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AB-759 Traffic safety: work zones: positive protection measures. (2019-2020)

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Assembly Bill No. 759

CHAPTER 617

An act to add and repeal Section 92.1 of the Streets and Highways Code, relating to traffic safety.

[Approved by Governor October 08, 2019. Filed with Secretary of State October 08, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 759, Bigelow. Traffic safety: work zones: positive protection measures.

Existing law authorizes traffic to be restricted through or around the work on streets and highways whenever the traffic would endanger the safety of workers or the work would interfere with, or endanger the movement of, traffic through the work zone. Existing law authorizes traffic in work zones to be regulated by warning signs, lights, appropriate control devices, or by a person or persons controlling and directing the flow of traffic.

This bill would require the Department of Transportation to update guidance by July 1, 2021, to specify the appropriate use of positive protection measures with the goal of isolating workers or work zones from traffic. The bill would require the department to provide compensation for the use of a safety device where the updated guidance allows, but does not require, the optional safety device when requested by a contractor on a public works project. The bill would require the department to submit a report to the Legislature by January 1, 2024, that includes findings and recommendations on the use of positive protection measures used pursuant to these provisions.

The bill would make legislative findings and declarations in support of these provisions.

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

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

SECTION 1. (a) The Legislature finds and declares both of the following:

(1) People who construct and maintain California's roads and transportation infrastructure deserve a safe working environment and to be protected from preventable injury and death. Therefore, protecting construction and maintenance workers is a high priority.

(2) Requiring the Department of Transportation to specify the appropriate use of positive protection measures, as described in subdivision (a) of Section 92.1 of the Streets and Highways Code, and to provide compensation for optional safety devices when requested by a contractor on a public works project will greatly reduce preventable injuries and deaths to construction and maintenance workers and drivers.

(b) It is the intent of the Legislature to enhance the safety of California's road and transportation infrastructure projects by enacting this act.

SEC. 2. Section 92.1 is added to the Streets and Highways Code, to read:

92.1. (a) The department shall update guidance by July 1, 2021, to specify the appropriate use of positive protection measures, including, but not limited to, automated flagger assistance devices, buffer lanes, impact attenuator vehicles, and temporary barriers, with the goal of isolating workers or work zones from traffic.

(b) Where the department's updated guidance allows, but does not require, use of a safety device, the department shall provide compensation for the optional safety device when requested by a contractor on a public works project.

(c) The department shall submit a report to the Legislature by January 1, 2024, in compliance with Section 9795 of the Government Code that includes findings and recommendations on the use of positive protection measures used pursuant to this section.

(d) This section shall remain in effect only until January 1, 2025, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2025, deletes or extends that date.