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AB-1789 Outdoor recreation: California Recreational Trails System Plan. (2021-2022)

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Assembly Bill No. 1789

CHAPTER 522

An act to amend Sections 5070.3, 5070.7, 5071.5, 5072, 5072.7, 5073, and 5075 of, and to repeal Section 5072.5 of, the Public Resources Code, relating to outdoor recreation.

[Approved by Governor September 25, 2022. Filed with Secretary of State September 25, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1789, Bennett. Outdoor recreation: California Recreational Trails System Plan.

Existing law establishes within the Natural Resources Agency the Department of Parks and Recreation, which is under the control of the Director of Parks and Recreation. Existing law requires the director to cause to be prepared, and continuously maintained, 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. Existing law requires the plan to be continuously reviewed, revised, and updated by the director. Existing law requires the director to submit a report every 2 years to the Legislature describing the progress in carrying out the plan, as provided.

This bill would require the plan to include recommended priorities for funding to improve and expand, among other things, nonmotorized natural surface trails, as provided. The bill would require the director, among other things, on or before January 1, 2024, to prepare and provide to the Legislature a full update of the plan. The bill would instead require the director to submit a report every 3 years following an update to the plan to the Legislature describing the progress in carrying out the plan, as provided. The bill would make other changes regarding the plan and the updates to the plan.

Existing law requires the director to prepare a list of recommended priority system projects for the state park system. Existing law requires projects recommended for funding during each fiscal year to be submitted to the Governor for consideration for inclusion in the Budget Bill. When acquisition of private lands for state trail purposes is proposed, existing law requires the director to provide information supporting the necessity for that acquisition to the Governor and to any standing committee of the Legislature that requests that information, as provided.

This bill would delete these provisions.

This bill would also make nonsubstantive changes and delete obsolete provisions.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) Until January 1, 2013, California had a California Recreational Trails Committee.

(b) Due in large part to the COVID-19 pandemic and the fundamental human need to interact with people and nature, the popularity of California's nonmotorized natural surface recreation trails exploded over the past two years.

(c) Nonmotorized recreation trails are the venues of choice for diverse outdoor activities, including hiking, mountain and gravel biking, trail running, equestrian use, and passive nature experience.

(d) According to the Outdoor Industry Association, trail activities are the most popular form of outdoor engagement in the country, yet California spends less than \$3 million per year on nonmotorized natural surface trail enhancements through federally funded programs.

(e) Several strategy documents produced by Governor Gavin Newsom's administration to combat climate change and promote resilient landscapes, including the "Pathways to 30x30" draft document, which emphasizes the need for sustainable and equitable recreation and trail investments, will help to facilitate this objective.

(f) In an effort to combat wildfire through the joint management of lands, California and the United States Forest Service entered into the "Agreement for Shared Stewardship of California's Forests and Rangelands" wherein this agreement calls for a shared vision around access and diversity that includes "increasing accessible trails and targeting low-income communities that lack access."

(g) To further promote the multibenefit element of climate and resiliency investments, California should further explore opportunities that feature the incorporation of new trails and trail corridors in future risk reduction buffers and shaded fuel break projects.

(h) According to the Outdoor Industry Association, California's outdoor economy is one of the state's primary economic drivers, contributing nearly \$100 billion annually in goods and services to the financial health of the state, and trail infrastructure is a critical component to this sector's level of success.

(i) Through the enactment of Proposition 68, as approved at the June 5, 2018, statewide direct primary election, and the 2021–22 state budget, California has seen an infusion of resources for nature-based investments to accelerate the pace and scale of climate resiliency and public access projects.

(j) While the state has recently made a substantial commitment to outdoor programming, this investment is incongruous with the level of investment in trails infrastructure, which are the primary means to connect people and programs to nature, and California needs to establish a sustainable state-specific funding source to keep up with trail demand.

(k) To underscore the demand for funding in this area, during a recent grant cycle to secure awards relating to trails and greenway corridors, there were more than \$300 million in funding requests but there was only \$27 million available pursuant to Proposition 68, as approved at the June 5, 2018, statewide direct primary election.

SEC. 2. Section 5070.3 of the Public Resources Code is amended to read:

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) "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.

(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.

(d) "Plan" means the California Recreational Trails System Plan.

(e) "System" means the California Recreational Trails System.

(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.

SEC. 3. Section 5070.7 of the Public Resources Code is amended to read:

5070.7. The director shall cause to be prepared 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 do all of the following:

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

SEC. 4. Section 5071.5 of the Public Resources Code is amended to read:

5071.5. In the preparation of 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.

SEC. 5. Section 5072 of the Public Resources Code is amended to read:

5072. Upon preparation of 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.

SEC. 6. Section 5072.5 of the Public Resources Code is repealed.

SEC. 7. Section 5072.7 of the Public Resources Code is amended to read:

5072.7. Following an update of the plan as provided in Section 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 use the update to the plan as a guide in their operations.

SEC. 8. Section 5073 of the Public Resources Code is amended to read:

5073. (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 an update to the plan pursuant to 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 internet website.

SEC. 9. Section 5075 of the Public Resources Code is amended to read:

5075. No funds, whether derived from gift, donation, grant-in-aid, or other source, shall be used by the director for state acquisition of private property in connection with the system unless appropriated by the Budget Bill.