



AGENDA

Executive Committee Meeting

Committee Members

Steve Jones, Chairman
Andrew Do, Vice Chairman
Laurie Davies
Michael Hennessey
Mark A. Murphy
Tim Shaw

Orange County Transportation Authority
Headquarters
Conference Room 07
550 South Main Street,
Orange, California
Monday, May 4, 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 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 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.



AGENDA

Executive Committee Meeting

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

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/>

Public comments may be submitted for the upcoming Board and Committee meetings by emailing them to 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.**



Call to Order

Roll Call

Pledge of Allegiance

Chairman Jones

1. Public Comments

Special Calendar

There are no Special Calendar matters.

Consent Calendar (Items 2 and 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.

2. Approval of Minutes

Approve the minutes of the Executive Committee meeting of April 6, 2020.

3. Adoption of the Orange County Transportation Authority's Public Transportation Agency Safety Plan

Matthew DesRosier/Maggie McJilton

Overview

The Federal Transit Administration published the Public Transportation Agency Safety Plan regulation, 49 CFR Part 673, on July 19, 2018, which took effect the following year, on July 19, 2019. Within this regulation, it is required that every agency receiving funds under the Urbanized Area Formula Program (49 USC Section 5307) must develop, and have adopted by the Board of Directors, a Public Transportation Agency Safety Plan for its transit system. The original due date for adoption was July 20, 2020 but has since been extended by the Federal Transit Administration to December 31, 2020. As part of the regulation, agencies are to implement a Safety Management System risk-based approach.

Recommendation

Adopt the Public Transportation Agency Safety Plan as required under 49 CFR Part 673.

Regular Calendar

4. Third Quarter Fiscal Year 2019-20 Capital Action Plan and Performance Metrics Report

James G. Beil

Overview

Staff has prepared a quarterly progress report on capital project delivery for the period of January 2020 through March 2020, for the Orange County Transportation Authority Board of Directors. This report highlights the Capital Action Plan for project delivery which is used as a performance metric to assess delivery progress on highway, transit, and rail projects.

Recommendation

Receive and file as an information item.

5. Proposed Amendment to the Orange County Local Transportation Authority Measure M2 Ordinance No. 3

Adriann Cardoso/Kia Mortazavi

Overview

The voter-approved Measure M2 Ordinance No. 3 requires that local jurisdictions meet a maintenance of effort requirement to remain eligible to receive Measure M2 funding. Local jurisdictions are experiencing a significant decline in general fund revenues because of the novel coronavirus pandemic, which is expected to impact their ability to meet this maintenance of effort requirement. An amendment to the ordinance is recommended to assist the local jurisdictions through this unprecedented period of economic uncertainty. The proposed amendment is presented for Board of Directors' consideration, and approval is requested to set a public hearing date initiating the amendment process.

Recommendations

- A. Direct staff to initiate the process to amend the Orange County Local Transportation Authority Measure M2 Ordinance No. 3 to address the anticipated near-term negative growth in general fund revenues as it relates to the maintenance of effort requirement.



5. (Continued)

- B. Direct staff to set a date of June 22, 2020, for a public hearing and Board of Directors action to consider adoption of the amendment to the Orange County Local Transportation Authority Measure M2 Ordinance No. 3 as it relates to the maintenance of effort requirement.
- C. Approve updates to the Fiscal Year 2020-21 Measure M2 Eligibility Guidelines, including revised maintenance of effort forms addressing the changes needed to implement the proposed amendment.

Discussion Items

6. Chief Executive Officer's Report

7. Committee Members' Reports

8. Closed Session

There are no Closed Session Matters.

9. Adjournment

The next regularly scheduled meeting of this Committee will be held at **9:00 a.m. on Monday, June 1, 2020**, at the Orange County Transportation Authority Headquarters, Conference Room 07, 550 South Main Street, Orange, California.



MINUTES

Executive Committee Meeting

Committee Members Present

Steve Jones, Chairman

Via teleconference:

Andrew Do, Vice Chairman

Laurie Davies

Michael Hennessey

Mark A. Murphy

Tim Shaw

Staff Present

Darrell E. Johnson, Chief Executive Officer (CEO)

Jennifer L. Bergener, Deputy CEO

Laurena Weinert, Clerk of the Board

Martha Ochoa, Assistant Clerk of the Board

James Donich, General Counsel (teleconference)

Committee Members Absent

None

Call to Order

The April 6, 2020 regular meeting of the Executive Committee (Committee) was called to order by Chairman Jones at 9:01 a.m. Chairman Jones announced today's Committee meeting protocol, the Committee Members will participate via teleconferencing, and all votes would be taken by roll call.

Roll Call

The Clerk of the Board conducted an attendance Roll Call and announced there was quorum of the Committee.

Pledge of Allegiance

Chairman Jones led in the Pledge of Allegiance.

1. Public Comments

There were no public comments.

Special Calendar

There were no Special Calendar Matters.



Consent Calendar (Items 2 and 3)

2. Approval of Minutes

A motion was made by Vice Chairman Do, seconded by Director Davies, and following a roll call vote, declared passed 6-0, to approve the minutes of the Executive Committee meeting of February 3, 2020.

3. Signatory to the Orange County Operational Area Agreement

A motion was made by Vice Chairman Do, seconded by Director Davies, and following a roll call vote, declared passed 6-0, to authorize the Chief Executive Officer to execute the signatory agreement allowing Orange County Transportation Authority to participate in the Orange County Operational Area Agreement.

Regular Calendar

4. Coronavirus (COVID-19) Update

Darrell E. Johnson, CEO, reported on the Orange County Transportation Authority's (OCTA) efforts to proactively respond to the COVID-19 pandemic as noted in the staff report.

A discussion ensued regarding the following:

- Director Davies requested OCTA's COVID-19 updates to post on the City of Laguna Niguel's website.
- OC Bus ridership, service hours, the buses are not running ahead of schedule, and OCTA could review reducing non-productive bus routes.
- The Coronavirus Aid, Relief, and Economic Security Act and OCTA reserves are currently supporting operations of the bus service.
- Andrew Oftelie, Chief Financial Officer, stated that there is no financial parallel to the COVID-19 situation as it relates to Measure M2 (M2) sales tax revenues and other funding sources, as well as provided other related comments.
- OCTA's financial risks, due to COVID-19, will be discussed at a future Finance and Administration Committee meeting.
- OCTA can continue with current M2 capital projects.
- Refinancing M2 under the new tax legislation is not allowable.
- OCTA will review and monitor refinancing of the 91 Express Lanes (EL) and 405 Improvement Project.



4. (Continued)

- The EL walk-in customer center is closed, and the debt payments continue to be paid.
- The three rating agencies reviewed the EL, and OCTA ratings for the EL are still good.

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

Discussion Items

5. Cyber Security Annual Update

Michael Cardoza, Cyber Security Manager, provided a PowerPoint presentation for this item as follows:

- Regulations and Policy;
- Understanding Current Threats;
- OCTA Cyber Security Posture;
- Security Projects and Accomplishments; and
- Cyber Security Roadmap.

A discussion ensued regarding:

- OCTA had in place a remote to work program and under COVID-19 leveraged current existing infrastructure.
- There have been many failed cyber threat attempts.
- OCTA has multi-levels of cyber security.

6. Chief Executive Officer's Report

Darrell E. Johnson, CEO, reported on the following:

- Thanked the Committee Members for their ongoing support and leadership as OCTA navigates during the COVID-19 pandemic.
- OCTA has a financial policy and investment in technology.
- Thanked OCTA's entire workforce for exemplifying OCTA's values and being proactive, flexible, and innovative in adapting to these changing times.
- Proactive steps have been taken in response to COVID-19 by temporarily implementing a rear door boarding policy on OCTA's buses.
- The rear door bus boarding lessens interaction between the coach operators and passengers and reinforces and encourages social distancing.



MINUTES

Executive Committee Meeting

6. (Continued)

- The bus rear door effort is going smoothly and OCTA received positive feedback from both coach operators and passengers.

7. Committee Members' Report

Director Hennessey inquired if the coach operators are being provided shields and masks for the COVID-19 crisis. Jennifer L. Bergener, Deputy CEO, highlighted OCTA's efforts to ensure the health and safety of the coach operators.

Director Hennessey commented on the light traffic and going forward many companies will probably have employees work from home. Director Hennessey asked, going forward, for OCTA to review work from home efforts.

8. Closed Session

There were no Closed Session items scheduled.

9. Adjournment

The Executive Committee meeting adjourned at 10:06 a.m.

The next regularly scheduled meeting of this Committee will be held at **9:00 a.m. on Monday, May 4, 2020**, at the OCTA Headquarters, 550 South Main Street, Conference Room 07, Orange, California.

ATTEST

Laurena Weinert
Clerk of the Board

Steve Jones
Chairman



May 4, 2020

To: Executive Committee

From: Darrell E. Johnson, Chief Executive Officer

Subject: Adoption of the Orange County Transportation Authority's Public Transportation Agency Safety Plan

Overview

The Federal Transit Administration published the Public Transportation Agency Safety Plan regulation, 49 CFR Part 673, on July 19, 2018, which took effect the following year, on July 19, 2019. Within this regulation, it is required that every agency receiving funds under the Urbanized Area Formula Program (49 USC Section 5307) must develop, and have adopted by the Board of Directors, a Public Transportation Agency Safety Plan for its transit system. The original due date for adoption was July 20, 2020 but has since been extended by the Federal Transit Administration to December 31, 2020. As part of the regulation, agencies are to implement a Safety Management System risk-based approach.

Recommendation

Adopt the Public Transportation Agency Safety Plan as required under 49 CFR Part 673.

Background

The Health, Safety, and Environmental Compliance Department oversees safety compliance programs and has assessed the new Public Transportation Agency Safety Plan (PTASP) regulation for adoption into the Orange County Transportation Authority's (OCTA) compliance activities. Many efforts have been made to date in order to prepare for the compliance deadline and ensure that a Safety Management System (SMS) approach is outlined and implemented under OCTA's PTASP.

On February 5, 2016, the Federal Transit Administration (FTA) released a Notice of Proposed Rulemaking that outlined the future requirements for a written PTASP for transit systems and the incorporation of a SMS approach. The rule was finalized on July 19, 2018, with an effective date of July 19, 2019. The final rule outlined the requirements of the PTASP and included details on what the

FTA would expect as part of an agency's written program and risk-based SMS approach. Understanding the complexity of the new rule and the timeline of events that an agency would need to adhere to, the FTA gave each agency one year to develop and incorporate their safety oversight strategy. The original due date for Board of Directors (Board) adoption of the PTASP was July 20, 2020 but has since been extended by the FTA to December 31, 2020.

During the drafting and release of the new rule, oversight responsibilities were also established to clarify the duties of the FTA and local regulatory bodies classified as State Safety Oversight (SSO) agencies (49 CFR Part 674). The FTA is responsible for the written rule, oversight and certification of the SSO, technical assistance, and auditing an agency's PTASP through the Triennial Audit process.

Discussion

The final PTASP rule provides an outline of the expected SMS requirements that includes four primary components and 16 subcomponents. The four primary components include Safety Management Policy, Safety Risk Management, Safety Assurance, and Safety Promotion.

Component 1: Safety Management Policy

Subcomponents:

- Written Statement of Policy
- Process for reporting unsafe conditions/near-miss incidents
- Safety management policy communication
- Authorities, accountabilities, and responsibilities

The Safety Management Policy components consist of, and require, a written statement of policy committing the agency to the plan and the value of safety, a process of reporting unsafe condition, acts, and near misses, a description of the Safety Management Policy communication plan that addresses the means by which the plan and the program will be communicated throughout all levels of the organization, and a section that clearly documents staff's roles, responsibilities, authorities, and accountabilities.

Component 2: Safety Risk Management

Subcomponents:

- Safety risk management process
- Safety hazard/near-miss incident identification and reporting
- Safety risk assessment
- Safety risk mitigation

The second component identified under the rule is Safety Risk Management. This component focuses on an agency's process of identifying and reporting hazards, and formally assessing each individual hazard through a formal risk assessment process. The risk assessment process must be uniformly applied to all known hazards and assess risk towards the agency, employees, the public, and the communities served. Once a hazard is assessed and risk is determined, it is required that the agency then identifies appropriate mitigation strategies to eliminate or lower each risk to an acceptable level as determined by the risk assessment process. Mitigation strategies can include the elimination of the hazard, engineering controls and administrative controls to lower the overall risk, and personal protective equipment, if such risk cannot be lowered enough to control the employee/personal exposure.

Component 3: Safety Assurance

Subcomponents:

- Safety performance monitoring and measurement
- Hazard mitigation monitoring process
- Accident notification, investigation, and reporting
- Internal safety reporting program monitoring
- Management of change
- Continuous improvement

The third component identified as part of the PTASP requirements is Safety Assurance. The purpose of this component is to monitor an agency's safety performance and establish measurable data to track safety performance goals and objectives. The data captured is analyzed to ensure that compliance, proper allocation of resources, and mitigation strategies are effective in risk and incident reduction. Through actions such as risk mitigation, safety incident reporting, and incident investigation, an agency's safety trends should reduce as a result. In addition to the performance measurement, this component also requires the agency to establish methods of change control. Overall, Safety Assurance requires OCTA to establish safety performance goals, measure data against those goals, and strive for continuous improvement.

Component 4: Safety Promotion

Subcomponents:

- Safety training program
- Safety communication

The final component of the PTASP is Safety Promotion. This establishes the requirement to have a robust safety training program, including means and methods to communicate safety-related information throughout all levels of the organization. Safety communication should include, but is not limited to, roles

and responsibilities, agency expectations, hazard/risk communication, and safety metric performance updates.

OCTA has taken several steps to initiate its efforts to prepare and comply with the new PTASP and SMS requirements. In September 2018, OCTA, in contract with Boyd Caton Group, Inc., completed a PTASP/SMS Gap Analysis to review existing practices and procedures against the new rule. These efforts included a document review of existing policies and procedures, organizational review of its current safety management practices, and in-person interviews of staff. The product of this effort was a comprehensive report that includes action items and process improvements necessary for compliance.

Following that effort, OCTA initiated a contract with STV Incorporated (STV) in April 2019 and has worked in partnership with them to draft the PTASP. In addition to the partnership with STV, OCTA submitted the draft document to the FTA's PTASP Technical Assistance Center (TAC) on March 3, 2020, requesting a comprehensive compliance review and ensure the document met the expected requirements. On March 10, 2020, OCTA received a response back from the TAC with very few minor recommendations. All recommendations from the TAC have been incorporated in the final PTASP for adoption.

Summary

Staff is requesting the Board to adopt OCTA's PTASP and thereby confirming compliance with the 49 CFR Part 673 mandate. This adoption is being requested prior to the regulatory required date since OCTA has been proactive in the planning process and is ready to adopt such measures. Adoption of the PTASP will allow staff to incorporate this plan into business as additional means to ensure the safety of OCTA's employees, customers, and communities.

Attachment

- A. Orange County Transportation Authority Public Transportation Agency Safety Plan – May 2020

Prepared by:



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Department Manager, Health, Safety,
and Environmental Compliance
714-560-5854

Approved by:



Maggie McJilton
Executive Director, Human Resources
and Organizational Development
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**ORANGE COUNTY
TRANSPORTATION
AUTHORITY**

PUBLIC TRANSPORTATION AGENCY SAFETY PLAN

MAY 2020

**PUBLIC TRANSPORTATION AGENCY SAFETY PLAN
FOR THE
ORANGE COUNTY TRANSPORTATION AUTHORITY**

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**PUBLIC TRANSPORTATION AGENCY SAFETY PLAN
FOR THE
ORANGE COUNTY TRANSPORTATION AUTHORITY**

EXECUTIVE SUMMARY

Moving Ahead for Progress in the 21st Century (MAP-21) grants the Federal Transportation Administration (FTA) the authority, to establish and enforce a comprehensive framework to oversee the safety of public transportation throughout the United States. As a component of this safety oversight framework, recipients of FTA Chapter 53 funding are required to develop and implement a Public Transportation Agency Safety Plan (PTASP), Regulation 49 C.F.R. Part 673 based on Safety Management Systems (SMS) principles and methods.

On July 19, 2018, the FTA published the PTASP final rule, requiring certain operators of public transportation systems that receive federal funds under FTA's Urbanized Area Formula Grants to develop safety plans that include the processes and procedures to implement SMS. The goal of SMS is to increase the safety of transit systems by proactively identifying, assessing and controlling risks. Further, Regulation 49 C.F.R. Part 673 puts the FTA and the Orange County Transportation Authority (OCTA) in a position to provide guidance that strengthens the use of safety data to support management decisions, improves the commitment of transit leadership to safety, and fosters a culture of safety promoting awareness and responsiveness to safety risks.

SMS is a comprehensive, collaborative, proactive, and a data-driven approach to managing safety, thus bringing management and labor together to: better control risk, detect and correct safety issues in a timely manner, effectively share and analyze safety data, and precisely measure safety performance.

Our Mission is to develop and deliver transportation solutions to enhance quality of life and keep Orange County moving.

Our Vision is, an integrated and balanced transportation system that supports the diverse travel needs and reflects the character of Orange County.

OCTA is a public agency that conducts its business with integrity, in an honest and ethical manner. Our values consist of safety, integrity, customer focus, can-do spirit, communication and teamwork/partnership. OCTA keeps people moving by reducing freeway congestion, improving safety and efficiency on our local roads, providing bus service and regional multimodal connections, helping people find ways to leave their cars home, and providing safe, convenient transportation that is FTA and Americans with Disabilities Act (ADA) compliant to those with special accommodations. These values shape the way we do business and significantly influence who we are and how we want to be viewed by others.

OCTA has taken steps of creating an environment where safety culture is paramount by adopting safety as a core value. Individual efforts alone do not result in the desired outcome. A positive safety culture is achieved only when it develops an aggregate attitude that safety is paramount in all transit services. This type of safety thinking permits individuals to resist complacency, commit to excellence, and take personal accountability. The cumulative effect of these attitudes develops an organizational attitude of self-regulation for safety. It fosters a universal type of safety mindset.

Accordingly, safety culture is both attitudinal, as well as structural, and revolves around the common beliefs and actions of individuals and the organization. It consists not only of identifying safety issues, but also resolving them with appropriate actions.

OCTA is committed to Safety as a systematic and comprehensive approach to identifying hazards and risks and has adopted the SMS framework by establishing a safety policy; identifying hazards and controlling risks; setting goals and planning and measuring performance. OCTA uses SMS as means of agency-wide support for transit safety by establishing a culture where everyone is accountable for safety. The success of these efforts starts with senior executives and labor leadership visibly demonstrating their commitment to safety and leading by example to resolve safety issues.

The implementation of SMS, as described within this document, has been ongoing at OCTA through the execution of multiple activities, including:

- Extensive hazard identification, analysis and resolution;
- Increased internal auditing to ensure our processes are functioning as intended;
- Safety Outreach with the community – as good neighbors and partners with emergency management resources in the surrounding communities; and
- Focus on improved safety training for all employees – to ensure that OCTA is as safe as practical with the understanding that safety is everyone’s responsibility.

OCTA has developed and adopted this PTASP to comply with FTA regulations. OCTA’s Board of Directors, Accountable Executive, and Chief Safety Officer have reviewed and approved the PTASP through (resolution #-); assuring its content meets the requirements of Regulation 49 C.F.R. Part 673 through the establishment of a comprehensive SMS framework.

**PUBLIC TRANSPORTATION AGENCY SAFETY PLAN
FOR THE
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DEFINITIONS

Source: All definitions are official U.S. Department of Transportation, Federal Transit Administration definitions related to the Public Transportation Agency Safety Plan.

Accident: an event that involves any of the following: a loss of life; a report of a serious injury to a person; a collision of public transportation vehicles; a runaway train; an evacuation for life safety reasons; or any derailment of a rail transit vehicle, at any location, at any time, whatever the cause.

Accountable Executive: a single, identifiable person who has ultimate responsibility for carrying out the Public Transportation Agency Safety Plan of a public transportation agency; responsibility for carrying out the Agency's Transit Asset Management Plan; and control or direction over the human and capital resources needed to develop and maintain both the Agency's Public Transportation Agency Safety Plan, in accordance with 49 U.S.C. § 5329(d), and the Agency's Transit Asset Management Plan in accordance with 49 U.S.C. § 5326.

Chief Safety Officer: an adequately trained individual who has responsibility for safety and reports directly to a transit agency's chief executive officer, general manager, president, or equivalent officer. A Chief Safety Officer may not serve in other operational or maintenance capacities, unless the Chief Safety Officer is employed by a transit agency that is a small public transportation provider as defined in this part, or a public transportation provider that does not operate a rail fixed guideway public transportation system.

Core Safety Responsibilities: responsibilities, accountabilities, and authority of the accountable executive, the key safety officers, and key members of the safety management team.

Desired Safety Outcomes or Goals: safety outcomes for each risk using the measurable safety performance indicators established.

Document Revision and Control: a description of the regular annual process used to review and update the plan including a timeline for implementation of the process.

Event: any accident, incident, or occurrence.

Hazard: any real or potential condition that can cause injury, illness, death; damage to or loss of the facilities equipment, rolling stock, or infrastructure; or damage to the environment.

Hazard Probability: likelihood of a hazard consequence to occur.

Hazard Severity: the effect/damaging result of a hazards consequence.

Incident: an event that involves any of the following: A personal injury that is not a serious injury; one or more injuries requiring medical transport; or damage to facilities, equipment, rolling stock, or infrastructure that disrupts the operations of a transit agency.

Injury: any damage or harm to persons that requires immediate medical attention away from the scene because of a reportable event. Agencies must report each person transported away from the scene for medical attention as an injury, whether or not the person appears to be injured.

Occurrence: an event without any personal injury in which any damage to facilities, equipment, rolling stock, or infrastructure does not disrupt the operations of a transit agency.

Performance target: a quantifiable level of performance or condition expressed as a value for the measure, to be achieved within a time period required by the Federal Transit Administration.

Policy Statement: a statement establishing senior management commitment to continual safety improvement, signed by the executive accountable for the operation of the Agency and the board of directors.

Prioritized Safety Risks: a description of the most serious safety risks to the public, personnel and property.

Reportable: an event occurring on transit right-of-way, in a transit revenue facility, in a transit maintenance facility, or involving a transit revenue vehicle, excluding occupational safety events occurring in administrative buildings.

Risk: an assessed probability and severity calculation to classify the overall potential consequences of a hazard.

Risk Control Strategies and Actions for Prioritized Safety Risks: a description of risk control strategies and actions the Agency will undertake to minimize exposure of the public, personnel and property to hazards, including a schedule for implementing the risk control strategies and the primary entity responsible for each strategy.

Safety Assurance: a list of defined safety performance indicators for reach priority risk and associated targets the Agency will use to determine if it is achieving the specified safety goals.

Safety Culture: the product of individual and group values, attitudes, competencies and patterns of behavior that determine commitment to safety management. Four attributes of a positive safety culture:

Reporting: encouraging employees to divulge information about hazards that they encounter

Just: rewarding employees for providing essential safety-related information, and holding them accountable for deliberate violations of the rules

Flexible: adapting to changing demands and reacting to events

Learning: willing to change based on safety indicators and hazards uncovered through assessments, audits, data and incidents.

Safety Performance Target: a performance target related to safety management activities.

Safety Risk Management Approach: the formal processes the agency uses to identify hazards, analyze and assess safety risks, and develop, implement and evaluate risk controls.

Safety Training Program: a comprehensive safety training program for agency staff that ensures staff are trained and competent to perform their safety duties.

Serious Injury: any injury which: (1) Requires hospitalization for more than 48 hours, commencing within 7 days from the date the injury was received; (2) Results in a fracture of any bone (except simple fractures of fingers, toes, or noses); (3) Causes severe hemorrhages, nerve, muscle, or tendon damage; (4) Involves any internal organ; or (5) Involves second or third degree burns, or any burns affecting more than 5 percent of the body surface.

Source: NTD Safety and Security Reporting Manual

Fatality: a death or suicide confirmed within 30 days of a reported event. Does not include deaths in or on transit property that are a result of illness or other natural causes; a death due to, Collision (including suicides), Fire, Hazardous material spill, Acts of God, System or personal security event (including suicides), and Other safety events.

Source: National Public Transportation Plan Performance Measures

Fatalities: total number of reportable fatalities and rate per total vehicle revenue miles by mode.

Injuries: total number of reportable injuries and rate per total vehicle revenue miles by mode.

Safety Events: total number of reportable events and rate per total vehicle revenue miles by mode.

Other Safety Events: include but are not limited to slips, trips, falls, smoke, power failure, maintenance-related issues, or electric shock. To be reported as a major event, these events must **either** meet the fatality, evacuation, or property damage threshold **or** result in two or more injured persons. Other Safety Events that cause only one person to be immediately transported from the scene for medical attention, and that do not trigger any other reporting threshold, are reported on the Non-Major Monthly Summary Report form. The FTA includes Other Safety Events that occur in a transit maintenance facility and meet a reporting threshold but continues to exclude occupational safety events occurring in administrative buildings.

***Note:** Definitions from the U.S. Department of Transportation, Federal Transit Administration should be applied uniformly across the entire agency, to ensure safety performance measures are accurate agency wide and SMS is applied systematically.*

ACRONYMS

ADA	Americans with Disabilities Act
ART	Annual Required Training
BSSPP	Bus System Safety Program Plan
CAP	Corrective Action Plan
CEO	Chief Executive Officer
CFR	Code of Federal Regulations
CMP	Configuration Management Plan
COOP	Continuity of Operations Plan
CPUC	California Public Utilities Commission
CSO	Chief Safety Officer
EOC	Emergency Operations Center
FAST	Fixing America's Surface Transportation Act
FTA	Federal Transportation Administration
HR	Human Resources
HROD	Human Resources and Organizational Development Division
HSEC	Health, Safety and Environmental Compliance Department
IIPP	Injury and Illness Prevention Program
LMS	Learning Management System
MAP-21	Moving Ahead for Progress in the 21 st Century
MPO	Metropolitan Planning Organization
NPTSP	National Public Transportation Safety Plan
NTD	National Transit Database
NTSB	National Transportation Safety Board
OC	Orange County
OCTA	Orange County Transportation Authority
OHA	Operating Hazard Analysis
OSHA	Occupational Health and Safety Administration
OTS	Occurrence Tracking System
PHA	Preliminary Hazard Analysis
PTASP	Public Transportation Agency Safety Plan
Ri2	Routes Issues and Information Reporting Program
SCAG	Southern California Association of Governments
SCOT	Student Coach Operator Training
SMS	Safety Management System
SRM	Safety Risk Management
SOP	Standard Operating Procedure
SSCP	Safety and Security Certification Plan
SSEPP	Security Emergency Preparedness Plan
SSHA	Sub-System Hazard Analysis
SSOA	State Safety Oversight Agency
SSO	State Safety Oversight
TAM	Transit Asset Management
USC	United States Code

**PUBLIC TRANSPORTATION AGENCY SAFETY PLAN
FOR THE
ORANGE COUNTY TRANSPORTATION AUTHORITY**

1. INTRODUCTION

OCTA was created in 1991, consolidating the functions of seven separate transportation agencies, including the Orange County Transportation Commission, the Orange County Transit District, the Consolidated Transportation Services Agency, the Orange County Local Transportation Authority, the Orange County Service Authority for Freeway Emergencies, the Orange County Congestion Management Agency and the Orange County Service Authority for Abandoned Vehicles. OCTA is served by 17 Board Members.

OCTA's 17-member Board of Directors consists of five County Supervisors, ten city members, and two public members. The District Director of the California Department of Transportation, District 12, serves as an Ex-officio member. Board of Supervisors are elected by Supervisorial Districts to a four-year term. City Members are appointed by the Orange County City Selection Committee to a two-year term. Public Members are appointed by OCTA Board of Directors to a four-year term. Ex-officio Member, Caltrans District 12, District Director, is appointed by the Governor to a four-year term Public Utilities Code Sec. 130052(d).

The Chief Executive Officer (CEO) reports directly to the OCTA Board of Directors; the Deputy CEO reports to the CEO and is tasked with the duties of "acting CEO" in the absence of the CEO. The Deputy CEO is also tasked with reporting to the Board of Directors in the CEO's absence. The CEO is responsible for the daily management of all systems operated by OCTA and ensures federal, state, local, and agency safety requirements are being met.

Facilities and Bus Facilities:

OCTA owns and maintains five maintenance and operating bases, eight transportation centers, and one administration location that supports the bus bases and transportation centers. Additionally, there are support facilities, terminals, Park-N-Ride terminals, employee parking lots, surplus properties, communications, and other miscellaneous locations. The facilities are comprised of 47 buildings and structures totaling over 400,000 square feet. The structures are situated on 80 acres of property throughout Orange County with an initial capital cost of more than \$50 million dollars.

The primary physical elements of the OCTA bus system are facilities and buses. The five maintenance and operating bases operate 24 hours per day, seven days a week, 365 days a year. The five bases are as follows:

- Base 1-Santa Ana;
- Base 2-Irvine Construction Circle (Paratransit);
- Base 4-Garden Grove;
- Base 6-Anaheim (Contracted Fixed Route); and
- Base 7-Irvine Sand Canyon (Contracted Fixed Route).

Bus Service and System Description

OCTA's bus system offers 58 routes and over 5,000 bus stops which operate over a 798 square-mile area, in 34 cities and unincorporated areas. OCTA routes include local and community routes which travel between cities, express routes which travel on freeways, OC Flex on-demand service, and Stationlink service that connects Orange County Metrolink stations with major employment centers. Figure 1 depicts the OCTA system map.

Figure 1

THE OCTA SYSTEM MAP



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2. TRANSIT AGENCY INFORMATION

Transit Agency Name	Orange County Transportation Authority- OCTA		
Transit Agency Address	550 South Main Street Orange, CA 92868		
Name and Title of Accountable Executive	Darrell E. Johnson, OCTA Chief Executive Officer		
Name of Chief Safety Officer or SMS Executive	Matthew DesRosier		
Mode(s) of Service Covered by This Plan	Bus and Paratransit: Directly Operated and Contracted	List all FTA Funding Types	5307, 5309, 5310, 5337, and 5339
Mode(s) of Service Provided by the Transit Agency (Directly operated or contracted service)	Commuter Bus, Bus, Vanpool, Demand Response, Demand Response Taxi, and Paratransit services.		
Does the agency provide transit services on behalf of another agency or entity?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Description of Arrangements: OCTA operates fixed-route service for the Irvine iShuttle; and operates ADA service the Laguna Beach Trolley, Anaheim Transit Network, iShuttle, and Project V community shuttles.		
Name and Address of Transit Agency(ies) or Entity(ies) for Which Service Is Provided	N/A		

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3. PLAN DEVELOPMENT, APPROVAL, AND UPDATES

Name of Entity That Drafted This Plan	Orange County Transportation Authority	
	Signature of Accountable Executive	Date of Signature
Signature by Accountable Executive		
Approval by the Board of Directors or an Equivalent Authority	Name of Individual/Entity That Approved This Plan	Date of Approval
	Relevant Documentation (title and location)	
	Name of Individual Entity That Certified This Plan	Date of Certification
Certification of Compliance	Relevant Documentation (title and location)	

Version Number and Updates Record the complete history of successive versions of this plan.			
Version Number	Section/Pages Affected	Reason for Change	Date Issued

Annual Review and Update of the Public Transportation Agency Safety Plan

Due to the implementation of 49 CFR Part 673, OCTA is required to annually submit the current PTASP to the Board of Directors for review and approval, along with an annual safety report. The annual review of the PTASP will be conducted by the Accountable Executive, the Chief Safety Officer and the SMS Program Manager each fiscal year, no later than June 30. No proposed change will be incorporated into the PTASP until it has been approved by the CEO and the Board of Directors. Annual review and updating of the PTASP will consist of the CEO signing and dating this document and submitting to the Board of Directors for review. All changes to the PTASP are recorded in the PTASP Activity Log; displaying the version number, section/pages affected, the reason for change and the date of the change.

Necessary updates outside the annual update will be bulletins, which will be incorporated in the body of the PTASP each year for approval. Any division Executive Director or other official may submit a proposed change at any time for review and adoption. Proposed changes are submitted to the Chief Safety Officer and a determination is made whether to convene a special SMS/PTASP Committee meeting, or to include the matter on the agenda for the regular SMS/PTASP Committee monthly meeting.

Management's Commitment

The individuals signing this PTASP, attest all items and conditions contained in this plan are understood, accepted, recommended, and supported; they are committed to implementing the PTASP and achieving its safety goals and objectives.



Jennifer L Bergener, Deputy Chief Executive Officer,
Chief Operations Officer

4/27/2020

Date



Andrew Oftelie, Chief Financial Officer

4/24/2020

Date



Beth McCormick, Executive Director of Bus Operations

4/24/2020

Date



Maggie McJilton, Executive Director, HROD

4/24/2020

Date



Jim Beil, Executive Director, Capital Programs

4/24/2020

Date



Maggie McJilton, Executive Director, External Affairs

4/24/2020

Date



Kia Mortazavi, Executive Director, Planning

4/27/2020

Date



Matt DesRosier, Manager, Health, Safety
& Environ. Compliance, Chief Safety Officer

4/24/2020

Date

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4. SAFETY PERFORMANCE TARGETS

Safety Performance Management is a critical tool that supports OCTA in identifying safety concerns and monitoring progress in safety improvements. OCTA has developed the following Safety Performance Targets to focus on its commitment to safety and meet federal requirements.

	Objective	Metric	Baseline	Target
Bus	Reduce Fatalities	Fatalities per 100K VRM	0.00	Maintain
	Reduce Injuries	Injuries per 100K VRM	0.59	Maintain
	Reduce Safety Events	Safety Events per 100K VRM	1.03	Maintain
	Maintain System Reliability	Miles between Road Calls	1 per 14K VRM	Maintain

*Safety Performance Targets are calculated on the calendar year.

Annual Safety Performance Targets (Based on safety performance measures under NSP)							
Mode	Fatalities (Total)	Fatalities Per 100k VRM	Injuries (Total)	Injuries Per 100k VRM	Safety Events (Total)	Safety Events Per 100k VRM	System Reliability (Failures/VRM)
Bus	0	0.00	81	0.59	133	1.03	1/14,827
	Objective		Metric		Baseline		Target
Paratransit	Reduce Fatalities		Fatalities per 100K VRM		0.00		Maintain
	Reduce Injuries		Injuries per 100K VRM		0.00		Maintain
	Reduce Safety Events		Safety Events per 100K VRM		0.00		Maintain
	Maintain System Reliability		Miles between Road Calls		1 per 14K VRM		Maintain

*Safety Performance Targets are calculated on the calendar year.

Annual Safety Performance Targets (Based on safety performance measures under NSP)							
Mode	Fatalities (Total)	Fatalities Per 100k VRM	Injuries (Total)	Injuries Per 100k VRM	Safety Events (Total)	Safety Events Per 100k VRM	System Reliability (Failures/VRM)
Paratransit	0	0.00	0	0.00	0	0.00	1/14,827

Safety Performance Target Coordination

Describe the coordination with the State and Metropolitan Planning Organization(s) (MPO) in the selection of State and MPO safety performance targets

OCTA will foster agency-wide support for transit safety and will provide copies of their PTASP and additional information as requested to Southern California Association of Governments (SCAG) and California Public Utilities Commission (CPUC). Additionally, OCTA will evaluate agency Safety Performance Targets annually; the updated targets will be shared with the SCAG, and CPUC.

Targets Transmitted to the State	State Entity Name	Date Targets Transmitted
	CPUC	
Targets Transmitted to the Metropolitan Planning Organization(s)	Metropolitan Planning Organization Name	Date Targets Transmitted
	SCAG	

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5. SAFETY MANAGEMENT POLICY (673.23)

5.1 Safety Management Policy Statement- 673.23 (a)

OCTA is committed to developing, implementing, maintaining, and constantly improving processes to make sure all transit service delivery activities take place under a balanced allocation of organizational resources, aimed at achieving the highest level of safety performance and meeting standards. All levels of management and employees are accountable for the delivery of the highest level of safety performance, starting with the OCTA CEO.

OCTA managers, personnel, and outside contractors are responsible for promoting the safety of customers, employees, property and the public who encounter OCTA's transit services. Every employee must practice workplace safety, use equipment, tools and materials properly, and be trained in the work rules and procedures for their area of responsibility, including contingency plans for abnormal and emergency conditions. Each employee and contractor shall take an active part in the hazard identification and reporting process.

OCTA is committed to:

- Support the management of safety through the provision of appropriate resources to result in an organizational culture that fosters safe practices, encourages effective employee safety reporting and communication, and actively manages safety with the same attention to results as paid to other management systems of the organization;
- Integrate the management of safety as a primary responsibility of all managers and employees;
- Clearly define for all staff, managers and employees alike, their accountability and responsibility for the delivery of the organization's safety performance and the overall performance of OCTA's safety management system;
- Establish and operate hazard identification and analysis, and safety risk evaluation activities, including an employee safety reporting program as a fundamental source for safety concerns and hazard identification. Eliminate or mitigate safety risks and hazardous consequences resulting from OCTA's operations or activities to a level that is acceptable and consistent with safety performance;
- Ensure no action will be taken against any employee who discloses a safety concern through the employee safety reporting program, unless disclosure indicates, an illegal act, gross negligence, or a deliberate or willful disregard of regulations or procedures;
- Comply with, and wherever possible exceed, legislative and regulatory requirements and standards;

- Ensure sufficiently skilled and trained HROD staff are available to implement safety management processes;
- Ensure all staff are provided with adequate and appropriate safety-related information and training, are competent in safety management matters, and are allocated only tasks commensurate with their skills;
- Establish and measure OCTA's safety performance against realistic and data-driven safety performance indicators and safety performance targets;
- Continually improve OCTA's safety performance through management processes that ensure appropriate safety management action is taken and is effective; and
- Ensure externally supplied systems and services to support OCTA's operations are delivered to meet OCTA's safety performance standards.

5.2 Process for Reporting Unsafe Conditions-673.23(b)

Employees are required to embrace OCTA's safety goals and objectives and encouraged to report safety concerns, issues or hazards. OCTA's employees have a duty to report any unsafe condition to their supervisor, manager, Safety staff, the Accountable Executive or the SMS Program Manager. The Safety staff works with managers and employees to facilitate the reporting of hazards using email, telephone, and in-person reporting. Moreover, employees may report safety concerns, issues or hazards through the safety department intranet page, Ri2, and Ethicspoint, OCTA's ethics hotline.

OCTA Health, Safety & Environmental Compliance Intranet Page

OCTA intranet homepage provides employees with links to the intranet pages for each division in the agency. By selecting "Organization" on the main menu bar and then scrolling to appropriate division, employees have access to the that division's intranet page. On the Health Safety and Environmental Compliance page employees may use the "Big Red Button" to submit a safety concern or get access to safety policies and information. The reporting of unsafe conditions through the "Big Red Button" are managed by the CSO and is a closed loop process that is resolved within 14 business days.

Routes Issues and Information Reporting Program (Ri2) affords OCTA employees the ability to enter information related to safety concerns, issues, or hazards into an electronic reporting forum. OCTA responds to Ri2 submissions and typically resolves the report within 14 business days. During the resolution process employees have the ability to log in and check the progress or status of their Ri2 submission.

OCTA's Ethicspoint number is available for any employee, outside contractor, or member of the public to anonymously report any safety hazards, suspected fraud, waste, abuse, illegal or unethical behavior. The report is confidential. Reports to Ethicspoint will be administered by Internal Audit for review and investigation by the appropriate department.

OCTA is committed to fair treatment of all its employees and recognizes its responsibility under state and federal law to protect from punishment and harassment any person who reports an issue, whether the allegation is found to have merit. OCTA shall not take any action or threaten any action against any employee as a reprisal for making a report unless the report was made, or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity. Policy violations will be managed through OCTA's Human Resources Department.

5.3 Safety Management Policy Communication-673.23(c)

OCTA staff are informed of their responsibilities related to safety and SMS during onboarding, within their individual job descriptions, and receive an annual performance evaluation that includes safety related evaluation criteria. Additionally, each employee is required to acknowledge through signature that they have received a written copy of OCTA's Safety Management Policy Statement. Signed copies will be filed within individual employee files. OCTA will provide additional safety information via the Intranet; newsletters, safety bulletins, and audio-visual monitors in break rooms.

5.4 Authorities, Accountabilities, and Responsibilities-673.23(d)

The purpose of the PTASP is to: maintain a formal Safety Program and establish a coordinated safety effort responsive to the needs of the operating and support departments, make sure all personnel and contractors are working toward the common goal of minimizing the occurrence of customer and employee incidents by providing safe revenue service to our customers and a safe work environment for our employees.

Board of Directors

The 17-member Board of Directors receives staff reports and considers staff recommendations that have the potential to impact operational safety. The Board of Directors makes policy level decisions and follows established protocol for voting on actions that guide OCTA's operations. OCTA Board Members also serve on smaller committees, which are intended to provide more detailed information and specifically focus on different functional areas of OCTA. The various Board committees that review and recommend actions that have potential safety and environmental impacts include the Executive Committee, which safety related items are brought before, the Legislative and Communications Committee, the Regional Planning and Highways Committee, and the Transit Committee.

Executive Staff

Executive staff refers to the Chief Executive Officer, Deputy Chief Executive Officer, Chief Financial Officer, Chief Operating Officer, Division Executive Directors, and Division Directors. The CEO is the OCTA Accountable Executive and reports directly to the OCTA Board of Directors; the Deputy CEO reports to the CEO and is tasked with the duties of "acting CEO" in the absence of the CEO. The Deputy CEO is also tasked with reporting to the Board of Directors in the CEO's absence. The CEO is responsible for the daily management of all systems operated by OCTA and ensures federal, state, local, and agency safety requirements are being met. CSO

and Executive staff directs the utilization of available resources as necessary to achieve safety goals and objectives. This management level exercises approval authority for major system modifications and facilitates coordination of safety efforts.

Divisions/Departments

Human Resources and Organizational Development Division– Led by the Executive Director of Human Resources and Organizational Development (HROD), is responsible for planning, directing, and evaluating the effectiveness of all the Human Resources and Organizational Development Division systems, policies and practices, as well as related administrative functions. HROD directs the overall programs/activities of the Human Resources Department, which includes Labor & Employee Relations, EEO/ Affirmative Action, ADA general program and Title VI, Learning & Development Department, Risk Management Department, and Health, Safety, and Environmental Compliance Department.

Operations Division – Led by the Chief Operating Officer, is responsible for all operational functions in the authority: bus, streetcar, rail, on-demand services and mobility paratransit. Operations provides highly complex and responsible direction for multiple transit departments and administrative programs. Operations is also responsible for creating policy and strategic direction as well as planning to the operational functions of the Authority.

Planning Division – Led by the Executive Director of Planning, is responsible for ensuring the coordination of activities and integration of effort. Oversees, evaluates, and manages the work of agency staff and contractors conducting the strategic planning, policy development, environmental studies, design, and community relations activities to deliver highly complex multi-modal transportation planning. Planning is also responsible for creating policy and strategic direction as well as planning, directing, and evaluating the effectiveness of all Planning Division’s systems, policies and practices, and related functions.

Finance & Administration Division – Led by the Chief Financial Officer, is responsible for the direction of the overall programs/activities of the Treasury Department, Contracts Administration and Materials Management, Accounting and Financial Reporting, Financial Planning and Analysis, General Services, and leads the Finance and Information Systems.

Capital Programs Division – Led by the Executive Director of Capital Programs, is responsible for the oversight, evaluation, and management of the division’s activities to deliver highly complex multi-modal transportation rail, high speed rail, and highway programs. The division is also responsible for creating policy and strategic direction as well as planning, directing, delivering, and evaluating the effectiveness of all division systems, policies and practices, and related functions.

External Affairs Division– Led by the Executive Director of External Affairs, is responsible for marketing and public outreach programs in support of OCTA projects, services and initiatives. External Affairs directs communications programs during development and construction of transportation projects, oversees bus and rail transit marketing and customer engagement, and diversity outreach and economic opportunity programs.

Government Relations Division – Led by the Executive Director of Government Relations, is comprised of State and Federal Relations, a Grants section, and the Regional Initiatives Department. The Government Relations Division is responsible for monitoring, analyzing, and responding to government actions and decisions that affect how OCTA receives funding, plans for projects and delivers services. Government Relations also maintains an active presence at all levels of government to ensure OCTA's interests are well represented in these various forums.

Positions

Directors, Managers Roles and Responsibilities

All directors and managers are accountable and responsible for:

- implementing the safety risk management, safety assurance, and safety training and communication protocols of their department;
- safety performance within their functional areas;
- ensuring procedures are consistent with the SMS;
- determining and implementing countermeasures required to counteract safety risks and manage issues that negatively impact OCTA safety performance;
- ensuring that all employees are trained in SMS;
- supporting and requiring employees within their department to participate in safety training activities;
- integrating SRM into existing processes;
- requiring that all relevant safety information is communicated and used in decision-making;
- providing information to the CEO, COO, Executive Directors, and HSEC, as appropriate;
- ensuring that all system changes are coordinated with HSEC and documented; and
- cooperating with and providing support for evaluations and audits conducted by HSEC.

Supervisor Roles and Responsibilities

Supervisors are accountable and responsible for:

- the safety performance of all personnel and equipment under their supervision;
- implementing and maintaining safety-related control measures/mitigations;
- familiarizing employees with the safety requirements and hazards associated with the work to be performed;
- responding to identified hazards that may impact safety performance;
- reporting all mishaps and incidents to HSEC;
- sharing lessons learned from incidents; and
- implementing and adhering to SMS procedures and processes within their span of control.

Employee Responsibilities

All OCTA employees are responsible for:

- becoming familiar with the safety procedures for their assigned work activity;
- performing their work safely;
- following procedures and rules;
- calling attention to hazards that may impact safety performance; and
- reporting mishaps and incidents to their Supervisor, in accordance with established requirements for the protection of themselves, co-workers, customers, facilities, and equipment.

Contractors

OCTA is responsible for facilitating communication between internal stakeholders and outside contractors. All contractors are responsible for compliance with this PTASP and 49 CFR Part 673. The contractor is responsible for collecting, reviewing for accuracy, and submitting contract/performance related information and data to OCTA Operations Management monthly. The contractor is required to comply with all OCTA SMS policies and procedures, reporting and submission requirements, including those required for Hazard Identification and Analysis, the NTD submission, and preparing all required data for OCTA to report. OCTA's SMS Program Manager will receive SMS data from OCTA contractors, per the agreed upon schedule; monitor and measure the contractor's safety performance through the data provided and report to the Chief Safety Officer and the PTASP SMS Committee quarterly.

Additionally, the contractor must provide OCTA access to all work, materials, payroll, and other data, records, and accounts maintained by the contractor for auditing purposes. Any audit findings requiring corrective action must be corrected by the contractor and checked by OCTA to ensure they have been corrected.

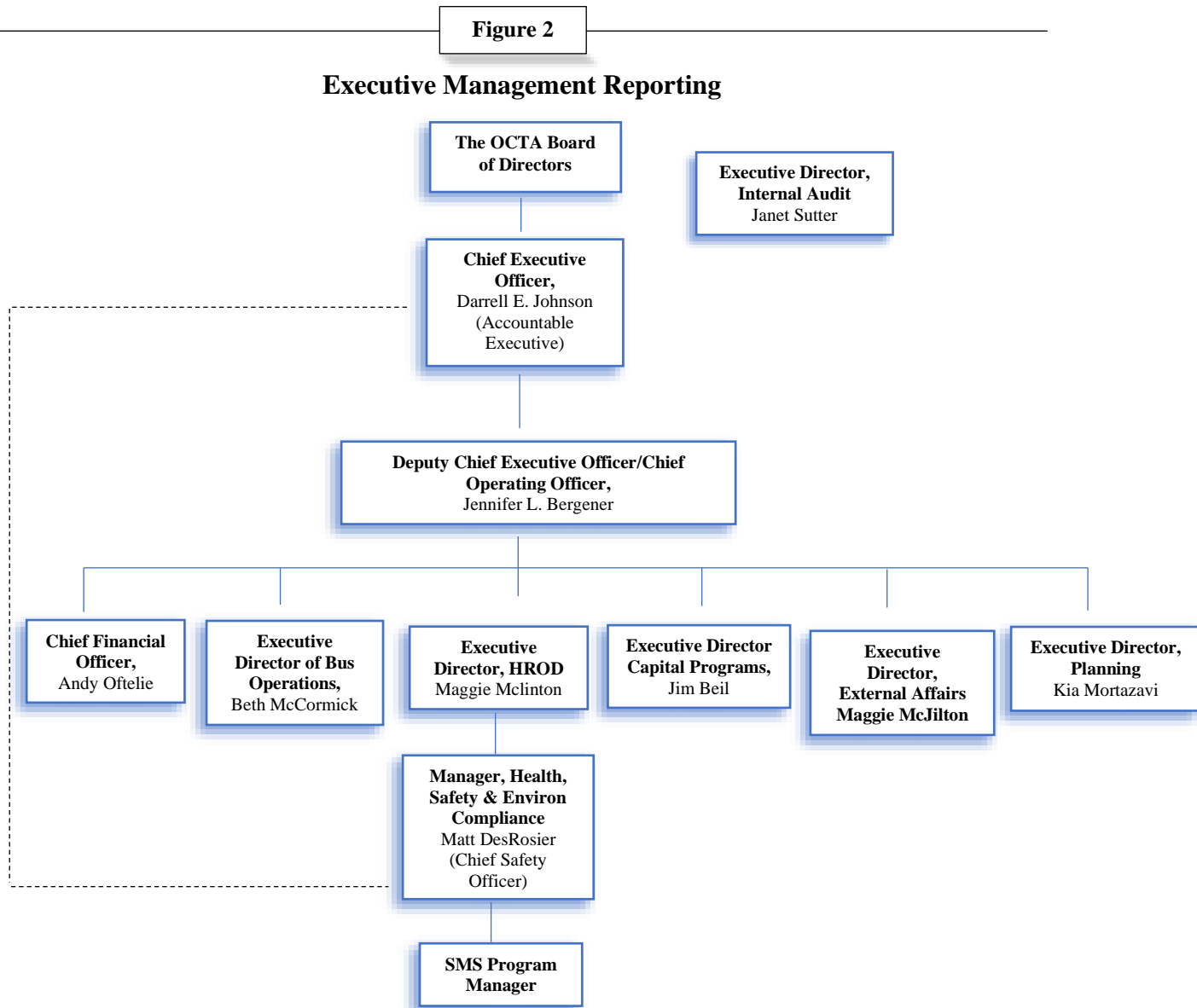
Contractors are required to provide training to employees on a scheduled basis, to include refresher training. The Contractor is required to make sure that their staff receives training applicable to requirements of jobs performed. Training is related to knowledge and operation of equipment, dealing with the public, sensitivity to persons with disabilities, knowledge of various kinds of disabilities, rules and procedures of OCTA services, and other areas of knowledge and proficiency which, shall enable personnel to perform their jobs and meet the requirements of the Contract. OCTA reserves the right to audit training activities at its discretion.

Lines of Authority for Safety:

The Health, Safety, & Environmental Department, led by the Health, Safety, & Environmental Compliance Manager/CSO, reports directly to the CEO through a dotted line and reports administratively daily to the Executive Director of HROD. The Health, Safety, & Environmental Compliance Manager/CSO, is responsible for the development, implementation and administration of environmental, health, safety and sustainability policies, procedures, and programs designed to ensure regulatory compliance, minimize hazards and promote a culture of safety and sustainability. Provides leadership, technical expertise and strategic planning for implementing employee safety programs, fleet and construction safety, wellness, and

environmental compliance. Assists all departments in maintaining a safe and secure environment by providing guidance in identifying and evaluating hazards and vulnerabilities and minimizing the hazardous conditions and/or vulnerabilities to their lowest achievable level.

The CSO oversees SMS, the SMS Program Manager, and is the chair of the SMS/PTASP Committee. The HSEC Department consists of a the CSO, SMS Program Manager, and safety staff to achieve its safety responsibilities as outlined in this document.



Source: The Orange County Transportation Authority

Chief Safety Officer (CSO)

The CSO takes a proactive approach by performing the following activities:

- Manages and implements the Public Transit Agency Safety Plan, as well as answers any questions regarding the Agency's Transit Safety Plan;
- Chairs the SMS/PTASP Committee meetings;
- Leads OCTA in the implementation of the Safety Management System throughout the Agency;
- Participates in formal meetings with the FTA, CEO and other OCTA management on safety issues;
- Reports Safety Performance Measures/Targets to the MPO; and
- Develops and implements safety policies, procedures, and programs risk identification, evaluation, control, funding, and administration.

SMS Program Manager

Assists the CSO in all functions and takes the lead in the following safety functions:

- Co-Chairs the SMS/PTASP Committee meetings;
- Promotes and coordinates the Safety Management System methodology within the Agency;
- Participates in formal meetings with the FTA, CEO and other management on safety issues;
- Investigates employee and vehicle accidents, incidents, and injuries; assists in developing programs to reduce injuries;
- Serves as OCTA's main contact with other agencies related to safety programs and procedures and prepares case records, documents, and data required by such agencies;
- Compiles and analyzes safety statistics; produces reports, records, documents, and manifests; accesses and updates database files;
- Coordinates staff safety meetings and attends meetings, conferences and group functions related to safety;
- Conducts training sessions relating to safety;
- Identifies health and safety concerns, analyzes reports and information, develops programs for accident/injury prevention, and submits recommendations to reduce frequency of accidents;
- Identifies safety concerns and issues, and participates in the design and implementation of safety policies and procedures;
- Performs hazard analyses as necessary;
- Tracks hazards and corrective actions; and
- Performs other job-related duties, as directed.

To ensure transit operations are conducted in the safest manner possible, all appropriate personnel have been assigned Safety and SMS related responsibilities, Table 1: Safety Roles and SMS Responsibilities. In addition, within OCTA, each department/function provides distinct roles and carries out specific responsibilities to ensure the safety of passengers, employees, local responders, and the community served.

Table 1

Safety Task Roles and Responsibilities

SAFETY TASKS	SSO	Accountable Executive / Executive Dept.	Operations Management	Safety	Security and EP	Finance / CAMM	TTS / Engineering	HROD / Risk Management	Planning & Development	Internal Audit	D-Daily M-Monthly Q-Quarterly Y-Yearly AR-As Required
Safety Management Policy Statement	A	P	P	P	S	S	S	S	S	S	AR
Develop PTASP	A	P	P	P	RC	RC	RC	RC	RC	RC	AR
Update PTASP	A	P	P	P	RC	RC	RC	RC	RC	RC	AR
Liaison with SSO	N/A	S	S	P	S	S	S	S	S	S	AR
External PTASP Audits	P	S	S	P	S	S	S	S	S	S	AR
Conduct Internal Safety Assessment/Audits	A	A	S	P	S	S	S	S	S	P	Y
Internal Safety Reporting and Program Monitoring	A	S	S	P	S	S	S	S	S	S	AR
Safety/Security Certification	RC	A	P	P	P	S	P	S	S	S	AR
Develop Emergency Response Plans	A	A	S	S	P	S	S	S	S	S	Y
Safety Hazard, Near-Miss, and Incident Identification and Reporting	RC	P	P	P	P	P	P	P	P	P	AR
Collect and analyze all safety data and measurements	RC	S	P	P	S	S	S	S	S	S	AR
Collect and analyze all security data and measurements	RC	S	P	S	P	S	S	S	S	S	D
Maintain Database of safety statistics, measurements, trends	RC	S	P	P	S	S	S	S	S	S	D
Maintain Database of security statistics, measurements, trends	RC	S	P	S	P	S	S	S	S	S	D
Issue Accident/Incident Statistics and Reports	A	S	S	P	P	S	S	S	S	S	D
Review Passenger Accident Trends	RC	S	P	S	S	S	S	S	S	S	M
Conduct Accident/Incident Investigations	A	A	P	P	P	S	S	S	S	S	AR
Report required threshold Accidents to Outside Agencies (SSO, FTA)	A	A	P	P	S	S	S	S	S	S	AR
Safety Risk Assessments	RC	A	P	P	P	P	P	S	P	S	AR

SAFETY TASKS	SSO	Accountable Executive / Executive Dept.	Operations Management	Safety	Security and EP	Finance / CAMM	TTS / Engineering	HROD / Risk Management	Planning & Development	Internal Audit	D-Daily M-Monthly Q-Quarterly Y-Yearly AR-As Required
Hazard/Risk Management and Mitigations	A	S	P	P	P	S	P	S	P	S	AR
Design Reviews	RC	S	P	P	P	S	P	S	P	S	AR
Management of Change/Configuration Management	N/A	S	P	S	S	S	P	S	S	S	AR
Safety Training Program	RC	A	P	P	S	S	S	S	S	S	AR
Security Training Program	RC	A	P	S	P	S	S	S	S	S	AR
Safety Communication	RC	S	P	P	P	S	P	S	S	S	AR
Occupational Safety and Health Program Compliance	RC	P	P	P	S	S	S	S	S	S	AR
Security and Emergency Response Program Compliance	RC	P	P	P	P	S	S	S	S	S	AR
Maintain accident record keeping, employee injury reporting forms, and related data	RC	S	S	P	S	S	S	S	S	S	AR
Provide claims administration and investigation	RC	S	S	S	S	S	S	P	S	S	D
Corrective Action Plans	A	S	P	P	P	S	P	S	S	S	D
Contractor Oversight and Compliance Assurance	RC	S	S	P	S	S	S	S	S	S	AR
PTASP Documentation Control	RC	S	S	P	S	S	S	S	S	S	AR

Legend:

A	Approval	The identified participant(s) is (are) responsible for approval of specified documentation
P	Primary Task Responsibility	The identified participant(s) is (are) responsible for the preparation of the specified documentation.
S	Secondary or Support Task Responsibility	The identified participant(s) is (are) to provide the necessary support to accomplish and document the task.
RC	Review and Comment Responsibility	The identified participant(s) may review and provide comments on the task or requirement.

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6. SAFETY RISK MANAGEMENT (673.25)

6.1 Safety Risk Management Process 673.25(a)

Safety Risk Management promotes the identification of hazards before they escalate into accidents or incidents, assesses safety risk, and establishes necessary mitigations. The Safety Risk Management process is comprised of the following activities: safety hazard identification, safety risk assessment, and safety risk mitigation.

6.2 Safety Hazard Identification 673.25(b)

Hazard identification and resolution is a core element of the PTASP/SMS emphasizing timely correction of unsafe conditions, anticipated and reconciled before serious accident, injury, or damage occurs. OCTA has the following hazard identification sources in place:

- Employee safety reporting;
- Safety observations;
- Inspections;
- Internal audits;
- Internal safety investigations;
- Accident reports;
- Compliance programs;
- PTASP/SMS committee reviews;
- SMS data/Industry data;
- State and federal government sources (including CPUC and FTA); and
- Public feedback/complaints.

The objective of hazard identification and analysis is to identify and define as many hazardous conditions as possible and enter them into the Hazard Resolution process before those conditions or associated actions cause or contribute to an accident. Hazard identification is accomplished through on-site hazard identification, hazard reporting, and/or as each Department or Base Manager collects and analyzes data to monitor trends. Departmental and Base Managers are responsible for investigating hazards and resolving such hazards within their departments utilizing the Hazard Management Process- Identification/Analysis delineated in Appendix B. When hazards cannot be resolved within the department, the Safety Department, CSO, and Accountable Executive are consulted for resolution.

Data gathered within each department is used to set the agenda for PTASP/SMS Committee meetings, where hazard data is discussed, evaluated, and disseminated to each representative departmental manager for use interdepartmentally and agency wide. The SMS Program Manager is responsible for preparing monthly data and trend analysis reports which are reviewed at monthly PTASP/SMS Committee meetings. The monthly report(s) are distributed throughout OCTA as part of Safety Promotion / Communication strategies.

OCTA documents hazards that develop through multiple sources, such as: employee reporting, accidents, incidents, and leading or lagging indicators. OCTA also evaluates hazards to determine if multiple events occurred leading up to an event. This ensures each possible cause is evaluated and documented for trending purposes.

6.3 Safety Risk Assessment 673.25(c)

OCTA's Hazard Analysis Process establishes processes to assess the safety risks associated with identified hazards. The process assesses the safety risk based upon predicted probability and severity of a hazard's potential consequences.

The probability that a hazard will occur during the planned life expectancy of the system element, subsystem, or component can be described subjectively in potential occurrences per unit of time, event, population, items, or activity. Supporting rationale for assigning a hazard probability are documented in hazard analysis reports.

The severity of a hazard is defined to provide a qualitative measure of the worst credible mishap resulting from operational risks; personnel error; environmental conditions; design inadequacies; and procedural deficiencies for a system, subsystem, or component failure or malfunction.

Safety Risk Assessment Request Process

The process allows OCTA employees to submit safety concerns, as a non-punitive safety reporting system. Hazards that are deemed by Operations and/or HSEC to be an immediate threat to safety, for example poor footing in walk areas, are expected to be immediately corrected. The process is as follows:

1. Employee reports hazard to supervisor/manager – employee enters request through the safety department intranet site, Ri2, or the Ethicspoint.
2. Report entry and tracking into OTS
 - a. Once entered into the database, a tracking number is assigned, and a notification is sent to the requestor via email.
 - b. Primary Safety staff notified via email, review for complete information, and route assignments; post updates as progress is made
3. Review of issues – issues reviewed by Safety and other experts as needed.
4. Conclusions and actions to be taken – conclusions of the review guide follow-up actions to be taken.
5. Response to the requestor – Primary Safety staff sends written report to conclusions and actions taken, once determined and completed.

6.4 Safety Risk Mitigation 673.25(d)

Hazards which cannot be eliminated, are mitigated through engineering controls, administrative controls or personal protective equipment. Hazards that pose an imminent danger are expected to be immediately mitigated through the organization's stop work authority.

The Accountable Executive and the CSO have authority to implement operational changes that have safety implications. Accordingly, all hazard identification and analysis proceedings should result in the issuance of a report by the SMS Program Manager to the CSO. The report includes all pertinent data developed by the PTASP/SMS Committee on the identified hazard and risk evaluation process. A recommendation achieved by consensus of the Committee is included, regardless of whether the recommendation is for a change in existing conditions or procedures, or for retention of the existing condition/risk. Any disagreement on the matter, or suggested negative ramifications of the recommendation, must also be included for review and consideration by the Accountable Executive.

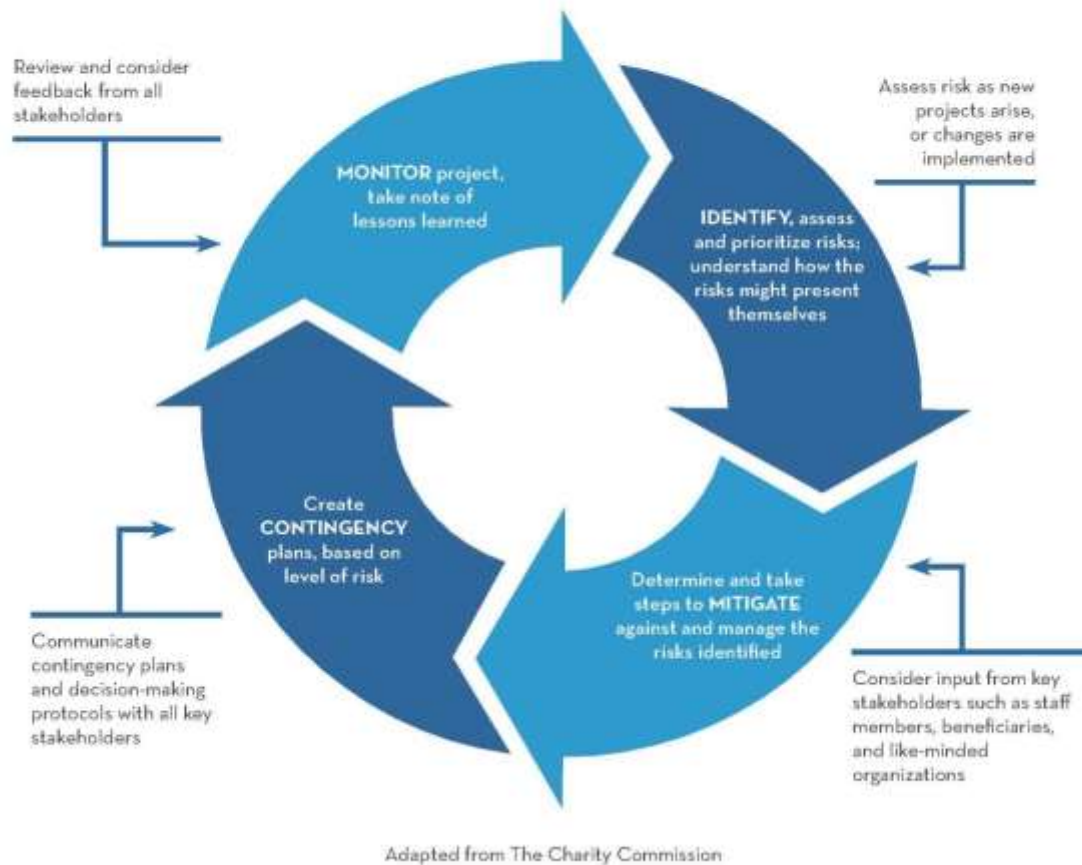
The PTASP/SMS Committee Chair (CSO) discusses reports with the Accountable Executive; if required, the CSO will direct the SMS Program Manager, to prepare a report based on the Accountable Executive's response to the recommendation, including all necessary data pertaining to the decision. If deemed necessary, the appropriate department will be directed to arrange any necessary field testing, pilot program, or controlled environment for developing additional information. Such testing may be requested by the Accountable Executive, CSO or the PTASP/SMS Committee and documented.

Hazards identified within the system are evaluated by appropriate staff and eliminated or mitigated to an acceptable level. The Hazard Analysis Process has been developed to ensure the optimum level of safety is achieved through the expeditious resolution of hazards. In the event the hazard has been categorized as UNACCEPTABLE, the Chief Safety Officer is responsible for maintaining the necessary information, notifications and Corrective Action Plans. Figure 3, Risk Assessment Flow Diagram displays the risk assessment cycle.

Figure 3

Risk Assessment Flow Diagram

The risk assessment cycle



6.5 Emergency Preparedness

Integration with Public Safety and Emergency Management

Effective emergency preparedness, response, coordination, and training are essential elements to minimize loss resulting from an emergency or disastrous event. The objective of emergency preparedness and planning is to ensure fast efficient response to emergencies or disasters in a manner that minimizes risk to the safety and health of passengers, employees, and emergency response personnel, the community, and property.

Responsibilities for Emergency Preparedness

Responsibility of Emergency Preparedness Planning, Coordination, and Training resides with OCTA management; however the Security and Emergency Preparedness Department is

responsible for providing a safe and secure environment with an "All Hazards" approach based on preparedness, protection, response, and recovery.

The primary OCTA EOC is located at the OCTA Administration Building, 600 South Main Street, Orange, CA 92868. OCTA's alternate EOC is located at the Garden Grove Annex.

The purpose of the EOC is to provide a facility from which the organization's response to an emergency can be coordinated effectively and to bring together all relevant information about the emergency in one place; organize that information into a useful format; and facilitate the coordination of resources needed to mitigate the effects of the emergency. The EOC will provide a single focal point for centralized activities, which include:

- Management of information;
- Decision making;
- Resource support; and
- Resource application.

Transit Operations and local managers, supported by the Security and Emergency Preparedness Department, are responsible for training employees on facility emergency management, emergency resources (e.g., telephone numbers, local vendors, location and inventory of emergency supplies, etc.), and response protocols of local agencies.

OCTA's Security and Emergency Preparedness Department develops, implements, and administers agency-wide security and emergency management programs and procedures for all the Agency's multi-modal operations and activities in accordance with federal, state, and local regulations, industry standards and the Agency's policies, including but not limited to:

- Emergency Operation Plan;
- System Security and Emergency Preparedness Plan (SSEPP)*; and
- Continuity of Operations Plan*.

****SSI information is available upon request and appropriate processing.***

The Security and Emergency Preparedness Department also improves emergency preparedness by evaluating responses to actual events. After action reviews are conducted for every emergency response. For major events where there are multiple injuries, property damage, or service disruption, formal review meetings are conducted and documented.

Emergency Exercises

The Security and Emergency Preparedness Department is responsible for organizing and oversight of the annual emergency preparedness drill. The exercise planning is a continuous process with preliminary plans for subsequent activities established as each exercise is planned and conducted. Recommendations and primary safety goals and objectives that OCTA wants to convey to the emergency response agencies are presented to the Security and Emergency Preparedness Department which determines the drill scenario and location each year.

The execution of these activities will function as part of OCTA's Safety Review Process and will serve to evaluate the emergency response capabilities and procedures of all involved parties. Scenarios are acted out to demonstrate, inform, and train OCTA personnel and emergency responders of their individual roles and responsibilities. Findings generated through these activities are documented, and corrective actions generated because of exercises, will be developed and tracked through Corrective Action Plan (CAP) completion.

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7. SAFETY ASSURANCE (673.27)

The Safety Assurance component describes how OCTA implements mitigations that are prudent and effective in addressing potential risk of identified hazards. Organizationally, safety related data is collected, analyzed by the SMS Program Manager, and transmitted to the SMS/PTASP Committee for the purpose of review, trending, and use by the Agency to support the review of safety objectives and goals.

7.1 Safety Performance Monitoring and Measurement 673.27 (b)(1)

Each OCTA department generates its own performance data used for detection of trends or problems prior to the development of major safety concerns. It is the task of OCTA's SMS Program Manager to monitor and measure the safety performance of the agency's operations through data provided from all OCTA departments and to report to the Chief Safety Officer and the PTASP SMS Committee quarterly.

OCTA's Occurrence Tracking System (OTS) is an electronic tool used to track and monitor safety data and objective performance. The OTS is a database that tracks an occurrence or condition, identifies the responsible party, and tracks an item's corrective/preventive actions to closure.

Selected data is accumulated and analyzed for ongoing trending and performance measurement, including fatalities, injuries to passengers and/or OCTA personnel, system reliability, and other safety related events. The SMS Program Manager reports the results of such data quarterly at the SMS/PTASP Committee meeting.

7.2 Hazard Mitigation Monitoring Process 673.27 (b)(2)

Monitoring and measurement establishes a baseline for a system; comparing the difference between the criteria and condition at a specific point in time. Once a baseline or goal is established through monitoring and measurement, data can be used as criteria in evaluating operations to reduce risk and hazard and overall safety objective/goal achievement. Ongoing monitoring is built into OCTA's operations, performed continually, and responsive to change. Ongoing monitoring includes regular management and supervisory activities, comparisons, reconciliations, and other routine actions.

OCTA's Operations Management and the Safety Department perform base safety inspections, record the walk, and document any observations.

OCTA, under the regulatory requirements established by the California Occupational Health and Safety Administration (Cal/OSHA), also utilizes an Injury and Illness Prevention Program (IIPP) to establish methods and processes to identify and eliminate unsafe conditions or practices and control workspace safety hazards. All other local, state, and federal regulations that govern safety compliance outside the jurisdiction of the FTA support the SMS efforts.

Safety Certification

Safety Certification is the process of verifying that safety requirements are included as early as the planning phase through the life of a project, ensuring the safety of customers, employees, emergency responders, and the public to aid in establishing a proactive approach towards hazard mitigation.

OCTA requires the Safety Certification process to be performed for major projects, rehabilitating or modifying existing systems, or to replace vehicles and equipment. Once the need for Safety Certification is identified, the process becomes part of the project, beginning with the preparation of the project specification and the design contracts. Safety objectives are considered during all activities of a project. Safety objectives include but are not limited to:

- Establish a formalized process that is sufficiently documented to verify compliance with safety requirements;
- Ensure safety is an integral part of the design, procurement, construction, testing, and operations;
- Ensure safety decisions are made by appropriate Project Managers, committees, and responsible contractors;
- Ensure any safety hazards and vulnerabilities that become apparent during reviews, audits, inspections, or system testing are resolved, either by redesign, use of safety/warning devices, or by implementation and enforcement of special procedures; and
- Ensure affected outside response agencies, including fire and police departments, are prepared to respond.

7.3 Accident Notification, Investigation, and Reporting 673.27 (b)(3)

Effective accident/incident investigation and reporting is key to identifying and eliminating hazards to prevent reoccurrence. To minimize and control the threat to life, health, and property, it is essential all appropriate parties be notified of an accident/incident as quickly as possible to ensure a timely response to the scene. Accident/incident reporting and investigation shall be conducted to ensure all accidents/incidents are investigated objectively with the goal of determining causal factors and contributing causal factors.

OCTA's Incident and Injury Investigation policy provides investigation criteria and guidelines for incidents that result in property damage, occupational injuries, environmental damage, or similar unforeseen harmful events. OCTA has an accident notification system (NOTO), Everbridge, which sends an email notification to key organizational personnel, including the Safety Department, regarding an incident or passenger/employee injury. When Central Communications gets a call notifying them of an incident or injury; Central Communications logs the call, generates an occurrence in OTS, and develops and distributes a NOTO. If necessary, in the event of an incident or injury, Emergency Response agencies will be dispatched immediately.

In the event of an accident/incident, a Field Supervisor has the responsibility to respond to the occurrence. The Field Supervisor will then report to his/her supervisor, who is responsible for notifying and updating the base management and Central Communications during the response

efforts. The report from the accident/incident or investigation is submitted to Base Management for review through the OTS. The reporting structure/responsibilities for accidents/incidence is outlined in OCTA's Employee Safety Responsibilities Matrix.

If during an onsite investigation/inspection, a concern arises that constitutes an immediate threat to safety, OCTA staff and management will halt the operation through "stop work authority" and respond immediately to reduce the safety hazard to an appropriate level using the safety risk mitigation processes. Any issues or findings are provided to the CSO and SMS Program Manager in writing for tracking safety performance and for inclusion in the quarterly SMS/PTASP Committee meeting report.

Corrective Action Resulting from Accident Investigation

Corrective Action Plans for accidents and incidents will follow the same procedures delineated in the Safety Risk Management section.

7.4 Drug and Alcohol Policy

OCTA has implemented the Federal Transit Administration Regulations as set forth in 49 CFR Part 655 and require testing for prohibited substances in the case of transit accidents. OCTA's process for conducting such testing is delineated in the OCTA Drug and Alcohol Policy Manual.

7.5 Internal Safety Reporting Program Monitoring 673.27 (b)(4)

OCTA currently records and reports safety data from operations and facilities to the CSO and SMS Program Manager; the data is recorded and reported to the SMS/PTASP Committee. The SMS Program Manager monitors the safety data for performance measurement and trending. Further, in accordance with the FTA NTD Safety and Security Policy Manual, the OCTA data is recorded and reported in accordance with federal regulations.

Internal Safety Audits

OCTA's current internal audit process is a proactive approach that verifies safety programs have been developed, implemented, and are effective. The internal audit process assesses the effectiveness of safety programs; identifies process deficiencies; identifies potential hazards in the operational system; identifies weaknesses in system safety programs; verifies prior corrective actions are being tracked for closure and evaluates their effectiveness; recommends system safety improvements; provides management with an assessment of the system safety program; and assures continuing evaluation of safety-related programs, issues, awareness, and reporting. OCTA's SMS practices and processes may be evaluated in whole or in part, during regularly scheduled internal audits and according to OCTA's Board approved audit plan.

OCTA will conduct its own independent audit of the PTASP and SMS practices according to the SSOA schedule and requirements, using adequately trained SMS staff, consultants, or contractors. OCTA will also participate in the FTA triennial reviews, providing trained and knowledgeable staff and/or consultants in SMS, OCTA's operational processes, and appropriate documentation of such processes, as requested by reviewers.

7.6 Management of Change 673.27 (c)

Stimuli for system changes and modifications originate both internally and externally and those changes may introduce new hazards and safety risks into transit operations. In either case, appropriate staff are assigned responsibility for managing and implementing the change and evaluating the change through the Safety Risk Management Process. This process demands coordination and cooperation within and between OCTA divisions, departments, and relevant outside agencies and organizations.

OCTA is establishing a process where all proposed changes will flow through the Change Control Committee and this process will be in accordance with OCTA's Configuration Management Policy.

The Configuration Management Policy sets up a Change Control Committee that meets monthly, or as needed, to evaluate proposed and/or potential changes affecting OCTA systems; these changes include those affecting system reliability, system maintainability, system upgrades, system expansions, ability to share information with other systems, and the ability to integrate with other systems. The Configuration Management Committee discusses project status, planned future projects, new business and assignments, safety impacts, potential hazards, and other relevant topics. The Configuration Management process accommodates changes and ensures documents, records, and data remain concise and valid.

It is important that safety requirements are included as early as the planning phase through the life of a project, ensuring the safety of customers, employees, emergency responders, and the public is considered. Safety objectives are incorporated into all projects in accordance with the Configuration Management Policy.

7.7 Continuous Improvement 673.27(d)

Evaluation of the SMS is necessary to ensure it effectively and efficiently allows OCTA to meet safety objectives and performance targets. OCTA uses the data and information collected from the subcomponents in this Safety Assurance section while conducting safety performance monitoring to address any identified deficits in SMS organizational structures, processes, and resources in a timely manner. OCTA strives for continuous improvement and recognizes this is a dynamic process and significant efforts within Safety Assurance and Safety Promotion are required to improve systems and practices to comply with SMS standards.

Data Analysis and Tracking

Safety-related data is collected, compiled, organized, stored, and maintained by individual departments, the data is then reported to, and analyzed by, the SMS Program Manager. Further, the information gathered during this process is reported to the PSMS/PTASP Committee by the SMS Program Manager and used by OCTA to identify hazards through trend analysis. If a trend is identified through the analysis, the trend is further investigated to determine the causes and tracked through resolution by the responsible department and the SMS Program Manager. Moreover, tracking of hazard-related data is used to identify trends; trends are further analyzed and/or investigated to determine causal factors. Identified hazards are categorized with corrective action recommendations. Corrective actions are tracked within the responsible department to closure using a hazard tracking log and reported to the SMS Program Manager.

Procurement Risk Mitigation

OCTA's Procurement Policy describes procedures to guide staff members, potential vendors, contractors, and suppliers with respect to procurement activities taken on behalf of OCTA, recognizing safety and asset protection as core business values.

Equipment, materials, and professional services for use by OCTA are procured based on safety and industry specifications provided by the user department. OCTA policies and procedures require management authorize all purchases. Requisitions are reviewed by the associated management of the requesting department for safety specifications and efficient and effective usefulness. Larger purchases require a contract developed under supervision of an associate management and are subject to approval by the Board. This assures all essential specification requirements, applicable standards and restrictions are included in the contract terms. Purchasing personnel are not authorized to modify the specifications or grant exceptions.

In its effort to ensure the procurement process considers and evaluates the safety aspects of services, equipment, and other materials obtained, OCTA includes safety specification requirements in all technical specifications and contracts. The Procurement Department requires all safety related purchase requests be reviewed and approved by the Project/Procurement Manager in consultation with the Safety Department.

Transit Asset Management (TAM)

TAM is a business model used to guide the prioritization of funding based on the condition of assets. TAM defines State of Good Repair as the condition of an asset to operate at full performance level: able to perform its designated function, does not pose an unacceptable safety risk, and its lifecycle investments have not been met or recovered. OCTA has adopted TAM as the official, institutional approach in managing infrastructure assets, making capital investment and operational expenditure decisions, and considers the results of its condition assessments while performing safety risk management and safety assurance activities. TAM data is provided to the SMS Program Manager for inclusion in the monthly SMS/PTASP Committee meeting agenda.

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8. SAFETY PROMOTION (673.29)

Safety Promotion fosters a positive safety culture and improves safety performance by increasing safety awareness through training and communication. Appropriate training for all employees regardless of their position within OCTA, provides knowledge for a successful SMS. Through communication of lessons learned and safety performance data, employees are made aware of safety priorities and concerns as they relate to their individual job tasks and the entire OCTA organization. Developing a safety culture requires regular training and ongoing promotion. The activities below must be continually implemented, reviewed, and updated.

8.1 Safety Training Program 673.29 (a)

With the implementation of the PTASP and SMS, OCTA has adopted a training program to ensure all employees are aware of the PTASP and SMS responsibilities. New employees will be trained while attending new employee orientation/onboarding and current employees will undergo SMS/PTASP familiarization training. All employees will sign-off verifying they have been trained in the SMS process and understand their role and responsibility.

Employees at all levels of the Agency need to understand 1) what SMS is, 2) how it supports OCTA's mission, and 3) what their specific individual SMS responsibilities are. OCTA has developed criteria to identify and provide skills training related to safe job performance to include initial and refresher training for all relevant job functions. Training includes measures for ensuring employees are competent to perform their safety-related duties.

OCTA has robust safety training programs including, but not limited to, the following:

- Student Coach Operator Training (SCOT)
- Operations new hire training
- Annual Required Training (ART)
- CAL/OSHA required training
- OCTA CORE 11 Safety Training
- Retraining based on performance deficits
- Maintenance new hire and ongoing training
- Maintenance tailgate meetings
- Safety Spotlights

Employees receive training related to the employee safety-reporting program during initial orientation training and are encouraged to use the identified mechanisms to report safety hazards, near misses, concerns, and issues. Bus operator and vehicle maintenance employee training programs provide opportunities for delivering SMS related training. OCTA's six-week formal new-hire bus operator training program curriculum includes classroom and behind-the-wheel training. Operator and mechanic training includes an eight-hour ART program to meet the requirements of a commercial driver's license. Maintenance employees receive extensive training

at hire and aggressive ongoing skills development training and refresher training on safety-related topics.

All SMS/PTASP safety-related classroom and on-the-job-training is appropriately documented within individual employee safety training records and can be accessed through the Learning Management System (LMS) and Records Management. Training documentation for operators and mechanics is kept within the individual departments and mandatory administrative training is documented through Halogen LMS software. All training records can be accessed upon request.

OCTA evaluates the effectiveness of its safety-related training through departmental inspections, compliance assessments, and audits. All formal training processes shall be reviewed and audited periodically, when an accident investigation lists training as contributory, when training becomes suspect during any hazard analysis process, or when summary student test scores indicate low instructional effectiveness. All training classes, training manuals, and lesson plans are subject to review and audit.

Safety-related training curriculum for all employees is updated to reflect new techniques, technologies, and results of investigations, corrective actions, and regulatory changes. OCTA provides training to employees on new equipment, technologies, and regulatory changes as necessary.

Emergency Response Planning, Coordination, and Training

The Security and Emergency Preparedness Department is responsible for providing a safe and secure environment with an “All-Hazards” approach based on preparedness, protection, response, and recovery. The Department ensures OCTA is compliant with required employee training in the National Incident Management System and the 9/11 Commission Act.

Operations managers are responsible for training employees on evacuation procedures, facility emergency management organization, emergency resources, response protocols of local response agencies, and the SMS.

Contractor Safety

Contractors are required to comply with all applicable State and Federal Regulations and those established by OCTA. Each contractor is responsible for and shall comply with all safety, fire, security policies, procedures, and safe work practices, as well as any other appropriate safety procedures specified in the contract. OCTA reserves the right to audit training activities at its discretion.

8.2 Safety Communication 673.29 (b)

OCTA has developed quantifiable goals to ensure performance can be tracked, evaluated, and measured for continued improvement and success. OCTA has established effective safety communication activities to ensure all employees and contractors are aware of the following goals and responsibilities:

- Continue growth and development of all OCTA SOPs, Policies, and Plans on an annual basis to ensure they reflect the current operating environment;
- Continue to grow SMS, allowing OCTA to systematically identify safety hazards, mitigate risk and reduce fatalities and injuries resulting from transit operations;
- Reduce the injury incidence rate by minimizing exposure to unsafe conditions and reducing hazardous employee behavior;
- Provide a safe and efficient transit operation by ensuring that all vehicles, equipment and facilities are regularly inspected, maintained and serviced as needed; and
- Achieve 100 percent of scheduled routine inspections, preventive and regular maintenance work is completed on time, and essential repairs addressed in a designated time.

Further, OCTA ensures employees and contractors are mindful of SMS responsibilities, processes, activities, and tools relevant to their responsibilities through the following communication platforms:

- Employee Safety Reporting;
- Safety meetings;
- Union meetings;
- Coach operator quarterly meetings with supervisors and managers;
- OCTA Intranet; newsletters, safety bulletins, audio-visual monitors in break rooms;
- Signage;
- Operator log-in messages;
- Text message alerts;
- Radio supervisor communication with operators;
- One-on-one communication between supervisors and frontline employees;
- Daily Maintenance Tailgate meetings;
- Meetings with contractors;
- Committee meetings;
- Safety emails and notifications;
- Safety captains;
- Base television displays and bulletin boards;
- Safety campaigns;
- Intranet postings.

As part of the SMS program, the SMS Program Manager collects data to provide performance reports and trend analysis to the SMS/PTASP Committee, to include: the types of safety actions taken, why safety procedures have been introduced or changed, and information related to significant accident and incident investigation outcomes. OCTA communicates employees' responsibilities in OCTA Staff Safety Roles and SMS Responsibilities Matrix, Appendix B.

8.3 SMS Documentation and Records 673.11 (c), 673.31

OCTA must at a minimum, maintain documents that set forth its PTASP, including those related to the implementation of its SMS, and results from SMS processes and activities. As part of

673.31 (d), OCTA will maintains all documentation regarding SMS and PTASP, including results. The documentation will be available upon request by the FTA or other federal entity having jurisdiction and to auditors. OCTA's SMS documentation will be maintained for three years, in accordance with FTA requirements and OCTA's Records Management.

OCTA has set up a SharePoint site application for all PTASP/SMS recordkeeping. The SharePoint site application allows for ease of document review, sharing, control, and archiving PTASP/SMS documents between authorized/applicable personnel. Documents on the SharePoint site may include but are not limited to: Draft and Final PTASP, meeting agendas, meeting minutes, audit reports, Emergency Management Plan, PTASP related correspondence, data reports, hazard analyses, corrective action logs, training, etc.

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**APPENDIX A
IMPLEMENTATION ACTIONS**

2020 IMPLEMENTATION ACTIONS

PTASP/FTA Code	Action Item	Timeline	Responsible Person / Group
673.23	Establish and implement PTASP/SMS Committee	Q1	HSEC/Planning
673.23	Establish safety performance targets and objectives	Q1	PTASP/SMS Committee
673.23	Engage the Contracted Services Management in PTASP expectations/requirements	Q1	HSEC / Operations
673.31	Establish a Documentation Control/Management System (Records Management)	Q1	Information Systems / HSEC
673.23	Implement PTASP through the Board of Directors	Q2 (May)	CEO/Planning/HSEC/Operations
5323	Submit Certification of Assurance to the FTA	Q2 (July)	Finance and Administration / Government Affairs / HSEC
673.23	Safety Management Policy Communication – existing and new employees	Q2	HSEC / HR / Operations
673.29	Establish SMS communication tools and strategy	Q3	HSEC / External and Internal Communications
	Expand on existing hazard reporting systems to include anonymous reporting	Q3	IS / HSEC / Operations
673.25	Identify and implement a Risk Assessment process (All new hazards)	Q4	PTASP/SMS Committee / Operations / HSEC
673.27	Establish a hazard/risk mitigation monitoring process	Q4	PTASP/SMS Committee / Operations / HSEC
673.27	Establish a single data depository for safety and SMS data <ul style="list-style-type: none"> - Create dashboard for summary and real time analysis - Safety performance monitoring and measuring 	Q4	Information Systems / HSEC / Operations
673.29	Identify and establish SMS training requirements for OCTA staff and contractors	Q4	HSEC / Learning & Development / Operations
673.27	Conduct a safety culture survey to assess existing status	Q4	HSEC / HR

2021-2023 IMPLEMENTATION ACTIONS

PTASP/FTA Code	Action Item	Timeline	Responsible Person / Group
673.27	Annual PTASP review and updates	Q2 2021 (June)	CEO / Chief Safety Officer / SMS/PTASP Committee
673.23	Incorporate OC Streetcar into the PTASP and submit draft to the CPUC for review/approval	Q2 2021 (April)	HSEC / Operations
673.23	Submit updated PTASP through the Board of Directors to OC Streetcar detail	Q2 2021 (July)	CEO / HSEC / Operations
673.27	Independent PTASP/SMS audit utilizing contractor, consultant, or other organization	Q2 2022 (June)	HSEC / Internal Audit
673.25	Complete a formal risk analysis for existing operational hazards	Q4 2022	HSEC / Operations
673.27	FTA Triennial Review to include PTASP/SMS	Q4 2022	Government Relations / HSEC / Operations

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**APPENDIX B
HAZARD MANAGEMENT PROCESS-IDENTIFICATION/ANALYSIS**

OCTA facilities require System Safety be effective in helping identify and minimize hazards, in a mature operational environment. Hazardous conditions are identified, investigated and resolved to an acceptable level. The PTASP, this Hazard Identification/Analysis Process document, and the associated system safety tasks, provide for a method of identifying, analyzing, assessing, and resolving conditions or circumstances that are deemed to present a threat to the safe operation of OCTA transit system.

This Hazard Analysis document incorporates proven methods of tests and inspections employed by each OCTA division and department, enabling the examination of all aspects of operation and review of their interdisciplinary ramifications. This provides management with hazard and risk visibility and the causes and effects of potential accidents. In addition, continual monitoring verifies the total system, including but not limited to patrons, the public, employees, contractors, equipment, the environment; OCTA maintains an acceptable level of safety, and that potential hazards do not exist in operational areas previously determined to be safe.

Hazard identification and resolution is a core element of the PTASP and this Hazard Identification/Analysis document, emphasizing timely correction of unsafe conditions, anticipated and reconciled before serious accident, injury, or damage occurs. To ensure it provides as safe and reliable transportation services as possible, OCTA has established a process by which hazards are identified, analyzed for potential impact on the operating system, and resolved in a manner acceptable to OCTA's management and applicable regulatory agencies.

OCTA management, staff, contractors, and suppliers are required to implement high standards of safety and system assurance throughout the design, construction, testing, and operational phases of OCTA's projects. Hazards, which cannot be eliminated in the design, are to be controlled by safety devices, warning devices, training, and/or written procedures to prevent mishaps. Most hazards are identified in the field, reported, and entered in reports. These hazards are addressed by the responsible departments through routine corrective measures and do not require special attention.

Hazard Identification

Hazard identification is accomplished as Department Managers collect and analyze data to monitor trends. Unless additional resources are requested, the Department Manager investigates and resolves all hazards within their department. OCTA Department Managers review reports daily from the previous days' operation. Immediate corrective action is initiated when appropriate; otherwise, data is evaluated and used to set the agenda for the next PTASP/SMS Committee meeting. The SMS Program Manager prepares a trend analysis report for PTASP/SMS meeting. Trend analysis reports are reviewed at PTASP/SMS Committee meetings. Additionally, each Department Manager reviews departmental reports and shift change briefings for the previous operational period and makes a similar evaluation for their department.

OCTA documents hazards that develop through multiple sources, such as: accidents, incidents, and leading indicators. OCTA also evaluates hazards to determine if multiple events occurred leading up to an event. This ensures each possible cause is evaluated and documented for trending purposes. To address hazards resulting from system extensions or modifications, operational and other changes, safety analyses included in design and procurement contracts will provide for:

- Identification of potential hazards;
- Assessment of the severity and probability of occurrence of each potential hazard;
- Timely awareness of hazards for those who must resolve them; and
- Tractability and control of hazards through all phases of a project's life cycle.

Hazard Investigation and Reporting

Hazards which are not resolved at the operating, maintenance, or other front-line department level are appropriately investigated by the CSO, assisted by the responsible Operations Department. Investigation findings are documented and reported to the CSO for resolution.

Safety Risk Assessment

Hazard severity categories are defined to provide a qualitative measure of the worst credible mishap resulting from personnel error; environmental conditions; design inadequacies; and procedural deficiencies for a system, subsystem, or component failure or malfunction. The probability a hazard will occur during the planned life expectancy of the system element, subsystem, or component can be described subjectively in potential occurrences per unit of time, event, population, items, or activity. A qualitative hazard probability may be derived from research, analysis, and evaluation of historical safety data from the same or similar systems. Supporting rationale for assigning a hazard probability are documented in hazard analysis reports.

The objective of hazard identification and analysis is to identify and define as many hazardous conditions as possible and enter them into the Hazard Resolution process before those conditions or associated actions cause or contribute to an accident. Although it is virtually impossible to identify every hazard, there are two basic time-tested methods for orderly identification of hazards: inductive and deductive. The inductive hazard identification method consists of an analysis of system components to identify their respective failure modes and the effects they will have on the total system. This method assumes the failure of single elements or events and, through analysis, determines the potential consequential effects on the system or subsystem. The techniques commonly used for inductive hazard identification include:

Preliminary Hazard Analysis (PHA) – is a semi-quantitative analysis performed to identify potential hazards and accidental events that may lead to an accident, rank the identified accidental events according to their severity, and identify required hazard controls and follow-up actions.

Sub-System Hazard Analysis (SSHA) – is a safety analysis tool for identifying hazards, their associating causal factors, effects, level of risk, and mitigation design measures.

Operating Hazard Analysis (OHA) - is performed to determine all applicable operational safety requirements for personnel, procedures, and equipment throughout all phases of the system life cycle. Engineering data, procedures, and instructions developed from other safety analyses, the engineering design, and initial test programs are all used to support this analysis. Operating hazards are generally resolved in preparation for operations by way of training, developing operating procedures, and developing emergency operating procedures.

These types of hazard analyses may also be utilized by OCTA during major capital projects, system modifications, system changes that require Safety / Security Certification, or as determined by the CSO.

The deductive hazard identification method involves defining an undesired effect or event and then deducing the possible conditions or system component faults (or combinations thereof) which are necessary to cause the undesired effect or event.

Hazard Analysis Methodology

The hazard analysis methodology has two steps: evaluating hazard severity (categorizing the hazard) and evaluating hazard probability.

Hazard Severity

OCTA assigns a hazard severity rating based on the definitions in MIL-STD-882E. It is a subjective determination of the worst case that could be anticipated to result from design inadequacies, human error, component failure or malfunction. The ratings are:

Category 1, Catastrophic - Operating conditions are such that design deficiencies, human error, element, sub system or component failure or procedural deficiencies may cause death or major system loss and require immediate termination of the unsafe activity or operation.

Category 2, Critical - Operating conditions are such that design deficiencies, human error, element, sub system or component failure or procedural deficiencies may cause severe injury, severe occupational illness or major system damage and require immediate corrective action.

Category 3, Marginal - Operating conditions are such that they may result in minor injury, occupational illness or system damage and are such that human error, subsystem or component failures can be counteracted or controlled.

Category 4, Negligible - Operating conditions are such that human error, subsystem or component failure or procedural deficiencies will result in less than minor injury, occupational illness or system damage.

Hazard severity categories are defined to provide a qualitative measure of the worst credible mishap resulting from personnel error, environmental conditions, design inadequacies, and procedural deficiencies for a system, subsystem or component failure or malfunction. It reflects the principle that not all hazards pose an equal amount of risk to personnel safety.

Hazard Severity Index

HAZARD SEVERITY		
Category	Severity	Characteristics
1	Catastrophic	Death or system loss
2	Critical	Severe injury, severe occupational illness or major system damage
3	Marginal	Minor injury, minor occupational illness or minor system damage
4	Negligible	Less than minor injury, occupational illness or system damage

Hazard Probability

The probability that a hazard will occur during the planned life expectancy of the system element, subsystem, or component can be described subjectively in potential occurrences per unit time, event, population, items or activity. A qualitative hazard probability may be derived from research, analysis and evaluation of historical safety data from the same or similar system. OCTA assigns a probability rating to a particular event or a specific hazard occurring during the planned life expectancy of the operating system. Supporting rationale for assigning a hazard probability is documented in hazard analysis reports.

Hazard Probability Index

HAZARD PROBABILITY			
Description	Level	Specific Individual Event	Fleet/ Inventory
Frequent	A	Likely to occur frequently	Continuously experienced
Probable	B	Will occur several times in the system's lifecycle	Will occur frequently
Occasional	C	Likely to occur sometime in the system's lifecycle	Will occur several times
Remote	D	Unlikely, but possible to occur in the system's lifecycle	Unlikely, but can be expected to occur
Improbable	E	So unlikely it can be assumed occurrence may not be experienced	Unlikely to occur but possible
Eliminated	F	Eliminated	

Hazard Categorization (Identified by Hazard Risk Index)

Through the established process, OCTA will assess the level of risk for each identified hazard to determine what action(s) must be taken to correct or document the hazard risk. This risk assessment system is incorporated into the formal analysis which enables the CSO and CEO, if concurrence is necessary, to understand the amount of risk involved in accepting the hazard in relation to the cost (schedule, dollars, operations, etc.) to reduce the hazard to an acceptable level.

The Hazard Risk assesses the risk based upon hazard category and probability and the criteria for defining further actions based upon the index.

OCTA applies its collective, deductive reasoning and/or may utilize a method represented by MIL-STD-882E. The information is compiled, and any necessary statistics or trend information is entered into the permanent file.

Hazard Risk Index

HAZARD RISK INDEX				
	1	2	3	4
Frequency of Occurrence	Catastrophic	Critical	Marginal	Negligible
(A) Frequent	1A	2A	3A	4A
(B) Probable	1B	2B	3B	4B
(C) Occasional	1C	2C	3C	4C
(D) Remote	1D	2D	3D	4D
(E) Improbable	1E	2E	3E	4E
(F) Eliminated	Eliminated			

When the Hazard Severity Index is combined with the Hazard Probability Index, the result is the Hazard Risk Index. Each Hazard Risk Index requires a specific level of action. Actions will be taken to eliminate identified hazards or reduce the associated risk. A hazard with a risk index of "Unacceptable" is not permitted and must be redesigned or modified to eliminate or minimize and control the hazard to a more acceptable level.

Hazard Acceptance Criteria

HAZARD ACCEPTANCE CRITERIA			
Hazard Risk Index		Decision Authority	Special Conditions
	1A, 1B, 1C, 2A, 2B	Unacceptable	Requires review by CSO and Executive Director
	1D, 2C, 3A, 3B	Undesirable	Requires review by CSO and Executive Director
	1E, 2D, 2E, 3C, 3D, 3E, 4A, 4B	Acceptable with Review	Requires review by CSO
	4C, 4D, 4E	Acceptable	Determination made by Manager, No Review Required
	1F, 2F, 3F, 4F	Eliminated	Eliminated

Hazard Control and Elimination

Before implementation of any corrective action, system safety analyses establish a hazard severity category (1 through 4) and a probability ranking (A through E) which are combined to form a Risk Index, reflecting both severity and probability of occurrence for each identified hazard. The range of possible Risk Indices is shown in the above Sample Hazard Evaluation, Analysis, and Resolution Matrix.

Hazard Risk Indices

Risk assessment criteria will be applied to the identified hazards based on their estimated severity and probability of occurrence to determine acceptance of the risk or the need for corrective action to further reduce the risk.

Action will be taken to eliminate identified hazards or reduce the associated risk. Catastrophic and critical hazards will be eliminated, or their associated risk reduced to an acceptable level. If this is impossible or impractical, alternatives will be recommended for the appropriate decision-making Hazard Resolution and Control.

OCTA shall use the Hazard Resolution and Control process as described below. The process involves the analysis and corrective action taken to reduce the risk associated with an identified hazard to the lowest practical level. The order of precedence resolving identified hazards is as follows:

- **Design for Minimum Risk.** Design new facilities and equipment to eliminate hazards. If an identified hazard cannot be eliminated, its associated risks must be reduced to an acceptable level (see Risk Assessment Criteria) through the design selection.

- **Utilization of Safety Devices.** If an identified hazard cannot be eliminated, or its associated risk cannot be reduced through design selection, that risk must be reduced to an acceptable level using protective safety features or devices. Provision is made, and procedure is issued for periodic inspection and functional checks of safety devices.
- **Warning Devices.** When neither design nor safety devices can effectively eliminate identified hazards or reduce risk to an acceptable level, warning devices are used to detect the condition and produce an adequate warning signal to alert individuals to the hazard. Warning devices are standardized to minimize the probability of incorrect reaction of personnel to these warning signals.
- **Develop Special Procedures and Training.** When it is impossible or impractical to eliminate hazards through design selection or adequately reduce its associated risks through safety or warning devices, then approved procedures and special training programs are used. Procedures may include the use of personal protective equipment. Precautionary notations and warning signs are standardized. OCTA employees who perform critical tasks require certification of personal proficiency.

Warning, caution, and other forms of written advisories cannot be used as the only method of risk reduction for Category 1 (Catastrophic) and Category 2 (Critical) hazards.

Facility and system contract documents require that contractors/suppliers solve hazards in accordance with this list, in order of precedence. Specifications include the requirement for contractors/suppliers who provide system, subsystem or equipment during construction to establish and maintain a safety program. These programs, at a minimum, define objectives, tasks, procedures, schedules, and data submittal for the safety activities that are performed by the contractor/supplier. The safety program and supporting documentation are subject to review and approval by OCTA.

Hazards identified within the system are evaluated by the Safety Committee, appropriate staff and eliminated and controlled to a level acceptable to OCTA. As part of the hazard resolution process, reports summarizing status of safety issues and concerns are prepared and distributed to OCTA's management and other project participants for review and comment.

The Accountable Executive or CSO has authority to implement any change that has system safety implications. Accordingly, all hazard identification and analysis proceedings result in the issuance of a report by Safety to the Accountable Executive. The report is prepared by Safety and includes all pertinent data developed on the identified hazard. A recommendation achieved by consensus must be included, regardless of whether this recommendation is for a change in existing conditions or procedures, or for retention of the status quo. Any disagreement on the matter, or suggested negative ramifications of the recommendation, must also be included, to present as much information as possible to the Accountable Executive.

Hazards identified within the system are to be evaluated by appropriate staff and eliminated or controlled to an acceptable level. The following schedule has been developed to ensure the optimum level of safety is achieved through the expeditious resolution of hazards. All hazard levels

are reviewed by appropriate staff. In the event the hazard has been categorized as UNACCEPTABLE, the CSO is responsible for maintaining the necessary information, notifications and Corrective Action Plans.

HAZARD RESOLUTION SCHEDULE	
Criterion	Resolution Timetable
Unacceptable	Must be eliminated as soon as possible; there is no other option.
Undesirable	Must be resolved in 30 working days
Acceptable with review	Must be resolved in 30 working days
Acceptable	Notification within 30 working days
Eliminated	No notification required

Hazard Tracking

OCTA will utilize a hazard tracking log which consists of the following information and is maintained by the CSO:

- Assigned hazard number;
- Date hazard identified;
- Hazard title;
- Hazard description;
- Sources from which it was identified;
- The element of OCTA's operation affected by the hazard;
- Initial hazard classification;
- Current hazard classification; and
- Corrective action plan.

The hazard tracking log is updated monthly or as requested. All captured data is analyzed for the identification of developing trends to ensure future safety risks/hazards can be mitigated and/or eliminated.

**PUBLIC TRANSPORTATION AGENCY SAFETY PLAN
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APPENDIX C

PTASP RELATIONSHIP TO OTHER FEDERAL REGULATIONS

Public Transportation Safety Program Rule- 49 U.S.C. § 5329

The Public Transportation Safety Program Rule establishes substantive and procedural rules for FTA’s administration of the Public Transportation Safety Program authorized by 49 U.S.C. § 5329. The rule establishes FTA’s Safety Management Systems (SMS) approach to the development and implementation of the Safety Program. Further, it sets rules of practice for the FTA’s enforcement authority and describes the contents of a National Public Transportation Safety Plan.

National Public Transportation Safety Plan (NPTSP)- section 5329(b)

Through the NPTSP, the FTA has adopted the principles and methods of SMS as the basis for enhancing the safety of public transportation in the United States. The NPTSP is a policy document, communications tool, and a repository of standards, guidance, best practices, tolls, technical assistance, and other resources.

OCTA’s PTASP was written in accordance to the Public Transportation Safety Program Rule and the NPTSP was a core document in outlining OCTA’s SMS.

Public Transportation Agency Safety Plan (PTASP) Rule- 49 CFR Part 673

The Federal Transit Administration (FTA) published a final rule for PTASP as authorized by the Moving Ahead for Progress in the 21st Century Act (MAP-21). This final rule requires States and certain operators of public transportation systems that receive Federal financial assistance under Urbanized Area Formula Program (49 U.S.C. § 5307) to develop safety plans that include the processes and procedures to implement Safety Management Systems (SMS). Transit operators must certify they have a safety plan, meeting the requirements of the rule, in place by July 20, 2020. OCTA is on schedule to meet the July 20, 2020 deadline and, to remain compliant, will review and revise the Plan annually and have it certified by the OCTA Board.

The safety plan requirements for rail transit agencies under FTA’s original State Safety Oversight Rule (49 C.F.R. Part 659) implemented system safety through 21 specific requirements for System Safety Program Plans (SSPPs). The major focus of system safety is to integrate risk management into the overall system engineering process rather than addressing hazards as day-to-day operational considerations. The PTASP replaces the current OCTA BSSPP. Once the “OC Streetcar” is in operation in 2022, OCTA will be fully responsible to the requirements and for having related practices reviewed by the appropriate State Safety Oversight program.

State Safety Oversight (SSO) Rule- 49 CFR Part 674

On March 16, 2016, FTA issued a final rule for State Safety Oversight (SSO) to oversee the safety of rail fixed guideway public transportation systems, and entities that own or operate rail fixed

guideway public transportation systems with Federal financial assistance authorized under 49 U.S.C. Chapter 53.

The State Safety Oversight Agency (SSOA) has authority to review, approve, oversee, and enforce the Public Transportation Agency Safety Plan for a rail fixed guideway public transportation system required by 49 U.S.C. 5329(d). The SSOA has investigative and enforcement authority with respect to the safety of all rail fixed guideway public transportation systems within the State.

Once the OC Streetcar initiates revenue operations, at least once every three years, the SSOA will audit OCTA's compliance with the Public Transportation Agency Safety Plan required by 49 U.S.C. 5329(d). At least once a year, the SSOA reports the status of the safety of each rail fixed guideway public transportation system to the Governor, the FTA, and the Board of Directors, or equivalent entity, of the rail fixed guideway public transportation system. The FTA will audit each State's compliance at least triennially, consistent with 49 U.S.C. 5329(e)(9).

Transit Asset Management (TAM) Rule- 49 CFR Part 625

Through the implementation of its TAM Plan, required under 49 C.F.R. Part 625, OCTA can consider the results of its condition assessments while performing safety risk management and safety assurance activities. The PTASP final rule applies to only Section 5307 recipients and sub-recipients, and the TAM rule applies to all operators of public transit. However, the two plans can support one another by providing useful data for agency use and NTD reporting.

The results of TAM condition assessments, and subsequent SMS analysis can help prioritize a transit agency's TAM Plan elements. Condition assessments help identify potential safety issues, which could undergo a safety risk assessment as part of Safety Risk Management (SRM). Further, TAM data and analysis can also be used for performance monitoring and measurement as part of Safety Assurance. Results of safety risk assessments and safety performance monitoring and measurement can guide the prioritization of an asset for repair or replacement. OCTA is responsible for both the TAM Plan and the PTASP and can benefit by coordinating efforts and data.

Public Transportation Safety Certification Training Program Rule- 49 CFR Part 672

The Safety Certification Training Program establishes a curriculum and minimum competencies for Federal, SSOA personnel and contractors who conduct safety audits and examinations of rail fixed guideway public transportation systems, and for designated transit agency personnel and contractors who are directly responsible for safety oversight of a recipient's rail fixed guideway public transportation systems. The final rule for the Safety Certification Training Program replaces an interim program which became effective on May 28, 2015. OCTA should continue to educate individuals whom are directly responsible for SMS or are directly responsible for safety oversight to ensure compliance.

National Transit Database (NTD) Rule 49 U.S.C 5335(a)

Transit agency's receiving funding from the Urbanized Area Formula Program (5307) or Rural Formula Program (5311) are required to submit data to the NTD in uniform categories. OCTA submits reports to NTD each fiscal year. The PTASP rule and NTD reporting rule are related, as both rules require OCTA to track data based on the same data points; fatalities, injuries and safety events per total revenue vehicle mile by mode, with the additional requirement of mean distance between major mechanical failures.

The following table is a summary of FTA safety regulations, which impact the PTASP, requiring OCTA compliance.

FTA SAFETY REGULATIONS

Regulation	Overview
Public Transportation Safety Program Rule CFR Part 670	Establishes the procedural rules for enforcement of FTA's safety programs.
National Public Transportation Safety Plan 49 U.S.C. 5329	Manages the safety risks and safety hazards within public transportation systems.
Public Transportation Agency Safety Plan 49 CFR Part 673	Requires transit agencies to develop and implement safety plans based on SMS principles, performance targets.
State Safety Oversight 49 CFR Part 674	Strengthens state oversight of rail transit systems.
Transit Asset Management 49 CFR 625	TAM Plan establishes state of good repair performance measures and targets NTD reporting.
Public Transportation Safety Certification Training Program 49 CFR Part 672	Establishes training curriculum to ensure basic level of safety-related competency for rail transit system auditing and oversight.
National Transit Database 49 U.S.C. 5335(a)	Reporting system, using uniform categories to accumulate public transportation financial, operating, and asset condition.

Source: <https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/regulations-and-guidance>

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**PUBLIC TRANSPORTATION AGENCY SAFETY PLAN
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APPENDIX D

REFERENCED AND RELATED DOCUMENTS

Configuration Management Policy
Continuity of Operations Plan (COOP)
Drug and Alcohol Policy
Drug and Alcohol Policy Manual
Ethicspoint Policy
Emergency Operation Plan (EOP)
Hazard Identification/Analysis
Injury and Illness Prevention Program
Internal Audit Policy
NTD Reporting Policy
Procurement Policy
Records Management Policy
System Security and Emergency Preparedness Plan (SSEPP)
Safety Review Process
SMS/PTASP Committee Policy
Transit Asset Management Plan



May 4, 2020

To: Executive Committee

From: Darrell E. Johnson, Chief Executive Officer

Subject: Third Quarter Fiscal Year 2019-20 Capital Action Plan and Performance Metrics Report

Overview

Staff has prepared a quarterly progress report on capital project delivery for the period of January 2020 through March 2020, for the Orange County Transportation Authority Board of Directors. This report highlights the Capital Action Plan for project delivery which is used as a performance metric to assess delivery progress on highway, transit, and rail projects.

Recommendation

Receive and file as an information item.

Background

The Orange County Transportation Authority (OCTA) delivers highway, transit, rail, and facility projects from the beginning of the environmental approval phase through construction completion. Project delivery milestones are planned carefully with consideration of project scope, costs, schedule, and assessment of risks. The milestones reflected in the Capital Action Plan (CAP) are OCTA's planned and budgeted major project delivery commitments.

This report is a quarterly progress report on the CAP performance metrics, which are a snapshot of the planned CAP project delivery milestones in the budgeted fiscal year (FY).

Discussion

OCTA's objective is to deliver projects on schedule and within the approved project budget. Key project cost and schedule commitments are captured in the CAP, which is regularly updated with project status and any new projects (Attachment A). The CAP is categorized into four key project groupings;

freeway projects, railroad grade separation projects, and rail and station projects. Schedule milestones are used as performance indicators of progress in project delivery. The CAP performance metrics report provides a FY snapshot of the milestones targeted for delivery in the budgeted FY and provide transparency and performance measurement of capital project delivery.

The CAP project costs represent the total cost across all phases of project delivery, including support costs, and right-of-way (ROW) and construction capital costs. Baseline costs, if established, are shown in comparison to either the actual or forecast cost. Baseline costs may be shown as to-be-determined (TBD) if project scoping studies and estimates have not been developed or approved and may be updated as delivery progresses, and milestones are achieved. Projects identified in the Orange County local transportation sales tax Measure M2 (M2) are identified with the corresponding M2 project letter. The CAP status update is also included in the M2 Quarterly Report.

The CAP summarizes the very complex capital project critical path delivery schedules into eight key milestones.

Begin Environmental	The date work on the environmental clearance, project report, or preliminary engineering phase begins.
Complete Environmental	The date environmental clearance and project approval is achieved.
Begin Design	The date final design work begins, or the date when a design-build contract begins.
Complete Design	The date final design work is 100 percent complete and approved.
Construction Ready	The date contract bid documents are ready for advertisement, including certification of ROW, all agreements executed, and contract constraints cleared.
Advertise for Construction	The date a construction contract is advertised for bids.
Award Contract	The date the construction contract is awarded.
Construction Complete	The date all construction work is completed, and the project is open to public use.

These delivery milestones reflect progression across the project delivery phases shown below.



Project schedules reflect planned baseline milestone dates in comparison to forecast or actual milestone dates. Milestone dates may be shown as TBD if project scoping or approval documents have not been finalized and approved, or if the delivery schedule has not been negotiated with a partnering agency or consultant implementing the specific phase of a project. Planned milestone dates can be revised to reflect new dates from approved baseline schedule changes. Project schedules are reviewed monthly, and milestone achievements and updated forecast dates are included to reflect project delivery status.

Status on the Interstate 405 (I-405) Improvement Project and the OC Streetcar Project are provided to the OCTA Board of Directors (Board) separately on a quarterly basis.

CAP milestones achieved in the third quarter of FY 2019-20 include:

Freeway Projects

- The complete environmental milestone was achieved for the Interstate 5 (I-5) widening between I-405 and State Route 55 (SR-55).
- The complete environmental milestone was achieved for the SR-55 widening between I-5 and State Route 91 (SR-91).
- The begin design milestone was achieved for the SR-91 widening between SR-55 to Lakeview Avenue. This is the first of three segments of the SR-91 widening from SR-55 to State Route 57, and includes replacement of the Lakeview Avenue overcrossing and reconfiguration of the Lakeview Avenue westbound SR-91 on-ramp.

The following CAP milestone missed the planned delivery through the third quarter of FY 2019-20:

The begin environmental milestone for the Orange County Metrolink Maintenance Facility (OCMF) was not achieved. Negotiations with OCTA's consultant on the level of effort, cost, and schedule required to environmentally clear this complex project took longer than anticipated. However, the consultant

contract was executed in April 2020, and the environmental clearance work can now proceed.

The complete environmental milestone for the I-5 El Toro interchange project is delayed beyond the current FY. OCTA staff is working with the cities of Laguna Hills, Laguna Woods, and Lake Forest, as well as the California Department of Transportation (Caltrans) to procure a consultant to facilitate a review of scoping of the project alternatives with all stakeholders. A revised environmental completion schedule has not yet been established.

The complete design, construction ready, and advertise construction milestones for the Anaheim Canyon Metrolink Station expansion project have not been achieved. Planned construction access conditions have changed because adjacent private property on the east side of the station is under construction with high density housing. Alternative construction access options are being pursued and discussions with adjacent private property owners to obtain access continues. The complete design milestone should be met in the fourth quarter of FY 2019-20, and pending resolution of the ROW construction access issue, the construction ready and advertise construction milestones will move into the first quarter of FY 2020-21.

The construction ready milestone for the I-5 widening from Alicia Parkway to El Toro Road was not achieved in the third quarter. However, the milestone was achieved on April 2, 2020. The advertise construction milestone is planned in the fourth quarter of FY 2019-20, and the award contract milestone will move into the first quarter of FY 2020-21.

CAP Updates and Recap of FY 2019-20 Performance Metrics

The performance metrics snapshot provided at the beginning of FY 2019-20 reflects 19 planned major project delivery milestones to be accomplished, 13 of which were scheduled through the third quarter. The CAP and performance metrics have been updated to reflect both milestones achieved and missed through the third quarter of the FY (Attachment B).

Five of 13 (38.5 percent) planned milestones through the third quarter of the FY were achieved for the reporting period.

FY 2019-20 Performance Metrics Look Ahead Risks

Schedule-critical ROW acquisition is underway for the SR-55 widening from I-405 to I-5. A clear path to gaining possession of all needed ROW is required to move the project into the construction phase. COVID-19 has raised several ROW process risks, including court closures, legal filing and service delays, potential temporary construction easement timeline expirations, other litigation

challenges, relocation issues, land and business valuation challenges, and appraisal and site inspection issues. These risks may impact the ROW acquisition process and impact the planned construction schedule.

The Placentia Metrolink Station construction ready, advertise construction, and award contract milestones planned this FY are delayed. Final BNSF Railway (BNSF) approvals and authorizations to construct the station are dependent on the successful negotiation and approval of a new shared-use agreement (SUA) between Metrolink and BNSF. Progress on the SUA has been slow; however, a non-binding memorandum of understanding (MOU) between Metrolink and BNSF was executed in November 2019, defining general terms to advance the SUA. The MOU enables OCTA and BNSF to complete all tasks necessary to finalize the project for construction while the final SUA is prepared. Per the MOU, construction cannot begin until the SUA is executed by all Metrolink member agencies. Construction cost changes, along with any required programming or funding changes, will be brought to the OCTA Board when BNSF construction costs are finalized, and the SUA approval schedule becomes apparent.

To date, no substantial COVID-19 risks impacts in construction material supply chain and subcontractor labor availability have surfaced. However, some material and product suppliers and subcontractors have submitted advance notice of “potential” material and supply delays.

Summary

Capital project delivery is progressing and reflected in the CAP. The planned FY 2019-20 performance metrics created from forecast project schedules will be used as a general project delivery performance indicator throughout the FY. Staff will continue to manage project costs and schedules across all project phases to meet project delivery commitments and report quarterly.

Attachments

- A. Capital Action Plan, Status Through March 2020
- B. Capital Programs Division, Fiscal Year 2019-20 Performance Metrics Through March 2020

Prepared by:















A handwritten signature in blue ink, appearing to read "James G. Beil".

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

Capital Action Plan

Status Through March 2020
















Updated: April 21, 2020

Capital Projects	Cost	Schedule							
	Baseline/Forecast	Plan/Forecast							
	(millions)	Begin Environmental	Complete Environmental	Begin Design	Complete Design	Construction Ready	Advertise Construction	Award Contract	Complete Construction
Freeway Projects:									
I-5, Pico to San Diego County	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
	TBD	Mar-21	Dec-23	TBD	TBD	TBD	TBD	TBD	TBD
 I-5, Pico to Vista Hermosa	\$113.0	Jun-09	Dec-11	Jun-11	Oct-13	Feb-14	Oct-14	Dec-14	Aug-18
Project C	\$83.5	Jun-09	Oct-11	Jun-11	Oct-13	May-14	Sep-14	Dec-14	Aug-18
 I-5, Vista Hermosa to Pacific Coast Highway	\$75.6	Jun-09	Dec-11	Jun-11	Feb-13	Jun-13	Oct-13	Dec-13	Mar-17
Project C	\$75.3	Jun-09	Oct-11	Jun-11	May-13	Aug-13	Feb-14	Jun-14	Jul-17
 I-5, Pacific Coast Highway to San Juan Creek Road	\$70.7	Jun-09	Dec-11	Jun-11	Jan-13	May-13	Aug-13	Oct-13	Sep-16
Project C	\$74.3	Jun-09	Oct-11	Jun-11	Jan-13	Apr-13	Aug-13	Dec-13	Jul-18
 I-5, I-5/Ortega Interchange	\$90.9	Sep-05	Jun-09	Jan-09	Nov-11	Mar-12	Jun-12	Aug-12	Sep-15
Project D	\$79.8	Sep-05	Jun-09	Jan-09	Dec-11	Apr-12	Jun-12	Aug-12	Jan-16
 I-5, I-5/Ortega Interchange (Landscape)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Project D	N/A	N/A	N/A	Jan-14	Oct-14	Feb-15	Aug-15	Sep-15	Sep-16
 I-5, SR-73 to Oso Parkway	\$151.9	Sep-11	Jun-14	Mar-15	Jan-18	May-18	Aug-18	Dec-18	Apr-25
Project C & D	\$196.1	Oct-11	May-14	Mar-15	Aug-18	May-19	Aug-19	Dec-19	Apr-25
 I-5, Oso Parkway to Alicia Parkway	\$196.2	Sep-11	Jun-14	Nov-14	Jun-17	Dec-17	Feb-18	Jun-18	Nov-23
Project C & D	\$203.1	Oct-11	May-14	Nov-14	Dec-17	Jun-18	Nov-18	Mar-19	Nov-23
 I-5, Alicia Parkway to El Toro Road	\$133.6	Sep-11	Jun-14	Mar-15	Jun-18	Dec-18	Jan-19	May-19	Jun-23
Project C	\$184.1	Oct-11	May-14	Mar-15	May-19	Apr-20	May-20	Aug-20	Sep-24
 I-5, SR-73 to El Toro Road (Landscape)	TBD	N/A	N/A	TBD	TBD	TBD	TBD	TBD	TBD
Project C	\$12.4	N/A	N/A	Jul-22	Mar-24	Jul-24	Sep-24	Nov-24	Jun-26
 I-5, I-5/El Toro Road Interchange	TBD	Apr-17	Nov-19	TBD	TBD	TBD	TBD	TBD	TBD
Project D Cost/Schedule Risk	TBD	Apr-17	Oct-21	TBD	TBD	TBD	TBD	TBD	TBD
 I-5, I-405 to Yale Avenue	\$230.5	May-14	Aug-18	TBD	TBD	TBD	TBD	TBD	TBD
Project B	\$230.5	May-14	Jan-20	Sep-21	Jun-24	Dec-24	Apr-25	Jul-25	Jan-29
 I-5, Yale Avenue to SR-55	\$200.4	May-14	Aug-18	TBD	TBD	TBD	TBD	TBD	TBD
Project B	\$200.4	May-14	Jan-20	Mar-21	Dec-23	Jun-24	Oct-24	Jan-25	Aug-28
 I-5, SR-55 to SR-57	\$38.1	Jul-11	Jun-13	Jun-15	Mar-17	Jul-17	Sep-17	Dec-17	Apr-21
Project A	\$41.5	Jun-11	Apr-15	Jun-15	Jun-17	Dec-17	Mar-18	Nov-18	Apr-21
 SR-55, I-405 to I-5	\$410.9	Feb-11	Nov-13	Sep-17	Apr-20	Dec-20	Apr-21	Jul-21	Aug-25
Project F Cost/Schedule Risk	\$410.9	May-11	Aug-17	Sep-17	Apr-20	Dec-20	Apr-21	Jul-21	Aug-25

Capital Action Plan

Status Through March 2020












Updated: April 21, 2020

Capital Projects	Cost	Schedule							
	Baseline/Forecast	Plan/Forecast							
	(millions)	Begin Environmental	Complete Environmental	Begin Design	Complete Design	Construction Ready	Advertise Construction	Award Contract	Complete Construction
 SR-55, I-5 to SR-91 Project F	TBD TBD	Dec-16 Dec-16	Jan-20 Mar-20	TBD TBD	TBD TBD	TBD TBD	TBD TBD	TBD TBD	TBD TBD
 SR-57 Northbound (NB), Orangewood Avenue to Katella Avenue Project G	TBD TBD	Apr-16 Apr-16	Dec-18 Mar-19	TBD TBD	TBD TBD	TBD TBD	TBD TBD	TBD TBD	TBD TBD
 SR-57 (NB), Katella Avenue to Lincoln Avenue Project G	\$78.7 \$38.0	Apr-08 Apr-08	Jul-09 Nov-09	Jul-08 Aug-08	Nov-10 Dec-10	Mar-11 Apr-11	May-11 Jul-11	Aug-11 Oct-11	Sep-14 Apr-15
 SR-57 (NB), Katella Avenue to Lincoln Avenue (Landscape) Project G	N/A N/A	N/A N/A	N/A N/A	N/A May-09	N/A Jul-10	N/A Jun-17	N/A Jul-17	N/A Sep-17	N/A Jun-18
 SR-57 (NB), Orangethorpe Avenue to Yorba Linda Boulevard Project G	\$80.2 \$52.3	Aug-05 Aug-05	Dec-07 Dec-07	Feb-08 Feb-08	Dec-09 Jul-09	Apr-10 Dec-09	Jun-10 May-10	Oct-10 Oct-10	May-14 Nov-14
 SR-57 (NB), Yorba Linda Boulevard to Lambert Road Project G	\$79.3 \$54.1	Aug-05 Aug-05	Dec-07 Dec-07	Feb-08 Feb-08	Dec-09 Jul-09	Apr-10 Mar-10	Jun-10 May-10	Oct-10 Oct-10	Sep-14 May-14
 SR-57 (NB), Orangethorpe Avenue to Lambert Road (Landscape) Project G	N/A N/A	N/A N/A	N/A N/A	N/A Oct-14	N/A Aug-17	N/A Dec-17	N/A Jan-18	N/A Feb-18	N/A Apr-19
 SR-57 (NB), Lambert Road to Tonner Canyon Project G	TBD TBD	TBD Jul-23	TBD Mar-26	TBD TBD	TBD TBD	TBD TBD	TBD TBD	TBD TBD	TBD TBD
 SR-91 Westbound (WB), I-5 to SR-57 Project H	\$78.1 \$59.2	Jul-07 Jul-07	Apr-10 Jun-10	Oct-09 Mar-10	Feb-12 Apr-12	Jul-12 Aug-12	Aug-12 Oct-12	Nov-12 Jan-13	Apr-16 Jun-16
 SR-91 Westbound (WB), I-5 to SR-57 (Landscape) Project H	N/A N/A	N/A N/A	N/A N/A	N/A Nov-14	N/A Aug-16	N/A Dec-16	N/A Feb-17	N/A Mar-17	N/A Nov-17
 SR-91, SR-55 to Lakeview Avenue (Segment 1) Project I	TBD \$102.5	Jan-15 Jan-15	Oct-18 Jun-20	Mar-20 Mar-20	TBD Jan-23	TBD Aug-23	TBD Oct-23	TBD Feb-24	TBD Sep-27
 SR-91, La Palma Avenue to SR-55 (Segment 2) Project I	TBD \$223.1	Jan-15 Jan-15	Oct-18 Jun-20	TBD Jul-20	TBD Apr-23	TBD Nov-23	TBD Dec-23	TBD Apr-24	TBD Dec-27
 SR-91, Acacia Street to La Palma Ave (Segment 3) Project I	TBD \$109.7	Jan-15 Jan-15	Oct-18 Jun-20	TBD Nov-20	TBD Sep-23	TBD Apr-24	TBD Jun-24	TBD Sep-24	TBD May-28
 SR-91 (WB), Tustin Interchange to SR-55 Project I	\$49.9 \$42.5	Jul-08 Jul-08	Jul-11 May-11	Jul-11 Jun-11	Mar-13 Feb-13	Jul-13 Apr-13	Aug-13 Jun-13	Oct-13 Oct-13	Jul-16 Jul-16
 SR-91, SR-55 to SR-241 Project J	\$128.4 \$79.7	Jul-07 Jul-07	Jul-09 Apr-09	Jun-09 Apr-09	Jan-11 Aug-10	Apr-11 Dec-10	Jun-11 Feb-11	Sep-11 May-11	Dec-12 Mar-13

Capital Action Plan

Status Through March 2020










Updated: April 21, 2020

Capital Projects	Cost	Schedule							
	Baseline/Forecast	Plan/Forecast							
	(millions)	Begin Environmental	Complete Environmental	Begin Design	Complete Design	Construction Ready	Advertise Construction	Award Contract	Complete Construction
 SR-91, SR-55 to SR-241 (Landscape)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Project J	N/A	N/A	N/A	May-12	Feb-13	Apr-13	Jul-13	Oct-13	Feb-15
 SR-91 Eastbound, SR-241 to SR-71	\$104.5	Mar-05	Dec-07	Jul-07	Dec-08	Mar-09	May-09	Jul-09	Nov-10
Project J	\$57.8	Mar-05	Dec-07	Jul-07	Dec-08	May-09	Jun-09	Aug-09	Jan-11
91 Express Lanes to SR-241 Toll Connector	TBD	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	TBD	Nov-13	Jan-20	Dec-16	TBD	TBD	TBD	TBD	TBD
 I-405, I-5 to SR-55	TBD	Dec-14	Jul-18	TBD	TBD	TBD	TBD	TBD	TBD
Project L	TBD	Dec-14	Aug-18	TBD	TBD	TBD	TBD	TBD	TBD
 I-405, SR-55 to I-605 (Design-Build)	\$1,900.0	Mar-09	Mar-13	Mar-14	Nov-15	Feb-16	Mar-16	Nov-16	May-23
Project K	\$1,900.0	Mar-09	May-15	Mar-14	Nov-15	Feb-16	Mar-16	Nov-16	May-23
I-405/SR-22 HOV Connector	\$195.9	N/A	N/A	Sep-07	Sep-09	Mar-10	May-10	Aug-10	Aug-14
	\$120.8	N/A	N/A	Sep-07	Jun-09	Sep-09	Feb-10	Jun-10	Mar-15
I-405/I-605 HOV Connector	\$260.4	N/A	N/A	Sep-07	Sep-09	Mar-10	May-10	Oct-10	Jan-15
	\$172.6	N/A	N/A	Sep-07	Sep-09	Feb-10	May-10	Oct-10	Mar-15
I-405/SR-22/I-605 HOV Connector (Landscape)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	N/A	N/A	N/A	Jun-08	May-09	Feb-16	May-16	Jul-16	Feb-18
 I-605, I-605/Katella Interchange	\$29.0	Aug-16	Nov-18	TBD	TBD	TBD	TBD	TBD	TBD
Project M	\$29.0	Aug-16	Oct-18	Nov-20	Sep-22	Jan-23	Mar-23	May-23	Feb-25
Railroad Grade Separation Projects:									
 Sand Canyon Avenue Railroad Grade Separation	\$55.6	N/A	Sep-03	Jan-04	Jul-10	Jul-10	Oct-10	Feb-11	May-14
Project R	\$61.9	N/A	Sep-03	Jan-04	Jul-10	Jul-10	Oct-10	Feb-11	Jan-16
 Raymond Avenue Railroad Grade Separation	\$77.2	Feb-09	Nov-09	Mar-10	Aug-12	Nov-12	Feb-13	May-13	Aug-18
Project O	\$125.6	Feb-09	Nov-09	Mar-10	Dec-12	Jul-13	Oct-13	Feb-14	May-18
 State College Boulevard Railroad Grade Separation (Fullerton)	\$73.6	Dec-08	Jan-11	Jul-06	Aug-12	Nov-12	Feb-13	May-13	May-18
Project O	\$100.3	Dec-08	Apr-11	Jul-06	Feb-13	May-13	Sep-13	Feb-14	Mar-18
 Placentia Avenue Railroad Grade Separation	\$78.2	Jan-01	May-01	Jan-09	Mar-10	May-10	Mar-11	Jun-11	Nov-14
Project O	\$64.5	Jan-01	May-01	Jan-09	Jun-10	Jan-11	Mar-11	Jul-11	Dec-14
 Kraemer Boulevard Railroad Grade Separation	\$70.4	Jan-01	Sep-09	Jan-09	Jul-10	Jul-10	Apr-11	Aug-11	Oct-14
Project O	\$63.8	Jan-01	Sep-09	Feb-09	Jul-10	Jan-11	Jun-11	Sep-11	Dec-14
 Orangethorpe Avenue Railroad Grade Separation	\$117.4	Jan-01	Sep-09	Feb-09	Dec-11	Dec-11	Feb-12	May-12	Sep-16
Project O	\$105.9	Jan-01	Sep-09	Feb-09	Oct-11	Apr-12	Sep-12	Jan-13	Oct-16

Capital Action Plan

Status Through March 2020

Updated: April 21, 2020

Capital Projects	Cost	Schedule							
	Baseline/Forecast	Plan/Forecast							
	(millions)	Begin Environmental	Complete Environmental	Begin Design	Complete Design	Construction Ready	Advertise Construction	Award Contract	Complete Construction
 Tustin Avenue/Rose Drive Railroad Grade Separation	\$103.0	Jan-01	Sep-09	Feb-09	Dec-11	Mar-12	May-12	Aug-12	May-16
Project O	\$96.6	Jan-01	Sep-09	Feb-09	Jul-11	Jun-12	Oct-12	Feb-13	Oct-16
 Lakeview Avenue Railroad Grade Separation	\$70.2	Jan-01	Sep-09	Feb-09	Oct-11	Oct-12	Feb-13	May-13	Mar-17
Project O	\$110.7	Jan-01	Sep-09	Feb-09	Jan-13	Apr-13	Sep-13	Nov-13	Jun-17
 17th Street Railroad Grade Separation	TBD	Oct-14	Jun-16	TBD	TBD	TBD	TBD	TBD	TBD
Project R	TBD	Oct-14	Nov-17	TBD	TBD	TBD	TBD	TBD	TBD
Rail and Station Projects:									
 Rail-Highway Grade Crossing Safety Enhancement	\$94.4	Jan-08	Oct-08	Jan-08	Sep-08	Sep-08	Sep-08	Aug-09	Dec-11
Project R	\$90.4	Jan-08	Oct-08	Jan-08	Sep-08	Sep-08	Sep-08	Aug-09	Dec-11
 San Clemente Beach Trail Safety Enhancements	\$6.0	Sep-10	Jul-11	Feb-12	Apr-12	Apr-12	Jul-12	Oct-12	Jan-14
Project R	\$5.0	Sep-10	Jul-11	Feb-12	Jun-12	Jun-12	Oct-12	May-13	Mar-14
San Juan Capistrano Passing Siding	\$25.3	Aug-11	Jan-13	Mar-15	May-16	May-16	Aug-16	Dec-16	Feb-21
	\$36.4	Aug-11	Mar-14	Mar-15	Aug-18	Aug-18	Aug-18	Mar-19	Feb-21
 OC Streetcar	\$424.4	Aug-09	Mar-12	Feb-16	Sep-17	Oct-17	Dec-17	Aug-18	Dec-21
Project S	\$424.4	Aug-09	Mar-15	Feb-16	Nov-17	Dec-17	Dec-17	Sep-18	Apr-22
 Placentia Metrolink Station and Parking Structure	\$34.8	Jan-03	May-07	Oct-08	Jan-11	TBD	TBD	TBD	TBD
Project R	\$40.1	Jan-03	May-07	Oct-08	Feb-11	Oct-20	Oct-20	Feb-21	Sep-22
 Orange County Maintenance Facility	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
Project R	TBD	Apr-20	Jun-22	TBD	TBD	TBD	TBD	TBD	TBD
Anaheim Canyon Metrolink Station	\$27.9	Jan-16	Dec-16	Mar-19	May-19	May-19	Jul-19	Nov-19	Mar-21
	\$29.9	Jan-16	Jun-17	Mar-18	Apr-20	Aug-20	Aug-20	Nov-20	Mar-22
Orange Metrolink Station Parking Expansion	\$33.2	Dec-09	Dec-12	Nov-10	Apr-13	Jul-16	Jul-16	Nov-16	Feb-19
	\$30.9	Dec-09	May-16	Nov-10	Apr-16	Jul-16	Jul-16	Jun-17	Feb-19
Fullerton Transportation Center - Elevator Upgrades	\$3.5	N/A	N/A	Jan-12	Dec-13	Dec-13	Jun-14	Sep-14	Mar-17
	\$4.2	N/A	N/A	Jan-12	Dec-13	Dec-13	Aug-14	Apr-15	May-19
Laguna Niguel/Mission Viejo Station ADA Ramps	\$3.5	Jul-13	Jan-14	Jul-13	Aug-14	Aug-14	Sep-14	Jan-15	Apr-17
	\$5.0	Jul-13	Feb-14	Jul-13	Jul-15	Jul-15	Jul-15	Oct-15	Sep-17
 Anaheim Regional Transportation Intermodal Center	\$227.4	Apr-09	Feb-11	Jun-09	Feb-12	Feb-12	May-12	Jul-12	Nov-14
Project R & T	\$232.2	Apr-09	Feb-12	Jun-09	May-12	May-12	May-12	Sep-12	Dec-14

Capital Action Plan

Status Through March 2020

Updated: April 21, 2020

Capital Projects	Cost	Schedule							
	Baseline/Forecast	Plan/Forecast							
	(millions)	Begin Environmental	Complete Environmental	Begin Design	Complete Design	Construction Ready	Advertise Construction	Award Contract	Complete Construction

Note: Costs associated with landscape projects are included in respective freeway projects.

Grey = Milestone achieved

Green = Forecast milestone meets or exceeds plan

Yellow = Forecast milestone is one to three months later than plan

Red = Forecast milestone is over three months later than plan

Begin Environmental: The date work on the environmental clearance, project report, or preliminary engineering phase begins.

Complete Environmental: The date environmental clearance and project approval is achieved.

Begin Design: The date final design work begins, or the date when a design-build contract begins.

Complete Design: The date final design work is 100 percent complete and approved.

Construction Ready: The date contract bid documents are ready for advertisement, including certification of right-of-way, all agreements executed, contract constraints are cleared.

Advertise for Construction: The date a construction contract is both funded and advertised for bids.

Award Contract: The date the construction contract is awarded.

Construction Complete: The date all construction work is completed and the project is open to public use.

Acronyms

I-5 - Santa Ana Freeway (Interstate 5)

SR-73 - San Joaquin Freeway (State Route 73)

SR-55 - Costa Mesa Freeway (State Route 55)

SR-57 - Orange Freeway (State Route 57)

SR-91 - Riverside Freeway (State Route 91)

SR-71 - Corona Expressway (State Route 71)

SR-22 - Garden Grove Freeway (State Route 22)

I-405 - San Diego Freeway (Interstate 405)

SR-241 - Foothill/Eastern Transportation Corridor (State Route 241)

I-605 - San Gabriel River Freeway (Interstate 605)

ADA - Americans with Disabilities Act

Capital Programs Division
Fiscal Year 2019-20 Performance Metrics Through March 2020

ATTACHMENT B

Begin Environmental

Project Description	FY 20 Qtr 1		FY 20 Qtr 2		FY 20 Qtr 3		FY 20 Qtr 4		FY 20 Fcst
	Fcst	Actual	Fcst	Actual	Fcst	Actual	Fcst	Actual	
Orange County Maintenance Facility			X						
Total Forecast/Actual	0	0	1	0	0	0	0	0	1

Complete Environmental

Project Description	FY 20 Qtr 1		FY 20 Qtr 2		FY 20 Qtr 3		FY 20 Qtr 4		FY 20 Fcst
	Fcst	Actual	Fcst	Actual	Fcst	Actual	Fcst	Actual	
I-5/El Toro Road Interchange			X						
I-5, I-405 to SR-55					X	✓			
SR-55, I-5 to SR-91						✓	X		
SR-91, SR-57 to SR-55							X		
Total Forecast/Actual	0	0	1	0	1	2	2	0	4

Begin Design

Project Description	FY 20 Qtr 1		FY 20 Qtr 2		FY 20 Qtr 3		FY 20 Qtr 4		FY 20 Fcst
	Fcst	Actual	Fcst	Actual	Fcst	Actual	Fcst	Actual	
SR-91, SR-55 to Lakeview Avenue					X	✓			
Total Forecast/Actual	0	0	0	0	1	1	0	0	1

Complete Design

Project Description	FY 20 Qtr 1		FY 20 Qtr 2		FY 20 Qtr 3		FY 20 Qtr 4		FY 20 Fcst
	Fcst	Actual	Fcst	Actual	Fcst	Actual	Fcst	Actual	
Anaheim Canyon Metrolink Station	X								
SR-55, I-405 to I-5							X		
Total Forecast/Actual	1	0	0	0	0	0	1	0	2

Construction Ready

Project Description	FY 20 Qtr 1		FY 20 Qtr 2		FY 20 Qtr 3		FY 20 Qtr 4		FY 20 Fcst
	Fcst	Actual	Fcst	Actual	Fcst	Actual	Fcst	Actual	
Anaheim Canyon Metrolink Station			X						
I-5, Alicia Parkway to El Toro Road			X						
Placentia Metrolink Station and Parking Structure					X				
Total Forecast/Actual	0	0	2	0	1	0	0	0	3

Advertise Construction

Project Description	FY 20 Qtr 1		FY 20 Qtr 2		FY 20 Qtr 3		FY 20 Qtr 4		FY 20 Fcst
	Fcst	Actual	Fcst	Actual	Fcst	Actual	Fcst	Actual	
I-5, SR-73 to Oso Parkway	X	✓							
Anaheim Canyon Metrolink Station			X						
I-5, Alicia Parkway to El Toro Road					X				
Placentia Metrolink Station and Parking Structure					X				
Total Forecast/Actual	1	1	1	0	2	0	0	0	4

Capital Programs Division

Fiscal Year 2019-20 Performance Metrics Through March 2020

Award Contract

Project Description	FY 20 Qtr 1		FY 20 Qtr 2		FY 20 Qtr 3		FY 20 Qtr 4		FY 20 Fcst
	Fcst	Actual	Fcst	Actual	Fcst	Actual	Fcst	Actual	
I-5, SR-73 to Oso Parkway			X	✔					
Anaheim Canyon Metrolink Station							X		
I-5, Alicia Parkway to El Toro Road							X		
Placentia Metrolink Station and Parking Structure							X		
Total Forecast/Actual	0	0	1	1	0	0	3	0	4

Complete Construction

Project Description	FY 20 Qtr 1		FY 20 Qtr 2		FY 20 Qtr 3		FY 20 Qtr 4		FY 20 Fcst
	Fcst	Actual	Fcst	Actual	Fcst	Actual	Fcst	Actual	
No "Complete Construction" milestones scheduled for FY 2019-20									
Total Forecast/Actual	0	0	0	0	0	0	0	0	0

Totals	2	1	6	1	5	3	6	0	19
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Begin Environmental: The date work on the environmental clearance, project report, or preliminary engineering phase begins.

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SR-57 - Orange Freeway (State Route 57)

SR-91 - Riverside Freeway (State Route 91)

I-605 - San Gabriel River Freeway (Interstate 605)

I-405 - San Diego Freeway (Interstate 405)


X = milestone forecast in quarter

✔ = milestone accomplished in quarter



May 4, 2020

To: Executive Committee

From: Darrell E. Johnson, Chief Executive Officer 

Subject: Proposed Amendment to the Orange County Local Transportation Authority Measure M2 Ordinance No. 3

Overview

The voter-approved Measure M2 Ordinance No. 3 requires that local jurisdictions meet a maintenance of effort requirement to remain eligible to receive Measure M2 funding. Local jurisdictions are experiencing a significant decline in general fund revenues because of the novel coronavirus pandemic, which is expected to impact their ability to meet this maintenance of effort requirement. An amendment to the ordinance is recommended to assist the local jurisdictions through this unprecedented period of economic uncertainty. The proposed amendment is presented for Board of Directors' consideration, and approval is requested to set a public hearing date initiating the amendment process.

Recommendations

- A. Direct staff to initiate the process to amend the Orange County Local Transportation Authority Measure M2 Ordinance No. 3 to address the anticipated near-term negative growth in general fund revenues as it relates to the maintenance of effort requirement.
- B. Direct staff to set a date of June 22, 2020, for a public hearing and Board of Directors action to consider adoption of the amendment to the Orange County Local Transportation Authority Measure M2 Ordinance No. 3 as it relates to the maintenance of effort requirement.
- C. Approve updates to the Fiscal Year 2020-21 Measure M2 Eligibility Guidelines, including revised maintenance of effort forms addressing the changes needed to implement the proposed amendment.

Background

In November 2006, Orange County voters approved the Renewed Measure M2 Ordinance No. 3, also called Measure M2 (M2). The Orange County Transportation Authority (OCTA) is committed to fulfilling the promises made in M2. This means delivering all projects and programs included in the M2 Expenditure Plan and complying with the specific requirements identified in the M2 Ordinance No. 3 (M2 Ordinance). Also included in the M2 Ordinance is an amendment process to address unforeseen circumstances.

Over the next few months, OCTA and local jurisdictions will have a clearer picture of the implications of the novel coronavirus (COVID-19) pandemic and its impact to sales tax revenues, fuel sales, and local agency general fund revenues (GFR). However, action is currently needed to ensure that OCTA can continue providing funds to eligible local jurisdictions.

Local jurisdictions are required to meet specific requirements in order to receive M2 revenues, one of which is related to maintenance of effort (MOE) spending levels. MOE is the amount the local jurisdiction's spend in discretionary non-transportation funds, or GFR, for streets and roads purposes. The intent is to ensure that M2 revenues do not supplant funding for streets and roads that a local jurisdiction was previously spending.

The original MOE level was established in 1991 with the first Measure M (M1) program using a five-year average of the funding amount local jurisdictions spent on streets and roads maintenance and construction between 1985 and 1990. The MOE amount remained unchanged during the 20-year life of M1; therefore, it did not keep pace with annual inflation. Recognizing the need for an adjustment, a process was included in the M2 Ordinance to update the MOE amount every three years. The adjustment is determined by looking back at the California Department of Transportation construction cost index growth during a three-year period and applying that growth rate to the MOE, with the exception that the increase cannot be greater than the jurisdiction's increase in GFR for the same period. The most recent adjustment approved by the Board of Directors (Board) on April 13, 2020, is only the third adjustment to the original MOE as established under M1.

Discussion

Because of the potential economic impacts related to the COVID-19 pandemic, a limited amendment to the MOE requirements is proposed to ensure local jurisdictions can continue receiving M2 revenues. The M2 Ordinance requires jurisdictions to annually submit two items to OCTA related to MOE:

- 1) MOE certification – before the start of the annual fiscal year budget, local jurisdictions must certify that sufficient expenditures have been budgeted to meet the MOE benchmark.
- 2) Expenditure report – annually, local jurisdictions must submit a detailed financial report. This report is used to validate eligible uses of M2 funds and to report actual MOE expenditures to meet the MOE benchmark requirement.

These requirements – outlined in Section 6 of the M2 Ordinance, and in Section III of Attachment B to the M2 Ordinance – must be met in order for local jurisdictions to continue to receive M2 revenues. Attachment A provides the existing MOE language as included in the M2 Ordinance.

The M2 Ordinance allows for amendments for unforeseen circumstances, which is noted and further discussed in Section 12 of the M2 Ordinance. A specific process for amendments was established by the OCTA Board during M1 and has continued in M2. Amendments to the M2 Ordinance, which do not affect the Transportation Investment Plan, require a two-thirds vote from the OCTA Board, as well as a public hearing and notification process.

As the state-designated Local Transportation Sales Tax Authority responsible for administering M2, OCTA is committed to upholding the intent of the M2 Ordinance. As such, amendments should only be proposed when absolutely necessary to keep the M2 promises to voters. Amendments to M2 are not a normal occurrence. Over the last 29 years, between both M1 and M2, there have only been four ordinance amendments. During this same period, there have been ten plan amendments. Ordinance amendments are corrective changes in nature versus plan amendments, which address funding needs and cost savings through reallocation of funds between projects and programs within the same mode. The change required for MOE will require an ordinance amendment. Attachment B provides information on the amendment process, the language on amendments from the M2 Ordinance, and a history of the prior amendments.

Given the financial impacts anticipated to occur as a result of COVID-19, it will be challenging for all local jurisdictions to satisfy MOE expenditure report requirements for fiscal year (FY) 2019-20 and MOE certification and expenditure report requirements for FY 2020-21. For reference, OCTA sales tax collections in FY 2018-2019 were \$331 million. Due to COVID-19, OCTA is anticipating a 33 percent decline in sales tax in the fourth quarter of FY 2019-20. As a result, OCTA anticipates finishing FY 2019-20 with \$303 million in sales tax receipts, which represents a \$28 million (8.5 percent) decrease in sales tax when compared to FY 2018-19. In addition, an early forecast by Muni Services, the firm that prepares OCTA's short-term forecasted growth rate, is anticipating an additional 4.5 percent reduction in sales tax for FY 2020-21 to \$290 million.

In total, OCTA anticipates collecting \$41 million (12.4 percent) less sales tax in FY 2020-21 than in FY 2018-19 due to COVID-19.

The economic impacts of COVID-19 may not permit local jurisdictions to meet the MOE benchmark requirement for the FY 2019-20 and FY 2020-21. Initial estimates, based upon an informal OCTA poll, indicate local jurisdictions expect, on average, an approximate seven percent reduction in FY 2019-20 revenues (with some estimates as high as 14 percent), and an approximate seven percent reduction in FY 2020-21 revenues (with some estimates as high as 15 percent). City of Costa Mesa Mayor Katrina Foley sent a letter to OCTA Chief Executive Officer Darrell E. Johnson on April 16, 2020 (Attachment C), expressing concern related to lost revenues and requesting a suspension of the MOE requirement for three years, the reduction of the MOE benchmark requirement, and potentially allowing agencies up to seven years to repay the required MOE if they are not able to meet the requirement after the proposed suspension period.

Staff reviewed and considered several options ranging from no changes to the MOE requirement, to suspending the MOE requirement – the latter of which is inconsistent with the legislative intent of the M2 Ordinance because M2 revenues would supplant and not supplement local revenues.

In consultation with OCTA legal counsel, staff has developed a solution intended to be fair and reasonable for all jurisdictions with the goal of balancing local funding issues with the intent of M2 Ordinance. If approved, this will provide local jurisdictions with a path forward before the approaching FY 2020-21 MOE certification requirement deadline of June 30, 2020. Therefore, staff is recommending an amendment to the Orange County Local Transportation Authority M2 Ordinance No. 3, Section 6, MOE Section to:

- Require submittal of the FY 2019-20 expenditure report and accept the actual expenditures reported as meeting the MOE requirement, even if the total expenditure amount is below the MOE benchmark requirement for FY 2019-20.
- Modify the MOE budget certification requirement for FY 2020-21 to require that local jurisdictions certify a budget that commits to continuing the same proportional share of streets and roads expenditures to GFR, based upon the proportion of the current MOE benchmark to GFR that were reported in their respective Comprehensive Annual Financial Report for FY 2018-19, at a minimum. This approach allows the MOE amount to float with fluctuations in local agency GFR levels in FY 2020-21 while upholding the intent of the M2 Ordinance to use M2 revenues as supplemental funding. Attachment D provides the revised temporary MOE benchmark for FY 2020-21, and Attachment E provides the revised MOE certification form.

- Require local jurisdictions to submit the FY 2020-21 expenditure reports to confirm that they have met the proportional share of total GFR or MOE dollar amount as defined in Attachment D.

The proposed amendment language is provided in Attachment F. The process and timing for amending the M2 Ordinance and MOE submittals is shown below:

Actions	Date
Governor declared a state of emergency related to COVID-19	March 4, 2020
Governor enacted the stay-at-home order	March 19, 2020
M2 Eligibility Guidelines, FY 2020-21 approved	April 13, 2020
OCTA Executive Committee considers M2 amendment	May 4, 2020
OCTA Board considers M2 amendment and sets a public hearing date for June 22, 2020	May 11, 2020
Proposed amendment sent to local jurisdictions for public review prior to public hearing (Attachment F)	May 12, 2020
Taxpayers Oversight Committee provided an update on ordinance amendment	May 12, 2020
Issue public hearing notice (at least 30 days prior to public hearing)	May 21, 2020
Public hearing on amendment and roll call vote by Board (requires two-thirds vote)	June 22, 2020
Adopted amendment transmitted to local jurisdiction	June 23, 2020
Local jurisdictions required to submit the MOE certification for FY 2020-21 (Attachment E)	June 30, 2020
Local Fair Share disbursement for fourth quarter, FY 2019-20 (estimated date)	July 15, 2020
Amendment effective 45 days following adoption	August 6, 2020
Local Fair Share disbursement (estimated date)	September 16, 2020

Summary

An amendment to the M2 Ordinance to assist local agencies in managing the economic impacts of the COVID-19 pandemic is proposed. The amendment modifies the MOE requirements for FY 2019-20 and FY 2020-21 while upholding the legislative intent of the M2 Ordinance. Staff also requests the Board set a public hearing date for June 22, 2020, and approval of an updated MOE Certification Form is proposed.

Attachments

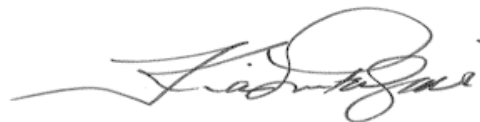
- A. Orange County Local Transportation Authority Ordinance No. 3, Maintenance of Effort Requirements Excerpt, Section 6, Page 3
- B. Procedures to Amend the Renewed Measure M Transportation Investment Plan and Ordinance No. 3, Language Excerpt and Amendment History
- C. Letter from Mayor Katrina Foley, City of Costa Mesa, to Darrell Johnson, Chief Executive Officer, Orange County Transportation Authority, dated April 16, 2020
- D. FY 2020-21 MOE Benchmark as a Percentage of FY 2018-19 GFR
- E. Appendix I, Maintenance of Effort (MOE) Certification Form
- F. Draft Ordinance Amendment Language, Section 6, Page 3

Prepared by:



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Department Manager,
Capital Programming
(714) 560-5915

Approved by:



Kia Mortazavi
Executive Director, Planning
(714) 560-5741

**Orange County Local Transportation Authority Ordinance No. 3
Maintenance of Effort Requirements Excerpt**

Section 6, Page 3

SECTION 6. MAINTENANCE OF EFFORT REQUIREMENTS

It is the intent of the Legislature and the Authority that the Net Revenues allocated to a jurisdiction pursuant to the Ordinance for street and road projects shall be used to supplement existing local discretionary funds being used for transportation improvements. Each jurisdiction is hereby required to annually maintain as a minimum no less than the maintenance of effort amount of local discretionary funds required to be expended by the jurisdiction for local street and road purposes pursuant to the current Ordinance No. 2 for Fiscal Year 2010-2011. The maintenance of effort level for each jurisdiction as determined through this process shall be adjusted effective July 1, 2014 and every three fiscal years thereafter in an amount equal to the percentage change for the Construction Cost Index compiled by Caltrans for the immediately preceding three calendar years, providing that any percentage increase in the maintenance of effort level based on this adjustment shall not exceed the percentage increase in the growth rate in the jurisdiction's general fund revenues over the same time period. The Authority shall not allocate any Net Revenues to any jurisdiction for any fiscal year until that jurisdiction has certified to the Authority that it has included in its budget for that fiscal year an amount of local discretionary funds for streets and roads purposes at least equal to the level of its maintenance of effort requirement. An annual independent audit may be conducted by the Authority to verify that the maintenance of effort requirements are being met by the jurisdiction. Any Net Revenues not allocated pursuant to the maintenance of effort requirement shall be allocated to the remaining eligible jurisdictions according to the formula described in the Ordinance.

Attachment B, Section III – Requirements for Eligible Jurisdictions

Page B7-B10

III. REQUIREMENTS FOR ELIGIBLE JURISDICTIONS.

A. In order to be eligible to receive Net Revenues, a jurisdiction shall satisfy and continue to satisfy the following requirements.

1. Congestion Management Program. Comply with the conditions and requirements of the Orange County Congestion Management Program (CMP) pursuant to the provisions of Government Code Section 65089.

2. Mitigation Fee Program. Assess traffic impacts of new development and require new development to pay a fair share of necessary transportation improvements attributable to the new development.

3. Circulation Element. Adopt and maintain a Circulation Element of the jurisdiction's General Plan consistent with the MPAH.

4. Capital Improvement Program. Adopt and update biennially a six-year Capital Improvement Program (CIP). The CIP shall include all capital transportation projects, including projects funded by Net Revenues, and shall include transportation projects required to demonstrate compliance with signal synchronization and pavement management requirements.

5. Traffic Forums.

Participate in Traffic Forums to facilitate the planning of traffic signal synchronization programs and projects. Eligible Jurisdictions and Caltrans, in participation with the County of Orange and the Orange County Division of League of Cities, will establish the boundaries for Traffic Forums. The following will be considered when establishing boundaries:

- a. Regional traffic routes and traffic patterns;
- b. Inter-jurisdictional coordination efforts; and
- c. Total number of Traffic Forums.

6. Local Traffic Signal Synchronization Plan. Adopt and maintain a Local Traffic Signal Synchronization Plan which shall identify traffic signal synchronization street routes and traffic signals; include a three-year plan showing costs, available funding and phasing of capital, operations and maintenance of the street routes and traffic signals; and include information on how the street routes and traffic signals may be synchronized with traffic signals on the street routes in adjoining jurisdictions. The Local Traffic Signal Synchronization Plan shall be consistent with the Traffic Signal Synchronization Master Plan.

7. Pavement Management Plan. Adopt and update biennially a Pavement Management Plan, and issue, using a common format approved by the Authority, a report every two years regarding the status of road pavement conditions and implementation of the Pavement Management Plan.

a. Authority, in consultation with the Eligible Jurisdictions, shall define a countywide management method to inventory, analyze and evaluate road pavement conditions, and a common method to measure improvement of road pavement conditions.

b. The Pavement Management Plan shall be based on: either the Authority's countywide pavement management method or a comparable management

method approved by the Authority, and the Authority's method to measure improvement of road pavement conditions.

c. The Pavement Management Plan shall include:

- (i) Current status of pavement on roads;
- (ii) A six-year plan for road maintenance and rehabilitation, including projects and funding;
- (iii) The projected road pavement conditions resulting from the maintenance and rehabilitation plan; and
- (iv) Alternative strategies and costs necessary to improve road pavement conditions.

8. Expenditure Report. Adopt an annual Expenditure Report to account for Net Revenues, developer/traffic impact fees, and funds expended by the Eligible Jurisdiction which satisfy the Maintenance of Effort requirements. The Expenditure Report shall be submitted by the end of six (6) months following the end of the jurisdiction's fiscal year and include the following:

- a. All Net Revenue fund balances and interest earned.
- b. Expenditures identified by type (i.e., capital, operations, administration, etc.), and program or project.

9. Project Final Report. Provide Authority with a Project Final Report within six months following completion of a project funded with Net Revenues.

10. Time Limits for Use of Net Revenues.

a. Agree that Net Revenues for Regional Capacity Program projects and Regional Traffic Signal Synchronization Program projects shall be expended or encumbered no later than the end of the fiscal year for which the Net Revenues are programmed. A request for extension of the encumbrance deadline for no more than twenty-four months may be submitted to the Authority no less than ninety days prior to the deadline. The Authority may approve one or more requests for extension of the encumbrance deadline.

b. Agree that Net Revenues allocated for any program or project, other than a Regional Capacity Program project or a Regional Traffic Signal Synchronization Program project, shall be expended or encumbered within three years of receipt. The Authority may grant an extension to the three-year limit, but extensions shall not be granted beyond a total of five years from the date of the initial funding allocation.

c. In the event the time limits for use of Net Revenues are not satisfied then any retained Net Revenues that were allocated to an Eligible Jurisdiction and interest earned thereon shall be returned to the Authority and these Net Revenues and

interest earned thereon shall be available for allocation to any project within the same source program.

11. Maintenance of Effort. Annual certification that the Maintenance of Effort requirements of Section 6 of the Ordinance have been satisfied.

12. No Supplanting of Funds. Agree that Net Revenues shall not be used to supplant developer funding which has been or will be committed for any transportation project.

13. Consider, as part of the Eligible Jurisdiction's General Plan, land use planning strategies that accommodate transit and non-motorized transportation.

**PROCEDURES TO AMEND THE
RENEWED MEASURE M TRANSPORTATION INVESTMENT PLAN
AND ORDINANCE NO. 3., LANGUAGE EXCERPT AND AMENDMENT HISTORY**

PROCEDURES

The Orange County Local Transportation Authority (OCLTA) Ordinance No. 3 approved by Orange County voters on includes a provision The following procedures are applicable to amend the Renewed Measure M Transportation Investment Plan (Plan) and the Orange County Local Transportation Authority (OCLTA) Ordinance No. 3, by the OCTLA Board of Directors (Board):

A proposed amendment which eliminates a program or project specified on page 31 of the Plan shall not be adopted unless the Board adopts a finding that the transportation purpose of the program or project to be eliminated will be satisfied by a different program or project.

A proposed amendment which changes funding categories, programs, or projects identified within the expenditure plan, page 31 of the Plan, shall be first approved by a two-thirds vote of the Taxpayers Oversight Committee.

Proposed amendments to the Plan and Ordinance No. 3 shall be presented to the Board. The Board shall set a date no sooner than 30 days thereafter for a public hearing to consider the proposed amendment(s), and the proposed amendment(s) shall be transmitted to the Board of Supervisors and the City Council of each Orange County city not less than 30 days prior to the public hearing.

Local agencies may offer comment in writing or in person at the public hearing and such comments shall be incorporated into the public record of the hearing.

The Board shall hold a public hearing prior to adoption of the amendment.

The amendment shall be passed by a roll call vote (at least a two-thirds majority) of Board members.

OCTA shall give written notice of the amendment to the County Board of Supervisors and all City Councils.

Amendment(s) to the Plan or Ordinance No. 3 shall become effective 45 days after adoption.

In addition, a proposed amendment which changes funding allocations among the four major categories of: freeway projects, streets and roads projects, transit projects, and environmental cleanup projects, as identified on page 31 of the Plan; or which changes funding allocations for Local Fair Share Program net revenues (Section IV, C, 3 of Attachment B) shall also be approved by a simple majority vote of the electors before going into effect.

Orange County Local Transportation Authority Ordinance No. 3 Amendment Excerpt

Page 6-7

SECTION 12. AMENDMENTS

The Authority may amend the Ordinance, including the Plan, to provide for the use of additional federal, state and local funds, to account for unexpected revenues, or to take into consideration unforeseen circumstances. The Authority shall notify the board of supervisors and the city council of each city in the county and provide them with a copy of the proposed amendments, and shall hold a public hearing on proposed amendments prior to adoption, which shall require approval by a vote of not less than two thirds of the Authority Board of Directors. Amendments shall become effective forty-five days after adoption. No amendment to the Plan which eliminates a program or project specified on Page 31 of the Plan shall be adopted unless the Authority Board of Directors adopts a finding that the transportation purpose of the program or project to be eliminated will be satisfied by a different program or project. No amendment to the Plan which changes the funding categories, programs or projects identified on page 31 of the Plan shall be adopted unless the amendment to the Plan is first approved by a vote of not less than two thirds of the Committee. In addition, any proposed change in allocations among the four major funding categories of freeway projects, street and road projects, transit projects and Environmental Cleanup projects identified on page 31 of the Plan, or any proposed change of the Net Revenues allocated pursuant to Section IV C 3 of Attachment B for the Local Fair Share Program portion of the Streets and Roads Projects funding category, shall be approved by a simple majority vote of the electors before going into effect.

Amendment History

Measure M Amendments

Ordinance Amendment

1. September 23, 1991: Procedures and Recommendation for Amendments to the Measure M Ordinance
2. September 26, 2011: Agencies which qualify as an “Eligible Jurisdiction” under Ordinance No. 3 (Measure M2) to also be an “Eligible Jurisdiction” under Ordinance No. 2. (Policy Resolution No. 3, Section II C1, subsection b)

Expenditure Plan Amendments

1. November 25, 1991: Reallocation of Funds Within Freeway Program
2. May 23, 1994: Reallocation of Freeway Program Funding Between I-5 and SR-91/SR-55
3. May 13, 1996: Cost Savings Transferred to CURE Accounts
4. June 9, 1997: Amendments to Local Streets and Road Component
5. December 10, 2001: Amend Freeway Program to Add SR-22 at \$203 Million
6. September 13, 2004: Amend Freeway Program to Advance SR-22 and Additional \$123.7 Million
7. September 24, 2007: Modify SR-57 Description Consistent with Project G in Measure M2 and Increase Funding by \$22 Million and Expand Limits of SR-22 to Include the West County Connection Improvements and Increase Funding by \$10 Million
8. March 8, 2010: Decrease SR-57 Funding by \$22 Million

Measure M2 Amendments

Ordinance Amendment

1. November 25, 2013: Strengthens the eligibility and selection process for TOC members to prevent any person with a financial conflict of interest from serving as a member. Also requires currently elected or appointed officers who are applying to serve on the TOC to complete an "Intent to Resign" form.
2. December 14, 2015 (corrected March 14, 2016): Accounts for additional funding from Project T allocated to the Fare Stabilization Program by changing Attachment B language to reflect a 1.47% delegation (rather than 1%) of Project U funding towards Fare Stabilization. Corrected amendment language was presented to the Board on March 14, 2016.

Transportation Investment Plan Amendments

1. November 9, 2012: Reallocation of Funds within Freeway Program Between SR-91 and I-405
2. December 14, 2015 (corrected March 14, 2016): Closeout of Project T and Reallocation of Remaining Funds within Transit Program between Metrolink Service Expansion (Project R) and Fare Stabilization Program (Project U). Corrected amendment language was presented to the Board on March 14, 2016.



CITY OF COSTA MESA

77 Fair Drive | P.O. Box 1200, Costa Mesa | California 92628-1200
 Phone 714.754.5285 | Fax 714.754.5330 | www.costamesaca.gov | Katrina.Foley@costamesaca.gov

From the Office of the Mayor Katrina Foley

April 16, 2020

Darrell Johnson
 Chief Executive Officer
 Orange County Transportation Authority
 550 S. Main St.
 Orange, CA 92868

Dear Mr. Johnson:

Thank you for your continued work to serve Orange County cities and residents during the COVID-19 pandemic. The statewide shelter in place order, health care concerns, and financial strains are forcing local governments to respond to our communities' needs in unprecedented ways – I appreciate your partnership in this effort.

In the spirit of continued cooperation and in light of the current COVID-19 health and economic crisis, I, Katrina Foley, Mayor of the City of Costa Mesa, am writing to respectfully request that Orange County Transportation Authority (OCTA) relax the existing Measure M maintenance of effort (MOE) requirements. The relaxation of these requirements will greatly aid all Orange County cities as we continue to meet the immediate needs of our residents with limited financial resources due to the COVID-19 outbreak.

As you know, cities throughout Orange County are projecting significant deficits for the current fiscal year (FY 2019-20) ending on June 30, 2020 while projecting multi-million dollar revenue losses in the upcoming fiscal year. The COVID-19 crisis has also created challenges for cities to complete capital improvement projects due to the statewide social distancing requirements. The current mandates, as well as decreased revenue and across-the-board budget shortfalls, have significantly impacted cities' ability to meet OCTA's MOE requirements.

MAYOR Katrina Foley <i>At Large</i>	MAYOR PRO TEM John B. Stephens <i>At Large</i>	COUNCIL MEMBER Andrea Marr <i>District 3</i>	COUNCIL MEMBER Manuel Chavez <i>District 4</i>	COUNCIL MEMBER Arlis Reynolds <i>District 5</i>	COUNCIL MEMBER Sandra L. Genis <i>At Large</i>	COUNCIL MEMBER Allan R. Mansoor <i>At Large</i>
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CITY OF COSTA MESA

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From the Office of the Mayor Katrina Foley

Under ordinary circumstances, cities are required to provide financial documentation to OCTA in order to receive its fair share of Measure M funds and participate in competitive block grants. The required documentation assures OCTA that cities are maintaining a minimum level of city general funds for street and road expenditures from funding sources other than Measure M. These funding levels required by OCTA gradually increases each fiscal year. Failure to meet these requirements jeopardizes cities' Measure M annual funding and triggers an audit intended to bring cities back into compliance of the MOE.

Cities across the State rely on two primary sources of revenue streams to conduct business: property taxes and sales taxes. Due to the necessary closure of non-essential businesses to slow the spread of the virus, sales taxes throughout the County and State have hit record lows, resulting in massive and unforeseen reduced revenue to cities. Moreover, this reduced revenue comes at a time when cities are the first line of defense and response to its residents' public safety needs. To that end, we respectfully request that OCTA take the following actions to provide much needed relief for cities:

- Relax the MOE requirements for the current fiscal year and the next two fiscal years.
- Postpone increasing the MOE requirements. Increased MOE amounts should be reinstated when sales tax revenues reach the 2018-19 fiscal year levels.
- Any cities that do not meet the MOE requirements should be tracked and be allowed 7 years to make up the balance. This will ensure that the MOE commitments are still honored while providing cities with financial flexibility during the current crisis.

MAYOR
Katrina Foley
At Large

MAYOR PRO TEM
John B. Stephens
At Large

COUNCIL MEMBER
Andrea Marr
District 3

COUNCIL MEMBER
Manuel Chavez
District 4

COUNCIL MEMBER
Arlis Reynolds
District 5

COUNCIL MEMBER
Sandra L. Genis
At Large

COUNCIL MEMBER
Allan R. Mansoor
At Large



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From the Office of the Mayor Katrina Foley

Several cities have raised these issues during recent meetings with OCTA. We thank OCTA for agreeing to discuss a potential process for revising the MOE requirements moving forward. We ask that you take our requests into consideration as you determine a path forward and work with cities to find a solution that accommodates both OCTA and cities. We look forward to our continued partnership and collaborative efforts to continue serving the residents of Orange County.

Sincerely,

Katrina Foley
Mayor, City of Costa Mesa

cc: OCTA Board of Directors

MAYOR Katrina Foley <i>At Large</i>	MAYOR PRO TEM John B. Stephens <i>At Large</i>	COUNCIL MEMBER Andrea Marr <i>District 3</i>	COUNCIL MEMBER Manuel Chavez <i>District 4</i>	COUNCIL MEMBER Arlis Reynolds <i>District 5</i>	COUNCIL MEMBER Sandra L. Genis <i>At Large</i>	COUNCIL MEMBER Allan R. Mansoor <i>At Large</i>
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**FY 2020-21 MOE Benchmark as a
Percentage of FY 2018-19 GFR**

Local Agency	(A) FY 2020-21 MOE Benchmark ¹	(B) FY 2018-19 GFR ²	(A/B) MOE Benchmark as a % of GFR
Aliso Viejo	538,604	20,264,249	2.66%
Anaheim	11,725,957	412,996,000	2.84%
Brea	838,243	65,445,918	1.28%
Buena Park	4,206,464	70,242,813	5.99%
Costa Mesa	8,607,340	143,753,298	5.99%
County of Orange	-	N/A	N/A
Cypress	3,607,878	36,691,594	9.83%
Dana Point	1,510,094	41,545,825	3.63%
Fountain Valley	1,564,638	61,380,673	2.55%
Fullerton	4,413,567	100,526,519	4.39%
Garden Grove	3,938,473	129,838,910	3.03%
Huntington Beach	5,921,206	236,631,000	2.50%
Irvine	8,001,915	221,961,000	3.61%
La Habra	1,737,300	48,583,838	3.58%
La Palma	201,688	12,057,831	1.67%
Laguna Beach	1,806,353	88,020,317	2.05%
Laguna Hills	331,579	22,047,533	1.50%
Laguna Niguel	908,566	43,809,474	2.07%
Laguna Woods	104,578	6,351,788	1.65%
Lake Forest	226,678	54,795,849	0.41%
Los Alamitos	182,250	14,165,860	1.29%
Mission Viejo	2,864,895	63,356,854	4.52%
Newport Beach	12,547,102	229,812,594	5.46%
Orange	3,392,885	124,241,260	2.73%
Placentia	770,006	35,796,833	2.15%
Rancho Santa Margarita	428,337	19,137,375	2.24%
San Clemente	1,316,842	65,789,926	2.00%
San Juan Capistrano	492,518	36,522,274	1.35%
Santa Ana	9,040,904	275,532,227	3.28%
Seal Beach	642,598	35,500,962	1.81%
Stanton	285,869	23,951,047	1.19%
Tustin	1,697,045	67,924,240	2.50%
Villa Park*	360,429	3,722,258	9.68%
Westminster	1,805,546	66,489,760	2.72%
Yorba Linda	2,608,191	38,335,027	6.80%
Totals	98,626,539	2,917,222,926	

*Final CAFR has not been published. Draft CAFR provided by City of Villa Park on April 21, 2020 has been used.

¹FY 2020-21 MOE Benchmarks were taken from the Board-approved staff report on April 13, 2020.

²GFRs are from FY 2018-19 CAFRs published online .

CAFR - Comprehensive Annual Financial Report

FY - Fiscal year

GFR - General fund revenue

MOE - Maintenance of effort

N/A - Not Applicable

**APPENDIX I**

Maintenance of Effort (MOE) Certification Form

Jurisdiction: _____

Type of GENERAL FUND Transportation Expenditures:

Please complete and attach supporting budget documentation for each line item listed below, if the MOE certification is based on the MOE benchmark by dollar value. For FY 2020-21 only, the table does not need to be completed if the Agency is certifying to meet the percentage of general fund revenues.

MAINTENANCE	Total Expenditure
Subtotal Maintenance	\$

CONSTRUCTION	Total Expenditure
Subtotal Construction	\$

INDIRECT /OTHER	Total Expenditure
Subtotal Indirect /Other	\$

Total General Fund Transportation Expenditures \$

(Less Total MOE Exclusions¹) \$

MOE Expenditures \$

MOE Benchmark Requirement² \$

(Shortfall)/Surplus \$

Certification:

I hereby certify that:

☐ The City/County of _____ is aware of the State Controller's "Guidelines Relating to Gas Tax Expenditures for Cities and Counties", which is a guide for determining MOE Expenditures for Measure M2 Eligibility purposes and;

☐ The City/County of _____'s MOE Reporting Form is in compliance with direction provided in the State Controller's "Guidelines Relating to Gas Tax Expenditures for Cities and Counties" and;

Choose one of the following:

☐ The City/County of _____ certifies that the budgeted MOE expenditures meet the fiscal year (FY) FY 20-21 MOE benchmark requirement based on dollar value.

or

☐ The City/County of _____ certifies that it will meet the MOE % of general fund revenues and has included in its budget for FY 2020-21 the use of local discretionary funds for streets and roads purposes that is equal to _____% (Use percentage in MOE Benchmark by Local Agency Table) of the City's budgeted general fund revenues.

Finance Director Signature_____
Finance Director (Print Name)_____
Date¹Funding sources include Measure M, federal, state, redevelopment, and bond financing.²MOE benchmark requirement was modified in light of the coronavirus pandemic. To calculate the City's FY 2020-21 MOE benchmark requirement, please refer to the updated MOE benchmark table that was approved by the Board of Directors on May 11, 2020.

DRAFT ORDINANCE AMENDMENT LANGUAGE
Section 6, Page 3

“In order to address the impacts of the novel coronavirus pandemic (commonly referred to as COVID-19), for fiscal year (FY) 2019-20, jurisdictions shall comply with all submittal requirements under the ordinance, including, but not limited to, those requirements under Attachment B (III) - Requirements for Eligible Jurisdictions, but will not be required to meet the required maintenance of effort (MOE) amount for that particular jurisdiction for the FY 2019-20. For FY 2020-21, jurisdictions shall be required to comply with all submittal requirements under the ordinance, including, but not limited to, those requirements under Attachment B (III) - Requirements for Eligible Jurisdictions, but shall only be required to meet the MOE amount for that particular jurisdiction for the FY at the same proportional share of streets and roads expenditures to general fund revenues based upon the proportion of the FY 2020-21 MOE benchmark to general fund revenues that were reported in their respective Comprehensive Annual Financial Report for FY 2018-19. Jurisdictions are encouraged to use their best efforts during FY 2019-20 and FY 2020-21 to meet original MOE levels.”