

**ASSEMBLY BILL**

**No. 1402**

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**Introduced by Assembly Member Petrie-Norris**

February 22, 2019

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An act to amend Section 670 of the Streets and Highways Code, relating to state highways.

LEGISLATIVE COUNSEL'S DIGEST

AB 1402, as introduced, Petrie-Norris. Department of Transportation: permits.

Existing law provides that the Department of Transportation has full possession and control of all state highways and associated property, and sets forth the powers and duties of the department with respect to the operation, maintenance, and improvement of state highways. Existing law authorizes the department to issue written permits to authorize a permittee to, among other things, install or remove tire chains upon motor vehicles for compensation on a state highway.

This bill would make a nonsubstantive change to the latter provision.

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. Section 670 of the Streets and Highways Code
- 2 is amended to read:
- 3 670. (a) The department may issue written permits, as provided
- 4 in this chapter, authorizing the permittee to do any of the following
- 5 acts:

1 (1) Make an opening or excavation for any purpose in any state  
2 highway.

3 (2) Place, change, or renew an encroachment.

4 (3) Place or display in, under, or over any state highway any  
5 advertising sign or device. Any advertising sign or device placed  
6 or displayed in violation of this section is a public nuisance and  
7 the department may immediately remove it. This section does not  
8 prohibit the posting of any notice in the manner required by law  
9 or by the order of any court.

10 (4) Plant, remove, cut, cut down, injure, or destroy any tree,  
11 shrub, plant, or flower growing within any state highway. However,  
12 the department shall not issue a permit for, or take any other action  
13 to accomplish, the destruction, removal, or topping of any tree,  
14 unless the tree is dead or diseased, for the purpose of improving  
15 or enhancing the view from the highway of an advertising sign or  
16 device or any commercial activity, unless, for any project whose  
17 cost is more than five hundred dollars (\$500), the permittee has  
18 obtained consent from the city or county in which the tree is  
19 located. Nothing in this paragraph limits the department's authority  
20 to modify or deny any permittee's request. If the city or county  
21 does not respond within 30 days to a request for a permit pursuant  
22 to this paragraph, the city or county is deemed to have given  
23 consent to the project.

24 (5) Install or remove tire chains upon motor vehicles for  
25 compensation on any state highway at locations designated in the  
26 permit, upon any terms and conditions relating to the safe and  
27 orderly movement of traffic that the department finds necessary.  
28 The department may issue sufficient permits for the installation  
29 or removal of tire chains that it finds necessary or desirable to  
30 accommodate the demand for those services consistent with the  
31 maximum convenience and safety to traffic. The department, in  
32 issuing any permit for the installation or removal of tire chains,  
33 shall *not* assume ~~no~~ any responsibility for the competence or  
34 reliability of the permittee in performing those services.

35 (b) Any person who does any act specified in this section  
36 without a permit is guilty of a misdemeanor.