

AMENDED IN SENATE JUNE 10, 2002

AMENDED IN ASSEMBLY APRIL 11, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 3026

Introduced by Committee on Transportation (Dutra (Chair), Chu, Firebaugh, Kehoe, Liu, Longville, Nakano, Oropeza, Strom-Martin, and Vargas)

March 7, 2002

An act to amend ~~Section~~ Sections 14035, 14038, 14553.6, 14553.8, and 14554.8 of, and to repeal Section 14404 of, the Government Code, to amend Sections 10265 and 19100 of the Public Contract Code, to amend Sections 21602, 21670.1, 21670.2, 21670.4, 21671.5, 21674, 21674.5, 21674.7, 21675, 21675.1, 21676, 21676.5, 21679, 21679.5, 21681, and 21702 of the Public Utilities Code, to amend Section 21096 of the Public Resources Code, to amend Sections 150, 164.16, 170, and 216 of the Streets and Highways Code, and to amend Section 22656 of the Vehicle Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 3026, as amended, Committee on Transportation. Transportation: ~~funding~~.

(1) Existing law authorizes the Department of Transportation to enter into contracts with the National Railroad Passenger Corporation.

This bill would make nonsubstantive changes to those provisions, deleting references to obsolete federal law.

(2) Existing law continuously appropriates to the Treasurer the amounts identified in the Budget Act as having been deposited in the



State Highway Account in the State Transportation Fund from federal transportation funds and pledged by the California Transportation Commission, for the purposes of issuing federal highway grant anticipation notes to fund transportation projects selected by the commission. Projects eligible for this special funding are limited to transportation projects that have been designated for accelerated construction by the commission, including toll bridge seismic retrofit projects, projects approved for funding under the Traffic Congestion Relief Act of 2000, and projects programmed under the current adopted State Transportation Improvement Program (STIP) or the current State Highway Operation and Protection Program.

Existing law requires that all federal and state funds to be allocated by the commission or expended by the Department of Transportation for transportation improvements under the STIP, except as specified, be programmed 40 percent in County Group No. 1, as defined, and 60 percent in County Group No. 2, as defined, and allocated among the counties in each county group in accordance with certain county share formulas.

Existing law requires that all funds allocated to a project under the provisions of existing law described above relating to federal highway grant anticipation notes be counted against the STIP county share for the county in which the project is located.

This bill would instead provide that the projects included in the STIP would be counted against the STIP interregional improvement program share for a project in the interregional improvement program and the county share for the county in which a project is located for a project in a regional improvement program.

(3) Existing law requires a political subdivision to adopt a comprehensive land use plan to provide for the orderly growth of a public airport within its jurisdiction.

This bill would change the term to “airport land use compatibility plan” in those provisions.

(4) Existing law designates certain state highways and segments of those highways as part of the interregional road system.

This bill would include within this designation the segment of Route 246 between Routes 1 and 101. The bill would also made nonsubstantive changes to provisions pertaining to the state highway system.

(5) Under existing law, any peace officer, as defined, may remove a vehicle from the right-of-way of a railroad, street railway, or light rail



line located within the territorial limits in which the officer is empowered to act if the vehicle is parked or abandoned upon any track or within 7½ feet of the nearest rail.

This bill would also authorize the officer to remove a vehicle that is parked beyond 7½ feet of the nearest rail but within the right-of-way of a railroad, street railway, or light rail if signs are posted giving notice that vehicles may be removed.

(6) Existing law describes the parameters of State Highway Route 91 that constitute the Willard Murray Freeway.

This bill would require the Department of Transportation to revise the description of this freeway.

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 14035 of the Government Code is
2 amended to read:

3 14035. (a) The department may enter into contracts with the
4 National Railroad Passenger Corporation under Section 403(b) of
5 the Rail Passenger Service Act of 1970 (~~45 U.S.C. Sec. 563(b)~~) to
6 provide commuter and intercity passenger rail services. The
7 contracts may include, but are not limited to, the extension of
8 intercity passenger rail services or the upgrading of commuter rail
9 services.

10 (b) The department may contract with railroad corporations for
11 the use of tracks and other facilities and the provision of passenger
12 services on terms and conditions as the parties may agree.

13 ~~(c) The department is the only public agency eligible to receive~~
14 ~~funds pursuant to Section 1614 of Title 49 of the United States~~
15 ~~Code.~~

16 ~~(d)~~The department may construct, acquire, or lease, and
17 improve and operate, rail passenger terminals and related facilities
18 ~~which~~ that provide intermodal passenger services along the
19 following corridors: the San Diego-Los Angeles-Santa Barbara
20 corridor, the San Francisco-San Jose-Monterey corridor, the Los
21 Angeles-Riverside-San Bernardino-Calexico corridor, the San
22 Jose-Oakland-Sacramento-Reno corridor, the Los
23 Angeles-Bakersfield-Fresno-Stockton-Sacramento-Oakland



1 corridor, and the Los Angeles-Santa
2 Barbara-Oakland-Sacramento-Redding corridor.

3 ~~(e)~~

4 (d) The department may enter into a contract with the National
5 Railroad Passenger Corporation to provide additional trains over
6 the San Joaquin route running between Bakersfield and Oakland
7 and to extend the existing route to Sacramento.

8 ~~(f)~~

9 (e) The Transportation Agency of Monterey County may be a
10 party to any contract entered into under this section between the
11 department and the National Railroad Passenger Corporation for
12 passenger rail service along the San Francisco-San Jose-Monterey
13 corridor.

14 SEC. 2. Section 14038 of the Government Code is amended to
15 read:

16 14038. (a) The department may purchase, sell, and lease rail
17 passenger cars and locomotives and other self-propelled rail
18 vehicles.

19 (b) The department may acquire, lease, design, construct, and
20 improve track lines and related facilities, and the department may
21 contract with the private sector for the design, improvement, or
22 construction of track lines and related facilities. If a railroad
23 corporation refuses to allow improvements to tracks and related
24 facilities, the Public Utilities Commission shall, within 60 days
25 after application by the department, order the institution of those
26 improvements, if it finds that the improvements are necessary to
27 the safety of the railroad corporation’s employees, passengers,
28 customers, and the public, and the operating efficiency of the
29 service for which they are requested.

30 ~~(c) All purchases authorized by this section shall be made in~~
31 ~~accordance with Article 2 (commencing with Section 14790) of~~
32 ~~Chapter 6 of Part 5.5 of Division 3 of Title 2, except that the~~
33 ~~department shall perform the tasks set forth therein for the~~
34 ~~Department of General Services.~~

35 ~~(d) Any facility or equipment acquired or improved by any~~
36 ~~entity with funds made available to it pursuant to this section shall~~
37 ~~become the property of that entity at the time and under the~~
38 ~~conditions as are agreed upon by the department in the agreement~~
39 ~~that makes the funds available to the entity. Section 14780 10295~~



1 of the *Public Contract Code* does not apply to any agreement
2 entered into pursuant to this section.

3 ~~(e)~~

4 (d) The department shall deposit in the Passenger Equipment
5 Acquisition Fund, for expenditure pursuant to Section 14066, the
6 net proceeds from the sale of rail passenger cars and locomotives
7 and other self-propelled rail vehicles.

8 *SEC. 3. Section 14404 of the Government Code is repealed.*

9 ~~14404. A filing of the claim pursuant to Part 3 (commencing~~
10 ~~with Section 900) of Division 3.6 of Title 1 is not required as a~~
11 ~~prerequisite to the commencement of arbitration pursuant to~~
12 ~~Article 8.1 (commencing with Section 14410). The department~~
13 ~~shall have full authority to compromise or otherwise settle any~~
14 ~~claims arising from the contract at any time.~~

15 *SEC. 4. Section 14553.6 of the Government Code is amended*
16 *to read:*

17 14553.6. Funds allocated to a State Transportation
18 Improvement Program project under this chapter, including cost
19 overruns and financing costs, shall be counted against the
20 interregional improvement program share in the case of a project
21 in the interregional improvement program and the county share for
22 the county in which the project is located in the case of a project
23 in a regional improvement program.

24 *SEC. 5. Section 14553.8 of the Government Code is amended*
25 *to read:*

26 14553.8. Before notes are issued under this chapter, the
27 commission, in cooperation with the department *and the*
28 *Department of Finance*, shall consider and determine the
29 appropriateness of the mechanism authorized by this chapter in
30 comparison to other funding mechanisms, including, but not
31 limited to, pay-as-you-go, federal advance construction, federal
32 incremental advance construction, or other funding methods
33 authorized under federal law to achieve maximum efficiency from
34 the state's federal allocation of transportation funds.

35 *SEC. 6. Section 14554.8 of the Government Code is amended*
36 *to read:*

37 14554.8. (a) Notwithstanding Section 13340 of the
38 *Government Code or any other provision of law*, the amounts
39 specified in the annual Budget Act as having been deposited in the
40 State Highway Account in the State Transportation Fund from



1 federal transportation funds, and pledged by the commission
2 under this chapter, are hereby continuously appropriated, without
3 regard to fiscal years, to the Treasurer for the purposes of, and in
4 accordance with, this chapter.

5 (b) Funds that are subject to Section 1 or 2 of Article XIX of the
6 California Constitution may be used as the state or local principal
7 match for any project that is eligible for federal matching funds
8 and is funded pursuant to this chapter.

9 *SEC. 7. Section 10265 of the Public Contract Code is*
10 *amended to read:*

11 10265. A claim pursuant to Part 3 (commencing with Section
12 900) of Division 3.6 of Title 1 of the Government Code is not
13 required, but legal action on any claim shall be commenced within
14 ~~six months after final decision of the department or determination~~
15 ~~of rights by the hearing officer~~ *the time period specified in Section*
16 *10240.1.* The department may compromise or otherwise settle any
17 claims arising from the contract at any time.

18 *SEC. 8. Section 19100 of the Public Contract Code is*
19 *amended to read:*

20 19100. (a) Presentation of a claim pursuant to Part 3
21 (commencing with Section 900) of Division 3.6 of Title 1 of the
22 Government Code is not required to commence a legal action or
23 arbitration proceeding for money or damages on a contract with
24 the state, but any action or proceeding shall be commenced not
25 later than six months after either of the following:

26 (1) The contracting agency's final written decision under
27 contract claim provisions.

28 (2) The accrual of the cause of action, if there are no contract
29 claim provisions.

30 ~~(b) Nothing contained in this section shall be construed as~~
31 ~~modifying or affecting the provisions of Article 8.1 (commencing~~
32 ~~with Section 14410) of Chapter 3 of Part 5 of Division 3 of Title~~
33 ~~2 of the Government Code. This section shall not apply to a claim~~
34 ~~that is subject to the provisions of Section 10240.1.~~

35 *SEC. 8.5. Section 21096 of the Public Resources Code is*
36 *amended to read:*

37 21096. (a) If a lead agency prepares an environmental impact
38 report for a project situated within airport-comprehensive land use
39 *compatibility* plan boundaries, or, if ~~a comprehensive~~ *an airport*
40 land use *compatibility* plan has not been adopted, for a project



1 within two nautical miles of a public airport or public use airport,
2 the Airport Land Use Planning Handbook published by the
3 Division of Aeronautics of the Department of Transportation, in
4 compliance with Section 21674.5 of the Public Utilities Code and
5 other documents, shall be utilized as technical resources to assist
6 in the preparation of the environmental impact report as the report
7 relates to airport-related safety hazards and noise problems.

8 (b) A lead agency shall not adopt a negative declaration for a
9 project described in subdivision (a) unless the lead agency
10 considers whether the project will result in a safety hazard or noise
11 problem for persons using the airport or for persons residing or
12 working in the project area.

13 *SEC. 9. Section 21602 of the Public Utilities Code is amended*
14 *to read:*

15 21602. (a) Subject to the terms and within the limits of
16 special appropriations made by the Legislature, the department
17 may render financial assistance by grant or loan, or both, to
18 political subdivisions jointly, in the planning, acquisition,
19 construction, improvement, maintenance, or operation of an
20 airport owned or controlled, or to be owned or controlled, by a
21 political subdivision or subdivisions, if the financial assistance has
22 been shown by public hearing to be appropriate to the proper
23 development or maintenance of a statewide system of airports.
24 Financial assistance may be furnished in connection with federal
25 or other financial aid for the same purpose.

26 (b) Notwithstanding subdivision (a) of Section 21681, a city or
27 county designated by the Airport Land Use Commission is eligible
28 to compete for funds held in the Aeronautics Account in the State
29 Transportation Fund on behalf of any privately owned, public use
30 airport that is included in ~~a Comprehensive Land Use Plan~~ *an*
31 *airport land use compatibility plan*. However, the city or county
32 shall be eligible to compete for the funds only when zoning on the
33 parcel is tantamount to a taking of all reasonable uses that might
34 otherwise be permitted on the parcel. The eligible airport and
35 aviation purposes are limited to those specified in paragraphs (4),
36 (5), (6), (9), and (14) of subdivision (f) of Section 21681, and,
37 further, any such capital improvements or acquisitions shall
38 become the property of the designated city or county. Matching
39 funds pursuant to subdivision (a) of Section 21684 may include the



1 in-kind contribution of real property, with the approval of the
2 department.

3 (c) Any grant of funds held in the Aeronautics Account in the
4 State Highway Account on behalf of any privately owned airports
5 shall contain a covenant that the airport remain open for public use
6 for 20 years. Any grant made to a city or county on behalf of a
7 privately owned airport shall contain a payback provision based
8 upon existing market value at the time the private airport ceases to
9 be open for public use.

10 (d) Upon request, California Aid to Airports Program (CAAP)
11 projects included within the adopted Aeronautics Program, may
12 be funded in advance of the year programmed, with the
13 concurrence of the department, in order to better utilize funds in
14 the account.

15 (e) There is, in the Aeronautics Account in the State
16 Transportation Fund, a subaccount for the management of funds
17 for loans to local entities pursuant to this chapter. All funds for
18 airport loans in the Special Deposit Fund are hereby transferred to
19 the subaccount. With the approval of the Department of Finance,
20 the department shall deposit in the subaccount all money received
21 by the department from repayments of and interest on existing and
22 future airport loans including, but not limited to, the sums of five
23 hundred forty thousand dollars (\$540,000) in repayments from the
24 General Fund due in July 1987, and July 1988, and may, upon
25 appropriation, transfer additional funds from the Aeronautics
26 Account in the State Transportation Fund to the subaccount as the
27 department deems appropriate. Interest on money in the
28 subaccount shall be credited to the subaccount as it accrues.

29 (f) Notwithstanding Section 13340 of the Government Code,
30 the money in the subaccount created by subdivision (e) is hereby
31 continuously appropriated to the department without regard to
32 fiscal years for purposes of loans to political subdivisions for
33 airport purposes.

34 *SEC. 10. Section 21670.1 of the Public Utilities Code is*
35 *amended to read:*

36 21670.1. (a) Notwithstanding any other provision of this
37 article, if the board of supervisors and the city selection committee
38 of mayors in the county each makes a determination by a majority
39 vote that proper land use planning can be accomplished through
40 the actions of an appropriately designated body, then the body so



1 designated shall assume the planning responsibilities of an airport
2 land use commission as provided for in this article, and a
3 commission need not be formed in that county.

4 (b) A body designated pursuant to subdivision (a) which does
5 not include among its membership at least two members having an
6 expertise in aviation, as defined in subdivision (e) of Section
7 21670, shall, when acting in the capacity of an airport land use
8 commission, be augmented so that ~~that~~ body, as augmented, will
9 have at least two members having that expertise. The commission
10 shall be constituted pursuant to this section on and after March 1,
11 1988.

12 (c) (1) Notwithstanding subdivisions (a) and (b), and
13 subdivision (b) of Section 21670, if the board of supervisors of a
14 county and each affected city in that county each makes a
15 determination that proper land use planning pursuant to this article
16 can be accomplished pursuant to this subdivision, then a
17 commission need not be formed in that county.

18 (2) If the board of supervisors of a county and each affected city
19 makes a determination that proper land use planning may be
20 accomplished and a commission is not formed pursuant to
21 paragraph (1) ~~of this subdivision~~, that county and the appropriate
22 affected cities having jurisdiction over an airport, subject to the
23 review and approval by the Division of Aeronautics of the
24 department, shall do all of the following:

25 (A) Adopt processes for the preparation, adoption, and
26 amendment of the ~~comprehensive~~ airport land use *compatibility*
27 plan for each airport that is served by a scheduled airline or
28 operated for the benefit of the general public.

29 (B) Adopt processes for the notification of the general public,
30 landowners, interested groups, and other public agencies
31 regarding the preparation, adoption, and amendment of the
32 ~~comprehensive~~ airport land use *compatibility* plans.

33 (C) Adopt processes for the mediation of disputes arising from
34 the preparation, adoption, and amendment of the ~~comprehensive~~
35 airport land use *compatibility* plans.

36 (D) Adopt processes for the amendment of general and specific
37 plans to be consistent with the ~~comprehensive~~ airport land use
38 *compatibility* plans.



1 (E) Designate the agency that shall be responsible of the
2 preparation, adoption, and amendment of each ~~comprehensive~~
3 airport land use *compatibility* plan.

4 (3) The Division of Aeronautics of the department shall review
5 the processes adopted pursuant to paragraph (2), and shall approve
6 the processes if the division determines that the processes are
7 consistent with the procedure required by this article and will do
8 all of the following:

9 (A) Result in the preparation, adoption, and implementation of
10 plans within a reasonable amount of time.

11 (B) Rely on the height, use, noise, safety, and density criteria
12 that are compatible with airport operations, as established by this
13 article, and referred to as the Airport Land Use Planning
14 Handbook, published by the division, and any applicable federal
15 aviation regulations, including, but not limited to, Part 77
16 (commencing with Section 77.1) of Title 14 of the Code of Federal
17 Regulations.

18 (C) Provide adequate opportunities for notice to, review of, and
19 comment by the general public, landowners, interested groups,
20 and other public agencies.

21 (4) If the county does not comply with the requirements of
22 paragraph (2) within 120 days, then the *airport land use*
23 *compatibility* plan and amendments shall not be considered
24 adopted pursuant to this article and a commission shall be
25 established within 90 days of the determination of noncompliance
26 by the division and ~~a~~ *an airport land use compatibility* plan shall
27 be adopted pursuant to this article within 90 days of the
28 establishment of the commission.

29 (d) A commission need not be formed in a county that has
30 contracted for the preparation of ~~comprehensive~~ airport land use
31 *compatibility* plans with the Division of Aeronautics under the
32 California ~~Aids Aid to Airport Airports~~ Program (Title 21
33 (commencing with Section 4050) of the California Code of
34 Regulations), Project Ker-VAR 90-1, and that submits all of the
35 following information to the Division of Aeronautics for review
36 and comment that the county and the cities affected by the airports
37 within the county, as defined by the *airport land use compatibility*
38 plans:



1 (1) Agree to adopt and implement the ~~comprehensive~~ airport
2 *land use compatibility* plans that have been developed under
3 contract.

4 (2) Incorporated the height, use, noise, safety, and density
5 criteria that are compatible with airport operations as established
6 by this article, and referred to as the Airport Land Use Planning
7 Handbook, published by the division, and any applicable federal
8 aviation regulations, including, but not limited to, Part 77
9 (commencing with Section 77.1) of Title 14 of the Code of Federal
10 Regulations as part of the general and specific plans for the county
11 and for each affected city.

12 (3) If the county does not comply with this subdivision on or
13 before May 1, 1995, then a commission shall be established in
14 accordance with this article.

15 (e) (1) A commission need not be formed in a county if all of
16 the following conditions are met:

17 (A) The county has only one public use airport that is owned by
18 a city.

19 (B) (i) The county and the affected city adopt the elements in
20 paragraph (2) of subdivision (d), as part of their general and
21 specific plans for the county and the affected city.

22 (ii) The general and specific plans shall be submitted, upon
23 adoption, to the Division of Aeronautics. If the county and the
24 affected city do not submit the elements specified in paragraph (2)
25 of subdivision (d), on or before May 1, 1996, then a commission
26 shall be established in accordance with this article.

27 *SEC. 11. Section 21670.2 of the Public Utilities Code is*
28 *amended to read:*

29 21670.2. (a) Sections 21670 and 21670.1 do not apply to the
30 County of Los Angeles. In that county, the county regional
31 planning commission has the responsibility for coordinating the
32 airport planning of public agencies within the county. In instances
33 where impasses result relative to this planning, an appeal may be
34 made to the county regional planning commission by any public
35 agency involved. The action taken by the county regional planning
36 commission on such an appeal may be overruled by a four-fifths
37 vote of the governing body of a public agency whose planning led
38 to the appeal.



1 (b) By January 1, 1992, the county regional planning
2 commission shall adopt the ~~comprehensive~~ *airport* land use
3 *compatibility* plans required pursuant to Section 21675.

4 (c) Sections 21675.1, 21675.2, and 21679.5 do not apply to the
5 County of Los Angeles until January 1, 1992. If the
6 ~~comprehensive~~ *airport* land use *compatibility* plans required
7 pursuant to Section 21675 are not adopted by the county regional
8 planning commission by January 1, 1992, Sections 21675.1 and
9 21675.2 shall apply to the County of Los Angeles until the *airport*
10 *land use compatibility* plans are adopted.

11 *SEC. 12. Section 21670.4 of the Public Utilities Code is*
12 *amended to read:*

13 21670.4. (a) As used in this section, “intercounty airport”
14 means any airport bisected by a county line through its runways,
15 runway protection zones, inner safety zones, inner turning zones,
16 outer safety zones, or sideline safety zones, as defined by the
17 department’s Airport Land Use Plan handbook and referenced in
18 the ~~comprehensive~~ *airport* land use *compatibility* plan formulated
19 under Section 21675.

20 (b) It is the purpose of this section to provide the opportunity
21 to establish a separate airport land use commission so that an
22 intercounty airport may be served by a single airport land use
23 planning agency, rather than having to look separately to the
24 airport land use commissions of the affected counties.

25 (c) In addition to the airport land use commissions created
26 under Section 21670 or the alternatives established under Section
27 21670.1, for their respective counties, the boards of supervisors
28 and city selection committees for the affected counties, by
29 independent majority vote of each county’s two delegations, for
30 any intercounty airport, may do either of the following:

31 (1) Establish a single separate airport land use commission for
32 that airport. That commission shall consist of seven members to be
33 selected as follows:

34 (A) One representing the cities in each of the counties,
35 appointed by that county’s city selection committee.

36 (B) One representing each of the counties, appointed by the
37 board of supervisors of each county.

38 (C) One from each county having expertise in aviation,
39 appointed by a selection committee comprised of the managers of
40 all the public airports within that county.



1 (D) One representing the general public, appointed by the other
2 six members of the commission.

3 (2) In accordance with subdivision (a) or (b) of Section
4 21670.1, designate an existing appropriate entity as that airport's
5 land use commission.

6 *SEC. 13. Section 21671.5 of the Public Utilities Code is*
7 *amended to read:*

8 21671.5. (a) Except for the terms of office of the members of
9 the first commission, the term of office of each member shall be
10 four years and until the appointment and qualification of his or her
11 successor. The members of the first commission shall classify
12 themselves by lot so that the term of office of one member is one
13 year, of two members is two years, of two members is three years,
14 and of two members is four years. The body ~~which~~ *that* originally
15 appointed a member whose term has expired shall appoint his or
16 her successor for a full term of four years. Any member may be
17 removed at any time and without cause by the body appointing that
18 member. The expiration date of the term of office of each member
19 shall be the first Monday in May in the year in which that member's
20 term is to expire. Any vacancy in the membership of the
21 commission shall be filled for the unexpired term by appointment
22 by the body which originally appointed the member whose office
23 has become vacant. The chairperson of the commission shall be
24 selected by the members thereof.

25 (b) Compensation, if any, shall be determined by the board of
26 supervisors.

27 (c) Staff assistance, including the mailing of notices and the
28 keeping of minutes and necessary quarters, equipment, and
29 supplies shall be provided by the county. The usual and necessary
30 operating expenses of the commission shall be a county charge.

31 (d) Notwithstanding any other provisions of this article, the
32 commission shall not employ any personnel either as employees
33 or independent contractors without the prior approval of the board
34 of supervisors.

35 (e) The commission shall meet at the call of the commission
36 chairperson or at the request of the majority of the commission
37 members. A majority of the commission members shall constitute
38 a quorum for the transaction of business. No action shall be taken
39 by the commission except by the recorded vote of a majority of the
40 full membership.



1 (f) The commission may establish a schedule of fees necessary
2 to comply with this article. Those fees shall be charged to the
3 proponents of actions, regulations, or permits, shall not exceed the
4 estimated reasonable cost of providing the service, and shall be
5 imposed pursuant to Section 66016 of the Government Code.
6 Except as provided in subdivision (g), after June 30, 1991, a
7 commission~~which~~ *that* has not adopted the~~comprehensive~~
8 *airport* land use *compatibility* plan required by Section 21675
9 shall not charge fees pursuant to this subdivision until the
10 commission adopts the plan.

11 (g) In any county~~which~~ *that* has undertaken by contract or
12 otherwise completed *airport* land use *compatibility* plans for at
13 least one-half of all public use airports in the county, the
14 commission may continue to charge fees necessary to comply with
15 this article until June 30, 1992, and, if the *airport* land use
16 *compatibility* plans are complete by that date, may continue
17 charging fees after June 30, 1992. If the *airport* land use
18 *compatibility* plans are not complete by June 30, 1992, the
19 commission shall not charge fees pursuant to subdivision (f) until
20 the commission adopts the land use plans.

21 *SEC. 14. Section 21674 of the Public Utilities Code is*
22 *amended to read:*

23 21674. The commission has the following powers and duties,
24 subject to the limitations upon its jurisdiction set forth in Section
25 21676:

26 (a) To assist local agencies in ensuring compatible land uses in
27 the vicinity of all new airports and in the vicinity of existing
28 airports to the extent that the land in the vicinity of those airports
29 is not already devoted to incompatible uses.

30 (b) To coordinate planning at the state, regional, and local
31 levels so as to provide for the orderly development of air
32 transportation, while at the same time protecting the public health,
33 safety, and welfare.

34 (c) To prepare and adopt an airport land use *compatibility* plan
35 pursuant to Section 21675.

36 (d) To review the plans, regulations, and other actions of local
37 agencies and airport operators pursuant to Section 21676.

38 (e) The powers of the commission shall in no way be construed
39 to give the commission jurisdiction over the operation of any
40 airport.



1 (f) In order to carry out its responsibilities, the commission
2 may adopt rules and regulations consistent with this article.

3 *SEC. 15. Section 21674.5 of the Public Utilities Code is*
4 *amended to read:*

5 21674.5. (a) The Department of Transportation shall develop
6 and implement a program or programs to assist in the training and
7 development of the staff of airport land use commissions, after
8 consulting with airport land use commissions, cities, counties, and
9 other appropriate public entities.

10 (b) The training and development program or programs are
11 intended to assist the staff of airport land use commissions in
12 addressing high priority needs, and may include, but need not be
13 limited to, the following:

14 (1) The establishment of a process for the development and
15 adoption of ~~comprehensive~~ *airport land use compatibility* plans.

16 (2) The development of criteria for determining airport land
17 use planning boundaries.

18 (3) The identification of essential elements ~~which~~ *that* should
19 be included in the ~~comprehensive~~ *airport land use compatibility*
20 plans.

21 (4) Appropriate criteria and procedures for reviewing proposed
22 developments and determining whether proposed developments
23 are compatible with the airport use.

24 (5) Any other organizational, operational, procedural, or
25 technical responsibilities and functions ~~which~~ *that* the department
26 determines to be appropriate to provide to commission staff and
27 for which it determines there is a need for staff training or
28 development.

29 (c) The department may provide training and development
30 programs for airport land use commission staff pursuant to this
31 section by any means it deems appropriate. Those programs may
32 be presented in any of the following ways:

33 (1) By offering formal courses or training programs.

34 (2) By sponsoring or assisting in the organization and
35 sponsorship of conferences, seminars, or other similar events.

36 (3) By producing and making available written information.

37 (4) Any other feasible method of providing information and
38 assisting in the training and development of airport land use
39 commission staff.



1 SEC. 16. Section 21674.7 of the Public Utilities Code is
2 amended to read:

3 21674.7. An airport land use commission that formulates,
4 adopts, or amends ~~a comprehensive~~ an airport land use
5 *compatibility* plan shall be guided by information prepared and
6 updated pursuant to Section 21674.5 and referred to as the Airport
7 Land Use Planning Handbook published by the Division of
8 Aeronautics of the Department of Transportation.

9 SEC. 17. Section 21675 of the Public Utilities Code is
10 amended to read:

11 21675. (a) Each commission shall formulate ~~a~~
12 ~~comprehensive~~ an airport land use *compatibility* plan that will
13 provide for the orderly growth of each public airport and the area
14 surrounding the airport within the jurisdiction of the commission,
15 and will safeguard the general welfare of the inhabitants within the
16 vicinity of the airport and the public in general. The ~~commission~~
17 *airport land use compatibility* plan shall include and shall be based
18 on a long-range master plan or an airport layout plan, as
19 determined by the Division of Aeronautics of the Department of
20 Transportation, that reflects the anticipated growth of the airport
21 during at least the next 20 years. In formulating ~~a~~ an airport land
22 use *compatibility* plan, the commission may develop height
23 restrictions on buildings, specify use of land, and determine
24 building standards, including soundproofing adjacent to airports,
25 within the planning area. The ~~comprehensive~~ airport land use
26 *compatibility* plan shall be reviewed as often as necessary in order
27 to accomplish its purposes, but shall not be amended more than
28 once in any calendar year.

29 (b) The commission may include, within its *airport land use*
30 *compatibility* plan formulated pursuant to subdivision (a), the area
31 within the jurisdiction of the commission surrounding any federal
32 military airport for all of the purposes specified in subdivision (a).
33 This subdivision does not give the commission any jurisdiction or
34 authority over the territory or operations of any military airport.

35 (c) The planning boundaries shall be established by the
36 commission after hearing and consultation with the involved
37 agencies.

38 (d) The commission shall submit to the Division of
39 Aeronautics of the department one copy of the *airport land use*



1 *compatibility* plan and each amendment to the *airport land use*
2 *compatibility* plan.

3 (e) If a ~~comprehensive~~ *an airport land use compatibility* plan
4 does not include the matters required to be included pursuant to
5 this article, the Division of Aeronautics of the department shall
6 notify the commission responsible for the *airport land use*
7 *compatibility* plan.

8 *SEC. 18. Section 21675.1 of the Public Utilities Code is*
9 *amended to read:*

10 21675.1. (a) By June 30, 1991, each commission shall adopt
11 the ~~comprehensive~~ *airport land use compatibility* plan required
12 pursuant to Section 21675, except that any county ~~which~~ *that* has
13 undertaken by contract or otherwise completed *airport land use*
14 *compatibility* plans for at least one-half of all public use airports
15 in the county, shall adopt that *airport land use compatibility* plan
16 on or before June 30, 1992.

17 (b) Until a commission adopts a ~~comprehensive~~ *an airport*
18 *land use compatibility* plan, a city or county shall first submit all
19 actions, regulations, and permits within the vicinity of a public
20 airport to the commission for review and approval. Before the
21 commission approves or disapproves any actions, regulations, or
22 permits, the commission shall give public notice in the same
23 manner as the city or county is required to give for those actions,
24 regulations, or permits. As used in this section, “vicinity” means
25 land ~~which~~ *that* will be included or reasonably could be included
26 within the *airport land use compatibility* plan. If the commission
27 has not designated a study area for the *airport land use*
28 *compatibility* plan, then “vicinity” means land within two miles
29 of the boundary of a public airport.

30 (c) The commission may approve an action, regulation, or
31 permit if it finds, based on substantial evidence in the record, all
32 of the following:

33 (1) The commission is making substantial progress toward the
34 completion of the *airport land use compatibility* plan.

35 (2) There is a reasonable probability that the action, regulation,
36 or permit will be consistent with the *airport land use compatibility*
37 plan being prepared by the commission.

38 (3) There is little or no probability of substantial detriment to
39 or interference with the future adopted *airport land use*



1 *compatibility* plan if the action, regulation, or permit is ultimately
2 inconsistent with the *airport land use compatibility* plan.

3 (d) If the commission disapproves an action, regulation, or
4 permit, the commission shall notify the city or county. The city or
5 county may overrule the commission, by a two-thirds vote of its
6 governing body, if it makes specific findings that the proposed
7 action, regulation, or permit is consistent with the purposes of this
8 article, as stated in Section 21670.

9 (e) If a city or county overrules the commission pursuant to
10 subdivision (d), that action shall not relieve the city or county from
11 further compliance with this article after the commission adopts
12 the *airport land use compatibility* plan.

13 (f) If a city or county overrules the commission pursuant to
14 subdivision (d) with respect to a publicly owned airport that the
15 city or county does not operate, the operator of the airport is not
16 liable for damages to property or personal injury resulting from the
17 city's or county's decision to proceed with the action, regulation,
18 or permit.

19 (g) A commission may adopt rules and regulations ~~which~~ *that*
20 exempt any ministerial permit for single-family dwellings from
21 the requirements of subdivision (b) if it makes the findings
22 required pursuant to subdivision (c) for the proposed rules and
23 regulations, except that the rules and regulations may not exempt
24 either of the following:

25 (1) More than two single-family dwellings by the same
26 applicant within a subdivision prior to June 30, 1991.

27 (2) Single-family dwellings in a subdivision where 25 percent
28 or more of the parcels are undeveloped.

29 *SEC. 19. Section 21676 of the Public Utilities Code is*
30 *amended to read:*

31 21676. (a) Each local agency whose general plan includes
32 areas covered by an airport land use ~~commission~~ *compatibility*
33 plan shall, by July 1, 1983, submit a copy of its plan or specific
34 plans to the airport land use commission. The commission shall
35 determine by August 31, 1983, whether the plan or plans are
36 consistent or inconsistent with the ~~commission's~~ *airport land use*
37 *compatibility* plan. If the plan or plans are inconsistent with the
38 ~~commission's~~ *airport land use compatibility* plan, the local
39 agency shall be notified and that local agency shall have another
40 hearing to reconsider its *airport land use compatibility* plans. The



1 local agency may overrule the commission after such hearing by
2 a two-thirds vote of its governing body if it makes specific findings
3 that the proposed action is consistent with the purposes of this
4 article stated in Section 21670.

5 (b) Prior to the amendment of a general plan or specific plan,
6 or the adoption or approval of a zoning ordinance or building
7 regulation within the planning boundary established by the airport
8 land use commission pursuant to Section 21675, the local agency
9 shall first refer the proposed action to the commission. If the
10 commission determines that the proposed action is inconsistent
11 with the commission's plan, the referring agency shall be notified.
12 The local agency may, after a public hearing, overrule the
13 commission by a two-thirds vote of its governing body if it makes
14 specific findings that the proposed action is consistent with the
15 purposes of this article stated in Section 21670.

16 (c) Each public agency owning any airport within the
17 boundaries of an airport land use ~~commission~~ *compatibility* plan
18 shall, prior to modification of its airport master plan, refer such
19 proposed change to the airport land use commission. If the
20 commission determines that the proposed action is inconsistent
21 with the commission's plan, the referring agency shall be notified.
22 The public agency may, after a public hearing, overrule the
23 commission by a two-thirds vote of its governing body if it makes
24 specific findings that the proposed action is consistent with the
25 purposes of this article stated in Section 21670.

26 (d) Each commission determination pursuant to subdivision
27 (b) or (c) shall be made within 60 days from the date of referral of
28 the proposed action. If a commission fails to make the
29 determination within that period, the proposed action shall be
30 deemed consistent with the ~~commission's~~ *airport land use*
31 *compatibility* plan.

32 *SEC. 20. Section 21676.5 of the Public Utilities Code is*
33 *amended to read:*

34 21676.5. (a) If the commission finds that a local agency has
35 not revised its general plan or specific plan or overruled the
36 commission by a two-thirds vote of its governing body after
37 making specific findings that the proposed action is consistent
38 with the purposes of this article as stated in Section 21670, the
39 commission may require that the local agency submit all
40 subsequent actions, regulations, and permits to the commission for



1 review until its general plan or specific plan is revised or the
2 specific findings are made. If, in the determination of the
3 commission, an action, regulation, or permit of the local agency
4 is inconsistent with the ~~commission~~ *airport land use compatibility*
5 plan, the local agency shall be notified and that local agency shall
6 hold a hearing to reconsider its plan. The local agency may
7 overrule the commission after the hearing by a two-thirds vote of
8 its governing body if it makes specific findings that the proposed
9 action is consistent with the purposes of this article as stated in
10 Section 21670.

11 (b) Whenever the local agency has revised its general plan or
12 specific plan or has overruled the commission pursuant to
13 subdivision (a), the proposed action of the local agency shall not
14 be subject to further commission review, unless the commission
15 and the local agency agree that individual projects shall be
16 reviewed by the commission.

17 *SEC. 21. Section 21679 of the Public Utilities Code is*
18 *amended to read:*

19 21679. (a) In any county in which there is no airport land use
20 commission or other body designated to assume the
21 responsibilities of an airport land use commission, or in which the
22 commission or other designated body has not adopted an airport
23 land use *compatibility* plan, an interested party may initiate
24 proceedings in a court of competent jurisdiction to postpone the
25 effective date of a zoning change, a zoning variance, the issuance
26 of a permit, or the adoption of a regulation by a local agency,
27 ~~which that~~ directly affects the use of land within one mile of the
28 boundary of a public airport within the county.

29 (b) The court may issue an injunction ~~which that~~ postpones the
30 effective date of the zoning change, zoning variance, permit, or
31 regulation until the governing body of the local agency ~~which that~~
32 took the action does one of the following:

33 (1) In the case of an action ~~which that~~ is a legislative act, adopts
34 a resolution declaring that the proposed action is consistent with
35 the purposes of this article stated in Section 21670.

36 (2) In the case of an action ~~which that~~ is not a legislative act,
37 adopts a resolution making findings based on substantial evidence
38 in the record that the proposed action is consistent with the
39 purposes of this article stated in Section 21670.

40 (3) Rescinds the action.



1 (4) Amends its action to make it consistent with the purposes
2 of this article stated in Section 21670, and complies with either
3 paragraph (1) or (2) ~~of this subdivision~~, whichever is applicable.

4 (c) The court shall not issue an injunction pursuant to
5 subdivision (b) if the local agency ~~which~~ *that* took the action
6 demonstrates that the general plan and any applicable specific plan
7 of the agency accomplishes the purposes of an airport land use
8 *compatibility* plan as provided in Section 21675.

9 (d) An action brought pursuant to subdivision (a) shall be
10 commenced within 30 days of the decision or within the
11 appropriate time periods set by Section 21167 of the Public
12 Resources Code, whichever is longer.

13 (e) If the governing body of the local agency adopts a resolution
14 pursuant to subdivision (b) with respect to a publicly owned airport
15 that the local agency does not operate, the operator of the airport
16 shall be immune from liability for damages to property or personal
17 injury from the local agency's decision to proceed with the zoning
18 change, zoning variance, permit, or regulation.

19 (f) As used in this section, "interested party" means any owner
20 of land within two miles of the boundary of the airport or any
21 organization with a demonstrated interest in airport safety and
22 efficiency.

23 *SEC. 22. Section 21679.5 of the Public Utilities Code is*
24 *amended to read:*

25 21679.5. (a) Until June 30, 1991, no action pursuant to
26 Section 21679 to postpone the effective date of a zoning change,
27 a zoning variance, the issuance of a permit, or the adoption of a
28 regulation by a local agency, directly affecting the use of land
29 within one mile of the boundary of a public airport, shall be
30 commenced in any county in which the commission or other
31 designated body has not adopted an airport land use *compatibility*
32 plan, but is making substantial progress toward the completion of
33 the *airport land use compatibility* plan.

34 (b) If a commission has been prevented from adopting the
35 ~~comprehensive~~ *airport land use compatibility* plan by June 30,
36 1991, or if the adopted *airport land use compatibility* plan could
37 not become effective, because of a lawsuit involving the adoption
38 of the *airport land use compatibility* plan, the June 30, 1991, date
39 in subdivision (a) shall be extended by the period of time during
40 which the lawsuit was pending in a court of competent jurisdiction.



1 (c) Any action pursuant to Section 21679 commenced prior to
2 January 1, 1990, in a county in which the commission or other
3 designated body has not adopted an airport land use *compatibility*
4 plan, but is making substantial progress toward the completion of
5 the *airport land use compatibility* plan, which has not proceeded
6 to final judgment, shall be held in abeyance until June 30, 1991.
7 If the commission or other designated body adopts an airport land
8 use *compatibility* plan on or before June 30, 1991, the action shall
9 be dismissed. If the commission or other designated body does not
10 adopt an airport land use *compatibility* plan on or before June 30,
11 1991, the plaintiff or plaintiffs may proceed with the action.

12 (d) An action to postpone the effective date of a zoning change,
13 a zoning variance, the issuance of a permit, or the adoption of a
14 regulation by a local agency, directly affecting the use of land
15 within one mile of the boundary of a public airport for which an
16 airport land use *compatibility* plan has not been adopted by June
17 30, 1991, shall be commenced within 30 days of June 30, 1991, or
18 within 30 days of the decision by the local agency, or within the
19 appropriate time periods set by Section 21167 of the Public
20 Resources Code, whichever date is later.

21 *SEC. 23. Section 21681 of the Public Utilities Code is*
22 *amended to read:*

23 21681. As used in this article, the following terms have the
24 following meanings:

25 (a) “Own and operate” means that the public entity shall own
26 the property in fee simple or by a long-term lease of a minimum
27 of 20 years, unless otherwise approved by the department, and
28 shall maintain dominion and control of the property, except that
29 the public entity may provide by contract with a person for the
30 operation and management of an airport otherwise meeting the
31 requirements of this article. Operations of the airport shall be for,
32 and on behalf of, the public entity. All leases to the public entity
33 of property are required to be approved by the department. A lease
34 of the property by the public entity to an agent or agency other than
35 to a public entity does not meet the criteria for participation in
36 airport assistance funds.

37 (b) “Matching funds” means money that is provided by the
38 public entity and does not consist of funds previously received
39 from state or federal agencies or public entity funds previously



1 used to match federal or state funds. This definition shall be
2 retroactive to July 1, 1967.

3 (c) “General aviation” means all aviation except air carrier and
4 military aviation.

5 (d) “Public entity” means any city, county, airport district,
6 airport authority, port district, port authority, public district, public
7 authority, political subdivision, airport land use commission,
8 community services district, or public corporation and the
9 University of California.

10 (e) “Public agency” means the various agencies of the State of
11 California and the federal government.

12 (f) “Airport and aviation purposes” means expenditures of a
13 capital improvement nature, including the repair or replacement of
14 a capital improvement, and expenditures for compatible land use
15 planning in the area surrounding an airport, for any of the
16 following purposes:

17 (1) Land acquisition for development and improvement of
18 general aviation aircraft landing facilities.

19 (2) Grading and drainage necessary for the construction or
20 reconstruction of runways or taxiways.

21 (3) Construction or reconstruction of runways or taxiways.

22 (4) Acquisition of “runway protection zones” as defined in
23 Federal Aviation Administration Advisory Circular 150/1500-13.

24 (5) Acquisition of easements through, or other interests in,
25 airspace as may be reasonably required for safeguarding aircraft
26 operations in the vicinity of an aircraft landing facility.

27 (6) Removal of natural obstructions from runway protection
28 zones.

29 (7) Installation of “segmented circle airport marker systems”
30 as defined in current regulations of the Federal Aviation
31 Administration.

32 (8) Installation of runway, taxiway, boundary, or obstruction
33 lights, together with directly related electrical equipment.

34 (9) Installation of minimum security fencing around the
35 perimeter of an aircraft landing facility.

36 (10) Grading and drainage necessary to provide for parking of
37 transient general aviation aircraft.

38 (11) Construction or reconstruction of transient general
39 aviation aircraft parking areas.



1 (12) Servicing of revenue or general obligation bonds issued to
 2 finance capital improvements for airport and aviation purposes.
 3 (13) Air navigational facilities.
 4 (14) Engineering and preliminary engineering related directly
 5 to a project funded under this article.
 6 (15) Other capital improvements as may be designated in rules
 7 and regulations adopted by the department.
 8 (16) Activities of an airport land use commission in connection
 9 with the preparation of a new or updated ~~comprehensive~~ *airport*
 10 land use *compatibility* plan pursuant to Section 21675.
 11 Expenditures that cannot be clearly identified as capital
 12 improvements shall be submitted to the department for
 13 consideration and approval.
 14 (17) Airport master plans and airport layout plans.
 15 (g) “Operation and maintenance” means expenditures for
 16 wages or salaries, utilities, service vehicles, and all other
 17 noncapital expenditures that are included in insurance,
 18 professional services, supplies, construction equipment, upkeep
 19 and landscaping, and other items of expenditure designated as
 20 “operation and maintenance” in rules and regulations adopted by
 21 the department.
 22 (h) “Enplanement” means the boarding of an aircraft by a
 23 revenue passenger, including an original, stopover, or transfer
 24 boarding of the aircraft. For purposes of this subdivision, a
 25 stopover is a deliberate and intentional interruption of a journey by
 26 a passenger scheduled to exceed four hours in the case of an
 27 intrastate or interstate passenger or not to exceed 24 hours in the
 28 case of an international passenger at a point between the point of
 29 departure and the point of destination, and a transfer is an
 30 occurrence at an intermediate point in an itinerary whereby a
 31 passenger or shipment changes from a flight of one carrier to
 32 another flight either of the same or a different carrier with or
 33 without a stopover.
 34 *SEC. 24. Section 21702 of the Public Utilities Code is*
 35 *amended to read:*
 36 21702. The California Aviation System Plan shall include, but
 37 not be limited to, all of the following elements:
 38 (a) A background and introduction element, which summarizes
 39 aviation activity in California and establishes goals and objectives
 40 for aviation improvement.



1 (b) An air transportation issues element, which addresses
2 issues such as aviation safety, airport noise, airport ground access,
3 transportation systems management, airport financing, airport
4 ~~comprehensive~~ land use *compatibility* planning, and institutional
5 relationships.

6 (c) A regional plan alternative element, which consists of the
7 aviation elements of the regional transportation plans prepared by
8 each transportation planning agency. This element shall include
9 consideration of regional air transportation matters relating to
10 growth, capacity needs, county activity, airport activity, and
11 systemwide activity in order to evaluate adequately the overall
12 impacts of regional activity in relation to the statewide air
13 transportation system. This element shall propose general aviation
14 and air carrier public use airports for consideration by the
15 commission for funding eligibility under this chapter.

16 (d) A state plan alternative element, which includes
17 consideration of statewide air transportation matters relating to
18 growth, including, but not limited to, county activity, airport
19 activity, and systemwide activity in order to evaluate adequately
20 the state aviation system and to designate an adequate number of
21 general aviation and air carrier public use airports for state funding
22 in order to provide a level of air service and safety acceptable to
23 the public.

24 (e) A comparative element, which compares and contrasts the
25 regional plan alternative with the state plan alternative, including,
26 but not limited to, airport noise, air quality, toxic waste cleanup,
27 energy, economics, and passengers served.

28 (f) A 10-year capital improvement program, which is divided
29 into two five-year phases for each airport, based on the airport's
30 adopted master plan, prepared by each transportation planning
31 agency, and submitted to the division for inclusion in the
32 California Aviation System Plan.

33 (g) Any other element deemed appropriate by the division and
34 the transportation planning agencies.

35 (h) A summary and conclusion element, which presents the
36 findings and recommended course of action.

37 *SEC. 25. Section 150 of the Streets and Highways Code is*
38 *amended to read:*

39 150. When the department, in cooperation with rapid transit
40 ~~districts as provided under Section 75.8 and as a part of its planning~~



1 ~~coordination with local agencies under Article 6 (commencing~~
2 ~~with Section 210)~~, recommends that mass public transportation
3 facilities should be located along a proposed freeway corridor in
4 order to establish a planned balanced transportation system, the
5 commission shall consider ~~such~~ *this* recommendation in making
6 its decision as to the location of the freeway.

7 If the commission determines that the location of mass public
8 transportation facilities should be located along the proposed
9 freeway corridor, it may also direct the department to plan, design,
10 and construct the freeway so as to provide locations for ~~such~~ *those*
11 facilities, and the cost thereof shall be considered as part of the cost
12 of constructing the state highway. In making ~~such~~ *this*
13 determination, the commission shall consider the extent to which
14 the mass public transportation facilities will reduce the volume of
15 traffic on the proposed freeway and the impact ~~such~~ *the* joint
16 development will have on community values. The commission
17 shall also consider whether the rapid transit district has adopted a
18 general plan for the development of its mass public transportation
19 facilities and the likelihood as to whether sufficient funds will be
20 available for the development of mass public transportation
21 service in ~~such~~ *those* locations. The commission shall authorize
22 the department to provide ~~such~~ *those* locations along federal-aid
23 highways only in ~~those~~ instances ~~where~~ *in which* it has received
24 assurances of full federal financial participation in the cost of
25 providing ~~such~~ *those* locations.

26 If mass public transportation facilities other than roadways and
27 other facilities for use of buses are to be constructed and placed in
28 use in ~~such~~ *those* locations, the department may enter into
29 agreements for the sale of the locations to transit districts for ~~such~~
30 *that* use at a price equal to the market value of ~~such~~ *the* property
31 at the time of sale. If mass public transportation facilities are not
32 placed in use in the locations provided within five years of
33 completion of the freeway, the department may develop ~~such~~
34 *those* locations for freeway purposes, or it may lease or otherwise
35 dispose of the locations in accordance with the provisions of this
36 code.

37 The department may, in cooperation with rapid transit districts,
38 develop exclusive or preferential bus lanes in ~~such~~ *those* locations
39 in accordance with Section 149.



1 SEC. 26. Section 164.16 of the Streets and Highways Code is
2 amended to read:

3 164.16. For purposes of ~~subdivision (e)~~ of Section 164.3, the
4 eligible interregional and intercounty routes include all of the
5 following:

6 Route 120, between Route 5 and Route 395.

7 Route 126, between the east urban limits of
8 Oxnard-Ventura-Thousand Oaks and Route 5.

9 Route 127.

10 Route 128.

11 Route 129, between Route 1 and Route 101.

12 Route 132, west of Route 99.

13 Route 138, between Route 5 and Route 14 in Los Angeles
14 County and between Route 14 in Los Angeles County and Route
15 18 near Crestline in San Bernardino County.

16 Route 139, between Route 299 and the Oregon state line.

17 *Route 246, between Route 1 and Route 101.*

18 SEC. 27. Section 170 of the Streets and Highways Code is
19 amended to read:

20 170. Where it is estimated by the department that the work
21 involved in a project to be constructed under the State Contract Act
22 (~~Chapter 3 (commencing with Section 14250), Part 5, Division 3,~~
23 ~~Title 2 of the Government Code~~) (*Chapter 1 (commencing with*
24 *Section 10100) of Part 2 of Division 2 of the Public Contract Code*)
25 will not be completed within a given fiscal year, the department,
26 in the contract specifications, may provide a limitation upon the
27 amounts that will be paid to the contractor during the first or
28 second fiscal years of the construction period. Subject to ~~such~~ *this*
29 limitation, ~~such~~ *the* contracts shall provide for the completion of
30 the work and full payment therefor.

31 For the purposes of complying with Section 169, the department
32 may include in any proposed budget, and the commission may
33 allocate, at least ~~such~~ *the* amounts with reference to ~~such~~ *those*
34 construction projects as would be payable during the fiscal year,
35 together with all necessary engineering and other charges.

36 SEC. 28. Section 216 of the Streets and Highways Code is
37 amended to read:

38 216. (a) The noise level produced by the traffic on, or by the
39 construction of, a state freeway shall be measured in the
40 classrooms, libraries, multipurpose rooms, and spaces used for



1 pupil personnel services of a public or private elementary or
2 secondary school if the rooms or spaces are being used for the
3 purpose for which they were constructed and they were
4 constructed under any of the following circumstances:

5 (1) Prior to the award of the initial construction contract for the
6 freeway route and prior to January 1, 1974.

7 (2) After December 31, 1973, and prior to the issuance of a
8 statement of present and projected noise levels of the freeway
9 route by the department pursuant to subdivision ~~(g)~~ (f) of Section
10 65302 of the Government Code.

11 (3) Subsequent to the construction of the freeway but prior to
12 any alteration or expansion of the freeway ~~which~~ that results in a
13 significant and perceptible increase in ambient noise levels in the
14 rooms or spaces.

15 (b) The measurements shall be made at appropriate times
16 during regular school hours and shall not include noise from
17 sources that exceed the maximum permitted by law.

18 (c) If the noise level produced from the freeway traffic, or the
19 construction of the freeway, exceeds 55dBA, L10, or 52dBA,
20 Leq., the department shall undertake a noise abatement program
21 in any such classroom, library, multipurpose room, or space used
22 for pupil personnel services to reduce the freeway traffic noise
23 level therein to 55dBA, L10, or 52dBA, Leq., or less, by measures
24 including, but not limited to, installing acoustical materials,
25 eliminating windows, installing air conditioning, or constructing
26 sound baffle structures.

27 (d) If the department determines that the construction of the
28 freeway will result in a noise level exceeding 55dBA, L10, or
29 52dBA, Leq., the department shall complete the temporary or
30 permanent noise abatement program prior to commencing that
31 construction, or as soon as practicable thereafter.

32 (e) If it becomes necessary to convert the classrooms, libraries,
33 multipurpose rooms, or spaces used for pupil personnel services
34 to other school-related purposes because the freeway traffic noise
35 level therein exceeds 55dBA, L10, or 52dBA, Leq., the
36 department shall pay the cost of the conversions.

37 (f) If the noise level generated from sources within and without
38 the classrooms, libraries, multipurpose rooms, or spaces used for
39 pupil personnel services exceeds 55dBA, L10, or 52dBA, Leq.
40 prior to construction of the freeway or completion of the alteration



1 or expansion of the freeway, as the case may be, and the noise from
2 the freeway, or its construction, alteration, or expansion, also
3 exceeds 55dBA, L10, or 52dBA, Leq., the department shall
4 undertake a noise abatement program that will reduce the noise to
5 its preconstruction, prealteration, or preexpansion level.

6 (g) Priority for noise abatement programs shall be given to
7 those public and private elementary and secondary classrooms,
8 libraries, multipurpose rooms, and spaces used for pupil personnel
9 services constructed in conformance with Article 3 (commencing
10 with Section ~~39140~~ 17280) of Chapter ~~2~~ 3 of Part ~~23~~ 10.5 of
11 Division ~~3~~ 1 of Title ~~2~~ 1 of the Education Code or subject to
12 paragraph (3) of subdivision (a).

13 (h) As used in this section, dBA means decibels measured by
14 the “A” weighting described in Section 3.1 of the American
15 National Standard specification for sound level meters,
16 S1.4-1971, approved April 27, 1971, and published by the
17 American National Standards Institute. L10 is the sound level that
18 is exceeded 10 percent of the time for the period under
19 consideration and is a value which is an indicator of both the
20 magnitude and frequency of occurrence of the loudest noise
21 events. Leq. is the equivalent steady state sound which in a stated
22 period of time would contain the same acoustic energy as the
23 time-varying sound level during the same time period.

24 *SEC. 29. Section 22656 of the Vehicle Code is amended to*
25 *read:*

26 22656. Any peace officer, as that term is defined in Chapter
27 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal
28 Code, may remove a vehicle from the right-of-way of a railroad,
29 street railway, or light rail line located within the territorial limits
30 in which the officer is empowered to act if the vehicle is parked or
31 abandoned upon any track or within 7¹/₂ feet of the nearest rail.
32 *The officer may also remove a vehicle that is parked beyond 7¹/₂*
33 *feet of the nearest rail but within the right-of-way of a railroad,*
34 *street railway, or light rail if signs are posted giving notice that*
35 *vehicles may be removed.*

36 *SEC. 31. The Department of Transportation shall revise the*
37 *existing designation of the Willard Murray Freeway from “the*
38 *portion of State Highway Route 91 in the City of Compton from*
39 *Alameda Road to Central Avenue” to “the segment of State*



- 1 *Highway Route 91 between State Highway Route 605 and State*
- 2 *Highway Route 110.”*

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