

ASSEMBLY BILL

No. 252

Introduced by Assembly Members Daly and Frazier

January 23, 2019

An act to amend Section 820.1 of the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 252, as introduced, Daly. Department of Transportation: environmental review process: federal program.

Existing law gives the Department of Transportation full possession and control of the state highway system. Existing federal law requires the United States Secretary of Transportation to carry out a surface transportation project delivery program, under which the participating states may assume certain responsibilities for environmental review and clearance of transportation projects that would otherwise be the responsibility of the federal government. Existing law, until January 1, 2020, provides that the State of California consents to the jurisdiction of the federal courts with regard to the compliance, discharge, or enforcement of the responsibilities it assumed as a participant in the program.

This bill would extend the operation of these provisions indefinitely.

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 820.1 of the Streets and Highways Code
- 2 is amended to read:

- 1 820.1. (a) The State of California consents to the jurisdiction
- 2 of the federal courts with regard to the compliance, discharge, or
- 3 enforcement of the responsibilities assumed by the department
- 4 pursuant to Section 326 of, and subsection (a) of Section 327 of,
- 5 Title 23 of the United States Code.
- 6 (b) In any action brought pursuant to the federal laws described
- 7 in subdivision (a), no immunity from suit may be asserted by the
- 8 department pursuant to the Eleventh Amendment to the United
- 9 States Constitution, and any immunity is hereby waived.
- 10 (c) The department shall not delegate any of its responsibilities
- 11 assumed pursuant to the federal laws described in subdivision (a)
- 12 to any political subdivision of the state or its instrumentalities.
- 13 (d) This section does not affect the obligation of the department
- 14 to comply with state and federal law.
- 15 ~~(e) This section shall remain in effect only until January 1, 2020,~~
- 16 ~~and as of that date is repealed.~~