

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2708

Introduced by Assembly Member Daly

February 19, 2016

An act to ~~amend Section 91.2 of the Streets and Highways Code, add~~
Section 14131.3 to the Government Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2708, as amended, Daly. Department of Transportation:
~~construction inspection services. Lean 6-SIGMA program.~~

Existing law authorizes the Department of Transportation to contract for the services of engineers, architects, surveyors, planners, environmental specialists, and materials testing specialists to provide professional and technical services relating to project study reports, project development, surveying, and construction inspection whenever the director determines that specified guidelines are applicable and that the services contracted for shall not cause the displacement of any permanent, temporary, or part-time employee of the department.

This bill would require the department to conduct a study to assess the implementation of the Lean 6-SIGMA program as provided through the Governor's Office of Business and Economic Development and the Government Operations Agency to determine the effectiveness of streamlining the application process for private architectural and engineering firms seeking to provide professional and technical project development services to the department.

~~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. Section 14131.3 is added to the Government Code,
2 to read:

3 14131.3. The Department of Transportation shall conduct a
4 study to assess the implementation of the Lean 6-SIGMA program
5 as provided through the Governor's Office of Business and
6 Economic Development and the Government Operations Agency
7 to determine the effectiveness of streamlining the application
8 process for private architectural and engineering firms seeking to
9 provide professional and technical project development services
10 to the department.

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

13 ~~91.2. (a) The department shall perform construction inspection~~
14 ~~services for projects on or interfacing with the state highway system~~
15 ~~authorized pursuant to Chapter 6.5 (commencing with Section~~
16 ~~6820) of Part 1 of Division 2 of the Public Contract Code. The~~
17 ~~department shall use department employees or consultants under~~
18 ~~contract with the department to perform the services described in~~
19 ~~this subdivision and subdivision (b), consistent with Article XXII~~
20 ~~of the California Constitution. Construction inspection services~~
21 ~~performed by the department for those projects include, but are~~
22 ~~not limited to, material source testing, certification testing,~~
23 ~~surveying, monitoring of environmental compliance, independent~~
24 ~~quality control testing and inspection, and quality assurance audits.~~
25 ~~The construction inspection duties and responsibilities of the~~
26 ~~department shall include a direct reporting relationship between~~
27 ~~the inspectors and senior department engineers responsible for all~~
28 ~~inspectors and construction inspection services. The senior~~
29 ~~department engineer responsible for construction inspection~~
30 ~~services shall be responsible for the acceptance or rejection of the~~
31 ~~work.~~

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

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

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

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

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