

ASSEMBLY BILL

No. 628

Introduced by Assembly Member Conway

February 16, 2011

An act to amend Sections 38026 and 38026.5 of, and to add and repeal Section 38026.1 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 628, as introduced, Conway. Vehicles: off-highway vehicle recreation: County of Inyo.

Existing law authorizes an off-highway motor vehicle that has been issued a plate or device to be operated or driven upon a highway under certain circumstances. Existing law authorizes various public entities, and the Director of Parks and Recreation, to designate a highway, or portion thereof, for the combined use of regular vehicular traffic and off-highway motor vehicles if certain requirements are met. Existing law prohibits a highway from being designated for this combined use for a distance of more than 3 miles.

This bill would, until January 1, 2017, authorize the County of Inyo to establish a pilot project that would exempt from this prohibition specified combined use highways in the unincorporated area in the County of Inyo to link together existing roads in the unincorporated portion of the county to existing trails and trailheads on federal Bureau of Land Management or United States Forest Service lands in order to provide a unified linkage of trail systems for off-highway motor vehicles, as prescribed. The bill would require the County of Inyo, in consultation with the Department of the California Highway Patrol, the Department of Transportation, and the Department of Parks and Recreation, not later than January 1, 2016, to prepare and submit to the

Legislature a report evaluating the effectiveness of the pilot project, and containing specified information.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

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

3 (a) Inyo County is a rural county with a population of 17,945
4 residents

5 (b) Inyo County is comprised of 10,140 square miles.

6 (c) Inyo County is the second largest county in the United States
7 in area, yet only 2 percent of this land is inhabited.

8 (d) Ninety-two percent of land in Inyo County is federally
9 administered public lands.

10 (e) Inyo County has outstanding natural diversity, including
11 Mount Whitney in the eastern Sierra, which is the highest peak in
12 the contiguous United States, as well as Death Valley, which is
13 the lowest point in the United States and the largest national park
14 in the contiguous United States.

15 (f) With six million acres of public land, Inyo County offers
16 numerous opportunities to explore and recreate.

17 SEC. 2. It is the intent of the Legislature in enacting this act
18 and designating combined-use highways on unincorporated county
19 roads in the County of Inyo for more than three miles to link
20 existing roads in the unincorporated portion of the county to
21 existing trails and trailheads on federal Bureau of Land
22 Management or United States Forest Service lands in order to
23 provide a unified system of trails for off-highway motor vehicles.
24 It is further the intent of the Legislature that no General Fund
25 moneys be expended for the pilot project established by this act,
26 and the project will be revenue neutral to the state.

27 SEC. 3. Section 38026 of the Vehicle Code is amended to read:

28 38026. (a) In addition to Section 38025 and after complying
29 with subdivision (c) of this section, if a local authority, an agency
30 of the federal government, or the Director of Parks and Recreation
31 finds that a highway, or a portion thereof, under the jurisdiction
32 of the authority, agency, or the director, as the case may be, is
33 located in a manner that provides a connecting link between

1 off-highway motor vehicle trail segments, between an off-highway
2 motor vehicle recreational use area and necessary service facilities,
3 or between lodging facilities and an off-highway motor vehicle
4 recreational facility and if it is found that the highway is designed
5 and constructed so as to safely permit the use of regular vehicular
6 traffic and also the driving of off-highway motor vehicles on that
7 highway, the local authority, by resolution or ordinance, agency
8 of the federal government, or the Director of Parks and Recreation,
9 as the case may be, may designate that highway, or a portion
10 thereof, for combined use and shall prescribe rules and regulations
11 therefor. ~~No~~ A highway, or portion thereof, shall *not* be so
12 designated for a distance of more than three miles, *except as*
13 *provided in Section 38026.1.* ~~No~~ A freeway shall *not* be designated
14 under this section.

15 (b) The Off-Highway Motor Vehicle Recreation Commission
16 may propose highway segments for consideration by local
17 authorities, an agency of the federal government, or the Director
18 of Parks and Recreation for combined use.

19 (c) Prior to designating a highway or portion thereof on the
20 motion of the local authority, an agency of the federal government,
21 or the Director of Parks and Recreation, or as a recommendation
22 of the Off-Highway Motor Vehicle Recreation Commission, a
23 local authority, an agency of the federal government, or the
24 Director of Parks and Recreation shall notify the Commissioner
25 of the California Highway Patrol, and shall not designate any
26 segment pursuant to subdivision (a) which, in the opinion of the
27 commissioner, would create a potential traffic safety hazard.

28 (d) (1) A designation of a highway, or a portion thereof, under
29 subdivision (a) shall become effective upon the erection of
30 appropriate signs of a type approved by the Department of
31 Transportation on and along the highway, or portion thereof.

32 ~~The~~

33 (2) *The* cost of the signs shall be reimbursed from the
34 Off-Highway Vehicle Trust Fund, when appropriated by the
35 Legislature, or by expenditure of funds from a grant or cooperative
36 agreement made pursuant to Section 5090.50 of the Public
37 Resources Code.

38 SEC. 4. Section 38026.1 is added to the Vehicle Code, to read:

39 38026.1. (a) The County of Inyo may establish a pilot project
40 to designate combined use highways on unincorporated county

1 roads in the county for more than three miles to link existing roads
2 in the unincorporated portion of the county to existing trails and
3 trailheads on federal Bureau of Land Management or United States
4 Forest Service lands in order to provide a unified system of trails
5 for off-highway motor vehicles.

6 (b) The pilot project shall do all of the following:

7 (1) Prescribe a procedure for highway, road, or route selection
8 and designation by a vote of a majority of the quorum of the Inyo
9 County Board of Supervisors.

10 (2) In cooperation with the Department of Transportation,
11 establish uniform specifications and symbols for signs, markers,
12 and traffic control devices to control off-highway motor vehicles,
13 including, but not limited to, the following:

14 (A) Devices to warn of dangerous conditions, obstacles, or
15 hazards.

16 (B) Designations of the right-of-way for regular vehicular traffic
17 and off-highway motor vehicles.

18 (C) A description of the nature and destination of the
19 off-highway motor vehicle trail.

20 (D) Warning signs for pedestrians and motorists of the presence
21 of off-highway motor vehicle traffic.

22 (3) Require that off-highway motor vehicles subject to the pilot
23 project meet the safety requirements of federal and state law
24 regarding proper drivers' licensing, helmet usage, and the
25 requirements pursuant to Section 38026.5.

26 (4) Prohibit off-highway motor vehicles and regular vehicular
27 traffic from traveling faster than 35 mph on highways designated
28 under this section.

29 (c) Not later than January 1, 2016, the County of Inyo, in
30 consultation with the Department of the California Highway Patrol,
31 the Department of Transportation, and the Department of Parks
32 and Recreation, shall prepare and submit to the Legislature a report
33 evaluating the pilot project, and containing both of the following:

34 (1) A description of the proposed trail segments to be allowed
35 for combined use for over three miles, as approved or adopted by
36 a majority vote of the quorum of the Inyo County Board of
37 Supervisors.

38 (2) An evaluation of the overall safety and effectiveness of the
39 pilot project, including its impact on traffic flows and safety.

1 (d) (1) A report submitted pursuant to subdivision (c) shall be
2 submitted in compliance with Section 9795 of the Government
3 Code.

4 (2) This section shall remain in effect only until January 1, 2017,
5 and as of that date is repealed, unless a later enacted statute, that
6 is enacted before January 1, 2017, deletes or extends that date.

7 SEC. 5. Section 38026.5 of the Vehicle Code is amended to
8 read:

9 38026.5. (a) In accordance with subdivision (c) of Section
10 4000, a motor vehicle issued a plate or device pursuant to Section
11 38160 may be operated or driven on a local highway, or a portion
12 thereof, ~~which~~ *that* is designated pursuant to Section 38026 *or*
13 *Section 38026.1* if the operation is in conformance with the ~~Vehicle~~
14 ~~Code~~ *this code* and the vehicle complies with off-highway vehicle
15 equipment requirements specified in this division.

16 (b) Notwithstanding subdivision (a), it is unlawful for ~~any a~~
17 person using an off-highway vehicle on a combined-use highway
18 to do any of the following:

19 (1) Operate an off-highway motor vehicle on the highway during
20 the hours of darkness.

21 (2) Operate ~~any a~~ vehicle on the highway ~~which~~ *that* does not
22 have an operational stoplight.

23 (3) Operate ~~any a~~ vehicle on the highway ~~which~~ *that* does not
24 have rubber tires.

25 (4) Operate ~~any a~~ vehicle without a valid driver's license of the
26 appropriate class for the vehicle operation in possession.

27 (5) Operate ~~any a~~ vehicle on the highway without complying
28 with ~~the provisions of~~ Article 2 (commencing with Section 16020)
29 of Chapter 1 of Division 7.