

Date of Hearing: April 5, 2017

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT
Cecilia Aguiar-Curry, Chair
AB 332 (Bocanegra) – As Amended March 9, 2017

SUBJECT: Vehicles: local regulations: street closures.

SUMMARY: Expands a local authority's ability to temporarily close a highway due to serious and continual criminal activity by allowing temporary closure of a through highway or arterial street, and allowing temporary closure due to a serious and continual public nuisance, including, but not limited to, illegal dumping. Specifically, **this bill:**

- 1) Allows a local authority, by ordinance or resolution, to adopt rules and regulations for temporarily closing to through traffic a highway under its jurisdiction when all of the following conditions, after a public hearing, are found to exist:
 - a) 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 (CHP), one of the following concerns exists along the portion of highway recommended for closure:
 - i) Serious and continual criminal activity; or,
 - ii) A serious and continual public nuisance, including, but not limited to, illegal dumping.
 - b) 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;
 - c) Vehicular or pedestrian traffic on the highway contributes to the concern described in a), above; and,
 - d) 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.
- 2) Allows a local authority to temporarily close a highway pursuant to the provisions described above for not more than 18 months, and to extend this time period for up to eight additional consecutive periods of not more than 18 months under specified circumstances, including certain findings and public hearings.
- 3) Requires the local authority to mail written notice of the public hearing required under 1) and 2), above, 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.

EXISTING LAW:

- 1) Allows a local authority, by ordinance or resolution, to 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:
 - a) The local authority finds and determines that there is serious and continual criminal activity in the portion of the highway recommended for temporary closure. 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 CHP;
 - b) The highway is not designated as a through highway or arterial street;
 - c) Vehicular or pedestrian traffic on the highway contributes to the criminal activity; and,
 - d) 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.
- 2) Allows a highway to be temporarily closed pursuant to 1), above, 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:
 - a) Continuation of the temporary closure will assist in preventing the occurrence or reoccurrence of the serious and continual criminal activity 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 CHP;
 - b) The highway is not designated as a through highway or arterial street;
 - c) Vehicular or pedestrian traffic on the highway contributes to the criminal activity; and,
 - d) 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.
- 3) Requires the local authority to mail written notice of the public hearing required under 1) and 2), above, 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.

- 4) Defines "local authorities" to mean the legislative body of every county or municipality having authority to adopt local police regulations.

FISCAL EFFECT: None

COMMENTS:

- 1) **Bill Summary.** This bill expands existing law that allows local authorities to temporarily close a highway due to serious and continual criminal activity in two ways: it allows temporary closure of a through highway or arterial street if the local authority determines, in conjunction with law enforcement and traffic engineers, that a temporary closure may be accomplished without significant impact in the normal flow of traffic; and, it allows temporary closure due to a serious and continual public nuisance, including, but not limited to, illegal dumping. This bill is sponsored by the author.
- 2) **Author's Statement.** According to the author, "By dumping property or trash by the road and not properly recycling those pieces, the dumped material immediately becomes a blight on the community. Having large items like refrigerators, couches, and furniture lining the side of a road presents hazards for members of the community, obstacles for law enforcement and first responders, and potentially harmful effects on the environment. For these reasons, we ought to provide local authorities with the capacity and the flexibility to resolve illegal dumping and return streets and neighborhoods to a cleaner state."
- 3) **Background.** According to CalRecycle, "Illegal dumping is the act of disposing solid waste at a location that is not a permitted solid waste disposal facility and is usually done for economic gain. Illegal dumping poses significant social, environmental, and economic impacts statewide. California local government spends tens of millions of dollars annually to remove illegally dumped materials, and private property owners incur significant costs to clean up illegal dumping. Illegal dump sites that are not abated often grow in size and can then become illegal disposal sites.

"Local government tends to view illegal dumping as a litter/nuisance abatement issue, rather than a solid waste issue. Local responses vary greatly statewide, in terms of approach and level of activity. Local code enforcement plays a lead role in some communities, while public works departments have primary responsibility in others.

"Local and State policing agencies will cite people caught illegally dumping, but those agencies are not usually responsible for cleanup programs. No single State or local agency is given responsibility for a comprehensive program to combat littering and illegal dumping, identified in the Penal Code as being punishable as infractions or misdemeanors. CalRecycle is responsible for investigation, cleanup, and enforcement of illegal solid waste disposal sites and shares this responsibility with local enforcement agencies. Based on the experiences of many local communities, combating illegal dumping includes four essential elements: Prevention, Abatement, Cleanup and Enforcement (PACE).

Existing law allows local authorities (counties and cities) to adopt rules and regulations, by ordinance or resolution, for temporarily closing to through traffic a highway (a street or road) under its jurisdiction when specified conditions are, after a public hearing, found to exist. The necessary conditions include:

- a) The existence of serious and continual criminal activity, based on the recommendation of the relevant law enforcement agency;
- b) The street is not a through highway or arterial;
- c) The street's vehicular or pedestrian traffic contributes to the criminal activity; and,
- d) Closure will not substantially adversely affect traffic flow, safety on adjacent streets or surrounding neighborhoods, the operation of emergency vehicles, performance of municipal or public utility services, or delivery of freight by commercial vehicles.

Existing law allows the temporary street closure to last for 18 months. If a local authority wishes to extend this closure period, it may do so for up to an additional 18 months after specified findings, public hearings, and written notice to adjacent property owners each time it seeks an extension. This can be done up to eight times, effectively allowing a local authority to close a street or road for more than 13 years, but with periodic review by the public and adjacent property owners via public hearings and written notice.

Existing law specifies that a closure is not allowed for a "through highway or arterial" and limits temporary closure to "the existence of serious and continual criminal activity." This bill additionally allows temporary closures due to a serious and continual public nuisance, including, but not limited to, illegal dumping. It also allows temporary closures of a through highway or arterial street if 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.

- 4) **Previous Legislation.** AB 994 (Isenberg), Chapter 231, Statutes of 1996, expanded the authority of local authorities to temporarily close a highway due to serious and continual criminal activity by allowing extensions of the original 18-month period.

SB 1334 (Beverly), Chapter 80, Statutes of 1992, established the authority of local authorities to temporarily close a highway for up to 18 months due to serious and continual criminal activity.

- 5) **Arguments in Support.** Californians Against Waste, in support, write, "As you well know, in many urban areas, it has become all too common to see couches, dressers, tires, and clothing strewn by the side of the road. This illegal disposal of property, known as illegal dumping, has plagued certain parts of urban areas where traffic is minimal and the odds of being caught are low. As a result, huge unsightly piles of garbage accumulate with impunity, leaving it upon adjacent property owners or the municipality to clean up at their own expense.

"In many cases, and in particular in the San Fernando Valley, this illegal dumping happens next to or near landfills or waste disposal facilities because people find they cannot or do not want to pay the extra disposal fee for furniture or larger items. Consequently, they drive further down the road and leave the items beside the road, instead of properly disposing of them. The dumped property is not only an eye sore, but it is also a public safety hazard."

- 6) **Arguments in Opposition.** None on file.

REGISTERED SUPPORT / OPPOSITION:

Support

Californians Against Waste
California League of Conservation Voters
City of Los Angeles Councilwoman Nury Martinez
City of Los Angeles City Attorney Michael N. Feuer
Northeast Valley Green Alliance
Pacoima Beautiful
Pacoima Chamber of Commerce

Opposition

None on file

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