
SENATE COMMITTEE ON NATURAL RESOURCES AND WATER

Senator Henry Stern, Chair
2021 - 2022 Regular

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Author:	Bennett		
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Subject: Outdoor recreation: California Recreational Trails System Plan: State Park and Recreation Commission

BACKGROUND AND EXISTING LAW

Existing law:

- 1) Establishes the Department of Parks and Recreation (State Parks) within the California Natural Resources Agency (CNRA). Vests State Parks with control of the state park system. State Parks is responsible for administering and managing the state park system for the use and enjoyment of the public, protecting this system from damage, and preserving the peace. *Public Resources Code (PRC) §§501, 5001, 5003, and 5008.*
- 1) Establishes the State Park and Recreation Commission (Commission) within State Parks, consisting of nine voting members appointed by the Governor, subject to confirmation by the Senate, to guide the director in the administration, protection and development of the state park system. *PRC §§530 and 539, respectively.*
- 2) Requires the State Parks director to cause to be prepared, and continuously maintained, a comprehensive plan, known as the California Recreational Trails System Plan, for the development and operation of a statewide system of recreation trails. Requires the plan to:
 - a. Assess the present and future demand for trail-oriented recreation uses. *PRC §5070.7*
 - b. Recommend an integrated and interconnecting system of trail routes designed to provide a wide range of recreational opportunities and to assure access and linkage to scenic, natural, historic, and recreational areas of statewide significance. *PRC §5070.7.*
 - c. Include pedestrian trails, bikeways, equestrian trails, boating trails, cross-country skiing trails, heritage corridors, and trails and areas suitable for use by persons with physical disabilities, the elderly, and others in need of graduated trails. *PRC §5071.*
 - d. For each of the items in (c) above, require the plan to, among other things, describe policies, standards, and criteria in acquiring, developing, operating, and maintaining land and water trails and areas as part of the system. Further, to

specify standards and criteria in providing facilities, as specified, to complement trail routes and areas. *PRC §5071.3.*

- 3) Requires the State Parks director to continuously review, revise, and update the plan and, every two years following completion of the plan, submit a report to the Legislature describing progress in carrying out the plan and recommendations for additional routes or other modifications in the system, specified. *PRC §5073.*
- 4) Establishes funding priorities for routes which meet certain specifications, including routes located in proximity or accessible to major urban areas of the state and routes located on lands in public ownership, among others. *PRC §5075.3.*
- 5) Establishes classifications for the types of parks in the state park system, including state parks, state recreation units (including state recreation areas, underwater recreation areas, state beaches, and wayside campgrounds), historical units, state seashores, state reserves (including natural and cultural reserves), state wilderness areas, natural preserves, and cultural preserves. *PRC §§5019.50 et seq.*
 - a. Provides that state parks consist of relatively spacious areas of outstanding scenic or natural character and their purpose is to preserve outstanding natural, scenic, and cultural values, indigenous aquatic and terrestrial fauna and flora, and the most significant examples of ecological regions of California. *PRC §5019.53.*
 - b. Limits improvements undertaken within state parks to making the areas available for public enjoyment and education in a manner consistent with the preservation of natural, scenic, cultural, and ecological values for present and future generations. This may include camping, picnicking, sightseeing, nature study, hiking, and horseback riding, so long as those improvements involve no major modification of lands, forests, or waters. *PRC §5019.53.*

Background:

Trends in trails use. According to surveys conducted by the Outdoor Industry Association (OIA), trail use is the most popular outdoor activity in the nation. 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% 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.

State Parks. State Parks' mission is to provide for the health, inspiration, and education of the people of California by helping to preserve the state's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality outdoor recreation. With 279 state park units, covering 1.3 million acres, over 340 miles of coastline, 970 miles of lake and river frontage, 15,000 campsites, 5,200 miles of trails, 3,195 historic buildings, and more than 11,000 known prehistoric and historic archaeological sites, State Parks contains the largest and most diverse recreational, natural, and cultural heritage holdings of any state agency in the nation. More than 68 million people annually visit California's state park system.

State Parks trails. State Parks manages more than 5,000 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.

California Recreational Trails Act. In 1974, the Legislature passed the California Recreational Trails Act (CRTA), which requires the State Parks director 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. State Parks first completed the trails plan in 1978 and later updated it in 2002. The 2002 plan update identified 12 goals, including to develop adequate and stable funding for planning, acquisition, development and management of trails; prepare regional and statewide inventories of existing, planned, and potential trails; and promote and encourage the incorporation of trails and greenways development and linkages into all local and statewide land use planning.

CRTA requires the State Parks director to submit a report that highlights progress on the plan to the Legislature every two years. The last available update is from 2011. It reported on progress on the 12 goals and on specific trails around the state. In particular, it noted a need for more funding for trail maintenance, planning, and increasing access. The report also highlighted conflicts on multi-use trails among different types of trail users.

Current and recent funding programs. The federally funded Recreational Trails Program (RTP) makes approximately \$1.7 million available annually in California for grants for non-motorized recreational trails and related projects. This includes funding pedestrian, bicycle, and equestrian trails projects. Funded projects may also serve as non-motorized transportation corridors. Routine maintenance is not eligible for funding under this program.

The Active Transportation Program (ATP), created by SB 99 (Committee on Budget and Fiscal Review, Chapter 359, Statutes of 2013), consolidated existing federal and state transportation programs into a single program. This included the reallocation of some funds which previously had funded natural surface trails. SB 1 (Beall, Chapter 5, Statutes of 2017) makes \$100 million available annually to the ATP from revenues from the Road Maintenance and Rehabilitation Account. ATP includes, as projects eligible for funding under the program, recreational trails and trailheads, park projects that facilitate trail linkages or connectivity to non-motorized corridors, and conversion of abandoned railroad corridors to trails

In 2018, Proposition 68 created the Trails and Greenways Program under administration by CNRA. The bond allocated \$30 million for trail investments. Grant applicant demand exceeded the amount of available funds with \$400 million in requests.

PROPOSED LAW

This bill would require State Parks to update the California Recreational Trails System Plan and authorize the State Park and Recreation Commission to take actions related to trail planning and development. Specifically, the bill would:

- 1) Require the State Parks director to prepare a full update of the California Recreational Trails System Plan and submit it to the Legislature on or before January 1, 2024.
- 2) Expand the scope of the California Recreational Trails System Plan to include priorities for funding to improve and expand non-motorized natural surface trails, trail networks, greenway corridors, and other non-motorized infrastructure that promote either new or alternate access to parks, waterways, outdoor recreational pursuits, and forested or other natural environments.
- 3) Require the State Parks director to report to the Legislature on progress in carrying out the plan every three years rather than every two years.
- 4) Authorize the Commission to:
 - a) Coordinate trail planning and development among cities, counties, and districts. This includes reviewing statewide trail planning efforts, helping to resolve trail issues and user group conflicts, and advising 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 State Parks director in the preparation and maintenance of the California Recreational Trails System 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.
 - f) Help establish policies, guidelines, and recommendations that assist communities with trail development for ecotourism purposes.
- 5) Expand the list of recreational activities for which improvements may be undertaken within state parks to include biking.
- 6) Make a series of findings and declarations.

ARGUMENTS IN SUPPORT

According to the author, "During the pandemic, our parks and trails were highly utilized as an outlet for stress and connection. This difficult time, put a spotlight on how integral access to outdoor spaces are to our overall well-being. Despite some modest federal

and state investments in the past, we have not funded infrastructure improvements in our trails systems. This bill would require regular updates to the California Recreational Trails System Plan and that these updates be reported to the Legislature.”

ARGUMENTS IN OPPOSITION: None received.

COMMENTS

2013 sunset of California Recreational Trails Committee 2013. Originally, CRTA included the California Recreational Trails Committee (committee) to assist with implementation of the trails plan. The 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 committee included:

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

The committee’s 2012 self-evaluation report completed prior to the 2013 statutory sunset indicated the committee’s only remaining relevant statutory duty was advising the director on the preparation and maintenance of the trails plan. The report indicated the committee had been useful in helping to prepare the biennial progress reports and had contributed significantly to trail development and management in California. The report also found that the committee’s main strength was providing a public forum to solicit public input during the 2002 update to the trails plan.

AB 955 (Huber, 2012) would have extended the sunset date of this committee from January 1, 2013 to January 1, 2028. Governor Brown vetoed this bill, stating:

“While the Committee originally intended to provide opportunities for stakeholder participation on trail plans and issues, it did not meet for two years prior to 2011 and currently only plans to hold one meeting annually. In an effort to streamline state government and retain public participation, I have signed AB 1478 which reconstitutes the make-up of the State Park and Recreation Commission.

I ask the 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.”

Given the veto, the committee sunset in 2013.

This bill would grant many of the committee’s authorities to the State Park and Recreation Commission (particularly the first two from the list above). Granting trails duties to this commission would align with the prior Governor’s direction on this issue and would appear to be a reasonable and appropriate expansion of that commission’s

authorities. It would also provide a more permanent and regular forum for public input on trails issues.

Committee amendments. Staff recommends amendments to clean up obsolete provisions of the CRTA and to make other minor, technical, conforming, and non-substantive changes to CRTA. *See Amendment 1.*

Biking in state parks. This bill would expand the list of recreational activities for which improvements may be undertaken within units of the state park system classified as “state parks” to include biking. This is an inappropriate expansion for these types of parks. Unlike state recreational areas, which are specifically selected for having terrain capable of withstanding extensive human impacts, the purpose of state parks is to preserve outstanding natural, scenic, and cultural values and native species. Improvements can be made in these parks to make the areas available for public enjoyment and education, like hiking and horseback riding, so long as the improvements are consistent with the preservation of the park’s natural, scenic, cultural, and ecological values and the improvements do not involve no major modification of lands, forests, or waters. By definition, state parks do not have the terrain to withstand more intensive human impacts, like from biking.

Committee amendment. Given the concerns raised above, staff recommends removing this expansion. *See Amendment 2.*

SUGGESTED AMENDMENTS

AMENDMENT 1

5070.3. Unless the context otherwise requires, the following definitions shall govern construction of this article:

(a) “Affirmative access area” means an area of already existing disability access improvements along a heritage corridor.

~~(b) “Committee” means the California Recreational Trails Committee.~~

~~(c)~~(b) “Heritage corridor” means a regional, state, or nationwide alignment of historical, natural, or conservation education significance, with roads, state and other parks, greenways, or parallel recreational trails, intended to have guidebooks, signs, and other features to enable self-guiding tourism, and environmental conservation education along most of its length and of all or some of the facilities open to the public along its length, with an emphasis on facilities whose physical and interpretive accessibility meet “whole-access” goals.

~~(d)~~(c) “Heritage corridors access map” means a 1:500,000 publicly distributed map combining listings and locations of parks, trails, museums, and roadside historical and natural access points, including disability and interpretive access data, along designated heritage corridors.

~~(e)~~(d) “Plan” means the California Recreational Trails System Plan.

~~(f)~~(e) “System” means the California Recreational Trails System.

~~(g)~~(f) “Whole-access” means a general level of trail and human accessibility that includes not only disabled persons but all others making up the “easy-access” majority of the public. This level of accessibility may also benefit from amplified concepts of natural terrain accessibility and cooperation with volunteer and nonprofit accessibility groups.

5070.7. ~~(a)~~ The director shall cause to be prepared, ~~and continuously maintained,~~ a comprehensive plan for the development and operation of a statewide system of recreation trails. The plan, which shall be titled the California Recreational Trails System Plan, shall:

~~(1)(a)~~ Assess the present and future demand for trail-oriented recreation uses.

~~(2)(b)~~ Recommend an integrated and interconnecting system of trail routes designed to provide a wide range of recreational opportunities and to ensure access and linkage to scenic, natural, historic, and recreational areas of statewide significance.

~~(3)(c)~~ Recommend priorities for funding to improve and expand nonmotorized natural surface trails, trail networks, greenway corridors, and other nonmotorized infrastructure that promote either new or alternate access to parks, waterways, outdoor recreational pursuits, and forested or other natural environments.

~~(b) (1) Notwithstanding Section 5073, on or before January 1, 2024, the director shall prepare and provide to the Legislature a full update of the plan. The plan shall be submitted to the Legislature in compliance with Section 9795 of the Government Code.~~

~~(2) The requirement to submit a report established pursuant to this subdivision shall become inoperative on January 1, 2028, pursuant to Section 10231.5 of the Government Code.~~

5071.5. In the preparation of the an update to the plan, the director shall actively seek participation of other units of state government and of appropriate federal, regional, and local agencies.

5072. Upon preparation of a ~~proposed~~ an update to the plan, the director shall hold at least four public hearings in different geographical regions of the state to solicit views of the public and interested private groups and governmental agencies on the goals, policies, and proposals of the update to the plan.

~~5072.5. The director shall consider any advice offered by the Legislature, and, after considering such advice and making such modifications in the proposed plan as the director deems appropriate, shall complete and formally transmit the plan to appropriate federal and state agencies, and to concerned cities, counties, and districts throughout the state.~~

5072.7. Following completion an update of the plan as provided in Section ~~5072.5~~ 5073, all state agencies and departments whose operations are affected by, or related to, the goals, policies, and proposals of the update to the plan shall utilize the update to the plan as a guide in their operations.

~~5073. The plan shall be continuously reviewed, revised, and updated by the director.~~

(a) On or before January 1, 2024, the director shall prepare and provide to the Legislature a full update of the plan.

(b) Following the update to the plan pursuant to subdivision (a), the director shall periodically review, revise, and update the plan and provide a copy of the update to the Legislature.

(c) Every three years following completion of an update to the plan pursuant to Section 5072.5 this section, the director shall submit a report to the Legislature

describing progress in carrying out the plan and recommending additional routes or other modifications in the system as the director determines are necessary or desirable.

(d) A report or plan submitted to the Legislature pursuant to this section shall be submitted in compliance with Section 9795 of the Government Code.

(e) Following an update to the plan pursuant to this section, the department shall post the plan on the department's website.

~~5075. Following review of the plan by the Legislature as provided in Section 5072.3, the director shall prepare a list of recommended priority system projects for the system. Projects recommended for funding during each fiscal year shall be submitted to the Governor for consideration for inclusion in the Budget Bill. When acquisition of private lands for state trail purposes is proposed, the director shall provide information supporting the necessity for such acquisition, including verification that there is no feasible alternative to the proposed acquisition, and that the proposed acquisition would be an essential part of the system, to the Governor and to any standing committee of the Legislature that requests such information. No funds, whether derived from gift, donation, grant-in-aid, or other source, shall be utilized by the director for state acquisition of private property in connection with the system unless appropriated by the Budget Bill.~~

AMENDMENT 2

Strike section 3 from the bill.

SUPPORT

None received.

OPPOSITION

None received.

-- END --