



CEAC Land Use Policy Committee

CEAC Policy Conference

Wednesday, August 19, 2020 | 10:45 am - 12:00 pm

Zoom Meeting:

<https://us02web.zoom.us/j/84258061521?pwd=cUVJU2tyTHNhbm9VNnYzZnQxSU52QT09>

Meeting ID: 842 5806 1521

Password: CEACLU20

AGENDA

Chair, Trisha Tillotson, Nevada County
Vice Chair, Stephanie Holloway, Placer County
Vice Chair, Warren Lai, Contra Costa County

- | | | |
|----------|------|--|
| 10:45 am | I. | Welcome and Opening Remarks
<i>Trisha Tillotson, Chair, Nevada County</i> |
| 10:55 am | II. | ACTION ITEM: 2021-2022 CEAC Policy and Legislative Priorities
<i>Chris Lee, CSAC Legislative Representative</i>
<i>Marina Espinoza, CSAC Legislative Analyst</i>
Attachment One: CEAC 2021-2022 CEAC Legislative Priorities
Attachment Two: CEAC 2021-2022 CEAC Policy Guidelines |
| 11:05 am | III. | ACTION ITEM: Nevada County Legislative Proposal
<i>Trisha Tillotson, Chair, Nevada County</i>
<i>Chris Lee, CSAC Legislative Representative</i>
Attachment Three: Nevada County Legislative Proposal Regarding
Caltrans Encroachment Permits and Fire Emergency Access |
| 11:15 am | IV. | ACTION ITEM: Request Name Change for Land Use Policy Committee to "Infrastructure and Development Committee" and Discuss Focus of Committee
<i>Trisha Tillotson, Chair, Nevada County</i> |
| 11:30 am | V. | Other Items |
| 12:00 pm | VI. | Adjournment |

Zoom call-in instructions:

Topic: Land Use Policy Committee

Time: Aug 19, 2020 10:45 AM Pacific Time (US and Canada)

Join Zoom Meeting

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Meeting ID: 842 5806 1521

Password: CEACLU20

One tap mobile: +16699006833,,84258061521#,,,,0#,,080312# US (San Jose)

ATTACHMENTS

Attachment One.....	2021-2022 CEAC Policy and Legislative Priorities
Attachment Two.....	2021-2022 CEAC Policy and Legislative Guidelines
Attachment Two.....	Nevada County Legislative Proposal Regarding Caltrans Encroachment Permits and Fire Emergency Access

Attachment One

2021-2022 CEAC Policy and Legislative Priorities



2019-2021-22 CEAC Policy and Legislative Priorities

The on-going Legislative and Administrative Policy Guidelines are best achieved through collaboration and shared responsibility. To achieve the following, CEAC, CSAC staff, and individual county staff must combine resources, including policy and technical knowledge and expertise to maximize our influence, efficacy, and successful outcomes.

STATE PRIORITIES

Transportation

1. California Implementation of Federal Transportation Reauthorization. CSAC will advocate for county priorities in California's implementation of any new federal transportation bill, including maximizing and protecting dedicated funding for local bridges, prioritizing fix-it-first investments, and maximizing funding for local safety and active transportation projects.
2. Protect State Transportation Funding and Promote Streamlining. ~~With the defeat of Proposition 6 on the November 2018 General Election ballot, counties, cities, regional transportation planning agencies, and the state can look forward to the future and~~ continue to invest the over \$5 billion annually that SB 1 provides into the statewide multimodal transportation system. CSAC staff will continue to monitor the allocation of all state transportation revenues to counties and oppose any effort to use transportation revenues outside their intended purposes. Moreover, CSAC staff will continue to proactively seek additional flexibility for counties and streamline project delivery and environmental review processes.
3. Recycled Materials Standards for Local Roadways. Support efforts that promote adoption of specifications allowing the use of recycled material when sufficient local flexibility is provided. CSAC staff will identify opportunities to support the use of recycled materials for maintaining and rehabilitating streets and highways with appropriate exceptions based on local conditions. CSAC staff will oppose policies that impose overly-prescriptive requirements related to the use of recycled materials.
4. Vision Zero Implementation. CEAC will identify opportunities to support policies intended to reduce traffic-related fatalities to zero by promoting vehicle, pedestrian, and bicycle safety. CSAC staff will support legislative efforts to reduce speeds on local streets and roads and efforts to improve roadway infrastructure, enhance traffic safety enforcement, support public education and traffic safety campaigns, and improve safety data.

- ~~4-5.~~ City and County Pavement Improvement Center. Participate in and support the work of the City and County Pavement Improvement Center (CCPIC). Work with CEAC's

governing board members to ensure CCPIC does not duplicate efforts of other academic institutions and that the technical trainings, research, etc. are focused on the priorities identified by the CEAC and League of California Cities membership. [CSAC staff will focus on partnering with other agencies and educational institutions to provide ongoing funding for the CCPIC and contribute to the growth of the CCPIC program.](#)

2-6. Develop CSAC Policy on Autonomous Vehicles and Emerging Technology.

Technological advancements, including autonomous vehicles and associated infrastructure, are rapidly changing. Counties may already be responding to, and deploying, new technology. As technology continues to change, CSAC must be poised to respond and ensure, at minimum, any new mandates are funded. CSAC staff will work with the CEAC Transportation Policy Committee to develop and recommend to CSAC new policy.

7. Explore Road User Charge Policy Options. Work with CSAC to reexamine the association's position on mileage-based user charges as an eventual replacement for the gasoline excise tax. As improvements in the fuel efficiency of vehicles reduces gas tax revenue per mile travelled, alternatives to the gas tax are being seriously considered by transportation stakeholders. CEAC will study the policy implications of mileage based user fees and work with CSAC to develop positions on this method of taxation, which will be the focus of extensive study and a state pilot project over the next several years.

Land Use

1. Ensure Adequate Funding for Infrastructure Impacted by Development. AB 879 (Grayson, 2017) requires the Department of Housing and Community to study how to reduce fees imposed on new development pursuant to the Mitigation Fee Act and publish a report in 2019. Support proposals which promote housing development by adequately funding infrastructure, but oppose measures that arbitrarily limit fees or other exactions necessary to support county infrastructure, or facilities, or services required by new development. [Legislative action on Mitigation Fee Act was delayed in 2019 due to the COVID-19 crisis and requests from CSAC and other local government groups. In 2020, this issue is likely to be at the forefront once again.](#)
2. Fund Infill Infrastructure. Support funding sources for infrastructure related to infill projects that fall under applicable streamlining, including the Affordable Housing and Sustainable Communities grant program, as well as other proposals to fund infill infrastructure in tandem with affordable housing development, including proposals for a bond measure.
3. Subdivision Map Act. Oppose legislation to reform the California Subdivision Map Act that removes or decreases local control and conditional use requirements.
4. Protect Rule 20A. Oppose legislation that threatens Rule 20A for overhead/underground conversion project funding.

Resource Recovery and Waste Management

1. AB 1826 and SB 1383 Implementation. Engage in CalRecycle and the Air Resources Board's process for implementing AB 1826 and SB 1383 which creates an organic management program in California. Continue to advocate for resources for local governments to develop the necessary infrastructure to implement organics diversion programs.
2. Conversion Technology. Support legislative efforts to advance the development, design and implementation of conversion technologies.
3. Funding for Resource Recovery infrastructure. Advocate for sustainable and diverse funding streams to develop and manage the infrastructure necessary to manage California's waste and recycling needs.
4. Market Development. Support legislative efforts to expand local markets for recyclable materials, to support limits on single use plastics, to support producer responsibility, to support bottle bill reform for CRV buyback programs and support efforts to increase requirements for recyclable contents in products.

Flood Control & Water Resources

1. Stormwater Funding Outreach and Engagement Effort. Increase public awareness and countywide support for stormwater programs by providing education and information on the needs, challenges, and benefits of stormwater and flood control programs throughout the state.
2. Stormwater Funding. Continue to support the development of a funding mechanism that would allow cities and county to finance compliance with Clean Water Act permit requirements, stormwater capture and flood protection services.
3. Waters of the State Dredge and Fill Rulemaking Implementation. Develop reliable and comprehensive data regarding the implementation of the State Water Board's new dredge and fill regulations to advocate and inform the Water Board and stakeholder about the real impacts of the regulation.
4. Resiliency. Support for resources to make flood control and county infrastructure resilient to climate change and natural disasters.

Surveyor

1. Surveyor Recorder Relationship Clean-up. Support coordinated effort with the County Records Association to update outdated language in the Government Code relating to transfer and sharing of documents, through Senate Committee on Governance and Finance Omnibus bill.
- 1.2. Surveyor Monument Preservation. Support legislation that would simplify the collection of the Monument Preservation Fund Fee.

FEDERAL PRIORITIES

Transportation

1. Federal Transportation Reauthorization and Emergency Aid. Support reauthorization of a federal transportation bill consistent with the priorities adopted by CEAC and CSAC *[note: will include reauthorization priorities as an agenda attachment]*. CSAC staff will advocate for backfilling lost local transportation fuel tax revenues due to the COVID-19 crisis in federal emergency aid legislation, as well as funding for local bridge, safety, and active transportation projects. Finally, CSAC will request direct subventions to counties for transportation infrastructure in any federal infrastructure package outside of the traditional highway funding bill process.

4.2. CEQA-NEPA Reciprocity. Now that CSAC/CEAC successfully advocated for a reduction to the Statute of Limitations under the FAST Act's program allowing states to meet federal National Environmental Policy Act (NEPA) requirements with state environmental review, build and work with a coalition of transportation stakeholders to ensure California applies to participate and if approved, that Caltrans and FHWA implement a California reciprocity program in a manner that reduces duplication and is not equally or more burdensome. CEAC supports delegation of authority to the local/regional level so that counties can participate directly in the program.

~~2. FAST Act Reauthorization and Federal Transportation Funding. Take advantage of opportunities to educate Congress and the Administration about the need for new federal funding for transportation. CEAC will develop a set of principles and priorities for FAST Act reauthorization which is set to expire September 30, 2020. Advocate for the adopted priorities for federal reauthorization, which urge Congress to enhance revenues for investment in our national transportation infrastructure. Advocate for Request direct subventions to counties for transportation infrastructure in any federal infrastructure package outside of the traditional highway funding bill process.~~

3. Offset Impacts from Federal Lands. Support continued federal funding to offset impacts to counties from federal lands, such as the Secure Rural Schools program.

Flood Control

1. Clean Water Act. Support legislation that would amend Section 404 of the Clean Water Act to provide a narrow exemption for maintenance activities involving the removal of sediment, debris and vegetation from flood control channels and basins.

Attachment Two

2021-2022 CEAC Policy and Legislative Guidelines



~~2019-2020~~2021-22 CEAC Legislative & Administrative Policy Guidelines

The on-going Legislative and Administrative Policy Guidelines are best achieved through collaboration and shared responsibility. To achieve the following, CEAC, CSAC staff, and individual county staff must combine resources, including policy and technical knowledge and expertise to maximize our influence, efficacy, and successful outcomes.

TRANSPORTATION

1. ~~Local Streets and Roads Needs Assessment.~~ Continue to support and leverage resources for the California Statewide Local Streets and Roads Needs Assessment efforts. Continue to work with counties, cities, regional agencies, and Caltrans to secure funding for the needs assessment contract. Continue working with the California Local Highway Bridge Program Advisory Committee to enhance the bridge needs analysis of the report by adding a new, standalone section to it that focuses specifically on local bridge needs.
2. Continue to monitor state transportation funding to ensure the funding commitment pursuant to the base gas tax, fuel tax swap, and SB 1 - the Road Repair and Accountability Act of 2017 is met. Work with the Legislature, Administration, California Department of Tax and Fee Authority, State Controller's Office, the Department of Finance, and transportation stakeholders to explore ways to improve the administration of the transportation tax swap.
- ~~2. Continue to protect the allocation of SB 1 transportation revenues to counties so that these funds are used for their intended purpose and advocate against efforts that would require counties to consult with other local governments prior to spending these funds.~~
3. Continue to support the current formula for allocation of Proposition 42 replacement revenues (Highway User Tax Account, Section 2103) and in particular the local streets and roads monies.
- ~~4. Work with the California Transportation Commission (CTC) and the California Department of Transportation (Caltrans) to undertake a statewide study to estimate bridge needs both state and local.~~
- ~~5.4.~~ Continue to work with the California congressional delegation to achieve a long-term reauthorization of the Secure Rural Schools Act (SRS) to off-set the impacts of removing the National Forest System lands from economic development.
- ~~6.5.~~ Continue to support lowering the voting threshold below the current two-thirds requirement for the imposition of sales taxes for infrastructure. Furthermore, support efforts to allow unincorporated areas to pursue local sales tax measures solely for services in the unincorporated area of the county.

- ~~7-6.~~ Monitor Caltrans's efforts to propose regulations or efforts that exceed their statutory authority regarding implementation of Transportation Development Act (TDA) law to prohibit those actions from infringing upon statutory authority of local agencies.
- ~~8-7.~~ Support restoration of the fuel tax to the State's Aeronautics Fund for General Aviation airports.
- ~~9-8.~~ Monitor any potential changes by the California Transportation Commission (CTC) to change the STIP Guidelines in relation to flexibility to utilize STIP monies for local rehabilitation. Pursue statutory clarification of this eligibility if necessary.
- ~~10-9.~~ Support efforts to identify safety and other critical needs for the rural transportation system and support additional funding for such purposes.
- ~~11-10.~~ Strengthen policy and legislative development for statewide transportation issues with the transportation planning agencies, including the California Councils of Government (CALCOG) and Rural Counties Task Force to ensure local governments are united in their advocacy efforts.
- ~~12-11.~~ Support the distribution of any future statewide transportation dollars amongst counties based on 75 percent registered vehicles and 25 percent maintained miles.
- ~~13-12.~~ Support legislation to amend the Vehicle Code Section 34501.2 to exempt drivers' hours of service for road maintenance agency personnel during emergencies from the 80 hours in any 8 consecutive days requirement.
- ~~14-13.~~ Support legislation that categorically exempts road safety projects from CEQA and state and federal permitting requirements (i.e. 404 permits, 1601 agreements).
- ~~15-14.~~ Support legislation at both the state and federal level on telecommunications and electrical restructuring policy to ensure that local governments; are adequately compensated for use of public rights-of-way, 2) control access of such rights-of-way, and 3) retain zoning authority over placement of satellite dishes, cellular towers and antennas.
- ~~16-15.~~ Continue to monitor Metropolitan Planning Organizations (MPOs) to ensure that their authority in the transportation area is restricted to planning and programming.
- ~~17-16.~~ Continue CEAC participation at various forums (i.e. RTPA & Caltrans monthly meetings, California Transportation Commission, etc.)
- ~~18-17.~~ Support legislation to require a County Franchise and encroachment permit control of all water and electric distribution facilities in order to restore lost revenues to counties and to regain control of right-of-ways.
- ~~19-18.~~ Monitor legislation that mandates a certain percentage of county fleets to be of a specific nature, including but not limited to: zero emissions vehicles, alternative fuel vehicles, and dual fuel vehicles.
- ~~20-19.~~ Support legislative efforts to allow pre-qualification of contractors on public works projects and seek amendments to that legislation to increase enforcement and oversight of the Contractor's State License Board, including more exhaustive background and criminal investigation during the initial licensing of contractors.

- ~~21-20.~~ Support legislative efforts to regain local authority in determining the financial viability of sureties involved in public works contracts.
- ~~22-21.~~ Conduct as needed meetings between AGC/CEAC/League/ACEC and other groups on issues of mutual interest.
- ~~23-22.~~ Continue to represent county interests on legislation relating to force account limits and mandatory participation within the California Uniform Construction Cost Accounting Act.
- ~~24-23.~~ Work with coalition partners to support legislation that will promote safety for students travelling via active modes by allowing local governments to expand school zones based upon engineering studies and providing disincentives, including points on driver's licenses, for violation of traffic laws within school safety zones.
- 24. Support efforts to increase the minimum Surface Transportation Program (STP) funding guarantees for smaller, rural counties. The current minimum STP guarantees are a legacy of the Federal Aid Urban/Federal Aid Secondary route designations formerly used to apportion federal transportation funding. While the designations are no longer used, counties with systems that were previously designated Federal Aid Secondary have not seen their STP minimum allocation increased since 1993. CEAC will support policies to ensure that STP minimum funding amounts for counties are indexed to increases in the overall STP funding available to the state.
- 25. Support policies that reduce traffic-related fatalities to zero by promoting vehicle, pedestrian, and bicycle safety.

TRANSPORTATION & FLOOD CONTROL

1. Support legislation amending the Clean Water Act to include the definition of a transportation structure that was presented in the Guidance for the Uniform Application of the Regulations throughout the South Pacific Division (PGL 0-98-02 issued on May 29, 1998). Specifically section 5.a which exempts serviceable transportation structures, including roads, whether constructed on embankments or not, road embankments, culverted road crossings, and bridge piers, bridge columns, bridge piles, and pile caps.
2. Support legislation that requires all changes to Endangered Species Act to address the impact of the proposed legislation on service delivery and as necessary augment staffing levels to the level of no impact.
3. Facilitate better communication between State and Federal regulatory agencies in order to expedite the delivery of public works projects (i.e. direct City/County/State/Federal Cooperative Committee to pursue this objective).
4. Support legislation that exempts the maintenance of existing public works facilities/infrastructure from permit requirements under the Endangered Species Act.
5. Support reform of the Federal and State Endangered Species Acts based on adopted CSAC policy which supports the Act, being more responsive to local concerns (i.e. better science on which to base decision, a plan for recovery of the species, a definition of other impacts related to the protection of the species, and broader public review forums

prior to the designation of an endangered species), and taking into account socioeconomic impacts of Endangered Species Act programs.

6. Monitor actions that require any state fee or charge to be directly related to cost of review (i.e. California State Water Resources Control Board, Regional Water Quality Control Board permits for roadway and bridge construction projects).

FLOOD CONTROL

1. Support funding of the State Flood Control Subvention Program. Support the development of bond program guidelines that help provide more resources to counties and public works programs.
2. Support legislation that would provide local jurisdictions with more flexibility and options to fund storm water programs.
3. Continue to support legislation that would amend the California Constitution to exempt fees and charges for flood control, storm water, street lighting and urban runoff management from Proposition 218.
4. Support additional statutory changes to address outstanding SB 5 (Chapter 364, Statutes of 2007) implementation issues.
5. Support streamlining of FEMA's administrative processes under the public assistance program.
6. Support changes to the State Water Resources Control Board's proposed Wetland and Riparian Protection Policy that results in a reasonable requirement that will have the least impact on the development, operation, and maintenance of essential public works projects and facilities.
7. Oppose federal cost-cutting endeavors made at the expense of state and local governments.
8. Support an exemption for routine maintenance of flood control facilities from the Clean Water Act's Section 404 permit requirements.
9. Support an amendment to Section 1601 of the State Fish and Game Code that exempts from the Streambed Alteration Agreement process: routine maintenance and preventative repair of existing flood control facilities; reconstruction of damaged flood control facilities; and, any activity which would impact up to three acres of jurisdictional area.
10. Oppose any attempts to impose requirements of the Surface Mining and Reclamation Act (SMARA) on county flood control and water conservation district activities.
11. Monitor implementation of Federal NPDES Storm water Regulation Phase II.
12. Support legislation, which exempts the act of Section 401 Clean Water Act certification by the State Water Resources Control Board (SWRCB) from review under the California Environmental Quality Act (CEQA).
13. Encourage the development of a statewide baseline Phase I NPDES permit which would include a definition of maximum extent practicable (MEP), safe harbor provisions, and

state funding of inspections of state permitted facilities.

14. Participate in discussions with the State Water Resources Control Board regarding water quality violations by small sewer treatment plants.
15. Support efforts to reduce liability for public agencies to perform “Good Samaritan” cleanup of abandoned mines and concentrated environmental hazardous waste on private property.
16. Support efforts to develop new, or expand existing, storage capacity for flood control, water supply and environmental use.
17. Support legislation that authorizes/requires the Department of Water Resources to enter into funding partnerships with local agencies to study the adequacy of complete local flood control systems.
18. Support legislation that promotes a comprehensive plan for increased flood protection statewide.
19. Support legislation that promotes coordination of DWR, FEMA, and ACOE flood protection and flood plain management regulations.
20. Oppose legislation that shifts state or federal flood control liability or obligations to local agencies.
21. Support increased funding for integrated regional water management implementation.
22. Continue to work with the Department of Water Resources during the implementation phases of the Statewide Flood Control Needs Assessment as encapsulated in DWR’s Flood Futures Report.
23. Support Delta solutions that are implemented in a manner that protects existing water rights, water quality, agriculture viability, Delta governance and flood management.
24. Support efforts to better coordinate agencies responsible for addressing illegal homeless encampment issues on public property.
25. Encourage regulatory agencies responsible for protection of habitat and wildlife to enforce protection regulations on private properties.
26. Support bill proposals to improve water quality by regulating and controlling source contaminants.
27. Support legislation that would amend Government Code Section 8690.6(b) to increase the amount on the unencumbered balance in the Disaster Response Emergency Operations Account.
28. Support legislation that would allow and encourage state and federal regulatory agencies to offer service agreements with large-volume public entity or utility applicants and permittees to fund additional personnel or contractors needed for expeditious permit processing.

LAND USE

1. Expand current SB 375 CEQA streamlining for specified infill projects to all infrastructure necessary to support that development.
2. Support funding sources for infrastructure related to infill projects that fall under the CEQA streamlining in SB 375.
3. CEQA Streamlining – Infrastructure for Infill Housing. Support CEQA streamlining for infrastructure necessary to support infill development.
4. Support guidelines for the Affordable Housing and Sustainable Communities grant program, and other programs funded with cap and trade auction proceeds, that ensure that counties are well-positioned to take advantage of these funding opportunities
5. Support proposals which promote housing development by adequately funding infrastructure, but oppose measures that arbitrarily limit fees or other exactions necessary to support county infrastructure, facilities, or services required by new development.

SURVEYOR

1. Include funding for horizontal and vertical control surveying networks to support transportation infrastructure construction in future infrastructure funding legislation.
2. Support legislation that would allow use of no more than 25% of the Survey Monument Preservation Fund for examining of records of survey and corner records so that the cost of service is covered.
3. Participate in the California Geographic Information Association and the California Geographic Information Coordinating Council.
4. Support funding for Counties' Geographic Information Systems (e.g. authorize local agencies to recover full costs of creating and maintaining automated records).
5. Support legislation which will allow use of a non-conditional lot line adjustment map to replace the lot line adjustment process.

RESOURCE RECOVERY & WASTE MANAGEMENT

1. Support legislation that requires state, federal, and other public agencies to comply with diversion mandates set forth by AB 939. If for some reason these agencies are unable to comply, their waste shall be excluded from local jurisdiction's base and reporting years - "total waste generated". Therefore, local jurisdictions shall not be required to divert waste that is generated by state, federal facilities or other public agencies, such as school districts.
2. Oppose legislation that would allow low-level radiation disposal at Class III municipal landfills.

3. Support legislation to incorporate more recycled materials (especially waste tires) into Caltrans road construction/rehabilitation projects.
4. Support legislation and collaborate with other organizations that would increase manufacturer responsibility and product stewardship.
5. Support legislation that enables local agencies to enter into waste hauling contracts that provides for cost-effective implementation of AB 939.
6. Support policies and legislation that aims to promote improved markets for recyclable materials, and encourages: the use of recycled content in products sold in California; the creation of economic incentives for the use of recycled materials; and the expansion of the Beverage Container Recycling Grant Program.
7. Support legislation that provides funding for local organics infrastructure development.
8. Oppose legislation that increases or creates surcharges on local landfills to fund State programs having limited benefit to local jurisdiction's solid waste programs.
9. Support legislation that would promote development of conversion technologies, with full diversion credit, as an alternative to land filling, and provide state funding to local jurisdictions for such projects.
10. Support administrative and/or legislative changes that would, for the purpose of measuring compliance with requirements of the California Integrated Waste Management Act of 1989, focus on diversion programs rather than diversion or per capita disposal rates.
11. Support administrative and legislative changes to impose penalties on haulers and solid waste facilities for misrepresenting the origin of waste disposal data.
12. Support legislation that ensures local government's authority to direct the flow of waste.
13. Monitor all legislative, regulatory and administrative (i.e., rules, policies, guidelines, and procedures) proposals, including those from regulatory agencies relating to solid waste management (i.e., double liner requirements).
14. Support administrative and legislative efforts to eliminate overlap and enhance coordination between the Department of Resources, Recycling and Recovery, air districts and other Cal EPA agencies and oppose contradictory goals and missions among state agencies.
15. Support administrative and legislative changes that would enhance coordination of programs and regulations between the Department of Resources, Recycling and Recovery and the State Water Resources and Regional Water Quality Control Boards regarding collection of trash/debris before it enters the waters of the state and its effects on waste diversion activities.
16. Support legislation that protects local solid waste franchising and fee-setting authority and oppose legislation that imposes unfunded mandates on local governments, places local governments in a position of monitoring and/or enforcing compliance with state regulations that should be the responsibility of the state agency that promulgates the regulations, or subjects local agencies to civil penalties for actions or decisions made by

private companies.

17. Support legislation requiring manufacturer responsibility and/or point-of-sale surcharges for universal, special and hazardous wastes.
18. Support legislation that encourages and provides economic incentives for the conversion of landfill gas as a renewable energy resource and its role in meeting California's Renewable Portfolio Standard.
19. Support reliable funding, meaningful market development, solid waste siting reform and additional tools, including conversion technology, as necessary components to any new solid waste diversion requirement.

TRANSPORTATION, RESOURCE RECOVERY AND WASTE MANAGEMENT & FLOOD CONTROL

1. Monitor and respond to legislative and regulatory activities of the State Water Resources Control Board (SWRCB).
2. Support legislation that places on regulatory agencies provisions similar in nature to those in Fish and Game Code Section 1600 regarding application processing deadlines for publicly-owned infrastructure projects.
3. Support legislation that would reduce State staffing redundancies and streamline State permit processes by directing State regulatory agencies to defer fish and wildlife and habitat mitigation requirements to the State Department of Fish and Wildlife.

DESIGN IMMUNITY

1. Consistent with CSAC policy related to tort reform – that government should not be more liable than private parties and in some cases there is reason for government to be less liable than private parties:
 - a. Support proposals to mitigate the effects of joint and several liability upon public entities by limiting liability to any party to be responsible for their own proportion of damages.
 - b. Support proposals to strengthen the statutory immunities associated with the operation of public infrastructure such as immunities under Government Code Section 830 et seq.
 - c. Support proposals that limit post judgment interest and/or that provide public entities with the flexibility in paying judgments over time.
 - d. Support proposals to mitigate the effects of liability upon public entities by applying the Doctrine of Comparative Fault to inverse condemnation actions.

MISCELLANEOUS

1. Sponsor resolution that encourages the California State University System to provide additional educational opportunities for potential engineering, technical, and surveying students.

OVERSIGHT & SPECIAL TASKS COMMITTEE

1. ~~Continue development of CEAC/CSAC relationship and CEAC committee structure and legislative involvement.~~

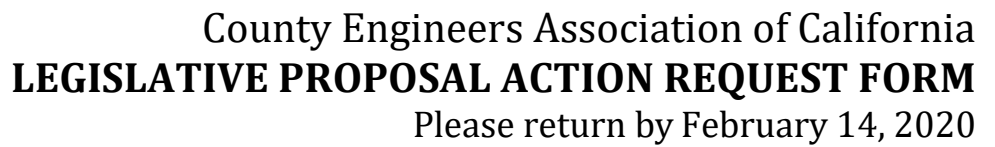
ADMINISTRATIVE RESPONSIBILITIES

1. Coordinate, design, format and assist in the preparation of the CEAC Annual Report.
2. Coordinate, develop and format CEAC Policy and Legislative Priorities on an annual basis.
3. Coordinate, develop and format CEAC Legislative and Administrative Policy Guidelines on an annual basis.
4. Attend, prepare agendas, secure speakers and provide presentations at CEAC policy committee meetings (at a minimum of three meetings a year per committee)
 - a. Transportation
 - b. Land Use
 - c. Flood Control and Water Resources
 - d. Resource Recovery and Waste Management
 - e. Surveyor
5. Attend and provide presentations, as available, at CEAC regional meetings (they meet at a minimum of two to three times a year each)
 - a. Northern California Region
 - b. Bay Area Region
 - c. Central Coast Region
 - d. Sacramento Mother-Lode Region
 - e. San Joaquin Valley Region
 - f. Southern California Region
6. Attend and provide presentations at CEAC Board of Director meetings (at a minimum of three times a year).
7. Assist in preparation and organization of the CEAC spring and fall conferences, as well as the CEAC policy conference. Coordination includes development and organization of the CEAC guest program, annual NACE president's dinner, recruiting and coordinating conference speakers and sponsors, reserving adequate meeting rooms, catering, audio-visual, transportation, registration, etc.
8. Coordinate & monitor the CEAC Hospitality Suite: appropriate room, site visits, cleanup, etc.
9. Reconcile the financial accounting for the spring & annual conferences between CEAC, the League and CSAC working as the liaison between the CSAC director of finance and CEAC treasurer.
10. Update and maintain accurate CEAC databases.
11. Coordinate and publish CEAC documentation:
 - a. designing announcements
 - b. programs
 - c. agendas
 - d. postcards
 - e. invitations

- f. notices
 - g. flyers
- 12. Prepare and publish CEAC Roster annually.
- 13. Prepare and publish CEAC Stationary.
- 14. Publish CEAC Newsletter four times a year.
- 15. Prepare and notice legislative reports for the five CEAC policy committees as needed.
- 16. Update and maintain CEAC website.
- 17. Track and prepare financial analysis for CEAC budget.
- 18. Coordinate, review and share administration of the CEAC/League of California Cities contract for the spring meeting, and various RFP's for CEAC consultants.
- 19. Participate in and support CSAC in legislative, budget, and administrative efforts and other special projects as needed, i.e. local streets and roads needs assessment, local streets and roads awards program, CCIPC, etc.

Attachment Three

Nevada County Legislative Proposal Regarding Caltrans
Encroachment Permits and Fire Emergency Access



Member Name: _____

County: _____

Position: _____

Phone: (_____)_____

Email: _____

Brief Description of Legislative Proposal:

[illegible]

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California State Association of Counties

LEGISLATIVE PROPOSAL WORKSHEET

I. SUMMARY

Due to increasing risks of wildfire, modify the Streets and Highway Code to clarify that Caltrans may issue encroachment permits on any State highway or freeway for emergency access where access is limited in moderate, high and very high Fire Hazard Severity Zones (as determined by CAL FIRE) and development of an intersection or interchange is not planned.

II. BACKGROUND INFORMATION

A. Problem

- (1) The County of Nevada has requested two emergency access gates in an isolated but populated area off State Route 20 in Nevada County on behalf of CAL FIRE. Caltrans has denied the encroachment permit and appeal based on their Project Development and Procedures Manual (PDPM, available at <https://dot.ca.gov/programs/design/manual-project-development-procedures-manual-pdpm>) Chapter 17 which "prohibits planned emergency access for existing, new, or expanded developments adjacent to the right-of-way" on freeways and the expressway system. CAL FIRE and local fire agencies are adamant that access to the requested location could be critical to the safety of 43 vulnerable communities in the area that are in High and Very High Fire Hazard Severity Zones. While the PDPM actually allows fences to be breached by emergency responders if necessary, this would be time prohibitive in the event of a wildfire where removal of the fence and k-rail currently in place would take at least 60 minutes for resources such as heavy equipment to be brought to the site to remove the k-rail, cut the fence and grade in a path to adjacent roadways. In this rural area of our county, we do not have the funds available to construct a \$20 million dollar interchange, as Caltrans has suggested, and are instead asking to construct a \$5,000 gate for use by emergency responders during a major wildfire event.
- (2) This proposal would address a problem of statewide significance with the risk of wildfire being at an all-time high throughout California. Currently, there are other counties that have emergency access gates along highways but if they were to ask for them today, Caltrans would deny their requests based on their PDPM. With moderate, high and very high Fire Hazard Severity Zones (map available online at <https://osfm.fire.ca.gov/divisions/wildfire-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/>) being traversed by State highways and freeways, the need for emergency access to areas otherwise inaccessible during a wildfire is paramount to the safety of our citizens and emergency responders.
- (3) Litigation is unknown for the specific issue of emergency access gates on state highways/freeways.
- (4) Nevada County's Ponderosa West Grass Valley Defense Zone Project discusses the specific concerns the proposed emergency access gates would address. The project website contains additional information at <https://osfm.fire.ca.gov/divisions/wildfire-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/>. In addition, Nevada County's Community Wildfire Protection Plan, Nevada County's Wildfire Preparedness Action Plan at <https://www.mynevadacounty.com/DocumentCenter/View/28048/6-11-2019-2019-Wildfire-Preparedness-Plan?bidId=> provide additional documentation to the need to improve ingress and egress during an emergency.

B. Interested Parties

- (1) The following are directly concerned with Nevada County's specific issue: County of Nevada, CAL FIRE, Penn Valley Fire Protection District, Nevada County Consolidated Fire District, Nevada County Coalition of Firewise Communities. FHWA, Cal STA and other counties are interested in the outcome of any change to the Streets and Highway Code.
- (2) Trisha Tillotson, Director of Public Works (trisha.tillotson@co.nevada.ca.us), Supervisor Hoek (Sue.Hoek@co.nevada.ca.us) and CEO Alison Lehman (Alison.Lehman@co.nevada.ca.us) would

be sources of information for the County of Nevada. CAL FIRE Unit Chief Estes (530-889-0111) and Nevada County Consolidated Fire District Chief Turner (530-265-4431) would be sources of information regarding fire danger in the area of the proposed gates.

- (3) Caltrans has opposed the idea of allowing an emergency access gate at a location that is not a permanent road. The latest concerns were verbalized in a phone conference with Cal STA where they stated liability concerns with the use of such a gate.
- (4) If the Streets and Highways Code is amended as proposed, other counties and fire agencies throughout California will be able to construct emergency access gates along highways and freeways.

III. PROPOSAL

A. Existing Law

- (1) Currently the Streets and Highway Code Division 1. State Highways, Chapter 3. The Care and Protection of State Highways, Article 2. Permit Provisions, Part 670 (a) does not specifically allow for emergency access gates along highways and freeways.
- (2) Unknown case law history.
- (3) With the Streets and Highway Code not specifically allowing emergency access gates, Caltrans will not modify their Project Development and Procedures Manual to allow any gate along a highway or freeway. With increased risks associated with wildfire, there is a need to allow emergency access gates on highways/freeways.

B. Suggested Legislation

- (1) Amend the Streets and Highway Code Division 1. State Highways, Chapter 3. The Care and Protection of State Highways, Article 2. Permit Provisions, Part 670 (a) to include part (6) as follows:
STREETS AND HIGHWAYS CODE – SHC
DIVISION 1. STATE HIGHWAYS [50 - 897] (*Division 1 enacted by Stats. 1935, Ch. 29.*)
CHAPTER 3. The Care and Protection of State Highways [660 - 759.3] (*Chapter 3 enacted by Stats. 1935, Ch. 29.*)
ARTICLE 2. Permit Provisions [670 - 695] (*Article 2 enacted by Stats. 1935, Ch. 29.*)
670.(a) The department may issue written permits, as provided in this chapter, authorizing the permittee to do any of the following acts:

(6) Construct emergency access gates on any state highway, freeway or expressway where access is limited in moderate, high and very high Fire Hazard Severity Zones as determined by CAL FIRE and development of an intersection or interchange is not planned.
- (2) Similar provisions are made in this section of the Streets and Highway Code for opening, excavations, general encroachments, signs, vegetation management, and for installing/removing tire chains.
- (3) With these proposed changes, any county where an emergency access gate on a state highway or freeway may help save lives during a wildfire and where public road connections do not exist and are not planned, will likely apply for an encroachment permit for such a gate.

C. Fiscal Impact

- (1) Cost impacts to County's who elect to construct emergency access gates, would include the cost of the gate and future maintenance costs.
- (2) Other persons or organizations, public or private, should not be impacted fiscally by this proposal.

D. History

- (1) No legislation background that we are aware of.
- (2) Judicial or executive branch resolution is not an advisable option.

E. Public Policy

- (1) The County of Nevada Board of Supervisors has made reducing the risks of wildfire as a top priority over recent years. In addition, the reduction of wildfire risks is a top priority for many California agencies including CAL FIRE and Cal OES, not to mention the Federal Emergency Management Agency.
- (2) Public policy for reducing the risk of wildfire could be assisted across jurisdictions with the implementation of this proposal.