

**Staff Evaluation of Services Provided by
Platinum Advisors, LLC for 2019**

The following narrative provides specific information with respect to major issues addressed by Platinum Advisors, LLC (Platinum), with Moira Topp as the Orange County Transportation Authority's (OCTA) primary legislative advocate, in 2019 and general services provided. Each issue has been evaluated based on effort and outcome using a rating of excellent, very good, good, fair, or poor.

Sponsor Legislation

Effort: Excellent; Outcome: Poor

The OCTA 2019-2020 State Legislative Platform provided direction for two sponsor bills to be pursued: one related to toll interoperability and enforcement, and the other to provide an equitable distribution and streamlined application process for the Active Transportation Program (ATP). In pursuing the toll bill, OCTA worked collaboratively with other toll agencies in the State to seek statutory clarification. Moira Topp, serving as OCTA's primary legislative advocate, played a critical role in securing necessary meetings, developing message points, communicating with author staff, and facilitating discussions with both partner stakeholders and representatives from entities in opposition. While the legislation was initially discussed as a potential budget trailer bill, the ultimate vehicle used to pursue these policies was SB 664 (Allen, D-Santa Monica). Moira always acted in an expeditious manner to communicate changing policy dynamics, deadlines, and process issues. She developed relationships with Senator Allen's office, and relevant policy committees that allowed for easy communications related to amendments, background policy requests, and coalition dynamics. Ultimately, SB 664 did not move forward this year due to concerns from policy committees and the needs to further understand the direction of pending litigation. During the process there were many challenges experienced between competing needs of different agencies and competing ideas of strategy direction. However, through all of this, Moira demonstrated a keen understanding of the policy needs of OCTA and pending litigation, and developed the highest respect of the coalition participants. It is expected that next year Moira will continue to play a leadership role on this legislation.

The second sponsor bill related to the ATP funding was reflected in two bills – AB 1402 (Petrie-Norris, D-Laguna Beach) and SB 152 (Beall, D-Campbell). Ultimately, SB 152, sponsored by the Metropolitan Transportation Commission, served as the primary legislative vehicle with both bills seeking to accomplish the same goals. While there was a strong coalition developed in support of this policy, ultimately opposition from the California Transportation Commission (CTC), the Los Angeles Metropolitan Transportation Authority and other transportation agencies and advocacy groups prevented passage. Through this process, Moira was not only able to get Orange County delegation support, and Assembly Member Petrie-Norris' involvement as an author of AB 1402, but she was also successful in helping secure necessary votes to move the bill out of policy committee. Due to messaging provided by the Governor in

his veto of similar legislation, it does not appear that either bill will move forward this year. However, in order to continue to ensure that OCTA's concerns with the administration of the ATP are understood, further work will take place to communicate with the CTC and other stakeholders to see if reforms can be done through guidelines or alternative processes.

Bills Signed or Vetoed

Effort: Excellent; Outcome: Good

Several bills that OCTA took positions on made it to the Governor's desk this year, including the following:

- SB 277 (Beall, D-Campbell): One of OCTA's top policy priorities this year, SB 277 sought to amend the SB 1 (Chapter 5, Statutes of 2017) Local Partnership Program (LPP) funding distribution to better align the program with its original intent of rewarding self-help counties for passing sales tax measures. Supported by a variety of self-help counties, Moira helped facilitate conversations with the author's staff, the Governor's office and the CTC, to address concerns, and secure necessary votes. Discussions surrounding SB 277 were extremely divisive among transportation agencies, and due to the work of Moira and others, the bill was still able to pass out of the Legislature unanimously. While a host of amendments were taken to address the primary concerns raised, the Governor vetoed the bill, specifying that the existing process was better as it afforded the CTC increased flexibility to target state priorities.
- AB 147 (Chapter 5, Statutes of 2019): With Moira's assistance in previous legislative sessions, OCTA has been looked at as a leader in discussions surrounding the impacts the growth of online sales has had on the collection of sales tax within the state. These efforts include sponsoring an audit in 2017 to analyze the impacts situs rules have on the collection of Local Transportation Fund (LTF) revenues, and supporting bills such as ACA 13 (Obernolte, R-San Bernardino) this year to change situs rules. AB 147 was the primary vehicle to implement the U.S. Supreme Court's 2018 ruling in *South Dakota v. Wayfair, Inc.*, which overturned previous case law that prevented states from collecting sales and use taxes from retailers without any kind of physical presence in the state or locality. Through this process, Moira was able to get OCTA meetings with the California Department of Tax and Fee Administration to discuss implementation logistics and regulations, offering a direct seat at the table. The implementation of AB 147 is likely to result in additional funding for both Measure M2 and LTF.
- SB 127 (Wiener, D-San Francisco): A bill OCTA initially opposed that sought to require active transportation components on all State Highway Operation and Protection Program (SHOPP) projects, additional analysis of vehicle miles traveled impacts on transportation projects, and a reprioritization of State Highway Account dollars, Moira worked with the author's office was able to secure every amendment that OCTA sought, which led to OCTA going neutral on the bill. Through this process, Moira was able to educate the author's and committee staff on OCTA's funding priorities, and the potential for unintended consequences of the initial

proposals within SB 127. This opportunity will hopefully lead to a better understanding of how to pursue these reforms going forward. Ultimately, the Governor vetoed SB 127 due to anticipated costs of implementation, and identification of alternative methods to accomplish the same goals.

Two-Year Bills

Effort: Excellent; Outcome: Very Good

As a whole, besides SB 664 and the ATP bills, most of the bills that OCTA had positions on that became two-year bills, were bills that OCTA had an oppose position on. These bills included the following:

SB 526 (Allen, D-Santa Monica): The legislation included a variety of provisions that sought for increased details to be provided about how regions sought to meet the greenhouse gas emission reduction targets imposed by SB 375 (Chapter 728, Statutes of 2008), while also attempting to make more project specific VMT reduction goals and changes to how transportation funding is to be prioritized. Through Moira's efforts, the author took several amendments which mitigated the impacts of the bill. However, there is still concern that SB 526 significantly changes the bottoms-up approach envisioned by SB 375. It is anticipated that the author will continue to pursue SB 526 next year, and that other bills may be introduced seeking broader SB 375 reform.

SB 732 (Allen, D-Santa Monica): Introduced mid-session, SB 732 would create a new taxing district, which would facilitate the ability for the South Coast Air Quality Management District (SCAQMD) Board of Directors to impose a transactions and use tax within the boundaries of its district. The legislation did not include any requirement for an expenditure plan to be developed or an equitable distribution within the SCAQMD jurisdiction. SCAQMD did not brief OCTA or other transportation agencies prior to introduction and did not address OCTA and transportation agency concerns with the bill while it was pending this year. Moira was forced to move quickly to communicate OCTA's position and assisted in having the bill held this year to allow for further conversation to take place. Since that time, further conversations with SCAQMD have occurred, but it is still unclear if amendments will be taken next year to address the concerns.

General Services

Effort: Excellent; Outcome: Excellent

Platinum has regularly scheduled meetings with legislators, committee consultants, Administration staff, and staff of various state departments, boards, and commissions to discuss issues of importance to OCTA. Members of the Legislature and the Administration consistently rely on Platinum to discuss and provide recommendations on a number of important transportation issues. Platinum has been responsive to requests by OCTA staff, provided timely information, advice and reports, and provided testimony in legislative committees that accurately reflected Board positions on legislation and policy issues. Platinum also worked on a number of other issues on behalf of OCTA that were not necessarily contained in legislation, including setting up

meetings with key staff within the Administration and Legislature, promptly responding to questions from state delegation members, and relaying important information related to appointments by the Governor.

Specifically, this year Platinum arranged meetings with key members of the Legislature and Administration when OCTA visited Sacramento, in addition to assisting the scheduling of meetings for advocacy trips done in coordination with Mobility 21. This included meetings newly elected members of the Orange County delegation, newly appointed California State Transportation Agency (CalSTA) Secretary David Kim, representatives from the Department of Finance, Governor's Office and the California Transportation Commission. These meetings provided an opportunity for OCTA to inform newly elected and appointed officials about the role of OCTA, projects of significance, and the impact of transportation policies on OCTA's projects and programs. In these meetings, OCTA was also able to advance discussions SB 664, SB 277 and other issues of importance related to the delivery of OCTA's local sales tax program of projects and grant applications associated with such. This year, the ability to orchestrate these meetings had added importance with OCTA's leadership role associated with SB 664 and the need to meet with key members of leadership and the Administration in a timely manner. In each of OCTA's requests, Platinum – specifically Moira Topp – far exceeded expectations in her ability to schedule meetings and communicate messaging to advance OCTA policy priorities.

Overall Rating

Effort: Excellent; Outcome: Good

Platinum's efforts overall are rated as excellent based on responsiveness, time dedicated to advocating for and advancing of OCTA's positions and policies, timeliness of information, assisting in building cooperative relationships with legislators and members of various state departments, boards, and commissions, and availability. Platinum's outcomes overall are rated as good based on the outcomes of the issues discussed.