

Date of Hearing: April 17, 2023

ASSEMBLY COMMITTEE ON TRANSPORTATION
Laura Friedman, Chair
AB 295 (Vince Fong) – As Amended April 10, 2023

SUBJECT: Department of Transportation: maintenance projects

SUMMARY: Requires the California Department of Transportation (Caltrans) to establish a rapid response unit within the Division of Maintenance in order to expedite roadside maintenance for specified projects, and deploy this unit within 90 days, if notified by a local government entity, as defined. Specifically, **this bill:**

- 1) Defines fire protection district, local government entities, and tribal entities for purposes of this section.
- 2) Requires Caltrans to established a rapid response unit within the Division of Maintenance in order to expedite roadside maintenance for the following projects:
 - a) Roadside defensible space maintenance as identified in the department’s 2021 State Highway System Management Plan.
 - b) Roadside maintenance along department rights-of-way.
 - c) Clearing of debris, brush, and trees.
 - d) Trimming or removing brush and trees, including those that are dead, overgrown, or obstructing visibility.
 - e) Removing debris, brush, and trees, in ditches, culverts, channels, or natural gullies leading to cross-highway drainage.
 - f) Removing fire tinder.
 - g) Creating firebreaks at fence lines and where appropriate adjacent to road shoulders.
- 3) Allows a local governmental entity, fire department, fire protection district, fire safe council, or tribal entity to notify Caltrans about projects listed that have not been completed in an efficient and timely manner.
- 4) Once notified, requires the rapid response unit within Caltrans’ Division of Maintenance to begin maintenance within 90 days if the continued failure to complete these projects poses a clear and imminent danger that requires immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services.

EXISTING LAW:

- 1) Establishes Caltrans and provides that the department has full possession and control of all state highways and property and rights in property acquired for state highway purposes. (Streets and Highways Code (SHC) 90)
- 2) Requires Caltrans improve and maintain the state highways, including all traversable highways which have been adopted or designated as state highways by the commission. (SHC 91)
- 3) Allows Caltrans to enter into an agreement to accept funds, materials, equipment, or services from any person for maintenance or roadside enhancement, including the cleanup and abatement of litter, of a section of a state highway. (SHC 91.5)
- 4) Requires Caltrans to assign a high priority to litter deposited along state highway segments adjoining storm drains, streams, rivers, waterways, beaches, the ocean, and other environmentally sensitive areas. (SHC 91.6)

FISCAL EFFECT: Unknown

COMMENTS: Caltrans owns or controls 350,000 acres of right-of-way and maintains 15,133 centerline miles of highway and 13,063 state highway bridges. Caltrans also inspects more than 12,200 local bridges.

State highways extend through every county and range of elevation in California. Over 5,000 centerline miles of state highways are built in a rural setting of natural landscapes, including forestland, chaparral and grassland winding through mountains and along coastlines. Historically, active forest management of forests was discouraged in California, but this has resulted in unhealthy, overly dense timber and vegetation which increases wildfire vulnerability and decreases forest health. Drought has triggered widespread accelerated forest mortality.

The impacts on California's transportation network due to tree mortality will be varied. The increased frequency of wildland fires, increased runoff due to soil erosion and fallen trees are some of the typical hazards that may impact highways.

At the intersection of Highway 299 and Carr Powerhouse Road, a tire blew out causing the rim to scrape against the pavement and creating sparks that ignited dry vegetation along the highway. The Carr Fire, ignited from this incident, was the 13th largest wildfire in California history, burning 229,651 acres, destroying 1,614 structures, causing \$1.6 billion in damages, and resulting in the death of eight people.

Caltrans clears trees to prevent wildfires. Through December 31, 2016, Caltrans and its contractors had cleared almost 50,000 trees from the state highway system's right-of-way. The die-off began in 2013, when parched trees, mostly conifers, fell victim to a plague-like infestation of bark beetles. The trees could not generate sufficient sap that would ordinarily fend off the beetles. The insects multiplied rapidly, nourished by the ever-growing supply of stressed and vulnerable trees.

In October 2015, Caltrans joined with 76 other agencies, local governments and stakeholders to form a Tree Mortality Task Force. With Caltrans' help, the task force has removed 423,000 trees in 10 counties through the end of the 2016.

Creating a roadside buffer zone to protect motorists aligns with Caltrans' Strategic Management Plan (SMP) that lists safety as a top organizational goal. The removal of dead trees to head off traffic problems fits another SMP objective of preserving or improving transportation system performance. Caltrans' participation in the task force also reinforces the SMP's sustainability, livability and economic goals by reducing the risk of wildfire and harmful pollution.

Caltrans tree crews began identifying and removing dead trees along state right-of-way in early 2013. By the fall of 2015, it became apparent to Caltrans' Maintenance Division supervisors that Caltrans tree crews in the 10 impacted counties could not keep up with the number of trees requiring removal. To remove trees as quickly as possible and bring in smaller contractors for the job, the scope of dead tree removal work was limited to single routes, 25-40 miles in length, or a combination of routes with fewer than 5,000 targeted trees.

As of March 2017, Caltrans had 25 active contracts totaling \$78.81 million for hazardous tree removal, and the department expects to spend an additional \$150-\$200 million in the next two to three years, even with normal precipitation in the Sierra.

If the California beetle infestation parallels Colorado's recent experience in the Rocky Mountain forests, the state can expect a 10-12 year period of tree mortality before the infestation returns to normal levels. Total costs for Caltrans alone are expected to rise to as much as \$500 million should the die-off continue for another decade.

Fire prevention on state roads. Inactive forest management has created unhealthy and dense trees and vegetation, increasing the frequency and severity of wildfires when combined with drought conditions in California. Defensible space is crucial to creating fuel breaks or fire breaks which can slow or stop the spread of a wildfire. Highway corridors and roadways can serve as fire breaks or be potential sources of fire depending on whether the adjacent fuel loads are properly managed.

Defensible space, in the context of fire control, is a natural or landscaped area around a structure that has been maintained to reduce fire danger. Through the Division of Maintenance, Caltrans prepared a Wildfire Vulnerability Analysis (2020-2030) which identifies the highway corridors that are a priority for fuels reduction to create defensible space. Fuels reduction projects with local, state and federal partners would reduce wildfire vulnerability to life, property and ecosystem services.

Defensible space can also mitigate the probability of wildfire ignitions originating from vehicles and travelers, reduce direct impacts to state highway assets when wildfires do occur, and maximize traffic flow for all modes of transportation during normal and emergency operations.

Need for response. Caltrans has the authority to manage the state's highways and perform a variety of roadside resiliency projects. According to Caltrans' 2021 State Highway System Management Plan, nearly 73% of the 33,997 acres of roadway infrastructure identified in their Roadside Rehabilitation Objective are in poor condition, and there is a nearly \$4 billion funding gap to meet this objective over the next five years.

Caltrans has also identified defensible space maintenance projects on an additional 120,000 acres of naturally occurring roadside to improve fire resiliency adjacent to the highway system. This area is larger than the acreage identified in Caltrans’ Roadside Rehabilitation objective and will not be maintained with existing resources.

The impact of wildfires is devastating, and sometimes deadly, especially for low-income rural communities. A 2021 study found that rural census tracts sustained three times more wildfire on average, and have higher rates of poverty, unemployment, and vacant housing, as well as higher proportions of low-income residents, residents without college degrees, and greater proportions of elderly residents. By implementing defensible space maintenance and fire prevention projects, California can prevent future wildfires and save lives.

Current Caltrans response crews. Caltrans currently deploys maintenance crews for preventative work to help prevent fires in high risk areas. The crews were originally called “Fire Crews, Fire Safety Crews, Fire Prevention Crews and/or Fire Strip Crews,” and some are known as “Roadside Vegetation Crews, or Vegetation Management Crews.” These crews are not fighting fires, but creating defensive space by clearing four to eight strips of vegetation next to the pavement edge to help mitigate the spreads of destructive wildfires.

In last year’s state budget, the Caltrans maintenance program was authorized to fill 96 permanent positions to focus on performing vegetation management activities. The chart below provides the location and current status of vegetation management hires.

District	Crewmembers Allocated	20-21 Crewmembers Hired	21-22 Crewmembers Hired	Total crewmembers Hired both FY
1	8	0	4	4
2	12	0	7	7
3	12	0	12	12
4	8	0	0	0
5	12	8	5	13
6	4	0	3	3
7	8	0	6	6
8	8	7	1	8
9	4	0	4	4
10	8	0	8	8
11	8	0	0	0
12	4	0	5	5
Totals	96	15	55	70

This bill requires a timely response (90 days) from Caltrans to clear debris and create defensible space, if a local entity has notified Caltrans that the failure to complete these projects poses a clear and imminent danger that requires immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services. This bill is intended to maintain jobs within Caltrans' jurisdiction, while requiring a localized and priority response to areas prone to wildfire risk.

According to the author, “Overgrown brush and trees along highways are a frequent cause of wildfires. Every year in Kern County, the same corridor along Interstate 5 is ignited by vehicles. The cost of wildfires is devastating and sometimes deadly for vulnerable rural communities, but they are preventable. Highways can either serve as a fire break or a source of fire depending on whether they are properly managed. The Department of Transportation (CalTrans) has identified a backlog of 120,000 acres of highway roadside in need of brush clearing. AB 295 will help accelerate Caltrans's efforts to implement defensible space maintenance projects by leveraging local resources and streamlining fire prevention practices.”

In support, the American Property Casualty Insurance Association writes, “AB 295 will help accelerate Caltrans's efforts to implement defensible space maintenance projects by leveraging local resources and streamlining prevention practices. By implementing defensible space maintenance and fire prevention projects, California can prevent future wildfires and save lives.”

Previous legislation. SB 1380 (Committee on Judiciary) Chapter 28, Statutes of 2023 creates the Clean California State Beautification Program of 2021, to be administered by the department, to provide funding, upon appropriation by the Legislature, for purposes of beautifying and cleaning up state highways.

AB 1553 (O'Donnell) of 2021 would have authorized Caltrans to enter into agreements with community conservation corps to perform cleanup and maintenance projects authorized by the department.

REGISTERED SUPPORT / OPPOSITION:

Support

American Property Casualty Insurance Association
California Forestry Association

Opposition

None on file

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