



# **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, October 21, 2021 at 9:00 a.m.**

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

### **Agenda Descriptions**

The 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 Board of Directors 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.

### **Public Availability of Agenda Materials**

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: OCTA Headquarters, 600 South Main Street, Orange, California.

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

On September 16, 2021, Governor Gavin Newsom signed into law AB-361 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 due to the state and local State of Emergency resulting from the threat of Novel Coronavirus (COVID-19).

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

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



Members of the public may address the Board of Directors regarding any item two ways:

## **Real-Time Comment**

To provide a real-time public comment during the meeting, please access the Zoom at:

<https://us02web.zoom.us/j/82173189650>

**Dial-in: (669) 900-6833**  
**Webinar ID: 821 7318 9650**

Speakers will be recognized by the Chairman at the time the agenda item is to be considered. A speaker's comments shall be limited to three minutes. Anyone causing disruption can be removed from the meeting at the discretion of the Chair.

## **Written Comment**

Written public comments may also be submitted by emailing them to [ClerkOffice@octa.net](mailto:ClerkOffice@octa.net), and must be sent **90 minutes prior to the start time of the meeting**. 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.

## **Call to Order**

## **Roll Call**

## **Pledge of Allegiance**

Director Hennessey

### **1. Public Comments**

## **Special Calendar**

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

An update of Legislative items in Sacramento will be provided.



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

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

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

Approval of the minutes of the Legislative and Communications Committee meeting of September 16, 2021.

## **Regular Calendar**

### **4. Draft Revisions to the Orange County Transportation Authority's 2021-22 State and Federal Legislative Platforms** Alexis Leicht/Lance M. Larson

#### **Overview**

Halfway through each legislative session, staff conducts a refresh to the Orange County Transportation Authority's Legislative Platforms to ensure updates are provided on relevant issues that are anticipated to be of discussion for the upcoming year. Initial draft revisions to the Orange County Transportation Authority's 2021-22 State and Federal Legislative Platforms have been prepared for consideration by the Orange County Transportation Authority Board of Directors. Before a final draft is considered for adoption, these drafts will be revised as a result of feedback from the Orange County Transportation Authority Board of Directors, as well as further internal staff input.

#### **Recommendation**

Direct staff to incorporate the recommended revisions to the 2021-22 Orange County Transportation Authority State and Federal Legislative Platforms and seek further feedback from the Orange County Transportation Authority Board of Directors, with subsequent drafts being brought forward for final consideration and adoption later this year.



**5. Federal Legislative Status Report**

Dustin J. Sifford/Lance M. Larson

**Overview**

The Orange County Transportation Authority regularly updates the Legislative and Communications Committee on policy issues directly impacting the agency's programs, projects, and operations. An overview on the federal transportation funding picture is provided, specifically the short-term funding extensions necessitated by the protracted negotiations on the Senate-passed infrastructure legislation that also reauthorizes federal surface transportation programs for the next five years. The staff report outlines the next steps in the development of a long-term transportation bill and the impact of the statutory debt limit on the increasingly complicated federal transportation funding landscape.

**Recommendation**

Receive and file as an information item.

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

Ted P. Nguyen/Maggie McJilton

**Overview**

The Orange County Transportation Authority is continuing its effort to conduct comprehensive and meaningful outreach to Orange County's growing diverse communities. This report provides an update on the progress of the diversity and inclusion efforts as well as plans to meet the future needs of community members who are increasingly diverse.

**Recommendation**

Receive and file as an information item.

**Discussion Items**

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

**8. Committee Members' Reports**

**9. Closed Session**

There are no Closed Session items scheduled.



# **AGENDA**

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

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### **10. Adjournment**

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



# **MINUTES**

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

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### **Committee Members Present**

Gene Hernandez, Vice Chairman  
Barbara Delgleize  
Mark A. Murphy  
Harry S. Sidhu  
Donald P. Wagner

### **Staff Present**

Jennifer L. Bergener, Deputy Chief Executive Officer  
Gina Ramirez, Clerk of the Board Specialist, Senior  
Sahara Meisenheimer, Clerk of the Board Specialist

### **Committee Members Absent**

Lisa A. Bartlett, Chairwoman  
Michael Hennessey

### **Via Teleconference**

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

## **Call to Order**

The September 16, 2021, regular meeting of the Legislative and Communications (L&C) Committee was called to order by Committee Vice Chairman Hernandez at 9:00 a.m.

## **Roll Call**

Gina Ramirez, Clerk of the Board Specialist, Senior, conducted an attendance Roll Call and announced a quorum of the L&C Committee.

### **1. Public Comments**

There were no public comments received.

## **Special Calendar**

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

Moira Topp, State Legislative Advocate, provided a verbal report on this item.

Director Delgleize inquired about the fires and long-term planning on the environment.

Ms. Topp responded that the bills introduced had more significant community planning and local oversight. The governor and legislature focused on funding on various levels, and there may be a mid-year allocation of funds for regional planning and community oversight

Committee Vice Chairman Hernandez inquired on forest management funding.

Ms. Topp responded that most of the monies went to forest management and the California Department Of Forestry And Fire Protection.



## **Consent Calendar (Items 3 through 5)**

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

A motion was made by Director Murphy, seconded by Director Wagner, and following a roll call vote, declared passed 5-0, to approve the minutes of the Legislative and Communications Committee meeting of July 15, 2021.

### **4. Agreement for Public Outreach Consultant Services during the Environmental Phase of the Interstate 5 Improvement Project from San Diego County Line to Avenida Pico**

A motion was made by Director Murphy, seconded by Director Wagner, and following a roll call vote, declared passed 5-0, to:

- A. Approve the selection of McCormick-Busse, Inc., doing business as MBI Media, as the firm to provide public outreach consulting services during the Environmental Phase of the Interstate 5 Improvement Project from the San Diego County Line to Avenida Pico.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-1-3353 between the Orange County Transportation Authority and McCormick-Busse, Inc., doing business as MBI Media, in the amount of \$298,450, for a three-year initial term, effective through October 31, 2024, with an option term of up to 24 months, to provide public outreach consulting services during the Environmental Phase of the Interstate 5 Improvement Project from the San Diego County Line to Avenida Pico.

### **5. 2021 Title VI Plan Triennial Report**

A motion was made by Director Murphy, seconded by Director Wagner, and following a roll call vote, declared passed 5-0, to:

- A. Review, approve, and direct staff to submit the 2021 Title VI Plan Triennial Report to the Federal Transit Administration's Regional Office of Civil Rights on or before October 1, 2021.
- B. Review and approve the results of the Service Standards and Policies monitoring in Section 4 of the 2021 Title VI Plan Triennial Report.



## **Regular Calendar**

### **6. State Legislative Status Report**

Lance Larson, Executive Director of Government Relations, noted that this item did not contain the usual legislative matrix. He stated that staff is finalizing the comprehensive end-of-year report and will present detailed information of the bills and legislation that the Orange County Transportation Authority (OCTA) has been following throughout this legislative session at the next L&C Committee meeting. He also stated that staff would provide the draft Legislative platform for 2022.

Kristin Jacinto, Program Manager, provided a verbal report on this item.

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

### **7. Federal Legislative Status Report**

Lance Larson, Executive Director of Government Relations, provided opening comments and introduced Dustin J. Sifford, Senior Government Relations Representative, who provided a verbal report on this item.

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

## **Discussion Items**

### **8. Chief Executive Officer's Report**

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

#### **Emergency Rail Line Closure -**

- Mr. Johnson, CEO, referenced his email sent on September 15<sup>th</sup> regarding Metrolink's emergency rail line closure. As a reminder, starting September 16<sup>th</sup>, all service is suspended between the Laguna Niguel/Mission Viejo and Oceanside stations through October 3<sup>rd</sup>.
- This closure will allow crews to perform emergency maintenance work along the railroad tracks just south of the San Clemente Pier Station to ensure the ongoing safe operation of the rail line.





**Interstate 405 (I-405) Virtual Neighborhood Meeting**

- Tonight, OCTA is hosting a virtual neighborhood meeting to update the community on the upcoming closure of the Springdale Street bridge as part of the Interstate 405 Improvement Project.
- The meeting will take place via Zoom from 4:00 to 5:00 p.m. and will be recorded and archived on our website for future viewing.
- The Springdale Street bridge is anticipated to be closed in late September, and demolition activities are expected to begin in early October.

**Youth Ride Free Pass**

- OCTA launched the Youth Ride Free pilot program earlier this month, allowing all youth ages 18 and under to ride the OC Bus system for free.
- To date, OCTA has provided more than 210,000 passes for distribution to approximately 570 schools throughout the county, and staff has recorded around 14,400 boardings from riders using this pass.

Committee Vice Chairman Hernandez inquired about notifying commuters who need to get from San Clemente to the North.

Mr. Johnson, CEO, responded that a host of communications plans from the Metrolink website, Twitter, media press releases, and communications at the stations. Metrolink riders are very focused on information around train delays and schedule impacts via social media. He also noted that due to the pandemic, ridership is still at a low level.

Mr. Johnson, CEO, stated OCTA would not provide any bus bridges, given the complexity and the length of the closure. He said most commuter passengers have access to a personal vehicle. In addition, communication notices state there is plenty of parking available at the Laguna Niguel and Mission Viejo stations.

**9. Committee Members' Reports**

There were no Committee Member Reports.

**10. Closed Session**

There were no Closed Session items scheduled.



**11. Adjournment**

The meeting adjourned at 9:30 a.m.

The next regularly scheduled meeting of this Committee will be held at **9:00 a.m. on Thursday, October 21, 2021**, at the Orange County Transportation Authority Headquarters, Conference Room 07, 550 South Main Street, Orange, California.

ATTEST

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Gene Hernandez  
Committee Vice Chairman

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Gina Ramirez  
Clerk of the Board Specialist, Senior



**October 21, 2021**

**To:** Legislative and Communications Committee

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

**Subject:** Draft Revisions to the Orange County Transportation Authority's 2021-22 State and Federal Legislative Platforms

### **Overview**

Halfway through each legislative session, staff conducts a refresh to the Orange County Transportation Authority's Legislative Platforms to ensure updates are provided on relevant issues that are anticipated to be of discussion for the upcoming year. Initial draft revisions to the Orange County Transportation Authority's 2021-22 State and Federal Legislative Platforms have been prepared for consideration by the Orange County Transportation Authority Board of Directors. Before a final draft is considered for adoption, these drafts will be revised as a result of feedback from the Orange County Transportation Authority Board of Directors, as well as further internal staff input.

### **Recommendation**

Direct staff to incorporate the recommended revisions to the 2021-22 Orange County Transportation Authority State and Federal Legislative Platforms and seek further feedback from the Orange County Transportation Authority Board of Directors, with subsequent drafts being brought forward for final consideration and adoption later this year.

### **Background**

At the beginning of each legislative session, the Orange County Transportation Authority (OCTA) adopts updated legislative platforms to guide OCTA's state and federal advocacy activities for the duration of the upcoming session. With each session covering a two-year period, revisions to the legislative platforms are presented to the Board of Directors (Board) midway through the session to reflect any significant changes since adoption by the Board.

The initial drafts of mid-session revisions to the 2021-22 State and Federal Legislative Platforms are presented as Attachments A and C. The proposed changes are detailed in strikethrough versions in Attachments B and D, with the

recommended revisions to the Board-adopted 2021-22 State and Federal Legislative Platforms designated by italicized and strikethrough text.

The revisions incorporate initiatives suggested by staff and issues that are anticipated to be significant in the upcoming session. Prior to bringing final drafts to the Board, staff will continue to meet internally for additional input. Staff is also monitoring the federal government's efforts regarding the reauthorization of transportation programs, which could change a significant portion of principles in both the state and federal platforms.

When developing the 2023-24 State and Federal Legislative Platforms next year, a more widespread input solicitation process will occur, with outreach to interested groups, stakeholders, and individuals to allow a more comprehensive update for the next legislative session.

#### 2021-22 OCTA State Legislative Platform

The proposed revisions to the 2021-22 OCTA State Legislative Platform are outlined in detail below. Language was edited, amended, or removed as necessary to ensure grammatical and stylistic integrity.

- Subsections (a) and (b) of the section entitled, "Key Policy Issues in 2021-22," supported OCTA's continued response to the coronavirus (COVID-19) pandemic by discussing the need for additional funding and policy flexibilities to sustain essential services. The language has been modified to better reflect transportation agencies' needs in a post-pandemic era. Specifically, this updated language will provide an opportunity for staff to seek funding and policy solutions to address the long-term impacts from the pandemic, including restoring transit ridership and keeping up with Orange County's mobility needs. These subsections are also included verbatim in the Federal Legislative Platform; therefore, the same changes are recommended. At the same time, Subsection (c) has been removed due to evolving circumstances of the pandemic.
- Subsection (l) of the section entitled, "Key Policy Issues in 2021-22," has been recommended to be removed. Executive Order N-19-19 directed the California State Transportation Agency (CalSTA) to review requirements for discretionary transportation investments so that consistency is maintained with state emission reduction goals. CalSTA has since released the Climate Action Plan for Transportation Infrastructure (CAPTI), which addresses the executive order. What is now reflected as Subsection (f) of this same section broadly defines the concern initially raised when Executive Order N-19-19 was first issued

- and can continue to be utilized to ensure the recommendations outlined in CAPTI do not divert existing state transportation funding.
- Further details are provided under the section entitled, "Transportation Funding" to describe the implementation of two significant executive orders that impact OCTA's programs, services, and projects.
  - Revisions for Subsection (b) of the section entitled, "Transit Programs," are included to reflect the need to implement recently enacted legislation that provide flexibilities to the Transportation Development Act (TDA). In its previous iteration, this principle was intended to support OCTA's efforts to pursue long-term, overarching changes to the TDA. While the principle has been updated to incorporate the temporary flexibilities enacted by the Legislature, further improvements to the TDA may be sought.
  - The addition of a principle that monitors policies and regulations regarding zero-emission locomotives is proposed. The California Air Resources Board is currently evaluating a regulation to transition locomotives in California to zero-emission. OCTA has been in active conversations with the Southern California Regional Rail Authority (Metrolink) to discuss potential concerns and impacts. Chiefly, Metrolink has been specifically concerned with the lack of adequate funding queued for such a program as well as infeasibility with current technology limitations. The addition of this principle will allow OCTA staff to maintain engagement in these discussions and help inform the regulation to ensure that it can be successfully achieved.
  - Revised language is recommended for Subsection (e) of the section entitled, "Administration/General." Specifically, OCTA has been monitoring the impacts of recent changes to the Ralph M. Brown Act over the past year. However, the Legislature and stakeholders have signaled that there could be further legislation next year to expand the use of virtual meetings and increase access to public meetings.

#### **Sponsor Bills**

OCTA often encounters specific legislative issues requiring sponsor legislation, prompting OCTA to take the lead in developing legislative language and securing an author. Staff is currently exploring the need for any potential sponsor bills that may be useful for the remainder of the session. Staff is recommending that should any need arise for a sponsor bill section, it be held until final revisions to the 2021-22 State Legislative Platform are considered later this year by the Board.

2021-22 OCTA Federal Legislative Platform

The proposed revisions to the 2021-22 OCTA Federal Legislative Platform are outlined in detail below. Language was edited, amended, or removed as necessary to ensure grammatical and stylistic integrity.

- Subsections (a) and (b) of the section entitled, “Key Policy Issues in 2021-22,” supported OCTA’s continued response to the COVID-19 pandemic by discussing the need for additional funding and policy flexibilities to sustain essential services. The language has been modified to better reflect transportation agencies’ needs in a post-pandemic era. Specifically, this updated language will provide for an opportunity for staff to seek funding and policy solutions to address the long-term impacts from the pandemic, including restoring transit ridership and keeping up with Orange County’s mobility needs. These subsections are also included verbatim in the State Legislative Platform; therefore, the same changes are recommended. At the same time, Subsection (c) has been removed due to evolving circumstances of the pandemic.
- The addition of a principle that supports funding and incentives for free- or reduced-fare transit pilot programs is recommended. This language is very similar to what was adopted in the 2021-22 State Legislative Platform last year, which allowed for OCTA to pursue funding for a pilot program, known as the Youth Ride Free Pass. With implementation of these types of programs, it is important that OCTA maintain compliance with federal laws and regulations. In addition, funding proposals for this purpose have been proposed by Congress. Therefore, it is recommended the principle also be reflected in the Federal Legislative Platform.
- Revisions to the principle related to bus maintenance training information for transit agencies are made so that it may be more broadly applied. Previously, the principle only applied to the Southern California Regional Training Consortium. With these amendments, it gives staff the ability to support these types of funding opportunities more widely.
- As conversations around funding for zero-emission transit buses continue to evolve, Subsection (g) of the section entitled, “Environmental and Energy Issues” is recommended to be added. Specifically, this principle seeks to ensure that policies for zero-emission transit buses remain technology neutral. OCTA has been a leader in deploying hydrogen fuel for its transit buses and is still evaluating which technology might best conform to the needs of Orange County’s transit system.

**Summary**

Upon approval, the mid-session revisions to the 2021-22 State and Federal Legislative Platforms will be circulated for additional review and will return to the Orange County Transportation Authority's Board of Directors later this year for final consideration and adoption.

**Attachments**

- A. Draft Revisions to Orange County Transportation Authority 2021-22 State Legislative Platform (clean copy)
- B. Draft Revisions to Orange County Transportation Authority 2021-22 State Legislative Platform (strikeout version)
- C. Draft Revisions to Orange County Transportation Authority 2021-22 Federal Legislative Platform (clean copy)
- D. Draft Revisions to Orange County Transportation Authority 2021-22 Federal Legislative Platform (strikeout version)

**Prepared by:**



Alexis Leicht  
Associate Government Relations Representative,  
Government Relations  
(714) 560-5475

**Approved by:**



Lance M. Larson  
Executive Director,  
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## **Draft Revisions to Orange County Transportation Authority 2021-22 State Legislative Platform**

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

The 2021-22 State Legislative Platform serves as a framework document to guide the Orange County Transportation Authority's (OCTA) legislative, regulatory, and administrative activities in the coming legislative session. The Key Policy Issues section offers guidance on the policy issues that will likely be the focus of the upcoming legislative session. The later sections present guiding policy statements for other major issue areas that may arise during the session. Positions on individual items not directly in this document will be brought to the OCTA Board of Directors for formal action.

### **Key Policy Issues in 2021-22**

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

- a) Support transportation funding investments and policy flexibilities that allow OCTA to provide essential, multimodal mobility improvements and services in order to meet the mobility needs of Orange County;
- b) Encourage policies and guidance that restore and increase public transit ridership;
- c) Support equitable policies to ensure that the inclusive public engagement, planning, and delivery of mobility improvements best serve all residents of Orange County;
- d) Support flexibility in the application of "disadvantaged" and "low-income" communities to ensure that transportation funding flows to each region's most impacted areas, allowing OCTA to best meet the needs of its local communities;
- e) Support efforts to maximize OCTA's share of transportation and transit funding, especially through distribution formulas and more equitable competitive funding processes;
- f) Oppose linking or reprioritizing local and state transportation funding to programs not primarily intended to help the State meet its transportation needs;
- g) Support efforts to maintain the promises self-help counties have made to taxpayers in the implementation of local sales tax measures, specifically regarding the sequencing and delivery of transportation improvements;



**Draft Revisions to Orange County Transportation Authority 2021-22  
State Legislative Platform**

- h) Support funding and incentives to develop free- or reduced-fare transit pilot programs that comply with all statutory and regulatory requirements, in order to encourage an increase in transit ridership;
- i) Support policies that encourage ridesharing, teleworking, vanpool, and related congestion relief programs for Orange County commuters;
- j) Support workforce development and training policies that allow OCTA to hire and retain personnel ready to implement the next generation of mobility.

**I. IMPLEMENTATION OF ENVIRONMENTAL POLICIES**

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

- a) Support efforts to ensure local flexibility in meeting the goals of the State's greenhouse gas reduction initiatives, including the creation of incentive-based measures and grant programs to assist with compliance;
- b) Support the creation of formula-based cap-and-trade programs, including maintaining ongoing appropriations for transit, and the prioritization of cap-and-trade funding for transportation projects that achieve greenhouse gas emission reduction;
- c) Support streamlined environmental review and permitting processes for transportation projects and programs to avoid potentially duplicative and unnecessary analysis, while still maintaining traditional environmental protections;
- d) Ensure that air quality determinations and policies do not constrain funding availability or otherwise undermine OCTA's ability to deliver transportation improvements;
- e) Monitor the State's transition to zero-emission vehicle technology to ensure that any corresponding policies adequately address the impact to long-term transportation funding stability;
- f) Oppose lengthening the California Environmental Quality Act process in a manner that would delay mobility improvements;
- g) Oppose efforts to restrict road construction by superseding existing broad-based environmental review and mitigation processes;

**Draft Revisions to Orange County Transportation Authority 2021-22  
State Legislative Platform**

- h) Oppose policies that would limit lead agency discretion in the management and oversight of lands set aside for environmental mitigation purposes while promoting advance mitigation planning programs.

## **II. TRANSPORTATION FUNDING**

As the Legislature continues to navigate the economic recovery post the coronavirus (COVID-19) pandemic, OCTA will monitor the status of transportation funding in California, promoting the continued stability of existing programs and efforts to address future funding deficiencies to meet transportation infrastructure needs. As a proven method to help rebuild the economy through investments in vital transportation infrastructure projects and critical transit services, OCTA will also work to promote methods of expediting such projects to allow for such stimulus.

Furthermore, there have been two Executive Orders that will impact OCTA's programs and services, which will be closely monitored to ensure that transportation funds are used for their intended purposes. First, Executive Order N-79-20 requires all passenger vehicles and light trucks sold in California to be zero-emission by 2035, and the same for medium- and heavy-duty trucks by 2045. And secondly, Executive Order N-19-19, directed the California State Transportation Agency to review requirements for discretionary transportation investments to ensure consistency with state emission reduction goals. As a result, the State developed the Climate Action Plan for Transportation Infrastructure which detailed recommendations for administering state funds related to transportation in a way that helps the State reach its goals related to climate change. Key actions to continue to inform the State's goals include:

- a) Oppose unfunded mandates for transportation agencies, transit providers, and local governments in providing transportation improvements and services;
- b) Oppose cost shifts or changes in responsibility for projects funded by the State to the local transportation entities;
- c) Support efforts to treat the property tax of single-county transit districts the same as multi-county districts and correct other Educational Revenue Augmentation Fund inequities between like agencies;
- d) Support the constitutional protection of all transportation funding resources;
- e) Support protecting or expanding local decision-making in programming transportation funds;
- f) Oppose efforts to reduce local prerogative over regional program funds;
- g) Support efforts to involve county transportation commissions in the development and prioritization of State Highway Operation and Protection Program projects;

**Draft Revisions to Orange County Transportation Authority 2021-22  
State Legislative Platform**

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

**III. FISCAL REFORMS AND ISSUES**

In recent years, the Legislature and Governor have worked collaboratively during the budget process to pass funding bills in a timely manner. While the State enjoyed an unprecedented budget surplus in fiscal year 2021-22, uncertainties over future funding levels remain. . Therefore, OCTA will:

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

**Draft Revisions to Orange County Transportation Authority 2021-22  
State Legislative Platform**

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

**IV. STATE TRANSPORTATION IMPROVEMENT PROGRAM**

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

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

**V. TRANSIT PROGRAMS**

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

- a) Advocate for a continued strong state role in providing funding for transit operations rather than shifting responsibility to local transportation entities. No

## **Draft Revisions to Orange County Transportation Authority 2021-22 State Legislative Platform**

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

- b) Support the implementation of the Transportation Development Act flexibilities enacted as a result of impacts from the COVID-19 pandemic while continuing to seek improvements to eligibility parameters and administrative rules to eliminate any unnecessary or overly burdensome mandates in order to streamline the administration of transit funding;
- c) Flexibility should be included in state transit funding sources, allowing transit operators to use the funding for both operations and capital expenditures;
- d) Support efforts to mitigate costs associated with the development, testing, purchase, and operation of zero-emission transit buses, including an alternative electricity rate structure, tax incentives, and other forms of financial assistance;
- e) Seek additional funding for paratransit operations and transit accessibility capital improvements that support persons with disabilities and senior citizens;
- f) Support efforts to encourage and incentivize the interoperability of transit and rail systems within California;
- g) Support limiting the liability of transit districts for the location of bus stops (*Bonanno v. Central Contra Costa Transit Authority*);
- h) Support the citing of transit-oriented development projects (i.e., authorize extra credit towards housing element requirements for these developments), including incentives for development;
- i) Support policies that aim to enhance transit services and the overall safety and security of transit riders, coach operators, and on-road vehicles.

### **VI. ROADS AND HIGHWAYS**

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

- a) Oppose the creation of a conservancy that would inhibit the delivery of transportation projects under study or being implemented in the region;
- b) Support new and existing alternative project delivery methods, such as design-build, public-private partnership authority, and construction manager/general

## **Draft Revisions to Orange County Transportation Authority 2021-22 State Legislative Platform**

contractor authority, through expanding mode and funding eligibility while also allowing the appropriate balance of partnership between the State and local agencies;

- c) Support authorizing local agencies to advertise, award, and administer contracts for state highway projects;
- d) Oppose duplicative reporting mandates and efforts to impose additional requirements, beyond what is required in statute, on lead agencies awarding contracts using alternative project delivery mechanisms;
- e) Support streamlining of the Caltrans review process for projects, simplification of processes, and reduction of red tape, without compromising environmental safeguards;
- f) Support administrative policy changes to lower the oversight fee charged by Caltrans to ensure that project support costs are equivalent whether the project is administered by Caltrans or a local agency;
- g) Support policies that improve signal synchronization programs in order to facilitate street signal coordination, prioritization, and preemption, as well as encouraging the use of intelligent transportation system measures;
- h) Support the expanded utilization of continuous access of high-occupancy vehicle (HOV) lanes;
- i) Monitor efforts to increase fines for HOV lane violations and, if implemented, ensure fines are dedicated to enforcement purposes;
- j) Support the equitable enforcement of regulations governing transportation network companies;
- k) Support studying the development and safe operation of autonomous vehicles and related technologies;
- l) Support preserving local discretion and flexibility in the development of the congestion management program.

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

**Draft Revisions to Orange County Transportation Authority 2021-22  
State Legislative Platform**

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- e) Support efforts to increase the flexibility of funds used for motorist service programs.

**VIII. 91 EXPRESS LANES/MANAGED LANES**

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

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

- a) Ensure that revenues from managed lane facilities remain within the corridor from which they are generated, opposing efforts to divert revenues from managed lane facilities for state purposes;

**Draft Revisions to Orange County Transportation Authority 2021-22  
State Legislative Platform**

- b) Support policies that allow OCTA and the Riverside County Transportation Commission to efficiently operate and maintain the 91 Express Lanes into Riverside County;
- c) Support efforts to preserve local flexibility in the administration of toll lanes;
- d) Oppose the construction or operation of managed lane facilities that are established without an adopted statewide managed lane strategy or plan;
- e) Oppose the construction or operation of managed lane facilities that fail to respect existing local transportation projects and funding programs;
- f) Support customer privacy rights while maintaining OCTA's ability to effectively communicate with customers and operate the 91 Express Lanes;
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Metrolink is Southern California's commuter rail system that links residential communities to employment and activity centers. Orange County is served by three Metrolink lines: the Orange County Line, the Inland Empire-Orange County Line, and the 91/Perris Valley Line. In support of these routes, OCTA owns 48 miles of rail right-of-way in Orange County on which Metrolink operates. OCTA's rail capital budget supports improvements to the regional commuter rail system in Orange County, and under existing policy, OCTA is the primary construction lead on major capital improvements to the regional commuter rail system on its right-of-way.

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## **Draft Revisions to Orange County Transportation Authority 2021-22 State Legislative Platform**

service in June 2015 via an interagency transfer agreement with the State. OCTA continues to serve in this capacity, providing all necessary administrative support to the LOSSAN Agency.

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- c) Monitor and evaluate plans and progress of high-speed rail and its funding;
- d) Support efforts to provide resources for safety improvements on the rail network in Southern California, including for the implementation, operation, and maintenance of Positive Train Control safety technology;
- e) Support studying the policies, funding options, and need for rail/highway grade separations, including any impact on existing state highway and transit funding sources;
- e) Support policies that facilitate the development and construction of needed infrastructure projects that support modernization, connectivity, and general system-wide improvements to California's rail network;
- f) Monitor policies and regulations that require the implementation of zero-emission locomotives to ensure technical feasibility and adequate funding.

### **X. GOODS MOVEMENT**

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

## **Draft Revisions to Orange County Transportation Authority 2021-22 State Legislative Platform**

- a) Support improvements in major trade gateways in California to facilitate the movement of intrastate, interstate, and international trade beneficial to the State's economy;
- b) Support policies that will aid in the development, approval, and construction of projects to expand goods movement capacity and reduce congestion;
- c) Ensure that control of goods movement infrastructure projects and funding retained at the local level;
- d) Seek mitigation for the impacts of goods movement on local communities;
- e) Pursue ongoing, stable sources of funding for goods movement infrastructure.

### **XI. ACTIVE TRANSPORTATION**

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

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

### **XII. ADMINISTRATION/GENERAL**

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

**Draft Revisions to Orange County Transportation Authority 2021-22  
State Legislative Platform**

- a) Oppose policies adversely affecting OCTA's ability to efficiently and effectively contract for goods and services, conduct business of the agency, and limit or transfer the risk of liability;
- b) Support efforts to provide greater protection of OCTA's computer and information security systems;
- c) Support establishing reasonable liability for non-economic damages in any action for personal injury, property damage, or wrongful death brought against a public entity based on principles of comparative fault;
- d) Support consistent campaign contribution limits as applied to both elected and appointed bodies;
- e) Monitor proposed changes related to the Ralph M. Brown Act, and other statutes governing public meetings, including the expanded use of technology.

**XIII. EMPLOYMENT ISSUES**

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

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

**XIV. TRANSPORTATION SECURITY AND EMERGENCY PREPAREDNESS**

As natural and man-made disasters continue to threaten transportation systems around the world, significant improvements have been, and continue to be, carried out to enhance the safety, security, and resilience of transportation infrastructure in the United States. As Orange County's bus provider and a Metrolink partner, OCTA comprehends the

**Draft Revisions to Orange County Transportation Authority 2021-22  
State Legislative Platform**

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

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

- a) Support state homeland security and emergency preparedness funding and grant programs to local transportation agencies to alleviate financial burden placed on local entities;
- b) Support policies that balance retention mandates of video surveillance records to reflect current reasonable technological and fiscal capabilities;
- c) Support the use of new technology to increase the safety of public transportation passengers and operators.

## Draft Revisions to Orange County Transportation Authority 2021-22 State Legislative Platform

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

The 2021-22 State Legislative Platform serves as a framework document to guide the Orange County Transportation Authority's (OCTA) legislative, regulatory, and administrative activities in the coming legislative session. The Key Policy Issues section offers guidance on the policy issues that will likely be the focus of the upcoming legislative session. The later sections present guiding policy statements for other major issue areas that may arise during the session. Positions on individual items not directly in this document will be brought to the OCTA Board of Directors (~~Board~~) for formal action.

### Key Policy Issues in 2021-22

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

- a) Support *transportation* funding *investments* and policy flexibilities that allow OCTA to provide essential multimodal mobility improvements and services ~~during the unprecedented coronavirus (COVID-19) pandemic in order to meet the mobility needs of Orange County;~~
- b) Encourage policies and guidance that ~~rebuild public confidence in~~ *restore and increase* public transit *ridership*, ~~as well as other measures that both protect the public health and facilitate essential transit trips;~~
- c) ~~Support transportation funding investments, economic stimulus measures, and other recovery efforts that will prepare OCTA to meet the changing mobility needs of Orange County after the COVID-19 pandemic subsides;~~
- c) Support equitable policies to ensure that the inclusive public engagement, planning, and delivery of mobility improvements best serve all residents of Orange County;
- d) Support flexibility in the application of "disadvantaged" and "low-income" communities to ensure that transportation funding flows to each region's most impacted areas, allowing OCTA to best meet the needs of its local communities;
- e) Support efforts to maximize OCTA's share of transportation and transit funding, especially through distribution formulas and more equitable competitive funding processes;

**Draft Revisions to Orange County Transportation Authority 2021-22  
State Legislative Platform**

- f) Oppose linking or reprioritizing local and state transportation funding to programs not primarily intended to help the State meet its transportation needs;
- g) Support efforts to maintain the promises self-help counties have made to taxpayers in the implementation of local sales tax measures, specifically regarding the sequencing and delivery of transportation improvements;
- h) Support funding and incentives to develop or ~~phase-in~~ free- or reduced-fare transit pilot programs, that comply with all statutory and regulatory requirements, in order to encourage an increase in transit ridership;
- i) Support policies that encourage ridesharing, teleworking, vanpool and related congestion relief programs for Orange County commuters;
- j) Support workforce development and training policies that allow OCTA to hire and retain personnel ready to implement the next generation of mobility;.
- ~~l) Monitor implementation of Executive Order N-19-19, and any related legislative or regulatory efforts, to ensure that transportation funds are used for their intended purposes.~~

**I. IMPLEMENTATION OF ENVIRONMENTAL POLICIES**

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

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

## Draft Revisions to Orange County Transportation Authority 2021-22 State Legislative Platform

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

### II. TRANSPORTATION FUNDING

As the Legislature continues to ~~move forward in developing solutions to close the State's structural deficit~~ *navigate the economic recovery post the coronavirus (COVID-19) pandemic*, OCTA continues to monitor the status of transportation funding in California, promoting the continued stability of existing programs and efforts to address future funding deficiencies to meet transportation infrastructure needs. As a proven method to help rebuild the economy through investments in vital transportation infrastructure projects and critical transit services, OCTA will also work to promote methods of expediting such projects to allow for such stimulus.

*Furthermore, there have been two Executive Orders that will impact OCTA's programs and services, which will be closely monitored to ensure that transportation funds are used for their intended purposes. First, Executive Order N-79-20 requires all passenger vehicles and light trucks sold in California to be zero-emission by 2035, and the same for medium- and heavy-duty trucks by 2045. And secondly, Executive Order N-19-19, directed the California State Transportation Agency to review requirements for discretionary transportation investments to ensure consistency with state emission reduction goals. As a result, the State developed the Climate Action Plan for Transportation Infrastructure which detailed recommendations for administering state funds related to transportation in a way that helps the State reach its goals related to climate change. Key Actions to continue to inform the State's goals include:*

- a) Oppose unfunded mandates for transportation agencies, transit providers, and local governments in providing transportation improvements and services;
- b) Oppose cost shifts or changes in responsibility for projects funded by the State to the local transportation entities;
- c) Support efforts to treat the property tax of single-county transit districts the same as multi-county districts and correct other Educational Revenue Augmentation Fund inequities between like agencies;

**Draft Revisions to Orange County Transportation Authority 2021-22  
State Legislative Platform**

- d) Support the constitutional protection of all transportation funding resources;
- e) Support protecting or expanding local decision-making in programming transportation funds;
- f) Oppose efforts to reduce local prerogative over regional program funds;
- g) Support efforts to involve county transportation commissions in the development and prioritization of State Highway Operation and Protection Program projects;
- h) Oppose redirecting or reclassifying transportation revenue sources, including earned interest, for anything other than their intended purposes;
- i) Support the implementation of federal transportation programs in an equitable manner that promotes traditional funding levels, programming roles, and local discretion in allocation decisions;
- j) Oppose policies that significantly increase costs, threatening OCTA's ability to deliver projects and provide transit service;
- k) Support removing the barriers for funding transportation projects, including allowing local agencies to advance projects with local funds when state funds are unavailable due to budgetary reasons, and allowing regions to pool federal, state, and local funds in order to limit lengthy amendment processes and streamline project delivery time.

**III. FISCAL REFORMS AND ISSUES**

In recent years, the Legislature and Governor have worked collaboratively during the budget process to pass funding bills in a timely manner. *While the State enjoyed an unprecedented budget surplus in fiscal year 2021-22, uncertainties over future funding levels remain.* ~~Unfortunately, uncertainties over future changes remain due to a continued structural deficit and the economic consequences resulting from COVID-19.~~ Therefore, OCTA will:

- a) Monitor the study and development of alternative transportation funding proposals, including the State's road charge pilot program and ensure that efforts are made to address concerns related to equity, privacy, and public support of such proposals;
- b) Oppose levying new and/or increase in gasoline taxes or user fees, including revenue increases on fuel consumption categorized as charges, fees, revenue enhancements, or similar classifications. Consideration of such efforts shall occur when a direct nexus is determined to exist between revenues and transportation



**Draft Revisions to Orange County Transportation Authority 2021-22  
State Legislative Platform**

projects, and additional revenues are to be controlled by the county transportation commission;

- c) Oppose efforts to decrease the voter threshold requirement for local tax measures for transportation purposes and/or mandating specific uses of future local sales tax revenues;
- d) Oppose increases to administrative fees charged by the California Department of Tax and Fee Administration on the collection of local sales tax measures;
- e) Support policies that ensure all users of the State's transportation system pay their "fair share" to maintain and improve the system;
- f) Support efforts to restore equity with regards to the generation and disbursement of sales tax revenues that support the Local Transportation Fund;
- g) Support the retention of existing and future local revenue sources.

**IV. STATE TRANSPORTATION IMPROVEMENT PROGRAM**

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

- a) Support maintaining the current STIP formula, which provides 75 percent of STIP funding to the locally-nominated RTIP and 25 percent to the ITIP;
- b) Support equitable allocations of transportation funding, such as the north/south formula distribution of county shares and ITIP allocations;
- c) Support efforts to clarify that programming of current period county shares has priority over advancement of future county shares;
- d) Support a formula-based guaranteed disbursement of the ITIP;
- e) Support efforts to allow a mode-neutral STIP;

**Draft Revisions to Orange County Transportation Authority 2021-22  
State Legislative Platform**

- f) Support increased flexibility for the use of STIP funds to support alternative projects, including, but not limited to, transit and goods movement improvement projects.

**V. TRANSIT PROGRAMS**

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

- a) Advocate for a continued strong state role in providing funding for transit operations rather than shifting responsibility to local transportation entities. No additional requirements should be created for operation levels beyond existing capacity, unless agreed to by that entity or otherwise appropriately funded;
- b) Support *the implementation of the Transportation Development Act flexibilities enacted as a result of impacts from the COVID-19 pandemic while continuing to the development of greater efficiencies within the Transportation Development Act's performance metrics while seek improvements to maintaining existing eligibility parameters and realigning administrative rules and farebox recovery requirements* to eliminate any unnecessary or overly burdensome mandates in order to streamline the administration of transit funding;
- c) Flexibility should be included in state transit funding sources, allowing transit operators to use the funding for both operations and capital expenditures;
- d) Support efforts to mitigate costs associated with the development, testing, purchase, and operation of zero-emission transit buses, including an alternative electricity rate structure, tax incentives, and other forms of financial assistance;
- e) Seek additional funding for paratransit operations and transit accessibility capital improvements that support persons with disabilities and senior citizens;
- f) Support efforts to encourage and incentivize the interoperability of transit and rail systems within California;
- g) Support limiting the liability of transit districts for the location of bus stops (*Bonanno v. Central Contra Costa Transit Authority*);
- h) Support the citing of transit-oriented development projects (i.e., authorize extra credit towards housing element requirements for these developments), including incentives for development;

**Draft Revisions to Orange County Transportation Authority 2021-22  
State Legislative Platform**

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**Draft Revisions to Orange County Transportation Authority 2021-22  
State Legislative Platform**

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## **Draft Revisions to Orange County Transportation Authority 2021-22 State Legislative Platform**

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- b) Support policies that allow OCTA and the Riverside County Transportation Commission to efficiently operate and maintain the 91 Express Lanes into Riverside County;
- c) Support efforts to preserve local flexibility in the administration of toll lanes;
- d) Oppose the construction or operation of managed lane facilities that are established without an adopted statewide managed lane strategy or plan;
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## **Draft Revisions to Orange County Transportation Authority 2021-22 State Legislative Platform**

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

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

- a) Support policies that encourage commercial, commuter-based development around passenger rail corridors that includes permanent job creation;
- b) Support efforts to create additional efficiency in rail program oversight, including consideration of possible program consolidation;
- c) Monitor and evaluate plans and progress of high-speed rail and its funding;
- d) Support efforts to provide resources for safety improvements on the rail network in Southern California, including for the implementation, operation, and maintenance of Positive Train Control safety technology;
- e) Support studying the policies, funding options, and need for rail/highway grade separations, including any impact on existing state highway and transit funding sources;
- f) Support policies that facilitate the development and construction of needed infrastructure projects that support modernization, connectivity, and general system-wide improvements to California's rail network-;

**Draft Revisions to Orange County Transportation Authority 2021-22  
State Legislative Platform**

- g) *Monitor policies and regulations that require the implementation of zero-emission locomotives to ensure technical feasibility and adequate funding.*

**X. GOODS MOVEMENT**

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

- a) Support improvements in major trade gateways in California to facilitate the movement of intrastate, interstate, and international trade beneficial to the State's economy;
- b) Support policies that will aid in the development, approval, and construction of projects to expand goods movement capacity and reduce congestion;
- c) Ensure that control of goods movement infrastructure projects and funding retained at the local level;
- d) Seek mitigation for the impacts of goods movement on local communities;
- e) Pursue ongoing, stable sources of funding for goods movement infrastructure.

**XI. ACTIVE TRANSPORTATION**

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

- a) Support policies to increase the visibility and safety of users engaged in active transportation;
- b) Support creative use of paths, roads, and abandoned rail lines using existing established rights-of-way to promote bike trails and pedestrian paths;

## **Draft Revisions to Orange County Transportation Authority 2021-22 State Legislative Platform**

- c) Support policies that encourage the safe interaction and operation of integrated multi-modal systems, including roadways, rail lines, bikeways, and pedestrian ways, and the users of those facilities;
- d) Support streamlined active transportation funding programs;
- e) Support efforts to streamline and simplify the review and approval by the California Public Utilities Commission of lease agreements between sponsors of active transportation projects and public utility companies.

### **XII. ADMINISTRATION/GENERAL**

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

- a) Oppose policies adversely affecting OCTA's ability to efficiently and effectively contract for goods and services, conduct business of the agency, and limit or transfer the risk of liability;
- b) Support efforts to provide greater protection of OCTA's computer and information security systems;
- c) Support establishing reasonable liability for non-economic damages in any action for personal injury, property damage, or wrongful death brought against a public entity based on principles of comparative fault;
- d) Support consistent campaign contribution limits as applied to both elected and appointed bodies;
- e) ~~Monitor the effect of Brown Act changes on OCTA Board operations as it relates to the use of new technologies for communication with the public~~ *proposed changes related the Ralph M. Brown Act, and other statutes governing public meetings, including the expanded use of technology.*

### **XIII. EMPLOYMENT ISSUES**

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

- a) Oppose efforts to impose state labor laws on currently exempt public agencies;
- b) Oppose policies that circumvent the collective bargaining process;



**Draft Revisions to Orange County Transportation Authority 2021-22  
State Legislative Platform**

- c) Oppose policies adversely affecting OCTA's ability to efficiently and effectively deal with labor relations, employee rights, benefits including pension benefits, Family Medical Leave Act, and working conditions, including health, safety, and ergonomic standards for the workplace;
- d) Support efforts to reform and resolve inconsistencies in the workers' compensation and unemployment insurance systems, and labor law requirements that maintain protection for employees and allow businesses to operate efficiently;
- e) Support workforce development policies that facilitate a more efficient talent acquisition process.

**XIV. TRANSPORTATION SECURITY AND EMERGENCY PREPAREDNESS**

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

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

- a) Support state homeland security and emergency preparedness funding and grant programs to local transportation agencies to alleviate financial burden placed on local entities;
- b) Support policies that balance retention mandates of video surveillance records to reflect current reasonable technological and fiscal capabilities;
- c) Support the use of new technology to increase the safety of public transportation passengers and operators.

## **Draft Revisions to Orange County Transportation Authority 2021-22 Federal Legislative Platform**

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The 2021-22 Federal Legislative Platform serves as a framework document to guide the Orange County Transportation Authority's (OCTA) statutory, regulatory, and administrative goals and objectives in Washington, D.C. The Key Policy Issues section offers guidance on the policy issues that will likely be the focus of the 117<sup>th</sup> Congress, and the later sections present guiding policy statements for the other major issues that may arise. Positions on individual items not directly addressed in this document will be brought to the OCTA Board of Directors for formal action.

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

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

- a) Support transportation funding investments and policy flexibilities that allow OCTA to provide essential, multimodal mobility improvements and services in order to meet the mobility needs of Orange County;
- b) Encourage policies and guidance that restore and increase public transit ridership;
- c) Enact and implement long-term surface transportation reauthorization legislation that provides sustainable funding levels for transportation programs in order to meet our county's critical infrastructure needs;
- d) Support equitable policies to ensure that the inclusive public engagement, planning, and delivery of mobility improvements best serves all the residents of Orange County;
- e) Seek responsible revenue solutions to fund future transportation projects without adversely affecting an agency's ability to provide services;
- f) Advocate for full funding of transportation programs without placing new limitations or conditions on the distribution of funds that would impede the delivery of infrastructure projects;
- g) Ensure that funding for any new infrastructure initiatives does not replace or adversely affect existing transportation programs;

**Draft Revisions to Orange County Transportation Authority 2021-22  
Federal Legislative Platform**

- h) Ensure that Highway Trust Fund (HTF) revenues continue to be used for transit expenditures;
- i) Ensure that air quality determinations and policies do not constrain funding availability or otherwise undermine OCTA's ability to deliver transportation improvements;
- j) Support policies that encourage ridesharing, teleworking, vanpool and related congestion relief programs for Orange County commuters;
- k) Support efforts to clarify roles and responsibilities related to toll enforcement policies to allow for interoperability between toll facilities while affirming user privacy;
- l) Support funding and incentives to develop free- or reduced-fare transit pilot programs, that comply with all statutory and regulatory requirements, in order to encourage an increase in transit ridership.

**I. TRANSPORTATION FUNDING**

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

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

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

## **Draft Revisions to Orange County Transportation Authority 2021-22 Federal Legislative Platform**

- f) Support funding for regional and intercity passenger rail corridors in California;
- g) Support funding to develop bus maintenance training information for the transit agencies.

### **II. REAUTHORIZATION PRIORITIES**

The Fixing America's Surface Transportation (FAST) Act (Pub. L. No. 114-94) authorized \$305.5 billion over five years for public transportation, rail, highway, safety, research, and technology programs. The legislation preserved the federal focus on safety, kept intact the established structure of the various highway programs, and continued efforts to streamline project delivery.

The FAST Act was extended through September 30, 2021. In the 117<sup>th</sup> Congress, OCTA will focus much of its advocacy efforts on enacting long-term reauthorization legislation that allows state and local government agencies to move forward with a federal partner on critical transportation projects. As such, OCTA will advocate for the following policies:

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

**Draft Revisions to Orange County Transportation Authority 2021-22  
Federal Legislative Platform**

- j) Oppose limitations or other arbitrary conditions on discretionary transportation grant programs that prevent an equitable distribution of transportation resources;
- k) Support efforts to clarify roles for state and local transportation agencies, as well as for the private sector, in developing innovative approaches to improving mobility;
- l) Encourage policies on the planning, delivery, and operation of tolling projects that are aligned with the flexibility provided in California State law;
- m) Support additional funding flexibility to facilitate the use of alternative mobility providers;
- n) Support policies to encourage the safe development, demonstration, deployment, and operation of connected and automated vehicle technologies;
- o) Support a collaborative approach to understanding the capital infrastructure and operational needs of local and state transportation agencies, as well as those of private sector partners, in the testing and deployment of autonomous vehicles and related technologies;
- p) Oppose rescissions or other arbitrary funding cuts to transportation programs.

**III. IMPLEMENTING FEDERAL TRANSPORTATION PROGRAMS**

In the 117<sup>th</sup> Congress, OCTA will continue to support finalizing the implementation of the FAST Act while finding ways to complement the programs and provisions authorized under federal law. During this time, OCTA will advocate for the following issues:

- a) Oppose any effort to further reduce transportation funding for OCTA or California, advocating for a fair and equitable share;
- b) Pursue continued eligibility of Congestion Mitigation Air Quality program funding for three-to-five years of operating expenses associated with any fixed-guideway or eligible bus projects;
- c) Support expanded use of alternative delivery methods for federally-funded transportation projects;
- d) Support environmental process improvements and stewardship efforts by the relevant federal agencies to expedite project delivery and accelerate the creation of jobs;

## **Draft Revisions to Orange County Transportation Authority 2021-22 Federal Legislative Platform**

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

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

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

- a) Oppose policies that would divert revenues generated by locally-approved sales taxes to programs and projects that are not included in the sales tax ordinance;
- b) Support removing barriers to the release of transportation funding, including allowing local agencies to advance projects with local funds in order to limit lengthy amendment processes that delay project delivery;

## **Draft Revisions to Orange County Transportation Authority 2021-22 Federal Legislative Platform**

- c) Support expansion, streamlining, and further development of innovative project finance methods, including the Transportation Infrastructure Finance and Innovation Act loan program;
- d) Support fiscally-sound proposals to adequately addresses the HTF's structural deficit, including initiatives to address the impact of low- and zero-emission vehicles on transportation funding;
- e) Support the equitable collection and distribution of sales tax revenue from out-of-state, online retailers (*South Dakota v. Wayfair, Inc.*);
- f) Support tax policies that reduce costs or provide additional flexibility in OCTA's financial and operational activities;
- g) Support policies that expedite the delivery of transportation improvements or the development of business opportunities in order to create jobs and economic activity in Southern California.

### **V. RAIL PROGRAMS**

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

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

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

## **Draft Revisions to Orange County Transportation Authority 2021-22 Federal Legislative Platform**

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

### **VI. GOODS MOVEMENT**

The twin Ports of Los Angeles and Long Beach are considered “America’s Gateway” and the nation’s busiest ports. The maintenance and improvement of our region’s goods movement infrastructure must continue to be a national priority if our region is to remain competitive with the rest of the world and responsive to the consumer needs of Southern California. The need for the Southern California region to remain competitive is further underscored by the expansion and modernization efforts of foreign competitors. Even though the FAST Act provided dedicated funding for goods movement projects and programs, revenue streams remain insufficient to fund the projects needed to offset the costs of moving these goods considering the many years of underinvestment. OCTA’s advocacy efforts regarding goods movement will continue to emphasize the following:

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

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



## **Draft Revisions to Orange County Transportation Authority 2021-22 Federal Legislative Platform**

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

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

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

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

- a) Seek opportunities to expedite and improve the efficiency of the environmental process without impairing substantive environmental requirements;
- b) Seek funding to meet state and local environmental quality requirements, including requirements for zero-emission buses, alternative fueling stations, and future greenhouse gas reduction requirements;
- c) Support the continuation and expansion of tax incentives for using compressed natural gas, hydrogen, and other zero-emission transit fuels;
- d) Monitor proposals to address the environmental impacts of greenhouse gases to ensure that any new environmental requirements are accompanied by additional funding necessary to implement those requirements;

**Draft Revisions to Orange County Transportation Authority 2021-22  
Federal Legislative Platform**

- e) Support expedited review for project development, right-of-way acquisition, and construction activities;
- f) Ensure adequate flexibility in the application of resiliency, natural infrastructure, or other climate-related policies to the delivery of mobility improvements, as opposed to mandates that would constrain transportation resources;
- g) Monitor policies regarding zero-emission transit fuels to ensure they remain technology neutral.

**IX. REGULATORY REQUIREMENTS**

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

- a) Oppose regulatory efforts to extend the statutory requirements of the Americans with Disabilities Act;
- b) Support expedited and improved federal reporting and monitoring requirements to ensure efficiency and usefulness of data while also eliminating redundant state and federal requirements;
- c) Oppose regulatory proposals that unreasonably subject OCTA to burdensome bureaucratic requirements or increase operational costs, making it harder to deliver projects and improve mobility in Orange County;
- d) Oppose policies adversely affecting the agency's ability to effectively address labor relations, employee rights, benefits, and working conditions, such as health, safety, and ergonomic standards;
- e) Oppose policies that limit state or local pension benefit reforms.

**Draft Revisions to Orange County Transportation Authority 2021-22  
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**Key Policy Issues in the 117<sup>th</sup> Congress**

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

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

**Draft Revisions to Orange County Transportation Authority 2021-22  
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- g) Advocate for full funding of transportation programs without placing new limitations or conditions on the distribution of funds that would impede the delivery of infrastructure projects;
- h) Ensure that funding for any new infrastructure initiatives does not replace or adversely affect existing transportation programs;
- i) Ensure that Highway Trust Fund (HTF) revenues continue to be used for transit expenditures;
- j) Ensure that air quality determinations and policies do not constrain funding availability or otherwise undermine OCTA's ability to deliver transportation improvements;
- k) Support policies that encourage ridesharing, teleworking, vanpool and related congestion relief programs for Orange County commuters;
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## **Draft Revisions to Orange County Transportation Authority 2021-22 Federal Legislative Platform**

- c) Support funding for the Capital Investment Grants program to allow for an expansion of bus and rail transit projects;
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- f) Support funding for regional and intercity passenger rail corridors in California;
- g) Support funding ~~for the Southern California Regional Training Consortium to develop bus maintenance training information for the transit agencies throughout Southern California.~~

### **II. REAUTHORIZATION PRIORITIES**

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**Draft Revisions to Orange County Transportation Authority 2021-22  
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- f) Oppose unfunded federal mandates that further stretch the resources of state and local transportation agencies;
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## **Draft Revisions to Orange County Transportation Authority 2021-22 Federal Legislative Platform**

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## **Draft Revisions to Orange County Transportation Authority 2021-22 Federal Legislative Platform**

- a) Oppose policies that would divert revenues generated by locally-approved sales taxes to programs and projects that are not included in the sales tax ordinance;
- b) Support removing barriers to the release of transportation funding, including allowing local agencies to advance projects with local funds in order to limit lengthy amendment processes that delay project delivery;
- c) Support expansion, streamlining, and further development of innovative project finance methods, including the Transportation Infrastructure Finance and Innovation Act loan program;
- d) Support fiscally-sound proposals to adequately addresses the HTF's structural deficit, including initiatives to address the impact of low- and zero-emission vehicles on transportation funding;
- e) Support the equitable collection and distribution of sales tax revenue from out-of-state, online retailers (*South Dakota v. Wayfair, Inc.*);
- f) Support tax policies that reduce costs or provide additional flexibility in OCTA's financial and operational activities;
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### **V. RAIL PROGRAMS**

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## **Draft Revisions to Orange County Transportation Authority 2021-22 Federal Legislative Platform**

California. OCTA continues to serve in this capacity, providing all necessary administrative support to the LOSSAN Agency.

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

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

### **VI. GOODS MOVEMENT**

The twin Ports of Los Angeles and Long Beach are considered “America’s Gateway” and the nation’s busiest ports. The maintenance and improvement of our region’s goods movement infrastructure must continue to be a national priority if our region is to remain competitive with the rest of the world and responsive to the consumer needs of Southern California. The need for the Southern California region to remain competitive is further underscored by the expansion and modernization efforts of foreign competitors. Even though the FAST Act provided dedicated funding for goods movement projects and programs, revenue streams remain insufficient to fund the projects needed to offset the costs of moving these goods considering the many years of underinvestment. OCTA’s advocacy efforts regarding goods movement will continue to emphasize the following:

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

**Draft Revisions to Orange County Transportation Authority 2021-22  
Federal Legislative Platform**

- d) Support regionally-significant grade separation projects that improve the flow of goods and people throughout Southern California;
- e) Support local control of goods movement infrastructure and freight mobility projects.

**VII. TRANSPORTATION SECURITY AND EMERGENCY PREPAREDNESS**

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

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

**VIII. ENVIRONMENTAL AND ENERGY ISSUES**

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

- a) Seek opportunities to expedite and improve the efficiency of the environmental process without impairing substantive environmental requirements;

**Draft Revisions to Orange County Transportation Authority 2021-22  
Federal Legislative Platform**

- b) Seek funding to meet state and local environmental quality requirements, including requirements for zero-emission buses, alternative fueling stations, and future greenhouse gas reduction requirements;
- c) Support the continuation and expansion of tax incentives for using compressed natural gas, hydrogen, and other zero-emission transit fuels;
- d) Monitor proposals to address the environmental impacts of greenhouse gases to ensure that any new environmental requirements are accompanied by additional funding necessary to implement those requirements;
- e) Support expedited review for project development, right-of-way acquisition, and construction activities;
- f) Ensure adequate flexibility in the application of resiliency, natural infrastructure, or other climate-related policies to the delivery of mobility improvements, as opposed to mandates that would constrain transportation resources;
- g) *Monitor policies regarding zero-emission transit fuels to ensure they remain technology neutral.*

**IX. REGULATORY REQUIREMENTS**

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

- a) Oppose regulatory efforts to extend the statutory requirements of the Americans with Disabilities Act;
- b) Support expedited and improved federal reporting and monitoring requirements to ensure efficiency and usefulness of data while also eliminating redundant state and federal requirements;
- c) Oppose regulatory proposals that unreasonably subject OCTA to burdensome bureaucratic requirements or increase operational costs, making it harder to deliver projects and improve mobility in Orange County.
- d) Oppose policies adversely affecting the agency's ability to effectively address labor relations, employee rights, benefits, and working conditions, such as health, safety, and ergonomic standards;
- e) Oppose policies that limit state or local pension benefit reforms.



**October 21, 2021**

**To:** Legislative and Communications Committee

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

**Subject:** Federal Legislative Status Report

### **Overview**

The Orange County Transportation Authority regularly updates the Legislative and Communications Committee on policy issues directly impacting the agency's programs, projects, and operations. An overview on the federal transportation funding picture is provided, specifically the short-term funding extensions necessitated by the protracted negotiations on the Senate-passed infrastructure legislation that also reauthorizes federal surface transportation programs for the next five years. The staff report outlines the next steps in the development of a long-term transportation bill and the impact of the statutory debt limit on the increasingly complicated federal transportation funding landscape.

### **Recommendation**

Receive and file as an information item.

### **Discussion**

#### **Federal Funding Extensions**

On September 30, 2021, the President signed a short-term continuing resolution to fund government operations through December 3, 2021. The nine-week stopgap funding bill passed the Senate by a vote of 65 to 35 and the House by a vote of 254 to 175. Congress is expected to continue negotiations on a yearlong appropriations package to fund a majority of government programs in the coming weeks, although negotiations on the appropriations bills have been put on the backburner as Congress and the Administration focus on working out the details of an infrastructure package.

Unfortunately, Congress has been unable to pass the Senate-passed Infrastructure Investment and Jobs Act (IIJA), the bipartisan infrastructure

package with funding increases for traditional transportation programs. As detailed last month, September 16, to the Orange County Transportation Authority Legislative and Communications (L&C) Committee, the House majority was sharply divided on how to proceed on the IIJA. While the components of the IIJA are themselves not overly controversial, there has been, and continues to be, significant controversy on how to combine the IIJA with the rest of the President's infrastructure proposal via a procedural tool known as reconciliation, which allows for expedited consideration of legislation in the Senate.

Some members in the House want to vote on the IIJA after first voting on the House-drafted reconciliation bills that contain the other portions of the President's infrastructure proposal, most notably spending on social programs. The House reconciliation bills envision \$3.5 trillion in total spending. In addition to the IIJA spending, the House bills would provide an additional \$10 billion for high-speed rail projects, \$10 billion to support affordable housing and linked transit improvements, \$4 billion in supplemental funding for transportation-related projects that reduce greenhouse gas emissions and \$6 billion in local transportation priority projects. Meanwhile, certain members of the Senate indicated that they want to limit reconciliation bills to \$1.5 trillion, important since the rules of reconciliation are much more determinative on the outcome of the legislative process in the Senate. An agreement on the overall size of the infrastructure package has thus far remained elusive, especially with incredibly small majorities in both chambers. While there is some additional transportation-related spending in the House reconciliation bills, the consternation means that the reconciliation package is far from settled, and according to reports, there does not appear to be an appetite in the Senate to include spending that would duplicate the programs and initiatives within the IIJA.

This controversy is particularly noteworthy because it also resulted in a short lapse of Highway Trust Fund (HTF) spending authority. The extension of the Fixing America's Surface Transportation Act, which funded HTF expenditures, was through midnight on September 30, 2021. In the hours leading up to this deadline, House and Senate leaders focused on passing the IIJA, which would have reauthorized HTF-funded programs for five years, rather than preparing a short-term extension of the HTF.

This attempt to create urgency ultimately failed, as the IIJA still has yet to be considered on the House floor. Since a HTF extension was not passed before September 30, 2021, HTF spending authority lapsed for the first time since 2010. A lapse in HTF authority has much more serious consequences for transportation programs, and is much rarer, than partial government shutdowns caused by a lapse in appropriations. Obligations and reimbursements for HTF-funded programs, which make up a majority of federal transportation spending, cease, and approximately 3,500 transportation employees are furloughed until HTF expenditures are authorized. Some programs, notably the

Capital Investment Grants program, are not affected by a lapse in HTF spending authority. However, most federal transportation funding programs were put on hold until an extension was passed.

Fortunately, the impacts of the HTF lapse were reportedly negligible because an extension was passed in short order. On October 1, 2021, the House passed a 30-day extension of surface transportation programs, and the next day, the Senate passed the HTF extension by unanimous consent. The President signed the extension later that day, ending the roughly two-day lapse in HTF spending authority.

#### Next Steps on Transportation Funding

While the short-term extension mitigates any transportation funding impacts, the path forward was still incredibly uncertain at the writing of this staff report. Amid the negotiations, the President addressed the House majority, indicating his desire to delay passage of the IIJA until there was an agreement on the broader reconciliation package. News reports indicated that the President supports a compromise on a reconciliation package, somewhere around \$2 trillion. The President's announcement removed the urgency to pass the IIJA, facilitating the short-term HTF extension. Unfortunately, this maneuvering creates additional uncertainty for the passage of the IIJA, which would reauthorize surface transportation programs with sizable increases for federal transportation programs.

The short-term HTF extension is not the only time constraint complicating an already complex situation. As detailed at the September L&C Committee meeting, the statutory debt ceiling expired on July 31, 2021. The Treasury Department can take so-called extraordinary measures to avoid incurring any new debts. With these extraordinary measures expected to run out on October 17, 2021, Congressional leaders announced a tentative agreement to extend the debt ceiling for two months, giving negotiators more time to reach a broader deal on full-year appropriations bills, the IIJA, reconciliation bills, and longer-term action on the debt ceiling. Also as of the writing of this staff report, there was not legislative text on the reconciliation bills or a solution for the debt ceiling in the queue, preventing the IIJA from moving forward. Staff are monitoring the situation and will provide a more detailed verbal update for the L&C Committee on any developments that take place during this month.

#### Transportation and Infrastructure Committee Hearing

On September 30, 2021, the House Transportation and Infrastructure Committee held a hearing entitled, "Assessing the Federal Government's COVID-19 Relief and Response Efforts and its Impact – Part II." Held amidst the infrastructure package negotiations detailed above, the hearing allowed

transportation leaders from both sides of the aisle to argue for their preferred approach to the IIJA and reconciliation dilemma. A majority of the hearing was spent discussing the impact of additional spending on the national debt, including the economic consequences of the House-proposed reconciliation package. Those in the minority criticized the size of the reconciliation package as gratuitous spending, especially since Congress already provided so much stimulus funding in recent months. Paul Skoutelas, Chief Executive Officer of the American Public Transportation Association, testified about the importance of the funding Congress passed last year to help support transit operations while also voicing his support for additional funding for transit capital programs, like that contained in the IIJA and reconciliation bills. An economist testified that most of the spending that Congress enacted in the middle of the pandemic had a positive effect on the economy. The economist went on to say that additional spending can have economic benefits, but too much spending could result in budget deficits that could weigh down post-pandemic economic growth.

**Summary**

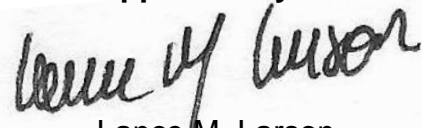
An update is provided on the Senate's infrastructure bill and the next steps in the complex federal transportation funding picture.

**Attachment**

A. Potomac Partners DC, Monthly Legislative Report – September 2021

**Prepared by:**

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**Approved by:**

Lance M. Larson  
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## Monthly Legislative Report – September 2021

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### September Advocacy Meetings

**Chairman Peter DeFazio (D-OR)** – We met with Congressman DeFazio, Chairman of the House Transportation and Infrastructure Committee, to discuss the prospects for the Infrastructure Investment and Jobs Act (IIJA) in the House. We specifically discussed the outlook for passing the IIJA before the House budget reconciliation package is finalized and potential changes to the House T&I's portion of the budget reconciliation bill.

**Ranking Member Sam Graves (R-MO)** – We met with Congressman Graves, Ranking Member of the House Transportation and Infrastructure Committee, and his senior committee staff the second week of September to discuss both the IIJA and the House T&I Reconciliation input and the outlook for a deal before the end of the fiscal year. We discussed support for the OCTA's infrastructure priorities, as well as the likelihood of an extension of the surface transportation authorizations in the FAST Act should that be necessary.

**Congressman Garret Graves (R-LA)** – We met with Congressman Garret Graves, another senior T&I Member, this month to discuss the infrastructure package in the House. We discussed the outlook for the bill's passage, and the possibility of a surface reauthorization extension. We discussed possible opportunities to provide input in the budget reconciliation process and the outlook for a final reconciliation passage in the House.

**Congressman Lou Correa (D-CA)** – We met with Congressman Correa and his staff multiple times this month to discuss FY22 appropriations, Surface Transportation Reauthorization, and the budget reconciliation process.

**Office of Congressman Alan Lowenthal (D-CA)** – We met with Congressman Lowenthal's senior staff to discuss House negotiations on the House budget reconciliation bill and the outlook on potential passage of the IIJA, as well as a possible extension of the FAST Act.

**Office of Congressman Mike Levin (D-CA)** – We have been in contact with Congressman Levin's office to discuss FY22 appropriations, the infrastructure package, and the budget reconciliation process. We discussed opportunities to provide input into the budget reconciliation process.

**Office of Congresswoman Linda Sanchez (D-CA)** – We met with Congresswoman Sanchez's legislative assistant to discuss FY22 appropriations and the budget reconciliation process in the House. We discussed the timeline for a final package, and how the negotiations with the Senate will be conducted. We also discussed support for tax provisions in the House Ways and Means' budget reconciliation draft that would extend the Alternative Fuel Tax Credit (AFTC) and reinstate of the tax-exempt status of the advanced refunding of bonds.



**Congressman Pete Aguilar (D-CA)** – We met with Congressman Aguilar and his senior staff to discuss FY22 appropriations and the process for negotiations during conference with regards to Members’ project requests. We also discussed the budget reconciliation process and the inclusions of funding for “local transportation projects” in a final bill that could be negotiated with the Senate.

**Office of Congresswoman Young Kim (R-CA)** – We met with Congresswoman Kim’s senior staff to discuss the FY22 appropriations process and the likelihood of GOP support for the IIJA in the House.

**Senator Dianne Feinstein (D-CA)** – We met with Senator Feinstein’s office to discuss the timeline for FY22 appropriations in the Senate, and the need to increase funding for transit providers. We also discussed the budget reconciliation process in the Senate, and the outlook for a final deal.

**Senator Alex Padilla (D-CA)** – We have been in contact with Senator Padilla’s senior transportation staff to discuss the budget reconciliation process and FY22 appropriations. We discussed the outlook for the budget reconciliation process in the Senate, ongoing negotiations in the Democratic caucus.

**Senate Appropriations Committee** – We met with the Majority and Minority clerks for the Senate Appropriations Committee this month to discuss the timeline for the Senate’s bills, which are now expected to move through committee without subcommittee markups. We also discussed the process for considering House and Senate earmarks during conference negotiations.

### **FY22 Appropriations & Budget Reconciliation**

On the last day of the fiscal year, September 30<sup>th</sup>, Congress passed a Continuing Resolution (CR) to fund the federal government. The CR ([H.R. 5305](#)) extends funding at existing levels through December 3<sup>rd</sup>, while also providing nearly \$35 billion in supplemental and emergency spending.

- The text of the bill (H.R. 5305) is [here](#).
- A summary of the bill is [here](#).
- A one-page fact sheet on the bill is [here](#).

As a recap, none of the 12 annual appropriations bills for FY22 have been signed into law. Thus far, the House has passed 9 of their 12 appropriations bills on the floor. The Senate has yet to pass any of their FY22 spending bills on the floor. In our conversations with Senate Appropriators and senior committee staff this week, we were told not to expect subcommittee markups on many (if any) Senate appropriations bills as they work to expedite the process and quickly bring a single package (or packages) of the 12 bills to the Senate floor for full consideration.

The enacted CR did not include an extension of the current surface transportation authorization (FAST Act), which briefly lapsed after the House failed to act on the Infrastructure Investment and Jobs Act (IIJA). A separate 30-day extension was enacted on October 2<sup>nd</sup> and can be found [here](#). This extension will expire on October 31<sup>st</sup>. Before October 31<sup>st</sup> House Democrats hope to pass IIJA and have a deal with the Senate to enact a budget reconciliation bill. At the time of this report, both the White House and House Democratic leadership have indicated that to pass IIJA a final budget reconciliation bill needs to be agreed to.

The \$3.5 trillion budget reconciliation package continues to face hurdles in Congress as Democratic Senators Manchin (D-WV) and Sinema (D-AZ) continue to oppose the package as proposed in the House. At the time of this report, negotiations are ongoing in the House and Senate and topline spending amounts may soon change as leaders work to secure support from both moderates and progressives.

Additionally, US Treasury Secretary Janet Yellen has issued a warning to Congress that a debt limit crisis is expected to occur by mid-October if no action is taken on the debt ceiling. The House-passed CR originally included a suspension of the debt ceiling through December 16<sup>th</sup>, 2022. Senate Minority Leader Mitch McConnell (R-KY) and 45 Senate Republicans opposed suspending the debt limit. As a result, the debt limit suspension was removed prior to Senate passage to secure the necessary votes to pass the CR and avoid a government shutdown on October 1<sup>st</sup>. House Democrats are considering a number of options to the debt ceiling issue to include transferring the authority of raising the debt ceiling from Congress to the Secretary of Treasury. The Debt Ceiling Reform Act introduced at the end of September by Rep. John Yarmuth (D-KY), chairman of the House Budget Committee, and Rep. Brendan Boyle (D-PA), the panel's vice chair, would eliminate the debt limit as we now know it and transfer the duty of raising the debt limit from Congress to the Secretary of the Treasury. This legislation has little chance of passing the Senate.

### **House T&I Hearing on COVID-19 and Transit**

On September 30<sup>th</sup>, the House Transportation & Infrastructure Committee held a hearing entitled "*Assessing the Federal Government's COVID-19 Relief and Response Efforts and its Impact – Part II*". The purpose of the hearing was to examine testimony from industry groups and economists on the impacts of COVID-19 on the transportation sector, and the best paths forward. The economics of transportation investments was questioned by witness Michael Boskin, a professor of economics at Stanford University, who said that every \$1.00 invested in infrastructure only yielded a \$0.60 return. This statement received some attention from Chairman DeFazio, citing a S&P report that estimated a \$2.70 return for every dollar invested in infrastructure. A main topic for Republicans was the rate at which stimulus funding is being spent, and how it is being spent. While some Republicans were critical of the stimulus investments, a more common theme was a desire to see that transportation agencies are using their funding wisely. A full list of witnesses, their written testimony, and a video of the hearing can be found [here](#).

## **Senate Considers Senior DOT Nominees**

On September 22<sup>nd</sup>, the Senate Commerce, Science, and Transportation Committee met to consider the nominations of the following DOT appointees:

- Victoria Marie Baecher Wassmer, to be Chief Financial Officer, DOT
- Mohsin Raza Syed, to be Assistant Secretary of Government Affairs, DOT
- Amitabha Bose, to be Administrator of the Federal Railroad Administration, DOT
- Meera Joshi, to be Administrator of the Federal Motor Carrier Safety Administration

Many of the senior roles at the Department of Transportation are still unfilled or are being led by “Acting” administrators who lack the necessary authority to make lasting decisions at the department. The last official to be confirmed for a senior DOT position was Carlos Monje Jr., who was confirmed in June to be the Under Secretary of Transportation Policy.

## **Federal Grant Opportunities**

### **Federal Transit Administration**

#### ***-FY 2021 Grants for Buses and Bus Facilities Program-***

The Grants for Buses and Bus Facilities Program provides federal funding assistance to projects to replace, rehabilitate, purchase, or lease buses and related equipment and to rehabilitate, purchase, construct or lease bus facilities. Applications can include both vehicle and facility components, in addition to workforce development activities and the procurement of associated equipment. Funding recipients will be allowed to use up to 0.5 percent of funds for workforce development activities and 0.5 percent of funds for costs associated with training at the National Transit Institute. The Federal Transit Administration (FTA) will consider how projects will address significant repair and maintenance needs and improve the safety and efficiency of public transit systems. Additionally, the FTA may prioritize projects that support the strategic goals and initiatives of USDOT and FTA, including making investments in modern infrastructure and an equitable clean energy future, and advancing environmental stewardship and community partnerships.

**Eligible Entities:** Entities that allocate funds to fixed route bus operators, states, local governmental authorities that operate fixed route bus service, and Indian tribes.

**Program Funding:** \$409.59 million

**Application Deadline:** November 19<sup>th</sup>, 2021

Additional program information can be found [here](#).

#### ***-FY 2021 Route Planning Restoration Program-***

The Route Planning Restoration grant program supports route planning designed to increase ridership and reduce travel times, while also expanding the number of vehicle miles

traveled in the planning period. Funds will support activities that increase the quality of vehicles and also provide expanded services to low-income riders and those in disadvantaged communities. Applicants are encouraged to partner with local government entities, non-profits, social service organizations, and housing agencies to identify areas in need and the best solutions to increase service. Applicants must have faced reduced ridership as a result of the COVID-19 pandemic.

**Eligible Entities:** Applicants must be eligible to receive funding under the FTA's Urbanized Area Formula Grants program) and applicants must have experienced a reduced transit ridership since the start of the COVID-19 pandemic.

**Program Funding:** \$25 million with an award ceiling of \$1 million

**Application Deadline:** November 15<sup>th</sup>, 2021

Additional program information can be found [here](#).

### **Federal Railroad Administration**

#### ***-Consolidated Rail Infrastructure and Safety Improvements (CRISI) Grant Program-***

The Consolidated Rail Infrastructure and Safety Improvements ("CRISI") grant program supports the improvement of rail safety, efficiency, reliability, and intercity passenger transit capabilities. Safety projects covered under the project include those that enhance grade crossings, relocate and improve rail lines, and install advanced safety technology. Other eligible projects include those that plan and perform environmental analysis, land research, and incorporate workforce development programs. In FY 2021 USDOT will prioritize projects that address climate change and environmental justice initiatives, address emission reduction, energy efficiency, and benefit low-income communities or communities that lack affordable transportation options.

**Eligible Entities:** States, Interstate Compacts, Public Agency or chartered authority established by one or more States, State Political Subdivisions (Counties, Cities), Class II railroads, Amtrak or other rail carriers that provide Intercity railroad transportation.

**Total Program Funding Available:** \$361 million

**Application Deadline:** November 29<sup>th</sup>, 2021

Additional program information can be found [here](#).



***October 21, 2021***

**To:** Legislative and Communications Committee  
**From:** Darrell E. Johnson, Chief Executive Officer  
**Subject:** Update on Diversity Outreach and Inclusion Efforts

***Overview***

The Orange County Transportation Authority is continuing its effort to conduct comprehensive and meaningful outreach to Orange County's growing diverse communities. This report provides an update on the progress of the diversity and inclusion efforts as well as plans to meet the future needs of community members who are increasingly diverse.

***Recommendation***

Receive and file as an information item.

***Background***

The Orange County Transportation Authority's (OCTA) is continuing its effort to work with historically disenfranchised communities of color and other underrepresented community members and organizations that represent diversity in Orange County. More than a decade ago, OCTA's diversity efforts primarily centered on working closely with ethnic business groups to conduct procurement outreach at business expos, conferences, and other events. OCTA has leveraged those strong relationships with diverse business organizations over the past few years by engaging with the business community on OCTA's other transportation programs, projects, and plans. OCTA's diversity outreach and inclusion efforts have now expanded significantly to provide public involvement opportunities with Orange County's other diverse stakeholders, which include communities of color that now make up approximately 60 percent of Orange County's population. These demographics, combined with the fact that 46 percent Orange County's residents do not speak English at home, highlight the importance of effectively engaging with diverse audiences to effectively deliver on OCTA's mission.

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***Discussion***

With presentations, community meetings and celebrations, outreach events, business organization meetings, expos, and conferences severely impacted by the coronavirus (COVID-19) pandemic, OCTA's Diversity Outreach Team (Team) continues to adapt its outreach strategies to connect and engage with diverse audiences virtually and more recently, in person, consistent with guidance from local and state public health officials.

Through these continued outreach efforts, the team fosters relationships with numerous civic, social, faith, and business communities to serve an increasingly diverse population in Orange County, with Latinos or Latinx community members making up more than 34 percent of the population and Asian Americans making up 22 percent of the population. The challenges and opportunities of diversity outreach are further heightened by the fact that 46 percent of Orange County's residents do not speak English at home.

**Multilingual COVID-19 Updates**

COVID-19 has had profound impacts on Orange County's diverse communities, especially the front-line and essential workers that continued to rely on OC Bus, Metrolink, and other transit services throughout the pandemic. The Team's priority was to help ensure that essential workers and vulnerable community members, many of whom are not proficient English speakers, were provided with critical information about COVID-19 and OCTA's numerous responses and updates to the pandemic in both Spanish and Vietnamese.

Since March 2020, the Team continues to fulfill an essential role with the OCTA communications team by quickly executing virtual in-language outreach and by providing trilingual communications in English, Spanish, and Vietnamese. The fast-evolving nature of the COVID-19 pandemic demands a sense of urgency on the turnaround time in which these items are needed. The team provided in-language messaging on more than 70 different types and versions of communications pieces in English, Spanish, and Vietnamese from the OCTA website, emails, and social media, bus signs, and voice messages on buses – with continual updates necessitated by local, state, and federal public health officials.

**Diverse Community Leaders Group**

For nearly seven years, OCTA has hosted a quarterly meeting with diversity leaders representing business, community, civic, faith, education, and nonprofit organizations. The group has been helpful in sharing information with their

respective audiences and providing valuable feedback on numerous planning studies, capital construction projects, and transit marketing campaigns.

The Diverse Community Leaders Group participated in quarterly virtual meetings throughout 2020 and this year with meetings via Microsoft Teams in February, June, and September. In February 2021, staff created a meaningful and memorable virtual experience to commemorate Black History Month and the Lunar New Year that included music, historical photos, and cultural videos. Since going virtual, these meetings garnered greater participation, with more than 70 participants attending the February meeting and breaking other attendance records since then. At the September 2021 meeting, staff created a special multimedia presentation to observe Día de la Independencia, a major holiday for Mexican Americans, as well as a commemoration of Hispanic/Latinx Heritage Month from September 15 to October 15.

The quarterly discussions provide the diverse community leaders with opportunities to share their input, ask questions, and identify ways they may better connect transportation plans, projects, and programs with their respective constituencies and/or members. The Diverse Community Leaders Group continues to be a highly effective way to receive valuable comments on many transportation projects and issues. The influential group is also an efficient way to share transportation updates to diverse constituencies throughout Orange County.

#### Translations, Trans-adaptations, and Beyond

With renewed efforts to reach non-English speaking communities in Orange County, language becomes key to providing culturally appropriate materials that resonate with those communities OCTA serves. Having information in various languages is a baseline to the success of OCTA's projects and programs.

Families, businesses, and places of worship want to be informed about many important projects such as the Long-Range Transportation Plan, OC Streetcar, and the Interstate 405 (I-405) Improvement Project. There are also new OC Bus promotional discounts like the Welcome Pass and Youth Ride Free Pass that benefit families, especially transit-dependent community members. During the COVID-19 pandemic, OCTA's top priority of safety was tested as customers and stakeholders depended on OCTA's ability to convey important COVID-19 messaging. However, with 56 percent of the community's population being either Hispanic or Asian American and 46 percent residents not speaking English in their homes, the work of the Team becomes most important in helping to ensure that OCTA messages reach under-served communities.

The Team provides important in-language messaging and reviews all materials translated by other departments and consultants for accuracy and cultural competency in Spanish and Vietnamese. In February, new mask mandates constituted a need to quickly provide in-language content and review five different COVID-19 messages for the web, email blasts, and social media. The Team also worked diligently to get information in Spanish and Vietnamese for milestone projects like the I-405 Improvement Project, 405 Forward business promotions, OC Streetcar, OC Bus app, the Hazard Mitigation Plan, transit training, the Long-Range Transportation Plan, and OCTA's 30th anniversary.

The largest effort this year in terms of translations was the June service change, with the Team translating and reviewing more than 29 items for multiple platforms, including but not limited to text alerts, web landing pages, social media posts, print collateral, and email blasts. A virtual meeting via Zoom for the June service change conducted all in Vietnamese garnered more than double the attendance of the regular meeting with many Vietnamese American seniors on their first-ever Zoom meeting thanks to a grassroots community outreach effort targeting the younger generation to help their elders.

The Comeback Campaign, featuring the Welcome Pass and the Youth Ride Free Pass is underway and will carry into next year. Since its approval by the OCTA Board of Directors in August, the Team has already developed in-language messages in Spanish, Vietnamese, and other languages beyond just translating content from English. More than a dozen different materials are now paired with photos, graphics, and other visuals that further connect diverse audiences. Staff continues to share the program with many influential community leaders and organizations representing diversity via mailings, emails, and at various in-person events.

#### Trust-Building Campaign

To continue with these community outreach efforts and forge ongoing relationships with the diverse population in Orange County, OCTA is executing a program centered on cultivating trust with diverse communities, increasing awareness of OCTA beyond its transit services, and enhancing engagement among diverse community members.

Many individuals who have come to the United States from other countries live in hard-to-reach communities. Because of their backgrounds, these individuals may have limited engagement and awareness of government agencies and the public services they offer.



One of the priorities of the new campaign is to demonstrate to these communities that OCTA is a transparent and trustworthy public agency.

The program consists of leveraging existing relationships with influential members of the Spanish- and Vietnamese-speaking communities, media partners, faith-based organizations, and other stakeholders. The goal of the program is to help OCTA strengthen engagement with diverse communities and increase awareness of OCTA's projects and plans with Spanish- and Vietnamese-language speakers, the two largest non-English language populations in Orange County. The Team is working to plan, implement, and evaluate a multicultural and diversity strategy to engage with these communities as part of an effort to build trust and increase general awareness of OCTA. Key elements of the trust-building campaign include virtual/hybrid and in-person community events, public relations, grassroots efforts, advertisements in ethnic media, culturally relevant information, and an ambassador program of influential Vietnamese and Spanish speakers.

### ***Summary***

Staff continues outreach efforts to build upon existing relationships of trust cultivated prior to COVID-19 with numerous diverse organizations throughout Orange County. Because of the importance of OCTA's leading role in planning, funding, administering, and delivering transportation projects and programs, it is increasingly important to create new opportunities for meaningful two-way dialogue with historically disenfranchised and underrepresented diverse community members. As Orange County grows even more diverse in the coming years, building upon that solid foundation of trust will ensure a more engaged public to help steer Orange County toward a brighter transportation future.

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***Attachment***

None.

**Prepared by:**

A handwritten signature in blue ink, appearing to read "Ted P. Nguyen", with a long horizontal flourish extending to the right.

Ted P. Nguyen  
Senior Section Manager,  
Diversity Outreach and Inclusion  
(714) 560-5334

**Approved by:**

A handwritten signature in blue ink, appearing to read "Maggie McJilton", with a stylized, cursive script.

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

# UPDATE ON DIVERSITY OUTREACH & INCLUSION EFFORTS

DIVERSITY  
OUTREACH & INCLUSION







# WHY DIVERSITY OUTREACH?



**IT'S ABOUT THE NUMBERS**





# GROWING DIVERSITY in ORANGE COUNTY



**TOTAL POPULATION**

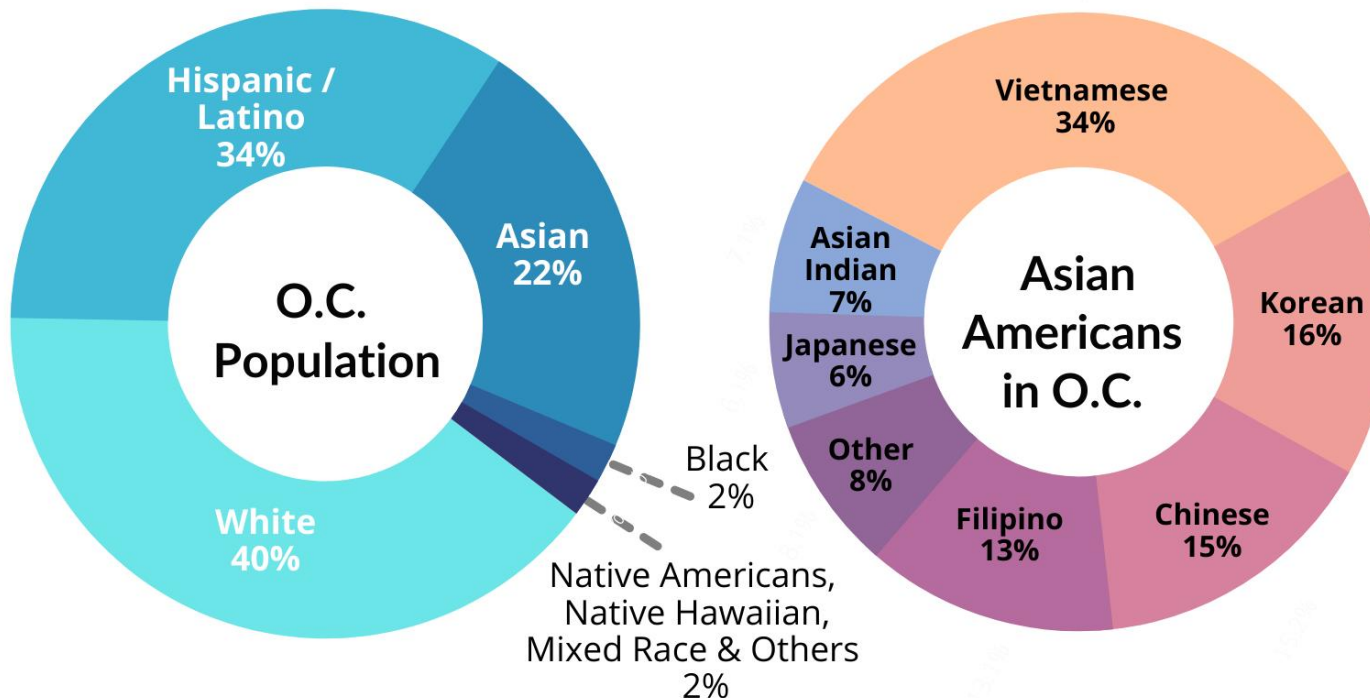
3,186,980

Latino Population

1,111,500

Asian Population

666,900



**Infographic:** OCTA Diversity Outreach & Inclusion

**Source:** U.S. Census Bureau

O.C. has the 6th largest Latinx population in the U.S. with a purchasing power of \$1.7 trillion in 2020.

Asian Americans are the fastest growing population in O.C. with Vietnamese Americans making up the largest Asian group.

## TOP FOREIGN LANGUAGES SPOKEN IN O.C.

**No. 1 Spanish** with 743,568 speakers

**No. 2 Vietnamese** with 93,206 speakers

## LANGUAGES SPOKEN AT HOME IN O.C.

Asian Americans

Latinos

Non-English

77%

Spanish

75%

English

23%

English

25%



46%

DO NOT SPEAK ENGLISH AT HOME



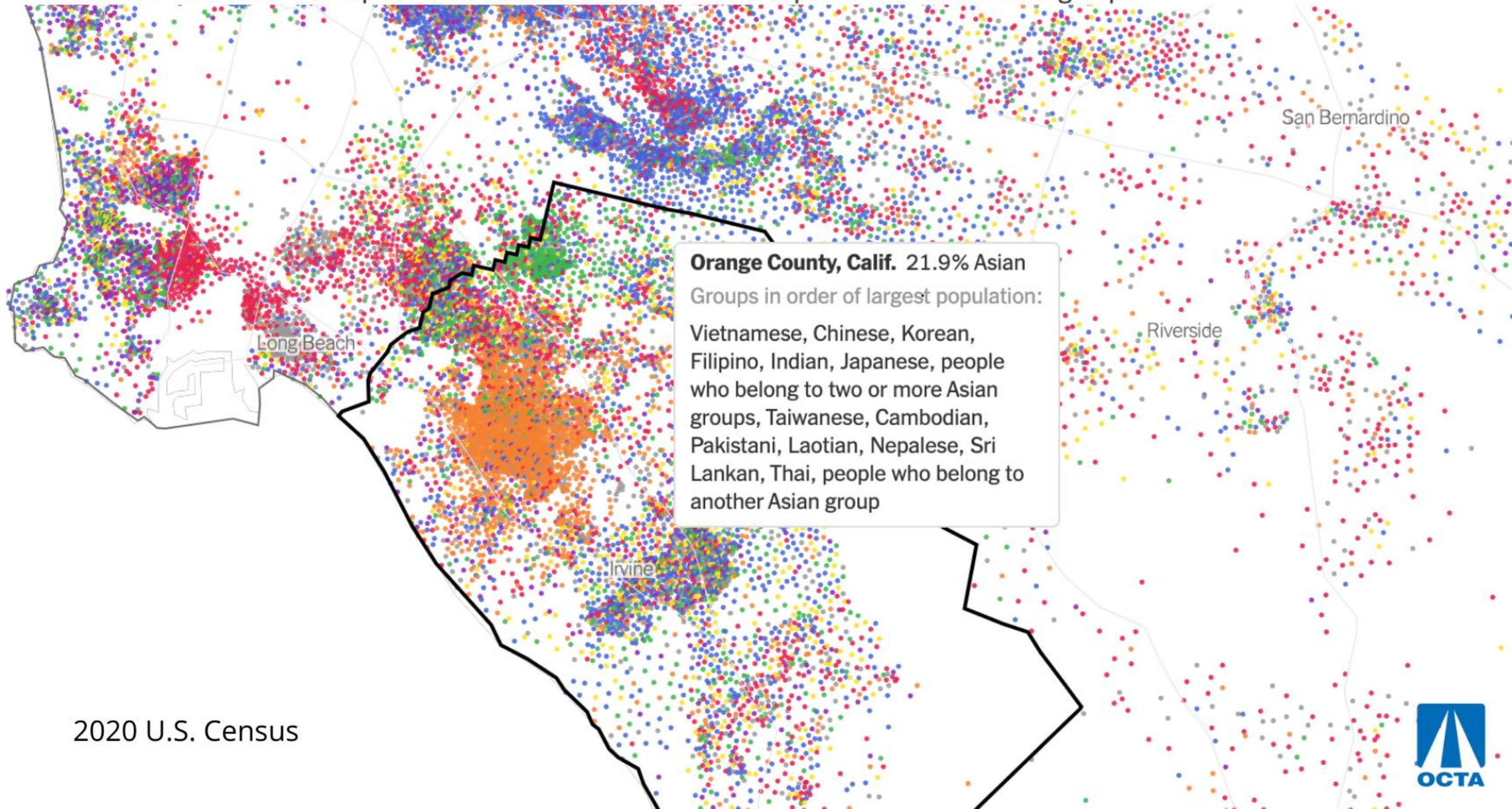
RELIANCE ON ETHNIC MEDIA



## Where people of Asian descent live in the U.S.

□ Counties that are more than 5% Asian. Each dot represents 100 people.

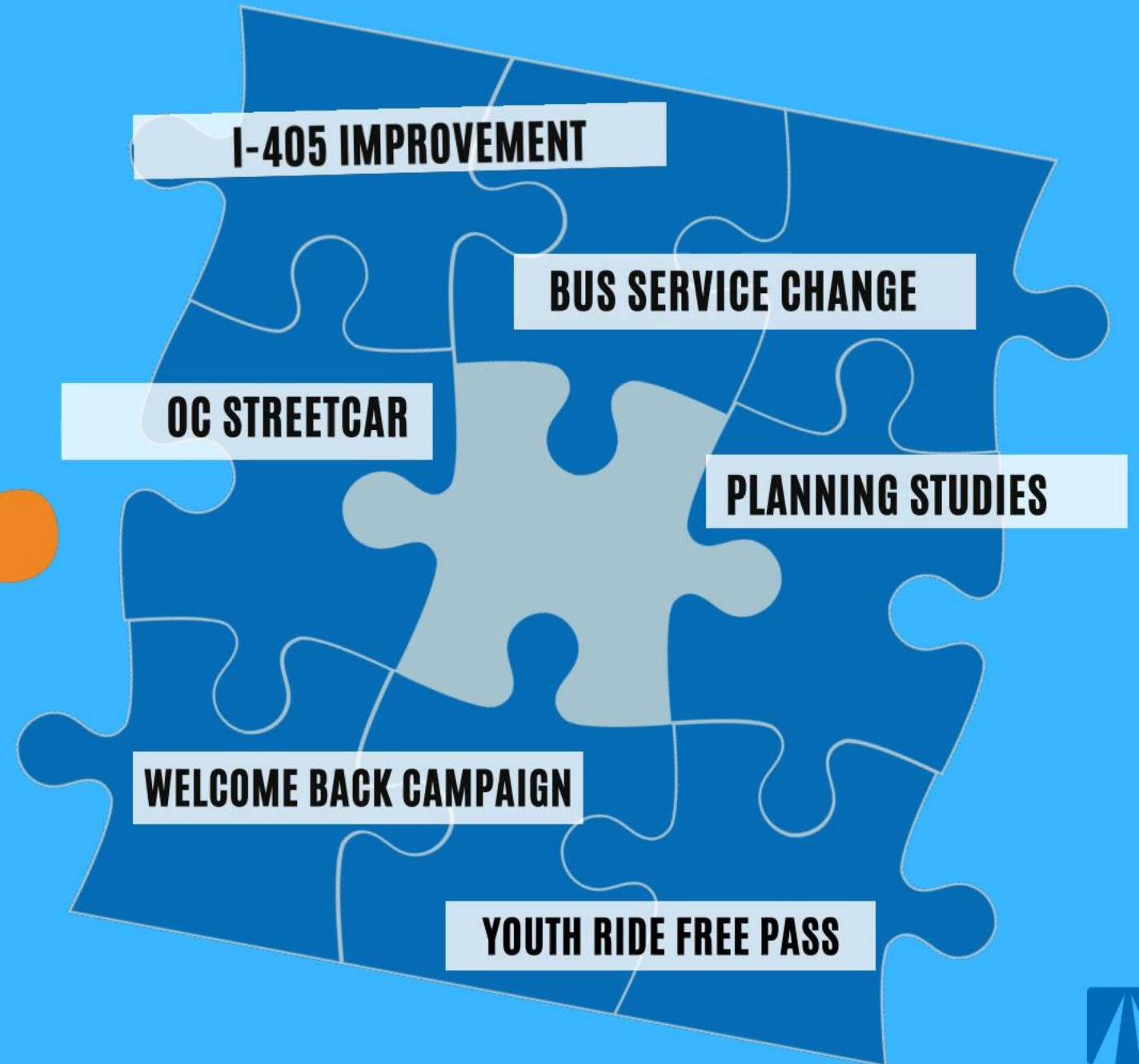
● Chinese ● Indian ● Filipino ● Vietnamese ● Korean ● Japanese ● Other Asian groups



2020 U.S. Census



# OCTA PROJECTS & PROGRAMS







**CAPITAL PROJECTS**

**PLANNING STUDIES**

**DIVERSITY OUTREACH**

**OC BUS**

**CONSTRUCTION PROJECTS**

**OTHER TRANSIT PROJECTS**



# OUR GOAL

INITIATE A  
**TRUST-BUILDING PROGRAM**  
WITH ORANGE COUNTY'S HARD-TO-REACH  
**SPANISH & VIETNAMESE**  
**SPEAKERS**  
SO THEY  
**FEEL CONNECTED**  
WITH OCTA



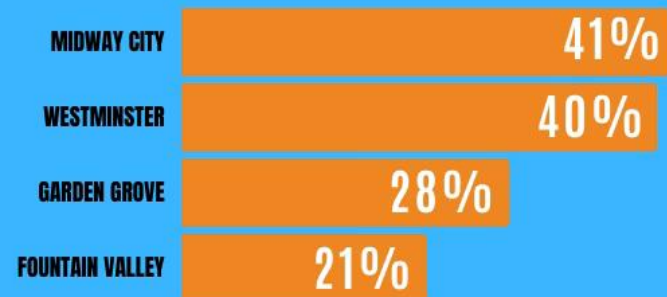


# WHERE DO THEY LIVE?

## TOP 8 O.C. AREAS WITH LATINO/LATINX



## TOP 4 O.C. AREAS WITH VIETNAMESE



SOURCE: U.S. CENSUS

# CAMPAIGN THEME



**TOGETHER, WE'LL GO FAR!**



# CAMPAIGN THEME

**TOGETHER, WE'LL GO FAR!**



***¡CONTIGO  
A DONDE SEA!***





TOGETHER, WE'LL GO FAR!



ĐOÀN KẾT,  
CHÚNG TA  
CÙNG TIẾN XA



# OVERVIEW OF DELIVERABLES



VIRTUAL/HYBRID  
AND IN-PERSON  
EVENTS



PR/GRASSROOTS  
EFFORTS



ADVERTISEMENT



COLLATERAL  
MATERIAL WITH  
CULTURAL  
RELEVANCY



AMBASSADOR  
PROGRAM



# COMMUNITY EVENTS







# Fiestas Patrias



## MEXICAN CONSULATE

SATURDAY, SEPT. 18, 2021

**150 100**

BOOTH VISITORS

BROCHURES  
DISTRIBUTED

### INFORMATION SHARED

- Youth Ride Free Pass
- Welcome Pass
- Long-Range Transportation Plan



# Anaheim Community Services Neighborhood Community Fair



## Anaheim

TUESDAY, SEPT. 28, 2021

**20 20**

BOOTH VISITORS

BROCHURES  
DISTRIBUTED

### INFORMATION SHARED

- Youth Ride Free Pass
- Welcome Pass





# Garden Grove Community Foundation



## Garden Grove Park

THURSDAY, AUG. 5, 2021

**2,000**

IN AUDIENCE

DURING OCTA  
ANNOUNCEMENT

**400**

BROCHURES  
DISTRIBUTED

### INFORMATION SHARED

- Youth Ride Free Pass
- Welcome Pass
- Long-Range Transportation Plan
- I-405 Improvement Project



# Tết Trung Thu 2021 OCBUS



## Moon Festival

Mile Square Park

SUNDAY, SEPT. 19, 2021

**160**

BOOTH VISITORS

**400**

IN AUDIENCE  
DURING OCTA  
ANNOUNCEMENT

### INFORMATION SHARED

- Youth Ride Free Pass
- Welcome Pass
- Long-Range Transportation Plan
- I-405 Improvement Project

## Moon Lantern Festival

Asian Garden Mall

SATURDAY, SEPT. 11, 2021

**225**

BOOTH VISITORS

**350**

IN AUDIENCE  
DURING OCTA  
ANNOUNCEMENT





# PARTNERSHIPS WITH O.C. ORGANIZATIONS







# AMBASSADOR PROGRAM



**CATHERINE GARCÉS**



**GUADALUPE OCHOA**



**MIGUEL GONZALEZ  
+ FAMILY**

# AMBASSADOR PROGRAM



**DR. QUYNH KIEU**

**LA  
Times**

As COVID-19 wreaks havoc in Vietnam, Orange County nonprofits provide needed support



**DR. BICH-LIEN NGUYEN**





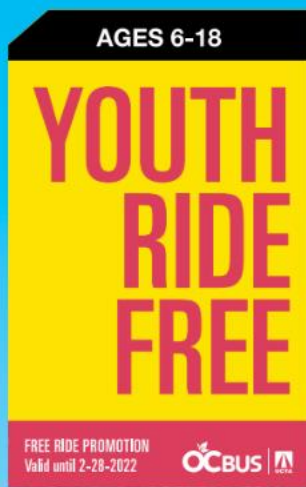
# AMBASSADOR PROGRAM



JUSTIN NGUYEN



## INTRODUCING THE YOUTH RIDE FREE PASS



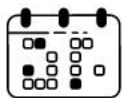
Beginning September 2021 through February 2022, youth 18 and under will be allowed to ride OC Bus for free with the Youth Ride Free pass. Parental permission is required. For more information on getting your Youth Ride Free pass, visit [OCbus.com/YouthRideFree](https://ocbus.com/YouthRideFree)

### Presentación del pase Youth Ride Free

A partir de septiembre del 2021 y hasta febrero del 2022, los jóvenes menores de 18 años podrán viajar gratis en OC Bus usando el pase Youth Ride Free. Se requiere el permiso de los padres. Para más información sobre cómo obtener el pase Youth Ride Free, visite [OCbus.com/YouthRideFree](https://ocbus.com/YouthRideFree)

### Giới Thiệu Vé Youth Ride Free (Đi Lại Miễn Phí Cho Thanh Thiếu Niên)

Bắt đầu từ tháng 9 năm 2021 đến tháng 2 năm 2022, thanh thiếu niên từ 18 trở xuống sẽ được phép đi lại trên OC Bus miễn phí với vé Youth Ride Free. Phải có sự cho phép của phụ huynh. Để biết thêm tin tức về cách nhận vé Youth Ride Free, vui lòng vào trang [OCbus.com/YouthRideFree](https://ocbus.com/YouthRideFree)



EDITORIAL CALENDAR



SOCIAL MEDIA POSTS



SHORT VIDEOS



QR CODE

## Tham gia họp trực tuyến ZOOM



Thứ Tư  
Ngày 10 Tháng 3  
Lúc 3 giờ chiều



ID họp: 969 1321 5973

← Medical & Dental Clinic  
→ Donations & Receiving  
Social Services  
Food Pantry





# KEEPING THE COMMUNITY INFORMED WITH VISUALS

## ¡JUNTOS! PODEMOS VIAJAR SEGUROS!

OCTA está trabajando todos los días para mantener a nuestros pasajeros y empleados seguros contra COVID-19, pero es podernos solos. Al compartir la responsabilidad de proteger la salud y seguridad, y siguiendo estos cuatro compromisos, juntos podemos protegernos uno al otro al viajar en OC Bus.

**ESTAMOS COMPROMETIDOS A TRÁNSITO SEGURO**

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

OCTA đang làm việc mỗi ngày để giữ hành khách và nhân viên an toàn trước dịch COVID-19. Nhưng chúng tôi không thể làm điều đó một mình. Với sự chia sẻ trách nhiệm về sức khỏe và an toàn, và tuân theo bốn sự cam kết này, chúng ta có thể giữ an toàn cho nhau trong khi đi xe buýt OC Bus.

## ¡Instalación de la pista de OC Streetcar ha comenzado!

Oprima para ver el video premier de este acontecimiento emocionante

Comparte con la junta de directores de OCTA, la ciudad de Santa Ana y los socios de la comunidad del proyecto, mientras celebramos este gran acontecimiento del proyecto de OC Streetcar.

**OC STREETCAR**

BEGINNING AUGUST 15TH

# MORE

SERVICE IMPROVEMENTS  
CONVENIENCE  
SAVINGS

289 ADDED TRIPS ON POPULAR ROUTES

14 ROUTES WITH IMPROVED FREQUENCY

19 ROUTES WITH EXPANDED HOURS

2 ROUTES RETURNING 150 & 560

40% SAVINGS WITH NEW WELCOME PASS

## SAVE 40% WITH THE NEW WELCOME PASS

Ahorre 40% con el nuevo Welcome Pass  
Tiết kiệm 40% với Vé Welcome Pass mới

### TWO WAYS TO SAVE

Save 40% wherever you travel from August 15 to November 15. Pick from a bundle of five 1-Day Welcome Passes or a 30-Day Welcome Pass.

**Two formas de ahorrar**  
Ahorre 40%, independientemente de su destino, del 15 de agosto al 15 de noviembre. Elija entre un paquete de cinco Welcome Pass de 1 día o un Welcome Pass de 30 días.

**Hai Lựa Chọn để Tiết Kiệm**  
Tiết kiệm 40% chỉ phí di chuyển từ ngày 15 tháng 8 đến ngày 15 tháng 11. Chọn từ gói năm Vé Welcome Pass 1 Ngày hoặc Vé Welcome Pass 30 Ngày.

### FIVE 1-DAY WELCOME PASSES

**\$15** **\$10 SAVINGS**  
(Sold in a bundle of 5)  
Cinco Welcome Pass de 1 día (ahorro de \$10. Se vende en paquete de 5)  
Năm Vé Welcome Pass 1 Ngày (Tiết kiệm \$10. Được bán theo gói 5 vé)

### 30-DAY WELCOME PASS

**\$40** **\$29 SAVINGS**  
Welcome Pass de 30 días (ahorro de \$29)  
Vé Welcome Pass 30 ngày (Tiết kiệm \$29)

### THREE WAYS TO PURCHASE

Purchase Welcome Passes starting August 4 with the OC Bus Mobile app, at the OCTA Store, online at [passos.octa.net](https://passos.octa.net) or at retail outlets. Visit [OCBus.com/Welcome](https://OCBus.com/Welcome) for more details.

**Tres medios de compra**  
A partir del 4 de agosto, compre los Welcome Pass con la aplicación móvil OC Bus, en la tienda de la OCTA, en línea en [passos.octa.net](https://passos.octa.net), o en los puntos de venta. Visite [OCBus.com/Welcome](https://OCBus.com/Welcome) para más detalles.

**Ba Cách Mua Vé**  
Mua Vé Welcome Pass từ ngày 4 tháng 8 với ứng dụng OC Bus Mobile tại Cửa Hàng OCTA, trên trang [passos.octa.net](https://passos.octa.net) hoặc tại các cửa hàng bán lẻ. Vui lòng vào trang [OCBus.com/Welcome](https://OCBus.com/Welcome) để biết thêm chi tiết.

### WHEN CAN I USE MY WELCOME PASS?

Use your Welcome Pass beginning August 15 through November 15, 2021. Visit [OCBus.com/Welcome](https://OCBus.com/Welcome) for more details.

**¿Cuándo puedo usar mi Welcome Pass?**  
Use su Welcome Pass a partir del 15 de agosto y hasta el 15 de noviembre del 2021. Visite [OCBus.com/Welcome](https://OCBus.com/Welcome) para más detalles.

**Khi Nào Tôi Dùng Được Vé Welcome Pass?**  
Sử dụng Vé Welcome Pass từ ngày 15 tháng 8 đến ngày 15 tháng 11 năm 2021. Vui lòng vào trang [OCBus.com/Welcome](https://OCBus.com/Welcome) để biết thêm chi tiết.

A PARTIR DEL 15 DE AGOSTO

# MÁS

SERVICIO MEJORAS  
CONVENIENCIA  
AHORROS

289 MÁS VIAJES EN RUTAS POPULARES  
CHUYẾN ĐƯỢC BỔ SUNG TRÊN NHỮNG TUYẾN XE PHỔ BIẾN

14 RUTAS CON MEJORES FRECUENCIAS  
TUYẾN XE VỚI TẦN SUẤT ĐƯỢC CẢI THIỆN

19 RUTAS CON HORARIOS EXTENDIDOS  
TUYẾN XE VỚI SỞ GIỜ HOẠT ĐỘNG MỞ RỘNG

2 RUTAS VUELVEN A OPERAR: 150 Y 560  
TUYẾN XE TRỞ LẠI LẠI 150 & 560

40% AHORRA 40% CON EL NUEVO WELCOME PASS  
TIẾT KIỆM VỚI VÉ WELCOME PASS MỚI

## AN TOÀN CỦA QUÝ VỊ LÀ ƯU TIÊN HÀNG ĐẦU CỦA CHÚNG TÔI

Tự tin khi đi xe.  
Tất cả các xe buýt được lau chùi và khử trùng hàng ngày.  
Yêu cầu hành khách phải đeo khẩu trang khi đi xe buýt.

### CẢI THIỆN DỊCH VỤ 13 THÁNG 8 NĂM 2021

- Bổ sung 33 chuyến đi vào các ngày trong tuần cho các tuyến: 38, 47, 50, 53, 55, 60, 64, 66, 70, 72, 79 & 129
- Tăng tần suất trên các tuyến: 38, 47, 50, 53, 55, 60, 64, 66, 70, 72, 79 & 129
- Các chuyến đi kéo dài trên các tuyến: 53, 55, 60 & 66
- Các tuyến (Shuttle 400A, 401B, 403D & 405F) quay lại hoạt động vào ngày 1 tháng 7

[OCbus.com/June2021](https://OCbus.com/June2021)

## SU SEGURIDAD ES NUESTRA PRIORIDAD

Viaja con confianza.  
Cada autobús se desinfecta y se requieren mascarillas para viajar.

### MEJORAS DE SERVICIO EL 13 DE JUNIO DEL 2021

- Se añadieron 33 recorridos en los días de semana a las rutas: 38, 47, 50, 53, 55, 60, 64, 66, 70, 72, 79 & 129
- Mejoras en la frecuencia de las rutas: 38, 47, 50, 53, 55, 60, 64, 66, 70, 72, 79 & 129
- Se extendieron los recorridos de las rutas: 53, 55, 60 & 66
- Servicio de las rutas del (Shuttle 400A, 401B, 403D y 405F) regresarán el 1 de julio

[OCbus.com/June2021](https://OCbus.com/June2021)

## VIAJA INTELIGENTEMENTE. MANTÉNTESE SEGURO.

Carlos, Conductor de autobuses de OCTA



## DRIVING TOWARD SUCCESS

**JULY 2021**



- ADVERTISEMENT CAMPAIGN
- EDITORIAL CALENDAR
- COLLATERAL MATERIAL

**OCTOBER 2021**



- AMBASSADOR RECRUITMENT
- MEDIA LIST
- EARNED MEDIA OPPORTUNITIES
- SOCIAL MEDIA KIT
- VIRTUAL/HYBRID IN-PERSON EVENTS

**JANUARY 2022**



- AMBASSADOR PROGRAM KICKOFF
- CONTENT CREATION
- VISIT NONPROFIT ORGANIZATIONS

**APRIL 2022**



- EARNED MEDIA OPPORTUNITIES
- PARTICIPATE IN VIRTUAL/HYBRID IN-PERSON EVENTS

**JULY 2022**



- AMBASSADOR RECOGNITION
- PROGRAM EVALUATION
- END OF PROGRAM

# QUESTIONS?

