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AMENDMENT TO THE STATE HIGHWAY ACT

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FOR THE AMENDMENT TO THE STATE HIGHWAY ACT.

Amends Section 8 of State Highway Act of 1909 by providing that whenever state engineering department determines that construction cost of state highway in county entails unjust burden on such county in refunding to state entire bond interest on bond proceeds spent therefor, such county shall be required to refund only such portion thereof as such department adjudges reasonable. Amendment effective December 31, 1916.

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AGAINST THE AMENDMENT TO THE STATE HIGHWAY ACT.

An act to amend an act entitled "An act authorizing the construction, acquisition, maintenance and control of a system of state highways in the State of California; specifying the work, fixing the payments to be made by counties for moneys expended therein; providing for the issuance and sale of state bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of said bonds; and providing for the submission of this act to a vote of the people," approved March 22, 1909, and approved, ratified and adopted by the people of the State of California at the general election held in the month of November, 1910, A. D., by amending section eight thereof, relative to the reimbursement to the state by the several counties thereof of sums equal to the interest upon certain outstanding bonds, and the proceeds of sale thereof, sold and applied as in said act provided, and providing for the submission of this act to a vote of the people.

[Submitted to the people by the legislature of the State of California, at its regular session commencing on the 4th day of January, 1915.]

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

Section 1. Section eight of an act entitled "An act authorizing the construction, acquisition, maintenance and control of a system of state highways in the State of California; specifying the work, fixing the payments to be made by counties for moneys expended therein; providing for the issuance and sale of state bonds to create a fund for the construction and acquisition of such system; creating a sinking fund for the payment of said bonds; and providing for the submission of this act to a vote of the people," approved March 22, 1909, and approved, ratified and adopted by the people of the State of California at the general election held in the month of November, 1910, A. D., is hereby amended to read as follows:

PROPOSED AMENDMENT.

Sec. 8. The highway constructed or acquired under the provisions of this act shall be permanent in character and be finished with oil or macadam or a combination of both, or of such

other material as in the judgment of the said department of engineering shall be most suitable and best adapted to the particular locality traversed. The state department of engineering, in the name of the people of the State of California, may purchase, receive by donation or dedication, or lease any right of way, rock quarry or land necessary or proper for the construction, use or maintenance of said state highway and shall proceed, if necessary, to condemn under the provisions of the Code of Civil Procedure relating to such proceedings any necessary or proper right of way, rock quarry or land. The department of engineering shall have full power and authority to purchase all supplies, material, machinery and to do all other things necessary or proper in the construction and maintenance of said state highway. With the exception of those public highways which have been permanently improved under county or permanent road division bond issues within three years prior to the adoption of this act, all public highways within this state lying within the right of way of said state highway as determined and adopted by the department of engineering shall be and the same shall become a part of the right of way of said state highway, without compensation being paid therefor; provided, nothing herein contained shall require the state to maintain any highway along or on said right of way, prior to the completion or acquisition of the permanent improvements contemplated by this act. Whenever any money received from the sale of bonds, under the provisions of this act, shall be expended in any county in this state, such county must pay into the state treasury such sum each year as shall equal the interest, at the rate of four per cent per annum, upon the entire sum of money expended within such county in the construction of said state highway, less such portion of said amount expended as the bonds matured under the provisions of this act, shall bear to the total number of bonds sold and outstanding; provided, however, that in all cases where, by reason of physical difficulties to be overcome, or other good and sufficient cause, the state department of engineering shall determine that the cost of construction of any portion of such state highway in any county, or counties, is so great as to entail an unjust and inequitable

burden upon any such county, or counties, in refunding to the state the sums so paid for interest upon the bonds sold and the proceeds thereof applied as aforesaid, such county, or counties, shall not be required to refund the whole amount of such interest, but only such proportion thereof as the state department of engineering shall adjudge to be fair and reasonable. All highways constructed or acquired under the provisions of this act shall be permanently maintained and controlled by the State of California.

Sec. 2. This act, if adopted by the people, shall take effect on the thirty-first day of December, 1916, as to all its provisions except those relating to, and necessary for, its submission to the people and for returning, canvassing and proclaiming the votes, and as to such excepted provisions this act shall take effect ninety days after the final adjournment of the present session of the legislature.

Sec. 3. This act shall be submitted to the people of the State of California for their ratification at the next general election to be holden in the month of November, 1916, A. D., and all ballots at said election shall have printed thereon, and at the end thereof, the words "For the amendment to the state highway act"; and in a separate line, under the same, the words "Against the amendment to the state highway act." Opposite said lines there shall be left spaces in which the voters may make or stamp a cross to indicate whether they vote for or against said act and those voting for said act shall do so by placing a cross opposite the words "For the amendment to the state highway act," and all those voting against the said act shall do so by placing a cross opposite the words "Against the amendment to the state highway act." The governor of this state shall include the submission of this act to the people, as aforesaid, in his proclamation calling for said general election.

Sec. 4. The votes cast for or against this act shall be counted, returned and canvassed and declared in the same manner and subject to the same rules as votes cast for state officers, and if it appears that said act shall have received a majority of all the votes cast for and against it at such election, as aforesaid, then the same shall have effect as hereinbefore provided and shall be irrevocable until the principal and interest of the liabilities created under the provisions of said state highway act, approved March 22, 1909, shall be paid and discharged, and the governor shall make proclamation thereof. But if a majority of the votes cast, as aforesaid, are against this act then the same shall be and become void.

Sec. 5. It shall be the duty of the secretary of state to have this act published in at least one newspaper in each county, or city and county, if one be published therein, throughout this state, for three months next preceding the general election to be holden in the month of November, A. D. nineteen hundred and sixteen; the cost of publication shall be paid out of the general fund, on controller's warrants duly drawn for the purpose.

Section eight of the state highways act, proposed to be amended, now reads as follows:

EXISTING PROVISIONS.

Sec. 8. The highway constructed or acquired under the provisions of this act shall be permanent in character and be finished with oil or macadam or a combination of both, or of such other material as in the judgment of the said department of engineering shall be most suitable

and best adapted to the particular locality traversed. The state department of engineering, in the name of the people of the State of California, may purchase, receive by donation or dedication, or lease any right of way, rock quarry or land necessary or proper for the construction, use or maintenance of said state highway and shall proceed, if necessary, to condemn under the provisions of the Code of Civil Procedure relating to such proceedings any necessary or proper right of way, rock quarry or land. The department of engineering shall have full power and authority to purchase all supplies, material, machinery and to do all other things necessary or proper in the construction and maintenance of said state highway. With the exception of those public highways which have been permanently improved under county or permanent road division bond issues within three years prior to the adoption of this act; all public highways within this state lying within the right of way of said state highway as determined and adopted by the department of engineering shall be and the same shall become a part of the right of way of said state highway, without compensation being paid therefor; provided nothing herein contained shall require the state to maintain any highway along or on said right of way, prior to the completion or acquisition of the permanent improvements contemplated by this act. Whenever any money received from the sale of bonds, under the provisions of this act, shall be expended in any county in this state, such county must pay into the state treasury such sum each year as shall equal the interest, at the rate of four per cent per annum, upon the entire sum of money expended within such county in the construction of said state highway, less such portion of said amount expended as the bonds matured under the provisions of this act, shall bear to the total number of bonds sold and outstanding. All highways constructed or acquired under the provisions of this act shall be permanently maintained and controlled by the State of California.

ARGUMENT IN FAVOR OF AMENDMENT TO STATE HIGHWAYS ACT.

The proposed measure is an amendment to the State Highways Act enacted by the legislature during the session of 1909 and ratified by vote of the people in November, 1910.

Under this act the counties pay the interest on state highway bonds, the proceeds of the sale of which are expended within the county.

The unamended action of this law at times works an injustice on counties; at other times lays on the county a burden which it can not bear.

Yolo county, for example, was assessed with the interest on the cost of the Yolo By-pass trestle because it happens to be built across a piece of marsh in a corner of Yolo county, though it is an asset for the entire state as well as for transcontinental traffic.

Mono and Trinity counties, sections of small population but expensive road construction, can not pay the interest on the necessary cost of their highway links.

These are striking examples of a needed relief.

The proposed amendment empowers the Advisory Engineering Board of the state to adjudicate and adjust these interest burdens.

The second highway act (State Highways Act of 1915) contains this provision.

WILLIAM KEHOE,
State Senator First District.