

AGENDA
REGULAR MEETINGS
BOARD OF DIRECTORS

EAST BAY REGIONAL PARK DISTRICT

Tuesday, August 11, 2015

C. BUSINESS BEFORE THE BOARD

7. BOARD COMMITTEE REPORTS

b. (Board Legislative Committee (2. 20.15)) (Burgis)

The Legislative Committee met at District headquarters on Friday, February 20, 2015.

Present: Directors: Chair Diane Burgis, Whitney Dotson, Dennis Waespi
Staff: Robert E. Doyle, Erich Pfuehler, Carol Victor, Jeff Rasmussen, Dave Collins
Consultants: Doug Houston, Houston Magnani & Associates
Public: Pat O'Brien

I. STATE LEGISLATION / ISSUES

A. NEW LEGISLATION

I. **AB 208 (Bigelow R-O'Neals)** – State Design Criteria for Bikeways

Assembly Member Frank Bigelow represents central, eastern California – Yosemite National Park, Stanislaus National Forest, Madera, etc. The State Department of Transportation currently has safety design criteria for bikeways. Under the minimum safety design criteria and uniform specifications, motorists are now required to provide three feet of space from cyclists when passing. Assembly Member Bigelow is interested in crafting different rules for rural settings.

Advocate Doug Houston referenced the California Bicycle Coalition (CalBike) efforts to enact the “Three Feet for Safety Act” (AB 1371 in 2013) sponsored by the City of Los Angeles. CalBike is currently working with Caltrans to get a sign approved to read “Three Feet – It’s the Law.” The effort means cars need to provide a three foot buffer when passing bicycles on state roadways. Given the geography of Assembly Member Bigelow’s district, he feels some roads are too winding and narrow to safely provide a three foot buffer.

Government Relations and Legislative Affairs Manager Pfuehler stated the East Bay Bicycle Coalition is a member of CalBike. There are certainly parts of the East Bay (both urban and rural) where the three feet rule provides more safety for bicyclists.

Director Burgis wondered about the District’s liability in Tilden. District Counsel Carol Victor stated if you can’t pass safely, then don’t pass.

Houston stated this is mostly a spot bill at this time. Rather than take a position, staff is recommending watching this bill to see if the concept behind AB 208 gains further traction.

The Legislative Committee of the Board voted unanimously to WATCH AB 208.

2. **ACR 18 (Gordon D-Menlo Park) – Parks Make Life Better! Month**

This measure would recognize the importance of access to local parks, trails, open space, and facilities for the health and development of all Californians and would declare the month of July 2015 as "Parks Make Life Better!" Month.

The Legislative Committee of the Board voted unanimously to SUPPORT ACR 18.

B. ISSUES

I. **Park Bond**

Last year, Senator Kevin de Leon (D-Los Angeles) introduced the Safe Neighborhood Parks, Rivers and Coastal Protection Bond Act of 2014, SB 1086, as a placeholder for a new state park bond. While it passed the Senate Appropriations Committee in May 2014, it stalled in lieu of the legislature's debate over the water bond. Since that time, Senator de Leon has been elected by his colleagues as Pro Tempore of the State Senate.

Pfuehler mentioned Senator de Leon wrote the criteria for the Prop. 84 grant program which did not benefit the District.

Houston has been in communication with the Pro Tempore's office about re-introducing the park bond. While he has had no success in modify the Prop. 84 criteria, he has been able to include a regional parks grant program as part of the next bond. Houston commented there will be a final draft in late February, as the deadline to introduce legislation is February 27.

Pfuehler commented it is important to talk to colleagues positively about the park bond, and the strong potential for it to pass. General Manger Robert E. Doyle said it is an important role for Directors to speak positively about the park bond with other elected officials.

Director Waespi asked if there would be an impact to the park bond if Measure CC is on the same ballot. He wondered if voters would be less inclined to vote for CC if there is also the park bond on the ballot. Doyle stated the District has done some preliminary general polling on Measure CC, but a second more detailed poll will ask that question.

Burgis asked about other possible statewide bonds and polling. Pfuehler mentioned the District was working on a question for the statewide Field Poll.

Pfuehler added some specific items important for the Bay Area, which may currently have less emphasis for the Pro Tempore are: Per Capita, the Bay Program of the Coastal Conservancy, compensation to agencies who have been operating state parks and the Recreational Trails program.

2. **Cap and Trade Revenue**

Houston reported in last year's budget there was \$850 million in carbon auction revenues. The Legislature and Administration haggled over the award of these funds to specific projects which reduce GHG and carbon. Of the \$850 million, about 60% is earmarked for certain projects that will be ongoing for the next several years. One such project is High Speed Rail. The other 40% is subject to review by the legislature and a two-year appropriations cycle. Of those funds, a very small amount became available for what's called natural resources related projects. Those projects could be acquisition of land, urban landscaping, tree planting, non-motorized trails and active transportation. A very small percentage of the \$850 million, possibly \$40-\$50 million, will be available the next two years for projects. The Legislative Analyst's Office (LAO)

is projecting Cap and Trade will generate twice as much as the Governor has budgeted. The Governor anticipates about \$1 billion and the LAO projects it to be \$2 billion. Houston is working with a number of coalitions to increase the funding for natural resource related projects including park improvements. As of now, each project has to demonstrate some GHG benefit. Houston believes funding for parks, park improvements and land acquisition can yield a GHG benefit.

Houston stated he is working with an active transportation coalition to increase funding for trails from \$110 million to \$200 million.

Doyle commented the criteria developed under Cap and Trade mandated projects to have a direct carbon reduction benefit, but the Governor bypassed it when he appropriated funding for education and high speed rail. Every year, 25% of Cap and Trade revenue is going toward high speed rail. This was a direct effort by the Governor. Doyle feels eventually park-related resources will be incorporated into Cap and Trade.

Pfuehler stated the District has some pending grants for Cap and Trade funding. Grants Manager Jeff Rasmussen identified three fuels management grants for Cap and Trade. There is \$42 million in Cap and Trade funds allocated to CAL FIRE including some urban forestry projects.

3. Parks Forward

Doyle informed the Board he attended the Parks Forward Commission's somewhat final hearing two weeks ago. It is now focused on the newly-formed Transformation Team which is comprised of State Parks staff and outside consultants. The Transformation Team is looking at the internal re-structuring of State Parks. Doyle met with Steve Szalay, former Alameda County Administrator, hired by the Governor to head up the team. Mr. Szalay is focused on efficiencies and best practices. There is a two-year effort to implement changes within the State Parks system. There are many recommendations for changes structurally, including more varieties of camping, cabins and yurts; and changes in finance practices and computer services. Doyle stated State Parks is behind the times in their internal infrastructure. One of the biggest recommendations is to change the staff promotion system. In the past, staff had to be a peace officer to be promoted to unit manager or superintendent, which reduced the opportunity for other State Parks employees to move up the system. Doyle pointed out the changes needed within State Parks are structural and administrative, not programmatic.

The State Park Foundation has been the key external supporter for State Parks for the last fifty years. The Parks Forward study recommends creating a new foundation for parks in California. Doyle observed it isn't certain how hard the Transformation Team will work on this aspect of the plan, since there are other top priorities to consider.

Doyle commented there will be a joint committee of the Senate and Assembly to discuss State Parks and Parks Forward recommendations. East Bay Regional Park District will provide testimony highlighting that money is needed to repair infrastructure in State Parks.

4. Contract Bidding Limitations – Midpen and Gordon efforts

Houston reported he was approached by Assembly Member Rich Gordon's office to expand the authority of the General Manager to award a contract of up to \$50,000 without a formal bidding process. Currently, the General Manager for all open space districts is limited to

contracts of \$25,000 or less. Gordon's legislation would only raise the limit for the Midpeninsula Regional Open Space District and the East Bay Regional Park District.

Doyle stated this has been a priority for East Bay Regional Park District's Legal Division for a long time, as a lot of money is spent on bid documents for small contracts.

Victor stated this legislation is written to give the District's General Manager the authority to approve contracts up to \$50,000. At issue is the staff time needed to produce Board materials for these small contracts. District Counsel is currently working on quantifying staff time needed to produce Board materials and the time needed for the bid process. District Counsel is also considering incorporating a CPI adjustment into statute.

Waespi asked how many contracts for the District fall between the \$25,000 and \$50,000 level. Grants Manager Jeff Rasmussen stated about 300 a year.

Although legislation hasn't been written yet, staff would like support from the Board to continue working with Midpeninsula Regional Open Space District on this legislation.

The Legislative Committee of the Board voted to support this effort.

II. FEDERAL LEGISLATION / ISSUES

A. NEW LEGISLATION

N/A

B. ISSUES

I. Land and Water Conservation Fund

Doyle provided an overview to the Committee about the history of the District and the Land and Water Conservation Fund (LWCF).

Doyle reported the LWCF is the District's main source of Federal grant funding. The District used to get about one million dollars a year in funding from LWCF. Funding has declined over the years and was zeroed out when Ronald Reagan was President. Under President Clinton, they got close to full funding, but LWCF is chronically underfunded.

Two projects, MLK Regional Shoreline and Miller Knox, received LWCF funding because they were in urban areas. The District was putting a lot of money into urban shorelines and LWCF provided a significant Federal match.

Doyle commented any oil drilling lease on the continental shelf within the United States must pay a fee. That income is the major source of funding for all Federal land. The Bureau of Land Management, Department of Agriculture's forestry division, National Park Service and the U.S. Fish and Wildlife Service all get money for land conservation efforts through LWCF. A percentage of the funding is also supposed to go back to the states for competitive grants. Any grant the District receives from LWCF, even though it's Federal, goes through State Parks. The current Republican sentiment in Congress is to use the funding for maintenance, rather than acquire more federal land.

Pfuehler continued when the legislation was enacted fifty years ago, it capped the amount that could go into the fund at \$900 million, but left it up to every succeeding Congress to decide how much to actually allocate. Throughout its history, only one time was LWCF fully funded.

Congress has routinely reapportioned the money to other pots. The money is already there, it's paid into this account by the gas and oil companies. Congress is basically diverting the money from its intended purpose by moving it out of the LWCF. LWCF funding often ends up at some comprised level. This year the fund will probably end up in the \$300 million range. It has been as low as \$100 million in the not too distant past. The overall authorization of the law expires this year. What usually happens is it will continue on, unless it is challenged. There is a push for a permanent authorization for funding. It was voted on earlier this year and received 62 votes in the Senate. However, the Majority Leader, Mitch McConnell, held the vote open long enough to persuade three Republicans to switch their votes. It was a good sign for the future that there are favorably-inclined votes in the Senate. There is a possibility for a reauthorization, but it will probably be incorporated with other items.

2. Federal Transportation Bill

Pfuehler reported the District was successful in rebranding their paved trail network as an alternate transportation network. The District was able to get a Federal Transportation Investments Generating Economic Recovery (TIGER) grant. That was a turning point for the District to think about easing congestion with a paved trail network. There were, in previous transportation bills, provisions for bicycle trails, Safe Routes to Schools and recreational trails. In the last Congress, two Oklahoma Senators wanted to eliminate all trail funding. Senator Barbara Boxer, who was Chair of the Senate Environment and Public Works (EPW) Committee, brokered a deal to allow trail funding remain in the Federal Transportation bill, but it left it up to the states to decide how they would administer it. The compromise is referred to as the "Transportation Alternatives Program" (TAP). California created an Active Transportation Fund. It has preserved the toehold in the Federal bill that there would be some nexus between trails and transportation.

In this Congress the roles are switched, the Oklahoma Senator is now the Chair, and Barbara Boxer is the Ranking Member. The bill expires May 31st and runs out of money. This is the Transportation bill for the entire country. It is for bridges, roads, overpasses and a new bill must be passed before the deadline.

Doyle continued during the Clinton Administration, the District received \$5 million for acquisition and park money from the Federal Transportation bill. Then it began to get more conservative. This is the number one issue for organizations like Rails-to-Trails, American Hiking Society, a lot of the bicycle groups. It got to the point where states were mandated to spend money on trails. Now states can opt out to not spend money on trails. There are some that would like to remove the mandate completely. The good news is there is probably a body of political support to get a bigger infrastructure bill passed.

The cities, states and a lot of urban mayors are supportive of bike trail systems in urban areas. Big cities also, however, have crumbling road infrastructure that needs funding.

III. PUBLIC COMMENTS

None.

Respectfully submitted:



Erich Pfuehler

Government Relations and Legislative Affairs Manager