

AMENDED IN SENATE MAY 27, 2008  
AMENDED IN SENATE APRIL 21, 2008  
AMENDED IN SENATE MARCH 28, 2008

**SENATE BILL**

**No. 1507**

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**Introduced by Senator Oropeza**

February 21, 2008

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An act to add Section 91.7 to the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1507, as amended, Oropeza. Highway construction: school boundaries.

Existing law creates the California Transportation Commission and authorizes the commission to, among other things, select, adopt, and determine the location for state highways on routes authorized by law. Existing law gives the Department of Transportation full possession and control of all state highways and authorizes the department to lay out and construct all state highways between the termini designated by law and on the locations as determined by the California Transportation Commission.

This bill would prohibit the commission from authorizing the construction or expansion of, and the department from constructing or expanding, a state highway within  $\frac{1}{4}$  mile of a school boundary, with exceptions for certain operational or safety improvements ~~and for~~, high-occupancy vehicle lanes, *and projects determined to have a positive air quality impact*. The bill would also prohibit a project subject to this restriction from being included in a regional transportation improvement program adopted by a transportation planning agency. *The bill would*

not apply to projects authorized by the commission on or before September 1, 2009.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 91.7 is added to the Streets and Highways  
2 Code, to read:

3 91.7. (a) The commission shall not authorize the construction  
4 and expansion of, and the department shall not construct or expand,  
5 a state highway within one-fourth mile of a school boundary. In  
6 that regard, no project to construct or expand a state highway within  
7 one-fourth mile of a school boundary shall be proposed in the  
8 regional transportation improvement program adopted by a  
9 transportation planning agency pursuant to Section 14527 of the  
10 Government Code.

11 (b) Subdivision (a) does not apply to any of the following state  
12 highway projects:

13 (1) Operational improvements that do not expand the design  
14 capacity of a state highway and that are intended to improve the  
15 flow of traffic or to reduce congestion at specific locations on the  
16 state highway system.

17 (2) Safety improvements, the primary purpose of which is to  
18 reduce the number or severity of collisions on an existing state  
19 highway facility.

20 (3) High-occupancy vehicle lanes.

21 (4) *Construction or expansion of state highway facilities that*  
22 *are determined to have a positive air quality impact.*

23 (c) For the purposes of this section, “construction” shall mean  
24 the construction of new state highway facilities—~~and the~~  
25 ~~reconstruction of existing state highway facilities for the purpose~~  
26 ~~of repairing or rehabilitating a state highway.~~

27 (d) *Notwithstanding subdivision (a), this section shall not apply*  
28 *to projects that are authorized by the commission on or before*  
29 *September 1, 2009.*

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