



2012

Federal Legislative Platform



The Orange County Transportation Authority (OCTA) was formed in 1991 by the consolidation of seven separate transportation agencies. This consolidation created a multi-modal 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) 2011-2012 of more than \$1.1 billion.
- Countywide bus system that spans 34 cities and six Congressional Districts with more than 770 fleet vehicles.
- Among the top 20 busiest bus transit operations in the nation, providing more than 51 million rides annually.
- Countywide paratransit service for people with disabilities with 248 buses and more than 1.3 million boardings per year.
- Three Metrolink commuter-rail lines with more than 14,000 boardings each weekday.
- OCTA owns the Los Angeles-San Diego-San Luis Obispo (LOSSAN) rail right-of-way from Fullerton to Mission Viejo.
- Successful completion of Measure M, the package of \$4.1 billion in transportation improvements promised to Orange County voters in 1990 when they approved a twenty-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 toll road with more than 12 million vehicle trips in FY 2010-11.
- Oversight of Orange County's major investment studies and management of the planning for all future transportation infrastructure improvements in the county.

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Introduction

With a population of over three million, Orange County is the second most populous county in California and the fifth most populous county in the nation. Orange County is also one of the most densely populated areas in the country and is second only to San Francisco for the most densely populated county in the state of California. National and global attractions include Disneyland, Knott's Berry Farm, and over 42 miles of beaches, making Orange County a worldwide vacation destination.

Among metro areas in the United States (U.S.), Orange County in 2008 had the 15th largest gross domestic product and is home to one of the busiest transit systems in the nation. In addition, Orange County provides highway and rail corridors that facilitate an increasing level of international trade entering the Southern California ports. However, according to the latest annual survey of urban mobility by the Texas Transit Institute, the Los Angeles metropolitan area, including Long Beach and Orange County, also has the third most congestion of any metropolitan area in the nation, delaying drivers an average of more than 63 hours per year. In conducting all of its activities, Orange County Transportation Authority (OCTA) strives to the maximum extent possible to improve transportation performance, reduce congestion, and reduce emissions. With regard to federal revenues, Orange County is consistently a donor county within a donor state.

OCTA's Federal Legislative Platform outlines the statutory, regulatory, and administrative goals and objectives of the transportation authority. The following platform was adopted by the OCTA Board of Directors (Board) to provide direction to staff and federal legislative advocates for the second session of the 112th Congress.

Principles and Objectives

OCTA will use the following principles and objectives to guide implementation of the specific recommendations contained in this platform:

- 1) OCTA will seek to obtain a fair share of federal funding from all sources for transportation projects within the County, taking into account its size, population, congestion mitigation, and particular transportation needs;
- 2) OCTA will support the transportation legislative efforts and objectives of other Orange County entities, as appropriate, to further the implementation of this platform, provided that such efforts by others are consistent with OCTA Board approved projects and policies;
- 3) In order to accomplish the goals of this platform, the OCTA will seek to work with other entities such as the Orange County Business Council, regional entities such as county transportation commissions and transit agencies, the Southern California Association of Governments, and through participation in the Mobility 21 legislative effort;
- 4) OCTA will take an active role in the process of reauthorization of the federal highway and transit programs, reaching out to the region, state, and appropriate congressional leaders, and working with them towards reauthorization of a program which benefits the County.

I. Fiscal Year 2013 Transportation Funding

The annual appropriations process will continue to play a role in the OCTA 2012 federal legislative platform. However, given the uncertainties surrounding the expiration of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) and the future viability of the highway trust fund, it is difficult to predict at this time the availability of future surface transportation discretionary project funding. In the absence of specific congressional earmarks, large amounts of discretionary transportation funding are now being distributed by the U.S. Department of Transportation (DOT). As long as this remains the case, OCTA will continue to aggressively pursue discretionary funding for transportation projects from U.S. DOT in addition to any congressionally solicited requests.

To more effectively work within the limitations on federal transportation funding at this time, OCTA will continue to focus on strategic, high priority county and regional congestion relief projects, which will increase the highway and transit mobility and goods movement along the North-South Interstate. (I-5)/Interstate 405 (I-405)/Los Angeles-San Diego-San Luis Obispo (LOSSAN) Corridor and the East-West Riverside Freeway (State Route 91), and Burlington Northern Santa Fe/Orangethorpe (Alameda Corridor East) Corridor. To this end, OCTA will work with its congressional delegation and U.S. DOT to secure greater levels of federal investment in the following projects:

- a) State Route 91 (SR-91) widening and Orange County/Riverside chokepoint and congestion relief projects;
- b) I-405 widening and improvements, including interchange improvements, bridges, and overcrossings;
- c) Extension of the I-5 South High-Occupancy Vehicle (HOV) lane project;
- d) Improvements along the Bristol Street multi-modal corridor in Santa Ana
- e) Go Local projects approved for implementation which may include fixed guideway projects and/or Bus Rapid Transit;
- f) Metrolink service enhancements in Orange County;
- g) Grade separation improvements along the Alameda Corridor East (ACE) in north Orange County and along the LOSSAN Corridor;
- h) Funding to meet federal rail safety requirements and positive train control implementation for Metrolink;
- i) Funding for improved rail service from Anaheim to Ontario Airport.
- j) Funding to augment state, local, and private efforts to improve rail service from Anaheim to Los Angeles.
- k) The Anaheim Regional Transportation Intermodal Center (ARTIC);
- l) Support appropriations and additional funding of transit security grant programs for the Department of Homeland Security (DHS) to protect county surface transportation systems, including highways, transit facilities, rail lines, and related software systems;
- m) Support New Start (greater than \$250 million in total project cost), Small Start (less than \$250 million in total project cost with no more than \$75 million in federal share), and Very Small Start (less than \$50 million in total project cost with no more than \$40 million in federal share and costing no more than \$3 million per mile exclusive of vehicles) funding for fixed guideway projects selected for implementation through the Go Local process;
- n) Support full funding of Section 5309 (m)(1)(a) rail modernization grant funds;
- o) Support bus and bus-related OCTA projects under Section 5309 (m)(1)(c) and oppose the diversion of significant bus discretionary funding to other unrelated purposes;
- p) In concert with regional transportation agencies, seek funding for the Southern California Regional Training Consortium to develop bus maintenance training information for the transit agencies throughout Southern California;
- q) Support projects which improve the capacity of major arterials throughout Orange County;
- r) Support appropriations funding of the Rail Safety Improvement Act of 2008 (RSIA) particularly funding for implementation of positive train control requirements and other safety enhancements or risk reduction recommendations called for in Title I of RSIA, funding for intercity passenger rail service corridor capital assistance provided in Title III of RSIA, and funding for high-speed rail corridor development provided in Title V of RSIA;
- s) Support projects on the LOSSAN rail corridor which may not be physically located in Orange County, but are critical to the continued viability of efficient and effective services in this corridor;
- t) Support federal funding for the Irvine-Corona Expressway and continue to work with Congress on this project;

Other annual funding priorities for OCTA include:

- u) Support federal funding for high speed and intercity passenger rail in California.

II. Additional Project Authorizations, and Statutory or Regulatory Actions

The federal surface transportation bill, SAFETEA-LU, included a significant level of funding for OCTA and authorized funding for critical highway and transit projects. However, there are a number of vital infrastructure projects, both highway and rail, that continue to require authorization or other advocacy actions to address specific highway, rail, and transit needs throughout the County and Southern California region. OCTA will advocate for the following issues in stand alone legislation, as part of the Passenger Rail Investment and Improvement Act of 2008, or in the next reauthorization:

- a) Support legislative efforts to authorize the SR-91 congestion relief projects;
- b) Support specific authorization and funding for the ARTIC;
- c) Support additional funding for the expansion of key stations and intermodal centers along the LOSSAN corridor, including Irvine, Fullerton, and Santa Ana;
- d) Support continued authorization of and funding for the four-county ACE project;
- e) Monitor, and OCTA Board approval, support Intelligent Transportation System measures to advance the safety, security, and efficiency of the multi-modal transportation system, reduce fuel consumption and environmental impacts, ease congestion, and improve emergency response times;
- f) Upon definition and approval by the Board, pursue the authorization and funding of a pilot transportation project employing new transit technology;
- g) Support efforts to authorize and fund bike paths and bike trails within Orange County;
- h) Advocate for legislation which encourages, where possible, a "complete streets" approach to planning and multi-modal planning approaches in order to expedite project delivery.

The last 16 miles of the 67-mile Transportation Corridor Agencies (TCA) toll road system, known as the Foothill South Project, represents the only Southern Orange County travel alternative to the I-5. The I-5 corridor is already dominated by severe traffic congestion, negatively impacting travelers throughout the County. Due to the need to use property leased from the federal government as part of the preferred right of way for the extension, opponents of this project have used federal legislation in an attempt to halt or severely impede project completion. Therefore, the OCTA will continue to oppose any provision of federal law which would impede the completion of the project and will work in an active partnership with the TCA in Washington to seek a resolution to this issue which will permit the completion of a Foothill South Project through Southern Orange County.

In addition, as a new transportation authorization bill is being drafted, OCTA has identified several regulatory changes which would improve the delivery of the federal transportation program. OCTA will continue to seek opportunities to address and achieve these changes, as follows:

- i) Advocate for inclusion of recommendations from the OCTA Breaking Down Barriers Report, approved by the Board on March 28, 2011, as part of future legislation and regulations;
- j) Encourage the Federal Highway Administration (FHWA) to return the Regional Transportation Plan (RTP) to a long-range planning and vision document rather than a detailed, 30-year financial plan, as current regulations mandate;
- k) SAFETEA-LU implementing regulations shifted the approval of RTP amendments involving Transportation Control Measures from FHWA to the Environmental Protection Agency (EPA). OCTA requests that this approval process revert back to FHWA and maintain a consultation process with EPA.
- l) Request Federal Transportation Enhancement (TE) program guidelines be amended to permit use of TE funds for soundwalls as a local option. The FHWA does not permit the use of highway funds to retrofit soundwalls, yet federal trade policies have lead to

increased freight traffic along goods movement corridors and hence noise along the freeways. OCTA requests that the policy be amended to allow highway funds to be used to mitigate the impacts of freight traffic on local communities adjacent to goods movement corridors;

- m) If necessary, work with the FHWA or appropriate members of Congress, to obtain flexibility regarding the operation of HOV lanes.

III. Advocacy Efforts for Existing and Planned Federal Highway and Transit Programs

- a) Work with regional agencies to advocate for a high ranking of the ACE project as part of the U.S. Department of Transportation's Projects of National and Regional Significance program;
- b) Upon definition and approval by the Board, seek support from the Federal Transit Administration and Orange County Congressional Delegation for any fixed guideway transit projects approved for implementation by the Go Local process;
- c) Pursue funding for applicable transit programs newly authorized by SAFETEA-LU, including New Starts, Small Starts and Very Small Starts, Jobs Access Reverse Commute, and New Freedom programs for new transportation services and public transportation alternatives beyond those required by the Americans with Disabilities Act (ADA);
- d) Support expanded design-build authorization for federally-funded highway and surface transportation projects, in accordance with the OCTA Breaking Down Barriers report approved by the Board on March 28, 2011;
- e) Support environmental process improvements and stewardship efforts by the relevant federal agencies to expedite project delivery and accelerate the creation of jobs, in accordance with the OCTA Breaking Down Barriers Report approved by the Board on March 28, 2011;
- f) Support expedited federal review and payments to local agencies and their contractors for project development, right-of-way acquisition, and construction activities, in accordance with the

OCTA Breaking Down Barriers Report approved by the Board on March 28, 2011;

- g) Work with the Southern California Regional Transit Training Consortium on its legislative efforts to obtain federal funds to streamline bus maintenance training for alternative fuel buses.
- h) Support efforts within the surface transportation reauthorization legislation, or other appropriate legislation, that direct State Departments of Transportation to give consideration to the condition and effectiveness of local evacuation routes in high risk areas when setting priorities for the disbursement of highway funding.

IV. Economic Impact Legislation and Regulations

The recent economic crisis generated passage in 2009 of the American Recovery and Reinvestment Act (ARRA) which was intended to save and create jobs throughout the economy and within the transportation industry. Several other federal legislative and regulatory actions are also under consideration to prevent unintended adverse economic impacts to the transportation industry and also to appropriate funding for transportation infrastructure projects as a means of creating needed jobs in the economy. In this regard, OCTA will:

- a) Support legislation or regulations to prevent the adverse economic impact which would result from the forced early termination, through technical default, of leveraging agreements such as those entered into by Metrolink for rail rolling stock;
- b) Support legislation which would hold harmless local governments who held debt instruments of Lehman Brothers on September 15, 2008, and other regulatory actions pursuant to section 103 of the Emergency Economic Stabilization Act which are needed to ensure stability in local entities that, through no fault of their own, suffered losses in the economic crisis of 2008;
- c) Support federal legislation and programs, which accelerate funding for transportation infrastructure projects and thereby create additional jobs and economic activity in Orange County;

- d) Oppose any federal legislation or regulatory action which acts to impede the development of business opportunities and job creation in Orange County;
- e) Support federal assistance for transit operations, provided that such assistance substantially conforms with the Principles for Emergency Support for Public Transportation adopted on December 15, 2009 by the American Public Transportation Association. Specifically, such operations assistance should: 1) be temporary; 2) not be considered a precedent for any ongoing program, or a substitute for the currently authorized transit program; 3) be funded by the general fund apart from any ongoing transit appropriations; 4) sunset when the economy recovers and unemployment is reduced to a determined acceptable level; 5) be used to preserve or create jobs and transit service, and not for wage increases to current personnel; and 6) be available for capital purposes to the extent not needed for direct operating costs;
- f) Oppose any retroactive increase in the current rail passenger liability cap of \$200 million per incident and work with regional partners to assess the appropriate level of any future liability cap, taking into account the limited resources of public sector passenger rail providers.

V. Reauthorization of the Highway and Transit Programs

With the expiration of SAFETEA-LU on September 30, 2009, a number of proposals for the next highway and transit authorization are being introduced and discussed. During the six year life of SAFETEA-LU, OCTA received over \$885 million in transportation funding from programs authorized under the act. The overwhelming majority of these funds (approximately \$800 million) are provided pursuant to formula funded programs on a pay-go basis. A large percentage of the formula funds are used to fund the OCTA's transit operating budget. The remainder are used for highway, transit, and surface transportation capital projects throughout the region.

- a) OCTA will analyze key reauthorization proposals as they emerge to determine:

- 1) The source and adequacy of proposed future revenues to meet future transportation needs and the economic impact to the public of collection of those revenues;
 - 2) The extent to which a proposal will maximize the return of federal revenues to California and to OCTA;
 - 3) The extent to which a proposal enhances the federal funding partnership by helping OCTA address capital and operating revenue shortfalls;
 - 4) Whether or not the proposal contains any unfunded statutory or regulatory mandates applicable to OCTA.
 - 5) The extent to which the proposal contains provisions which support the recommendations contained in OCTA's Breaking Down Barriers Report approved by the Board on March 28, 2011
- b) Based upon this analysis, OCTA will seek a Board determination of the appropriate approach to the proposal in Washington.
 - c) OCTA generally supports program features in the next authorization which enable greater flexibility in permitted uses of transportation funds, and which distribute funding based upon formula factors which adequately recognize the extent of transportation funding needs within Orange County.
 - d) In considering which transportation projects from throughout the County to support for funding in the next authorization, OCTA will evaluate projects in accordance with the following criteria:
 - 1) The extent to which the project results from, or relates to, an OCTA major investment study or major planning initiative such as the Go Local or Metrolink service enhancement programs;
 - 2) The extent to which the project provides congestion relief or provides increased capacity to address future documented congestion;
 - 3) The adequacy of the overall funding plan and the ability to expend project funds to complete the project within the authorization timeframe (generally six years);

- 4) The regional significance of the project; and the contribution which the project makes to improving environmental quality.

VI. Goods Movement

The twin Ports of Los Angeles and Long Beach, while still considered “America’s Gateway,” and the nation’s busiest ports, have both suffered significant fluctuations in volume because of the worldwide economic downturn. The ports are not expected to fully recover from the turndown until at least 2013. Even with this forecast, the maintenance and improvement 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 be responsive to the consumer needs of the nearly 18 million people living in Southern California. Even at reduced volumes, current revenue streams are not sufficient to fund the projects needed to offset the costs of moving these goods.

In March 2007, the Board adopted a Goods Movement Policy intended to guide OCTA decisions regarding goods movement. Further, in July 2007, the Board adopted Principles for a Container Fee Program, which are intended to guide analysis of legislative programs applicable to goods movement at ports. OCTA will use these two policies to evaluate any federal legislative proposals regarding goods movement.

In 2012, OCTA’s advocacy efforts in this regard will emphasize the following:

- a) Pursue new, stable, dedicated, and secure sources of funding for goods movement infrastructure, such as a goods movement trust fund, which ensure that any revenues are dedicated to use for projects in the corridors where they are collected;
- b) Assure that the benefits of new funding outweigh the economic impact to the public from collection of the revenues;
- c) Continue to work with Congress, the State, and local governments, as well as with the private sector, to develop and implement the needed infrastructure programs and projects;
- d) Ensure that public control of goods movement infrastructure projects is retained at the local level;

- e) Seek mitigation for the impacts of goods movement on local communities in Orange County.

VII. Homeland Security

OCTA continues cooperative efforts with neighboring transit agencies, Urban Area Security Initiative partners, state and federal Homeland Security grant partners, and local jurisdictions to enhance the security of regional highway, bus, and rail systems. In addition to seeking additional grant funding in FY 2012 to secure the county’s highways, rail, and transit systems, OCTA will pursue the following regulatory and statutory changes to ensure homeland security needs are met:

- a) Support increased federal funding to transit agencies for staff training and operational security improvements for highways, transit, and rail security in the United States;
- b) Support a fair and effective distribution of grant funds which takes into consideration the risk of terrorism on targets in Southern California as estimated by the DHS, working in cooperation with state and local officials;
- c) Support programs that reach out to state homeland security officials to improve information exchange protocols, refine the Homeland Security Advisory System, and support state and regional data coordination.

VIII. Energy Issues

Legislation addressing U.S. policies on energy is likely to play a role in the 112th Congress. The transportation sector is the largest consumer of petroleum in the U.S. Therefore, the focus by Congress to further develop energy efficient policies is likely to have an impact on OCTA operations. With this in mind, OCTA will:

- a) Monitor legislation and federal rulemaking that addresses new or emerging energy policies such as incentives for alternative fuel technology and use and developer incentives supporting transit programs, as well as research and technology;
- b) Provide federal legislative reports to the Board outlining any energy-related legislation introduced in the next Congress that potentially impacts OCTA operations;

- c) Work with industry associations to comment on congressional actions and/or federal policies that impact the public transportation sector;
- d) Support the continuation of fuel tax credits for the OCTA's use of compressed natural gas and liquefied natural gas.

IX. Environmental Policy and Other Regulatory Requirements

Federal environmental laws and regulations affecting OCTA include the National Environmental Protection Act (NEPA), the Federal Clean Air Act, Federal Water Pollution Control Act, and the Endangered Species Act. With regard to these acts and related regulations, OCTA will:

- a) Seek opportunities to expedite and improve the efficiency of the environmental process for federally funded projects. The OCTA Breaking Down Barriers report, approved by the Board on March 28, 2011, contains numerous examples of instances where the environmental process can be expedited and made more efficient without impairing substantive environmental requirements. These policy recommendations should be pursued at the regulatory level;
- b) Seek federal funding to meet state and local environmental quality requirements, including anticipated requirements for zero emission buses, alternative fueling stations, and future greenhouse gas reduction requirements;
- c) Seek the continuation and expansion of the National Environmental Policy Act delegation pilot project, authorized by SAFETEA-LU;
- d) Monitor any new federal programs seeking 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 legislation and federal grant programs that encourage ridesharing and related congestion relief programs for Orange County commuters.

In addition, OCTA takes the following positions with regard to U.S. Departments providing federal oversight, specifically:

- f) Support efforts to work with Caltrans and the Administration to equitably resolve the FHWA interpretation of ADA compliance guidelines that retroactively require the implementation of costly curb-ramp upgrades within the boundaries of federally-funded projects. According to state officials implementing these regulations on behalf of FHWA, the requirements apply even if curb-ramps are already in place but considered to be out of date according to the most recent ADA guidelines or when the project would not require ground disturbance (i.e. signal synchronization projects funded with Congestion Mitigation and Air Quality funds);
- g) Oppose any regulations or administrative guidance seeking to extend through administrative actions the statutory requirements of ADA;
- h) Support expedited federal review and payments to local agencies and their contractors for project development, right-of-way acquisition, and construction activities;
- i) Support expedited and improved federal reporting and monitoring requirements to ensure efficiency and usefulness of data and to eliminate redundant state and federal requirements.

X. Employment Issues

Federal employment laws affecting OCTA include the Fair Labor Standards Act, Family and Medical Leave Act, Occupational Safety and Health Act, and the Omnibus Transportation Employee Testing Act of 1991. While there is not anticipated to be significant changes to these federal laws next year, OCTA's historical positions have included:

- a) Support income tax deductions for employees receiving employer-provided transit passes, vanpool benefits, or parking spaces currently counted as income;
- b) Oppose legislation and regulations adversely affecting the agency's ability to effectively and efficiently address labor relations, employee rights, benefits, and working conditions including health, safety, and ergonomics standards in the workplace.



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