

Introduced by Senator Ashburn

February 27, 2009

An act to add Section 21101.5 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

SB 615, as introduced, Ashburn. Vehicles: off-highway motor vehicles.

Existing law prohibits a person from operating an off-highway vehicle upon a highway. However, off-highway motor vehicles issued an identification plate or device may cross highways or be driven or operated on a local highway under specified conditions.

This bill would authorize a local authority of a city having an area of at least 200 square miles to adopt rules and regulations, by ordinance or resolution, to temporarily allow the use of public streets under its jurisdiction by off-road vehicles for a period of not more than 18 months if, after a specified public hearing, specified conditions are found to exist.

The bill would also authorize the local authority to issue permits for this purpose and to charge a fee to cover the costs incurred by the local authority.

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

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

1 SECTION 1. Section 21101.5 is added to the Vehicle Code,
2 to read:

1 21101.5. (a) A local authority may, by ordinance or resolution,
2 adopt rules and regulations for temporarily allowing the use of
3 public streets by off-road vehicles under its jurisdiction when the
4 following conditions are, after a public hearing, found to exist:

5 (1) The local authority finds and determines there is substantial
6 and continual off-road vehicle activity in the portion of the street
7 recommended for temporary off-road vehicle use. This finding
8 and determination shall be based upon the recommendation of the
9 police department or, in the case of a street in an unincorporated
10 area, on the joint recommendation of the sheriff's department and
11 the Department of the California Highway Patrol.

12 (2) The street has not been designated as a through street or
13 arterial street.

14 (3) Off-road vehicle traffic on the street supports substantial
15 recreational activity and imposes significant burden on local public
16 safety services.

17 (4) The closure will not substantially or adversely affect traffic
18 flow, safety on the adjacent streets or in the surrounding
19 neighborhoods, the operation of emergency vehicles, the
20 performance of municipal or public utility services, or the delivery
21 of freight by commercial vehicles.

22 (b) A street may be temporarily designated for off-road vehicle
23 use pursuant to subdivision (a) for not more than 18 months, except
24 that this period may be extended for not more than five additional
25 consecutive periods of not more than 18 months each if, prior to
26 each of those extensions, the local authority holds a public hearing
27 and finds, by ordinance or resolution, the conditions set forth in
28 subdivision (a) continue to exist.

29 (c) The local authority shall mail written notice of the public
30 hearing required under subdivision (a) or (b) to residents and
31 owners, as shown on the last equalized assessment roll, of property
32 adjacent to the portion of the street where a temporary use by
33 off-road vehicles or extension of temporary use is proposed.

34 (d) Regulations adopted under this section may provide for the
35 issuance of permits to off-road vehicles for the use of the streets.
36 The local agency may levy a reasonable fee to cover costs incurred
37 by the agency.

- 1 (e) This section shall apply to cities having an area of at least
- 2 200 square miles.

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