

AMENDED IN SENATE JUNE 13, 2000  
AMENDED IN ASSEMBLY MAY 23, 2000  
AMENDED IN ASSEMBLY APRIL 13, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2448**

**Introduced by Assembly Member ~~Torlakson~~ Scott**

February 24, 2000

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~~An act to amend Section 369i of the Penal Code, relating to trespass.~~ *An act to repeal Sections 100.4 and 100.45 of the Streets and Highways Code, relating to highways.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2448, as amended, ~~Torlakson~~ Scott. ~~Trespassing:~~ ~~railroads~~ *Highways: residential areas: local government agreements.*

*Existing law authorizes the Department of Transportation to enter into an agreement with the city council or board of supervisors having jurisdiction over a street or highway that would intercept a proposed freeway route to close the city or highway at the point of interception or make provision for alternate routing of the street or highway. Existing law prohibits the permanent closing of the street or highway by the construction of a freeway except pursuant to the specified agreement.*

*Existing law, notwithstanding the provisions specified above, authorizes the department to construct a freeway without the specified agreement if certain conditions are met,*

*including that the affected freeway segment be within the jurisdiction of the Los Angeles County Metropolitan Transportation Authority and that the department meet and confer with the affected counties and cities with respect to the portion of freeway to be constructed within those counties and cities.*

*This bill would delete the exemption relating to the authority and would set forth certain related legislative findings and declarations.*

~~Existing law makes a person who enters or remains upon the property of any railroad, as defined, or any rail transit related property, as defined, without the permission of the owner of the land, the owner's agent, or the person in lawful possession and whose entry or presence or conduct upon the property interferes with, interrupts, or hinders, or which, if allowed to continue, would interfere with, interrupt, or hinder the safe and efficient operation of any locomotive, railway car, train, rail line, or rail-related facility guilty of a misdemeanor.~~

~~This bill would also make any person who enters or remains on specified railroad property without permission, except for the purpose of a legal crossing at a highway or other authorized public crossing, guilty of a misdemeanor or an infraction. This bill would provide that these provisions do not apply to railroad employees or their designated labor organization representatives, if they are acting within the scope of their employment.~~

~~Because this bill would expand the scope of an existing crime, it would impose a state-mandated local program.~~

~~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.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

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

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

1 SECTION 1. ~~Section 369i of the Penal Code is~~  
2



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

3 (a) The public interest of California is best served in  
4 developing transportation systems that respect the rights  
5 of local communities and enhance the quality of life.

6 (b) Local agreements with city councils and boards of  
7 supervisors for state freeway projects located within the  
8 boundaries of a city or county are a proven, effective  
9 means of ensuring that negative community impacts and  
10 quality of life issues are mitigated.

11 (c) Legislation enacted in 1982 and 1994 removed the  
12 requirement for local agreements for state freeway  
13 projects.

14 (d) Removal of the local government agreement  
15 requirement has resulted in increased costs and delays,  
16 and the filing of court actions by affected communities.

17 (e) These negative consequences will be avoided if the  
18 Legislature acts to restore the requirement for local  
19 government agreements.

20 (f) Therefore, it is the intent of the Legislature in  
21 enacting this act to require that agreements be  
22 negotiated between the Department of Transportation  
23 and local cities and counties prior to the construction of  
24 freeways.

25 SEC. 2. Section 100.4 of the Streets and Highways  
26 Code is repealed.

27 ~~100.4. Notwithstanding Section 100.2, the department~~  
28 ~~may construct a freeway, without an agreement with a~~  
29 ~~county or city, on the route determined by the~~  
30 ~~commission, if all of the following conditions have been~~  
31 ~~met:~~

32 ~~(a) The freeway is included within the California~~  
33 ~~freeway and expressway system and a route has been~~  
34 ~~adopted.~~

35 ~~(b) Construction has commenced, but has not been~~  
36 ~~completed, leaving an existing gap between the~~  
37 ~~constructed portions of the freeway.~~

38 ~~(c) In addition to the adopted route, there is at least~~  
39 ~~one feasible alternative route as determined by the~~  
40 ~~department.~~



1 ~~(d) A draft environmental impact report or statement~~  
2 ~~has been prepared on the unconstructed portion of the~~  
3 ~~freeway.~~

4 ~~(e) The affected freeway segment is within the~~  
5 ~~jurisdiction of the Los Angeles County Metropolitan~~  
6 ~~Transportation Authority.~~

7 ~~(f) An agreement with one or more counties and cities~~  
8 ~~pursuant to Section 100.2 is not possible because an~~  
9 ~~impasse, as evidenced by the lack of freeway agreements~~  
10 ~~by all affected jurisdictions, has existed for 10 or more~~  
11 ~~years after an initial route was adopted.~~

12 ~~(g) Under the conditions set forth in subdivisions (a)~~  
13 ~~to (f), inclusive, the commission shall hold public~~  
14 ~~hearings as it may deem necessary, review the draft or~~  
15 ~~final environmental impact report or statement, and~~  
16 ~~consider the recommendation and records of the~~  
17 ~~authority and other documents as it may deem advisable.~~  
18 ~~The commission shall take into consideration all the~~  
19 ~~traditional factors of route selection by the state,~~  
20 ~~including the question of least adverse economic and~~  
21 ~~physical impact on the communities involved, but any~~  
22 ~~previous selection by the commission or its predecessor~~  
23 ~~shall not be considered binding.~~

24 ~~(h) The environmental impact report or statement~~  
25 ~~shall examine the potential impacts of alternative route~~  
26 ~~alignments on the communities involved. The definition~~  
27 ~~and scope of these communities shall reflect the sense of~~  
28 ~~community of residents within and immediately adjacent~~  
29 ~~to the adopted route and alternate route location.~~

30 ~~(i) The department shall prepare a draft~~  
31 ~~environmental impact report or statement. The~~  
32 ~~commission may hold public hearings on the draft~~  
33 ~~environmental impact report or statement as it deems~~  
34 ~~necessary. The department shall prepare a final~~  
35 ~~environmental impact report or statement after the~~  
36 ~~completion of the public review period of the draft~~  
37 ~~environmental impact report or statement. The~~  
38 ~~commission shall select a route after the completion of the~~  
39 ~~environmental impact report or statement.~~



1 ~~(j) If the route selected by the commission differs from~~  
2 ~~a prior route adopted by the commission or a prior~~  
3 ~~recommendation by the authority, the commission shall~~  
4 ~~set forth, as a part of its decision statement, the reasons for~~  
5 ~~the route selected.~~

6 ~~(k) For any freeway constructed pursuant to this~~  
7 ~~section, the department shall establish an outreach~~  
8 ~~program to maximize the participation of businesses and~~  
9 ~~professionals from within the county in which the~~  
10 ~~freeway segment is located in the construction of the~~  
11 ~~freeway segment.~~

12 ~~(l) As used in this section, “authority” means the Los~~  
13 ~~Angeles County Metropolitan Transportation Authority,~~  
14 ~~or its predecessor, the Los Angeles County~~  
15 ~~Transportation Commission.~~

16 *SEC. 3. Section 100.45 of the Streets and Highways*  
17 *Code is repealed.*

18 ~~100.45. When the department constructs a freeway on~~  
19 ~~the route selected pursuant to Section 100.4 the~~  
20 ~~department shall meet and confer with affected counties~~  
21 ~~and cities with respect to the design of the portion of the~~  
22 ~~freeway to be constructed within the jurisdiction of the~~  
23 ~~affected county or city.~~  
24 ~~amended to read:~~

25 ~~369i. (a) Any person who enters or remains upon the~~  
26 ~~property of any railroad without the permission of the~~  
27 ~~owner of the land, the owner’s agent, or the person in~~  
28 ~~lawful possession, except for the purpose of a legal~~  
29 ~~crossing at a highway or other authorized public crossing~~  
30 ~~or whose entry, presence, or conduct upon the property~~  
31 ~~interferes with, interrupts, or hinders, or which, if~~  
32 ~~allowed to continue, would interfere with, interrupt, or~~  
33 ~~hinder the safe and efficient operation of any locomotive,~~  
34 ~~railway car, or train on the rail line or rail-related~~  
35 ~~property is guilty of a misdemeanor or an infraction.~~

36 ~~As used in this subdivision, “property of any railroad”~~  
37 ~~means any land owned, leased, or possessed by a railroad~~  
38 ~~upon which is placed a railroad track and the land~~  
39 ~~immediately adjacent thereto, to the distance of 20 feet~~



1 on either side of the track, which is owned, leased, or  
2 possessed by a railroad.

3 (b) Any person who enters or remains upon any rail  
4 transit related property owned or operated by a county  
5 transportation commission or transportation authority  
6 without permission, except for the purpose of a legal  
7 crossing at a highway or other authorized public crossing  
8 or whose entry, presence, or conduct upon the property  
9 interferes with, interrupts, or hinders, or which, if  
10 allowed to continue, would interfere with, interrupt, or  
11 hinder the safe and efficient operation of the rail line or  
12 rail-related property is guilty of a misdemeanor or an  
13 infraction.

14 As used in this subdivision, "rail transit related  
15 property" means any land or facilities owned, leased, or  
16 possessed by a county transportation commission, transit  
17 district, or transportation authority upon which is placed  
18 a railroad track and the land immediately adjacent  
19 thereto, to the distance of 20 feet on either side of the  
20 track, which is owned, leased, or possessed by the county  
21 transportation commission or transportation authority.

22 (c) This section does not prohibit picketing in the  
23 immediately adjacent area of the property of any railroad  
24 or rail transit related property or any lawful activity by  
25 which the public is informed of the existence of an alleged  
26 labor dispute.

27 (d) This section does not apply to railroad employees  
28 or their designated labor organization representatives, if  
29 they are acting within the scope of their employment.

30 SEC. 2. No reimbursement is required by this act  
31 pursuant to Section 6 of Article XIII B of the California  
32 Constitution because the only costs that may be incurred  
33 by a local agency or school district will be incurred  
34 because this act creates a new crime or infraction,  
35 eliminates a crime or infraction, or changes the penalty  
36 for a crime or infraction, within the meaning of Section  
37 17556 of the Government Code, or changes the definition



1 ~~of a crime within the meaning of Section 6 of Article~~  
2 ~~XIII B of the California Constitution.~~

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