

**SCOPE OF WORK
FEDERAL LEGISLATIVE ADVOCACY AND CONSULTING SERVICES**

I. General

The federal legislative advocate team will need to address a series of issues and be organized around the federal goals and objectives of the Orange County Transportation Authority's (OCTA) Legislative Platform (Attachment 1). The primary issues and objectives are summarized as follows:

1. Secure a stable and reliable long term surface transportation reauthorization bill, and annual appropriations bills in accordance with current Legislative Platform and Board of Directors (Board)-approved project and program requests.
2. Advocate at the Congressional and Executive Branch levels for federal funding for OCTA projects and programs, including Community Project Funding (CPF) and Congressionally Directed Spending (CDS).
3. Advocate on behalf of OCTA's position on Southern California regional issues in Washington DC, including the 2028 Olympics, air quality mandates, regional goods movement and rail.
4. Seek to maximize funding for all OCTA modal programs in the next surface transportation reauthorization bill, seeking to protect OCTA's discretion in the use and programming of federal funds and maximizing funding on a formula basis.
5. Seek to streamline and accelerate the delivery of federally funded projects, mitigating any impacts from federal regulatory requirements.
6. Advocate for funding of compliance costs for any new federally mandated requirements.
7. Advocate for federal intercity passenger rail funding and permit streamlining for the San Luis Obispo-Los Angeles-San Diego (LOSSAN) corridor, including recommendations for the future protection of the corridor.

II. Coalition Activities

OCTA expects the federal legislative advocate(s) to build and sustain a strong federal coalition in support of OCTA.

1. OCTA Legislative Platform

- 1.1 Provide input to and implement OCTA-developed funding strategies for transportation projects including bus transit, rail transit, highway, intelligent transportation systems projects, and any other projects and programs

which may be appropriate to achieve OCTA mobility goals. This can include identifying funding options, informing funding guidance, obtaining support letters and submitting applications for CPF and CDS requests.

- 1.2 Recommend appropriate activities for OCTA Board members and OCTA staff at various stages of the legislative process.
- 1.3 Provide general political and advocacy advice to the OCTA.

2. Legislation, Regulations, and Policy

- 2.1 Notify OCTA of anticipated, newly introduced, or amended federal legislation, regulations, and administrative policy actions which could impact OCTA and provide a legislative analysis on how such action(s) may affect the interest of OCTA.
- 2.2 Working with OCTA, develop positions and tactics which implement OCTA's strategy objectives regarding the upcoming reauthorization of the surface transportation program.
- 2.3 Provide information and advice regarding upcoming congressional hearings which may impact policies and programs of OCTA.
- 2.4 Attend hearings and other public sessions of interest to OCTA.
- 2.5 Assist in the preparation of testimony before congressional committees, recommending opportunities to highlight OCTA programs and projects. Represent OCTA before committee members and staff, including but not limited to the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure, the Senate Committee on Banking and Urban Affairs, the Senate Commerce Committee and the Senate Committee on Environment and Public Works.
- 2.6 Assist in drafting legislative language, and other written materials deemed of interest to OCTA, to ensure that the goals and objectives of OCTA are fulfilled.
- 2.7 Assist in drafting responses to Federal Register notices and other federal public comment announcements.
- 2.8 Assist in preparation of appropriate written materials supporting OCTA legislative goals, including letters, talking points, bill summaries and position papers.

3. Liaison and Advocacy Activities

3.1 Orange County Congressional Delegation

3.1.1 Maintain frequent formal and informal contact with the Orange County delegation members and staff to represent and advocate OCTA policies and positions.

3.1.2 Recommend when OCTA Board Members and/or OCTA staff should be in direct contact with members of the Orange County delegation or their key legislative staff.

3.2 House and Senate

3.2.1 Maintain direct and frequent contact with key members and staff of appropriate Senate and House Committees to represent and advocate OCTA policies and positions.

3.2.2 Arrange meetings between key Members of Congress and OCTA personnel as appropriate in Washington, D.C. or Orange County. Provide logistical support for Washington, D.C. visits.

3.2.3 Recommend timing and nature of contacts with the Orange County delegation and other Members of Congress in Washington, D.C.

3.3 Executive Branch

3.3.1 Meet with and arrange meetings with appropriate White House officials and staff, as necessary, to represent and advocate OCTA policies and positions.

3.3.2 Meet with and arrange meetings with appropriate Department of Transportation officials and staff, and other federal agencies, as necessary, to represent and advocate OCTA policies and positions.

III. **Administrative Coordination**

OCTA expects the federal legislative advocates to continuously coordinate with OCTA Board, Chief Executive Officer and staff.

1. Administrative Coordination

1.1 Coordinate all activities with the OCTA State and Federal Relations Manager and Executive Director, Government Relations as appropriate.

1.2 Coordinate with members of the OCTA Board, as appropriate.

- 1.3 Coordinate with other OCTA consultants, as appropriate.
2. Administrative Reporting and Conferencing
 - 2.1 Preparation of Materials, Conference Calls, Oral Reports, Written Reports, and Additional Assignments.
 - 2.2 Participate via teleconferencing with the OCTA's Manager of State and Federal Relations, other OCTA staff, and other consultants as necessary.
 - 2.3 Provide on-site and in-person oral reports to the Board and meet with appropriate OCTA staff at the OCTA headquarters in Orange, California, as needed. The number of on-site reports is not expected to exceed four (4) per year.
 - 2.4 Submit a written monthly activity and status report, including key advocacy activities undertaken on behalf of OCTA during each month.
 - 2.5 Undertake additional assignments that have been mutually agreed upon by both parties and are necessary to accomplish OCTA's objectives in Washington.



Adopted on November 27, 2023

FEDERAL LEGISLATIVE PLATFORM 2023-24





The Orange County Transportation Authority (OCTA) was formed in 1991 by the consolidation of seven separate transportation agencies. This consolidation created a multimodal authority, which eliminated duplicate transportation functions and increased efficiency in providing transportation services throughout the County.

The following facts indicate the size and the breadth of OCTA's functions:

- Budget for fiscal year (FY) 2022-23 is balanced at \$1.7 billion.
- Countywide bus system that spans 34 cities and seven congressional districts with 419 vehicles.
- Among the top 30 busiest bus transit operations in the nation, providing more than 31 million rides annually.
- Countywide paratransit service for people with disabilities with 248 buses and approximately 833,000 trips and 972,000 boardings in FY 22-23.
- Three Metrolink commuter-rail lines with nearly 7,000 boardings each weekday.
- OCTA owns the Los Angeles-San Diego-San Luis Obispo rail right-of-way from Fullerton to San Clemente.
- Successful completion of Measure M, the package of \$4 billion in transportation improvements promised to Orange County voters in 1990 when they approved a 20-year half-cent sales tax program.
- Implementation of Renewed Measure M approved by voters in 2006, providing \$14.8 billion in new funding for freeway, regional/local streets and roads, and transit improvements until 2041.
- Owner and operator of the 91 Express Lanes with nearly 20 million vehicle trips in FY 2022-23. Owner and operator of the recently opened 405 Express Lanes.
- Oversight of Orange County's major investment studies and management of the planning for all future transportation infrastructure improvements in the county.

2024 BOARD OF DIRECTORS

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EXECUTIVE OFFICE

Darrell E. Johnson
Chief Executive Officer

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With over three million residents, Orange County is the third most populous county in California and the sixth most populous county in the nation. Orange County is one of the most densely populated areas in the country and is served by one of the nation's busiest transit systems. In addition, Orange County provides highway and rail corridors that facilitate the increasing level of international trade entering the Southern California ports.

The 2023-24 Federal Legislative Platform serves as a framework document to guide the Orange County Transportation Authority's (OCTA) statutory, regulatory, and administrative goals and objectives in Washington, D.C. The Key Policy Issues section offers guidance on the policy issues that will likely be the focus of the 118th Congress, and the later sections present guiding policy statements for the other major issues that may arise. Positions on individual items not directly addressed in this document will be brought to the OCTA Board of Directors for formal action.

Key Policy Issues in the 118th Congress

A number of significant transportation issues will be discussed in the 118th Congress. OCTA will focus its advocacy efforts on the following principles:

- a) Support transportation funding investments and policy flexibilities that allow OCTA to provide essential, multimodal mobility improvements, and services in order to meet the mobility needs of Orange County;
- b) Request annual appropriations at least consistent with authorized funding levels and advanced appropriations provided in the Infrastructure Investment and Jobs Act (IIJA) are maintained in order to meet our county's critical infrastructure needs;
- c) Encourage policies and guidance that incentivize public transit ridership;
- d) Support equitable policies to ensure that the inclusive public engagement, planning, and delivery of mobility improvements best serves all the residents of Orange County;
- e) Seek responsible revenue solutions to fund future transportation projects without adversely affecting an agency's ability to provide services;

- f) Advocate for full funding of transportation programs without placing new limitations or conditions on the distribution of funds that would impede the delivery of infrastructure projects;
- g) Advocate for transit and transportation agencies to be eligible for transportation funding programs under the Inflation Reduction Act;
- h) Ensure that Highway Trust Fund (HTF) revenues continue to be used for transit expenditures;
- i) Ensure that air quality determinations and policies do not constrain funding availability or otherwise undermine OCTA's ability to deliver transportation improvements;
- j) Seek support for adaptation and resiliency efforts related to environment for critical transportation infrastructure;
- k) Seek funding and other solutions, such as permit streamlining, to support adaptation and resiliency efforts throughout the rail corridor;
- l) Seek support, funding, and project streamlining to manage and address sea level rise, beach erosion, landslides, and other environmental impacts along the rail corridor;
- m) Encourage federal leadership, in conjunction with state and local collaboration, in developing long-term studies related to potential track relocation in the Los Angeles – San Diego – San Luis Obispo (LOSSAN) rail corridor;
- n) Support the authority to secure direct funding for Orange County projects;
- o) Support efforts to preserve local flexibility in the administration of toll lanes and use of toll revenues;
- p) Support efforts to ensure local control is maintained in policy decisions made by local transportation agency boards in delivering, funding, and operating transportation programs and projects.

I. TRANSPORTATION FUNDING

Current federal law does not require the appropriation of authorized HTF dollars. Therefore, the annual appropriations process will continue to play an important role in funding OCTA's programs and projects. OCTA

will continue to advocate for the largest possible amount and share of appropriations funding to ensure adequate resources to meet the infrastructure needs of Orange County.

OCTA will continue to aggressively pursue discretionary funding for transportation projects within the statutory and regulatory requirements of funding programs and the current funding status of OCTA's capital program. Other funding priorities for OCTA include:

- a) Support sustainable transportation funding levels that allow OCTA to continue to improve mobility in and around Orange County;
- b) Oppose efforts to redirect, reduce, or eliminate existing transportation funding programs;
- c) Support funding for the Capital Investment Grants program to allow for an expansion of bus and rail transit projects;
- d) Ensure that federal funding is available for capital purposes to the extent not needed for direct operating costs;
- e) Support funding, with increased flexibility, for safety and security grant programs in order to protect Orange County's transportation system, including highways, transit operations and facilities, rail lines, and related software systems;
- f) Support funding for regional and intercity passenger rail corridors in California;
- g) Support funding to develop training information programs to instruct on the use of new technology and address workforce needs at transit and transportation agencies;
- h) Seek to ensure OCTA's projects and programs related to the 2028 Olympic and Paralympic Games in Los Angeles are eligible for any related funding incentives and project delivery tools;
- i) Support efforts to reinstate the state suballocation process regarding the distribution of federal formula funding;
- j) Support funding and incentives to develop free- or reduced-fare transit programs without impacting existing programs or creating unfunded mandates.

II. IIJA IMPLEMENTATION

The IIJA (Pub. L. No. 1147-58) authorized over \$567 billion over five years for programs. With the IIJA as law, OCTA will focus much of its advocacy efforts in the 118th Congress on implementation efforts that allow state and local government agencies to move forward with a federal partner on critical transportation projects. As such, OCTA will advocate for the following policies:

- a) Support the greatest possible share of funding for California and OCTA, focusing on increasing formula funds;
- b) Support increased flexibility in transportation funding programs to promote greater local decision-making in the planning process;
- c) Ensure a long-term partnership with the federal government that helps OCTA address capital and operating revenue shortfalls;
- d) Oppose unfunded federal mandates that further reduce the resources of state and local transportation agencies;
- e) Oppose policies that undermine or limit local control over land use decisions;
- f) Ensure fair suballocations of funding to account for additional costs, increased administrative responsibilities, and the potential for increased liabilities to which the agency may be subject;
- g) Oppose limitations or other arbitrary conditions on discretionary transportation grant programs that prevent an equitable distribution of transportation resources;
- h) Support policies to encourage the safe development, demonstration, deployment, and operation of connected and automated vehicle technologies;
- i) Oppose rescissions or other arbitrary funding cuts to transportation programs;
- j) Support policies that encourage ridesharing, teleworking, vanpool and related congestion relief programs for Orange County commuters;
- k) Oppose any effort to further reduce transportation funding for OCTA or California, advocating for a fair and equitable share.

III. TRANSPORTATION PLANNING AND PROGRAMMING

In the 118th Congress, OCTA will continue to support the implementation of the IIJA while finding ways to complement the programs and provisions authorized under federal law. During this time, OCTA will advocate for the following issues:

- a) Pursue continued eligibility of Congestion Mitigation Air Quality program funding for three-to-five years of operating expenses associated with any fixed-guideway or eligible bus projects;
- b) Support expanded use of alternative delivery methods for federally-funded transportation projects;
- c) Support environmental process improvements and stewardship efforts by the relevant federal agencies to expedite project delivery and accelerate the creation of jobs;
- d) Support expedited review and payments to local agencies and their contractors for project development, right-of-way acquisition, and construction activities;
- e) Support efforts to authorize, fund, and streamline the delivery of bicycle and pedestrian projects in Orange County;
- f) Advocate for policies to encourage, when possible, a “complete streets” approach to multimodal project planning in order to expedite project delivery;
- g) Support shifting the approval of Regional Transportation Plan amendments involving Transportation Control Measures from the Environmental Protection Agency back to the Federal Highway Administration while allowing for an adequate consultation process;
- h) Support flexibility and increased local decision-making authority regarding the operation of high-occupancy vehicle (HOV) lanes in order to reduce or eliminate the unintended consequences resulting from Section 166 of the Federal Highway Act or any similar policy regulating degradation of HOV lanes;
- i) Encourage cooperation between local, state, and federal partners to mitigate or eliminate any policy that places burdensome requirements on operators related to degradation of facilities and performance;
- j) Support streamlining and greater flexibility of Federal Buy America requirements including increased clarification on market availability and technical feasibility of the Build America, Buy America Act requirements created in the IIJA to prevent any unintended disruption to projects and programs;
- k) Support efforts to clarify roles and responsibilities related to toll enforcement policies to allow for interoperability between toll facilities while affirming user privacy;
- l) Encourage policies on the planning, delivery, and operation of tolling projects that are aligned with the flexibility provided in California State law.

IV. FISCAL REFORMS AND ISSUES

Several legislative and regulatory proposals would have economic impacts, both positive and negative, affecting the delivery of transportation infrastructure projects that create jobs and spur further business development in Orange County. Regarding these developments, OCTA will:

- a) Oppose policies that would divert revenues generated by locally-approved sales taxes to programs and projects that are not included in the sales tax ordinance;
- b) Support removing barriers to the release of transportation funding, including allowing local agencies to advance projects with local funds in order to limit lengthy amendment processes that delay project delivery;
- c) Support expansion, streamlining, and further development of innovative project finance methods, including the Transportation Infrastructure Finance and Innovation Act loan program;
- d) Support fiscally-sound proposals to adequately address the HTF’s structural deficit, including initiatives to address the impact of low- and zero-emission vehicles on transportation funding;

- e) Support the equitable collection and distribution of sales tax revenue from out-of-state, online retailers (*South Dakota v. Wayfair, Inc.*);
- f) Support tax policies that reduce costs or provide additional flexibility in OCTA's financial and operational activities;
- g) Support policies that expedite the delivery of transportation improvements or the development of business opportunities in order to create jobs and economic activity in Southern California;
- h) Support a stable source of proposed future revenues that provides adequate resources for future transportation needs;
- i) Oppose subjecting public transportation providers to gas tax liability or other fees that increase operating costs;
- j) Support efforts to ensure that all users of the national transportation system pay their "fair share" to maintain and improve the system;
- k) Support additional funding flexibility to facilitate the use of alternative mobility providers.

V. RAIL PROGRAMS

Metrolink is Southern California's commuter rail system that links residential communities to employment and activity centers. Orange County is served by three Metrolink lines: the Orange County Line, the Inland Empire-Orange County Line, and the 91/Perris Valley Line. OCTA owns 48 miles of rail right-of-way in Orange County on which Metrolink operates. OCTA's rail capital budget supports improvements to the regional commuter rail system in Orange County, and under existing policy, OCTA is the primary construction lead on major capital improvements to the regional commuter rail system on its right-of-way.

In addition to Metrolink services, Orange County is also served by the state-supported Pacific Surfliner intercity passenger rail service traveling between San Luis Obispo and San Diego. The Pacific Surfliner is operated by Amtrak and managed by the LOSSAN Agency. OCTA has served as the managing agency for the LOSSAN Agency since 2013 and assumed full administrative and management responsibility for Pacific Surfliner service in June 2015 via an interagency transfer agreement with

the State of California. OCTA continues to serve in this capacity, providing all necessary administrative support to the LOSSAN Agency.

Other rail systems could also travel through Orange County at some point in the future, including additional intercity rail service. OCTA will continue to monitor the development of additional service to ensure that it does not adversely affect other transportation funding sources. Other rail policy priorities include the following:

- a) Support funding for rail safety programs, including funding for operation and maintenance of Positive Train Control (PTC) safety technology and other safety enhancements;
- b) Support efforts to ensure that any alternative safety technology is interoperable with, and contains the same safety benefits as, the PTC system implemented on passenger rail corridors in Southern California;
- c) Support the availability of technical resources, such as wireless spectrum, to fully implement rail safety technology;
- d) Oppose increasing the current rail passenger liability cap and work with regional partners to ensure that any changes to the cap take into account the limited resources of passenger rail providers.

VI. GOODS MOVEMENT

The twin Ports of Los Angeles and Long Beach are considered "America's Gateway" and the nation's busiest ports. The maintenance, improvement, and modernization of our region's goods movement infrastructure must continue to be a national priority if our region is to remain competitive with the rest of the world and responsive to the consumer needs of Southern California. The need for the Southern California region to remain competitive is further underscored by the expansion and modernization efforts of foreign competitors. Even though the IJA continued to provide funding for goods movement projects and programs, revenue streams remain insufficient to fund the projects needed to offset the costs of moving these goods considering the many years of underinvestment. OCTA's advocacy efforts regarding goods movement will continue to emphasize the following:

- a) Pursue new, stable, dedicated, and secure sources of funding for goods movement infrastructure;
 - b) Ensure that the benefits of newly-funded projects also take into account mitigation factors to impacted communities;
 - c) Support a collaborative approach, including engaging with private sector partners, in developing and implementing the needed sustainable goods movement infrastructure programs and projects;
 - d) Support regionally-significant grade separation projects that improve the flow of goods and people throughout Southern California;
 - e) Support local control of goods movement infrastructure and freight mobility projects;
 - f) Support additional funding and policy reforms to aid in expediting transportation projects to address supply chain concerns;
 - g) Ensure eligibility for funding and programs is available to all transportation modes that benefit regional goods movement.
- c) Support programs that facilitate cooperation with security and emergency preparedness officials to refine and improve information exchange protocols, emergency preparedness systems, and regional data coordination;
 - d) Support efforts to provide funding incentives and policy flexibility to facilitate programs to provide safe working conditions for coach operators and transit personnel;
 - e) Support efforts to provide sufficient funding for transit agencies to implement physical security, mandated employee screenings, and cybersecurity directives while also incorporating transit agency technical expertise in developing regulatory guidelines and procedures.

VII. TRANSPORTATION SECURITY AND EMERGENCY PREPAREDNESS

OCTA continues cooperative efforts with neighboring transit agencies, Urban Area Security Initiative partners, state and federal Homeland Security and Emergency Preparedness grant partners, and local jurisdictions to enhance the security and resiliency of Orange County's transportation system. OCTA will pursue the following priorities to ensure that the agency's safety, security, and emergency preparedness needs are met:

- a) Support increased funding for training, increased surveillance, and emergency preparedness improvements with adequate flexibility to ensure that local agencies can effectively use the resources to ensure a more resilient transportation system;
- b) Support a funding distribution that considers all risk threats, including natural disasters, acts of terrorism, and other man-made disasters, as estimated by the Department of Homeland Security, in cooperation with state and local officials;

VIII. ENVIRONMENTAL AND ENERGY ISSUES

Federal environmental policies affecting OCTA include the National Environmental Protection Act, the Clean Air Act, the Clean Water Act, and the Endangered Species Act. Therefore, policies to further develop environmental and energy-efficient goals will likely have an impact on OCTA's operations. With such proposals in mind, OCTA will:

- a) Seek opportunities to expedite and improve the efficiency of the environmental process without impairing substantive environmental requirements;
- b) Seek funding to meet state and local environmental quality requirements, including requirements for zero-emission buses, alternative fueling stations, and future greenhouse gas reduction requirements;
- c) Support the continuation and expansion of tax incentives for using compressed natural gas, hydrogen, and other zero-emission transit fuels;
- d) Monitor proposals to address the environmental impacts of greenhouse gases to ensure that any new environmental requirements are accompanied by additional funding necessary to implement those requirements;
- e) Support expedited review for project development, right-of-way acquisition, and construction activities;

- f) Ensure adequate flexibility in the application of resiliency, natural infrastructure, or other climate-related policies to the delivery of mobility improvements, as opposed to mandates that would constrain transportation resources;
- g) Monitor policies regarding zero-emission transit fuels to ensure they remain technology neutral.

IX. REGULATORY REQUIREMENTS

OCTA must also monitor several other administrative requirements, including new and expanded regulatory definitions that may affect the agency's operations. As such, OCTA will:

- a) Support expedited and improved federal reporting and monitoring requirements to ensure efficiency and usefulness of data while also eliminating redundant state and federal requirements;
- b) Oppose regulatory proposals that unreasonably subject OCTA to burdensome bureaucratic requirements or increase operational costs, making it harder to deliver projects and improve mobility in Orange County;
- c) Oppose policies adversely affecting the agency's ability to effectively address labor relations, employee rights, benefits, and working conditions, such as health, safety, and ergonomic standards;
- d) Oppose policies that limit state or local pension benefit reforms;
- e) Support a collaborative approach to understanding the capital infrastructure and operational needs of local and state transportation agencies, as well as those of private sector partners, in the testing and deployment of autonomous vehicles and related technologies.



ORANGE COUNTY

MAP KEY

-  LOSSAN RAIL CORRIDOR
-  405 EXPRESS LANES
-  METROLINK ORANGE COUNTY LINE
-  METROLINK INLAND EMPIRE/ORANGE COUNTY LINE
-  METROLINK 91 LINE
-  91 EXPRESS LANES
-  OC STREETCAR PROJECT (2025)

“Our mission is to enhance the quality of life in Orange County by delivering safer, faster, and more efficient transportation solutions.”

ORANGE COUNTY TRANSPORTATION AUTHORITY

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OCTA AFFILIATED AGENCIES

Orange County Transit District

Local Transportation Authority

Service Authority for
Freeway Emergencies

Consolidated Transportation
Service Agency

Congestion Management Agency