

AMENDED IN ASSEMBLY MARCH 12, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1686**

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**Introduced by Assembly Member Murray**  
*(Coauthors: Assembly Members Baca, Gallegos, Havice,  
Honda, Knox, Kuehl, Napolitano, Wildman, and Wright)*  
*(Coauthor: Senator Watson)*

January 16, 1998

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An act to amend Sections 163, 164, and 167 of, *and to repeal Sections 215.5 and 215.6 of*, the Streets and Highways Code, relating to highways.

LEGISLATIVE COUNSEL'S DIGEST

AB 1686, as amended, Murray. Highways: soundwalls.

Existing law requires that all transportation funds that are available to the state be expended according to specified priorities. Twenty-five percent of the balance available after deducting expenditures for those priorities is required to be available for interregional capital improvement projects and 75% of that balance is required to be available for regional capital improvement projects, both of which are programmed in the state transportation improvement program. The funds made available for regional projects are required to be used for, among other things, soundwall projects.

Existing law requires the Department of Transportation to develop and implement a system of priorities for ranking the need for retrofit of soundwalls along freeways.

This bill would require that expenditures for retrofitting the soundwalls on a specified priority list established by the department on May 3, 1989, be funded prior to making state transportation funds available for interregional and regional capital improvement projects in the state transportation improvement program. The bill would provide that soundwall retrofit projects on the department's priority list would not be funded as regional soundwall projects.

*This bill would repeal the requirement that the Department of Transportation develop and implement a system of priorities for ranking the need for the installation of soundwalls along freeways, and make a related change.*

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 163 of the Streets and Highways  
2 Code is amended to read:  
3 163. The Legislature, through the enactment of this  
4 section, intends to establish a policy for the use of all  
5 transportation funds that are available to the state,  
6 including the State Highway Account, the Public  
7 Transportation Account, and federal funds. The  
8 department and the commission shall prepare fund  
9 estimates pursuant to Sections 14524 and 14525 of the  
10 Government Code based on the following:  
11 (a) Annual expenditures for the administration of the  
12 department shall be the same as the most recent Budget  
13 Act, adjusted for inflation.  
14 (b) Annual expenditures for the maintenance and  
15 operation of the state highway system shall be the same  
16 as the most recent Budget Act, adjusted for inflation and  
17 inventory.  
18 (c) Annual expenditure for the rehabilitation of the  
19 state highway system shall be the same as the most recent  
20 Budget Act, or, if a long-range rehabilitation plan has  
21 been enacted pursuant to Section 164.6, it shall be based  
22 on planned expenditures in a long-range rehabilitation



1 plan prepared by the department pursuant to Section  
2 164.6.

3 (d) Annual expenditures for local assistance shall be  
4 the amount required to fund local assistance programs  
5 required by state or federal law or regulations, including,  
6 but not limited to, railroad grade crossing maintenance,  
7 bicycle lane account, congestion mitigation and air  
8 quality, regional surface transportation programs, local  
9 highway bridge replacement and rehabilitation, local  
10 seismic retrofit, local hazard elimination and safety, local  
11 federal demonstration projects, and local emergency  
12 relief.

13 (e) Annual expenditures for the soundwall retrofit  
14 program shall be the amount required to complete by  
15 July 1, 2002, the design and construction of the soundwalls  
16 included on the May 3, 1989, priority list established by  
17 the department pursuant to Section 215.5.  
18 Notwithstanding any other provision of law, the  
19 department may recommend to the commission that a  
20 soundwall project be deleted from the list, and the  
21 commission, based upon that recommendation, may  
22 delete the project if it determines the project is not cost  
23 effective, and the deletion of the project will not  
24 negatively impact the public health, safety, and welfare.

25 (f) After deducting expenditures for administration,  
26 operation, maintenance, local assistance, safety,  
27 rehabilitation, and soundwall retrofit pursuant to  
28 subdivisions (a), (b), (c), (d), and e, and for expenditures  
29 pursuant to Section 164.56, the remaining funds shall be  
30 available for capital improvement projects to be  
31 programmed in the state transportation improvement  
32 program.

33 SEC. 2. Section 164 of the Streets and Highways Code  
34 is amended to read:

35 164. (a) Funds made available for transportation  
36 capital improvement projects under subdivision (f) of  
37 Section 163 shall be programmed and expended for the  
38 following program categories:

39 (1) Twenty-five percent for interregional  
40 improvements.



1 (2) Seventy-five percent for regional improvements.

2 (b) Sixty percent of the funds available for  
3 interregional improvements under paragraph (1) of  
4 subdivision (a) shall be programmed and expended for  
5 improvements to state highways that are specified in  
6 Sections 164.10 to 164.20, inclusive, and that are outside  
7 the boundaries of an urbanized area with a population of  
8 more than 50,000, and for intercity rail improvements.

9 (c) Not less than 15 percent of the amount of funds  
10 programmed under subdivision (b) shall be programmed  
11 for intercity rail improvement projects, including  
12 separation of grade projects.

13 (d) Funds made available under paragraph (1) of  
14 subdivision (a) shall be used for transportation  
15 improvement projects that are needed to facilitate  
16 interregional movement of people and goods. The  
17 projects may include state highway, intercity passenger  
18 rail, mass transit guideway, or grade separation projects.

19 (e) Funds made available under paragraph (2) of  
20 subdivision (a) shall be used for transportation  
21 improvement projects that are needed to improve  
22 transportation within the region. The projects may  
23 include, but shall not be limited to, improving state  
24 highways, local roads, public transit, intercity rail,  
25 pedestrian, and bicycle facilities, and grade separation,  
26 transportation system management, transportation  
27 demand management, soundwall projects not included  
28 on the May 3, 1989, soundwall retrofit priority list  
29 established by the department pursuant to Section 215.5,  
30 intermodal facilities, and safety.

31 SEC. 3. Section 167 of the Streets and Highways Code  
32 is amended to read:

33 167. (a) Funds in the State Highway Account in the  
34 State Transportation Fund shall be programmed,  
35 budgeted subject to Section 163, and expended to  
36 maximize the use of federal funds and shall be based on  
37 the following sequence of priorities:

38 (1) Operation, maintenance, and rehabilitation of the  
39 state highway system.



1 (2) Safety improvements where physical changes,  
2 other than adding additional lanes, would reduce  
3 fatalities and the number and severity of injuries.

4 (3) Soundwall retrofit, as specified in subdivision (e)  
5 of Section 163.

6 (4) Transportation capital improvements that expand  
7 capacity or reduce congestion, or do both.

8 (5) Environmental enhancement and mitigation  
9 programs.

10 (b) With respect to the funds in the State Highway  
11 Account, in the Public Transportation Account, and in  
12 the Passenger Rail Bond Fund, the proposed budget shall  
13 be organized on a program basis. The proposed budget  
14 shall list the proposed expenditures for the transportation  
15 program under the following program elements:

16 (1) Administration.

17 (2) Program development.

18 (3) Maintenance.

19 (4) State highway operation and protection.

20 (5) Local assistance.

21 (6) Interregional improvements.

22 (7) Regional improvements.

23 (8) Environmental enhancement and mitigation  
24 programs.

25 (c) State operations expenditure amounts of the  
26 department for interregional and regional transportation  
27 improvement projects shall be listed as required by  
28 subdivision (b) of Section 14529 of the Government Code,  
29 but those amounts other than those for the acquisition of  
30 rights-of-way and construction shall not be subject to  
31 allocation by the commission.

32 (d) To align the annual budget with the adopted state  
33 transportation improvement program, the department  
34 may submit to the Department of Finance revised capital  
35 outlay support and capital outlay budget estimates as part  
36 of its May revision process.

37 (e) The budget shall not include specific  
38 appropriations for specific transportation improvement  
39 projects, and the Legislature shall not enact legislation  
40 containing specific individual transportation projects.



1 (f) The basis for defining major and minor capital  
2 outlay projects shall be established by the commission.

3 (g) The Legislative Analyst shall prepare an analysis of  
4 the proposed expenditures for each program element as  
5 a part of the budget analysis.

6 *SEC. 4. Section 215.5 of the Streets and Highways*  
7 *Code is repealed.*

8 ~~215.5. (a) The department shall develop and~~  
9 ~~implement a system of priorities for ranking the need for~~  
10 ~~installation of noise attenuation barriers along freeways in~~  
11 ~~the California freeway and expressway system. In~~  
12 ~~establishing a priority system, the department shall give~~  
13 ~~the highest consideration to residential areas which were~~  
14 ~~developed prior to the opening of the freeway. If~~  
15 ~~alterations have been made to the freeway since its~~  
16 ~~original opening which result in a significant and~~  
17 ~~measurable increase in ambient noise levels, the opening~~  
18 ~~date for that segment of the freeway, for the purposes of~~  
19 ~~determining priorities under this section, is the~~  
20 ~~completion date of that alteration project. Other criteria~~  
21 ~~for determining priorities shall include the existing and~~  
22 ~~future intensity of sound generated by the freeway, the~~  
23 ~~increase in traffic flow since the original construction of~~  
24 ~~the freeway, the cost of building the soundwall in relation~~  
25 ~~to the expected noise reduction, the number of persons~~  
26 ~~living in close proximity to the freeway, and whether a~~  
27 ~~majority of the occupants in close proximity to the~~  
28 ~~freeway resided there prior to the time the freeway~~  
29 ~~routing was adopted by the commission. The city or~~  
30 ~~county in which the residential area is located shall be~~  
31 ~~responsible for providing documentation to the~~  
32 ~~department on the percentage of original occupants still~~  
33 ~~residing along the freeway.~~

34 ~~The actual cost of construction shall be used in~~  
35 ~~determining the relative priority ranking of projects~~  
36 ~~funded and constructed pursuant to subdivision (d).~~

37 ~~(b) When all freeways have been ranked in priority~~  
38 ~~order, the department shall, consistent with available~~  
39 ~~funding, include in its proposed state transportation~~  
40 ~~improvement program, a program of construction of~~



1 noise attenuation barriers beginning with the highest  
2 priority.

3 In preparing the annual priority list, the department  
4 shall not add any new project to the list ahead of a project  
5 that has been funded by a city or county, or by any other  
6 public agency using public funds, and is awaiting state  
7 reimbursement pursuant to subdivision (d).

8 (e) The commission shall include in the estimate  
9 adopted pursuant to Section 14525 of the Government  
10 Code an annual and five-year estimate of funds estimated  
11 to be available for noise attenuation barriers along  
12 freeways. If any city or county constructs a noise  
13 attenuation barrier along a freeway pursuant to  
14 subdivision (d), the commission shall allocate funds for  
15 the project in the fiscal year the project would have been  
16 eligible for funding based on the department's priority  
17 list and the commission's fund estimate at the time of  
18 approval of the project pursuant to subdivision (d).

19 (d) If any city, county, or public agency constructs a  
20 noise attenuation barrier along a freeway using public  
21 funds prior to the time that the barrier reaches a high  
22 enough priority for state funding, then, when the funding  
23 priority is reached, the department shall reimburse the  
24 city, county, or public agency without interest for the cost  
25 of construction, but the reimbursement may not exceed  
26 the cost of the department to construct the barriers.  
27 Reimbursement shall be made only if the city, county, or  
28 public agency constructs the noise attenuation barrier to  
29 the standards approved by department, follows bidding  
30 and contracting procedures approved by the  
31 department, and the project is approved by the  
32 commission.

33 *SEC. 5. Section 215.6 of the Streets and Highways*  
34 *Code is repealed.*

35 215.6. If any city or county contributes at least 33  
36 percent of the estimated cost of any soundwall project  
37 included for the first time in the state transportation  
38 improvement program in 1992 or in subsequent years,  
39 that project shall be given priority over all other  
40 soundwall projects to be included for the first time in that



1 ~~state transportation improvement program. If, due to the~~  
2 ~~accelerated priority given a project by this section, two or~~  
3 ~~more projects each qualify for the highest priority, the~~  
4 ~~relative ranking between the two projects shall be~~  
5 ~~determined on the basis of their relative ranking prior to~~  
6 ~~being accelerated.~~

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