

Senate Bill No. 110

Passed the Senate August 26, 2013

Secretary of the Senate

Passed the Assembly August 19, 2013

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2013, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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, 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. The members of the task force would be deemed officers of the state, 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.

Appropriation: yes.

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

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

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

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

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

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

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

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

(d) The chairperson shall receive compensation of twenty thousand dollars (\$20,000). Each of the other members shall receive compensation of sixteen thousand dollars (\$16,000). Each member shall be reimbursed for reasonable expenses. The sum of one hundred forty-nine thousand dollars (\$149,000) is hereby appropriated from the State Highway Account in the State Transportation Fund to the Legislative Analyst, without regard to fiscal year, for the purpose of paying for the compensation and expense reimbursement of the members of the task force. The Bay Area Toll Authority shall reimburse the State Highway Account for all funds expended pursuant to this section.

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

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

(b) “East Span” means the eastern span that was constructed as a component of the San Francisco-Oakland Bay Bridge, including the self-anchored suspension bridge and its associated 13 foundation piles.

30964.20. (a) All task force meetings shall be held in California, except that members may conduct meetings outside

the state, or participate via conference call, with the prior consent of the Legislative Analyst.

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

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

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

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

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

(b) Review construction techniques, testing documents, and other pertinent information on the construction of the East Span. In performing this task, the task force shall address specifically questions that have been raised about construction quality due to possible problems with the oversight by the Department of Transportation of the construction contractor and subcontractors.

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

(d) Perform a high-level assessment of the risk analysis conducted by the Department of Transportation as part of the East Span design to determine whether the department's evaluations

of the East Span's seismic performance as a lifeline structure in the event of a design-level, large earthquake are appropriate.

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

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

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

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

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

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

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

SEC. 3. It is the intent of the Legislature that the work of the East Span, San Francisco-Oakland Bay Bridge Safety Review Task Force established in Chapter 4.4 (commencing with Section

30964.10) of Division 17 of the Streets and Highways Code not delay the opening of the new East Span of the San Francisco-Oakland Bay Bridge if the Department of Transportation determines at any time that the bridge is safe and ready to open.

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

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

Approved _____, 2013

Governor