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AB-66 Coastal resources: research: landslides and erosion: early warning system: County of San Diego. (2021-2022)

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Assembly Bill No. 66

CHAPTER 456

An act to add Article 7.9 (commencing with Section 92685) to Chapter 6 of Part 57 of Division 9 of Title 3 of the Education Code, relating to coastal resources.

[Approved by Governor October 04, 2021. Filed with Secretary of State October 04, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 66, Boerner Horvath. Coastal resources: research: landslides and erosion: early warning system: County of San Diego.

Existing law establishes the Climate Ready Program in the State Coastal Conservancy to address the impacts and potential impacts of climate change on resources within the conservancy's jurisdiction. Existing law authorizes the conservancy to undertake projects within its jurisdiction, including projects related to beach and bluff erosion and other coastal hazards that threaten coastal communities, infrastructure, and natural resources.

Existing law requires the Office of Emergency Services, in collaboration with the California Institute of Technology, the California Geological Survey, the University of California, the United States Geological Survey, the Alfred E. Alquist Seismic Safety Commission, and other stakeholders, to develop a comprehensive statewide earthquake early warning system in California through a public-private partnership, which is required to include, among other things, the installation of field sensors.

Existing law establishes the University of California, under the administration of the Regents of the University of California, as one of the segments of public postsecondary education in this state. The University of California comprises 10 institutions of higher education, which are located at Berkeley, Davis, Irvine, Los Angeles, Merced, Riverside, San Diego, San Francisco, Santa Barbara, and Santa Cruz.

This bill would, upon appropriation by the Legislature, require the Scripps Institution of Oceanography at the University of California, San Diego, to conduct research on coastal cliff landslides and erosion in the County of San Diego, as provided. The bill would require the research to be completed by January 1, 2025. The bill would require by no later than March 15, 2025, the institution to provide a report to the Legislature with recommendations for developing a coastal cliff landslide and erosion early warning system based on available research. The bill would exempt the Regents of the University of California and its employees, acting in good faith, from civil liability for any harm resulting from measurements, predictions, or warnings regarding bluff failure, cliff landslides, or erosion contained in the report or from the research or related to the recommendations, unless those damages are the result of acts or omissions constituting gross negligence or willful or wanton misconduct.

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

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

SECTION 1. Article 7.9 (commencing with Section 92685) is added to Chapter 6 of Part 57 of Division 9 of Title 3 of the Education Code, to read:

Article 7.9. County of San Diego Coastal Erosion Research Program

92685. (a) Upon appropriation by the Legislature, the Scripps Institution of Oceanography at the University of California, San Diego, shall conduct research on coastal cliff landslides and erosion in the County of San Diego. As a condition of receiving funds pursuant to this section, the research conducted pursuant to this section shall involve both of the following:

(1) Developing a bluff failure database using historical records combined with analysis of recent and future coastal survey data. This database shall be used to establish landslide size frequency statistics, quantify failure rates, and identify erosion hot spots.

(2) Conducting real-time measurements of land deformation, to identify and analyze conditions that precede catastrophic bluff failure, on both of the following sites:

(A) Beacons Beach in the City of Encinitas.

(B) The City of Del Mar.

(b) (1) The research described in subdivision (a) shall be completed no later than January 1, 2025. No later than March 15, 2025, the Scripps Institution of Oceanography shall, as a condition of receiving funds pursuant to this section, provide a report to the Legislature with recommendations for developing a coastal cliff landslide and erosion early warning system based on available research.

(2) A report submitted pursuant to paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.

(3) The requirement for submitting a report imposed under paragraph (1) is inoperative on March 15, 2029, pursuant to Section 10231.5 of the Government Code.

(c) The Regents of the University of California and its employees, acting in good faith, shall not be civilly liable for any harm resulting from measurements, predictions, or warnings regarding bluff failure, cliff landslides, or erosion contained in the report or from the research described in subdivision (a) or related to the recommendations described in subdivision (b). This subdivision does not absolve the Regents of the University of California and its employees from liability under existing law for damages as a result of acts or omissions constituting gross negligence or willful or wanton misconduct.

(d) The limitation of liability in subdivision (c) applies only to the Regents of the University of California and its employees. It does not apply to any other state or local agency.