

Date of Hearing: April 5, 2022

ASSEMBLY COMMITTEE ON WATER, PARKS, AND WILDLIFE

Rebecca Bauer-Kahan, Chair

AB 1789 (Bennett) – As Introduced February 3, 2022

SUBJECT: Outdoor recreation: California Trails Commission: Trails Corps Program: grant program

SUMMARY: Creates the California Trails 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:**

- 1) Creates the eight member California Trails Commission (commission) within the CNRA to promote policies and investment opportunities that maximize the health, fitness, and social benefits of nonmotorized natural surface trails, trail networks, and greenway corridors.
- 2) Requires the commission to pursue investments in and promote policies that lead to expanded access to sustainable trail corridors and networks in urban, suburban, and rural areas of the state.
- 3) Specifies the eight members of the commission as follows:
 - a) A member of the equestrian community;
 - b) A member of the gravel and mountain biking community;
 - c) A member of the hiking and trail running community;
 - d) A member of the hunting and angling community;
 - e) A member of California's outdoor industry sector;
 - f) A member from the inclusion, diversity, and equity community;
 - g) A representative from the Department of Fish and Wildlife; and
 - h) A representative from the Department of Parks and Recreation.
- 4) Specifies that the members of the commission shall be appointed by the Secretary of the CNRA.
- 5) Requires the CNRA to assign a California Trails Coordinator to staff the commission and report to the Secretary of the CNRA.
- 6) Creates the Trails Corps Program within the CCC to provide training, education, and skills implementation in the advancements of sustainable trails, trail landscaping, and the designing, and best management practices for the operations and maintenance, of nonmotorized natural surface trails.
- 7) Establishes the Trails and Greenways Competitive Grant Program at the CNRA to award competitive grants to provide nonmotorized infrastructure development and enhancements

that either promote new or alternate access to parks, waterways, outdoor recreational pursuits, and forested or other natural environments; to encourage health-related opportunities for Californians to reconnect with nature or promote new or enhanced natural surface trails; and to create pathway connections within existing parks to provide new outdoor, nature-based learning experiences and connectivity between built and natural landscapes. Specifies that eligible entities are local agencies, state conservancies, federally recognized Native American tribes, nonfederally recognized California Native American tribes listed on the California Tribal Consultation List maintained by the Native American Heritage Commission, joint powers authorities, and nonprofit organizations.

- 8) Appropriates \$75 million from the General Fund to the Trails and Greenways Competitive Grant Program.
- 9) Continuously appropriates, on and after June 30, 2023, \$15 million every year from the General Fund to the CNRA for the grant program.
- 10) Requires that at least 40 percent of grant moneys directly benefit underresourced communities.
- 11) Defines “underresourced communities” as: “disadvantaged communities” as defined under Health and Safety Code (HSC) § 39711, “low-income households” or “low-income communities” as defined under HSC § 39713 (d), or “disadvantaged communities” as defined under Public Resources Code (PRC) § 75005 (g).
- 12) Adds biking as an example of the type of recreational activities for which improvements may be undertaken within state parks.
- 13) Specifies that nothing in this measure is intended to modify or amend Proposition 68, as approved at the June 5, 2018, statewide direct primary election.
- 14) Makes findings and declarations related to the importance of nonmotorized recreation trails.

EXISTING LAW:

- 1) Establishes the Department of Parks and Recreation (State Parks) within the CNRA, which is under the control of the Director of State Parks (PRC § 500 *et seq.*).
- 2) 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, which is known as the California Recreational Trails System Plan (PRC § 5070.7).
- 3) Creates the Recreational Trails Fund, which is used to deposit federal funds allocated to the state by the Steve Symms National Recreational Trails Fund Act of 1991. Moneys in the fund are available, upon appropriation by the Legislature, to State Parks for competitive grants to cities, counties, districts, state and federal agencies, and nonprofit organizations with management responsibilities over public lands to acquire and develop recreational trails (PRC § 5072.8).
- 4) Makes \$30 million available to the CNRA, working in cooperation with State Parks, for competitive grants to provide nonmotorized infrastructure development and enhancements that promote new or alternate access to parks, waterways, outdoor recreational pursuits, and

forested or other natural environments to encourage health-related active transportation and opportunities for Californians to reconnect with nature (PRC § 80080).

- 5) Establishes the CCC within the CNRA, and specifies the CCC's projects include, but are not limited to, preserving, maintaining, and enhancing environmentally important lands and waters, conserving, maintaining, improving, and developing natural resources in both urban and rural areas, and assisting departments within the CNRA in developing, rehabilitating, and restoring parklands, recreational facilities, and historical resources (PRC § 14100, § 14300).
- 6) Requires improvements undertaken within state parks to be for public enjoyment and education in a manner consistent with the preservation of natural, scenic, cultural, and ecological values for present and future generations. Authorizes improvements to provide for recreational activities including, among other things, camping, picnicking, sightseeing, nature study, hiking, and horseback riding, so long as those improvements do not involve major modification of lands, forests, or waters (PRC § 5019.53).

FISCAL EFFECT: Unknown. This bill is keyed fiscal and includes an appropriation.

COMMENTS:

- 1) **Purpose of this bill.** 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.** According to surveys conducted by the Outdoor Industry Association (OIA), trail use is the most popular outdoor activity in the nation. State Parks manages more than 3,000 miles of trails. Additional thousands of miles of trails are found on other state lands, federal lands, and in regional, county and city parks. These trails range from meandering and narrow footpaths that may provide beach access or entry into a redwood forest to a variety of other types of trails that can accommodate bicyclists, runners, equestrians, hikers, in-line skaters, and wheelchair users. Natural surface trails are an alternative to paved trails. Natural surface trails are used for non-motorized recreation, such as pedestrian, bike, and equestrian uses. “Pedestrian” can include walking, running, roller blades, wheel chair, etc. Although natural surface trails are inexpensive and relatively quick to build, they do require more frequent upkeep and maintenance compared to other trail surfaces. Some, but not all, natural surface trails are Americans with Disabilities Act compliant.

In 1974, the California Recreational Trails Act (CRTA) was passed. The 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. One of the goals of the trails plan is to assure access and linkage to scenic, natural, historic, and recreational areas of statewide significance. 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.

During the Covid-19 pandemic, park and natural surface trail use saw marked increases in visitation. For example, the Midpeninsula Regional Open Space District saw a 100 percent increase in preserve and trails visitations during 2020 over the previous year. The state's largest regional park entity, the East Bay Regional Park District, reported similar statistics.

Existing programs. 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) (see Image 1). The non-motorized RTP funds recreation trail projects that are for pedestrians, bicyclists, and equestrians. Funded projects may also serve as non-motorized transportation corridors. 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.

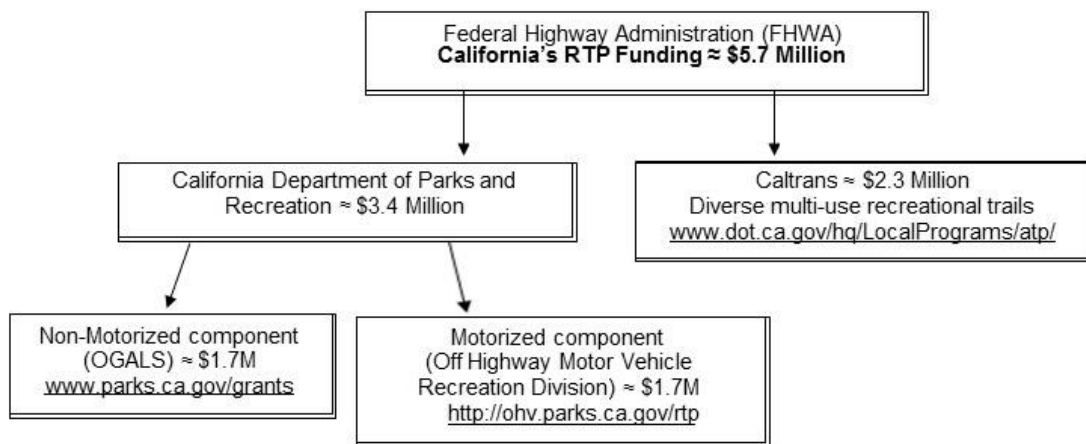


Image 1. RTP funding breakdown for California for Federal fiscal years 2016 through 2020. (source: https://www.parks.ca.gov/?page_id=24324)

The Active Transportation Program (ATP) was created through budget action by SB 99 (Committee on Budget and Fiscal Review, 2013) and AB 101 (Committee on Budget, 2013) to encourage increased use of active modes of transportation, such as walking and biking. The ATP consolidated existing federal and state transportation programs into a single program. This consolidation included the reallocation of some funds which previously funded natural surface trails. SB 1 (2017) stipulates that \$100 million of revenues from the Road Maintenance and Rehabilitation Account be made available annually to the ATP. While the ATP is well-funded, its purposes are different from the goals of this bill.

In 2018, Proposition 68 created the Trails and Greenways Program administered by the CNRA and contained \$30 million for trail investments through the program. Grant applicant demand exceeded the amount of available funds with \$400 million in requests. This bill codifies and funds the Trails and Greenways Program separately from the provisions of Proposition 68.

Trails Corps within the CCC. The CCC currently works on recreational trails projects. This bill establishes 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. None of the funding appropriated by the bill is dedicated to the CCC for these purposes.

Trails Committee sunset in 2013. As part of the 1974 CRTA, the California Recreational Trails Committee (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 in various venues around the state. Duties of the trails committee included:

- Coordinating trail planning and development among cities, counties, and districts;
- Advising the Director of State Parks on developing standards for trail construction so efforts will be uniform across the state;
- Advising the director in the preparation and maintenance of the trails plan; and
- Studying and advising the director on issues relating to the use of private property for recreational trails.

In the self-evaluation report completed for the Legislative Joint Sunset Review conducted in March 2012, the trails committee indicated the only statutory duty still relevant to them was advising the director on the preparation and maintenance of the trails plan. The trails committee indicated their main strength was the public meetings they held to get input from the public when the trails plan needed to be updated. They also indicated they had been useful in helping prepare the bi-annual progress reports on the trails plan.

The sunset review committee indicated a problem the trails committee faced was that although they provide a forum for the public to present trail issues, the trails committee was not empowered to resolve trail use issues and user-group conflicts. The sunset review also indicated the trails committee had contributed significantly to trail development and management in California. The trails committee developed the California Trails and Greenways Conference in 1984 to address the growing demand for technical assistance by trail professionals and volunteers throughout California. The conference is now managed by State Parks and the California Trails Conference Foundation, and is being held in Modesto in April 2022.

The trails committee sunset in 2013. In his veto message for AB 955 (Huber), 2011-12 Session, the bill that would have extended the sunset until 2028, Governor Brown asked the State Parks 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.

- 3) **Suggested Committee Amendments.** The committee may want to consider the following amendments to this bill:

Amendment 1: Increase the number of trails commission members to 12 by adding a representative from the Wildlife Conservation Board; a member with knowledge of trail planning, construction, and maintenance; and two members appointed by the Legislature – one by the Speaker of the Assembly and one by the Senate Rules Committee.

Amendment 2: Give the commission the following specific authorities:

- a) Coordinate trail planning and development among cities, counties, and districts. In carrying out this responsibility, the commission shall review statewide trail planning efforts, assist with resolution of trail issues and user-group conflicts, and advise in the development of trail planning and management guidelines that may be available to public and private land managers.
- b) Pursue investments in and promote policies that lead to expanded access to sustainable trail corridors and networks in urban, suburban, and rural areas of the state.
- c) Advise the Director of State Parks in the preparation and maintenance of the California Recreational Trails Plan and the development of state park trail guidelines.
- d) Oversee established trail easements with the goal of preventing trail closures.
- e) Identify volunteer opportunities for trail building and maintenance.

Amendment 3: Specify that the commission may also help to establish policies, guidelines, and recommendations that assist communities with trail development for eco-tourism purposes.

Amendment 4: Specify that the commission shall meet no less than once per year, and specify that commission members shall be reimbursed for actual, reasonable travel expenses and \$100 per diem for each meeting.

Amendment 5: Create a new fund for the appropriations made by the bill, and delay the date of the first continuous appropriation to “on and after June 30, 2024.”

Amendment 6: Allocate 90 percent of the appropriated funds to competitive grants and 10 percent to the Trails Corps program.

Amendment 7: Provide that, to the extent feasible, a project whose grant application includes the use of services of the California Conservation Corps or certified community conservation corps, as defined, shall be given preference for receipt of a grant.

Amendment 8: Specify that funding to qualified non-profit organizations or local government entities, in partnership with the federal or state land management entity, may be utilized for trail projects on federal and state-owned lands.

Amendment 9: Require State Parks to update the California Recreational Trails System Plan on or before January 1, 2024, and submit a progress report to the Legislature every three years thereafter.

Amendment 10: Make minor changes to the language related to the purposes of the Trail Corps under the CCC.

Amendment 11: Add a new finding related to a joint agreement between the state and the U.S. Forest Service, and correct a typo in an existing finding.

- 4) **Arguments in Support.** Those in support argue that this bill addresses historic funding deficiencies associated with natural surface and recreation-specific trail investments in California, and that the establishment of a Trails Commission comprised of trail experts from the public and private sectors will better enable interfacing with state departments and agencies that operate in this space.

5) **Related Legislation.**

AB 209 (Limon), Chapter 675, Statutes of 2019, establishes the Outdoor Equity Grants Program at State Parks, which focuses on outdoor access programs for underserved and at-risk youth.

AB 1111 (Friedman) 2019-20 Session, would have established the Office of Outdoor Recreation (OREC) in the Office of the Governor and required the office to undertake certain activities, including supporting the outdoor recreation economy and working toward equitable access to outdoor areas of the state by engaging in specified activities. AB 1111 was held in Senate Appropriations Committee.

AB 1918 (E. Garcia), 2017-18 Session, would have established the Office of Sustainable Outdoor Recreation (OREC) within the CNRA. AB 1918 was vetoed by Governor Brown.

AB 955 (Huber), 2011-12 Session, would have extended the sunset date of the California Recreational Trails Committee from January 1, 2013 to January 1, 2028. AB 955 was vetoed by Governor Brown.

REGISTERED SUPPORT / OPPOSITION:

Support

Active San Gabriel Valley
 Bay Area Ridge Trail Council
 Bicycle Trails Council of The East Bay
 California Council of Land Trusts
 California Mountain Biking Coalition
 California Park & Recreation Society
 California State Parks Foundation
 California Walks
 County of Los Angeles Board of Supervisors
 County of Santa Clara
 East Bay Regional Park District
 Eastern Sierra Land Trust
 EcoRing
 Folsom Auburn Trail Riders Action Coalition (FATRAC)
 League of California Cities
 Mammoth Lakes Trails and Public Access Foundation (MLTPA)
 Marin County Bicycle Coalition
 Marin County Parks and Open Space District
 Midpeninsula Regional Open Space District
 Napa County Bicycle Coalition

North Tahoe Public Utility District
Placer Land Trust
Rails-to-Trails Conservancy
Safe Routes Partnership
San Diego County Bicycle Coalition
Santa Barbara Bicycle Coalition
Santa Clara County Parks and Recreation Department
Santa Cruz Mountains Trail Stewardship
SF Urban Riders
Sierra Business Council
Sierra County Land Trust
Sierra Nevada Alliance
Sonoma County Agricultural Preservation and Open Space District
Sonoma County Regional Parks
Tahoe City Public Utility District
The San Diego Mountain Biking Association
The UNpavement
Truckee Donner Land Trust
Trust for Public Land
Watershed Conservation Authority
Zander Design

Opposition

None on file

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