

AMENDED IN ASSEMBLY MARCH 28, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2036

Introduced by Assembly Member Mansoor

February 20, 2014

An act to ~~amend~~ *add Chapter 9 (commencing with Section 91.2 of 31495) to Division 17 of the Streets and Highways Code, relating to transportation.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2036, as amended, Mansoor. ~~Department of Transportation: construction inspection services.~~ *Toll facilities.*

Existing law authorizes certain toll facilities on public highways.

This bill would authorize a toll facility to be initially implemented on a public highway only if the toll facility is approved by a $\frac{2}{3}$ vote of the electorate in the area served by the toll facility, and would define "area," "public highway," and "toll facility" for these purposes.

~~Existing law, until January 1, 2024, requires the Department of Transportation to perform construction inspection services for certain design-build projects on or interfacing with the state highway system and to retain the authority to stop the contractor's operation wholly or in part and take appropriate action when public safety and convenience are jeopardized on those projects.~~

~~This bill would make nonsubstantive changes to these provisions.~~

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

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

1 SECTION 1. Chapter 9 (commencing with Section 31495) is
2 added to Division 17 of the Streets and Highways Code, to read:

3
4 CHAPTER 9. TOLL FACILITIES
5

6 31495. (a) Notwithstanding any other provision of this division,
7 Article 3 (commencing with Section 90) of Chapter 1 of Division
8 1, or any other law, a toll facility may be initially implemented on
9 a public highway only if the toll facility is approved by a two-thirds
10 vote of the electorate in the area served by the toll facility. Nothing
11 in this section prohibits the charging for parking associated with
12 a public highway or the charging of park entrance or other park
13 user charges.

14 (b) "Area" means the region within five miles of the toll facility.

15 (c) "Public highway" means a state or local agency highway,
16 road, or street and includes a bridge.

17 (d) "Toll facility" means a toll road, toll bridge, toll lane, or
18 any other facility on a public highway for which a toll is to be
19 charged, and includes the entire length of the portion of the public
20 highway that is subject to the toll. "Toll facility" includes a
21 high-occupancy toll lane.

22 SECTION 1. ~~Section 91.2 of the Streets and Highways Code~~
23 ~~is amended to read:~~

24 ~~91.2. (a) The department shall perform construction inspection~~
25 ~~services for projects on or interfacing with the state highway system~~
26 ~~authorized pursuant to Chapter 6.5 (commencing with Section~~
27 ~~6820) of Part 1 of Division 2 of the Public Contract Code. The~~
28 ~~department shall use department employees or consultants under~~
29 ~~contract with the department to perform the services described in~~
30 ~~this subdivision and subdivision (b), consistent with Article XXII~~
31 ~~of the California Constitution. Construction inspection services~~
32 ~~performed by the department for those projects include, but are~~
33 ~~not limited to, material source testing, certification testing,~~
34 ~~surveying, monitoring of environmental compliance, independent~~
35 ~~quality control testing and inspection, and quality assurance audits.~~
36 ~~The construction inspection duties and responsibilities of the~~
37 ~~department shall include a direct reporting relationship between~~
38 ~~the inspectors and senior department engineers responsible for all~~

1 inspectors and construction inspection services. The senior
2 department engineer responsible for construction inspection
3 services shall be responsible for the acceptance or rejection of the
4 work.

5 (b) Notwithstanding any other law, the department shall retain
6 the authority to stop the contractor's operation wholly or in part
7 and take appropriate action when public safety is jeopardized on
8 a project on or interfacing with the state highway system authorized
9 pursuant to Chapter 6.5 (commencing with Section 6820) of Part
10 1 of Division 2 of the Public Contract Code. The department shall
11 ensure that public safety and convenience are maintained whenever
12 work is performed under an encroachment permit within the state
13 highway right-of-way, including, but not limited to, work
14 performed that includes lane closures, signing, work performed at
15 night, detours, dust control, temporary pavement quality, crash
16 cushions, temporary railings, pavement transitions, falsework,
17 shoring, and delineation. The department shall regularly inspect
18 the job sites for safety compliance and any possible deficiencies.
19 If a deficiency is observed, a written notice shall be sent by the
20 department to the regional transportation agency's designated
21 resident engineer to correct the deficiency. Once the deficiency is
22 corrected, a written notice describing the resolution of the
23 deficiency shall be sent to the department and documented.

24 (c) The department shall use department employees or
25 consultants under contract with the department to perform the
26 services described in subdivisions (a) and (b), consistent with
27 Article XXII of the California Constitution. Department employee
28 and consultant resources necessary for the performance of those
29 services, including personnel requirements, shall be included in
30 the department's capital outlay support program for workload
31 purposes in the annual Budget Act.

32 (d) "Construction inspection services" shall not include
33 surveying work performed as part of a design-build contract.

34 (e) This section shall remain in effect only until January 1, 2024,
35 and as of that date is repealed, unless a later enacted statute, that
36 is enacted before January 1, 2024, deletes or extends that date.

37 (f) If any provision or application of this section is held invalid
38 by a court of competent jurisdiction, the department shall post on
39 its Internet Web site within 10 business days of the decision of
40 invalidity that this section has been held invalid.

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