



November 15, 2018

To: Legislative and Communications Committee
From: Darrell E. Johnson, Chief Executive Officer
Subject: Orange County Transportation Authority 2019-20 State and Federal Legislative Platforms

Overview

The final drafts of the revised 2019-20 Orange County Transportation Authority State and Federal Legislative Platforms are submitted for consideration and adoption by the Orange County Transportation Authority Board of Directors.

Recommendations

- A. Adopt the revised 2019-20 Orange County Transportation Authority State and Federal Legislative Platforms.
- B. Direct staff to distribute the adopted platforms to elected officials, advisory committees, local governments, affected agencies, the business community, and other interested parties.

Background

The annual Orange County Transportation Authority (OCTA) State and Federal Legislative Platforms (Platforms) are developed as a resource for the OCTA Board of Directors (Board), Orange County legislative delegation members, and OCTA staff. They serve as guides to communicate OCTA's legislative and regulatory priorities to both the state and federal government. Official OCTA legislative positions not directly addressed by the Platforms will be brought to the Board for separate action during the legislative sessions of the United States Congress and the California State Legislature.

The first drafts of the 2019-20 Platforms were reviewed and approved for further circulation by the Legislative and Communications Committee (Committee) on September 20, 2018, and by the Board on September 24, 2018. Since the initial reviews, the Platforms have been further refined based on additional feedback. The drafts of the 2019-20 Platforms were circulated to over 500 groups and individuals, including OCTA's Citizens Advisory Committee (CAC) and Special

Needs Advisory Committee (SNAC), to comment on proposed changes. An overview of the public comments received by staff is detailed below, as are the revisions made based on this feedback. Strikeout versions of the 2019-20 Platforms are included as Attachments A and B. Should the November election results significantly affect OCTA's advocacy priorities, staff will return to the Committee and the Board with additional updates to the Platforms.

Public Comments

On September 11, 2018, staff participated in a joint meeting of the CAC and SNAC to discuss the 2019-20 Platforms. The primary concern was the need to fully fund transportation projects and programs, specifically for the benefit of those with disabilities. Other major topics of discussion included funding parity for those with special needs, protecting transportation funding during the state's budget process, consistency in different regulations, and ensuring that alternative mobility providers benefit all users.

In addition, staff received three comments through OCTA's website during the comment period, each of which is summarized below. None of the commenters left their name or contact information.

- The first comment discussed the need to ensure the safety of rail and transit operations with a specific focus on emergency preparedness. Both the State and Federal Platforms contain a section dedicated to security and emergency preparedness funding, and staff continues to closely monitor legislative proposals related to transit safety and security.
- The next comment advocated for environmental reciprocity, specifically asking that California state environment reviews be allowed to stand in the place of federal environmental laws. This delegation authority is already authorized by state and federal law, and in the next legislative session, the California Legislature is expected to take up legislation that would further extend this authority.
- The final comment asked that staff not change the 2019-20 Legislative Platforms in a way that would harm OCTA's working relationship with the Transportation Corridor Agencies (TCA). OCTA did not make any revisions regarding its relationship with TCA. In fact, staff added a new provision to ensure the interoperability of toll systems, outlined below, which OCTA plans to pursue in coordination with TCA and other toll operators across California.

Staff assessed each comment not already addressed in the Platforms in light of the need to revise the language in anticipation of the upcoming legislative sessions. As such, the final revisions made to the 2019-20 Platforms are outlined below.

Sponsor Legislation

A new Governor will assume office in January, marking a significant transition in transportation-related policy and personnel in Sacramento. As of the writing of this staff report, there was not an identified policy issue that requires OCTA to sponsor legislation. If such issues arise, staff will update the Committee and the Board on the need for direction on this matter.

2019-20 OCTA State Legislative Platform

The final proposed revisions to the 2019-20 OCTA State Legislative Platform are summarized below and detailed in the proposed italicized and strikeout changes included in Attachment A.

- The section entitled “Transportation Funding” was edited slightly to reflect the political uncertainty resulting from efforts to repeal SB 1 (Chapter 5, Statutes of 2017), and more generally reference transportation funding.
- The section entitled “Implementation of Environmental Regulations and Cap-and-Trade” was updated to prioritize transportation as an eligible recipient of cap-and-trade revenues subject to annual appropriations.
- Subsection (c) of the section entitled “Implementation of Environmental Regulations and Cap-and-Trade” was amended to reflect the California Air Resource Board’s pending Innovative Clean Transit regulation, which could mandate the purchase of zero-emission bus technology.
- Subsection (d) of the section entitled “Implementation of Environmental Regulations and Cap-and-Trade” was amended to specifically ensure that cap-and-trade revenues continue to be appropriated for existing transit pots, such as the Low Carbon Transit Operations Program and the Transit and Intercity Rail Capital Program.
- Subsection (i) of Section VII, entitled “91 Express Lanes/Managed Lanes,” was added to support the interoperability of toll operations across California. This language was added due to discussions with other toll operators within the state as legislation is potentially sought to streamline the administration of toll systems by clarifying what information can be exchanged in enforcement and operational efforts.

2019-20 OCTA Federal Legislative Platform

The final proposed revisions to the 2019-20 OCTA Federal Legislative Platform are summarized below and detailed in the proposed italicized changes included in Attachment B.

- Subsection (e) was added to the section entitled “Key Policy Issues in the 116th Congress” to oppose the more than \$7.569 billion rescission included as part of the Fixing America’s Surface Transportation (FAST) Act that is scheduled to take place on July 1, 2020. This rescission was part of the FAST Act because Congress did not fully offset the cost of the legislation, but it could dramatically impact federal funding programs.
- Subsection (f) was added to the section entitled “Key Policy Issues in the 116th Congress” to ensure that transit agencies continue to be eligible recipients of Highway Trust Fund (HTF) revenues. Some proposals have called for a restructuring of or reduction in HTF transit funding. This provision is included to allow OCTA to advocate for a continued commitment to HTF transit expenditures.
- Subsection (p) of Section II, entitled “Reauthorization Priorities,” was added to oppose rescissions or other arbitrary funding cuts in the place of fiscally responsible legislative offsets. In recent years, spending cuts have been included in many legislative vehicles, including the FAST Act, deficit reduction efforts, and transportation funding bills. OCTA will continue to oppose this kind of approach to funding federal transportation programs.

Summary

The 2019-20 OCTA State and Federal Legislative Platforms are presented for consideration and adoption.

Attachments

- A. Orange County Transportation Authority 2019-20 State Legislative Platform
- B. Orange County Transportation Authority 2019-20 Federal Legislative Platform

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