

ASSEMBLY BILL

No. 353

Introduced by Assembly Member Cedillo

February 10, 2011

An act to repeal Section 100.4 of the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 353, as introduced, Cedillo. Freeway construction.

Existing law requires the Department of Transportation to enter into an agreement prior to any closure of a city street or county highway due to construction of a freeway with a city council or board of supervisors having jurisdiction. Existing law provides an exception to those provisions for a freeway segment within the jurisdiction of the Los Angeles County Metropolitan Transportation Authority, if specified requirements have been met, including that an agreement with one or more counties and cities is not possible because an impasse has existed for 10 or more years after an initial route was adopted. Existing law requires the department to prepare an environmental impact report and establish an outreach program, as specified, for any freeway constructed pursuant to this exception.

This bill would repeal these provisions establishing an exception for a freeway segment to be constructed without an agreement within the jurisdiction of the Los Angeles County Metropolitan Transportation 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 100.4 of the Streets and Highways Code
 2 is repealed.
 3 ~~100.4. Notwithstanding Section 100.2, the department may~~
 4 ~~construct a freeway, without an agreement with a county or city,~~
 5 ~~on the route determined by the commission, if all of the following~~
 6 ~~conditions have been met:~~
 7 ~~(a) The freeway is included within the California freeway and~~
 8 ~~expressway system and a route has been adopted.~~
 9 ~~(b) Construction has commenced, but has not been completed,~~
 10 ~~leaving an existing gap between the constructed portions of the~~
 11 ~~freeway.~~
 12 ~~(c) In addition to the adopted route, there is at least one feasible~~
 13 ~~alternative route as determined by the department.~~
 14 ~~(d) A draft environmental impact report or statement has been~~
 15 ~~prepared on the unconstructed portion of the freeway.~~
 16 ~~(e) The affected freeway segment is within the jurisdiction of~~
 17 ~~the Los Angeles County Metropolitan Transportation Authority.~~
 18 ~~(f) An agreement with one or more counties and cities pursuant~~
 19 ~~to Section 100.2 is not possible because an impasse, as evidenced~~
 20 ~~by the lack of freeway agreements by all affected jurisdictions,~~
 21 ~~has existed for 10 or more years after an initial route was adopted.~~
 22 ~~(g) Under the conditions set forth in subdivisions (a) to (f),~~
 23 ~~inclusive, the commission shall hold public hearings as it may~~
 24 ~~deem necessary, review the draft or final environmental impact~~
 25 ~~report or statement, and consider the recommendation and records~~
 26 ~~of the authority and other documents as it may deem advisable.~~
 27 ~~The commission shall take into consideration all the traditional~~
 28 ~~factors of route selection by the state, including the question of~~
 29 ~~least adverse economic and physical impact on the communities~~
 30 ~~involved, but any previous selection by the commission or its~~
 31 ~~predecessor shall not be considered binding.~~
 32 ~~(h) The environmental impact report or statement shall examine~~
 33 ~~the potential impacts of alternative route alignments on the~~
 34 ~~communities involved. The definition and scope of these~~
 35 ~~communities shall reflect the sense of community of residents~~
 36 ~~within and immediately adjacent to the adopted route and alternate~~
 37 ~~route location.~~

1 (i) ~~The department shall prepare a draft environmental impact~~
2 ~~report or statement. The commission may hold public hearings on~~
3 ~~the draft environmental impact report or statement as it deems~~
4 ~~necessary. The department shall prepare a final environmental~~
5 ~~impact report or statement after the completion of the public review~~
6 ~~period of the draft environmental impact report or statement. The~~
7 ~~commission shall select a route after the completion of the~~
8 ~~environmental impact report or statement.~~

9 (j) ~~If the route selected by the commission differs from a prior~~
10 ~~route adopted by the commission or a prior recommendation by~~
11 ~~the authority, the commission shall set forth, as a part of its decision~~
12 ~~statement, the reasons for the route selected.~~

13 (k) ~~For any freeway constructed pursuant to this section, the~~
14 ~~department shall establish an outreach program to maximize the~~
15 ~~participation of businesses and professionals from within the county~~
16 ~~in which the freeway segment is located in the construction of the~~
17 ~~freeway segment.~~

18 (l) ~~As used in this section, “authority” means the Los Angeles~~
19 ~~County Metropolitan Transportation Authority, or its predecessor,~~
20 ~~the Los Angeles County Transportation Commission.~~

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