



**February 20, 2025**

**To:** Legislative and Communications Committee  
**From:** Darrell E. Johnson, Chief Executive Officer  
**Subject:** State Legislative Status Report

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**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 recommends a support position on two pieces of legislation: the first related to safety enhancement measures for transit operators, employees, and riders and the second related to clarifying the California Environmental Quality Act exemptions for certain transit and active transportation projects. An update on the Orange County Transportation Authority's involvement in an Innovative Clean Transit Regulation Task Force and details on membership changes to the Senate and Assembly committees are included in this report.

**Recommendations**

- A. Adopt a SUPPORT position on AB 394 (Wilson, D-Suisun City), which would strengthen safety provisions to protect public transportation operators, riders, and employees.
- B. Adopt a SUPPORT position on SB 71 (Wiener, D-San Francisco), which would indefinitely extend and make clarifying changes to California Environmental Quality Act exemptions for certain transit and active transportation projects.

**Discussion**

AB 394 (Wilson, D-Suisun City): Crimes: public transportation providers.

AB 394 is a bill authored by the Chair of the Assembly Transportation Committee and co-sponsored by the California Transit Association (CTA) and the California Conference Board of the Amalgamated Transit Union and is supported by the California Teamsters Public Affairs Council. This bill represents a combined effort between the labor unions and CTA to seek methods to enhance the safety and

security for transit operators, employees, and passengers. AB 394 does this in multiple ways.

AB 394 first expands battery protections to include employees and contractors of public transportation providers, ensuring they receive the same legal protections as transit operators, drivers, and ticketing agents of buses and similar transit vehicles.

The bill also authorizes courts to issue prohibition orders barring individuals convicted of assaulting public transit workers from reentering transit property and makes violations of these orders a misdemeanor. This is particularly important for agencies like the Orange County Transportation Authority (OCTA), as current laws make it difficult to prevent repeat offenders from reentering the transit system, putting employees and riders at continued risk. By establishing prohibition orders as enforceable and legally binding, AB 394 could provide OCTA with an essential tool to deter repeat offenders and protect its workforce.

Finally, the bill clarifies that state and local law enforcement officers, as well as transit enforcement officers, have explicit authority to enforce these provisions. Transit enforcement officers include individuals designated by a public transit agency to enforce rules and regulations on transit property, such as security personnel authorized to issue citations. This expanded enforcement mechanism could help deter future assaults, reduce operator safety concerns, and enhance overall system security.

This legislation is sponsored by the CTA. A SUPPORT position is consistent with OCTA's 2025-26 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." A copy of the text of this legislation is included as Attachment A.

SB 71 (Wiener, D-San Francisco): California Environmental Quality Act (CEQA): exemptions: transit projects.

SB 71 indefinitely extends and clarifies CEQA exemptions for certain transit and active transportation projects, including initiatives like bus rapid transit, light rail services, transit prioritization efforts, zero-emission infrastructure, and pedestrian and bicycle facilities. To qualify, projects must remain within public rights-of-way, avoid new automobile capacity, and adhere to affordability and labor requirements. The bill requires a local agency's governing board to take action to approve the project and further refines project cost thresholds, basing them on engineers' estimates at approval rather than total costs. Additionally, it allows the Office of Land Use and Climate Innovation to adjust these thresholds based on inflation and removes the sunset provisions for this authority.

For OCTA, SB 71 brings much-needed clarity, helping agencies to streamline project approvals and access federal funding opportunities. OCTA previously used this authority for the OC Connect active transportation project but faced confusion over project cost thresholds, leading to unnecessary complexity. By clarifying cost estimate guidelines and extending the exemption authority indefinitely, SB 71 will facilitate more efficient and sustainable transportation projects.

This legislation is sponsored by the CTA. A SUPPORT position is consistent with OCTA's 2025-26 State Legislative Platform principles to "Support streamlined environmental review and permitting processes for transportation projects and programs to avoid potentially duplicative and unnecessary analysis, while still maintaining traditional environmental protections." A copy of the text of this legislation is included as Attachment B.

#### Update on OCTA's Engagement in the Innovative Clean Transit (ICT) Regulation

The ICT regulation, adopted by the California Air Resources Board (CARB), mandates that all public transit agencies transition to zero-emission buses (ZEB) over time. Beginning in 2029, all new bus purchases must be ZEBs, with full fleet conversion required by 2040. This regulation is a component of California's broader climate strategy to reduce greenhouse gas emissions and improve air quality.

OCTA has met all associated requirements thus far under the ICT, including submitting a rollout plan for meeting the 2040 deadline, and is complying with the initial purchase requirements. As part of the agency's commitment to meeting the requirements, OCTA has piloted the use of both technologies that meet the requirements under the ICT – battery electric and hydrogen fuel cell battery – to determine which technology, or combo of technologies, will work long term to meet the goals of the agency. With both technologies still relatively new to the agency, and not yet tested for their full useful life at any transit property, there are still questions associated with cost and the ability to meet goals associated with reliability, range, and other variables when compared to existing technology. As the ICT ramps up, these issues become more pressing and lead to tradeoffs with the limited transit funding available.

With these questions in mind, as part of the development of the OCTA State Legislative Platform 2025-26, the OCTA Board of Directors included a principle to potentially pursue sponsor legislation to "Study solutions to mitigate increased costs and supply chain challenges related to implementing the Innovative Clean Transit regulation." While these issues were considered as possible components of a sponsor bill, an opportunity was created to focus on engagement through a newly established working group in coordination with the State and other transit agencies, rather than pursuing immediate legislative action.

Specifically, in September 2024, the Governor's Office of Business and Economic Development (GO-Biz) and the California State Transportation Agency (CalSTA) convened state agency leaders for the Zero-Emission Transit State Leaders Symposium to discuss solutions to challenges associated with ICT implementation. Based on these discussions, and due to significant feedback from transit agencies statewide about concerns with ICT implementation, Go-Biz created a state ICT ZEB Task Force (Task Force).

The Task Force will include leadership and key staff from GO-Biz, CalSTA, CARB, the California Energy Commission, the California Transportation Commission, the California Department of Transportation, and the California Public Utilities Commission, as well as representatives from CTA and the California Association for Coordinated Transportation. Additionally, the Task Force will include two representatives from large transit agencies and two representatives from small transit agencies. OCTA was selected among its peer agencies to participate, reinforcing its role as a key stakeholder in statewide discussions on ICT implementation challenges and solutions.

OCTA's appointment to the Task Force positions the agency as a key voice in shaping statewide policies and solutions for zero-emission transit. The Task Force's scope includes streamlining and coordinating agency funding programs to enhance efficiency and effectiveness, developing state-level strategies to address ZEB market development, manufacturer incentives, and supply chain barriers, facilitating regional partnerships and exploring new procurement models for ZEB infrastructure, and establishing a technical assistance program to support transit agencies in fleet electrification planning and infrastructure deployment.

Looking ahead, the Task Force will meet quarterly, with staff-level teams convening monthly. OCTA will collaborate with CTA and other transit partners to assess ongoing policy developments and determine if additional legislation is necessary related to ICT implementation.

#### Overview of State Leadership and Committee Changes

The California State Legislature reconvened the 2025-26 legislative session on January 6, 2025. With the reconvening of the legislative session, there were several changes to committee memberships. The full list of Senate committee appointments is included as Attachment C. Senate President pro Tempore Mike McGuire (D-San Rafael) maintained Senator Dave Cortese (D-San Jose) as Chair of the Senate Transportation Committee. It is worth noting that Orange County is well represented on this committee. Specifically, Senators Bob Archuleta (D-Pico Rivera), Catherine Blakespear (D-Encinitas), Kelly Seyarto (R-Murrieta) and Thomas Umberg (D-Santa Ana) were all selected

to serve on the Senate Transportation Committee. Additionally, Senator Scott Wiener (D-San Francisco) remains as Chair of the Senate Budget and Fiscal Review Committee, which is also represented by Orange County delegation members, including Senator Blakespear, Senator Steven Choi (R-Irvine), and Senator Seyarto. Senator Laura Richardson (D-San Pedro) serves as Chair of Budget Subcommittee Number Five on Corrections, Public Safety, Judiciary, Labor and Transportation, with Orange County Senator Seyarto serving on that subcommittee. Senator Seyarto is the only Orange County delegation member appointed to the Senate Appropriations Committee, serving as Vice Chair.

Similarly, in the Assembly, leadership has made key committee appointments. Speaker Robert Rivas (D-Salinas) reappointed Assembly Member Lori Wilson (D-Suisun City) as Chair of the Assembly Transportation Committee. Assembly Member Laurie Davies (R-Laguna Niguel), the lone Orange County delegation member on the committee, continues to serve on the Assembly Transportation Committee as Vice Chair. Orange County is well represented on the Assembly Appropriations Committee, with Assembly Member Kate Sanchez (R-Rancho Santa Margarita) serving as Vice Chair, and Orange County Assembly Members Diane Dixon (R-Newport Beach) and Tri Ta (R-Westminster) serving as members. Additionally, Orange County is represented on the Assembly Budget Committee, with Assembly Member Cottie Petrie-Norris (D-Irvine) and Assembly Member Sharon Quirk-Silva (D-La Palma) serving as members on that committee. Assembly Member Petrie-Norris continues to serve as Chair of the Assembly Utilities and Energy Committee, while Assembly Member Blanca Pacheco (D-Downey) was selected as Chair of the Assembly Rules Committee. The full list of Assembly committee appointments is included as Attachment D.

**Summary**

Support positions are recommended on legislation related to transit safety and the California Environmental Quality Act streamlining. An update is provided on the establishment of a statewide Innovative Clean Transit Task Force. Information is provided on membership changes to Senate and Assembly committees.

**Attachments**

- A. AB 394 (Wilson, D-Suisun City) Bill Analysis with Bill Language
- B. SB 71 (Wiener, D-San Francisco) Bill Analysis with Bill Language
- C. Media Release from the Honorable Mike McGuire, President pro Tempore, California Senate, to Senate Democratic Leadership and others, dated January 3, 2025, re: Senate Leader McGuire Announces Leadership Team, Committee Membership for 2025-26 Legislative Session, First Extraordinary Session
- D. Letter from the Honorable Robert Rivas, Speaker, California State Assembly, to Sue Parker, Chief Clerk of the Assembly, dated January 17, 2025
- E. Orange County Transportation Authority Legislative Matrix

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