

and such sheriff receives a writ of attachment or execution for the earnings of a prisoner subject to this section but has not yet requested transmittal of the prisoner's earnings pursuant to this section, he shall first levy on the earnings pursuant to the writ. When an employer or educator transmits such earnings to the administrator pursuant to this subdivision he shall have no liability to the prisoner for such earnings. From such earnings the administrator shall pay the prisoner's board and personal expenses, both inside and outside the jail, and shall deduct so much of the costs of administration of this section as is allocable to such prisoner, and, in an amount determined by the administrator, shall pay the support of the prisoner's dependents, if any. If sufficient funds are available after making the foregoing payments, the administrator may, with the consent of the prisoner, pay, in whole or in part, the preexisting debts of the prisoner. Any balance shall be retained until the prisoner's discharge and thereupon shall be paid to him.

(f) The prisoner shall be eligible for time credits pursuant to Sections 4018, 4019, and 4019.2.

(g) In the event the prisoner violates the conditions laid down for his conduct, custody, education, or employment, the work furlough administrator may order the balance of the prisoner's sentence to be spent in actual confinement.

(h) Willful failure of the prisoner to return to the place of confinement not later than the expiration of any period during which he is authorized to be away from the place of confinement pursuant to this section is punishable as provided in Section 4532 of the Penal Code.

(i) As used in this section, "education" includes vocational and educational training and counseling; and psychological, drug abuse, alcoholic and other rehabilitative counseling; "educator" includes a person or institution providing such training or counseling.

(j) This section shall be known and may be cited as the "Cobey Work Furlough Law."

CHAPTER 1253

An act to amend Sections 11552, 13975, 13990, 13990.1, 13990.2, 13990.4, 13990.6, and 13990.7 of, to amend the heading of Part 5 (commencing with Section 14000) of Division 3 of Title 2 of, to amend and renumber Section 13993 of, to add Sections 13993, 13993.1, and 13993.2 to, to add a part heading and a chapter heading immediately preceding Section 13990 of, to add Sections 13990.9 and 13991 to, to add a chapter heading immediately preceding Section 13992 of, to add Chapter 3 (commencing with Section 13995) to Part 4.6 of Division 3 of Title 2 of, to add Chapter 1 (commencing with Section 14000) to Part 5 of Division 3 of Title 2 of, to add Chapter 2.5 (commencing with Section 65080) to Title

7 of, to repeal Sections 13992 and 13994 of, to repeal the heading of Chapter 2 (commencing with Section 13990) of Part 4.5 of Division 3 of Title 2 of, to repeal the heading of Chapter 3 (commencing with Section 13992) of Part 4.5 of Division 3 of Title 2 of, and to repeal Chapter 1 (commencing with Section 14000) of Part 5 of Division 3 of Title 2 of, the Government Code, to amend Sections 21006.5, 21007, 21008, 21215, and 21224 of, to add Section 21682.5 to, and to repeal Sections 21201, 21202, and 21203 of, the Public Utilities Code, to amend Sections 20, 183, and 210 of, to add Sections 185.5 and 194 to, to add Article 1 (commencing with Section 50) to Chapter 1 of Division 1 of, and to repeal Article 1 (commencing with Section 50) of Chapter 1 of Division 1 of, the Streets and Highways Code, relating to business and transportation.

[Approved by Governor December 14, 1972. Filed with
Secretary of State December 14, 1972.]

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

SECTION 1. Section 11552 of the Government Code is amended to read:

11552. An annual salary of thirty thousand dollars (\$30,000) shall be paid to each of the following:

- (a) Superintendent of Banks
- (b) Commissioner of Corporations
- (c) Director of Employment
- (d) Insurance Commissioner
- (e) Director of Transportation
- (f) Real Estate Commissioner
- (g) Savings and Loan Commissioner
- (h) Director of Social Welfare
- (i) Director of Water Resources
- (j) Director of Agriculture
- (k) Director of Corrections
- (l) Director of General Services
- (m) Director of Industrial Relations
- (n) Director of Motor Vehicles
- (o) Director of Youth Authority
- (p) Director of Health Care Services
- (q) Commissioner, California Highway Patrol
- (r) Members of the Public Utilities Commission
- (s) Director of Human Resources Development
- (t) Director of Alcoholic Beverage Control.

SEC. 2. Section 13975 of the Government Code is amended to read:

13975. There is in the state government the Business and Transportation Agency. The agency consists of the following: Department of Alcoholic Beverage Control; Department of the

California Highway Patrol; Department of Corporations; Department of Housing and Community Development; Department of Insurance; Department of Motor Vehicles; Department of Real Estate; Department of Savings and Loan; Department of Transportation; and the State Banking Department.

SEC. 3. The heading of Chapter 2 (commencing with Section 13990) of Part 4.5 of Division 3 of Title 2 of the Government Code is repealed.

SEC. 4. A part heading immediately preceding Section 13990 of the Government Code is added, to read:

PART 4.6. STATE TRANSPORTATION BOARD

SEC. 4.5. A chapter heading immediately preceding Section 13990 of the Government Code is added, to read:

CHAPTER 1. GENERAL DUTIES AND POWERS

SEC. 5. Section 13990 of the Government Code is amended to read:

13990. The Legislature finds and declares that the people of California have a fundamental and continuing interest in developing and operating transportation services and facilities which are consistent and compatible with orderly social and economic progress of the state. To provide the Secretary of the Business and Transportation Agency and the Legislature with advice and assistance in a broad overview of the effectiveness and compatibility of public programs in transportation in relation to other public programs and private enterprises, there is hereby established in the state government the State Transportation Board.

SEC. 6. Section 13990.1 of the Government Code is amended to read:

13990.1. "Board" as used in this part shall mean the State Transportation Board.

SEC. 7. Section 13990.2 of the Government Code is amended to read:

13990.2. There is in the state government the State Transportation Board. The board consists of seven members. The Governor shall nominate and, with the advice and consent of the Senate, shall appoint the members of the board. Except as provided in Section 13990.7, the members shall hold office for terms of four years and until their successors are appointed.

Whenever a term expires or a vacancy occurs when the Legislature is not in session, the Governor shall appoint a successor to fill the vacancy. The Senate shall consider without further presentation any appointment made when the Legislature is not in session. If the Senate consents to any appointment, such person shall hold office to the end of the term to which appointed. If the Senate takes no final action on any appointment at the next regular session

of the Legislature following such appointment, the person so appointed shall hold office only until the adjournment of such session. If the Senate by final vote refuses to consent, the person so appointed shall hold office only until such refusal. One Member of the Senate appointed by the Senate Rules Committee and one Member of the Assembly appointed by the Speaker thereof shall be ex officio members without vote and together shall constitute a Joint Legislative Committee on Transportation, and shall participate in the activities of the board to the extent that such participation is not incompatible with their positions as Members of the Legislature.

SEC. 7.5. Section 13990.4 of the Government Code is amended to read:

13990.4. The appointed members of the board shall designate a chairman of the board by majority vote to preside at all meetings. He shall serve for a one-year term and may not serve more than two successive terms.

An executive secretary to the board shall be appointed by the Governor. The executive secretary shall administer the affairs of the board as directed by the board and shall serve at the pleasure of the board.

SEC. 8. Section 13990.6 of the Government Code is amended to read:

13990.6. The functions and duties of the board shall be to advise and assist the Secretary of the Business and Transportation Agency and the Legislature in formulating and evaluating state policy and plans for transportation programs within the state. In addition it shall perform the following specific duties:

(a) Direct the State Transportation Board Office.

(b) Request and review reports from the Director of Transportation and other sources as it may determine, pertaining to public financial participation in transportation system development, planning, construction, and operation, including the extent and nature of participation by local, regional, state, and federal governments.

(c) Review transportation plans for major portions of the overall statewide transportation system, including, but not limited to, such plans as the California Freeway and Expressway System, the State Aviation Master Plan, and regional plans developed by transportation planning agencies, and adopt a California Transportation Plan.

(d) Review the transportation implications of major statewide and regional comprehensive general plans, including, but not limited to, such plans as the State Environmental Goals and Policy Report, the State Parks and Recreation Plan, and the comprehensive plans of areawide planning agencies.

(e) Based upon such reviews of financing and master plans, present such advice and recommendations as it deems appropriate to the Secretary of the Business and Transportation Agency and the Legislature.

(f) Assist, if so requested, in the determination of geographic boundaries of regional transportation districts, utilizing wherever possible the logical groupings of cities and counties as established by existing planning agencies, and provide appropriate recommendations to the secretary and to the Legislature for their establishment.

(g) Assist any appropriate committee of the Legislature whose activities relate to the transportation field, if requested, in the field of overall balanced transportation, or any segment thereof.

(h) Review the annual budgets of the Department of Transportation for consistency with the California Transportation Plan and transmit them to the Department of Finance.

(i) Allocate all funds and review the expenditures of all funds appropriated from the Transportation Planning and Research Account in the State Transportation Fund for the purpose of transportation planning and research.

(j) Monitor progress on the implementation of the California Transportation Plan.

SEC. 9. Section 13990.7 of the Government Code is amended to read:

13990.7. The appointed positions on the board shall be vacant on the fourth day of February 1972. Seven persons shall be nominated and appointed pursuant to Section 13990.2 to fill such vacancies, and of these seven persons the nominator shall designate three who shall serve until March 16, 1973, two who shall serve until March 16, 1974, and two who shall serve until March 16, 1976.

SEC. 10. Section 13990.9 is added to the Government Code, to read:

13990.9. The board shall exercise its independent judgment and discretion in performing its functions and duties.

SEC. 10.2. Section 13991 is added to the Government Code, to read:

13991. The board, in cooperation with the Business and Transportation Agency, shall prepare and submit a report to the Legislature as requested by House Resolution No. 98 of the 1972 Regular Session of the Legislature. The report shall include:

(a) Provisions to insure that local communities will have adequate control over any future transportation development within their area.

(b) Provisions regarding the need for creation of regional authorities with the responsibility to implement that which is planned, taking into consideration the possibility of alternative approaches in view of significant differences among the several regions of the state.

(c) Provisions designating the authority and responsibilities for the construction, operation, and control of resource allocations for the various components of the total transportation system.

(d) Provisions designating the necessary changes to be made in planning practices, including a review of criteria to be used in the planning process.

Until authorized by the Legislature subsequent to the submission of the report, the board shall not allocate funds from the Transportation Planning and Research Account, nor shall the department undertake the development of the California Transportation Plan, including the regional transportation plans elements contained therein. It is not the intent of this section to interrupt or delay present state and regional transportation planning activities.

SEC. 10.4. The heading of Chapter 3 (commencing with Section 13992) of Part 4.5 of Division 3 of Title 2 of the Government Code is repealed.

SEC. 10.5. A chapter heading immediately preceding Section 13992 of the Government Code is added, to read:

CHAPTER 2. STATE TRANSPORTATION BOARD OFFICE

SEC. 10.6. Section 13992 of the Government Code is repealed.

SEC. 10.7. Section 13993 of the Government Code is amended and renumbered to read:

13992. There is in the State Transportation Board the State Transportation Board Office. The executive secretary of the board shall be in charge of the office and may appoint such staff personnel as are necessary to assist in carrying out the powers, duties, and purposes of the board and its office.

SEC. 10.8. Section 13993 is added to the Government Code, to read:

13993. The board may use unexpended balances of funds available for use by the Office of Transportation Planning and Research in connection with the functions of the office that are transferred to or vested in the board. Such funds shall be used by the board only for the purposes for which they were originally appropriated or otherwise made available or otherwise designated by law.

SEC. 10.9. Section 13993.1 is added to the Government Code, to read:

13993.1. All officers and employees of the Office of Transportation Planning and Research who, on July 1, 1973, are serving in the state civil service, and engaged in the performance of a function transferred to or vested in the board, shall be transferred to the board. The status, positions, and rights of such persons shall not be affected by the transfer, and shall be retained by them as officers and employees of the board pursuant to the State Civil Service Act, except as to positions exempt from civil service in the office.

SEC. 10.10. Section 13993.2 is added to the Government Code, to read:

13993.2. The board shall have the possession and control of all licenses, permits, leases, agreements, contracts, orders, claims, judgments, records, papers, equipment, supplies, bonds, moneys,

funds, appropriations, buildings, land and other property, real or personal, held for the benefit, use, or obligation of the Office of Transportation Planning and Research in connection with the functions of office that are transferred to or vested in the board.

SEC. 11. Section 13994 of the Government Code is repealed.

SEC. 11.5. Chapter 3 (commencing with Section 13995) is added to Part 4.6 of Division 3 of Title 2 of the Government Code, to read:

CHAPTER 3. TRANSPORTATION PLANNING AND RESEARCH ACCOUNT

13995. The Transportation Planning and Research Account is hereby created in the State Transportation Fund.

13996. All moneys in the Transportation Planning and Research Account, and all moneys hereafter transferred or deposited in such account from any source, shall be available, when appropriated by the Legislature, for allocation by the board for transportation planning and research purposes, including, but not limited to, the following:

- (a) Statewide transportation system planning.
- (b) Matching funds for regional transportation system planning.
- (c) Transportation research projects of statewide interest.
- (d) Matching funds for regional transportation research projects.
- (e) Matching funds to obtain other funds for the above purposes.

13997. The amount allocated to a transportation planning agency designated in Section 29532 for the preparation or updating of a regional transportation plan pursuant to Chapter 2.5 (commencing with Section 65080) of Title 7 may be up to 70 percent of its nonfederally reimbursed costs for regional transportation planning.

13998. The Director of Transportation, in consultation with the board, shall prepare annually a report providing details regarding revenues in, and expenditures from, the Transportation Planning and Research Account, and shall submit the report to the Legislature at such time as the budget is submitted thereto by the Governor. In addition, the report shall explain the basis of the determinations made by the director under Section 21682.5 of the Public Utilities Code and Section 194 of the Streets and Highways Code, and shall provide a detailed justification of any appropriation sought from the Legislature for the purpose of defraying costs of that share of comprehensive transportation planning which is attributable neither to aviation planning and research, as determined under Section 21682.5 of the Public Utilities Code, nor to highway planning and research, as determined under Section 194 of the Streets and Highways Code.

SEC. 13. The heading of Part 5 (commencing with Section 14000) of Division 3 of Title 2 of the Government Code is amended to read:

PART 5. DEPARTMENT OF TRANSPORTATION

SEC. 14. Chapter 1 (commencing with Section 14000) of Part 5 of Division 3 of Title 2 of the Government Code is repealed.

SEC. 15. Chapter 1 (commencing with Section 14000) is added to Part 5 of Division 3 of Title 2 of the Government Code, to read:

CHAPTER 1. GENERAL

Article 1. Legislative Intent

14000. The Legislature hereby finds and declares as follows:

(a) Continued growth in transport demand resulting from population growth, concentration of population in urban areas, and increasing mobility requirements indicate a need for innovative, as well as improved, systems to accommodate increased demand.

(b) The diversity of conditions in California is such as to require a variety of solutions to transportation problems within various areas of the state. Differences in population levels and densities, living patterns, social conditions, topography, climate, environmental circumstances, and other factors should be recognized in determining appropriate solutions to transportation problems in the various areas. Particular attention must be given to differences among the metropolitan, the less urbanized, and the more rural areas of the state. In some cases, future demands, particularly in urban corridors, may prove to be beyond the practical capabilities of a highway solution; while in other cases, environmental conditions may rule out a highway solution. In still other cases, heavy reliance upon highway transportation may prove to be satisfactory for the foreseeable future. Clearly, the appropriate mix of transportation modes throughout California to provide economical and efficient transportation service consistent with desires for mobility, will vary markedly from time to time and from area to area within the state.

In all cases, regional and local expressions of transportation goals, objectives, and policies which reflect the unique characteristics and aspirations of various areas of the state shall be recognized in transportation planning tempered, however, by consideration of statewide interests.

(c) A goal of the state is to provide adequate, safe, and efficient transportation facilities and services for the movement of people and goods at reasonable cost. The provision of adequate transportation services for persons not now adequately served by any transportation mode, particularly the disadvantaged, the elderly, the handicapped, and the young, should be an integral element of the planning process. Stimulation of the provision of transportation not only for speed and efficiency of travel, but also for convenience and enjoyment in shopping, school, cultural, and business pursuits, leisure time travel, and pedestrian travel, is also a state aim. It is the desire of the state to provide a transportation system that

significantly reduces hazards to human life, pollution of the atmosphere, generation of noise, disruption of community organization, and adverse impacts on the natural environment. The desirability of utilizing corridors for multimodal transportation, where possible to improve efficiency and economy in land use, is recognized. The coastal zone should be provided with optimal transportation services consistent with local and regional goals and plans, with the objective of conserving the coastal resource.

(d) The responsibilities for decisionmaking for California's transportation systems are highly fragmented. This has hampered effective integration of transportation planning and intermodal coordination. A comprehensive multimodal transportation planning process should be established which involves all levels of government and the private sector in a cooperative process to develop coordinated transportation plans.

(e) Accelerating change and increasing transportation problems require that California take timely action to maintain viable transportation systems. As long lead times are necessary to develop transportation systems, the planning and development of transportation in California should be coordinated by a Department of Transportation. A multimodal transportation department in state government is in keeping with the necessities of contemporary problems and the thrust of federal involvement. However, there is no intent to diminish or preempt the existing authorities and responsibilities of regional, local, and district transportation agencies in their handling of transportation matters which are local or regional in nature.

(f) The stimulation, continuance, and improvement of statewide, regional, and local transportation planning and development are a matter of state concern, and the state should, for this reason, provide a portion of the financial resources and assistance necessary to aid in preparing transportation plans, developing effective transportation decisionmaking processes, and carrying out implementation programs.

14000.5. The Legislature further finds and declares that the role of the state in transportation shall be to:

(a) Encourage and stimulate the development of urban mass transportation and interregional high-speed transportation where found appropriate as a means of carrying out the policy of providing balanced transportation in the state.

(b) Implement and maintain a state highway system which supports the goals and priorities determined through the transportation planning process, which is in conformity with comprehensive statewide and regional transportation plans, and which is compatible with statewide and regional socioeconomic and environmental goals, priorities and available resources.

(c) Assist in the development of an air transportation system that is consistent with the needs and desires of the public, and in which airports are compatible in location with, and provide services

meeting, statewide and regional goals and objectives.

(d) Encourage research and development of technological innovation in all modes of transportation in cooperation with public agencies and the private sector.

Article 2. Administration

14001. There is in the Business and Transportation Agency a Department of Transportation.

Any reference in any law or regulation to the Department of Public Works shall be deemed to refer to the Department of Transportation.

14002. The department is under the control of an executive officer known as the Director of Transportation.

14002.5. As used in this part, unless the context otherwise requires:

(a) "Department" means the Department of Transportation.

(b) "Director" means the Director of Transportation.

(c) "Secretary" means the Secretary of the Business and Transportation Agency.

(d) "Board" means the State Transportation Board.

14003. The director is appointed by the Governor, subject to confirmation by the Senate, and holds office at the pleasure of the Governor. The annual salary of the director is provided for by Chapter 6 (commencing with Section 11550), Part 1 of this division.

14004. Before entering upon the duties of his office, the director shall execute an official bond to the state in the penal sum of twenty-five thousand dollars (\$25,000) conditioned upon the faithful performance of his duties.

14005. The director shall perform all duties, exercise all powers and jurisdiction, assume and discharge all responsibilities, and carry out and effect all purposes vested by law in the department, except as otherwise expressly provided by law.

14006. There shall be within the department the position of Deputy Director of Transportation. The deputy director is appointed by the Governor, upon recommendation of the director, and shall serve at the pleasure of the director. The annual salary shall be fixed by the director in accordance with law. The deputy director shall have such duties as may be assigned to him by the director and he shall be responsible to the director for the performance of those duties.

14007. For the purpose of administration, the director shall organize the department with the approval of the Governor and the secretary in the manner that they deem necessary properly to segregate and conduct the work of the department.

The work of the department shall be divided into at least six divisions, known as the Division of Highways, Division of Aeronautics, Division of Mass Transportation, Division of Transportation Planning, Division of Administrative Services, and

the Legal Division.

With the approval of the Governor and the secretary, the director may create, change, or abolish such other divisions and subdivisions as may be necessary.

Any reference in any law or regulation to the Division of Bay Toll Crossings shall be deemed to refer to the department.

14008. The department succeeds to and is vested with all the duties, powers, purposes, responsibilities, and jurisdiction vested in the Department of Aeronautics, the Department of Public Works, and the Office of Transportation Planning and Research, with the exceptions of those functions and duties reserved to the board in Section 13990.6 on July 1, 1973.

14008.5. The department may use unexpended balances of funds available for use by the Department of Aeronautics, the Department of Public Works, and the Office of Transportation Planning and Research in connection with the functions of those organizations that are transferred to or vested in the department. Such funds shall be used by the department only for the purposes for which they were originally appropriated or otherwise made available or otherwise designated by law.

14009. All officers and employees of the Department of Aeronautics, the Department of Public Works, and the Office of Transportation Planning and Research who, on July 1, 1973, are serving in the state civil service, and engaged in the performance of a function transferred to or vested in the department, shall be transferred to the department. The status, positions, and rights of such persons shall not be affected by the transfer, and shall be retained by them as officers and employees of the department pursuant to the State Civil Service Act, except as to positions exempt from civil service in the Department of Aeronautics, the Department of Public Works, and the Office of Transportation Planning and Research.

14010. The department shall have the possession and control of all licenses, permits, leases, agreements, contracts, orders, claims, judgments, records, papers, equipment, supplies, bonds, moneys, funds, appropriations, buildings, land and other property, real or personal, held for the benefit, use, or obligation of the Department of Aeronautics, the Department of Public Works, and the Office of Transportation Planning and Research in connection with the functions of those organizations that are transferred to or vested in the department.

14010.5. The Governor, in the case of the Office of Transportation Planning and Research, shall make the final determination as to the proper division of personnel, property, and funds between the board and department for purposes of Sections 13993, 13993.1, 13993.2, 14008.5, 14009, and 14010.

14011. The department may expend money appropriated for the administration of the laws the enforcement of which is committed to the department. The department may expend such money for the

use, support, or maintenance of any appropriate state agency within the department.

Such expenditures by the department shall be made in accordance with law in carrying on the work for which the appropriations were made.

14012. The director may sell or lease excess right-of-way parcels to municipalities or other local agencies for public purposes, and may accept as all or part of the consideration for such sale or lease any substantial benefits the state will derive from the municipality or other local agency's undertaking maintenance or landscaping costs which would otherwise be the obligation of the state.

14013. The director may lease nonoperating right-of-way areas to municipalities or other local agencies for public purposes, and may contribute toward the cost of developing local parks and other recreational facilities on such areas. The director may accept as all or part of the consideration for such lease or for such state contribution any substantial benefits the state will derive from the municipality or other local agency's undertaking maintenance or landscaping costs which would otherwise be the obligation of the state. Such leases shall contain a provision that whenever the leased land is needed for state highway operating purposes the lease shall terminate. The department is authorized to classify portions of state highway right-of-way as nonoperating.

14014. The director may authorize the refund of moneys received or collected by the department in payment of fees, licenses, permits, tools, or for rentals, property or services, wherein the license, permit, rental, property or service cannot lawfully be issued, furnished, or transferred to the person making the payment, or in cases where the payment in whole or in part represents overpayment or payment in duplicate.

Article 3. Activities

14030. The powers and duties of the department shall include, but not be limited to, the following activities:

(a) Coordinating and developing, in cooperation with local and regional entities, comprehensive balanced transportation planning and policy for the movement of people and goods within the state.

(b) Coordinating and assisting, upon request of, the various public and private transportation entities in strengthening their development and operation of balanced integrated mass transportation, highway, aviation, maritime, railroad, and other transportation facilities and services in support of statewide and regional goals.

(c) Developing, in cooperation with local and regional transportation entities, the full potential of all resources and opportunities which are now, and may become, available to the state and to regional and local agencies for meeting California's transportation needs, as provided by statute, tempered by

consideration of other relevant factors, including social, environmental, and community planning.

(d) Planning, designing, constructing, operating, and maintaining those transportation systems which the Legislature has made, or may make, the responsibility of the department; provided, that the department is not authorized to assume the functions of project planning, designing, constructing, operating, or maintaining transit, aviation, or maritime facilities without express prior approval of the Legislature.

(e) Coordinating and developing transportation research projects of statewide interest.

(f) Exercising such other functions, powers, and duties as are or may be provided for by law.

Article 4. California Transportation Plan

14040. The department shall prepare, subject to Section 13991, the California Transportation Plan directed at the achievement of a coordinated and balanced transportation system for the state, including, but not limited to, mass transportation, highway, aviation, maritime, and railroad facilities and services, whether public or private, that is consistent with the state's social, economic, and environmental needs and goals.

14040.2. The California Transportation Plan shall include regional transportation plans as prepared by regional transportation planning agencies pursuant to Chapter 2.5 (commencing with Section 65080) of Title 7. The narratives of the regional transportation plans may be summarized in the California Transportation Plan in the interest of readability and brevity. The California Transportation Plan may include alternative recommendations for resolving issues of statewide interregional interest, including resource allocation where differences exist between regional transportation plans or where, within a regional transportation plan, a matter of statewide interregional interest has been omitted. Additionally, the department may make recommendations to promote consistency among regional transportation plans to the end that the California Transportation Plan will provide total system integration continuity and balance, and achieve equity on a statewide basis.

14040.4. The California Transportation Plan shall be submitted by the director to the board. The board shall hold public hearings on the plan, and shall solicit the views of the general public and of the various public and private entities affected. Any objections raised, including, but not limited to, inconsistencies, conflicts, or disagreements between regional transportation plans and the California Transportation Plan, shall be resolved by the board.

14040.6. The board shall adopt the California Transportation Plan and transmit it to the Legislature not later than January 1, 1976. However, the plan shall not be adopted by the board until the

Legislature has received, and approved or modified, the recommendations specified in subdivision (a) of Section 14042 by an act containing the approved or modified recommendations, which act shall constitute a legislative declaration of statewide transportation goals, objectives, and policies. The board shall adopt the California Transportation Plan only upon a finding that the plan is compatible with the declaration.

14040.7. After the adoption of the plan in accordance with Section 14040.6, but prior to the board's annual review of the department's budget, the director shall submit to the board annually, during the next succeeding two years, a proposed updating of the California Transportation Plan which includes the annual updated regional transportation plans required by Section 65080, along with a multiyear planning program. Thereafter, the proposed updating shall be submitted biennially. The board shall hold public hearings and adopt an updated California Transportation Plan in the same manner as required for the original plan. However, the board shall not adopt the updated plan unless it finds that the updated plan is compatible with the currently effective legislative declaration of statewide transportation goals, objectives, and policies.

14040.8. Upon adoption of the California Transportation Plan, the California Highway Commission, the California Toll Bridge Authority, the California Aeronautics Board, the secretary, the director, and the department shall act in accordance with the California Transportation Plan, and the regional transportation plans contained therein, in carrying out their respective powers and duties, except as otherwise provided by law.

14041. The California Transportation Plan shall include, but not be limited to, the following:

(a) Regional transportation plans as provided in Chapter 2.5 (commencing with Section 65080) of Title 7.

(b) Statewide transportation goals, objectives, and policies for all forms of transportation services, both public and private.

(c) Statewide forecasts of transportation needs and deficiencies.

(d) General transportation system of the state, including land, water, and air transportation, based on the studies of alternative plans and their evaluation as required by subdivisions (f) and (g) of Section 14041.5.

(e) Environmental impact statements for system planning as required by state and federal law.

(f) Statewide implementation program, including a schedule of improvement programs, an operations program, a financial plan, necessary policies and legislation for implementation of the California Transportation Plan, and the assignment of responsibilities and development of procedures for compliance with requirements of state and federal law regarding the preparation of environmental impact statements for project development.

14041.5. The California Transportation Plan shall be based on studies including, but not limited to, the following transportation planning practices:

(a) Inventories of travel desires, goods movements, and transportation facilities and equipment.

(b) Statutory requirements affecting transportation services.

(c) Financial resources for transportation planning, development, and operation.

(d) Plans and programs adopted by state agencies which affect transportation planning.

(e) Advanced concepts for transportation systems for consideration in alternative plans.

(f) Alternative plans based on varying assumptions of financial resources, levels of transportation services, and proper utilization of various modes.

(g) An evaluation of alternative plans considering the relationships between transportation and land use, taxation, environment, economic, and social factors, policies, and goals.

14041.7. In evaluating alternative plans, the following criteria shall be among those used:

(a) Economic, including operating costs, capital costs, revenues, impact on local economy and employment, and related public service costs.

(b) Land use, including support for development pattern policies, land absorption, and multiple use of corridors.

(c) Taxation, including tax base and equity.

(d) Environmental, including air and water quality, impact on soil, weather, landscape, wildlife, and natural resources, and noise, vibration, glare, and other effects.

(e) Social, including displacement, disruption and relocation, consistency with social objectives, and usability by various groups.

(f) System performance and level of service, including technological feasibility, flexibility, reliability, safety, mobility, accessibility, induced demand, amenity, and convenience.

14042. A report of progress on the California Transportation Plan shall be submitted by the director to the board not later than April 1, 1974. The board shall forward the report to the Legislature, with its recommendations, not later than July 1, 1974.

The progress report shall contain the following:

(a) Recommendations required by subdivision (b) of Section 14041 and recommendations regarding the regional goals and policy statements required by subdivision (a) of Section 65081.

(b) Proposed use of criteria listed in Section 14041.7, which shall guide the development and evaluation of the California Transportation Plan and its component studies.

(c) Information on the status of the organization of the department.

(d) Description of the work program, including recommended changes in transportation planning practices and progress in developing the California Transportation Plan. The description shall include an explanation of the current duties, responsibilities, and

working relations of the board staff, the agency, and the department and its several divisions with respect both to development of the California Transportation Plan and to other planning and research activities conducted by the board, the agency, and the department and its divisions.

(e) Recommendations regarding the need and desirability for statutory creation of regional transportation planning agencies in California, the appropriate geographic boundaries of such agencies as are found to be needed and desirable, and appropriate measures for their establishment.

(f) Preliminary proposals for effective state, regional, and local decisionmaking for transportation, including recommendations on the protection of local community interest in any future transportation development within the community's area, the designation of roles and responsibilities to implement the California Transportation Plan and regional transportation plans, and on proposals received under subdivision (c) of Section 65082.

14043. The progress report required in Section 14042 shall be updated and augmented to include the information called for by subdivisions (a), (b), and (c) of Section 14041.5, and shall be submitted by the director to the board for its approval and transmittal to the Legislature not later than January 1, 1975.

14044. The director is authorized to carry out such studies, inquiries, surveys, or analyses as may be relevant to his duties and in helping to implement the legislative policy declared in this chapter, and in developing recommendations for the Legislature. For these purposes, the director shall have full access to the relevant records of other state agencies and political subdivisions of the state, and may hold public hearings, and may cooperate with or contract with any public or private agencies, including educational, civic, and research organizations. Such studies, inquiries, surveys, or analyses shall incorporate and integrate, to the maximum extent feasible, plans, programs, reports, research, and studies of federal, state, interstate, regional, metropolitan, and local agencies.

SEC. 16. Chapter 2.5 (commencing with Section 65080) is added to Title 7 of the Government Code, to read:

CHAPTER 2.5. REGIONAL TRANSPORTATION PLAN

65080. (a) Except as provided in subdivision (c), each transportation planning agency designated under subdivision (a) or (b) of Section 29532 shall prepare a proposed regional transportation plan directed at the achievement of a coordinated and balanced regional transportation system, including, but not limited to, mass transportation, highway, railroad, maritime, and aviation facilities and services, whether public or private, that is consistent with the region's and state's social, economic, and environmental needs and goals. Each transportation planning agency shall consider and incorporate, as appropriate, the transportation plans of cities,

counties, special districts, private organizations, and state and federal agencies.

(b) The proposed regional transportation plan shall be submitted to the governing body or designated policy committee of the transportation planning agency for adoption. Prior to adoption, a public hearing shall be held, after the giving of notice of such hearing by publication in the affected county or counties pursuant to Section 6061. The adopted plan shall be transmitted to the Department of Transportation not later than April 1, 1975. Thereafter, each transportation planning agency shall submit annually, during the next succeeding two years, and biennially thereafter, not later than April 1, an updated proposed transportation plan, along with the program described in subdivision (e) of Section 65081, to the governing body or designated policy committee of the transportation planning agency for adoption and transmittal to the department for incorporation, as appropriate, into the California Transportation Plan.

(c) A transportation planning agency designated under subdivision (b) of Section 29532 may have the regional transportation plan for the area under its jurisdiction prepared by the department by adopting a resolution to that effect prior to July 1, 1973. In such a case, Section 65080.5 shall be applicable to the agency.

65080.5. (a) For each area for which a transportation planning agency is designated under subdivision (c) of Section 29532, or adopts a resolution pursuant to subdivision (c) of Section 65080, the Department of Transportation, in cooperation with the transportation planning agency, and subject to subdivision (d), shall prepare the regional transportation plan, and the updating thereto, for that area and submit it to the governing body or designated policy committee of the transportation planning agency for adoption. Prior to adoption, a public hearing shall be held, after the giving of notice of such hearing by publication in the affected county or counties pursuant to Section 6061. The adopted plan, and the updating thereto, shall be submitted to the department pursuant to subdivision (b) of Section 65080.

(b) In the case of a transportation planning agency designated under subdivision (c) of Section 29532, the transportation planning agency may prepare the regional transportation plan for the area under its jurisdiction pursuant to this chapter, if the transportation planning agency, prior to July 1, 1973, adopts by resolution a declaration of intention to do so.

(c) Any transportation planning agency which did not elect to prepare the initial regional transportation plan for the area under its jurisdiction, may prepare the updated proposed regional transportation plan if it adopts a resolution of intention to do so at least one year prior to the date when the updated regional transportation plan is to be submitted to the department.

(d) If the department prepares or updates a regional

transportation plan pursuant to this section, the state-local share of funding the preparation or updating of the plan shall be calculated on the same basis as though the preparation or updating were to be performed by the transportation planning agency and funded under Sections 13996 and 13997.

65081. A regional transportation plan shall include, but not be limited to, the following:

(a) Regional transportation goals, objectives, and policies for all forms of transportation services, both public and private.

(b) Forecasts of transportation needs and deficiencies.

(c) The general transportation system of the region, including land, water, and air transportation, based on the studies of alternative plans and their evaluation as required by subdivisions (d) and (e) of Section 65081.5.

(d) An environmental impact statement for system planning as required by state and federal law.

(e) A program to carry out the items of areawide regional transportation interest formulated in a cooperative effort by cities, counties, and special districts within the region, including a schedule of improvements, an operations program, a financial plan, recommendations for any policies, ordinances, and legislation necessary for implementation of the regional transportation plan, and the assignment of responsibilities and development of procedures for compliance with requirements of federal and state law regarding the preparation of environmental impact statements for project development.

65081.5. A regional transportation plan shall be based on studies including, but not limited to, the following factors:

(a) Inventories of travel demands, goods movements, and transportation facilities and equipment.

(b) Financial resources for transportation planning, development, and operation.

(c) Advanced concepts for transportation systems for consideration in alternative plans.

(d) Alternative plans based on varying assumptions of financial resources, levels of transportation services, and proper utilization of various modes.

(e) An evaluation of alternative plans considering the relationships between transportation and economic, land use, taxation, environment, and social factors, policies, and goals. Among the criteria to be used in plan evaluation shall be the following:

(1) Economic, including operating costs, capital costs, revenues, impact on local economy and employment, and related public service costs.

(2) Land use, including support for development pattern policies, land absorption, and multiple use of corridor.

(3) Taxation, including tax base and equity.

(4) Environmental, including air and water quality, impact on soil, weather, landscape, wildlife, and natural resources, and noise,

vibration, glare, and other effects.

(5) Social, including displacement, disruption and relocation, consistency with social objectives, and usability by various groups.

(6) System performance and level of service, including technological feasibility, flexibility, reliability, safety, mobility, accessibility, induced demand, amenity, and convenience.

65082. A report containing the following shall be submitted by the transportation planning agency to the Department of Transportation not later than January 1, 1974.

(a) Information required by subdivision (a) of Section 65081, adopted by resolution of the policymaking body.

(b) A work program for preparing the regional transportation plan.

(c) A proposal for development of an effective regional transportation decisionmaking process.

(d) Recommendations concerning relationships between the transportation planning agency and the department.

65083. The State Transportation Board may adopt policy guidelines for the use of regional transportation planning agencies in the preparation of the regional transportation plans.

65084. In order to insure coordinated planning, development, and operation of transportation systems of all types and modes, the board of supervisors of each county may appoint a county director of transportation, and specify the extent of the responsibilities of such officer.

65085. The board of supervisors may designate any county officer who is properly qualified to serve as the county director of transportation.

SEC. 17. Section 21006.5 of the Public Utilities Code is amended to read:

21006.5. "Department" means the Department of Transportation.

SEC. 18. Section 21007 of the Public Utilities Code is amended to read:

21007. Whenever the term "department" or "Department of Aeronautics" is used in this part, it means the Department of Transportation.

Whenever the term "California Aeronautics Commission," "Division of Aeronautics," or "Department of Aeronautics" is used in any other law, it means the Department of Transportation.

SEC. 19. Section 21008 of the Public Utilities Code is amended to read:

21008. "Director" means the Director of Transportation.

Any reference in any law or regulation to the Director of Aeronautics shall be deemed to refer to the Director of Transportation.

SEC. 20. Section 21201 of the Public Utilities Code is repealed.

SEC. 21. Section 21202 of the Public Utilities Code is repealed.

SEC. 22. Section 21203 of the Public Utilities Code is repealed.

SEC. 23. Section 21215 of the Public Utilities Code is amended to read:

21215. There is in the Department of Transportation the State Aeronautics Board, consisting of seven members appointed by the Governor with the advice and consent of the Senate.

SEC. 24. Section 21224 of the Public Utilities Code is amended to read:

21224. The board shall advise and assist the Director of Transportation in all matters relating to aeronautics within the state.

SEC. 25. Section 21682.5 is added to the Public Utilities Code, to read:

21682.5. The department shall pay from the Aeronautics Account to the Transportation Planning and Research Account, a sum equal to the pro rata share of the comprehensive transportation duties attributable to aviation planning and research, as determined by the Secretary of the Business and Transportation Agency.

SEC. 27. Section 20 of the Streets and Highways Code is amended to read:

20. "Department" means the Department of Transportation of this state.

Any reference in any law or regulation to the Department of Public Works shall be deemed to refer to the Department of Transportation.

SEC. 28. Article 1 (commencing with Section 50) of Chapter 1 of Division 1 of the Streets and Highways Code is repealed.

SEC. 29. Article 1 (commencing with Section 50) is added to Chapter 1 of Division 1 of the Streets and Highways Code, to read:

Article 1. General

50. Any reference in any law or regulation to the State Highway Engineer shall be deemed to refer to the director.

SEC. 30. Section 183 of the Streets and Highways Code is amended to read:

183. All money available for the acquisition of real property or interests therein for state highways, or for the construction, maintenance, or improvement of state highways or highways in state parks shall be deposited in the State Highway Account in the State Transportation Fund. The moneys in the account are appropriated and shall be allocated and expended for the purposes and in the manner provided in this code.

SEC. 31. Section 185.5 is added to the Streets and Highways Code, to read:

185.5. The Director of Transportation shall pay from the State Highway Account in the State Transportation Fund that portion of the administrative expenses of the department that he determines, in consultation with the commission, to have resulted from the highway-oriented functions of the department.

SEC. 32. Section 194 is added to the Streets and Highways Code, to read:

194. In each annual budget report prepared by the commission and the department under Section 143.1, the commission shall allocate to the Transportation Planning and Research Account a sum equal to the pro rata share of the comprehensive transportation planning duties attributable to highway planning and research, as determined by the Secretary of the Business and Transportation Agency in consultation with the commission.

SEC. 32.5. Section 210 of the Streets and Highways Code is amended to read:

210. It is the purpose of this article to outline the policies of the Legislature for the guidance of the commission and the department in determining and adopting the locations for state highways as freeways, as authorized elsewhere by law. To the end of achieving coordinated planning, there should be a complete exchange of pertinent information through conferences between representatives of the department and the governing bodies of appropriate local agencies, their technical staffs, and planning personnel from the commencement of studies leading to the adoption of the freeway location to the time of construction. Recommendations of all such local agencies and the effects of the proposed freeway location upon their activities and present and future development should be considered by the department and the commission. In addition, when sufficient information has been accumulated to permit intelligent discussion, adequately publicized public meetings shall be held so as to assure to all interested individuals, officials and civic or other groups an opportunity to become acquainted with the studies being made and to express their views with respect thereto. The director shall notify the Office of Planning and Research and other state agencies concerned with the growth and preservation of the state's resources in order to analyze the socioeconomic factors involved of the proposed freeway routing recommendations of the chief engineer of the Division of Highways, and, if recommendations are received from the Office of Planning and Research or such other affected state agencies, the director shall consider such recommendations in making his freeway location recommendation to the commission. The recommendation of the director to the commission as to such freeway locations shall be publicized and an opportunity offered to local governing bodies to request public hearings by the commission itself before the commission takes final action, in which event the commission shall hold such hearings. In its consideration of a precise freeway location adoption, the commission shall have available to it the recommendations of the chief engineer of the Division of Highways, and the recommendations, if made, of the Office of Planning and Research and of other affected state agencies and local agencies, in their original form, and shall consider such recommendations in making its decision as to the location of the freeway.

SEC. 33. This act shall become operative on July 1, 1973, except

for Section 10.2, which shall become operative on the effective date of this act.

CHAPTER 1254

An act to amend Sections 11784 and 11785 of the Government Code, relating to electronic data processing, making an appropriation therefor and declaring the urgency thereof, to take effect immediately.

[Approved by Governor December 15, 1972. Filed with Secretary of State December 15, 1972.]

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

SECTION 1. Section 11784 of the Government Code is amended to read:

11784. Any contract entered into by the Department of Finance, any state agency, or any consolidated data center, concerning data-processing systems design, programming, documentation, conversion, training, and other aspects of data-processing operations shall require that contract personnel shall be physically on the premises of the consolidated data center or state entity in the conduct of systems design, programming, documentation, and training and such contract shall also contain a provision requiring the contractor and all of his staff working under such contract to maintain all information obtained as a result of such contract as confidential and to not divulge such information to any other person or entity. Where contracts are entered into pursuant to this section, as a condition of such contract, provision shall be made that state personnel are to be working directly with such contract personnel to assure continuation of all projects for which the contract is let after a contractor has fulfilled his contractual obligations. Full documentation of all programs shall reside both in the data center and the state entity for which the program was written.

The provisions of this section shall not apply to the University of California, the State Compensation Insurance Fund, or agencies provided for by Article VI of the Constitution, the Legislative Counsel Bureau, or the Legislature.

SEC. 2. Section 11785 of the Government Code is amended to read:

11785. Notwithstanding the provisions of Section 4 of the Budget Act of 1972 (Chapter 156, Statutes 1972) or any other provisions of law, contracts for lease of electronic data-processing equipment shall be in the form of the model contract for lease of electronic data-processing systems and components, as outlined in Section 4960.1 of the State Administrative Manual (new 1/67, revised 11/69) and shall include provisions for liquidated damages and standards of