

AMENDED IN SENATE APRIL 8, 2002

**SENATE BILL**

**No. 1635**

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**Introduced by Senator Figueroa**

February 21, 2002

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An act to amend Section 14528.5 of the Government Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1635, as amended, Figueroa. State Highway Route 238.

Existing law authorizes a city or county in which a planned state transportation facility was to be located on State Highway Route 238 to develop and file with the California Transportation Commission a local alternative transportation improvement program to resolve local transportation problems resulting from the infeasibility of the planned state transportation facility. Existing law prohibits the commission from approving a local alternative transportation improvement program submitted to the commission after January 1, 1988. Existing law ~~also~~ provides that the commission, after a local alternative transportation improvement program has been approved, may authorize the Department of Transportation to sell excess properties acquired for the planned state transportation facility. *Existing law also exempts the sale of those excess properties from certain provisions of law regulating the sale of surplus residential properties by public agencies.*

This bill would *recast these provisions. The bill would delete the provision prohibiting the commission from approving a local alternative transportation improvement program submitted after January 1, 1988. The bill would ~~also require the department to offer single family residences that are excess property to the present~~*

~~occupants of those residences who have occupied the property for 2 years or more and to former owners of the residences who are occupying them~~ *instead require the sale of excess properties acquired for the planned state transportation facility to be sold pursuant to the laws regulating the sale of surplus residential properties by public agencies.*

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 14528.5 of the Government Code is  
2 amended to read:

3 14528.5. (a) To resolve local transportation problems  
4 resulting from the infeasibility of a planned state transportation  
5 facility on State Highway Route 238, the city or county in which  
6 the planned facility was to be located, or the transportation  
7 planning commission having jurisdiction over the city or county,  
8 may develop and file with the commission a local alternative  
9 transportation improvement program that addresses transportation  
10 problems and opportunities in the ~~city~~ *corridor* which was to be  
11 served by the planned facility.

12 (b) The department may be requested to develop the local  
13 alternative transportation improvement program. ~~In such a case,~~  
14 ~~the local program shall be submitted as a part of the proposed state~~  
15 ~~transportation improvement program under Section 14526.~~

16 (c) Prior to filing the local alternative transportation  
17 improvement program with the commission, the local program  
18 shall be submitted for review by the transportation planning  
19 agency ~~and the department~~ in the same manner as the regional  
20 transportation improvement program. If the transportation  
21 planning agency ~~or the department~~ does not adopt the local  
22 program as a part of the regional transportation improvement  
23 ~~program or the proposed state transportation improvement~~  
24 ~~program,~~ the entity that developed and filed the local program, and  
25 the transportation planning agency if it has approved the local  
26 program, may request the commission to include the local program  
27 in the state transportation improvement program.

28 (d) The commission shall have the final authority regarding the  
29 content and approval of the local alternative transportation  
30 improvement program. The local program, if approved by the



1 commission, shall be included in the state transportation  
2 improvement program adopted by the commission pursuant to  
3 Section 14529.

4 (e) At the time the commission ~~approved~~ *approves* the local  
5 alternative transportation improvement program, the commission  
6 shall authorize the department to sell, ~~at the prevailing fair market~~  
7 ~~price,~~ the excess properties acquired for the planned state  
8 transportation ~~facilities~~ *facility*. However, any properties required  
9 for the implementation of a local alternative transportation  
10 improvement project shall not be sold. Article 8.5 (commencing  
11 with Section 54235) of Chapter 5 of Part 1 of Division 2 of Title  
12 5 ~~does not~~ *shall* apply to the sale of excess property pursuant to this  
13 section. ~~All single-family residences presently occupied by their~~  
14 ~~former owners shall be offered to those former owners at the~~  
15 ~~prevailing fair market price. All single-family residences shall be~~  
16 ~~offered to present occupants of those residences who have~~  
17 ~~occupied the property for two or more years. All proceeds from the~~  
18 ~~sale of the excess properties, less any reimbursements due to the~~  
19 ~~federal government and all costs incurred in the sale of those~~  
20 ~~excess properties, shall be allocated by the commission to fund the~~  
21 ~~approved local program and shall not be subject to Sections 188~~  
22 ~~and 188.8. The proceeds shall be used only for highway~~  
23 ~~transportation purposes. The estimated amount of the proceeds~~  
24 ~~shall be included in the adopted regional transportation~~  
25 ~~improvement program and the state transportation improvement~~  
26 ~~program.~~

27 (f) This section does not apply to those highways that are in the  
28 National System of Interstate and Defense Highways.

29 (g) This section applies only to State Highway Route 238.

