

Date of Hearing: April 8, 2024

**ASSEMBLY COMMITTEE ON TRANSPORTATION**

Lori D. Wilson, Chair

AB 2869 (Friedman) – As Amended April 2, 2024

**SUBJECT:** Department of Transportation: trail access: infrastructure projects

**SUMMARY:** Requires the Department of Transportation (Caltrans) to mitigate the impact of infrastructure projects on safe access to parks and recreational areas and trails.

**EXISTING LAW:**

- 1) Defines “maintenance” to include any of the following:
  - a) The preservation and keeping of right of ways, and each type of roadway, structure, safety convenience or device, planting, illumination equipment, and other facility, in the safe and usable condition to which it has been improved or constructed, but does not include reconstruction or other improvement;
  - b) Operation of special safety conveniences, devices, and illumination equipment;
  - c) The special or emergency maintenance or repair necessitated by accidents or by storms or other weather conditions, slides, settlements, or other unusual or unexpected damage to a roadway, structure, or facility; and,
  - d) The degree and type of maintenance for each highway, or portion of highway, shall be determined in the discretion of the authorities charged with the highway’s maintenance. (Streets and Highways Code (SHC) Section 27)
- 2) Allows Caltrans to do any act necessary, convenient or proper for the construction, improvement, maintenance or use of all highways which are under its jurisdiction, possession or control. (SHC Section 92)
- 3) Allows Caltrans to construct and maintain detours as necessary to facilitate movement of traffic where state highways are closed or obstructed by construction or otherwise. (SHC Section 93)
- 4) Allows Caltrans to construct and maintain detours where state highways are closed or obstructed by construction, and allows Caltrans to use any other public highway as a detour. (Vehicle (VEH) Code Section 21363)
- 5) Requires Caltrans to restore the highways to its former condition, upon completion of the use and upon request of the local agency having jurisdiction over the highway. (VEH Section 21363)

**FISCAL EFFECT:** Unknown

**COMMENTS:** Caltrans owns or controls 350,000 acres of right-of-way and maintains 15,133 centerline miles of highway and 13,063 state highway bridges. Caltrans also inspects more than 12,200 local bridges.

California has more than 400 trails covering over 2,500 miles maintained by the state and local level. California trail corridors form a statewide trail system that links mountain, valley and coastal communities to recreational, cultural and natural resources throughout the state. Designated trail corridors provide trail management agencies with an incentive to improve corridors of statewide importance in their own communities and to connect local and regional trails to this extensive network.

This bill seeks to require Caltrans to mitigate the impact of infrastructure projects on access to parks and trails. This bill defines “infrastructure projects” as new or existing infrastructure funded or maintained by the department. This bill defines “users of existing trails” to include pedestrians, cyclists, and equestrians. This bill defines “trail” as any paved or natural surface path that is utilized for human passage; inclusive of multi-use, equestrian, cyclist, and pedestrian designations.

To be considered “multi-use,” a trail must be designated for cyclists, equestrians, and pedestrians. Trails that allow cyclists and pedestrians or trails that allow equestrians and pedestrians are not considered “multi-use”. Multi-use trails are designed to accommodate a variety of user groups on the same trail.

*Committee comments:* Current law requires Caltrans to maintain travel flow on existing roads when constructing and maintaining transportation infrastructure projects. However, it is unclear if Caltrans is responsible for mitigating the impacts of its projects on access to parks and trails. Some projects may be subject to the California Environmental Quality Act (CEQA), which would require mitigation of a physical change in the environment.

*According to the author,* “Safe trail access to parks and recreational areas is vital to support healthy and equitable communities. Across California, highway systems have deprived communities of safe access to trails, parks and recreational spaces, particularly in underserved communities. AB 2869 is needed to address areas where access to parks and recreational spaces has been limited due to highway systems and infrastructure projects.

AB 2869 would require the Department of Transportation to be responsible for maintaining existing trails and trail access to parks and recreational areas if they are impacted by infrastructure. This bill would encourage equitable access to trails, parks and recreational spaces and provide the opportunity to retroactively correct some of these faults by building or restoring trail access that has previously been limited by the highway systems.”

*In support,* the California Park and Recreation Society writes, “Providing safe and predictable access through existing trails and rights-of-ways are critically important to many urbanized communities that experience park and recreation space scarcity and have identified active transportation or natural surface trails corridor infrastructure to facilitate convenience of access and mode shift.”

*Previous legislation.* SB 1 (Beall), Chapter 5, Statutes of 2017 increased several taxes and fees to raise the equivalent of roughly \$52.4 billion over ten years in new transportation revenues and makes adjustments for inflation every year; directed the funding to be used towards deferred maintenance on the state highways and local streets and roads, and to improve the state's trade corridors, transit, and active transportation facilities.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

California Mountain Biking Coalition  
California Park & Recreation Society  
California Trails Foundation  
Mid-Peninsula Regional Open Space District

**Opposition**

None on file

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