

AMENDED IN ASSEMBLY APRIL 22, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1386

Introduced by Assembly Member Hayashi

February 27, 2009

An act to amend Sections 14528.5 and 14528.55 of the Government Code, and to amend Sections 392, 485, and 538 of the Streets and Highways Code, relating to transportation, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1386, as amended, Hayashi. State highways.

Existing law authorizes a city or county in which a planned transportation facility was to be located on State Highway Route 238 in Alameda County to develop and file with the California Transportation Commission a local alternative transportation program that addresses transportation problems and opportunities, and provides for the use of revenues from the sales of excess properties acquired for the planned state facility in order to fund the local alternative program, but limits the use of revenues from excess property sales to state highway purposes. Existing law provides that the commission may not approve a local alternative program under these provisions after July 1, 2010. Similar provisions apply to State Highway Route 84 in the Cities of Fremont and Union City, except that the use of revenues from excess property sales in that corridor are limited to state highway purposes or projects in the local voter-approved transportation sales tax measure.

This bill would modify the restriction limiting use of revenues from excess property sales to state highway purposes applicable to State Highway Route 238 by authorizing those revenues to be used for any highway purpose. This bill would require revenues from excess property sales for State Highway Route 238 and State Highway Route 84 to be deposited into separate accounts in the Special Deposit Fund, a continuously appropriated fund, to be available for expenditure by local agencies for purposes of an approved local alternative transportation program for the applicable corridor route. The bill would thereby make an appropriation.

Existing law provides for state highways to be constructed, as determined by the California Transportation Commission, on routes authorized by law. Existing law provides for relinquishment by the commission of state highways to local agencies under certain conditions.

This bill would authorize the commission to relinquish portions of State Highway Routes 92, 185, and 238 in the City of Hayward to that city subject to various conditions.

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

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

- 1 SECTION 1. Section 14528.5 of the Government Code is
- 2 amended to read:
- 3 14528.5. (a) To resolve local transportation problems resulting
- 4 from the infeasibility of planned state transportation facilities on
- 5 State Highway Route 238 in the City of Hayward and Alameda
- 6 County, the city or county in which the planned facilities were to
- 7 be located, acting jointly with the transportation planning agency
- 8 having jurisdiction over the city or county, may develop and file
- 9 with the commission a local alternative transportation improvement
- 10 program that addresses transportation problems and opportunities
- 11 in the county which were to be served by the planned facilities.
- 12 Priorities for funding in the local alternative program shall go to
- 13 projects in the local voter-approved transportation sales tax
- 14 measure.
- 15 (b) The commission shall have the final authority regarding the
- 16 content and approval of the local alternative transportation
- 17 improvement program. The commission shall not approve any

1 local alternative transportation improvement program submitted
2 under this section after July 1, 2010.

3 (c) All proceeds from the sale of the excess properties, less any
4 reimbursements due to the federal government and all costs
5 incurred in the sale of those excess properties, shall be allocated
6 by the commission to fund the approved local alternative
7 transportation improvement program and shall not be subject to
8 Sections 188 and 188.8 of the Streets and Highways Code. The
9 proceeds shall be used only for highway purposes.

10 (d) (1) The department shall maintain a separate account in the
11 state's Special Deposit Fund for the deposit of funds derived from
12 the sale of excess properties pursuant to subdivision (c). All
13 proceeds received by the department from the sale of those excess
14 properties that are available pursuant to subdivision (c) for the
15 local alternative transportation improvement program, less
16 reimbursement for costs incurred by the department for fund
17 administration, shall be deposited in the account, along with all
18 interest earnings generated by funds in the account.

19 (2) Funds in the account shall be available for expenditure by
20 local agencies for projects designated in the local alternative
21 transportation improvement program approved by the commission
22 pursuant to this section.

23 (e) This section does not apply to those highways that are in the
24 National System of Interstate and Defense Highways.

25 (f) This section applies only to State Highway Route 238.

26 (g) Section 14528.8 does not apply to projects undertaken
27 pursuant to this section.

28 SEC. 2. Section 14528.55 of the Government Code is amended
29 to read:

30 14528.55. (a) To resolve local transportation problems
31 resulting from the infeasibility of planned state transportation
32 facilities on State Highway Route 84 in the Cities of Fremont and
33 Union City, the cities or the county in which the planned facilities
34 were to be located, acting jointly with the transportation planning
35 agency having jurisdiction over the cities or county, may develop
36 and file with the commission a local alternative transportation
37 improvement program that addresses transportation problems and
38 opportunities in the county that were to be served by the planned
39 facilities. Priorities for funding in the local alternative program

1 shall go to projects in the local voter-approved transportation sales
2 tax measure.

3 (b) The commission shall have the final authority regarding the
4 content and approval of the local alternative transportation
5 improvement program. The commission shall not approve any
6 local alternative transportation improvement program submitted
7 under this section after July 1, 2010.

8 (c) All proceeds from the sale of the excess properties, less any
9 reimbursements due to the federal government and all costs
10 incurred in the sale of those excess properties, shall be allocated
11 by the commission to fund the approved local alternative
12 transportation improvement program and shall not be subject to
13 Sections 188 and 188.8 of the Streets and Highways Code. The
14 proceeds shall be used only for state highway purposes or for
15 projects in the local alternative transportation improvement
16 program that are also in the local voter-approved transportation
17 sales tax measure, subject to approval by the department.

18 (d) (1) The department shall maintain a separate account in the
19 state's Special Deposit Fund for the deposit of funds derived from
20 the sale of excess properties pursuant to subdivision (c). All
21 proceeds received by the department from the sale of those excess
22 properties that are available pursuant to subdivision (c) for the
23 local alternative transportation improvement program, less
24 reimbursement for costs incurred by the department for fund
25 administration, shall be deposited in the account, along with all
26 interest earnings generated by funds in the account.

27 (2) Funds in the account shall be available for expenditure by
28 local agencies for projects designated in the local alternative
29 transportation improvement program approved by the commission
30 pursuant to this section.

31 (e) This section does not apply to those highways that are in the
32 National System of Interstate and Defense Highways.

33 (f) This section only applies to State Highway Route 84.

34 (g) Section 14528.8 does not apply to projects undertaken
35 pursuant to this section.

36 SEC. 3. Section 392 of the Streets and Highways Code is
37 amended to read:

38 392. (a) Route 92 is from:

39 (1) Route 1 near Half Moon Bay to Route 280.

40 (2) Route 280 to Route 580 near Castro Valley and Hayward.

(b) (1) The commission may relinquish to the City of Hayward the portion of Route 92 located within the city limits of that city, upon terms and conditions the commission finds to be in the best interests of the state, *if the department and the city enter into an agreement providing for that relinquishment.*

(2) A relinquishment under this subdivision shall become effective immediately after the county recorder's recordation of the relinquishment resolution containing the commission's approval of the terms and conditions of the relinquishment.

(3) On and after the effective date of the relinquishment, both of the following shall occur:

(A) The portion of Route 92 relinquished shall cease to be a state highway.

(B) The portion of Route 92 relinquished shall be ineligible for future adoption under Section 81.

(4) For relinquished portions of Route 92, the City of Hayward shall maintain signs within its jurisdiction directing motorists to the continuation of Route 92 or to the state highway system, as applicable.

SEC. 4. Section 485 of the Streets and Highways Code is amended to read:

485. (a) Route 185 is from Route 92 in Hayward to Route 77 in Oakland.

(b) (1) The commission may relinquish to the City of Hayward the portion of Route 185 located within the city limits of that city, upon terms and conditions the commission finds to be in the best interests of the state, *if the department and the city enter into an agreement providing for that relinquishment.*

(2) A relinquishment under this subdivision shall become effective immediately after the county recorder's recordation of the relinquishment resolution containing the commission's approval of the terms and conditions of the relinquishment.

(3) On and after the effective date of the relinquishment, both of the following shall occur:

(A) The portion of Route 185 relinquished shall cease to be a state highway.

(B) The portion of Route 185 relinquished shall be ineligible for future adoption under Section 81.

(4) For relinquished portions of Route 185, the City of Hayward shall maintain signs within its jurisdiction directing motorists to

1 the continuation of Route 185 or to the state highway system, as
2 applicable.

3 SEC. 5. Section 538 of the Streets and Highways Code is
4 amended to read:

5 538. (a) Route 238 is from Route 680 in Fremont to Route 61
6 near San Lorenzo via Hayward.

7 (b) (1) The commission may relinquish to the City of Hayward
8 the portion of Route 238 located within the city limits of that city,
9 upon terms and conditions the commission finds to be in the best
10 interests of the state, *if the department and the city enter into an*
11 *agreement providing for that relinquishment.*

12 (2) A relinquishment under this subdivision shall become
13 effective immediately after the county recorder's recordation of
14 the relinquishment resolution containing the commission's approval
15 of the terms and conditions of the relinquishment.

16 (3) On and after the effective date of the relinquishment, both
17 of the following shall occur:

18 (A) The portion of Route 238 relinquished shall cease to be a
19 state highway.

20 (B) The portion of Route 238 relinquished shall be ineligible
21 for future adoption under Section 81.

22 (4) For relinquished portions of Route 238, the City of Hayward
23 shall maintain signs within its jurisdiction directing motorists to
24 the continuation of Route 238 or to the state highway system, as
25 applicable.