

AMENDED IN ASSEMBLY MARCH 28, 2019

CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 1605

Introduced by Assembly Members Ting and Bloom

February 22, 2019

An act to ~~amend Section 90 of the Streets and Highways~~ *add Article 3.5 (commencing with Section 21150) to Chapter 1 of Division 11 of the Vehicle Code*, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1605, as amended, Ting. ~~State highways.~~ *City and County of San Francisco: Crooked Street Reservation and Pricing Program.*

~~Existing law establishes the Department of Transportation and the California Transportation Commission and provides that the department has full possession and control of all state highways and all property and rights in property acquired for state highway purposes and authorizes and directs the department to lay out and construct all state highways between the termini designated by law and on the locations as determined by the commission; prohibits a local authority from enacting or enforcing an ordinance or resolution on matters covered by the Vehicle Code unless expressly authorized by the Vehicle Code. Existing law authorizes local authorities, for highways under their jurisdiction, to adopt rules and regulations by ordinance or resolution regarding specified matters, including, among others, prohibiting entry to, or exit from, or both entry to or exit from, any street by means of certain roadway design features to implement the circulation element of a general plan. Existing law prohibits a local agency from imposing a tax, permit fee, or other charge for the privilege of using its streets or highways, other than a permit fee for extra legal loads, after December~~

31, 1990, unless the local agency imposed the fee before June 1, 1989.

~~This bill would make a nonsubstantive change to this provision. authorize the Board of Supervisors of the City and County of San Francisco by ordinance to conduct a reservation and pricing pilot program for vehicles that use the “Crooked Street,” which the bill would define to mean the portion of Lombard Street located between Leavenworth Street and Hyde Street in the City and County of San Francisco. Before the board of supervisors adopts an ordinance to conduct the pilot program, the bill would require the board of supervisors to make certain findings and to conduct at least 2 public outreach meetings or hearings. The bill would require the board of supervisors to designate in the ordinance a program administrator and would require the program administrator to consult with specified entities and submit 2 reports to the Legislature. The bill would require the board of supervisors to include certain program requirements in the ordinance, including, among other things, congestion reduction objectives and goals, public involvement and consultation requirements, and performance monitoring requirements. The bill would authorize the board of supervisors to specify the powers and duties of the program administrator in the ordinance, including, among other powers, the authority to impose fees on vehicles for the use of the Crooked Street.~~

This bill would make legislative findings and declarations as to the necessity of a special statute for the City and County of San Francisco.

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

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

1 SECTION 1. Article 3.5 (commencing with Section 21150) is
2 added to Chapter 1 of Division 11 of the Vehicle Code, to read:
3
4 Article 3.5. Crooked Street Reservation and Pricing Pilot
5 Program
6
7 21150. (a) The Legislature finds and declares all of the
8 following:
9 (1) Due to over two million annual visitors, and daily queuing
10 for up to 10 hours, traffic congestion on and around the 1000 block
11 of Lombard Street in the City and County of San Francisco (known

1 as the “Crooked Street”) has deteriorated the safety and quality
2 of life for residents of the Crooked Street and surrounding
3 community.

4 (2) During peak periods, the vehicle queue can stretch three
5 blocks west past the intersection of Lombard Street and Van Ness
6 Avenue, creating congested conditions on the state highway system
7 as Van Ness and Lombard west of Van Ness comprise a portion
8 of State Highway Route 101.

9 (3) A reservation and pricing program is a potentially useful
10 tool for managing automobile demand from visitors to the street.
11 It would reduce traffic congestion and fund program
12 administration, traffic management, and enforcement. The use of
13 a reservation system to manage and maintain practical and
14 sustainable numbers of visitors has been implemented in a number
15 of parks in California, including Muir Woods National Monument
16 in the County of Marin and Uvas Canyon County Park in the
17 County of Santa Clara.

18 (b) It is the intent of the Legislature to authorize the Board of
19 Supervisors of the City and County of San Francisco to locally
20 approve a reservation and pricing pilot program for vehicles to
21 use the Crooked Street, and to designate an entity to administer
22 the Crooked Street reservation and pricing pilot program to
23 manage traffic congestion.

24 21151. For purposes of this section, the following definitions
25 apply:

26 (a) “Board of supervisors” means the Board of Supervisors of
27 the City and County of San Francisco.

28 (b) “Crooked Street” means the portion of Lombard Street
29 located between Leavenworth Street and Hyde Street in the City
30 and County of San Francisco.

31 (c) “Pilot program” means the reservation and pricing pilot
32 program authorized pursuant to Section 21152.

33 (d) “Program administrator” means the board or agency
34 designated to administer the pilot program pursuant to Section
35 21153.

36 21152. (a) The board of supervisors may conduct a reservation
37 and pricing pilot program for vehicles that use the Crooked Street
38 by adopting an ordinance.

39 (b) Before adopting an ordinance pursuant to subdivision (a),
40 the board of supervisors shall make all of the following findings:

1 (1) The pilot program is likely to be successful in its goal of
2 congestion management.

3 (2) The requirement to consult with the public pursuant to
4 subdivision (c) has taken place.

5 (3) The pilot program is aligned with the objectives of the
6 applicable countywide congestion management program and
7 regional transportation plan.

8 (c) Before adopting an ordinance pursuant to subdivision (a),
9 the board of supervisors shall conduct at least two public outreach
10 meetings or hearings within the City and County of San Francisco
11 to ensure consideration of all stakeholder views.

12 21153. In an ordinance adopted pursuant to Section 21152,
13 the board of supervisors shall do all of the following:

14 (a) Designate a board or agency to administer the pilot
15 program, to be known as the program administrator.

16 (b) Require the pilot program to prioritize both of the following
17 goals:

18 (1) Significantly reduce local congestion and queues for vehicles
19 seeking to travel down the Crooked Street.

20 (2) Ensure that program revenues are sufficient to implement
21 the reservation and pricing system and support traffic management
22 activities.

23 (c) Specify congestion reduction objectives and goals to be
24 achieved, public involvement and consultation requirements, and
25 performance monitoring requirements.

26 (d) Require the program administrator to consult with any other
27 applicable local transportation planning agencies.

28 (e) Require the program administrator to evaluate the
29 performance of the pilot program and submit a report to the
30 Legislature one year after the implementation of the pilot program
31 and five years after the implementation of the pilot program, using
32 the objectives and goals established in the adopted ordinance. The
33 reports required to be submitted pursuant to this subdivision shall
34 be submitted in compliance with Section 9795 of the Government
35 Code.

36 21154. In an ordinance adopted pursuant to Section 21152,
37 the board of supervisors may specify the powers and duties of the
38 program administrator, including, but not limited to, the authority
39 to impose fees on vehicles for use of the Crooked Street and impose
40 penalties for violations, to collect and use revenues generated from

1 *the program to build, operate, maintain, finance, and administer*
2 *the program, and to ensure regular monitoring and reporting.*

3 *21155. (a) A charge imposed pursuant to this article shall be*
4 *imposed consistent with the California Constitution and federal*
5 *law.*

6 *(b) Sections 9400.8 and 21101.6 shall not apply to the pilot*
7 *program, including to any charge imposed pursuant to this chapter*
8 *for the privilege of using the Crooked Street.*

9 *SEC. 2. The Legislature finds and declares that a special statute*
10 *is necessary and that a general statute cannot be made applicable*
11 *within the meaning of Section 16 of Article IV of the California*
12 *Constitution because of the unique need to manage traffic*
13 *congestion on and around the 1000 block of Lombard Street in*
14 *the City and County of San Francisco resulting from over two*
15 *million annual visitors and queuing of vehicles waiting to use that*
16 *portion of Lombard Street for up to 10 hours each day.*

17 ~~SECTION 1. Section 90 of the Streets and Highways Code is~~
18 ~~amended to read:~~

19 ~~90. The department shall have full possession and control of~~
20 ~~all state highways and all property and rights in property acquired~~
21 ~~for state highway purposes. The department is authorized and~~
22 ~~directed to lay out and construct all state highways between the~~
23 ~~termini designated by law and on the locations determined by the~~
24 ~~commission.~~