(*l*) Any similar facility determined by the director

This section shall become operative January 1, 1983, unless a later enacted statute which is chaptered prior to January 1, 1983, deletes or extends that date.

SEC. 3. It is the intent of the Legislature that the amendments to Section 1505 of the Health and Safety Code which are made by Section 1 of this act shall remain in effect only until January 1, 1983, and on that date Section 2 of this act shall become operative to restore Section 1505 to the form in which it read immediately prior to the effective date of this act.

CHAPTER 1106

An act to amend Sections 5418, 5481, 5482, and 5483 of the Business and Professions Code, to amend Sections 14002.5, 14007, 14030, 65080, and 65080.5 of, to amend the heading of Chapter 2.5 (commencing with Section 65080) of Division 1 of Title 7 of, to add Sections 14032, 14032.5, 14036, 65080.1, 65081, and 65082 to, to add Part 4.6 (commencing with Section 13990) and Part 5.3 (commencing with Section 14500) to Division 3 of Title 2 of, to repeal Sections 65081, 65081.5, 65082, and 65083 of, to repeal Part 4.6 (commencing with Section 13990) and Article 4 (commencing with Section 14040) of Chapter 1 of Part 5 of Division 3 of Title 2 of, the Government Code, to amend Sections 130252 and 130304 of, to repeal and add Article 1.5 (commencing with Section 21215) of Chapter 2 of Part 1 of Division 9 of the Public Utilities Code, and to amend Sections 182, 185, 188.3, 194, 199.1, 2233, 2332, 2333, and 2358 of, to add Sections 70, 183, and 189 to, to add Article 4.5 (commencing with Section 165) to Chapter 1 of Division 1 of, to repeal Sections 70, 70.1, 104.65, 143, 143.1, 143.15, 143.2, 143.3, 183, 186, 186.1, 188.9, and 194.5 of, and to repeal and add Article 2 (commencing with Section 30050) of Chapter 1 of Division 17 of, the Streets and Highways Code, relating to transportation, and making an appropriation therefor.

[Approved by Governor September 27, 1977 Filed with Secretary of State September 27, 1977]

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

SECTION 1. This act shall be known and cited as the "Alquist-Ingalls Act."

SEC. 2. It is the intent of the Legislature, through the enactment of this law, to reform the state transportation program by all of the following:

(a) Simplifying and clarifying the transportation planning and programming process.

(b) Consolidating the various transportation boards and commissions into a single planning and fund allocation commission.

(c) Increasing the responsibility and effectiveness of the role of the Legislature in deciding state transportation policy and budgeting.

SEC. 3. Section 5418 of the Business and Professions Code is amended to read:

5418. The California Transportation Commission is authorized to allocate sufficient funds from the State Highway Account in the State Transportation Fund that are available for capital outlay purposes to match federal funds made available for the removal of outdoor advertising displays.

SEC. 4. Section 5481 of the Business and Professions Code is amended to read:

5481. All license and permit fees collected by the director and his or her authorized agents in accordance with the provisions of this chapter shall be deposited in the State Highway Account in the State Transportation Fund, except that 20 percent of all fees collected by county clerks appointed by the director shall be retained by the county in which the fees are collected. All money received by the state from the United States pursuant to subsection (c) of Section 131 of Title 23 of the United States Code shall be deposited in the same account. All license and permit fees shall be accounted for by the director in the manner provided by law.

SEC. 5. Section 5482 of the Business and Professions Code is amended to read:

5482. All fines imposed and recovered under this chapter are payable to the State Treasurer to the State Highway Account in the State Transportation Fund.

SEC. 6. Section 5483 of the Business and Professions Code is amended to read:

5483. The expense of administering this chapter is under the control of the director. Money in the State Highway Account in the State Transportation Fund shall be available for the administration and enforcement of this chapter upon appropriation by the Legislature or when made available pursuant to Section 13322 of the Government Code.

SEC. 8. Part 4.6 (commencing with Section 13990) of Division 3 of Title 2 of the Government Code is repealed.

SEC. 9. Part 4.6 (commencing with Section 13990) is added to Division 3 of Title 2 of the Government Code, to read:

PART 4.6. STATE TRANSPORTATION BOARD

13990. (a) The State Transportation Board and the State Transportation Board Office are hereby abolished, and the California Transportation Commission succeeds to, and is vested with, all the duties, powers, purposes, responsibilities, and jurisdiction of the State Transportation Board and the State Transportation Board Office.

(b) Any reference in any law or regulation to the State Transportation Board or the State Transportation Board Office shall

be deemed to refer to the California Transportation Commission.

(c) The California Transportation Commission 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 State Transportation Board or the State Transportation Board Office.

SEC. 10. Section 14002.5 of the Government Code is amended to read·

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" or "commission" means the California Transportation Commission.

SEC 11. Section 14007 of the Government Code is amended to read:

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 five divisions, known as the Division of Highways, Division of Aeronautics, Division of Mass Transportation, 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.

SEC. 12. Section 14030 of the Government Code is amended to read·

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

(a) Supporting the commission in 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 statutes and, in particular, maximizing the amount of federal funds which may be available to the state and increasing the efficiency by which such funds are utilized.

(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 maritime or aviation facilities without express prior approval of the Legislature with the exception of those aviation functions which have been designated for the department in the Public Utilities Code.

(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

SEC. 13. Section 14032 is added to the Government Code, to read:

14032. The department shall provide reports and analyses for the commission on all of the following:

(a) The review and evaluation of regional transportation plans and improvement programs for the identification of conflicts between such plans and programs

(b) The identification and analysis of current and potential future issues of importance to transportation within the state

(c) The preparation of an annual and of a five-year estimate of all federal and state funds available to each region for transportation improvements

(d) The preparation of special studies as requested by the commission.

(e) Other matters as requested by the commission.

SEC. 14. Section 14032.5 is added to the Government Code, to read:

14032.5 The department may assist regional transportation planning agencies with the preparation of regional transportation plans and improvement programs by providing technical services and other assistance as determined by the director and the transportation planning agency as necessary for the timely and comprehensive discharge of the responsibilities of the transportation planning agency.

SEC. 15. Section 14036 is added to the Government Code, to read:

14036. State highway projects to be included in the program of proposed projects report submitted to the United States Secretary of Transportation pursuant to Section 105 of Title 23 of the United States Code shall be those included in the five-year program for the

expenditure of state transportation funds as set forth in the state transportation improvement program after July 1, 1979.

SEC. 16. Article 4 (commencing with Section 14040) of Chapter 1 of Part 5 of Division 3 of Title 2 of the Government Code is repealed.

SEC. 17. Part 5.3 (commencing with Section 14500) is added to Division 3 of Title 2 of the Government Code, to read:

PART 5.3. CALIFORNIA TRANSPORTATION COMMISSION

CHAPTER 1. GENERAL

14500. There is in the state government a California Transportation Commission.

14501. As used in this part, unless the context requires otherwise:

(a) "Commission" means the California Transportation Commission.

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

14502. The commission shall consist of 11 members appointed as follows:

(a) Nine members, one of whom shall be a member of the Public Utilities Commission, shall be appointed by the Governor with the advice and consent of the Senate.

(b) One Member of the Senate appointed by the Senate Rules Committee and one Member of the Assembly appointed by the Speaker of the Assembly shall be ex officio members without vote and shall participate in the activities of the commission to the extent that such participation is not incompatible with their positions as Members of the Legislature.

14503. (a) Other than ex officio members, the members of the commission shall hold office for terms of four years, and until their successors are appointed, except as otherwise provided in this section.

(b) In the case of the members initially appointed by the Governor, three shall be appointed to serve until February 1, 1979, two until February 1, 1980, two until February 1, 1981, and two until February 1, 1982.

14504. In appointing members, the Governor shall make every effort to assure that there is a geographic balance of representation on the commission as a whole, with members from the northern and southern areas and from the urban and rural areas of the state.

Each member of the commission shall represent the state at large.

14505. The commission shall elect one of its members as a chairman who shall preside at all meetings, and a vice chairman who shall preside in the absence of the chairman.

The chairman shall serve a term of one year. No member may serve as chairman for more than two successive terms.

14505.5 After consulting with members of the commission, the chairman of the commission shall appoint the members of all the

committees of the commission, including those committees created pursuant to Section 14506.

Each committee shall elect one of its members other than the chairman of the commission, as the committee chairman, who shall preside at all committee meetings.

14506. In order to perform its duties and functions, the commission shall organize itself into at least the following four committees:

(a) The Committee on Aeronautics, which shall consider issues related to aeronautics.

(b) The Committee on Streets and Highways, which shall consider issues related to streets and highways.

(c) The Committee on Mass Transportation, which shall consider issues related to the movement of groups of people within urban areas, and between rural communities and between cities.

(d) The Committee on Planning, which shall be responsible for transportation planning related issues, including, but not limited to, monitoring the transportation planning and programming process pursuant to Chapter 2.5 (commencing with Section 65080) of Division 1 of Title 7 and recommending to the commission the allocation of federal and state funds available for planning and research.

14506.5 The chairman shall appoint a Technical Advisory Committee on Aeronautics, after consultation with members of the aviation industry, airport operators, pilots, and other aviation interest groups and experts, as appropriate. This Technical Advisory Committee shall give technical advice to the Committee on Aeronautics on the full range of aviation issues to be considered by the commission.

14507. The commission shall not form a committee for the purpose of considering budgetary and related fiscal matters.

14508. The chairman shall not serve on any of the committees except in an ex officio capacity.

14509. Each member shall receive a compensation of one hundred dollars ($100) for each day attending meetings of the commission or committees thereof, but not to exceed five hundred dollars ($500) during any month, and the necessary expenses incurred by the member in the performance of the member's duties.

14510. The commission shall appoint an executive secretary for the commission who shall serve at the pleasure of the commission.

The executive secretary shall receive the salary established by the Director of Finance for exempt officials.

14511. The executive secretary shall administer the affairs of the commission as directed by the commission and shall direct the staff of the commission.

14512. The executive secretary may appoint, with the approval of the commission, such staff as necessary to carry out the provisions of this part.

The commission may request the department, and the department

shall have the authority, to perform such work as the commission deems necessary to carry out its duties and responsibilities. The commission shall consider the expertise and resources available in the department for the purpose of carrying out its duties and responsibilities. This does not preclude, however, the commission from utilizing the services of other agencies, public or private.

14513. The legal division of the department may serve as legal advisor to the commission at its request.

14514. The commission may sue or be sued.

CHAPTER 2. DUTIES

14520 The commission shall advise and assist the Secretary of the Business and Transportation Agency and the Legislature in formulating and evaluating state policies and plans for transportation programs in the state.

14521. The commission may request and review reports of the department and of other entities which pertain to transportation issues and concerns that the commission determines need special study.

14522. In cooperation with the regional transportation planning agencies, the commission may prescribe study areas for analysis and evaluation by such agencies and guidelines for the preparation of the regional transportation plans and the regional transportation improvement programs.

14523. The commission shall prepare an independent evaluation of the department's budget and submit its recommendations to the Legislature not later than February 15, 1979, and not later than February 15 of each year thereafter.

14524. Not later than October 1, 1978, and not later than October 1 of each year thereafter, the department shall submit to the commission a recommended annual and five-year estimate of all federal and state funds available for transportation purposes in order that the commission may provide estimates pursuant to Section 14525.

The estimate shall be on the basis of state transportation districts, and the boundaries of the transportation planning agencies and county transportation commissions in urbanized areas over 50,000 in population. The method by which the estimate is arrived at, including the way in which state discretionary funds are to be estimated, shall be determined by the commission in consultation with the department, the transportation planning agencies, and the county transportation commissions. The estimate shall not include federal discretionary grants or funds

14525. Not later than November 1, 1978, and not later than November 1 of each year thereafter, the commission shall adopt and provide, to the transportation planning agencies and county transportation commissions, an annual and five-year estimate of all state and federal funds reasonably expected to be available to each

region for transportation purposes.

The commission may amend the estimate following consultation with the department, transportation planning agencies, and county transportation commissions to account for unexpected revenues or other unforeseen circumstances.

14526. Not later than December 1, 1978, and not later than December 1 thereafter, the department shall submit, to the commission and all transportation planning agencies and county transportation commissions, its proposed state transportation improvement program as defined in Section 14529. The proposed program shall be consistent with the estimate of funds adopted by the commission pursuant to Section 14525.

14527. After consulting with the department and considering its proposed program, the transportation planning agencies and county transportation commissions in urbanized areas of over 50,000 population shall adopt and submit to the commission and department, not later than April 1, 1979, and not later than April 1 of each year thereafter, a transportation improvement program, including at a minimum, state transportation funds subject to allocation by the commission as provided for in Section 65082. Other information, including a program for expenditure of local or federal funds may be submitted for information purposes with the program, but only at the discretion of the transportation planning agencies or the county transportation commissions. Except for such information submitted at the discretion of the transportation planning agencies and county transportation commissions, the regional transportation improvement program shall be consistent with the estimate of funds made by the commission pursuant to Section 14525.

14528. In all other areas of the state, the transportation planning agencies shall adopt and submit comments they may have relative to the department's proposed state transportation improvement program to the commission and department not later than April 1, 1979, and not later than April 1 of each year thereafter.

14529. After taking into consideration the proposed state transportation improvement program submitted by the department pursuant to Section 14526, the regional transportation improvement programs submitted pursuant to Section 14527, and comments submitted pursuant to Section 14528, through the use of public hearings, the commission shall adopt and submit to the Legislature and Governor by July 1, 1979, and not later than July 1 of each year thereafter, a five-year state transportation improvement program including all funds to be allocated by the commission consisting of:

(a) The estimate of available funds from state and federal sources and associated constraints for transportation improvement in the state.

(b) All major projects, as determined by the commission, to be funded from state transportation funds allocated by the commission during the succeeding five fiscal years.

(c) A summary of expenditures for minor projects, as determined

by the commission, to be funded from state transportation funds allocated by the commission during the succeeding five fiscal years.

(d) Recommended annual expenditures from the State Highway Account in the State Transportation Fund by program category, as set forth in the Budget Act, for the succeeding five fiscal years.

(e) Any additional action and information determined by the commission to be relevant to the successful implementation of the adopted state transportation improvement program.

The state transportation improvement program shall be consistent with the estimate of available revenues.

14530. The commission may deviate, in the adoption of the state transportation improvement program, from a regional transportation improvement program based on a finding that there (a) is an overriding statewide interest as determined by the commission, (b) are insufficient funds available to implement the program, or (c) exist conflicts between the regional transportation improvement programs.

14531. Appeals regarding the adopted state transportation improvement program shall be made directly to the commission. Commencing in 1979, the appeals submitted to the commission by August 1 shall be considered by the commission at a public hearing held not later than the following August 15 The commission may amend the state transportation improvement program as it deems appropriate, provided that all such proposed amendments are noticed to the public at least 30 calendar days before the commission takes formal action regarding such proposed amendments.

14532. The commission, in cooperation with the department, transportation planning agencies, and county transportation commissions, shall adopt appropriate guidelines for the preparation of the state and regional transportation improvement programs. Such guidelines shall be consistent with the process described in this chapter. The department, the transportation planning agencies, and county transportation commissions shall comply with the guidelines.

14533. The commission shall allocate funds for transportation projects consistent with the Budget Act for that fiscal year. After July 1, 1979, the commission shall not allocate funds for projects that are not included in its adopted state transportation improvements program.

14534. Upon the adoption of the state transportation improvement program, the Secretary of the Business and Transportation Agency, the commission, and the department shall act in accordance with the program in carrying out their respective powers and duties, except as otherwise provided by law

CHAPTER 3. BIENNIAL REPORT

14535. The commission shall adopt and submit to the Legislature, not later than December 31, 1978, and biennially not later than December 31 thereafter, a report to the Legislature. This report shall

constitute the California Transportation Plan for the purpose of Section 3 of Article XIX of the California Constitution.

14536. The report shall consist of the following:

(a) An evaluation of significant transportation issues that can be anticipated to be of public concern during and beyond the five-year period. Where appropriate, the evaluation should contain recommended modifications to state and federal law. This evaluation shall fully consider the adopted regional transportation plans as well as long-range issues that may directly impact the state's ability to provide transportation services, including, but not limited to, the availability of energy.

(b) An overview of necessary future investments in the development and operation of the transportation system in California, including identification of potential sources of additional revenue needed to finance such investments

14537. The commission, in the first California Transportation Plan, shall submit its recommendations as to necessary revisions to the allocation formulas in Sections 188, 188.8, and 188.9 of that code so that the allocation of funds pursuant to those sections, with the allocation of other available funds, meet the relative state highway and transit construction needs of all areas of the state.

SEC. 18. The heading of Chapter 2.5 (commencing with Section 65080) of Division 1 of Title 7 of the Government Code is amended to read:

CHAPTER 2.5. TRANSPORTATION PLANNING AND PROGRAMMING

SEC. 19 Section 65080 of the Government Code is amended to read:

65080. (a) Except as provided in subdivisions (c) and (d), each transportation planning agency designated under subdivision (a) or (b) of Section 29532 shall prepare a regional transportation plan and a regional transportation improvement program 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. The plan shall be action-oriented and pragmatic considering both the short- and long-term future and shall present clear, concise policy guidance to local and state officials. The program shall support and be consistent with the plan 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) Each transportation planning agency shall adopt a regional transportation plan and, if it prepares a regional transportation improvement program, shall adopt such a program. 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. Prior to the adoption of the program, the

governing body or the designated policy committee of the transportation planning agency shall consider the relationship between the program and the adopted plan. The adopted plan, not later than October 1, 1978, and the adopted program, not later than April 1, 1979, shall be transmitted to the California Transportation Commission and the Department of Transportation. Thereafter, each transportation planning agency shall adopt and submit annually, not later than April 1, an updated regional transportation improvement program as specified in Section 65082, and biennially, not later than November 1, an updated regional transportation plan to the commission and the department.

(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 of Transportation by adopting a resolution to that effect prior to July 1, 1978. In such a case, Section 65080.5 shall be applicable to the agency.

(d) The regional transportation improvement program shall be prepared and adopted only by the transportation planning agencies and by county transportation commissions representing urbanized areas of 50,000 or more in population. The department shall prepare the programs, on a state transportation district basis, for all other areas of the state

(e) The regional transportation plans, and the revisions thereof, submitted to the department pursuant to subdivision (b) prior to the amendment of this section enacted at the 1977–78 Regular Session of the Legislature shall remain in effect until the submittal of such plans and regional transportation improvement programs to the commission.

SEC 19.5. Section 65080 1 is added to the Government Code, to read:

65080.1 A transportation planning agency which has within its area of jurisdiction a transit development board established pursuant to Division 11 (commencing with Section 120000) of the Public Utilities Code shall include, in the regional transportation improvement program prepared pursuant to Section 65080, those elements of the transportation improvement program prepared by the transit development board pursuant to Section 120353 of the Public Utilities Code relating to funds made available to the transit development board for transportation purposes.

SEC. 20. Section 65080.5 of the Government Code is amended to read:

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 (e), 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. Prior to the adoption of the regional transportation improvement program by the transportation planning agency if it prepared the program, the transportation planning agency shall consider the relationship between the program and the adopted plan. The adopted plan and program, and the updating thereto, shall be submitted to the California Transportation Commission and 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, 1978, adopts by resolution a declaration of intention to do so.

(c) In those areas that have a county transportation commission created pursuant to Section 130050 of the Public Utilities Code, the multicounty designated transportation planning agency, as defined in Section 130004 of that code, shall prepare the regional transportation plan and the regional transportation improvement program in consultation with the county transportation commissions.

(d) 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 plan if it adopts a resolution of intention to do so at least one year prior to the date when the updated plan is to be submitted to the California Transportation Commission.

(e) If the department prepares or updates a regional transportation improvement program or regional transportation plan, or both, pursuant to this section, the state-local share of funding the preparation or updating of the plan and program 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 99312, 99313, and 99314 of the Public Utilities Code

SEC. 21. Section 65081 of the Government Code is repealed.

SEC. 22. Section 65081 is added to the Government Code, to read:

65081. The regional transportation plan shall include:

(a) A policy element that considers important transportation issues and describes the desired short- and long-range transportation goals, and pragmatic objective and policy statements. The objective and policy statements shall consider probable funding constraints.

(b) An action element that describes the programs and actions necessary to implement the plan and assigns implementation responsibilities. In urbanized areas over 50,000 population, the action element shall include a transportation system management element

that describes how the region intends to improve the people and goods movement capability of its existing transportation system through appropriate management techniques.

(c) A financial element that summarizes the cost of plan implementation, compares these costs to a realistic projection of available revenues, and includes estimates of expected surplus and deficits. It shall contain recommendations for the allocation of funds and for the development of new sources of revenues if needed.

SEC. 23. Section 65081.5 of the Government Code is repealed.

SEC. 24. Section 65082 of the Government Code is repealed.

SEC. 25. Section 65082 is added to the Government Code, to read:

65082. A regional transportation improvement program shall be prepared, adopted, submitted and annually updated pursuant to Sections 65080 and 65080.5 to include:

(a) Projects proposed to be funded, in whole or part, from the State Highway Account in the State Transportation Fund during the succeeding five years within the following program categories: (1) new facilities, (2) operational improvements, and (3) local assistance. Major projects shall be listed by relative priority.

(b) Projects and programs proposed to be funded, in whole or part, by funds subject to allocation by the California Transportation Commission during the succeeding five years other than funds in the State Highway Account in the State Transportation Fund.

The regional transportation improvement programs shall be consistent with guidelines established by the commission pursuant to Section 14532 and shall be consistent with the estimate of funds provided by the commission pursuant to Section 14525, except as provided in Section 14527. The regional transportation improvement program may be used to meet federal planning requirements where appropriate.

SEC. 26. Section 65083 of the Government Code is repealed.

SEC. 28. Article 1.5 (commencing with Section 21215) of Chapter 2 of Part 1 of Division 9 of the Public Utilities Code is repealed.

SEC. 29. Article 1.5 (commencing with Section 21215) is added to Chapter 2 of Part 1 of Division 9 of the Public Utilities Code, to read:

Article 1.5. State Aeronautics Board

21215. (a) The State Aeronautics Board is hereby abolished, and the California Transportation Commission succeeds to, and is vested with, all the duties, powers, purposes, responsibilities, and jurisdiction vested in the State Aeronautics Board.

(b) Any reference in any law or regulation to the State Aeronautics Board shall be deemed to refer to the California Transportation Commission.

(c) The California Transportation Commission 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 State Aeronautics Board.

21216. Any person or entity injured or aggrieved by any procedure or action of the department with respect to aeronautics may appeal to the California Transportation Commission for relief, and the decision of the commission as to such matter shall, after hearing thereon, be conclusive, subject to such administrative adjudication or judicial review as may be otherwise provided by law.

SEC. 30. Section 130252 of the Public Utilities Code is amended to read:

130252. (a) All plans proposed for the design, construction, and implementation of public mass transit systems or projects, including exclusive public mass transit guideway systems or projects, and federal-aid and state highway projects, shall be submitted to the commission for approval. No such plan shall be approved unless it conforms to the appropriate adopted regional transportation plan pursuant to Chapter 2.5 (commencing with Section 65080) of Title 7 of the Government Code.

(b) The commission shall also have no approval authority over the projects, plans, and programs determined by the Department of Transportation to be necessary for the safety and maintenance of the state highway system. Such projects, plans, and programs shall be developed by the department and, to the extent feasible, be coordinated with the planning of the commission. Plans and programs involving significant rebuilding or rehabilitation of the state highway system, as determined by the department and the commission, shall be developed jointly by the department and the commission.

SEC. 31. Section 130252 of the Public Utilities Code is amended to read:

130252. (a) All plans proposed for the design, construction, and implementation of public mass transit systems or projects, including exclusive public mass transit guideway systems or projects, and federal-aid and state highway projects, shall be submitted to the commission for approval. No such plan shall be approved unless it conforms to the appropriate adopted regional transportation plan pursuant to Chapter 2.5 (commencing with Section 65080) of Title 7 of the Government Code.

(b) The commission shall have no approval authority over the projects, plans, and programs determined by the Department of Transportation to be necessary for the safety and maintenance of the state highway system. Such projects, plans, and programs shall be developed by the department and, to the extent feasible, be coordinated with the planning of the commission. Plans and programs involving significant rebuilding or rehabilitation of the state highway system, as determined by the department and the

commission, shall be developed jointly by the department and the commission.

(c) As used in this section, "plan" means a project description and not the detailed project plans, specifications, and estimates.

SEC. 34. Section 130304 of the Public Utilities Code is amended to read.

130304. (a) The county transportation commission shall submit the short-range transportation improvement program prepared pursuant to subdivision (b) of Section 130303 to the multicounty designated transportation planning agency. The program shall be the county transportation commission's recommendation to the agency regarding that portion of the regional transportation improvement program with respect to short-range objectives applicable to the county under the jurisdiction of the county transportation commission. The recommended program shall be submitted to the agency in a timely fashion, and the agency shall review and adopt this portion of the regional transportation improvement program in a timely fashion, giving full explanation for any necessary revision of the county transportation commission's recommended program.

(b) The multicounty designated transportation planning agency may revise the submitted transportation improvement program in order to resolve conflicts between the recommended programs or with the adopted regional transportation plan. In case of a disagreement as to the resolution of such a conflict between the agency and the involved county transportation commissions, the California Transportation Commission shall resolve the conflict

SEC. 35 Section 70 of the Streets and Highways Code is repealed.

SEC. 36 Section 70 is added to the Streets and Highways Code, to read:

70. (a) The California Highway Commission is hereby abolished, and the California Transportation Commission succeeds to, and is vested with, all the duties, powers, purposes, responsibilities, and jurisdiction of the California Highway Commission.

(b) Any reference in any law or regulation to the California Highway Commission shall be deemed to refer to the California Transportation Commission

(c) The California Transportation Commission 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 California Highway Commission.

SEC. 37. Section 70.1 of the Streets and Highways Code is repealed

SEC. 40. Section 104.65 of the Streets and Highways Code is repealed

SEC. 41. Section 143 of the Streets and Highways Code is

repealed.

SEC. 42. Section 143.1 of the Streets and Highways Code is repealed.

SEC. 43. Section 143.15 of the Streets and Highways Code is repealed.

SEC. 44. Section 143.2 of the Streets and Highways Code is repealed.

SEC. 45. Section 143.3 of the Streets and Highways Code is repealed.

SEC. 46. Article 4.5 (commencing with Section 165) is added to Chapter 1 of Division 1 of the Streets and Highways Code, to read:

Article 4.5. Transportation Budget

165. Commencing with the budget for the 1978–79 fiscal year, the department shall prepare and submit to the Governor a proposed budget for the department. The department shall include, within the proposed budget, the portion of that budget that is to be funded from the State Highway Account in the State Transportation Fund.

The department shall inform the commission of all pertinent assumptions and policy directions it intends to use in preparing the budget. This information shall be forwarded to the commission as soon as available. The commission shall review the assumptions and policy directions used in preparing the budget and forward its comments and recommendations to the department.

166. The portion of the proposed budget to be funded from the State Highway Account in the State Transportation Fund shall be included in the printed fiscal year budget submitted to the Legislature. The degree of detail contained in such portion of the proposed budget shall be established jointly by the Department of Transportation and the Department of Finance. Such portion of the proposed budget shall be, for the State Highway Account, the complete and detailed budget as required by Section 13320 of the Government Code. In case of inconsistency between that section and this article, the provisions of this article shall control.

Notwithstanding Section 13321 of the Government Code, the Department of Transportation, in administering the budget of the State Highway Account in the State Transportation Fund, shall be responsible for determining the expenditures or incurrence of obligations by quarter or other period of the fiscal year.

166.5. In order to support its 1979–80 and subsequent fiscal years proposed budgets and to improve its program management, the Department of Transportation shall develop budgeting, accounting, fiscal control, and management information systems to provide at least the following information:

(a) Documentation and control of positions and personnel services expenditures.

(b) Accounting and reporting of revenues and expenditures on a basis generally consistent with provisions of the Government Code.

These systems shall be developed so as to better inform the Legislature in order that responsible legislative oversight of the program and budget of the Department of Transportation would be possible. These systems shall recognize the special characteristics of the department's program

A progress report on the development and implementation of these systems shall be submitted by the Department of Transportation to the Legislature not later than January 10, 1978 A final report, including a description of the recommended systems that will be used to implement this section, shall be submitted by the department to the Legislature not later than July 1, 1978. Development of these systems shall be closely coordinated with the Department of Finance, the Joint Legislative Budget Committee, the Committees on Transportation of the Senate and Assembly, the Subcommittee on Transportation of the Senate Committee on Finance, and the Subcommittee on Transportation of the Assembly Committee on Ways and Means

167. With respect to the funds in the State Highway Account in the State Transportation Fund, the proposed budget shall be organized on a program basis The proposed budget shall list the proposed expenditures under the following programs

(a) Administration.
(b) Program development
(c) Maintenance
(d) Operation.
(e) Rehabilitation
(f) Operational improvements
(g) New facilities
(h) Local Assistance

The basis for defining major and minor capital outlay projects shall be established by the commission.

168 During the fiscal year, the department, with the approval of the commission, may transfer funds between the programs.

Such transfers shall not decrease the amount of such funds to be expended for any of such programs by more than 10 percent of the total amount appropriated and identified in the appropriation schedules

Such transfers may only be made with the approval of the commission and the Director of Finance and after submitting a five-day notice of intent to make such transfers to the chairman of the committee in each house which considers appropriations and to the Chairman of the Joint Legislative Budget Committee

169. For the purposes of this code, except as provided in Section 170, the date of the award of a contract and of the commencement of a day-labor project shall be deemed the time when the entire obligation thereunder is incurred.

170 Where it is estimated by the department that the work involved in a project to be constructed under the State Contract Act (Chapter 3 (commencing with Section 14250), Part 5, Division 3,

Title 2 of the Government Code) will not be completed within a given fiscal year, the department, in the contract specifications, may provide a limitation upon the amounts that will be paid to the contractor during the first or second fiscal years of the construction period. Subject to such limitation, such contracts shall provide for the completion of the work and full payment therefor.

For the purposes of complying with Section 169, the department may include in any proposed budget, and the commission may allocate, at least such amounts with reference to such construction projects as would be payable during the fiscal year, together with all necessary engineering and other charges.

171. Prior to the commencement of each fiscal year, the department may advertise for bids for capital outlay projects anticipated to be budgeted during the fiscal year. However, the department shall not award any contract for any capital outlay project until (1) sufficient funds have been appropriated for such project and (2) the commission has allocated sufficient funds for the project.

SEC. 47. Section 182 of the Streets and Highways Code is amended to read:

182. The "State Highway Fund" is continued in existence as the State Highway Account in the State Transportation Fund. Any reference in any law or regulation to the State Highway Fund shall be deemed to refer to the State Highway Account in the State Transportation Fund

There shall be transferred to, or deposited in, the State Highway Account all money appropriated, contributed, or made available from any source, including sources other than state appropriations, for expenditure on work within the powers and duties of the department, including, but not limited to, services, investigations, surveys, experiments, reports, right-of-way acquisitions, major and minor construction, maintenance, improvements, and equipment, as authorized by the state agency for which such an appropriation is made, or as to funds from sources other than state appropriations, as may be authorized by written agreement between the contributor of such funds and the department.

Money so transferred or deposited is available for expenditure by the department for the purposes for which appropriated, contributed, or made available without regard to fiscal years and Section 16304 of the Government Code. The department may withdraw from the account for use in work for other public agencies, local, state, or federal, such sums as may be necessary for such work where the money to be paid by such other agencies is not deposited in the account in advance of the work being done.

SEC. 48. Section 183 of the Streets and Highways Code is repealed.

SEC. 49. Section 183 is added to the Streets and Highways Code, to read:

183. All money in the State Highway Account in the State

Transportation Fund derived from federal sources or from appropriations to other state agencies, or deposited in the account by local agencies or by others, is continuously appropriated to, and shall be available for expenditure by, the department for the purposes for which such money was made available.

Unless otherwise expressly provided for by law, none of the balance of the money in the State Highway Account shall be expended until it has been specifically appropriated by the Legislature or made available pursuant to Section 13322 of the Government Code.

The Budget Act appropriations shall be made on a program basis only and shall not identify the specific capital outlay projects to be funded. The commission shall be responsible for allocating such funds to specific projects within the budget program categories.

SEC. 50. Section 185 of the Streets and Highways Code is amended to read:

185. All money withdrawn from the State Highway Account in the State Transportation Fund shall be withdrawn in the manner provided by law upon demands made by the department.

The department may establish a revolving fund to be administered pursuant to Section 16400 of the Government Code and to serve as a revolving fund from which relocation assistance payments may be made pursuant to Chapter 16 (commencing with Section 7260) of Division 7 of Title 1 of the Government Code.

SEC. 51. Section 186 of the Streets and Highways Code is repealed.

SEC. 52. Section 186.1 of the Streets and Highways Code is repealed.

SEC. 53. Section 188.3 of the Streets and Highways Code is amended to read:

188.3. The cost of maintenance of all toll bridges under the jurisdiction of the commission shall be paid out of money in the State Highway Account in the State Transportation Fund.

The commission may (a) pay the cost of maintenance incurred on any bridge under its jurisdiction from the revenues thereof after all bonds secured by the revenues of that bridge have been redeemed and (b) provide for the cost of maintenance of any such bridge whose revenues are pledged to secure any issue of revenue bonds sold on or after January 1, 1976, from the revenues of that bridge.

SEC. 54. Section 188.9 of the Streets and Highways Code is repealed

SEC. 55. Section 189 is added to the Streets and Highways Code, to read:

189. Notwithstanding Section 188.8, the percentages specified for each state highway district on page 13798 of the Assembly Journal for June 5, 1974, for the four-year period from July 1, 1975, to June 30, 1979, shall be applied to the state transportation districts for purposes of subdivisions (b) and (c) of that section for the four-year period from July 1, 1979, to June 30, 1983.

For purposes of this section, the state transportation districts shall be identical to those state highway districts established by the Department of Public Works for administrative purposes as of June 30, 1960.

SEC. 56. Section 194 of the Streets and Highways Code is amended to read:

194. Each annual proposed budget prepared pursuant to Section 165 shall include an amount recommended to be appropriated to the Transportation Planning and Research Account in the State Transportation Fund. The amount shall, to the extent possible, equal the pro rata share of the comprehensive transportation planning duties attributable to highway and to exclusive public mass transit guideway planning and research.

SEC. 57. Section 194.5 of the Streets and Highways Code is repealed.

SEC. 57.5. Section 199.1 of the Streets and Highways Code is amended to read:

199.1. Notwithstanding Section 14533 of the Government Code, the commission shall allocate to the transit development board created by Section 120050 of the Public Utilities Code, an amount equal to the maximum authorized under Section 200 for exclusive public mass transit guideway construction purposes.

SEC. 58. Section 2233 of the Streets and Highways Code is amended to read:

2233. Amounts apportioned to the state pursuant to subsection (f) of Section 104 of Title 23 of the United States Code and allocated pursuant to Section 194.5 shall be identified in the budget of the Transportation Planning and Research Account in the State Transportation Fund. Amounts reimbursed to the state pursuant to subsection (f) of Section 104 of Title 23 of the United States Code shall be deposited in the State Highway Account in the State Transportation Fund and credited to the Transportation Planning and Research Account as an expense and reimbursement All such funds apportioned to the state are continuously appropriated for allocation by the commission from the Transportation Planning and Research Account to metropolitan transportation planning organizations, as defined by federal law and regulations, to perform the metropolitan transportation planning authorized by subsection (f) of Section 104 of Title 23.

SEC. 59. Section 2332 of the Streets and Highways Code is amended to read:

2332. All funds received pursuant to these federal programs shall be deposited in the State Highway Account in the State Transportation Fund. All funds apportioned to the state for such programs are appropriated for allocation by the commission in accordance with the provisions of this chapter.

SEC. 60. Section 2333 of the Streets and Highways Code is amended to read:

2333. In each annual proposed budget prepared pursuant to

Section 165, there shall be included an amount equal to the estimated apportionment available from the federal government for the programs described in Section 2331. The commission may allocate a portion of such funds each year for use on city streets and county roads. It is the intent of the Legislature that the commission allocate the total amount received from the federal government for all of the programs described in Section 2331 in such a manner that, over a period of five years, such funds are made available for use in approximately equal amounts on state highways and on local roads. In addition, it is the intent of the Legislature that the commission shall apportion for use, in financing the railroad grade separation program described in Section 190, a substantial portion of the funds received pursuant to the federal rail-highway crossings program. Notwithstanding any other provision of law, the share of any railroad of the cost of maintaining railroad crossing protection facilities funded, in whole or in part, by funds described in Section 2331 shall be the same share it would be if no federal funds were involved and the crossing protection facilities were funded pursuant to an order of the Public Utilities Commission pursuant to Section 1202 of the Public Utilities Code; and in case of dispute, the Public Utilities Commission shall determine such share pursuant to this section.

SEC. 61. Section 2358 of the Streets and Highways Code is amended to read:

2358. Funds apportioned to this state pursuant to subsection (b) (6) of Section 104 of Title 23 of the United States Code for federal urban system projects shall be allocated by the commission. Projects eligible for allocation include fringe parking projects, state highway projects, local street and highway projects, and public mass transit projects. The commission shall review the long-range planning programs for the urban system, and shall review each annual program for conformance with the long-range programs.

For a project located within the area under the jurisdiction of the San Diego Metropolitan Transit Development Board created by Section 120050 of the Public Utilities Code, the commission shall conform to the priority established for that project by the transit development board pursuant to Section 120354 of the Public Utilities Code.

SEC. 62. Article 2 (commencing with Section 30050) of Chapter 1 of Division 17 of the Streets and Highways Code is repealed.

SEC. 63. Article 2 (commencing with Section 30050) is added to Chapter 1 of Division 17 of the Streets and Highways Code, to read:

Article 2. California Transportation Commission

30050. (a) The California Toll Bridge Authority is hereby abolished, and the California Transportation Commission succeeds to, and is vested with, the duties, powers, purposes, responsibilities, and jurisdiction of the California Toll Bridge Authority.

(b) Any reference in any law or regulation to the California Toll

Bridge Authority shall be deemed to refer to the California Transportation Commission.

(c) The California Transportation Commission 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 California Toll Bridge Authority.

SEC. 64. Sections 3 to 6, inclusive, Sections 40 to 45, inclusive, Sections 47 to 52, inclusive, and Sections 56 to 61, inclusive, of this act shall become operative on July 1, 1978.

SEC. 65. Sections 8 to 14, inclusive, Sections 16 to 26, inclusive, Sections 28 to 34, inclusive, and Sections 35, 36, 37, 53, 62, and 63 of this act shall become operative on February 1, 1978.

However, the Senate Rules Committee and the Speaker of the Assembly may appoint, and the Governor may nominate and, with the consent of the Senate, appoint, the members of the California Transportation Commission on and after January 1, 1978.

Furthermore, the California Highway Commission, the California Toll Bridge Authority, the State Aeronautics Board, and the State Transportation Board, on and after January 1, 1978, may take such steps as necessary to prepare for the transfer of their duties, powers, purposes, responsibilities, and jurisdiction to the California Transportation Commission.

SEC. 66. Section 54 of this act shall become operative on July 1, 1979, if (a) the California Transportation Plan is adopted by such date and (b) the California Transportation Commission finds that abolishing the county minimum requirements in the allocation of state highway construction funds would give equal consideration to the transportation needs of all areas of the state and all segments of the population consistent with the orderly achievement of the adopted local, regional, and statewide goals for ground transportation in local general plans, regional transportation plans, and the California Transportation Plan.

SEC. 67. Section 55 of this act shall become operative if (a) the California Transportation Plan is adopted and (b) the California Transportation Commission finds that the application during the four-year period from July 1, 1979, to June 30, 1983, of the state highway district percentages established for the four-year period from July 1, 1975, to June 30, 1979 for the allocation of state highway construction funds would give equal consideration to the transportation needs of all areas of the state and all segments of the population consistent with the orderly achievement of the adopted local, regional, and statewide goals for ground transportation in local general plans, regional transportation plans, and the California Transportation Plan.

SEC. 68 It is the intent of the Legislature, if this bill and Assembly Bill No. 1237 are both chaptered and become effective January 1, 1978, both bills amend Section 130252 of the Public Utilities

Code, and this bill is chaptered after Assembly Bill No. 1237, that the amendments to Section 130252 proposed by both bills be given effect and incorporated in Section 130252 in the form set forth in Section 31 of this act. Therefore, Section 31 of this act shall become operative only if this bill and Assembly Bill No. 1237 are both chaptered and become effective on or before January 1, 1978, both amend Section 130252, and this bill is chaptered after Assembly Bill No. 1237, in which case Section 30 of this act shall not become operative.

SEC. 69. Notwithstanding Section 9605 of the Government Code, if Senate Bill No. 869 of the 1977–78 Regular Session of the Legislature is chaptered before this act and amends Section 188.9 of the Streets and Highways Code, and Section 54 of this act becomes operative, as provided in Section 66 of this act, Section 188.9 of the Streets and Highways Code as amended by Senate Bill No. 869 shall remain operative until July 1, 1979, and as of that date is repealed, unless a later enacted statute, which is chaptered before July 1, 1979, deletes or extends that date.

CHAPTER 1107

An act to add Sections 12305.5 and 14051.5 to the Welfare and Institutions Code, relating to public social services, and making an appropriation therefor.

[Approved by Governor September 27, 1977. Filed with Secretary of State September 27, 1977.]

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

SECTION 1. Section 12305.5 is added to the Welfare and Institutions Code, to read:

12305.5. (a) Notwithstanding any other provision of this chapter, any person who:

(1) Was once determined to be disabled in accordance with Section 1614 of Part A of Title XVI of the Social Security Act (Section 1382c, Title 42, United States Code), and

(2) Continues to suffer from the physical or mental impairments which were the basis of the disability determination required under paragraph (1), and

(3) Requires in-home supportive care of at least 20 hours per week to carry out any or all of the following:

(A) Routine bodily functions, such as bowel or bladder care.

(B) Dressing.

(C) Preparation and consumption of food.

(D) Moving into and out of bed.

(E) Routine bed bath.

(F) Ambulation.

(G) Any other function of daily living as determined by the