

AMENDED IN SENATE JUNE 2, 2015

AMENDED IN SENATE APRIL 22, 2015

SENATE BILL

No. 254

Introduced by Senator Allen

February 18, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

SB 254, as amended, Allen. 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 to local agencies state highway segments that have been deleted from the state highway system by legislative enactment or have been superseded by relocation, and in certain other cases. ~~Existing law prohibits relinquishments of those segments that have been superseded by relocation until the department has placed them in a state of good repair and maintenance, as defined, including litter removal, weed control, and tree and shrub trimming.~~

This bill would revise and recast these provisions to delete the requirement that the portion to be relinquished be deleted from the state highway system by legislative enactment or superseded by relocation. ~~The bill would authorize the commission to relinquish to a county or a city a portion of a state highway that is not part of the interregional road system, if the department has entered into an agreement with the county or city providing for the relinquishment and the road has been placed~~

~~in a state of good repair. The bill would delete the requirement that good repair includes maintenance.~~ *enactment.*

The bill would require the department, not later than April 1, 2016, and biennially thereafter, to make a specified report to the commission on which state highway routes or segments primarily serve regional travel and do not primarily facilitate interregional movement of people and goods. The bill would also authorize the department to identify in the report which of those routes and segments are the best candidates for relinquishment.

The bill would also authorize the commission to relinquish a portion of a state highway to a county or city, if the department and the county or city concerned have entered into an agreement providing for the relinquishment of a portion of a state highway, within the territorial limits of the county or city, that is not an interstate highway and does not primarily facilitate the interregional movement of people and goods, as determined in the report. The bill would also require that the relinquishment of those routes and segments is subject to certain conditions, including that the department complete a specified cost-benefit analysis and hold a public hearing on the proposed relinquishment.

The bill would require the commission to compile a list of all portions of the state highway system relinquished in the previous 12 months and include this information in its annual report to the Legislature, as specified.

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 Legislature finds and declares both of the
4 following:
5 (1) Ownership and management of transportation infrastructure
6 should be placed at the most appropriate level of government.
7 Transportation infrastructure primarily serving regional travel and
8 not primarily facilitating interregional movement of people and
9 goods is typically best managed by local and regional government
10 entities. Transportation infrastructure, including interstate
11 highways, that is needed to facilitate interregional movement of

1 people and goods is typically best managed at the state government
2 level.

3 (2) The Legislature intends for the department to identify routes,
4 and segments of routes, that may be appropriate candidates for
5 relinquishment and to streamline the process of approving
6 relinquishments where the department and the city or county have
7 entered into an agreement providing for the relinquishment.

8 (b) (1) The commission may relinquish to a county or city a
9 portion of a state highway within the county or city that is not part
10 of the interregional road system as defined in Section 164.3. *has*
11 *been superseded by relocation.*

12 ~~(2) The commission shall not relinquish a portion of a state~~
13 ~~highway pursuant to paragraph (1) until the department has entered~~
14 ~~into an agreement with the county or city providing for the~~
15 ~~relinquishment and the department has placed the highway in a~~
16 ~~state of good repair. This requirement shall not obligate the~~
17 ~~department for widening, new construction, or major~~
18 ~~reconstruction.~~

19 *(2) The commission shall not relinquish to a county or city a*
20 *portion of a state highway that has been superseded by relocation*
21 *until the department has placed the highway, as defined in Section*
22 *23, in a state of good repair. This requirement shall not obligate*
23 *the department for widening, new construction, or major*
24 *reconstruction, except as the commission may direct. A state of*
25 *good repair requires maintenance, as defined in Section 27,*
26 *including litter removal, weed control, and tree and shrub trimming*
27 *to the time of relinquishment.*

28 (c) Whenever the department and the county or city concerned
29 have entered into an agreement providing therefor, or the legislative
30 body of the county or city has adopted a resolution consenting
31 thereto, the commission may relinquish, to that county or city, any
32 frontage or service road or outer highway, within the territorial
33 limits of the county or city, that has been constructed as a part of
34 a state highway project, but does not constitute a part of the main
35 traveled roadway thereof.

36 (d) The commission may also relinquish, to a county or city
37 within whose territorial limits it is located, any nonmotorized
38 transportation facility, as defined in Section 887, constructed as
39 part of a state highway project if the county or city, as the case

1 may be, has entered into an agreement providing therefor or its
2 legislative body has adopted a resolution consenting thereto.

3 (e) (1) The commission may relinquish a portion of a state
4 highway to a county or city if the department and the county or
5 city concerned have entered into an agreement providing for the
6 relinquishment of that portion of that state highway, within the
7 territorial limits of the county or city, that is not an interstate
8 highway and does not primarily facilitate the interregional
9 movement of people and goods as determined in the report
10 described in subdivision (h). The department and the county or
11 city shall agree upon the condition or state of the relinquished
12 portion of the state highway at the time of its transfer from the
13 department to the county or city. The agreement shall specify any
14 financial terms upon which the department and county or city have
15 agreed. The agreement shall transfer all legal liability for the
16 relinquished portion of the state highway at the time of its transfer
17 from the department to the county or city.

18 (2) A relinquishment pursuant to paragraph (1) shall not occur
19 unless all of the following conditions are met:

20 (A) The commission has determined the relinquishment is in
21 the best interest of the state.

22 (B) The department completes a cost-benefit analysis on behalf
23 of the ~~state~~, *state* that may include a review of route continuity,
24 market value assessments of the proposed relinquishment and
25 associated parcels, a review of historical and estimated future
26 maintenance costs of the proposed relinquishment, or any other
27 quantifiable economic impacts.

28 (C) The commission holds a public hearing on the proposed
29 relinquishment.

30 (3) Upon relinquishment of a portion of a state highway under
31 this subdivision, the county or city accepting the relinquished
32 former portion of state highway shall maintain within its
33 jurisdiction signs directing motorists to the continuation of the
34 remaining portions of the state highway, if any, to the extent
35 deemed necessary by the department.

36 (f) Relinquishment shall be by resolution. A certified copy of
37 the resolution shall be filed with the board of supervisors or the
38 city clerk, as the case may be. A certified copy of the resolution
39 shall also be recorded in the office of the recorder of the county
40 where the land is located and, upon its recordation, all right, title,

1 and interest of the state in and to that portion of state highway shall
2 vest in the county or city, as the case may be, and that highway or
3 portion thereof shall thereupon constitute a county road or city
4 street, as the case may be.

5 (g) The vesting of all right, title, and interest of the state in and
6 to portions of state highways heretofore relinquished by the
7 commission, in the county or city to which it was relinquished, is
8 hereby confirmed.

9 (h) Not later than April 1, 2016, and biennially thereafter, the
10 department shall report to the commission on which state highway
11 routes or segments primarily serve regional travel and do not
12 primarily facilitate interregional movement of people and goods.
13 The department may identify these routes or segments by one or
14 more categories and shall indicate which routes and segments are
15 the best candidates for relinquishment. The report shall include an
16 aggregate estimate of future maintenance and preservation costs
17 of the identified routes and segments. The commission, in
18 consultation with the department, shall develop guidelines for this
19 report.

20 (i) (1) Prior to relinquishing a portion of a state highway to a
21 county or a city pursuant to subdivisions (b) to (d), inclusive, city,
22 the department shall give 90 days' notice in writing of intention
23 to relinquish to the board of supervisors, or the city council, as the
24 case may be, of both the jurisdiction and location of the portion
25 of the state highway to be relinquished and the jurisdictions
26 immediately adjacent to the route where the state highway
27 continues. Where the resolution of relinquishment contains a recital
28 as to the giving of the notice, adoption of the resolution of
29 relinquishment shall be conclusive evidence that the notice has
30 been given.

31 (2) ~~Within~~ *With respect to a relinquishment pursuant to*
32 *subdivision (b), within* the 90-day period, the board of supervisors
33 or the city council may protest in writing to the commission stating
34 the reasons therefor, including, but not limited to, objections that
35 the highway is not in a state of good repair, or is not needed for
36 public use and should be vacated by the commission. If the
37 commission does not comply with the requests of the protesting
38 body, it may proceed with the relinquishment only after a public
39 hearing given to the protesting body on 10 days' written notice.

1 (j) The commission shall compile a list of all portions of the
2 state highway system relinquished in the previous 12 months and
3 include this information in its annual report to the Legislature
4 pursuant to Section 14535 of the Government Code.

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