

BILL NUMBER: AB 1930 INTRODUCED
BILL TEXT

INTRODUCED BY Assembly Member Scott

FEBRUARY 15, 2000

An act to repeal Section 100.45 of, and to repeal and add Section 100.4 of, the Streets and Highways Code, relating to highways.

LEGISLATIVE COUNSEL'S DIGEST

AB 1930, as introduced, Scott. 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 provision 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, instead, would prohibit the department from constructing a freeway that traverses an existing residential community unless the department has entered into the specified agreement with the city council or board of supervisors having jurisdiction over the territory within which that community is located.

The bill would require the department, if it has not entered into the specified agreement within 10 years after acquiring the right-of-way for a proposed freeway project, to prepare a plan and budget for the development and funding of an alternative project, for disposal of any excess property, and for restoration of any property that has been designated by a state or local authority as a property of historical significance. The bill would require the department to meet and confer with the affected city or county regarding the design and implementation of the alternative project.

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

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

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

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

(b) Local agreements with city councils and boards of supervisors for state freeway projects located within the boundaries of a city or

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county are a proven, effective means of ensuring that negative community impacts and quality of life issues are mitigated.

(c) Legislation enacted in 1982 and 1994 removed this necessary requirement for local agreements for state freeway projects.

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(i) The department shall prepare a draft environmental impact report or statement. The commission may hold public hearings on the draft environmental impact report or statement as it deems necessary. The department shall prepare a final environmental impact report or statement after the completion of the public review period of the draft environmental impact report or statement. The commission shall select a route after the completion of the environmental impact report or statement.~~

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

~~(k) For any freeway constructed pursuant to this section, the department shall establish an outreach program to maximize the~~

~~participation of businesses and professionals from within the county in which the freeway segment is located in the construction of the freeway segment.~~

~~(1) As used in this section, "authority" means the Los Angeles County Metropolitan Transportation Authority, or its predecessor, the Los Angeles County Transportation Commission.~~

SEC. 3. Section 100.4 is added to the Streets and Highways Code, to read:

100.4. (a) The department may not construct a freeway that traverses an existing residential community unless the department has entered into an agreement authorized under Section 100.2 with the city council or board of supervisors having jurisdiction over the territory within which that community is located.

(b) If the department has not entered into the agreement required under subdivision (a) within 10 years after acquiring the right-of-way for a proposed freeway project, the department shall prepare a plan and budget for the development and funding of an alternative project, for disposal of any excess property, and for restoration of any property that has been designated by a state or local authority as a property of historical significance. The department shall meet and confer with the affected city or county regarding the design and implementation of the alternative project.

SEC. 4. Section 100.45 of the Streets and Highways Code is repealed.

~~100.45. When the department constructs a freeway on the route selected pursuant to Section 100.4 the department shall meet and confer with affected counties and cities with respect to the design of the portion of the freeway to be constructed within the jurisdiction of the affected county or city.~~

SENATE BILL**No. 1497****Introduced by Senator Schiff**

February 15, 2000

An act to repeal Section 100.45 of, and to repeal and add Section 100.4 of, the Streets and Highways Code, relating to highways.

LEGISLATIVE COUNSEL'S DIGEST

SB 1497, as introduced, Schiff. 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 provision 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, instead, would prohibit the department from constructing a freeway that traverses an existing residential



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community unless the department has entered into the specified agreement with the city council or board of supervisors having jurisdiction over the territory within which that community is located.

The bill would require the department, if it has not entered into the specified agreement within 10 years after acquiring the right-of-way for a proposed freeway project, to prepare a plan and budget for the development and funding of an alternative project and for disposal of any excess property. The bill would require the department to meet and confer with the affected city or county regarding the design and implementation of the alternative project.

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. 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 this
- 12 necessary requirement for local agreements for state
- 13 freeway 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



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1 and local cities and counties prior to construction of
2 freeways.

3 SEC. 2. Section 100.4 of the Streets and Highways
4 Code is repealed.

5 ~~100.4. Notwithstanding Section 100.2, the department
6 may construct a freeway, without an agreement with a
7 county or city, on the route determined by the
8 commission, if all of the following conditions have been
9 met:~~

10 ~~(a) The freeway is included within the California
11 freeway and expressway system and a route has been
12 adopted.~~

13 ~~(b) Construction has commenced, but has not been
14 completed, leaving an existing gap between the
15 constructed portions of the freeway.~~

16 ~~(c) In addition to the adopted route, there is at least
17 one feasible alternative route as determined by the
18 department.~~

19 ~~(d) A draft environmental impact report or statement
20 has been prepared on the unconstructed portion of the
21 freeway.~~

22 ~~(e) The affected freeway segment is within the
23 jurisdiction of the Los Angeles County Metropolitan
24 Transportation Authority.~~

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

30 ~~(g) Under the conditions set forth in subdivisions (a)
31 to (f), inclusive, the commission shall hold public
32 hearings as it may deem necessary, review the draft or
33 final environmental impact report or statement, and
34 consider the recommendation and records of the
35 authority and other documents as it may deem advisable.
36 The commission shall take into consideration all the
37 traditional factors of route selection by the state,
38 including the question of least adverse economic and
39 physical impact on the communities involved, but any~~

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1 ~~previous selection by the commission or its predecessor~~
2 ~~shall not be considered binding.~~

3 ~~(h) The environmental impact report or statement~~
4 ~~shall examine the potential impacts of alternative route~~
5 ~~alignments on the communities involved. The definition~~
6 ~~and scope of these communities shall reflect the sense of~~
7 ~~community of residents within and immediately adjacent~~
8 ~~to the adopted route and alternate route location.~~

9 ~~(i) The department shall prepare a draft~~
10 ~~environmental impact report or statement. The~~
11 ~~commission may hold public hearings on the draft~~
12 ~~environmental impact report or statement as it deems~~
13 ~~necessary. The department shall prepare a final~~
14 ~~environmental impact report or statement after the~~
15 ~~completion of the public review period of the draft~~
16 ~~environmental impact report or statement. The~~
17 ~~commission shall select a route after the completion of the~~
18 ~~environmental impact report or statement.~~

19 ~~(j) If the route selected by the commission differs from~~
20 ~~a prior route adopted by the commission or a prior~~
21 ~~recommendation by the authority, the commission shall~~
22 ~~set forth, as a part of its decision statement, the reasons for~~
23 ~~the route selected.~~

24 ~~(k) For any freeway constructed pursuant to this~~
25 ~~section, the department shall establish an outreach~~
26 ~~program to maximize the participation of businesses and~~
27 ~~professionals from within the county in which the~~
28 ~~freeway segment is located in the construction of the~~
29 ~~freeway segment.~~

30 ~~(l) As used in this section, "authority" means the Los~~
31 ~~Angeles County Metropolitan Transportation Authority,~~
32 ~~or its predecessor, the Los Angeles County~~
33 ~~Transportation Commission.~~

34 SEC. 3. Section 100.4 is added to the Streets and
35 Highways Code, to read:

36 100.4. (a) The department may not construct a
37 freeway that traverses an existing residential community
38 unless the department has entered into an agreement
39 authorized under Section 100.2 with the city council or



1 board of supervisors having jurisdiction over the territory
2 within which that community is located.

3 (b) If the department has not entered into the
4 agreement required under subdivision (a) within 10
5 years after acquiring the right-of-way for a proposed
6 freeway project, the department shall prepare a plan and
7 budget for the development and funding of an
8 alternative project and for disposal of any excess
9 property. The department shall meet and confer with the
10 affected city or county regarding the design and
11 implementation of the alternative project.

12 SEC. 4. Section 100.45 of the Streets and Highways
13 Code is repealed.

14 ~~100.45. When the department constructs a freeway on~~
15 ~~the route selected pursuant to Section 100.4 the~~
16 ~~department shall meet and confer with affected counties~~
17 ~~and cities with respect to the design of the portion of the~~
18 ~~freeway to be constructed within the jurisdiction of the~~
19 ~~affected county or city.~~

