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SB-881 Flood control: County of Santa Clara: South San Francisco Bay Shoreline Project. (2017-2018)

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Date Published: 09/24/2018 09:00 PM

Senate Bill No. 881

CHAPTER 685

An act to add Section 12749.99 to the Water Code, relating to flood control.

[Approved by Governor September 22, 2018. Filed with Secretary of State September 22, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SB 881, Wieckowski. Flood control: County of Santa Clara: South San Francisco Bay Shoreline Project.

Existing law provides for state cooperation with the federal government in the construction of specified flood control projects, and prescribes requirements to be met prior to state authorization of flood management projects that receive state financial aid.

This bill would authorize the state to provide subvention funds, as prescribed, to the Santa Clara Valley Water District for the South San Francisco Bay Shoreline Project for flood control in areas along the south San Francisco Bay in the County of Santa Clara, as described, at an estimated cost to the state of the sum that may be appropriated for state cooperation by the Legislature upon the recommendation and advice of the Department of Water Resources and upon a determination by the department that the project meets specified financial aid requirements. The bill would provide that the state assumes no liability for damages that may result from the project by authorizing the provision of subvention funds, or by the appropriation of those subvention funds, as specified.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 12749.99 is added to the Water Code, to read:

12749.99. (a) The state may provide subvention funds in accordance with Section 12585.7 to the Santa Clara Valley Water District for the South San Francisco Bay Shoreline Project for flood control in areas along the south San Francisco Bay in the County of Santa Clara, that is authorized by Section 1401 of the federal Water Infrastructure Improvements for the Nation Act (Public Law 114-322) and that is substantially in accordance with the recommendations of the Chief of Engineers of the United States Army Corps of Engineers Report, dated December 18, 2015, as follows:

(1) At an estimated cost to the state of the sum that may be appropriated for state cooperation by the Legislature upon the recommendations and advice of the department.

(2) Upon a specific written determination by the department that the project meets the requirements of Section 12582.7.

(b) The state assumes no liability for damages that may result from the project by either of the following:

(1) Authorizing the provision of subvention funds in accordance with this section.

(2) The appropriation by the Legislature of the subvention funds upon the recommendations and advice of the department.

(c) The Santa Clara Valley Water District may receive the subvention funds only if it enters into an agreement with the department pursuant to which the district agrees to indemnify and hold and save harmless the state, its officers, agents, and employees for any and all liability for damages that may result from the project, except for liability for damages resulting from activities the State Coastal Conservancy undertakes or manages, in whole or in part, for the project.

(d) For the purposes of this section, "liability for damages" includes, but is not limited to, liability for damages relating to the construction or operation of the project or the failure of the project to operate as intended.