

**Introduced by Senator Allen**

February 27, 2015

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

**LEGISLATIVE COUNSEL'S DIGEST**

SB 782, as introduced, 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, and in certain other cases.

This bill would make nonsubstantive changes to these provisions.

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 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

1 likewise relinquish any portion of any state highway that has been  
2 superseded by relocation. ~~Whenever~~

3 (b) *Whenever* the department and the county or city concerned  
4 have entered into an agreement providing therefor, or the legislative  
5 body of the county or city has adopted a resolution consenting  
6 thereto, the commission may relinquish, to that county or city, any  
7 frontage or service road or outer highway, within the territorial  
8 limits of the county or city, which has a right-of-way of at least  
9 40 feet in width and which has been constructed as a part of a state  
10 highway project, but does not constitute a part of the main traveled  
11 roadway thereof. The commission may also relinquish, to a county  
12 or city within whose territorial limits it is located, any  
13 nonmotorized transportation facility, as defined in Section 887,  
14 constructed as part of a state highway project if the county or city,  
15 as the case may be, has entered into an agreement providing  
16 therefor or its legislative body has adopted a resolution consenting  
17 thereto.

18 ~~Relinquishment~~

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

28 ~~The~~

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

33 ~~Prior~~

34 (e) *Prior* to relinquishing any portion of a state highway to a  
35 county or a city, except where required by legislative enactment,  
36 the department shall give 90 days' notice in writing of intention  
37 to relinquish to the board of supervisors, or the city council, as the  
38 case may be. Where the resolution of relinquishment contains a  
39 recital as to the giving of the notice, adoption of the resolution of

1 relinquishment shall be conclusive evidence that the notice has  
2 been given.

3 ~~The~~

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

13 ~~Within~~

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