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AB-3139 State highways: property leases. (2017-2018)

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Assembly Bill No. 3139

CHAPTER 443

An act to add Section 104.24 to the Streets and Highways Code, relating to state highways.

[Approved by Governor September 17, 2018. Filed with Secretary of State September 17, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 3139, Bonta. State highways: property leases.

Existing law provides that the Department of Transportation has full possession and control of the state highway system, including associated property. Existing law authorizes the department to lease certain property, including the area above or below a state highway, and certain property held for future highway purposes, to public agencies under specified terms and conditions, including specific provisions governing leases of airspace and other property in the City and County of San Francisco for purposes of an emergency shelter or feeding program, and at a lease cost of \$1 per month and payment of an administrative fee not to exceed \$500 per year. Existing law also requires that a lease be offered on a right of first refusal by the department to the city and county or a political subdivision of the city and county and authorizes leases of property for park, recreational, or open-space purposes, subject to certain additional terms and conditions.

This bill would authorize the department to offer a lease to the City of Oakland on a right of first refusal basis for any airspace under a freeway or certain real property acquired for highway purposes located in the city for purposes of an emergency shelter or feeding program for a lease amount, for up to 10 parcels, of \$1 per month, and a payment of an administrative fee not to exceed \$500 per year, as specified.

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

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

SECTION 1. Section 104.24 is added to the Streets and Highways Code, to read:

104.24. (a) Any airspace under a freeway, or real property acquired for highway purposes, in the City of Oakland, that is not excess property, may be offered for lease on a right of first refusal by the department to the city, or to a political subdivision of the city, for purposes of an emergency shelter or feeding program.

(b) For up to 10 parcels, the lease amount for emergency shelter or feeding programs shall be for one dollar (\$1) per month. The lease amount may be paid in advance of the term covered in order to reduce the administrative costs associated with the payment of the monthly rental fee. The lease shall require the payment of an administrative fee not to exceed five hundred dollars (\$500) per year, unless the department determines that a higher administrative fee is necessary, for the department's cost of administering the lease.

(c) The Legislature finds and declares that the lease of real property pursuant to this section serves a public purpose.