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July 5, 2017

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**United States Department of Transportation
Docket Operations, M-30
West Building, Ground Floor, Room W12-140
1200 New Jersey Avenue SE
Washington, D.C. 20590**

**Subject: Transportation Infrastructure: Notice of Review of Policy, Guidance,
and Regulation; Docket Number: DOT-OST-2017-0057; Federal
Register Number: 2017-11791**

Dear Docket Clerk:

The Orange County Transportation Authority (OCTA) appreciates the opportunity to comment on the United States Department of Transportation's (U.S. DOT) June 8, 2017 Federal Register notice. The notice, respectively titled as Transportation Infrastructure, recognizes that there are regulatory and administrative burdens that impede transportation infrastructure projects and that the stakeholders who deliver these projects have direct experience with those burdens and must overcome these obstacles to project delivery on a daily basis. As the purpose of the notice is to solicit input from affected stakeholders, OCTA is submitting this comment letter to assist the U.S. DOT in identifying requirements that unjustifiably delay or prevent completion of transportation infrastructure projects.

As the regional multi-modal transportation agency for Orange County, OCTA's core mission is to develop and deliver transportation solutions to enhance quality of life and keep Orange County moving. This includes the planning and implementation of the region's highway, road, rail, and transit projects. In 2006, Orange County voters approved the Renewed Measure M Transportation Investment Plan. This sales tax measure provides approximately \$13.5 billion in new funding for multi-modal transportation improvements, including significant investments to the freeway system.

Furthermore, OCTA has a recognized reputation both regionally and nationally for operating transportation services and delivering capital transportation projects effectively and in a fiscally responsible manner. For example, it owns and operates the 91 Express Lanes, one of the nation's most successful managed lanes toll roads. It also successfully manages the operation of the Pacific Surfliner

rail service between San Diego and the Central California Coast, which is the second busiest passenger rail corridor in the nation. OCTA plans for capital expenditures with sinking funds for future asset replacement and undertakes capital projects with the active involvement of the private sector.

These strong policies in favor of fiscally responsible delivery of transportation mobility in Orange County led OCTA to investigate ways to streamline and expedite the delivery of federal transportation projects. The national "*Breaking Down Barriers*" initiative that OCTA led, identified more than two dozen changes to existing federal law intended to streamline the project delivery process without sacrificing the environment, and to expedite the creation of high-quality jobs in the United States. Consequently, we wanted to share the final report we had prepared regarding ways to accelerate federal program and project delivery in 2011, as well as the Follow-On Report that the OCTA Board approved in October 2014. We hope that this information may be useful for the Bipartisan Policy Center Executive Council on Infrastructure.

The President has stated that he expects to pursue robust efforts to expedite public infrastructure projects. The linked report contains key policy suggestions to break down the bureaucratic barriers to project delivery and to expedite project implementation, including changes to make the environmental review process more efficient, integrate planning and programming approaches, and delegate the responsibility for environmental review to states.

In March 2011, the OCTA Board of Directors (Board) approved the final report prepared by Cambridge Systematics, which is entitled "*Accelerating Federal Program and Project Delivery*," commonly referred to as the Breaking Down Barriers Report. That 2011 report culminated a two-year Board initiative to bring content and advocacy to the long-held belief that accelerating the federal transportation project approval process could save money, expedite job creation, and shorten the present estimated 14-year duration between the time of funding availability and project completion.

The recommendations contained in the Breaking Down Barriers Report were drafted into legislative language and introduced by Congressman Gary Miller (R-CA) in August 2011 as the Breaking Down Barriers Act of 2011 (H.R. 2766). Both the Senate and House versions of the subsequent reauthorization bill, Moving Ahead for Progress in the 21st Century, contained some provisions intended to reduce the time and paperwork associated with the delivery of projects, largely taken from H.R. 2766.

OCTA subsequently commissioned the additional study that yielded the Follow-On Report. To summarize, some of the changes proposed during the initial Breaking Down Barriers Report and the Follow-On Report have been implemented; some have not. Section 4 of the follow-on study report provided the results of interviews with a small group of practitioners and experts who highlighted five particular areas of further streamlining potential. This includes: the need for greater flexibility in advancing right-of-way acquisition, unified requirements across the U.S. DOT modes for multimodal projects in order to minimize unnecessary regulatory burden, prevent overreaching with prescriptive planning requirements that slow down implementation, the continuing need to establish firm and limiting permitting times, and the need to allow federal funds to be used earlier in the planning process for detailed planning and engineering. We believe that these practices offer some common-sense solutions to expedite project delivery, reduce costs and delays, and expedite high-quality jobs.

Based upon this analysis, the follow-on study report recommended 16 legislative provisions summarized around the themes of transparency, accountability, and collaboration. Some of the legislative initiatives include creating and tracking agency metrics related to program delivery, requiring that determinations of statutory noncompliance be uniform across the County, explicitly reporting in the U.S. DOT Strategic Plan the linkage between the gains and losses in efficiency that result from unnecessary delays, encouraging project sponsors to develop priority Project Delivery Partnering Plans with the assistance of the U.S. DOT staff, and establishing a "Transportation Program Delivery Academy."

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The initial Breaking Down Barriers Report can be found at the following link:
<http://www.octa.net/pdf/breakingwonbar.pdf>

OCTA greatly appreciates and thanks the U.S. DOT for all their hard work and efforts to accept comments from stakeholders, such as OCTA, in order to consider them for the U.S. DOT's review of its existing transportation infrastructure policy statements, guidance documents, and regulations. Thank you again for your kind attention to this matter. If our agency can be of further assistance, please do not hesitate to contact OCTA, and we would be happy to provide any insight or assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Johnson', with a long horizontal flourish extending to the right.

Darrell Johnson
Chief Executive Officer

DJ: ah

c: Ryan Chamberlain, Director, Caltrans District 12