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AB-332 Vehicles: local regulations: street closures. (2017-2018)

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Assembly Bill No. 332

CHAPTER 34

An act to amend Section 21101.4 of the Vehicle Code, relating to vehicles.

[Approved by Governor June 28, 2017. Filed with Secretary of State June 28, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AB 332, Bocanegra. Vehicles: local regulations: street closures.

Existing law authorizes the legislative body of a local agency to temporarily close to through traffic a highway under its jurisdiction in order to curb serious and continual criminal activity along that highway, subject to certain requirements, including the condition that the highway recommended for closure not be designated as a through highway or arterial street.

This bill would authorize the legislative body of a local agency to additionally temporarily close to through traffic a highway under its jurisdiction in order to curb illegal dumping. The bill would also allow a temporary closure of a highway that has been designated as a through highway or arterial street if the closure can be accomplished without a significant impact on the flow of traffic.

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

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

SECTION 1. Section 21101.4 of the Vehicle Code is amended to read:

21101.4. (a) A local authority may, by ordinance or resolution, adopt rules and regulations for temporarily closing to through traffic a highway under its jurisdiction when all of the following conditions are, after a public hearing, found to exist:

(1) The local authority finds and determines that, based upon the recommendation of the police department or, in the case of a highway in an unincorporated area, on the joint recommendation of the sheriff's department and the Department of the California Highway Patrol, one of the following concerns exists along the portion of highway recommended for closure:

(A) Serious and continual criminal activity.

(B) Serious and continual illegal dumping.

(2) The highway is not designated as a through highway or arterial street, or, if the highway is so designated, the local authority, in conjunction with law enforcement and traffic engineers, has determined that a temporary closure may be accomplished without significant impact on the normal flow of traffic.

(3) Vehicular or pedestrian traffic on the highway contributes to the concern described in paragraph (1).

(4) The closure will not substantially adversely affect traffic flow, safety on the adjacent streets or in the surrounding neighborhoods, the operation of emergency vehicles, the performance of municipal or public utility services, or the delivery of freight by commercial vehicles in the area of the highway proposed to be temporarily closed.

(b) A highway may be temporarily closed pursuant to subdivision (a) for not more than 18 months, except that this period may be extended for not more than eight additional consecutive periods of not more than 18 months each if, prior to each of those extensions, the local authority holds a public hearing and finds, by ordinance or resolution, that all of the following conditions exist:

(1) Continuation of the temporary closure will assist in preventing the occurrence or reoccurrence of the concern described in paragraph (1), found to exist when the immediately preceding temporary closure was authorized. This finding and determination shall be based upon the recommendation of the police department or, in the case of a highway in an unincorporated area, on the joint recommendation of the sheriff's department and the Department of the California Highway Patrol.

(2) The highway is not designated as a through highway or arterial street, or, if the highway is so designated, the local authority, in conjunction with law enforcement and traffic engineers, has determined that the immediately preceding temporary closure has been accomplished without significant impact on the normal flow of traffic.

(3) Vehicular or pedestrian traffic on the highway contributes to the concern described in paragraph (1).

(4) The immediately preceding closure has not substantially adversely affected traffic flow, safety on the adjacent streets or in the surrounding neighborhoods, the operation of emergency vehicles, the performance of municipal or public utility services, or the delivery of freight by commercial vehicles in the area of the highway that was temporarily closed.

(c) The local authority shall mail written notice of the public hearing required under subdivision (a) or (b) to all residents and owners, as shown on the last equalized assessment roll, of property adjacent to the portion of highway where a temporary closure or extension of temporary closure is proposed.