

AMENDED IN SENATE APRIL 25, 2016

AMENDED IN SENATE MARCH 28, 2016

SENATE BILL

No. 1345

Introduced by Senator Berryhill

(Coauthor: Senator Gaines)

(Coauthors: Assembly Members Dahle and Mathis)

February 19, 2016

An act to amend Section 38026.1 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1345, as amended, Berryhill. Vehicles: off-highway vehicle recreation: County of ~~Sierra~~: *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 the Department 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.

Existing law, until January 1, 2017, authorizes the County of Inyo to establish a pilot project that would exempt specified combined-use highways in the unincorporated area in the County of Inyo from this prohibition 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. Existing law requires 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, to prepare and submit to the Legislature a report evaluating the effectiveness of the pilot project by January 1, 2016, as specified.

~~This bill would expand these provisions to additionally authorize the County of Sierra to establish a pilot project as described above. The bill would require the county to prepare and submit to the Legislature a report evaluating the effectiveness of the pilot project by January 1, 2019. The bill would also extend the operation of these provisions until January 1, 2020. extend the operation of these provisions until January 1, 2020, and would extend the reporting deadline until January 1, 2019. For purposes of the pilot project described above, the bill would prohibit a combined-use highway road segment or combination of adjacent combined-use highway road segments from exceeding 10 miles.~~

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. It is the intent of the Legislature in enacting this
2 ~~act and designating combined-use highways on unincorporated~~
3 ~~county roads in the County of Sierra for more than three miles to~~
4 ~~link existing roads in the unincorporated portion of the county to~~
5 ~~existing trails and trailheads on federal Bureau of Land~~
6 ~~Management or United States Forest Service lands in order to~~
7 ~~provide a unified system of trails for off-highway motor vehicles.~~
8 ~~It is the intent of the Legislature to develop additional data to better~~
9 evaluate whether a combined-use highways system is workable in
10 other counties beyond the County of Inyo. It is further the intent
11 of the Legislature that no General Fund moneys be expended for
12 the pilot project established by this act, and the project will be
13 revenue neutral to the state.

14 SEC. 2. Section 38026.1 of the Vehicle Code is amended to
15 read:

16 38026.1. (a) Except as provided in subdivision (e), the
17 ~~County of Inyo and Sierra~~ *County of Inyo* may ~~each~~ establish a pilot
18 project to designate combined-use highways on unincorporated
19 county roads in the county for no more than 10 miles so that the
20 combined-use highways can be used to link existing off-highway
21 motor vehicle trails and trailheads on federal Bureau of Land

1 Management or United States Forest Service lands, and to link
2 off-highway motor vehicle recreational-use areas with necessary
3 service and lodging facilities, in order to provide a unified system
4 of trails for off-highway motor vehicles, preserve traffic safety,
5 improve natural resource protection, reduce off-highway vehicle
6 trespass on private land, and minimize impacts on county residents.

7 (b) A pilot project established pursuant to this section shall do
8 all of the following:

9 (1) Prescribe a procedure for highway, road, or route selection
10 and designation. The procedure shall be approved by a vote of a
11 majority of ~~each~~ *the* county's ~~respective~~ board of supervisors.

12 (2) Prescribe a procedure for the county to remove a
13 combined-use designation, including a designation that is removed
14 as a result of the conclusion of the pilot program.

15 (3) In cooperation with the Department of Transportation,
16 establish uniform specifications and symbols for signs, markers,
17 and traffic control devices to control off-highway motor vehicles,
18 including, but not limited to, the following:

19 (A) Devices to warn of dangerous conditions, obstacles, or
20 hazards.

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

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

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

27 (4) Require that off-highway motor vehicles subject to the pilot
28 project meet the safety requirements of federal and state law
29 regarding proper drivers' licensing, helmet usage, and the
30 requirements pursuant to Section 38026.5.

31 (5) Prohibit off-highway motor vehicles from traveling faster
32 than 35 miles per hour on highways designated under this section.

33 (6) *Prohibit a combined-use highway road segment or*
34 *combination of adjacent combined-use highway road segments*
35 *designated under this section from exceeding 10 miles.*

36 ~~(6)~~

37 (7) Include an opportunity for public comment at a public
38 hearing held by ~~each~~ *the* county in order to evaluate the pilot
39 project.

1 (c) A pilot project established pursuant to this section may
2 include use of a state highway, subject to the approval of the
3 Department of Transportation, or any crossing of a highway
4 designated pursuant to Section 38025.

5 (d) (1) By selecting and designating a highway for combined
6 use pursuant to this section, ~~each~~ *the* county agrees to defend and
7 indemnify the state against any and all claims, including legal
8 defense and liability arising from a claim, for any safety-related
9 losses or injuries arising or resulting from use by off-highway
10 motor vehicles of a highway designated as a combined-use highway
11 by ~~each~~ *the* county's ~~respective~~ board of supervisors pursuant to
12 this section.

13 (2) This subdivision does not alter the requirements of
14 subdivision (e).

15 (e) ~~A~~ *The* county shall not designate a highway for combined
16 use pursuant to this section unless the Commissioner of the
17 Department of the California Highway Patrol finds that designating
18 the highway for combined use would not create a potential traffic
19 safety hazard.

20 (f) Not later than January 1, ~~2016~~, *2019*, the County of Inyo, in
21 consultation with the Department of the California Highway Patrol,
22 the Department of Transportation, and the Department of Parks
23 and Recreation, shall prepare and submit to the Legislature a report
24 evaluating the pilot project, and containing all of the following:

25 (1) A description of the road segments designated to allow
26 combined use for over three miles, as approved or adopted by a
27 majority vote of the members of the Inyo County Board of
28 Supervisors.

29 (2) An evaluation of the overall safety and effectiveness of the
30 pilot project, including its impact on traffic flows, safety,
31 off-highway vehicle usage on existing trails, incursions into areas
32 not designated for off-highway vehicle usage, and nonmotorized
33 recreation.

34 (3) A description of the public comments received at a public
35 hearing held by the county in regards to an evaluation of the pilot
36 project.

37 (g) ~~Not later than January 1, 2019, the County of Sierra, in~~
38 ~~consultation with the Department of the California Highway Patrol,~~
39 ~~the Department of Transportation, and the Department of Parks~~

1 and Recreation, shall prepare and submit to the Legislature a report
2 evaluating the pilot project, and containing all of the following:
3 (1) ~~A description of the road segments designated to allow~~
4 ~~combined use for over three miles, as approved or adopted by a~~
5 ~~majority vote of the members of the Sierra County Board of~~
6 ~~Supervisors.~~
7 (2) ~~An evaluation of the overall safety and effectiveness of the~~
8 ~~pilot project, including its impact on traffic flows, safety,~~
9 ~~off-highway vehicle usage on existing trails, incursions into areas~~
10 ~~not designated for off-highway vehicle usage, and nonmotorized~~
11 ~~recreation.~~
12 (3) ~~A description of the public comments received at a public~~
13 ~~hearing held by the county in regards to an evaluation of the pilot~~
14 ~~project.~~
15 (h)
16 (g) (1) A report submitted pursuant to subdivision (f) ~~or (g)~~
17 shall be submitted in compliance with Section 9795 of the
18 Government Code.
19 (2) This section shall remain in effect only until January 1, 2020,
20 and as of that date is repealed, unless a later enacted statute, that
21 is enacted before January 1, 2020, deletes or extends that date.