



**NATIONAL POLICY & LEGAL ANALYSIS NETWORK
TO PREVENT CHILDHOOD OBESITY**



Better Parks Through Policy

*A Legal Analysis of Authorities Governing Public
Recreation Facility Provision and Maintenance*

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TO PREVENT CHILDHOOD OBESITY**



Presenters:

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National Policy & Legal Analysis Network to Prevent Childhood Obesity
(NPLAN), a program of Public Health Law & Policy (PHLP)

Kids with greater access to recreational facilities are **more active** and **less likely to be overweight.**

Active Living Research. *Designing for Active Living Among Children*. Research Summary, 2007.





Elm Playlot (http://www.pogopark.org/Pogo_Park/9.html)

The path ahead...

Legal framework for parks in the U.S.
Examples: the law and parks in two cities
Legal lessons for advocates/researchers
Policies to improve park access



Multiple Layers of Government



Federal



State



Local

Federal Power



Provision of public parks & recreation: National Parks & more

Coordination of federal, state, local, and private efforts

Funding to state, local, and tribal governments



Clinton Steeds/CreativeCommons/Flickr

State Power

Provision of public parks & recreation: state parks

Delegation of authority to local governments

Provision of funding

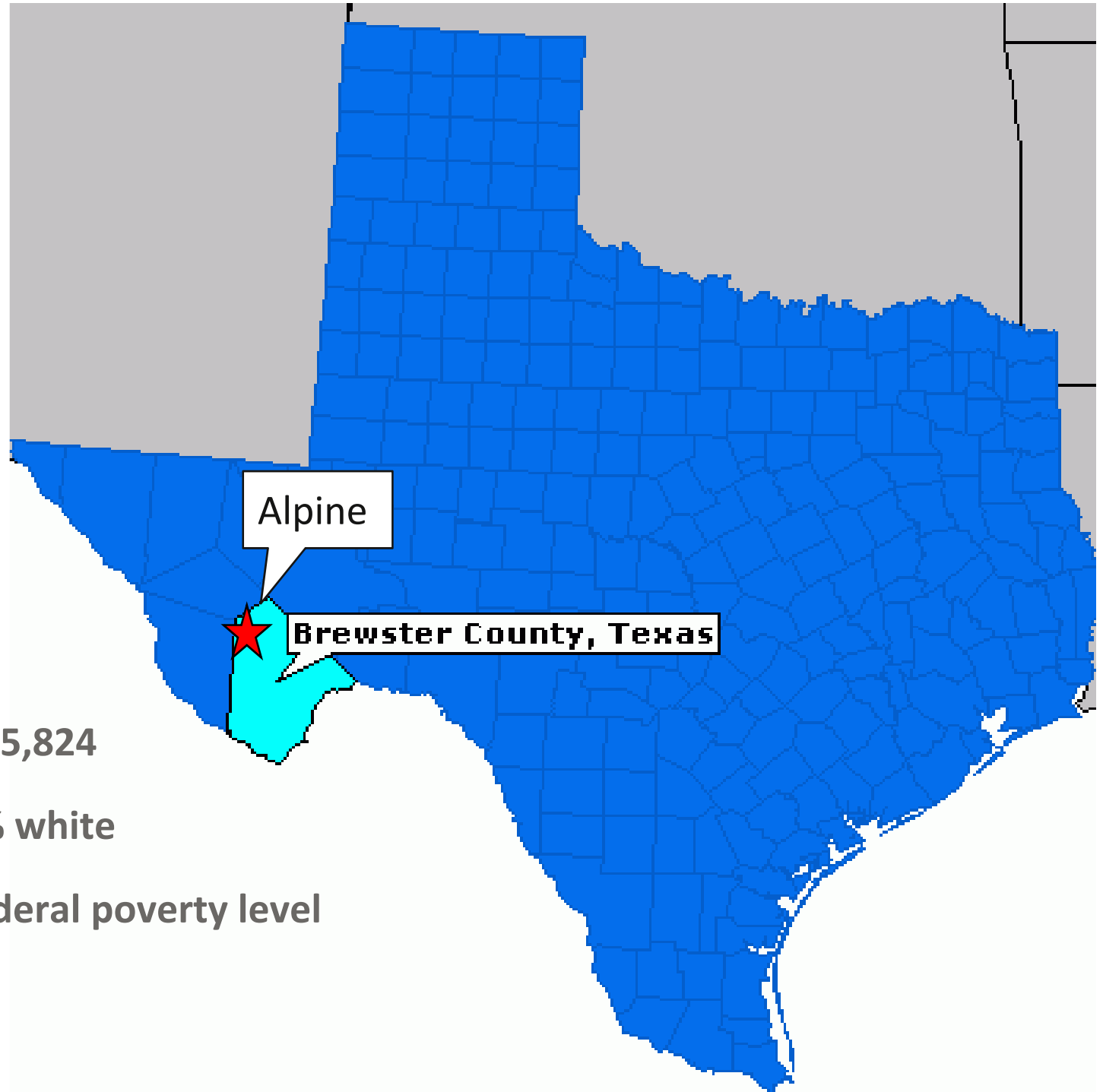
Local Power



**Provision of public parks & recreation:
county, city, regional, or municipal parks**

Regulation through land use policy

Example
Alpine, TX



Total population of 5,824

51.2% Latino, 46.3% white

20.9% below the federal poverty level

(2000 Census)

Legal Authority for Parks

Texas law

Texas Parks and Wildlife Code –

*Enumerates the State's power and responsibility to **create, run, and fund public parks.***

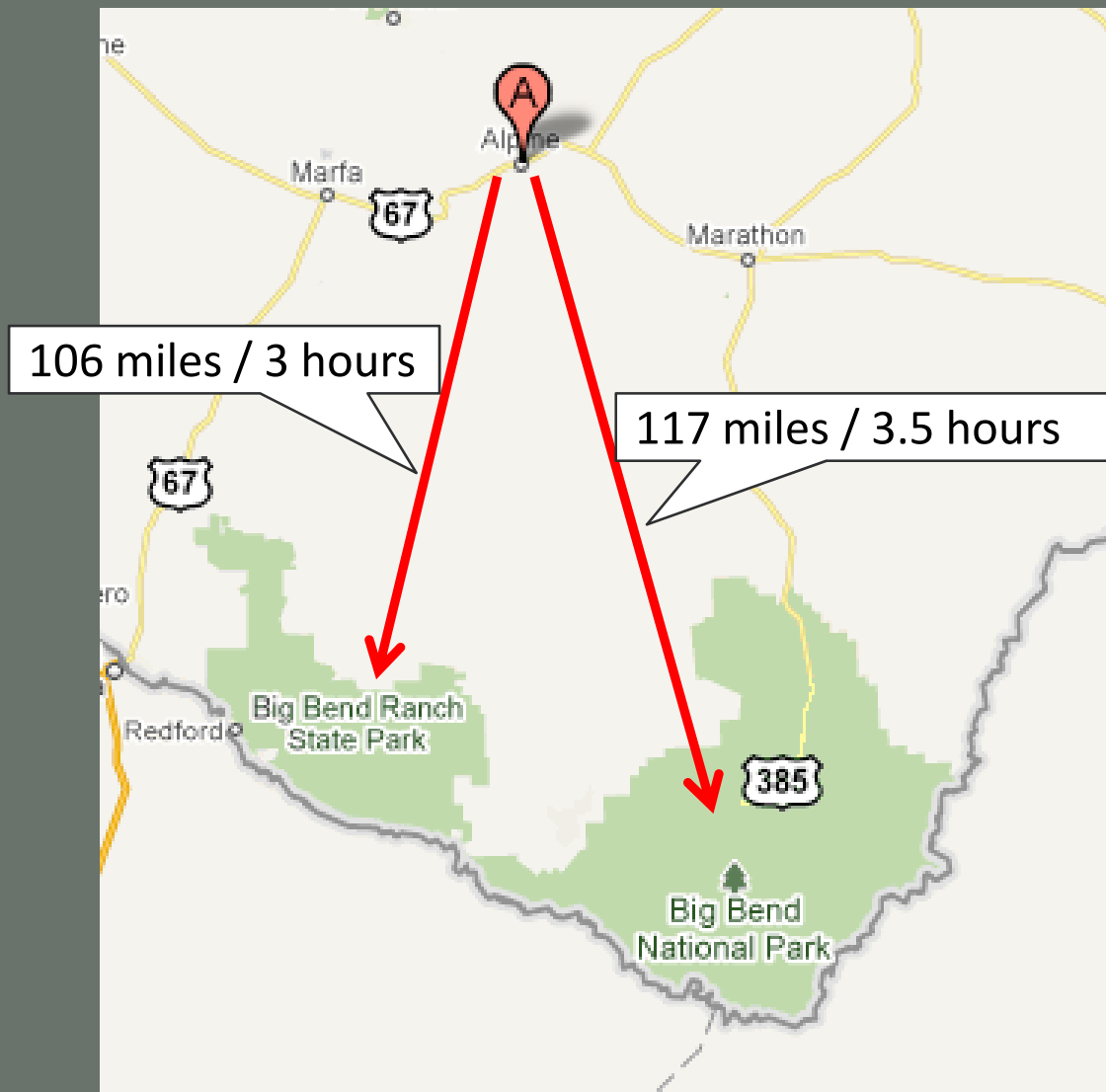
Texas Local Government Code –

*Delineates the authority over parks the state **delegates to local governments.***

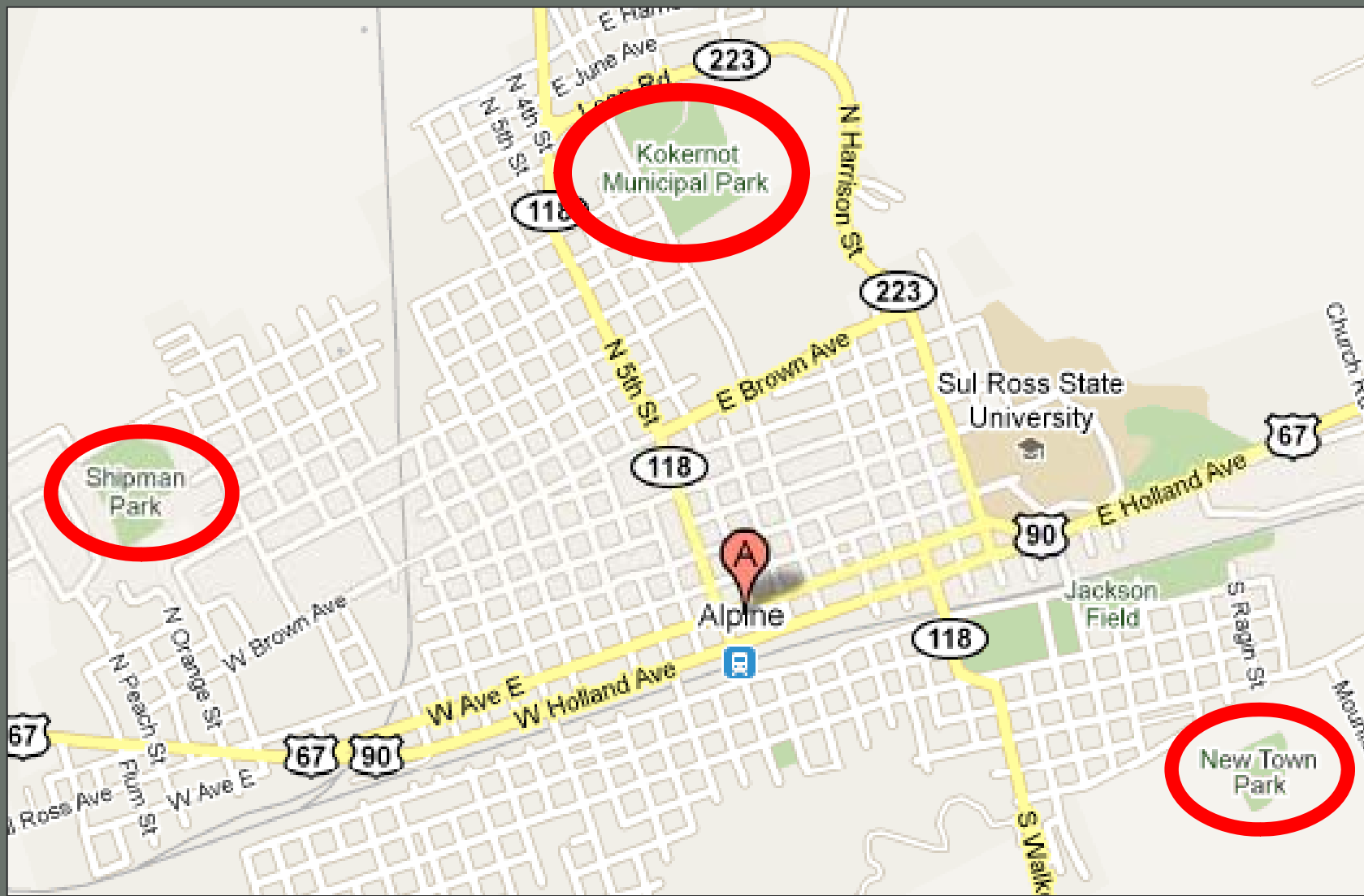
*Allows the **creation of special bodies to govern parks and recreation** in specific circumstances.*



State and Federal Parks Around Alpine, TX



Local Parks in Alpine, TX



Example
Oakland, CA

Total population of 399,477

34.9% African American,
21.9% Latino, 23.4% white,
15% Asian American

19.4% below the federal poverty level

(2000 Census)



Legal Authority for Parks

California law

Public Resources Code –

*Enumerates the State's power and responsibility to **create, run, and fund public parks.***

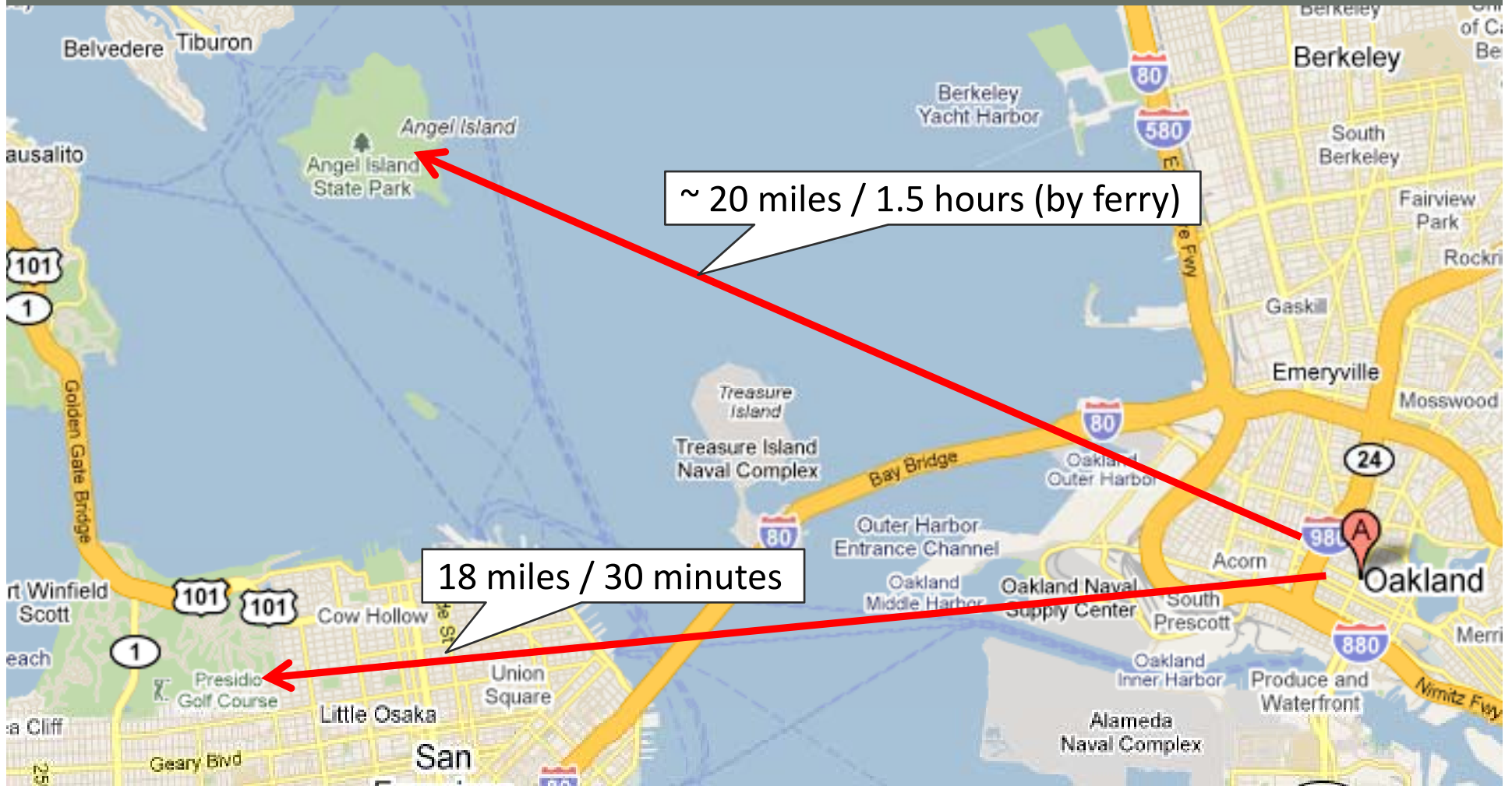
*Permits the **creation of special districts to govern parks.***

California Government Code –

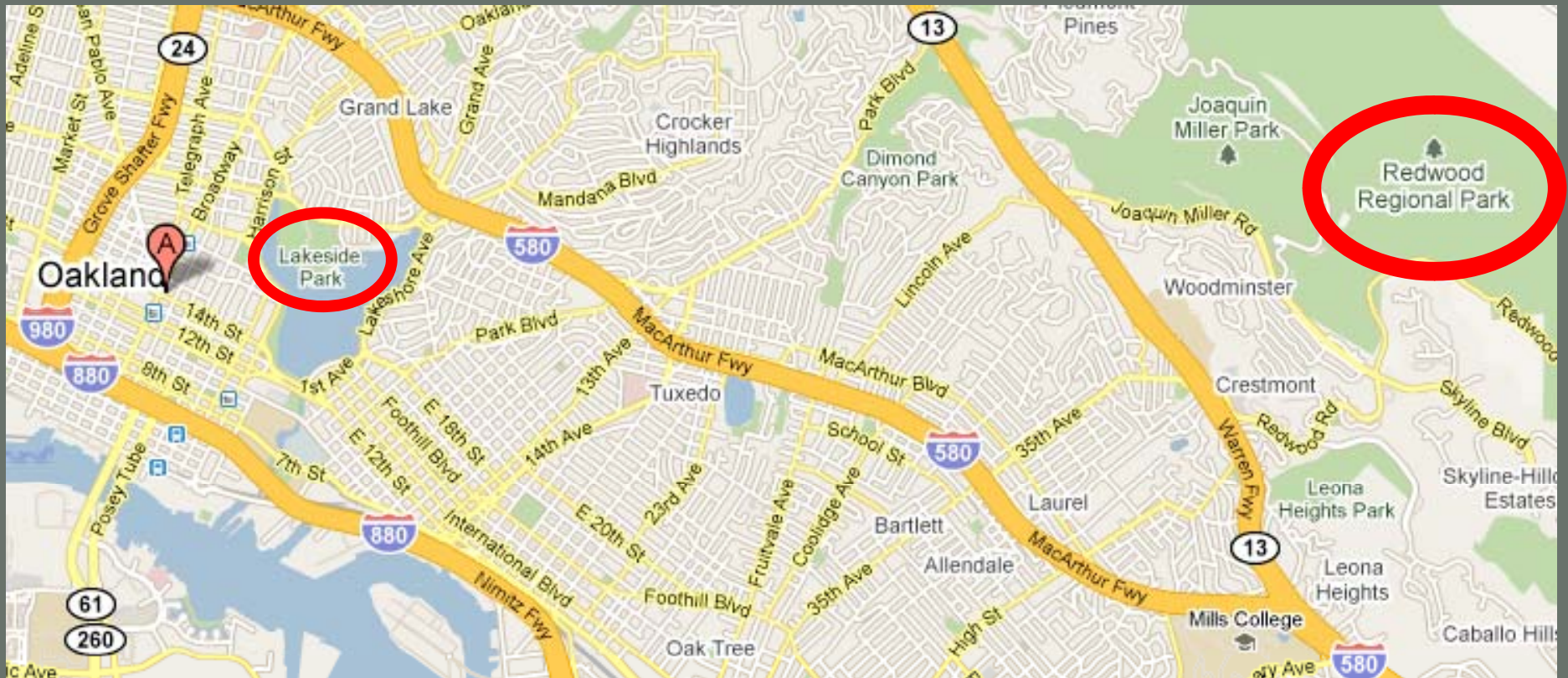
*Delineates the powers and responsibilities **the state grants to local governments.***



State and Federal Parks Around Oakland, CA



Local Parks Around Oakland, CA



Legal Lessons for Advocates

Federal, state, and local laws govern park creation, location, and maintenance

Which layer of government in charge depends on the location, ownership, and regulation of the land in question

States' laws vary substantially --- know what your state's laws allow



Legal & Policy Research

Policy Development

nplan

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How can policy expand **PARK ACCESS** for underserved populations?







Where do we go from here?

- Translate research to resource
- Identify best parks policies through empirical research



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