

Date: Monday, July 14, 2008

Time: 9:00 a.m.

Where: Orange County Transportation Authority Headquarters
600 South Main Street, First Floor - Conference Room 154
Orange, California 92868



BOARD AGENDA

Orange County Transportation Authority Board Meeting
OCTA Headquarters
First Floor - Room 154, 600 South Main Street
Orange, California
Monday, July 14, 2008, at 9:00 a.m.

ACTIONS

Any person with a disability who requires a modification or accommodation in order to participate in this meeting should contact the OCTA Clerk of the Board, telephone (714) 560-5676, no less than two (2) business days prior to this meeting to enable OCTA to make reasonable arrangements to assure accessibility to this meeting.

Invocation

Director Rosen

Pledge of Allegiance

Director Bates

Agenda Descriptions

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

Public Comments on Agenda Items

Members of the public wishing to address the Board of Directors regarding any item appearing on the agenda may do so by completing a Speaker's Card and submitting it to the Clerk of the Board. Speakers will be recognized by the Chairman at the time the agenda item is to be considered. A speaker's comments shall be limited to three (3) minutes.

Public Availability of Agenda Materials

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



BOARD AGENDA

ACTIONS

Call to Order

Special Matters

1. **Presentation of Resolution of Appreciation to Marian Bergeson**

Consent Calendar (Items 2 through 16)

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

Orange County Transportation Authority Consent Calendar Matters

2. **Approval of Resolution of Appreciation for Marian Bergeson**

3. **Approval of Minutes**

Of the Orange County Transportation Authority and affiliated agencies' regular meeting of June 23, 2008.

4. **State Legislative Status Report**

Kristin Essner/P. Sue Zuhlke

Overview

Taking into consideration the Orange County Transportation Authority Board of Directors adopted goals for guiding current public-private partnership legislation, a work with author position is recommended for a bill that would create certain types of public-private partnerships.

Committee Recommendation

Adopt the following recommended position on legislation:

Oppose AB 3021 (Nava, D-Santa Barbara), which would create an alternative funding mechanism for projects and an ability to use tolling, without legislative approval needed.



BOARD AGENDA

ACTIONS

5. **Schedule for the Preparation of the 2009 State and Federal Legislative Platforms**

Kristin Essner/P. Sue Zuhlke

Overview

The Orange County Transportation Authority is preparing the legislative platforms in advance of the 2009 sessions of the California Legislature and United States Congress. As a listing of objectives and issue positions, the legislative platforms provide general direction to staff and legislative representatives in Sacramento and Washington, D.C.

Recommendation

Approve the preparation plan and timeline for the State and Federal Legislative platforms.

6. **Amendment to Agreement for State Legislative Advocacy and Consulting Services**

Wendy Villa/P. Sue Zuhlke

Overview

An amendment to the agreement with Sloat Higgins Jensen & Associates is proposed in order to secure state legislative advocacy and consulting services through November 30, 2010.

Recommendation

Authorize the Chief Executive Officer to execute Amendment No. 4 to Agreement No. C-2-0947 between the Orange County Transportation Authority and Sloat Higgins Jensen & Associates, in an amount not to exceed \$339,984, for state legislative advocacy and consulting services through November 30, 2010, and reserve the right to exercise two, two-year option term extensions.



BOARD AGENDA

ACTIONS

7. **Los Angeles - San Diego - San Luis Obispo Rail Corridor Quick Improvements Study**

Abbe McClenahan/Kia Mortazavi

Overview

The Orange County Transportation Authority, in partnership with the California Department of Transportation, Division of Rail, contracted with Wilbur Smith Associates to conduct a study to explore opportunities to improve rail service and develop near-term improvements as the first step towards a comprehensive, integrated rail passenger network within the Los Angeles – San Diego – San Luis Obispo rail corridor.

Recommendation

Direct staff to work with the Los Angeles – San Diego – San Luis Obispo Technical Advisory Committee to collaboratively develop a strategy, schedule, and plan for implementing the recommended service improvements.

8. **Amendment to Agreement for Additional Construction Management Services for the Americans with Disabilities Act Bus Stop Accessibility Program**

Dipak Roy/Kia Mortazavi

Overview

The Orange County Transportation Authority continues to work collaboratively with Orange County local agencies to address the Americans with Disabilities Act deficiencies at bus stops. This report proposes to amend the construction management services agreement for the bus stop accessibility program.

Recommendation

Authorize the Chief Executive Officer to execute Amendment No. 4 to Agreement No. C-3-0798 between the Orange County Transportation Authority and Bureau Veritas North America, Inc., in an amount not to exceed \$200,000, and extend the termination date by six months to December 31, 2008, for construction management services for the bus stop accessibility program.



BOARD AGENDA

ACTIONS

9. 2008 State Transportation Improvement Program Update
Jennifer Bergener/Kia Mortazavi

Overview

The Orange County Transportation Authority Board of Directors adopted the 2008 State Transportation Improvement Program in January 2008. The California Transportation Commission adopted the final 2008 State Transportation Improvement Program on May 29, 2008. An update of the adopted program is provided for review, as well as new funding recommendations.

Recommendations

- A. Adopt the California Transportation Commission-approved 2008 State Transportation Improvement Program.
- B. Authorize the use of \$27.6 million of Regional Surface Transportation Funding for the Gene Autry Way west project.
- C. Authorize the use of \$2.8 million of Regional Surface Transportation Funding for the La Paz Road interchange improvements project.
- D. Authorize staff to amend the Federal Transportation Improvement Program and execute any necessary agreements to facilitate the delivery of the adopted State Transportation Improvement Program.

10. Amendment to Agreement for Pre-Employment Background Screening
Gail Hantelmann/James S. Kenan

Overview

On July 26, 2004, the Board of Directors approved an agreement with Accusource, Inc., in the amount of \$186,000, to provide pre-employment background screening services. Accusource, Inc. was retained in accordance with the Orange County Transportation Authority's procurement procedures for professional services.



BOARD AGENDA

ACTIONS

10. (Continued)

Recommendation

Authorize the Chief Executive Officer to execute Amendment No. 2 to exercise the second option term for on-call Agreement No. C-4-0100 between the Orange County Transportation Authority and Accusource, Inc., adding \$40,000, for a total contract amount of \$253,900, for pre-employment background screening services.

Orange County Local Transportation Authority Consent Calendar Matters

11. **Agreement for On-Call Geographic Information System Services**

James E. Sterling/Kia Mortazavi

Overview

As part of the Orange County Transportation Authority's proposed Fiscal Year 2008-09 Budget, the Board of Directors approved consultant services for geographic information system support. Offers were received in accordance with the Orange County Transportation Authority's procurement procedures for professional and technical services.

Recommendation

Authorize the Chief Executive Officer to execute agreements between the Orange County Transportation Authority and Technology Associates International Corporation Agreement No. C-8-0734, Jacobs Carter Burgess Agreement No. C-8-0996, and HDR Engineering, Inc., Agreement No. C-8-0998, in an aggregate amount not to exceed \$600,000, for a three-year contract covering fiscal years 2008-09, 2009-10, and 2010-11, for on-call geographic information system services.



BOARD AGENDA

ACTIONS

12. **Oso Parkway/Pacific Park Drive Signal Synchronization Demonstration Project Summary Report**
Anup Kulkarni/Kia Mortazavi

Overview

The Orange County Transportation Authority has been working with local cities, the County of Orange, and the California Department of Transportation on the Oso Parkway/Pacific Park Drive Traffic Signal Synchronization Demonstration Project. This report provides a summary of the project results and next steps.

Recommendation

Receive and file as an information item.

13. **Selection of a Consultant for Preparation of Project Report and Environmental Document for the San Diego Freeway (Interstate 405) Widening Project from the Costa Mesa Freeway (State Route 55) to the San Gabriel River Freeway (Interstate 605)**
Rose Casey/Kia Mortazavi

Overview

The Renewed Measure M Early Action Plan includes a project to add new lanes to the San Diego Freeway (Interstate 405) from the Costa Mesa Freeway (State Route 55) to the San Gabriel River Freeway (Interstate 605). Proposals for consulting services to prepare the project report and environmental document were solicited in accordance with the Orange County Transportation Authority's procurement procedures for the retention of a consultant to perform architectural and engineering work. Approval is requested for the selection of a firm to perform the required work.



BOARD AGENDA

ACTIONS

13. (Continued)

Recommendations

- A. Select Parsons Transportation Group, Inc., as the top-ranked firm to prepare the project report and environmental document for the San Diego Freeway (Interstate 405) widening project.
- B. Authorize the Chief Executive Officer to request a cost proposal from Parsons Transportation Group, Inc., and negotiate an agreement for services.
- C. Authorize the Chief Executive Officer to execute the final agreement.

Orange County Transit District Consent Calendar Matters

14. Agreement for Construction of a Roof Access System at the Laguna Hills Transportation Center

James J. Kramer/Kia Mortazavi

Overview

A roof access system at the Laguna Hills Transportation Center is required to provide safe access to service and maintain the existing roof-mounted equipment. The project is ready for construction and Board of Directors' authorization is requested to award a construction contract.

Recommendations

- A. Amend the Orange County Transportation Authority's Fiscal Year 2008-09 Budget by \$50,626 for construction of the roof access system at the Laguna Hills Transportation Center.
- B. Authorize the Chief Executive Officer to execute Agreement No. C-8-0751 between the Orange County Transportation Authority and Inman Welding, Inc., the lowest responsive, responsible bidder, in an amount not to exceed \$50,626, for the roof access system at the Laguna Hills Transportation Center.



BOARD AGENDA

ACTIONS

15. Amendment to Agreement for Compressed Natural Gas Fueling Stations at the Anaheim and Garden Grove Bases

James J. Kramer/Kia Mortazavi

Overview

On May 14, 2007, the Board of Directors approved an agreement with California Trillium Company, in an amount not to exceed \$24,100,000, to provide lease-to-own compressed natural gas fueling facilities at the Anaheim and Garden Grove bases. Electrical service upgrades are required to power the new compressed natural gas fueling station at the Anaheim Base. An amendment is needed to add these improvements to the agreement.

Recommendation

Authorize the Chief Executive Officer to execute Amendment No. 2 to Agreement No. C-6-0890 between the Orange County Transportation Authority and California Trillium Company, in the amount of \$168,882, for electrical service upgrades at the Anaheim Base.

16. Amendment to Purchase Order for Natural Gas Service to the Santa Ana Base

James J. Kramer/Kia Mortazavi

Overview

In November 2005, the Board of Directors approved a purchase order with the Southern California Gas Company, in a not-to-exceed amount of \$2,700,000, for the extension of an underground natural gas line to the Santa Ana Base. The project has been completed by the Southern California Gas Company. The final project costs have exceeded the Southern California Gas Company's initial construction cost estimate and an amendment is required.

Recommendations

- A. Amend the Orange County Transportation Authority's Fiscal Year 2008-09 Budget by \$1,662,003 to allow encumbrance of the full cost for installation of an underground natural gas line to the Santa Ana Base.



BOARD AGENDA

ACTIONS

16. (Continued)

- B. Authorize the Chief Executive Officer to execute Amendment No. 2 to Purchase Order No. 06-74392 between the Orange County Transportation Authority and the Southern California Gas Company, in the amount of \$1,321,918, for the installation of an underground natural gas line to the Santa Ana Base.

Regular Calendar

Orange County Local Transportation Authority Regular Calendar Matters

17. **Report to Legislative Analyst's Office on the Garden Grove Freeway (State Route 22) Design-Build Project**
Tom Bogard/Kia Mortazavi

Overview

The Orange County Transportation Authority is required by Public Contracts Code, Section 20209, to prepare a report to the California Legislative Analyst's Office on the design-build approach used to construct the Garden Grove Freeway (State Route 22). This report is intended to serve as a comprehensive statement on the use of a design-build delivery approach on transit projects and to assess its future benefits.

Recommendation

Approve the report to Legislative Analyst's Office on the use of the design-build delivery approach on the Garden Grove Freeway (State Route 22) project and direct the Chief Executive Officer to transmit the report.



BOARD AGENDA

ACTIONS

- 18. Design of Gateway Monument Sign for the Santa Ana Freeway (Interstate 5) Gateway Project**
Charles Guess/Kia Mortazavi

Overview

On June 9, 2008, the Orange County Transportation Authority Board of Directors asked staff to investigate the possibility of adding the term "Welcome to" on the Santa Ana Freeway (Interstate 5) gateway sign. Three final design options for the sign are presented for Board of Directors' consideration.

Committee Recommendation

Select the original design concept for the Santa Ana Freeway (Interstate 5) gateway sign with no "Welcome to" language.

Discussion Items

- 19. Public Comments**

At this time, members of the public may address the Board of Directors regarding any items within the subject matter jurisdiction of the Board of Directors, but no action may be taken on off-agenda items unless authorized by law. Comments shall be limited to three (3) minutes per speaker, unless different time limits are set by the Chairman subject to the approval of the Board of Directors.

- 20. Chief Executive Officer's Report**

- 21. Directors' Reports**

- 22. Closed Session**

Pursuant to Government Code Section 54956.9 (b)(1).

- 23. Adjournment**

The next regularly scheduled meeting of this Board will be held at **9:00 a.m. on July 28, 2008**, at the OCTA Headquarters.



ORANGE COUNTY
TRANSPORTATION AUTHORITY

RESOLUTION

HONORABLE MARIAN BERGESON
MEMBER, CALIFORNIA TRANSPORTATION COMMISSION

WHEREAS, the Honorable Marian Bergeson has served her community with distinction since 1964 having served on the Newport-Mesa Unified School District Board of Education before moving on to the State Assembly from 1978 until 1984; and

WHEREAS, Ms. Bergeson became the first woman to serve as both a State Assembly Member and Senator when elected as the Senator for the 37th Senate District from 1984 through 1995, where she led the consolidation of seven separate entities into one entity, the Orange County Transportation Authority; and

WHEREAS, Ms. Bergeson helped secure approval of Orange County's first sales tax measure for transportation, Measure M, in 1991 and again in 2006, providing over \$16 billion in infrastructure projects to improve the lives of Orange County residents; and

WHEREAS, Ms. Bergeson has also served as a Member of the Orange County Board of Supervisors, as the California State Secretary for Education, and as a member of the California State Board of Education; and

WHEREAS, Ms. Bergeson has served on the California Transportation Commission (CTC) from 2004 to 2008, serving as Chair in 2007, during which time she helped guide the state through strained fiscal times while helping to keep high priority infrastructure projects moving, also leading to the passage of important legislation to help local agencies secure reimbursement for funds advanced on state highway projects; and

WHEREAS, as Chair of the CTC, Ms. Bergeson led the CTC to the successful implementation of the first categories of funding distributed under Proposition 1B, the Corridor Mobility Improvement Account and the Trade Corridors Improvement Fund, bringing nearly \$600 million to Orange County from these two programs.

NOW, THEREFORE, BE IT RESOLVED that the Orange County Transportation Authority Board of Directors thanks Commissioner Marian Bergeson for a lifetime of strong and consistent representation for Orange County and the State of California; and

BE IT FURTHER RESOLVED that the time, effort, and dedication of Commissioner Bergeson in her achievement of so many milestones and having made a difference in the lives of Orange County residents is truly inspirational, and has won the respect and admiration of the Orange County Transportation Authority Board of Directors.

Dated: July 14, 2008

Chris Norby, Chairman
Orange County Transportation Authority

Arthur T. Leahy, Chief Executive Officer
Orange County Transportation Authority



Minutes of the Meeting of the
Orange County Transportation Authority
Orange County Service Authority for Freeway Emergencies
Orange County Local Transportation Authority
Orange County Transit District
Board of Directors
June 23, 2008

Call to Order

The June 23, 2008, regular meeting of the Orange County Transportation Authority and affiliated agencies was called to order by Vice Chair Buffa at 9:00 a.m. at the Orange County Transportation Authority Headquarters, Orange, California.

Roll Call

Directors Present: Peter Buffa, Vice Chair
Jerry Amante
Patricia Bates
Arthur C. Brown
Bill Campbell
Carolyn Cavecche
Richard Dixon
Paul Glaab
Cathy Green
Allan Mansoor
John Moorlach
Janet Nguyen
Curt Pringle
Mark Rosen
Gregory T. Winterbottom
Cindy Quon, Governor's Ex-Officio Member

Also Present: Arthur T. Leahy, Chief Executive Officer
Paul C. Taylor, Deputy Chief Executive Officer
Wendy Knowles, Clerk of the Board
Mary Burton, Deputy Clerk of the Board
Kennard R. Smart, Jr., General Counsel
Members of the Press and the General Public

Directors Absent: Chris Norby, Chairman
Miguel Pulido

Invocation

Director Glaab gave the invocation.

Pledge of Allegiance

Director Amante led the Board and audience in the Pledge of Allegiance.

Public Comments on Agenda Items

Vice Chair Buffa announced that members of the public who wished to address the Board of Directors regarding any item appearing on the agenda would be allowed to do so by completing a Speaker's Card and submitting it to the Clerk of the Board.

Special Matters (Items 1 through 3)

1. Presentation of Resolutions of Appreciation for Employees of the Month for June 2008

Vice Chair Buffa presented Orange County Transportation Authority Resolutions of Appreciation Nos. 2008-36, 2008-37, 2008-38 to Tadahisa Ogawa, Coach Operator; Mario Ramos, Maintenance; and Edwin Byrne, Administration, as Employees of the Month for June 2008.

2. Presentation of Resolution of Appreciation to Orange County Sheriff's Department Employee of the Quarter

Vice Chair Buffa presented Orange County Transportation Authority Resolution of Appreciation No. 2008-50 to Orange County Sheriff's Deputy Dan Bloom.

3. Measure M Oversight Committee New Member Recruitment and Lottery

Vice Chair Buffa announced that it was necessary to make one appointment to the Measure M Oversight Committee, one from applicants in the Second District, and two from Third District.

The results of the lottery drawing were as follows:

Second District

Appointee: Howard D. Mirowitz
Alternates: Michael Schwarzmann, Heriberto Soto, Tom Truscott, and Tom Eichhorn

3. (Continued)

Third District

Appointees: C. James Hillquist and Ed Wylie
Alternates: Ty Keith, Michael Lebeau, Fernando Salvidar,
Susan Lamourex, Herbert Trumpoldt, Robert Clemmer,
Roger Merchant, and Bill Quisenberry.

A motion was made by Director Green, seconded by Director Brown, and declared passed by those present, to:

- A. Pursuant to Measure M Ordinance, conduct the lottery for final selection of new Measure M Taxpayers Oversight Committee members by drawing one name representing the Second Supervisorial District and two names representing the Third Supervisorial District from the list of recommended finalists from Grand Jurors Association of Orange County.
- B. Adopt Orange County Local Transportation Authority Resolutions of Appreciation Nos. 2008-33 for Brooks Corbin, 2008-34 for Merlin Henry, and 2008-35 for Greg Moore, members of the Taxpayers' Oversight Committee whose terms have expired.

Director Rosen was not present to vote on this item.

Consent Calendar (Items 4 through 28)

Vice Chair Buffa announced that members of the public who wished to address the Board of Directors regarding any item appearing on the agenda would be allowed to do so by completing a Speaker's Card and submitting it to the Clerk of the Board.

Orange County Transportation Authority Consent Calendar Matters

4. Approval of Board Member Travel

A motion was made by Director Amante, seconded by Director Glaab, and declared passed by those present, to approve a request for Director Art Brown to travel to Seattle, WA, July 20 22, 2008, to participate in the American Public Transportation Association Transit Board Member Seminar and Workshop.

Director Rosen was not present to vote on this item.

5. Approval of Minutes

A motion was made by Director Amante, seconded by Director Glaab, and declared passed by those present, to approve the minutes of the Orange County Transportation Authority and affiliated agencies' regular meeting of June 9, 2008.

Director Rosen was not present to vote on this item.

6. Approval of Resolutions of Appreciation for Employees of the Month for June 2008

A motion was made by Director Amante, seconded by Director Glaab, and declared passed by those present, to adopt Orange County Transportation Authority Resolutions of Appreciation Nos. 2008-36, 2008-37, and 2008-38 to Tadahisa Ogawa, Coach Operator; Mario Ramos, Maintenance; and Edwin Byrne, Administration, as Employees of the Month for June 2008.

Director Rosen was not present to vote on this item.

7. Approval of Resolution of Appreciation to Orange County Sheriff's Department Employee of the Quarter

A motion was made by Director Amante, seconded by Director Glaab, and declared passed by those present, to adopt Orange County Transportation Authority Resolution of Appreciation No. 2008-50 for Orange County Sheriff's Deputy Dan Bloom.

Director Rosen was not present to vote on this item.

8. State Legislative Status Report

Director Campbell pulled this item and stated he had concerns that opposing this bill would result in a direct conflict with current federal law.

Director Pringle stated that he would like to see the objective of the opposition clarified in some way.

A motion was made by Director Bates, seconded by Director Campbell, and declared passed by those present, this item return to the Legislative and Communications Committee for further consideration.

Director Rosen was not present to vote on this item.

9. Federal Legislative Status Report

A motion was made by Director Amante, seconded by Director Glaab, and declared passed by those present, to receive and file this item for information.

Director Rosen was not present to vote on this item.

10. Draft 2008 State Route 91 Implementation Plan

A motion was made by Director Amante, seconded by Director Glaab, and declared passed by those present, to approve the Draft 2008 State Route 91 Implementation Plan.

Director Rosen was not present to vote on this item.

11. 2007 Combined Transportation Funding Program Call for Projects

A motion was made by Director Amante, seconded by Director Glaab, and declared passed by those present, to:

- A. Approve the recommended funding allocations for the 2007 Combined Transportation Funding Program call for projects in the categories of Intersection Improvement Program, Signal Improvement Program, Transportation Demand Management, and Growth Management Area.
- B. Authorize staff to amend the Regional Transportation Improvement Program as necessary to facilitate the programming recommended above.
- C. Authorize the Chief Executive Officer to execute all necessary agreements and amendments with local agencies to facilitate the programming recommended above.

Director Rosen was not present to vote on this item.

12. Combined Transportation Funding Program - March 2008 Semi-Annual Review

A motion was made by Director Amante, seconded by Director Glaab, and declared passed by those present, to approve adjustments to the Combined Transportation Funding Program project allocations as presented.

Director Rosen was not present to vote on this item.

13. Guiding Principles for the Renewed Measure M Transit Strategic Plan

A motion was made by Director Amante, seconded by Director Glaab, and declared passed by those present, to:

- A. Approve the amended guiding principles as presented in Transmittal Attachment A.
- B. Direct staff to return with funding guidelines for the competitive transit programs beginning in summer 2008.

Director Rosen was not present to vote on this item.

14. Cooperative Agreement with California Department of Transportation for the Garden Grove Freeway (State Route 22) Additional Soundwalls Project

Director Moorlach pulled this item and stated that he would like to see archway configurations considered for the top of these soundwalls.

A motion was made by Director Moorlach, seconded by Director Cavecche, and declared passed by those present, to authorize the Chief Executive Officer to execute Cooperative Agreement No. 8-0882 between the Orange County Transportation Authority and the California Department of Transportation for the preparation of plans, specifications, estimate, and right-of-way certification for the additional soundwalls along the Garden Grove Freeway (State Route 22) and to investigate design features at the top of the walls.

Director Rosen was not present to vote on this item.

15. Multi-County Goods Movement Action Plan

A motion was made by Director Amante, seconded by Director Glaab, and declared passed by those present, to:

- A. Approve the Multi-County Goods Movement Action Plan.
- B. Authorize the Chief Executive Officer to execute Amendment No. 2 to Agreement No. C-5-2653 between the Orange County Transportation Authority and the Los Angeles County Metropolitan Transportation Authority, in the amount of \$27,420, for additional services performed by Wilbur Smith Associates for the Multi-County Goods Movement Action Plan.

Director Rosen was not present to vote on this item.

16. Agreement with Orange County Register for Transportation Curriculum Program for Youth

A motion was made by Director Amante, seconded by Director Glaab, and declared passed by those present, to authorize the Chief Executive Officer to execute Agreement C-8-0949 between the Orange County Transportation Authority and the Orange County Register, in the amount of \$50,000, for the period from July 1, 2008, to June 30, 2009, for the Newspaper in Education Program, which includes transportation curriculum specifically designed for Orange County Transportation Authority, and to return to the Legislative and Communications Committee for review of the draft curriculum before it is finalized.

Director Rosen was not present to vote on this item.

17. Citizens Advisory Committee Update

A motion was made by Director Amante, seconded by Director Glaab, and declared passed by those present, to:

- A. Receive and file the Citizens Advisory Committee status report.
- B. Adopt Resolutions of Appreciation 2008-45 through 2008-49 for members of the 2007-2008 Citizens Advisory Committee who will be leaving the committee.

Director Rosen was not present to vote on this item.

18. Agreement for Upgrade of Nortel Telecommunications Systems

A motion was made by Director Amante, seconded by Director Glaab, and declared passed by those present, to authorize the Chief Executive Officer to execute Agreement No. C-8-0685 between the Orange County Transportation Authority and Integrated Technology, whose offer best meets the Orange County Transportation Authority's requirements, in an amount not to exceed \$271,034, for upgrades of Nortel Telecommunications Systems.

Director Rosen was not present to vote on this item.

19. Request for Proposals for Armored Vehicle and Fare Collection Counting Services

A motion was made by Director Amante, seconded by Director Glaab, and declared passed by those present, to:

- A. Approve the proposed evaluation criteria and weightings.
- B. Approve the release of the Request for Proposals 8-0921 for Armored Vehicle and Fare Collection Counting Services.

Director Rosen was not present to vote on this item.

20. Agreement for a Leadership Development and Succession Planning Program

A motion was made by Director Amante, seconded by Director Glaab, and declared passed by those present, to authorize the Chief Executive Officer to execute Agreement No. C-8-0640 between the Orange County Transportation Authority and Insight Strategies, Inc., in an amount not to exceed \$259,100 over three years, for a Leadership Development and Succession Planning Program.

Director Rosen was not present to vote on this item.

21. Fiscal Year 2007-08 Third Quarter Budget Status Report

A motion was made by Director Amante, seconded by Director Glaab, and declared passed by those present, to receive and file this information for information.

Director Rosen was not present to vote on this item.

Orange County Local Transportation Authority Consent Calendar Matters

22. Approval to Release Request for Proposals for On-Call Traffic Engineering Services

A motion was made by Director Amante, seconded by Director Glaab, and declared passed by those present, to:

- A. Approve the proposed evaluation criteria and weightings.
- B. Approve the release of Request for Proposals 8-0612 for on-call traffic engineering services.

Director Rosen was not present to vote on this item.

23. Selection of a Consultant for Preparation of Plans, Specifications, and Estimate for Placentia Metrolink Station Improvements Project

A motion was made by Director Amante, seconded by Director Glaab, and declared passed by those present, to:

- A. Select Willdan Engineering as the top-ranked firm to prepare plans, specifications, and estimate for the Placentia Metrolink Station.
- B. Authorize the Chief Executive Officer to request a cost proposal from Willdan Engineering and negotiate an agreement for services.
- C. Authorize the Chief Executive Officer to execute the final agreement.

Director Rosen was not present to vote on this item.

24. Rail-Highway Grade Crossing Enhancement Program Update

A motion was made by Director Amante, seconded by Director Glaab, and declared passed by those present, to:

- A. Approve the elimination of the Raymond Street grade crossing, in the City of Fullerton, from the Rail-Highway Grade Crossing Enhancement Program. This reduces the number of at-grade crossings in the program from 53 to 52. Raymond Street is now funded for construction of a grade separation.
- B. Amend the program scope to include city traffic signal improvements needed to support the railroad signal system/city traffic signal interface and right-of-way acquisition, where necessary, for the construction of safety enhancements.
- C. Approve an amendment of \$10 million to the program budget, increasing the total program budget from \$60 million to \$70 million, for combined railroad grade crossing safety enhancements and quiet zone improvements at 52 at-grade rail-highway crossings.
- D. Authorize the use of \$8.8 million of Renewed Measure M funds and \$1.2 million of local city matching funds for the amendment to the program budget.

Director Rosen was not present to vote on this item.

Orange County Transit District Consent Calendar Matters

25. Agreement for Construction of Steam Clean Area Modifications at the Santa Ana Base

A motion was made by Director Amante, seconded by Director Glaab, and declared passed by those present, to authorize the Chief Executive Officer to execute Agreement No. C-8-0768 between the Orange County Transportation Authority and Autolift Services, Inc., the lowest responsive, responsible bidder, in an amount not to exceed \$91,500, for steam clean area modifications at the Santa Ana Base.

Director Rosen was not present to vote on this item.

26. Amendment to Agreement for Support Services and Infrastructure for the On-Board Bus Video Surveillance System

A motion was made by Director Amante, seconded by Director Glaab, and declared passed by those present, to authorize the Chief Executive Officer to execute Amendment No. 6 to Agreement No. C-6-0142 between the Orange County Transportation Authority and March Networks Corporation, in an amount not to exceed \$370,000, to exercise the second option term for support services and to complete infrastructure and in-vehicle capital improvements, for a new total contract value of \$1,189,292.

Director Rosen was not present to vote on this item.

27. Customer Relations Report for Third Quarter Fiscal Year 2007-08

A motion was made by Director Amante, seconded by Director Glaab, and declared passed by those present, to receive and file this item for information item.

Director Rosen was not present to vote on this item.

28. Customer Information Center Update

Director Campbell pulled this item and stated he had great concerns about reducing hours of operation for the Customer Information Center. He indicated that he prefer there be a way to afford the hours needed or develop a way to use an automated system.

Director Pringle stated he would like to be provided with data to show what information people are calling for and could not support reductions of hours at this time.

Director Amante requested costing be investigated for real-time passenger information at bus stops and would be interested in learning the nature and purpose of the calls being received.

28. (Continued)

Discussion followed and a motion was made by Director Campbell, seconded by Director Amante, and declared passed by those present, to direct staff to study alternatives for costs of Customer Information Center support and to conduct a six-month pilot program of hours reduction and return to Committee with results report.

Director Pringle voted to oppose the motion; Director Rosen was not present to vote on this item.

Regular Calendar

Orange County Transportation Authority Regular Calendar Matters

29. Trade Corridors Improvement Fund Grade Separation Projects

Tom Bogard, Director of Highway Project Delivery, presented this item to the Board. Mr. Bogard indicated that several meetings are being planned as part of this work, including those with the railroads.

Director Pringle stated that he felt it was important to begin contemplating this work at the same time, rather than incur risk by staggering the projects.

A motion was made by Director Pringle, seconded by Director Dixon, and declared passed by those present, to:

- A. Release request for proposals No. 8-0961, No. 8-0922, and No. 8-0962 to select firms to provide final design services for the Placentia Avenue, Kraemer Boulevard, and Lakeview Avenue grade separation projects, respectively.
- B. Release request for proposals No. 8-0987 for the Orangethorpe Avenue grade separation project, and No. 8-0988 for the Tustin Avenue/Rose Drive grade separation project.
- C. Expedite the traffic analysis study of the grade separation projects.

Director Rosen was not present to vote on this item.

Director Brown provided copies to Board Members of letters from the cities of Fullerton and Placentia regarding the grade separation projects.

Director Cavecche requested that the City of Yorba Linda be included in outreach efforts, and provided at the same level as with the cities of Anaheim, Placentia, and Fullerton. She also had concerns about the reporting protocol that the City of Fullerton will have with OCTA in light of the money coming through the Authority.

30. 91 Express Lanes Debt

Kirk Avila, Treasurer and General Manager of the 91 Express Lanes, provided a presentation on this issue for the Board. Mr. Avila summarized the debt and how payments are paid, as well as provided information on the underwriting team.

A motion was made by Director Campbell, seconded by Director Green, and declared passed by those present, to:

- A. Select Lehman Brothers, Citi, De La Rosa, Goldman Sachs, JP Morgan Securities, Inc., and Merrill Lynch to serve on the underwriting team for the refinancing of the 91 Express Lanes debt with Lehman Brothers serving as the senior manager.
- B. Authorize the issuance of a request for proposals for credit support and liquidity agreement for the new 91 Express Lanes variable rate bonds.

Orange County Local Transportation Authority Regular Calendar Matter

31. Garden Grove Freeway (State Route 22) Design-Build Project Update

Joe Toolson, Project Manager for the State Route (SR) 22 Design-Build Project, gave an update that the project was accepted and the maintenance of the facility was turned over to Caltrans on May 16, 2008. He also informed Members that the Granite-Myers-Rados (GMR) project office was closed, and the Parsons office will close at the end of June.

Mr. Toolson stated that there is a number of tasks outside the design-build contractor's scope of work still to be completed:

- Four soundwalls; construction to be completed by early 2010;
- Thunderbird sewer improvements;
- Trask Avenue rubberized asphalt overlay;
- Noise abatement measures at schools;

A motion was made by Director Brown, seconded by Director Glaab, and declared passed by those present, to authorize the Chief Executive Officer to execute Cooperative Agreement No. C-7-1368 between the Orange County Transportation Authority and the City of Garden Grove, in which the Orange County Transportation Authority will reimburse the City of Garden Grove \$1,350,000, for the design, construction, construction management, and maintenance of the placement of rubberized asphalt concrete on Trask Avenue, and the City of Garden Grove will reimburse the Orange County Transportation Authority \$572,286 for the completion of the third through-lane on eastbound Garden Grove Boulevard.

Director Rosen was not present to vote on this item.

Discussion Items

32. Public Comments

Vice Chair Buffa invited any members of the public who may wish to address the Board of Directors regarding any items within the subject matter jurisdiction of the Board of Directors to provide a Speaker's Card to the Clerk of the Board, but also indicated that no action would be taken on off-agenda items unless authorized by law.

Public comment was heard from Tresa Oliveri, Board Member of the Regional Center of Orange County, and also an OCTA employee. Ms. Oliveri provided a hand-out to Board Members thanked the Board for their continued support of programs and activities that support individuals with disabilities in order to help them lead independent lives.

33. Chief Executive Officer's Report

Chief Executive Officer, Arthur T. Leahy, reported:

- Senate Bill 316, the tollroad extension bill, was passed out the Assembly Transportation Committee last week with the assistance of Assemblymember (and former OCTA Board Member) Mike Duvall;
- Tom Umberg has been appointed to the California High-Speed Rail Authority;
- Upcoming meetings of the LOSSAN focus groups;
- Live audio streaming of the Board meetings began today.

34. Directors' Reports

Vice Chair Buffa reported that he, along with Chairman Norby and Directors Amante, Campbell, and Cavecche, traveled to New York to participate in the rating agencies' meetings. Vice Chair Buffa thanked Jim Kenan and Kirk Avila for their extensive work to make the trip successful. He also extended his appreciation to the Lehman Bros. staff for their assistance with logistics during the trip.

Director Campbell also expressed his appreciation to Kirk Avila for his work on the New York trip.

Director Amante thanked Jim Kenan and Kirk Avila for the materials and briefings before the New York trip to prepare Board Members who participate.

Director Brown stated that he participate in the American Public Transportation Association's Rail Conference in San Francisco.

34. (Continued)

Director Bates thanked her fellow Board Members who went on this trip for the time they gave, and requested that all Members receive copies of the briefing book which was provided to those Board Members who attending the New York meetings.

35. Closed Session

A Closed Session was not conducted at this meeting.

36. Adjournment

The meeting adjourned at 10:26 a.m. Vice Chair Buffa announced that the next regularly scheduled meeting of this Board will be held at **9:00 a.m. on July 14, 2008**, at the OCTA Headquarters.

ATTEST

Wendy Knowles
Clerk of the Board

Peter Buffa
OCTA Vice Chair



BOARD COMMITTEE TRANSMITTAL

July 14, 2008

To: Members of the Board of Directors
From: ^{WK} Wendy Knowles, Clerk of the Board
Subject: State Legislative Status Report

Legislative and Communications Committee Meeting of July 3, 2008

Present: Directors Bates, Buffa, Cavecche, Glaab, Mansoor, and Rosen
Absent: Director Brown

Committee Vote

This item was passed by Committee Members present.

Directors Cavecche and Rosen voted in opposition of the motion.

Committee Recommendation (reflects a change from staff recommendation)

Adopt the following recommended position on legislation:

Oppose AB 3021 (Nava, D-Santa Barbara), which would create an alternative funding mechanism for projects and an ability to use tolling, without legislation approval needed.



July 3, 2008

To: Legislative and Communications Committee
From: Arthur T. Leahy, ^{AL} Chief Executive Officer
Subject: State Legislative Status Report

Overview

Taking into consideration the Orange County Transportation Authority Board of Directors adopted goals for guiding current public-private partnership legislation, a work with author position is recommended for a bill that would create certain types of public-private partnerships.

Recommendation

Adopt the following recommended position on legislation:

Work with Author on AB 3021 (Nava, D-Santa Barbara), which would create an alternative funding mechanism for projects and an ability to use tolling, without legislative approval needed.

Discussion

AB 3021 (Nava, D-Santa Barbara)

In response to the Governor's call for new public-private partnerships (P3) within the state during his 2008 State of the State address, several pieces of legislation were introduced. On May 12, 2008, the Orange County Transportation Authority (OCTA) Board of Directors adopted goals for guiding discussions on P3 legislation in the 2008 legislative session to ensure that the proposals would not adversely affect current projects, such as the 91 Express Lanes, and that local authority would be central to such partnerships (Attachment A).

Currently, there is only one bill remaining this legislative session that attempts to create an alternative, reformed process for approving financing for transportation infrastructure projects within the state. Originally proposed by

State Treasurer Bill Lockyer as an alternative to the Governor's proposal to increase P3 authorization, AB 3021 (Nava, D-Santa Barbara) would create the California Transportation Financing Authority (CTFA) within the Office of the Treasurer. CTFA would be authorized to provide financing to increase the construction of new capacity or improvements on the state transportation system through the issuance of bonds backed by various revenue streams, including toll revenues. Eligible project sponsors include the California Department of Transportation (Caltrans), regional transportation planning agencies, county transportation commissions, such as OCTA, and a joint exercise of powers authority, such as the Southern California Association of Governments (SCAG), with the consent of a transportation planning agency or a county transportation commission for the jurisdiction in which the project is to be developed.

AB 3021 would grant CTFA the authority to authorize the project sponsor to impose and collect tolls on the project if certain conditions are met. If tolling is authorized, the bill allows the project sponsor to incorporate congestion management mechanisms to increase mobility, regulate usage, and to provide accessibility and environmental benefits.

Existing law that authorizes regional transportation planning agencies and Caltrans to enter into up to four P3 agreements for primarily goods movement related projects would not be changed by AB 3021. However, under existing law, in order for such a project to be approved, a project sponsor needs to receive approval by the Legislature through statute. AB 3021 provides for an alternative process where approval is not necessary.

Comparing the bill with the goals adopted by the OCTA Board of Directors (Board), only one goal is not fully met. The Board noted that any third party advisory board created to streamline the approval of P3 within the state include representation that both accurately reflects the regions throughout the state and include expertise from affected sectors of government. In addition, the goal states that the third party board defer to local agency or regional expertise when applicable. Since the third party agency created through this bill is an approval authority, this condition is not met. However, CTFA is mostly limited in its reach and allows for local autonomy when certain conditions are met. Furthermore, representation is dispersed among state agencies with applicable expertise and the inclusion of two local agency representatives. In order to better define the process, the following amendments should be considered:

- In existing practice, county transportation commissions have construction and operating authority for projects, not SCAG. Within AB 3021, SCAG should be removed from the list of eligible project sponsors. Construction

and operating authority should remain within the authority of county transportation commissions.

- Provisions requiring consistency with the state's greenhouse gas goals, air quality improvement goals, and natural resource conservation goals should be modified. It is unknown which goals the project is to be measured against, thereby leading to potential litigation over whether the goals have been properly satisfied. Staff recommends AB 3021 be modified to remove the "consistency" requirement and instead direct the CTFA to evaluate and take into account the abovementioned environmental goals when developing financing mechanisms for projects.
- Provisions authorizing the CTFA to pay the costs for consulting certain professionals in the development of a project, including engineers and architects, if these services are not obtainable from any public agency needs to be clarified. The intent seems to be that funding from the CTFA should not be used to pay for the salaries of professionals that are already employed by the project sponsor. If that is so, it should be more clearly stated. As currently worded, this provision could be construed to limit agencies' ability to contract out.
- More definition is required for administrative costs that are allowable for the CTFA to charge equitably among the project sponsors. Because there is no set cap, amendments may be necessary to ensure that there is both an equitable distribution and that project sponsors will not be overly burdened for unreasonable administrative costs.

An analysis of the bill is attached (Attachment B). Staff recommends: WORK WITH AUTHOR.

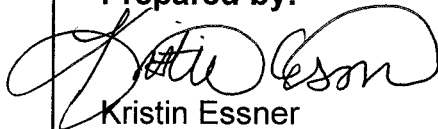
Summary

A work with author position is recommended for a bill that creates an alternative means of financing transportation projects through the issuance of bonds backed by various revenue sources, including tolls.

Attachments

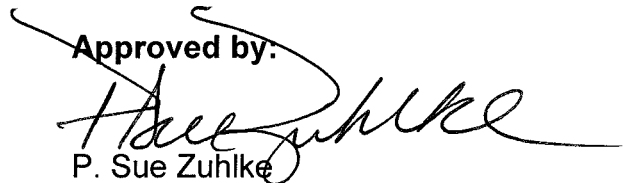
- A. Goals for Guiding Current Public-Private Partnership Legislation
- B. Analysis of AB 3021 (Nava, D-Santa Barbara)
- C. Orange County Transportation Authority Legislative Bulletin, July 3, 2008
- D. Orange County Transportation Authority Legislative Matrix

Prepared by:



Kristin Essner
Government Relations
Representative
(714) 560-5754

Approved by:



P. Sue Zuhlke
Chief of Staff
(714) 560-5574

Goals for Guiding Current Public-Private Partnership Legislation

Approved by the Board of Directors on May 12, 2008

- Any definition of performance based infrastructure (PBI) should include the authority for local agency participation and control, as well as the ability for local agencies to direct revenues to fund transportation improvements within an appropriate region.
- Revenues from PBI projects should supplement and not supplant existing sources of transportation funding.
- Nothing shall infringe upon the rights, interests, or investments of agencies operating established facilities per AB 680 (Chapter 107, Statutes of 1989), or create new obligations upon such agencies without their express consent.
- Nothing shall infringe upon an agency's ability to finance, develop, maintain, repair, rehabilitate, operate, or lease any transportation project.
- The use of PBI to increase highway capacity, without limiting the ability to improve public facilities, should be supported.
- Any third party advisory board created to streamline the approval of PBI within the state should include representation that both accurately reflects the regions throughout the state and includes expertise from affected sectors of government. This body should defer to local agency or regional expertise when applicable.
- The extension of current, successful PBI projects should be encouraged.
- Any defined authorization for transportation-related PBI projects shall allow for flexibility in the types of projects created to ensure continued innovation.

BILL: AB 3021 (Nava, D-Santa Barbara)
Introduced February 22, 2008
Amended April 8, 2008
Amended May 7, 2008
Amended June 16, 2008

SUBJECT: Authorizes the California Transportation Financing Authority to increase construction of new capacity or improvements on the state transportation system through the issuance of bonds, backed by various revenue streams, including toll revenues.

STATUS: Passed Assembly Transportation Committee 8-4
Passed Assembly Appropriations Committee 12-5
Passed Assembly Floor 47-31
Pending in Senate Transportation and Housing Committee

SUMMARY AS OF JUNE 20, 2008:

AB 3021 would create the California Transportation Financing Authority (CTFA) within the Office of the Treasurer. CTFA would be authorized to provide financing to increase the construction of new capacity or improvements on the state transportation system through the issuance of bonds backed by various revenue streams, including toll revenues. The CTFA would consist of seven members including the Treasurer, the Director of Finance, the State Controller, the Director of the California Department of Transportation (Caltrans), the Executive Director of the California Transportation Commission (CTC), and two local agency representatives, one appointed by the Senate Committee on Rules, and the other appointed by the Speaker of the Assembly. Administration of this program is to be consistent with meeting the state's greenhouse gas reduction goals, air quality improvement goals, and natural conservation goals. Furthermore, the CTFA would be authorized to pay the costs of specified professional consultants if the CTFA determines that the services are necessary for project development, and the services cannot be obtained from any public agency. The state is to incur no debt in the administration of this program, and administrative costs and expenses would instead be equitably distributed among project sponsors.

Existing law authorizes regional transportation agencies and Caltrans to enter into up to four comprehensive lease agreements with public or private entities for transportation projects primarily designed to address goods movement, if specified requirements are met. AB 3021 would not amend the process created under existing law. However, the bill would create an alternative mechanism whereby project sponsors would no longer need legislative approval for the proposed project to be implemented. Eligible project sponsors include Caltrans, regional transportation planning agencies, county transportation commissions, such as the Orange County Transportation Authority (OCTA), and a joint exercise of powers authority, such as the Southern California Association of Governments (SCAG), with the consent of a transportation planning agency or a county transportation commission for the jurisdiction in which the project is

to be developed. In order to apply to the CTFA for project financing, project sponsors would still need construction approval from Caltrans and the CTC. In addition, the project would also have to meet the following requirements:

- Complies with all relevant statutes regarding planning, programming, and construction of transportation projects
- Contained in the constrained portion of a regional transportation plan, which must be consistent with AB 32 – the Global Warming Solutions Act of 2006 (Chapter 488, Statutes of 2006)
- Cooperation has occurred between the sponsor and Caltrans to secure project support and to ensure the project is consistent with the needs and requirements of the state transportation system
- Project is technically and financially feasible
- Approved for all necessary permits
- Performance measures have been developed for the project

Once those requirements are met, the CTFA may decide to issue bonds to finance the costs of the project, defined broadly to include such things as construction, acquisition of land, and removal of buildings and structures. However, it must first be determined that revenues available for a project will be sufficient to pay debt service on the bonds and to operate and maintain the project. Provisions of the bill also require consistently with the environmental and transportation infrastructure goals of the CTFA. If determined in the affirmative, the project sponsor may also request it be the issuer of the bonds. If this is the case, the project sponsor would assume the powers assigned to CTFA necessary or convenient for the purposes of issuing, securing, and repaying the bonds and financing or refinancing the project.

The project sponsor may pledge either specific revenue streams or toll revenues as security for any revenue bonds issued by the CTFA. Approved revenue streams include, but are not limited to fuel excise taxes, fuel sales taxes, local transportation sales taxes, developer fees, and other state revenues approved for this purpose by the Legislature or by initiative. The CTFA may also authorize the project sponsor to impose and collect tolls as security for the bonds if the following conditions are met:

- The governing body of the project sponsor or the majority of voters within the jurisdiction of the project sponsor approve the tolls
- For each highway project where tolls are imposed, there be non-tolled alternative lanes available in the same corridor
- Tolls be set and maintained at a level expected to be sufficient to pay debt service, operations, and maintenance of the project over the life of the bonds and be consistent with both the environmental and transportation infrastructure goals of the CTFA.
- The project's financial pro forma incorporate life cycle costs for the project
- Excess revenues only be used within the corridor from which revenue was generated to fund acquisition, construction, improvement, maintenance, or operation

of high occupancy vehicle facilities, other transportation purposes, transit service, including transit operations pursuant to an expenditure plan

Included within the tolling authorization, is the ability to incorporate congestion management mechanisms to regulate usage, increase mobility, and provide accessibility and environmental benefits.

EFFECTS ON ORANGE COUNTY:

Originally proposed by State Treasurer Bill Lockyer as an alternative mechanism for public-private partnerships (P3), AB 3021 provides an alternative financing means for transportation projects that transportation agencies, including OCTA, can consider in the future.

Taking into consideration OCTA's adopted goals for guiding discussions on P3 legislation in the 2008 legislative session, only one goal is not completely addressed in the bill: an adequately represented third party advisory board to streamline the approval of P3 within the state. Although there will be a third party agency created through this bill and it will have representation from both local agencies and a variety of state agencies, is not advisory. However, the bill also allows project sponsors to assume the bonding duties under the bill if certain conditions are met, thereby leaving room for local autonomy in project bonding, operations, revenue use, and repayment. Furthermore, projects approved by the CTFA are saved from having to garner legislative approval, as currently required under existing law.

The following amendments are recommended to provide for greater clarity for the operation of this new structure:

- In existing practice, county transportation commissions have construction and operating authority for projects, not SCAG. Within AB 3021, the consent requirement in order for SCAG to apply for financing authorization should be removed. Construction and operating authority should remain within the authority of county transportation commissions.
- Provisions requiring consistency with the state's greenhouse gas goals, air quality improvement goals, and natural resource conservation goals should be modified. It is unknown which goals the administration is to be measured against, thereby leading to potential litigation over whether the goals have been properly satisfied. Because the term "consistent" in environmental statutes has a clear legal meaning, a lack of definition in what is required could lead to litigation. As a result, AB 3021 should be modified to remove the "consistency" requirement and direct the CTFA to evaluate and take into account the abovementioned environmental goals when developing financing mechanisms for projects.
- Provisions authorizing the CTFA to pay certain costs for the development of a project, including engineers and architects, if these services are not obtainable from any public agency needs to be clarified. The intent seems to be that funding from

the CTFA should not be used to pay for the salaries of professionals that are already employed by the project sponsor. If that is so, it should be clearly stated.

- More definition is required for administrative costs that are allowable for the CTFA to charge equitably among the project sponsors. Because there is no set cap, more clarity is necessary to ensure that there is both an equitable distribution and that project sponsors will not be burdened with unreasonable administrative costs.

Due to repeated state diversions of funding for transportation improvements, there is a need for alternative mechanisms of financing. Additionally, although there is no specific language, the bill provides for alternative means of financing that would be another option agencies can utilize in times of constrained resources.

OCTA POSITION:

Staff recommends: WORK WITH AUTHOR

AMENDED IN SENATE JUNE 16, 2008

AMENDED IN ASSEMBLY MAY 7, 2008

AMENDED IN ASSEMBLY APRIL 8, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 3021

Introduced by Assembly Member Nava

February 22, 2008

An act to add Division 3 (commencing with Section 64100) to Title 6.7 of the Government Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 3021, as amended, Nava. California Transportation Financing Authority.

Existing law generally provides for programming and allocation of transportation capital improvement funds pursuant to the state transportation improvement program process administered by the California Transportation Commission. Existing law authorizes the development of toll road projects under certain conditions. Existing law authorizes the commission and the Department of Transportation to operate and manage the Transportation Finance Bank to make loans for transportation projects. Existing law creates the California Infrastructure and Economic Development Bank to assist in the financing of various public infrastructure projects. Existing law authorizes the state to issue tax-exempt revenue anticipation notes backed by federal transportation appropriations.

This bill would create the California Transportation Financing Authority with specified powers and duties relative to issuance of bonds to fund transportation projects to be backed by various revenue streams

of transportation funds, and toll revenues under certain conditions, in order to increase the construction of new capacity or improvements for the state transportation system consistent with specified goals. The bill would set forth the requirements for a project sponsor to obtain bond funding from the authority, would allow the authority to approve the imposition and collection of tolls on a proposed project under certain conditions, and would enact other related provisions.

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

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

1 SECTION 1. Division 3 (commencing with Section 64100) is
2 added to Title 6.7 of the Government Code, to read:

3

4 DIVISION 3. CALIFORNIA TRANSPORTATION
5 FINANCING AUTHORITY

6

7 64100. This division shall be known and may be cited as the
8 California Transportation Financing Authority Act.

9 64101. The California Transportation Financing Authority is
10 hereby created in state government. The authority constitutes a
11 public instrumentality, and the exercise by the authority of the
12 powers conferred by this division shall be deemed and held to be
13 the performance of an essential public function.

14 64102. As used in this division, the following terms shall have
15 the following meanings, unless the context clearly indicates or
16 requires another or different meaning or intent:

17 (a) "Authority" shall mean the California Transportation
18 Financing Authority.

19 (b) "Bonds" shall mean bonds, notes, debentures, commercial
20 paper, or any other evidence of indebtedness, lease, installment,
21 sale, or certificate of participation thereon, issued by the authority
22 or a project sponsor pursuant to this division.

23 (c) "Commission" shall mean the California Transportation
24 Commission.

25 (d) "Cost," as applied to a project or portion of a project financed
26 under this division, shall mean and include all or any part of the
27 cost of construction and acquisition of all lands, structures, real or
28 personal property rights, rights-of-way, franchises, easements, and

1 interests acquired or used for a project, the cost of demolishing or
2 removing any buildings or structures on land so acquired, including
3 the cost of acquiring any lands to which those buildings or
4 structures may be moved, the cost of all machinery and equipment,
5 financing charges, interest prior to, during, and for a period not to
6 exceed the later of one year or one year following completion of
7 construction, as determined by the authority, the cost of insurance
8 during construction, the cost of funding or financing noncapital
9 expenses, reserves for principal and interest and for extensions,
10 enlargements, additions, replacements, renovations, and
11 improvements, the cost of engineering, service contracts, financial
12 and legal services, plans, specifications, studies, surveys, estimates,
13 administrative expenses, and other expenses of funding or
14 financing, that are necessary or incident to determining the
15 feasibility of constructing any project, or that are incident to the
16 construction, acquisition, or financing of any project.

17 (e) "Department" shall mean the Department of Transportation.

18 (f) "Project" shall mean and include all or a portion of the
19 planning, design, development, finance, construction,
20 reconstruction, rehabilitation, improvement, acquisition, lease,
21 operation, or maintenance of highway, public street, rail, or related
22 facilities supplemental to or improvements upon existing facilities
23 currently owned and operated by the department or other project
24 sponsor.

25 (g) "Project sponsor" shall mean either the department, a
26 regional transportation planning agency designated pursuant to
27 Section 29532 or 29532.1, a county transportation commission as
28 defined in Section 130050, 130050.1, or 130050.2 of the Public
29 Utilities Code, any other local or regional transportation entity that
30 is designated by statute as a regional transportation agency, a joint
31 exercise of powers authority as defined in Chapter 5 (commencing
32 with Section 6500) of Division 7 of Title 1, with the consent of a
33 transportation planning agency or a county transportation
34 commission for the jurisdiction in which the transportation project
35 will be developed, or an agency designated pursuant to Section
36 66531 to submit the county transportation plan.

37 (h) "Working capital" means moneys to be used by, or on behalf
38 of, a project sponsor to pay or prepay maintenance or operation
39 expenses or any other costs that would be treated as an expense
40 item, under generally accepted accounting principles, in connection

1 with the ownership or operation of a project, including, but not
2 limited to, reserves for maintenance or operation expenses, interest
3 for not to exceed one year on any loan for working capital made
4 pursuant to this division, and reserves for debt service with respect
5 to, and any costs necessary or incidental to, that financing.

6 64103. (a) The authority shall consist of seven members, as
7 follows:

8 (1) The Treasurer, who shall serve as the chair of the authority.

9 (2) The Director of Finance.

10 (3) The Controller.

11 (4) The Director of Transportation.

12 (5) The executive director of the commission.

13 (6) A local agency representative appointed by the Senate
14 Committee on Rules.

15 (7) A local agency representative appointed by the Speaker of
16 the Assembly.

17 (b) Members of the authority shall serve without compensation,
18 but the authority may reimburse its members for necessary
19 expenses incurred in the discharge of their duties.

20 (c) The Director of Finance may designate an employee of the
21 Department of Finance to act for him or her at all meetings of the
22 authority.

23 (d) The director of the department may designate an employee
24 of the department to act for him or her at all meetings of the
25 authority.

26 (e) The executive officer of the commission may designate an
27 employee of the commission to act for him or her at all meetings
28 of the authority.

29 (f) The chair of the authority shall appoint an executive director.
30 The offices of the authority shall be located in the Office of the
31 Treasurer. The authority may, by resolution, delegate to one or
32 more of its members or its executive director powers and duties
33 that it may deem proper, including the power to enter into contracts
34 on behalf of the authority. The executive director may appoint a
35 deputy executive director. In the absence of the executive director,
36 the chairperson may appoint a deputy executive director.

37 64104. The provisions of this division shall be administered
38 by the authority, which shall have and is hereby vested with all
39 powers reasonably necessary to carry out the powers and
40 responsibilities expressly granted or imposed under this division.

1 64105. The objective of the authority shall be to increase the
2 construction of new capacity or improvements for the state
3 transportation system in a manner that is consistent with and will
4 help meet the state's greenhouse gas reduction goals, air quality
5 improvement goals, and natural resource conservation goals,
6 through the issuance of, or the approval of the issuance of, bonds
7 backed by the revenue streams specified in Section 64109.

8 64106. (a) The Attorney General shall be the legal counsel for
9 the authority, however, with the approval of the Attorney General,
10 the authority may employ legal counsel as in its judgment is
11 necessary or advisable to carry out the duties and functions imposed
12 upon it by this division, including the employment of bond counsel
13 as may be deemed advisable in connection with the issuance and
14 sale of bonds.

15 (b) The Treasurer shall be the treasurer for the authority.

16 64107. The authority may do any of the following:

17 (a) Adopt bylaws for the regulation of its affairs and the conduct
18 of its business.

19 (b) Adopt an official seal.

20 (c) Sue and be sued in its own name.

21 (d) Receive and accept from any agency of the United States,
22 any agency of the state, or any municipality, county, or other
23 political subdivision thereof, or from any individual, association,
24 or corporation gifts, grants, or donations of moneys for achieving
25 any of the purposes of this division.

26 (e) Engage the services of private consultants to render
27 professional and technical assistance and advice in carrying out
28 the purposes of this division.

29 (f) Receive and accept from any source loans, contributions, or
30 grants for, or in aid of, the construction, financing, or refinancing
31 of a project or any portion of a project in money, property, labor,
32 or other things of value.

33 (g) Make secured or unsecured loans to, or purchase secured or
34 unsecured loans of, any project sponsor in connection with the
35 financing of a project or working capital in accordance with an
36 agreement between the authority and the project sponsor. However,
37 no loan to finance a project shall exceed the total cost of the project,
38 as determined by the project sponsor and approved by the authority.

39 (h) Make secured or unsecured loans to, or purchase secured or
40 unsecured loans of, any project sponsor in accordance with an

1 agreement between the authority and the project sponsor to
2 refinance indebtedness incurred by that project sponsor in
3 connection with projects undertaken or for projects acquired or
4 for working capital.

5 (i) Mortgage all or any portion of the interest of the authority
6 in a project and the property on which that project is located,
7 whether owned or thereafter acquired, including the granting of a
8 security interest in any property, tangible or intangible, and to
9 assign or pledge all or any portion of the interests of the authority
10 in mortgages, deeds of trust, indentures of mortgage or trust, or
11 similar instruments, notes, and security interests in property,
12 tangible or intangible, of projects for which the authority has made
13 loans, and the revenues therefrom, including payments or income
14 from any thereof owned or held by the authority, for the benefit
15 of the holders of bonds issued to finance a project or issued to
16 refund or refinance outstanding indebtedness of project sponsors
17 as permitted by this division.

18 (j) Charge and equitably apportion among project sponsors, the
19 administrative costs and expenses incurred by the authority in the
20 exercise of its powers and duties conferred by this division.

21 (k) Obtain, or aid in obtaining, from any department or agency
22 of the United States or of the state, any private company, any
23 insurance or guarantee as to, of, or for the payment or repayment
24 of, interest or principal, or both, or any part thereof, on any bond,
25 loan, lease, or obligation, or any instrument evidencing or securing
26 the loan, lease, or obligation, made or entered into pursuant to this
27 division; and notwithstanding any other provisions of this division,
28 to enter into any agreement, contract, or any other instrument
29 whatsoever with respect to that insurance or guarantee, to accept
30 payment in the manner and form as provided therein in the event
31 of default by a project sponsor, and to assign that insurance or
32 guarantee as security for the authority's bonds.

33 (l) Enter into any and all agreements or contracts, including
34 agreements for liquidity and credit enhancement and interest rate
35 swaps or hedges, execute any and all instruments, and do and
36 perform any and all acts or things necessary, convenient, or
37 desirable for the purposes of the authority or to carry out any power
38 expressly granted by this division.

39 (m) Invest any moneys held in reserve or sinking funds or any
40 moneys not required for immediate use or disbursement, at the

1 discretion of the authority, in any obligations authorized by the
2 resolution authorizing the issuance of the bonds secured thereof
3 or authorized by law for the investment of trust funds in the custody
4 of the Treasurer.

5 (n) Employ and fix the compensation of bond counsel, financial
6 consultants, and advisers as may be necessary in its judgment in
7 connection with the issuance and administration of any bonds;
8 contract for engineering, architectural, accounting, or other services
9 as may be necessary in the judgment of the authority for the
10 successful development of any project; and pay the reasonable
11 costs of consulting engineers, architects, accountants, and
12 construction experts employed by any project sponsor if, in the
13 judgment of the authority, those services are necessary to the
14 successful development of any project, and those services are not
15 obtainable from any public agency.

16 64108. All expenses of the authority incurred in carrying out
17 the provisions of this division shall be payable solely from funds
18 provided pursuant to this division, and no liability shall be incurred
19 by the authority beyond the extent to which moneys shall have
20 been provided under this division. Under no circumstances shall
21 the authority create any debt, liability, or obligation on the part of
22 the State of California payable from any source whatsoever other
23 than the moneys provided under the provisions of this division.

24 64109. (a) In connection with any project financed pursuant
25 to this division, the project sponsor may pledge the following
26 revenue sources as security for revenue bonds issued by the
27 authority:

28 (1) Local transportation funds, including, but not limited to,
29 fuel taxes, Article XIX B fuel sales taxes, local transportation sales
30 taxes, other state revenues approved for this purpose by the
31 Legislature or by initiative, and developer fees. *To the extent that*
32 *these revenue sources are within the control of a local agency, the*
33 *revenue sources may only be pledged with approval of the*
34 *governing board of the local agency.*

35 (2) Tolls, on facilities where not otherwise prohibited by statute,
36 collected by a project sponsor with the approval of the authority.

37 (b) Where the authority is issuing bonds to finance a project,
38 the authority shall accept a project sponsor's pledge made pursuant
39 to subdivision (a) and pledge those revenues to the repayment of
40 bonds issued to finance the applicable project.

1 64110. (a) A project sponsor may apply to the authority for
2 bond financing of a transportation project that has been approved
3 by the department and the commission for construction.

4 (b) The authority shall also ensure that the following
5 requirements are met for a project to be financed by the authority
6 to the extent these criteria have not already been met through
7 approval of the project by the commission:

8 (1) The project complies with all relevant statutes applicable to
9 planning, programming, and construction of transportation
10 improvement projects, and is contained in the constrained portion
11 of a regional transportation plan prepared pursuant to Section
12 65080. *For purposes of this subdivision, a regional transportation*
13 *plan must be consistent with greenhouse gas reduction targets*
14 *assigned by the State Air Resources Board, pursuant to Division*
15 *25.5 (commencing with Section 35800) of the Health and Safety*
16 *Code.*

17 (2) The project sponsor has cooperated with the department to
18 secure its support for the project and to ensure that the project is
19 consistent with the needs and requirements of the state
20 transportation system.

21 (3) The project is technically feasible in that it conforms to
22 federal standards, meets or exceeds environmental requirements,
23 and has been approved as to all necessary permits that will enable
24 its construction.

25 (4) The project is financially feasible, as determined pursuant
26 to Section 64111.

27 (5) Performance measures have been developed for the project
28 to enable the commission to track and report on the project's
29 progress *and operation* to the Legislature in the commission's
30 annual report prepared pursuant to Section 14535.

31 (c) The authority shall have no power to plan projects, or to
32 approve projects other than provided in this division. The authority
33 shall have no power to assume any of the planning, programming,
34 or allocation authority of the department or the commission.

35 64111. (a) Prior to issuing or approving the issuance of bonds
36 for a project, the authority shall determine that the revenues
37 available for a project will be sufficient to pay debt service on the
38 bonds and to operate and maintain the project over the life of the
39 bonds *consistent with the objective set forth in Section 64105.* The

1 authority may hire outside consultants to assist in making these
2 determinations.

3 (b) The authority may issue or approve the issuance of bonds
4 to achieve any of its purposes under this division and bonds may
5 be issued without investment grade ratings, as long as the bonds
6 are sold only to qualified institutional buyers or accredited investors
7 who attest upon purchase that they understand the nature of the
8 risks of their investment. The bonds may be taxable or tax-exempt
9 and may be sold at public or private sale. The Treasurer shall serve
10 as the agent for sale for all authority bond issues, and shall be
11 reimbursed from bond proceeds to cover the Treasurer's costs
12 related to the issuance of these bonds. As used in this subdivision,
13 "accredited investor" shall have the meaning as defined in
14 subdivision (a) of Section 5950, and "qualified institutional buyer"
15 shall have the meaning as defined in subdivision (h) of Section
16 5950.

17 (c) The project sponsor may request that it be the issuer of the
18 bonds. The authority may grant the request if it determines that
19 the revenues available for the project will be sufficient to pay debt
20 service on the bonds and to operate and maintain the project over
21 the life of the bonds. A project sponsor for which the authority has
22 granted a request that the project sponsor issue the bonds, in
23 addition to any other powers it may have under any other law,
24 shall have all of the powers of the authority under this division
25 necessary or convenient for the purpose of issuing, securing, and
26 repaying the bonds and financing or refinancing the project. This
27 provision is a complete, additional, and alternative method of
28 accomplishing the matters authorized, and the project sponsor need
29 not comply with any other law relating to the issuance of bonds,
30 financing of projects and, if applicable, the imposition and
31 allocation of tolls.

32 (d) The authority may arrange additional credit support for the
33 bond issues. However, the authority may not compel project
34 sponsors to make use of that credit enhancement, nor compel them
35 to contribute to it by becoming part of a common credit or by
36 providing funding for a common reserve or other enhancement
37 mechanism.

38 64112. Notwithstanding any other provision of law, the
39 authority may authorize a project sponsor, or the department, to
40 impose and collect tolls as one source of financing to pay debt

1 service and to operate and maintain a project under the following
2 conditions:

3 (a) The governing body of the project sponsor, by a majority
4 vote of the body, or, for projects sponsored by the department, the
5 commission, has approved the imposition of tolls on users of the
6 project, or a majority of the voters within the jurisdiction of the
7 project sponsor has approved a ballot measure imposing the tolls.

8 (b) Each highway project for which tolls are imposed shall have
9 nontolled alternative lanes available for public use in the same
10 corridor as the proposed toll project.

11 (c) The approval of the tolls pursuant to subdivision (a) shall
12 require that the tolls be set and maintained at a level expected to
13 be sufficient to pay debt service, operations, and maintenance of
14 the project over the life of the bonds *consistent with the objective*
15 *set forth in Section 64105.*

16 (d) The project's financial pro forma shall incorporate life cycle
17 costs for the project, including revenues to pay for maintenance,
18 operation, and rehabilitation.

19 (e) Subject to any constraints in the bond documents necessary
20 to make the bonds marketable, excess revenues from operation of
21 the project, including toll revenues, shall be used exclusively in
22 the corridor from which the revenue was generated to fund
23 acquisition, construction, improvement, maintenance, or operation
24 of high-occupancy vehicle facilities, other transportation purposes,
25 or transit service, including, but not limited to, support for transit
26 operations pursuant to an expenditure plan.

27 (f) Except for purposes of implementing congestion management
28 mechanisms pursuant to Section 64113, tolls may not be set to
29 generate more revenue than the cost of paying debt service on the
30 bonds, operating and maintaining the project, and providing
31 transportation improvements to the corridor pursuant to subdivision
32 (e).

33 64113. A project sponsor of a project imposing tolls may
34 incorporate congestion management mechanisms to regulate usage
35 and increase mobility, accessibility, and environmental benefits.

36 64114. The authority and the commission shall develop an
37 approval process that results in project approval by the commission
38 and financing approval by the authority in a cooperative manner
39 that is not sequential, in order that both approvals may be delivered
40 to a project at approximately the same time. Both agencies shall

1 work with potential project sponsors to ensure that projects are
2 developed and brought forward for approval in a manner consistent
3 with the commission's project requirements and the authority's
4 financing requirements.

5 64115. (a) The authority is authorized, from time to time, to
6 issue its negotiable bonds in order to provide funds for achieving
7 any of its purposes under this division.

8 (b) Except as may otherwise be expressly provided by the
9 authority, each of its bonds shall be payable from any revenues or
10 moneys of the authority available therefor and not otherwise
11 pledged, subject only to any agreements with the holders of
12 particular bonds or notes pledging any particular revenues or
13 moneys. Notwithstanding that those bonds may be payable from
14 a special fund, they shall be and be deemed to be for all purposes
15 negotiable instruments, subject only to the provisions of those
16 bonds for registration.

17 (c) The authority's bonds may be issued as serial bonds or as
18 term bonds, or the authority, in its discretion, may issue bonds of
19 both types. The issuance of all bonds shall be authorized by
20 resolution of the authority and shall bear the date or dates, mature
21 at the time or times not exceeding 40 years from their respective
22 dates, bear interest at the rate or rates, be payable at the time or
23 times, be in the denominations, be in the form, either coupon or
24 registered, carry the registration privileges, be executed in the
25 manner, be payable in lawful money of the United States of
26 America at the place or places, and be subject to the terms of
27 redemption, as the indenture, trust agreement, or other document
28 authorized by the resolution, or resolution itself may provide. The
29 authority's bonds or notes may be sold by the Treasurer at public
30 or private sale, after giving due consideration to the
31 recommendation of the project sponsor, for such price or prices
32 and upon such terms and conditions as the authority shall
33 determine. The Treasurer may sell those bonds at a price below
34 the par value thereof. However, the discount on any bonds so sold
35 shall not exceed 6 percent of the par value thereof, except in the
36 case of any bonds payable in whole or in part from moneys held
37 under one or more outstanding resolutions or indentures. Pending
38 preparation of the definitive bonds, the authority may issue interim
39 receipts or certificates or temporary bonds that shall be exchanged
40 for those definitive bonds.

1 (d) Any resolution or resolutions authorizing the issuance of
2 any bonds or any issue of bonds may contain provisions, which
3 shall be a part of the contract with the holders of the bonds to be
4 authorized, as to pledging all or any part of the revenues of a
5 project or any revenue-producing contract or contracts made by
6 the authority with any individual, partnership, corporation, or
7 association or other body, public or private, to secure the payment
8 of the bonds or of any particular issue of bonds.

9 (e) Neither the members of the authority nor any person
10 executing the bonds shall be liable personally on the bonds or be
11 subject to any personal liability or accountability by reason of the
12 issuance thereof.

13 (f) The authority shall have power out of any funds available
14 therefor to purchase its bonds. The authority may hold, pledge,
15 cancel, or resell the bonds, subject to and in accordance with
16 agreements with bondholders.

17 64116. In the discretion of the authority, any bonds issued
18 under this division may be secured by a trust agreement or
19 indenture by and between the authority and a corporate trustee or
20 trustees, which may be the Treasurer or any trust company or bank
21 having the powers of a trust company within or without the state.
22 The trust agreement, indenture, or the resolution providing for the
23 issuance of those bonds may pledge or assign the revenues to be
24 received from a project sponsor or pursuant to any
25 revenue-producing contract or as pledged by the authority pursuant
26 to Section 64109. The indenture, trust agreement, or resolution
27 providing for the issuance of those bonds may contain provisions
28 for protecting and enforcing the rights and remedies of the
29 bondholders as may be reasonable and proper and not in violation
30 of law, including, particularly, provisions as have been specifically
31 authorized to be included in any resolution or resolutions of the
32 authority authorizing bonds thereof. The trust agreement or
33 indenture may set forth the rights and remedies of the bondholders
34 and of the trustee or trustees, and may restrict the individual right
35 of action of bondholders. In addition to the foregoing, the
36 indenture, trust agreement, or resolution may contain other
37 provisions as the authority may deem reasonable and proper for
38 the security of the bondholders.

39 64117. Bonds issued under this division shall not be deemed
40 to constitute a debt or liability of the state or of any political

1 subdivision thereof or a pledge of the faith and credit of the state
2 or of the political subdivision, other than the authority, but shall
3 be payable solely from the funds herein provided. The bonds shall
4 contain on the face thereof a statement to the effect that neither
5 the State of California nor the authority shall be obligated to pay
6 the principal of, or the interest thereon, except from revenues
7 pledged therefor by the authority, and that neither the faith and
8 credit nor the taxing power of the State of California or of any
9 political subdivision thereof is pledged to the payment of the
10 principal of or the interest on those bonds. The issuance of bonds
11 under the provisions of this division shall not directly or indirectly
12 or contingently obligate the state or any political subdivision
13 thereof to levy or to pledge any form of taxation therefor or to
14 make any appropriation for their payment.

15 64118. Any holder of bonds issued under this division or any
16 of the coupons appertaining thereto, and the trustee or trustees
17 under any indenture or trust agreement, except to the extent the
18 rights herein given may be restricted by any resolution authorizing
19 the issuance of, or any indenture or trust agreement securing, the
20 bonds, may, either at law or in equity, by suit, action, mandamus,
21 or other proceedings, protect and enforce any and all rights under
22 the laws of the state or granted hereunder or under the resolution
23 or indenture or trust agreement, and may enforce and compel the
24 performance of all duties required by this division or by the
25 resolution, indenture, or trust agreement to be performed by the
26 authority or by any officer, employee, or agent thereof.

27 64119. All moneys received pursuant to this division, whether
28 as proceeds from the sale of bonds or as revenues, shall be deemed
29 to be trust funds to be held and applied solely as provided in this
30 division. Until the funds are applied as provided in this division,
31 and notwithstanding any other provision of law, the moneys may
32 be invested in any obligations or securities authorized by resolution
33 of the authority authorizing the issuance of the bonds or indenture
34 or trust agreement securing the bonds. Any officer with whom, or
35 any bank or trust company with which, the moneys are deposited
36 shall act as trustee of the moneys and shall hold and apply the
37 moneys for the purposes hereof, subject to any regulations adopted
38 pursuant to this division, and the resolution authorizing the issuance
39 of the bonds or the indenture or trust agreement securing the bonds.

1 64120. (a) The authority may provide for the issuance of bonds
2 of the authority for the purpose of refunding any bonds or any
3 series or issue of bonds of the authority then outstanding, including
4 the payment of any redemption premium thereon and any interest
5 accrued or to accrue to the date of redemption, purchase, or
6 maturity of the bonds.

7 (b) The proceeds of any bonds issued for the purpose of
8 refunding of outstanding bonds may, in the discretion of the
9 authority, be applied to the purchase, redemption prior to maturity,
10 or retirement at maturity of any outstanding bonds on their earliest
11 redemption date or dates, upon their purchase or maturity, or paid
12 to a third person to assume the authority's obligation to make the
13 payments, and may, pending that application, be placed in escrow
14 to be applied to the purchase, retirement at maturity, or redemption
15 on the date or dates determined by the authority.

16 (c) Any proceeds placed in escrow may, pending their use, be
17 invested and reinvested in obligations or securities authorized by
18 resolutions of the authority, payable or maturing at the time or
19 times as are appropriate to ensure the prompt payment of the
20 principal, interest, and redemption premium, if any, of the
21 outstanding bonds to be refunded at maturity or redemption of the
22 bonds to be refunded either at their earliest redemption date or
23 dates or any subsequent redemption date or dates or for payment
24 of interest on the refunding bonds on or prior to the final date of
25 redemption or payment of the bonds to be refunded. After the terms
26 of the escrow have been fully satisfied and carried out, any balance
27 of the proceeds and interest, income, and profits, if any, earned or
28 realized on the investments thereof may be returned to the authority
29 for use by the authority.

30 (d) All of the refunding bonds are subject to this division in the
31 same manner and to the same extent as other bonds issued pursuant
32 to this division.

33 64121. Bonds issued by the authority under this division are
34 hereby made securities in which all banks, bankers, savings banks,
35 trust companies and other persons carrying on a banking business,
36 all insurance companies, insurance associations and other persons
37 carrying on an insurance business, and all administrators, executors,
38 guardians, trustees and other fiduciaries, and all other persons
39 whatsoever who now are or may hereafter be authorized to invest
40 in bonds or other obligations of the state, may properly and legally

1 invest any funds, including capital belonging to them or within
2 their control; and the bonds, notes or other securities or obligations
3 are hereby made securities that may properly and legally be
4 deposited with and received by any state or municipal officers or
5 agency of the state for any purpose for which the deposit of bonds
6 or other obligations of the state is now or may hereafter be
7 authorized by law.

8 64122. Any bonds issued under this division, their transfer,
9 and the income therefrom shall at all times be free from taxation
10 of every kind by the state and by all political subdivisions in the
11 state.

12 64123. The State of California does pledge to and agree with
13 the holders of the bonds issued pursuant to this division, and with
14 those parties who may enter into contracts with the authority
15 pursuant to this division, that the state will not limit, alter, or
16 restrict the rights hereby vested in the authority to finance projects
17 and to authorize the imposition and collection of tolls and to fulfill
18 the terms of any agreements made with the holders of bonds
19 authorized by this division, and with the parties who may enter
20 into contracts with the authority pursuant to this division, or in
21 any way impair the rights or remedies of the holders of those bonds
22 or those parties until the bonds, together with interest thereon, are
23 fully paid and discharged and the contracts are fully performed on
24 the part of the authority. The authority as a public body, corporate
25 and politic, shall have the right to include the pledge herein made
26 in its bonds and contracts.

27 64124. A pledge by or to the authority of revenues, moneys,
28 accounts, accounts receivable, contract rights, and other rights to
29 payment of whatever kind made by or to the authority pursuant to
30 the authority granted in this division shall be valid and binding
31 from the time the pledge is made for the benefit of pledges and
32 successors thereto. The revenues, moneys, accounts, accounts
33 receivable, contract rights, and other rights to payment of whatever
34 kind pledged by or to the authority or its assignees shall
35 immediately be subject to the lien of the pledge without physical
36 delivery or further act. The lien of the pledge shall be valid and
37 binding against all parties, irrespective of whether the parties have
38 notice of the claim. The indenture, trust agreement, resolution, or
39 another instrument by which the pledge is created need not be
40 recorded.

1 64125. Each lease entered into by the authority with a project
2 sponsor and each agreement, note, mortgage, or other instrument
3 evidencing the obligations of a project sponsor to the authority
4 shall provide that the rents or principal, interest, and other charges
5 payable by the project sponsor shall be sufficient at all times, (a)
6 to pay the principal of, sinking fund payments, if any, the premium,
7 if any, and the interest on outstanding bonds of the authority issued
8 in respect of such project as the same shall become due and
9 payable, (b) to create and maintain reserves which may, but need
10 not, be required or provided for in the resolution relating to the
11 bonds of the authority, and (c) to pay its share of the administrative
12 costs and expenses of the authority. The authority shall pledge the
13 revenues derived, and to be derived, from a project or from a
14 project sponsor for the purposes specified in (a), (b), and (c) of the
15 preceding sentence and additional bonds may be issued which may
16 rank on a parity with other bonds relating to the project to the
17 extent and on the terms and conditions provided in the bond
18 resolution.

19 64126. When the principal of and interest on bonds issued by
20 the authority to finance the cost of a project or working capital or
21 to refinance outstanding indebtedness of one or more project
22 sponsors, including any refunding bonds issued to refund and
23 refinance those bonds, have been fully paid and retired or when
24 adequate provision has been made to fully pay and retire those
25 bonds, and all other conditions of the resolution, the lease, the trust
26 indenture and any mortgage or deed of trust, security interest, or
27 any other instrument or instruments authorizing and securing the
28 bonds have been satisfied and the lien of the mortgage, deed of
29 trust, or security interest has been released in accordance with the
30 provisions thereof, the authority shall promptly do all things and
31 execute those releases, release deeds, reassignments, deeds, and
32 conveyances necessary and required to convey or release any
33 rights, title, and interest of the authority in the project so financed,
34 or securities or instruments pledged or transferred to secure the
35 bonds, to the project sponsor or sponsors.

36 64127. (a) This division shall be deemed to provide a complete,
37 additional, and alternative method for doing the things authorized
38 by this code, and shall be regarded as supplemental and additional
39 to powers conferred by other laws. The issuance of bonds and
40 refunding bonds and the financing of projects or the imposition

1 and collection of tolls under this chapter need not comply with
2 any other law applicable to the issuance of bonds, including, but
3 not limited to, Division 13 (commencing with Section 21000) of
4 the Public Resources Code.

5 (b) Except as provided in subdivision (a), the financing of a
6 project pursuant to this division shall not exempt a project from
7 any requirement of law that is otherwise applicable to the project,
8 and the project sponsor shall provide documentation, before the
9 authority approves the issuance of bonds for the project, that the
10 project has complied with Division 13 (commencing with Section
11 21000) of the Public Resources Code, or is not a project under that
12 division.

13 64128. To the extent that the provisions of this division are
14 inconsistent with any other provisions of any general statute or
15 special act or parts thereof, the provisions of this division shall be
16 deemed controlling.

17 64129. Any net earnings of the authority beyond that necessary
18 for retirement of any obligations issued by the authority or to
19 implement the purposes of this division may inure to the benefit
20 only of the state or the authority.

21 64130. Upon dissolution of the authority, title to all property
22 owned by the authority shall vest in the successor authority created
23 by the Legislature, if any, if the successor authority qualifies under
24 Section 103 of the federal Internal Revenue Code of 1954, as
25 amended, and the regulations promulgated thereunder, as an
26 authority entitled to issue obligations on behalf of the State of
27 California the interest on which is exempt from federal income
28 taxation. If no successor authority is so created, title to the property
29 shall vest in the state.

30 64131. Nothing in this division is intended to limit the authority
31 to develop and finance high-occupancy toll lanes pursuant to
32 Section 149.4, 149.5, or 149.6 of the Streets and Highways Code,
33 or to limit the ability of any agency that has existing authority to
34 issue bonds.

**ORANGE COUNTY TRANSPORTATION AUTHORITY LEGISLATIVE BULLETIN
July 3, 2008**

I. Sponsored Bills

- a. AB 387 (Duvall, R-Brea)
 - Amends current statute to allow transit operators the option to use design-build for technology or surveillance procurements designed to enhance safety, disaster preparedness, and homeland security.
 - Passed out of the Senate Appropriations Committee on June 23, 2008. Pending on the Senate Floor.
- b. AB 2906 (Tran, R-Costa Mesa)
 - Deletes section of the California Vehicle Code requiring any 24-hour carpool lane approved between January 1, 1987 and December 1, 1987, to maintain a four-foot buffer between the carpool lane and general purpose lane.
 - Currently only applicable to Costa Mesa Freeway (State Route 55).
 - Signed by the Governor on June 6, 2008.

II. Other Bills of Interest

- a. SB 1316 (Correa, D-Santa Ana)
 - Provides for a framework for extending the 91 Express Lanes to the Ontario Freeway (Interstate 15).
 - Sponsored by the Riverside County Transportation Commission.
 - Passed out of the Assembly Transportation Committee on June 16, 2008. Pending in the Assembly Appropriations Committee.
- b. AB 996 (Spitzer, R-Orange and Solorio, D-Santa Ana)
 - Provides for a means to collect toll violation fines from owners of vehicles with confidential license plates.
 - Passed out of the Senate Public Safety Committee on June 16, 2008. Pending in the Senate Appropriations Committee. Hearing scheduled for June 30, 2008.
- c. SB 375 (Steinberg, D-Sacramento)
 - Requires regional transportation plans (RTP) to include a sustainable communities strategy designed to achieve a reduction in greenhouse gases from automobiles and light trucks.
 - A two-year bill, pending in the Assembly Appropriations Committee.
 - Last amended January 28, 2008.
- d. SB 303 (Ducheny, D-San Diego)
 - The Building Industry Association alternative to SB 375, which requires two different planning scenarios be created to meet the goals of AB 32 (Chapter 488, Statutes of 2006), with the California Air Resources Board deciding which will actually meet the goals so to be integrated into the RTP.
 - Passed Assembly Transportation Committee on June 23, 2008. Pending in the Assembly Appropriations Committee.



Orange County Transportation Authority Legislative Matrix

**2008 State Legislation Session
June 20, 2008**

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
OCTA SPONSORED LEGISLATION			
<p>► AB 387 (Duvall - R) Design-Build: Transit Contracts</p>	<p>Amends law that authorizes transit operators to enter into design-build contract according to specified procedures. Provides that there would be no cost threshold for the acquisition and installation of technology applications or surveillance equipment designed to enhance safety, disaster preparedness, and homeland security efforts. Allows those projects to be awarded based on either the lowest responsible bidder or best value.</p>	<p>INTRODUCED: 02/15/2007 LAST AMEND: 01/07/2008 LOCATION: Senate Appropriations Committee STATUS: 03/11/2008 From SENATE Committee on TRANSPORTATION AND HOUSING: Do pass to Committee on APPROPRIATIONS. HEARING: 06/23/2008 10:00am</p>	<p>Sponsor SUPPORT: CH2M HILL, California Transit Association OPPOSE: Associated Builders and Contractors of California, Western Electrical Contractors' Association</p>
<p>AB 2906 (Tran - R) Vehicles: High-Occupancy Vehicle Lane: Buffer Area</p>	<p>Repeals existing law that requires specified high occupancy vehicle lanes to be separated from adjacent mixed flow lanes by a buffer area of at least four feet in width.</p>	<p>INTRODUCED: 02/22/2008 LOCATION: To Governor STATUS: 06/06/2008 Signed by GOVERNOR. 06/06/2008 Chaptered by Secretary of State. Chapter No. 27</p>	<p>Sponsor</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
BILLS WITH OFFICIAL POSITIONS			
<p>► AB 660 (Galgiani – D) Railroad-Highway Grade Separations</p>	<p>Revises the highway-railroad grade separation program of the Department of Transportation to delete funding eligibility for a grade separation at a proposed new grade crossing or for removal or relocation of highways or railroad tracks to eliminate grade crossings. Provides a maximum allocation of project costs for all projects funded. Limits the maximum total allocation. Sets a railroad's contribution. Modifies the calculation of the amount of funds deducted from the apportionments of fuel tax revenues.</p>	<p>INTRODUCED: 02/21/2007 LAST AMEND: 06/04/2008 LOCATION: Senate Second Reading File</p> <p>STATUS: 06/17/2008 From SENATE Committee on TRANSPORTATION AND HOUSING: Do pass as amended to Committee on APPROPRIATIONS.</p>	<p>Amendments meet OCTA amendment requests to author.</p> <p>SUPPORT: American Federation of State, County, and Municipal Employees, CSAC (Support with amendments), City of Merced, Merced County, Southern California Contractor Association</p> <p>OPPOSE: Alameda Corridor East (unless amended)</p>
<p>► AB 842 (Jones – D) Regional Plans: Traffic Reduction</p>	<p>Requires the Transportation Commission to update its guidelines for the preparation of regional transportation plans, including a requirement that each regional transportation plan provide for a 10 percent reduction in the growth increment of vehicle miles traveled. Requires the Department of Housing and Community develop to rank applicants for the award of capital improvement grants based upon a reduction of vehicle miles traveled as a result of the project.</p>	<p>INTRODUCED: 02/22/2007 LAST AMEND: 01/17/2008 LOCATION: Senate Second Reading File</p> <p>STATUS: 06/17/2008 From SENATE Committee on TRANSPORTATION AND HOUSING: Do pass as amended to Committee on APPROPRIATIONS.</p>	<p>Oppose Unless Amended</p> <p>SUPPORT: California League of Conservation Voters (Sponsor), American Lung Association, Gray Panthers</p> <p>OPPOSE: Metropolitan Transportation Commission (unless amended), Association of Bay Area Governments</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 983 (Ma –D)</p> <p>Public Contracts: Plans and Specifications</p>	<p>Requires a local public entity, charter city, or charter county, before entering into any contract for a project, to provide full, complete, and accurate plans and specifications and estimates of cost, giving such direction as will enable any competent mechanic or other builder to carry them out. Exempts from these provisions any clearly identified design-build projects or design-build portions thereof. Provides these provisions would not change the liability of a design professional.</p>	<p>INTRODUCED: 02/22/2007 LAST AMEND: 06/18/2007 LOCATION: Senate Second Reading File</p> <p>Status: 06/18/2008 In SENATE. Read third time and amended. To second reading.</p>	<p>Oppose (Partial List) SUPPORT: Associated General Contractors of California (co-source), Construction Employers Association (co-source), Southern California Contractors Association</p> <p>OPPOSE: League of California Cities, California Special Districts Association, City of Costa Mesa and Garden Grove</p>
<p>► AB 996 (Spitzer -- R)</p> <p>Department of Motor Vehicles: Records</p>	<p>Revises the confidentiality exemption for nondisclosure of personal information in Department of Motor Vehicles records for state officers and employees to provide that a governmental agency may obtain the information necessary to process the service and collection of traffic, parking, toll bridge or toll road violations. Provides the statutory time periods for processing such violations are tolled until the department provides the confidential home addressee's information.</p>	<p>INTRODUCED: 02/22/2007 LAST AMEND: 06/17/2008 LOCATION: Senate Appropriations Committee</p> <p>STATUS: 06/17/2008 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.</p>	<p>Support/Work with Author</p> <p>None Listed</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 2009 (Hernandez –D)</p> <p>Utility Users Tax: Exemption</p>	<p>Amends existing law that authorizes a county board of supervisors to levy a utility user tax on the consumption of in the unincorporated area of the county. Provides that no utility user tax shall be imposed upon compressed natural gas within a local jurisdiction if that natural gas is dispensed by a gas compressor that is separately metered and dedicated to serve the local agency or public transit operator.</p>	<p>INTRODUCED: 02/15/2008 LAST AMEND: 06/18/2008 LOCATION: Senate Revenue and Taxation Committee</p> <p>STATUS: 06/18/2008 From SENATE Committee on REVENUE AND TAXATION with author's amendments. 06/18/2009 In SENATE. Read second time and amended. Re-referred to Committee on REVENUE AND TAXATION. HEARING: 06/25/2008 1:30 pm</p>	<p>Support</p> <p>(partial list) SUPPORT: Foothill Transit (Sponsor), CA Transit Association, LAMTA</p> <p>OPPOSE: City of Irwindale</p>
<p>► AB 3034 (Galgiani – D)</p> <p>Safe, Reliable High-Speed Passenger Train Bond Act</p>	<p>Makes various revisions to the Safe, Reliable High-Speed Passenger Train Bond Act for the 21st Century to be submitted to the voters. Refers to construction of a high-speed train system consistent with the High Speed Rail Authority certified environmental impact report, rather than with the final business plan. Revises descriptions of route corridors of the proposed high-speed train system. Relates to revenues from operation of the high-speed train system.</p>	<p>INTRODUCED: 02/22/2008 LAST AMENDED: 04/21/2008 LOCATION: Senate Transportation and Housing Committee</p> <p>STATUS: 06/12/2008 To SENATE Committee on TRANSPORTATION AND HOUSING. HEARING: 06/24/2008 1:30 pm</p>	<p>Support</p> <p>SUPPORT: California High Speed Rail Authority, Association for California High Speed Trains, California State Association of Counties</p> <p>OPPOSE: Sierra Club California</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>SB 375 (Steinberg – D)</p> <p>Transportation Planning: Travel Models: Reviews</p>	<p>Relates to guidelines for travel demand guidelines used in regional transportation plans. Includes a requirement that a regional transportation plan include a sustainable community strategy designed to achieve goals for the reduction of greenhouse gas emissions. Creates provisions for an environmental document under the Environmental Quality Act that examines specific impacts of a transportation project located in a local jurisdiction that has amended its general plan and the legislative body finds the project meets specified criteria.</p>	<p>INTRODUCED: 02/21/2007 LAST AMEND: 03/24/2008 LOCATION: Assembly Appropriations Committee</p> <p>STATUS: 03/24/2008 From ASSEMBLY Committee on APPROPRIATIONS with author's amendments. 03/24/2008 In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.</p>	<p>Oppose Unless Amended</p> <p>(partial list)</p> <p>SUPPORT: California League of Conservation Voters (co-sponsor), Natural Resources Defense Council (co-sponsor), American Lung Association of California, Metropolitan Transportation Commission, California State Association of Counties (if amended)</p> <p>OPPOSE: Orange County Business Council, California Building Industry Association, Department of Finance, Contra Costa Transportation Authority, California Chamber of Commerce, Transportation California</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>SB 974 (Lowenthal – D)</p> <p>Ports: Congestion Relief: Environmental Mitigation</p>	<p>Requires the Ports of Los Angeles and Long Beach to transmit a portion of the funds derived from imposition of a container cargo user fee to the San Pedro Bay Ports Congestion Relief Trust Fund and San Pedro Bay Ports Mitigation Relief Trust Funds. Requires the Port of Oakland to transmit a portion of the funds derived from imposition of the fee to the Port of Oakland Congestion Relief Trust Fund and a portion to the Port of Oakland Mitigation Relief Trust Fund. Authorizes related financing agreements.</p>	<p>INTRODUCED: 02/23/2007 LAST AMEND: 09/05/2007 LOCATION: Assembly Third Reading File</p> <p>STATUS: 02/26/2008 In ASSEMBLY. From Inactive File. To third reading.</p>	<p>Support with Amendments</p> <p>(partial list)</p> <p>SUPPORT: LACMTA, Mayor Curt Pringle, City of Anaheim, Port of Long Beach (support only if amended), SCAQMD, California Air Pollution Control Officers Association, California League of Conservation Voters, Gateway Council of Governments, Natural Resources Defense Council.</p> <p>OPPOSE: California Chamber of Commerce, California Railroad Industry, California Taxpayers' Association, National Association of Manufacturers, United States Chamber of Commerce, United Chambers of Commerce of the San Fernando Valley, Howard Jarvis Taxpayers' Association</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► SB 1316 (Correa – D)</p> <p>Transportation Facilities: Tolls: Orange/Riverside</p>	<p>Authorizes the Orange County Transportation Authority to eliminate its rights, interests, and obligations in the Riverside County portion of the State Highway Route 91 toll lane by partial assignment to the Riverside County Transportation Commission or by amendment to the franchise agreement. Deletes the 2030 limitation on issuance of bonds and collections of tolls. Authorizes the use of toll revenues for the toll lane and for other related transportation purposes in the Route 91 corridor.</p>	<p>INTRODUCED: 02/20/2008 LAST AMEND: 05/27/2008 LOCATION: Assembly Second Reading File</p> <p>STATUS: 06/16/2008 From ASSEMBLY Committee on TRANSPORTATION: Do pass as amended to Committee on APPROPRIATIONS.</p>	<p>Support</p> <p>SUPPORT Riverside County Transportation Commission (sponsor), City of Corona, Greater Riverside Chambers of Commerce, Riverside City Firefighters' Association</p> <p>OPPOSE: Environmental Defense</p>
<p>► SB 1507 (Oropeza –D)</p> <p>Highway Construction: School Boundaries</p>	<p>Prohibits the Transportation Commission from authorizing the construction or expansion of, and the Department of Transportation from constructing or expanding, a state highway within 1/4 mile of a school boundary, with exceptions for operational or safety improvements, high-occupancy vehicle lanes, tunnels and projects that have a positive air quality impact. Prohibits a project subject to this restriction from being included in a regional transportation improvement program by a transportation agency.</p>	<p>INTRODUCED: 02/20/2008 LAST AMEND: 06/09/2008 LOCATION: Assembly Transportation Committee</p> <p>STATUS: 06/09/2008 From ASSEMBLY Committee on TRANSPORTATION with author's amendments. 06/09/2008 In ASSEMBLY. Read second time and amended. Re-referred to Committee on TRANSPORTATION. HEARING: 06/23/2008 1:30 pm</p>	<p>Oppose</p> <p>(partial list) SUPPORT: American Lunch Association, Sierra Club, California Coalition for Clean Air.</p> <p>OPPOSE: County of Orange, Department of Finance , Automobile Club of Southern California, and County of Ventura</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
BILLS BEING MONITORED			
<p>► AB 38 (Nava – D)</p> <p>Department of Emergency Services and Homeland Security</p>	<p>Deletes provisions of existing law that governs the Office of Homeland Security and the Office of Emergency Services and establishes the Department of Emergency Services and Homeland Security, in the office of the Governor, which would succeed to and be vested with the duties, powers, purposes, responsibilities of both of the former offices. Requires the Office of Emergency Services to develop and complete a guidance document to the state emergency plan with respect to agriculture-related disasters.</p>	<p>INTRODUCED: 12/04/2006 LAST AMEND: 06/17/2008 LOCATION: Senate Appropriations Committee</p> <p>STATUS: 06/17/2008 From SENATE Committee on APPROPRIATIONS with author's amendments. 06/17/2008 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS. HEARING: 06/23/2008</p>	<p>SUPPORT: Office of Emergency Services, Office of Homeland Security, California Emergency Services Association, CSAC, California State Sheriffs' Association, Little Hoover Commission, Metropolitan Transportation Commission, James Lee Witt Associates, Regional Council of Rural Counties</p>
<p>AB 109 (Nunez – D)</p> <p>Global Warming Solutions Act of 2006: Annual Report</p>	<p>Requires the Energy Commission to implement the Alternative and Renewable Fuel and Vehicle Technology Program and to provide a public competitive process for allocation of funds. Requires the commission include specified projects within the program. Adds feedstock cultivation to the full fuel-cycle assessment under the program. Expands the Air Quality Improvement Program to fund projects to achieve air quality improvements and greenhouse gas emissions reductions. Prohibits reductions for trading purposes.</p>	<p>INTRODUCED: 01/05/2007 LAST AMEND: 05/27/2008 LOCATION: Senate Appropriations Committee</p> <p>STATUS: 06/02/2008 From SENATE Committee on ENVIRONMENTAL QUALITY: Do pass to Committee on APPROPRIATIONS.</p>	<p>SUPPORT: American Federation of State County and Municipal Employees, California Association of Professional Scientists, Moller International Inc., Silicon Valley Leadership Group</p>
<p>AB 867 (Davis – D)</p> <p>Transportation Analysis Zones</p>	<p>Requires each metropolitan planning organization and each regional transportation planning agency, in developing the regional transportation plan, to factor the mobility of low-income and minority residents into its computer analysis of regional traffic analysis zones used to estimate travel behavior and traffic generation as part of the transportation demand model. Requires results of such analysis to be availed to the public and to be added as an addendum to the regional transportation plan.</p>	<p>INTRODUCED: 02/22/2007 LAST AMEND: 07/10/2007 LOCATION: Senate Appropriations Committee</p> <p>STATUS: 08/30/2007 In SENATE Committee on APPROPRIATIONS: Not heard.</p>	<p>SUPPORT: American Federation of State, County and Municipal Employees</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
AB 901 (Nunez – D) Transportation: Highway Safety Traffic Reduction	Relates to the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 that requires funds from the proceeds of bonds under the act for allocation to public transit operators and transportation planning agencies. Requires the Department of Transportation and Transportation Commission to provide information regarding their needs. Imposes specified auditing requirements.	INTRODUCED: 02/22/2007 LAST AMEND: 07/05/2007 LOCATION: Senate Appropriations Committee STATUS: 07/10/2007 From SENATE Committee on TRANSPORTATION AND HOUSING: Do pass to Committee on APPROPRIATIONS.	SUPPORT: California Transit Association, LACMTA, Long Beach Transit, Merced Transit, Inyo Mono Transit, Unitrans, Associated Students of the University of California, Davis, Shields for Families, Inc.
AB 1351 (Levine – D) Transportation: State-Local Partnerships	Amends the Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006. States the intent of the Legislature to appropriate a specified amount of funds for the State-Local Partnership Program for funding transportation projects for a specified period. Defines local funds under the program relating to a local match as revenues from any locally imposed transportation related sales tax. Requires certain related reports.	INTRODUCED: 02/23/2007 LAST AMEND: 07/12/2007 LOCATION: Senate Appropriations Committee STATUS: 08/30/2007 In SENATE Committee on APPROPRIATIONS: Not heard.	SUPPORT: LACMTA, RCTC
AB 1506 (Arambula—D) Greenhouse Gas Emissions	Requires the Business, Transportation and Housing Agency to contract with the University of California or with another postsecondary educational institution to conduct a study of the most effective ways for the state to provide incentives to businesses to reduce greenhouse gas emissions, and to report its findings and recommendations to the Legislature.	INTRODUCED: 02/23/2007 LAST AMEND: 07/17/2007 LOCATION: Senate Appropriations Committee STATUS: 8/20/2007 In SENATE Committee on APPROPRIATIONS: Not heard.	None on File
► AB 1845 (Duvall – R) Railroad-Highway Grade Separations	Makes inoperative the requirement for the Department of Transportation to include a specified amount of funds in its annual budget for highway-railroad grade separation projects on the date that the Director of Transportation notifies the Secretary of State that all funds made available by Proposition 1B bond act for such projects have been allocated and expended and all required reports have been completed, and provides for the repeal of the provisions.	INTRODUCED: 01/28/2008 LAST AMEND: 04/16/2008 LOCATION: Senate Transportation and Housing Committee. STATUS: 06/17/2008 In SENATE Committee on TRANSPORTATION AND HOUSING. Not Heard	None Listed

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 1851 (Nava – D)</p> <p>Greenhouse Gas Emissions: Sale of Voluntary Offsets</p>	<p>Requires sellers of voluntary greenhouse gas emission offsets to make good faith efforts to ensure the project generating the offset has been verified to reduce such emissions in a real, additional, measurable, and verifiable manner by independent verifiers that meet accreditation standards. Provides sellers to disclose specified information in its marketing materials. Requires a seller to ensure offset is registered with a registry accredited by the State Air Resources Board. Provides civil fines.</p>	<p>INTRODUCED: 01/29/2008 LAST AMEND: 06/10/2008 LOCATION: Senate Environmental Quality Committee</p> <p>STATUS: 06/17/2008 From SENATE Committee on ENERGY, UTILITIES AND COMMUNICATIONS: Do pass as amended to Committee on ENVIRONMENTAL QUALITY. HEARING: 06/23/2008 1:30 pm</p>	<p>SUPPORT: Environmental Defense Fund</p> <p>OPPOSE: Pacific Gas and Electric</p>
<p>► AB 1954 (Jeffries – R)</p> <p>High-Occupancy Toll (HOT) Lanes</p>	<p>Relates to high-occupancy toll (HOT) lanes. Authorizes a value pricing and transit program involving HOT lanes to be developed and operated on State Highway Route 15 in Riverside County by the Riverside County Transportation Commission. Requires the Riverside County Transportation Commission and the Department of Transportation to implement the program pursuant to a cooperative agreement.</p>	<p>INTRODUCED: 02/13/2008 LAST AMEND: 04/07/2008 LOCATION: Senate Transportation and Housing Committee</p> <p>STATUS: 06/05/2008 To SENATE Committee on TRANSPORTATION AND HOUSING. HEARING: 06/24/2008 1:30 pm</p>	<p>(partial list)</p> <p>SUPPORT: City of Corona, County of Riverside, AFL-CIO</p> <p>OPPOSE: Environmental Defense, Sierra Club California</p>
<p>► AB 1973 (Ruskin – D)</p> <p>Public Utilities Commission</p>	<p>Requires the Governor to appoint a president of the commission from among its members.</p>	<p>INTRODUCED: 02/14/2008 LOCATION: Senate Third Reading File</p> <p>STATUS: 06/18/2008 In SENATE. Read second time. To third reading.</p>	<p>SUPPORT: American Association of Retired Persons (AARP) Communication Workers of America, Local 9400 (sponsor)</p> <p>OPPOSE: California Public Utilities Commission</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 2093 (Jones – D)</p> <p>General Plan: Mandatory Elements</p>	<p>Amends the Planning and Zoning Law. Requires to be included in any mandatory element or combination of mandatory elements, consideration of policies that reduce the effects of land use activities and general plan actions on the emission of greenhouse gases in order to help meet the goals of the State Global Warming Solutions Act of 2006.</p>	<p>INTRODUCED: 02/19/2008 LAST AMEND: 05/23/2008 LOCATION: Senate Local Government Committee</p> <p>STATUS: 06/16/2008 From SENATE Committee on ENVIRONMENTAL QUALITY: Do pass as amended to Committee on LOCAL GOVERNMENT. HEARING: 06/25/2008 9:30 am</p>	<p>SUPPORT: Health Officers Association of California</p>
<p>► AB 2182 (Caballero – D)</p> <p>Urban Community Center Revitalization Program</p>	<p>Establishes the Urban and Community Center Revitalization Program which would provide for moneys from a specified bond act to be made available for distribution in the form of grants to local governments that meet specified criteria, for specific plans, master environmental impact reports, and charts. Requires the State Clearinghouse in the Governor's Office of Planning and Research to prepare and develop proposed specified regulations for the program.</p>	<p>INTRODUCED: 02/20/2008 LAST AMEND: 06/11/2008 LOCATION: Senate Local Government Committee</p> <p>STATUS: 06/18/2008 In SENATE Committee on LOCAL GOVERNMENT: Not heard.</p>	<p>SUPPORT: CA Associations of Councils of Government (In Concept)</p> <p>OPPOSE: CA Association of Realtors (Unless Amended)</p>
<p>AB 2295 (Arambula – D)</p> <p>Transportation Capital Improvement Program</p>	<p>Relates to allocations of transportation capital improvement funds pursuant to the State Transportation Improvement Program process. States that local road rehabilitation projects are eligible for these funds.</p>	<p>INTRODUCED: 02/21/2008 LOCATION: Senate Third Reading File</p> <p>STATUS: 05/15/2008 In SENATE. Read second time. To third reading.</p>	<p>SUPPORT: California State Association of Counties (co-sponsor), Regional Council of Rural Counties (co-sponsor), League of California Cities</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 2321 (Feuer – D)</p> <p>Transportation Funding: County of Los Angeles</p>	<p>Requires the Los Angeles County Metropolitan Transportation Authority tax ordinance to specify that the tax is to be imposed for a period not to exceed a specified number of years, and to require the authority to include specified projects and programs in its Long Range Transportation Plan. Authorizes the authority to incur bonded indebtedness. Makes other related changes.</p>	<p>INTRODUCED: 02/21/2008 LAST AMEND: 05/28/2008 LOCATION: Senate Transportation and Housing Committee</p> <p>STATUS: 06/12/2008 To SENATE Committees on TRANSPORTATION AND HOUSING and REVENUE AND TAXATION. HEARING: 06/24/2008 1:30pm (Housing and Transportation Committee) HEARING: 06/25/2008 1:30 pm (Revenue and Taxation Committee)</p>	<p>SUPPORT: Los Angeles County Metropolitan Transportation Authority (Metro), California Public Interest Research Group, Environment California</p>
<p>► AB 2376 (Price – D)</p> <p>Small and Emerging Contractors: Assistance Program</p>	<p>Authorizes the Department of Transportation to establish a Small and Emerging Contractor Technical Assistance Program for the purpose of providing training and technical assistance to small contractors to improve their ability to secure surety bond guarantees, offered by the federal Small Business Administration. Authorizes the department to charge a fee to participants in the program to cover the cost of administering the program.</p>	<p>INTRODUCED: 02/21/2008 LAST AMEND: 05/27/2008 LOCATION: Senate Business, Professions & Economic Development Committee</p> <p>STATUS: 06/12/2008 To SENATE Committee on BUSINESS, PROFESSIONS AND ECONOMIC DEVELOPMENT. HEARING: 06/23/2008 1:30 pm</p>	<p>None Listed</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 2558 (Feuer – D)</p> <p>Los Angeles County Metropolitan Transportation Authority</p>	<p>Authorizes the Los Angeles County Metropolitan Transportation Authority and Metropolitan Transportation Commission to impose a climate change mitigation and adaptation fee, subject to approval of an ordinance by a majority of the governing board and majority voter approval of a ballot measure containing the fee and an expenditure plan, to appear on the ballot no later than a specified date. Specifies alternative options for imposing the fee, which would be a motor vehicle fuel fee or a vehicle fee.</p>	<p>INTRODUCED: 02/22/2008 LAST AMEND: 06/17/2008 LOCATION: Senate Transportation and Housing Committee</p> <p>STATUS: 06/17/2008 From SENATE Committee on TRANSPORTATION AND HOUSING with author's amendments. 06/17/2008 In SENATE. Read second time and amended. Re-referred to Committee on TRANSPORTATION AND HOUSING. HEARING: 06/24/2008 1:30 pm</p>	<p>(partial list)</p> <p>SUPPORT: LA County Metropolitan Transportation Authority, Natural Resources Defense Council, California Transit Association</p> <p>OPPOSE: Automobile Club of Southern California, Howard Jarvis Taxpayers Association, California Motor Car Dealers Association</p>
<p>► AB 2650 (Carter – D)</p> <p>Department of Transportation: Environmental Process</p>	<p>Extends the date by which the State Department of Transportation to submit a report regarding the surface transportation project delivery pilot program.</p>	<p>INTRODUCED: 02/22/2008 LAST AMEND: 06/16/2008 LOCATION: Senate Appropriations Committee</p> <p>STATUS: 06/16/2008 From SENATE Committee on APPROPRIATIONS with author's amendments. 06/16/2008 In SENATE. Read second time and amended. Re-referred to Committee on APPROPRIATIONS. HEARING: 06/30/2008 10:00 am</p>	<p>SUPPORT: Caltrans (sponsor), Calaveras Council of Governments, City of Merced, Consulting Engineers and Land Surveyors of California</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► AB 3021 (Nava – D)</p> <p>California Transportation Financing Authority</p>	<p>Creates the Transportation Financing Authority with powers and duties relative to issuance of bonds to fund transportation projects to be backed by various revenue streams of transportation funds, and toll revenues in order to increase the construction of new capacity or improvements for the state transportation system consistent with specified goals. Sets for the requirements for a project sponsor to obtain bond funding from the authority. Authorizes the imposition and collection of tolls on projects.</p>	<p>INTRODUCED: 02/22/2008 LAST AMEND: 06/16/2008 LOCATION: Senate Transportation and Housing Committee</p> <p>STATUS: 06/16/2008 From SENATE Committee on TRANSPORTATION AND HOUSING with author's amendments. 06/16/2008 In SENATE. Read second time and amended. Re-referred to Committee on TRANSPORTATION AND HOUSING. HEARING: 06/24/2008 1:30 pm</p>	<p>SUPPORT: State Treasurer Bill Lockyer (sponsor), State Building and Construction Trades Council of California, AFL-CIO</p> <p>OPPOSE: Environmental Defense</p>
<p>ACA 1 (Nunez – D)</p> <p>Legislative Reform: Redistricting: Term Limits</p>	<p>Proposes an amendment to the Constitution to specify new legislative term limits, to prohibit a member of the Legislature of the Governor from accepting a campaign contribution from a lobbyist during a specified date until enactment of the budget bill for the ensuing fiscal year, to assign responsibility for congressional and legislative districts boundary lines to a specified commission, to grant the State Supreme Court jurisdiction over a final redistricting plan and to authorize the filing related writs.</p>	<p>INTRODUCED: 12/04/06 LAST AMEND: 05/06/2008 LOCATION: Assembly Appropriations Committee</p> <p>STATUS: 05/06/2008 From ASSEMBLY Committee on APPROPRIATIONS with author's amendments. 05/06/2008 In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.</p>	<p>None Listed</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
ACA 2 (Walters – R) Eminent Domain	Proposes a Constitutional amendment that prohibits the taking or damaging of private property without the express written consent of the owner for purposes of economic development, increasing tax revenue, or private use, or when the same use will be maintained following the taking. Requires that, prior to commencement of eminent domain proceedings, the public use for which the property is to be taken is stated in writing. Defines public use. Permits a taking to eliminate an ongoing threat to public safety.	INTRODUCED: 12/04/2006 LAST AMEND: 07/05/2007 LOCATION: Assembly Judiciary Committee STATUS: 07/10/2007 In ASSEMBLY Committee on JUDICIARY: Failed passage. 07/10/2007 In ASSEMBLY Committee on JUDICIARY: Reconsideration granted.	SUPPORT: Chris Norby, Orange County Supervisor OPPOSE: California Redevelopment Association, California State Association of Counties, League of California Cities
ACA 3 (Gaines – R) Expenditure Limits	Proposes an amendment to the Constitution that would limit total state General Fund and special fund expenditures to an annual increase of no more than the increase in the cost of living multiplied by the percentage increase in state population. Allocates any revenues exceeding the expenditure limitation to the State School Fund and to a reserve fund, to rebates for personal income taxpayers, and to fund state and California State University employees' health and dental benefits.	INTRODUCED: 12/04/2006 LAST AMEND: 06/04/2007 LOCATION: Assembly Education Committee STATUS: 01/09/2008 In ASSEMBLY Committee on EDUCATION: Not heard.	SUPPORT: Howard Jarvis Taxpayers Association
ACA 4 (Villines – R) Reapportionment	Proposes an amendment to the Constitution to provide for the establishment of the Independent Citizens' Commission on Redistricting to be comprised of registered voters, who would adjust the boundary lines of the Senate, Assembly, congressional and State Board of Equalization districts as required by law. Requires the Secretary of State to implement a random selection process for members of the commission. Provides that certain records of the commission are public records.	INTRODUCED: 12/04/2006 LAST AMEND: 06/20/2007 LOCATION: Assembly Appropriations Committee STATUS: 06/20/2007 In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.	None Listed
► ACA 10 (Feuer – D) Bond Indebtedness: Local Government: Transportation	Amends the State Constitution to create an additional exception to the 1 percent limit on ad valorem tax on real property for a county, or city to pay for bonded indebtedness, incurred to fund specified transportation infrastructure, that is approved by 55 percent of the voters of the county or city. Lowers to 55 percent the voter approval threshold.	INTRODUCED: 01/07/2008 LOCATION: Assembly Local Government Committee STATUS: 06/12/2008 To ASSEMBLY Committees on LOCAL GOVERNMENT, TRANSPORTATION, and APPROPRIATIONS.	None Listed

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► ACA 11 (Blakeslee – R)</p> <p>Budget Process: Strategic Reserve Bank</p>	<p>Proposes a Constitutional Amendment. Creates the Strategic Reserve Bank governed by a board of financial experts appointed by the Governor and legislative leaders to reduce the volatility of the General Fund by moderating swings in revenues and accommodating short-term changes in revenue growth. Creates the Strategic Budget Reserve Fund.</p>	<p>INTRODUCED: 01/08/2008 LOCATION: Assembly Appropriations Committee</p> <p>STATUS: 06/12/2008 To ASSEMBLY Committee on APPROPRIATIONS.</p>	<p>None Listed</p>
<p>► ACA 12 (Plescia – R)</p> <p>State Mandated Local Programs</p>	<p>Proposes a constitutional amendment requiring the Legislative Analyst to determine and report to the Legislature whether the enacted bill is a balanced state budget; provides that if the Legislative Analyst reports that it is not a balanced state budget, the Legislature is required to pass and send the Governor a bill or bills to balance the state budget within 15 days and the Governor may reduce expenditures in the enacted budget bill as necessary to balance the state budget.</p>	<p>INTRODUCED: 01/15/2008 LOCATION: Assembly Budget Committee</p> <p>STATUS: 06/12/2008 To ASSEMBLY Committees on BUDGET and RULES.</p>	<p>None Listed</p>
<p>SB 9 (Lowenthal – D)</p> <p>Trade Corridor Improvement: Transportation Project</p>	<p>Relates to Trade Corridor Improvement Transportation Fund projects. Establishes a process to be administered by the State Transportation Commission for allocation of fund moneys. Establishes the corridors eligible for funding. Establishes criteria for project selection based on improvement of mobility of freight and improvement of air quality. Requires projects to be ready for construction by a specified date. Provides for allocations to projects outside of the trade corridors.</p>	<p>INTRODUCED: 12/04/2006 LAST AMEND: 08/20/2007 LOCATION: Assembly Appropriations Committee</p> <p>STATUS: 08/30/2007 In ASSEMBLY Committee on APPROPRIATIONS: Heard, remains in Committee.</p>	<p>None Listed</p>
<p>SB 19 (Lowenthal – D)</p> <p>Trade Corridor; Projects to Reduce Emissions: Goods</p>	<p>Relates to the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006. Requires the Air Resources Board to implement the Goods Movement Emission Reduction Program and to adopt guidelines and funding criteria for the program. Creates eligibility requirements for funding pursuant to this program. Creates the Goods Movement Emission Reduction Fund to be funded with bond proceeds.</p>	<p>INTRODUCED: 12/04/2006 LAST AMEND: 07/17/2007 LOCATION: Assembly Appropriations Committee</p> <p>STATUS: 07/17/2007 From ASSEMBLY Committee on APPROPRIATIONS with author's amendments. 07/17/2007 In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.</p>	<p>SUPPORT: Moller International, Inc.</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
► SB 61 (Runner – R)	<i>This bill was amended to now address issues related to water agencies.</i>	INTRODUCED: 01/16/2007 LAST AMEND: 06/17/2008	
SB 286 (Dutton – R and Lowenthal – D) Transportation Enhancement Funds: Conservation Corps	Requires, with respect to federal funds made available to the state for transportation enhancement projects, transportation planning agencies, county transportation commissions or authorities, and congestion management agencies to adopt criteria that give priority in project selection to the sponsors of eligible projects that partner with, commit to employ the services of, a community conservation corps, or the state conservation corps to construct or undertake the project.	INTRODUCED: 02/15/2007 LAST AMEND: 01/17/2008 LOCATION: Assembly Appropriations Committee STATUS: 01/17/2008 From ASSEMBLY Committee on APPROPRIATIONS with author's amendments. 01/17/2008 In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.	None Listed
► SB 364 (Simitian – D) Personal Information: Privacy	Amends existing law that requires any agency, and any person or business, that owns or licenses computerized data that includes personal information to disclose in specified ways, any breach of the security of the system or data, following discovery or notification of the security breach, to any resident whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person. Requires a report to the Office of Information Security and Privacy Protection.	INTRODUCED: 02/20/2007 LAST AMEND: 06/18/2008 LOCATION: Assembly Judiciary Committee STATUS: 06/18/2008 From ASSEMBLY Committee on JUDICIARY with author's amendments. 06/18/2008 In ASSEMBLY. Read second time and amended. Re-referred to Committee on JUDICIARY. HEARING: 06/24/2008 9 am	SUPPORT: Consumers Union, Consumer Federation of California, Electronic Frontier Foundation, Privacy Rights Clearinghouse

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► SB 445 (Torlakson – D)</p> <p>Greenhouse Gas Mitigation Fee</p>	<p>Authorizes specified regional transportation agencies to impose a greenhouse gas mitigation fee on vehicles subject to registration within the jurisdiction of the agency. Requires the fee to be implemented pursuant to a plan, which would be required to contain an expenditure plan describing specified transportation projects and programs to be funded. Requires that the fee would be subject to approval of the governing board of the implementing agency and of voters of a ballot measure containing the plan.</p>	<p>INTRODUCED: 02/21/2007 LAST AMEND: 05/12/2008 LOCATION: Assembly Transportation Committee</p> <p>STATUS: 06/09/2008 In ASSEMBLY Committee on TRANSPORTATION: Heard, remains in Committee.</p>	<p>None Listed</p>
<p>SB 716 (Perata – D)</p> <p>Transit Operators</p>	<p>Relates to appropriations to transportation agencies from the Public Transportation Modernization, Improvement, and Service Enhancement Account for transit capital projects pursuant to a specified formula. Specifies requirements for an eligible project sponsor to receive an allocation of funds appropriated from the account. Requires the Transportation Commission and the Controller to administer these provisions.</p>	<p>INTRODUCED: 02/23/2007 LAST AMEND: 07/11/2007 LOCATION: Assembly Appropriations Committee</p> <p>STATUS: 07/11/2007 In ASSEMBLY. Read second time and amended. Re-referred to Committee on APPROPRIATIONS.</p>	<p>SUPPORT: Alameda Contra Costa Transit District, American Federation of State, County, and Municipal Employees</p> <p>OPPOSE: LACMTA</p>
<p>► SB 947 (Hollingsworth – R)</p> <p>Consultation: Transportation Facilities</p>	<p>Requires notice of at least one scoping meeting to be provided to transportation planning agencies or public agencies required to be consulted concerning a project proposed by a lead agency which requires an environmental impact report under the California Environmental Quality Act. Requires the project's effect on overpasses, on-ramps, and off-ramps to be included in that consultation.</p>	<p>INTRODUCED: 02/23/2007 LAST AMEND: 04/30/2007 LOCATION: Assembly Transportation Committee</p> <p>STATUS: 06/09/2008 From ASSEMBLY Committee on NATURAL RESOURCES: Do pass to Committee on TRANSPORTATION. HEARING: 06/23/2008 1:30 pm</p>	<p>SUPPORT: Cities of El Cajon, Murrieta, Poway, Temecula, and Victorville, Lakeside Chamber of Commerce, San Diego Regional Chamber of Commerce, San Diego Mayor Jerry Sanders</p> <p>OPPOSE: California Chapter of the American Planning Association, Sierra Club California</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► SB 1422 (Lowenthal –D)</p> <p>High Speed Rail Authority</p>	<p>Relates to existing law that creates the High Speed Rail Authority and that provides that whenever provisions is made by law for any project that is not under the jurisdiction of specified agencies, the project shall be under the jurisdiction of the Department of Transportation. Provides similar jurisdiction to the Department of Transportation whenever no provisions is made by law for any project that is not under the jurisdiction of the High-Speed Rail Authority.</p>	<p>INTRODUCED: 02/21/2008 LAST AMEND: 04/07/2008 LOCATION: Assembly Transportation Committee</p> <p>STATUS: 05/22/2008 To ASSEMBLY Committee on TRANSPORTATION. HEARING: 06/23/2008 1:30 pm</p>	<p>None Listed</p>
<p>► SB 1429 (Perata – D)</p> <p>State Owned Toll Bridges</p>	<p>Provides that identification of the source of any state matching funds for the toll revenues is to be included in the information reported to the Bay Area Toll Authority by the Department of Transportation and project sponsors, and that the authority may include this reported data in its Annual Report to the San Francisco Bay Area State Legislative Delegation.</p>	<p>INTRODUCED: 02/21/2008 LAST AMEND: 04/23/2008 LOCATION: Assembly Transportation Committee</p> <p>STATUS: 05/22/2008 To ASSEMBLY Committee on TRANSPORTATION. HEARING: 06/23/2008 1:30 pm</p>	<p>None Listed</p>
<p>► SB 1557 (Wiggins—D)</p> <p>State Environmental Goals and Policy Report</p>	<p>Amends existing law that requires the Governor to prepare a State Environmental Goals and Policy Report. Includes, as a planning priority, meeting the state's greenhouse gas emission limits and development that reduces vehicle miles traveled. Amends existing law that provides for the State Administrative Manual as a reference source for statewide policies. Requires the chapters regarding capitol outlay to include the state planning priorities in the State Environmental Goals and Policy Report.</p>	<p>INTRODUCED: 02/22/2008 LAST AMEND: 04/22/2008 LOCATION: Assembly Natural Resources Committee</p> <p>STATUS: 06/18/2008 From ASSEMBLY Committee on LOCAL GOVERNMENT: Do pass to Committee on NATURAL RESOURCES.</p>	<p>SUPPORT: Environmental Defense Fund Planning and Conservation League</p> <p>OPPOSE: none filed</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► SB 1646 (Padilla – D)</p> <p>South Coast Air Quality Management District</p>	<p>Extends the authority of the South Coast Air Quality Management District to impose a specified fee on the renewal of registration of any motor vehicle in the district indefinitely, and would require no more than a specified percentage of funds in the account be used for administrative purposes.</p>	<p>INTRODUCED: 02/22/2008 LOCATION: Assembly Second Reading File</p> <p>STATUS: 06/18/2008 In ASSEMBLY Committee on APPROPRIATIONS: To Suspend File.</p>	<p>(partial listing)</p> <p>SUPPORT: South Coast Air Quality Management District (sponsor), Los Angeles Unified School District, Orange County Sanitation District, Sempra Energy, Southern California Edison, Toyota, University of California, Irvine, Advanced Power and Energy Program</p> <p>OPPOSE: Howard Jarvis Taxpayers Association</p>
<p>► SB 1685 (Kehoe – D)</p> <p>Regional Comprehensive Plan: San Diego County</p>	<p>Relates to the San Diego County Regional Transportation Commission retail transactions and use tax. Revises the purposes for which the tax revenues could be use to provide for implementation of the regional comprehensive plan, water quality improvement, beach sand replenishment projects. Authorizes the transfer of environmental mitigation or conservation to a public agency or nonprofit corporation for management and monitoring. Authorizes related grants. Authorizes an increase in the tax rate.</p>	<p>INTRODUCED: 02/22/2008 LAST AMEND: 04/22/2008 LOCATION: Assembly Second Reading File</p> <p>STATUS: 06/18/2008 From ASSEMBLY Committee on LOCAL GOVERNMENT: Do pass.</p>	<p>SUPPORT: San Diego Association of Governments (sponsor), North County Transit District, Nature Conservancy</p>
<p>► SB 1731 (Yee- D)</p> <p>Vehicles: Fees: Congestion Mitigation</p>	<p>Authorizes the Metropolitan Transportation Commission to impose a vehicle registration fee in the counties under its jurisdiction for the purpose of implementing congestion mitigation strategies within the region. Requires the commission to adopt a program of projects that would be funded by the fee revenues.</p>	<p>INTRODUCED: 02/22/2008 LAST AMEND: 04/23/2008 LOCATION: Assembly Appropriations Committee</p> <p>STATUS: 06/18/2008 In ASSEMBLY Committee on APPROPRIATIONS: To Suspend File.</p>	<p>(partial list)</p> <p>SUPPORT: Metropolitan Transportation Commission (Sponsor)</p> <p>OPPOSE: California Motor Car Dealers Association, Stop Hidden Taxes Coalition, Howard Jarvis Taxpayers Association</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
<p>► SB 1732 (Romero – D)</p> <p>Local Agencies</p>	<p>Prohibits a majority of members of a legislative body of a local agency from using, outside a meeting authorized the Ralph M Brown Act, a series of communications of any kind, directly through intermediaries to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body. Provides that when the members of a local agency are authorized to access a writing of the body there shall be no discrimination as to access of that information.</p>	<p>INTRODUCED: 02/22/2008 LAST AMEND: 04/24/2008 LOCATION: Assembly Third Reading File</p> <p>STATUS: 06/16/2008 In ASSEMBLY. Read second time. To third reading.</p>	<p>(partial list) SUPPORT: California Newspaper Publishers Association, California Broadcasters Association, Los Angeles Unified School District Board President Monica Garcia,</p> <p>OPPOSE: Association of California School Administrators, California School Boards Association, Community College League of California</p>
<p>► SB 1760 (Perata – D)</p> <p>Energy: Greenhouse Gas Emissions</p>	<p>Creates the Climate Action Team (CAT) that would be responsible for coordinating the state's overall climate policy. Requires the CAT to prepare, adopt, and present to the Legislature, a strategic research, development, and demonstration plan that establishes priorities and identifies key expenditure categories for research, development, and deployment funds to be expended by the state agencies represented on the CAT.</p>	<p>INTRODUCED: 02/22/2008 LAST AMEND: 05/27/2008 LOCATION: Assembly Natural Resources Committee</p> <p>STATUS: 06/12/2008 To ASSEMBLY Committee on NATURAL RESOURCES. HEARING: 06/23/2008 1:30 pm</p>	<p>None Listed</p>
<p>SCA 1 (McClintock – R)</p> <p>Eminent Domain: Condemnation Proceedings</p>	<p>Proposes an amendment to the Constitution to provide that private property may be taken or damaged only for a stated public purpose and not without the consent of the owner for purposes of economic development, increasing tax revenue, or any other private use, nor for maintaining the present use by a different owner. Provides that if the property ceases to be used for the public use, the former owner would have the right to reacquire the property at its fair market value. Provides reevaluation procedures.</p>	<p>INTRODUCED: 12/04/2006 LAST AMEND: 02/05/2007 LOCATION: Senate Judiciary Committee</p> <p>STATUS: 02/05/2007 From SENATE Committee on JUDICIARY with author's amendments. 02/05/2007 In SENATE. Read second time and amended. Re-referred to Committee on JUDICIARY.</p>	<p>None Listed</p>

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
SCA 5 (McClintock – R) State and Local Government Finance: Taxes	Proposes an amendment to the Constitution to establish a constitutional definition of a tax as any monetary exaction imposed by a governmental entity. Recasts the definition of a special tax. Conditions the imposition by the state or local government of a new tax, or a change in a tax, that increases the amount of any tax levied upon the approval of 2/3 membership of the governing body and voter approval. Prohibits new tax without voter approval. Provides exceptions.	INTRODUCED: 01/30/2007 LAST AMEND: 03/21/2007 LOCATION: Senate Revenue and Taxation Committee STATUS: 04/25/2007 In SENATE Committee on REVENUE AND TAXATION: Heard, remains in Committee.	SUPPORT: Howard Jarvis Taxpayers' Association, California Chamber of Commerce, Council for Citizens Against Government Waste, Mid Valley Chamber of Commerce, Milpitas Chamber of Commerce OPPOSE: California Tax Reform Association, East Bay Municipal Utilities District
SCA 14 (Denham – R) Governor: State Budget	Proposes a Constitutional amendment. Requires the budget submitted by the Governor to be a balanced budget, pursuant to a determination to be made by the Legislative Analyst. Provides that if, by January 10, the Governor fails to submit a balanced budget, as determined by the Legislative Analyst, the Governor shall forfeit any salary from January 11 until the date a balanced budget is submitted.	INTRODUCED: 01/09/2008 LAST AMEND: 03/25/2008 LOCATION: Senate Budget & Fiscal Review committee STATUS: 05/22/2008 Withdrawn from SENATE Committee on RULES. 05/22/2008 To SENATE Committees on BUDGET AND FISCAL REVIEW and ELECTIONS, REAPPORTIONMENT AND CONSTITUTIONAL AMENDMENTS.	None Listed

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
SCA 15 (Denham – R) Legislature: Sessions: State Budget	Proposes an amendment to the State Constitution. Requires, if the Legislature fails to pass the Budget Bill by June 15 of any year, that each house of the Legislature meet in session 24 hours a day, and not recess or adjourn, until the Budget Bill is passed and presented to the Governor.	INTRODUCED: 01/09/2008 LAST AMEND: 03/25/2008 LOCATION: Senate Rules Committee STATUS: 03/25/2008 From SENATE Committee on RULES with author's amendments. 03/25/2008 In SENATE. Read second time and amended. Re-referred to Committee on RULES.	None Listed
SCA 16 (Denham – R) Legislature: Compensation	Proposes an amendment to the State Constitution. Provides that, if a Budget Bill is not passed by June 15, Members of the Legislature may not be paid any salary from June 16 to the date a Budget Bill is passed and sent to the Governor. Provides that once a Budget Bill is passed and sent to the Governor, a Member of the Legislature may not be paid any salary due for that period of time.	INTRODUCED: 01/09/2008 LAST AMEND: 03/25/2008 LOCATION: Senate Rules Committee STATUS: 03/25/2008 From SENATE Committee on RULES with author's amendments. 03/25/2008 In SENATE. Read second time and amended. Re-referred to RULES Committee.	None Listed
SCR 68 (Denham – R) Budget Bill Conference Committee	Adds a provision to the Joint Rules of the Senate and Assembly for the 2007-08 regular session to require that any conference committee on the Budget Bill be comprised of 10 members. Requires the Senate Committee on Rules and the Speaker of the Assembly to appoint three members each and the minority party caucuses in each house to appoint two members each.	INTRODUCED: 01/09/2008 LAST AMEND: 03/25/2008 LOCATION: Senate Rules Committee STATUS: 03/25/2008 From SENATE Committee on RULES with author's amendments. 03/25/2008 In SENATE. Read second time and amended. Re-referred to Committee on RULES.	None Listed

BILL NO. / AUTHOR	COMMENTARY	STATUS	OCTA POSITION / OTHER AGENCY POSITIONS
SCR 69 (Denham – R) Budget Bill Votes	Adds a provision to the Joint Rules of the Senate and Assembly for the 2007-08 Regular Session to require that a vote by a committee or subcommittee in either house of the Legislature to take action on the Budget Bill, or a vote by a conference committee to take action on the Budget Bill, be a 2/3 vote.	INTRODUCED: 01/09/2008 LAST AMEND: 03/25/2008 LOCATION: Senate Rules Committee STATUS: 03/25/2008 From SENATE Committee on RULES with author's amendments. 03/25/2008 In SENATE. Read second time and amended. Re-referred to Committee on RULES.	None Listed
SB 5 c (Senate Budget & Fiscal Review Committee) Highway Users Tax Account	Requires transfers of revenues from the Highway Users Tax Account to counties or cities that would otherwise be made during certain months of 2008, to instead be made in September of 2008. Allows counties and cities to make use of any cash balance in any account that is designated for the receipt of state funds allocated for local streets and roads maintenance without the use of this cash being reflected as an expenditure of bond act funds, provided the cash is replaced.	INTRODUCED: 02/07/2008 LAST AMEND: 02/13/2008 LOCATION: Senate Third Reading File STATUS: 02/13/2008 From SENATE Committee on BUDGET AND FISCAL REVIEW: Do pass as amended. 02/13/2008 In SENATE. Read second time and amended. To third reading.	None Listed



BOARD COMMITTEE TRANSMITTAL

July 14, 2008

To: Members of the Board of Directors
From: Wendy Knowles, Clerk of the Board
Subject: Schedule for the Preparation of the 2009 State and Federal Legislative Platforms

Legislative and Communications Committee Meeting of July 3, 2008

Present: Directors Bates, Buffa, Cavecche, Glaab, Mansoor, and Rosen
Absent: Director Brown

Committee Vote

This item was passed by all Committee Members present.

Director Glaab was not present for the vote on this item.

Committee Recommendation

Approve the preparation plan and timeline for the State and Federal Legislative platforms.



July 3, 2008

To: Legislative and Communications Committee
From: Arthur T. Leahy, Chief Executive Officer
Subject: Schedule for the Preparation of the 2009 State and Federal Legislative Platforms

Overview

The Orange County Transportation Authority is preparing the legislative platforms in advance of the 2009 sessions of the California Legislature and United States Congress. As a listing of objectives and issue positions, the legislative platforms provide general direction to staff and legislative representatives in Sacramento and Washington, D.C.

Recommendation

Approve the preparation plan and timeline for the State and Federal Legislative platforms.

Discussion

Annually, Orange County Transportation Authority (OCTA) staff collect legislative ideas from interested parties within Orange County, subsequently evaluating and consolidating suggestions and strategies into a framework document to guide OCTA's state and federal legislative activities for the upcoming year. These documents are initially submitted as drafts and then in final form to the Board of Directors (Board) for adoption. In addition to adoption of the 2009 State and Federal Legislative platforms, OCTA staff will pursue input from the Board on particular items to guide in advocacy positions and responses.

The OCTA State and Federal Legislative platforms provide guidance on state and federal statutory, regulatory, and administrative policies for staff and its legislative advocates to pursue in the subsequent year. Timely adoption of the platforms allows time to draft bill language, find bill authors, introduce legislation, recommend advocacy positions on bills, as well as to develop support for OCTA projects and funding requests.

In gathering ideas and information for potential legislative needs in 2009, State and Federal Relations departments staff will seek suggestions from Board Members; OCTA division directors and department managers; regional and state transportation agencies, associations, and interest groups; cities; the County of Orange; various parties in the public and private sectors; OCTA advisory groups; and users of OCTA services. Advice will be sought from members of the Orange County Legislative Delegations and their staffs.

Once legislative ideas are collected, staff will formulate the Draft 2009 State and Federal Legislative platforms. Subsequently, these documents will be reviewed by legislative advocates, legal counsel, and members of the Legislative and Communications Committee. After extensive circulation and revision, final Board adoption will be sought. The State Legislative platform will be presented for final adoption at the OCTA Board meeting on November 10, 2008.

In order to accommodate the election of a new President and a new Congress, the Federal Legislative platform schedule has been pushed back this year until after the November 4 elections. Presentation of the Federal Legislative platform for final Board adoption is scheduled for the OCTA Board meeting on January 26, 2009. This schedule makes use of the time between the election and the initiation of substantial congressional activity to refine the OCTA's position. Detailed timelines are presented as Attachments A and B.

On November 9, 2007, the OCTA Board of Directors adopted the 2008 State and Federal Legislative platforms. Copies of these are included as Attachments C and D for your information.

Summary

The proposed timeline and process for the preparation of the 2009 State and Federal Legislative platforms are presented for approval.

Attachments

- A. Schedule for Preparation of Orange County Transportation Authority
2009 State Legislative Platform
- B. Schedule for Preparation of Orange County Transportation Authority
2009 Federal Legislative Platform
- C. Orange County Transportation Authority 2008 State Legislative Platform
- D. Orange County Transportation Authority 2008 Federal Legislative
Platform

Prepared by:



Kristin Essner
Government Relations
Representative
(714) 560-5754

Approved by:



P. Sue Zuhlke
Chief of Staff
(714) 560-5574

**Schedule for Preparation of
Orange County Transportation Authority
2009 State Legislative Platform**

Proposed Action	Target Date
Provide schedule and preparation process to the members of the Legislative and Communications (L&C) Committee, followed by the Board of Directors.	July 3, 2008 July 14, 2008
Receive requests for legislative suggestions from the Board of Directors, OCTA staff, OCTA standing committees, Orange County Legislative delegations, transportation agencies and associations, Orange County organizations, and interested members of the public.	August 29, 2008
Present preliminary draft of 2009 State Legislative platform to L&C Committee and the Board of Directors. Circulate and receive comments from staff, legislative advocates, legal counsel, and Board Members. Revise platform based on input.	September 18, 2008 September 22, 2008
Comments due back.	October 16, 2008
Present draft 2009 State Legislative platform to L&C Committee for recommendation to the Board of Directors.	November 6, 2008
Present draft 2009 State Legislative platform to Board of Directors for adoption.	November 10, 2008
Distribute adopted 2009 State Legislative platform.	December 22, 2008

* Dates subject to change based on direction from the Board or modified meeting dates.

**Schedule for Preparation of
Orange County Transportation Authority
2009 Federal Legislative Platform**

Proposed Action	Target Date
Provide schedule and preparation process to the members of the Legislative and Communications (L&C) Committee, followed by the Board of Directors.	July 3, 2008 July 14, 2008
Receive requests for legislative suggestions from the Board of Directors, OCTA staff, OCTA standing committees, Orange County Legislative delegations, transportation agencies and associations, Orange County organizations, and interested members of the public.	November 7, 2008
Present preliminary draft of 2009 Federal Legislative platform to L&C Committee and the Board of Directors. Circulate and receive comments from staff, legislative advocates, legal counsel, and Board Members. Revise platform based on input.	December 4, 2008 December 8, 2008
Comments due back.	January 2, 2009
Present draft 2009 Federal Legislative platform to L&C Committee for recommendation to the Board of Directors.	January 15, 2009
Present draft 2009 Federal Legislative platform to Board of Directors for adoption.	January 26, 2009
Distribute adopted 2009 Federal Legislative platform.	February 13, 2009

* Dates subject to change based on direction from the Board or modified meeting dates.

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Key Transportation Policy Issues in 2008

A number of significant transportation issues are expected to be discussed in the 2008 legislative session. A few of these key issues are highlighted in this section including: Transportation Funding, Goods Movement, Infrastructure Bonds, and AB 32 Implementation.

In order to better understand how resources are anticipated to be allocated during the 2008 legislative session, each issue in the Key Transportation Issues section is designated with a "Lobbying Action Level." The level is derived from the expected impact the issue could have on the Orange County Transportation Authority (OCTA), the context in which the issue is moving forward, and the amount of resources that are expected to be devoted to the issue in pursuit of the objective.

A "Lobbying Action Level - High" designation means that all resources and actions necessary will be devoted to this particular issue due not only to the direct, significant, or long-term impacts that the outcome poses to OCTA, but also priority items of the OCTA Board of Directors (Board). A strategically targeted, comprehensive array of actions will be taken in addition to those used for other Lobbying Action Levels.

A "Lobbying Action Level - Medium" designation means that a full range of resources will be explored for the particular issue depending on the current status. Such actions could include formal correspondence and personal involvement of staff or Board Members through the legislative process.

A "Lobbying Action Level - Low" designation means that a smaller amount of resources will be devoted to the issue due to the low level of activity anticipated for that particular item. These issues will be monitored for potential amendments which increase the issue's significance and warrant a higher level of activity.

Transportation Funding

California's fiscal year (FY) 2007-2008 budget diverts an estimated \$1.3 billion from the Public Transportation Account (PTA) to cover General Fund expenditures. Funds derived from the PTA are used for transit capital improvement projects and public

transit operational expenses. The ongoing state budget deficit has led to the Legislature diverting significant sums of transportation dollars to balance the state's fiscal deficiencies. This year's diversion will cause public transit agencies throughout the State to consider making serious cuts to transportation projects and/or reducing services. Two of the most strongly debated funding sources at the state level are "spillover" and Proposition 42.

"Spillover" revenue is generated through a calculation of the difference between a portion of the state sales tax on all goods and the sales tax on gasoline. "Spillover" revenue is required by statute to be deposited into the PTA to cover public transit expenditures, but has historically been largely diverted to non public transportation purposes. A significant amount of this year's \$1.3 billion transportation funding diversion came from "spillover." Additionally, the FY 2007-2008 state budget permanently redirected fifty percent of "spillover" revenue annually to cover General Fund expenditures. The remaining "spillover" revenues will be distributed in the following manner: two-thirds will be distributed to the State Transit Assistance Fund and one-third will be distributed into the PTA. However, in the signing message for this measure, the Governor indicated that such statutory protection must be evaluated on a year-to-year basis, leaving open the possibility of additional funds being diverted in future years.

Passed in 2002, Proposition 42 requires the transfer of the state sales tax on gasoline from the General Fund to the Transportation Investment Fund to fund transportation improvements around the state. In 2006, California voters passed Proposition 1A which closed the "loop-hole" in Proposition 42 by only permitting loans to the General Fund, rather than full or partial suspensions. These loans would be required to be repaid with interest within three years. The FY 2007-2008 state budget fully funds Proposition 42, which is projected to generate \$1.48 billion for transportation projects statewide. Additionally, \$83 million from the "spillover" diversion was used to repay past Proposition 42 suspensions to provide General Fund relief.

In 2008, OCTA will continue to:

- a) Oppose efforts to divert transportation revenue sources to be used for General Fund expenditures.
Lobbying Action Level High

- b) Oppose the diversion of various transportation revenue sources to be allocated towards Proposition 42 repayments or future repayment of general fund obligation bonds.

Lobbying Action Level High

- c) Support the expedited repayment of all Proposition 42 loans.

Lobbying Action Level Low

Infrastructure Bond Implementation

In 2006, voters approved a \$39 billion infrastructure bond package constituting the single largest investment in state infrastructure in decades. Specifically, Proposition 1B allocates over \$19 billion for transportation purposes with several programs being subject to implementing legislation in the 2008 legislative session. The FY 2007-2008 State Budget included trailer bill language that creates the structure and process to implement Proposition 1B programs such as Local Streets and Roads, Public Transportation Modernization, State Transportation Improvement, Corridor Mobility Improvement, Air Quality, and State Highway Operations and Protection (SHOPP), along with Transit and Port Security. OCTA is actively involved in the implementation of these programs.

In 2008, OCTA will:

- a) Support implementing legislation that increases funding directed towards Southern California and Orange County projects.

Lobbying Action Level High

- b) Support implementing legislation that enables faster, more efficient delivery of transportation projects in Orange County.

Lobbying Action Level High

AB 32 Implementation

AB 32 the Global Warming Solutions Act of 2006 (Chapter 488, Statutes of 2006), creates landmark greenhouse gas emission reduction requirements by setting the overall state goal of restoring emissions to 1990 levels by the year 2020. The California Air Resources Board (CARB), as the lead agency in the implementation of the Act, is to work collaboratively with other agencies and stakeholders to create regulations that are both technologically feasible and cost-effective. CARB has been directed to use a combination of both market-based compliance measures as well as traditional regulatory measures in carrying out this task.

On January 1, 2009, CARB is to adopt a Scoping Plan that will outline all measures to be used to achieve the aggressive goals outlined in the Act. These measures, in turn, must be enforceable by January 2012. Many different sectors will be affected by these regulations, including the transportation industry. In order to ensure that regulations are adopted which both help meet emission reduction targets and encourage the development of necessary infrastructure to meet the needs of California's growing population, in 2008 OCTA will:

- a) Oppose legislation seeking to accelerate the implementation of AB 32 prior to thorough analysis by CARB and an appropriate opportunity for public notice and comment.

Lobbying Action Level High

- b) Support incentive-based compliance measures rather than punitive policies.

Lobbying Action Level Medium

- c) Support efforts to prevent pre-emptive litigation under the California Environmental Quality Act (CEQA) before the necessary guidelines are established.

Lobbying Action Level Medium

- d) Oppose efforts to create regulations that are not currently economically practical or technologically feasible.

Lobbying Action Level Medium

- e) Support efforts at inter-agency collaboration to prevent piecemeal regulation.

Lobbying Action Level Low

- f) Support the creation of grant programs to assist with compliance of the adopted regulations.

Lobbying Action Level Low

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 other locations outside of the Southern California region.

This trade volume is expected to dramatically increase in the next 20 years. This industry supports one out of

every seven jobs in the state, contributing more than \$200 billion per year to the state's economy, including more than \$16 billion in tax revenues to state and local government. An estimated 700,000 jobs in the logistics industry (e.g., trucking, railroads, and warehousing) are directly related to freight movement in Southern California, with nearly 107,000 of these jobs 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.

The need for significant investment in the goods movement system has prompted the inclusion of \$3.1 billion for goods movement and port security infrastructure in Proposition 1B, approved by the voters in 2006. 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 negotiations and analysis of either a voluntary or mandatory container fee program. OCTA will use these two policies to evaluate any state legislative proposals regarding goods movement.

In 2008, OCTA's advocacy efforts in this regard will emphasize the following:

- a) Ensure that public control of goods movement infrastructure projects is retained at the local level.
Lobbying Action Level High
- b) Seek mitigation for the impacts of goods movement on local communities.
Lobbying Action Level High
- c) Pursue new sources of funding for goods movement infrastructure.
Lobbying Action Level High
- d) Continue to work with local, regional, state, and federal entities, as well as with the private sector, to develop and implement needed infrastructure projects.
Lobbying Action Level Medium

State Route 241 (SR-241)/ Foothill-South Extension

With an estimated 320,000 daily trips, Orange County's toll road system is widely used by Southern California drivers. As the population continues to grow, the number of commuters increases, and drive-times become exacerbated, the demand for traffic congestion relief becomes greater. The Transportation Corridor Agencies (TCA) plan to extend the 241 Toll Road through Southern Orange County to the Orange/San Diego County line would provide substantial relief to the County's freeway system.

In 2008 OCTA will:

- a) Support the TCA's Foothill South Toll Road Extension Plan to connect the 241 Toll Road to San Diego Freeway (Interstate 5) in South Orange County.
Lobbying Action Level High

Sponsored Legislation

Each year, OCTA may consider sponsoring legislation that may clarify or address various transportation policy areas that require additional attention. This year, three major initiatives will be emphasized as sponsor bills:

- a) Sponsor legislation authorizing the use of design-build for the installation of transit safety and security technologies.
Lobbying Action Level High
- b) Sponsor legislation that will facilitate expanding the continuous access high occupancy vehicle lane program in Orange County to the Costa Mesa Freeway (State Route 55).
Lobbying Action Level High
- c) Co-sponsor, with the City of Anaheim, legislation that would extend the initial operating segment of the California High-Speed Rail System from the Los Angeles area to Anaheim.
Lobbying Action Level High

I. STATE BUDGET

With continued state budget deficits, OCTA remains concerned about the status of transportation funding in California. Transportation loans, transfers, and suspensions totaling over \$6 billion in the last seven years have exacerbated the existing demand for transportation investment in California. In fact, the California Transportation Commission (CTC) has identified over \$120 billion in unfunded rehabilitation needs alone on California's highways, local streets and roads, and public transit over the next decade.

Consequently, OCTA will be alert to the further erosion of state funding, as well as state attempts to shift their costs to local entities or to secure a larger state share of federal transportation funding.

Key actions by OCTA will include:

- a) Oppose further loans from state highway and transit accounts to the state General Fund, deferral of existing loan repayment provisions, taking of "spillover" revenue from the Public Transportation Account, or relaxation of payback with interest provisions.
- b) Oppose unfunded mandates for transportation agencies and local governments in providing transportation improvements and services.
- c) Oppose cost shifts or changes in responsibility for projects funded by the state to the local transportation entities.
- d) Oppose the diversion of OCTA's share of state highway and transit funding for alternative purposes.
- e) Support legislation to treat the property tax of single-county transit districts the same as multi-county districts and correct other Educational Revenue Augmentation Fund (ERAF) inequities between like agencies.
- f) Seek additional funding for paratransit operations, including service for persons with disabilities and senior citizens.
- g) Support the Constitutional protection of all transportation funding resources.

II. STATE/LOCAL FISCAL REFORMS AND ISSUES

As California's budget challenges continue, uncertainties over potential future structural changes remain. OCTA is concerned that local agencies will be impacted as the Legislature and Administration attempt to erase the budget deficit and repay loans coming due in the next few years.

Therefore, OCTA will:

- a) Oppose efforts to reduce local prerogative over regional program funds.
- b) Oppose levying any new and/or increase in gasoline sales taxes or user fees unless a direct nexus exists between revenues and transportation projects and the additional revenues are controlled by the county transportation commission.
- c) Oppose efforts to increase the one and one-half percent cap on administrative fees charged by the Board of Equalization on the collection of local sales taxes measures.
- d) Oppose efforts to redirect Proposition 116 funds outside of the county/region approved by the voters upon passage of the initiative.
- e) Oppose efforts to transfer traditional federal funding sources from local agencies to the state and support equitable distribution of new federal funding programs in the state implementation legislation for the federal surface transportation act.
- f) Support legislation protecting or expanding local decision-making in programming expenditures of transportation funds.
- g) Support efforts to ease or simplify local matching requirements for state and federal grants and programs.
- h) Support the retention of existing local revenue sources.
- i) Support legislation to protect the flexibility of federal aid highway funds by requiring state compliance with federal highway safety requirements.
- j) Support flexibility for obligating regional federal transportation funds through interim exchange instead of loss of the funds by the local agency.
- k) Support increased flexibility in state guidelines related to the use of state highway funds for soundwalls.

III. STIP STREAMLINING

The State Transportation Improvement Program (STIP), substantially amended by SB 45, Kopp (Chapter 622, Statutes of 1997), is a programming document that establishes the funding priorities and project commitments for transportation capital improvements in California. The STIP was traditionally funded from the State Highway Account (SHA), but is increasingly only funded by Proposition 42 funds.

SB 45 placed decision-making closest to the problem by providing project selection for 75 percent of the funding in the Regional Transportation Improvement Program (RTIP). This funding is distributed to counties based on an allocation formula. The remaining 25 percent of the funds is programmed by Caltrans in the Interregional Transportation Improvement Program (ITIP).

Key provisions to be sought by OCTA include:

- a) Support legislation that maintains equitable "return to source" allocations of transportation tax revenues, such as updating north/south formula distribution of county shares and ITIP allocations.
- b) Support legislation to clarify that programming of county shares has priority over advancement of future county shares.
- c) Support maintaining the current STIP formula, which provides 75 percent of the STIP funding to the locally nominated RTIP and 25 percent to the ITIP Program.
- d) Support a formula based guaranteed disbursement of the ITIP.
- e) Support removing the barriers for funding transportation projects including allowing local agencies to advance projects with local funds when state funds are unavailable due to budgetary reasons, and allowing regions to pool federal, state, and local funds in order to limit lengthy amendment processes and streamline project delivery time.
- f) Support legislation to involve county transportation commissions in development and prioritization of SHOPP projects.

IV. TRANSIT PROGRAMS

In 2005, OCTA was recognized by the American Public Transportation Association as the "Outstanding Public Transportation System of the Year." OCTA's legislative efforts in 2008 will focus on allowing the agency to

continue to provide the reliable, safe, and efficient bus service that riders have come to count on.

To that end, OCTA will focus on the following:

- a) Oppose unfunded transit mandates that may occur as part of California's Olmstead Plan, which encourages independence in the disabled community.
- b) Support legislation to encourage the interoperability of smart card technology within California.
- c) Support legislation to limit the liability of transit districts for the location of bus stops (*Bonanno v. Central Contra Costa Transit Authority*).
- d) Support the siting of transit oriented development projects (i.e. authorize extra credit towards housing element requirements for these developments).
- e) Support additional funding for paratransit operations, including service for persons with disabilities and senior citizens.

V. ROADS AND HIGHWAYS

OCTA's commitment to continuously improve mobility in Orange County is reflected through a dynamic involvement in such innovative highway endeavors as the ownership of the 91 Express Lanes and the use of design-build methodology on the Garden Grove Freeway (State Route 22) project. OCTA will continue to seek new and innovative ways to deliver road and highway projects to the residents of Orange County and to that end, in 2008, OCTA will focus on the following:

- a) Oppose efforts to create a conservancy that would inhibit the delivery of transportation projects under study or being implemented in the region.
- b) Support administrative policy changes to lower the oversight fee charged by Caltrans to ensure that project support costs are equivalent whether the project is administered by Caltrans or a local agency.
- c) Support improvements in major trade gateways in California to facilitate the movement of intrastate, interstate, and international trade beneficial to the state's economy.
- d) Support streamlining of the Caltrans review process for projects, simplification of processes, and reduction of red tape, without compromising environmental safeguards.
- e) Support customer privacy rights while maintaining

OCTA's ability to effectively communicate with customers and operate the 91 Express Lanes.

- f) Support the use of new technology to enhance toll agency enforcement efforts.
- g) Work with Caltrans to ensure design specifications for bridges are free from defect.
- h) Seek cooperation from the state, the county, cities, and other local jurisdictions to implement street signal coordination, prioritization, preemption, and use of intelligent transportation system measures.
- i) Work with Caltrans to further improve street signal coordination by permitting the coordination of on and off-ramp signals with local street signal synchronization efforts.
- j) Seek an administrative/legislative remedy that increases utilization of High Occupancy Vehicle (HOV) lanes, including unlimited ingress/egress and use by single occupant vehicles during off peak hours.
- k) Monitor efforts to increase fines for HOV lane violations, and if implemented, ensure fines are dedicated to enforcement purposes.
- l) Support studying the policies, funding options, and need for rail/highway grade separations including any impact on existing state highway and transit funding sources.
- m) Support legislation authorizing the use of design-build for transportation infrastructure without limiting the type of funding that can be used on the projects.
- n) Support the use of public-private partnerships that increase highway capacity without limiting the ability to improve public facilities.
- o) Cooperate with the Riverside County Transportation Commission on the possible extension of the existing 91 Express Lanes into Riverside County.

VI. RAIL PROGRAMS

Metrolink is Southern California's commuter rail system that links residential communities to employment and activity centers. In 2007, Metrolink celebrated its 13th anniversary of operation in Orange County. Orange County is served by three routes: the Orange County (OC) Line, the Inland Empire-Orange County (IEOC) Line, and the 91 Line (Riverside-Fullerton-Los Angeles).

Currently, OCTA administers 68 miles of track that carry more than 3 million passengers per year. OCTA's Metrolink capital budget is funded through a combination of local, state, and federal funding sources.

In addition to Orange County Metrolink services, two other rail systems could also travel through the county at some point in the future – high speed rail and magnetic levitation (Maglev). While the status and future of these programs is uncertain, OCTA will be watchful to ensure that funding for these rail systems does not impact other transportation funding sources.

Key advocacy efforts will emphasize the following:

- a) Support legislation that encourages mixed-use development around rail corridors.
- b) Support legislation that will aid in the development, approval, and construction of projects to expand goods movement capacity and reduce congestion.

VII. ADMINISTRATION/GENERAL

General administrative issues arise every session that could impact OCTA's ability to operate efficiently.

Key positions include:

- a) Oppose legislation and regulations adversely affecting OCTA's ability to efficiently and effectively contract for goods and services, conduct business of the Authority, and limit or transfer the risk of liability.
- b) Support legislation that is aimed at controlling, diminishing, or eliminating unsolicited electronic messages that congest OCTA's computer systems and reduce productivity.
- c) Support legislation that establishes reasonable liability for non-economic damages in any action for personal injury, property damage, or wrongful death brought against a public entity based on principles of comparative fault.
- d) Support legislation that would provide for consistency of campaign contribution limits applied to both elected and appointed bodies.
- e) Monitor legislation affecting drivers' license privileges and standards related to age.

VIII. ENVIRONMENTAL POLICIES

Changes in environmental laws can affect OCTA's ability to plan, develop, and build transit, rail, and highway projects. While OCTA has been a leading advocate for new, cleaner transit technologies and the efficient use of transportation alternatives, it also remains alert to new, conflicting, or excessive environmental statute changes.

Key positions include:

- a) Oppose efforts to grant special interest groups or new bureaucracies control or influence over the CEQA process.
- b) Oppose legislation that restricts road construction by superseding existing broad based environmental review and mitigation processes.
- c) Support creative use of paths, roads, and abandoned rail lines using existing established rights of way to promote bike trails and pedestrian paths.
- d) Support incentives for development, testing, and purchase of clean fuel commercial vehicles.
- e) Support an income tax credit to employers for subsidizing employee transit passes.
- f) Support efforts to seek funding for retrofitting or re-powering heavy duty trucks and buses for cleaner engines to attain air quality standards.
- g) Support legislation to require the South Coast Air Quality Management District (AQMD) to grant transit demonstration projects a temporary relief from having to initiate or test new services with alternative fuel vehicles.
- h) Support legislation to further integrate state and federal environmental impact studies.

IX. EMPLOYMENT ISSUES

As a public agency and one of the largest employers in Orange County, OCTA balances its responsibility to the community and the taxpayers to provide safe, reliable, cost effective service with its responsibility of being a reasonable, responsive employer.

Key advocacy positions include:

- a) Oppose efforts to impose state labor laws on currently exempt public agencies.
- b) Oppose legislation that circumvents the collective bargaining process.

- c) Oppose legislation and regulations adversely affecting OCTA's ability to efficiently and effectively deal with labor relations, employee rights, benefits, Family Medical Leave Act, and working conditions, including health, safety, and ergonomic standards for the workplace.
- d) Support legislation that reforms the worker's compensation and unemployment insurance systems, and labor law requirements that maintain protection for employees and allow businesses to operate efficiently.
- e) Work closely with the County of Orange on legislation that is introduced that may affect membership in the Orange County Employees Retirement System.

X. TRANSPORTATION SECURITY

With the recent increase in number and severity of terrorist attacks around the world on transit systems, greater emphasis is being placed on transportation security in the United States. As the County's bus provider and Metrolink partner, OCTA comprehends the importance of securing our transportation network and protecting our customers. Presently, OCTA maintains a partnership with the Orange County Sheriffs Department to provide OCTA Transit Police Services to the bus and train systems in Orange County. OCTA is also currently working with its community partners on an effort to install video surveillance systems at Metrolink stations and on buses to enhance security efforts.

Heightened security awareness, an active public safety campaign, and greater surveillance efforts, all require additional financial resources. Consequently, in 2008, OCTA's advocacy position will highlight:

- a) Support state homeland security and emergency preparedness funding and grant programs to local transportation agencies to alleviate financial burden placed on local entities.
- b) Support legislation that would reduce the time period to retain video surveillance records to reflect current reasonable technological capabilities.

**Orange County Transportation Authority
2008 Federal Legislative Platform**

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 second session of the 110th 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;
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 Year 2009 Transportation Appropriations

The annual appropriations process will play a significant role in the OCTA 2008 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 during the first session of the 110th Congress has led to fewer transportation earmarks nationally, and lower amounts contained in those earmarks. To more effectively work within the limitations on federal transportation funding at this time, OCTA will 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 year 2009 transportation appropriations bill, 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 in north Orange County.
- 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) The Orange County Rapid Transit project, which may include Metrolink service enhancements, Go Local projects and/or Bus Rapid Transit.
- i) Improvements along the Bristol Street multi-modal corridor in Santa Ana.
- j) 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
- k) Inter-county express bus service to assist commuters between Orange, Los Angeles, and Riverside counties.

Other annual funding priorities for OCTA include:

- 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 in federal share and costing no more than \$3 million per mile exclusive of vehicles) funding for the Orange County Rapid Transit Project, and/or projects selected 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 urban partnership agreement grants.
- 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.

II. Additional Project Authorizations, Technical Corrections, and Statutory or Regulatory Changes

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 to address specific highway, rail, and transit needs throughout the County and Southern California region. The OCTA will seek project authorization and funding in the following areas, as part of a SAFETEA-LU technical corrections effort, 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) Support amendments to the Los Angeles-San Diego-San Luis Obispo (LOSSAN) Rail Corridor Agency (LOSSAN Corridor) to ensure federal authorization for all counties, including Orange County, that serve and are impacted by the rail corridor. As currently authorized, only projects within 10 percent of the corridor would be eligible. Because of the shared use of the LOSSAN Corridor, improvements along any stretch of rail line would have positive impacts to other areas.
- e) Support efforts to authorize and fund Maglev transportation from Anaheim to Ontario Airport, as a segment of the high speed Maglev system between Las Vegas, Nevada and Anaheim. Support funding to augment state and local efforts for high speed rail service from Anaheim to Los Angeles.

- f) Monitor, and with OCTA Board approval, support Intelligent Transportation System (ITS) measures to advance the safety, security and efficiency of the multi-modal transportation system, reduce fuel consumption and environmental impacts, ease congestion, and facilitate emergency response times.
- g) Upon definition and approval by OCTA Board, pursue the authorization and funding of a pilot transportation project employing new transit technology.

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:

- h) The Federal Highway Administration (FHWA) recently began to require that agencies prepare a 30-year cash flow analysis for the long range Regional Transportation Plan (RTP). OCTA and other planning agencies already perform this level of analysis for the six-year Transportation Improvement Program (TIP) and doing a 30-year analysis for the RTP is redundant and costly.
- i) 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.
- j) 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.
- k) 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 the Orange County Rapid Transit Project.
- 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. Advocacy Efforts for State Route 241 Foothill South Extension

The last 16 miles of the 67 mile Transportation Corridor Agencies (TCA) toll road system, known as the Foothill South project, is essential for regional mobility and is an important component of the Southern California Association of Governments' and the San Diego Association of Governments' regional transportation plans.

The Foothill South project has undergone twenty years of environmental review, costing in excess of \$20 million, including three state environmental impact reports and a federal environmental impact statement. The project represents the only Southern Orange County travel alternative to the I-5, which already is dominated by severe traffic congestion negatively impacting travelers throughout the County.

In 2007, an amendment was attached to the National Defense Authorization Act in the House. This House amendment, offered by Congresswoman Davis (D-San Diego) would change the terms of a lease between the State of California and the federal government for right-of-way located on Camp Pendleton which is necessary to complete the project. The Davis amendment lease alteration would halt or severely impede the ability of the TCA to construct the Foothill South Project. Therefore, the OCTA will pursue the following strategy regarding the Foothill South Extension:

- a) Oppose inclusion of any provision into the present or any future National Defense Authorization Act which would in any way interfere with the existing Camp Pendleton lease rights necessary to complete the Foothill South project.
- b) Oppose the inclusion of any provision in federal law which would in any way halt or severely impede the completion of the Foothill South Project.
- c) 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 Foothill South project.

V. Reauthorization of the Highway and Transit Programs

The SAFETEA-LU highway and transit authorization bill will expire on September 30, 2009. Moreover, due to the planned spend-down of balances in the highway trust fund (HTF) and less than anticipated revenue growth within the HTF, there are likely to be insufficient funds to meet existing authorized SAFETEA-LU expenditure levels by as early as the middle of 2008. Therefore, a number of proposals for future highway and transit authorization are expected to be discussed in 2008. OCTA intends to conduct a Board workshop in 2008 which will present the problems which need to be addressed in reauthorization and the reauthorization policy issues under consideration.

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; and 3) 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.

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.

The trade volume is expected to increase dramatically in the next 20 years. This industry supports one out of every seven jobs in the state, contributing more than \$200 billion per year to the state's economy, including more than \$16 billion in tax revenues to state and local government. An estimated 700,000 jobs in the logistics industry (e.g. trucking, railroads, and warehousing) are directly related to freight movement in Southern California, 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 2008, 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 2008 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 DHS, 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.
- d) Congress passed the Terrorism Risk Insurance Act (TRIA) in 2002 and its extension in 2005, but the legislation is scheduled to expire December 31, 2007. Monitor and support Congressional action to adopt a long-term private/public terrorism risk insurance program.

VIII. Energy Issues

Legislation addressing U.S. policies on energy is likely to play a role in the continuation of the 110th 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.

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) Continue to monitor implementation of the NEPA pilot project, authorized by SAFETEA-LU, as it applies to OCTA federally-funded projects.
- c) 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.
- d) 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:

- e) 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).
- f) Oppose any regulations or administrative guidance seeking to extend through administrative actions the statutory requirements of ADA.
- g) Support expedited federal review and payments to local agencies and their contractors for project development, right-of-way acquisition, and construction activities.

- h) 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.



BOARD COMMITTEE TRANSMITTAL

July 14, 2008

To: Members of the Board of Directors
From: ^{WK} Wendy Knowles, Clerk of the Board
Subject: Amendment to Agreement for State Legislative Advocacy and Consulting Services

Legislative and Communications Committee Meeting of July 3, 2008

Present: Directors Bates, Buffa, Cavecche, Glaab, Mansoor, and Rosen
Absent: Director Brown

Committee Vote

This item was passed by all Committee Members present.

Director Glaab was not present for the vote on this item.

Committee Recommendation

Authorize the Chief Executive Officer to execute Amendment No. 4 to Agreement No. C-2-0947 between the Orange County Transportation Authority and Sloat Higgins Jensen & Associates, in an amount not to exceed \$339,984, for state legislative advocacy and consulting services through November 30, 2010, and reserve the right to exercise two, two-year option term extensions.



July 3, 2008

To: Legislative and Communications Committee
From: Arthur T. Leahy, ^{ATL} Chief Executive Officer
Subject: Amendment to Agreement for State Legislative Advocacy and Consulting Services

Overview

An amendment to the agreement with Sloat Higgins Jensen & Associates is proposed in order to secure state legislative advocacy and consulting services through November 30, 2010.

Recommendation

Authorize the Chief Executive Officer to execute Amendment No. 4 to Agreement No. C-2-0947 between the Orange County Transportation Authority and Sloat Higgins Jensen & Associates, in an amount not to exceed \$339,984, for state legislative advocacy and consulting services through November 30, 2010, and reserve the right to exercise two, two-year option term extensions.

Background

Prior to 2002, the Orange County Transportation Authority (OCTA) and a predecessor agency retained advocacy services from the same Sacramento advocate for 20 years. In 2002, the Board of Directors (Board) instructed staff to solicit a request for proposals (RFP) for state legislative advocacy and consulting services.

Upon recommendation by the Legislative and Government Affairs Committee, the Board on November 15, 2002, awarded an agreement for state legislative advocacy services to Sloat Higgins Jensen & Associates (SHJA). The initial term of the agreement began on December 1, 2002, and extended to November 30, 2004. The agreement included two, two-year option terms coinciding with the California Legislature's 2005-2006 and 2007-2008 legislative sessions.

The Board took action to exercise the first two-year option term on September 13, 2004, and the second two-year option term was exercised by the Board on November 27, 2006. This final option term expires on November 30, 2008. This will necessitate an amendment to the existing contract in order to continue services.

Discussion

On June 5, 2008, staff brought forward the contract status and a proposed RFP schedule to the Legislative and Communications Committee (Committee) and to the Board on June 9, 2008. The Committee and Board directed staff to bring forward for consideration a possible extension of the current SHJA contract. The Committee commented on the high level of services provided by SHJA and the need for consistency in representation during an intense legislative session and anticipated levels of activity in future sessions.

State legislative advocacy services required by OCTA and covered by this contract include representation with the Legislature, Governor's Office, and various state departments, agencies, boards, committees, commissions, and staff; advising on state legislation, proposed regulations, and state budget proposals which could have an impact on OCTA; assisting with the preparation of and advocating for OCTA's legislative program; providing strategic advice on state transportation and related developments of importance to OCTA; and updating the Board as specified.

SHJA has represented OCTA since 2002 and has demonstrated a high level of excellence and responsiveness in advancing OCTA positions and priorities, building coalitions, establishing relationships as the "Sacramento face" of OCTA, and providing critical information, insight, and strategic guidance since 2002 during times of very high levels of activity. Annual evaluations performed by staff and adopted by the Board have consistently rated SHJA as "very good" since 2002. Furthermore, SHJA has earned an exceptional reputation in Sacramento as being one of the top tier, high-level advocacy firms able to provide services on both sides of the aisle with its unique relationship with Platinum Advisors, LLC. OCTA has been able to enjoy the broadest levels of service available under a single contract, which provides clarity in both strategy and responsibility.

The contract extension is proposed with similar terms as the contract awarded in 2002 to SHJA, with a two-year initial extension and two, two-year option term extensions. This will allow services to again coincide with the legislative calendar.

Staff has requested revised rates from SHJA. The proposed fee schedule is as follows:

Initial contract

\$14,166 per month for the 2008-2009 and 2009-2010 legislative sessions

Option Term 1

\$16,000 per month for 2010-2011 and 2011-2012

Option Term 2

\$17,500 per month for 2012-2013 and 2013-2014

The 2002 contract provided for a rate of \$13,500 per month for the first two years, increasing 4.9 percent to \$14,166 in 2004. SHJA has not raised monthly rates since 2004 and is proposing to hold the same rate through 2010. Following 2010, rate increases are proposed over four years to reach \$17,500. Over the 12-year term of this contract, the annual compounded growth rate averages a very modest 1.8 percent when considering the cumulative contract obligation due to the long-term benefits of maintaining flat rates for six years. Staff has reviewed the proposed rates and finds them fair and reasonable for continued services thru 2010.

Fiscal Impact

The work described in Amendment No. 4 to Agreement No. C-2-0947 is included in the OCTA's Fiscal Year 2008-2009 Budget, Account 1420-7519-A3202-K5H.

Summary

An amendment to the agreement with Sloat Higgins Jensen & Associates is proposed in order to secure state legislative advocacy and consulting services through November 30, 2010.

Attachments

- A. Agreement C-2-0947 Fact Sheet
- B. Sacramento Legislative Advocacy and Consulting Services Scope of Work (REVISED)
- C. Staff Evaluation of Services Provided by Sloat Higgins Jensen & Associates for 2007
- D. Staff Evaluation of Services Provided by Sloat Higgins Jensen & Associates for 2006

Prepared by:



Wendy J. Villa *for*
Government Relations Manager
(714) 560-5595

Approved by:



P. Sue Zuhke
Chief of Staff
(714) 560-5574

**Sloat Higgins Jensen & Associates
Agreement C-2-0947 Fact Sheet**

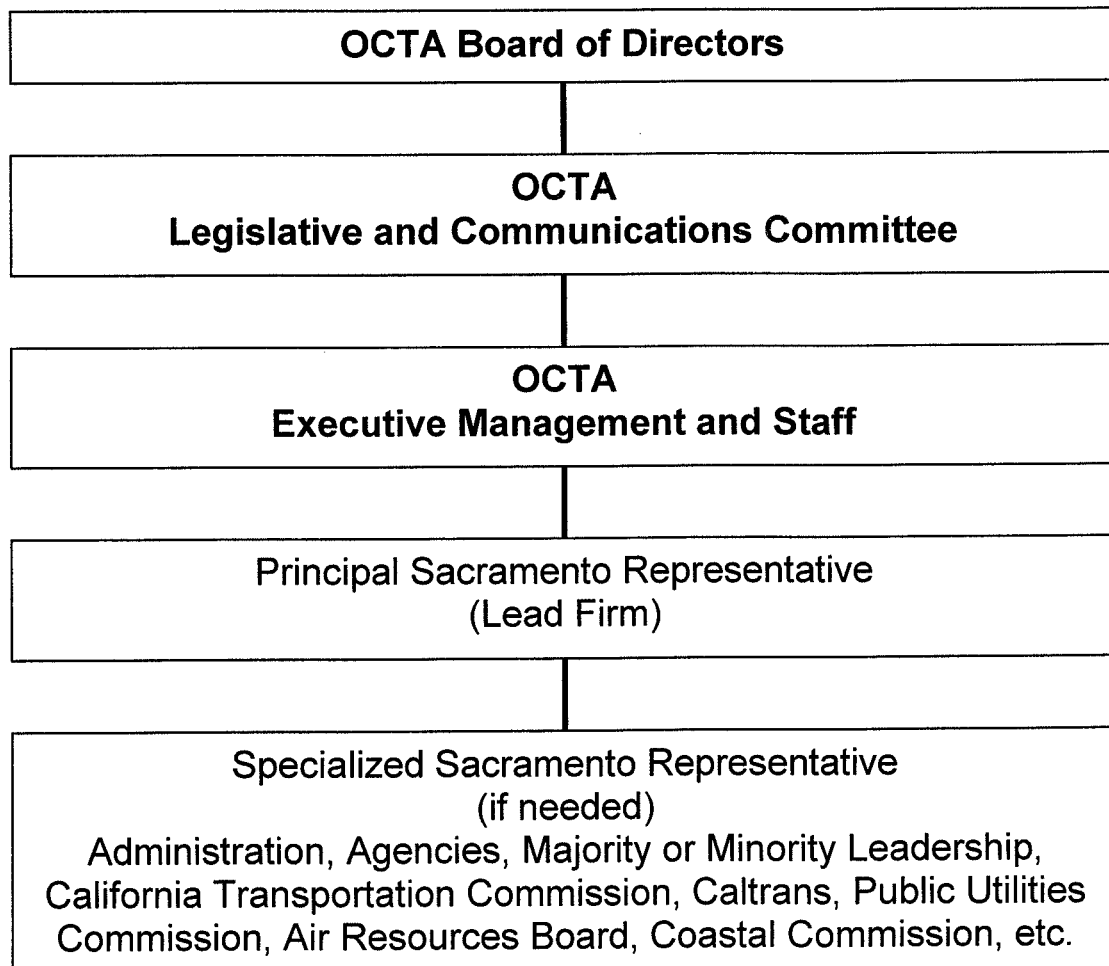
1. November 15, 2002, Agreement C-2-0947, \$324,000, approved by the Board of Directors.
 - Contract to provide State Legislative Advocacy and Consulting Services.
2. September 13, 2004, Amendment No. 1 to Agreement C-2-0947, \$339,984, approved by the Board of Directors.
 - Amendment to exercise the first two-year option term and increase the maximum obligation by \$339,984.
3. November 27, 2006, Amendment No. 2 to Agreement C-2-0947, \$339,984, approved by the Board of Directors.
 - Amendment to exercise the second and final two-year option term and increase the maximum obligation by \$339,984.
4. February 8, 2007 Amendment No. 3 to Agreement C-2-0947
 - Amendment issued to remove “Chris Khan, Legislative Advocate” and to replace with “Moirra Topp, Legislative Advocate”.
5. July 14, 2008, Amendment No. 4 to Agreement C-2-0947, \$339,984, pending approval by Board of Directors.
 - Amendment to extend the term of the contract by two-years through November 30, 2010 and to add two, two-year option term extensions.

Upon Board of Directors' approval, total committed to Sloat Higgins Jensen & Associates, for State Legislative Advocacy and Consulting Services, Agreement C-2-0947: \$1,343,952.

**Sacramento Legislative Advocacy and Consulting Services
Scope of Work (REVISED)**

Reporting Relationship

The ~~Director~~Manager of ~~Government~~State Relations and/or his/her designee will be the key contact and will coordinate ~~direct~~ the work of the CONSULTANT. The Orange County Transportation Authority (OCTA), at its sole discretion, may enter into more than one contract with additional firms with a Reporting Relationship of:



Role of the CONSULTANT

Under the direction~~coordination~~ of the ~~Director~~Manager of ~~Government~~State Relations and/or his/her designee, the CONSULTANT shall be responsible for implementing the objectives described below.

Objectives

Objective 1: Maintain regular contact with the Governor's office; members of the Legislature and committee staff; and state departments, agencies, boards, commissions, committees, and staff to determine impending changes in laws, regulations, and funding priorities that relate to the OCTA.

- Meet with members of the Governor's office and Legislature to discuss policy issues affecting OCTA.
- ~~Attend meetings~~ Meet with members and staff of the California Transportation Commission on ~~and report~~ issues that could affect programming of OCTA projects.
- Attend meetings of the Board of Equalization and report issues that could affect funding.
- Participate in transportation related meetings with various state departments, including, but not limited to, the Department of Finance; Business, Transportation, and Housing; Department of Transportation; California Highway Patrol; Environmental Protection Agency; and Air Resources Board.

Objective 1 Deliverable:

1. • Electronic reports of issues that could affect OCTA projects or funding.

Objective 2: Notify OCTA of anticipated, newly introduced, or amended state legislation and proposed regulations which could impact OCTA.

- Provide bill number and brief summary of introduced or amended state legislation via e-mail.
- ~~Provide hard copies of legislation and committee analyses.~~
- Provide information relative to legislative hearings.
- Provide information on bills' sponsors, supporters, and opponents.
- Advise OCTA of proposed transportation, environmental, employment, and safety related legislation and regulations which could impact OCTA and provide copies as requested.

Objective 2 Deliverables:

- ~~1. Copies of legislation, committee analyses, and proposed regulations.~~
2. • Electronic notification of introduced bills and amendments, with summaries.
3. • Notification of legislative hearings.

Objective 3: Advocate OCTA's legislative program and positions on legislation, proposed regulations, and funding and transportation programming priorities as adopted by the Board of Directors (Board).

- Participate in the preparation of OCTA's legislative program by informing staff of upcoming legislative proposals, budget forecasts, and potential policy issues.
- Assist in securing authors and drafting language for sponsor bills.
- Assist in drafting amendments to legislation and regulations.
- Build coalitions to support OCTA's positions on significant legislation.
- Testify on behalf of OCTA on Board adopted positions on legislation at committee and floor hearings, as appropriate.
- Provide copies of all written correspondence, testimony, and position papers given on behalf of OCTA.
- Schedule meetings with legislators, Governor's office, and state departments for OCTA Directors and staff to advocate legislative and funding priorities.
- Participate in transit and transportation lobbying coalitions.
- Analyze and prepare advice on the proposed state budget as it relates to transportation, including, but not limited to, identifying decreases/increases in existing programs, new funding sources, and strategies to enhance transportation funding for OCTA.

Objective 3 Deliverables:

- 1.• Copies of all written correspondence, testimony, and position papers given on behalf of OCTA.
- 2.• Schedule of meetings with legislators, Governor, and administration.
- 3.• Budget analyses.

Objective 4: Provide written and oral reports.

- While the Legislature is in session, highlight significant transportation and related issues ~~prepare monthly written reports highlighting transportation and related developments~~ in Sacramento of importance to OCTA as needed.
- Submit an annual written report of advocacy activities and accomplishments.
- As needed, but no more than Ssix times per year, present an oral in-person report to the Board of Directors or Legislative and Communications Committee during a regular meeting. At least one in-person meeting should occur to develop annual and/or mid-session legislative strategy.
- Once per month, participate via telephone in the Legislative and Communications ~~Government Affairs~~ Committee meeting or other designated committee of the Board of Directors.
- Maintain close contact with the Manager of Government-State Relations on issue of importance.

- Provide electronic updates via e-mail to designated recipients on meetings of the Legislature, transportation issues of importance, press releases, and other issues of importance to OCTA.

Objective 4 Deliverables:

- 1.• ~~Monthly w~~Written reports highlighting significant transportation and related developments in Sacramento, as needed.
- 2.• Annual written report of advocacy activities and accomplishments.
- 3.• ~~As needed, Six~~ oral presentations to the Board of Directors or Legislative and Communications Committee.
- At least one in-person legislative strategy session with Members of the Board of Directors.
- 4.• Monthly conference calls with the Legislative and ~~Government Affairs~~ Communications Committee or other designated committee.
- 5.• Electronic updates on issues of importance.

Objective 5: Maintain Sacramento office.

- Maintain an office in Sacramento, convenient to the State Capitol.
- Provide briefings at office prior to meetings at the Capitol.
- Have available an office for use by Board members and staff while performing OCTA business in Sacramento.

Objective 5 Deliverable:

- 1.• Office in Sacramento.

Objective 6: Provide monthly invoices of services ~~provide~~.

- Provide a written summary of meetings attended on behalf of OCTA.
- Provide a list of issues advocated during the month and status.
- ~~Indicate number of hours dedicated to OCTA advocacy.~~

Objective 6 Deliverable:

- 1.• Monthly invoice that includes a written summary of meetings attended on behalf of OCTA and a list and status of issues advocated during the month; ~~and number of hours dedicated to OCTA advocacy.~~

**Staff Evaluation of Services Provided by
Sloat Higgins Jensen & Associates for 2007**

The following narrative provides specific information with respect to major issues addressed by Sloat Higgins Jensen & Associates (SHJA) in 2007 and general services provided. Each issue has been evaluated based on effort and outcome using a rating of excellent, very good, good, fair, or poor.

Strategic Growth Plan and Infrastructure Bonds

Effort: Excellent; Outcome: Very Good

In November 2006, voters approved the largest bond package in state history, including Proposition 1A which protected existing transportation revenues and Proposition 1B which included \$19.9 billion in bonds for transportation infrastructure. Proposition 1B included funding for programs such as the Corridor Mobility Improvement Account (CMIA), the California Ports Infrastructure, Security, and Air Quality Improvement Account that included the Trade Corridor Improvement Fund (TCIF) as well as funds for air quality and port security, the State-Local Partnership Program (SLPP), an augmentation for the State Transportation Improvement Program (STIP), funding for transit in the Public Transportation Modernization, Improvement, and Service Enhancement Account (PTMISEA), additional transit security funding in the Transit System Safety, Security, and Disaster Response Account (TSSSDRA), Local Streets and Roads, and other funding categories.

The Orange County Transportation Authority (OCTA) Board of Directors adopted a set of guiding principles for each of the major bond programs that guided negotiations throughout the year on various bond categories. For the SLPP, the Board of Directors indicated the program should be limited to those agencies with a locally imposed transportation sales tax unless Orange County funding is not otherwise impacted; be distributed by formula; begin in fiscal year (FY) 2010-2011; contain a sufficient minimum project cost to ensure major projects are completed with this program; be matched with significant local funds; and distributed funds should be spent in a timely manner. The OCTA Board of Directors also adopted principles concerning the distribution of TCIF, air quality, and transit security funding. For transit security, the OCTA Board of Directors determined that 50 percent of the funding should be distributed to all transit operators and 50 percent to those in the highest risk areas. For TCIF and air quality funds, the OCTA Board of Directors thought that funds should be distributed to regions based on the health and congestion impacts felt proportionally in each region.

This year began with a flurry of activity surrounding the CMIA program where SHJA and staff worked to secure an allocation of \$383 million for Orange County congestion relief projects, a slightly larger than population share of the \$4.5 billion program. Due to effective advocacy on the part of SHJA and staff, the California Transportation Commission (CTC) recognized OCTA's history of delivering on time and on budget projects and allocated funds accordingly. SHJA and staff secured the testimony of

Assembly Members Jose Solorio (D-Santa Ana) and Todd Spitzer (R-Orange) at the CMIA hearing and worked with Senate Republican Leader Dick Ackerman and the Administration to secure a fair share for Orange County. This activity included coordinating a letter signed by the Orange County Senate delegation, and working tirelessly with the Administration, Leadership, and the CTC.

While the TCIF program is still under debate, SHJA has worked on behalf of OCTA to advocate for equitable funding, a fair process that permits a common sense program of projects to move forward, and has facilitated numerous meetings with Assembly and Senate Leadership to communicate the impacts of goods movement in Orange County. Senator Alan Lowenthal (D-Long Beach) authored two bills, SB 9 and SB 19 that articulate a TCIF process that fairly evaluates projects from Orange County. In areas where questions or differences have occurred, SHJA has worked with the author's office to clarify any concerns. Additionally, SHJA has been an active advocate with the CTC, the Administration, and with the delegation. SHJA and staff worked to secure signatures of 11 of the 14 members of the Orange County state delegation on a letter from the five county consensus delegation representatives, the highest signing rate of the county consensus group representatives. Orange County could receive up to \$213 million for goods movement projects based on the currently proposed allocations.

The TSSSDRA funds for transit security projects were primarily debated through AB 1350 (Núñez, D-Los Angeles, and Richardson, D-Long Beach). However, the ultimate implementation formula was contained in budget trailer bill language. While a greater share went to other forms of transit operation (waterborne and rail operators) than would have been preferred, the 60 percent that was allocated to State Transit Assistance program eligible operators awarded OCTA \$35.3 million for transit security projects.

The SLPP program remains to be an item to be resolved in future legislative sessions. However, SHJA and staff worked diligently with Leadership in both the Senate and the Assembly to ensure that the SLPP program remains as a program for "self-help counties" (counties with a local voter-approved sales tax) as intended by the voters. SHJA and staff worked closely with the Orange County Business Council on their sponsor bill, SB 872 (Ackerman, R-Irvine). SHJA and staff worked to ensure that the Assembly Leadership SLPP bill contained many of the same provisions, protecting the funds for self-help counties. SHJA and staff also worked to hold the Senate version of the SLPP implementation bill, SB 748 (Corbett, D-Fremont), as it expanded the definition of eligible counties and types of projects which would have effectively diminished the value of the overall program.

Along with the California Transit Association, SHJA and staff worked to secure an appropriation of \$600 million out of the total \$3.6 billion allocated to transit operators through the bond. Implementing language also contained a fair application and oversight process as advocated by the OCTA Board of Directors. OCTA will receive \$35.3 million in FY 2007-2008 and over \$210 million over the life of the program.

Sponsor Legislation - Reimbursement of Local Funds Expended on Projects Programmed in the STIP

Effort: Excellent; Outcome: Excellent

For the third straight year, OCTA sponsored legislation to allow local agencies to be reimbursed for local expenditures advanced on projects programmed in the STIP. Under prior practices, a local agency could only be reimbursed for expenditures in the 12 months prior to an allocation by the CTC. SB 184 (Alquist, D-Santa Clara, and Correa, D-Santa Ana) allows that reimbursement to occur at any time if certain conditions were met. Initially, the bill was strongly opposed by CTC staff and the California Department of Transportation (Caltrans) had also expressed concern to the Governor's office.

SHJA and OCTA staff worked with Commissioner Bergeson and CTC staff to assist in drafting amendments in order for the CTC to remain neutral on the bill over the prior two years. Although the bill was held in the Senate Appropriations Committee and eventually died in the 2005-2006 legislative session, the bill was reintroduced in 2007 with SHJA securing new authors for the bill.

SB 184 moved swiftly through the Senate but began to face some opposition in the Assembly when the Assembly Transportation Committee staff misinterpreted some provisions of the bill. SHJA and staff helped to secure amendments that clarified this misinterpretation. The Assembly Republican Caucus was also opposing the bill on the misconception that it somehow advantaged self-help counties over rural counties. SHJA worked diligently to secure additional republican votes to pass the bill. It was then sent to the Governor where it was signed. SHJA and staff also worked with former SHJA staff in the Governor's Office to secure support for the bill.

Sponsor Legislation – Design Build - 22

Effort: Good; Outcome: Poor

This year, OCTA sponsored SB 442 (Ackerman, R-Irvine), a bill which would have provided additional design-build authority for the State Route 22/Interstate 605/ Interstate 405 high occupancy vehicle lane connector project. However, it was held in its first policy committee due to opposition by state employee unions.

SHJA secured Senate Republican Leader Dick Ackerman (R-Irvine) as the author of the bill. SHJA and staff also met regularly with legislative leadership as well as many other members of the Legislature and the Administration to demonstrate OCTA's design-build success.

Unfortunately, neither project-specific nor system-wide design-build legislation was enacted this session, nor was it a major topic during the budget negotiations. However, SHJA and staff made tremendous progress advancing the benefits of design-build,

Sponsor Legislation – Design Build - IT

Effort: Good; Outcome: Fair

OCTA sponsored AB 387 (Duvall, R-Brea) which would provide transit agencies with the authority to utilize design-build for lower cost transit safety and security projects. Current transit design-build authority contains cost thresholds that are too high for many of these kinds of projects. OCTA could use this authority to utilize design-build for the video surveillance system procurement for area Metrolink stations and railroad facilities.

SHJA secured passage of the bill through the Assembly Transportation Committee, despite some union opposition. The bill stalled in the second policy committee, the Assembly Business & Professions Committee, due to concerns expressed by the American Federation of State, County, and Municipal Employees. During the legislative break, SHJA and staff have worked on amendments to remove the current opposition, thereby possibly allowing the bill to move forward in 2008.

Sponsor Legislation – High Speed Rail

Effort: Good; Outcome: Poor

OCTA sponsored AB 1228 (Solorio, D-Santa Ana) which would extend the terminus of the initial operating segment (IOS) of the California High Speed Rail system from Los Angeles to Anaheim. SHJA worked with the author of the bill in the previous legislative session who was unable to continue to carry the bill again in 2007. SHJA then secured Assembly Member Jose Solorio as the author of the bill.

SHJA has worked well with the bill's co-sponsor, the City of Anaheim, the author, committee staff, and leadership on the bill's progress. The bill was held as a two-year bill to be considered again in 2008 due to concerns over the additional cost pressures created by extending the IOS to an additional city. SHJA, the co-sponsor, and staff have continued to work on amendments to address this issue.

Sponsor Legislation – Spillover

Effort: Good; Outcome: Poor

At the request of the author, OCTA sponsored AB 1306 (Huff, R-Diamond Bar) which would have eliminated the state statute requiring the transfer of funds from the state sales tax on gasoline to the "spillover" account. As this account is frequently subject to raiding by the Legislature, Assembly Member Huff authored a bill that would have made these funds part of Proposition 42 and thus subject to the protections afforded to that account. AB 1306 was consistent with past positions taken by the OCTA Board of Directors that when the voters passed Proposition 42, they intended for all of the state sales tax on gasoline to be allocated as such.

As the bill would have reduced the State's ability to redirect this funding source in the future, it was opposed and was held in its first policy committee.

Sponsor Legislation – HUTA

Effort: Good; Outcome: Poor

At the request of the author, OCTA sponsored AB 256 (Huff, R-Diamond Bar) which would have required the continuous appropriation of Highway Users Tax Account funds in the event of a late state budget so that important safety-related transportation projects are not delayed or halted.

SHJA and staff worked diligently to secure its passage through the Assembly Transportation Committee. However, as the bill would have required the continuous appropriation of funds, which the Legislature is typically reluctant to do, it was opposed and was held in the Assembly Appropriations Committee. A similar bill sponsored by Assembly Member Oropeza (D-Long Beach) in 2006 was also held in the same committee.

Other Significant Legislation

Effort: Excellent; Outcome: Excellent

A number of other key bills of great interest to OCTA were also impacted by SHJA in the 2007 legislative session. Most notably, AB 1337 (Nava, D-Santa Barbara) would have required all future state highway work to be performed solely by Caltrans employees. This would have completely eliminated any contracting out on the state highway system for design, engineering, and project management services. SHJA worked with Leadership and other transportation agencies across this state to hold this bill in its first policy committee, which was also chaired by the author.

Additionally, SHJA on behalf of OCTA partnered with the Transportation Corridor Agency to defeat AB 1457 (Huffman, D-San Rafael) which would have prohibited a state or local agency from constructing a road that physically encroaches upon, traverses, bisects, or impairs the recreational value of state park property. As this would have greatly impacted the construction of the Foothill Transportation Corridor - South (FTC-S), otherwise known as the extension of State Route 241, SHJA helped our local partners hold this bill in its first policy committee.

SHJA also was able to effectively represent OCTA in negotiations with the author on SB 974 (Lowenthal, D-Long Beach) to ensure that the program accounted for impacts throughout the entire port region extending out through Orange, Riverside, and San Bernardino counties. SHJA's advocacy resulted in a number of positive amendments to the bill and they will continue to work with the author in 2008 to clarify the bill even further.

Lastly, despite Riverside County's rocky start in 2007 with its proposal to extend the 91 Express Lanes from its current terminus to Interstate 15, SHJA and staff have worked with the Riverside County Transportation Commission to modify the bill language, strategize future actions, and reformulate a plan for the 2008 session that

hopefully will help the bill move forward. In 2007, AB 1295 (Spitzer, R-Orange) was held in the Assembly Appropriations Committee. The bill will be jointly authored next year by Senator Correa (D-Santa Ana) and Assembly Member Spitzer.

State Budget Issues Affecting Transportation

Effort: Excellent; Outcome: Good

On August 24, 2007, the Governor signed the FY 2007-2008 State Budget. The budget contained provisions to continue to re-direct spillover to fund General Fund obligations. Overall, the budget shifted \$1.3 billion in transportation funds to cover General Fund expenditures. In addition, the budget created a new formula for the permanent diversion of 50 percent of spillover funding to fulfill General Fund obligations in the future.

As a result of the transfer of spillover funds, and the threats of further divestment, on September 6, 2007, the California Transit Association filed a lawsuit against the State seeking to prohibit the transfer of Public Transportation Account (PTA) funds for non-transit purposes. The basis of the lawsuit is the Clean Air and Transportation Improvement Act (Proposition 116) requirement that PTA funds be spent for mass transportation purposes. Monies spent for such things as home-to-school transportation and to repay past bond debt service payments are not mass transportation related. If this divestment continues, there is concern that in the future, transit agencies will be forced to cut service or delay transit capital projects.

Overall, the \$1.3 billion cut in transportation funding and possible future diversions significantly affects transportation agencies throughout the State and could limit OCTA's ability to move forward on a number of major planned transportation projects.

However, Proposition 42 was again fully funded at \$1.48 billion. The budget also included a minimum Proposition 42 loan repayment of \$83 million, as required by Proposition 1A passed in November 2006.

The California High Speed Rail Authority (CHSRA) budget was \$15.5 million. The allocated monies mostly were derived from unexpended monies under Proposition 116 for the Los Angeles-Fresno-San Francisco Bay Area passenger rail corridor and rail right-of-way studies. These funds will be allocated to specific projects by the CHSRA.

Lastly, the budget included allowances for a higher level of contracting out for Caltrans' design and engineer work. Traditionally, this level is held at 7 percent, but was increased to 10 percent in this budget in order to help Caltrans meet the anticipated workload from Proposition 1B projects.

SHJA worked diligently to protect transportation funding and advance OCTA's policy position on spillover. Unfortunately, certain transportation funds continue to be at risk due to the looming deficit. Spillover funds will continue to be vulnerable until

constitutional protections are put into place similar to those that protect other transportation funds.

General Services

Effort: Very Good; Outcome: Very Good

SHJA has regularly scheduled meetings with legislators, committee consultants, Administration staff, and staff of various state departments, boards, and commission to discuss issues of importance to OCTA. Administration staff has relied on SHJA to discuss and provide recommendations on a number of important transportation issues.

SHJA has been responsive to requests by OCTA staff, provided timely information, advice and reports, and provided testimony in legislative committees that accurately reflect Board positions on legislation and policy issues.

Additionally, SHJA was extremely responsive and helpful during the work stoppage experienced by OCTA in the summer of 2007. They worked tirelessly with the Governor's Office to secure the 60-day cooling off period and the appointment of the review board. SHJA also facilitated meetings with members of the Orange County Delegation and Assembly and Senate Leadership to keep them routinely and immediately updated throughout the course of the work stoppage. Ultimately, these actions allowed OCTA to negotiate a fair and comprehensive agreement with the support of the delegation members.

Overall Rating

Effort: Very Good; Outcome: Very Good

SHJA's efforts overall are rated as very good based on responsiveness, time dedicated to advocating for and advancing OCTA's positions and policies, timeliness of information, assisting in building cooperative relationships with legislators and members of various state departments, boards, and commissions, and availability. SHJA's outcomes overall are rated as very good based on the outcomes of the issues discussed.

**Staff Evaluation of Services Provided by
Sloat Higgins Jensen & Associates for 2006**

The following narrative provides specific information with respect to major issues addressed by Sloat Higgins Jensen & Associates (SHJA) in 2006 and general services provided. Each issue has been evaluated based on effort and outcome using a rating of excellent, very good, good, fair, or poor.

Strategic Growth Plan and Infrastructure Bonds

Effort: Excellent; Outcome: Very Good

In January, the Governor introduced his Strategic Growth Plan which included a transportation infrastructure bond comprised mainly of transportation projects selected by the Department of Transportation (Caltrans). The plan did not necessarily reflect the main priorities of the Orange County Transportation Authority (OCTA) and failed to recognize the contributions of local transportation sales tax agencies. In early February, the Board of Directors adopted policy positions to guide the evaluation of a transportation infrastructure bond proposal. These guiding principles stated that any bond should complement local sales tax measures, not be repaid with existing revenue sources, distribute funding in a fair and equitable manner, provide private funding options where appropriate, and expedite project delivery through measures such as design-build and consolidated environmental review.

SHJA was a prominent advisor to both the Governor's office and the Legislature throughout negotiations on the transportation bond. SHJA worked with legislative committee staffs to coordinate presentations by OCTA on coordination with local sales tax measures on the ballot, equitable distribution of funds for priority projects nominated by regional agencies instead of project earmarks, public private partnerships, and design-build. The result of these efforts culminated with a transportation bond proposal that included formula funds for transit and local streets and roads, \$1 billion for a state and local partnership program, \$1 billion augmentation for the State Transportation Improvement Program (STIP), and competitive funding for corridor mobility improvement projects with high priority to be given to projects nominated by both Caltrans and the local transportation agency.

Additionally, trailer bills were introduced to provide for limited public private partnership opportunities for goods movement, 12 design-build projects, National Environmental Policy Act (NEPA) review delegation to Caltrans, and protection of Proposition 42. All bills except the design-build bill passed both houses and were signed by the Governor. The design-build authority passed the Senate, but failed passage in the Assembly. Although system-wide design-build legislation did not get enacted this session, SHJA and staff made tremendous progress advancing the benefits of design-build and rebutting the false information being circulated by opponents of design-build.

Sponsor Legislation - Reimbursement of Local Funds Expended on Projects Programmed in the STIP

Effort: Excellent; Outcome: Fair

OCTA sponsored AB 267 (Daucher, R-Brea) which would have allowed local agencies to be reimbursed for local expenditures advanced on projects programmed in the STIP. Under existing practices, a local agency can only be reimbursed for expenditures in the 12 months prior to an allocation by the California Transportation Commission (CTC). AB 267 would have allowed that reimbursement to occur at any time if certain conditions were met. Initially, the bill was strongly opposed by CTC staff and Caltrans had also expressed concern to the Governor's office.

SHJA and OCTA staff worked with Commissioner Bergeson and CTC staff to assist in drafting amendments in order for the CTC to remain neutral on the bill. SHJA was instrumental in coordinating a meeting with the Governor's office, Caltrans, Business, Transportation & Housing Agency, and OCTA staff which culminated with Caltrans remaining neutral on the bill. SHJA and staff were able to get the bill moved through the Assembly; however, the bill was held in the Senate Appropriations suspension file without a hearing due to circumstances beyond SHJA and staff's control.

This bill will be reintroduced in 2007.

Sponsor Legislation – Stabilize Funding for Project Planning, Programming, and Monitoring (PPM)

Effort: Good; Outcome: Poor

AB 2538 (Wolk, D-Davis), co-sponsored by the California Association of Councils of Governments (CALCOG) and OCTA, would have established a stable base of funding for planning, programming, and monitoring and authorized each transportation planning agency or county transportation commission to request and program up to 5 percent of their county share for (PPM) purposes. This was the second session that OCTA sought to introduce legislation to stabilize PPM funding. Due to the response from Assembly Appropriations Committee staff a few years ago, OCTA staff convinced CALCOG to find an author to carry this legislation following over 20 months of negotiations with all concerned agencies and the CTC.

Unfortunately, CALCOG failed to actively pursue an author and another transportation agency, not actively engaged during the negotiations, approached Assembly Member Wolk to author the legislation drafted by OCTA staff. Although SHJA had already submitted language to legislative counsel and could have secured an author, we believed it was better for CALCOG to take the lead to show broad consensus.

Unfortunately, Assembly Member Wolk accepted an amendment to eliminate the language from the bill that provided stability for PPM funding, a move which made the bill only beneficial to agencies in her area. Under existing law, transportation agencies

within her district could only program 1 percent of the county shares for PPM and wanted the amount increased to 5 percent.

SHJA convened numerous meetings with Assembly Appropriations Committee staff and Assembly Member Wolk's staff to explain the necessity of the stable funding. Unfortunately, Appropriations Committee staff was not able to grasp the concept that PPM funds are part of the county shares distributed by formula and was concerned that the bill removed the ability of the Legislature to appropriate funds.

Other Significant Legislation

Effort: Excellent; Outcome: Excellent

Two bills introduced in 2006 were of significance to transit operations. SB 1726 (Lowenthal, D-Long Beach) was introduced as a California Transit Association (CTA) sponsor bill to protect transit agencies' ability to use current technology to display route information on bus headsigns. Over the last couple of years, the California Highway Patrol (CHP) had begun to issue citations to several transit agencies because the bus headsign displayed information in a color other than amber and/or displayed text that flashed (paged) or scrolled across the headsign. Numerous attempts to address the issue administratively failed. The CTA sponsored a bill to update the Vehicle Code to include current technologies which was formally opposed by the CHP. A few transit agencies vehemently opposed giving into CHP's requests to modify parts of the language including excluding the use of red and blue on the headsigns. OCTA staff convinced the transit agencies to negotiate with CHP, while SHJA worked with the Administration and CHP to also make concessions. As a result, this bill was signed by the Governor.

AB 1699 (Frommer, D-Glendale) would have banned the push mode in commuter rail operations. OCTA opposed this legislation which could have severely impacted Metrolink operations because Federal Railroad Administration (FRA) studies found that statistically significant data did not exist to suggest that the push mode is less safe than any other mode. OCTA and Metrolink offered alternatives to the author that would have had a more significant impact on the safety of rail passengers. The author amended his bill to provide for additional studies. The Governor vetoed this bill as unnecessary based on the research conducted by the FRA.

Another significant bill supported by OCTA was AB 372 (Nation, D-San Rafael). AB 372 extended the design-build authority for transit projects. Although the author accepted amendments offered by the Professional Engineers in California Government to prohibit the use of this authority on highway projects, this bill provided an opportunity for staff and SHJA to discuss the success of the SR-22 improvement project being constructed under this transit authority.

State Budget Issues Affecting Transportation

Effort: Excellent; Outcome: Excellent

While the Governor’s budget proposal for fiscal year 2006-2007 provided full funding of Proposition 42, it retained all of the “spillover” for the General Fund. Through SHJA’s participation in the transit lobby coalition and direct advocacy on behalf of OCTA, the final budget allocated nearly half of the “spillover” revenue (\$323 million) to transit with 80 percent instead of 50 percent dedicated to transit operations through formula distribution. This distribution of “spillover” provided OCTA an additional \$13.6 million for transit. The General Fund used \$200 million of “spillover” revenue to repay Proposition 42 loans and contribute \$125 million to the Bay Bridge. The final budget included additional early Proposition 42 repayments totaling more than \$1.5 billion. SHJA effectively advocated for early repayment to provide funding for the STIP which allowed OCTA projects to remain funded and provide funding for local streets and roads that would have not otherwise been available.

During sub-committee hearings on the budget, Assembly Budget Subcommittee #5 on Transportation and Technology took action to approve trailer bill language that would have prevented the construction of the Foothill Transportation Corridor-South (FTC-S) toll road. As a vital part of Orange County’s mobility, SHJA advocated against the proposal to eliminate the FTC-S. The Assembly Budget Subcommittee #5’s proposal failed.

General Services

Effort: Very Good; Outcome: Very Good

SHJA has regularly scheduled meetings with legislators, committee consultants, Administration staff, and staff of various state departments, boards, and commission to discuss issues of importance to OCTA. Administration staff has relied on SHJA to discuss and provide recommendations on a number of issues including the cost overruns of the Bay Bridge, transportation funding, and an infrastructure bond.

SHJA has been responsive to requests by OCTA staff, provided timely information and reports, and provided testimony in legislative committees that accurately reflect Board positions on legislation and policy issues.

Overall Rating

Effort: Very Good; Outcome: Very Good

SHJA’s efforts overall are rated as very good based on responsiveness, time dedicated to advocating for and advancing OCTA’s positions and policies, timeliness of information, assisting in building cooperative relationships with legislators and members of various state departments, boards, and commissions, and availability. SHJA’s outcomes overall are rated as very good based on the outcomes of the issues discussed.



MEMO

July 9, 2008

To: Members of the Board of Directors
From: Wendy Knowles, Clerk of the Board
Subject: **Board Committee Transmittal for Agenda Item**

The following item is being discussed at a Committee meeting which takes place subsequent to distribution of the Board agenda. Therefore, you will be provided a transmittal following that Committee meeting (and prior to the Board meeting) informing you of Committee action taken.

Thank you.



July 10, 2008

To: Transit Committee
AL

From: Arthur T. Leahy, Chief Executive Officer

Subject: Los Angeles - San Diego - San Luis Obispo Rail Corridor Quick Improvements Study

Overview

The Orange County Transportation Authority, in partnership with the California Department of Transportation, Division of Rail, contracted with Wilbur Smith Associates to conduct a study to explore opportunities to improve rail service and develop near-term improvements as the first step towards a comprehensive, integrated rail passenger network within the Los Angeles – San Diego – San Luis Obispo rail corridor.

Recommendation

Direct staff to work with the Los Angeles – San Diego – San Luis Obispo Technical Advisory Committee to collaboratively develop a strategy, schedule, and plan for implementing the recommended service improvements.

Background

The Los Angeles – San Diego – San Luis Obispo (LOSSAN) rail corridor is the second busiest passenger rail corridor in the nation. Currently, three passenger rail services, Amtrak, Coaster, and Metrolink, and two freight carriers, Burlington Northern Santa Fe (BNSF) Railway and Union Pacific Railway (UPRR), operate along the LOSSAN rail corridor between Los Angeles and San Diego. Combined ridership between Los Angeles and San Diego has grown to over 7.5 million a year. In order to meet the growing ridership demand, expanded and improved services are needed to serve the rail passengers of Southern California.

The varying public entities, operators, line segments, fare media, schedules, signage, and equipment types used in the LOSSAN corridor often confuse passengers and generate a multitude of inquiries and suggestions for improved passenger rail services. In addition, the shared ownership of the rail right-of-way

complicates efforts to improve services in the corridor. Ownership of the rail lines is divided among BNSF Railway (Los Angeles to Fullerton), the Orange County Transportation Authority (OCTA) (Fullerton to San Diego County line), North County Transit District (NCTD) (San Diego County line to San Diego city limit), San Diego Metropolitan Transit Development Board (San Diego city limit to San Diego Amtrak Station), and UPRR (San Luis Obispo to Santa Barbara and Moorpark).

To improve passenger services in the corridor, OCTA and the California Department of Transportation (Caltrans) embarked upon a brief study to look at short-term improvements, otherwise known as quick improvements. The quick improvements are those that can be implemented within one year, at minimal expense, with the goal of enhancing and improving the customer experience. The first step in the process was for Wilbur Smith Associates (WSA) to solicit ideas from the LOSSAN Technical Advisory Committee (TAC), comprised of staff from Amtrak, the Southern California Regional Rail Authority (SCRRA), NCTD, OCTA, Caltrans, Los Angeles County Metropolitan Transportation Authority, San Diego Association of Governments (SANDAG), San Diego Metropolitan Transit System, San Luis Obispo Council of Governments, Santa Barbara County Association of Governments, Ventura County Transportation Commission, BNSF, and UPRR. The LOSSAN TAC is responsible for reviewing and commenting on technical issues associated with improvements to passenger rail services in the LOSSAN rail corridor. A list of service concepts was developed by WSA as a result of the input from the LOSSAN TAC and member agencies.

On April 4, 2008, a draft report was completed which identified 20 near-term potential corridor improvements. The draft report was transmitted to the LOSSAN TAC for review and comment. Due to the high level of interest and investment in the LOSSAN rail corridor, the draft report prompted 190 comments from the LOSSAN member agencies. The comments were reviewed by OCTA and Caltrans staff and forwarded to WSA for incorporation into the final report. The recommended service improvements identified in the final report are summarized in Attachment A.

Discussion

The final report lists 20 concepts with recommended actions, as well as priorities for implementation within a year. A number of the concepts are already underway and have the support of the LOSSAN TAC. Some of the concepts are fairly complex and may require further analysis, planning, resources, funding, and/or policy/institutional and management support for successful implementation. Ultimately, success will be dependent on LOSSAN TAC

and operating agencies working together towards a common goal to improve passenger rail services within the corridor. A plan and strategy for implementation of the improvements will need to be developed in cooperation with the LOSSAN TAC and the rail operators if improvements are to be realized.

Recommended study concepts can be summarized into four main categories; customer information, operations, connecting transit/ticketing, and other.

Customer Information

Customer information recommendations include a consolidated timetable, trip planner, electronic passenger information at stations, on-train information, improved signage, 511 information service, and more. A top priority recommendation is a consolidated timetable, which will act as a road map to help passengers understand travel options and improve awareness of all trains within the corridor. Previously, SANDAG and the LOSSAN TAC applied for a state partnership planning grant to develop a prototype for the integrated timetable. This is a good first priority recommendation and is achievable within one year, pending grant approval in fall 2008. Historically, due to capacity constraints, operating constraints, and connection policies, the three services (Metrolink, Coaster, and Amtrak) are not typically timed for connections. The consolidated timetable would also highlight opportunities for improved connections, discussed under operational improvements, and provide input for service planning efforts between the operators.

Operations

Operational improvement recommendations include improving rail connections, Orange County midday service, mutual aid agreements, and minimizing station dwell times. Midday service is another top priority and would require that one or two of the Amtrak Surfliner trains make added stops in Orange County. In addition, midday service would be added in Ventura County using Metrolink trains. These recommendations will require Amtrak, Caltrans, Metrolink, and Los Angeles and Ventura counties' support and cooperation.

Recently, the chairman of the California Transportation Commission (CTC) requested that the CTC and Amtrak implement limited stop service between Los Angeles and San Diego. Given overcrowding and frequent standing conditions, fewer stops in Orange County would only exacerbate the problem by reducing service to Orange County stations. Because more stops are needed in Orange and Ventura counties, the request for limited stops in the corridor is in direct conflict with the recommendation in this report. This type of

conflicting issue is an example of the challenges OCTA faces in the LOSSAN rail corridor.

Connecting Transit/Ticketing

Connecting transit/ticketing recommendations include joint ticketing with Coaster, free transfers, airport connections, and Amtrak bus and Metrolink schedule coordination.

Other

Other recommendations include joint marketing of special events and wireless access to the Internet (known as WiFi) at stations. Amtrak and Metrolink have already begun a joint marketing program with the Los Angeles Angels of Anaheim baseball team.

Next Steps

The next step in the process is to work with the LOSSAN TAC to develop a strategy and plan for implementing the recommendations. Although the quick improvements study makes recommendations, it does not address implementation of those recommendations. The next LOSSAN TAC meeting is scheduled for August 26, 2008, at which time OCTA staff will discuss with the member agencies the best way to implement each recommendation. For example, some recommendations may be implemented at the staff level or by a special task force, while others may require member agencies' Board of Directors approval. Finally, some recommendations may not be executable within a year. The tools, expertise, and resources (both technical and financial) need to be identified for successful implementation.

In addition to the quick improvements study, on June 9, 2008, the OCTA Board of Directors approved award of a contract to WSA for a comprehensive strategic assessment to study the coordination and improvement of passenger rail services in the LOSSAN rail corridor over a ten-year horizon. This is a jointly funded project with OCTA acting as the lead. Notice to proceed for this project is expected in June 2008, followed by a kick-off meeting with OCTA and monthly meetings with the project partners. OCTA staff anticipates returning to the OCTA Board of Directors with a progress report by the end of the calendar year. Lastly, OCTA has begun the process of conducting focus groups with current riders and non-riders to obtain information for the overall project.

Summary

In order to meet growing ridership demand within the LOSSAN rail corridor between Los Angeles and San Diego, a quick improvements study is being prepared to improve and integrate passenger rail services in Southern California. The study presents 20 proposed service recommendations that can be implemented within one year with a relatively small financial investment. OCTA, acting as the lead agency, will work with the LOSSAN TAC to develop a plan for action for implementing the improvements with the ultimate goal of integrating passenger rail services and improving customer experience.

Attachment

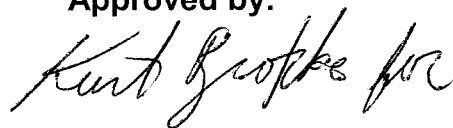
- A. LOSSAN Rail Corridor Service Improvements

Prepared by:



Abbe McClenahan
Principal Transportation Analyst
(714) 560-5672

Approved by:



Kia Mortazavi
Executive Director, Development
(714) 560-5741

LOSSAN Rail Corridor Service Improvements

Customer Information	
Consolidated LOSSAN Corridor Timetable/Trip Planner	Develop timetable from San Luis Obispo to San Diego, highlight connections, available on-line with trip planner
Electrical Passenger Information System (EPIS)	Metrolink EPIS will display real time information, consider expanding to Amtrak stations
Amtrak Distribution of Metrolink Information at Joint Stations	Discuss means of information distribution and arrival announcements at joint stations
On-Train Information	Continue to encourage on-board explanations of delays of Metrolink, Amtrak, and Coaster
Orange County Station Signage	OCTA to work with communities to ensure optimum directional signage; Amtrak and Metrolink to work with LOSSAN agencies to ensure optimum station signage
San Diego County Station Signage	NCTD to work with communities to ensure proper Coaster directional signage; identify actions to improve connectivity and passenger information at Oceanside Station
Central Information Booth at Los Angeles Union Station (LAUS)	Investigate potential for central information booth at LAUS
Freeway Changeable Message Signs Used to Promote Train Travel	Agencies to discuss potential of train information on changeable message signs with Caltrans
511 Information	Transit agencies in the corridor should be included in the 511 program; Metrolink and Amtrak information to be made available via the 511 phone system
Operations	
Rail Connections	Highlight connections within Los Angeles and Oceanside, agencies consider impact of each future schedule adjustment, analyze rail market through Oceanside
Midday Service	More midday Amtrak Pacific Surfliner stops at Orange County stations; Metrolink midday trains on the Ventura County line
Mutual Aid Agreement	Formalize mutual aid agreement to assist other agencies in emergencies
Minimize Dwell Times	Investigate potential for improvements to minimize dwell time and reduce scheduled run times
Connecting Transit/Ticketing	
Ticketing	Metrolink and Amtrak should sell Coaster tickets
Impact of Schedule Changes on Local Transit	Coordinate local transit schedules with train arrival/departure times
Transfers	Encourage all transit agencies to offer free transfers to train riders
Airport Connections	Explore better connections from Anaheim Station to Los Angeles International Airport and Santa Ana Station to John Wayne Airport; transit agencies to encourage corridor airports to provide website links regarding train connections
Amtrak Bus and Metrolink Coordination	Metrolink and Amtrak should discuss promoting thruway bus connections and increasing stops
Other	
Joint Marketing	Develop joint marketing campaign between Metrolink, Amtrak, and Coaster to encourage ridership to special events
WiFi at Stations	Explore cost-effectiveness of WiFi service options at stations




Los Angeles – San Diego – San Luis Obispo Rail Corridor Quick Improvements Study

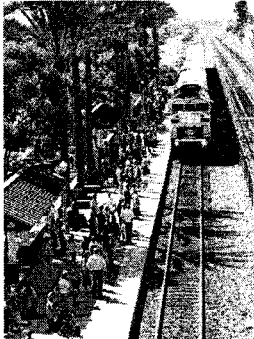
Transit Committee
July 10, 2008



Overview



- Study Objectives
 - Improve Passenger Rail Services in the Los Angeles – San Diego – San Luis Obispo (LOSSAN) Rail Corridor
 - Implement Within a Year
 - Implement with Minimal Expense
- Study Results
 - 20 Recommendations
 - Customer Information
 - Operational
 - Connecting Transit/Ticketing
 - Other
- Focus Groups



2

Recommendations



Customer Information

- Consolidated LOSSAN Rail Corridor Timetable
- Electronic Passenger Information System
- Amtrak Distribution of Metrolink Information at Joint Stations
- On-Train Information
- Orange County Station Signage
- San Diego County Station Signage
- Central Information Booth at Los Angeles Union Station (LAUS)
- Freeway Changeable Message Signs Used to Promote Train Travel
- 511 Information Service

3

Recommendations



Operations

- Rail Connections
- Orange County Midday Service
- Mutual Aid Agreement
- Reduce Dwell Times



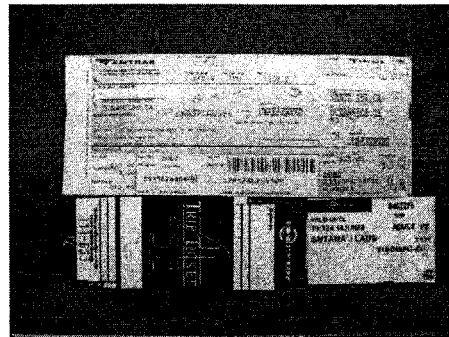
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Recommendations



Connecting Transit/Ticketing

- o Ticketing
- o Impact of Schedule Changes on Local Transit
- o Transfers
- o Airport Connections
- o Amtrak Bus and Metrolink Coordination



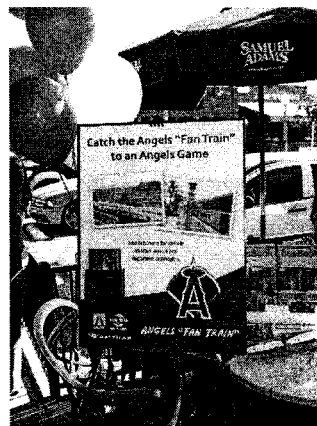
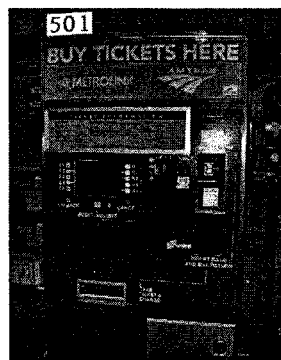
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Recommendations



Other

- o Joint Marketing of Special Events
- o WiFi Hot Spots at Stations



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First Priority Actions



- Consolidated LOSSAN Rail Corridor Timetable
- Orange County Midday Service
- Orange County Station Signage
- San Diego County Station Signage
- Mutual Aid Agreement
- Joint Marketing
- Transfers
- Airport Connections
- Amtrak Bus and Metrolink Coordination
- 511 Information Service
- Reduce Dwell Times

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Second Priority Actions



- Ticketing
- Electronic Passenger Information System
- Amtrak Distribution of Metrolink Information at Joint Stations
- Central Information Booth at LAUS
- Impact of Schedule Changes on Local Transit
- Freeway Changeable Message Signs
- WiFi Hot Spots at Stations

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In Process



- Metrolink Electronic Passenger Information System
- Consolidated Timetable
- Trip Planner
- Joint Marketing

New System

SERVICE	#	DESTINATION	TIME	REMARKS	TRACK
METROLINK	200	LOS ANGELES	5:31A	ON TIME	1
METROLINK	100	LOS ANGELES	5:56A	ON TIME	1
METROLINK	202	LOS ANGELES	6:41A	ON TIME	1
METROLINK	201	LANCASTER	6:51A	ON TIME	1
METROLINK	102	LOS ANGELES	6:51A	ON TIME	2
METROLINK	101	MOORPARK	7:08A	ON TIME	1
METROLINK	204	LOS ANGELES	7:23A	ON TIME	1
METROLINK	104	LOS ANGELES	7:30A	ON TIME	1
AMTRAK	799	OXNARD	7:47A	ON TIME	1
METROLINK	203	VIA PRINCESSA	7:53A	ON TIME	1

NEXT TRAIN

NEXT TRAIN: METROLINK 200
SERVICE TO: GLENDALE AND LOS ANGELES
TIME: 5:31A
TRACK: 1

WELCOME TO BURBANK STATION AUG 15, 2005 8:34:41 AM

Existing System



Challenges



- Conflicting Priorities
- Funding
- Policy Differences
- Limited Staff Resources

Next Steps



- LOSSAN Technical Advisory Committee (TAC) Brainstorming Session
- Develop Strategy, Plan, and Schedule for Implementation of Improvements
- Identify
 - Resources
 - Tools
 - Funding
 - Required Expertise
- Comprehensive Strategic Assessment

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Keys to Success



- Support of LOSSAN TAC Agencies
- Support of LOSSAN Rail Operators
- Policy Board Support
- Resources



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Focus Groups



- ▣ Rider and Non Rider Panels
- ▣ Focus on Service Integration
 - Passenger Information
 - Schedules/Frequency
 - Connections
 - Fares



BOARD COMMITTEE TRANSMITTAL

July 14, 2008

To: Members of the Board of Directors
From: ^{WK} Wendy Knowles, Clerk of the Board
Subject: Amendment to Agreement for Additional Construction Management Services for the Americans with Disabilities Act Bus Stop Accessibility Program

Highways Committee

July 7, 2008

Present: Directors Amante, Cavecche, Dixon, Glaab, Green, Mansoor, Pringle, and Rosen
Absent: Director Norby

Committee Vote

This item was passed by all Committee Members present.

Directors Pringle and Rosen were not present to vote.

Committee Recommendation

Authorize the Chief Executive Officer to execute Amendment No. 4 to Agreement No. C-3-0798 between the Orange County Transportation Authority and Bureau Veritas North America, Inc., in an amount not to exceed \$200,000, and extend the termination date by six months to December 31, 2008, for construction management services for the bus stop accessibility program.



July 7, 2008

To: Highways Committee

From: Arthur T. Leahy, Chief Executive Officer

Subject: Amendment to Agreement for Additional Construction Management Services for the Americans with Disabilities Act Bus Stop Accessibility Program

Overview

The Orange County Transportation Authority continues to work collaboratively with Orange County local agencies to address the Americans with Disabilities Act deficiencies at bus stops. This report proposes to amend the construction management services agreement for the bus stop accessibility program.

Recommendation

Authorize the Chief Executive Officer to execute Amendment No. 4 to Agreement No. C-3-0798 between the Orange County Transportation Authority and Bureau Veritas North America, Inc., in an amount not to exceed \$200,000, and extend the termination date by six months to December 31, 2008, for construction management services for the bus stop accessibility program.

Background

The Orange County Transportation Authority's (Authority) fixed-route bus service uses more than 6,500 bus stops throughout Orange County. The Authority is making bus stops accessible to persons with disabilities as required by the Americans with Disabilities Act (ADA).

The Bus Stop Accessibility Program (BSAP) started in July 2004 with 3,500 bus stops to be converted according to ADA guidelines. Currently, only four construction packages, or 248 bus stops, remain to be completed. Construction packages 9, 10, and 12 are in production. Package 11 is being re-procured as the awarded contractor failed to begin work citing various reasons including loss of key personnel, failure to anticipate certain project costs, and failure to properly interpret the plans and specifications.

Amendment to Agreement for Additional Construction Management Services for the Americans with Disabilities Act Bus Stop Accessibility Program **Page 2**

Discussion

The construction of the last phase of the BSAP (Phase 3) was scheduled for completion in June 2008; however, due to delays during the bidding and construction phases, the new completion date is now December 2008. For example, in phase 3, construction packages 3, 7, and 9 were re-bid due to changes in disadvantaged business enterprise requirements and addendum requirements. A contractor protest on package 9 also delayed the process by another two months. Package 11 is being re-procured for reasons stated above. These changes have added approximately six months to the BSAP schedule. In addition, during construction of the bus stops, new city requirements such as crosswalk modifications, construction of access ramps, pedestrian push buttons, drainage structures, and truncated domes were added, resulting in contract time extensions for the contractors.

These changes in the program require additional work by the construction manager, Bureau Veritas North America, Inc. A contract amendment of \$200,000 is needed to add the necessary work and extend the contract to December 31, 2008.

Fiscal Impact

The additional work described in Amendment No. 4 to Agreement C-3-0798 was approved in the Authority's Fiscal Year 2008-09 Budget, Account 0051-9085/A4201-2D7 and is funded through the Transportation Development Act, Article 3.

Summary

Based on the material provided, staff recommends approval of Amendment No. 4, in the amount of \$200,000, and extension of contract duration through December 31, 2008, to Agreement C-3-0798 with Bureau Veritas North America, Inc.

Amendment to Agreement for Additional Construction Management Services for the Americans with Disabilities Act Bus Stop Accessibility Program **Page 3**

Attachment

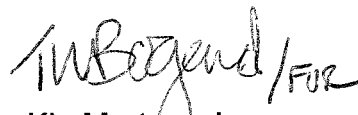
A. Bureau Veritas North America, Inc., Agreement No. C-3-0798 Fact Sheet

Prepared by:



Dipak Roy, P.E.
Project Manager
(714) 560-5863

Approved by:



Kia Mortazavi
Executive Director, Development
(714) 560-5741

ATTACHMENT A

Bureau Veritas North America, Inc. Agreement No. C-3-0798 Fact Sheet

1. March 30, 2004, Agreement No. C-3-0798, \$745,908, approved by the Board of Directors.
 - Provide construction management services for the construction of ADA bus stops in Orange County.
2. September 14, 2006, Amendment No. 1 to Agreement No. C 3-0798, extend work through June 30, 2007.
3. April 13, 2007, Amendment No. 2 to Agreement No. C-3-0798, modify key personnel and revise "Hourly Rate Schedule" with no change to the maximum obligation.
4. September 4, 2007, Amendment No. 3 to Agreement No. 3-0798, \$95,000, and extend work through June 30, 2008.
 - Provide additional construction management services for the construction of ADA bus stops in Orange County.
5. July 27, 2008, Amendment No. 4 to Agreement No. C-3-0798, \$200,000, and extend work through December 31, 2008, pending approval by Board of Directors.
 - Provide additional construction management services for the construction of ADA bus stops in Orange County.
 - Extend work through December 31, 2008.

Total committed to Bureau Veritas North America, Inc., after approval of Amendment No. 4 to Agreement No. C-3-0798: \$1,040,908.



BOARD COMMITTEE TRANSMITTAL

July 14, 2008

To: Members of the Board of Directors
From: Wendy Knowles, Clerk of the Board
Subject: 2008 State Transportation Improvement Program Update

Highways Committee

July 7, 2008

Present: Directors Amante, Cavecche, Dixon, Glaab, Green, Mansoor, Pringle, and Rosen
Absent: Director Norby

Committee Vote

This item was passed by all Committee Members present.

Committee Recommendations

- A. Adopt the California Transportation Commission-approved 2008 State Transportation Improvement Program.
- B. Authorize the use of \$27.6 million of Regional Surface Transportation Funding for the Gene Autry Way west project.
- C. Authorize the use of \$2.8 million of Regional Surface Transportation Funding for the La Paz Road interchange improvements project.
- D. Authorize staff to amend the Federal Transportation Improvement Program and execute any necessary agreements to facilitate the delivery of the adopted State Transportation Improvement Program.



July 7, 2008

To: Highways Committee
From: Arthur T. Leahy, Chief Executive Officer
Subject: 2008 State Transportation Improvement Program Update

Overview

The Orange County Transportation Authority Board of Directors adopted the 2008 State Transportation Improvement Program in January 2008. The California Transportation Commission adopted the final 2008 State Transportation Improvement Program on May 29, 2008. An update of the adopted program is provided for review, as well as new funding recommendations.

Recommendations

- A. Adopt the California Transportation Commission-approved 2008 State Transportation Improvement Program.
- B. Authorize the use of \$27.6 million of Regional Surface Transportation Funding for the Gene Autry Way west project.
- C. Authorize the use of \$2.8 million of Regional Surface Transportation Funding for the La Paz Road interchange improvements project.
- D. Authorize staff to amend the Federal Transportation Improvement Program and execute any necessary agreements to facilitate the delivery of the adopted State Transportation Improvement Program.

Background

The State Transportation Improvement Program (STIP) is a major source of funding for transportation improvements throughout the State of California. Revenues from federal and state sources are consolidated into the STIP. The Orange County Transportation Authority (OCTA) is responsible for programming those funds for the County.

In October 2007, the California Transportation Commission (CTC) adopted the 2008 STIP fund estimate (FE), making available an estimated range of programming capacity of \$41.1 million to \$202 million for Orange County. In an effort to optimize the utilization of available funding capacity and ensure timely project delivery, staff developed a programming strategy to alternately fund the bus rapid transit project through a Proposition 1B program. This strategy made available approximately \$117 million in STIP funds. When combined with the maximum capacity identified in the FE, the result was approximately \$319 million. In January 2008, the Board of Directors (Board) authorized staff to submit the 2008 STIP proposal for Orange County. This proposal requested a total of \$319 million in funding to augment existing project commitments and fully or partially fund seven new projects (Attachment A).

Discussion

In May 2008, the CTC took action to formally adopt the 2008 STIP. In June the CTC approved technical adjustments to the adopted STIP to align projects with available funding in each fiscal year. Orange County was successful in programming \$162.7 million in STIP funds to augment several existing projects and fund two new projects. The two new projects include one freeway project and one grade separation project:

- Riverside Freeway (State Route 91) from the Costa Mesa Freeway (State Route 55) to Tustin Avenue interchange improvement project - \$91.4 million
- Sand Canyon Avenue grade separation - \$30 million

However, due to funding capacity constraints, six of OCTA's proposed projects were not recommended for funding through the 2008 STIP. These projects include:

- Grade separations along the Burlington Northern Santa Fe Railway in north Orange County, totaling \$134.3 million for all phases of Richfield Road and Kellogg Drive and the design phase only for Jefferson Street and Van Buren Avenue
- Santa Ana Freeway (Interstate 5) at La Paz Road interchange improvement - \$2.8 million
- Interstate 5 (I-5) at Gene Autry Way west high-occupancy vehicle drop ramps - \$27.6 million

Staff has identified an alternate funding strategy for two of the six projects. This strategy recommends the use of \$30.4 million of federal Regional Surface Transportation Program (RSTP) funds for the I-5 at Gene Autry Way west and

I-5 at La Paz Road projects. The Gene Autry Way west project was originally funded with federal Congestion Mitigation and Air Quality (CMAQ) funds and was proposed for a revenue neutral fund swap with STIP funds to allow the project to proceed without the requirements imposed by CMAQ funding. The current recommendation includes a fund swap of the previously committed CMAQ funds for RSTP funds. This will again be a revenue neutral swap.

The I-5 at La Paz Road project has a completed project study report and represents both safety and operation improvements to the interchange. This project would bring much needed congestion relief near term. There is available programming capacity in the RSTP due to project cancellations and slightly higher than anticipated revenues; therefore, staff recommends programming \$2.8 million of these revenues to the La Paz Road project.

There are no available funding sources for the remaining four grade separation projects at this time. Staff will continue to seek alternate funding sources for these four projects.

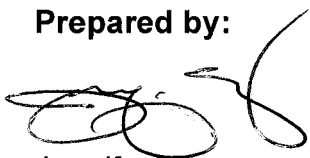
Summary

On May 29, 2008, the CTC adopted the 2008 STIP. OCTA was successful in programming \$162.7 million for new and existing projects throughout the County. An update on the approved 2008 STIP and a recommendation to alternately fund I-5 at Gene Autry Way west and I-5 at La Paz Road interchange improvement projects is being presented for Board approval.

Attachments

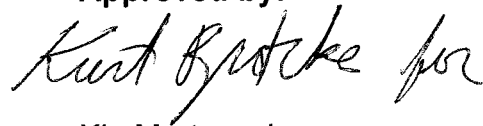
- A. Orange County Transportation Authority, Proposed - 2008 State Transportation Improvement Program (STIP)
- B. Orange County Transportation Authority, Adopted - 2008 State Transportation Improvement Program (STIP)

Prepared by:



Jennifer Bergener
Manager, Capital & Local Programs
(714) 560-5462

Approved by:



Kia Mortazavi
Executive Director, Development
(714) 560-5741

Orange County Transportation Authority
Proposed - 2008 State Transportation Improvement Program (STIP)
(\$1000s)

Proposed 2008 STIP													
Project	Total	Project Totals by Fiscal Year						Project Totals by Component					
		Prior	2008-09	2009-10	2010-11	2011-12	2012-13	R/W	Const	E & P	PS&E	R/W Sup	Con Sup
Existing Projects - No Changes													
Culver Drive southbound off-ramp widening (04S-26)	3,207	3,207	-	-	-	-	-	15	2,307	17	292	25	550
Route 74 Ortega Hwy widen, Calle Entradero-Antonio Pkwy	10,000	-	10,000	-	-	-	-	-	10,000	-	-	-	-
Widen, SR-55 to Gypsum	74,000	13,813	3,510	-	56,677	-	-	3,087	47,800	4,763	9,050	423	8,877
SB, Dyer to Mac Arthur - Auxiliary lanes	2,619	586	-	2,033	-	-	-	4	1,662	166	412	4	371
Route 5 San Clemente El Camino Real soundwall (S/O)	4,498	736	3,762	-	-	-	-	25	3,074	-	646	65	688
Route 5 San Clemente Avenida Vaquero soundwall (S/O)	3,196	650	2,546	-	-	-	-	10	1,958	-	620	20	588
Route 5 Oso Parkway SB off ramp, storage lane (04S-26)	30,154	5,997	24,157	-	-	-	-	3,227	20,985	306	1,814	650	3,172
Jamboree SB off ramp and auxiliary lane	8,533	435	989	-	7,109	-	-	16	6,150	435	917	56	959
Planning, Programming and Monitoring	19,973	3,062	3,215	3,215	3,215	3,215	4,051	-	19,973	-	-	-	-
Fullerton Transportation Center Parking (RTIP)	32,469	3,250	-	29,219	-	-	-	3,250	29,219	-	-	-	-
Placentia Rail Station	19,100	2,500	-	16,600	-	-	-	-	16,600	-	2,500	-	-
Updated & New Projects													
Bus rapid transit, rolling stock, infrastructure, feeders ¹	8,310	8,310	-	-	-	-	-	-	-	-	8,310	-	-
Orange County Metrolink maintenance facility study ²	-	-	-	-	-	-	-	-	-	-	-	-	-
Camino Capistrano interchange improvements ³	18,279	2,732	-	-	15,547	-	-	400	13,447	185	1,850	297	2,100
Tustin Rail Station parking expansion ⁴	17,600	1,100	-	16,500	-	-	-	-	16,500	-	1,100	-	-
Route 5/74 interchange improvements ⁵	55,426	-	31,003	-	-	24,423	-	23,130	17,849	-	4,873	3,000	6,574
SR-91, Tustin to SR-55 Interchange Improvements ⁶	91,434	-	7,474	4,234	9,343	-	70,383	-	62,286	7,474	9,343	4,234	8,097
I-5 at La Paz Improvements ⁶	2,800	-	-	-	2,800	-	-	-	2,800	-	-	-	-
I-5 at Gene Autry Way (west) - HOV Drop Ramps ⁷	27,600	-	-	-	27,600	-	-	-	27,600	-	-	-	-
Imperial Highway Grade Separation - Landscaping ⁶	1,669	-	220	9	1,440	-	-	-	1,280	30	190	9	160
Sand Canyon ⁶	30,000	-	-	-	-	-	30,000	-	30,000	-	-	-	-
Ritchfield Road ⁶	74,932	-	-	-	2,772	43,041	29,119	43,041	29,119	-	2,772	-	-
Kellogg Drive ⁶	55,496	-	-	-	-	32,771	22,725	30,647	22,725	-	2,124	-	-
Jefferson Street ⁶	16,993	-	-	-	-	1,853	15,140	15,140	-	-	1,853	-	-

- 1 - Remove existing programming of \$116,690; alternate fund with Proposition 1B transit funds
- 2 - Remove existing programming; project to be funded from Commuter Urban Rail Endowment
- 3 - Delay construction phase funding by one fiscal year
- 4 - Increase funding by \$7 million to accommodate additional spaces and bring cost estimate current
- 5 - Increase funding by \$24.423 million to fully fund construction phase
- 6 - New project
- 7 - New project to STIP; facilitates funding swap from Congestion Mitigation and Air Quality funds

Orange County Transportation Authority
 Adopted - 2008 State Transportation Improvement Program (STIP)
 (\$1,000s)

Adopted 2008 STIP													
Project	Total	Project Totals by Fiscal Year						Project Totals by Component					
		Prior	2008-09	2009-10	2010-11	2011-12	2012-13	R/W	Const	E & P	PS&E	R/W Sup	Con Sup
Existing Projects - No Changes													
Culver Drive southbound off-ramp widening	3,207	3,207	-	-	-	-	-	15	2,307	17	292	25	550
Route 74 Ortega Highway widen, Calle Entradero-Antonio Parkway	10,000	-	10,000	-	-	-	-	-	10,000	-	-	-	-
Widen, SR-55 to Gypsum Canyon Road	74,000	13,813	3,510	-	56,677	-	-	3,087	47,800	4,763	9,050	423	8,877
Southbound, Dyer Road to Mac Arthur Boulevard - Auxiliary lanes	2,619	586	-	2,033	-	-	-	4	1,662	166	412	4	371
Route 5 San Clemente El Camino Real soundwall	4,519	757	3,762	-	-	-	-	25	3,074	-	646	86	688
Route 5 San Clemente Avenida Vaquero soundwall	3,202	656	2,546	-	-	-	-	10	1,958	-	620	26	588
Route 5 Oso Parkway southbound off ramp, storage lane	30,154	5,997	24,157	-	-	-	-	3,227	20,985	306	1,814	650	3,172
Jamboree southbound off ramp and auxiliary lane	8,533	435	989	-	7,109	-	-	16	6,150	435	917	56	959
Camino Capistrano interchange improvements	18,624	2,732	-	15,892	-	-	-	400	13,447	185	1,850	297	2,445
Planning, programming, and monitoring	19,973	3,062	3,215	3,215	3,215	3,215	4,051	-	19,973	-	-	-	-
Fullerton Transportation Center Parking (RTIP)	32,469	3,250	-	-	29,219	-	-	3,250	29,219	-	-	-	-
Placentia Rail Station	19,100	2,500	-	-	-	-	16,600	-	16,600	-	2,500	-	-
Tustin Rail Station parking expansion	17,600	1,100	-	-	-	16,500	-	-	16,500	-	1,100	-	-
Route 5/74 interchange improvements	62,014	-	36,626	-	-	25,388	-	28,753	18,814	-	4,873	3,000	6,574
SR-91, Tustin Avenue to SR-55 interchange improvements	91,434	-	7,474	-	13,577	-	70,383	-	62,286	7,474	9,343	4,234	8,097
Sand Canyon Avenue	30,000	-	-	-	-	-	30,000	-	30,000	-	-	-	-
Imperial Highway grade separation - landscaping	1,669	-	220	9	1,440	-	-	-	1,280	30	190	9	160
Not Approved for Funding													
I-5 at La Paz Road improvements	2,800	-	-	-	2,800	-	-	-	2,800	-	-	-	-
I-5 at Gene Autry Way (west) - HOV drop ramps	27,600	-	-	-	27,600	-	-	-	27,600	-	-	-	-
Richfield Road	74,932	-	-	-	2,772	43,041	29,119	43,041	29,119	-	2,772	-	-
Kellogg Drive	55,496	-	-	-	-	32,771	22,725	30,647	22,725	-	2,124	-	-
Jefferson Street	1,853	-	-	-	-	-	1,853	-	-	-	1,853	-	-
Van Buren Avenue	2,011	-	-	-	-	-	2,011	-	-	-	2,011	-	-



July 14, 2008

To: Members of the Board of Directors
From: Arthur T. Leahy, Chief Executive Officer
Subject: Amendment to Agreement for Pre-Employment Background Screening

Overview

On July 26, 2004, the Board of Directors approved an agreement with Accusource, Inc., in the amount of \$186,000, to provide pre-employment background screening services. Accusource, Inc. was retained in accordance with the Orange County Transportation Authority's procurement procedures for professional services.

Recommendation

Authorize the Chief Executive Officer to execute Amendment No. 2 to exercise the second option term for on-call Agreement No. C-4-0100 between the Orange County Transportation Authority and Accusource, Inc., adding \$40,000, for a total contract amount of \$253,900, for pre-employment background screening services.

Background

The Orange County Transportation Authority (OCTA) conducts a comprehensive background screening of all prospective new employees. Background screenings include: a social security number verification; a check for criminal convictions in local, state, and national databases; verification of previous employment; and for certain managerial, administrative, and professional positions, verification of education and professional references.

Determination of the contract amount for background screening services is based on historical financial and projected recruiting demand for the coming year. Turnover is a primary predictor of necessary recruiting and hiring activity for positions at OCTA. Turnover among all OCTA employees decreased in fiscal year (FY) 2007-08 to 13.07 percent (through May 2008), from 18.77 percent in FY 2006-07. Based on current turnover and historical trends,

it is expected that the number of requests for background-screening services will be slightly more than in the last year but less than in previous years, with an approximate cost of \$40,000.

Discussion

This procurement was originally handled in accordance with OCTA's procedures for professional services. The original agreement was awarded on a competitive basis. It has become necessary to amend the agreement to exercise a second option year.

The original agreement was awarded on July 26, 2004, in the amount of \$186,000, and was previously amended in the amount of \$27,900 (Attachment A). The total amount after approval of Amendment No. 2 will be \$253,900.

Fiscal Impact

The additional work described in Amendment No. 2 to Agreement No. C-4-0100 was approved in the OCTA's Fiscal Year 2009 Budget, Human Resources, Account 1331-7519-A2207-E3T.

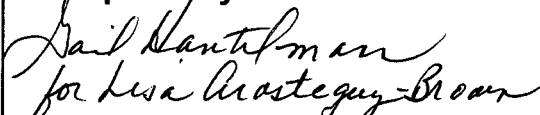
Summary

Based on the material provided, staff recommends approval of Amendment No. 2, in the amount of \$40,000, to Agreement No. C-4-0100 with Accusource, Inc.

Attachment

- A. Accusource, Inc. Agreement C-4-0100 Fact Sheet

Prepared by:


for Lisa Arosteguy-Brown
Lisa Arosteguy-Brown
Human Resources
Department Manager
(714) 560-5801

Approved by:


James S. Kenan
Executive Director, Finance
Administration and Human Resources
(714) 560-5678

**Accusource, Inc.
Agreement C-4-0100 Fact Sheet**

1. July 26, 2004, Agreement C-4-0100, \$186,000, approved by Board of Directors.
 - Contract to provide for background screening services.
2. August 23, 2007, Amendment No. 1 to Agreement C-4-0100.
 - Amendment to exercise the first year option term for the background screening services contract and increase the maximum obligation by \$27,900.
3. July 14, 2008, Amendment No. 2 to Agreement C-4-0100.
 - Amendment to exercise the second year option term for the background screening services contract and increase the maximum obligation by \$40,000.

Total committed to Accusource, Inc., Agreement C-4-0100: \$253,900 for the initial contract term, first and second year options.



BOARD COMMITTEE TRANSMITTAL

July 14, 2008

To: Members of the Board of Directors
From: ^{WK} Wendy Knowles, Clerk of the Board
Subject: Agreement for On-Call Geographic Information System Services

Highways Committee

July 7, 2008

Present: Directors Amante, Cavecche, Dixon, Glaab, Green, Mansoor, Pringle, and Rosen
Absent: Director Norby

Committee Vote

This item was passed by all Committee Members present.

Directors Pringle and Rosen were not present to vote.

Committee Recommendation

Authorize the Chief Executive Officer to execute agreements between the Orange County Transportation Authority and Technology Associates International Corporation Agreement No. C-8-0734, Jacobs Carter Burgess Agreement No. C-8-0996, and HDR Engineering, Inc., Agreement No. C-8-0998, in an aggregate amount not to exceed \$600,000, for a three-year contract covering fiscal years 2008-09, 2009-10, and 2010-11, for on-call geographic information system services.



July 7, 2008

To: Highways Committee
From: Arthur T. Leahy, ^{ML} Chief Executive Officer
Subject: Agreement for On-Call Geographic Information System Services

Overview

As part of the Orange County Transportation Authority's proposed Fiscal Year 2008-09 Budget, the Board of Directors approved consultant services for geographic information system support. Offers were received in accordance with the Orange County Transportation Authority's procurement procedures for professional and technical services.

Recommendation

Authorize the Chief Executive Officer to execute agreements between the Orange County Transportation Authority and Technology Associates International Corporation Agreement No. C-8-0734, Jacobs Carter Burgess Agreement No. C-8-0996, and HDR Engineering, Inc., Agreement No. C-8-0998, in an aggregate amount not to exceed \$600,000, for a three-year contract covering fiscal years 2008-09, 2009-10, and 2010-11, for on-call geographic information system services.

Background

The Strategic Planning Department's geographic information system (GIS) section serves as an agency-wide resource for maps, data, project analyses, and information products. Recent examples of GIS projects include the Master Plan of Arterial Highways, Renewed Measure M Freeway Environmental Mitigation Program, federal National Transit Database reporting, vanpool program administration, and bus rapid transit planning and implementation. In addition to such projects, the GIS section responds to numerous requests for transportation information on an ongoing basis. The GIS section produced nearly 900 maps and processed over 1,600 data files and related information products annually in calendar years 2006 and 2007.

In those two years, approximately 20 to 40 percent of the GIS section's staff resources were consultants. Consultants are engaged to assist with time-critical assignments including mapping and data development, and to perform activities that require specialized skills and capabilities such as GIS-based website, software application, and database design and implementation. The most recent on-call GIS services contract expired June 30, 2008.

Discussion

This procurement was handled in accordance with the Orange County Transportation Authority's (Authority) procedures for professional and technical services. In addition to cost, many other factors are considered in an award for professional and technical services; therefore, the solicitation was handled as a competitive negotiated procurement. Award is recommended to the firms offering the most effective overall proposal considering such factors as staffing, prior experience with similar projects, approach to the requirements, and technical expertise in the field.

On April 10, 2008, an electronic notice was sent to 169 firms registered on CAMM NET in the GIS consulting commodity category. A pre-proposal conference was held on April 18 2008, and was attended by 15 firms. A single addendum was issued on April 30, 2008, for administrative purposes. The procurement was advertised on May 1 and May 5, 2008, in a newspaper of general circulation.

On May 15, 2008, 15 offers were received. An evaluation committee composed of staff from the Planning and Analysis, Service Planning and Customer Advocacy, and Contracts Administration and Materials Management departments was established to review all offers submitted. Each proposal was scored according to criteria set forth in the request for proposals.

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

The criteria weights for this procurement are meant to establish a list of qualified firms to compete for task orders as requirements arise. Firm and staff qualifications are more important in establishing the capability to meet the Authority's GIS needs as all work activities are not yet determined. Detailed work plans and pricing will be evaluated for each task order when specific scopes of work are defined and proposals are submitted.

Based on its review of proposals, the evaluation committee found a short-list of eight firms within the competitive range. On May 27 and May 28, 2008, the eight firms were interviewed to discuss proposals and answer questions. Based on the combined scores of the proposal evaluation and interviews, the evaluation committee recommends the following three firms for consideration of an award:

Firm and Location

Technology Associates International Corporation
Calsbad, California

Jacobs Carter Burgess
Ontario, California

HDR Engineering, Inc.
San Diego, California

The evaluation committee found the three firms to possess strong technical expertise and experience in GIS staffing, programming, and system development. The firms also offered acceptable pricing, proposed sound approaches to the work, and have staff positioned to respond to the Authority's GIS needs quickly and efficiently.

Fiscal Impact

The project is approved in the Authority's Fiscal Year 2008-09 Budget, Strategic Planning Department, Account 0010-7519-A4465-P37; the first year will be funded through Measure M. The funding source for the second and third years of the contract term will be determined during the annual budgeting process.

Summary

Based on the information provided, staff recommends award of three-year agreements with the three firms identified above, in an aggregate amount not to exceed \$600,000, for on-call geographic information system services covering fiscal years 2008-09, 2009-10, and 2010-11.

Attachments

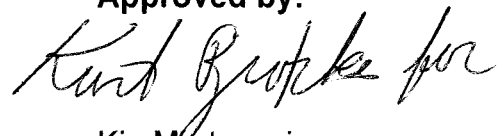
- A. Proposal Evaluation Criteria Matrix – Request for Proposals (RFP) 8-0734, On-Call Geographic Information System Services
- B. On-Call Geographic Information System Services – Recommended Firms for RFP 8-0734

Prepared by:



James E. Sterling
Section Manager,
Geographic Information Systems
(714) 560-5684

Approved by:



Kia Mortazavi
Executive Director, Development
(714) 560-5431

PROPOSAL EVALUATION CRITERIA MATRIX
Request for Proposals (RFP) 8-0734, On-Call Geographic Information System Services

FIRM: Technology Associates						Weights	Average Weighted Score	Hourly
Evaluation Number	1	2	3	4	5			Rate (\$)
Qualifications of Firm	4.5	4.0	4.5	3.0	4.0	6	24	
Staffing/Project Organization	4.0	4.0	4.5	3.0	3.5	6	23	
Work Plan	4.0	4.0	4.5	3.0	3.5	4	15	
Cost and Price*	4.0	4.0	4.0	4.0	4.0	4	16	
Overall Score	83.0	80.0	88.0	64.0	75.0		78	
FIRM: Jacobs Carter Burgess						Weights	Average Weighted Score	Hourly
Evaluation Number	1	2	3	4	5			Rate (\$)
Qualification of Firm	4.5	4.0	4.0	4.5	4.0	6	25	
Staffing/Project Organization	4.0	3.5	4.0	4.0	3.5	6	23	
Work Plan	4.5	3.5	4.0	3.0	3.0	4	14	
Cost and Price*	2.5	2.5	2.5	2.5	2.5	4	10	
Overall Score	79.0	69.0	74.0	73.0	67.0		72	
Firm: HDR						Weights	Average Weighted Score	Hourly
Evaluation Number	1	2	3	4	5			Rate (\$)
Qualification of Firm	4.5	4.0	3.5	4.0	3.5	6	23	
Staffing/Project Organization	3.5	3.0	3.5	3.5	3.0	6	20	
Work Plan	3.5	4.0	3.5	4.0	3.5	4	15	
Cost and Price*	3.0	3.0	3.0	3.0	3.0	4	12	
Overall Score	74.0	70.0	68.0	73.0	65.0		70	
*Hourly rates are based upon weighted averages of key personnel fully loaded hourly rates.								

ON-CALL GEOGRAPHIC INFORMATION SYSTEM SERVICES
Recommended Firms for RFP 8-0734

(Presented to Highways Committee - 7-7-08)

Fifteen (15) Proposals Received; Eight (8) Offerors Interviewed; Top Three (3) Firms Selected

Overall Ranking	Overall Score	Firm & Location	Sub-Contractors	Evaluation Committee Comments	Weighted Average Hourly Rate*
1	78	Technology Associates Carlsbad, CA	None	Technical competence and experience well matched to OCTA needs. Available and experienced staff in programming and web development. Firm grasp of system development life cycle. Advantageous pricing.	\$101.88
2	72	Jacobs Carter Burgess Ontario, CA	None	Firm has extensive GIS experience. Staff is well qualified in both programming and web development; will support OCTA well. Good understanding of system development process.	\$132.16
3	70	HDR Engineering San Diego, CA	None	Firm has good experience in providing the required services. Staff is well qualified to perform the services. Firm showed good understanding of OCTA's needs in system development process.	\$124.64

<u>Evaluation Panel: (5)</u>	<u>Proposal Criteria</u>	<u>Weight Factor</u>
OCTA:	Qualifications of Firm	30%
CAMM (1)	Staffing and Project Organization	30%
Development (3)	Work Plan	20%
Planning (1)	Pricing	20%

*Hourly rates are based upon weighted averages of key personnel fully loaded hourly rates.



BOARD COMMITTEE TRANSMITTAL

July 14, 2008

To: Members of the Board of Directors

From: WK
Wendy Knowles, Clerk of the Board

Subject: Oso Parkway/Pacific Park Drive Signal Synchronization
Demonstration Project Summary Report

Highways Committee

July 7, 2008

Present: Directors Amante, Cavecche, Dixon, Glaab, Green, Mansoor,
Pringle, and Rosen

Absent: Director Norby

Committee Vote

This item was passed by all Committee Members present.

Committee Recommendation

No action taken; received and filed as an information item.



July 7, 2008

To: Highways Committee
From: Arthur T. Leahy, Chief Executive Officer
Subject: Oso Parkway/Pacific Park Drive Signal Synchronization Demonstration Project Summary Report

Overview

The Orange County Transportation Authority has been working with local cities, the County of Orange, and the California Department of Transportation on the Oso Parkway/Pacific Park Drive Traffic Signal Synchronization Demonstration Project. This report provides a summary of the project results and next steps.

Recommendation

Receive and file as an information item.

Background

The Orange County Transportation Authority (OCTA) is working to implement projects for expanded, inter-jurisdictional traffic signal synchronization. Oso Parkway/Pacific Park Drive was selected as the second demonstration project for this overall effort. A previous effort on Euclid Street was completed in winter of 2007. RBF Consulting was retained by OCTA to perform the signal synchronization work on Oso Parkway/Pacific Park Drive. OCTA has been working with the local agencies along the corridor, including the California Department of Transportation (Caltrans), and has recently completed implementation of traffic signal synchronization along the complete 8 ¾-mile stretch of this principal highway. A summary of the results and final report of the effort are provided below.

Discussion

The purpose of the Oso Parkway/Pacific Park Drive Signal Synchronization Demonstration Project was to optimize traffic signal timings to reduce travel times, stops, and delays. The approximately 9-mile Oso Parkway/Pacific Park Drive

route is shown in Attachment A. The project extends from Aliso Viejo, through the cities of Laguna Niguel, Laguna Hills, and Mission Viejo, the County of Orange, to the city of Rancho Santa Margarita. This corridor includes 34 signalized intersections with daily traffic volumes ranging from 17,000 to over 56,000 vehicles per day.

At the start of the project, existing traffic patterns on Oso Parkway/Pacific Park Drive were identified as primarily oriented towards the San Diego Freeway (Interstate 5) and secondarily towards the San Joaquin Transportation Corridor (State Route 73) and Foothill Transportation Corridor (State Route 241). Based on this analysis, traffic signal timings were optimized to improve the movement of vehicles to and from Interstate 5 (I-5), State Route 73, and State Route 241 (SR-241). Using these guidelines, optimized signal timing plans were developed, implemented, and fine-tuned in spring 2008, along with necessary signal equipment upgrades.

As the project involved multiple jurisdictions, each of whom separately control, operate, and maintain its respective traffic signals, a coordination strategy was developed that combined time-based synchronization with the necessary signal upgrades. Time-based synchronization uses a common referenced time source to ensure that each signal is running on the exact time. The project then uses common cycle lengths to coordinate groups of intersections.

Signal timing plans were optimized for the morning, midday, and evening peak periods based on existing traffic patterns. Most of the corridor is synchronized throughout the day from 6:30 a.m. to 6:30 p.m., transitioning timing plans between the peak periods (time-of-day operation).

“Before” and “after” studies were conducted to evaluate the improvements from these optimized timing plans. The studies were conducted by driving Global Positioning System-equipped vehicles multiple times on the corridor during each peak time period and recording the travel statistics. The comparison from before to after synchronization shows a reduction of travel times on the length of Oso Parkway/Pacific Park Drive between 20 and 31 percent. Table 1 provides data on the average travel time improvement for the morning and evening peak periods separated into corridor segments. This table identifies the areas with significant improvements where the new synchronization signal timings had the most impact.

The combination of the optimized, inter-agency joint traffic signal timing plans, establishing a common time reference, minor signal upgrades, and cooperation between all participating agencies maximized arterial capacity resulting in

improvements in travel times higher than typically expected with signal synchronization. Historically, traffic signal synchronization efforts result in travel time improvements in the range of 5 to 15 percent.

Table 1

Improvement in Travel Times (in minutes) By Arterial Segment and Direction

Direction and Time Period Segment (West to East)	Eastbound				Westbound			
	Morning		Evening		Morning		Evening	
	Before	After	Before	After	Before	After	Before	After
Canyon Vistas to Aliso Viejo Parkway	3	2	2	2	2	2	2	2
Aliso Viejo Parkway to La Paz Road	4	3	4	2	5	2	5	2
La Paz Road to Cabot/I-5	4	3	4	3	5	3	5	4
Cabot/I-5 to Felipe Road	5	4	10	7	7	5	5	5
Felipe Road to SR-241	4	4	6	4	4	4	5	4
Total Travel Times	20	16	26	18	23	16	22	17
Percent Improvement	20%		31%		30%		23%	

Care was taken in developing the timing plans to not adversely affect crossing arterials. Specifically, existing crossing arterial synchronization was maintained at Moulton Parkway and Marguerite Parkway. Additionally, available cross street traffic signal timing parameters were incorporated when applicable. The project team implemented various techniques to minimize impacts to minor side streets, including the use of half-cycles (an intersection that operates at one-half the cycle length of the other intersections on the system) to minimize average wait times when necessary. All of the optimized timing plans were reviewed by local agency staff for potential issues. Finally, as part of the regular monitoring, cross street traffic patterns were observed to ensure proper operation.

Future Improvement Plans

Future improvements along the corridor were identified by the project team, which was comprised of the consulting traffic engineer, OCTA, Caltrans,

and cities' technical staff. These recommendations increase traffic carrying capacities to gain full effectiveness of the signal synchronization and can be divided into arterial and intersection capacity improvements, signal system upgrades, and establishment of a maintenance and monitoring program. These recommendations are in addition to programmed improvements along the corridor.

Intersection capacity increases were recommended at a number of locations to reduce or eliminate the impacts of specific bottlenecks. The suggested improvements include the following traffic engineering elements:

- Upgrading single left turn lanes to dual left turn lanes
- Lengthening turn pockets

Signal control system hardware upgrades that would allow more advanced signal coordination techniques to be employed were analyzed. Specific locations for expanding communications links between signals were identified to improve the efficiency of the signal systems.

Finally, the project team recommended that optimized timing plans be revisited every three years. In conjunction with this periodic re-timing of synchronization, an ongoing performance monitoring program is also suggested that would combine surveillance using advanced traffic control systems, field reviews by experienced traffic engineers who drive the corridor recurrently, and quick adjustments of signal timings based on observed conditions. The recommended future upgrades are detailed in maps separated by city segments in Attachments B and C. By combining signal synchronization with these future improvements, the overall travel benefits on the corridor can be greatly enhanced. These types of improvements can be considered for future funding through Renewed Measure M.

These recommendations reflect current traffic engineering best practices and judgment, and will be used to develop the Renewed Measure M Countywide Signal Synchronization Program. The program targets over 2,000 signalized intersections on a roadway network that crosses local agencies' boundaries. To develop and implement this program, OCTA is currently working with the local agencies to develop the foundation of the future signal synchronization program through the Signal Synchronization Master Plan (Master Plan). This project is currently underway.

Additionally, several components of the project helped in its overall success and are presented below:

- Regular dialogue with each participating agency
- Clear understanding of agency goals and objectives for signal synchronization
- Identification of traffic constraints that limit synchronization
- Defined agency roles and responsibilities
- Accounting for existing synchronization on crossing arterials
- Coordination with Caltrans
- Monitoring of the synchronized system

These aspects will be carried forward in the upcoming ten Orange County street corridors that make up the Proposition 1B Traffic Light Synchronization Program and in developing the Master Plan.

Summary

The synchronization of traffic signals on Oso Parkway/Pacific Park Drive resulted in an increase of excess of 20 percent in average speeds throughout the day. Future improvements were outlined to increase arterial traffic carrying capacities on the corridor. Finally, critical project findings were identified to apply to future efforts.

Attachments

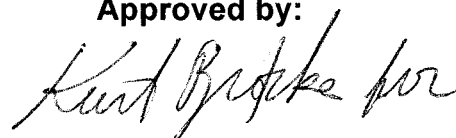
- A. Oso Parkway/Pacific Park Drive Signal Synchronization Demonstration Project
- B. Recommended Future Improvements – Cities of Aliso Viejo, Laguna Niguel, and Laguna Hills
- C. Recommended Future Improvements – City of Mission Viejo and County of Orange

Prepared by:



Anup Kulkarni
Section Manager, Regional Modeling
(714) 560-5867

Approved by:

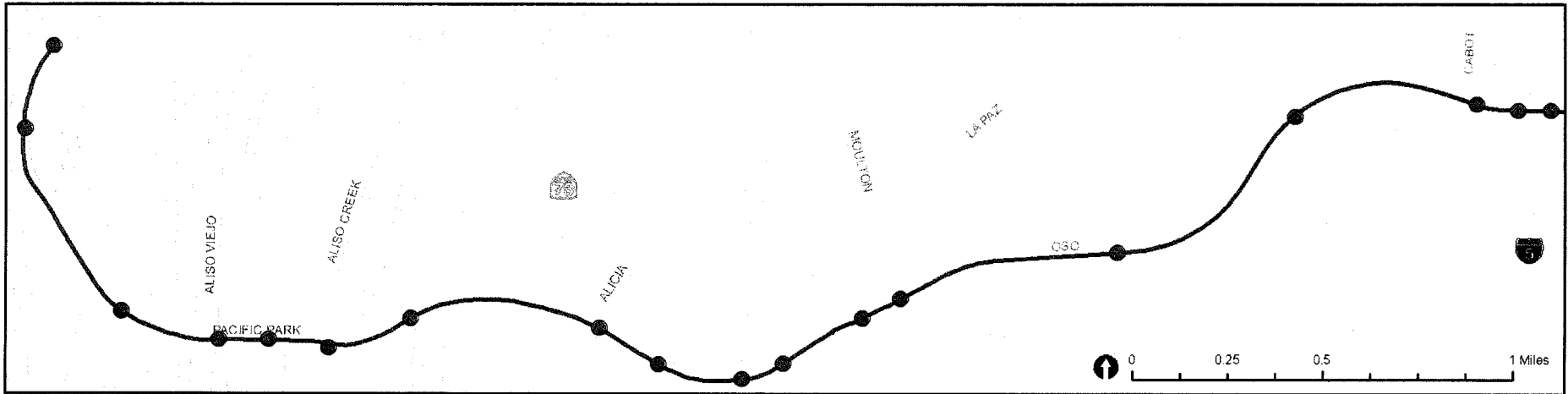


Kia Mortazavi
Executive Director, Development
(714) 560-5741

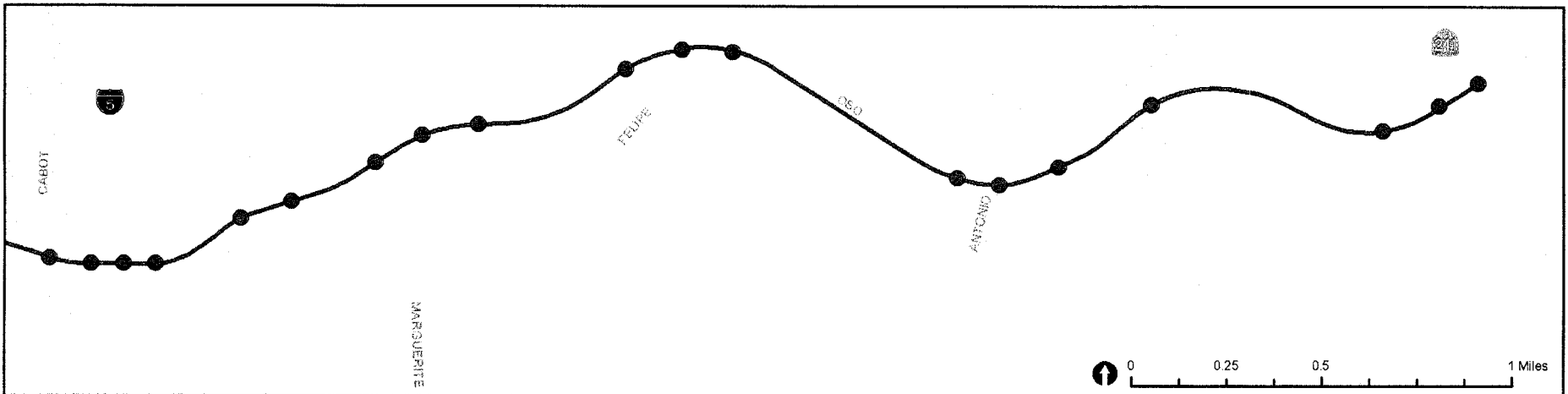
Oso Pkwy. / Pacific Park Dr. Signal Synchronization Project



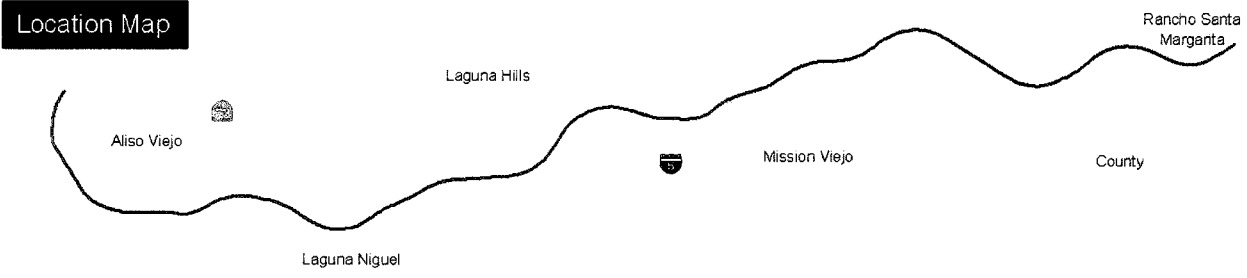
Aliso Viejo, Laguna Niguel, and Laguna Hills



Mission Viejo, County, and Rancho Santa Margarita

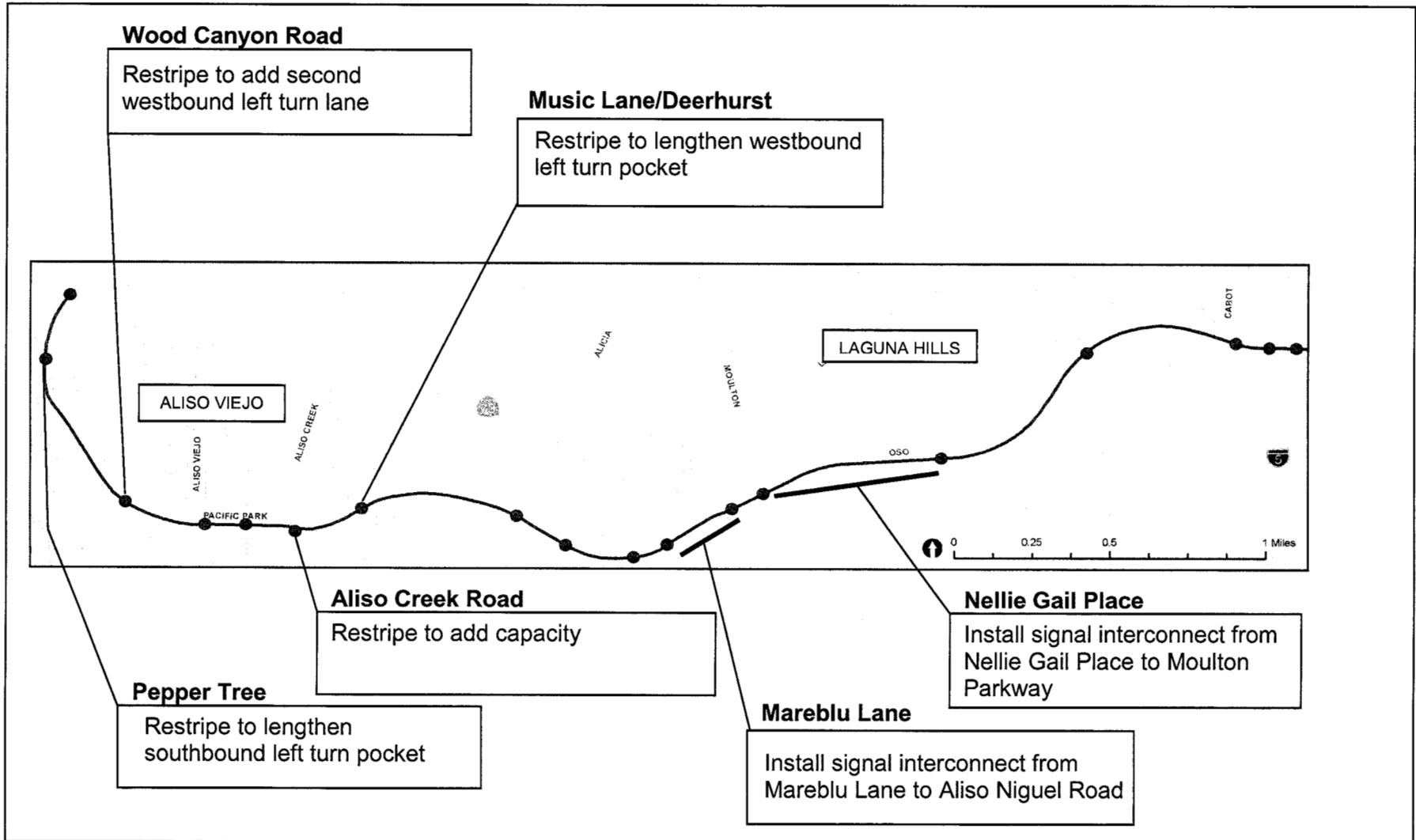


Location Map

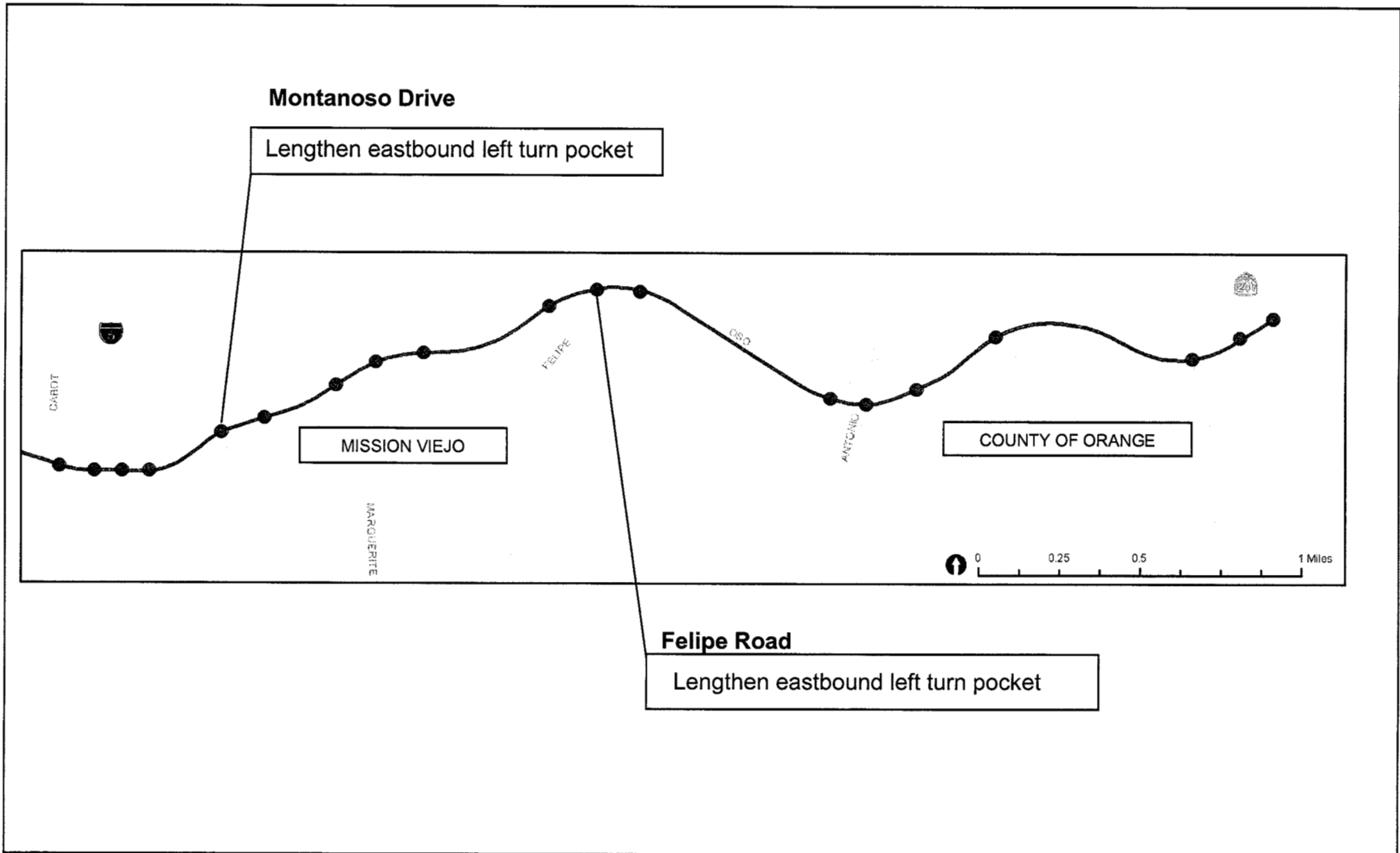


- Legend**
- Traffic Signals
 - Oso Pkwy. / Pacific Park Dr.

Recommended Future Improvements – Cities of Aliso Viejo, Laguna Niguel, and Laguna Hills



Recommended Future Improvements – City of Mission Viejo and County of Orange





BOARD COMMITTEE TRANSMITTAL

July 14, 2008

To: Members of the Board of Directors

From: Wendy Knowles, Clerk of the Board

Subject: Selection of a Consultant for Preparation of Project Report and Environmental Document for the San Diego Freeway (Interstate 405) Widening Project from the Costa Mesa Freeway (State Route 55) to the San Gabriel River Freeway (Interstate 605)

Highways Committee

July 7, 2008

Present: Directors Amante, Cavecche, Dixon, Glaab, Green, Mansoor, Pringle, and Rosen

Absent: Director Norby

Committee Vote

This item was passed by all Committee Members present.

Directors Pringle and Rosen were not present to vote.

Committee Recommendations

- A. Select Parsons Transportation Group, Inc., as the top-ranked firm to prepare the project report and environmental document for the San Diego Freeway (Interstate 405) widening project.
- B. Authorize the Chief Executive Officer to request a cost proposal from Parsons Transportation Group, Inc., and negotiate an agreement for services.
- C. Authorize the Chief Executive Officer to execute the final agreement.



July 7, 2008

To: Highways Committee

From: Arthur T. Leahy, Chief Executive Officer

Subject: Selection of a Consultant for Preparation of Project Report and Environmental Document for the San Diego Freeway (Interstate 405) Widening Project from the Costa Mesa Freeway (State Route 55) to the San Gabriel River Freeway (Interstate 605)

Overview

The Renewed Measure M Early Action Plan includes a project to add new lanes to the San Diego Freeway (Interstate 405) from the Costa Mesa Freeway (State Route 55) to the San Gabriel River Freeway (Interstate 605). Proposals for consulting services to prepare the project report and environmental document were solicited in accordance with the Orange County Transportation Authority's procurement procedures for the retention of a consultant to perform architectural and engineering work. Approval is requested for the selection of a firm to perform the required work.

Recommendations

- A. Select Parsons Transportation Group, Inc., as the top-ranked firm to prepare the project report and environmental document for the San Diego Freeway (Interstate 405) widening project.
- B. Authorize the Chief Executive Officer to request a cost proposal from Parsons Transportation Group, Inc., and negotiate an agreement for services.
- C. Authorize the Chief Executive Officer to execute the final agreement.

Background

On October 14, 2005, the Orange County Transportation Authority (OCTA) Board of Directors (Board) approved staff's recommendation to proceed with the San Diego Freeway (Interstate 405) major investment study's locally

Selection of a Consultant for Preparation of Project Report and Environmental Document for the San Diego Freeway (Interstate 405) Widening Project from the Costa Mesa Freeway (State Route 55) to the San Gabriel River Freeway (Interstate 605)

Page 2

preferred strategy, Alternative 4. This alternative proposed the addition of new lanes to Interstate 405, between the San Gabriel River Freeway (Interstate 605) to the north, and the Costa Mesa Freeway (State Route 55) to the south, generally within the existing right-of-way.

This project is included in the Renewed Measure M Early Action Plan. A project study report (PSR) will be finalized by the end of June 2008 to define the Interstate 405 widening project's preliminary scope, cost, and schedule. The PSR will also define the roadway geometrics and recommended build alternatives in order to proceed to the project approval and environmental document phase. In addition to the No Build Alternative, the PSR proposes two build alternatives. Build Alternative 1 would add one general purpose lane in each direction, and Build Alternative 2 would add two general purpose lanes in each direction. Both of these alternatives would provide other improvements, including auxiliary lanes between on-ramps and off-ramps and local interchange improvements. With the PSR and conceptual engineering close to completion, the environmental phase can be initiated as soon as the agreement is executed with a consultant firm.

On April 14, 2008, the OCTA Board approved the release of Request for Proposals (RFP) No. 8-0693 to select a consultant for the preparation of the project report and environmental document for the Interstate 405 widening project. The environmental phase will begin as soon as the consultant is given a notice to proceed, which is currently targeted to occur by October 1, 2008. The type of environmental document will be an environmental impact report/environmental impact statement with the environmental phase scheduled for a duration of three years. Once the preferred alternative is cleared environmentally, the project will be ready to proceed to the design and construction phases. Construction of this project is scheduled to begin in 2015.

Discussion

This procurement was handled in accordance with OCTA procedures for architectural and engineering requirements, which conform to both federal and state law. Proposals were evaluated without consideration of cost and were ranked in accordance with the qualifications of the firm and the technical proposal.

Selection of a Consultant for Preparation of Project Report and Environmental Document for the San Diego Freeway (Interstate 405) Widening Project from the Costa Mesa Freeway (State Route 55) to the San Gabriel River Freeway (Interstate 605)

Page 3

On April 14, 2008, RFP No. 8-0693 was released and sent electronically to 2,436 consultants registered on CAMM NET. A pre-proposal conference was held on April 21, 2008, with 41 attendees representing 34 firms.

Addendum No. 1 to RFP No. 8-0693 was issued on April 22, 2008, to post the pre-proposal conference registration sheets, provide administrative changes to the solicitation, and answer questions from bidders. Addendum No. 2 was issued on April 28, 2008, to provide an administrative change to the solicitation.

On May 14, 2008, two proposals were received. An evaluation committee composed of staff from OCTA's Development Division and Contracts Administration and Materials Management Department, as well as representatives from the California Department of Transportation reviewed the proposed work plans, staffing and project organization, and firm qualifications. The evaluation committee found both firms to be qualified to perform the work. These two firms are:

Firm and Location

Parsons Transportation Group, Inc.
Irvine, California

DMJM Harris/AECOM
Orange, California

On May 30, 2008, the evaluation committee interviewed the two firms. Questions were asked relative to the firms' proposals and staff availability and project requirements. Based on the evaluation of the proposals and interviews, the committee evaluated Parsons Transportation Group, Inc. (Parsons) as the top-ranked firm. The Parsons team provided an excellent technical proposal and presentation during the interview, along with comprehensive answers to the interview questions. The Parsons team demonstrated in-depth knowledge and understanding of the corridor and the issues associated with the project, including community priorities and concerns. Staff is therefore recommending that Parsons be awarded the contract to prepare the project report and environmental document for the Interstate 405 widening project.

Selection of a Consultant for Preparation of Project Report and Environmental Document for the San Diego Freeway (Interstate 405) Widening Project from the Costa Mesa Freeway (State Route 55) to the San Gabriel River Freeway (Interstate 605)

Page 4

The top-ranked firm will be requested to submit a cost proposal and a final agreement will be negotiated. Should negotiations fail with the highest-ranking firm, a cost proposal will be solicited from the next highest ranked firm in accordance with the procurement policies previously adopted by the Board.

Fiscal Impact

This project is included in OCTA's Fiscal Year 2008-09 Budget, Development Division, Account No. 0017-7519-FK101-N2Y and is funded through federal Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, other federal appropriations, and Renewed Measure M funds.


Summary

Staff recommends the selection of Parsons as the top-ranked firm qualified to prepare the project report and environmental document for the Interstate 405 widening project and requests Board approval to request a cost proposal from Parsons and negotiate an agreement for services.


Attachments

- A. Proposal Evaluation Criteria Matrix (All Proposers Interviewed)
- B. Project Report and Environmental Document Preparation Consultant Services for Interstate 405 Widening Project, Review of Proposals, RFP No. 8-0693

Prepared by:


Rose Casey, P.E.
Program Manager, Development
(714) 560-5729

Approved by:


Kia Mortazavi
Executive Director, Development
(714) 560-5741

PROPOSAL EVALUATION CRITERIA MATRIX (All Proposers Interviewed)

**Architectural and Engineering
Interstate 405 Widening Project from State Route 55 to Interstate 605, RFP No. 8-0693**

Firm: PARSONS						Weights	Criteria Score
Evaluation Number	1	2	3	4	5		
Qualifications of Firm	4.5	4.0	4.0	4.0	4.0	5	21
Staffing/Project Organization	4.5	4.0	4.0	4.0	3.5	7	28
Work Plan	4.0	5.0	4.5	4.0	4.0	8	34
Overall Score	86	88	84	80	77		83

Firm: DMJM/Harris/AECON						Weights	Criteria Score
Evaluation Number	1	2	3	4	5		
Qualifications of Firm	4.0	4.0	4.0	3.5	4.0	5	20
Staffing/Project Organization	3.5	4.0	3.5	3.5	4.0	7	26
Work Plan	3.5	4.0	4.5	4.0	3.5	8	31
Overall Score	73	80	81	74	76		77

Evaluation Panel (5)

OCTA:

- Contracts Administration and Materials Management Department (2)**
- Development (2)**
- California Department of Transportation (2)**

**PROPOSAL EVALUATION CRITERIA
MATRIX
(All Proposers Interviewed)**

ATTACHMENT A

**Project Report and Environmental Document Preparation Consultant Services for Interstate 405 Widening Project
Review of Proposals, RFP No. 8-0693**

(Presented to Highway Committee -7/7/08)

2 proposals were received, 2 firms were interviewed

Overall Ranking	Overall Score	Firm & Location	Sub-Contractors	Evaluation Committee Comments
1	83	PARSONS Irvine, CA	Albert Grover & Associates Group Delta Consultants McLean & Schultz Paragon Partners PSOMAS TEC Management URS VMS	Highest ranked overall proposal. Excellent in-house experience. Excellent related experience working with California Department of Transportation Excellent knowledge and understanding of scope of work shown in work plan. Major Investment Study/PSR experience with agencies involved and knowledge of local issues. Strong project team with current experience. Strong environmental team. Highly qualified subcontractors proposed. Great references.
2	77	DMJM HARRIS AECOM Orange, CA	DMJM Harris / PM RMC ICF Jones & Stokes CH2M Hill TRC Austin Foust Earth Mechanics, Inc. EDAW Overland Pacific & Cutler, Inc. PSOMAS Value Management Services WKE	Second highest ranked proposal. Work plan showed an excellent understanding of scope of work. Good project management qualifications. Highly qualified subcontractors proposed. Good coordination plan for California Department of Transportation National Environmental Policy Act delegation process. Strong relevant transportation experience. Strong project management team, team has successfully worked together on past projects. Good understanding of relevant issues.

Evaluation Panel (5)

OCTA:

Contracts Administration and Materials Management (1)
Development (2)

California Department of Transportation (2)

Proposal Criteria

Qualifications of Firm

Staffing and Project Organization

Work Plan

Weight Factor

25%

35%

40%

**REVIEW OF PROPOSALS
RFP NO. 8-0693**

**PROJECT REPORT AND ENVIRONMENTAL
DOCUMENT PREPARATION CONSULTANT
SERVICES FOR INTERSTATE 405
WIDENING PROJECT**

ATTACHMENT B



BOARD COMMITTEE TRANSMITTAL

July 14, 2008

To: Members of the Board of Directors
From: Wendy Knowles, Clerk of the Board
Subject: Agreement for Construction of a Roof Access System at the Laguna Hills Transportation Center

Transit Committee meeting of June 26, 2008

Present: Directors Brown, Buffa, Green, Nguyen, Pulido, and Winterbottom
Absent: Director Dixon

Committee Vote

This item was passed by all Committee Members present.

Director Pulido was not present to vote on this item.

Committee Recommendations

- A. Amend the Orange County Transportation Authority's Fiscal Year 2008-09 Budget by \$50,626 for construction of the roof access system at the Laguna Hills Transportation Center.
- B. Authorize the Chief Executive Officer to execute Agreement No. C-8-0751 between the Orange County Transportation Authority and Inman Welding, Inc., the lowest responsive, responsible bidder, in an amount not to exceed \$50,626, for the roof access system at the Laguna Hills Transportation Center.



June 26, 2008

To: Transit Committee

From: Arthur T. Leahy, Chief Executive Officer

A handwritten signature in black ink, appearing to read "ATL", is written over the printed name of Arthur T. Leahy.

Subject: Agreement for Construction of a Roof Access System at the Laguna Hills Transportation Center

Overview

A roof access system at the Laguna Hills Transportation Center is required to provide safe access to service and maintain the existing roof-mounted equipment. The project is ready for construction and Board of Directors' authorization is requested to award a construction contract.

Recommendations

- A. Amend the Orange County Transportation Authority's Fiscal Year 2008-09 Budget by \$50,626 for construction of the roof access system at the Laguna Hills Transportation Center.
- B. Authorize the Chief Executive Officer to execute Agreement No. C-8-0751 between the Orange County Transportation Authority and Inman Welding, Inc., the lowest responsive, responsible bidder, in an amount not to exceed \$50,626, for the roof access system at the Laguna Hills Transportation Center.

Background

The Orange County Transportation Authority (Authority), acting on behalf of the Orange County Transit District, constructed the Laguna Hills Transportation Center (LHTC) in June 1988. Liquefied natural gas, compressed natural gas, and diesel buses are driven through and parked under the covered LHTC shelter. In March 2007, building modifications at the LHTC were completed to provide a ventilation and gas detection system to eliminate a potential build-up of natural gas due to operation of natural gas buses within the shelter.

The California Mechanical Code requires equipment on a roof to have a means of access, unless other means acceptable to the "Authority Having Jurisdiction"

are used. In the past, the Authority has utilized an aerial lift work platform when roof access was required; however, aerial work platforms are not intended to be used as an elevator for personnel. The Occupational Safety and Health Administration requires personnel to be tied off, feet kept on the platform, and not climb on rails of the aerial lift work platform while in operation. A roof access system at the LHTC is required to comply with the building code requirement to provide safe access for maintenance of the existing roof-mounted ventilation equipment.

Discussion

This procurement was handled in accordance with the Authority's procedures for public works and construction projects, which conform to state requirements. Public work projects are handled as sealed bids and award is made to the lowest responsive, responsible bidder. The project was posted on CAMM NET on April 11, 2008. Addendum No. 1 was issued on May 5, 2008, to address administrative issues. On May 12, 2008, two bids were received and both bids were over \$50,000; therefore, Board of Directors' action is required for approval. All bids were reviewed by staff from the Development Division and the Contracts Administration and Materials Management Department to ensure compliance with the terms and conditions, specifications, and drawings. Listed below are the two bids received. State law requires award to the lowest responsive, responsible bidder.

<u>Firm and Location</u>	<u>Bid Price</u>
Inman Welding, Inc. Fullerton, California	\$50,626
Christy Construction, Inc. Costa Mesa, California	\$51,900

Fiscal Impact

The roof access system project was not included in the Authority's Fiscal Year 2008-09 Budget. A budget amendment, in the amount of \$50,626, Development, Account 1722-9022-D3120-FXW, is requested to fund the construction of roof access system at the LHTC and will be funded through the Orange County Transit District.

Summary

Staff has reviewed all bids and recommends the approval of Agreement No. C-8-0751, in the amount of \$50,626, with Inman Welding, Inc., the lowest responsive, responsible bidder for construction of a roof access system at the Laguna Hills Transportation Center.

Attachment

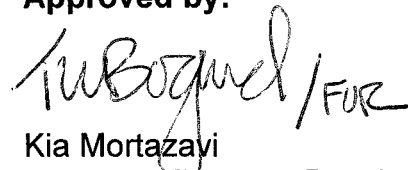
None.

Prepared by:



James J. Kramer, P.E.
Principal Civil Engineer
(714) 560-5866

Approved by:



Kia Mortazayi
Executive Director, Development
(714) 560-5741



BOARD COMMITTEE TRANSMITTAL

July 14, 2008

To: Members of the Board of Directors
From: ^{WK} Wendy Knowles, Clerk of the Board
Subject: Amendment to Agreement for Compressed Natural Gas Fueling Stations at the Anaheim and Garden Grove Bases

Transit Committee meeting of June 26, 2008

Present: Directors Brown, Buffa, Green, Nguyen, Pulido, and Winterbottom
Absent: Director Dixon

Committee Vote

This item was passed by all Committee Members present.

Director Pulido was not present to vote on this item.

Committee Recommendation

Authorize the Chief Executive Officer to execute Amendment No. 2 to Agreement No. C-6-0890 between the Orange County Transportation Authority and California Trillium Company, in the amount of \$168,882, for electrical service upgrades at the Anaheim Base.



June 26, 2008

To: Transit Committee

From: Arthur T. Leahy, Chief Executive Officer

A handwritten signature in black ink, appearing to read "A. Leahy", is written over the printed name of the Chief Executive Officer.

Subject: Amendment to Agreement for Compressed Natural Gas Fueling Stations at the Anaheim and Garden Grove Bases

Overview

On May 14, 2007, the Board of Directors approved an agreement with California Trillium Company, in an amount not to exceed \$24,100,000, to provide lease-to-own compressed natural gas fueling facilities at the Anaheim and Garden Grove bases. Electrical service upgrades are required to power the new compressed natural gas fueling station at the Anaheim Base. An amendment is needed to add these improvements to the agreement.

Recommendation

Authorize the Chief Executive Officer to execute Amendment No. 2 to Agreement No. C-6-0890 between the Orange County Transportation Authority and California Trillium Company, in the amount of \$168,882, for electrical service upgrades at the Anaheim Base.

Background

The Orange County Transportation Authority (OCTA) completed construction of the Anaheim Base in 1983. During construction of the Anaheim Base, a 2,000 amp electrical service was provided to the facility.

On May 8, 2006, the Board of Directors (Board) approved an accelerated procurement of 249 compressed natural gas (CNG) 40-foot buses and authorized the issuance of a request for proposals (RFP) for the design, construction, operation, and maintenance of CNG fueling stations at the Anaheim and Garden Grove bases. In December 2006, the Contracts Administration and Materials Management Department issued RFP No. 6-0890 for the CNG fueling facilities.

On May 14, 2007, the Board approved the environmental documents and awarded Agreement No. C-6-0890 with California Trillium Company (Trillium) for lease-to-own CNG fueling facilities at the Anaheim and Garden Grove bases, for a period up to ten years. It was stated in the May 14, 2007, Board staff report that both proposals received excluded any additional cost for utility upgrades for electrical service by Southern California Edison and the City of Anaheim Public Utilities (CAPU), as the utility companies will not start any design work until the electrical requirements are identified. The agreement's scope of work states that any additional utility upgrades required to existing conduit, wiring, transformer, etc., up to and including existing utility meter, will be addressed by future amendments.

Discussion

The CNG fueling station requires the use of two 600-horsepower electric compressors and one 600-horsepower back-up electrical compressor to fuel OCTA's bus fleet within the specified eight-hour bus fueling window. Each CNG fueling station consists of three compressors, a gas dryer, four small storage spheres, two back-up power generators, and three fueling dispensers. An additional 2,500 amp electrical service is required to operate the new CNG equipment.

The agreement between OCTA and Trillium requires Trillium to coordinate all new or upgraded electrical service to the CNG fueling station with the local electrical utility company, CAPU. In order to accomplish this, an amendment to Agreement No. C-6-0890 with Trillium is required. To accommodate the additional electrical load, CAPU will upgrade the existing 2,000 amp electrical service to a 4,000 amp electrical service to the site. The major elements of the electrical service upgrades will consist of CAPU installing new electrical service wiring to the site and a new transformer. Trillium will be installing a new electrical utility pull/meter section, new wire from the new transformer to the pull/meter section, new electrical distribution equipment to service the new CNG station and the existing bus base, and new electrical wiring to the existing electrical meter location.

Currently, Southern California Edison has not fully identified the improvements required for the Garden Grove Base. Once the costs are quantified for the electrical service upgrades at the Garden Grove Base, staff will request future Board approval.

The original agreement, awarded on May 14, 2007, was in the not-to-exceed amount of \$24,100,000. This agreement has been amended previously to address administrative issues and additional spare electrical conduits paid from

the agreement's contingency fund (Attachment A). The total amount after approval of Amendment No. 2 to Agreement No. C-6-0890 will be \$24,268,882.

Fiscal Impact

The additional work described in Amendment No. 2 to Agreement No. C-6-0890 was included in OCTA's Fiscal Year 2008-09 Budget, Development Division, Account 1722-9022-D3120-N1T, and is funded through the Orange County Transit District.

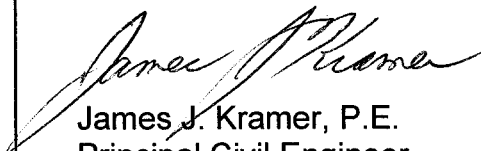
Summary

Staff recommends approval of Amendment No. 2 to Agreement No. C-6-0890, in the amount of \$168,882, with California Trillium Company for electrical service upgrades at the Anaheim Base.

Attachment

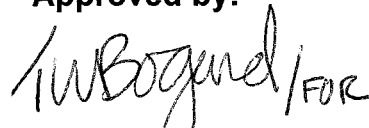
- A. California Trillium Company, Agreement No. C-6-0890 Fact Sheet

Prepared by:



James J. Kramer, P.E.
Principal Civil Engineer
(714) 560-5866

Approved by:



Kia Mortazavi
Executive Director, Development
(714) 560-5741

California Trillium Company
Agreement No. C-6-0890 Fact Sheet

1. May 14, 2007, Agreement No. C-6-0890, \$24,100,000, approved by Board of Directors.
 - Lease-to-own compressed natural gas fueling facilities at the Anaheim and Garden Grove bases
2. February 27, 2008, Amendment No. 1 to Agreement No. C-6-0890, \$0, approved by purchasing agent.
 - To address administrative issues and to make scope changes at no increase to maximum cumulative obligation amount.
3. July 14, 2008, Amendment No. 2 to Agreement No. C-6-0890, \$168,882, pending approval by Board of Directors.
 - Electrical service upgrades to accommodate compressed natural gas fueling station at the Anaheim Base.

Total committed to California Trillium Company after approval of Amendment No. 2 to Agreement No. C-6-0890: \$24,268,882.



MEMO

July 9, 2008

To: Members of the Board of Directors
From: Wendy Knowles, ^{WK} Clerk of the Board
Subject: **Board Committee Transmittal for Agenda Item**

The following item is being discussed at a Committee meeting which takes place subsequent to distribution of the Board agenda. Therefore, you will be provided a transmittal following that Committee meeting (and prior to the Board meeting) informing you of Committee action taken.

Thank you.



July 10, 2008

To: Transit Committee
From: Arthur T. Leahy, Chief Executive Officer
Subject: Amendment to Purchase Order for Natural Gas Service to the Santa Ana Base

Overview

In November 2005, the Board of Directors approved a purchase order with the Southern California Gas Company, in a not-to-exceed amount of \$2,700,000, for the extension of an underground natural gas line to the Santa Ana Base. The project has been completed by the Southern California Gas Company. The final project costs have exceeded the Southern California Gas Company's initial construction cost estimate and an amendment is required.

Recommendations

- A. Amend the Orange County Transportation Authority's Fiscal Year 2008-09 Budget by \$1,662,003 to allow encumbrance of the full cost for installation of an underground natural gas line to the Santa Ana Base.
- B. Authorize the Chief Executive Officer to execute Amendment No. 2 to Purchase Order No. 06-74392 between the Orange County Transportation Authority and the Southern California Gas Company, in the amount of \$1,321,918, for the installation of an underground natural gas line to the Santa Ana Base.

Background

To supply high-pressure natural gas to the Orange County Transportation Authority's (Authority) compressed natural gas (CNG) fueling station at the Santa Ana Base, an underground natural gas line was required to be upgraded and extended approximately 2.8 miles. The work was performed by a Southern California Gas Company (SCGC) contractor under the management of SCGC staff at an initial estimated construction cost of approximately \$4,800,000. It was determined by SCGC that the Authority was responsible for the gas line construction costs due to the size and complexity of the gas line

upgrade and extension. Based on anticipated gas usage, the Authority and SCGC agreed to a 50-50 cost-sharing arrangement for this installation.

On November 28, 2005, the Board of Directors approved a lease-to-own agreement with California Trillium Company for a CNG fueling station at the Santa Ana Base and authorized the Chief Executive Officer to execute a purchase order with SCGC, in an amount of \$2,700,000, for the Authority's share to the upgrade and extension of the underground natural gas line to the Santa Ana Base, which included the 50 percent share of \$2,400,000 plus \$300,000 contingency amount for construction change orders

Discussion

On December 10, 2005, the Authority issued Purchase Order No. 06-74392, in the amount of \$2,700,000, to SCGC to upgrade and extend the underground natural gas line to the Santa Ana Base. Amendment No. 1 revised the payment provisions in the purchase order. It has become necessary to amend the purchase order due to change orders that address out-of-scope construction work for unforeseen conditions. Amendment No. 2, in the amount of \$1,321,918, will increase the total purchase order amount to \$4,021,918 (Attachment A).

The natural gas pipeline construction work involved the upgrading of 8,500 lineal feet of gas pipe from a 8-inch to a 12-inch diameter pipeline and a 6,200 lineal feet extension of a new 10-inch diameter gas pipeline to the Santa Ana Base. Construction work was completed in January 2007. The SCGC reviewed all requests for out-of-scope work and associated costs submitted by SCGC's contractor during the past year to determine the final construction contract amount. A large portion of the additional construction cost is the result of unmarked sewer and electrical substructures on city maps that were located below the existing city streets and additional city requirements not in the contractor's original scope of work.

The Authority is currently installing CNG fueling facilities at the Anaheim, Garden Grove, and Irvine Sand Canyon bases. The SCGC recently determined that there will be no cost to the Authority to provide high-pressure natural gas service to these bases. These projects have been classified by SCGC as a "pressure betterment" due to the limited size of each project.

Fiscal Impact

In 2006, an initial payment in the amount of \$2,359,915 or 50 percent of the original project cost estimate was made to SCGC. The \$2,700,00 purchase order's remaining balance of \$340,085 must be re-authorized for expenditure in

fiscal year 2008-09. The additional work described in Amendment No. 2 to Purchase Order No. 06-74392 was not included in the Authority's Fiscal Year 2008-09 Budget. A budget amendment, in the amount of \$1,662,003 (\$1,321,918 + \$340,085), Development, Account 1722-9011-D3126-F30, is requested to fund the additional construction cost for installation of an underground natural gas line to the Santa Ana Base.

Summary

Staff recommends approval of Amendment No. 2, in the amount of \$1,321,918, to Purchase Order No. 06-74392 with the Southern California Gas Company to pay for additional costs to install a new natural gas line to the Santa Ana Base.

Attachment

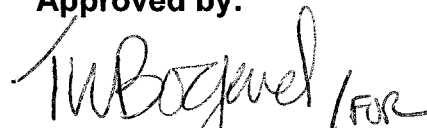
- A. Southern California Gas Company Purchase Order No. 06-74392 Fact Sheet

Prepared by:



James J. Kramer, P.E.
Principal Civil Engineer
(714) 560-5866

Approved by:



Kia Mortazavi
Executive Director, Development
(714) 560-5741

**Southern California Gas Company
Purchase Order No. 06-74392 Fact Sheet**

1. November 28, 2005, Purchase Order No. 06-74392, \$2,700,000, approved by Board of Directors.
 - Upgrade and extension of underground natural gas line to the Santa Ana Base.
2. March 28, 2008, Amendment No. 1 to Purchase Order No. 06-74392, \$0, approved by purchasing agent.
 - Revise payment provisions in purchase order from 30 days from date of invoice to 120 days from date of invoice.
3. June 23, 2008, Amendment No. 2 to Purchase Order No. 06-74392, \$1,321,918, pending approval by Board of Directors.
 - Construction change orders for upgrade and extension of underground natural gas line to the Santa Ana Base.

Total committed to the Southern California Gas Company after approval of Amendment No. 2 to Purchase Order No. 06-74392: \$4,021,918.



BOARD COMMITTEE TRANSMITTAL

July 14, 2008

To: Members of the Board of Directors
From: Wendy Knowles, Clerk of the Board ^{WK}
Subject: Report to Legislative Analyst's Office on the Garden Grove Freeway (State Route 22) Design-Build Project

Highways Committee

July 7, 2008

Present: Directors Amante, Cavecche, Dixon, Glaab, Green, Mansoor, Pringle, and Rosen
Absent: Director Norby

Committee Vote

This item was passed by all Committee Members present.

Committee Recommendation

Approve the report to Legislative Analyst's Office on the use of the design-build delivery approach on the Garden Grove Freeway (State Route 22) project and direct the Chief Executive Officer to transmit the report.

Committee Discussion

The Highways Committee suggested that special emphasis be added in the draft letter to the Legislative Analyst's Office regarding the following topics: value added to project by owner directed changes, flexibility of design-build to adapt to changes, public satisfaction with the accelerated schedule, awards given to the project by professional groups, and that the project cost amounts include all final construction claims.



July 7, 2008

To: Highways Committee
From: Arthur T. Leahy, Chief Executive Officer
Subject: Report to Legislative Analyst's Office on the Garden Grove Freeway (State Route 22) Design-Build Project

Overview

The Orange County Transportation Authority is required by Public Contracts Code, Section 20209, to prepare a report to the California Legislative Analyst's Office on the design-build approach used to construct the Garden Grove Freeway (State Route 22). This report is intended to serve as a comprehensive statement on the use of a design-build delivery approach on transit projects and to assess its future benefits.

Recommendation

Approve the report to Legislative Analyst's Office on the use of the design-build delivery approach on the Garden Grove Freeway (State Route 22) project and direct the Chief Executive Officer to transmit the report.

Background

The Orange County Transportation Authority (Authority) developed the Garden Grove Freeway (State Route 22) project using a design-build delivery approach. The essential element of this method is to include the final design of the project with the procurement of construction services. The intent of this delivery approach is to shorten the overall timeline of a project by advancing design and construction concurrently.

The Authority was authorized to use a design-build approach for the State Route 22 project under Public Contracts Code, Section 20209, which allows a transit operator to use design-build methods for its projects. One of the requirements of this code section is that the transit operator must prepare a report to the California Legislative Analyst's Office (LAO) on the project within 120 days of its completion. The State Route 22 project was completed and

turned over to the California Department of Transportation on May 16, 2008, and the LAO report is due by September 15, 2008.

On March 10, 2008, The Authority's Board of Directors (Board) directed staff to include a comprehensive analysis of the benefits of using design-build on the State Route 22 project and include this with the LAO report. The purpose of this analysis is to provide the Board with information to judge the best use of this delivery method for future projects. The Board asked staff to include a third-party consultant in the preparation of the comprehensive analysis to provide added perspective to the assessment of the use of design-build on the State Route 22 project.

Discussion

Staff engaged the consulting firm of Tom Warne and Associates to assist in the preparation of the comprehensive analysis and LAO report. Mr. Tom Warne has provided management consulting support to the Authority on the State Route 22 project in the past and is a recognized specialist in the use of design-build on highway and transit projects in the United States. In addition, Parsons Transportation Group, Inc., the project management consultant on the State Route 22 project, assisted in the preparation of the LAO report.

The LAO report is formatted to follow the requirements of the Public Contracts Code, Section 20209. This section of the code lists a series of issues that must be addressed in the final report. In addition, staff requested Mr. Tom Warne prepare a transmittal letter for the report to provide an analysis of the use of design-build on the project. A draft of the transmittal letter and LAO report are provided in attachments A and B.

Important Findings Included in the LAO Report:

The successful bidder on the State Route 22 design-build project was the joint venture of Granite-Meyers-Rados (GMR), who offered a bid of \$390,379,000 and a construction period of 800 days to substantial completion. The final engineer's estimate for the project was \$447,000,000, with 1,100 days to substantial completion. The bid provided by GMR was a substantial savings in cost and time over the engineer's estimate.

After award of the design-build contract, several changes were requested by the Authority to provide additional mainline and local street improvements to the project. One significant addition was the full reconstruction of the Magnolia Street bridge in Garden Grove. This occurred late in the construction process and caused the Authority to change the substantial completion

sequencing and extend the completion date by 151 days. Even with the various changes that occurred during construction and the addition of the new work elements, the substantial completion of the initial operating segment was accomplished in 810 days, and the remainder of the facilities were opened 141 days later, on schedule. The overall duration to substantial completion was 951 days (the original 800 days plus an extension of 151 days), which was well short of the original engineer's estimate of 1,100 days. The Authority believes it achieved its objective of accelerating construction of this critical facility by using design-build. A more traditional design-bid-build approach would have taken many months, if not years, longer to complete.

The final design-build cost for the project was \$488,538,000, which was a \$98,159,000 (25.1 percent) increase over the original bid amount. The majority of this increase was a result of the additional work requested by the Authority after the contract was awarded. These owner-requested changes were added to the design-build contract to provide enhanced project features at a cost that was less than if the changes were done after the project was finished. The value of the owner-requested changes was \$80,091,000 or 81.6 percent of the total amount of the increase in the design-build budget.

The remaining cost increase amount of \$18,068,000 was for contract change orders related to the original design-build scope of work. These change orders amounted to only 4.6 percent of the original bid amount, which compares favorably to a normal change order contingency amount of 5 percent for traditional construction projects. In summary, the changes in the cost of the State Route 22 project were:

	<u>Amount</u>	<u>Increase</u>
Original Bid Price	\$390,379,000	
Owner-Requested Scope Changes	80,091,000	20.5 percent
Contract Change Orders	18,068,000	4.6 percent
Final Price	<u>\$488,538,000</u>	<u>25.1 percent</u>

The draft LAO report also provides a number of observations about the design-build process on the State Route 22 project and gives suggestions to improve future projects. The conclusion of the report is that the design-build process was appropriate for the State Route 22 project, and resulted in a significant acceleration of the completion of design and construction. Design-build is a tool that was found to be useful by the Authority and should be considered for use on other projects.

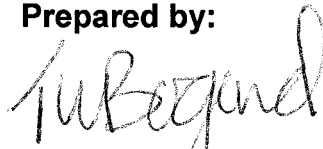
Summary

The Public Contracts Code requires the Authority to prepare a report on the State Route 22 design-build project after its final completion. A draft report and transmittal letter have been prepared by two consultants that summarizes the performance of the project and provides suggestions on how to improve the design-build process for future projects.

Attachments

- A. Draft Letter to the Legislative Analyst's Office
- B. State of California, Legislative Analyst's Office, Report on Transit Design-Build Contracts, May 30, 2008

Prepared by:



Tom Bogard, PE
Director, Highway Project Delivery
(714) 560-5918

Approved by:



Kia Mortazavi
Executive Director, Development
(714) 560-5741

**DRAFT LETTER TO THE
LEGISLATIVE ANALYST'S OFFICE**

ATTACHMENT A

June XX, 2008

Legislative Analyst's Office
925 L Street
Suite 1000
Sacramento, California 95814

Subject: Report on Transit Design-Build Contracts,
Public Contract Code Section 20209.12

In accordance with California Public Contract Code, Section 20209.12, the Orange County Transportation Authority (OCTA) is submitting the attached report on its use of design-build on the Garden Grove Freeway (State Route 22) project. The State Route 22 project was a significant transportation effort by any definition in the industry. It involved adding twelve miles of high-occupancy vehicle lanes in each direction, reconstructing thirty-four bridge structures, realigning ramps and crossroads, plus many other local street improvements. The application of design-build on this important Orange County project was found to be successful and contributed to the early completion of the design and construction elements of State Route 22.

Design-build is a project delivery methodology that has been successfully used by the private sector for many years. It has proven to be a valuable tool in constructing many significant facilities including sports venues, hotels and commercial properties. Since the early 1990s, this tool has been widely used by public agencies in a variety of applications including significant transportation projects. Those familiar with infrastructure projects in California and, more specifically in Orange County, also know that the Riverside Freeway (State Route 91) Express Lanes and the San Joaquin Hills (State Route 73) and the Foothill/Eastern (State Route 241 and State Route 261) transportation corridors were completed using the design-build approach. Additionally, other large transportation projects throughout the country have been built this way.

For many years transportation projects in California have been constructed using the more common design-bid-build approach. Using this method, an owner (typically the California Department of Transportation) completes the design of the facility and offers it to qualified contractors for bid; contractors would then tender bids and the lowest responsible and responsive bidder would

be awarded the contract. Conversely, under the design-build approach, an owner completes a preliminary design of a project and describes the final configuration and attributes of the desired facility. The owner then hires a design-build team, comprised of one or more contractors and one or more engineering design firms, who will complete the design and do the construction. The gains derived by an owner in the design-build approach include: more efficient design and construction coordination effort, accelerated construction, innovation and creativity in the engineering approaches to project elements, and more certainty regarding the final project cost. Study after study illustrates these benefits of the design-build approach to infrastructure delivery.

The OCTA and other agencies who have used design-build for their projects understand that the accelerated schedule aspects of this approach focus on the design and construction elements of the work and do not apply to the other steps necessary to complete a project. For example, virtually every project must go through extensive planning and environmental studies before beginning even the first engineering efforts. These steps are unaffected by the use of design-build and are often the reason that a project takes so long to go from concept to a completed facility.

State Route 22 Project Performance

The successful design-build team on the State Route 22 project was a joint venture of Granite-Meyers-Rados (GMR) who offered a bid of \$390,379,000, with a construction period of 800 days to substantial completion. The engineer's estimate for the project was \$447,000,000 with 1,100 days to substantial completion. The bid provided by GMR was a substantial savings in cost and time over the engineer's estimate.

After award of the design-build contract, several changes were requested by OCTA to provide additional mainline and local street improvements to the project. One of the significant additions was the full reconstruction of the Magnolia Street bridge in Garden Grove, which occurred late in the construction process and impacted the completion sequencing. Even with the various changes that occurred during construction, and the adding of new work elements, the substantial completion of the first operating segment was accomplished in 810 days, just ten days beyond the original estimate. The remainder of the facilities were completed in only 951 days, well short of the original engineer's estimate of 1,100 days. OCTA believes it achieved its

objective of accelerating construction of this critical facility by using design-build. The more traditional design-bid-build approach would have taken many months, if not years, longer to complete the same improvements.

The final design-build cost for the project was \$488,538,000, which was a \$98,159,000 (25.1 percent) increase over the original bid amount. The majority of this increase was a result of the additional work requested by OCTA after the contract was awarded. These owner-requested changes were added to the design-build contract to provide enhanced project features at a cost that was less than if they were done after the project was finished. The value of the owner-requested changes was \$80,091,000 or 81.6 percent of the total increased amount. The remaining amount of increase of \$18,068,000, which is 4.6 percent of the bid amount, was for contract change orders related to the original design-build scope of work. This amount compares favorably to a normal change order contingency amount for construction projects of 5 percent.

A cost summary of the State Route 22 project follows:

	<u>Amount</u>	<u>Increase</u>
Original bid price	\$390,379,000	
Owner-requested scope changes	80,091,000	20.5%
Contract change orders	<u>18,068,000</u>	<u>4.6%</u>
Final price	\$488,538,000	25.1%

Legislative Analyst's Office Report

The attached report to the Legislative Analyst's Office offers some important information and comments on the use of design-build which will guide OCTA in future decisions about whether to use design-build on other projects. While all of the points included in the attached report are important, several are deserving of mention here.

The relationships involved in doing a design-build project on a facility like State Route 22 are critical to the success of the effort. In this case, they were complex and added risk to all parties. The basic elements of these relationships are captured in a cooperative agreement where the duties and responsibilities of each party are articulated. In brief, OCTA provided a major part of the funding for the project and was responsible for the administration of the contract with the design-build team. The State of California also provided funding for the

project and the California Department of Transportation (Caltrans) served in an oversight role with the design-build team. It should always be remembered that Caltrans is the ultimate owner of the finished facility. As such, no matter how an agency like OCTA frames the design-build elements of their contract with the design-build team, the ultimate authority, and organization to please, is Caltrans. Future design-build projects should further refine the provisions of the cooperative agreement between OCTA and Caltrans so that technical and procedural requirements, and specific roles and responsibilities, are defined in greater detail.

Innovation in project delivery is an important aspect of design-build. Many examples in California and around the country show that the design-build team, comprised of both contractor and engineering resources, has come up with creative solutions in response to complex engineering issues. On the State Route 22 project, much of the possible innovation in design-build was unavailable to OCTA, or the design-build contracting team, due to Caltrans' strict adherence to its established standards and procedures. Absent any flexibility in accepting new ideas or approaches on the part of Caltrans, OCTA was unable to implement any real measure of creativity on the State Route 22 project. The same could be said about the incorporation of emerging technologies, materials and processes that are not customarily used in California.

Design-build projects are known for their ability to accelerate project schedules. In fact, studies of completed design-build projects reflect greater probability for on-time or early completion than the more traditional design-bid-build projects common in the state. As noted before, a design-build contract focuses on the element of time attributed to the actual design and construction portions of the work. In this case, the State Route 22 project was a resounding success having achieved substantial time savings in these areas over the more traditional design-bid-build approach. However, it must also be recognized that using the design-build process did nothing to mitigate more than ten years of planning and environmental work that led up to actual design and construction. Design-build does not accelerate or improve the planning and environmental processes that serve to delay many significant projects in the state.

In conclusion, the design-build process was appropriate for the State Route 22 project and accelerated the design and construction elements of that work. It is

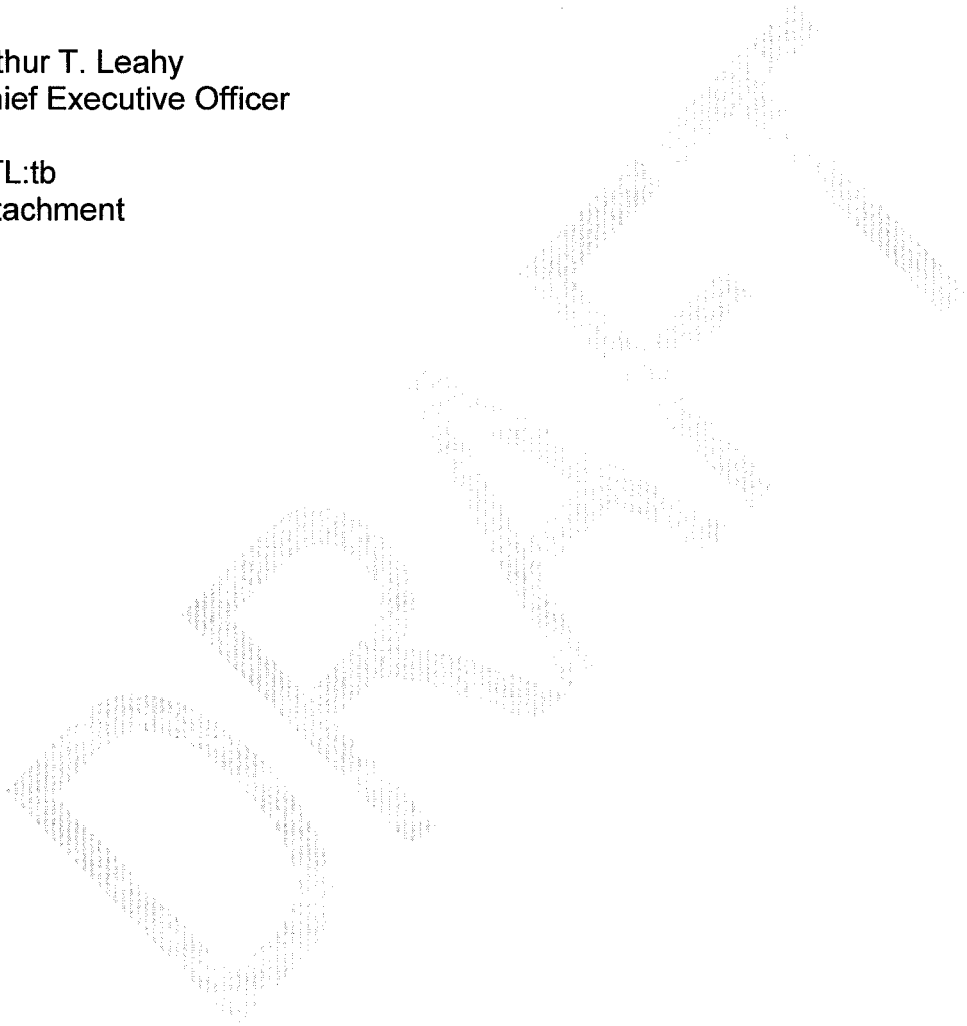
Legislative Analyst's Office
June xx, 2008
Page 5

a tool that OCTA found useful and an option that OCTA would like to retain for consideration on future projects.

Sincerely,

Arthur T. Leahy
Chief Executive Officer

ATL:tb
Attachment



State of California Legislative Analyst's Office

Report on Transit Design-Build Contracts

Pursuant to Public Contract Code
Section 20209.12

Submitted by

Orange County Transportation Authority

Prepared by:

**Parsons Transportation Group
and
Tom Warne and Associates**

May 30, 2008

Legislative Analyst's Office

Report on Transit Design-Build Contracts

Submitted by
Orange County Transportation Authority

May 30, 2008

Introduction

This report is intended to fulfill the requirements of Assembly Bill No. 958, Chapter 541, Article 6.8, Transit Design-Build Contracts, California Public Contract Code Section 20209.12.

The report provides findings and analysis for Orange County Transportation Authority (OCTA) Garden Grove Freeway project which was awarded in accordance with the provisions of Assembly Bill 958, Public Contract Code Section 20209 and Public Contract Code 20133.

(a) Type of Facility

The Garden Grove Freeway (State Route 22) is a 12-mile east-west transportation corridor in Orange County, California. This freeway corridor provides connections to all major north-south freeways, including, Interstate 405, Interstate 5, State Route 57, and State Route 55, and many major north-south arterial streets. The State Route 22 freeway is a vital link to residents, businesses, and visitors in central Orange County. No major improvements had been made to the corridor since it was built in the early 1960's when it was designed to handle only 115,000 cars per day. Currently, State Route 22 carries more than 200,000 cars daily and its volume is expected to reach 250,000 by 2020. State Route 22 was also the last remaining freeway in Orange County that did not have high occupancy vehicle (HOV) lanes. When the State Route 22 project was completed, it marked the completion of the region's HOV transportation network.

(b) Square Footage of Facility

The State Route 22 design-build project upgraded the existing six-lane freeway by adding twelve miles of HOV lanes in each direction between State Route 55 and Valley View Street, and by adding six miles of general-purpose lanes in each direction between I-5 and Beach Boulevard. In addition, new auxiliary lanes were constructed between on and off ramps throughout the corridor.

Other features of the project included improvements at the Interstate 5/22/57 interchange - known locally as the "Orange Crush", which was designated by the Guinness World Records as the most complicated interchange in the world. The project also added a complex set of braided ramps separating the southbound

State Route 57 connector and the City Drive westbound offramp on State Route 22.

The project included widening and reconfiguring existing ramps, constructing eleven new bridges, widening twenty-three existing bridges, seismic retrofitting existing bridges, new sound walls, new retaining walls, architectural treatment, landscaping, and drainage improvements. Also included in the project is a state-of-the-art Traffic Management System, linked to the California Department of Transportation (Caltrans) and the California Highway Patrol Traffic Management Center that monitors conditions on 400 miles of southern California freeways.

Project highlights:

- \$490 million design-build contract
- Largest design-build project on an operating freeway in California
- Largest highway project under construction in California, 2004 through 2008
- Accelerated project completion by one to two years by using the design-build delivery method
- Delivered the first operating segment in an unprecedented 810 days
- At peak, used 200 designers and 750 union laborers on the project daily
- Put in place \$500,000 worth of construction on a daily basis
- Worked over 3.6 million hours, with a recordable incidence rate (RIR) of only 4.4 and project days away from work rate (DAWR) of only 0.8. Both of these safety ratings are below the North American Industry Classification System ratings for the industry.
- Expanded freeway to accommodate 250,000 vehicles per day
- Constructed, widened, or replaced 35 bridges
- Put into place:
 - 12 miles of retaining walls
 - 32,000 loads of concrete
 - 20,000 loads of asphalt
 - 70,000 loads of imported fill
 - 7,000 foundation piles

(c) Company or Contractor Awarded Project

The successful design-build construction team was a joint venture of Granite-Meyers-Rados (GMR). The members of the joint venture are Granite Construction Company, Inc., Steve P. Rados, Inc., and CC Myers, Inc. The lead designer was URS Corp., the construction quality assurance group was Diaz-Yourman and Associates, who were both subcontractors to the construction joint venture.

(d) Estimated and Actual Length of Time to Complete the Project

The engineer's estimated construction duration to substantial completion was 1,100 calendar days. Following substantial completion, the project included three

other milestones - project completion, project acceptance and final acceptance. Project completion followed 90 days after substantial completion, project acceptance followed 120 days after project completion, and final acceptance follows after the three year plant establishment period. Due to additional work authorized by change order, a second substantial completion milestone was added, 151 days after the first substantial completion date.

Notice to Proceed was authorized September 22, 2004. The first substantial completion was achieved on December 9, 2006 (810 calendar days). The second substantial completion was achieved on April 30, 2007. All lanes of traffic were open for public use east of Magnolia at the first substantial completion date and all remaining lanes were open to the public at the second substantial completion date. Project completion occurred on September 26, 2007. Project acceptance occurred on May 16, 2008. The three year landscape maintenance plant establishment period will be completed on February 10, 2011. Final acceptance will occur immediately following completion of the plant establishment period.

(e) Findings Established Pursuant to Section 20133 of the Public Contract Code

There are no additional findings established pursuant to Section 20133 of the Public Contract Code than those noted herein.

(f) Labor Code Violations, Fines or Penalties

No significant labor code violations were found during the life of the project. The following table summarizes minor prevailing wage issues that were identified.

Date	Contractor	Issue & Resolution
April 2006	GMR	Five employees were paid at apprentice rate without proper apprentice registration. This resulted in an underpayment of \$2,808.20. <i>Resolution: Restitution payments were made to each effected employee on May 13, 2006.</i>
January 2007	Little House Rental	Did not pay overtime wage rate to six employees after eight hours in a single day. This resulted in an underpayment of \$966.53. <i>Resolution: Restitution payments were made to each effected employee on January 31, 2007.</i>

(g) Estimated and Actual Project Costs

The final engineer’s cost estimate for the project was \$447,000,000. The bid price of the selected design-build contractor was \$390,379,000 or 12.7% below the engineer’s cost estimate.

The final design-build cost for the project was \$488,538,000. The majority of the increase in the final cost was a result of the addition of work requested by the OCTA after the contract was awarded. These owner-requested changes were added to provide additional benefits to the project at a cost that was less than if they were done after the project was finished. The items added included such things as: increased seismic design requirements, addition of a new mainline bridge, addition of local street and ramp improvements, addition of rubberized asphalt paving, addition of landscape and aesthetics features, and the addition of new sound walls. OCTA approved additional funds to accelerate the finishing of these additional features to avoid impacting the overall completion date of the project. A summary of the adjustments made to the original bid price were:

	<u>Amount</u>	<u>Increase</u>
Original bid price	\$390,379,000	
Owner-requested scope changes	54,441,000	13.9%
Acceleration costs for scope changes	25,650,000	6.6%
Contract change orders	<u>18,068,000</u>	<u>4.6%</u>
Final price	\$488,538,000	25.1%

The actual cost of contract change orders related to the design-build contractor’s original scope of work was only 4.6%. This amount compares favorably to the normal change order contingency amount for construction projects of 5%.

(h) Written Protests Concerning the Bid

There were no written protests concerning any aspect of the solicitation, bid, proposal, or award of the design-build project.

(i) Pre-Qualification Process

In accordance with the provisions of AB 958 / Public Contract Code Section 20209, OCTA established a design-build team pre-qualification process. Five design-build teams responded to OCTA’s Request for Qualifications documents issued in August 2002. After evaluation of the submitted Statements of Qualifications from the design-build teams, all five teams were deemed to be qualified. Delays in bidding resulted from the belated approval of the environmental document and funding shortfalls. This necessitated restructuring the scope of the project. Because of the delay and the scope restructuring, the five design-build teams were allowed to revise their team make-up and submit revised Statements of Qualifications. Four of the design-build teams responded

and after review, all four teams were determined to be qualified. The pre-qualification process was successful in assessing the qualification of potential bidders and in identifying four well qualified design-build teams for the project.

(j) Impact of Retaining Five Percent Retention

The OCTA retained five percent retention from each progress invoice for the project. This amount was placed in a secure account and the interest from the retained amount was paid to the contractor. No significant effect was observed related to the requirement to retain five percent from the contractor's invoices. The contractor did not experience any difficulties with his major subcontractors resulting from the five percent retention requirement that was passed down to the contractors.

Following the first substantial completion milestone, the contractor requested release of one-half of the then current retention amount. The release of this amount was granted as part of the change order that split substantial completion into two milestones. The remaining retention amount was released at completion, per the terms of the contract and California contracting codes.

(k) Labor Force Compliance Program

Section 20209.07 (c) of the Public Contract Code requires agencies instituting a design-build project to "establish and enforce" a Labor Compliance Program (LCP) containing the requirements outlined in Section 1771.5 of the California Labor Code. However, this requirement does not "apply to projects where the county or the design-build entity has entered into any collective bargaining agreement or agreements that bind all of the contractors performing work on the projects." Since the design-build entity, GMR, entered into a Project Labor Agreement (PLA) that binds all contractors performing work on the Project, OCTA was not required to establish or enforce an LCP in conformance with California Labor Code Section 1771.5. To ensure GMR met prevailing wage requirements, OCTA instituted a program to monitor and enforce compliance with state and federal prevailing wage requirements on the project. This program included collection and review of contractor/subcontractor weekly certified payroll records, employee field interviews, site inspections, and audits.

(l) Method Used to Award the Contract

The contract was awarded on a best-value basis to the bidder that was found to be "most advantageous" to OCTA. Best value was determined by the following formula:

$$A_p = \frac{A + 2B}{C}$$

Where:

- A_p = adjusted price
- A = bid price
- B = dollar value of the proposed days-to-completion
- C = technical score technical and management proposals

The bidder with the lowest adjusted price, A_p , would be deemed the most advantageous bidder. The time factor, B, was calculated from the number of days proposed by the bidders to reach the substantial completions milestone multiplied by a \$50,000 per day time-value factor to arrive at this value. The technical score factor, C, was assessed by an evaluation team of more than 70 specialized experts from OCTA, Caltrans, the Federal Highways Administration, the adjoining cities, and selected technical specialists who scored the technical and management proposal to determine the technical score for each design-build team.

Of the four pre-qualified bidders, only two bidders submitted proposals. The two bids were higher than expected, and OCTA made changes to the contract requirements to lower the cost. OCTA then requested a Best and Final Offer (BAFO) proposal from the two design-build teams.

Opening of the sealed bid prices determined the values for A and B in the formula above, and when combined with the technical score, the bidder with the lowest A_p was determined and recommended for contract award. The OCTA Board of Directors approved the award to the “most advantageous” bidder, the joint venture of GMR.

The table below summarizes the results of the adjusted price ranking of the two bidders.

Bidder	Days to Substantial Completion	Technical Score Value	Adjusted Price
A	800	0.879	\$537,338,960
B	995	0.874	\$1,122,161,356

(m) Skilled Labor Force Availability

Per Section 20133 (v) of the Public Contract Code, “Skilled labor force availability” shall be determined by the existence of an agreement with a registered apprenticeship program, approved by the California Apprenticeship Council. GMR and its subcontractors are signatory to the following unions: Carpenters, Cement Masons, Chainmen (Field Surveyors), Electricians, Ironworkers, Laborers, Landscape Laborers, Operating Engineers, Pavement Stripers, and Teamsters. GMR and its subcontractors have agreements with each of these trades’ apprenticeship programs, which have been approved by

the California Apprenticeship Council, with the exception of Teamsters. The Teamsters do not have apprentice classifications. The result was that 646 apprentices from ten different trades were trained as part of the project in the following classifications:

<u>Trade</u>	<u>Number of Apprentices</u>
Carpenters	193
Cement Masons	30
Chainmen (Field Surveyors)	8
Construction Inspectors	4
Electricians	49
Ironworkers	94
Laborers	151
Landscape Laborers	40
Operating Engineers	73
Pavement Stripers	<u>4</u>
Total	646

(n) Design-Build Dollar Limits on Transit Projects

There were no candidate transit projects impacted by design-build dollar limits.

(o) Most Appropriate Uses for the Design-Build Approach

An assessment of the use of design-build on the State Route 22 project is presented below. These observations can be used to better formulate and manage future design-build projects in California.

Formal/Contractual Relationships - Four important relationships existed on the State Route 22 project. First, OCTA and Caltrans entered into a cooperative agreement that defined their relationship and respective roles and responsibilities. OCTA retained the services of Parsons Transportation Group as a project management consultant (PMC) to assist them in administering their contract with the design-build contractor. On typical highway projects in California, Caltrans functions as the owner for the contract and works directly with the designers and contractors to complete a project. On this project, the design-build relationship was between OCTA and GMR, with PMC providing staff and management assistance for OCTA. This multi-party relationship resulted in additional complexities in terms of administering the design-build contract. Caltrans had approval authority over the work of the contractor, even though they were not a party to the design-build contract. Simplification of these roles or

clearer delineation of responsibilities between Caltrans and the lead agency would enhance the use of design-build in the future.

Project Partnering - The common practice of project partnering was used on the State Route 22 project and is credited with improving relationships, enhancing communications and generally assisting the various entities in working more effectively together. Regular partnering meetings held at the project and executive levels brought the various representatives together in a process that allowed them to effectively resolve issues and address impediments to the project.

Design and Construction Innovations - Design-build is a process that creates an environment for innovation, creativity and opportunities for the introduction of emerging or updated standards and procedures. It is a marriage of the best attributes of the engineering designer with those of qualified and experienced contractors. Most design-build projects in the country are known for their new and different approaches to achieving the desired project outcomes. One of the observations about design-build on the State Route 22 project is that many of the ideas that came from the design-build team were not given favorable consideration by the responsible approving authority, Caltrans. This situation is not anticipated to change in the near future. That being the case, the value received by an owner through innovation by using design-build is limited if there is no consideration for new ideas or the application of standards or specifications that are not currently in use in California.

Appropriate Personnel - Not surprising is the fact that specific people assigned by the respective organizations to the State Route 22 project were critical to the success of the project. Individuals at Caltrans who assisted OCTA and facilitated decisions and approvals were noteworthy. Others representing OCTA, the PMC and GMR were equally important. A design-build project moves at a pace, and under circumstances that require individuals with exceptional technical skills, a high degree of professionalism, and a commitment to the concept of design-build and the success of the project. Staff from all organizations should be selected with care to ensure effective application of the design-build approach.

Approval Authority - Issues with approving authority existed in all organizations on this project. Decisions regarding changes to mandatory standards at Caltrans could not be approved in the local district office, adding to the time needed for critical approvals in Sacramento. Contract change authority at OCTA was limited to \$150,000 at the CEO level, with larger changes requiring OCTA Board approval. It is clear that more delegation of authority to local officials in Caltrans and OCTA staff would facilitate more expeditious decision-making on contract administration issues.

Technical Provisions - The cooperative agreement between Caltrans and OCTA required the design-build team to comply with the state's design criteria and

standards. Caltrans' design criteria and standards were written with a design-bid-build approach to contracting in mind. Applying these same standards to the design-build process is cumbersome and inefficient. Caltrans and OCTA should address some mechanism for "bridging" between the design-build process and standard technical provisions used on traditional projects prior to using design-build again. Changes to the Local Assistance Manual reflecting the design-build approach would be a major step forward.

Co-location of Project Staff - The co-location of project staff into a single project office by Caltrans, OCTA, PMC and GMR served a useful purpose and facilitated more effective communications and coordination between the organizations. This should be a mandatory requirement on future design-build projects. One particular benefit of co-location was the continuous engineering reviews performed on plans prepared by the design-build team by the PMC and Caltrans.

Project Selection - Design-build is not an approach to be used on just any transportation project. Owners using design-build should consider its application on projects with well-defined design characteristics and outcomes, where there is less risk of unforeseen contract conditions, and where there are few unresolved contractual issues or features. Future design-build projects should be objectively assessed against a specified criteria that will allow OCTA or any other public agency to make an informed and appropriate decision. Some of the factors that should be considered when selecting the most appropriate use of design-build are:

- Measurable benefit to the local community and traveling public from an accelerated project completion
- Approved environmental clearance with identified mitigation measures
- Well defined right-of-way and utility relocation requirements
- Well defined scope of required project facilities
- Broadly defined project performance requirements that can allow the contractor latitude in providing the best value to the owner
- Flexible approving authority that will allow contractors reasonable latitude in the methods used to meet project requirements
- Clearly defined and complementary roles for each public agency involved in the project

Time Savings - Design-build projects are often known for their ability to finish ahead of schedule. In fact, studies of completed design-build projects reflect greater probability for on-time or early completion than the more traditional design-bid-build projects common in the state. A design-build contract focuses on the element of time attributed to the actual design and construction portions of the work. In this case the State Route 22 Project was a resounding success having achieved substantial time savings in these areas over the more traditional design-bid-build approach. However, it must also be recognized that using the

design-build process did nothing to mitigate over ten years of planning and environmental work that led up to actual design and construction.

Public Outreach - The State Route 22 project was constructed in an urbanized area of Orange County and required substantial public outreach efforts. OCTA hired a special public outreach consultant to support the construction efforts on the project. The public outreach consultant coordinated scores of community meetings, issued hundreds of construction alerts, and fielded thousands of inquiries from the public. In addition, the design-build contractor was required to provide input and support to the public outreach team to coordinate outreach efforts and to provide timely public information about the project. Involving the design-build team in the public outreach efforts creates a greater sense of ownership by the team in addressing concerns expressed by those living and working around the project.

(p) Design-Build Authority Not Used

The State Route 22 project was the only project eligible under this legislation.



BOARD COMMITTEE TRANSMITTAL

July 14, 2008

To: Members of the Board of Directors
From: ^{WK} Wendy Knowles, Clerk of the Board
Subject: Design of Gateway Monument Sign for the Santa Ana Freeway (Interstate 5) Gateway Project

Highways Committee

July 7, 2008

Present: Directors Amante, Cavecche, Dixon, Glaab, Green, Mansoor, Pringle, and Rosen
Absent: Director Norby

Committee Vote

This item was passed by the Committee Members present.

Directors Green, Mansoor, and Rosen voted in opposition.

Committee Recommendation (Reflects change from staff recommendation)

Select the original design concept for the Santa Ana Freeway (Interstate 5) gateway sign with no "Welcome to" language.



July 7, 2008

To: Highways Committee
From: ^{APL/RET} Arthur T. Leahy, Chief Executive Officer
Subject: Design of Gateway Monument Sign for the Santa Ana Freeway (Interstate 5) Gateway Project

Overview

On June 9, 2008, the Orange County Transportation Authority Board of Directors asked staff to investigate the possibility of adding the term "Welcome to" on the Santa Ana Freeway (Interstate 5) gateway sign. Three final design options for the sign are presented for Board of Directors' consideration.

Recommendation

Select the preferred design concept for the Santa Ana Freeway (Interstate 5) gateway sign.

Background

On August 14, 2006, the Orange County Transportation Authority (Authority) Board of Directors (Board) directed staff to develop an Orange County gateway sign at the Orange County - Los Angeles County line located along the Santa Ana Freeway (Interstate 5). This sign is being installed as part of the California Department of Transportation (Caltrans) Gateway Monument Demonstration Program, which required conceptual designs be submitted by December 2006, and construction be completed by December 31, 2008.

On November 27, 2007, the Board reviewed and approved the design of a sign for the Gateway Monument Demonstration Program. The Board also approved using the current contractor for the Interstate 5 Gateway Project to construct the sign at the Artesia Boulevard interchange within the Caltrans right-of-way. The conceptual design was submitted to Caltrans in December 2006 and was approved as part of the demonstration program.

Discussion

On June 9, 2008, the Board requested staff to investigate whether "Welcome to" language could be added to the Orange County gateway sign structure. Staff has discussed adding "Welcome to" to the sign with Caltrans and the concept was approved. Staff requested the sign designer provide two options to the current concept sign, which incorporate the "Welcome to" language. Board approval of the final sign design concept is requested. The choices are to keep the current design or to add the "Welcome to" language as shown in Option No. 1 or Option No. 2 (Attachment A, Attachment B, Attachment C).

Once the Orange County gateway sign design is finalized, Caltrans will negotiate a change order with the contractor to build the sign and perform maintenance until fall 2010. Construction is expected to begin in fall 2008 and be completed this winter.

The engineer's estimate for construction of the Orange County gateway sign is projected not to exceed \$160,000. Caltrans' Gateway Monument Demonstration Program requires the Authority to be responsible for construction and maintenance of the sign. The annual maintenance cost is estimated to be about \$16,000, which includes sign lighting costs of \$500 to \$1,000 per year and at least 150 hours per year for workers to remove graffiti. Due to third-party access restrictions during construction, the gateway sign area would be available for inclusion in the "Adopt-a-Highway" program only after the Interstate 5 Gateway freeway widening contract is completed in fall 2010.

Summary

Staff is requesting Board approval of the final design concept for the Interstate 5 gateway sign. The final selection is required at this time to complete construction of the sign by the end of 2008.

Attachments

- A. Approved Gateway Sign Design Concept
- B. Design Option No. 1
- C. Design Option No. 2

Prepared by:

Charles Guess

Charles Guess, P.E.
Program Manager
(714) 560-5775

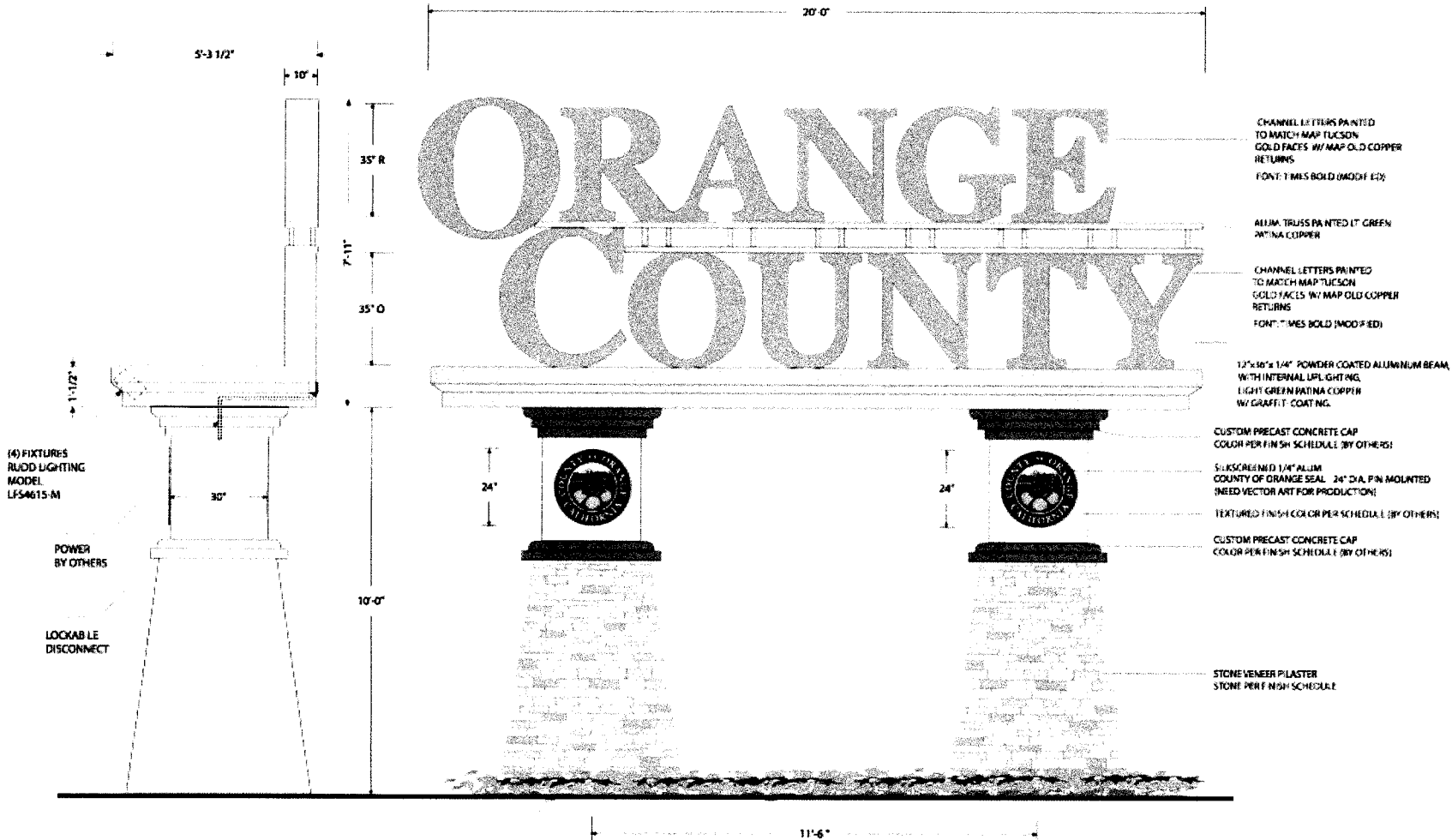
Approved by:

Kia Mortazavi for

Kia Mortazavi
Executive Director, Development
(714) 560-5741


APPROVED GATEWAY SIGN DESIGN CONCEPT

MODEL #: OCGTWY A1.1

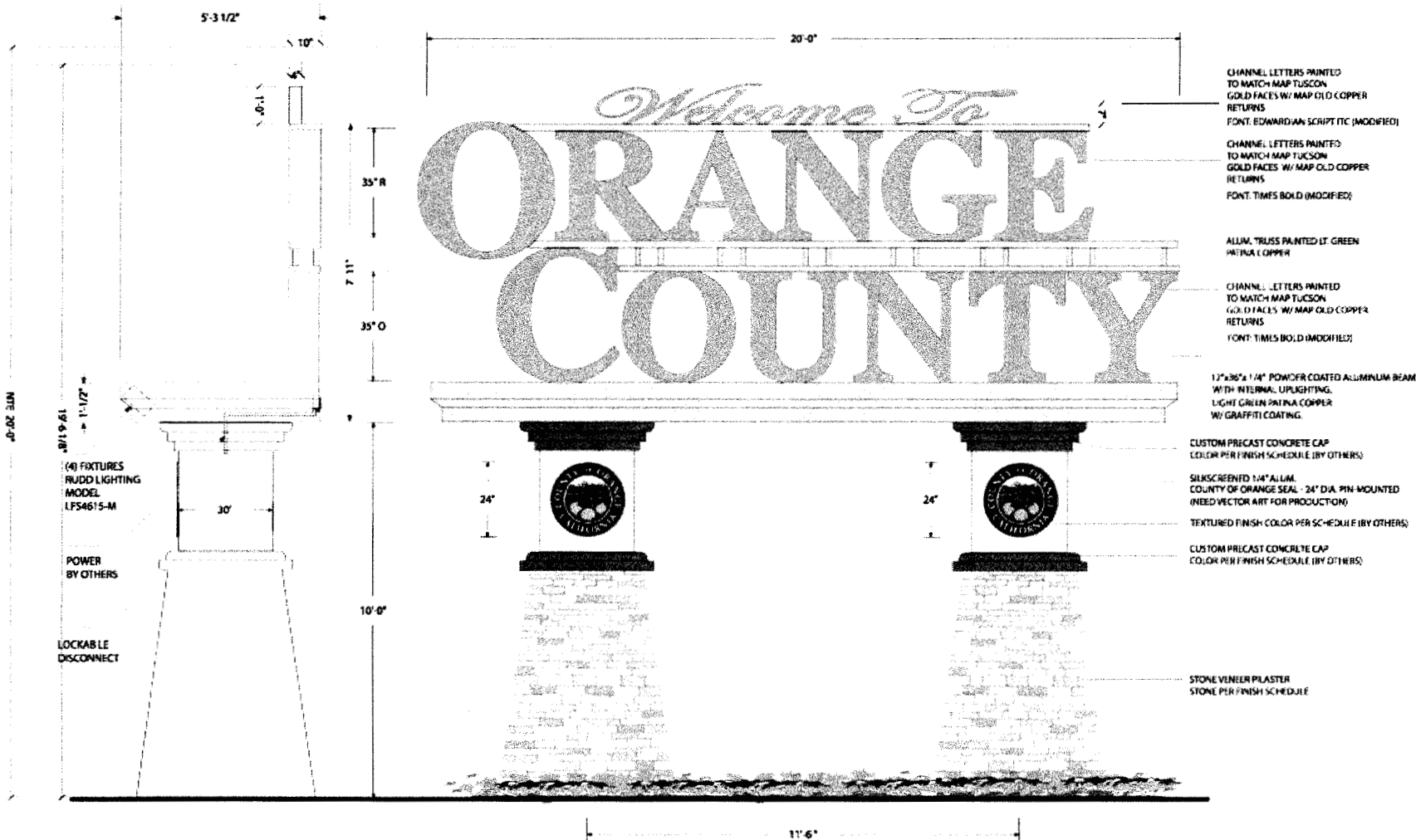


- CHANNEL LETTERS PAINTED TO MATCH MAP TLESON GOLD FACES W/ MAP OLD COPPER RETURNS
FONT: TIMES BOLD (MODIFIED)
- ALUM. TRUSS PAINTED LT. GREEN WITH A COPPER
- CHANNEL LETTERS PAINTED TO MATCH MAP TLESON GOLD FACES W/ MAP OLD COPPER RETURNS
FONT: TIMES BOLD (MODIFIED)
- 12" x 16" x 1/4" POWDER COATED ALUMINUM BEAM WITH INTERNAL LIGHTING LIGHT GREEN PATINA COPPER W/ GRAFFITI COATING.
- CUSTOM PRECAST CONCRETE CAP COLOR PER FINISH SCHEDULE (BY OTHERS)
- 5/8" SCREENED 1/4" ALUM. COUNTY OF ORANGE SEAL - 24" DIA. FIN. MOUNTED (NEED VECTOR ART FOR PRODUCTION)
- TEXTURED FINISH COLOR PER SCHEDULE (BY OTHERS)
- CUSTOM PRECAST CONCRETE CAP COLOR PER FINISH SCHEDULE (BY OTHERS)
- STONE VENEER PILLASTER
STONE PER FINISH SCHEDULE

S/F ORANGE COUNTY GATEWAY MONUMENT SIGN

PROJECT:	
OC GATEWAY	A-6
CLIENT:	
OC TA	
SALES REP:	
T.M	
DESIGNER:	
CLIENT / D.R./ J.W.	
DATE: 12/27/07 PREVIOUS	4
REVISIONS:	
REVISIONS	DATE
1/3/08 J.W.	.75
2/5/08 J.W.	.25
3/3/08 J.W.	.25
4/29/08 J.W.	.25
4/30/08 J.W.	.75
5/28/08 DR	.25
SCALE: 1/8" = 1'	
CLIENT APPROVAL:	
PLEASE CHECK BOX	
<input type="checkbox"/> AS SHOWN	
<input type="checkbox"/> BY TV CHANGES	
CLIENT SIGNATURE: _____ DATE: _____	
YOUR SIGNATURE ACKNOWLEDGES FULL APPROVAL OF DESIGN LAYOUT AND CONTENT, RELEASING OUTDOOR DIMENSIONS FROM RESPONSIBILITY IN REGARD TO UNCORRECT DESIGN AND INFORMATION. THE COLORS SHOWN ARE ONLY REPRESENTATIVE OF ACTUAL PMS COLOR CHART. FINAL COLORS WILL BE MATCHED AS CLOSE AS POSSIBLE, DUE TO MATERIALS USED.	
DESIGNS ARE THE PROPERTY OF OUTDOOR DIMENSIONS. NOT TO BE REPRODUCED OR COPIED WITHOUT PERMISSION.	
 OUTDOOR DIMENSIONS 5225 E. HUNTER AVENUE FOUNTAIN HILLS, CA 92707 714-674-0255 FAX: 714-683-0570	

DESIGN OPTION NO. 1



S/F ORANGE COUNTY GATEWAY MONUMENT SIGN

PROJECT:
OC GATEWAY

CLIENT:
OCTA

SALES REP:
T.M.

DESIGNER:
CLIENT / D.R./ J.W.

DATE: 12/27/07 PREVIOUS 4

REVISIONS (DATE):

1/3/08 J.W.	25
2/5/08 J.W.	275
2/20/08 J.W.	5
3/3/08 J.W.	25
4/29/08 J.W.	25
4/30/08 J.W.	35
5/28/08 DR	25
6/7/08 DR	25
6/7/08 DR	25

SCALE: 3/8" = 1'
SHEET 02/03

CLIENT APPROVAL:

AS SHOWN
 WITH CHANGES

CLIENT SIGNATURE: _____ DATE: _____

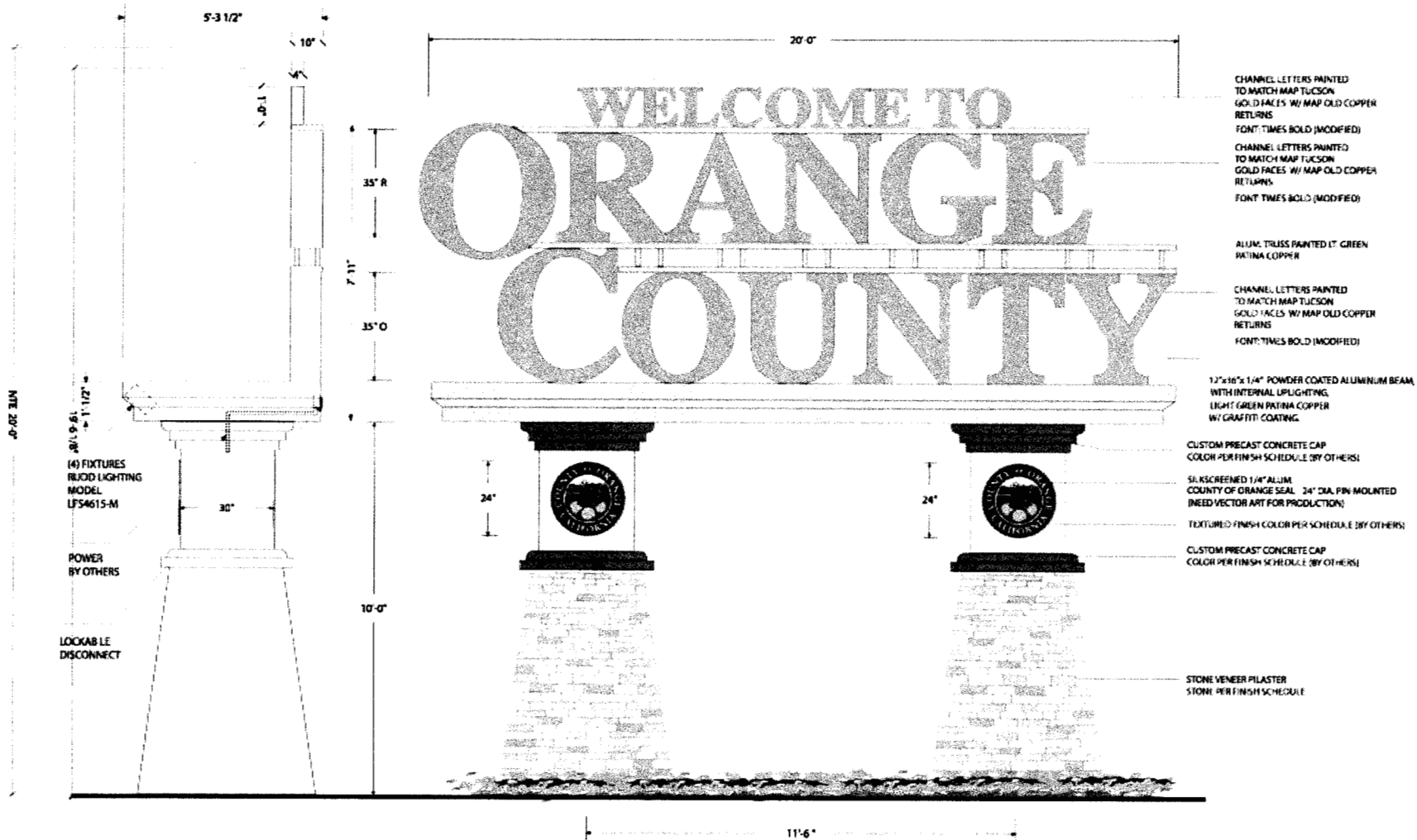
YOUR SIGNATURE ACKNOWLEDGES FULL APPROVAL OF DESIGN LAYOUT AND CONTENT, RELIEVING OUTDOOR DIMENSIONS FROM RESPONSIBILITY IN REGARD TO INCOMPLETE DESIGN AND INFORMATION. THE COLORS SHOWN ARE ONLY REPRESENTATIVE OF ACTUAL PMS COLORS. CALL OUTS FINAL COLORS WILL BE MATCHED AS CLOSE AS POSSIBLE, DUE TO MATERIALS USED.

DESIGNER AND THE MAINTENANCE OF DIMENSIONS ARE THE RESPONSIBILITY OF THE CLIENT.

OUTDOOR DIMENSIONS

6325 E. HUNTER AVENUE
ANAHEIM, CA. 92807
714-978-0940 FAX: 714-953-9078

DESIGN OPTION NO. 2



CHANNEL LETTERS PAINTED TO MATCH MAP TUCSON GOLD FACES W/ MAP OLD COPPER RETURNS
 FONT: TIMES BOLD (MODIFIED)

CHANNEL LETTERS PAINTED TO MATCH MAP TUCSON GOLD FACES W/ MAP OLD COPPER RETURNS
 FONT: TIMES BOLD (MODIFIED)

ALUM. TRUSS PAINTED LT. GREEN PATINA COPPER

CHANNEL LETTERS PAINTED TO MATCH MAP TUCSON GOLD FACES W/ MAP OLD COPPER RETURNS
 FONT: TIMES BOLD (MODIFIED)

1 1/2" x 1/2" x 1/4" POWDER COATED ALUMINUM BEAM WITH INTERNAL UP LIGHTING LIGHT GREEN PATINA COPPER W/ GRAFT COATING

CUSTOM PRECAST CONCRETE CAP COLOR PER FINISH SCHEDULE (BY OTHERS)

5/8" MESH 1/4" ALUM. COUNTY OF ORANGE SEAL 24" DIA. PIN MOUNTED (NEED VECTOR ART FOR PRODUCTION)

TEXTURED FINISH COLOR PER SCHEDULE (BY OTHERS)

CUSTOM PRECAST CONCRETE CAP COLOR PER FINISH SCHEDULE (BY OTHERS)

STONE VENEER PILASTER STONE PER FINISH SCHEDULE

S/F ORANGE COUNTY GATEWAY MONUMENT SIGN

PROJECT:
 OC GATEWAY D-1

CLIENT:
 OCTA

SALES REP.:
 T.M.

DESIGNER:
 CLIENT / D.R. / J.W.

DATE: 12/27/07 **PREVIOUS:** 4

REVISIONS (DATE):

1/5/08 J.W.	25
2/5/08 J.W.	2, 25
2/20/08 J.W.	5
3/5/08 J.W.	25
4/29/08 J.W.	25
4/30/08 J.W.	75
5/28/08 DR	25
6/10/08 DR	25
6/11/08 DR	25

SCALE: 1/8" = 1'
 SHIP DWG:

CLIENT APPROVAL:

PLANS CHECK AND:

AS SHOWN

WITH CHANGES

CLIENT SIGNATURE: _____ **DATE:** _____

YOUR SIGNATURE ACKNOWLEDGES FULL APPROVAL OF DESIGN LAYOUT AND CONTENT, RELINQUISHING OUTDOOR DIMENSIONS FROM RESPONSIBILITY IN REGARD TO INCORRECT DESIGN AND INFORMATION. THE COLORS SHOWN ARE ONLY REPRESENTATIVE OF ACTUAL PMS COLOR. CALL OUTS, FINAL COLOR WILL BE MATCHED AS CLOSE AS POSSIBLE, DUE TO MATERIALS USED.

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OUTDOOR DIMENSIONS

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 ANAHEIM, CA 92807
 714-578-9055 FAX: 714-893-9578