

**Staff Evaluation of Services Provided by
Platinum Advisors, LLC for 2020**

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 2020 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.

Coronavirus (COVID-19) Pandemic Related Policy Discussions

Effort: Very Good; Outcome: Very Good

By far, the most discussed policy issue this legislative session was the State's response to COVID-19 and any necessary policy changes to facilitate the continuation of projects and programs. While the Governor utilized Executive Orders to manage many policy changes, there were several bills that were introduced to assist transportation agencies in maintaining services during the pandemic and governing employee relations and worker's compensation responses.

Specifically, OCTA worked with other transportation agencies and the California Transit Assistance to seek policy reforms within transportation trailer bills to provide temporary flexibilities in the following areas:

- Removal of financial penalties for failure to meet statutory required farebox recovery requirements and efficiency criteria until January 1, 2022.
- Authorization for transit operators to use their formula share of funding from the SB 1 (Chapter 5, Statutes of 2017) State of Good Repair (SGR) funding for operations purposes through fiscal year (FY) 2021-22.
- Institution of a hold harmless provision, which continues the use of pre-COVID-19 ridership data to inform the formulas used to distribute State Transit Assistance, Low Carbon Transit Operations Program (LCTOP), and SGR funding.

In each of these cases, Moira Topp, serving as OCTA's primary legislative advocate interacted with members of OCTA's delegation and key members of the Legislature to communicate the support of OCTA for these reforms, and explain the ramifications if flexibilities were not provided. This included meeting with delegation staff, providing testimony at committee hearings, and sharing letters and other fact sheets with relevant offices. In each of these instances, these communications were done in a timely and effective manner, clearly conveying the impacts to transit services. Without the passage of the budget trailer bills, OCTA would have seen significantly more restrictions on how state funding could be used to adjust transit operations and response to COVID-19, and could have led to implications for the amount of funding OCTA received moving forward.

While each of these policies were critical for OCTA and other transit agencies in their COVID-19 response, several policy issues were not addressed this year that OCTA supported. This includes added flexibility to use LCTOP to fund existing operations and efforts to provide economic stimulus via infrastructure investment. It is expected that these conversations will continue next year as the State Legislature considers the cap-and-trade expenditure plan and continues work to pursue federal stimulus funding.

Several policies that would have been detrimental to OCTA projects and services were also stopped through the work of OCTA and Moira Topp, including efforts to reprioritize existing transportation funding programs. These proposals, primarily floated by environmental groups, could have diverted funding from existing projects and programs. While none of these proposals moved forward this year, it is expected that this will be of continued discussion next session as the State continues to confront funding shortfalls.

Bills Signed or Vetoed

Effort: Very Good; Outcome: Very Good

Due to a truncated legislative session and decreased bill load this year, many bills OCTA was engaged in last year or early in 2020, did not make it to the Governor's desk. However, there were a small number of bills that OCTA either took positions on, or directly influenced, that were considered by the Governor, including the following:

SB 1291 (Chapter 113, Statutes of 2020): Originally sponsored by the California Association of Councils of Governments (CALCOG), SB 1291 was introduced to respond to issues impacting the development of the Federal Transportation Improvement Program (FTIP), potentially jeopardizing the funding of transportation projects. Both COVID-19 and federal air quality rulemakings created uncertainties which delayed the normal FTIP development process across the State. SB 1291 provided the flexibility necessary for regions and the California Department of Transportation to submit an adopted FTIP to the Federal Highway Administration later than the statutorily required period this year, so to allow regions sufficient time to adjust for these issues. Moira Topp communicated OCTA's support of this bill and along with OCTA staff, worked with the coalition led by CALCOG to allow the bill to ultimately be passed by the State Legislature unanimously, and signed by the Governor.

SB 288 (Chapter 200, Statutes of 2020): Sponsored by the Bay Area Council, San Francisco Bay Area Planning and Urban Research Association and Silicon Valley Leadership Group, SB 288 establishes new California Environmental Quality Act exemptions for designated sustainable transportation projects, primarily related to transit and active transportation. However, it establishes new requirements for these projects to qualify for the exemption, including, in some cases, conducting a business case and a racial equity analysis pursuant to standards developed by the Office of Planning and Research (OPR), or which can be delegated by OPR to a metropolitan planning organization (MPO). OCTA participated with other transportation stakeholders and partners to clarify provisions in SB 288 and help to mitigate any unintended consequences while ensuring the bill's usefulness. While not all amendments offered

were integrated, Platinum and Moira Topp helped facilitate continued dialogue with the author's office and sponsors of the bill. As implementation occurs, the need for further clarification will be monitored.

SB 1351 (Beall, D-Campbell): SB 1351 would have provided authority to bond, up to \$5 billion, against future revenues generated from the SB 1 (Chapter 5, Statutes of 2017) Transportation Improvement Fee (TIF), to expedite the delivery of projects via the State Highway Operation and Protection Program (SHOPP). In working with the author's office and the California Transit Association, OCTA expressed concerns about the potential ramifications for other SB 1 programs funded by the TIF, including the Local Partnership Program. Moira Topp helped coordinate meetings with the author's office and others to discuss these concerns and potential solutions. The Governor ultimately vetoed this legislative proposal. In his veto message, he stated that Caltrans does not need this tool to accelerate SHOPP projects because Caltrans has already increased the number of projects going to construction through project savings and other administrative actions. In addition, the veto message stated that bonding against future TIF revenues runs counter the principles in SB 1 and risks locking California into long-term debt obligations to finance maintenance repairs.

Other Bills of Interest

Effort: Excellent; Outcome: Very Good

Overall, besides the aforementioned bills, most other bills OCTA had positions on or were engaged on, were placed on hold this year because of the truncated legislative session. The one priority bill OCTA supported impacted by this dynamic was SB 664 (Allen, D-Santa Monica), which OCTA worked on with toll agencies across the State to facilitate interoperability among toll agencies and clarify enforcement provisions while protecting customer privacy. Moira Topp was extensively engaged in every step related to this bill, helping facilitate discussions among toll operator partner agencies, key legislative staff, and stakeholders in opposition. This required, at times, multiple meetings a week, extensive understanding of legal and technical implications of proposed amendments, and an ability to balance competing interests among toll operators. Moira maintained respect among all those involved and was looked at as a leader in these discussions. OCTA is currently working with toll agencies within the State to determine whether similar legislation will need to be pursued next year.

Otherwise, many of the bills placed on hold were ones in which OCTA opposed or were seeking amendments, including the following:

SB 732 (Allen, D-Santa Monica): Introduced in 2019, 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. While OCTA met with SCAQMD staff early in 2020 to discuss the potential for amendments, the bill was ultimately held.

SB 1363 (Allen, D-Santa Monica): This bill represented a continuation of the author's previous efforts to expand upon SB 375 (Chapter 728, Statutes of 2008) requirements for each MPO to adopt a regional transportation plan that includes a sustainable communities strategy that meets greenhouse gas (GHG) emission reduction targets. The bill would have required that MPOs meet GHG and new vehicle miles traveled reduction targets in 2035, 2045, and 2050, that were to be set by the California Air Resources Board. Similar to previous efforts by the author, Moira Topp proactively reached out to the author's office to express concerns with the provisions and the potential for unintended consequences. Prior to the bill being placed on hold, there had been a willingness from the author to work collaboratively moving forward to address some of these concerns. This willingness is due to the close working relationship Moira had established previously with the author and lead staff. It is expected a similar proposal will be introduced next session.

Free Transit: Three bills were introduced early in 2020 to require free transit fares for various populations, including seniors, youth, and students. OCTA's Board of Directors adopted principles to inform conversations surrounding these bills, with a focus on the need to identify funding associated with any new mandate, and to potentially focus on the implementation of pilot programs before expanded implementation. Previous to these bills being placed on hold, Moira Topp had proactively reached out to the authors of the bills to start discussions about potential improvements, which the authors expressed an openness towards. It is fully expected that this will be a priority policy pursued by members of the Legislature next year as discussions occur about increasing transit ridership post-pandemic.

General Services

Effort: Excellent; Outcome: Very Good

Platinum and Moira Topp have 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 and Moira Topp to discuss and provide recommendations on a number of important transportation issues. Platinum and Moira Topp have 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 and Moira Topp 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 and Moira Topp arranged meetings with key members of the Legislature and Administration when OCTA visited Sacramento early in 2020, in addition to assisting the scheduling of meetings for advocacy trips done in coordination with Mobility 21. This included meetings with California State Transportation Agency

Secretary David Kim; newly appointed Executive Director of the California Transportation Commission, Mitch Weiss; Assembly Transportation Committee Chair Jim Frazier and all of Orange County's delegation members. Earlier in the year, these meetings provided OCTA an opportunity to convey key policy priorities for this legislative session and highlight projects which OCTA would be pursuing state grant opportunities. As COVID-19 began impacting services and programs, these meetings provided OCTA the ability to communicate impacts the pandemic had on funding, projects and services, and highlight efforts the agency was undertaking to respond and plan for post-pandemic. In addition, Moira Topp was able to directly engage OCTA delegation members this year on OCTA grant applications, facilitating methods where they could express their support to the Administration for OCTA projects and programs both through letters of support and direct communication. Moira Topp and Platinum demonstrated great versatility in being able to pivot in switching to a primarily virtual means of communicating and meeting with key offices this year.

Effort: Very Good; Outcome: Very Good

Platinum and Moira Topp'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 and Moira Topp's outcomes overall are rated as very good based on the outcomes of the issues discussed.