



November 18, 2021

To: Legislative and Communications Committee

From: Darrell E. Johnson, Chief Executive Officer

Subject: 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 State and Federal Legislative Platforms to ensure updates are provided on relevant issues that are anticipated to be of discussion for the upcoming year. The final drafts of the revised 2021-22 Orange County Transportation Authority 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 final draft of the 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

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 sessions to reflect any significant changes since adoption by the Board. Official OCTA legislative positions not directly addressed by the legislative platforms will be brought to the Board for separate action during the legislative sessions.

The initial drafts of the 2021-22 State and Federal Legislative Platforms were reviewed and approved for further circulation by the Legislative and

Communications Committee on October 21, 2021, and by the Board on October 25, 2021. After receiving additional feedback, the State and Federal Legislative Platforms have been refined further and are included as Attachments A and B. The recommended revisions are designated by italicized and strikethrough text.

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 for a more comprehensive update for the next legislative session.

2021-22 OCTA State Legislative Platform

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

- A principle is recommended to be added under the section entitled, "Transportation Funding" related to project delivery and funding for the 2028 Olympic and Paralympic Games in Los Angeles (Olympics). For context, this year, the Governor and the Legislature proposed additional transportation funding to be funneled through the Transit and Intercity Rail Corridor Program for rail and transit priority projects to support the Olympics. However, this funding did not materialize because it was contingent on subsequent legislation to provide further details on how this funding would be administered. No legislation to take such action was introduced because the Administration and the Legislature were unable to come to an agreement on a funding plan for the California High-Speed Rail Authority. It is anticipated that further negotiations will take place to finalize details for this additional transportation funding throughout the fall and into early next year. OCTA should remain engaged in these conversations to ensure its projects are considered for funding and any streamlined project delivery solutions.
- Subsection (h) of the section entitled, "Fiscal Reforms and Issues," is recommended to be added relating to supporting extensions of sales tax incentives for zero-emission buses. AB 784 (Chapter 684, Statutes of 2019) authorized a sales and use tax exemption for zero-emission transit buses until January 1, 2024. In 2022, it is anticipated that the California Transit Association will sponsor legislation to extend the sunset date of this exemption. This will result in cost savings to OCTA in its effort to comply with the Innovative Clean Transit regulation that requires transit agencies to transition their fleets to zero emission.

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- Revisions to subsection (b) of the section entitled, "Roads and Highways," are included to add progressive design build (PDB) as an alternative delivery method OCTA could support for future transportation projects. PDB is a delivery method where the contractor and their designer are brought in early to progress the design of a project from approximately 30 percent to around 95 percent. This allows for the contractor to have an opportunity to better understand the details of the project and prepare risk mitigation strategies.
 - The addition of a principle is recommended as subsection (m) of the section entitled, "Roads and Highways," regarding opposing burdensome procurement practices, including those that may conflict with federal requirements. As a public agency, OCTA has a duty to the taxpayers of Orange County to deliver multi-modal transportation improvements. It is anticipated there will be further discussions next year regarding additional requirements being placed on transportation infrastructure-related contracts that may require local agencies to weigh contracts differently, interfering with local control. OCTA must engage to ensure these do not contradict federal procurement laws or the ability for transportation agencies to receive competitive bids.
 - Subsection (f) of the section entitled, "Goods Movement," is proposed to be added relating to existing supply chain concerns. On October 20, 2021, the Governor issued Executive Order N-29-21. This executive order is intended to ease shipping logjams by strengthening the transportation network and supporting improved goods movement. While OCTA supports the Governor's direction to use existing legal and financial authority to expedite transportation projects to address these supply chain issues, it is anticipated more actions will be pursued next year. To that end, OCTA should advocate for projects to be considered for streamlined project delivery and preferential funding in an effort to improve goods movement.
 - Per input received from the Board, revisions were made to subsection (b) of the section entitled, "Active Transportation," in order to include flood channels as an area to promote creative use of bicycle trails and pedestrian paths. This should be done in conjunction with local entities who have jurisdiction over those properties to ensure feasibility.
 - Revisions were made to subsection (c) of the section entitled, "Active Transportation." This principle has been updated to reflect ongoing conversations related to the safe operation of electric bicycles on Orange County's multimodal system. OCTA has already prepared materials and safety videos related to electric bicycles, but it may be of

interest to support future funding as well as programs or policies that encourage safety throughout the transportation network, especially with emerging technologies like electric bicycles.

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, it be considered by the Board through committee at a later date.

2021-22 OCTA Federal Legislative Platform

At the time of drafting the final revisions to the Federal Legislative Platform, the timing and direction of any action by Congress to reauthorize transportation funding was not clear; and therefore, revisions to the reauthorization principles were not made. However, on November 5, 2021, Congress approved the \$1.2 trillion bipartisan infrastructure bill, also known as the Infrastructure Investment and Jobs Act. Staff is currently evaluating its impacts and will bring amended principles to the Board to outline OCTA's priorities for implementation of such at a later date. Otherwise, the following edits were made:

- The addition of a principle under the section entitled, "Transportation Funding," is included to support funding and policies for OCTA's projects relating to the Olympics is recommended. Similar to the principle in the State Legislative Platform, OCTA anticipates the federal government will discuss the potential of providing supplemental funding or project delivery tools to prepare the Southern California region for the Olympics in 2028. Using this principle can help ensure OCTA's projects and programs are eligible within these funding streams or project authorities.
- A principle is recommended to be added under the section entitled, "Transportation Funding," to address existing state suballocation formulas. As any conversation takes place to potentially alter longstanding formula distribution practices within the state, OCTA should advocate to maintain existing state suballocation formulas so that it receives its current formula share of federal funding.
- Revisions to the description of the FAST Act are included to accommodate for the evolving nature of the status of reauthorization. It is currently unknown how long the FAST Act will remain extended.

Summary

The 2021-22 OCTA State and Federal Legislative Platforms are presented for consideration and adoption. Staff may return after further vetting the necessity for a sponsor bill and with amendments to the State and Federal Legislative Platforms depending on future action taken by the federal government.

Attachments

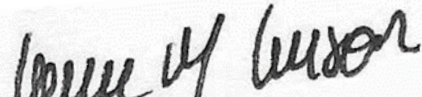
- A. Final Draft Orange County Transportation Authority 2021-22 State Legislative Platform
- B. Final Draft Orange County Transportation Authority 2021-22 Federal Legislative Platform

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