

ASSEMBLY BILL

No. 2036

Introduced by Assembly Member Mansoor

February 20, 2014

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2036, as introduced, Mansoor. Department of Transportation: construction inspection services.

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.
State-mandated local program: no.

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

- 1 SECTION 1. Section 91.2 of the Streets and Highways Code
- 2 is amended to read:
- 3 91.2. (a) The department shall perform construction inspection
- 4 services for projects on or interfacing with the state highway system
- 5 authorized pursuant to Chapter 6.5 (commencing with Section
- 6 6820) of Part 1 of Division 2 of the Public Contract Code. The
- 7 department shall use department employees or consultants under

1 contract with the department to perform the services described in
2 this subdivision and subdivision (b), consistent with Article XXII
3 of the California Constitution. Construction inspection services
4 performed by the department for those projects include, but are
5 not limited to, material source testing, certification testing,
6 surveying, monitoring of environmental compliance, independent
7 quality control testing and inspection, and quality assurance audits.
8 The construction inspection duties and responsibilities of the
9 department shall include a direct reporting relationship between
10 the inspectors and senior department engineers responsible for all
11 inspectors and construction inspection services. The senior
12 department engineer responsible for construction inspection
13 services shall be responsible for the acceptance or rejection of the
14 work.

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

34 (c) The department shall use department employees or
35 consultants under contract with the department to perform the
36 services described in subdivisions (a) and (b), consistent with
37 Article XXII of the California Constitution. Department employee
38 and consultant resources necessary for the performance of those
39 services, including personnel requirements, shall be included in

1 the department's capital outlay support program for workload
2 purposes in the annual Budget Act.

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

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

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