

AMENDED IN ASSEMBLY MARCH 20, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 2485

Introduced by Assembly Member Hueso
(Coauthors: Assembly Members Block and Jones)
(Coauthors: Senators Anderson and Vargas)

February 24, 2012

An act to add Section 226.6 to the Streets and Highways Code, relating to highways.

LEGISLATIVE COUNSEL'S DIGEST

AB 2485, as amended, Hueso. Roadside rest areas.

Existing law provides that the Department of Transportation has full possession and control of all state highways and associated property. Existing law provides for the planning, design, and construction of a system of safety roadside rest areas on the state highway system, which is maintained by the department. Existing law authorizes up to 6 additional rest areas to be developed as joint economic development demonstration projects.

This bill would authorize the department to enter into one or more agreements for the operation of safety roadside rest areas by private entities in conjunction with the development of a retail establishment, under which certain payments would be made to the state. The bill would authorize the department to seek modification of existing real estate contracts if that would be cost effective for the state. The bill would specify the requirements for these agreements and would require the department to seek any federal waivers that may be necessary to implement these provisions.

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 226.6 is added to the Streets and
2 Highways Code, to read:
3 226.6. Notwithstanding anything in this article to the contrary
4 and to the extent consistent with federal law, the department may
5 enter into one or more agreements for the operation of safety
6 roadside rest areas by private entities in conjunction with the
7 development of a retail establishment. To the extent that the
8 department has existing real estate contracts with private parties
9 that could be modified consistent with the requirements of this
10 section, the department may seek modifications to those contracts
11 if the department determines that to do so is cost effective for the
12 state. Any agreement shall provide for continued ownership by
13 the state of the affected property, but may provide for a lease of
14 the property to the private entity as well as payment to the state of
15 a fixed percentage of all gross sales generated at the retail
16 establishment via direct or online sales, with these payments to be
17 deposited into the State Highway Account. All maintenance of the
18 affected rest area shall be the responsibility of the private entity.
19 Under the agreement, the private entity shall be required to ensure
20 a daily minimum of 18 hours of public access to the rest area, and
21 shall provide restrooms, security, and limited vehicle parking. The
22 authorized retail establishment shall be consistent with
23 state-defined footprint and height standards, and may sell a range
24 of products for and to the traveling public as specified in the
25 agreement. The rest area and associated retail establishment shall
26 comply with all ADA standards and ~~LEED Silver targets~~ *meet or*
27 *exceed the Tier 1 provisions of the 2010 Edition of the California*
28 *Green Building Standards Code (Part 11 of Title 24 of the*
29 *California Code of Regulations)* for sustainable design and
30 construction. The department shall seek any federal waivers that
31 may be necessary to implement this section.

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