



**OHMVR COMMISSION MEETING
Sonora, CA**

May 29, 2015

STAFF REPORT: Legislative Update
STAFF: Tina Williams, OHMVR State Park Superintendent
SUBJECT: May 2015 California and Federal Legislation Summary Report

Summary

This report provides summary excerpts and status of bills that may affect the Off-Highway Motor Vehicle Recreation (OHMVR) program. Information contained in this report is accurate as of May 8, 2015. Changes in status of some bills, or introduction of new bills, may occur between the date this report was prepared and the Commission meeting date.

Discussion

CALIFORNIA LEGISLATION UPDATE

Assembly Bill 56 (Quirk): Unmanned Aircraft Systems

Summary: This bill would establish protocols for the use, or contracted use, of unmanned aircraft systems (drones) by public agencies.

Status: Active – Assembly Appropriations

Senate Bill 206 (Gaines): Vehicle Information Systems

Summary: This bill would prohibit the State Air Resources Board from collecting locational data or vehicle speed data from a vehicle information system. (This is data that could be accessed during a smog check.) In its current form, this bill would have little effect on off-road vehicles.

Status: Active – Senate Appropriations

Senate Bill 742 (Hertzberg): Solid Waste Diversions

Summary: Existing statute requires each state agency to divert at least 50% of all solid waste through source reduction, recycling, and composting. This bill would increase that diversion percentage to 60%, on and after January 1, 2018.

Status: Active – Senate Appropriations

Senate Concurrent Resolution 2 (Gaines): Eugene “Gene” Chappie Memorial Highway

Summary: Mr. Chappie served as an Off-Highway Motor Vehicle Commissioner from 1987-1992. This resolution designates a portion of State Highway 193, in El Dorado County, as the Eugene “Gene” Chappie Memorial Highway. The resolution also requests the Department of Transportation to install appropriate signage after receiving sufficient donations from non-state sources to cover those costs.

Status: Active – to the Assembly

FEDERAL LEGISLATION UPDATE

HR 792 (Griffith): No Net Increase in Lands. “Acre In, Acre Out Act.”

Summary: Would provide for no net increase in the total acreage of certain federal land under the jurisdiction of the BLM, the National Park Service, the United States Fish and Wildlife Service, or the Forest Service, and for other purposes.

Latest Major Action: 3/16/2015 - Referred to the Subcommittee on Federal Lands

HR 999 (Pompeo): The ROV In-Depth Examination Act

Summary: Would direct the National Academy of Sciences to study the vehicle handling requirements proposed by the Commission for recreational off-highway vehicles and to prohibit the adoption of any such requirements until the completion of the study.

Latest Major Action: 2/20/2015 - Referred to the Subcommittee on Commerce, Manufacturing and Trade

S 414 (Feinstein) California Desert Conservation and Recreation Act of 2015

Summary: The text of this bill is an attempt to achieve consensus on the various uses of desert land. It is the result of years of engagement with a range of stakeholders including environmental groups, local and state government officials, off-highway recreation enthusiasts, cattle ranchers, mining interests, the Department of Defense, wind and solar energy companies, California’s public utility companies and many others. The legislation also directs the Secretary to complete several studies which would

include stakeholders; state and local government's input. For a complete listing of this legislation, please see the attached bill.

The bill's key off-highway vehicle provisions:

Designate five existing BLM Off-Highway Vehicle areas (covering approximately 143,000 acres of California desert) as permanent Off-Highway Vehicle (OHV) recreation areas, providing off-highway enthusiasts certainty that these uses of the desert will be protected in a manner similar to conservation areas. (Details contained in Title XVIII, Off-Highway Highway Recreation Areas located on pages 86-100 of the Act).

Latest Major Action: 2/9/2015 - Read twice and referred to the Committee on Energy and Natural Resources

S 1040 (Heller) Off-Highway Consumer Product Safety Commission and the National Academy of Sciences Study

Summary: Would direct the Consumer Product Safety Commission and the National Academy of Sciences to study the vehicle handling requirements proposed by the Commission for recreational off-highway vehicles and to prohibit the adoption of any such requirements until the completion of the study, and for other purposes.

Latest Major Action: 4/22/2015 - Read twice and referred to the Committee on Commerce, Science, and Transportation

Commission Action

For information only

Attachments

AB 56
SB 206
SB 742
SCR 2
HR 792
HR 999
S 414
S 1040

AMENDED IN ASSEMBLY APRIL 22, 2015

AMENDED IN ASSEMBLY APRIL 8, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 56

**Introduced by Assembly Member Quirk
(Principal coauthor: Assembly Member Campos)**

December 2, 2014

An act to add Section 6254.31 to the Government Code, and to add Title 14 (commencing with Section 14350) to Part 4 of the Penal Code, relating to unmanned aircraft systems.

LEGISLATIVE COUNSEL'S DIGEST

AB 56, as amended, Quirk. Unmanned aircraft systems.

Existing federal law, the Federal Aviation Administration Modernization and Reform Act of 2012, provides for the integration of civil unmanned aircraft systems, commonly known as drones, into the national airspace system by September 30, 2015. Existing federal law requires the Administrator of the Federal Aviation Administration to develop and implement operational and certification requirements for the operation of public unmanned aircraft systems in the national airspace system by December 31, 2015.

This bill would generally prohibit public agencies from using unmanned aircraft systems, or contracting for the use of unmanned aircraft systems, as defined, with certain exceptions applicable to law enforcement agencies, *subject to approval by the legislative body having management and control of the law enforcement agency and other specified conditions*, and in certain other cases, including when the use or operation of the unmanned aircraft system achieves the core mission

of the agency and the purpose is unrelated to the gathering of criminal intelligence, as defined.

The bill would require reasonable public notice to be provided by public agencies intending to deploy unmanned aircraft systems, as specified. ~~The bill would require reasonable public notice, or a set of guidelines, to be made available to the public by law enforcement agencies intending to deploy unmanned aircraft systems, as specified.~~ *The bill would require a local legislative body that considers approving the use of an unmanned aircraft system by a law enforcement agency to provide an opportunity for public comment before granting approval, and to specify the circumstances under which an unmanned aircraft system may be used and the time limits applicable to each circumstance.* The bill would require images, footage, or data obtained through the use of an unmanned aircraft system under these provisions to be permanently destroyed within one year, except as specified. The bill would generally prohibit images, footage, or data obtained through the use of an unmanned aircraft system under these provisions from being disseminated outside the collecting public agency, except as specified. Unless authorized by federal law, the bill would prohibit a person or entity, including a public agency subject to these provisions, or a person or entity under contract to a public agency, for the purpose of that contract, from equipping or arming an unmanned aircraft system with a weapon or other device that may be carried by ~~or launched from, or launched or directed from,~~ an unmanned aircraft system and that is intended to cause *incapacitation*, bodily injury or death, or damage to, or the destruction of, real or personal property. The bill would also provide that specified surveillance restrictions on electronic devices apply to the use or operation of an unmanned aircraft system by a public agency.

The bill would make its provisions applicable to all public and private entities when contracting with a public agency for the use of an unmanned aircraft system.

Existing law, the California Public Records Act, requires state and local agencies to make public records available for inspection, subject to certain exceptions.

This bill would make certain images, footage, or data obtained through the use of an unmanned aircraft system under its provisions, or any related record, including, but not limited to, usage logs or logs that identify any person or entity that subsequently obtains or requests records of that system, subject to disclosure. The bill would except from

the disclosure requirements discussed above images, footage, data, and records obtained through the use of an unmanned aircraft system if disclosure would endanger the safety of a person involved in an investigation, or would endanger the successful completion of the investigation.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Because this bill would require local entities to comply with additional rules and requirements regarding the use of information obtained from unmanned aircraft systems, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 6254.31 is added to the Government
2 Code, to read:

3 6254.31. (a) Notwithstanding any provision of this chapter,
4 images, footage, or data obtained through the use of an unmanned
5 aircraft system pursuant to Title 14 (commencing with Section
6 14350) of Part 4 of the Penal Code, or any related record, including,
7 but not limited to, usage logs or logs that identify any person or
8 entity that subsequently obtains or requests records of that system,
9 are public records subject to disclosure.

10 (b) Notwithstanding subdivision (a), nothing in this chapter or
11 any other law requires the disclosure of images, footage, or data
12 obtained through the use of an unmanned aircraft system, or any
13 related record, including, but not limited to, usage logs or logs that
14 identify any person or entity that subsequently obtains or requests
15 records of that system, to the extent that disclosure of the images,

1 footage, data, or records would endanger the safety of a person
2 involved in an investigation, or would endanger the successful
3 completion of the investigation.

4 SEC. 2. Title 14 (commencing with Section 14350) is added
5 to Part 4 of the Penal Code, to read:

6

7

TITLE 14. UNMANNED AIRCRAFT SYSTEMS

8

9 14350. (a) A public agency shall not use an unmanned aircraft
10 system, or contract for the use of an unmanned aircraft system,
11 except as provided in this title. This title shall apply to all public
12 and private entities when contracting with a public agency for the
13 use of an unmanned aircraft system.

14 (b) A law enforcement agency may use an unmanned aircraft
15 system ~~over public lands, highways, and spaces open to the public~~
16 ~~without a warrant.~~ *if the law enforcement agency complies with*
17 *all of the following:*

18 (1) *Protections against unreasonable searches guaranteed by*
19 *the United States Constitution and the California Constitution.*

20 (2) *Federal law applicable to the use of an unmanned aircraft*
21 *system by an agency, including, but not limited to, regulations of*
22 *the Federal Aviation Administration.*

23 (3) *State law applicable to any agency's use of surveillance*
24 *technology that can be attached to an unmanned aircraft system,*
25 *including, but not limited to, Chapter 1.5 (commencing with Section*
26 *630) of Title 15 of Part 1.*

27 (4) *The law enforcement agency shall obtain prior approval*
28 *from the legislative body having management and control of the*
29 *agency.*

30 (5) *If the use of an unmanned aircraft system by a local law*
31 *enforcement agency may involve the systematic collection of images*
32 *from an adjacent county, city, or city and county, the law*
33 *enforcement agency shall obtain approval from the local legislative*
34 *body of that county, city, or city and county.*

35 (6) *The agency shall develop and make available to the public*
36 *a policy on the use of an unmanned aircraft system and shall train*
37 *the law enforcement agency's officers and employees on the policy,*
38 *prior to the use of the unmanned aircraft system.*

39 (c) (1) *A local legislative body that considers approving the*
40 *use of an unmanned aircraft system for use by a law enforcement*

1 agency to gather information pursuant to this section shall provide
2 an opportunity for public comment at a regularly scheduled public
3 meeting of the body before granting approval.

4 (2) The approval granted by a local legislative body pursuant
5 to this section shall specify, at a minimum, the circumstances under
6 which an unmanned aircraft system may be used and the time
7 limits applicable to each circumstance.

8 (e)

9 (d) A law enforcement agency ~~may~~ shall not use an unmanned
10 aircraft system under 400 feet above ground level over private
11 property if it has obtained consent from the property owner or a
12 warrant based on probable cause pursuant to this code. to surveil
13 private property unless the law enforcement agency complies with
14 subdivision (b) and has obtained either of the following:

15 (1) A search warrant based on probable cause.

16 (2) The express permission of the person or entity with the legal
17 authority to grant access to the specific private property to be
18 subjected to surveillance.

19 ~~(d) A law enforcement agency, without consent from the~~
20 ~~property owner or obtaining a warrant, may use an unmanned~~
21 ~~aircraft system in all of the following circumstances over private~~
22 ~~property:~~

23 (e) Notwithstanding subdivision (d), a law enforcement agency
24 may use an unmanned aircraft system to surveil private property
25 if an exigent circumstance exists, including, but not limited to, one
26 of the following circumstances:

27 (1) In emergency situations if there is an imminent threat to life
28 or of great bodily harm, including, but not limited to, fires, hostage
29 crises, “hot pursuit” situations if reasonably necessary to prevent
30 harm to law enforcement officers or others, and search and rescue
31 operations on land or water.

32 (2) To assess the necessity of first responders and process scenes
33 in situations relating to traffic accidents.

34 (3) To document traffic collision and crime scenes.

35 (4) To inspect state parks and wilderness areas for illegal
36 vegetation or fires, regardless of permanent improvements or
37 temporary human habitation.

38 (5) To determine the appropriate response to an imminent or
39 existing environmental emergency or disaster, including, but not
40 limited to, oils spills or chemical spills.

1 (e)

2 (f) A public agency other than a law enforcement agency may
3 use an unmanned aircraft system, or contract for the use of an
4 unmanned aircraft system, to achieve the core mission of the
5 agency provided that the purpose is unrelated to the gathering of
6 criminal intelligence.

7 (f)

8 (g) A public agency that is not primarily a law enforcement
9 agency, but that employs peace officers or performs functions
10 related to criminal investigations, may use an unmanned aircraft
11 system without obtaining a warrant to achieve the core mission of
12 the agency provided that the purpose is unrelated to the gathering
13 of criminal intelligence, and that the images, footage, or data are
14 not used for any purpose other than that for which it was collected.

15 14351. (a) A public agency that uses an unmanned aircraft
16 system, or contracts for the use of an unmanned aircraft system,
17 pursuant to this title shall first provide reasonable notice to the
18 public. Reasonable notice shall, at a minimum, consist of a
19 one-time announcement regarding the agency’s intent to deploy
20 unmanned aircraft system technology and a description of the
21 technology’s capabilities.

22 (b) ~~A law enforcement agency that uses an unmanned aircraft~~
23 ~~system shall first provide reasonable notice to the public or to the~~
24 ~~governing board, or create a set of guidelines, which will be made~~
25 ~~available to the public. Reasonable notice or the guidelines shall,~~
26 ~~at a minimum, consist of a one-time announcement regarding the~~
27 ~~agency’s intent to deploy unmanned aircraft system technology,~~
28 ~~a description of the technology’s capabilities, and what the~~
29 ~~technology will and will not be used for.~~

30 14352. (a) (1) (A) Except as permitted by this title, images,
31 footage, or data obtained by a public agency, or any entity
32 contracting with a public agency, ~~over of a private property and~~
33 ~~pursuant to this title shall not be disseminated to a law enforcement~~
34 ~~agency unless the law enforcement agency has obtained consent~~
35 ~~from the property owner or a warrant~~ *the permission of the person*
36 *or entity with the legal authority to grant access to the property*
37 *or a search warrant* for the images, footage, or data based on
38 probable cause pursuant to this code, or the law enforcement
39 agency would not have been required to obtain a warrant to collect
40 the images, footage, or data itself, as specified in Section 14350.

1 (B) A public agency that is not primarily a law enforcement
2 agency, but that employs peace officers or performs functions
3 related to criminal investigations, may disseminate images, footage,
4 or data collected pursuant to Section 14350 if the dissemination
5 is to others within that agency.

6 (2) Except as permitted by this title, images, footage, or data
7 obtained by a public agency, or any entity contracting with a public
8 agency, through the use of an unmanned aircraft system shall not
9 be disseminated outside the collecting public agency, unless one
10 of the following circumstances applies:

11 (A) Images, footage, or data obtained by a public agency through
12 the use of an unmanned aircraft system may be disseminated to
13 another public agency that is not a law enforcement agency if the
14 images, footage, or data are related to the core mission of both
15 public agencies involved in the sending or receiving of the images,
16 footage, or data.

17 (B) Images, footage, or data obtained by a public agency through
18 the use of an unmanned aircraft system may be disseminated
19 outside the collecting public agency if the images, footage, or data
20 are evidence in any claim filed or any pending litigation.

21 (C) Images, footage, or data obtained by a public agency through
22 the use of an unmanned aircraft system may be disseminated to a
23 private entity if both of the following conditions are satisfied:

24 (i) The collecting public agency is not a law enforcement
25 agency.

26 (ii) The images, footage, or data are related to the core function
27 of the collecting public agency.

28 (3) A public agency may make available to the public images,
29 footage, or data obtained by the public agency through the use of
30 an unmanned aircraft system if both of the following conditions
31 are satisfied:

32 (A) The images, footage, or data do not depict or describe any
33 individual or group of individuals, or the activities of any individual
34 or group of individuals whose identity or identities can be
35 ascertained.

36 (B) The disclosure of the images, footage, or data is required
37 to fulfill the public agency's statutory or mandatory obligations.

38 (b) Except as permitted by this title, images, footage, or data
39 obtained by a public agency through the use of an unmanned

1 aircraft system shall not be used by the public agency for any
2 purpose other than that for which it was collected.

3 (c) (1) Images, footage, or data obtained through the use of an
4 unmanned aircraft system shall be permanently destroyed within
5 one year, except that a public agency may retain the images,
6 footage, or data in all of the following circumstances:

7 (A) For training purposes. Images, footage, or data retained for
8 training purposes shall be used only for the education and
9 instruction of a public agency's employees in matters related to
10 the mission of the public agency and for no other purpose.

11 (B) For academic research or teaching purposes. Images,
12 footage, or data retained for academic research or teaching purposes
13 shall be used only for the advancement of research and teaching
14 conducted by an academic or research institution and matters
15 related to the mission of the institution and for no other purpose.

16 (C) For purposes of monitoring material assets owned by the
17 public agency.

18 (D) For environmental, public works, or land use management
19 or planning by the public agency.

20 (2) Notwithstanding paragraph (1), a public agency may retain
21 beyond one year images, footage, or data obtained through the use
22 of an unmanned aircraft system in both of the following
23 circumstances:

24 (A) If a *search* warrant authorized the collection of the images,
25 footage, or data.

26 (B) If the images, footage, or data are evidence in any claim
27 filed or any pending litigation, *internal disciplinary proceeding*,
28 or enforcement proceeding.

29 14353. Unless authorized by federal law, a person or entity,
30 including a public agency subject to Section 14350 or a person or
31 entity under contract to a public agency, for the purpose of that
32 contract, shall not equip or arm an unmanned aircraft system with
33 a weapon or other device that may be carried ~~by or launched from~~
34 *by, or launched or directed from*, an unmanned aircraft system
35 and that is intended to cause *incapacitation*, bodily injury or death,
36 or damage to, or the destruction of, real or personal property.

37 14354. All unmanned aircraft systems shall be operated so as
38 to minimize the collection of images, footage, or data of persons,
39 places, or things not specified with particularity in the warrant
40 authorizing the use of an unmanned aircraft system, or, if no

1 warrant was obtained, for purposes unrelated to the justification
2 for the operation.

3 14355. (a) This title is not intended to conflict with or
4 supersede federal law, including rules and regulations of the
5 Federal Aviation Administration.

6 (b) A local legislative body may adopt more restrictive policies
7 on the acquisition ~~or use~~, *use, or retention* of unmanned aircraft
8 systems.

9 14356. For the purposes of this title, the following definitions
10 shall apply:

11 (a) “Criminal intelligence” means information compiled,
12 analyzed, or disseminated in an effort to anticipate, prevent,
13 monitor, or investigate criminal activity.

14 (b) “Law enforcement agency” means the Attorney General of
15 the State of California, each district attorney, and each agency of
16 the State of California authorized by statute to investigate or
17 prosecute law violators.

18 (c) “Public agency” means and includes each state agency and
19 each local agency.

20 (d) “Unmanned aircraft system” means an unmanned aircraft
21 and associated elements, including communication links and the
22 components that control the unmanned aircraft, that are required
23 for the pilot in command to operate safely and efficiently in the
24 national airspace system.

25 14357. Except as provided in this title, the surveillance
26 restrictions on electronic devices described in Chapter 1.5
27 (commencing with Section 630) of Title 15 of Part 1 shall apply
28 to the use or operation of an unmanned aircraft system by a public
29 agency.

30 SEC. 3. The Legislature finds and declares that Section 1 of
31 this act, which adds Section 6254.31 of the Government Code,
32 imposes a limitation on the public’s right of access to the meetings
33 of public bodies or the writings of public officials and agencies
34 within the meaning of Section 3 of Article I of the California
35 Constitution. Pursuant to that constitutional provision, the
36 Legislature makes the following findings to demonstrate the interest
37 protected by this limitation and the need for protecting that interest:

38 In order to ensure the safety of persons involved in investigations
39 and to preserve the integrity of those investigations, it is necessary
40 that this act take effect.

1 SEC. 4. No reimbursement is required by this act pursuant to
2 Section 6 of Article XIII B of the California Constitution because
3 the only costs that may be incurred by a local agency or school
4 district under this act would result from a legislative mandate that
5 is within the scope of paragraph (7) of subdivision (b) of Section
6 3 of Article I of the California Constitution.

O

AMENDED IN SENATE APRIL 7, 2015

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 206

Introduced by Senator Gaines

February 11, 2015

An act to add Section 43003 to the Health and Safety Code, relating to vehicular air pollution.

LEGISLATIVE COUNSEL'S DIGEST

SB 206, as amended, Gaines. ~~On-board diagnostic systems.~~ *Vehicle information systems.*

Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution. Existing law requires the state board to adopt and implement motor vehicle emission standards, in-use performance standards, and motor vehicle fuel specifications for the control of air contaminants, including standards for off-road and nonvehicle engine categories.

This bill would prohibit the state board from obtaining ~~information locational data or vehicle speed data from a motor vehicle's on-board diagnostic~~ *vehicle information system, as defined.* The bill would provide that these provisions do not apply to the motor vehicle inspection and maintenance program, commonly known as smog check.

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. Section 43003 is added to the Health and Safety
- 2 Code, to read:
- 3 43003. (a) The state board shall not obtain ~~information~~
- 4 *locational data or vehicle speed data* from a ~~motor vehicle's~~
- 5 ~~on-board diagnostic~~ *vehicle information* system.
- 6 (b) *“Vehicle information” means a computer or other*
- 7 *device embedded or integrated into the vehicle, other than an event*
- 8 *recorder, that records, generates, stores, or collects data that can*
- 9 *by itself or with other information be used to distinguish or*
- 10 *individually identify the registered owner, of the vehicle, the driver*
- 11 *of the vehicle, or the operation, use, or condition of the vehicle.*
- 12 ~~(b)~~
- 13 (c) This section does not apply to Chapter 5 (commencing with
- 14 Section 44000).

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 742

Introduced by Senator Hertzberg

February 27, 2015

An act to amend Sections 42240, 42241, 42243, 42244, and 42245 of, and to repeal Section 42244.5 of, *Section 42921* of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 742, as amended, Hertzberg. ~~Solid waste.~~ *waste: diversion.*

The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, generally regulates the disposal, management, and recycling of solid waste. *The act requires each state agency to develop and adopt, in consultation with the department, an integrated waste management plan. Existing law requires each state agency and each large state facility, on and after January 1, 2004, to divert at least 50% of all solid waste from landfill disposal or transformation facilities through source reduction, recycling, and composting activities.*

This bill would require each state agency and each large state facility, on and after January 1, 2018, to divert at least 60% of all solid waste from landfill disposal or transformation facilities through source reduction, recycling, and composting activities. The bill would also delete an obsolete provision.

~~This bill would make nonsubstantive changes to some of its provisions.~~

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

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

1 ~~SECTION 1. Section 42921 of the Public Resources Code is~~
2 ~~amended to read:~~

3 ~~42921. (a) Each state agency and each large state facility shall~~
4 ~~divert at least 25 percent of all solid waste generated by the state~~
5 ~~agency by January 1, 2002, through source reduction, recycling,~~
6 ~~and composting activities.~~

7 ~~42921. (b)(a) On and after January 1, 2004, each state agency~~
8 ~~and each large state facility shall divert at least 50 percent of all~~
9 ~~solid waste through source reduction, recycling, and composting~~
10 ~~activities.~~

11 ~~(b) On and after January 1, 2018, each state agency and each~~
12 ~~large state facility shall divert at least 60 percent of all solid waste~~
13 ~~through source reduction, recycling, and composting activities.~~

14 ~~SECTION 1. Section 42240 of the Public Resources Code is~~
15 ~~amended to read:~~

16 ~~42240. The Department of General Services and the Department~~
17 ~~of Resources Recycling and Recovery, in consultation with other~~
18 ~~affected state agencies, shall maintain specifications for the~~
19 ~~purchase of compost by the State of California. The specifications~~
20 ~~shall designate the state minimum operating standards and product~~
21 ~~quality standards. The specifications shall be designed to maximize~~
22 ~~the use of compost without jeopardizing the safety and health of~~
23 ~~the citizens of the state or the environment.~~

24 ~~SEC. 2. Section 42241 of the Public Resources Code is~~
25 ~~amended to read:~~

26 ~~42241. The Department of Transportation shall use compost~~
27 ~~in place of, or to supplement, petroleum-based commercial~~
28 ~~fertilizers in the state's highway landscape maintenance program.~~

29 ~~SEC. 3. Section 42243 of the Public Resources Code is~~
30 ~~amended to read:~~

31 ~~42243. The Department of Forestry and Fire Protection, the~~
32 ~~Department of Parks and Recreation, and the Department of~~
33 ~~General Services shall initiate programs to restore public lands~~
34 ~~that use compost, cocompost, rice straw, and chemically fixed~~
35 ~~sewage sludge and shall use those products or materials wherever~~
36 ~~possible.~~

37 ~~SEC. 4. Section 42244 of the Public Resources Code is~~
38 ~~amended to read:~~

1 ~~42244. The department shall evaluate compost, cocompost,~~
2 ~~and chemically fixed sewage sludge for use as solid waste landfill~~
3 ~~cover materials or for use as extenders for currently used cover~~
4 ~~material. Compost, cocompost, and chemically fixed sewage sludge~~
5 ~~products, when used as a substitute for or mixed with currently~~
6 ~~approved cover material, shall possess all the physical~~
7 ~~characteristics required in the definition of a cover material.~~

8 ~~SEC. 5. Section 42244.5 of the Public Resources Code is~~
9 ~~repealed.~~

10 ~~SEC. 6. Section 42245 of the Public Resources Code is~~
11 ~~amended to read:~~

12 ~~42245. Based on the results of the evaluation conducted in~~
13 ~~accordance with Section 42244, the department may, on a~~
14 ~~case-by-case basis, approve the use of compost, cocompost, and~~
15 ~~chemically fixed sewage sludge, that meet the performance~~
16 ~~standards for cover material, for up to 25 percent of landfill cover~~
17 ~~materials or landfill cover extenders.~~

Introduced by Senator Gaines
(Coauthor: Assembly Member Bigelow)

December 5, 2014

Senate Concurrent Resolution No. 2—Relative to the Eugene “Gene” Chappie Memorial Highway.

LEGISLATIVE COUNSEL’S DIGEST

SCR 2, as introduced, Gaines. Eugene “Gene” Chappie Memorial Highway.

This measure would designate a specified portion of State Highway 193 in El Dorado County as the Eugene “Gene” Chappie Memorial Highway. The measure would also request the Department of Transportation to determine the cost of appropriate signs showing this special designation and, upon receiving donations from nonstate sources covering that cost, to erect those signs.

Fiscal committee: yes.

- 1 WHEREAS, Eugene “Gene” Chappie was a long-time El Dorado
- 2 County resident and rancher who dedicated his life to serving his
- 3 county, his state, his country, and the American people; and
- 4 WHEREAS, Gene Chappie was born on March 28, 1920, in
- 5 Sacramento. After graduating from high school in 1938, he joined
- 6 the United States Army and was promoted to the rank of Captain
- 7 while serving in the Pacific Theater during World War II, and later
- 8 returned to serve his country again during the Korean War; and
- 9 WHEREAS, In 1950, Governor Earl Warren appointed Gene
- 10 Chappie to a vacant seat on the El Dorado County Board of
- 11 Supervisors, where he served and represented the residents of the
- 12 4th Supervisorial District until he was elected to the State Assembly

1 in 1964, where he served and represented the residents of the 6th
2 Assembly District; and

3 WHEREAS, During his tenure in the Legislature, Gene Chappie
4 served as Chair of the Welfare Committee from 1967 to 1969, and
5 Chair of the Assembly Rules Committee from 1969 to 1971. He
6 pioneered legislation in the area of eliminating architectural barriers
7 for the handicapped, and authored measures with a more direct
8 bearing on his district, including legislation regulating the safety
9 and use of snowmobiles and efforts to introduce planning concepts
10 into the Lake Tahoe basin; and

11 WHEREAS, Gene Chappie was elected to the United States
12 House of Representatives in 1980, where he served and represented
13 the residents of the 1st and 3rd Congressional Districts. During
14 his six years in Congress, he served on the Agriculture Committee,
15 the Small Business Committee, the Merchant Marine and Fisheries
16 Committee, and the Select Committee on Drugs and Narcotics
17 Abuse. He announced his retirement in 1986 and returned to his
18 family's ranch in Cool, California; and

19 WHEREAS, Governor George Deukmejian appointed Gene
20 Chappie in 1987 to the California Off-Highway Motor Vehicle
21 Recreation Commission, where he served until 1992; and

22 WHEREAS, Governor George Deukmejian appointed Gene
23 Chappie in 1988 to a vacant seat on the El Dorado County Board
24 of Supervisors, returning him once again to represent the
25 constituents of the 4th Supervisorial District until 1991; and

26 WHEREAS, Gene Chappie served on various boards and
27 commissions. President Ronald Reagan appointed him to the
28 federal Architectural and Transportation Barriers Compliance
29 Board. At the state level, he served on the Commission on the
30 Status of Women, the Commission of the Californians, and the
31 Heritage Preservation Commission; and

32 WHEREAS, Gene Chappie was a founder of the Mountain
33 Counties Water Resources Association, the Georgetown Divide
34 Public Utility District, and was one of the original organizers and
35 supporters of the Jeepers Jamboree. He was a member of the Rotary
36 Club, the Veterans of Foreign Wars, the American Legion, the
37 Pilot Hill Grange, the Native Sons of the Golden West, the El
38 Dorado County Farm Bureau, the Elks, and the Holy Name Society;
39 and

1 WHEREAS, Gene Chappie passed away on May 31, 1992, at
2 72 years of age at his home in Georgetown, California; and

3 WHEREAS, In recognition of Gene Chappie’s four decades of
4 service to the citizens of El Dorado County and the State of
5 California, it is fitting to designate a portion of State Highway 193
6 in his honor; now, therefore, be it

7 *Resolved by the Senate of the State of California, the Assembly*
8 *thereof concurring,* That the Legislature hereby designates the
9 portion of State Highway 193 from State Highway 49 to Cramer
10 Road in El Dorado County as the Eugene “Gene” Chappie
11 Memorial Highway; and be it further

12 *Resolved,* That the Department of Transportation is requested
13 to determine the cost of appropriate signs consistent with the
14 signing requirements for the state highway system showing this
15 special designation and, upon receiving donations from nonstate
16 sources sufficient to cover the cost, to erect those signs; and be it
17 further

18 *Resolved,* That the Secretary of the Senate transmit copies of
19 this resolution to the Director of Transportation and to the author
20 for appropriate distribution.

114TH CONGRESS
1ST SESSION

H. R. 792

To provide for no net increase in the total acreage of certain Federal land under the jurisdiction of the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, or the Forest Service, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 2015

Mr. GRIFFITH introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for no net increase in the total acreage of certain Federal land under the jurisdiction of the Bureau of Land Management, the National Park Service, the United States Fish and Wildlife Service, or the Forest Service, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Acre In, Acre Out
5 Act”.

1 **SEC. 2. NO NET INCREASE IN CERTAIN FEDERAL LANDS.**

2 (a) IN GENERAL.—For acquisition of land by the
3 Secretary of the Interior or the Secretary of Agriculture
4 that would result in a net increase of total land acreage
5 under the jurisdiction of the National Park Service, the
6 United States Fish and Wildlife Service, the Bureau of
7 Land Management, or the Forest Service, the Secretary
8 concerned shall offer for sale an equal number of acres
9 of Federal land that is under the same jurisdictional sta-
10 tus.

11 (b) EXEMPTIONS.—Subsection (a) shall not apply to
12 easements acquired—

13 (1) by the Secretary of the Interior to facilitate
14 management of Federal lands; or

15 (2) by the Secretary of Agriculture to facilitate
16 management of Federal lands.

17 (c) CONSIDERATION.—

18 (1) IN GENERAL.—Land sold pursuant to sub-
19 section (a) shall be offered for sale—

20 (A) at fair market value (based on local
21 comparable sales); and

22 (B) at a price that is reduced by 10 per-
23 cent each month if the land is not sold or under
24 contract to be sold by the date that is 6 months
25 after the land was first offered for sale.

1 (2) EXCEPTION.—Time periods during which
2 land is under contract for sale or withdrawn from
3 the market shall not be counted for the purposes of
4 price reduction under paragraph (1)(B).

5 (d) EXISTING RIGHTS.—The sale of Federal lands
6 pursuant to this section shall be subject to valid existing
7 rights.

8 (e) PROCEEDS OF SALE OF LANDS.—All net proceeds
9 from the sale of Federal lands pursuant to this section
10 shall be deposited directly into the Treasury for reduction
11 of the public debt.

○

114TH CONGRESS
1ST SESSION

H. R. 999

To direct the Consumer Product Safety Commission and the National Academy of Sciences to study the vehicle handling requirements proposed by the Commission for recreational off-highway vehicles and to prohibit the adoption of any such requirements until the completion of the study.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2015

Mr. POMPEO (for himself, Mr. PETERSON, Mr. PAULSEN, Mr. HARPER, Mr. DUFFY, Mr. STEWART, Mr. KING of Iowa, Mr. SIMPSON, Mr. BENISHEK, Mr. KLINE, Mr. ZINKE, Mr. OLSON, Mrs. NOEM, Mr. AMODEI, and Mr. STIVERS) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To direct the Consumer Product Safety Commission and the National Academy of Sciences to study the vehicle handling requirements proposed by the Commission for recreational off-highway vehicles and to prohibit the adoption of any such requirements until the completion of the study.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “ROV In-Depth Exam-
5 ination Act”.

1 **SEC. 2. RECREATIONAL OFF-HIGHWAY VEHICLE STAND-**
2 **ARDS STUDY.**

3 (a) NO MANDATORY STANDARDS REGARDING PER-
4 FORMANCE OR CONFIGURATION OF ROVs.—

5 (1) IN GENERAL.—The Consumer Product
6 Safety Commission shall have no authority to estab-
7 lish any standards concerning the performance or
8 configuration of recreational off-highway vehicles
9 until after the completion of the study required by
10 subsection (b). This prohibition includes a prohibi-
11 tion on the exercise of any authority pursuant to
12 section 27(e) of the Consumer Product Safety Act
13 (15 U.S.C. 2076(e)) to require ROV manufacturers
14 to provide performance and technical data to pro-
15 spective purchasers and to the first purchaser of an
16 ROV for purposes other than resale.

17 (2) VOLUNTARY STANDARDS.—Nothing in this
18 section shall be construed as suggesting that ROVs
19 shall not be manufactured in compliance with appli-
20 cable voluntary standards.

21 (b) STUDY.—

22 (1) IN GENERAL.—The Commission shall con-
23 tract with the National Academy of Sciences to de-
24 termine—

25 (A) the technical validity of the lateral sta-
26 bility and vehicle handling requirements pro-

1 posed by the Commission in a notice of pro-
2 posed rulemaking published in the Federal Reg-
3 ister November 19, 2014 (79 Fed. Reg. 68964),
4 for purposes of reducing the risk of ROV roll-
5 overs in the off-road environment, including the
6 repeatability and reproducibility of testing for
7 compliance with such requirements;

8 (B) the number of ROV rollovers that
9 would be prevented if the proposed require-
10 ments were adopted;

11 (C) whether there is a technical basis for
12 the proposal to provide information on a point-
13 of-sale hangtag about a vehicle's rollover resist-
14 ance on a progressive scale; and

15 (D) the effect on the utility of ROVs used
16 by the Armed Forces if the proposed require-
17 ments were adopted.

18 (2) CONSULTATION AND DEADLINE FOR RE-
19 PORT.—The National Academy of Sciences shall
20 consult with the National Highway Traffic Safety
21 Administration and the Department of Defense in
22 carrying out the study required by this subsection.
23 The National Academy of Sciences shall complete
24 and transmit to the Commission a report containing

1 the findings of the study not later than two years
2 after the date of enactment of this Act.

3 (3) REPORT TO CONGRESS.—Within five days
4 of receiving the report described in paragraph (2)
5 from the National Academy of Sciences, the Com-
6 mission shall transmit the report, along with any
7 comments of the Commission, to the Committee on
8 Energy and Commerce of the House of Representa-
9 tives and to the Committee on Commerce, Science
10 and Transportation of the Senate.

11 (4) CONSIDERATION.—The Commission shall
12 consider the results of the study in any subsequent
13 rulemaking regarding the performance or configura-
14 tion of ROVs, or the provision of point-of-sale infor-
15 mation regarding ROV performance.

16 (c) DEFINITIONS.—As used in this section:

17 (1) COMMISSION.—The term “Commission”
18 means the Consumer Product Safety Commission.

19 (2) RECREATIONAL OFF-HIGHWAY VEHICLE.—
20 The term “recreational off-highway vehicle” or
21 “ROV” means a motorized off-highway vehicle de-
22 signed to travel on four or more tires, intended by
23 the manufacturer for recreational use by one or
24 more persons and having the following characteris-
25 tics:

1 (A) A steering wheel for steering control.

2 (B) Foot controls for throttle and service
3 brake.

4 (C) Non-straddle seating.

5 (D) Maximum speed capability greater
6 than 30 miles per hour.

7 (E) Gross vehicle weight rating no greater
8 than 3,750 pounds.

9 (F) Less than 80 inches in overall width,
10 exclusive of accessories.

11 (G) Engine displacement equal to or less
12 than 61 cubic inches for gasoline fueled en-
13 gines.

14 (H) Identification by means of a 17-char-
15 acter personal or vehicle information number.

16 (3) EXCLUSION.—Such term does not include a
17 prototype of a motorized, off-highway, all-terrain ve-
18 hicle or other motorized, off-highway, all-terrain ve-
19 hicle that is intended exclusively for research and de-
20 velopment purposes unless the vehicle is offered for
21 sale.

○

1 **“SEC. 1704. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated such sums
3 as are necessary to carry out this title.

4 **“TITLE XVIII—OFF-HIGHWAY**
5 **VEHICLE RECREATION AREAS**

6 **“SEC. 1801. DESIGNATION OF OFF-HIGHWAY VEHICLE**
7 **RECREATION AREAS.**

8 “(a) DESIGNATION.—In accordance with the Federal
9 Land Policy and Management Act of 1976 (43 U.S.C.
10 1701 et seq.) and resource management plans developed
11 under this title and subject to valid rights, the following
12 land within the Conservation Area in San Bernardino
13 County, California, is designated as Off-Highway Vehicle
14 Recreation Areas:

15 “(1) DUMONT DUNES OFF-HIGHWAY VEHICLE
16 RECREATION AREA.—Certain Bureau of Land Man-
17 agement land in the Conservation Area, comprising
18 approximately 7,630 acres, as generally depicted on
19 the map entitled ‘Dumont Dunes Proposed National
20 OHV Recreation Area’ and dated January 5, 2015,
21 which shall be known as the ‘Dumont Dunes Off-
22 Highway Vehicle Recreation Area’.

23 “(2) EL MIRAGE OFF-HIGHWAY VEHICLE
24 RECREATION AREA.—Certain Bureau of Land Man-
25 agement land in the Conservation Area, comprising
26 approximately 14,930 acres, as generally depicted on

1 the map entitled 'El Mirage Proposed National OHV
2 Recreation Area' and dated July 15, 2009, which
3 shall be known as the 'El Mirage Off-Highway Vehi-
4 cle Recreation Area'.

5 “(3) RASOR OFF-HIGHWAY VEHICLE RECRE-
6 ATION AREA.—Certain Bureau of Land Management
7 land in the Conservation Area, comprising approxi-
8 mately 23,910 acres, as generally depicted on the
9 map entitled 'Rasor Proposed National OHV Recre-
10 ation Area' and dated July 15, 2009, which shall be
11 known as the 'Rasor Off-Highway Vehicle Recre-
12 ation Area'.

13 “(4) SPANGLER HILLS OFF-HIGHWAY VEHICLE
14 RECREATION AREA.—Certain Bureau of Land Man-
15 agement land in the Conservation Area, comprising
16 approximately 56,140 acres, as generally depicted on
17 the map entitled 'Spangler Hills Proposed National
18 OHV Recreation Area' and dated July 16, 2009,
19 which shall be known as the 'Spangler Off-Highway
20 Vehicle Recreation Area'.

21 “(5) STODDARD VALLEY OFF-HIGHWAY VEHI-
22 CLE RECREATION AREA.—Certain Bureau of Land
23 Management land in the Conservation Area, com-
24 prising approximately 40,110 acres, as generally de-
25 picted on the map entitled 'Stoddard Valley Pro-

1 posed National OHV Recreation Area' and dated
2 July 16, 2009, which shall be known as the 'Stod-
3 dard Valley Off-Highway Vehicle Recreation Area'.

4 "(b) PURPOSE.—The purpose of the off-highway ve-
5 hicle recreation areas designated under subsection (a) is
6 to preserve and enhance the recreational opportunities
7 within the Conservation Area (including opportunities for
8 off-highway vehicle recreation), while conserving the wild-
9 life and other natural resource values of the Conservation
10 Area.

11 "(c) MAPS AND DESCRIPTIONS.—

12 "(1) PREPARATION AND SUBMISSION.—As soon
13 as practicable after the date of enactment of this
14 title, the Secretary shall file a map and legal de-
15 scription of each off-highway vehicle recreation area
16 designated by subsection (a) with—

17 "(A) the Committee on Natural Resources
18 of the House of Representatives; and

19 "(B) the Committee on Energy and Nat-
20 ural Resources of the Senate.

21 "(2) LEGAL EFFECT.—The map and legal de-
22 scriptions of the off-highway vehicle recreation areas
23 filed under paragraph (1) shall have the same force
24 and effect as if included in this title, except that the

1 Secretary may correct errors in the map and legal
2 descriptions.

3 “(3) PUBLIC AVAILABILITY.—Each map and
4 legal description filed under paragraph (1) shall be
5 filed and made available for public inspection in the
6 appropriate offices of the Bureau of Land Manage-
7 ment.

8 “(d) USE OF THE LAND.—

9 “(1) RECREATIONAL ACTIVITIES.—

10 “(A) IN GENERAL.—The Secretary shall
11 continue to authorize, maintain, and enhance
12 the recreational uses of the off-highway vehicle
13 recreation areas designated by subsection (a),
14 including off-highway recreation, hiking, camp-
15 ing, hunting, mountain biking, sightseeing,
16 rockhounding, and horseback riding, as long as
17 the recreational use is consistent with this sec-
18 tion and any other applicable law.

19 “(B) OFF-HIGHWAY VEHICLE AND OFF-
20 HIGHWAY RECREATION.—To the extent con-
21 sistent with applicable Federal law (including
22 regulations) and this section, any authorized
23 recreation activities and use designations in ef-
24 fect on the date of enactment of this title and
25 applicable to the off-highway vehicle recreation

1 areas designated by subsection (a) shall con-
2 tinue, including casual off-highway vehicular
3 use, racing, competitive events, rock crawling,
4 training, and other forms of off-highway recre-
5 ation.

6 “(2) WILDLIFE GUZZLERS.—Wildlife guzzlers
7 shall be allowed in the off-highway vehicle recreation
8 areas designated by subsection (a) in accordance
9 with—

10 “(A) applicable Bureau of Land Manage-
11 ment guidelines; and

12 “(B) State law.

13 “(3) PROHIBITED USES.—Commercial develop-
14 ment (including development of mining and energy
15 facilities, but excluding energy transport facilities,
16 rights-of-way, and related telecommunication facili-
17 ties) shall be prohibited in the off-highway vehicle
18 recreation areas designated by subsection (a) if the
19 Secretary determines that the development is incom-
20 patible with the purpose described in subsection (b).

21 “(e) ADMINISTRATION.—

22 “(1) IN GENERAL.—The Secretary shall admin-
23 ister the off-highway vehicle recreation areas des-
24 ignated by subsection (a) in accordance with—

25 “(A) this title;

1 “(B) the Federal Land Policy and Man-
2 agement Act of 1976 (43 U.S.C. 1701 et seq.);
3 and

4 “(C) any other applicable laws (including
5 regulations).

6 “(2) MANAGEMENT PLAN.—

7 “(A) IN GENERAL.—As soon as prac-
8 ticable, but not later than 3 years after the date
9 of enactment of this title, the Secretary shall—

10 “(i) amend existing resource manage-
11 ment plans applicable to the land des-
12 ignated as off-highway vehicle recreation
13 areas under subsection (a); or

14 “(ii) develop new management plans
15 for each off-highway vehicle recreation
16 area designated under that subsection.

17 “(B) REQUIREMENTS.—All new or amend-
18 ed plans under subparagraph (A) shall be de-
19 signed to preserve and enhance safe off-highway
20 vehicle and other recreational opportunities
21 within the applicable recreation area consistent
22 with—

23 “(i) the purpose described in sub-
24 section (b); and

1 “(ii) any applicable laws (including
2 regulations).

3 “(C) INTERIM PLANS.—Pending comple-
4 tion of a new management plan under subpara-
5 graph (A), the existing resource management
6 plans shall govern the use of the applicable off-
7 highway vehicle recreation area.

8 “(f) STUDY.—

9 “(1) IN GENERAL.—As soon as practicable, but
10 not later than 2 years, after the date of enactment
11 of this title, the Secretary shall complete a study to
12 identify Bureau of Land Management land within
13 the Conservation Area that is suitable for addition
14 to—

15 “(A) the national off-highway vehicle recre-
16 ation areas designated by subsection (a); or

17 “(B) the Johnson Valley Off-Highway Ve-
18 hicle Recreation Area designated by section
19 2945 of the National Defense Authorization Act
20 for Fiscal Year 2014 (Public Law 113–66; 127
21 Stat. 1038).

22 “(2) STUDY AREAS.—The study required under
23 paragraph (1) shall include—

24 “(A) certain Bureau of Land Management
25 land in the Conservation Area, comprising ap-

1 proximately 41,000 acres, as generally depicted
2 on the map entitled ‘Spangler Hills Proposed
3 Expansion Study Area’ and dated January 23,
4 2015; and

5 “(B) certain Bureau of Land Management
6 land in the Conservation Area, comprising ap-
7 proximately 680 acres, as generally depicted on
8 the map entitled ‘El Mirage Proposed Expan-
9 sion Study Area’ and dated January 21, 2015.

10 “(3) REQUIREMENTS.—In preparing the study
11 under paragraph (1), the Secretary shall—

12 “(A) seek input from stakeholders, includ-
13 ing—

14 “(i) the State, including—

15 “(I) the California Public Utili-
16 ties Commission; and

17 “(II) the California Energy Com-
18 mission;

19 “(ii) San Bernardino County, Cali-
20 fornia;

21 “(iii) the public;

22 “(iv) recreational user groups;

23 “(v) conservation organizations;

24 “(vi) the Southern California Edison
25 Company; and

1 “(vii) the Pacific Gas and Electric
2 Company;

3 “(B) explore the feasibility of expanding
4 the southern boundary of the off-highway vehi-
5 cle recreation area described in subsection
6 (a)(3) to include previously disturbed land;

7 ~~“(C) identify and exclude from consider-~~
8 ~~ation any land that—~~

9 “(i) is managed for conservation pur-
10 poses;

11 “(ii) may be suitable for renewable en-
12 ergy development; or

13 “(iii) may be necessary for energy
14 transmission; and

15 “(D) not recommend or approve expansion
16 of national off-highway recreation areas within
17 the Conservation Area that collectively would
18 exceed the total acres administratively des-
19 ignated for off-highway recreation within the
20 Conservation Area as of the day before the date
21 of enactment of the National Defense Author-
22 ization Act for Fiscal Year 2014 (Public Law
23 113–66; 127 Stat. 672).

24 “(4) APPLICABLE LAW.—The Secretary shall
25 consider the information and recommendations of

1 the study completed under paragraph (1) to deter-
2 mine the impacts of expanding off-highway vehicle
3 recreation areas designated by subsection (a) on the
4 Conservation Area, in accordance with—

5 “(A) the National Environmental Policy
6 Act of 1969 (42 U.S.C. 4321 et seq.);

7 “(B) the Endangered Species Act of 1973
8 (16 U.S.C. 1531 et seq.); and

9 “(C) any other applicable law.

10 “(5) SUBMISSION TO CONGRESS.—On comple-
11 tion of the study under paragraph (1), the Secretary
12 shall submit the study to—

13 “(A) the Committee on Natural Resources
14 of the House of Representatives; and

15 “(B) the Committee on Energy and Nat-
16 ural Resources of the Senate.

17 “(6) AUTHORIZATION FOR EXPANSION.—

18 “(A) IN GENERAL.—On completion of the
19 study under paragraph (1) and in accordance
20 with all applicable laws (including regulations),
21 the Secretary shall authorize the expansion of
22 the off-highway vehicle recreation areas rec-
23 ommended under the study.

1 “(B) affects the application, siting, route
2 selection, right-of-way acquisition, or construc-
3 tion of the Coolwater-Lugo transmission
4 project, as may be approved by the California
5 Public Utilities Commission and the Bureau of
6 Land Management; or

7 “(C) prohibits the upgrading or replace-
8 ment of any Southern California Edison Com-
9 pany—

10 “(i) utility facility, including such a
11 utility facility known on the date of enact-
12 ment of this title as—

13 “(I) ‘Gale-PS 512 transmission
14 lines or rights-of-way’; or

15 “(II) ‘Patio, Jack Ranch, and
16 Kenworth distribution circuits or
17 rights-of-way’; or

18 “(ii) energy transport facility in a
19 right-of-way issued, granted, or permitted
20 by the Secretary adjacent to a utility facil-
21 ity referred to in clause (i).

22 “(2) PLANS FOR ACCESS.—The Secretary, in
23 consultation with the Southern California Edison
24 Company, shall publish plans for regular and emer-
25 gency access by the Southern California Edison

1 Company to the rights-of-way of the Company by
2 the date that is 1 year after the later of—

3 “(A) the date of enactment of this title;
4 and

5 “(B) the date of issuance of a new energy
6 transport facility right-of-way within—

7 “(i) the El Mirage Off-Highway Vehi-
8 cle Recreation Area;

9 “(ii) the Spangler Hills National Off-
10 Highway Vehicle Recreation Area; or

11 “(iii) the Stoddard Valley National
12 Off Highway Vehicle Recreation Area.

13 “(h) PACIFIC GAS AND ELECTRIC COMPANY UTILITY
14 FACILITIES AND RIGHTS-OF-WAY.—

15 “(1) EFFECT OF TITLE.—Nothing in this
16 title—

17 “(A) terminates any validly issued right-of-
18 way for the customary operation, maintenance,
19 upgrade, repair, relocation within an existing
20 right-of-way, replacement, or other authorized
21 activity (including the use of any mechanized
22 vehicle, helicopter, and other aerial device) in a
23 right-of-way issued, granted, or permitted to
24 Pacific Gas and Electric Company (including
25 any predecessor or successor in interest or as-

1 sign) that is located on land included in the
2 Spangler Hills National Off-Highway Vehicle
3 Recreation Area; or

4 “(B) prohibits the upgrading or replace-
5 ment of any—

6 “(i) utility facilities of the Pacific Gas
7 and Electric Company, including those
8 utility facilities known on the date of en-
9 actment of this title as—

10 “(I) ‘Gas Transmission Line 311
11 or rights-of-way’; or

12 “(II) ‘Gas Transmission Line
13 372 or rights-of-way’; or

14 “(ii) utility facilities of the Pacific
15 Gas and Electric Company in rights-of-way
16 issued, granted, or permitted by the Sec-
17 retary adjacent to a utility facility referred
18 to in clause (i).

19 “(2) PLANS FOR ACCESS.—Not later than 1
20 year after the date of enactment of this title or the
21 issuance of a new utility facility right-of-way within
22 the Spangler Hills National Off-Highway Vehicle
23 Recreation Area, whichever is later, the Secretary, in
24 consultation with the Pacific Gas and Electric Com-
25 pany, shall publish plans for regular and emergency

1 access by the Pacific Gas and Electric Company to
2 the rights-of-way of the Pacific Gas and Electric
3 Company.

4 **“TITLE XIX—ALABAMA HILLS**
5 **NATIONAL SCENIC AREA**

6 **“SEC. 1901. DEFINITIONS.**

7 “In this title:

8 “(1) ENERGY TRANSPORT FACILITY.—

9 “(A) IN GENERAL.—The term ‘energy
10 transport facility’ means any facility used for
11 the operation and maintenance, transmission,
12 distribution, or transportation of electricity or
13 natural gas.

14 “(B) INCLUSIONS.—The term ‘energy
15 transport facility’ includes—

16 “(i) an electric or gas transmission or
17 distribution facility;

18 “(ii) a telecommunications facility;
19 and

20 “(iii) any appurtenant equipment
21 owned or used by a public or municipal
22 utility company or water district.

23 “(2) MANAGEMENT PLAN.—The term ‘manage-
24 ment plan’ means the management plan for the Na-
25 tional Scenic Area developed under section 1903(a).

114TH CONGRESS
1ST SESSION

S. 1040

To direct the Consumer Product Safety Commission and the National Academy of Sciences to study the vehicle handling requirements proposed by the Commission for recreational off-highway vehicles and to prohibit the adoption of any such requirements until the completion of the study, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 22, 2015

Mr. HELLER (for himself and Mr. MANCHIN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To direct the Consumer Product Safety Commission and the National Academy of Sciences to study the vehicle handling requirements proposed by the Commission for recreational off-highway vehicles and to prohibit the adoption of any such requirements until the completion of the study, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “ROV In-Depth Exam-
5 ination Act of 2015”.

1 **SEC. 2. RECREATIONAL OFF-HIGHWAY VEHICLE STAND-**
2 **ARDS STUDY.**

3 (a) DEFINITIONS.—In this section:

4 (1) COMMISSION.—The term “Commission”
5 means the Consumer Product Safety Commission.

6 (2) RECREATIONAL OFF-HIGHWAY VEHICLE
7 AND ROV.—

8 (A) IN GENERAL.—The term “recreational
9 off-highway vehicle” or “ROV” means a motor-
10 ized off-highway vehicle designed to travel on
11 four or more tires, intended by the manufac-
12 turer for recreational use by one or more per-
13 sons and having the following characteristics:

14 (i) A steering wheel for steering con-
15 trol.

16 (ii) Foot controls for throttle and
17 service brake.

18 (iii) Non-straddle seating.

19 (iv) Maximum speed capability greater
20 than 30 miles per hour.

21 (v) Gross vehicle weight rating no
22 greater than 3,750 pounds.

23 (vi) Less than 80 inches in overall
24 width, exclusive of accessories.

1 (vii) Engine displacement equal to or
2 less than 61 cubic inches for gasoline
3 fueled engines.

4 (viii) Identification by means of a 17-
5 character personal or vehicle information
6 number.

7 (B) EXCLUSION.—Such term does not in-
8 clude a prototype of a motorized, off-highway,
9 all-terrain vehicle or other motorized, off-high-
10 way, all-terrain vehicle that is intended exclu-
11 sively for research and development purposes
12 unless the vehicle is offered for sale.

13 (b) NO MANDATORY STANDARDS REGARDING PER-
14 FORMANCE OR CONFIGURATION OF ROVs.—

15 (1) IN GENERAL.—The Consumer Product
16 Safety Commission shall have no authority to estab-
17 lish any standards concerning the performance or
18 configuration of recreational off-highway vehicles
19 until after the completion of the study required by
20 subsection (c). This prohibition includes a prohibi-
21 tion on the exercise of any authority pursuant to
22 section 27(e) of the Consumer Product Safety Act
23 (15 U.S.C. 2076(e)) to require ROV manufacturers
24 to provide performance and technical data to pro-

1 spective purchasers and to the first purchaser of an
2 ROV for purposes other than resale.

3 (2) VOLUNTARY STANDARDS.—Nothing in this
4 section shall be construed as suggesting that ROVs
5 shall not be manufactured in compliance with appli-
6 cable voluntary standards.

7 (c) STUDY ON PROPOSED LATERAL STABILITY AND
8 VEHICLE HANDLING REQUIREMENTS.—

9 (1) AGREEMENT.—

10 (A) IN GENERAL.—The Commission shall
11 seek to enter into an agreement with the Na-
12 tional Academy of Sciences to perform the serv-
13 ices covered by this subsection.

14 (B) TIMING.—The Commission shall seek
15 to enter into the agreement described in sub-
16 paragraph (A) not later than the latest date by
17 which the Commission considers reasonable for
18 the National Academy of Sciences to begin per-
19 forming the services covered by this subsection
20 and complete them before the date described in
21 paragraph (2)(D).

22 (2) STUDY.—

23 (A) IN GENERAL.—Under an agreement
24 between the Commission and the National
25 Academy of Sciences under this subsection, the

1 National Academy of Sciences shall conduct a
2 study on matters concerning the lateral stability
3 and vehicle handling requirements proposed by
4 the Commission in a notice of proposed rule-
5 making published in the Federal Register No-
6 vember 19, 2014 (79 Fed. Reg. 68964).

7 (B) ELEMENTS.—The study carried under
8 subparagraph (A) shall determine—

9 (i) the technical validity of the lateral
10 stability and vehicle handling requirements
11 described in subparagraph (A), for pur-
12 poses of reducing the risk of ROV rollovers
13 in the off-road environment, including the
14 repeatability and reproducibility of testing
15 for compliance with such requirements;

16 (ii) the number of ROV rollovers that
17 would be prevented if the proposed require-
18 ments were adopted;

19 (iii) whether there is a technical basis
20 for the proposal to provide information on
21 a point-of-sale hangtag about a vehicle's
22 rollover resistance on a progressive scale;
23 and

1 (iv) the effect on the utility of ROVs
2 used by the Armed Forces if the proposed
3 requirements were adopted.

4 (C) CONSULTATION.—In carrying out the
5 study pursuant to subparagraph (A), the Na-
6 tional Academy of Sciences shall consult with
7 the Administrator of the National Highway
8 Traffic Safety Administration and the Secretary
9 of Defense.

10 (D) DEADLINE AND REPORT.—In carrying
11 out the study pursuant to subparagraph (A),
12 the National Academy of Sciences shall com-
13 plete and transmit to the Commission a report
14 containing the findings of the study not later
15 than 2 years after the date of the enactment of
16 this Act.

17 (3) REPORT TO CONGRESS.—Not later than 5
18 days after receiving the report described in para-
19 graph (2)(D) from the National Academy of
20 Sciences, the Commission shall submit to the Com-
21 mittee on Commerce, Science, and Transportation of
22 the Senate and the Committee on Energy and Com-
23 merce of the House of Representatives such report,
24 along with such comments as the Commission may
25 have concerning the report.

1 (4) CONSIDERATION.—The Commission shall
2 consider the results of the study conducted under
3 this subsection in any subsequent rulemaking re-
4 garding the performance or configuration of ROVs,
5 or the provision of point-of-sale information regard-
6 ing ROV performance.

7 (5) ALTERNATE CONTRACT ORGANIZATION.—

8 (A) IN GENERAL.—If the Commission is
9 unable within the period prescribed in para-
10 graph (1)(B) to enter into an agreement de-
11 scribed in paragraph (1)(A) with the National
12 Academy of Sciences on terms acceptable to the
13 Commission, the Commission shall seek to enter
14 into such an agreement with another appro-
15 priate organization that—

16 (i) is not part of the Government;

17 (ii) operates as a not-for-profit entity;

18 and

19 (iii) has expertise and objectivity com-
20 parable to that of the National Academy of
21 Sciences.

22 (B) TREATMENT.—If the Commission en-
23 ters into an agreement with another organiza-
24 tion as described in subparagraph (A), any ref-
25 erence in this section to the National Academy

1 of Sciences shall be treated as a reference to
2 the other organization.

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