

AB 2249 (Cooley, Gray and Bigelow) Protecting Historic California State Park Heritage Locales

Bill Summary

AB 2249 is a “Heritage Protection Bill” for our state which we believe can influence concession practices beyond the bill’s formal legal reach as law.

Despite being on the National Register of Historic Places, a U.S. National Park’s outgoing concessionaire filed papers to trademark numerous Yosemite National Park sites’ names. This has now forced a name change to such storied California venues as the Ahwahnee Hotel, Curry Village and the Wawona Hotel as part of this ongoing litigation.

In response to this dispute, AB 2249 protects historic California state park trademarks. It does so by prohibiting concessionaires from claiming ownership of a name associated with a California state park and further declares that if a bidder makes such a claim, they are disqualified from bidding on future contracts.

A state law cannot unilaterally undo what the Yosemite concessionaire has done. The authors believe, however, that the ideas embodied in AB 2249 can and should influence the resolution of the federal dispute while also setting a firm state policy.

AB 2249’s impact rests on the premise that a concessionaire’s business is incompatible with a trademark or claim of ownership of park facilities which they have been entrusted with as a steward. California’s treasured heritage sites are a part of our state’s public trust and it is self-evident that the state would never approve giving away the inherent value associated with those historic names and places. AB 2249 assures this.

Problem

The current concessionaire of Yosemite National Park has operated there since 1993 but recently lost the bid to renew their contract. In response, they claimed the names of several Yosemite landmarks as their intellectual property. Unable to resolve the dispute, the National Park Service has re-named several historic landmarks.

On March 1, 2016, the Ahwahnee Hotel became the “Majestic Yosemite Hotel,” Curry Village became “Half Dome Village,” the Wawona Hotel became “Big Trees Lodge” and Badger Pass Ski Area became the “Yosemite Ski and Snowboard Area.”

Solution

To prevent concessionaires from co-opting *state* landmarks, AB 2249 puts forth three key ideas:

First, this bill clarifies that an awarded food or lodging contract does not entitle a company to any legal claim of a trademark. No State Parks official has the authority to agree to contractual terms that fail to safeguard the interests of California by offering a public trademark to a private corporation.

Second, this bill specifically prohibits concessionaires from claiming ownership of a name associated with a California state park.

Finally, a concessionaire who asserts a claim of this type will no longer be viewed as a fit partner to contract with California state parks. AB 2249 permanently disqualifies a concessionaire from consideration for future contracts if they attempt a trademark claim.

Background

California’s Yosemite National Park is considered to be one of America’s most magnificent parks and is filled with historic landmarks—some date back to the 19th century. The Ahwahnee Hotel was built in the 1920s, nearby Curry Village is named after the couple who established a summer camp there in 1899, and the Wawona Hotel was originally constructed in 1876. All three were placed on the National Register of Historic Places in the 1970s.

Support

- Sierra Club California
- The Trust for Public Land
- California Insurance Commissioner Dave Jones
- California State Parks Foundation
- California Association of Recreation and Park Districts
- California Association of Professional Scientists

For More Information

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