

Date of Hearing: April 18, 2023

ASSEMBLY COMMITTEE ON WATER, PARKS, AND WILDLIFE
Rebecca Bauer-Kahan, Chair
AB 411 (Bennett) – As Amended March 16, 2023

SUBJECT: California Recreational Trails and Greenways Act

SUMMARY: Establishes the California Recreational Trails and Greenways Act for increasing access to recreational trails. Specifically, **this bill:**

- 1) Requires the Department of Parks and Recreation (State Parks) establish the California Recreations Trails and Greenways Program (Program) to award competitive grants on a biennial basis for new, expanded, or improved public access opportunities through non-motorized recreational trail creation, improvement, enhancement, and restoration projects.
- 2) Creates the California Recreations Trails and Greenways Fund (Fund).
- 3) Specifies, to the extent consistent with state and federal law, moneys that shall be deposited in the Fund as follows:
 - a) 50% of federal Recreational Trails Program (RTP) funding, upon appropriation by the Legislature,
 - b) 25% of the federal Land and Water Conservation Fund (LWCF) Act of 1965, upon appropriation by the Legislature, and
 - c) To the extent consistent with Proposition 68, any moneys that become available for allocation by State Parks from a specified section of the proposition.
- 4) To the extent consistent with Proposition 117, State Parks is encouraged to allocate 50% of a specified section of the proposition.
- 5) In awarding the grants, State Parks shall:
 - a) Endeavor to fund multibenefit, multiuse, natural surface trails.
 - b) Promote trails and trail infrastructure that minimize the impacts of human and natural ecosystem interface.
 - c) Ensure at least 35% of the moneys awarded pursuant to the program benefit disadvantaged communities.
- 6) Allows State Parks to create a loan or grant process for advanced payment and match assistance to reduce barriers to participation in the Program.
- 7) Makes legislative findings and declarations regarding the benefit of trails.

EXISTING LAW:

- 1) Establishes State Parks within the California Natural Resources Agency (CNRA), which is under the control of the Director of State Parks (PRC § § 500 *et seq.*).
- 2) 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).
- 3) Requires the Director of State Parks 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) Describe policies, standards, and criteria in acquiring, developing, operating, and maintaining land and water trails and areas as part of the system. Specify standards and criteria in providing facilities, as specified, to complement trail routes and areas (PRC § 5071.3).
- 4) 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).
- 5) Makes \$30 million available to CNRA, working in cooperation with State Parks, for competitive grants to provide non-motorized 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 (Proposition 68, PRC § 80080).
- 6) Determines the apportionment of funds received from the Land and Water Conservation Act of 1965 (PRC § 5099.12).
- 7) Makes \$2 million available to State Parks for 50% matching grants to meet the purposes of Proposition 117 and for the acquisition of urban trails and other programs that bring urban

residents into park and wildlife areas, among other things (Fish and Game Code § 2786, § 2787).

FISCAL EFFECT: Unknown. This bill is keyed fiscal.

COMMENTS:

- 1) **Purpose of this bill.** AB 411 establishes the Program and collects moneys from various funds in a new Fund to be used for the purpose of the Program. 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 establish funding for recreational trail improvements grants so all Californians can receive the benefits of outdoor activities.”
- 2) **Background.** According to surveys conducted by the Outdoor Industry Association, 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. In 2021, 54% of Americans (164.2 million people) ages 6 and over participated in outdoor recreation at least once—the highest number of participants on record. Additionally, 6.8 million Americans, a record number, tried outdoor recreation for the first time in 2021.

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 280 state park units, covering 1.3 million acres, over 340 miles of coastline, 970 miles of lake and river frontage, 15,000 campsites, 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 contain 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.

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. To be considered “multi-use”, a trail must be designated for cyclists, equestrians, and pedestrians according to the State Parks Trails Handbook. The Trails Handbook also recognizes that when all of these groups share the same trail, not all of the design needs and expectations can be met. Multi-use trail design and construction represent a compromise between the different groups and this compromise can

often result in less user satisfaction and greater difficulty in the design and construction of a sustainable trail.

California Regional Trails Act. In 1974, the California Recreational Trails Act (CRTA) 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. 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. The 2011 update 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. AB 1789 (Bennett), Chapter 522, Statutes of 2022, requires State Parks to prepare a full update of the trails plan by January 1, 2024.

Office of Grants and Local Services (OGALS). Major funding sources for OGALS grants have been statewide park, water, and natural resources bond measures, when available. Among many other smaller programs, OGALS administers annual LWCF funds from the National Park Service, the Habitat Conservation Fund (\$2 million/year), and RTP (up to \$4 million, depending on Congressional action).

Recreations Trails Program. Approximately \$1.7 million is available annually statewide for grants for non-motorized recreational trails and trails-related projects through the federally funded RTP, which is administered by the Federal Highway Administration (see Figure 1). Grants are made to local governments and nonprofit organizations with management responsibilities over public lands to acquire and develop recreational trails. 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. According to U.S. Code Title 23 Section 206 regarding the recreational trails program, 30% of these funds must be used for motorized trails. In 2022, State Parks recommend \$4.68 million in RTP funding for seven local non-motorized trail projects.

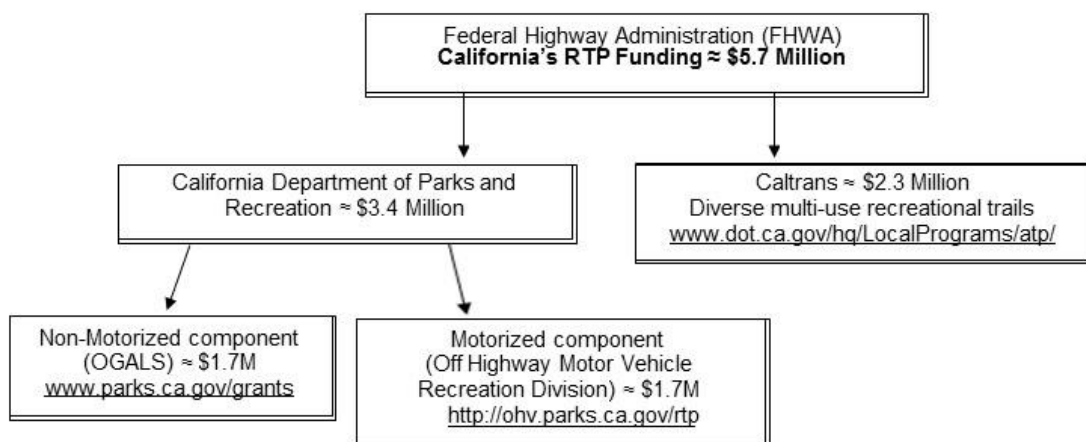


Figure 1. RTP funding breakdown for California for Federal fiscal years 2016 through 2020. (source: https://www.parks.ca.gov/?page_id=24324)

The Active Transportation Program (ATP) was created through budget action by SB 99 (Committee on Budget and Fiscal Review, Chapter 359, Statutes of 2013) and AB 101 (Committee on Budget, Chapter 354, Statues of 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 (Beall, Chapter 5, Statutes of 2017) stipulates that \$100 million of revenues from the Road Maintenance and Rehabilitation Account be made available annually to the ATP. 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.

Since its inception, the ATP has funded over 800 active transportation projects across the state benefiting both urban and rural areas. More than 400 of the funded projects are Safe Routes to Schools projects and programs that encourage a healthy and active lifestyle throughout students' lives. In addition, every funding cycle has seen more than 85% of funds going towards projects that will benefit disadvantaged communities throughout the state.

According to the California Transportation Commission (CTC), the ATP is incredibly oversubscribed and cannot meet all of the State's needs. However, the CTC and California Department of Transportation have generated a list of 15 other funds that may be used for similar purposes.¹

Land and Water Conservation Fund Act. The federal LWCF grants provide funding for the acquisition or development of land to create new outdoor recreation opportunities for the health and wellness of Californians. Since 1965, over one thousand parks throughout California have been created or improved with LWCF assistance. The Statewide Comprehensive Outdoor Recreation Plan is developed by State Parks OGALS and is the primary tool for prioritizing the LWCF.

¹ Funding Elements that may include active transportation elements. <https://catc.ca.gov/-/media/ctc-media/documents/programs/atp/2020/funding-programs-that-fund-active-transportation-a11y.pdf>

Of the annual apportionment of LWCF grants, 40% is used for state agency projects. Of that 40%, 60% is allocated to State Parks, 35% to the Wildlife Conservation Board or the Department of Fish and Wildlife, and 5% to the Department of Water Resources (PRC § 5099.12) (see Figure 2). In 2022, State Parks recommended 16 local park projects for a total of \$45 million in LWCF grants, after evaluating \$116 million in requests.

California's Public Resources Code 5099.12 Percentages Flow Chart
Using FFY 2021 Funding Certificate as an Example

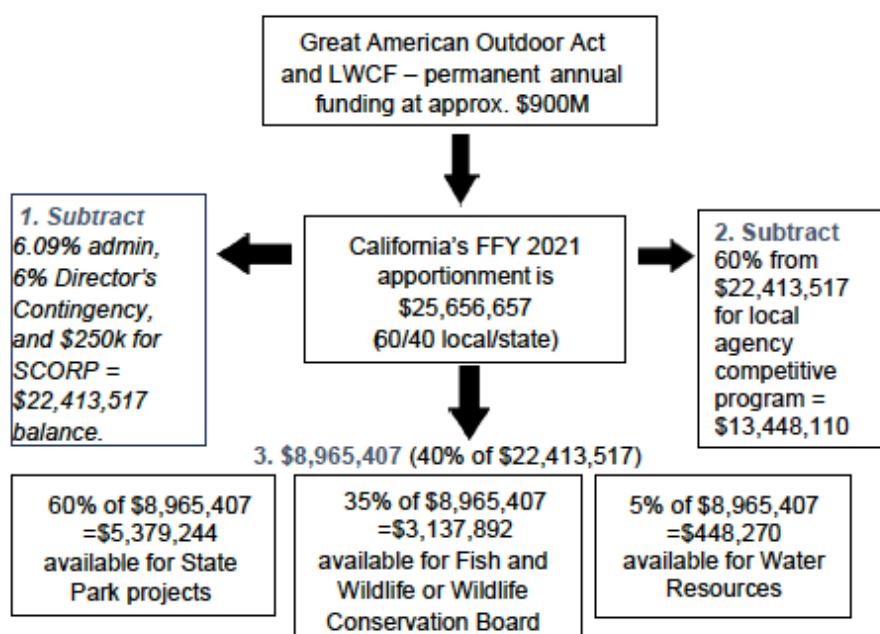


Figure 2. LWCF funding breakdown for California for Federal fiscal year 2021. (source: https://www.parks.ca.gov/?page_id=30240)

Proposition 68. In 2018, Proposition 68 (the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018) created the Trails and Greenways Program administered by CNRA and contained \$30 million for trail investments through the program. Grant applications from 2020 exceeded the amount of available funds with \$400 million in requests. According to the CNRA Bond Accountability website, there is a remaining balance of \$32,000 for Trails and Greenway Investment and \$639,000 in the Investments in Protecting, Enhancing, and Accessing California’s Local and Regional Outdoor Spaces.

Proposition 117. Proposition 117 (the 1990 California Wildlife Protection Act) creates the Habitat Conservation Fund and requires the moneys in the fund to be used for specified purposes generally relating to the acquisition, enhancement, or restoration of wildlife habitat, including \$2 million annually for 50% matching grants to local agencies for projects meeting specified purposes and, additionally, for the acquisition of wildlife corridors and urban trails, nature interpretation programs, and other programs that bring urban residents into park and wildlife areas. A 2019 trailer bill continued the \$30 million annual allocation into the Habitat Conservation Fund until 2030 (SB 85, Chapter 31, Statutes of 2019).

Equity. This bill requires that at least 35% of the funds be spent on the development of trails that will benefit disadvantaged communities. This bill also allows State Parks to create a process for providing advanced payments, which is intended to increase access to funding as LWCF requires a 50% match.

- 3) **Policy considerations.** Although outside this committee’s jurisdiction, this bill is altering funding destinations. U.S. Code requires that 30% of the RTP moneys be used for motorized trails, which is accomplished through allocation to the Off-Highway Motor Vehicle Division. State Parks is currently allocated 30% of RTP moneys for non-motorized recreation. This bill calls for 50% of RTP moneys received by the state to be deposited into the Fund. In order to accomplish this, moneys would inevitably need to be reallocated from the ATP. Additionally, it is unclear if state funding from LWCF may be reallocated to achieve the 25% appropriation that would be required by this bill.
- 4) **Arguments in support.** Numerous organizations write in support of this bill and the need to secure funds for trail investment in response to the elimination of \$35 million for trails improvement in the Governor’s January budget proposal. They also claim that millions of dollars of trail improvement is especially needed this year as “historic rainfall has ravaged the state, resulting in catastrophic floods and landslide incidents ... [and] ... to complicate matters, increased trail use by all users over the last three years are exacerbating trail health issues and increasing annualized costs for trail maintenance.”
- 5) **Related legislation.** AB 1212 (Hart), of this legislative session, would enact the California Scenic Bikeways and Trails Act, which would require State Parks to establish a scenic bikeway network under specified criteria in selecting and designing scenic bikeway routes.

AB 1789 (Bennett), Chapter 522, Statutes of 2022, requires the California Recreational Trails System Plan to include recommended priorities for funding to improve and expand, among other things, non-motorized natural surface trails.

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) of 2019, would have established the Office of Outdoor Recreation 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 955 (Huber), of 2011–12, 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

Access4bikes
Bear Yuba Land Trust
Bicycle Trails Council of The East Bay
California Mountain Biking Coalition
California Outdoors Recreation Partnership
California Park & Recreation Society
Concerned Off-road Bicyclists Association
County of Nevada
County of Placer
Eastern Sierra Land Trust
Feather River Land Trust
Mammoth Lakes Trails and Public Access Foundation
Marin County Bicycle Coalition
Outdoor Alliance California
People for Bikes
Placer Land Trust
Santa Cruz Mountains Trail Stewardship
SF Urban Riders
Sierra Business Council
Sierra Club California
Sierra County Land Trust
Sierra Foothill Conservancy
Sierra Nevada Alliance
Tahoe Area Mountain Biking Association
Tahoe City Public Utility District
The San Diego Mountain Biking Association
Truckee Donner Land Trust

Opposition

None on file

Analysis Prepared by: Stephanie Mitchell / W., P., & W. / (916) 319-2096