheduled.

**13. Adjournment**

The next regularly scheduled meeting of this Committee will be held at **9:00 a.m. on Thursday, December 17, 2020**, at the Orange County Transportation Authority Headquarters, Conference Room 07, 550 South Main Street, Orange, California.



# **MINUTES**

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

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### **Committee Members Present Via Teleconference:**

Laurie Davies, Chair  
Lisa A. Bartlett, Vice Chairwoman  
Barbara Delgleize  
Michael Hennessey  
Gene Hernandez  
Donald P. Wagner

### **Staff Present**

Darrell E. Johnson, Chief Executive Officer  
Jennifer L. Bergener, Deputy Chief Executive Officer  
Laurena Weinert, Clerk of the Board  
Sara Meisenheimer, Deputy Clerk of the Board

### **Committee Members Absent**

None

### **Via Teleconference:**

James Donich, General Counsel

## **Call to Order**

The October 15, 2020, regular meeting of the Legislative and Communications (L&C) Committee was called to order by Committee Chair Davies at 9:01 a.m.

## **Roll Call**

The Deputy Clerk of the Board conducted an attendance Roll Call and announced that there was quorum of the L&C Committee.

## **Pledge of Allegiance**

Committee Chair Davies 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, State Legislative Advocate, reported on the following:

- This marks the end of the legislative session.
- The Legislature sent 428 bills to Governor, he vetoed 56, and signed 372. Usually, the total number of bills is up to 1,200. Due to the change in schedule because of the coronavirus (COVID-19), it has put a damper on legislation.
- A lot of the bills' focus has been on COVID-19, wildfire, homelessness and housing, and that focus will continue into 2021.

### 2. (Continued)

- The Governor and his administration have been active in the environmental agenda and has put out several executive orders, such as:
  - Executive Order N-79-20 – directs the California Air Resources Board to develop regulations that would meet 100 percent of in-state sales of passenger vehicles to be zero emissions by 2045.
  - Executive Order N-82-20 – conserves 30 percent of California's land by 2030.
- Some view that the Governor is using the Executive Orders as an opportunity to showcase his authority and to cut the legislature out of the policymaking process.
- The Legislature has been active in oversight hearings, especially in response to wildlife and the employment development department.
- Assembly Republican leadership changes include: Assemblywoman Marie Waldron (R-Escondido) and Assembly Member Heath Flora (R-Ripon).
- The moderate Democrats leadership changes include: Assemblywoman Blanca Rubio (D-West Covina) and Senator Maria Elena Durazo (D-Los Angeles).
- An open seat remains for the Chair of the Senate Transportation Committee.
- If there is a change to the administration in Washington, D.C., members of the legislature, Congress, and high-ranking members of administration could pursue presidential appointments.

A discussion ensued regarding:

- Opportunities for various legislative caucuses to inform the Governor's actions on bills.
- Assembly Bill 5 and if there is an additional review after the Governor signs the bill.
- The referendum process and the money bail system being an example of that on the ballot.
- How strong the Executive Orders are and if they can be reevaluated. It will be more of a private conversation on how far some of executive orders can go.



## **Consent Calendar (Items 3 and 4)**

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

A motion was made by Director Hernandez, seconded by Committee Vice Chairwoman Bartlett, and following a roll call vote, declared passed 6-0, to approve the minutes of the Legislative and Communications Committee meeting of August 20, 2020.

### **4. Agreement for Rideshare and Vanpool Marketing, Design, and Advertising Services**

A motion was made by Director Hernandez, seconded by Committee Vice Chairwoman Bartlett, and following a roll call vote, declared passed 6-0, to:

- A. Approve the selection of Brown Marketing Strategies, Inc. to provide rideshare and vanpool marketing, design, and advertising services.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2206 between the Orange County Transportation Authority and Brown Marketing Strategies, Inc. in the amount of \$570,000, to provide rideshare and vanpool marketing, design, and advertising services for a two-year term, with a one-year option term.

## **Regular Calendar**

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

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

- Background on the current state legislative advocacy contract with Platinum Advisors, LLC and a subcontract with Topp Strategies, LLC (Topp Strategies).
- Overview of the procurement process and the recommendations.
- Moira Topp, who is the State Legislative Advocate from Topp Strategies, would continue to serve as the primary representative in Sacramento for the Orange County Transportation Authority (OCTA).
- OCTA would continue to seek a response to COVID-19 impacts, project funding, and work on several issues with coalitions.





**5. (Continued)**

A motion was made by Director Wagner, seconded by Committee Vice Chairwoman Bartlett, and following a roll call vote, declared passed 6-0, to:

- A. Approve the selection of Topp Strategies, LLC, as the firm to provide state legislative advocacy and consulting services.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2369 between the Orange County Transportation Authority and Topp Strategies, LLC, in the amount of \$420,000, for a two-year initial term, effective January 1, 2021 to December 31, 2022, with two, two-year options, to perform state legislative advocacy and consulting services.

**6. Federal Legislative Status Report**

Lance Larson, Executive Director of Government Relations, provided opening comments and introduced Dustin J. Sifford, Senior Government Relations Representative, who reported on the following:

- Overview of the wide gap on stimulus bills that Congress is considering.
- The House passed an amended version of the Health and Economic Recovery Omnibus Emergency Solutions Act, which includes funding for transportation, but the proposal is not to be enacted in its current form.
- Congressional leaders are trying to compromise on the next phase of a stimulus relief, but it is not close to being completed.
- The House passed a continuing resolution through December 11<sup>th</sup>, which includes a one-year extension of surface transportation programs.

A discussion ensued regarding if there is a change in leadership and how it will affect transportation funding. The election results will immediately impact the COVID-19 relief negotiations, whereas the surface transportation reauthorization discussions will most likely take place next year. Any developments will depend on how quickly congressional leadership wants to act.

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

**7. Draft 2021-22 State and Federal Legislative Platforms**

Lance Larson, Executive Directors of Government Relations, provided opening comments and introduced Kristin Jacinto, Manager of State and Federal Relations, who reported on the following:

- Referenced Attachments A-D in the Staff Report, summarized the recommendation, and noted that in November this will be brought back to the L&C Committee for the final adoption.
- If any issues arise throughout the year, staff can bring this back to be updated as needed.
- Most of the changes in these platforms represent a larger effort to streamline the platforms and make the state and federal platforms more consistent.
- In the State Legislative Platform, there is a new Key Policy Issues section which matches what is done in the Federal Legislative Platform.
- The following priorities were included in both the State and Federal Legislative Platforms:
  - COVID-19 response efforts;
  - Economic stimulus funding;
  - How equity is addressed;
  - Added a principle on workforce development; and
  - Several provisions were removed like the principle related to National Environmental Policy Act delegation authority.
- In the Federal Legislative Platform, a provision was added related to tolling requirements. OCTA wants to ensure they are involved in the discussions related to how revenues generated from toll facilities are used and how the effectiveness from these facilities are measured.

A motion was made by Committee Vice Chairwoman Bartlett, seconded by Director Hennessey, and following a roll call vote, declared passed 5-0, to direct staff to continue developing the initial drafts of the 2021-22 State and Federal Legislative Platforms and prepare subsequent drafts for final approval.

Director Wagner was not present to vote on this item.



**8. Update on Diversity Outreach and Inclusion Efforts**

Ted Nguyen, Senior Section Manager of Public Outreach, provided a PowerPoint presentation as follows:

- Beyond Business and Translations;
- Delivering for Dynamic Demographics;
- Engagement Activities for Transportation;
- Cultural Celebrations;
- Multilingual COVID-19 Rapid Response;
- Surveying Hard-to-Reach Audiences;
- Diversity Community Leaders Group; and
- Creating Future Meaningful Outcomes.

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

**Discussion Items**

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

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

- On Tuesday, October 13<sup>th</sup>, a CEO Connection telephone townhall took place for the operations employees at the bases.
- This afternoon, a virtual CEO Connection via Microsoft Teams will take place for OCTA's administrative employees.

**10. Committee Members' Reports**

There are no Committee Members' Reports.

**11. Closed Session**

There were no Closed Session items scheduled.



**12. Adjournment**

The meeting adjourned at 9:52 a.m.

The next regularly scheduled meeting of this Committee will be held at **9:00 a.m. on Thursday, November 19, 2020**, at the Orange County Transportation Authority Headquarters, Conference Room 07, 550 South Main Street, Orange, California.

ATTEST

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Laurie Davies  
Committee Chair

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Sahara Meisenheimer  
Deputy Clerk of the Board



**November 19, 2020**

**To:** Legislative and Communications Committee  
**From:** Darrell E. Johnson, Chief Executive Officer  
**Subject:** Agreement for Website Maintenance Support Services

### **Overview**

On August 25, 2020, the Orange County Transportation Authority released a request for proposals for website maintenance support services. Proposals were received in accordance with the Orange County Transportation Authority's procurement procedures for professional and technical services. Board of Directors' approval is requested to execute an agreement for website maintenance support services.

### **Recommendations**

- A. Approve the selection of Web Advanced as the firm to provide website maintenance support services.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2524 between the Orange County Transportation Authority and Web Advanced in the amount of \$900,000, for a four-year initial term with one, three-year option term, to provide website maintenance support services.

### **Discussion**

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

With consultant support, OCTA performs ongoing website maintenance and evaluates and implements changing technologies that can enhance the user experience, navigation, accessibility, and website security, as well as ensure compliance with local, state, and federal laws. OCTA.net contains more than 1,000 webpages and over 5,000 digital and creative assets that are reviewed, maintained, and updated.

To assist with the maintenance of the website, OCTA requires consultant support to provide various technical services including:

- General, administrative, and developmental support for the Ektron content management system (CMS) that powers the OCTA.net website and related server applications.
- Reporting on and evaluating website performance metrics, identifying opportunities, and implementing solutions that aim to enhance the website user experience and overall customer satisfaction.
- Improving the organic visibility of OCTA.net within key search engine platforms such as Google and Bing.
- Ensuring a seamless digital experience for website visitors, including integration between the OCTA.net website and other digital marketing and communications channels, such as social media, digital advertising, and existing mobile applications.
- Providing support to OCTA staff for technical emergencies that occur outside of business operating hours when required.

These technical services are currently being provided through a contract that is set to expire on November 30, 2020, and a new contract is necessary to provide continued support. Historically, OCTA has held shorter-term contracts for these services; however, it was determined that the website maintenance support services contract will benefit from a longer engagement as it will allow for more efficient technology implementations and potential cost savings from a multi-year agreement.

### ***Procurement Approach***

The procurement was handled in accordance with OCTA Board of Directors' (Board)-approved procedures for professional and technical services. Various factors are considered in the award for professional and technical services. Award is recommended to the firm offering the most comprehensive overall proposal considering such factors as prior experience with similar projects, staffing and project organization, work plan, as well as cost and price.

On August 25, 2020, Request for Proposals (RFP) 0-2524 was issued electronically on CAMM NET. The project was advertised in a newspaper of general circulation on August 25 and September 1, 2020. A pre-proposal conference was held on September 2, 2020, with ten attendees representing six firms. Three addenda were issued to make available the pre-proposal conference registration sheet and presentation, provide responses to written questions, as well as handle administrative issues related to the RFP.

On September 17, 2020, nine proposals were received. An evaluation committee consisting of OCTA staff from Contracts Administration and Materials Management, Marketing and Customer Engagement, Information Systems, and Public Outreach departments, as well as external evaluators from Metrolink and OCTA's contracted information technology technical consultant, Intratek Computer, Inc., met to review all the proposals received.

The proposals were evaluated based on the following evaluation criteria and weightings:

- |                                     |            |
|-------------------------------------|------------|
| • Qualifications of the Firm        | 30 percent |
| • Staffing and Project Organization | 30 percent |
| • Work Plan                         | 20 percent |
| • Cost and Price                    | 20 percent |

Several factors were considered in developing the evaluation criteria weightings. Qualifications of the firm was weighted at 30 percent as the firm had to demonstrate direct experience maintaining highly technical website projects, as well as experience utilizing the Ektron CMS, which powers the OCTA website. Staffing and project organization was also weighted at 30 percent as the firm had to present an experienced, diverse project team with a strong technical background. Work plan was weighted at 20 percent as the firm had to demonstrate its ability to maintain an existing website with established technology and processes. The firm also had to present its approach to meeting the various support services identified in the scope of work. Cost was also weighted at 20 percent to ensure that the website maintenance support services are delivered efficiently and that OCTA receives value for the services provided.

On October 1, 2020, the evaluation committee reviewed the proposals based on the evaluation criteria and short-listed the two most qualified firms listed below in alphabetical order:

Firm and Location

Fortuitas, Inc. (Fortuitas)  
Valencia, California

Web Advanced  
Irvine, California

On October 8, 2020, the evaluation committee conducted interviews with the short-listed firms. The interview consisted of a presentation by each firm to demonstrate the firms' understanding of OCTA's requirements. The firms' project managers and key team members had an opportunity to present each team's qualifications and respond to the evaluation committee's questions. Questions were related to custom development requests, implementing accessibility best practices, enhancing the user experience, generating site traffic, experience with the Ektron CMS as this is currently utilized by OCTA, migrating to a new CMS, as well as specific clarification questions related to each firm's proposal.

After considering responses to questions asked during the interviews, the evaluation committee reviewed the preliminary ranking and made adjustments to individual scores. However, Web Advanced remained the higher-ranked firm with the higher overall score.

Based on the evaluation of the written technical proposals and the information obtained from the interviews, the evaluation committee recommends Web Advanced for consideration of the award. The following is a brief summary of the proposal evaluation results.

**Qualifications of the Firm**

Web Advanced was incorporated in 2000 and is located in the City of Irvine. The firm has 14 full-time employees, as well as three full-time and eight part-time contractors. The firm has over eight years of experience with the Ektron CMS, which is the current CMS for the OCTA website, and demonstrated experience providing website development and maintenance support services to its clients, such as Metrolink, OCTA, Rio Metro Regional Transit District, and the Transportation Corridor Agencies, utilizing the Ektron CMS and other related technologies. In addition to currently providing website maintenance support services, the firm's work with OCTA includes redesigning OCTA.net, as well as developing microsites to inform the public about various projects and programs. Web Advanced proposed to continue its partnership with the same subcontractors for specialized digital services, and they are proposed to provide



digital strategy, branding, and other digital marketing-related services, as well as web-based video production as required by the scope of work.

Fortuitas was established in 2006. The firm has 20 employees with offices in the cities of Valencia and Austin, Texas. The firm became an Ektron-authorized partner in 2009. Fortuitas discussed its experience providing website support and maintenance services to the California Department of Wildlife, First Premier Bank, as well as The New School, which utilizes the Ektron CMS. Fortuitas proposed a subcontractor to provide additional technical support and Ektron expertise. During the interview, it was clarified that the proposed subcontractor had worked on The New School website and Fortuitas was not involved in the project. The other referenced projects in the proposal were not Ektron-related.

#### Staffing and Project Organization

Web Advanced proposed a project team with relevant experience and includes many of the same individuals currently providing website services to OCTA. The proposed project manager has been with Web Advanced for seven years serving as a project manager on various projects. The project team demonstrated Ektron experience and includes the co-founder and Chief Creative Officer of Web Advanced, the Chief Technology Officer, who has been with the firm for 20 years, as well as the creative designers and web developers. The project team also includes additional support staff. During the interview, the project team discussed their roles and approach to providing website maintenance support services, as well as responded to the evaluation committee's questions, which demonstrated the project team's overall experience and understanding of OCTA's website needs.

Fortuitas proposed a project team with website development experience. The project manager has over 16 years of experience and has been with the firm for six months. The proposed subcontractor's Technical Director has been with the firm for one year and has over ten years of experience including one year of Ektron experience. The project team includes the proposed subcontractor's senior developer who had previously worked with Ektron for ten years, as well as Ektron specialists. The project team discussed their roles and approach to providing website maintenance support services during the interview. The firm's responses to the evaluation committee's questions demonstrated the project team's knowledge and experience with the Ektron CMS.

## Work Plan

Web Advanced presented a detailed work plan that demonstrated an understanding of the scope of work. The firm described its approach and strategies related to user-experience testing and technology audits, content creation and integration, accessibility compliance, and website security. Web Advanced discussed upgrading the CMS and developing custom solutions. The firm described its process for on-call digital services, which can be streamlined and accelerated to meet any urgent, same-day delivery requests. Web Advanced proposed to provide 24/7 support to ensure zero downtime on the website, which includes a full alerting system that notifies Web Advanced of any downtime without OCTA's involvement. The firm discussed its quality assurance process, which includes checking and testing content, platform integration, accessibility, and browser compatibility. The firm proposed enhancements to improve website navigation, accessibility compliance, the user experience, as well as provide more functionality and features to allow OCTA the capability to make modifications to the website.

Fortuitas addressed the elements of the scope of work in its work plan. The firm proposed to perform an analysis and audit of the current website, which includes website security, responsiveness, accessibility compliance, and usability testing. The firm proposed to upgrade the OCTA website to the latest Ektron CMS version and described the upgrade process to ensure content and features remain functional. Fortuitas described its quality assurance process, such as its workflow process for performing error corrections and implementing enhancements to the website, communication process and tools, response times to address urgent issues, and handling all support issues related to Ektron. Fortuitas also discussed its project management approach to ensure projects are completed within budget and schedule. Fortuitas proposed various enhancements, such as enhanced search functionality, social media integrations, and a content update feature.

## Cost and Price

Pricing scores were based on a formula which assigned the highest score to the firm with the lowest weighted average hourly rate and scored the other proposals' weighted average hourly rate on their relation to the lowest weighted average hourly rate. While Web Advanced proposed a higher weighted average hourly rate, the rate is commensurate with their level of experience and in-depth understanding of the scope of work requirements. Additionally, the proposed rates are consistent with the OCTA project manager's independent cost estimate and are the same as what OCTA currently pays for website maintenance support services.

### Procurement Summary

Based on the evaluation of written proposals, the firms' qualifications, and the information obtained from the interviews, the evaluation committee recommends the selection of Web Advanced as the top-ranked firm to provide website maintenance support services. Web Advanced delivered a thorough and comprehensive proposal and an interview that was responsive to all the requirements of the RFP.

### Fiscal Impact

The project was approved in OCTA's Fiscal Year 2020-21 Budget, External Affairs Division, Account Nos. 1831-7519-A0001-G82 and 0017-7519-M0201-0KG and is funded through local and Measure M2 funds.

### ***Summary***

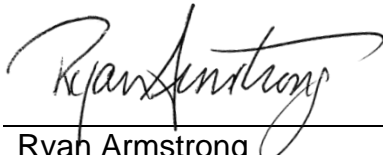
Staff is recommending the Board of Directors authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2524 between the Orange County Transportation Authority and Web Advanced, in the amount of \$900,000, for a four-year initial term with one, three-year option term, for web maintenance support services.

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***Attachments***

- A. Review of Proposals, RFP 0-2524 Website Maintenance Support Services
- B. Proposal Evaluation Criteria Matrix (Short-Listed Firms), RFP 0-2524 Website Maintenance Support Services
- C. Contract History for the Past Two Years, RFP 0-2524 Website Maintenance Support Services

**Prepared by:**



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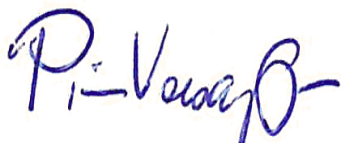
Ryan Armstrong  
Section Manager III  
Marketing  
714-560-5834

**Approved by:**



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Maggie McJilton  
Interim Executive Director  
External Affairs  
714-560-5824



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

**Review of Proposals**  
**RFP 0-2524 Website Maintenance Support Services**  
Presented to Legislative and Communications Committee - November 19, 2020  
**9 firms proposed, 2 firms were interviewed, 1 firm is being recommended**

Overall Ranking	Proposal Score	Firm & Location	Sub-Contractors	Evaluation Committee Comments	Weighted Average Hourly Rate
1	81	<b>Web Advanced</b> Irvine, California	Circlepoint Akorn Entertainment	Higher-ranked firm overall. Currently providing website maintenance support services to OCTA. Experience in website design and development. Experience utilizing Ektron content management system (CMS) to manage websites. Proposed project team is knowledgeable with relevant experience. Proposed the same project team members, which includes individuals with Ektron experience. Demonstrated an understanding of the scope of work. Discussed approach and provided examples, as well as proactive strategies and enhancements. Presented approach and answered questions during the interview. Received positive responses from references. Proposed the same hourly rates as the current contract.	\$149
2	66	<b>Fortuitas, Inc.</b> Valencia, California	Mozaro, LLC	Experience in website design and development. Experience providing website maintenance support services. Ektron partner since 2009 but did not elaborate on Ektron-specific experience. The only Ektron CMS-specific project highlighted was performed by the proposed subcontractor and the prime was not involved. Proposed project team has relevant experience. Proposed project team includes team members with Ektron experience. Addressed all elements of the scope of work. Presented approach and answered questions during the interview. Received positive responses from references. Proposed competitive hourly rates.	\$125

**Evaluation Panel:**

Internal:

Contracts Administration and Materials Management (1)  
Marketing and Customer Engagement (1)  
Information Systems (1)  
Public Outreach (2)

External:

Intratek Computer, Inc. (1)  
Metrolink (1)

**Proposal Criteria**

Qualifications of the Firm  
Staffing and Project Organization  
Work Plan  
Cost and Price

**Weight Factors**

30%  
30%  
20%  
20%

**PROPOSAL EVALUATION CRITERIA MATRIX (Short-Listed Firms)  
RFP 0-2524 Website Maintenance Support Services**

<b>Web Advanced</b>							<b>Weights</b>	<b>Overall Score</b>
<b>Evaluator Number</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>		
Qualifications of Firm	4.0	4.5	4.0	4.5	4.5	4.0	6	25.5
Staffing/Project Organization	4.5	4.5	4.0	4.0	4.0	4.5	6	25.5
Work Plan	4.5	4.5	4.5	4.0	4.5	4.5	4	17.7
Cost and Price	3.0	3.0	3.0	3.0	3.0	3.0	4	12.0
<b>Overall Score</b>	<b>81.0</b>	<b>84.0</b>	<b>78.0</b>	<b>79.0</b>	<b>81.0</b>	<b>81.0</b>		<b>81</b>

<b>Fortuitas, Inc.</b>							<b>Weights</b>	<b>Overall Score</b>
<b>Evaluator Number</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>		
Qualifications of Firm	3.5	3.0	3.5	3.0	3.0	3.0	6	19.0
Staffing/Project Organization	3.5	3.0	3.5	3.0	3.0	3.5	6	19.5
Work Plan	3.5	3.0	3.5	3.0	3.5	3.0	4	13.0
Cost and Price	3.6	3.6	3.6	3.6	3.6	3.6	4	14.4
<b>Overall Score</b>	<b>70.4</b>	<b>62.4</b>	<b>70.4</b>	<b>62.4</b>	<b>64.4</b>	<b>65.4</b>		<b>66</b>

Range of score for non-short-listed firms 35 to 56.

**CONTRACT HISTORY FOR THE PAST TWO YEARS**  
**RFP 0-2524 Website Maintenance Support Services**

Prime and Subconsultants	Contract No.	Description	Contract Start Date	Contract End Date	Subconsultant Amount	Total Contract Amount
<b>Web Advanced</b>						
Contract Type: Time-and-Expense	C-9-1212	Website Design and Development	September 1, 2019	November 30, 2020	N/A	\$ 281,750
Subconsultants:						
CirclePoint						
Nuture Digital						
Akom Entertainment						
Contract Type: Time-and-Expense	C-8-1545	Website Design and Development	July 1, 2018	August 31, 2019	N/A	\$ 245,000
Subconsultants:						
CirclePoint						
Nuture Digital						
Akom Entertainment						
<b>Sub Total</b>						<b>\$ 526,750</b>
<b>Fortuitas</b>						
Contract Type: N/A	None	N/A	N/A	N/A	N/A	\$ -
Subconsultants:						
<b>Sub Total</b>						<b>\$ -</b>

ATTACHMENT C



**November 19, 2020**

**To:** Legislative and Communications Committee  
**From:** Darrell E. Johnson, Chief Executive Officer  
**Subject:** Status Report of State Legislation Enacted in 2020

### **Overview**

At the conclusion of the 2020 legislative session, 372 bills were signed into law by Governor Newsom and chaptered by the Secretary of State, while 56 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**

#### **2020 Legislative Session Adjourns**

Following the State Legislature's adjournment, the Governor had until September 30, 2020, to either sign or veto all legislation submitted to his office. Of the 428 bills sent to the Governor in 2020, 56 bills were vetoed, or 13 percent of the total number of bills presented to his office. The Governor acted on 614 fewer bills this year than last year. Due to the coronavirus (COVID-19) pandemic, the state legislative session was significantly truncated, and legislators were required to cut their legislative package to bills that needed to be addressed immediately or otherwise related to pandemic response.

The Orange County Transportation Authority (OCTA) Board of Directors (Board), legislative staff, and advocates were successful in advancing many of OCTA's interests in 2020. A detailed summary of legislation relevant to OCTA is included as Attachment A. Among the bills considered this session were the following proposals:



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**Status of Legislation Considered in 2020 - Bills Signed**

SB 288 (Chapter 200, Statutes of 2020): California Environmental Quality Act: exemptions: transportation-related projects.

Position: Monitor

SB 288 establishes new California Environmental Quality Act (CEQA) exemptions for designated sustainable transportation projects, including pedestrian and bicycle facilities, improvements in customer information and wayfinding, transit prioritization projects, conversion of general-purpose lanes or highway shoulders to bus-only lanes, projects that increase new bus rapid transit, projects to construct or maintain infrastructure to charge or refuel zero-emission transit buses, and projects for the maintenance, repair, relocation, replacement, or removal of any utility infrastructure.

If an agency wishes to pursue an exemption under this law, they will also need to follow additional requirements, which include that the lead agency's project must not create new automobile capacity and must be located within an existing public right-of-way. If the project exceeds \$100 million, the agency must complete a business case and a racial equity analysis pursuant to standards developed by the Office of Planning and Research (OPR), or which can be delegated by OPR to a metropolitan planning organization (MPO). The project cannot demolish any affordable housing units, as defined, and must use a skilled and trained workforce or be subject to a project labor agreement. If an agency does not want to follow this process for a project, they can still choose to use the normal CEQA process. OCTA participated with other transportation stakeholders and partners to clarify provisions in SB 288 and help to mitigate any unintended consequences while ensuring the bill's usefulness. While not all amendments offered were integrated, OCTA will continue to monitor implementation and, on a case-by-case basis, determine whether the SB 288 process should be used for an eligible project instead of the normal CEQA process.

SB 1291 (Chapter 113, Statutes of 2020): Federal Statewide Transportation Improvement Program: submissions.

Position: Support

SB 1291 clarifies that MPOs and regional transportation agencies do not have to submit their regional Federal Transportation Improvement Program (FTIP) to the California Department of Transportation (Caltrans) in 2020, but instead will not be required to submit until 2022. The bill also specifies that Caltrans is not required to develop and submit the statewide FTIP documents to the Federal Highway Administration (FHWA) for approval in 2020. In both instances, the language allows flexibility for regional agencies, MPOs, and Caltrans to continue

to develop an FTIP, if needed, prior to 2022. Under SB 1291, the FTIP development schedule returns to every two years under state law, and by federal law every four years, after the one-time waiver facilitated by the bill.

The events of this year have greatly complicated the FTIP development schedule. The implementation of the Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule, a federal air quality rulemaking being finalized in two parts, created significant uncertainty at the beginning of the year. Both Part One and Part Two of the SAFE Vehicles Rule created delays across California, with MPOs working to understand the rulemaking's consequences for the FTIP development process. Even under normal circumstances, many MPOs would have been pressed to submit a regional FTIP by the statutory deadline of October 1 due to these delays. Unfortunately, the COVID-19 pandemic has only further compounded the situation. Transportation projects could be impacted if Caltrans cannot submit the statewide FTIP to FHWA by the statutory deadline on December 1. Based on a statewide consensus among MPOs across California, Caltrans plans to develop and submit the statewide FTIP to FHWA early next year. SB 1291 was necessary to ensure a one-time waiver for the FTIP development schedule to allow for the adequate planning of transportation projects during this unprecedented national emergency.

#### **Budget Trailer Bills**

Due to the impacts of COVID-19, OCTA staff worked with agencies across the state and the California Transit Association (CTA) to advocate for various regulatory and administrative relief measures in order for transit operators to continue to provide public transportation which was deemed as an essential service by the State. These relief measures included reforms providing flexibility in funding sources so that transit agencies could use them directly for operating expenses and relief from farebox and efficiency requirements that would not be met because of decreased ridership as a result of the pandemic. Moving forward, OCTA will continue to work with CTA and other stakeholders to pursue additional reforms to respond to COVID-19 impacts.

#### **Additional Bills of Interest – Vetoed**

SB 757 (Allen, D-Santa Monica): California Environmental Quality Act: environmental leadership projects: fixed guideway.

Position: Monitor

AB 900 (Chapter 354, Statutes of 2011) created the Jobs and Economic Improvement Through Environmental Leadership Act of 2011. Under this law, the Governor, by January 1, 2020, must certify projects for residential, retail, commercial, sports, cultural, entertainment, or recreational use as

Environmental Leadership Development Projects to receive the expedited judicial review procedures under CEQA. SB 757, sponsored by the Los Angeles Metropolitan Transportation Authority (LA Metro), would have expanded this shortened CEQA litigation period to fixed guideway projects so long that the project meets certain requirements including operating at zero emissions, and reducing vehicle miles traveled (VMT) and emissions in the corridor.

Although SB 757 was approved by the Legislature with bipartisan support, it contained a provision that tied its implementation to the passage of SB 995 (Atkins, D-San Diego), a bill that would have extended the sunset provision for the AB 900 process. SB 995 failed to meet its legislative deadline, and therefore, SB 757 could not be made law. In the Governor's veto message, he stated that he is supportive of efforts to accelerate transit projects that reduce greenhouse gas (GHG) emissions and VMT, but because of SB 757 implementation being contingent on SB 995 becoming law, he could not sign this bill. It is expected that a similar effort will be pursued by LA Metro next year.

SB 1351 (Beall, D-Campbell): Transportation Improvement Fee: revenue bonds.  
Position: Monitor

SB 1351 would have provided authority to bond, up to \$5 billion, against future revenues generated from the SB 1 (Chapter 5, Statutes of 2017) Transportation Improvement Fee (TIF), to expedite the delivery of projects via the State Highway Operation and Protection Program (SHOPP). The rationale for bonding against future transportation revenues is that it allows the State to take advantage of currently low interest rates to expedite the delivery of transportation improvements that will create jobs during the difficult times. The bond proceeds would be used to expedite SHOPP projects, highway safety projects undertaken by Caltrans programmed in the 2020 SHOPP, as approved by the California Transportation Commission on May 13, 2020. All projects utilizing this authority would have to be environmentally cleared and have completed project design.

The Governor ultimately vetoed this legislative proposal. In his veto message, he stated that Caltrans does not need this tool to accelerate SHOPP projects because Caltrans has already increased the number of projects going to construction through project savings and other administrative actions. In addition, the veto message stated that bonding against future TIF revenues runs counter the principles in SB 1 and risks locking California into long-term debt obligations to finance maintenance repairs. It is important to note that the author of this legislation is termed out from the Legislature at the end of this year; therefore, it is uncertain if variation of this legislative proposal will be introduced in the next legislative session.

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

The following bills on which OCTA took a position failed to make it to the Governor for consideration this legislative session:

**ACA 13 (Obernolte, R-Big Bear): Local sales taxes: online sales.**

Position: Support

ACA 13 would have authorized an initiative to be placed on the ballot to provide for a more equitable distribution of revenues provided under Bradley-Burns taxes by allowing revenues to flow to the place of distribution of goods sold, rather than point-of-sale, as current law provides. OCTA is receiving an estimated \$2-3 million less in Local Transportation Fund (LTF) revenues annually because of the way revenues are currently distributed. This revenue shortfall directly impacts OCTA's ability to provide sustained transit operations throughout the County. If ACA 13 were to have been successful, OCTA would have received a more equitable share of LTF funding, and extreme fluctuations due to the expected increase in online sales would be mitigated. ACA 13 was not heard in policy committee this session, and would have likely encountered significant opposition from local governments who benefit from the current situs rules for Bradley-Burns taxes. It is expected that this will be an issue of continued discussion as more data is available about the impact of situs rules on revenues from online purchases under Bradley-Burns.

**AB 1402 (Petrie-Norris, D-Costa Mesa) and SB 152 (Beall, D-Campbell): Active Transportation Program.**

Position: Sponsor/Support

OCTA co-sponsored AB 1402 with the Orange County Business Council and supported SB 152 (Beall, D-Campbell), sponsored by the Metropolitan Transportation Commission, both of which would have made reforms to the Active Transportation Program (ATP) to reduce the program's complexity and prioritize local decision-making without undermining existing policy priorities. Both AB 1402 and SB152 would have allocated 75 percent of ATP funding to large MPOs, 15 percent to the state's competitive program for small and rural areas, and ten percent in the statewide competitive program. This distribution would have provided roughly the same amount of funding most agencies are currently receiving, but with more consistency between programming cycles, allowing project sponsors to better plan for future projects. Both bills encountered opposition from local governments and regions that have been successful under the current ATP framework. In light of this opposition, neither author chose to pursue their respective bills this session.

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**SB 664 (Allen, D-Santa Monica): Electronic toll and transit fare collection systems.**

Position: Support

Supported by OCTA and other California toll agencies, SB 664 would have clarified existing law to ensure toll operators statewide can meet interoperability requirements, enforce toll policies, and issue toll violations, without weakening existing privacy protections for the use of personally identifiable information. Without these clarifications, the operation of toll facilities within the state is still uncertain.

While SB 664 had bipartisan support with a broad coalition of support from toll operators across the state, opposition did come from various privacy groups, who often included representatives involved in litigation being pursued against toll operators within the state. Due to concerns raised by privacy committee staff at the end of 2019 legislative session, the bill was held to allow for further discussions and to take place. However, due to the COVID-19 pandemic, the discussions were placed on hold indefinitely. It is uncertain if stakeholders will seek to introduce similar legislation in the next session.

**Additional Bills of Interest OCTA Opposed – Failed Passage****AB 1568 (McCarty, D-Sacramento): Housing Law Compliance: State Grants**

Position: Oppose

AB 1568 would have required the Department of Housing and Community Development to review any action or failure to act by a city or county that it determines is inconsistent with an adopted housing element or a specified provision of the Housing Element Law. It would have prohibited a city or county, found to be in violation of state law, from applying for a state grant, unless the eligibility of the city or county to apply is protected by the California Constitution, or the state grant funds, if awarded to the city or county, would have assisted in compliance with housing element requirements.

**SB 526 (Allen, D-Santa Monica): Regional Transportation Plans: Greenhouse Gas Emissions**

Position: Oppose

SB 526 would have required each MPO to submit data to the California Air Resources Board (CARB) describing how transportation funds have been spent in relation to their sustainable communities strategy and whether that spending has led to an increase or decrease in VMT. SB 526 would have also established an interagency working group, to be administered by the Strategic Growth Council, to develop and implement a State Mobility Action Plan for Health

Communities, which would have detailed various recommendations including an investment strategy to assist local governments with meeting GHG emission reduction targets. The bill would have required the working group to submit the plan to the Legislature by December 31, 2020.

While the author took many amendments to SB 526 put forward by OCTA, there was still a concern that SB 526 significantly changes the bottoms-up approach envisioned by SB 375 (Chapter 728, Statutes of 2008), which allowed regional flexibility in the meeting of the regional GHG reduction targets, and shifts the focus to project-by-project analysis and VMT reductions. Instead of pursuing this bill again in 2020, the author opted to introduce SB 1363 (Allen, D-Santa Monica).

SB 732 (Allen, D-Santa Monica): South Coast Air Quality Management District  
Position: Oppose

SB 732 would have created a new taxing district, which would have facilitated the ability for the South Coast Air Quality Management District (SCAQMD) Board to impose a transactions and use tax within the boundaries of its district. The new special voting district would have covered the SCAQMD jurisdiction, which includes all of Orange County and portions of Los Angeles, Riverside, and San Bernardino Counties. SB 732 would have authorized the pursuit of a ballot initiative for a new sales tax, as high as one percent, on all purchases of tangible personal property in the district in order to fund air quality improvements. SCAQMD initially sought this authority to allow for a ballot measure in 2020; however, the COVID-19 pandemic stalled these discussions. It is expected that SCAQMD will again pursue this authority in future legislative sessions.

SB 1363 (Allen, D-Santa Monica): Regional transportation plans: sustainable communities strategies: greenhouse gas emissions and vehicle miles traveled reduction targets.

Position: Oppose Unless Amended

Similar to SB 526, SB 1363 was a continuation of the author's previous efforts to expand upon SB 375's requirements for each MPO to adopt a regional transportation plan that includes a sustainable communities strategy (SCS) that seeks to meet regional GHG emission reduction targets for 2020 and 2035. The bill would have required that MPOs meet GHG and VMT reduction targets in 2035, 2045, and 2050. Whereas the initial GHG targets for 2020 and 2035 were developed with public input, the new GHG emission and VMT reduction targets would be set by CARB, without any public input process. Under the bill, VMT reduction targets may be expressed in miles per capita, percent reduction, or another metric set by CARB. SB 1363 also would have required that MPOs submit to CARB a draft SCS at least 60 days before the MPO adopts the SCS.

In conjunction with the draft SCS, the bill would have required that the MPO also submit its forecasted development pattern and transportation projects, as supported by measurable local and regional funding. Overall, SB 1363 would have added new VMT reduction requirements to the SCS development process in a way that is inconsistent with SB 375's approach. Although this legislation was held this session because of the COVID-19 pandemic, it is expected that bills related to amending SB 375 will be introduced in the next legislative session.

AB 2011 (Holden, D-Pasadena): West San Bernardino County Rail Construction Authority and SB 1390 (Portantino, D-Glendale): Montclair to Ontario Airport Construction Authority

Position: Oppose

AB 2011 and SB 1390 would have each created a new construction authority for the purposes of extending the Metro Gold Line light rail from the City of Montclair to the Ontario International Airport. In both AB 2011 and SB 1390, the proposed board would be made up of seven voting members and one nonvoting member, with delineated powers necessary to complete the project. Although both bills are seeking the same outcome, SB 1390 went further in establishing financial parameters. Two primary differences between SB 1390 and AB 2011 were that SB 1390 identified San Bernardino County Transportation Authority's (SBCTA) local tax Measure I proceeds as a source of funding for this project and required LA Metro to operate the finished project within San Bernardino County, with operations costs to be reimbursed by SBCTA.

Nonetheless, AB 2011 and SB 1390 would have set a concerning precedent by allowing the state and certain jurisdictions to dictate local planning strategies. Furthermore, AB 2011 and SB 1390 would have been inconsistent with SBCTA's voter-approved transportation sales tax measures, such as Measure I in San Bernardino County. Due to the COVID-19 pandemic, neither bill was pursued, however, it is expected a similar proposal may be introduced again in the future.

**Additional Bills of Interest OCTA Monitored – Failed Passage**

Free Fare Legislation

Three bills were introduced this legislative session, which would have mandated transit agencies to provide free fares to certain groups of individuals in order to maintain eligibility for state transit funding provided through the State Transit Assistance program, Transportation Development Program (TDA), and the Low Carbon Transit Operations Program. The three groups considered this legislative session were riders who were 18 years of age or younger, over the age of 65, and college students. Over the last few years, several bills have been

proposed in the Legislature seeking to incentivize or mandate the creation of lower or free fares for youth and other groups, with the goal of generating increased ridership on transit systems and helping to meet environmental goals. Most of these efforts have focused on passes specifically for low-income individuals, and similar to legislation this year, did not identify a funding source.

Although these measures were unable to move forward due to impacts from the COVID-19 pandemic, it is expected that similar proposals will be introduced in the next legislation session seeking to implement free or reduced-fare programs. During the pandemic, agencies across the nation implemented free fare policies to mitigate the spread of COVID-19 and some transit operators are beginning to study how they can extend a free fare system outside of the pandemic. OCTA staff has engaged in conversations about how these proposals could be implemented in a manner that does not disrupt service or create issues with funding eligibility. It is also expected that a conversation will continue next year about overall reforms to the TDA and farebox recovery requirements. It is currently unclear how the free transit pass discussion will interact with or change those longstanding reform proposals.

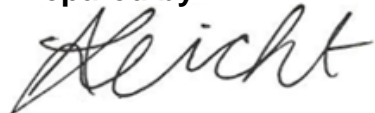
### ***Summary***

A summary report on all state legislation enacted in 2020 affecting the Orange County Transportation Authority is provided for review by the Board.

### ***Attachment***

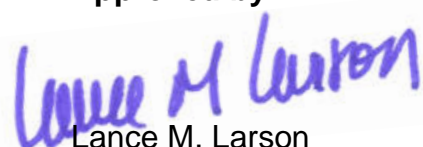
- A. Orange County Transportation Authority 2020 End of Year Legislative Report

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## ORANGE COUNTY TRANSPORTATION AUTHORITY 2020 END OF YEAR LEGISLATIVE REPORT

### LEGISLATION ENACTED

#### I. Active Transportation

##### **AB 1286 (Muratsuchi, D-Torrance) Shared Mobility Devices: Agreements (Chapter 91, Statutes of 2020)**

AB 1286 creates new requirements for a shared mobility service provider. Specifically, it requires them to enter into an agreement with the local jurisdiction that they operate within and the provider must maintain general liability insurance before distribution of the service. Under this measure, a city or county is required to adopt rules related to operation, parking, and maintenance.

OCTA Position – Monitor

*Impact on OCTA: For informational purposes. It is currently unclear how these new requirements will impact the availability and use of shared mobility devices within local jurisdictions within Orange County, although any rules adopted should be monitored as such partnerships are developed.*

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

##### **AB 992 (Mullin, D-San Mateo) Open Meetings: Local Agencies: Social Media (Chapter 89, Statutes of 2020)**

AB 992 clarifies that a public official of a legislative body may communicate on social media platforms to answer questions, provide information to the public or to solicit information from the public regarding a matter within the body's subject matter jurisdiction. Previously, this type of serial communication was prohibited under the Ralph M. Brown Act (Brown Act). This exception will sunset on January 1, 2026.

OCTA Position – Monitor

*Impact on OCTA: This new exception to the prohibitions in the Brown Act would allow for OCTA Board of Directors (Board) to discuss, provide information, and solicit public input through their various social media platforms regarding Board agenda items with constituents, so long as they are not directly communicating with other OCTA Board Members. A memo regarding the impacts of this legislation was sent to Board Members on October 16, 2020, from Monique L. Wardenaar, Deputy General Counsel.*

**AB 2151 (Gallagher, R-Chico) Political Reform Act: Online Filing Disclosure  
(Chapter 214, Statutes of 2020)**

AB 2151 requires a local governmental agency to post any campaign finance disclosure statement, filing, or other document filed with the agency on its website within 72 hours of the filing deadline. AB 2151 specifies that links to the campaign finance documents satisfy the bill's requirements. If the final day of the 72-hour period is a Saturday, Sunday, or holiday, the bill clarifies that the posting deadline is extended to the next business day. The bill also requires that a local government redact the street name and building number of the persons listed on the document before posting and posted documents must be available for at least four years.

OCTA Position – Monitor

Impact on OCTA: *AB 2151 requires that cities and counties post links to any campaign finance documents filed with the agency on its website. The bill does not expand or create new disclosure requirements, instead requiring that any currently-required documents be made available on the website of the agency with which the document is filed.*

### **III. Emergency Response Services**

**AB 2213 (Limón, D-Santa Barbara) Office of Emergency Services: Planning Guidance  
(Chapter 98, Statutes of 2020)**

AB 2213 allows local governments to utilize telephone subscriber data to identify access and function needs populations and enroll them in local emergency alert systems. The bill also allows local governments, defined as cities and counties, to enter into agreements with county social services departments to share subscriber information from existing records. AB 2213 requires that local governments notify residents of their enrollment in emergency alert systems under this authority and also requires the establishment of opt-out procedures. In addition, the bill requires that the Office of Emergency Services (OES) and California Volunteers to develop planning guidance to identify volunteers and donation management resources that could assist in responding to emergencies for inclusion in a report to the Legislature by May 1, 2022.

OCTA Position – Monitor

Impact on OCTA: *AB 2213 allows cities and the County of Orange to utilize existing subscriber information to identify access and functional needs residents for emergency alert systems, making it easier for OCTA to better identify and serve the mobility needs of these vulnerable residents, when applicable, during emergencies.*

**AB 2730 (Cervantes, D-Corona) Access and Functional Needs: Emergency Management  
(Chapter 256, Statutes of 2020)**

AB 2730 allows cities and counties to enter into agreements with adjacent jurisdictions to share emergency management and transportation services during emergencies that

require the evacuation and relocation of access and functional needs populations. Once an agreement is entered, it must be integrated into the relevant emergency plan, and the resources provided under an agreement must be available 24 hours per day, seven days per week. Under AB 2730, the agreements are to be executed at the request of a jurisdiction in need, and the definition of adjacent jurisdictions are those defined by the contiguous mutual aid regions defined in current law.

OCTA Position – Monitor

*Impact on OCTA: For informational purposes. AB 2730 simply authorizes jurisdictions to enter into mutual aid agreements to serve access and functional needs populations during an emergency. OCTA has entered into various mutual aid agreements, including a specific agreement to serve paratransit customers. The enacted version of AB 2730 does not contain the mandate language from a previous version of the bill that could have significantly altered OCTA's existing mutual aid agreements.*

**AB 2968 (Rodriguez, D-Chino) County Emergency Plans: Best Practices  
(Chapter 257, Statutes of 2020)**

AB 2968 requires that OES develop, by January 1, 2022, best practices for counties developing and updating emergency plans. As part of this effort, the EOS shall establish a process for a county to request a review of its emergency plan to determine whether it is consistent with the best practices required by this bill, whether the County's plan adequately protects vulnerable populations during natural disasters, how effectively the plan allow for communicating with, evacuating, and sheltering those affected by an emergency, and any other factors deemed necessary by OES.

OCTA Position – Monitor

*Impact on OCTA: As part of Orange County's emergency preparedness planning and response efforts, the best practices and evaluation established by AB 2968 could affect the way in which OCTA provides transportation services as part of the County of Orange's emergency plan.*

**AB 3267 (Smith, D-Santa Clarita) Office of Emergency Services: State Emergency Plan  
(Chapter 260, Statutes of 2020)**

AB 3267 requires OES to coordinate with social service agencies, nonprofits, transportation providers, and other stakeholders from the access and functional needs population when developing the State Emergency Plan every five years. The bill also extends the timeframe for the OES to conduct an after-action report for declared disasters from 120 days to 180 days. AB 3267 clarifies that the definition of "access and functional needs population" is the same definition used by local governments developing emergency plans.

OCTA Position – Monitor

Impact on OCTA: *One of many bills on the subject of emergency preparedness for vulnerable populations, AB 3267 ensures that State Emergency Plan consider the needs of access and function needs communities in State-managed emergencies.*

## **IV. Employment Terms and Conditions**

### **AB 276 (Friedman, D-Burbank) Personal Income Taxes: CARES Act (Chapter 62, Statutes of 2020)**

AB 276 makes conforming amendments to state law in response to the provisions in the CARES Act allowing for qualified loans from retirement accounts. The CARES Act, the \$2.7 trillion federal stimulus package passed in March, allows individuals affected by the coronavirus (COVID-19) to make penalty-free withdrawals from qualifying retirement accounts and raises from \$50,000 to \$100,000 the limit on loans taken from retirement accounts. Without changes to state legislation, California state tax law would treat the first \$50,000 as a loan, but the additional \$50,000 would be treated as a distribution from the retirement account, subjecting that portion of the now allowable loan to state tax penalties. AB 276 clarifies that the entire \$100,000 of a qualifying loan taken from a retirement account is treated as a loan and therefore not assessed a tax penalty.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. AB 276 ensures that the tax incentives in the CARES Act benefitting those impacted by COVID-19 are not adversely impacted by state tax law.*

### **AB 685 (Reyes, D-San Bernardino) COVID 19: Imminent Hazard to Employees: Exposure (Chapter 84, Statutes of 2020)**

AB 685 requires employers to provide written notice and instructions to employees who may have been exposed to coronavirus (COVID-19) at their worksite. This bill also gives authority to the Division of Occupational Health and Safety's (Cal/OSHA) to enforce health and safety standards in an effort to mitigate workplace exposure to and curb the spread of COVID-19. Cal/OSHA may issue a serious violation if there is a realistic possibility that death or serious physical harm could result from the actual hazard created by the violation. If an employer is unable to successfully rebut the violation, Cal/OSHA has the authority to shut down facilities affected by the violation related to COVID-19. The provisions related to this bill will sunset on January 1, 2023.

OCTA Position – Monitor

Impact on OCTA: *OCTA will need to review its processes for notifying employees of potential exposure to COVID-19 and adjust accordingly. Additionally, OCTA will need to ensure its reporting to local health officials is aligned with these provisions.*

**AB 1947 (Kalra, D-San Jose) Employment violation complaints: requirements: time (Chapter 344, Statutes of 2020)**

Current law prohibits an employer from retaliating against any employee because the employee engaged in certain protected conduct and allows an employee to file a complaint with the Division of Labor Standards of Enforcement within six months. AB 1947 extends this filing period to one year. It also authorizes the court to award reasonable attorney's fees if the employee plaintiff is successful.

OCTA Position – Monitor

Impact on OCTA: *This bill will require OCTA to revise policies as appropriate to include this extension for filing a complaint regarding retaliation. It should be noted that a similar bill, vetoed in the 2019 legislative session, would have made this extension two years.*

**AB 2017 (Mullin, D-San Mateo) Employee: Sick Leave: Kin Care (Chapter 211, Statutes of 2020)**

AB 2017 clarifies in statute that employees have the sole discretion to designate their accrued sick leave as personal or kin care for the purpose of diagnosis, care, or treatment of their family member's health condition or for obtaining relief if the employee is a victim of domestic violence, sexual assault, or stalking.

OCTA Position – Monitor

Impact on OCTA: *This bill will require OCTA to revise policies as appropriate to include updated language and definitions as it pertains to sick leave.*

**AB 2141 (Mathis, R-Visalia) Department of Motor Vehicles (Chapter 47, Statutes of 2020)**

AB 2141 authorizes the Department of Motor Vehicles (DMV) to exempt qualifying veterans from certain commercial driver's license (CDL) tests. The bill allows the DMV to waive the CDL knowledge test for veterans with equivalent military training. AB 2141 authorizes the DMV to waive for specialized knowledge tests for transporting passengers, operating tank vehicles, and transporting hazardous materials. In addition, the bill strikes from state law the policy statement prohibiting the waiver of fees for veterans obtaining CDLs, although the bill does not mandate that such fees be waived.

OCTA Position – Monitor

Impact on OCTA: *These DMV flexibilities make it easier for veterans to obtain their CDL, potentially expediting the hiring of veterans with military training as coach operators. The waiver of the CDL knowledge test supplements the authority in current DMV regulations that allows for the waiving of the CDL driving test.*

**AB 2143 (Stone, D-Santa Cruz) Settlement Agreements: Employment Disputes (Chapter 73, Statutes of 2020)**

Existing law largely prohibits employers from using a no rehire clause in settlement agreements. However, existing law provides for an exception to allow employers to include a no rehire clause in settlement agreements with an employee who engaged in sexual harassment or assault. AB 2143 clarifies that this exception is expanded to include criminal conduct generally, so long the complaint was documented in good faith.

OCTA Position – Monitor

Impact on OCTA: *This bill will require OCTA to revise policies as appropriate to include this new exception for the use of a no rehire clause in settlement agreements.*

**AB 2257 (Gonzalez, D-San Diego) Worker Classification: Employees and Independent Contractors: Professional Services (Chapter 38, Statutes of 2020)**

AB 2257 clarifies the exemptions to AB 5 (Chapter 296, Statutes of 2019), legislation enacted last year to codify the *Dynamex Operations West, Inc. v. Superior Court of Los Angeles* court decision that created a new legal test to determine whether a worker is classified as an employee or an independent contractor. AB 2257 clarifies exemptions for personal services, specifically adding performing artists and other creative services, appraisers, translators, and foresters, among others, to the list of professions exempted from AB 5. In addition, the bill provides exemptions for referrals arrangements, medical groups, and other qualifying private sector business relationships. For entities receiving exemptions, the bill clarifies that the legal test to determine whether the worker is an employee or an independent contractor shall be the three-part legal test in *S. G. Borello & Sons, Inc. v. Department of Industrial Relations*, the court case supplanted by the *Dynamex* decision codified by AB 5.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. While there is still uncertainty about AB 5's application to certain arrangements with public agencies, this bill exemplifies how various industries continue to advocate for further legislative clarification to this controversial policy area, namely via exemptions for certain industries and businesses arrangements. Staff will continue to monitor future policy changes might affect OCTA's classification of its multitude of professional workers and contracts*

**AB 2399 (Committee on Insurance) Paid family leave: qualifying exigency (Chapter 348, Statutes of 2020)**

AB 2399 makes clarifications in order to implement the expansion of the Paid Family Leave (PFL) program created by SB 1123 (Statutes of 2018, Chapter 849), which expanded the PFL program to include covered leave for family members of military members who are deployed. Specifically, AB 2399 makes technical changes to revise the definition of "care recipient" to specify that the term includes the military member, child or

parent of the military member, who is receiving assistance, or the employee who is participating in a qualifying exigency.

OCTA Position – Monitor

Impact on OCTA: *This bill will require OCTA to revise policies as appropriate to include updated language and definitions.*

**AB 2850 (Low, D-Cupertino) San Francisco Bay Area Rapid Transit District  
(Chapter 293, Statutes of 2020)**

AB 2850 designates the Public Employment Relations Board as having jurisdiction over disputes between Bay Area Rapid Transit (BART) and its employees' exclusive representatives, except in situations related to damages as a result of an unlawful strike. To govern these relations, this legislation also borrows language from the Meyers-Milias Brown Act (MMBA) to make conforming changes, which includes communications with an exclusive representative, prohibitions on engaging in respective unlawful labor conduct, and employee access to information. The intention was to not make BART subject to the entirety of the MMBA except for in ways in which it created conformity and consistency.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

**AB 2967 (O'Donnell, D-Long Beach) Public Employees Retirement System:  
Contracting  
(Chapter 223, Statutes of 2020)**

AB 2967 prohibits local agencies contracting with California Public Employees Retirement System (CalPERS) from using the contract amendment process to exclude groups of employees who were previously under that contract. These provisions are to apply to contracts entered into, amended, or extended after January 1, 2021.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. It should be noted that a coalition consisting of the League of California Cities, the California Special Districts Association, and the California State Association of Counties opposed this measure because they claim it prevents cities, special districts, and counties from exploring novel and innovative operational structures in the future, especially during the COVID-19 pandemic where local governments are struggling to manage their operations.*

**AB 2992 (Weber, D-San Diego) Employment Practices: Leave Time  
(Chapter 224, Statutes of 2020)**

Under existing law, leave protections are guaranteed for an employee who is a victim of domestic violence, sexual assault, or stalking. AB 2992 expands these leave protections to an employee who is a victim of a crime and to an employee whose immediate family

member is deceased as a direct result of a crime, as defined. A crime under this legislation is defined as a crime or public offense, wherever it may take place, that would constitute a misdemeanor or a felony if the crime had been committed in California by a competent adult.

OCTA Position – Monitor

Impact on OCTA: *This bill will require OCTA to revise policies as appropriate to include updated language and definitions as it pertains to leave.*

**SB 1159 (Hill, D-San Mateo) Workers Compensation: Coronavirus: Critical Workers (Chapter 85, Statutes of 2020)**

SB 1159 establishes a rebuttable presumption that illness or death related to COVID-19 is an occupational injury. Beyond codifying the Governor's Executive Order (N-62-20), which created this rebuttable presumption for essential workers, this bill extends these benefits for all workers provided that the injury occurs 14 days after the last day worked at the place of employment. It additionally establishes a presumption of injury if an outbreak takes place at the place of employment. An outbreak for employers with more than 100 employees is triggered when five percent or more of the employees who worked at a specific work location contracted the disease within a 14-day period. This bill will sunset on January 1, 2023.

*Urgency Bill – Effective Immediately*

OCTA Position – Monitor

Impact on OCTA: *The provisions of this law take effect immediately. Since this bill has become law, staff have been working to interpret the provisions of these requirements to ensure consistency with existing practices.*

**SB 1383 (Jackson, D-Santa Barbara) Unlawful Employment Practice: Family Rights Act (Chapter 86, Statutes of 2020)**

SB 1383, until January 1, 2021, requires an employer with five or more employees to allow employees to use 12 weeks of unpaid, job-protected leave to care for a domestic partner, grandparent, grandchild, sibling, or parent-in-law who has a serious health condition.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*



## **V. Environment**

### **AB 639 (Cervantes, D-Corona) Port Automation and Climate Change (Chapter 224, Statutes of 2020)**

AB 639 establishes a stakeholder process to develop recommendations on the most effective ways to implement policies to mitigate the employment impacts of automation and transitioning seaports to low emission workplaces at the Ports of Los Angeles and Long Beach. This will be overseen by the Labor Workforce Development Agency and the California Workforce Investment Board, with an industry panel that includes representatives from employee unions who represent marine cargo handlers at the Ports, representatives of marine cargo handler employees at the Ports, the Executive Director of both Ports, a member appointed by the Speaker, and a member appointed by the Senate Committee on Rules. This panel must meet within 90 days of being funded by the Legislature, which is yet to be realized, and is required to invite stakeholders and experts to participate in the process. The University of California Los Angeles Labor Center will be commissioned as expert research and testimony. The process must be completed by July 1, 2023, along with the issuance of any findings. On or before December 31, 2022, the California Workforce Development Board must provide an update on activities pursued in response to these findings and recommendation to the Joint Legislative Committee on Climate Change Policies. These requirements will sunset on January 1, 2024.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

### **AB 2731 (Gloria, D-San Diego) California Environmental Quality Act: San Diego (Chapter 291, Statutes of 2020)**

AB 2731 authorizes the San Diego Association of Governments (SANDAG) to obtain site control from the United States Navy (Navy) to support the redevelopment of the 70.5-acre Naval Base Point Loma Old Town Center, including the possible development of a multimodal transportation Central Mobility Hub to serve as a connection to link regional transit to the San Diego International Airport. These redevelopment efforts are intended to streamline the construction process of the multimodal regional transportation system through expedited administrative and judicial review procedures under the California Environmental Quality Act (CEQA). Specifically, this bill provides that the environmental impact statement (EIS) prepared by the Navy pursuant to National Environmental Policy Act (NEPA) for transit-oriented development (TOD) on the Old Town Center site may be used in lieu of an environmental impact report under CEQA if the TOD projects and the EIS meet specific environmental and labor requirements. Additionally, the courts are to resolve lawsuits within 270 business days of certification of the record of proceedings, to the extent feasible. These provisions will be repealed on January 1, 2025, if SANDAG fails to certify an environmental impact report.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. Although this has no immediate impacts to OCTA, it is important to continue to monitor the ways CEQA is being amended to streamline projects throughout the state.*

**AB 2800 (Quirk, D-Hayward) Climate Safe Infrastructure Working Group  
(Chapter 118, Statutes of 2020)**

Under current law, the Climate-Safe Infrastructure Working Group is composed of scientists, engineers, and architects and was created to examine how to best integrate climate information with the state's infrastructure design, planning and implementation. A five-year infrastructure plan is incorporated in the State's budget process in order to outline the State's infrastructure investments strategies. This working group released their report, *Paying it Forward: The Path Toward Climate-Safe Infrastructure in California*, in 2018. The requirements under this section for the working group were set to sunset on July 1, 2020. AB 2800 removes the sunset date for the working group to make recommendations to the Legislature and instead extends the provisions indefinitely, upon available funding. Additionally, under current law, the working group's goal is to build upon existing information produced by the state, including information from the most recent California Climate Change Assessment and the State of California Sea-Level Rise Guidance Document. This legislation adds the five-year infrastructure plan as an additional item for the working group to consider.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. As the State continues to invest in strategies to mitigate impacts from climate change, OCTA may want to review the report produced by this working group and potentially incorporate any recommendations.*

**SB 288 (Wiener, D-San Francisco) CEQA: Exemptions: Transportation Related Projects  
(Chapter 200, Statutes of 2020)**

SB 288 establishes new CEQA exemptions for designated sustainable transportation projects, including pedestrian and bicycle facilities, improvements in customer information and wayfinding, transit prioritization projects, conversion of general-purpose lanes or highway shoulders to bus-only lanes, projects that increase of new bus rapid transit, projects to construct or maintain infrastructure to charge or refuel zero-emission transit buses, and projects for the maintenance, repair, relocation, replacement, or removal of any utility infrastructure. To pursue these new exemptions, the project must not create new automobile capacity and must be located within an existing public right-of-way. If the project exceeds \$100 million, the agency must complete a business case and a racial equity analysis pursuant to standards developed by the Office of Planning and Research (OPR), or a metropolitan planning organization (MPO) if OPR delegates the authority. The project cannot demolish any affordable housing units, as defined, and must use a skilled and trained workforce or be subject to a project labor agreement.

OCTA Position – Monitor

Impact on OCTA: *This legislation will allow for OCTA to utilize new CEQA exemptions to assist in streamlining sustainable transportation projects, if it chooses to do so. Specifically, OCTA may benefit from the provision that exempts construction or maintenance of infrastructure to charge or refuel zero-emission transit buses from CEQA. However, OCTA will want to weigh both the benefits and the drawbacks of using these exemptions compared to the normal CEQA process because additional requirements outlined in this legislation may create unknown issues, pending how guidelines are developed by OPR.*

**SB 895 (Archuleta, D-Norwalk) Energy: Zero-Emission Fuel, Infrastructure Technologies**

**(Chapter 120, Statutes of 2020)**

SB 895 requires the California Energy Commission (CEC), within the limits of available funds, to provide technical assistance and support for the development of zero-emission fuels, zero-emission fueling infrastructure, and zero-emission fuel transportation technologies. This can be through commissioned research, development, or demonstration programs.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. As OCTA moves toward transitioning its bus fleet to zero-emission buses, it could be useful to engage with the research, programs, and development created by the CEC.*

**SB 1320 (Stern, D-Calabasas) Climate Change: State Climate Change Assessment**

**(Chapter 136, Statutes of 2020)**

Upon appropriation of funds, SB 1320 requires OPR to develop the California Climate Change Assessment in coordination with the Natural Resources Agency, the State Energy Resources Conservation and Development Commission, the Strategic Growth Council, and in consultation with partner public agencies designated by OPR. OPR may also contract with outside entities, including public universities, research institutions, organizations that serve vulnerable communities, and other technical experts to produce the assessment. This assessment must be done every five years and will include a suite of products that address the impacts and risks of climate change. Specifically, the products could include, but are not limited to, climate projections, research reports on costs and benefits or climate adaptation responses, regionally-specific reports, reports on environmental justice considerations, decision-support tools, and examples of best practices for planning for future climate conditions. OPR is to engage with regional and local governments, tribes, vulnerable communities, businesses, and members of the public, as necessary, in determining the scope of the assessment. After the assessment is completed, OPR will work with the Department of Finance to determine the liabilities of the contents and the application of the assessment will have in the state budget, and to regional and local governments, tribes, and vulnerable communities.

OCTA Position – Monitor

Impact on OCTA: *As a public agency, OCTA may have an opportunity to engage in this process. The tools developed through this assessment may assist in mitigating the impacts from climate change as well as efforts related to resiliency and adaptation, but could also add potential costs to projects moving forward.*

## **VI. Funding**

### **SB 998 (Moorlach, R-Costa Mesa) Local Government: Investments (Chapter 235, Statutes of 2020)**

SB 998 expands the investment options for local agencies. Specifically, the bill increases the maximum allowable amount of commercial paper that cities and special districts can hold from the 25 percent limit in current law to 40 percent until that provision's expiration on January 1, 2026. The bill also includes language limiting agencies from investing more than ten percent of their commercial paper and medium-term investments in any single issuer to encourage diversification. In addition, SB 998 allows joint powers authorities to participate in pool shares, pursuant to the terms and conditions in federal law.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

### **SB 1349 (Glazer, D-Orinda) Transactions and Use Taxes: County of Contra Costa (Chapter 369, Statutes of 2020)**

SB 1349 permits Contra Costa County, and cities within Contra Costa County, additional flexibility to impose local transactions and use taxes. Specifically, the bill clarifies that the current half-percent tax imposed by BART, as well as taxes imposed under the existing statutory authority provided to the Contra Costa County Transportation Authority, do not count against the two percent regional transaction and use tax cap in Contra Costa County.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

## **VII. Planning**

### **AB 1426 (Boerner Horvath, D-Carlsbad) Public Resources: San Onofre State Beach (Chapter 168, Statutes of 2020)**

AB 1426 codifies settlement agreements entered into by the Foothill/Eastern Transportation Corridor Agency, with the California Department of Transportation, various environmental groups, California Attorney General, the California Natural Resources Agency, and others. These agreements included provisions restricting construction of a road through the avoidance area, as defined in the settlement agreement, which includes San Onofre State Beach and the Richard H. and Donna O'Neill Conservancy (Conservancy). Specifically, AB 1426 prohibits the construction, funding, or operating a major thoroughfare within the area around and in San Onofre State Beach or the

Conservancy, except in certain situations, including a widening of Interstate 5 undertaken by the California Department of Transportation (Caltrans).

OCTA Position – Monitor

Impact on OCTA: *In future planning efforts, OCTA must maintain compliance with prohibitions of construction within and around the areas of San Onofre State Beach and the Conservancy.*

**AB 2172 (Petrie-Norris, D-Newport) State Highways: Route 133: Relinquishment (Chapter 126, Statutes of 2020)**

AB 2172 authorizes the California Transportation Commission (CTC) to relinquish the portion of State Route 133 (SR-133) between the Pacific Coast Highway and El Toro Road to the City of Laguna Beach, pursuant to the terms and conditions approved by the CTC. Under the bill, the CTC must determine that the relinquishment is in the best interest of the State, and the bill requires that the relinquishment be conditioned on Caltrans and the City of Laguna Beach entering into an agreement. AB 2172 clarifies that the relinquishment is effective upon the date that the relinquishment resolution, with the CTC's terms and conditions, is recorded with the county recorder. Once recorded, the relinquished portion of SR-133 shall cease to be a state highway, and under the bill, the City of Laguna is required to ensure the continuity of traffic flow on the relinquished portion of SR-133, including any traffic signal progression and signage directing motorists to the continuation of SR-133.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

**AB 2345 (Gonzalez, D-San Diego) Planning Zoning: Density Bonuses: Affordable Housing (Chapter 197, Statutes of 2020)**

AB 2345 expands density bonus provisions in state law in an effort to help alleviate the State's housing shortage. The changes mirror those enacted by the City of San Diego. AB 2345 clarifies that, for purposes of the density bonus law, a "major transit stop" is defined using the existing statutory definition of major transit stops in the applicable regional transportation plan, including the transit stop's parking lot or structure. AB 2345 provides that rental developments with 100 percent affordable housing and within one-half mile of a major transit stop must not, if requested by the developer, city, or county, exceed half of a parking space per unit. AB 2345 also requires cities and counties to grant density bonuses to developments including a certain percentage of low-income housing, based on a formula that factors in the number of low-income units and the types of incentives utilized with the development. The bill also allows localities to adopt generous density bonus ordinances.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. AB 2345 was one of the many of land-use policy changes the Legislature is pursuing to encourage housing production, specifically by encouraging increased housing development near transit in an effort to boost ridership.*

**SB 146 (Beall, D-Campbell) Regional Transportation Plans: Procedural Requirements  
(Chapter 117, Statutes of 2020)**

SB 146 changes the public outreach requirements for regional planning agencies developing a Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) in order to facilitate effective public outreach during the unprecedented coronavirus (COVID-19) pandemic. SB 146 allows agencies to use telephonic and electronic communication platforms to conduct public engagement when developing an RTP/SCS. Specifically, the bill recharacterizes "workshops" as "public engagement gatherings" to allow for electronic and telephonic outreach options without violating the public participation provisions of the Brown Act or the other substantive planning requirements in current law. These outreach flexibilities sunset on January 1, 2023.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. SB 146 is limited to an RTP/SCS developed before January 1, 2023. Since the Southern California Association of Governments (SCAG) just finalized its latest RTP/SCS, these specific flexibilities will not be utilized in the SCAG region. That said, these flexibilities may be extended, or similar flexibilities may need to be pursued, should the COVID-19 pandemic affect RTP/SCS outreach efforts in 2023 or beyond.*

**SB 1291 (Senate Transportation Committee) Federal Statewide Transportation Improvement Program  
(Chapter 113, Statutes of 2020)**

SB 1291 provides flexibility in the Federal Transportation Improvement Program (FTIP) submittal process so that the unprecedented events of this year, specifically a change to federal air quality conformity requirements and the COVID-19 pandemic, do not put the delivery of transportation projects at risk. Current state statute requires that regional transportation agencies, MPOs, and Caltrans develop and submit an FTIP, which lists regionally-significant projects requiring federal funding or approval, to the federal government every two years. While state law requires the adoption of an FTIP every two years, federal law only requires that the FTIP be adopted every four years. SB 1291 specifies that an FTIP is not required in 2020. After this one-time change to the FTIP schedule, the normal biennial submittal process required by state law will resume.

*Urgency Bill – Effective Immediately*

OCTA Position – Support.

Impact on OCTA: *SB 1291 ensures that delays in FTIP submittals resulting from COVID-19 do not interrupt or otherwise affect the delivery of planned mobility*

*improvements in Orange County. Without this bill, a significant FTIP submittal delay in any part of the State could have held up the statewide FTIP submittal by Caltrans, potentially threatening the delivery of projects in Orange County.*

## **VIII. Public Works**

### **AB 2210 (Aguiar-Curry, D-Davis) Contractors: Violations: Disciplinary Actions (Chapter 128, Statutes of 2020)**

AB 2210 expands the authority of the Contractors State License Board (CSLB) to take disciplinary action against tree-service contractors. Specifically, the bill makes any violation of the Labor Code a cause for disciplinary action, regardless of whether death or serious injury results. The bill also clarifies that the Division of Occupational Safety and Health must properly register and transmit the Labor Code violation to the CSLB. In addition, the bill expands from 180 days to 18 months the time that the CSLB has to bring a disciplinary action against a contractor.

OCTA Position – Monitor

*Impact on OCTA: For informational purposes. Since contractors working on infrastructure projects must be registered with the CSLB, this bill expands the circumstances under which certain tree-service contractors may face disciplinary action for violations of the Labor Code, regardless of whether an injury occurred.*

### **AB 2231 (Kalra, D-San Jose) Public Works (Chapter 346, Statutes of 2020)**

AB 2231 defines what constitutes a “de minimis” public subsidy for purposes of triggering public works regulations, including requirements related to the use of a skilled and trained workforce and payment of prevailing wage. Generally, for most projects, a “de minimis” public subsidy would be defined as both less than \$600,000 and less than two percent of the total project cost. If the subsidy is for a residential project, the subsidy is de minimis so long as it is less than two percent of the total project cost. These provisions do not apply to a project that was advertised for bid, or a contract that was awarded, before July 1, 2021.

OCTA Position – Monitor

*Impact on OCTA: Under this new definition of de minimis, any project utilizing public funds that meets these thresholds will be subject to complying with the requirements outlined in statute pertaining to public works. This could result in increased costs and regulatory requirements on any given project.*

### **AB 2311 (Low, D-Cupertino) Public Contracts: Skilled and Trained Workforce (Chapter 347, Statutes of 2020)**

When a skilled and trained workforce is required on a project, AB 2311 requires a public entity to disclose a notice in all of its contracts and documents that the project is subject to a skilled and trained workforce. If the public entity fails to provide this notice, it does

not excuse them from the use of a skilled and trained workforce. The intention of this legislation is to encourage more compliance of the skilled and trained workforce requirement.

OCTA Position – Monitor

Impact on OCTA: *OCTA will be required to disclose this notice in any contracts whereby the project is subject to a skilled and trained workforce.*

### **SB 588 (Archuleta, D-Norwalk) Public Contracts: Disabled Veteran Business Enterprises**

#### **(Chapter 80, Statutes of 2020)**

SB 588 requires state agencies to withhold a portion of the final payment on a state-awarded contract until the prime contractor has certified that the requirements of the Disabled Veteran Business Enterprise (DVBE) Program have been fulfilled. Specifically, the bill authorizes the state contracting agency to withhold up to \$10,000 from the final payment until the prime contractor has certified that the DVBE subcontractors have been paid. SB 588 gives a prime contractor at least 15 calendar days to cure the DVBE defect. In addition, the bill requires that the Legislative Analyst's Office undertake a complete assessment of the DVBE program by January 1, 2024.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

## **IX. State Budget**

### **AB 78 (Committee on Budget) Bergeson Peace Infrastructure and Economic Development**

#### **(Chapter 10, Statutes of 2020)**

AB 78, a budget trailer bill, establishes the Climate Catalyst Revolving Loan Fund (Climate Catalyst Fund) within the State Treasury to receive funding from private sources and non-government entities to help fund and finance eligible projects. The Climate Catalyst Fund was originally proposed in the Governor's January Budget proposal as a state-funded program, but as part of the budget agreement is now dependent on private funding and future appropriations. The Strategic Growth Council and Labor and Workforce Development Agency are to identify potential eligible categories of projects, with the aim to further the state's climate goals, activities that reduce climate risk, and the implementation of low-carbon technology and infrastructure.

*Urgency Bill – Effective Immediately*

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. OCTA will actively monitor implementation of these provisions to determine whether OCTA could become eligible for funding*



*pursuant to the Climate Catalyst Fund, especially as it pertains to implementation of low-carbon technology and infrastructure.*

**AB 83 (Assembly Budget Committee) Housing Provisions  
(Chapter 15, Statutes of 2020)**

AB 83, the housing trailer bill, builds on the homelessness funding provided in last year's budget by providing \$300 million for a second round of Homeless Housing, Assistance, and Prevention Program funding, consistent with the requirements of AB 101 (Chapter 159, Statutes of 2019). Of this funding, \$130 is distributed to cities with a population over 300,000, \$90 million to Continuums of Care, and \$80 for counties. AB 83 also extends until January 31, 2021, the deadline that a jurisdiction may request an allocation of funds for the Regional Housing Needs Allocation (RHNA) planning grants provided to cities and counties provided in last year's housing trailer bill. AB 83 provides a temporary CEQA exemption for qualifying projects as part of Project Room Key, the State's acquisition of hotel rooms for the unhoused at-risk of contracting COVID-19. Finally, the bill extends the long-term affordable housing requirements on committed assistance programs for localities as part of their RHNA efforts, specifically requiring that the affordable units be available for 55 years. In addition, AB 83 allows the conversion of certain motels, hotels, and mobile home parks in response to COVID-19 to count as part of a committed assistance program, pursuant to the conditions in the bill.

*Urgency Bill – Effective Immediately.*

OCTA Position – Monitor

*Impact on OCTA: For informational purposes. AB 83 demonstrates the Legislature's commitment to addressing housing and homelessness during the COVID-19 pandemic, despite the limits on bill loads.*

**AB 84 (Committee on Budget) Public employment and retirement  
(Chapter 26, Statutes of 2020)**

This trailer bill, among other things, requires state employees during FY 2020-21 to participate in the Personal Leave Program (PLP), which mandates state employees to receive a pay reduction of no more than ten percent. For state employees not subject to the PLP, the Department of Human Resources will adopt a plan for those employees to be furloughed for two workdays per calendar month until June 30, 2021. Other primary components of AB 84 include changes related to the California State Teachers' Retirement System and CalPERS in order to mitigate the budget deficit incurred due to the COVID-19 pandemic.

OCTA Position – Monitor

*Impact on OCTA: For informational purposes. OCTA staff continue to monitor discussions related to the PLP and how they affect state functions.*

**AB 89 (Committee on Budget) Budget Act**

**(Chapter 7, Statutes of 2020)**

AB 89 provides \$147.8 billion in total General Fund expenditures for fiscal year (FY) 2020-21. The state budget assumes a \$54 billion deficit, stemming from an approximate 22 percent decrease in revenues projected in FY 2020-21, combined with proposed emergency spending to protect residents of California from the COVID-19 pandemic.

For FY 2020-21, the state budget proposes General Fund revenues of approximately \$139.8 billion, which is an almost a \$17 billion decrease from the January budget proposal, and estimates General Fund expenditures at \$143 billion, which is approximately \$10 billion less the January estimate. Additionally, the state budget will draw down \$7.8 billion from the State's Budget Stabilization Account/Rainy Day Fund to address the deficit resulting from the COVID-19 pandemic. Without an agreement from the federal government on COVID-19 relief spending, the state's budget will be forced to withdraw an additional \$9.6 billion from the state's Budget Stabilization Account/Rainy Day Fund, \$1.6 billion from a special fund for economic uncertainties, and \$900 million from the safety net reserve fund in order to balance the budget.

*Urgency Bill – Effective Immediately***OCTA Position – Monitor**

*Impact on OCTA: AB 89 reflects a significant decrease in state transit funding going forward. In total, the state budget anticipates \$678.9 million in State Transit Assistance (STA) funding for FY 2019-20, where Orange County's share would be \$36.3 million. For FY 2020-21, a decrease of more than \$283 million in STA funding is projected, compared to January estimates. Based on these updated figures, Orange County is expected to receive \$22 million in STA funding in FY 2020-21, which is approximately 40 percent less than what was projected in January.*

*OCTA also receives funding from the State of Good Repair (SOGR) program via the STA formula. Funded via the Transportation Improvement Fee, the state budget projects these revenues being held steady moving forward, with an estimated \$108.9 million being available in FY 2019-20 and \$114.6 million in FY 2020-21. Orange County is estimated to receive \$5.8 million in FY 2019-20 and \$6.2 million in FY 2020-21.*

**AB 90 (Committee on Budget) Transportation Provisions  
(Chapter 17, Statutes of 2020)**

AB 90 serves as the primary budget trailer bill related to transportation and makes various regulatory changes to provide relief to transit agencies across the state as they cope and recover from the effects of the COVID-19 pandemic. Specifically, AB 90 instituted a hold harmless provision for calculation and allocation of the STA Program, SOGR, and LCTOP allocations. Such formula programs are based 50 percent on the revenues for each transit agency. For the next two years, the formulas will use the revenue amounts each transit agency reported prior to the COVID-19 pandemic. It further prevented any financial penalty to be imposed on a transit operator that is unable to meet its farebox recovery requirement until January 1, 2022. For FY 2020-21 and 2021-22, this legislation

exempts a transit operator from meeting STA efficiency standards, with each agency able to utilize funding for either operating or capital purposes. Separately, it also required retailers of aircraft jet fuel to report quarterly to the California Department of Tax and Fee Administration (CDTFA) on their sales of aircraft jet fuel. Such data will allow the CDTFA to better communicate the State and local taxing jurisdiction compliance with Federal Aviation Administration regulatory requirements that sales tax proceeds from aviation fuel be used for the benefit of airports. Finally, it also delayed the adoption of the California High Speed Rail Authority's (CHSRA) Business Plan until December 15, 2020, instead of its intended adoption date of June 25, 2020.

*Urgency Bill – Effective Immediately*

OCTA Position – Monitor

*Impact on OCTA: With more flexibility in using state transit funding, OCTA has been able to utilize these regulatory relief measures to continue to provide transit service. Specifically, OCTA will not need to meet the 20 percent farebox recovery requirement or the efficiency criteria as required in the Transportation Development Act (TDA) due to COVID-19 impacts, but will not be subject to any withholding of funds. Furthermore, this legislation will assist in staving off long-term disruption of future STA formula distribution by maintaining the ridership numbers prior to the COVID-19 pandemic. The benefits of these provisions should be documented by staff in order to analyze the need for a possible extension of such, especially as conversations regarding potential changes to the TDA continue. Staff also continue to monitor the progress of the CHSRA and will analyze the final business plan when it is adopted in December 2020.*

**AB 92 (Committee on Budget) Public Resources: Omnibus Trailer Bill  
(Chapter 18, Statutes of 2020)**

AB 92 is an omnibus trailer bill related to implementing the resources and environmental protection budget allocations. Specifically of interest to OCTA, it authorizes the State Water Resources Control Board (SWRCB) to issue a certificate or statement before completion of an environmental review. Under the federal law known as the Clean Water Act, a 401 certification must be issued to prove that a project's activity will not result in any discharge into waters of the United States. This flexibility will be helpful in instances where the SWRCB determines that waiting until completion of the environmental review would mean that the review poses a substantial risk to the waiver of the state's certification authority under federal water quality control laws.

OCTA Position – Monitor

*Impact on OCTA: For OCTA projects needing this certification, this legislation could mitigate a potential risk to the waiver within the state's certification authority. This permitting regulatory measure could result in less time delays on projects.*

**AB 103 (Committee on Budget) Unemployment Compensation Benefits:  
Coronavirus**

**(Chapter 22, Statutes of 2020)**

AB 103 is a budget trailer bill that was necessary to provide flexibility and implement actions related to the new federal funding sources for administering unemployment compensation benefits specifically as a result of COVID-19. It ensures that a tax-rated employer does not have its reserve account charged for these unemployment compensation benefits paid to the unemployed individual. This will sunset on January 1, 2021. This legislation also allowed the State to utilize the Federal-State Extended Benefit program to provide up to 20 weeks of total unemployment insurance, funded 100 percent by the federal government.

*Urgency Bill – Effective Immediately*

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

**AB 107 (Committee on Budget) State Government  
(Chapter 264, Statutes of 2020)**

AB 107 was an end of session trailer bill, which included additional provisions related to transportation. Specifically, AB 107 provides temporary flexibility in the use of SB 1 (Chapter 5, Statutes of 2017) SOGR program funds, allowing a transit agency to expend funds apportioned for the 2019-20 to 2021-22 fiscal years on operating or capital costs to maintain transit service. Separately, this legislation extends the sunset date, from January 1, 2021 to January 1, 2022, for the California Secretary of Transportation's authority to assume responsibilities under NEPA for any railroad, public transportation, or multimodal project. This authority is specifically being used for the California High-Speed Rail project.

*Urgency Bill – Effective Immediately*

OCTA Position – Monitor

Impact on OCTA: *This regulatory relief will allow OCTA to use SB 1 SGR funds for operations purposes if the Board makes certain findings. Currently, these dollars are already programmed for different purposes. Pending guidance from Caltrans, OCTA will be able to use this flexibility moving forward. Typically, OCTA typically receives between approximately \$5 and \$6 million in SGR funding each year.*

**SB 89 (Committee on Budget and Fiscal Review) Budget Act  
(Chapter 2, Statutes of 2020)**

SB 89 made changes to the Budget Act of 2019 in response to the Governor's March 4, 2020 proclamation of a state of emergency due to COVID-19. In particular, this bill allowed the Governor to withdraw up to \$1 million in General Fund dollars to provide immediate assistance related to the impacts of COVID-19. Expenditures included the procurement of personal protective equipment and equipment, travel trailers and hotel beds for immediate homeless housing, leases for hospital facilities, and more.

*Urgency Bill – Effective Immediately*

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

**SB 115 (Committee on Budget and Fiscal Review) Budget Act  
(Chapter 40, Statutes of 2020)**

Due to the everchanging nature of the COVID-19 pandemic, the State Legislature utilized SB 115 as the vehicle to amend the 2020 Budget Act to better align with evolving needs. SB 115 makes a variety of changes related to education, health and human services, public safety, and higher education. There were also a variety of technical changes made. Specifically, this bill appropriates \$624.7 million above the 2020 Budget Act, of which \$166 million is from the General Fund.

*Urgency Bill – Effective Immediately*

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

## **X. Other Legislation**

**AB 841 (Ting, D-San Francisco) Energy Efficiency Programs  
(Chapter 372, Statutes of 2020)**

Under existing law, the California Public Utilities Commission (CPUC) instructs electrical corporations to file applications for programs and investments to accelerate widespread transportation electrification. Accordingly, AB 841 mandates the CPUC to issue decisions by March 1, 2021, on two pending investor-owned utility transportation electrification infrastructure applications. This was mandated in statute to encourage a timely adoption or rejection of these decisions. Additionally, it requires the CPUC to extend its previous approvals of transportation electrification programs and investments. As it pertains to the future of these applications, this legislation will require 35 percent of the electric vehicle (EV) charging infrastructure investments to be located in underserved communities. It also includes a mandate to ensure that the infrastructure needed to charge EVs is treated the same as other distribution infrastructure in the electrical corporation's general rate case. Under this legislation, residential service facilities can upgrade costs incurred as a result of the adoption of home-based EV charging that exceed the utility's tariff allowances. For all EV charging infrastructure and equipment that is funded or authorized by state entities, AB 841 requires they be installed by a contractor who holds an Electric Vehicle Infrastructure Training Program (EVITP) certification. The California Energy Commission will conduct joint public workshops to determine if the EVITP curriculum should be modified.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. As the state moves toward transitioning to zero-emission technology for passenger vehicles, staff will continue to monitor and inform the process of investing in EV infrastructure.*

**AB 2038 (Assembly Transportation Committee) Transportation: Omnibus Bill  
(Chapter 70, Statutes of 2020)**

AB 2038 serves as the transportation omnibus bill and makes several non-substantive changes to current statute. These minor changes include making the terminology consistent for parking offenses, removing a since completed reporting requirement for the California Highway Patrol medical dispatch training program, and removing provisions related to an obsolete two-year pilot program for emergency road service organization from 1992.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

**AB 2285 (Assembly Transportation Committee) Transportation  
(Chapter 100, Statutes of 2020)**

AB 2285 is a transportation omnibus bill that makes noncontroversial changes to transportation-related statutes. This legislation expands the requirement for a person driving a vehicle to slow down or move over for certain stationary vehicles flashing emergency lights to also on local streets and roads, not only freeways. It also extends the pilot program for alternative license plates and vehicle registrations until January 1, 2023. Furthermore, this bill extends the requirement for the California Air Resources Board (CARB) to dedicate 20 percent of California Clean Truck, Bus, and Off-Road Vehicles and Equipment Program to support the early commercial deployment of existing zero- and near-zero-emission heavy-duty trucks from December 31, 2020 to December 31, 2021.

OCTA Position – Monitor

Impact on OCTA: *Monitoring will need to take place of any alternative license plate framework developed under to the described pilot program to ensure there are not implications for enforcement along the 91 Express Lanes. In relation to the CARB funding program, transit agencies are also eligible for funding under the California Clean Truck, Bus and Off-Road Vehicles and Equipment Program. By requiring a certain amount of funds to be used for heavy-duty trucks, this could decrease the overall amount of funding available to transit agencies as they are required to implement the zero-emission bus purchase requirements under the Innovative Clean Transit regulation.*

**ACA 5 (Weber, D-San Diego) Government Preferences  
(Chapter 23, Statutes of 2020)**

ACA 5 is a constitutional amendment that asks the voters of California to decide on permitting the use of race, gender, and ethnic diversity as factors, but not decisive factors,

in college admissions, government hiring, and government contracting. If the initiative put on the ballot by ACA 5 is passed by voters, it would repeal Article I, Section 31 of the California Constitution, as codified by Proposition 209 (1996), and authorize the use of race, sex, color, ethnicity, and national origin in the aforementioned selection processes.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. If the related initiative, Proposition 16 (2020), is approved by voters, the consideration of race, sex, color, ethnicity, or national origin as a factor in hiring or contracting processes would not violate the California Constitution.*

**ACR 169 (Aguilar-Curry, D-Davis) Women in Construction Week  
(Chapter 26, Statutes of 2020)**

ACR 169 recognized the week of March 1, 2020, to March 7, 2020, as Women in Construction Week. This bill recognizes the contribution of women in the construction industry and seeks to emphasize educational activities and programs that further encourage a diverse construction workforce that includes more women.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

**SCR 68 (Archuleta, D-Norwalk) Memorial Interchange  
(Chapter 17, Statutes of 2020)**

SCR 68 designates the intersection of Interstate 605 and Katella Avenue as Sergeant (Sgt.) Thomas R. MacPherson Memorial Interchange. Sgt. MacPherson, a graduate of Los Alamitos High School, was an Army Ranger who was killed in action during his fourth tour of duty. Sgt. MacPherson was awarded the Bronze Star, the Army Achievement Medal, the Army Good Conduct Medal, and many other accommodations for his valiant service. SCR 68 requests that Caltrans determine the cost of the signage to designate the intersection and how such cost will be covered by donations as opposed to using taxpayer dollars.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*



**November 19, 2020**

**To:** Legislative and Communications Committee  
**From:** Darrell E. Johnson, Chief Executive Officer  
**Subject:** Final 2021-22 State and Federal Legislative Platforms

### **Overview**

The final drafts of the revised 2021-22 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 2021-22 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**

Each year, the Orange County Transportation Authority (OCTA) develops State and Federal Legislative Platforms as a resource for the OCTA Board of Directors (Board), Orange County legislative delegation members, and OCTA staff in communicating OCTA's legislative and regulatory priorities to state and federal policymakers. Any policy positions not directly addressed by the State and Federal Platforms will be brought to the Board for separate action during the legislative sessions.

The first drafts of the 2021-22 State and Federal Legislative Platforms were reviewed and approved for further circulation by the Legislative and Communications Committee (Committee) on October 15, 2020, and by the full Board on October 26, 2020. Since this initial review, staff has been working to further refine the documents based on additional feedback from stakeholders. The initial drafts were taken to OCTA's Technical Advisory Committee (TAC) for review on October 28, 2020. In addition, OCTA staff has discussed the drafts at two meetings of the Citizens Advisory Committee (CAC). These efforts are in



addition to the initial comment solicitation from more than 500 groups and individuals, including every member of OCTA's TAC, Technical Steering Committee, CAC, and Special Needs Advisory Committee. Staff has also participated in a series of legislative platform development meetings with other regional transportation agencies and stakeholders from across the State of California to ensure that the platforms address anticipated legislative priorities next session.

An overview of the public comments received is detailed below, as are the revisions made based on the feedback collected. Strikeout versions of the 2021-22 State and Federal Legislative Platforms are included as attachments A and B, respectively. Should any unanticipated policy issues arise next session, staff will return to the Committee and the full Board with additional updates and to seek further direction.

#### Public Comments

Despite the impacts of the coronavirus (COVID-19) pandemic, staff has been conducting outreach, mostly through virtual meetings and other digital means, to gather meaningful feedback on the State and Federal Legislative Platforms. Staff received two substantive public comments from the website submission form, which are discussed in further detail below.

- The first comment, from staff at Metrolink, requested that OCTA include language to encourage additional funding for rail projects, specifically mentioning the need for additional financial support for public transit operators during the COVID-19 pandemic, the implementation of zero-emission rail technologies, and for Positive Train Control (PTC) operations. In each category, Metrolink also requested actions to ensure that commuter rail agencies are eligible for transportation funding programs. While many of the issues are addressed in the existing sections of both the State and Federal Legislative Platforms dedicated to rail programs, staff worked to incorporate Metrolink's comments in the initial edits. The initial drafts included comprehensive language on the COVID-19 pandemic, and staff also worked to perfect the language pertaining to PTC technology and zero-emission funding incentives to maximize funding available for multimodal mobility improvements in Orange County.
- The next comment, from the City of Laguna Beach, requested OCTA to include language supporting legislation that directs utility companies to underground overhead powerlines along high fire hazard transportation corridors, including funding for such activities. While the specific language was not included, staff is recommending adding a provision to

Federal Legislative Platform, discussed in detail below, on efforts to make infrastructure more resilient. This language is intended to allow staff to engage in discussions about infrastructure resiliency in a way that aligns with the Board's approach to these types of issues.

Staff assessed each comment not already addressed in light of the need to revise the language in anticipation of the upcoming legislative sessions. As such, the final revisions made to the 2021-22 State and Federal Legislative Platforms are outlined below.

#### Sponsor Legislation

As of the writing of this staff report, there was not an identified policy issue that requires OCTA to sponsor legislation. Instead, it is likely that the focus next year will primarily be on working with partner transportation agencies to continue to address the impacts of COVID-19, and any recovery actions. Staff is also closely monitoring the development of sponsor bill proposals by other transportation agencies and associations to determine what, if any, issues OCTA might want to pursue. If any of these discussions should result in a need for OCTA to sponsor legislation, staff will update the Committee and the full Board on the need for further direction.

#### 2021-22 State Legislative Platform

The final proposed revisions to the 2021-22 State Legislative Platform, included as strikethrough text in Attachment A, are detailed as follows:

- Staff is recommending that all provisions discussing “legislation” be edited slightly to provide as much flexibility as possible in OCTA’s advocacy efforts, to ensure that the language is also applicable to executive orders, rulemakings, and other regulatory policy changes. None of these recommended changes represent a substantive change in advocacy goals. Staff is recommending this change for both the State and Federal Legislative Platforms.
- Subsection (e) was added to Section I, entitled “Implementation of Environmental Policies,” to ensure that any transition to zero-emission passenger vehicles also provides for long-term transportation funding stability. Recently, Governor Newsom’s Executive Order N-79-20 mandated that the State transition to zero-emission vehicle sales by 2035. A transition to zero-emission passenger vehicles will mean less gas consumed and, in turn, less gas tax revenues available to fund transportation projects. While OCTA’s policy positions on specific transportation financing mechanisms are addressed in Section III, entitled “Fiscal Reforms and Issues,” this provision is meant to allow staff to

engage in discussions on the implementation of policies that impact the use of the gas tax to fund transportation projects and programs.

#### 2021-22 Federal Legislative Platform

The final proposed revisions to the 2021-22 Federal Legislative Platform, included as strikethrough text in Attachment B, are detailed as follows:

- Similar to the State Legislative Platform, Staff is recommending that all provisions discussing “legislation” be edited slightly to provide as much flexibility as possible in OCTA’s advocacy efforts, specifically to ensure that the language is also applicable to executive orders, rulemakings, and other regulatory policy changes. None of these recommended changes represent a substantive change in advocacy goals.
- Subsection (l) was added to Section II, entitled “Reauthorization Priorities,” to ensure that federal tolling policy remains aligned with the framework established in state law. This past year, there have been significant discussions about the future of pricing policies, including proposals that could alter the tolling landscape. Policymakers have considered new planning requirements that could hinder the delivery of projects and impact the operation of existing facilities. Since these conversations are expected to continue, staff recommends adding language to ensure that any federal tolling policy changes preserve the carefully constructed tolling provisions allow for under California state law.
- Subsection (f) was added to Section VIII, entitled “Environmental and Energy Issues,” to support flexibility in any effort to address resiliency, natural infrastructure, or other climate-related policies. With both the House and Senate including these types of issues in their reauthorization proposals, staff recommends adding language to ensure that such proposals are additive, such as making resiliency an eligible use of federal funds over which regional agencies have discretion, as opposed to creating new mandates that would further dilute or otherwise constrain already limited federal transportation funds.

***Summary***

The 2021-22 State and Federal Legislative Platforms are presented for consideration and adoption.

***Attachments***

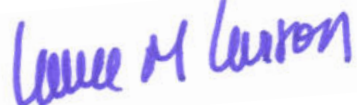
- A. Final 2021-22 State Legislative Platform
- B. Final 2021-22 Federal Legislative Platform

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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 2021-22 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 2021-22**

A number of significant transportation issues are expected to be discussed in the 2021-22 legislative session. OCTA will focus its advocacy efforts on the following principles.

- a) Support funding and policy flexibilities that allow OCTA to provide essential multimodal mobility improvements and services during the unprecedented coronavirus (COVID-19) pandemic;
- b) Encourage policies and guidance that rebuild public confidence in public transit, as well as other measures that both protect the public health and facilitate essential transit trips;
- c) Support transportation funding investments, economic stimulus measures, and other recovery efforts that will prepare OCTA to meet the changing mobility needs of Orange County after the COVID-19 pandemic subsides;
- d) Support equitable policies to ensure that the inclusive public engagement, planning, and delivery of mobility improvements best serve all residents of Orange County;
- e) Support flexibility in the application of "disadvantaged" and "low-income" communities to ensure that transportation funding flows to each region's most impacted areas, allowing OCTA to best meet the needs of its local communities;
- f) Support efforts to maximize OCTA's share of transportation and transit funding, especially through distribution formulas and more equitable competitive funding processes;
- g) Oppose efforts to linking or reprioritizing local and state transportation funding to programs not primarily intended to help the State meet its transportation needs;

- h) Support efforts to maintain the promises self-help counties have made to taxpayers in the implementation of local sales tax measures, specifically regarding the sequencing and delivery of transportation improvements;
- i) Support funding and incentives to develop or phase-in free- or reduced-fare transit pilot programs, that comply with all statutory and regulatory requirements, in order to encourage an increase in transit ridership;
- j) Support policies that encourage ridesharing, teleworking, vanpool and related congestion relief programs for Orange County commuters;
- k) Support workforce development and training policies that allow OCTA to hire and retain personnel ready to implement the next generation of mobility;
- l) Monitor implementation of Executive Order N-19-19, and any related legislative or regulatory efforts, to ensure that transportation funds are used for their intended purposes.

## **I. IMPLEMENTATION OF ENVIRONMENTAL POLICIES**

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

- a) Support efforts to ensure local flexibility in meeting the goals of the State's greenhouse gas reduction initiatives, including the creation of incentive-based measures and grant programs to assist with compliance;
- b) Support the creation of formula-based cap-and-trade programs, including maintaining ongoing appropriations for transit, and the prioritization of cap-and-trade funding for transportation projects that achieve greenhouse gas emission reduction;
- c) Support ~~legislation to~~ streamlined the environmental review and permitting processes for transportation projects and programs to avoid potentially duplicative and unnecessary analysis, while still maintaining traditional environmental protections;
- d) Ensure that air quality determinations and policies do not constrain funding availability or otherwise undermine OCTA's ability to deliver transportation improvements;

- e) *Monitor the State's transition to zero-emission vehicle technology to ensure that any corresponding policies adequately address the impact to long-term transportation funding stability;*
- fe) Oppose ~~efforts to~~ lengthening the California Environmental Quality Act process in a manner that would delay mobility improvements;
- gf) Oppose ~~legislation that~~ *efforts to* restricts road construction by superseding existing broad-based environmental review and mitigation processes;
- hg) Oppose ~~legislation~~ *policies* that would limit lead agency discretion in the management and oversight of lands set aside for environmental mitigation purposes, while ~~encouraging policies that~~ *promoting* advance mitigation planning programs.

## II. TRANSPORTATION FUNDING

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 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~~ *efforts* to treat the property tax of single-county transit districts the same as multi-county districts and correct other Educational Revenue Augmentation Fund inequities between like agencies;
- d) Support the constitutional protection of all transportation funding resources;
- e) Support ~~legislation~~ protecting or expanding local decision-making in programming ~~expenditures of~~ transportation funds;
- f) Oppose efforts to reduce local prerogative over regional program funds;
- g) Support ~~legislation~~ *efforts* to involve county transportation commissions in the development and prioritization of State Highway Operation and Protection Program projects;

- h) Oppose ~~efforts to~~ *redirecting* or *reclassifying* transportation revenue sources, including earned interest, for anything other than their intended purposes;
- i) Support the implementation of federal transportation programs in an equitable manner that promotes traditional funding levels, programming roles, and local discretion in allocation decisions;
- j) Oppose policies that significantly increase costs, threatening OCTA's ability to deliver projects and provide transit service;
- k) Support removing the barriers for funding transportation projects, including allowing local agencies to advance projects with local funds when state funds are unavailable due to budgetary reasons, and allowing regions to pool federal, state, and local funds in order to limit lengthy amendment processes and streamline project delivery time.

### **III. FISCAL REFORMS AND ISSUES**

In recent years, the Legislature and Governor have worked collaboratively during the budget process to pass funding bills in a timely manner. Unfortunately, uncertainties over future changes remain due to a continued structural deficit and the economic consequences resulting from COVID-19. Therefore, OCTA will:

- a) Monitor the study and development of alternative transportation funding proposals, including the State's road charge pilot program and ensure that efforts are made to address concerns related to equity, privacy, and public support of such proposals;
- b) Oppose levying new and/or increase in gasoline taxes or user fees, including revenue increases on fuel consumption categorized as charges, fees, revenue enhancements, or similar classifications. Consideration of such efforts shall occur when a direct nexus is determined to exist between revenues and transportation projects, and additional revenues are to be controlled by the county transportation commission;
- c) Oppose efforts to decrease the voter threshold requirement for local tax measures for transportation purposes and/or mandating specific uses of future local sales tax revenues;
- d) Oppose ~~efforts to~~ increases to administrative fees charged by the California Department of Tax and Fee Administration on the collection of local sales tax measures;
- e) Support ~~efforts~~ *policies* that ensure that all users of the State's transportation system pay their "fair share" to maintain and improve the system;



- h) Support efforts to restore equity with regards to the generation and disbursement of sales tax revenues that support the Local Transportation Fund;
- i) Support the retention of existing and future local revenue sources.

#### **IV. STATE TRANSPORTATION IMPROVEMENT PROGRAM**

The State Transportation Improvement Program (STIP), substantially amended by SB 45 (Chapter 622, Statutes of 1997), is a programming document that establishes the funding priorities and project commitments for transportation capital improvements in California. SB 45 placed decision-making authority closest to the problem by providing project selection for 75 percent of the funding in the Regional Transportation Improvement Program (RTIP). This funding is distributed to counties based on an allocation formula. The remaining 25 percent of the funds is programmed by the California Department of Transportation (Caltrans) in the Interregional Transportation Improvement Program (ITIP). OCTA will seek to ensure that the regional focus of the program is preserved. Key provisions to be sought by OCTA include:

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

#### **V. TRANSIT PROGRAMS**

OCTA will continue with its focus on providing safe, reliable, and efficient transit services in Orange County. While state transit funding has recently become more stable, future demand increases due to environmental regulations and increased fuel prices may put further strain on existing resources. 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) Advocate for a continued strong state role in providing funding for transit operations rather than shifting responsibility to local transportation entities. No

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

- b) Support the development of greater efficiencies within the Transportation Development Act's performance metrics while maintaining existing eligibility parameters and realigning administrative rules and farebox recovery requirements to eliminate any unnecessary or overly burdensome mandates in order to streamline the administration of transit funding;
- c) Flexibility should be included in state transit funding sources, allowing transit operators to use the funding for both operations and capital expenditures;
- d) Support efforts to mitigate costs associated with the development, testing, purchase, and operation of zero-emission transit buses, including an alternative electricity rate structure, tax incentives, and other forms of financial assistance;
- e) Seek additional funding for paratransit operations and transit accessibility capital improvements that support persons with disabilities and senior citizens;
- f) Support ~~legislation~~ efforts to encourage and incentivize the interoperability of transit and rail systems within California;
- g) Support ~~legislation to~~ limiting the liability of transit districts for the location of bus stops (Bonanno v. Central Contra Costa Transit Authority);
- h) Support the citing of transit-oriented development projects (i.e., authorize extra credit towards housing element requirements for these developments), including incentives for development;
- i) Support ~~legislation and/or regulations which~~ policies that aim to enhance transit services and the overall safety and security of transit riders, coach operators, and on-road vehicles.

## **VI. ROADS AND HIGHWAYS**

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

- a) Oppose ~~efforts to the creation of~~ 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 through~~ expanding mode and funding eligibility, while ~~also~~ 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 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;
- h) ~~Support policies that the~~ expanded utilization of continuous access of high-occupancy vehicle (HOV) lanes;
- i) Monitor efforts to increase fines for HOV lane violations and, if implemented, ensure fines are dedicated to enforcement purposes;
- j) ~~Support legislation that provides for the~~ equitable enforcement of regulations governing transportation network companies;
- k) ~~Support efforts to studying~~ the development and safe operation of autonomous vehicles and related technologies;
- l) ~~Oppose legislation that fail to~~ *Support* preserving local discretion and flexibility in the development of the congestion management program.

## **VII. ROLES AND RESPONSIBILITIES**

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

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

## **VIII. 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 (SR-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 multimodal improvements throughout the SR-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 I-405 Improvement Project. The loan, obtained through the Transportation Infrastructure Finance and Innovation Act (TIFIA), will save taxpayers approximately \$300 million in the decades to come. As the TIFIA loan 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, OCTA will:

- a) ~~Support legislation to~~ Ensure *that* 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~~ *the construction or operations* of managed lane facilities that are established without an adopted statewide managed lane strategy or plan;
- e) Oppose ~~state efforts to~~ *the construction or operations* of 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 while affirming user privacy protections.

## **IX. RAIL PROGRAMS**

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

In addition to Metrolink services, Orange County is also served by the state-supported Pacific Surfliner intercity passenger rail service traveling between San Luis Obispo and San Diego. The Pacific Surfliner is operated by Amtrak and managed by the Los Angeles – San Diego – San Luis Obispo Rail Corridor Agency (LOSSAN Agency). OCTA has served as the managing agency for the LOSSAN Agency since 2013 and

assumed full administrative and management responsibility for the Pacific Surfliner service in June 2015 via an interagency transfer agreement with the State. OCTA continues to serve in this capacity, providing all necessary administrative support to the LOSSAN Agency.

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~~ *policies* 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, operation, and maintenance of Positive Train Control safety technology;
- e) Support studying the policies, funding options, and need for rail/highway grade separations, including any impact on existing state highway and transit funding sources;
- f) Support policies that facilitate the development and construction of needed infrastructure projects that support modernization, connectivity, and general system-wide improvements to California's rail network.

## **X. GOODS MOVEMENT**

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

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

- b) Support ~~legislation~~ *policies* that will aid in the development, approval, and construction of projects to expand goods movement capacity and reduce congestion;
- c) Ensure that control of goods movement infrastructure projects and funding retained at the local level;
- d) Seek mitigation for the impacts of goods movement on local communities;
- e) Pursue ongoing, stable sources of funding for goods movement infrastructure.

## **XI. ACTIVE TRANSPORTATION**

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

- a) Support ~~legislation that~~ *policies* to increase 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~~ streamlined active transportation funding programs;
- e) Support ~~legislation and regulatory changes~~ *efforts* to streamline and simplify the review and approval by the California Public Utilities Commission of lease agreements between sponsors of active transportation projects and public utility companies.

## **XII. 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~~ *policies* adversely affecting OCTA's ability to efficiently and effectively contract for goods and services, conduct business of the agency, and limit or transfer the risk of liability;
- b) Support ~~legislation~~ *efforts* to provide greater protection of OCTA's computer and information security systems;
- c) Support ~~legislation that~~ *establishing* ~~ing~~ 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 as applied to both elected and appointed bodies;
- e) Monitor the effect of Brown Act *changes* ~~legislation~~ on OCTA Board operations as it relates to the use of new technologies for communication with the public.

### **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~~ *policies* that circumvents the collective bargaining process;
- c) Oppose ~~legislation and regulations~~ *policies* 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~~ *efforts to* 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;
- e) Support workforce development policies that facilitate a more efficient talent acquisition process.

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

As natural and man-made disasters continue to threaten transportation systems around the world, significant improvements have been, and continue to be, carried out to enhance the safety, security, and resilience of transportation infrastructure in the United States.



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

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

- a) Support state homeland security and emergency preparedness funding and grant programs to local transportation agencies to alleviate financial burden placed on local entities;
- b) Support ~~legislation~~ *policies* 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.

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 2021-22 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 117<sup>th</sup> Congress, and the later sections present guiding policy statements for the other major issues that may arise. Positions on individual items not directly addressed in this document will be brought to the OCTA Board of Directors for formal action.

### **Key Policy Issues in the 117<sup>th</sup> Congress**

A number of significant transportation issues will be discussed in the 117<sup>th</sup> Congress. OCTA will focus its advocacy efforts on the following principles:

- a) Support funding and policy flexibilities to support OCTA in providing essential multimodal mobility improvements and services during the unprecedented coronavirus (COVID-19) pandemic;
- b) Encourage policies and guidance that rebuild public confidence in public transit, as well as other measures that both protect the public health and facilitate essential transit trips;
- c) Support transportation funding investments, economic stimulus measures, and other recovery efforts that will prepare OCTA to meet the changing mobility needs of Orange County after the COVID-19 pandemic subsides;
- d) Enact and implement long-term surface transportation reauthorization legislation that provides sustainable funding levels for transportation programs in order to meet our county's critical infrastructure needs;
- d) Support equitable policies to ensure that the inclusive public engagement, planning, and delivery of mobility improvements best serves all the residents of Orange County;
- e) Seek responsible revenue solutions to fund future transportation projects without adversely affecting an agency's ability to provide services;
- f) Advocate for full funding of transportation programs without placing new limitations or conditions on the distribution of funds that would impede the delivery of infrastructure projects;

- g) Ensure that funding for any new infrastructure initiatives does not replace or adversely affect existing transportation programs;
- h) Ensure that Highway Trust Fund (HTF) revenues continue to be used for transit expenditures;
- i) Ensure that air quality determinations and policies do not constrain funding availability or otherwise undermine OCTA's ability to deliver transportation improvements.
- j) Support policies that encourage ridesharing, teleworking, vanpool and related congestion relief programs for Orange County commuters;
- k) Support efforts to clarify roles and responsibilities related to toll enforcement policies to allow for interoperability between toll facilities while affirming user privacy;

## **I. TRANSPORTATION FUNDING**

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

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

- a) Support sustainable transportation funding levels that allow OCTA to continue to improve mobility in and around Orange County;
- b) Oppose efforts to redirect, reduce, or eliminate existing transportation funding programs;
- c) Support funding for the Capital Investment Grants program to allow for an expansion of bus and rail transit projects;
- d) Ensure that federal funding is available for capital purposes to the extent not needed for direct operating costs;
- e) Support funding, with increased flexibility, for safety and security grant programs in order to protect Orange County's transportation system, including highways, transit facilities, rail lines, and related software systems;

- f) Support funding for regional and intercity passenger rail corridors in California;
- g) 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. The legislation 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 was extended through September 30, 2021. In the 117<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~~ subjecting 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 suballocations 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 discretionary transportation grant 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) Encourage policies on the planning, delivery, and operation of tolling projects that are aligned with the flexibility provided in California State law;*
- m) Support additional funding flexibility to facilitate the use of alternative mobility providers;*
- nn) Support policies to encourage the safe development, demonstration, deployment, and operation of connected and automated vehicle technologies;*
- oa) 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;*
- pe) Oppose rescissions or other arbitrary funding cuts to transportation programs.*

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

In the 117<sup>th</sup> Congress, OCTA will continue to 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 program funding for three-to-five years of operating expenses associated with any 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 to authorize, fund, and streamline the delivery of bicycle and pedestrian projects in Orange County;
- g) Advocate for policies to encourage, when possible, a “complete streets” approach to multimodal project planning in order to expedite project delivery;
- h) 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;
- i) 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;
- j) 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;
- k) 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;
- l) 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~~ *policies* 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, streamlining, and further development of innovative project finance methods, including the Transportation Infrastructure Finance and Innovation Act loan program;
- d) Support fiscally-sound ~~legislation that~~ *proposals to* adequately addresses the HTF's structural deficit, including initiatives to address the impact of low- and zero-emission vehicles on transportation funding;
- e) Support the equitable collection and distribution of sales tax revenue from out-of-state, online retailers (*South Dakota v. Wayfair, Inc.*);
- f) Support tax policies that reduce costs or provide additional flexibility in OCTA's financial and operational activities;
- g) Support ~~legislation or regulations~~ *policies* that expedite the delivery of transportation improvements or the development of business opportunities in order to create jobs and economic activity in Southern California.

## 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 and assumed full administrative and management responsibility for Pacific Surfliner service in June 2015 via an interagency transfer agreement with the State of California. OCTA continues to serve in this capacity, providing all necessary administrative support to the LOSSAN Agency.

Other rail systems could also travel through Orange County at some point in the future, including additional intercity rail service. OCTA will continue to monitor the

development of additional service to ensure that it does not adversely affect other transportation funding sources. Other rail policy priorities include the following:

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

## **VI. GOODS MOVEMENT**

The twin Ports of Los Angeles and Long Beach are considered “America’s Gateway” and the nation’s busiest ports. The maintenance 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 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 dedicated funding for goods movement projects and programs, revenue streams remain insufficient to fund the projects needed to offset the costs of moving these goods considering the many years of underinvestment. OCTA’s advocacy efforts regarding goods movement will continue to emphasize the following:

- a) Pursue new, stable, dedicated, and secure sources of funding for goods movement infrastructure;
- b) Ensure that the benefits of newly-funded projects also take into account mitigation factors to impacted communities;
- c) Support a collaborative approach, including engaging with private sector partners, in developing and implementing the needed sustainable goods movement infrastructure programs and projects;
- d) Support regionally-significant grade separation projects that improve the flow of goods and people throughout Southern California;



- e) Support local control of goods movement infrastructure and freight mobility projects.

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

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

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

## **VIII. ENVIRONMENTAL AND ENERGY ISSUES**

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

- a) Seek opportunities to expedite and improve the efficiency of the environmental process without impairing substantive environmental requirements;
- b) Seek funding to meet state and local environmental quality requirements, including requirements for zero-emission buses, alternative fueling stations, and future greenhouse gas reduction requirements;
- c) Support the continuation and expansion of tax incentives for using compressed natural gas, hydrogen, and other zero-emission transit fuels;

- d) Monitor proposals to address the environmental impacts of greenhouse gases to ensure that any new environmental requirements are accompanied by additional funding necessary to implement those requirements;
- e) Support expedited review for project development, right-of-way acquisition, and construction activities;
- f) *Ensure adequate flexibility in the application of resiliency, natural infrastructure, or other climate-related policies to the delivery of mobility improvements, as opposed to mandates that would constrain transportation resources.*

## **IX. REGULATORY REQUIREMENTS**

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

- 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.
- d) 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;
- e) Oppose policies that limit state or local pension benefit reforms.



**November 19, 2020**

**To:** Legislative and Communications Committee

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

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

### **Overview**

The firm Potomac Partners, DC provides federal legislative advocacy services for the Orange County Transportation Authority in Washington, DC. 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**

Since 2003, the Orange County Transportation Authority (OCTA) has contracted with Potomac Partners, DC (PPDC) for federal legislative advocacy services. Most recently, on October 22, 2018, the OCTA Board of Directors (Board) approved a contract with PPDC, to provide federal advocacy and consulting services for an initial term of two years through December 31, 2020, with two, two-year option terms. On June 22, 2020, the Board exercised the first two-year option term, which will expire on December 31, 2022.

The federal legislative advocacy and consulting services provided by PPDC are led by Richard Alcalde and Daniel Feliz. Through their work for OCTA, PPDC has developed significant long-term bipartisan relationships with key members in Congress and worked on several priority policy issues and goals for OCTA including implementing Breaking Down Barriers, an OCTA-led project delivery streamlining effort; obtaining a Transportation Infrastructure Finance and Innovation Act (TIFIA) loan for the Interstate 405 Improvement Project and seeking Capital Investment Grant funding and receipt of a full funding federal grant agreement for the OC Streetcar project.

***Discussion***

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

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

Priorities for PPDC for next year will largely focus on seeking additional funding and policy flexibility to respond to the impacts of the coronavirus pandemic, while also promoting investment in infrastructure as a key method to allow for economic stimulus. In addition, PPDC will seek to advance OCTA's policy positions outlined in the 2021-22 OCTA Federal Legislative Platform; actively engage in policy discussions and decisions related to surface transportation reauthorization and associated funding proposals. Policy issues that will continue to be prioritized include proposals impacting the operation and development of toll facilities, including the ability to be interoperable with other facilities, the funding and creation of incentives for a transition to zero-emission transit bus fleet, further streamlining of federal financing authorities such as the TIFIA program, and informing discussions about resiliency and climate change as they pertain to transportation programs.

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

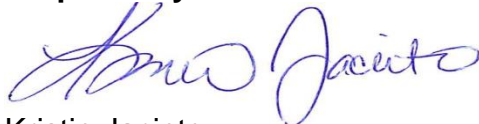
***Summary***

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

***Attachments***

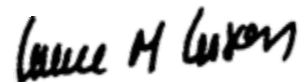
- A. Staff Evaluation of Services Provided by Potomac Partners, DC for 2020
- B. Scope of Work, Federal Legislative Advocates

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**Staff Evaluation of Services Provided by  
Potomac Partners, DC for 2020**

The following narrative provides specific information with respect to major issues addressed by Potomac Partners, DC (PPDC) as the Orange County Transportation Authority's (OCTA) primary federal legislative advocate, in 2020. Each issue has been evaluated based on effort and outcome using a rating of excellent, very good, good, fair, or poor.

**Coronavirus (COVID-19) Pandemic Response**

*Effort: Very Good; Outcome: Excellent*

Discussions surrounding the COVID-19 response became the dominant policy issue in 2020, stalling many previous policy discussions. Many of the actions taken this year to help support transportation agencies, especially in relation to the operation of transit services, required PPDC and OCTA to not only track changes at almost a daily rate, but also provide quick feedback to ongoing discussions. PPDC communicated OCTA's policy asks, project priorities, and funding needs to not only Orange County's delegation, but also to key members of Congressional leadership. With OCTA working within many trade coalitions to achieve policy outcomes, including with the American Public Transportation Association (APTA) and the California Transit Association, PPDC was tasked with ensuring that OCTA's unique project and funding needs were readily understood by Orange County's delegation. Perhaps the most significant outcome from these discussions was passage of the Coronavirus Aid, Relief, and Economic Security (CARES) Act. Within the CARES Act, OCTA was provided significant economic relief for transit operations and safety response, which allowed transit operations to not only be stabilized during a time with significant economic unknowns and declining revenue sources, but also provided the ability to purchase materials to sanitize and better protect employees and customers of the system. Without the funding provided by the CARES Act, transit service within Orange County would have been significantly impacted.

After the passage of the CARES Act, several additional economic stimulus measures were proposed, which would provide new resources for both transit operations and highway programs. Each proposal used different formulas, which led to varying benefits for OCTA. In addition, some of these proposals added new programs, such as providing additional funding for Capital Investment Grant program projects to respond to COVID-19 impacts. While OCTA would have benefited under many of these proposals, some proposals were drafted in a manner which would make OCTA ineligible. Ultimately, no proposal gained traction to allow passage. More work will be needed by PPDC going forward to ensure that OCTA's projects and programs benefit from any future stimulus measure, both to assist in ongoing COVID-19 response, but also to both stimulate the economy and provide the basis for future transportation planning post-pandemic.

## **Policy Priorities**

*Effort: Very Good; Outcome: Good*

Beyond COVID-19 response discussions, Congress was required to take action on several important transportation topics – namely work on surface transportation reauthorization, with the Fixing America's Surface Transportation (FAST) Act, which expired on September 30, 2020. Ultimately, Congress was unable to come to agreement on a long-term surface transportation reauthorization bill, and instead opted to pass a temporary one-year extension to the FAST Act. Nevertheless, PPDC used these discussions to try to advance several OCTA policy priorities including the following:

- Similar to the language secured in 2019 in the Senate Environment and Public Works Committee draft reauthorization legislation, PPDC was able to advance language in the House Transportation and Infrastructure Committee reauthorization proposal, the Investing in a New Vision for the Environment and Surface Transportation (INVEST) in America Act, to enact Transportation Infrastructure Finance and Innovation Act, as requested by OCTA. While not all of OCTA's requested reforms were included, the inclusion of reforms in drafts by both the House and Senate demonstrate a desire by Congress to address these issues in any reauthorization proposal that moves forward, laying the groundwork for OCTA and PPDC to advance these ideas moving forward.
- Working with partner transportation agencies, the Riverside County Transportation Commission, and the San Bernardino County Transportation Authority, PPDC worked to secure sponsors of amendment language to the INVEST in America Act that would better advantage sales tax agencies in newly proposed competitive grant programs. PPDC was able to work with Representative Harley Rouda (D-Newport Beach) to seek such amendment. Ultimately, due to the timing of the vote on the INVEST in America Act, and limits on amendments, the language was not included. Such language could potentially again be sought in a future surface transportation reauthorization proposal.
- Working with key delegation members to mold policy proposals related to mandates for zero-emission bus technology and transit security measures. In order to inform these efforts, PPDC worked to educate members of Congress on existing requirements under state and federal law, innovative approaches taken by OCTA, and floated revisions to these proposals that would allow transit agencies within California to best take advantage of these efforts. This included briefing OCTA's delegation offices on unique issues related to the use of hydrogen fuel as it pertains to taking advantage of the alternative fuel excise tax credit. The groundwork laid by PPDC could allow for clarification efforts to be pursued next year.
- Tracking discussions surrounding the Safer Affordable Fuel-Efficient Vehicles proposed rule, and potential impacts to OCTA projects and programs. As part of this efforts, PPDC advised on timing of communications and likely Administration direction going forward.

- Informing discussions associated with newly proposed tolling provisions in the INVEST in America Act. Such provisions present significant challenges in the operation of existing facilities, the future of interoperability and development of future facilities. PPDC advised on the potential for future reforms and associated strategy and worked to understand the perspective of key members of Congress. It is anticipated that this policy area will be one of the most significant issues OCTA engages in the next session.

## **Appropriations and Grant Funding Opportunities**

*Effort: Very Good; Outcome: Good*

With the focus on COVID-19 response this year, the appropriations process was slowed down, preventing a timely appropriations agreement. This resulted in a short-term continuing resolution through December 11, 2020. Early in 2020, OCTA staff had worked to develop several appropriations requests to advance with delegation members, including proposals associated with securing additional Bus and Bus Facilities funding and providing increased transparency associated with discretionary grant programs. Each of these proposals was put on hold due to the focus on COVID-19. While these proposals could again be advanced by PPDC next year as part of the appropriations process, it is anticipated that COVID-19 related issues will again be a priority.

Related to discretionary grants, PPDC again led efforts to secure support from delegation members for projects pursued by OCTA. This included getting support letters for OCTA's applications for the Low or No Emission Vehicle Program, the Infrastructure for Rebuilding America program, the Better Utilizing Investments to Leverage Development program, and the Bus and Bus Facilities grant programs. In addition, PPDC tried to advance unique methods in demonstrating the importance of these projects aligned with Administration priorities, securing a letter from Representative Correa (D-Santa Ana) detailing the importance of the State Route 55 Improvement Project to opportunity zones in the area. While OCTA was not ultimately successful in receiving funding from these programs, Administration officials often cited strong delegation support as something that was rated very highly when reviewing OCTA grant applications. Further work will be necessary to position OCTA more competitively within these programs going forward, with PPDC helping to brainstorm ideas.

## **General Services**

*Effort: Good; Outcome: Good*

With COVID-19 preventing travel by OCTA officials to Washington DC this year, normal PPDC processes to schedule face-to-face meetings with members of Congress, staff, and members of the Administration to discuss issues of importance to OCTA were put on hold. While in planning for trips to DC, PPDC had secured meetings with key members of the delegation, leadership, and the Administration; these were all cancelled once travel restrictions were in place. With travel restrictions likely to remain in place



moving forward, PPDC will need to come up with a plan to facilitate continued contact between OCTA officials and members of the Administration and delegation next year, utilizing virtual communication and other tools. In addition, if there is turnover in any positions of leadership or within Orange County's delegation next year, PPDC will need to work to develop relationships with new members, positioning OCTA at the table for any policy discussions. This includes strengthening relationships on both sides of the isle within Congress.

Given the challenges associated with COVID-19, PPDC has remained responsive to requests by OCTA, provided timely information, advice, and reports. While the bulk of PPDC's work for OCTA surrounded informing federal policy discussions, PPDC also worked on several other issues on behalf of OCTA including promptly responding to questions from federal delegation members and advising on new policy proposals. This included participating in meetings requested by Orange County delegations staff to provide briefings on COVID-19 impacts to OCTA's transportation projects and programs, and in tracking policy proposals by transportation advocacy groups such as APTA and the International Bridge, Tunnel and Turnpike Association.

### **Overall Rating**

*Effort: Very Good; Outcome: Good*

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

**SCOPE OF WORK  
FEDERAL LEGISLATIVE ADVOCATES**

**I. General**

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

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

**II. Coalition Activities**

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

**1. OCTA Legislative Platform**

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

- 1.2 Recommend appropriate activities for OCTA Board members and local elected officials at various stages of the legislative process.
- 1.3 Provide general political and advocacy advice to OCTA.

## 2. Legislation, Regulations, and Policy

- 2.1 Notify OCTA of anticipated, newly introduced, or amended federal legislation, regulations, and administrative policy actions which could impact OCTA and provide a legislative analysis on how such action(s) may affect the interest of OCTA.
- 2.2 Work with OCTA, develop positions and tactics which implement OCTA's strategy objectives regarding the upcoming reauthorization of the transportation program.
- 2.3 Provide information and advice regarding upcoming legislative hearings which may impact policies and programs of OCTA.
- 2.4 Attend hearings and other public sessions of interest to OCTA.
- 2.5 Assist in the preparation of testimony before congressional committees and represent OCTA before such committees, including but not limited to the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure, the Senate Committee on Banking and Urban Affairs, the Senate Commerce Committee and the Senate Committee on Environment and Public Works.
- 2.6 Assist in drafting legislative language, and other written materials deemed of interest to OCTA, to ensure that the goals and objectives of OCTA are fulfilled.
- 2.7 Assist in drafting responses to Federal Register notices and other federal public comment announcements.
- 2.8 Assist in preparation of appropriate written materials supporting OCTA legislative goals, including letters, talking points, bill summaries and position papers.

## 3. Liaison and Advocacy Activities

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

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

3.2 House and Senate

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

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

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

3.3 Executive Branch

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

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

III. **Administrative Coordination**

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

1. Coordination

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

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

1.3 Coordinate with other OCTA consultants, as appropriate.

2. Other Activities

2.1 Preparation of Materials, Conference Calls, Oral Reports, Written Reports, and Additional Assignments.

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



**November 19, 2020**

**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**

On June 23, 2014, the OCTA Board of Directors (Board) awarded an agreement for state legislative advocacy services to Platinum Advisors, LLC (Platinum). As part of the contract, the services of Topp Strategies, LLC (Topp Strategies) 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 Sloat Higgins Jensen and Associates, and as a subcontractor on the current contract with Platinum.

The initial term of the agreement with Platinum 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. With that term set to expire on December 31, 2020, on October 26, 2020, the Board awarded a new contract to Topp Strategies, with Platinum as a subcontractor. The new agreement will take effect on January 1, 2021, and be for two years,

with two, two-year option terms. Moira Topp will continue to serve in her role as lead legislative advocate for OCTA.

***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 "very good" 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.

Next year, as the new contract begins with Topp Strategies, the priority focus will continue to be funding and policy flexibility for transportation agencies to respond and recover from the coronavirus pandemic. In addition, priorities for Topp Strategies will include advancement of OCTA's positions on legislation and policy goals contained in the Board adopted 2021-22 OCTA State Legislative Platform; actively participating in state budget discussions; providing input on discussions about Transportation Development Act reforms; engaging in legislation and policy discussions related to implementation of the Governor's Executive Orders related to greenhouse gas emission reductions and expanded use of zero-emission vehicle technology, including proposals on how to prioritize transportation funding expenditures and competitive grant awards; 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.

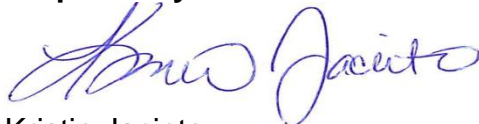
***Summary***

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

***Attachments***

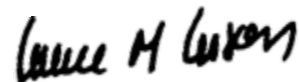
- A. Staff Evaluation of Services Provided by Platinum Advisors, LLC for 2020
- B. Sacramento Legislative Advocacy and Consulting Services Scope of Work

**Prepared by:**



Kristin Jacinto  
Manager, State and Federal Relations  
Government Relations  
(714) 560-5754

**Approved by:**



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



**Staff Evaluation of Services Provided by  
Platinum Advisors, LLC for 2020**

The following narrative provides specific information with respect to major issues addressed by Platinum Advisors, LLC (Platinum), with Moira Topp as the Orange County Transportation Authority's (OCTA) primary legislative advocate, in 2020 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.

**Coronavirus (COVID-19) Pandemic Related Policy Discussions**

*Effort: Very Good; Outcome: Very Good*

By far, the most discussed policy issue this legislative session was the State's response to COVID-19 and any necessary policy changes to facilitate the continuation of projects and programs. While the Governor utilized Executive Orders to manage many policy changes, there were several bills that were introduced to assist transportation agencies in maintaining services during the pandemic and governing employee relations and worker's compensation responses.

Specifically, OCTA worked with other transportation agencies and the California Transit Assistance to seek policy reforms within transportation trailer bills to provide temporary flexibilities in the following areas:

- Removal of financial penalties for failure to meet statutory required farebox recovery requirements and efficiency criteria until January 1, 2022.
- Authorization for transit operators to use their formula share of funding from the SB 1 (Chapter 5, Statutes of 2017) State of Good Repair (SGR) funding for operations purposes through fiscal year (FY) 2021-22.
- Institution of a hold harmless provision, which continues the use of pre-COVID-19 ridership data to inform the formulas used to distribute State Transit Assistance, Low Carbon Transit Operations Program (LCTOP), and SGR funding.

In each of these cases, Moira Topp, serving as OCTA's primary legislative advocate interacted with members of OCTA's delegation and key members of the Legislature to communicate the support of OCTA for these reforms, and explain the ramifications if flexibilities were not provided. This included meeting with delegation staff, providing testimony at committee hearings, and sharing letters and other fact sheets with relevant offices. In each of these instances, these communications were done in a timely and effective manner, clearly conveying the impacts to transit services. Without the passage of the budget trailer bills, OCTA would have seen significantly more restrictions on how state funding could be used to adjust transit operations and response to COVID-19, and could have led to implications for the amount of funding OCTA received moving forward.

While each of these policies were critical for OCTA and other transit agencies in their COVID-19 response, several policy issues were not addressed this year that OCTA supported. This includes added flexibility to use LCTOP to fund existing operations and efforts to provide economic stimulus via infrastructure investment. It is expected that these conversations will continue next year as the State Legislature considers the cap-and-trade expenditure plan and continues work to pursue federal stimulus funding.

Several policies that would have been detrimental to OCTA projects and services were also stopped through the work of OCTA and Moira Topp, including efforts to reprioritize existing transportation funding programs. These proposals, primarily floated by environmental groups, could have diverted funding from existing projects and programs. While none of these proposals moved forward this year, it is expected that this will be of continued discussion next session as the State continues to confront funding shortfalls.

### **Bills Signed or Vetoed**

*Effort: Very Good; Outcome: Very Good*

Due to a truncated legislative session and decreased bill load this year, many bills OCTA was engaged in last year or early in 2020, did not make it to the Governor's desk. However, there were a small number of bills that OCTA either took positions on, or directly influenced, that were considered by the Governor, including the following:

SB 1291 (Chapter 113, Statutes of 2020): Originally sponsored by the California Association of Councils of Governments (CALCOG), SB 1291 was introduced to respond to issues impacting the development of the Federal Transportation Improvement Program (FTIP), potentially jeopardizing the funding of transportation projects. Both COVID-19 and federal air quality rulemakings created uncertainties which delayed the normal FTIP development process across the State. SB 1291 provided the flexibility necessary for regions and the California Department of Transportation to submit an adopted FTIP to the Federal Highway Administration later than the statutorily required period this year, so to allow regions sufficient time to adjust for these issues. Moira Topp communicated OCTA's support of this bill and along with OCTA staff, worked with the coalition led by CALCOG to allow the bill to ultimately be passed by the State Legislature unanimously, and signed by the Governor.

SB 288 (Chapter 200, Statutes of 2020): Sponsored by the Bay Area Council, San Francisco Bay Area Planning and Urban Research Association and Silicon Valley Leadership Group, SB 288 establishes new California Environmental Quality Act exemptions for designated sustainable transportation projects, primarily related to transit and active transportation. However, it establishes new requirements for these projects to qualify for the exemption, including, in some cases, conducting a business case and a racial equity analysis pursuant to standards developed by the Office of Planning and Research (OPR), or which can be delegated by OPR to a metropolitan planning organization (MPO). OCTA participated with other transportation stakeholders and partners to clarify provisions in SB 288 and help to mitigate any unintended consequences while ensuring the bill's usefulness. While not all amendments offered

were integrated, Platinum and Moira Topp helped facilitate continued dialogue with the author's office and sponsors of the bill. As implementation occurs, the need for further clarification will be monitored.

SB 1351 (Beall, D-Campbell): SB 1351 would have provided authority to bond, up to \$5 billion, against future revenues generated from the SB 1 (Chapter 5, Statutes of 2017) Transportation Improvement Fee (TIF), to expedite the delivery of projects via the State Highway Operation and Protection Program (SHOPP). In working with the author's office and the California Transit Association, OCTA expressed concerns about the potential ramifications for other SB 1 programs funded by the TIF, including the Local Partnership Program. Moira Topp helped coordinate meetings with the author's office and others to discuss these concerns and potential solutions. The Governor ultimately vetoed this legislative proposal. In his veto message, he stated that Caltrans does not need this tool to accelerate SHOPP projects because Caltrans has already increased the number of projects going to construction through project savings and other administrative actions. In addition, the veto message stated that bonding against future TIF revenues runs counter the principles in SB 1 and risks locking California into long-term debt obligations to finance maintenance repairs.

### **Other Bills of Interest**

*Effort: Excellent; Outcome: Very Good*

Overall, besides the aforementioned bills, most other bills OCTA had positions on or were engaged on, were placed on hold this year because of the truncated legislative session. The one priority bill OCTA supported impacted by this dynamic was SB 664 (Allen, D-Santa Monica), which OCTA worked on with toll agencies across the State to facilitate interoperability among toll agencies and clarify enforcement provisions while protecting customer privacy. Moira Topp was extensively engaged in every step related to this bill, helping facilitate discussions among toll operator partner agencies, key legislative staff, and stakeholders in opposition. This required, at times, multiple meetings a week, extensive understanding of legal and technical implications of proposed amendments, and an ability to balance competing interests among toll operators. Moira maintained respect among all those involved and was looked at as a leader in these discussions. OCTA is currently working with toll agencies within the State to determine whether similar legislation will need to be pursued next year.

Otherwise, many of the bills placed on hold were ones in which OCTA opposed or were seeking amendments, including the following:

SB 732 (Allen, D-Santa Monica): Introduced in 2019, SB 732 would create a new taxing district, which would facilitate the ability for the South Coast Air Quality Management District (SCAQMD) Board of Directors to impose a transactions and use tax within the boundaries of its district. The legislation did not include any requirement for an expenditure plan to be developed or an equitable distribution within the SCAQMD jurisdiction. While OCTA met with SCAQMD staff early in 2020 to discuss the potential for amendments, the bill was ultimately held.

SB 1363 (Allen, D-Santa Monica): This bill represented a continuation of the author's previous efforts to expand upon SB 375 (Chapter 728, Statutes of 2008) requirements for each MPO to adopt a regional transportation plan that includes a sustainable communities strategy that meets greenhouse gas (GHG) emission reduction targets. The bill would have required that MPOs meet GHG and new vehicle miles traveled reduction targets in 2035, 2045, and 2050, that were to be set by the California Air Resources Board. Similar to previous efforts by the author, Moira Topp proactively reached out to the author's office to express concerns with the provisions and the potential for unintended consequences. Prior to the bill being placed on hold, there had been a willingness from the author to work collaboratively moving forward to address some of these concerns. This willingness is due to the close working relationship Moira had established previously with the author and lead staff. It is expected a similar proposal will be introduced next session.

Free Transit: Three bills were introduced early in 2020 to require free transit fares for various populations, including seniors, youth, and students. OCTA's Board of Directors adopted principles to inform conversations surrounding these bills, with a focus on the need to identify funding associated with any new mandate, and to potentially focus on the implementation of pilot programs before expanded implementation. Previous to these bills being placed on hold, Moira Topp had proactively reached out to the authors of the bills to start discussions about potential improvements, which the authors expressed an openness towards. It is fully expected that this will be a priority policy pursued by members of the Legislature next year as discussions occur about increasing transit ridership post-pandemic.

### **General Services**

*Effort: Excellent; Outcome: Very Good*

Platinum and Moira Topp have 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 and Moira Topp to discuss and provide recommendations on a number of important transportation issues. Platinum and Moira Topp have 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 and Moira Topp 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 and Moira Topp arranged meetings with key members of the Legislature and Administration when OCTA visited Sacramento early in 2020, in addition to assisting the scheduling of meetings for advocacy trips done in coordination with Mobility 21. This included meetings with California State Transportation Agency

Secretary David Kim; newly appointed Executive Director of the California Transportation Commission, Mitch Weiss; Assembly Transportation Committee Chair Jim Frazier and all of Orange County's delegation members. Earlier in the year, these meetings provided OCTA an opportunity to convey key policy priorities for this legislative session and highlight projects which OCTA would be pursuing state grant opportunities. As COVID-19 began impacting services and programs, these meetings provided OCTA the ability to communicate impacts the pandemic had on funding, projects and services, and highlight efforts the agency was undertaking to respond and plan for post-pandemic. In addition, Moira Topp was able to directly engage OCTA delegation members this year on OCTA grant applications, facilitating methods where they could express their support to the Administration for OCTA projects and programs both through letters of support and direct communication. Moira Topp and Platinum demonstrated great versatility in being able to pivot in switching to a primarily virtual means of communicating and meeting with key offices this year.

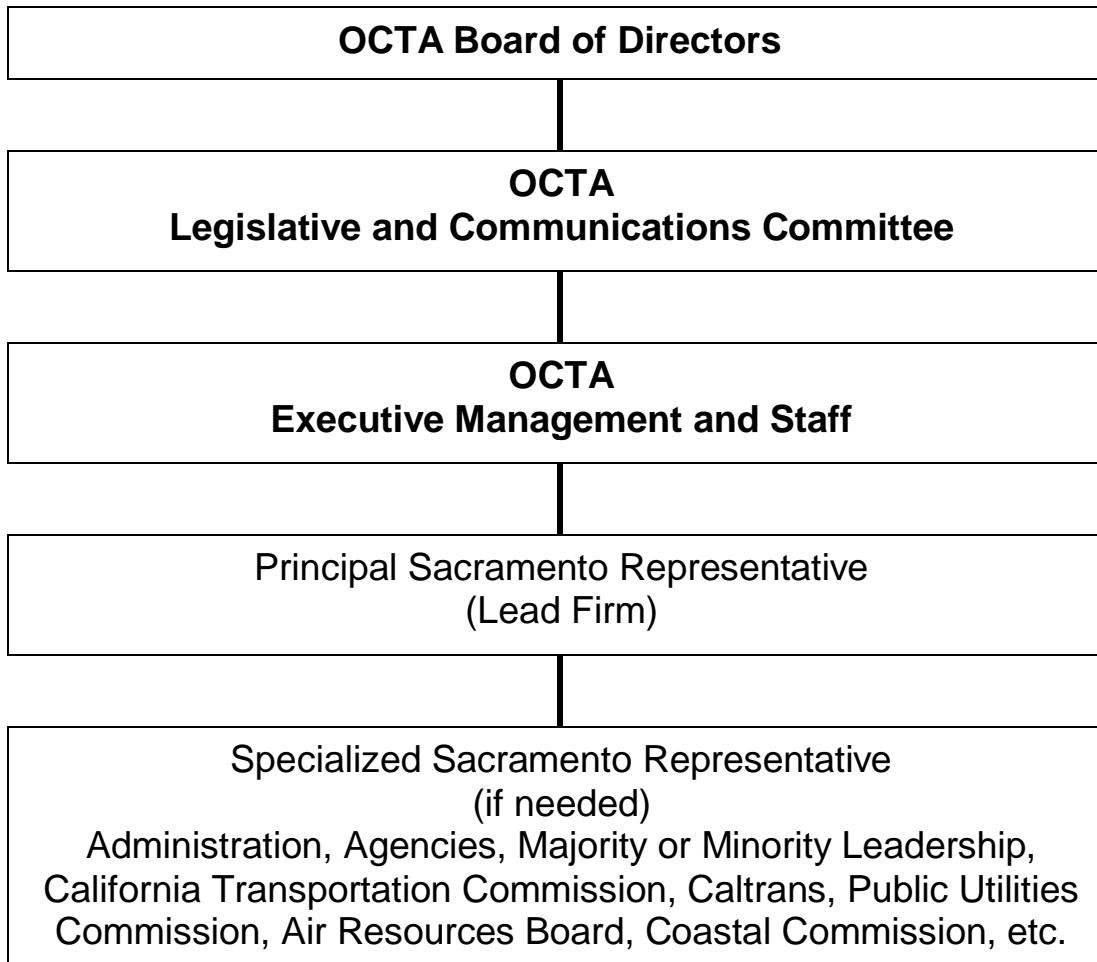
*Effort: Very Good; Outcome: Very Good*

Platinum and Moira Topp'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 and Moira Topp's outcomes overall are rated as very good 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.

# Marketing Update Fall 2020



# Coronavirus (COVID-19) Safety Communication & Education Campaigns OC Bus June – December 2020

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## Goal

Support OCTA's top priority of putting safety first and to build trust and confidence in riding OC Bus during COVID-19, through timely and agile communication.

## Key Messages

- Ride Smart Stay Safe – A face covering is required when riding OC Bus
- Keep Social Distancing – Allow more time to travel due to limited capacity
- Plan your trip in advance – View real time seating capacity via Transit app
- Front door boarding is back - Plexi glass barriers installed for enhanced safety

**OC Bus**  
Just now · 🌐

How full is your OC Bus? Now there's a way to check before you board. Use the Transit app on your smartphone to view seating capacity of the buses on your route. Simply tap your route, then tap the bus. Bus capacity is limited for safety and social distancing. Download here: [bit.ly/1547](https://bit.ly/1547)

**Seating Capacity Info Now Available**

Like Comment Share

**OC Bus**  
Just now · 🌐

When we all wear face coverings, we help keep each other safe. We're all in this together. [#RideSmartStaySafe](#)

Like Comment Share

**OC Bus**  
September 17 at 11:20 AM · 🌐

Buses will begin rolling out with the following added safety measures to allow front door boarding. New bus driver protection. Hand sanitizer up front. Free face covering (if you need one). More socially distanced seating. Please be aware and have your fare ready. See what OCTA is doing to help keep you safe <https://bit.ly/2RzqJVD>

**STARTING SEPTEMBER FRONT DOOR BOARDING IS BACK!**


**OC Bus**  
Just now · 🌐

Three easy ways to ride smart and stay safe on OC Bus: Wear a face covering, use the onboard sanitizer, and stay six feet apart from your fellow riders. We're all in this together! [#RideSmartRideSafe](#)

Like Comment Share

# October 2020 Service Change and Safety Guidelines






## MINOR SCHEDULE UPDATE

PEQUEÑOS CAMBIOS DE HORARIO

EFFECTIVE OCTOBER 11, 2020  
EFFECTIVO EL 11 DE OCTUBRE, 2020



### 5 KEY OC BUS RIDING GUIDELINES

- 1 Check to see if your bus is boarding from the front or the rear doors.
- 2 Bus fare is required when riding. Please have your fare ready.
- 3 A face covering is required when riding.
- 4 Observe social distancing at stops and when riding.
- 5 Please don't ride if you're sick.

### 5 GUÍAS CLAVES AL VIAJAR EN OC BUS

- 1 Verifique si su autobús está abordando por las puertas delanteras o traseras.
- 2 Se requiere un pase de autobús para viajar (por favor compre su pase antes de abordar).
- 3 Es un requisito usar una cubierta facial al viajar.
- 4 Fíjese en el distanciamiento físico en las paradas y al viajar.
- 5 Por favor no viaje si está enfermo.

### FRONT DOOR BOARDING IS RETURNING

OCBA is adding new safety measures on OC Bus including plexiglass barriers between the coach operators and passengers to allow boarding from the front of the bus. This is a phased rollout and will continue until all buses in our fleet have been modified. During the phased rollout period, as your bus is pulling up, please check to see if the bus is boarding from the front or the rear doors and have your bus fare ready before you board.

### CURRENT SCHEDULES REMAIN IN EFFECT

OCBA continues to follow health guidance from federal, state and local agencies to keep the safety of riders and employees top priority to help stop the spread of COVID-19. OC Bus will continue running the current modified schedule as shown below.

### MONDAY-SATURDAY

OC Bus will operate modified Saturday service on the following routes: 1, 25, 26, 29, 30, 33, 35, 37, 38, 42, 43, 46, 47, 50, 53, 54, 55, 56, 57, 59, 60, 64, 66, 70, 71, 72, 76, 83, 88, 90, 91, 126, 143, 153, 177, 541, and 862.

### MINOR SCHEDULE CHANGES

Changes were made to routes 54, 55, 59, 64, 70, 90, and 862.

### WEEKDAYS ONLY

OC Bus will operate weekday service on the following routes: 76, 83, 85, 86, 87, 123, 167, 177, 178, 453, 463, 472, 473, and 480.



### SUNDAYS


OC Bus will operate regular Sunday service.

### TEMPORARILY DISCONTINUED ROUTES

535, 576, 644, 150, 209, 213, 529, 560, 701, 721, 794

For detailed route schedules visit [ocbus.com/ebusbook](http://ocbus.com/ebusbook) or call 714-636-RIDE.






## MINOR SCHEDULE UPDATE

EFFECTIVE OCTOBER 11, 2020

[Español](#)



### MINOR SCHEDULE AND COVID-19 UPDATES

OCBA is making schedule updates and safety modifications to our buses and riding guidelines to help you travel throughout Orange County.

### NATIONAL SAFETY PLEDGE

OCBA has taken the pledge to support the American Public Transportation Association (APTA) Health & Safety Commitments Program promising ongoing vigilance and development of innovative solutions to mitigate the spread of COVID-19 and keep transit users and employees safe.

### MINOR SCHEDULE UPDATES

OC Bus will continue running the current modified Saturday service Monday through Saturday with regular Sunday service. The temporarily discontinued routes will remain discontinued. Minor scheduling changes were made to routes 54, 55, 59, 64, 70, 90 and 862.

### FRONT DOOR BOARDING IS RETURNING

OCBA is adding new safety measures on OC Bus, including plexiglass barriers between the coach operators and passengers, to allow boarding from the front of the bus. This is a phased rollout and will continue until all buses in our fleet have been modified. During the phased rollout period, as your bus is pulling up, please check to see if the bus is boarding from the front or the rear doors and have your bus fare ready before you board.

### KEY OC BUS RIDING GUIDELINES:

1. Check to see if your bus is boarding from the front or the rear doors.
2. Bus fare is required when riding. Please have your fare ready.
3. A face covering is required when riding.
4. Hand sanitizer is available on every bus.
5. Observe social distancing at stops and when riding.
6. Please don't ride if you're sick.

Please visit our website for further details.

[Learn More](#)

Hosted Virtual Customer Roundtables to listen and receive customer feedback - November 10, 11, and 12



# Orange County Health Care Agency Partnership



# APTA National Health and Safety Commitment Campaign

- Promoting OCTA's pledge to APTA's\* National Health and Safety Commitment
- Reinforcing the message of shared responsibility to keep everyone safe
  - Following official guidelines
  - Protecting each other
  - Sharing information
  - Ensuring employees and passengers are healthy
- Integrate APTA and OCTA's COVID-19 Safety Campaign

\*APTA – American Public Transportation Association









**TOGETHER WE CAN RIDE SAFELY!**



WE ARE COMMITTED TO SAFE TRANSIT



**OCTA BUS**  
RIDE SMART. STAY SAFE.



**¡JUNTOS PODEMOS VIAJAR SEGUROS!**



ESTAMOS COMPROMETIDOS A TRÁNSITO SEGURO



**OCTA BUS**  
RIDE SMART. STAY SAFE.



**CHÚNG TA CÓ THỂ CÙNG NHAU ĐI XE AN TOÀN!**



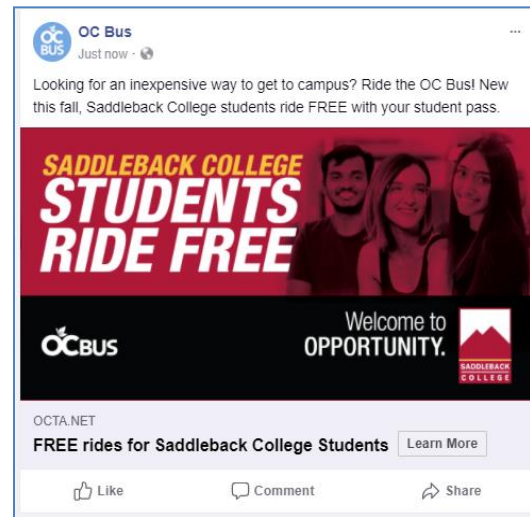
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**OCTA BUS**  
RIDE SMART. STAY SAFE.



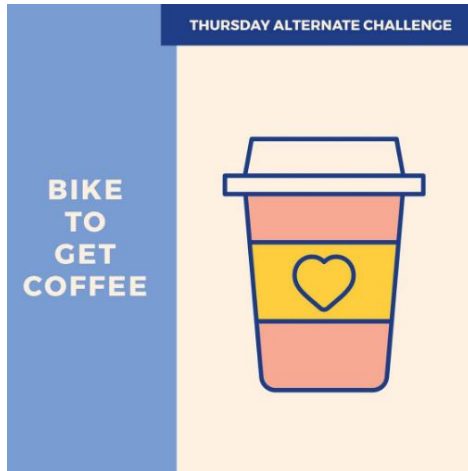
# College Bus Pass Program



# Bike to Work (and for Fun) Week Campaign – September 21 - 27

## Goal

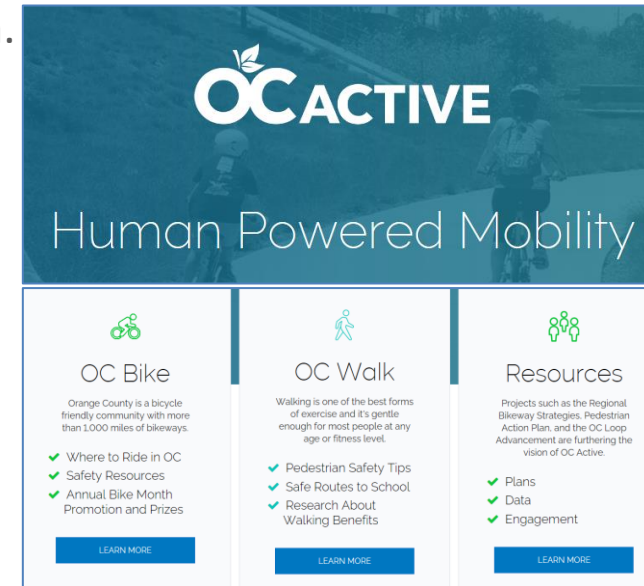
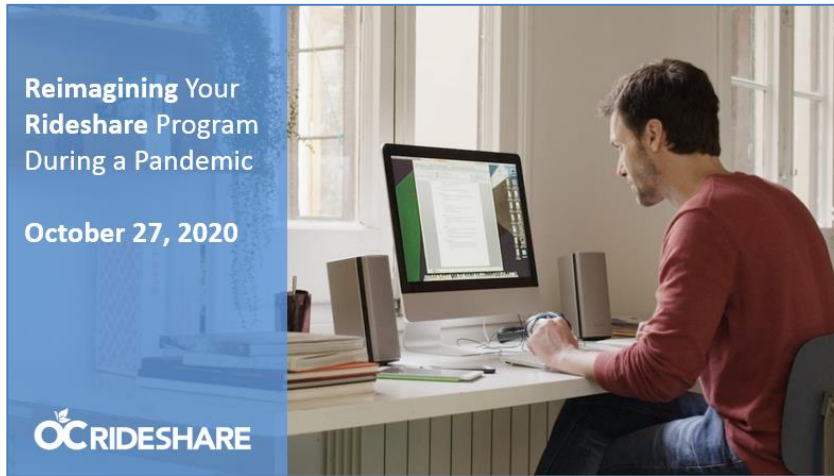
Increase bicycle riding by commuters and residents in Orange County while communicating the benefits of riding and safety practices



# Reimagining Rideshare

## Goal

Engage employers through a webinar to promote rideshare tactics and programs that can be safely promoted during the pandemic and beyond, including telework and active transportation.





# Metrolink Weekend “Daycations” Campaign

## Goals

- Build trust and confidence in riding Metrolink
- Partner with reopening businesses
- Restore ridership

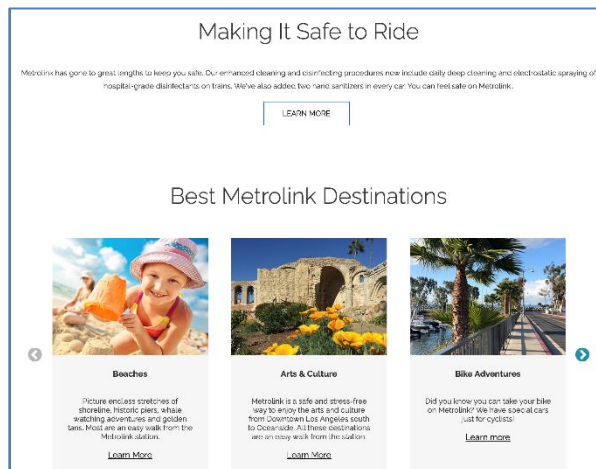


OC Metrolink  
October 22 at 8:00 AM · Public

At Metrolink, safety is the #1 priority. You can plan the perfect family day trip knowing that Metrolink trains are clean and safe with space for social distancing. Pack up the kids, load your bikes on our special train cars, and check out our five top bike adventures originating from Metrolink stations <http://www.octa.net/.../Metrolink-Weekends/Bike-Adventures/>. Kids 17 and under ride free on weekends.

**METROLINK DAYCATIONS**

OCTA.NET  
Take a Family Adventure with a Metrolink Daycation




### Making It Safe to Ride

Metrolink has gone to great lengths to keep you safe. Our enhanced cleaning and disinfecting procedures now include daily deep cleaning, and electrostatic spraying of hospital-grade disinfectants on trains. We've also added two hand sanitizers in every car. You can feel safe on Metrolink.

[LEARN MORE](#)


### Best Metrolink Destinations



**Beaches**

Picture endless stretches of shoreline. Historic piers, whale watching adventures and golden sand. Most are an easy walk from the Metrolink station.


[Learn More](#)



**Arts & Culture**

Metrolink is a safe and stress-free way to enjoy the arts and culture from Downtown Los Angeles south to Oceanside. All these destinations are an easy walk from the station.

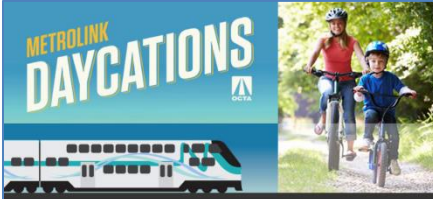
[Learn More](#)



**Bike Adventures**

Did you know you can take your bike on Metrolink? We have special cars just for cyclists!

[Learn more](#)



Ready for a clean, safe, socially distanced outing? Metrolink has you covered. Safety is Metrolink's #1 priority. Enhanced cleaning procedures, onboard sanitizers, socially distanced train cars, face covering requirements—these are just a few of the steps Metrolink has taken to keep you safe and feel confident about your travel choice.

A Metrolink Daycation is a great way to get away. We have some tried-and-true ideas to share about where to go and what to do. For example, our list of [5 Top Bike Adventures](#) showcases wonderful getaways from Metrolink stations in Oceanside (2), San Clemente, San Juan Capistrano and Fullerton. And Metrolink has special train cars just for bikes.

Last but not least, you can enjoy a great getaway at a low price. Adults ride anywhere Saturday or Sunday for only \$10, and kids 17 and under ride free on weekends.

When you're ready to get away for a day, we look forward to seeing you onboard Metrolink.

PS: Before you embark on your daycation, sign up for Metrolink's new rewards program. SoCal Explorer lets you earn points for every mile you travel on Metrolink, then redeem them for free tickets. You'll earn 750 points when you join—enough for a free round-trip ticket.

# Metrolink Campaigns





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**Questions?**