

**Assembly Bill No. 2338**

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Passed the Assembly June 2, 2010

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*Chief Clerk of the Assembly*

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Passed the Senate August 18, 2010

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2010, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to amend Section 38026 of the Vehicle Code, relating to vehicles.

## LEGISLATIVE COUNSEL'S DIGEST

AB 2338, Conway. Vehicles: off-highway vehicle recreation.

(1) 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 also 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 exempt from this prohibition a county road located in an unincorporated area in the County of Inyo unless the Commissioner of the California Highway Patrol finds that designating a highway, or a portion of a highway, in the county would create a potential traffic safety hazard.

(2) This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Inyo.

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

SECTION 1. The Legislature finds and declares the following:

(a) Inyo County is a rural county with a population of 18,152 people.

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

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

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

(e) Inyo County has outstanding natural diversity, including Mount Whitney in the eastern Sierra, the highest peak in the contiguous United States, as well as Death Valley, the lowest point

in the United States and the largest national park in the contiguous United States.

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

SEC. 2. It is the intent of the Legislature in enacting this act and designating combined-use highways on unincorporated county roads in the County of Inyo for more than three miles 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.

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

38026. (a) (1) In addition to Section 38025 and after complying with subdivision (c) of this section, if a local authority, an agency of the federal government, or the Director of Parks and Recreation finds that a highway, or a portion thereof, under the jurisdiction of the authority, agency, or the director, as the case may be, is located in a manner that provides a connecting link between off-highway motor vehicle trail segments, between an off-highway motor vehicle recreational use area and necessary service facilities, or between lodging facilities and an off-highway motor vehicle recreational facility, and if it is found that the highway is designed and constructed so as to safely permit the use of regular vehicular traffic and also the driving of off-highway motor vehicles on that highway, the local authority, by resolution or ordinance, agency of the federal government, or the Director of Parks and Recreation, as the case may be, may designate that highway, or a portion thereof, for combined use and shall prescribe rules and regulations therefor.

(2) (A) A highway, or portion thereof, shall not be designated for combined use under this section for a distance of more than three miles.

(B) Subparagraph (A) does not apply to a county road located in an unincorporated area of the County of Inyo unless the Commissioner of the California Highway Patrol finds that designating a highway, or portion of thereof, in the county would create a potential traffic safety hazard.

(3) A freeway shall not be designated under this section.

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

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

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

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

SEC. 4. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because the County of Inyo is a rural and remote county that contains six million acres of public land for exploration and recreation and the use of off-highway motor vehicles is a popular and common mode of transportation for residents and visitors of the county.







Approved \_\_\_\_\_, 2010

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*Governor*