

AMENDED IN SENATE MAY 13, 2019

SENATE BILL

No. 402

Introduced by Senator Borgeas

(Principal coauthors: Assembly Members Bigelow and Mathis)

February 20, 2019

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

LEGISLATIVE COUNSEL'S DIGEST

SB 402, as amended, Borgeas. Vehicles: off-highway vehicle recreation: County of 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 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, until January 1, 2020, 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, 2019, as specified.

This bill would extend the operation of that pilot project until January 1, 2025, and would require the County of Inyo, in consultation with the above-mentioned entities, to submit an additional evaluation report to the Legislature by January 1, 2024.

The bill would also require the County of Inyo, in consultations with the Department of Fish and Wildlife and the Great Basin Unified Air Pollution Control District, to submit a report, as specified, to the Legislature by January 1, 2022, regarding the operation and impact of these highways.

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 to continue to better evaluate whether a combined-use highways
 3 system is workable in the County of Inyo. It is further the intent
 4 of the Legislature that no General Fund moneys be expended for
 5 the pilot project extension authorized by this act, and the project
 6 will be revenue neutral to the state.

7 SEC. 2. Section 38026.1 of the Vehicle Code is amended to
 8 read:

9 38026.1. (a) Except as provided in subdivision (e), the County
 10 of Inyo may establish a pilot project to designate combined-use
 11 highways on unincorporated county roads in the county for no
 12 more than 10 miles so that the combined-use highways can be used
 13 to link existing off-highway motor vehicle trails and trailheads on
 14 federal Bureau of Land Management or United States Forest
 15 Service lands, and to link off-highway motor vehicle
 16 recreational-use areas with necessary service and lodging facilities,
 17 in order to provide a unified system of trails for off-highway motor
 18 vehicles, preserve traffic safety, improve natural resource
 19 protection, reduce off-highway vehicle trespass on private land,
 20 and minimize impacts on county residents.

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

23 (1) Prescribe a procedure for highway, road, or route selection
 24 and designation. The procedure shall be approved by a vote of a
 25 majority of the county’s board of supervisors.

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

4 (3) In cooperation with the Department of Transportation,
5 establish uniform specifications and symbols for signs, markers,
6 and traffic control devices to control off-highway motor vehicles,
7 including, but not limited to, all of the following:

8 (A) Devices to warn of dangerous conditions, obstacles, or
9 hazards.

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

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

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

16 (4) Require that off-highway motor vehicles subject to the pilot
17 project meet the safety requirements of federal and state law
18 regarding proper drivers' licensing, helmet usage, and the
19 requirements specified in Section 38026.5.

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

22 (6) (A) Prohibit a combined-use highway road segment
23 designated under this section from exceeding 10 miles.

24 (B) Notwithstanding subparagraph (A), two or more
25 combined-use highway road segments may share a common
26 starting point or ending point and may partially overlap as long as
27 the resulting network of the highway road segments does not
28 include more than three distinct locations of shared starting or
29 ending points, or both.

30 (7) Include an opportunity for public comment at a public
31 hearing held by the county in order to evaluate the pilot project.

32 (c) A pilot project established pursuant to this section may
33 include use of a state highway, subject to the approval of the
34 Department of Transportation, or any crossing of a highway
35 designated pursuant to Section 38025.

36 (d) (1) By selecting and designating a highway for combined
37 use pursuant to this section, the county agrees to defend and
38 indemnify the state against any and all claims, including legal
39 defense and liability arising from a claim, for any safety-related
40 losses or injuries arising or resulting from use by off-highway

1 motor vehicles of a highway designated as a combined-use highway
2 by the county's board of supervisors pursuant to this section.

3 (2) This subdivision does not alter the requirements of
4 subdivision (e).

5 (e) The county shall not designate a highway for combined use
6 pursuant to this section unless the Commissioner of the Department
7 of the California Highway Patrol finds that designating the highway
8 for combined use would not create a potential traffic safety hazard.

9 (f) (1) Not later than January 1, 2019, the County of Inyo, in
10 consultation with the Department of the California Highway Patrol,
11 the Department of Transportation, and the Department of Parks
12 and Recreation, shall prepare and submit to the Legislature a report
13 evaluating the pilot project, and containing all of the following:

14 (A) A description of the road segments designated to allow
15 combined use for over three miles, as approved or adopted by a
16 majority vote of the members of the Inyo County Board of
17 Supervisors.

18 (B) An evaluation of the overall safety and effectiveness of the
19 pilot project, including its impact on traffic flows, safety,
20 off-highway vehicle usage on existing trails, incursions into areas
21 not designated for off-highway vehicle usage, and nonmotorized
22 recreation.

23 (C) A description of the public comments received at a public
24 hearing held by the county in regards to an evaluation of the pilot
25 project.

26 (2) On or before January 1, 2024, the County of Inyo, in
27 consultation with the entities listed in paragraph (1), shall prepare
28 and submit a report to the Legislature that includes the information
29 specified in paragraph (1).

30 (g) *On or before January 1, 2022, the County of Inyo, in*
31 *consultation with the Department of Fish and Wildlife and the*
32 *Great Basin Unified Air Pollution Control District, shall prepare*
33 *and submit a report to the Legislature on the operation and impacts*
34 *of the Adventure Trail System combined use highways designated*
35 *pursuant to this section, and the portions of any adjoining trails*
36 *in close proximity to those highways, including impacts to*
37 *neighboring lands affected by the system, if any. The report shall*
38 *include the latest available information, including but not limited*
39 *to impacts on cultural resources and archaeological sites,*
40 *streambed modifications and water quality impacts, impacts on*

1 *protections for wildlife and aquatic habitat, native plants, and*
2 *wildlife, traffic, particulate pollution, and noise.*

3 ~~(g)~~

4 (h) (1) ~~A report~~ *The reports* submitted pursuant to ~~subdivision~~
5 ~~(f)~~ *subdivisions (f) and (g)* shall be submitted in compliance with
6 Section 9795 of the Government Code.

7 (2) This section shall remain in effect only until January 1, 2025,
8 and as of that date is repealed, unless a later enacted statute, that
9 is enacted before January 1, 2025, deletes or extends that date.

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12 **REVISIONS:**

13

Heading—Line 2.

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