

AMENDED IN ASSEMBLY AUGUST 8, 2013

AMENDED IN ASSEMBLY JULY 3, 2013

AMENDED IN ASSEMBLY JUNE 24, 2013

AMENDED IN ASSEMBLY JUNE 11, 2013

**SENATE BILL**

**No. 110**

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**Introduced by Senator DeSaulnier**

(Coauthors: Assembly Members Ammiano and Gordon)

January 14, 2013

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An act to add and repeal Chapter 4.4 (commencing with Section 30964.10) of Division 17 of the Streets and Highways Code, relating to transportation, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 110, as amended, DeSaulnier. East Span, San Francisco-Oakland Bay Bridge Safety Review Task Force.

Existing law identifies the San Francisco-Oakland Bay Bridge as a "toll bridge" and provides that the bridge and the approaches to it are a primary state highway. Existing law requires the Department of Transportation to permanently maintain and operate the San Francisco-Oakland Bay Bridge as a primary state highway in such a manner that the physical condition and operating efficiency thereof are of the highest character. Existing law establishes the Bay Area Toll Authority and assigns to it responsibility for the administration of all toll revenues from state-owned toll bridges. Existing law provides that the power or duty of the authority to fix the rates of toll for the San Francisco-Oakland Bay Bridge or the power and duty of the department to collect the tolls so fixed by the authority for the use of the bridge are

not affected by any law providing that state highways are to be free highways.

This bill would establish the East Span, San Francisco-Oakland Bay Bridge Safety Review Task Force in state government and require the Legislative Analyst to provide administrative support for the task force as necessary for the completion of its duties. The task force would consist of 7 members designated by the Legislative Analyst ~~and. The members of the task force would be deemed officers of the state. Each member of the task force would~~, serve a term of one year, and receive compensation, as specified, and reimbursement for reasonable expenses. The bill would appropriate \$149,000 from the State Highway Account in the State Transportation Fund to the Legislative Analyst for purposes of paying for the compensation and expense reimbursement of the task force members. The bill would require the Bay Area Toll Authority to reimburse the State Highway Account for all funds expended for purposes of the task force. The task force would be required to assess the anticipated seismic structural performance of the East Span, as defined, of the San Francisco-Oakland Bay Bridge by conducting a series of specified reviews. The task force would be required to submit a final written report to the Legislature and the Governor that includes the results of its assessment, as specified.

This bill would provide that the task force is subject to the Bagley-Keene Open Meeting Act. This bill would provide that the records of the task force are subject to disclosure in accordance with the California Public Records Act.

This bill would make these provisions, except for the provisions regarding the defense and indemnity of task force members described below, inoperative on July 1, 2014, and would repeal them as of January 1, 2015.

This bill would require the Department of Transportation to defend and indemnify a member of the task force pursuant to specified provisions of the Government Claims Act in the event that the member invokes the protections provided in those provisions. The bill would require the Bay Area Toll Authority to reimburse the department for costs *and judgments* incurred pursuant to this requirement.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: yes. Fiscal committee: yes.  
State-mandated local program: no.

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

1 SECTION 1. Chapter 4.4 (commencing with Section 30964.10)  
2 is added to Division 17 of the Streets and Highways Code, to read:

3  
4 CHAPTER 4.4. EAST SPAN, SAN FRANCISCO-OAKLAND BAY  
5 BRIDGE SAFETY REVIEW TASK FORCE  
6

7 30964.10. (a) The East Span, San Francisco-Oakland Bay  
8 Bridge Safety Review Task Force is hereby established in state  
9 government. The Legislative Analyst shall provide administrative  
10 support for the task force as necessary for the completion of its  
11 duties.

12 (b) The task force shall consist of seven members designated  
13 by the Legislative Analyst. Each member shall serve a term of one  
14 year and shall be deemed an officer of the state. The members  
15 shall be selected based upon the following qualifications:

16 (1) Expertise: Members shall be well-credentialed, recognized  
17 experts in the field of bridge design and construction, foundation  
18 design, seismic hazard analysis, or a related field. The membership  
19 shall reflect extensive experience and knowledge related to the  
20 design and construction of structures that resemble the East Span  
21 in terms of complexity and magnitude, and that raise similar design  
22 and construction obstacles and technical challenges.

23 (2) Independence: Members shall have minimal or no prior  
24 involvement in the design, construction, or review of the East Span  
25 as determined by the Legislative Analyst. If necessary, members  
26 may be appointed from outside of California.

27 (c) The Legislative Analyst shall select a chairperson from the  
28 task force membership.

29 (d) The chairperson shall receive compensation of twenty  
30 thousand dollars (\$20,000). Each of the other members shall  
31 receive compensation of sixteen thousand dollars (\$16,000). Each  
32 member shall be reimbursed for reasonable expenses. The sum of  
33 one hundred forty-nine thousand dollars (\$149,000) is hereby  
34 appropriated from the State Highway Account in the State  
35 Transportation Fund to the Legislative Analyst, without regard to  
36 fiscal year, for the purpose of paying for the compensation and  
37 expense reimbursement of the members of the task force. The Bay

1 Area Toll Authority shall reimburse the State Highway Account  
2 for all funds expended pursuant to this section.

3 30964.15. As used in this chapter, the following terms have  
4 the following meanings:

5 (a) “Task force” means the East Span, San Francisco-Oakland  
6 Bay Bridge Safety Review Task Force established in subdivision  
7 (a) of Section 30964.10.

8 (b) “East Span” means the eastern span that was constructed as  
9 a component of the San Francisco-Oakland Bay Bridge, including  
10 the self-anchored suspension bridge and its associated  
11 foundation piles.

12 30964.20. (a) All task force meetings shall be held in  
13 California, except that members may conduct meetings outside  
14 the state, or participate via conference call, with the prior consent  
15 of the Legislative Analyst.

16 (b) Notwithstanding Section 11033 of the Government Code,  
17 members of the task force may be absent from the state on business  
18 of the state.

19 (c) Notwithstanding Section 11032 of the Government Code,  
20 the Legislative Analyst may approve reasonable travel expenses  
21 of members for travel outside the state.

22 (d) The task force is subject to the Bagley-Keene Open Meeting  
23 Act (Article 9 (commencing with Section 11120) of Chapter 1 of  
24 Part 1 of Division 3 of Title 2 of the Government Code). The  
25 records of the task force are subject to disclosure in accordance  
26 with the California Public Records Act (Chapter 3.5 (commencing  
27 with Section 6250) of Division 7 of Title 1 of the Government  
28 Code).

29 30964.25. The task force shall assess the anticipated seismic  
30 structural performance of the East Span as follows:

31 (a) Review the seismic design criteria of the East Span. Evaluate  
32 the appropriateness of the approach, methodologies, and modeling  
33 assumptions of the Department of Transportation as they pertain  
34 to the ability of the structure as designed to withstand earthquakes  
35 of an appropriate hazard level that could come from the Hayward,  
36 San Andreas, or other faults in the San Francisco Bay area.

37 (b) Review construction techniques, testing documents, and  
38 other pertinent information on the construction of the East Span.  
39 In performing this task, the task force shall address specifically  
40 questions that have been raised about construction quality due to

1 possible problems with the oversight by the Department of  
2 Transportation of the construction contractor and subcontractors.

3 (c) Review and evaluate analyses performed by the Department  
4 of Transportation to assess the impact of construction defects  
5 identified pursuant to subdivision (b). The task force may request  
6 that the Department of Transportation run models of the East Span  
7 foundation or bridge, or both, using a different set of assumptions  
8 regarding the construction of the East Span foundation or bridge,  
9 or both, or using different assumptions about the type of anticipated  
10 earthquake.

11 (d) Perform a high-level assessment of the risk analysis  
12 conducted by the Department of Transportation as part of the East  
13 Span design to determine whether the department's evaluations  
14 of the East Span's seismic performance as a lifeline structure in  
15 the event of a design-level, large earthquake are appropriate.

16 30964.30. (a) The Department of Transportation shall  
17 cooperate fully with the task force in the performance of its duties  
18 pursuant to this chapter.

19 (b) Notwithstanding any other law, the Department of  
20 Transportation shall provide the task force with all relevant  
21 information and records that the task force requests.

22 (c) If so requested by the task force, the Department of  
23 Transportation shall run models of the East Span foundation or  
24 bridge, or both, using the assumptions requested by the task force  
25 pursuant to subdivision (c) of Section 30964.25, and shall provide  
26 all resulting information to the task force.

27 30964.35. (a) The task force shall submit a final written report  
28 to the Legislature and the Governor that sets forth the results of  
29 its assessment pursuant to Section 30964.25.

30 (b) Notwithstanding Section 9795 of the Government Code, the  
31 report to the Legislature shall be delivered to the Senate Committee  
32 on Transportation and Housing and the Assembly Committee on  
33 Transportation.

34 30964.40. This chapter shall become inoperative on July 1,  
35 2014, and, as of January 1, 2015, is repealed, unless a later enacted  
36 statute, that becomes operative on or before January 1, 2015,  
37 deletes or extends the dates on which it becomes inoperative and  
38 is repealed.

39 SEC. 2. The Department of Transportation shall be solely  
40 responsible for performing the duties of a public entity pursuant

1 to Article 4 (commencing with Section 825) of Chapter 1 of Part  
2 2 of, and Part 7 (commencing with Section 995) of, Division 3.6  
3 of Title 1 of the Government Code in the event that a member of  
4 the East Span, San Francisco-Oakland Bay Bridge Safety Review  
5 Task Force, established in Chapter 4.4 (commencing with Section  
6 30964.10) of Division 17 of the Streets and Highways Code  
7 pursuant to this act, invokes the protections provided in those  
8 provisions of the Government Code. The Bay Area Toll Authority  
9 shall reimburse the Department of Transportation for any costs  
10 *and judgments* incurred pursuant to this section.

11 SEC. 3. It is the intent of the Legislature that the work of the  
12 East Span, San Francisco-Oakland Bay Bridge Safety Review Task  
13 Force established in Chapter 4.4 (commencing with Section  
14 30964.10) of Division 17 of the Streets and Highways Code not  
15 delay the opening of the new East Span of the San  
16 Francisco-Oakland Bay Bridge if the Department of Transportation  
17 determines at any time that the bridge is safe and ready to open.

18 SEC. 4. This act is an urgency statute necessary for the  
19 immediate preservation of the public peace, health, or safety within  
20 the meaning of Article IV of the Constitution and shall go into  
21 immediate effect. The facts constituting the necessity are:

22 In order for the state to obtain a reliable, independent review of  
23 the seismic safety of the East Span of the San Francisco-Oakland  
24 Bay Bridge as soon as possible, it is necessary that this act take  
25 effect immediately.