

Date of Hearing: April 18, 2022

ASSEMBLY COMMITTEE ON TRANSPORTATION

Laura Friedman, Chair

AB 2152 (Smith) – As Introduced February 15, 2022

**SUBJECT:** Vehicles: off-highway vehicle recreation: City of Needles

**SUMMARY:** Authorizes the City of Needles (City) to establish a pilot project to designate combined-use highways on roads in the city to link existing off-highway vehicle (OHV) trails and to link OHV recreational use areas with necessary services and lodging facilities.

Specifically, **this bill:**

- 1) Limits the pilot project in the City to no more than 10 miles.
- 2) Requires the pilot project to do the following:
  - a) Prescribe the procedure for highway, road, or route selection and designation and that the procedure be approved by a vote of the majority of the city council.
  - b) Prescribe a procedure for the City to remove a combined-use designation.
  - c) In cooperation with the Department of Transportation (Caltrans), establish appropriate signage and traffic control devices.
  - d) Require OHVs subject to the pilot meet specified federal and state safety requirements regarding licensing, helmet usage, and other requirements as specified.
  - e) Prohibit OHVs from traveling faster than 35 miles per hour on highways designed under this section.
  - f) Includes an opportunity for public comment on the pilot at a public hearing held by the City.
- 3) Prohibits the City from designating a combined use highway unless the Commissioner of the California Highway Patrol (CHP) finds it safe.
- 4) States that the City agrees to defend and indemnify the state against claims for safety-related incidents resulting from use by an OHV of a combined use highway.
- 5) Requires the City, in consultation with CHP, Caltrans, and the Department of Parks and Recreation, to prepare a report evaluating the safety, effectiveness, and scope of the pilot project by January 1, 2027.
- 6) Requires the City, in consultation with the Department of Fish and Wildlife and the Mojave Desert Air Quality Management District, to prepare a report on the impacts of the combined-use highways on neighboring lands.
- 7) Sunsets the pilot January 1, 2028.

**EXISTING LAW:**

- 1) Authorizes an OHV, with an appropriate identification plate and in compliance with OHV equipment requirements, to be operated on a highway that is designated for combined-use.
- 2) Authorizes the appropriate authority to designate a highway for combined-use, if it is found that the highway provides a connecting link between OHV trail segments or between OHV recreational use areas and service or lodging facilities.
- 3) Prohibits highway segments designated for combined-use from being more than three miles, with the exception of a pilot project in Inyo County which allows for segments of no more than 10 miles.

**FISCAL EFFECT:** Unknown

**COMMENTS:**

*What is an OHV?* OHVs encompass a variety of vehicle types, including motorcycles, snowmobiles, sand buggies, dune buggies, all-terrain vehicles (ATVs), jeeps, and recreational utility vehicles (also known as utility terrain vehicles or side-by-sides), that are intended to be operated or used exclusively off the highways. They are therefore not subject to the same registration and safety equipment requirements as vehicles that are routinely used on public streets.

*Pilot precedent.* In 2011, the Legislature passed and the Governor signed AB 628 (Conway), Chapter 532 which, until January 1, 2017, authorized the County of Inyo to establish a pilot project designating specified combined-use highways in the unincorporated area in the County of Inyo. The combined-use highways link existing OHV trails and trailheads on federal Bureau of Land Management or United States Forest Service lands, and OHV recreational-use areas with necessary service and lodging facilities, in order to provide a unified linkage of trail systems for OHVs. AB 628 directed Inyo County, in consultation with CHP, Caltrans, and Parks to evaluate the pilot program and report its findings to the Legislature. Citing a need for more time to implement and evaluate the program, SB 1345 (Berryhill), Chapter 217, Statutes of 2016 extended the pilot project until January 1, 2020 and delayed the report due date to January 1, 2019. In their 2018 report, the Inyo County Sheriff's Office Department and CHP reported no accidents nor citations on the combined-use routes. Shortly after, the Legislature passed and the Governor signed SB 402 (Borgeas), Chapter 211, Statutes of 2019 to further extend the Inyo County pilot program to January 1, 2025.

According to the author, "AB 2316 would extend the existing Inyo County pilot program to the similarly situated City of Needles. This will allow the city to link existing off-highway motor vehicle trails and trailheads on federal Bureau of Land Management or United States Forest Service lands, and to link off-highway motor vehicle recreational-use areas with necessary service and lodging facilities, thereby creating a unified system of trails for OHVs and contributing substantially to the local economy. The City of Needles is uniquely positioned to experience the same type of benefits and successes that were experienced by the pilot project established for the County of Inyo but is unable to do so without legislative action. The city is a remote, rural, and disadvantaged community with a population of 5,200 residents. It is situated along the Colorado River adjacent to the State of Arizona. With the nearest city in the county being 140 miles of desert and two mountain ranges away, it is geographically isolated from other

cities in the county. The area surrounding the city is comprised of mostly Bureau of Land Management and Bureau of Reclamation public lands that are used by locals and visitors for off-highway motor vehicles and hiking activities.”

*Committee comments.* The author states that “The City of Needles is uniquely positioned to experience the same type of successes that were experienced by the pilot project established for the County of Inyo.” However, there are differences between the two areas. The County of Inyo has the second-lowest population density in California at 1.8 people per square mile. Needles is almost 100 times more densely populated, with 5,000 people inhabiting 30 square miles. Also, in Inyo County connections to link OHV facilities and trails were more clearly justified. 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 seven combined-use routes in January 2015. For Needles, the demonstrated lack of connection to established OHV facilities is less clear and there may be public safety concerns by having OHVs operate on city streets. Further, the pilot may be difficult to implement and could result in the need for additional enforcement. Therefore, it will be important for the pilot to evaluate the benefits in the City of Needles, implementation challenges, and increased costs from enforcement needs.

*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.

SB 1345 (Berryhill), Chapter 217, Statutes of 2016, extended the sunset date to January 1, 2020, for the Inyo County pilot program to designate combined-use roadways segments to connect OHV facilities.

SB 402 (Borgeas), Chapter 211, Statutes of 2019 extended the sunset date to January 2025 for the Inyo County pilot program to designate combined-use roadways segments to connect OHV facilities.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Off Road Vehicle Legislative Coalition

### **Opposition**

None on files

**Analysis Prepared by:** Aaron Kurz / TRANS. / (916) 319-2093