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# SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair  
2021 - 2022 Regular Session

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## AB 512 (Holden) - State highways: relinquishment: infrastructural barriers

**Version:** August 1, 2022

**Urgency:** No

**Hearing Date:** August 8, 2022

**Policy Vote:** TRANS. 13 - 0

**Mandate:** No

**Consultant:** Mark McKenzie

**Bill Summary:** AB 512 would establish a process for the relinquishment of segments of state highways that constitute an infrastructural barrier with features that displaced residences or create an obstacle to connectivity, as specified.

### Fiscal Impact:

- Unknown, potentially significant future costs related to the relinquishment of highway segments, to the extent the agreements between the Department of Transportation (Caltrans) and local agencies include one-time payments or new costs related to the removal or retrofit of the infrastructural barrier. These costs may be partially or fully offset in future years due to avoided maintenance costs on a relinquished segment. Actual costs or savings would depend upon the details of each agreement and the characteristics of a particular infrastructural barrier. (State Highway Account)
- The California Transportation Commission (CTC) indicates that costs and resource needs are unknown and would depend upon how many new relinquishment proposals are considered each year as a result of this bill. Costs could be minor and absorbable, to the extent that the number of relinquishments do not significantly increase, but the bill may impact staff workload and impose new costs on the CTC if it results in additional proposals at each CTC meeting. (State Highway Account)

**Background:** Existing law identifies the California state highway system (SHS) through a description of segments of the state's regional and interregional roads that are owned and operated by Caltrans. Existing law requires the CTC to relinquish to cities and counties segments of state highways that have been deleted from the SHS by legislative enactment. The CTC may also relinquish any portion of a state highway that has been superseded by relocation, but only after Caltrans has placed the highway into a "state of good repair," which includes litter removal, weed control, and tree and shrub trimming, but does not obligate Caltrans to perform widening, new construction, or major reconstruction, unless directed by the CTC.

Relinquishment provides the recipient agency with greater control over local transportation projects and relieves Caltrans of any further responsibility to improve, maintain, or repair infrastructure, and also from exposure to tort liability related to the relinquished segment of state highway. Caltrans may provide State Highway Account funding to a local entity that is assuming control over state highway segments pursuant to a legislative relinquishment, in order to bring the roadway up to a "state of good repair," although there is no statutory obligation to do so. The actual amounts vary for each relinquished highway segment and are determined by a negotiation of terms and conditions between Caltrans and the local jurisdiction. Those costs are based upon a

cost-benefit analysis covering a ten-year period, which is included in a Project Scope Summary Report prepared for relinquishments. The CTC must determine that the agreement for relinquishment is in the best interests of the state.

**Proposed Law:** AB 512 would establish a process for the relinquishment of segments of state highways that constitute an infrastructural barrier. Specifically, this bill would:

- Define an “infrastructural barrier” as a state highway for which speed, grade separation, or other design factors displaced residences or create an obstacle to connectivity, including any of the following:
  - Obstacles to walking, biking, or mobility.
  - Diminished access to destinations across the infrastructural barrier.
  - Barriers to the economic development of the surrounding neighborhood.
- Authorize the CTC to relinquish a portion of a state highway that constitutes an infrastructural barrier to a city or county, if Caltrans and the city or county have entered into an agreement providing for that relinquishment, subject to the following conditions:
  - The relinquishment must be initiated on or after January 1, 2023.
  - The portion of the state highway is located within the territorial limits of the city or county entering into the agreement.
  - The CTC determines the relinquishment is in the best interest of the state.
  - The CTC holds a public hearing on the proposed relinquishment.
  - The purposes of the relinquishment are for restorative economic and social justice, including for transit-oriented development, affordable housing, green space, or active transportation infrastructure.
  - The infrastructural barrier shall be removed or retrofit in a manner that enhances community connectivity, which may include placing a freeway cap or replacing the facilities with an at-grade arterial roadway, as specified.
  - Any land made available by the removal or retrofit of the barrier must be redeveloped for the purposes identified above.
  - A part of the relinquished portion will be used for transportation purposes to ensure traffic flow continuity.
  - The relinquishment is consistent with federal law and regulations, and does not require reimbursement to the federal government of federal funding.
  - The relinquishment is consistent with Article XIX of the state Constitution.
  - The city or county determines that the construction of the infrastructural barrier had a significant impact on a disadvantaged community, as specified.
- Specify that a relinquishment under the bill would become effective on the date following the county recorder’s recordation of the relinquishment resolution containing CTC’s approval of the terms and conditions.
- The relinquished segment would no longer be a part of the SHS, and would be ineligible for future adoption as a state highway.

**Related Legislation:** AB 950 (Ward), which is currently pending in this Committee, would authorize Caltrans to sell excess real property to the city or county where the real property is located, for development of affordable housing, as specified.

**Staff Comments:** According to the Senate Transportation Committee’s analysis of this bill:

“There’s been increasing recognition that freeways can be harmful to the adjacent neighborhoods and that the construction of freeways has broken apart communities. This is one of several reasons that it is rare to build new highways. Moreover, there are efforts underway to undo some of the damage. In 2021 the federal Infrastructure Investment and Jobs Act established a \$1 billion grant program known as the Reconnecting Communities Pilot Grant Program to restore community connectivity through the removal, retrofit, mitigation or replacement of eligible transportation infrastructure that creates barriers in communities. A similar program has been proposed by the Newsom Administration, known as the Highways to Boulevards program.”

The program established by this bill is consistent with recent programs and proposals aimed at re-connecting communities displaced and separated by freeway construction.

**-- END --**