

**SCOPE OF WORK
FEDERAL LEGISLATIVE ADVOCATES**

I. General

The Orange County Transportation Authority (OCTA) is seeking a federal legislative advocate team (Consultant) to address a series of issues described in Attachment 1 and will be organized around the federal goals and objectives of the Orange County Transportation Authority's (OCTA) Legislative Platform (Attachment 2). The primary issues and objectives are summarized as follows:

1. Secure a stable and reliable long term transportation reauthorization bill, and annual appropriations bills in accordance with current Legislative Platform and Board of Directors (Board)-approved project requests.
2. Advocate at the Congressional and Executive Branch levels for federal funding for OCTA capital projects, including fixed guideway projects.
3. Advocate on behalf of OCTA's position on Goods Movement.
4. Seek to maximize funding for all OCTA modal programs, but especially restoration of a well-funded bus discretionary program, in the next transportation reauthorization bill.
5. Seek to streamline and accelerate the delivery of federally funded projects with minimal federal requirements.
6. Advocate for funding of compliance costs for any new federally mandated requirements.
7. Advocate for federal intercity passenger rail funding in the San Luis Obispo-Los Angeles-San Diego (LOSSAN) corridor.

II. Coalition Activities

The Consultant shall build and sustain a strong federal coalition in support of OCTA.

1. OCTA Legislative Platform

- 1.1 Provide input to and implement OCTA-developed funding strategies for transportation projects described in the Information and Issues discussion and Legislative Platform (Attachments 1 and 2), including bus, highway, intelligent transportation systems projects, and any other projects which may be appropriate to achieve OCTA legislative goals.

1.2 Recommend appropriate activities for OCTA Board members and local elected officials at various stages of the legislative process.

1.3 Provide general political and advocacy advice to OCTA.

2. Legislation, Regulations, and Policy

2.1 Notify OCTA of anticipated, newly introduced, or amended federal legislation, regulations, and administrative policy actions which could impact OCTA and provide a legislative analysis on how such action(s) may affect the interest of OCTA.

2.2 Work with OCTA, develop positions and tactics which implement OCTA's strategy objectives regarding the upcoming reauthorization of the transportation program.

2.3 Provide information and advice regarding upcoming legislative hearings which may impact policies and programs of OCTA.

2.4 Attend hearings and other public sessions of interest to OCTA.

2.5 Assist in the preparation of testimony before congressional committees and represent OCTA before such committees, including but not limited to the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure, the Senate Committee on Banking and Urban Affairs, the Senate Commerce Committee and the Senate Committee on Environment and Public Works.

2.6 Assist in drafting legislative language, and other written materials deemed of interest to OCTA, to ensure that the goals and objectives of OCTA are fulfilled.

2.7 Assist in drafting responses to Federal Register notices and other federal public comment announcements.

2.8 Assist in preparation of appropriate written materials supporting OCTA legislative goals, including letters, talking points, bill summaries and position papers.

3. Liaison and Advocacy Activities

3.1 Orange County Congressional Delegation

3.1.1 Maintain frequent formal and informal contact with the Orange County delegation members and staff to represent and advocate OCTA policies and positions.

3.1.2 Recommend when OCTA Board Members should be in direct contact with members of the Orange County delegation or their key legislative staff.

3.2 House and Senate

3.2.1 Maintain direct and frequent contact with key members and staff of appropriate Senate and House Committees to represent and advocate OCTA policies and positions.

3.2.2 Arrange meetings between key legislation members and OCTA personnel as appropriate in Washington, D.C. or Orange County. Provide logistical support for Washington, D.C. visits.

3.2.3 Recommend timing and nature of contacts with the Orange County delegation and other legislation members in Washington, D.C.

3.3 Executive Branch

3.3.1 Meet with and arrange meetings with appropriate White House officials and staff, as necessary, to represent and advocate OCTA policies and positions.

3.3.2 Meet with and arrange meetings with appropriate Department of Transportation officials and staff, and other federal agencies, as necessary, to represent and advocate OCTA policies and positions.

III. **Administrative Coordination**

The Consultant shall continuously coordinate with OCTA Board, Chief Executive Officer and staff.

1. Coordination

1.1 Coordinate all activities with the OCTA State and Federal Relations Manager and Executive Director, External Affairs as appropriate.

1.2 Coordinate with members of the OCTA Board of Directors, as appropriate.

1.3 Coordinate with other OCTA consultants, as appropriate.

2. Other Activities

2.1 Preparation of Materials, Conference Calls, Oral Reports, Written Reports, and Additional Assignments.

- 2.2 Participate via teleconferencing with the Manager of Grants and Federal Relations, other OCTA staff, and other consultants as necessary.
- 2.3 Provide on-site and in-person oral reports to the Board and meet with appropriate OCTA staff at the OCTA headquarters in Orange, California, as needed. The number of on-site reports is not expected to exceed four per year.
- 2.4 Submit a written monthly activity and status report, including key advocacy activities undertaken on behalf of OCTA during each month.
- 2.5 Undertake additional assignments that have been mutually agreed upon by both parties and are necessary to accomplish OCTA's objectives in Washington.

Orange County Transportation Authority
Information and Issues

Background

The Orange County Transportation Authority (OCTA) was formed in 1991 by the consolidation of seven separate transportation agencies, including the Orange County Transportation Commission, the Orange County Transit District, the Consolidated Transportation Services Agency, the Orange County Local Transportation Authority, the Orange County Service Authority for Freeway Emergencies, the Orange County Congestion Management Agency and the Orange County Service Authority for Abandoned Vehicles. This consolidation creates a multi-modal authority, which eliminates duplicate transportation functions and increases efficiency in providing transportation services throughout the county.

The following facts indicate the size and breadth of OCTA's functions:

- More than 1300 employees plus an additional 1011 paratransit/fixed route contract employees (2018 numbers);
- A proposed budget for fiscal year (FY) 2018-19 that is balanced at \$1.3 billion;
- A county-wide bus system with over 520 vehicles and one of the nation's top 20 busiest bus transit operations providing more than 39 million rides annually;
- Countywide paratransit service with 248 buses and more than 1.4 million boardings per year;
- Three Metrolink commuter rail lines operate in Orange County with more than five million boardings per year. OCTA owns the Los Angeles to San Diego rail right-of-way in Orange County;
- Managing Director of the Los Angeles-San Diego-San Luis Obispo (LOSSAN) Rail Corridor Agency operated by Amtrak, on the nation's second busiest passenger rail line;
- Administrator of Measure M, the package of transportation improvements promised to Orange County voters in 1990 when they approved a half-cent sales tax. Measure M was renewed by the voters in 2006 and will provide funding for freeway, regional/local streets and roads, and transit improvements until 2041;
- Ownership and operation of the 91 Express Lanes toll road with 14.3 million vehicle trips in FY 2017.

Specific Legislative and Regulatory Issues

Over the next several years, OCTA anticipates dealing with the following issues, which relate to Congress and the U.S. Department of Transportation:

OC Streetcar. The OC Streetcar Project is a 4.15-route-mile streetcar line that will operate within one of the most densely populated areas in the country and will link the Santa Ana Regional Transportation Center, which serves Metrolink, Amtrak, and bus services, to a new multi-modal hub in Garden Grove. The project will generate more than 6,500 jobs nationwide. Of these jobs, 4,000 jobs will be created by federal investment in the OC Streetcar. OCTA has met every statutory and administrative requirement necessary to advance the project, and anticipates receiving a Full Funding Grant Agreement under the Federal Transit Administration's Capital Investment Grant Program to begin construction. On March 26, 2018, the OCTA Board of Directors awarded a \$51.5 million vehicle contract to Siemens Industries, Inc. for eight streetcar vehicles. The process for funding the OC Streetcar will be a determining factor for whether the OCTA Board of Directors pursues funding under this program for future projects.

The LOSSAN Corridor. The LOSSAN Rail Corridor is currently utilized by the BNSF freight service, Metrolink commuter rail service, Amtrak's Pacific Surfliner intercity passenger rail service, and San Diego County's Coaster commuter rail service. The LOSSAN corridor is the second busiest passenger rail corridor in the nation. OCTA owns the LOSSAN right-of-way in Orange County. OCTA currently supports additional federal funding for rail and safety improvements in this corridor, additional efficiencies in rail program oversight, and commuter-based development around passenger rail corridors that includes permanent job creation.

Pacific Surfliner Intercity Passenger Rail Service. OCTA has served as the managing agency for the LOSSAN Agency since 2013 and assumed full administrative and management responsibility for the Pacific Surfliner service in June 2015 following through on an interagency transfer agreement with the State of California. OCTA continues to serve in this capacity, providing all necessary administrative support to the LOSSAN Agency and its Board of Directors.

Goods Movement. Orange County acts as a bridge between Los Angeles and the Inland Empire for the growing supply of foreign goods sent through the ports of Los Angeles and Long Beach, to the rest of the nation. The volume of trade already impacts Orange County's transportation infrastructure. Today, 18 percent of trucks on Orange County freeways are delayed daily, increasing costs between 50 to 250 percent. By 2030, truck volume will increase an estimated 110 percent. Similarly, trade volumes are challenging the capacity of the rail system. In 2025, the number of daily freight trains moving through Orange County is expected to increase from 95 to 250.

OCTA's federal legislative platform advocates for ongoing, stable sources of funding for goods movement infrastructure to ease congestion in highway corridors that carry goods. Existing resources are insufficient to both meet these goods movement mitigation needs

and address the County's existing transportation needs. OCTA intends to link capacity expansion to mitigation and supports regionally coordinated solutions to future freight movement.

Metrolink Commuter Rail Service. OCTA funds and supervises Metrolink commuter rail service in Orange County through its rail capital budget, which supports improvements in Orange County and is funded through local, state and federal funding sources. Orange County is served by three Metrolink lines that transport more than five million riders per year in and through the county. The three lines are: The Orange County Line, the Inland Empire-Orange County Line, and the 91/Perris Valley Line. There are currently eleven Metrolink stations in Orange County.

In May 2016, with the support of OCTA, its member agencies, and in partnership with BNSF Railway, Metrolink became the first commuter railroad in the nation to receive authorization from the Federal Railroad Administration to commence Positive Train Control provisional revenue service operations. OCTA remains committed to working with regional passenger rail providers on efforts to provide safety improvements on the rail network in Southern California.

Operating Assistance. OCTA has adopted principles identical to those adopted by the American Public Transportation Association calling for limited and flexible direct federal operating assistance. In accordance with these adopted principles OCTA has advocated for increased federal operating assistance in Washington, DC over the past several years.

OCTA is also a strong advocate of permanent reinstatement of the alternative fuel tax credit, which provides nearly \$4.3 million annually to fund OCTA operations.

The Roll of Tolls in Project Delivery. With a population of over 3 million, Orange County is the sixth most populous county in the nation and contains some of the nation's most congested highways. Yet, the county remains a donor county, and does not receive its fair share of federal gas tax revenue. Historically, this situation has led to the development of public private partnerships to build toll roads in the county. These facilities are privately operated with public management oversight. OCTA owns one toll facility, the 91 Express Lanes, which was purchased in 2002. The purchase eliminated a non-compete clause that prohibited improvements along the State Route (SR)-91. In addition, the I-405 Improvement Project, when completed in 2023, will also provide two express lanes in each direction, similar to the 91 Express Lanes.

Many agencies are discussing the increased use of managed lane facilities. As transportation demands continue to increase, OCTA supports innovative financial arrangements and project delivery tools to deliver projects in the earliest time frame at the lowest cost to Orange County taxpayers. However, the use of these project delivery methods should not be viewed as a substitute for adequate state or federal funding for transportation, but rather as a response to significant population and employment growth, and as an opportunity to stretch dollars further than ever before.

Breaking Down Administrative Barriers to Project Delivery. OCTA supports opportunities to expedite and improve the efficiency of the environmental review and permitting process for federally-funded projects. During the consideration of the Moving Ahead for Progress in the 21st Century (MAP-21) reauthorization legislation, OCTA developed a set of proposals through the Breaking Down Barriers Report to expedite the environmental review process and improve project delivery without impairing substantive environmental requirements. These proposals became part of legislation introduced in the House in August 2012, called the “Breaking Down Barriers Act “. The bulk of this Act was incorporated into the House surface transportation reauthorization bill in 2012 and became a part of MAP-21. In addition, several of the proposals from the Breaking Down Barriers Report and subsequent follow-on studies were enacted in Fixing America's Surface Transportation (FAST) Act of 2015, but never implemented.

In April 2018, 12 federal agencies signed a Memorandum of Understanding (MOU) to implement a One Federal Decision policy. The One Federal Decision MOU builds upon Executive Order 13807, which the President issued in 2017 in an effort to further streamline the permitting process for infrastructure projects. The MOU is largely consistent with OCTA’s advocacy efforts to streamline the permitting process. OCTA will continue to seek ways to streamline the federal project approval process in order to accelerate project implementation and create jobs more quickly in the economy.

Reauthorization. The FAST Act authorized \$305.5 billion over fiscal years 2016 through 2020 for public transportation, rail, highway, and motor vehicle safety, motor carrier safety, hazardous materials safety, and research, technology, and statistics programs. As Congress begins to look at additional or extended transportation authorization funding in the next few years, OCTA supports greater flexibility in the permitted uses of transportation funds and a fair distribution of funds based upon formula factors that adequately recognize the extent of transportation funding needs within Orange County. In addition, OCTA supports efforts that will ensure that all users of the national transportation system pay their fair share to maintain and improve the system. OCTA will also continue to emphasize the need for a fiscally sound solution to the Highway Trust Fund’s structural revenue deficit that maintains the long-standing federal commitment to meeting our nation’s transportation needs.

91 Express Lanes. OCTA owns and operates the four-lane, ten-mile toll road segment in the median of SR-91 from the Orange/Riverside county line west to the SR-55/SR-91 interchange. OCTA purchased the 91 Express Lanes for \$207.5 million in 2002. The purchased franchise extends into Riverside County to the I-15. This purchase cleared the way for traffic improvements along the SR-91 corridor by eliminating a “non-compete” provision that limited new highway expansion on the SR-91 corridor. More than \$28 million in toll revenue has gone into improving SR-91 corridor, including the addition of a new eastbound lane between the SR-241 and SR-71 and Metrolink station improvements. Currently, tolls are determined through a congestion management pricing policy, which adjusts tolls quarterly in accordance with traffic volumes.

In 2011, OCTA and the Riverside County Transportation Commission (RCTC) entered into a Cooperative Agreement to jointly operate the Orange and Riverside segments of the 91 Express Lanes. In 2017, RCTC opened the Riverside segment of the 91 Express Lanes from the Orange/Riverside county line east to the I-15, providing customers with 8 additional miles of travel certainty.

In 2023, with the completion of the Interstate 405 Improvement Project, OCTA will also operate an express lane facility on Interstate 405.

Transportation Security Funding. As part of the Los Angeles metropolitan area, OCTA operates in one of the nation's top high risk urban areas as determined by the Department of Homeland Security (DHS). Unlike aviation, bus and rail transit systems pose unique security challenges including multiple access points and significantly higher passenger volume. Despite these challenges, security funding for bus and rail transportation continues to lag far behind such funding for aviation on a per passenger basis. Moreover, this funding is limited by DHS largely to capital expenditures.

OCTA's legislative platform seeks support for increased federal funding to transit agencies for operational security improvements, staff training, increased surveillance, and security and disaster preparedness improvements for highways, transit, rail security, and computer information systems in the United States. In addition, OCTA supports a fair distribution of funding that takes into consideration the risks of all hazards, including natural disasters, acts of terrorism, and other man-made disasters in Southern California.

ORANGE COUNTY TRANSPORTATION AUTHORITY



Federal Legislative Platform | 2017-18

Revised and adopted on November 27, 2017





The Orange County Transportation Authority (OCTA) was formed in 1991 by the consolidation of seven separate transportation agencies. This consolidation created a multimodal authority, which eliminated duplicate transportation functions and increased efficiency in providing transportation services throughout the County.

The following facts indicate the size and the breadth of OCTA's functions:

- Budget for fiscal year (FY) 2017-18 is balanced at \$1.3 billion.
- Countywide bus system that spans 34 cities and seven congressional districts with 520 vehicles.
- Among the top 20 busiest bus transit operations in the nation, providing more than 39 million rides annually.
- Countywide paratransit service for people with disabilities with 248 buses and more than 1.4 million boardings per year.
- Three Metrolink commuter-rail lines with more than 19,000 boardings each weekday.
- OCTA owns the Los Angeles-San Diego-San Luis Obispo (LOSSAN) rail right-of-way from Fullerton to San Clemente.
- Successful completion of Measure M, the package of \$4 billion in transportation improvements promised to Orange County voters in 1990 when they approved a 20-year half-cent sales tax program.
- Implementation of Renewed Measure M approved by voters in 2006, providing \$13.5 billion in new funding for freeway, regional/local streets and roads, and transit improvements until 2041.
- Owner and operator of the 91 Express Lanes toll road with 14.3 million vehicle trips in FY 2017.
- Oversight of Orange County's major investment studies and management of the planning for all future transportation infrastructure improvements in the county.

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Introduction

With a population of over three million, Orange County is the third most populous county in California and the sixth most populous county in the nation. Orange County is also one of the most densely populated areas in the country and is second only to San Francisco for the most densely populated county in the State of California. National and global attractions include Disneyland, Knott's Berry Farm, and over 42 miles of coastline, making Orange County a worldwide vacation destination.

Among metro areas in the United States, Orange County is one of the top 20 producing economies in the nation and is home to one of the busiest transit systems in the nation. In addition, Orange County provides highway and rail corridors that facilitate an increasing level of international trade entering the Southern California ports. However, according to the latest annual survey of urban mobility by the Texas A&M Transportation Institute, the Los Angeles metropolitan area, including Long Beach and Orange County, also has the second most congestion of any metropolitan area in the nation, delaying drivers an average of more than 80 hours per year. In conducting all of its activities, Orange County Transportation Authority (OCTA) strives to the maximum extent possible to improve transportation performance, reduce congestion, and reduce emissions. With regard to federal revenues, Orange County is consistently a donor county within a donor state.

OCTA's Federal Legislative Platform outlines the statutory, regulatory, and administrative goals and objectives of the transportation authority. The following platform was adopted by the OCTA Board of Directors (Board) to provide direction to staff and federal legislative advocates for the 115th Congress.

Principles and Objectives

OCTA will use the following principles and objectives to guide implementation of the specific recommendations contained in this platform:

1. OCTA will seek to obtain a fair share of federal funding from all sources for transportation projects within the County, taking into account its size, population, congestion mitigation, and particular transportation needs;
2. OCTA will support the transportation legislative efforts and objectives of other Orange County entities, as appropriate, to further the implementation of this platform, provided that such efforts by others are consistent with OCTA Board-approved projects and policies; and do not place OCTA in direct competition these entities for discretionary funding;
3. In order to accomplish the goals of this platform, OCTA will work with other entities such as the Orange County Business Council, regional entities such as county transportation commissions and transit agencies, the Southern California Association of Governments, and Mobility 21;
4. OCTA will take an active role in the process of formulating legislation which will reauthorize future federal highway and transit programs, reaching out to the region, state, and appropriate congressional leaders, and working with them towards a long-term and stable future reauthorization program which benefits Orange County.

I. Annual Transportation Funding

On December 4, 2015, President Obama signed the Fixing America's Surface Transportation (FAST) Act (Pub. L. No. 114-94). Like other recent multiyear surface transportation bills, the FAST Act does not require the appropriation of authorized Highway Trust Fund dollars. Therefore, the annual appropriations process will continue to play an important role in the OCTA federal legislative platform, and OCTA will continue to advocate for the largest possible amount and share of annual appropriations to ensure adequate resources for OCTA's operations.

Due to funding limitations ratified with bipartisan Congressional agreement, the FAST Act does not contain any funding specifically directed to individual projects, commonly referred to as "earmarks." It is expected that annual appropriations bills will continue this practice for the foreseeable future. Accordingly, there are no earmark requests included in the OCTA platform for the 115th Congress. Should this situation change, OCTA will seek the guidance and input of the Legislative

and Communications Committee regarding any project requests.

Even in the absence of specific Congressional earmarks, discretionary transportation funding will be appropriated on an annual basis. OCTA will continue to aggressively pursue discretionary funding for transportation projects within the statutory and regulatory requirements of any funding program, the current funding status of OCTA's capital program, and the direction of the Legislation and Communications Committee.

Other funding priorities for OCTA include:

- a) Support federal transportation funding assistance, including for transit operations, provided that such assistance is: 1) sustainable at the federal, state, and local level; 2) not considered a replacement for any ongoing program, or a substitute for the current federally authorized program; 3) funded by the general fund apart from any ongoing appropriations; 4) used to preserve or create jobs and services, and not for wage increases to current personnel; and 5) available for capital purposes to the extent not needed for direct operating costs;
- b) Support New Start funding for fixed-guideway projects selected for implementation through the Go Local process;
- c) Support appropriations and additional funding, with increased flexibility, through safety and security grant programs in order to protect Orange County's surface transportation systems, including highways, transit facilities, rail lines, and related software systems;
- d) In concert with regional transportation agencies, seek funding for the Southern California Regional Training Consortium to develop bus maintenance training information for the transit agencies throughout Southern California;
- e) Support appropriations funding for rail safety programs, including funding for implementation and operation of positive train control requirements and other safety enhancements or risk reduction recommendations;

- f) Support the authorization and appropriation that provides for federal funding that supports intercity and regional passenger rail corridors in California, including the Los Angeles–San Diego–San Luis Obispo Rail Corridor.

II. Advocacy Efforts for Implementation of Existing and Planned Federal Highway and Transit or Rail Programs

With the passage of the FAST Act, OCTA's efforts during the 115th Congress will continue to focus on regulatory implementation of this legislation and on possible additional legislation to complement the programs and provisions set out in the FAST Act. During this time, OCTA will advocate for the following issues:

- a) Advocate for a fair and equitable distribution of FAST Act funding to OCTA from the State of California in accordance with any agreed-upon statewide administrative plan or enacted state legislation;
- b) Working with regional agencies, advocate for a high ranking of the Alameda Corridor projects as part of the FAST Act discretionary programs;
- c) Upon definition and approval by the Board, seek support from the Federal Transit Administration and Orange County Congressional Delegation for any fixed-guideway transit projects approved for implementation by the Go Local process;
- d) Pursue continued eligibility of Congestion Mitigation Air Quality (CMAQ) program funding for at least three-to-five years of operating expenses associated with any new start fixed-guideway or eligible bus projects in Orange County;
- e) Advocate for inclusion of recommendations from the OCTA Breaking Down Barriers Report and subsequent Follow-on Study as part of future legislation and regulations, including:
 - 1) Support expanded design-build authorizations for federally-funded highway and surface transportation projects;

- 2) Support environmental process improvements and stewardship efforts by the relevant federal agencies to expedite project delivery and accelerate the creation of jobs; and
- 3) Support expedited federal review and payments to local agencies and their contractors for project development, right-of-way acquisition, and construction activities.
- f) Support efforts within the surface transportation reauthorization legislation, or other appropriate legislation, that direct state departments of transportation to give consideration to the condition and effectiveness of local evacuation routes in high-risk areas when setting priorities for the disbursement of highway funding;
- g) Support efforts to authorize, fund, and streamline the delivery of, bike paths, bike trails, and pedestrian paths within Orange County;
- h) Advocate for legislation, programs, and projects, which encourage, where possible, a “complete streets” approach to planning and multi-modal planning approaches in order to expedite project delivery;
- i) Encourage the Federal Highway Administration (FHWA) to return the Regional Transportation Plan (RTP) to a long-range planning and vision document rather than a detailed, 30-year financial plan, as current regulations mandate;
- j) Regulations have shifted the approval of RTP amendments involving Transportation Control Measures from FHWA to the Environmental Protection Agency (EPA). OCTA requests that this approval process revert back to FHWA and maintain a consultation process with EPA;
- k) Request that federal funding guidelines permit use of funds for soundwalls as a local option. The FHWA does not permit the use of highway funds to retrofit soundwalls, yet federal trade policies have led to increased freight traffic along goods movement corridors and, hence, noise along the freeways. OCTA requests that the policy be amended to allow highway funds to be used to mitigate the impacts of freight traffic on local communities adjacent to goods movement corridors;
- l) Work with the FHWA, or appropriate members of Congress, as part of the waiver process set out in the FAST Act, to obtain flexibility and increased local decision-making authority regarding the operation of high-occupancy vehicle (HOV) lanes, in order to reduce or eliminate the unintended consequences provided by Section 166 of the Federal Highway Act or any similar provisions regulating degradation of HOV lanes;
- m) Engage the State of California, and other state and federal stakeholders, to seek the mitigation or elimination of any federal requirements for direct actions within 180 days in response to any degradation found to exist on federally-funded highways;
- n) Support legislative and administrative streamlining of Federal Buy America requirements to permit greater certainty and consistency regarding the requirements, and greater flexibility in applying the requirements to federally-funded highway and transit projects;
- o) In conjunction with other Southern California public rail transportation providers, support legislative and administrative efforts to:
 - 1) responsibly implement and operate Positive Train Control (PTC) nationwide in a manner that takes into consideration any and all technological, fiscal, and logistical challenges in its implementation, while providing for reasonable exemptions from legislative deadlines on a case-by-case basis;
 - 2) assure that any alternative technologies employed in other rail systems are interoperable with, and contain the same safety benefits as, the PTC system implemented by Metrolink;
 - 3) ensure that the necessary technical resources such as wireless spectrum, are made available, as appropriate, for the full implementation of PTC;
- p) Seek flexibility for the use of formula transit funds to support and utilize alternative transportation services.

III. Economic Impact Legislation and Regulations

Several federal legislative and regulatory actions are also under consideration to prevent unintended adverse economic impacts to the transportation industry and also to appropriate funding for transportation infrastructure projects as a means of creating needed jobs in the economy. In this regard, OCTA will:

- a) Support legislation which would hold harmless local governments who held debt instruments of Lehman Brothers on September 15, 2008, and other regulatory actions pursuant to Section 103 of the Emergency Economic Stabilization Act, which are needed to ensure stability in local entities that, through no fault of their own, suffered losses in the economic crisis of 2008;
- b) Support federal legislation and programs which accelerate funding for transportation infrastructure projects and, thereby, create additional jobs and economic activity in Orange County;
- c) Oppose any federal legislation or regulatory action which acts to impede the development of business opportunities and job creation in Orange County;
- d) Oppose any further increase in the current rail passenger liability cap of \$295 million per incident and work with regional partners to ensure that discussions regarding the cap take into account the limited resources of public sector passenger rail providers;
- e) Oppose federal legislative and/or regulatory actions that would divert revenues generated by locally-approved sales taxes to programs and projects that are not included in the sales tax ordinance;
- f) Support fiscally sound legislation that adequately addresses the Highway Trust Fund's structural deficit, including initiatives to address the impact of low- and zero-emission vehicles on transportation funding.

IV. Reauthorization of the Highway, Transit, and Rail Programs

The FAST Act authorizes \$305.5 billion over Fiscal Years 2016 through 2020 for public transportation, rail, highway, highway and motor vehicle safety, motor carrier safety, hazardous materials safety, and research, technology, and statistics programs. These funding levels provide modest increases in all major existing surface transportation programs over the five-year life of the bill. It also adds new formula and discretionary freight programs, a new discretionary bus capital program, and modest new funding for intercity rail. The legislation also preserves the federal focus on safety, keeps intact the established structure of the various highway-related programs, and continues efforts to streamline project delivery. The enactment of the FAST Act allows state and local government agencies to move forward with critical transportation projects with the confidence that they will have a federal partner over the long term.

While the FAST Act provides funding authorization through Fiscal Year 2020, it is possible that the 115th Congress will begin to look at additional or extended transportation authorization funding during the next two years. OCTA will examine any such proposals using the following framework:

- a) OCTA will analyze key highway, transit, and rail reauthorization proposals as they emerge to determine:
 - 1) The source, adequacy, and stability of proposed future revenues to meet future transportation needs and the economic impact to the public of collection of those revenues;
 - 2) The extent to which a proposal will maximize the return of federal revenues to California and to OCTA;
 - 3) The extent to which a proposal enhances the federal funding partnership by helping OCTA address capital and operating revenue shortfalls;
 - 4) Whether or not the proposal contains any unfunded statutory or regulatory mandates applicable to OCTA; and

- 5) The extent to which the proposal contains provisions which support the recommendations contained in OCTA's Breaking Down Barriers Report and subsequent Follow-on Study.
- b) Based upon this analysis, OCTA will seek a Board determination of the appropriate approach to any new surface transportation reauthorizing proposals in Washington D.C. based on the following general principles:
 - 1) OCTA supports program features in the next highway, transit, and rail authorization legislation to enable greater flexibility in the permitted uses of transportation funds and to distribute funding based upon formula factors that adequately recognize the extent of transportation funding needs within Orange County;
 - 2) OCTA supports receiving federal highway funds through a fair sub-allocation that accounts for additional costs, increased administrative responsibilities, and the potential for increased liabilities to which the agency may be subject; and
 - 3) OCTA supports efforts that would ensure that all users of the national transportation system pay their "fair share" to maintain and improve the system.

V. Goods Movement

The twin Ports of Los Angeles and Long Beach are considered "America's Gateway" and the nation's busiest ports, handling more than \$180 billion dollars' worth of cargo each year. The maintenance and improvement of our region's goods movement infrastructure must continue to be a national priority if our region is to remain competitive with the rest of the world and be responsive to the consumer needs of the nearly 18 million people living in Southern California. The need for the Southern California region to remain competitive is further underscored by the expansion and modernization by foreign competitors. Even though the FAST Act will provide \$10 billion for goods movement projects and programs, these and other

revenue streams at the federal level remain insufficient to fund the projects needed to offset the costs of moving these goods considering the many years of underinvestment.

Therefore, OCTA's advocacy efforts regarding goods movement will continue to emphasize the following:

- a) Pursue new, stable, dedicated, and secure sources of funding for goods movement infrastructure;
- b) Assure that the benefits of newly funded projects also take into account mitigation factors to impacted communities;
- c) Continue to work with Congress, the state, and local governments, as well as with the private sector, to develop and implement the needed sustainable infrastructure programs and projects;
- d) Ensure that public control of goods movement infrastructure and freight mobility projects is retained at the local level.

VI. Transportation Security and Emergency Preparedness

OCTA continues cooperative efforts with neighboring transit agencies, Urban Area Security Initiative partners, state and federal Homeland Security and Emergency Preparedness grant partners, and local jurisdictions to enhance the security and resiliency of regional highway, bus, and rail systems. In addition to seeking additional grant funding to secure Orange County's highways, rail, transit, and computer information systems, OCTA will pursue the following regulatory and statutory changes to ensure that safety, security, and emergency preparedness needs are met:

- a) Support increased federal funding to transit agencies for staff training, increased surveillance, and security and disaster preparedness improvements for highways, transit, rail security, and computer information systems in the U.S., and flexibility for the use of these funds;
- b) Support a fair and effective distribution of grant funds that takes into consideration the risks of

all hazards, including natural disasters, acts of terrorism, and other man-made disasters in Southern California, as estimated by the Department of Homeland Security in cooperation with state and local officials;

- c) Support programs that reach out to state security and emergency preparedness officials to improve information exchange protocols, refine security and disaster preparedness systems, and support state and regional data coordination.

VII. Energy Issues

Legislation addressing U.S. policies on energy is likely to play a role in the 115th Congress. The transportation sector is the largest consumer of petroleum in the U.S. Therefore, the focus by Congress to further develop energy efficient policies is likely to have an impact on OCTA operations. With this in mind, OCTA will:

- a) Monitor legislation and federal rulemaking that addresses new or emerging energy policies such as incentives for alternative fuel technology, and use and developer incentives supporting transit programs, as well as research and technology;
- b) Provide federal legislative reports to the Board outlining any energy-related legislation introduced in the next Congress that potentially impacts OCTA operations;
- c) Work with industry associations to comment on congressional actions and/or federal policies that impact the public transportation sector;
- d) Support the continuation of fuel tax credits for OCTA's use of compressed natural gas and liquefied natural gas, and the expansion of these credit incentives for the use of other alternative transit fuels.

VIII. Environmental Policy and Other Regulatory Requirements

Federal environmental laws and regulations affecting OCTA include the National Environmental Protection

Act, the Federal Clean Air Act, Federal Water Pollution Control Act, and the Endangered Species Act. With regard to these acts and related regulations, OCTA will:

- a) Seek opportunities to expedite and improve the efficiency of the environmental process for federally-funded projects. The OCTA Breaking Down Barriers Report and subsequent Follow-on Study contain numerous examples of ways to expedite the environmental review process without impairing substantive environmental requirements. Many of these recommendations have been incorporated into statute. OCTA will monitor future regulations in this area to ensure the effective implementation of these provisions.
- b) Seek federal funding to meet state and local environmental quality requirements, including anticipated requirements for zero-emission buses, alternative fueling stations, and future greenhouse gas reduction requirements;
- c) Monitor any new federal programs seeking to address the environmental impacts of greenhouse gases to ensure that any new environmental requirements are accompanied by additional funding necessary to implement those requirements;
- d) Support legislation and federal grant programs that encourage ridesharing and related congestion relief programs for Orange County commuters.

In addition, OCTA takes the following positions with regard to U.S. departments providing federal oversight, specifically:

- e) Support efforts to work with the California Department of Transportation and the Administration to equitably resolve the United States Department of Transportation interpretation of Americans with Disabilities Act (ADA) compliance guidelines that retroactively require the implementation of costly curb-ramp and level boarding upgrades within the boundaries of federally-funded projects. According to state officials implementing these regulations on

behalf of FHWA, the requirements apply even if curb-ramps are already in place, but considered to be out of date according to the most recent ADA guidelines, or when the project would not require ground disturbance (i.e. signal synchronization projects funded with CMAQ funds);

c) Support efforts to restrict the ability of the Federal Government to limit state or local efforts to reform pension benefits.

- f) Oppose any regulations or administrative guidance seeking to extend through administrative actions the statutory requirements of ADA;
- g) Support expedited federal review and payments to local agencies and their contractors for project development, right-of-way acquisition, and construction activities;
- h) Support expedited and improved federal reporting and monitoring requirements to ensure efficiency and usefulness of data, and to eliminate redundant state and federal requirements;
- i) Ensure that regulations and programs implementing federal requirements regarding transit safety oversight are reasonable, as free as possible from bureaucratic burden, and do not place an unfair financial burden on OCTA operations.

IX. Employment Issues

Federal employment laws affecting OCTA include the Fair Labor Standards Act, Family and Medical Leave Act, Occupational Safety and Health Act, and the Omnibus Transportation Employee Testing Act of 1991. While significant changes to these federal laws are not anticipated during the 115th Congress, OCTA's historical positions regarding labor and employment issues have included:

- a) Support income tax deductions for employees receiving employer-provided transit passes, vanpool benefits, or parking spaces currently counted as income;
- b) Oppose legislation and regulations, and any federal grant actions adversely affecting the agency's ability to effectively and efficiently address labor relations, employee rights, benefits including pension benefits, and working conditions including health, safety, and ergonomics standards in the workplace;



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Authority

Service Authority for
Freeway Emergencies

Consolidated Transportation
Service Agency

Congestion Management
Agency

Service Authority for
Abandoned Vehicles

