

AMENDED IN ASSEMBLY JUNE 26, 2012

AMENDED IN ASSEMBLY JUNE 18, 2012

AMENDED IN ASSEMBLY JUNE 27, 2011

SENATE BILL

No. 415

Introduced by Senator Price

February 16, 2011

An act to ~~amend Section 73 of~~ *add Section 73.01* to the Streets and Highways Code, relating to highways.

LEGISLATIVE COUNSEL'S DIGEST

SB 415, as amended, Price. State highways: relinquishment.

Existing law gives the Department of Transportation full possession and control of all state highways. Existing law describes the authorized routes in the state highway system and establishes a process for adoption of a highway on an authorized route by the California Transportation Commission. ~~Existing law also authorizes the commission to relinquish to a county or city any frontage or service road or outer highway, within the county or city territorial limits, associated with a state highway that has been deleted from the state highway system by legislative enactment, and in other certain cases. Existing law also provides for the relinquishment of state highways or portions of state highways to any county or city by the commission in accordance with specified criteria and procedures.~~

~~This bill would include, as subject to relinquishment, a park-and-ride lot and would also authorize the commission to relinquish any frontage or service road or outer highway or park-and-ride lot to a county transportation commission or regional transportation planning agency., in addition, authorize the commission to relinquish to a county~~

transportation commission or regional transportation planning agency a park-and-ride lot associated with a state highway within their respective jurisdictions, if the department enters into an agreement with the county transportation commission or regional transportation planning agency providing for that relinquishment. The relinquishment would be upon terms and conditions that the commission finds to be in the best interests of the state, and would be effective on the date following the county recorder's recordation of the relinquishment resolution containing the commission's approval of terms and conditions of the relinquishment.

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 73.01 is added to the Streets and
2 Highways Code, to read:

3 73.01. The commission may relinquish to a county
4 transportation commission created pursuant to Chapter 1
5 (commencing with Section 130000) of Division 12 of the Public
6 Utilities Code, or regional transportation planning agency, a
7 park-and-ride lot within their respective jurisdictions, on terms
8 and conditions that the commission finds to be within the best
9 interests of the state, if the department enters into an agreement
10 with the county transportation commission or regional
11 transportation planning agency providing for that relinquishment.
12 Any such relinquishment shall become effective on the date
13 following the county recorder's recordation of the relinquishment
14 resolution containing the commission's approval of the terms and
15 conditions of the relinquishment.

16 ~~SECTION 1. Section 73 of the Streets and Highways Code is~~
17 ~~amended to read:~~

18 ~~73. The commission shall relinquish to any county or city any~~
19 ~~portion of any state highway within the county or city that has~~
20 ~~been deleted from the state highway system by legislative~~
21 ~~enactment, and the relinquishment shall become effective upon~~
22 ~~the first day of the next calendar or fiscal year, whichever first~~
23 ~~occurs after the effective date of the legislative enactment. It may~~
24 ~~likewise relinquish any portion of any state highway that has been~~
25 ~~superseded by relocation. Whenever the department and the county~~

1 ~~or city concerned have entered into an agreement providing~~
2 ~~therefor, or the legislative body or governing board of the county~~
3 ~~or city, or county transportation commission created pursuant to~~
4 ~~Chapter 1 (commencing with Section 130000) of Division 12 of~~
5 ~~the Public Utilities Code, or regional transportation planning~~
6 ~~agency has adopted a resolution consenting thereto, the commission~~
7 ~~may relinquish, to that county or city, or county transportation~~
8 ~~commission created pursuant to Chapter 1 (commencing with~~
9 ~~Section 130000) of Division 12 of the Public Utilities Code or~~
10 ~~regional transportation planning agency, any frontage or service~~
11 ~~road or outer highway or park-and-ride lot, within the territorial~~
12 ~~limits of the county or city or jurisdiction of the county~~
13 ~~transportation commission or regional transportation planning~~
14 ~~agency, which has a right-of-way of at least 40 feet in width and~~
15 ~~which has been constructed as a part of a state highway project,~~
16 ~~but does not constitute a part of the main traveled roadway thereof.~~
17 ~~The commission may also relinquish, to a county or city within~~
18 ~~whose territorial limits it is located, any nonmotorized~~
19 ~~transportation facility, as defined in Section 887, constructed as~~
20 ~~part of a state highway project if the county or city, as the case~~
21 ~~may be, has entered into an agreement providing therefor or its~~
22 ~~legislative body has adopted a resolution consenting thereto.~~

23 ~~Relinquishment shall be by resolution. A certified copy of the~~
24 ~~resolution shall be filed with the legislative body or governing~~
25 ~~board of the applicable local agency. A certified copy of the~~
26 ~~resolution shall also be recorded in the office of the recorder of~~
27 ~~the county where the land is located and, upon its recordation, all~~
28 ~~right, title, and interest of the state in and to that portion of any~~
29 ~~state highway shall vest in the county or city, or with regard to any~~
30 ~~frontage road, outer highway, or park-and-ride lot, in the county,~~
31 ~~city, county transportation commission, or regional transportation~~
32 ~~planning agency, as the case may be, and that highway, road, or~~
33 ~~portion thereof, or park-and-ride lot shall thereupon constitute a~~
34 ~~county road, city street, or other local facility, as the case may be.~~

35 ~~The vesting of all right, title, and interest of the state in and to~~
36 ~~portions of any state highways heretofore relinquished by the~~
37 ~~commission, in the county or city to which it was relinquished, is~~
38 ~~hereby confirmed.~~

39 ~~Prior to relinquishing any portion of a state highway to a county~~
40 ~~or a city, except where required by legislative enactment, the~~

1 department shall give 90 days' notice in writing of intention to
2 relinquish to the board of supervisors, or the city council, as the
3 case may be. Where the resolution of relinquishment contains a
4 recital as to the giving of the notice, adoption of the resolution of
5 relinquishment shall be conclusive evidence that the notice has
6 been given.

7 The commission shall not relinquish to any county or city any
8 portion of any state highway that has been superseded by relocation
9 until the department has placed the highway, as defined in Section
10 23, in a state of good repair. This requirement shall not obligate
11 the department for widening, new construction, or major
12 reconstruction, except as the commission may direct. A state of
13 good repair requires maintenance, as defined in Section 27,
14 including litter removal, weed control, and tree and shrub trimming
15 to the time of relinquishment.

16 Within the 90-day period, the board of supervisors or the city
17 council may protest in writing to the commission stating the reasons
18 therefor, including, but not limited to, objections that the highway
19 is not in a state of good repair, or is not needed for public use and
20 should be vacated by the commission. In the event that the
21 commission does not comply with the requests of the protesting
22 body, it may proceed with the relinquishment only after a public
23 hearing given to the protesting body on 10 days' written notice.