

Date of Hearing: June 27, 2016

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

SB 1345 (Berryhill) – As Amended June 20, 2016

SENATE VOTE: 25-7

SUBJECT: Vehicles: off-highway vehicle (OHV) recreation: County of Inyo

SUMMARY: Extends the sunset date to January 1, 2020, for the Inyo County pilot program to designate combined-use roadways segments to connect OHV facilities. Specifically, **this bill:**

- 1) Declares the legislative intent to develop additional and better data to evaluate whether a combined-use highway is workable and to ensure no General Fund moneys are expended on the pilot program.
- 2) Extends the sunset for the authorized Inyo County pilot program for the designation of combined use highway segments to connect OHV trails and facilities from January 1, 2017, to January 1, 2020.
- 3) Requires that an evaluation of the pilot program by Inyo County, in consultation with the Department of California Highway Patrol (CHP), the California Department of Transportation (Caltrans), and the California Department of Parks and Recreation (Parks), be submitted to the Legislature by January 1, 2019.
- 4) Prohibits a combined-use highway road segment designated under the pilot program from exceeding 10 miles in length.
- 5) Allows two or more combined-use highway road segments to share a common starting point or ending point and partially overlap as long as the resulting network does not include more than three distinct locations of shared starting or ending points.

EXISTING LAW:

- 1) Generally prohibits a vehicle registered as an OHV from being operated on public streets, except if the use is to cross a highway, under specific circumstances; when the highway is closed for snow; or when the highway is designated for combined use.
- 2) Allows a local authority, a federal government agency, or the Parks Director, for highways under their respective jurisdiction, to designate a highway segment for combined use of OHVs and regular traffic. The combined-use highway segment cannot be longer than three miles long and must meet one the following criteria:
 - a) Provide a connecting link between OHV trails segments;
 - b) Link an OHV recreational use area and necessary service facilities; or
 - c) Connect lodging facilities with an OHV recreational facility.

- 3) Prohibits a freeway from being designated for the combined use of regular traffic and OHVs.
- 4) Provides that, prior to designating a highway for combined use, a local agency, federal agency, or the Parks Director must notify the CHP Commissioner and may not designate a road for combined use if the CHP believes doing so would create a potential traffic safety hazard.
- 5) Requires signs approved by Caltrans on designated combined-use highways before the designation can become effective.
- 6) Prohibits operation of an OHV on a designated combined use highway without the following: a valid license appropriate for the class of vehicle being operated, proof of insurance, a working spotlight, rubber tires, or after dark.
- 7) Authorizes Inyo County, until January 1, 2017, to establish a pilot project to provide a unified system of trails for OHVs by designating combined use highways on unincorporated county roads for segments for no more than 10 miles.
- 8) Requires that the pilot project do the following:
 - a) Prescribe a procedure for the County Board of Supervisors to select roads, by a majority vote, to be included in the pilot project;
 - b) Establish, in cooperation with the Caltrans, uniform signs, markers, and traffic control devices to control OHVs;
 - c) Require OHVs subject to the pilot program to meet safety requirements related to, for instance, driver licensing, helmet usage, and other conditions of lawful OHV operation;
 - d) Limit speeds to no more than 35 miles per hour; and,
 - e) Provide an opportunity for public comment at a public hearing by the county to evaluate the pilot.
- 9) Requires, by January 1, 2016, Inyo County, in consultation with CHP, Caltrans, and Parks, to evaluate the pilot program and report its findings to the Legislature.

FISCAL EFFECT: Unknown

COMMENTS: AB 628 (Conway), Chapter 532, Statutes of 2011, authorized Inyo County to conduct a pilot program, through January 1, 2017, to designate road segments up to 10 miles in length on county roads for combined use with OHVs and motor vehicle traffic. The intent of the pilot is to link existing OHV trails and trailheads, mostly on federal land, to OHV recreational use areas with service and lodging facilities. This would create a unified linkage of trail systems for OHV users. According the Rural County Representatives of California, Inyo County has unique circumstances that warrant this pilot project. Less than 2% of its 10,000 square miles is privately-owned and many of its nearly 18,000 residents use OHVs as a common mode of transportation. Further, Inyo County's economy relies on tourism, the county's largest financial contributor.

In October 2012, the Adventure Trails System of the Eastern Sierra applied to Inyo County to designate 38 separate combined-use roadways to permit OHV traffic. After environmental review and public input, the Inyo County Board of Supervisors approved a revised application and designated 7 combined-use routes in January 2015. After the county took action to approve the routes, the Center for Biological Diversity and the Public Employees for Environmental Responsibility filed a lawsuit, concerned that the county could proceed with the remaining 31 routes in the future. The lawsuit was settled in May 2015, with the county agreeing to limit the number of routes to the 7 approved and requiring that any expansion of the program to the remaining routes would have to undergo a new environmental review with public notice and comment. According to the county, to date, only 3 combined-use routes have been opened. The remaining 4 routes have been delayed due to needed agreements with the Los Angeles Department of Water and Power, which owns some affected lands. They are slated to be opened this summer.

According to the author, Inyo County needs additional time to fully implement and evaluate the OHV trail program so that they might more thoroughly determine its merits. The author contends that there is not enough on-the-ground data to evaluate the pros and cons of the current Adventure Trails program and that without the extension provided in SB 1345, there never will be.

Despite the lack of adequate data, the county submitted a report to the Legislature in December 2015 with preliminary findings from the three routes that have been opened for roughly six months. The findings include:

Safety: The CHP and the Inyo County Sheriff's Department have no reports of accidents or citations on the combined-use routes.

OHV Usage on Existing Trails: The Bureau of Land Management (BLM), which manages the affected OHV trails, has not observed any changes since the combined-use routes were opened. Additionally, BLM recently received grant funds to count the number of OHVs on BLM-maintained roads adjacent to the combined-use routes. BLM will likely not have usable data until later this year.

Additionally, the county found that there has been no significant change to OHV incursions into areas not designated for OHV use or impacts of non-motorized recreation.

Writing in opposition to SB 1345, the Sierra Club California states that this bill fails to address issues with the initial pilot including health and safety concerns; licensing, insurance and liability; noise and traffic increases in local communities; air quality impacts from dust and emissions; and significant impacts to natural resources.

Previous legislation: AB 628 (Conway), Chapter 532, Statutes of 2011, authorized Inyo County to designate road segments up to 10 miles in length for combined use on a pilot basis.

AB 2338 (Conway), of 2010, would have allowed Inyo County to designate road segments over three miles in length for combined use. AB 2338 was vetoed by the Governor.

REGISTERED SUPPORT / OPPOSITION:

Support

County of Inyo (Sponsor)
Rural County Representatives of California

Opposition

Sierra Club California
3 private citizens

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