



November 19, 2020

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

Overview

The final drafts of the revised 2021-22 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 2021-22 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

Each year, the Orange County Transportation Authority (OCTA) develops State and Federal Legislative Platforms as a resource for the OCTA Board of Directors (Board), Orange County legislative delegation members, and OCTA staff in communicating OCTA's legislative and regulatory priorities to state and federal policymakers. Any policy positions not directly addressed by the State and Federal Platforms will be brought to the Board for separate action during the legislative sessions.

The first drafts of the 2021-22 State and Federal Legislative Platforms were reviewed and approved for further circulation by the Legislative and Communications Committee (Committee) on October 15, 2020, and by the full Board on October 26, 2020. Since this initial review, staff has been working to further refine the documents based on additional feedback from stakeholders. The initial drafts were taken to OCTA's Technical Advisory Committee (TAC) for review on October 28, 2020. In addition, OCTA staff has discussed the drafts at two meetings of the Citizens Advisory Committee (CAC). These efforts are in

addition to the initial comment solicitation from more than 500 groups and individuals, including every member of OCTA's TAC, Technical Steering Committee, CAC, and Special Needs Advisory Committee. Staff has also participated in a series of legislative platform development meetings with other regional transportation agencies and stakeholders from across the State of California to ensure that the platforms address anticipated legislative priorities next session.

An overview of the public comments received is detailed below, as are the revisions made based on the feedback collected. Strikeout versions of the 2021-22 State and Federal Legislative Platforms are included as attachments A and B, respectively. Should any unanticipated policy issues arise next session, staff will return to the Committee and the full Board with additional updates and to seek further direction.

Public Comments

Despite the impacts of the coronavirus (COVID-19) pandemic, staff has been conducting outreach, mostly through virtual meetings and other digital means, to gather meaningful feedback on the State and Federal Legislative Platforms. Staff received two substantive public comments from the website submission form, which are discussed in further detail below.

- The first comment, from staff at Metrolink, requested that OCTA include language to encourage additional funding for rail projects, specifically mentioning the need for additional financial support for public transit operators during the COVID-19 pandemic, the implementation of zero-emission rail technologies, and for Positive Train Control (PTC) operations. In each category, Metrolink also requested actions to ensure that commuter rail agencies are eligible for transportation funding programs. While many of the issues are addressed in the existing sections of both the State and Federal Legislative Platforms dedicated to rail programs, staff worked to incorporate Metrolink's comments in the initial edits. The initial drafts included comprehensive language on the COVID-19 pandemic, and staff also worked to perfect the language pertaining to PTC technology and zero-emission funding incentives to maximize funding available for multimodal mobility improvements in Orange County.
- The next comment, from the City of Laguna Beach, requested OCTA to include language supporting legislation that directs utility companies to underground overhead powerlines along high fire hazard transportation corridors, including funding for such activities. While the specific language was not included, staff is recommending adding a provision to

Federal Legislative Platform, discussed in detail below, on efforts to make infrastructure more resilient. This language is intended to allow staff to engage in discussions about infrastructure resiliency in a way that aligns with the Board's approach to these types of issues.

Staff assessed each comment not already addressed in light of the need to revise the language in anticipation of the upcoming legislative sessions. As such, the final revisions made to the 2021-22 State and Federal Legislative Platforms are outlined below.

Sponsor Legislation

As of the writing of this staff report, there was not an identified policy issue that requires OCTA to sponsor legislation. Instead, it is likely that the focus next year will primarily be on working with partner transportation agencies to continue to address the impacts of COVID-19, and any recovery actions. Staff is also closely monitoring the development of sponsor bill proposals by other transportation agencies and associations to determine what, if any, issues OCTA might want to pursue. If any of these discussions should result in a need for OCTA to sponsor legislation, staff will update the Committee and the full Board on the need for further direction.

2021-22 State Legislative Platform

The final proposed revisions to the 2021-22 State Legislative Platform, included as strikethrough text in Attachment A, are detailed as follows:

- Staff is recommending that all provisions discussing “legislation” be edited slightly to provide as much flexibility as possible in OCTA’s advocacy efforts, to ensure that the language is also applicable to executive orders, rulemakings, and other regulatory policy changes. None of these recommended changes represent a substantive change in advocacy goals. Staff is recommending this change for both the State and Federal Legislative Platforms.
- Subsection (e) was added to Section I, entitled “Implementation of Environmental Policies,” to ensure that any transition to zero-emission passenger vehicles also provides for long-term transportation funding stability. Recently, Governor Newsom’s Executive Order N-79-20 mandated that the State transition to zero-emission vehicle sales by 2035. A transition to zero-emission passenger vehicles will mean less gas consumed and, in turn, less gas tax revenues available to fund transportation projects. While OCTA’s policy positions on specific transportation financing mechanisms are addressed in Section III, entitled “Fiscal Reforms and Issues,” this provision is meant to allow staff to

engage in discussions on the implementation of policies that impact the use of the gas tax to fund transportation projects and programs.

2021-22 Federal Legislative Platform

The final proposed revisions to the 2021-22 Federal Legislative Platform, included as strikethrough text in Attachment B, are detailed as follows:

- Similar to the State Legislative Platform, Staff is recommending that all provisions discussing “legislation” be edited slightly to provide as much flexibility as possible in OCTA’s advocacy efforts, specifically to ensure that the language is also applicable to executive orders, rulemakings, and other regulatory policy changes. None of these recommended changes represent a substantive change in advocacy goals.
- Subsection (l) was added to Section II, entitled “Reauthorization Priorities,” to ensure that federal tolling policy remains aligned with the framework established in state law. This past year, there have been significant discussions about the future of pricing policies, including proposals that could alter the tolling landscape. Policymakers have considered new planning requirements that could hinder the delivery of projects and impact the operation of existing facilities. Since these conversations are expected to continue, staff recommends adding language to ensure that any federal tolling policy changes preserve the carefully constructed tolling provisions allow for under California state law.
- Subsection (f) was added to Section VIII, entitled “Environmental and Energy Issues,” to support flexibility in any effort to address resiliency, natural infrastructure, or other climate-related policies. With both the House and Senate including these types of issues in their reauthorization proposals, staff recommends adding language to ensure that such proposals are additive, such as making resiliency an eligible use of federal funds over which regional agencies have discretion, as opposed to creating new mandates that would further dilute or otherwise constrain already limited federal transportation funds.

Summary

The 2021-22 State and Federal Legislative Platforms are presented for consideration and adoption.

Attachments

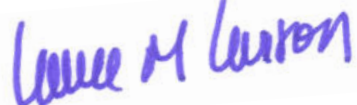
- A. Final 2021-22 State Legislative Platform
- B. Final 2021-22 Federal Legislative Platform

Prepared by:



Dustin J. Sifford
Senior Government Relations Representative,
Government Relations
(714) 560-5389

Approved by:



Lance M. Larson
Executive Director,
Government Relations
(714) 560-5908