

Assembly Bill No. 1396

CHAPTER 375

An act to amend Sections 14012 of, and to add Section 65080.1 to, the Government Code, and to amend Section 31408 of the Public Resources Code, relating to coastal resources.

[Approved by Governor October 10, 2007. Filed with
Secretary of State October 10, 2007.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1396, Laird. California Coastal Trail.

(1) Existing law authorizes the Legislature to transfer excess specified coastal zone property to specified agencies, including the State Coastal Conservancy, under specified circumstances.

This bill would require the Department of Transportation, for the purposes of existing law, to notify specified agencies on a quarterly basis, including the State Coastal Conservancy, of excess property.

(2) Existing law requires designated transportation planning agencies to prepare and adopt a regional transportation plan that includes a policy element, an action element, and a financial element. The plan is required to be directed at achieving a coordinated and balanced regional transportation system.

This bill would require those transportation planning agencies, whose jurisdiction includes a portion of the California Coastal Trail or property designated for the coastal trail, as specified, to coordinate with specified agencies regarding development of the coastal trail, and to include provisions for the coastal trail in their regional transportation plans. Because the bill thereby would increase the duties of local agencies, it would impose a state-mandated local program.

(3) Existing law requires the State Coastal Conservancy, in consultation with the Department of Parks and Recreation and the California Coastal Commission, to coordinate the development of the California Coastal Trail.

The bill would require the conservancy to also consult with the Department of Transportation in coordinating development of the coastal trail.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

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

(a) The California Coastal Act of 1976 required local jurisdictions to identify an alignment for the California Coastal Trail in their local coastal plans to be, ideally, continuous and located along the shoreline.

(b) In 1999, the Governor designated the California Coastal Trail as California's Millennium Legacy Trail.

(c) In 1999, the White House Millennium Trail Council encouraged federal agencies to assist in the development of the California Coastal Trail.

(d) Assembly Concurrent Resolution 20 of the 2001–02 Regular Session declared the California Coastal Trail to be an official state trail and urged the State Coastal Conservancy and the California Coastal Commission to work collaboratively to complete the trail.

(e) Senate Bill 908 of the 2001–02 Regular Session required the State Coastal Conservancy, in consultation with the Department of Parks and Recreation and the California Coastal Commission, to coordinate the development of the California Coastal Trail.

(f) Senate Bill 908 authorized the State Coastal Conservancy to award grants and provide assistance to public agencies and nonprofit organizations to establish and expand inland trail systems that may be linked to the California Coastal Trail. Division 21 (commencing with Section 31000) of the Public Resources Code expresses the Legislature's intent that the State Coastal Conservancy have a principal role in the implementation of a system of public accessways to and along the state's coastline, and provides authority to the State Coastal Conservancy to award grants to public agencies and nonprofit organizations to acquire land, or any interest therein, or to develop, operate, or manage lands for public access purposes to and along the coast, on terms and conditions as the State Coastal Conservancy specifies.

(g) Senate Bill 908 directed state entities with property interests or regulatory authority in coastal areas, to the extent feasible, and consistent with their individual mandate, to cooperate with the State Coastal Conservancy with respect to planning and making lands available for completion of the California Coastal Trail.

(h) Senate Bill 908 directed that the California Coastal Trail be developed in a manner that demonstrates respect for property rights and nearby residential uses, and consideration for the protection of the privacy of adjacent property owners.

SEC. 2. Section 14012 of the Government Code is amended to read:

14012. (a) The director may sell or lease excess right-of-way parcels to municipalities or other local agencies for public purposes, and may accept as all or part of the consideration for such sale or lease any substantial benefits the state will derive from the municipality or other local agency's undertaking maintenance or landscaping costs that would otherwise be the obligation of the state.

(b) For the purposes of Section 9 of Article 19 of the California Constitution, the department shall notify, on a quarterly basis, the State

Coastal Conservancy, the Department of Parks and Recreation, the Wildlife Conservation Board, and the Department of Fish and Game of excess property.

SEC. 3. Section 65080.1 is added to the Government Code, to read:

65080.1. Each transportation planning agency designated under Section 29532 or 29532.1 whose jurisdiction includes a portion of the California Coastal Trail, or property designated for the trail, that is located within the coastal zone, as defined in Section 30103 of the Public Resources Code, shall coordinate with the State Coastal Conservancy, the California Coastal Commission, and the Department of Transportation regarding development of the California Coastal Trail, and each transportation planning agency shall include provisions for the California Coastal Trail in its regional plan, under Section 65080.

SEC. 4. Section 31408 of the Public Resources Code is amended to read:

31408. (a) The conservancy shall, in consultation with the Department of Parks and Recreation, the California Coastal Commission, and the California Department of Transportation, coordinate the development of the California Coastal Trail.

(b) To the extent feasible, and consistent with their individual mandates, each agency, board, department, or commission of the state with property interests or regulatory authority in coastal areas shall cooperate with the conservancy with respect to planning and making lands available for completion of the trail, including constructing trail links, placing signs and managing the trail.

SEC. 5. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.