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California State Senate

TRANSPORTATION AND HOUSING



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AGENDA

Thursday, August 30, 2018

Upon Call of the Chair -- John L. Burton Hearing Room (4203)

MEASURES TO BE HEARD IN FILE ORDER

Consent items are indicated by a *

1. ACR 263* Rivas Caltrans District 7 Fallen Workers Memorial Interchange.

PURSUANT TO SENATE RULE 29.10 (D)

2. SB 1205 Hill Fire protection services: inspections: compliance reporting.

- 7) The proposed designation may not supersede an existing designation unless the sponsor can document that a good faith effort has uncovered no opposition to rescinding the prior designation.

This resolution designates the interchange at Interstate 210 and Interstate 5 in the County of Los Angeles as the "Caltrans District 7 Fallen Workers Memorial Interchange". It also requests the Department of Transportation (Caltrans) to determine the cost of appropriate signs consistent with the signing requirements for the state highway system showing this special designation and, upon receiving donations from non-state sources sufficient to cover that cost, to erect those signs.

COMMENTS:

- 1) *Purpose.* The author believes it would be an appropriate tribute to name the designated interchange for Caltrans workers who have been killed while maintaining the state's transportation infrastructure within Los Angeles and Ventura counties.
- 2) *Background.* Highway construction and maintenance is hazardous work. A report by the federal Department of Health and Human Services states that more than 100 workers are killed and 20,000 injured annually in the construction and maintenance of streets and highways. This resolution identifies 33 Caltrans workers from District 7, serving Los Angeles and Ventura counties, who were killed since 1921.
- 3) *Consistent with committee policy.* This resolution is consistent with the provisions of the committee's policy on highway designation.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

POSITIONS: (Communicated to the committee before noon on Tuesday, August 28, 2018.)

SUPPORT:

International Union of Operating Engineers Local 501
Professional Engineers in California Government

OPPOSITION:

None received.

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This bill requires local fire departments to annually report on their compliance with inspections currently mandated in statute. Specifically, this bill:

- 1) Requires every city, county or district fire department to annually report to its administering authority on its compliance with the inspection requirement.
- 2) Requires the report to occur when the administering authority discusses its annual budget, or at another time determined by the administering authority.
- 3) Requires the administering authority acknowledge receipt of the report in a resolution or a similar formal document.
- 4) Defines “administering authority” as a city council, county board of supervisors, or district board, as the case may be.

COMMENTS

- 1) *New Bill*. As approved by the Senate on May 10, 2018, this bill dealt with public utilities. This bill has been referred to this committee pursuant to Senate Rule 29.10(d). The committee may either hold the bill or return the bill to the Senate floor for consideration. Amendments are not permitted.
- 2) *Ghost Ship Fire*. In December 2016, a deadly fire at an Oakland warehouse, known as the Ghost Ship, killed 36 people, the highest death toll for a structural fire in the United States in over 10 years. The Ghost Ship was a two-story warehouse that had been leased to artists who lived and worked in the building, periodically using it for events. Zoned as a warehouse, neither residential nor assembly uses were permitted by the city. Issues with the Ghost Ship had surfaced prior to the fire: The City of Oakland documented 39 code enforcement inspections and 10 code enforcement complaints of the warehouse and the adjacent vacant lot between 2004 and 2016. Media reports suggest that the Ghost Ship hadn't been inspected in 30 years. Had an inspection occurred, officials could have raised concerns about the safety and occupancy of the building.¹ A recent investigation by The Mercury News/East Bay Times indicates that the failure to perform mandated annual inspections is commonplace, at least in the Bay Area². For instance, that investigation found that 72% of apartment buildings in Oakland were not inspected in 2017; neither were 78% of schools in Redwood City. The Senate Committee on Governance and Finance (G&F) convened two informational hearings to understand the issues around the Ghost Ship fire.

¹ The Oakland Fire Department's Origin and Cause Report, Incident # 2016-085231, showed pictures of an eclectic and crowded interior with non-standard multi-story construction and apparently unpermitted occupancy.

² “Burned out”; The Mercury News/East Bay Times; June 1, 2018.

- 3) *More than One Way to Skin a Cat.* This bill deals with the issue of some local fire departments failing to keep up with the statutorily-required annual building inspections. By requiring annual reporting of their compliance to the local city council or board of supervisors, the bill is intended to apply local pressure to comply. Earlier this year this committee heard SB 1415 (McGuire), a comprehensive bill dealing with many of the shortcomings that were exposed by the Senate G&F Committee's hearings on the Ghost Ship fire. That bill deals with the failure to inspect issue by requiring local fire departments to report on their compliance to the State Fire Marshall, who shall publish the information on its website. This is a stronger accountability measure as it requires reporting to an external party, the SFM, rather than the local governing board of the fire department. Notably, SB 1415 makes the information public and easily accessible. SB 1205 and SB 1415 do not conflict, but they represent two different ways of dealing with the same problem.

RELATED LEGISLATION:

SB 1415 (McGuire, 2017) — requires local fire departments to report their compliance with annual inspection requirements to the State Fire Marshall, who shall post that information on its website. *This bill has been approved by the Legislature and is awaiting action from the Governor.*

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

POSITIONS: (Communicated to the committee before noon on Wednesday, August 29, 2018.)

SUPPORT:

California Fire Chiefs Association
California School Boards Association
City of Sunnyvale
Fire Districts Association of California

OPPOSITION:

None received.

-- END --