

AMENDED IN ASSEMBLY APRIL 19, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 3031

Introduced by Assembly Member Houston

February 24, 2006

~~An act to amend Section 182.2 of the Streets and Highways Code, relating to state highways. An act to add and repeal Article 4.7 (commencing with Section 175) of Chapter 1 of Division 1 of the Streets and Highways Code, relating to transportation.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 3031, as amended, Houston. State highways: seismic retrofit and replacement projects.

Existing law exempts certain Bay Area state-owned toll bridge seismic retrofit and replacement projects from specified environmental, contracting, and permitting requirements under state law.

~~This bill would extend these exemptions to other state highway seismic retrofit and replacement projects exempt the Fifth Avenue Overhead and High Street Overhead seismic retrofit and replacement projects on Interstate 880, in the County of Alameda, from certain environmental requirements under state law if specified conditions are satisfied. The bill would require the Department of Transportation to submit a report to the Legislature, 30 days after completing these projects, on the procedures and activities conducted by the department and its contractors to satisfy the conditions for the exemption.~~

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

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

1 SECTION 1. Article 4.7 (commencing with Section 175) is
2 added to Chapter 1 of Division 1 of the Streets and Highways
3 Code, to read:

4
5 Article 4.7. Seismic Retrofit and Replacement Projects
6

7 175. (a) If the conditions in subdivision (c) are satisfied by
8 the department, the Fifth Avenue Overhead and High Street
9 Overhead seismic retrofit and replacement projects, located on
10 Interstate 880 in the County of Alameda, shall be exempt from
11 Division 13 (commencing with Section 21000) of the Public
12 Resources Code.

13 (b) For the purposes of this section, “seismic retrofit” means
14 structural modification of the existing highway structure or
15 adjacent right-of-way and includes providing bike lanes,
16 pedestrian areas, or shoulders, and “replacement” means the
17 replacement of the existing structure within or adjacent to the
18 existing right-of-way with substantially the same purpose and
19 capacity of the existing structure.

20 (c) As a condition of the exemption described in subdivision
21 (a), the department shall do all of the following:

22 (1) Conduct two public workshops and other outreach efforts
23 for each project in the vicinity of the project in order to ensure
24 public awareness of the proposed seismic retrofit work prior to
25 commencement of construction.

26 (2) Comply with the department’s standard construction
27 practices, subject to minor modifications that would not result in
28 a significant adverse effect on the environment, including, but not
29 limited to, any rules, guidelines, to the extent feasible, or
30 regulations adopted by the Bay Area Air Quality Management
31 District for construction equipment.

32 (3) Comply, and require its contractors to comply, with
33 Feasible Control Measures for Construction Emissions of PM-10
34 set for in the San Francisco Bay Area Air Quality Management
35 District CEQA Guidelines, page 15, Table 2 (December 1999),
36 as applicable.

37 (4) To the extent feasible, use equipment powered by
38 emulsified diesel fuel, electricity, natural gas, or ultralow sulfur

1 *diesel as an alternative to conventional diesel-powered*
2 *construction equipment.*

3 (5) *Provide all feasible mitigation measures to prevent*
4 *exposure of adjacent workers or residents to vehicle air*
5 *emissions that are greater than the exposure to vehicle air*
6 *emissions from use of the existing structures.*

7 (d) *The projects in subdivision (a) include the following:*

8 (1) *The Fifth Avenue Overhead seismic retrofit project located*
9 *in the City of Oakland at the Fifth Avenue Overhead on Interstate*
10 *880 from Tenth Avenue to Oak Street. This overhead would be*
11 *replaced. The new structure would follow the same alignment*
12 *and general profile of the existing structure and would be*
13 *approximately 46 feet wider. The additional width would provide*
14 *freeway shoulders to meet current safety standards.*

15 (2) *The High Street Overhead seismic retrofit project located*
16 *in the City of Oakland at the High Street Overhead on Interstate*
17 *880. The overhead would be replaced. It presently consists of two*
18 *parallel structures, one for each direction of travel. The new*
19 *bridges would be constructed and the existing bridges*
20 *demolished in three major stages to maintain four lanes of traffic*
21 *in each direction during construction.*

22 (e) *This article shall remain in effect only until the date that*
23 *the Director of Transportation certifies to the Secretary of*
24 *Business, Transportation and Housing that all construction*
25 *activities for the seismic retrofit projects specified in subdivision*
26 *(a) are complete, or until June 30, 2010, whichever occurs first,*
27 *and as of that date is repealed.*

28 *SEC. 2. Thirty days after completion of construction activities*
29 *for each seismic retrofit project specified in Section 1 of this act,*
30 *the Department of Transportation shall submit a report to the*
31 *Legislature on the procedures and activities conducted by the*
32 *department and its contractors in order to meet the conditions set*
33 *forth in Section 1 of this act.*

34 ~~SECTION 1. Section 182.2 of the Streets and Highways Code~~
35 ~~is amended to read:~~

36 ~~182.2. Notwithstanding any other provision of law, seismic~~
37 ~~retrofit and replacement projects shall be governed by the~~
38 ~~provisions of former Article 4.9 (commencing with Section 180),~~
39 ~~as added by Chapter 15 of the Statutes of 1994 and subsequently~~
40 ~~amended, as that article read on January 1, 2005, other than~~

1 former Section 180.7 relative to repeal. This section shall become
2 inoperative when all seismic retrofit and replacement projects are
3 complete.

4 As used in this section, “seismic retrofit and replacement
5 projects” means those projects described in Section 180, as added
6 by Chapter 15 of the Statutes of 1994 and subsequently amended,
7 as that section read on January 1, 2005, and those projects
8 described in Section 188.5.