



## SACOG Board of Directors

Item #06-6-6  
Consent

June 8, 2006

### Reconfirmation of Board Support of SB 1556 (Torlakson) – The Great California Delta Trail System

**Issue:** Reconfirmation of Board Support of SB 1556 (Torlakson)

**Recommendation:** Reconfirm Board Support of SB 1556 due to the determination that there was not a quorum during the discussion of this item at the May 18, 2006 Board meeting.

**Committee Action/Discussion:** At the SACOG Board Meeting on May 18, an issue arose regarding whether a quorum existed for action by the Board. The specific issue was whether a majority of the Directors representing the member counties were present, as required by the SACOG Joint Powers Agreement (JPA). Since there are eight Directors representing the member counties, five county Directors are required for a quorum of the Board.

In this case, four individual Directors were present: Director Dupray, of El Dorado County, Director Thomson, of Yolo County, and Directors Dickinson and Peters, of Sacramento County.

After reviewing Sacramento County's designation of the Directors during the meeting, SACOG's attorney, Kirk Trost determined that the County made a cross designation of Directors and Alternates. Under this cross designation, the three Directors from Sacramento County also serve as Alternates for each other.

This cross designation of Directors and Alternates also is consistent with the SACOG JPA. Specifically, the JPA provides that when all three Directors from Sacramento County are not present, the three Director votes and Sacramento County's population vote shall be exercised by the Directors present and voting.

Based upon the foregoing provisions and the Board's voting practice, Mr. Trost concluded and advised you that the Board could take action as a quorum. However, upon further review of the JPA and the Board's Bylaws after the meeting, he discovered another provision of the Bylaws that affects his advice. Specifically, he discovered that, notwithstanding the foregoing voting provisions, a provision of the Bylaws provides that a Director also serving as a "cross alternate" for an absent Director shall not be counted for purposes of establishing a quorum of the Board.

Approved by:

Mike McKeever  
Executive Director

MM:KT:ts

AMENDED IN SENATE MARCH 27, 2006

**SENATE BILL**

**No. 1556**

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**Introduced by Senator Torlakson**

(Principal coauthor: Assembly Member Wolk)

**(Coauthors: Senators Chesbro, Machado, and Ortiz)**

(Coauthor: Assembly Member Jones)

February 23, 2006

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~~An act to amend Section 99234 of the Public Utilities Code, and to add Chapter 12 (commencing with Section 5852) to Division 5 of the Public Resources Code, add Chapter 12 (commencing with Section 5852) to Division 5 of the Public Resources Code, and to amend Section 99234 of the Public Utilities Code, relating to parks and recreation, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1556, as amended, Torlakson. Parks: The Great California Delta Trail System.

Existing law establishes the Delta Protection Commission to preserve, protect, maintain, and enhance the Sacramento-San Joaquin Delta region's environmental resources and quality, including preserving and protecting agriculture, wildlife habitats, open spaces, outdoor recreational activities, public access, and use of public lands.

This bill would additionally require the Delta Protection Commission to establish a continuous recreation corridor, including a bicycle and hiking trail, around the perimeter of the Delta, as defined.

Existing law requires local transportation planning agencies to allocate funds *in the local transportation fund, as defined*, for establishing and maintaining pedestrian and bicycle trails, ~~and~~.

*Existing law* authorizes the Metropolitan Transportation Commission to allocate those funds to establish a recreation corridor, including a bicycle and hiking trail, around the perimeter of the San Francisco and San Pablo Bays.

This bill would authorize the transportation planning agencies that allocate those funds to the cities and counties with jurisdiction or a sphere of influence within the Delta, to ~~instead allocate these funds~~ *those funds* to the Delta Protection Commission for specified activities around the Delta.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

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

1 SECTION 1. (a) The Legislature hereby finds all of the  
2 following:

3 (1) The Great California Delta region is a wondrous state and  
4 national treasure, with its natural resources and fertile soils for  
5 agriculture, its access to recreation and science research, and its  
6 rich history and beauty.

7 (2) The California Delta provides two-thirds of the state's  
8 drinking and irrigation water, ~~which~~ *that* flows through the  
9 Delta's over 1,000 miles of waterways, levees, and shoreline.

10 (3) The California Delta is of great ecological significance,  
11 with its two most prominent waterways, the Sacramento and the  
12 San Joaquin Rivers, carrying fresh water from the Sierra Nevada  
13 Range and the Central Valley to the San Francisco Bay.

14 (4) The California Delta is a key part of the Pacific Flyway,  
15 and its rich ecosystem serves as home to thousands of unique  
16 birds, fish, animals, and plants, and is enjoyed by outdoor  
17 enthusiasts, water-sport fans, hunters, fishermen and naturalists.

18 (5) The California Delta is a complicated and fragile system  
19 ~~which~~ *that* needs the appreciation and protection of future  
20 generations of Californians.

21 (6) The California Delta is characterized by its numerous  
22 scenic waterways, levee-top roadways, historic towns, idyllic  
23 marinas, and eucalyptus tree windrows.

1 (7) There are 22 public recreation areas in the Sacramento-San  
2 Joaquin Delta region, with fishing, park day use facilities,  
3 campgrounds, trails and boating access—~~which~~ *that* support  
4 numerous recreational activities including boating, water skiing,  
5 jet skiing, windsurfing, sailing, fishing, relaxing, hiking and  
6 jogging, horseback riding, swimming, picnicking, and cycling.

7 (8) California is challenged by a growing obesity crisis and  
8 state and local leaders must address the need for more  
9 opportunities for exercise, movement, and recreation in public  
10 settings.

11 (9) The Delta Protection Commission surveys have found that  
12 there are unmet recreational needs in the Delta region, including  
13 a trail for bicycling and hiking, around the perimeter of the  
14 Sacramento-San Joaquin Delta.

15 (10) A ~~Bicycle~~ *bicycle* and pedestrian trail along the perimeter  
16 would provide an important link between the people of California  
17 and one of our most precious natural resources.

18 (11) A bicycle and pedestrian trail connecting the Delta  
19 region, with adjacent areas, would provide a great link between  
20 our fascinating Delta communities and foster a connection  
21 between our rich histories and present challenges.

22 (b) The Legislature declares its support for the creation of a  
23 California Delta Trail, linking the San Francisco Bay Trail  
24 system to the present and future trailways around the ~~parameter~~  
25 *perimeter* of the Delta, including but not limited to, the Delta's  
26 shorelines in Contra Costa, San Joaquin, Solano, Sacramento and  
27 Yolo counties.

28 SEC. 2. Chapter 12 (commencing with Section 5852) is  
29 added to Division 5 of the Public Resources Code, to read:

30

31 CHAPTER 12. THE GREAT CALIFORNIA DELTA TRAIL SYSTEM

32

33 5852. "Delta" means the Sacramento-San Joaquin Delta, as  
34 defined in Section 12220 of the Water Code minus the area  
35 contained in Alameda County.

36 5853. "Commission" means Delta Protection Commission  
37 as defined in Section 29721.

38 5854. (a) The Commission shall develop and adopt a plan  
39 and implementation program, including a ~~financing~~ *finance and*  
40 *maintenance* plan, for a continuous *regional* recreational corridor

1 that will extend around the perimeter of the Delta, including but  
2 not limited to, the Delta's shorelines in Contra Costa, Solano,  
3 San Joaquin, Sacramento and Yolo Counties. This plan shall  
4 include a specific route of a bicycling and hiking trail, the  
5 relationship of the route to existing park and recreational  
6 facilities and *land and water* trail systems, and links to existing  
7 and proposed public transportation facilities. The continuous  
8 *regional* recreational corridor planned and executed pursuant to  
9 this chapter shall be called the Great California Delta Trail.

10 (b) The Great California Delta Trail plan shall do all of the  
11 following:

12 (1) Provide that designated environmentally sensitive areas,  
13 including wildlife habitats and wetlands, shall not be adversely  
14 affected by the trail.

15 (2) Provide for appropriate buffer zones along those portions  
16 of the bikeway system adjacent to designated environmentally  
17 sensitive areas *and areas with private uses, when appropriate.*

18 (3) Provide that the land and funds used for ~~trail construction~~  
19 ~~and planning~~ *any purposes under this chapter* are not considered  
20 mitigation for wetlands losses.

21 (4) Provide alternative routes to avoid impingement on  
22 environmentally sensitive areas.

23 (5) Provide that no motorized vehicles, except to the extent  
24 necessary for emergency services, be allowed on the trail.

25 (6) *Provide an alternate, non-motorized commute option for*  
26 *Delta residents.*

27 (c) The Commission shall submit the plan to the Legislature  
28 and each of the counties within the Commission's service area  
29 not later than July 1, 2008.

30 5855. (a) The Commission shall establish a policy committee  
31 *that shall provide oversight for the trail's planning,*  
32 *implementation, and funding.* The committee shall include  
33 members *and staff* of appropriate regional government  
34 associations and environmental and recreation organizations.

35 (b) A cooperative working relationship shall be established  
36 with state and federal agencies, and all other cities, counties,  
37 districts, including school districts, and regional government  
38 associations that are affected by the proposed trail.

39 (c) The Commission shall establish an advisory committee  
40 representing groups concerned with environmental and

1 ecological protection of the Delta, groups representing  
2 agricultural, private, and other business uses of the Delta's  
3 surrounding land, and groups representing bicycling, *horseback*  
4 *riding*, walking, boating, and other relevant recreational  
5 activities.

6 SEC. 3. Section 99234 of the Public Utilities Code is  
7 amended to read:

8 99234. (a) Claims for facilities provided for the exclusive use  
9 of pedestrians and bicycles or for bicycle safety education  
10 programs shall be filed according to the rules and regulations  
11 adopted by the transportation planning agency.

12 (b) The money shall be allocated for the construction,  
13 including related engineering expenses, of those facilities  
14 pursuant to procedures or criteria established by the  
15 transportation planning agency for the area within its jurisdiction,  
16 or for bicycle safety education programs.

17 (c) The money may be allocated for the maintenance of  
18 bicycling trails—~~which~~ *that* are closed to motorized traffic  
19 pursuant to procedures or criteria established by the  
20 transportation planning agency for the area within its jurisdiction.

21 (d) The money may be allocated without respect to Section  
22 99231 and shall not be included in determining the  
23 apportionments to a city or county for purposes of Sections  
24 99233.7 to 99233.9, inclusive.

25 (e) Facilities provided for the use of bicycles may include  
26 projects that serve the needs of commuting bicyclists, including,  
27 but not limited to, new trails serving major transportation  
28 corridors, secure bicycle parking at employment centers, park  
29 and ride lots, and transit terminals where other funds are  
30 unavailable.

31 (f) Notwithstanding any other provision of this section, a  
32 planning agency established in Title 7.1 (commencing with  
33 Section 66500) of the Government Code may allocate the money  
34 to the Association of Bay Area Governments for activities  
35 required by Chapter 11 (commencing with Section 5850) of  
36 Division 5 of the Public Resources Code.

37 (g) Notwithstanding any other provision of this section, the  
38 transportation planning agencies that allocate funds, pursuant to  
39 this section, to the cities and counties with jurisdiction or a  
40 sphere of influence within the Delta, as defined in Section 5852

1 of the Public Resources Code, may allocate the money to the  
2 Delta Protection Commission for activities required by Chapter  
3 12 (commencing with Section 5852) of Division 5 of the Public  
4 Resources Code.

5 (h) Within 30 days after receiving a request for a review from  
6 any city or county, the transportation planning agency shall  
7 review its allocations made pursuant to Section 99233.3.

8 (i) In addition to the purposes authorized in this section, a  
9 portion of the amount available to a city or county pursuant to  
10 Section 99233.3 may be allocated to develop a comprehensive  
11 bicycle and pedestrian facilities plan, with an emphasis on  
12 bicycle projects intended to accommodate bicycle commuters  
13 rather than recreational bicycle users. An allocation under this  
14 subdivision may not be made more than once every five years.

15 (j) Up to 20 percent of the amount available each year to a city  
16 or county pursuant to Section 99233.3 may be allocated to  
17 restripe class II bicycle lanes.

18 SEC. 4. This act is an urgency statute necessary for the  
19 immediate preservation of the public peace, health or safety  
20 within the meaning of Article IV of the Constitution and shall go  
21 into immediate effect. The facts constituting necessity are:

22 In order to permit the development of a continuous recreational  
23 corridor around the perimeter of the California Delta, to provide  
24 urgently needed recreational facilities at the earliest possible  
25 time, and to allow the Delta Protection Commission sufficient  
26 time to prepare the required plan, it is necessary that this act take  
27 effect immediately.

SENATE COMMITTEE ON NATURAL RESOURCES AND WATER

Senator Sheila Kuehl, Chair  
2005-2006 Regular Session

BILL NO: SB 1556  
AUTHOR: Torlakson  
AMENDED: March 27, 2006  
FISCAL: Yes HEARING DATE: March 28, 2006  
URGENCY: Yes CONSULTANT: Marie Liu  
SUBJECT: Parks: The Great California Delta Trail System.

Summary: This bill would require the Delta Protection Commission to develop and implement the Great California Delta Trail around the perimeter of the Delta.

Existing Law: Current law establishes the Delta Protection Commission in Section 29735 of the Public Resources Code. The Commission is charged with, among other things, reviewing and maintaining a resource management plan for land use within the primary zone of the Delta.

Section 5850 of the Public Resources Code directs the Association of Bay Area Governments (ABAG) to develop a plan and implementation program for a continuous recreation corridor around the perimeter of the San Francisco Bay and the San Pablo Bay. The plan was adopted by the ABAG Executive Board in July 1989.

Proposed Law: This bill would require the Delta Protection Commission (Commission) to plan a recreation corridor along more than 1,000 miles of Delta waterfront in Contra Costa, San Joaquin, Solano, Sacramento, and Yolo counties. The trail will be called the Great California Delta Trail. The trail is to relate to existing park and recreational facilities, existing and proposed public transportation facilities, and existing land and water trail systems, including the San Francisco Bay Trail System. The plan for

the Delta Trail is to be submitted to the Legislature and each of the involved counties by July 1, 2008.

SB 1556 would also allow transportation planning agencies having jurisdiction within the Delta to allocate funds for the development of the plan and for the implementation program for the Great California Delta Trail.

Arguments in Support: The author states, "Currently, much of the Delta is inaccessible except by boat, or in some cases, by car. Delta Protection Commission surveys over the past 10 years have found that there are many unmet recreational needs for the Delta region including trails for hiking and bicycling, facilities for wildlife observation and education, water sports access, bank fishing areas, and improved historic and cultural sites with interpretive information."

The Delta Protection Commission unanimously supported the efforts of this bill because the trail system will bring opportunities for regional recognition of the unique natural and cultural resources of the Delta. The Dangermond Group states, "[The Delta] is one of the most unique aquatic environments in the country but from a landside perspective it allows little opportunity for the public to even recognize its presence let alone appreciate its extraordinary recreation potential?[the Delta] is rapidly urbanizing and, as development occurs, opportunities for such an initiative will diminish."

Arguments in Opposition: None received.

Comments: (1) SAN FRANCISCO BAY TRAIL AS A MODEL - The author states that the vision for the Delta Trail was inspired by the San Francisco Bay Trail, which plans to create a continuous 500 mile path around the Bay that passes through 47 cities, passes through all nine Bay Area counties, and crosses seven toll bridges. According to a study commissioned by the ABAG Bay Trail Project and the California Coastal Conservancy, the Bay Trail is accessible within five miles of 54 cities. Over 75% of the Bay Area population lives within 20 miles of the Bay Trail. As of late 2005, slightly more than half of the Bay Trail has

been developed.

The development of the Bay Trail has been achieved with a mixture of financing and money from local government general funds, Coastal Conservancy grants, and direct contributions from the Council of Governments.

SUPPORT:

Audubon California  
California Park and Recreation Society  
City of Pittsburg, CA  
City of West Sacramento, CA  
Discover the Delta Foundation  
East Bay Regional Park District  
Houseboats.com  
Knightsen Town Advisory Council  
Save Mt. Diablo  
The Dangermound Group  
The Delta Protection Commission  
Greg Enholm, Ambrose Recreation & Park District Board member (individual)  
Christine Ganser (individual)

OPPOSITION:

None received