

ASSEMBLY BILL

No. 1344

Introduced by Assembly Member Keeley

February 26, 1999

An act to add Section 104.14 to the Streets and Highways Code, relating to highways.

LEGISLATIVE COUNSEL'S DIGEST

AB 1344, as introduced, Keeley. Highways: Route 1: Hatton Canyon Project.

(1) Existing law authorizes the California Transportation Commission to select, adopt, and determine the location for state highways on routes authorized by law.

This bill would require the Department of Transportation to develop alternatives to its Hatton Canyon Alternative 1C project for improving the traffic capacity on Route 1 from the Carmel River Bridge to the interchange with Route 68 in Monterey County and submit those alternatives to the commission for selection of one alternative project.

The bill would require the department, upon selection by the commission of an alternative project, to convey for the sum of \$1 the property acquired by the department for its Hatton Canyon Alternative 1C project to the Monterey Peninsula Regional Park District, which would be required to manage the property. The bill thereby would impose additional duties upon the regional park district, thus creating a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs

mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. (a) The Legislature finds and declares
2 all of the following:

3 (1) Because various areas in this state, especially the
4 Monterey area, suffer from a pitch pine canker epidemic,
5 and Hatton Canyon contains an important and rare
6 reserve of undisturbed healthy Monterey Pine growing in
7 their native habitat, preservation of the Hatton Canyon
8 ecosystem would preserve both naturally resistant gene
9 stock and undisturbed native habitat, both essential for
10 the ultimate survival of the Monterey Pine.

11 (2) Because Hatton Canyon provides riparian forest
12 habitat for rare plant species as well as bird species facing
13 grave depletions of critical habitat, providing an
14 ecological zone of ongoing integrity in the Hatton
15 Canyon will serve multiple important conservation
16 purposes.

17 (3) Preservation of an undeveloped natural corridor
18 serves critical human values in an age of sprawling
19 development.

20 (4) Forty years of state ownership of the Hatton
21 Canyon right-of-way has, through protection, created a
22 beautiful park in the midst of a sea of development.

23 (b) Accordingly, the Legislature finds and declares
24 that the conveyance required under Section 104.14 of the
25 Streets and Highways Code is for a public purpose and



1 therefore is not a gift of public property within the
2 meaning of Section 6 of Article XVI of the California
3 Constitution.

4 SEC. 2. Section 104.14 is added to the Streets and
5 Highways Code, to read:

6 104.14. (a) The department shall develop
7 alternatives to its Hatton Canyon Alternative 1C project
8 for improving the traffic capacity on Route 1 from the
9 Carmel River Bridge to the interchange with Route 68 in
10 Monterey County and submit those alternatives to the
11 commission for selection of one alternative project.

12 (b) Upon selection by the commission of an
13 alternative project, the department shall convey for the
14 sum of one dollar (\$1) the property acquired by the
15 department for its Hatton Canyon Alternative 1C project
16 to the Monterey Peninsula Regional Park District, which
17 shall manage the property.

18 SEC. 3. Notwithstanding Section 17610 of the
19 Government Code, if the Commission on State Mandates
20 determines that this act contains costs mandated by the
21 state, reimbursement to local agencies and school
22 districts for those costs shall be made pursuant to Part 7
23 (commencing with Section 17500) of Division 4 of Title
24 2 of the Government Code. If the statewide cost of the
25 claim for reimbursement does not exceed one million
26 dollars (\$1,000,000), reimbursement shall be made from
27 the State Mandates Claims Fund.

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