

## **Staff Evaluation of Services Provided by Topp Strategies for 2021**

The following narrative provides specific information with respect to major issues addressed by Topp Strategies, with Moira Topp as the Orange County Transportation Authority's (OCTA) primary state legislative advocate in 2021, 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 Transit Policy Reforms**

*Effort: Excellent; Outcome: Excellent*

Similar to the last legislative session, the Governor and State Legislature continued this year to focus on policies to assist response to COVID-19. While policies implemented through legislation and executive order focused on a broad array of issues, OCTA specifically worked with other transit agencies and the California Transit Association to seek policy reforms within transportation trailer bills to extend flexibilities related to the transit funding and the Transportation Development Act, including:

- Removal of financial penalties for failure to meet statutory required farebox recovery requirements and efficiency criteria,
- Continued ability 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,
- Continuation of a hold harmless provision, which extends the use of pre-COVID-19 ridership data to inform the formulas used to distribute State Transit Assistance, Low Carbon Transit Operations Program, and SGR funding.

Notably, this year, the Governor also proposed, and the Legislature adopted, significant reforms to the calculation of farebox recovery, allowing transit agencies to exclude costs associated with allowing free transit fares, planning for the transition to zero-emission bus technology, the added costs of providing paratransit, and the use of federal transit funds. These changes do not sunset and therefore will provide significant flexibility for OCTA moving forward in meeting any farebox recovery requirement.

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 benefits associated with these flexibilities. 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. Several of these policy changes had been repeatedly sought by OCTA in past legislative sessions to no avail, which demonstrates the effort and work put into allowing for the enactment of these changes this session.

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### **Bills Signed or Vetoed**

*Effort: Very Good; Outcome: Excellent*

AB 1499 (Chapter 212, Statutes of 2021): Sponsored by the Self-Help Counties Coalition, and supported by OCTA, AB 1499 extended the design-build authority highway programs provided under AB 401 (Chapter 586, Statutes of 2013), to now sunset on January 1, 2034. AB 401 was originally sponsored by OCTA for use on the Interstate 405 Improvement Project. Given the historical involvement in this legislative language, Topp Strategies was one of the key resources used by Assembly Member Daly (D-Anaheim) in the authoring of AB 1499. Topp Strategies informed this bill by providing historical background on how this authority is being used on current projects and worked to ensure that carefully negotiated language was not disrupted in any extension. Unlike the controversies that existed when AB 401 was introduced, AB 1499 passed unanimously in every vote taken in the Legislature. This is a testament to not only the work done this year by Topp Strategies, but also the foundation that informed the original authority in AB 401.

SB 339 (Chapter 308, Statutes of 2021): Another bill supported by OCTA, SB 339 extended the Road Usage Charge Technical Advisory Committee (RUC TAC), and authorized a voluntary pilot program to test the revenue collection mechanisms of a road usage charge. This pilot program can then inform whether this is a viable alternative to the gas tax as a transportation funding source and identify any potential issues that may exist. OCTA has informed RUC TAC activities since its inception in 2013, closely monitoring the potential impacts on transportation funding. Through OCTA's support of this bill, Topp Strategies ensured OCTA is at the table as discussions take place about any changes in the way the State funds transportation improvements and was also able to highlight OCTA's ability to support efforts to find increased sustainability to transportation funding.

AB 1147 (Friedman, D-Glendale): While OCTA did not have a formal position on AB 1147, which sought to make various reforms to the SB 375 (Chapter 728, Statutes of 2008) planning process, Topp Strategies was able to secure several reforms to the bill through engagement at the staff level. While the author of the bill had the intent of trying to reform SB 375, and associated reporting requirements, to allow for increased funding for implementation and more realistic assumptions in the planning process, there could have been several unintended consequences based on the original iteration of the bill. Topp Strategies participated in several statewide meetings to draw attention to nuanced concerns about using vehicle miles traveled as a metric in planning documents, highlighting regional differences in governance structure, and worked to ensure regional transportation agencies would be at the table as SB 375 reports were developed. Ultimately, the Governor vetoed the bill, citing concerns that this bill was not necessary.

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### **Other Bills of Interest**

*Effort: Excellent; Outcome: Good*

SB 261 (Allen, D-Santa Monica): This bill represented a continuation of the author's previous efforts to expand upon SB 375 requirements. The bill would have required that Metropolitan Planning Organizations meet greenhouse gas and new vehicle miles traveled reduction targets 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. Because of the multitude of bills on this subject matter this session, SB 261 was ultimately held. However, Topp Strategies was able to create a strong coalition of interested parties to continue to inform not only this bill, but other bills on this subject. It is expected that prior to session starting again, there will be continued meetings with stakeholders, committee staff, and the author's office to inform any legislation that is taken up next year.

SB 623 (Newman, D-Fullerton): SB 623 represented a second attempt to clarify state rules related to interoperability and enforcement on toll facilities within the State. Similar to SB 664 (Allen, D-Santa Monica), the previous iteration of this proposal, SB 623 again encountered opposition from the consumer attorney organizations and privacy rights groups. Topp Strategies worked exhaustively to try to assuage concerns, including through meetings with the author's office, leadership of policy committees, and with stakeholders. Ultimately, compromise could not be reached, and the bill was held. Due to the repeated concerns related to this bill, and ongoing litigation, it is not expected that this bill will be pursued again next year.

Brown Act Legislation: Several bills were proposed this session to both allow the continuation of virtual public meetings post-pandemic, and also to reform the Brown Act to facilitate increased public participation. While OCTA did not have active positions on these bills at the end of session, Topp Strategies continued to communicate with OCTA staff regularly on pending amendments and bill progress so that OCTA could be prepared to adjust its meetings as necessary.

### **General Services**

*Effort: Very Good; Outcome: Very Good*

Topp Strategies 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. Topp Strategies has 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. Topp Strategies 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.

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Specifically, this year, Topp Strategies arranged meetings with key members of the Legislature and Administration early in the year to brief newly-elected members of the Orange County delegation and newly-appointed Chairs of the Assembly and Senate Transportation Committees. While Topp Strategies was able to successfully secure meetings with most Orange County delegation members and the new Senate Transportation Committee Chair, some meetings were unable to be arranged. Overall, however, these meetings provided OCTA an opportunity to not only convey key policy priorities for this legislative session and highlight projects which OCTA would be pursuing state grant opportunities, but also educate members on unique OCTA programs and projects including its implementation of zero-emission technology and innovative transit pass programs. These meetings helped create a foundation for future legislative efforts and grant opportunities.

While COVID-19 continued to present challenges for communications with delegation offices, Topp Strategies has always remained in contact with key staff and afforded OCTA the ability to be at the table for critical conversations. This clearly demonstrates their previous ability to create strong foundational relationships before the pandemic, and use of innovative methods to develop relationships as the environment changes. Topp Strategies has also started preparing for more hybrid meetings, and strategizing for future communications as much of the Capitol building goes under construction.

*Effort: Very Good; Outcome: Very Good*

Topp Strategies efforts overall are rated as very good 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. Topp Strategies outcomes overall are rated as very good based on the outcomes of the issues discussed.