

Minutes of the  
Orange County Transportation Authority  
Orange County Transit District  
Orange County Local Transportation Authority  
Orange County Service Authority for Freeway Emergencies  
Board of Directors Meeting

## **Call to Order**

The April 24, 2017 regular meeting of the Orange County Transportation Authority (OCTA) and affiliated agencies was called to order by Chairman Hennessey at 9:03 a.m. at the Orange County Transportation Authority Headquarters, 550 South Main Street, Board Room – Conference Room 07-08, Orange, California.

## **Roll Call**

Following the Invocation and Pledge of Allegiance, the Clerk of the Board noted a quorum was present, with the following Directors in attendance:

Directors Present: Michael Hennessey, Chairman  
Lisa A. Bartlett, Vice Chair  
Laurie Davies  
Barbara Delgleize  
Steve Jones  
Mark A. Murphy  
Richard Murphy  
Shawn Nelson  
Miguel Pulido  
Tim Shaw  
Todd Spitzer  
Michelle Steel  
Tom Tait  
Gregory T. Winterbottom  
Ryan Chamberlain, Governor's Ex-Officio Member

Directors Absent: Andrew Do  
Lori Donchak  
Al Murray

Also Present: Darrell Johnson, Chief Executive Officer  
Ken Phipps, Deputy Chief Executive Officer  
Laurena Weinert, Clerk of the Board  
Olga Prado, Assistant Clerk of the Board  
Sahara Meisenheimer, Deputy Clerk of the Board  
James Donich, General Counsel  
Members of the Press and the General Public

## **Special Calendar**

### **Orange County Transportation Authority Special Calendar Matters**

**1. Presentation of Resolutions of Appreciation for Employees of the Month for April 2017**

Darrell Johnson, Chief Executive Officer (CEO), presented the Orange County Transportation Authority Resolutions of Appreciation Nos. 2017-017, 2017-018, and 2017-019 to Lorenzo Bravo, Coach Operator; Johnny Nguyen, Maintenance; and Mary K. Burton, Administration, as Employees of the Month for April 2017.

### **Consent Calendar (Items 2 through 14)**

Chairman Hennessey stated that matters on the Consent Calendar are to be approved in one motion unless a Board Member or a member of the public requests separate action on a specific item.

### **Orange County Transportation Authority Consent Calendar Matters**

**2. Approval of Minutes**

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to approve the Orange County Transportation Authority and affiliated agencies' regular meeting minutes of April 10, 2017.

**3. Approval of Board Member Travel**

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to approve the travel to Washington, D.C., for Chairman Michael Hennessey the week of May 1, 2017 for the Orange County Transportation Authority's (OCTA) Washington advocacy trip focusing on the OCTA transportation and legislative priorities for the 1st Session of the 115th Congress.

**4. First Quarter 2017 Debt and Investment Report**

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to receive and file the Quarterly Debt and Investment Report prepared by the Treasurer as an information item.

**5. Grant Award for the 2017 and 2018 Orange County Fair Express Service**

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to authorize the Chief Executive Officer or designee to accept the grant award and execute grant-related agreements with the Mobile Source Air Pollution Reduction Review Committee to support the Orange County Fair Express Service.

**6. State Legislative Status Report**

Director Spitzer pulled this item and asked for an explanation on Assembly Bill (AB) 344. Lance Larson, Executive Director of External Affairs, responded that the opposed position is due to toll customers gaming the system and costs to OCTA.

Kristen Essner, Manager of Government Relations, responded that under AB 344 the administrative penalty phase would be implemented after an investigation is completed. In addition, she stated that the toll customer could potentially go through a four step process before paying the penalty. Ms. Essner also stated that OCTA would be opposed to allowing a third neutral party to review the facts before OCTA imposes a penalty.

Director Spitzer recommended an amendment to Recommendation A to allow an administrative agency review and oppose unless amended. Director Spitzer also asked OCTA to work with the author of the bill, in order to balance the interests of the toll customer and OCTA. A discussion ensued that OCTA could support an administrative review.

Vice Chair Bartlett commented that the Transportation Corridor Agencies and other toll agencies took a strong opposed position to AB 344. Vice Chair Bartlett highlighted that the author's original intent was for customers that could not afford to pay the penalty and to address the Department of Motor Vehicles hold during the review process.

Director Spitzer also referenced Senate Bill (SB) 264 and asked what is inconsistent with OCTA's commitment for excess toll revenues in the Interstate 405 (I-405) Improvement Project corridor.

Darrell Johnson, CEO, responded that it is not inconsistent, highlighted the Board of Director's (Board) direction to develop an approach for the excess toll revenues, which later this year, would come forth to the Board. Mr. Johnson also stated that AB 194 required a comprehensive plan be presented to the Board no later than five years of anticipated net excess toll revenues being available. A discussion ensued that OCTA has communicated to Senator Nguyen and her staff about SB 264.

**6. (Continued)**

Director Chamberlain stated that SB 264 is inconsistent with the executed toll operating agreement between the California Department of Transportation (Caltrans) and OCTA, as well as highlighted prior discussions to have a partnership between Caltrans and OCTA and balance local and regional needs. A discussion ensued.

A motion was made by Vice Chair Bartlett, seconded by Director Pulido, and declared passed by those present, to:

- A. Adopt an OPPOSE position on AB 344 (Melendez, R-Lake Elsinore), which revises the payment process for disputed toll payments.
- B. Adopt an OPPOSE position on SB 150 (Allen, D-Santa Monica), which revises the process to reduce regional greenhouse gas emissions from transportation and land use, prioritizing reduction of vehicle miles travelled and the funding of projects that reduce such and achieve other co-benefits.
- C. Adopt an OPPOSE position on SB 264 (Nguyen, R-Garden Grove), which restricts how excess toll revenues from the Interstate 405 Improvement Project can be spent.

Directors M. Murphy, Spitzer, and Tait voted in opposition.

A discussion ensued about taking a separate vote on Recommendations A, B, and C. Vice Chair Bartlett pulled back the original motion, seconded by Director Pulido, to take separate votes on each recommendation.

A motion was made by Vice Chair Bartlett, seconded by Director Pulido, and declared passed by those present, to adopt an OPPOSE position on AB 344 (Melendez, R-Lake Elsinore), which revises the payment process for disputed toll payments. Directors M. Murphy, Spitzer, and Tait voted in opposition.

A motion was made by Vice Chair Bartlett, seconded by Director Pulido, and declared passed by those present, to adopt an OPPOSE position on SB 150 (Allen, D-Santa Monica), which revises the process to reduce regional greenhouse gas emissions from transportation and land use, prioritizing reduction of vehicle miles travelled and the funding of projects that reduce such and achieve other co-benefits.

A motion was made by Vice Chair Bartlett, seconded by Director Pulido, and declared passed by those present, to adopt an OPPOSE position on SB 264 (Nguyen, R-Garden Grove), which restricts how excess toll revenues from the Interstate 405 Improvement Project can be spent. Directors R. Murphy and Director Spitzer abstained.

**7. Federal Legislative Status Report**

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to receive and file as an informational item.

**8. Three-Year Agreement with the Center for Demographic Research at California State University, Fullerton from Fiscal Year 2017-18 to Fiscal Year 2019-20**

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to authorize the Chief Executive Officer to negotiate and execute a three-year agreement through fiscal year 2019-20, in an amount not to exceed \$282,006, with the Center for Demographic Research at California State University, Fullerton.

**Orange County Transit District Consent Calendar Matters**

**9. Authority to Acquire Former Pacific Electric Railroad Right-of-Way in the City of Garden Grove to Preserve and Protect for Future Transit Use**

Director Nelson pulled this item and asked if there are portions of the Pacific Electric railroad right-of-way (PEROW) that OCTA has not acquired.

Joe Gallardo, Manager of Real Property, responded that there are other parcels owned by private property owners and that OCTA has an easement for a transit project on those properties.

A discussion ensued that OCTA has resolved its property rights that limits OCTA having the ability to either construct above or below the property surface.

A discussion ensued about the right to construct above the property, potential of Los Angeles' (LA) light rail system connecting to the PEROW, and OCTA owns the four miles of railroad right-of-way for the OC Streetcar corridor.

Director Pulido requested that staff keep the Board posted on the balance of the PEROW and monitor the LA light rail system ending at the Orange County line.

Darrell Johnson, CEO, stated that going forward, staff will provide an update to the appropriate committee on the PEROW ownership. Mr. Johnson also stated that with the passage of LA's Measure M, LA plans to accelerate its light rail system, which will terminate close to the cities of Cerritos and Artesia, and the Board will receive an update about LA's light rail system plans.

**9. (Continued)**

A motion was made by Director Nelson, seconded by Director Pulido, and declared passed by those present, to authorize the Chief Executive Officer to negotiate and execute necessary agreements to acquire 5.2 acres of former Pacific Electric railroad right-of-way located in the City of Garden Grove, in the amount of \$1,500,000, exclusive of title and escrow fees.

Chairman Hennessey abstained, and Director Winterbottom was not present to vote on this item.

**10. June 2017 Bus Service Change Program**

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to receive and file as an information item.

**11. Award of Agreement for Engine Installation Kits**

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to:

- A. Approve the selection of Complete Coach Works as the firm to provide the engine installation kits.
- B. Authorize the Chief Executive Officer to negotiate and execute Purchase Order No. C-7-1507 between the Orange County Transportation Authority and Complete Coach Works, in the amount of \$3,091,616, for engine installation kits.

**Orange County Local Transportation Authority Consent Calendar Matters**

**12. Amended and Restated Cooperative Agreement with the City of Santa Ana for the Santa Ana Regional Transportation Center and the OC Streetcar**

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to authorize the Chief Executive Officer to negotiate and execute Amended and Restated Cooperative Agreement No. C-94-859, between the Orange County Transportation Authority and the City of Santa Ana, for the operations and maintenance of the commuter/intercity rail station and the OC Streetcar facilities at the Santa Ana Regional Transportation Center.

Director Tait voted in opposition.

**13. Agreement for Public Awareness Campaign Services for the OC Streetcar Project**

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to:

- A. Approve the selection of Katz and Associates as the firm to provide community outreach services for the pre-construction and construction phases of the OC Streetcar project.
- B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-6-1526 between the Orange County Transportation Authority and Katz and Associates, in the amount of \$1,151,712, to provide community outreach services for a public awareness campaign for the OC Streetcar project for a four-year initial term with a one-year option term.

Director Tait voted in opposition.

**14. Taxpayer Oversight Committee Measure M Annual Public Hearing Results and Compliance Findings**

A motion was made by Director Davies, seconded by Director Delgleize, and declared passed by those present, to receive and file as an information item.

**Regular Calendar**

There were no Regular Calendar matters.

**Discussion Items**

**15. Public Comments**

There were no public comments received.

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

Mr. Johnson, CEO, reported that:

- On today's consent calendar, under Item 14, the Board approved the results of the Taxpayer Oversight Committee's (TOC) annual Measure M public hearing. In addition, this is the 26<sup>th</sup> year in a row that the TOC found OCTA in compliance with the promises made in Measure M2.

**16. (Continued)**

- On Thursday, April 27<sup>th</sup>, he will be in Washington, D.C., to present on update on the I-405 Improvement Project at the Blueprint 2025 Leadership Forum. In addition, he stated that Secretary Chao, cabinet leaders, key Congressional leaders, and leadership from the White House Office of American Innovation are to be in attendance, and the goal is to highlight the needs of the I-405 Improvement Project.

**17. Directors' Reports**

Director Spitzer reported that flashing light signs are being installed on Santiago Canyon Road to address the safety issues.

Vice Chair Bartlett thanked staff for coordinating the Laguna Beach Summer Breeze program referenced in Consent Calendar Item 10 (on today's Board agenda). She stated that the service was successful last year and it is a great way to park and shuttle (to key destinations) in Laguna Beach.

Vice Chair Bartlett reported that last Friday, she attended the California Transportation Commission Technical Advisory Committee, along with Kia Mortazavi, Executive Director of Planning, and highlighted the discussions about the roadway charge pilot program.

Director Pulido asked what (OCTA's) "Base 4" meant, and requested a list to explain the Base numbers. In addition, Director Pulido asked about the Project V shuttle service that will operate on Pacific Coast Highway starting Memorial Day weekend.

Beth McCormick, General Manager of Transit, responded to the "Base 4" question. In addition, Darrell Johnson, CEO, responded that the cities of San Clemente, Dana Point, and Laguna Beach have either a new or expanded Project V weekend shuttle service, and most will go into service during the Memorial Day weekend.

Chairman Hennessey reported that last Friday, he, along with Directors Jones and Tait, traveled on the Harbor Boulevard bus route in order to experience OCTA's bus service. Chairman Hennessey also complimented coach operators Calvin Colman and Edna Hernandez for their good customer service.

Director Tait reported that the travel on the OCTA bus was a great experience. He also stated that the buses were clean, well maintained, and the coach operators were courteous and respectful to the passengers. Director Tait also reported that Chairman Hennessey, Director Jones, as well as himself were very impressed by the bus service.

**18. Closed Session**

A Closed Session was held as follows:

Pursuant to Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation. William Bryan v. Orange County Transportation Authority, et al. OCSC Case No. 30-2014-00763385.

There was no report out on the above Closed Session item.

**19. Orange County Transportation Authority Paratransit Services Overview**

Chairman Hennessey opened with comments, and public comments were heard from:

1. Marshall Pieczentkowski introduced his wife Sue and stated that at the February 13<sup>th</sup> Board meeting, he provided comments about the negative impacts OCTA's paratransit cuts have on their significantly disabled son.

Mr. Pieczentkowski stated that his son for 16 years used ACCESS service roundtrip from his board and care location in Laguna Niguel to the RIO facility in San Clemente. He also stated that since the October 2016 service change, his son cannot consistently receive the services provided at the RIO facility for his overall well-being.

Mr. Pieczentkowski also stated that the Same Day Taxi service is not always reliable to transport his son to the new ACCESS pickup point, and he gave examples of the issues. Mr. Pieczentkowski provided recommendations on how OCTA can provide service for his son to use for travel to the RIO facility.

Darrell Johnson, CEO, responded that staff is aware of the complaints and is working with Mr. Pieczentkowski. In addition, Mr. Johnson stated that staff will discuss today the reason why the changes have occurred.

2. Sri Panchalam and Andrew Berk are attorneys from Disability Rights in California. Ms. Panchalam stated that in January 2017, a letter was written to the Board about five of its clients' issues following OCTA's October 2016 paratransit cuts.

Ms. Panchalam also stated that the clients are Orange County residents with complex disabilities that use the ACCESS service to the RIO facility in San Clemente. She commented that the letter requested a meeting with the Board, which was ignored, and she asked that the Board meet with them to discuss the issues and explore possible solutions.

**19. (Continued)**

Darrell Johnson, CEO, opened with comments that the status of OCTA's paratransit service is being presented in a workshop format by staff. Mr. Johnson stated that OCTA has been working on reinventing the transit system to better match the service with demand, efficiency, and long-term financially sustainable.

Beth McCormick, General Manager of Transit, presented the following:

- About the Americans with Disabilities Act (ADA);
- OCTA Paratransit Services;
- Service Requirements Per ADA;
- October 2016 Bus Routes and ACCESS Service Area;
- ACCESS Customer - Frequency of Travel;
- Regional Center of Orange County – Largest Single ACCESS Consumer;
- ACCESS Plus Service Characteristics;
- Same Day Taxi Service Characteristics;
- Special Agency Service Overview; and
- Comparison Against ADA Criteria.

A discussion ensued regarding:

- OCTA has always provided door-to-door service, and in 2015, the regulations were clarified by the Federal Transit Administration that OCTA could no longer charge a premium for the door-to-door service.
- The Same Day Taxi service was implemented to assist customers outside of the service areas. In addition, OCTA is providing a free transfer between the Same Day Taxi and ACCESS services.

Andy Oftelie, Executive Director of Finance and Administration, presented the following:

- Paratransit Ridership (ACCESS Buses/Taxis + Same Day Taxi);
- Combined Paratransit Fleet – Bus and Taxi;
- Vehicles and Ridership;
- Comparison of Service Types; and
- Comparison of Operation Costs.

A discussion ensued that shorter trips are less costly, and staff will return with options on how to control costs.

**19. (Continued)**

Kurt Brotcke, Director of Strategic Planning, presented the following:

- Increasing Demand;
- Cumulative Growth in Passenger Miles; and
- Future Projections.

Darrell Johnson, CEO, presented the “Summary” and “Next Steps.”

A discussion ensued regarding:

- If there is a new special agency that had consumers that needed ACCESS service, OCTA would review how to provide ACCESS trips at a lower cost.
- Review new technology and type of vehicles that could be used to provide ACCESS service.
- Transportation Network Carrier (TNC) concerns about public safety, lack of oversight, and not having specialized vehicles for the ADA requirements.
- Concerns if federal funding could be used for the TNCs.

Director Davies requested a review of the “Same Day Taxi” program’s reliability.

**20. Adjournment**

Prior to the adjournment of the meeting, Director Nelson inquired about the status of the contract protest (heard at the April 10<sup>th</sup> Board of Directors meeting).

James Donich, General Counsel, responded that at the May 8<sup>th</sup> Board meeting, a Closed Session item will be agendaized to discuss the contract protest, and the contract protest will be heard in closed and open sessions on May 8<sup>th</sup>.

The meeting was adjourned at 10:50 a.m. The next regularly scheduled meeting of this Board will be held at **9:00 a.m. on Monday, May 8, 2017**, at Orange County Transportation Authority Headquarters, 550 South Main Street, Board Room – Conference Room 07-08, Orange, California.

ATTEST:

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Laurena Weinert  
Clerk of the Board

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Michael Hennessey  
OCTA Chairman