



October 21, 2021

To: Legislative and Communications Committee

From: Darrell E. Johnson, Chief Executive Officer

Subject: Draft Revisions to the Orange County Transportation Authority's 2021-22 State and Federal Legislative Platforms

Overview

Halfway through each legislative session, staff conducts a refresh to the Orange County Transportation Authority's Legislative Platforms to ensure updates are provided on relevant issues that are anticipated to be of discussion for the upcoming year. Initial draft revisions to the Orange County Transportation Authority's 2021-22 State and Federal Legislative Platforms have been prepared for consideration by the Orange County Transportation Authority Board of Directors. Before a final draft is considered for adoption, these drafts will be revised as a result of feedback from the Orange County Transportation Authority Board of Directors, as well as further internal staff input.

Recommendation

Direct staff to incorporate the recommended revisions to the 2021-22 Orange County Transportation Authority State and Federal Legislative Platforms and seek further feedback from the Orange County Transportation Authority Board of Directors, with subsequent drafts being brought forward for final consideration and adoption later this year.

Background

At the beginning of each legislative session, the Orange County Transportation Authority (OCTA) adopts updated legislative platforms to guide OCTA's state and federal advocacy activities for the duration of the upcoming session. With each session covering a two-year period, revisions to the legislative platforms are presented to the Board of Directors (Board) midway through the session to reflect any significant changes since adoption by the Board.

The initial drafts of mid-session revisions to the 2021-22 State and Federal Legislative Platforms are presented as Attachments A and C. The proposed changes are detailed in strikethrough versions in Attachments B and D, with the

recommended revisions to the Board-adopted 2021-22 State and Federal Legislative Platforms designated by italicized and strikethrough text.

The revisions incorporate initiatives suggested by staff and issues that are anticipated to be significant in the upcoming session. Prior to bringing final drafts to the Board, staff will continue to meet internally for additional input. Staff is also monitoring the federal government's efforts regarding the reauthorization of transportation programs, which could change a significant portion of principles in both the state and federal platforms.

When developing the 2023-24 State and Federal Legislative Platforms next year, a more widespread input solicitation process will occur, with outreach to interested groups, stakeholders, and individuals to allow a more comprehensive update for the next legislative session.

2021-22 OCTA State Legislative Platform

The proposed revisions to the 2021-22 OCTA State Legislative Platform are outlined in detail below. Language was edited, amended, or removed as necessary to ensure grammatical and stylistic integrity.

- Subsections (a) and (b) of the section entitled, "Key Policy Issues in 2021-22," supported OCTA's continued response to the coronavirus (COVID-19) pandemic by discussing the need for additional funding and policy flexibilities to sustain essential services. The language has been modified to better reflect transportation agencies' needs in a post-pandemic era. Specifically, this updated language will provide an opportunity for staff to seek funding and policy solutions to address the long-term impacts from the pandemic, including restoring transit ridership and keeping up with Orange County's mobility needs. These subsections are also included verbatim in the Federal Legislative Platform; therefore, the same changes are recommended. At the same time, Subsection (c) has been removed due to evolving circumstances of the pandemic.
- Subsection (l) of the section entitled, "Key Policy Issues in 2021-22," has been recommended to be removed. Executive Order N-19-19 directed the California State Transportation Agency (CalSTA) to review requirements for discretionary transportation investments so that consistency is maintained with state emission reduction goals. CalSTA has since released the Climate Action Plan for Transportation Infrastructure (CAPTI), which addresses the executive order. What is now reflected as Subsection (f) of this same section broadly defines the concern initially raised when Executive Order N-19-19 was first issued

- and can continue to be utilized to ensure the recommendations outlined in CAPTI do not divert existing state transportation funding.
- Further details are provided under the section entitled, "Transportation Funding" to describe the implementation of two significant executive orders that impact OCTA's programs, services, and projects.
 - Revisions for Subsection (b) of the section entitled, "Transit Programs," are included to reflect the need to implement recently enacted legislation that provide flexibilities to the Transportation Development Act (TDA). In its previous iteration, this principle was intended to support OCTA's efforts to pursue long-term, overarching changes to the TDA. While the principle has been updated to incorporate the temporary flexibilities enacted by the Legislature, further improvements to the TDA may be sought.
 - The addition of a principle that monitors policies and regulations regarding zero-emission locomotives is proposed. The California Air Resources Board is currently evaluating a regulation to transition locomotives in California to zero-emission. OCTA has been in active conversations with the Southern California Regional Rail Authority (Metrolink) to discuss potential concerns and impacts. Chiefly, Metrolink has been specifically concerned with the lack of adequate funding queued for such a program as well as infeasibility with current technology limitations. The addition of this principle will allow OCTA staff to maintain engagement in these discussions and help inform the regulation to ensure that it can be successfully achieved.
 - Revised language is recommended for Subsection (e) of the section entitled, "Administration/General." Specifically, OCTA has been monitoring the impacts of recent changes to the Ralph M. Brown Act over the past year. However, the Legislature and stakeholders have signaled that there could be further legislation next year to expand the use of virtual meetings and increase access to public meetings.

Sponsor Bills

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 any potential sponsor bills that may be useful for the remainder of the session. Staff is recommending that should any need arise for a sponsor bill section, it be held until final revisions to the 2021-22 State Legislative Platform are considered later this year by the Board.

2021-22 OCTA Federal Legislative Platform

The proposed revisions to the 2021-22 OCTA Federal Legislative Platform are outlined in detail below. Language was edited, amended, or removed as necessary to ensure grammatical and stylistic integrity.

- Subsections (a) and (b) of the section entitled, “Key Policy Issues in 2021-22,” supported OCTA’s continued response to the COVID-19 pandemic by discussing the need for additional funding and policy flexibilities to sustain essential services. The language has been modified to better reflect transportation agencies’ needs in a post-pandemic era. Specifically, this updated language will provide for an opportunity for staff to seek funding and policy solutions to address the long-term impacts from the pandemic, including restoring transit ridership and keeping up with Orange County’s mobility needs. These subsections are also included verbatim in the State Legislative Platform; therefore, the same changes are recommended. At the same time, Subsection (c) has been removed due to evolving circumstances of the pandemic.
- The addition of a principle that supports funding and incentives for free- or reduced-fare transit pilot programs is recommended. This language is very similar to what was adopted in the 2021-22 State Legislative Platform last year, which allowed for OCTA to pursue funding for a pilot program, known as the Youth Ride Free Pass. With implementation of these types of programs, it is important that OCTA maintain compliance with federal laws and regulations. In addition, funding proposals for this purpose have been proposed by Congress. Therefore, it is recommended the principle also be reflected in the Federal Legislative Platform.
- Revisions to the principle related to bus maintenance training information for transit agencies are made so that it may be more broadly applied. Previously, the principle only applied to the Southern California Regional Training Consortium. With these amendments, it gives staff the ability to support these types of funding opportunities more widely.
- As conversations around funding for zero-emission transit buses continue to evolve, Subsection (g) of the section entitled, “Environmental and Energy Issues” is recommended to be added. Specifically, this principle seeks to ensure that policies for zero-emission transit buses remain technology neutral. OCTA has been a leader in deploying hydrogen fuel for its transit buses and is still evaluating which technology might best conform to the needs of Orange County’s transit system.

Summary

Upon approval, the mid-session revisions to the 2021-22 State and Federal Legislative Platforms will be circulated for additional review and will return to the Orange County Transportation Authority's Board of Directors later this year for final consideration and adoption.

Attachments

- A. Draft Revisions to Orange County Transportation Authority 2021-22 State Legislative Platform (clean copy)
- B. Draft Revisions to Orange County Transportation Authority 2021-22 State Legislative Platform (strikeout version)
- C. Draft Revisions to Orange County Transportation Authority 2021-22 Federal Legislative Platform (clean copy)
- D. Draft Revisions to Orange County Transportation Authority 2021-22 Federal Legislative Platform (strikeout version)

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