Orange County Transportation Authority

Board Agenda
Monday, April 22, 2024 at 9:00 a.m.

550 South Main Street, Orange, California

Board Members

Tam T. Nguyen, Chair
Doug Chaffee, Vice Chair
Ashleigh Aitken
Valerie Amezcua
Andrew Do
Jon Dumitru
Jamey Federico
Katrina Foley
Patrick Harper
Michael Hennessey
Fred Jung
Farrah N. Khan
Stephanie Klopfenstein
Vicente Sarmiento
John Stephens
Donald P. Wagner
Vacant, Ex-Officio

Teleconference Location:

Hyatt Regency Sacramento
1209 L Street
Sacramento 95814

Any person with a disability who requires a modification or accommodation in order to participate in this meeting should contact the Orange County Transportation Authority (OCTA) Clerk of the Board's office at (714) 560-5676, no less than two business days prior to this meeting to enable OCTA to make reasonable arrangements to assure accessibility to this meeting.

Agenda Descriptions

Agenda descriptions are intended to give members of the public a general summary of items of business to be transacted or discussed. The posting of the recommended actions does not indicate what action will be taken. The Committee may take any action which it deems to be appropriate on the agenda item and is not limited in any way by the notice of the recommended action.

Public Availability of Agenda Materials

All documents relative to the items referenced in this agenda are available for public inspection at www.octa.net or through the Clerk of the Board’s office at the OCTA Headquarters, 600 South Main Street, Orange, California.

Meeting Access and Public Comments on Agenda Items

Members of the public can either attend in-person or listen to audio live streaming of the Board and Committee meetings by clicking this link: https://octa.legistar.com/Calendar.aspx

In-Person Comment

Members of the public may attend in-person and address the Board regarding any item within the subject matter jurisdiction of the Orange County Transportation Authority. Please complete a speaker's card and submit it to the Clerk of the Board and notify the Clerk regarding the agenda item number on which you wish to speak. Speakers will be recognized by the Chair at the time of the agenda item is to be considered by the Board. Comments will be limited to three minutes. The Brown Act prohibits the Board from either discussing or taking action on any non-agendized items.

Written Comment

Written public comments may also be submitted by emailing them to ClerkOffice@octa.net, and must be sent by 5:00 p.m. the day prior to the meeting. If you wish to comment on a specific agenda Item, please identify the Item number in your email. All public comments that are timely received will be part of the public record and distributed to the Board. Public comments will be made available to the public upon request.

Call to Order

Invocation

Director Stephens

Pledge of Allegiance

Director Amezcua

1. Closed Session

A Closed Session will be held as follows:

A. Pursuant to Government Code Section 54957.6 to discuss negotiations with Teamsters Local 952 regarding the coach operators. The lead negotiator for the Orange County Transportation Authority is Maggie McJilton, Executive Director of People and Community Engagement, and Teamsters Local 952 representative.

B. Pursuant to Government Code Section 54956.8 - Conference with real property negotiators for the following properties:
   1. 2677 North Main Street, Santa Ana CA 92705 - The negotiator for this property is the Muller Company.
   2. 550 & 600 South Main Street, Orange CA 92868 - The negotiator for this property is the Lincoln Property Company.
   3. Parcel No. APN 253-532-07 - The negotiator for this property is Trammel Crow. Negotiators for the Orange County Transportation Authority are Andrew Oftelie, Peter Andrich, and Rick Warner.

Special Calendar

Orange County Transportation Authority Special Calendar Matters

2. Presentation of Resolutions of Appreciation for Employees of the Month

Overview

Present Orange County Transportation Authority Resolutions of Appreciation Nos. 2024-023, 2024-024, and 2024-025 to Shernea Tennison, Coach Operator; Antonio Gallegos, Maintenance; Megan Bornman, Administration, as Employees of the Month for April 2024.

Consent Calendar (Items 3 through 11)

All matters on the Consent Calendar are to be approved in one motion unless a Board Member or a member of the public requests separate action on a specific item.

Orange County Transportation Authority Consent Calendar Matters

3. Approval of Minutes

Clerk of the Board

Recommendation

Approve the minutes of the April 8, 2024 Orange County Transportation Authority and affiliated agencies' regular meeting.

Attachments:

Minutes

4. Orange County Transportation Authority Investment and Debt Programs Report - February 2024

Robert Davis/Andrew Oftelie

Overview

The Orange County Transportation Authority has a comprehensive investment and debt program to fund its immediate and long-term cash flow demands. Each month, the Treasurer submits a report detailing investment allocation, performance, compliance, outstanding debt balances, and credit ratings for the Orange County Transportation Authority's debt program. This report is for the month ending February 29, 2024. The report has been reviewed and is consistent with the investment practices contained in the investment policy.

Recommendation

Receive and file as an information item.

Attachments:

Transmittal

Staff Report

Attachment A

Attachment B

5. Approval to Release Request for Proposals for Board of Directors' Meeting Video Streaming Services

Ron Wolf/Andrew Oftelie

Overview

The Orange County Transportation Authority has developed a request for proposals to initiate a competitive procurement to select a firm for the procurement of hardware, software, implementation, maintenance, support, and professional services to support Board of Directors' meeting recording and live video streaming. Board of Directors' approval to release this request for proposals for video streaming services is requested.

Recommendations

A. Approve the proposed evaluation criteria and weightings for Request for Proposals 4-2221 to select a firm to provide video streaming services for Board of Directors' meetings.

B. Approve the release of Request for Proposals 4-2221 to select a firm to provide video streaming services for Board of Directors' meetings for a three-year term with two, one-year option terms.

Attachments:

Staff Report

Attachment A

6. State Legislative Status Report

Alexis Leicht/Lance M. Larson

Overview

The Orange County Transportation Authority provides regular updates to the Legislative and Communications Committee on policy issues directly impacting its overall programs, projects, and operations. Staff is recommending an oppose position on legislation related to allocation prohibitions for the Trade Corridor Enhancement Program. Staff recommends a support position on legislation related to penalties for battery against transit employees. A summary is provided of legislation that would authorize taxing authority in the Bay Area for transportation purposes and explore the consolidation of transit agencies in that area. Information is provided on a coalition letter sent opposing cuts to a grant program for certain sustainable transportation projects.

Recommendations

A. Adopt an OPPOSE position on AB 2535 (Bonta, D-Oakland), which would prohibit the California Transportation Commission from allocating Trade Corridor Enhancement Program funding to a project that expands the highway footprint in certain communities.

B. Adopt a SUPPORT position on AB 2824 (McCarty, D-Sacramento), which would expand the application of enhanced penalties for battery against a transit operator or ticketing agent to also apply to transit employees and contractors of a public transportation provider.

Attachments:

Transmittal
Staff Report
Attachment A
Attachment B
Attachment C
Attachment D
Attachment E

7. Federal Legislative Status Report
Clara Brotcke/Lance M. Larson

Overview
The Orange County Transportation Authority regularly updates the Legislative and Communications Committee on policy and regulatory issues directly impacting the agency's programs, projects, and operations. A summary is given of the President's fiscal year 2025 budgetary request and the various funding and policy provisions proposed. Information is provided on a regional letter submitted on the United States Environmental Protection Agency's proposed disapproval of the South Coast Contingency Measure State Implementation Plan. A House Transportation and Infrastructure Committee hearing related to Department of Transportation discretionary grants is summarized.

Recommendation
Receive and file as an information item.

Attachments:

Transmittal
Staff Report
Attachment A
Attachment B
Attachment C

8. Low Carbon Transit Operations Program Recommendations for OC Bus Transit Projects
Jason Huang/Kia Mortazavi

Overview
The Low Carbon Transit Operations Program provides funding to transit agencies on a formula basis to support transit operations and capital projects. Funding recommendations are presented to use this funding for transit projects that promote transit ridership growth and reduce greenhouse gas emissions, consistent with program requirements.

Recommendations

A. Approve Resolution No. 2024-016 to authorize the use of $10,349,538 in fiscal year 2023-24 Low Carbon Transit Operations Program funds for the 40 Hydrogen Fuel Cell Buses Project.

B. Approve Resolution No. 2024-017 to authorize the use of prior year funds and interest earnings totaling $3,171,997 for new or expanded Bravo!/Rapid bus services and the Youth Ride Free Program.

C. Authorize staff to make all necessary amendments to the Federal Transportation Improvement Program as well as negotiate and execute any necessary agreements with regional, state, or federal agencies to facilitate the recommendations above.

Attachments:

Transmittal
Staff Report
Attachment A
Attachment B
Attachment C
Presentation

Orange County Transit District Consent Calendar Matters

9. Approval to Release Request for Proposals for the Replacement of Fareboxes and Related Fare Collection Equipment

Sam Kaur/Andrew Oftelie

Overview

The Orange County Transportation Authority has developed a request for proposals to initiate a competitive procurement process to select a firm for the development and implementation of replacement fareboxes and related fare collection equipment for the fixed-route bus system.

Recommendations

A. Approve the proposed evaluation criteria and weightings for Request for Proposals 4-2110 to select a firm for the development and implementation of replacement fareboxes and related fare collection equipment for the fixed-route bus system.

B. Approve the release of Request for Proposals 4-2110 for the development and implementation of replacement fareboxes and related fare collection equipment for the fixed-route bus system.

Attachments:

Staff Report
Attachment A

10. Amendment to Agreement for Customer Information Center
Ryan Maloney/Maggie McJilton

Overview
On April 26, 2021, the Orange County Transportation Authority Board of Directors approved an agreement with Alta Resources to operate the Customer Information Center for a three-year initial term and two, two-year option terms. Board of Directors' approval is requested to exercise the first option term effective July 1, 2024 through June 30, 2026.

Recommendation
Authorize the Chief Executive Officer to negotiate and execute Amendment No. 2 to Agreement No. C-0-2698 between the Orange County Transportation Authority and Alta Resources to exercise the first option term, in the amount of $2,049,987, to continue providing customer information center call services, effective July 1, 2024 through June 30, 2026. This will increase the maximum obligation of the agreement to a total contract value of $5,030,427.

Attachments:

Transmittal
Staff Report
Attachment A

Orange County Local Transportation Authority Consent Calendar Matters

11. OC Streetcar Project Quarterly Update
Jeff Mills/James G. Beil

Overview
The Orange County Transportation Authority is implementing the OC Streetcar project, and updates are provided to the Board of Directors on a quarterly basis. This report covers OC Streetcar project activities from January 2024 through March 2024.

Recommendation
Receive and file as an information item.

Attachments:

Transmittal
Staff Report
Attachment A
Presentation

Regular Calendar

Orange County Transportation Authority Regular Calendar Matters

12. Agreement for Independent Annual Financial Auditing Services
Janet Sutter

Overview

On January 22, 2024, the Board of Directors approved the selection of Eide Bailly LLP, as the firm to provide annual financial and compliance audits and agreed-upon procedures reviews of the Orange County Transportation Authority and related agencies for the fiscal years ending June 30, 2024, 2025, and 2026. On April 11, 2024, Eide Bailly LLP notified the Orange County Transportation Authority that the firm could not agree to terms of the proposed agreement relating to the duty to defend. As such, the Board of Directors is being asked to approve the selection of the second-ranked firm, Crowe LLP.

Recommendations

A. Approve the selection of Crowe LLP, as the firm to provide independent annual financial auditing services.

B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-3-2931 between the Orange County Transportation Authority and Crowe LLP, in the amount of $1,785,500, to provide independent annual financial auditing services for a three-year initial term with one, two-year option term.

Attachments:

Staff Report

Attachment A

Orange County Transit District Regular Calendar Matters

13. Award the Purchase of Vehicles for OC ACCESS
Cliff Thorne/Johnny Dunning, Jr.

Overview

On June 26, 2023, the Orange County Transportation Authority Board of Directors approved the release of a request for proposals for the purchase of 108 vans and 13 cutaway buses for OC ACCESS and four vans for OC Flex service. As a result, proposals from qualified firms under the California Association for Coordinated Transportation/Basin Transit Purchasing Cooperative were received and Board of Directors' approval is requested to award an agreement for the purchase of these vehicles.

Recommendations

A. Approve the selection of Model 1 Commercial Vehicles, Inc., doing business as Creative Bus Sales, Inc. as the firm to provide up to 108 vans for OC ACCESS, with an option for up to 19 additional vehicles.

B. Authorize the Chief Executive Officer to negotiate and execute Purchase Order No. C-3-2510 between the Orange County Transportation Authority and Model 1 Commercial Vehicles, Inc., doing business as Creative Bus Sales, Inc. in the amount of $20,315,700, for the initial purchase of up to 108 vans for OC ACCESS.

C. Approve the selection of Model 1 Commercial Vehicles, Inc., doing business as Creative Bus Sales, Inc. as the firm to provide up to 13 gasoline-powered cutaway buses for OC ACCESS, with an option for up to ten additional vehicles.

D. Authorize the Chief Executive Officer to negotiate and execute Purchase Order No. C-3-2511 between the Orange County Transportation Authority and Model 1 Commercial Vehicles, Inc., doing business as Creative Bus Sales, Inc., in the amount of $3,028,918 for the initial purchase of up to 13 gasoline-powered cutaways for OC ACCESS.

Attachments:

Transmittal
Staff Report
Attachment A
Presentation

14. Award the Purchase of Driver Protection Systems
Cliff Thorne/Johnny Dunning, Jr.

Overview
On November 27, 2023, the Orange County Transportation Authority Board of Directors approved the release of an invitation for bids for driver protection systems to be installed as a retrofit in the fixed-route bus fleet. Bids were received in accordance with procurement guidelines for a fixed asset procurement. Board of Directors' approval is requested to purchase up to 204 driver protection systems to enhance coach operator safety.

Recommendation
Authorize the Chief Executive Officer to negotiate and execute Purchase Order No. C-3-2843 between the Orange County Transportation Authority and Complete Coach Works, in the amount of $2,081,120 for the purchase of up to 204 driver protection systems for fixed-route buses.

Attachments:

Transmittal
Staff Report
Presentation

Discussion Items

15. Public Comments

16. Chief Executive Officer's Report

17. Directors' Reports

18. Adjournment

The next regularly scheduled meeting of this Board will be held:

9:00 a.m., on Monday, May 13, 2024

OCTA Headquarters
Board Room
550 South Main Street
Orange, California

Call to Order

The April 8, 2024, regular meeting of the Orange County Transportation Authority (OCTA) Board of Directors and affiliated agencies was called to order by Chair Nguyen at 9:00 a.m. at the OCTA Headquarters, 550 South Main Street, Orange, California.

Directors Present:
Tam T. Nguyen, Chair
Doug Chaffee, Vice Chair
Ashleigh Aitken
Valerie Amezcua
Andrew Do
Jon Dumitru
Jamey Federico
Patrick Harper
Michael Hennessey
Fred Jung
Farrah N. Khan
Vicente Sarmiento
John Stephens
Donald P. Wagner

Directors Absent:
Katrina Foley
Stephanie Klopfenstein

Staff Present:
Darrell E. Johnson, Chief Executive Officer
Jennifer L. Bergener, Deputy Chief Executive Officer
Andrea West, Clerk of the Board
Gina Ramirez, Assistant Clerk of the Board
Allison Cheshire, Clerk of the Board Specialist, Senior
James Donich, General Counsel

Consent Calendar (Items 1 through 9)

1. Approval of Minutes

A motion was made by Director Wagner, seconded by Director Do, and declared passed by those present to approve the minutes of the March 25, 2024, Orange County Transportation Authority and affiliated agencies' regular meeting.

Director Sarmiento was not present to vote on this item.

2. Approval of Board Member Travel

A motion was made by Director Wagner, seconded by Director Do, and declared passed by those present to approve the travel to New York for Chair Tam T. Nguyen and Finance and Administration Committee Chair Michael Hennessey for the Orange County Transportation Authority's Annual Rating Agency Trip.

Director Sarmiento was not present to vote on this item.

3. Investments: Compliance, Controls, and Reporting, July 1 through December 31, 2023, Internal Audit Report No. 24-509

A motion was made by Director Wagner, seconded by Director Do, and declared passed by those present to direct staff to implement two recommendations provided in Investments: Compliance, Controls, and Reporting, July 1 through December 31, 2023, Internal Audit Report No. 24-509.

Director Sarmiento was not present to vote on this item.

4. Amendment to the Preparation of Plans, Specifications, and Estimates for the 91 Express Lanes Toll Entrances Gantry Infrastructure Project Agreement

A motion was made by Director Wagner, seconded by Director Do, and declared passed by those present to authorize the Chief Executive Officer to negotiate and execute Amendment No. 12 to Agreement No. C-8-2107 between the Orange County Transportation Authority and Parsons Transportation Group, Inc., in the amount of $94,808, to provide additional plans, specifications, and estimates for the 91 Express Lanes Toll Entrances Gantry Infrastructure Project and to extend the term of the agreement through June 30, 2025. This will increase the maximum cumulative obligation of the agreement to a total contract value of $595,442.

Director Sarmiento was not present to vote on this item.

5. Discretionary Grants Update

A motion was made by Director Wagner, seconded by Director Do, and declared passed by those present to receive and file as an information item.

Director Sarmiento was not present to vote on this item.

6. College Pass Program, Internal Audit Report 24-506

A motion was made by Director Wagner, seconded by Director Do, and declared passed by those present to direct staff to implement two recommendations provided in the College Pass Program, Internal Audit Report No. 24-506.

Director Sarmiento was not present to vote on this item.

7. Amendment to Cooperative Agreement with the California Department of Transportation for the Interstate 605/Katella Avenue Interchange Improvement Project

A motion was made by Director Wagner, seconded by Director Do, and declared passed by those present to:

A. Authorize the Chief Executive Officer to negotiate and execute Amendment No. 1 to Agreement No. C-1-3740 between the Orange County Transportation Authority and the California Department of Transportation, in the amount of $510,600, for additional utility relocation services for the Interstate 605/Katella Avenue Interchange Improvement Project. This will increase the maximum cumulative obligation of the cooperative agreement to a total contract value of $3,030,800.

B. Authorize the use of up to $510,600 in additional Measure M2 funds for the right-of-way phase of the Interstate 605/Katella Avenue Interchange Improvement Project.

C. Authorize staff to process all necessary amendments to the Federal Transportation Improvement Program and execute or amend all necessary agreements to facilitate the above actions.

Director Sarmiento was not present to vote on this item.

8. Amendment to Cooperative Agreement with the California Department of Transportation for the Interstate 405 Improvement Project Between State Route 73 to Interstate 605

A motion was made by Director Wagner, seconded by Director Do, and declared passed by those present to authorize the Chief Executive Officer to negotiate and execute Amendment No. 2 to Cooperative Agreement No. C-4-1847 between the Orange County Transportation Authority and the California Department of Transportation, in the amount of $2,706,500, for reimbursed construction inspection services and enhanced oversight for the Interstate 405 Improvement Project between State Route 73 to Interstate 605. This will increase the maximum cumulative obligation of the cooperative agreement to a total contract value of $58,106,500.

Director Sarmiento was not present to vote on this item.

9. Amendment to Agreement for Construction Management Consultant Services for the Interstate 405 Improvement Project Between State Route 73 to Interstate 605

A motion was made by Director Wagner, seconded by Director Do, and declared passed by those present to authorize the Chief Executive Officer to negotiate and execute Amendment No. 14 to Agreement No. C-4-1447 between the Orange County Transportation Authority and Jacobs Project Management Co., in the amount of $1,773,118, for additional construction management consultant services for the Interstate 405 Improvement Project between State Route 73 to Interstate 605, and extend the term of the agreement through June 30, 2025. This will increase the maximum cumulative obligation of the agreement to a total contract value of $49,587,573.

Director Sarmiento was not present to vote on this item.

Regular Calendar

10. Fiscal Year 2023-24 Second Quarter Budget Status Report

Andrew Oftelie, Chief Financial Officer, provided a report on this item.

Following the discussion, no action was taken regarding this receive and file as an information item.

11. Board of Directors Meeting Video Streaming

Andrew Oftelie, Chief Financial Officer, provided a report on this item.

A substitute motion was made by Director Hennessey, seconded by Director Wagner, to direct staff to pause the implementation of any high-quality video streaming of Board of Directors meetings until a decision on the new headquarters location has been reached.

The substitute motion failed due to an opposed majority vote.

An amended motion was made by Director Stephens, seconded by Director Amezcua, and declared passed to direct staff to pursue the implementation of live video streaming capabilities for both the OCTA Board of Directors meetings and committee meetings with tiered pricing options for three different capabilities.

Directors Hennessey and Wager voted in opposition on this item.

Director Chaffee abstained from voting on this item.

Discussion Items

12. 2028 Olympic Transportation Planning

Kia Mortazavi, Executive Director, Planning, provided a presentation on this item.

The Clerk noted that public comments were received via email from Lucas Chang and Bryan Yanity.

No action was taken on this informational item.

13. Public Comments

The Clerk noted that public comments received via email from Lucas Chang.

Public Comments received from:
- Joe Wilson
- Susie Whitelaw
- Gary Walsh, Save Our Beaches, San Clemente
- Paul Hyek
- Amanda Quintanilla

14. Chief Executive Officer's Report

Darrell E. Johnson, Chief Executive Officer, reported on the following:

- State Budget Update
- Coastal Rail listening sessions

15. Directors' Reports

There were no Directors' Reports.

16. Adjournment

The meeting adjourned at 10:48 a.m.

The next regularly scheduled meeting of this Board will be held:
9:00 a.m., on Monday, April 22, 2024
OCTA Headquarters
Board Room
550 South Main Street
Orange, California

ATTEST:

_____
Gina Ramirez
Assistant Clerk of the Board

COMMITTEE TRANSMITTAL

April 22, 2024

To: Members of the Board of Directors

From: Andrea West, Clerk of the Board

Subject: Orange County Transportation Authority Investment and Debt Programs Report – February 2024

Finance and Administration Committee Meeting of April 10, 2024

Present: Directors Federico, Hennessey, Klopfenstein, Nguyen, and Sarmiento
Absent: Directors Do and Harper

Committee Vote

This item was passed by the Members present.

Staff Recommendation

Receive and file as an information item.

OCTA

April 10, 2024

To: Finance and Administration Committee

From: Darrell E. Johnson, Chief Executive Officer

Subject: Orange County Transportation Authority Investment and Debt Programs Report – February 2024

Overview

The Orange County Transportation Authority has a comprehensive investment and debt program to fund its immediate and long-term cash flow demands. Each month, the Treasurer submits a report detailing investment allocation, performance, compliance, outstanding debt balances, and credit ratings for the Orange County Transportation Authority's debt program. This report is for the month ending February 29, 2024. The report has been reviewed and is consistent with the investment practices contained in the investment policy.

Recommendation

Receive and file as an information item.

Discussion

As of February 29, 2024, the Orange County Transportation Authority's (OCTA) outstanding investments totaled $2.5 billion. The portfolio is divided into three managed portfolios: the liquid portfolio for immediate cash needs, the short-term portfolio for future budgeted expenditures, and the bond proceeds portfolio to meet Measure M2 (M2) transportation program needs. In addition to these portfolios, OCTA has funds invested in debt service reserve funds for the 91 Express Lanes Program.

Portfolio Compliance and Liquidity Requirements for the Next Six Months: The portfolio is in full compliance with OCTA's Investment Policy and the State of California Government Code. Additionally, OCTA has reviewed the liquidity requirements for the next six months and anticipates that OCTA's liquidity will be sufficient to meet projected expenditures during the next six months.

The weighted average book yield for the OCTA portfolio is 3.9 percent. The book yield measures the exact income, or interest, on a bond without regard to market price change. The yield is the income return on an investment, such as the interest received from holding a particular security. The yield is usually expressed as an annual percentage rate based on the investment's cost and market value.

OCTA's month-end balance in the Local Agency Investment Fund (LAIF), a pooled investment fund for California local agencies, was $6,881,548, with an average monthly effective yield of 4.12 percent. LAIF offers local agencies an opportunity to invest funds in a diversified portfolio of high-quality, short-term securities managed by the State Treasurer's Office. OCTA's month-end balance in the Orange County Investment Pool (OCIP), a collective investment fund for local government entities in Orange County, was $684,606. For the month of January, the monthly gross yield for the OCIP was 4.33 percent. The yield for the month of February will be received in March 2024. OCIP allows local government entities to invest funds in a diversified portfolio managed by the Orange County Treasurer-Tax Collector's Office, aiming for competitive returns while prioritizing safety and liquidity. Mandated by the Transportation Development Act (TDA), OCTA is obliged to participate in the OCIP. It serves as a temporary holding account for TDA funds until claimed by OCTA and then processed by the County of Orange. This framework ensures effective fund management and adherence to regulatory compliance.

During the month of February, one security held within OCTA's investment portfolio was downgraded by Fitch and placed on negative credit watch by Moody's. As of February 29, 2024, the security still meets the minimum ratings requirements set forth by OCTA's Investment Policy. Please refer to A-8 (Rating Downgrades and Negative Credit Watch) of Attachment A for further details.

OCTA's debt program is separate from its investment program and is comprised of M2 Sales Tax Revenue Bonds, 91 Express Lanes Toll Road Revenue Bonds, and 2021 Transportation Infrastructure Finance and Innovation Act Loan. The debt program currently has an outstanding principal balance of $1.2 billion as of February 29, 2024. Approximately 46 percent of the outstanding balance is comprised of M2 debt, four percent is associated with the 91 Express Lanes Program, and 50 percent is associated with the 405 Express Lanes.

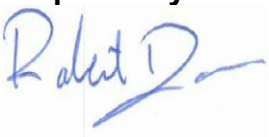
Summary

The Treasurer is submitting a copy of the Orange County Transportation Authority Investment and Debt Programs report to the Finance and Administration Committee. The report is for the month ending February 29, 2024.

Attachments

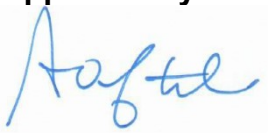
A. Orange County Transportation Authority Investment and Debt Programs – For the Period Ending February 29, 2024
B. Orange County Transportation Authority Portfolio Listing as of February 29, 2024

Prepared by:



Robert Davis
Department Manager
Treasury/Public Finance
(714) 560-5675

Approved by:



Andrew Oftelie
Chief Financial Officer
Finance and Administration
(714) 560-5649

ATTACHMENT A

Treasury/Public Finance Department's Report On

Orange County Transportation Authority Investment and Debt Programs

Presented to the Finance and Administration Committee

For The Period Ending February 29, 2024

INVESTMENT PROGRAM

OCTA Investment Dashboard

2/29/2024

Safety of Principal

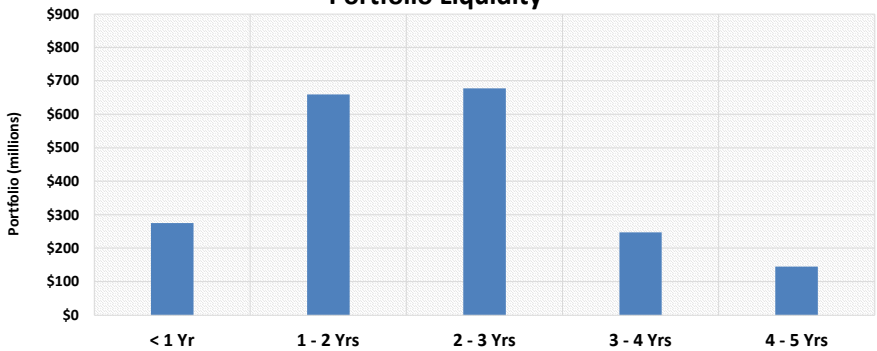
Securities that fell below OCTA's minimum credit quality requirements during the month of February 2024:
N/A

Securities currently held within OCTA's portfolio that fell below OCTA's minimum credit quality requirements during prior reporting periods:
Three Keybank securities held within OCTA's investment portfolio were downgraded below minimum credit quality requirements for the month of October 2023.

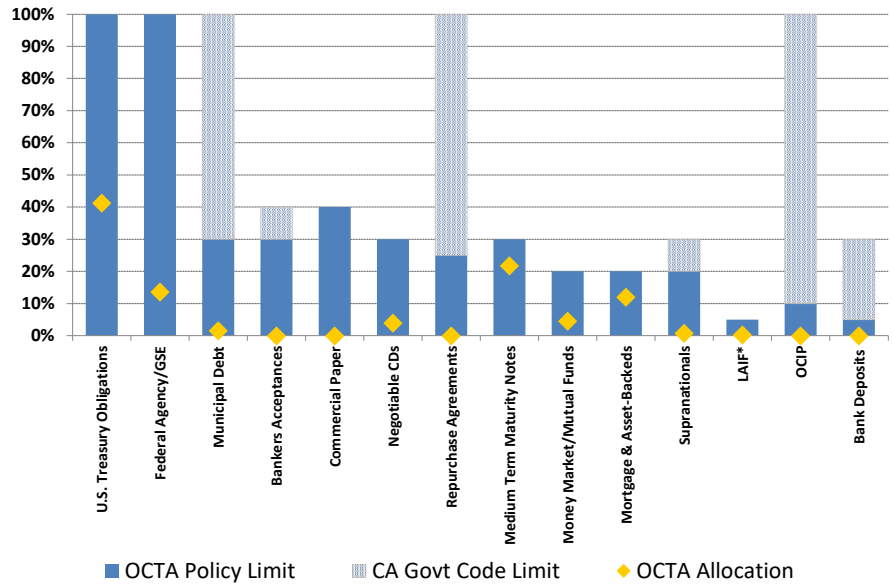
Securities downgraded or placed on Negative Credit Watch during the month of February 2024, but remain in compliance with OCTA's Investment Policy:
One security held within OCTA's investment portfolio was downgraded and placed negative credit watch during the month.

For further details please refer to A-8 of this report.

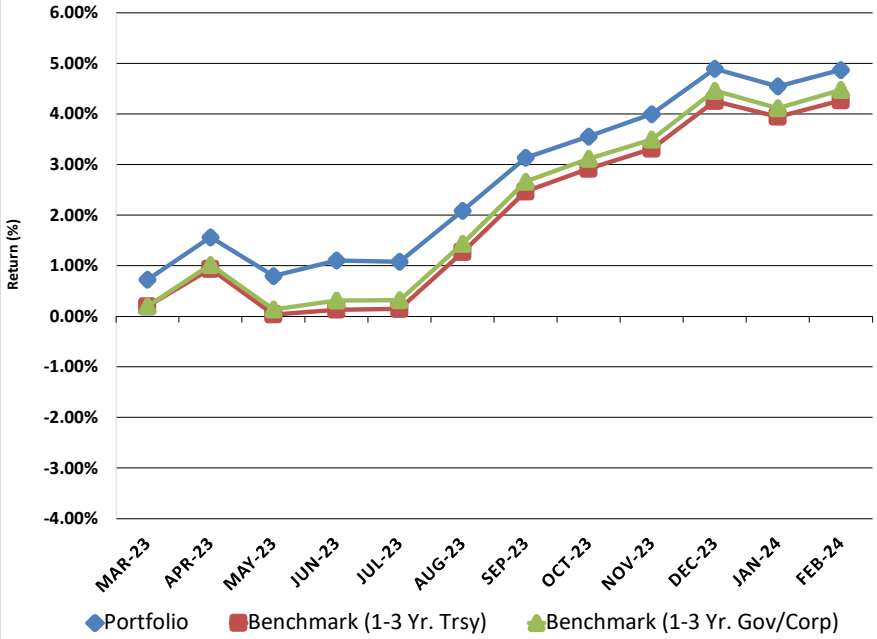
Portfolio Liquidity



Portfolio Diversification



Portfolio Return - 12 Month



* Per CA Government Code LAIF limit is $75 million

** Per OCTA's Investment Policy the limit is 30% for variable and floating rate securities. As of February 29, 2024, 6.5% of the portfolio was invested in variable & floating rate securities.

Investment Compliance

2/29/2024

Portfolio Subject to Investment Policy			
Short-Term/Liquid Portfolio[1]	**Dollar Amount Invested**	**Percent Of Portfolio**	**Investment Policy Max. Percentages**
U.S. Treasury Obligations	$ 886,131,237	41.3%	100%
Federal Agency/GSE	292,361,357	13.6%	100%
Municipal Debt	$ 34,241,204	1.6%	30%
Commercial Paper	-	0.0%	40%
Negotiable Certificates of Deposit	$ 85,250,000	4.0%	30%
Repurchase Agreements	-	0.0%	25%
Medium Term Maturity Notes/Corporates	$ 467,467,950	21.8%	30%
Money Market/Mutual Funds	97,397,299	4.5%	20%
Mortgage & Asset-Backed	$ 258,684,770	12.1%	20%
Supranationals	17,053,537	0.8%	20%
Local Agency Investment Fund	$ 6,881,548	0.3%	$ 75 Million
Orange County Investment Pool	684,606	0.0%	10%
Bank Deposits	$ 250,000	0.0%	5%
Total Short-Term/Liquid Portfolio[2]	**$ 2,146,403,508**		

1. Excludes portion of Liquid Portfolio subject to Indenture

2. Includes variable & floating rate securities invested in the amount of $139,072,895 (6.5% of total Short-Term/Liquid portfolio) and subject to 30% limit per OCTA's Investment Policy.

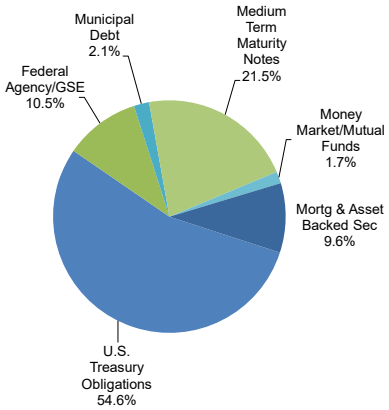
Portfolio Subject to Indenture					
	Dollar Amount	**OCTA**		**Indenture Requirements**	
Portfolio	**Invested**	**Credit Quality**	**Term**	**Min. Credit Quality**	**Max. Term**
Liquid Portfolio*					
Government Obligations MMKT Fund	319,350,616	"AAAm"	N/A	AAA Category	N/A
Government Obligations MMKT Fund	4,124,365	"AAAm"/"Aammf"	N/A	AAA Category	N/A
Total Liquid Portfolio	**$ 323,474,981**				
Bond Proceeds Portfolio					
2021 Bond Anticipation Notes (BANs):					
Government Obligations MMKT Fund	54,299	"AAAm"/ "Aaa-mf"/"AAAmmf"	N/A	"AAAm" or "AAAm-G"	N/A
91 Express Lanes 2023 Bonds:					
Government Obligations MMKT Fund	2,563	"AAAm"/ "Aaa-mf"/"AAAmmf"	N/A	N/A	N/A
Total Bond Proceeds Portfolio	**$ 56,861**				
Reserve Funds Portfolio					
Bank Deposit	$ -	N/A	N/A	N/A	N/A
Government Obligations MMKT Fund	5,363,565	"AAAm"/ "Aaa-mf"/"AAAmmf"	N/A	N/A	N/A
Negotiable Certificates of Deposit	5,000,000	"A-1"/"P-1"/"F1+"	267 days	"A-1"/"P-1"/"F1"	270 days
Negotiable Certificates of Deposit	3,000,000	"A-1"/"P-1"/"F1+"	180 days	"A-1"/"P-1"/"F1"	270 days
Government Obligations MMKT Fund**	2	"AAAm"/ "Aaa-mf"/"AAAmmf"	N/A	N/A	N/A
Total Reserve Funds Portfolio	**$ 13,363,568**				
Total Portfolio Subject to Indenture	**$ 13,420,429**				
Portfolio Total	**$ 2,483,298,918**				

*Reflects portion of Liquid Portfolio subject to Indenture (OCTA Sales Tax Revenue)
**91 EL Debt Service Fund

Investment Manager Diversification and Maturity Schedules

MetLife Investment Management
2/29/2024

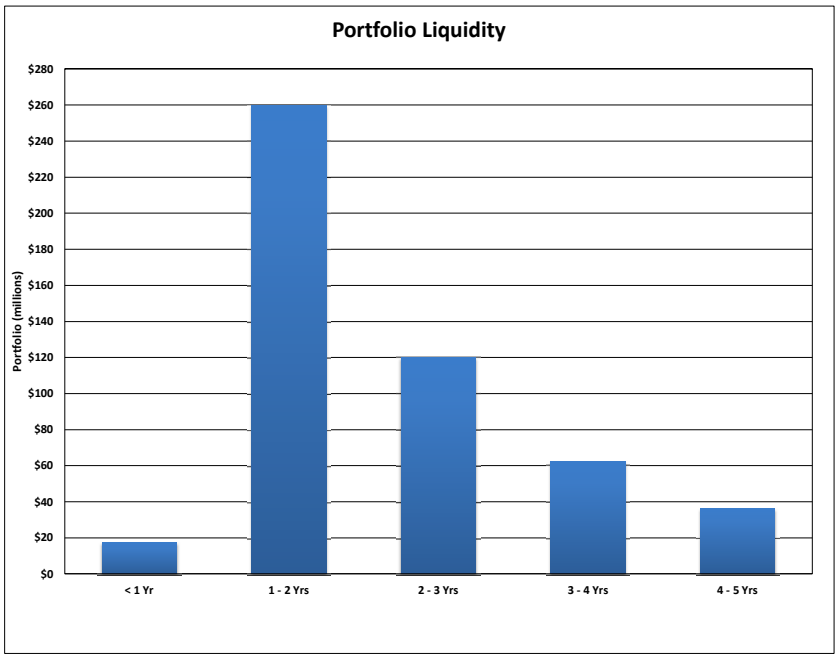
SHORT-TERM PORTFOLIO ($494.9M)



		Book Value		Market Value
U.S. Treasury Obligations	$	270,095,825	$	274,223,820
Federal Agency/GSE	$	51,850,358	$	51,378,462
Municipal Debt	$	10,479,925	$	10,422,849
Bankers Acceptances	$	-	$	-
Commercial Paper	$	-	$	-
Negotiable Certificates of Deposit	$	-	$	-
Repurchase Agreements	$	-	$	-
Medium Term Maturity Notes	$	106,635,968	$	107,544,384
Money Market/Mutual Funds	$	8,192,672	$	3,540,470
Mortg & Asset Backed Securities	$	47,655,304	$	47,815,735
Supranationals	$	-	$	-
	$	494,910,053	$	494,925,721

Note: Variable & floating rate securities comprise $42,140,008 or 8.5% of total book value.

Wtd Avg Life	1.98 Yrs
Duration	1.79 Yrs
Monthly Yield	4.89%
TSY Benchmark	4.71%
Gov/Corp Benchmark	4.82%
Monthly Return	-0.28%
TSY Benchmark	-0.41%
Gov/Corp Benchmark	-0.37%
Three Months Return	1.32%
TSY Benchmark	1.09%
Gov/Corp Benchmark	1.18%
Six Months Return	2.75%
TSY Benchmark	2.45%
Gov/Corp Benchmark	2.59%
12 Months Return	4.80%
TSY Benchmark	4.27%
Gov/Corp Benchmark	4.48%

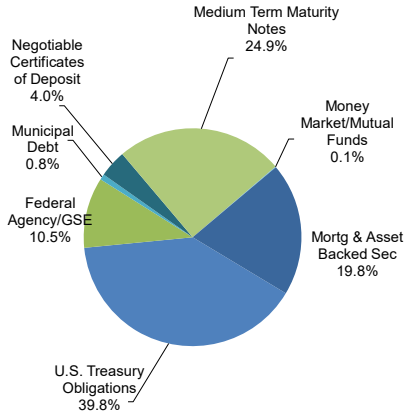


Investment Manager Diversification and Maturity Schedules

PFM

2/29/2024

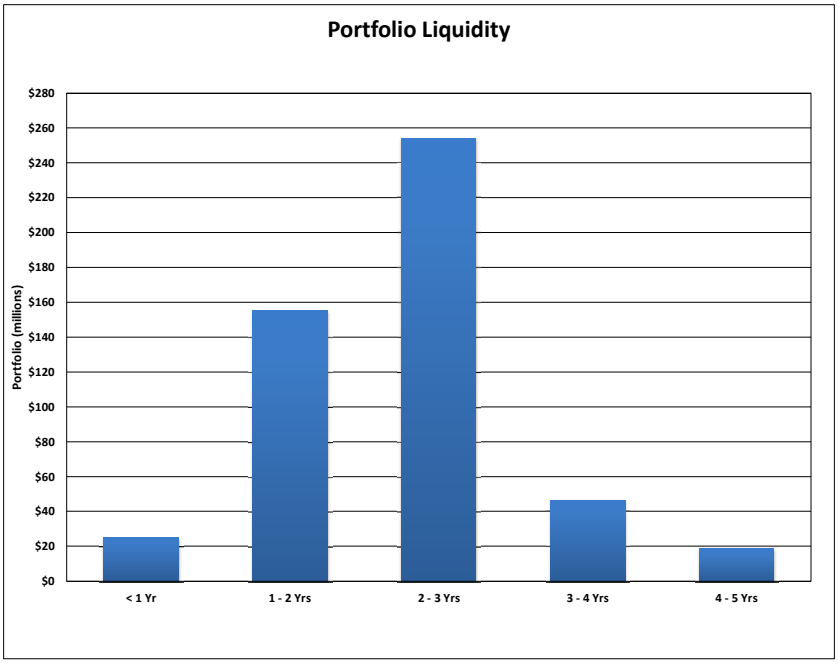
SHORT-TERM PORTFOLIO ($500.2M)



		Book Value		Market Value
U.S. Treasury Obligations	$	199,134,855	$	200,598,758
Federal Agency/GSE	$	52,556,812	$	52,517,789
Municipal Debt	$	4,220,000	$	4,129,493
Bankers Acceptances	$	-	$	-
Commercial Paper	$	-	$	-
Negotiable Certificates of Deposit	$	20,250,000	$	20,801,528
Repurchase Agreements	$	-	$	-
Medium Term Maturity Notes	$	124,737,195	$	125,208,658
Money Market/Mutual Funds *	$	460,186	$	516,555
Mortg & Asset Backed Securities	$	98,816,459	$	97,885,925
Supranationals	$	-	$	-
	$	500,175,507	$	501,658,705

Note: Variable & floating rate securities comprise $30,797,378 or 6.2% of total book value.

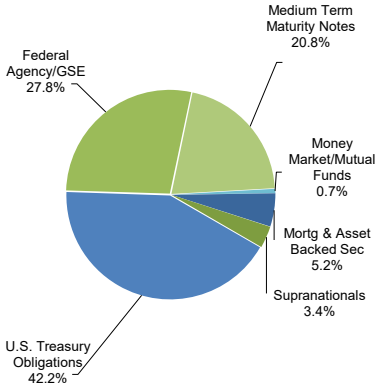
Wtd Avg Life	1.93 Yrs
Duration	1.75 Yrs
Monthly Yield	4.93%
TSY Benchmark	4.71%
Gov/Corp Benchmark	4.82%
Monthly Return	-0.27%
TSY Benchmark	-0.41%
Gov/Corp Benchmark	-0.37%
Three Months Return	1.35%
TSY Benchmark	1.09%
Gov/Corp Benchmark	1.18%
Six Months Return	2.84%
TSY Benchmark	2.45%
Gov/Corp Benchmark	2.59%
12 Months Return	4.88%
TSY Benchmark	4.27%
Gov/Corp Benchmark	4.48%



Investment Manager Diversification and Maturity Schedules

Chandler Asset Management
2/29/2024

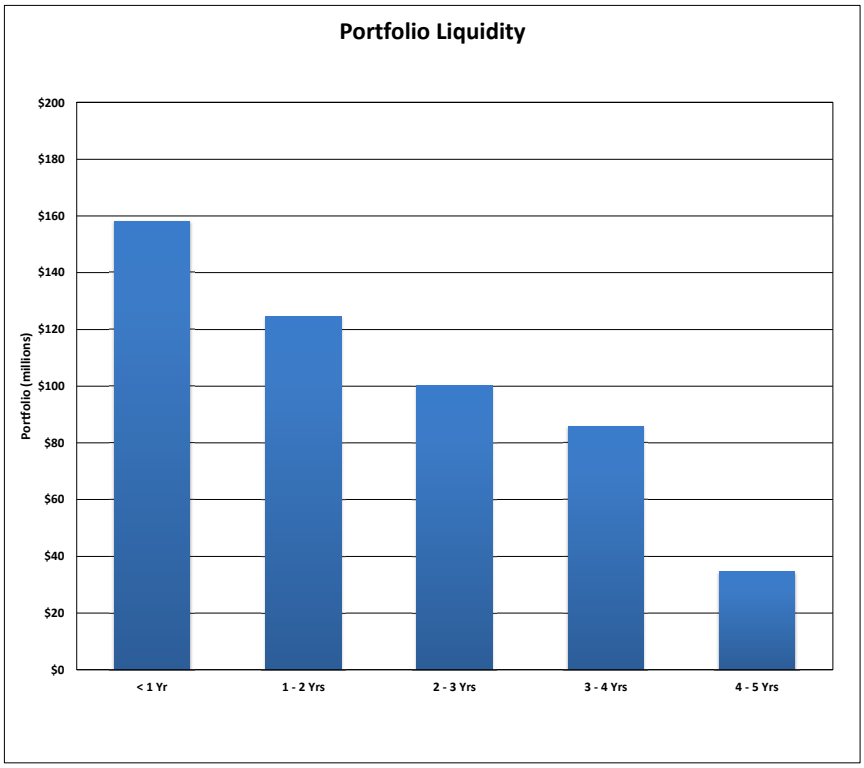
SHORT-TERM PORTFOLIO ($503.4M)



		Book Value		Market Value
U.S. Treasury Obligations	$	212,385,723	$	209,304,892
Federal Agency/GSE	$	139,861,980	$	140,216,786
Municipal Debt	$	-	$	-
Bankers Acceptances	$	-	$	-
Commercial Paper	$	-	$	-
Negotiable Certificates of Deposit	$	-	$	-
Repurchase Agreements	$	-	$	-
Medium Term Maturity Notes	$	104,820,922	$	103,978,471
Money Market/Mutual Funds	$	3,300,378	$	3,444,029
Mortg & Asset Backed Sec	$	25,968,924	$	25,797,818
Supranationals	$	17,053,537	$	16,636,151
	$	503,391,463	$	499,378,148

Note: Variable & floating rate securities comprise $13,636,066 or 2.7% of total book value.

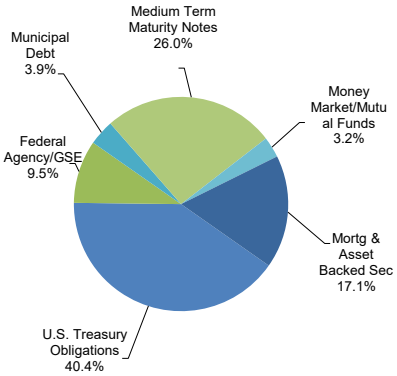
Wtd Avg Life	1.84 Yrs
Duration	1.70 Yrs
Monthly Yield	4.89%
TSY Benchmark	4.71%
Gov/Corp Benchmark	4.82%
Monthly Return	-0.28%
TSY Benchmark	-0.41%
Gov/Corp Benchmark	-0.37%
Three Months Return	1.29%
TSY Benchmark	1.09%
Gov/Corp Benchmark	1.18%
Six Months Return	2.70%
TSY Benchmark	2.45%
Gov/Corp Benchmark	2.59%
12 Months Return	4.77%
TSY Benchmark	4.27%
Gov/Corp Benchmark	4.48%



Investment Manager Diversification and Maturity Schedules

Payden & Rygel
2/29/2024

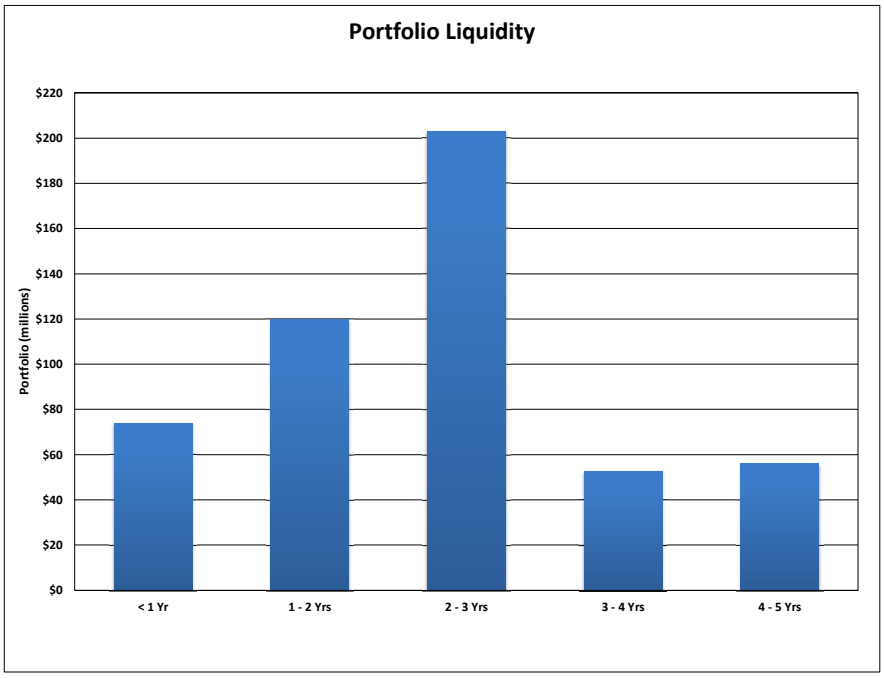
SHORT-TERM PORTFOLIO ($505.6M)



		Book Value		Market Value
U.S. Treasury Obligations	$	204,514,834	$	199,527,804
Federal Agency/GSE	$	48,092,208	$	47,958,817
Municipal Debt	$	19,541,278	$	19,187,222
Bankers Acceptances	$	-	$	-
Commercial Paper	$	-	$	-
Negotiable Certificates of Deposit	$	-	$	-
Repurchase Agreements	$	-	$	-
Medium Term Maturity Notes	$	131,273,866	$	130,527,935
Money Market/Mutual Funds	$	15,947,283	$	2,433,314
Mortg & Asset Backed Sec	$	86,244,082	$	86,496,930
Supranationals	$	-	$	-
	$	505,613,551	$	486,132,022

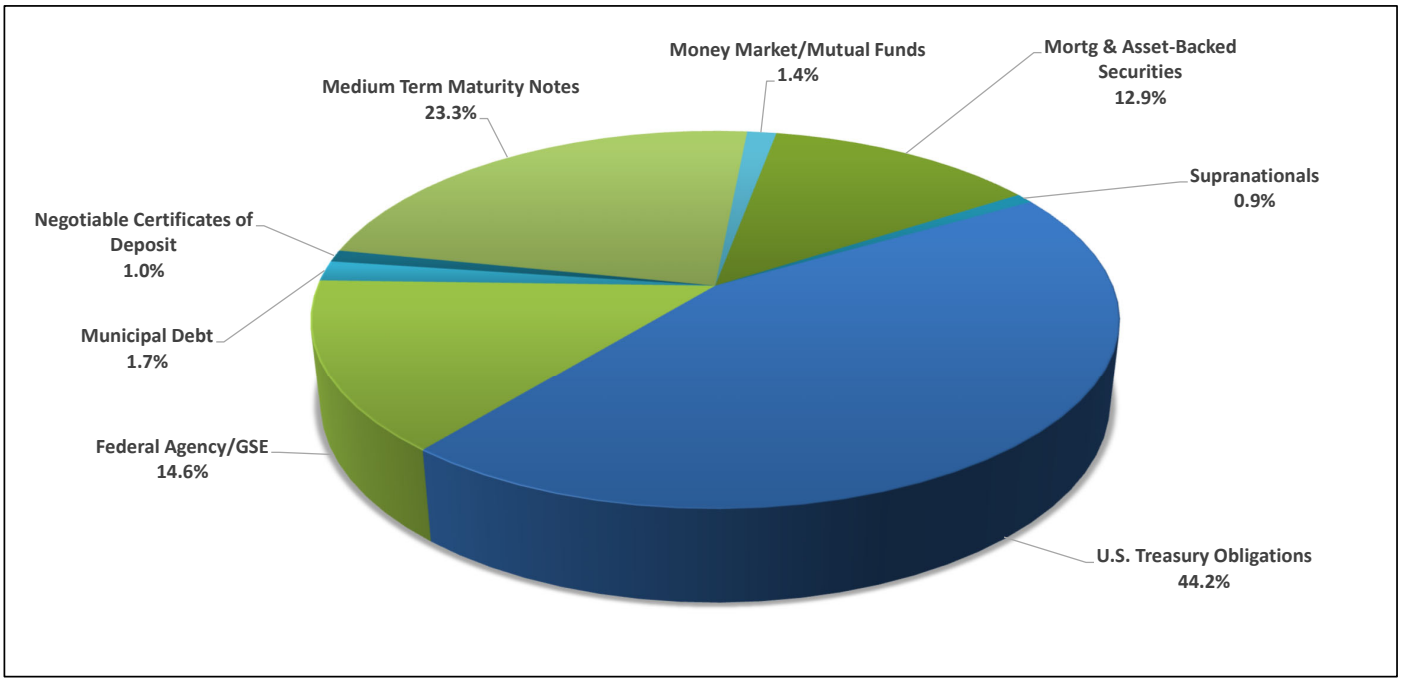
Note: Variable & floating rate securities comprise $52,499,442 or 10.4% of total book value.

Wtd Avg Life	2.07 Yrs
Duration	1.78 Yrs
Monthly Yield	5.01%
TSY Benchmark	4.71%
Gov/Corp Benchmark	4.82%
Monthly Return	-0.27%
TSY Benchmark	-0.41%
Gov/Corp Benchmark	-0.37%
Three Months Return	1.38%
TSY Benchmark	1.09%
Gov/Corp Benchmark	1.18%
Six Months Return	2.90%
TSY Benchmark	2.45%
Gov/Corp Benchmark	2.59%
12 Months Return	5.03%
TSY Benchmark	4.27%
Gov/Corp Benchmark	4.48%

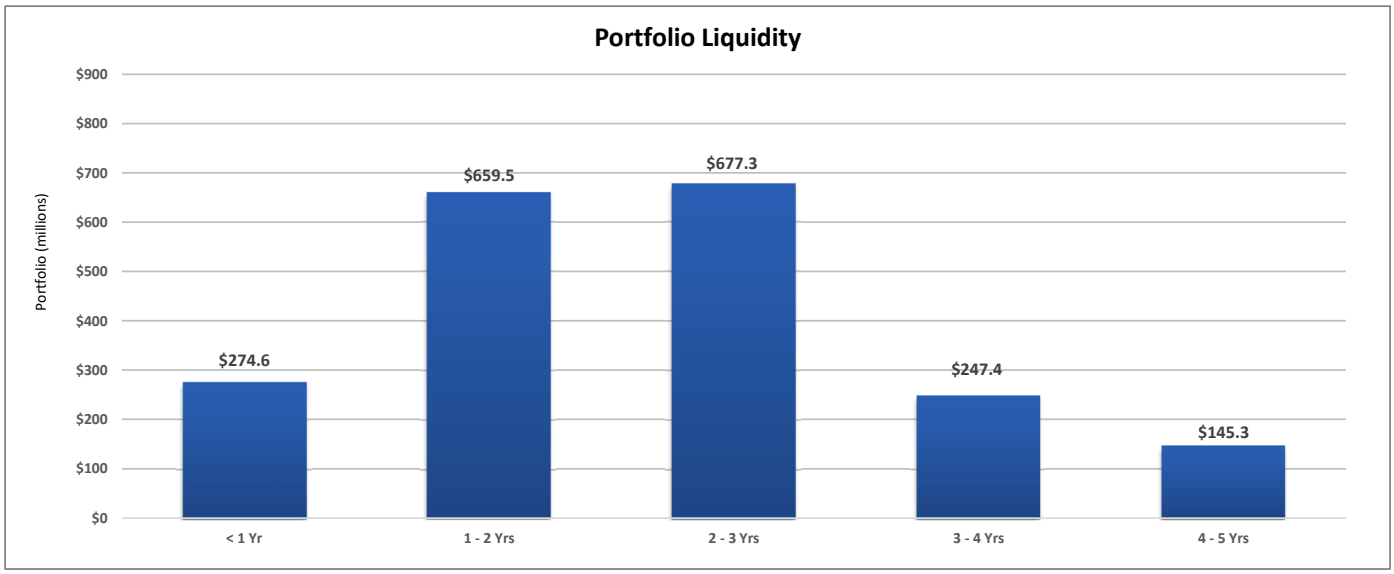


Short-Term Portfolio
2/29/2024

Portfolio Composition



Note: Variable & floating rate securities comprise 6.9% of total book value.



Rating Downgrades & Negative Credit Watch

2/29/2024

Investment Manager / Security	Par Amount	Maturity	S&P	Moody's	Fitch Ratings
Rating Downgrades:					
PFM, Payden & Rygel					
TRUIST FINANCIAL CORP	$ 6,315,000	08/01/2024 - 10/28/2026	A-	A3	A-

On February 21, 2024, Fitch Ratings (Fitch) downgraded Truist Financial Corp (TFC) by one notch to A- from A with stable outlook. The ratings action followed TFC's announcement on February 19 that it has agreed to sell its Truist Insurance Holdings LLC subsidiary (TIH). The downgrade reflects Fitch's view that sale of TIH removes a stable source of revenue and will likely increase earnings volatility over the longer-term. The security complies with the requirements of the Invesstment Poicy, and the investment managers maintain a recommendation to hold the position until maturity, given Truist's dominant competitive position in an attractive region and its conservative underwriting standards and reletively low exposures to commercial real estate.

- Rating below minimum requirements:

KEYBANK NATIONAL ASSOCIATION	$ 3,720,000	06/14/2024 - 01/26/2026	BBB+	Baa1	BBB+

During October 2023, Moody's and Fitch downgraded Keybank by one notch. The downgrade reflects the agencies' view that a higher-for-longer rate environment is likely to constrain profitability at Keybank more than for other banks of similar size. In addition, Keybank has a lower-than-average capital ratio on a proforma basis when adjusted for unrealized losses on available-for-sale securities. Due to the downgrade by both agencies, the three Keybank securities held within the portfolio fell below the minimum credit quality requirements of the Investment Policy. The Treasurer reviewed the position and recommended the securities be held for the short-term. The Treasurer presented his recommendation to the Chief Executive Officer who concurred.

Negative Credit Watch:

PFM, Payden & Rygel					
TRUIST FINANCIAL CORP	$ 6,315,000	08/01/2024 - 10/28/2026	A-	A3	A-

On February 20, 2024, Moody's placed Truist Financial Corp (TFC) on credit watch negative. The ratings action followed TFC's announcement on February 19 that it has agreed to sell its Truist Insurance Holdings LLC subsidiary (TIH). The credit watch negative reflects the concerns on dimished revenue diversification and views TFC's relatively high levels of unrealized losses on its securities portfolios. Further ratings actions will be contingent upon TFC's success in executing the balance sheet repositioning, its longer-term capital plans, and interest-rate risk management. Nevertheless, Moody's signaled a 12-18 month review period and a potential downgrade is expected to be limited to one notch. Given Truist's dominant competitive position in an attractive region and its conservative underwriting standards, investment managers recommend to hold existing positions in TFC.

DEBT PROGRAM

(M2 Sales Tax Revenue Bonds, 91 Express Lanes Toll Road Revenue Bonds, 2021 TIFIA Loan)

Outstanding Debt[1]
As of 2/29/2024

Orange County Local Transportation Authority (OCLTA-M2)

2010 Series A Taxable Build America Bonds - Sales Tax Revenue Bonds

Issued:	$	293,540,000
Outstanding:		250,000,000
Debt Service FY 2024:		17,270,000
All in True Interest Cost:		4.33%
Pledged Revenue Source:		M2 Sales Tax Revenues
Ratings (Fitch/ Moody's/ S&P):		AA+/Aa2/AA+
Final Maturity:		2041

2019 M2 Sales Tax Revenue Bonds

Issued:	$	376,690,000
Outstanding:		319,315,000
Debt Service FY 2024:		37,601,900
All in True Interest Cost:		3.14%
Pledged Revenue Source:		M2 Sales Tax Revenues
Ratings (Fitch/ S&P):		AA+/AA+
Final Maturity:		2041
Sub-total M2 Outstanding Debt	**$**	**569,315,000**

91 Express Lanes

2023 OCTA 91 Express Lanes Refunding Bonds

Issued:	$	47,545,000
Outstanding:		47,545,000
Debt Service FY 2024:		1,446,160
All in True Interest Cost:		2.80%
Pledged Revenue Source:		91 Toll Road Revenues
Ratings (Fitch/ Moody's/ S&P):		AA-/Aa3/AA-
Final Maturity:		2030
Sub-total 91 Express Lanes Outstanding Debt	**$**	**47,545,000**

405 Express Lanes

2021 TIFIA Loan

Amount Available	$	628,930,000
Outstanding:		613,711,295
Accrued Interest:		-
Interest Rate:		1.95%
Pledged Revenue Source:		405 Toll Road Revenues
Ratings (Moody's):		Baa2
Final Maturity:		2058
Sub-total 405 Express Lanes Outstanding Debt	**$**	**613,711,295**
TOTAL OUTSTANDING DEBT:	**$**	**1,230,571,295**

1. Comprises OCTA's debt obligations (M2 Sales Tax Revenue Bonds, 91 Express Lanes Toll Road Revenue Bonds, and 2021 TIFIA Loan) currently outstanding and irrespective of OCTA's investment program.

ATTACHMENT B

Orange County Transportation Authority
Portfolio Listing
As of February 29, 2024

LIQUID PORTFOLIO

NOTE	DESCRIPTION	MATURITY DATE	BOOK VALUE	MARKET VALUE	YIELD
	CASH EQUIVALENTS				
	BANK DEPOSITS	N/A	250,000	250,000	0.00
	FEDERATED MONEY MARKET GOVERNMENT PORTFOLIO	N/A	58,562,697	58,562,697	5.18
	BMO HARRIS BANK NCD	6/6/2024	15,000,000	15,000,000	5.62
	BMO HARRIS BANK NCD	7/29/2024	25,000,000	25,000,000	5.90
	BMO HARRIS BANK NCD	5/1/2024	25,000,000	25,000,000	5.89
	MONEY MARKET DEMAND ACCOUNT	N/A	10,934,083	10,934,083	3.71
	FIDELITY TREASURY OBLIGATIONS FUND	N/A	*319,350,616*	319,350,616	5.21
	FEDERATED TREASURY OBLIGATIONS FUND	N/A	4,124,365	4,124,365	5.18
	SUB-TOTAL		***458,221,761***	***458,221,761***	
	LOCAL AGENCY INVESTMENT FUND (LAIF)	N/A	**6,881,548**	**6,881,548**	4.12
	ORANGE COUNTY INVESTMENT POOL (OCIP)	N/A	**684,606**	**684,606**	4.33
	LIQUID PORTFOLIO - TOTAL		**$ 465,787,915**	**$ 465,787,915**	

SHORT-TERM PORTFOLIO

NOTE	DESCRIPTION	MATURITY DATE	BOOK VALUE	MARKET VALUE	YIELD
	Money Market Funds				
	FIRST AMER:GVT OBLG Z	3/1/2024	27,900,518	27,900,518	5.19
	SUB-TOTAL		***27,900,518***	***27,900,518***	
	NEGOTIABLE CERTIFICATES OF DEPOSIT				
	COÖPERATIEVE RABOBANK U.A., NEW YORK BRANCH	7/17/2026	3,450,000	3,513,756	4.26
	Credit Agricole Corporate And Investment Bank, New	2/1/2027	3,750,000	3,731,250	4.94
	Natixis, New York Branch	9/18/2026	3,575,000	3,667,450	4.37
	Nordea ABP - New York Branch	11/3/2025	4,750,000	4,803,343	4.82
	Toronto-Dominion Bank - New York Branch	10/27/2025	4,725,000	4,781,369	4.80
	SUB-TOTAL		***20,250,000***	***20,497,167***	
	U.S. TREASURY OBLIGATIONS				
	UNITED STATES TREASURY	11/30/2028	8,522,848	8,563,045	4.19
	UNITED STATES TREASURY	9/30/2028	18,969,553	19,383,318	4.21
	UNITED STATES TREASURY	8/31/2028	1,955,535	1,968,294	4.21
	UNITED STATES TREASURY	4/15/2028	2,602,546	2,600,329	1.91
	UNITED STATES TREASURY	4/15/2028	7,294,109	7,289,849	1.90
	UNITED STATES TREASURY	11/15/2027	3,778,750	3,726,880	4.26
	UNITED STATES TREASURY	9/30/2027	6,517,012	6,466,980	4.28
	UNITED STATES TREASURY	8/31/2027	7,737,813	7,700,640	4.29
	UNITED STATES TREASURY	7/31/2027	5,798,194	5,651,791	4.29
	UNITED STATES TREASURY	6/30/2027	23,939,852	23,618,468	4.29
	UNITED STATES TREASURY	6/30/2027	923,764	919,422	4.30
	UNITED STATES TREASURY	4/30/2027	8,049,434	8,110,870	4.31
	UNITED STATES TREASURY	3/31/2027	6,686,992	6,875,320	4.31
	UNITED STATES TREASURY	2/15/2027	8,006,270	8,012,610	4.34
	UNITED STATES TREASURY	2/15/2027	6,975,142	6,999,872	4.33
	UNITED STATES TREASURY	1/15/2027	19,033,681	18,866,548	4.35
	UNITED STATES TREASURY	12/31/2026	2,617,289	2,613,844	4.33
	UNITED STATES TREASURY	12/31/2026	20,757,205	21,021,915	4.33
	UNITED STATES TREASURY	12/15/2026	33,785,150	33,508,063	4.36
	UNITED STATES TREASURY	11/15/2026	3,715,469	3,761,400	4.36
	UNITED STATES TREASURY	11/15/2026	25,069,932	25,142,189	4.38
	UNITED STATES TREASURY	10/15/2026	18,944,607	19,151,462	4.40
	UNITED STATES TREASURY	9/15/2026	7,274,223	7,361,625	4.41
	UNITED STATES TREASURY	8/31/2026	4,559,570	4,571,875	4.41
	UNITED STATES TREASURY	8/31/2026	33,552,012	33,563,251	4.40
	UNITED STATES TREASURY	8/15/2026	34,824,912	35,048,945	4.42
	UNITED STATES TREASURY	7/15/2026	15,497,054	15,544,406	4.44
	UNITED STATES TREASURY	6/15/2026	14,637,570	14,663,213	4.46
	UNITED STATES TREASURY	5/15/2026	45,018,283	44,740,675	4.47
	UNITED STATES TREASURY	4/15/2026	37,459,945	36,977,320	4.50
	UNITED STATES TREASURY	3/15/2026	6,268,629	6,140,544	4.53
	UNITED STATES TREASURY	2/28/2026	14,271,250	14,780,000	4.54
	UNITED STATES TREASURY	2/28/2026	14,455,078	14,424,000	4.53
	UNITED STATES TREASURY	2/28/2026	31,820,822	32,968,301	4.53
	UNITED STATES TREASURY	2/15/2026	65,636,544	65,550,465	4.55
	UNITED STATES TREASURY	1/31/2026	1,316,563	1,317,236	4.57
	UNITED STATES TREASURY	1/31/2026	4,020,351	4,013,570	4.68
	UNITED STATES TREASURY	1/15/2026	10,113,863	10,022,719	4.58
	UNITED STATES TREASURY	12/15/2025	17,839,549	17,861,039	4.61
	UNITED STATES TREASURY	12/15/2025	26,800,059	26,491,453	4.62
	UNITED STATES TREASURY	11/15/2025	14,569,102	14,415,300	4.65
	UNITED STATES TREASURY	11/15/2025	6,953,960	6,858,363	4.65
	UNITED STATES TREASURY	10/31/2025	8,032,813	7,789,360	4.66
	UNITED STATES TREASURY	9/30/2025	9,515,918	9,256,610	4.70
	UNITED STATES TREASURY	9/30/2025	32,554,458	33,484,248	4.70
	UNITED STATES TREASURY	9/30/2025	18,874,642	19,724,677	4.69
	UNITED STATES TREASURY	8/15/2025	2,446,286	2,419,313	4.74

Orange County Transportation Authority
Portfolio Listing
As of February 29, 2024

NOTE	DESCRIPTION	MATURITY DATE	BOOK VALUE	MARKET VALUE	YIELD
	UNITED STATES TREASURY	7/31/2025	14,709,063	14,556,670	4.74
	UNITED STATES TREASURY	7/15/2025	693,833	678,737	4.78
	UNITED STATES TREASURY	6/30/2025	6,811,055	6,595,330	4.78
	UNITED STATES TREASURY	5/31/2025	24,761	24,817	4.86
	UNITED STATES TREASURY	5/31/2025	7,357,324	7,088,100	4.84
	UNITED STATES TREASURY	5/15/2025	16,908,293	16,748,563	4.88
	UNITED STATES TREASURY	5/15/2025	6,230,727	6,270,390	4.85
	UNITED STATES TREASURY	4/30/2025	7,440,527	7,123,800	4.86
	UNITED STATES TREASURY	3/31/2025	10,137,754	10,256,172	4.91
	UNITED STATES TREASURY	3/31/2025	14,437,405	14,311,500	4.91
	UNITED STATES TREASURY	1/31/2025	8,313,750	7,741,280	5.02
	UNITED STATES TREASURY	12/15/2024	8,000,000	7,750,320	5.08
	UNITED STATES TREASURY	11/15/2024	8,004,375	7,761,280	5.11
	UNITED STATES TREASURY	10/31/2024	7,758,691	7,323,075	5.15
	UNITED STATES TREASURY	9/15/2024	7,484,473	7,309,875	5.21
	UNITED STATES TREASURY	8/15/2024	3,929,063	3,948,440	5.25
	UNITED STATES TREASURY	8/15/2024	7,914,375	7,826,880	5.20
	UNITED STATES TREASURY	7/15/2024	7,502,051	7,366,725	5.22
	UNITED STATES TREASURY	6/15/2024	10,975,938	10,845,780	5.16
	UNITED STATES TREASURY	5/15/2024	3,489,746	3,464,860	5.17
	UNITED STATES TREASURY	4/15/2024	8,013,438	7,954,160	5.06
	SUB-TOTAL		***886,131,237***	***884,888,367***	
	FEDERAL AGENCY/GSE				
	FEDERAL FARM CREDIT BANKS FUNDING CORP	11/15/2027	4,973,700	5,057,000	4.29
	FEDERAL FARM CREDIT BANKS FUNDING CORP	10/4/2027	4,012,000	4,030,480	4.27
	FEDERAL FARM CREDIT BANKS FUNDING CORP	12/7/2026	7,968,800	8,007,680	4.34
	FEDERAL FARM CREDIT BANKS FUNDING CORP	9/1/2026	3,994,800	4,027,840	4.45
	FEDERAL FARM CREDIT BANKS FUNDING CORP	8/14/2026	14,828,188	14,910,551	4.40
	FEDERAL FARM CREDIT BANKS FUNDING CORP	7/30/2026	3,995,640	4,049,680	4.45
	FEDERAL FARM CREDIT BANKS FUNDING CORP	7/17/2026	4,003,400	4,011,560	4.49
	FEDERAL FARM CREDIT BANKS FUNDING CORP	6/23/2026	3,995,240	3,995,800	4.42
	FEDERAL FARM CREDIT BANKS FUNDING CORP	2/25/2025	4,956,270	4,844,400	5.03
	FEDERAL HOME LOAN BANKS	9/8/2028	3,979,600	4,032,320	4.18
	FEDERAL HOME LOAN BANKS	6/30/2028	3,965,360	3,978,360	4.14
	FEDERAL HOME LOAN BANKS	6/9/2028	1,996,120	1,982,520	4.22
	FEDERAL HOME LOAN BANKS	3/10/2028	5,108,250	5,042,950	4.27
	FEDERAL HOME LOAN BANKS	12/10/2027	5,105,600	4,977,700	4.38
	FEDERAL HOME LOAN BANKS	3/25/2027	4,830,700	4,888,859	4.54
	FEDERAL HOME LOAN BANKS	11/17/2026	5,056,950	5,030,750	4.38
	FEDERAL HOME LOAN BANKS	9/11/2026	10,908,280	11,058,520	4.40
	FEDERAL HOME LOAN BANKS	8/26/2026	1,783,600	1,829,262	4.57
	FEDERAL HOME LOAN BANKS	6/12/2026	3,992,680	4,020,560	4.51
	FEDERAL HOME LOAN BANKS	12/20/2024	7,643,648	7,408,107	5.07
	FEDERAL HOME LOAN BANKS	3/8/2024	5,201,750	4,998,100	3.80
	FEDERAL HOME LOAN MORTGAGE CORP	5/1/2026	2,800,000	2,795,940	5.57
	FEDERAL HOME LOAN MORTGAGE CORP	2/24/2026	2,268,865	2,270,431	5.31
	FEDERAL HOME LOAN MORTGAGE CORP	1/27/2026	2,380,000	2,376,882	5.37
	FEDERAL HOME LOAN MORTGAGE CORP	10/20/2025	3,149,742	3,239,099	4.79
	FEDERAL HOME LOAN MORTGAGE CORP	9/30/2025	3,260,000	3,243,211	5.09
	FEDERAL HOME LOAN MORTGAGE CORP	8/28/2025	2,940,000	2,964,750	5.03
	FEDERAL HOME LOAN MORTGAGE CORP	8/28/2025	3,060,000	3,028,543	4.92
	FEDERAL HOME LOAN MORTGAGE CORP	8/12/2025	4,095,490	3,861,720	4.80
	FEDERAL HOME LOAN MORTGAGE CORP	7/21/2025	4,785,000	4,723,666	5.01
	FEDERAL HOME LOAN MORTGAGE CORP	2/28/2025	3,030,000	3,001,064	5.00
	FEDERAL HOME LOAN MORTGAGE CORP	1/27/2025	3,550,000	3,545,563	5.26
	FEDERAL HOME LOAN MORTGAGE CORP	1/24/2025	3,920,000	3,918,902	5.18
	FEDERAL NATIONAL MORTGAGE ASSOCIATION	7/1/2028	975,938	988,860	4.64
	FEDERAL NATIONAL MORTGAGE ASSOCIATION	7/24/2026	5,226,860	5,250,816	4.91
	FEDERAL NATIONAL MORTGAGE ASSOCIATION	2/17/2026	2,610,000	2,606,503	5.27
	FEDERAL NATIONAL MORTGAGE ASSOCIATION	8/25/2025	7,771,280	7,508,720	4.71
	FEDERAL NATIONAL MORTGAGE ASSOCIATION	7/30/2025	3,614,768	3,707,453	4.80
	FHMS K-040 A2	9/25/2024	4,783,225	4,782,598	6.11
	FHMS K-045 A2	1/25/2025	4,533,809	4,496,093	5.54
	FHMS K-046 A2	3/25/2025	2,679,855	2,644,731	5.42
	FHMS K-047 A2	5/25/2025	3,597,902	3,500,497	5.35
	FHMS K-049 A2	7/25/2025	4,707,665	4,647,699	5.26
	FHMS K-051 A2	9/25/2025	6,041,381	5,876,122	5.20
	FHMS K-053 A2	12/25/2025	3,360,820	3,292,696	5.06
	FHMS K-054 A2	1/25/2026	11,003,391	11,098,690	5.00
	FHMS K-057 A2	7/25/2026	4,025,143	4,078,350	4.84
	FHMS K-058 A2	8/25/2026	2,290,781	2,285,784	4.79
	FHMS K-059 A2	9/25/2026	3,078,232	3,127,703	4.80
(1)	FHMS K-061 A2	11/25/2026	1,658,311	1,647,637	4.95
	FHMS K-062 A2	12/25/2026	2,396,755	2,409,420	4.75
(1)	FHMS K-063 A2	1/25/2027	10,336,469	10,197,872	4.76
	FHMS K-065 A2	4/25/2027	1,162,125	1,153,212	4.68
	FHMS K-066 A2	6/25/2027	521,186	502,126	4.66
	FHMS K-067 A2	7/25/2027	3,858,125	3,825,160	4.68
	FHMS K-068 A2	8/25/2027	2,912,461	2,871,180	4.67
(1)	FHMS K-069 A2	9/25/2027	3,812,813	3,816,680	4.69
	FHMS K-073 A2	1/25/2028	6,511,410	6,466,941	4.72

Orange County Transportation Authority
Portfolio Listing
As of February 29, 2024

NOTE	DESCRIPTION	MATURITY DATE	BOOK VALUE	MARKET VALUE	YIELD
	FHMS K-727 A2	7/25/2024	3,131,602	2,876,697	5.60
	FHMS K-728 A2	8/25/2024	4,000,549	3,948,019	6.15
(1)	FHMS K-733 A2	8/25/2025	1,850,476	1,874,655	5.26
	FHMS K-734 A2	2/25/2026	1,933,125	1,943,800	5.00
	FHMS K-736 A2	7/25/2026	2,458,807	2,513,048	4.86
	FHMS K-BX1 A2	1/25/2026	744,258	730,148	5.35
	FHMS K-IR1 A2	3/25/2026	634,528	633,145	5.00
	FHMS K-S07 A2	9/25/2025	489,922	480,825	5.38
	FHMS K-S08 A2	3/25/2027	1,350,764	1,337,630	4.93
	FHR 3778 L	12/15/2025	138,140	134,636	5.61
	FHR 3806 L	2/15/2026	640,328	618,285	5.87
	FN AM8730	7/1/2025	1,631,319	1,476,575	5.56
	FN AN0429	1/1/2025	928,138	839,578	5.52
	FN AN0439	12/1/2025	869,027	866,682	5.48
	FN AN0571	1/1/2026	582,703	579,576	5.37
	FN AN0992	2/1/2026	928,901	903,573	5.42
	FN AN1793	6/1/2026	351,588	350,479	5.64
	FN AN6001	7/1/2027	510,931	511,624	5.89
	FN BL5365	2/1/2027	295,129	298,623	4.73
(1)	FNA 2012-M14 AL	9/25/2027	3,630,563	3,629,262	6.22
(1)	FNA 2014-M8 A2	6/25/2024	685,132	631,879	7.12
(1)	FNA 2015-M15 A2	10/25/2025	1,291,116	1,293,646	6.10
	FNA 2016-M03 A2	2/25/2026	3,373,923	3,374,572	5.66
(1)	FNA 2017-M2 A2	2/25/2027	1,297,590	1,297,643	5.65
(1)	FNA 2018-M1 A2	12/25/2027	699,741	698,326	5.43
(1)	FNGT 2017-T1 A	6/25/2027	2,655,543	2,659,557	4.98
	FNR 2011-74 UY	3/25/2026	247,138	241,174	6.20
	SUB-TOTAL		**292,361,357**	**290,679,967**	
	MEDIUM TERM NOTES				
	AIR PRODUCTS AND CHEMICALS INC	5/15/2027	1,829,260	1,833,660	4.67
	AMAZON.COM INC	5/12/2024	3,265,226	3,240,635	5.04
(1)	AMERICAN EXPRESS CO	7/28/2027	2,445,000	2,455,049	5.52
(1)	AMERICAN EXPRESS CO	11/4/2026	860,000	860,955	5.90
(1)	AMERICAN EXPRESS CO	10/30/2026	1,065,000	1,082,328	5.80
	AMERICAN EXPRESS CO	8/1/2025	7,278,816	7,277,974	5.17
	AMERICAN EXPRESS CO	3/4/2025	1,087,483	1,056,254	5.45
	AMERICAN HONDA FINANCE CORP	7/7/2026	1,243,469	1,256,591	4.82
	AMERICAN HONDA FINANCE CORP	10/3/2025	1,348,745	1,364,189	5.10
	APPLE INC	2/23/2026	3,855,100	3,886,800	4.77
	ASTRAZENECA FINANCE LLC	2/26/2027	1,712,119	1,715,326	4.79
	AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD (NEW Y	1/18/2027	2,350,000	2,346,428	4.81
	AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD (NEW Y	12/8/2025	2,025,000	2,029,597	4.95
(1)	BANK OF AMERICA CORP	1/20/2027	1,425,000	1,417,619	5.37
(1)	BANK OF AMERICA CORP	10/24/2026	7,233,077	7,457,976	5.52
(1)	BANK OF AMERICA CORP	7/22/2026	195,000	193,477	5.41
(1)	BANK OF AMERICA CORP	4/2/2026	550,000	536,844	5.68
(1)	BANK OF AMERICA CORP	12/6/2025	2,930,000	2,838,994	5.74
(1)	BANK OF AMERICA CORP	10/22/2025	2,185,494	2,032,898	5.72
(1)	BANK OF AMERICA CORP	4/22/2025	2,595,000	2,576,705	5.97
(1)	BANK OF NEW YORK MELLON	5/22/2026	4,845,000	4,838,217	5.26
	BANK OF NEW YORK MELLON CORP	1/26/2027	3,695,080	3,698,280	4.87
(1)	BANK OF NEW YORK MELLON CORP	7/24/2026	3,510,000	3,465,774	5.36
	BANK OF NEW YORK MELLON CORP	4/25/2025	1,229,828	1,203,801	5.28
	BANK OF NEW YORK MELLON CORP	4/24/2025	1,279,625	1,202,238	5.07
	BMW US CAPITAL LLC	8/11/2025	2,404,856	2,414,428	5.01
	BMW US CAPITAL LLC	4/1/2025	1,068,994	1,048,279	5.20
	BRIGHTHOUSE FINANCIAL GLOBAL FUNDING	1/13/2025	2,172,216	2,098,484	5.97
	BRISTOL-MYERS SQUIBB CO	2/22/2027	1,178,726	1,182,030	4.84
	BRISTOL-MYERS SQUIBB CO	2/20/2026	3,478,190	3,479,617	4.96
	BURLINGTON NORTHERN SANTA FE LLC	4/1/2025	753,641	684,908	5.07
	CAMDEN PROPERTY TRUST	11/3/2026	2,449,927	2,508,065	4.86
	CATERPILLAR FINANCIAL SERVICES CORP	5/15/2026	1,369,356	1,355,382	4.86
	CATERPILLAR FINANCIAL SERVICES CORP	2/27/2026	1,374,684	1,377,173	4.97
	CATERPILLAR FINANCIAL SERVICES CORP	1/6/2026	3,559,110	3,555,550	4.87
	CATERPILLAR FINANCIAL SERVICES CORP	5/17/2024	5,193,032	5,148,156	5.22
	CHARLES SCHWAB CORP	3/18/2024	5,619,913	5,604,332	4.77
	CHUBB INA HOLDINGS INC	5/3/2026	3,858,936	3,864,440	5.01
	CINTAS NO 2 CORP	5/1/2025	1,184,739	1,161,395	5.23
	CISCO SYSTEMS INC	2/26/2027	7,440,315	7,470,488	4.70
	CISCO SYSTEMS INC	2/26/2026	4,518,282	4,526,464	4.82
	CITIBANK NA	12/4/2026	1,440,000	1,455,221	5.06
	CITIBANK NA	9/29/2025	9,720,128	9,833,335	5.04
	CITIGROUP GLOBAL MARKETS HOLDINGS INC	6/7/2024	1,500,000	1,478,610	6.17
(1)	CITIGROUP INC	1/25/2026	1,435,000	1,387,502	5.84
(1)	CITIGROUP INC	11/3/2025	420,221	407,291	5.90
(1)	CITIGROUP INC	5/1/2025	905,000	897,235	6.05
(1)	CITIGROUP INC	10/30/2024	3,010,000	3,013,341	5.79
(1)	CITIZENS BANK NA	10/24/2025	1,855,000	1,845,447	6.76
(1)	CITIZENS BANK NA	5/23/2025	625,000	620,688	6.84
	CNO GLOBAL FUNDING	1/6/2025	694,555	669,744	6.11
	COLGATE-PALMOLIVE CO	3/2/2026	1,243,556	1,250,067	4.58
	COLGATE-PALMOLIVE CO	8/15/2025	769,292	751,497	4.83

Orange County Transportation Authority
Portfolio Listing
As of February 29, 2024

NOTE	DESCRIPTION	MATURITY DATE	BOOK VALUE	MARKET VALUE	YIELD
	COMCAST CORP	11/7/2025	1,239,665	1,246,981	4.89
	COMCAST CORP	10/15/2025	4,042,257	3,557,124	4.99
	COMMONWEALTH BANK OF AUSTRALIA (NEW YORK BRANCH)	3/13/2026	2,350,000	2,364,570	4.99
	COOPERATIEVE RABOBANK UA (NEW YORK BRANCH)	1/9/2026	2,399,088	2,393,688	5.00
	COOPERATIEVE RABOBANK UA (NEW YORK BRANCH)	1/10/2025	2,043,727	1,983,027	5.32
	DTE ELECTRIC CO	12/1/2026	4,659,254	4,663,542	4.82
	DUKE ENERGY CAROLINAS LLC	11/15/2028	3,653,676	3,681,908	4.75
	ELEVANCE HEALTH INC	2/8/2026	254,732	253,577	5.20
	ELI LILLY AND CO	2/9/2027	2,468,691	2,466,517	4.55
	ENTERGY LOUISIANA LLC	10/1/2024	1,203,193	1,173,742	5.53
	ENTERPRISE PRODUCTS OPERATING LLC	1/11/2027	2,562,358	2,552,765	4.78
	EQUITABLE FINANCIAL LIFE GLOBAL FUNDING	8/12/2024	2,504,775	2,450,917	5.75
	EXXON MOBIL CORP	3/1/2026	3,559,696	3,576,161	4.82
	F&G GLOBAL FUNDING	9/20/2024	3,454,352	3,365,888	5.97
(1)	FIFTH THIRD BANK NA (OHIO)	10/27/2025	950,000	949,183	5.97
	FLORIDA POWER & LIGHT CO	5/15/2028	3,935,680	3,947,000	4.75
	GA GLOBAL FUNDING TRUST	9/13/2024	1,551,563	1,512,782	6.05
	GOLDMAN SACHS GROUP INC	11/16/2026	1,937,324	1,996,192	5.02
(1)	GOLDMAN SACHS GROUP INC	8/10/2026	2,775,000	2,792,455	5.34
(1)	GOLDMAN SACHS GROUP INC	2/12/2026	6,058,338	6,301,152	5.84
	GOLDMAN SACHS GROUP INC	3/3/2024	440,856	400,000	3.92
	HOME DEPOT INC	9/30/2026	1,017,766	1,022,672	4.84
	HOME DEPOT INC	9/15/2025	2,204,206	2,173,270	4.98
	HSBC USA INC	5/24/2024	1,499,940	1,492,815	5.80
(1)	HUNTINGTON NATIONAL BANK	11/18/2025	2,415,000	2,394,569	6.72
(1)	HUNTINGTON NATIONAL BANK	5/16/2025	3,410,000	3,390,154	6.61
	HYUNDAI CAPITAL AMERICA	3/30/2026	4,817,909	4,824,070	5.38
	INTERCONTINENTAL EXCHANGE INC	5/23/2025	3,351,310	3,299,297	5.06
	INTERNATIONAL BUSINESS MACHINES CORP	7/27/2025	2,600,000	2,562,118	5.08
	JACKSON NATIONAL LIFE GLOBAL FUNDING	1/9/2026	1,601,549	1,600,201	5.67
	JACKSON NATIONAL LIFE GLOBAL FUNDING	1/12/2025	669,886	647,388	5.81
	JOHN DEERE CAPITAL CORP	1/8/2027	7,503,944	7,466,818	4.72
	JOHN DEERE CAPITAL CORP	6/8/2026	1,948,869	1,947,602	4.80
	JOHN DEERE CAPITAL CORP	1/9/2026	1,714,194	1,713,697	4.84
	JOHN DEERE CAPITAL CORP	6/6/2025	639,853	627,360	5.03
	JOHN DEERE CAPITAL CORP	1/10/2025	774,636	749,603	5.20
(1)	JPMORGAN CHASE & CO	1/23/2028	3,090,000	3,080,792	5.15
(1)	JPMORGAN CHASE & CO	10/22/2027	1,205,000	1,229,980	5.22
(1)	JPMORGAN CHASE & CO	11/19/2026	2,211,269	2,291,662	5.27
(1)	JPMORGAN CHASE & CO	4/26/2026	1,000,000	984,410	5.49
(1)	JPMORGAN CHASE & CO	2/24/2026	2,570,000	2,499,942	5.49
(1)	JPMORGAN CHASE & CO	8/9/2025	1,100,000	1,075,580	5.88
(1)	JPMORGAN CHASE & CO	6/1/2025	5,745,597	5,665,552	5.97
	JPMORGAN CHASE BANK NA	12/8/2026	3,595,000	3,606,396	4.98
	KEYBANK NA	1/26/2026	354,705	345,600	6.19
	KEYBANK NA	8/8/2025	1,319,630	1,279,846	6.40
(1)	KEYBANK NA	6/14/2024	2,045,000	2,037,577	6.81
	LINDE INC	12/5/2025	3,516,198	3,508,173	4.90
	LOCKHEED MARTIN CORP	10/15/2025	782,763	784,608	4.98
	MANUFACTURERS AND TRADERS TRUST CO	1/27/2026	2,430,763	2,375,732	6.02
	MASSMUTUAL GLOBAL FUNDING II	8/26/2025	1,208,754	1,193,834	5.09
	MERCEDES-BENZ FINANCE NORTH AMERICA LLC	1/11/2027	1,698,266	1,693,557	4.94
	MERCEDES-BENZ FINANCE NORTH AMERICA LLC	8/3/2026	1,340,348	1,355,481	5.02
	MET TOWER GLOBAL FUNDING	6/13/2025	1,973,065	1,936,389	5.29
	METROPOLITAN LIFE GLOBAL FUNDING I	1/6/2026	2,380,000	2,376,335	5.08
	METROPOLITAN LIFE GLOBAL FUNDING I	3/21/2025	579,484	564,932	5.36
	METROPOLITAN LIFE GLOBAL FUNDING I	9/27/2024	5,137,921	5,021,815	5.52
(1)	MORGAN STANLEY	1/28/2027	754,985	753,362	5.17
(1)	MORGAN STANLEY	10/16/2026	1,165,000	1,179,714	5.31
(1)	MORGAN STANLEY	4/28/2026	4,360,979	4,463,969	5.52
(1)	MORGAN STANLEY	2/18/2026	2,970,000	2,885,474	5.71
(1)	MORGAN STANLEY	10/21/2025	615,000	596,218	5.80
(1)	MORGAN STANLEY	1/22/2025	1,732,519	1,746,867	5.67
(1)	MORGAN STANLEY BANK NA	1/14/2028	1,250,000	1,245,238	5.09
	MORGAN STANLEY BANK NA	10/30/2026	2,340,000	2,386,192	5.06
	MORGAN STANLEY BANK NA	4/21/2026	3,720,000	3,702,553	4.98
	NATIONAL AUSTRALIA BANK LTD (NEW YORK BRANCH)	1/12/2026	2,960,000	2,959,822	4.97
	NATIONAL AUSTRALIA BANK LTD (NEW YORK BRANCH)	6/9/2025	2,280,000	2,237,888	5.01
	NATIONAL RURAL UTILITIES COOPERATIVE FINANCE CORP	2/5/2027	3,803,859	3,796,743	4.88
	NATIONAL RURAL UTILITIES COOPERATIVE FINANCE CORP	11/13/2026	1,734,393	1,762,691	4.94
	NATIONAL RURAL UTILITIES COOPERATIVE FINANCE CORP	3/13/2026	2,488,648	2,467,455	5.03
	NATIONAL RURAL UTILITIES COOPERATIVE FINANCE CORP	10/30/2025	758,982	763,473	5.16
	NATIONAL RURAL UTILITIES COOPERATIVE FINANCE CORP	6/15/2025	3,164,145	3,096,604	5.20
	NATIONAL RURAL UTILITIES COOPERATIVE FINANCE CORP	2/7/2025	2,254,932	2,182,840	5.44
	NATIONAL SECURITIES CLEARING CORP	11/21/2024	3,254,251	3,246,212	5.42
	NESTLE HOLDINGS INC	3/13/2026	819,729	825,371	4.91
	NESTLE HOLDINGS INC	9/12/2025	1,034,658	1,021,586	4.89
	NEW YORK LIFE GLOBAL FUNDING	9/18/2026	6,872,649	6,860,449	4.98
	NEW YORK LIFE GLOBAL FUNDING	1/14/2025	5,948,569	5,762,118	5.31
	NEW YORK LIFE GLOBAL FUNDING	10/29/2024	2,162,186	2,101,890	5.45
	NEW YORK LIFE GLOBAL FUNDING	8/27/2024	2,171,977	2,121,604	5.76
	NEXTERA ENERGY CAPITAL HOLDINGS INC	1/29/2026	2,608,826	2,595,254	5.26

Orange County Transportation Authority
Portfolio Listing
As of February 29, 2024

NOTE	DESCRIPTION	MATURITY DATE	BOOK VALUE	MARKET VALUE	YIELD
(1)	NEXTERA ENERGY CAPITAL HOLDINGS INC	9/1/2025	1,149,770	1,161,558	5.04
(1)	NEXTERA ENERGY CAPITAL HOLDINGS INC	3/1/2025	2,175,425	2,188,254	5.18
	NEXTERA ENERGY CAPITAL HOLDINGS INC	9/1/2024	300,762	297,879	5.71
	NIKE INC	3/27/2025	44,939	43,763	5.06
	NORTHERN TRUST CORP	5/10/2027	3,930,215	3,896,520	4.88
	NORTHWESTERN MUTUAL GLOBAL FUNDING	4/6/2026	6,038,862	5,971,451	5.23
	NORTHWESTERN MUTUAL GLOBAL FUNDING	7/1/2025	5,003,298	4,937,933	5.05
	PACCAR FINANCIAL CORP	8/10/2026	3,593,203	3,614,773	4.81
	PACCAR FINANCIAL CORP	4/7/2025	10,162,357	9,927,647	5.06
	PACCAR FINANCIAL CORP	11/8/2024	1,544,907	1,500,597	5.22
	PACCAR FINANCIAL CORP	8/9/2024	639,654	626,509	5.42
	PACIFIC LIFE GLOBAL FUNDING II	8/28/2026	794,722	801,678	5.14
	PAYPAL HOLDINGS INC	10/1/2024	1,759,687	1,669,009	5.62
	PEPSICO INC	2/13/2026	1,579,084	1,573,127	4.78
	PEPSICO INC	7/17/2025	1,649,663	1,667,734	4.94
	PNC BANK NA	4/10/2025	4,562,820	4,419,630	5.55
(1)	PNC FINANCIAL SERVICES GROUP INC	1/21/2028	490,000	489,990	5.66
(1)	PNC FINANCIAL SERVICES GROUP INC	1/26/2027	1,630,000	1,612,608	5.35
(1)	PNC FINANCIAL SERVICES GROUP INC	10/28/2025	1,570,000	1,568,713	6.17
	PRICOA GLOBAL FUNDING I	8/28/2026	809,182	820,854	4.97
	PRICOA GLOBAL FUNDING I	8/28/2025	504,692	498,395	5.12
	PRICOA GLOBAL FUNDING I	12/6/2024	4,565,293	4,429,427	5.31
	PRINCIPAL LIFE GLOBAL FUNDING II	1/16/2027	474,815	476,848	4.85
	PRINCIPAL LIFE GLOBAL FUNDING II	1/10/2025	922,003	895,076	5.28
	PRINCIPAL LIFE GLOBAL FUNDING II	8/23/2024	1,124,303	1,099,710	5.58
	PUBLIC SERVICE ELECTRIC AND GAS CO	9/1/2028	2,539,642	2,524,309	4.73
	PUBLIC SERVICE ELECTRIC AND GAS CO	5/1/2028	1,929,762	1,947,312	4.78
	ROCHE HOLDINGS INC	11/13/2026	2,775,000	2,801,557	4.87
	ROCHE HOLDINGS INC	3/10/2025	1,700,000	1,649,901	5.12
	ROYAL BANK OF CANADA	4/14/2025	2,524,066	2,473,440	5.27
	ROYAL BANK OF CANADA	11/1/2024	4,205,160	3,912,960	5.62
	SALESFORCE INC	7/15/2024	914,533	899,088	5.39
(1)	STATE STREET CORP	11/4/2026	685,000	689,021	5.37
	STATE STREET CORP	8/3/2026	4,335,000	4,358,452	5.02
(1)	STATE STREET CORP	5/18/2026	1,225,000	1,221,141	5.37
(1)	STATE STREET CORP	3/30/2026	2,045,440	1,949,320	5.34
(1)	STATE STREET CORP	2/6/2026	3,765,000	3,632,208	5.69
(1)	STATE STREET CORP	1/26/2026	345,000	343,123	5.48
	TEXAS INSTRUMENTS INC	2/8/2027	2,198,592	2,197,800	4.64
	THERMO FISHER SCIENTIFIC INC	12/5/2026	1,873,706	1,884,319	4.80
	TORONTO-DOMINION BANK	6/12/2024	3,171,900	2,975,670	5.55
	TOYOTA MOTOR CREDIT CORP	5/18/2026	2,053,808	2,037,471	4.86
	TOYOTA MOTOR CREDIT CORP	6/18/2024	3,086,323	3,047,111	5.24
(1)	TRUIST FINANCIAL CORP	10/28/2026	1,650,000	1,658,778	5.55
(1)	TRUIST FINANCIAL CORP	7/28/2026	3,065,000	3,004,466	5.74
	TRUIST FINANCIAL CORP	8/1/2024	1,659,632	1,578,224	5.83
	UNITEDHEALTH GROUP INC	10/15/2025	539,951	541,804	4.93
	UNITEDHEALTH GROUP INC	5/15/2024	1,988,520	1,980,580	5.32
	US BANCORP	7/30/2024	2,662,075	2,467,475	5.60
	USAA CAPITAL CORP	5/1/2025	1,903,754	1,867,292	5.37
	WALMART INC	4/15/2026	2,628,843	2,594,548	4.67
	WALMART INC	9/9/2025	3,122,813	3,081,625	4.86
(1)	WELLS FARGO & CO	8/15/2026	1,360,000.00	1,342,292.80	5.48
(1)	WELLS FARGO & CO	4/25/2026	1,850,000.00	1,815,590.00	5.60
	WELLS FARGO & CO	4/22/2026	2,046,240.00	2,079,800.25	5.18
(1)	WELLS FARGO & CO	10/30/2025	2,182,028.50	2,030,740.25	5.72
(1)	WELLS FARGO & CO	5/19/2025	455,000.00	449,631.00	5.95
	WELLS FARGO BANK NA	12/11/2026	4,100,000.00	4,120,828.00	5.05
	WELLS FARGO BANK NA	8/7/2026	1,659,867.20	1,673,910.80	5.07
	WELLS FARGO BANK NA	8/1/2025	3,512,469.20	3,535,351.85	5.10
	WISCONSIN PUBLIC SERVICE CORP	11/10/2025	684,849.30	687,205.70	5.14
	SUB-TOTAL		***467,467,950***	***463,412,377***	
	MORTGAGE AND ASSET-BACK SECURITIES				
	AESOP 212 A	2/20/2028	702,027	702,569	5.37
	ALLYA 2022-1 A3	11/16/2026	2,236,117	2,204,657	5.31
	ALLYA 2022-2 A3	5/17/2027	2,374,971	2,362,508	5.30
	ALLYA 2023-1 A3	5/15/2028	1,619,724	1,630,271	5.20
	AMCAR 2021-3 A3	8/18/2026	454,081	444,559	6.60
	AMCAR 2023-2 A3	5/18/2028	4,599,241	4,629,854	5.52
	AMXCA 2022-2 A	5/17/2027	11,233,105	11,026,355	5.22
	AMXCA 2023-1 A	5/15/2028	1,339,881	1,340,858	4.89
	BAAT 231 A3	2/15/2028	1,079,959	1,088,208	5.19
	BAAT 232 A3	6/15/2028	1,299,976	1,317,290	5.21
	BACCT 2023-1 A	5/15/2028	914,793	913,591	4.91
	BACCT 2023-2 A	11/15/2028	3,348,649	3,351,108	4.84
	BMWLT 2022-1 A3	3/25/2025	101,724	101,443	5.56
	BMWOT 2022-A A3	8/25/2026	2,598,547	2,559,156	5.39
	BMWOT 2023-A A3	2/25/2028	779,862	784,649	5.20
	CARMX 2020-4 A3	8/15/2025	48,134	47,858	5.05
	CARMX 2021-1 A3	12/15/2025	133,158	131,290	5.56
	CARMX 2021-2 A3	2/17/2026	420,607	413,012	5.52
	CARMX 2021-3 A3	6/15/2026	1,268,290	1,231,852	5.57

Orange County Transportation Authority
Portfolio Listing
As of February 29, 2024

NOTE	DESCRIPTION	MATURITY DATE	BOOK VALUE	MARKET VALUE	YIELD
	CARMX 2022-2 A3	2/16/2027	1,698,735	1,672,863	5.45
	CARMX 2022-3 A3	4/15/2027	2,529,940	2,494,125	5.38
	CARMX 2022-4 A3	8/16/2027	7,453,252	7,468,046	5.26
	CARMX 2023-3 A3	5/15/2028	3,199,963	3,212,992	5.14
	CARMX 2023-4 A3	7/17/2028	599,882	612,030	5.17
	CARMX 2024-1 A3	10/16/2028	8,234,370	8,215,401	5.07
	CARMX 2032-2 A3	1/18/2028	6,029,359	6,019,508	5.20
	CCCIT 2023-A1 A1	12/8/2027	584,927	586,960	5.03
	CHAIT 2023-1 A	9/15/2028	11,146,566	11,255,883	4.87
	CHAIT 241 A	1/16/2029	3,259,504	3,247,938	4.85
	CITZN 2023-1 A3	1/18/2028	2,299,620	2,324,886	5.32
	COMET 2021-3 A	11/16/2026	2,774,618	2,691,695	5.45
	COMET 2022-1 A	3/15/2027	7,399,825	7,276,161	5.23
	COMET 2022-2 A	5/17/2027	5,254,160	5,151,214	5.24
	COMET 2023-1 A	5/15/2028	3,470,195	3,464,125	4.96
	COPAR 2021-1 A3	9/15/2026	784,120	761,253	5.11
	COPAR 2022-1 A3	4/15/2027	1,469,679	1,440,203	5.26
	COPAR 2022-2 A3	5/17/2027	1,459,895	1,431,822	5.25
	CRVNA 23P2 A3	4/10/2028	2,181,939	2,198,020	5.62
	DCENT 2021-1 A	9/15/2026	1,334,714	1,300,744	5.48
	DCENT 2022-2 A	5/17/2027	2,674,783	2,617,407	5.22
	DCENT 2022-3 A	7/15/2027	3,029,624	2,966,885	5.19
	FCAT 2023-3 A3	4/17/2028	799,951	800,912	5.44
	FCAT 231 A3	8/16/2027	1,599,884	1,590,304	5.56
	FITAT 2023-1 A3	8/15/2028	2,649,836	2,669,451	5.24
	FORDF 231 B	5/15/2028	568,621	570,423	5.76
	FORDO 2021-A A3	8/15/2025	320,558	317,448	5.22
	FORDO 2022-A A3	6/15/2026	497,661	485,307	5.49
	FORDO 2022-B A3	9/15/2026	810,576	800,520	5.59
	FORDO 2023-B A3	5/15/2028	1,434,981	1,440,410	5.09
	GALC 2021-2 A3	7/15/2025	1,965,259	1,926,024	6.83
	GALC 221 A3	9/15/2026	3,699,362	3,689,196	5.46
	GALC 241 A3	1/18/2028	2,799,516	2,790,088	5.19
	GFORT 231 A1	6/15/2028	3,275,385	3,321,021	5.10
	GMALT 2022-1 A3	3/20/2025	887,015	884,140	5.44
	GMALT 2023-1 A3	4/20/2026	1,349,777	1,347,867	5.51
	GMALT 2024-1 A3	3/22/2027	1,714,786	1,714,777	5.15
	GMCAR 2020-4 A3	8/18/2025	25,202	25,103	5.14
	GMCAR 2021-1 A3	10/16/2025	51,135	50,656	5.34
	GMCAR 2021-4 A3	9/16/2026	1,319,289	1,279,427	5.30
	GMCAR 2022-1 A3	11/16/2026	1,566,240	1,522,830	5.47
	GMCAR 2022-2 A3	2/16/2027	1,165,337	1,144,484	5.38
	GMCAR 2022-3 A3	4/16/2027	1,549,989	1,525,495	5.28
	GMCAR 2022-4 A3	8/16/2027	1,899,689	1,890,082	5.30
	GMCAR 2023-2 A3	2/16/2028	664,982	658,417	5.09
	GMCAR 2023-4 A3	8/16/2028	939,807	955,313	5.12
	GMCAR 2024-1 A3	12/18/2028	2,964,404	2,962,539	4.93
	GTE 2023-1 A3	3/15/2028	2,199,815	2,182,642	6.37
	HALST 2022-A A3	1/15/2025	399,074	398,392	3.63
	HALST 24A A3	3/15/2027	1,794,660	1,789,346	5.30
	HAROT 2021-4 A3	1/21/2026	1,674,498	1,630,785	5.56
	HAROT 2022-1 A3	5/15/2026	926,047	904,171	5.50
	HAROT 2022-2 A3	7/20/2026	1,614,904	1,591,938	5.41
	HAROT 2023-4 A3	6/21/2028	599,894	609,084	5.04
	HART 2021-A A3	9/15/2025	526,451	521,384	5.20
	HART 2021-B A3	1/15/2026	1,316,135	1,294,244	5.51
	HART 2021-C A3	5/15/2026	557,126	544,244	5.40
	HART 2022-A A3	10/15/2026	2,311,469	2,260,380	5.50
	HART 2022-B A3	11/16/2026	1,549,999	1,529,044	5.34
	HART 2022-C A3	6/15/2027	6,804,967	6,825,619	5.21
	HDMOT 2022-A A3	2/16/2027	1,943,768	1,913,239	5.50
	HDMOT 2023-A A3	12/15/2027	1,639,835	1,636,441	5.25
	HUNT 241 A3	1/16/2029	4,224,843	4,246,336	5.18
	JDOT 2021 A3	9/15/2025	528,946	521,344	5.07
	JDOT 2022 A3	9/15/2026	1,457,714	1,426,674	5.43
	JDOT 2022-C A3	6/15/2027	3,899,697	3,887,988	5.36
	KCOT 2021-1 A3	8/15/2025	344,238	338,992	5.86
	KCOT 2022-1 A2	4/15/2025	53,850	53,758	2.35
	KCOT 2022-1 A3	10/15/2026	2,499,643	2,436,250	6.17
	KCOT 2023-1 A3	6/15/2027	6,743,944	6,733,668	5.19
	KCOT 212 A3	11/17/2025	825,650	806,079	6.05
	KCOT 222 A3	12/15/2026	2,374,565	2,340,539	5.87
	KCOT 232 A3	1/18/2028	3,029,235	3,044,483	5.12
	KCOT 241 A3	7/17/2028	4,039,842	4,040,000	5.19
	MBART 2022-1 A3	8/16/2027	3,894,230	3,892,819	5.31
	MBART 2023-1 A3	11/15/2027	729,912	723,335	5.18
	MMAF 22B A2	9/9/2025	402,352	402,336	5.87
	NAROT 2022-B A3	5/17/2027	1,504,689	1,491,199	5.20
	NAROT 2023-A A3	11/15/2027	3,299,417	3,285,612	5.22
	NAROT 2023-B A3	3/15/2028	2,799,432	2,845,724	5.17
	NAVMT 231 A	8/25/2028	2,784,604	2,802,880	5.80
	ODART 2021-1 B	7/14/2028	798,188	827,829	5.07

Orange County Transportation Authority
Portfolio Listing
As of February 29, 2024

NOTE	DESCRIPTION	MATURITY DATE	BOOK VALUE	MARKET VALUE	YIELD
	SBALT 23A A3	4/20/2027	3,309,545	3,369,084	5.56
	SDART 2023-3 A3	10/15/2027	1,399,842	1,404,228	5.41
	SYNIT 2022-1 A	4/17/2028	580,311	582,362	5.38
	TAOT 2021-A A3	5/15/2025	379,690	377,243	5.43
	TAOT 2021-D A3	4/15/2026	768,399	748,844	5.40
	TAOT 2022-B A3	9/15/2026	1,290,869	1,269,019	5.25
	TAOT 2022-C A3	4/15/2027	3,025,132	3,039,046	5.27
	TAOT 2022-D A3	9/15/2027	4,799,526	4,816,176	5.12
	TAOT 2023-A A3	9/15/2027	775,000	768,986	5.20
	TAOT 2023-B A3	2/15/2028	1,894,894	1,882,057	5.13
	TAOT 2023-D A3	8/15/2028	1,959,789	1,984,226	5.07
	TLOT 2024-A A3	4/20/2027	999,958	1,000,000	5.25
	VALET 2021-1 A3	6/22/2026	776,771	758,135	5.68
	VWALT 2022-A A3	7/21/2025	584,365	580,432	6.27
	WFLOOR 241 A1	2/15/2028	999,872	1,000,000	5.43
	WLAKE 2023-1 A3	1/18/2028	1,599,921	1,595,184	5.57
	WLAKE 223 A3	7/15/2026	4,799,655	4,794,048	5.82
	WLAKE 232 A3	2/16/2027	3,799,858	3,811,742	5.56
	WOART 2021-D A3	10/15/2026	905,985	881,444	5.43
	SUB-TOTAL		***258,684,770***	***257,494,531***	
	Municipal Debt				
	ALABAMA FED AID HWY FIN AUTH SPL OBLIG REV	9/1/2027	1,349,172	1,365,833	4.43
	CALIFORNIA ST PUB WKS BRD LEASE REV	11/1/2026	1,600,000	1,628,336	4.82
	CONNECTICUT ST	6/15/2024	1,668,696	1,625,012	5.28
	CORONA	5/1/2024	1,510,000	1,498,615	5.26
	EL CAJON CALIF	4/1/2024	540,000	538,180	4.97
	FLORIDA ST BRD ADMIN FIN CORP REV	7/1/2025	1,025,000	975,472	5.05
	GOLDEN ST TOB SECURITIZATION CORP CALIF TOB SETTLE	6/1/2025	2,120,000	2,023,964	5.19
	HAWAII ST ARPTS SYS CUSTOMER FAC CHARGE REV	7/1/2024	715,000	706,849	5.47
	LOS ALTOS CALIF SCH DIST	10/1/2024	1,826,514	1,759,104	5.00
	LOS ANGELES CALIF MUN IMPT CORP LEASE REV	11/1/2025	1,600,000	1,501,152	4.85
	MASSACHUSETTS (COMMONWEALTH OF)	11/1/2026	431,068	442,456	4.51
	MASSACHUSETTS (COMMONWEALTH OF)	1/15/2025	2,345,000	2,318,009	5.02
	MASSACHUSETTS (COMMONWEALTH OF)	7/15/2024	4,240,000	4,214,814	5.24
	NEW JERSEY ST TPK AUTH TPK REV	1/1/2025	850,000	821,330	5.08
	NEW YORK STATE DORMITORY AUTHORITY	3/15/2025	2,690,000	2,577,666	5.06
	REDONDO BEACH CALIF CMNTY FING AUTH LEASE REV	5/1/2026	1,495,000	1,382,621	5.03
	RIVERSIDE CNTY CALIF INFRASTRUCTURE FING AUTH LEAS	11/1/2024	1,810,000	1,760,279	5.12
	SAN DIEGO CNTY CALIF WTR AUTH WTR REV	5/1/2024	1,400,000	1,389,052	5.32
	SAN DIEGO CNTY CALIF WTR AUTH WTR REV	5/1/2024	667,541	699,776	5.07
	WISCONSIN ST GEN FD ANNUAL APPROPRIATION REV	5/1/2027	841,262	830,307	4.52
	WISCONSIN ST GEN FD ANNUAL APPROPRIATION REV	5/1/2027	2,276,950	2,250,282	4.48
	WISCONSIN ST GEN FD ANNUAL APPROPRIATION REV	5/1/2026	1,240,000	1,232,349	4.66
	SUB-TOTAL		***34,241,204***	***33,541,458***	
	Supranationals				
	INTER-AMERICAN DEVELOPMENT BANK	9/23/2024	6,764,990	6,593,642	5.27
	INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPM	3/19/2024	5,349,700	4,994,250	4.75
	INTERNATIONAL FINANCE CORP	1/15/2027	*4,938,847*	*4,948,410*	4.42
	SUB-TOTAL		***17,053,537***	***16,536,301***	
	SHORT-TERM PORTFOLIO - TOTAL		**$ 2,004,090,574**	**$ 1,994,950,687**	

BOND PROCEEDS PORTFOLIO

NOTE	DESCRIPTION	MATURITY DATE	BOOK VALUE	MARKET VALUE	YIELD
	2021 Bond Anticipation Notes (BANs) - US Bank				
	FIRST AMERICAN GOVERNMENT OBLIGATIONS FUND	N/A	54,299	54,299	4.93
	91 EXPRESS LANES 2023 BONDS (US Bank COI)				
	FIRST AMERICAN GOVERNMENT OBLIGATIONS FUND	N/A	2,563	2,563	4.93
	BOND PROCEEDS PORTFOLIO-TOTAL		**$ 56,861**	**$ 56,861**	

DEBT SERVICE RESERVE FUNDS

NOTE	DESCRIPTION	MATURITY DATE	BOOK VALUE	MARKET VALUE	YIELD
	91 EXPRESS LANES 2023 BONDS (US Bank DSF/DSRF)				
	FIRST AMERICAN GOVERNMENT OBLIGATIONS FUND	N/A	5,363,568	5,363,568	4.93
	91 EXPRESS LANES 2023 BONDS - OPERATING & MAINTENANCE RESERVES				
	BMO HARRIS BANK NCD	7/5/2024	5,000,000	5,005,400	5.84
	BMO HARRIS BANK NCD	1/11/2024	3,000,000	3,000,000	5.75
	DEBT SERVICE RESERVE FUNDS - TOTAL		**$ 13,363,568**	**$ 13,368,968**	

	Book Value	Market Value
TOTAL PORTFOLIO	**$ 2,483,298,918**	**$ 2,474,164,431**

NOTE: 1. Variable or floating rate securities.

OCTA

April 22, 2024

To: Members of the Board of Directors

From: Darrell E. Johnson, Chief Executive Officer

Subject: Approval to Release Request for Proposals for Board of Directors' Meeting Video Streaming Services

Overview

The Orange County Transportation Authority has developed a request for proposals to initiate a competitive procurement to select a firm for the procurement of hardware, software, implementation, maintenance, support, and professional services to support Board of Directors' meeting recording and live video streaming. Board of Directors' approval to release this request for proposals for video streaming services is requested.

Recommendations

A. Approve the proposed evaluation criteria and weightings for Request for Proposals 4-2221 to select a firm to provide video streaming services for Board of Directors' meetings.

B. Approve the release of Request for Proposals 4-2221 to select a firm to provide video streaming services for Board of Directors' meetings for a three-year term with two, one-year option terms.

Discussion

The Orange County Transportation Authority (OCTA) Board of Directors (Board) directed staff to explore options for live streaming Board meetings to help inform decision-making through a better understanding of the cost and process for implementation. Staff provided an overview of options and rough order costs to the Board on March 11, 2024. The Board requested additional information regarding cost and process for implementation, which was presented on April 8, 2024. Following which, staff was directed to issue a request for proposals (RFP) for low, medium, and high tiers of quality to video stream Board meetings with an option to also video stream Board committee meetings.

Currently, every Board and committee is audio streamed via OCTA's existing system, Granicus, and includes PowerPoint presentations and video played during the meetings. Adding video streaming of the Board meetings, including display of Board members, staff, and speakers at the podium, requires additional hardware, software, and potentially professional services. Depending on the features, OCTA may require assistance from a firm with the experience and staffing to meet the requirements of OCTA.

The RFP requires that video and audio from the existing audio-visual system will feed into the selected firm's equipment that could add onscreen features before streaming out to Granicus. Onscreen features could include items such as date and time, OCTA logo, each director's name and title, and agenda item number and description.

The RFP will be structured to include multiple options for consideration by the Board. The options will request separate costs for low, medium, and high tiers for quality production of the Board meetings with an additional option to add video for Board committee meetings.

The contract will be structured as a three-year contract with two, one-year option terms aligning with potential relocation of the OCTA headquarters.

Procurement Approach

The OCTA Board-approved procurement policies and procedures require that the Board approve all RFPs over $1,000,000, as well as approve the evaluation criteria and weightings. Staff is submitting for Board approval the draft RFP and evaluation criteria and weightings, which will be used to evaluate proposals received in response to the RFP.

The recommended evaluation criteria and weightings are as follows:

- Qualifications of the Firm 20 percent
- Staffing and Project Organization 25 percent
- Work Plan 30 percent
- Cost and Price 25 percent

Several factors were considered in developing the evaluation criteria weightings. Qualifications of the firm is weighted at 20 percent to ensure the firm has prior experience with the development, implementation, maintenance and support streaming, and production audio video solutions as outlined in the scope of work. Staffing and project organization is weighted at 25 percent to ensure the firm's staff have the requisite expertise for completing a project of similar size. Work

plan is weighted at 30 percent to ensure the firm's approach and hardware and software systems meet OCTA's requirements. Cost and price is weighted at 25 percent to ensure OCTA receives value for the services provided.

The contract term for this procurement will be for a three-year initial term with two, one-year option terms.

This RFP will be released upon Board approval of these recommendations.

Fiscal Impact

The costs associated with this project have been included in OCTA's Fiscal Year 2024-25 Budget, Finance and Administration Division, Account No. 1283-7519-A5352-9VB.

Summary

Board of Directors' approval is requested to release Request for Proposals 4-2221 to select a firm to provide video streaming services for Board of Directors' meetings, as well as approve the proposed evaluation criteria and weightings.

Attachment

A. Draft Request for Proposals (RFP) 4-2221 Board of Directors' Meeting Streaming Services

Prepared by:

Ron Wolf
Senior Section Manager, Information Systems Technology & User Support
(714) 560-5548

Approved by:

Andrew Oftelie
Chief Financial Officer
Finance and Administration
(714) 560-5649

Pia Veesapen
Director, Contracts Administration and Materials Management
(714) 560-5619

ATTACHMENT A

DRAFT REQUEST FOR PROPOSALS (RFP) 4-2221

BOARD OF DIRECTORS' MEETING STREAMING SERVICES

ORANGE COUNTY TRANSPORTATION AUTHORITY
550 South Main Street
P.O. Box 14184
Orange, CA 92863-1584
(714) 560-6282

Key RFP Dates

Issue Date:	**April 22, 2024**
Pre-Proposal Conference Date:	**April 30, 2024**
Question Submittal Date:	**May 2, 2024**
Proposal Submittal Date:	**May 13, 2024**
Interview Date:	**June 4, 2024**

TABLE OF CONTENTS

SECTION I: INSTRUCTIONS TO OFFERORS 1

SECTION II: PROPOSAL CONTENT 9

SECTION III: EVALUATION AND AWARD 16

EXHIBIT A: SCOPE OF WORK 20

EXHIBIT B: PRICE SUMMARY SHEET 22

EXHIBIT C: PROPOSED AGREEMENT 24

EXHIBIT D: STATUS OF PAST AND PRESENT CONTRACTS FORM 26

EXHIBIT E: CAMPAIGN CONTRIBUTION DISCLOSURE FORM 29

EXHIBIT F: SAFETY SPECIFICATIONS 34

EXHIBIT G: PROPOSAL EXCEPTIONS AND/OR DEVIATIONS 36

April 22, 2024

NOTICE OF REQUEST FOR PROPOSALS

(RFP): 4-2221: "BOARD OF DIRECTORS' MEETING STREAMING SERVICES"

TO: ALL OFFERORS

FROM: ORANGE COUNTY TRANSPORTATION AUTHORITY

The Orange County Transportation Authority (Authority) invites proposals from qualified consultants to **provide video streaming services** for a three (3)-year initial term.

Please note that by submitting a Proposal, Offeror certifies that it is not subject to any Ukraine/Russia-related economic sanctions imposed by the State of California or the United States Government including, but not limited to, Presidential Executive Order Nos. 13660, 13661, 13662, 13685, and 14065. Any individual or entity that is the subject of any Ukraine/Russia-related economic sanction is not eligible to submit a Proposal. In submitting a Proposal, all Offerors agree to comply with all economic sanctions imposed by the State or U.S. Government.

Proposals must be submitted, electronically, through the following URL link: http://www.octa.net/Proposal Upload Link, at or before the deadline of **2:00 p.m. on May 13, 2024. The link has an upload file size limit of 80MB. Authority will not accept hard copy proposals for this RFP.**

Offerors are instructed to click the upload link, select "**RFP 4-2221**" from the drop-down menu, and follow the instructions as prompted to upload the proposal. The upload link will expire at the submittal deadline and will not allow proposals to be uploaded.

Should Offerors encounter technical issues with uploading the proposals via the link provided, Offerors are required to contact the Contract Administrator prior to the submission deadline. Proposals and supplemental information to proposals received after the date and time specified above will be rejected.

Firms interested in obtaining a copy of this RFP may do so by downloading the RFP from CAMM NET at https://cammnet.octa.net.

All firms interested in doing business with the Authority are required to register their business on-line at CAMM NET. The website can be found at https://cammnet.octa.net. From the site menu, click on CAMM NET to register.

To receive all further information regarding this RFP 4-2221, firms and subconsultants must be registered on CAMM NET with at least one of the following commodity codes for this solicitation selected as part of the vendor's on-line registration profile:

Category:	Commodity:
Communication Equipment, Communication Systems	Communication Systems
Computer: Hardware & Software	Hardware Components & Accessories
	Computer: Hardware & Software
Marketing, Advertising & Media Services	Audio / Video Production Services Complete
	Video Production
Office Services	Audio Visual Services
Office Equipment, Office Furniture, Office Supplies	Audio Video/ Multimedia Equipment

A pre-proposal conference and job walk will be held at 8:30 a.m. on April 30, 2024 at the Authority's Administrative Office, 550 South Main Street, Orange, California, in Conference Room 08.

Prospective Offerors not attending the job walk portion may join the presentation portion of the meeting by calling-in using the following credentials:

- **Join the meeting now**
- OR Call-in Number: 916-550-9867
- Conference ID: 805488123#

All prospective Offerors are encouraged to attend the pre-proposal conference and job walk.

The Authority has established June 4, 2024, as the date to conduct interviews. All prospective Offerors will be asked to keep this date available.

Offerors are encouraged to subcontract with small businesses to the maximum extent possible.

All Offerors will be required to comply with all applicable equal opportunity laws and regulations.

The award of this contract is subject to receipt of federal, state and/or local funds adequate to carry out the provisions of the proposed agreement including the identified Scope of Work.

SECTION I: INSTRUCTIONS TO OFFERORS

SECTION I. INSTRUCTIONS TO OFFERORS

A. OVERVIEW

The Authority is soliciting proposals from qualified firms to provide video streaming services for public meetings. Responsive Offerors shall submit a detailed proposal demonstrating their ability to provide these services at levels similar to those identified in Exhibit A, Scope of Work. Offerors may propose on all three (3) tiers or for one (1) or two (2) of the tiers. Offeror must meet or exceed all requirements as set forth in the Scope of Work for each tier that is selected by the Offeror for which to submit a proposal.

Offerors who propose to submit a proposal for more than one (1) tier shall submit one (1) proposal with separate sections to address the following evaluation criteria as it pertains to each tier:

- Work Plan
- Cost and Price

B. PRE-PROPOSAL CONFERENCE

A pre-proposal conference and job walk will be held at 8:30 a.m. on April 30, 2024 at the Authority's Administrative Office, 550 South Main Street, Orange, California, in Conference Room 08.

Prospective Offerors not attending the job walk portion may join the presentation portion of the meeting by calling-in using the following credentials:

Join the meeting now
OR Call-in Number: 916-550-9867
Conference ID: 805488123#

All prospective Offerors are encouraged to attend the pre-proposal conference.

C. EXAMINATION OF PROPOSAL DOCUMENTS

By submitting a proposal, Offeror represents that it has thoroughly examined and become familiar with the work required under this RFP and that it is capable of performing quality work to achieve the Authority's objectives.

D. ADDENDA

The Authority reserves the right to revise the RFP documents. Any Authority changes to the requirements will be made by written addendum to this RFP. Any written addenda issued pertaining to this RFP shall be incorporated into the terms and conditions of any resulting Agreement. The Authority will not be bound to any

modifications to or deviations from the requirements set forth in this RFP as the result of oral instructions. Offerors shall acknowledge receipt of addenda in their proposals. Failure to acknowledge receipt of Addenda may cause the proposal to be deemed non-responsive to this RFP and be rejected.

E. AUTHORITY CONTACT

All communication and/or contacts with Authority staff regarding this RFP are to be directed to the following Contract Administrator:

Gina Torres, Senior Contract Administrator
Contracts Administration and Materials Management Department
Phone: 714.560. 5566
Email: gtorres@octa.net

Commencing on the date of the issuance of this RFP and continuing until award of the contract or cancellation of this RFP, no offeror, subcontractor, lobbyist or agent hired by the offeror shall have any contact or communications regarding this RFP with any Authority's staff; member of the evaluation committee for this RFP; or any contractor or consultant involved with the procurement, other than the Contract Administrator named above or unless expressly permitted by this RFP. Contact includes face-to-face, telephone, electronic mail (e-mail) or formal written communication. Any offeror, subcontractor, lobbyist or agent hired by the offeror that engages in such prohibited communications may result in disqualification of the offeror at the sole discretion of the Authority.

F. CLARIFICATIONS

1. Examination of Documents

Should an Offeror require clarifications of this RFP, the Offeror shall notify the Authority in writing in accordance with Section F.2. below. Should it be found that the point in question is not clearly and fully set forth, the Authority will issue a written addendum clarifying the matter which will be sent to all firms registered on CAMM NET under the commodity codes specified in this RFP.

2. Submitting Requests

a. All questions, including questions that could not be specifically answered at the pre-proposal conference must be put in writing and received via e-mail at gtorres@octa.net no later than 2:00 p.m., on May 2, 2024.

b. Requests for clarifications, questions and comments must be clearly labeled, "Written Questions RFP 4-2221" in the subject line of the e-mail. The Authority is not responsible for failure to respond to a request that has not been labeled as such.

3. Authority Responses

Responses from the Authority will be posted on CAMM NET, no later than May 7, 2024. Offerors may download responses from CAMM NET at *https://cammnet.octa.net*, or request responses be sent via email.

To receive email notification of Authority responses when they are posted on CAMM NET, firms and subconsultants must be registered on CAMM NET with at least one of the following commodity codes for this solicitation selected as part of the vendor's on-line registration profile:

Category:	Commodity:
Communication Equipment, Communication Systems	Communication Systems
Computer: Hardware & Software	Hardware Components & Accessories Computer: Hardware & Software
Marketing, Advertising & Media Services	Audio / Video Production Services Complete Video Production
Office Services	Audio Visual Services
Office Equipment, Office Furniture, Office Supplies	Audio Video/ Multimedia Equipment

Inquiries received after 2:00 p.m. on May 2, 2024 will not be responded to.

G. SUBMISSION OF PROPOSALS

1. Date and Time

Proposals must be submitted, electronically, through the following URL link: http://www.octa.net/Proposal Upload Link, at or before the deadline of **2:00 p.m. on May 13, 2024. The link has an upload file size limit of 80MB. Authority will not accept hard copy proposals for this RFP.**

Offerors are instructed to click the upload link, select "**RFP 4-2221**" from the drop-down menu, and follow the instructions as prompted to upload the proposal. The upload link will expire at the submittal deadline and will not allow proposals to be uploaded.

Should Offerors encounter technical issues with uploading the proposals via the link provided, Offerors are required to contact the Contract

Administrator prior to the submission deadline. Proposals and supplemental information to proposals received after the date and time specified above will be rejected.

2. Acceptance of Proposals

a. The Authority reserves the right to accept or reject any and all proposals, or any item or part thereof, or to waive any informalities or irregularities in proposals.

b. The Authority reserves the right to withdraw or cancel this RFP at any time without prior notice and the Authority makes no representations that any contract will be awarded to any Offeror responding to this RFP.

c. The Authority reserves the right to issue a new RFP for the project.

d. The Authority reserves the right to postpone proposal openings for its own convenience.

e. Each proposal will be received with the understanding that acceptance by the Authority of the proposal to provide the services described herein shall constitute a contract between the Offeror and Authority which shall bind the Offeror on its part to furnish and deliver at the prices given and in accordance with conditions of said accepted proposal and specifications.

f. The Authority reserves the right to investigate the qualifications of any Offeror, and/or require additional evidence of qualifications to perform the work.

g. Submitted proposals are not to be copyrighted.

H. PRE-CONTRACTUAL EXPENSES

The Authority shall not, in any event, be liable for any pre-contractual expenses incurred by Offeror in the preparation of its proposal. Offeror shall not include any such expenses as part of its proposal.

Pre-contractual expenses are defined as expenses incurred by Offeror in:

1. Preparing its proposal in response to this RFP;
2. Submitting that proposal to the Authority;
3. Negotiating with the Authority any matter related to this proposal; or
4. Any other expenses incurred by Offeror prior to date of award, if any, of the Agreement.

I. JOINT OFFERS

Where two or more firms desire to submit a single proposal in response to this RFP, they should do so on a prime-subcontractor basis rather than as a joint venture. The Authority intends to contract with a single firm and not with multiple firms doing business as a joint venture.

J. TAXES

Offerors' proposals are subject to State and Local sales taxes. However, the Authority is exempt from the payment of Federal Excise and Transportation Taxes. Offeror is responsible for payment of all taxes for any goods, services, processes and operations incidental to or involved in the contract.

K. PROTEST PROCEDURES

The Authority has on file a set of written protest procedures applicable to this solicitation that may be obtained by contacting the Contract Administrator responsible for this procurement. Any protests filed by an Offeror in connection with this RFP must be submitted in accordance with the Authority's written procedures.

L. CONTRACT TYPE

It is anticipated that the Agreement resulting from this solicitation, if awarded, will be a firm-fixed price contract specifying firm-fixed prices for individual tasks and firm-fixed hourly rates for support services as specified in the Scope of Work, included in this RFP as Exhibit A. It is anticipated that the term of the Agreement resulting from this solicitation, if awarded, will be a three (3)-year initial term with two (2) one (1)- year option terms for work specified in the scope of work, included in the RFP as Exhibit A.

M. CONFLICT OF INTEREST

All Offerors responding to this RFP must avoid organizational conflicts of interest which would restrict full and open competition in this procurement. An organizational conflict of interest means that due to other activities, relationships or contracts, an Offeror is unable, or potentially unable to render impartial assistance or advice to the Authority; an Offeror's objectivity in performing the work identified in the Scope of Work is or might be otherwise impaired; or an Offeror has an unfair competitive advantage. Conflict of Interest issues must be fully disclosed in the Offeror's proposal.

All Offerors must disclose in their proposal and immediately throughout the course of the evaluation process if they have hired or retained an advocate to lobby Authority staff or the Board of Directors on their behalf.

Offerors hired to perform services for the Authority are prohibited from concurrently acting as an advocate for another firm who is competing for a contract with the Authority, either as a prime or subcontractor.

N. CODE OF CONDUCT

All Offerors agree to comply with the Authority's Code of Conduct as it relates to Third-Party contracts which is hereby referenced and by this reference is incorporated herein. All Offerors agree to include these requirements in all of its subcontracts.

O. OWNERSHIP OF RECORDS/PUBLIC RECORDS ACT

All proposals and documents submitted in response to this RFP shall become the property of the Authority and a matter of public record pursuant to the California Public Records Act, Government Code sections 7920.000 et seq. (the "Act"). Offerors should familiarize themselves with the provisions of the Act requiring disclosure of public information. Offerors are discouraged from marking their proposal documents as "confidential" or "proprietary."

If a Proposal does include "confidential" or "proprietary" markings and the Authority receives a request pursuant to the Act, the Authority will endeavor (but cannot guarantee) to notify the Offeror of such a request. In order to protect any information submitted within a Proposal, the Offeror must pursue, at its sole cost and expense, any and all appropriate legal action necessary to maintain the confidentiality of such information. The Authority generally does not consider pricing information, subcontractor lists, or key personnel, including resumes, as being exempt from disclosure under the Act. In no event shall the Authority or any of its officers, directors, employees, agents, representatives, or consultants be liable to a Offeror for the disclosure of any materials or information submitted in response to the RFP or by failing to notify a Offeror of a request seeking its Proposal. The Authority reserves the right to make an independent decision to disclose records and material.

Notwithstanding the above, all information regarding proposal responses will be held as confidential until such time as the evaluation has been completed; an award has been made by the Board of Directors or Authority Staff, as appropriate; and the contract has been fully negotiated.

P. STATEMENT OF ECONOMIC INTERESTS

The awarded Offeror (including designated employees and subconsultants) may be required to file Statements of Economic Interests (Form 700) in accordance with the Political Reform Act (Government Code section 81000 et seq.). This applies to individuals who make, participate in making, or act in a staff capacity for making governmental decisions. The AUTHORITY determines which individuals are required to file a Form 700, and if such determination is made, the individuals

must file Form 700s with the AUTHORITY's Clerk of the Board no later than 30 days after the execution of the Agreement, annually thereafter for the duration of the Agreement, and within 30 days of termination of the Agreement.

SECTION II: PROPOSAL CONTENT

SECTION II. PROPOSAL CONTENT

A. PROPOSAL FORMAT AND CONTENT

1. Format

Proposals should be typed with a standard 12-point font, double-spaced, and submitted in 8 1/2" x 11" format. Charts and schedules may be included in 11" x 17" format. Proposals should not include any unnecessarily elaborate or promotional materials. Proposals should not exceed fifty (50) pages in length, excluding any appendices, cover letters, resumes, or forms.

Offerors who propose to submit a proposal for more than one (1) tier shall submit one (1) proposal with separate sections to address the following evaluation criteria as it pertains to each tier:

- ❖ Work Plan
- ❖ Cost and Price

For Offerors who select this option, proposals shall not exceed seventy-five (75) pages, excluding any appendices, cover letters, resumes, or forms.

2. Letter of Transmittal

The Letter of Transmittal shall be addressed to Gina Torres, Senior Contract Administrator and must, at a minimum, contain the following:

a. Identification of Offeror that will have contractual responsibility with the Authority. Identification shall include legal name of company, corporate address, telephone and fax number, and email address. Include name, title, address, email address, and telephone number of the contact person identified during period of proposal evaluation.

b. Identification of all proposed subcontractors including legal name of company, contact person's name and address, phone number and fax number, and email address; relationship between Offeror and subcontractors, if applicable.

c. Acknowledgement of receipt of all RFP addenda, if any.

d. A statement to the effect that the proposal shall remain valid for a period of not less than 120 days from the date of submittal.

e. Signature of a person authorized to bind Offeror to the terms of the proposal.

f. Signed statement attesting that all information submitted with the proposal is true and correct.

3. Technical Proposal

a. Qualifications, Related Experience and References of Offeror

This section of the proposal should establish the ability of Offeror to satisfactorily perform the required work by reasons of: experience in performing work of a similar nature; demonstrated competence in the services to be provided; strength and stability of the firm; staffing capability; work load; record of meeting schedules on similar projects; and supportive client references.

Offeror to:

(1) Provide a brief profile of the firm, including the types of services offered; the year founded; form of the organization (corporation, partnership, sole proprietorship); number, size and location of offices; and number of employees.

(2) Provide a general description of the firm's financial condition and identify any conditions (e.g., bankruptcy, pending litigation, planned office closures, impending merger) that may impede Offeror's ability to complete the project.

(3) Describe the firm's experience in performing work of a similar nature to that solicited in this RFP, and highlight the participation in such work by the key personnel proposed for assignment to this project.

(4) Identify subcontractors by company name, address, contact person, telephone number, email, and project function. Describe Offeror's experience working with each subcontractor.

(5) Identify all firms hired or retained to provide lobbying or advocating services on behalf of the Offeror by company name, address, contact person, telephone number and email address. This information is required to be provided by the Offeror immediately during the evaluation process, if a lobbyist or advocate is hired or retained.

(6) Provide as a minimum three (3) references for the projects cited as related experience, and furnish the name, title, address, telephone number, and email address of the person(s) at the client organization who is most knowledgeable about the work performed. Offeror may also supply references from other work not cited in this section as related experience.

b. Proposed Staffing and Project Organization

This section of the proposal should establish the method, which will be used by the Offeror to manage the project as well as identify key personnel assigned.

Offeror to:

(1) Identify key personnel proposed to perform the work in the specified tasks and include major areas of subcontract work. Include the person's name, current location, proposed position for this project, current assignment, level of commitment to that assignment, availability for this assignment and how long each person has been with the firm.

(2) Furnish brief resumes (not more than two [2] pages each) for the proposed Project Manager and other key personnel that includes education, experience, and applicable professional credentials.

(3) Indicate adequacy of labor resources utilizing a table projecting the labor-hour allocation to the project by individual task.

(4) Include a project organization chart, which clearly delineates communication/reporting relationships among the project staff.

(5) Include a statement that key personnel will be available to the extent proposed for the duration of the project acknowledging that no person designated as "key" to the project shall be removed or replaced without the prior written concurrence of the Authority.

c. Work Plan

Offeror should provide a narrative, which addresses the Scope of Work, and shows Offeror's understanding of Authority's needs and requirements.

Offeror to:

(1) Describe the approach to completing the tasks specified in the Scope of Work. The approach to the work plan shall be of such detail to demonstrate the Offeror's ability to accomplish the project objectives and overall schedule.

(2) Outline sequentially the activities that would be undertaken in completing the tasks and specify who would perform them.

(3) Furnish a project schedule for completing the tasks in terms of elapsed weeks.

(4) Identify methods that Offeror will use to ensure quality control as well as budget and schedule control for the project.

(5) Identify any special issues or problems that are likely to be encountered in this project and how the Offeror would propose to address them.

(6) Offeror is encouraged to propose enhancements or procedural or technical innovations to the Scope of Work that do not materially deviate from the objectives or required content of the project.

d. Exceptions/Deviations

State any technical and/or contractual exceptions and/or deviations from the requirements of this RFP, including the Authority's technical requirements and contractual terms and conditions set forth in the Scope of Work (Exhibit A) and Proposed Agreement (Exhibit C), using the form entitled "Proposal Exceptions and/or Deviations" included in this RFP. This Proposal Exceptions and/or Deviations form must be included in the original proposal submitted by the Offeror. If no technical or contractual exceptions and/or deviations are submitted as part of the original proposal, Offerors are deemed to have accepted the Authority's technical requirements and contractual terms and conditions set forth in the Scope of Work (Exhibit A) and Proposed Agreement (Exhibit C). Offerors will not be allowed to submit the Proposal Exceptions and/or Deviations form or any technical and/or contractual exceptions after the proposal submittal date identified in the RFP. Exceptions and/or deviations submitted after the proposal submittal date will not be reviewed by Authority.

All exceptions and/or deviations will be reviewed by the Authority and will be assigned a "pass" or "fail" status. Exceptions and deviations that "pass" do not mean that the Authority has accepted the change but that it is a potential negotiable issue. Exceptions and deviations that receive a "fail" status means that the requested change is not something that the Authority would consider a potential negotiable issue. Offerors that receive a "fail" status on their exceptions and/or deviations will be notified by the Authority and will be allowed to retract the exception and/or deviation and continue in the evaluation process. Any exceptions and/or deviation that receive a "fail" status and the Offeror cannot or does not retract the requested change may result in the firm being eliminated from further evaluation.

4. Cost and Price Proposal

As part of the cost and price proposal, the Offeror shall submit proposed pricing to provide the services described in Exhibit A, Scope of Work.

The Offeror shall complete the "Price Summary Sheet" form included with this RFP (Exhibit B) directly related to the tiers for which the Offeror is proposing, and furnish any narrative required to explain the prices quoted in the schedules. It is anticipated that the Authority will issue a firm-fixed-price contract specifying firm-fixed-prices for individual tasks and firm-fixed fully-burdened hourly rates for support services as specified in the Scope of Work, included in this RFP as Exhibit A.

5. Appendices

Information considered by Offeror to be pertinent to this project and which has not been specifically solicited in any of the aforementioned sections may be placed in a separate appendix section. Offerors are cautioned, however, that this does not constitute an invitation to submit large amounts of extraneous materials. Appendices should be relevant and brief.

B. FORMS

1. Campaign Contribution Disclosure Form

In conformance with the statutory requirements of the State of California Government Code Section 84308, part of the Political Reform Act and Title 2, California Code of Regulations 18438 through 18438.8, regarding campaign contributions to members of appointed Board of Directors, Offeror is required to complete and sign the Campaign Contribution Disclosure Form provided in this RFP and submit as part of the proposal.

This form **must** be completed regardless of whether a campaign contribution has been made or not and regardless of the amount of the contribution.

The prime contractor, subconsultants, lobbyists and agents are required to report all campaign contributions made from the proposal submittal date up to and until the Board of Directors makes a selection.

Offeror is required to submit only **one** (1) copy of the completed form(s) as

part of its proposal.

Offeror is required to report any campaign contributions made by the prime contractor, subconsultants, lobbyists and agents after the proposal submittal date, and up to the anticipated Board of Directors selection. The offeror shall use the campaign contribution form for any additional reporting. The forms must be submitted at least 15 calendar days prior to the Board Committee date on August 5, 2024 and sent via e-mail to the Contract Administrator.

2. Status of Past and Present Contracts Form

Offeror shall complete and sign the form entitled “Status of Past and Present Contracts” provided in this RFP and submit as part of its proposal. Offeror shall identify the status of past and present contracts where the firm has either provided services as a prime vendor or a subcontractor during the past five (5) years in which the contract has been the subject of or may be involved in litigation with the contracting authority. This includes, but is not limited to, claims, settlement agreements, arbitrations, administrative proceedings, and investigations arising out of the contract. Offeror shall have an ongoing obligation to update the Authority with any changes to the identified contracts and any new litigation, claims, settlement agreements, arbitrations, administrative proceedings, or investigations that arise subsequent to the submission of Offeror's proposal.

A separate form must be completed for each identified contract. Each form must be signed by the Offeror confirming that the information provided is true and accurate. Offeror is required to submit one copy of the completed form(s) as part of its proposals and it should be included in only the original proposal.

3. Proposal Exceptions and/or Deviations Form

Offerors shall complete the form entitled “Proposal Exceptions and/or Deviations” provided in this RFP and submit it as part of the original proposal. For each exception and/or deviation, a new form should be used, identifying the exception and/or deviation and the rationale for requesting the change. Exceptions and/or deviations submitted after the proposal submittal date will not be reviewed nor considered by the Authority.

SECTION III: EVALUATION AND AWARD

SECTION III. EVALUATION AND AWARD

A. EVALUATION CRITERIA

The Authority will evaluate the offers received based on the following criteria:

1. Qualifications of the Firm **20%**

Technical experience in performing work of a closely similar nature; strength and stability of the firm; strength, stability, experience and technical competence of subcontractors; assessment by client references.

2. Staffing and Project Organization **25%**

Qualifications of project staff, particularly key personnel and especially the Project Manager; key personnel's level of involvement in performing related work cited in "Qualifications of the Firm" section; logic of project organization; adequacy of labor commitment; concurrence in the restrictions on changes in key personnel.

3. Work Plan **30%**

Depth of Offeror's understanding of Authority's requirements and overall quality of work plan; logic, clarity and specificity of work plan; appropriateness of resource allocation among the tasks; reasonableness of proposed schedule; utility of suggested technical or procedural innovations.

4. Cost and Price **25%**

Reasonableness of the total price as well as the individual tasks and firm-fixed hourly rates; competitiveness with other offers received; adequacy of data in support of figures quoted.

B. EVALUATION PROCEDURE

An evaluation committee will be appointed to review all proposals received for this RFP. The committee is comprised of Authority staff and may include outside personnel. The committee members will evaluate the written proposals using criteria identified in Section III A. A list of top-ranked proposals, firms within a competitive range, will be developed based upon the totals of each committee members' score for each proposal.

During the evaluation period, the Authority may interview some or all of the proposing firms. The Authority has established June 4, 2024, as the date to conduct interviews. All prospective Offerors are asked to keep this date available. No other interview dates will be provided, therefore, if an Offeror is unable to attend the interview on this date, its proposal may be eliminated from further discussion.

The interview may consist of a short presentation by the Offeror after which the evaluation committee will ask questions related to the firm's proposal and qualifications.

At the conclusion of the proposal evaluations, the evaluation committee will score the proposals to develop a competitive range. Offerors remaining within the competitive range may be asked to submit a Best and Final Offer (BAFO). In the BAFO request, the firms may be asked to provide additional information, confirm or clarify issues and submit a final cost/price offer. A deadline for submission will be stipulated.

At the conclusion of the evaluation process, the evaluation committee will recommend to the Committee, the Offeror with the highest final ranking or a short list of top ranked firms within the competitive range whose proposal(s) is most advantageous to the Authority. The Board Committee will review the evaluation committee's recommendation and forward its recommendation to the Board of Directors for final action.

C. AWARD

The Authority's Board of Directors will consider the selection of the firm(s) recommended by the Board Committee.

The Authority may also negotiate contract terms with the selected Offeror prior to award, and expressly reserves the right to negotiate with several Offerors simultaneously and, thereafter, to award a contract to the Offeror offering the most favorable terms to the Authority.

Offeror acknowledges that the Authority's Board of Directors reserves the right to award this contract in its sole and absolute discretion to any Offeror to this RFP regardless of the evaluation committee's recommendation or recommendation of a Board Committee.

The Authority reserves the right to award its total requirements to one Offeror or to apportion those requirements among several Offerors as the Authority may deem to be in its best interest. In addition, negotiations may or may not be conducted with Offerors; therefore, the proposal submitted should contain Offeror's most favorable terms and conditions, since the selection and award may be made without discussion with any Offeror.

The selected Offeror will be required to submit to the Authority's Accounting department a current IRS W-9 form prior to commencing work.

D. NOTIFICATION OF AWARD AND DEBRIEFING

Offerors who submit a proposal in response to this RFP shall be notified via CAMM NET of the contract award. Such notification shall be made within three (3) business days of the date the contract is awarded.

Offerors who were not awarded the contract may obtain a debriefing concerning the strengths and weaknesses of their proposal. Unsuccessful Offerors, who wish to be debriefed, must request the debriefing in writing or electronic mail and the Authority must receive it within three (3) business days of notification of the contract award.

EXHIBIT A: SCOPE OF WORK

RFP 4-2221
EXHIBIT A

SCOPE OF WORK

VIDEO STREAMING FOR BOARD OF DIRECTORS

v19.07.03

1. BACKGROUND 2
2. PROJECT GOALS / OBJECTIVES AND HIGH-LEVEL PROJECT SCOPE 2
3. OCTA RESOURCES 3
4. CONSULTANT SERVICES, EFFORTS AND DELIVERABLES 3
5 CONSULTANT TEAM 4
6 BUSINESS NARRATIVES 5
7 CONTRACT TASKS 5
TASK 1 – PROJECT PLANNING AND MANAGEMENT 5
TASK 2 – REQUIREMENTS GATHERING 9
TASK 3 – DESIGN 10
TASK 4 – CONSTRUCT / BUILD 11
TASK 5 – TEST 11
TASK 6 – TRAIN 12
TASK 7 – DEPLOY 13
TASK 8 – POST-DEPLOYMENT SUPPORT / MAINTENANCE 15
8. CONSULTANT'S RESPONSE TO PROPOSAL 16
ATTACHMENT A: BUSINESS REQUIREMENTS 17
ATTACHMENT C: MEETING ROOM CONFIGURATIONS 22
BOARD OF DIRECTORS MEETING 22
COMMITTEE MEETING 27

1. BACKGROUND

The Orange County Transportation Authority (OCTA) is a state-mandated, multi-modal transportation agency in Orange County, California. OCTA regulates, prioritizes, funds, plans, designs, builds, operates, and maintains the transportation network. This includes major highway & freeway projects, high-occupancy managed lanes, street improvements, commuter rail, streetcar, the public transit system, paratransit services and taxi services.

OCTA conducts Board of Directors (Board) and committee meetings at 550 S. Main St., Orange, California. The OCTA Board is composed of eighteen (18) individuals who represent Orange County and three (3) staff members. The Board of Directors meets twenty-three (23) times each calendar year, with one (1) meeting in December. In addition to the twenty-three (23) Board meetings, OCTA also holds approximately fifty-nine (59) committee meetings each calendar year. These committee meetings are held in an adjacent room with a moveable wall that separates the dais from this meeting location. (See Attachment C for images of meeting room configurations). Every Board and committee meeting is streamed via Granicus and includes audio, PowerPoint presentations, and videos played during the meetings. Live streaming through Granicus has approximately a sixty (60) second processing delay.

2. PROJECT GOALS / OBJECTIVES AND HIGH-LEVEL PROJECT SCOPE

OCTA's goal is to provide the citizens of Orange County the ability to watch live and recorded video, audio, and multimedia streaming of OCTA Board of Directors and possibly committee meetings via the internet.

OCTA's objectives are to award a consultant the contract to implement live video streaming capabilities for both the OCTA Board meetings and possibly committee meetings, which are held in two (2) different rooms in the same building. The contract/project will need to be able to provide video streaming capabilities for OCTA's twenty-three (23) Board meetings at three (3) different capabilities and costs. Tier One (1) will be for fixed cameras, no on-screen features, and OCTA to run the video streaming during the meetings. Tier Two (2) will be for a single video feed that will be able to cut-away to multiple cameras that will be focusing on a speaker at a maximum delay time, limited on-screen features, and the consultant to provide professional services for the live streaming of the meetings. Tier Three (3) will build upon the capabilities of Tier two (2) but add more on-screen features and shorter cut-away time (ex: more cameras). In addition to OCTA's Board meetings, OCTA would like the Consultant to also provide the same three (3) tiers of capabilities and pricing for OCTA's fifty-nine (59) committee meetings, which will be held in a separate room from the Board meetings, plus up to six (6) additional meetings as needed.

OCTA will also require that the Consultant provide a breakdown of the different tier costs to include any implementation/sunk costs, including purchasing of any equipment, hourly professional services cost to video live stream the scheduled and meetings, monthly/annual

SaaS and/or equipment maintenance and support costs, monthly/annual video streaming rental costs if equipment is not purchased.

OCTA is also expecting that this project will be completed within six (6) months of the contract being awarded. This contract will be awarded to a single firm. Only one Tier solution will ultimately be selected for the final contract. The Tier selected will include the Board meetings and optionally Board committee meetings.

3. OCTA RESOURCES

OCTA will establish a project team that will include the following staffing for this project:

1. A Leadership Team consisting of Business Owners, including the Clerk of the Board and Information Systems (IS) departments which will meet regularly (every 2-4 weeks) to drive efforts, address issues.
2. An OCTA IS Project Manager (PM) who will spend twenty percent (20%) of his/her time on this project.
3. Technical lead(s), who will be available as needed. The technical lead will assist with technical efforts, such as: network configuration, security, databases.
4. OCTA recognizes Mondays and Fridays as Flex-days. Meetings with OCTA staff shall be avoided on those days.
5. There are no OCTA resources who will be 100% allocated to this project.

4. CONSULTANT SERVICES, EFFORTS AND DELIVERABLES

Consultant shall provide the following as part of this engagement. The details of each component are outlined in this Scope of Work (SOW), and within the Business Requirements.

1. Project Management and Documentation – The various administrative efforts and documentation to implement this system / project.
2. Solution Software – The latest software version, including any related solution software or modules required.
3. Other Related Software – This includes all software utilities, report writers, workflow software, development tools, hardware drivers, etc., that are required to operate and maintain the solution software.
4. Video Hardware – The latest video hardware, including any related hardware, such as cables, Wi-Fi capabilities, mounts, that are required to operate and maintain the video hardware.
5. Installation of software and video hardware.
6. Annual Maintenance – The annual maintenance for three (3) years for all software that is being licensed with two (2) one (1)-year options.

7. Provision, Install, Configure, Test, and Deploy the software and hardware – The services required to install, set-up and configure all software and hardware products.
8. Software Interfaces and Reports – All electronic interfaces between the new system and OCTA's existing solution systems, as well as the required custom reports.
9. Data Migration and Conversion.
10. Production of live video feed during Board of Directors meetings.
11. Training – Training for OCTA resources.

5 CONSULTANT TEAM

Consultant's personnel shall accept the following as part of this engagement.

1. Consultant's resources shall accept the condition that scheduling flexibility is required since OCTA's IS activities are driven by a combination of internal and external dependencies.
2. Consultant's resources shall work closely with OCTA PM to plan the expected work for each reporting/billing period. All project work shall be coordinated through the OCTA PM.
3. Consultant may use offshore resources where appropriate; however, the OCTA PM shall be aware and approve of the use of offshore resources. Consultant assumes full responsibility for the quality of the resultant deliverables and the timeliness of their delivery.
4. Consultant's personnel assigned to work on OCTA projects are responsible for the proper care of OCTA's facilities and equipment made available to them throughout the term of the contract.
5. Unless otherwise agreed to by the OCTA PM, Consultant's staff shall work <u>onsite</u> at OCTA's Orange, CA headquarters building or from a pre-authorized remote location. Exceptions require OCTA's PM approval for work performed offsite or offshore. Physical on-site work is limited at OCTA. On-site work may resume in accordance with State and OCTA policies and based on mutually agreed upon precautions to permit a safe and healthy work environment for all parties.
6. All resources participating on Consultant's project team shall have sufficient comprehension of the English language to read, write, speak, and understand all job-related directions and discussions.
7. All communication shall be in English, including verbal and written.
8. Verbal and written communication shall be grammatically correct at a university grade-level.
9. Consultant's resources shall be available from 7:00am to 6:00pm (Pacific Time), Mondays through Fridays, and on all U.S. working days.
10. OCTA resources work a "flex schedule" (9/80 work week). As a result, Consultant shall plan to not conduct meetings with OCTA resources on Mondays or Fridays.

11. Consultant shall provide all phone and desktop-sharing conference calling dial-in numbers and Uniform Resource Locators (URLs).
12. Consultant shall provide telephonic technologies that limit the phone call latency to less than one (1) second and are at audio quality standards equivalent to typical U.S. domestic phone call quality standards.
13. Consultant's resources shall respond to voicemail, email, and text messages within a reasonable amount of time, but under no circumstances shall the amount of time exceed two (2) business days. If a deadline or 'respond by' date/time is indicated in a communication by OCTA, it will be expected to be met unless it is considered unreasonable by Consultant. If so, Consultant shall immediately notify OCTA, and provide a reasonable deadline that would need to be approved by OCTA.

6 BUSINESS NARRATIVES

Live video streaming of OCTA's Board meetings will allow anyone with internet access to see and hear these meetings remotely, saving people the cost and time to attend the meetings in person. OCTA's existing website will have a link to all upcoming Board meetings and will live stream the meeting just prior to the meeting's start time. Viewers will be able to see and hear the Chief Executive Officer, Counsel, Clerk of the board, wide shot of the dais where the Board will be seated, the podium and individual members as they speak. Additional onscreen features, including items such as date and time, OCTA Logo, the Board Director's name and title and the item number and description being discussed will be visible to the viewer. Once the meeting has concluded, the video, audio and any multimedia materials will be posted to the OCTA website for viewing.

OCTA will provide meeting schedule in advance to Consultant on annual basis.

As updates, including new meetings and cancelations, are made to the calendar, OCTA will notify consultant within seventy-two (72) hours of an update. OCTA shall not incur any fees for meeting cancelations if OCTA meets this advance notice.

CONTRACT TASKS

The following Tasks correspond to contractual payment schedule.

Task 1 – Project Planning and Management

Consultant shall designate a PM, who shall be the single point of contact for Consultant.

The following administrative project documentation, deliverables and actions (listed below) shall be produced, maintained, and made available <u>by Consultant</u> each <u>week</u> for OCTA to ensure accuracy and completeness.

Adequate time shall be allotted within the schedule for: OCTA's review of project documentation, revisions to be made by Consultant, and final approval by OCTA (including potentially the Project Sponsors, and Project Owners, when applicable) <u>prior</u>

to the deadline of each document and deliverable. Upon approval, work will be authorized.

1.1 **Project Schedule**. OCTA preference is to use Microsoft (MS) Project 2019. The schedule shall identify all tasks in sufficient detail (durations for each detailed task will not be greater than five (5) business days, unless approved by the OCTA PM). Tasks shall be grouped by project phase, and shall include all the relevant deliverables, and project milestones. The tasks shall identify Resources (and Owners if applicable), Start- and End-Dates, Duration of tasks, and Predecessor relationships (whenever applicable). The schedule shall indicate the tasks for which OCTA is responsible.

The project schedule shall need to incorporate OCTA-specified modifications, including duration and start-date modifications, as necessary, to align with their regular work-day activities, business cycles, holidays, and other work-day constraints for specific OCTA personnel who will be assigned to work on this project.

The initial draft project schedule shall be submitted to OCTA with the Project Proposal. The project schedule may be further revised during the initial Planning phase, which shall include insertion of OCTA-specific tasks. Then, toward the end of the Design phase, the final project schedule will be approved by OCTA and then baselined to permit identification of future modifications to the schedule. The project schedule shall be updated weekly by Consultant's PM to accurately identify percent (%) physical work complete, or % effort complete (whichever is applicable).

The applicable costs/fees shall be identified on the project schedule in a "Budget" column. Subsequently, "Amendment # 'x'" columns shall be added, as necessary, to reflect any amendments established during the project lifecycle. "Invoice # 'x'" columns shall be added, as necessary, for each project invoice. The amounts reflected within these columns shall align with the invoicing payment schedule to accurately reflect monies due based on % Complete or Milestone (whichever is applicable). Alternatively, the Budget and Cost information may be managed within a separate Project Finances.xls which must tie to the Project Schedule for the purposes of tracking efforts completed, and their respective payments. Payments shall be reconciled against the project schedule. All invoices shall be accompanied by a current project schedule to show the monies due tie to the project schedule.

1.2 **Roles and Responsibilities (R&R) Matrix**. This matrix is to be structured in the form of a RACI (Responsible, Accountable, Consulted, Informed), including Resource Name, Title, Role, Billable Hourly Rate, and % Allocation to the project. Each project document and deliverable shall be identified in the RACI by phase. This matrix shall also clearly define Consultant's lines of communications during the project. The OCTA R&R Matrix template can be used if Consultant does not have a standardized RACI.

1.3 **Change Orders**. If there are any modifications to Scope, Resources, Budget, or Schedule Consultant is required to submit those requests and obtain approval from OCTA in advance of the work being initiated. The Change Orders shall reflect all additions, deletions, or modifications. Consultant shall provide a detailed report for each required change including the issue number (#), title, date identified, description, alternatives, recommended alternative and impacts to schedule, budget, and resource for the recommended alternative.

1.4 **Issues, Risks, Action Items, Bugs, Future Enhancements Log (aka Item Log).** The log shall include: item Type, Title, Date Opened, Date Updated, ETA, Opened By, Priority, Description, Assigned To, Status, Comments (updated weekly / date-stamped), and Date Closed. Risks shall be quantified (Occurrence: probability / impact; Control: effective / efficient) in a Risk Assessment. The OCTA MantisHub solution (preferred) or similar issues-tracking software must be used, unless pre-approved by the OCTA PM. If another system is approved to be utilized, the OCTA team must be provided read/write access to Consultant's solution. NOTE: a similar Item Log shall be maintained by the Consultant, and shall be accessible to OCTA, during post-implementation for system item-logging management purposes.

1.5 **Project Status Reports.** Submitted to OCTA twice each month (and more frequently if the project is off-schedule, off-scope, or off-budget) and it will be received by noon. (Pacific Time) on the Friday it is due. The format for progress reporting can be in Consultant's format. Efforts shall be delineated within the status report for each workgroup (aka project workstream) to permit a clear representation of the individual efforts. The OCTA Project Status Report template can be used if Consultant does not have a standardized Status Report. However, the following elements must be included within the report:

- *Overall Project Status* (Green, Yellow, Red). Green = project is on-track with schedule, budget, scope and/or resources, no major issues; no minor issues that will not be resolved in short-term; nothing to escalate. Yellow = project is at risk of slippage with one or more area of schedule, budget, scope, and/or resources; deviation could be 10 to 20% of plan; the project team has plan to correct the deviation. Red = project is slipping in one or more areas of schedule, budget, scope, and/or resources; management assistance is needed to re-set project.
- *Trend* (Steady, Improving, Degrading). The Trend is a forecast of the probable change in Status within the upcoming one (1)-two (2) weeks.
- *Tasks Completed* during the reporting period.
- *Tasks In-Progress.*
- *Next Steps / Work Planned* for the next reporting period including, but not limited to, those identified per the baseline project plan.
- *Resources* utilized since the previous Status Report, or those Resources needed during the next reporting period.
- *Project Issues*, including description, viable solution(s), owner, deadline, impact if not addressed by the deadline.

- Identification of *Short-Term Risks*, thirty (30) days or less that affects the project's progress, deliverables, or milestones. The risks shall be noted,
- potential solution(s) identified, action required for resolution, and estimated duration of solution.
- Identification of *Long-Term Risks*, sixty (60) days or more that affects the project's progress, deliverables, or milestones. The risk shall be noted, potential solution(s) identified, and action required for resolution, and duration required.

1.6 Consultant's project team shall co-lead the **Kick-Off meeting** with OCTA's PM. This shall be scheduled to occur after the signing of the contract and the acceptance of the project schedule.

All Consultant's identified team members or their alternates are required to attend the meeting, unless approved by the OCTA PM. Consultant's PM shall discuss the project approach (describing how the project will be successfully completed, and the implementation approach), the project's goals and objectives, scope, out-of–scope items, work plan, timeline, and team member roles and responsibilities during the meeting, and allow time for questions.

1.7 Consultant's PM shall co-lead the ongoing **Project Meetings, including the Kick-Off Meeting, and Status Meetings** with OCTA's PM. The meetings shall be held at OCTA's facility in Orange, CA, but Consultant's team may attend the meeting by tele-conference. The purpose of the meetings shall be to review project status, project schedule, Item Log, resolution of issues, assess risk, determine corrective action as required, and to discuss future efforts. At a minimum, meetings with the OCTA's project team shall occur once every month to discuss project progress. Project Status Meetings with Key Stakeholders and Management shall occur at least every two (2) months, as deemed necessary by the OCTA PM. Attendance will be taken at each meeting. **Ongoing (working) Meetings** shall primarily be led by Consultant PM, or Consultant Leads throughout the course of the project lifecycle.

1.8 **Meeting Agendas.** The content shall include a list of Topics, Start- and End-time for each Topic, Presenter, Follow-Up Items from previous meetings.

1.9 **Meeting Minutes.** The content shall include a summary of the discussion, Decisions, and Action Items. Minutes shall be distributed after the meeting to the meeting attendees (within one (1) business day).

1.10 **Ancillary Project Deliverables.** Detailed examples of any/all project-specific deliverables that shall be produced by Consultant during the project engagement shall be provided to OCTA in advance of the start of project to permit OCTA adequate time to assess the reasonableness of the content and approve the format and proposed content.

1.11 **Documentation Repository.** OCTA shall establish an MS Teams or MS SharePoint site for the project, to which Consultant shall have access. All 'master' versions of documentation shall be posted to this site by Consultant. The

documents shall be 'checked-out, and –in' to provide control, versioning, and collaboration during the process of drafting the documentation. The project documentation must always be maintained within the Repository.

1.12 All **Deliverables / Documentation** must be submitted to OCTA in digital formats that are compatible with the OCTA Microsoft Office suite, or as approved by the OCTA PM.

Objectives

- Effective and efficient administration of the project.
- Complete and accurate information.
- Transparency.
- Readily accessible information for the appropriate resources.

Deliverables

1.1 Project Schedule
1.2 Roles and Responsibilities Matrix
1.3 Change Orders
1.4 Item Log
1.5 Project Status Reports
1.6 Kick Off Meeting
1.7 Various Meetings
1.8 Meeting Agendas
1.9 Meeting Minutes
1.10 Ancillary Project Deliverables
1.11 Documentation Repository
1.12 Documentation Formats

Task 2 – Requirements Gathering

Consultant shall gather and document OCTA requirements, including use-cases, from OCTA personnel to ensure the system is configured in a way that meets the needs of OCTA processes and policies.

Business Analysis Joint Solution Development (JAD) sessions shall be conducted to gather the **Requirements Documentation**. This includes both the functional and the non-functional requirements. The JAD session must ensure consensus from cross-functional teams (business, technical and testing teams) by documenting complete, non-redundant, prioritized, and valid features, functions, and requirements. The requirements shall describe the problem, business case, process, and procedures (input, process, output), data model, and any other pertinent information. The ultimate deliverable shall provide the business solution that will be used for the Build/ Configuration, and by the Test Team. The final Requirements deliverable must be approved by the OCTA Business and Technical teams.

Objectives

- Consensus among cross-functional teams.

- Complete, non-redundant, prioritized valid list of features, functions, and requirements.
- Define all business rules.
- Define the business processes and procedures, including workflow routing, alerts, notifications.
- Define all data interfaces from and to solution.
- Define the user screen views.
- Define the reports required.
- Documentation that can be used during Build/Construction and Testing.

Deliverables

2.1 Detailed and approved **Requirements** documentation in the form of a Requirements Matrix.

Task 3 – Design

Design reviews shall be conducted during the Design Phase to evaluate progress, as well as to evaluate the technical adequacy of the design and conformance with performance, usability, and OCTA technical standards. Prior to each review, Consultant shall submit a design review package that includes the design and other information required for the review, including an architecture topology diagram, data flow diagram, hardware, and software versions, network, and security diagrams.

Unless Consultant proposes an alternate approach, which is acceptable to OCTA, design review shall be divided into three distinct stages:

3.1 Design Review

’’The Design Review shall be conducted to develop, review and sign-off of the proposed design. The Design Review shall determine whether the detailed design will conform to the design requirements. At a minimum, the Design Review shall include:

3.1.1 Initial, revised and final revisions of the drawings and documentation submitted for Design Review.

3.1.2 All Hardware, software and connectivity documentation, including all flow diagrams of how the live video streaming solutions will operate.

3.1.3 Review and sign-off of Consultant’s design proposal. including verification and test plans.

Objectives:

- Perform necessary hardware, solution and connectivity implementation and configuration.
- Answer and document hardware, solution and connectivity set up questions during thesolution implementation process.

Deliverables:

3.3 Finalized **Design Documentation**

Task 4 – Construct / Build

4.1 Consultant shall build / customize / configure the solutionsolution to ensure compatibility with the system requirements. Changes shall be documented and reviewed with OCTA.

4.2 Execute the build and configuration of the solution in test environment.

Objectives

- Perform solution solutionbuild according to the requirements.
- Fully configured, installed and operational solution in a test environment
- Create all identified hardware, software and connectivity interfaces and reports.

Deliverables

4.1 Documented **System Configurations**, including deviations to the system requirements.

4.2 Test environment solution installed, configured, and developed addressing all listed.

Task 5 – Test

Consultant shall be required to thoroughly test the solution to ensure stability, performance, and system functionality prior to making the system available for OCTA testing efforts. Consultant shall develop the Test Plan, Test Cases, and Test Scripts (if automated testing is being conducted).

5.1 Test Plan

Consultant shall develop a Testing Plan for the entire project. The Testing Plan shall address each type of testing.

5.1.1 The **Testing Plan** shall include <u>who</u> is conducting the testing, <u>what</u> type of testing shall be conducted, <u>when</u> the testing shall be conducted, <u>where</u> the testing shall be performed, the purpose of the test (<u>why</u>), and <u>how</u> to conduct the testing.

5.1.2 The testing shall include unit-, system-, integration-, functional-, non-functional-, device-, and network-testing.

5.1.3 Testing may include backup and restore, and disaster recovery procedures.

5.1.4 Consultant's technical members shall assist OCTA project staff as needed, to complete all User Acceptance Testing.

5.2 Test Cases

The **Test Cases** is a set of conditions or variables under which a Tester shall determine whether a system under test satisfies requirements or works correctly. The process of developing test cases can also help find problems in the requirements or design of an solution. The Test Cases shall include a Description, any assumptions or pre-conditions, the steps, and the expected result.

User Acceptance Testing (UAT)

OCTA will conduct UAT of all system functionality. Consultant shall be responsible for supporting the UAT efforts, including:

- Clarifying system functionality.
- Troubleshooting and correcting errors and invalid results.
- Updating system documentation (as applicable).

Objectives:

- Testing efforts are thorough, effective, and efficient.
- All pertinent resources are clear on the testing process and efforts that will be completed.
- Acceptance Test success criteria is defined.
- Bugs are documented, prioritized, and resolved.
- Any necessary corrections or configuration changes are completed.
- All planned testing is completed successfully.

Deliverables:

5.1 Test Plan.
5.2 Test Cases (and Test Scripts if automated testing is being conducted).
5.3 Testing Results.
5.4 Defect logging in Item Log.
5.5 Stakeholder sign-off on the completed testing.

Task 6 – Train

6.1 Consultant shall develop a **Training Plan** for any tasks that will performed by OCTA once the solution has been deployed. The Training Plan shall include the following information: <u>who</u> is conducting and attending the training, <u>what</u> the training will include, <u>when</u> and <u>where</u> the training will be conducted, the purpose of the test (<u>why</u>), and <u>how</u> the training will be conducted.

6.2 Describe the mediums that will be used (videos, manuals, classes, etc.).

6.3 **Training Documentation** shall be provided that is comprehensive of the system features and functionality for the specific use by OCTA Users in OCTA environment. Detailed manuals, outlines, lesson plans, shall be submitted for approval. Instruction shall be designed to be comprehensive of the equipment, and the system features and functionality. The documentation shall be provided in both digital and print format. These manuals shall describe and explain all

features and functions of the solution, how to use the solution, and some common troubleshooting techniques. This training shall include video tutorials, and training Quick Reference Guides.

6.4 Consultant shall be required to provide training for IT if the task will be performed by OCTA once the solution has been deployed.

6.5 Training will be conducted at OCTA's administrative offices in Orange, CA. Other methods will require OCTA approval.

6.6 Consultant shall provide ample in-class training time to ensure the trainees are fully confident and competent to be able to perform their job duties.

Objectives:

- Ensure that OCTA IS understand how to manage, maintain, use, and support all technology components involved in consultant's solution that will be preformed by OCTA once the solution has been deployed..

Deliverables:

6.1 **Training Plan** that denotes the people providing the training, and the resources attending the training, the objectives and expectations of the training, the content that shall be provided, schedule and location, and the purpose of the training.
6.2 **Training Documentation**, including manuals, outlines, lesson plans, etc., either paper or digital, for each training session.
6.3 End-User Training for OCTA's solution users if applicable

Task 7 – Deploy

Consultant shall be responsible for the implementation / deployment of the solution into a Production Environment for OCTA to use it as a production system. The Go-Live date is the date OCTA will commence using the solution as a Production system.

7.1 <u>Go-Live Assessment</u>

Consultant's PM shall prepare a **Readiness Assessment Report** for submission to OCTA's Project Sponsors. This report shall identify any incomplete efforts, tasks, and bug fixes and prioritize their importance from a technical-perspective to the cutover date, as well as the plan for addressing the incomplete tasks in the post-go-live phase. Contingency plans for Go-Live will be documented.

Objectives:

- Complete Readiness Assessment Report.
- Identify outstanding tasks and identify estimated completion dates.
- Prepare the implementation efforts.

Deliverables:

7.1.1 **Readiness Assessment Report.**
7.1.2 Draft the **Implementation (Deployment) Plan**.

7.2 Go-Live Plan

A meeting shall be held prior to production deployment to review the **Implementation (Deployment) Plan**. The **Implementation Plan** shall include who is participating in the deployment, what the deployment will encompass, when the deployment efforts/tasks will be conducted, andO where the deployment will be performed.

Consultant and OCTA PM shall work with the project teams to draft an appropriate **Schedule** that includes the following: tasks, durations, resources, start- and end-times, status reporting, and production **Validation Tests** (to ensure the deployment was completed successfully). This shall be included within the Implementation Plan.

A **Deployment Checklist** must be documented to ensure all changes are moved to production accurately and completely.

A **Support Plan** must be documented that will include support before, during, and post-production deployment.

OCTA requires that all changes to the Production environment must be approved by the project sponsor, business owner and OCTA PM.

Objectives:

- Approved Change Control.
- Plan for support-related activities.
- Create schedule.
- Determine Production Validation tests.

Deliverables:

7.2.1 Approved **Implementation (Deployment) Plan.**
7.2.2 Go-Live **Schedule.**
7.2.3 **Deployment Checklist.**
7.2.4 Production **Validation Tests.**
7.2.5 Go-Live **Support Plan.**
7.2.6 Approved Change Control.

7.3 Go-Live / Deployment

Execute the build and configuration of the solution into the production environment.

Objectives

- Fully configured, installed and operational solution in a production environment.
- Create all identified data interfaces.

Deliverables

7.3.1 Production environment solution installed and configured addressing all listed requirements (including all identified interfaces).

7.4 Quick Reference Guide for Go-Live

Consultant shall work with the project teams to draft a Quick Reference Guide for Go-Live that will include but is not limited to the following: tasks to be performed in the system/software/solution, related functions, who performs the task, when the task is performed, screenshots related to the task.

Objectives:

- Provide users of the system/software/solution with a Quick Reference Guide to help perform the required tasks.

Deliverables:

7.4.1 Quick Reference Guide.

7.5 Final Acceptance

Consultant shall assist OCTA in evaluating results of Production Acceptance Testing. Based on the outcome of this testing, decisions related to setup and processes may need to be re-evaluated in order to achieve desired results.

Objectives:

- Evaluate documented Validation Test scripts.
- Summarize test script processes that did not yield desired results.
- Review and prioritize pending defects.
- Evaluate system setup and process decisions to achieve desired results.
- Completion and sign-off on testing.
- Identification of required action items for project completion.

Deliverables:

7.5.1 Approved Validation Test scripts.
7.5.2 Updated System Documentation (based on deployment revisions).
7.5.3 Updated Items Log that with any remaining defects that must be addressed.
7.5.4 Deployment Acceptance.

Task 8 – Post-Deployment Support / Maintenance

OCTA expects Consultant to provide system warranty. Following system acceptance of the solution, Consultant shall warranty their work to conform to requirements set forth in this Scope of Work, for a minimum of sixty (60) calendar days after final software is deployed to production at Go-Live. Consultant shall correct and repair, at no cost to OCTA, any defect, malfunction, or non-conformity that prevents the solution from performing in accordance with requirements set forth in this Scope of Work.

- The warranty period shall begin on the Go-Live date if all bugs and defects previously reported during testing have been resolved to OCTA's satisfaction. Go-Live constitutes the date when the solution is formally accepted in writing and ready for deployment in OCTA's production environment. All bugs, defects, and issues.
- Previously reported during testing must be fixed to OCTA's satisfaction before the solution can be formally accepted for Go-Live and before warranty can begin. A test in production is not considered Go-Live.
- If minor issues remain and it is mutually agreed by OCTA and Consultant to proceed with the Go-Live in production to allow Consultant additional time past Go-Live to resolve these minor issues that shall not initiate the start of warranty. In this case a separate written acceptance will be provided to commence the warranty period after all remaining issues have been fixed by Consultant and accepted by OCTA.
- Consultant shall provide Help Desk Services to troubleshoot and resolve system issues or questions. Consultant shall provide a support phone number and website where issues can be raised, documented, managed, and monitored.
- For critical issues OCTA expects confirmation from the Consultant regarding the issue within two (2) hours and a solution within twenty-four (24) hours of the request.

Objective

- On-going support on the business solution.
- Continuous improvements to the business solution.

Deliverables

8.1 Help Desk contact information, web-based tracking tool, Help Desk services and software fixes, where appropriate.
8.2 Regular installation of software patches or releases to the solution.

8. CONSULTANT'S RESPONSE TO PROPOSAL

Proposals for this project are being solicited from qualified software licensors and distributors, as well as certified value-added resellers of qualified software licensors. OCTA encourages Consultants to offer the latest available technology solutions that best meet the program objectives and specific requirements listed herein. Consultant's proposal response shall include the following information, which is Attachment C, to this scope of work:

8.1. Consultant Experience.

Consultant shall have experience implementing this project's software solution.

8.2. Technical Solution Design (TSD) Narrative.

Consultant shall include in the "Work Plan" section of its proposal a TSD narrative section highlighting the proposed technical solution for OCTA. This narrative shall include a description of the technical architecture and the justification for their

proposed approach. This shall include hardware and/or cloud hosting environments topology, including network and security components, all third-party software, and integration solutions for disparate components.

8.3. **Proposed Project Schedule.**

For the purposes of the proposal, the schedule shall identify all phases and the high-level tasks in sufficient detail. Tasks shall be grouped into the project phases, and shall include all the relevant deliverables, and project milestones. The tasks shall identify Resources, Duration of tasks, and Predecessor relationships (whenever applicable). The schedule shall indicate the tasks for which OCTA is responsible.

(During the actual project implementation effort, a more detailed project schedule shall be required (as described in Task 1 – Project Schedule), which shall incorporate OCTA-specified modifications, including duration and start-date modifications, as necessary, to align with their regular work-day activities, business cycles, holidays, and other work-day constraints. This alignment may result in 8 to 12 weeks of additional project duration if sufficient time was not allocated for OCTA to conduct reviews/approvals of project documentation, testing, etc.)

8.4. **Roles and Responsibilities Matrix.**

Provide the number of resources, and their respective roles.

Provide an organization chart (Org Chart) that reflects to whom the project personnel report.

NOTE: Please use the Microsoft Excel spreadsheet that is included in this RFP package to answer the questions related to Attachments A through K.

LIMITATION ON GOVERNMENTAL DECISIONS

Nothing contained in this scope of work permits Consultant's personnel to authorize or direct any actions, votes, appoint any person, obligate, or commit OCTA to any course of action or enter into any contractual agreement on behalf of OCTA. In addition, Consultant's personnel shall not provide information, an opinion, or a recommendation for the purpose of affecting a decision without significant intervening substantive review by OCTA personnel, counsel, and management.

ATTACHMENT A: BUSINESS REQUIREMENTS

A1: Instructions tab

These are the definitions for Consultant Responses to the Business Requirements:

(Requirement Drop-down Responses)

Category / Department	OCTA's Priority for each option (Tier 1, Tier 2, Tier 3)
Equipment	1 - Required
Services	2 - Nice to Have
Non-functional / technical	3 - N/A

Proposed Solution's Capability	Method to Implement
Yes	OOtB with configurations.
Future Enhancement	3rd party software.
Not Available	Software customization and 3rd party software.
Not Applicable	Not available.

SELECTION DEFINITIONS	
Yes: available with current version of software.	**OOtB with configurations**: the "Out-Of-the-Box" product has this capability using system configuration(s) .
Future Enhancement: approved on product roadmap, timeframe is published.	**3rd party software**: other customers accomplish this requirement using 3rd party software.
Not Available: not currently on the product roadmap.	**Software customization and 3rd party software**: both a product customization and 3rd party software would be required to meet this requirement.
	Not available: requirement is not met; there are no plans to support this requirement.

A2: Requirements List tab

Consultant shall submit the Requirements List with Consultant's proposal. Please provide a response for each individual requirement relevant to how Consultant's system meets the respective requirement.

The figure below is a **SAMPLE** screen shot of the Requirements List Microsoft Excel file. OCTA's requirements are organized by Category / Department, Sub-category /

Process, and Priority. Consultant is expected to review these requirements in detail and indicate their understanding by populating the proposed system's capability, method to implement, costs for customizations and third-party software, and any relevant comments and assumptions (columns H through S of the Requirements List Microsoft Excel file).

a) **Proposed Solution's Capability**: Does the solution meet the requirement?

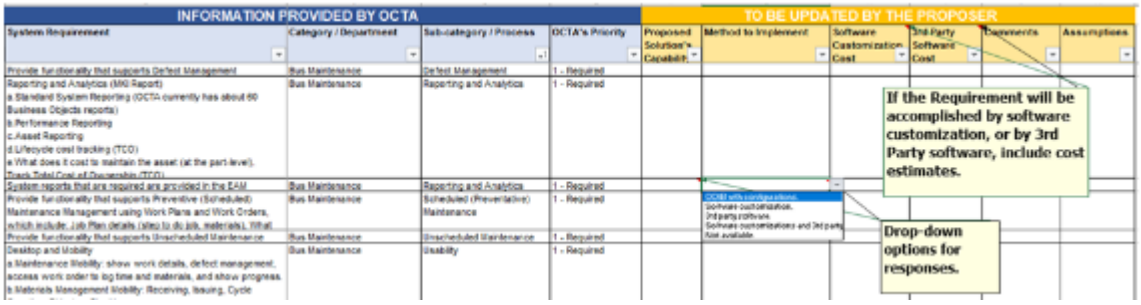
b) **Method to Implement**: How is the requirement achieved?

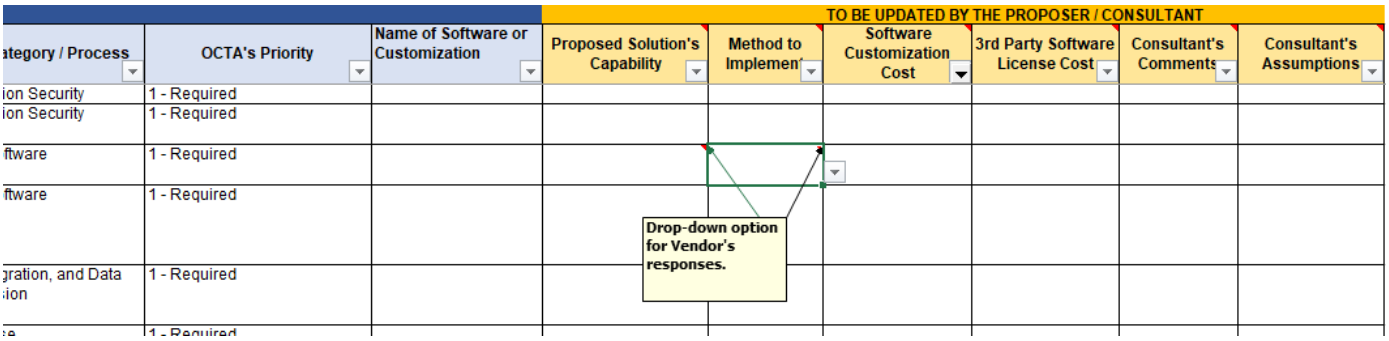
c) **Software Customization Costs & 3rd Party Software Costs** shall be provided if the requirement shall be accomplished by implementing a software customization or third-party software. If a software customization or a piece of third-party software is software is proposed to satisfy multiple requirements, then the cost by line item is not required. Instead, Consultant shall reference the customization, or third-party software in their requirements response (with a designation, example: "A", "B" "C",.), and include the customization or third-party software and interface development costs in the "List of Software and Technical Components table".

d) **Consultant Comments** may be added to Consultant's response for any requirement. If customization or partial customization is indicated, then Consultant shall explain level of effort and risk. If future release is expected, Consultant shall indicate target release number and date within project timeline. If third-party software is proposed, Consultant shall indicate which software.

e) **Consultant Assumptions** shall be identified and included, as applicable.

(Screen shot of Requirements List Response Sheet)





The “Proposed Solution’s Capability”, and the “Method to Implement” columns (H and I for Tier 1, L and M for Tier 2, P and Q for Tier 3) contain drop-down responses for each requirement.

A3: ALL VENDORS – Capability tab

TECHNICAL AND SUPPORT HIGHLIGHTS

Use the table to identify software and hardware requirements, as well as software support responses and other system highlights. This table shall be submitted as part of Consultant’s proposal.

TECHNICAL AND SUPPORT HIGHLIGHTS	Vendor Response (Y, N, E)	If Vendor Response is "E" (i.e., and exception), please provide a detailed explanation of what the Consulting
Model (SaaS, Cloud, On-Premise)		
Cloud provider (if Cloud-based platform, such as Azure, AWS, etc.)		
Database and version required		
Is database SQL read-only access allowed? (Y/N)		
Supported Browsers (Indicate which is the preferred browser when more than one browser is available)		
Specific desktop requirements (hardware, OS, and software)		
Mobility functions (is the application browser-based, or is application downloaded from App Store or Play Store onto the mobile device)		
Reporting (eg. Business Objects, Jasper, Cognos, Proprietary)		
Additional Software that is required to support or supplement the solution		
Estimated Total Duration of Implementation – Start/End		
Support hours		
SLA's for P1 Issues		
SLA's for P2 Issues		
SLA's for P3 Issues		
SLA's for P4 Issues		
Software “Uptime” percentage		
Software updates/fixes – frequency upgrades will be installed		
Software updates/fixes – Level of Effort (High, Med, Low)		
Upgrades – frequency upgrades will be installed		
Upgrades – Level of Effort (High, Medium, Low)		
Upgrades – are upgrades included, or is there additional cost for upgrades		
Interfaces/Integration – programming or tools used (Webservices, XML, groovy, java,		
Interfaces/Integration - is ongoing support available or are these items under a warranty? If under warranty what is the warranty period.		
List of software systems that have successful interfaces with this solution		
Customizations and/or Personalization of system's screens/UI - does the solution retain all the customizations and/or personalizations when an upgrade is applied? Or, do the customizations / personalizations need to be manually re-applied or re-configured?		
Software Licenses (Perpetual or Annual Fees)		
Headquarters location of Software Firm		
Office location of Implementation Team		
Office location of System's Maintenance and Support Team		

PROJECT IMPLEMENTATION TASKS AND DELIVRABLES

Use the table to indicate a clear response to the project implementation tasks and deliverables under Section 7 of the SOW, “Contract Tasks”. This table shall be submitted as part of Consultant’s proposal. Consultant may respond to this table with three (3) options:

Y - Shall be delivered per SOW description

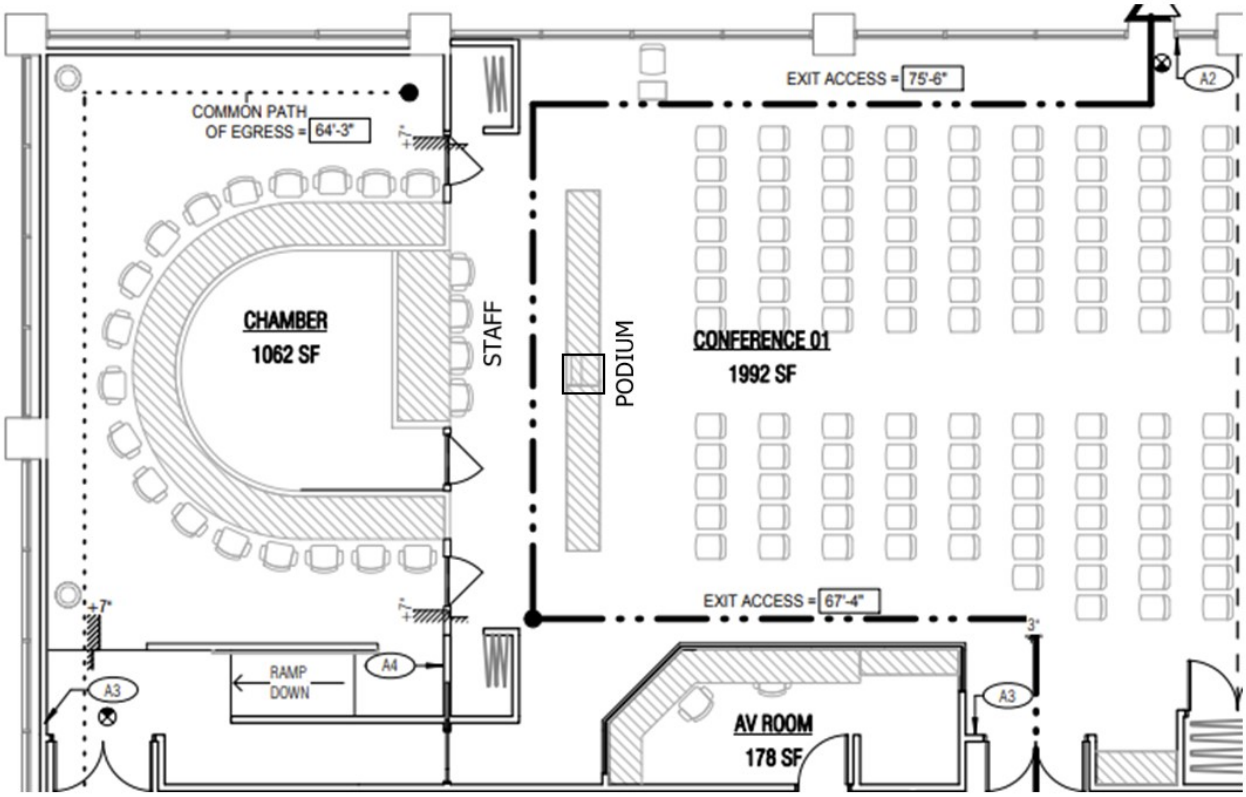
E – Shall be delivered, with exception (Please add comments to describe the exception)

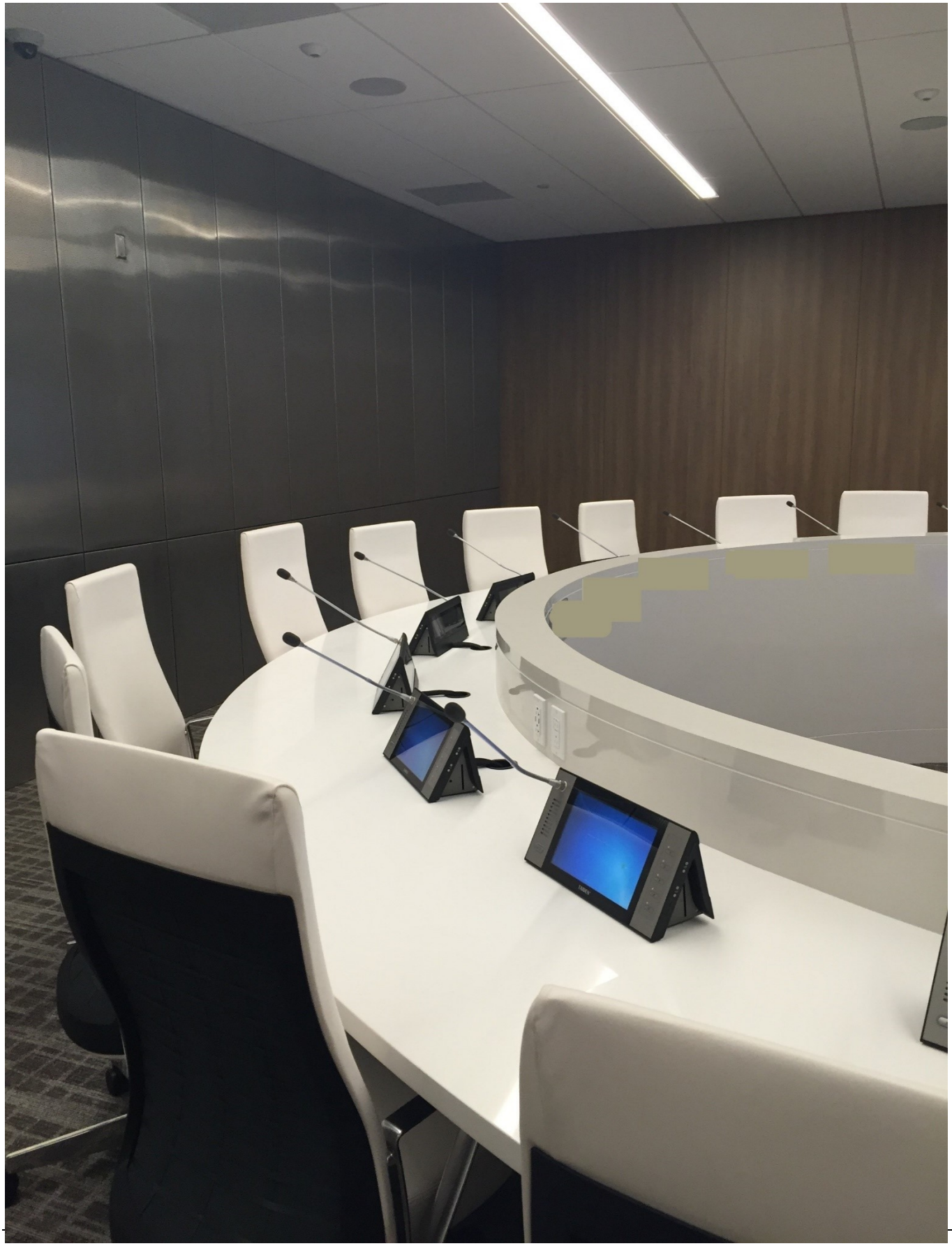
N - Shall Not be delivered (Please add comments to explain why deliverable cannot be met)

PROJECT IMPLEMENTATION TASKS AND DELIVERABLES	Vendor Response (Y, N, E)	If Vendor Response is "E", please provide what the firm can or cannot do in detail.
Task 1 - Project Planning & Management		
Project Schedule		
Roles and Responsibilities Matrix		
Change Orders		
Project Status Reports		
Meeting Agendas		
Meeting Minutes		
Documentation		
Task 2 - Requirements Gathering		
Requirements Documentation		
Requirements Traceability Matrix		
System Documentation		
Task 3 - Design		
Design Documentation (all phases)		
Back-up and Recovery Plan		
Systems Integration Design (SID) document		
Release Management Plan		
Task 4 - Construct / Build		
System Configurations		
Technical Documentation		
Task 5 - Test		
Test Plan		
Test Cases / Scripts		
Testing Results		
Defect Logs		
Stakeholder Sign-Off / UAT Sign-Off		
Task 6 - Pilot		
Pilot Plan		
Pilot Acceptance		
Task 7 - Training		
Training Plan		
Training Documentation		
Task 8 - Deploy		
Readiness Assessment Report		
Implementation (Deployment) Plan		
Documented (Go-Live) Schedule		
Deployment Checklist		
Production Validation Tests		
Support Plant		
Change Control Documentation		
Approved Validation Test scripts		
Updated System Documentation		
Updated Items Log w/ open defects		
Deployment Acceptance		
Task 9 - Post Deployment Support		
Help Desk contact information		
Web-based tracking tool		
Help Desk services/software fixes		
Lessons Learned document		

ATTACHMENT C: MEETING ROOM CONFIGURATIONS

BOARD OF DIRECTORS MEETING





This is from the back of the public seating area showing the podium and dais.

COMMITTEE MEETING

The wall behind the flags is a temporary wall and the dais is behind that wall. All speakers are seated at this table; there is no podium.

This is from the back of the public seating area.

The ALL VENDORS worksheets should be completed / filled out by the Vendor.

For the Requirement List Worksheet:

Category / Department	OCTA's Priority for each option (Tier 1, Tier 2, Tier 3)	Proposed Solution's Capability	Method to Implement
Equipment	1 - Required	Yes	OOtB with configurations.
Services	2 - Nice to Have	Future Enhancement	3rd party software.
Non-functional / technical	3 - N/A	Not Available	Software customization and 3rd party software.
		Not Applicable	Not available.

SELECTION DEFINITIONS	
Yes: available with current version of software.	**OOtB with configurations**: the "Out-Of-the-Box" product has this capability using system configuration(s) .
Future Enhancement: approved on product roadmap, timeframe is published.	**3rd party software**: other customers accomplish this requirement using 3rd party software.
Not Available: not currently on the product roadmap.	**Software customization and 3rd party software**: both a product customization and 3rd party software would be required to meet this requirement.
	Not available: requirement is not met; there are no plans to support this requirement.

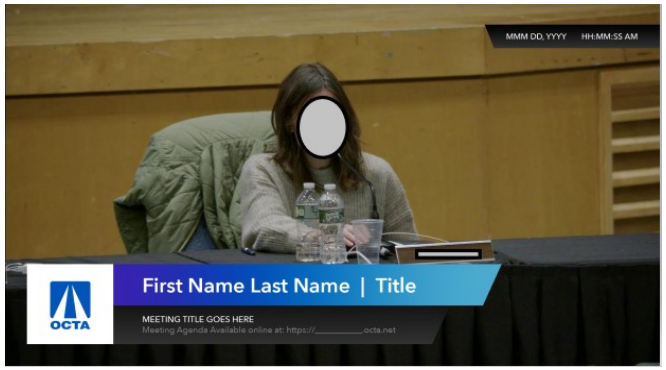
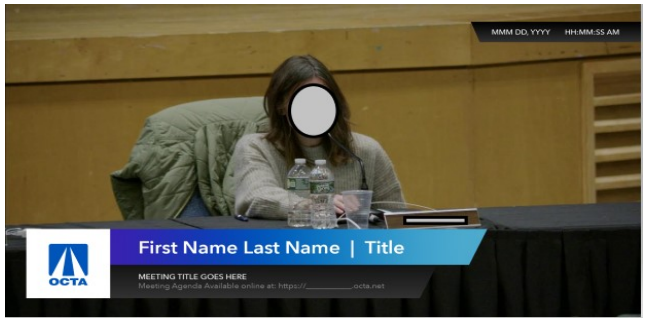
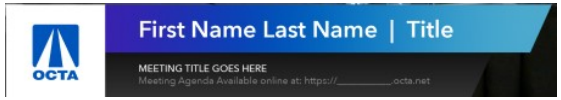
Please use one of the following 3 responses to respond to column C on the ALL VENDOR - Capability worksheet:
Y = Yes, the firm can fully meet the requirement;
N = No, the firm cannot meet the requirement;
E = The firm has an Exception to the requirement. If “E”, then the firm shall describe what the firm can or cannot do. (Firms can use (Exhibit F, Exceptions and Deviations Form), if the complete description of the Exception does not fit in the cell provided.

For the ALL VENDORS - Cost Worksheet:

For each Solution Costs item in column A, provide a detailed description. Indicate if equipment is purchased or leased cost.

INFORMATION PROVIDED BY OCTA							TO BE UPDATED BY THE PROPOSER / CONSULTANT for TIER 1			
ID	System Requirement	Category / Department	Sub-category / Process	Priority for Tier 1	Priority for Tier 2	Priority for Tier 3	Proposed Solution's Capability	Method to Implement	Consultant's Comments	Consultant's Assumptions
1	Consultant will provide professional services to support live streaming of OCTA meetings.	Services	Live Video Stream	1 - Required	1 - Required	1 - Required				
2	Consultant will provide a product (live video streaming) that is streamed in HD, correctness of color and brightness levels, audio that is synchronized from OCTA's audio feed, to feed OCTA's Granicus application which is used for web streaming.	Services	Live Video Stream / Integration	1 - Required	1 - Required	1 - Required				
3	Consultant will simultaneously capture a local (offline) back-up recording of the meeting, in the event of a network or other outage occurrence. Local recordings should be retained until the meeting has been successfully posted to Granicus.	Services	Live Video Stream / Backup	1 - Required	1 - Required	1 - Required				
4	Consultant will provide professional services for live-streaming meeting sessions for the length of the meeting (minimum 1 hour), plus 30-minutes prior to each meeting which is when live audio streaming begins.	Services	Live Video Stream	3 - N/A	1 - Required	1 - Required	Not Applicable			
5	Consultant will provide the necessary staff to meet the needs of all aspects of the production, which include, but are not limited to: -Live Video -Hardware -Testing Equipment -Technical/Professional services Note: OCTA will control the computer feed (which could include Powerpoint, videos, etc.) and audio feed from microphones. Consultant will receive the audio- and video-feed out of digital mixer, and add video feed from the cameras, and the on-screen features, all of which must be input into Granicus encoder (and subsequently streamed out).	Services	All Aspects / Integration	3 - N/A	1 - Required	1 - Required	Not Applicable			
6	Consultant will be prepared to provide professional services for a minimum of 2 board meetings each month, up to 24 meetings each year.	Services	Board Meetings	3 - N/A	1 - Required	1 - Required	Not Applicable			
7	Consultant will provide professional services for up to 6 board committee meetings each month. However, there are only a total of 66 board committee meetings annually.	Services	Committee Meetings	3 - N/A	1 - Required	1 - Required	Not Applicable			
8	Consultant will be prepared to provide professional services for adhoc meetings. OCTA will provide at least 48 hours advanced notice (in writing) when an adhoc meeting is scheduled.	Services	Adhoc Meetings	3 - N/A	1 - Required	1 - Required	Not Applicable			
9	Consultant must respond to OCTA regarding the adhoc meeting request to confirm or decline the ability to support the request, within 4 hours after the request was made.	Services	Communication	3 - N/A	1 - Required	1 - Required	Not Applicable			
10	In the event that the Consultant cannot perform the production for the live-streaming (which should only happen in rare and unavoidable circumstances), the system set up should allow OCTA to revert to OCTA's current (audio and PC/multi-media streaming) capability.	Services	Live Video Stream	3 - N/A	1 - Required	1 - Required	Not Applicable			
11	Consultant will inspect and assess the meeting locations and determine the equipment needs to meet OCTA's production requirements.	Equipment	Assessment	1 - Required	1 - Required	1 - Required				
12	Consultant will physically inspect and assess the meeting locations and determine the equipment needs to meet OCTA's production requirements.	Equipment	Assessment	2 - Nice to Have	2 - Nice to Have	2 - Nice to Have				
13	Consultant will test each camera, including but not limited to connectivity (control board), position, lighting, quality of video and playback prior to meetings. This activity must be completed in order to allow the live streaming to begin 30 minutes prior the start of the meeting.	Equipment	Testing	3 - N/A	1 - Required	1 - Required	Not Applicable			
14	Consultant will provide the necessary equipment (i.e. cameras, lighting, etc.) to accommodate 18 board members, 3 staff members, 1 guest podium at the dais for Board of Director meetings.	Equipment	Assessment	1 - Required	1 - Required	1 - Required				
15	Live streaming should begin no later than 30 minutes prior to the scheduled start time of the meeting.	Services	Live Video Stream	3 - N/A	1 - Required	1 - Required	Not Applicable			
16	Consultant will provide the necessary equipment (i.e. cameras, lighting, etc.) to accommodate a maximum of 7 committee members, 3 staff members, and 2 guest speakers at the board committee meeting room setup. (Note: guest speakers will be seated at the table, and not speaking at a podium)	Equipment	Placement	1 - Required	1 - Required	1 - Required				

INFORMATION PROVIDED BY OCTA							TO BE UPDATED BY THE PROPOSER / CONSULTANT for TIER 1			
ID	System Requirement	Category / Department	Sub-category / Process	Priority for Tier 1	Priority for Tier 2	Priority for Tier 3	Proposed Solution's Capability	Method to Implement	Consultant's Comments	Consultant's Assumptions
17	Consultant will support adhoc meetings in the same room configuration as the Committee Meetings.	Services	Adhoc Meetings	3 - N/A	1 - Required	1 - Required	Not Applicable			
18	Consultant will provide a detailed schematic of equipment placement.	Equipment	Documentation	1 - Required	1 - Required	1 - Required				
19	Consultant will provide a detailed plan of power source and/or cabling needs.	Equipment	Documentation	1 - Required	1 - Required	1 - Required				
20	Consultant will provide a detailed plan of any equipment that needs to be installed in the meeting location to OCTA for approval.	Equipment	Documentation	1 - Required	1 - Required	1 - Required				
21	Consultant equipment must fit in existing OCTA equipment rack. (Note: OCTA has 2 equipment racks in the AV room; VMRK-54LRD racks with 54 Rack units each. ERK-2 has 5 RU empty. Additionally, there is a 4 RU monitor mount, 7 RU of blanking panels, 4 RU of mesh panels that possible can be reclaimed for up to 15 RU. ERK-1 has 2 RU empty, 4 RU of mesh panels and 4 RU of blanking panels. Note that only on ERK-2 are the empty RU together, all others may be separated.	Equipment	Placement	1 - Required	1 - Required	1 - Required				
22	Consultant will work with OCTA employee to cutaway to the agenda items and/or Powerpoint presentation at the appropriate time as the agenda item is up for discussion by the Board during the meeting. For Tier 1, OCTA will control this.	Services	Live Video Stream	3 - N/A	1 - Required	1 - Required	Not Applicable			
23	Banner that shows on the screen should not cover up the nameplate of speaker.	Services	Live Video Stream/On screen features	3 - N/A	1 - Required	1 - Required	Not Applicable			
24	All changes (including initial setup) to the infrastructure hardware and software will be submitted to OCTA by a formal change request, and will be performed after OCTA provides acceptance. Consultant will work in alignment with OCTA to establish a change process.	Non-functional / technical	Environment	1 - Required	1 - Required	1 - Required				
25	Assist OCTA staff with troubleshooting issues throughout the term of this contact.	Non-functional / technical	Environment	1 - Required	1 - Required	1 - Required				
26	Consultant will repair, upgrade or replace the components as necessary for the live streaming of the meetings to perform properly and be compatible with any future updates.	Non-functional / technical	Environment	1 - Required	1 - Required	1 - Required				
27	For all onsite work, Consultant will coordinate with OCTA to schedule date and time.	Non-functional / technical	Environment	1 - Required	1 - Required	1 - Required				
28	Cameras are to be placed in way to capture each board member as they speak.	Equipment	Placement	3 - N/A	1 - Required	1 - Required	Not Applicable			
29	Consultant will capture each Board Member's and guest speaker's commentary/dialog throughout meeting.	Services	Live Video Stream / Speakers	3 - N/A	2 - Nice to Have	1 - Required	Not Applicable			
30	Consultant will cutaway to appropriate cameras spotlighting board member when they are speaking within a minimum 3 seconds.	Services	Live Video Stream / Spotlight speaker	3 - N/A	1 - Required	1 - Required	Not Applicable			
31	Cameras are to be placed in a way that in person speakers are captured at the podium or designated location at the committee table.	Services	Live Video Stream / Spotlight speaker	1 - Required	1 - Required	1 - Required				

	INFORMATION PROVIDED BY OCTA						TO BE UPDATED BY THE PROPOSER / CONSULTANT for TIER 1			
ID	System Requirement	Category / Department	Sub-category / Process	Priority for Tier 1	Priority for Tier 2	Priority for Tier 3	Proposed Solution's Capability	Method to Implement	Consultant's Comments	Consultant's Assumptions
32	Live streams will include a banner with the following information: -First Name Last Name of Board member speaking -Title of Board member speaking -Meeting Name (e.g. " OCTA Board Meeting") Please provide a mockup of the banner. 	Services	Live Video Stream/On screen features	3 - N/A	2 - Nice to Have	1 - Required	Not Applicable			
33	Live streams will include the following infornation: - Current Date (i.e. MMM DD, YYYY) - Current Time of the meeting location (i.e. HH:MM:SS and AM or PM) 	Services	Live Video Stream/On screen features	3 - N/A	2 - Nice to Have	1 - Required	Not Applicable			
34	Banner and subheadings will comply with OCTA's branding style sheet requirements. 	Services	Live Video Stream/On screen features	3 - N/A	2 - Nice to Have	1 - Required	Not Applicable			
35	Consultant will sync video with audio (matches the lips of the people on the video) prior to the feed going into Granicus.	Services	Live Video Stream / Integration	2 - Nice to Have	1 - Required	1 - Required				
36	Consultant will provide system training such that OCTA will have the appropriate knowledge to be able to manage and operate the system without reliance on the Consultant.	Services	Training	1 - Required	3 - N/A	3 - N/A				
37	All cameras must be installed in a permanently fixed position, i.e., tripods or dollies must not be utilized.	Equipment	Placement	1 - Required	1 - Required	1 - Required				
38	Consultant must participate in a minimum of 1 mock Board of Directors meeting. This should be completed before the 1st actual live meeting as a 'practice / rehearsal' run	Services	Mock meetings	1 - Required	1 - Required	1 - Required				

INFORMATION PROVIDED BY OCTA							TO BE UPDATED BY THE PROPOSER / CONSULTANT for TIER 1			
ID	System Requirement	Category / Department	Sub-category / Process	Priority for Tier 1	Priority for Tier 2	Priority for Tier 3	Proposed Solution's Capability	Method to Implement	Consultant's Comments	Consultant's Assumptions
39	Consultant must participate in a minimum of 1 mock committee meeting. This should be completed before the 1st actual live meeting as a 'practice / rehearsal' run	Services	Mock meetings	1 - Required	1 - Required	1 - Required				

TECHNICAL AND SUPPORT HIGHLIGHTS	Vendor Response (Y, N, E)	If Vendor Response is "E" (i.e., and exception), please provide a detailed explanation of what the Consulting firm can or cannot do.
Model (SaaS, Cloud, On-Premise)		
Cloud provider (if Cloud-based platform, such as Azure, AWS, etc.)		
Database and version required		
Is database SQL read-only access allowed? (Y/N)		
Supported Browsers (Indicate which is the preferred browser when more than one browser is available)		
Specific desktop requirements (hardware, OS, and software)		
Mobility functions (is the application browser-based, or is application downloaded from App Store or Play Store onto the mobile device)		
Reporting (eg. Business Objects, Jasper, Cognos, Proprietary)		
Additional Software that is required to support or supplement the solution		
Estimated Total Duration of Implementation – Start/End		
Support hours		
SLA's for P1 Issues		
SLA's for P2 Issues		
SLA's for P3 Issues		
SLA's for P4 Issues		
Software "Uptime" percentage		
Software updates/fixes – frequency upgrades will be installed		
Software updates/fixes – Level of Effort (High, Med, Low)		
Upgrades – frequency upgrades will be installed		
Upgrades – Level of Effort (High, Medium, Low)		
Upgrades – are upgrades included, or is there additional cost for upgrades		
Interfaces/Integration – programming or tools used (Webservices, XML, groovy, java, etc.)		
Interfaces/Integration - is ongoing support available or are these items under a warranty? If under warranty what is the warranty period.		
List of software systems that have successful interfaces with this solution		
Customizations and/or Personalization of system's screens/UI - does the solution retain all the customizations and/or personalizations when an upgrade is applied? Or, do the customizations / personalizations need to be manually re-applied or re-configured?		
Software Licenses (Perpetual or Annual Fees)		
Headquarters location of Software Firm		
Office location of Implementation Team		
Office location of System's Maintenance and Support Team		

PROJECT IMPLEMENTATION TASKS AND DELIVERABLES	Vendor Response (Y, N, E)	If Vendor Response is "E", please provide what the firm can or cannot do in detail.
Task 1 - Project Planning & Management		
Project Schedule		

TECHNICAL AND SUPPORT HIGHLIGHTS	Vendor Response (Y, N, E)	If Vendor Response is "E" (i.e., and exception), please provide a detailed explanation of what the Consulting firm can or cannot do.
Roles and Responsibilities Matrix		
Change Orders		
Project Status Reports		
Meeting Agendas		
Meeting Minutes		
Documentation		
Task 2 - Requirements Gathering		
Requirements Documentation		
Requirements Traceability Matrix		
System Documentation		
Task 3 - Design		
Design Documentation (all phases)		
Back-up and Recovery Plan		
Systems Integration Design (SID) document		
Release Management Plan		
Task 4 – Construct / Build		
System Configurations		
Technical Documentation		
Task 5 – Test		
Test Plan		
Test Cases / Scripts		
Testing Results		
Defect Logs		
Stakeholder Sign-Off / UAT Sign-Off		
Task 6 – Pilot		
Pilot Plan		
Pilot Acceptance		
Task 7 – Training		
Training Plan		
Training Documentation		
Task 8 – Deploy		
Readiness Assessment Report		
Implementation (Deployment) Plan		
Documented (Go-Live) Schedule		
Deployment Checklist		
Production Validation Tests		
Support Plant		
Change Control Documentation		
Approved Validation Test scripts		
Updated System Documentation		
Updated Items Log w/ open defects		

TECHNICAL AND SUPPORT HIGHLIGHTS	Vendor Response (Y, N, E)	If Vendor Response is "E" (i.e., and exception), please provide a detailed explanation of what the Consulting firm can or cannot do.
Deployment Acceptance		
Task 9 – Post Deployment Support		
Help Desk contact information		
Web-based tracking tool		
Help Desk services/software fixes		
Lessons Learned document		

EXHIBIT B: PRICE SUMMARY SHEET

PRICE SUMMARY SHEET
REQUEST FOR PROPOSALS (RFP) 4-2221

Enter below the proposed price for the services described in the Scope of Work, Exhibit A. Prices shall include direct costs, indirect costs, tax, and profits. The Authority's intention is to award a firm-fixed price contract for a three (3)-year initial term with two (2), one (1)-year option terms. For each Solution Costs, provide a detailed description. Indicate if equipment is purchased or leased cost.

TIER 1

	Firm Fixed Price Initial Term Years 1 through 3 9/16/24-9/15/27					
	Year 1 Effective Date – 9/15/2025		Year 2 9/16/2025 – 9/15/2026		Year 3 9/16/2026 – 9/15/2027	
SOLUTION PRICE	**BoD Solution**	**Committee & Ad-Hoc Solution**	**BoD Solution**	**Committee & Ad-Hoc Solution**	**BoD Solution**	**Committee & Ad-Hoc Solution**
One-Time / Implementation PRICE (Firm Fixed)	**Tier 1 Price**	**Tier 1 Price**	**Tier 1 Price**	**Tier 1 Price**	**Tier 1 Price**	**Tier 1 Price**
Equipment (purchase)						
Software						
Task 1						
Task 2						
Task 3						
Task 4						
Task 5						
Task 6						
Task 7						
Task 8						
Misc						
Sub Total:	$ -	$ -	$ -	$ -	$ -	$ -
Meeting / Operational Price per Month (Firm Fixed)	**Tier 1 Price**	**Tier 1 Price**	**Tier 1 Price**	**Tier 1 Price**	**Tier 1 Price**	**Tier 1 Price**
Equipment (lease/rental)						
Software						
Misc						
Sub Total:	$ -	$ -	$ -	$ -	$ -	$ -
Support, Maintenance, Warranty (Firm Fixed)	**Tier 1 Price**	**Tier 1 Price**	**Tier 1 Price**	**Tier 1 Price**	**Tier 1 Price**	**Tier 1 Price**
Year 1						
Year 2						
Year 3						
Sub Total:	$ -	$ -	$ -	$ -	$ -	$ -
TOTAL SOLUTION FIRM FIXED PRICE (YEARS 1 - 3):	$ -	$ -	$ -	$ -	$ -	$ -

	First Option Term Year 4 9/16/27-9/15/28		Second Option Term Year 5 9/16/28-9/15/29	
SOLUTION PRICE	**BoD Solution**	**Committee & Ad-Hoc Solution**	**BoD Solution**	**Committee & Ad-Hoc Solution**
Meeting / Operational Price per Month (Firm Fixed)	**Tier 1 Price**	**Tier 1 Price**	**Tier 1 Price**	**Tier 1 Price**
Equipment (lease/rental)				
Software				
Misc				
Sub Total:	$ -	$ -	$ -	$ -
Support, Maintenance, Warranty (Firm Fixed)	**Tier 1 Price**	**Tier 1 Price**	**Tier 1 Price**	**Tier 1 Price**
Year 4				
Sub Total:	$ -	$ -	$ -	$ -
TOTAL SOLUTION PRICE (YEAR 4):	$ -	$ -	$ -	$ -

The undersigned, upon acceptance, agrees to provide the service in accordance with the terms, conditions, and requirements as contained in RFP 3-2268 and the supporting documents for all prices proposed.

PRICE SUMMARY SHEET
REQUEST FOR PROPOSALS (RFP) 4-2221

Enter below the proposed price for the services described in the Scope of Work, Exhibit A. Prices shall include direct costs, indirect costs, tax, and profits. The Authority's intention is to award a firm-fixed price contract for a three (3)-year initial term with two (2), one (1)-year option terms. For each Solution Costs, provide a detailed description. Indicate if equipment is purchased or leased cost.

TIER 2

	Firm Fixed Price Initial Term Years 1 through 3 9/16/24-9/15/27					
	Year 1 Effective Date – 9/15/2025		Year 2 9/16/2025 – 9/15/2026		Year 3 9/16/2026 – 9/15/2027	
SOLUTION PRICE	**BoD Solution**	**Committee & Ad-Hoc Solution**	**BoD Solution**	**Committee & Ad-Hoc Solution**	**BoD Solution**	**Committee & Ad-Hoc Solution**
One-Time / Implementation PRICE (Firm Fixed)	**Tier 2 Price**	**Tier 2 Price**	**Tier 2 Price**	**Tier 2 Price**	**Tier 2 Price**	**Tier 2 Price**
Equipment (purchase)						
Software						
Task 1						
Task 2						
Task 3						
Task 4						
Task 5						
Task 6						
Task 7						
Task 8						
Misc						
Sub Total:	$ -	$ -	$ -	$ -	$ -	$ -
Meeting / Operational Price per Month (Firm Fixed)	**Tier 2 Price**	**Tier 2 Price**	**Tier 2 Price**	**Tier 2 Price**	**Tier 2 Price**	**Tier 2 Price**
Equipment (lease/rental)						
Software						
Misc						
Sub Total:	$ -	$ -	$ -	$ -	$ -	$ -
Support, Maintenance, Warranty (Firm Fixed)	**Tier 2 Price**	**Tier 2 Price**	**Tier 2 Price**	**Tier 2 Price**	**Tier 2 Price**	**Tier 2 Price**
Year 1						
Year 2						
Year 3						
Sub Total:	$ -	$ -	$ -	$ -	$ -	$ -
TOTAL SOLUTION FIRM FIXED PRICE (YEARS 1 - 3):	$ -	$ -	$ -	$ -	$ -	$ -

	First Option Term Year 4 9/16/27-9/15/28		Second Option Term Year 5 9/16/28-9/15/29	
SOLUTION PRICE	**BoD Solution**	**Committee & Ad-Hoc Solution**	**BoD Solution**	**Committee & Ad-Hoc Solution**
Meeting / Operational Price per Month (Firm Fixed)	**Tier 2 Price**	**Tier 2 Price**	**Tier 2 Price**	**Tier 2 Price**
Equipment (lease/rental)				
Software				
Misc				
Sub Total:	$ -	$ -	$ -	$ -
Support, Maintenance, Warranty (Firm Fixed)	**Tier 2 Price**	**Tier 2 Price**	**Tier 2 Price**	**Tier 2 Price**
Year 4				
Sub Total:	$ -	$ -	$ -	$ -
TOTAL SOLUTION PRICE (YEAR 4):	$ -	$ -	$ -	$ -

The undersigned, upon acceptance, agrees to provide the service in accordance with the terms, conditions, and requirements as contained in RFP 3-2268 and the supporting documents for all prices proposed.

TIER 2

Professional Services Rate Schedule

	Fully-Burdened Hourly Rate(s) Initial Term					
	Year 1 Effective Date – 9/15/2025		Year 2 9/16/2025 – 9/15/2026		Year 3 9/16/2026 – 9/15/2027	
	BoD Solution (23 meetings /year @ 1.5 hrs/meeting and 1 hr prep/meeting)	Committee & Ad-Hoc Solution (59 meetings/ year @ 1 hr/meeting and 1 hr prep/meeting	BoD Solution (23 meetings/ year @ 1.5 hrs/ meeting and 1 hr prep/meeting)	Committee & Ad-Hoc Solution (59 meetings/ year @ 1 hr/meeting and 1 hr prep/meeting	BoD Solution (23 meetings/ year @ 1.5 hrs/meeting and 1 hr prep/meeting)	Committee & Ad-Hoc Solution (59 meetings/ year @ 1 hr/meeting and 1 hr prep/meeting
Labor / Professional Cost per Meeting (Time and Expense)	**Tier 2 Price**	**Tier 2 Price**	**Tier 2 Price**	**Tier 2 Price**	**Tier 2 Price**	**Tier 2 Price**
Ex: Producer	$	$	$	$	$	$
Ex: Engineer / Technician	$	$	$	$	$	$
Ex: Videographer	$	$	$	$	$	$
Misc	$	$	$	$	$	$

	Fully-Burdened Hourly Rate(s)			
	First Option		Second Option	
	Year 4		Year 5	
	9/16/27-9/15/28		9/16/28-9/15/29	
	BoD Solution (23 meetings /year @ 1.5 hrs/meeting and 1 hr prep/meeting)	Committee & Ad-Hoc Solution (59 meetings/ year @ 1 hr/meeting and 1 hr prep/meeting	BoD Solution (23 meetings/ year @ 1.5 hrs/ meeting and 1 hr prep/meeting)	Committee & Ad-Hoc Solution (59 meetings/ year @ 1 hr/meeting and 1 hr prep/meeting
Labor / Professional Cost per Meeting (Time and Expense)	**Tier 2 Price**	**Tier 2 Price**	**Tier 2 Price**	**Tier 2 Price**
Ex: Producer	$	$	$	$
Ex: Engineer / Technician	$	$	$	$
Ex: Videographer	$	$	$	$
Misc	$	$	$	$

Note: Provide fully-burdened hourly rates for the above designated job categories for cost analysis purposes. The fully-burdened hourly rates will be included in the resulting agreement should your proposal be selected for contract award.

Other Labor Charges:	Fully-Burdened Hourly Rate(s)				
	Initial Term			First Option Term	Second Option Term
Job Function:	Year 1 Effective Date – 9/15/2025	Year 2 9/16/2025 – 9/15/2026	Year 3 9/16/2026 – 9/15/2027	Year 4 9/16/2027 – 9/15/2028	Year 5 9/16/2028 – 9/15/2029
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
TOTAL SOLUTION COST (YEARS 1 - 5):	$ -	$ -	$ -	$ -	$ -

SCHEDULE II ---- OTHER DIRECT COSTS SCHEDULE

Type of ODC	Quantity	Unit Rate	Budget Amount
1			
2			
3			
4			
5			
Additional ODC required and authorized by the Authority but not included in this Agreement will be reimbursed either (a) "At Cost" OR (b) up to the applicable Current Rate listed in this Schedule II, whichever is less. Supporting documentation must accompany invoice.			

** Please note the following:*

- The Authority will not reimburse Consultant for hours charged to perform activities associated with the preparation and review of invoices submitted to the Authority.
- The Authority will not reimburse Consultant for local meals and travel time, unless previously approved, or any other expenses not included within this Exhibit B.

PRICE SUMMARY SHEET
REQUEST FOR PROPOSALS (RFP) 4-2221

Enter below the proposed price for the services described in the Scope of Work, Exhibit A. Prices shall include direct costs, indirect costs, tax, and profits. The Authority's intention is to award a firm-fixed price contract for a three (3)-year initial term with two (2), one (1)-year option terms. For each Solution Costs, provide a detailed description. Indicate if equipment is purchased or leased cost.

TIER 3

	Firm Fixed Price Initial Term Years 1 through 3 9/16/24-9/15/27					
	Year 1 Effective Date – 9/15/2025		Year 2 9/16/2025 – 9/15/2026		Year 3 9/16/2026 – 9/15/2027	
SOLUTION PRICE	**BoD Solution**	**Committee & Ad-Hoc Solution**	**BoD Solution**	**Committee & Ad-Hoc Solution**	**BoD Solution**	**Committee & Ad-Hoc Solution**
One-Time / Implementation PRICE (Firm Fixed)	**Tier 3 Price**	**Tier 3 Price**	**Tier 3 Price**	**Tier 3 Price**	**Tier 3 Price**	**Tier 3 Price**
Equipment (purchase)						
Software						
Task 1						
Task 2						
Task 3						
Task 4						
Task 5						
Task 6						
Task 7						
Task 8						
Misc						
Sub Total:	$ -	$ -	$ -	$ -	$ -	$ -
Meeting / Operational Price per Month (Firm Fixed)	**Tier 3 Price**	**Tier 3 Price**	**Tier 3 Price**	**Tier 3 Price**	**Tier 3 Price**	**Tier 3 Price**
Equipment (lease/rental)						
Software						
Misc						
Sub Total:	$ -	$ -	$ -	$ -	$ -	$ -
Support, Maintenance, Warranty (Firm Fixed)	**Tier 3 Price**	**Tier 3 Price**	**Tier 3 Price**	**Tier 3 Price**	**Tier 3 Price**	**Tier 3 Price**
Year 1						
Year 2						
Year 3						
Sub Total:	$ -	$ -	$ -	$ -	$ -	$ -
TOTAL SOLUTION FIRM FIXED PRICE (YEARS 1 - 3):	$ -	$ -	$ -	$ -	$ -	$ -

	First Option Term Year 4 9/16/27-9/15/28		Second Option Term Year 5 9/16/28-9/15/29	
SOLUTION PRICE	**BoD Solution**	**Committee & Ad-Hoc Solution**	**BoD Solution**	**Committee & Ad-Hoc Solution**
Meeting / Operational Price per Month (Firm Fixed)	**Tier 3 Price**	**Tier 3 Price**	**Tier 3 Price**	**Tier 3 Price**
Equipment (lease/rental)				
Software				
Misc				
Sub Total:	$ -	$ -	$ -	$ -
Support, Maintenance, Warranty (Firm Fixed)	**Tier 3 Price**	**Tier 3 Price**	**Tier 3 Price**	**Tier 3 Price**
Year 4				
Sub Total:	$ -	$ -	$ -	$ -
TOTAL SOLUTION PRICE (YEAR 4):	$ -	$ -	$ -	$ -

The undersigned, upon acceptance, agrees to provide the service in accordance with the terms, conditions, and requirements as contained in RFP 3-2268 and the supporting documents for all prices proposed.

TIER 3

Professional Services Rate Schedule

	Fully-Burdened Hourly Rate(s) Initial Term					
	Year 1 Effective Date – 9/15/2025		Year 2 9/16/2025 – 9/15/2026		Year 3 9/16/2026 – 9/15/2027	
	BoD Solution (23 meetings /year @ 1.5 hrs/meeting and 1 hr prep/meeting)	Committee & Ad-Hoc Solution (59 meetings/ year @ 1 hr/meeting and 1 hr prep/meeting	BoD Solution (23 meetings/ year @ 1.5 hrs/ meeting and 1 hr prep/meeting)	Committee & Ad-Hoc Solution (59 meetings/ year @ 1 hr/meeting and 1 hr prep/meeting	BoD Solution (23 meetings/ year @ 1.5 hrs/meeting and 1 hr prep/meeting)	Committee & Ad-Hoc Solution (59 meetings/ year @ 1 hr/meeting and 1 hr prep/meeting
Labor / Professional Cost per Meeting (Time and Expense)	**Tier 3 Price**	**Tier 3 Price**	**Tier 3 Price**	**Tier 3 Price**	**Tier 3 Price**	**Tier 3 Price**
Ex: Producer	$	$	$	$	$	$
Ex: Engineer / Technician	$	$	$	$	$	$
Ex: Videographer	$	$	$	$	$	$
Misc	$	$	$	$	$	$

	Fully-Burdened Hourly Rate(s)			
	First Option		Second Option	
	Year 4		Year 5	
	9/16/27-9/15/28		9/16/28-9/15/29	
	BoD Solution (23 meetings /year @ 1.5 hrs/meeting and 1 hr prep/meeting)	Committee & Ad-Hoc Solution (59 meetings/ year @ 1 hr/meeting and 1 hr prep/meeting	BoD Solution (23 meetings/ year @ 1.5 hrs/ meeting and 1 hr prep/meeting)	Committee & Ad-Hoc Solution (59 meetings/ year @ 1 hr/meeting and 1 hr prep/meeting
Labor / Professional Cost per Meeting (Time and Expense)	**Tier 3 Price**	**Tier 3 Price**	**Tier 3 Price**	**Tier 3 Price**
Ex: Producer	$	$	$	$
Ex: Engineer / Technician	$	$	$	$
Ex: Videographer	$	$	$	$
Misc	$	$	$	$

Note: Provide fully-burdened hourly rates for the above designated job categories for cost analysis purposes. The fully-burdened hourly rates will be included in the resulting agreement should your proposal be selected for contract award.

Other Labor Charges:	Fully-Burdened Hourly Rate(s)				
	Initial Term			First Option Term	Second Option Term
Job Function:	Year 1 Effective Date – 9/15/2025	Year 2 9/16/2025 – 9/15/2026	Year 3 9/16/2026 – 9/15/2027	Year 4 9/16/2027 – 9/15/2028	Year 5 9/16/2028 – 9/15/2029
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
	$ -	$ -	$ -	$ -	$ -
TOTAL SOLUTION COST (YEARS 1 - 5):	$ -	$ -	$ -	$ -	$ -

SCHEDULE II ---- OTHER DIRECT COSTS SCHEDULE

Type of ODC	Quantity	Unit Rate	Budget Amount
1			
2			
3			
4			
5			

Additional ODC required and authorized by the Authority but not included in this Agreement will be reimbursed either (a) "At Cost" OR (b) up to the applicable Current Rate listed in this Schedule II, whichever is less.

Supporting documentation must accompany invoice.

** Please note the following:*

- The Authority will not reimburse Consultant for hours charged to perform activities associated with the preparation and review of invoices submitted to the Authority.
- The Authority will not reimburse Consultant for local meals and travel time, unless previously approved, or any other expenses not included within this Exhibit B.

PRICE SUMMARY SHEET

REQUEST FOR PROPOSALS (RFP) 4-2221

Enter below the proposed price for each of the work phases described in the Scope of Work, Exhibit A. Prices shall include direct costs, indirect costs, and profits. The Authority's intention is to award a firm-fixed price contract.

_____

1. I acknowledge receipt of RFP 4-2221 and Addenda No.(s) _____

2. This offer shall remain firm for _____ days from the date of proposal (Minimum 120)

COMPANY NAME _____

ADDRESS _____

_____

TELEPHONE _____

FACSIMILE # _____

EMAIL ADDRESS _____

SIGNATURE OF PERSON AUTHORIZED TO BIND OFFEROR _____

NAME AND TITLE OF PERSON AUTHORIZED TO BIND OFFEROR _____

_____

DATE SIGNED _____

EXHIBIT C: PROPOSED AGREEMENT

PROPOSED AGREEMENT NO. C-4-2221

BETWEEN

ORANGE COUNTY TRANSPORTATION AUTHORITY

AND

_____

THIS AGREEMENT is effective this _____ day of _____, 2024 ("Effective Date"), by and between the Orange County Transportation Authority, 550 South Main Street, P.O. Box 14184, Orange, California 92863-1584, a public corporation of the State of California (hereinafter referred to as "AUTHORITY"), and, , , , (hereinafter referred to as "CONSULTANT").

WITNESSETH:

WHEREAS, AUTHORITY requires assistance from CONSULTANT to provide Board of Directors' Meeting Streaming Services; and

WHEREAS, said work cannot be performed by the regular employees of AUTHORITY; and

WHEREAS, CONSULTANT has represented that it has the requisite personnel and experience, and is capable of performing such services; and

WHEREAS, CONSULTANT wishes to perform these services.

NOW, THEREFORE, it is mutually understood and agreed by AUTHORITY and CONSULTANT as follows:

ARTICLE 1. COMPLETE AGREEMENT

A. This Agreement, including all exhibits and documents incorporated herein and made applicable by reference, constitutes the complete and exclusive statement of the terms and conditions of this Agreement between AUTHORITY and CONSULTANT and it supersedes all prior representations, understandings and communications. The invalidity in whole or in part of any term or condition of this Agreement shall not affect the validity of other terms or conditions.

B. AUTHORITY's failure to insist in any one or more instances upon CONSULTANT's performance of any terms or conditions of this Agreement shall not be construed as a waiver or

relinquishment of AUTHORITY's right to such performance or to future performance of such terms or conditions and CONSULTANT's obligation in respect thereto shall continue in full force and effect. Changes to any portion of this Agreement shall not be binding upon AUTHORITY except when specifically confirmed in writing by an authorized representative of AUTHORITY by way of a written amendment to this Agreement and issued in accordance with the provisions of this Agreement.

ARTICLE 2. AUTHORITY DESIGNEE

The Chief Executive Officer of AUTHORITY, or designee, shall have the authority to act for and exercise any of the rights of AUTHORITY as set forth in this Agreement.

ARTICLE 3. SCOPE OF WORK

A. CONSULTANT shall perform the work necessary to complete in a manner satisfactory to AUTHORITY the services set forth in Exhibit A, entitled "Scope of Work," attached to and, by this reference, incorporated in and made a part of this Agreement. All services shall be provided at the times and places designated by AUTHORITY.

B. CONSULTANT shall provide the personnel listed below to perform the above-specified services, which persons are hereby designated as key personnel under this Agreement.

Names	Functions

C. No person named in paragraph B of this Article, or his/her successor approved by AUTHORITY, shall be removed or replaced by CONSULTANT, nor shall his/her agreed-upon function or level of commitment hereunder be changed, without the prior written consent of AUTHORITY. Should the services of any key person become no longer available to CONSULTANT, the resume and qualifications of the proposed replacement shall be submitted to AUTHORITY for approval as soon as possible, but in no event later than seven (7) calendar days prior to the departure of the incumbent key

person, unless CONSULTANT is not provided with such notice by the departing employee. AUTHORITY shall respond to CONSULTANT within seven (7) calendar days following receipt of these qualifications concerning acceptance of the candidate for replacement.

ARTICLE 4. TERM OF AGREEMENT

This Agreement shall commence upon execution by both parties, and shall continue in full force and effect through September 15, 2027, unless earlier terminated or extended as provided in this Agreement.

A. AUTHORITY, at its sole discretion, may elect to extend the term of this Agreement for an additional twelve (12)-months commencing September 16, 2027, and continuing through September 15, 2028 ("First Option Term"), and thereupon require CONSULTANT to continue to provide services, and otherwise perform, in accordance with Exhibit A and at the amounts or rates set forth in Article 5, "Payment."

B. AUTHORITY, at its sole discretion, may elect to extend the term of this Agreement for an additional twelve (12)-months commencing September 16, 2028, and continuing through September 15, 2029 ("Second Option Term"), and thereupon require CONSULTANT to continue to provide services, and otherwise perform, in accordance with Exhibit A and at the amounts or rates set forth in Article 5, "Payment."

C. AUTHORITY Y's election to extend this Agreement beyond the Initial Term shall not diminish its right to terminate the Agreement for AUTHORITY's convenience or CONSULTANT's default as provided elsewhere in this Agreement. The "maximum term" of this Agreement shall be the period extending from commencement through September 15, 2029, which period encompasses the Initial Term, First Option Term, and Second Option Term.

ARTICLE 5. PAYMENT

A. For CONSULTANT's full and complete performance of its obligations under this Agreement and subject to the maximum cumulative payment obligation provisions set forth in Article 6, AUTHORITY shall pay CONSULTANT on a firm fixed price basis in accordance with the following provisions.

B. The following schedule shall establish the firm fixed payment to CONSULTANT by AUTHORITY for each work task set forth in the Scope of Work. The schedule shall not include any CONSULTANT expenses not approved by AUTHORITY, including, but not limited to reimbursement for local meals.

Tasks	Description	Firm Fixed Price
		$.00
		$.00
		$.00
TOTAL FIRM FIXED PRICE PAYMENT		**$.00**

C. CONSULTANT shall invoice AUTHORITY on a monthly basis for payments corresponding to the work actually completed by CONSULTANT. Percentage of work completed shall be documented in a monthly progress report prepared by CONSULTANT, which shall accompany each invoice submitted by CONSULTANT. CONSULTANT shall also furnish such other information as may be requested by AUTHORITY to substantiate the validity of an invoice. At its sole discretion, AUTHORITY may decline to make full payment for any task listed in paragraph B of this Article until such time as CONSULTANT has documented to AUTHORITY's satisfaction, that CONSULTANT has fully completed all work required under the task. AUTHORITY's payment in full for any task completed shall not constitute AUTHORITY's final acceptance of CONSULTANT's work under such task; final acceptance shall occur only when AUTHORITY's release of the retention described in paragraph D.

D. As partial security against CONSULTANT's failure to satisfactorily fulfill all of its obligations under this Agreement, AUTHORITY shall retain ten percent (10%) of the amount of each invoice submitted for payment by CONSULTANT. All retained funds shall be released by AUTHORITY and shall be paid to CONSULTANT within sixty (60) calendar days of payment of final invoice, unless AUTHORITY elects to audit CONSULTANT's records in accordance with Article 16 of this Agreement. If AUTHORITY elects to audit, retained funds shall be paid to CONSULTANT within thirty (30) calendar days of completion of such audit in an amount reflecting any adjustment required by such audit. During the term

of the Agreement, at its sole discretion, AUTHORITY reserves the right to release all or a portion of the retained amount based on CONSULTANT's satisfactory completion of certain milestones. CONSULTANT shall invoice AUTHORITY for the release of the retention in accordance with Article 5.

E. Invoices shall be submitted by CONSULTANT on a monthly basis and shall be submitted in duplicate to AUTHORITY's Accounts Payable office. CONSULTANT may also submit invoices electronically to AUTHORITY's Accounts Payable Department at vendorinvoices@octa.net. Each invoice shall be accompanied by the monthly progress report specified in paragraph C of this Article. AUTHORITY shall remit payment within thirty (30) calendar days of the receipt and approval of each invoice. Each invoice shall include the following information:

1. Agreement No. C-4-2221;
2. Specify the task number for which payment is being requested;
3. The time period covered by the invoice;
4. Total monthly invoice (including project-to-date cumulative invoice amount); and retention;
5. Monthly Progress Report;
6. Certification signed by the CONSULTANT or his/her designated alternate that a) The invoice is a true, complete and correct statement of reimbursable costs and progress; b) The backup information included with the invoice is true, complete and correct in all material respects; c) All payments due and owing to subcontractors and suppliers have been made; d) Timely payments will be made to subcontractors and suppliers from the proceeds of the payments covered by the certification and; e) The invoice does not include any amount which CONSULTANT intends to withhold or retain from a subcontractor or supplier unless so identified on the invoice.
7. Any other information as agreed or requested by AUTHORITY to substantiate the validity of an invoice.

ARTICLE 6. MAXIMUM OBLIGATION

Notwithstanding any provisions of this Agreement to the contrary, AUTHORITY and

CONSULTANT mutually agree that AUTHORITY's maximum cumulative payment obligation (including obligation for CONSULTANT's profit) shall be _____ Dollars ($ .00) which shall include all amounts payable to CONSULTANT for its subcontracts, leases, materials and costs arising from, or due to termination of, this Agreement.

ARTICLE 7. NOTICES

All notices hereunder and communications regarding the interpretation of the terms of this Agreement, or changes thereto, shall be effected by delivery of said notices in person or by depositing said notices in the U.S. mail, registered or certified mail, returned receipt requested, postage prepaid and addressed as follows:

To CONSULTANT:	To AUTHORITY:
	Orange County Transportation Authority
	550 South Main Street
	P.O. Box 14184
,	Orange, CA 92863-1584
ATTENTION:	ATTENTION: Gina Torres
Title:	Title: Senior Contract Administrator
Phone:	Phone: (714) 560 - 5566
Email:	Email: gtorres@octa.net

ARTICLE 8. INDEPENDENT CONTRACTOR

A. CONSULTANT's relationship to AUTHORITY in the performance of this Agreement is that of an independent contractor. CONSULTANT's personnel performing services under this Agreement shall at all times be under CONSULTANT's exclusive direction and control and shall be employees of CONSULTANT and not employees of AUTHORITY. CONSULTANT shall pay all wages, salaries and other amounts due its employees in connection with this Agreement and shall be responsible for all reports and obligations respecting them, such as social security, income tax withholding, unemployment compensation, workers' compensation and similar matters.

B. Should CONSULTANT's personnel or a state or federal agency allege claims against AUTHORITY involving the status of AUTHORITY as employer, joint or otherwise, of said personnel, or allegations involving any other independent contractor misclassification issues, CONSULTANT shall defend and indemnify AUTHORITY in relation to any allegations made.

ARTICLE 9. INSURANCE

A. CONSULTANT shall procure and maintain insurance coverage in full force and effect during the entire term of the Agreement. Coverage shall be full coverage and not subject to self-insurance provisions. CONSULTANT shall provide the following insurance coverage:

1. Commercial General Liability, to include Products/Completed Operations, Independent Contractors', Contractual Liability, Advertising (if applicable to Scope of Work) and Personal Injury Liability, and Property Damage with a minimum limit of $1,000,000 per occurrence, $2,000,000 general aggregate and $2,000,000 Products/Completed Operations aggregate;

2. Automobile Liability Insurance to include owned, hired and non-owned autos with a combined single limit of $1,000,000 for each accident;

3. Workers' Compensation with limits as required by the State of California including a Waiver of Subrogation in favor of AUTHORITY, its officers, directors and employees; and

4. Employers' Liability with minimum limits of $1,000,000 per accident, $1,000,000 policy limit-disease, and $1,000,000 policy limit employee-disease.

5. Professional Liability with minimum limits of $1,000,000 only if the CONSULTANT is required by contract or law to be licensed or specially certified and AUTHORITY is relying on performance based on that specialty license or certification.

B. Proof of such coverage, in the form of a certificate of insurance and an insurance policy blanket additional insured endorsement, designating AUTHORITY, its officers, directors and employees as additional insureds on general liability and automobile liability, as required by Agreement. Proof of insurance coverage must be received by AUTHORITY within ten (10) calendar days from the effective date of the Agreement and prior to commencement of any work. Such insurance shall be primary and

non-contributive to any insurance or self-insurance maintained by AUTHORITY. Furthermore, AUTHORITY reserves the right to request certified copies or review all related insurance policies, in response to a related loss.

C. CONSULTANT shall include on the face of the certificate of insurance the Agreement Number C-4-2221 and, the Contract Administrator's Name, Gina Torres.

D. CONSULTANT shall also include in each subcontract, the stipulation that subconsultants shall maintain insurance coverage in the amounts required of CONSULTANT as provided in the Agreement. Subconsultants will be required to include AUTHORITY as additional insureds on the Commercial General Liability, and Auto Liability insurance policies.

E. Insurer must provide AUTHORITY with at least thirty (30) days' prior notice of cancellation or material modification of coverage, and ten (10) days' prior notice for non-payment of premium.

ARTICLE 10. ORDER OF PRECEDENCE

Conflicting provisions hereof, if any, shall prevail in the following descending order of precedence: (1) the provisions of this Agreement, including all exhibits; (2) the provisions of RFP 4-2221; (3) CONSULTANT's proposal dated _; (4) all other documents, if any, cited herein or incorporated by reference.

ARTICLE 11. CHANGES

By written notice or order, AUTHORITY may, from time to time, order work suspension and/or make changes in the general scope of this Agreement, including, but not limited to, the services furnished to AUTHORITY by CONSULTANT as described in the Scope of Work. If any such work suspension or change causes an increase or decrease in the price of this Agreement, or in the time required for its performance, CONSULTANT shall promptly notify AUTHORITY thereof and assert its claim for adjustment within ten (10) calendar days after the change or work suspension is ordered, and an equitable adjustment shall be negotiated. However, nothing in this clause shall excuse CONSULTANT from proceeding immediately with the Agreement as changed.

ARTICLE 12. DISPUTES

A. Except as otherwise provided in this Agreement, when a dispute arises between CONSULTANT and AUTHORITY, the project managers shall meet to resolve the issue. If project managers do not reach a resolution, the dispute will be decided by AUTHORITY's Director of Contracts Administration and Materials Management (CAMM), who shall reduce the decision to writing and mail or otherwise furnish a copy thereof to CONSULTANT. The decision of the Director, CAMM, shall be the final and conclusive administrative decision.

B. Pending final decision of a dispute hereunder, CONSULTANT shall proceed diligently with the performance of this Agreement and in accordance with the decision of AUTHORITY's Director, CAMM. Nothing in this Agreement, however, shall be construed as making final the decision of any AUTHORITY official or representative on a question of law, which questions shall be settled in accordance with the laws of the State of California.

ARTICLE 13. TERMINATION

A. AUTHORITY may terminate this Agreement for its convenience at any time, in whole or part, by giving CONSULTANT written notice thereof. Upon said notice, AUTHORITY shall pay CONSULTANT its allowable costs incurred to date of termination and those allowable costs determined by AUTHORITY to be reasonably necessary to effect such termination. Thereafter, CONSULTANT shall have no further claims against AUTHORITY under this Agreement.

B. In the event either Party defaults in the performance of any of their obligations under this Agreement or breaches any of the provisions of this Agreement, the non-defaulting Party shall have the option to terminate this Agreement upon thirty (30) days' prior written notice to the other Party. Upon receipt of such notice, CONSULTANT shall immediately cease work, unless the notice from AUTHORITY provides otherwise. Upon receipt of the notice from AUTHORITY, CONSULTANT shall submit an invoice for work and/or services performed prior to the date of termination. AUTHORITY shall pay CONSULTANT for work and/or services satisfactorily provided to the date of termination in compliance with this Agreement. Thereafter, CONSULTANT shall have no further claims against AUTHORITY under this Agreement. AUTHORITY shall not be liable for any claim of lost profits or damages for such

termination.

ARTICLE 14. INDEMNIFICATION

A. CONSULTANT shall indemnify, defend and hold harmless AUTHORITY, its officers, directors, employees and agents (indemnities) from and against any and all claims (including attorneys' fees and reasonable expenses for litigation or settlement) for any loss or damages, bodily injuries, including death, damage to or loss of use of property caused by the negligent acts, omissions or willful misconduct by CONSULTANT, its officers, directors, employees, agents, subconsultants or suppliers in connection with or arising out of the performance of this Agreement.

ARTICLE 15. ASSIGNMENTS AND SUBCONTRACTS

A. Neither this Agreement nor any interest herein nor claim hereunder may be assigned by CONSULTANT either voluntarily or by operation of law, nor may all or any part of this Agreement be subcontracted by CONSULTANT, without the prior written consent of AUTHORITY. Consent by AUTHORITY shall not be deemed to relieve CONSULTANT of its obligations to comply fully with all terms and conditions of this Agreement.

B. AUTHORITY hereby consents to CONSULTANT's subcontracting portions of the Scope of Work to the parties identified below for the functions described in CONSULTANT's proposal. CONSULTANT shall include in the subcontract agreement the stipulation that CONSULTANT, not AUTHORITY, is solely responsible for payment to the subcontractor for the amounts owing and that the subcontractor shall have no claim, and shall take no action, against AUTHORITY, its officers, directors, employees or sureties for nonpayment by CONSULTANT.

Subcontractor Name/Addresses	Subcontractor Amounts
	$.00
	$.00

ARTICLE 16. AUDIT AND INSPECTION OF RECORDS

CONSULTANT shall provide AUTHORITY, or other agents of AUTHORITY, such access to

CONSULTANT's accounting books, records, payroll documents and facilities, as AUTHORITY deems necessary. CONSULTANT shall maintain such books, records, data and documents in accordance with generally accepted accounting principles and shall clearly identify and make such items readily accessible to such parties during CONSULTANT's performance hereunder and for a period of four (4) years from the date of final payment by AUTHORITY. AUTHORITY's right to audit books and records directly related to this Agreement shall also extend to all first-tier subcontractors identified in Article 15 of this Agreement. CONSULTANT shall permit any of the foregoing parties to reproduce documents by any means whatsoever or to copy excerpts and transcriptions as reasonably necessary.

ARTICLE 17. CONFLICT OF INTEREST

A. CONSULTANT agrees to avoid organizational conflicts of interest. An organizational conflict of interest means that due to other activities, relationships or contracts, the CONSULTANT is unable, or potentially unable to render impartial assistance or advice to AUTHORITY; CONSULTANT's objectivity in performing the work identified in the Scope of Work is or might be otherwise impaired; or CONSULTANT has an unfair competitive advantage. CONSULTANT is obligated to fully disclose to AUTHORITY in writing Conflict of Interest issues as soon as they are known to CONSULTANT. All disclosures must be submitted in writing to AUTHORITY pursuant to the Notice provision herein. This disclosure requirement is for the entire term of this Agreement.

B. If AUTHORITY determines that CONSULTANT, its employees, or subconsultants are subject to disclosure requirements under the Political Reform Act (Government Code section 81000 et seq.), CONSULTANT and its required employees and subconsultants shall complete and file Statements of Economic Interest (Form 700) with AUTHORITY's Clerk of the Board disclosing all required financial interests.

ARTICLE 18. CODE OF CONDUCT

CONSULTANT agrees to comply with AUTHORITY's Code of Conduct as it relates to Third-Party contracts which is hereby referenced and by this reference is incorporated herein. CONSULTANT agrees to include these requirements in all of its subcontracts.

ARTICLE 19. PROHIBITION ON PROVIDING ADVOCACY SERVICES

CONSULTANT and all subconsultants performing work under this Agreement, shall be prohibited from concurrently representing or lobbying for any other party competing for a contract with AUTHORITY, either as a prime consultant or subconsultant. Failure to refrain from such representation may result in termination of this Agreement.

ARTICLE 20. FEDERAL, STATE AND LOCAL LAWS

CONSULTANT warrants that in the performance of this Agreement, it shall comply with all applicable federal, state and local laws, statutes and ordinances and all lawful orders, rules and regulations promulgated thereunder.

ARTICLE 21. EQUAL EMPLOYMENT OPPORTUNITY

In connection with its performance under this Agreement, CONSULTANT shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, age or national origin. CONSULTANT shall take affirmative action to ensure that applicants are employed, and that employees are treated during their employment, without regard to their race, religion, color, sex, age or national origin. Such actions shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

ARTICLE 22. PROHIBITED INTERESTS

CONSULTANT covenants that, for the term of this Agreement, no director, member, officer or employee of AUTHORITY during his/her tenure in office or for one (1) year thereafter shall have any interest, direct or indirect, in this Agreement or the proceeds thereof.

ARTICLE 23. OWNERSHIP OF REPORTS AND DOCUMENTS

A. The originals of all letters, documents, reports and other products and data produced under this Agreement shall be delivered to, and become the property of AUTHORITY. Copies may be made for CONSULTANT's records but shall not be furnished to others without written authorization from AUTHORITY. Such deliverables shall be deemed works made for hire and all rights in copyright therein

shall be retained by AUTHORITY.

B. All ideas, memoranda, specifications, plans, manufacturing, procedures, drawings, descriptions, and all other written information submitted to CONSULTANT in connection with the performance of this Agreement shall not, without prior written approval of AUTHORITY, be used for any purposes other than the performance under this Agreement, nor be disclosed to an entity not connected with the performance of the project. CONSULTANT shall comply with AUTHORITY's policies regarding such material. Nothing furnished to CONSULTANT, which is otherwise known to CONSULTANT or is or becomes generally known to the related industry shall be deemed confidential. CONSULTANT shall not use AUTHORITY's name, photographs of the project, or any other publicity pertaining to the project in any professional publication, magazine, trade paper, newspaper, seminar or other medium without the express written consent of AUTHORITY.

C. No copies, sketches, computer graphics or graphs, including graphic artwork, are to be released by CONSULTANT to any other person or agency except after prior written approval by AUTHORITY, except as necessary for the performance of services under this Agreement. All press releases, including graphic display information to be published in newspapers, magazines, etc., are to be handled only by AUTHORITY unless otherwise agreed to by CONSULTANT and AUTHORITY.

ARTICLE 24. PATENT AND COPYRIGHT INFRINGEMENT

A. In lieu of any other warranty by AUTHORITY or CONSULTANT against patent or copyright infringement, statutory or otherwise, it is agreed that CONSULTANT shall defend at its expense any claim or suit against AUTHORITY on account of any allegation that any item furnished under this Agreement or the normal use or sale thereof arising out of the performance of this Agreement, infringes upon any presently existing U.S. letters patent or copyright and CONSULTANT shall pay all costs and damages finally awarded in any such suit or claim, provided that CONSULTANT is promptly notified in writing of the suit or claim and given authority, information and assistance at CONSULTANT's expense for the defense of same. However, CONSULTANT will not indemnify AUTHORITY if the suit or claim results from: (1) AUTHORITY's alteration of a deliverable, such that said deliverable in its altered form infringes

upon any presently existing U.S. letters patent or copyright; or (2) the use of a deliverable in combination with other material not provided by CONSULTANT when such use in combination infringes upon an existing U.S. letters patent or copyright.

B. CONSULTANT shall have sole control of the defense of any such claim or suit and all negotiations for settlement thereof. CONSULTANT shall not be obligated to indemnify AUTHORITY under any settlement made without CONSULTANT's consent or in the event AUTHORITY fails to cooperate fully in the defense of any suit or claim, provided, however, that said defense shall be at CONSULTANT's expense. If the use or sale of said item is enjoined as a result of such suit or claim, CONSULTANT, at no expense to AUTHORITY, shall obtain for AUTHORITY the right to use and sell said item, or shall substitute an equivalent item acceptable to AUTHORITY and extend this patent and copyright indemnity thereto.

ARTICLE 25. FINISHED AND PRELIMINARY DATA

A. All of CONSULTANT's finished technical data, including but not limited to illustrations, photographs, tapes, software, software design documents, including without limitation source code, binary code, all media, technical documentation and user documentation, photoprints and other graphic information required to be furnished under this Agreement, shall be AUTHORITY's property upon payment and shall be furnished with unlimited rights and, as such, shall be free from proprietary restriction except as elsewhere authorized in this Agreement. CONSULTANT further agrees that it shall have no interest or claim to such finished, AUTHORITY-owned, technical data; furthermore, said data is subject to the provisions of the Freedom of Information Act, 5 USC 552.

B. It is expressly understood that any title to preliminary technical data is not passed to AUTHORITY but is retained by CONSULTANT. Preliminary data includes roughs, visualizations, software design documents, layouts and comprehensives prepared by CONSULTANT solely for the purpose of demonstrating an idea or message for AUTHORITY's acceptance before approval is given for preparation of finished artwork. Preliminary data title and right thereto shall be made available to AUTHORITY if CONSULTANT causes AUTHORITY to exercise Article 13, and a price shall be

negotiated for all preliminary data.

ARTICLE 26. CONTRACTOR PURCHASED EQUIPMENT

A. If during the course of this Agreement, additional equipment is required, which will be paid for by the AUTHORITY, CONSULTANT must request prior written authorization from the AUTHORITY's project manager before making any purchase. As part of this purchase request, CONSULTANT shall provide a justification for the necessity of the equipment or supply and submit copies of three (3) competitive quotations. If competitive quotations are not obtained, CONSULTANT must provide the justification for the sole source.

B. CONSULTANT shall maintain an inventory record for each piece of equipment purchased that will be paid for by the AUTHORITY. The inventory record shall include the date acquired, total cost, serial number, model identification, and any other information or description necessary to identify said equipment or supply. A copy of the inventory record shall be submitted to the AUTHORITY upon request.

C. At the expiration or termination of this Agreement, CONSULTANT may keep the equipment and credit AUTHORITY in an amount equal to its fair market value. Fair market value shall be determined, at CONSULTANT's expense, on the basis of an independent appraisal. CONSULTANT may sell the equipment at the best price obtainable and credit AUTHORITY in an amount equal to the sales price. If the equipment is to be sold, then the terms and conditions of the sale must be approved in advance by AUTHORITY's project manager.

D. Any subconsultant agreement entered into as a result of this Agreement shall contain all provisions of this clause.

ARTICLE 27. HEALTH AND SAFETY REQUIREMENT

CONSULTANT shall comply with all the requirements set forth in Exhibit _, Level 1 Safety Specifications.

ARTICLE 28. LIMITATION ON GOVERNMENTAL DECISIONS

CONSULTANT shall not make, participate in making, or use its position to influence any governmental decisions as defined by the Political Reform Act, Government Code section 8100 et seq.,

and the implementing regulations in Title 2 of the California Code of Regulations section 18110 et seq. CONSULTANT's personnel performing services under this Agreement shall not authorize or direct any actions, votes, appoint any person, obligate, or commit AUTHORITY to any course of action or enter into any contractual agreement on behalf of AUTHORITY. In addition, CONSULTANT's personnel shall not provide information, an opinion, or a recommendation for the purpose of affecting a decision without significant intervening substantive review by AUTHORITY personnel, counsel, and management.

ARTICLE 29. FORCE MAJEURE

Either party shall be excused from performing its obligations under this Agreement during the time and to the extent that it is prevented from performing by an unforeseeable cause beyond its control, including but not limited to: any incidence of fire, flood; acts of God; commandeering of material, products, plants or facilities by the federal, state or local government; national fuel shortage; or a material act or omission by the other party; when satisfactory evidence of such cause is presented to the other party, and provided further that such nonperformance is unforeseeable, beyond the control and is not due to the fault or negligence of the party not performing.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement No. C-4-2221 to be executed as of the date of the last signature below.

CONSULTANT

By: _____

ORANGE COUNTY TRANSPORTATION AUTHORITY

By: _____
Georgia Martinez
Department Manager, Contract Administration and Procurement

APPROVED AS TO FORM:

By: _____
James M. Donich
General Counsel

EXHIBIT D: STATUS OF PAST AND PRESENT CONTRACTS FORM

STATUS OF PAST AND PRESENT CONTRACTS FORM

On the form provided below, Offeror/Bidder shall list the status of past and present contracts where the firm has either provided services as a prime vendor or a subcontractor during the past five (5) years in which the contract has been the subject of or may be involved in litigation with the contracting authority. This includes, but is not limited to, claims, settlement agreements, arbitrations, administrative proceedings, and investigations arising out of the contract.

A separate form must be completed for each contract. Offeror/Bidder shall provide an accurate contact name and telephone number for each contract and indicate the term of the contract and the original contract value. Offeror/Bidder shall also provide a brief summary and the current status of the litigation, claims, settlement agreements, arbitrations, administrative proceedings, or investigations. If the contract was terminated, list the reason for termination.

Offeror/Bidder shall have an ongoing obligation to update the Authority with any changes to the identified contracts and any new litigation, claims, settlement agreements, arbitrations, administrative proceedings, or investigations that arise subsequent to the submission of the bid. Each form must be signed by an officer of the Offeror/Bidder confirming that the information provided is true and accurate.

Project city/agency/other:	
Contact Name:	**Phone:**
Project Award Date:	**Original Contract Value:**
Term of Contract:	
(1) Litigation, claims, settlements, arbitrations, or investigations associated with contract:	
(2) Summary and Status of contract:	
(3) Summary and Status of action identified in (1):	
(4) Reason for termination, if applicable:	

By signing this Form entitled "Status of Past and Present Contracts," I am affirming that all of the information provided is true and accurate.

_____ _____
Name Signature

_____ _____
Title Date

Revised. 03/16/2018

EXHIBIT E: CAMPAIGN CONTRIBUTION DISCLOSURE FORM

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Information Sheet

ORANGE COUNTY TRANSPORTATION AUTHORITY

The attached Campaign Contribution Disclosure Form must be completed by applicants for, or persons who are the subject of, any proceeding involving a license, permit, or other entitlement for use pending before the Board of Directors of the OCTA or any of its affiliated agencies. (Please see next page for definitions of these terms.)

IMPORTANT NOTICE

Basic Provisions of Government Code Section 84308

A. If you are an applicant for, or the subject of, any proceeding involving a license, permit, or other entitlement for use, you are prohibited from making a campaign contribution of more than $250 to any board member or his or her alternate. This prohibition begins on the date your application is filed or the proceeding is otherwise initiated, and the prohibition ends three months after a final decision is rendered by the Board of Directors. In addition, no board member or alternate may solicit or accept a campaign contribution of more than $250 from you during this period.

B. These prohibitions also apply to your agents, and, if you are a closely held corporation, to your majority shareholder as well. These prohibitions also apply to your subcontractor(s), joint venturer(s), and partner(s) in this proceeding. Also included are parent companies and subsidiary companies directed and controlled by you, and political action committees directed and controlled by you.

C. You must file the attached disclosure form and disclose whether you or your agent(s) have in the aggregate contributed more than $250 to any board member or his or her alternate during the 12-month period preceding the filing of the application or the initiation of the proceeding.

D. If you or your agent have in the aggregate contributed more than $250 to any individual board member or his/or her alternate during the 12 months preceding the decision on the application or proceeding, that board member or alternate must disqualify himself or herself from the decision. However, disqualification is not required if the board member or alternate returns the campaign contribution within 30 days from the time the director knows, or should have known, about both the contribution and the fact that you are a party in the proceeding. The Campaign Contribution Disclosure Form should be completed and filed with your proposal, or with the first written document you file or submit after the proceeding commences.

1. A proceeding involving "a license, permit, or other entitlement for use" includes all business, professional, trade and land use licenses and permits, and all other entitlements for use, including all entitlements for land use, all contracts (other than competitively bid, labor or personal employment contracts), and all franchises.

2. Your "agent" is someone who represents you in connection with a proceeding involving a license, permit or other entitlement for use. If an individual acting as an agent is also acting in his or her capacity as an employee or member of a law, architectural, engineering, consulting firm, or similar business entity, both the business entity and the individual are “agents.”

3. To determine whether a campaign contribution of more than $250 has been made by you, campaign contributions made by you within the preceding 12 months must be aggregated with those made by your agent within the preceding 12 months or the period of the agency, whichever is shorter. Contributions made by your majority shareholder (if a closely held corporation), your subcontractor(s), your joint venturer(s), and your partner(s) in this proceeding must also be included as part of the aggregation. Campaign contributions made to different directors or their alternates are not aggregated.

4. A list of the members and alternates of the Board of Directors is attached.

This notice summarizes the major requirements of Government Code Section 84308 of the Political Reform Act and California Code of Regulations, Title 2 Sections 18438-18438.8.

ORANGE COUNTY TRANSPORTATION AUTHORITY
CAMPAIGN CONTRIBUTION DISCLOSURE FORM

RFP Number: _____ RFP Title: _____

Was a campaign contribution made to any OCTA Board Member within the preceding 12 months, regardless of dollar amount of the contribution by either the proposing firm, proposed subconsultants and/or agent/lobbyist? Yes ____ No_____

If no, please sign and date below.

If yes, please provide the following information:

Prime Contractor Firm Name: _____

Contributor or Contributor Firm's Name: _____

Contributor or Contributor Firm's Address: _____

_____

Is Contributor:

- The Prime Contractor Yes___ No ___
- Subconsultant Yes___ No ___
- Agent/Lobbyist hired by Prime to represent the Prime in this RFP Yes___ No ___

Note: Under the State of California Government Code section 84308 and California Code of Regulations, Title 2, Section 18438, campaign contributions made by the Prime Contractor and the Prime Contractor's agent/lobbyist who is representing the Prime Contractor in this RFP must be aggregated together to determine the total campaign contribution made by the Prime Contractor.

_____

Identify the Board Member(s) to whom you, your subconsultants, and/or agent/lobbyist made campaign contributions, the name of the contributor, the dates of contribution(s) in the preceding 12 months and dollar amount of the contribution. Each date must include the exact month, day, and year of the contribution.

Name of Board Member: _____

Name of Contributor: _____

Date(s) of Contribution(s): _____

Amount(s): _____

Name of Board Member: _____

Name of Contributor: _____

Date(s) of Contribution(s): _____

Amount(s): _____

Date: _____ _____
Signature of Contributor

_____ _____
Print Firm Name Print Name of Contributor

ORANGE COUNTY TRANSPORTATION AUTHORITY
AND AFFILIATED AGENCIES

Board of Directors

Tam Nguyen, Chair

Doug Chaffee, Vice Chair

Ashleigh Aiken, Director

Valerie Amezcua, Director

Andrew Do, Director

Jon Dumitru, Director

Jamey Federico, Director

Katrina Foley, Director

Patrick Harper, Director

Michael Hennessey, Director

Fred Jung, Director

Farrah Khan, Director

Stephanie Klopfenstein, Director

Vicente Sarmiento, Director

John Stephens, Director

Donald Wagner, Director

EXHIBIT F: SAFETY SPECIFICATIONS

LEVEL 1 HEALTH, SAFETY AND ENVIRONMENTAL SPECIFICATIONS

PART I – GENERAL

1.1 GENERAL HEALTH, SAFETY & ENVIRONMENTAL REQUIREMENTS

A. The Contractor, its subcontractors, suppliers, and employees have the obligation to comply with all Authority health, safety and environmental compliance department (HSEC) requirements of this safety specification, project site requirements, bus yard safety rules, as well as all federal, state, and local regulations pertaining to scope of work, contracts or agreements with the Authority. Additionally, manufacturer requirements are considered incorporated by reference as applicable to this scope of work.

B. Observance of repeated unsafe acts or conditions, serious violation of safety standards, non-conformance of Authority health, safety and environmental compliance department (HSEC) requirements, or disregard for the intent of these safety specifications to protect people and property, by Contractor or its subcontractors may be cause for termination of scope or agreements with the Authority, at the sole discretion of the Authority.

C. The health, safety, and environmental requirements, and references contained within this scope of work shall not be considered all-inclusive as to the hazards that might be encountered. Safe work practices shall be planned and performed, and safe conditions shall be maintained during this work scope.

D. The Authority Project Manager shall be responsible to ensure a safety orientation is conducted of known potential hazards and emergency procedures for all Contractor personnel, subcontractors, suppliers, vendors, and new employees assigned to the project prior to commencement of the project.

E. The Contractor shall ensure that all Contractor vehicles, including those of its subcontractors, suppliers, vendors and employees are parked in designated parking areas, and comply with traffic routes, and posted traffic signs in areas other than the employee parking lots.

F. California Code of Regulations (CCR) Title 8 Standards are minimum requirements; each Contractor is encouraged to exceed minimum requirements. When the Contractor's safety requirements exceed statutory standards, the more stringent requirements shall be applied for the safeguard of public and employees.

1.2 REGULATORY

A. Injury/Illness Prevention Program
The Contractor shall comply with CCR Title 8, Section with California Code of Regulations (CCR) Title 8, Section 3203. The intent and elements of the IIPP shall be implemented and enforced by the Contractor and its sub-tier contractors, suppliers, and vendors. The program shall be provided to the Authority's Project Manager, upon request, within 72 hours.

LEVEL 1 HEALTH, SAFETY AND ENVIRONMENTAL SPECIFICATIONS

B. Substance Abuse Prevention Program
Contractor shall comply with the Policy or Program of the Company's Substance Abuse Prevention Policy that complies with the most recent Drug Free Workplace Act. The program shall be provided to the Authority's Project Manager, upon request, within 72 hours.

C. Heat Illness Prevention Program
Contractor shall comply with CCR Title 8, Section, Section 3395, Heat Illness Prevention. The program shall be provided to the Authority's Project Manager, upon request, within 72 hours.

D. Hazard Communication Program
Contractor shall comply with CCR Title 8, Section 5194 Hazard Communication Standard. Prior to use on Authority property and/or project work areas Contractor shall provide the Authority Project Manager copies of SDS for all applicable chemical products used, if any. The program shall be provided to the Authority's Project Manager, upon request, within 72 hours.

a. All chemicals including paint, solvents, detergents and similar substances shall comply with South Coast Air Quality Management District (SCAQMD) rules 103, 1113, and 1171.

E. Storm Water Pollution Prevention Plan
The Contractor shall protect property and water resources from fuels and similar products throughout the duration of the contract. Contractor shall comply with Storm Water Pollution Prevention Plan (SWPPP) requirements. The program or plan if required by scope shall be provided to the Authority's Project Manager, upon request, within 72 hours.

1.3 INCIDENT NOTIFICATION AND INVESTIGATION

A. The Authority shall be promptly notified of any of the following types of incidents including but not limited to:

1. Damage incidents of property (incidents involving third party, contractor or Authority property damage);

2. Reportable and/or Recordable injuries (as defined by the U. S. Occupational Safety and Health Administration), a minor injury, and near miss incidents;
3. Incidents impacting the environment, i.e. spills or releases on Authority projects or property.

4. Outside Agency Inspections; agencies such as Cal/OSHA, DTSC, SCAQMD, State Water Resources Control Board, FTA, CPUC, EPA, USACE and similar agencies.

B. Notifications shall be made to Authority representatives, employees and/or agents. This includes incidents occurring to contractors, vendors, visitors, or members of the public

that arise from the performance of Authority contract work. An immediate verbal notice followed by an initial written incident investigation report shall be submitted to the Authority's Project Manager within 24 hours of the incident.

C. A final written incident investigative report shall be submitted within seven (7) calendar days and include the following information. The Current Status of anyone injured, photos of the incident area, detailed description of what happened, Photos of the existing conditions and area of the injury/incident, the contributing factors that lead to the incident occurrence, a copy of the company policy or procedure associated with the incident and evaluation of effectiveness, copy of task planning documentation, copy of the Physician's first report of injury, copy of Cal/OSHA 300 log of work related injuries and illnesses, the Cal/OSHA 301 Injury Illness Incident Report, and corrective actions initiated to prevent recurrence. This information shall be considered the minimum elements required for a comprehensive incident report provided to OCTA.

D. A Serious Injury, Serious Incident, OSHA Recordable Injury/Illness, or a Significant Near Miss shall require a formal incident review at the discretion of the Authority's Project Manager. The incident review shall be conducted within seven (7) calendar days of the incident. This review shall require a company senior executive, company program or project manager from the Contractors' organization to participate and present the incident review as determined by the OCTA Project Manager. The serious incident presentation shall include action taken for the welfare of the injured, a status report of the injured, causation factors that lead to the incident, a root cause analysis (using 5 whys and fishbone methods), and a detailed recovery plan that identifies corrective actions to prevent a similar incident, and actions to enhance safety awareness.

1. Serious Injury: includes an injury or illness to one or more employees, occurring in a place of employment or in connection with any employment, which requires inpatient hospitalization for a period in excess of twenty-four hours for other than medical observation, or in which an employee suffers the loss of any member of the body, or suffers any serious degree of physical disfigurement. A serious injury also includes a lost workday or reassignment or restricted injury case as determined by the Physician's first report of injury or Cal/OSHA definitions.

2. Serious Incident: includes but not limited to property damage of $500.00 or more, an incident requiring emergency services (local fire, paramedics and ambulance response), news media or OCTA media relations response, and/or incidents involving other agencies (Cal/OSHA, EPA, AQMD, DTSC, Metrolink, FTA, FRA etc.) notification or representation.

3. OSHA Recordable Injury / Illness: includes and injury / illness resulting in medical treatment beyond First Aid, an injury / illness which requires restricted duty, or an injury / illness resulting in days away from work.

4. Significant Near Miss Incident; includes incidents where no property was damaged and no personal injury sustained, but where, given a slight shift in time or position, damage and/or injury easily could have occurred.

LEVEL 1 HEALTH, SAFETY AND ENVIRONMENTAL SPECIFICATIONS

1.4 DESIGNATED HEALTH AND SAFETY REPRESENTATIVE

A. Upon contract award, the contractor within 10 business days shall designate a health and safety representative and provide a resume and qualifications to the Authority project manager, upon request, within 72 hours.

B. This person shall be a competent or qualified individual as defined by the Occupational, Safety, and Health Administration (OSHA), familiar with applicable CCR Title 8 Standards (Cal/OSHA) and has the authority to affect changes in work procedures that may have associated cost, schedule and budget impacts.

1.5 PERSONAL PROTECTIVE EQUIPMENT

A. The Contractor, its subcontractors, suppliers, and employees are required to comply with applicable personal protective equipment (PPE) requirements while performing work at any Authority project or property. Generally minimum PPE requirements include eye protection; hearing protection, head protection, class 2 or 3 safety reflective vests, and appropriate footwear.

B. The Contractor, its subcontractors, suppliers, and employees are required to provide their own PPE, including eye, head, foot, and hand protection, safety vests, or other PPE required to perform their work safely on Authority projects or property. The Authority requires eye protection on construction projects and work areas that meet ANSI Z-87.1 Standards.

1.6 REFERENCES

A. CCR Title 8 Standards (Cal/OSHA)
B. FCR Including 1910 and 1926 Standards
C. NFPA, NEC, ANSI, NIOSH Standards
D. Construction Industry Institute (CII)
E. OCTA Yard Safety Rules

END OF SECTION

EXHIBIT G: PROPOSAL EXCEPTIONS AND/OR DEVIATIONS

PROPOSAL EXCEPTIONS AND/OR DEVIATIONS

The following form shall be completed for each technical and/or contractual exception or deviation that is submitted by Offeror for review and consideration by Authority. The exception and/or deviation must be clearly stated along with the rationale for requesting the exception and/or deviation. If no technical or contractual exceptions or deviations are submitted as part of the original proposal, Offerors are deemed to have accepted Authority's technical requirements and contractual terms and conditions set forth in the Scope of Work (Exhibit A) and Proposed Agreement (Exhibit C). Offerors will not be allowed to submit this form or any contractual exceptions and/or deviation after the proposal submittal date identified in the RFP. Exceptions and/or deviations submitted after the proposal submittal date will not be reviewed by Authority.

Offeror:_____

RFP No.:_____ RFP Title: _____

Deviation or Exception No. : _____

Check one:

- Scope of Work (Technical) _____
- Proposed Agreement (Contractual) _____

Reference Section/Exhibit: _____ Page/Article No._____

Complete Description of Deviation or Exception:

_____
_____
_____
_____
_____
_____
_____
_____

Rationale for Requesting Deviation or Exception:

_____
_____
_____
_____
_____
_____

Area Below Reserved for Authority Use Only:

_____
_____
_____

COMMITTEE TRANSMITTAL

April 22, 2024

To: Members of the Board of Directors

From: Andrea West, Clerk of the Board

Subject: State Legislative Status Report

Legislative and Communications Committee Meeting of April 18, 2024

Present: Directors Dumitru, Jung, Nguyen, and Wagner
Absent: Directors Aitken and Foley

Committee Vote

This item was passed by the Members present.

Committee Recommendations

A. Adopt an OPPOSE position on AB 2535 (Bonta, D-Oakland), which would prohibit the California Transportation Commission from allocating Trade Corridor Enhancement Program funding to a project that expands the highway footprint in certain communities.

B. Adopt a SUPPORT position on AB 2824 (McCarty, D-Sacramento), which would expand the application of enhanced penalties for battery against a transit operator or ticketing agent to also apply to transit employees and contractors of a public transportation provider.

OCTA

April 18, 2024

To: Legislative and Communications Committee

From: Darrell E. Johnson, Chief Executive Officer

Subject: State Legislative Status Report

Overview

The Orange County Transportation Authority provides regular updates to the Legislative and Communications Committee on policy issues directly impacting its overall programs, projects, and operations. Staff is recommending an oppose position on legislation related to allocation prohibitions for the Trade Corridor Enhancement Program. Staff recommends a support position on legislation related to penalties for battery against transit employees. A summary is provided of legislation that would authorize taxing authority in the Bay Area for transportation purposes and explore the consolidation of transit agencies in that area. Information is provided on a coalition letter sent opposing cuts to a grant program for certain sustainable transportation projects.

Recommendations

A. Adopt an OPPOSE position on AB 2535 (Bonta, D-Oakland), which would prohibit the California Transportation Commission from allocating Trade Corridor Enhancement Program funding to a project that expands the highway footprint in certain communities.

B. Adopt a SUPPORT position on AB 2824 (McCarty, D-Sacramento), which would expand the application of enhanced penalties for battery against a transit operator or ticketing agent to also apply to transit employees and contractors of a public transportation provider.

Discussion

AB 2535 (Bonta, D-Oakland): Trade Corridor Enhancement Program

The Trade Corridor Enhancement Program (TCEP) is a competitive funding program that was established through SB 1 (Chapter 5, Statutes of 2017). The program was intended to fund projects designed to move freight more efficiently on corridors with high volumes of freight movement and supports the goals of the National Highway Freight Program, the California Freight Mobility Plan, and the

guiding principles in the California Sustainable Freight Action Plan. AB 2535 would prohibit the California Transportation Commission (CTC) from allocating TCEP funding to a project that expands the physical footprint of a highway in a community that ranks in the highest quintile in the CalEnviroScreen for diesel particulate matter. CalEnviroScreen is a mapping tool that identifies communities that are most affected by various sources of pollution, particularly as it pertains to disadvantaged communities. If those emissions do not decrease by 50 percent below 2024 levels by 2030, the only projects that could be awarded funding from TCEP would be those that reduce diesel particulate matter emissions.

In addition to these restrictions on use of TCEP funds, AB 2535 also requires the CTC to establish a target to ensure that 15 percent of TCEP funds for each year are allocated to investments in zero-emission freight infrastructure, such as heavy-duty electric vehicle charging and fueling infrastructure and electric locomotive technology. The CTC would then be required to increase this target each year, with the goal of 50 percent of all TCEP funding to be for this purpose by 2030. Finally, AB 2535 would only allow TCEP to be programmed for design, right-of-way, and construction capital costs if the applicant has completed its environmental review of the project within six months of the CTC adopting the program of projects.

AB 2535 makes changes to TCEP in such a way that is inconsistent with the intent of SB 1 and undermines voter intent when voted to reject measures to repeal SB 1. The Orange County Transportation Authority (OCTA) has been awarded TCEP funds for projects such as the State Route 55 Improvement Project, which will improve freight access and throughput for the traveling public. If AB 2535 were in law today, the project would not have been eligible given the increase in the highway footprint. Additionally, since AB 2535 also requires as much as 50 percent of TCEP funding to go toward zero-emission freight infrastructure, including electric locomotive technology, there is already a significant piece of funding taken off the table for other modal projects. And given that this is limited to freight infrastructure, it is unclear how transportation agencies could remain competitive for funding for these technologies.

The wording within the legislation is amorphous in many ways. To start, AB 2535 does not define “expanded highway footprint.” Therefore, it is difficult to know what kinds of projects would be impacted. It could include even minor improvements to the highway for general maintenance or safety purposes. There is also no language included in AB 2535 that considers if a project could also be addressing safety and rehabilitation needs throughout the corridor or could include a widening component to incorporate pricing strategies to reduce congestion. In some cases, these projects create revenue for transit and active transportation, aiding the State in meeting its goals to reduce greenhouse gas emissions and vehicle miles traveled.

Further, AB 2535 uses CalEnviroScreen as the threshold for identifying certain communities. Many agencies still find difficulty in using this tool as it often portrays a level of subjectivity. This tool is continuing to evolve which could also create uncertainty in where a project could meet the criteria in one version, but perhaps the updated version would then make that project deemed prohibited under this program. Creating such priority structures outlined in the bill could cause significant consequences to planned and existing transportation projects and funding programs.

Current state and federal programs are structured in a manner to accomplish the goals of AB 2535, including through the Climate Action Plan for Transportation Infrastructure and the Justice40 Initiative. There should be an opportunity to implement existing policies prior to adding more complicated layers to transportation planning and funding. Additionally, the TCEP program already has certain distribution requirements that account for disadvantaged community populations. When creating policy, space needs to be left to fully vet and implement existing policy before adding more complexities which only delay critical transportation projects from creating these community benefits.

A comprehensive bill analysis and bill language are included as Attachment A. The Riverside County Transportation Commission and the Contra Costa Transportation Authority have oppose positions on this legislation. AB 2535 is sponsored by the Greenlining Institute with the Coalition for Clean Air, the Natural Resources Defense Council, and Environment California listed as co-sponsors. An OPPOSE position is consistent with OCTA's 2023-24 State Legislative Platform principle to "Oppose policies that change existing formula funding structures to redistribute funds in a way that would inhibit a local agency from delivering critical transportation projects and programs."

AB 2824 (McCarty, D-Sacramento): Battery: Public Transportation Provider

AB 2824 is co-sponsored by the California Transit Association, Amalgamated Transit Union, and Transport Workers Union. This bill would revise existing law, where battery against operators, drivers, or passengers on public transportation vehicles, with the perpetrator's awareness or reasonable assumption of the victim's professional duties, may result in imprisonment for up to one year in county jail, a fine of up to $10,000, or both. If the victim sustains injuries, the penalty escalates to a fine of up to $10,000, imprisonment for up to one year in county jail, or 16 months to three years in state prison, or both fine and imprisonment. This bill would expand this to apply to an employee or contractor of a public transportation provider as well.

AB 2824 provides an opportunity to strengthen protections for transit workers and acts as a deterrent for potential offenders, thereby creating a safer working environment. OCTA, along with other public transportation providers across the country, has increasingly been faced with issues regarding assault against transit employees, which can range from verbal abuse and threats to physical violence.

OCTA has seen an increase from 2022 to 2023 in coach operator assaults. Specifically, in 2023, the Orange County Sheriff's Department (OCSD) Transit Police Services (TPS) reported 33 assaults against coach operators. This is a 94 percent increase from OCSD TPS reporting 17 coach operator assaults in 2022. It is also important to note that the actual incident numbers are likely higher than the reported incident numbers, due to some employees choosing to not file a report. This bill provides the opportunity to protect a wider range of employees, which allows OCTA employees and contractors to access legal recourse in the event of an assault or battery while on duty.

A comprehensive bill analysis and bill language are included as Attachment B. The cosponsors are working with the author to potentially expand the language of the bill to include more resources to combat increased safety issues that public transit employees are facing. A SUPPORT position is consistent with OCTA's 2023-24 State Legislative Platform principles to "Support policies that aim to enhance transit services and the overall safety and security of transit riders, public transit employees, and on-road vehicles while avoiding undue burden on transportation agencies to implement unfunded safety measures."

SB 1031 (Wiener, D-San Francisco): San Francisco Bay Area: Local Revenue Measure: Transportation Improvements

SB 1031 is a bill sponsored by the Metropolitan Transportation Commission (MTC), the metropolitan planning organization (MPO) for the Bay Area, and seeks to not only reform the structure of transit coordination in their jurisdiction, but also would authorize several different taxing mechanisms to provide funding to both resolve transit funding shortages in the region and allow for future expansion. While the bill does not apply to the Southern California region, and is expected to be amended in several areas, some of the policy proposals could create precedent for other regions and inform the findings of the California State Transportation Agency's (CalSTA) Transit Transformation Task Force.

Under SB 1031, CalSTA would be required to have a report developed by the Institute of Transportation Studies making recommendations related to the potential consolidation of transit agencies in the Bay Area. Based on this report, CalSTA would then develop a comprehensive plan for consolidation by January 1, 2027, designed in a manner where services would not be reduced, while also improving accountability, connectivity, and efficiencies. Regardless of whether consolidation is pursued, SB 1031 would now require all transit agencies in the Bay Area to meet any MTC rules and regulations to be eligible to receive funding from State Transit Assistance, Local Transportation Fund, or the San Francisco Bay Area Conservation and Development Commission.

To assist with funding of future services, and to address projected deficits, the bill authorizes MTC to raise and allocate funding from a regional sales tax, a regional payroll tax, a parcel tax, and a regional vehicle registration surcharge. Many of these would require voter approval, with parameters detailed in SB 1031.

In addition to transit, the funding would also be eligible to be used for climate resiliency projects, safe streets, and connectivity projects. MTC would also be authorized to seek a ballot measure to require all employers in proximity to transit to purchase a regional transit pass for each of their employees.

Given continued negotiations on the specifics of this bill, only a few agencies in the Bay Area have taken a position. However, concerns have been raised about the potential for consolidation and impacts on services, staffing, and funding. In addition, others have flagged the increased role for MPOs this bill would create in transit funding and planning. Staff will provide updates as the bill moves forward.

Update on the Regional Early Action Planning 2.0 Grant Program

The Regional Early Action Planning Grant Program (REAP 1.0) was first established as part of the fiscal year (FY) 2019-20 state budget to provide regions with one-time funding aimed at grants for planning, specifically to allow jurisdictions to meet the Regional Housing Needs Assessment. REAP 1.0's success opened the door for the FY 2021-22 California Budget to establish a follow-up program, the Regional Early Action Planning 2.0 (REAP 2.0) Grant Program, providing $600 million for this purpose. Unlike REAP 1.0, REAP 2.0's goal was to focus on transformative planning and implementation activities to help regions meet the goals of SB 375 (Chapter 728, Statutes of 2008), including transportation projects. Funding was directly allocated to MPOs, such as the Southern California Association of Governments (SCAG), who then could create a suballocation process, including for county transportation commissions, such as OCTA.

Within the Governor's proposed state budget for FY 2024-25, a variety of programmatic delays, shifts in funding, and reductions were included to help reduce the projected state budget deficit. This included a proposed reduction of $300 million in funding for REAP 2.0. This reduced the available funding by 50 percent and significantly impacts projects that have already been awarded funding. OCTA staff has been working with SCAG to navigate these impacts.

On March 19, 2024, transportation agencies within the SCAG region sent a letter to state officials regarding the FY 2024-25 budget proposal. In addition to SCAG, OCTA signed onto this coalition letter alongside other Southern California transportation partners, including the Los Angeles County Metropolitan Transportation Authority, the San Bernardino County Transportation Authority, the Riverside County Transportation Commission, the Imperial County Transportation Commission, and the Ventura County Transportation Commission. This letter is included as Attachment E.

If funding is not restored for REAP 2.0, the following OCTA projects slated to receive funding could be impacted:

- First Street Multimodal Boulevard Design
- McFadden Avenue Transit Signal Priority Pilot
- Next Safe Travels Education Program (STEP) 2.0
- Harbor Boulevard Cloud-Based Transit Signal Priority Stage 1
- Harbor Boulevard Cloud-Based Transit Signal Priority Stage 2
- Reconnecting Communities Through Complete Streets
- Bikeways Connectivity Study
- Fullerton Park-and-Ride Transit-Oriented Development Site Design Concepts
- Active Transportation Outreach and Engagement Support
- Orange County Cyclic Counts 2024-2025
- Orange County Mobility Hubs Pilot Concept of Operations

The letter encourages the Legislature not to approve the Governor's proposal to eliminate $300 million for the REAP 2.0 program. Staff will continue monitoring the budget process and provide the Board with updates as they become available.

Summary

A support position is recommended on legislation that would expand enhanced penalties for assault to include transit employees and contractors of a public transportation provider. An oppose position is recommended on legislation related to placing prohibitions on Trade Corridor Enhancement Program allocations to expanding freeway capacity. Information is given on legislation pertaining to Bay Area transportation agencies and their funding. Information is given on a coalition letter related to cuts to the REAP 2.0 grant program.

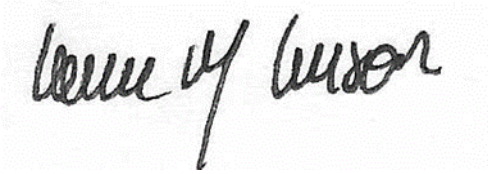
Attachments

A. AB 2535 (Bonta, D-Oakland) Bill Analysis with Bill Language
B. AB 2824 (McCarty, D-Sacramento) Bill Analysis with Bill Language
C. SB 1031 (Wiener, D-San Francisco) Bill Language
D. Orange County Transportation Authority Legislative Matrix
E. Letter from Kome Ajise, Executive Director, Southern California Association of Governments, and others, to The Honorable Mike McGuire, Senate President Pro Tempore, and others, dated March 19, 2024, re: Protect Regional Early Action Planning 2.0 (REAP 2.0) Grant Program

Prepared by:

Alexis Leicht
Government Relations Representative,
Government Relations
(714) 560-5475

Approved by:



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

BILL: AB 2535 (Bonta, D-Oakland)
Amended April 9, 2024
Introduced February 13, 2024

SUBJECT: AB 2535 would prohibit the California Transportation Commission from allocating Trade Corridor Enhancement Program funding to a project that adds a general-purpose lane to a highway or expands highway capacity in certain communities.

STATUS: Pending in Assembly Committee on Transportation and Assembly Committee on Natural Resources

SUMMARY AS OF APRIL 10, 2024:

AB 2535 (Bonta, D-Oakland) would prohibit the California Transportation Commission (CTC) from allocating Trade Corridor Enhancement Program (TCEP) funding to a project that expands the physical footprint of a highway in a community that ranks in the highest quintile in CalEnviroScreen for diesel particulate matter. CalEnviroScreen is a mapping tool that identifies communities that are most affected by various sources of pollution, particularly as it pertains to disadvantaged communities. For those areas with levels of diesel particulate matter in the highest quintile in CalEnviroScreen in 2024, if those emissions do not decrease by 50 percent below 2024 levels by 2030, then only projects that result in a net decrease in such emissions can be programmed for TCEP funding after January 1, 2030. AB 2535 would also only allow TCEP to be programmed for design, right-of-way and construction capital costs if the applicant has completed its environmental review of the project within six months of the CTC adopting the program of projects.

In addition to the above restrictions on use of TCEP funds, AB 2535 also requires the CTC to establish a target to ensure that 15 percent of TCEP funds for each year are allocated to investments in zero-emission freight infrastructure, such as heavy-duty electric vehicle charging and fueling infrastructure and electric locomotive technology. The CTC would then be required to increase this target each year with the goal of 50 percent of all TCEP funding to be for this purpose by 2030.

EFFECTS ON ORANGE COUNTY:

TCEP is a competitive funding program that was established through SB 1 (Chapter 5, Statutes of 2017). The program was intended to fund projects designed to move freight more efficiently on corridors with high volumes of freight movement and supports the goals of the National Highway Freight Program, the California Freight Mobility Plan, and the guiding principles in the California Sustainable Freight Action Plan. AB 2535 makes changes to TCEP in such a way that is inconsistent with the intent of SB 1 and undermines voter intent when they voted to reject measures to repeal SB 1.

The Orange County Transportation Authority (OCTA) has been awarded TCEP funds for projects such as the State Route 55 (SR-55) Improvement Project, which will improve

freight access and throughput for the traveling public. If AB 2535 were in law today, this project would likely have not received funds through this program because the project would be deemed to increase the highway footprint. The legislation does not take into account that the project could also be addressing safety and rehabilitation needs throughout the corridor, like the SR-55 Improvement Project will do. At the same time, other freeway projects could increase the footprint of the highway so they can incorporate pricing strategies to reduce congestion. These projects create revenue for transit and active transportation, aiding the State in meeting its goals to reduce greenhouse gas emissions and vehicle miles traveled. Additionally, since AB 2535 also requires as much as 50 percent of TCEP funding to go toward zero-emission freight infrastructure, including electric locomotive technology, there is already a significant piece of funding taken off the table for other modal projects. And given that this is limited to freight infrastructure, it is unclear how transportation agencies could remain competitive for funding for these technologies.

The wording within the legislation is amorphous in many ways. To start, AB 2535 does not define "expanded highway footprint." Therefore, it is difficult to know what kinds of projects would be impacted. This could include the addition of managed lanes, lanes for transit, and truck climbing lanes to name a few. It may also include even minor improvements to the highway for general maintenance or safety purposes. AB 2535 also references CalEnviroScreen as the threshold for identifying certain communities. Many agencies still find difficulty in using this tool as it often portrays a level of subjectivity. This tool is continuing to evolve which could also create uncertainty in way where a project could meet the criteria in one version, but perhaps the updated version would then make that project deemed prohibited under this program. Funding uncertainty is a significant concern to agencies delivering these types of programs. Creating such priority structures outlined in the bill could cause significant consequences to planned and existing transportation projects and funding programs.

The bill's restriction to only funding diesel emission reducing projects in those communities in the highest quintile for diesel particulate emissions, if emissions aren't reduced by 2030, also will significantly impact what projects could be competitive for TCEP in future years. Transportation agencies have limited authority to control such emissions and would be dependent on the success of other regulatory agencies in reducing these emissions. This would impact not only highway projects, but also other types of TCEP projects, including rail, port improvements, etc, if these emissions are not reduced. Rather than simply preclude projects that are unable to reduce one type of emissions, a more comprehensive analysis should take place to understand the full scope of the potential harms and benefits to surrounding communities and goods movement.

It should also be noted that both the state and federal governments have already outlined equity priorities through the Climate Action Plan for Transportation Infrastructure and the Justice40 Initiative, respectively. There should be an opportunity to implement existing policies prior to adding more complicated layers to transportation planning and funding. If this legislation were enacted, it would be difficult for agencies to determine the prioritization of one policy over another when planning projects and associated funding

possibilities. Additionally, this legislation would undermine the current requirements related to disadvantaged communities. Specifically, the TCEP program already has certain distribution requirements that account for disadvantaged community populations. Even further, for projects related to zero-emission infrastructure, there is a workforce development component that encourages hiring and training of individuals from disadvantaged communities. When creating policy, space needs to be left to fully vet and implement existing policy before adding more complexities which only delay critical transportation projects from creating these community benefits. Further, flexibility is needed for the CTC to be able to adjust program guidelines to quickly respond to project issues. Rather than mandate specific timelines related to environmental analysis in statute, it would make more sense for this to be part of the guideline development process as not to disadvantage beneficial projects from seeking funding that are in the early stages of project development.

The Riverside County Transportation Commission and the Contra Costa Transportation Authority have oppose positions on this legislation. AB 2535 is sponsored by the Greenlining Institute with the Coalition for Clean Air, the Natural Resources Defense Council, and Environment California listed as co-sponsors. An OPPOSE position is consistent with OCTA's 2023-24 State Legislative Platform principle to "Oppose policies that change existing formula funding structures to redistribute funds in a way that would inhibit a local agency from delivering critical transportation projects and programs."

OCTA POSITION:

Staff recommends: OPPOSE

AMENDED IN ASSEMBLY APRIL 9, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL No. 2535

Introduced by Assembly Member Bonta

February 13, 2024

An act to amend Section 2192 of the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2535, as amended, Bonta. Trade Corridor Enhancement Program.

Existing law requires the California Transportation Commission, under a program commonly known as the Trade Corridor Enhancement Program, to allocate, upon appropriation by the Legislature, revenues from a specified portion of the state excise tax on diesel fuel and certain federal funds ~~for~~ *to* infrastructure projects located on or along specified transportation corridors. Under existing law, eligible projects under the program include, among others, highway improvements to more efficiently accommodate the movement of freight and environmental and community mitigation or efforts to reduce environmental impacts of freight movement.

This bill would prohibit the commission from ~~allocating~~ *programming* funding under the program to a project that ~~adds a general purpose lane to a highway or~~ expands *the physical footprint of a* highway ~~capacity~~ in a community that ~~meets certain criteria relating to pollution impacts. The bill would also prohibit the commission from allocating funding under the program to a project that expands a highway's footprint unless the project meets certain criteria relating to environmental review and the operation of the project.~~ *experiences disproportionate burdens from diesel particulate matter, as specified.*

Under the Trade Corridor Enhancement Program, existing law requires the commission to adopt a program of projects from projects nominated by the Department of Transportation and local agencies. In adopting the program of projects, existing law requires the commission to evaluate the total potential economic and noneconomic benefits of the program of projects to California's economy, environment, and public health, and to specifically assess localized impacts in disadvantaged communities. ~~Existing law also requires the commission to adopt guidelines to implement the program that includes a transparent process to evaluate projects and allocate program funding to infrastructure improvements in a manner that, among other things, includes disadvantaged communities measures, as specified.~~

This bill would *require the applicant agency, as a condition of commission funding for design, right-of-way, and capital construction costs, to complete the applicable requirements of the California Environmental Quality Act and the federal National Environmental Policy Act of 1969 within 6 months of the Commission adopting the program of projects. The bill would limit the commission, when programming projects in specified communities that both experienced disproportionate burdens from diesel particulate matter in 2024 and did not experience a 50 percent decline in absolute levels of diesel particulate matter by 2030, to programming only projects that result in a net decrease in diesel particulate emissions in those communities on or after January 1, 2030. The bill would also* require the commission to ~~ensure that at least 50% of the~~ *establish percentage targets for* funds allocated under the program ~~in any fiscal year are~~ *to be* allocated to investments in zero-emission freight ~~infrastructure. In adopting the program of projects, the bill would require the commission, for zero-emission freight infrastructure projects, to prioritize those projects located in communities that meet certain criteria relating to pollution impacts. The bill would also require the process included in the guidelines to evaluate projects and allocate funding to infrastructure improvements in a manner that emphasizes community input and the unique needs of those most impacted by the goods movement system.~~ *infrastructure, with a goal of 50% of program funds awarded in 2030 being awarded to investments in zero-emission freight infrastructure, as provided.*

~~The bill would require each agency that nominates a project that is included in the program of projects to comply with a maintenance of effort requirement by annually certifying to the commission that it will~~

~~maintain levels of funding from other sources pledged towards certain transportation projects, as specified. If the commission determines that an agency did not comply with the maintenance of effort requirement, the bill would require the commission to reduce the amount of funding allocated to any project nominated by the agency by ⅓, as specified.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 2192 of the Streets and Highways Code is amended to read:

2192. (a) The following revenues shall be allocated for infrastructure projects pursuant to this section:

(1) The revenues deposited in the Trade Corridors Enhancement Account pursuant to Section 2192.4, except for those revenues in the account that were appropriated by Senate Bill 132 of the 2017–18 Regular Session (Chapter 7 of the Statutes of 2017).

(2) An amount of federal funds equal to the amount of revenue apportioned to the state under Section 167 of Title 23 of the United States Code from the national highway freight programs, pursuant to the federal Fixing America's Surface Transportation Act ("FAST Act," Public Law 114-94).

(b) The funding described in subdivision (a) shall be available upon appropriation for allocation by the California Transportation Commission for infrastructure improvements in this state on federally designated Trade Corridors of National and Regional Significance, on the Primary Freight Network, and along other corridors that have a high volume of freight movement, as determined by the commission and as identified in the state freight plan developed pursuant to Section 13978.8 of the Government Code. Projects eligible for funding shall be included in an adopted regional transportation plan. Projects within the boundaries of a metropolitan planning organization shall be included in an adopted regional transportation plan that includes a sustainable communities strategy determined by the State Air Resources Board to achieve the region's greenhouse gas emissions reduction targets. In developing guidelines for implementing this section, the commission shall do both of the following:

(1) Apply the guiding principles, to the maximum extent practicable, in the California Sustainable Freight Action Plan released in July 2016 pursuant to Executive Order No. B-32-15.

(2) Consult the state freight plan and the applicable port master plan.

(c) Eligible projects for these funds include, but are not limited to, all of the following:

(1) Highway improvements to more efficiently accommodate the movement of freight, particularly for ingress and egress to and from the state's land ports of entry, rail terminals, and seaports, including navigable inland waterways used to transport freight between seaports, land ports of entry, and airports, and to relieve truck congestion along ~~limited access~~ major trade or goods movement corridors.

(2) Freight rail system improvements to enhance the ability to move goods from seaports, land ports of entry, and airports to warehousing and distribution centers throughout California, including projects that separate rail lines from highway or local road traffic, improve freight rail mobility, and other projects that improve the safety, efficiency, and capacity of the rail freight system.

(3) Projects to enhance the capacity and efficiency of ports, except that funds available under this section shall not be allocated to a project that includes the purchase of fully automated cargo handling equipment. For purposes of this paragraph, "fully automated" means equipment that is remotely operated or remotely monitored, with or without the exercise of human intervention or control. This paragraph shall not prohibit the use of funds made available pursuant to this section for a project that includes the purchase of human-operated zero-emission equipment, human-operated near-zero-emission equipment, and infrastructure supporting that human-operated equipment. This section shall not prohibit the purchase of devices that support that human-operated equipment, including equipment to evaluate the usage and environmental benefits of that human-operated equipment.

(4) Truck corridor improvements, including dedicated truck facilities or truck toll facilities, including the mitigation of the emissions from trucks or these facilities.

(5) Border access improvements that enhance goods movement between California and Mexico and that maximize the state's ability to access funds made available to the state by federal law.

(6) Surface transportation, local road, and connector road improvements to effectively facilitate the movement of goods, particularly for ingress and egress to and from the state's land ports of entry, airports, and seaports, to relieve truck congestion along ~~limited access~~ major trade or goods movement corridors.

(7) Projects that employ advanced and innovative technology to improve the flow of freight, such as intelligent transportation systems, public infrastructure, excluding vehicles, that enables zero-emission or near-zero emission goods movement, real time information systems, weigh-in-motion devices, electronic screening and credentialing systems, traffic signal optimization, work zone management and information systems, ramp metering, and electronic cargo and border security technologies.

(8) Environmental and community mitigation or efforts to reduce environmental impacts of freight movement, such as projects that reduce noise, overnight truck idling, or truck queues, and advanced traveler information systems such as freight advanced traveler information systems that optimize operations to reduce empty-load trips.

(d) (1) Projects funded with revenues identified in paragraph (1) of subdivision (a) shall be consistent with Article XIX of the California Constitution.

(2) The commission shall not ~~allocate~~ *program* any funding pursuant to this section to a project that ~~does either of the following:~~

~~(A) Adds a general purpose lane to a highway.~~

~~(B) Expands~~ *expands the physical footprint of a* highway ~~capacity~~ in a community that ranks in the highest quintile in CalEnviroScreen for disproportionate burdens from ~~multiple sources of pollution and with population characteristics that makes the community more sensitive to pollution.~~ *diesel particulate matter.*

~~(3) The commission may allocate funding pursuant to this section to a project that expands a highway's footprint only if the project meets all of the following requirements:~~

~~(A) The project completed a project-level environmental review in accordance with the California Environmental Quality Act~~

~~(Division 13 (commencing with Section 21000) of the Public Resource Code), and fully analyzed, disclosed, and mitigated all environmental impacts through an environmental impact report, including any impacts to vehicle miles traveled, induced vehicle miles traveled, greenhouse gas emissions, pollution from criteria air pollutants, energy use, noise, and other impacts that would be caused by induced vehicle miles traveled, including truck vehicle miles traveled.~~

~~(B) The project completed a project-level environmental review in accordance with the California Environmental Quality Act that analyzed project alternatives featuring only zero-emission infrastructure or vehicle miles traveled-reducing alternatives in the analysis of alternatives.~~

~~(C) The project will ensure smooth and free-flowing truck traffic on limited-access rights-of-way using demand management strategies, which may include, but are not limited to, tolls or other forms of road pricing.~~

~~(D) The project will deploy zero-emission freight technology.~~

~~(E) The project completed an analysis of cumulative pollution burdens and potential adverse cumulative impacts caused by the proposed project, and has a proposed mitigation plan developed in consultation with the communities subject to those cumulative impacts.~~

(3) Funding for design, right-of-way, and construction capital costs shall only be programmed to a project if the applicant agency completes the applicable requirements of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) and the federal National Environmental Policy Act of 1969 (42 U.S.C. Sec. 4321 et seq.) within six months of the commission adopting the program of projects pursuant to subdivision (e).

(e) (1) In adopting the program of projects to be funded with funds described in subdivision (a), the commission shall evaluate the total potential economic and noneconomic benefits of the program of projects to California's economy, environment, and public health. The evaluation shall specifically assess localized impacts in disadvantaged communities. The commission shall consult with the agencies identified in Executive Order No. B-32-15 and metropolitan planning organizations in order to use the appropriate models, techniques, and methods to develop the

parameters for evaluating the program of projects. The commission shall allocate the funding from subdivision (a) for trade infrastructure improvements as follows:

(A) Sixty percent of the funds shall be available for projects nominated by regional transportation agencies and other public agencies, including counties, cities, and port authorities, in consultation with the department. The commission shall provide reasonable geographic targets for funding allocations without constraining what an agency may propose or what the commission may approve.

(B) Forty percent of the funds shall be available for projects nominated by the department, in consultation with regional transportation agencies.

(2) (A) In adopting a program of projects pursuant to paragraph (1), the commission shall prioritize projects jointly nominated and jointly funded by the state and local agencies. In considering geographic balance for the overall program, the commission may adjust the corridor-based targets in subparagraph (A) of paragraph (1) to account for projects programmed pursuant to subparagraph (B) of paragraph (1).

~~(B) In adopting a program of projects pursuant to paragraph (1), for projects meeting the criteria specified in paragraph (3), the commission shall prioritize projects located in communities that rank in the highest quintile in CalEnviroScreen for disproportionate burdens from multiple sources of pollution and with population characteristics that makes the community more sensitive to pollution.~~

(B) If absolute levels of diesel particulate matter in a community that ranks in the highest quintile in CalEnviroScreen for disproportionate burdens from diesel particulate matter in 2024 do not decline by 50 percent below 2024 levels by 2030, as determined by the Office of Environmental Health Hazard Assessment, then the commission shall, when programming projects in that community, only program projects that result in a net decrease in diesel particulate emissions in that community on or after January 1, 2030.

(3) The commission shall ~~ensure that at least 50~~ *establish a target to program 15* percent of the funds ~~allocated~~ pursuant to this section in ~~any fiscal year are allocated~~ *the next programming cycle that begins on or after January 1, 2025,* to investments in

zero-emission freight~~ infrastructure. Zero-emission freight infrastructure may include, but is not limited to, heavy-duty electric vehicle charging and fueling infrastructure and electric locomotive technology.~~ *infrastructure that are well-qualified for funding based on the goals of the program. The commission shall increase the targets in each cycle, with a goal of 50 percent of the funds programmed in 2030 being awarded to investments in zero-emission freight infrastructure that are well-qualified for funding based on the goals of the program.*

~~(f) (1) Each agency, including the department and any local agency, that nominates a project that is included in the program of projects shall comply with the following maintenance of effort requirement:~~

~~(A) No later than 30 days after the beginning of each fiscal year, the agency shall certify to the commission that it will, during the period of time when any project nominated by the agency remains in the program of projects, maintain its levels of funding from all other sources pledged to transportation infrastructure projects that reduce vehicle miles traveled or support investments in zero-emission vehicle infrastructure, or both.~~

~~(B) As part of the certification process, the agency shall submit a statement indicating the amount of funds pledged for those purposes in the preceding fiscal year and the amount of funds expended for those purposes in the preceding fiscal year.~~

~~(2) If the commission determines that an agency did not comply with the maintenance of effort requirement described in paragraph (1), the commission shall reduce the amount of funding allocated pursuant to this section to any project nominated by the agency by one-third.~~

~~(3) If the commission determines that an agency that failed to meet its maintenance of effort requirement comes into compliance in a subsequent fiscal year, the commission shall restore the amount of funding that was previously allocated to the project.~~

(g) (1) (A) The commission shall adopt guidelines, including a transparent process to evaluate projects and to allocate the funding described in subdivision (a) for trade infrastructure improvements in a manner that does all of the following:

(i) Addresses the state's most urgent needs.

(ii) Balances the demands of various land ports of entry, seaports, and airports.

(iii) Places emphasis on projects that improve trade corridor mobility and safety while reducing emissions of diesel particulates, greenhouse gases, and other pollutants and reducing other negative community impacts, especially in disadvantaged communities.

(iv) Makes a significant contribution to the state's economy.

(v) Recognizes the key role of the state in project identification.

(vi) Supports integrating statewide goods movement priorities in a corridor approach.

(vii) Includes disadvantaged communities measures, as established by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code, and other tools the commission determines, for evaluating benefits or costs for disadvantaged communities and low-income communities.

~~(viii) Emphasizes community input and the unique needs of those most impacted by the goods movement system.~~

(B) Project nominations shall include either a quantitative or qualitative assessment of the benefits the project is expected to achieve relative to the evaluation criteria.

(2) The guidelines adopted pursuant to paragraph (1) may include streamlining of project delivery by authorizing regional transportation agencies and other public agencies to seek commission approval of a letter of no prejudice that allows the agency to expend its own funds for a project programmed in a future year of the adopted program of projects, in advance of allocation of funds to the project by the commission, and to be reimbursed at a later time for eligible expenditures. A letter of no prejudice shall only be available to local or regional transportation agencies for moneys that have been identified for future allocation to the applicant agency. Moneys designated for the program shall only be reimbursed when there is funding available in an amount sufficient to make the reimbursement.

(h) In addition, the commission shall also consider the following factors when allocating these funds:

(1) "Velocity," which means the speed by which large cargo would travel from the land port of entry or seaport through the distribution system.

(2) "Throughput," which means the volume of cargo that would move from the land port of entry or seaport through the distribution system.

(3) "Reliability," which means a reasonably consistent and predictable amount of time for cargo to travel from one point to another on any given day or at any given time in California.

(4) "Congestion reduction," which means the reduction in recurrent daily hours of delay to be ~~achieved after accounting for, and mitigating, vehicle miles traveled.~~ *achieved.*

(i) For purposes of this section, the following terms have the following meanings:

(1) "Disadvantaged communities" are those communities identified by the California Environmental Protection Agency pursuant to Section 39711 of the Health and Safety Code.

(2) "Low-income communities" are census tracts with median household incomes at or below 80 percent of the statewide median income or with median household incomes at or below the threshold designated as low income by the Department of Housing and Community Development's list of state income limits adopted pursuant to Section 50093 of the Health and Safety Code.

(j) It is the intent of the Legislature for the commission to adopt an initial program of projects using the state and federal funds described in subdivision (a) for eligible projects as soon as practicable and no later than May 17, 2018.

O

BILL: AB 2824 (McCarty, D-Sacramento)
Introduced February 15, 2024

SUBJECT: AB 2824 would expand the enhanced penalties for battery or assault against a transit operator or ticketing agent to transit employees and contractors of a public transportation provider.

STATUS: Pending in Assembly Committee on Public Safety.

SUMMARY AS OF APRIL 3, 2024:

AB 2824 (McCarty, D-Sacramento) would expand the enhanced penalties for battery or assault against a transit operator or ticketing agent to transit employees and contractors of a public transportation provider.

Specifically, AB 2824 expands existing law, which dictates that battery against operators, drivers, or passengers on public transportation vehicles, with the perpetrator's awareness or reasonable assumption of the victim's professional duties, may result in imprisonment for up to one year in county jail, a fine of up to $10,000, or both. If the victim sustains injuries, the penalty escalates to a fine of up to $10,000, imprisonment for up to one year in county jail, or 16 months to 3 years in state prison, or both fine and imprisonment. This bill would expand this crime and punishment to apply to an employee or contractor of a public transportation provider as well.

EFFECTS ON ORANGE COUNTY:

AB 2824 provides an opportunity to strengthen protections for transit workers and acts as a deterrent for potential offenders, thereby creating a safer working environment. The Orange County Transportation Authority (OCTA), along with other public transportation providers across the country, has increasingly been faced with issues regarding assault against transit employees, which can range from verbal abuse and threats to physical violence. OCTA has seen an increase from 2022 to 2023 in coach operator assaults. Specifically, in 2023, the Orange County Sheriff's Department (OCSD) Transit Police Services (TPS) reported 33 assaults against coach operators. This is a 94 percent increase from OCSD TPS reporting 17 coach operator assaults in 2022. It is also important to note that the actual incident numbers are likely higher than the reported incident numbers, due to some employees choosing to not file a report. This bill provides the opportunity to protect a wider range of employees, which allows OCTA employees and contractors to access legal recourse in the event of an assault or battery while on duty.

AB 2824 affects public transportation providers across the state by establishing clear penalties for battery committed against individuals involved in public transportation services or vehicles. By delineating specific consequences for such offenses, the bill aims to ensure the safety and protection of operators, drivers, passengers, and other personnel associated with public transportation. It serves as a deterrent against violence, protecting those individuals who are performing their duties, and underscores the seriousness of

acts of battery, promoting accountability and potentially reducing instances of assault within the public transportation sector.

This legislation is co-sponsored by the California Transit Association, Amalgamated Transit Union, and Transport Workers Union. The cosponsors are working with the author to potentially expand the language of the bill to include more resources to combat increased safety issues that public transit employees are facing. A SUPPORT position is consistent with OCTA's 2023-24 State Legislative Platform principles to "Support policies that aim to enhance transit services and the overall safety and security of transit riders, public transit employees, and on-road vehicles while avoiding undue burden on transportation agencies to implement unfunded safety measures."

OCTA POSITION:

Staff recommends: SUPPORT

AMENDED IN ASSEMBLY MARCH 21, 2024

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL No. 2824

Introduced by Assembly Member McCarty

February 15, 2024

An act to amend Section 243.3 of the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 2824, as amended, McCarty. ~~Battery.~~ *Battery: public transportation provider.*

Existing law provides that when a battery is committed against the person of an operator, driver, or passenger on a bus, taxicab, streetcar, cable car, trackless trolley, or other motor vehicle, as specified, and the person who commits the offense knows or reasonably should know that the victim is engaged in the performance of their duties, the penalty is imprisonment in a county jail not exceeding one year, a fine not exceeding $10,000, or both the fine and imprisonment. Existing law also provides that if the victim is injured, the offense would be punished by a fine not exceeding $10,000, by imprisonment in a county jail not exceeding one year or in the state prison for 16 months, 2, or 3 years, or by both that fine and imprisonment.

~~This bill would make technical, nonsubstantive changes to this provision.~~

This bill would expand this crime to apply to an employee or contractor of a public transportation provider. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ *yes*. State-mandated local program: ~~no~~ *yes*.

The people of the State of California do enact as follows:

SECTION 1. Section 243.3 of the Penal Code is amended to read:

243.3. When a battery is committed against the person of an operator, driver, or passenger on a bus, taxicab, streetcar, cable car, trackless trolley, or other motor vehicle, including a vehicle operated on stationary rails or on a track or rail suspended in the air, used for the transportation of persons for hire, or against a schoolbus driver, or against the person of a station agent or ticket agent for the entity providing the transportation, *or against an employee or contractor of a public transportation provider as defined in Section 243.35,* and the person who commits the offense knows or reasonably should know that the victim, in the case of an operator, driver, ~~or~~ agent, *employee, or contractor,* is engaged in the performance of their duties, or is a passenger, the offense shall be punished by a fine not exceeding ten thousand dollars ($10,000), by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment. If an injury is inflicted on that victim, the offense shall be punished by a fine not exceeding ten thousand dollars ($10,000), by imprisonment in a county jail not exceeding one year or in the state prison for 16 months, or 2 or 3 years, or by both that fine and imprisonment.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within

the meaning of Section 6 of Article XIII B of the California Constitution.

O

AMENDED IN SENATE MARCH 18, 2024

SENATE BILL No. 1031

Introduced by ~~Senator~~ *Senators* Wiener *and Wahab*
(Principal coauthor: Assembly Member Ting)

February 6, 2024

An act to amend ~~Section 9146 of the Government Code, relating to the Legislature.~~ *Sections 65081 and 66516 of, to add Section 13978.9 to, to add the heading of Division 1 (commencing with Section 66500) to Title 7.1 of, and to add Division 2 (commencing with Section 66538) to Title 7.1 of, the Government Code, to amend Section 99270.5 of the Public Utilities Code, to add Section 976.9 to the Unemployment Insurance Code, and to add Section 9250.3 to the Vehicle Code, relating to transportation.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1031, as amended, Wiener. ~~Legislative review of state agency action.~~ *San Francisco Bay area: local revenue measure: transportation improvements.*

(1) Existing law creates the Metropolitan Transportation Commission as a local area planning agency for the 9-county San Francisco Bay area with comprehensive regional transportation planning and other related responsibilities. Existing law creates various transit districts located in the San Francisco Bay area, with specified powers and duties relating to providing public transit services.

This bill would authorize the commission to raise and allocate new revenue and incur and issue bonds and other indebtedness, as specified. In this regard, the bill would authorize the commission to impose a retail transactions and use tax, a regional payroll tax, a parcel tax, and a regional vehicle registration surcharge in all or a subset of the 9

counties of the San Francisco Bay area, in accordance with applicable constitutional requirements. The bill would require the parcel tax to be collected by counties and the other 3 taxes to be collected by specified state agencies, and would require the net revenues from those taxes to be remitted to the commission, as prescribed. The bill would require the revenue generated pursuant to these provisions to be used for transportation improvements in the San Francisco Bay area, including for various transit purposes, and would require the commission to distribute those revenues in accordance with specified requirements and expressions of legislative intent.

By adding to the duties of local officials with respect to elections procedures for revenue measures on behalf of the commission, this bill would impose a state-mandated local program.

(2) Existing law establishes the Transportation Agency, consisting of various state agencies under the supervision of an executive officer known as the Secretary of Transportation, who is required to develop and report to the Governor on legislative, budgetary, and administrative programs to accomplish comprehensive, long-range, and coordinated planning and policy formulation in the matters of public interest related to the agency.

This bill would require the Transportation Agency to select a transportation institute, as defined, to conduct an assessment of the associated advantages and disadvantages of consolidating all of the transit agencies, as defined, that are located in the 9-county San Francisco Bay area, as specified. The bill would require that assessment to be completed on or before January 1, 2026, and would require, as part of that assessment, the transportation institute to provide recommendations on how to consolidate those transit agencies and to include certain information in the assessment. Based on the findings of the assessment, the bill would require the Transportation Agency, on or before January 1, 2027, to recommend a comprehensive plan to consolidate all of the transit agencies located in the San Francisco Bay area, as provided. The bill would establish the Bay Area Transit Consolidation Technical Assistance Fund in the State Treasury for the deposit of moneys that can be used for specified purposes, including paying for the cost of conducting the assessment and preparing the comprehensive plan, as specified. The bill would require the assessment and the comprehensive plan to be submitted to the Legislature upon completion.

(3) Existing law requires the Metropolitan Transportation Commission to adopt rules and regulations to promote the coordination of fares and schedules for all public transit systems within its jurisdiction, as specified.

This bill would revise and recast this provision by, among other things, providing that the commission is responsible for implementing a seamless transit rider experience across the San Francisco Bay area and requiring those rules and regulations to also promote the coordination of mapping and wayfinding, real-time transit information, and other customer-facing operating policies, as specified. The bill would also declare that it is intent of the Legislature that the commission implement and sustain specified outcomes in undertaking these responsibilities. The bill would require the commission to submit an annual report to the Legislature on the status of those outcomes and the status of transit ridership in the San Francisco Bay area. By imposing additional duties on the commission, the bill would create a state-mandated local program.

(4) Under existing law, a transit operator within the jurisdiction of the commission is not eligible to receive funding allocated by the commission pursuant to the State Transit Assistance Program unless it has complied with the above-described rules and regulations adopted by the commission.

This bill would also make a transit operator ineligible to receive an allocation from the commission of the revenues generated by the new taxing authority authorized by the bill or to make a claim pursuant to the Transportation Development Act for an allocation of funds from a local transportation fund if the operator is not in compliance with those rules and regulations.

(5) Existing law authorizes the commission and the Bay Area Air Quality Management District to jointly adopt a commute benefit ordinance that requires covered employers operating within the common area of the 2 agencies with a specified number of covered employees to offer those employees certain commute benefits, as specified.

This bill would also authorize one of those commute benefit options to include an employer-provided regional transit pass.

This bill would authorize the commission, as part of a measure to impose a tax described above, to propose a ballot measure that would require a covered employer that is located in proximity to transit to purchase a regional transit pass for each of its employees and to require a covered employer that is not located in proximity to transit to provide

a subsidy to each of its employees corresponding in financial value to the regional transit pass, as specified. If the ballot measure is approved by the voters, the bill would require the commission and the district to update the ordinance accordingly.

(6) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

~~Existing law requires a state agency, as specified, to notify the Joint Legislative Budget Committee not less than 60 days prior to the effective date on which the state agency will establish or change a federal aid allocation formula to a local agency. If the chairman of the committee informs committee members of his intention to waive the 60-day notification period, existing law permits the chairman to grant a waiver of that notification period after receipt of the notification. Under existing law, upon the request of the chairman or any member of the committee, the committee must schedule a hearing on the proposed allocation formula to be established or changed.~~

~~This bill would make technical, nonsubstantive changes to those provisions to use gender-neutral language.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ *yes*. State-mandated local program: ~~no~~ *yes*.

The people of the State of California do enact as follows:

1 *SECTION 1. The Legislature finds and declares all of the*
2 *following:*
3 *(a) The San Francisco Bay area needs a world-class, reliable,*
4 *affordable, efficient, and connected transportation network that*
5 *meets the needs of bay area residents, businesses, and visitors*
6 *while also helping combat the climate crisis.*
7 *(b) A world-class transportation network will enhance access*
8 *to opportunity, lower greenhouse gas emissions, strengthen the*
9 *region's economy, and improve quality of life.*
10 *(c) To achieve that vision, the San Francisco Bay area needs*
11 *all of the following:*

(1) A public transit network that offers safe, clean, frequent, accessible, easy-to-navigate, and reliable service that gets transit riders where they want and need to go safely, affordably, quickly, and seamlessly.

(2) Local roads that are well maintained.

(3) Transit, biking, walking, and wheeling options that are safe, convenient, and competitive alternatives to driving.

(d) Regional funding and reforms are necessary to create a climate-friendly transportation system that is safe, accessible, and convenient for all, including through doing all of the following:

(1) Protecting and enhancing transit service.

(2) Making transit faster, safer, and easier to use.

(3) Enhancing mobility and access for all.

SEC. 2. This act shall be known, and may be cited as, the ____ Act of 2024.

SEC. 3. Section 13978.9 is added to the Government Code, to read:

13978.9. (a) For purposes of this section, the following definitions apply:

(1) "Commission" means the Metropolitan Transportation Commission.

(2) "San Francisco Bay area" means the region comprising the commission's jurisdiction, as prescribed by Section 66502.

(3) "Transit agency" has the same meaning as "public transportation operator" as defined in subdivision (b) of Section 99312.2 of the Public Utilities Code.

(4) "Transportation institute" means either the University of California Institute of Transportation Studies or the Mineta Transportation Institute at San José State University.

(b) (1) The Transportation Agency shall select a transportation institute to conduct an assessment of the associated advantages and disadvantages of consolidating all of the transit agencies that are located within the San Francisco Bay area, and shall oversee the transportation institute in that regard. The transportation institute shall complete the assessment on or before January 1, 2026, and upon completion, shall submit the assessment to the Legislature in compliance with Section 9795, and to the commission and each of the transit agencies located in the San Francisco Bay area.

(2) In undertaking the duties set forth in paragraph (1), the Transportation Agency shall consult with impacted stakeholders, included, but not limited to, impacted transit agencies, transit unions, transit riders, and local governments.

(3) If the Transportation Agency selects the University of California Institute of Transportation Studies to complete the assessment, the requirement to complete the assessment shall only apply to the University of California to the extent that the Regents of the University of California, by appropriate resolution, make that requirement applicable.

(4) In conducting the assessment, the transportation institute shall also study the impact that regional consolidation would have on wages, work conditions, pension, and retirement benefits of workers covered by collective bargaining agreements at relevant agencies.

(5) As part of the assessment, the transportation institute shall provide recommendations on how to consolidate those transit agencies in a manner that does all of the following:

(A) Prioritizes cost savings to the public, the adoption of advanced technology, and other efficiencies.

(B) Meets and exceeds climate goals.

(C) Improves the speed of transit and the seamlessness of transfers.

(D) Advances any other improvements to transit operations.

(6) The transportation institute shall identify, at a minimum, all of the following information in the assessment:

(A) Each transit agency, and each agency that has authority to create policy or assess charges with regard to transit, that is located in the San Francisco Bay area and whether the governing body of those agencies is appointed or elected.

(B) The size of the membership, terms of service of the members, and whether the members are voting members, for each governing body of an agency described in subparagraph (A).

(C) Whether the governing body of an agency described in subparagraph (A) was created pursuant to state statute, local ordinance, city charter, federal law, or ballot measure or initiative.

(D) The county where each agency described in subparagraph (A) and its governing body is located.

(E) Any qualifications required to serve as a member of the governing board of an agency described in subparagraph (A).

(F) The funding structures, including any tax assessments, and revenue mechanisms, including any temporary or permanent state or federal support, or both, established for each agency described in subparagraph (A).

(G) The fares or other fees imposed on riders by each transit agency and the available routes provided by each transit agency.

(H) The fleet type and size of each transit agency.

(I) The programs and services offered to riders by each transit agency, including any subsidies offered to riders.

(J) The workforce size and type of each agency described in subparagraph (A), whether there are any applicable labor contracts for that workforce, and the socioeconomic makeup of that workforce.

(K) The socioeconomic makeup of the riders of each transit agency.

(L) The continuity of travel between public transit systems operated by different transit agencies and between different services or programs operated by the same transit agency.

(M) Infrastructure gaps between routes of regional travel.

(N) Service gaps between routes of travel.

(O) Existing and planned regional network management efforts, including efforts to modify and improve the commission's regional network management authority, and how consolidation would relate to, or impact, those efforts.

(c) Based on the findings of the assessment conducted pursuant to subdivision (b), the Transportation Agency shall recommend a comprehensive plan to consolidate all of the transit agencies that are located in the San Francisco Bay area. The Transportation Agency shall complete the plan on or before January 1, 2027, and, upon completion, shall submit the plan to the Legislature in compliance with Section 9795, and to the commission and each of the transit agencies located in the San Francisco Bay area. In the plan, the Transportation Agency shall do all of the following:

(1) Design the plan in a manner that provides benefits to riders, including paratransit riders, and that does all of the following:

(A) Improves access to routes and services, including across city and county boundaries, and improves connections to regional and interregional transit service in a manner that competes with private automobile travel.

(B) Maintains affordable fares and reliable, safe, and efficient service.

(C) Improves and simplifies the accountability of the transportation system to the public and riders.

(D) Supports greater efficiency and cost-effectiveness, and reduces administrative costs.

(E) Provides more equitable access to quality, connected transit services to communities throughout the region.

(2) (A) Identify opportunities to consolidate agencies and provide specific recommendations for the consolidation or elimination of transit agencies and their governing bodies without resulting in the elimination of programs and transportation services.

(B) For the purposes of this paragraph, "consolidation" may include reforms to transit agencies that include one or more of the following:

(i) Combining staffs of transit agencies.

(ii) Replacing multiple governing boards with a unified governing board representing a broader jurisdiction.

(iii) Creating an umbrella structure under which existing transit agencies are brought together but still operate as distinct divisions with separate governing boards.

(3) Recommend a new governing structure and governing board member qualifications, as appropriate, for a new consolidated agency or agencies based on research of effective international models of transit delivery excellence, and consideration of recent regional and state studies of effective transit governance. In making these recommendations, the Transportation Agency shall do both of the following:

(A) Identify any future legislative steps required to implement the recommended governing structure.

(B) Consider other reforms necessary to ensure that commission policy is democratically accountable and serves the regional welfare.

(4) Identify and describe any relationship or impacts of the recommendations or elements of the plan on existing and planned regional network management efforts or structures.

(5) Identify necessary local, state, or federal laws that may impact efforts to implement the consolidation of the transit agencies.

(6) Identify steps, in consultation with impacted stakeholders, to maintain and transfer labor agreements and bargaining units to maintain employee wages, benefits, protections, and working conditions secured by those agreements.

(7) Identify barriers to consolidating or eliminating transit agencies and alternative actions, including memorandums of understanding between transit agencies, for the consolidation of services.

(8) Describe the steps necessary for, and the feasibility of, interoffice and interagency coordination of programs, services, and resources for riders if consolidation is not feasible.

(9) Recommend opportunities for securing federal, state, and local moneys that can be used to fund consolidation.

(10) Recommend a strategy for a public education and outreach program on any proposed consolidation efforts and any proposed coordination services and programs.

(d) (1) The Bay Area Transit Consolidation Technical Assistance Fund is hereby established in the State Treasury for the deposit of moneys that can be used for the following purposes:

(A) Paying for the cost of conducting the assessment pursuant to subdivision (b) and preparing the comprehensive plan pursuant to subdivision (c).

(B) Paying for expenses related to the implementation of the consolidation of transit agencies located in the San Francisco Bay area, if those consolidations occur.

(2) Any moneys deposited into the fund, including moneys deposited into the fund pursuant to Section 66538.40, shall be available to the Transportation Agency, upon appropriation by the Legislature, for the purposes described in paragraph (1).

(3) The Transportation Agency may accept private donations to be used for the purposes described in this section. Any donations received pursuant to this paragraph shall be deposited into the fund established pursuant to paragraph (1).

SEC. 4. Section 65081 of the Government Code is amended to read:

65081. (a) It is the intent of the Legislature to encourage metropolitan planning organizations and local air quality management districts or air pollution control districts to work with local employers to adopt policies that encourage commuting by means other than driving alone. To encourage this, the Legislature

hereby establishes a program in that regard in the greater San Francisco Bay Area.

(b) Notwithstanding Section 40717.9 of the Health and Safety Code, the Bay Area Air Quality Management District and the Metropolitan Transportation Commission with respect to the common area within their respective jurisdictions may jointly adopt a commute benefit ordinance that requires covered employers operating within the common area of the district and commission to offer all covered employees one of the following choices:

(1) A pretax option: a program, consistent with Section 132(f) of the Internal Revenue Code, allowing covered employees to elect to exclude from taxable wages employee commuting costs incurred for transit passes or vanpool charges, up to the maximum amount allowed by federal tax law.

(2) Employer-paid benefit: a program whereby the covered employer offers employees a subsidy to offset the monthly cost of commuting via public transit or by vanpool, or, in addition, and at the employer's discretion, by bicycle. The subsidy shall be equal to either the monthly cost of commuting via public transit or by vanpool, or seventy-five dollars ($75), whichever is lower. The seventy-five dollar ($75) amount shall be adjusted annually consistent with the California Consumer Price Index. If the covered employer chooses to offer a subsidy to offset the monthly cost of commuting by bicycle, the subsidy shall be either the monthly cost of commuting by bicycle or twenty dollars ($20), whichever is lower.

(3) Employer-provided transit: transportation furnished by the covered employer at no cost, or low cost as determined by the district or commission, to the covered employee in a vanpool or bus, or similar multipassenger vehicle operated by or for the employer.

(4) Employer-provided regional transit pass: a program whereby the covered employer offers covered employees a subsidy in the form of a universal regional transit pass to offset the monthly cost of commuting via public transit.

(c) Nothing in this section shall prevent a covered employer from offering a more generous commuter benefit that is otherwise consistent with the requirements of the applicable commute benefit ordinance. Nothing in this section shall require employees to change their behavior.

(d) An employer offering, or proposing to offer, an alternative commuter benefit on the employer's own initiative, or an employer otherwise required to offer an alternative commuter benefit as a condition of a lease, original building permit, or other similar requirement, if the alternative is not one of the options identified in subdivision (b), may seek approval of the alternative from the district or commission. The district or commission may approve an alternative if it determines that the alternative provides at least the same benefit in terms of reducing single-occupant vehicle trips as any of the options in subdivision (b). An employer that offers an approved alternative to covered employees in a manner otherwise consistent with this section is not required to offer one of the options in subdivision (b).

(e) The commute benefit ordinance shall provide covered employers with at least six months to comply after the ordinance is adopted.

(f) An employer that participates in or is represented by a transportation management association that provides the employer's covered employees with any of the benefits in subdivision (b), or an alternative benefit determined by the district or commission pursuant to subdivision (d) to provide at least the same benefit in terms of reducing single-occupant vehicle trips as any of the options in subdivision (b), shall be deemed in compliance with the regional ordinance, and the transportation management association may act on behalf of those employers in that regard. The district or commission shall communicate directly with the transportation management association, rather than the participating employers, to determine compliance with the ordinance.

(g) A commute benefit ordinance adopted pursuant to this section shall specify all of the following: ~~(1) how~~

(1) How the implementing agencies will inform covered employers about the ~~ordinance, (2) how~~ *ordinance.*

(2) How compliance with the ordinance will be ~~demonstrated, (3) the~~ *demonstrated.*

(3) The procedures for proposing and the criteria that will be used to evaluate an alternative commuter benefit pursuant to subdivision ~~(d), and (4) any~~ *(d).*

(4) Any consequences for noncompliance.

(h) Nothing in this section shall limit or restrict the statutory or regulatory authority of the commission or district.

(i) The commission shall not use federal planning funds in the implementation of the commute benefit ordinance.

(j) (1) Notwithstanding subdivisions (b) and (d), the commission may propose a ballot measure as part of a measure proposed pursuant to Division 2 (commencing with Section 66538) of Title 7.1 and subject to the election procedures set forth in that division to update the ordinance adopted pursuant to this section to do both of the following:

(A) Require a covered employer that is located in proximity to transit to purchase a regional transit pass for each of its employees that provides universal and unlimited access to transit services provided by transit agencies operating in the common area within the jurisdiction of the district and the commission.

(B) Require a covered employer that is not located in proximity to transit to provide a subsidy to each of its employees corresponding in financial value to the regional transit pass described in subparagraph (A) to encourage commuting to work by means other than driving alone.

(2) Consistent with subdivision (b) of Section 66538.20, if the update to the ordinance is proposed in a subset of the counties of the San Francisco Bay area, the update to the ordinance authorized in paragraph (1) shall apply only in those counties in which the measure was submitted to the voters.

(3) Notwithstanding subdivisions (b) and (d), if a ballot measure described in paragraph (1) is approved, the commission and the district shall update the ordinance adopted pursuant to this section to require covered employers to provide covered employees with the applicable commuting benefit set forth in subparagraphs (A) and (B) of paragraph (1) instead of requiring covered employers to offer the choices described in paragraphs (1) to (4), inclusive, of subdivision (b).

~~(j)~~

(k) As used in this section, the following~~ terms have the following meanings:~~ *definitions apply:*

(1) "Covered employer" means any employer for which an average of 50 or more employees per week perform work for compensation within the area where the ordinance adopted pursuant to this section operates. In determining the number of employees performing work for an employer during a given week, only employees performing work on a full-time basis shall be counted.

(2) "Covered employee" means an employee who performed at least an average of 20 hours of work per week within the previous calendar month within the area where the ordinance adopted pursuant to this section operates.

(3) "District" means the Bay Area Air Quality Management District.

(4) "Commission" means the Metropolitan Transportation Commission.

SEC. 5. Section 66516 of the Government Code is amended to read:

66516. *(a) (1)* The ~~commission, in coordination with the regional transit coordinating council established by the commission pursuant to Section 29142.4 of the Public Utilities Code,~~ *commission shall be responsible for implementing a seamless transit rider experience across the region. To implement this responsibility, the commission* shall ~~adopt~~ *adopt, and update as necessary,* rules and regulations to promote the coordination of ~~fares and schedules~~ *fares, including fare payment methods and transit fare integration, schedules, mapping and wayfinding, real-time transit information, and other customer-facing operating policies that would benefit from a regional approach* for all public transit ~~systems~~ *agencies* within its jurisdiction. ~~The~~

(2) It is the intent of the Legislature that the commission's rules and regulations adopted pursuant to paragraph (1) be based on the central goal of increasing transit ridership by improving the customer experience of riding public transit in the San Francisco Bay area and creating a seamless experience across all public transit agencies providing service in the commission's jurisdiction.

(3) The commission shall require every system to enter into a joint fare revenue sharing agreement with connecting systems consistent with the commission's rules and regulations.

(b) Notwithstanding any other law, each public transit agency within the region shall comply with the commission's rules and regulations adopted pursuant to subdivision (a) as a condition of receiving any of the following funds:

(1) Any funds allocated pursuant to Sections 99313 and 99314 of the Public Utilities Code, consistent with Section 99314.7 of the Public Utilities Code.

(2) Any funds allocated from a local transportation fund administered pursuant to Article 3 (commencing with Section

99230) of Chapter 4 of Part 11 of Division 10 of the Public Utilities Code, consistent with subdivision (b) of Section 99270.5 of the Public Utilities Code.

(3) Any funds allocated pursuant to Division 2 (commencing with Section 66538).

(c) In designating the commission with the responsibility set forth in subdivision (a), it is the intent of the Legislature that the commission implement and sustain the following outcomes:

(1) A common fare payment system for public transit agencies in the region.

(2) A universal regional transit pass that is valid on all public transit agencies in the region.

(3) An integrated transit fare structure with common definitions for adults, youth, seniors, persons with disabilities, and other categories of riders.

(4) A common fare transfer policy that strives to eliminate any extra fare for using more than one transit system on a single journey.

(5) Integrated mapping, signage, and real-time schedule information that makes transit in the region easy to navigate and convenient for both new and existing riders.

(6) Transit services in the region that are equitably planned and integrally managed as a unified, efficient, and reliable network, including interagency transfer policies and coordinating schedules at stops or station areas serving more than one public transit agency.

(7) Transit services for older adults, people with disabilities, and those with lower incomes that are coordinated efficiently throughout the region.

(8) Resources are invested to provide for the comfort and safety of transit riders.

(9) The transit network in the region uses its existing resources more efficiently and secures new, dedicated revenue to meet its capital and operating needs.

(d) It is the intent of the Legislature to enact legislation that would strengthen regional network management within the region, including the possibility of establishing a body within the commission to guide regional network management efforts.

(e) In implementing this section, each public transit agency in the region shall fulfill all applicable requirements under Title VI

of the federal Civil Rights Act of 1964 (Public Law 88-352) regarding service and fare changes.

(f) (1) The commission shall submit a report to the Legislature on or before January 1, 2026, and each year thereafter, on the status of the outcomes described in subdivision (c) and the status of transit ridership in the region. The commission shall submit the annual report to the Legislature in compliance with Section 9795.

(2) The commission shall also post the annual report described in paragraph (1) on its internet website.

(g) For purposes of this section, "public transit agency" has the same meaning as "STA-eligible operator," as defined in Section 99312.2 of the Public Utilities Code.

SEC. 6. The heading of Division 1 (commencing with Section 66500) is added to Title 7.1 of the Government Code, to read:

DIVISION 1. METROPOLITAN TRANSPORTATION COMMISSION

SEC. 7. Division 2 (commencing with Section 66538) is added to Title 7.1 of the Government Code, to read:

DIVISION 2. TAXING AUTHORITY AND TRANSPORTATION FUNDING

CHAPTER 1. DEFINITIONS

66538. For purposes of this division, the following definitions apply:

(a) "Commission" means the Metropolitan Transportation Commission created pursuant to Section 66502.

(b) "Public transit agency" has the same meaning as "STA-eligible operator," as defined in Section 99312.2 of the Public Utilities Code.

(c) "San Francisco Bay area" has the same meaning as "region," as defined in Section 66502.

Chapter 2. Special Taxes

66538.20. (a) The commission, either directly or through a qualified voter initiative, may raise and allocate new revenue through all of the following funding mechanisms:

(1) A retail transactions and use tax, as provided in Section 66538.22.

(2) A regional payroll tax, as provided in Section 66538.24.

(3) A parcel tax, as provided in Section 66538.26.

(4) A regional vehicle registration surcharge, as provided in Section 66538.28.

(b) Any funding mechanism or combination of funding mechanisms authorized pursuant to subdivision (a) that requires voter approval pursuant to the California Constitution may be placed on the ballot in all or a subset of the nine counties in the San Francisco Bay area. A measure placed on the ballot in a subset of those nine counties shall apply only in those counties in which the measure was submitted to the voters.

(c) In addition to the procedures set forth in Chapter 4 (commencing with Section 9300) of Division 9 of the Elections Code, if an ordinance containing a tax authorized by this chapter is proposed by an initiative petition, the initiative shall require the proceeds of the tax to be expended consistent with Chapter 4 (commencing with Section 66538.40).

66538.22. (a) The commission may impose a retail transactions and use tax ordinance applicable in the San Francisco Bay area in accordance with this division and Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code.

(b) The commission, in the ordinance, shall state the nature of the tax to be imposed, shall provide the tax rate or the maximum tax rate, shall specify the period during which the tax will be imposed, and shall specify the purposes for which the revenue derived from the tax will be used. The tax rate shall be in ¼ percent increments.

(c) Notwithstanding Section 7251.1 of the Revenue and Taxation Code, the tax rate authorized pursuant to this section shall not be considered for purposes of the combined rate limit established by Section 7251.1 of the Revenue and Taxation Code.

(d) Any transactions and use tax ordinance adopted pursuant to this chapter shall be operative on the first day of the first

calendar quarter commencing more than 110 days after adoption of the ordinance.

(e) Before the operative date of the ordinance, the commission shall contract with the California Department of Tax and Fee Administration to perform all functions incidental to the administration and operation of the ordinance.

66538.24. (a) The commission may, by ordinance, impose a tax on every employer in the San Francisco Bay area, except an employer defined by Section 676, 684, or 685 of the Unemployment Insurance Code, at a percentage, as determined by the commission, of wages paid to an individual.

(b) If the commission acts pursuant to the authorization in subdivision (a), the commission shall contract with the Employment Development Department to perform all functions incidental to the administration and operation of the tax.

(c) The tax shall be collected in the same manner and at the same time as any contributions required under Sections 977 and 977.5 of the Unemployment Insurance Code, except as provided in this section.

66538.26. (a) Subject to Section 4 of Article XIII A of the California Constitution, the commission may impose, by ordinance, a parcel tax within the San Francisco Bay area pursuant to the procedures established in Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1 of Title 5, Chapter 3 (commencing with Section 66538.30), and any other applicable procedures provided by law.

(b) For purposes of this section, "parcel tax" means a special tax imposed upon a parcel of real property at a rate that is determined without regard to that property's value.

(c) The commission shall provide notice of any parcel tax imposed pursuant to this section in the manner specified in Section 54930.

(d) The parcel tax shall be collected in the same manner as ordinary ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure, sale, and lien priority in case of delinquency as is provided for ad valorem taxes.

(e) A parcel tax levied pursuant to this section shall be administered in the following manner:

(1) Taxes collected shall be deposited into a separate fund, which shall be established in the treasury of each county and used only as prescribed by this division.

(2) The county shall transfer moneys from the fund to the commission periodically as promptly as feasible. The transmittals shall be made at least twice in each calendar quarter.

(3) The county may deduct incremental costs associated with administering any taxes approved pursuant to this section from the portion transferred to the commission pursuant to paragraph (2).

66538.28. (a) The commission may, by ordinance, impose a regional vehicle registration surcharge on each motor vehicle registered within the San Francisco Bay area. The commission shall not propose a measure to the electors to approve a surcharge pursuant to this section before January 1, 2030.

(b) The commission may determine the rate of the regional vehicle registration surcharge subject to all of the following requirements:

(1) The surcharge shall be paid on an annual basis and shall be collected by the Department of Motor Vehicles at the same time and same manner as the vehicle registration pursuant to Section 9250.3 of the Vehicle Code.

(2) The amount of the surcharge shall be based on the market value of the vehicle, as determined by the Department of Motor Vehicles pursuant to Sections 10753, 10753.2, and 10753.5 of the Revenue and Taxation Code, using the same vehicle ranges set forth in the schedule established pursuant to Section 11052 of the Revenue and Taxation Code.

(3) The surcharge amount applicable to each vehicle range in the schedule described in paragraph (2) shall be set in amounts that increase based on the increasing value of each vehicle range.

(4) Beginning one year after an ordinance imposing a surcharge is approved by the voters, the amount of the surcharge in each vehicle market range shall be adjusted in an amount equal to the increase in the California Consumer Price Index for the prior year, as calculated by the Department of Finance, with amounts equal to or greater than fifty cents ($0.50) rounded to the highest whole dollar. The incremental change shall be added to the associated fee rate for that year.

(c) If an ordinance imposing a regional vehicle registration surcharge is approved by the voters pursuant to Chapter 3 (commencing with Section 66538.30), the surcharge shall apply to the original vehicle registration occurring on or after six months following the adoption of the ordinance by the voters and to a renewal of registration with an expiration date on or after that six-month period.

Chapter 3. Election Procedures

66538.30. (a) If the commission, either directly or through qualified voter initiative, proposes a measure pursuant to Chapter 2 (commencing with Section 66538.20) that requires voter approval pursuant to the California Constitution, the board of supervisors of the county or counties in which the commission has determined to place the measure on the ballot shall call a special election on the measure. The special election shall be held no sooner than November 2026 and shall be consolidated with the next regularly scheduled statewide election. The measure shall be submitted to the voters in the appropriate counties, consistent with the requirements of Articles XIII A, XIII C, and XIII, or Article XVI, of the California Constitution, as applicable.

(b) For the purpose of placement of a measure on the ballot, the commission is a district, as defined in Section 317 of the Elections Code. Except as otherwise provided in this section, a measure proposed by the commission that requires voter approval shall be submitted to the voters of the counties, as determined by the commission, in accordance with the provisions of the Elections Code applicable to districts, including Chapter 4 (commencing with Section 9300) of Division 9 of the Elections Code.

(c) Notwithstanding any provision of the Elections Code, the legal counsel for the commission shall prepare an impartial analysis of the measure. Each county included in the measure shall use the election materials provided by the commission, including the exact ballot question, impartial analysis, and full text of the ballot measure for inclusion in the county voter information guide.

(d) If two or more counties included in the measure are required to prepare a translation of ballot materials into the same language other than English, the county that contains the largest population, as determined by the most recent federal decennial census, among

those counties that are required to prepare a translation of ballot materials into the same language other than English shall prepare the translation, or authorize the commission to prepare the translation, and that translation shall be used by the other county or counties, as applicable.

(e) Notwithstanding Section 13116 of the Elections Code, the elections officials of the counties where the measure will appear on the ballot shall mutually agree to use the same letter designation for the measure.

(f) The county clerk of each county shall report the results of the special election to the commission. If the approval threshold required by the California Constitution at the time the election is achieved, the measure shall take effect in the counties in which the measure appeared on the ballot within the timeframe specified in the measure.

(g) (1) Notwithstanding Section 10520 of the Elections Code, for any election at which the commission, either directly or through qualified voter initiative, proposes a measure pursuant to subdivision (a) of Section 66538.20 that would generate revenues, the commission shall reimburse each county in which that measure appears on the ballot only for the incremental costs incurred by the county elections official related to submitting the measure to the voters with proceeds from the measure, or if the measure fails, with any eligible funds provided by the commission or other public or private entity.

(2) For purposes of this subdivision, "incremental costs" includes both of the following:

(A) The cost to prepare a translation of ballot materials into a language other than English by any county, as described in subdivision (d).

(B) The additional costs that exceed the costs incurred for other election races or ballot measures, if any, appearing on the same ballot in each county in which the measure appears on the ballot, including both of the following:

(i) The printing and mailing of ballot materials.

(ii) The canvass of the vote regarding the measure pursuant to Division 15 (commencing with Section 15000) of the Elections Code.

(h) If the voters approve new revenues pursuant to this section, the commission shall establish an independent oversight committee

within six months of the effective date of the tax increase to ensure that any revenues generated pursuant to this section are expended consistent with the applicable requirements set forth in Chapter 4 (commencing with Section 66538.40). The committee may be consolidated with the oversight committee established pursuant to subdivision (h) of section 30923 of the Streets and Highways Code. Each representative shall be appointed by the applicable county board of supervisors. The oversight committee may request any documents from the commission to assist the committee in performing its functions.

Chapter 4. Expenditures

66538.40. (a) Except as provided in subdivision (c), revenues generated pursuant to Chapter 2 (commencing with Section 66538.20) shall only be used to fund any of the following transportation improvements in the San Francisco Bay area:

(1) Investments that support transit transformation, including all of the following:

(A) Sustaining, expanding, and improving transit service for current and future transit riders.

(B) Accelerating customer-focused initiatives outlined in the 2020 Bay Area Transit Transformation Action Plan or successor plan adopted by the commission.

(C) Transit service improvements that San Francisco Bay area transit riders or residents identify as high-priority, including safety, cleanliness, and first-mile and last-mile connectivity.

(D) Zero-emission transit vehicles and infrastructure.

(2) Investments that support safe streets, including investments to transform local roads to support safety, equity, and climate goals, including through bicycle and pedestrian infrastructure investments, safe routes to transit, other safety enhancements, and pothole repair.

(3) Investments that support connectivity, including mobility improvements that close gaps and relieve bottlenecks in the transportation network in a climate-neutral manner.

(4) Investments that support climate resilience, including planning, design, and construction activities that protect transportation infrastructure and nearby communities from rising sea levels, flooding, wildfires, and extreme heat.

(b) (1) The commission shall annually allocate a minimum of seven hundred fifty million dollars ($750,000,000) of the revenues generated pursuant to Chapter 2 (commencing with Section 66538.20) to fund investments consistent with the purposes set forth in subparagraphs (A) to (C), inclusive, of paragraph (1) of subdivision (a), including, without limitation, for payment of all indebtedness incurred and bonds issued pursuant to Chapter 5 (commencing with Section 66538.50), and the related costs set forth in that chapter.

(2) Notwithstanding any other law, the allocation made pursuant to paragraph (1) shall not impair, limit, or otherwise affect payment of any indebtedness incurred or bonds issued pursuant to Chapter 5 (commencing with Section 66538.50), and the related costs set forth in that chapter.

(c) Notwithstanding subdivision (a), the commission may allocate revenues generated pursuant to Chapter 2 (commencing with Section 66538.20) to the Transportation Agency for deposit into the Bay Area Transit Consolidation Technical Assistance Fund. The revenues allocated pursuant to this subdivision shall be used for the purposes specified in subdivision (d) of Section 13978.9.

(d) It is the intent of the Legislature to enact legislation that would clarify roadway eligibility criteria for revenues generated pursuant to Chapter 2 (commencing with Section 66538.20), including potential criteria around roadway capacity increases.

(e) It is the intent of the Legislature that the commission prioritize the following focus areas when distributing revenues generated pursuant to Chapter 2 (commencing with Section 66538.20):

(1) Fund the operations of public transit agencies, including through providing resources to address operating shortfalls and ensuring existing resources are maintained and used effectively. In implementing this paragraph, the commission should prioritize the following:

(A) Maintaining transit service for riders who rely on transit as their primary mode of transportation.

(B) Prioritizing sustaining services used by the greatest number of transit riders.

(2) Enhance frequency of transit service and areas served where needed and financially sustainable.

(3) Create a seamless and convenient San Francisco Bay area transit system that attracts far more riders than the number of riders that used that system before January 1, 2025, by improving public safety on transit and implementing the 2020 Bay Area Transit Transformation Action Plan.

(4) Make it safer and easier for people of all ages and abilities to get to where they need to go by preserving and enhancing access for all transportation system road users, including people walking, biking, and wheeling.

(f) (1) A public transit agency shall maintain its existing commitment of local funds to transit operations in order to be eligible for an allocation of funds approved by the voters pursuant to Chapter 3 (commencing with Section 66538.30). In order to be eligible for funding pursuant to this section, a public transit agency shall verify to the commission that it shall not supplant any sources of its operating revenue used for transit operations as reported to the Controller in the most recent fiscal year pursuant to Section 99243 of the Public Utilities Code before the election approving the revenues imposed pursuant to Chapter 2 (commencing with Section 66538.20).

(2) Notwithstanding paragraph (1), a transit agency may reduce the amount of funding contributed towards their operating budget in proportion to any reduction in operating costs.

(g) In addition to the requirement set forth in subdivision (f), in order to be eligible for an allocation of funds approved by the voters pursuant to Chapter 3 (commencing with Section 66538.30), a public transit agency shall be in compliance with the commission's rules and regulations adopted pursuant to Section 66516.

(h) The commission may retain, for its cost in administering this chapter, an amount not to exceed 1 percent of the revenues allocated by the commission.

(i) It is the intent of the Legislature to enact legislation that would require the commission to consider need and geographic balance in distributing regional transportation revenues.

Chapter 5. Bonds

66538.50. The commission may incur indebtedness and issue bonds and other securities as follows:

(a) The commission may incur indebtedness and issue securities of any kind or class, and may renew the same, if that indebtedness, howsoever evidenced, is payable solely from revenues of the commission as specified in the indenture, trust agreement, note, bond, lease, loan agreement, or other agreement or evidence of indebtedness relating to those securities.

(b) (1) The commission may from time to time issue its negotiable bonds, notes, warrants, debentures, or other securities, hereinafter collectively called "bonds" for purposes of this section, for any purpose specified in this division.

(2) In anticipation of the sale of the bonds as authorized by this chapter, the commission may issue negotiable bond anticipation notes and may renew the same from time to time. These bond anticipation notes may be paid from the proceeds of sale of the bonds of the commission in anticipation of which they were issued. Bonds, notes, and other agreements relating to those bonds or notes, hereinafter collectively called "bond anticipation notes" for purposes of this section, and the resolution or resolutions authorizing the same may contain any provisions, conditions, or limitations that a bond, agreement relating to that bond, or bond resolution of the commission may contain, except that the bond anticipation note shall mature at a time not exceeding three years from the date of issue or any renewal.

(c) At any time that the commission desires to issue bonds or bond anticipation notes, it shall adopt a resolution by two-thirds vote of all members of the commission specifying all of the following:

(1) The purposes for which the bonds or bond anticipation notes are to be issued, which may include all costs and estimated costs incidental to, or connected with, the accomplishment of those purposes, including, without limitation, engineering, inspection, legal, fiscal agents, financial consultant and other fees, bond and other reserve funds, credit or liquidity enhancement costs, working capital, bond interest estimated to accrue during any construction period and for a period not to exceed the lesser of 10 years thereafter or the maturity date of the bonds or bond anticipation notes, and expenses of all proceedings for the authorization, issuance, and sale of the bonds or bond anticipation notes.

(2) The maximum principal amount of the bonds or bond anticipation notes.

(3) The maximum term for the bonds or bond anticipation notes.

(4) The maximum rate of interest to be payable upon the bonds or bond anticipation notes. That interest rate shall not exceed the maximum rate specified in Section 53531. The rate may be either fixed or variable and shall be payable at the times and in the manner specified in the resolution.

(d) The pledge of any taxes authorized under this division to the bonds or bond anticipation notes authorized under this chapter shall have priority over the use of any of those taxes for all other purposes, except to the extent that priority is expressly restricted in the resolution authorizing the issuance of the bonds or bond anticipation notes.

(e) The bonds or bond anticipation notes may be sold as the commission determines by resolution, and the bonds or bond anticipation notes may be sold at a price above or below par, whether by negotiated or public sale.

(f) (1) Refunding bonds or bond anticipation notes may be issued in a principal amount sufficient to pay all, or any part, of any of the following:

(A) The principal of the outstanding bonds or bond anticipation notes.

(B) The premiums, if any, due upon call and redemption of those bonds or bond anticipation notes before maturity.

(C) All expenses of the refunding, including any costs related to credit or liquidity support, reserves, swaps, or similar agreements.

(D) Interest on the refunding bonds or bond anticipation notes from the date of sale of the refunding bonds or bond anticipation notes to the date of payment of the bonds or bond anticipation notes to be refunded out of the proceeds of the sale of the refunding bonds or bond anticipation notes or to the date upon which the bonds or bond anticipation notes to be refunded will be paid pursuant to call or agreement with the holders of the bonds or bond anticipation notes.

(E) The interest upon the bonds or bond anticipation notes to be refunded from the date of sale of the refunding bonds or bond anticipation notes to the date of payment of the bonds or bond anticipation notes to be refunded or to the date upon which the bonds or bond anticipation notes to be refunded will be paid

pursuant to call or agreement with the holder of the bonds or bond anticipation notes, and all other costs incident to that refunding.

(2) The provisions of this chapter for the issuance and sale of bonds or bond anticipation notes apply to the issuance and sale of refunding bonds or refunding bond anticipation notes.

(g) (1) Any bonds or bond anticipation notes issued pursuant to this chapter are a legal investment for all of the following:

(A) All trust funds.

(B) The funds of insurance companies, commercial and savings banks, and trust companies.

(C) State school funds.

(2) Whenever any money or funds may, by any law in existence as of January 1, 2025, or later enacted, be invested in bonds of cities, counties, school districts, or other districts within the state, those funds may be invested in the bonds issued pursuant to this chapter, and whenever bonds of cities, counties, school districts, or other districts within this state may, by any law in existence as of January 1, 2025, or later enacted, be used as security for the performance of any act or the deposit of any public money, the bonds issued pursuant to this chapter may be so used.

(3) The provisions of this division are in addition to all other laws relating to legal investments and shall be controlling as the latest expression of the Legislature with respect to laws relating to legal investments.

Chapter 6. Miscellaneous

66538.60. Any action or proceeding to contest, question, or deny the validity of a tax provided for in this division, the financing of the programs and projects contemplated by this division, the issuance of any bonds secured by those taxes, or any of the related proceedings, shall be commenced within 60 days from the date of the election at which the tax is approved. After that date, the financing of the program, the issuance of the bonds, and all related proceedings, including the collection of the taxes, shall be held valid and incontestable in every respect.

66538.62. The commission may in its own name to do all acts necessary or convenient for the exercise of its powers under this division and the financing of the programs, projects and purposes

identified in this division, including, but not limited to, all of the following:

(a) To make and enter into contracts.

(b) To employ agents or employees.

(c) To acquire, construct, manage, maintain, lease, or operate any public facility or improvements.

(d) To sue and be sued in its own name.

(e) To apply for, accept, receive, and disburse grants, loans, and other assistance from any agency of the United States of America or of the State of California.

(f) To invest any money not required for the immediate necessities of the commission, as the commission determines is advisable.

(g) To prepare and include any necessary or helpful bond authorizations in connection with a ballot measure or other proceeding authorized under this division.

(h) To apply for letters of credit or other forms of financial guarantees in order to secure the repayment of bonds and to enter into agreements in connection with those letters of credit or financial guarantees.

SEC. 8. Section 99270.5 of the Public Utilities Code is amended to read:

99270.5. *(a)* In determining whether there is compliance with Section 99268.1, 99268.2, 99268.3, 99268.4, 99268.5, or 99268.9, as the case may be, by operators serving the area of the San Francisco Bay Area Rapid Transit District, excluding the City and County of San Francisco, the Metropolitan Transportation Commission may make that determination for all or some of the operators as a group, if the Metropolitan Transportation Commission finds that the public transportation services of the operators grouped are coordinated.

(b) Commencing with claims for the 2025–26 fiscal year, an operator providing service within the area under the jurisdiction of the Metropolitan Transportation Commission shall not be eligible to make a claim pursuant Section 99260 unless the operator is in compliance with the commission's rules and regulations adopted pursuant to Section 66516 of the Government Code.

SEC. 9. Section 976.9 is added to the Unemployment Insurance Code, to read:

976.9. (a) (1) The department, if contracted with the commission, shall administer and collect the tax imposed pursuant to Section 66538.24 of the Government Code.

(2) The department shall administer and collect the tax in the manner set forth in Section 66538.24 of the Government Code.

(b) The department may use proceeds from the tax collected pursuant to Section 66538.24 of the Government Code to offset the costs of all functions incidental to the administration and operation of the contributions.

(c) After deducting all costs described in subdivision (b), the department shall distribute the net revenues to the commission for expenditure pursuant to Chapter 4 (commencing with Section 66538.40) of Division 2 of Title 7.1 of the Government Code.

(d) For purposes of this section, "commission" means the Metropolitan Transportation Commission created pursuant to Section 66502 of the Government Code.

SEC. 10. Section 9250.3 is added to the Vehicle Code, to read:

9250.3. (a) The department, if contracted with the commission, shall collect the regional vehicle registration surcharge imposed pursuant to Section 66538.28 of the Government Code upon the registration or renewal of registration of a motor vehicle registered in the county, except those vehicles that are expressly exempted under this code from the payment of registration fees.

(b) After deducting all costs incurred pursuant to this section, the department shall distribute the net revenues to the commission for expenditure pursuant to Chapter 4 (commencing with Section 66538.40) of Division 2 of Title 7.1 of the Government Code.

(c) The department shall collaborate with the commission to ensure the administration of the surcharge described in subdivision (a) can be facilitated after the modernization of the department's technology systems.

(d) For purposes of this section, "commission" means the Metropolitan Transportation Commission created pursuant to Section 66502 of the Government Code.

SEC. 11. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

~~SECTION 1. Section 9146 of the Government Code is amended to read:~~

~~9146. Any state agency which is required or permitted by federal law or regulation to establish or alter a federal aid allocation formula to a local agency shall notify the Joint Legislative Budget Committee not less than 60 days prior to the effective date of the establishment or change in the federal aid allocation formula. The chairperson of the Joint Legislative Budget Committee may grant a waiver of the 60-day notification period after receipt of the notification.~~

~~The chairperson shall inform members of the Joint Legislative Budget Committee of the chairperson's intention to waive the 60-day notification period after such notification. If no objection is received within 10 days, the chairperson shall proceed to grant the waiver of the 60-day notification period.~~

~~The notification shall contain the federal law or regulation necessitating or authorizing the establishment or change, a description of the proposed allocation formula to be established or changed, as the case may be, and an estimate of the resulting increase or decrease in federal aid allocated to the affected local agency.~~

~~When requested by the chairperson or by any member of the committee, or when the Legislature is in session, when requested by the chairperson of the committee, the Joint Legislative Budget Committee shall schedule a hearing on the proposed allocation formula to be established or changed, as the case may be.~~

~~"Local agency" as used in this section, means any city, county, city and county, special district, school district, community college district, and county office of education.~~

~~The establishment or changes in federal aid allocation formulas affecting less than one hundred thousand dollars ($100,000) in federal aid in any fiscal year shall be exempt from the provisions of this section.~~

~~The provisions of this section shall not apply to any reallocation of funds by a state agency from or to a local agency if the state agency finds that either of the following conditions, or both, exist:~~

~~(a) The local agency cannot spend its entire allocation within the period established by the federal government.~~

~~(b) The failure to spend the funds could lead to their recapture by the federal government or to a reduced allocation of federal funds in subsequent years.~~

O

Orange County Transportation Authority Legislative Matrix

2024 State Legislation Session
April 18, 2024

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
BILLS WITH POSITIONS			
AB 6 **(Friedman – D)** Transportation Planning: Regional Transportation Plans	Requires a metropolitan planning organization to submit an adopted sustainable communities strategy or an alternative planning strategy, if applicable, to the State Air Resources Board for review.	**INTRODUCED:** 12/05/2022 **LOCATION:** Senate Transportation Committee **LAST AMEND:** 03/16/2023 **STATUS:** 07/14/2023 In SENATE. Failed Deadline pursuant to Rule 61(a)(10).	Oppose (partial list) Support: 350 Bay Area Action, Streets For All, California Environmental Voters Oppose: Mobility 21, Orange County Business Council, Rebuild SoCal Partnership, Transportation California, San Bernardino County Transportation Authority (SBCTA), Riverside County Transportation Commission (RCTC)

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
AB 7 **(Friedman – D)** Transportation: Planning: Project Selection Processes	Requires the California State Transportation Agency, the California Department of Transportation, and the California Transportation Commission to incorporate specified principles into their existing program funding guidelines and processes.	**INTRODUCED:** 12/05/2022 **LOCATION:** Senate Appropriations Committee **LAST AMEND:** 09/01/2023 **STATUS:** 09/14/2023 In SENATE. Failed Deadline pursuant to Rule 61(a)(14).	Oppose (partial list) Support: Coalition for Clean Air, Streets For All, California Environmental Voters Oppose: Mobility 21, Orange County Business Council, Rebuild SoCal Partnership, Transportation California, RCTC, SBCTA

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
AB 817 **(Pacheco – D)** Open Meetings: Teleconferencing: Subsidiary Body	Relates to the Ralph Brown Act. Authorizes a subsidiary body to use alternative teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency.	**INTRODUCED:** 02/13/2023 **LOCATION:** Senate Rules Committee **LAST AMEND:** 01/10/2024 **STATUS:** 01/25/2024 In SENATE. Read first time. To Committee on RULES for assignment.	Support Support: California Association of Recreation and Park Districts (co-sponsor), League of California Cities (co-sponsor), Rural County Representatives of California (co-sponsor), and the Urban Counties of California (co-sponsor)
►AB 2043 **(Boerner – D)** Medi-Cal: Nonmedical and Nonemergency Medical Transportation	Requires the State Department of Health Care Services to require Medi-Cal managed care plans that are contracted to provide nonmedical transportation or nonemergency medical transportation to contract with public paratransit service operators who are enrolled Medi-Cal providers for the purpose of establishing reimbursement rates for nonmedical and nonemergency medical transportation trips provided by a public paratransit service operator. Conditions implementation on receipt of necessary federal approvals.	**INTRODUCED:** 02/01/2024 **LOCATION:** Assembly Health Committee **HEARING:** *04/09/2024* **STATUS:** *04/01/2024* *In ASSEMBLY. Amend, and re-referred to Committee on HEALTH. Read second time and amended.*	Support Support: San Diego Metropolitan Transit System (sponsor)

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
►AB 2259 (Boerner – D) Transportation: Bicycle Safety Handbook	Would require CalSTA to develop and distribute, on or before September 1, 2025, a bicycle safety handbook that includes information on, among other things, existing laws regulating bicycles and e-bikes. CalSTA must make a downloadable electronic version of the bicycle safety handbook available online and in print at certain state offices. CalSTA will also be required to collaborate with other state agencies to develop the handbook.	**INTRODUCED:** 02/08/2024 **LOCATION:** *Assembly Appropriations Committee* **STATUS:** *03/19/2024 In ASSEMBLY. Referred to Committee on APPROPRIATIONS.*	*Support* *Support: California Association of Bicycling Organizations*
►AB 2535 (Bonta – D) *Trade Corridor Enhancement Program*	*Would prohibit the CTC from allocating Trade Corridor Enhancement Program (TCEP), funding to a project that adds a general-purpose lane to a highway or expands highway capacity in a community that ranks in the highest quintile in CalEnviroScreen for disproportionate burdens from multiple sources of pollution and with population characteristics that makes the community more sensitive to pollution.*	**INTRODUCED:** *02/13/2024* **LOCATION:** *Assembly Transportation Committee* **HEARING:** *04/15/2024* **STATUS:** *03/04/2024 In ASSEMBLY. Referred to Committee on TRANSPORTATION and NATURAL RESOURCES.*	*STAFF RECOMMENDS OPPOSE* *Oppose: Riverside County Transportation Commission, Contra Costa Transportation Authority*

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
►**AB 2824 (McCarty – D)** *Battery: Public Transportation Provider*	*Would expand the enhanced penalties for battery or assault against a transit operator or ticketing agent to transit employees and contractors of a public transportation provider.*	**INTRODUCED:** *02/15/2024* **LOCATION:** *Assembly Public Safety Committee* **LAST AMEND:** *03/21/2024* **STATUS:** *03/21/2024* *In ASSEMBLY. Referred to Committee on PUBLIC SAFETY. Amend and re-referred to Committee on PUBLIC SAFETY. Read second time and amended.*	*STAFF RECOMMENDS SUPPORT* *Support: California Transit Association (co-sponsor), Amalgamated Transit Union (co-sponsor), Transport Workers Union (co-sponsor)*

BILLS BEING MONITORED

AB 627 (Jackson, D) **Drayage trucks: voucher incentive project.**

Introduced: 02/09/2023
Last Amended: 01/22/2024
Status: 01/29/2024 - Read third time. Passed. Ordered to the Senate. (Ayes 67. Noes 1.) In Senate. Read first time. To Com. on RLS. for assignment.
Location: 01/29/2024 - Senate Rules
Summary: Current law establishes the State Air Resources Board as the state agency responsible for monitoring and regulating sources emitting greenhouse gases. The state board, in this capacity, administers the California Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project under which the agency issues a limited number of vouchers to incentivize the purchase and use of zero-emission commercial vehicles. The Budget Act of 2023 appropriated funds from the Greenhouse Gas Reduction Fund to the state board for zero-emission drayage trucks to be administered through the project and, in expending those funds, requires the state board, before January 1, 2025, to limit the number and award amount levels under the project based on fleet size. This bill would require the state board to ensure that a voucher provided under the project for the purchase of a new, or the retrofit of a used, drayage truck is provided to an operator in an amount determined pursuant to a sliding scale established by the state board, based on the number of drayage trucks the operator owns. In administering the project, the bill would require the state board to prioritize the award of those vouchers to operators meeting certain criteria.
Subject: Funding

AB 637 (Jackson, D) **Zero-emission vehicles: fleet owners: rental vehicles.**

Introduced: 02/09/2023
Last Amended: 09/06/2023
Status: 01/25/2024 - Read third time. Passed. Ordered to the Senate. (Ayes 70. Noes 0.) In Senate. Read first time. To Com. on RLS. for assignment.
Location: 01/25/2024 - Senate Rules
Summary: Current law requires the State Air Resources Board to adopt and implement motor vehicle emission standards, in-use performance standards, and motor vehicle fuel specifications for the control of air contaminants and sources of air pollution the state board has found to be necessary, cost effective, and technologically feasible, to carry out specified purposes, unless preempted by federal law. This bill would, if the state board requires a fleet owner to acquire zero-emission vehicles as part of its fleet, require the state board to authorize the rental of a zero-emission vehicle or vehicles for a cumulative total of 260 days in a calendar year to be deemed ownership of one zero-emission vehicle for purposes of meeting that obligation.
Subject: Zero Emission

AB 761 (Friedman, D) **Local finance: enhanced infrastructure financing districts.**

Introduced: 02/13/2023
Last Amended: 09/13/2023
Status: 09/14/2023 - Withdrawn from committee. Re-referred to Com. on RLS.
Location: 09/14/2023 - Senate Rules
Summary Current law authorizes the legislative body of a city or a county to designate a proposed enhanced infrastructure financing district by adopting a resolution of intention to establish the proposed district which, among other things, is required to state that an enhanced infrastructure financing district is proposed and describe the boundaries of the proposed district. Current law requires the public financing authority to direct the preparation of and adopt an infrastructure financing plan consistent with the general plan and any relevant specific plan, and consisting of, among other things, a financing section. This bill, for plans proposed on or after January 1, 2024, would specify that for the purpose of development and construction of passenger rail projects in the County of Los Angeles where at least 75% of the revenue from the district is used for debt service on a federal Transportation Infrastructure Finance and Innovation Act loan, the date on which the district will cease to exist shall not be more than 75 years from the date of the issuance of bonds or approval of a loan, as specified. This bill would make legislative findings and declarations as to the necessity of a special statute for specified districts enacted primarily for the purpose of development and construction of zero-emission mass transit projects.
Subject: Transit

AB 930 **(Friedman, D) Local government: Reinvestment in Infrastructure for a Sustainable and Equitable California (RISE) districts.**

Introduced: 02/14/2023
Last Amended: 01/22/2024
Status: 01/29/2024 - Read third time. Passed. Ordered to the Senate. (Ayes 52. Noes 16.) In Senate. Read first time. To Com. on RLS. for assignment.
Location: 01/29/2024 - Senate Rules
Summary: Would authorize the legislative bodies of 2 or more cities or counties to jointly form a Reinvestment in Infrastructure for a Sustainable and Equitable California district (RISE district) in accordance with specified procedures. The bill would authorize a special district to join a RISE district, by resolution, as specified. The bill would require the Office of Planning and Research (OPR) to develop guidelines for the formation of RISE districts no later than November 30, 2026. The bill would provide for the establishment of a governing board of a RISE district with representatives of each participating local government.
Subject: Planning

AB 1017 **(Holden, D) Homelessness: Striking Worker Emergency Homelessness Prevention program.**

Introduced: 02/15/2023
Last Amended: 09/13/2023
Status: 09/14/2023 - Read second time. Ordered to third reading. Re-referred to Com. on RLS pursuant to Senate Rule 29.10(c).
Location: 09/14/2023 - Senate Rules
Summary: Would, upon appropriation by the Legislature, create within the Encampment Resolution Funding program the Striking Worker Emergency Homelessness Prevention (SWEHP) program administered by the Labor and Workforce Development Agency. The bill would specify that purpose of the program would be to prevent workers suffering strike-related hardship, as defined, from becoming homeless due to a prolonged labor dispute by making zero-interest loans available to eligible striking workers to assist them in paying their housing costs. The bill would require the agency, in consultation with the Business, Consumer Services, and Housing Agency, to develop an internet website and online application for the program, as specified. The bill would require an applicant for the program to electronically sign a declaration of strike-related hardship, as specified, under penalty of perjury. By expanding the scope of an existing crime, the bill would impose a state-mandated local program. The bill would make other conforming changes to the Encampment Resolution Funding program.
Subject: Planning

AB 1447 **(Flora, R) Vehicles: motorized scooters.**

Introduced: 02/17/2023
Last Amended: 09/08/2023
Status: 03/04/2024 - Withdrawn from committee. Withdrawn from committee.
Location: 09/11/2023 - Senate Rules
Summary: Existing law defines a motorized scooter as any 2-wheeled device that has handlebars, either a floorboard that is designed to be stood upon when riding or a seat and footrests in place of the floorboard, and is powered by an electric motor. Existing law prohibits a person from operating a motorized scooter in excess of 15 miles per hour. Existing law prohibits an operator of a motorized scooter under 18 years of age from operating a motorized scooter without a specified bicycle helmet and requires a manufacturer of a motorized scooter to provide a disclosure to buyers that existing insurance policies may not provide coverage for a motorized scooter. Under existing law, a violation or failure to comply with a provision of the Vehicle Code constitutes an infraction. This bill would change the definition of a motorized scooter by including 3-wheeled devices, limiting its maximum weight to 200 pounds and width to 3 feet, and specifying that it is powered by a motor that ceases to provide power at 20 miles per hour. The bill would require a manufacturer of a motorized scooter to apply a sticker to certain motorized scooters certifying the scooter is capable of achieving braking requirements, as specified, and would prohibit a person from operating a motorized scooter that does not have that certifying sticker and, if the scooter is capable of exceeding 15 miles per hour, a speedometer in good working order. The bill would prohibit a person from operating a motorized scooter in excess of 15 miles per hour while standing up or in excess of 20 miles per hour while sitting down. This bill contains other related provisions and other existing laws.
Subject: Active Transportation

AB 1567 **(Garcia, D) Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, Clean Energy, and Workforce Development Bond Act of 2024.**

Introduced: 02/17/2023
Last Amended: 05/26/2023
Status: 06/14/2023 - Referred to Coms. on N.R. & W. and GOV. & F.
Location: 06/14/2023 - Senate Natural Resources and Water
Summary: Would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, Clean Energy, and Workforce Development Bond Act of 2024, which, if approved by the voters, would authorize the issuance of bonds in the amount of $15,995,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, clean energy, and workforce development programs.
Subject: Funding

AB 1773 **(Dixon, R) Vehicles: electric bicycles.**

Introduced: 01/03/2024
Last Amended: 02/22/2024
Status: 04/01/2024 - In committee: Set, first hearing. Hearing canceled at the request of author.
Location: 01/16/2024 - Assembly Transportation
Summary: Current law prohibits the use of a motorized bicycle on a bicycle path or trail, bikeway, bicycle lane, equestrian trial, or hiking or recreational trail, as specified, unless the governing body of a local public agency, which has jurisdiction over the path or trail, permits the operation. Current law authorizes a governing body of a local public agency, which has jurisdiction over the path or trail, to prohibit the use of an electric bicycle on an equestrian trial, or hiking or recreational trail. A violation of the Vehicle Code is a crime and a person convicted of an infraction for a violation of either the Vehicle Code or a local ordinance adopted pursuant to the code is subject to a specified fine schedule, except as otherwise provided. This bill would clarify that a recreational trail for these purposes includes a boardwalk, as defined, regardless of whether the facility also provides bicycle access. Notwithstanding specified law, the bill would impose a fine, not to exceed $35, against a person convicted of an infraction for a violation of an ordinance prohibiting or regulating electric bicycles on recreational trails.
Subject: Active Transportation

AB 1774 **(Dixon, R) Vehicles: electric bicycles.**

Introduced: 01/03/2024
Status: 01/16/2024 - Referred to Com. on TRANS.
Hearing: 04/08/2024
Location: 01/16/2024 - Assembly Transportation
Summary: Current law defines an electric bicycle as a bicycle equipped with fully operable pedals and an electric motor of less than 750 watts, and requires electric bicycles to comply with specified equipment and manufacturing requirements. Current law prohibits a person from tampering with or modifying an electric bicycle so as to change the speed capability of the bicycle, unless they appropriately replace the label indicating the classification required, as specified. A violation of the Vehicle Code is a crime. This bill would clarify that the exception to this prohibition only applies if the bicycle continues to meet the definition of an electric bicycle. This bill would prohibit a person from selling a product or device that can modify the speed capability of an electric bicycle such that it no longer meets the definition of an electric bicycle.
Subject: Active Transportation

AB 1777 (**Ting, D**) **Autonomous vehicles.**

Introduced: 01/03/2024
Last Amended: 03/21/2024
Status: 04/01/2024 - Re-referred to Com. on TRANS.
Hearing: 04/15/2024
Location: 03/21/2024 - Assembly Transportation
Summary: Current law authorizes the operation of an autonomous vehicle on public roads for testing purposes by a driver who possesses the proper class of license for the type of vehicle operated if specified requirements are satisfied. Current law prohibits the operation of an autonomous vehicle on public roads until the manufacturer submits an application to the Department of Motor Vehicles, as specified, and that application is approved. Current law requires the manufacturer to certify in the application that, among other things, the autonomous technology satisfies specified requirements and the manufacturer has tested the autonomous vehicle on public roads and has complied with the testing standards established by the department, as specified. This bill would require a manufacturer to additionally certify that, among other things, the autonomous vehicle is capable of responding to and complying with geofencing protocols, as defined, and the manufacturer has clearly displayed a working telephone number on the autonomous vehicle that is being monitored at all times to enable communication between the manufacturer and law enforcement officers, emergency responders, and traffic control officers, as specified. If an autonomous vehicle is operating without a human operator and is found to have committed a violation of the Vehicle Code that is only punishable as an infraction, the bill would require the manufacturer to be cited for the violation.
Subject: Transit

AB 1778 (**Connolly, D**) **Vehicles: electric bicycles.**

Introduced: 01/03/2024
Last Amended: 04/01/2024
Status: 04/01/2024 - From committee chair, with author's amendments: Amend, and re-refer to Com. on TRANS. Read second time and amended.
Hearing: 04/08/2024
Location: 01/16/2024 - Assembly Transportation
Summary: Would, until January 1, 2029, authorize a local authority within the County of Marin, or the County of Marin in unincorporated areas, to adopt an ordinance or resolution that would prohibit a person under 16 years of age from operating a class 2 electric bicycle or require a person operating a class 2 electric bicycle to wear a bicycle helmet, as specified. The bill would require an ordinance or resolution that is adopted for this purpose to make a violation an infraction punishable by either a fine of $25 or completion of an electric bicycle safety and training course, as specified. The bill would, if an ordinance or resolution is adopted, require the county to, by January 1, 2028, submit a report to the Legislature that includes, among other things, the total number of traffic stops initiated for violations, the results of the traffic stops, and the actions taken by peace officers during the traffic stops, as specified. The bill would require the local authority or county to administer a public information campaign for at least 30 calendar days prior to the enactment of the ordinance or resolution, as specified. The bill would require the local authority or county to only issue warning notices for the first 60 days after the passage of the ordinance or resolution.
Subject: Active Transportation

AB 1785 (**Pacheco, D**) **California Public Records Act.**

Introduced: 01/03/2024
Status: 03/06/2024 - In committee: Hearing postponed by committee.
Hearing: 04/02/2024
Location: 01/16/2024 - Assembly Judiciary
Summary: The California Public Records Act requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. The act prohibits a state or local agency from posting the home address or telephone number of any elected or appointed official on the internet without first obtaining the written permission of that individual. This bill would define “home address,” for purposes of the above provision, to include an assessor’s parcel number, which may be converted to a physical address through reference to other information made available online by the state or local agency.
Subject: Records

AB 1786 **(Rodriguez, D) California Individual Assistance Act: California Local Assistance Act.**

Introduced: 01/03/2024
Last Amended: 03/21/2024
Status: 04/01/2024 - Re-referred to Com. on E.M.
Hearing: 04/08/2024
Location: 03/21/2024 - Assembly Emergency Management
Summary: The California Emergency Services Act empowers the Governor to proclaim a state of emergency under certain circumstances. Current law defines a state of emergency to mean the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions such as, among others, air pollution, fire, flood, and storm. This bill would add climate change and climate change exacerbated conditions to the list of conditions for which a state of emergency or local emergency may be proclaimed. (Based on 03/21/2024 text)
Subject: Safety and Security

AB 1798 **(Papan, D) Department of Transportation: contaminated stormwater runoff: salmon and steelhead trout bearing surface waters.**

Introduced: 01/08/2024
Last Amended: 03/12/2024
Status: 03/19/2024 - From committee: Do pass and re-refer to Com. on E.S. & T.M. (Ayes 10. Noes 0.) (March 19). Re-referred to Com. on E.S. & T.M.
Hearing: 04/09/2024
Location: 03/19/2024 - Assembly Environmental Safety and Toxic Materials
Summary: Would require the Department of Transportation, in conjunction with the State Water Resources Control Board, to develop a programmatic environmental review process to prevent 6PPD and 6PPD-quinone from entering salmon and steelhead trout bearing surface waters of the state. The bill would require the state board to establish the parameters of the department's programmatic environmental review process, as specified, and, to the extent practical, with the department, consult with the States of Washington and Oregon in the development of the programmatic environmental review process. The bill would require the department's 6PPD and 6PPD-quinone programmatic environmental review process to include specified components, including 5 pilot projects at specified locations to study the effectiveness and cost effectiveness of installing and maintaining bioretention and biofiltration comparatively along department rights-of-way to eliminate the discharge of 6PPD and 6PPD-quinone into surface waters of the state, as specified. The bill would require all information provided by the department to the state board pursuant to these provisions be made publicly available through the state board's stormwater data collection system.
Subject: Environment

AB 1837 **(Papan, D) San Francisco Bay area: public transit: Regional Network Management Council.**

Introduced: 01/16/2024
Last Amended: 03/21/2024
Status: 04/01/2024 - Re-referred to Com. on TRANS. In committee: Hearing postponed by committee.
Location: 03/21/2024 - Assembly Transportation
Summary: Current law creates the Metropolitan Transportation Commission as a local area planning agency for the 9-county San Francisco Bay area with comprehensive regional transportation planning and other related responsibilities. Current law creates various transit districts located in the San Francisco Bay area, with specified powers and duties relating to providing public transit services. Current law requires the commission to adopt rules and regulations to promote the coordination of fares and schedules for all public transit systems within its jurisdiction, as specified. This bill would create the Regional Network Management Council as an 11-member council to represent the interests of its stakeholders, to provide leadership and critical input on regional transit policies, and to provide executive guidance on regional transit policies and actionable implementation plans in pursuit of transformative improvements in the customer experience San Francisco Bay area transit. The bill would require the commission to facilitate the creation of the council.
Subject: Miscellaneous

AB 1853 (**Villapudua, D**) **San Joaquin Regional Transit District: meetings: surplus money investments.**

Introduced: 01/17/2024
Last Amended: 03/11/2024
Status: 03/21/2024 - Read second time. Ordered to third reading.
Hearing: 04/04/2024
Location: 03/21/2024 - Assembly THIRD READING
Summary: The San Joaquin Regional Transit District Act requires the San Joaquin Regional Transit District to be governed by a board of directors, requires the board to adopt rules for its proceedings, and authorizes the board to provide, by ordinance or resolution, that each board member receive $50 for each board meeting attended, not to exceed $100 in a calendar month. This bill instead would authorize the board to provide, by ordinance or resolution, that each board member receive $100 for each board meeting and committee meeting attended, not to exceed $500 in a calendar month. This bill contains other related provisions and other existing laws.
Subject: Records

AB 1870 (**Ortega, D**) **Notice to employees: legal services.**

Introduced: 01/22/2024
Last Amended: 04/01/2024
Status: 04/01/2024 - From committee chair, with author's amendments: Amend, and re-refer to Com. on INS. Read second time and amended.
Hearing: 04/03/2024
Location: 02/05/2024 - Assembly Insurance
Summary: Current law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee for injuries sustained in the course of employment. Employers who are subject to the workers' compensation system are generally required to keep posted in a conspicuous location frequented by employees and easily read by employees during the hours of the workday a notice that includes, among other information, to whom injuries should be reported, the rights of an employee to select and change a treating physician, and certain employee protections against discrimination. Current law requires the administrative director to make the form and content of this notice available to self-insured employers and insurers. This bill would require the notice to include information concerning an injured employee's ability to consult a licensed attorney to advise them of their rights under workers' compensations laws, as specified.
Subject: Employment

AB 1879 (**Gipson, D**) **Electronic signatures.**

Introduced: 01/22/2024
Last Amended: 03/07/2024
Status: 03/12/2024 - From committee: Do pass and re-refer to Com. on REV. & TAX. with recommendation: To Consent Calendar. (Ayes 10. Noes 0.) (March 12). Re-referred to Com. on REV. & TAX.
Location: 03/12/2024 - Assembly Revenue and Taxation
Summary: Current law authorizes, in any written communication with a public entity, the use of a digital signature, which is defined, in part, as a type of electronic signature, as defined. Under current law, a digital signature has the same force and effect as the use of a manual signature if it complies with specified requirements and the public entity elects to use a digital signature. Current law requires, at the option of the parties, the use or acceptance of a digital signature. This bill would require, at the option of the parties, the use or acceptance of an electronic signature, including a digital signature, unless otherwise provided. Under the bill, a digital signature would also have the same force and effect as the use of a manual signature if it complies with the above-referenced requirements and the public entity's use of a digital signature is mandated.
Subject: Records

AB 1889 (**Friedman, D**) **conservation element: wildlife and habitat connectivity.**

Introduced: 01/22/2024
Last Amended: 04/01/2024
Status: 04/01/2024 - From committee chair, with author's amendments: Amend, and re-refer to Com. on L. GOV. Read second time and amended.
Hearing: 04/10/2024
Location: 02/05/2024 - Assembly Local Government
Summary: The Planning and Zoning Law requires the legislative body of a city or county to adopt a comprehensive general plan that includes various elements, including land use, housing, and conservation elements, as specified. Current law requires the conservation element to consider the effect of development within the jurisdiction on natural resources located on public lands. This bill would additionally require the conservation element to consider the effect of development within the jurisdiction on the movement of wildlife and habitat connectivity. The bill would require the conservation element, upon the next update of one or more elements on or after January 1, 2026, to, among other things, identify and analyze connectivity areas, permeability, and natural landscape areas within the jurisdiction, identify and analyze existing or planned wildlife passage features, and consider the impacts of development and the barriers caused by development to wildlife and habitat connectivity. The bill would authorize a city, county, or city and county to incorporate by reference into their general plan an existing plan that meets these requirements. The bill would require a city, county, or city and county preparing to update its conservation element to consider incorporating appropriate standards, policies, and zoning, consult with specified entities, and consider relevant best available science.
Subject: Planning

AB 1890 (**Patterson, Joe, R**) **Public works: prevailing wage.**

Introduced: 01/22/2024
Status: 03/14/2024 - Coauthors revised. From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 7. Noes 0.) (March 13). Re-referred to Com. on APPR.
Location: 01/22/2024 - Assembly Appropriations
Summary: Current law defines the term “public works” for the purposes of requirements regarding the payment of prevailing wages, the regulation of working hours, and the securing of workers’ compensation for public works projects. Current law requires an entity awarding a public works contract, as specified, to provide notice to the Department of Industrial Relations. Current law requires civil penalties to be imposed on an entity that fails to provide that required notice and authorizes the Labor Commissioner to issue a citation for civil penalties to an entity that fails to provide the required notice. This bill would additionally require the awarding body to provide notice to the department if there is a change in the identity of a contractor or subcontractor performing the project or, within 30 days, if the total amount of the contract change exceeds $10,000.
Subject: Public Works

AB 1904 (**Ward, D**) **Transit buses: yield right-of-way sign.**

Introduced: 01/23/2024
Status: 04/01/2024 - Read third time. Passed. Ordered to the Senate. (Ayes 72. Noes 0.) In Senate. Read first time. To Com. on RLS. for assignment.
Location: 04/01/2024 - Senate Rules
Summary: Current law authorizes a transit bus in the Santa Cruz Metropolitan Transit District and the Santa Clara Valley Transportation Authority to be equipped with a yield right-of-way sign on the left rear of the bus if the applicable entity approves a resolution requesting that this section be made applicable to it. Current law requires the sign to be designed to warn a person operating a motor vehicle approaching the rear of the bus that the bus is entering traffic and be illuminated by a red flashing light when the bus is signaling in preparation for entering a traffic lane after having stopped to receive or discharge passengers. This bill would expand the authorization to equip transit buses, as described above, to apply to any transit agency if the transit agency approves a resolution that this authorization be made applicable to it.
Subject: Transit

AB 1924 (**Nguyen, Stephanie, D**) **Sacramento Regional Transit District.**

Introduced: 01/25/2024
Last Amended: 03/06/2024
Status: 03/21/2024 - Read second time. Ordered to third reading.
Hearing: 04/04/2024
Location: 03/21/2024 - Assembly THIRD READING
Summary: The Sacramento Regional Transit District Act authorizes the Sacramento Regional Transit District to comprise the Cities of Citrus Heights, Davis, Elk Grove, Folsom, Rancho Cordova, Roseville, Sacramento, West Sacramento, and Woodland, the territory of the County of Sacramento that is the same area as the urban service area of the county, and other specified portions of the County of Yolo, provided those cities and counties have agreed to annexation by the district, as specified. This bill would authorize the district to also comprise the Cities of Galt and Isleton, and the unincorporated portions of the County of Sacramento where the county has declared a need for the district to operate, provided the cities and county agree to annexation, as specified.
Subject: Planning

AB 1928 (**Sanchez, R**) **Worker classification: employees and independent contractors.**

Introduced: 01/25/2024
Last Amended: 03/04/2024
Status: 03/06/2024 - Re-referred to Com. on L. & E.
Location: 02/12/2024 - Assembly Labor and Employment
Summary: Current law, as established in the case of Dynamex Operations W. v. Superior Court (2018) 4 Cal.5th 903 (Dynamex), creates a presumption that a worker who performs services for a hirer is an employee for purposes of claims for wages and benefits arising under wage orders issued by the Industrial Welfare Commission. Current law requires a 3-part test, commonly known as the “ABC” test, to determine if workers are employees or independent contractors for those purposes. Current law establishes that, for purposes of the Labor Code, the Unemployment Insurance Code, and the wage orders of the Industrial Welfare Commission, a person providing labor or services for remuneration is considered an employee rather than an independent contractor unless the hiring entity demonstrates that the person is free from the control and direction of the hiring entity in connection with the performance of the work, the person performs work that is outside the usual course of the hiring entity’s business, and the person is customarily engaged in an independently established trade, occupation, or business. This test is known as the “ABC” test, as described above. This bill would repeal the above-described provisions that codify the ABC test. The bill would declare that its purpose is to suspend and nullify the California Supreme Court’s decision in Dynamex and provide that this decision does not apply for purposes of California law.
Subject: Employment

AB 1951 (**Fong, Vince, R**) **California Environmental Quality Act: exemption: roadside wildfire prevention projects.**

Introduced: 01/29/2024
Last Amended: 03/21/2024
Status: 04/01/2024 - Re-referred to Com. on NAT. RES.
Location: 02/12/2024 - Assembly Natural Resources
Summary: The California Environmental Quality Act (CEQA) requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. This bill would exempt from CEQA a project for wildfire prevention within 50 feet of either side of a roadway. Because a lead agency would be required to determine whether a project qualifies for this exemption, the bill would impose a state-mandated local program.
Subject: Public Works

AB 1957 (**Wilson, D**) **Public contracts: best value construction contracting for counties.**

Introduced: 01/29/2024
Status: 02/12/2024 - Referred to Com. on L. GOV.
Location: 02/12/2024 - Assembly Local Government
Summary: Current law establishes a pilot program to allow the Counties of Alameda, Los Angeles, Monterey, Riverside, San Bernardino, San Diego, San Mateo, Santa Clara, Solano, and Yuba to select a bidder on the basis of best value, as defined, for construction projects in excess of $1,000,000. Current law also authorizes these counties to use a best value construction contracting method to award individual annual contracts, not to exceed $3,000,000, for repair, remodeling, or other repetitive work to be done according to unit prices, as specified. Current law establishes procedures and criteria for the selection of a best value contractor and requires that bidders verify specified information under oath. Current law requires the board of supervisors of a participating county to submit a report that contains specified information about the projects awarded using the best value procedures described above to the appropriate policy committees of the Legislature and the Joint Legislative Budget Committee before March 1, 2024. Current law repeals the pilot program provisions on January 1, 2025. This bill would instead authorize any county of the state to utilize this program and would remove the January 1, 2025, sunset date, thereby extending the operation of those provisions indefinitely.
Subject: Public Works

AB 1958 (**Berman, D**) **Santa Clara Valley Transportation Authority: board of directors.**

Introduced: 01/29/2024
Status: 03/21/2024 - Read second time. Ordered to Consent Calendar.
Hearing: 04/04/2024
Location: 03/20/2024 - Assembly CONSENT CALENDAR
Summary: Current law vests the government of the Santa Clara Valley Transportation Authority (VTA) in a 12-member board of directors, appointed by the County of Santa Clara and the cities within the county, as specified. Current law requires, to the extent possible, the county and cities to appoint individuals to the board of directors who have expertise, experience, or knowledge relative to transportation issues. This bill would require, to the extent possible, the county and cities to appoint individuals to the board of directors who have expertise, experience, or knowledge relative to transportation or project management issues.
Subject: Public Works

AB 1964 (**Fong, Vince, R**) **State agencies: budgeting.**

Introduced: 01/29/2024
Status: 02/12/2024 - Referred to Com. on BUDGET.
Location: 02/12/2024 - Assembly Budget
Summary: Would require the Department of Finance, on or before January 1, 2026, to compile a list of all state agencies and to split the list into 1/5 sections with each section equally distributing state agencies across the legislative budget subcommittees, as specified. The bill would require the department, on January 1, 2027, to publish on its internet website the full list of state agencies, as described above. The bill would require the department, on January 1, 2027, and annually thereafter, to publish a list of which section of state agencies is required to develop its budget using a zero-based budgeting method, as defined. The bill, commencing January 1, 2027, would require each state agency, as specified, to develop its budget based on a zero-based budgeting method for review during the budget process, as prescribed. In developing its budget based on a zero-based budgeting method, the bill would require, among other things, representatives from each state agency to work with the department to submit a report, as specified, to the Senate Committee on Budget and Fiscal Review, the Assembly Committee on Budget, and the Joint Legislative Budget Committee.
Subject: Funding

AB 1976 (Haney, D) **Occupational safety and health standards: first aid kits: naloxone hydrochloride.**

Introduced: 01/30/2024
Status: 03/13/2024 - In committee: Set, first hearing. Hearing canceled at the request of author.
Hearing: 04/03/2024
Location: 02/12/2024 - Assembly Labor and Employment
Summary: The California Occupational Safety and Health Act of 1973 (OSHA) requires employers to comply with certain safety and health standards, as specified, and charges the division with enforcement of the act. Current law requires the Division of Occupational Safety and Health, before December 1, 2025, to submit to the Occupational Safety and Health Standards Board a rulemaking proposal to consider revising certain standards relating to the prevention of heat illness, protection from wildfire smoke, and toilet facilities on construction jobsites. Current law also requires the standards board to review the proposed changes and consider adopting revised standards on or before December 31, 2025. This bill would require the standards board, before December 1, 2026, to draft a rulemaking proposal to revise a regulation on first aid materials to require all first aid kits in a workplace to include nasal spray naloxone hydrochloride. The bill would require the standards board to adopt revised standards for the standards described above on or before December 31, 2026.
Subject: Safety and Security

AB 2029 (Jackson, D) **Electric vehicle charging stations study.**

Introduced: 02/01/2024
Last Amended: 03/11/2024
Status: 03/19/2024 - From committee: Do pass and re-refer to Com. on U. & E. (Ayes 13. Noes 0.) (March 19). Re-referred to Com. on U. & E.
Hearing: 04/17/2024
Location: 03/19/2024 - Assembly Utilities and Energy
Summary: Current law requires the State Energy Resources Conservation and Development Commission (Energy Commission), working with the State Air Resources Board and the Public Utilities Commission, to prepare, and update at least once every 2 years, a statewide assessment of the electric vehicle charging infrastructure needed to support the levels of electric vehicle adoption required for the state to meet its goals of putting at least 5,000,000 zero-emission vehicles on California roads by 2030 and of reducing emissions of greenhouse gases to 40% below 1990 levels by 2030. This bill would require the Energy Commission, beginning January 1, 2025, to biennially conduct a study on electric vehicle charging stations, as provided. The bill would require the study to adhere to certain criteria, including, among other things, that the study include information on whether electric vehicle charging stations have a feature to call or prompt an attendant to assist the customer with the operation of the electric vehicle charging station equipment and whether electric vehicle charging stations have attendants present to provide assistance. The bill would require the commission to incorporate the information and recommendations required to be included in the study into the statewide assessment of the electric vehicle charging infrastructure described above and to concurrently provide a report of the study to the Legislature, as provided.
Subject: Environment

AB 2030 (Davies, R) **Public contracts: small business participation.**

Introduced: 02/01/2024
Status: 02/12/2024 - Referred to Com. on J., E.D., & E.
Location: 02/12/2024 - Assembly Jobs, Economic Development, and the Economy
Summary: The Small Business Procurement and Contract Act authorizes a state agency to award a contract for goods, services, or information technology with an estimated value of greater than $5,000 but less than $250,000 to a certified small business, including a microbusiness and a disabled veteran business enterprise, without complying with certain competitive bidding requirements, if the agency obtains price quotations from 2 or more of those businesses, as specified. Current law requires a state agency to consider a responsive offer timely received from a responsible certified small business, including a microbusiness, or from a disabled veteran business enterprise. This bill would expand the above-described authorization to permit a state agency to award a contract for goods, services, or information technology with an estimated value of greater than $5,000 but less than $250,000 to an LGBT business enterprise, a minority business enterprise, or a women business enterprise, as defined.
Subject: Public Works

AB 2043 (**Boerner, D**) **Medi-Cal: nonmedical and nonemergency medical transportation.**

Introduced: 02/01/2024
Last Amended: 04/01/2024
Status: 04/01/2024 - From committee chair, with author's amendments: Amend, and re-refer to Com. on HEALTH. Read second time and amended.
Hearing: 04/09/2024
Location: 02/12/2024 - Assembly Health
Summary: Current law covers emergency or nonemergency medical transportation, and nonmedical transportation, under the Medi-Cal program, as specified. This bill would require the State Department of Health Care Services to ensure that the fiscal burden of nonemergency medical transportation or nonmedical transportation is not unfairly placed on public paratransit service operators and would authorize the department to direct Medi-Cal managed care plans to reimburse public paratransit service operators who are enrolled as Medi-Cal providers at the fee-for-service rates for conducting that transportation, as described. The bill would require the department to engage with public paratransit service operators to understand the challenges as public operators of nonemergency medical transportation or nonmedical transportation services and would require the department to issue new guidance to ensure the fiscal burden is not unfairly placed on public operators on or before June 1, 2026.
Subject: Funding

AB 2061 (**Wilson, D**) **Sales and Use Tax: exemptions: zero-emission public transportation ferries.**

Introduced: 02/01/2024
Status: 03/11/2024 - In committee: Set, first hearing. Referred to REV. & TAX. suspense file.
Location: 03/11/2024 - Assembly REV. & TAX SUSPENSE FILE
Summary: Current sales and use tax laws impose a tax on retailers measured by the gross receipts from the sale of tangible personal property sold at retail in this state, or on the storage, use, or other consumption in this state of tangible personal property purchased from a retailer for storage, use, or other consumption in this state. This bill, beginning January 1, 2025, and until January 1, 2030, would exempt from those taxes the gross receipts from the sale in this state of, and the storage, use, or other consumption in this state of, zero-emission public transportation ferries, as defined, sold to a public agency, as specified.
Subject: Funding

AB 2086 (**Schiavo, D**) **Department of Transportation funding: report and public dashboard.**

Introduced: 02/05/2024
Status: 02/20/2024 - Referred to Com. on TRANS.
Location: 02/20/2024 - Assembly Transportation
Summary: Would require the California Transportation Commission, on or before January 1, 2026, to adopt guidelines for the Department of Transportation to use to determine whether the use of the funding made available to the department is advancing the Core Four priorities of safety, equity, climate action, and economic prosperity established by the Transportation Agency. In developing the guidelines, the bill would require the commission to conduct a public engagement process, hold a public comment period, and allow the interagency equity advisory committee established by these 3 agencies an opportunity to review, provide recommendations on, and evaluate potential changes to, the proposed guidelines.
Subject: Planning

AB 2087 (**Alanis, R**) **California Environmental Quality Act: disclosure: identity and interests.**

Introduced: 02/05/2024
Status: 02/26/2024 - Referred to Coms. on JUD. and NAT. RES.
Location: 02/26/2024 - Assembly Judiciary
Summary: This bill would require, in all actions or proceedings brought pursuant to the provisions of CEQA, that a filing party include with the filing a disclosure of the identity and interests of the party, as provided. The bill would authorize a court to request more information as needed, including, but not limited to, financial statements and testimony, in the event a filing party that has previously brought an action or proceeding concerning a project makes a subsequent filing in an action or proceeding concerning the same project. Because the bill would impose additional duties on a lead agency that is a filing party to an action or proceeding, the bill would impose a state-mandated local program.
Subject: Environment

AB 2116 **(Grayson, D) Road Maintenance and Rehabilitation Account: University of California: California State University: reports.**

Introduced: 02/05/2024
Status: 04/01/2024 - VOTE: Do pass and be re-referred to the Committee on [Appropriations] with recommendation: To Consent Calendar (PASS)
Location: 04/01/2024 - Assembly Appropriations
Summary: Current law creates the Road Maintenance and Rehabilitation Program to address deferred maintenance on the state highway system and the local street and road system. Current law provides for the deposit of various moneys, including revenues from certain fuel taxes and vehicle fees, for the program into the Road Maintenance and Rehabilitation Account. Current law, after deducting certain appropriations and allocations, authorizes annual appropriations of $5,000,000 of the moneys available for the program to the University of California to conduct transportation research and of $2,000,000 of the available moneys to the California State University to conduct transportation research and transportation-related workforce education, training, and development, as specified. This bill would require the University of California and the California State University, on or before January 1 of each year, to each submit a report to the Transportation Agency and specified legislative committees detailing its expenditures of those moneys for the previous fiscal year, including, but not limited to, research activities and administration.
Subject: Reports

AB 2123 **(Papan, D) Disability compensation: paid family leave.**

Introduced: 02/06/2024
Status: 02/20/2024 - Referred to Com. on INS.
Hearing: 04/03/2024
Location: 02/20/2024 - Assembly Insurance
Summary: Current law establishes, within the state disability insurance program, a family temporary disability insurance program, also known as the paid family leave program, for the provision of wage replacement benefits to workers who take time off work to care for certain seriously ill family members, to bond with a minor child within one year of birth or placement, as specified, or to participate in a qualifying exigency related to the covered active duty or call to covered active duty of certain family members. This bill would eliminate that authorization and related provisions.
Subject: Employment

AB 2135 **(Schiavo, D) Public works contracts: wage and penalty assessment.**

Introduced: 02/06/2024
Status: 03/14/2024 - From committee: Do pass and re-refer to Com. on APPR. (Ayes 5. Noes 0.) (March 13). Re-referred to Com. on APPR.
Location: 03/13/2024 - Assembly Appropriations
Summary: Current law requires the Labor Commissioner to issue a civil wage and penalty assessment to a contractor or subcontractor, or both, if, after an investigation, the commissioner determines there has been a violation of the laws regulating public works contracts, including the payment of prevailing wages. Current law requires the assessment to be served not later than 18 months after the filing of a valid notice of completion in the office of the county recorder in each county in which the public work or some part thereof was performed, or not later than 18 months after acceptance of the public work, whichever occurs last. This bill would extend the above-described time period to 24 months, and would authorize an extension for good cause, including ongoing investigation and assessment by the Labor Commissioner or their designee.
Subject: Public Works

AB 2147 **(Mathis, R) Clean Transportation Program: hydrogen-fueling stations: report: job creation and workforce development.**

Introduced: 02/06/2024
Last Amended: 04/01/2024
Status: 04/01/2024 - From committee chair, with author's amendments: Amend, and re-refer to Com. on TRANS. Read second time and amended.
Hearing: 04/08/2024
Location: 02/26/2024 - Assembly Transportation
Summary: Current law requires the State Energy Resources Conservation and Development Commission and the State Air Resources Board to annually jointly review and report on progress toward establishing a hydrogen-fueling network that provides the coverage and capacity to fuel vehicles requiring hydrogen fuel that are being placed into operation in the state. Current law requires the commission and the state board to consider several things, including, but not limited to, the available plans of automobile manufacturers to deploy hydrogen-fueled vehicles in California and their progress toward achieving those plans in their report. This bill would require the commission and state board's joint review and report to also include information on the progress made on job creation and workforce development in support of hydrogen fueling, limited to the construction, operation, and maintenance of hydrogen-fueling stations that are funded by active commission agreements. The bill would require the report to include the number of related workforce training programs in the state, the number of participants in those workforce training programs, the number of graduates of those workforce training programs, and the number of related jobs in the state that are created annually.
Subject: Funding

AB 2153 **(Lowenthal, D) California Public Records Act: public agency employees: notice requirements: personnel and medical information.**

Introduced: 02/06/2024
Status: 03/13/2024 - In committee: Set, first hearing. Hearing canceled at the request of author.
Location: 02/20/2024 - Assembly Judiciary
Summary: This bill would require each agency, upon receipt of a request for a copy of, or the inspection of, any personnel, medical, or similar records of a public agency employee or any record that would disclose a public agency employee's personal identity in connection with the performance of that employee's work duties, to promptly and prior to the release of the records, provide written notice of the request to that public agency employee.
Subject: Records

AB 2182 **(Haney, D) Public works.**

Introduced: 02/07/2024
Last Amended: 03/18/2024
Status: 03/19/2024 - Re-referred to Com. on L. & E.
Location: 03/18/2024 - Assembly Labor and Employment
Summary: Current law requires that, except as specified, not less than the general prevailing rate of per diem wages, determined by the Director of Industrial Relations, be paid to workers employed on public works projects. Current law requires the body awarding a contract for a public work to obtain from the director the general prevailing rate of per diem wages for work of a similar character in the locality in which the public work is to be performed, and the general prevailing rate of per diem wages for holiday and overtime work, for each craft, classification, or type of worker needed to execute the contract. Under current law, if the director determines during any quarterly period that there has been a change in any prevailing rate of per diem wages in a locality, the director is required to make that change available to the awarding body and their determination is final. This bill would instead require the director, if the director determines during any semiannual period that there has been a change in any prevailing rate of per diem wages in a locality, to make that change available to the awarding body and that decision would have exceptions to its finality, including authorizing a contractor, awarding body, or representative to file a petition to review the director's determination.
Subject: Public Works

AB 2190 (**Mathis, R**) **California Environmental Quality Act: expedited judicial review: infrastructure projects: hydrogen.**

Introduced: 02/07/2024
Status: 03/19/2024 - In committee: Set, first hearing. Hearing canceled at the request of author.
Location: 02/26/2024 - Assembly Natural Resources
Summary: Current law authorizes the Governor to certify certain projects, including energy infrastructure projects that meet specified requirements, for streamlining benefits related to the California Environmental Quality Act (CEQA), such as the requirement that judicial actions, including any potential appeals, challenging the certification of an EIR or the granting of approval by a lead agency for certified projects be resolved, to the extent feasible, within 270 days after the filing of the certified record of proceedings with the court. Current law excludes from the definition of "energy infrastructure project" for these purposes any project using hydrogen as a fuel. This bill would delete that exclusion, thereby authorizing the Governor to certify energy infrastructure projects that use hydrogen as a fuel for streamlining benefits related to CEQA, as described above. Because the bill would impose additional duties on lead agencies in conducting the environmental review of energy infrastructure projects using hydrogen as a fuel that are certified by the Governor, including the concurrent preparation of the record of proceedings, this bill would impose a state-mandated local program.
Subject: Environment

AB 2204 (**Bennett, D**) **Green hydrogen.**

Introduced: 02/07/2024
Last Amended: 03/21/2024
Status: 04/01/2024 - Re-referred to Com. on U. & E.
Location: 03/21/2024 - Assembly Utilities and Energy
Summary: Would require, on and after an unspecified date, all hydrogen produced or used in California to be green hydrogen that excludes the use of any fossil fuel as a feedstock or as an energy source in the production process and that complies with any applicable requirements to show the use of new and incremental renewable generation resources, temporal matching of renewable generation resources, and geographic deliverability of renewable energy resources.
Subject: Zero Emission

AB 2234 (**Boerner, D**) **Vehicles: electric bicycles.**

Introduced: 02/08/2024
Status: 04/01/2024 - In committee: Hearing postponed by committee.
Location: 02/26/2024 - Assembly Transportation
Summary: Current law requires the Department of the California Highway Patrol to develop, on or before September 1, 2023, statewide safety and training programs based on evidence-based practices for users of electric bicycles, as defined, including, but not limited to, general electric bicycle riding safety, emergency maneuver skills, rules of the road, and laws pertaining to electric bicycles. Current law requires the safety and training programs to be developed in collaboration with relevant stakeholders and to be posted on the department's internet website. This bill would require the department, on or before June 30, 2025, to issue a skills waiver containing specific information, in an electronic format, to each person who completes the electric bicycle safety and training programs described above.
Subject: Active Transportation

AB 2259 (**Boerner, D**) **Transportation: bicycle safety handbook.**

Introduced: 02/08/2024
Status: 03/19/2024 - From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 13. Noes 0.) (March 19). Re-referred to Com. on APPR.
Location: 03/19/2024 - Assembly Appropriations
Summary: Current law establishes within state government the Transportation Agency, which consists of the Department of the California Highway Patrol, the California Transportation Commission, the Department of Motor Vehicles, the Department of Transportation, the High-Speed Rail Authority, and the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun. The agency is under the supervision of the Secretary of Transportation, who has the power of general supervision over each department within the agency. Current law imposes various duties on the secretary, including advising the Governor on, and assisting the Governor in establishing, major policy and program matters affecting each department, office, or other unit within the agency. This bill would, upon appropriation by the Legislature, require the agency to develop and distribute, on or before September 1, 2025, a bicycle safety handbook that includes information on, among other things, existing laws regulating bicycles and e-bikes.
Subject: Active Transportation

AB 2261 (Garcia, D) **Transportation: federal funding: tribes.**

Introduced: 02/08/2024
Last Amended: 04/01/2024
Status: 04/01/2024 - From committee chair, with author's amendments: Amend, and re-refer to Com. on TRANS. Read second time and amended.
Hearing: 04/08/2024
Location: 03/11/2024 - Assembly Transportation
Summary: Would, to the extent permitted by federal and state law, require a federally recognized Native American tribe to be eligible for federal funding for a transportation project and authorize the tribe to be the lead agency for a transportation project that receives federal funding.
Subject: Funding

AB 2266 (Petrie-Norris, D) **California Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project: vehicle eligibility.**

Introduced: 02/08/2024
Status: 02/26/2024 - Referred to Coms. on TRANS. and NAT. RES.
Hearing: 04/15/2024
Location: 02/26/2024 - Assembly Transportation
Summary: The State Air Resources Board administers the California Hybrid and Zero-Emission Truck and Bus Voucher Incentive Project under which the agency issues a limited number of vouchers to incentivize the purchase and use of zero-emission commercial vehicles. This bill would require the state board to authorize a voucher issued under the program to be used for the acquisition of any zero-emission vehicle that meets specified requirements.
Subject: Funding

AB 2274 (Dixon, R) **Taxation: sales and use taxes: exemption: school supplies tax holiday.**

Introduced: 02/08/2024
Last Amended: 03/21/2024
Status: 04/01/2024 - Re-referred to Com. on REV. & TAX. In committee: Set, second hearing. Hearing canceled at the request of author.
Location: 02/26/2024 - Assembly Revenue and Taxation
Summary: Would, on and after January 1, 2025, and before January 1, 2030, exempt from sales and use taxes the gross receipts from the sale of, and the storage, use, or other consumption of, qualified school supplies, as defined, purchased during the first weekend in August, beginning at 12:01 a.m. on Saturday and ending at 11:59 p.m. on Sunday.
Subject: Funding

AB 2283 (Pacheco, D) **Public Records: employee personnel records: notice.**

Introduced: 02/08/2024
Status: 02/26/2024 - Referred to Com. on JUD.
Location: 02/26/2024 - Assembly Judiciary
Summary: Would require a public agency that receives a request for the personnel records of one of the public agency's employees to provide written notice, as prescribed, to the employee within 48 hours of receipt of the request if specified conditions are met. By imposing new duties on local agencies, this bill would impose a state-mandated local program.
Subject: Records

AB 2284 (Grayson, D) **County employees' retirement: compensation.**

Introduced: 02/08/2024
Status: 02/26/2024 - Referred to Com. on P.E. & R.
Location: 02/26/2024 - Assembly Public Employment and Retirement
Summary: This bill would authorize a retirement system under CERL, to the extent it has not defined "grade" in the above-described circumstances, to define "grade" to mean a number of employees considered together because they share similarities in job duties, schedules, unit recruitment requirements, work location, collective bargaining unit, or other logical work-related grouping.
Subject: Employment

AB 2286 (**Aguiar-Curry, D**) **Vehicles: autonomous vehicles.**

Introduced: 02/08/2024
Status: 03/18/2024 - Referred to Coms. on TRANS. and C. & C.
Hearing: 04/15/2024
Location: 03/18/2024 - Assembly Transportation
Summary: Would require a manufacturer of an autonomous vehicle to report to the Department of Motor Vehicles a collision on a public road that involved one of its autonomous vehicles with a gross vehicle weight of 10,001 pounds or more that is operating under a testing permit that resulted in damage of property, bodily injury, or death within 10 days of the collision.
Subject: Safety and Security

AB 2290 (**Friedman, D**) **Transportation: Class III bikeways: bicycle facilities: Bikeway Quick-Build Project Pilot Program.**

Introduced: 02/12/2024
Last Amended: 04/01/2024
Status: 04/01/2024 - From committee chair, with author's amendments: Amend, and re-refer to Com. on TRANS. Read second time and amended.
Hearing: 04/08/2024
Location: 02/26/2024 - Assembly Transportation
Summary: Current law establishes 4 classifications of bikeways and defines a “Class III bikeway” as a bikeway that provides a right-of-way on-street or off-street, designated by signs or permanent markings and shared with pedestrians and motorists. This bill would prohibit the allocation of Active Transportation Program funds for a project that creates a Class III bikeway unless the project is on a street with a design speed limit of 20 miles per hour or less or the project will reduce the design speed limit to 20 miles per hour or less.
Subject: Active Transportation

AB 2302 (**Addis, D**) **Open meetings: local agencies: teleconferences.**

Introduced: 02/12/2024
Status: 02/26/2024 - Referred to Com. on L. GOV.
Hearing: 04/10/2024
Location: 02/26/2024 - Assembly Local Government
Summary: The Ralph M. Brown Act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Current law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. Current law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in specified circumstances if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction, and the legislative body complies with prescribed requirements. Current law imposes prescribed restrictions on remote participation by a member under these alternative teleconferencing provisions, including establishing limits on the number of meetings a member may participate in solely by teleconference from a remote location, prohibiting such participation for a period of more than 3 consecutive months or 20% of the regular meetings for the local agency within a calendar year, or more than 2 meetings if the legislative body regularly meets fewer than 10 times per calendar year. This bill would revise those limits, instead prohibiting such participation for more than a specified number of meetings per year, based on how frequently the legislative body regularly meets.
Subject: Public Meetings

AB 2320 (Irwin, D) **Wildlife Connectivity and Climate Adaptation Act of 2024: wildlife corridors.**

Introduced: 02/12/2024
Status: 02/26/2024 - Referred to Coms. on W., P., & W. and NAT. RES.
Hearing: 04/09/2024
Location: 02/26/2024 - Assembly Water, Parks and Wildlife
Summary: Current law requires the Natural Resources Agency, in implementing actions to achieve the goal to conserve at least 30% of the state's lands and coastal waters by 2030 established by executive order, to prioritize specified actions. Current law requires the Secretary of the Natural Resources Agency to prepare and submit an annual report to the Legislature on the progress made during the prior calendar year toward achieving that goal, as provided. Current law requires that annual report to include certain information, including, among other information, the progress made in the prior calendar year to address equity as part of the above-described goal. This bill, the Wildlife Connectivity and Climate Adaptation Act of 2024, would additionally require the agency, as part of that report, to identify key wildlife corridors, as defined, in the state, connections between large blocks of natural areas and habitats, progress on protecting additional acres of wildlife corridors, and goals for wildlife corridor protection in the next 5 years, as provided.
Subject: Environment

AB 2333 (Santiago, D) **State highways: airspace leases: report.**

Introduced: 02/12/2024
Last Amended: 03/19/2024
Status: 04/01/2024 - VOTE: Do pass and be re-referred to the Committee on [Appropriations] with recommendation: To Consent Calendar (PASS)
Location: 04/01/2024 - Assembly Appropriations
Summary: Current law authorizes the Department of Transportation to lease to public agencies or private entities areas above or below state highways, subject to any reservations, restrictions, and conditions that the department deems necessary to ensure adequate protection to the safety and the adequacy of highway facilities and to abutting or adjacent land uses. This bill would require the department, on or before January 1, 2026, and annually thereafter, to submit a report to the Assembly and Senate Committees on Transportation with specified information on every airspace site leased by the department, including information about site inspections and each site's proximity to sensitive infrastructure.
Subject: Reports

AB 2337 (Dixon, R) **Workers' compensation: electronic signatures.**

Introduced: 02/12/2024
Status: 02/26/2024 - Referred to Coms. on INS. and JUD.
Hearing: 04/03/2024
Location: 02/26/2024 - Assembly Insurance
Summary: Current law establishes a Workers' Compensation Appeals Board and sets forth various proceedings that are required to be brought forth before the board. Current law provides that the appeals board is vested with full power, authority, and jurisdiction to try and determine finally all the matters specified in those proceedings subject only to the review by the courts, as specified. This bill would define "signature" for purposes of a proceeding before the board to include an electronic signature, as specified.
Subject: Employment

AB 2372 (Bains, D) **Greenhouse gas emissions: state board: report.**

Introduced: 02/12/2024
Status: 02/26/2024 - Referred to Com. on NAT. RES.
Location: 02/26/2024 - Assembly Natural Resources
Summary: The California Global Warming Solutions Act of 2006 requires the State Air Resources Board, by December 31, 2035, to evaluate and report its findings and recommendations to the Legislature on the feasibility and tradeoffs of achieving the policy goal of ensuring that by 2045 statewide anthropogenic greenhouse gas emissions are reduced to at least 85% below the statewide greenhouse gas emissions limit, relative to alternative scenarios that achieve the policy goal of achieving net zero greenhouse gas emissions as soon as possible, but no later than 2045, and achieving and maintaining net negative greenhouse gas emissions thereafter. This bill would instead require the state board to do the evaluation and report its findings and recommendations to the Legislature by December 31, 2030.
Subject: Reports

AB 2400 (Rivas, Luz, D) **California Alternative Energy and Advanced Transportation Financing Authority Act.**

Introduced: 02/12/2024
Status: 04/01/2024 - VOTE: Do pass and be re-referred to the Committee on [Revenue and Taxation] (PASS)
Location: 04/01/2024 - Assembly Revenue and Taxation
Summary: The California Alternative Energy and Advanced Transportation Financing Authority Act establishes the California Alternative Energy and Advanced Transportation Financing Authority. The act authorizes, until January 1, 2026, the authority to provide financial assistance to a participating party in the form of specified sales and use tax exclusions for projects, including those that promote California-based manufacturing, California-based jobs, advanced manufacturing, reduction of greenhouse gases, or reduction in air and water pollution or energy consumption. The act prohibits the sales and use tax exclusions from exceeding $100,000,000 for each calendar year, except as provided. The Sales and Use Tax Law, for the purposes of the taxes imposed pursuant to that law, until January 1, 2026, excludes the lease or transfer of title of tangible personal property constituting a project to any contractor for use in the performance of a construction contract for a participating party that will use that property as an integral part of the approved project. This bill would extend the authorization to provide financial assistance in the form of a sales and use tax exclusion for qualifying projects to January 1, 2031, and would extend the sales and use tax exclusion to January 1, 2031.
Subject: Funding

AB 2401 (Ting, D) **Clean Cars 4 All Program.**

Introduced: 02/12/2024
Status: 03/27/2024 - In committee: Hearing postponed by committee.
Hearing: 04/15/2024
Location: 02/26/2024 - Assembly Transportation
Summary: Current law establishes the Clean Cars 4 All Program, which is administered by the State Air Resources Board, to focus on achieving reductions in the emissions of greenhouse gases, improvements in air quality, and benefits to low-income state residents through the replacement of high-polluter motor vehicles with cleaner and more efficient motor vehicles or a mobility option. Current law requires the implementing regulations to ensure that the program complies with certain requirements. This bill would require the implementing regulations for the Clean Cars 4 All Program to additionally ensure that, among other things, incentives provided under the program are available in all areas of the state and that, in those areas where a local air district has not elected to manage the distribution of incentives, the state board manages the distribution of incentives to eligible residents of those areas, and would make certain conforming changes in that regard.
Subject: Environment

AB 2404 (Lee, D) **State and local public employees: labor relations: strikes.**

Introduced: 02/12/2024
Last Amended: 03/21/2024
Status: 04/01/2024 - Re-referred to Com. on P.E. & R.
Location: 03/21/2024 - Assembly Public Employment and Retirement
Summary: The Meyers-Milias-Brown Act and the Ralph C. Dills Act regulate the labor relations of employees and employers of local public agencies and the state, respectively. The acts grant specified employees of local public agencies and the state the right to form, join, and participate in the activities of employee organizations of their choosing. This bill would provide, except as specified, that it is not unlawful or a cause for discipline or other adverse action against a public employee for that public employee to refuse to enter property that is the site of a primary strike, perform work for a public employer involved in a primary strike, or go through or work behind a primary strike line. The bill would prohibit a public employer from directing a public employee to take those actions. The bill would authorize a recognized employee organization to inform employees of these rights and encourage them to exercise those rights.
Subject: Employment

AB 2409 (**Papan, D**) **Office of Planning and Research: permitting accountability transparency dashboard.**

Introduced: 02/12/2024
Status: 03/21/2024 - Referred to Com. on W., P., & W.
Hearing: 04/09/2024
Location: 03/21/2024 - Assembly Water, Parks and Wildlife
Summary: Would require the Office of Planning and Research, on or before January 1, 2026, to create and maintain, as specified, a permitting accountability transparency internet website (dashboard). The bill would require the dashboard to include a display for each permit to be issued by specified state agencies for all covered projects. The bill would define various terms for these purposes. The bill would also require the dashboard to include, but not be limited to, information for each permit to be issued by a state agency that is required for the completion of the project, including, among other requirements, the permit application submission date. The bill would require each state agency with a responsibility for issuing a permit for a covered project to provide information in the appropriate time and manner as determined by the office.
Subject: Public Works

AB 2418 (**Patterson, Jim, R**) **Vehicular air pollution: heavy-duty trucks.**

Introduced: 02/13/2024
Status: 02/26/2024 - Referred to Com. on TRANS.
Location: 02/26/2024 - Assembly Transportation
Summary: Current law requires the state board to adopt and implement emission standards for new motor vehicles for the control of emissions from new motor vehicles that the State Air Resources Board finds to be necessary and technologically feasible, as provided. Current state regulations establish exhaust emissions standards and test procedures for 1985 and subsequent model heavy-duty engines and vehicles, as provided. Current law defines “heavy-duty” for purposes of laws governing air resources. This bill would exempt, notwithstanding any other law, a 2024 and subsequent model heavy-duty truck that meets federal exhaust emission standards from the state regulations described above governing exhaust emissions standards and test procedures for 1985 and subsequent model heavy-duty engines and vehicles.
Subject: Zero Emission

AB 2421 (**Low, D**) **Employer-employee relations: confidential communications.**

Introduced: 02/13/2024
Status: 02/26/2024 - Referred to Com. on P.E. & R.
Hearing: 04/03/2024
Location: 02/26/2024 - Assembly Public Employment and Retirement
Summary: Current law that governs the labor relations of public employees and employers, including the Meyers-Milias-Brown Act, the Ralph C. Dills Act, provisions relating to public schools, provisions relating to higher education, and provisions relating to the San Francisco Bay Area Rapid Transit District, prohibits employers from taking certain actions relating to employee organization, including imposing or threatening to impose reprisals on employees, discriminating or threatening to discriminate against employees, or otherwise interfering with, restraining, or coercing employees because of their exercise of their guaranteed rights. This bill would also prohibit a local public agency employer, a state employer, a public school employer, a higher education employer, or the district from questioning any employee or employee representative regarding communications made in confidence between an employee and an employee representative in connection with representation relating to any matter within the scope of the recognized employee organization’s representation.
Subject: Employment

AB 2431 (**Mathis, R**) **Taxation: Transactions and Use Tax Law: limit increase.**

Introduced: 02/13/2024
Status: 03/04/2024 - Referred to Coms. on L. GOV. and REV. & TAX.
Location: 03/04/2024 - Assembly Local Government
Summary: This bill would authorize a city, county, or city and county to impose a transactions and use tax at a rate of no more than an unspecified percentage that, in combination with other transactions and use taxes, would exceed the above-described combined rate limit of 2%, if certain conditions are met, including that the city, county, or city and county has reached the 2% rate limitation.
Subject: Funding

AB 2439 (Quirk-Silva, D) **Public works: prevailing wages: access to records.**

Introduced: 02/13/2024
Last Amended: 04/01/2024
Status: 04/01/2024 - From committee chair, with author's amendments: Amend, and re-refer to Com. on JUD. Read second time and amended.
Location: 02/26/2024 - Assembly Judiciary
Summary: This bill would require an owner, a developer, or the agent of an owner or developer, that, among other things, receives public funds from a public agency to perform specified public works projects, to make available upon written request from a joint labor-management committee, a multiemployer Taft-Hartley trust fund, or a specified tax-exempt organization specified public works records in their possession, including requests for bids and submitted bid documents, inspection and work logs, and funding documentation.
Subject: Records

AB 2448 (Jackson, D) **Electric Vehicle Economic Opportunity Zone: County of Riverside.**

Introduced: 02/13/2024
Status: 03/21/2024 - Referred to Com. on J., E.D., & E.
Location: 03/21/2024 - Assembly Jobs, Economic Development, and the Economy
Summary: Would, upon appropriation by the Legislature, establish an Electric Vehicle Economic Opportunity Zone (EVEOZ) for the County of Riverside, administered by the California Competes Tax Credit Committee, for the purpose of creating programs to make electric vehicle manufacturing jobs and education more accessible to lower income communities. The bill would require County of Riverside to assist in determining the geographical boundaries of the EVEOZ. By imposing additional duties on local officials, the bill would impose a state-mandated local program. The bill would authorize the committee to partner with educational institutions, electric vehicle manufacturing businesses, and local and national financial intuitions to develop EVEOZ education, training, and investment programs, as specified.
Subject: Zero Emission

AB 2453 (Villapudua, D) **Weights and measures: electric vehicle chargers and electric vehicle supply equipment.**

Introduced: 02/13/2024
Status: 04/01/2024 - In committee: Set, first hearing. Hearing canceled at the request of author.
Location: 03/04/2024 - Assembly Privacy and Consumer Protection
Summary: Current law provides that the Department of Food and Agriculture has general supervision of the weights and measures and weighing and measuring devices sold or used in the state, including devices used to measure electricity sold as a motor vehicle fuel. Current law requires the Secretary of Food and Agriculture to establish tolerances and specifications and other technical requirements for commercial weighing and measuring, as specified. Current law requires that weighing and measuring devices be of a type or design approved by the department under a process known as “type evaluation” before they may be used for commercial purposes. This bill would authorize a measuring instrument used to measure the amount of electricity transferred from an electric vehicle charger to be used in connection with the sale of electricity as a motor vehicle fuel without first being tested if it is a type approved by the department, is calibrated and sealed by the manufacturer, and is unalterable.
Subject: Zero Emission

AB 2455 (Gabriel, D) **Whistleblower protection: state and local government procedures.**

Introduced: 02/13/2024
Last Amended: 03/21/2024
Status: 04/01/2024 - Re-referred to Com. on JUD.
Hearing: 04/09/2024
Location: 03/21/2024 - Assembly Judiciary
Summary: Current law authorizes a city, county, or city and county auditor or controller to maintain a whistleblower hotline to receive calls from persons who have information regarding fraud, waste, or abuse by local government employees, as specified. Current law authorizes the county auditor to refer calls received on the whistleblower hotline to the appropriate government authority for review and possible investigation. During the initial review of a call, existing law requires the auditor, controller, or other appropriate governmental agency to hold in confidence information disclosed through the whistleblower hotline, as specified. Upon receiving specific information that an employee or local government has engaged in an improper activity, as defined, existing law authorizes a city or county auditor to conduct an investigative audit of the matter, as specified. This bill would expand the above-described duties and authorizations to the auditor’s or controller’s designee, as specified.
Subject: Miscellaneous

AB 2474 (**Lackey, R**) **Retirement: County Employees Retirement Law of 1937: benefit payments and overpayments.**

Introduced: 02/13/2024
Status: 02/26/2024 - Referred to Com. on P.E. & R.
Location: 02/26/2024 - Assembly Public Employment and Retirement
Summary: The Public Employees' Pension Reform Act of 2013 (PEPRA) prescribed various limitations on public employees, employers, and retirement systems concerning, among other things, the types of remuneration that may be included in compensation that is applied to pensions. Under the County Employees Retirement Law of 1937 (CERL), the board of retirement is required to comply with and give effect to a revocable written authorization signed by a retired member or beneficiary of a retired member, as described, authorizing the treasurer or other entity authorized by the board to deliver the monthly warrant, check, or electronic fund transfer for the retirement allowance or benefit to any specified bank, savings and loan institution, or credit union to be credited to the account of the retired member or survivor of a deceased retired member. This bill would also authorize the monthly warrant, check, or electronic fund transfer for the retirement allowance or benefit to be delivered to a prepaid account, as defined. The bill would also define "account of the retired member or survivor of a deceased retired member" to include an account held in a living trust or an income-only trust, as specified.
Subject: Employment

AB 2480 (**Garcia, D**) **Zero-emission schoolbus replacement grants: private contractors.**

Introduced: 02/13/2024
Last Amended: 03/20/2024
Status: 03/21/2024 - Re-referred to Com. on TRANS.
Location: 03/04/2024 - Assembly Transportation
Summary: Current law appropriates, for the 2023–24 fiscal year, $375,000,000 from the General Fund to the State Air Resources Board for the Hybrid and Zero-Emission Truck and Voucher Incentive Project to fund grants to local educational agencies, as defined, for zero-emission schoolbuses to replace heavy-duty internal combustion schoolbuses owned by local educational agencies, as specified, and $125,000,000 from the General Fund to the State Energy Resources Conservation and Development Commission to fund grants to local educational agencies for zero-emission schoolbus charging or fueling infrastructure and related activities, including, but not limited to, charging or fueling stations, equipment, site design, construction, and related infrastructure upgrades, in order to complement those vehicle investments, as specified. This bill would include, for the definition of a local educational agency for purposes of these provisions, a private contractor with ownership of title for a schoolbus that is used to provide transportation services for a school district, county office of education, or charter school, as provided.
Subject: Funding

AB 2489 (**Ward, D**) **Local agencies: contracts for special services and temporary help.**

Introduced: 02/13/2024
Last Amended: 03/21/2024
Status: 04/01/2024 - Re-referred to Com. on P.E. & R.
Location: 03/21/2024 - Assembly Public Employment and Retirement
Summary: Current law relating to the government of counties authorizes a county board of supervisors to contract for certain types of special services on behalf of the county, any county officer or department, or any district or court in the county. Current law requires those special services contracts to be with persons who are specially trained, experienced, expert, and competent to perform those services. This bill would require the board or a representative, at least 10 months before beginning a procurement process to contract with persons for special services that are currently, or were in the previous 10 years, performed by employees of the county represented by an employee organization, to notify, in writing, the exclusive employee representative of the workforce affected by the contract of its determination to begin that process. The bill would require persons with whom the board of supervisors enter into a contract for special services to perform functions that are currently, or were in the previous 10 years, performed by employees of the county, any county officer or department, or any district or court in the county represented by an employee organization to use employees who meet or exceed the minimum qualifications and standards required of bargaining unit civil service employees who perform or performed the same job functions, as specified.
Subject: Public Works

AB 2499 (Schiavo, D) **Unlawful employment practices: discrimination for time off.**

Introduced: 02/13/2024
Status: 02/26/2024 - Referred to Coms. on L. & E. and JUD.
Hearing: 04/03/2024
Location: 02/26/2024 - Assembly Labor and Employment
Summary: This bill would revise and recast the jury, court, and victim time off provisions for employees as unlawful employment practices within the California Fair Employment and Housing Act and, thus, within the enforcement authority of the Civil Rights Department. The bill would remove the threshold of 25 or more employees from the provisions for victims of crime or abuse and, except as specified, apply its provisions to a person who directly employs one or more persons to perform services for a wage or salary. The bill would refer to a "qualifying act of violence," as defined, instead of crime, or crime or abuse. The bill would substantially revise existing definitions for its purposes, including defining "victim" as an individual against whom a qualifying act of violence is committed.
Subject: Employment

AB 2503 (Lee, D) **California Environmental Quality Act: exemption: rail projects.**

Introduced: 02/13/2024
Last Amended: 04/01/2024
Status: 04/01/2024 - From committee chair, with author's amendments: Amend, and re-refer to Com. on NAT. RES. Read second time and amended.
Hearing: 04/08/2024
Location: 03/04/2024 - Assembly Natural Resources
Summary: The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. This bill would expand that exemption from CEQA to include a public project for the institution or increase of any rail service, which will be exclusively used by low-emission or zero-emission vehicles, on existing public rights-of-way or existing highway rights-of-way. Because a lead agency would be required to determine the applicability of this exemption, this bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.
Subject: Planning

AB 2522 (Carrillo, Wendy, D) **South Coast Air Quality Management District: district board: compensation.**

Introduced: 02/13/2024
Status: 03/11/2024 - Referred to Com. on NAT. RES.
Hearing: 04/08/2024
Location: 03/11/2024 - Assembly Natural Resources
Summary: Current law provides for the creation of the South Coast Air Quality Management District in those portions of the Counties of Los Angeles, Orange, Riverside, and San Bernardino included within the area of the South Coast Air Basin, as specified. Current law provides that the south coast district is governed by a district board consisting of 13 members. This bill would provide that each member of the board shall receive compensation of $200 for each day, or portion thereof, but not to exceed $2,000 per month, while attending meetings of the board or any committee thereof or, upon authorization of the board, while on official business of the district, and the actual and necessary expenses incurred in performing the member's official duties. The bill would provide that the compensation of each member of the board may be increased beyond this amount by the board, as specified.
Subject: Miscellaneous

AB 2525 (Zbur, D) **State highways: property leases.**

Introduced: 02/13/2024
Last Amended: 03/18/2024
Status: 03/19/2024 - Re-referred to Com. on TRANS.
Hearing: 04/08/2024
Location: 03/18/2024 - Assembly Transportation
Summary: Current law authorizes the Department of Transportation to offer leases to the City of Los Angeles on a right of first refusal basis for any airspace under a freeway or certain real property acquired for highway purposes located in the city for purposes of an emergency shelter or feeding program for a lease amount, for up to 10 parcels, of $1 per month, and a payment of an administrative fee not to exceed $500 per year, as specified. This bill would expand the purposes for which these leases may be issued to include an emergency shelter or feeding program, a secure vehicle lot program, or any combination of those purposes. The bill would define "secure vehicle lot program" to mean the use of the leased property to store a vehicle belonging to a person receiving services from the lessee or other governmental agency for the purpose of relieving homelessness. The bill would also increase the number of parcels that may be leased for $1 per month to 25 parcels.
Subject: Planning

AB 2535 (Bonta, D) **Trade Corridor Enhancement Program.**

Introduced: 02/13/2024
Status: 03/04/2024 - Referred to Coms. on TRANS. and NAT. RES.
Hearing: 04/15/2024
Location: 03/04/2024 - Assembly Transportation
Summary: Current law requires the California Transportation Commission, under a program commonly known as the Trade Corridor Enhancement Program, to allocate, upon appropriation by the Legislature, revenues from a specified portion of the state excise tax on diesel fuel and certain federal funds for infrastructure projects located on or along specified transportation corridors. Under existing law, eligible projects under the program include, among others, highway improvements to more efficiently accommodate the movement of freight and environmental and community mitigation or efforts to reduce environmental impacts of freight movement. This bill would prohibit the commission from allocating funding under the program to a project that adds a general-purpose lane to a highway or expands highway capacity in a community that meets certain criteria relating to pollution impacts.
Subject: Planning

AB 2553 (Friedman, D) **Housing development: major transit stops: vehicular traffic impact fees.**

Introduced: 02/14/2024
Status: 03/21/2024 - Referred to Coms. on L. GOV. and H. & C.D.
Hearing: 04/10/2024
Location: 03/21/2024 - Assembly Local Government
Summary: The California Environmental Quality Act (CEQA) exempts from its requirements residential projects on infill sites and transit priority projects that meet certain requirements, including a requirement that the projects are located within 1/2 mile of a major transit stop. CEQA defines "major transit stop" to include, among other locations, the intersection of 2 or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. This bill would revise the definition of "major transit stop" to increase the frequency of service interval to 20 minutes. The bill would additionally define "major transit stop" to include a site in an urbanized area that is being served by an on-demand transit service at least 12 hours a day, 7 days a week. Because the bill would require a lead agency to make an additional determination as to whether a location is a major transit stop for purposes of determining whether residential or mixed-use residential projects are exempt from CEQA, this bill would impose a state-mandated local program.
Subject: Transit

AB 2559 **(Petrie-Norris, D) Local planning: electric vehicle service equipment: permitting delays.**

Introduced: 02/14/2024
Last Amended: 03/21/2024
Status: 04/01/2024 - Re-referred to Com. on L. GOV.
Hearing: 04/10/2024
Location: 03/21/2024 - Assembly Local Government
Summary: This bill would require the Governor's Office of Business and Economic Development (GO-Biz) to create and maintain a publicly accessible internet website that contains a landing page with functionality to collect information and report delays and denials in the permitting of electric vehicle service equipment, as specified. The bill would require GO-Biz to establish a working group to evaluate the data it receives from the internet website and direct the working group to determine recommended solutions to address permitting delays. The bill would require, on or before January 1, 2026, GO-Biz to submit to the Legislature and publish on its internet website a comprehensive report regarding the challenges identified throughout the data collection process, as specified. The bill would also require GO-Biz to establish a permit streamlining specialist to assist authorities having jurisdiction with permit delays and denials related to these provisions.
Subject: Reports

AB 2561 **(McKinnor, D) Local public employees: vacant positions.**

Introduced: 02/14/2024
Last Amended: 03/11/2024
Status: 03/19/2024 - In committee: Hearing postponed by committee.
Location: 03/11/2024 - Assembly Public Employment and Retirement
Summary: Would require each public agency with bargaining unit vacancy rates exceeding 10% for more than 90 days within the past 180 days to meet and confer with a representative of the recognized employee organization to produce, publish, and implement a plan consisting of specified components to fill all vacant positions within the subsequent 180 days. The bill would require the public agency to present this plan during a public hearing to the governing legislative body and to publish the plan on its internet website for public review for at least one year. By imposing new duties on local public agencies, the bill would impose a state-mandated local program. The bill would also include findings that changes proposed by this bill address a matter of statewide concern.
Subject: Employment

AB 2570 **(Patterson, Joe, R) Department of Housing and Community Development: annual report: Homeless Housing, Assistance, and Prevention program.**

Introduced: 02/14/2024
Status: 03/11/2024 - Referred to Com. on H. & C.D.
Location: 03/11/2024 - Assembly Housing and Community Development
Summary: Current law requires the Department of Housing and Community Development to submit an annual report to the Governor and both houses of the Legislature on the operations and accomplishments during the previous fiscal year of the housing programs administered by the department. Current law requires that the report include, among other things, the number of units assisted by those programs and the number of individuals and households served and their income level. This bill would additionally require that this report include an evaluation of the Homeless Housing, Assistance, and Prevention (HHAP) program.
Subject: Reports

AB 2626 **(Dixon, R) Advanced Clean Fleets regulations: local governments.**

Introduced: 02/14/2024
Status: 03/04/2024 - Referred to Coms. on TRANS. and NAT. RES.
Location: 03/04/2024 - Assembly Transportation
Summary: Pursuant to its authority, the State Air Resources Board has adopted the Advanced Clean Fleets Regulation, which imposes various requirements for transitioning local, state, and federal government fleets of medium- and heavy-duty trucks, other high-priority fleets of medium- and heavy-duty trucks, and drayage trucks to zero-emission vehicles. The Advanced Clean Fleets Regulation authorizes entities subject to the regulation to apply for exemptions from its requirements under certain circumstances. This bill would extend the compliance dates for local government set forth in the Advanced Clean Fleets Regulation by 10 years. The bill would prohibit the state board from taking enforcement action against a local government for violating the Advanced Clean Fleets Regulation if the alleged violation occurs before January 1, 2025.
Subject: Zero Emission

AB 2634 (McCarty, D) **Sacramento Regional Transit District.**

Introduced: 02/14/2024
Status: 03/04/2024 - Referred to Com. on L. GOV.
Hearing: 04/10/2024
Location: 03/04/2024 - Assembly Local Government
Summary: Current law authorizes the formation of the Sacramento Regional Transit District with various powers and duties with respect to transportation planning, programming, construction, and operations. Current law requires each transit operator, including the district, that offers reduced fares to senior citizens to also offer reduced fares to disabled persons, as defined, and disabled veterans, as defined, at the same rate established for senior citizens, as specified. This bill would exempt the district from that requirement.
Subject: Transit

AB 2645 (Lackey, R) **Electronic toll collection systems: information sharing: law enforcement.**

Introduced: 02/14/2024
Status: 03/18/2024 - Referred to Coms. on PUB. S. and TRANS.
Hearing: 04/09/2024
Location: 03/18/2024 - Assembly Public Safety
Summary: Current law authorizes a law enforcement agency to request the Department of the California Highway Patrol (CHP) to activate the Emergency Alert System within the appropriate area if that agency determines that a child 17 years of age or younger, or an individual with a proven mental or physical disability, has been abducted and is in imminent danger of serious bodily injury or death, and there is information available that, if disseminated to the general public, could assist in the safe recovery of that person. Current law also authorizes the CHP, upon the request of a law enforcement agency, to activate various other alerts for missing individuals meeting certain criteria and alerts following an attack upon a law enforcement officer or a hit-and-run fatality. This bill, if the CHP activates one of the above-mentioned alerts and that alert contains a license plate number of a vehicle involved in the incident, would require a transportation agency that employs an electronic toll collection system to notify the CHP and the law enforcement agency that requested the alert upon identifying that vehicle with that license plate number using a camera-based vehicle identification system or other electronic medium employed in connection with the electronic toll collection system. The bill would require the notification to include the time and location that the vehicle was identified. By requiring a local transportation agency to report this information, this bill would impose a state-mandated local program.
Subject: Safety and Security

AB 2669 (Ting, D) **Toll bridges: tolls.**

Introduced: 02/14/2024
Last Amended: 03/21/2024
Status: 04/01/2024 - Re-referred to Com. on TRANS.
Hearing: 04/08/2024
Location: 03/04/2024 - Assembly Transportation
Summary: Existing law provides for the construction and operation of various toll bridges by the state, the Golden Gate Bridge, Highway and Transportation District, and private entities that have entered into a franchise agreement with the state. This bill would prohibit a toll from being imposed on the passage of a pedestrian, bicycle, or personal micromobility device over these various toll bridges, unless the bridge was under construction on or before January 1, 2025, and the tolls are used to fund the cost of constructing the bridge.
Subject: Tolling

AB 2678 (**Wallis, R**) **Vehicles: high-occupancy vehicle lanes.**

Introduced: 02/14/2024
Last Amended: 03/18/2024
Status: 03/19/2024 - Re-referred to Com. on TRANS.
Hearing: 04/08/2024
Location: 03/04/2024 - Assembly Transportation
Summary: Current state law authorizes the Department of Transportation to designate certain lanes for the exclusive use of high-occupancy vehicles (HOVs). Current federal law authorizes, until September 30, 2025, a state to allow specified alternate fuel and plug-in electric or hybrid vehicles to use lanes designated for HOVs. Current state law authorizes the Department of Motor Vehicles to issue decals or other identifiers to qualified vehicles, as specified. Current state law allows a vehicle displaying a valid decal or identifier issued pursuant to these provisions to be operated in a lane designated for the exclusive use of HOVs regardless of the occupancy of the vehicle. These existing state laws, by operation of their provisions, become inoperative on the date the federal authorization expires. Current state law also repeals these provisions on September 30, 2025. This bill would extend the repeal date of these provisions until January 1, 2027.
Subject: Planning

AB 2697 (**Irwin, D**) **Transportation electrification: electric vehicle charging infrastructure.**

Introduced: 02/14/2024
Last Amended: 03/19/2024
Status: 04/01/2024 - In committee: Hearing postponed by committee.
Hearing: 04/15/2024
Location: 03/11/2024 - Assembly Transportation
Summary: Would require the State Energy Resources Conservation and Development Commission (Energy Commission) to develop network roaming requirements for electric vehicle chargers and charging station networks by January 1, 2026, that would apply to the charging network of owners or operators of electric vehicle charging stations that received an incentive from a state agency or through a charge on ratepayers, as specified. The bill would repeal this requirement on January 1, 2035.
Subject: Zero Emission

AB 2698 (**Ta, R**) **Route 405: Little Saigon Freeway.**

Introduced: 02/14/2024
Last Amended: 03/21/2024
Status: 04/01/2024 - Re-referred to Com. on TRANS.
Hearing: 04/15/2024
Location: 03/21/2024 - Assembly Transportation
Summary: Existing law vests the Department of Transportation with full possession and control of all state highways. Existing law describes the authorized routes in the state highway system, including that for Route 405 from Route 5 near El Toro to Route 5 near San Fernando.This bill would specify that Route 405 from Bolsa Chica Road to Magnolia Street in the County of Orange shall be known and designated as the Little Saigon Freeway, and would require the department to determine the cost of appropriate signs showing that special designation and, upon receiving donations from nonstate sources sufficient to cover the cost, to erect those signs, as specified.
Subject: Miscellaneous

AB 2712 (**Friedman, D**) **Preferential parking privileges: transit-oriented development.**

Introduced: 02/14/2024
Last Amended: 03/21/2024
Status: 04/01/2024 - Re-referred to Com. on L. GOV.
Hearing: 04/10/2024
Location: 03/11/2024 - Assembly Local Government
Summary: This bill, for a residential, commercial, or other development project that is exempt from minimum automobile parking requirements and located within a preferential parking area, would require the development project to be excluded from the boundaries of the preferential parking area and would prohibit the local authority, as defined, from issuing any permit to the residents, vendors, or visitors of the development project that grants preferential parking privileges. The bill would also authorize a local authority to issue permits to residents, vendors, and visitors of the development project that is within the boundaries of a preferential parking area if the local authority makes written findings that including the development project would not have a substantially negative impact on the preferential parking area, as specified.The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.
Subject: Planning

AB 2715 (**Boerner, D**) **Ralph M. Brown Act: closed sessions.**

Introduced: 02/14/2024
Status: 03/04/2024 - Referred to Com. on L. GOV.
Location: 03/04/2024 - Assembly Local Government
Summary: The Ralph M. Brown Act generally requires that all meetings of a legislative body of a local agency be open and public and that all persons be permitted to attend and participate. Current law authorizes a legislative body to hold a closed session on, among other things, matters posing a threat to the security of essential public services, as specified. This bill would additionally authorize a closed session to consider or evaluate matters related to cybersecurity, as specified, provided that any action taken on those matters is done in open session.
Subject: Public Meetings

AB 2719 (**Wilson, D**) **Vehicles: commercial vehicle inspections.**

Introduced: 02/14/2024
Status: 04/01/2024 - VOTE: Do pass and be re-referred to the Committee on [Appropriations] with recommendation: To Consent Calendar (PASS)
Location: 04/01/2024 - Assembly Appropriations
Summary: Would authorize a public transit agency, as defined, to request the California Highway Patrol (CHP) to conduct an annual inspection and certification of its fleet. The bill would authorize the Commissioner of the CHP to issue stickers or other devices as evidence of certification. The bill would exempt any public transit agency vehicle that has been certified through that inspection from the requirement to stop at a roadside inspection.
Subject: Transit

AB 2733 (**Boerner, D**) **Vehicles: special permits.**

Introduced: 02/15/2024
Status: 03/04/2024 - Referred to Com. on TRANS.
Location: 03/04/2024 - Assembly Transportation
Summary: Current law authorizes the Department of Transportation to issue a special permit to the operator of a vehicle, combination of vehicles, or mobile equipment, permitting the operation and movement of the vehicle, combination, or equipment, and its load, on designated routes if the vehicle, combination, or equipment meets specified criteria, upon adoption of an ordinance or resolution by specified cities covering designated routes. This bill would additionally authorize the Department of Transportation to issue a special permit to the operator of a zero-emission vehicle, as defined, combination of vehicles, or mobile equipment, permitting the operation and movement of the vehicle, combination, or equipment, and its load, on designated routes if the vehicle, combination, or equipment meets specified criteria, upon adoption of an ordinance or resolution by the City of San Diego and City of National City covering designated routes.
Subject: Public Works

AB 2742 (Sanchez, R) **Emergency vehicles: penalties.**

Introduced: 02/15/2024
Status: 04/01/2024 - Referred to Com. on TRANS.
Location: 04/01/2024 - Assembly Transportation
Summary: Would prohibit a person driving a vehicle upon a highway or a pedestrian from willfully obstructing a highway, including in the course of a protest, in any manner that interferes with the ability of an authorized emergency vehicle to pass and would make a violation of this provision punishable by specified fines. By creating a new crime, this bill would impose a state-mandated local program.
Subject: Safety and Security

AB 2744 (McCarty, D) **Vehicles: pedestrian, bicycle, and vehicle safety.**

Introduced: 02/15/2024
Status: 04/01/2024 - In committee: Hearing postponed by committee.
Location: 03/04/2024 - Assembly Transportation
Summary: Current law authorizes a legislative body of a city, whenever this legislative body determines that it is necessary for the more efficient maintenance, construction, or repair of streets and roads within the city, to contract with the board of supervisors of any county for the rental of the county's equipment, as specified. This bill would, beginning on January 1, 2025, prohibit the addition of a right-turn or travel lane within 20 feet of a marked or unmarked crosswalk where there is not already a dedicated and marked right-turn or travel lane, and would prohibit vehicles from using this 20-foot area for right turns unless the area is already marked as a dedicated right-turn lane before January 1, 2025.
Subject: Active Transportation

AB 2751 (Haney, D) **Employer communications during nonworking hours.**

Introduced: 02/15/2024
Last Amended: 03/21/2024
Status: 04/01/2024 - Re-referred to Com. on L. & E.
Location: 03/21/2024 - Assembly Labor and Employment
Summary: This bill would require a public or private employer to establish a workplace policy that provides employees the right to disconnect from communications from the employer during nonworking hours, except as specified. The bill would define the "right to disconnect" to mean that, except for an emergency or for scheduling, as defined, an employee has the right to ignore communications from the employer during nonworking hours. The bill would require nonworking hours to be established by written agreement between an employer and employee. The bill would authorize an employee to file a complaint of a pattern of violation of the bill's provisions with the Labor Commissioner, punishable by a specified civil penalty.
Subject: Employment

AB 2783 (Alvarez, D) **San Diego Unified Port District.**

Introduced: 02/15/2024
Last Amended: 04/01/2024
Status: 04/01/2024 - From committee chair, with author's amendments: Amend, and re-refer to Com. on L. GOV. Read second time and amended.
Hearing: 04/10/2024
Location: 03/04/2024 - Assembly Local Government
Summary: The San Diego Unified Port District Act authorizes the establishment of the San Diego Unified Port District for the acquisition, construction, maintenance, operation, development, and regulation of harbor works and improvements for the harbor of San Diego and for the promotion of commerce, navigation, fisheries, and recreation. The act establishes the board of commissioners of the port district and vests it with specified authority and responsibilities regarding the management of the district. This bill would require the board to adopt a code of ethics and to accept and respond to ethics complaints, as specified. The bill would require the board to appoint a board of ethics to provide independent ethics advice to the board, as specified. The bill would require the board to submit ethics complaints to the board of ethics, as specified. The bill would require the board of ethics, upon the conclusion of an investigation into the conduct of a commissioner, to provide all findings from the investigation to the city that appointed the commissioner that was subject to the investigation.
Subject: Miscellaneous

AB 2796 (Alvarez, D) **Equitable Access to Zero-Emissions Vehicles Fund.**

Introduced: 02/15/2024
Status: 03/11/2024 - Referred to Coms. on TRANS. and NAT. RES.
Location: 03/11/2024 - Assembly Transportation
Summary: Would establish the Equitable Access to Zero-Emission Vehicles Fund and would make moneys in the fund available, upon appropriation by the Legislature, for a new vehicle rebate program and for other specified purposes. The bill would require the State Air Resources Board, by July 1, 2025, to establish a program to offer rebates for the purchase of zero-emission vehicles and other specified vehicles from moneys made available from the fund. The bill would require the state board to submit a biennial report to the Legislature that includes certain information relating to the expenditures from the fund.
Subject: Zero Emission

AB 2809 (Haney, D) **Vehicles: automated speed enforcement.**

Introduced: 02/15/2024
Status: 03/18/2024 - Referred to Coms. on TRANS. and P. & C.P.
Hearing: 04/15/2024
Location: 03/18/2024 - Assembly Transportation
Summary: Would require the Secretary of Transportation to develop guidelines for the implementation of a state highway work zone speed safety program using automated speed enforcement systems, as specified. The bill would authorize the Department of Transportation to establish a state highway work zone speed safety program in accordance with those guidelines. The bill would require the department, if a program is established, to prepare and submit a report to the Legislature, as specified.
Subject: Public Works

AB 2813 (Aguiar-Curry, D) **Government Investment Act.**

Introduced: 02/15/2024
Status: 04/01/2024 - Referred to Com. on L. GOV.
Location: 04/01/2024 - Assembly Local Government
Summary: This bill would authorize a local government that imposes a tax under ACA 1 to commit revenues to affordable housing programs, including downpayment assistance, first-time home buyer programs, and owner-occupied affordable housing rehabilitation programs. The bill would require a local government to ensure that any project that is funded with ACA 1 bonded indebtedness or ACA 1 special taxes to have an estimated useful life of at least 15 years or 5 years if the funds are for specified public safety buildings, facilities, and equipment.
Subject: Funding

AB 2815 (Petrie-Norris, D) **Clean Transportation Program: electric vehicle charging infrastructure.**

Introduced: 02/15/2024
Status: 03/11/2024 - Referred to Coms. on TRANS. and NAT. RES.
Hearing: 04/15/2024
Location: 03/11/2024 - Assembly Transportation
Summary: Would require the State Energy Resources Conservation and Development Commission to establish, on or before January 1, 2026, a program under the Clean Transportation Program to provide grants for repairs to electric vehicle charging infrastructure that has been in operation for at least 5 years and that is located in a publicly available parking space, as provided. The bill would authorize grant funding to be used for, among other things, the cost to repair, upgrade, or replace an electric vehicle charging port or supporting infrastructure and the cost of operations, maintenance, and warranties for repaired, upgraded, or replaced electric vehicle charging ports and supporting infrastructure. The bill would require the commission to allocate at least 50% of grant funding to low-income communities and disadvantaged communities. The bill would repeal these provisions on January 1, 2036.
Subject: Zero Emission

AB 2817 (**Dixon, R**) **State highways: Route 1: relinquishment.**

Introduced: 02/15/2024
Status: 04/01/2024 - VOTE: Do pass and be re-referred to the Committee on [Appropriations] with recommendation: To Consent Calendar (PASS)
Location: 04/01/2024 - Assembly Appropriations
Summary: Would authorize the California Transportation Commission to relinquish to the City of Laguna Beach a specified portion of Route 1 if the Department of Transportation and the city enter into an agreement providing for that relinquishment, as specified.
Subject: Planning

AB 2824 (**McCarty, D**) **Battery: public transportation provider.**

Introduced: 02/15/2024
Last Amended: 03/21/2024
Status: 04/01/2024 - Re-referred to Com. on PUB. S.
Location: 03/21/2024 - Assembly Public Safety
Summary: Current law provides that when a battery is committed against the person of an operator, driver, or passenger on a bus, taxicab, streetcar, cable car, trackless trolley, or other motor vehicle, as specified, and the person who commits the offense knows or reasonably should know that the victim is engaged in the performance of their duties, the penalty is imprisonment in a county jail not exceeding one year, a fine not exceeding $10,000, or both the fine and imprisonment. Current law also provides that if the victim is injured, the offense would be punished by a fine not exceeding $10,000, by imprisonment in a county jail not exceeding one year or in the state prison for 16 months, 2, or 3 years, or by both that fine and imprisonment. This bill would expand this crime to apply to an employee or contractor of a public transportation provider.
Subject: Safety and Security

AB 2854 (**Irwin, D**) **Bradley-Burns Uniform Local Sales and Use Tax Law.**

Introduced: 02/15/2024
Last Amended: 03/18/2024
Status: 03/19/2024 - Re-referred to Com. on REV. & TAX.
Hearing: 04/08/2024
Location: 03/18/2024 - Assembly Revenue and Taxation
Summary: The Bradley-Burns Uniform Local Sales and Use Tax Law (Bradley-Burns) authorizes counties and cities to impose local sales and use taxes in conformity with the Sales and Use Tax Law. Current law, on or after January 1, 2016, prohibits a local agency from entering into any form of agreement that would result, directly or indirectly, in the payment, transfer, diversion, or rebate of Bradley-Burns local tax revenues to any person, as defined, for any purpose, if the agreement results in a reduction in the amount of Bradley-Burns local tax revenues that, in the absence of the agreement, would be received by another local agency and the retailer continues to maintain a physical presence within the territorial jurisdiction of that other local agency, with specified exceptions. This bill would require a local agency, as defined, to annually provide specified information relating to each agreement resulting in the direct or indirect payment, transfer, diversion, or rebate of Bradley-Burns local tax revenues to the California Department of Tax and Fee Administration.
Subject: Funding

AB 2855 (**Flora, R**) **Skilled and trained workforce requirements.**

Introduced: 02/15/2024
Last Amended: 03/21/2024
Status: 04/01/2024 - Re-referred to Com. on L. & E.
Location: 03/21/2024 - Assembly Labor and Employment
Summary: Current law establishes requirements that apply when a public entity is required by statute or regulation to obtain an enforceable commitment that a bidder, contractor, or other entity will use a skilled and trained workforce to complete a contract or project. This bill would exempt from these requirements a contractor or subcontractor that is subject to a valid collective bargaining agreement requiring participation in a state-approved apprenticeship program provided that the contractor or subcontractor performs only work within the scope of that agreement and provides a declaration verifying the existence of that agreement. The bill would make its provisions severable.
Subject: Employment

AB 2869 (**Friedman, D**) **Department of Transportation: trail access: infrastructure projects.**

Introduced: 02/15/2024
Status: 03/21/2024 - Referred to Com. on TRANS.
Hearing: 04/08/2024
Location: 03/21/2024 - Assembly Transportation
Summary: Current law authorizes the Department of Transportation to do any act necessary, convenient, or proper for the construction, improvement, maintenance, or use of all highways that are under its jurisdiction, possession, or control. This bill would require the department to mitigate the impact of infrastructure projects that interfere with or eliminate trail access to parks and recreational areas by maintaining safe access for users of existing trails or providing alternative safe access to those parks and recreational areas.
Subject: Planning

AB 2879 (**Fong, Vince, R**) **High-Speed Rail Authority: contracting.**

Introduced: 02/15/2024
Status: 03/04/2024 - Referred to Com. on TRANS.
Hearing: 04/08/2024
Location: 03/04/2024 - Assembly Transportation
Summary: The California High-Speed Rail Act creates the High-Speed Rail Authority, composed of 11 members, to develop and implement a high-speed rail system in the state, with specified powers and duties. The act authorizes the authority to enter into contracts with private or public entities for the design, construction, and operation of high-speed trains. The act requires the authority to appoint an executive director to administer the affairs of the authority as directed by the authority. This bill, notwithstanding the authority's ability to delegate power to the executive director, would require any contract change order with a value greater than $100,000,000 to be approved by the authority.
Subject: Public Works

AB 2895 (**Gipson, D**) **Tax administration.**

Introduced: 02/15/2024
Last Amended: 03/18/2024
Status: 03/19/2024 - Re-referred to Com. on REV. & TAX.
Location: 03/18/2024 - Assembly Revenue and Taxation
Summary: Current law establishes the California Department of Tax and Fee Administration (CDTFA) in the Government Operations Agency to administer specified taxes. Current law establishes in state government the Office of Tax Appeals (OTA) to conduct tax appeals hearings. Existing law requires that the director of the OTA administer and direct the day-to-day operations of the office, including that each hearing office is sufficiently staffed and that appeals hearings are heard and resolved in a timely and efficient manner. Current law prohibits the director from being involved in the decision making process of tax appeals panels. This bill would establish in the Government Operations Agency the California Department of Tax and Fee Board and the Office of Tax Appeals Board to control the CDTFA and the OTA, respectively, as specified. The bill would require each board to consist of the Controller, Director of Finance, and Chairperson of the State Board of Equalization.
Subject: Funding

AB 2912 (**Dixon, R**) **Energy: retail gasoline pricing.**

Introduced: 02/15/2024
Status: 03/11/2024 - Referred to Com. on U. & E.
Location: 03/11/2024 - Assembly Utilities and Energy
Summary: Current law establishes the Division of Petroleum Market Oversight in the State Energy Resources Conservation and Development Commission to, among other duties, provide guidance and recommendations to the Governor and the commission on issues related to transportation fuel pricing and transportation decarbonization in California. This bill would require the commission to post and update, on a monthly basis, on its internet website the difference between retail gasoline prices in California and the national average and a calculation of how much that difference has decreased since June 26, 2023, which is the effective date of the above-described provisions, due to the actions taken pursuant to those provisions.
Subject: Records

AB 2945 (Alvarez, D) **Reconnecting Communities Redevelopment Act.**

Introduced: 02/16/2024
Last Amended: 03/21/2024
Status: 04/01/2024 - Re-referred to Com. on L. GOV.
Location: 03/21/2024 - Assembly Local Government
Summary: The California Constitution, with respect to any taxes levied on taxable property in a redevelopment project established under the Community Redevelopment Law, as it then read or may be amended, authorizes the Legislature to provide for the division of those taxes under a redevelopment plan between the taxing agencies and the redevelopment agency, as provided. Existing law dissolved redevelopment agencies as of February 1, 2012, and designates successor agencies to act as successor entities to the dissolved redevelopment agencies. This bill, the Reconnecting Communities Redevelopment Act, would authorize a city or county, or two or more cities acting jointly, to propose the formation of a reconnecting communities investment agency by adoption of a resolution of intention that meets specified requirements, including that the resolution of intention include a passthrough provision and an override passthrough provision, as defined. The bill would require the city or county to submit that resolution to each affected taxing entity and would authorize an entity that receives that resolution to elect to not receive a passthrough payment, as provided.
Subject: Miscellaneous

AB 3005 (Wallis, R) **Motor Vehicle Fuel Tax Law: adjustment suspension.**

Introduced: 02/16/2024
Status: 03/11/2024 - Referred to Com. on TRANS.
Location: 03/11/2024 - Assembly Transportation
Summary: Article XIX of the California Constitution restricts the expenditure of revenues from the Motor Vehicle Fuel Tax Law, Diesel Fuel Tax Law, and other taxes imposed by the state on fuels used in motor vehicles upon public streets and highways to street and highway and certain mass transit purposes. This bill would authorize the Governor to suspend an adjustment to the motor vehicle fuel tax, as described above, scheduled on or after July 1, 2025, upon making a determination that increasing the rate would impose an undue burden on low-income and middle-class families. The bill would require the Governor to notify the Legislature of an intent to suspend the rate adjustment on or before January 10 of that year, and would require the Department of Finance to submit to the Legislature a proposal by January 10 that would maintain the same level of funding for transportation purposes as would have been generated had the scheduled adjustment not been suspended.
Subject: Funding

AB 3025 (Valencia, D) **County employees' retirement: disallowed compensation: benefit adjustments.**

Introduced: 02/16/2024
Last Amended: 03/18/2024
Status: 03/19/2024 - Re-referred to Com. on P.E. & R.
Location: 03/18/2024 - Assembly Public Employment and Retirement
Summary: This bill would require a retirement system established under CERL, upon determining that the compensation reported for a member is disallowed compensation, to require the employer, as defined, to discontinue reporting the disallowed compensation. The bill would require, for an active member, the retirement system to credit all contributions made on the disallowed compensation against future contributions to the benefit of the employer that reported the disallowed compensation, and return any contribution paid by, or on behalf of, that member, to the member by the employer that reported the disallowed compensation, except in certain circumstances in which a system has already initiated a process, as defined, to recalculate compensation. The bill would require the system, for a retired member, survivor, or beneficiary whose final compensation was predicated upon the disallowed compensation, to credit the contributions made on the disallowed compensation against future contributions, to the benefit of the employer that reported the disallowed compensation, and to permanently adjust the benefit of the affected retired member, survivor, or beneficiary to reflect the exclusion of the disallowed compensation.
Subject: Employment

AB 3055 **(Carrillo, Juan, D) Vehicles: high-occupancy vehicle lanes: veterans.**

Introduced: 02/16/2024
Status: 03/11/2024 - Referred to Com. on TRANS.
Location: 03/11/2024 - Assembly Transportation
Summary: Would authorize the Department of Transportation and local authorities to permit exclusive or preferential use of high-occupancy vehicles (HOVs) lanes to be used by a vehicle driven by a disabled veteran of the United States Armed Forces, as defined, regardless of the number of passengers in the vehicle or the type of vehicle, provided that the vehicle is registered to or owned, and is driven, by the veteran and the vehicle displays a decal approved by the Department of Motor Vehicles. The bill would require the Department of Motor Vehicles to issue the decal to an applicant, upon proof of eligibility that the applicant is a disabled veteran.
Subject: Planning

AB 3123 **(Jones-Sawyer, D) Los Angeles County Metropolitan Transportation Authority: board code of conduct: lobbying rules.**

Introduced: 02/16/2024
Last Amended: 03/21/2024
Status: 04/01/2024 - Re-referred to Com. on TRANS.
Hearing: 04/15/2024
Location: 03/21/2024 - Assembly Transportation
Summary: Current law creates the Los Angeles County Metropolitan Transportation Authority (MTA), governed by a 14-member board, with specified powers and duties relative to transportation planning, programming, and operations in the County of Los Angeles. Current law prescribes a code of conduct for the board of MTA, which includes, among other things, rules pertaining to gifts and financial conflicts of interest. As part of the provisions establishing this code of conduct, current law requires the board of MTA to appoint an ethics officer who reports to the board. Current law also requires MTA to appoint an inspector general and requires the code of conduct to be enforced by the inspector general. This bill would revise and recast the code of conduct by, among other things, specifying that board members are subject to all ethics laws applicable to other public officials and by eliminating specific rules from the code of conduct including, among others, certain rules pertaining to gifts and financial conflicts of interest. The bill would also provide that the code of conduct is in addition to any rules or codes adopted by the board.
Subject: Employment

AB 3153 **(Dixon, R) Emission standards: marine vessels: exemption.**

Introduced: 02/16/2024
Status: 03/11/2024 - Referred to Com. on TRANS.
Location: 03/11/2024 - Assembly Transportation
Summary: Current law requires the State Air Resources Board to adopt and implement motor vehicle emission standards, in-use performance standards, and motor vehicle fuel specifications for the control of air contaminants and sources of air pollution that the state board has found to be necessary, cost effective, and technologically feasible, as provided. Current law also requires the state board to adopt standards and regulations, consistent with those requirements, for motor vehicles and off-road or nonvehicle engine categories, including, but not limited to, marine vessels, to the extent permitted by federal law. This bill would require the state board to exempt certain vessels from any provision of a standard or regulation that would require the retirement, replacement, or retrofit of the vessel.
Subject: Zero Emission

AB 3177 (**Carrillo, Wendy, D**) **Mitigation Fee Act: land dedications: mitigating vehicular traffic impacts.**

Introduced: 02/16/2024
Status: 03/21/2024 - Referred to Coms. on H. & C.D. and L. GOV.
Location: 03/21/2024 - Assembly Housing and Community Development
Summary: The Mitigation Fee Act imposes various requirements with respect to the establishment, increase, or imposition of a fee by a local agency as a condition of approval of a development project. Current law requires a local agency that imposes a fee on a housing development for the purpose of mitigating vehicular traffic impacts to set the rate for the fee to reflect a lower rate of automobile trip generation if the housing development satisfies specified characteristics, including that the housing development is located within a 1/2 mile of a transit station. Current law defines transit station for these purposes to mean a rail or light-rail station, ferry terminal, bus hub, or bus transfer station. This bill would instead require the housing development to be located within a 1/2 mile of a transit priority area for purposes of a local agency setting the rate for a mitigating vehicular traffic impacts fee to reflect a lower rate of automobile trip generation. The bill would define “transit priority area” as an area within 1/2 mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program or applicable regional transportation plan.
Subject: Planning

AB 3186 (**Petrie-Norris, D**) **Public works: prevailing wages: access to records.**

Introduced: 02/16/2024
Status: 03/11/2024 - Referred to Com. on L. & E.
Location: 03/11/2024 - Assembly Labor and Employment
Summary: This bill would require each contractor and subcontractor performing work on any public works project and any covered entity, as defined for these purposes as a corporation, limited liability company, partnership, joint venture, or other legal entity, that develops or undertakes such project, to make specified records available upon request to the Division of Labor Standards Enforcement, to multiemployer Taft-Hartley trust funds, and to joint labor-management committees, as specified. The bill would also apply this requirement to contractors, subcontractors, and covered entities that are developing, undertaking, or performing work on a development project for which contractors are required to maintain and verify payroll records, as specified. The bill would subject a contractor, subcontractor, or covered entity, for failing to comply with the provisions of this act, to a penalty by the commissioner, as specified, and would deposit the penalties into a specified fund.
Subject: Public Works

AB 3214 (**Fong, Mike, D**) **Public transit: advertising.**

Introduced: 02/16/2024
Last Amended: 03/21/2024
Status: 04/01/2024 - Re-referred to Com. on TRANS.
Location: 03/21/2024 - Assembly Transportation
Summary: Current law creates various transit districts with specified powers and duties related to providing public transit services. This bill would require the state, to the extent feasible, to prioritize using advertising space offered by a public transit operator over other advertising space for a public awareness campaign, as specified.
Subject: Miscellaneous

AB 3219 (**Sanchez, R**) **Advanced Clean Fleets Regulation: local governments.**

Introduced: 02/16/2024
Last Amended: 03/11/2024
Status: 03/12/2024 - Re-referred to Com. on TRANS.
Location: 03/11/2024 - Assembly Transportation
Summary: Pursuant to its authority, the State Air Resources Board has adopted the Advanced Clean Fleets Regulation, which imposes various requirements for transitioning local, state, and federal government fleets of medium- and heavy-duty trucks, other high-priority fleets of medium- and heavy-duty trucks, and drayage trucks to zero-emission vehicles. The Advanced Clean Fleets Regulation authorizes entities subject to the regulation to apply for exemptions from its requirements under certain circumstances. This bill would provide that the requirements of the Advanced Clean Fleets Regulation do not apply to the purchase by a local government of vehicles with a gross vehicle weight rating greater than 8,500 pounds if the price of the zero-emission version of a vehicle is more than an unspecified percentage of the price of a comparable internal combustion engine version of that vehicle.
Subject: Zero Emission

ACA 18 (**Wallis, R**) **Road usage charges: vote and voter approval requirements.**

Introduced: 02/16/2024
Status: 02/17/2024 - From printer. May be heard in committee March 18.
Location: 02/16/2024 - Assembly PRINT
Summary: The California Constitution requires any change in state statute that increases the tax liability of any taxpayer to be imposed by an act passed by 2/3 of the membership of each house of the Legislature, and prohibits specified taxes on real property from being so imposed. For these purposes, the California Constitution defines a "tax" as any state levy, charge, or exaction, except as described in certain exceptions. The California Constitution describes one of those exceptions as a charge imposed for entrance to or use of state property, or the purchase, rental, or lease of state property, except charges governed by a specified provision of the California Constitution. This measure, on or after its effective date, would provide that the exception described above does not include a road usage charge, as described, thereby requiring the imposition of this type of charge to be subject to the 2/3 vote requirement.
Subject: Funding

ACR 38 (**Alvarez, D**) **Freeway lids.**

Introduced: 03/09/2023
Status: 09/14/2023 - Ordered to inactive file at the request of Assembly Member Alvarez.
Location: 09/14/2023 - Assembly INACTIVE FILE
Summary: Would recognize the need to reunite communities split by the creation of the interstate highway system and the importance of freeway lids as a partial solution to that problem. The measure would also declare that the Legislature should utilize federal resources, in partnership with state agencies and local entities, to begin reconnecting these communities with, among other things, freeway lids.
Subject: Miscellaneous

ACR 87 (**Ta, R**) **"Surf City USA" interchange.**

Introduced: 05/26/2023
Last Amended: 06/15/2023
Status: 08/23/2023 - Referred to Com. on TRANS.
Hearing: 04/09/2024
Location: 08/23/2023 - Senate Transportation
Summary: Would designate the interchange at State Highway Route 405 and State Route 39 in the County of Orange at Beach Boulevard as the "Surf City USA" interchange. The measure would request the Department of Transportation to determine the cost of appropriate signs showing this special designation and, upon receiving donations from nonstate sources covering that cost, to erect those signs.
Subject: Miscellaneous

ACR 93 (**Dixon, R**) **Marian Bergeson Memorial Bridge.**

Introduced: 06/05/2023
Last Amended: 06/26/2023
Status: 08/23/2023 - Referred to Com. on TRANS.
Hearing: 04/09/2024
Location: 08/23/2023 - Senate Transportation
Summary: Would designate the North Arm Newport Bay Bridge on State Route 1, in the County of Orange, as the Marian Bergeson Memorial Bridge. The measure would also request the Department of Transportation to determine the cost of appropriate signs showing this special designation and, upon receiving donations from nonstate sources to cover that cost, to erect those signs.
Subject: Miscellaneous

SB 532 (**Wiener, D**) **San Francisco Bay area toll bridges: tolls: transit operating expenses.**

Introduced: 02/14/2023
Last Amended: 06/29/2023
Status: 08/23/2023 - August 23 set for first hearing canceled at the request of author.
Location: 07/05/2023 - Assembly Appropriations
Summary: Would, until December 31, 2028, require the Bay Area Toll Authority (BATA) to increase the toll rate for vehicles for crossing the state-owned toll bridges in the San Francisco Bay area by $1.50, as adjusted for inflation. The bill would require the revenues collected from this toll to be deposited in the Bay Area Toll Account, would continuously appropriate moneys from this toll increase and other specified tolls, and would require moneys from this toll to be transferred to the Metropolitan Transportation Commission (MTC) for allocation to transit operators that provide service within the San Francisco Bay area and that are experiencing a financial shortfall, as specified. The bill would direct MTC to require each transit operator eligible to receive an allocation from the account to, on an annual basis, submit a 5-year projection of its operating needs, as specified.
Subject: Funding

SB 537 (**Becker, D**) **Open meetings: multijurisdictional, cross-county agencies: teleconferences.**

Introduced: 02/14/2023
Last Amended: 09/05/2023
Status: 09/14/2023 - Ordered to inactive file on request of Assembly Member Bryan.
Location: 09/14/2023 - Assembly INACTIVE FILE
Summary: Current law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and other requirements are met, including restrictions on remote participation by a member of the legislative body. These circumstances include if a member shows "just cause," including for a childcare or caregiving need of a relative that requires the member to participate remotely. This bill would expand the circumstances of "just cause" to apply to the situation in which an immunocompromised child, parent, grandparent, or other specified relative requires the member to participate remotely. The bill would authorize the legislative body of a multijurisdictional, cross-county agency, as specified, to use alternate teleconferencing provisions if the eligible legislative body has adopted an authorizing resolution, as specified. The bill would also require the legislative body to provide a record of attendance of the members of the legislative body, the number of community members in attendance in the teleconference meeting, and the number of public comments on its internet website within 10 days after a teleconference meeting, as specified. The bill would require at least a quorum of members of the legislative body to participate from one or more physical locations that are open to the public and within the boundaries of the territory over which the local agency exercises jurisdiction.
Subject: Public Meetings

SB 569 (**Glazer, D**) **Political Reform Act of 1974: audits.**

Introduced: 02/15/2023
Last Amended: 08/28/2023
Status: 09/01/2023 - September 1 hearing: Held in committee and under submission.
Location: 08/28/2023 - Assembly Appropriations
Summary: Would transfer the responsibility for conducting audits and field investigations of lobbying reports to the Fair Political Practices Commission. The bill would also exclude lobbying firms and lobbyist employers with less than one dollar in payments or contributions from being selected for audit. Additionally, this bill would require the Fair Political Practices Commission to adopt regulations or policies that would ensure the operational independence of the commission's audit personnel from the Fair Political Practices Commission's enforcement operations. Audits conducted by the commission would be required to be posted on the commission's internet website for 10 years following the conclusion of the audit and the commission would be required to annually report to the Legislature on the number and types of audits completed by the commission. This bill would delay the operation of these provisions until the January 1 of the next odd numbered year following an appropriation made to support the commission's exercise of these responsibilities.
Subject: Reports

SB 638 (Eggman, D) **Climate Resiliency and Flood Protection Bond Act of 2024.**

Introduced: 02/16/2023
Last Amended: 06/28/2023
Status: 07/06/2023 - July 11 hearing postponed by committee.
Location: 06/15/2023 - Assembly Water, Parks and Wildlife
Summary: Would enact the Climate Resiliency and Flood Protection Bond Act of 2024 which, if approved by the voters, would authorize the issuance of bonds in the amount of $6,000,000,000 pursuant to the State General Obligation Bond Law, for flood protection and climate resiliency projects.
Subject: Funding

SB 689 (Blakespear, D) **Local coastal program: bicycle lane: amendment.**

Introduced: 02/16/2023
Last Amended: 01/03/2024
Status: 01/29/2024 - Read third time. Passed. (Ayes 31. Noes 8.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.
Location: 01/29/2024 - Assembly DESK
Summary: Would provide that an application by a local government to convert an existing motorized vehicle travel lane into a dedicated bicycle lane shall not require a traffic study for the processing of either a coastal development permit or an amendment to a local coastal program. The bill would require, if a proposal to create a dedicated bicycle lane within the developed portion of an existing right-of-way requires an amendment to a local coastal program, the amendment be processed according to specified law, if the executive director of the commission makes specified determinations.
Subject: Active Transportation

SB 768 (Caballero, D) **California Environmental Quality Act: State Air Resources Board: vehicle miles traveled: study.**

Introduced: 02/17/2023
Last Amended: 01/11/2024
Status: 01/29/2024 - Read third time. Passed. (Ayes 34. Noes 4.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.
Location: 01/29/2024 - Assembly DESK
Summary: The California Environmental Quality Act (CEQA) requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. Current law requires the Office of Planning and Research to prepare, develop, and transmit to the Secretary of the Natural Resources Agency for certification and adoption proposed revisions to guidelines establishing criteria for determining the significance of transportation impacts of projects within transit priority areas to promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. Current law creates the State Air Resources Board as the state agency charged with coordinating efforts to attain and maintain ambient air quality standards, to conduct research into the causes of and solution to air pollution, and to systematically attack the serious problem caused by motor vehicles, which is the major source of air pollution in many areas of the state. Existing law authorizes the state board to do those acts as may be necessary for the proper execution of the powers and duties granted to, and imposed upon, the state board. This bill would require the state board, by January 1, 2026, to conduct and submit to the Legislature a study on how vehicle miles traveled is used as a metric for measuring transportation impacts pursuant to CEQA.
Subject: Environment

SB 782 (Limón, D) **Gubernatorial appointments: report.**

Introduced: 02/17/2023
Last Amended: 01/03/2024
Status: 01/29/2024 - Read third time. Passed. (Ayes 39. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.
Location: 01/29/2024 - Assembly DESK
Summary: Would require the office of the Governor, commencing January 1, 2026, to maintain on its internet website a list of every state board and commission that includes, for each state board or commission, the membership list, stated purpose, duties, meeting frequency, internet website, and vacancies in the membership. The bill would require the office of the Governor, on or before January 1, 2027, and annually thereafter, to create and publish on its internet website a report containing aggregate demographic information of appointments made by the office during the prior calendar year.
Subject: Reports

SB 827 (Glazer, D) **San Francisco Bay Area Rapid Transit District: Office of the BART Inspector General.**

Introduced: 02/17/2023
Last Amended: 01/11/2024
Status: 01/29/2024 - Read third time. Passed. (Ayes 39. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.
Location: 01/29/2024 - Assembly DESK
Summary: This bill would provide that the BART Inspector General is vested with the full authority to exercise all responsibility for maintaining a full scope, independent, and objective audit and investigation program. The bill would provide the office with access and authority to examine all records, files, documents, accounts, reports, correspondence, or other property of the district and external entities that perform work for the district. The bill would provide that all books, papers, records, and correspondence of the office are public records subject to the California Public Records Act, but would prohibit the BART Inspector General from releasing certain types of records to the public, except under certain circumstances.
Subject: Miscellaneous

SB 834 (Portantino, D) **Vehicles: preferential parking: residential, commercial, or other development project.**

Introduced: 02/17/2023
Last Amended: 02/22/2024
Status: 02/29/2024 - Re-referred to Com. on RLS. pursuant to Assembly Rule 96.
Location: 02/29/2024 - Assembly Rules
Summary: This bill would prohibit a local authority from issuing any permit conferring preferential parking privileges to any residents or vendors of any developments within 1/2 mile of public transit and exempt from parking minimums. The bill would require the local authority to revise the boundaries of any such preferential parking district to exclude those developments from its boundaries. The bill would make related findings and declarations, and state that it is the intent of the Legislature to discourage car use by incentivizing development near public transit.
Subject: Planning

SB 863 (Allen, D) **Measures proposed by the Legislature.**

Introduced: 02/17/2023
Last Amended: 01/03/2024
Status: 01/30/2024 - Read third time. Passed. (Ayes 30. Noes 7.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.
Location: 01/30/2024 - Assembly DESK
Summary: Would allow the Legislature to specify that a constitutional amendment, bond measure, or other legislative measure submitted to the people will appear on the ballot at an election other the one described above if the election specified in the proposal would occur at least 131 days after adoption of the proposal by the Legislature.
Subject: Miscellaneous

SB 892 (Padilla, D) **Public contracts: automated decision systems: AI risk management standards.**

Introduced: 01/03/2024
Last Amended: 04/01/2024
Status: 04/01/2024 - From committee with author's amendments. Read second time and amended. Re-referred to Com. on G.O.
Hearing: 04/09/2024
Location: 02/14/2024 - Senate Governmental Organization
Summary: This bill would require the Department of Technology to develop and adopt regulations to create an artificial intelligence (AI) risk management standard, consistent with publications regarding AI risk management, and in accordance with the provisions of the Administrative Procedure Act. The bill would require the AI risk management standard to include a detailed risk assessment procedure for procuring automated decision systems (ADS), methods for appropriate risk controls, and adverse incident monitoring procedures. The bill would require the department to collaborate with specified organizations to develop the AI risk management standard. This bill would, commencing on the date on which the regulations described in the paragraph above are approved and final, prohibit a state agency from entering into a contract for an ADS, or any service that utilizes an ADS, unless the contract includes a clause that, among other things, provides a completed risk assessment of the relevant ADS, requires adherence to appropriate risk controls, and provides procedures for adverse incident monitoring.
Subject: Public Works

SB 896 (Dodd, D) **Artificial Intelligence Accountability Act.**

Introduced: 01/03/2024
Status: 03/14/2024 - Set for hearing April 9.
Hearing: 04/09/2024
Location: 02/14/2024 - Senate Governmental Organization
Summary: Current law requires the Secretary of Government Operations to develop a coordinated plan to, among other things, investigate the feasibility of, and obstacles to, developing standards and technologies for state departments to determine digital content provenance. For the purpose of informing that coordinated plan, current law requires the secretary to evaluate, among other things, the impact of the proliferation of deepfakes, defined to mean audio or visual content that has been generated or manipulated by artificial intelligence that would falsely appear to be authentic or truthful and that features depictions of people appearing to say or do things they did not say or do without their consent, on state government, California-based businesses, and residents of the state. This bill, the Artificial Intelligence Accountability Act, would, among other things, require the Government Operations Agency, the Department of Technology, and the Office of Data and Innovation to produce a State of California Benefits and Risk of Generative Artificial Intelligence Report that includes certain items, including an examination of the most significant, potentially beneficial uses for deployment of generative artificial intelligence tools by the state, and would require those entities to update the report, as prescribed.
Subject: Reports

SB 904 (Dodd, D) **Sonoma-Marin Area Rail Transit District.**

Introduced: 01/04/2024
Last Amended: 03/21/2024
Status: 03/21/2024 - From committee with author's amendments. Read second time and amended. Re-referred to Com. on TRANS.
Hearing: 04/09/2024
Location: 02/21/2024 - Senate Transportation
Summary: Current law creates, within the Counties of Sonoma and Marin, the Sonoma-Marin Area Rail Transit District with specified duties and powers relative to the provision of a passenger and freight rail system within the territory of the district. Under current law, the district is governed by a 12-member board of directors appointed by various local governmental entities. Current law authorizes the board to submit to the voters of the district a measure proposing a retail transactions and use tax ordinance. This bill would also authorize those special taxes to be imposed by a qualified voter initiative if that initiative complies with certain requirements. The bill would require the board of supervisors of the Counties of Sonoma and Marin to call a special election on a tax measure proposed by the district's board of directors or a qualified voter initiative in their respective counties, as specified.
Subject: Miscellaneous

SB 915 (Cortese, D) **Local government: autonomous vehicles.**

Introduced: 01/09/2024
Last Amended: 04/01/2024
Status: 04/01/2024 - From committee with author's amendments. Read second time and amended. Re-referred to Com. on L. GOV.
Hearing: 04/03/2024
Location: 02/21/2024 - Senate Local Government
Summary: This bill would prohibit an autonomous vehicle service, that has received approval to conduct commercial passenger service or engage in commercial activity using driverless vehicles by the Department of Motor Vehicles, the Public Utilities Commission, or another state agency, from commencing operation within a local jurisdiction until authorized by a local ordinance enacted pursuant to the bill's provisions. The bill would authorize each city, county, or city and county in which an autonomous vehicle has received authorization to operate, to protect the public health, safety, and welfare by enacting an ordinance in regard to autonomous vehicle services within that jurisdiction. The bill would require each city, county, or city and county that enacts an ordinance to include certain provisions within that ordinance. These would include a policy for entry into the business of providing autonomous vehicle services including a permitting program that includes, among other things, the establishment of reasonable vehicle caps and hours of service restrictions. This bill contains other related provisions and other existing laws.
Subject: Transit

SB 930 **(Laird, D) Memorial highways: Memorial Highway Signage Fund.**

Introduced: 01/16/2024
Last Amended: 03/18/2024
Status: 03/18/2024 - From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.
Location: 01/16/2024 - Senate Rules
Summary: Would establish the Memorial Highway Signage Fund in the State Treasury and would make moneys in the fund available, upon appropriation by the Legislature, to the department for the department's costs in erecting signage for memorial highway designations approved by the department that memorialize individuals who have promoted racial and gender equity.
Subject: Miscellaneous

SB 934 **(Gonzalez, D) Zero-emission freight infrastructure: interagency coordination: report.**

Introduced: 01/16/2024
Last Amended: 03/19/2024
Status: 03/19/2024 - From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.
Hearing: 04/09/2024
Location: 01/16/2024 - Senate Rules
Summary: Would require the California Transportation Commission and the Energy Commission to jointly convene the Zero-Emission Freight Central Delivery Team, composed of representatives from various state agencies, to lead the statewide coordination of zero-emission freight infrastructure planning and implementation, including carrying out specified actions. The bill would require the Zero-Emission Freight Central Delivery Team, in consultation with the California Transportation Commission and the Energy Commission, to submit an annual report to the Legislature beginning March 1, 2026, that includes, among other things, a description of the actions taken by the Zero-Emission Freight Central Delivery Team in the previous calendar year.
Subject: Reports

SB 936 **(Seyarto, R) California Environmental Quality Act: exemption: road and safety improvement projects.**

Introduced: 01/17/2024
Last Amended: 02/20/2024
Status: 03/15/2024 - Set for hearing April 17.
Hearing: 04/17/2024
Location: 02/29/2024 - Senate Environmental Quality
Summary: The California Environmental Quality Act (CEQA) requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. This bill would exempt from CEQA activities or projects undertaken by the Department of Transportation for road and safety improvements at any of the 15 locations in the state highway system with the highest rates of vehicle collisions at any given time, as determined in accordance with data collected by the department.
Subject: Planning

SB 947 **(Seyarto, R) Department of Transportation: state highway projects: agreements with public entities: project design changes.**

Introduced: 01/18/2024
Status: 02/14/2024 - Referred to Com. on TRANS.
Location: 02/14/2024 - Senate Transportation
Summary: Would require the Department of Transportation, in an agreement with a city, county, or other public entity for the contribution of funds for the acquisition, construction, or improvement of any portion of state highway, to include a provision that makes the department responsible for any additional costs associated with a new project design adopted by the department after the project is included in the state transportation improvement program or the state highway operation and protection program, as specified. The bill would also make this provision applicable to agreements in effect as of January 1, 2025.
Subject: Public Works

SB 955 (Seyarto, R) **Office of Planning and Research: Infrastructure Gap-Fund Program.**

Introduced: 01/22/2024
Last Amended: 03/19/2024
Status: 03/19/2024 - From committee with author's amendments. Read second time and amended. Re-referred to Com. on L. GOV.
Hearing: 04/03/2024
Location: 02/21/2024 - Senate Local Government
Summary: Would require the Office of Planning and Research, upon appropriation by the Legislature, to establish the Infrastructure Gap-Fund Program to provide grants to local agencies to develop and construct infrastructure projects, as defined. The bill would authorize the office to provide funding for up to 20% of a project's total cost, as specified. The bill would require the office to develop guidelines and criteria to implement the program. The bill would make these provisions operative January 1, 2027.
Subject: Funding

SB 960 (Wiener, D) **Transportation: planning: transit priority projects: multimodal.**

Introduced: 01/23/2024
Status: 04/01/2024 - April 9 hearing postponed by committee.
Hearing: 04/23/2024
Location: 02/14/2024 - Senate Transportation
Summary: Would require all transportation projects funded or overseen by the Department of Transportation to provide comfortable, convenient, and connected complete streets facilities unless an exemption is documented and approved, as specified.
Subject: Planning

SB 961 (Wiener, D) **Vehicles: safety equipment.**

Introduced: 01/23/2024
Status: 02/28/2024 - Set for hearing April 9.
Hearing: 04/09/2024
Location: 02/14/2024 - Senate Transportation
Summary: The Department of the California Highway Patrol regulates the safe operation of specified vehicles, including motortrucks of 3 or more axles that are more than 10,000 pounds, truck tractors, trailers, semitrailers, and buses. Current federal law regulates required safety equipment on vehicles, including rear impact guards on certain large trucks to prevent rear underrides in collisions with passenger vehicles. This bill would require certain trucks and trailers to also be equipped with side guards, as specified.
Subject: Safety and Security

SB 978 (Seyarto, R) **State government: budget: state publications: format.**

Introduced: 01/29/2024
Status: 03/12/2024 - From committee: Do pass and re-refer to Com. on APPR with recommendation: To consent calendar. (Ayes 16. Noes 0.) (March 12). Re-referred to Com. on APPR.
Location: 03/12/2024 - Senate Appropriations
Summary: The California Constitution requires the Governor to submit a budget for the ensuing fiscal year to the Legislature within the first 10 days of each regular session. Current law requires that budget to contain a complete plan and itemized statement of all proposed expenditures of the state provided by existing law or recommended by the Governor, and of all estimated revenues, as specified. Current law requires the budget to be prepared in a specified manner. This bill would require the budget to be made available, on or before January 1, 2026, on the Department of Finance internet website in a machine-readable format.
Subject: Records

SB 983 (Wahab, D) **Energy: gasoline stations and alternative fuel infrastructure.**

Introduced: 01/29/2024
Last Amended: 03/21/2024
Status: 03/21/2024 - Read second time and amended. Re-referred to Com. on RLS.
Location: 03/19/2024 - Senate Rules
Summary: Would require the State Energy Resources Conservation and Development Commission, upon appropriation by the Legislature, to form the Alternative Fuels Infrastructure Taskforce to conduct a study on retail gasoline fueling stations and alternative fuels infrastructure, as provided. The bill would require the taskforce, on or before January 1, 2027, to submit to the Legislature a report on the study with recommendations.
Subject: Planning

SB 986 (Seyarto, R) **Ballot label: bond measure fiscal impact.**

Introduced: 01/30/2024
Status: 03/19/2024 - March 19 set for first hearing. Failed passage in committee. (Ayes 1. Noes 0.) Reconsideration granted.
Location: 02/14/2024 - Senate Elections and Constitutional Amendments
Summary: Current law prescribes the form and content of the ballot label for candidates and measures on the ballot, and requires the ballot label for statewide measures to include a condensed version of the title and summary, including the fiscal impact summary. Current law requires local governments, when submitting a measure for voter approval for the issuance of bonds that will be secured by an ad valorem tax, to provide voters a statement that includes estimates of the total debt service and tax rates required to fund the bonds, as specified. This bill would require, for state bond measures and for local measures to approve the issuance of bonds that will be secured by an ad valorem tax, the ballot label to include a summary of the measure's fiscal impact in a specified form.
Subject: Funding

SB 1011 (Jones, R) **Encampments: penalties.**

Introduced: 02/05/2024
Status: 02/23/2024 - Set for hearing April 16.
Hearing: 04/16/2024
Location: 02/14/2024 - Senate Public Safety
Summary: This bill would prohibit a person from sitting, lying, sleeping, or storing, using, maintaining, or placing personal property upon a street or sidewalk if a homeless shelter, as defined, is available to the person. The bill would also prohibit sitting, lying, sleeping, or storing, using, maintaining, or placing personal property within 500 feet of a public or private school, open space, or major transit stop, as specified. The bill would specify that a violation of this prohibition is a public nuisance that can be abated and prevented, as specified. The bill would also provide that a violation of the prohibition may be charged as a misdemeanor or an infraction, at the discretion of the prosecutor. The bill would prohibit a person from being found in violation of the bill's provisions unless provided notice, at least 72 hours before commencement of any enforcement action.
Subject: Transit

SB 1031 (Wiener, D) **San Francisco Bay area: local revenue measure: transportation improvements.**

Introduced: 02/06/2024
Last Amended: 03/18/2024
Status: 03/18/2024 - From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.
Location: 02/06/2024 - Senate Rules
Summary: This bill would authorize the Metropolitan Transportation Commission to raise and allocate new revenue and incur and issue bonds and other indebtedness, as specified. The bill would authorize the commission to impose a retail transactions and use tax, a regional payroll tax, a parcel tax, and a regional vehicle registration surcharge in all or a subset of the 9 counties of the San Francisco Bay area. The bill would require the parcel tax to be collected by counties and the other 3 taxes to be collected by specified state agencies, and would require the net revenues from those taxes to be remitted to the commission, as prescribed. The bill would require the revenue generated pursuant to these provisions to be used for transportation improvements in the San Francisco Bay area, including for various transit purposes, and would require the commission to distribute those revenues in accordance with specified requirements and expressions of legislative intent. By adding to the duties of local officials with respect to elections procedures for revenue measures on behalf of the commission, this bill would impose a state-mandated local program.
Subject: Funding

SB 1034 **(Seyarto, R) California Public Records Act: state of emergency.**

Introduced: 02/06/2024
Status: 03/20/2024 - Set for hearing April 2.
Hearing: 04/02/2024
Location: 02/14/2024 - Senate Judiciary
Summary: The California Public Records Act requires state and local agencies to make their records available for public inspection, except as specified. Current law requires each agency, within 10 days of a request for a copy of records, to determine whether the request seeks copies of disclosable public records in possession of the agency and to promptly notify the person of the determination and the reasons therefor. Current law authorizes that time limit to be extended by no more than 14 days under unusual circumstances, and defines "unusual circumstances" to include certain circumstances. This bill would revise the unusual circumstances under which the time limit may be extended to include the need to search for, collect, appropriately examine, and copy records during a state of emergency proclaimed by the Governor when the state of emergency has affected the agency's ability to timely respond to requests due to decreased staffing or closure of the agency's facilities.
Subject: Records

SB 1068 **(Eggman, D) Tri-Valley-San Joaquin Valley Regional Rail Authority: contracting: Construction Manager/General Contractor project delivery method.**

Introduced: 02/12/2024
Last Amended: 03/14/2024
Status: 03/14/2024 - From committee with author's amendments. Read second time and amended. Re-referred to Com. on TRANS.
Hearing: 04/09/2024
Location: 02/21/2024 - Senate Transportation
Summary: This bill would authorize the Tri-Valley-San Joaquin Valley Regional Rail Authority to use the Construction Manager/General Contractor project delivery method when contracting for the planning, design, and construction of the connection. The bill would additionally authorize the contracts of the authority to extend to work on the state highway system for the construction of passenger rail service through the Altamont Pass Corridor.
Subject: Public Works

SB 1071 **(Dodd, D) Contractors: workers' compensation insurance reports.**

Introduced: 02/12/2024
Status: 02/21/2024 - Referred to Com. on B., P. & E. D.
Location: 02/21/2024 - Senate Business, Professions and Economic Development
Summary: Current law, with certain exceptions, requires a licensed contractor, or applicant for licensure, to have on file at all times with the Contractors' State License Board a current and valid Certificate of Workers' Compensation Insurance or Certification of Self-Insurance, as specified. Among the exceptions to this requirement, current law excludes an applicant or licensee that is organized as a joint venture and has no employees, as specified. This bill would, commencing January 1, 2026, add an additional exception for applicants and licensees that have no employees, if the applicant or licensee provides both an affidavit to the board affirming they have no employees and adequate proof, as provided for by the board, demonstrating they are operating without employees. By expanding the crime of perjury, this bill would impose a state-mandated local program.
Subject: Employment

SB 1086 **(Seyarto, R) Sales and Use Tax Law: motor vehicle fuel tax: sales price: gross receipts.**

Introduced: 02/12/2024
Status: 03/19/2024 - Set for hearing April 10.
Hearing: 04/10/2024
Location: 02/21/2024 - Senate Revenue and Taxation
Summary: The Motor Vehicle Fuel Tax Law, administered by the California Department of Tax and Fee Administration, imposes a tax upon each gallon of motor vehicle fuel removed from a refinery or terminal rack in this state, entered into this state, or sold in this state, at a specified rate per gallon. Current sales and use tax laws provide a partial exemption from the taxes imposed by those laws for motor vehicle fuel that is subject to the taxes imposed by the Motor Vehicle Fuel Tax Law. This bill, beginning January 1, 2025, would exclude from the terms "gross receipts" and "sales price" under the Sales and Use Tax Law the amount of any motor vehicle fuel tax imposed pursuant to the Motor Vehicle Fuel Tax Law.
Subject: Funding

SB 1098 (**Blakespear, D**) **Passenger and freight rail: LOSSAN Rail Corridor.**

Introduced: 02/13/2024
Last Amended: 03/20/2024
Status: 03/20/2024 - From committee with author's amendments. Read second time and amended. Re-referred to Com. on TRANS.
Hearing: 04/09/2024
Location: 02/21/2024 - Senate Transportation
Summary: This bill would require the Secretary of Transportation to provide guidance and recommendations to, and coordination between, stakeholders as necessary to ensure the performance of the LOSSAN Rail Corridor, as specified. This bill would also require the Secretary of Transportation, in consultation with the Director of Transportation, the California Transportation Commission, the Secretary for Environmental Protection, and the Secretary of the Natural Resources Agency, to submit a report to the Legislature on or before January 1, 2026, regarding the LOSSAN Rail Corridor that includes specified information.
Subject: Transit

SB 1134 (**Caballero, D**) **Surplus land.**

Introduced: 02/13/2024
Last Amended: 03/18/2024
Status: 03/18/2024 - From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.
Location: 02/13/2024 - Senate Rules
Summary: Existing law provides for the disposal of land owned by a local agency that is surplus and is not necessary for the agency's use. The local agency is required to declare the land either "surplus land" or "exempt surplus land," as prescribed. Existing law sets forth procedures for the disposal of surplus land and provides that these procedures do not apply to exempt surplus land. Existing law, for prescribed surplus land parcels developed with residential units, requires minimum percentages of residential units developed on the parcel to be sold or rented at affordable housing cost or affordable rent. This bill, with regard to surplus land, would require each parcel of land to be considered a distinct unit of surplus land, with the exception of contiguous parcels that are disposed of simultaneously to the same receiving entity or any entity working in concert with another receiving entity, which parcels the bill would require to be treated as a single unit of land.
Subject: Surplus Land

SB 1136 (**Stern, D**) **California Global Warming Solutions Act of 2006: report.**

Introduced: 02/13/2024
Status: 03/20/2024 - From committee: Do pass and re-refer to Com. on APPR. (Ayes 6. Noes 0.) (March 20). Re-referred to Com. on APPR.
Hearing: 04/08/2024
Location: 03/20/2024 - Senate Appropriations
Summary: The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to prepare and approve a scoping plan for achieving the maximum technologically feasible and cost-effective reductions in greenhouse gas emissions and to update the scoping plan at least once every 5 years. Current law requires the state board to present an informational report on the reported emissions of greenhouse gases, criteria pollutants, and toxic air contaminants from all sectors covered by the scoping plan at least once a year at a hearing of the Joint Legislative Committee on Climate Change Policies. This bill would instead require that informational report to cover topics related to the scoping plan, as directed by the Joint Legislative Committee on Climate Change Policies.
Subject: Environment

SB 1140 (**Caballero, D**) **Enhanced infrastructure financing district.**

Introduced: 02/14/2024
Last Amended: 03/21/2024
Status: 03/21/2024 - Read second time and amended. Re-referred to Com. on E.Q.
Hearing: 04/24/2024
Location: 03/20/2024 - Senate Environmental Quality
Summary: Existing law authorizes the legislative body of a city or a county to designate a proposed enhanced infrastructure financing district to finance public capital facilities or other specified projects, with a governing body referred to as the public financing authority, by adopting a resolution of intention to establish the proposed district. Existing law requires the legislative body to direct the city official or county official, as applicable, selected by the legislative body, to mail a copy of the resolution to each affected taxing entity. This bill would revise and recast those provisions by, among other things, requiring the public financing authority to hold a meeting and 2 public hearings, as specified. The bill would remove the requirement that annual report notices be mailed by first-class mail. This bill contains other related provisions and other existing laws.
Subject: Planning

SB 1158 (**Archuleta, D**) **Carl Moyer Memorial Air Quality Standards Attainment Program.**

Introduced: 02/14/2024
Status: 03/20/2024 - From committee: Do pass and re-refer to Com. on TRANS. (Ayes 5. Noes 0.) (March 20). Re-referred to Com. on TRANS.
Location: 03/20/2024 - Senate Transportation
Summary: Current law establishes the Carl Moyer Memorial Air Quality Standards Attainment Program (Carl Moyer Program), which is administered by the State Air Resources Board, to provide grants to offset the incremental cost of eligible projects that reduce emissions of air pollutants from sources in the state and for funding a fueling infrastructure demonstration program and technology development efforts. Current law requires that funds be allocated under the program to local air districts for liquidation in accordance with grant criteria and guidelines adopted by the state board. Current law provides that any funds reserved for a local air district by the state board are available for disbursement to the district for a period of not more than 2 years from the time of reservation. Existing law requires funds not liquidated by a district by June 30 of the 4th calendar year following the date of the reservation to be returned to the state board within 90 days for future allocation under the program. Beginning January 1, 2034, existing law reduces the deadline for that period of liquidation to June 30 of the 2nd calendar year following the date of reservation. This bill would extend the deadline for the period of liquidation to June 30 of the 6th calendar year following the date of disbursement and would make other conforming changes. This bill contains other related provisions and other existing laws.
Subject: Funding

SB 1159 (**Dodd, D**) **California Environmental Quality Act: roadside wildfire risk reduction projects.**

Introduced: 02/14/2024
Last Amended: 03/20/2024
Status: 03/20/2024 - From committee with author's amendments. Read second time and amended. Re-referred to Com. on E.Q.
Hearing: 04/03/2024
Location: 02/21/2024 - Senate Environmental Quality
Summary: The California Environmental Quality Act (CEQA) requires the Office of Planning and Research to prepare and develop, and the Secretary of the Natural Resources Agency to certify and adopt, guidelines for the implementation of CEQA. CEQA requires the guidelines to include a list of classes of projects that have been determined not to have a significant effect on the environment and are exempt from the requirements of CEQA, commonly known as categorical exemptions. This bill, on or before January 1, 2026, would require the office to evaluate, and the secretary to consider, the inclusion of roadside projects no more than 5 road miles from a municipality or census designated place that are undertaken solely for the purpose of wildfire risk reduction in the classes of projects subject to a categorical exemption. The bill would require the office to consider appropriate eligibility criteria for these projects, as specified.
Subject: Environment

SB 1162 (Cortese, D) **Public contracts: employment compliance reports and payroll records: workers' dates of birth.**

Introduced: 02/14/2024
Last Amended: 04/01/2024
Status: 04/01/2024 - From committee with author's amendments. Read second time and amended. Re-referred to Com. on L., P.E. & R.
Location: 02/21/2024 - Senate L., P.E. & R.
Summary: Existing law establishes requirements that apply when a public entity is required by statute or regulation to obtain an enforceable commitment that a bidder, contractor, or other entity will use a skilled and trained workforce to complete a contract or project. Existing law requires the enforceable commitment to provide that the contractor, bidder, or other entity will provide to the public entity or other awarding body a report on a monthly basis demonstrating its compliance with these requirements. This bill would additionally require the enforceable commitment to provide that the above-described report will include the date of birth of each worker.
Subject: Employment

SB 1173 (Seyarto, R) **Transportation funds: De Luz Community Services District.**

Introduced: 02/14/2024
Status: 02/21/2024 - Referred to Com. on TRANS.
Location: 02/21/2024 - Senate Transportation
Summary: Would require the County of Riverside to report the mileage of the highways maintained by the De Luz Community Services District to the Department of Transportation as maintained county highways. The bill would require the Controller to deem those highways reported by a county, and certified by the department, to be maintained county highways for purposes of apportioning funds from the Highway Users Tax Account and the Road Maintenance and Rehabilitation Account. The bill would authorize the county to allocate funds to the district to maintain county highways in the district.
Subject: Funding

SB 1205 (Laird, D) **Workers' compensation: medical benefits.**

Introduced: 02/15/2024
Status: 03/26/2024 - Set for hearing April 10.
Hearing: 04/10/2024
Location: 02/29/2024 - Senate L., P.E. & R.
Summary: Existing law establishes a workers' compensation system, administered by the Administrative Director of the Division of Workers' Compensation, to compensate an employee, as defined, for injuries sustained in the course of employment. Existing law requires employers to secure the payment of workers' compensation, including wage replacement and medical treatment, for injuries incurred by their employees that arise out of, or in the course of, employment. This bill would make an employee who is working entitled to receive all reasonable expenses of transportation, meals, and lodging incident to receiving treatment, in addition to one day of temporary disability indemnity, or a percentage of one day of temporary disability indemnity representative of the percentage of the wages lost receiving treatment.
Subject: Employment

SB 1206 (Becker, D) **GO-Biz: next generation batteries.**

Introduced: 02/15/2024
Status: 02/29/2024 - Referred to Coms. on B., P. & E. D. and E., U. & C.
Location: 02/29/2024 - Senate Business, Professions and Economic Development
Summary: This bill would, until January 1, 2030, authorize GO-Biz to undertake measures that are necessary or useful to prepare and submit an application to receive funding from next-generation battery hub programs. The bill would require that grants made from any funding received from next generation battery hub programs support projects in California that advance progress toward resource adequacy goals and the targets of the scoping plan and the California Renewables Portfolio Standard Program. The bill would also require that grants made from any funding received from next-generation battery hub programs under its provisions prioritize projects that meet any of the specified conditions, including that the project help reduce costs and increase access to batteries. Prior to the submission of any applications to receive funding from next-generation battery hub programs, the bill would require a partnership entered into pursuant to the above-described provisions to adopt a community benefits plan that includes specified elements. The bill would require GO-Biz to submit a report to the relevant budget and policy committees of the Legislature on or before March 1, 2030, and annually thereafter, regarding the status of any partnership entered into pursuant to the above-described provisions.
Subject: Zero Emission

SB 1216 **(Blakespear, D) Transportation projects: Class III bikeways: prohibition.**

Introduced: 02/15/2024
Status: 03/14/2024 - Set for hearing April 9.
Hearing: 04/09/2024
Location: 02/29/2024 - Senate Transportation
Summary: Would prohibit, on and after January 1, 2025, an agency responsible for the development or operation of bikeways or highways where bicycle travel is permitted from installing a Class III bikeway or restriping a Class III bikeway on a highway that has a posted speed limit greater than 30 miles per hour.
Subject: Active Transportation

SB 1234 **(Allen, D) Coastal resources: local land use plan: zoning ordinances and district maps: modifications: ministerial approval.**

Introduced: 02/15/2024
Status: 03/01/2024 - Set for hearing April 9.
Hearing: 04/09/2024
Location: 02/29/2024 - Senate Natural Resources and Water
Summary: The California Coastal Act of 1976 requires a land use plan of a proposed local coastal program to be submitted to the California Coastal Commission for certification. The act authorizes the commission to suggest modifications, which, if adopted and transmitted to the commission by the local government, shall cause the land use plan to be deemed certified upon confirmation of the executive director of the commission. The act requires a local government to submit to the commission the zoning ordinances, zoning district maps and, where necessary, other implementing actions that are required under the act. The act authorizes the commission to suggest modifications in the rejected zoning ordinances, zoning district maps, or other implementing actions, which, if adopted by the local government and transmitted to the commission, shall be deemed approved upon confirmation by the executive director of the commission. This bill would authorize local governments to adopt those suggested modifications from the commission through ministerial approval by its planning director or equivalent position.
Subject: Planning

SB 1259 **(Niello, R) California Environmental Quality Act: judicial review.**

Introduced: 02/15/2024
Status: 03/08/2024 - Set for hearing April 3.
Hearing: 04/03/2024
Location: 02/29/2024 - Senate Environmental Quality
Summary: Would authorize a defendant, in an action brought under the California Environmental Quality Act (CEQA), to file a motion requesting the plaintiff or petitioner to identify every person or entity that contributes in excess of $10,000, as specified, toward the plaintiff's or petitioner's costs of the action. The bill would authorize the motion to be heard on shortened time at the court's discretion. The bill would authorize a plaintiff or petitioner to request the court's permission to withhold the public disclosure of a person or entity who made a monetary contribution. The bill also would require the plaintiff or petitioner to use reasonable efforts to identify the actual persons or entities that are the true source of the contributions, to include the exact total amount contributed, and to identify any pecuniary or business interest related to the project of any person or entity that contributes in excess of $10,000 to the costs of the action, as specified. The bill would, except as provided, prohibit those disclosures from being admissible into evidence for any purpose. The bill would provide that a failure to comply with these requirements may be grounds for dismissal of the action by the court.
Subject: Records

SB 1260 (Niello, R) **High-speed rail: third-party analysis.**

Introduced: 02/15/2024
Last Amended: 03/19/2024
Status: 03/20/2024 - Withdrawn from committee. Re-referred to Com. on RLS.
Location: 03/20/2024 - Senate Rules
Summary: The California High-Speed Rail Act creates the High-Speed Rail Authority to develop and implement a high-speed train system in the state, with specified powers and duties. Current law requires the authority, no later than 90 days before the submittal to the Legislature and the Governor of the initial request for appropriation of proceeds of specified bonds authorized for any eligible capital costs on each corridor, or usable segment of a corridor, to approve and submit to the Director of Finance, a specified independent peer review group, and the transportation policy committees and fiscal committees of the Legislature, a detailed funding plan for that corridor or a usable segment of that corridor, as provided. This bill would require the High-Speed Rail Authority, or its successor, to approve and submit an independent third-party analysis, as contracted by the California State Auditor, of the high-speed train system to the Director of Finance, the independent peer review group, and the policy committees with jurisdiction over transportation matters and the fiscal committees of both houses of the Legislature. The bill would require the third-party analysis to include a determination of the economic and financial justification for the high-speed train system.
Subject: Transit

SB 1271 (Min, D) **Electric bicycles, powered mobility devices, and storage batteries.**

Introduced: 02/15/2024
Last Amended: 03/20/2024
Status: 03/26/2024 - Set for hearing April 9.
Hearing: 04/09/2024
Location: 02/29/2024 - Senate Transportation
Summary: Current law defines an electric bicycle as a bicycle equipped with fully operable pedals and an electric motor of less than 750 watts, and classifies electric bicycles into 3 classes with different restrictions. Current law requires manufacturers and distributors of electric bicycles to apply a label that is permanently affixed to each electric bicycle that contains, among other things, the classification number and motor wattage of the electric bicycle, as specified. This bill would clarify that an electric bicycle is a bicycle equipped with fully operable pedals and an electric motor with continuous rated mechanical power of not more than 750 watts. The bill would, if an electric bicycle is capable of operating in multiple modes, require a manufacturer and distributor to include on the label the classification number of the highest classes of which it is capable of operating.
Subject: Active Transportation

SB 1279 (Niello, R) **State financed projects: state competitive grant programs.**

Introduced: 02/15/2024
Last Amended: 03/18/2024
Status: 03/18/2024 - From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.
Location: 02/15/2024 - Senate Rules
Summary: Current law authorizes a governmental agency to solicit proposals and enter into agreements with private entities for the design, construction, or reconstruction of, and to lease to private entities, specified types of fee-producing infrastructure projects. Current law prohibits a state agency or specified governmental agencies from using this authorization to design, construct, finance, or operate a state project, defined as including tollroads, state water projects, state park and recreation projects, and state-financed projects. This bill would exclude state-financed projects from the definition of “state projects” and would authorize a state-financed project to pursue, and receive, if selected, state competitive grants or other allocations from programs for which the project is eligible, including, but not limited to, any of specified programs, including, among others, the program commonly known as the Trade Corridor Enhancement Program.
Subject: Funding

SB 1297 (**Allen, D**) **Speed safety system pilot program.**

Introduced: 02/15/2024
Status: 03/26/2024 - Set for hearing April 9.
Hearing: 04/09/2024
Location: 02/29/2024 - Senate Transportation
Summary: Current law authorizes, until January 1, 2032, specified cities and the City and County of San Francisco to establish a local speed safety system pilot program, operated in certain types of streets and school zones, to detect speed violations by using an electronic speed safety system, as defined. Pursuant to the pilot program, a designated jurisdiction participating within the pilot program with a population of less than 300,000, as determined by the United States Census Bureau in the 2020 Census, is authorized to operate no more than 9 speed safety systems.This bill would instead authorize a designated jurisdiction participating within the pilot program with a population of less than 300,000, as determined, to operate no more than 12 speed safety systems.
Subject: Planning

SB 1325 (**Durazo, D**) **Public contracts: best value procurement: equipment.**

Introduced: 02/16/2024
Status: 03/14/2024 - Set for hearing April 9.
Hearing: 04/09/2024
Location: 02/29/2024 - Senate Governmental Organization
Summary: Would authorize a state or local agency, as defined, to award contracts through a best value procurement method, as describe, for the purchase of equipment with a base value of $250,000 or more. The bill would require the agency to adopt and publish procedures and guidelines for evaluating the qualifications of the bidders to ensure the best value selections are conducted in a fair and impartial manner, as described. The bill would authorize the procedures and guidelines to include the adoption of a high road jobs plan policy that evaluates bidders' high road jobs plan commitments as part of the overall score for the public contract, as specified. This bill would require the solicitation document to include certain information and would direct the agency to use a scoring method based on price and the factors described in the solicitation document, as specified. The bill would require the agency to let any contract for these projects to the selected bidder that represents the best value or reject all bids.
Subject: Public Works

SB 1345 (**Smallwood-Cuevas, D**) **Employment discrimination: criminal history information.**

Introduced: 02/16/2024
Last Amended: 03/20/2024
Status: 03/21/2024 - April 16 hearing postponed by committee. Withdrawn from committee. Re-referred to Com. on RLS.
Location: 03/21/2024 - Senate Rules
Summary: The California Fair Employment and Housing Act prohibits various forms of employment discrimination and empowers the Civil Rights Department to investigate and prosecute complaints alleging unlawful practices. Current law makes it unlawful for an employer with five or more employees to, among other things, include on any application for employment, before the employer makes a conditional offer of employment to the applicant, any question that seeks the disclosure of an applicant's conviction history, except as provided. This bill would make it an unlawful employment practice for an employer to take an adverse action against an applicant based solely or in part on criminal history information, unless the employer can demonstrate that the applicant's criminal history has a direct and adverse relationship with one or more specific duties of the job and the employer's business necessity requires the adverse action.
Subject: Employment

SB 1375 (Durazo, D) **Workforce development: poverty-reducing standards: funds, programs, reporting, and analyses.**

Introduced: 02/16/2024
Status: 02/29/2024 - Referred to Com. on L., P.E. & R.
Location: 02/29/2024 - Senate L., P.E. & R.
Summary: This bill would create the Equity, Climate Resilience, and Quality Jobs Fund in the State Treasury and would require, to the extent permissible under federal law, 2% of all qualified moneys received from the federal government pursuant to any federal jobs act to be transferred into the fund. The bill would make moneys in the fund available upon appropriation to the board for specified purposes. This bill would require all state and local agencies administering any moneys received pursuant to any federal jobs act and the board to develop, by January 1, 2026, a memorandum of understanding for the board to provide technical assistance, and to develop poverty-reducing labor standards, for all investments made by those agencies using those moneys. The bill would impose reporting requirements on these agencies and would require the board to develop rules and regulations on the content and manner of reporting for the report. The bill would also require the board to contract with a research institution to receive the reports and perform analyses on equity, climate resilience, and quality jobs outcomes resulting from the investments made by the reporting entities using moneys received pursuant to any federal jobs act. By imposing new duties on local agencies that receive federal moneys, the bill would impose a state-mandated local program.
Subject: Funding

SB 1393 (Niello, R) **Advanced Clean Fleets Regulation Appeals Advisory Committee.**

Introduced: 02/16/2024
Status: 03/08/2024 - Set for hearing April 3.
Hearing: 04/03/2024
Location: 02/29/2024 - Senate Environmental Quality
Summary: This bill would require the State Air Resources Board to establish the Advanced Clean Fleets Regulation Appeals Advisory Committee by an unspecified date for purposes of reviewing appeals of denied requests for exemptions from the requirements of the Advanced Clean Fleets Regulation. The bill would require the committee to include representatives of specified state agencies, other state and local government representatives, and representatives of private fleet owners, the electric vehicle manufacturing industry, and electrical corporations, as provided. The bill would require the committee to meet monthly and would require recordings of its meetings to be made publicly available on the state board's internet website. The bill would require the committee to consider, and make a recommendation on, an appeal of an exemption request denial no later than 60 days after the appeal is made. The bill would require specified information relating to the committee's consideration of an appeal to be made publicly available on the state board's internet website.
Subject: Miscellaneous

SB 1402 (Min, D) **30x30 goal: state agencies: adoption, revision, or establishment of plans, policies, and regulations.**

Introduced: 02/16/2024
Status: 03/26/2024 - Set for hearing April 9.
Hearing: 04/09/2024
Location: 02/29/2024 - Senate Governmental Organization
Summary: Current law requires the Secretary of the Natural Resources Agency to prepare and submit, on or before March 31, 2024, and annually thereafter, a report to the Legislature on the progress made in the prior calendar year toward achieving the goal to conserve 30% of California's lands and coastal waters by 2030. Current law provides that it is the goal of the state to conserve at least 30% of California's lands and coastal waters by 2030, known as the 30x30 goal. This bill would require all state agencies, departments, boards, offices, commissions, and conservancies to consider the 30x30 goal when adopting, revising, or establishing plans, policies, and regulations.
Subject: Environment

SB 1404 (**Glazer, D**) **Political Reform Act of 1974: audits.**

Introduced: 02/16/2024
Last Amended: 03/21/2024
Status: 03/21/2024 - From committee with author's amendments. Read second time and amended. Re-referred to Com. on E. & C.A.
Hearing: 04/02/2024
Location: 02/29/2024 - Senate Elections and Constitutional Amendments
Summary: This bill would require the Secretary of State to increase the yearly fee currently charged per year for each lobbyist required to be listed on a lobbying firm or lobbyist employer registration statement, and it would further require the Secretary of State to impose an additional fee, to be established by the commission, to lobbying firms and lobbyist employers to offset costs associated with conducting audits and field investigations. A portion of the latter fee would be deposited in a new fund that the bill would establish, the Field Audits and Investigations Fund, which would be continuously appropriated to the commission for these purposes. The bill would exclude lobbying firms and lobbyist employers with less than one dollar in payments or contributions and placement agents, lobbyist employers of placement agents, and lobbying firms with placement agents, as specified, from being selected for audit. Additionally, this bill would require the commission to adopt regulations or policies that would ensure the operational independence of the commission's audit personnel from the commission's enforcement operations. Audits conducted by the commission would be required to be posted on the commission's internet website for 10 years following the conclusion of the audit and the commission would be required to annually report to the Legislature on the number and types of audits completed by the commission.
Subject: Public Works

SB 1417 (**Allen, D**) **Transit districts: prohibition orders.**

Introduced: 02/16/2024
Status: 03/01/2024 - Set for hearing April 9.
Hearing: 04/09/2024
Location: 02/29/2024 - Senate Transportation
Summary: Current law prohibits certain acts by a person with respect to the property, facilities, or vehicles of a transit district. Current law authorizes the Fresno Area Express, the Los Angeles County Metropolitan Transportation Authority, the Sacramento Regional Transit District, the San Francisco Bay Area Rapid Transit District, and the Santa Clara Valley Transportation Authority to issue a prohibition order to any person cited for committing one or more of certain prohibited acts in specified transit facilities. Current law prohibits a person subject to the prohibition order from entering the property, facilities, or vehicles of the transit district for specified periods of time. Current law establishes notice requirements in that regard and provides for initial and administrative review of the order. This bill would provide that the Santa Monica Department of Transportation is also a transit district for purposes of these provisions regarding prohibition orders.
Subject: Safety and Security

SB 1418 (**Archuleta, D**) **Hydrogen-fueling stations: expedited review.**

Introduced: 02/16/2024
Last Amended: 03/18/2024
Status: 03/18/2024 - From committee with author's amendments. Read second time and amended. Re-referred to Com. on L. GOV.
Hearing: 04/03/2024
Location: 02/29/2024 - Senate Local Government
Summary: Current law requires a hydrogen-fueling station to meet certain requirements, including any rules established by the State Air Resources Board, Energy Commission, or Department of Food and Agriculture regarding safety, reliability, weights, and measures. This bill would modify the definition of "hydrogen-fueling station" to mean the equipment and supporting components, including hydrogen-refueling canopies, used to store and dispense hydrogen fuel to vehicles according to industry codes and standards that are open to the public. This bill would modify the requirements a hydrogen-fueling station must meet to include all applicable state laws and regulations pertaining to hydrogen fueling, including any rules established by the State Air Resources Board, Energy Commission, or Department of Food and Agriculture regarding safety, reliability, weights, and measures.
Subject: Zero Emission

SB 1420 (Caballero, D) **Hydrogen.**

Introduced: 02/16/2024
Last Amended: 03/20/2024
Status: 03/20/2024 - From committee with author's amendments. Read second time and amended. Re-referred to Com. on E.Q.
Hearing: 04/03/2024
Location: 02/29/2024 - Senate Environmental Quality
Summary: Would require the State Air Resources Board to adopt regulations requiring that no less than 33.3% of the retail hydrogen produced for, or dispensed by, fueling stations that receive state funds is made from renewable hydrogen, as provided. The bill would also require that no less than 60% of the retail hydrogen produced or dispensed in California for use in transportation is made from renewable hydrogen by December 31, 2030, and that the remainder of the retail hydrogen produced or dispensed in California for use in transportation is made from a mix of renewable hydrogen and clean hydrogen by December 31, 2045, as provided.
Subject: Zero Emission

SB 1443 (Jones, R) **California Interagency Council on Homelessness.**

Introduced: 02/16/2024
Status: 03/05/2024 - Set for hearing April 1.
Location: 02/29/2024 - Senate Human Services
Summary: Current law requires the Governor to establish the California Interagency Council on Homelessness, and requires the council to, among other things, identify mainstream resources, benefits, and services that can be accessed to prevent and end homelessness in California, and promote systems integration to increase efficiency and effectiveness while focusing on designing systems to address the needs of people experiencing homelessness. Current law sets forth the composition of the council, which includes, among others, the Secretary of Business, Consumer Services, and Housing and the Secretary of California Health and Human Services, who serve as cochairs of the council. This bill would add a representative from the State Council on Developmental Disabilities to the council described above.
Subject: Miscellaneous

SB 1488 (Durazo, D) **Outdoor advertising displays: exemptions.**

Introduced: 02/16/2024
Status: 02/29/2024 - Referred to Com. on TRANS.
Location: 02/29/2024 - Senate Transportation
Summary: The Outdoor Advertising Act provides for the regulation by the Department of Transportation of advertising displays, as defined, within view of public highways. The act exempts from its provisions certain advertising displays. One of those conditions for exemption requires the advertising display to be located on the premises of the arena or to have been authorized as of January 1, 2021, by, or in accordance with, a local ordinance, as specified. This bill would change this condition for the exemption from the act to require that an advertising display, as described above, be authorized as of January 1, 2030, would limit the exemption to arenas constructed or under construction on or before January 1, 2025, and would authorize the display be by, or in accordance, with a discretionary approval other than a local ordinance. The bill would require, for the exemption, an advertising display on which construction commences on or after January 1, 2025, and that is located more than one mile from the premises of an arena, to be located at least 5,000 feet from any advertising display for a different arena authorized pursuant to these provisions, except in the City of Inglewood.
Subject: Public Works

SB 1494 (Glazer, D) **Local agencies: Sales and Use Tax: retailers.**

Introduced: 02/16/2024
Status: 03/15/2024 - Set for hearing April 3.
Hearing: 04/03/2024
Location: 02/29/2024 - Senate Local Government
Summary: This bill would prohibit, on or after January 1, 2024, a local agency from entering into, renewing, or extending any form of agreement that would result, directly or indirectly, in the payment, transfer, diversion, or rebate of Bradley-Burns local tax revenues to any retailer, as defined, in exchange for the retailer locating or continuing to maintain a place of business that serves as the place of sale, as defined, within the territorial jurisdiction of the local agency if that place of business would generate revenue, from the sale of tangible property delivered to and received by the purchaser in the territorial jurisdiction of another local agency, for the local agency under the Bradley-Burns Uniform Local Sales and Use Tax Law. The bill would make those forms of agreements existing before January 1, 2024, void and unenforceable on January 1, 2030. The bill would require a local agency to post those forms of agreements existing before January 1, 2024, on the local agency's internet website until the form of agreement expires or is made void and unenforceable by these provisions. The bill would make related findings and declarations.
Subject: Funding

SB 1497 (Menjivar, D) **Polluters Pay Climate Cost Recovery Act of 2024.**

Introduced: 02/16/2024
Last Amended: 03/20/2024
Status: 03/20/2024 - From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.
Location: 02/16/2024 - Senate Rules
Summary: Would enact the Polluters Pay Climate Cost Recovery Act of 2024 and would establish the Polluters Pay Climate Cost Recovery Program to be administered by the California Environmental Protection Agency to require fossil fuel polluters to pay their fair share of the damage caused by the sale of their products during the covered period, which the bill would define as the time period between the 2000 and 2020 calendar years, inclusive, to relieve a portion of the burden from climate harms that is borne by California taxpayers. The bill would require the agency, within 90 days of the effective date of the act, to determine and publish a list of responsible parties, which the bill would define as an entity that, during the covered period, did business in the state or otherwise had sufficient contact with the state and is determined by the agency to be responsible for more than 1,000,000,000 metric tons of covered fossil fuel emissions, as defined, in aggregate, globally during the covered period.
Subject: Environment

SB 1510 (Stern, D) **Permitting: electric vehicle charging.**

Introduced: 02/16/2024
Status: 02/29/2024 - Referred to Com. on RLS.
Location: 02/16/2024 - Senate Rules
Summary: Current law requires every city, county, and city and county to administratively approve an application to install electric vehicle charging stations through the issuance of a building permit or similar nondiscretionary permit and requires the review of an application to install an electric vehicle charging station to be limited to the building official's review of whether it meets all health and safety requirements of local, state, and federal law. Current law requires an electric vehicle charging station to comply with, among other things, all applicable rules of the Public Utilities Commission regarding safety and reliability, as specified. This bill would express the intent of the Legislature to enact subsequent legislation that would reduce state and local permitting barriers for electric vehicle charging.
Subject: Public Works

SCA 7 (**Umberg, D**) **Employment: workers' rights.**

Introduced: 05/01/2023
Last Amended: 06/26/2023
Status: 06/26/2023 - Read second time and amended. Re-referred to Com. on E. & C.A.
Location: 06/22/2023 - Senate Elections and Constitutional Amendments
Summary: Current state law forbids a public employer from deterring or discouraging public employees from becoming or remaining members of an employee organization. Current federal law forbids employers from interfering with, restraining, or coercing employees in the exercise of rights relating to organizing, forming, joining, or assisting a labor organization for collective bargaining purposes, or from working together to improve terms and conditions of employment, or refraining from any such activity. This measure, the Right to Organize and Negotiate Act, would ensure that all Californians have the right to join a union and to negotiate with their employers, through their legally chosen representative, to protect their economic well-being and safety at work. This measure would require the Legislature to provide for the enforcement of these rights.
Subject: Employment

SCR 74 (**Nguyen, R**) **Officer Jon Coutchie Memorial Bridge.**

Introduced: 06/05/2023
Last Amended: 06/27/2023
Status: 01/12/2024 - Chaptered by Secretary of State. Res. Chapter 2, Statutes of 2024.
Location: 01/12/2024 - Senate CHAPTERED
Summary: This measure would designate the Aliso Creek Bridge on State Highway Route 1 in the County of Orange as the Officer Jon Coutchie Memorial Bridge. The measure would also request the Department of Transportation to determine the cost of appropriate signs showing this special designation and, upon receiving donations from nonstate sources to cover that cost, to erect those signs. This bill contains other related provisions.
Subject: Miscellaneous

ATTACHMENT E

March 19, 2024

The Honorable Mike McGuire
Senate President Pro Tempore
1021 O Street, Suite 8518
Sacramento, CA 95814

The Honorable Robert Rivas
Speaker California State Assembly
1021 O Street, Suite 8330
Sacramento, CA 95814

The Honorable Scott Wiener
Chair, Senate Committee on Budget and Fiscal Review
1021 O Street, Suite 8630
Sacramento, CA 95814

The Honorable Jesse Gabriel
Chair, Assembly Committee on Budget
1021 O Street, Suite 8230
Sacramento, CA 95814

RE: Protect Regional Early Action Planning 2.0 (REAP 2.0) Grant Program

Dear President Pro Tempore McGuire, Speaker Rivas, and Budget Chairs Wiener and Gabriel:

As you continue to set your priorities for the FY 2024-25 State Budget, we urge you to maintain your strong support for the Regional Early Action Planning 2.0 (REAP 2.0) grant program, the only program specifically and exclusively designed to implement the regions' Sustainable Communities Strategies (SCS), as required by SB 375 (2008). While we recognize the incredible budget challenges the Legislature now faces, REAP 2.0 must be protected if we are to meet our ambitious Greenhouse Gas (GHG) reduction, mobility, and housing goals.

In July 2023, the Southern California Association of Government's (SCAG) full REAP 2.0 application was approved by the Department of Housing and Community Development (HCD), formally committing $246 million to SCAG. With this commitment, SCAG developed our REAP 2.0 program through an inclusive outreach process focused on engagement with disadvantaged and underserved communities, by understanding key priorities and refining the program and funding allocation to meet them. Since then, SCAG has sub-allocated $192 million primarily through competitive programs to more than 100 transformative, local projects that implement the region's Regional Housing Needs Determination and the dozens of GHG-reducing strategies contained within Connect SoCal, the Regional Transportation Plan/ Sustainable Communities Strategy (RTP/ SCS) for the Southern California region.

Connect SoCal is a long-range visioning plan that balances future mobility and housing needs with economic and environmental goals. It sets the stage for the region's ambitious housing plan to accommodate 1.3 million new housing units and includes new mobility strategies to enhance accessibility without adding automobile trips. SCAG's REAP 2.0 programs support transformative planning and implementation activities that realize these objectives by providing resources to local cities, counties, transportation agencies and other partners to implement Connect SoCal.

As part of the REAP 2.0 program, SCAG created the County Transportation Commission (CTC) Partnership Program which funds projects that integrate and align Southern California's mobility and housing opportunities. To help achieve equitable project outcomes, applicants developed engagement plans prioritizing impacted communities and other relevant stakeholders, such as local jurisdictions and community-based organizations (CBOs).

Some of the innovative projects awarded through SCAG's REAP 2.0 CTC Partnership Program include the following:

- $15 million for the "North Hollywood Transit Center," which will result in improvements to multi-modal transportation options for San Fernando Valley residents and riders to the third busiest station in the LA Metro transit system. The result will accommodate an increase in transit demand from future bus rapid transit services and a planned mixed-use development project that will accommodate 1,500 housing units, a quarter of which will be rent restricted.

- $4.3 million for the "First Street Multimodal Boulevard Design," which will complete planning and design work to advance bicycle, pedestrian and transit improvements such as protected bike lanes, transit signal priority and bus stop shelters on a four-mile stretch of First Street in Santa Ana.

- $3 million for the "RCTC Core Capacity Innovative Transit Study," which will evaluate transit potential along the Interstate 15, Interstate 215, and along the San Jacinto Branch rail line in western Riverside County. The long-term vision of the study is a fully integrated transportation network that allows for multimodal access while leveraging advanced technology.

- $6.5 million for the "Countywide Multi-Modal Complete Streets Program," which will fund portions of several multi-modal projects in the cities of Fontana, Ontario, Rancho Cucamonga, Rialto, Twentynine Palms and Upland. These projects will lay the groundwork for developing efficient mobility hubs and addressing infrastructure needs related to affordable housing development.

- $1.67 million for the "Santa Paula Branch Line Active Transportation – Master Plan Update and Validate Connections to Serve New Housing and Reduce VMT," which will advance the Santa Paula Branch Line Trail Master Plan, improving active transportation connections to housing, transit, and job centers in Ventura County.

- $1 million for the "Calexico Intermodal Transportation Center," which will construct a new intermodal transportation center in downtown Calexico, California, a major hub for cross-border travel, to consolidate public and private transportation providers in one facility to improve mobility and safety of passengers, increase transit ridership, accommodate zero emission transit vehicles, reduce vehicle emissions and enhance the Downtown Business District.

Projects like these are critical to implementing Connect SoCal. Reducing or delaying funding to them will compromise their integrity and have severe, negative impacts to Southern California and the entire state. We respectfully ask the Legislature to protect this vital program to ensure climate, housing and mobility goals are met.

Sincerely,

Kome Ajise
Executive Director
Southern California Association of Governments

David Aguirre
Executive Director
Imperial County Transportation Commission

Martin Erickson
Executive Director
Ventura County Transportation Commission

Anne Mayer
Executive Director
Riverside County Transportation Commission

Darrell E. Johnson
Chief Executive Officer
Orange County Transportation Authority

Stephanie Wiggins
Chief Executive Officer
Los Angeles County Metropolitan Transportation Authority

Ray Wolfe
Executive Director
San Bernardino County Transportation

COMMITTEE TRANSMITTAL

April 22, 2024

To: Members of the Board of Directors

From: Andrea West, Clerk of the Board

Subject: Federal Legislative Status Report

Legislative and Communications Committee Meeting of April 18, 2024

Present: Directors Dumitru, Jung, Nguyen, and Wagner
Absent: Directors Aitken and Foley

Committee Vote

No action was taken on this item.

Staff Recommendation

Receive and file as an information item.

OCTA

April 18, 2024

To: Legislative and Communications Committee

From: Darrell E. Johnson, Chief Executive Officer

Subject: Federal Legislative Status Report

Overview

The Orange County Transportation Authority regularly updates the Legislative and Communications Committee on policy and regulatory issues directly impacting the agency's programs, projects, and operations. A summary is given of the President's fiscal year 2025 budgetary request and the various funding and policy provisions proposed. Information is provided on a regional letter submitted on the United States Environmental Protection Agency's proposed disapproval of the South Coast Contingency Measure State Implementation Plan. A House Transportation and Infrastructure Committee hearing related to Department of Transportation discretionary grants is summarized.

Recommendation

Receive and file as an information item.

Discussion

Overview of the President's Fiscal Year 2025 Budget Request

On March 11, 2024, the President submitted his fiscal year (FY) 2025 budget request to Congress, which includes a total of $7.3 trillion in both mandatory and discretionary spending. Within this amount, $1.9 trillion is proposed in discretionary spending, representing about the same levels as proposed in the FY 2024 topline discretionary spending level. Defense would receive a total of $895 billion in discretionary spending, representing less than one percent increase from FY 2024, and nondefense spending would receive $1.05 trillion, representing about less than one percent increase from FY 2024.

For transportation programs, the budget request includes $25.4 billion in discretionary budget authority for FY 2025. Overall, the President's budget provides the Department of Transportation (DOT) with $109.3 billion in gross

spending authority, which is a slight increase from FY 2024 enacted levels. A majority of the funding, however, has already been provided by the Infrastructure Investments and Jobs Act (IIJA) through advanced appropriations. Specifically for transportation, the President's budget includes:

- $800 million for national infrastructure investments, which includes the new Megaproject Multimodal Grant Program created in the IIJA and Rebuilding American Infrastructure with Sustainability and Equity grants. This represents a $400 million decrease from the FY 2024 request. The budget request also proposes to waive the 50 percent set aside for projects that cost between $100 million and $500 million.

- $2.4 billion for the Capital Investment Grants (CIG), which is $500 million less than what was requested in FY 2024. However, when combined with IIJA advanced appropriations, the budget request provides $4 billion for CIG projects in FY 2025. The budget request would provide more flexibility with these available CIG funds by eliminating the specific IIJA allocations for New Starts, Core Capacity, Small Starts, and Expedited Project Delivery Pilot Program projects in FY 2025.

- $1.2 billion for the Amtrak Northeast Corridor and $1.3 billion for Amtrak national network, which is a $100 million increase from the FY 2024 request.

- $100 million for the Federal-State Intercity Passenger Rail Partnership grants, which is a $460 million decrease from the FY 2024 budget request. When combined with the IIJA advanced appropriations, the total would be $7.3 billion for this program in one year. Alongside this funding request, it proposes a federal share up to 90 percent for projects benefiting an underserved community. The request also sets aside no less than $15 million for a grant to Washington Union Station with a federal share of 100 percent.

- $1.8 billion for formula and competitive Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation grants, which is a program designed to fund resilience improvements.

- $250 million for the Consolidated Rail Infrastructure and Safety Improvements Program (CRISI). When combined with $1 billion in IIJA advanced appropriations, this total would be $1.25 billion. CRISI supports freight and intercity passenger rail projects to improve safety, efficiency, and reliability. Of this total, $20 million would be allocated for grants to states for state rail planning activities. The proposal would also allow any state, county, municipal, local, and regional law enforcement agency to be an eligible recipient for trespassing prevention projects and retains $5 million to establish a National Rail Institute. Finally, for projects benefiting an underserved community, the budget proposes to eliminate

the statutory preference for projects where the federal share of the total project costs does not exceed 50 percent and provide a federal share up to 90 percent.

In addition to the above, the President's budget request also includes various policy provisions, including:

- Allowance for large, urban transit agencies in areas over 200,000 population, such as the Orange County Transportation Authority (OCTA), to use their § 5307 Urbanized Area Formula Grant (5307) funds for operating purposes, if the agency meets correlating maintenance of effort requirements. This authority aligns with what is already allowed for areas under 200,000 population. Traditionally, these funds are used for transit planning and capital expenditures, in addition to preventative maintenance and some paratransit costs.

- Allowance for state departments of transportation to flex highway funds to transit operating purposes, expanding the authority already provided for Congestion Mitigation and Air Quality funds. The language allows this flexibility for any federal highway contract authority. Both this proposal and the proposal to flex 5307 funds were proposed in the President's FY 2024 budget request, which was rejected by Congress.

- Removes all congressional earmarks (otherwise known as community project funding or congressionally directed spending). This is similar to a proposal the President included in his FY 2024 budget request, which was rejected by Congress.

- For projects selected in FY 2025 under the § 5339(b) Buses and Bus Facilities Grant Program or § 5339(c) Low or No Emission Grant Program, the Transportation Secretary may lower the federal share from 85 percent to not less than 50 percent to disincentivize vehicle customization since the cost of doing so can be expensive. Limiting customization to a set of options and floor plans could strengthen the supply chain, reduce bus production schedule, reduce costs, and simplify bus procurements.

- Allows Federal Transit Administration grant recipients to fund shared use micromobility projects and systems, such as bicycles and scooters, as "associated transit improvement" capital projects, in addition to the current authority, which includes bicycle storage shelters and bicycle parking facilities.

- Expanding public transit agencies' authority to acquire land prior to completion of National Environmental Policy Act review by replacing the term "right-of-way" with "real property interests."

It should be noted that the President's budget request formally kicks off the negotiations for the FY 2025 appropriations bill. The final appropriations bill does not typically align with what was initially requested. Updates will be provided to the OCTA Board of Directors (Board) as these conversations unfold.

Update on the Environmental Protection Agency's (EPA) Proposed Disapproval of South Coast Air Quality Management District (AQMD) Final Contingency Measure State Implementation Plan

On April 2, 2024, transportation agencies within the Southern California Association of Governments (SCAG) region sent a letter to the United States EPA regarding the EPA's proposed disapproval of the South Coast Contingency Measure State Implementation Plan. In addition to SCAG, OCTA signed onto this coalition letter alongside other Southern California transportation partners, including the Los Angeles County Metropolitan Transportation Authority, the San Bernardino County Transportation Authority, the Riverside County Transportation Commission, the Imperial County Transportation Commission, and the Ventura County Transportation Commission. This letter is included as Attachment A.

As background, the EPA sets air quality standards that must be attained or could result in federal sanctions. Even with stringent regulations implemented by AQMD and California Air Resources Board (CARB), the South Coast Air Basin has been unable to demonstrate the ability to meet the current air quality standards by EPA. Because of this, in 2019, AQMD and CARB submitted a Contingency Measure Plan indicating that more must be done related to federally regulated sources to ultimately meet these goals. On February 2, 2024, EPA published its proposal to disapprove the Contingency Measure Plan as provided. If the disapproval were to be finalized, several sanctions would take place. First, 18 months after this action, permit emission reduction offsets would increase. Second, 24 months after this action, there would be a prohibition on federal highway funding for the region. Exceptions would be provided for projects related to safety or transit. And lastly, 24 months after this action, a Federal Implementation Plan (FIP) would be imposed. A FIP is an air quality plan developed by EPA when states cannot meet the requirements imposed by the Clean Air Act.

The coalition letter details that for sources within the control of state and local governments, the region has achieved more than its share of emission reductions toward federal attainment and calls on the EPA to work together with the State of California and local governments to provide meaningful opportunities to develop actions that will result in cleaner air. If a full disapproval were to occur, there would be significant impacts to planned projects throughout the Southern California region, discouraging private investment, impacting the regional economy, and risking readiness for the 2028 Summer Olympics. Delaying these projects and the associated much-needed repairs and investments to roadways and transportation infrastructure has the potential to exacerbate air quality

concerns. The transportation investments in the SCAG region are tailored to meeting not only federal transportation conformity requirements, but also California's ambitious goal to achieve carbon neutrality by 2045. The letter also aligns its comments with those submitted by the AQMD, included as Attachment B.

Ultimately, the coalition is urging the EPA to not disapprove the Contingency Measure State Implementation Plan as proposed. However, if that is not possible, conditional approval may allow for further discussions to take place while avoiding any sanctions. Staff will continue monitoring the rulemaking process and provide the Board with updates as they become available.

Summary of House Transportation and Infrastructure Committee Hearing on DOT Discretionary Grants

On March 7, 2024, the House Transportation & Infrastructure Committee held a hearing entitled "*Department of Transportation Discretionary Grants: Stakeholder Perspectives*." The hearing explored the opportunities and challenges for state and local agencies related to new and existing DOT discretionary grant programs.

Committee Chairman Sam Graves (R-MO) opened the committee's hearing about DOT discretionary programs by highlighting that the House Transportation & Infrastructure Committee has heard concerns from stakeholders on implementing IIJA funding, reporting stakeholders' concerns with delays and inconsistencies with notices of funding opportunities, in addition to the amount of time it takes to execute grant agreements after an award has been announced. Chairman Graves explained that the most notable concern from stakeholders regarding these grant programs is the longer-than-normal wait times that they are experiencing for the execution of grant agreements.

Ranking Member Rick Larsen (D-WA), followed Chairman Graves with his own opening statement, highlighting the positive impact that the IIJA has provided with record-breaking funding for critical infrastructure projects. Ranking Member Larsen shared that DOT grant competitions reflect directives from Congress, and the DOT is actively helping applicants that are new to the federal grant process. He concluded his opening statement by stating that the committee welcomes the opportunity to celebrate the benefits of these grant opportunities to all districts and constituents, while also welcoming the opportunity to examine how the discretionary grant process can be improved.

Representative Valerie Foushee (D-NC) inquired about the top issues that local governments experience when applying for discretionary funding. Amy O'Leary, Executive Director of the Southeast Michigan Council of Governments, noted that local governments face difficulty knowing which grant to apply for; there are so many funding opportunities that local governments are challenged by figuring

out which grant is the best fit for the project. In addition, O'Leary shared that the cost of applying for grants can be an impediment to local governments, especially local governments that do not have a grant writer on staff. Lastly, O'Leary shared that local governments face financial difficulty with the matching requirements set forth by the grant application. Several witnesses emphasized the importance of predictable funding as Congress approaches reauthorization of the surface transportation bill, especially the advanced appropriations included under the IIJA. Some witnesses and committee members highlighted their interest in favoring a formula funding approach in the next surface transportation reauthorization as opposed to discretionary grant funding to afford more predictability, while there were others that emphasized the importance of discretionary programs for larger, more complex projects. Overall, witnesses underscored the need for Congress to simplify grant program criteria, enhance staffing at DOT, and establish clearer timelines.

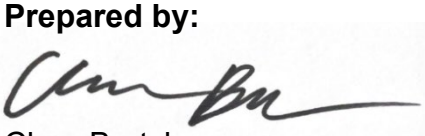
Summary

Information is provided on the fiscal year 2025 budget request from the President. A summary is given of a coalition letter related to the United States Environmental Protection Agency's recent action to disapprove an air quality plan. A summary is provided for a hearing that discussed Department of Transportation discretionary grant programs.

Attachments

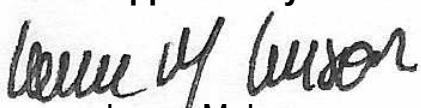
A. Letter from Kome Ajise, Executive Director, Southern California Association of Governments, and others, to Ginger Vagenas, U.S. Environmental Protection Agency (EPA), Region IX, re: SCAG Region Comments on U.S. EPA's Proposed Disapproval of South Coast Contingency Measure State Implementation Plan for the 1997 Federal Ozone Standard [Docket ID No. EPA–R09– OAR–2023–0626], dated April 2, 2024
B. Letter from Wayne Nastri, Executive Officer, South Coast AQMD, to Ms. Ginger Vagenas, U.S. Environmental Protection Agency, Region IX, re: 89 Fed. Reg. 7320 (Feb. 2, 2024) (Proposed) Air Plan Disapproval; California Los Angeles-South Coast Air Basin; 1997 8-hour Ozone standard, dated March 27, 2024
C. Potomac Partners DC, Monthly Legislative Report – March

Prepared by:



Clara Brotcke
Associate Government Relations Representative,
Government Relations
(714) 560-5329

Approved by



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

April 2, 2024

VIA ELECTRONIC SUBMISSION

Ms. Ginger Vagenas
U.S. Environmental Protection Agency (EPA), Region IX
75 Hawthorne Street
San Francisco, California 94105
vagenas.ginger@epa.gov
www.regulations.gov

Subject: SCAG Region Comments on U.S. EPA's Proposed Disapproval of South Coast Contingency Measure State Implementation Plan for the 1997 Federal Ozone Standard [Docket ID No. EPA–R09– OAR–2023–0626]

Dear Ms. Vagenas:

On behalf of the Southern California Association of Governments (SCAG) and Southern California's six County Transportation Commissions (CTCs), we appreciate the opportunity to comment on United States Environmental Protection Agency's (EPA) proposed disapproval of the South Coast Air Basin Contingency Measure State Implementation Plan (SIP, also referred to as "Plan") for the 1997 federal ozone standard (proposed disapproval) (89 Fed. Reg. 7320). We ask EPA to approve the Plan rather than the proposed disapproval. Otherwise, we strongly propose either conditional approval that supports meaningful partnerships, or partial approval that provides realistic and short pathway to resolve the underlying issues. For all these alternative actions, EPA must recognize, take actions, and deliver its fair share of emission reduction from federal sources.

SCAG is the nation's largest metropolitan planning organization and council of governments for the six counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, and Ventura and 191 cities in them. The region is home to a population of nearly 19 million people and powers the 16th largest economy in the world. SCAG is responsible for developing long-range regional

transportation plans and short-term regional transportation improvement programs, and providing broad-based representation of Southern California's cities and counties. The six CTCs are responsible for identifying and implementing multi-modal transportation projects in their respective counties within the SCAG region.

We strongly support and are fully committed to reducing air pollution and protecting public health. The South Coast Air Quality Management District (AQMD) has been implementing the most stringent regulations in the nation for stationary sources under its authority. The California Air Resources Board (CARB) has adopted and is implementing cutting-edge regulations to reduce mobile and area source emissions. The State and the SCAG region have invested billions of dollars and developed policies to accelerate the development and deployment of clean transportation technology and infrastructure. As part of the essential control measures in the state implementation plans to attain federal air quality standards in the South Coast Air Basin, SCAG has been collaborating with CTCs to implement the most robust and best available transportation control measures. Furthermore, SCAG's long-range Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and the short-range Federal Transportation Improvement Program (FTIP) have been demonstrating transportation conformity to support the attainment of federal health-based air quality standards throughout the SCAG region. Collectively, we have achieved more than the region's share of emission reductions that are under our authority toward federal attainment.

Since the 1997 ozone standard, emissions under the State and regional control have declined by 70 percent, while emissions subject to EPA's authority have only declined by 15 percent. More significantly, over 80 percent of NOx emissions are from mobile sources, and about three-quarters of these emissions are from sources for which the EPA is responsible, such as trucks, ships, aircraft, locomotives, and similar heavy-duty engines. Therefore, it is critical that EPA plays a proactive role in taking regulatory actions, providing funding, supporting and providing opportunities for partnerships. A full disapproval of the Plan only distracts from the important work we need to do together. Instead, we encourage EPA to provide a more meaningful opportunity to develop actions that will result in real, cleaner air while avoiding negative impacts by exploring other pathways such as conditional approval.

If the disapproval is finalized as proposed, it has the potential to set in motion far-reaching consequences on critical aspects of regional transportation planning, programming, project delivery, and the regional economy. It could result in not only the loss of tens of billions of federal highway funds and/or federal approval but hundreds of billions in local dollars invested in significant transportation projects and delay of needed renovation, improvement, and repairs. The SCAG region already struggles to achieve a state of good infrastructure repair and the imposition of highway sanctions would likely balloon deferred maintenance. Traffic congestion in the SCAG region already equates to a nearly $9 billion annual loss in productivity even without highway sanctions. Uncertainty over sanctions can discourage private investment, especially in transportation-related industries, further impacting the regional economy and risking readiness for the 2028 Summer Olympics. Additionally, since sanctions limit the ability to develop future

non-exempt projects, we will lack the opportunity to develop shovel-ready projects putting our region at a competitive disadvantage for funding for years to come.

To this end, it could become more difficult for our regional transportation planning, programming, and project selection process to meet federal transportation performance goals as related to transportation infrastructure condition, freight, and passenger vehicle movement travel time reliability. Many CTC projects are the result of performance-based decisions at the county or Caltrans district level and meet needs and goals that align with and achieve regional goals and performance targets.

The delay of much-needed repairs and investments to our roadways and transportation infrastructure has the potential to exacerbate air quality concerns. Because most areas within the SCAG region are designated as nonattainment or maintenance areas for one or more transportation related criteria pollutants under the federal Clean Air Act, our RTP/SCS must conform to the applicable State Implementation Plan (SIP) in the SCAG region, including this Contingency Measure SIP to address the 1997 National Ambient Air Quality Standard for ozone in the South Coast Air Basin. The transportation investments in the SCAG region are tailored to meeting not only federal transportation conformity requirements, but also California's ambitious goal to achieve carbon neutrality by 2045.

The potential threat of loss or delay of federal funding or approval could also have a negative impact on the traveling public and communities. This comes at a time when we are actively planning regional transportation and housing policies and projects that involve removing, retrofitting, repairing, or mitigating highways or other transportation facilities that create barriers to community connectivity, including mobility, access, or economic opportunities. Even a temporary freeze on new highway construction could prevent our agencies from "obligating" federal highway funds, which could, in turn, result in a loss of those federal dollars. This could also limit localities' ability to better connect disadvantaged communities to jobs, healthcare facilities, healthy food, open spaces, or to better link businesses and provide resources to those disproportionately burdened and vulnerable communities.

In addition to the potential threat of loss or delay of federal funding or approval, there could be serious economic impacts. Highway sanctions could lead to massive layoffs of construction workers and of workers who supply a multitude of materials, equipment, and services to construction because impacted transportation projects would not move forward with implementation. It could also have negative economic impacts on communities that build around these jobs. The highway system allows buses and trucks to perform essential roles that support the efficient movement of people and goods in the region. Investment in the highway network is vital to address congestion, efficiency, and travel time reliability, and meet the needs of businesses and residents. The region is also at a critical juncture regarding the transition to clean transportation and has made substantial progress in planning for zero-emission heavy-duty vehicles and supporting infrastructure. By delaying critically needed projects, highway sanctions could threaten the economic well-being of the region. These regional and community-wide economic impacts would occur at a time (in year 2026) when the Los Angeles area is set to host

the 2026 FIFA World Cup matches and two years before Los Angeles hosts the 2028 Summer Olympics. They could turn into an unprecedented global impact.

These harsh economic impacts are specific to the SCAG region. However, we are not alone in needing greater federal partnership to achieve clean air goals. Many areas across the country are also in high levels of ozone nonattainment. In the future, these areas will find themselves in the same position as us and face sanctions. We hope that EPA will consider the significant implications of the disapproval on the SCAG region and the much broader, nationwide ramifications.

We are also deeply concerned about the challenges in resolving the underlying deficiencies necessary to lift the sanctions once they are imposed. Prolonged imposition of the sanctions would exacerbate the magnitude of all the aforementioned negative impacts.

It is our understanding that the South Coast AQMD has submitted a comment letter with regard to the above-entitled action. We would like to reiterate their concerns and the needed federal actions.

Finally, we urge EPA not to disapprove the Contingency Measure SIP as proposed. If full approval is not possible, we would strongly support either conditional approval that supports meaningful partnerships, or partial approval and partial disapproval that offer a realistic and short pathway to resolve the underlying issues. These are the only actions that can lead to timely attainment of the air quality standards, clean air that the area residents deserve, and avoidance of the serious consequences in the South Coast region.

Again, we appreciate this opportunity to share our comments. We support and are fully committed to partnering with our air regulators and transportation planning partners at all levels to achieve federal and state clean air and climate goals through solution-driven collaboration rather than invoking highway sanction to penalize the region for emissions beyond our control.

Sincerely,

Kome Ajise
Executive Director
Southern California Association of Governments

David Aguirre
Executive Director
Imperial County Transportation Commission

Stephanie N. Wiggins
Chief Executive Officer
Los Angeles County Metropolitan Transportation Authority

Darrell E. Johnson
Chief Executive Officer
Orange County Transportation Authority

Anne Mayer
Executive Director
Riverside County Transportation Commission

Dr. Raymond Wolfe
Executive Director
San Bernardino County Transportation Authority

Martin Erickson
Executive Director
Ventura County Transportation Commission

CC: Martha Guzman, EPA Region IX
Karina O'Connor, EPA Region IX
Michael Dorante, EPA Region IX
Nesamani Kalandiyur, California Air Resources Board
Wayne Nastri, South Coast AQMD
Sarah Rees, South Coast AQMD
Ian McMillan, South Coast AQMD

ATTACHMENT B

South Coast Air Quality Management District

21865 Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

Office of the Executive Officer
Wayne Nastri
909.396.2100, fax 909.396.3340

March 27, 2024

Via Regulations.gov
Docket ID No. EPA-R09-OAR-2023-0626-0001
Ms. Ginger Vagenas

RE: 89 Fed. Reg. 7320 (Feb. 2, 2024) (Proposed) Air Plan Disapproval; California Los Angeles-South Coast Air Basin; 1997 8-hour Ozone standard.

Dear Ms. Vagenas:

Comments of the South Coast Air Quality Management District Staff Regarding U.S. EPA's Proposed Disapproval of the South Coast Air Basin Contingency Measure Plan for the 1997 Ozone Standard [Docket ID No. EPA-R09-OAR-2023-0626-0001]

Thank you for the opportunity to comment on the proposed disapproval of the South Coast Air Basin Contingency Measure Plan (CMP) for the 1997 Ozone Standard (89 FR 7320). South Coast Air Quality Management District (South Coast AQMD) is the local agency responsible for air quality in Orange County, the urbanized portions of Los Angeles, Riverside and San Bernardino Counties, and the Coachella Valley. While air quality has dramatically improved over the years, the region still exceeds National Ambient Air Quality Standards (NAAQS) for particulate matter and ozone, and experiences some of the worst air pollution in the nation. Over 17 million people reside in our region, and we are home to two-thirds of California's environmental justice (EJ) population. These frontline communities suffer the brunt of the impacts of air pollution. We estimate that approximately 1,600 premature deaths would be avoided annually if our region were able to attain the NAAQS.

When South Coast AQMD submitted the Contingency Measure Plan (CMP or Plan) in December 2019, we asked EPA to approve the Plan and to acknowledge responsibility for actions specific to federal regulated sources. We have been alerting EPA for years regarding the pressing need to take action on emission sources that are solely subject to federal regulatory authority. These are emissions that neither South Coast AQMD nor CARB has direct authority to regulate. Without federal action and with federal sources accounting for 36 percent of smog-forming emissions in 2023, and just under half of all emissions in 2037, it is impossible for the South Coast Air Basin (Basin) to attain the 1997 ozone standard and any future ozone standards.

As an extreme ozone nonattainment area, South Coast AQMD has implemented the most stringent regulations in the nation for stationary sources – power plants, refineries, and industrial facilities for which we have direct regulatory authority. We have established Best Available Retrofit Control Technology (BARCT) standards in rules that impose strict emission limits for virtually every combustion

category of stationary sources to reduce NOx emissions to the greatest extent feasible. Since the date of the 1997 ozone standard, we have cut emissions dramatically – emissions of nitrogen oxides (NOx), the key pollutant responsible for ozone formation in our region – have been reduced by over 75 percent. And currently, per our 2022 Air Quality Management Plan, we are implementing strategies to pursue zero emission technologies across all sectors wherever feasible.

South Coast AQMD has not been idle since the CMP was adopted in 2019. We have adopted or amended over two dozen rules to reduce precursor pollutants to ozone in the Basin since that time including:

> 2020: Rule 1107 – Coating of Metal Parts and Products, Rule 445 – Wood Burning Devices, Rule 1117 – Emissions from Container Glass Melting and Sodium Silicate Furnaces, Rule 1111 – Reduction of NOx Emissions from Natural-Gas-Fired, Fan-Type Central Furnaces, Rule 1179.1 – NOx Emission Reductions from Combustion Equipment at Publicly Owned Treatment Works Facilities, Rule 1178 – Further Reductions of VOC Emissions from Storage Tanks at Petroleum Refineries, Rule 1146 – Emissions of Oxides of Nitrogen from Industrial, Institutional, and Commercial Boilers, Steam Generators, and Process Heaters
>
> 2021: Rule 1150.3 – Emissions of Oxides of Nitrogen from Combustion Equipment at Landfills, Rule 2305 – Warehouse Indirect Source Rule, Rule 1147.1 – NOx Reductions from Aggregate Dryers, Rule 1111 – Reduction of NOx Emissions from Natural-Gas-Fired, Fan-Type Central Furnaces, Rule 1109.1 Emissions of Oxides of Nitrogen from Petroleum Refineries and Related Operations
>
> 2022: Rule 1135 – Emissions of Oxides of Nitrogen from Electricity Generating Facilities, Rule 461.1 – Gasoline Transfer and Dispensing for Mobile Fueling Operations, Rule 1134 – Emission of Oxides of Nitrogen from Stationary Gas Turbines, Rule 1115 – Motor Vehicle Assembly Line Coating Operations, Rule 1147.2 – NOx Reductions from Metal Melting and Heating Furnaces, Rule 1147 – NOx Reductions from Miscellaneous Sources, Rule 429 – Startup and Shutdown Provisions for Oxides of Nitrogen
>
> 2023: Rule 1118 – Control of Emissions from Refinery Flares, Rule 1106 – Marine and Pleasure Craft Coatings, Rule 1107 – Coating of Metal Parts and Products, Rule 463 – Organic Liquid Storage, Rule 1178 – Further Reductions of VOC Emission from Storage Tanks at Petroleum Refineries, Rule 1153.1 – Emissions of Oxides of Nitrogen from Commercial Food Ovens, Rule 2202 – On-Road Motor Vehicle Options, Rule 1110.3 – Emissions from Linear Generators

Despite these aggressive actions, NOx emissions must be reduced even further to meet ozone standards. The Basin is home to the Ports of Long Beach and Los Angeles, the largest port complex in the nation. It should be no surprise that goods delivered to and transported from the ports have local emissions from ships, interstate trucks, and locomotives. Today, over 80 percent of NOx emissions are from mobile sources, and of these, it is the trucks, ships, aircraft, locomotives, and similar heavy-duty engines that are responsible for about three-quarters of these emissions. Indeed, most of the progress we've seen to date has been due to South Coast AQMD's and CARB's actions – since 1997 emissions under South Coast AQMD's and CARB's control have declined by 70 percent; yet the emissions subject to EPA's authority have only declined 15 percent. While CARB has developed and is implementing cutting-edge regulations to reduce mobile source emissions under its authority, EPA's rules have not yielded the same results, and

these federal sources are projected to grow over time. It is not possible for our region to meet the 1997 and future standards without the federal government addressing the sources under its control.

The Contingency Measure Plan in the 1997 AQMP laid out a roadmap of action that EPA needs to implement to reduce NOx emissions needed to meet ozone standards. However, in its proposed disapproval, EPA brushes this Plan aside, claiming that a local air authority cannot assign emission reductions to the federal government.

In fact, EPA has undertaken such voluntary measures for these emission reduction obligations in the past, including for the South Coast Air Basin in a 1997 approval of our 1994 AQMP. In the 1994 AQMP approval, EPA fully acknowledged the role of federal sources in causing high levels of ozone and that the region will be unable to meet air quality standards without further EPA regulation.[1] What was true almost 30 years ago is even more so today.

And it is not just our area that needs federal action to meet ozone standards. Regions of the country that have never had to contend with protracted ozone nonattainment are slipping into higher levels of ozone nonattainment. In the future, these areas will find themselves in the same position as South Coast AQMD unless EPA takes immediate action to reduce emissions from federally regulated sources.

If finalized, EPA's proposed disapproval will set in motion a series of events that ultimately result in the imposition of harsh economic sanctions in the region, including requirements that will make it much more difficult to obtain new air permits, as well as the loss of tens of billions in federal highway funds.

With this as background, we believe EPA has a duty to work with us as co-regulators to resolve the daunting challenge before us. We believe there are plausible paths under the Clean Air Act available to EPA. Such paths would allow for the development of a plan where all three agencies – South Coast, CARB, and EPA – leverage their respective authorities to achieve the emission reductions needed to meet ozone standards in our area. With this goal in mind, we ask that EPA consider finalizing the following actions:

EPA Action on the Contingency Measure Plan

As per our original ask, we believe EPA can voluntarily agree to take on the 67-69 tpd NOx emission reduction that we outlined in the Plan. In the proposed disapproval, EPA states that "the Contingency Measure Plan's assignment of NOx reductions to federal measures and sources subject to federal authority is not approvable as a matter of law" and that "EPA has consistently taken the position that states do not have authority under the CAA or the U.S. Constitution to assign SIP responsibilities to the federal government."[2] But as we describe above, EPA previously approved just such a plan relying on federal measures in the South Coast AQMD 1994 ozone SIP. In approving that plan in 1997, EPA stated that "the Federal Government should help speed clean air, not only in California but on a national basis."[3] EPA further recognized that "massive further reductions are needed for attainment in the South Coast and…attainment may be either very costly and disruptive or impossible if further reductions are not

[1] See 62. Fed. Reg. 1150 (Jan. 8, 1997).
[2] 89 Fed. Reg. 7320, 7325 col. 1 (Feb. 2, 2024).
[3] 62 Fed. Reg. 1150, 1151 col. 1. (Jan. 8, 1997)

achieved from national and international sources."[4] What EPA said almost 30 years ago is still true and serves as a model for how EPA should proceed today.

We note Congress intended EPA to regulate sources that states are preempted from regulating where needed to allow an area to attain the NAAQS. Further, there are several statements in the legislative history of the 1990 Clean Air Act Amendments indicating that sanctions should not be imposed where a state has no control over the sources causing nonattainment. However, with full disapproval, EPA puts South Coast AQMD squarely in the place of facing penalties and sanctions due to failure to meet the ozone standard from emissions from preempted sources. It does not make sense that a region with the most stringent rules and largest investments in advanced clean air technology deployment should face perpetual nonattainment and looming harsh economic sanctions with no ability to resolve the situation.

We provide detailed legal arguments as to why the proposed full disapproval of the CMP is inappropriate under these circumstances in our attached detailed comments.

Limited Approval of the Contingency Measure Plan

Other pathways are available short of full disapproval. A limited approval of the Contingency Measure Plan is entirely appropriate as there are elements of the Contingency Measure Plan that EPA should approve today. For example, EPA can and should approve the elements that South Coast AQMD and CARB committed to do that have already been implemented and have achieved the requisite emission reductions to date. These include emission reductions establishing BARCT limits for all equipment in the RECLAIM program that affects combustion sources in RECLAIM and non-RECLAIM sources, implementation of the airport MOU, and cleaner Tier 4 passenger locomotives.

The limited approval is justified on the basis that overall, the actions committed to and implemented by South Coast and CARB are SIP-strengthening.[5] As fully explained in the attachment, EPA has both the authority and the responsibility to implement federal measures where required to allow an area to attain the NAAQS. Therefore, EPA can and should approve the federal portion of the Plan with an enforceable commitment to develop measures to bridge the gap that would remain in the Plan if federal measures were not included. As part of that exercise EPA agrees to voluntarily accept responsibility for the portion of emissions under their control as outlined by the CMP. EPA could then defer action on the state and South Coast measures that have not yet been implemented if EPA concludes that full approval of those measures is not feasible.

Partial Approval of the Contingency Measure Plan

Should EPA find the above pathway isn't acceptable, we see it better that EPA proceed with a partial approval. A partial approval is appropriate for the same reason that a limited approval is the least that EPA can do – acknowledge the commitments that South Coast and CARB made in the CMP that have already been addressed and implemented. We then urge EPA to subsequently agree to take on the needed federal measures.

[4] Id. at 1152 col. 3-1153 col. 1.
[5] See U.S. EPA Memorandum, Processing of State Implementation Plan (SIP) Submittals, July 9, 1992.

Conclusion

All these paths outlined above require EPA work with South Coast AQMD and CARB with an open mind to solve the problem. Without this – if EPA finalizes the full disapproval that they have proposed – we will be in a place where harsh economic sanctions would be imposed with no way to turn them off until South Coast is somehow able to achieve an additional 108 tpy of NOx emission reductions – a number that is mathematically impossible without EPA action, and will nonetheless take many years to achieve even with EPA action. This would be an absurd result, and we strongly urge EPA to work with us to identify pathways that achieve healthy air as quickly as possible, without severe economic harm to our region.

We ask EPA to take these comments into consideration and work with us to finally get our region into attainment. As we have laid out, we believe there are multiple pathways available to EPA beyond a flat disapproval of our plan, pathways which will finally result in clean air for our residents. We offer the attached detailed comments on the proposed disapproval of the Contingency Measure Plan for your consideration as you evaluate how to proceed.

We and CARB stand ready to roll up our sleeves with EPA in partnership to tackle this critically important work. Thank you for your consideration of our comments.

Sincerely,

Wayne Nastri, Executive Officer
South Coast AQMD

DETAILED COMMENTS BY SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT REGARDING EPA'S PROPOSED RULE, "AIR PLAN DISAPPROVAL; CALIFORNIA; LOS ANGELES-SOUTH COAST AIR BASIN; 1997 8-HOUR OZONE," 89 FED. REG. 7320 (FEBRUARY 2, 2024)

DOCKET ID NO. EPA-R09-OAR-2023-0626-0001

Introduction and Summary

The South Coast AQMD staff appreciates the opportunity to comment on EPA's proposed disapproval of the 2019 Contingency Measure Plan ("Plan"), published at 89 Fed. Reg. 7320 (February 2, 2024). The Plan clearly demonstrated that attainment is impossible without significant emission reductions from federally regulated sources ("federal sources").

EPA claims that a plan that relies on federal measures is unapprovable as a matter of law. But in fact, EPA previously approved just such a plan relying on federal measures in the South Coast AQMD 1994 ozone SIP. In approving that plan in 1997, EPA stated that "the Federal Government should help speed clean air, not only in California but on a national basis." 62 Fed. Reg. 1150, 1151 col. 1 (January 8, 1997). And EPA recognized that "massive further reductions are needed for attainment in the South Coast and…attainment may be either very costly and disruptive or impossible if further reductions are not achieved from national and international sources." 62 Fed. Reg. at 1152 col.3-1153 col. 1. The same is still true today.

EPA's proposed disapproval is based on an erroneous legal position that a plan relying on federal regulation of federal sources is per se unapprovable. It is also arbitrary and capricious because it entirely fails to consider an important aspect of the issue before it—namely the role of federal sources in South Coast's ability to attain the ozone standard. And it fails to provide a reasoned explanation for the change in position between its 1997 plan approval and its current position that a SIP may not rely on emission reductions from federal sources.

Congress intended for EPA to regulate sources that states are preempted from regulating where needed to allow an area to attain the NAAQS. The legislative history of the 1990 Clean Air Act Amendments noted that sanctions should not be imposed where a state has no control over the sources causing nonattainment. Reliance on federal measures within the Contingency Measure Plan thus should not be the basis for disapproval.

In its proposed disapproval, EPA states the Plan does not contain any contingency measures. We strongly disagree and believe EPA should re-propose its action with either a proposed approval or at the very least explain its rationale for finding why the measures in the Plan do not qualify.

Detailed Comments

I. The South Coast Air Basin Cannot Attain the 1997 8-hour Ozone Standard Without Significant Emission Reductions from Federally Regulated Sources.

The South Coast Air Basin cannot attain the 1997 8-hour ozone standard without significant emission reductions from federal sources. The California Air Resources Board (CARB) State Strategy Table 4, page 32, sets forth the emission reductions needed from mobile sources for the South Coast Air Basin to attain the 1997 ozone standard. The emission reductions needed from ships, locomotives, and aircraft total 46 tons per day (tpd).[1] When also considering the emissions from on-road heavy-duty trucks that are registered outside of California, the region needs a total of 67-69 tpd of NOx reductions from federal sources.[2] The total of 67-69 tons from federal sources was derived by looking at the total additional tons needed and subtracting the tons obtainable by the state or South Coast AQMD. The Section 182(e)(5) measures in the 2016 AQMP totaled 108 tpd of NOx. Contingency Measure Plan, p. 35. Tons obtainable by the state or South Coast AQMD totaled 24-26 plus 15, or 39-41. *See* Contingency Measure Plan, p. 39, table 2-1. The difference is 67-69 (108 minus 39 is 69; 108 minus 41 is 67). Thus, the remaining shortfall was 67-69 tpd. Staff also analyzed the potential emission reductions from federal measures and identified up to 78 tpd that could be obtained from these measures. Contingency Measure Plan, p. 59, Table 5-3 and 59-65.,. Thus, the federal measures were expected to be able to obtain sufficient emission reductions to provide for attainment.

While total NOx emissions in the South Coast Air Basin have been reduced by almost 50% between 2012 and 2023, almost all of these reductions have come from sources under CARB or South Coast AQMD authority. For example, over this time, NOx emissions from light-duty vehicles have been reduced by over 70%. CARB and the South Coast AQMD are doing our part. In contrast, NOx emissions from aircraft, locomotives, and ocean-going vessels have *increased* by almost 10% over the same period.[3]

EPA contends that the states have sole responsibility for cleaning the air, which includes emissions from federal sources, even though they lack the authority to regulate those federal sources. Congress gave EPA the authority to regulate those sources, but EPA claims it has no responsibility to contribute to the states' attainment of the NAAQS. EPA should take responsibility for its fair share of emission reductions that are still needed to fulfill the Section 182(e)(5) obligation. Put simply, EPA needs to do its fair share.

---

[1] Revised Proposed 2016 State Strategy for the State Implementation Plan (March 7, 2017), Table 4 p.32. *available at* https://ww3.arb.ca.gov/planning/sip/2016sip/rev2016statesip.pdf.
[2] Final Contingency Measure Plan, December 2019, Table 2-1, p. 39, *available at* https://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2016-air-quality-management-plan/1997-ozone-contingency-measure-plan/1997-8-hour-ozone-draft-contingency-measure-plan---120619.pdf?sfvrsn=10.
[3] Final Contingency Measure Plan, December 2019, p. 58.

It would be impossible to attain the standard without the required reductions from federal sources. Reaching attainment solely with emission reductions from South-Coast-AQMD- and CARB-regulated sources would require completely eliminating all emissions from *virtually all* such sources—which is not realistic.

According to the CARB 2018 updates to the California SIP, baseline emissions of NOx in 2023 in the South Coast Air Basin were anticipated to total 269 tpd. *See* Summary Table for 2023 NOx Emissions (appended to these comments). To attain the 1997 ozone standard, these emissions would need to be reduced to a carrying capacity of 141 tons per day by 2023.[4] Thus, emissions in the region would have needed to be reduced by 128 tpd.

If no further reductions come from federal sources, all 128 tons of reductions would need to come from state and locally regulated sources. This would mean, for example, completely eliminating *all emissions* from stationary and area sources (49 tpd), all emissions from California-regulated on-road vehicles (69 tpd), and 10 tpd of California-regulated off-road sources such as larger farm and construction equipment (about 20% of the total emissions of off-road sources). See Summary Table for 2023 NOx Emissions (appended to these comments).

It is not possible to completely eliminate all emissions from on-road, stationary, and area sources of NOx in the South Coast Air Basin. This would mean zero emissions from all power plants; manufacturers; boilers supporting hospitals, institutions, and businesses; commercial cooking and residential fuel combustion (heating, cooking, and water heating); emergency generators and water pumps; and California-based trucks, automobiles, and buses. Such a scenario is currently not possible, and even if it were, it would bring the region's economy to a standstill. For many of these sources, zero-emission options are not yet technically achievable or commercially available. For others, even if a zero-emission option will likely be available in the next decade or so, the costs may be over $100,000 per ton. Nor is it realistic to expect that all such sources would be entirely zero-emissions in the near future. Therefore, it is imperative that significant emission reductions come from federal sources. And it would be manifestly unfair to penalize the region and the State by disapproving the Contingency Measure Plan and triggering sanctions based on such emissions under federal control. As discussed below, it would also violate principles of the Constitution and congressional direction, and would be arbitrary and capricious, and thus subject to reversal in court.

Most importantly, it is a matter of life and death for those who suffer from the air pollution that CARB and South Coast AQMD cannot regulate. "Breathing air containing ozone can reduce lung function and inflame airways, which can increase respiratory symptoms and aggravate asthma or other lung diseases." 89 Fed. Reg. 7320, 7321 col. 2 (February 2, 2024). Federal sources contribute significantly to ozone's health effects in the South Coast AQMD, so it is essential for EPA to partner together with South Coast AQMD to reduce emissions from federal sources and thereby reduce those health effects.

---

[4] Final Contingency Measure Plan, December 2019, p. 2.

II. EPA's Proposed Disapproval of the Federal Measures Is "Not in Accordance With Law" Because a SIP May Call for Federal Regulation of Federal Sources. (5 U.S.C. § 706(2)(A))

EPA's action to approve or disapprove a SIP submittal is governed by the Administrative Procedures Act, (APA), 5 U.S.C. § 706(2), rather than by Clean Air Act section 307 (42 U.S.C. § 7607). *Missouri Limestone Producers Ass'n., Inc., v. Browner,* 165 F.3d 619, 621 (8th Cir. 1999). But the standards are very similar. Under the APA, agency action will be set aside if, among other reasons, it is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A). An action will be set aside also if it is "contrary to constitutional right, power, privilege or immunity." 5 U.S.C. § 706(2)(B). And an agency may not take action that is "in excess of statutory jurisdiction, authority or limitations, or short of statutory right." 5 U.S.C. § 706(2)(C).

Because the region cannot attain the NAAQS without significant reductions from federal sources, the Contingency Measure Plan includes provisions for control measures for these sources. The Plan calls for 67-69 tons per day of NOx reductions to be obtained from federal sources. Contingency Measure Plan, p. 39, Table 2-1. EPA contends that calling for such reductions from federal sources that the State is preempted from requiring—which EPA terms a "Federal Assignment"—is unlawful. EPA's position is erroneous and thus the proposed decision is not in accordance with law. It is inconsistent with both the Clean Air Act (CAA) and its own past practice. Congress contemplated that EPA would regulate federal sources to ensure the South Coast Air Basin can attain the NAAQS.

A. The Supremacy Clause Poses No Obstacle to Approval of the Contingency Measure Plan.

Although it concludes that it cannot, as a matter of law, approve a SIP that anticipates federal regulation of federal sources, EPA cites no authority for that proposition beyond general references to the CAA and the "U.S. Constitution." We presume that EPA was referring to Supremacy Clause. But the Clause does not preclude EPA from approving the Plan.

EPA is undoubtedly correct that California cannot *compel* EPA to regulate federal sources. *See North Dakota v. United States*, 495 U.S. 423, 434 (1990) (applying the intergovernmental immunity doctrine). But EPA fails to cite anything in the Contingency Measure Plan that purports to do so. The intergovernmental immunity doctrine is narrow and precludes only direct state attempts to control or discriminate against the federal government and its instrumentalities. *Id.* at 436-39. The Plan does neither.

Nor, contrary to EPA's general assertion, is the Plan preempted for calling for federal regulation of federal sources. Several appellate courts have noted that, upon EPA approval, a SIP becomes federal law. *See Ass'n of Am. R.R. v. S. Coast Air Quality Mgmt. Dist.*, 622 F.3d 1094, 1096 (9th Cir. 2010) (citing *Safe Air For Everyone v. U.S. E.P.A.*, 488 F.3d 1088, 1091 (9th Cir. 2007)); *BNSF Ry. Co. v. Clark Cnty., Wash.*, 11 F.4th 961, 968 (9th Cir. 2021); *Ammex, Inc. v. Wenk*, 936 F.3d 355, 361-62 (6th Cir. 2019) (collecting cases). Courts have therefore concluded that

state regulation in an approved SIP cannot be preempted by federal law. *Ammex*, 936 F.3d at 362-63. Rather, the question is whether the SIP can be harmonized with other provisions of federal law. *Ass'n of Am. R.R.*, 622 F.3d at 1097 (emphasis added); *accord Swinomish Indian Tribal Cmty. v. BNSF Ry. Co.*, 951 F.3d 1142, 1156 (9th Cir. 2020).

EPA has offered no argument to suggest that the Plan could not be harmonized with other federal law when incorporated into California's SIP. On the contrary, the Plan only calls for EPA to exercise its authority as provided for in the Clean Air Act.

B. Congress Recognized that EPA Would Need to Regulate Federal Sources to Enable Some Nonattainment Areas to Attain the NAAQS.

In the 1990 Amendments to the Clean Air Act, Congress preempted the states from establishing emission standards for locomotives, farm and construction equipment, and other nonroad engines, which includes marine vessels. CAA § 209(e), 42 U.S.C. § 7543(e).[5] And for decades states have been preempted from regulating new motor vehicles, with California allowed to adopt its own standards with a waiver from EPA. CAA § 209(a), (b), 42 U.S.C. § 7543(a), (b).

As Congress debated the 1990 Amendments, members of Congress from California stated that unless EPA regulates these nonroad sources, the South Coast region would be unable to attain the ozone standard. Representative Carlos Moorhead (R-CA) stated that it would be impossible for Los Angeles to attain the NAAQS if EPA fails to regulate these sources.[6] Senator Pete Wilson (R-CA) also explained that if these sources are not controlled, California will not be able to comply.[7] In response to these concerns, Senator John Chafee (R-RI), the lead co-sponsor of the senate bill, assured the California delegation that Congress intended that EPA would regulate federal sources as necessary so that all areas could attain the standards. In response to a question from Senator Wilson regarding the Amendments, Senator Chafee explained that "EPA has the *obligation*…to adopt control measure[s] for sources which it exclusively controls when these controls are necessary to attain national [ambient air quality] standards."[8] Finally, when Congress enacted section 213 of the CAA, 42 U.S.C. § 7547, which obligated EPA to regulate nonroad sources, it stated in the Conference Report: "We expect EPA to carry out this mandate in a fashion which assures that states which are preempted will not suffer any additional [e]missions beyond what they themselves would have allowed."[9] This Conference Report reflects the views of the members from both the House and Senate and is the form of legislative history that provides the best evidence of legislative intent. *Dep't of Health & Welfare, State of*

---

[5] The CAA also preempts state and local governments from setting emission standards for aircraft. CAA § 233; 42 U.S.C. § 7573.
[6] Congressional Research Service, A Legislative History of the Clean Air Act Amendments of 1990, (Leg. History), p. 2613.
[7] Leg. History, p. 1125-26.
[8] Leg. History, p. 1127 (emphasis added).
[9] Leg. History, p. 1021

Idaho v. Block, 784 F.2d 895, 901 (9th Cir. 1986). Thus, Congress intended for EPA to regulate federal sources as necessary to allow all areas to attain the standards.

Accordingly, in the Plan, California was implementing congressional intent in calling on EPA to regulate sources over which it has regulatory control due to Clean Air Act preemption. EPA states that the Contingency Measure Plan "purports to shift responsibility to achieve reductions needed for the South Coast to attain the 1997 ozone NAAQS from the State to the federal government…." 89 Fed. Reg. at 7325 cols. 1-2. But the Plan does not "shift" responsibility to EPA: EPA already shares responsibility for attaining the NAAQS. As discussed above, Congress expected that EPA would adopt control measures for sources under its control where necessary to attain the NAAQS. Specifically, the preemption of non-road engine regulation for the states carried with it Congress's expectation that EPA would exercise its authority to regulate non-road engines as necessary to allow for attainment in the South Coast Air Basin.

C. EPA Has Previously Approved an Ozone Attainment Plan that Relied on Federal Measures and Acknowledged that It Had the Authority to Do So.

In contending that a plan relying on federal measures is "not approvable as a matter of law," 89 Fed. Reg. at 7325, EPA has ignored the fact that it has previously approved a South Coast Ozone SIP that proposed EPA action to control emissions from federal sources. That precedent demonstrates that EPA can approve a SIP that relies on federal action to regulate the sources that only EPA may regulate.

In its 1997 approval of the 1994 ozone SIP, EPA stated: "The 'Federal Assignments' portion of the SIP is approvable because it is consistent, in the overall context of the California SIP, with the Clean Air Act requirements." 62 Fed. Reg. 1150, 1153 col. 1 (Jan. 8, 1997). EPA based the approval on the fact that:

> ...both EPA and the State are committing to undergo the consultative process described above, and to promulgate controls determined by that process to be appropriate. Those EPA and State commitments are enforceable by citizens. Based on these commitments, EPA will assure that the gap in emission reductions represented by the consultative process, and needed to attain, will be closed.

Id. at 1153 col. 2. EPA's regulation committing to rulemaking is found at 40 C.F.R. § 52.238. EPA concluded that the SIP, with its reliance on federal measures, satisfied the requirement for a "demonstration that the plan …will provide for attainment" of the NAAQS as required by CAA § 182(c)(1)(A). 62 Fed. Reg. at 1153 col. 1. EPA's 1997 approval demonstrates the error in EPA's conclusion in the proposed disapproval that reliance on federal regulation of federal sources is "not approvable as a matter of law." 89 Fed. Reg. at 7325 col. 1.

It is true that, as EPA cites in the proposed disapproval, EPA said in 1997 that "under the Constitution and the Clean Air Act, EPA does not believe a state has authority to assign emissions reductions to the federal government." 62 Fed. Reg. at 1151 col. 2. However, EPA went on to explain, "Nevertheless, EPA believes that the Federal Government should help speed

clean air, not only in California but on a national basis." *Id.* EPA further explained that it "recognizes that massive further reductions are needed for attainment in the South Coast and that attainment may be either very costly and disruptive or impossible if further reductions are not achieved from national and international sources." *Id.* at 1152-53.

EPA's prior position is also consistent with its recognition in other contexts that a state may rely on federal measures in its SIP. In 1994, EPA issued guidance stating that its:

> ...policy of authorizing SIPs to take credit for reductions from Federal measures is consistent with the overall scheme of the Clean Air Act ozone nonattainment provisions, as well as the relevant provisions by their terms. Congress anticipated that attainment of the ozone primary national ambient air quality standards would result from a combination of State and Federal actions. As a result, the reductions from Federal measures are an integral part of Congress's blueprint for attainment. Therefore, SIPs should be allowed to account for those reductions.

EPA Office of Air and Radiation, "SIP Credits for Federal Nonroad Engine Emission Standards and Certain Other Mobile Source Programs, " November 23, 1994, *available at* https://www3.epa.gov/ttn/naaqs/aqmguide/collection/cp2/19941123_nichols_sip_credits_nonroad_engine_emissions_standards.pdf . As explained in the first sentence of the memo, EPA has allowed states to take credit for federal measures that were not yet promulgated. As explained above, EPA likewise has the authority to approve a SIP relying on federal measures and must do so here, where the need is most critical.

Indeed, EPA again recognized the need for—and approved the use of—federal measures when it approved the 2016 Air Quality Management Plan in 2019. In its proposed approval, EPA included Table 7, which listed measures to be at least partly implemented by EPA totaling 108 tons per day of NOx emissions reductions. 84 Fed. Reg. 28132, 28149-50 (June 17, 2019). These included measures for heavy-duty trucks (specifying federal action), aircraft, locomotives, ocean-going vessels, and off-road equipment. *Id.* Although EPA may argue that these measures were also to be implemented by CARB and/or the District, they clearly identified EPA implementation and EPA approved the Plan. 84 Fed. Reg. 52005, 52012" col' 3 (Oct. 1, 2019).

EPA points to several other instances in which it previously took the position that states may not assign particular regulations to EPA for adoption and implementation. 89 Fed. Reg. at 7325, col. 1, n. 46. But it ignores the discussion noted above in the 1997 approval, which entirely undercuts the suggestion that EPA *cannot* approve a SIP that calls for federal regulation of federal sources.

The proposed disapproval's conclusion that a SIP is "unapprovable as a matter of law" because it contemplates EPA action to reduce emissions from federal sources is inconsistent with EPA's past practice in approving at least one SIP that did just that. The proposed disapproval does not—and cannot—explain away that contradiction.

D. Congress Called for EPA Action in these Circumstances.

As discussed in Section III.A above, the 1990 Amendments to the Clean Air Act set up an expectation that EPA would regulate non-road engines, specifically in order to allow the Los Angeles region to attain the ozone standard. If this assurance had not been provided, the Clean Air Act might have lost the support of the California delegation and the preemption for non-road engines might not have been enacted. EPA recognized its obligations in approving the 1994 SIP, as discussed in Section III.C. But now, EPA refuses to live up to its end of the bargain, by refusing to enact federal measures for sources it knows CARB and South Coast AQMD cannot regulate. This refusal is directly contrary to Congressional intent and thus, is not in accordance with law.

E. If EPA Were to Reject the Contingency Measure Plan, It Would Need to Regulate Federal Sources as Part of a Federal Implementation Plan.

Because the South Coast Basin cannot attain the ozone NAAQS without reduction of the enormous emissions contributed by federal sources, the State cannot submit a revised Contingency Measure Plan that will show attainment without the "federal assignment" that EPA claims is unlawful. If the State cannot "correct the deficiency" in the SIP, EPA will be obligated to promulgate a federal implementation plan ("FIP") within two years. CAA § 110(c)(1), 42 U.S.C. § 7410(c)(1); *Ass'n of Irritated Residents v. U.S. E.P.A.*, 686 F.3d 668, 675 (9th Cir. 2012). Because attainment in South Coast is impossible without regulation of federal sources, EPA would need to include regulation of federal sources in its FIP. This is because EPA's FIP must "provide for attainment of the relevant national ambient air quality standard." CAA § 302(y) (42 U.S.C. § 7602(y)). The Contingency Measure Plan merely anticipates that EPA will undertake the regulation it would be required to undertake regardless. Because EPA can approve a FIP in which it exercises its authority to regulate federal sources, it is illogical for EPA to refuse to exercise its regulatory powers to avoid the FIP (and accompanying sanctions). Under the circumstances, since a disapproval will ultimately result in a FIP and EPA will be forced to regulate federal sources to allow the region to attain, the only reason for disapproval is to impose draconian sanctions on the region.

* * *

In sum, EPA's conclusion that it cannot legally approve a SIP that includes a call for federal regulation of federal sources is unsupported and inconsistent with law and prior agency practice.

III. EPA's Proposed Disapproval of the Federal Measures is Arbitrary and Capricious and an Abuse of Discretion. (5 U.S.C. § 706(2)(A))

A. EPA's Proposed Disapproval Is Arbitrary and Capricious Because the Record Demonstrates that No Contingency Measures Could Achieve the Necessary Emission Reductions Without Reductions from Federal Sources.

EPA's proposed disapproval is arbitrary and capricious because EPA knows that the South Coast AQMD and CARB cannot adopt measures to attain the necessary reductions from federal sources, due to the Clean Air Act's preemption provisions. As explained in the Contingency Measure Plan, "[w]ithout further reductions from federal sources (i.e., OGV, aircraft, locomotives, out-of-state trucks), which account for 36% of NOx emissions, attainment of the 1997 8-hour standards is not possible by 2023." *Id*. at 39. But federal measures (including incentive measures) must be required to make up more than 36% of the remaining emission reductions for the Section 182(e)(5) commitment, because emissions from federal sources outside of California's control are expected to increase in the future without federal action. *Id*. at 6.

Figure ES-3 on page 6 shows that while California regulated mobile sources have reduced emissions by 75% from 2000 to 2019, emissions from federal sources were reduced only slightly from 2000 to 2020 and actually begin to increase around 2023. Emissions from federal sources are expected to surpass emissions from California sources by 2028. The total "further deployment" (Section 182(e)(5)) measures that must be replaced amount to 108 tons per day of NOx. *Id*. at 39, Table 2-1. Using all available avenues for CARB and South Coast AQMD measures garners only 24-26 tons per day. *Id.* At the time, it was hoped that a sales tax measure could be adopted that would provide an additional 15 tpd of emission reductions, but that did not occur, as the legislature did not adopt authorizing legislation. This leaves 67-69 tons per day of NOx to be obtained by federal measures and/or funding. *Id.*

Indeed, EPA's 1997 approval discussed above demonstrates that EPA has known *for over 25 years* that reductions from federal sources are needed to reach attainment in the South Coast Basin.

CARB and South Coast AQMD are already implementing more than their fair share of emission reduction measures for sources within their authority. And EPA has consistently recognized this. In 1997, EPA stated, "CARB's adopted and scheduled mobile source, consumer product, and pesticides measures all go beyond (in many cases, they go considerably beyond) existing control requirements applicable elsewhere in the Country. SCAQMD's existing regulations generally represent the most complete and stringent controls for each subject source in the Country." 62 Fed. Reg. 1150, 1178 col. 2 (Jan. 8, 1997). And as recently as 2022, EPA stated, "EPA acknowledges that California may have one of, if not the, most stringent emissions control strategies in the country…" 87 Fed. Reg. 31443, 31453, col. 2 (May 24, 2022). Therefore, EPA cannot reasonably argue that CARB and the South Coast AQMD could adopt many more measures within their authority which would be necessary to reach attainment.

The Contingency Measure Plan sets out a blueprint for EPA action, suggesting measures for each of the categories of (1) emission standards for low-NOx heavy-duty trucks (up to 35.7 tpd), (2) accelerating implementation of ocean-going vessels meeting Tier 3 standards in the waters off the South Coast Air Basin (up to 28.2 tpd), (3) accelerating implementation of Tier 4 locomotives in the South Coast (up to 11.2 tpd), and requiring or incentivizing aircraft visiting airports in the South Coast to substantially lower NOx emissions (up to 3.52 tpd). *See* Contingency Measure Plan at 60-65. EPA is well aware that CARB and South Coast AQMD cannot regulate these sources because the Clean Air Act preempts such regulation. *See* CAA § 209(e), 42 U.S.C. § 7543(e) (locomotives and marine vessels, which are a type of non-road engine); CAA§ 233, 42 U.S.C. § 7573 (aircraft); CAA § 209(a), 42 U.S.C. § 7543(a) (motor vehicles). As explained in the Contingency Measure Plan, while California can regulate the engine standards for trucks sold in California (with a waiver from EPA), "about 60% of total heavy-duty vehicle miles traveled in the South Coast on any given day are by trucks that were purchased outside of California." *Id*. at 60. A California truck rule that applies to vehicles purchased out of state could be difficult to implement if it only applied to vehicles that enter California. Thus, national regulation by EPA is critical.

Yet, instead of confronting this reality and committing to either implement these measures or initiate a process to develop measures it prefers, as it did in approving the 1994 SIP, EPA hides behind the erroneous legal argument that a plan relying on federal measures is unapprovable as a matter of law. EPA's proposed disapproval is unfair and illogical, because unrebutted evidence in the record shows that it is impossible for CARB and the South Coast AQMD to adopt an attainment plan that does not rely on federal measures. And the problem will continue and only get worse as the region develops plans for EPA's more recent and more stringent ozone standards. These plans will also have to rely on federal measures—even more so than the current plan.[10]

B. EPA's Proposed Disapproval Entirely Fails to Consider an Important Aspect of the Problem: The Impossibility of Attaining without Reductions from Federal Sources.

As discussed repeatedly above and demonstrated in the Plan itself, it is impossible for the South Coast Air Basin to attain the 1997 8-hour ozone standard without very substantial emission reductions from federal sources. This factor is overwhelmingly relevant to EPA's decision on whether to approve the federal measures in the Contingency Measure Plan. Yet, EPA never even

---

[10] *See, e.g.,* South Coast 2022 Air Quality Management Plan (adopted to demonstrate attainment of the 2015 ozone standard by 2037), page ES-3, Figure ES-1, showing that EPA will be responsible for 46% of all Nox emissions in 2037. And page ES-4, figure ES-4, showing that emissions from federal sources alone in 2037 will exceed the region's NOx carrying capacity by about 25 tons per day. (Carrying capacity means the amount of pollution per day that the region can hold and still meet the applicable air quality standard). *Id*., *available at* https://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2022-air-quality-management-plan/final-2022-aqmp/final-2022-aqmp.pdf?sfvrsn=16.

acknowledges the need. While EPA cites what the Contingency Measure Plan says about the role of federal sources in the emissions inventory, 89 Fed. Reg. at 7324 col.1, it does not express agreement with these statements, explain how they are relevant to the proposed action, or explain how it expects that the South Coast would be able to attain the standard without very substantial reductions from federal sources.

An agency acts arbitrarily and capriciously when it "entirely fails to consider an important aspect of the problem." *O'Keeffe's, Inc. v. U.S. Consumer Prod. Safety Comm'n*, 92 F.3d 940, 942 (9th Cir. 1996). The demonstrated inability of the State and South Coast to attain the NAAQS without federal regulation of federal sources is unquestionably "an important aspect of the problem." EPA cannot escape the conclusion that its action is arbitrary and capricious because it entirely failed to consider an important aspect of the problem—that the South Coast region needs reductions from federal sources in order to attain, and if so, what EPA is going to do about it.

C. EPA Failed to Acknowledge that It Is Changing its Prior Position and to Explain the Reasons for its Change.

When an agency changes policy, "the requirement that an agency provide reasoned explanation for its action would ordinarily demand that it display awareness that it *is* changing position. An agency may not, for example, depart from a prior policy *sub silentio*…." *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 515 (2009). The same principle should apply when EPA changes its legal position, especially when the prior legal position is thoroughly explained. In this case, EPA's action in proposing disapproval without acknowledging it is changing its prior position, admitting that it has previously approved a federal assignment, or explaining why it is changing its position, is arbitrary and capricious.

As explained in Part III B, EPA has previously approved a South Coast AQMD SIP submission that relied on federal measures. And contrary to EPA's position that such a plan is "not approvable as a matter of law," 89 Fed. Reg. at 7325 col. 1, EPA previously stated: "The 'Federal Assignments' portion of the SIP is approvable because it is consistent, in the overall context of the California SIP, with the Clean Air Act requirements." 62 Fed. Reg. at 1153 col. 1. Yet EPA wholly fails to recognize that it has not only changed its legal position (that such a SIP is approvable) but also its policy position that EPA has a responsibility to help clean the air. 62 Fed. Reg. at 1151 col.2. In the proposed disapproval, EPA attempts to make it appear that it is not changing its prior position, by stating that it has consistently taken the position that states do not have the authority to assign SIP responsibilities to the federal government. 89 Fed. Reg. at 7325 col. 1, n. 46. Misleadingly, it even cites the 1997 plan approval for that proposition, while completely ignoring the fact that in the 1997 action, it actually approved the Federal Assignments. None of the cited federal register notices argue that EPA's prior legal position was incorrect.

As argued above, EPA should return to its earlier position that EPA may approve a SIP that calls for federal regulation of federal sources, accepting that the state cannot *force* EPA to do so. And it should return to its prior policy that it is appropriate for EPA to assist states in attaining the

national ambient air quality standards, at least where significant reductions are needed from federal sources.

D. EPA's Proposed Disapproval Entirely Fails to Consider an Important Aspect of the Problem: Health Impacts to South Coast Residents that EPA Has the Authority to Address.

EPA's proposed disapproval acknowledges that ozone causes significant health problems. "Breathing air containing ozone can reduce lung function and inflame airways, which can increase respiratory symptoms and aggravate asthma or other lung diseases." 89 Fed. Reg. at 7321 col. 2. EPA also recognizes that the population of the South Coast nonattainment area is over 17 million. *Id.*, col. 3. And of course, the South Coast Air Basin is classified as "Extreme" for ozone nonattainment—the highest level of ozone in the nation. *Id.* Thus millions of people remain subject to harmful levels of ozone in the South Coast Air Basin. Yet, as EPA fails to acknowledge the record demonstrates conclusively, the federal ozone standards cannot be attained without significant regulation of sources subject solely to federal regulation. *See also* Table 1 at the end of this Comment.

It is undeniable that federal sources contribute significantly to the health effects of ozone in the South Coast AQMD. EPA cites no reason at all for failing to help reduce these health effects, except its erroneous belief that it cannot approve a plan relying on federal measures. EPA in the past has recognized that it has the obligation to help clean the air. 62 Fed. Reg. 1150, 1151 col. 2. (approval of South Coast 1994 ozone SIP). It provides no reason for abandoning this logical position. Its about-face in this proposed disapproval has no reasonable basis and is thus arbitrary and capricious and an abuse of discretion.

E. A Disapproval Would Be Irrational Because It Would Demand that California and South Coast Do the Impossible.

As discussed above, it is impossible for the South Coast Air Basin to attain the 1997 8-hour ozone standard without massive emissions reductions from sources subject solely to federal regulation. Therefore, if EPA were to disapprove the Plan because it relies on federal action, it would be impossible for the South Coast to submit a revised Plan that eliminated that reliance. South Coast would never be able to correct the alleged deficiency in the Plan and thus would be subject to sanctions it has no ability to avoid. CAA § 179B, 42 U.S.C. § 7509. The imposition of sanctions would be a significant harm.

These sanctions would likely lead to the South Coast AQMD eventually being unable to issue permits for new or modified major stationary sources (*id.* § 7509(B)(2)), because the 2-to-1 offset ratio would require offsets that simply are not available in the region. As an Extreme ozone area, the South Coast Air Basin requires ozone precursor offsets to be provided at a 1.2 to 1 ratio (Section 182(e)(1). Thus, a sanction requiring a 2 to 1 offset ratio will significantly increase the cost and the rate of depletion of offsets. The sanction will cause a 66.7% increase in

the offset ratio. The cost of offsets would thus increase by at least 66.7% per pound, which does not even consider increased costs due to increased demand for offsets.

There are currently three types of offset programs in the South Coast AQMD. The first are emission reduction credits, which are issued upon approval of an application by a source that has shut down, following procedures to discount the credits. These offsets (Emission Reduction Credits or ERCs) may be banked and sold to persons needing offsets. ERCs are trading at $365,000 per ton per year so the price of offsets for a modification or new major source would go up to at least $608,455 per ton per year. The price would be expected to go up as time goes on.

The second type of offset is the emission allocation under the NOx RECLAIM Program (Regional Clean Air Incentives Market) which is a cap-and-trade program for NOx emissions from sources of 4 tons per year or greater. These facilities must hold enough RTCs (RECLAIM Trading Credits) the end of each quarter to cover their emissions of NOx during that quarter. Also, RECLAIM is required to comply programmatically with the NOx offset ratio of 1.2 to 1. The program consistently meets this requirement. There are more than enough RTCs available to meet the 2 to 1 ratio.[11]However, someone could argue that each individual new or modified source must meet the sanction ratio of 2 to 1, which presents a legal uncertainty and possible 66.7% increase in offsets for new and modified sources.

The third type of offset is an internal bank offset and is created when a facility shuts down but does not apply for ERCs. These offsets are discounted, and then made available to essential public services such as sewage plants, hospitals, and schools. These entities do not have to pay for these offsets. However, the impact on the internal bank will increase by 66.7%. Because it will not be possible for the District to adopt a plan that does not rely on federal measures to attain by the applicable date, it will likely also be impossible to stop the sanctions clock for a number of years, until attainment. Therefore, the increased drain on the internal bank will continue. Eventually the bank will likely face a shortage of available offsets. Therefore, the offsets sanction will impose a heavy burden on the region's economy by increasing costs and reducing availability of offsets.

Moreover, the sanction of withholding highway transportation funds (*id.* § 7509(b)(1)) would likely impair billions of dollars in economic activity. According to the 2020 Regional Transportation Plan prepared by the Southern California Association of Governments, the region expects $41 billion in federal transportation funding by 2045. *See* Connect SoCal 2020, Ch. 4, p. 105., *available at* https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocal-plan_0.pdf?1606001176. Thirteen percent of that funding, or $5.3 billion, is Construction Mitigation and Air Quality funds which would likely not be withheld under the highway funding

[11] *See, e.g.*, South Coast AQMD, "Annual RECLAIM Audit Report for 2022 Compliance Year," March 1, 2024, at 88-90, *available at* https://www.aqmd.gov/docs/default-source/reclaim/reclaim-annual-report/2022-reclaim-report.pdf?sfvrsn=12

sanction. This leaves $35.7 billion in funding for transportation projects that could be withheld if EPA imposes sanctions. Infrastructure projects could be waylaid, creating ramifications for the largest container ports complex in the nation. These and other highway projects could be stopped for many years, because the region cannot correct the so-called deficiency in the Plan. As noted repeatedly above, it would be impossible to submit and have EPA approve a plan that does not rely on reductions from federal sources.

Disapproval of the Plan based on California and South Coast AQMD's failure to do the impossible would be fundamentally irrational. "The law does not require impossibilities of any person, natural or artificial.…" *Dist. of Columbia v. Woodbury,* 136 U.S. 450, 464 (1890); *Messina v. U.S. Citizenship & Immig. Servs.*, No. CIV.A. 05CV73409DT, 2006 WL 374564, at *6 (E.D. Mich. Feb. 16, 2006) ("It is arbitrary and capricious to require compliance with a regulation when compliance is impossible."). Here, EPA's interpretation of CAA Section 110(a)(1) (42 U.S.C. Section 7410(a)(1), which requires states to adopt a plan "which provides for implementation, maintenance, and enforcement of such primary standard in each air quality control region (or portion thereof) within the state", is that the state must show attainment by the applicable date without relying on federal measures. This is an impossibility. EPA cannot by a disapproval require South Coast and California to do the impossible.

Furthermore, the doctrine of construing statutes to avoid "absurd results" prevents EPA from disapproving the Plan. EPA's interpretation of CAA Section 179(a)(3)(B), which provides for sanctions if EPA disapproves a plan, unless the deficiency has been corrected, results in this case in sanctions being imposed following EPA's disapproval even though the state and local governments have no ability to correct the deficiency. This is an absurd result, penalizing a state for failure to do the impossible. Any action which would impose sanctions on a region for a failure caused by sources over which it has no control would create absurd results. The Supreme Court has long held that when the literal language of a statute:

> ...has led to absurd or futile results…this Court has looked beyond the words to the purpose of the act. Frequently, however, even when the plain meaning did not produce absurd results but merely an unreasonable one plainly at variance with the policy of the legislation as a whole this Court has followed that purpose rather than the literal words.

United States v. Am. Trucking Ass'ns, 310 U.S. 534, 543 (1940) (cleaned up). The Supreme Court reiterated this language in *Perry v. Commerce Loan Co.*, 383 U.S. 392, 400 (1966). Penalizing the South Coast with an action that causes sanctions because of emissions over which the state and local agencies lack the ability to set emission standards creates absurd results and is plainly at variance with the purpose of the statute as a whole, which is not to penalize states for sources outside their control.

IV. Disapproval of the Contingency Measure Plan Leading to Imposition of Sanctions Would Be Arbitrary and Capricious and Contrary to Law.

Ordinarily, a deficiency in a SIP submission that is not corrected by the state would result in the imposition of sanctions by EPA. CAA § 169, 42 U.S.C. § 7609; CAA § 110(m), 42 U.S.C. § 7410(m). Here, however, imposition of sanctions in the South Coast Basin based on EPA's disapproval of the Contingency Measure Plan would be unlawful.

A. Congress Did Not Intend EPA to Impose Sanctions Where State and Local Governments Lack the Authority to Regulate Sources Causing a Failure to Attain.

The text of the CAA and its legislative history make plain that Congress intended EPA to impose sanctions to encourage states to rectify deficiencies in their SIPs and to deter future deficiencies. That congressional intent cannot support imposition of sanctions where the state has *no ability* to rectify the deficiency because it is due to emissions from sources over which the state has no control.

First, as explained above, the legislative history of the 1990 Amendments to the Clean Air Act shows that Congress did not intend sanctions to be imposed where the state and local governments lack sufficient authority to remedy the deficiency, which in this case is because the CAA preempts state and local governments from setting emission standards for federal sources. On May 23, 1990, during the House debate on the CAA, Representative Norm Mineta (D-CA) stated: "Under the sanctions provisions, the EPA Administrator is required to establish criteria for exercising his or her authority to impose sanctions on political subdivisions that have adequate authority to correct an air quality deficiency."[12] In this case, the South Coast AQMD does not have adequate authority to correct the supposed deficiency, since it is impossible to devise a plan that does not rely on emission reductions from federal sources for which EPA has the authority to set emission standards. This principle was repeated during the House debate on the Conference Report on October 26, 1990. Representative Glenn Anderson (D-CA) stated: "This provision will ensure that available sanctions are applied to the geographical areas under the control of the government agency principally responsible for failure to comply with the Clean Air Act and with the authority to remedy the deficiency."[13] While this discussion pertains directly to CAA Section 110(m), which prohibits statewide sanctions for 24 months if the failure is primarily due to a political subdivision, it clearly shows that Congress did not intend for sanctions to be imposed on an area that may be unable to correct the deficiency.

Second, section 110(m), which provides for discretionary sanctions, provides that the sanctions are to be imposed "for the purpose of ensuring that the requirements of this chapter relating to such plan or plan item are met." CAA § 110(m), 42 U.S.C. § 7410(m). In other words, they are

---

[12] Congressional Research Service, *A Legislative History of the Clean Air Act Amendments of 1990*, (Leg. History) Committee Print, p. 2658
[13] Leg. History, p. 1200.

designed to provide an incentive for states to adopt compliant SIPs and to correct deficiencies in those SIPs when identified by EPA. Further, that section ensures that EPA will impose sanctions only against the particular region of a state that is *responsible* for the SIP deficiency. It directs the Administrator to impose sanctions "with respect to any portion of the State the Administrator determines reasonable and appropriate." *Id.* It further directs EPA to develop regulations to ensure that "such sanctions are not applied on a statewide basis where one or more political subdivisions covered by the applicable implementation plan are principally responsible for such deficiency." *Id.* Where a deficiency cannot be corrected because it is attributable to emissions from federal sources, the region that cannot comply is in no sense responsible for the deficiency and no amount of sanctions can encourage compliance. While this language applies specifically to discretionary sanctions, it reflects the basic purpose of sanctions to encourage the state to take action to correct the deficiency that caused the sanctions, which is not possible in this case.

Third, CAA section 179B (42 U.S.C. § 7509a) requires EPA to approve an attainment demonstration where the state shows it would attain the standard "but for emissions emanating from outside of the United States." The legislative history of this section makes it clear that it was adopted precisely because it would be unfair to hold a state responsible for *emissions over which it has no control*. The amendment was sponsored by Senator Phil Gramm (R-TX), who explained, "it is unfair to hold El Paso accountable for pollution that is generated in a foreign country that they have no control over."[14] Senator Max Baucus (D-MT), the sponsor of the Senate bill, spoke in support of the provision, noting that border areas "do not have control of their own destiny themselves."[15] Congress clearly intended that areas that have no control over the sources causing nonattainment not be penalized for that nonattainment.

Finally, in the "Good Neighbor" provision, CAA § 110(a)(2)(D), 42 U.S.C. § 7410(a)(2)(D), the Clean Air Act requires upwind states to control interstate pollution that might otherwise impair a downwind state's ability to attain the NAAQS. *EPA v. EME Homer City Generation, L.P.*, 572 U.S. 489, 498-99 (2014). This provision reflects another congressional commitment to avoid penalizing states that cannot attain the NAAQS due to factors entirely outside their control. *See North Carolina v. EPA*, 531 F.3d 896, 912 (D.C. Cir. 2008) (EPA must ensure that upwind states reduce transboundary pollution prior to the downwind states' deadlines for attainment).

By the same token, Congress did not anticipate that areas would fail to attain due to emissions from federal sources and certainly did not anticipate that such areas would be sanctioned for EPA's failure to regulate those sources.

B. Under EPA's Proposed Disapproval, the Clean Air Act's Sanctions Regime Would Violate the Spending Clause as Applied to the South Coast Air Basin.

EPA's imposition of sanctions in the South Coast Air Basin would violate the Tenth Amendment and Spending Clause. The CAA is implemented through the delicate balance of federal and state

[14] Leg. History, p. 5741.
[15] Leg. History, p. 5742.

action that is characterized as cooperative federalism. *Comm. for a Better Arvin v. U.S. E.P.A.*, 786 F.3d 1169, 1173 (9th Cir. 2015). Though the federal government may financially induce states to administer regulations of Congress's choosing, it cannot commandeer state regulatory processes or impose financial inducements that are so severe that they transform pressure into compulsion. *Nat'l Fed'n of Independent Bus. v. Sebelius,* 567 U.S. 519, 580 (2012) ("*Sebelius"*). EPA's actions now threaten to convert the Clean Air Act's sanctions into exactly that.

We recognize that courts have traditionally upheld Clean Air Act sanctions against coercion claims. *See, e.g., Miss. Comm'n on Envtl. Quality v. EPA*, 790 F.3d. 138 (D.C. Cir. 2015); *Virginia v. Browner,* 80 F.3d 869 (4th Cir. 1996). The present case however is markedly different in the degree of the financial inducement at issue and the unique practical challenges faced by South Coast AQMD. In 2012, the Supreme Court held that the Affordable Care Act's expansion of Medicaid, which required states to implement the expansion in order to receive their existing Medicaid grant, was unconstitutionally coercive. *National Federation of Independent Businesses v. Sibelius*, 567 U.S. 519 (2012) The Court focused heavily on the amount of funding, which could make up over ten percent of a state's budget, that was threatened by the Act. This amount of funding went beyond "relatively mild encouragement" to become a "gun to the head." *Id.* at 581. Though few federal grants could ever approach the magnitude of Medicaid, the exact point at which financial inducement transforms pressure into compulsion has never been defined. *See South Dakota v. Dole,* 483 U.S. 203, 211 (1987) (explaining that financial inducement can be coercive but not quantifying the exact amount at which pressure transforms into compulsion).

The economic sanctions threatened against South Coast are undoubtedly severe. South Coast AQMD is responsible for large areas of Los Angeles, Orange, Riverside, and San Bernardino counties, comprising a region whose population of 17 million people makes up nearly half of the state's entire population (44 percent to be exact).[16] The basin is an economic engine for the entire state of California and home to two of the largest ports in the country (the Ports of Los Angeles and Long Beach). Sanctions threaten immense economic harm to the region and the State, and the financial impact of sanctions approaches "economic dragooning." *Sebelius,* 567 U.S. at 582.

South Coast also faces unique obstacles to regulating the sources that cause it to be in nonattainment. Most significantly, the state and local agencies that are responsible for air pollution control are precluded, both by the provisions of the Clean Air Act itself and principles of international law, from adopting the regulations necessary to avoid sanctions. The CAA preempts states from regulating locomotives and aircraft. Large ocean-going ships are regulated by the International Maritime Organization, an international agency that is not obligated to consult with local and state air agencies. These challenges leave California and the South Coast AQMD with few options and make sanctions inevitable, as explained above. The State is thus

[16] Compare these numbers to those in *Mississippi,* in which the coercion argument was advanced for a single county in Texas, one out of 254 counties in the state, and with a population of approximately 70,000 people. 790 F.3d 138 at 178.

denied the real choice necessary for the federal government's exercise of the Spending Clause to be constitutional.

EPA's refusal to regulate federal sources also violates the Spending Clause by retroactively altering the conditions under which states could lose federal funding pursuant to the CAA. The Supreme Court has framed congressional applications of the spending power as a contract, noting that the legitimacy of this power "rests on whether the State voluntarily and knowingly accepts the terms of the 'contract.'" *Sebelius,* 567 U.S. at 576-77 (quoting *Pennhurst State Sch. & Hosp. v. Halderman,* 451 U.S. 1, 17 (1984)); *see also Guardians Ass'n v. Civil Servs. Comm'n of City of N.Y.,* 463 U.S. 582, 596 (1983) ("[T]he receipt of federal funds under typical Spending Clause legislation is a consensual matter: the State or other grantee weighs the benefits and burdens before accepting the funds and agreeing to comply with the conditions attached to their receipt.").[17] Spending Clause legislation that subjects states to new terms and conditions that they neither agreed to nor could have anticipated when electing to comply with federal spending conditions thus threatens state sovereignty and the balance of state and federal power.

In *Sebelius,* the Supreme Court held that the Affordable Care Act's statutory changes to the Medicaid program subjected states to new terms and conditions that they had no notice of when agreeing to participate in the original Medicaid program. Likewise, the CAA has long reflected a bargain in which states like California have agreed to adopt SIPs to attain the federal NAAQS in exchange for receiving substantial federal highway funds. As explained above, when this deal was struck, Congress indicated that EPA would regulate federal sources if necessary for states to achieve the NAAQS. The CAA's legislative history demonstrates that it was under these terms that the states—and specifically California—agreed to the program and acquiesced to federal authority. In failing to regulate the sources under its purview, EPA has reneged on its contractual commitment and in doing so is preventing California and South Coast from attaining the NAAQS. This condition compels states to achieve emissions reductions without EPA's promised contribution and imposes goals that are impossible for South Coast to achieve. The State and South Coast neither had notice of, nor agreed to, these terms, and for decades have reasonably relied on federal funds based on a mutual understanding of the CAA that EPA now seeks to retroactively alter by asserting that California and South Coast cannot adopt a SIP that anticipates federal regulation of federal sources.

The fact that these new retroactive conditions arise not from statutory amendments, as they did in *Sebelius*, but rather from EPA's conduct makes them no less meaningful. Whether by legislation

---

[17] The requirement that states *knowingly accept* the terms of Spending Clause conditions is also a factor in determining whether congressional application of the Spending Clause is coercive. *See, e.g., South Dakota*, 483 U.S. at 207 ("[W]e have required that if Congress desires to condition the States' receipt of federal funds, 'it must do so unambiguously…, enabl[ing] the States to exercise their choice knowingly, cognizant of the consequences of their participation.'").

or unofficial agency practice, EPA's failure to fulfill its obligations under the original CAA contract is inconsistent with the Supreme Court's jurisprudence under the Spending Clause.

V. EPA's Proposed Disapproval of the State and Local Contingency Measures Is Not in Accordance with Law.

Under the Clean Air Act, Extreme ozone nonattainment areas may rely on measures that require the development of new technology or require coordination among a number of government agencies. 79 Fed. Reg. at 7322 col. 2. If they do so, they must submit an enforceable commitment to adopt contingency measures "to be implemented … if the anticipated technologies do not achieve the planned reductions." CAA § 182(e)(5), 42 U.S.C. § 7511a(e)(5). EPA states that the Contingency Measure Plan fails to "include any contingency measures that could be implemented if the planned reductions from new technology measures are not achieved." 89 Fed. Reg. 7320, 7325 col. 2.

Importantly, EPA does not say there are not enough contingency measures; rather, it suggests that there are not *any*. This is clearly erroneous. Indeed, EPA lists the measures for implementation by South Coast AQMD and CARB that are included in the Plan. 89 Fed. Reg. at 7323 cols. 2,3. EPA fails to explain why these measures do not qualify as Section 182(e)(5) contingency measures. At minimum, EPA should approve the South Coast measures that have already been implemented. These include reductions from RECLAIM, reductions from facility-based measures for airports (MOUs for each major commercial airport have been submitted as part of the SIP), and the conversion of Metrolink locomotives to Tier 4. EPA does not show how the contingency measures fail to meet any statutory requirement. In fact, Section 182(e)(5) states that the contingency measures may be implemented if EPA finds that an Extreme area has failed to meet the periodic reductions required by Sections (b)(1) or (b)(2) of Section 182. This is exactly what was done for the measures that have already been implemented. Moreover, all the measures in the contingency measure plan, including the federal measures, meet the statutory requirement that they "shall be adequate to produce emission reductions sufficient, in conjunction with other approved plan provisions, to achieve the periodic emission reductions required by subsection (b)(1) or (c)(2) of this section and attainment by the applicable dates." CAA § 182(e)(5), 42 U.S.C. § 7511a(e)(5). EPA fails to explain why these measures, which meet the statutory requirements, do not qualify as contingency measures under Section 182(e)(5).

Conclusion

EPA's proposed disapproval of the Contingency Measure Plan is a betrayal of the residents of the South Coast Air Basin who rely on reductions from federal sources to ever be able to breathe clean air. As time goes on, the role of federal sources gets bigger and bigger. For the 2015 ozone standard—due to be attained in 2037—federal sources *by themselves* emit more than the carrying capacity of the region for NOx. EPA must take action now to fulfill its legal and moral obligation to regulate federal sources to allow the South Coast region to attain the NAAQS. The proposed disapproval is unlawful and an abuse of discretion and must be reversed.

Table A- Sources of NOx emissions by category for calculations of reductions needed to attain in Section II.

Source Category	2023 NOx Emissions	References
Stationary and Area Sources	49 tpd	2018 SIP Update https://ww2.arb.ca.gov/sites/default/files/classic/planning/sip/2018sipupdate/2018update.pdf?_ga=2.203433616.1202062696.1609860434-773042855.1578434161
CA Vehicles (on-road)	68.5 tpd	2018 SIP Update https://ww3.arb.ca.gov/planning/sip/2018sipupdate/2018update.pdf?_ga=2.203433616.1202062696.1609860434-773042855.1578434161 EMFAC 2014 https://arb.ca.gov/emfac/2014/
CA off-road mobile	54.2 tpd	2018 SIP Update https://ww3.arb.ca.gov/planning/sip/2018sipupdate/2018update.pdf?_ga=2.203433616.1202062696.1609860434-773042855.1578434161 California Emission Projection Analysis Model (CEPAM) Version 1.05 https://www.arb.ca.gov/app/emsinv/fcemssumcat/fcemssumcat2016.php
Federal Vehicles (on-road)	20.3 tpd	2018 SIP Update https://ww3.arb.ca.gov/planning/sip/2018sipupdate/2018update.pdf?_ga=2.203433616.1202062696.1609860434-773042855.1578434161 EMFAC 2014 https://arb.ca.gov/emfac/2014/
Federal off-road	7.2 tpd	2018 SIP Update https://ww3.arb.ca.gov/planning/sip/2018sipupdate/2018update.pdf?_ga=2.203433616.1202062696.1609860434-773042855.1578434161 California Emission Projection Analysis Model (CEPAM) Version 1.05 https://www.arb.ca.gov/app/emsinv/fcemssumcat/fcemssumcat2016.php
Federal planes trains and ships	69.7 tpd	2018 SIP Update https://ww3.arb.ca.gov/planning/sip/2018sipupdate/2018update.pdf?_ga=2.203433616.1202062696.1609860434-773042855.1578434161
TOTAL	269 tpd	

ATTACHMENT C

POTOMAC PARTNERS DC

Monthly Legislative Report – March

March Advocacy Meetings

Office of Congressman Mike Levin (D-CA) – We met with Congressman Levin's staff to discuss appropriations requests and deadlines for Fiscal Year (FY) 2025. We specifically discussed the Interstate 5 (I-5) Improvement Project from the San Diego County Line to the Avenida Pico interchange and the Coastal Rail Infrastructure Resiliency Project. As of the time of this writing the office has only released their FY25 programmatic and language forms with a deadline of April 3rd.

Office of Congressman Lou Correa (D-CA) – We met with Congressman Correa's staff to discuss FY25 appropriations deadlines, which are on April 5th for both programmatic and language requests as well as community project funding requests (CPF). Projects we discussed include the Harbor Boulevard Connected Bus Pilot, Harbor Boulevard High-Capacity Transit Expansion Study, Solar Panels at OCTA Santa Ana Bus Base, Santa Ana-Garden Grove Rails to Trails project, the Katella Bridge Pedestrian Bridge, the First Street Transit Signal Priority and Complete Streets in Santa Ana, State Route 57 (SR-57) Orangewood to Katella project and the State Route 91 (SR-91) project.

Office of Congresswoman Young Kim (R-CA) – We met with Congresswoman Kim and staff to discuss FY25 Appropriations forms that have a set deadline for March 29th on both programmatic and language requests and CPF. We specifically discussed progress on the SR-91 project, and the State Route 55 project.

Office of Congresswoman Linda Sanchez (D-CA) – We met with Congresswoman Sanchez's staff to discuss and FY25 appropriations forms and deadlines which have not been announced.

Office of Congresswoman Michelle Steel (R-CA) – We met with Congresswoman Steel's staff to discuss FY25 Appropriations request forms and deadlines which have not been announced. Projects we discussed include the I-605/Katella Ave Interchange, the SR-57 Lambert to Orange County Line project, and county-wide technology/signal upgrades.

Office of Senator Laphonza Butler (D-CA) – We met with Senator Butler's appropriations staff on a zoom call to discuss congressionally directed spending (CDS) project request for the Zero-Emission Paratransit Fleet Replacement request we had submitted to the office.

Office of Senator Alex Padilla (D-CA) – We met with Senator Padilla's staff to discuss OCTA Zero-Emission Vanpools as a possible CDS request for FY25.

FY24 Appropriations

On March 8th, the Senate voted 75-22 to enact a package of six FY24 appropriations bills that include the Transportation Housing and Urban Development Related Agencies funding bill and send it to the president to be signed into law after the House cleared the package in a 339-85 vote.

Bill summaries and explanatory statements accompanying each are available below:

- **Agriculture, Rural Development, FDA, and Related Agencies**
  - Summary
  - Explanatory Statement
- **Commerce, Justice, Science, and Related Agencies**
  - Summary
  - Explanatory Statement
- **Energy and Water Development**
  - Summary
  - Explanatory Statement
- **Interior, Environment, and Related Agencies**
  - Summary
  - Explanatory Statement
- **Military Construction, Veterans Affairs, and Related Agencies**
  - Summary
  - Explanatory Statement
- **Transportation, Housing and Urban Development, and Related Agencies**
  - Summary
  - Explanatory Statement

Included in the Transportation, Housing and Urban Development, and Related Agencies explanatory statement you will find three requests included for OCTA:

1. Coastal Rail Corridor Relocation Study for $4M
2. SR-91 Improvement Project for $4M
3. Orange County Loop Project for $3M

Two weeks later, on March 22nd, the House passed the bill FY24 appropriations on a 286-134 vote, with 112 Republicans voting no, along with 23 Democrats. The Senate approved the six-bill package by a vote of 74-24 shortly after midnight on the morning of March 23rd.

Joint explanatory statements for each division of the package are available below:

- Division A - Defense Appropriations Act, 2024
- Division B - Financial Services and General Government Appropriations Act, 2024
- Division C - Homeland Security Appropriations Act, 2024
- Division D - Labor, Health and Human Services, Education and Related Agencies Appropriations Act, 2024
- Division E - Legislative Branch Appropriations Act, 2024
- Division F - State, Foreign Operations, and Related Programs Appropriations Act, 2024

Division C- the Homeland Security Appropriations Act was the most controversial bill in the package. After intense negotiations that bill was ultimately included with several significant cuts to include the elimination of funding for the state and local grant funding for canine teams that protect and patrol airports and transit hubs.

Immediately after the second minibus package passed the House, Rep. Marjorie Taylor Greene (R-GA) filed a motion to vacate the Chair that could set up a new election for the Speaker of the House in April. As you may recall, the current Speaker of the House Mike Johnson (R-LA) became speaker after a similar motion from Rep. Gaetz's (R-FL) that set up a marathon of caucus votes to replace Rep. Kevin McCarthy from the Speaker's office.

It is also worth noting that following the enactment of final Appropriation package House Appropriation Chair Kay Granger (R-TX) announced she will be stepping down as Chair and requested the GOP Steering Committee and Conference select a new Chair of the Appropriations Committee to serve out the remainder of the 118th Congress. She will, however, remain on the Appropriations Committee as Chair Emeritus.

Two leading contenders for the new chair include Reps. Robert Aderholt (R-AL) and Tom Cole (R-OK).

Federal Aviation Administration (FAA) Authorization Bill

In the late evening of March 6, 2024, the Senate passed an FAA authorization extension under unanimous consent. The bill mirrors the House version, which passed on February 29, 2024. The bill extends FAA authorization through May 10, 2024, and gives the Senate more time to finalize a five-year bill. President Biden signed the current extension before the most recent version expired on March 8, 2024.

This marks the third extension since the FAA's last authorization expired on September 30, 2023. The House's proposal includes significant investments and safety

measures, while the Senate's version focuses on accessibility, foreign aviation safety, and additional flight slots at Reagan National Airport, despite local concerns over potential delays.

On February 8th the Senate Commerce, Science and Transportation Committee advanced a bill to reauthorize the FAA for five years. The bill (S. 1939) would authorize more than $107 billion for the FAA for fiscal years 2024 through 2028, including $67.5 billion for operations, training, and retention of critical staff as well as $20 billion for airport improvement grants, according to the committee. There is no current timetable for when a compromise bill will be publicly released.

U.S. Department of Transportation (USDOT) Announces $1.25 Billion in Grants to Improve Roadway Safety

USDOT has opened the process for cities, towns, counties, Tribal governments and Metropolitan Planning Organizations (MPO) to apply for $1.256 billion in funding for local projects that improve roadway safety. The funds are from the competitive grant program, Safe Streets and Roads for All (SS4A). A non-exhaustive list of the cities and counties that meet program thresholds is available HERE. The Safe Streets and Roads for All Notice of Funding Opportunity is available HERE.

Federal Transit Administration (FTA) Opens Public Comment on Proposed Rule to Strengthen Rail Transit Worker Safety

The FTA issued a notice on March 22nd that it is putting forth statutory minimum standards for the first time to safeguard people who work on rails for rail transportation organizations around the country.

Transit agencies around the country would have to "create a protection program geared at personnel who work on or around the tracks, implement comprehensive training for workers, and ensure that unsafe acts and conditions are reported," according to a Notice of Proposed Rulemaking that can be seen HERE.

Federal Highway Administration (FHWA) Announces Nearly $45 Million in Available Funds to Improve Bicyclist and Pedestrian Connectivity and Safety

On March 19th FHWA announced that it is now accepting applications for up to $44.5 million in financing for projects that would increase accessibility to public transportation, improve walking, biking, and safety in communities around the nation. The President's Investing in America Agenda made possible the FHWA's new Active Transportation Infrastructure

Investment Program , a competitive grant program that will concentrate on creating networks of connected bicycle and pedestrian infrastructure improvements, including improving the connections between trail networks between communities.

The Department of Defense Issue a Notice of Funding Availability for the Defense Community Infrastructure Program

The Defense Community Infrastructure Program is a grant program designed to address deficiencies in community infrastructure, supportive of a military installation, to enhance military value, support the training of cadets at "covered educational institutions," installation resilience, and/or military family quality of life. Projects for this program should be related to transportation; schools; hospitals; police, fire, or emergency response, or other community support facilities; and utility projects (e.g., water, wastewater, telecommunications, electric and natural gas facilities). The facility or project itself must be owned by a state or local government, or a not-for-profit, member-owned utility. The facility addressed in the application must not be located on a military installation unless it is on property under the jurisdiction of a military department that is also subject to a real estate agreement (including a lease or an easement) held by an eligible community. Additional program information is available HERE.

Eligible Entities: State, County, and City/Township governments.

Total Program Funding Available: $100 million.

Required Cost Sharing or Match: 30% is required.

Application Deadline: June 17th, 2024 at 5:00PM PDT.

The Federal Railroad Administration (FRA) Interstate Rail Compacts (IRC) Grant Program

The FRA has awarded $900,000 to three entities through the IRC Grant Program, created by President Biden's Bipartisan Infrastructure Law. The grants will improve passenger rail service in the Midwest, South, and Southeast, including many states and communities that have never seen passenger rail service or have had previous services discontinued for years. The IRC Program allows awardees to use grant funding for administrative, planning, and marketing activities, including work products, technical staff, and operations coordination. More information is available HERE.

FY2024 Competitive Funding Opportunity: Buses and Bus Facilities Program

The purpose of this grant program is to assist in the financing of buses and bus facilities capital projects, including replacing, rehabilitating, purchasing, or leasing buses or related equipment, and rehabilitating, purchasing, constructing, or leasing bus-related facilities. Projects funded by this program (and the Low-No grant program) will be expected to reduce greenhouse gas emissions in the transportation sector; incorporate evidence-based climate resilience measures and features; avoid adverse environmental impacts to air or water quality, wetlands, and endangered species; and address the disproportionate negative environmental impacts of transportation on disadvantaged communities Eligible projects including the following: Capital projects to replace, rehabilitate, purchase, or lease buses, vans, or related equipment; Rehabilitate, purchase, construct, or lease bus-related facilities regardless of propulsion type or emissions; Additionally, 0.5% of the Federal request may be used for workforce development training and an additional 0.5% may be used for training at the National Transit Institute (NTI). Note, applicants proposing any project related to zero-emission vehicles and related facilities must also spend 5% of their award on workforce development and training as outlined in their Zero-Emission Fleet Transition Plan, unless the applicant certifies that their financial need is less.

Eligible Entities: States, local governmental authorities, and Indian Tribes.

Total Program Funding Available: $390 million.

Required Cost Sharing or Match: At least 20 percent cost match.

Application Deadlines: April 25th, 2024 at 11:59 PM EST.

FY2024 Competitive Funding Opportunity: Low- or No-Emission Program

The purpose of the Low-No Program is to support the transition of the nation's transit fleet to the lowest polluting and most energy efficient transit vehicles. The Low-No Program provides funding for the purchase or lease of zero-emission and low-emission transit buses, including acquisition, construction, and leasing of required supporting facilities such as recharging, refueling, and maintenance facilities. Eligible protect types include the following: Purchasing or leasing low or no emission buses; Acquiring low or no emission buses with a leased power source; Constructing or leasing facilities and related equipment (including intelligent technology and software) for low or no emission buses; Constructing new public transportation facilities to accommodate low or no emission buses; Rehabilitating or improving existing public transportation facilities to accommodate low or no emission buses; Additionally, 0.5% of the Federal request may be used for workforce development training

and an additional 0.5% may be used for training at the National Transit Institute (NTI). Note, applicants proposing any project related to zero-emission vehicles and related facilities must also spend 5% of their award on workforce development and training as outlined in their Zero-Emission Fleet Transition Plan, unless the applicant certifies that their financial need is less.

Eligible Entities: States, local governmental authorities, and Indian Tribes.

Total Program Funding Available: Approximately $1.10 billion.

Required Cost Sharing or Match: At least 20 percent cost match.

COMMITTEE TRANSMITTAL

April 22, 2024

To: Members of the Board of Directors

From: Andrea West, Clerk of the Board

Subject: Low Carbon Transit Operations Program Recommendations for OC Bus Transit Projects

Transit Committee Meeting of April 11, 2024

Present: Directors Do, Jung, and Klopfenstein
Absent: Directors Aitken, Amezcua, Harper, and Sarmiento

Committee Vote

No action was taken on this item due to lack of quorum present.

Staff Recommendations

A. Approve Resolution No. 2024-016 to authorize the use of $10,349,538 in fiscal year 2023-24 Low Carbon Transit Operations Program funds for the 40 Hydrogen Fuel Cell Buses Project.

B. Approve Resolution No. 2024-017 to authorize the use of prior year funds and interest earnings totaling $3,171,997 for new or expanded Bravo!/Rapid bus services and the Youth Ride Free Program.

C. Authorize staff to make all necessary amendments to the Federal Transportation Improvement Program as well as negotiate and execute any necessary agreements with regional, state, or federal agencies to facilitate the recommendations above.

OCTA

April 22, 2024

To: Members of the Board of Directors

From: Darrell E. Johnson, Chief Executive Officer

Subject: Low Carbon Transit Operations Program Recommendations for OC Bus Transit Projects

Overview

The Low Carbon Transit Operations Program provides funding to transit agencies on a formula basis to support transit operations and capital projects. Funding recommendations are presented to use this funding for transit projects that promote transit ridership growth and reduce greenhouse gas emissions, consistent with program requirements.

Recommendations

A. Approve Resolution No. 2024-016 to authorize the use of $10,349,538 in fiscal year 2023-24 Low Carbon Transit Operations Program funds for the 40 Hydrogen Fuel Cell Buses Project.

B. Approve Resolution No. 2024-017 to authorize the use of prior year funds and interest earnings totaling $3,171,997 for new or expanded Bravo!/Rapid bus services and the Youth Ride Free Program.

C. Authorize staff to make all necessary amendments to the Federal Transportation Improvement Program as well as negotiate and execute any necessary agreements with regional, state, or federal agencies to facilitate the recommendations above.

Background

The California Department of Transportation (Caltrans) Low Carbon Transit Operations Program (LCTOP) provides funds to transit agencies on a formula basis to support expanded or new transit operations and capital projects that reduce greenhouse gas emissions, improve mobility, and prioritize disadvantaged communities. The revenues for this program are generated through the California Climate Investments Program, commonly referred to as the Cap-and-Trade Program. On March 1, 2024, the State Controller's Office

notified all eligible transit operators that the fiscal year (FY) 2023-24 LCTOP will make $206,288,137 available statewide.

The Orange County Transportation Authority's (OCTA) share is $10,349,538. Eligible projects submitted for consideration are expected to be approved by Caltrans and the California Air Resources Board (CARB) by June 30, 2024.

An additional $3,171,997 in LCTOP funding and accrued interest, which was previously programmed to the Ten Battery-Electric Buses, Bus Depot Upgrades and Charging Infrastructure Project and the College Pass Program for Coastline Colleges, Cypress, Irvine Valley, and Saddleback, is also available for programming as these projects will not be able to fully expend the funds by the expiration date.

Consistent with OCTA's Capital Programming Policies, LCTOP funds are primarily to be used for transit operations, capital projects that support bus transit expansion, and fare reduction programs to enhance transit availability and accessibility. LCTOP funds from previous funding cycles have been used for transit fare subsidy programs, bicycle racks on buses, bus purchases, a hydrogen fueling station and the expansion of bus and commuter rail operations.

Discussion

In response to CARB's Innovative Clean Transit (ICT) rule, OCTA is piloting both hydrogen fuel cell electric bus (FCEB) and plug-in battery-electric bus (BEB) technologies. The pilot includes FCEB, BEB, hydrogen fueling stations, and battery-electric chargers. Additionally, OCTA is currently procuring ten battery-electric paratransit vehicles to support OC ACCESS.

Building on OCTA's prior zero-emission investments, staff proposes to use $10,349,538 in FY 2023-24 LCTOP funding to support the procurement of 40 Hydrogen Fuel Cell Electric Buses Project (40 Hydrogen FCEB Project) to expand OCTA's Zero-Emission Bus Pilot Program. The project is partially funded with a combination of SB 125 Transit Program funds and federal Congestion Mitigation and Air Quality Improvement Program funds. The LCTOP and future and Carbon Reduction Program funds will help fully fund the project.

The procurement of FCEBs will support OCTA's decision-making effort on the ultimate blend of technologies as OCTA strives to transition to a 100 percent zero-emission bus fleet by 2040, meeting CARB's ICT rule and remaining consistent with the Board-approved zero-emission rollout plan. The FCEB fleet allows OCTA to deploy, test, and manage a larger fleet of zero-emission vehicles to gain direct experience with operational effectiveness, maintenance, and cost.

In addition to the recommendations above, staff is also proposing changes to prior year LCTOP funds totaling $3,171,997 that were programmed to two projects:

- Ten Battery-Electric Buses, Bus Depot Upgrades and Charging Infrastructure Project.
- College Pass Program for Coastline Colleges, Cypress, Irvine Valley, and Saddleback.

The two projects will not be able to fully expend the funds before the LCTOP expiration date of June 30, 2024. These two projects will be funded with local dollars, other grants, or student fees. Staff is proposes transferring the funds to three LCTOP eligible projects to fully expend the funds prior to lapsing:

- Bravo! 529 (Rapid 529) Rapid Bus Service Operations for $1,535,715 in LCTOP and $164,285 in accrued interest.
- Bravo! 553 (Rapid 553) Rapid Bus Service Operating Subsidy for $844,008.
- Youth Ride Free Program for $627,989.

More detailed descriptions for each project are provided in Attachment A. The funds will support existing operational needs for two Bravo!/Rapid bus routes and cover ongoing costs tied to OCTA's successful Youth Ride Free Program. These three projects have helped OCTA increase ridership.

Consistent with Caltrans' LCTOP guidelines, Board of Directors' (Board) approval is requested to adopt two resolutions that authorize the use of funds towards the 40 Hydrogen FCEB Project and the redirection of prior year LCTOP funds along with agreeing to other standard LCTOP requirements (Attachments B and C).

Next Steps

With Board approval, staff will submit the two Board resolutions along with a request to direct the use of up to $10,349,538 in FY 2023-24 LCTOP to the 40 Hydrogen FCEB Project and $3,171,997 in prior year LCTOP and accrued interest to Bravo! 529 Rapid Bus Service Operations, Bravo! 553 Rapid Bus Service Operations, and the Youth Ride Free Program. The use of LCTOP funds is subject to approval by both Caltrans and CARB.

Summary

The Board is requested to approve the use of LCTOP funds for the 40 Hydrogen FCEB Project and prior year LCTOP funds for existing transit projects. Board authorization is also requested to negotiate and execute agreements as appropriate.

Attachments

A. Orange County Transportation Authority Low Carbon Transit Operations Program – Project Descriptions
B. Resolution No. 2024-016, Authorization for the Execution of the Certifications and Assurances, and Authorized Agent Forms for the Low Carbon Transit Operations Program, and for the Execution of the Low Carbon Transit Operations Program Projects
C. Resolution No. 2024-017, Authorization for the Execution of the Certifications and Assurances, and Authorized Agent Forms for the Low Carbon Transit Operations Program and for the Execution of the Low Carbon Transit Operations Program Projects Using Prior Year Funds

Prepared by:

Jason Huang
Associate Transportation
Funding Analyst
(714) 560-5982

Approved by:

Kia Mortazavi,
Executive Director, Planning
(714) 560-5741

ATTACHMENT A

Orange County Transportation Authority
Low Carbon Transit Operations Program – Project Descriptions

40 Hydrogen Fuel Cell Electric Bus Project

The project includes the acquisition of 40 zero-emission hydrogen fuel cell battery-electric buses for expanded piloting of zero-emission buses in OCTA's service patterns. The buses will be Orange County Transportation Authority (OCTA)-equipped with seating for 37 passengers or 32 passengers and two wheelchairs, internal and external camera system, Wi-Fi, and mobile routers, farebox equipped for mobile ticketing radio system, automatic vehicle locator, and a three-position bicycle rack. Consistent with OCTA' Comprehensive Business Plan, OCTA projects the useful life of these buses to be 18 years.

Bravo! 529 Rapid Bus Service Operations

Bravo! 529 Rapid Bus Service operates weekdays between 6:00 AM and 7:00 PM along Beach Boulevard serving 13 stops from the Fullerton Park-and-Ride facility to the Goldenwest Transportation Center and provides service to the cities of Anaheim, Buena Park, Fullerton, Garden Grove, Huntington Beach, Stanton, and Westminster. The service has increased transit ridership, reducing single-occupant vehicle travel and associated vehicle miles traveled. The Bravo! 529 Rapid Bus Service serves communities that are identified as disadvantaged communities under SB 535 (Chapter 830, Statutes of 2012) and AB 1550 (Chapter 369, Statutes of 2016).

Bravo! 553 Rapid Bus Service Operating Subsidy

Bravo! 553 Rapid Bus Service operates weekdays between 6:00 AM. to 8:00 PM along Main Street serving 15 stops from the Anaheim Regional Transportation Intermodal Center to MacArthur Boulevard and provides service to the cities of Anaheim, Orange, and Santa Ana. The service is limited-stop, which speeds up travel times, and operates with a combination of near-zero and zero-emission vehicles. The Bravo! 553 Rapid Bus serves communities that are identified as disadvantaged communities under SB 535 (Chapter 830, Statues of 2012) and AB 1550 (Chapter 369, Statutes of 2016).

Youth Ride Free Program

OC Bus 360°, OCTA's comprehensive plan to improve bus service from all angles, identifies youth as a key audience for bus service growth. Beginning in September 2021, OCTA began offering subsidized youth passes to youth aged 18 and under. The free transit service allows this transit-dependent group to reach destinations such as home, schools, parks, and other recreation centers at no cost. From October 2019 to October 2023, countywide youth boardings doubled with an increase of 165,376.

ATTACHMENT B

RESOLUTION NO. 2024-016

AUTHORIZATION FOR THE EXECUTION OF THE CERTIFICATIONS AND ASSURANCES, AND AUTHORIZED AGENT FORMS FOR THE LOW CARBON TRANSIT OPERATIONS PROGRAM, AND FOR THE EXECUTION OF THE LOW CARBON TRANSIT OPERATIONS PROGRAM PROJECTS

$10,349,538 IN FISCAL YEAR (FY) 2023-24 FUNDS FOR THE 40 HYDROGEN FUEL CELL ELECTRIC BUSES PROJECT

WHEREAS, the Orange County Transportation Authority (OCTA) is an eligible project sponsor and may receive state funding from the Low Carbon Transit Operations Program (LCTOP) for transit projects; and

WHEREAS, the statutes related to state-funded transit projects require a local or regional implementing agency to abide by various regulations; and

WHEREAS, SB 862 (Chapter 36, Statutes of 2014) named the California Department of Transportation (Caltrans) as the administrative agency for the LCTOP; and

WHEREAS, Caltrans has developed guidelines for the purpose of administering and distributing LCTOP funds to eligible project sponsors (local agencies); and

WHEREAS, OCTA wishes to delegate authorization to execute these documents, the authorized agent form and any amendments thereto or other related documents to Darrell E. Johnson, Chief Executive Officer (CEO); and

WHEREAS, OCTA wishes to implement the LCTOP project listed above;

NOW, THEREFORE, BE IT RESOLVED by the OCTA Board of Directors (Board) that the fund recipient agrees to comply with all applicable conditions and requirements set forth in the Certification and Assurances and the authorized agent documents and applicable statutes, regulations, and guidelines for all LCTOP-funded transit projects;

NOW THEREFORE, BE IT FURTHER RESOLVED that Darrell E. Johnson, CEO, or his designee, be authorized to execute all required documents of the LCTOP and any amendments thereto with Caltrans;

NOW, THEREFORE, BE IT FURTHER RESOLVED that the OCTA Board hereby authorizes the submittal of the following project nominations and allocation requests to Caltrans in FY 2023-24 LCTOP funds:

Project Name: 40 Hydrogen Fuel Cell Electric Buses
Amount of LCTOP Funds Requested: FY 2023-24 LCTOP funding at $10,349,538

Short Description of Project:

<u>40 Hydrogen Fuel Cell Electric Buses</u>

The purchase of 40 hydrogen fuel cell 40-foot buses for expanded service builds on OCTA's investment in clean transportation. It will allow expansion of bus service, resulting in increased transit ridership, improved accessibility, and the reduction of greenhouse gas (GHG) emissions.

Benefit to Priority Populations: The project will benefit disadvantaged communities (DAC). OCTA provides service to 71 DAC with 411,282 residents. The project will also benefit low-income communities or households. OCTA provides service to 331 low-income communities or households with 1,908,502 residents. Finally, the program will benefit low-income communities or households within one half of a mile of a DAC. OCTA provides service to 112 low-income communities or households within one half of a mile of a DAC with 1,929,010 residents. The project will reduce GHG emissions in these communities, improving health for the residents in these impacted communities. The project will also provide clean transportation options in these communities allowing these transit-dependent groups to reach destinations such as home, schools, parks, and other recreation centers. In addition, residents in these SB 535 (Chapter 830, Statues of 2012) communities are more transit dependent and represent a higher proportion of OC Bus riders.

Amount to benefit priority populations: At least 50 percent of the allocation will be used to benefit DAC.

Contributing sponsors (if applicable): City of Laguna Beach is providing $34,589.

ADOPTED, SIGNED AND APPROVED this ____ day of April 2024.

AYES:

NOES:

ABSENT:

ATTEST:

_____	_____
Andrea West Clerk of the Board	Tam T. Nguyen, Chair Orange County Transportation Authority

OCTA Resolution No. 2024-016

ATTACHMENT C

RESOLUTION NO. 2024-017

AUTHORIZATION FOR THE EXECUTION OF THE CERTIFICATIONS AND ASSURANCES, AND AUTHORIZED AGENT FORMS FOR THE LOW CARBON TRANSIT OPERATIONS PROGRAM AND FOR THE EXECUTION OF THE LOW CARBON TRANSIT OPERATIONS PROGRAM PROJECTS USING PRIOR YEAR FUNDS

$1,535,715 IN FISCAL YEAR (FY) 2019-20 FUNDS ALONG WITH $164,285 IN ACCRUED LOW CARBON TRANSIT OPERATIONS PROGRAM INTEREST FOR THE BRAVO! 529 RAPID BUS SERVICE OPERATIONS PROJECT

$844,008 IN FY 2019-20 FUNDS FOR THE BRAVO! 553 RAPID BUS SERVICE OPERATING SUBSIDY PROJECT

$627,989 IN FY 2019-20 FUNDS FOR THE YOUTH RIDE FREE PROGRAM

WHEREAS, the Orange County Transportation Authority (OCTA) is an eligible project sponsor and may receive state funding from the Low Carbon Transit Operations Program (LCTOP) for transit projects; and

WHEREAS, the statutes related to state-funded transit projects require a local or regional implementing agency to abide by various regulations; and

WHEREAS, SB 862 (Chapter 36, Statutes of 2014) named the California Department of Transportation (Caltrans) as the administrative agency for the LCTOP; and

WHEREAS, Caltrans has developed guidelines for the purpose of administering and distributing LCTOP funds to eligible project sponsors (local agencies); and

WHEREAS, OCTA wishes to delegate authorization to execute these documents, the authorized agent form and any amendments thereto or other related documents, to Darrell E. Johnson, Chief Executive Officer (CEO); and

WHEREAS, OCTA wishes to implement the LCTOP projects listed above;

NOW, THEREFORE, BE IT RESOLVED by the OCTA Board of Directors (Board) that the fund recipient agrees to comply with all applicable conditions and requirements set forth in the Certification and Assurances and the authorized agent documents and applicable statutes, regulations, and guidelines for all LCTOP-funded transit projects;

NOW THEREFORE, BE IT FURTHER RESOLVED that Darrell E. Johnson, CEO, or his designee, be authorized to execute all required documents of the LCTOP and any amendments thereto with Caltrans;

NOW, THEREFORE, BE IT FURTHER RESOLVED that the OCTA Board hereby authorizes the submittal of program documentation to Caltrans to nominate the following projects in FY 2019-20 LCTOP funds:

Project Name: Bravo! 529 Rapid Bus Service Operations
Amount of LCTOP Funds Requested: FY 2019-20 LCTOP funding at $1,535,715 and accrued LCTOP interest at $164,285

Project Name: Bravo! 553 Rapid Bus Service Operating Subsidy
Amount of LCTOP Funds Requested: FY 2019-20 LCTOP funding at $844,008

Project Name: Youth Ride Free Program
Amount of LCTOP funds Requested: FY 2019-20 LCTOP funding at $627,989

Short Descriptions of Projects:

FY 2019-20 LCTOP Funds from the Ten Battery-Electric Buses, Bus Depot Upgrades and Charging Infrastructure Project:

- Bravo! 529 Rapid Bus Service Operations ($1,700,000): Bravo! 529 provides weekday rapid bus service, serving 13 stops primarily on Beach Boulevard from the Fullerton Park-and-Ride facility to the Goldenwest Transportation Center.
- Bravo! 553 Rapid Bus Service Operating Subsidy ($844,008): The Bravo! 553 service started in October 2022 providing new service while giving OCTA the opportunity to test new battery-electric bus technology in revenue service. The route serves AB 1550 (Chapter 369, Statutes of 2016) populations, operating weekdays along Main Street, serving 15 stops from the Anaheim Regional Transportation Intermodal Center to MacArthur Boulevard.

FY 2019-20 LCTOP Funds from the College Pass program for Coastline Colleges, Cypress, Irvine Valley, and Saddleback:

- Youth Ride Free Program ($627,989): The program allows youth 18 and under to ride the OCTA Bus system for free. The free transit service allows this transit-dependent group to reach destinations such as home, schools, parks and other recreation centers at no cost.

ADOPTED, SIGNED AND APPROVED this ____ day of April 2024.

AYES:

NOES:

ABSENT:

ATTEST:

_____	_____
Andrea West Interim Clerk of the Board	Tam T. Nguyen, Chair Orange County Transportation Authority

OCTA Resolution No. 2024-017

Low Carbon Transit Operations Program Recommendations for OC Bus Transit Projects

OCTA

LCTOP Overview and Program Purpose

- Funds originate from state greenhouse gas reduction funds from California's cap-and-trade auction proceeds
- Supports transit operations and capital projects that:
  - Reduce greenhouse gas emissions
  - Improve mobility
  - Serve disadvantaged communities
- Administered through Caltrans
- Project approval required from the California Air Resources Board
- Subject to California Climate Investment Program Guidelines

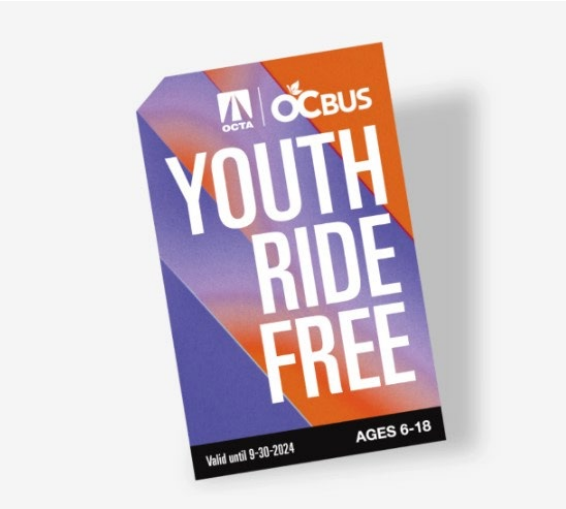
OCTA LCTOP Funding for FY 2023-24

- Annual apportionments provided to transit agencies
- Apportionments are distributed by formula based on population and revenue
- Statewide funding available: $206,288,137
- **OCTA's FY 2023-24 share: $10,349,538**
- Prior year funding for comparison:
  - FY 2022-23 share: $9,664,388
  - FY 2021-22 share: $9,581,755
  - FY 2020-21 share: $4,095,614

FY – Fiscal Year
OCTA – Orange County Transportation Authority

Previously Approved LCTOP Projects

- Bus Purchases
- College Pass Program
- Youth Ride Free Program
- Garden Grove Hydrogen Fueling Station
- Bicycle Racks on Buses
- Expansion of Bus Service and Commuter Rail Service



FY 2023-24 Project Recommendation

- 40 Hydrogen Fuel Cell Electric Buses Project (Project)
- Project supports the transition to 100 percent zero-emission bus fleet by 2040
- Project fully funded with LCTOP combined with other state and federal funds

Use of Prior Year LCTOP Funds: $3,171,997

Available prior year LCTOP used for Projects that support ridership growth:

- Bravo! 529 Rapid Bus Service:
  - $1,535,715 in LCTOP
  - $164,285 in accrued interest
- Bravo! 553 Rapid Bus Service: $844,008
- Youth Ride Free Program: $627,989

Recommendations

- Approve Resolution No. 2024-016 to authorize the use of **$10,349,538** in fiscal year 2023-24 LCTOP funds for **40 Hydrogen Fuel Cell Electric Buses Project**.

- Approve Resolution No. 2024-017 to authorize the use of prior year funds and interest earnings totaling $3,171,997 for new or expanded Bravo!/Rapid Bus Services and the Youth Ride Free Program.

- Authorize staff to make all necessary amendments to the Federal Transportation Improvement Program as well as negotiate and execute any necessary agreements with regional, state, or federal agencies to facilitate the recommendations above.

Next Steps

- April 22, 2024 – Funding and Project recommendations presented to the Board of Directors
- April 26, 2024 – LCTOP allocation request submitted to Caltrans
- Summer 2024 – Expected Project approval by Caltrans and the California Air Resources Board

OCTA

April 22, 2024

To: Members of the Board of Directors

From: Darrell E. Johnson, Chief Executive Officer

Subject: Approval to Release Request for Proposals for the Replacement of Fareboxes and Related Fare Collection Equipment

Overview

The Orange County Transportation Authority has developed a request for proposals to initiate a competitive procurement process to select a firm for the development and implementation of replacement fareboxes and related fare collection equipment for the fixed-route bus system.

Recommendations

A. Approve the proposed evaluation criteria and weightings for Request for Proposals 4-2110 to select a firm for the development and implementation of replacement fareboxes and related fare collection equipment for the fixed-route bus system.

B. Approve the release of Request for Proposals 4-2110 for the development and implementation of replacement fareboxes and related fare collection equipment for the fixed-route bus system.

Discussion

The Orange County Transportation Authority (OCTA) uses fareboxes installed on its fixed-route bus fleet to collect cash and validate magnetic stripe fare media. The fareboxes currently utilized on the fixed-route fleet are 24 years old and have far exceeded their useful life. OCTA is seeking Board of Directors (Board) approval to initiate a request for proposals (RFP) for the replacement of fareboxes across the entire fixed-route bus fleet, consisting of 534 buses plus an additional 53 units to be utilized as spares and five additional units to be used for training, fare programming, and testing.

The new fareboxes will enhance reliability for cash acceptance and will include associated equipment, such as 23 fare collection vaults distributed and utilized among OTCA's four bus bases. In October 2023, the Board approved the

development and implementation of OCTA's Rider Validation system (RVS), which will leverage the prior investments in mobile ticketing and validators to provide a better customer fare payment experience, enhance rider validation, and offer flexibility in introducing new fare products. The new RVS will implement smart cards and eliminate the need for magnetic fare media. As such, the new fareboxes will no longer be required to validate magnetic fare media and will be cash only.

The goals for the simplified farebox replacement project include:

1. Simplify farebox functionality: The system aims to simplify the farebox functionality by eliminating magnetic stripe fare media and accepting cash payments only, allowing OCTA to reduce onboard cash usage and streamline the payment process.

2. Improve farebox monitoring and administrative tools: The upgraded farebox system will incorporate enhanced monitoring and administrative tools, ensuring efficient oversight of fare collection operations.

3. Reduce maintenance costs: Maintenance costs will be reduced by the elimination of magnetic fare readers on the fareboxes.

4. Provide full ownership of farebox data and access to farebox application programing interfaces (API): The system will empower OCTA with full ownership of farebox data and provide access to farebox APIs, facilitating data-driven decision-making.

5. Integrate with onboard bus systems: The new farebox system will seamlessly integrate with existing onboard bus systems.

6. Reuse infrastructure where possible to minimize costs/complexity: OCTA will explore opportunities to reuse existing infrastructure in order to minimize costs and complexity.

Procurement Approach

OCTA's Board-approved procurement policies and procedures require that the Board approve all RFPs over $1,000,000, as well as approve the evaluation criteria and weightings. Staff is submitting for Board approval the draft RFP and evaluation criteria and weightings, which will be used to evaluate proposals received in response to the RFP.

The proposed evaluation criteria and weightings are as follows:

- Qualifications of the Firm 20 percent
- Staffing and Project Organization 20 percent
- Work Plan 35 percent
- Cost and Price 25 percent

Several factors were considered in developing the evaluation criteria weightings. Qualifications of the firm is weighted at 20 percent as the firm must demonstrate experience implementing replacement fareboxes and related fare collection equipment. Staffing and project organization is also weighted at 20 percent as the firm must demonstrate the level of expertise, availability, and involvement for the roles of the proposed project team. Work plan is weighted at 35 percent as the firm's proposed implementation plan and solution must be able to meet the functional and technical requirements established for the replacement fareboxes and related farebox collection equipment as specified in the scope of work. Cost and price is weighted at 25 percent to ensure that OCTA receives value for the services provided.

The contract term for this procurement will have a six-and a-half-year initial term, consisting of 18 months for implementation followed by five years for operations and maintenance services, with one, five-year option term. The total cost for the initial term is anticipated to be approximately $12,717,713.

This RFP will be released upon Board approval of these recommendations.

Fiscal Impact

This project will be included in OCTA's Proposed Fiscal Year 2024-25 Budget, Finance and Administration Division, Account No. 1261-9028-D3131-2PE.

Summary

Board of Directors' approval is requested to release Request for Proposals 4-2110 to select a firm for the development and implementation of replacement fareboxes and related fare collection equipment for the fixed-route bus system, as well as approval of the proposed evaluation criteria and weightings.

Attachment

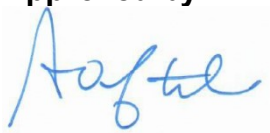
A. Draft Request for Proposals (RFP) 4-2110, Replacement of Fareboxes and Related Fare Collection Equipment

Prepared by:

Sam Kaur
Department Manager,
Revenue and Grants Administration
714-560-5889

Pia Veesapen
Director, Contracts Administration and
Materials Management
(714) 560-5619

Approved by:



Andrew Oftelie
Chief Financial Officer,
Finance and Administration
714-560-5649

ATTACHMENT A

DRAFT REQUEST FOR PROPOSALS (RFP) 4-2110

REPLACEMENT OF FAREBOXES AND RELATED FARE COLLECTION EQUIPMENT

ORANGE COUNTY TRANSPORTATION AUTHORITY
550 South Main Street
P.O. Box 14184
Orange, CA 92863-1584
(714) 560-6282

Key RFP Dates

Issue Date:	**April 22, 2024**
Pre-Proposal Conference Date:	**April 30, 2024**
Question Submittal Date:	**May 3, 2024**
Proposal Submittal Date:	**June 4, 2024**
Interview Date:	**July 17, 2024**

TABLE OF CONTENTS

SECTION I: INSTRUCTIONS TO OFFERORS 1

SECTION II: PROPOSAL CONTENT 8

SECTION III: EVALUATION AND AWARD 17

EXHIBIT A: SCOPE OF WORK 21

EXHIBIT B: COST AND PRICE FORMS 22

EXHIBIT C: PROPOSED AGREEMENT 26

EXHIBIT D: STATUS OF PAST AND PRESENT CONTRACTS FORM 27

EXHIBIT E: CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM 28

EXHIBIT F: SAFETY SPECIFICATIONS 34

EXHIBIT G: PROPOSAL EXCEPTIONS AND/OR DEVIATIONS 35

April 22, 2024

NOTICE OF REQUEST FOR PROPOSALS (RFP)

RFP 4-2110: "REPLACEMENT OF FAREBOXES AND RELATED FARE COLLECTION EQUIPMENT"

TO: ALL OFFERORS

FROM: ORANGE COUNTY TRANSPORTATION AUTHORITY

The Orange County Transportation Authority (Authority) invites proposals from qualified consultants for the development and implementation of replacement fareboxes and related fare collection equipment for the fixed-route bus system. The budget for this effort is $12,247,713 for a six-and-a-half (6.5) year term.

Please note that by submitting a Proposal, Offeror certifies that it is not subject to any Ukraine/Russia-related economic sanctions imposed by the State of California or the United States Government including, but not limited to, Presidential Executive Order Nos. 13660, 13661, 13662, 13685, and 14065. Any individual or entity that is the subject of any Ukraine/Russia-related economic sanction is not eligible to submit a Proposal. In submitting a Proposal, all Offerors agree to comply with all economic sanctions imposed by the State or U.S. Government.

Proposals must be submitted electronically through the following URL link: http://www.octa.net/Proposal_Upload_Link, at or before the deadline of **2:00 p.m. on June 4, 2024. The link has an upload file size limit of 80MB. Authority will not accept hard copy proposals for this RFP.**

Offerors are instructed to click the upload link, select "**RFP 4-2110**" from the drop-down menu, and follow the instructions as prompted to upload the proposal. The upload link will expire at the submittal deadline and will not allow proposals to be uploaded.

Should Offerors encounter technical issues with uploading the proposals via the link provided, Offerors are required to contact the Contract Administrator prior to the submission deadline. Proposals and supplemental information to proposals received after the date and time specified above will be rejected.

Firms interested in obtaining a copy of this RFP may do so by downloading the RFP from CAMM NET at https://cammnet.octa.net.

All firms interested in doing business with the Authority are required to register their business on-line at CAMM NET. The website can be found at https://cammnet.octa.net.

To receive all further information regarding this RFP 4-2110, firms and subconsultants must be registered on CAMM NET with at least one of the following commodity codes for this solicitation selected as part of the vendor's on-line registration profile:

Category:	Commodity:
Fare Collection Equipment	Fare Collection Equipment
Computer: Hardware & Software	Accounting / Financial Software Business Software Computer: Hardware & Software
Professional Consulting	Fare Collection Consulting

A pre-proposal conference will be held both on-site/in-person and via teleconference on April 30, 2024, at 10:00 a.m.

For prospective Offerors who wish to join on-site/in-person, the pre-proposal conference will be held at the Authority's Administrative Office, 550 South Main Street, Orange, California, in Conference Room 08.

Prospective Offerors not attending in-person may join or call-in using the following credentials:

- Click here to join the meeting
- OR Call-in Number: 916-550-9867
- Conference ID: 615 008 725#

All prospective Offerors are encouraged to attend the pre-proposal conference.

The Authority has established July 17, 2024 as the date to conduct interviews. All prospective Offerors will be asked to keep this date available.

Offerors are encouraged to subcontract with small businesses to the maximum extent possible.

All Offerors will be required to comply with all applicable equal opportunity laws and regulations.

The award of this contract is subject to receipt of federal, state, and/or local funds adequate to carry out the provisions of the proposed agreement including the identified Scope of Work.

SECTION I: INSTRUCTIONS TO OFFERORS

SECTION I. INSTRUCTIONS TO OFFERORS

A. PRE-PROPOSAL CONFERENCE

A pre-proposal conference will be held both on-site/in-person and via teleconference on April 30, 2024 at 10:00 a.m.

For prospective Offerors who wish to join on-site/in-person, the pre-proposal conference will be held at the Authority's Administrative Office, 550 South Main Street, Orange, California, in Conference Room 08.

Prospective Offerors not attending in-person may join or call-in using the following credentials:

- Click here to join the meeting
- Call-in Number: 916-550-9867
- Conference ID: 615 008 725#

All prospective Offerors are encouraged to attend the pre-proposal conference.

B. EXAMINATION OF PROPOSAL DOCUMENTS

By submitting a proposal, Offeror represents that it has thoroughly examined and become familiar with the work required under this RFP and that it is capable of performing quality work to achieve the Authority's objectives.

C. ADDENDA

The Authority reserves the right to revise the RFP documents. Any Authority changes to the requirements will be made by written addendum to this RFP. Any written addenda issued pertaining to this RFP shall be incorporated into the terms and conditions of any resulting Agreement. The Authority will not be bound to any modifications to or deviations from the requirements set forth in this RFP as the result of oral instructions. Offerors shall acknowledge receipt of addenda in their proposals. Failure to acknowledge receipt of Addenda may cause the proposal to be deemed non-responsive to this RFP and be rejected.

D. AUTHORITY CONTACT

All communication and/or contacts with Authority staff regarding this RFP are to be directed to the following Contract Administrator:

Iris Deneau, Senior Contract Administrator
Contracts Administration and Materials Management Department
Phone: 714.560.5786, Fax: 888.404.6282
Email: ideneau@octa.net

Commencing on the date of the issuance of this RFP and continuing until award of the contract or cancellation of this RFP, no offeror, subcontractor, lobbyist or agent hired by the offeror shall have any contact or communications regarding this RFP with any Authority's staff; member of the evaluation committee for this RFP; or any contractor or consultant involved with the procurement, other than the Contract Administrator named above or unless expressly permitted by this RFP. Contact includes face-to-face, telephone, electronic mail (email), or formal written communication. Any offeror, subcontractor, lobbyist or agent hired by the offeror that engages in such prohibited communications may result in disqualification of the offeror at the sole discretion of the Authority.

E. CLARIFICATIONS

1. Examination of Documents

Should an Offeror require clarifications of this RFP, the Offeror shall notify the Authority in writing in accordance with Section E.2. below. Should it be found that the point in question is not clearly and fully set forth, the Authority will issue a written addendum clarifying the matter which will be sent to all firms registered on CAMM NET under the commodity codes specified in this RFP.

2. Submitting Requests

a. All questions, including questions that could not be specifically answered at the pre-proposal conference, must be put in writing and received via email at ideneau@octa.net no later than 5:00 p.m. on May 3, 2024.

b. Requests for clarifications, questions, and comments must be clearly labeled, "Written Questions RFP 4-2110," in the subject line of the email. The Authority is not responsible for failure to respond to a request that has not been labeled as such.

3. Authority Responses

Responses from the Authority will be posted on CAMM NET no later than May 13, 2024. Offerors may download responses from CAMM NET at *https://cammnet.octa.net*, or request responses be sent via email.

To receive email notification of Authority responses when they are posted on CAMM NET, firms and subconsultants must be registered on CAMM NET with at least one of the following commodity codes for this solicitation selected as part of the vendor's on-line registration profile:

Category:	Commodity:
Fare Collection Equipment	Fare Collection Equipment
Computer: Hardware & Software	Accounting / Financial Software
	Business Software
	Computer: Hardware & Software
Professional Consulting	Fare Collection Consulting

Inquiries received after 5:00 p.m. on May 3, 2024 will not be responded to.

F. SUBMISSION OF PROPOSALS

1. Date and Time

Proposals must be submitted, electronically, through the following URL link: http://www.octa.net/Proposal Upload Link, at or before the deadline of **2:00 p.m. on June 4, 2024. The link has an upload file size limit of 80MB. Authority will not accept hard copy proposals for this RFP.**

Offerors are instructed to click the upload link, select "**RFP 4-2110**" from the drop-down menu, and follow the instructions as prompted to upload the proposal. The upload link will expire at the submittal deadline and will not allow proposals to be uploaded.

Should Offerors encounter technical issues with uploading the proposals via the link provided, Offerors are required to contact the Contract Administrator prior to the submission deadline. Proposals and supplemental information to proposals received after the date and time specified above will be rejected.

2. Acceptance of Proposals

a. The Authority reserves the right to accept or reject any and all proposals, or any item or part thereof, or to waive any informalities or irregularities in proposals.

b. The Authority reserves the right to withdraw or cancel this RFP at any time without prior notice and the Authority makes no representations that any contract will be awarded to any Offeror responding to this RFP.

c. The Authority reserves the right to issue a new RFP for the project.

d. The Authority reserves the right to postpone proposal openings for its own convenience.

e. Each proposal will be received with the understanding that acceptance by the Authority of the proposal to provide the services described herein shall constitute a contract between the Offeror and Authority which shall bind the Offeror on its part to furnish and deliver at the prices given and in accordance with conditions of said accepted proposal and specifications.

f. The Authority reserves the right to investigate the qualifications of any Offeror, and/or require additional evidence of qualifications to perform the work.

g. Submitted proposals are not to be copyrighted.

G. PRE-CONTRACTUAL EXPENSES

The Authority shall not, in any event, be liable for any pre-contractual expenses incurred by Offeror in the preparation of its proposal. Offeror shall not include any such expenses as part of its proposal.

Pre-contractual expenses are defined as expenses incurred by Offeror in:

1. Preparing its proposal in response to this RFP;
2. Submitting that proposal to the Authority;
3. Negotiating with the Authority any matter related to this proposal; or
4. Any other expenses incurred by Offeror prior to date of award, if any, of the Agreement.

H. JOINT OFFERS

Where two or more firms desire to submit a single proposal in response to this RFP, they should do so on a prime-subcontractor basis rather than as a joint venture. The Authority intends to contract with a single firm and not with multiple firms doing business as a joint venture.

I. TAXES

Offerors' proposals are subject to State and Local sales taxes. However, the Authority is exempt from the payment of Federal Excise and Transportation Taxes.

Offeror is responsible for payment of all taxes for any goods, services, processes and operations incidental to or involved in the contract.

J. PROTEST PROCEDURES

The Authority has on file a set of written protest procedures applicable to this solicitation that may be obtained by contacting the Contract Administrator responsible for this procurement. Any protests filed by an Offeror in connection with this RFP must be submitted in accordance with the Authority's written procedures.

K. CONTRACT TYPE

It is anticipated that the Agreement resulting from this solicitation, if awarded, will be a firm-fixed price contract specifying firm-fixed prices for individual tasks specified in the Scope of Work, included in this RFP as Exhibit A. The Agreement will have a six-and-a-half initial term with one, five-year option term.

L. CONFLICT OF INTEREST

All Offerors responding to this RFP must avoid organizational conflicts of interest which would restrict full and open competition in this procurement. An organizational conflict of interest means that due to other activities, relationships or contracts, an Offeror is unable, or potentially unable to render impartial assistance or advice to the Authority; an Offeror's objectivity in performing the work identified in the Scope of Work is or might be otherwise impaired; or an Offeror has an unfair competitive advantage. Conflict of Interest issues must be fully disclosed in the Offeror's proposal.

All Offerors must disclose in their proposal and immediately throughout the course of the evaluation process if they have hired or retained an advocate to lobby Authority staff or the Board of Directors on their behalf.

Offerors hired to perform services for the Authority are prohibited from concurrently acting as an advocate for another firm who is competing for a contract with the Authority, either as a prime or subcontractor.

M. CODE OF CONDUCT

All Offerors agree to comply with the Authority's Code of Conduct as it relates to Third-Party contracts which is hereby referenced and by this reference is incorporated herein. All Offerors agree to include these requirements in all of its subcontracts.

N. OWNERSHIP OF RECORDS/PUBLIC RECORDS ACT

All proposals and documents submitted in response to this RFP shall become the property of the Authority and a matter of public record pursuant to the California

Public Records Act, Government Code sections 7920.000 et seq. (the "Act"). Offerors should familiarize themselves with the provisions of the Act requiring disclosure of public information. Offerors are discouraged from marking their proposal documents as "confidential" or "proprietary."

If a Proposal does include "confidential" or "proprietary" markings and the Authority receives a request pursuant to the Act, the Authority will endeavor (but cannot guarantee) to notify the Offeror of such a request. In order to protect any information submitted within a Proposal, the Offeror must pursue, at its sole cost and expense, any and all appropriate legal action necessary to maintain the confidentiality of such information. The Authority generally does not consider pricing information, subcontractor lists, or key personnel, including resumes, as being exempt from disclosure under the Act. In no event shall the Authority or any of its officers, directors, employees, agents, representatives, or consultants be liable to a Offeror for the disclosure of any materials or information submitted in response to the RFP or by failing to notify a Offeror of a request seeking its Proposal. The Authority reserves the right to make an independent decision to disclose records and material.

Notwithstanding the above, all information regarding proposal responses will be held as confidential until such time as the evaluation has been completed; an award has been made by the Board of Directors or Authority Staff, as appropriate; and the contract has been fully negotiated.

O. STATEMENT OF ECONOMIC INTERESTS

The awarded Offeror (including designated employees and subconsultants) may be required to file Statements of Economic Interests (Form 700) in accordance with the Political Reform Act (Government Code section 81000 et seq.). This applies to individuals who make, participate in making, or act in a staff capacity for making governmental decisions. The Authority determines which individuals are required to file a Form 700, and if such determination is made, the individuals must file Form 700s with the Authority Clerk of the Board no later than thirty (30) days after the execution of the Agreement, annually thereafter for the duration of the Agreement, and within thirty (30) days of termination of the Agreement.

SECTION II: PROPOSAL CONTENT

SECTION II. PROPOSAL CONTENT

A. PROPOSAL FORMAT AND CONTENT

1. Format

Proposals should be typed with a standard 12-point font, double-spaced. Proposals should not include any unnecessarily elaborate or promotional materials. Proposals should not exceed one hundred (100) pages in length, excluding any appendices, cover letters, resumes, or forms.

2. Letter of Transmittal

The Letter of Transmittal shall be addressed to Iris Deneau, Senior Contract Administrator and must, at a minimum, contain the following:

a. Identification of Offeror that will have contractual responsibility with the Authority. Identification shall include legal name of company, corporate address, telephone and fax number, and email address. Include name, title, address, email address, and telephone number of the contact person identified during period of proposal evaluation.

b. Identification of all proposed subcontractors including legal name of company, contact person's name and address, phone number and fax number, and email address; relationship between Offeror and subcontractors, if applicable.

c. Acknowledgement of receipt of all RFP addenda, if any.

d. A statement to the effect that the proposal shall remain valid for a period of not less than 120 days from the date of submittal.

e. Signature of a person authorized to bind Offeror to the terms of the proposal.

f. Signed statement attesting that all information submitted with the proposal is true and correct.

3. Technical Proposal

a. Qualifications, Related Experience, and References of Offeror

This section of the proposal should establish the ability of Offeror to satisfactorily perform the required work by reasons of: experience in performing work of a similar nature; demonstrated competence in the services to be provided; strength and stability of the firm; staffing

capability; work load; record of meeting schedules on similar projects; and supportive client references.

Offeror to:

(1) Provide a brief profile of the firm, including the types of services offered; the year founded; form of the organization (corporation, partnership, sole proprietorship); number, size, and location of offices; and number of employees.

(2) Provide a general description of the firm's financial condition and identify any conditions (e.g., bankruptcy, pending litigation, planned office closures, impending merger) that may impede Offeror's ability to complete the project.

(3) Describe the firm's experience in performing work of a similar nature to that solicited in this RFP, and highlight the participation in such work by the key personnel proposed for assignment to this project. Identify when and where the proposed system has been successfully deployed. The Offeror shall submit specific details of the project that can be verified by provided references.

(4) Identify subcontractors by company name, address, contact person, telephone number, email, and project function. Describe Offeror's experience working with each subcontractor.

(5) Identify all firms hired or retained to provide lobbying or advocating services on behalf of the Offeror by company name, address, contact person, telephone number and email address. This information is required to be provided by the Offeror immediately during the evaluation process, if a lobbyist or advocate is hired or retained.

(6) Provide as a minimum three (3) references for the projects cited as related experience, and furnish the name, title, address, telephone number, and email address of the person(s) at the client organization who is most knowledgeable about the work performed. Offeror may also supply references from other work not cited in this section as related experience.

b. Proposed Staffing and Project Organization

This section of the proposal should establish the method, which will be used by the Offeror to manage the project, as well as identify key personnel assigned.

Offeror to:

(1) Identify key personnel proposed to perform the work in the specified tasks and include major areas of subcontract work. Include the person's name, current location, proposed position for this project, current assignment, level of commitment to that assignment, availability for this assignment and how long each person has been with the firm.

(2) Include key personnel with the following minimum requirements:

- The Project Manager shall possess at least five (5) years of demonstrable, recent (i.e., within the last ten [10] years), and extensive experience managing electronic payment system projects of similar size and scope as the OCTA project, and that include multiple points of integration with third-party systems and devices.

- The Lead Engineer shall possess at least five (5) years demonstrable, recent (i.e., within the last ten [10] years), and extensive experience serving in a lead technical role on electronic payment system projects of similar size and scope as the OCTA project, and that include multiple points of integration with third-party systems and devices.

(3) Furnish brief resumes (not more than two [2] pages each) for the proposed Project Manager, Technical Lead, and other key personnel that includes education, experience, and applicable professional credentials.

(4) Indicate adequacy of labor resources utilizing a table that, at a minimum, identifies the following information: a) the individual project tasks; b) specify who would perform them; and c) the number of hours anticipated for each member of the project staff.

(5) Describe the Design Review process and explain how the offeror will work with project stakeholders to finalize the detailed system design that satisfies the requirements in the scope of work.

(6) Describe how the Operations and Maintenance (O&M) period will be staffed and managed with respect to software maintenance activities, mobilization of as-needed resources, and the Authority's primary point of contact during this period.

Make reference to other projects that have similar O&M scope, and any lessons learned.

(7) Include a project organization chart, which clearly delineates communication/reporting relationships among the project staff.

(8) Include a statement that key personnel will be available to the extent proposed for the duration of the project acknowledging that no person designated as "key" to the project shall be removed or replaced without the prior written concurrence of the Authority.

c. Work Plan

Offeror should provide a narrative, which addresses the Scope of Work, and shows Offeror's understanding of Authority's needs and requirements.

Offeror to:

(1) Provide a detailed description of proposed onboard system hardware: farebox and driver control unit. For each device, describe functionality as it relates to the requirements of the Scope of Work, the communication interfaces provided, and describe the maintainability of modules and assemblies. Detail any onboard architecture including the interface with other onboard devices.

(2) Provide a detailed description of proposed vaulting infrastructure: probing equipment, cashbox modules, collection vaults, portable data proves (PDP), and all other related revenue hardware. For each device, describe functionality as it relates to the requirements of the Scope of Work, the communication interfaces provided, and the maintainability of modules and assemblies. Detail any civil work that is required, including installation assumptions at each bus depot based on the information provided in the scope of work.

(3) Provide a detailed description of the proposed modules of each back-office component. The description shall identify specific commercial-off-the-shelf (COTS) and proprietary components included in the proposed system. Indicate which applications and functions are already operational, and which will be developed for this project.

(4) Describe the proposed system architecture that identifies the relationship between all proposed components in the system. Explain the interface points of each component, and the

Application Programming Interfaces (API) that will be used. Describe the approach that will meet the open architecture requirements in the Scope of Work.

(5) Describe the various testing phases of the proposed solution. Identify the duration, proposed location, and personnel (by function or department) recommended for participation in each testing phase.

(6) Provide a detailed plan and schedule for the farebox and vaulting infrastructure installation campaign including: overall installation approach and methodology, estimated installation schedule including contingency, number fareboxes by location to be installed and commissioned each week, quantity of spare fareboxes needed to avoid impact to revenue service, and roles/responsibilities of Contractor and OCTA.

(7) Present the proposed project schedule, clearly identifying critical milestones to achieve system design, testing (factory, integration, acceptance), installation, and final acceptance. Identify anticipated risks in the proposed schedule and strategies to mitigate them.

(8) Provide a list of the training courses, identifying the format (e.g., classroom, field, etc.), duration, student capacity, and recommended staff participation by function.

(9) Identify methods that Offeror will use to ensure quality control, as well as budget and schedule control for the project.

(10) Identify any special issues or problems that are likely to be encountered in this project and how the Offeror would propose to address them.

(11) Offeror may propose enhancements or procedural or technical innovations to the Scope of Work that do not materially deviate from the objectives or required content of the project.

d. Exceptions/Deviations

State any technical and/or contractual exceptions and/or deviations from the requirements of this RFP, including the Authority's technical requirements and contractual terms and conditions set forth in the Scope of Work (Exhibit A) and Proposed Agreement (Exhibit C), using the form entitled "Proposal Exceptions and/or Deviations" included in this RFP. This Proposal Exceptions and/or Deviations form (Exhibit G) must be included in the original proposal submitted by the Offeror. If no technical or contractual exceptions and/or

deviations are submitted as part of the original proposal, Offerors are deemed to have accepted the Authority's technical requirements and contractual terms and conditions set forth in the Scope of Work (Exhibit A) and Proposed Agreement (Exhibit C). Offerors will not be allowed to submit the Proposal Exceptions and/or Deviations form (Exhibit G) or any technical and/or contractual exceptions after the proposal submittal date identified in the RFP. Exceptions and/or deviations submitted after the proposal submittal date will not be reviewed by Authority.

All exceptions and/or deviations will be reviewed by the Authority and will be assigned a "pass" or "fail" status. Exceptions and deviations that "pass" do not mean that the Authority has accepted the change but that it is a potential negotiable issue. Exceptions and deviations that receive a "fail" status means that the requested change is not something that the Authority would consider a potential negotiable issue. Offerors that receive a "fail" status on their exceptions and/or deviations will be notified by the Authority and will be allowed to retract the exception and/or deviation and continue in the evaluation process. Any exceptions and/or deviation that receive a "fail" status and the Offeror cannot or does not retract the requested change may result in the firm being eliminated from further evaluation.

4. Cost and Price Proposal

As part of the cost and price proposal, the Offeror shall submit proposed pricing to provide the services for each work task described in Exhibit A, Scope of Work.

The Offeror shall complete the "Price Summary Sheet" form included with this RFP (Exhibit B), and furnish any narrative required to explain the prices quoted in the schedules. It is anticipated that the Authority will issue a firm-fixed price contract.

5. Appendices

Information considered by Offeror to be pertinent to this project and which has not been specifically solicited in any of the aforementioned sections may be placed in a separate appendix section. Offerors are cautioned, however, that this does not constitute an invitation to submit large amounts of extraneous materials. Appendices should be relevant and brief.

B. FORMS

1. Campaign Contribution Disclosure Form

In conformance with the statutory requirements of the State of California Government Code Section 84308, part of the Political Reform Act and Title 2, California Code of Regulations 18438 through 18438.8, regarding campaign contributions to members of appointed Board of Directors, Offeror is required to complete and sign the Campaign Contribution Disclosure Form provided in this RFP and submit as part of the proposal.

This form **must** be completed regardless of whether a campaign contribution has been made or not and regardless of the amount of the contribution.

The prime contractor, subconsultants, lobbyists and agents are required to report all campaign contributions made from the proposal submittal date up to and until the Board of Directors makes a selection.

Offeror is required to submit only **one** copy of the completed form(s) as part of its proposal.

Offeror is required to report any campaign contributions made by the prime contractor, subconsultants, lobbyists and agents after the proposal submittal date, and up to the anticipated Board of Directors selection. The offeror shall use the campaign contribution form for any additional reporting. The forms must be submitted at least fifteen (15) calendar days prior to the Board Committee date on October 12, 2024 and sent via email to the Contract Administrator.

2. Status of Past and Present Contracts Form

Offeror shall complete and sign the form entitled “Status of Past and Present Contracts” provided in this RFP and submit as part of its proposal. Offeror shall identify the status of past and present contracts where the firm has either provided services as a prime vendor or a subcontractor during the past five (5) years in which the contract has been the subject of or may be involved in litigation with the contracting authority. This includes, but is not limited to, claims, settlement agreements, arbitrations, administrative proceedings, and investigations arising out of the contract. Offeror shall have an ongoing obligation to update the Authority with any changes to the identified contracts and any new litigation, claims, settlement agreements, arbitrations, administrative proceedings, or investigations that arise subsequent to the submission of Offeror's proposal.

A separate form must be completed for each identified contract. Each form must be signed by the Offeror confirming that the information provided is

true and accurate. Offeror is required to submit one copy of the completed form(s) as part of its proposals.

3. Proposal Exceptions and/or Deviations Form

Offerors shall complete the form entitled “Proposal Exceptions and/or Deviations” provided in this RFP and submit it as part of the original proposal. For each exception and/or deviation, a new form should be used, identifying the exception and/or deviation and the rationale for requesting the change. Exceptions and/or deviations submitted after the proposal submittal date will not be reviewed nor considered by the Authority.

SECTION III: EVALUATION AND AWARD

SECTION III. EVALUATION AND AWARD

A. EVALUATION CRITERIA

The Authority will evaluate the offers received based on the following criteria:

1. Qualifications of the Firm 20%

Technical experience in performing work of a closely similar nature; strength and stability of the firm; strength, stability, experience, and technical competence of subcontractors; assessment by client references.

2. Staffing and Project Organization 20%

Qualifications of project staff, particularly key personnel and especially the Project Manager; key personnel's level of involvement in performing related work cited in "Qualifications of the Firm" section; logic of project organization; adequacy of labor commitment; concurrence in the restrictions on changes in key personnel; project management.

3. Work Plan 35%

Depth of Offeror's understanding of Authority's requirements and overall quality of work plan; logic, clarity, and specificity of work plan; appropriateness of resource allocation among the tasks; reasonableness of proposed schedule; utility of suggested technical or procedural innovations; maturity of proposed onboard hardware and vaulting infrastructure; comprehensive open architecture and back office functionality.

4. Cost and Price 25%

Reasonableness of the total price, as well as the individual tasks; competitiveness with other offers received; adequacy of data in support of figures quoted.

B. EVALUATION PROCEDURE

An evaluation committee will be appointed to review all proposals received for this RFP. The committee is comprised of Authority staff and may include outside personnel. The committee members will evaluate the written proposals using criteria identified in Section III A. A list of top-ranked proposals, firms within a competitive range, will be developed based upon the totals of each committee members' score for each proposal.

During the evaluation period, the Authority may interview some or all of the proposing firms. The Authority has established July 17, 2024 as the date to conduct interviews. All prospective Offerors are asked to keep this date available. No other

interview dates will be provided, therefore, if an Offeror is unable to attend the interview on this date, its proposal may be eliminated from further discussion. The interview may consist of a short presentation by the Offeror after which the evaluation committee will ask questions related to the firm's proposal and qualifications.

At the conclusion of the proposal evaluations, the evaluation committee will score the proposals to develop a competitive range. Offerors remaining within the competitive range may be asked to submit a Best and Final Offer (BAFO). In the BAFO request, the firms may be asked to provide additional information, confirm or clarify issues and submit a final cost/price offer. A deadline for submission will be stipulated.

At the conclusion of the evaluation process, the evaluation committee will recommend to the Transit Committee, the Offeror with the highest final ranking or a short list of top ranked firms within the competitive range whose proposal(s) is most advantageous to the Authority. The Board Committee will review the evaluation committee's recommendation and forward its recommendation to the Board of Directors for final action.

C. AWARD

The Authority's Board of Directors will consider the selection of the firm(s) recommended by the Board Committee.

The Authority may also negotiate contract terms with the selected Offeror prior to award, and expressly reserves the right to negotiate with several Offerors simultaneously and, thereafter, to award a contract to the Offeror offering the most favorable terms to the Authority.

Offeror acknowledges that the Authority's Board of Directors reserves the right to award this contract in its sole and absolute discretion to any Offeror to this RFP regardless of the evaluation committee's recommendation or recommendation of a Board Committee.

The Authority reserves the right to award its total requirements to one Offeror or to apportion those requirements among several Offerors as the Authority may deem to be in its best interest. In addition, negotiations may or may not be conducted with Offerors; therefore, the proposal submitted should contain Offeror's most favorable terms and conditions, since the selection and award may be made without discussion with any Offeror.

The selected Offeror will be required to submit to the Authority's Accounting department a current IRS W-9 form prior to commencing work.

D. NOTIFICATION OF AWARD AND DEBRIEFING

Offerors who submit a proposal in response to this RFP shall be notified via CAMM NET of the contract award. Such notification shall be made within three (3) business days of the date the contract is awarded.

Offerors who were not awarded the contract may obtain a debriefing concerning the strengths and weaknesses of their proposal. Unsuccessful Offerors, who wish to be debriefed, must request the debriefing in writing or electronic mail and the Authority must receive it within three (3) business days of notification of the contract award.

EXHIBIT A: SCOPE OF WORK

SCOPE OF WORK

Replacement of Fareboxes and Related Fare Collection Equipment

OCTA

Table of Contents

1. OCTA Farebox Overview 2
2. Farebox System General Functionality 2
3. Proven Design 2
4. Open Architecture 3
5. Project Management 3
6. System Security 4
7. Design Review 4
8. Farebox System Hardware 5
9. Farebox Back Office 8
10. Farebox Revenue Infrastructure 10
11. Driver Control Unit (DCU) 12
12. Onboard Integration 13
13. Testing 14
14. Training 15
15. Installation 16
16. Warranty and Software Maintenance 17

1. OCTA Farebox Overview

The Orange County Transportation Authority (OCTA), herein referred to as the "OCTA," is in the process of upgrading and enhancing its entire electronic fare payment system. As part of this comprehensive process, the OCTA is aiming to replace its farebox system with one that is more simplified and streamlined. OCTA is soliciting the services of a farebox vendor, herein referred to as the "Contractor." Goals for the simplified farebox replacement project include:

- Simplify farebox functionality and limit payments to cash-only.
- Improve farebox monitoring and administrative tools.
- Reduce maintenance costs and have flexibility to replace/remove components efficiently.
- Provide full ownership of farebox data and access to farebox application programing interfaces (API).
- Integrate with onboard bus systems and support single sign-on functionality.
- Reuse infrastructure where possible to minimize costs/complexity.

These goals provide the basis for the functional scope detailed in the following sections.

2. Farebox System General Functionality

2.1 The primary purpose of the farebox shall be to process cash transactions for one (1)-ride fares and classify other types of boardings.

2.2 All electronic fare validation (including smartcard or mobile ticketing) shall occur separately on existing standalone fare validators.

2.3 No electronic media interfaces are needed, other than those required for maintenance or revenue operations, such as probing or single sign-on.

2.4 The farebox shall retain a customer-readable display that reflects the amount of money inserted and other messages.

2.5 Coins and bills shall be validated to reject counterfeits and slugs, while minimizing dwell times.

2.6 The farebox system shall generate real-time alerts and other issues that impact operations.

2.7 The farebox back office shall provide real-time data/reporting/administrative/monitoring capabilities.

2.8 The farebox shall interface with a Driver Control Unit (DCU) that shall provide an operator interface including the ability to tally or classify various fares.

2.9 All supporting probing and vaulting equipment shall be designed for efficiency and durability.

3. Proven Design

3.1 The farebox system to be provided by the Contractor shall be based on a service-proven or derived from a service-proven design.

3.2 The proposed farebox system shall be similar in design and construction to a model deployed and in revenue service at a minimum of one (1) transit agency.

3.3 Successfully integrated fareboxes with a hosted back office system at a minimum of one (1) transit agency.

3.4 Has achieved a level of reliability, accuracy, and availability consistent with the performance requirements in these specifications at a minimum of one (1) transit agency.

3.5 Successfully designed, manufactured, tested, installed, and acceptance within a project timeline comparable to the timeline in this specification.

3.6 Solution has been demonstrated to successfully integrate with other third-party solutions, such as an account-based fare collection system.

4. Open Architecture

4.1 The farebox system shall be based on an open architecture, which means interfaces supported by APIs are fully-owned by or accessible to OCTA. The open architecture shall provide flexibility for integration and data transfer purposes.

4.2 The open architecture shall apply to all system interfaces and transaction formats provided by the farebox system. There is a general preference for the use of open standards and cloud-based applications.

4.3 OCTA will own all data generated by the equipment, systems, and software delivered. OCTA will be able to freely access and distribute all data free of charge. OCTA will retain ownership of all data in perpetuity with no restrictions or additional cost.

4.4 All open architecture APIs, libraries, documentation, and data exchange formats shall be provided to OCTA.

5. Project Management

5.1 Contractor shall provide comprehensive project management to ensure adequate technical and administrative oversight, manage project schedule and budget, and effective communications with OCTA.

5.2 No later than twenty-one (21) calendar days following Notice to Proceed (NTP), Contractor shall participate in a project kickoff meeting to be held at OCTA offices. Contractor shall work with OCTA to assemble an agenda for the meeting that covers topics including, but not limited to:

- Review of project roles and responsibilities
- Review of Contractor's scope of work and system requirements
- Presentation of draft project schedule
- Discussion of key risks or project concerns
- Establish ongoing communications schedule and format
- Requirements review (if necessary, see Design Review section)

5.3 Contractor shall prepare a master project schedule that is to be submitted within twenty-one (21) calendar days following NTP.

5.3.1 The master project schedule shall be provided in Gantt format and show the major activities, sub-activities, milestones, and timelines required to implement the system from NTP through to Final System Acceptance.

5.3.2 The schedule shall define all required stakeholder responsibilities and activities in the timeline. All project events and/or milestones which Contractor views as the responsibility of OCTA shall be clearly identified in the schedule.

5.3.3 The master project schedule shall be updated by Contractor monthly at minimum.

5.4 Contractor shall convene regular progress review meetings such as:

5.4.1 Weekly or bi-weekly project management meetings with OCTA, depending on the stage of the project.

5.4.2 Technical and design meetings with any other relevant stakeholders as needed.

5.4.3 Executive meetings with Contractor and OCTA management staff to review progress and key risks.

5.5 Contractor shall maintain an Action Item List (AIL), which shall be submitted regularly and maintained throughout the project to track the progress against, and current status of, all open issues.

5.6 Project Team

5.6.1 Contractor shall designate responsible and experienced individuals to serve as the Project Manager (PM) and Technical Lead for the term of the contract and maintain close collaboration with OCTA. These team members shall constitute key personnel.

5.6.2 The PM shall be someone who has managed projects of similar size and complexity and who possesses full authority to direct project resources and make commercial decisions on behalf of Contractor.

5.6.3 The Technical Lead shall have served in the lead technical position on projects of similar size and complexity and who possesses a command of the technologies that will be utilized as part of the implementation and be able to make technical decisions on behalf of the Contractor.

5.6.4 An on-site representative (the PM and/or technical lead) shall be located in OCTA region during key project milestones. The on-site representative shall give OCTA at least two (2) weeks advance notice of any anticipated changes to their onsite availability.

5.6.5 OCTA will have the right to reject any changes to key personnel if Contractor is unable to demonstrate that the proposed replacement provides an equivalent or better level of experience and expertise.

6. System Security

6.1 All systems components and interfaces shall be compliant with OCTA, local, and state policies for the handling of customer Personally Identifiable Information (PII).

6.2 All data transmission between any parts or components of the system, as well as other outside servers shall be secured using Secure Socket Layers (SSL). SSL certificates shall be acquired from known and reputable certifying authorities.

6.3 Contractor's system must provide for configurable, role-based user access, so that users will only be able to access data and functionality pertaining to their respective job functions.

6.4 System security features shall be maintained and security issues shall be addressed as they arise throughout the terms of the contract. Operating system updates, software patches, bug fixes, and system enhancements to address identified security issues shall be provided.

7. Design Review

7.1 Contract Data Requirements List (CDRL) documents shall be submitted by Contractor that will contain information that identify the design details of the system and associated services. The CDRL documents shall be reviewed and approved by OCTA. Topics to be included in the CDRLs are to include, at a minimum:

- Farebox System Hardware
- Farebox System Software
- System Architecture
- API Documentation
- Configuration Management
- System Monitoring

- Data and Reporting
- Test Plan
- Training Plan
- Installation Plan
- Maintenance Plan
- Performance Measurement

7.2 Contractor shall facilitate Design Review Workshops in which project stakeholders will finalize the detailed system design that satisfies the requirements in this specification.

7.2.1 No later than thirty (30) calendar days following NTP, Contractor shall participate in a requirements review meeting with OCTA to verify expectations and clarify any outstanding questions regarding requirements. The requirements review meeting may take place during the project kickoff, or separately depending on Contractor and OCTA availability.

7.2.2 Contractor shall develop and submit the CDRLs within sixty (60) calendar days of NTP.

7.2.3 A Master Issues List (MIL) shall be created to record OCTA's review comments and will be provided to Contractor within fifteen (15) business days of receipt of the last CDRL.

7.2.4 Design Review Workshops shall be held no later than twenty (20) business days after OCTA comments to the CDRLs are submitted.

7.2.5 Design Review Workshops shall be held with key Contractor and OCTA staff at OCTA location. Each CDRL and MIL shall be discussed, and any outstanding questions or issues shall be resolved during the design review meetings where possible.

7.2.6 All issues discussed during the workshops shall be documented by Contractor. OCTA will determine the appropriate action required to close an issue.

7.2.7 If deemed necessary by OCTA, Contractor shall re-submit updated design documents for review and approval that incorporate necessary changes identified during the workshops.

7.2.8 The final design review package will be approved upon OCTA determination that all identified MIL comments and design issues have been addressed.

7.3 In lieu of CDRL submissions and Design Review Workshops, Contractor may propose live demonstrations for system components that are already developed and mature. OCTA must approve such demonstrations, where Contractor shall still record OCTA feedback for incorporation into the final design.

8. Farebox System Hardware

8.1 Requirements in this section apply to the simplified farebox and all supporting equipment including test equipment, vaulting, and probing equipment where applicable.

8.2 The simplified farebox system shall be designed to maximize longevity/performance and minimize downtime/costs.

8.3 The simplified farebox shall be designed to occupy a similar footprint/position as existing fareboxes to minimize installation/replacement costs.

8.4 Customer facing components shall be clearly identified and easy to access. Interfaces that are required for maintenance or operations (i.e. probing or single sign-on) shall not be obvious to riders.

8.5 Any cover plates (if used) shall be easily removed, replaced, or concealed, and shall not compromise the security of the farebox. Any unauthorized access to internals shall activate both audible and recorded alarms.

8.6 The farebox lid shall contain a customer-readable display that reflects customer activity and other informational messages.

8.6.1 The customer display shall consist of a backlit flat panel display that supports auto-adjust brightness and is clearly able to be read in different conditions (e.g. daytime, nighttime, and onboard glare).

8.6.2 Display information shall include the active fare, payment amount inserted, an indication showing successful base fare reached, bill/coin errors, or any feedback from the operator DCU.

8.7 Farebox components shall be constructed from durable materials and enclosures that have been proven in a transit environment.

8.7.1 Components shall be rugged and function under harsh environmental conditions including direct sunlight, moisture, dust/grit/sand/salt, humidity, electrical storms, and exposure to transit urban environment.

8.7.2 Components shall be resistant to corrosion, abrasion, scratching, impacts, vandalism, and withstand standard cleaning materials. Color and finish shall minimize reflection and will be highly resistant to fading, cracking, and peeling.

8.8 A configurable bill acceptance mechanism shall be provided.

8.8.1 The bill mechanism shall be capable of accepting all variations of US $1, $2, $5, $10, and $20 bills in circulation. The types of accepted bills can be updated through firmware updates, which can be applied locally without sending the unit back to the manufacturer.

8.8.2 The bill mechanism shall be able to accept bills inserted in any of the four (4) possible length-wise orientations.

8.8.3 The bill mechanism shall meet an acceptance rate of at least ninety-eight percent (98%) of valid bills accepted upon initial insertion.

8.8.4 Bills shall be processed at a minimum rate of one (1) bill every two (2) seconds. Time shall be measured from the time that the bill is sensed in the bill insertion slot to the time that the farebox is prepared to accept another bill.

8.8.5 The bill mechanism shall be able to detect counterfeit bills or invalid pieces of material inserted into the bill slot.

8.8.6 The bill mechanism shall be capable of returning inserted bills when a transaction is canceled.

8.8.7 The validation sensitivity shall be adjustable, such that the OCTA can adjust between validation precision and bill acceptance rate.

8.8.8 The bill mechanism shall be secured via a lock or be contained within a lockable secure compartment and will be removable for servicing.

8.8.9 Bill mechanisms shall be able to be removed and replaced with minimal downtime without special configuration or programming.

8.9 A configurable coin acceptance mechanism shall be provided.

8.9.1 The coin mechanism shall be capable of accepting all variations of US nickels, dimes, quarters, and dollar coins. The types of accepted coins can be updated through firmware updates, which can be applied locally without sending the unit back to the manufacturer.

8.9.2 The coin insertion slot shall be sized to limit the dimensions of inserted material to the largest coin accepted. To minimize jams, the coin slot shall also be sized to prevent the simultaneous insertion of two (2) coins.

8.9.3 The coin mechanism shall meet an acceptance rate of at least ninety-eight percent (98%) of valid coins accepted upon initial insertion.

8.9.4 The validation sensitivity shall be adjustable, such that the OCTA can adjust between validation precision and coin acceptance rate.

8.9.5 The coin mechanism shall reject and return to a coin return bin unverified, counterfeit, excessively bent, and foreign coins, as well as slugs and other foreign objects.

8.9.6 The coin mechanism shall be capable of returning inserted coins when a transaction is canceled.

8.9.7 The coin mechanism shall support a “bypass” function that the operator can activate. If activated, the coin validation shall be bypassed, and the coin(s) shall drop directly to the coin vault.

8.9.8 The coin mechanism shall be secured via a lock or be contained within a lockable secure compartment and shall be removable for servicing.

8.9.9 Coin mechanisms shall be able to be removed and replaced with minimal downtime without special configuration or programming.

8.10 Farebox hardware shall be designed to minimize maintenance costs, such that preventative and scheduled maintenance can be performed without special tools or equipment.

8.10.1 Components shall be “hot swappable,” or able to be replaced or swapped without special programming or configuration, and all transaction data shall not be adversely impacted.

8.10.2 The farebox hardware shall be designed to minimize installation costs, and to support a rapid transition from the current farebox to the simplified farebox.

8.11 The simplified farebox shall fully comply with all applicable American with Disabilities Act (ADA) regulations.

8.12 Farebox hardware shall function in OCTA environment including:

8.12.1 Temperature: 20 degrees F to 120 degrees F (ambient temperature).

8.12.2 Humidity: 5-95 percent relative humidity.

8.12.3 Direct sunlight, radiation loading of up to 3MJ/hr/m2.

8.12.4 Direct exposure to airborne particles, dust, humidity, EMI, and water/solvents encountered in the transit operating environment and caused by general cleaning.

8.13 Contractor shall provide all cabling and hardware necessary to properly install and secure farebox components in their planned location and shall support the installation of these components.

9. Farebox Back Office

9.1 A farebox back office platform shall be provided that shall provide the following functions at minimum:

9.1.1 Administration and configuration management.

9.1.2 Real-time maintenance and monitoring.

9.1.3 Real-time transaction data and reporting.

9.1.4 Other functions as required for the daily maintenance and operations of the farebox.

9.2 "Real-time" is defined as being transmitted and processed by the back office within thirty (30) seconds, assuming that network infrastructure is operating optimally.

9.3 A web-based back office interface is preferred, with a user authentication and access control platform provided by the back office. Individual users or groups shall have access to back office modules where appropriate. All access control shall comply with OCTA security policies.

9.4 Farebox transaction data shall be transmitted to the back office and shall include the following fields at a minimum. The final list shall be determined by the OCTA.

- Transaction date and time
- Transaction type
- Transaction value
- Farebox identification (ID)
- Farebox location (vehicle location, stop ID, etc.)
- Tally, override, or classification information
- Transaction ID or Reference number

9.5 Administration and configuration management functions shall include the following at a minimum:

9.5.1 The configuration of farebox settings and basic user interface parameters.

9.5.2 The creation and modification of tariffs (including the ability to create multiple test versions).

9.5.3 Sending and applying tariff or software updates to individual fareboxes or system-wide, including the ability to push out tariff updates ahead of scheduled implementation date.

9.5.4 Storage of prior tariffs. The system should show at a minimum last tariff, current tariff, next tariff, and a test tariff (and correctly identify each version).

9.5.5 Issuance of device commands system-wide, or by location and individual device.

9.6 Real-time maintenance and monitoring functions shall include the following at a minimum:

9.6.1 Access to all farebox status and availability in a real time dashboard using graphics and text.

9.6.2 Ability to monitor cash/coin levels and alerts for cash/boxes that are full or near full.

9.6.3 Status of cash/coin boxes and vaults that need emptying or servicing.

9.6.4 Real-time performance and status monitoring for all fareboxes including module status, software version, events, and alarms.

9.6.5 Real-time performance and status monitoring for all vaulting equipment including module status, events, and alarms.

9.6.6 The monitoring tool shall automatically generate real time alerts via email or text message. The trigger and frequency of alerts shall be configurable, as well as the type of alert and distribution list.

9.7 Transaction data and reporting functions shall include the following at a minimum:

9.7.1 Providing canned or pre-defined reports, including but not limited to sales reports (detailed and summary), transaction reports (detailed and summary), financial settlement reports (itemized and summary), maintenance reports, and exception reports.

9.7.2 Reports shall be available in PDF, comma delimited, and Excel formats at a minimum.

9.7.3 Reports can be configured to run on a scheduled basis through the web interface, and automatically delivered multiple email addresses.

9.7.4 All data shall be accessible using standard SQL or equivalent query tools. All data shall be retrievable as standard reports (PDF, Excel, and other standard formats).

9.7.5 All data created by test or training hardware shall be identified as such in all reports. Test or training data shall not be reported as production fare revenue, and may be filtered out of all reports.

9.8 Contractor shall provide unrestricted API access to enable communication between the farebox and other related systems. The APIs shall enable the following functions at a minimum:

9.8.1 Onboard integration with the CAD/AVL and ITMS systems in support of vehicle status/location/errors and single sign-on.

9.8.2 Export and transfer all farebox transaction data to another data warehouse on a regular schedule (but no less than daily). All farebox transaction data shall be consolidated or integrated such that cash and farebox transactions shall be comingled in the same reports.

9.8.3 Any data integration shall use APIs or other automated feeds as necessary to minimize manual imports and/or merges.

9.9 Hosting

9.9.1 The back office shall be hosted by a third party or “cloud” hosting provider such as Amazon Web Services (AWS), Microsoft Azure, Google Cloud Platform, or equivalent provider. The hosting provider shall provide the performance, security, and redundancy to support the requirements of this specification.

9.9.2 The cloud hosting provider shall adhere to applicable OCTA IT/hosting standards.

9.9.3 All hosted data shall be protected against loss or failure at a given hosting site. The hosted solution shall be equipped with the appropriate hardware, software, and procedures to provide redundancy and recovery. Load balancing, automated failover, and data mirroring between multiple sites shall be provided as necessary.

9.9.4 Contractor shall notify OCTA immediately following discovery of system downtime, regardless of whether or not a cause has been identified. Within five (5) days of the incident, Contractor shall submit a detailed report to OCTA that contains the scope of the problem, cause, and actions taken to prevent it from occurring again.

9.10 All farebox data shall be fully compliant with OCTA policies for the handling of customer PII.

10. Farebox Revenue Infrastructure

10.1 The farebox revenue infrastructure shall include, but is not limited to:

10.1.1 Probing equipment

10.1.2 Cashbox

10.1.3 Cashbox receivers

10.1.4 Revenue collection vaults

10.1.5 Mobile collection bins

10.1.6 Portable Data Probe (PDP)

10.1.7 All other associated equipment

10.2 Revenue infrastructure includes all equipment required to ensure the secure and efficient transfer of revenue from the farebox to the revenue collection vault.

10.2.1 The design of the revenue infrastructure shall minimize risk from revenue loss and support accurate audit processes to ensure that all revenue is accounted for.

10.2.2 All revenue equipment shall include physical locks and controls that meet or exceed applicable security standards and have been proven in other transit environments. The system shall include controls to monitor the movement of revenue and identify when discrepancies occur.

10.2.3 All keys (physical and digital) shall be centrally administered to allow multiple levels of access to different components. Critical keys can be electronically limited or revoked to effectively manage staff turnover.

10.2.4 Cashboxes shall be electronically tagged such that receivers cannot accept an invalid or damaged cashbox. The status of each cashbox shall be viewable from the back office monitoring tool.

10.3 See Appendix A for a summary of existing vaulting hardware that needs to be replaced.

10.4 All vaulting and probing equipment shall be designed to be efficient and durable in outdoor transit environments.

10.4.1 All cashbox receivers, fixtures, interlocks, and moving parts shall be designed to be durable and withstand repeated insertions/removals without degradation.

10.4.2 Components shall be rugged and function under harsh environmental conditions including direct sunlight, moisture, dust/grit/sand/salt, humidity, electrical storms, and exposure to transit urban environment.

10.4.3 Components shall be resistant to corrosion, abrasion, scratching, impacts, vandalism, and withstand standard cleaning materials. Color and finish shall minimize reflection and shall be highly resistant to fading, cracking, and peeling.

10.5 The farebox probing and cashbox removal process shall be designed to be efficient and automatic.

10.5.1 Current probing requires a physical infrared probe to initiate the probing process. If possible, a probing process that minimizes manual intervention is preferred.

10.5.2 Modern methods to unlock the farebox for cashbox removal including geofencing, proximity beacons, and other contactless approaches are preferred, as long as they are secure and reliable. If a contactless method is proposed, the cashbox removal still must be timed and recorded for audit and security purposes.

10.5.3 If a probing smartcard is proposed, a contactless interface is preferred that can read existing maintenance staff IDs. See Appendix B for information on maintenance staff ID format.

10.5.4 Different events can initiate the wireless farebox data transfer if data has not already been transmitted in real-time. These include probing, bus startup, geofencing inside the garage, periodic intervals, or other configurable events. See Back Office section for real-time data reporting requirements.

10.5.5 Offline probing shall be supported such that the farebox can still be revenue serviced if the back office is not available. When the back office is back online, all data and information shall be transmitted such that no data loss occurs.

10.6 The awarded Contractor shall perform garage surveys to ensure durability and maximum useful life.

10.6.1 Contractor or subcontractor shall design revenue infrastructure to minimize civil costs and reuse existing locations, unless expressly directly otherwise.

10.6.2 For garages that require additional civil work and/or probing lanes, Contractor shall identify locations near existing buildings and other power/communications infrastructure.

10.7 A PDP shall be provided that offers the following functionality:

10.7.1 Allows maintenance/revenue staff to probe a farebox remotely with the same functionality that a fixed probing station provides.

10.7.2 The PDP form factor may be a laptop computer, tablet, or other rugged device that can operate in an outdoor environment. The hardware will be comprised of commercial off the shelf (COTS) components to the largest extent possible.

10.7.3 The PDP shall enable the removal of cash box components from the farebox and wireless transfer of farebox data. All data will be transferred from the PDP to the back office automatically as long as the PDP has the proper data connection.

10.8 Contractor shall propose revenue infrastructure that keeps operations and standards consistent across garages.

10.8.1 For those garages that have unique operations or vehicle types, Contractor shall provide standard equipment and infrastructure to minimize variability.

11. Driver Control Unit (DCU)

11.1 A DCU shall be provided that serves as the primary operator-facing interface to the farebox system.

11.2 The DCU shall be designed for efficiency and durability with a transit proven design.

11.2.1 The DCU shall include a backlit flat panel display that supports auto-adjust brightness and is clearly able to be read in different conditions (e.g. daytime, nighttime, and onboard glare).

11.2.2 The DCU shall include either a touchscreen, physical buttons, or both to support daily operator functions. If a touchscreen is proposed, it must support use with operator gloves.

11.2.3 A volume adjustable speaker shall be included that clearly plays audio results as farebox and DCU transactions are processed. The volume shall be loud enough to hear clearly in a noisy transit environment.

11.2.4 Secondary visual indicators such as LED lights may be proposed that activate alongside typical audio alerts. These will help the operator understand what fares are being processed without expressly looking at the DCU or farebox.

11.2.5 The DCU shall have a compact footprint but must be easily seen and used by the transit operator. Mounting hardware shall securely fix the DCU and must be easily adjustable to support a variety of vehicle and operator types.

11.2.6 The mounting hardware shall be secure and withstand constant vibration without shifting or loosening.

11.3 Contractor-provided DCU shall support the following functionality. Each of these functions shall be configurable.

11.3.1 Assist the operator in processing one-way cash fares.

11.3.2 Display and accumulate the dollar amount as bills and coins are inserted, until the default base fare is reached.

11.3.3 Allow the operator to process overpayments by pushing an “overpayment” or “dump” button.

11.3.4 Allow the operator to process short fares by pushing a “short fare” or “override” button.

11.3.5 Allow the operator to bypass bill/coin validation entirely by pressing a “bypass” button.

11.3.6 Ability to classify different rider classes (e.g. Senior, Youth) or to change the default fare from the Adult Fare amount to a Reduced Fare amount. The farebox must be capable of switching between the rider classes prior to or during a transaction if possible.

11.3.7 Ability to tally or classify specific information (e.g. accepted paper passes, riders from a certain category, regional transfers, etc.).

11.3.8 Allow the operator to process a single cash payment for multiple riders of the same rider class.

11.3.9 Ability to “reset” the farebox bill and coin mechanisms (process to take no longer than five [5] seconds).

11.3.10 Ability to “force” acceptance of bills and coins in the farebox (recorded as a transaction).

11.4 The DCU may interface with the CAD/AVL and other onboard systems to support single sign-on and automatic updated of faresets and route information.

11.5 If automatic single sign-on is not available, the DCU shall support manual login of operator ID and route information to enter revenue service.

11.5.1 The bus operator may tap or swipe their ID card on the DCU or farebox to initiate login. See Appendix B for information on maintenance staff ID format.

11.5.2 Alternatively, the operator may manually login by typing in the following fields on the DCU: fareset, driver ID, route, and run).

12. Onboard Integration

12.1 Contractor shall propose an onboard integration architecture that describes the interfaces among the farebox, DCU, and other onboard systems (e.g. CAD/AVL, validator).

12.1.1 The CAD/AVL shall be the master source of dispatch, vehicle ID, and bus routing information. This information shall be consistent and disseminated concurrently to all onboard devices including the farebox, DCU, and validator.

12.1.2 The DCU may transmit relevant CAD/AVL information to the farebox, depending on the interface architecture proposed.

12.1.3 The onboard integration architecture shall require approval from the OCTA, who also reserves the right to request or suggest certain interfaces that meet operational needs and performance requirements.

12.1.4 Hardwired interfaces between onboard systems shall include, but are not limited to J1708, RS232, RD485, ethernet, and USB.

12.1.5 Contractor shall provide all cabling/mounting hardware for the farebox system including DCU and farebox.

12.1.6 See Appendix C for the current onboard system architecture diagram.

12.2 Upon startup, the farebox shall automatically receive pricing and fareset updates if available.

12.2.1 After receiving the relevant information required to set the pricing and fare set, the farebox shall not require a continuous connection to operate.

12.2.2 The farebox shall automatically update to the new fareset without having to reboot upon receiving updated logon information from the CAD/AVL or ITMS system.

12.2.3 The login ID information shall be transmitted from the CAD/AVL or ITMS as appropriate. Alternatively, the operator ID may be inputted in the CAD/AVL or DCU as a backup if the ITMS is not functioning.

12.2.4 The CAD/AVL or ITMS shall use the operator ID to determine the correct route, run, direction, fareset, and other relevant data fields.

12.2.5 All relevant data fields shall be transmitted to the farebox and DCU as appropriate. The specific process for data transmission will depend on the interface architecture proposed.

12.2.6 The operator may change IDs at any time by logging out and logging in with another operator ID.

13. Testing

13.1 Contractor shall plan, perform, and document all tests required to deliver the approved final design of the integrated system. All system components and subsystems shall be tested individually and in integrated environments to ensure that they meet all technical and functional requirements.

13.1.1 Contractor shall provide all labor and materials required for system testing, including but not limited to media, payment (test cash), and all support services required to stage, inspect, and test all hardware and software being supplied.

13.1.2 All tests and inspections shall be documented by Contractor and monitored and signed off by OCTA or their representatives.

13.1.3 Contractor shall submit a Test Plan for OCTA review and approval at least thirty (30) days prior to each testing phase. The Test Plan shall include a description of each test, along with detailed test scripts to be performed as part of the test. Test scripts shall include test case setup instructions and preconditions, step-by-step instructions for performing the test, and expected results for each step.

13.1.4 Contractor shall submit a written report for each test that is performed, including copies of all data generated during the test, for OCTA review and approval. Reports shall be submitted to OCTA for review and approval within ten (10) calendar days of the completion of any test.

13.1.5 Contractor may propose an accelerated test plan that combines or abbreviates phases. OCTA has the discretion to approve alternative testing approaches.

13.1.6 Testing shall be completed in three (3) phases: Factory Testing, Integration Testing, and Acceptance Testing.

13.2 Factory Testing

13.2.1 The purpose of factory testing is to confirm that each manufactured piece of equipment meets the hardware configuration and quality requirements in this specification.

13.2.2 First Article Configuration Inspection (FACI) test to confirm that the first unit being manufactured complies with these specifications, including design configuration and drawings as approved during final design review. FACI shall occur on the first production units and will be verified and approved by OCTA prior to volume manufacturing.

13.2.3 Factory Acceptance Test (FAT) to demonstrate that the components meet the environmental and maintainability requirements contained in this specification. If Contractor has already conducted similar environmental tests on identical or nearly identical equipment, OCTA may, but is not obligated to, accept the results of those tests.

13.2.4 Production Acceptance Test (PAT) to demonstrate that each piece of equipment manufactured is operational and meets the quality requirements set by the Contractor. Contractor shall perform PAT on each system component at the point of manufacture as an integral part of their quality assurance (QA) program. OCTA reserves the right to review and/or witness the PAT procedure.

13.3 Integration Testing

13.3.1 The purpose of integration testing is to confirm that all farebox system features and back office requirements in this specification are satisfied.

13.3.2 Contractor shall complete functional tests for all devices to verify the proper performance and operation of the devices and back office components. These tests shall demonstrate all functions described in these specifications, including review of all user-accessible screens and commands.

13.3.3 System Integration Test (SIT) shall demonstrate in a laboratory environment that each of the system components and associated software furnished by Contractor meet all functional requirements.

13.3.4 SIT shall test communications and data transmission over OCTA and third-party networks, as required to complete the tests. With successful completion of SIT, all software and configuration files shall be "frozen," and Contractor shall make no changes without OCTA authorization.

13.3.5 SIT shall include a series of detailed transactions and other operations that will fully emulate a broad spectrum of usage and operating scenarios. Contractor shall provide a list of operating scenarios as part of the SIT test procedure for OCTA review and approval.

13.3.6 Upon completion of SIT and initial field installation activities, Contractor shall conduct a Field Integration Test (FIT) wherein all devices, back office systems, and all other aspects of the system are exercised in the production/field environment. The FIT shall demonstrate that the system is ready to enter the Acceptance testing phase.

13.4 Acceptance Testing

13.4.1 Following successful integration testing and initial field installations, OCTA will conduct a Pilot using a limited and controlled user population to exercise all system functions. OCTA will determine how many devices and what users will participate in the Pilot in coordination with Contractor.

13.4.2 All test data shall be purged from the system prior to the start of the Pilot.

13.4.3 When the Pilot is complete, Contractor shall commence the System Acceptance Test (SAT), which will verify that the farebox system meets the functional requirements.

13.4.4 SAT shall be performed in the production environment with all components, subsystems, and networks completely operational, online, and in service.

13.4.5 SAT shall last at least thirty (30) days in which all system components shall meet or exceed all requirements. A SAT test plan shall describe how Contractor shall measure and report on performance requirements.

13.4.6 The successful completion of SAT shall indicate Final Acceptance and designate the beginning of revenue service and the start of the warranty term. Achievement of Final Acceptance shall be based upon the successful completion of SAT and delivery of all required work, equipment, and documentation. Final Acceptance is subject to written approval from OCTA.

14. Training

14.1 Contractor shall provide comprehensive training to educate OCTA personnel on all details of the farebox system, enabling them to properly operate, service, and maintain the system and each of its components throughout its useful life.

14.2 Contractor shall develop and submit a training plan that documents the training program and each course to be delivered.

14.3 The training courses shall include the following topics at minimum:

14.3.1 Field Maintenance and Servicing

14.3.2 Configuration and Administration

14.3.3 Operations and Monitoring

14.3.4 Accounting

14.3.5 Reporting and Query Customization

14.3.6 Customer Service Training

14.4 Contractor shall develop and deliver training courses that provide OCTA training instructors with the necessary instruction and materials to deliver system training independently. This "Train the Trainer" approach will enable OCTA to train in the future without additional Contractor support.

14.5 In addition to training materials and instruction, Contractor shall provide instruction manuals on how to manage, operate, and maintain the farebox system. The manuals shall include detailed documentation for all equipment, systems, and software.

15. Installation

15.1 Contractor shall provide a detailed plan and schedule for the installation campaign to include the following at a minimum:

15.1.1 Overall installation approach and methodology.

15.1.2 Estimated installation schedule including contingency.

15.1.3 Number of fareboxes by location to be installed and commissioned each week.

15.1.4 Quantity of spare fareboxes needed to support the campaign and not impact revenue service.

15.1.5 Clearly identify roles and responsibilities of Contractor and OCTA.

15.1.6 Installation commissioning and test plan. OCTA may require modifications to the proposed plan to ensure proper functionality.

15.2 Contractor shall supply all labor, supervision, and materials required for installation of all farebox equipment and systems delivered.

15.2.1 Contractor shall describe expectations for facilities, personnel, access, and assistance to be provided by OCTA.

15.2.2 Contractor shall request access and approval to complete all installations from OCTA Project Manager.

15.2.3 For installation planning purposes, proposals shall be submitted with the assumption that installation activities will be required outside of normal business hours.

15.2.4 Contractor shall provide a complete installation solution and all required installation services including all labor, materials, parts, and connectors to deliver a fully operational system.

15.2.5 Contractor shall be responsible for all work and expenses relating to the design, manufacture, storage, staging, and delivery of the equipment at each location specified by OCTA.

15.2.6 Contractor shall provide suitable, off site secure storage facilities for all equipment prior to installation in OCTA facilities.

15.2.7 Installation sites shall be left clean and free from rubbish and debris. All material associated with site preparation, unpacking of shipping materials, and/or installation of new equipment related to this project shall be removed from the premises by Contractor and properly disposed.

15.2.8 Any damage to OCTA property or equipment due to acts of Contractor during installation shall be corrected at Contractor's expense.

15.2.9 Installation of the Farebox equipment shall be subject to California State Prevailing Wage and Davis Bacon wage rates. Contractor is responsible for ensuring compliance with the Prevailing Wage and Davis Bacon Requirements.

16. Warranty and Software Maintenance

16.1 Warranty

16.1.1 Contractor shall provide a two (2) year warranty that begins upon the granting of Final Acceptance by OCTA.

16.1.2 Contractor shall warrant that all equipment, components, computer systems, and software provided for the system, including those components warrantied by third-party suppliers, will be free from defects in operation, material, and workmanship under normal operating use.

16.1.3 The warranty shall cover the following at a minimum:

16.1.3.1 Repair or replacement of all equipment or systems required as a result of an identified hardware defect.

16.1.3.2 Software updates required to repair all identified software defects or bugs, and apply all necessary patches or security updates released by the Contractor or third-party software providers.

16.1.3.3 All labor associated with hardware and software testing and deployment, both in the lab and field environments, needed to support warranty activities.

16.1.3.4 All updates, fixes, and labor associated with latent defects. That is, defects that occur during the warranty period but may not exhibit symptoms until after the warranty period expires.

16.1.4 Contractor shall be responsible for all personnel, labor, tools, materials, replacement parts, shipping charges, and other costs associated with the activities throughout the warranty term.

16.1.5 Any equipment component repaired or replaced under terms of warranty will be warrantied for at least twelve (12) months, or the remaining duration of the original warranty, whichever is longer.

16.1.6 All costs for warranty shall be included as part of capital costs in the pricing sheets.

16.2 Software Maintenance

16.2.1 Contractor shall provide an initial five (5) year software maintenance term that begins upon the granting of Final Acceptance by OCTA. Contractor shall also provide pricing for a five (5) year option term, for a total of ten (10) possible years.

16.2.2 During the software maintenance term, Contractor shall be responsible for preventative and corrective software maintenance to support system operations while meeting the performance standards set forth in these specifications.

16.2.3 Software maintenance shall include at minimum:

- Software updates
- Device firmware updates
- Third-party device firmware updates
- Database software updates
- Operating system updates
- API maintenance and updates
- Antivirus updates
- Updates to remain PCI compliant
- License renewal
- All necessary patches or security updates
- All software testing and deployment, both in the lab and field environments
- QA/QC for fixes and updates

16.2.4 Software and firmware deployment shall be scheduled and planned with OCTA. Advance notification will be provided, and approval granted by OCTA, for all software maintenance activities requiring interruption of service or system operations.

16.2.5 Contractor shall provide phone number(s) and e-mail account(s) for the reporting of software defects or malfunctions, and system outages, twenty-four (24) hours a day, seven (7) days a week.

16.3 Equipment Maintenance

16.3.1 OCTA will be the primary performer of first level maintenance for all field equipment. However, Contractor shall support level 2 or “as needed” maintenance activities, and shall design the equipment to minimize maintenance labor, material costs, and fare collection system downtime.

16.3.2 All level 2 maintenance support after final acceptance shall be provided through on-call technical staff labor rates to be submitted as part of the pricing proposal. Rates shall be in effect for the entirety of the maintenance period and shall apply to any assistance requested by OCTA for equipment maintenance-related support after system acceptance. Tasks for which OCTA may require on-call assistance include, but are not limited to:

16.3.2.1 Extended hardware support

16.3.2.2 Troubleshooting system equipment

16.3.2.3 Testing and deployment of equipment enhancements

16.3.2.4 Equipment configuration testing support

16.3.3 Contractor shall be responsible for all equipment maintenance and support prior to final system acceptance. This period may serve as field training for OCTA staff who will be responsible for first level equipment maintenance upon system acceptance.

16.3.4 Equipment provided shall be designed to require minimal scheduled and unscheduled maintenance.

16.3.5 The interior of the system equipment shall be designed to allow easy and safe access. Adequate space shall be available to insert keys; grasp, lift, and turn internal components; and remove and replace components, connections, and consumables. Components requiring frequent adjustment or maintenance shall be conveniently located and designed to facilitate access and adjustment utilizing tool-free techniques wherever possible. The replacement of field devices or components will be quick and secure.

16.3.6 Contractor shall develop a maintenance plan outlining the processes and preventative maintenance procedures necessary to meet performance requirements. A draft of the maintenance plan will be submitted during design review and a final version will be provided a minimum of thirty (30) days prior to the start of the maintenance term. The maintenance plan will include at minimum:

16.3.6.1 Preventative Maintenance (PM) frequency for all components based upon time and transactions.

16.3.6.2 A list of all PM tasks to be performed, including a brief description of the work, and any parts, materials or other components required.

16.3.6.3 Time required to complete each defined PM task.

16.3.6.4 Which PM tasks require tools to complete, and which can be performed as “fingertip maintenance.”

16.3.7 Contractor shall provide detailed training courses (see Training section) for equipment maintenance and servicing that will provide hands-on training for all maintenance activities.

16.3.8 Contractor shall provide a detailed list of spare modules and parts to support the installed field equipment. This list shall be provided in the price sheets, and will include the following:

16.3.8.1 Spare Part Type: Standard components are anticipated for regularly scheduled preventative maintenance under normal use. Revenue components are used as part of regularly scheduled revenue servicing (bill vaults, coin vaults, etc.) that require a larger reserve of parts.

16.3.8.2 Part Name/Description: Part name, description, serial number, revision version, and other relevant information.

16.3.8.3 Unit Price: the unit price to procure and ship a new part.

16.3.8.4 RMA Price: the unit price to repair and return a damaged part.

Appendix A

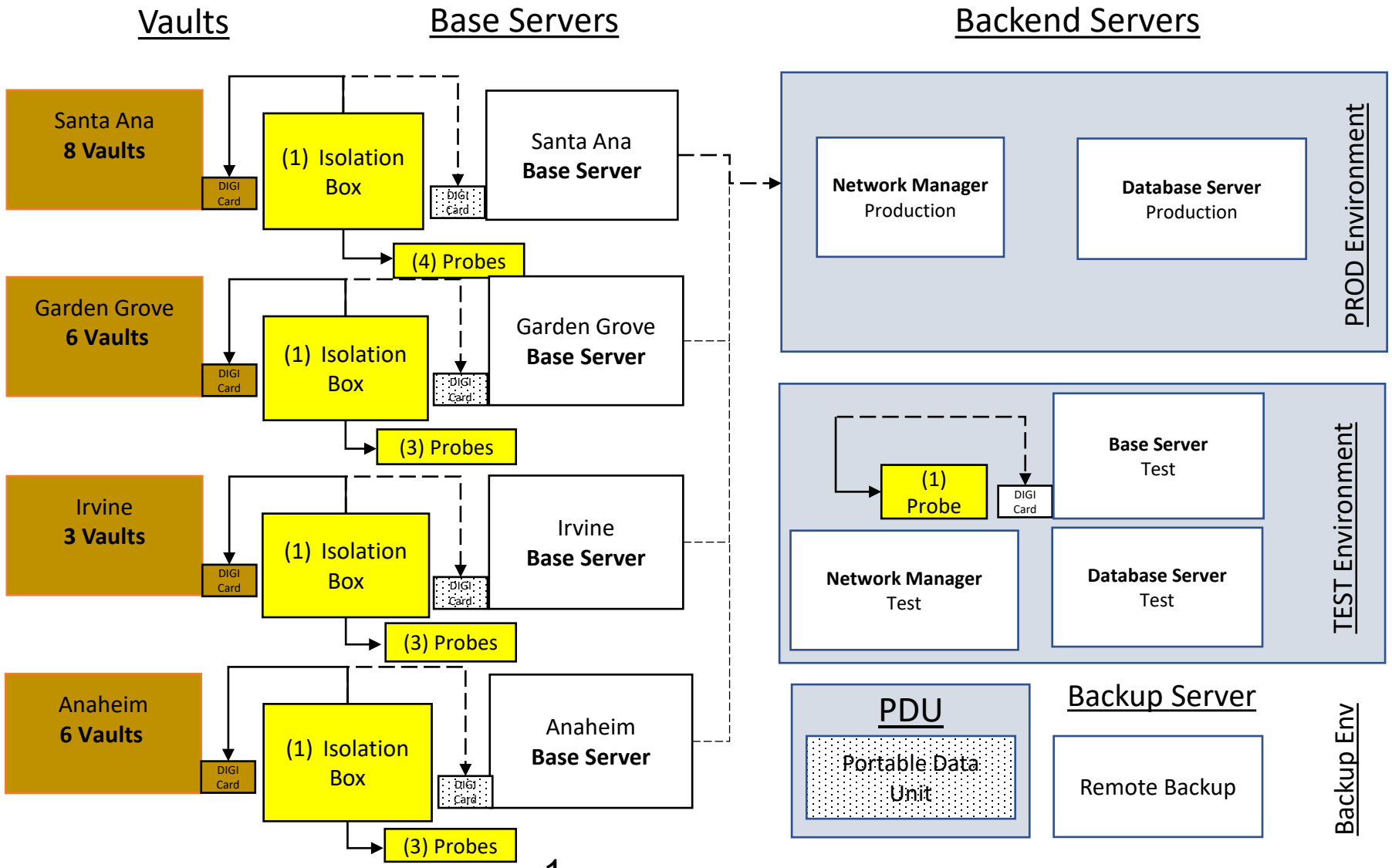
OCTA Farebox Vault Environment

RFP 4-2110
EXHIBIT A

Confidential Information – Do not distribute

592 Total Fareboxes 470 Active, 50 Contingency, 53 Spares, 15 ishuttle, 5 training, testing and programing.

Farebox quantities are from Q1 2024 and are subject to change and adjustment over time



ON-BOARD FARE SYSTEM

Odyssey® Validating Farebox

The Genfare Odyssey Validating Farebox integrates passenger fare payment and versatile fare media into a single, secure and reliable device.

EQUIPMENT HIGHLIGHTS

- Accepts a wide range of fare media for rider convenience
- Passenger display shows transaction status and remaining card value
- Issues electronic change through on board cash-to-card conversion
- Push button menu-driven operator control unit is backlit to show transaction status
- Meets ADA requirements
- Secure dualport cashbox with built-in electronic identification system
- Electronic locks and keys provide maximum security for authorized removal of cashboxes
- Automated tracking of individual cashboxes for revenue auditing
- Durable stainless steel construction

The Odyssey delivers reliability by providing a wide variety of traditional and electronic fare media options for passengers and transit agency operators. Odyssey integrates seamlessly with legacy Genfare equipment in addition to the new Fast Fare™ revolutionary farebox, allowing mixed fleets to ensure a smooth transition.

We are in the business of helping people use and manage public transportation systems. We have and will continue to deliver the technology leadership and product innovation you would expect from the company that helped create the industry.

RESPONDING TO RIDER AND AGENCY NEEDS

Why Odyssey?

- Passenger display shows transaction status and remaining card value
- Provides change through on board cash-to-card conversion
- Menu-driven operator control unit is backlit to show transaction status
- Push-button control for ease of operator use
- Meets ADA requirements

Data Collection

- ODBC capabilities with Sybase®, Microsoft® SQL or Oracle®
- Windows® platform based reporting
- Exportable data integration with transit authority systems
- Customizable query and data reports

Data Transfer

- Wireless probing for data download and list updates
- Take advantage of existing transit authority Wi-Fi infrastructure or have one provided
- Infrared probing restricts door opening and cashbox removal to areas under surveillance

Communication

- Pre-recorded audio messages
- Optional interface with ITS systems, allowing communication with sign, announcement, AVL and APC systems

Improved maintenance

- Fast interior access for on demand and preventative maintenance
- Utilizes modular plug-in subassemblies to ensure trouble-free operation and minimal down time

Fare Media Acceptance

Smart cards

- Smart cards available in various forms: tags, key chains, fobs, stickers, watches and more
- All smart cards are ISO 14443 compliant
- Accepts and issues thin Ultralight™ or Ultralight C™ thermal coated cards for short term usage

Magnetics

- Reads durable 30 mil cards for Period Pass and University ID programs
- Re-encodes and prints limited use 7 to 15 mil thermal coated cards

Cash

- Accepts, validates or returns unacceptable coins, tokens and bills
- Customizable for international coins, tokens and bills

GENFARE

Intelligent Fare Management for Tomorrow's Smart Cities

800 Arthur Avenue
Elk Grove Village, IL 60007
847.593.8855

www.genfare.com

© Genfare 2016
Odyssey is a registered trademark of Genfare

DUALPORT VAULT Revenue Collection Equipment

GFI DUALPORT vault equipment ensures the secure transfer of revenue from the cashbox to the counting room.

DUALPORT vaults use GFI's unique Dualport Cashbox Receiver, which securely maintains the separation of bills and coins. The money is deposited in separate storage chambers within the revenue collection bin.

Dualport vault equipment gives you the security and reliability required to maintain the integrity of revenues collected from your fare collection equipment.

DUALPORT Vaults are available in mobile and stationary models. A cashbox and bin ID system for electronic monitoring of vault and cashbox operations is also available.

GFI GENFARE is a leading supplier of revenue collection equipment to transit systems.

GFI GENFARE
AN SPX DIVISION

GFI Revenue Collection Vaults (Mobile and Stationary)

The GFI DUALPORT Revenue Collection System consists of a cashbox receiver mounted on either a stationary vault unit or a mobile bin.

Both vaults feature an interlock system that protects collected revenues from theft by requiring a secure sequence of events and conditions.

With this sequence, the receiver module accepts the locked cashbox, and, when secure, mechanically opens the cashbox (inside the receiver). It then empties the contents into a vault below within 15 seconds. It keeps coins separate from the bills in the vault and then closes and locks the cashbox - allowing it to be returned to the farebox.

GFI's revenue collection system is one part of a process that keeps collected money secure and untouched after the patron deposits it in the farebox until accounting/treasury personnel handle it in the counting room.

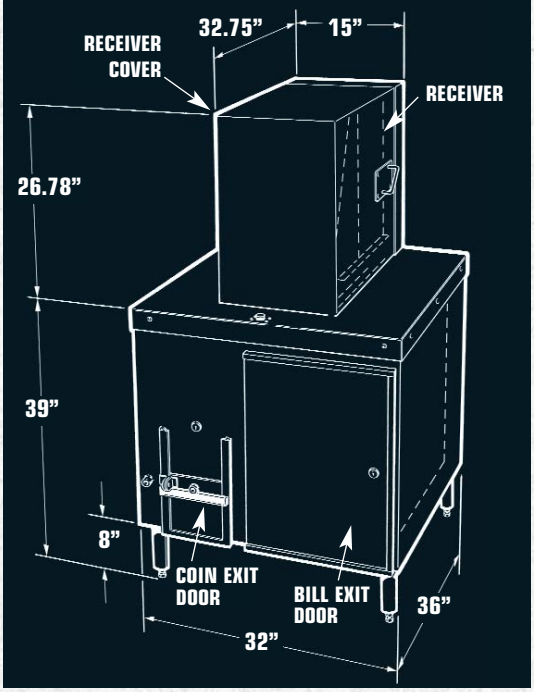
Stationary Vault

Stationary Vault

The GFI Stationary Vault, usually installed in a secure counting room adjacent to bus service islands, provides a convenient and secure method of daily revenue transfer. It gives the transit agency the flexibility to securely transfer individual farebox revenue during regular bus servicing and then process consolidated revenue, from all buses, the following day in a secure counting room.

A through-wall installation allows access to the cashbox receiver from outside the counting room. After removal from the farebox, the cashbox is inserted into the receiver, where a highly secure mechanism opens the cashbox and transfers its contents into the vault's separate coin and bill compartments. Two large high-security revenue-discharge doors (one for coins and one for the bills) allow authorized personnel access only when they are inside the counting room.

Stationary Vault Dimensions



Stationary & Mobile Vault Specifications

Operations

Revenue Transfer

- Automatic revenue transfer process requires only 15 seconds
- Coin discharge process is by gravity feed/stainless steel bottom surface.
- All revenue access doors secured by high-security locking system
- 5-digit mechanical counter in receiver shows number of revenue transfer cycles.
- Receiver door indicators signify ready and operation in process.
- Mechanical interlocks sense properly seated and open mobile bin for secure revenue transfer. (Mobile Vault)

Installation

- Through-wall Stationary Vault is typically built into exterior wall of counting room. Receiver faces service lane; revenue discharge access doors face rear (opposite) side.
- Mobile Vault can be installed on a service island or in another convenient location

Receiver Module

Mechanical

Construction (Stationary & Mobile Vaults)

Material . . . . . Carbon steel
Paint . . . . . high visibility orange, polyurethane
Heavy duty
8" legs. . . . . 4 fixed
Vault width . . . . . less than 32" (passes through 36" door)

DUALPORT VAULT

Revenue Collection Equipment

GFI DUALPORT Revenue Collection Equipment is designed for security without compromise.

The vaults are constructed of heavy-duty steel and are reinforced so they can be safely moved by material-handling equipment even when they are filled to capacity.

The cashbox receivers are stainless steel with interlocks that operate only when a specific authorized sequence of events is followed. The cashbox is locked when placed in the receiver. The receiver unlocks the cashbox under controlled security. And the cashbox is automatically relocked when removed for return to the farebox or faregate. All money remains secure within the vault until it reaches your bank or counting room.

DUALPORT VAULT FEATURES:

- ☐ Heavy-duty construction
- ☐ Employs exclusive cashbox receiver for secure transfer of currency from fare collection equipment to vault
- ☐ Fully mechanical operation (no electricity required)
- ☐ Weather-, oil-, and diesel fuel-resistant
- ☐ Stand-alone structure, no additional supports or overhead enclosures required
- ☐ Optional security alarm hook-ups
- ☐ Cashbox ID
- ☐ Bin ID

Like all GFI equipment, the DUALPORT VAULT is engineered for maximum durability with minimum maintenance. Modular construction simplifies repair and permits easy, cost-efficient upgrading regardless of when the unit was purchased.

GFI GENFARE products are designed to perform as part of fully integrated systems and as stand-alone units.

GFI GENFARE
AN SPX DIVISION

751 Pratt Blvd., Elk Grove Village, IL 60007
Tel: (847) 593-8855 Fax: (847) 593-1824
E-mail: GFI.Sales@spx.com
Website: www.gfigenfare.com

©2002 GFI Genfare Printed in U.S.A. 4/08

ISOProx® II Card

125 kHz Proximity

ISO-thin, imageable proximity access card • 1386

ACCESS reliability.

Application

The RF-programmable ISOProx® II proximity access card offers proximity technology and photo identification on a single access control card.

Features

- Offers universal compatibility with all HID proximity readers.
- Provides an external number for easy identification and control.
- Custom pre-printed artwork available.
- Supports formats up to 85 bits, with over 137 billion codes.
- Meets ISO standards for thickness; use with all direct image or thermal transfer printers.
- Accepts either a horizontal or vertical slot punch.
- Using HID's ProxProgrammer™, card vendors can ship graphics-quality proximity cards, custom programmed to their customers' requirements, from their own inventory. Enables smaller order quantities and overnight delivery. (Check with vendor for availability.)

An ASSA ABLOY Group brand
ASSA ABLOY

Appendix B

Features

Proven, Reliable Technology — Offers extremely consistent read range. Unaffected by body shielding or variable environmental conditions, even when close to keys and coins.

Thin — Can be carried with credit cards in a wallet or purse. Use with a strap and clip as a photo ID badge.

Photo ID Compatible — Print directly to the card with a direct image or thermal transfer printer. Slot punch vertically or horizontally for easy use.

Cross-reference — A cross-reference list correlating the external card number and the programmed ID number is provided for easy system administration.

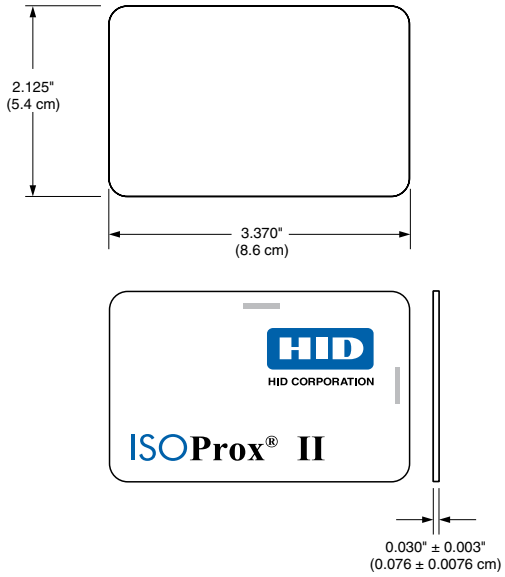
Security — Offers over 137 billion unique codes.

Long Life — Passive, no-battery design allows for an infinite number of reads.

Durability — Strong, flexible and resistant to cracking and breaking.

Custom Artwork — Custom multicolor graphics and text are available.
Note: custom graphics may increase overall card thickness.

Warranty — Lifetime warranty against defects in materials and workmanship (see complete sales policy for details).



Specifications

Typical Maximum* Read Range
ProxPoint® Plus reader-up to 2.5" (6.25 cm)
MiniProx® reader-up to 5" (12.5 cm)
ThinLine II® reader-up to 5" (12.5 cm)
ProxPro® reader-up to 7" (17.5 cm)
ProxPro® II reader-up to 8" (20 cm)
Prox80™-up to 5" (12.7 cm)
MaxiProx® reader-up to 20" (50 cm)

*Dependent on local installation conditions.

Dimensions
2.125" x 3.370" x 0.030" ± 0.003" nominal
(5.4 x 8.6 x 0.076 ± 0.0076 cm)

Card Construction
Thin, flexible polyvinyl chloride (PVC) laminate.

Operating Temperature
-50° to 160° F (-45° to 70° C)

Weight
0.24 oz. (6.8 g)

Part Number
Base Part No.: 1386

Description
RF-programmable, 125 kHz, customer-specified ID numbers, locations marked for horizontal and vertical slot punch

Options
- External card numbering (inkjet or laser engraving)
- Slot punch (horizontal or vertical)
- Custom artwork (text or graphics)

(Please see "How to Order Guide" for a description of the options and associated part numbers.)

© 2007 HID Global. All rights reserved. HID, and the HID logo are trademarks or registered trademarks of HID Global in the U.S. and/or other countries. All other trademarks, service marks, and product or service names are trademarks or registered trademarks of their respective owners. Rev. 4/2007

For best results, please print on recycled paper.

MKT-ISOPROXII_DS_EN

ACCESS experience.

hidcorp.com

HID Global Offices:

Corporate
North America
9292 Jeronimo Road
Irvine, CA 92618-1905
U.S.A.
Phone: (800) 237-7769
Phone: (949) 598-1600
Fax: (949) 598-1690

Asia Pacific
19/F 625 King's Road
North Point
Island East
Hong Kong
Phone: +852 3160-9800
Fax: +852 3160-4809

Latin America
Circunvalacion Ote. #201 B
Despacho 2
Col. Jardines del Moral
Leon 37160, Gto.
Mexico
Phone: +52 477 779 1492
Fax: +52 477 779 1493

Europe, Middle East & Africa
Homefield Road
Haverhill, Suffolk
CB9 8QP
England
Phone: +44 (0) 1440 714 850
Fax: +44 (0) 1440 714 840

An ASSA ABLOY Group brand

ASSA ABLOY

Appendix B

PHYSICAL ACCESS SOLUTIONS

iCLASS® Seos™ + Prox Card

DUAL HIGH/LOW FREQUENCY SOLUTION FOR STREAMLINED MIGRATION

- **Data confidentiality and strong authentication** – State-of-the-art cryptography provides mutual authentication and data encryption to protect communication.
- **Enhanced privacy** – Communicates no traceable identifiers during card sessions to prevent card data from being divulged or cloned by unauthorized parties.
- **Increased interoperability** – Standards-based solution supports future technologies, portability to smartphones and other media.
- **Technology-independent security** – Provides multi-layered security with support for multiple Secure Identity Objects™ (SIOs®) for protection of each application's identity.
- **Radio frequency proximity support** – Includes read/write identification using 125 kHz contactless technology for support in existing deployments.

FEATURES:

- Dual frequency smart card with 13.56 MHz and 125 KHz in the same card body
- Secure data storage with flexible data model using a firewall architecture
- Supports ISO/IEC standards: 7810, 7816, and contactless cards (14443 A)
- High communication speed: up to 848 kbps

HID Global's iCLASS® Seos™ + Prox smart card incorporates secure, standards-based technology to manage and authenticate identities. The card provides a next-generation access control solution with stronger authentication, privacy protection, and a secure processor for increased data protection.

Ideal for security-conscious organizations that need to support proximity technology, the iCLASS Seos + Prox card enables seamless migration to a future-proof, high-frequency solution. With 125 KHz contactless technology—which supports HID Prox®, Indala®, and EM Proximity—organizations can continue to support low-frequency applications, maximize the value of their investment, and migrate to Seos for higher security at their own pace.

iCLASS Seos+ Prox cards help enterprises and government organizations with identity management policies driven by regulatory compliance meet stringent credential security requirements. As part of HID Global's iCLASS SE® platform, the cards deliver superior data integrity protection by leveraging the latest cryptographic algorithms and secure messaging protocols (to protect data transmission with off-card applications).

Delivering maximum interoperability, iCLASS Seos cards include a standards-based application offering a generic, universal card command interface that is portable to multiple platforms. The solution also supports an ISO/IEC 7816-4 command set and data model that defines the supported interfaces between an iCLASS Seos card and the physical access reader.

For optimum mobility, iCLASS Seos + Prox credentials are based on an open software application which is portable to a range of microprocessors and mobile devices, including near field communications (NFC) enabled device.

Appendix B

ADDITIONAL PRODUCT FEATURES:

- Large memory for demanding applications.
- High performance microprocessor.
- Mutual authentication protocol with either AES128/DES3 based on diversified session key to protect each card session.
- Leverages Secure Identity Objects™ (SIO®) data model and security: Programmable with one or several SIOs for each application.
- High resistance to common attacks—man in the middle, replay attacks and others.
- Support other technologies, including Prox for simple migration.

INTEROPERABILITY

- Interoperable with iCLASS SE® Readers that can process SIO-enabled data formats.
- Standards-based solution maximizes interoperability with third-party applications, including PACS readers.

OPTIONS

- Card customization, including magnetic stripe, custom artwork, text, or graphics: requires minimum quantity.
- Available with anti-counterfeiting features such as holograms, holographic foil, and Optical Variable Ink (OVI).

SPECIFICATIONS

Base Part Number	510 for standard card; 511 for embeddable card
Operating Frequency	13.56 MHz with ISO/IEC 14443 Type A as well as 125 KHz
Maximum Read Range	3-4", depending on reader, for Seos; 2.5-8" for proximity
Dimensions	2.127" x 3.375" x 0.033" max (5.40 x 8.57 x 0.084 cm)
Construction	Composite with 60% PET/40% PVC
Operating Temperature	-40° to 158° F (-40° to 70° C)
Weight	0.20 oz. (5.5g)
Seos Memory Size	Flexible memory allocation: 16K available space
Seos Privacy Mode	Privacy-preserving mode with encryption of device identifiers
Seos Secure Messaging	EN 14890-1 using AES or DES3
Seos Mutual Authentication Mechanism	Based on ISO/IEC 24727-3 2008 with NIST SP800-56A (for session key derivation)
Seos Write Endurance	Min 500,000 cycles
Seos Data Retention	Min 20 years
HID Proximity	Yes, support for HID Prox, Indala, EM Proximity
Contact Smart Chip Embeddable	Yes
Printable	Yes, white/white card. Usable with direct imaging and thermal transfer printers from HID and other suppliers. Exclusion areas may apply.
Slot Punch	Not available
Secure Identity Services	Customized cards available through HID Identity on Demand
Visual Security Options	Hologram, anti-counterfeiting, holographic foil
Additional Security Options	Corporate 1000, Secure Identity Object (SIO) programming with SE-Elite
Warranty	Lifetime, see complete warranty policy for details

North America: +1 949 732 2000
Toll Free: 1 800 237 7769
Europe, Middle East, Africa: +49 6123 791 0
Asia Pacific: +852 3160 9800
Latin America: +52 55 5081 1650

hidglobal.com

ASSA ABLOY
An ASSA ABLOY Group brand

© 2013 HID Global Corporation/ASSA ABLOY AB. All rights reserved. HID, HID Global, the HID Blue Brick logo, the Chain Design, iCLASS Seos, Seos, HID Prox, Secure Identity Obect and SIO are trademarks or registered trademarks of HID Global or its licensor(s)/supplier(s) in the US and other countries and may not be used without permission. All other trademarks, service marks, and product or service names are trademarks or registered trademarks of their respective owners.

2013-09-20-iclass-seos-prox-card-ds-en PLT-01658

Appendix C

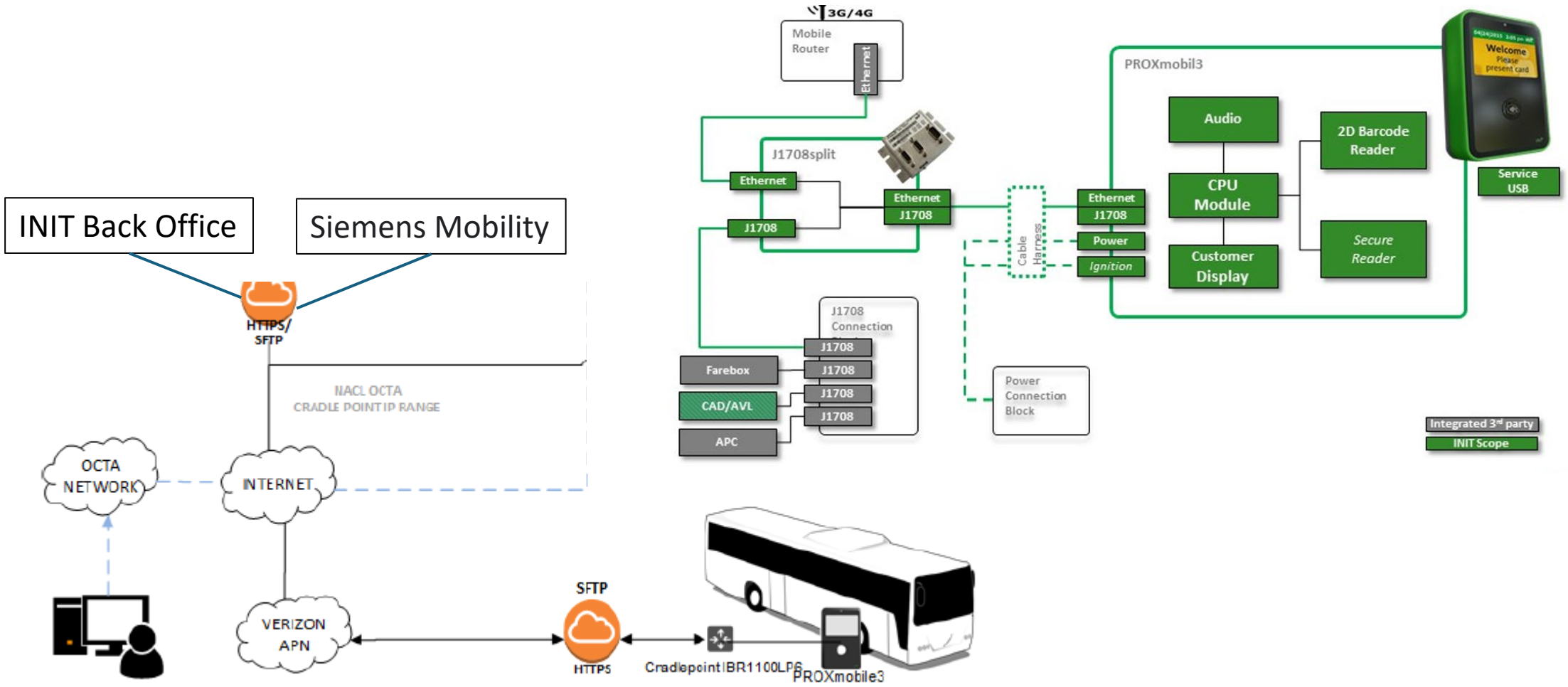

INIT Back Office
Siemens Mobility
HTTPS/
SFTP
NACL OCTA
CRADLE POINT IP RANGE
OCTA
NETWORK
INTERNET
VERIZON
APN
SFTP
HTTPS
Cradlepoint IBR1100LPE
PROXmobile3
3G/4G
Mobile
Router
Ethernet
J1708split
Ethernet
J1708
Ethernet
J1708
Cable
Harness
Ethernet
J1708
Power
Ignition
PROXmobil3
Audio
CPU
Module
Customer
Display
2D Barcode
Reader
Secure
Reader
Welcome
Please
present card
Service
USB
J1708
Connection
J1708
J1708
J1708
J1708
Farebox
CAD/AVL
APC
Power
Connection
Block
Integrated 3rd party
INIT Scope

EXHIBIT B: COST AND PRICE FORMS

PRICE SUMMARY SHEET

REQUEST FOR PROPOSALS (RFP) 4-2110

Offerors shall complete the Excel File entitled **OCTA Farebox PriceSheet.xlsm**. Offerors shall only enter pricing as directed by the Price Summary Sheet instructions below; Offerors shall make no other changes to the Price Summary Sheet form.

Offerors shall only edit shaded cells. “LS” means lump sum and “EA” means each.

For any line item requiring explanation or additional information, enter a number into the “Table 5 Note Number” column for the line item corresponding to the Note Number in Table 5 – Notes tab where the explanation/information shall be provided.

The Price Sheet file is comprised of the following tabs:

SUMMARY
Provides a summary of all proposed costs. All cost figures are auto-calculated based on entries in the remaining tabs. Offerors shall not edit this tab.

TABLE 1 - CAPITAL
Include all capital costs from Notice to Proceed (NTP) through Final Acceptance for all items listed in the tab. Project Management, Software Development, Training and Testing costs should be included as Lump Sum (LS) amounts. Device costs will automatically populate from the “As needed equipment” values in Table 4.

The equipment and installation quantities are for scoring purposes only. Final quantities may be adjusted prior to final award, and will follow the As Needed pricing in Table 4.

TABLE 1B - VAULTING
Include all hardware and installation costs for all vaulting/revenue infrastructure equipment described in section 10 of the Scope of Work. See Appendix A for information on the current vaulting infrastructure and price a similar system at each garage. Any notes/assumptions may be included as a note in Table 5.

TABLE 1C – SPARE PARTS
Per requirement 16.3.8 of the Scope of Work, provide pricing for recommended spare parts required for standard revenue service. Any assumptions for quantities may be explained in Table 5. Spare parts will not be part of the total cost score, but will be binding for future spare parts requisitions.

TABLE 2 - O&M
Operations and Maintenance (O&M) costs for the ten (10)-year operations and maintenance period – five (5)-year base term and five (5)-year option term. Separate annual pricing for software maintenance and hosting will be provided.

TABLE 3 – ON CALL RATES

Per requirement 16.3.2 of the Scope of Work, provide on call technical staff labor rates for level 2 maintenance support or other as-needed tasks. Fill out rates for the pre-listed labor categories, or add up to 3 additional labor categories. Clarify any assumptions as part of Table 5.

TABLE 4 – AS-NEEDED EQUIPMENT

Provide pricing for the hardware types described in the scope of work. Each option should be priced in the respective tiered quantity. Prices in this table will automatically populate into the Table 1 Capital values.

TABLE 5 - NOTES

For any line items in all tabs that require additional clarification, description, or explanation, annotate the line item with a note number and enter the information on this tab.

PRICE SUMMARY SHEET

REQUEST FOR PROPOSALS (RFP) 4-2110

*****Offerors are to fill out this form in addition to the Excel file entitled OCTA Farebox PriceSheet.xlsm.*****

---

1. I acknowledge receipt of RFP 4-2110 and Addenda No.(s) _____

2. This offer shall remain firm for _____ days from the date of proposal
(Minimum 120)

COMPANY NAME _____

ADDRESS _____

_____

TELEPHONE _____

FACSIMILE # _____

EMAIL ADDRESS _____

SIGNATURE OF PERSON
AUTHORIZED TO BIND OFFEROR _____

NAME AND TITLE OF PERSON
AUTHORIZED TO BIND OFFEROR _____

_____

DATE SIGNED _____

RFP 4-2110: Replacement of Fareboxes and Related Fare Collection Equipment
SUMMARY
NOTE: DO NOT ENTER PRICING HERE. ENTER PRICING IN TABLES 1 - 4, AND NOTES ON TABLE 5

See Instructions in Exhibit B of the RFP. Proposers shall only edit shaded cells.

OC Streetcar TVM Pricing Proposal

Section	Amount
CAPITAL COSTS	
Price Sheet Section 1.0 Program and Contract Management	$ -
Price Sheet Section 2.0 System Software and Design	$ -
Price Sheet Section 3.0 Equipment	$ -
Price Sheet Section 4.0 Training & Testing	$ -
Price Sheet Section 5.0 Installation	$ -
Capital Costs Subtotal	*$ -*
OPERATIONS AND MAINTENANCE COSTS	
Price Sheet Section 8.0 Hosting	$ -
Price Sheet Section 9.0 Software Maintenance	$ -
Operations and Maintenance Subtotal	*$ -*
TOTAL PROPOSAL PRICE	***$ -***

RFP 4-2110: Replacement of Fareboxes and Related Fare Collection Equipment

TABLE 1 - CAPITAL COSTS

Offeror Name:

See Instructions in Section II of the RFP. Proposers shall only edit shaded cells.

OCTA Farebox Pricing Proposal

Price Sheet Item #	Description	Unit	Estimated Quantity	Unit Price	Amount	Table 5 Note Number
Section 1.0 Program and Contract Management						
1.01	Project Management (NTP to Final Acceptance)	LS	1		$ -	
	SUBTOTAL PROGRAM AND CONTRACT MANAGEMENT				$ -	
Section 2.0 System Software and Design						
2.01	Farebox Software	LS	1		$ -	
2.02	Driver Control Unit (DCU) Software	LS	1		$ -	
2.03	Application Programming Interfaces (Open Architecture)	LS	1		$ -	
2.04	Back Office Software	LS	1		$ -	
2.05	Vaulting Equipment Software	LS	1		$ -	
2.06	Portable Data Unit (PDU) Software	LS	1		$ -	
	SUBTOTAL SYSTEM SOFTWARE AND DESIGN				$ -	
Section 3.0 Equipment						
3.01	Farebox	EA	592	$ -	$ -	
3.02	Driver Control Unit (DCU)	EA	592	$ -	$ -	
3.03	Portable Data Probe (PDP)	EA	4	$ -	$ -	
3.04	Vaulting Equipment and Installation (From Table 1B)	LS	1	$ -	$ -	
3.05	Spare Parts/Modules (From Table 1C)	LS	1	$ -	$ -	
	SUBTOTAL EQUIPMENT AND SPARES				$ -	
Section 4.0 Training & Testing						
4.01	Training and Manuals	LS	1		$ -	
4.02	Factory Testing	LS	1		$ -	
4.03	Integration Testing	LS	1		$ -	
4.04	Acceptance Testing	LS	1		$ -	
	SUBTOTAL TRAINING & TESTING				$ -	
Section 5.0 Installation						
5.01	Back Office Configuration and Installation	LS	1		$ -	
5.02	Farebox and DCU Installation	EA	440	$ -	$ -	
	SUBTOTAL INSTALLATION				$ -	
	CAPITAL COSTS SUBTOTAL				$ -	

RFP 4-2110: Replacement of Fareboxes and Related Fare Collection Equipment
TABLE 1B - VAULTING EQUIPMENT

Offeror Name:

See Instructions in Section II of the RFP. Proposers shall only edit shaded cells.

OCTA Farebox Pricing Proposal

Price Sheet Item #	Part Name	Part Description	Quantity	Unit	Unit Price	Installation Price	Total	Table 5 Note Number
Section 6.0 Vaulting Equipment								
6.01				EA			$ -	
6.02				EA			$ -	
6.03				EA			$ -	
6.04				EA			$ -	
6.05				EA			$ -	
6.06				EA			$ -	
6.07				EA			$ -	
6.08				EA			$ -	
6.09				EA			$ -	
6.10				EA			$ -	
6.11				EA			$ -	
6.12				EA			$ -	
6.13				EA			$ -	
6.14				EA			$ -	
6.15				EA			$ -	
6.16				EA			$ -	
6.17				EA			$ -	
6.18				EA			$ -	
6.19				EA			$ -	
6.20				EA			$ -	
6.21				EA			$ -	
6.22				EA			$ -	
6.23				EA			$ -	
6.24				EA			$ -	
6.25				EA			$ -	
					SUBTOTAL VAULTING EQUIPMENT		$ -	

RFP 4-2110: Replacement of Fareboxes and Related Fare Collection Equipment
TABLE 1C - SPARE PARTS

Offeror Name:

See Instructions in Section II of the RFP. Proposers shall only edit shaded cells.

OCTA Farebox Pricing Proposal

Price Sheet	Part Name	Part Description	Quantity	Unit	Unit Price	RMA Price	Total	Table 5 Note
Section 7.0 Spare Parts								
7.01				EA			$ -	
7.02				EA			$ -	
7.03				EA			$ -	
7.04				EA			$ -	
7.05				EA			$ -	
7.06				EA			$ -	
7.07				EA			$ -	
7.08				EA			$ -	
7.09				EA			$ -	
7.10				EA			$ -	
7.11				EA			$ -	
7.12				EA			$ -	
7.13				EA			$ -	
7.14				EA			$ -	
7.15				EA			$ -	
7.16				EA			$ -	
7.17				EA			$ -	
7.18				EA			$ -	
7.19				EA			$ -	
7.20				EA			$ -	
7.21				EA			$ -	
7.22				EA			$ -	
7.23				EA			$ -	
7.24				EA			$ -	
7.25				EA			$ -	
7.26				EA			$ -	
7.27				EA			$ -	
7.28				EA			$ -	
7.29				EA			$ -	
7.30				EA			$ -	
					SUBTOTAL SPARE PARTS		$ -	

RFP 4-2110: Replacement of Fareboxes and Related Fare Collection Equipment
TABLE 2 - ANNUAL OPERATIONS & MAINTENANCE

Offeror Name:						
See Instructions in Section II of the RFP. Proposers shall only edit shaded cells.						
OCTA Farebox Pricing Proposal						
Price Sheet Item #	Description	Unit	Estimated Quantity	Unit Price	Amount	Table 5 Note Number
Section 8.0 Hosting						
Initial Five (5) Year Term						
8.01	Annual - Year 1	LS	1		$ -	
8.02	Annual - Year 2	LS	1		$ -	
8.03	Annual - Year 3	LS	1		$ -	
8.04	Annual - Year 4	LS	1		$ -	
8.05	Annual - Year 5	LS	1		$ -	
				Subtotal - Initial 5 Year Term	$ -	
Five (5) Year Option						
8.06	Option - Year 1 (Year 6)	LS	1		$ -	
8.07	Option - Year 2 (Year 7)	LS	1		$ -	
8.08	Option - Year 3 (Year 8)	LS	1		$ -	
8.09	Option - Year 4 (Year 9)	LS	1		$ -	
8.10	Option - Year 5 (Year 10)	LS	1		$ -	
				Subtotal - 5 Year Option	$ -	
				SUBTOTAL HOSTING	$ -	
Section 9.0 Software Maintenance						
Initial Five (5) Year Term						
9.01	Annual - Year 1	LS	1		$ -	
9.02	Annual - Year 2	LS	1		$ -	
9.03	Annual - Year 3	LS	1		$ -	
9.04	Annual - Year 4	LS	1		$ -	
9.05	Annual - Year 5	LS	1		$ -	
				Subtotal - Initial 5 Year Term	$ -	
Five (5) Year Option						

RFP 4-2110: Replacement of Fareboxes and Related Fare Collection Equipment
TABLE 2 - ANNUAL OPERATIONS & MAINTENANCE

Offeror Name:						
See Instructions in Section II of the RFP. Proposers shall only edit shaded cells.						
OCTA Farebox Pricing Proposal						
Price Sheet Item #	Description	Unit	Estimated Quantity	Unit Price	Amount	Table 5 Note Number
9.06	Option - Year 1 (Year 6)	LS	1		$ -	
9.07	Option - Year 2 (Year 7)	LS	1		$ -	
9.08	Option - Year 3 (Year 8)	LS	1		$ -	
9.09	Option - Year 4 (Year 9)	LS	1		$ -	
9.10	Option - Year 5 (Year 10)	LS	1		$ -	
				Subtotal - 5 Year Option	$ -	
				SUBTOTAL SOFTWARE MAINTENANCE	$ -	
				HOSTING & SOFTWARE MAINTENANCE TOTAL	$ -	

RFP 4-2110: Replacement of Fareboxes and Related Fare Collection Equipment
TABLE 3 - ON CALL SUPPORT

Offeror Name:												
See Instructions in Section II of the RFP. Proposers shall only edit shaded cells.												
OCTA Farebox Pricing Proposal												
Price Sheet Item #	Description	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Table 5 Note Number
Section 11.0	**On Call Support**	**Loaded**	**Loaded**	**Loaded**	**Loaded**	**Loaded**	**Loaded**	**Loaded**	**Loaded**	**Loaded**	**Loaded**	
11.01	Project Manager											
11.02	Engineer											
11.03	Junior Engineer											
11.04	Technician											
11.05	Junior Technician											
11.06	Operations Manager											
11.07	Trainer											

RFP 4-2110: Replacement of Fareboxes and Related Fare Collection Equipment
TABLE 4 - AS NEEDED EQUIPMENT

Offeror Name:

See Instructions in Section II of the RFP. Proposers shall only edit shaded cells.

OCTA Farebox Pricing Proposal

Price Sheet Item #	Description	Unit	Unit Price	Annual Escalation %	Installation & Testing Price	Annual Escalation %	Table 5 Note Number
Section 12.0 As Needed Fareboxes							
12.01	Farebox, 1-10 quantity	EA					
12.02	Farebox, 11-50 quantity	EA					
12.03	Farebox, 51-100 quantity	EA					
12.04	Farebox, 101-250 quantity	EA					
12.05	Farebox, 251-500 quantity	EA					
12.06	Farebox, 501-750 quantity	EA					
12.07	Farebox, 750+ quantity	EA					
Section 13.0 As Needed Driver Control Units (DCU)							
13.01	DCU, 1-10 quantity	EA					
13.02	DCU, 11-50 quantity	EA					
13.03	DCU, 51-100 quantity	EA					
13.04	DCU, 101-250 quantity	EA					
13.05	DCU, 251-500 quantity	EA					
13.06	DCU, 501-750 quantity	EA					
13.07	DCU, 750+ quantity	EA					
Section 14.0 As Needed Portable Data Probe (PDP)							
14.01	Portable Data Probe (PDP)	EA					
Section 15.0 As Needed Farebox Storage							
15.01	Farebox storage per month, 1-50 quantity	EA					
15.02	Farebox storage per month, 51-100 quantity	EA					
15.03	Farebox storage per month, 101-250 quantity	EA					
15.03	Farebox storage per month, 250+ quantity	EA					

RFP 4-2110: Replacement of Fareboxes and Related Fare Collection Equipment
TABLE 5 - NOTES

Offeror Name:		
See Instructions in Section II of the RFP. Proposers shall only edit shaded cells.		
OCTA Farebox Pricing Proposal		
Note Number	Spec Section Reference	Clarification/Description/Explanation
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		

EXHIBIT C: PROPOSED AGREEMENT

PROPOSED AGREEMENT NO. C-4-2110

BETWEEN

ORANGE COUNTY TRANSPORTATION AUTHORITY

AND

THIS AGREEMENT is effective this _____ day of _____, 2024 ("Effective Date"), by and between the Orange County Transportation Authority, 550 South Main Street, P.O. Box 14184, Orange, California 92863-1584, a public corporation of the State of California (hereinafter referred to as "AUTHORITY"), and , , , , (hereinafter referred to as "CONTRACTOR").

WITNESSETH:

WHEREAS, AUTHORITY requires assistance from CONTRACTOR to provide develop and implement replacement fareboxes and related fare collection equipment for AUTHORITY's fixed-route bus system; and

WHEREAS, said work cannot be performed by the regular employees of AUTHORITY; and

WHEREAS, CONTRACTOR has represented that it has the requisite personnel and experience, and is capable of performing such services; and

WHEREAS, CONTRACTOR wishes to perform these services.

NOW, THEREFORE, it is mutually understood and agreed by AUTHORITY and CONTRACTOR as follows:

ARTICLE 1. COMPLETE AGREEMENT

A. This Agreement, including all exhibits and documents incorporated herein and made applicable by reference, constitutes the complete and exclusive statement of the terms and conditions of this Agreement between AUTHORITY and CONTRACTOR and it supersedes all prior representations, understandings and communications. The invalidity in whole or in part of any term or condition of this Agreement shall not affect the validity of other terms or conditions.

B. AUTHORITY's failure to insist in any one or more instances upon CONTRACTOR's

performance of any terms or conditions of this Agreement shall not be construed as a waiver or relinquishment of AUTHORITY's right to such performance or to future performance of such terms or conditions and CONTRACTOR's obligation in respect thereto shall continue in full force and effect. Changes to any portion of this Agreement shall not be binding upon AUTHORITY except when specifically confirmed in writing by an authorized representative of AUTHORITY by way of a written amendment to this Agreement and issued in accordance with the provisions of this Agreement.

ARTICLE 2. AUTHORITY DESIGNEE

The Chief Executive Officer of AUTHORITY, or designee, shall have the authority to act for and exercise any of the rights of AUTHORITY as set forth in this Agreement.

ARTICLE 3. SCOPE OF WORK

A. CONTRACTOR shall perform the work necessary to complete in a manner satisfactory to AUTHORITY the services set forth in Exhibit A, entitled "Scope of Work," attached to and, by this reference, incorporated in and made a part of this Agreement. All services shall be provided at the times and places designated by AUTHORITY.

B. CONTRACTOR shall provide the personnel listed below to perform the above-specified services, which persons are hereby designated as key personnel under this Agreement.

Names	Functions

C. No person named in paragraph B of this Article, or his/her successor approved by AUTHORITY, shall be removed or replaced by CONTRACTOR, nor shall his/her agreed-upon function or level of commitment hereunder be changed, without the prior written consent of AUTHORITY. Should the services of any key person become no longer available to CONTRACTOR, the resume and qualifications of the proposed replacement shall be submitted to AUTHORITY for approval as soon as

possible, but in no event later than seven (7) calendar days prior to the departure of the incumbent key person, unless CONTRACTOR is not provided with such notice by the departing employee. AUTHORITY shall respond to CONTRACTOR within seven (7) calendar days following receipt of these qualifications concerning acceptance of the candidate for replacement.

ARTICLE 4. TERM OF AGREEMENT

A. This Agreement shall commence upon written Notice to Proceed, and shall continue in full force and effect through_____ (Initial Term), unless earlier terminated or extended as provided in this Agreement.

B. AUTHORITY, at its sole discretion, may elect to extend the term of this Agreement for an additional five (5) years commencing _____ and continuing through _____ (Option Term), and thereupon require CONTRACTOR to continue to provide services, and otherwise perform, in accordance with Exhibit A and at the amounts or rates set forth in Article 5, "Payment."

C. AUTHORITY's election to extend this Agreement beyond the Initial Term shall not diminish its right to terminate the Agreement for AUTHORITY's convenience or CONTRACTOR's default as provided elsewhere in this Agreement. The "maximum term" of this Agreement shall be the period extending from commencement through _____ which period encompasses the Initial Term and Option Term.

ARTICLE 5. PAYMENT

A. For CONTRACTOR's full and complete performance of its obligations under this Agreement and subject to the maximum cumulative payment obligation provisions set forth in Article 6, AUTHORITY shall pay CONTRACTOR on a firm-fixed price basis in accordance with the following provisions.

B. Exhibit B, entitled "Price Summary Sheet," shall establish the firm-fixed payment to CONTRACTOR by AUTHORITY for each work task set forth in the Scope of Work. The schedule shall not include any CONTRACTOR expenses not approved by AUTHORITY including but not limited to reimbursement for local meals.

C. CONTRACTOR shall invoice AUTHORITY on a monthly basis for payments corresponding

to the work actually completed by CONTRACTOR. Percentage of work completed shall be documented in a monthly progress report prepared by CONTRACTOR, which shall accompany each invoice submitted by CONTRACTOR. CONTRACTOR shall also furnish such other information as may be requested by AUTHORITY to substantiate the validity of an invoice. At its sole discretion, AUTHORITY may decline to make full payment for any task listed in paragraph B of this Article until such time as CONTRACTOR has documented to AUTHORITY's satisfaction, that CONTRACTOR has fully completed all work required under the task. AUTHORITY's payment in full for any task completed shall not constitute AUTHORITY's final acceptance of CONTRACTOR's work under such task; final acceptance shall occur only when AUTHORITY's release of the retention described in paragraph D.

D. As partial security against CONTRACTOR's failure to satisfactorily fulfill all of its obligations under this Agreement, AUTHORITY shall retain ten percent (10%) of the amount of each invoice submitted for payment by CONTRACTOR. All retained funds shall be released by AUTHORITY and shall be paid to CONTRACTOR within sixty (60) calendar days of payment of final invoice, unless AUTHORITY elects to audit CONTRACTOR's records in accordance with Article 16 of this Agreement. If AUTHORITY elects to audit, retained funds shall be paid to CONTRACTOR within thirty (30) calendar days of completion of such audit in an amount reflecting any adjustment required by such audit. During the term of the Agreement, at its sole discretion, AUTHORITY reserves the right to release all or a portion of the retained amount based on CONTRACTOR's satisfactory completion of certain milestones. CONTRACTOR shall invoice AUTHORITY for the release of the retention in accordance with Article 5.

E. Invoices shall be submitted by CONTRACTOR on a monthly basis and shall be submitted in duplicate to AUTHORITY's Accounts Payable office. CONTRACTOR may also submit invoices electronically to AUTHORITY's Accounts Payable Department at vendorinvoices@octa.net. Each invoice shall be accompanied by the monthly progress report specified in paragraph C of this Article. AUTHORITY shall remit payment within thirty (30) calendar days of the receipt and approval of each invoice. Each invoice shall include the following information:

1. Agreement No. C-4-2110;

2. Specify the task number for which payment is being requested;

3. The time period covered by the invoice;

4. Total monthly invoice (including project-to-date cumulative invoice amount); and retention;

5. Monthly Progress Report;

6. Certification signed by the CONTRACTOR or his/her designated alternate that a) The invoice is a true, complete and correct statement of reimbursable costs and progress; b) The backup information included with the invoice is true, complete and correct in all material respects; c) All payments due and owing to subcontractors and suppliers have been made; d) Timely payments will be made to subcontractors and suppliers from the proceeds of the payments covered by the certification and; e) The invoice does not include any amount which CONTRACTOR intends to withhold or retain from a subcontractor or supplier unless so identified on the invoice.

7. Any other information as agreed or requested by AUTHORITY to substantiate the validity of an invoice.

ARTICLE 6. MAXIMUM OBLIGATION

Notwithstanding any provisions of this Agreement to the contrary, AUTHORITY and CONTRACTOR mutually agree that AUTHORITY's maximum cumulative payment obligation (including obligation for CONTRACTOR's profit) shall be _____Dollars ($_____.00) which shall include all amounts payable to CONTRACTOR for its subcontracts, leases, materials and costs arising from, or due to termination of, this Agreement.

ARTICLE 7. NOTICES

All notices hereunder and communications regarding the interpretation of the terms of this Agreement, or changes thereto, shall be effected by delivery of said notices in person or by depositing said notices in the U.S. mail, registered or certified mail, returned receipt requested, postage prepaid and addressed as follows:

/

To CONTRACTOR:	To AUTHORITY:
	Orange County Transportation Authority
	550 South Main Street
	P.O. Box 14184
,	Orange, CA 92863-1584
ATTENTION:	ATTENTION: Iris Deneau
Title:	Title: Senior Contract Administrator
Phone:	Phone: (714) 560 - 5786
Email:	Email: ideneau@octa.net

ARTICLE 8. INDEPENDENT CONTRACTOR

A. CONTRACTOR's relationship to AUTHORITY in the performance of this Agreement is that of an independent contractor. CONTRACTOR's personnel performing services under this Agreement shall at all times be under CONTRACTOR's exclusive direction and control and shall be employees of CONTRACTOR and not employees of AUTHORITY. CONTRACTOR shall pay all wages, salaries and other amounts due its employees in connection with this Agreement and shall be responsible for all reports and obligations respecting them, such as social security, income tax withholding, unemployment compensation, workers' compensation and similar matters.

B. Should CONTRACTOR's personnel or a state or federal agency allege claims against AUTHORITY involving the status of AUTHORITY as employer, joint or otherwise, of said personnel, or allegations involving any other independent contractor misclassification issues, CONTRACTOR shall defend and indemnify AUTHORITY in relation to any allegations made.

ARTICLE 9. INSURANCE

A. CONTRACTOR shall procure and maintain insurance coverage in full force and effect during the entire term of the Agreement. Coverage shall be full coverage and not subject to self-insurance provisions. CONTRACTOR shall provide the following insurance coverage:

1. Commercial General Liability, to include Products/Completed Operations,

Independent Contractors', Contractual Liability, Personal Injury Liability, and Property Damage with a minimum limit of $1,000,000 per occurrence, $2,000,000 general aggregate and $2,000,000 Products/Completed Operations aggregate;

2. Automobile Liability Insurance to include owned, hired and non-owned autos with a combined single limit of $1,000,000 for each accident;

3. Workers' Compensation with limits as required by the State of California including a Waiver of Subrogation in favor of AUTHORITY, its officers, directors and employees; and

4. Employers' Liability with minimum limits of $1,000,000 per accident, $1,000,000 policy limit-disease, and $1,000,000 policy limit employee-disease.

5. Professional Liability with minimum limits of $1,000,000 only if the CONTRACTOR is required by contract or law to be licensed or specially certified and AUTHORITY is relying on performance based on that specialty license or certification.

B. Proof of such coverage, in the form of a certificate of insurance and an insurance policy blanket additional insured endorsement, designating AUTHORITY, its officers, directors and employees as additional insureds on general liability and automobile liability, as required by Agreement. Proof of insurance coverage must be received by AUTHORITY within ten (10) calendar days from the effective date of the Agreement and prior to commencement of any work. Such insurance shall be primary and non-contributive to any insurance or self-insurance maintained by AUTHORITY. Furthermore, AUTHORITY reserves the right to request certified copies or review all related insurance policies, in response to a related loss.

C. CONTRACTOR shall include on the face of the certificate of insurance the Agreement No. C-4-2110 and, the Senior Contract Administrator's Name, Iris Deneau.

D. CONTRACTOR shall also include in each subcontract, the stipulation that subconsultants shall maintain insurance coverage in the amounts required of CONTRACTOR as provided in the Agreement. Subconsultants will be required to include AUTHORITY as additional insureds on the Commercial General Liability, and Auto Liability insurance policies.

E. Insurer must provide AUTHORITY with at least thirty (30) days' prior notice of cancellation or material modification of coverage, and ten (10) days' prior notice for non-payment of premium.

ARTICLE 10. ORDER OF PRECEDENCE

Conflicting provisions hereof, if any, shall prevail in the following descending order of precedence: (1) the provisions of this Agreement, including all exhibits; (2) the provisions of RFP 4-2110; (3) CONTRACTOR's proposal dated _____; (4) all other documents, if any, cited herein or incorporated by reference.

ARTICLE 11. CHANGES

By written notice or order, AUTHORITY may, from time to time, order work suspension and/or make changes in the general scope of this Agreement, including, but not limited to, the services furnished to AUTHORITY by CONTRACTOR as described in the Scope of Work. If any such work suspension or change causes an increase or decrease in the price of this Agreement, or in the time required for its performance, CONTRACTOR shall promptly notify AUTHORITY thereof and assert its claim for adjustment within ten (10) calendar days after the change or work suspension is ordered, and an equitable adjustment shall be negotiated. However, nothing in this clause shall excuse CONTRACTOR from proceeding immediately with the Agreement as changed.

ARTICLE 12. DISPUTES

A. Except as otherwise provided in this Agreement, when a dispute arises between CONTRACTOR and AUTHORITY, the project managers shall meet to resolve the issue. If project managers do not reach a resolution, the dispute will be decided by AUTHORITY's Director of Contracts Administration and Materials Management (CAMM), who shall reduce the decision to writing and mail or otherwise furnish a copy thereof to CONTRACTOR. The decision of the Director, CAMM, shall be the final and conclusive administrative decision.

B. Pending final decision of a dispute hereunder, CONTRACTOR shall proceed diligently with the performance of this Agreement and in accordance with the decision of AUTHORITY's Director, CAMM. Nothing in this Agreement, however, shall be construed as making final the decision of any

AUTHORITY official or representative on a question of law, which questions shall be settled in accordance with the laws of the State of California.

ARTICLE 13. TERMINATION

A. AUTHORITY may terminate this Agreement for its convenience at any time, in whole or part, by giving CONTRACTOR written notice thereof. Upon said notice, AUTHORITY shall pay CONTRACTOR its allowable costs incurred to date of termination and those allowable costs determined by AUTHORITY to be reasonably necessary to effect such termination. Thereafter, CONTRACTOR shall have no further claims against AUTHORITY under this Agreement.

B. In the event either Party defaults in the performance of any of their obligations under this Agreement or breaches any of the provisions of this Agreement, the non-defaulting Party shall have the option to terminate this Agreement upon thirty (30) days' prior written notice to the other Party. Upon receipt of such notice, CONTRACTOR shall immediately cease work, unless the notice from AUTHORITY provides otherwise. Upon receipt of the notice from AUTHORITY, CONTRACTOR shall submit an invoice for work and/or services performed prior to the date of termination. AUTHORITY shall pay CONTRACTOR for work and/or services satisfactorily provided to the date of termination in compliance with this Agreement. Thereafter, CONTRACTOR shall have no further claims against AUTHORITY under this Agreement. AUTHORITY shall not be liable for any claim of lost profits or damages for such termination.

ARTICLE 14. INDEMNIFICATION

CONTRACTOR shall indemnify, defend and hold harmless AUTHORITY, its officers, directors, employees and agents (indemnities) from and against any and all claims (including attorneys' fees and reasonable expenses for litigation or settlement) for any loss or damages, bodily injuries, including death, damage to or loss of use of property caused by the negligent acts, omissions or willful misconduct by CONTRACTOR, its officers, directors, employees, agents, subconsultants or suppliers in connection with or arising out of the performance of this Agreement.

/

ARTICLE 15. ASSIGNMENTS AND SUBCONTRACTS

A. Neither this Agreement nor any interest herein nor claim hereunder may be assigned by CONTRACTOR either voluntarily or by operation of law, nor may all or any part of this Agreement be subcontracted by CONTRACTOR, without the prior written consent of AUTHORITY. Consent by AUTHORITY shall not be deemed to relieve CONTRACTOR of its obligations to comply fully with all terms and conditions of this Agreement.

B. AUTHORITY hereby consents to CONTRACTOR's subcontracting portions of the Scope of Work to the parties identified below for the functions described in CONTRACTOR's proposal. CONTRACTOR shall include in the subcontract agreement the stipulation that CONTRACTOR, not AUTHORITY, is solely responsible for payment to the subcontractor for the amounts owing and that the subcontractor shall have no claim, and shall take no action, against AUTHORITY, its officers, directors, employees or sureties for nonpayment by CONTRACTOR.

Subcontractor Name/Addresses	Subcontractor Amounts
	$.00
	$.00

ARTICLE 16. AUDIT AND INSPECTION OF RECORDS

CONTRACTOR shall provide AUTHORITY, or other agents of AUTHORITY, such access to CONTRACTOR's accounting books, records, payroll documents and facilities, as AUTHORITY deems necessary. CONTRACTOR shall maintain such books, records, data and documents in accordance with generally accepted accounting principles and shall clearly identify and make such items readily accessible to such parties during CONTRACTOR's performance hereunder and for a period of four (4) years from the date of final payment by AUTHORITY. AUTHORITY's right to audit books and records directly related to this Agreement shall also extend to all first-tier subcontractors identified in Article 15 of this Agreement. CONTRACTOR shall permit any of the foregoing parties to reproduce documents by any means whatsoever or to copy excerpts and transcriptions as reasonably necessary.

/

ARTICLE 17. CONFLICT OF INTEREST

A. CONTRACTOR agrees to avoid organizational conflicts of interest. An organizational conflict of interest means that due to other activities, relationships or contracts, CONTRACTOR is unable, or potentially unable to render impartial assistance or advice to AUTHORITY; CONTRACTOR's objectivity in performing the work identified in the Scope of Work is or might be otherwise impaired; or CONTRACTOR has an unfair competitive advantage. CONTRACTOR is obligated to fully disclose to AUTHORITY in writing Conflict of Interest issues as soon as they are known to CONTRACTOR. All disclosures must be submitted in writing to AUTHORITY pursuant to the Notice provision herein. This disclosure requirement is for the entire term of this Agreement.

B. If AUTHORITY determines that CONTRACTOR, its employees, or subconsultants are subject to disclosure requirements under the Political Reform Act (Government Code section 81000 et seq.), CONTRACTOR and its required employees and subconsultants shall complete and file Statements of Economic Interest (Form 700) with AUTHORITY's Clerk of the Board disclosing all required financial interests.

ARTICLE 18. CODE OF CONDUCT

CONTRACTOR agrees to comply with AUTHORITY's Code of Conduct as it relates to Third-Party contracts which is hereby referenced and by this reference is incorporated herein. CONTRACTOR agrees to include these requirements in all of its subcontracts.

ARTICLE 19. PROHIBITION ON PROVIDING ADVOCACY SERVICES

CONTRACTOR and all subconsultants performing work under this Agreement, shall be prohibited from concurrently representing or lobbying for any other party competing for a contract with AUTHORITY, either as a prime consultant or subconsultant. Failure to refrain from such representation may result in termination of this Agreement.

ARTICLE 20. FEDERAL, STATE AND LOCAL LAWS

CONTRACTOR warrants that in the performance of this Agreement, it shall comply with all applicable federal, state and local laws, statutes and ordinances and all lawful orders, rules and

regulations promulgated thereunder.

ARTICLE 21. EQUAL EMPLOYMENT OPPORTUNITY

In connection with its performance under this Agreement, CONTRACTOR shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, age or national origin. CONTRACTOR shall take affirmative action to ensure that applicants are employed, and that employees are treated during their employment, without regard to their race, religion, color, sex, age or national origin. Such actions shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

ARTICLE 22. PROHIBITED INTERESTS

CONTRACTOR covenants that, for the term of this Agreement, no director, member, officer or employee of AUTHORITY during his/her tenure in office or for one (1) year thereafter shall have any interest, direct or indirect, in this Agreement or the proceeds thereof.

ARTICLE 23. OWNERSHIP OF REPORTS AND DOCUMENTS

A. The originals of all letters, documents, reports and other products and data produced under this Agreement shall be delivered to, and become the property of AUTHORITY. Copies may be made for CONTRACTOR's records but shall not be furnished to others without written authorization from AUTHORITY. Such deliverables shall be deemed works made for hire and all rights in copyright therein shall be retained by AUTHORITY.

B. All ideas, memoranda, specifications, plans, manufacturing, procedures, drawings, descriptions, and all other written information submitted to CONTRACTOR in connection with the performance of this Agreement shall not, without prior written approval of AUTHORITY, be used for any purposes other than the performance under this Agreement, nor be disclosed to an entity not connected with the performance of the project. CONTRACTOR shall comply with AUTHORITY's policies regarding such material. Nothing furnished to CONTRACTOR, which is otherwise known to CONTRACTOR or is or becomes generally known to the related industry shall be deemed confidential. CONTRACTOR shall

not use AUTHORITY's name, photographs of the project, or any other publicity pertaining to the project in any professional publication, magazine, trade paper, newspaper, seminar or other medium without the express written consent of AUTHORITY.

C. No copies, sketches, computer graphics or graphs, including graphic artwork, are to be released by CONTRACTOR to any other person or agency except after prior written approval by AUTHORITY, except as necessary for the performance of services under this Agreement. All press releases, including graphic display information to be published in newspapers, magazines, etc., are to be handled only by AUTHORITY unless otherwise agreed to by CONTRACTOR and AUTHORITY.

ARTICLE 24. PATENT AND COPYRIGHT INFRINGEMENT

A. In lieu of any other warranty by AUTHORITY or CONTRACTOR against patent or copyright infringement, statutory or otherwise, it is agreed that CONTRACTOR shall defend at its expense any claim or suit against AUTHORITY on account of any allegation that any item furnished under this Agreement or the normal use or sale thereof arising out of the performance of this Agreement, infringes upon any presently existing U.S. letters patent or copyright and CONTRACTOR shall pay all costs and damages finally awarded in any such suit or claim, provided that CONTRACTOR is promptly notified in writing of the suit or claim and given authority, information and assistance at CONTRACTOR's expense for the defense of same. However, CONTRACTOR will not indemnify AUTHORITY if the suit or claim results from: (1) AUTHORITY's alteration of a deliverable, such that said deliverable in its altered form infringes upon any presently existing U.S. letters patent or copyright; or (2) the use of a deliverable in combination with other material not provided by CONTRACTOR when such use in combination infringes upon an existing U.S. letters patent or copyright.

B. CONTRACTOR shall have sole control of the defense of any such claim or suit and all negotiations for settlement thereof. CONTRACTOR shall not be obligated to indemnify AUTHORITY under any settlement made without CONTRACTOR's consent or in the event AUTHORITY fails to cooperate fully in the defense of any suit or claim, provided, however, that said defense shall be at CONTRACTOR's expense. If the use or sale of said item is enjoined as a result of such suit or claim,

CONTRACTOR, at no expense to AUTHORITY, shall obtain for AUTHORITY the right to use and sell said item, or shall substitute an equivalent item acceptable to AUTHORITY and extend this patent and copyright indemnity thereto.

ARTICLE 25. FINISHED AND PRELIMINARY DATA

A. All of CONTRACTOR's finished technical data, including but not limited to illustrations, photographs, tapes, software, software design documents, including without limitation source code, binary code, all media, technical documentation and user documentation, photoprints and other graphic information required to be furnished under this Agreement, shall be AUTHORITY's property upon payment and shall be furnished with unlimited rights and, as such, shall be free from proprietary restriction except as elsewhere authorized in this Agreement. CONTRACTOR further agrees that it shall have no interest or claim to such finished, AUTHORITY-owned, technical data; furthermore, said data is subject to the provisions of the Freedom of Information Act, 5 USC 552.

B. It is expressly understood that any title to preliminary technical data is not passed to AUTHORITY but is retained by CONTRACTOR. Preliminary data includes roughs, visualizations, software design documents, layouts and comprehensives prepared by CONTRACTOR solely for the purpose of demonstrating an idea or message for AUTHORITY's acceptance before approval is given for preparation of finished artwork. Preliminary data title and right thereto shall be made available to AUTHORITY if CONTRACTOR causes AUTHORITY to exercise Article 13, and a price shall be negotiated for all preliminary data.

ARTICLE 26. HEALTH AND SAFETY REQUIREMENT

CONTRACTOR shall comply with all the requirements set forth in Exhibit _, Level 1 Safety Specifications.

ARTICLE 27. LIMITATION ON GOVERNMENTAL DECISIONS

CONTRACTOR shall not make, participate in making, or use its position to influence any governmental decisions as defined by the Political Reform Act, Government Code section 8100 et seq., and the implementing regulations in Title 2 of the California Code of Regulations section 18110 et seq.

CONTRACTOR's personnel performing services under this Agreement shall not authorize or direct any actions, votes, appoint any person, obligate, or commit AUTHORITY to any course of action or enter into any contractual agreement on behalf of AUTHORITY. In addition, CONTRACTOR's personnel shall not provide information, an opinion, or a recommendation for the purpose of affecting a decision without significant intervening substantive review by AUTHORITY personnel, counsel, and management.

ARTICLE 28. FORCE MAJEURE

Either party shall be excused from performing its obligations under this Agreement during the time and to the extent that it is prevented from performing by an unforeseeable cause beyond its control, including but not limited to: any incidence of fire, flood; acts of God; commandeering of material, products, plants or facilities by the federal, state or local government; national fuel shortage; or a material act or omission by the other party; when satisfactory evidence of such cause is presented to the other party, and provided further that such nonperformance is unforeseeable, beyond the control and is not due to the fault or negligence of the party not performing.

/

/

/

/

/

/

/

/

/

/

/

/

/

IN WITNESS WHEREOF, the parties hereto have caused this Agreement No. C-4-2110 to be executed as of the date of the last signature below.

CONTRACTOR

By: _____

ORANGE COUNTY TRANSPORTATION AUTHORITY

By: _____
Darrell E. Johnson
Chief Executive Officer

APPROVED AS TO FORM:

By: _____
James M. Donich
General Counsel

APPROVED BY:

By: _____
Andrew Oftelie
Chief Financial Officer, Finance and Administration

EXHIBIT D: STATUS OF PAST AND PRESENT CONTRACTS FORM

STATUS OF PAST AND PRESENT CONTRACTS FORM

On the form provided below, Offeror/Bidder shall list the status of past and present contracts where the firm has either provided services as a prime vendor or a subcontractor during the past five (5) years in which the contract has been the subject of or may be involved in litigation with the contracting authority. This includes, but is not limited to, claims, settlement agreements, arbitrations, administrative proceedings, and investigations arising out of the contract.

A separate form must be completed for each contract. Offeror/Bidder shall provide an accurate contact name and telephone number for each contract and indicate the term of the contract and the original contract value. Offeror/Bidder shall also provide a brief summary and the current status of the litigation, claims, settlement agreements, arbitrations, administrative proceedings, or investigations. If the contract was terminated, list the reason for termination.

Offeror/Bidder shall have an ongoing obligation to update the Authority with any changes to the identified contracts and any new litigation, claims, settlement agreements, arbitrations, administrative proceedings, or investigations that arise subsequent to the submission of the bid. Each form must be signed by an officer of the Offeror/Bidder confirming that the information provided is true and accurate.

Project city/agency/other:	
Contact Name:	**Phone:**
Project Award Date:	**Original Contract Value:**
Term of Contract:	
(1) Litigation, claims, settlements, arbitrations, or investigations associated with contract:	
(2) Summary and Status of contract:	
(3) Summary and Status of action identified in (1):	
(4) Reason for termination, if applicable:	

By signing this Form entitled "Status of Past and Present Contracts," I am affirming that all of the information provided is true and accurate.

_____ _____
Name Signature

_____ _____
Title Date

Revised. 03/16/2018

EXHIBIT E: CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

CAMPAIGN CONTRIBUTION DISCLOSURE FORM

Information Sheet

ORANGE COUNTY TRANSPORTATION AUTHORITY

The attached Campaign Contribution Disclosure Form must be completed by applicants for, or persons who are the subject of, any proceeding involving a license, permit, or other entitlement for use pending before the Board of Directors of the OCTA or any of its affiliated agencies. (Please see next page for definitions of these terms.)

IMPORTANT NOTICE

Basic Provisions of Government Code Section 84308

A. If you are an applicant for, or the subject of, any proceeding involving a license, permit, or other entitlement for use, you are prohibited from making a campaign contribution of more than $250 to any board member or his or her alternate. This prohibition begins on the date your application is filed or the proceeding is otherwise initiated, and the prohibition ends three months after a final decision is rendered by the Board of Directors. In addition, no board member or alternate may solicit or accept a campaign contribution of more than $250 from you during this period.

B. These prohibitions also apply to your agents, and, if you are a closely held corporation, to your majority shareholder as well. These prohibitions also apply to your subcontractor(s), joint venturer(s), and partner(s) in this proceeding. Also included are parent companies and subsidiary companies directed and controlled by you, and political action committees directed and controlled by you.

C. You must file the attached disclosure form and disclose whether you or your agent(s) have in the aggregate contributed more than $250 to any board member or his or her alternate during the 12-month period preceding the filing of the application or the initiation of the proceeding.

D. If you or your agent have in the aggregate contributed more than $250 to any individual board member or his/or her alternate during the 12 months preceding the decision on the application or proceeding, that board member or alternate must disqualify himself or herself from the decision. However, disqualification is not required if the board member or alternate returns the campaign contribution within 30 days from the time the director knows, or should have known, about both the contribution and the fact that you are a party in the proceeding. The Campaign Contribution Disclosure Form should be completed and filed with your proposal, or with the first written document you file or submit after the proceeding commences.

1. A proceeding involving "a license, permit, or other entitlement for use" includes all business, professional, trade and land use licenses and permits, and all other entitlements for use, including all entitlements for land use, all contracts (other than competitively bid, labor or personal employment contracts), and all franchises.

2. Your "agent" is someone who represents you in connection with a proceeding involving a license, permit or other entitlement for use. If an individual acting as an agent is also acting in his or her capacity as an employee or member of a law, architectural, engineering, consulting firm, or similar business entity, both the business entity and the individual are “agents.”

3. To determine whether a campaign contribution of more than $250 has been made by you, campaign contributions made by you within the preceding 12 months must be aggregated with those made by your agent within the preceding 12 months or the period of the agency, whichever is shorter. Contributions made by your majority shareholder (if a closely held corporation), your subcontractor(s), your joint venturer(s), and your partner(s) in this proceeding must also be included as part of the aggregation. Campaign contributions made to different directors or their alternates are not aggregated.

4. A list of the members and alternates of the Board of Directors is attached.

This notice summarizes the major requirements of Government Code Section 84308 of the Political Reform Act and California Code of Regulations, Title 2 Sections 18438-18438.8.

ORANGE COUNTY TRANSPORTATION AUTHORITY
CAMPAIGN CONTRIBUTION DISCLOSURE FORM

RFP Number: _____ RFP Title: _____

Was a campaign contribution made to any OCTA Board Member within the preceding 12 months, regardless of dollar amount of the contribution by either the proposing firm, proposed subconsultants and/or agent/lobbyist? Yes ____ No_____

If no, please sign and date below.

If yes, please provide the following information:

Prime Contractor Firm Name: _____

Contributor or Contributor Firm's Name: _____

Contributor or Contributor Firm's Address: _____

_____

Is Contributor:

- The Prime Contractor Yes___ No ___
- Subconsultant Yes___ No ___
- Agent/Lobbyist hired by Prime to represent the Prime in this RFP Yes___ No ___

Note: Under the State of California Government Code section 84308 and California Code of Regulations, Title 2, Section 18438, campaign contributions made by the Prime Contractor and the Prime Contractor's agent/lobbyist who is representing the Prime Contractor in this RFP must be aggregated together to determine the total campaign contribution made by the Prime Contractor.

_____

Identify the Board Member(s) to whom you, your subconsultants, and/or agent/lobbyist made campaign contributions, the name of the contributor, the dates of contribution(s) in the preceding 12 months and dollar amount of the contribution. Each date must include the exact month, day, and year of the contribution.

Name of Board Member: _____

Name of Contributor: _____

Date(s) of Contribution(s): _____

Amount(s): _____

Name of Board Member: _____

Name of Contributor: _____

Date(s) of Contribution(s): _____

Amount(s): _____

Date: _____ _____
Signature of Contributor

_____ _____
Print Firm Name Print Name of Contributor

ORANGE COUNTY TRANSPORTATION AUTHORITY AND AFFILIATED AGENCIES

Board of Directors

Tam Nguyen, Chair

Doug Chaffee, Vice Chair

Ashleigh Aiken, Director

Valerie Amezcua, Director

Andrew Do, Director

Jon Dumitru, Director

Jamey Federico, Director

Katrina Foley, Director

Patrick Harper, Director

Michael Hennessey, Director

Fred Jung, Director

Farrah Khan, Director

Stephanie Klopfenstein, Director

Vicente Sarmiento, Director

John Stephens, Director

Donald Wagner, Director

EXHIBIT F: SAFETY SPECIFICATIONS

EXHIBIT G: PROPOSAL EXCEPTIONS AND/OR DEVIATIONS

PROPOSAL EXCEPTIONS AND/OR DEVIATIONS

The following form shall be completed for each technical and/or contractual exception or deviation that is submitted by Offeror for review and consideration by Authority. The exception and/or deviation must be clearly stated along with the rationale for requesting the exception and/or deviation. If no technical or contractual exceptions or deviations are submitted as part of the original proposal, Offerors are deemed to have accepted Authority's technical requirements and contractual terms and conditions set forth in the Scope of Work (Exhibit A) and Proposed Agreement (Exhibit C). Offerors will not be allowed to submit this form or any contractual exceptions and/or deviation after the proposal submittal date identified in the RFP. Exceptions and/or deviations submitted after the proposal submittal date will not be reviewed by Authority.

Offeror:_____

RFP No.:_____ RFP Title: _____

Deviation or Exception No. : _____

Check one:

- Scope of Work (Technical) _____
- Proposed Agreement (Contractual) _____

Reference Section/Exhibit: _____ Page/Article No._____

Complete Description of Deviation or Exception:

_____
_____
_____
_____
_____
_____
_____
_____

Rationale for Requesting Deviation or Exception:

_____
_____
_____
_____
_____
_____

Area Below Reserved for Authority Use Only:

_____
_____
_____

COMMITTEE TRANSMITTAL

April 22, 2024

To: Members of the Board of Directors

From: Andrea West, Clerk of the Board

Subject: Amendment to Agreement for Customer Information Center

Legislative and Communications Committee Meeting of April 18, 2024

Present: Directors Dumitru, Jung, Nguyen, and Wagner
Absent: Directors Aitken and Foley

Committee Vote

This item was passed by the Members present.

Committee Recommendation

Authorize the Chief Executive Officer to negotiate and execute Amendment No. 2 to Agreement No. C-0-2698 between the Orange County Transportation Authority and Alta Resources to exercise the first option term, in the amount of $2,049,987, to continue providing customer information center call services, effective July 1, 2024 through June 30, 2026. This will increase the maximum obligation of the agreement to a total contract value of $5,030,427.

OCTA

April 18, 2024

To: Legislative and Communications Committee

From: Darrell E. Johnson, Chief Executive Officer

Subject: Amendment to Agreement for Customer Information Center

Overview

On April 26, 2021, the Orange County Transportation Authority Board of Directors approved an agreement with Alta Resources to operate the Customer Information Center for a three-year initial term and two, two-year option terms. Board of Directors' approval is requested to exercise the first option term effective July 1, 2024 through June 30, 2026.

Recommendation

Authorize the Chief Executive Officer to negotiate and execute Amendment No. 2 to Agreement No. C-0-2698 between the Orange County Transportation Authority and Alta Resources to exercise the first option term, in the amount of $2,049,987, to continue providing customer information center call services, effective July 1, 2024 through June 30, 2026. This will increase the maximum obligation of the agreement to a total contract value of $5,030,427.

Discussion

The Orange County Transportation Authority (OCTA) provides transit information to the public and receives feedback through the Customer Information Center (CIC).

OCTA has been outsourcing the services provided by the CIC since 1995. The CIC provides services including assisting customers with trip itineraries and other transit information, processing pass sales orders, answering questions regarding the OCTA Reduced Fare Identification program, and receiving and recording customer comments and complaints. The CIC also answers calls to the OCTA administrative offices and call routing, along with taking lost and found inquiries. The CIC currently handles more than 250,000 calls annually. Call volumes are dynamic and spike in conjunction with events such as service changes and fare adjustments.

Customers can reach the CIC through an automated telephone information system technology which allows customers to select options for recorded information or speak with a representative in English or Spanish. The CIC also utilizes a language translation service with more than 100 languages available to communicate information between a customer and the representative and is also able to respond to customers who are hearing impaired. Currently, the CIC operates seven days a week, 365 days per year.

The CIC hours of service are as referenced below:

	Weekdays	**Weekends**	**Holidays**
Bus Information	7 a.m. – 7 p.m.	8 a.m. – 6 p.m.	8 a.m. – 5 p.m.
Administrative Office	7 a.m. – 5 p.m.	Closed	Closed
Lost & Found	7 a.m. – 7 p.m.	8 a.m. – 6 p.m.	8 a.m. – 5 p.m.
Customer Relations	8 a.m. – 5 p.m.	Closed	Closed
Pass Sales / Reduced Fare Identification	8 a.m. – 2 p.m.	Closed	Closed

OCTA has established performance goals for call center operations to ensure customers receive high-quality service. The performance goals include answering at least 80 percent of all calls in less than two minutes and receiving no more than one valid CIC related complaint per 15,000 calls answered. The CIC continues to meet and exceed these performance goals. Additionally, CIC staff members are required to ride the fixed-route bus system to maintain familiarity with the service.

Procurement Approach

The original procurement was handled in accordance with OCTA's Board of Directors (Board)-approved policies and procedures for professional services that conform to both federal and state laws. On April 26, 2021, the Board approved the award of the agreement with Alta Resources (Alta) to provide CIC call services. The original agreement was awarded on a competitive basis and includes a three-year initial term in the amount of $2,980,440 and two, two-year option terms. This agreement has been previously amended as shown in Attachment A.

The proposed Amendment No. 2 is to exercise the first option term through June 30, 2026, which will allow Alta to continue providing call center services. The budget for the amendment is $2,049,987, which is based on current and anticipated usage for call center services. A per month cost escalation was negotiated in the original contract.

Fiscal Impact

Funds are included in OCTA's Proposed Fiscal Year 2024-25 Budget, pending Board approval, Marketing and Customer Engagement, Account No. 1837-7519-D4601-1E4, and is funded through the Orange County Transit District Fund.

Summary

Staff is recommending the Board of Directors authorize the Chief Executive Officer to negotiate and execute Amendment No. 2 to Agreement No. C-0-2698 between the Orange County Transportation Authority and Alta Resources, to exercise the first option term, in the amount of $2,049,987 effective July 1, 2024, through June 30, 2026, to continue providing customer information center call services. This amendment will increase the maximum obligation to a total contract value of $5,030,427.

Attachment

A. Alta Resources, Agreement No. C-0-2698 Fact Sheet

Prepared by:

Ryan Maloney
Section Manager, Customer
Engagement & Data Analytics
714-560-5451

Approved by:

Maggie McJilton
Executive Director
People and Community Engagement
714-560-5824

for
Pia Veesapen
Director, Contracts Administration and
Materials Management
714-560-5619

ATTACHMENT A

Alta Resources
Agreement No. C-0-2698 Fact Sheet

1. April 26, 2021, Agreement No. C-0-2698, $2,980,440, approved by the Board of Directors (Board).

    - Alta Resources to provide call center services.

    - Three-year initial term effective July 1, 2021 through June 30, 2024 with two, two-year option terms.

2. April 1, 2023, Amendment No. 1 to Agreement No. C-0-2698, approved by the Contracts Administration and Materials Management Department.

    - To revise key personnel.

3. April 22, 2024, Amendment No. 2 to Agreement No. C-0-2698, $2,049,987, pending approval by the Board.

    - To exercise the first option term of the agreement for call center services. The first option term is effective July 1, 2024 through June 30, 2026.

Total funds committed to Alta Resources after approval of Amendment No. 2 to Agreement No. C-0-2698: $5,030,427.

COMMITTEE TRANSMITTAL

April 22, 2024

To: Members of the Board of Directors

From: Andrea West, Clerk of the Board

Subject: OC Streetcar Project Quarterly Update

Transit Committee Meeting of April 11, 2024

Present: Directors Do, Jung, and Klopfenstein
Absent: Directors Aitken, Amezcua, Harper, and Sarmiento

Committee Vote

No action was taken on this item.

Staff Recommendation

Receive and file as an information item.

OCTA

April 11, 2024

To: Transit Committee

From: Darrell E. Johnson, Chief Executive Officer

Subject: OC Streetcar Project Quarterly Update

Overview

The Orange County Transportation Authority is implementing the OC Streetcar project, and updates are provided to the Board of Directors on a quarterly basis. This report covers OC Streetcar project activities from January 2024 through March 2024.

Recommendation

Receive and file as an information item.

Background

The Orange County Transportation Authority (OCTA), in cooperation with the cities of Santa Ana and Garden Grove, is implementing a modern streetcar running between the Santa Ana Regional Transportation Center (SARTC) in the City of Santa Ana (City) and the intersection of Harbor Boulevard and Westminster Avenue in the City of Garden Grove. The OC Streetcar project (Project) will improve transit connectivity and accessibility, increase transit options, relieve congestion, and provide benefits to the community and traveling public. The Project is being implemented as part of Measure M2 Project S – Transit Extensions to Metrolink, approved by Orange County voters in November 2006.

Construction of the 4.15-mile alignment involves complex and specialized work, including the installation of embedded track in existing streets, an overhead contact system (OCS) to supply power to the vehicles, new traffic signals and transit signal priority at intersections, stops with canopies, bridges, and a maintenance and storage facility (MSF).

The Project includes ten streetcar stops in each direction (four shared center platforms and six side platforms in each direction, for a total of 16 platforms).

Each stop includes a canopy, benches, leaning rails, trash cans, lighting, variable message signs, video cameras, a public address system, and ticket vending machines. Platforms will be 14-inches high to enable level boarding to streetcar vehicles.

The MSF can accommodate up to 15 modern streetcar vehicles, as well as all necessary administration, operations, vehicle maintenance, parts storage, and maintenance-of-way needs for the Project. The MSF will also include secured exterior vehicle storage, a wye track for turning vehicles end-for-end, a free-standing vehicle wash, employee parking, and fire department/delivery access.

On March 26, 2018, the OCTA Board of Directors (Board) awarded a contract to Siemens Industries, Inc., (Siemens) for the manufacturing and delivery of eight modern streetcar vehicles, spare parts, and special tools. On September 24, 2018, the Board awarded the construction contract for the Project to Walsh Construction Company II, LLC (Walsh). On November 30, 2018, the Federal Transit Administration (FTA) executed the Full Funding Grant Agreement (FFGA), securing $149 million in federal New Starts discretionary funding for the Project. In February 2019, the FFGA was funded through the FTA Transit Award Management System, which was the last step necessary to begin the drawdown of federal funding. Through March 2024, $133,915,385 has been drawn down on the FFGA. On May 22, 2020, the Board awarded a contract to Herzog Transit Services, Inc., (Herzog) to provide operations and maintenance services for an initial start-up and pre-revenue period, and a five-year revenue term.

Discussion

The following is the status of ongoing project activities related to construction, vehicle manufacturing, operations, and public outreach.

Construction

Construction is approximately 86 percent complete through last quarter, ending March 2024. Construction milestones include the completion of the Santa Ana River and Westminster bridges with the placement of handrails, installation of all tracks and OCS poles, placement of approximately 90 percent of the roadway final pavement and striping work, and the reopening of the Santa Ana Boulevard and Santiago Street intersection. In response to community interest in improving the visual appeal of Fourth Street, tree installation was advanced with the placement of 45 trees and the removal of fencing around the tree wells.

In the Pacific Electric Right-of-Way (PEROW) portion of the alignment, two key activities are ongoing. The activities include the overhead wire installation on

OCS poles and train warning and gate systems installation at the Fairview Street, Fifth Street, and Raitt Street at-grade crossings. At the MSF, key activities nearing completion include installation of bi-fold doors, OCS cantilever arms, interior heating, ventilation, and air conditioning, wiring and electrical work, and preparation of asphalt concrete paving for the yard track. Given the significance of the MSF to vehicle testing, staff continues to coordinate weekly with Walsh to ensure significant completion of the MSF for vehicle storage at the earliest possible date.

On the west end of the Project, the Harbor Boulevard parking lot was paved, and on the east end, the SARTC parking lot was also recently paved. Additional work to reconstruct sidewalk, driveways, and curb and gutter is underway along Santa Ana Boulevard between Santiago Street and Mortimer Street, as well as at the intersection of Fourth Street and Mortimer Street, and other locations throughout the Project. Work at Sasscer Park continues, with underground electrical elements being installed and preparation for paving and concrete work at the platform.

Upcoming planned work includes continued installation of OCS wire, completion of signals, signage, and the electrical systems for the streetcar, and progressing the MSF and other roadway elements such as paving, sidewalk, driveways, and curb and gutter work.

Vehicles

Five of the eight vehicles that have been completed and approved for storage were moved to a secure offsite Siemens storage area. OCTA will continue to store spare parts and special tools at the Siemens facility until the MSF construction has reached substantial completion and those items can be accommodated within the facility.

In January 2024, OCTA staff participated in a pre-storage vehicle inspection for two of the three remaining vehicles, Cars 5 and 7, at the Siemens manufacturing facility. The pre-storage vehicle inspection includes a rigorous review of the interior, exterior, and roof of the vehicles. The vehicle inspection also includes final water and software testing. OCTA's operations and maintenance contractor, Herzog, also participated in the inspection at the Siemens facility. Herzog's focus was on operational systems such as cab operator display, doors, trucks, and vehicle coupler. Herzog will be responsible for the vehicles once they are delivered to the MSF. Therefore, Herzog's participation is critical to establish continuity in the vehicle pre-storage inspection, pre-shipment inspection, and delivery. Following the inspection, Cars 5 and 7 were approved for storage.

Car 8 remains in final static and dynamic testing. The final inspection of Car 8 is expected to be conducted next quarter.

OCTA has requested that Siemens provide a long-term storage estimate for the vehicles, vehicle warranty extension, and vehicle maintenance during storage. OCTA and Siemens continue to coordinate regarding the vehicle delivery schedule and long-term vehicle storage at the off-site Siemens facility. Staff anticipates returning to the Board for contract amendments required for Siemens as a result of these discussions in the second quarter 2024.

Operations

In February 2024, the Rail Activation Committee met to report on the activities of the smaller working groups, including the System Integration Testing (SIT) Committee and Operations Working Group. The SIT Committee is meant to validate that the interface between the vehicle, MSF, and mainline are performing as intended. The Operations Working Group is led by Herzog and is responsible for the development of all rail activation plans and deliverables. In February 2024, the Rail Activation Committee and the California Public Utilities Commission (CPUC) conducted a field walk from the MSF to the Fairview Street grade crossing to review the track, signal, and switches that will be used for the initial vehicle testing. The CPUC's engagement in the field walks is critical to the testing and certification of the system.

In March 2024, Herzog provided a second vendor presentation to OCTA and the CPUC of an early warning device system, a requirement for CPUC compliance. This system provides advanced warning of an approaching train to both track workers and train operators. Early warning device systems will be utilized in the field by operations and maintenance personnel as part of their personal protective equipment safety requirements.

OCTA and the City of Garden Grove are finalizing negotiations for the operations and maintenance agreement needed once the Project is in revenue service. Staff anticipates this agreement, along with the agreement with the city, coming to the Board for approval in May 2024.

Public Outreach

During the reporting period, bilingual notifications were developed and distributed for tree planting on Fourth Street between Ross Street and French Street, final paving and striping in Segment 3 at the Ross Street intersection, and in Segment 5 on Santa Ana Boulevard near French Street. In addition, the County of Orange and the Ronald Reagan Federal Courthouse received customized flyers to highlight alternate routes during the paving and striping operations. All these activities were also shared on the project's website, social media outlets, and with the City for their use to inform their staff and residents. Stakeholders adjacent to the PEROW were notified about ongoing activities, including pulling OCS wire on the overhead contact poles.

The outreach team met with representatives of the Santiago Lofts to discuss the sidewalk restoration adjacent to their property. The physical boundaries of the sidewalk restoration were identified to allow the new sidewalk material to blend into the existing conditions. In addition, the locations of the utility markings were noted and will be removed as part of the restoration. Outreach staff continues to provide updates to the representatives and a follow-up field walk will be scheduled April 2024.

The outreach staff participated in two Artwalk events, as well as at the Boco de Ora literary festival in Downtown Santa Ana. Staff from the diversity and construction outreach teams attended the Coffee with the Mayor event and shared information about the Project as well as other OCTA initiatives.

The Eat Shop Play program continued providing content for city electronic billboards and social media advertisements, as well as interior and exterior advertisements on OCTA's fixed-route service. Several focus groups were held in January 2024 to support the Safety Education and Public Awareness Campaign efforts. Additional feedback about safety messaging was solicited from OCTA's Teen Council participants. Input from these groups is an important element of developing and refining the materials that are shared with the community to help educate and create awareness about the Project.

Cost and Schedule

In April 2023, the Board approved a revised project budget of $579,160,000 that assumed a November 2024 revenue service date. Staff continues to actively manage Walsh to advance construction activities to meet this date. However, given continued construction and legal challenges as previously reported to the Board, including construction quality issues, limited deployment of labor resources, and inaccurate schedule reporting, staff is re-evaluating the project schedule to determine a revised revenue service date based upon progress in the field and anticipated project risk.

As previously reported to the Board, OCTA continues to report to the FTA the risk-adjusted revenue service date of August 2025. This schedule contingency date was developed following the FTA-required risk assessment in April 2023. Staff will update the Board regarding schedule re-evaluation efforts as part of future project updates.

Next Steps

Activities in the next quarter will include installation of the OCS hardware and overhead wires, station platforms infrastructure and canopies, continued paving work, and service connections for the four-traction power substations. Staff will focus efforts and continue to communicate with Walsh to ensure significant

completion of the MSF for vehicle delivery and testing. Next steps for the remaining vehicle include finalizing vehicle equipping and inspection for Car 8. Upcoming outreach activities include ongoing coordination with the construction team and the city regarding traffic control measures that are needed for paving, new traffic signal installation, and system electrification. In addition, Outreach staff will continue to attend community events to provide project education and safety messaging.

Summary

An OC Streetcar project update covering January 2024 through March 2024 is provided for the Orange County Transportation Authority Board of Directors' review.

Attachment

A. Project Alignment – Status of Track Installation

Prepared by:

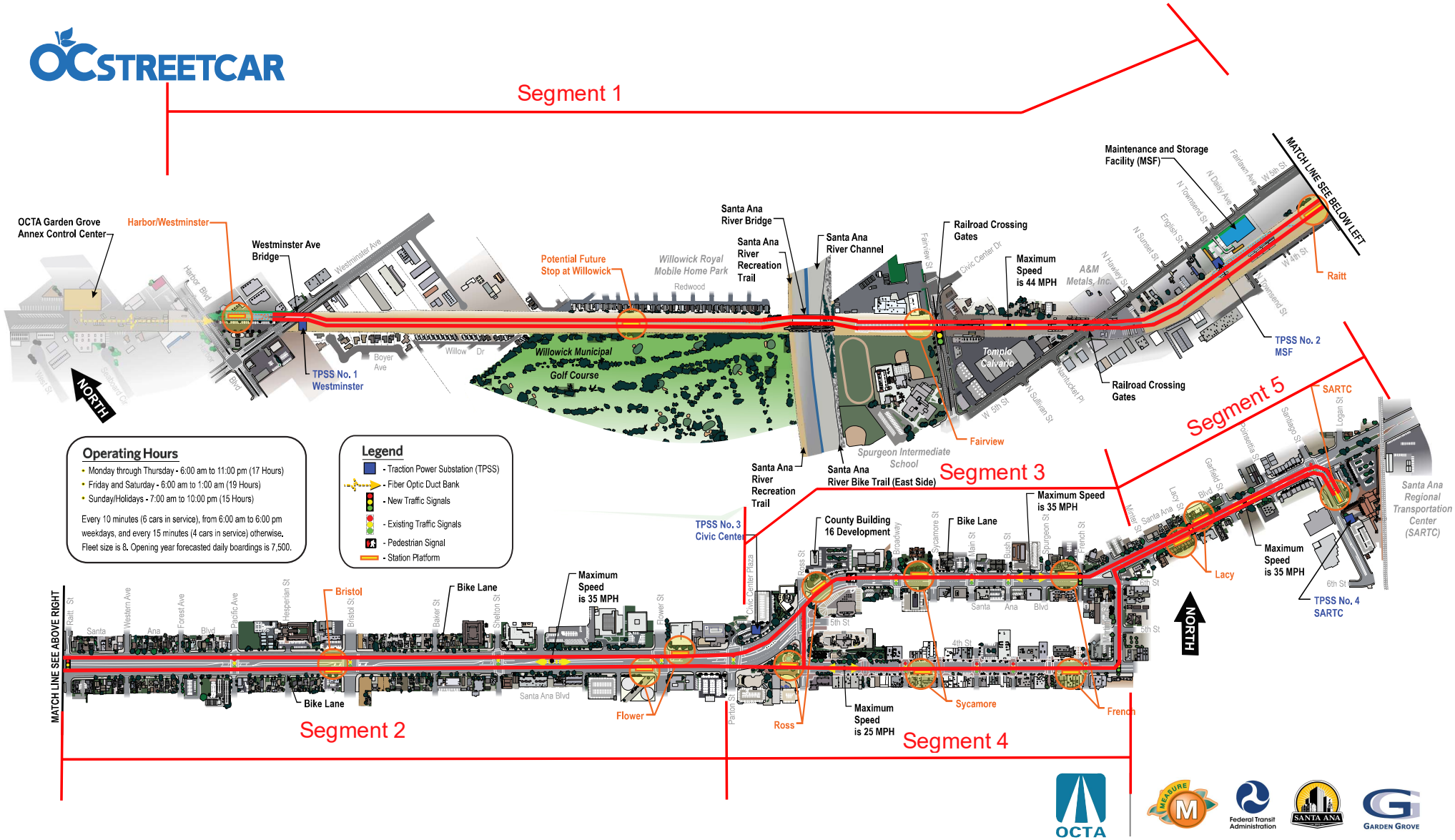
Jeff Mills, P.E.
Director, Alternative Project Delivery and Construction
(714) 560-5775

Approved by:

James G. Beil, P.E.
Executive Director, Capital Programs
(714) 560-5646

ATTACHMENT A

Project Alignment - Status of Track Installation



05.10.2018
Prepared by HDR, Inc.

Track Installed as of December 31, 2023

OC Streetcar Project Quarterly Update

Construction – Segment 1

- Pacific Electric Right-of-Way
  - Wire installation on overhead contact system (OCS) poles is ongoing
  - Installation of train crossing signal and gate system
- Maintenance and Storage Facility
  - Key activities near completion include installation of bi-fold doors, OCS cantilever arms, interior heating, ventilation, and air conditioning, wiring and electrical work, and preparation of asphalt concreate paving for the yard track

Segment 1 Progress

OCS Wire

Segment 1 Progress (Cont.)

OCS Cantilever Arms

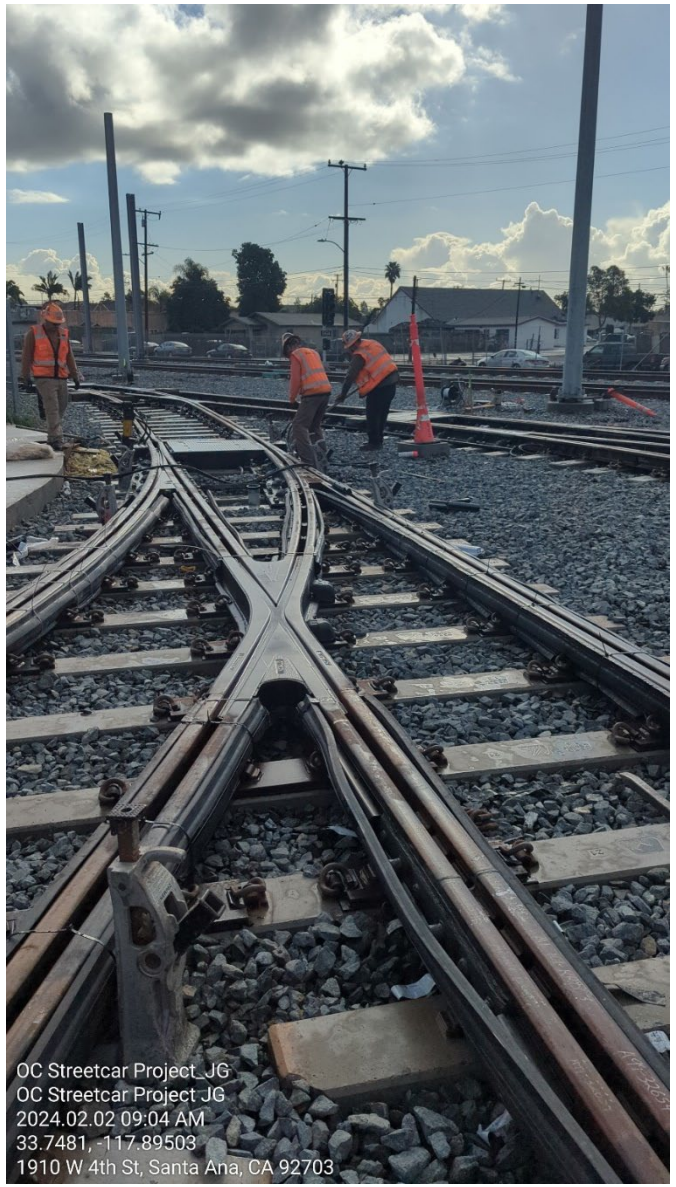
Harbor Parking Lot

Segment 1 Progress (Cont.)

Raitt Street Train Crossing Signal

Maintenance and Storage Facility

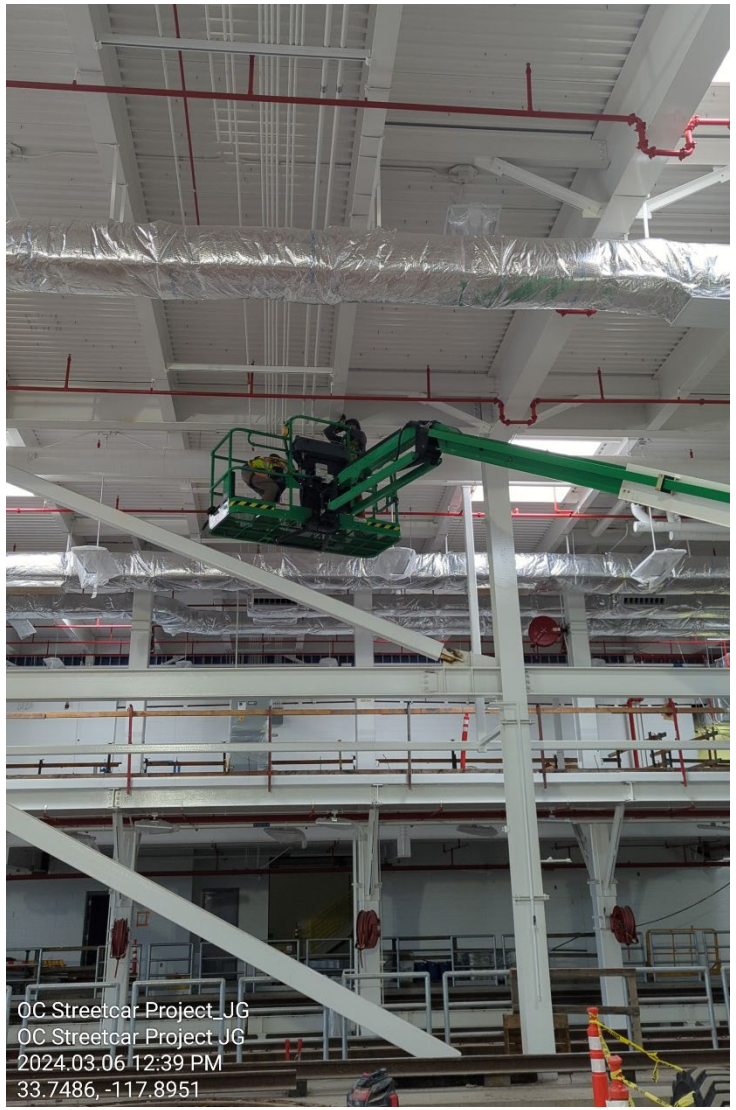
Maintenance and Storage Facility (Cont.)



Preparation for paving for the yard track

Maintenance and Storage Facility (Cont.)

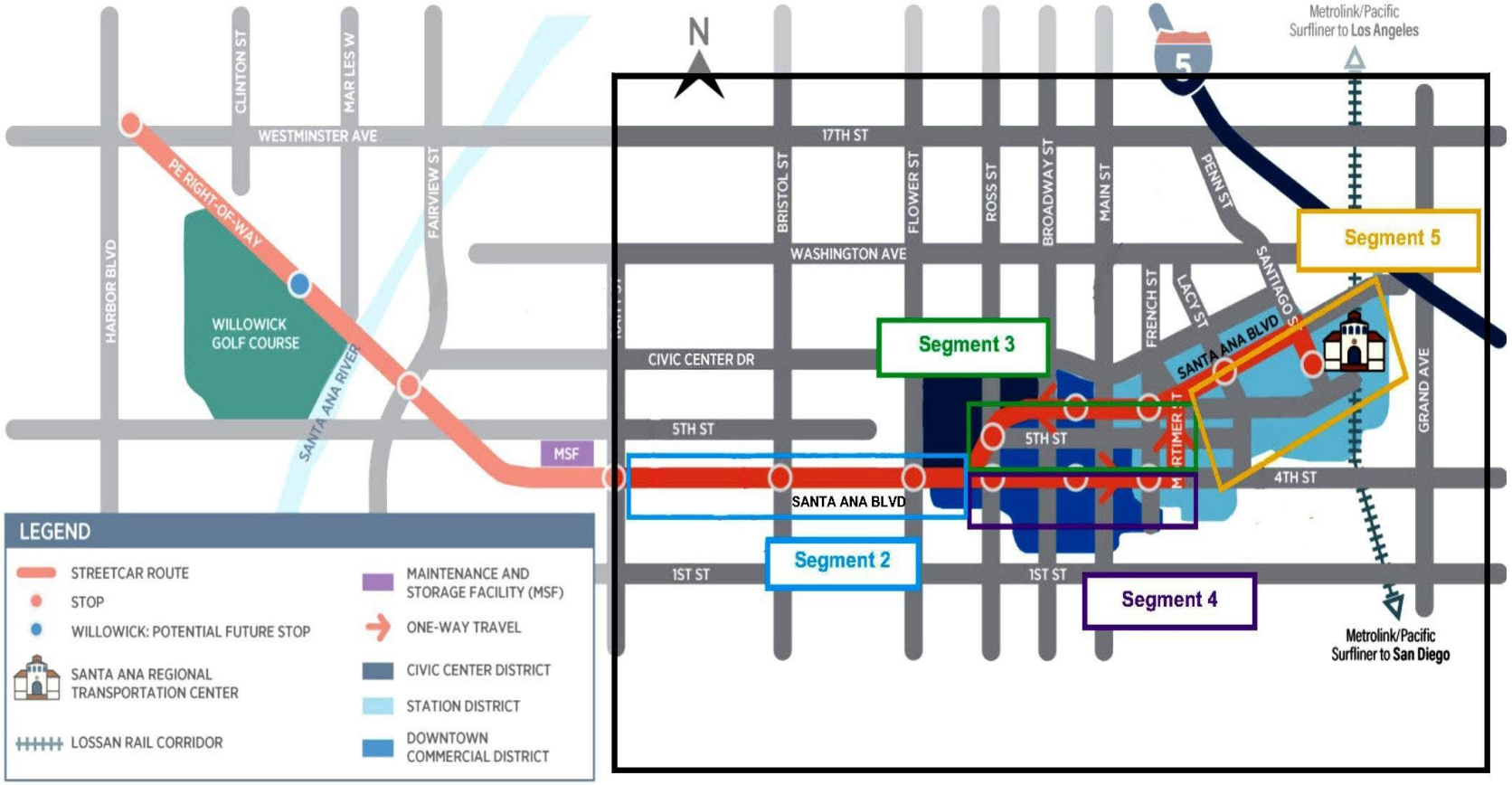
Cross Tracks



Conduits Installed

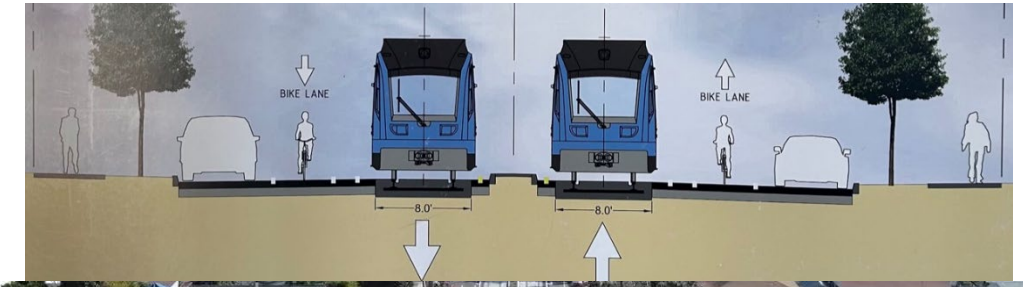
Electrical Room

Construction – Segments 2 through 5



- Key Completions in Segments 2, 3, 4, and 5

Segment 2 Progress



Segments 2 and 3 Progress

Bristol Street to Flower Street

Flower Street to Civic Center Plaza

Segment 4 Progress

Tree Planting on Fourth Street

Segment 5 Progress

Santa Ana Regional Transportation Center Station

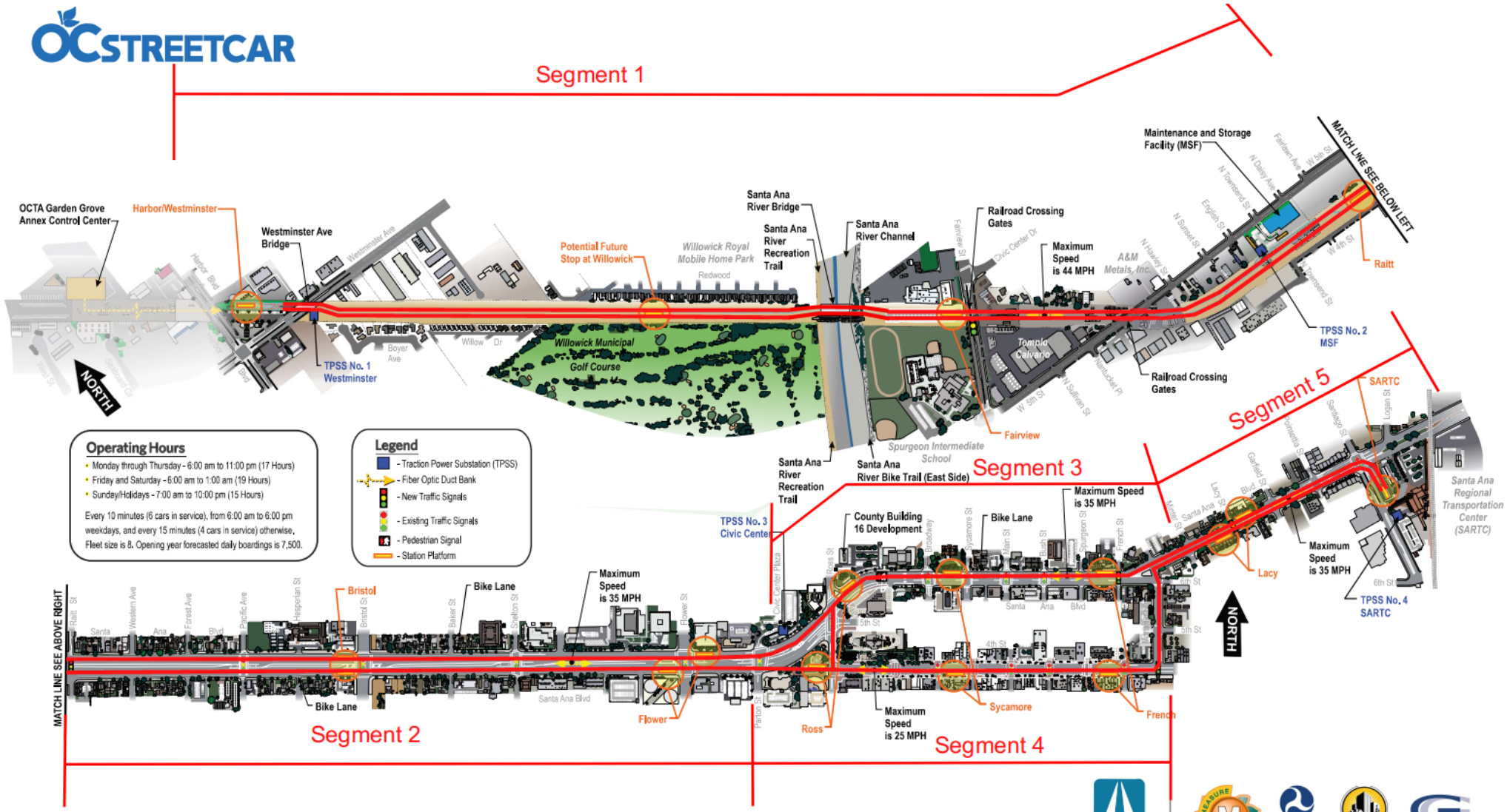
Progress on Station Platforms

Ongoing Station Platform Work at All Segments

Upcoming Construction Activities

- Segment 1 – Continue OCS hardware installation in preparation for OCS wiring. Continue train crossing signal and gate system at Fairview Street, Fifth Street, and Raitt Street
- Maintenance and Storage Facility – Continue site and building work to ensure significant completion for vehicle storage. Continue installation of new equipment in the building
- Segments 2 through 5 – Continue installation of OCS wire, completion of signals, signage, and the electrical systems for the streetcar and other roadway elements such as paving, sidewalk, driveways, and curb and gutter work
- Continue work at all station platforms
- Complete traction power substation installation and energization at four locations

Track Installation Progress



Vehicles

- Vehicle Production Status
  - Cars 1-7 are in storage at an off-site Siemens Industries, Inc. (Siemens) facility
  - Remaining car will be inspected next quarter

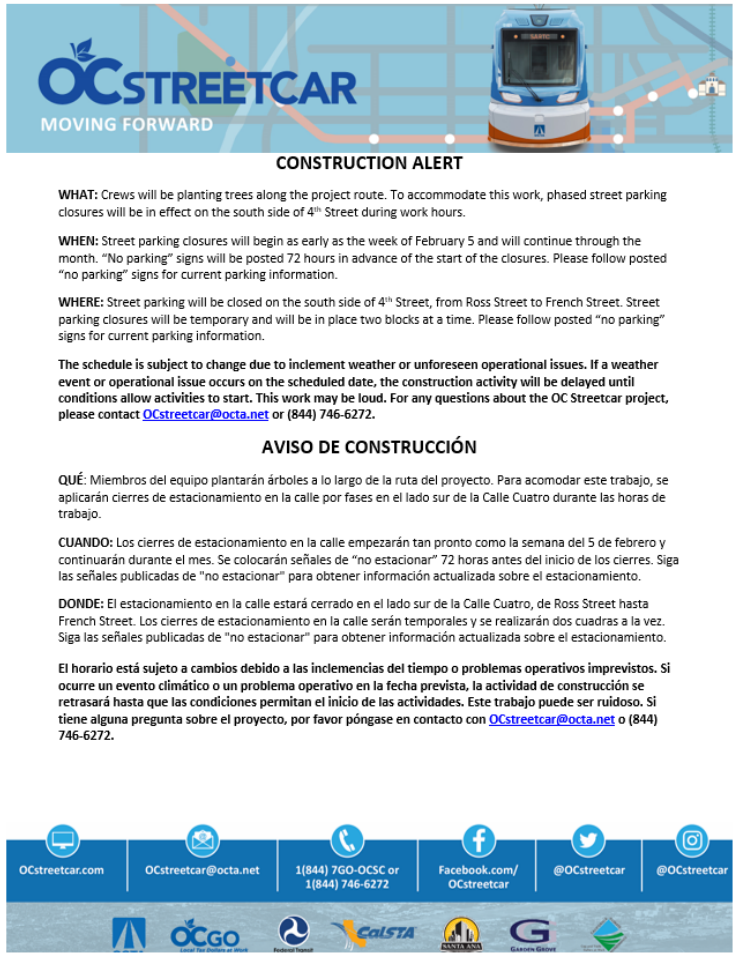
- Continued coordination with Siemens regarding the vehicle delivery schedule to align with the construction schedule. Staff anticipates returning to the Board of Directors next quarter for any contract amendments required as a result of these discussions

Pre-Revenue Operations

- Operations and Maintenance Contractor - Herzog Transit Services, Inc.
  - Continue to review vendors' early warning device system, a requirement for California Public Utilities Commission (CPUC) compliance
- Rail Activation Committee (RAC)
  - The System Integration Working Group created a System Integration Test Master Test List that will be used to validate that the interface between the vehicle, maintenance and storage facility, and mainline are performing as intended
- CPUC Support
  - CPUC continues to be actively involved in OC Streetcar committees, including the RAC, Safety and Security Review Committee, and Fire Life Safety and Security Committee
- City Agreements
  - Finalizing negotiations for the operations and maintenance agreements with the City of Garden Grove

Public Outreach Program

- Bilingual biweekly newsletters
- Bilingual door-to-door construction notices
- Field meetings
- Neighborhood and civic organization presentations
- Fourth Street merchant meetings
- Information tables at community events, such as Artwalk and Boco de Oro Festival
- Eat Shop Play social media ads, walking map, and biweekly newsletter
- Parking structure banners
- Electronic billboards
- Interior and exterior bus ads
- Safety messaging
- Tours



OCSTREETCAR
MOVING FORWARD

CONSTRUCTION ALERT

WHAT: Crews will be planting trees along the project route. To accommodate this work, phased street parking closures will be in effect on the south side of 4th Street during work hours.

WHEN: Street parking closures will begin as early as the week of February 5 and will continue through the month. "No parking" signs will be posted 72 hours in advance of the start of the closures. Please follow posted "no parking" signs for current parking information.

WHERE: Street parking will be closed on the south side of 4th Street, from Ross Street to French Street. Street parking closures will be temporary and will be in place two blocks at a time. Please follow posted "no parking" signs for current parking information.

The schedule is subject to change due to inclement weather or unforeseen operational issues. If a weather event or operational issue occurs on the scheduled date, the construction activity will be delayed until conditions allow activities to start. This work may be loud. For any questions about the OC Streetcar project, please contact OCstreetcar@octa.net or (844) 746-6272.

AVISO DE CONSTRUCCIÓN

QUÉ: Miembros del equipo plantarán árboles a lo largo de la ruta del proyecto. Para acomodar este trabajo, se aplicarán cierres de estacionamiento en la calle por fases en el lado sur de la Calle Cuatro durante las horas de trabajo.

CUANDO: Los cierres de estacionamiento en la calle empezarán tan pronto como la semana del 5 de febrero y continuarán durante el mes. Se colocarán señales de "no estacionar" 72 horas antes del inicio de los cierres. Siga las señales publicadas de "no estacionar" para obtener información actualizada sobre el estacionamiento.

DONDE: El estacionamiento en la calle estará cerrado en el lado sur de la Calle Cuatro, de Ross Street hasta French Street. Los cierres de estacionamiento en la calle serán temporales y se realizarán dos cuadras a la vez. Siga las señales publicadas de "no estacionar" para obtener información actualizada sobre el estacionamiento.

El horario está sujeto a cambios debido a las inclemencias del tiempo o problemas operativos imprevistos. Si ocurre un evento climático o un problema operativo en la fecha prevista, la actividad de construcción se retrasará hasta que las condiciones permitan el inicio de las actividades. Este trabajo puede ser ruidoso. Si tiene alguna pregunta sobre el proyecto, por favor póngase en contacto con OCstreetcar@octa.net o (844) 746-6272.

OCstreetcar.com | OCstreetcar@octa.net | 1(844) 7GO-OCSC or 1(844) 746-6272 | Facebook.com/OCstreetcar | @OCstreetcar | @OCstreetcar

OCSTREETCAR
MOVING FORWARD

Landscaping on 4th Street

OC Streetcar crews are planting 45 Crepe Myrtle trees along 4th Street! Known for their colorful and long-lasting flowers, these trees will be part of the new landscaping along the OC Streetcar route. Crews will be planting young Crepe Myrtle trees along 4th Street which will grow and become part of the dynamic Downtown Santa Ana environment.

Paisajismo en la Calle Cuatro

¡Los equipos del OC Streetcar están plantando 45 árboles de Crepe Myrtle a lo largo de la Calle Cuatro! Conocidos por sus coloridas y duraderas flores, estos árboles serán parte del nuevo paisajismo a lo largo de la ruta del OC Streetcar. Equipos plantarán árboles jóvenes de Crepe Myrtle a lo largo de la Calle Cuatro que crecerán y formarán parte del ambiente dinámico del centro de Santa Ana.

Young Crepe Myrtle Tree
Árbol joven de Crepe Myrtle

Linden - Norman's Nursery

OCstreetcar.com | OCstreetcar@octa.net | 1(844) 7GO-OCSC or 1(844) 746-6272 | Facebook.com/OCstreetcar | @OCstreetcar | @OCstreetcar

OCTA

April 22, 2024

To: Members of the Board of Directors

From: Darrell E. Johnson, Chief Executive Officer

Janet Sutter, Executive Director
Internal Audit Department

Subject: Agreement for Independent Annual Financial Auditing Services

Overview

On January 22, 2024, the Board of Directors approved the selection of Eide Bailly LLP, as the firm to provide annual financial and compliance audits and agreed-upon procedures reviews of the Orange County Transportation Authority and related agencies for the fiscal years ending June 30, 2024, 2025, and 2026. On April 11, 2024, Eide Bailly LLP notified the Orange County Transportation Authority that the firm could not agree to terms of the proposed agreement relating to the duty to defend. As such, the Board of Directors' approval is requested to approve the selection of the second-ranked firm, Crowe LLP.

Recommendations

A. Approve the selection of Crowe LLP, as the firm to provide independent annual financial auditing services.

B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-3-2931 between the Orange County Transportation Authority and Crowe LLP, in the amount of $1,785,500, to provide independent annual financial auditing services for a three-year initial term with one, two-year option term.

Background

The Orange County Transportation Authority (OCTA) requires an independent public accounting firm to perform annual financial and compliance audits and agreed-upon procedures reviews of OCTA and its affiliated agencies for an initial term of three consecutive years, beginning with audits for the fiscal year ending June 30, 2024. In addition to the typical annual audit services, OCTA is

requesting the firm provide a Measure M2 (M2) compliance audit of the Orange County Local Transportation Authority for the fiscal year ending June 30, 2024, with the option to request such an audit in future years upon Board of Directors' (Board) approval. Following the initial three-year term, there will be one, two-year option term for services for the fiscal years ending June 30, 2027, and 2028.

Discussion

On January 22, 2024, the Board approved the evaluation committee's recommendation to select Eide Bailly LLP, as the firm to provide annual financial and compliance audits and agreed-upon procedures reviews of OCTA and related agencies for the fiscal years ending June 30, 2024, 2025, and 2026. Since that time, staff has been taking the necessary actions and working to execute an agreement with Eide Bailly LLP. Following several conversations with Eide Bailly LLP, including conversations between respective legal counsels, on April 11, 2024, Eide Bailly LLP notified OCTA that the firm could not agree to terms of the proposed agreement relating to the duty to defend.

The staff report presented to the Board on January 22, 2024, detailing the original procurement process and summarizing qualifications, staffing, work plan and costs proposed by the three short-listed firms and recommendation to approve Eide Bailly LLP, can be found in Attachment A.

Fiscal Impact

Funding for these services was approved as part of OCTA's Internal Audit Department Fiscal Year 2023-24 Budget, Account No. 1610-7512-A0001-N1O, Measure M2 Account No. 0017-7512-M0201-N1O, 91 Express Lanes Account No. 0036-7512-B0001-N1O, and 405 Express Lanes Account No. 0037-7512-A9510-N1O. Additional funding required for the services can be accommodated within the current year's budget.

Summary

Staff recommends the Board authorize the Chief Executive Officer to negotiate and execute Agreement No. C-3-2931 between OCTA and Crowe LLP, in the amount of $1,785,500, to provide independent annual financial auditing services for a three-year initial term with one, two-year option term.

Attachment

A. Staff Report for Agreement for Independent Annual Financial Auditing Services, dated January 10, 2024

Prepared by:

Janet Sutter
Executive Director, Internal Audit
714-560-5591

Pia Veesapen
Director, Contracts Administration and Materials Management
714-560-5619

ATTACHMENT A

OCTA

January 10, 2024

To: Finance and Administration Committee

From: Darrell E. Johnson, Chief Executive Officer

Janet Sutter, Executive Director
Internal Audit Department

Subject: Agreement for Independent Annual Financial Auditing Services

Overview

On October 23, 2023, the Board of Directors authorized the release of a request for proposals for an independent public accounting firm to perform annual financial and compliance audits and agreed-upon procedures reviews of the Orange County Transportation Authority and related agencies for the fiscal years ending June 30, 2024, 2025, and 2026. Proposals were received and evaluated in accordance with the Orange County Transportation Authority's procurement procedures for professional and technical services. Board of Directors' approval is requested to select a public accounting firm to perform independent annual financial auditing services.

Recommendations

A. Approve the selection of Eide Bailly LLP as the firm to provide independent annual financial auditing services.

B. Authorize the Chief Executive Officer to negotiate and execute Agreement No. C-3-2931 between the Orange County Transportation Authority and Eide Bailly LLP, in the amount of $1,715,487, to provide independent annual financial auditing services for a three-year initial term with one, two-year option term.

Discussion

The Orange County Transportation Authority (OCTA) requires an independent public accounting firm to perform annual financial and compliance audits and agreed-upon procedures reviews of OCTA and its affiliated agencies for an initial term of three consecutive years, beginning with audits for the fiscal year

ending June 30, 2024. In addition to the typical annual services, OCTA is requesting the selected firm to also provide a Measure M2 (M2) compliance audit of the Orange County Local Transportation Authority for the fiscal year ending June 30, 2024, and pricing for such an audit in future years. Following the initial three-year term, there will be one, two-year option term for the fiscal years ending June 30, 2027, and 2028.

Procurement Approach

This procurement was handled in accordance with OCTA's Board of Directors' (Board)-approved procedures for professional and technical services. In addition to cost, many other factors are considered in an award for professional and technical services. Award is recommended to the firm offering the most comprehensive overall proposal considering such factors as prior experience performing similar projects, staffing and project organization, work plan, as well as cost and price.

On October 23, 2023, the Board authorized the release of Request for Proposals (RFP) 3-2931, which was issued electronically on CAMM NET. The project was advertised in a newspaper of general circulation on October 23 and October 30, 2023. One addendum was issued to provide responses to questions received.

On November 20, 2023, six proposals were received. An evaluation committee comprised of OCTA staff from the Contracts Administration and Materials Management and Internal Audit departments, the Finance and Administration Division, and the Los Angeles-San Diego-San Luis Obispo Rail Corridor Agency, as well as external representatives from the Audit Subcommittee of the M2 Taxpayer Oversight Committee and the Southern California Regional Rail Authority was established to review all proposals received. The proposals were evaluated based on the following Board-approved evaluation criteria and weightings:

- Qualifications of the Firm 25 percent
- Staffing and Project Organization 30 percent
- Work Plan 20 percent
- Cost and Price 25 percent

Several factors are considered in establishing criteria weightings. An independent audit firm must have substantial depth and breadth of technical expertise in a variety of accounting and auditing matters and must demonstrate its compliance with Government Auditing Standards (GAS). As such, firm

qualification was weighted at 25 percent. The training and experience of the firm's staff and the organization of its team is critical to the professional and timely completion of the annual audit work. Also, continuity and retention of staff is crucial for a productive and efficient work environment. Therefore, staffing and project organization was weighted the highest at 30 percent. The work plan, or annual audit plan, is important because it is the approach the firm will use to examine OCTA's internal controls, compliance, and financial records. However, these procedures are largely based on accounting and auditing standards, and the agreed-upon procedures are provided by OCTA. As such, the work plan was weighted at 20 percent. Cost and price was weighted at 25 percent to ensure OCTA receives competitive pricing for services provided.

On December 5, 2023, the evaluation committee reviewed the six proposals based on the evaluation criteria and short-listed the three most qualified firms listed below in alphabetical order:

Firm and Location

Crowe, LLP (Crowe)
Costa Mesa, California

Eide Bailly LLP (Eide Bailly)
Rancho Cucamonga, California

The Pun Group, LLP (The Pun Group)
Santa Ana, California

On December 12, 2023, the evaluation committee completed interviews with the three short-listed firms. The interview consisted of a presentation to demonstrate the firm's understanding of OCTA's requirements. The firms' engagement partner(s) and key team members had an opportunity to present their qualifications and respond to the evaluation committee's questions. Questions were asked relative to the firms' approach to providing guidance and technical assistance, conducting the M2 compliance audit, and communicating with OCTA staff about potential findings and recommendations. In addition, each team was asked specific clarification questions related to their proposal.

After considering the responses to the questions asked during the interviews, the evaluation committee reviewed the preliminary ranking and made adjustments to individual scores. However, Eide Bailly remained the highest-ranked firm with the highest overall score.

Based on evaluation of the written proposals and the information obtained from the interviews, the evaluation committee recommends Eide Bailly for consideration of the award. The following is a brief summary of the proposal evaluation results.

Qualifications of the Firm

Founded in 1917, Eide Bailly has more than 40 offices throughout 15 states and over 3,000 employees. The firm has similar relevant experience auditing public transit agencies, including the San Mateo County Transit District, Santa Clara Valley Transportation Authority, Riverside County Transportation Commission, North County Transit District, and Tri-County Metropolitan Transportation District of Oregon. Eide Bailly has previously provided independent financial auditing services to OCTA from 2016 until 2019, under a different name (Vavrinek, Trine, Day & Company, LLP). In addition to financial audit services, the firm demonstrated experience in conducting single audits and Transportation Development Act compliance audits. Furthermore, the firm has extensive experience conducting compliance audits for sales tax measures throughout California. The references provided by Eide Bailly reported that they were satisfied with the firm's performance, and the proposal demonstrated Eide Bailly's qualifications in providing independent annual financial auditing services.

Founded in 1942, Crowe has more than 500 personnel across six offices throughout California and over 6,600 employees, and a total of 40 offices nationwide. The firm has experience auditing government agencies, including the Los Angeles County Metropolitan Transportation Authority, Foothill Transit, San Bernardino County Transportation Authority, and San Diego Association of Governments. Crowe is also the incumbent firm and has been providing independent financial auditing services for OCTA since 2019. In addition to financial audit services, the firm demonstrated experience in conducting single audits, Transportation Development Act compliance audits, and applying agreed-upon procedures related to sales tax measures. The references provided by Crowe reported that they were satisfied with the firm's performance, and the proposal demonstrated Crowe's qualifications in providing independent annual financial auditing services.

The Pun Group was established in 2012 and has six offices across three states with 60 employees. The firm has experience auditing government agencies, including Imperial County Local Transportation Authority, San Diego Metropolitan Transit System, and Ventura County Transportation Commission. In addition to financial audit services, the firm demonstrated experience in conducting single audits, Transportation Development Act compliance audits, and applying agreed-upon procedures related to sales tax measures. The

references provided by The Pun Group reported that they were satisfied with the firm's performance, and the proposal demonstrated The Pun Group's qualifications in providing independent annual financial auditing services.

Staffing and Project Organization

Eide Bailly proposed an experienced audit team and a project organization structure that includes oversight of staff and senior auditors by managers and partners on the engagement. The firm is proposing a nine-person team with key personnel that have experience with GAS issued by the American Institute of Certified Public Accountants (AICPA). As part of its team, Eide Bailly also included an information technology principal with experience in identifying and managing cyber security risks. The proposed lead engagement partner has 25 years of auditing experience and has previously served as the lead engagement partner to OCTA. During the interview, Eide Bailly's team provided clear responses to the evaluation committee's questions and demonstrated a comprehensive understanding of OCTA's requirements.

Crowe proposed an experienced audit team and a project organization structure that includes oversight of staff and senior auditors by managers and partners on the engagement. The firm is proposing a 12-person team with key personnel that have experience with GAS issued by the AICPA. The firm proposed changing the lead engagement partner after the first year's audit to comply with Government Code 12410.6, which states that a local agency shall not employ a public accounting firm to provide audit services to a local agency if the lead audit partner or coordinating audit partner having primary responsibility for the audit, or the audit partner responsible for reviewing the audit, has performed audit services for that local agency for six consecutive fiscal years. The proposed lead engagement partner for the first year's audit has 23 years of auditing experience, and the proposed engagement partner that will join the project team after the first year's audit has 19 years of auditing experience. During the interview, the firm's team provided clear responses to the evaluation committee's questions and demonstrated a comprehensive understanding of OCTA's requirements.

The Pun Group proposed an experienced audit team and a project organization structure that includes oversight of staff and senior auditors by managers and partners on the engagement. The firm is proposing an eight-person team with key personnel that have experience with GAS issued by the AICPA. The proposed lead engagement partner has more than 21 years of auditing experience. The Pun Group's interview supported the team's relevant experience, staffing, and project understanding as the team provided clear responses to the evaluation committee's questions.

Work Plan

Eide Bailly provided a clear approach to performing the various audits and demonstrated an understanding of the requirements and deliverables included in the scope of work. The firm's work plan is based on a structured five-step audit approach consisting of planning, interim work, fieldwork, reporting, and ongoing communication. The work plan also addressed quality control reviews to ensure accuracy of results and included a timeline for delivering final reports. Furthermore, the proposal also highlighted the use of technology to streamline the audit process, such as the use of a web-based project management solution for facilitating communication and a data extraction software to retrieve information more efficiently during an audit. During the interview, Eide Bailly provided detailed responses on the firm's approach for providing guidance and technical assistance, as well as conducting the M2 compliance audits and communicating with staff about potential findings and recommendations.

Crowe provided a clear approach to performing the various audits and demonstrated an understanding of the requirements and deliverables included in the scope of work. The firm's work plan emphasized the audit planning stages, addressed quality control reviews to ensure accuracy of results, and included a timeline for delivering final reports. Furthermore, the proposal also highlighted the Crowe Exchange solution to support project management of the audits. During the interview, Crowe provided responses on the firm's approach for providing guidance and technical assistance, as well as conducting the M2 compliance audits and communicating with staff about potential findings and recommendations.

The Pun Group provided its approach to performing the majority of the required audits and demonstrated a general understanding of the requirements and deliverables included in the scope of work. The firm's approach to completing the M2 compliance audit was general. The firm's work plan included a six-phase audit approach, addressed quality control reviews to ensure accuracy of results, and included a timeline for delivering final reports. Furthermore, the proposal also highlighted the use of artificial intelligence for data analytics during an audit. During the interview, The Pun Group provided responses on the firm's approach for providing guidance and technical assistance, as well as communicating with staff about potential findings and recommendations on the various audits.

Cost and Price

Each firm was asked to submit firm-fixed prices for each of the audit deliverables. Pricing scores were based on a formula that assigned the highest

score to the lowest proposed total price and scored the other proposals based on their relation to the lowest proposed total price. Although Eide Bailly's pricing was not the lowest, it is considered competitive pricing based on other proposals received. The OCTA project manager's independent cost estimate could not be used as a basis for determining fair and reasonable pricing as the total project budget estimate was slightly below the recommended firm's proposed total price due the new M2 compliance audit requirement. This will be the first time that OCTA has included this type of audit for the annual financial auditing services.

Procurement Summary

Based on the evaluation of the written proposals, the firms' qualifications, as well as the information obtained from the interviews, the evaluation committee recommends the selection of Eide Bailly as the top-ranked firm to provide independent annual financial auditing services. Eide Bailly delivered a proposal and interview that was responsive to all the requirements of the RFP.

Fiscal Impact

Funding for these services was approved as part of OCTA's Internal Audit Department Fiscal Year 2023-24 Budget, Account No. 1610-7512-A0001-N1O, Measure M2 Account No. 0017-7512-M0201-N1O, 91 Express Lanes Account No. 0036-7512-B0001-N1O, and 405 Express Lanes Account No. 0037-7512-A9510-N1O. Additional funding required for the services can be accommodated within the current year budget.

Summary

Staff recommends the Board of Directors authorize the Chief Executive Officer to negotiate and execute Agreement No. C-3-2931 between the Orange County Transportation Authority and Eide Bailly LLP, in the amount of $1,715,487, to provide independent annual financial auditing services for a three-year initial term with one, two-year option term.

Attachments

A. Review of Proposals – RFP 3-2931 Independent Annual Financial Auditing Services
B. Proposal Evaluation Criteria Matrix (Short-Listed Firms) – RFP 3-2931 Independent Annual Financial Auditing Services
C. Contract History for the Past Two Years – RFP 3-2931 Independent Annual Financial Auditing Services

Prepared by:

Janet Sutter
Executive Director, Internal Audit
714-560-5591

Pia Veesapen
Director, Contracts Administration and Materials Management
714-560-5619

ATTACHMENT A

Review of Proposals
RFP 3-2931 Independent Annual Financial Auditing Services
Presented to Finance and Administration Committee - January 10, 2024
6 proposals were received, 3 firms were interviewed, 1 firm is being recommended

Overall Ranking	Proposal Score	Firm & Location	Sub-Contractors	Evaluation Committee Comments		
1	82	**Eide Bailly LLP** Rancho Cucamonga, California	None	Has extensive prior experience providing similar services to public transit agencies. Has conducted compliance audits for over 30 sales tax measures throughout California. Proposed a nine-person team with key personnel that have experience with Government Auditing Standards (GAS). Proposed lead engagement partner has 25 years of auditing experience and has previously served as the lead engagement partner to the Orange County Transportation Authority (OCTA). Proposed an information technology principal with experience in identifying and managing cyber security risks. Demonstrated an understanding of the requirements included in the scope of work. Addressed quality control reviews to ensure accuracy and included a timeline for delivering final reports. Highlighted the use of technology to streamline the audit process. Received positive responses from references. Proposed a competitive total firm-fixed price.	**Total Proposed Price for the Initial Term:** **Total for M2 Audits Year 2 & Year 3** **Total Contract Award**	$ 1,868,954 $ (153,467) $ 1,715,487
2	76	**Crowe, LLP** Costa Mesa, California	None	Has extensive prior experience providing similar services to public transit agencies. Proposed a 12-person team with key personnel that have experience with GAS. Proposed lead engagement partner has 23 years of auditing experience and has previously served as the lead engagement partner to OCTA. Demonstrated an understanding of the requirements included in the scope of work. Addressed quality control reviews to ensure accuracy and included a timeline for delivering final reports. Highlighted the use of technology to streamline the audit process. Received positive responses from references. Proposed a competitive total firm-fixed price.	**Total Proposed Price for the Initial Term:** **Total for M2 Audits Year 2 & Year 3** **Total Contract Award**	$ 2,185,500 $ (400,000) $ 1,785,500
3	74	**The Pun Group LLP** Santa Ana, California	None	Has prior experience providing similar services to public transit agencies. Proposed an eight-person team with key personnel that have experience with GAS. Proposed lead engagement partner has 21 years of auditing experience. Demonstrated general understanding of the requirements included in the scope of work. Addressed quality control reviews to ensure accuracy and included a timeline for delivering final reports. Received positive responses from references. Proposed a competitive total firm-fixed price.	**Total Proposed Price for the Initial Term:** **Total for M2 Audits Year 2 & Year 3** **Total Contract Award**	$ 1,428,085 $ (26,906) $ 1,401,179

Evaluation Panel:

Internal
- Contracts Administration and Materials Management (1)
- Internal Audit (1)
- Finance and Administration (1)
- Los Angeles-San Diego-San Luis Obispo Corridor Rail Agency (1)

External
- Southern California Regional Rail Authority (1)
- Taxpayer Oversight Committee (1)

Proposal Criteria	Weight Factors
Qualifications of the Firm	25%
Staffing and Project Organization	30%
Work Plan	20%
Cost and Price	25%

ATTACHMENT B

PROPOSAL EVALUATION CRITERIA MATRIX (Short-Listed Firms)
RFP 3-2931: Independent Annual Financial Auditing Services

Eide Bailly LLP							Weights	Overall Score
Evaluator Number	1	2	3	4	5	6		
Qualifications of Firm	4.5	4.5	5.0	4.5	5.0	4.5	5	23.3
Staffing/Project Organization	4.5	5.0	4.5	4.5	4.5	5.0	6	28.0
Work Plan	5.0	4.5	4.5	4.5	4.5	5.0	4	18.7
Cost and Price	2.3	2.3	2.3	2.3	2.3	2.3	5	11.5
Overall Score	81.0	82.0	81.5	79.0	81.5	84.0		82

Crowe, LLP							Weights	Overall Score
Evaluator Number	1	2	3	4	5	6		
Qualifications of Firm	5.0	4.5	4.5	4.5	5.0	4.5	5	23.3
Staffing/Project Organization	4.5	4.0	4.0	4.5	4.0	4.0	6	25.0
Work Plan	4.5	4.5	4.5	4.5	4.5	4.5	4	18.0
Cost and Price	1.9	1.9	1.9	1.9	1.9	1.9	5	9.5
Overall Score	79.5	74.0	74.0	77.0	76.5	74.0		76

The Pun Group, LLP							Weights	Overall Score
Evaluator Number	1	2	3	4	5	6		
Qualifications of Firm	4.0	4.0	4.0	4.0	4.0	4.0	5	20.0
Staffing/Project Organization	4.0	4.0	4.0	4.0	4.0	4.0	6	24.0
Work Plan	4.0	3.5	3.5	3.5	3.5	4.0	4	14.7
Cost and Price	3.0	3.0	3.0	3.0	3.0	3.0	5	15.0
Overall Score	75.0	73.0	73.0	73.0	73.0	75.0		74

Range of scores for non-short-listed firms was 42 to 64.

ATTACHMENT C

CONTRACT HISTORY FOR THE PAST TWO YEARS

RFP 3-2931 Independent Annual Financial Auditing Services

Prime and Subconsultants	Contract No.	Description	Contract Start Date	Contract End Date	Subconsultant Amount	Total Contract Amount
Eide Bailly LLP						
Contract Type: CTO	C-7-1705	On-Call General Auditing Services	July 17, 2017	June 30, 2022	N/A	$ 450,000
Subconsultants: None						
					Subtotal:	**$ 450,000**
Crowe, LLP						
Contract Type: Firm-fixed price	C-8-1911	Independent Annual Financial Auditing Services	April 1, 2019	June 30, 2024	N/A	$ 1,647,505
Subconsultants: None						
					Subtotal:	**$ 1,647,505**
The Pun Group, LLP						
Contract Type: N/A	None	N/A	N/A	N/A	N/A	$ -
Subconsultants: None						
					Subtotal:	**$ -**

COMMITTEE TRANSMITTAL

April 22, 2024

To: Members of the Board of Directors

From: Andrea West, Clerk of the Board

Subject: Award the Purchase of Vehicles for OC ACCESS

Transit Committee Meeting of April 11, 2024

Present: Directors Do, Jung, and Klopfenstein
Absent: Directors Aitken, Amezcua, Harper, and Sarmiento

Committee Vote

No action was taken on this item due to lack of quorum present.

Staff Recommendations

A. Approve the selection of Model 1 Commercial Vehicles, Inc., doing business as Creative Bus Sales, Inc. as the firm to provide up to 108 vans for OC ACCESS, with an option for up to 19 additional vehicles.

B. Authorize the Chief Executive Officer to negotiate and execute Purchase Order No. C-3-2510 between the Orange County Transportation Authority and Model 1 Commercial Vehicles, Inc., doing business as Creative Bus Sales, Inc. in the amount of $20,315,700, for the initial purchase of up to 108 vans for OC ACCESS.

C. Approve the selection of Model 1 Commercial Vehicles, Inc., doing business as Creative Bus Sales, Inc. as the firm to provide up to 13 gasoline-powered cutaway buses for OC ACCESS, with an option for up to ten additional vehicles.

D. Authorize the Chief Executive Officer to negotiate and execute Purchase Order No. C-3-2511 between the Orange County Transportation Authority and Model 1 Commercial Vehicles, Inc., doing business as Creative Bus Sales, Inc., in the amount of $3,028,918 for the initial purchase of up to 13 gasoline-powered cutaways for OC ACCESS.

OCTA

April 22, 2024

To: Members of the Board of Directors

From: Darrell E. Johnson, Chief Executive Officer

Subject: Award the Purchase of Vehicles for OC ACCESS

Overview

On June 26, 2023, the Orange County Transportation Authority Board of Directors approved the release of a request for proposals for the purchase of 108 vans and 13 cutaway buses for OC ACCESS and four vans for OC Flex service. As a result, proposals from qualified firms under the California Association for Coordinated Transportation/Basin Transit Purchasing Cooperative were received and Board of Directors' approval is requested to award an agreement for the purchase of these vehicles.

Recommendations

A. Approve the selection of Model 1 Commercial Vehicles, Inc., doing business as Creative Bus Sales, Inc. as the firm to provide up to 108 vans for OC ACCESS, with an option for up to 19 additional vehicles.

B. Authorize the Chief Executive Officer to negotiate and execute Purchase Order No. C-3-2510 between the Orange County Transportation Authority and Model 1 Commercial Vehicles, Inc., doing business as Creative Bus Sales, Inc. in the amount of $20,315,700, for the initial purchase of up to 108 vans for OC ACCESS.

C. Approve the selection of Model 1 Commercial Vehicles, Inc., doing business as Creative Bus Sales, Inc. as the firm to provide up to 13 gasoline-powered cutaway buses for OC ACCESS, with an option for up to ten additional vehicles.

D. Authorize the Chief Executive Officer to negotiate and execute Purchase Order No. C-3-2511 between the Orange County Transportation Authority and Model 1 Commercial Vehicles, Inc., doing business as Creative Bus Sales, Inc., in the amount of $3,028,918 for the initial purchase of up to 13 gasoline-powered cutaways for OC ACCESS.

Discussion

The Orange County Transportation Authority (OCTA) utilizes a fleet of 248, 22-foot gasoline-powered cutaway buses to provide OC ACCESS paratransit service through contracted operations. Of the 248 OC ACCESS vehicles, 131 were deployed in revenue service in 2016 and have exceeded their useful life. This procurement is intended to replace 121 cutaway buses. The remaining ten cutaway buses will be replaced in a separate procurement with ten battery-electric vans.

The Federal Transit Administration (FTA) defines the minimum useful life of cutaway buses as seven years/200,000 miles, based on the gross vehicle weight rating of the 22-foot cutaway buses, and four years/100,000 miles for the vans. Consistent with FTA guidelines and the OCTA Fleet Plan, the 22-foot gasoline-powered cutaway buses will be replaced at a minimum of seven years/200,000 miles. The life of OCTA's cutaway bus was extended one to two years due to low usage as a result of the coronavirus pandemic.

OCTA also uses a fleet of six gasoline-powered vans to provide the OC Flex service. The Board of Directors (Board)-approved request for proposals (RFP) included replacing four OC Flex vans that have met their useful life of four years/ 100,000 miles. However, the performance of the OC Flex service is currently being evaluated and, as a result, those vans have been moved into the purchase option. The recommended options to purchase 19 additional vans and ten additional cutaway buses are intended to serve as a contingency measure to accommodate a potential shortage of battery-electric vans currently being replaced in a different procurement, a potential planned service expansion based on projected ridership demand for OC ACCESS, and replacement vehicles as needed should the OC Flex service continue after evaluation.

The recommendation to replace 108, 22-foot cutaway buses with vans is based on a Fleet Mix Study completed in February 2021, and supported by a van pilot conducted by OCTA. The study revealed that although the capacity provided by cutaway buses is warranted during peak hours of service to transport passengers traveling to high-trip-generating locations, most trips throughout the day can be supported by a van. The trip data, analyzed in the Fleet Mix Study and confirmed by the pilot, found that an average of three passengers were onboard a cutaway bus 80 percent of the time. In addition, vans provide a lower cost of ownership based on lower capital and operating costs.

Based on an analysis conducted on fuel types and infrastructure availability, including zero emission, the 13 OC ACCESS cutaway buses were procured in the same gasoline configuration as the current vehicles. The replacement cutaway buses will carry up to five passengers using mobility devices, or 12 seated passengers, or any combination within. All vehicles will be equipped with a fire

suppression system, on-board video surveillance, radio communication systems, and will be covered by factory and manufacturers' warranties that will contribute to lowering the overall operating cost.

The new OC ACCESS vans will include equipment needed to carry up to two passengers using mobility devices such as wheelchairs and up to four seated passengers, or six seated passengers without wheelchairs. All vehicles will be equipped with a fire suppression system, on-board video surveillance, radio communication systems, and will be covered by factory and manufacturers' warranties that will contribute to lowering the overall operating cost.

The cost increase of the replacement vehicles was heavily impacted by increased pricing for the Voice Over Internet Protocol (VOIP) communication system, the fire suppression system, and inflationary market prices in all California Association for Coordinated Transportation (CalACT)/Basin Transit Purchasing Cooperative bids. As a result, additional funds were added from a deferred capital project, in the amount of $7,004,618 to this project to accommodate the cost increase.

Procurement Approach

The FTA encourages public transit agencies to use cooperative agreements for the procurement of common goods and services in order to foster greater economy and efficiency. OCTA identified an existing cooperative procurement with CalACT/Basin Transit Purchasing Cooperative for the type of buses desired, containing exercisable options, and issued an RFP to a list of pre-qualified firms.

This procurement was handled in accordance with Board-approved policies and procedures. Award is recommended to the firm offering the most comprehensive overall proposal considering factors such as qualifications, technical specifications, as well as cost and price.

On June 26, 2023, the Board authorized the release of RFP 3-2510 to select firms to provide 112 vans for OC ACCESS and OC Flex services, with an option for 15 additional vehicles, and RFP 3-2511 to select firms to provide 13 gasoline-powered cutaways for OC ACCESS, with an option for ten additional vehicles. RFP 3-2510 was issued to five CalACT-awarded firms: AZ Bus Sales, Model 1 Commercial Vehicles, Inc., doing business as Creative Bus Sales, Inc. (CBS), Davey Coach, RO Bus Sales, and Master's Transportation. RFP 3-2511 was issued to three CalACT-awarded firms: AZ Bus Sales, CBS, and Davey Coach.

A pre-proposal conference was held on July 20, 2023, with eight attendees representing five firms. Five addenda were issued to RFP 3-2510 and six addenda were issued to RFP 3-2511 to post the pre-proposal conference presentation and registration sheets, respond to questions related to the RFP, and to provide specification requirements clarification to firms.

On October 18, 2023, one proposal was received from CBS for each RFP. In accordance with OCTA's procurement policies and procedures, a single proposal received for a procurement over $50,000 requires OCTA's Internal Audit Department (Internal Audit) to conduct a review to determine if there was adequate competition. Based on Internal Audit's review, there were no findings that concluded the procurement restricted competition. In addition, the Contracts Administration and Materials Management Department (CAMM) contacted four CalACT-awarded firms to inquire why they did not submit proposals. Three firms indicated they could not meet the required specifications. One firm stated it had other obligations and was unable to respond to the RFP.

An evaluation committee consisting of OCTA staff from CAMM, Transit Technical Services, Health, Safety, and Environmental Compliance, Contracted Services, and Community Transportation Services departments met to review the submitted proposals. The proposals were evaluated based on the following Board-approved evaluation criteria and weightings:

- Technical Specifications 45 percent
- Qualifications, Related Experience and Project Management 15 percent
- Cost and Price 40 percent

Several factors were considered in developing the criteria weightings. Technical specifications were assigned a highest level of importance as proposals were required to address each section of the technical specifications in sufficient detail, demonstrating a clear understanding of the scope of work. The firms' ability to comply with the vehicle specifications and requirements was considered a critical element for the successful manufacturing of the vehicles. Proposals were expected to provide evidence of sufficient planning, demonstrating that the work would be accomplished as required, and including suggestions intended to improve the technical and operational aspects of the vehicles. Evaluation under this criterion included compliance with performance requirements, proposed vehicle design, proposed construction, forecasted reliability, warranties, and ability to provide all requested and optional items.

Qualifications of the firm, related experience, and project management was assigned a 15 percent weighting in which the firms needed to provide historical information of the firm and information regarding the firms' manufacturing capabilities in producing the same or similar vehicles. Under this criterion, it is required for firms to provide federal and non-federal certifications, warranty and service center locations, maintenance information, financial documentation, past performance of vehicles, and references. The overall reputation of the firm was also assessed through the review of any judgments, liens, fleet defect history, and/or warranty claims, as well as the steps the firm took to resolve these matters. Cost and price were assigned a 40 percent weighting to ensure that OCTA received a competitive cost proposal with supporting data.

A Best and Final Offer (BAFO) was issued to request an updated pricing and production schedule based on seating layout modifications to four OC Flex vehicles on RFP 3-2510. The firm was able to accommodate the layout modification and stay within the requested production timeline. The firm also offered an additional total discount of $134,000 as a result of the BAFO. However, in light of pending evaluations of OC Flex ridership, OCTA opted to defer the replacement of OC Flex vans in the initial purchase, resulting in an adjustment to the quantity of vans from 112 to 108. The option to move four OC Flex vans into the optional purchase resulted in an additional cost-saving of $4,738 per bus.

The following is a brief summary of the proposal evaluation results.

Technical Specifications

CBS' proposal successfully met all technical specification requirements outlined by OCTA. OCTA specifically sought minimum manufacturer warranties covering the entire bus, which includes the body and chassis structure, propulsion system, and major subcomponents such as the fire suppression system, brake system, surveillance system, and the heating, ventilation, and air conditioning system. CBS' proposed warranties met all OCTA's warranty requirements. Moreover, CBS exceeded the requirement by offering an unlimited five-year corrosion warranty for all OC ACCESS and OC Flex vans, surpassing the designed life of four years or 100,000 miles. Additionally, CBS met OCTA's request for a rear lift customization and provided a Finite Element Analysis for the rear lift location behind the rear wheel. The analysis indicated that CBS' design passed without any issues. Furthermore, CBS submitted comprehensive plans outlining quality assurance, postproduction, and quality control procedures.

Qualifications, Related Experience and Project Management

CBS was founded in 1980 and has 23 operating full-service locations nationwide, a local office in Chino, and more than 350 employees. The proposed key personnel and project manager will work out of the local office ensuring efficient and responsive operations. The firm is one of the largest bus dealerships in the United Stated and represents over 20 major vehicle manufacturers. The firm is a pre-qualified CalACT-awarded entity for the vehicles specified in the RFPs, and provided all required documentations and certifications to demonstrate that the firm can meet all federal, state, local and OCTA requirements. The firm has experience working with OCTA and other transit agencies such as the City of Los Angeles Department of Transportation, San Diego MTS, Foothill Transit, and Victor Valley Transportation Authority. CBS' proposed key staff have over 15 years of experience in the industry and have a history of satisfactory performance with OCTA and other agencies. CBS' proposed manufacturing and production schedule also aligns with OCTA's requested delivery timeline. The firm received

positive feedback from its references, with references noting their competence and collaborative approach.

Cost and Price

The proposed price is based on a firm-fixed price per vehicle. The vehicle base price and most of the optional equipment including rear mount, foldaway seats, and roof vents are consistent with CalACT's cooperative procurement pricing. Optional equipment that was specific to OCTA such as VOIP communication system, Kidde Fire Suppression System, and March Networks On-Board Video Surveillance System (OBVSS) were not on CalACT's price sheet and accounted for approximately 35 percent of the overall per vehicle purchase. Staff performed a cost analysis and deemed pricing consistent with current market trends.

The cost of OC ACCESS and OC Flex replacement vehicles exceeded the OCTA project manager's independent cost estimates and as a result, funds were increased in the amount of $7,878,566 to accommodate the original order of 112 vans and then adjusted to accommodate the vans from quantity of 112 to 108, resulting in an increase in the amount of $7,004,618. The increase in costs was significantly influenced by inflationary trends in the market prices of vehicles, as well as vehicle components and parts. The average price difference with OCTA critical components such as VOIP, Kidde Fire Suppression, and OBVSS is approximately 39 percent compared to previous procurements on the same equipment from two years ago. Within the past year, CalACT granted multiple cost increases tied to the Federal Reserve Economic Data's Producer Price Index and force majeure. Therefore, based on the current transit market conditions and price comparison for the same purchases with peer agencies, cost and pricing for this procurement is deemed fair and reasonable.

Based on the evaluation of the written proposal and the firm's qualifications, the evaluation committee recommends the selection of CBS as the firm to provide up to 108 vans for OC ACCESS, with an option for up to 19 additional vehicles and up to 13 gasoline-powered cutaways for OC ACCESS, with an option for up to ten additional vehicles.

The cost to purchase up to 108 vans for OC ACCESS is $20,315,700 and the cost to purchase up to 13 gasoline-powered cutaways for OC ACCESS is $3,028,918. The total cost of these replacement vehicles is $23,344,618 and will include all OCTA-required equipment and branding to be installed following delivery and acceptance. Contract award pertains solely to initial order. The exercise of optional purchases will be subject to Board approval at a later date.

The FTA requires completion of a pre-award Buy America audit for purchases using FTA funds for rolling stock. The audit is to verify the requirement that 70 percent of the parts content of the vehicle to be purchased are made in the

United States. A recipient purchasing revenue service rolling stock with FTA funds must ensure that a pre-award audit is complete before the recipient enters into a formal contract for purchase. This purchase is contingent upon completion of the pre-award Buy America audit that will be performed by OCTA's Internal Audit Department.

Fiscal Impact

Funding is included in OCTA's Fiscal Year 2023-24 Budget, Operations Division, Account No. 2114-9024-D2116-BHM, OC Flex Service Account No. 2149-9024-D2116-BHM and Capital Account No. 1722-9022-D2157-TTW.

Summary

Board of Directors' approval is requested to authorize the Chief Executive Officer to negotiate and execute Purchase Order No. C-3-2510 between the Orange County Transportation Authority and Model 1 Commercial Vehicles, Inc., doing business as Creative Bus Sales, Inc. in the amount of $20,315,700 for the purchase of up to 108 vans for OC ACCESS service, and Purchase Order No. C-3-2511 between the Orange County Transportation Authority and Model 1 Commercial Vehicles, Inc., doing business as Creative Bus Sales, Inc., in the amount of $3,028,918, for the purchase of up to 13 gasoline-powered cutaways for OC ACCESS service.

Attachment

A. OC ACCESS and OC Flex Vehicles Procurement Price Summary

Prepared by:

Bill Habibe
Senior Section Manager, Maintenance
Transit Technical Services
714-668-4574

Pia Veesapen
Director, Contracts Administration and
Materials Management
714-560-5619

Approved by:

Cliff Thorne
Director, Maintenance Administration
714-560-5975

Johnny Dunning Jr.
Chief Operating Officer, Operations
714-560-5964

ATTACHMENT A

OC ACCESS and OC Flex
Vehicles Procurement Price Summary

Summary Price Calculation	**Model 1 Commercial Vehicles, Inc. dba Creative Bus Sales, Inc.**	**Model 1 Commercial Vehicles, Inc. dba Creative Bus Sales, Inc.**	**Model 1 Commercial Vehicles, Inc. dba Creative Bus Sales, Inc.**
	Startrans Bus Ford E350 **Class B**	MobilityTrans Ford 350 EL **Class V**	MobilityTrans Ford 350 EL **Class V**
	12 Passenger, 5 WC	6 Passenger, 2 WC	7 Passenger, 2 WC
Service Type	OC ACCESS	OC ACCESS	OC Flex
Vehicle Type	Cutaway Bus	Vans	Vans
Vehicle Price	$108,231.00	$79,600.00	$79,600.00
Options Total includes all OCTA Requirements	$108,780.00	$95,389.00	$50,705.00
Vehicle Sub-Total	$217,011.00	$174,989.00	$130,305.00
Ford Incentives and Rebates	-$1,200.00	$0.00	$0.00
Doc Prep	$85.00	$85.00	$85.00
Applicable Sales Tax	$14,469.33	$11,910.90	$8,742.47
CalAct Procurement Fee - ($20k Max Fee)	$1,538.46	$185.19	$1,954.58
DMV Fee	$33.00	$33.00	$33.00
California Tire Fee	$12.25	$12.25	$12.25
Delivery Fee	$839.00	$839.00	$839.00
Vehicle Total - (Each) Delivered	$232,788.04	$188,054.34	$141,971.30
Number of Vehicles to Purchase	13	108	0
Number of Vehicles in Option	10	10	9
Total Cost for No. of Vehicles to Purchase	$3,026,244.54	$20,309,868.45	$0.00
OEM Manuals, Schematics, and Online Subscription	$2,673.25	$5,831.75	$2,969.75
Grand Total	$3,028,918	$20,315,700	$0.00

CalACT - California Association for Coordinated Transportation

OCTA Requirements include on-board video surveillance, upgraded fire detection and suppression systems, radio communications hardware, and identity package including material for seats, logos, decals, and paint scheme.

Vehicle Total includes all optional equipment, OCTA Requirements add-ons, Ford discounts and rebates, and all applicable taxes and fees.

Award the Purchase of Vehicles for OC ACCESS

Background

- Current paratransit fleet - 248 cutaway buses
- 117 Cutaway buses were replaced in 2022
- 131 Cutaway buses have met their useful life (7 years/200k miles*)
- Replacement Plan
  - This Procurement – Replace 121 Cutaway Buses
    - 108 Vans
    - 13 Cutaway Buses
  - Separated Procurement
    - 10 Battery-Electric Vans

* As defined by the Federal Transit Authority

108 Vans

- Fleet Mix Study
  - Investigate new vehicle layouts and technology
  - Understand existing trip patterns and develop strategies
    - Increase efficiency
    - Lower cost
- Pilot Van
  - Passenger Load Times
  - ADA Equipment
  - Driver Feedback

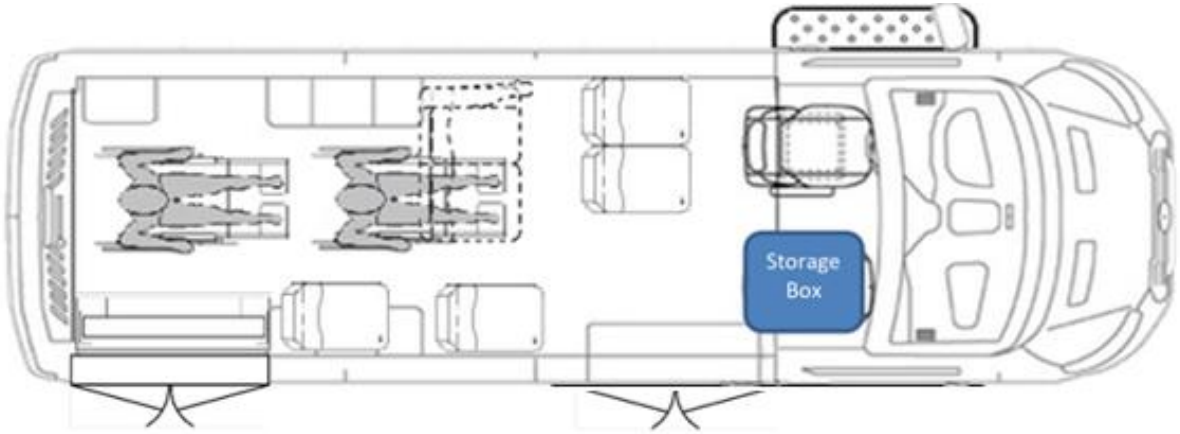
ADA – Americans with Disabilities Act

Ford Transit Van 350EL

- Van configuration is like a cutaway bus
- Folding front doors
- Full-size wheelchair lift
- Dual rear wheels
- 6 seated passengers

  or

- 4 seated passengers and two wheelchair passengers

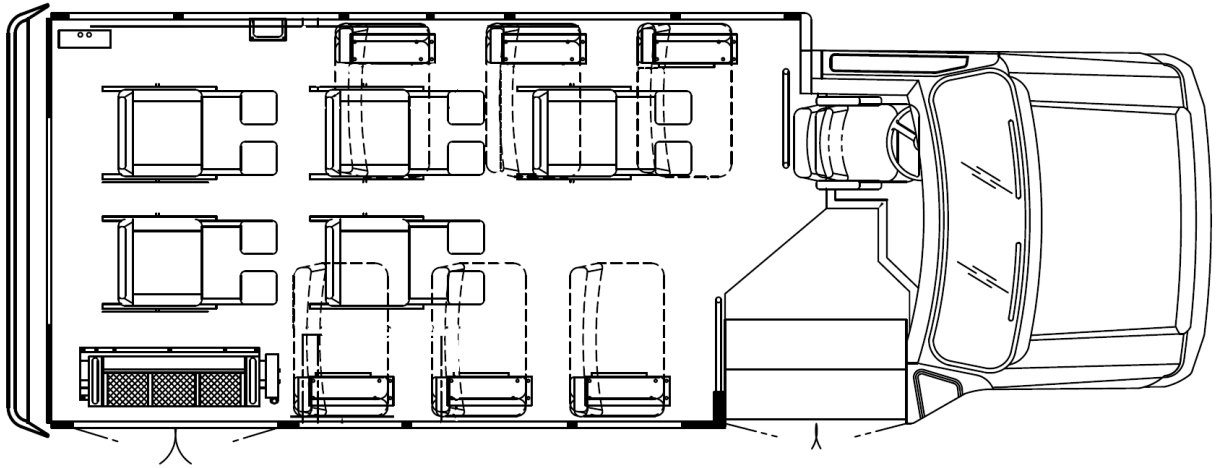


Van Interior

Ford E350

- Same as current OC ACCESS cutaway bus fleet
- 12 seated passengers

  or
- Up to 5 wheelchair passengers



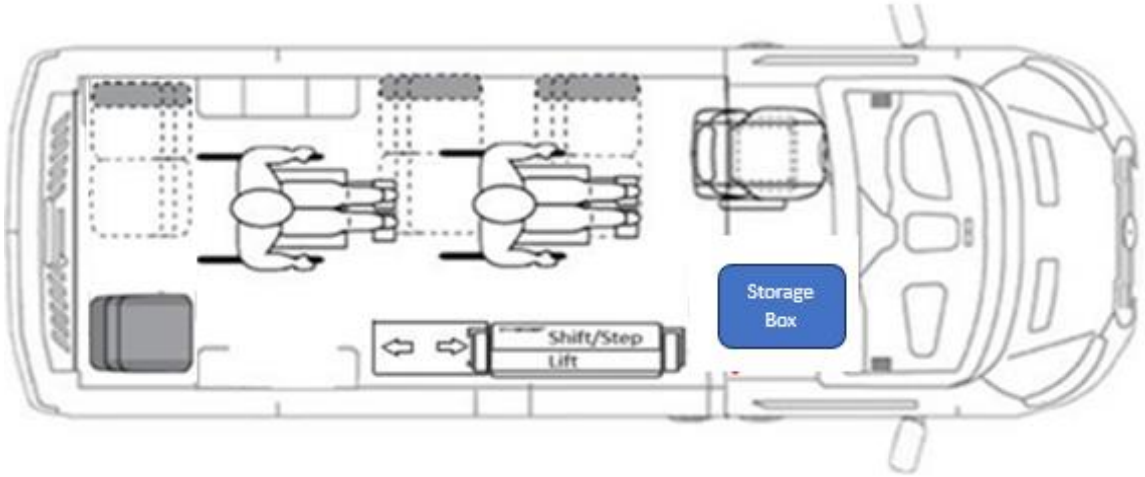
Cutaway Bus Interior

Option Vans for OC Flex

- Ford Transit Van 350EL
- Same as current OC Flex van
- Sliding door
- Shift and step wheelchair lift
- Single rear wheels
- 7 seated passengers

  or

- 1 seated passenger and 2 wheelchair passengers



Price Comparison

Last Purchase Comparison

Year	Cutaway Bus	Options	Total	
2020	$64,474	$63,149	$127,623	
2024	$108,231	$64,189	**$172,420**	
Cost Increase	$43,757	$1,040	$44,797	
Percentage Increase	68%	2%	35%	
Upgrades		**Options**	**Total**	**Grand Total**
Technology Upgrade		$35,000	**$35,000**	
Safety Upgrade		$9,591	**$9,591**	
Tax and Other Fees	$15,780		**$15,780**	**13 Cutaways**
			$232,791	**$3,028,918**

First Van Purchase

Year	Van	Options	Total	Grand Total
2024	$79,600	$95,389	$174,989	
Tax and Other Fees	$13,065		$13,065	**108 Vans**
			$188,054	**$20,315,700**

Cutaway Bus vs Van Cost Comparison

Number of Buses	Cutaway Bus	Van	Delta	Savings
1	$232,791	$188,054	$44,737	**24%**
108	$25,141,428	$20,309,832	$4,831,596	
				$4,831,272

Recommendations

A. Approve the selection of Model 1 Commercial Vehicles, Inc., doing business as Creative Bus Sales, Inc., as the firm to provide up to 108 vans for OC ACCESS, with an option for up to 19 additional vehicles.

B. Authorize the Chief Executive Officer to negotiate and execute Purchase Order No. C-3-2510 between the Orange County Transportation Authority and Model 1 Commercial Vehicles, Inc., doing business as Creative Bus Sales, Inc., in the amount of $20,315,700, for the initial purchase of up to 108 vans for OC ACCESS.

C. Approve the selection of Model 1 Commercial Vehicles, Inc., doing business as Creative Bus Sales, Inc., as the firm to provide up to 13 gasoline-powered cutaways for OC ACCESS, with an option for up to 10 additional vehicles.

D. Authorize the Chief Executive Officer to negotiate and execute Purchase Order No. C-3-2511 between the Orange County Transportation Authority and Model 1 Commercial Vehicles, Inc., doing business as Creative Bus Sales, Inc., in the amount of $3,028,918 for the initial purchase of up to 13 gasoline-powered cutaways for OC ACCESS.

COMMITTEE TRANSMITTAL

April 22, 2024

To: Members of the Board of Directors

From: Andrea West, Clerk of the Board

Subject: Award the Purchase of Driver Protection Systems

Transit Committee Meeting of April 11, 2024

Present: Directors Do, Jung, and Klopfenstein
Absent: Directors Aitken, Amezcua, Harper, and Sarmiento

Committee Vote

No action was taken on this item due to lack of quorum present.

Staff Recommendation

Authorize the Chief Executive Officer to negotiate and execute Purchase Order No. C-3-2843 between the Orange County Transportation Authority and Complete Coach Works, in the amount of $2,081,120 for the purchase of up to 204 driver protection systems for fixed-route buses.

OCTA

April 22, 2024

To: Members of the Board of Directors

From: Darrell E. Johnson, Chief Executive Officer

Subject: Award the Purchase of Driver Protection Systems

Overview

On November 27, 2023, the Orange County Transportation Authority Board of Directors approved the release of an invitation for bids for driver protection systems to be installed as a retrofit in the fixed-route bus fleet. Bids were received in accordance with procurement guidelines for a fixed asset procurement. Board of Directors' approval is requested to purchase up to 204 driver protection systems to enhance coach operator safety.

Recommendation

Authorize the Chief Executive Officer to negotiate and execute Purchase Order No. C-3-2843 between the Orange County Transportation Authority and Complete Coach Works, in the amount of $2,081,120 for the purchase of up to 204 driver protection systems for fixed-route buses.

Discussion

On June 12, 2023, the Orange County Transportation Authority (OCTA) Board of Directors (Board) approved funding to purchase up to 204 driver protection systems, also known as driver barriers, to retrofit 40-foot and 60-foot fixed-route buses. Safety is the top priority for the delivery of OC Bus service and the installation of the driver protection system demonstrates OCTA's commitment to maintaining the safety of coach operators.

OCTA's specifications for new bus purchases include driver barriers, which will now be considered standard equipment on the OCTA fixed-route bus fleet. The most recent procurement for 201 buses included driver barriers. The remaining 40-foot and 60-foot buses in the OC Bus fleet are not equipped with driver barriers and require retrofitting.

On October 29, 2019, OCTA's Change Control Committee approved the configuration change to equip the OC Bus fixed-route fleet with driver barriers. Prior to the configuration change, a pilot demonstration of the driver barriers was initiated to allow coach operators to test and provide feedback. As a result, the coach operators overwhelmingly stated they felt safer and more secure in buses equipped with driver barriers. Fixed-route buses that were procured prior to 2019 are not equipped with driver barriers and will require the purchase and installation of equipment. Installation training is included in the award to allow driver barriers to be installed by OCTA maintenance personnel.

Procurement Approach

This procurement was handled in accordance with OCTA's Board-approved policies and procedures for fixed assets. These procedures, which conform to both state and federal requirements, require that contracts are awarded to the lowest, responsive, and responsible bidder after a sealed bidding process.

The Invitation for Bids (IFB) 3-2843 was released on November 27, 2023, through OCTA's CAMM NET system. The project was advertised in a newspaper of general circulation on November 27 and December 4, 2023. A pre-bid conference and site visit was held on December 13, 2023, and there were no attendees. Four addenda were issued to the IFB to provide responses to questions received, extend the bid due date, and make clarifications to the scope of work. On January 16, 2024, two bids were received and publicly opened.

Bids were reviewed by staff from the Contracts Administration and Materials Management and Transit Technical Services departments to ensure compliance with the bid terms and conditions, as well as technical specifications were met. The list of bidders and bid amounts is presented below:

Firm and Location	Total Lump Sum
Complete Coach Works Riverside, California	$2,081,120
The Aftermarket Parts Company, LLC Delaware, Ohio	$2,129,610

The OCTA project manager's independent cost estimate for this project was $2,090,000. The recommended firm's bid is lower than its competitor and $8,880 lower than the project manager's estimate, therefore, considered to be fair and reasonable.

State law requires award to the lowest, responsive, and responsible bidder. As such, staff recommends award to Complete Coach Works, the lowest, responsive, and responsible bidder, in the amount of $2,081,120 for the purchase of up to 204 driver protection systems fixed-route buses.

Fiscal Impact

The project is included in the OCTA's Fiscal Year 2023-24 Budget, Operations Division, Account No. 2114-9026-D2108-N9U, and is locally funded.

Summary

Board approval is requested to authorize the Chief Executive Office to negotiate and execute Purchase Order No. C-3-2843 between the Orange County Transportation Authority and Complete Coach Works, in the amount of $2,081,120 for the purchase of up to 204 driver protection systems for fixed-route buses.

Attachment

None.

Prepared by:

Bill Habibe
Senior Section Manager, Maintenance
Transit Technical Services
(714) 668-4574

Approved by:

Cliff Thorne
Director, Maintenance Administration
(714) 560-5964

Pia Veesapen
Director, Contracts Administration and
Materials Management
(714) 560-5619

Johnny Dunning, Jr.
Chief Operating Officer, Operations
(714) 560-5964

Award the Purchase of Driver Protection Systems

(Driver Barrier)

Background

- 2018 Driver Barrier Product Demonstrations
- 2019 Driver Barrier Pilot
  - Board-approved
  - 12 driver barriers were installed and tested
  - Bus driver survey
    - Driver felt safer overall
  - Incident data collected
    - Incidents decreased on route tested
- 2020 Standard Equipment on all OCTA Buses

*OCTA – Orange County Transportation Authority

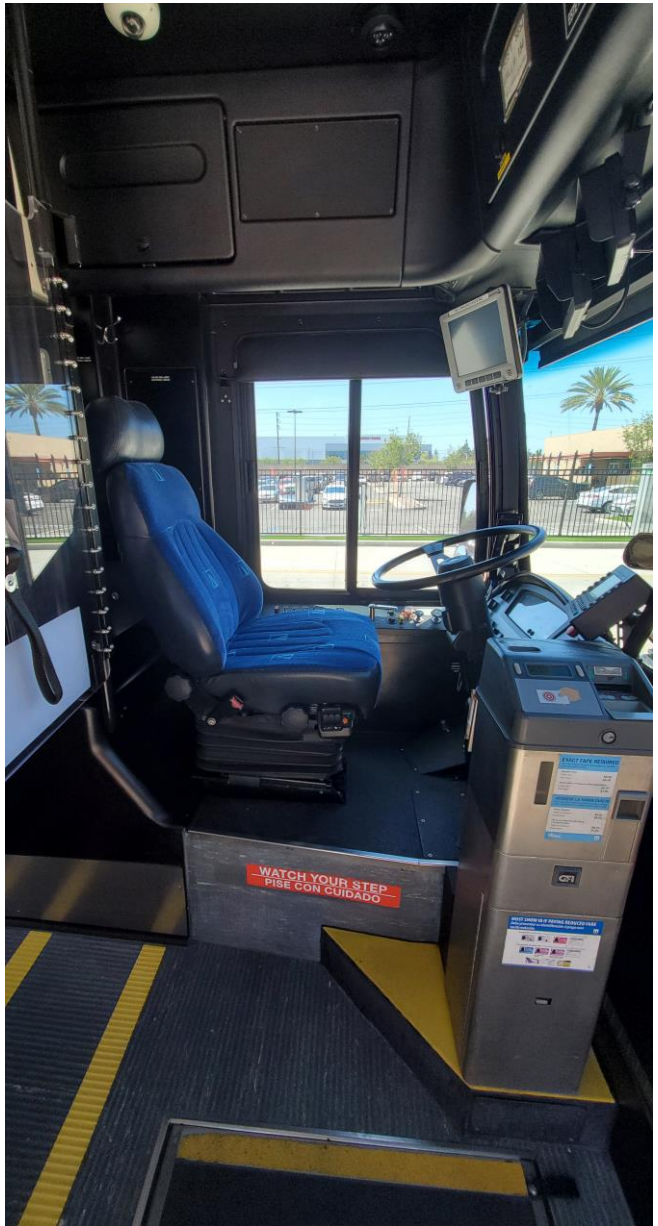
Implementation Plan

- Currently installed
  - 221 buses equipped with driver barriers
  - 50 ZEB's future procurement

- Approval to retrofit up to 204 buses with driver protection systems
  - Authorize the Chief Executive Officer to negotiate and execute Purchase Order No. C-3-2843 between the Orange County Transportation Authority and Complete Coach Works, in the amount of $2,081,120, for the purchase of up to 204 driver protection systems for fixed-route buses

*ZEB – Zero-Emission Bus

Driver Protection System



Before

After