

Date of Hearing: May 4, 2022

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Chris Holden, Chair

AB 1789 (Bennett) – As Amended April 6, 2022

Policy Committee: Water, Parks and Wildlife

Vote: 13 - 0

Urgency: No

State Mandated Local Program: No

Reimbursable: No

SUMMARY:

This bill creates the California Trails Commission (commission) within the California Natural Resources Agency (CNRA), establishes the Trails Corps Program within the California Conservation Corps (CCC) and appropriates funding for competitive grants to specified entities to provide nonmotorized infrastructure development and enhancements.

Specifically, this bill, among other things:

- 1) Creates the twelve member commission, with specified duties, powers and authorities, within CNRA, as specified.
- 2) Requires CNRA to assign a California Trails Coordinator to staff the commission and report to the Secretary of CNRA.
- 3) Provides that the commission shall meet not less than once per year, and that the public members of the commission shall be reimbursed for actual, reasonable travel expenses, and \$100 per diem for each meeting.
- 4) Creates the Trails Corps Program within the CCC to provide a number of services, as specified.
- 5) Appropriates \$75 million from the General Fund to CNRA to a newly created Trails and Greenways Fund, to provide nonmotorized infrastructure development and enhancements, as specified.
- 6) Continuously appropriates, on and after June 30, 2024, \$15 million, without regard to fiscal years, from the General Fund to CNRA, for deposit into the Trails and Greenways Fund.
- 7) Provides that 90% of the \$75 million shall be available for competitive grants to specified entities, and that CNRA shall award the moneys consistent with the Trails and Greenways Program administered by CNRA, pursuant to Proposition 68.
- 8) Provides that 10% of the \$75 million shall be available to the CCC to support the Trail Corps Program created by the bill.
- 9) Provides that CNRA may encumber the \$75 million on or before June 30, 2030 and that no more than 5% of the moneys may be used to pay administrative costs.

- 10) Requires CNRA to ensure that at least 40% of the \$75 million directly benefits underresourced communities, as defined.
- 11) Provides that, to the extent feasible, a project whose grant application includes the use of services of the CCC or certified community conservation corps, as defined, shall be given preference for receipt of a grant under this chapter.
- 12) Allows funding to qualified nonprofit organizations or local government entities, in partnership with the federal or state land management entity, to be used for trail projects on state-owned lands, and to the extent authorized, federal lands.
- 13) Require the California Department of Parks and Recreation (State Parks), on or before January 1, 2024, to update the California Recreational Trails System Plan (trails plan), and submit a progress report to the Legislature every three years thereafter.
- 14) Specifies that nothing in this measure is intended to modify or amend Proposition 68.

FISCAL EFFECT:

- 1) \$75 million in one-time funding and \$15 million in ongoing annual funding (General Fund) for deposit into the newly created Trails and Greenways Fund.
- 2) CCC notes that while AB 1789 provides a funding mechanism for the proposed Trail Corps Program, limited details on the program make it difficult to assess whether this would be sufficient funding to meet the intent of the bill. The CCC notes that it could establish two smaller specialized crews that could be trained to complete trail work that requires greater technical skill. CCC estimates that if it had two eight-corpsmember crews, it would require the following positions: 17 corpsmembers, four Conservationists and one analyst. The annual cost for these two crews would be \$1,555,000, plus \$320,000 in one-time costs for vehicles, trailers and specialized tools (General Fund).
- 3) One-time costs of approximately \$125,000 (General Fund) for State Parks to update the trails plan. These resources would cover the cost of conducting workshops, outreach and meetings to solicit public input. State Parks notes that the exact cost is contingent on the level of public engagement ultimately sought by State Parks.
- 4) CNRA estimates costs of approximately \$2 million over five years to fund three new positions (two grant administrators and one grant manager) to draft new grant guidelines, solicit public comment, score applications, make awards and monitor projects to completion.
- 5) CNRA also estimates that at a minimum, the California Trails Coordinator position created by the bill would cost approximately \$133,000 annually. However, CNRA notes that the cost of establishing and staffing a 12-member commission are potentially substantial and full costs have not been established at this time. These costs include, but are not limited to, travel and per-diem costs associated with the commission members' attendance at commission meetings and staff time for the legal and executive oversight of the commission. CNRA notes that none of the costs associated with the new commission are funded in the bill.
- 6) CNRA notes that the establishment of a new fund in the State Treasury would require staff capacity to set up the fund and monitor and reconcile it each year. CNRA contends that due

to its existing workload and priorities, it would not be able to restart the Trails and Greenways grant program for a year or more after receiving funding for this purpose.

COMMENTS:

1) **Purpose.** According to the author:

The popularity of our state and local trails has exploded as a result of the pandemic. More people than ever are going outside and enjoying the outdoors with their friends and family than ever. Unfortunately, many of these trails and recreation areas have not been properly managed due lack of funding. This bill creates a continuous funding source to ensure parks are properly treated and will improve visitor safety.

2) **Background.**

- a) **California Recreational Trails System Plan.** Established in 1974, the California Recreational Trails Act (CRTA), requires the Director of State Parks to prepare and maintain a comprehensive plan for the development and operation of a statewide system of recreation trails, called the California Recreational Trails System Plan (trails plan). The trails plan assesses present and future demand for recreational trail use and recommends a system of trail routes designed to provide a wide range of recreational opportunities. The trails plan was first completed in 1978 and updated in 2002. The Director of State Parks is required to submit a report that highlights progress on the plan to the Legislature every two years. The last available update is from 2011. AB 1789 requires State Parks to update the trails plan on or before January 1, 2024, and submit a progress report to the Legislature every three years thereafter.
- b) **California Recreational Trails Committee (trails committee).** As part of the CRTA, the trails committee was created to assist with implementation of the trails plan. The trails committee had seven members appointed by the Governor and typically held public meetings on a quarterly basis around the state. The trails committee sunset in 2013. In his veto message for AB 955 (Huber), of the 2011-12 Legislative Session, the bill that would have extended the sunset on the trails committee until 2028, Governor Brown asked the State Park and Recreation Commission to dedicate time to discuss trail plans and issues during at least one annual meeting so that recreational trail stakeholders can offer their advice on recreational plans. This bill, AB 1789, creates a new 12-member commission within CNRA, with a staff coordinator, specific powers and duties and a requirement to meet at least once a year. The author may wish to consider expanding the scope of the existing State Park and Recreation Commission to include tasks such as trail planning and increasing access to trails, instead of creating a new commission.
- c) **Proposition 68.** *The California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018*, also known as Proposition 68, is a \$4.1 billion bond measure that was approved by California voters in 2018. The proposition created the Trails and Greenways Program administered by CNRA and contained \$30 million for trail investments through the program. Grant applicant demand has exceeded the amount of available funds with more than \$300 million in requests during a recent grant cycle. This bill codifies and funds the Trails and Greenways Program separately from the

provisions of Proposition 68. Additionally, approximately \$1.7 million is available annually statewide for grants for nonmotorized recreational trails and trails-related projects through the federally funded Recreation Trails Program (RTP). Routine maintenance is not eligible for funding under the non-motorized RTP. The non-motorized RTP does not give higher priority to either paved, decomposed granite or natural trails. According to the bill findings, while the state has recently made a substantial commitment to outdoor programming, this investment is incongruous with the level of investment in trails infrastructure.

- d) Trails Corps Within CCC.** The CCC, established in 1976, is the oldest and largest state conservation corps program in the country. Its 120,000 members have provided more than 74 million hours of natural resource work and more than 11.3 million hours of emergency response work since its founding. The CCC currently works on recreational trails projects. This bill establishes and funds a separate Trails Corps Program within the CCC that would work exclusively on trails. Tasks would include training, education and skills implementation in the advancements of sustainable trails, trail landscaping and the designing, operations and maintenance of nonmotorized natural surface trails.

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