

Date of Hearing: May 12, 2020

ASSEMBLY COMMITTEE ON GOVERNMENTAL ORGANIZATION

Adam Gray, Chair

AB 2730 (Cervantes) – As Amended May 4, 2020

SUBJECT: Access and functional needs: local government: agreement for emergency management, transportation, and paratransit services

SUMMARY: Requires a regional transit district, county transportation commission, or other local transportation authority that provides paratransit services to enter into an agreement with adjacent entities, upon the request of an adjacent entity, to prepare for emergencies that may result in the evacuation or relocation of the access and functional needs population. Specifically, **this bill:**

- 1) Requires a regional transit district, county transportation commission, or other local transportation authority that provides paratransit services to enter into an agreement with adjacent regional transit districts, county transportation commissions, or local transportation authorities, upon request of the adjacent district, commission, or authority, for purposes of permitting the adjacent district, commission, or authority to borrow, for compensation, paratransit vehicles and drivers in the event of an emergency that requires the evacuation and relocation of the access and functional needs population in the jurisdiction or service area of the adjacent district, commission, or authority.
- 2) Requires a county, including a city and county, to enter into an agreement with an adjacent county, upon the request of the adjacent county, for purposes of permitting the adjacent county to borrow, for compensation, the county's emergency management and transportation services in the event of an emergency that requires the evacuation and relocation of the access and functional needs population in the adjacent county.
- 3) Provides that an adjacent county means a county within the same standard metropolitan statistical area, as established by the United States Office of Management and Budget.
- 4) Provides that a regional transit district, county transportation commission, local transportation authority, county, or city and county is required to enter into an agreement described above within 2 years of a request for the agreement.
- 5) Requires a county that enters into an agreement pursuant to these provisions to integrate the agreement into its emergency plan within 90 days of entering into such an agreement.

EXISTING LAW:

- 1) Creates, within the office of the Governor, Cal OES, which is responsible for preventing, responding to, recovering from, and mitigating the impacts of both natural and intentional disasters.
- 2) Authorizes cities, cities and counties, and counties to create disaster councils, by ordinance, to develop plans for meeting any condition constituting a local emergency or state of

emergency, including, but not limited to, earthquakes, natural or manmade disasters specific to that jurisdiction, or state of war emergency.

- 3) Defines “access and functional needs population” as individuals who have developmental or intellectual disabilities, physical disabilities, chronic conditions, injuries, limited English proficiency or who are non-English speaking, older adults, children, people living in institutionalized settings, or those who are low income, homeless, or transportation disadvantaged, including, but not limited to, those who are dependent on public transit or those who are pregnant.
- 4) Requires city and counties, upon the next update to its emergency plan, to integrate access and functional needs into its emergency plan by addressing, at a minimum, how the access and functional needs population is served by emergency communications, evacuation, and sheltering.
- 5) The Americans with Disabilities Act (ADA, P. L. 101-336), requires public transit operators that provide fixed-route service to provide “complementary paratransit” service to people with disabilities who cannot use the fixed-route bus or rail service because of a disability.

FISCAL EFFECT: Unknown

COMMENTS:

Purpose of the bill: According to the author, “during natural disasters or public health emergencies, our most vulnerable populations are often unable to evacuate or seek shelter. This includes, but is not limited to, the elderly, foster youth, and people with physical or developmental disabilities. This bill will facilitate local partnerships to allow counties and cities to share logistical resources (including paratransit vehicles, drivers, and medical equipment) to evacuate these vulnerable populations when natural disasters or public health emergencies strike our state. We must ensure that when these emergencies occur in California, no one gets left behind.”

The author adds, “during a government-declared state of emergency, collaborations among counties, a city and county, and its paratransit services are vital to secure the health and livelihood of individuals and populations. In particular, this bill seeks to ensure that counties, a city, and county, benefit from sharing resources (e.g., paratransit vehicles, drivers, equipment) and providing logistical support (e.g., continuity of communications) to meet evacuation needs during declared emergencies, disasters, or public health emergencies and facilitate potential collaborative efforts.

Protecting our most vulnerable residents from natural disasters: In December of 2019, the California State Auditor released an audit entitled “California Is Not Adequately Prepared to Protect Its Most Vulnerable Residents From Natural Disasters” (Report No. 2019-134). The report highlighted deficiencies in state and local emergency preparations for addressing the needs of people with access and functional needs. The report states, “Cal OES is uniquely positioned to observe, collect, and disseminate information about lessons learned during natural disasters across the State. As the agency tasked with coordinating state resources and mutual aid in response to those jurisdictions requesting assistance during an emergency, Cal OES has the opportunity to observe those jurisdictions’ successes and struggles during natural disasters. It can

identify problems caused by gaps in the jurisdictions' emergency preparedness and determine how frequently similar issues arise across jurisdictions.”

The audit also underscored the need for counties to fully assess and prearrange to obtain the resources it would need in a disaster, such as entering into an agreement with an adjacent county to secure the transportation and other resources required to carry out the proper evacuation of our access and functional needs population. The author's staff notes, “given the access and functional needs population often lacks the ability to provide for their own transportation and may also have difficulty accessing conventional public transportation, evacuating these transportation-disadvantaged populations during emergencies has become an important challenge to address.”

Paratransit providers and emergency management: Paratransit's have the capacity to work with emergency management to ensure that people being returned to their residencies have the necessary resources and support required to safely return home following emergencies and resume living independently. Paratransit providers can assist emergency management in identifying and locating people with access and functional needs that may require evacuation assistance. While emergency managers may know the locations of resident care centers, they may have limited knowledge about the travel patterns and personal residencies of people living independently in the community who may need evacuation assistance.

Arguments in support: The Disability Rights California states, “as the most recent California wildfires have demonstrated, there is critical need for effective evacuation plans that must include all members of the communities, including persons with disabilities and the elderly. It is critical to leverage the availability of transportation that can effectively and efficiently provide services to the functional needs population.”

Cal OES: Cal OES is responsible for addressing natural, technological, or manmade disasters and emergencies, and preparing the State to prevent, respond to, quickly recover from, and mitigate the effects of both intentional and natural disasters. As part of their overall preparedness mission, Cal OES is required to develop a State Emergency Plan (SEP), State Hazard Mitigation Plan (SHMP), and maintains Standardized Emergency Management System (SEMS) and the Emergency Management Mutual Aid System (EMMA). Cal OES, in coordination with FEMA and local partners, has developed four Catastrophic Plans to augment the State Emergency Plan.

State Emergency Plan: The SEP describes how response to natural or human- caused emergencies occurs in California. The plan is a requirement of the California Emergency Services Act (ESA), and describes methods for conducting emergency operations, the process for rendering mutual aid, emergency services of government agencies, how resources are mobilized, how the public is informed, and how continuity of government is maintained during emergency. The SEP defines Emergency Support Functions (ESF) which are discipline-specific groups that develop functional annexes to set goals, objectives, operational concepts, capabilities, organization structures, and related policies and procedures.

Whole Community Preparedness: FEMA, in both their 2018-2022 Strategic Plan and their emergency planning guidelines (Comprehensive Preparedness Guide 101, Version 2.0) articulate the need to build a culture of preparedness by ensuring representation and services for under-represented diverse populations that may be more impacted by disasters including children,

seniors, individuals with disabilities or access and functional needs, individuals with diverse culture and language use, individuals with lower economic capacity, and other underserved populations.

Related Legislation: AB 2064 (Patterson) of the 2019-2020 Session. Would require Cal OES, upon the next update of the State Emergency Plan, to include proposed best practices for local governments to use to mobilize and evacuate people with access and functional needs during disasters. (Set to be heard in this committee on March 18, 2020.)

AB 2428 (Fong) of the 2019-2020 Session. Would require Cal OES to update the State Emergency Plan in coordination with representatives from the access and functional needs population. (Referred to Committee on Governmental Organization.)

AB 2654 (Cervantes) of the 2019-2020 Session. Would require the ten most populous cities in California to incorporate representatives of access and functional needs populations in the development of their next emergency plan. (Referred to Committee on Governmental Organization.)

AB 2968 (Rodriguez) of the 2019-2020 Session. Would require Cal OES to establish best practices for developing county emergency plans, a process for reviewing such plans, and feedback on the extent to which plans protect and accommodates vulnerable populations, among other things. (Referred to Committee on Governmental Organization.)

AB 3267 (Smith) of the 2019-2020 Session. Would require Cal OES to coordinate with representatives of the access and functional needs population in updating the State Emergency Plan and provides Cal OES with additional time to complete after-action reports, as specified. (Set to be heard in this Committee on May 12, 2020.)

SB 46 (Jackson) of the 2019-2020 Session. Would ensure that more California residents will receive critical emergency alerts by expanding California's opt-out emergency notification program to include cities and universities and, among other things, authorizes county social service departments to share emergency contact information with alerting authorities so that specialized alerts may be sent to residents with access or functional needs who may need extra instruction or assistance during an emergency. (Placed on the Senate Appropriations Suspense File.)

SB 794 (Jackson) of the 2019-2020 Session. Would require a county, upon the next update to its emergency plan, regarding the integration of access and functional needs into that emergency plan, shall include representatives from the access and functional needs population, as specified. (Referred to the Senate Committee on Governmental Organization.)

Prior Legislation: SB 160 (Jackson, Chapter 402, Statutes of 2019). Required a county to integrate cultural competency into its emergency plan, upon the next update to its emergency plan, and requires counties to provide a forum for community engagement in geographically diverse locations in order to engage with culturally diverse communities, as specified.

AB 3098 (Friedman, Chapter 348, Statutes of 2018). Required a residential care facility for the elderly to have an emergency and disaster plan.

AB 1877 (Limón, Chapter 630, Statutes of 2018). Required OES to create a library of translated emergency notifications and a translation style guide, as specified, and required designated alerting authorities to consider using the library and translation style guide when issuing emergency notifications to the public.

SB 821 (Jackson, Chapter 615, Statutes of 2018). Authorized counties to enter into an agreement to access the contact information of resident accountholders through the records of a public utility, as defined, for the sole purpose of enrolling county residents in a county-operated public emergency warning system.

SB 833 (McGuire, Chapter 617, Statutes of 2018). Required OES, in consultation with specified stakeholders, to develop voluntary guidelines for alerting and warning the public of an emergency, and requires OES to develop an alert and warning training, as specified.

AB 289 (Gray, Chapter 289, Statutes of 2017). Required OES to update the State Emergency Plan on or before January 1, 2019, and every five years thereafter.

AB 2311 (Brown, Chapter 520, Statutes of 2016). Required each county to integrate access and functional needs into its emergency plan upon the next update.

REGISTERED SUPPORT / OPPOSITION:

Support

Disability Rights California
State Council on Developmental Disabilities

Opposition

None on file.

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