

# ORANGE COUNTY TRANSPORTATION AUTHORITY 2009 Federal Legislative Platform



The Orange County Transportation Authority (OCTA) was formed in 1991 by the consolidation of seven separate transportation agencies. This consolidation creates a multi-modal authority, which eliminates duplicate transportation functions and increases efficiency in providing transportation services throughout the County.

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

- More than 2,000 employees, plus an additional 750 paratransit / fixed-route contract employees
- A budget for fiscal year (FY) 2008-2009 of more than \$950 million
- A countywide bus system with more than 900 vehicles
- The nation's 12th busiest bus transit operation, providing more than 65.5 million rides annually
- Countywide paratransit service for people with disabilities with 265 buses and more than 1.1 million boardings per year
- Three Metrolink commuter-rail lines with more than 3.8 million boardings per year
- Administration of Measure M, the package of transportation improvements promised to Orange County voters in 1990 when they approved a half-cent sales tax. Measure M was renewed by voters in 2006 and provides funding for freeway, regional/local streets and roads, and transit improvements until 2041.
- Ownership and operation of the 91 Express Lanes toll road with 13.5 million vehicle trips in FY 2008-09
- Oversight of Orange County's major investment studies and management of the planning for all future transportation infrastructure improvements

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## INTRODUCTION

With a population of over three million, Orange County is the third most populous county in California and the sixth 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, Orange County has the 11th largest gross domestic product and is home to the 12th busiest transit system 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 most congestion of any metropolitan area in the nation, delaying drivers an average of 72 hours per year. In conducting all of its activities, 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.

Orange County Transportation Authority's (OCTA) 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 to provide direction to staff and federal legislative advocates for the first session of the 111th 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 appropriations 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, and regional entities such as county transportation commissions and transit agencies, and the Southern California Association of Governments and will participate 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 Years 2009 and 2010 Transportation Appropriations

The annual appropriations process will continue to play a significant role in the OCTA 2009 federal legislative platform. Given that the federal surface transportation authorization bill, the Safe Accountable Flexible Efficient Transportation Equity Act - A Legacy for Users (SAFETEA-LU), fully obligated the federal highway trust fund and to a lesser degree, the mass transit account, there is limited discretionary funding available year to year for surface transportation earmarks. In addition, a change in Congressional approach has led to fewer transportation earmarks nationally, and lower amounts contained in those earmarks.

The FY 2009 appropriation process has yet to be completed and the results from earmark requests for FY 2009 are not yet known. That process will be completed in the first months of the 111th Congress. 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 I-5 / I-405 / LOSSAN Corridor and the east-west SR-91 and Burlington Northern Santa Fe/Orangethorpe (Alameda Corridor East) Corridor. To this end, as part of the fiscal years 2009 and 2010 transportation appropriations bills, OCTA will work with its Congressional delegation to secure greater levels of federal investment in the following projects:

- a. The Anaheim Regional Transportation Intermodal Center (ARTIC).
- b. Riverside Freeway (State Route 91) widening and Orange County/Riverside chokepoint projects congestion relief projects.
- c. Grade separation improvements along the Alameda Corridor East (ACE) in north Orange County and along the LOSSAN Corridor.
- d. San Diego Freeway (Interstate 405) widening and improvements, including interchange improvements, as well as bridges and overcrossings.
- e. San Diego Freeway (Interstate 5) and Ortega Highway chokepoint and interchange improvements.
- f. Improvements to relieve chokepoint congestion

at the Interstate 5 (I-5) and Costa Mesa Freeway (State Route 55).

- g. Extension of the I-5 South high occupancy lane (HOV) lane project.
- h. Go Local projects approved for implementation which may include fixed guideway projects and/or Bus Rapid Transit.
- i. Metrolink service enhancements in Orange County.
- j. Improvements along the Bristol Street multi-modal corridor in Santa Ana.
- k. Federal funding needed for the West Orange County Interchanges (Phase II of State Route 22) and I-405 widening projects including any needed easements from the Seal Beach Naval Weapons Center.
- l. Funding to meet federal rail safety requirements and positive train control implementation for Metrolink.
- m. Funding for Maglev transportation from Anaheim to Ontario Airport, as a segment of the high speed Maglev system between Las Vegas, Nevada and Anaheim.
- n. Funding to augment state, local and private efforts for high speed rail service from Anaheim to Los Angeles.

Other annual funding priorities for OCTA include:

- o. 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.
- p. 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.
- q. Support full funding of Section 5309 (m)(1)(a) rail modernization grant funds.
- r. Support bus and bus-related OCTA projects under Section 5309 (m)(1)(c) and oppose the diversion of significant bus discretionary funding to urban partnership agreement grants.

- s. 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.
  - t. Support projects which improve the capacity of major arterials throughout Orange County.
  - u. 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.
  - v. Support for projects on the Los Angeles – San Diego –San Luis Obispo (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.
- e. Upon definition and approval by OCTA Board, pursue the authorization and funding of a pilot transportation project employing new transit technology.
  - f. Support efforts to authorize and fund bike paths and bike trails within Orange County.

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 already is 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 explain the transportation impacts for all of Orange County which will result from failure to complete the project.

In addition, as the implementation of SAFETEA-LU continues, 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:

## 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. The OCTA will advocate for the following issues in stand alone legislation or in the next reauthorization:

- a. Support legislative efforts to authorize the State Route 91 (SR-91) congestion relief projects.
  - b. Support specific authorization and funding for the Anaheim Regional Transportation Intermodal Center (ARTIC).
  - c. Support continued authorization of and funding for the four-county ACE project.
  - d. Monitor, and with OCTA Board approval, support Intelligent Transportation System (ITS) measures to advance the safety, security and efficiency of
- g. Encourage the Federal Highway Administration (FHWA) to return the Regional Transportation Plan to a long-range planning and vision document rather than a detailed, 30-year financial plan, as current regulations mandate.
  - h. SAFETEA-LU implementing regulations shifted the approval of RTP amendments involving Transportation Control Measures (TCM) 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.
  - i. 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.

- j. If necessary, work with the Federal Highway Administration or appropriate members of Congress, to obtain flexibility regarding the operation of HOV lanes.

### III. Advocacy Efforts for Existing 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 (PNRS) program.
- b. Upon definition and approval by the OCTA Board, seek support from the Federal Transit Administration (FTA) 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 (JARC), and New Freedom program 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.
- e. Support environmental streamlining and stewardship efforts by the relevant federal agencies.
- f. Support expedited federal review and payments to local agencies and their contractors for project development, right-of-way acquisition, and construction activities.
- g. Work with the Southern California Regional Transit Training Consortium on its fiscal year (FY) 2007 legislative efforts to obtain federal funds to streamline bus maintenance training for alternative fuel buses.

### IV. Economic Impact Legislation and Regulations

The recent economic crisis has generated discussions in Washington regarding federal legislative and regulatory actions 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 federal economic stimulus legislation and programs which accelerate funding for transportation infrastructure projects and thereby create additional jobs and economic activity in Orange County.

### V. Reauthorization of the Highway and Transit Programs

The SAFETEA-LU highway and transit authorization bill will expire on September 30, 2009. A number of proposals for the next highway and transit authorization are expected to be introduced and discussed in 2009. During the six year life of SAFETEA-LU the OCTA will receive 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. Approximately \$130 million 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. The 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 the OCTA;

- 3) the extent to which a proposal enhances the federal funding partnership by helping OCTA address capital and operating revenue shortfalls; and
- 4) whether or not the proposal contains any unfunded statutory or regulatory mandates applicable to the OCTA.

Based upon this analysis, the OCTA will seek a Board determination of the appropriate approach to the proposal in Washington.

- b. The 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.
- c. 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.
  - 5) the contribution which the project makes to improving environmental quality.

## VI. Goods Movement

The movement of goods to and from the ports of Los Angeles and Long Beach (POLA/LB) has been a major contributor to traffic congestion on Orange County highways, streets and roads. An estimated 43 percent of all United States (U.S.) container traffic and 54 percent of U.S./Asian containerized trade is handled by the port complex of POLA/LB, making them the fifth largest port complex in the world. Most significantly, 50 to 70 percent of the freight coming through POLA/LB is destined for areas outside of the Southern California region.

Despite its impacts, international trade provides significant benefits to the region. Economic studies show that logistics activity is responsible for \$90.7 billion, or 6.6%, of the nearly \$1.4 trillion in economic activity annually in Southern California. The indirect or induced impact represents another \$170 billion or 12.4%. Each logistics job supports 2.2 new jobs in the economy, with nearly 107,000 of these jobs being located in Orange County.

Current revenue streams are not sufficient to fund the projects needed to offset the costs of moving these goods. Additionally, existing state and local infrastructure is unable to handle the increasing demands placed on it by the growth in goods moving through Southern California.

In March of 2007, the Board adopted a Goods Movement Policy intended to guide OCTA decisions regarding goods movement. Further, in July of 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 2009 the 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, 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 (UASI) 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 2009 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 based on the risk of terrorism as estimated by the Department of Homeland Security, in lieu of formulas based solely on size of population.
- 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 111th 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.

- a. Monitor legislation and federal rulemaking that addresses new or emerging energy policies such as: incentives for alternative fuel technology and use, developer incentives supporting transit programs, as well as research and technology.
- b. Provide federal legislative reports to the OCTA Board of Directors 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 streamline the environmental process for federally funded projects. For example, OCTA opposes the present practice whereby small pavement rehabilitation projects trigger an environmental review.
- b. Seek federal funding to meet state and local environmental quality requirements, including anticipated requirements for zero emission busses, alternative fueling stations and future greenhouse gas reduction requirements
- c. Continue to monitor implementation of the NEPA pilot project, authorized by SAFETEA-LU, as it applies to OCTA federally-funded projects.
- 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:

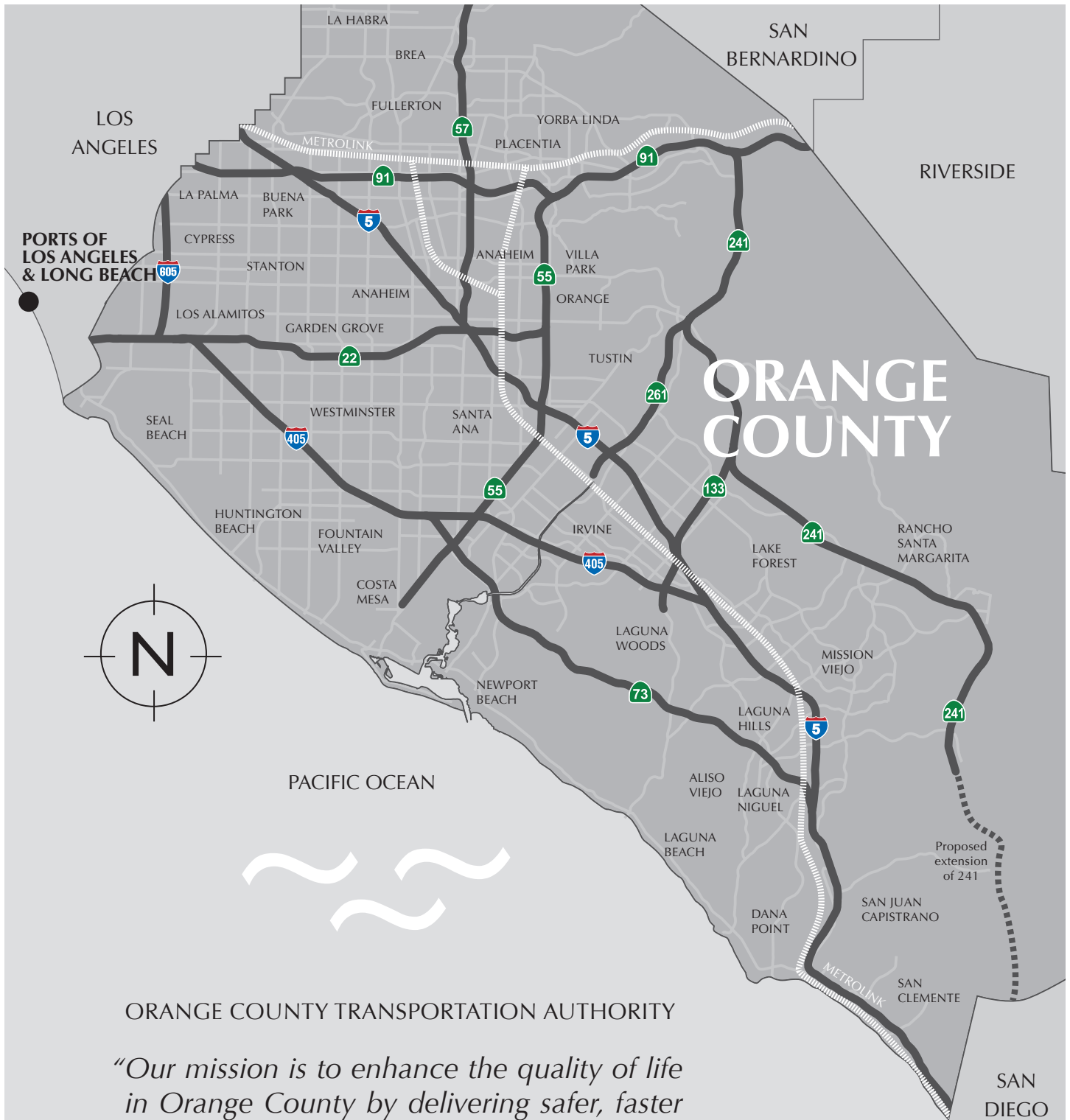
- f. Support efforts to work with Caltrans and the Administration to equitably resolve the FHWA interpretation of the Americans with Disabilities Act (ADA) compliance guidelines that retroactively requires the implementation of costly curb-ramp upgrades within the boundaries of federally-funded projects. 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 streamlined 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 historical positions have included:

- a. Support income tax reductions 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.



ORANGE COUNTY TRANSPORTATION AUTHORITY

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

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