

Date of Hearing: May 10, 2017

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Cecilia Aguiar-Curry, Chair

AB 1436 (Levine) – As Amended March 28, 2017

**SUBJECT:** County highways.

**SUMMARY:** Authorizes a county board of supervisors to adopt a resolution, by a majority vote instead of a four-fifths vote, to provide county aid for the improvement or maintenance of streets within a city. Specifically, **this bill:**

- 1) Lowers the threshold, from four-fifths to three-fifths, by which a county board of supervisors may adopt a resolution to determine that specified activities relating to the construction, improvement, or maintenance of a street within a city are of general county interest and to provide county aid.
- 2) Makes technical changes.

**EXISTING LAW:**

- 1) Authorizes a board of supervisors to lay out, acquire, construct, and maintain any section or portion of any street or highways within the county as a freeway or expressway and may make any existing street or highway a freeway or expressway.
- 2) Authorizes the board of supervisors of any county, by a resolution adopted by four-fifths vote of the board, to determine that any of the following activities are of general county interest and that county aid shall be extended:
  - a) The laying out, opening, construction, improvement, maintenance, repair, or altering of all or any part of any street within a city or extending along or across the boundary of a city;
  - b) The establishing, modifying or changing the grade of any such street;
  - c) The separation of the grades of any two or more such streets which intersect;
  - d) The separation of the grade of any such street from the grade of any stream, electric or street railroad crossing such street;
  - e) The construction of the necessary pavements, curbs, culverts, bridges, tunnels, subways, viaducts, drainage facilities or structures incident to or part of such street; and,
  - f) The acquisition of any real property or interest therein, rights of way or other property necessary for any of the purposes mentioned above.
- 3) Requires a resolution pursuant to 2), above, to specify the proposed new or existing street or portion of street, the general nature of the improvement proposed, the nature of the aid to be furnished by the county, and any funds from which the aid is to be paid.

- 4) Authorizes the county to give aid, in accordance with a resolution adopted pursuant to 2), above, in one or more of the following ways:
  - a) Contribute money;
  - b) Acquire and deliver material;
  - c) Furnish labor or engineering services;
  - d) Loan its road building machinery; and,
  - e) Pay or contribute money to be used for the payment of interest upon, or for the payment or redemption of bonds, the proceeds of which have been used for, or which have been issued in payment for work, as specified.
- 5) Specifies the funds that the expense of aid may be provided from.
- 6) Requires the city to use all aid which it receives for the activities described in the resolution and to return any portion of aid which is not used.
- 7) Authorizes the legislative body of a city, when it determines that it is necessary for the more efficient construction or repair of streets and roads within the city, to contract with the county board of supervisors for the rental, by the city, of the county's equipment for the maintenance, construction, or repair of such streets and roads, or for the maintenance, construction, or repair of such streets and roads by the county.
- 8) Makes legislative findings that the improvement and maintenance of all city streets is of general county interest. Authorizes the board of supervisors of any county to, by resolution adopted by four-fifths of its members, determine that county aid shall be extended for the improvement or maintenance of streets within a city or extending along or across the boundary of a city.
- 9) Requires the resolution to specify the general nature of the improvement and maintenance proposed, the nature of the aid to be furnished by the county, and any funds from which the aid is to be paid. Provides that the resolution does not need to specify the streets to be improved or maintained within such city, but may in general terms specify the general character of the work proposed, as specified. Provides that the provisions described in 8), and 9), above, are an alternative procedure.

**FISCAL EFFECT:** None

**COMMENTS:**

- 1) **Existing Law and Bill Summary.** Existing law authorizes a county board of supervisors to determine that specified activities relating to a street within a city are of general county interest and to provide county aid by adopting a resolution with four-fifths vote of its members. These activities include construction, improvement, repair and maintenance of any part of any street within a city or across the boundary of a city, changing the grade of any street, the construction of curbs, bridges, tunnels, and drainage facilities that are part of a street, and the acquisition of any real property necessary for any of the purposes above. This bill lowers the threshold of the vote required by a county board of supervisors to adopt a

resolution, from four-fifths to three-fifths, to determine county interest and provide county aid for specified construction, improvement, or maintenance to any city street. This bill is author-sponsored.

- 2) **Author's Statement.** According to the author, "AB 1436 improves efficiency in transportation spending and improves public safety by removing an unnecessary requirement for a super majority vote for certain transportation projects at the local level."
- 3) **Policy Consideration.** For consistency purposes, the author may wish to also lower the four-fifths threshold in additional sections of existing law that authorize any county by a resolution adopted by four-fifths of its members to determine that county aid shall be extended for the improvement or maintenance of streets within a city or extending along or across the boundary of a city.
- 4) **Arguments in Support.** None on file.
- 5) **Arguments in Opposition.** None on file.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

None on file

**Opposition**

None on file

**Analysis Prepared by:** Misa Lennox / L. GOV. / (916) 319-3958