



October 15, 2020

To: Legislative and Communications Committee
From: Darrell E. Johnson, Chief Executive Officer
Subject: Draft 2021-22 State and Federal Legislative Platforms

Overview

Initial drafts of the 2021-22 State and Federal Legislative Platforms have been prepared for consideration by the Board of Directors.

Recommendation

Direct staff to continue developing the initial drafts of the 2021-22 State and Federal Legislative Platforms and prepare subsequent drafts for final approval.

Background

At the beginning of each legislative session, the Orange County Transportation Authority (OCTA) adopts State and Federal Legislative Platforms to guide the agency's advocacy activities for the upcoming legislative sessions in Sacramento and Washington, D.C., respectively. The most recent versions of the 2019-20 State and Federal Legislative Platforms were approved by the OCTA Board of Directors (Board) on November 25, 2019. Staff has prepared initial drafts of the 2021-22 State and Federal Legislative Platforms for the Board's consideration. In preparing these drafts, staff solicited feedback and suggestions from the following groups:

- OCTA Board
- OCTA advisory groups
- OCTA division directors, department managers, and staff
- Orange County legislative delegation
- Cities, chambers of commerce, and the County of Orange
- Orange County community-based organizations and associations
- Private business and industry groups

Staff will continue to consider any additional input received by all stakeholders prior to bringing final drafts back to the Board later this year. The staff report

also details how the initial drafts reflect the impact of the coronavirus (COVID-19) pandemic.

Draft 2021-22 State Legislative Platform

The initial draft of the 2021-22 State Legislative Platform is outlined below and further detailed in the attachments. Attachment A is a clean version of the initial draft, and Attachment B reflects staff's recommended changes as a strikethrough version, with changes being designated by italicized and strikethrough text. Language was edited, amended, or removed as necessary to ensure accuracy and grammatical and stylistic integrity, both within the State Legislative Platform and between the State and Federal Legislative Platforms.

In order to allow the State Legislative Platform to be a better organized, more readable document, many minor edits were made to move provisions in the platform to more appropriate sections, update wording to better reflect current policy, and to eliminate duplicative principles. This includes the merging of duplicative issue areas sections, including those related to environmental policy and regulatory issues. None of these changes are intended to alter OCTA advocacy goals.

Staff is also recommending several substantive changes to the State Legislative Platform to position OCTA to inform expected legislative discussions in the upcoming legislative session. Specifically, staff is recommending reformatting of the Key Policy Issues section to focus on a streamlined list of policy priorities for the upcoming legislative session, as consistent with the Federal Legislative Platform. Many of the provisions previously under this section are now grouped with sections on related subjects. Beyond those edits substantive additions are discussed in detail below, with all changes referencing the language in Attachment B.

- Subsections (a), (b), and (c) of the section entitled, "Key Policy Issues in 2021-22," facilitate OCTA's continued response to the COVID-19 pandemic. The language is specifically intended to allow the agency to advocate for funding and policy solutions that benefit Orange County both throughout and after the COVID-19 pandemic, as well as language targeted towards improving transit ridership as pandemic recovery moves forward. All three of these subsections are verbatim of the language that is recommended to be added to the Federal Legislative Platform.
- Subsection (d) of the section entitled, "Key Policy Issues in 2021-22," would allow OCTA to engage in the increasingly important equity discussions taking place amongst policymakers, supporting efforts to be inclusive in outreach as projects and programs are developed and

delivered. This language is verbatim of the language that is recommended to be added to the Federal Legislative Platform.

- Subsection (f) of the section entitled, “Key Policy Issues in 2021-22,” related to maximizing OCTA’s share of state transportation funding, was broadened slightly to also seek a more equitable distribution within competitive grant programs.
- Subsection (i) of the section entitled, “Key Policy Issues in 2021-22,” would allow support for funding and other incentives to facilitate pilot programs to consider pursuing free- or reduced-fare pilot programs. With other transit agencies contemplating mandating free- or reduced-fares, staff is recommending language, modeled after the Board-adopted principles on this issue, that would allow OCTA to first pursue funding for a pilot program to determine if such an option merits broader adoption in Orange County.
- Subsection (j) of the section entitled, “Key Policy Issues in 2021-22,” broadens a previously included principle that encourages congestion relief programs, such as vanpooling and ridesharing, to also include incentives for teleworking. This language is verbatim of the language that is recommended for the Federal Legislative Platform.
- Subsection (k) of the section entitled, “Key Policy Issues in 2021-22,” seeks to support policies related to improved workforce development and training for transportation technologies and services, either structural or resulting from COVID-19, that might arise in these unprecedented times.

Beyond the Key Policy Issues section, substantive changes were made in the following areas:

- What were subsections (e), (f), and (g) of Section III, entitled “Fiscal Reforms and Issues,” related to matching funds for state competitive programs, federal performance measures for federal-aid highways, and the use of an interim exchange for the programming of funds, are recommended for removal. These issues are best addressed through funding guidelines and no legislative activity is anticipated related to these issues.
- Subsection (d) of Section V, entitled “Transit Programs,” combines all of the existing platform language related to the pursuit of funding for and testing of zero-emission bus technology into one, focused provision. No shift in advocacy goals is intended.

- What was subsection (e) of Section VII, entitled “Roles and Responsibilities,” related to the Orange County Taxi Administration Program is recommended for removal due to the phasing out of OCTA’s administration of the program.
- Subsection (d) of Section IX, entitled “Rail Programs,” related to Positive Train Control was broadened to ensure that OCTA’s advocacy efforts focus on its operation and maintenance, as opposed to the initial focus on equipment implementation. A similar change is recommended to the Federal Legislative Platform.
- What were subsections (f) and (g) of what was Section XII, previously entitled “Environmental Policies,” related to National Environmental Policy Act delegation for highway projects and the monitoring of the Air Quality Management Plan, are recommended for removal. The former objective was successfully enacted permanently via legislation and the latter is not related to any legislative activity.

In the final draft of the State Legislative Platform, staff may propose additional changes that are identified as staff works with stakeholders and internal departments. In addition, OCTA often encounters specific legislative issues requiring sponsor legislation, prompting OCTA to take the lead in developing legislative language and securing an author. Staff is currently exploring the need for potential sponsor opportunities and will provide an update to the Board for consideration on such possibilities.

Draft 2021-22 Federal Legislative Platform

The initial draft of the 2021-22 Federal Legislative Platform is outlined below and detailed in the attachments. Attachment C is a clean version of the initial draft, and Attachment D reflects staff’s recommended changes as a strikethrough version, with changes being designated by italicized and strikethrough text. Language was edited, amended, or removed as necessary to ensure accuracy and grammatical and stylistic integrity, both within the Federal Legislative Platform and between the State and Federal Legislative Platform. An overview of the recommended changes is outlined below, with all textual references to the strikethrough draft in Attachment D.

- Subsections (a), (b), and (c) of the section entitled, “Key Policy Issues in the 117th Congress,” related to advocacy for funding and policy solutions to assist in responding to the COVID-19 pandemic and in recovery, including attracting transit ridership post-pandemic, are verbatim of the language that is recommended to be added to the State Legislative Platform.

- Subsection (d) of the Section entitled, “Key Policy Issues in the 117th Congress,” related to equity is verbatim of the language that is recommended to be added to the State Legislative Platform.
- Subsection (j) of the Section entitled, “Key Policy Issues in the 117th Congress,” related to commuter benefit policies was broadened to also include incentivizing teleworking. This language is verbatim of what is proposed for inclusion in the State Legislative Platform.
- Subsection (k) of the Section entitled, “Key Policy Issues in the 117th Congress,” is language added to reflect the increased focus on tolling issues. Specifically, this language is borrowed, almost verbatim, from the State Legislative Platform’s principle on tolling interoperability, which is expected to become a highlighted topic during the 117th Congress.
- What was subsection (o) of Section II, entitled “Reauthorization Priorities,” related to OCTA’s Breaking Down Barriers Report is recommended for removal because many of the policy suggestions have been adopted. The remaining policy issues can be addressed by other provisions in the Federal Legislative Platform.
- What was subsection (f) of Section III, entitled “Implementing Federal Transportation Programs,” related to the administration of funding and evacuation routes, is recommended for removal because it is unclear that this will benefit OCTA’s funding and emergency response issues that are covered under other principles.
- Subsection (e) of Section IV, entitled “Fiscal Reforms and Issues,” related to sales tax revenues from online purchase was amended slightly to ensure that the language remains relevant in the 117th Congress. While Congress could enact legislation affecting the State of California’s implementation of the *South Dakota v. Wayfair, Inc.* Supreme Court decision, OCTA will only recommend engagement should Congress take action that might undermine or materially change state law on this issue.
- Subsections (a) and (b) in Section V, entitled “Rail Programs,” related to Positive Train Control (PTC) were streamlined. Subsection (a) was broadened to ensure that OCTA’s advocacy efforts on PTC focus on its operation and maintenance, as opposed to the initial focus on equipment implementation. A similar change is recommended to the State Legislative Platform.

- Section VIII, formerly entitled “Energy Issues,” was merged with what was Section IX, formerly entitled “Environmental Policy,” to form one, more concise set of streamlined provisions that comprehensively address energy and environmental issues affecting OCTA. The only two substantive changes to Section VIII, now entitled “Environmental and Energy Issues,” are outlined as follows:
 - What were subsections (a), (b), and (d) of Section VIII, related to engaging in advocacy associations to represent OCTA interests and in reporting on energy related legislation impacting OCTA, were stricken because all three described are routine staff activities, not advocacy goals.
 - Subsections (b) and (c) of Section VIII, related to incentives for alternative fuel technology, were amended slightly to reflect the mandate in state law that transit agencies adopt zero-emission bus technology and the need to expand incentives to include fuels associated with this technology.

Summary

Initial drafts of the 2021-22 State and Federal Legislative Platforms are detailed for the Board’s consideration.

Attachments

- A. Draft 2021-22 State Legislative Platform (clean copy)
- B. Draft 2021-22 State Legislative Platform (strikethrough version)
- C. Draft 2021-22 Federal Legislative Platform (clean copy)
- D. Draft 2021-22 Federal Legislative Platform (strikethrough version)

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