

Orange County Transportation Authority 2019-20 Federal Legislative Platform

With over three million residents, Orange County is the third most populous county in California and the sixth most populous county in the nation. Orange County is one of the most densely populated areas in the country and is served by one of the nation's busiest transit systems. In addition, Orange County provides highway and rail corridors that facilitate the increasing level of international trade entering the Southern California ports.

The 2019-20 Federal Legislative Platform serves as a framework document to guide the Orange County Transportation Authority's (OCTA) statutory, regulatory, and administrative goals and objectives in Washington, D.C. The Key Policy Issues section offers guidance on the policy issues that will likely be the focus of the 116th Congress, and the later sections present guiding policy statements for the other major issues that may arise. Positions on individual items not directly addressed in this document will be brought to the OCTA Board of Directors (Board) for formal action.

Key Policy Issues in the 116th Congress

A number of significant transportation issues are expected to be discussed in the 116th Congress. OCTA will focus its advocacy efforts on the following principles:

- a) Enact long-term surface transportation reauthorization legislation that provides sustainable funding levels for transportation programs in order to meet our county's critical infrastructure needs;
- b) Seek responsible revenue solutions to fund future transportation projects without adversely affecting an agency's ability to provide services;
- c) Advocate for full funding of transportation programs without placing new limitations or conditions on the distribution of funds that would impede the delivery of infrastructure projects;
- d) Ensure that funding for any new infrastructure initiatives does not replace or adversely affect existing transportation programs.
- e) *Oppose the statutory rescission scheduled to take place on July 1, 2020.*
- f) *Ensure that Highway Trust Fund revenues continue to be used for transit expenditures.*

I. TRANSPORTATION FUNDING

Current federal law does not require the appropriation of authorized Highway Trust Fund dollars. Therefore, the annual appropriations process will continue to play an important role in funding OCTA's programs and projects. OCTA will continue to advocate for the largest possible amount and share of appropriations funding to ensure adequate resources to meet the infrastructure needs of Orange County.

Funding limitations enacted with bipartisan support effectively prohibit funding specifically directed to individual projects, commonly referred to as earmarks. It is expected that appropriators will continue this practice for the foreseeable future. Accordingly, this platform does not contain any earmark requests. Should Congress once again allow earmarks, OCTA staff will seek the guidance from the Legislative and Communications Committee regarding project requests.

Even in the absence of earmarks, OCTA will continue to aggressively pursue discretionary funding for transportation projects within the statutory and regulatory requirements of funding programs and the current funding status of OCTA's capital program. Other funding priorities for OCTA include:

- a) Support sustainable transportation funding levels that allow OCTA to continue to improve mobility in and around Orange County;
- b) Oppose efforts to redirect, reduce, or eliminate existing transportation funding programs;
- c) Support funding for the Capital Investment Grants program to allow for an expansion of fixed-guideway projects;
- d) Ensure that federal funding is available for capital purposes to the extent not needed for direct operating costs;
- e) Support funding, with increased flexibility, for safety and security grant programs in order to protect Orange County's transportation system, including highways, transit facilities, rail lines, and related software systems;
- f) Support policies that encourage ridesharing and related congestion relief programs for Orange County commuters;
- g) Support funding for regional and intercity passenger rail corridors in California;
- h) Support funding for the Southern California Regional Training Consortium to develop bus maintenance training information for the transit agencies throughout Southern California;

II. REAUTHORIZATION PRIORITIES

The Fixing America's Surface Transportation (FAST) Act (Pub. L. No. 114-94) authorized \$305.5 billion over five years for public transportation, rail, highway, safety, research, and technology programs. These funding levels provided modest increases in all major existing surface transportation programs over the life of the bill. It also added new formula and discretionary freight programs, a new discretionary bus capital program, and new funding for intercity rail. The legislation also preserved the federal focus on safety, kept intact the established structure of the various highway programs, and continued efforts to streamline project delivery.

The FAST Act expires on September 30, 2020. In the 116th Congress, OCTA will focus much of its advocacy efforts on enacting long-term reauthorization legislation that allows state and local government agencies to move forward with a federal partner on critical transportation projects. As such, OCTA will advocate for the following policies:

- a) Support the greatest possible share of funding for California and OCTA, focusing on increasing formula funds;
- b) Support increased flexibility in transportation funding programs to promote greater local decision-making in the planning process;
- c) Ensure a long-term partnership with the federal government that helps OCTA address capital and operating revenue shortfalls;
- d) Support a stable source of proposed future revenues that provides adequate resources for future transportation needs;
- e) Oppose efforts to subject public transportation providers to gas tax liability or other fees that increase operating costs;
- f) Oppose unfunded federal mandates that further stretch the resources of state and local transportation agencies;
- g) Oppose policies that undermine or limit local control over land use decisions;
- h) Ensure fair sub-allocations of funding to account for additional costs, increased administrative responsibilities, and the potential for increased liabilities to which the agency may be subject;
- i) Support efforts to ensure that all users of the national transportation system pay their "fair share" to maintain and improve the system;
- j) Oppose limitations or other arbitrary conditions on transportation programs that prevent an equitable distribution of transportation resources;

- k) Support efforts to clarify roles for state and local transportation agencies, as well as for the private sector, in developing innovative approaches to improving mobility;
- l) Support additional funding flexibility to facilitate the use of alternative mobility providers;
- m) Support policies to encourage the safe development, demonstration, deployment, and operation of connected and automated vehicle technologies;
- n) Support a collaborative approach to understanding the capital infrastructure and operational needs of local and state transportation agencies, as well as those of private sector partners, in the testing and deployment of autonomous vehicles and related technologies;
- o) Support proposals consistent with the recommendations contained in OCTA's Breaking Down Barriers Report and subsequent Follow-on Study;
- p) *Oppose rescissions or other arbitrary funding cuts to transportation programs.*

III. IMPLEMENTING FEDERAL TRANSPORTATION PROGRAMS

In the 116th Congress, OCTA will continue support finalizing the implementation of the FAST Act while finding ways to complement the programs and provisions authorized under federal law. During this time, OCTA will advocate for the following issues:

- a) Oppose any effort to further reduce transportation funding for OCTA or California, advocating for a fair and equitable share;
- b) Pursue continued eligibility of Congestion Mitigation Air Quality (CMAQ) program funding for three-to-five years of operating expenses associated with any new start fixed-guideway or eligible bus projects;
- c) Support expanded use of alternative delivery methods for federally-funded transportation projects;
- d) Support environmental process improvements and stewardship efforts by the relevant federal agencies to expedite project delivery and accelerate the creation of jobs;
- e) Support expedited review and payments to local agencies and their contractors for project development, right-of-way acquisition, and construction activities;
- f) Support efforts that direct state departments of transportation to consider 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 and pedestrian projects in Orange County;
- h) Advocate for policies to encourage, when possible, a “complete streets” approach to multi-modal project planning in order to expedite project delivery;
- i) Encourage the Federal Highway Administration (FHWA) to utilize the Regional Transportation Plan (RTP) as a long-range planning and vision document rather than a detailed 30-year financial plan;
- j) Support shifting the approval of RTP amendments involving Transportation Control Measures from the Environmental Protection Agency back to the FHWA while allowing for an adequate consultation process;
- k) Support 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 resulting from Section 166 of the Federal Highway Act or any similar policy regulating degradation of HOV lanes;
- l) Encourage cooperation between state and federal partners to mitigate or eliminate any policy that requires direct actions within 180 days of realized degradation on federally-funded highways;
- m) Support streamlining of Federal Buy America requirements to increase certainty while also advocating for greater flexibility in their application.

IV. FISCAL REFORMS AND ISSUES

Several legislative and regulatory proposals would have economic impacts, both positive and negative, affecting the delivery of transportation infrastructure projects that create jobs and spur further business development in Orange County. Regarding these developments, OCTA will:

- a) Oppose legislation and regulations that would divert revenues generated by locally-approved sales taxes to programs and projects that are not included in the sales tax ordinance;
- b) Support removing barriers to the release of transportation funding, including allowing local agencies to advance projects with local funds in order to limit lengthy amendment processes that delay project delivery;
- c) Support expansion and further development of innovative project finance methods, including the Transportation Infrastructure Finance and Innovation Act loan program;

- d) 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;
- e) Seek methods to ensure the equitable collection and distribution of sales tax revenue from out-of-state, online retailers (*South Dakota v. Wayfair, Inc.*);
- f) Support tax policies that reduce costs or provide additional flexibility in OCTA's financial and operational activities;
- g) Support legislation or regulations that expedite the delivery of transportation improvements or the development of business opportunities in order to create jobs and economic activity in Southern California.

V. RAIL PROGRAMS

Metrolink is Southern California's commuter rail system that links residential communities to employment and activity centers. Orange County is served by three Metrolink lines: the Orange County line, the Inland Empire-Orange County Line, and the 91/Perris Valley Line. OCTA owns 48 miles of rail right-of-way in Orange County on which Metrolink operates. OCTA's rail capital budget supports improvements to the regional commuter rail system in Orange County, and under existing policy, OCTA is the primary construction lead on major capital improvements to the regional commuter rail system on its right-of-way.

In addition to Metrolink services, Orange County is also served by the state-supported Pacific Surfliner intercity passenger rail service traveling between San Luis Obispo and San Diego. The Pacific Surfliner is operated by Amtrak and managed by the Los Angeles – San Diego – San Luis Obispo Rail Corridor Agency (LOSSAN Agency). OCTA has served as the managing agency for the LOSSAN Agency since 2013, assuming full administrative and management responsibility for Pacific Surfliner service in June 2015 via 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.

Other rail systems could also travel through Orange County at some point in the future, including additional intercity rail service. OCTA will continue to monitor the development of additional service to ensure that it does not adversely affect other transportation funding sources. Other rail policy priorities include the following:

- a) Support funding for rail safety programs, including funding for implementation and operation of Positive Train Control (PTC) safety technology and other safety enhancements;

- b) Support PTC implementation that allows for adequate consideration of technological, fiscal, and logistical implementation challenges, including reasonable exemptions from legislative deadlines on a case-by-case basis;
- c) Support efforts to ensure that any alternative safety technology is interoperable with, and contains the same safety benefits as, the PTC system implemented on passenger rail corridors in Southern California;
- d) Support the availability of technical resources, such as wireless spectrum, to fully implement rail safety technology;
- e) Oppose increasing the current rail passenger liability cap of \$295 million per incident and work with regional partners to ensure that any changes to the cap take into account the limited resources of passenger rail providers.

VI. 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 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 efforts of foreign competitors. Even though the FAST Act provided \$10 billion for goods movement projects and programs, revenue streams remain insufficient to fund the projects needed to offset the costs of moving these goods considering the many years of underinvestment. 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) Ensure that the benefits of newly funded projects also take into account mitigation factors to impacted communities;
- c) Support a collaborative approach, including engaging with private sector partners, in developing and implementing the needed sustainable goods movement infrastructure programs and projects;
- d) Support for a high ranking of the Alameda Corridor projects as part of discretionary transportation programs;
- e) Support local control of goods movement infrastructure and freight mobility projects.

VII. 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 Orange County's transportation system. OCTA will pursue the following priorities to ensure that the agency's safety, security, and emergency preparedness needs are met:

- a) Support increased funding for staff training, increased surveillance, and emergency preparedness improvements with adequate flexibility to ensure that local agencies can effectively use the resources to ensure a more resilient transportation system;
- b) Support a funding distribution that considers all risk threats, including natural disasters, acts of terrorism, and other man-made disasters, as estimated by the Department of Homeland Security, in cooperation with state and local officials;
- c) Support programs that facilitate cooperation with security and emergency preparedness officials to refine and improve information exchange protocols, emergency preparedness systems, and regional data coordination.

VIII. ENERGY ISSUES

The transportation sector is one of the largest consumers of petroleum in the nation. Therefore, legislation or regulations to further develop energy-efficient policies will likely have an impact on OCTA's operations. With such proposals in mind, OCTA will:

- a) Monitor legislation and rulemakings that address new or emerging energy policies;
- b) Encourage industry associations to comment on proposals affecting the public transportation sector;
- c) Support the continuation and expansion of tax incentives for using compressed natural gas, liquefied natural gas, and other alternative transit fuels;
- d) Provide reports to the Board outlining any energy-related legislation introduced in the 116th Congress potentially affecting OCTA.

IX. ENVIRONMENTAL POLICY

Federal environmental policies affecting OCTA include the National Environmental Protection Act, the Clean Air Act, the Clean Water Act, and the Endangered Species Act. With regard to these policies, OCTA will:

- a) Seek opportunities to expedite and improve the efficiency of the environmental process without impairing substantive environmental requirements;
- b) Seek 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 proposals 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 expedited review and payments to local agencies and their contractors for project development, right-of-way acquisition, and construction activities.

X. REGULATORY REQUIREMENTS

OCTA must also monitor several other administrative requirements, including new and expanded regulatory definitions that may affect the agency's operations. As such, OCTA will:

- a) Oppose regulatory efforts to extend the statutory requirements of the Americans with Disabilities Act;
- b) Support expedited and improved federal reporting and monitoring requirements to ensure efficiency and usefulness of data while also eliminating redundant state and federal requirements;
- c) Oppose regulatory proposals that unreasonably subject OCTA to burdensome bureaucratic requirements or increase operational costs, making it harder to deliver projects and improve mobility in Orange County.

XI. 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. OCTA's historical positions regarding labor and employment issues have included:

- a) Support tax incentives for employer-provided transit passes, vanpool benefits, parking spaces, or other commuter benefits;

- b) Oppose policies adversely affecting the agency's ability to effectively address labor relations, employee rights, benefits, and working conditions, such as health, safety, and ergonomic standards;
- c) Oppose policies that limit state or local pension benefit reforms.