

ASSEMBLY BILL

No. 976

Introduced by Assembly Member Vargas

February 23, 2001

An act to amend Section 673 of the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 976, as introduced, Vargas. Transportation: mass transit.

Existing law requires that any permit issued to a specified governmental unit relating to specified acts on state highways contain a provision that in the event the future improvement of the highway necessitates the relocation or removal of the encroachment the permittee will relocate or remove it at his sole expense. In that event existing law requires the Department of Transportation and the permittee to follow specified procedures. Under existing law, all other specified permits are revocable on 5 days' notice, and the encroachment must then be removed or relocated, as specified.

This bill would permit the department to waive the provision requiring the permittee to bear the sole expense to relocate or remove the encroachment when the encroachment is a rail or other nonhighway public mass transit facility that was developed by a publicly owned mass transit authority.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 673 of the Streets and Highways Code
2 is amended to read:

3 673. (a) Any permit issued to a permittee of the class
4 specified in section 678 shall contain a provision that, in the event
5 the future improvement of the highway necessitates the relocation
6 or removal of ~~such~~ *the* encroachment, the permittee will relocate
7 or remove ~~the same~~ *it* at his *or her* sole expense. In ~~said~~ *that* event
8 the department shall serve on the permittee its written demand
9 specifying the place of relocation, or that the encroachment must
10 be removed from the highway, and specifying a reasonable time
11 within which the work of relocation must be commenced. The
12 permittee must commence ~~such~~ *the* relocation or removal within
13 the time specified in ~~said~~ *the* demand and thereafter diligently
14 prosecute ~~the same~~ *it* to completion.

15 All permits other than those issued to permittees of the class
16 specified in section 678 or the class specified in section 680 are
17 revocable on five days' notice and the encroachment must be
18 removed or relocated as may be specified by the department in the
19 notice revoking the permit and within the time specified by the
20 department, which time ~~shall~~ *may* not be less than ~~such~~ *those* five
21 days, unless the permit so provides.

22 (b) *The department may waive the requirement in subdivision*
23 *(a) that the permittee bear the sole expense for the relocation or*
24 *removal of the encroachment when the encroachment is a rail or*
25 *other nonhighway public mass transit facility that was developed*
26 *by a publicly owned mass transit authority.*

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