



ORANGE COUNTY TRANSPORTATION AUTHORITY 2023 END OF YEAR LEGISLATIVE REPORT

LEGISLATION ENACTED

I. Active Transportation

**AB 410 (Jones-Sawyer, D-Los Angeles): Shared mobility devices.
(Chapter 36, Statutes of 2023)**

To inform visually impaired individuals how to identify and contact a shared mobility service provider, current law requires a shared mobility service provider to affix to each shared mobility device a tactile sign containing raised characters and accompanying braille and specified information about the service provider. AB 410 enhances braille protections for visually impaired individuals by adding a certain height and color contrast to the characters. These added requirements become operative on January 1, 2024, with the bill taking effect immediately to ensure changes are made before the operative date.

Urgency Bill – Effective Immediately

Orange County Transportation Authority (OCTA) Position – Monitor

Impact on OCTA: *For informational purposes.*

**AB 458 (Jones-Sawyer, D-Los Angeles): Shared mobility devices: insurance.
(Chapter 440, Statutes of 2023)**

Current law requires that a shared mobility service provider enters into an agreement with a city or county and that the agreement asserts a specified amount of commercial general liability insurance. Current law also requires that the shared mobility service provider offer the user of a shared mobility device insurance coverage for bodily injury or death suffered by a pedestrian when negligent conduct of the shared mobility device is involved. AB 458 asserts that the insurance offered is not a group insurance policy and provides that the insurance coverage on the device for bodily injury or death suffered by a pedestrian does not prohibit an aggregated cap on that insurance coverage. In short, this bill clarifies language from previous legislation, AB 371 (Chapter 740, Statutes of 2022), to explicitly state an aggregate limit for insurers not less than \$5 million.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

**SB 381 (Min, D-Irvine): Electric bicycles: study.
(Chapter 869, Statutes of 2023)**

SB 381 requires the Mineta Transportation Institute at San Jose State University (Mineta Institute) to conduct a study on electric bicycles by January 1, 2026. This study would

inform efforts for improving the safety of riders and pedestrians with a report of the findings being submitted to the Legislature. The report would examine, identify, and analyze available information, including data on injuries, factors that are correlated with the crashes, best practices to promote safe use, laws in other states about electric bicycles, data on safety accessories, data on manufacturing of electric bicycles, review of policies in different counties, and recommendations for state policy to support expanded use of electric bicycles that protects the safety of riders.

OCTA Position – Support

Impact on OCTA: *OCTA has been working with cities throughout the County on providing information to improve the safe operation of electric bicycles, including attending community events, hosting city roundtable discussions, and distributing materials. OCTA will monitor the development of this report to help inform OCTA's efforts to promote the safe operation of electric bicycles.*

**SB 538 (Portantino, D-Glendale): Department of Transportation: Chief Advisor on Bicycling and Active Transportation.
(Chapter 617, Statutes of 2023)**

The California Department of Transportation (Caltrans) currently includes the Bicycle Facilities Unit, which coordinates all of Caltrans' bicycle programs, promotes bicycle facility design, and pursues the funding and regulations that make the facilities possible. SB 538 requires the Director of Caltrans to appoint a Chief Advisor on Bicycling and Active Transportation, who will serve as Caltrans' chief advisor on everything related to bicycle transportation. The Chief Advisor on Bicycling and Active Transportation will serve as a point of contact for local officials, stakeholders, and the public to provide suggestions related to bicycle transportation, safety, and infrastructure, in addition to ensuring that bicycle avenues are up to date with regulations. The Chief Advisor on Bicycling and Active Transportation will also coordinate with directors at Caltrans on issues such as legislative and public affairs, sustainability, and active transportation.

OCTA Position – Monitor

Impact on OCTA: *The Chief Advisor on Bicycling and Active Transportation will have the expertise to seek improvements related to bicycle and pedestrian safety across California. This will provide guidance for active transportation projects at OCTA as the advisor will be tasked with implementing safe bicycle and pedestrian policies that may be implemented state-wide or locally.*

II. Audits, Records, Reports, and Litigation

**AB 251 (Ward, D-San Diego): California Transportation Commission: vehicle weight safety study.
(Chapter 320, Statutes of 2023)**

AB 251 requires the California Transportation Commission (CTC) to convene a task force to study the relationship between vehicle weight and road user injuries and fatalities,

degradation of road infrastructure, and appropriate responses, including the potential costs and benefits of imposing a passenger vehicle weight fee to factor in passenger vehicle weight to offset unreasonable impacts. Task force members will include the Office of Traffic Safety, the Department of Motor Vehicles, local transportation agencies, safety advocates, and representatives from the automobile industry. A report must be submitted to the Legislature by January 1, 2026. This report will include information on topics such as an analysis of the relationship between passenger vehicle weight and vulnerable road user injuries, an analysis of passenger vehicle weight and degradation of road infrastructure, a discussion of how a passenger vehicle weight fee may change driver behavior, a discussion of how any revenues generated by the imposition of that fee could enhance road infrastructure, and an equity analysis. They must all consider the differential weights of comparable zero-emission and internal combustion engine vehicles and the existing incentives and environmental goals to promote zero-emission vehicle (ZEV) adoption.

OCTA Position – Monitor

Impact on OCTA: *OCTA may wish to inform this process as a task force member or otherwise. Regarding the discussion about a passenger vehicle weight fee, OCTA will work to ensure that any fee is fair and that the funding is reinvested in transportation infrastructure.*

AB 302 (Ward, D-San Diego): Department of Technology: high-risk automated decision systems: inventory. (Chapter 800, Statutes of 2023)

AB 302 requires the California Department of Technology to conduct a comprehensive inventory of all high-risk automated decision systems proposed for use or currently used by any state agency. The inventory must include information such as the intended benefits of the system, the results of any research assessing the efficacy of such, categories of data and personal information being used to make these decisions, and any measures in place to mitigate risk. The California Department of Technology must report on this inventory beginning January 1, 2025, and then every year after to the Assembly Committee on Privacy and Consumer Protection and the Senate Committee on Governmental Organization.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. This bill does not directly apply to OCTA. However, if there are systems OCTA uses that are similar to these technologies, staff may wish to monitor the inventory and assess any impacts it could have on future technologies being utilized.*

AB 594 (Maienschein, D-San Diego): Labor Code: alternative enforcement. (Chapter 659, Statutes of 2023)

Due to California's high population and thus populated workforce, the Division of Labor Standards Enforcement and local agencies are unable to keep up with the number of

labor law violations. As a result, AB 594 authorizes a public prosecutor to prosecute a civil or criminal action for a violation of the Labor Code or to enforce provisions of the code independently. This is different from current practice as AB 594 may cause agencies to be more vulnerable to prosecution since a public prosecutor would be authorized to prosecute a civil or criminal action for violation of the Labor Code without specific direction from the Division of Labor Standards Enforcement or the Division of Workers' Compensation. Regarding the prosecution of an action, an agreement between an employee and their employer mandating private arbitration would have no effect on the proceedings or on the authority of the public prosecutor to enforce the Labor Code. Any employer who attempts to compel a local prosecutor to arbitrate a claim would be deemed frivolous. The Labor Commissioner would also be authorized to issue citations to employers who willfully misclassified their workers. This bill requires money recovered by public prosecutors under the Labor Code to apply firstly to payments due to affected workers. It also requires that all civil penalties recovered pursuant to the provisions be paid to the State's General Fund until January 1, 2029.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

AB 1404 (Carrillo, W., D-Los Angeles): Disability access: internet website-related accessibility claims.

(Chapter 842, Statutes of 2023)

AB 1404 requires that when a civil complaint alleging a website accessibility violation is served on a business, the business also receives a notice detailing important legal rights relating to the accessibility of internet websites. This could include that the business may not be liable for any damages if its website complies with the standards. The Judicial Council must adopt a written advisory notice by January 1, 2026.

OCTA Position – Monitor

Impact on OCTA: *If a complaint is filed against OCTA related to a website accessibility violation, OCTA will additionally receive this notice. The purpose of the bill is to help businesses get into compliance and avoid litigation.*

SB 69 (Cortese, D-Campbell): California Environmental Quality Act: local agencies: filing of notices of determination or exemption.

(Chapter 860, Statutes of 2023)

SB 69 requires local agencies in charge of California Environmental Quality Act (CEQA) projects to provide additional public notices about the project on certain timelines. Specifically, the notice is to be posted both in the office and on the internet website of the county clerk and by the Office of Planning and Research (OPR) on the State Clearinghouse internet website within 24 hours of receipt. A notice shall remain posted for a period of 30 days.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. Prior to this legislation, only state agencies were required to post CEQA notices. SB 69 adds further CEQA filing processes for local agencies, including OCTA. OCTA will now be required to file CEQA notices with the Governor's Office of Planning and Research, which will then be posted publicly for 30 days.*

SB 259 (Seyarto, R-Murrieta): Reports submitted to legislative committees. (Chapter 148, Statutes of 2023)

SB 259 requires a state agency to post on its website any report required or requested by law that the agency submits to a committee of the Legislature or to members of either house of the Legislature. It will also require the Legislative Counsel to make a list of state and local agency reports submitted to the Legislature made available to the public via a link. This bill allows the public to be able to view and read the same materials that legislators have available when making decisions on legislation.

OCTA Position – Monitor

Impact on OCTA: *This bill creates a process for the public to view and read materials that go before legislators when they make decisions in the legislative process. This bill does not directly impact OCTA legislative matters but could afford the opportunity to access state and local agency reports.*

SB 681 (Allen, D-El Segundo): Political Reform Act of 1974: amendments. (Chapter 499, Statutes of 2023)

SB 681 reduces the time that bills amending the Political Reform Act of 1974 (PRA) be in final form before passage in each house from 12 to eight days if the previous form of a bill did not amend the PRA. This bill also requires Legislative Counsel to make notification available for the public to sign-up to be notified when the following occurs:

- A new bill amending the PRA is introduced.
- An existing bill amending the PRA is amended, referred to the floor or committee, voted on, or other action triggering notification.
- An existing bill that would not amend the PRA is amended to include provisions that would amend the PRA.

This bill outlines that public notification alerts be sent as soon as feasible, but no later than 9 a.m. the calendar day after the legislative action, and that all alerts regarding the PRA must include "Political Reform Act Bill" in the email subject line.

OCTA Position – Monitor

Impact on OCTA: *OCTA staff monitors PRA legislation because of the impact that the bills have on reporting requirements, which affects OCTA's lobbying efforts. This will afford OCTA with extended time to review these bills.*

SB 695 (Gonzalez, D-Long Beach): Department of Transportation: internet website: state highway system data and information. (Chapter 629, Statutes of 2023)

SB 695 requires Caltrans to prepare and make available data and information about projects on the state highway system covering projects between July 1, 2018, and June 30, 2023. This information must be provided no later than January 1, 2025. This data must include, but is not limited to, all of the following:

- The number of total lane miles in the state highway system.
- The number of new total lane miles added to the state highway system.
- Of the lane miles added to the state highway system, a breakdown of the number of miles added by type, including, but not limited to, general purpose lanes, auxiliary lanes, managed lanes, including high-occupancy vehicle lanes, and interchanges, as well as information on improvements to interchanges.
- A project description of each project that added lane miles to the state highway system.
- The number of miles of the state highway system that were relinquished.
- The number of miles of the state highway system that were converted from a general purpose lane to a managed lane, including a high-occupancy vehicle lane, and a high-occupancy vehicle lane to a high-occupancy toll lane or other type of lane.
- The number of homes and businesses that were relocated due to the acquisition of rights-of-way for the new lane miles on the state highway system.
- The number of new bike lane miles added to state highways, broken down by Class I, Class II, Class III, and Class IV.
- The number of new sidewalk miles added to state highways and the number of existing sidewalks that were reconstructed to improve accessibility and the safety of pedestrians.

SB 695 additionally requires Caltrans to prepare and make available data and information on planned, pending projects on the state highway system no later than January 1, 2025. This must include, but is not limited to, all of the following:

- A description of each project, including the location. Location information shall allow the public to clearly understand where the project is being undertaken and may include, to the extent available, specific highway routes, project boundaries, and geolocation data.
- The date each project initiation document was completed.
- The status of each project, including the current phase of development, designated as environmental, design, right-of-way, or construction.
- A determination of the primary purpose and need of each project, if available.

Finally, SB 695 also requires Caltrans to prepare and make available on an annual basis data and information about projects on the state highway system covering the prior fiscal year (FY). This information must be made available no later than January 1, 2026, and

then every January 1 each following year. The data must include, but is not limited to, the following:

- All of the data and information included in the historical report.
- A quantification of an increase or decrease in greenhouse gas emissions associated with the lane miles added to the state highway system, if available.
- A quantification of an increase or decrease in vehicle miles traveled on the state highway system associated with the lane miles added to the state highway system.
- A quantification of the mitigation required by Section 21099 of the Public Resources Code as part of the projects that resulted in additional lane miles on the state highway system.
- The number of connections made with locally owned bicycle and pedestrian facilities.

OCTA Position – Monitor

Impact on OCTA: OCTA will likely receive requests from Caltrans to help inform this data report. It will be of OCTA's interest to monitor the publication of such data to ensure accuracy. The intent of the legislation is to create more transparency in the projects on the state highway system, which could inform future policy and funding decisions.

SB 790 (Padilla, D-EI Centro): Public records: contracts for goods and services. (Chapter 77, Statutes of 2023)

The California Public Records Act requires public records to be open to inspection at all times during the office hours of the state or local agency that retains those records and provides that every person has a right to inspect any public record. The act requires state and local agencies to make public records available upon receipt of a request for a copy that reasonably describes an identifiable record not otherwise exempt from disclosure and upon payment of fees to cover costs.

SB 790 requires that any executed contract for the purchase of goods or services by a state or local agency, including terms of payment, is a public record subject to disclosure under the California Public Records Act. The bill provides that any provision in a written agreement that claims to exclude a contract from disclosure by agreeing to consider it a confidential or proprietary record of the vendor is void and unenforceable.

OCTA Position – Monitor

Impact on OCTA: Currently, OCTA is subject to public records requests, which can be found on OCTA's website. Any member of the public may go to the OCTA Public Records Request Center and submit a records request, find answers to frequently asked questions, or look in the public records archive. A member of the public may choose the type of record they are requesting, such as employee compensation, project reports, media requests, and more. SB 790 adds a new option under the types of records that a member of the public may request to include goods and services contracts. OCTA staff

will have to update the Public Records Request Center to comply with the new requirements.

III. Employment Terms and Workforce Development

AB 96 (Kalra, D-San Jose): Public employment: local public transit agencies: autonomous transit vehicle technology. (Chapter 419, Statutes of 2023)

AB 96 requires public transit employers to provide certain information to union representatives when the employer is beginning the process of procuring autonomous transit vehicle technology. Specifically, AB 96 requires a public transit employer to notify, in writing, the union representative at least ten months before beginning a procurement process to acquire or deploy any autonomous transit vehicle technology for public transit services that would eliminate job functions or jobs of the workforce. Following a written request by the union, the public transit employer must commence collective bargaining within 30 days of the union receiving the notification or within ten days of the public transit employer receiving the written request, whichever occurs later. The bargaining can only be on the following subjects: developing the new autonomous transit vehicle technology, implementing the new autonomous transit vehicle technology, creating a transition plan for affected workers, and creating plans to train and prepare the affected workforce to fill new positions created by a new autonomous transit vehicle technology.

OCTA Position – Neutral

Impact on OCTA: If OCTA intends to procure autonomous transit vehicle technology, it must ensure that it complies with these notification requirements, which could result in a collective bargaining agreement with the union.

AB 1020 (Grayson, D-Concord): County Employees Retirement Law of 1937: disability retirement: medical conditions: employment-related presumption. (Chapter 554, Statutes of 2023)

AB 1020 amends the County Employees Retirement Law of 1937 (CERL) to expand the scope of medical conditions and employment-related presumptions for disability retirement for members of public safety or law enforcement who have completed five or more years of service and that the condition arises out of and in the course of employment. This bill establishes consistency between the California Public Employees' Retirement System and CERL, ensuring that public safety employees do not have inconsistencies with the presumptions that govern workers' compensation disability retirement.

OCTA Position – Monitor

Impact on OCTA: Orange County is one of 20 California counties that operates separate retirement systems under the CERL. The Orange County Employees Retirement System (OCERS) covers the County of Orange employees and OCTA. As such, OCERS is subject to the provisions of CERL and, thus, subject to the provisions of this bill.

**AB 1484 (Zbur, D-Los Angeles): Temporary public employees.
(Chapter 691, Statutes of 2023)**

AB 1484 requires that temporary employees of a public employer be automatically included in the same bargaining unit as the permanent employees upon the request of the recognized employee organization. The public employer must provide each temporary employee with their job description, wage rates, eligibility for benefits, anticipated length of employment, and procedures on how to apply for open permanent positions upon the temporary employee's hiring.

This bill adds the following to be a matter within the scope of representation in the bargaining units:

- Whether a temporary employee who subsequently obtains permanent employment receives seniority or other credit or benefit for their time spent in temporary employment.
- Whether a temporary employee receives a hiring preference over external candidates for permanent positions.

If a recognized employee organization requests, the public employer must promptly engage in collective bargaining to establish wages, hours, and terms and conditions of employment for the newly added temporary employees if the parties' current memorandum of understanding does not address them. This legislation, however, does not require public employers to retain temporary employees whose services are no longer needed, to require pre-termination hearings before the dismissal of temporary employees, or to prevent a public employer from replacing temporary employees with employees hired for permanent positions.

OCTA Position – Monitor

Impact on OCTA: This bill directly affects OCTA employees classified as temporary employees, specifically extra-help, limited-term, casual, and seasonal employees. Temporary employees employed through a temporary services employer are not included in the new requirements from the bill. The interns that OCTA employs also fall under the defined temporary employee in the bill. As a result, the bill captures employees retained for intermittent and seasonal needs. The bill also assumes local processes for determining bargaining units and could disrupt the timeline for utilizing a negotiated grievance procedure. AB 1484 mandates that OCTA's bargaining team will need to work with employee organizations to include temporary employees in the same bargaining unit.

**SB 150 (Durazo, D-Los Angeles): Construction: workforce development: public contracts.
(Chapter 61, Statutes of 2023)**

SB 150 requires Caltrans to partner with the California Workforce Development Board to support California's high-road construction jobs careers program, reserving \$50 million from the Infrastructure Investment and Jobs Act for this purpose. After

January 1, 2026, would authorize a state agency only to enter into a project labor agreement for a project over \$35 million when that agreement also includes provisions addressing community benefits. Community benefits may include partnerships with high-road construction careers programs, local hire goals, coordination with programs that assist veterans in transitioning to civilian employment, job fairs for construction apprenticeship or pre-apprenticeship programs, or other methods agreed upon by the parties to promote employment and training opportunities for veterans and individuals who reside in economically disadvantaged areas. Finally, SB 150 would require CalSTA, the California Workforce Development Agency, and the Government Operations Agency to convene relevant stakeholders to provide recommendations to establish terms to be included as a material part of a contract, including provisions to maximize benefits to marginalized and disadvantaged communities. These recommendations are to be reported to the Legislature and Governor by March 30, 2024.

Urgency Bill – Effective Immediately

OCTA Position – Monitor

Impact on OCTA: This legislation is a part of the Governor’s infrastructure streamlining package. OCTA will be aware of these requirements related to project labor agreements. Additionally, staff should be prepared to engage and inform any stakeholder meeting related to developing recommendations to establish terms to be included in a contract.

SB 428 (Blakespear, D-Encinitas): Temporary restraining orders and protective orders: employee harassment. (Chapter 286, Statutes of 2023)

SB 428, which is operative on January 1, 2025, provides employers or collective bargaining representatives with the ability to seek a temporary restraining order on behalf of an employee who is being harassed at work. In the bill, any course of conduct that alarms, annoys, or harasses a person that serves no legitimate purpose is considered harassment. SB 428 defines harassment to expand on the grounds for which an employer can seek a civil restraining order on behalf of an employee. The court cannot grant a civil restraining order that prohibits speech or other activities protected by federal laws governing labor organizing or state laws that regulate communication between public employees and their unions. An employer seeking a temporary restraining order will have to provide the employee the opportunity to decline to be named in the order before the filing of the petition. SB 428 provides employers with a legal tool to stop harassment of employees.

OCTA Position – Monitor

Impact on OCTA: This bill provides OCTA with the means to stop harassment of employees. Specifically, across the country, there has been an increase in the harassment of employees in general, and especially coach operators working for transportation agencies. OCTA will need to ensure that it has reasonable proof that an employee has suffered harassment to file a civil restraining order on behalf of the employee. As a result, staff will likely need to be trained in what constitutes sufficient

evidence of harassment, when to file a civil restraining order, and how to file a civil restraining order. This bill provides OCTA with an opportunity to defend its coach operators or any other employee from harassment.

SB 553 (Cortese, D-Campbell): Occupational safety: workplace violence: restraining orders and workplace violence prevention plan. (Chapter 289, Statutes of 2023)

SB 553 requires an employer to include a workplace violence prevention plan as a part of its injury prevention program. The plan must be in writing and easily accessible to employees. It must include the following information:

- Names or job titles of the persons responsible for implementing the plan.
- Effective procedures to obtain the active involvement of employees and authorized employee representatives in developing and implementing the plan.
- Methods the employer will use to coordinate the implementation of the plan with other employers, when applicable, to ensure that those employers and employees understand their respective roles, as provided in the plan.
- Effective procedures for the employer to accept and respond to reports of workplace violence and to prohibit retaliation against an employee who makes such a report.
- Effective procedures to ensure that supervisory and nonsupervisory employees comply with the plan.
- Effective procedures to communicate with employees regarding workplace violence matters.
- Effective procedures to respond to actual or potential workplace violence emergencies.
- Procedures to develop and provide training.
- Procedures to identify and evaluate workplace violence hazards.
- Procedures to correct workplace violence hazards.
- Procedures for post-incident response and investigation.
- Procedures to review the effectiveness of the plan and revise the plan as needed.
- Procedures or other information required by Cal/OSHA as being necessary and appropriate to protect the health and safety of employees.

Additionally, the employer must record information in a violent incident log for every workplace violence incident, as specified. These must be maintained for five years. SB 553 also requires the employer to provide effective training to employees on the plan and how to report workplace violence incidents. Cal/OSHA must adopt standards regarding the plan required by December 31, 2026, with an initial proposal by December 31, 2025. Beginning January 1, 2025, SB 553 allows for an employer or a collective bargaining representative of an employee who has suffered unlawful violence or a credible threat to seek a temporary restraining order. An opportunity must be provided to the employee who experienced the incident to decline to be named in the temporary restraining order.

OCTA Position – Monitor

Impact on OCTA: *OCTA will engage with Cal/OSHA as they adopt the standards for the workplace violence prevention plan. Following its adoption, OCTA will need to ensure it is compliant with the plan and the new provisions related to temporary restraining orders. Additional training for employees will likely need to be provided.*

SB 616 (Gonzalez, D-Long Beach): Sick days: paid sick days accrual and use. (Chapter 309, Statutes of 2023)

SB 616 increases, from three days to five days, the number of paid sick days available to employees. Specifically, beginning January 1, 2024, this bill provides employees with no less than five days of paid sick leave within a specified period of time: either annually, in each 12-month period, or by the 200th calendar day of employment. Workers can use the leave for personal or family illnesses, seeking medical care, or to care for a designated person. This bill also extends certain procedural provisions regarding paid sick days to employees subject to collective bargaining agreements, such as:

- Prohibiting retaliation for using paid sick days.
- Prohibiting the imposition of placing responsibility on the employee to find a replacement worker when using paid sick days.
- Requiring the use of paid sick days for specified health care and situations.

“Employee” does not include an employee covered by a valid collective bargaining agreement if the agreement expressly provides for the wages, hours of work, and working conditions of employees and expressly provides for paid sick days that permit the use of sick days for those employees.

OCTA Position – Monitor

Impact on OCTA: *OCTA largely follows the requirements outlined in the bill. As a result, this bill does not have a significant impact on OCTA aside from ensuring that the provisions outlined are included in OCTA’s collective bargaining agreements; however, OCTA will need to ensure compliance.*

SB 700 (Bradford, D-Inglewood): Employment discrimination: cannabis use. (Chapter 408, Statutes of 2023)

SB 700 expands on current law prohibiting an employer from discriminating against a person in hiring, termination, or any condition of employment if it is based on the person’s use of cannabis off the job and away from the workplace. This bill would make it unlawful for an employer to request information from an applicant relating to their prior use of cannabis. Information about a person’s prior cannabis use obtained from the person’s criminal history would also be exempt from the described law only if the employer is permitted to inquire about that information under the California Fair Employment and Housing Act or other state or federal law. Certain federal regulations require that applicants or employees be tested for controlled substances; applicants or employees hired for positions that require a federal government background investigation or security clearance will still receive inquiries into their cannabis use.

OCTA Position – Monitor

Impact on OCTA: *OCTA will need to ensure that it complies with these provisions for individuals that do not need federal security clearances. However, this law does not override laws prohibiting the operation of a vehicle while impaired by a controlled substance. Since it is considered professional malpractice to operate a vehicle while impaired by a controlled substance, OCTA may continue to inquire into the use of cannabis for employees such as coach operators or maintenance workers.*

SB 723 (Durazo, D-Los Angeles): Employment: rehiring and retention: displaced workers.

(Chapter 719, Statutes of 2023)

SB 723 extends a coronavirus (COVID-19)-related measure pertaining to displaced workers. As a result of the COVID-19 pandemic, a law was enacted that requires an employer to offer its laid-off employees information about new and open job positions at the company that the laid-off employee may be qualified for; the employer must offer positions to laid-off employees based on a preference system. This law also prohibits an employer from taking any adverse action against a laid-off employee. The law was set to be repealed on December 31, 2024.

This bill extends that repeal date to December 31, 2025, and redefines laid-off employee to include any employee that was employed for six months or more by the employer in the 12 months following January 1, 2020; the separation from the employer was due to a reason related to the COVID-19 pandemic, including a government shutdown, public health directive, reduction in force, or any other economic non-disciplinary reason related to COVID-19. The bill assumes that employee separation due to lack of business or economic non-disciplinary reasons is because of the COVID-19 pandemic unless the employer demonstrates evidence proving otherwise.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. If OCTA has any COVID-19-related layoffs, it will need to ensure compliance with this legislation.*

SB 848 (Rubio, D-West Covina): Employment: leave for reproductive loss. (Chapter 724, Statutes of 2023)

It is currently unlawful for an employer to refuse to grant a request from an employee to take up to five days of bereavement leave upon the loss of a family member. SB 848 expands current law, asserting that it is unlawful for an employer to refuse to grant a request by an employee to take up to five days of reproductive loss leave following a reproductive loss event. This bill requires that the leave be taken within three months of the reproductive loss, pursuant to the employer's existing leave policy, and that if an employee experiences more than one reproductive loss within 12 months, the employer is not required to grant a total amount of reproductive loss leave time in excess of 20 days within a 12-month period.

If there is no existing policy, the reproductive loss leave may be unpaid, but the employee may use certain other leave balances available to them, including accrued and available sick leave. An employer may not retaliate against an individual because of the individual's right to reproductive loss leave, and the employer must maintain employee confidentiality relating to reproductive loss leave. Reproductive loss leave applies only to the parent carrying a child to term.

OCTA Position – Monitor

Impact on OCTA: To be compliant with the new requirements for reproductive loss leave, OCTA staff will need to evaluate existing policy to ensure that they maintain employee confidentiality associated with reproductive loss leave. OCTA staff must also evaluate existing policies to ensure that employees are eligible to take reproductive loss leave, including unpaid time off or another form of leave balance available.

IV. Environment

AB 1159 (Aguiar-Curry, D-Davis): California Global Warming Solutions Act of 2006: natural and working lands: market-based compliance mechanisms. (Chapter 358, Statutes of 2023)

The California Global Warming Solutions Act of 2006 established the California Air Resources Board (CARB) as the state agency responsible for regulating sources emitting greenhouse gas emissions. The act declared the state's policy to achieve net zero greenhouse gas emissions no later than 2045 and maintain negative greenhouse gas emissions thereafter. It requires CARB to create a scoping plan for achieving the state's goals and to update the plan at least once every five years.

AB 1159 instead requires CARB to ensure that all greenhouse gas (GHG) emissions reductions and removals used for any market-based compliance mechanism are in addition to any reductions and removals that would otherwise occur. This clarifies provisions outlined in AB 1757 (Chapter 341, Statutes of 2022) to make sure that projects that rely on state funds, such as returning ancestral lands to tribes, are not halted.

OCTA Position – Monitor

Impact on OCTA: *This bill requires that CARB ensure all emissions reductions from projects and actions developed to achieve the state's targets are accounted for in a way that does not result in double counting of emissions reductions. It also requires that CARB ensure that all GHG reductions and removals used for any market-based compliance mechanism are in addition to any reductions and removals that would otherwise occur. This could impact the information OCTA submits as it pertains to reporting GHG reductions.*

SB 91 (Umberg, D-Santa Ana): California Environmental Quality Act: supportive and transitional housing: motel conversion: environmental leadership transition projects.

(Chapter 732, Statutes of 2023)

SB 91 removes the sunset date related to a CEQA exemption for certain projects that convert a motel, hotel, residential hotel, or hostel to supportive or transitional housing. Additionally, this legislation extends CEQA streamlining provisions for “environmental leadership transit projects” (ELTP) located within the County of Los Angeles. An ELTP is a project that constructs a fixed guideway and related fixed facilities that meet certain conditions like operating at zero emissions, reducing emissions, reducing vehicle miles traveled, and being consistent with the applicable sustainable communities strategy and regional transportation plan.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. OCTA may wish to monitor the benefits of using such exemptions on ELTP projects.*

SB 145 (Newman, D-Fullerton): Environmental mitigation: Department of Transportation.

(Chapter 57, Statutes of 2023)

SB 145 makes several changes related to Caltrans' responsibilities as it pertains to environmental mitigation and wildlife crossings. Specifically, until January 1, 2034, SB 145 authorizes Caltrans to acquire environmental mitigation property for the State Highway System to be preserved, restored, and maintained as natural habitat to offset environmental impacts caused by the system or for advance mitigation purposes and to transfer or purchase the property. Caltrans must submit a report as specified.

In January 2023, a three-way agreement was reached between Brightline West High-Speed Rail project, Caltrans, and the Department of Fish and Wildlife (CDFW) to work together to provide three wildlife crossings over a proposed rail line between southern California and Nevada. There is consensus that constructing the wildlife overcrossing at the same time as the rail line is being built is likely to be the most efficient and cost-effective approach. SB 145 specifies that if an intercity passenger rail project is constructed within the Interstate 15 right-of-way at the segment described in Recital B of the “Agreement to Implement Wildlife Overcrossings Over Interstate 15” executed on January 11, 2023, by and among DesertXpress Enterprises, LLC, Caltrans, and the CDFW, Caltrans must ensure three wildlife crossings are constructed at three priority

locations. Caltrans can use an authorized agreement with a rail entity (defined in such a way that would only include Brightline) to comply with such. Caltrans must report on the progress of such to the Legislature.

Urgency Bill – Effective Immediately

OCTA Position – Monitor

Impact on OCTA: This legislation was a part of the infrastructure streamlining package proposed by the Governor. OCTA staff is aware of the changes this legislation makes related to the agreements Caltrans is now authorized to make related to acquiring environmental mitigation property on the State Highway System.

SB 147 (Ashby, D-Sacramento): Fully protected species: California Endangered Species Act: authorized take. (Chapter 37, Statutes of 2023)

The California Endangered Species Act (CESA) requires the Fish and Game Commission to establish a list of endangered species and a list of threatened species and to add or remove species from either list if it finds that the action is warranted. The act prohibits the taking of an endangered or threatened species through the issuance of a permit, commonly known as an incidental take permit.

This bill provides a temporary permitting process lasting until December 31, 2033, for the take of species associated with a number of activities, including a transportation project undertaken by a state, regional, or local agency that does not increase highway or street capacity for automobile or truck travel. In addition, an applicant for the new permit must develop and implement a monitoring program to mitigate the impacts of the authorized take. Lastly, the bill removes the American peregrine falcon, brown pelican, and thicktail chub from the fully protected species list.

Urgency Bill – Effective Immediately

OCTA Position – Monitor

Impact on OCTA: SB 147 combines the rules of CESA and the fully protected species list (FPSL), creating specific categories of projects while maintaining both CESA and FPSL statutes. In short, it outlines the categories that will now allow projects to be eligible for incidental take permits. Examples include projects critical to regional or local water agency infrastructure or transportation projects not associated with increasing highway or street capacity for vehicle travel. SB 147 impacts OCTA's projects, such as rail or active transportation projects, as those types of transportation projects do not increase automobile capacity.

SB 149 (Cabarelo, D-Fresno): California Environmental Quality Act: administrative and judicial procedures: record of proceedings: judicial streamlining. (Chapter 60, Statutes of 2023)

SB 149 makes changes to CEQA in relation to Environmental Leadership Development Projects (ELDP) and judicial streamlining. ELDP was defined in SB 7 (Chapter 19, Statutes of 2021) as any residential, retail, commercial, sports, cultural, entertainment, or recreational use project that is certified as Leadership in Energy and Environmental Design gold or better by the United States Green Building Council and, where applicable, that achieves a 15 percent greater standard for transportation efficiency than for comparable projects. SB 149 expands on that definition of ELDP to now include an energy infrastructure project, a semiconductor or microelectronic project, a water-related project, or a transportation-related project that advances one or more of the goals related to the Climate Action Plan for Transportation Infrastructure (CAPTI) adopted by CalSTA. This bill extends the date from January 1, 2024, to January 1, 2032, for the certification of ELDP by the Governor. It also extends the date that a certified project is to be approved by the lead agency from January 1, 2025, to January 1, 2034.

An applicant for ELDP must minimize environmental impacts and mitigate any environmental impacts to a disadvantaged community. An applicant must also enter into an agreement to comply with the application requirements prior to certification of the environmental impact report for the project. SB 149 requires that the certified projects cannot result in any net additional emission of GHG and that the lead agency on the project must provide public notice of the certification within ten days of being certified.

SB 149 also shortens the record required for the CEQA report by removing internal communications on non-substantive materials and adds that if there is a complaint, the court must schedule a case management conference within 30 days of the complaint. A public agency on the project may deny a request by a plaintiff to prepare the record; however, if the agency denies the request, then the agency must bear the costs of the preparation of the record by the plaintiff.

OCTA Position – Monitor

Impact on OCTA: SB 149 applies to any OCTA project that may be classified under ELDP. Specifically, the Governor may certify up to 20 transportation-related projects, including up to ten California Department of Transportation projects, and up to ten local or regional projects. Since any transportation-related project that advances CAPTI goals is eligible to be certified as an ELDP, OCTA has the opportunity to apply for certification under the criteria. OCTA will also be required to follow the requirements for application under CEQA, including any mitigation efforts and record of proceedings that must be lodged with the court.

V. Funding

AB 126 (Reyes, D-San Bernardino): Vehicular air pollution: Clean Transportation Program: vehicle registration and identification plate service fees: smog abatement fee: extension.

(Chapter 319, Statutes of 2023)

AB 126 requires no less than 15 percent of the money appropriated by the Legislature from the Alternative and Renewable Fuel and Vehicle Technology Fund to be allocated to the Clean Transportation Program for the purposes of funding hydrogen fueling stations to support hydrogen vehicles until there is a sufficient network of hydrogen fueling stations in California to support existing and expected hydrogen vehicles. Of that allocation, 50 percent must be used to fund hydrogen-fueling stations that directly benefit or service residents of low-income communities and disadvantaged communities, as defined by CalEnviroScreen. This funding will be provided through a competitive grant fund. These provisions sunset on July 1, 2035.

AB 126 also amends the goals of the Clean Transportation Program to advance the state's clean transportation, equity, air quality, and climate emission policies. It also creates new priorities for the program to include the deployment of infrastructure that advances or supports the deployment of medium- and heavy-duty vehicles and the deployment of light-duty vehicle infrastructure technology to fill gaps and advance the goals identified in the Governor's Executive Order N-79-20. AB 126 requires the State Energy Resources Conservation and Development Commission (CEC) to use at least 50 percent of the funding appropriated for the Clean Transportation Program on programs that directly benefit or serve residents of disadvantaged and low-income communities and low-income Californians beginning January 1, 2025. Eligible programs could include infrastructure for public transportation, the deployment of clean medium- and heavy-duty vehicles and programs that create high-quality jobs related to supporting new clean technologies. Preference will be given to hydrogen applicants with the least carbon-intensive proposed fuel, measured well-to-gate.

By January 1, 2026, the CEC must propose to the Legislature alternative funding methodologies or fee structures for funding ZEV infrastructure and must include an assessment of the economic equity of the alternatives. AB 126 extends vehicle registration, identification plate, and smog abatement fees until July 1, 2035.

Urgency Bill – Effective Immediately

OCTA Position – Monitor

Impact on OCTA: This legislation makes significant changes to the Clean Transportation Program. OCTA staff will monitor the new guidelines created to adhere to these provisions and identify opportunities to pursue funding for zero-emission transit vehicles and infrastructure.

**AB 1052 (McCarty, D-Sacramento): Sacramento Regional Transit District : taxes.
(Chapter 674, Statutes of 2023)**

AB 1052 allows the Sacramento Regional Transit District (SacRT) to impose a district tax that applies in a portion of the incorporated and unincorporated territory so long as it meets certain conditions. Essentially, this allows SacRT to impose a tax in some places but not others. AB 1052 requires the SacRT Board to state the nature of the tax and the purposes of the revenue. It also limits the use of the tax revenues to public transit purposes serving the area of the jurisdiction of the district. Finally, it allows SacRT to impose special taxes.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. Their argument is that it makes sense to only have a certain population pay for services that only benefit them, instead of the entire county. OCTA will monitor the result of such endeavors and evaluate if that could be beneficial in a possible future sales tax measure.*

**AB 1385 (Garcia, D-Coachella): Riverside County Transportation Commission: transaction and use tax.
(Chapter 578, Statutes of 2023)**

Under current law, the Riverside County Transportation Commission (RCTC) may impose a transaction and use tax for transportation purposes subject to approval by the voters at a rate that cannot exceed one percent. AB 1385 raises that maximum tax rate to one and a half percent.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. The projects RCTC uses as justification include the Coachella Valley Rail Project, the Mid-County Parkway, Coachella Valley Sync Phase II, extending Metrolink service from Perris to Hemet and San Jacinto, the Santa Ana River Trail, the Interstate 10 bypass, smart freeways, grade separation, rapid/commuter bus service expansion, and zero-emission bus fleet replacement.*

**AB 1377 (Friedman, D-Glendale): Homeless Housing, Assistance, and Prevention (HHAP) Program.
(Chapter 728, Statutes of 2023)**

Under current law, the HHAP program provides funding to support regional coordination and expand or develop local capacity to address their immediate homelessness needs. Beginning on or after July 1, 2024, applicants must include data and a narrative summary of specific and quantifiable steps that the applicant has taken to improve the delivery of housing and services to people experiencing homelessness or at risk of homelessness on transit facilities owned and operated by a transit agency.

OCTA Position – Monitor

Impact on OCTA: *This legislation was sponsored by the Los Angeles County Metropolitan Transportation Authority (LA Metro) and supported by the California Transit Association. OCTA is aware that applicants in the Orange County area may be reaching out to OCTA to take steps to address homelessness in transit facilities. OCTA could also proactively work with these applicants to make requests for the use of the funding, as appropriate.*

AB 1679 (Santiago, D-Los Angeles): Transactions and use taxes: County of Los Angeles: homelessness. (Chapter 731, Statutes of 2023)

AB 1679 allows the County of Los Angeles to impose a transaction and use tax at a rate of no more than half a percent so long as certain requirements are met. These requirements include that it is approved by the voters and that all of the revenue must be dedicated to services for people experiencing homelessness or to provide affordable housing. If this is approved, Measure H will be repealed. This must be done by December 31, 2028.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. There is a large effort to put more resources toward addressing homelessness in transit systems in Los Angeles. It may be of interest to monitor the success of such measures and if any funding can be used for transit.*

SB 335 (Cortese, D-Campbell): Transactions and use taxes: County of Santa Clara. (Chapter 391, Statutes of 2023)

Under current law, the County of Santa Clara cannot impose a tax that exceeds two percent. SB 862 would allow the Santa Cruz Metropolitan Transit District to impose a district tax above the cap of two percent so long as certain conditions are met. This includes the Board adopting an ordinance to submit to the electorate, the rate of the additional tax cannot exceed 0.65 percent, and the voters approve the tax. These provisions would be repealed by December 31, 2028. Additionally, SB 335 shifts the current authority to impose a countywide district tax for transportation programs in Ventura County from the Ventura County Transportation Commission (VCTC) to the County of Ventura.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. It should be noted that the shift from VCTC to Ventura County is being done because their current authority to impose a tax that exceeds the two percent cap is limited solely to measures VCTC places on the ballot and does not apply to one imposed by voter initiatives due to their procedure for elections.*

SB 825 (Limon, D-Santa Barbara): Local government: public broadband services. (Chapter 186, Statutes of 2023)

Current law defines various terms, including defining “local agency” to mean any agency of local government authorized by any other law to provide broadband internet access service, and lists specified categories of local government agencies included in that

definition of “local agency.” SB 825 would add metropolitan planning organizations (MPO) and regional transportation planning authorities (RTPA) to that list of local government agencies included in the definition of “local agency.” Adding MPOs and RTPAs to the list of local government agencies allows those agencies to be eligible to apply for Local Agency Technical Assistance (LATA) grants to expand broadband services.

OCTA Position – Monitor

Impact on OCTA: *SB 825 allows OCTA to now be included in the definition of “local agency” relating to public broadband services. Since OCTA is now included in the definition, OCTA is eligible to apply for LATA grants, which help expand broadband service to unserved/underserved areas. OCTA will be able to apply for grants to expand broadband to unserved areas, such as areas along highways where broadband service is lacking for residents living in that area.*

SB 862 (Laird, D-Monterey): Santa Cruz Metropolitan Transit District: transaction and use tax rates.

(Chapter 296, Statutes of 2023)

Under current law, the Santa Cruz Metropolitan Transit District cannot impose a tax that exceeds two percent. SB 862 would allow the Santa Cruz Metropolitan Transit District to impose a district tax above the cap of two percent so long as certain conditions are met. This includes the Board adopting an ordinance approving the tax before January 1, 2035, and the rate of the additional tax cannot exceed half of a percent.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. The justification provided by the sponsor includes that they will soon face a fiscal cliff, and this will allow them to generate additional revenue.*

ACA 1 (Aguilar-Curry, D-Davis): Local government financing: affordable housing and public infrastructure: voter approval.

(Chapter 173, Statutes of 2023)

ACA 1 is a constitutional amendment to allow a city, county, or special district to incur bonded indebtedness or impose specified special taxes to fund projects for affordable housing, permanent supportive housing, or public infrastructure with 55 percent voter approval rather than two-thirds. Certain requirements must be met in order to qualify under these provisions, including that funds cannot be used for salaries or other operating expenses, an evaluation of alternative funding sources is completed, an annual performance audit is conducted, an audit of the proceeds from the sale of bonds is conducted, a citizens’ oversight committee is appointed, proceeds from the sale of the bonds only can be spent on projects and programs within the jurisdiction, and an entity owned or controlled by a local official that votes on whether the proposition is put on the ballot is prohibited. ACA 1 also specifies that a city, county, city and county, or special district can levy a 55 percent vote ad valorem tax, with the same requirements. This

legislation also allows the Legislature to create laws to establish additional accountability measures with a two-thirds vote and they can enact laws for the downpayment assistance programs by a majority vote. Special districts cannot exceed their statutorily prescribed tax rate limit. ACA 1 will appear on the next ballot and is subject to voter approval since it is amending the State's Constitution.

OCTA Position – Monitor

Impact on OCTA: *OCTA has successfully secured over a two-thirds vote for its Measure M2 Program, which was voted on in 2006. If ACA 1 is approved by the voters, OCTA would have a lower threshold to meet if it were to pursue a third measure after the current one expires.*

VI. Planning

AB 350 (Aguiar-Curry, D-Davis): Regional transportation plans: Sacramento Area Council of Governments. (Chapter 648, Statutes of 2023)

AB 350 extends the Sacramento Area Council of Governments' (SACOG) regional transportation plan (RTP), sustainable communities strategy, and environmental impact report adopted on November 18, 2019, by two years, submitting it to Caltrans and the CTC by December 31, 2025. The update must include a development and pilot implementation of equity-centered, community-cocreated infrastructure development and funding prioritization process in disadvantaged communities, as identified in SACOG's implementation of a grant they were awarded through the Rebuilding American Infrastructure with Sustainability and Equity. It must also include a description of how the updates further equity through engagement efforts and data on the update's performance outcomes in disadvantaged communities. Until December 31, 2025, if SACOG nominates a project for the Solutions for Congested Corridors Program, it must also meet the eligibility requirements of Transit Intercity Rail Capital Program (TIRCP), the Low Carbon Transit Operations Program, and the Active Transportation Program. The next RTP update must be adopted by November 15, 2027, and submit subsequent updates to its RTP every four years. SACOG is required to provide an online report by July 1, 2026, regarding its implementation with information including a comparison between the land use and housing development assumptions, a discussion of the comparison's results, and the status of approvals for, funding for, construction of, and projected dates of operation for transportation projects in the region.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. SACOG sponsored this legislation to align its RTP submission date with the RTP due dates of the other members of the Northern California Megaregion.*

AB 413 (Lee, D-Milpitas): Vehicles: stopping, standing, and parking.

(Chapter 652, Statutes of 2023)

AB 413 prohibits vehicles from being stopped, left, or parked within 20 feet of any unmarked or marked crosswalk. This measure allows pedestrians to better see oncoming traffic, in addition to an increased visual field for drivers pulling up to an intersection. Furthermore, a person cannot stop, park, or leave standing a vehicle within 15 feet of any crosswalk where a curb extension is present. A local authority may establish a distance other than 15 feet if they establish that distance by ordinance to demonstrate traffic safety standards justify the new distance, and they have marked the different distance at the intersection using a sign or paint. Prior to January 1, 2025, jurisdictions may only issue a warning for a violation, and cannot issue a citation for a violation unless the violation occurs in an area marked with paint or sign.

OCTA Position – Monitor

Impact on OCTA: For informational purposes. This will primarily affect cities' implementation of the safety measure. This bill seeks to address concerns that impact pedestrian and vehicle safety.

AB 645 (Friedman, D-Glendale): Vehicles: speed safety system pilot program.

(Chapter 808, Statutes of 2023)

AB 645 establishes a five-year pilot program to give local transportation authorities in the cities of Glendale, Long Beach, Oakland, San Jose, and the City and County of San Francisco the authority to install speed safety systems. This can be done in certain areas, including a street meeting the standards of a safety corridor, on a street the local authority determines has had a high number of incidents, and school zones. For a jurisdiction with a population of over three million, no more than 125 systems can be operating, and it goes down from there in increments. These speed safety systems must be placed in locations that are geographically and socioeconomically diverse. The program must meet certain requirements such as identification, regular inspection, and the systems provide real-time notification to the driver. A speed safety program cannot be operating on any California state route.

Prior to enforcing speed laws using a speed safety system, the jurisdiction must administer a public information campaign and issue warning notices for the first 60 calendar days of enforcement. A governing body of the jurisdiction must adopt a Speed Safety System Use Policy before entering into an agreement regarding a speed safety system, purchasing or leasing equipment for a program, or implementing a program. Additionally, they must approve a Speed Safety System Impact Report prior to implementing a program, detailed with specified information. Uniform guidelines must be developed pertaining to the screening and issuing of notices of violation as well as the processing and storage of confidential information. AB 645 also creates requirements related to the photographic evidence. A speed safety system at a specific location must only be operated for no more than 18 months following the installation of a system. AB 645 does not authorize the suspension or revocation of a driver's license for this violation and instead institutes an escalating penalty structure. Revenues from the

program must first be used to recover program costs and jurisdictions must maintain their existing commitment of local funds for traffic calming measures in order to remain authorized to participate in the pilot program.

OCTA Position – Monitor

Impact on OCTA: No cities within Orange County are authorized under this pilot program. However, it may behoove staff to monitor the implementation of such and determine, in coordination with the cities, if a speed safety program may be beneficial to reduce traffic incidents.

AB 744 (Carrillo, J., D-Palmdale): California Transportation Commission: data, modeling, and analytic software tools procurement. (Chapter 541, Statutes of 2023)

AB 744 requires the CTC to convene relevant state agencies to assess the procurement and implementation of data, modeling, and analytic software tools to support the state's sustainable transportation, congestion management, affordable housing, efficient land use, air quality, economic, and climate change strategies and goals. On or before July 1, 2025, the CTC must develop a proposal to procure data, modeling, and analytic software tools and a process by which the CTC allows access to state and local agencies to the data it procures directly. As a part of the proposal, the CTC may establish best practices for the use of the data in transportation planning. To receive access to this data, modeling, and analytic software tool, a local agency must submit a report no later than August 1, 2027, about how they will use the tool to meet the aforementioned goals. CTC must report to the Legislature by June 1, 2028, based on the report received regarding the tools' use.

OCTA Position – Monitor

Impact on OCTA: OCTA understands that the author may introduce clean-up legislation to ensure local agencies are at the table when assessing the procurement and implementation of these tools. OCTA will remain engaged in the development, especially concerning the best practices that may be drafted. Additionally, OCTA will be ready to submit a report if it wishes to have access to these tools.

AB 894 (Friedman, D-Burbank): Parking requirements: shared parking. (Chapter 749, Statutes of 2023)

AB 894 requires public agencies with underutilized parking to share parking with a private entity, the public, other public agencies, or other users. It requires a public agency to allow shared parking arrangements to be counted toward meeting the automobile parking requirements for an existing or new development. AB 894 requires that shared parking strategies be considered when public funds are used for new development or new parking lots.

Additionally, this bill requires a local agency to approve the shared parking agreement if it includes a parking analysis conducted by a professional planning association. If the

shared parking agreement does not include a parking analysis conducted by a professional planning association, then a local agency is required to approve or deny the shared parking agreement and determine how many parking spaces can be feasibly shared between uses to fulfill parking requirements.

Furthermore, if there is no parking analysis and the local agency must approve or deny an agreement for specified developments, the agency is also required to notify all property owners within 300 feet of the shared parking spaces about the proposed agreement. The agency must hold a public meeting if there is a request to do so, so long as the request is made within 14 days of notifying property owners. The notification and public meeting requirements do not affect local agencies that enact an ordinance for shared parking agreements.

OCTA Position – Monitor

Impact on OCTA: Currently, this bill does not directly affect OCTA as parking at OCTA headquarters is owned and operated by the property manager. OCTA currently shares parking with the other businesses and agencies owned by the property management company. This bill has the potential to impact OCTA if OCTA builds any new development using state dollars.

AB 1308 (Quirk-Silva, D-La Palma): Planning and Zoning Law: single-family residences: parking requirements. (Chapter 756, Statutes of 2023)

AB 1308 prohibits a local agency from increasing the minimum parking requirement that applies to a single-family residence as a condition of approving a project to remodel, renovate, or add to the residence so long as the project does not cause the residence to exceed any maximum size limit by the applicable zoning regulations. This does not prohibit property owners from building parking but rather gives property owners flexibility to decide how much parking to build based on the need and affordability, not requiring them to comply with a blanket mandate.

OCTA Position – Monitor

Impact on OCTA: For informational purposes. This bill primarily affects local governments, such as cities that implement minimum parking requirements. However, the definition of a public agency under this section extends to a special district. Therefore, if OCTA were ever in this situation, it would need to comply.

VII. Public Meetings

AB 557 (Hart, D-Santa Barbara): Open meetings: local agencies: teleconferences. (Chapter 534, Statutes of 2023)

Since the COVID-19 pandemic, the Legislature has enacted several pieces of legislation to modify the Ralph M. Brown Act to allow for flexibility in utilizing teleconferencing. One of those bills was AB 361 (Chapter 165, Statutes of 2021), which allowed a local agency to use teleconferencing if they were holding a meeting during a proclaimed state of emergency. In order to do this, legislative bodies are required to make certain findings to make that determination every 30 days. AB 557 would extend those requirements to every 45 days and extend the sunset of these provisions until January 1, 2026. Another bill from last year expanded the requirements to allow for teleconferencing outside a state of emergency, so long as certain requirements were met, including that the member experienced an emergency circumstance or had just cause to participate remotely. AB 557 also adds that a member may participate remotely if they have an immunocompromised child, parent, grandparent, grandchild, sibling, spouse, or domestic partner.

OCTA Position – Monitor

Impact on OCTA: *OCTA no longer holds its meetings virtually. However, if there were to be another state of emergency proclaimed, the resolution to make findings for needing to participate remotely would only need to occur every 45 days.*

SB 143 (Senate Budget & Fiscal Review): State government. (Chapter 196, Statutes of 2023)

SB 143 is a general government trailer bill. Of particular interest in this trailer bill is the provision that extends teleconferencing for state entities until December 31, 2023, so long as it meets certain requirements. These requirements include accommodating modification requests consistent with the Americans with Disabilities Act and advertising the procedure each time notice is given for the public to observe the meeting.

Urgency Bill – Effectively Immediately

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. OCTA is not governed by the Bagley-Keene Open Meeting Act.*

SB 411 (Portantino, D-Glendale): Open meetings: teleconferences: neighborhood councils. (Chapter 605, Statutes of 2023)

SB 411 expands flexible teleconferencing requirements to a neighborhood council, which is an advisory body that is established pursuant to the charter of a city with a population of more than three million people. In order to utilize this flexibility, the city council of the neighborhood council must adopt a resolution to authorize it by a two-thirds vote. The

neighborhood council must provide notice that it will be holding its meeting by teleconference, as specified. If the meeting is disrupted, the proceedings must cease until that is resolved. At least a quorum of the members must participate from locations within the boundaries of the city in which they are established. At least once a year, a quorum of members must participate in person from a singular physical location.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. This legislation does not apply to the OCTA.*

SB 544 (Laird, D-Monterey): Bagley-Keene Open Meeting Act: teleconferencing. (Chapter 216, Statutes of 2023)

SB 544 allows state agencies governed by the Bagley-Keene Open Meeting Act to hold a meeting by teleconference so long as certain requirements are met. The state agency must designate the primary physical meeting location in the notice of the meeting where members of the public may physically attend the meeting and participate. Additionally, the agency must provide a means by which the public may remotely hear audio of the meeting, remotely observe the meeting, remotely address the body, or attend the meeting by providing the information on the agenda, website, or physical address for a teleconference location. Furthermore, state agencies must accommodate modification requests consistent with the Americans with Disabilities Act and advertise the procedure each time notice is given for the public to observe the meeting. At least one member of the state body needs to be physically present at each teleconference location, with a majority of members being physically present at the same teleconference location. Once that is met, the rest of the members can participate remotely and do not need to disclose the remote location if they have a need related to a physical or mental disability, or they let the state body know as early as possible of their need to participate remotely. All votes done remotely must be taken by rollcall, and if remote access is ever disrupted, the meeting proceedings must cease until it is resolved. SB 544 also allows the following state agency entities: advisory board, advisory commission, advisory committee, advisory subcommittee, or similar multimember advisory body. These provisions will be in effect until January 1, 2026.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. OCTA is not governed by the Bagley-Keene Open Meeting Act. However, the requirements to hold teleconference meetings are similar under this Act as well as the Ralph M. Brown Act.*

VIII. Public Works and Procurement

AB 334 (Rubio, D-West Covina): Public contracts: conflicts of interest. (Chapter 263, Statutes of 2023)

AB 334 is a direct response to California Government Code Section 1090, which provides that public “officers” and public employees are prohibited from being financially interested

in any contract made by them in their official capacity. More recently, the application of California Government Code Section 1090 has expanded to include independent contractors when their actions are level with being an agent of a public agency. As such, public agencies are limited in awarding work to any independent contractor because of potential conflict. As a result, qualified professionals are unable to participate in certain phases of work. AB 334 establishes that if a public entity has entered into a contract with an independent contractor to perform one phase of a project and seeks to enter into a subsequent contract with that independent contractor for a later phase of the same project, the independent contractor is not an “officer” if the independent contractor’s duties and services related to the initial contract did not include engaging in or advising on public contracting on behalf of the public entity. This means that they did not prepare or assist the public entity with any portion of the preparation of requests for proposals, requests for qualifications, or any other solicitation regarding a subsequent contract with the public entity.

OCTA Position – Monitor

Impact on OCTA: This bill directly affects OCTA’s procurement process. Local governments and agencies can experience contracting issues because of Government Code Section 1090 when searching to partner with an independent contractor on projects. Specifically, consultants who have been hired by OCTA for one part of a project may have been found to have a conflict that prohibits them from working on a future phase of that same project. This bill changes that prohibition and would allow an independent contractor who performs one phase of a project to enter into a subsequent contract for a future phase of the same project if certain criteria are met.

**AB 338 (Aguiar-Curry, D-Davis): Fuel reduction work.
(Chapter 428, Statutes of 2023)**

AB 338 creates standards for fuel reduction work contracts. These standards include that all workers be paid a prevailing rate of per diem wages, all contractors and subcontractors maintain payroll records that are made available for inspection, and a contractor must be registered to be qualified to be on, be awarded contracts for, or engage in the performance of, any work related to these provisions. Fuel reduction work is described as residential chipping, rural road fuel breaks, and firebreaks. These provisions do not apply to work done on Indian lands, prescribed fire or grazing work, work performed on private land, nonprofit organizations, any workers who are currently exempt from public works requirements, or any work performed by an inmate. This legislation has a delayed implementation date of July 1, 2026.

OCTA Position – Monitor

Impact on OCTA: For informational purposes. OCTA, at times, will engage in fuel reduction work. OCTA staff should ensure compliance with these provisions if it does not qualify under the exemptions.

AB 400 (Rubio, D-West Covina): Local agency design-build projects: authorization. (Chapter 201, Statutes of 2023)

Current law allows for local agencies to use the design-build procurement process for projects that meet specific requirements, such as transit capital projects, development projects related to transit facilities, or certain projects selected by Caltrans. This authority for a design-build procurement process is set to be repealed on January 1, 2025. AB 400 extends the repeal date to January 1, 2031. Additionally, this legislation expands the definition of a local agency to include any joint powers authority (JPA) responsible for constructing transit projects. Previously, this authority only included a JPA that was formed to provide transit service.

OCTA Position – Monitor

Impact on OCTA: This bill directly impacts OCTA project development by extending the repeal date of design-build projects. Design-build allows for the design and construction of a project to be procured from a single source. The method streamlines project delivery by allowing local governments to enter into a single contract with a design and construction team that will design and build the project, creating more efficient and timely project delivery. The Interstate 405 Improvement Project is an example of a design-build project where the completion of construction was expedited because of the design-build process.

AB 427 (Alvarez, D-Chula Vista): Otay Mesa East Toll Facility Act: alternative project delivery method. (Chapter 163, Statutes of 2023)

AB 427 allows the San Diego Association of Governments (SANDAG) to use the Construction Manager/General Contractor (CMGC) method for the State Route 11/ Otay Mesa East Port of Entry Project. The CMGC method allows for SANDAG to streamline the construction project, having the construction manager be involved in the project's design phase. SANDAG may enter into an alternative project delivery method after comparing the traditional design, bid, and build process of construction with the proposed alternative project delivery method in a public meeting. If SANDAG's governing board finds that the use of an alternative project delivery method on the project will accomplish reducing comparable project costs, expediting project completion, or providing features not achievable through the traditional design-bid-build method, then may enter into an alternative project delivery method contract such as the CMGC method. This bill will allow SANDAG to select a contractor earlier in the process to enable further collaboration on project schedule, cost, and risk mitigation.

Urgency Bill – Effective Immediately

OCTA Position – Monitor

Impact on OCTA: For informational purposes. The CMGC method could be helpful in future OCTA construction projects if such authorization was granted.

AB 521 (Bauer-Kahan, D-San Ramon): Occupational safety and health standards: construction job sites: toilet facilities.

(Chapter 529, Statutes of 2023)

AB 521 requires the California Occupational Safety and Health Standards Board (Cal/OSHA) in the California Department of Industrial Relations to draft a proposed rulemaking to revise a regulation on construction job site toilet facilities before December 1, 2025. The rulemaking proposal will include requiring at least one single-user toilet facility to be present on construction job sites, specifically designated for users who may self-identify as female or nonbinary. A construction job site is not subject to the requirements in the Health and Safety Code that require all single-user toilet facilities to be identified as all-gender toilet facilities by signage. This bill requires Cal/OSHA to consider adopting the proposal on or before December 31, 2025.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. If Cal/OSHA adopts the rulemaking proposal, then this bill will affect toilet facilities present on OCTA construction project sites.*

AB 587 (Rivas, D-Salinas): Public works: payroll records.

(Chapter 806, Statutes of 2023)

Contractors and subcontractors are legally obligated to maintain accurate payroll records on public works projects. They are required to have any copy of records available for inspection as copies and furnished upon request to the public or any public agency to be marked to prevent disclosure of an individual's information. AB 587 requires that any copy of records requested by a multiemployer Taft-Hartley trust fund or joint labor-management committee be made on forms provided by the Division of Labor Standards Enforcement. This bill further specifies that copies of electronically certified payroll records do not satisfy the payroll records requests.

OCTA Position – Monitor

Impact on OCTA: *Contractors and subcontractors on public works projects must keep accurate payroll records, including detailed employee information and hours. These records must be available for inspection by authorized labor representatives and the Division of Labor Standards Enforcement. Electronic submission of these records has become more commonplace, showing more inconsistencies. This has caused labor representatives to request traditional paper records to confirm information. This bill aligns the reporting criteria in both the physical and electronic copies of certified payroll records so that there is further success in ensuring labor compliance on public works projects. This will impact contractors and subcontractors working on OCTA public works projects.*

**AB 752 (Rubio, D-West Covina): State highways: worker safety.
(Chapter 813, Statutes of 2023)**

AB 752 expands on the use of Caltrans' "Guidelines on the Use of Positive Work Zone Protection (PWP) & Mitigation Measures." Caltrans uses PWP measures on most state highways in California. Caltrans was required to update this guidance in 2021 and then required to submit a report to the Legislature by January 1, 2024, with certain findings and declarations. After the report is submitted, Caltrans is now required to prescribe standards to align with the report related to the appropriate use of positive protection on all covered activities, such as utility work and repair activities on the state highway system. Caltrans may adopt regulations as necessary to carry out the purpose of the safety requirements.

OCTA Position – Monitor

Impact on OCTA: OCTA partners with Caltrans on highway improvement projects within Orange County. Caltrans has seen a substantial increase in highway construction work zone fatalities over the past ten years. Updating these guidelines may help increase safety in highway work zones. OCTA will inform and monitor the report and ensure compliance with the updated guidance.

**AB 965 (Carrillo, D-Hesperia): Local government: broadband permit applications.
(Chapter 553, Statutes of 2023)**

AB 965 requires local agencies to undertake batch broadband permit processing, which is the simultaneous processing of two or more broadband permit applications for similar broadband project sites under a single permit. The broadband project sites can include any fiber optic connections, wireless facilities, or other supporting equipment. According to the bill, local agencies may set reasonable limits on the number of broadband project sites included in a single permit. This bill identifies that local agencies may lack the resources to process large volumes of applications, so it allows for local agencies to work with the applicant to resolve any resource limitations. Furthermore, a local agency may only remove a broadband project site from grouping under a single permit if there is a mutual agreement with the applicant or to expedite the approval of other similar broadband project sites. If a local agency denies the permit application, the agency is required to notify the applicant in writing of the reasons for denial.

OCTA Position – Monitor

Impact on OCTA: In this bill, "local agency" is defined as a city, county, city and county, charter city, special district, or publicly owned utility. Most of the broadband permit applications are submitted to the Orange County Department of Public Works or individual cities. However, since OCTA is a special district, there is a possibility that the broadband permit processing system may affect OCTA projects. Batch broadband permit processing is meant to expedite permit applications, so if OCTA needs to apply for this permit under a project, the application will be streamlined.

**AB 1121 (Haney, D-San Francisco): Public works: ineligibility list.
(Chapter 465, Statutes of 2023)**

AB 1121 requires awarding authorities to annually submit a list of contractors that are ineligible to be a subcontractor, bid on, or be awarded a public works project pursuant to local suspension processes to the Department of Industrial Relations electronic registration database. This bill requires the list of contractors submitted to the Department of Industrial Relations to include the name of the contractor, the Contractors State License Board license number, the jurisdiction where the suspension applies, and the effective period of suspension of the contractor.

OCTA Position – Monitor

Impact on OCTA: *OCTA is an awarding authority and is thus required to adhere to the new guidelines outlined in this bill, which would require contractors to submit appropriate information.*

**AB 1175 (Quirk-Silva, D-La Palma): Outdoor advertising displays: redevelopment agency project areas.
(Chapter 361, Statutes of 2023)**

Current law authorizes Caltrans to enforce standards and regulations for outdoor advertising displays. Local governments generally regulate “on-premises” advertising displays, which include those advertising the sale of the property for which it is located. Before redevelopment agencies were eliminated, the Outdoor Advertising Act, as enforced by Caltrans, allowed for advertising signs that are located within the boundaries of a redevelopment project area to be considered on-premises sign. The dissolution of redevelopment agencies raised questions about how existing signs would be treated by Caltrans because the agency no longer existed to negotiate with Caltrans and indicated it needed further legislative direction. SB 684 (Chapter 544, Statutes of 2013) allowed for the continuation of this on-premises redevelopment agency exemption until January 1, 2023. AB 1175 would extend this exemption until January 1, 2026, for those advertising displays that were in operation as of December 31, 2022.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

**AB 1204 (Holden, D-Pasadena): Contractors: contracts: restrictions.
(Chapter 568, Statutes of 2023)**

AB 1204 prohibits a specialty contractor from entering into a contract for the performance of work on the same single project with more than one subcontractor in the same license classification unless either of the following requirements are satisfied:

- The subcontractor employs persons who are classified as employees to perform work in that license classification on a single project.

- The specialty contractor is a signatory to a bona fide collective bargaining agreement that covers the type of work being performed on the single project and addresses the issue of subcontracting.

This bill adds that any violation of the above provisions is a cause for disciplinary action.

OCTA Position – Monitor

Impact on OCTA: AB 1204 will require OCTA to ensure the proper classification of employees in contracts. Specifically, licensed specialty contractors that OCTA may use for certain projects may not be properly utilizing employees, and instead, subcontracting with other specialty contractors. This creates an issue where specialty contractors avoid having employees, and thus, avoid certain workers' compensation insurance requirements. AB 1204 changes this by prohibiting a licensed specialty contractor from subcontracting with two or more contractors in the same classification on the same job site, which consolidates payroll records and ensures that contractors abide by labor laws and provide proper employee benefits. This ensures OCTA's contractors and subcontractors follow labor laws.

AB 1649 (Kalra, D-San Jose): Local Agency Public Construction Act: change orders: County of Santa Clara. (Chapter 281, Statutes of 2023)

The Local Agency Public Construction Act regulates contracting by local agencies, which includes special districts and counties. The act includes provisions for contracting by counties and contracting for county highways. Those provisions include change order authorization for construction contracts and the imposition of caps on the extra cost of any change order.

AB 1649 would authorize the County of Santa Clara to be subject to a change order of \$400,000 for contracts whose original cost exceeds \$25,000,000 and of \$750,000 for contracts whose original cost exceeds \$50,000,000, adjusted annually to reflect the percentage change in the California Consumer Price Index. These change order caps would apply to construction contracting by the county and contracting for county highways. The bill would require the County of Santa Clara to modify no more than seven contracts pursuant to these provisions and would require the County of Santa Clara to provide a review report to the Assembly Committee on Local Government and the Senate Committee on Governance and Finance no later than July 1, 2026.

OCTA Position – Monitor

Impact on OCTA: For informational purposes. The Local Agency Public Construction Act provides change order authorization to the County of Los Angeles under existing law and now the County of Santa Clara. It is possible that more counties will follow suit.

AB 1673 (Pacheco, D-Downey): Outdoor Advertising Act: local governmental entities: relocation.

(Chapter 590, Statutes of 2023)

AB 1673 makes changes to the Outdoor Advertising Act as it pertains to relocation. Specifically, it clarifies that nothing prohibits local governments from designating zones where advertising displays may be placed or relocated. Additionally, it provides that any government entity may enter into a relocation agreement for an advertising display. Relocated or existing advertising displays may be converted to a message center per the agreement. Finally, AB 1673 clarifies that nothing prevents a relocation agreement from being referred to as a “development agreement” by a local governmental entity so long as the requirements of the agreement are satisfied.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

SB 146 (Gonzalez, D-Long Beach): Public resources: infrastructure: contracting.

(Chapter 58, Statutes of 2023)

SB 146 removes the sunset date for existing National Environmental Policy Act (NEPA) delegation authority for transit and rail projects and clarifies that CalSTA can also assume such authority for local projects requested by a local or regional agency, including but not limited to cities, counties, special districts, and joint powers authorities. This would require agreement from the federal agencies. In addition, until December 31, 2033, this bill would authorize the use of progressive design-build authority for Caltrans and Department of Water Resources projects. This could only apply to eight projects, and those projects would have to be over \$25 million. Finally, SB 146 would grant job order contracting procurement authority to Caltrans until December 31, 2033, for the following types of projects: (1) highway maintenance or safety projects; (2) traffic management and detection system installation, replacement and repair; (3) tree removal; (4) clearing and grubbing; (5) culvert installation and repair; (6) Americans with Disability Act-related facilities; (7) facility repairs, including building maintenance; (8) installation of stormwater pollution control devices; and (9) safety barriers.

Urgency Bill – Effective Immediately

OCTA Position – Monitor

Impact on OCTA: *This legislation was a part of the infrastructure streamlining package proposed by the Governor. OCTA staff will consider that the NEPA delegation authority now would pertain to local projects, if requested. Staff will be aware of the new project streamlining tools Caltrans can utilize for projects, as specified.*

**SB 617 (Newman, D-Fullerton): Public contracts: progressive design-build: local and regional agencies: transit.
(Chapter 196, Statutes of 2023)**

SB 617 authorizes a local agency to utilize progressive design-build authority for ten public works projects over \$5 million so long as they follow certain requirements. Additionally, SB 617 specifies that a local agency would include a transit district, municipal operator, consolidated agency, joint powers authority, regional transportation agency, or local or regional agency is authorized to use the progressive design-build procurement method. Furthermore, the legislation requires that one of the following circumstances be met: a lead agency enters into a project labor agreement that will bind contractors and subcontractors to use a skilled and trained workforce, the project or contract is being performed under the extension or renewal of a project labor agreement that was entered into before January 1, 2023, or the project labor agreement will bind the entity and all its subcontractors at every tier of performing the project or contract to use a skilled and trained workforce. No later than January 1, 2028, a local agency that uses this authorization must submit a report to the Legislature on the use of the progressive design-build process, including a description of the project, contract award amounts, any written protests, a description of the prequalification process, the number of specialty contractors, and more. The authority would be available until January 1, 2029.

OCTA Position – Support

Impact on OCTA: OCTA could consider utilizing this authority on relevant transit projects. By using this authority, a lead agency procures a design-builder much earlier in the project development process than under traditional design-build authority. This ensures the design-build entity is involved in some of the earliest design decisions. Through this increased collaboration, risks can be identified earlier and mitigated. Progressive design-build project delivery also requires cost estimates to be developed and agreed to earlier, placing more responsibility on the design-builder to remain within budget, thus affording more price certainty.

**SB 706 (Caballero, D-Salinas): Public contracts: progressive design-build: local agencies.
(Chapter 500, Statutes of 2023)**

SB 706 authorizes a city, county, or special district to utilize progressive design-build authority for ten public works projects over \$5 million for each project so long as they follow certain requirements, including those related to labor and reporting. The authority would be available until January 1, 2030. Prior to this law, this authority was only authorized in limited situations under state statute, specifically for certain water projects and projects undertaken by the Department of General Services. Furthermore, the legislation requires that one of the following circumstances be met: a lead agency enters into a project labor agreement that will bind contractors and subcontractors to use a skilled and trained workforce, the project or contract is being performed under the extension or renewal of a project labor agreement that was entered into before January 1, 2023, or the project labor agreement will bind the entity and all its subcontractors at every tier of performing the project or contract to use a skilled and trained workforce. By

December 31, 2028, a local agency that uses this authorization must submit a report to the Legislature on the use of the progressive design-build process, including a description of the project, contract award amounts, any written protests, description of the prequalification process, number of specialty contractors, and more.

OCTA Position – Support

Impact on OCTA: OCTA could consider utilizing this authority on relevant projects. By using this authority, a lead agency procures a design-builder much earlier in the project development process than under traditional design-build authority. This ensures the design-build entity is involved in some of the earliest design decisions. Through this increased collaboration, risks can be identified earlier and mitigated. Progressive design-build project delivery also requires cost estimates to be developed and agreed to earlier, placing more responsibility on the design-builder to remain within budget, thus affording more price certainty.

IX. Transit

AB 971 (Lee, D-Milpitas): Vehicles: Transit-only traffic lanes. (Chapter 672, Statutes of 2023)

AB 971 makes clarifying changes to ensure local authorities can allow other vehicles designated by a local authority or Caltrans to utilize a transit-only lane. The transit agency must work with the agency that has jurisdiction over that section of the highway when placing and maintaining signs, as well as other traffic control devices.

OCTA Position – Monitor

Impact on OCTA: Should OCTA need to instruct other vehicles to operate in transit-only lanes, such as bus supervisor vehicles, this legislation ensures that OCTA has the authority to make such a determination.

SB 506 (Laird, D-Monterey): California Public Utilities Commission: railroads: colored pavements marking project. (Chapter 288, Statutes of 2023)

SB 506 requires the California Public Utilities Commission (CPUC) to develop and implement a pilot or limited demonstration and research project for colored pavement markings at one or more at-grade highway-railroad crossings prior to January 1, 2026. The purpose of this bill is to measure and evaluate the effectiveness of the colored pavements marking project to reduce incidents. The CPUC is required to report its findings on the project to the Legislature up to one year after project completion. These provisions sunset on January 1, 2030.

OCTA Position – Monitor

Impact on OCTA: For informational purposes. If the CPUC finds colored markings are effective in reducing safety incidents in their report to the Legislature, this legislation could

result in agencies implementing colored markings at railroad crossings in the future, which may create costs for local agencies once the pilot project is complete. For now, OCTA will monitor this pilot project.

**SB 677 (Blakespear, D-Encinitas): Intercity rail: The Los Angeles – San Diego – San Luis Obispo (LOSSAN) Rail Corridor.
(Chapter 407, Statutes of 2023)**

The LOSSAN Rail Corridor Agency (LOSSAN Agency) develops an annual business plan for submittal to the California State Transportation Agency. The business plan includes a report on the recent and historical performance of the corridor service, an overall operating plan to increase ridership and provide for increased traveler demands in the corridor, short- and long-term capital improvement programs, funding requirements for the upcoming FY, and an action plan with performance goals and objectives.

This bill requires future iterations of the business plan to include a description of how to adapt to climate change impacts on the LOSSAN corridor, an identification of the projects planned to increase climate resiliency on the corridor, and possible funding options for the projects identified, including but not limited to, federal and state funding. This bill provides that these additions be included in the upcoming business plan with a due date of April 1, 2024, and every plan annually thereafter.

OCTA Position – Support

Impact on OCTA: SB 677 impacts the LOSSAN Agency by requiring new climate-related inclusions in the LOSSAN annual business plan. Since the LOSSAN Agency will be required to identify projects planned to increase climate resiliency in the corridor and possible funding options for those projects, this bill may increase the opportunity for state and federal funding on LOSSAN projects. It also increases the opportunity for state and federal funding for member agency projects in conjunction with the LOSSAN Rail Corridor. The SB 677 bill provides an opportunity to identify potential future environmental challenges to the corridor. The bill also will help in identifying potential funding sources to address problems occurring in Orange, San Diego, and Santa Barbara counties.

**SB 757 (Archuleta, D-Norwalk): Railroads: contract crew transportation vehicles.
(Chapter 411, Statutes of 2023)**

SB 757 defines a “contract crew transportation vehicle” as a motor vehicle mainly used by third parties under contract with a railroad corporation to transport rail crews. This bill prohibits the operation of a contract crew transportation vehicle without a valid permit, overseen by the CPUC. SB 757 also specifies insurance requirements for operating a contract crew transportation vehicle, such as crew transportation operators being required to carry at least \$5 million in liability coverage and at least \$1 million in underinsured and uninsured motorist coverage. This bill also would exempt carpools, regardless of whether all persons work for a railroad corporation or not, and motor vehicles operated by railroad employees from the bill’s provisions.

OCTA Position – Monitor

Impact on OCTA: *Although charter-party carriers and taxis are regulated for insurance purposes, contract crew transportation operators have not been defined in law until this legislation. The new regulations for contract crew transportation operators impact OCTA and LOSSAN Agency subcontractors who may be working on certain rail projects. For example, subcontractors who may be working on a portion of the LOSSAN corridor will be subject to the permitting and insurance requirements outlined in this bill if they fall under the definition of a contract crew transportation operator or motor vehicle.*

X. Safety and Security

AB 1638 (Fong, M., D-Alhambra): Local government: emergency response services: use of languages other than English. (Chapter 587, Statutes of 2023)

Beginning on January 1, 2025, AB 1638 requires, in the event of an emergency within the jurisdiction of a local agency that provides emergency response services and that serves a population within which five percent or more of the people speak English less than “very well” and jointly speak a language other than English, the local agency to provide information related to the emergency in English and in all languages spoken jointly by the five percent or more of the population that speaks English less than “very well.” The data can be used from the American Community Survey. A local agency must reassess the data every five years. The quality of the information must be as comprehensive, actionable, and timely as the information provided to English speakers. And they must endeavor to use community members to help effectively communicate. Starting January 1, 2027, the Office of Planning and Research must survey a sample of local agencies every three years to determine the level of compliance. A local agency means a city, county, city and county, or a department of a city or county.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. This does not directly apply to OCTA per the definition of local agency.*

AB 1735 (Low, D-Cupertino): Transit districts: prohibition orders. (Chapter 69 Statutes of 2023)

AB 1735 provides the Santa Clara Valley Transportation Authority the authority currently provided to the SacRT, the Los Angeles County Metropolitan Transportation Authority, the Fresno Area Express, and the San Francisco Bay Area Rapid Transit to issue prohibition orders to any person cited for committing a specified act. This authority would include the ability to issue a prohibition order to any person who, on at least three separate occasions within a period of 90 consecutive days, is cited for an infraction committed in or on a vehicle, bus stop, or train or light rail station of the transit district, or a property, facility, or vehicle upon which the agency owes policing responsibilities, as specified. The types of infractions include:

- Interfering with the operator or operation of a transit vehicle or impeding the safe boarding or alighting of passengers;
- Extending any portion of the body through a window opening of a transit vehicle in a manner that may cause harm or injury;
- Throwing an object from a transit vehicle;
- Committing an act or engaging in any behavior that may, with reasonable foreseeability, cause harm or injury to any person or property;
- Willfully disturbing others on or in a transit facility or vehicle by engaging in boisterous or unruly behavior;
- Carrying an explosive, acid, or flammable liquid in a public transit facility or vehicle;
- Urinating or defecating in a transit facility or vehicle, except in a lavatory;
- Willfully blocking the free movement of another person in a transit facility or vehicle;
- Defacing with graffiti the interior or exterior of the facilities or vehicles of a public transportation system.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. OCTA may wish to further understand the benefits of having this authorization to increase safety and security.*

**SB 434 (Min, D-Irvine): Transit operators: street harassment survey.
(Chapter 396, Statutes of 2023)**

SB 434 requires the ten largest transit agencies in the state to conduct outreach and survey passengers about incidents of street harassment while using the agency’s respective transit system on or before December 31, 2024. SB 434 would build on SB 1161 (Chapter 318, Statutes of 2022), which requires the Mineta Institute to create a survey, in coordination with the ten largest transit agencies, that could be used to gather data about street harassment on their systems. The Mineta Institute is currently developing this sample survey; however, nothing requires a transit agency to use this survey once completed. This legislation would require on or before July 1, 2024, the California Department of Transportation to enter into a funding agreement with the ten largest transit agencies to use the survey developed by the Mineta Transportation Institute, or a similar survey, to collect data on street harassment and conduct outreach activities with subpopulations of riders who are underrepresented in surveys and impacted by street harassment. This latter requirement could include focus groups, workshops, or other methods. Subpopulations of riders may include, but are not limited to, non-English speaking riders, riders with disabilities, LGBTQ+ riders, and women riders. The survey can be done in multiple languages, as determined by ridership on the system. After the data is collected, the transit agency is to publish the findings on its website and notify the Governor and Legislature of the publication of the survey data. If a transit agency has collected such data in the previous five years, it shall be deemed to have met the requirements of this bill.

OCTA Position – Support

Impact on OCTA: *OCTA is considered one of the ten largest transit agencies in the State and would be subject to the provisions of this bill. SB 434 requires OCTA to survey its riders about specific incidents of street harassment on its system, the commonality of such incidents, and ways to mitigate the issue if needed. This could inform future safety and security measures on OC Bus, preventing this issue from increasing. It is not required to utilize the survey created by the Mineta Transportation Institute.*

XI. State Budget

AB 100 (Ting, D-San Francisco): Budget Acts of 2021 and 2022. (Chapter 3, Statutes of 2023)

AB 100 amends both the 2022 and 2021 Budget Acts to make mostly technical changes associated with the FY 2022-23 mid-year budget package. Specifically, this legislation includes funding for the McKinney Fire and allows the State to extend the waiver of family fees for early care and education programs.

Urgency Bill – Effective Immediately

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

AB 102 (Ting, D-San Francisco): Budget Act of 2023. (Chapter 38, Statutes of 2023)

AB 102 is a subsequent budget bill detailing further agreements between the Legislature and the Administration for the FY 2023-24 state budget. Specifically of note, this budget bill makes the appropriation of \$2 billion to CalSTA for the population-based TIRCP (\$4 billion total through 2024-25) and appropriates \$410 million to CalSTA for Zero Emission Transit Capital Program (ZETCP) (\$1.1 billion total through 2026-27). AB 102 makes additional investments, including:

- Restoring \$25 million to the OPR for purposes of regional climate resilience.
- Appropriating \$2.3 million General Fund to OPR for the Zero Emissions Job Roadmap, which shall identify the actions needed to meet California’s zero-emission goals, with minimal displacement of existing workers.
- Appropriating \$550 million Greenhouse Gas Reduction Fund (GGRF) for the Zero Emission Vehicle Package, which includes:
 - \$80 million GGRF to CARB for Clean Cars 4 All
 - \$100million GGRF to CEC for Equitable At-Home Charging
 - \$80 million GGRF to CARB for Drayage Trucks and Infrastructure
 - \$85 million GGRF to CEC for Drayage Trucks and Infrastructure
 - \$145 million GGRF to CEC for Clean Trucks, Buses, and Off-Road Equipment
 - \$60 million GGRF to CARB/CalSTA for Community-Based Plans, Projects, and Support/Sustainable Community Strategies

Urgency Bill – Effective Immediately
OCTA Position – Monitor

Impact on OCTA: OCTA staff were heavily engaged in conversations to maintain the funding provided in last year’s budget of \$4 billion in additional formulaic TIRCP funding. This budget bill makes the actual appropriations for the originally proposed amount. AB 102 also makes the appropriation for the ZECTP program that provides additional resources for OCTA to purchase zero-emission buses or associated infrastructure or flex the funding for operations purposes. This budget bill additionally outlines the agreement created for the zero-emission programs.

**AB 127 (Committee on Budget): State government.
(Chapter 45, Statutes of 2023)**

AB 127 is the State Government trailer bill, making various statutory changes to implement the general state government provisions in the budget act. Some details worth noting include establishing the Racial Equity Commission in the Office of Planning and Research, which will be charged with developing resources, best practices, and tools for advancing racial equity by, among other things, developing a statewide Racial Equity Framework that includes methodologies and tools. AB 127 also establishes the State Middle Mile Broadband Enterprise Fund at the California Department of Technology. Under the ZEV Market Development Office, AB 127 updates the equity action plan to include recommendations on actionable steps and metrics to measure and improve access to ZEVs, public and private charging infrastructure, and ZEV transportation options in low-income, disadvantaged, and historically underserved communities and, then requires the assessment of progress toward the equity action plan to include metrics tracking state and federal subsidies for ZEVs and different ownership structures for ZEVs.

Urgency Bill – Effective Immediately

OCTA Position – Monitor

Impact on OCTA: OCTA will monitor the development of resources produced by the Racial Equity Commission and utilize the tools produced as appropriate. OCTA will consider reviewing the information published by the California Department of Technology related to state middle mile system; specifically, the map of the middle mile project segments following the execution of a lease, build, or joint-built contract for the project segment.

**SB 101 (Skinner, D-Oakland): Budget Act of 2023.
(Chapter 12, Statutes of 2023)**

The state budget provides \$227 billion in total General Fund expenditures for FY 2023-24. For FY 2023-24, the state budget assumes General Fund revenues of approximately \$235.5 billion. The Legislature’s budget still expects that the State is facing a total \$31.5 billion shortfall. As of this budget deal, the full budget picture was not yet clear since Californians had until October 1, 2023, to file their taxes.

Of significance in the budget package is the \$4 billion provided for transit capital and operations. Even with the State experiencing significant budgetary shortfalls, the Legislature's budget rejected the Governor's proposed \$2 billion reduction to the formula-based TIRCP, which was agreed to as a part of the budget last year. This agreement was key in approving Proposition 1A funding for the California High-Speed Rail Authority. The funding will be restored as it was originally enacted to a total of \$4 billion, with \$2 billion to be made available in 2023-24, and \$2 billion for 2024-25. This funding will be distributed via a population-based formula where it is anticipated that OCTA will receive slightly over \$380 million over the next two years from this funding.

The Legislature's budget also contains several provisions related to transitioning transit to zero emission, with \$1.1 billion being provided through various sources, including the GGRF, to CalSTA across FYs 2023-24, 2024-25 and 2025-26 to create the ZETCP. \$300 million of this amount is to come from yet-to-be-identified funding sources in future years. The \$1.1 billion for zero-emission vehicles and related infrastructure is expected to be delivered on a formula basis and to also be available to be flexed for operations purposes.

Other transportation provisions worth noting include the following:

- Last year, the budget included \$1.049 billion for the Active Transportation Program (ATP). In the Governor's proposed budget, a reduction of ATP by \$200 million while shifting \$300 million from the State Highway Account (SHA) for ATP was included. In this final budget agreement, the following actions were taken:
 - Approved shifting \$300 million from SHA for ATP. It is currently unclear which programs, if any, will be impacted by the shift in SHA funding. This could potentially impact funds traditionally used for highway, multimodal, and local streets and road projects.
 - Rejected the proposed reduction to ATP of \$200 million.
- Approves the proposed fund shift of \$200 million to the Climate Adaptation Program from the SHA.
- Approves \$350 million in TIRCP funding for grade separations to be delayed from FY 2023-24 to FY 2025-26.
- Approves the delay of the \$600 million for the Port and Freight Infrastructure Program scheduled for FY 2023-24 and the May Revision proposal to reduce a portion of the General Fund scheduled to be provided to the Port and Freight Infrastructure Program in FY 2023-24 by \$150 million and to backfill the decrease with an equal amount from the SHA. Again, it is unclear what kind of impact this will have on the SHA.
- Appropriates \$500,000 to the OPR to create a zero-emission roadmap for the State, which will identify the actions needed to meet California's zero-emission goals, including those related to workforce development. A workgroup consisting of transit agencies, other relevant public agencies, educational institutions, and relevant community organizations, will help inform this effort. OPR will also develop model solicitation and contract language to be utilized in procurement for

zero-emission buses, for the training of public service employees on the servicing of the zero-emission buses being purchased.

Urgency Bill – Effective Immediately

OCTA Position – Monitor

Impact on OCTA: *OCTA benefits significantly from the supplemental funding provided by this budget. Therefore, OCTA is engaged in the development of the guidelines for the funding provided by TIRCP and ZETCP, as outlined in SB 125. Staff will be prepared that this is likely a one-time augmentation in the budget and be ready to draw down these funds, as appropriate.*

**SB 104 (Skinner, D-Oakland): Budget Acts of 2022 and 2023.
(Chapter 189, Statutes of 2023)**

SB 104 is a subsequent budget bill to make changes in order to implement the budget agreement. Among other items, this bill appropriates \$2.3 million to the OPR. It further dictates that OPR will work with the California Labor Workforce Development Agency to convene a working group made up of transit agencies, other relevant public agencies, educational institutions, relevant community organizations, and other to create a zero-emission roadmap for the state. The roadmap is intended to identify the actions needed to meet California's zero-emission goals, with minimal displacement of existing workers. This could include the following:

- An estimate of the number of public operations and maintenance jobs provided by existing buses, rolling stock, vehicles, or related equipment that would require significant upskilling to adapt to the transition to zero emission.
- Identification of gaps in skills needed to operate and maintain the new electric-powered buses, rolling stock, vehicles, or related equipment.
- Development of model solicitation and contract language to be utilized in procurement for zero-emission buses, for the training of public service employees on the servicing of the zero-emission buses being purchased.
- Development of a comprehensive plan to transition, train, or retrain public transportation system employees impacted by transition goals, including an estimated budget for implementing this plan and the identification of funding streams to fund this transition.

Urgency Bill – Effective Immediately

OCTA Position – Monitor

Impact on OCTA: *OCTA is on track to meet the zero-emission transition goals set out by the Innovative Clean Transit regulation. Recruiting and maintaining OCTA's workforce has continued to be a top priority. With this transition to newer technologies, OCTA has been engaged with other stakeholders on how best to retrain existing workers. It would*

behoove the agency to be engaged with the development of this roadmap to inform OCTA's experience.

**SB 105 (Skinner, D-Oakland): Budget Acts of 2022 and 2023.
(Chapter 862, Statutes of 2023)**

SB 105 is a subsequent budget act to reflect changes necessary to update the 2023 budget agreement. This budget bill includes several minor adjustments, such as funding authority for the federal American Rescue Plan Act funding for afterschool and summer programs, removing \$3 million that was provided to the Department of Industrial Relations to resume the operations of the Industrial Welfare Commission, and provides the CEC with spending authority for approximately \$102.8 million in additional federal grant funds.

Urgency Bill – Effective Immediately

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

**SB 125 (Skinner, D-Oakland): Transportation budget trailer bill.
(Chapter 54, Statutes of 2023)**

SB 125 is the transportation trailer bill for this year. The primary component of this bill is the accountability provisions related to the supplemental funding provided for transit capital and operations. Specifically, \$4 billion was included for the TIRCP, with \$2 billion to be made available in FY 2023-24 and \$2 billion for FY 2024-25. This funding will be distributed via a population-based formula where it is anticipated that OCTA will receive slightly over \$300 million over the next two years from this funding.

Beyond the \$4 billion in TIRCP funding, the budget agreement also includes \$1.1 billion for a new ZETCP, to be administered by CalSTA. The funding will be distributed on a formula basis to the regions, using the formula that governs the State Transit Assistance (STA) program, over the next four FYs. The bulk of the program is funded by the Greenhouse Gas Emission Reduction Fund, otherwise known as the Cap-and-Trade Program, with a small amount also provided via the Public Transportation Account. It is estimated that OCTA would receive about \$60 million of these funds over the four-year period, assuming future budgets include the specified amounts.

In order for a region to receive funding from either the formula-based TIRCP or the new ZETCP, the region and its transit operators are subject to significant, new accountability provisions governed under a budget trailer bill. Flexibility is provided to use the funding from either program for operational purposes. Guidelines are developed by CalSTA on the use of the funds. In order to be eligible to receive funding from these programs in FY 2023-24, each RTPA, defined to be OCTA in Orange County, would have to submit a short-term financial plan to CalSTA for approval. This short-term financial plan would cover all transit operators in the region and would include the following elements:

- A demonstration of how the region will address any operational deficit, using all available funds through FY 2025-26, based on a 2022 service baseline.
- Justification for how the region’s funding is proposed to be allocated to capital and operational expenses.
- A detailed breakdown and justification for how the funding is proposed to be distributed between transit operators and among projects.
- A demonstration of how the plan will mitigate service cuts, fare increases, or layoffs relative to a 2022 service baseline to achieve short-term financial sustainability.
- A summary of how the plan will support ridership improvement strategies that focus on riders, such as coordinating schedules and ease of payment and improving cleanliness and safety to improve the ridership experience.

The RTPA is not required to submit a short-term financial plan in FY 2023-24 if they can attest that the region does not have an operational need between the 2023-24 and 2026-27 FYs for any transit operator in the region. “Transit operator” is undefined in the bill. Regardless of whether an RTPA submits a short-term financial plan in FY 2023-24, starting in FY 2024-25, they would be required to do so, regardless of operational need.

By December 31, 2023, the bill requires RTPAs to compile regionally representative transit operator data for submittal to CalSTA per the guidelines they developed earlier this year. The Legislature provides that these guidelines must include:

- Existing fleet and asset management plans by transit operators.
- Revenue collection methods and annual costs involved in collecting revenue for each transit operator and RTPA in the region.
- A statement of the existing service plan and planned service changes.
- Expenditures on security and safety measures.
- Opportunities for service restructuring, eliminating service redundancies and improving coordination amongst transit operators, including, but not limited to, consolidation of agencies or reevaluation of network management and governance structure.
- Schedule data in General Transit Feed Specification format to enable full visibility of service and service changes when feasible.

If an RTPA is unable to meet the above criteria, CalSTA is to provide the RTPA an opportunity to remedy its plan by April 30, 2024, for the 2023-24 FY and by April 30, 2025, for the 2024-25 FY.

Starting in FY 2026-27, in order for an RTPA to be eligible to receive any future TIRCP funding, including through the competitive program, they would be required to have CalSTA approve a long-term financial plan by June 26, 2026. This plan would be to demonstrate how the region plans to sustain its transit operations absent any additional discretionary or non-formula state funding. The plan would be required to include the following:

- A demonstration of the implementation of ridership retention and recovery strategies, including, but not limited to, policies that prioritize safety and cleanliness and streamlined coordination between transit operators, such as schedule coordination, operational management, and site sharing, to improve rider experience; and
- A five-year forecast of operating funding requirements with details on all sources of funding proposed for operations, including any new local and regional funding sources being pursued and the progress and improvements implemented since the last submitted regional short-term financial plan.

The RTPA is also required to post on its website a summary of monthly ridership data for the transit operators in its region, consistent with the data submitted to the National Transit Database.

Specifically for the ZETCP, the RTPA is required to submit a report to CalSTA on the use of those funds during the previous FY. The report is required to include:

- How much funding was used for operating costs.
- The number, type, date, and location of zero-emission buses, trains, or other vehicles purchased.
- The number, type, date, and location of electric charging stations or hydrogen fueling stations installed.
- The nameplate capacity of installed equipment in kilowatts for electric charging stations and kilograms per day for hydrogen fueling stations.
- The total costs and the source of funding for vehicles and equipment purchased using these funds.

Beyond the accountability reform measures included related to the increased transit funding made available in the state budget, the following transportation-related provisions were also included:

- An extension of transit relief measures previously granted through FY 2025-26, including exemptions from farebox recovery requirements STA efficiency criteria, continued use of 2019 revenue data for STA formula allocations, and flexibility to use SB 1 (Chapter 5, Statutes of 2017) State of Good Repair formula funds for operations purposes.
- A requirement that the CalSTA Secretary, by January 1, 2024, establish and convene a Transit Transformation Task Force to include representatives from transit agencies, MPOs, Caltrans, transportation advocacy organizations with expertise in public transit, labor organizations, academic institutions, legislative committee staff, and other stakeholders. The task force is to develop policy recommendations to grow transit ridership and improve the transit experience for all users, including identification of the appropriate state agency to have oversight over transit in the State, potential reforms to existing metrics governing transit agencies, and identification of revenue sources to sustain transit. These

recommendations are to be included in a report that is to be submitted to the Legislature by October 31, 2025.

- Removes the sunset date on provisions limiting Caltrans from charging self-help counties with countywide sales tax measures dedicated to transportation improvements more than ten percent for administration indirect cost recovery.
- Appropriates \$5.8 million to Caltrans from the General Fund to support statewide efforts addressing homelessness within the state highway system. Caltrans would be required to submit a report to the Legislature by January 1, 2026, detailing implementation, including the number and location of sites identified and addressed, how Caltrans coordinated with local partners, and a summary of alternative solutions Caltrans is implementing to reduce the likelihood of an encampment moving from the state highway system to a local jurisdiction's right-of-way.

Urgency Bill – Effective Immediately

OCTA Position – Monitor

Impact on OCTA: As this bill is already in effect, OCTA has been heavily engaged to inform the development of the SB 125 guidelines. OCTA was primarily focused on ensuring that “transit operator” was defined, among other needed clarifications. There may be an opportunity to work with the California Transit Association next year on further clean-up legislation to ensure a more seamless implementation process. An internal task force has been created to ensure that OCTA is ready to draw down this funding for projects and operations and is prepared to submit the necessary reports.

Regarding the extension of the various relief measures being provided, OCTA will be prepared that this will likely be the final extension of such. To that end, OCTA has submitted its name for the Transit Transportation Task Force and will be informing the recommendations that result, which could include those related to the Transportation Development Act.

XII. Surplus Land

AB 480 (Ting, D-San Francisco): Surplus land. (Chapter 788, Statutes of 2023)

AB 480 makes several changes to the Surplus Land Act (SLA). Specifically, it adds a definition of “dispose” to mean the sale of surplus land or the lease of surplus land for longer than 15 years, inclusive of any extension or renewal options included in the initial lease, entered into on or after January 1, 2024. Additionally, it modifies the definition of “exempt surplus land.” Specifically, AB 480 adds that, for local agencies whose primary mission is to supply the public with a transportation system, agency’s use may include commercial or industrial activities. AB 480 clarifies that “participating in negotiations” does not include issuing a request for proposals or request for qualifications, negotiating a lease, exclusive negotiating agreement, or option agreement, or negotiating with a developer to determine if the local agency can satisfy disposal exemption requirements. It also clarifies that SLA must not prevent a local agency from obtaining fair market value for the disposition of surplus land.

OCTA Position – Monitor

Impact on OCTA: Previous legislation had made it difficult for transportation agencies to lease surplus land. The California Transit Association worked with the author to help mitigate these issues and identify other difficulties with the SLA. At this time, OCTA does not have that same challenge, but OCTA’s legal counsel remains engaged in the development of SLA guidelines to ensure fairness and, ultimately, compliance.

SB 34 (Umberg, D-Santa Ana): Surplus land disposal: violations: County of Orange. (Chapter 772, Statutes of 2023)

This bill requires any city located within, or the County of Orange, to correct any violation of surplus land disposal within 60 days of notification by the California Department of Housing and Community Development (HCD). Any County of Orange jurisdiction that has not corrected any violation is prohibited from disposing of the parcel until HCD finds that it has complied with existing law or deems the violation to not be a violation. It also requires a local agency that receives a notice of violation from HCD to provide HCD with a statement on the actions taken to correct the violation within 60 days of receiving the notice. If HCD receives the statement, it must make determinations and notify the local agency of those determinations within 30 days of receiving the local agency’s statement. SB 34 remains in effect until January 1, 2030.

OCTA Position – Monitor

Impact on OCTA: For informational purposes. SB 34 applies to the County of Orange and cities within the County of Orange. There is no specification that this bill applies to special districts. This legislation is in response to the recent Anaheim Stadium transaction.

SB 229 (Umberg, D-Santa Ana): Surplus land: disposal of property: violations: public meeting.

(Chapter 774, Statutes of 2023)

If a local agency is in violation of the SLA and receives a notification from HCD of such violation, SB 229 would require the agency to hold an open and public meeting to review and consider the substance of the notice of violation. The local agency must provide adequate notification of this meeting and cannot take final action to ratify or approve the proposed disposal of surplus land until a public meeting is held. An agency would be exempt if it ceases to dispose of the surplus land after receiving the violation notice.

OCTA Position – Monitor

Impact on OCTA: *OCTA could be in a situation where it may wish to dispose of surplus land. In such case, if there is a violation notice, OCTA would need to hold a public meeting or drop to disposal in order to be compliant.*

SB 747 (Caballero, D-Fresno): Land use: surplus land.

(Chapter 786, Statutes of 2023)

SB 747 makes several changes to the SLA. Specifically, it defines “dispose” to mean the sale of surplus land or the entering of a lease for surplus land for longer than 15 years into or after January 1, 2024. It provides that disposal does not mean entering into a lease for surplus land, which is for a term of 15 years or less, or the entering of a lease for surplus land on which no development or demolition will occur. Additionally, SB 747 revises the definition of valid legal restrictions by revising the exemption related to making housing prohibited on the site and providing a non-exhaustive list of examples. It also establishes categories of exempt surplus land, one of which includes land disposed for commercial or other revenue-generating activities for transit agencies so long as they meet certain requirements. SB 747 modifies the penalties for the land disposed of in violation of the SLA and repeals the California Housing and Community Development Department’s exemption from the Administrative Procedures Act when adopting the guidelines to implement the SLA.

OCTA Position – Monitor

Impact on OCTA: *Previous legislation had made it difficult for transportation agencies to lease surplus land. The California Transit Association worked with the author to help mitigate these issues and identify other difficulties with the SLA. At this time, OCTA does not have that same challenge, but OCTA’s legal counsel remains engaged in the development of SLA guidelines to ensure fairness and, ultimately, compliance.*

XIII. Transportation Electrification/Energy

AB 579 (Ting, D-San Francisco): School buses: zero-emission vehicles.

(Chapter 445, Statutes of 2023)

SB 579 requires, beginning January 1, 2035, that 100 percent of all newly purchased school buses by a charter school, county office of education, or school district be zero

emission. To comply with this requirement, the bill also authorizes local educational agencies to request an up to five-year, one-time extension if the agencies find that purchasing a zero-emission school bus is not feasible due to certain constraints. The local educational agency must demonstrate that a daily planned bus route for transporting students to and from school cannot be serviced by zero-emission technology in 2035. This bill also asserts that beginning January 1, 2040, frontier local agencies are able to apply for an annual extension through January 1, 2045, to the requirement; the frontier local agency must determine that the purchase or contracting of a zero-emission school bus is not feasible due to both terrain and route constraints.

If a contract for using zero-emission school buses to transport students to and from school is made, it must be made for a term that does not exceed 15 years. The contract is renewable at the option of the local educational agency and the party contracting to provide transportation services at the end of the term of the contract. The renewed contract must include all of the terms and conditions of the previous contract. If the original contract provides that the local educational agency may exercise an option to either purchase the buses or cancel the lease at the end of each annual period during the duration of the contract, then the contract may be made for a term of up to 20 years.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

**AB 585 (Rivas, R., D-Salinas): Climate change: infrastructure and clean energy projects: assessments.
(Chapter 336, Statutes of 2023)**

AB 585 requires the Governor’s Office of Business and Economic Development (Go-Biz) to work with CARB, the CEC, and the CPUC to prepare an assessment of the barriers, challenges, and impediments limiting the deployment of clean energy projects. This must be submitted to the Legislature by January 1, 2026. This assessment must include at least three clean energy project types, specific challenges at different stages of project development, different methods for developing and deploying these projects, and recommended approaches, models, or strategies. This work will be incorporated into what is being done by the Infrastructure Strike Team established by Executive Order N-8-23. Additionally, every three years, the California Council on Science and Technology is requested to assess the infrastructure project types, scale, and pace necessary to achieve the state’s energy, climate, and air quality goals.

OCTA Position – Monitor

Impact on OCTA: *OCTA may wish to monitor the development of this assessment as it pertains to the ongoing transition to zero-emission transit vehicles. It will also be important as local governments are working to install appropriate infrastructure throughout the County.*

**AB 844 (Gipson, D-Gardena): Zero-emission trucks: insurance.
(Chapter 347, Statutes of 2023)**

AB 844 directs the California Department of Insurance to gather data, such as surveys and calls, on the availability and affordability of insurance for heavy-duty trucks and truck fleets, with the first data collection beginning February 1, 2024, and requires responses by May 1, 2024. AB 844 creates credible data for insurance companies to use in adequately pricing and selling insurance for zero-emission truck fleets. The data the Department of Insurance gathers as a result of this bill will create a “one-stop shop” for truck fleets to smoothly find insurance options. The Department of Insurance, in consultation with CARB, will provide an assessment of the availability and affordability of insurance for existing and new advanced technologies deployed for heavy-duty vehicles, in addition to the role of insurance markets in meeting the greenhouse gas reduction and climate pollutant reduction goals of the state.

OCTA Position – Monitor

Impact on OCTA: OCTA can monitor the development of the data collected by the California Department of Insurance, in addition to the assessment that will be provided outlining the availability and affordability of insurance for zero-emission heavy-duty vehicles. This will help OCTA further understand the insurance available for clean truck fleets, should OCTA ever have to contract or procure such vehicles.

**AB 1594 (Garcia, D-Coachella): Medium- and heavy-duty zero-emission vehicles: public agency utilities.
(Chapter 585, Statutes of 2023)**

AB 1594 dictates that any state regulation seeking to require the procurement of medium- and heavy-duty zero-emission vehicles must allow public agency utilities to purchase replacements, without regard to the model year of the vehicle being replaced, in order to maintain reliable service and respond to major foreseeable events, such as severe weather, wildfires, natural disasters, and physical attacks. This bill defines a public agency utility to include a local publicly owned electric utility, community water system, water district, and wastewater treatment provider.

OCTA Position – Monitor

Impact on OCTA: For informational purposes. OCTA is not classified as a public agency utility under this bill.

**SB 49 (Becker, D-Menlo Park): Renewable energy: Department of Transportation: evaluation.
(Chapter 379, Statutes of 2023)**

SB 49, on or before December 31, 2025, requires Caltrans, coordinating with the CEC, and the CPUC, to evaluate the leasing and licensing of Caltrans rights-of-way to public utilities and other entities for the purpose of building and operating renewable energy and energy storage facilities.

The evaluation must consist of the following:

- Considering various ownership for the energy facilities.
- Identifying the issues and policies related to the development of energy and electrical facilities on Caltrans right-of-way that could be made available.
- Identifying the amount of renewable energy generation and storage that could be developed.
- Evaluating the suitability of the different types of Caltrans right-of-way for the development of electrical transmission and distribution facilities.
- Establishing a process for entities interested in operating and building electric facilities on the right-of-way to apply to Caltrans for agreements.

OCTA Position – Monitor

Impact on OCTA: *This evaluation will impact decisions related to building renewable energy, energy storage, electrical transmission, and distribution facilities on Caltrans right-of-way property. If it is decided that entities may apply to build energy facilities on Caltrans right-of-way, this may impact OCTA and Caltrans transportation projects that use Caltrans right-of-way property. SB 49 may also lead to further legislation over other agencies' use of right-of-way property.*

SB 746 (Eggman, D-Stockton): Energy conservation contracts: alternate energy equipment: green hydrogen: Tri-Valley-San Joaquin Valley Regional Rail Authority. (Chapter 410, Statutes of 2023)

SB 746 authorizes the Tri-Valley-San Joaquin Regional Rail Authority to enter into energy service contracts, facility financing contracts and contracts for the sale of energy sources relating to green electric hydrogen for use by the authority for financing the construction and operation of passenger rail service through the Altamont Pass Corridor. The Altamont Pass Corridor connects the San Joaquin Valley to the Bay Area, and this bill authorizes the Tri-Valley San Joaquin Valley Regional Rail Authority to enter into contracts related to green electric hydrogen for supporting rail service through the corridor.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

SBX1 2 (Skinner, D-Oakland): Energy: transportation fuels: supply and pricing: maximum gross gasoline refining margin. (Chapter 1, Statutes of 2023)

SBX1 2 authorizes the CEC to establish a maximum gross gasoline refining margin, requiring the CEC to create a penalty for exceeding the refining margin. This bill also authorizes the CEC to enforce an administrative civil penalty on any refiner found exceeding the refining margin; however, the CEC must consider a refiner's request for exemption from the maximum gross gasoline refining margin. A refiner seeking an exemption must file a statement under the penalty of perjury, setting the basis of their request for exemption.

In addition, major oil producers, marketers, refiners, and transporters must annually submit information to the CEC pertaining to the supply chain of the oil. Refiners must submit information regarding the volume, price, and type for each of their refineries, including the origin of petroleum receipts, imports of petroleum products, exports of petroleum products, and the entity receiving any exports of the products. Oil marketers are required to report on volume, price, and type of petroleum product receipts and must demonstrate the source of their receipts, inventories of petroleum, distribution systems, and exports from the state. The CEC will publish a publicly available report quarterly based on the data they gather from the oil producers, marketers, and refiners. The California State Auditor must evaluate the efficacy of the maximum gross gasoline refining margin and penalty for submittal of a report to the Legislature and CEC outlining if the intended goal is being achieved.

Furthermore, in addition to the CEC's report, the Division of Petroleum Market Oversight (DPMO) is established through this bill, which will act as an authority to provide analysis and oversight of the transportation fuels market and give guidance to the CEC on reports and data it will conduct and gather as a result of this bill. The bill also establishes the Independent Consumer Fuels Advisory Committee within the CEC, which will be composed of six members appointed by the Governor for the purpose of advising the CEC and the DPMO. The CEC will release an assessment to the Legislature and to the Governor every three years that identifies methods to ensure a reliable supply of transportation fuels in the state. The California Department of Tax and Fee Administration will also submit a report to the Legislature prior to March 1st of each year, beginning March 1, 2024, that reviews the price of gasoline in California and the impact of gasoline prices on state revenues for the previous calendar year. In short, this bill creates a dedicated penalty and numerous safeguards to hold the oil industry accountable for any price gouging that may occur in the state of California.

OCTA Position – Monitor

Impact on OCTA: In addition to this bill creating a penalty for any price gouging of oil that may occur in the state, it also creates a way for the state to gather data on the oil supply chain. The data that will be collected because of this bill may be helpful to OCTA in understanding where oil is being sourced from. It also demonstrates the state's transition away from petroleum fuels.

**SCR 21 (Archuleta, D-Norwalk): Clean energy: hydrogen.
(Chapter 136, Statutes of 2023).**

SCR 21 urges the Alliance for Renewable Clean Hydrogen Energy Systems (ARCHES) to prioritize clean and renewable hydrogen for California. ARCHES is a public-private partnership that was formed by the Go-Biz in conjunction with the University of California. ARCHES is a consortium to create a statewide clean hydrogen hub for the acceleration of the development and deployment of clean hydrogen projects and infrastructure. ARCHES has been applying for IIJA funding to generate the state's clean hydrogen system; the Legislature urges ARCHES to focus its efforts on communities with

the largest pollution burden for a swift and just environmental transition, investing in energy systems and distribution infrastructure through a multisector approach, and prioritize sectors that are hard to abate.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. This bill may impact investment into clean and renewable hydrogen systems and infrastructure, also relating to transportation. OCTA is currently working with ARCHES to develop clean hydrogen projects and infrastructure.*

XIV. Other Legislation

AB 34 (Valencia, D-Anaheim): Elections: County of Orange Citizens Redistricting Commission.

(Chapter 315, Statutes of 2023)

AB 34 establishes the Citizens Redistricting Commission in the County of Orange, which would be responsible for adjusting district lines of the Board of Supervisors in Orange County, following specific criteria. The commission will be made up of 14 voting members and two non-voting alternate members, requiring them to attend all meetings and hearings of the commission. The commission members must meet certain qualifications, including being a resident of Orange County, having voted in at least one of the last three statewide elections, and being a voter who has been continually registered in Orange County who has not changed their party preference for five or more years immediately preceding the date of their appointment to the commission.

County officials must select 60 of the most qualified applicants, whose names will be made publicly available and then grouped into five sub-pools for each of the five supervisorial districts in Orange County. A random drawing will be conducted to select one commissioner from each of the five sub-pools, and after those five drawings, another random drawing will be conducted from all of the remaining applicants without respect to the sub-pools to select three additional commissioners. Those eight commissioners selected will review the remaining names in sub-pools and appoint eight additional commissioners, including two nonvoting appointees, to the commission.

Before the commission draws a map, they must hold at least seven public hearings to take place over a period of no less than 30 days, with at least one hearing in each of the five supervisorial districts. The mapping process must comply with federal law, and each district must have a reasonably equal population with other districts. The districts must also be geographically contiguous and respect communities of interest, which are populations that share common social and economic interests who should be included in the same district for the purpose of fair representation. The draft map must be posted publicly so that it is available for public comment.

The commission must also take steps to ensure public engagement, such as providing information through media announcements, coordinating with community organizations,

and posting information on the County of Orange website explaining the redistricting process with the inclusion of the notices of each public hearing. All outreach materials must also be translated into all applicable languages. Lastly, the commission has the ability to create a course of action where it may remove a member for not fulfilling the duties of the role, and the commission must be created no later than December 31, 2030.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. The County of Orange Citizens Redistricting Commission, when it is created, will have the ability to affect the makeup of the Board of Supervisors and, thus, affect the makeup of the OCTA Board of Directors (Board).*

AB 354 (Nguyen, D-Elk Grove): Sacramento Regional Transit District: Board of Directors: membership.

(Chapter 35, Statutes of 2023)

This bill authorizes the City of Elk Grove to appoint two members to the SacRT Board instead of one member due to population increase in the City of Elk Grove so long as the City of Elk Grove remained annexed into SacRT.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

AB 764 (Bryan, D-Culver City): Local redistricting.

(Chapter 343, Statutes of 2023)

Previous bills have created the Fair and Inclusive Redistricting for Municipalities and Political Subdivisions (FAIR MAPS Act). The FAIR MAPS Act proscribes partisan gerrymandering and institutes fair redistricting criteria for cities and counties in California. The first redistricting done under the FAIR MAPS Act was in 2021 and 2022. This bill strengthens the redistricting criteria under the FAIR MAPS Act, prohibiting incumbency protection and clarifying the prioritization of criteria, ensuring compliance with the federal Voting Rights Act.

Specifically, AB 764 establishes ranked criteria that prioritize keeping whole neighborhoods and communities of interest together, which is outlined to facilitate constituent representation and prohibit gerrymandering. It also establishes requirements to ensure minimum standards of transparency and accessibility in the local governments' redistricting process so that the public can provide information to assist local governments in adopting fair redistricting maps. In maintaining that standard, this bill also requires local jurisdictions to hold at least one public workshop and at least five public hearings prior to adopting new district boundaries; jurisdictions must have outreach and education plans for redistricting.

OCTA Position – Monitor

Impact on OCTA: *Local redistricting affects the Board at OCTA. As such, this bill strengthens redistricting criteria, which may affect the districts of the Board and other elected officials who have a stake in OCTA and Orange County functions.*

**AB 1519 (Bains, D-Bakersfield): Vehicles: catalytic converters.
(Chapter 847, Statutes of 2023)**

AB 1519 stipulates that any person who removes, alters, or obfuscates any vehicle identification number (VIN) that has been added to a catalytic converter would be guilty of a misdemeanor. It also provides that a person who knowingly possesses three or more catalytic converters with VIN numbers that have been removed, altered, or obfuscated would also be guilty of a misdemeanor. Certain exceptions are allowed.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. This bill acts as a companion bill to SB 55 (Chapter 858, Statutes of 2023), which OCTA has supported that essentially requires VIN to be installed on new or used vehicles being sold by a retailer.*

**AB 1637 (Irwin, D-Thousand Oaks): Local government: internet websites and email addresses.
(Chapter 586, Statutes of 2023)**

AB 1637 requires a local agency to ensure that its website and public email addresses for its employees utilize a “.gov” or “.ca.gov” domain name by January 1, 2029. A local agency means a city, county, or city and county. The intended purpose of the legislation is to increase security.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes. This legislation does not apply to OCTA. However, OCTA will consider whether it may be prudent to transfer its domain name to a “.gov” as this could be something that comes back to apply to special districts.*

**SB 55 (Umberg, D-Santa Ana): Vehicles: catalytic converters.
(Chapter 858, Statutes of 2023)**

SB 55 prohibits a motor vehicle dealer or retailer from selling a new or used vehicle that does not have a catalytic converter that has been permanently marked with the VIN corresponding to the vehicle to which it is attached. SB 55 includes several exemptions from this, including a collector motor vehicle, vehicles sold under certain conditions, and motorcycles. This will have a delayed implementation date of January 1, 2025.

OCTA Position – Support

Impact on OCTA: *While OCTA has not experienced theft of its agency-owned vehicles, there have been instances of catalytic converters being stolen from school buses and paratransit buses. For instance, in October 2022, Solano County Transit reported thieves*

sawed off and stole the devices from three of their paratransit vehicles, costing the agency over \$10,000 to replace the converters and make appropriate repairs.

**SB 710 (Durazo, D-Los Angeles): Sale of excess state highway property: State Highway Route 710 Terminus.
(Chapter 501, Statutes of 2023)**

SB 710 requires Caltrans to establish and administer a Terminus Regional Planning Task Force, with representatives from the City of Alhambra, the City of Los Angeles, the County of Los Angeles, the California State University, Los Angeles, LA Metro, a business or workforce entity, and a community-based organization. This task force will meet quarterly to discuss the issues of traffic, and potential land uses as it relates to the State Route 710 Terminus. By December 1, 2025, they will complete and submit a report to the Legislature on projects and land use in the State Route Terminus adjacent areas addressing issues such as affordable housing, student housing, workforce development space, public university expansion, parks, open space, and alternative transportation. The report will also include a summary and status of the Alhambra 710 Arterial Project.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*

**SB 891 (Committee on Transportation): Transportation: omnibus bill.
(Chapter 219, Statutes of 2023)**

Each year, the transportation committee authors a bill to clean up outdated code sections or make other minor changes. SB 891 repeals the process for the San Diego Metropolitan Transit Development Board since it is now the sole operator of transit within its jurisdiction. Additionally, the San Diego County Association of Governments is required to submit an annual report on the region's transit needs annually. SB 891 would change the submission date from July 1st every year to December 31st so it can reflect the most recent FY in the report. SB 891 also allows the Alameda County Transportation Commission to independently manage an express lane in their jurisdiction to eliminate duplicative requirements for administrative hearings. Lastly, SB 891 amends the vehicle code to comply with federal regulations on nonpneumatic tires so that the California Highway Patrol can continue receiving grant funding.

OCTA Position – Monitor

Impact on OCTA: *For informational purposes.*