

ASSEMBLY BILL

No. 574

Introduced by Assembly Member Lowenthal

February 20, 2013

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

LEGISLATIVE COUNSEL'S DIGEST

AB 574, as introduced, Lowenthal. 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 provides for the commission to relinquish state highway segments to local agencies that have been deleted from the state highway system by legislative enactment, and in certain other cases.

This bill would generally authorize the California Transportation Commission to relinquish any portion of a state highway or related facility within a county or city to that county or city, subject to an agreement between the department and the local agency, without requiring a legislative enactment deleting the state highway segment from the state highway system. The bill would also require the department to expeditiously consider and respond to each request it receives from a city or county relative to an agreement relating to the proposed relinquishment of a state highway segment within the jurisdiction of the entity making the request, and would require the department, from time to time, to recommend to the Legislature any revisions to the statutory descriptions of state highway routes occasioned

by relinquishments approved by the commission. The bill would make other related changes.

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 of the Streets and Highways Code is
2 amended to read:

3 73. (a) The commission shall relinquish to any county or city
4 any portion of any state highway within the county or city that has
5 been deleted from the state highway system by legislative
6 enactment, and the relinquishment shall become effective upon
7 the first day of the next calendar or fiscal year, whichever first
8 occurs after the effective date of the legislative enactment. ~~It may~~
9 ~~likewise relinquish any portion of any state highway that has been~~
10 ~~superseded by relocation. Whenever~~

11 (b) (1) ~~Whenever the department and the any county or city~~
12 ~~concerned have entered into an agreement providing therefor, or~~
13 ~~the legislative body of the county or city has adopted a resolution~~
14 ~~consenting thereto, the commission may relinquish, to that county~~
15 ~~or city, any portion of any state highway within the jurisdiction of~~
16 ~~that county or city, if the commission determines that the~~
17 ~~relinquishment is in the best interests of the state. The commission~~
18 ~~may likewise relinquish any frontage or service road or outer~~
19 ~~highway, within the territorial limits of the county or city, which~~
20 ~~has a right-of-way of at least 40 feet in width and which has been~~
21 ~~constructed as a part of a state highway project, but does not~~
22 ~~constitute a part of the main traveled roadway thereof. The~~
23 ~~commission may likewise relinquish any portion of any state~~
24 ~~highway in a county or city that has been superseded by relocation.~~
25 ~~The commission may also likewise relinquish, to a county or city~~
26 ~~within whose territorial limits it is located, any nonmotorized~~
27 ~~transportation facility, as defined in Section 887, constructed as~~
28 ~~part of a state highway project if the county or city, as the case~~
29 ~~may be, has entered into an agreement providing therefor or its~~
30 ~~legislative body has adopted a resolution consenting thereto within~~
31 ~~a city or county to that city or county. The relinquishment of a~~
32 ~~state highway or related facility pursuant to this subdivision may~~

1 *occur notwithstanding anything in Chapter 2 (commencing with*
2 *Section 230) to the contrary.*

3 (2) *With respect to frontage or service roads or outer highways*
4 *or nonmotorized transportation facilities, the relinquishment may*
5 *occur with the agreement of the applicable city or county or with*
6 *the adoption of a resolution consenting thereto by the applicable*
7 *city or county.*

8 (3) *An agreement entered into pursuant to this subdivision shall*
9 *require the city or county to maintain signs directing motorists to*
10 *the continuation of a state highway route, if applicable, and may*
11 *contain other conditions to ensure the continuity of traffic flow.*

12 (4) *The relinquished portion of a former state highway route is*
13 *no longer a state highway as of the effective date of the*
14 *relinquishment, and is not eligible for adoption as a state highway*
15 *under Section 81.*

16 **Relinquishment**

17 (c) *Relinquishment shall be by resolution. A certified copy of*
18 *the resolution shall be filed with the board of supervisors or the*
19 *city clerk, as the case may be. A certified copy of the resolution*
20 *shall also be recorded in the office of the recorder of the county*
21 *where the land is located and, upon its recordation, all right, title,*
22 *and interest of the state in and to that portion of any state highway*
23 *or related facility shall vest in the county or city, as the case may*
24 *be, and that highway or portion thereof shall thereupon constitute*
25 *a county road or city street, or other related facility, as the case*
26 *may be.*

27 ~~The~~

28 (d) *The vesting of all right, title, and interest of the state in and*
29 *to portions of any state highways or related facilities heretofore*
30 *relinquished by the commission, in the county or city to which it*
31 *was relinquished, is hereby confirmed.*

32 ~~Prior~~

33 (e) (1) *Prior to relinquishing any portion of a state highway or*
34 *related facility to a county or a city, except where ~~required by~~*
35 *legislative enactment the department and the county or city have*
36 *entered into an agreement providing therefor, or as otherwise*
37 *provided in paragraph (2) of subdivision (b), the department shall*
38 *give 90 days' notice in writing of intention to relinquish to the*
39 *board of supervisors, or the city council, as the case may be. Where*
40 *the resolution of relinquishment contains a recital as to the giving*

1 of the notice, adoption of the resolution of relinquishment shall be
2 conclusive evidence that the notice has been given.

3 (2) *Within the 90-day period, the board of supervisors or the*
4 *city council may protest in writing to the commission stating the*
5 *reasons therefor, including, but not limited to, objections that the*
6 *highway is not in a state of good repair, or is not needed for public*
7 *use and should be vacated by the commission. If the commission*
8 *does not comply with the requests of the protesting body, it may*
9 *proceed with the relinquishment only after a public hearing given*
10 *to the protesting body on 10 days' written notice.*

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

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

29 (g) *The department shall expeditiously consider and respond*
30 *to each request it receives from a city or county relative to an*
31 *agreement relating to the proposed relinquishment of a state*
32 *highway or related facility within the jurisdiction of the entity*
33 *making the request.*

34 (h) *The department, from time to time, shall recommend to the*
35 *Legislature any revisions to the descriptions of state highway*
36 *routes in Chapter 2 (commencing with Section 230) occasioned*
37 *by relinquishments approved by the commission pursuant to this*
38 *section.*

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