



Committee Members Present

Michael Hennessey, Vice Chairman
Laurie Davies
Barbara Delgleize
Al Murray
Gregory T. Winterbottom

Staff Present

Ken Phipps, Deputy Chief Executive Officer
Olga Prado, Assistant Clerk of the Board
Sara Meisenheimer, Deputy Clerk of the Board
James Donich, General Counsel
OCTA Staff and members of the General Public

Committee Members Absent

Shawn Nelson, Chairman
Tim Shaw

Call to Order

The June 21, 2018 regular meeting of the Legislative and Communications Committee was called to order by Committee Vice Chairman Hennessey at 9:00 a.m.

Pledge of Allegiance

Director Davies led in the Pledge of Allegiance.

1. Public Comments

No public comments were received.

Special Calendar

2. Conference Call with State Legislative Advocate Moira Topp

Moira Topp, Sacramento Advocate, reported on the following:

- Last week, the Legislator passed the state budget for 2018-19 and there were no changes from appropriations.
- Transportation keeps hitting high water marks in terms of appropriations and expenditures and the budget is now \$296 billion.
- Legislature and the Governor agreed on \$14 billion to be included within the rainy day fund.
- The first week of June was the deadline for all bills to get out of their house of origin, 2,500 bills were introduced, and over 1,000 bills are still moving.
- With the recall of Senator Newman, Senator Beall is the new author of Senate Bill (SB) 1119.
- Challenges of Senate Constitutional Amendment (SCA) 20 and June 28th is the deadline to have any initiative on the November 2018 general election.



2. (Continued)

- Concerns on contradictory types of regulations that the Orange County Transportation Authority (OCTA) could be facing with the South Coast Air Quality Management District on the ability to regulate vehicles.
- Assembly Bill (AB) 382 is in the Senate Transportation and Housing Committee and needs to be heard by July 3, 2018.

A discussion ensued regarding:

- Options in resolving the sales tax issue with SCA 20, such as the author amending to do a ten year phase-in.
- An update on AB 1912 and the bill most likely being passed out of its policy committee.
- The Supreme Court's ruling in the online sales tax case, *South Dakota v. Wayfair, Inc.*, and impacts to OCTA. Staff will report back to the Legislative and Communications Committee next month.

Consent Calendar (Item 3)

3. Approval of Minutes

A motion was made by Director Murray, seconded by Director Winterbottom, and declared passed by those present, to approve the minutes of the Legislative and Communications Committee meeting of May 17, 2018.

Committee Vice Chairman Hennessey abstained from the vote due to not being present at the May 17, 2018 Legislative and Communications Committee meeting.

Regular Calendar

4. Proposed Schedule for the Orange County Transportation Authority's 2019-20 State and Federal Legislative Platforms

Dustin Sifford, Senior Government Relations Representative, provided opening comments, referenced Attachment A of the Staff Report, and summarized various proposed actions and target dates. Mr. Sifford also stated if any changes are needed to the schedule, such as a political shift, the Legislative and Communications Committee would meet at a later date.

A motion was made by Director Murray, seconded by Director Davies, and declared passed by those present, to approve the preparation plan and timeline for the Orange County Transportation Authority State and Federal Legislative Platforms.

5. State Legislative Status Report

Jaymal Patel, Associate Government Relations Representative, reported on the following:

- The California Air Resources Board approved an allocation of approximately \$423 million from the Volkswagen Mitigation Trust for zero-emission technologies, which includes \$123 million for zero-emission transit shuttle and school buses, as well as, electric charging infrastructure.
- Transit agencies will be allowed to claim up to \$400,000 for the purchase of a new fuel cell electric bus, as well as, \$180,000 for the purchase of a new battery electric bus and supporting infrastructure.
- Funds will be administered into two increments.
- The California Public Utilities Commission (CPUC) approved \$768 million in investments in electric charging infrastructure for the deployment of zero-emission buses, trucks, and cars.
- Of the CPUC investments, transit agencies will be eligible to benefit up to \$227.7 million in electric bus charging infrastructure.
- Southern California Edison (SCE) is proposing to provide a rebate to cover up to 50 percent of costs for the charging equipment and installation at participating sites.
- AB 939 and the modifications to the definition “substantially located.”

A discussion ensued regarding:

- Currently, OCTA does not have the infrastructure to support zero-emission electric buses.
- Since SCE’s program will be competitive, OCTA will apply for funding and proceed to build its own infrastructure.
- AB 1069 will go into effect on January 1, 2019, and the Orange County Taxi Administration Program will cease to exist.

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

6. Federal Legislative Status Report

Dustin Sifford, Senior Government Relations Representative, reported on the following:

- The House Appropriations Committee approved a \$71.8 billion allocation for the Transportation, Housing, and Urban Development (THUD) Subcommittee, and the Senate Appropriations Committee approved \$71.4 billion for the THUD Subcommittee.

6. (Continued)

- The House Appropriations Committee passed its bill to provide \$27.8 billion for the Department of Transportation (DOT).
- Attachment A of the Staff Report summarizes funding for the appropriations bills.
- House and Senate Appropriations bills track much closer to the omnibus allocation.
- The House THUD bill provides additional funding for the Highway Trust Fund programs out of the general fund and \$2.61 billion for the Capital Investment Grants (CIG) program.
- The House THUD report includes language that would require the Federal Transit Administration to move projects through the CIG pipeline, such as the OC Streetcar Project.
- Both the House and Senate Appropriations Committees have passed transportation funding bills and are now awaiting for Congress to pass multiple “minibus” funding bills.
- The President’s proposal to rescind \$15.3 billion in unobligated federal funds, the bill has made it out of the House, and its “privilege” window in the Senate ends tomorrow.

A discussion ensued regarding:

- Definition of “privilege window.”
- Explanation on “unobligated dollars” and the process to “de-obligate” those dollars.
- Concerns regarding reporting on a monthly basis for those who already have a full grant funding agreement and if reporting can also apply to those who are awaiting a full grant funding agreement.
- Overview on the President’s budget submittal to Congress and how each agency presents items to the appropriations committee.
- Reporting language is broad enough to encompass all projects going through the pipeline.
- Weekly conference calls are taking place between the DOT and OCTA on the status of projects.
- A memo written by Darrell E. Johnson, Chief Executive Officer, to the Board of Directors on transit security safety bills.
- A report on bill, House of Representatives 6016 (Bus Operator and Pedestrian Protection Act), will be provided to the Legislative and Communications Committee in July.
- Increase of incidents on the buses, i.e., passenger to passenger or passenger to coach operator.

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



7. Amendment to Agreement with Platinum Advisors, LLC, for State Legislative Advocacy and Consulting Services

Kristin Essner, Manager of State and Federal Relations, provided opening comments and reported on the following:

- Background on OCTA contracting with Platinum Advisors, LLC (Platinum) since 2014.
- Moira Topp has acted as OCTA's primary legislative advocate since 2007.
- Platinum has demonstrated a high degree of professionalism and has been successful on major policy topics.
- Highlights of staff's recommendation.

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 Amendment No. 2 to Agreement No. C-4-1412 between the Orange County Transportation Authority and Platinum Advisors, LLC, to exercise the second option term of the agreement, in the amount of \$420,000, for state legislative advocacy and consulting services. This will increase the maximum obligation of the agreement to a total contract value of \$1,347,500.

8. Approval to Release Request for Proposals for Federal Legislative Advocacy and Consulting Services

Kristin Essner, Manager of State and Federal Relations, reported on the following:

- Potomac Partners, DC, currently provides federal advocacy and consulting services with OCTA.
- Highlights of staff's recommendations.
- Using the same method as before to select a federal advocate, including a pre-conference meeting and interview in Washington, D.C.
- The evaluation committee would be composed of the Chairwoman and Vice Chairman of the Board of Directors, the Chair of the Legislative and Communications Committee, Chief Executive Officer, Executive Director of External Affairs, and the Manager of State and Federal Relations.
- Overview of the evaluation criteria and weights.
- Anticipating a considerable amount of work moving forward on the reauthorization of the Fixing America's Surface Transportation Act and expected funding shortfall for the Highway Trust Fund.

8. (Continued)

A discussion ensued regarding:

- Committee Vice Chairman Hennessey requested to be involved in the procurement process.
- All firms that show interest, including Potomac Partners, DC, will be notified, and the same process of solicitation used in 2014 will be implemented.
- OCTA is at the end of the option years and need to re-procure a firm to provide federal legislative advocacy and consulting services.
- This is considered a high profile procurement, but a low cost one as compared to other OCTA procurements.
- Director Murray stated that Committee Vice Chairman Hennessey's involvement in the procurement process will benefit OCTA.

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

- A. Approve the proposed evaluation criteria and weightings for Request for Proposals 8-1750 for selection of a firm to provide federal legislative advocacy and consulting services.
- B. Approve the release of Request for Proposals 8-1750 to select a firm to provide federal legislative advocacy and consulting services for a two-year initial term with two, two-year option terms.
- C. Approve the evaluation committee and proposed schedule for the procurement.

Discussion Items

9. Chief Executive Officer's Report

Ken Phipps, Deputy Chief Executive Officer (DCEO), reported on the following:

- Today is National Dump the Pump Day and OCTA is offering free rides all day through the OC Bus Mobile application. OCTA is also partnering with Waze Carpool to offer free carpools throughout Orange County in an effort to get people to try ridesharing, use public transportation, and get people out of their cars.
- Next Saturday, June 30th at 8:30 a.m., OCTA will be hosting an equestrian ride at the Trabuco Rose Preserve in Trabuco Canyon to give people with horses an opportunity to explore the wilderness areas acquired through Measure M.



10. Committee Members' Reports

Director Murray stated that Ken Phipps, DCEO, and staff met earlier today to review transit security on OCTA's buses. He also stated that OCTA is taking an active role in ensuring safety for both the passengers and coach operators.

11. Closed Session

There were Closed Session items scheduled.

12. Adjournment

The meeting adjourned at 9:48 a.m.

The next regularly scheduled meeting of this Committee will be held at **9:00 a.m. on Thursday, July 19, 2018**, at the Orange County Transportation Authority Headquarters, 550 South Main Street, Board Room - Conference Room 07, Orange, California.

ATTEST

Michael Hennessey
Committee Vice Chairman

Sahara Meisenheimer
Deputy Clerk of the Board