

ASCE Sacramento Section – Government Affairs

May 17, 2016

Budget News

Governor Brown released his 2016 May budget revision on May 14. The administration continues to support a proposal which would increase transportation infrastructure expenditures by about 3 billion dollars per year, competing proposals have been developed within the legislature. These proposals could provide additional funding beyond that proposed by the administration. These proposals provide talking points for legislative visits planned tomorrow during the ASCE Region 9 legislative day.

Proposed transportation legislation highlighted during Region 9 legislative day

SBX11 (Beall) this bill increases several taxes and fees to raise roughly \$6 billion in new transportation revenues annually, with the funding used to address deferred maintenance on the state highways and local streets and roads and to improve the state's trade corridors □

AB 1591 (Frazier) that would create the Road Maintenance and Rehabilitation Program to address deferred maintenance on the state highway system and the local street and road system. This bill increases taxes and fees for transportation spending in an estimated amount of \$7 billion. The bill would also require the California Transportation Commission to adopt performance criteria to ensure efficient use of the funds available for the program. □

AB 2411 (Frazier) requires that miscellaneous transportation funds no longer be transferred to the State General Fund for use in retiring transportation bond debt service and that the General Fund pay those costs. This will focus transportation revenues in the State Highway Account.

Government Affairs action

The annual Regional legislative day will take place tomorrow in downtown Sacramento with members from all sections participating. A report on the legislative day will be provided during the next meeting.

Respectfully Submitted

Craig A. Copelan P. E., T. E. Chair

Government Affairs- Sacramento Section ASCE



**ASCE Region 9
2016 Legislative Day Fly-In
May 18, 2016**



AGENDA

Schedule of Events	New Grass Roots Advocate		Seasoned Grass Roots Advocate	
	Time	Location	Time	Location
Registration	8:00 – 8:30 AM	<i>Bonderson Hearing Room Lobby</i>	8:00 – 8:30 AM	<i>Bonderson Hearing Room Lobby</i>
Welcome & Opening Remarks	8:30 – 8:45 AM	<i>Bonderson Hearing Room</i>	8:30 – 8:45 AM	<i>Bonderson Hearing Room</i>
Move to Breakout Sessions	8:45 – 9:00 AM	<i>Stay in Bonderson Hearing Room</i>	8:45 – 9:00 AM	<i>Move to Bateson Cafeteria Meeting Room</i>
Breakout Session 1	9:00–10:30 AM	Public Relations/Legislative Training <i>Bonderson Hearing Room</i> Maria Matthews ASCE State Government Relations Manager	9:00 – 9:30 AM	Legislative Process Overview <i>Bateson Cafeteria Meeting Room</i> Richard Markuson, ASCE Region 9 Legislative Advocate
Keynote Speaker	10:30–11:00 AM	Assembly Member Jim Frazier <i>Bonderson Hearing Room</i>	9:30–12:00 PM	Legislative Visits <i>California State Capitol</i>
Breakout Session 2	11:00–12:00 PM	Public Relations/Legislative Process Overview <i>Bonderson Hearing Room</i> Richard Markuson ASCE Region 9 Legislative Advocate		
Lunch & Attendee Networking	12:00–12:30 PM	<i>Bateson Cafeteria</i>	12:00–12:30 PM	<i>Bateson Cafeteria</i>
Group Photo	12:30–12:45 PM	<i>California State Capitol</i>	12:30–12:45 PM	<i>California State Capitol</i>
Legislative Visits	1:00 – 4:30 PM	Team with Seasoned Grass Roots Advocate <i>California State Capitol</i>	1:00 – 4:30 PM	Team and Mentor New Grass Roots Advocate <i>California State Capitol</i>
Debriefing (Informal, No Host)	4:45 – 6:00 PM	<i>Hyatt Regency Lobby</i>	4:45 – 6:00 PM	<i>Hyatt Regency Lobby</i>

*All attendees will be required to check in at the Lobby Security Desks; Photo ID will be necessary for entry into the Meeting Rooms.

Meeting Location Legend

Bonderson Building Hearing Room*

901 P Street, Sacramento, CA 95814

Please Note: Due to Facility Restrictions, no food or drinks are allowed in the Bonderson Hearing Room

Bateson Building Cafeteria Meeting Room*

1600 9th Street, Second Floor, Sacramento, CA 95814

California State Capitol

10th and L Streets, Sacramento, CA 95814

Hyatt Regency Sacramento

1209 L Street, Sacramento, CA 95814



Issue Brief

Infrastructure Investment Planning and Prioritization

ASCE Region 9 Position

ASCE Region 9 strongly encourages the Administration and Legislature to improve planning and coordination for State Infrastructure investments.

In their August 2011 report *A Ten-Year Perspective: California Infrastructure Spending* the Legislative Analyst included some suggestions on Improving the Infrastructure Planning Process. *“To effectively assess the enormous variety and complexity of the state’s infrastructure needs, the state needs a well–defined process for planning and financing projects. Unfortunately, the state currently lacks such a process. In order to better address the issue of infrastructure planning and financing, we believe it is time to alter the state’s approach.”*

Key Points

The Analyst noted several areas for improvement:

- **Infrastructure Funding Remains a Mostly Ad Hoc Decision Making Process.**
- **The administration has not consistently provided an annual five–year statewide infrastructure plan.**
- **The Legislature’s decision–making process remains fragmented.**

“Each of these planning failures contributes to the other. Without a clear legislative process for debating and acting upon the statewide infrastructure plan, the administration has little incentive to prepare the plan for the Legislature. Without a comprehensive statewide plan to consider, the Legislature continues with the existing approach to infrastructure financing and spending.”

Their conclusion: **Establish Legislative Committees to Focus on Statewide Infrastructure.**

Another approach is that of **AB 1873**, sponsored by the State Treasurer, that would create the Board of Infrastructure Planning, Development, and Finance within the Governor’s Office of Planning and Research.

Status

- AB 1873 is on the Assembly Appropriations Committee Suspense File.
- Neither house has taken steps to adopt the Analyst’s recommendation.

ASCE Region 9 Contact

Richard Markuson

Richard@pacificagvocacygroup.com

Phone: (916) 538-2360



Issue Brief

Restoration of Highway and Transit Funding

ASCE Region 9 Position

ASCE Region 9 strongly encourages the Legislature to enact a comprehensive package of new funding and efficiency measures to rebalance state investment in roads, highways and transit in recognition of this shortfall in funding.

Specifically, ASCE supports:

AB 1591 (Frazier) This bill would create the Road Maintenance and Rehabilitation Program to address deferred maintenance on the state highway system and the local street and road system. The bill would require the California Transportation Commission to adopt performance criteria to ensure efficient use of the funds available for the program.

AB 2411 (Frazier) Limits the use of miscellaneous revenue, for example, from the sale of surplus property, only to purposes authorized in Article XIX of the California Constitution.

SBX1-1 (Beall) this bill increases several taxes and fees to raise roughly \$6 billion in new transportation revenues annually, with the funding used to address deferred maintenance on the state highways and local streets and roads and to improve the state's trade corridors. Status: Senate Appropriations

Key Points

State investment in transportation infrastructure continues to lag behind demand due to declining Federal contributions (70% (1960's) to 10% (currently)) and the proportion of the State Budget (20% (1960's) to 1% (currently)) going toward transportation. The ASCE Region 9 2012 California Report Card identified the need for at least \$10 billion a year for the next ten years in new funding for the maintenance of the Transportation System Infrastructure. Governor Brown called a special session **last year** to rebalance state investment in roads, highways and transit in recognition of this shortfall in funding. Both houses of the State Legislature have introduced Legislation to address the deficiencies but the State seems no closer to passage of legislation today than when the sessions were convened.

Status

- AB 1591 is in Assembly Transportation
- AB 2411 is on the Assembly Appropriations Committee Suspense File.
- SBX1-1 is in Senate Appropriations

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Issue Brief

Environment

ASCE Region 9 Position

ASCE Region 9 supports Government policies that encourage anticipation of and preparation for impacts of climate change on the built environment.

ASCE supports conservation measures as an essential aspect of water resources management. ASCE encourages suppliers, regulators, legislators and consumers to support laws, regulations, policies and programs for water conservation that achieve a sustainable balance between demand management and the development of new water sources.

- ASCE supports **AB 1928** (Campos) that extends the date from January 1, 2010 to January 1, 2018, by which the State Energy Resources Conservation and Development Commission is to adopt landscape irrigation equipment performance standards and labeling requirements. Status: Appropriations Suspense File
- ASCE supports **AB 2800** (Quirk) that establishes a Climate-Safe Infrastructure Working Group to examine how to integrate scientific data concerning projected climate change impacts into state infrastructure engineering. Status: Assembly Appropriations

Key Points

Sound management, consistent with the principles of sustainable development, is required to maintain adequate supplies of water for present and future municipal, industrial, agricultural, hydroelectric and in-stream needs. Water conservation is a critical component of water resources management. Responsibility for implementation of water conservation measures should rest with the government and/or private entities closest to the people who benefit. Legislation incorporating water conservation into water resources programs must be sensitive to regional conditions. Government agencies and water suppliers need to dedicate additional funds for education and research on effective water conservation practices and techniques, and to facilitate conservation technology, transfer, sharing and usage.

There is strong evidence that the climate is changing and will continue to change. Climate scientists project that there will be substantial increases in temperature with related increases in atmospheric water vapor and increases in extreme precipitation amounts and intensities in most geographic regions as a result of climate change. However, while there is clear evidence of a changing climate, understanding the significance of climate change at the temporal and spatial scales as it relates to engineering practice is more difficult.

Status

- AB 1928 is on the Assembly Appropriations Committee Suspense File.
- Ab 2800 is in Assembly Appropriations

ASCE Region 9 Contact

Richard Markuson
Richard@pacificagvocacygroup.com
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Issue Brief

Professional Practice

ASCE Region 9 Position

The American Society of Civil Engineers (ASCE) endorses comprehensive tort reform that includes limits on joint and several liability.

Specifically, ASCE supports SB 885 (Wolk) that would specify that design professionals, including civil engineers, have a duty to pay an allocated share of defense fees and costs associated with claims and lawsuits alleging negligence, recklessness, or willful misconduct of the design professional.

Key Points

Litigation in the United States is often costly and time consuming, and lawsuits are sometimes frivolous. Findings of liability sometimes seem to be out of proportion with the degree of fault in a case, and large damage awards for unquantifiable claims have been granted. Even the costs to obtain a summary judgment are significant. The growth in litigation against businesses and professionals, coupled with excessive and unreasonable jury awards, has led to dramatic increases in insurance premiums, reduced policy coverage, and even outright cancellations of professional liability insurance coverage. A growing number of professional engineers, including those with little or no history of claims, have found that professional liability insurance is a substantial cost of doing business.

- SB 885 provides that each party in a dispute related to construction defects, defends itself and pays his/her own attorney fees.
- SB 885 provides that a design professional is responsible to pay its client's defense costs coincident with its degree of fault. SB 885 enables a design professional to insure its risk for payment to a client for both indemnity and the client's defense.
- Opponents have argued that design professionals should sign agreements that require them to defend others before fault is established then, in the event of litigation, simply refuse to provide the defense. This "answer" to the problem is irresponsible and would represent a breach of contract by the design professional.

Status

- SB 885 is on Senate Third Reading

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Richard Markuson

Richard@pacificagvocacygroup.com

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Policy Priorities 2016

ASCE has three Strategic Initiatives that guide the Society:

The Grand Challenge

The investments needed to improve our infrastructure continue to increase well beyond available funding. How do we close the infrastructure gap? ASCE has issued a grand challenge to civil engineers and the industry:

- Significantly enhance the performance and value of infrastructure projects over their life cycles by 2025
- Foster the optimization of infrastructure investments for society.

To reach this goal, the profession must influence major policy changes and infrastructure funding levels, while challenging civil engineers to focus on innovation, rethink life cycle costs, and drive transformational change—from planning to design to delivery.

Sustainable Infrastructure

ASCE defines sustainability as a set of economic, environmental and social conditions in which all of society has the capacity and opportunity to maintain and improve its quality of life indefinitely, without degrading the quantity, quality or the availability of natural, economic and social resources. Sustainable development and its infrastructure is the application of these resources to enhance the safety, welfare, and quality of life for all of society.

“Raise the bar”

ASCE’s Raise the Bar strategic initiative seeks to advance the profession and the public welfare by actively supporting the national movement to raise educational requirements for licensure of future professional engineers. The engineering education of the present—a four-year undergraduate degree—will not be sufficient to prepare the licensed civil engineers of the future.

To implement these strategic initiatives and to meet the needs of the citizens of the State of California, the ASCE Region 9 Board supports the following legislation.

Infrastructure Investment Planning and Prioritization

ASCE Region 9 strongly encourages the Administration and Legislature to improve planning and coordination for State Infrastructure investments. This could include: establishment of a Joint Legislative Committees to focus on statewide infrastructure and enactment of AB 1873 that creates the Board of Infrastructure Planning, Development, and Finance within the Governor's Office of Planning and Research. ASCE Region 9 supports **AB 1873**.

Restoration of Highway and Transit Funding

State investment in transportation infrastructure continues to lag behind demand due to declining Federal contributions (70% (1960's) to 10% (currently)) and the proportion of the State Budget (20% (1960's) to 1% (currently)) going toward transportation. The ASCE Region 9 2012 California Report Card identified the need for at least \$10 billion a year for the next ten years in new funding for the maintenance of the Transportation System Infrastructure. Governor Brown called a special session **last year** to rebalance state investment in roads, highways and transit in recognition of this shortfall in funding. Both houses of the State Legislature have introduced Legislation to address the deficiencies but the State seems no closer to passage of legislation today than when the sessions were convened. Specifically, ASCE supports:

- **SBX1-1** (Beall) this bill increases several taxes and fees to raise roughly \$6 billion in new transportation revenues annually, with the funding used to address deferred maintenance on the state highways and local streets and roads and to improve the state's trade corridors
- **AB 1591** (Frazier) that would create the Road Maintenance and Rehabilitation Program to address deferred maintenance on the state highway system and the local street and road system. This bill increases taxes and fees for transportation spending in an estimated amount of \$7 billion. The bill would also require the California Transportation Commission to adopt performance criteria to ensure efficient use of the funds available for the program.
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Environment

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Professional Practice

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The Policy Statements of the ASCE Region 9 Transportation and Development Committee and the Water and Environment Committee are attached and provide additional policy level positions.



ASCE Region 9 Transportation Policy Positions

Transportation Infrastructure includes all modes of travel which should be adequately funded, improved and maintained to meet current and projected needs. There are significant infrastructure deficiencies and shortages of funding in the State; the ASCE Region 9 2012 California Infrastructure Report Card issued a grade of C- for existing Transportation infrastructure and recommended additional funding be provided. The State's economy and good quality of life for all Californians strongly depends upon a reliable and accessible transportation system that serves the needs of all residents, businesses, visitors and goods movement. ASCE Region 9 supports and advocates the following policies regarding the improvement, operation and maintenance of Transportation Infrastructure in the State of California.

1. An additional long term public funding program for transportation infrastructure should be established to deliver a consistent funding source for the maintenance and improvement of transportation systems. Transportation funding should also be coordinated with all available Local, State and Federal sources to leverage total funding and investments.
2. All Local Governments (Counties, Cities and Transportation Agencies) should additionally be encouraged to follow the "self-help" model establishing locally committed funding sources for transportation infrastructure and systems.
3. The California Congressional Caucus should collectively work together to increase the percentage of Federal tax dollars returned to the State for use on transportation infrastructure.
4. Transportation infrastructure development should be matched with long-term State objectives for balancing the transportation systems with environmental objectives, population growth and housing and should be resilient and sustainable throughout its life-cycle.
5. All formats of project delivery should be available, on a case by case basis as determined suited for a particular project, for Agencies to use on transportation infrastructure projects.
6. Access to and use of Federal funding for transportation infrastructure should be streamlined and simplified to accelerate project delivery. Duplications of Federal and State environmental review should be eliminated. Federal Regulatory and Resource Agencies should be required to evaluate, determine the need for and issue Federal permitting of transportation infrastructure projects within a specified short time interval.
7. Project design and delivery should be performed by the professionals licensed by the State to perform such work; all project records should be readily accessible for public review; Quality Control/Quality Assurance programs should be implemented matching the size and complexity of each project.

References:

- *Guiding Principles for the Nation's Critical Infrastructure*. Reston, VA: ASCE, 2009. Print.
- *ASCE Policy 149 - Intermodal Transportation Systems*
- *ASCE Policy 299 - Infrastructure Investment Policy*
- *ASCE Policy 382 - Transportation Funding*
- *ASCE Policy 402 - High-speed and Intercity Passenger Rail*
- *ASCE Policy 427 - Regulatory Process for Infrastructure Development*
- *ASCE Policy 451 - Life-Cycle Cost Analysis*
- *ASCE Policy 526 - Public Private Partnerships*
- *ASCE Policy 537 - Complete Streets*

ASCE Region 9 Water Policy Position Paper

The ASCE Region 9 supports and advocates the following policies regarding water resources and the environment, in recognition of the co-equal importance of environmental needs and reliable water supplies.

1. Continue to emphasize water supply reliability for all regions of the State in order to protect California's economy. In light of the risks with climate change and current constraints imposed on Delta conveyance, it is imperative that California make rapid progress in this area.
2. Enhance and support regional sustainability. Reducing dependence on imported water should be encouraged, favoring more locally available water resources where available. By practicing sustainability measures, energy costs and greenhouse emissions will decrease while becoming more environmentally balanced.
3. Support funding for water projects based on the beneficiary-pays principle and direct funds as quickly as possible to provide a Sacramento-San Joaquin Delta fix addressing the fundamental water supply risks and environmental needs in the Delta.
4. Ensure that groundwater basins are sustainably managed based on both water quality and quantity needs.
5. Continue support and funding for Integrated Regional Water Management (IRWM) programs. Authorize additional appropriations for Proposition 84 IRWM. Allow as much flexibility to IRWM regions as possible to solve water resource problems without excessive oversight or duplicative reviews at the State level.
6. Maximize existing storage facilities - groundwater and surface water - and provide additional storage and conveyance as necessary to capture important runoff that is excess to environmental needs before it is lost to the ocean. For regional storage for which local areas benefit, local and regional funding should be encouraged to finance the majority of the need. Where such storage provides statewide value, investment of state and federal funds is justified.
7. Support increased water use efficiency practices to meet or exceed State-wide goals of 20% reduction by the Year 2020, to achieve multiple benefits including reducing greenhouse emissions, dependence on imported water and reducing negative water quality impacts from urban runoff. In achieving this goal, governing principles for water use efficiency programs and incentives should be tailored to regional needs and recognize varied benefit and outcomes of conservation efforts.
8. Expand and encourage use of recycled water as an additional ongoing reliable water resource to serve many types of water needs. Increasing the use of recycled water will greatly increase water supply reliability and provide a much less energy dependent water supply.
9. Promote and subsidize state-of-the-art water treatment and desalination technologies including processes such as reverse osmosis, ion exchange and microfiltration including residuals treatment and brine disposal as appropriate.
10. Manage flood control systems to increase stormwater capture and recharge of groundwater aquifers. Land use practices that retain water on site for recharge though Low Impact Development practices can also provide benefits when carefully planned.

As approved by the Region 9 Board of Governors on May 8, 2014



Jennifer B. Epp, P.E., M.ASCE
Region 9 Chair/Director