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THIRD READING

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Bill No: AB 2800  
Author: Quirk (D), et al.  
Amended: 8/6/20 in Senate  
Vote: 21

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SENATE NATURAL RES. & WATER COMMITTEE: 7-2, 8/5/20  
AYES: Monning, Allen, Caballero, Hertzberg, Hueso, Jackson, Stern  
NOES: Jones, Borgeas

SENATE APPROPRIATIONS COMMITTEE: 6-1, 8/20/20  
AYES: Portantino, Bates, Bradford, Hill, Leyva, Wieckowski  
NOES: Jones

ASSEMBLY FLOOR: 62-15, 6/10/20 - See last page for vote

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**SUBJECT:** Climate change: state infrastructure planning: Climate-Safe  
Infrastructure Working Group

**SOURCE:** Union of Concerned Scientists

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**DIGEST:** This bill removes the sunset of the Climate-Safe Infrastructure Working Group (CSIWG) and provisions which require agencies to take the current and future climate change impacts into account in infrastructure projects.

**ANALYSIS:**

Existing law:

- 1) Requires the Natural Resources Agency (NRA) to update its climate adaptation strategy, known as the Safeguarding California Plan (the Plan), by July 1, 2017, and every three years thereafter, and to coordinate with other state agencies to identify a lead agency or group of agencies to lead adaptation efforts in each sector. (Public Resources Code [PRC] §71153)

- 2) Requires the Plan to include all of the following (PRC §71153):
  - a) Vulnerabilities to climate change by sector including, at a minimum, the following sectors:
    - i) Water.
    - ii) Energy.
    - iii) Transportation.
    - iv) Public health.
    - v) Agriculture.
    - vi) Emergency services.
    - vii) Forestry.
    - viii) Biodiversity and habitat.
    - ix) Ocean and coastal resources.
  - b) Priority actions needed to reduce risks in those sectors, as identified by the lead agency or group of agencies.
- 3) Requires NRA to annually report to the Legislature on actions taken by each applicable agency to implement the Plan. (PRC §71153)
- 4) Establishes the Integrated Climate Adaptation and Resiliency Program (ICARP) within the Office of Planning and Research (OPR) to coordinate regional, local, and state efforts to adapt to climate change with, to the extent feasible, an emphasis on climate equity considerations and strategies that benefit greenhouse gas (GHG) emissions reductions and adaptation efforts, as specified. (PRC §71354) Requires ICARP to:
  - a) Work with and coordinate local and regional efforts for climate adaptation and resilience.
  - b) Assist the Office of Emergency Services and other relevant state agencies with coordinating regular reviews and updates, as needed, to the Adaptation Planning Guide.
  - c) Maintain the state's clearinghouse (clearinghouse) on climate adaptation information to guide decision-makers at state, regional, and local levels.
- 5) Establishes the ICARP Technical Advisory Council (TAC) in order to provide scientific and technical support. The TAC shall support OPR's goals to facilitate coordination among state, regional, and local agency efforts to adapt to the impacts of climate change. (PRC §71358)

- 6) Establishes the clearinghouse for climate adaptation information, which may include, but is not limited to:
  - a) Projects and models, vulnerability assessments, and downscaled data for climate change impacts at state, regional, and local levels for a variety of timescales.
  - b) Tools that allow visualization of regional and local impacts.
  - c) White papers, case studies, research articles, and best practices.
  - d) Funding opportunities for adaptation research, planning, and projects.
  - e) Regionally prioritized best-practice adaptation projects that integrate GHG emission reduction strategies. (PRC §71360)
- 7) Directs state agencies, when developing infrastructure to address adaptation, where feasible, to develop a project alternative that utilizes existing natural features and ecosystem processes or the restoration of natural features and ecosystem processes to meet the project's goals. (PRC §71154)
- 8) Directs state agencies, through July 1, 2020, to take into account the current and future impacts of climate change when planning, designing, building, operating, maintaining and investing in state infrastructure. (PRC §71155)
- 9) Establishes the CSIWG, through July 1, 2020, to examine how to integrate scientific data concerning projected climate change impacts into state infrastructure engineering. (PRC §71155) Specifically requires CSIWG to consider and investigate, at a minimum, the following issues:
  - a) The current informational and institutional barriers to integrating projected climate change impacts into state infrastructure design.
  - b) The critical information that engineers responsible for design and construction need to address climate change impacts.
  - c) How to select an appropriate engineering design for a range of future climate scenarios.

This bill:

- 1) Removes the sunset for the CSIWG and for the direction that state agencies take into account the current and future impacts of climate change when planning, designing, building, operating, maintaining and investing in state infrastructure

- 2) Provides that CSIWG shall only convene and perform its functions to the extent resources are available to fund the support of CSIWG and its activities.
- 3) Includes the state's Five-Year Infrastructure Plan in the list of climate adaptation planning efforts that the CSIWG must work in coordination with.
- 4) Removes an obsolete reporting requirement.

## Comments

*Climate-Safe Infrastructure Working Group.* AB 2800 (Quirk, Chapter 580, Statutes of 2016) directed state agencies to take into account the current and future impacts of climate change when planning, designing, building, operating, maintaining and investing in state infrastructure. That bill also established the CSIWG to, among other directives, make recommendations to the Legislature by July 1, 2018, on how to integrate climate change considerations into infrastructure planning and design, as specified. In September 2018, CSIWG met this mandate with the release of *Paying It Forward: The Path Toward Climate-Safe Infrastructure in California (Paying It Forward)*.

*Paying It Forward* made a number of recommendations, including making CSIWG permanent. This bill adopts that recommendation by eliminating the CSIWG's sunset date. The bill also eliminates the sunset date on the requirement that state agencies consider climate change in infrastructure planning and decision-making.

*Climate change costs and liabilities.* AB 2800 directed CSIWG to consider and investigate the current informational and institutional barriers to integrating projected climate change impacts into state infrastructure design. *Paying It Forward* identified that questions around liability represent one of the most important barriers to integrating projected climate change impacts into state infrastructure design. That report highlighted the importance of incorporating a fiscal perspective into infrastructure planning and decision-making because climate-related costs and liabilities to infrastructure can be significant. *California's Fourth Climate Change Assessment (The Fourth Assessment)* documents emerging findings on the costs of climate change in California, showing initial estimates in the hundreds of millions to billions of dollars per year by midcentury, including \$1 billion total to transportation between 2040 and 2070, over \$47 million per year to the electricity system, and \$48 billion to coastal properties statewide.

*The Fourth Assessment* noted that this assessment of costs is only preliminary, recommending more research to better understand the full fiscal impact. *Paying It*

*Forward* comes to the same conclusion, finding that the state needs more comprehensive, reliable estimates of what climate change impacts and adaptation would cost at the state or local level. The report recommended CSIWG explore the complex questions that arise of how to take climate change into account from a fiscal perspective in infrastructure projects.

### **Related/Prior Legislation**

AB 2800 (Quirk, Chapter 580, Statutes of 2016) created CSIWG to develop recommendations for integrating climate change impacts into state infrastructure design and construction.

AB 1482 (Gordon, Chapter 603, Statutes of 2015) required NRA to update the state's climate adaptation strategy, Safeguarding California, every three years.

SB 246 (Wieckowski, Chapter 606, Statutes of 2015) established ICARP under OPR to coordinate regional and local adaptation efforts with state climate adaptation strategies.

SB 379 (Jackson, Chapter 608, Statutes of 2015) required cities and counties to review and update their general plans' safety elements to address risks posed by climate change.

**FISCAL EFFECT:** Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee:

- Cost pressure between \$200,000 and \$250,000 annually (General Fund) for the working group to continue working on other state climate adaptation planning efforts, building upon existing information, and working in coordination with other state agencies that advance infrastructure sustainability.
- Unknown cost pressure, likely absorbable, for participation by the state agency members of the working group (Department of Transportation, Department of Water Resources, Department of General Services) and the California State University and the University of California.

**SUPPORT:** (Verified 8/20/20)

Union of Concerned Scientists (source)

American Rivers

American Society of Civil Engineers - Region 9

Architects, Designers, Planners for Social Responsibility  
Audubon California  
California League of Conservation Voters  
Leadership Counsel for Justice & Accountability  
Policylink  
Sierra Club California  
The Climate Center  
13 individuals

**OPPOSITION:** (Verified 8/20/20)

None received

**ARGUMENTS IN SUPPORT:** According to the author:

Impacts from climate change threaten the state's aging infrastructure across all sectors, and need to be taken into account as investments in new projects are made. AB 2800 (Quirk, 2016) created the [CSIWG] composed of scientists, engineers, and architects to examine how to best integrate climate information with the state's infrastructure design, planning and implementation. [CSIWG] released their report, *Paying It Forward: The Path Toward Climate-Safe Infrastructure in California*, laying out a "Climate-Safe Path" for California's future.

As the state works to meet its greenhouse gas reduction goals through investments in new infrastructure, as well as upgrade outdated infrastructure, the effects of climate change should be taken into account. While voters have approved billions of dollars in bonds for the state to invest in infrastructure, California should be spending these funds on new and upgraded infrastructure that will be resilient and sustainable to withstand a wide range of impacts. This bill will continue to make infrastructure safer and save lives by requiring state agencies to account for current and future impacts of climate change when planning, building, and investing in state infrastructure, ensuring a climate-safe future.

The Union of Concerned Scientists points out that:

Safe and reliable infrastructure is critically important to public safety, California's economy, and quality of life. It is important for the state to design and maintain infrastructure—e.g., roads, bridges, buildings, water systems—to withstand the impacts of a changing climate. A critical component is to ensure

that the engineers responsible for overseeing, designing, and building state infrastructure consider the influence of climate impacts on design standards and specifications.

ASSEMBLY FLOOR: 62-15, 6/10/20

AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Berman, Bloom, Boerner

Horvath, Bonta, Burke, Calderon, Carrillo, Cervantes, Chau, Chiu, Chu, Cooley,

Cooper, Cunningham, Daly, Eggman, Frazier, Friedman, Gabriel, Cristina

Garcia, Eduardo Garcia, Gipson, Gloria, Gonzalez, Gray, Grayson, Holden,

Irwin, Jones-Sawyer, Kalra, Kamlager, Levine, Limón, Low, Maienschein,

Mayes, McCarty, Medina, Mullin, Muratsuchi, Nazarian, O'Donnell, Petrie-

Norris, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca

Rubio, Salas, Santiago, Smith, Mark Stone, Ting, Weber, Wicks, Wood, Rendon

NOES: Bigelow, Brough, Chen, Choi, Megan Dahle, Diep, Flora, Fong,

Gallagher, Lackey, Mathis, Obernolte, Patterson, Voepel, Waldron

NO VOTE RECORDED: Kiley, Quirk

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\*\*\*\* END \*\*\*\*