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SB-236 Public streets, highways, and public service easements. (2015-2016)

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Senate Bill No. 236

CHAPTER 353

An act to add and repeal Section 8334.6 of the Streets and Highways Code, relating to highways.

[Approved by Governor September 28, 2015. Filed with Secretary of State September 28, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

SB 236, Beall. Public streets, highways, and public service easements.

The Public Streets, Highways, and Service Easements Vacation Law establishes procedures for the vacation of public streets, highways, and service easements. Under existing law, the legislative body of a local agency may summarily vacate a street or highway that has been impassable for vehicular travel for 5 years and no public money has been expended for maintenance of the street or highway during that period. Existing law provides that an easement may be reserved and excepted from a vacation of a street, highway, or public service easement, as specified.

This bill would authorize the legislative body of the City of San Jose to summarily vacate a public service easement located between Casselino Drive and Mullinix Way in the City of San Jose that is impassable for vehicular travel, if the legislative body finds that the vacation will protect the public safety or serve the public interest and convenience. The bill would authorize the legislative body of the City of San Jose to reserve and except from that vacation an easement and right to construct, maintain, operate, replace, remove, and renew a nonvehicular pathway for use by the public in, upon, over, and across the public service easement proposed to be vacated. The bill would repeal these provisions as of January 1, 2018.

This bill would make legislative findings and declarations as to the necessity for a special law.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

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

SECTION 1. Section 8334.6 is added to the Streets and Highways Code, to read:

8334.6. (a) The legislative body of the City of San Jose may summarily vacate a public service easement located between Casselino Drive and Mullinix Way in the City of San Jose that is impassable for vehicular travel, if the legislative body finds that the vacation will protect the public safety or otherwise serve the public interest and convenience.

(b) In addition to Section 8340, the legislative body of the City of San Jose may reserve and except from the vacation authorized by subdivision (a) an easement and right to construct, maintain, operate, replace, remove, and renew a nonvehicular pathway for use by the public in, upon, over, and across the public service easement proposed to be vacated.

(c) This section shall remain in effect only until January 1, 2018, and as of that date is repealed.

SEC. 2. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances facing the City of San Jose with respect to the vacation of a public service easement located between Casselino Drive and Mullinix Way in the City of San Jose that is impassable for vehicular travel.