



# **AGENDA**

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

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### **Committee Members**

Lisa A. Bartlett, Chairwoman  
Gene Hernandez, Vice Chairman  
Barbara Delgleize  
Michael Hennessey  
Mark A. Murphy  
Harry S. Sidhu  
Donald P. Wagner

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

**Thursday, February 18, 2021 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 Orange County Transportation Clerk of the Board, telephone (714) 560-5676, no less than two (2) business days prior to this meeting to enable OCTA to make reasonable arrangements to assure accessibility to this meeting.

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

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

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

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

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

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

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



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

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

Committee Vice Chairman Hernandez

**1. Public Comments**

**Special Calendar**

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

An update of Legislative items in Sacramento will be provided.

**3. Committee Meeting 2021 Calendar**  
Lisa A. Bartlett

**Overview**

Committee Chairwoman Bartlett will lead a discussion regarding the 2021 meeting schedule for the Legislative and Communications Committee. The proposed 2021 dates and times for this Committee is provided in Attachment A.

**Recommendation**

Approve the 2021 Legislative and Communications Committee meetings calendar.



**4. Roles and Responsibilities of the Legislative and Communications Committee**

Darrell E. Johnson

**Overview**

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

**Recommendation**

Approve the 2021 Legislative and Communications Committee Roles and Responsibilities.

**Consent Calendar (Items 5 and 6)**

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

**5. Approval of Minutes**

Approval of the minutes of the Legislative and Communications Committee meeting of January 21, 2021.

**6. Agreement for On-Call Planning Studies Public Outreach Consultant Services**

Marissa Espino/Maggie McJilton

**Overview**

On October 21, 2020, the Orange County Transportation Authority released a request for proposals for public outreach consulting services for upcoming planning studies. Proposals were received in accordance with the Orange County Transportation Authority's procurement procedures for professional and technical services. Board of Directors' approval is requested to execute an agreement for these services.



**6. (Continued)**

**Recommendations**

- A. Approve the selection of Arellano Associates, LLC as the firm to provide public outreach consulting services for upcoming planning studies.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2622 between the Orange County Transportation Authority and Arellano Associates, LLC, in the amount of \$275,000 for a two-year initial term with one, one-year option term, to provide public outreach consulting services for upcoming planning studies.

**Regular Calendar**

**7. State Legislative Status Report**

Alexis Leicht/Lance M. Larson

**Overview**

The Orange County Transportation Authority provides regular updates to the Legislative and Communications Committee on policy issues directly impacting its overall programs, projects, and operations. Information is provided on proposed budget trailer bill language related to statutory relief measures for transit agencies. An update is provided on the State's ongoing discussions related to the vaccine distribution plan and advocacy efforts to designate transportation workers as a priority group in the vaccine distribution plan. As discussions related to post-pandemic recovery continue, an overview of a letter to the President from the Governor regarding economic stimulus priorities is provided. An update is also given regarding legislative leadership changes.

**Recommendation**

Support the intent of the Governor's proposed budget trailer bill language to extend and expand regulatory relief measures related to the Transportation Development Act while continuing the work to improve the effectiveness of the proposal.



**8. Federal Legislative Status Report**

Dustin J. Sifford/Lance M. Larson

**Overview**

The Orange County Transportation Authority provides regular updates to the Legislative and Communications Committee on policy issues directly impacting its programs, projects, and operations. An update is provided on the initial actions of both the new Presidential Administration and the 117<sup>th</sup> Congress. Details are provided on the potential for another round of economic stimulus funding. An overview is provided on the Executive Orders signed by President Biden, and the newly appointed transportation leaders within the new Administration. An update is provided on the members of the Orange County delegation serving on the House Transportation and Infrastructure Committee, as well a summary of a hearing on protecting essential transportation workers.

**Recommendation**

Receive and file as an information item.

**Discussion Items**

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

**10. Committee Members' Reports**

**11. Closed Session**

There are no Closed Session items scheduled.

**12. Adjournment**

The next regularly scheduled meeting of this Committee will be held at **9:00 a.m. on Thursday, March 18, 2021**, at the Orange County Transportation Authority Headquarters, Conference Room 07, 500 South Main Street, Orange, California.



# ORANGE COUNTY TRANSPORTATION AUTHORITY

## 2021 Legislative & Communications Committee Meetings

**DRAFT**  
**2.18.21**

JANUARY						
SUN	MON	TUE	WED	THU	FRI	SAT
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FEBRUARY						
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NOVEMBER						
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OCTA, OCTD, OCLTA, and OCSAFE regular Board meeting  
9:00 a.m., OCTA Headquarters  
550 South Main Street, Board Room - Conf. Room 07-08, Orange CA

L & C  
9:00 a.m.

OCTA Holidays

**2021 OCTA Proposed Committee Meeting  
Legislative and Communications Committee**

<b>Month</b>	<b>2021 Proposed Changes - Comparison with 2020 Calendar</b>
January	No change
February	No change
March	No change
April	No change
May	No change
June	No change
July	No change
August	No change
September	No change
October	No change
November	No change
December	No change

**Proposed  
Roles and Responsibilities  
of the Board Committees for 2021  
(02.18.21)**

**Legislative and Communications Committee**

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



**Committee Members Present**

**Via Teleconference**

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

**Staff Present**

Jennifer L. Bergener, Deputy Chief Executive Officer  
Allison Cheshire, Interim Deputy Clerk of the Board  
Sara Meisenheimer, Deputy Clerk of the Board

**Via Teleconference**

Darrell E. Johnson, Chief Executive Officer  
James Donich, General Counsel

**Committee Members Absent**

None

**Call to Order**

The January 21, 2021 regular meeting of the Legislative and Communications (L&C) Committee was called to order by Committee Vice Chairwoman Bartlett at 9:00 a.m.

**Roll Call**

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

**Pledge of Allegiance**

Committee Vice Chairwoman Bartlett led in the Pledge of Allegiance.

**1. Public Comments**

No public comments were received.

**Special Calendar**

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

Moira Topp, State Legislative Advocate, reported on the following:

- Introduction of bills in the 2021-22 legislative session
  - Introduction started in December 2020
  - Deadline is February 19
- Budget
  - Governor released \$227 billion budget on January 8
  - Recognizes a \$15 billion surplus
    - Proposal includes a portion of this to build-up the rainy-day fund
  - \$14 billion economic recovery
    - Including \$2.4 billion in near-term economic stimulus proposals, titled Golden State Stimulus

### 2. (Continued)

- \$1.5 billion is proposed for acceleration of zero emission vehicle infrastructure, which will be highly competitive
  - Excise taxes lower than projections
    - \$1.5 billion reduction through 2024-25
  - Recent federal COVID-19 relief bill
    - Provided \$10 billion for highway projects
    - Department of Finance expects \$900 million to come to California
  - Transit assistance
    - Policy relief on farebox recovery
    - Governor may support making those changes permanent or extending requirements
- Eviction moratorium bill
  - Set to expire January 31, 2021
  - Possible extension
- Senate Transportation Committee Chair
  - Senator Lena Gonzalez
- Assembly Transportation Committee Chair
  - Assemblywoman Laura Friedman

Director Delgleize asked for additional information on the eviction moratorium bill. Ms. Topp responded that there have been discussions about the bill and will most likely focus on residential side within the Governor's proposed budget. Committee Vice Chairwoman Bartlett commented that the County would soon be receiving \$60 million for the rental assistance program.

### Consent Calendar (Items 3 and 4)

#### 3. Approval of Minutes

A motion was made by Director Hernandez, seconded by Director Delgleize, and following a roll call vote, declared passed 5-0, to approve the minutes of the Legislative and Communications Committee meeting of November 19, 2020.

#### 4. Amendment to Agreement for Bus Advertising Revenue Program

A motion was made by Director Hernandez, seconded by Director Delgleize, and following a roll call vote, declared passed 5-0, to authorize the Chief Executive Officer to negotiate and execute Amendment No. 4 to Agreement No. C-5-3076 between the Orange County Transportation Authority and Outfront Media Group, LLC, to eliminate the minimum annual guarantee and adopt a payment term based solely on a 70 percent revenue-sharing arrangement through December 2021.



## **Regular Calendar**

### **5. State Legislative Status Report**

Kristin Jacinto, Manager of State and Federal Relations, reported on the Orange County Transportation Authority's (OCTA) efforts to inform state guidance related to vaccine prioritization. The State has formed several committees to guide the review and distribution of vaccines within the state. One of the primary committees that has informed this effort is the Community Vaccine Advisory Committee (CVAC), which is charged with ensuring distribution recognizes equity, economic, and well-being considerations. OCTA has been working with transportation partners, including the California Transit Association, to submit comment letters to advocate for transportation frontline workers to be considered a priority group for vaccine distribution, given their interactions with the public on a regular basis. This advocacy led to a recommendation that transportation workers be included in Phase 1B of the vaccine distribution plan.

The CVAC met yesterday, and there was a robust discussion regarding the inclusion of people age 65 and over, as a priority focus of vaccine distribution and potential delays throughout the state that exists for essential workers getting the vaccine. Orange County still has a lot of discretion and input on their own prioritization efforts and OCTA staff is working closely with the County to ensure OCTA employees are included in those efforts.

Ms. Jacinto also reported that Liane Rudolph has been appointed the new Chair of the California Air Resources Board (CARB). Staff will continue to work with CARB on several transportation topics, specifically related to electric vehicle deployment as it pertains to transit and on the continued implementation of Senate Bill 375 (Chapter 728, Statutes of 2008).

No action was taken on this receive and file item.

### **6. Federal Legislative Status Report**

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

- Congress passed an end-of-year bill providing both annual appropriations and one-time stimulus funding.
- Annual transportation funding bill provides relatively straightforward funding for formula and competitive programs.
- The emergency-designated stimulus funding will benefit both highway and transit programs.

**6. (Continued)**

- \$14 billion in Federal Transportation Administration funding that will mostly flow through Section 5307 and 5337 formula programs under an unprecedented funding distribution.
  - \$10 billion in Federal-aid highways funds that have flexible set of eligible uses to broadly include items like operating costs, administrative leave, and revenue losses.
- The bill also contains some specific labor provisions, including allowing contractors to receive funding and changes to paid and sick leave. These changes expire in March 2021, so additional policy changes may be forthcoming.
- The bill did not include funding for state and local governments or liability protections.

A discussion ensued regarding the use of Coronavirus Aid, Relief, and Economic Security Act funding for operating costs by contractors.

No action was taken on this receive and file item.

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

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

**Vaccine Update**

- Working through the County's Emergency Operations Center, yesterday OCTA sent a bus to transport medical workers from the Disneyland POD to a senior center in Santa Ana to administer the vaccine
- Transportation workers are in the prioritization of Tier 2 Phase 1B. To prepare for that, OCTA conducted a survey of the two employee work groups - administrative and professional staff and operations staff.
  - 70 percent of professional staff said they would be willing to accept the vaccine immediately
  - About half of the operations staff has indicated that they would be willing to accept the vaccine immediately

A discussion ensued among the Directors and staff regarding vaccine access, availability, and distribution. Committee Vice Chairwoman Bartlett commented that anyone interested in more information can contact her office or any Orange County Board of Supervisors staff.



**8. Committee Members' Reports**

There were no Committee Members' reports.

**9. Closed Session**

There were no Closed Session items scheduled.

**10. Adjournment**

The meeting adjourned at 9:45 a.m.

The next regularly scheduled meeting of this Committee will be held at **9:00 a.m. on Thursday, February 18, 2021**, at the Orange County Transportation Authority Headquarters, Conference Room 07, 550 South Main Street, Orange, California.

ATTEST

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Lisa A. Bartlett  
Committee ViceChairwoman


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Allison Cheshire  
Deputy Clerk of the Board



**February 18, 2021**

**To:** Legislative and Communications Committee

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

**Subject:** Agreement for On-Call Planning Studies Public Outreach Consultant Services

### **Overview**

On October 21, 2020, the Orange County Transportation Authority released a request for proposals for public outreach consulting services for upcoming planning studies. Proposals were received in accordance with the Orange County Transportation Authority's procurement procedures for professional and technical services. Board of Directors' approval is requested to execute an agreement for these services.

### **Recommendations**

- A. Approve the selection of Arellano Associates, LLC as the firm to provide public outreach consulting services for upcoming planning studies.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2622 between the Orange County Transportation Authority and Arellano Associates, LLC, in the amount of \$275,000 for a two-year initial term with one, one-year option term, to provide public outreach consulting services for upcoming planning studies.

### **Discussion**

The Orange County Transportation Authority (OCTA) works with federal, state, regional, and local officials, community groups, diverse communities, businesses, and other transportation agencies to provide the public with transportation improvements and solutions. OCTA's mission is to coordinate efforts among these various parties to identify, design, fund, and implement transportation improvements and solutions, and to improve air quality.

OCTA's Public Outreach Department (Department) is responsible for generating public awareness for multiple transportation studies, projects, and services.

Public outreach activities include, but are not limited to, development of handouts, fact sheets, infographics, e-newsletters, social media and web content, and execution of online surveys and mailings. The Department also plans and implements stakeholder in-person and virtual meetings, elected officials roundtables, pop-up events, public hearings and open houses, special events, and various other activities to ensure feedback is received from a broad spectrum of constituents. In an effort to reach diverse communities and encourage meaningful involvement of all people regardless of race, color, national origin, or income, engagement materials and surveys will be provided in multiple languages. In addition, staff partners with various community groups including OCTA's Diverse Community Leaders Group and Special Needs Advisory Committee in the development and implementation of planning studies.

OCTA is seeking an on-call consultant to plan and execute various public engagement activities for upcoming transportation planning studies, as needed, over the next two years. Following are two upcoming studies in which public outreach support will be required in 2021.

*Long-Range Transportation Plan (LRTP)*

The LRTP is developed and updated every four years to define a vision for Orange County's transportation system and analyze how well that vision addresses future mobility needs. This vision must consider a 20+ year forecast of available revenues, changing demographics, and other significant trends.

*Orange County Mobility Hub Study*

The Countywide Mobility Hub Strategy includes a vision for an integrated suite of mobility and accessibility services, supporting amenities, and technologies that together bridge the distance between high-frequency transit and an individual's origin or destination. This will make connecting to transit easier while also providing travelers with more sustainable transportation choices.

Future planning studies will be supported by this on-call agreement as needed.

***Procurement Approach***

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

On October 21, 2020, Request for Proposals (RFP) 0-2622 was issued electronically on CAMM NET. The project was advertised in a newspaper of general circulation on October 21 and 26, 2020. A pre-proposal conference was held on October 26, 2020, with six attendees representing five firms. Four addenda were issued to make available the pre-proposal conference registration sheet and presentation, provide responses to written questions, as well as to handle administrative issues related to the RFP.

On November 11, 2020, six proposals were received. An evaluation committee consisting of OCTA staff from Contracts Administration and Materials Management, Public Outreach, Planning and Analysis, as well as Marketing and Customer Engagement departments met to review all the proposals received.

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

- |                                     |            |
|-------------------------------------|------------|
| • Qualifications of the Firm        | 25 percent |
| • Staffing and Project Organization | 30 percent |
| • Work Plan                         | 25 percent |
| • Cost and Price                    | 20 percent |

Several factors were considered in developing the evaluation criteria weightings. Qualifications of the firm was weighted at 25 percent as the firm had to demonstrate experience developing and implementing public outreach programs for similar planning studies. Staffing and project organization was weighted at 30 percent as the project team had to demonstrate extensive expertise with engaging and communicating with various stakeholders, as well as an understanding of Orange County transportation issues. Work plan was weighted at 25 percent as the firm had to demonstrate an understanding of the scope of work requirements and describe its public outreach approach for the upcoming planning studies. Cost and price was weighted at 20 percent to ensure OCTA receives value for the services provided.

The evaluation committee utilized a best-value selection process for this RFP. The best-value determination is based on a 100-point scale. The RFP required proposing firms to submit a separate price proposal in a sealed package. In order to focus on the technical aspects of the proposals, the evaluation committee first evaluated the written proposals on technical merit based on the weighted criteria for qualifications of the firm, staffing and project organization, and work plan, which represented a maximum of 80 points of the total proposal score. Once the technical scores of the short-listed firms were determined, the sealed price

proposals were then opened. The pricing score represented a maximum of 20 points of the total proposal score.

On November 18, 2020, the evaluation committee reviewed the proposals based on the evaluation criteria and short-listed the two most qualified firms listed below in alphabetical order:

Firm and Location

Arellano Associates, LLC (Arellano)  
Chino Hills, California

McCormick-Busse, Inc. doing business as MBI Media (MBI)  
Covina, California

On December 2, 2020, the evaluation committee conducted interviews with the short-listed firms. The interviews consisted of a presentation by each firm to demonstrate the firms' understanding of OCTA's requirements. The firms' project managers and key team members had an opportunity to present each team's qualifications and respond to the evaluation committee's questions. Questions were related to experience with Orange County stakeholders and communities, experience dealing with constituents' concerns, outreach approach during the coronavirus (COVID-19) pandemic, and outreach tactics to address racial and socio-economic disparities, as well as specific clarification questions related to each firm's proposal.

At the conclusion of the interviews, the firms were requested to submit a best and final offer (BAFO) to provide more competitive pricing. Both firms made adjustments to their proposed hourly rates.

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

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

### Qualifications of the Firm

Arellano was established in 1994 and has a single office in the City of Chino Hills with 46 employees. The firm demonstrated relevant experience providing public outreach services for several transportation planning studies, such as the environmental phase of the Interstate 605 Corridor Improvement Project, Integrated Mobility Hubs Project with the Los Angeles County Metropolitan Transportation Authority (Metro), and the Anaheim Regional Intermodal Transportation Center Project with the City of Anaheim. Arellano has also provided public outreach services as the lead consultant on multiple OCTA projects, including the 2018 LRTP, Transit Master Plan, Beach Boulevard Transit Corridor Study, Freeway Bus Rapid Transit Concept Study, and the Interstate 5 Improvement Project. In addition, the firm is a subconsultant to the project management consultant for the OC Streetcar.

MBI was founded in 1989 and is headquartered in the City of Covina with three additional offices. The firm has 25 employees. MBI demonstrated relevant experience providing public outreach services for various transportation projects. The firm provided public outreach services on Metro's LRTP and the Anaheim Resort Area Mobility Plan for the City of Anaheim Public Works. MBI is currently working with OCTA as the lead public outreach consultant for the South Orange County Multimodal Transportation Plan Study and serves as a subcontractor on the Interstate 405 Improvement Project and the State Route 55 Improvement Project. The firm also developed a video for OCTA's 2018 LRTP to inform stakeholders of the goals and intent of the project.

### Staffing and Project Organization

Arellano proposed a project team with extensive experience and includes the same individuals currently providing public outreach services for OCTA's transportation planning studies. The proposed project manager has over 20 years of experience in community relations, program management, and strategic planning. The proposed community liaison has 12 years of experience supporting transportation and planning projects. Arellano described the project team's experience in key outreach areas, such as engaging stakeholders on complex transportation projects, developing tailored outreach programs, implementing diverse outreach plans, and an understanding of Orange County transportation issues. The project team is proposed with ample availability for this effort. During the interview, the project team discussed their roles and approach, as well as provided detailed responses to the evaluation committee's questions, which demonstrated the project team's expertise and proactive outreach strategies.

MBI proposed a project team with relevant experience. The proposed project manager has 23 years of experience in strategic planning, transit, tolling, and highway projects. MBI proposed four community liaisons with experience providing public outreach for transportation planning projects. The project team demonstrated an understanding of Orange County transportation projects, as well as experience in engaging stakeholders, communicating technical information, and developing diverse outreach programs for various transportation projects. The project team is proposed with sufficient availability for this effort. The project team discussed their roles and approach during the interview. The project team members demonstrated their knowledge and experience through their responses to the evaluation committee's questions.

#### **Work Plan**

Arellano presented a comprehensive work plan that addressed all the elements of the scope of work. The firm discussed its project management approach and processes for managing quality assurance/quality control (QA/QC), project schedule, and budget. The firm detailed its approach and strategies to developing the study-specific public outreach plans. The firm detailed its traditional and innovative outreach methods to inform and solicit input from stakeholders, such as public workshops, social media programs, geofencing, canvassing, and online comment forums. The firm's approach includes ensuring that public outreach activities and collateral materials comply with Title VI and Environmental Justice initiatives. Arellano indicated that the public outreach plans will include protocols to address the ongoing COVID-19 pandemic with a full virtual outreach program and/or a hybrid program involving in-person engagement. Since the start of the pandemic, the firm has implemented a range of virtual outreach methods to engage the community with webinars, virtual workshops, and online surveys. Arellano also described its process for public input documentation and preparing a summary report, as well as preparing final reports for all outreach efforts conducted for each planning study. As an enhancement, Arellano discussed its in-house innovations team, which researches and utilizes new technologies and innovative solutions that can be used to maximize stakeholder engagement and add value to projects.

While MBI addressed the elements of the scope of work in its work plan, the firm provided a general approach overall. The firm discussed its approach related to project management, QA/QC process, as well as budget and schedule controls. MBI discussed its approach to developing the public outreach plans for each study and outlined the activities involved. The firm described how it would provide general public outreach support, such as stakeholder outreach meetings and public workshops; develop collateral, including graphic design, copywriting, and translation; and manage events both virtually and in-person. MBI addressed

the COVID-19 pandemic and planned to utilize digital-based and virtual media for outreach to ensure engagement with stakeholders.

#### **Cost and Price**

Both firms submitted a BAFO and made adjustments to their proposed hourly rates. Pricing scores were based on a formula which assigned the higher score to the firm with the lower weighted average hourly rate, and scored the other proposal's weighted average hourly rate based on its relation to the lower weighted average hourly rate. Although MBI proposed a lower weighted average hourly rate, Arellano's proposed hourly rates are comparable to the hourly rates for other OCTA public outreach contracts. Furthermore, Arellano's experience and detailed work plan demonstrates the firm's ability to provide a comprehensive range of services that adds value to OCTA. Therefore, Arellano's proposed hourly rates are deemed fair and reasonable.

#### **Procurement Summary**

Based on the evaluation of written proposals, the firms' qualifications, and the information obtained from the interviews and BAFOs, the evaluation committee recommends the selection of Arellano as the top-ranked firm to provide public outreach consulting services for upcoming planning studies. Arellano delivered a thorough and comprehensive proposal and an interview that was responsive to all the requirements of the RFP.

#### **Fiscal Impact**

The project was approved in OCTA's Fiscal Year 2020-21 Budget, External Affairs Division, Accounts 1861-7519-A0001-OLM and 1861-7519-A4461-1I8 and is funded through local funds.

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**Summary**

Staff is recommending the Board of Directors authorize the Chief Executive Officer to negotiate and execute Agreement No. C-0-2622 between the Orange County Transportation Authority and Arellano Associates, LLC, in the amount of \$275,000, for a two-year initial term with one, one-year option term to provide public outreach consulting services for upcoming Orange County Transportation Authority planning studies.

**Attachments**

- A. Review of Proposals, RFP 0-2622 On-Call Planning Studies Public Outreach Consultant Services
- B. Proposal Evaluation Criteria Matrix (Short-Listed Firms), RFP 0-2622 On-Call Planning Studies Public Outreach Consultant Services
- C. Contract History for the Past Two Years, RFP 0-2622 On-Call Planning Studies Public Outreach Consultant Services

**Prepared by:**

**Approved by:**



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Marissa Espino  
Community Relations Specialist,  
Principal  
External Affairs  
714-560-5607

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



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

**Review of Proposals**  
**RFP 0-2622 On-Call Planning Studies Public Outreach Consultant Services**  
Presented to Legislative and Communications Committee - February 18, 2021  
**6 firms proposed, 2 firms were interviewed, 1 firm is being recommended**

Overall Ranking	Proposal Score	Firm & Location	Sub-Contractors	Evaluation Committee Comments	Weighted Average Hourly Rate
1	90	<b>Arellano Associates, LLC</b> Chino Hills, California	None	Higher-ranked firm overall. Currently providing on-call planning studies public outreach consulting services. Experience providing public outreach services for similar planning studies. Proposed the same project team members on the current contract. Proposed project team has experience working with the Orange County Transportation Authority on various transportation planning studies. Demonstrated an understanding of the project requirements. Detailed approach and discussion of each element of the scope of work. Described public outreach activities and strategies. Presented approach and answered questions during the interview. Received positive responses from references. Proposed competitive hourly rates.	\$119
2	84	<b>McCormick-Busse, Inc. dba</b> <b>MBI Media</b> Covina, California	None	Relevant public outreach experience. Currently providing public outreach for the South Orange County Multimodal Transportation Plan Study. Proposed an experienced project team. Demonstrated an understanding of the scope of work. Discussed approach and outlined public outreach plans. Addressed each element of the scope of work. Presented approach and answered questions during the interview. Received positive responses from references. Proposed lower hourly rates.	\$93

**Evaluation Panel:**

Internal:

Contracts Administration and Materials Management (1)  
Public Outreach (3)  
Planning and Analysis (1)  
Marketing and Customer Engagement (2)

**Proposal Criteria**

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

**Weight Factors**

25%  
30%  
25%  
20%

**PROPOSAL EVALUATION CRITERIA MATRIX (Short-Listed Firms)**  
**RFP 0-2622 On-Call Planning Studies Public Outreach Consultant Services**

<b>Arellano Associates, LLC</b>							<b>Weights</b>	<b>Overall Score</b>
<b>Evaluator Number</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>		
Qualifications of Firm	4.5	5.0	5.0	5.0	4.5	5.0	5	24.2
Staffing/Project Organization	4.5	4.5	4.5	4.5	4.5	4.5	6	27.0
Work Plan	4.5	4.5	5.0	4.5	4.5	4.5	5	22.9
Cost and Price	3.9	3.9	3.9	3.9	3.9	3.9	4	15.6
<b>Overall Score</b>	<b>87.6</b>	<b>90.1</b>	<b>92.6</b>	<b>90.1</b>	<b>87.6</b>	<b>90.1</b>		<b>90</b>

<b>McCormick-Busse, Inc. dba MBI Media</b>							<b>Weights</b>	<b>Overall Score</b>
<b>Evaluator Number</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>		
Qualifications of Firm	4.0	4.5	4.5	4.5	4.0	4.5	5	21.7
Staffing/Project Organization	4.0	4.0	4.0	4.0	4.0	4.0	6	24.0
Work Plan	3.5	4.0	4.0	3.5	4.0	3.5	5	18.8
Cost and Price	5.0	5.0	5.0	5.0	5.0	5.0	4	20.0
<b>Overall Score</b>	<b>81.5</b>	<b>86.5</b>	<b>86.5</b>	<b>84.0</b>	<b>84.0</b>	<b>84.0</b>		<b>84</b>

Range of score for non-short-listed firms 23 to 48.

**CONTRACT HISTORY FOR THE PAST TWO YEARS**  
**RFP 0-2622 On-Call Planning Studies Public Outreach Consultant Services**

Prime and Subconsultants	Contract No.	Description	Contract Start Date	Contract End Date	Subconsultant Amount	Total Contract Amount
<b>Arellano Associates, LLC</b>						
Contract Type: Time-and-Expense Subconsultants: None	C-8-1591	Public Outreach Support Services for Transportation Planning Studies	June 27, 2018	June 30, 2021	N/A	\$ 195,500
Contract Type: Time-and-Expense Subconsultants: None	C-9-1510	Marketing Outreach Support Services	October 16, 2019	June 30, 2021	N/A	\$ 120,000
Contract Type: Time-and-Expense Subconsultants: None	C-3-1975	Interstate 5 between Interstate 405 and State Route 55 Environmental Community Outreach	June 25, 2014	June 25, 2019	N/A	\$ 297,178
Contract Type: Time-and-Expense Subconsultants:	C-6-1027	Public Outreach Support Services for Transportation Planning Studies	May 23, 2016	June 30, 2019	N/A	\$ 120,000
AIM Professional Services						
Kirk Kushin Productions						
Shutterstock						
Sir Speedy						
ARC Printing						
Next Day Flyers						
LAZAR Translation Interpreting						
PALS for Health						
The OC Register						
Excelsior						
Miniondas						
Voice of OC						
Eblast						
MetroQuest						
Typeform						
Poll Everywhere						
Wire2Air						
<b>Sub Total</b>						<b>\$ 732,678</b>
<b>McCormick-Busse, Inc. dba MBI Media</b>						
Contract Type: Time-and-Expense Subconsultants: None	C-9-1052	Public Outreach for South Orange County Multimodal Transportation Plan Study	August 12, 2019	June 30, 2021	N/A	\$ 199,694
<b>Sub Total</b>						<b>\$ 199,694</b>



**February 18, 2021**

**To:** Legislative and Communications Committee

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

**Subject:** State Legislative Status Report

### **Overview**

The Orange County Transportation Authority provides regular updates to the Legislative and Communications Committee on policy issues directly impacting its overall programs, projects, and operations. Information is provided on proposed budget trailer bill language related to statutory relief measures for transit agencies. An update is provided on the State's ongoing discussions related to the vaccine distribution plan and advocacy efforts to designate transportation workers as a priority group in the vaccine distribution plan. As discussions related to post-pandemic recovery continue, an overview of a letter to the President from the Governor regarding economic stimulus priorities is provided. An update is also given regarding legislative leadership changes.

### **Recommendation**

Support the intent of the Governor's proposed budget trailer bill language to extend and expand regulatory relief measures related to the Transportation Development Act while continuing the work to improve the effectiveness of the proposal.

### **Discussion**

#### **An Overview of State Budget Trailer Bills**

Following the release of Governor Newsom's proposed budget, corresponding budget trailer bill language was released containing several important provisions. These proposed provisions, which will result in a legislative bill to be introduced by the Legislature in the coming months, intend to build on the relief measures the Orange County Transportation Authority (OCTA) was successful in advocating for last year alongside its transit agency partners and the California Transit Association (CTA). Specifically, the proposed budget trailer bill language related to the Transportation Development Act (TDA) includes the following relief provisions:

- Prevents any financial penalty to be imposed on a transit operator that is unable to meet its farebox recovery requirement until January 1, 2023.
- Institutes a hold harmless provision for calculation and allocation of the State Transit Assistance (STA) Program, State of Good Repair (SOGR) Program, and Low Carbon Transit Operations Program (LCTOP). Such formula programs are based on 50 percent of the revenues for each transit agency. Until fiscal year (FY) 2022-23, the formulas will use the revenue amounts each transit agency reported prior to the coronavirus (COVID-19) pandemic.
- Exempts a transit operator from meeting STA efficiency standards, with each agency able to utilize funding for either operating or capital purposes through FY 2022-23.
- Directs the California Department of Transportation (Caltrans) to work with transportation planning agencies, county transportation commissions, and transit development boards to review current performance requirements in order to identify opportunities for streamlining and identification of more effective measures by November 30, 2021.
- Suspends TDA farebox recovery and STA efficiency criteria requirements, until July 1, 2026, for transit agencies who demonstrate that they maintained their existing commitments of local funds for transit operations. If an agency were to utilize this exemption, they would be subject to audit requirements, reporting requirements, and Caltrans would publish a report on transit agency revenue vehicle hour, ridership, and passenger mile impacts.
- Revises the definition of operating cost in calculating farebox recovery and STA efficiency criteria requirements to exclude costs related to paratransit, demand-response and microtransit services, payment and ticketing systems, and planning for improvements in transit operations.

Staff recommends supporting the intent of the above proposals to provide additional relief to transit agencies across the state as they continue to navigate the evolving impacts of the COVID-19 pandemic. Following approval, OCTA will continue to partner with stakeholders and CTA to inform discussions seeking to improve the effectiveness of the proposals. Although the relief outlined in this budget trailer bill is appreciated, it will be necessary to extend and refine it further to maximize the benefit to transit agencies. As part of this discussion, staff intends to continue working with its partners to lengthen the extension of the hold harmless provisions and relief from penalties related to farebox recovery requirements and efficiency criteria, and work to clarify how any maintenance of effort (MOE) requirement corresponding to such will be implemented. In addition, the support of CTA's pursuit for flexibility in the use of LCTOP and SOGR funds to supplement operations costs associated with existing service will be needed.

Separately, an additional budget trailer bill proposes an adjustment to the current MOE requirements under the SB 1 (Chapter 5, Statutes of 2017) Local Streets and Roads Program. This relief was advocated for by the California State Association of Counties and the League of California Cities. Many cities and counties in the state were projecting to not meet the expenditure requirements needed to receive its allocation from the Road Maintenance and Rehabilitation Program. Specifically, this budget trailer bill would forgive cities and counties from the MOE requirement in FY 2019-20 and adjust the annual average expenditure requirements for the next two fiscal years to any decrease in taxable sales within a city or county.

#### Update on Vaccine Distribution Prioritization Advocacy Efforts

OCTA, in coordination with transportation agency partners and stakeholders, continues to advocate for public transit workers to be prioritized in the distribution of the vaccines currently approved by the United States Food and Drug Administration. On January 25, 2021, the Governor announced the State's intention to shift to an age-based system for vaccine prioritization, instead of the original plan which featured a blended prioritization of age groups and essential industry sectors. In the previous vaccine distribution plan, transportation workers were included in Phase 1B, Tier 2. It was anticipated they would begin administering the vaccine to those in Phase 1B by late January and early February. However, under this new framework, the next eligible group would be those 65 years of age and older and only workers in essential sectors including: education, childcare, emergency responders, and food and agriculture. Following the completion of vaccinating persons in these groups, the State will then move into an age-based priority system. This transition would eliminate transportation workers from the distribution plan along with a variety of other essential workers.

In response, CTA sent a letter on January 25, 2021, to the Governor raising concerns about this transition and advocating to ensure that public transit workers continue to be prioritized in the State's vaccine distribution plan. A copy of the letter is included as Attachment A. Several news publications reported on the letter, including the Los Angeles Times and Politico, discussing how many essential workers, including those in public transit, were removed from the prioritization. To bolster the support of reinstating transportation workers in the vaccine priority framework, OCTA partnered with transportation agencies in Los Angeles County to send a similar letter to the Governor. This letter is included as Attachment B. Specifically, this letter discusses how public transit workers interact with the public in a way that puts them at a higher risk of occupation-related exposure. Public transit workers continue to provide a lifeline to essential workers, seniors, people with disabilities, and other disadvantaged riders who need this service now more than ever. Transportation workers across the state have also answered the call to provide services that support vaccine distribution and vaccinator transportation.

On February 3, 2021, the California Department of Public Health's (CDPH) Community Vaccine Advisory Committee (CVAC) met to take public comment and continue discussions in order to inform the vaccine prioritization recommendations proposed by the CDPH's Drafting Guidelines Workgroup following the Governor's announcement. At the CVAC meeting, the State's intent to transition to an age-based approach following the completion of Phase 1B, Tier 1 was reaffirmed. The next priority group, currently not identified as a phase or tier, will include those between the ages of 16 and 64 with underlying conditions. Members of the CVAC largely agreed with the next prioritization group but urged for more simplicity and clarity. Research presented at the CVAC meeting demonstrated that the highest risk for mortality continues to be those over the age of 65, regardless of underlying conditions. As of writing this staff report, the Drafting Guidelines Workgroup is anticipated to finalize their recommendations on February 5, 2021 and will present those recommendations to the Governor for approval.

#### Federal Stimulus Discussions

On January 19, 2021, the Governor sent a letter addressed to the President indicating the support for the American Rescue Plan. This letter is included as Attachment C. The American Rescue Plan is a \$1.9 trillion emergency stimulus package, which includes, among other things, \$20 billion for transit operators. Additionally, the package would provide funding for a national vaccination program, scaling up efforts to contain COVID-19, and supports to reopen in-person schooling. The Governor applauded these priorities and noted how the plan aligns with California's goals. The Governor goes on to discuss additional areas where the State wishes to partner with the Administration. Specifically, the Governor stated that infrastructure remains a top priority for California, calling for a robust federal infrastructure plan that includes restoring the federal commitment to California's High-Speed Rail project. Other priorities listed in the letter's appendix include addressing homelessness, climate action, early education, wildfire resilience, immigration, and health care reform.

**Update on California State Legislature Leadership**

Following a unanimous vote on January 20, 2021, the California State Senate Republicans announced Senator Scott Wilk (R-Santa Clarita) will become the next California State Senate Minority Leader, replacing Senator Shannon Grove (R-Bakersfield). Upon the announcement, it was reported this change is expected to formally take place in a few weeks. Leader-Elect Wilk has publicly indicated his top priority as leader is to find solutions to aid in the recovery from the COVID-19 pandemic, particularly related to economic and educational challenges.

**Summary**

An overview is provided on budget trailer bills pertaining to relief measures related to COVID-19. Support is requested for Governor Newsom's proposal to extend and expand regulatory relief measures related to the Transportation Development Act while continuing to navigate the evolving impacts of the COVID-19 pandemic. An update is given on vaccine distribution prioritization, infrastructure stimulus discussions, and State Legislature leadership changes.

**Attachments**

- A. Letter from Michael Pimentel, Executive Director, California Transit Association, to the Honorable Gavin Newsom, Governor, State of California, dated January 25, 2021, re: Continue to Prioritize Transit Frontline Workers in Vaccine Distribution Plan
- B. Letter from Los Angeles and Orange County Transportation Agencies to the Honorable Gavin Newsom, Governor, State of California, dated February 2, 2021, re: Continued COVID-19 Vaccine Prioritization for Frontline Transit Workers
- C. Letter from the Honorable Gavin Newsom, Governor, State of California, to the Honorable Joseph R. Biden, President, United States of America, dated January 19, 2021
- D. Orange County Transportation Authority Legislative Matrix

**Prepared by:**

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Government Relations  
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**Approved by:**

Lance M. Larson  
Executive Director,  
Government Relations  
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Connecting us.

January 25, 2021

The Honorable Gavin Newsom  
Governor, State of California  
State Capitol, Suite 1173  
Sacramento, CA 95814

**RE: Continue to Prioritize Transit Frontline Workers in Vaccine Distribution Plan**

Governor Gavin Newsom:

On behalf of the California Transit Association, I write to you today to register our concerns with the state's new plan for transitioning from a sector-based to age-based distribution of the COVID-19 vaccine. The plan, announced earlier today, would transition to an age-based distribution of the vaccine following the prioritized vaccination of individuals age 65 and over, and workers in health care, emergency services, food and agriculture, and education. In doing so, the plan would effectively eliminate the prioritization of workers in transportation and logistics under Phase 1B – Tier 2, which includes our industry's transit frontline workers, and which we actively supported. These workers and the services they provide were deemed essential at the start of the pandemic and will play a vital role in facilitating equitable access to the vaccine moving forward.

Since the start of the pandemic, California's public transit agencies have transported essential workers to their jobs in health care, education, food service and hospitality. Survey data has found that these essential workers cannot work from home and are overwhelmingly people of color and/or low-income, tracking closely with the findings of the ridership surveys our members have conducted during the pandemic, which also show that many of today's riders lack access to a personal automobile.<sup>1</sup> Additionally, public transit agencies have continued to provide critical services, like paratransit service, to elderly and disabled people throughout California, often serving as a lifeline to grocery stores, doctor's appointments, pharmacies, and recreation.

Public transit agencies have also continued to fill important gaps in state and local emergency and social services. For example, as of the drafting of this letter, transit agencies are:

- Actively coordinating with their county offices of emergency services to prepare for, and facilitate, evacuations from wildfire sites and the resulting debris flow;
- Developing plans with local school districts for eventually transporting students, facilitating the reopening of schools;

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<sup>1</sup> "Exposure on the Job – Who Are the Essential Workers Who Likely Cannot Work from Home?" Brookings Institute.  
<https://www.brookings.edu/research/exposure-on-the-job/>

- Transporting individuals to COVID-19 testing sites as well as individuals who test positive to medical facilities for treatment; and,
- Delivering food to seniors, through partnerships with Meals on Wheels.

These roles combined demonstrate clearly that our frontline workers, who cannot work from home, are interacting daily with the very people the state has elevated for prioritization in its new plan. Moreover, these roles highlight the reality that, in communities across the state, transit agencies are providing services that undeniably align with the services provided by the few sectors that would still benefit from the limited sector-based distribution under the new plan. Unfortunately, with no opportunity to comment on, or to inform the development of, the new plan, transit frontline workers, will not receive the same access to COVID-19 vaccines as those providing these similar services.

In closing, the state has long broadcast its intent to facilitate an equitable distribution of the COVID-19 vaccine. The Association support this policy goal fully, but would argue that to be equitable, the plan must identify more than just the populations that would receive prioritization and actively consider how Californians will reach their vaccination sites. For many low-income people, disabled individuals, seniors, communities of color, and essential workers, accessing the vaccine will require a trip on a bus, rail car or paratransit vehicle. It would be unfortunate for the state to not ensure that those trips are as safe as possible for the rider and the transit frontline worker by ensuring transit frontline workers are vaccinated. I, therefore, respectfully urge you to reconsider the age-based distribution plan in one of the two following ways: preserve the current sector-based distribution that makes a commitment to transit frontline workers under Phase 1B – Tier 2; or elevate transit frontline workers to equal consideration in the limited sector-based distribution in the new plan alongside individuals age 65 and over and workers in health care, emergency services, food and agriculture, and education.

I appreciate that, during these times, you must wrestle with difficult decisions, but I hope you will strongly consider our request. If you have any questions about this letter, please contact me directly at [michael@caltransit.org](mailto:michael@caltransit.org) or at 916-446-4656 x1034.

Sincerely,



Michael Pimentel  
Executive Director

cc: Nadine Burke, MD, MPH, Surgeon General, State of California  
Erica S. Pan, MD, MPH, Acting State Public Health Officer, Department of Public Health  
David Kim, Secretary, California State Transportation Agency  
Members, Vaccine Drafting Guidelines Workgroup, California Department of Public Health  
Members, Community Advisory Vaccine Committee, California Department of Public Health



February 2, 2021

Honorable Gavin Newsom  
California State Governor  
State Capitol, Suite 1173  
Sacramento, CA 95814

### **Re: Continued COVID-19 Vaccine Prioritization for Frontline Transit Workers**

Dear Governor Newsom:

The Los Angeles and Orange County coalition of transit operators would like to register our region's concerns with the State's shift to an age-based vaccine distribution plan. This plan eliminates prioritization for transportation and logistics workers who were previously assigned to Phase 1B, Tier 2, and we respectfully urge you to consider restoring priority for these workers alongside other frontline employees in Phase 1B. LA and Orange County stands with the California Transit Association and other agencies around the state in making this request on behalf of our employees.

Combined, our transit systems serve 10 million people in Los Angeles County and 3 million people in Orange County, and we have continued to transport hundreds of thousands of people daily throughout the pandemic. Our fixed-route and paratransit services are a lifeline to essential workers, seniors, people with disabilities, and other riders who are primarily low-income and people of color. Much like the healthcare, food and agriculture, emergency services, and education workers prioritized in Phase 1B Tier 1, these transportation workers interact with the public in a manner that places them at high risk of occupational exposure.

As we look to the next phase of this crisis, we must consider not only how to protect our employees and current riders, but also those who will be returning to our system soon. Our system transports students to and from both K-12 and postsecondary schools, and we are eager to welcome these students and other riders back on board as job sectors begin to reopen. COVID-19 has caused operator shortages that prohibit agencies from currently increasing much-needed service. Including transit workers on the same Phase 1B priority list as education workers ensures that both the operators and riders are better protected from the moment they leave home every day.

LA and Orange County Transportation Agencies – Letter to Governor Newsom  
COVID Vaccine for frontline transit employees  
February 2, 2021

Our agencies stand ready to coordinate with the LA County Department of Public Health and Orange County Health Care Agency to distribute vaccines as soon as they become available. In addition, our transit systems will be critical to assist in providing access to vaccinations for populations that have mobility challenges. We recognize that decisions around vaccine distribution are difficult and that they are made with the understanding that supply is currently limited. However, we respectfully urge you and your administration to reconsider prioritizing frontline transit employees by either preserving the previous sector-based tiers, or by elevating transportation workers to the current priority list that includes individuals over 65, as well as other frontline workers in healthcare, agriculture, emergency services, and education.

Sincerely,



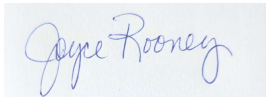
Macy Neshati,  
Executive Director/CEO,  
Antelope Valley Transit  
Authority



Chau L. Vu,  
Director of Public Works,  
City of Bell Gardens



Martha D'Andrea,  
Transit Manager,  
City of Glendale (Beeline)



Joyce Rooney,  
Transit Manager,  
Beach Cities Transit



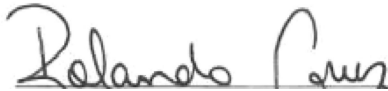
Claude McFerguson,  
Director of Transportation,  
City of Commerce



Adam Raymond,  
City Manager,  
City of Glendora



Dominic Lazzaretto,  
City Manager,  
City of Arcadia



Rolando Cruz,  
Chief Transportation Officer,  
City of Culver City (Culver  
CityBus)



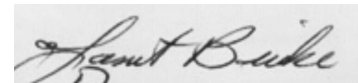
Seleta Reynolds,  
General Manager,  
Los Angeles Department of  
Transportation



Miki Carpenter,  
Director, Community  
Resources,  
City of Azusa



Sarah Zadok,  
Transportation Operations  
Manager,  
City of El Monte



Jan Buike,  
Recreation Manager,  
City of Manhattan Beach

LA and Orange County Transportation Agencies – Letter to Governor Newsom  
COVID Vaccine for frontline transit employees  
February 2, 2021



Steve Mermell,  
City Manager,  
City of Pasadena



Doran J. Barnes,  
Chief Executive Officer,  
Foothill Transit



Jim Parker,  
Executive Director of  
Regional Transportation,  
Norwalk Transit System



Edward F. King,  
Director of Transit Services,  
City of Santa Monica (Big  
Blue Bus)



Ernie Crespo,  
Director of Transportation,  
Gardena Transit (GTrans)



Darrell Johnson,  
Chief Executive Officer,  
Orange County  
Transportation Authority



Brian Saeki,  
City Manager,  
City of Whittier



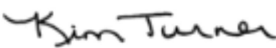
Kenneth A. McDonald,  
President and CEO,  
Long Beach Transit



Phillip A. Washington,  
Chief Executive Officer,  
Los Angeles County  
Metropolitan Transportation  
Authority



George Sparks,  
Administrator,  
Pomona Valley  
Transportation Authority



Kim Turner,  
Director,  
Torrance Transit System

cc.

Members, Los Angeles County and Orange County State Senate and Assembly  
Delegation

Secretary David Kim, Cal-STA

Fesia Davenport, CEO, Los Angeles County

Frank Kim, CEO, County of Orange

Los Angeles County Department of Public Health

Orange County Health Care Agency



OFFICE OF THE GOVERNOR

January 19, 2021

Dear President Biden,

Congratulations on your historic victory and for setting America on a path to build back better. I offer you my full partnership and support as you take office and inherit the tremendous responsibility to restore our nation's economy and place of leadership on the global stage—all while working to bring the COVID-19 pandemic to an end. As America's largest economy and a model for what's possible, California is eager to support your bold agenda by sharing our experiences implementing progressive policy on everything from workers' rights to climate change.

Your American Rescue Plan is a welcome roadmap for how the federal government can take the lead in these perilous times by investing in helping individuals, families, and communities. Your vision charts an ambitious but necessary course for the country. So much of what Californians need is included in your proposal; we support it in its entirety.

Beyond the American Rescue Plan, we also stand ready to assist your administration by highlighting many of the policy innovations we advanced in the Golden State to help you scale them nationally.

In the past few years, the White House abdicated its responsibility on key issues like climate change, wildfires, and infrastructure. And the lack of leadership from Washington on COVID-19 has been well chronicled and truly deadly. But every time we lacked for a partner, California stepped up anyway.

We accelerated our clean car efforts and made record investments in wildfire mitigation. On housing and homelessness we launched programs like Project Roomkey and Homekey to provide housing to individuals experiencing homelessness during the pandemic, and removed barriers to building affordable housing. And we are strengthening our state by investing in California's High Speed Rail project and other infrastructure investments on water, housing, and



climate resilience. And we are providing billions in direct stimulus to low-income residents and struggling small businesses negatively impacted by COVID-19.

Having a true partner in the White House – and an Administration aligned with so many of our values – is a game-changer for Californians.

Attached to this letter are two short policy documents.

The first highlights points of alignment between your American Rescue Plan and California's needs as we respond to the COVID-19 pandemic, specifically on vaccine distribution, reopening schools, and economic development.

The second document provides an outline for policy areas on which we seek early partnership with your Administration – aligned with our shared values and built on our record of success.

I look forward to partnering with the Biden-Harris Administration as we forge an equitable recovery that will benefit generations to come.

Sincerely,

Gavin Newsom  
Governor of California

A large, stylized handwritten signature in black ink, which appears to be "Gavin Newsom", is written over the printed name and extends across the width of the page.

## APPENDIX #1: CALIFORNIA SUPPORTS THE AMERICAN RESCUE PLAN

**Among the most impactful proposals for California that are included in your American Rescue Plan are:**

- **Vaccines:** First and most importantly, we welcome your Administration's support as we surge up to vaccinate all Californians. We urge you to release all available vaccines as soon as possible and are strongly supportive of your call for national coordination, a \$20 billion vaccination partnership between the federal government and states, localities, Tribes, and territories, and \$50 billion for more testing. These are the most important action items to the State of California. We are eager for any additional assistance you can provide.
- **Safely Reopening Schools:** One of California's top priorities is safely reopening our schools. Your Administration's proposal to make additional resources available – in the form of general financial support, testing supplies, and PPE – will directly enable our schools and teachers to reconvene in-person in a safe and equitable manner. We must also address learning loss – California is investing billions in addressing the pandemic's impact on learning, and your shared focus is a welcome change.
- **Small Business Supports:** California has done its best with limited state general funds to support small businesses that have been negatively impacted by the COVID-19 pandemic. We have provided almost \$1.8 billion in direct grants, tax credits, and relief. We have also extended other cash assistance to preserve and expand California's businesses large and small, enabling people to get back to work. Your proposals for additional grants and loans will be a welcome addition as our businesses fight to get back on their feet as we reinvigorate our economy.
- **Individual Assistance:** Similar to our small business support efforts, California is doing its part to help struggling residents pay the bills. We are providing a Golden State stimulus of \$600 per person to qualified low-income Californians, regardless of immigration status. But more is needed. I support your call for providing an additional \$1,400 check, and I am eager to partner with other Governors and your Administration to support this request in Congress. California would also support your call for continuing enhanced unemployment benefits after March at a level of \$400 per week as well as an expansion of the Earned Income Tax Credit.

- **Helping Families Get Back on their Feet:** Beyond the key investments detailed above, the American Rescue Plan includes critically important proposals to provide additional food security, early education subsidies, childcare tax credits, paid leave resources, and expand rental assistance funds, to name a few. California fully supports these initiatives which provide needed assistance to individuals and families who are struggling the most acutely.
- **Support to State & Local Governments:** Despite a clear need, the Republican-controlled senate in the 116th Congress failed to provide flexible funds to local governments as they grapple with massive budget deficits, which affected even states like California, which entered the crisis with record reserves. We strongly support your \$350 billion proposal to provide critical emergency funding to state & local governments across the nation and keep our health care workers, first responders, and teachers on the job. In addition to the important cost-share proposals contained in the American Rescue Plan, California also requests an extension of the enhanced Medi-Cal Federal Medical Assistance Percentage through December 2022. Finally, California requests an extension of the Unemployment Insurance loan interest repayment start date through 2023.

## APPENDIX #2: OTHER POLICY AREAS OF ALIGNMENT

**As you announce the details of your Administration's priorities and issue a first round of executive orders, there are a number of additional critical items that offer opportunities for a federal-state partnership between your Administration and California, including:**

- **Ending Homelessness:** California has charted a successful path on homelessness amidst the sharp challenges of the COVID-19 pandemic. Project Roomkey and Homekey became national models for providing non-congregate shelter and fast, cost-efficient permanent housing. We were thrilled to see that the American Rescue Plan included \$5 billion to help jurisdictions purchase and convert hotels and motels to create permanent housing for people experiencing homelessness. Beyond these critical investments, we are eager to partner with the Department of Housing & Urban Development to advocate for universal housing vouchers and greater support for Continuums of Care to scale up and make permanent these approaches. With significant, new, sustainable investment in prevention, shelter, and service-enriched housing, the states will be able to end homelessness as we know it in America.
- **Infrastructure:** We support the enactment of a robust federal infrastructure plan. For California, we are most focused on restoring the federal commitment to California's High Speed Rail project, partnering to develop 21st century water infrastructure, and prioritizing investments in schools, broadband, housing, and renewable energy.
- **Climate Action and Clean Cars:** California is on a path to accelerate the state's transition to a resilient, equitable, carbon neutral future that creates economic prosperity. It is critical that the Administration restore and strengthen many of the environmental and public health protections that have been dangerously weakened in the last four years. Of particular importance to California and many other states is California's authority to adopt motor vehicle standards under the Clean Air Act. Aggressive vehicle emissions standards are essential to public health and climate progress. We look forward to working with your Administration and other states to raise the national floor for climate action by prioritizing innovation, environmental justice, and public health.
- **Wildfire & Forest Resilience:** Amidst the ongoing COVID-19 crisis, we cannot lose sight of the climate change-driven impacts of more acute wildfires. We welcome partnership with your Administration to fully implement the Shared Stewardship Agreements and Good Neighbor

Authority programs we have in place with the U.S. Forest Service. This helps important forest management projects happen more quickly and cost-effectively.

- **Health Care Reform:** California is eager to pursue a transformative vision to overhaul our Medicaid system – an approach we call CalAIM. Our reform effort is fundamentally about health equity with a particular focus on providing communities of color and harder-to-reach populations with improved access to comprehensive, quality care through re-imagined delivery systems and payment reforms. And we are all aware of the devastating disparate impacts COVID-19 has had on communities of color – further underscoring the need for health reform in the context of racial equity. We are eager to discuss the necessary steps to advance our CalAIM model. In addition, California requests a partnership to develop new strategies with the federal government to leverage Medicare to provide additional long-term care services and supports.
- **Immigration:** California has led on pro-immigrant actions that demonstrate the success of working from a principle that our diversity is our strength. We applaud your commitment to advancing immigration reform. It is long past time for America to create a pathway to citizenship for undocumented people and ensure a fair and humane immigration system that honors immigration as the foundation of who we are as a nation. Your leadership will be key in re-instating the Deferred Action for Childhood Arrivals (DACA) program, protecting Temporary Protected Status (TPS) beneficiaries and re-establishing our nation's commitment to people seeking humanitarian protections and an equitable recovery that recognizes the dignity and contributions of our “essential workers”. We request that your Administration reverse the Trump Administration's public charge rule and all race- and religion-based immigration bans as well as take action to address the medical neglect and abuse in immigration detention centers. We stand ready to collaborate and share lessons from our efforts to support and protect immigrant Californians at the border and across our golden state.
- **Early Education:** California applauds your plan to provide immediate pandemic-related support to families, children and early learning and care providers. We recently released a 10-year Master Plan for Early Learning and Care that aligns with your long-term early education vision including universal pre-k for 3- and 4-year-olds, increased access to quality child care for infants and toddlers, and improved supports for the workforce. We want to work with your Administration to ensure that all

children have access to quality early education that helps address racial and economic inequities with specific supports for dual language learners and children with special needs, and that discriminatory practices such as expulsions and suspensions end in early education.



**Orange County Transportation Authority Legislative Matrix**  
**2021 State Legislation Session**  
**February 18, 2021**

▶ AB 5	<p><b>AUTHOR:</b> Fong [R]  <b>TITLE:</b> Greenhouse Gas Reduction Fund: High Speed Rail  <b>INTRODUCED:</b> 12/07/2020  <b>LOCATION:</b> Assembly Transportation Committee  <b>SUMMARY:</b>  Suspends the appropriation to the High-Speed Rail Authority for the 2021-22 and 2022-23 fiscal years and requires the transfer of those amounts from moneys collected by the State Air Resources Board to the General Fund. Specifies that the transferred amounts shall be available to support K-12 education and to offset any funding reduction for K-12 education.  <b>STATUS:</b>  01/11/2021 To ASSEMBLY Committees on TRANSPORTATION and NATURAL RESOURCES.  <b>CATEGORY:</b> Rail and Transit</p>
▶ AB 11	<p><b>AUTHOR:</b> Ward [D]  <b>TITLE:</b> Climate Change: Regional Coordinating Groups  <b>INTRODUCED:</b> 12/07/2020  <b>LAST AMEND:</b> 01/21/2021  <b>LOCATION:</b> Assembly Natural Resources Committee  <b>SUMMARY:</b>  Requires the Strategic Growth Council to establish up to 12 regional climate change coordinating groups to develop and work on climate adaptation for their communities. Authorizes the regional climate change coordinating groups to engage in certain activities to address climate change. <i>Requires the regional climate change authorities to annually submit to the council a report on their activities.</i>  <b>STATUS:</b>  01/21/2021 From ASSEMBLY Committee on NATURAL RESOURCES with author's amendments.  01/21/2021 In ASSEMBLY. Read second time and amended. Re-referred to Committee on NATURAL RESOURCES.  <b>CATEGORY:</b> Environment</p>
▶ AB 29	<p><b>AUTHOR:</b> Cooper [D]  <b>TITLE:</b> State Bodies: Meetings  <b>INTRODUCED:</b> 12/07/2020  <b>LOCATION:</b> Assembly Governmental Organization Committee  <b>SUMMARY:</b>  Requires that the notice of a meeting of a state body include all writings or materials provided for the noticed meeting to a member of the state body by the staff of a state agency, board, or commission, or another member of the state body that are in connection with a matter subject of discussion or consideration at the meeting.  <b>STATUS:</b>  01/11/2021 To ASSEMBLY Committee on GOVERNMENTAL ORGANIZATION.  <b>CATEGORY:</b> Miscellaneous</p>

► AB 43	<p><b>AUTHOR:</b> Friedman [D]</p> <p><b>TITLE:</b> Traffic Safety</p> <p><b>INTRODUCED:</b> 12/07/2020</p> <p><b>LOCATION:</b> Assembly Transportation Committee</p> <p><b>SUMMARY:</b> Requires the California Department of Transportation to convene a committee of external design experts to advise on revisions to the Highway Design Manual. Requires the California Traffic Safety Program to include a traffic safety monitoring program that identifies and addresses locations with pedestrian- and bicyclist-related crashes, upon appropriation of state funds for this purpose.</p> <p><b>STATUS:</b> 01/11/2021 To ASSEMBLY Committee on TRANSPORTATION.</p> <p><b>CATEGORY:</b> Planning</p>
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► AB 50	<p><b>AUTHOR:</b> Boerner Horvath [D]</p> <p><b>TITLE:</b> Climate Adaptation Center and Regional Support Network</p> <p><b>INTRODUCED:</b> 12/07/2020</p> <p><b>LOCATION:</b> Assembly Natural Resources Committee</p> <p><b>SUMMARY:</b> Establishes the Climate Adaptation Center and Regional Support Network in the Ocean Protection Council to provide local governments facing sea level rise challenges with information and scientific expertise necessary to proceed with sea level rise mitigation.</p> <p><b>STATUS:</b> 01/11/2021 To ASSEMBLY Committee on NATURAL RESOURCES.</p> <p><b>CATEGORY:</b> Environment</p>
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► AB 51	<p><b>AUTHOR:</b> Quirk [D]</p> <p><b>TITLE:</b> Regional Climate Adaptation Planning Groups</p> <p><b>INTRODUCED:</b> 12/07/2020</p> <p><b>LOCATION:</b> Assembly Natural Resources Committee</p> <p><b>SUMMARY:</b> Requires the Strategic Growth Council, by July 1, 2022, to establish guidelines for the formation of regional climate adaptation planning groups. Requires the council, by July 1, 2023, and in consultation with certain state entities, to develop criteria for the development of regional climate adaptation plans.</p> <p><b>STATUS:</b> 01/11/2021 To ASSEMBLY Committee on NATURAL RESOURCES.</p> <p><b>CATEGORY:</b> Planning</p>
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► AB 67	<p><b>AUTHOR:</b> Petrie-Norris [D]</p> <p><b>TITLE:</b> Sea Level Rise: Working Group: Economic Analysis</p> <p><b>INTRODUCED:</b> 12/07/2020</p> <p><b>LOCATION:</b> <i>Assembly Natural Resources Committee</i></p> <p><b>SUMMARY:</b> Requires a state agency to take into account the current and future impacts of sea level rise when planning, designing, building, operating, maintaining, and investing in infrastructure located in the coastal zone or otherwise vulnerable to flooding from sea level rise or storm surges, or when otherwise approving the allocation of state funds for those purposes.</p> <p><b>STATUS:</b> 01/11/2021 <i>To ASSEMBLY Committee on NATURAL RESOURCES.</i></p> <p><b>CATEGORY:</b> Environment</p>
► AB 72	<p><b>AUTHOR:</b> Petrie-Norris [D]</p> <p><b>TITLE:</b> Environmental Protection: Coastal Adaptation Projects</p> <p><b>INTRODUCED:</b> 12/07/2020</p> <p><b>LOCATION:</b> <i>Assembly Natural Resources Committee</i></p> <p><b>SUMMARY:</b> Enacts the Coastal Adaptation Permitting Act of 2021. Requires the Natural Resources Agency to explore, and authorize it to implement, options within the agency's jurisdiction to establish a more coordinated and efficient regulatory review and permitting process for coastal adaptation projects.</p> <p><b>STATUS:</b> 01/11/2021 <i>To ASSEMBLY Committee on NATURAL RESOURCES.</i></p> <p><b>CATEGORY:</b> Environment</p>
► AB 95	<p><b>AUTHOR:</b> Low [D]</p> <p><b>TITLE:</b> Employees: Bereavement Leave</p> <p><b>INTRODUCED:</b> 12/07/2020</p> <p><b>LOCATION:</b> <i>Assembly Labor and Employment Committee</i></p> <p><b>SUMMARY:</b> Enacts the Bereavement Leave Act of 2021. Requires an employer with 25 or more employees to grant an employee up to 10 business days of unpaid bereavement leave upon the death of a spouse, child, parent, sibling, grandparent, grandchild, or domestic partner, in accordance with certain procedures, and subject to certain exclusions. Requires an employer with fewer than 25 employees to grant up to 3 business days of leave.</p> <p><b>STATUS:</b> 01/11/2021 <i>To ASSEMBLY Committee on LABOR AND EMPLOYMENT.</i></p> <p><b>CATEGORY:</b> Employment Terms &amp; Conditions</p>

<p>► AB 96</p>	<p><b>AUTHOR:</b> O'Donnell [D]  <b>TITLE:</b> Clean Truck, Bus, and Off-Road Vehicle and Technology  <b>INTRODUCED:</b> 12/07/2020  <b>LOCATION:</b> <i>Assembly Transportation Committee</i>  <b>SUMMARY:</b>  Extends the requirement that 20 percent of funding be made available to support early commercial deployment of existing zero- and near-zero-emission heavy-duty truck technology until December 31, 2026. The bill would further require at least 20 percent of that funding support early commercial deployment of existing near-zero-emission heavy-duty truck technology.  <b>STATUS:</b>  01/11/2021 <i>To ASSEMBLY Committees on TRANSPORTATION and NATURAL RESOURCES.</i>  <b>CATEGORY:</b> Funding</p>
<p>► AB 108</p>	<p><b>AUTHOR:</b> Cunningham [R]  <b>TITLE:</b> Governor's Emergency Orders and Regulations: Approval  <b>INTRODUCED:</b> 12/16/2020  <b>LOCATION:</b> <i>Assembly Emergency Management Committee</i>  <b>SUMMARY:</b>  Permits an order or regulation, or an amendment or rescission thereof, issued pursuant to specified California Emergency Services Act provisions 60 or more days after the proclamation, to take effect only if approved by a concurrent resolution of the Legislature.  <b>STATUS:</b>  01/11/2021 <i>To ASSEMBLY Committee on EMERGENCY MANAGEMENT.</i>  <b>CATEGORY:</b> Emergency Service Response</p>
<p>► AB 111</p>	<p><b>AUTHOR:</b> Boerner Horvath [D]  <b>TITLE:</b> San Diego Association of Governments: LOSSAN Rail  <b>INTRODUCED:</b> 12/17/2020  <b>LOCATION:</b> <i>Assembly Transportation Committee</i>  <b>SUMMARY:</b>  Appropriates \$5 million from the General Fund to the San Diego Association of Governments to conduct a study of higher speed and safety alternatives for the Los Angeles-San Diego-San Luis Obispo passenger rail corridor in the County of San Diego. Requires the San Diego Association of Governments to conduct the study, and requires the San Diego Association of Governments to submit a report to the Legislature and specified committees of the Legislature summarizing the results of the study.  <b>STATUS:</b>  01/11/2021 <i>To ASSEMBLY Committee on TRANSPORTATION.</i>  <b>CATEGORY:</b> Rail and Transit</p>

► AB 117	<b>AUTHOR:</b>	Boerner Horvath [D]
	<b>TITLE:</b>	Air Quality Improvement Program: Electric Bicycles
	<b>INTRODUCED:</b>	12/18/2020
	<b>LOCATION:</b>	<i>Assembly Transportation Committee</i>
	<b>SUMMARY:</b>	Specifies projects providing incentives for purchasing electric bicycles as projects eligible for funding under the Air Quality Improvement Program. Requires the State Air Resources Board, by July 1, 2022, to establish and implement and administer, until January 1, 2028, the Electric Bicycle Rebate Pilot Project to provide rebates for purchases of electric bicycles.
	<b>STATUS:</b>	
		01/11/2021 <i>To ASSEMBLY Committees on TRANSPORTATION and NATURAL RESOURCES.</i>
	<b>CATEGORY:</b>	Funding

► AB 123	<b>AUTHOR:</b>	Gonzalez [D]
	<b>TITLE:</b>	Paid Family Leave: Weekly Benefit Amount
	<b>INTRODUCED:</b>	12/18/2020
	<b>LOCATION:</b>	<i>Assembly Insurance Committee</i>
	<b>SUMMARY:</b>	Revises the formula for determining benefits available pursuant to the family temporary disability insurance program, for periods of disability commencing after January 1, 2022, by redefining the weekly benefit amount to be equal to 90 percent of the wages paid to an individual for employment by employers during the quarter of the individual's disability base period in which these wages were highest, divided by 13, but not exceeding the maximum workers' compensation disability indemnity weekly benefit amount.
	<b>STATUS:</b>	
		01/11/2021 <i>To ASSEMBLY Committee on INSURANCE.</i>
	<b>CATEGORY:</b>	Employment Terms & Conditions

► AB 237	<b>AUTHOR:</b>	Gray [D]
	<b>TITLE:</b>	<i>Public Employment: Unfair Practices: Health Protection</i>
	<b>INTRODUCED:</b>	01/12/2021
	<b>LOCATION:</b>	<i>Assembly</i>
	<b>SUMMARY:</b>	<i>Makes it an unfair practice for a covered employer, as defined, to fail or refuse to maintain or pay for continued health care or other medical coverage for an enrolled employee or their enrolled dependents, for the duration of the enrolled employee's participation in the authorized strike, at the level and under the conditions that coverage would have been provided if the employee had continued to work in their position for the duration of the strike.</i>
	<b>STATUS:</b>	
		01/28/2021 <i>To ASSEMBLY Committee on PUBLIC EMPLOYMENT AND RETIREMENT.</i>
	<b>CATEGORY:</b>	<i>Employment Terms &amp; Conditions</i>

► AB 261	<p><b>AUTHOR:</b> Seyarto [R]</p> <p><b>TITLE:</b> Authorized Emergency Vehicles</p> <p><b>INTRODUCED:</b> 01/15/2021</p> <p><b>LOCATION:</b> Assembly Transportation Committee</p> <p><b>SUMMARY:</b></p> <p><i>Permits an authorized emergency vehicle to operate on an HOV lane if specified conditions are met, including, among others, that the vehicle is being driven while responding to, or returning from, an urgent or emergency call and the driver of the vehicle determines that the use of the HOV lane will likely improve the arrival time of the authorized emergency vehicle and its delivery of essential public safety services.</i></p> <p><b>STATUS:</b></p> <p>01/28/2021 To ASSEMBLY Committee on TRANSPORTATION.</p> <p><b>CATEGORY:</b> Planning</p>
► AB 273	<p><b>AUTHOR:</b> Irwin [D]</p> <p><b>TITLE:</b> Cannabis: Advertisements: Highways</p> <p><b>INTRODUCED:</b> 01/19/2021</p> <p><b>LOCATION:</b> Assembly Business and Professions Committee</p> <p><b>SUMMARY:</b></p> <p><i>Relates to highway advertisements for cannabis. Prohibits a licensee from advertising or marketing on a billboard or similar advertising device visible from an interstate highway or on a State highway within California.</i></p> <p><b>STATUS:</b></p> <p>01/28/2021 To ASSEMBLY Committee on BUSINESS AND PROFESSIONS.</p> <p><b>CATEGORY:</b> Miscellaneous</p>
► AB 284	<p><b>AUTHOR:</b> Rivas, R. [D]</p> <p><b>TITLE:</b> Global Warming Solutions Act of 2006: Climate Goal</p> <p><b>INTRODUCED:</b> 01/21/2021</p> <p><b>LOCATION:</b> Assembly Natural Resources Committee</p> <p><b>SUMMARY:</b></p> <p><i>Requires the State Air Resources Board, when updating the scoping plan and in collaboration with the Natural Resources Agency and other relevant state agencies and departments, to take specified actions by a certain date, including, among others, identifying a 2045 climate goal, with interim milestones, for the state's natural and working lands.</i></p> <p><b>STATUS:</b></p> <p>01/28/2021 To ASSEMBLY Committee on NATURAL RESOURCES.</p> <p><b>CATEGORY:</b> Environment</p>

► AB 294	<p><b>AUTHOR:</b> Santiago [D]</p> <p><b>TITLE:</b> Vehicle Tow and Storage Act</p> <p><b>INTRODUCED:</b> 01/21/2021</p> <p><b>LOCATION:</b> Assembly Transportation Committee</p> <p><b>SUMMARY:</b>  <i>Establishes the Vehicle Towing and Storage Board in the Department of Consumer Affairs and would empower the board to, among other things, regulate and resolve disputes involving vehicle towing businesses. Requires the board to maintain a public database on its internet website on vehicle towing businesses. Requires a business to obtain a Vehicle Tow and Storage Permit and pay an annual fee before operating a tow truck or tow vehicle in California.</i></p> <p><b>STATUS:</b>  01/28/2021 To ASSEMBLY Committees on TRANSPORTATION and BUSINESS AND PROFESSIONS.</p> <p><b>CATEGORY:</b> Miscellaneous</p>
► AB 302	<p><b>AUTHOR:</b> Ward [D]</p> <p><b>TITLE:</b> San Diego Metropolitan Transit Development Board</p> <p><b>INTRODUCED:</b> 01/25/2021</p> <p><b>LOCATION:</b> Assembly</p> <p><b>SUMMARY:</b>  <i>Expands to any city within the County of San Diego the authority of the San Diego Metropolitan Transit Development Board to enter into contracts to license or regulate transportation services and to regulate vehicle safety and driver qualifications for passenger jitney service.</i></p> <p><b>STATUS:</b>  01/25/2021 INTRODUCED.</p> <p><b>CATEGORY:</b> Rail and Transit</p>
► AB 339	<p><b>AUTHOR:</b> Lee [D]</p> <p><b>TITLE:</b> State and Local Government: Open Meetings</p> <p><b>INTRODUCED:</b> 01/28/2021</p> <p><b>LOCATION:</b> Assembly</p> <p><b>SUMMARY:</b>  <i>Requires all meetings of the Legislature, including gatherings using teleconference technology, to include an opportunity for all persons to attend via a call-in option or an internet-based service option that provides closed captioning services and requires both a call-in and an internet-based service option to be provided to the public. Requires all meetings to provide the public with an opportunity to comment on proposed legislation, and requires translation services to be provided, as specified.</i></p> <p><b>STATUS:</b>  01/28/2021 INTRODUCED.</p> <p><b>CATEGORY:</b> Audits, Records, Reports, and Litigation</p>

► AB 343	<p><b>AUTHOR:</b> Fong [R]  <b>TITLE:</b> California Public Records Act Ombudsperson  <b>INTRODUCED:</b> 01/28/2021  <b>LOCATION:</b> Assembly  <b>SUMMARY:</b>  <i>Establishes, within the California State Auditor's Office, the California Public Records Act Ombudsperson. Requires the California State Auditor to appoint the Ombudsperson subject to certain requirements. Requires the Ombudsperson to receive and investigate requests for review, determine whether the denials of original requests complied with the California Public Records Act, and issue written opinions of its determination.</i>  <b>STATUS:</b>  01/28/2021                      <i>INTRODUCED.</i>  <b>CATEGORY:</b>                      <i>Audits, Records, Reports, and Litigation</i></p>
► AB 346	<p><b>AUTHOR:</b> Seyarto [R]  <b>TITLE:</b> Privacy: Breach  <b>INTRODUCED:</b> 01/28/2021  <b>LOCATION:</b> Assembly  <b>SUMMARY:</b>  <i>Relates to the Information Practices Act which requires an agency, which includes a local agency, that owns or licenses computerized data that includes personal information to disclose expeditiously and without unreasonable delay a breach in the security of the data to a resident of California whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person. Makes this requirement applicable if the information is accessed by an unauthorized person.</i>  <b>STATUS:</b>  01/28/2021                      <i>INTRODUCED.</i>  <b>CATEGORY:</b>                      <i>Miscellaneous</i></p>
► AB 349	<p><b>AUTHOR:</b> Holden [D]  <b>TITLE:</b> Department of Transportation: Contracting  <b>INTRODUCED:</b> 01/28/2021  <b>LOCATION:</b> Assembly  <b>SUMMARY:</b>  <i>Clarifies that the Department of Transportation's requirement that it publish a notice of a project on its internet website does not affect the department's authority to use existing resources for outreach efforts for events to promote small business enterprises, including, but not limited to, those owned by women, minorities, disabled veterans, LGBT, and other disadvantaged groups, trainings to improve diversity, and resources for relationship development events.</i>  <b>STATUS:</b>  01/28/2021                      <i>INTRODUCED.</i>  <b>CATEGORY:</b>                      <i>Miscellaneous</i></p>

► AB 361	<p><b>AUTHOR:</b> Rivas, R. [D]</p> <p><b>TITLE:</b> Open Meetings: Local Agencies: Teleconferences</p> <p><b>INTRODUCED:</b> 02/01/2021</p> <p><b>LOCATION:</b> Assembly</p> <p><b>SUMMARY:</b>  <i>Authorizes a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting for the purpose of declaring or ratifying a local emergency, during a declared state or local emergency, when state or local health officials have imposed or recommended measures to promote social distancing, and during a declared local emergency.</i></p> <p><b>STATUS:</b>  02/01/2021      INTRODUCED.</p> <p><b>CATEGORY:</b> Audits, Records, Report, and Litigation</p>
► AB 363	<p><b>AUTHOR:</b> Medina [D]</p> <p><b>TITLE:</b> Carl Moyer Air Quality Standards Attainment Program</p> <p><b>INTRODUCED:</b> 02/01/2021</p> <p><b>LOCATION:</b> Assembly</p> <p><b>SUMMARY:</b>  <i>Relates to the Carl Moyer Memorial Air Quality Standards Attainment Program. Requires the Air Resources Board, by January 1, 2023, to adopt an online application process for the submission of grant applications under the program. Requires the Board and local air districts administering the program to use the online application process. Requires the state board, by January 1, 2023, to review the program and to submit to the Legislature a report on the review.</i></p> <p><b>STATUS:</b>  02/01/2021      INTRODUCED.</p> <p><b>CATEGORY:</b> Environment</p>
► AB 371	<p><b>AUTHOR:</b> Jones-Sawyer [D]</p> <p><b>TITLE:</b> Shared Mobility Devices: Insurance and Tracking</p> <p><b>INTRODUCED:</b> 02/01/2021</p> <p><b>LOCATION:</b> Assembly</p> <p><b>SUMMARY:</b>  <i>Requires a shared mobility service provider to affix to each shared mobility device a tactile sign containing raised characters and accompanying Braille to identify the device for the purpose of tracking and reporting. Specifies that the required insurance for shared mobility providers shall apply to any personal injury or property damage suffered by a pedestrian when the injury involves, in whole or in part, the negligent conduct of the shared mobility device owner or user.</i></p> <p><b>STATUS:</b>  02/01/2021      INTRODUCED.</p> <p><b>CATEGORY:</b> Miscellaneous</p>

ACA 1	<b>AUTHOR:</b>	Aguiar-Curry [D]
	<b>TITLE:</b>	Local Government Financing: Affordable Housing
	<b>INTRODUCED:</b>	12/07/2020
	<b>LOCATION:</b>	Assembly
	<b>SUMMARY:</b>	Creates an additional exception to the 1 percent ad valorem tax rate limit on real property that would authorize a city, county, or special district to levy an ad valorem tax to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of public infrastructure, affordable housing, or permanent supportive housing, if the proposition proposing the tax is approved by 55 percent of the voters of the city or county, and the proposition includes accountability requirements.
	<b>STATUS:</b>	
	12/07/2020	INTRODUCED.
	<b>CATEGORY:</b>	Miscellaneous

► SB 10	<b>AUTHOR:</b>	Wiener [D]
	<b>TITLE:</b>	Planning and Zoning: Housing Development: Density
	<b>INTRODUCED:</b>	12/07/2020
	<b>LOCATION:</b>	Senate Housing Committee
	<b>SUMMARY:</b>	Authorizes a local government to pass an ordinance to zone any parcel for up to 10 units of residential density per parcel, at a height specified in the ordinance, if the parcel is located in a transit-rich area, a jobs-rich area, or an urban infill site, as those terms are defined. Requires the Department of Housing and Community Development to determine jobs-rich areas and publish a map of those areas on a certain frequency.
	<b>STATUS:</b>	
	01/28/2021	To SENATE Committees on HOUSING and GOVERNANCE AND FINANCE and ENVIRONMENTAL QUALITY.
	01/28/2021	In SENATE. Rescinds referral to Committee on ENVIRONMENTAL QUALITY due to limitations concerning COVID-19 virus.
	<b>CATEGORY:</b>	Housing

► SB 30	<b>AUTHOR:</b>	Cortese [D]
	<b>TITLE:</b>	Building Decarbonization
	<b>INTRODUCED:</b>	12/07/2020
	<b>LOCATION:</b>	Senate Governmental Organization Committee
	<b>SUMMARY:</b>	Prohibits a state agency from designing or constructing a state facility that is connected to the natural gas grid. Requires the State Energy Resources Conservation and Development Commission to develop the California State Building Decarbonization Plan that will lead to the operational carbon-neutrality of all state-owned buildings by January 1, 2035.
	<b>STATUS:</b>	
	01/28/2021	To SENATE Committee on GOVERNMENTAL ORGANIZATION.
	<b>CATEGORY:</b>	Environment

► SB 44	<p><b>AUTHOR:</b> Allen [D]</p> <p><b>TITLE:</b> California Environmental Quality Act: Judicial Review</p> <p><b>INTRODUCED:</b> 12/07/2020</p> <p><b>LOCATION:</b> <i>Senate Environmental Quality Committee</i></p> <p><b>SUMMARY:</b> Establishes specified procedures for the administrative and judicial review of the environmental review and approvals granted for environmental leadership transit project, as defined, undertaken by a public agency.</p> <p><b>STATUS:</b> <i>01/28/2021 To SENATE Committees on ENVIRONMENTAL QUALITY and JUDICIARY.</i></p> <p><b>CATEGORY:</b> Environment</p>
► SB 66	<p><b>AUTHOR:</b> Allen [D]</p> <p><b>TITLE:</b> California Council on the Future of Transportation</p> <p><b>INTRODUCED:</b> 12/07/2020</p> <p><b>LOCATION:</b> <i>Senate Rules Committee</i></p> <p><b>SUMMARY:</b> Requires the Secretary of Transportation to establish an advisory committee, the California Council on the Future of Transportation, to provide the Governor and the Legislature with recommendations for changes in state policy to ensure that as autonomous vehicles are deployed, they enhance the state's efforts to increase road safety, promote equity, and meet public health and environmental objectives.</p> <p><b>STATUS:</b> <i>01/28/2021 To SENATE Committee on RULES.</i></p> <p><b>CATEGORY:</b> Miscellaneous</p>
► SB 83	<p><b>AUTHOR:</b> Allen [D]</p> <p><b>TITLE:</b> California Infrastructure and Economic Development Bank</p> <p><b>INTRODUCED:</b> 12/15/2020</p> <p><b>LOCATION:</b> <i>Senate Natural Resources and Water Committee</i></p> <p><b>SUMMARY:</b> Creates the Sea Level Rise Revolving Loan Program within the I-Bank to provide low-interest loans to local jurisdictions for the purchase of coastal properties in their jurisdictions identified as vulnerable coastal property. Requires the California Coastal Commission in consultation with the State Lands Commission, and any other applicable state, federal, and local entities, as specified to determine criteria and guidelines for the identification of eligible vulnerable coastal properties.</p> <p><b>STATUS:</b> <i>01/28/2021 To SENATE Committees on NATURAL RESOURCES AND WATER and GOVERNANCE AND FINANCE.</i></p> <p><b>CATEGORY:</b> Funding</p>

<p>► SB 214</p>	<p><b>AUTHOR:</b> <i>Bates [R]</i>  <b>TITLE:</b> <i>Neighborhood Electric Vehicles: County of Orange</i>  <b>INTRODUCED:</b> <i>01/12/2021</i>  <b>LOCATION:</b> <i>Senate Transportation Committee</i>  <b>SUMMARY:</b>  <i>Repeals the sunset date, thereby indefinitely extending the County of Orange's authority to establish an NEV (Neighborhood Electric Vehicle) transportation plan for the Ranch Plan Planned Community.</i>  <b>STATUS:</b>  <i>01/28/2021 To SENATE Committee on TRANSPORTATION.</i>  <b>CATEGORY:</b> <i>Planning</i></p>
<p>► SB 216</p>	<p><b>AUTHOR:</b> <i>Dodd [D]</i>  <b>TITLE:</b> <i>Contractors: Workers' Compensation Insurance: Coverage</i>  <b>INTRODUCED:</b> <i>01/12/2021</i>  <b>LOCATION:</b> <i>Senate Business, Professions &amp; Economic Development Committee</i>  <b>SUMMARY:</b>  <i>Requires concrete contractors holding a C-8 license, warm-air heating, ventilation and air-conditioning (HVAC) contractors holding a C-20 license, or tree service contractors holding a D-49 license to also obtain and maintain workers' compensation insurance even if that contractor has no employees.</i>  <b>STATUS:</b>  <i>01/28/2021 To SENATE Committee on BUSINESS, PROFESSIONS AND ECONOMIC DEVELOPMENT.</i>  <b>CATEGORY:</b> <i>Employment Terms &amp; Conditions</i></p>
<p>► SB 231</p>	<p><b>AUTHOR:</b> <i>McGuire [D]</i>  <b>TITLE:</b> <i>Department of Transportation: Transfer of Property</i>  <b>INTRODUCED:</b> <i>01/19/2021</i>  <b>LOCATION:</b> <i>Senate Transportation Committee</i>  <b>SUMMARY:</b>  <i>Authorizes the Department of Transportation, upon terms, standards, and conditions approved by the California Transportation Commission, to transfer the Blues Beach property located in the unincorporated community of Westport in the County of Mendocino to a qualified nonprofit corporation, which the bill would define as a nonprofit corporation that is organized by one or more California Native American tribes for the purpose of environmental protection.</i>  <b>STATUS:</b>  <i>01/28/2021 To SENATE Committee on TRANSPORTATION.</i>  <b>CATEGORY:</b> <i>Miscellaneous</i></p>

► SB 261	<p><b>AUTHOR:</b> Allen [D]</p> <p><b>TITLE:</b> Regional Transportation Plans: Sustainable Communities</p> <p><b>INTRODUCED:</b> 01/27/2021</p> <p><b>LOCATION:</b> Senate</p> <p><b>SUMMARY:</b>  <i>Requires that the sustainable communities strategy be developed to additionally achieve greenhouse gas emission reduction targets for the automobile and light truck sector for 2045 and 2050 and vehicle miles traveled reduction targets for 2035, 2045, and 2050 established by the State Air Resources Board.</i></p> <p><b>STATUS:</b>  01/27/2021      INTRODUCED.</p> <p><b>CATEGORY:</b> Planning</p>
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► SB 266	<p><b>AUTHOR:</b> Newman [D]</p> <p><b>TITLE:</b> State Park System: Chino Hills State Park: Expansion</p> <p><b>INTRODUCED:</b> 01/28/2021</p> <p><b>LOCATION:</b> Senate</p> <p><b>SUMMARY:</b>  <i>Requires the Department of Parks and Recreations to provide assistance acquiring and accepting land immediately adjacent to, and that expands, Chino Hills State Park, by transferring 3 specified properties into the state park system.</i></p> <p><b>STATUS:</b>  01/28/2021      INTRODUCED.</p> <p><b>CATEGORY:</b> Miscellaneous</p>
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► SB 270	<p><b>AUTHOR:</b> Durazo [D]</p> <p><b>TITLE:</b> Public Employment: Labor Relations: Employee Data</p> <p><b>INTRODUCED:</b> 01/28/2021</p> <p><b>LOCATION:</b> Senate</p> <p><b>SUMMARY:</b>  <i>Authorizes an exclusive representative to file a charge of an unfair labor practice with the Public Employment Relations Board, as specified, alleging a violation of the specified requirements only if specified conditions are met, including that the exclusive representative gives written notice of the alleged violation and that the public employer fails to cure the violation, as specified.</i></p> <p><b>STATUS:</b>  01/28/2021      INTRODUCED.</p> <p><b>CATEGORY:</b> Employment Terms &amp; Conditions</p>
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**February 18, 2021**

**To:** Legislative and Communications Committee

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

**Subject:** Federal Legislative Status Report

### **Overview**

The Orange County Transportation Authority provides regular updates to the Legislative and Communications Committee on policy issues directly impacting its programs, projects, and operations. An update is provided on the initial actions of both the new Presidential Administration and the 117<sup>th</sup> Congress. Details are provided on the potential for another round of economic stimulus funding. An overview is provided on the Executive Orders signed by President Biden, and the newly appointed transportation leaders within the new Administration. An update is provided on the members of the Orange County delegation serving on the House Transportation and Infrastructure Committee, as well a summary of a hearing on protecting essential transportation workers.

### **Recommendation**

Receive and file as an information item.

### **Discussion**

New Economic Stimulus and Coronavirus (COVID-19) Pandemic Response Proposals

After assuming office, President Biden emphasized his top policy priority is the COVID-19 response. Calling for a \$1.9 trillion stimulus package to address the ongoing economic impacts of COVID-19, the proposal would help fund a national vaccination program, testing and contact tracing, \$1,400 direct stimulus payments to qualified individuals, a \$15 minimum wage, and more than \$350 million in funding for state and local governments.

The President's proposal calls for Congress to provide an additional \$20 billion in funding for the "hardest hit" transit agencies. According to an outline of the proposal, the President is calling for these funds to be used to avoid laying off

workers or cutting service. The proposal also calls for a federal COVID-19 worker protection standard, as well as funding to enforce this new standard, and hazard pay for essential workers, including retroactive hazard pay for work done since the initial outbreak of the COVID-19 pandemic. In addition, the proposal includes a significant expansion of paid sick and family and medical leave, specifically over 14 weeks of mandatory leave as well as federal funding to cover the cost of such leave for certain employers. The President is proposing to reimburse state and local governments for the cost of this expanded leave, which is noteworthy because the implementation of previously-enacted stimulus legislation has not allowed state and local governments to benefit from federal assistance to cover the cost of such leave.

Given the current federal budget deficit, some concerns were raised in Congress about the potential cost impacts of such a large economic relief package, considering more than \$3 trillion in stimulus relief that was provided last year. As of the writing of this staff report, Congress had not yet introduced the legislative language for further economic stimulus efforts, staff is currently unable to comprehensively analyze how potential funding or policy changes might affect the Orange County Transportation Authority (OCTA). The new Administration had started to work with a bipartisan group of Senators to reach a potential compromise that could get the 60 votes needed to avoid a filibuster on the proposed legislation.

OCTA staff continues to work with its transportation agency partners and stakeholders on any further transportation funding that Congress might consider. The American Public Transit Association (APTA), along with labor unions, sent a letter, included as Attachment A, advocating for an additional \$39.3 billion in emergency transit funding. This amount represents a doubling of the emergency transit funding already provided through the two rounds of emergency transit funding that staff have previously detailed. The APTA coalition letter cites an independent economic analysis finding that public transit agencies face a \$39.3 billion shortfall through 2023. Consistent with previous transit funding efforts, OCTA staff worked with the California Transit Association (CTA) to send a letter, included as Attachment B, in support of the APTA coalition request. The CTA letter noted that the next round of transit funding should be distributed so that transit agencies of all sizes across California receive at least their historic share of federal transit funding.

### Executive Orders

The President signed 24 Executive Orders within the first seven days in office. Since Executive Orders cannot change federal statute, many of these Executive Orders direct federal agencies to pass rules or implement policies implementing these new policy goals. The Executive Orders that are likely to result in permanent policy changes affecting OCTA are summarized as follows.

- Executive Order 13998, entitled “Promoting COVID-19 Safety in Domestic and International Travel”, directs federal agencies to require that face masks be worn during international and domestic travel, specifically on public transportation. This Executive Order was followed up by an order by the Centers of Disease Control (CDC) and a rarely utilized security directive from the Transportation Security Administration (TSA). OCTA staff continues to work with APTA, TSA, and the Federal Transit Administration (FTA) to learn more about how this policy change might affect what OCTA is already doing to limit the transmission of COVID-19. There has been and will continue to be weekly FTA calls on this subject, and staff will continue to provide updates as necessary.
- Executive Order 13999, entitled “Protecting Worker Health and Safety,” calls for the establishment of a federal workplace standard to protect essential workers from COVID-19. The order calls for the creation of a national program to enforce this new standard. The federal standard has not yet been promulgated pursuant to this Executive Order. This standard, and any corresponding enforcement efforts, could affect OCTA’s transit operations and other essential personnel.
- Executive Order 14005, entitled “Ensuring the Future is Made in All of America by All of America’s Workers,” calls for a comprehensive overview of Buy America policies, consistent with federal statute. This Executive Order directs all federal agencies reconsider existing Buy America policies, including language calling for a reexamination of the component test that might affect future procurements. The Executive Order also creates, within the Office of Management and Budget, the Made in America Office that will implement significant reforms to Buy America waiver process, consisting of a new written approval process, more thorough justification requirements, and additional public disclosures for all waivers.
- Executive Order 14008, entitled “Tackling the Climate Crisis at Home and Abroad,” lays out the new Administration’s ambitious climate agenda. While the Executive Order does not itself change laws or regulations, it calls for a plan, and corresponding legislation, for state and local governments to procure clean and zero-emission vehicles for their fleets. The Executive Order also requires each federal agency to make climate plans, which could impact federal transportation programs, and it also includes language about aligning federal investments with climate and equity goals, although few details are provided on what transportation programs might be impacted.

- **Regulatory Review** – There were also Executive Orders on the federal rulemaking process that would freeze any pending regulatory actions until the Administration's personnel are in place to reexamine the criteria used in promulgating rules and regulations. The order includes the suspension, revision, or rescission of Parts One and Two of the Safer Affordable Fuel-Efficient Vehicles Rule, which would have impacted California's legal authority to set climate and air quality goals more stringent than those in federal law.

While these potential policy changes most directly impact OCTA, there were also Executive Orders that could indirectly benefit OCTA and its employees. These include Executive Orders regarding masks on federal properties, increasing the federal share of certain Federal Emergency Management Agency assistance to 100 percent, creating a COVID-19 testing board, expanding access to COVID-19 treatments, protecting the public health supply chain, and ensuring an equitable recovery. In almost every instance, relevant federal agencies have not promulgated permanent regulations or policy changes to implement these directives. Staff will continue to monitor these proposals and any further legislative or regulatory changes that will impact OCTA, continuing to provide updates on any significant developments that may arise.

#### **New Secretary of Transportation Confirmed**

On January 21, 2021, the President's nominee to serve as Secretary of Transportation, Mr. Pete Buttigieg, appeared before the Senate Commerce, Science, and Transportation Committee to testify about his transportation priorities. Mr. Buttigieg discussed the need for a robust COVID-19 response, ways to improve discretionary grant programs, the need to be flexible in addressing Highway Trust Fund's (HTF) long-term structural deficit, and ways in which transportation investments can help achieve climate and equity goals. Mr. Buttigieg's nomination generally enjoyed bipartisan support. However, after the hearing there was some clarification made to a portion of his testimony. At the hearing, Mr. Buttigieg said all revenue options should be on the table to address the HTF long-term structural deficit, but after the hearing, a spokesperson confirmed that he does not support increasing the gas tax. Despite this minor adjustment to his testimony, the Senate Commerce, Science, and Transportation Committee approved his nomination by a vote of 21 to 3, and it was approved on the Senate floor by a vote of 86 to 13. Mr. Buttigieg was sworn in as Secretary of Transportation on February 3, 2021.

#### **Other Transportation Leaders in the New Administration**

The President also took initial steps to staff the modal agencies. For the three primary modal agencies, the President appointed qualified leaders with extensive transportation experience to the relevant Deputy Administrator

positions, which do not require Senate confirmation. This maneuvering, not uncommon in the first days of a new administration, allows each appointee to begin immediately serving as an Acting Administrator. The President is expected to nominate each of these individuals to serve as the Administrator on a permanent basis. Below is additional information about these nominees.

Ms. Nuria Fernandez has been appointed Deputy Administrator of the FTA. Ms. Fernandez most recently served as the Chief Executive Officer and General Manager of the Santa Clara Valley Transportation Authority, a position she held for the last seven years. Ms. Fernandez has extensive experience in the transit industry, having previously worked at the New York Metropolitan Transit Authority, the Chicago Transit Authority, and the Washington Metropolitan Area Transit Authority. Ms. Fernandez also served as Acting FTA Administrator with the Clinton Administration, and she played an active role in the APTA, serving as Chair of the APTA Board of Directors for the past two years.

Ms. Stephanie Pollack has been appointed Deputy Administrator of the Federal Highways Administration. Ms. Pollack served as the Secretary of the Massachusetts Department of Transportation since 2015. Ms. Pollack has been noted for her leadership in responding to the COVID-19 pandemic, conducting an investigation of a 2019 train derailment, and working to address congestion in the Boston metropolitan area.

Mr. Amit Bose has been appointed Deputy Administrator of the Federal Railroad Administration (FRA). Mr. Bose most recently worked for private sector architectural and engineering firm HNTB. Mr. Bose previously served as both the Deputy Administrator and Chief Counsel of the FRA during the Obama Administration. Before working at FRA, Mr. Bose worked for the New Jersey Transit.

As of the writing of this staff report, the nominations for these individuals had not yet been filed in the Senate. Staff will provide updates regarding any nominations, and corresponding potential confirmation hearings of interest to OCTA.

#### House on Transportation and Infrastructure Committee Membership

On February 4, 2021, the House Transportation and Infrastructure Committee (Committee) held its organization meeting in order to finalize the Committee's membership for the 117<sup>th</sup> Congress, which will feature two members of the Orange County delegation. Representative Alan S. Lowenthal (D-Garden Grove) retained his seat on the Committee, and he will serve on the Subcommittees on Highways and Transit; Coast Guard and Maritime Transportation; and Water Resources and Environment. Newly elected

Representative Michelle Steel (R-Huntington Beach) was also appointed to serve on the Committee, and she will serve on the Subcommittees on Highways and Transit and the Subcommittee on Railroads, Pipelines and Hazardous Materials. Representative Steel served on the OCTA Board of Directors from 2015 up until her election to Congress last year.

#### Committee Hearing on Protecting Essential Transportation Workers

Also on February 4, 2021, the Committee held a hearing entitled, “Protecting Transportation Workers and Passengers from COVID: Gaps in Safety, Lessons Learned, and Next Steps.” The witnesses included Dr. David Michaels from the George Washington University School of Public Health, Sara Nelson from the Association of Flight Attendants-Communications Workers of America, Lewie Pugh from the Owner-Operator Independent Drivers Association, Ismael Rivera, a coach operator from Orlando, Florida, Dr. William Bahnfleth from Pennsylvania State University, and Los Angeles City Councilmember Joe Buscaino. At the hearing, the witnesses discussed CDC guidance on wearing masks, notably how to address confrontations with passengers who refuse to wear a mask, the importance of adequate personal protective equipment, such as masks and gloves, in reducing the transmission of COVID-19, the need for additional stimulus funding, the benefits of air flow and contact tracing, and the potential for transportation workers to be prioritized in vaccine distribution programs.


One of the primary areas of focus was the potential of a rule or regulation that would require a negative COVID-19 test so passengers could travel. While this discussion focused on the airline industry, witnesses noted that such a requirement, if implemented, would be costly to transportation providers without providing a significant benefit in terms of reducing the risk of transmission. The Committee members and the witnesses also discussed the hierarchy of COVID-19 controls that prioritize social distancing and masks while also considering, when feasible, other controls, such air flow technology, testing, and contact tracing. Representative Grace Napolitano (D-El Monte) discussed her previous legislation to protect transit workers and noted a desire to examine how bus manufacturers address operator shields and circulation in vehicle production. Councilmember Joe Buscaino emphasized, both in his witness testimony and in questions from the Committee, the need for robust funding that flows directly to all levels of government, most notably for local governments providing essential services that meet the needs of their communities.

***Summary***

An update is provided on the first actions of the Biden Administration and the 117<sup>th</sup> Congress, including details about the potential for an additional round of federal funding as well as details regarding the President's Executive Orders. Updates are provided on appointed transportation leaders in the Administration and steps taking by House transportation leaders to organize for the 117<sup>th</sup> Congress as well as the examination of efforts to protect essential transportation workers.

***Attachments***

- A. Letter from APTA and Other Transit Stakeholders to Congressional Leaders, dated February 1, 2021
- B. Letter from the California Transit Association to Congressional Leaders, dated February 5, 2021
- C. Potomac Partners DC, Monthly Legislative Report – January 2021

**Prepared by:**

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**Approved by:**

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February 1, 2021

The Honorable Charles E. Schumer  
Majority Leader  
United States Senate  
S-221, The Capitol  
Washington, DC 20510

The Honorable Nancy Pelosi  
Speaker of the House  
United States House of Representatives  
H-232, The Capitol  
Washington, DC 20515

The Honorable Mitch McConnell  
Republican Leader  
United States Senate  
S-230, The Capitol  
Washington, DC 20510

The Honorable Kevin McCarthy  
Republican Leader  
United States House of Representatives  
H-204, The Capitol  
Washington, DC 20515

Dear Leader Schumer, Speaker Pelosi, Leader McConnell, and Leader McCarthy:

On behalf of the millions of Americans who rely on public transportation every day, the 435,000 frontline workers who operate and maintain public transit and commuter rail systems in communities of all size across our country, and passenger advocates, **we urge you to provide an additional \$39.3 billion in emergency funding to help public transit agencies provide safe, reliable service as they continue to grapple with the financial burden caused by the COVID-19 pandemic.**

Although the COVID-19 pandemic has undoubtedly impacted transit ridership since last spring, millions of Americans continue to rely on public transportation services as an absolutely vital lifeline to access their jobs, food, and other critical services. Unfortunately, the continued direct costs and revenue losses resulting from the impacts of COVID-19 are placing an incredible strain on our ability to continue providing this critical public service to those who continue to rely on it the most.

The undersigned organizations and the transit providers, workers, and riders we represent truly appreciate Congress' support for public transit in the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) and the Coronavirus Response and Relief Supplemental

Appropriations Act of 2021 (CRRSAA). These emergency funds meant the difference between keeping buses, trains, and other forms of public transportation running, or shuttering services with disastrous effects for essential workers and our economy.

However, we are far from in the clear. As highlighted by the American Public Transportation Association, an independent economic analysis found that public transit agencies face a projected funding shortfall of \$39.3 billion through 2023.

With light finally at the end of this tunnel, the worst thing we could do now for American workers and our economic recovery would be to needlessly hamstring our recovery by allowing public transit services to be cut and workers to be furloughed or laid off. From the direct jobs in American manufacturing, design, construction, maintenance, operations, and management, to the millions of Americans who rely on public transportation every day, ensuring the continuity of service will be essential to helping us rebuild at the other end of this pandemic.

**Please know that labor and management stand together during this difficult time. We respectfully urge you to provide the \$39.3 billion in emergency funding that this national crisis demands.**

Sincerely,

John A. Costa  
International President  
Amalgamated Transit Union

Jeremy Ferguson  
President  
International Association of Sheet Metal,  
Air, Rail, and Transportation Workers  
– Transportation Division

Greg Regan  
Secretary-Treasurer  
Transportation Trades Department, AFL-CIO

John Samuelsen  
International President  
Transport Workers Union of America

Paul P. Skoutelas  
President and CEO  
American Public Transportation Association



Connecting us.

February 5, 2021

The Honorable Nancy Pelosi  
Speaker of the House  
United States House of Representatives  
H-232, U.S. Capitol  
Washington, DC 20515

The Honorable Charles E. Schumer  
Majority Leader  
United States Senate  
S-221, U.S. Capitol  
Washington, DC 20510

The Honorable Kevin McCarthy  
Republican Leader  
United States House of Representatives  
H-204, U.S. Capitol  
Washington, DC 20515

The Honorable Mitch McConnell  
Republican Leader  
United States Senate  
S-230, U.S. Capitol  
Washington, DC 20510

Speaker Pelosi, Leader Schumer, Leader McCarthy and Leader McConnell:

On behalf of the member agencies of the California Transit Association and the millions of Californians who still rely on public transportation today, I thank you for your steadfast support of our industry throughout the COVID-19 pandemic. Through two rounds of emergency funding relief, you have preserved critical transit service, prevented workforce layoffs, and maintained an expansive transit network that will be critical to our nation's recovery. While we remain appreciative of the relief you have provided to-date, I write to you today to communicate that California transit agencies require still additional emergency funding to continue operations this calendar year and to weather the lasting impacts of the pandemic on transit operating budgets.

**We, of course, applaud President Biden for acknowledging this remaining near-term need and for including \$20 billion for our industry in his relief framework. However, given the duration of the pandemic and its expected long-term impacts, we respectfully urge you to act immediately to support our industry over the longer term by providing \$39.3 billion to transit agencies nationwide, as requested by the American Public Transportation Association and transit labor organizations across the country.**

Importantly, as you work to finalize the next round of emergency relief funding, we urge you to ensure that California receives *at least* its historic share of federal transit funding and to provide relief to transit agencies of all sizes, operating in urban, suburban and rural contexts.

As you know well, the severity of the pandemic has continued to present transit agencies with near-term budgetary challenges that threaten the provision of transit service and the

maintenance of our workforce. With the additional emergency funding we are requesting today, California's public transit agencies will have the funding they need to continue to provide critical mobility options to millions of essential workers, low-income people, seniors, and persons with disabilities. They will also be able to play a key role in providing equitable access to testing and vaccination sites across our state. If additional emergency funding is not forthcoming, the brunt of the service cuts will be borne disproportionately by these same communities.

Unfortunately, we know that, even when the severity of the public health crisis lessens, transit agencies will continue to experience depressed transit ridership and tax revenues as well as persistently high costs for providing personal protective equipment to our frontline workers and maintaining the enhanced cleaning/disinfecting protocols the public expects. The emergency funding need identified by the American Public Transportation Association reflects the budget impacts of these conditions and measures, as estimated through 2023, and seeks to establish funding certainty to better allow transit agencies to navigate the crisis. Addressing this funding need would also ensure that transit agencies can continue to make progress on implementing the safety measures and operational improvements that will allow us to build back better from the pandemic, as called for by the President.

Again, we greatly appreciate the actions you took last year to secure funding for transit agencies and your efforts to secure additional emergency funding for transit agencies today. This funding is critical to a balanced and equitable economic recovery, to our quality of life and to achieving our state's ambitious environmental goals.

If you have any questions about this request, please contact me at 916-446-4656 x1034. Thank you for your consideration.

Sincerely,



Michael Pimentel  
Executive Director

cc: The Honorable Joseph R. Biden, President, United States of America  
California Congressional Delegation  
The Honorable Gavin Newsom, Governor, State of California  
The Honorable Lena Gonzalez, Chair, Senate Transportation Committee, California State Senate  
The Honorable Laura Friedman, Chair, Assembly Transportation Committee, California State Assembly  
David Kim, Secretary, California State Transportation Agency, State of California  
Members, Executive Committee, California Transit Association  
Members, Federal Legislative Committee, California Transit Association  
Members, COVID-19 Transit Crisis Relief Task Force, California Transit Association



## Monthly Legislative Report – January 2021

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### January Advocacy Meeting Summary

**Congressman Alan Lowenthal (D-CA)** – We have spoken with Congressman Lowenthal's staff numerous times this month. Discussion topics included the timeline for a surface transportation reauthorization, follow up on the alternative fuel excise tax credit, stimulus funding for transit and local governments, the budget reconciliation issues, T&I committee assignments, and possible priorities for T&I Committee leadership. We also followed-up on OCTA's letter of congratulations to Congressman Lowenthal for his re-election.

**Congressman Lou Correa (D-CA)** – We have been in regular communication with Congressman Correa and his staff this month to discuss updates on committee assignments, and President Biden's stimulus proposal that could be passed through the budget reconciliation process. We also reached out to staff to transmit a letter of congratulations and to discuss possible opportunities during the budget reconciliation process.

**Congresswoman Katie Porter (D-CA)** – We have been communicating with senior staff in Congresswoman Porter's office this month to discuss possible opportunities for new transit funding in upcoming stimulus/relief legislation and possible timeline for House action. We transmitted a letter of congratulations at the end of the month.

**Congressman Mike Levin (D-CA)** – We have been in communication with Congressman Levin's office regarding new committee assignments and near-term priorities for the 117<sup>th</sup> Congress, President Biden's climate proposals, upcoming stimulus legislation, and budget reconciliation. We also reached out to senior staff to follow-up OCTA's letter of congratulations.

**Congresswoman Michelle Steel (R-CA)** – We reached out and been in communication with Congresswoman Steel's Chief of Staff to follow up on OCTA's letter of congratulations. Congresswoman Steel was also named as the newest CA member to the House T&I Committee.

**Congresswoman Young Kim (R-CA)** – We have been in communication with Congresswoman Kim's staff to discuss support for additional COVID-19 relief funding to support transit operations.

**Congressman Pete Aguilar (D-CA)** – We met over the phone with Congressman Aguilar's office to discuss House Appropriations Committee assignments and the outlook for FY22 appropriations in the spring. We also discussed the next stimulus package and

the proposal that was released by the Biden Administration. We also discussed possible new funding programs to accelerate the deployment of zero-emission buses.

**Congresswoman Grace Napolitano (D-CA)** – We discussed with the Congresswoman's Chief of Staff possible T&I subcommittee assignment changes. We discussed the possibility of new California Members being added to the roster as well as the outlook for a surface transportation reauthorization in the spring.

**House Appropriations: Transportation, Housing and Urban Development** – We continued to meet with senior staff on the House THUD Appropriations Committee over the phone to discuss full Committee Chairwoman Lowey's (D-NY) priorities for FY22 and new committee assignments. We discussed the timing of the FY22 appropriations process and expectations for President Biden's 'President's Budget', and possible delays in the process. We also discussed a possible return to earmarks, which is supported by House Democrats and opposed by many House Republicans.

**House Transportation and Infrastructure Committee** – We had several phone conversations with senior staff in the Majority and Minority this month to discuss the timeline for a surface transportation reauthorization and the committee's goal for a May full Committee markup. Other topics included the TIFIA program, the CIG program, buy America regulations, transit formula funding programs, and new funding for zero-emission buses.

**Senate Banking Committee** – We followed-up with senior staff again this month to discuss possible timeline for finalizing Committee membership changes and Chairman Brown's (D-OH) possible priorities for the next Highway Bill.

### **117<sup>th</sup> Congress & Election Update**

In January Democrats took majority control of the Senate for the 117<sup>th</sup> Congress after winning both of the runoff elections in Georgia and securing 50 seats in the Senate with Vice President Kamala Harris providing the tie-breaking vote after vacating her Senate seat on January 20<sup>th</sup>. Both Mitch McConnell (R-KY) and Chuck Schumer (D-NY) were reelected by their respective caucuses to lead their parties in the 117<sup>th</sup> Congress

Senate Majority Leader Schumer (D-NY) and Minority Leader Mitch McConnell (R-KY) have agreed upon a power sharing agreement in the Senate, however at the time of this report details have yet to be released. It is likely to be similar to the 2001 agreement that included equal party representation on committees that were chaired by the majority party (Democrats would serve as Chairs in this instance) and had equal numbers of staff for both parties, procedures for discharging bills blocked by tie votes in committees and called for equal scheduling and consideration of legislative and executive business.

## House Transportation & Infrastructure Committee Roster (117<sup>th</sup> Congress)

(New additions highlighted)

### Democrats (Majority)

**Chair: Peter DeFazio (D-OR)**  
 Eleanor Holmes Norton (D-DC)  
 Eddie Bernice Johnson (D-TX)  
 Rick Larsen (D-WA)  
 Grace F. Napolitano (D-CA)  
 Steve Cohen (D-TN)  
 Albio Sires (D-NJ)  
 John Garamendi, (D-CA)  
 Henry C. "Hank" Johnson, Jr. (D-GA)  
 André Carson (D-IN)  
 Dina Titus (D-NV)  
 Sean Patrick Maloney (D-NY)  
 Jared Huffman (D-CA)  
 Julia Brownley (D-CA)  
 Frederica S. Wilson (D-FL)  
 Donald M. Payne, Jr. (D-NJ)  
 Alan S. Lowenthal (D-CA)  
 Mark Desaulnier (D-CA)  
 Stephen F. Lynch (D-MA)  
 Salud O. Carbajal (D-CA)  
 Anthony G. Brown (D-MD)  
 Tom Malinowski (D-NJ)  
 Greg Stanton (D-AZ)  
 Colin Z. Allred (D-TX)  
 Sharice Davids (D-KS)  
 Jesús G. "Chuy" García (D-IL)  
 Antonio Delgado (D-NY)  
 Chris Pappas (D-NH)  
 Conor Lamb (D-PA)  
 Seth Moulton (D-PA)  
 Jake Auchincloss (D-MA)  
 Carolyn Bourdeaux (D-GA)  
 Kaiali'i Kahele (D-HI)  
 Marilyn Strickland (D-WA)  
 Nikema Williams (D-GA)  
 Marie Newman (D-IL)

### Republicans (Minority)

**Ranking Member: Sam Graves (R-MO)**  
 Don Young (R-AK)  
 Rick Crawford (R-AR)  
 Bob Gibbs (R-OH)  
 Daniel Webster (R-FL)  
 Thomas Massie (R-KY)  
 Scott Perry (R-PA)  
 Rodney Davis (R-IL)  
 John Katko (R-NY)  
 Brian Babin (R-TX)  
 Garret Graves (R-LA)  
 David Rouzer (R-NC)  
 Mike Bost (R-IL)  
 Randy Weber (R-TX)  
 Doug LaMalfa (R-CA)  
 Bruce Westerman (R-AR)  
 Brian Mast (R-FL)  
 Mike Gallagher (R-WI)  
 Brian Fitzpatrick (R-PA)  
 Jenniffer Gonzalez Colon (R-PR)  
 Troy Balderson (R-OH)  
 Pete Stauber (R-MN)  
 Nancy Mace (R-SC)  
 Beth Van Duyne (R-TX)  
 Tim Burchett (R-TN)  
 Michael Guest (R-MS)  
 Jefferson Van Drew (R-NJ)  
 Carlos Gimenez (R-FL)  
 Nicole Malliotakis (R-NY)  
 Troy Nehls (R-TX)  
 Michelle Steel (R-CA)  
 Dusty Johnson (R-SD)

## **President Biden's COVID-19 Proposals**

On January 15<sup>th</sup>, President Joe Biden released a \$1.9 trillion proposal to address the ongoing COVID-19 pandemic. House and Senate Democrats have started the budget reconciliation process to enact this proposal (or something similar). At her press briefing on January 28<sup>th</sup> where she discussed plans to move forward with the budget reconciliation resolutions, House Speaker Pelosi said that the reconciliation process is a backstop, and she would still prefer a bipartisan bill.

The concurrent resolution as introduced in the House can be found [HERE](#). It instructs the twelve committees to report legislation consistent with the budgetary targets outlined in the resolution (*figure 1*). Even though the resolution is only a framework for the committees, it is worth noting that Speaker Pelosi's press release stating that committees are being urged to provide:

- Funding for transit agencies deeply impacted by the pandemic.
- Funding for Amtrak and the aviation sector struggling with declining revenues and volumes due to COVID-19.

RECONCILIATION INSTRUCTIONS TO HOUSE COMMITTEES	
Deficit increase (2021-2030), billions of dollars	
Committee	Amount
Agriculture	16
Education & Labor	358
Energy & Commerce	188
Financial Services	75
Foreign Affairs	10
Natural Resources	1
Oversight & Reform	351
Science, Space, & Technology	1
Small Business	50
Transportation & Infrastructure	96
Veterans' Affairs	17
Ways & Means	941
Subtotal	2,103
Remove overlap	215
Total	1,889

*Figure 1*

The Concurrent Budget Resolution's Section-by-Section Summary is as follows:

### **Section 1. Concurrent Resolution on the Budget for Fiscal Year 2021.**

This section declares that this resolution is the concurrent resolution for fiscal year 2021 and displays the table of contents of the resolution.

### **Section 1101. Recommended Levels and Amounts.**

This section sets the budgetary levels for fiscal years 2021 through 2030. These budgetary levels include total federal revenues, new budget authority, budget outlays, deficits, public debt (debt that is subject to a statutory limit), and debt held by the public.

### **Section 1102. Major Functional Categories.**

This section breaks down the levels of new budget authority and outlays for fiscal years 2021 through 2030 by each of the 20 major functional categories, based on allocations of the total levels set in section 1101.

### **Section 1201. Social Security in the Senate.**

This section provides the amounts of Social Security revenues and outlays, and Social Security administrative budget authority and outlays, for the purpose of enforcement in the Senate. This is a requirement pursuant to the Congressional Budget Act of 1974.

**Section 1202. Postal Service Discretionary Administrative Expenses in the Senate.**

This section provides amounts of new budget authority and budget outlays for the Postal Service's discretionary administrative expenses for the purpose of enforcement in the Senate.

**Section 2001. Reconciliation in the House of Representatives.**

This section provides reconciliation instructions to 12 committees to submit changes in laws within their jurisdictions that will increase the deficit over the period of fiscal years 2021 through 2030 by no more than the amount specified for each committee. Because of overlapping committee jurisdictions in the House, the separate reconciliation instructions add up to more than \$1.9 trillion, but the levels in the budget resolution adjust for these double-counts and assume the net effect of changes in laws will not exceed \$1.9 trillion. The section also requires committees given reconciliation instructions to submit legislation to the Committee on the Budget by February 16, 2021 to carry out this section.

**Section 3001. Reserve Fund for Reconciliation Legislation.**

This section provides a reserve fund for reconciliation legislation enabling the chair of the House Budget Committee to revise committee allocations and other budgetary levels to accommodate such legislation, provided that it complies with reconciliation instructions under this concurrent resolution. This section also exempts reconciliation legislation reported by the chair of the House Budget Committee from the House pay-as-you-go point of order.

**Section 3002. Reserve Fund for Deficit-Neutral Legislation.**

This section enables the chair of the Committee on the Budget in the House of Representatives to revise committee allocations and other budgetary levels to accommodate legislation, provided such legislation would not increase the deficit over the specified periods.

**Section 4001. Enforcement Filing.**

This section provides for the procedures for filing committee allocations in the House and the Senate in the event a concurrent resolution is adopted without the appointment of a conference committee and the filing of a joint explanatory statement accompanying a conference report. In such a circumstance, the chairs of both the House and Senate Budget Committees shall submit a statement for publication in the Congressional Record establishing committee allocations.

**Section 4002. Budgetary Treatment of Administrative Expenses.**

This section requires a separate allocation to the Committee on Appropriations of the applicable House of Congress for discretionary administrative expenses of the Social Security Administration and the United States Postal Service. This section also clarifies that, for the purposes of enforcing section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total budget authority and outlays provided by a measure shall include these administrative expenses.

**Section 4003. Application and Effect of Changes in Allocations, Aggregates, and other Budgetary Levels.**

This section establishes the timing of when any adjustments of allocations, aggregates, and other budgetary levels made pursuant to this resolution take effect and stipulates that any adjustment shall be published in the Congressional Record as soon as practicable. It also clarifies that for the purposes of the resolution budgetary levels are determined on the basis of estimates made by the chair of the Committee on the Budget of the applicable House of Congress.

**Section 4004. Adjustments to Reflect Changes in Concepts and Definitions.**

This section gives the chairs of the House and Senate Budget Committees the authority to adjust budgetary levels in the concurrent resolution for any changes in budgetary concepts and definitions consistent with the Balanced Budget and Emergency Deficit Control Act of 1985.

**Section 4005. Adjustment for Changes in the Baseline.**

This section gives the chairs of the House and Senate Budget Committees the authority to make adjustments to the budgetary levels in the concurrent resolution to reflect changes resulting from the Congressional Budget Office's baseline updates.

**Section 4006. Limitation on Advance Appropriations.**

This section continues the limitation in the House against legislation making advance appropriations except for certain accounts.

**Section 4007. Exercise of Rulemaking Powers.**

This section instructs that in each of the House and Senate the provisions in this title shall be considered as part of the rules of each House or of that House to which they specifically apply.

Since Congressional Democrats have cited support for implementing President Biden's "**American Rescue Plan**" proposal through the budget reconciliation process, a full summary is included below:

- Additional round of \$1,400 in direct aid to individuals (Stimulus checks)
- **State and Local Government**
  - \$350 billion in emergency funding for State and Local governments
    - \$3 billion of which for the Economic Development Administration (EDA)
  - \$20 billion in funding for transit agencies
- **Housing**
  - Additional \$25 billion in rental assistance (on top of the \$25 billion appropriated by Congress in December)
  - Extension of the eviction moratorium until September 30, 2021

- \$5 billion in additional emergency assistance to help secure housing for people experiencing or at risk of becoming homeless.
- **Vaccines and Testing**
  - \$20 billion in new funding for a national vaccine program, partnering with State and Local governments
  - Expand the Federal Medicaid Assistance Percentage (FMAP) to 100% for the administration of vaccines
  - \$50 billion for an expansion of testing, including rapid testing
  - An expansion of Community Health Centers
  - \$30 billion for the Disaster Relief Fund to provide more PPE
  - 100% federal reimbursement for critical emergency response resources to State and Local governments
  - \$10 billion for domestic manufacturing of pandemic supplies
- **Policy Requests**
  - Requests that Congress authorize OSHA to issue a COVID-19 protection standard that covers a broad set of workers, including those not currently covered under OSHA.
  - \$11 billion for international health and humanitarian response
  - Raise the federal minimum wage to \$15/hour
- **Paid Leave and Unemployment Benefits**
  - Asks Congress to provide a \$400/week in unemployment insurance supplement
  - Extend period of time workers can qualify for unemployment
  - Extend unemployment support for self-employed workers (including “gig” workers)
  - Fully fund State short-term compensation programs (workshare)
  - Extend the Families First tax credits and paid sick leave requirements until September 30, 2021
    - Reimburse State and Local governments for the cost of paid leave
    - Eliminate exemptions for employers with more than 500, and less than 50 employees
    - Provide 14 weeks of expanded paid sick, family, and medical leave for parents with additional caregiving responsibilities when schools are closed, people experiencing COVID-19 symptoms, quarantining, or those who need a vaccine
    - Expand paid leave to include federal workers
    - Provide maximum paid leave benefit of \$1,400/week for eligible workers (\$73,000/year)
    - Reimburse employers with less than 500 employees for the cost of leave

- **Schools**

- \$130 billion in flexible funding for schools to reopen, operate, and/or conduct remote learning
  - Allows funds to be used for extended learning time, tutoring, and mental health/guidance counselors
- \$35 billion for public, higher education, institutions including community colleges
- \$5 billion in funding for governors to use on educational programs for students significantly impacted by COVID-19

- **Food Security**

- 15% Supplemental Nutrition Assistance Program (SNAP) benefit increase
- Asks for a one-time emergency infusion of administrative support by cutting the SNAP State match
- \$3 billion in additional funding for the Woman, Infants, and Children (WIC) program
- Pass the FEED Act ([S. 3614](#))[116<sup>th</sup> Congress]
  - Would require FEMA to partner with local restaurants, non-profits, and soup-kitchens to coordinate food preparation and delivery

- **Child Care**

- \$1 billion in additional Temporary Assistance to Needy Families (TANF)
- \$25 billion emergency stabilization fund for child care providers
- \$15 billion in additional funding for the Child Care and Development Block Grant program
- Increase tax credits for child care, up to half of the cost of child care for children under 13:
  - Total of \$4,000 per child, or \$8,000 for two or more children
  - Would be a refundable tax credit
  - All families making less than \$125,000/year would be eligible.
  - Families making between \$125,000-\$400,000 would receive partial credit
- Increase the Child Tax Credit to \$3,000 per child (\$3,600 for a child under 6) and making 17-year-olds qualifying children for the year
- Expand the Earned Income Tax Credit (EITC) for the year from \$530 to nearly \$1,500 while raising the income limit from \$16,000 to \$21,000

- **Health Insurance/Coverage**

- Subsidize COBRA through the end of September
- Expand Premium Tax Credit to lower premiums
- \$4 billion in addition funding for SAMHSA and HRSA to expand substance use disorder and behavioral health services
- \$20 billion for veteran's health service through the VHA
- \$800 million in supplemental funding to help survivors of domestic abuse through various programs

- **Small Business Grants**

- \$15 billion in flexible funding to provide grants to over 1 million small businesses
- Leverage \$35 billion in government funds for \$175 billion in low-interest loans

### **President Biden's National COVID-19 Strategy**

On Thursday, January 21<sup>st</sup>, the White House released its 198-page *National Strategy for the COVID-19 Response and Pandemic Preparedness* report (available [HERE](#)) outlining the Administration's long-term strategy to mount a vaccination campaign, mitigate the spread of the disease, expand emergency relief, protect those at risk, and reopen schools, businesses, and travel. As part of the national vaccination campaign, the President directed his Administration to utilize the Defense Production Act's authority "as needed" to respond to existing shortfalls in PPE, as well as to ensure there was sufficient amounts of the "necessary equipment and material to accelerate the manufacture, delivery and administration" of the vaccine.

The plan also calls for increased coordination with states, localities, and other community and private interest stakeholders, as well as directing the Federal Emergency Management Agency (FEMA) to begin construction on federal vaccination sites. Additionally, the plan reiterates the President's calls for Congress to take action on the proposed \$1.9 trillion *American Rescue Plan* (found [HERE](#)).

President Biden also signed several executive orders this week related to combatting the coronavirus pandemic including the aforementioned directives allowing the Administration to utilize the Defense Production Act to shore up PPE, and both testing and vaccine supplies, increase FEMA public assistance funding for PPE and other safety supplies (text available [HERE](#)), and directs the Departments of Education and Health and Human Services to publish new guidance on reopening schools (text available [HERE](#)). President Biden also signed an executive order requiring masks to be worn in airports and on airplanes, trains, maritime vessels, and intercity buses, and requires international travelers to supply a negative COVID-19 test before going overseas (text available [HERE](#)).

The President also signed several executive orders targeted at providing Americans with economic relief from the coronavirus pandemic and providing worker protections. The executive order urges the Agriculture Department to consider providing a 15% increase to the breakfast and lunch allowance for schoolchildren and update how benefits are calculated under the Thrifty Food Plan, which serves as the basis for Supplemental Nutrition Assistance Program (SNAP) allotments, to boost benefits by 15% and 20%. This increase would be in addition to the 15% increase on SNAP benefits included in the \$900 billion coronavirus relief package enacted in December, however this executive order additionally calls on Congress to extend the SNAP benefit increase beyond the June 30<sup>th</sup> expiration date. The order also encourages the Department of the Treasury to take

additional measures to ensure the \$600 stimulus checks are delivered to those that have still not received them. The White House Fact Sheet outlining these and other provisions/goals this executive order will seek to achieve is available [HERE](#).

### **“Day One” Executive Orders and Presidential Actions**

After being inaugurated on January 20<sup>th</sup>, President Biden signed 9 Executive Orders rescinding Executive Actions taken by President Trump. These actions largely sought to deliver on campaign promises to reduce the spread of COVID-19, reinstate Obama-era environmental policies, and rescind actions taken by the Trump Administration. These nine actions will seek to:

1. Halt of the US withdrawal from the World Health Organization, with Dr. Anthony Fauci becoming the head of the delegation.
2. Direct the US to rejoin the Paris Climate Accord, a process that will take 30 days
3. Cancel the Keystone XL Pipeline and direct agencies to review and reverse more than 100 actions taken by the Trump Administration on the environment
4. Rescinds the Trump Administration’s 1776 Commission and directs agencies to review their actions to ensure racial equity
5. Requires non-citizens to be included in the Census and apportionment of congressional representatives
6. Reverses the Trump Administration’s restrictions on US entry for passport holders from seven Muslim-majority countries
7. Undoes Trump’s expansion of immigration enforcement in the US
8. Halts construction of the wall on the Southern Border by terminating the National Emergency Declaration used to fund it
9. Directs OMB to develop recommendations to modernize and undoes Trump’s regulatory approval process

One Executive Order of note (Number 3 in the list above) rescinds a number of Trump-era environmental review process Executive Orders and/or rules.

The following Presidential Actions are hereby **revoked**:

- [Executive Order 13766](#) of January 24, 2017 (**Expediting Environmental Reviews and Approvals For High Priority Infrastructure Projects**)
- [Executive Order 13778](#) of February 28, 2017 (Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the “**Waters of the United States**” Rule)
- [Executive Order 13783](#) of March 28, 2017 (Promoting Energy Independence and Economic Growth)
- [Executive Order 13792](#) of April 26, 2017 (Review of Designations Under the Antiquities Act)

- [Executive Order 13795](#) of April 28, 2017 (Implementing an America-First Offshore Energy Strategy)
- [Executive Order 13868](#) of April 10, 2019 (Promoting Energy Infrastructure and Economic Growth)
- [Executive Order 13927](#) of June 4, 2020 (Accelerating the Nation's Economic Recovery from the COVID-19 Emergency by Expediting Infrastructure Investments and Other Activities)
- [Executive Order 13834](#) of May 17, 2018 (Efficient Federal Operations), is hereby revoked except for sections 6, 7, and 11
- [Presidential Memorandum](#) of April 12, 2018 (Promoting Domestic Manufacturing and Job Creation Policies and Procedures Relating to Implementation of Air Quality Standards)
- [Presidential Memorandum](#) of October 19, 2018 (**Promoting the Reliable Supply and Delivery of Water in the West**)
- [Presidential Memorandum](#) of February 19, 2020 (**Developing and Delivering More Water Supplies in California**)
- The Council on Environmental Quality (CEQ) shall rescind its draft guidance entitled, "Draft National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions," [84 Fed. Reg. 30097](#) (June 26, 2019)
- CEQ, as appropriate and consistent with applicable law, shall review, revise, and update its final guidance entitled, "Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews," [81 Fed. Reg. 51866](#) (August 5, 2016)
- Executive Order 13807 of August 15, 2017 (Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects) is hereby revoked. The Director of OMB and the Chair of the Council on Environmental Quality shall jointly consider whether to recommend that a replacement order be issued.
- Executive Order 13920 of May 1, 2020 (Securing the United States Bulk-Power System) is hereby suspended for 90 days. The Secretary of Energy and the Director of OMB shall jointly consider whether to recommend that a replacement order be issued.

- The Director of OMB and the heads of agencies shall promptly take steps to rescind any orders, rules, regulations, guidelines, or policies, or portions thereof, including, if necessary, by proposing such rescissions through notice-and-comment rulemaking, implementing or enforcing the Executive Orders, Presidential Memoranda, and draft guidance identified in this section, as appropriate and consistent with applicable law.

The full Executive Order can be found [HERE](#).

The White House Chief of Staff also released a memorandum directing the Office of Management and Budget (OMB) and the Federal Departments to freeze all pending rules and regulations that have not been finalized, pending review by Biden-appointed staff. Even if a rule has completed the public comment process, the new Administration has the power to extend the enactment date of any and all pending rules and regulations. Biden appointees can then use a new public comment period, or other mechanisms, to permanently halt or retract any rules even if they have already been published in the Federal Register. The full memo can be found [HERE](#), and is included below:

**MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES**

FROM: Ronald A. Klain

Assistant to the President and Chief of Staff

**SUBJECT: Regulatory Freeze Pending Review**

*The President has asked me to communicate to each of you his plan for managing the Federal regulatory process at the outset of his Administration. In order to ensure that the President's appointees or designees have the opportunity to review any new or pending rules, at the direction of the President, I ask that you immediately take the following steps:*

1. *Subject to any exceptions the Director of the Office of Management and Budget (the "OMB Director") allows for emergency situations or other urgent circumstances relating to health, safety, environmental, financial, or national security matters, or otherwise, propose or issue no rule in any manner — including by sending a rule to the Office of the Federal Register (the "OFR") — until a department or agency head appointed or designated by the President after noon on January 20, 2021, reviews and approves the rule. The department or agency head may delegate this power of review and approval to any other person so appointed or designated by the President, consistent with applicable law.*
2. *With respect to rules that have been sent to the OFR but not published in the Federal Register, immediately withdraw them from the OFR for review and approval as described in paragraph 1, subject to the exceptions described in paragraph 1. This withdrawal must be conducted consistent with OFR procedures.*
3. *With respect to rules that have been published in the Federal Register, or rules that have been issued in any manner, but have not taken effect, consider*

*postponing the rules' effective dates for 60 days from the date of this memorandum, consistent with applicable law and subject to the exceptions described in paragraph 1, for the purpose of reviewing any questions of fact, law, and policy the rules may raise. For rules postponed in this manner, during the 60-day period, where appropriate and consistent with applicable law, consider opening a 30-day comment period to allow interested parties to provide comments about issues of fact, law, and policy raised by those rules, and consider pending petitions for reconsideration involving such rules. As appropriate and consistent with applicable law, and where necessary to continue to review these questions of fact, law, and policy, consider further delaying, or publishing for notice and comment proposed rules further delaying, such rules beyond the 60-day period. Following the 60-day delay in effective date:*

- a. for those rules that raise no substantial questions of fact, law, or policy, no further action needs to be taken; and*
- b. for those rules that raise substantial questions of fact, law, or policy, agencies should notify the OMB Director and take further appropriate action in consultation with the OMB Director.*
- 4. Exclude from the actions requested in paragraphs 1 through 3 any rules subject to statutory or judicial deadlines and identify such exclusions to the OMB Director as soon as possible.*
- 5. Notify the OMB Director promptly of any rules that, in your view, should be excluded from the directives in paragraphs 1 through 3 because those rules affect critical health, safety, environmental, financial, or national security matters, or for some other reason. The OMB Director will review any such notifications and determine whether such exclusion is appropriate under the circumstances.*
- 6. Comply in all circumstances with any applicable Executive Orders concerning regulatory management.*

*As used in this memorandum, "rule" has the definition set forth in section 551(4), title 5, United States Code. It also includes any "regulatory action," as defined in section 3(e) of Executive Order 12866 of September 30, 1993, as amended, and any "guidance document" as defined in section 3(g) of Executive Order 13422 of January 18, 2007, when that order was in effect. Thus, the requirements of this memorandum apply not only to "rules" as defined in section 551(4) of title 5, but also to:*

- a. any substantive action by an agency (normally published in the Federal Register) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking; and*

- b. *any agency statement of general applicability and future effect that sets forth a policy on a statutory, regulatory, or technical issue or an interpretation of a statutory or regulatory issue.*

*The OMB Director will implement this regulatory review, and any communications regarding any matters pertaining to this review should be addressed to the OMB Director. The OMB Director is also authorized to establish a process to review pending collections of information under the Paperwork Reduction Act of 1995, as codified in chapter 35, title 44, United States Code, and to take actions that the OMB Director deems appropriate based on that review, consistent with applicable law.*

*Should actions be identified that were undertaken before noon on January 20, 2021, to frustrate the purpose underlying this memorandum, I may modify or extend this memorandum, pursuant to the direction of the President, to request that agency heads consider taking steps to address those actions.*

*The OMB Director is authorized and directed to publish this memorandum in the Federal Register.*

### **Biden Administration Cabinet Updates**

During Inauguration week, the Senate began the confirmation process of several executive nominees, particularly those with jurisdiction over national security, the economy, and the coronavirus pandemic. As Republicans still held the Majority last Tuesday, and since Majority Leader Chuck Schumer (D-NY) and Minority Leader Mitch McConnell (R-KY) have yet to reach a power sharing agreement over disagreements on the treatment of the filibuster rule, Tuesday's confirmation hearings were chaired by the Republican Leader of each respective Committee. A brief summary of last week's confirmation hearings and the status of the nominees is included below:

- **Secretary of Defense**, Retired General Lloyd Austin (**CONFIRMED 93-2**)
  - Austin stressed support for the principle of civilian control of the DOD
  - He also discussed support for using the military to help address the COVID-19 pandemic
  - The Senate voted 93-2 to confirm Gen. Austin as Defense Secretary after both the House and Senate voted to approve a waiver exempting Austin from the seven year "cooling off" period required of retired generals before they can serve as DOD Secretary.
- **Director of National Intelligence**, Avril Haines (**CONFIRMED 84-10**)
  - In response to bipartisan lines of questioning about her partisan loyalties, Haines stated her belief that "to safeguard the integrity of our intelligence community, the DBI must insist that, when it comes to intelligence, there is simply no place for politics. Ever."

- Committed to publishing analytic products in the President's Daily Brief
- Avril Haines was confirmed as Director of National Intelligence by the full Senate on Wednesday following the Inauguration by a vote of 84-10 after bypassing a committee vote.
- **Secretary of the Treasury, Janet Yellen (CONFIRMED 84-15)**
  - Yellen defended President Biden's \$1.9 trillion relief proposal and urged Congress to pass a large pandemic aid package targeted at public health and small businesses.
  - Did not commit to supporting a repeal of the \$10,000 state and local tax (SALT) deduction.
  - The Senate Finance Committee voted unanimously to recommend the nomination of Janet Yellen as Treasury Secretary
- **Secretary of State, Antony Blinken (CONFIRMED 78-22)**
  - Pledged to re-engage with global partners in pursuit of "the greater good"
  - The hearing was cordial, with Republican Senators commending Blinken's experience
  - A focal point of the hearing was competition with China and ways to deter Chinese aggression, both on the ground and in cyberspace

**Secretary of Transportation, Pete Buttigieg (CONFIRMED 86-13)**

- Senate confirmation hearing was mostly cordial
- Buttigieg said that as a former Mayor, he understands and supports a "bottom-up approach" that accounts for the value of local stakeholder input, and is very fond of passenger rail, transit, and innovation
- Would not commit to increasing annual CIG funds
- Did not comment on the possibility of raising the federal gas tax
- Highlighted support for climate/environment-driven policy changes
- Discussed support for major infrastructure package
- Committee confirmed nomination on January 27<sup>th</sup> by 21-3 vote
- **Secretary of Homeland Security, Alejandro Mayorkas (CONFIRMED 56-43)**
  - Did not gain unanimous committee support for fast-track confirmation due to Republican concerns related to border security and illegal immigration enforcement
  - Domestic security (in the context of January 6 Capitol riots) was another major issue discussed during hearing
- **Secretary of Commerce, Gina Raimondo**

- In her confirmation hearings, Raimondo primarily discussed ways to get Americans back to work and reduce the economic impacts of COVID-19
- Concerns were raised during confirmation hearing regarding Raimondo's "unclear answer" on whether Chinese telecom company Huawei will remain on the Commerce Department's entity list (blacklist)
- Governor of Rhode Island

Additional Cabinet, and Senior Official nominees that have been named by the Biden Administration are included below:

- **Secretary of Agriculture:** Tom Vilsack (former agriculture secretary and Iowa governor)
- **Secretary of Education:** Miguel Cardona (Connecticut Commissioner of Education)
- **Secretary of Energy:** Jennifer Granholm (former Governor of Michigan)
- **Secretary of Health and Human Services:** Xavier Becerra (Attorney General of California)
- **Secretary of Housing and Urban Development:** Marcia L. Fudge (Democratic Congresswoman from Ohio)
- **Secretary of the Interior:** Deb Haaland (Democratic Congresswoman from New Mexico)
- **Attorney General:** Merrick B. Garland (Federal appeals court judge)
- **Secretary of Labor:** Marty Walsh (Mayor of Boston, Massachusetts)
- **Secretary of State:** Anthony Blinken (former deputy national security adviser)
- **Secretary of Veterans Affairs:** Denis McDonough (former White House Chief of Staff)
- **Environmental Protection Agency (EPA) Administrator:** Michael S. Regan (Secretary of the North Carolina Department of Environmental Quality)
- **Director of the Office of Management and Budget (OMB):** Neera Tanden (chief executive of the Center for American Progress)
- **CIA Director:** William J. Burns (former-Ambassador to Jordan and Deputy Secretary of State)

- **USAID Administrator:** Samantha Power (former-Ambassador to the United Nations)
- **Council of Economic Advisers Chair:** Cecilia Rouse (Princeton University labor economist)
- **United Nations Ambassador:** Linda Thomas-Greenfield (former top U.S. diplomat to Africa)
- **Trade Representative:** Katherine Tai (chief trade counsel, House Ways & Means Committee)
- **SBA Administrator:** Isabel Guzman (Director of California's Office of the Small Business Advocate)

The **Department of Transportation (DOT)** also announced their leadership team this month. Lana Hurdle, Deputy Assistant Secretary for Budget & Programs, will serve as Acting Secretary of Transportation until Secretary-Designate Buttigieg is confirmed. While additional people will be named later, the initial team (starting on January 20 or soon after) includes:

- **Nuria Fernandez**, Deputy Administrator and Acting Administrator, Federal Transit Administration
- **Amit Bose**, Deputy Administrator, Federal Railroad Administration
- **Ann Carlson**, Chief Counsel, National Highway Traffic Safety Administration
- **Florence Chen**, Special Assistant for Policy
- **Casey Clemmons**, Special Assistant, Pipeline and Hazardous Materials Safety Administration
- **Steve Cliff**, Deputy Administrator, National Highway Traffic Safety Administration
- **Christopher Coes**, Principal Deputy Assistant Secretary for Transportation Policy
- **Robert Hampshire**, Principal Deputy Assistant Secretary for Research and Technology
- **Maurice Henderson**, Senior Advisor
- **Danielle Hirshberg**, Deputy Chief of Staff for Operations
- **Justine Hong**, Director of Executive Secretariat
- **Robin Hutcheson**, Deputy Assistant Secretary for Safety Policy
- **Subash Iyer**, Chief Counsel, Federal Transit Administration

- **Meera Joshi**, Deputy Administrator, Federal Motor Carrier Safety Administration
- **Tatjana Kunz**, Special Assistant for Policy
- **Lucinda Lessley**, Deputy Administrator, Maritime Administration
- **Diana Lopez**, Senior Advisor to the Administrator, Federal Railroad Administration
- **Irene Marion**, Director, Departmental Office of Civil Rights
- **Edward McGlone**, Deputy Assistant Secretary for Congressional Affairs (House)
- **Philip A. McNamara**, Assistant Secretary for Administration
- **A. Bradley Mims**, Deputy Administrator, Federal Aviation Administration
- **Carlos Monje Jr.**, Senior Advisor and Acting Chief of Staff
- **Allie Panther**, White House Liaison
- **Alex A. Peña**, Special Assistant to the General Counsel
- **Carol A. (Annie) Petsonk**, Principal Deputy Assistant Secretary for Aviation and International Affairs
- **Stephanie Pollack**, Deputy Administrator, Federal Highway Administration
- **John Putnam**, Deputy General Counsel
- **Will Rasky**, Special Assistant for Governmental Affairs
- **Courtenay Raymond**, Director of Scheduling and Advance
- **Andrew Rogers**, Chief Counsel, Federal Highway Administration
- **Laura Schiller**, Chief of Staff
- **Michael Shapiro**, Deputy Assistant Secretary for Economic Policy
- **Sophie Shulman**, Deputy Chief of Staff for Policy
- **Dani Simons**, Assistant to the Secretary and Director of Public Affairs
- **Charles Small**, Deputy Assistant Secretary for Intergovernmental Affairs
- **Mohsin Syed**, Principal Deputy Assistant Secretary for Congressional Affairs (Senate)
- **Charlene Wang**, Special Assistant, Federal Highway Administration
- **Victoria Baecher Wassmer**, Deputy Assistant Secretary for Finance and Budget
- **Vinn White**, Senior Advisor for Implementation
- **Laurence Wildgoose**, Assistant Administrator for Policy, International Affairs, and Environment, Federal Aviation Administration