

AMENDED IN SENATE APRIL 29, 2015  
AMENDED IN SENATE APRIL 20, 2015  
AMENDED IN SENATE APRIL 15, 2015  
AMENDED IN SENATE MARCH 24, 2015

**SENATE BILL**

**No. 236**

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**Introduced by Senator Beall**

February 17, 2015

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An act to add and repeal Section 8334.6 of the Streets and Highways Code, relating to highways.

LEGISLATIVE COUNSEL'S DIGEST

SB 236, as amended, Beall. Public streets, highways, and public service easements.

The Public Streets, Highways, and Service Easements Vacation Law establishes procedures for the vacation of public streets, highways, and service easements. Under existing law, the legislative body of a local agency may summarily vacate a street or highway that has been impassable for vehicular travel for 5 years and no public money has been expended for maintenance of the street or highway during that period. Existing law provides that an easement may be reserved and excepted from a vacation of a street, highway, or public service easement, as specified.

This bill would authorize the legislative body of the City of San Jose to summarily vacate a street, highway, or public service easement *located between Casselino Drive and Mullinix Way in the City of San Jose* that is impassable for vehicular travel, if the legislative body finds that the vacation will protect the public safety or serve the public interest and convenience. The bill would authorize the legislative body of the

City of San Jose to reserve and except from ~~the~~ *that* vacation an easement and right to construct, maintain, operate, replace, remove, and renew a nonvehicular pathway for use by the public in, upon, over, and across the street, highway, or public service easement proposed to be vacated. The bill would repeal these provisions as of January 1, 2018.

This bill would make legislative findings and declarations as to the necessity for a special law.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 8334.6 is added to the Streets and  
2 Highways Code, to read:

3 8334.6. (a) Notwithstanding any other provision of this chapter,  
4 the legislative body of the City of San Jose may summarily vacate  
5 a street, highway, or public service easement *located between*  
6 *Casselino Drive and Mullinix Way in the City of San Jose* that is  
7 impassable for vehicular travel, if the legislative body finds that  
8 the vacation will protect the public safety or otherwise serve the  
9 public interest and convenience.

10 (b) In addition to Section 8340, the legislative body of the City  
11 of San Jose may reserve and except from the vacation *authorized*  
12 *by subdivision (a)* an easement and right to construct, maintain,  
13 operate, replace, remove, and renew a nonvehicular pathway for  
14 use by the public in, upon, over, and across the street, highway,  
15 or public service easement proposed to be vacated.

16 (c) This section shall remain in effect only until January 1, 2018,  
17 and as of that date is repealed.

18 SEC. 2. The Legislature finds and declares that a special law  
19 is necessary and that a general law cannot be made applicable  
20 within the meaning of Section 16 of Article IV of the California  
21 Constitution because of the unique circumstances facing the City  
22 of San Jose with respect to the vacation of ~~streets, highways, and~~  
23 *a street, highway, or public service easements* *easement located*  
24 *between Casselino Drive and Mullinix Way in the City of San Jose*  
25 ~~that are~~ *is* impassable for vehicular travel.