

## **STREETS AND HIGHWAYS CODE SECTION 706**

**DIVISION 1. STATE HIGHWAYS [50 - 897]** ( *Division 1 enacted by Stats. 1935, Ch. 29. )*

**CHAPTER 3. The Care and Protection of State Highways [660 - 759.3]** ( *Chapter 3 enacted by Stats. 1935, Ch. 29. )*

**ARTICLE 2.5. Special Provisions re Utilities in Freeways [700 - 711]** ( *Article 2.5 added by Stats. 1947, 1st Ex. Sess., Ch. 11. )*

706. The department and any utility required to remove a utility facility or to relocate any utility facility may, by agreement, provide for the respective amounts of the cost to be borne by each. The department may, without prejudice to its rights under Section 707, advance the cost of removal or relocation and if the department advances such cost, it is the duty of the utility to move its facilities as soon as reasonably possible so as not to delay freeway construction. In the case of any utility which is not financially able to bear the costs of removal or relocation, the department may by agreement provide for the work to be done on condition that the utility's portion of the costs be repaid to the department over a period of time not exceeding 10 years.

Either party may maintain an action in a court of competent jurisdiction for an adjudication as to the obligations and costs to be borne by each party under such provisions of said contract at any time within four years after the cause of action first arose thereunder. Such a cause of action shall be deemed to arise upon and at the time of the completion by the utility of the removal or relocation in question, or at the time of breach of the agreement by either party. The filing of a claim with any state agency shall not be deemed a condition precedent to the maintenance by the utility of any such action.

*(Amended by Stats. 1957, Ch. 2355.)*