

Statutes of California

1935

CONSTITUTION OF 1879
AS AMENDED

MEASURES SUBMITTED TO VOTE
OF ELECTORS 1933, 1934, 1935

GENERAL LAWS, AMENDMENTS TO CODES,
RESOLUTIONS AND CONSTITUTIONAL
AMENDMENTS

PASSED AT THE

EXTRA SESSION OF THE FIFTIETH
LEGISLATURE, 1934

AND THE

REGULAR SESSION OF THE FIFTY-FIRST
LEGISLATURE, 1935



CALIFORNIA STATE PRINTING OFFICE
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CHAPTER 29.

"Streets and
Highway
Code."

An act to establish a Streets and Highways Code, thereby consolidating and revising the law relating to public ways and all appurtenances thereto, and to repeal certain acts and parts of acts specified herein.

[Approved by the Governor March 27, 1935. In effect September 15, 1935.]

Note—This chapter contains all the amendments made thereto during the fifty-first session of the Legislature, namely, by Chapters 140, 144, 263, 274, 360, 426, 427, 429, 513, 514, 626, 629, 630, 631, 641, 642, 656, 689, 784, 805 and 837.

Said amendatory chapters become effective September 15, 1935, but note that although Chapter 360 becomes effective on the aforesaid date as an amendment to this Chapter 29, it becomes effective June 25, 1935, as a new act.

For the approval dates see the respective chapters in their numerical sequence.

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

GENERAL PROVISIONS.

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| Title. | 1. This act shall be known as the Streets and Highways Code. |
| Construction and effect. | 2. The provisions of this code, in so far as they are substantially the same as existing statutory provisions relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments. |
| | 3. All persons who, at the time this code goes into effect, hold office under any of the acts repealed by this code, which offices are continued by this code, continue to hold the same according to the former tenure thereof. |
| | 4. No action or proceeding commenced before this code takes effect, and no right accrued, is affected by the provisions of this code, but all procedure thereafter taken in such action or proceeding shall conform to the provisions of this code so far as possible. |
| | 5. Unless the particular provision or the context otherwise requires, the definitions, rules of construction, and general provisions hereinafter set forth shall govern the construction of this code. |
| Headings. | 6. Division, part, chapter, article, and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning, or intent of the provisions of any division, part, chapter, article or section hereof. |
| Delegation of authority. | 7. Whenever any power or authority is given to, or any duty is imposed upon, any person by any provision of this code it may be exercised or performed by any deputy or person authorized by him unless it is expressly provided that it shall be exercised in person. |
| Written documents. | 8. Whenever any notice, report, petition, permit, statement or record is required by this code, it shall be made in writing in the English language. |

* A cross-reference table showing the origin of each section appears in the appendix to this volume

highway or city street, as the case may be. Relinquishment shall be by resolution, a certified copy of which shall be filed with the board of supervisors or the city clerk, as the case may be.

(Amended by Ch. 514, Sta's. 1935.)

[ORIGINAL SECTION.]

73. The commission may relinquish to any county or city any portion of any State highway within such county or city for use as a county highway or city street as the case may be.

74. (Repealed by Ch. 360, Stats. 1935.)

[ORIGINAL SECTION.]

74. All moneys received by the State Treasurer from the United States government under project agreements relating to Federal aid road work shall be credited by the State Controller to such funds for highway purposes as the commission designates, and shall not be expended other than in the manner and for the purposes provided by law for expenditures from the fund designated.

75. Except as otherwise provided by law, the commission at any time and from time to time may:

Locate
highways.

(a) Select, adopt, and determine the location for State highways on routes authorized by law.

Allocate
money.

(b) Allocate, from the funds available therefor, moneys for the construction, improvement or maintenance of the various highways or portions thereof under the jurisdiction of the department. The commission may determine in each case the maximum sum of money that shall be made available therefor.

Authorize
surveys.

(c) Authorize preliminary surveys to determine the advisability of including in or excluding from the State highway system any highway or portion thereof.

Acceptance
of Federal
grants.

76. There is hereby delegated to the commission by the Legislature of the State of California full power and authority to accept on behalf of the State of California any grant or grants or modifications of grants made by the Secretary of War pursuant to authority in him vested by section 6 of the act of Congress approved July 5, 1884 (23 Stat. 104), whereby rights of way for the extension, maintenance or operation of State roads or bridges across a military reservation have been granted to the State of California or to any political subdivision thereof.

(Added by Ch. 144, Stats. 1935.)

Retrocession
of juris-
diction
Application

77. Whenever the commission shall have by appropriate resolution accepted a grant or modification of a grant of a right of way for any of the roads mentioned in section 76, across a military reservation, the said acceptance on behalf of the State of California shall obligate the State of California, through its Legislature, to make application to the Congress of the United States for a retrocession of jurisdiction over the rights of way as granted or relocated by such grant or modification or amendment thereof, in any case where the State of California has ceded its jurisdiction to the United States over such military reservation, and shall obligate the said State in

case such retrocession of jurisdiction is granted by Congress Acceptance. to accept such retrocession of jurisdiction and to assume the responsibility for managing, controlling, policing and regulating traffic thereon, subject to the following limitations and to such other limitations as Congress may prescribe:

(a) That nothing in said grant or permit contained shall Limitations. be construed to give to the State of California or any of its agents, authority at any time to regulate traffic of military personnel or vehicles upon the said bridge or roads. All traffic upon said highways and upon said bridge shall be free from any tolls, charges or any form of obstruction by State or other agencies, against military and naval personnel and their dependents, civilians of the army and navy traveling on government business under military authority, and government traffic.

(b) That whenever in the judgment of the Secretary of War or his authorized representative any emergency exists which justifies it, he may assume exclusive control and management of any such bridge or roads and may then in his discretion prohibit, limit or regulate traffic thereon.

(c) That nothing in said grant or permit contained shall be construed to confer upon the State courts the right to try persons subject to military law for crimes or offenses committed on said roads, or upon any bridge within the boundaries of the respective military reservations involved, but the courts of the United States or military tribunals as now or hereafter provided by law, shall retain exclusive jurisdiction to try such persons for such offenses.

(Added by Ch. 144, Stats. 1935.)

78. Any of the said grants received by the State of California and accepted by the commission, or relocations of such rights of way so received in any military reservation, shall by the acceptance thereof become a part of the system of public highways of the State. Grants become public highways

(Added by Ch. 144, Stats. 1935.)

79. This delegation of power to the commission shall not be deemed exclusive, but any of the powers herein enumerated may continue to be exercised by the Legislature itself while in session. Delegation not exclusive

(Added by Ch. 144, Stats. 1935.)

Article 3. The Department of Public Works.

100. The department shall have full possession and control of all State highways. The department is authorized and directed to lay out and construct all State highways between the termini designated by law and on the most direct and practicable locations as determined by the commission, and to improve and maintain such highways as provided in this code. The department shall maintain any existing traversable highway which is between the termini of, and approximately on, any route included in the State highway system. The department may do any act necessary or proper for the Department of Public Works: Duties generally