

Date of Hearing: June 25, 2024

ASSEMBLY COMMITTEE ON WATER, PARKS, AND WILDLIFE
Diane Papan, Chair
SB 632 (Caballero) – As Amended May 28, 2024

SENATE VOTE: 40-0

SUBJECT: Vehicles: off-highway recreation: Red Rock Canyon State Park

SUMMARY: Authorizes the Department of Parks and Recreation (State Parks), through January 1, 2030, to establish a pilot project to designate combined-use highways on roads in Red Rock Canyon State Park (the Park) to link existing off-highway vehicle (OHV) trails on Bureau of Land Management (BLM) or U.S. Forest Service Lands, and to link OHV recreational use areas with necessary services and lodging facilities. Specifically, **this bill:**

- 1) Requires the pilot project to:
 - a) Prescribe the procedure for highway, road, or route selection and designation and that the procedure be approved by the director of State Parks;
 - b) Prescribe a procedure for State Parks to remove a combined-use designation;
 - c) Establish appropriate signage and traffic control devices in cooperation with the Department of Transportation (CalTrans);
 - d) Require OHVs subject to the pilot to meet specified federal and state safety requirements including licensing and helmet usage;
 - e) Prohibit OHVs from traveling faster than 35 miles per hour on highways designated under this bill;
 - f) Prohibit a combined-use segment from exceeding 10 miles; and
 - g) Include an opportunity for public comment on the pilot at a public hearing held by State Parks.
- 2) Requires State Parks to obtain approval from CalTrans before including the use of a state highway or crossing of that highway and prohibit State Parks from designating a combined-use highway unless the California Highway Patrol (CHP) Commissioner finds it safe.
- 3) Requires State Parks, in consultation with CHP and CalTrans, to report to the Legislature a description of the road segments designated under this bill, evaluation of the safety and effectiveness of the pilot project, and a description of the public comments received, no later than January 1, 2029.
- 4) Sunsets the pilot on January 1, 2030.
- 5) Makes other conforming changes.

EXISTING LAW:

- 1) Establishes the State Parks to administer and manage the state park system, including state vehicular recreation areas, which provide OHV recreation opportunities [Public Resources Code (PRC) §§ 501, 5001, 5008, and 5090.43].
- 2) Lists the limitations of motor vehicles in the state park system including that use in a state park is confined to paved areas and other areas specifically designated and maintained for normal ingress, egress, and parking (PRC § 5001.8).
- 3) Generally defines “off-highway motor vehicle” to include motorcycles, snowmobiles, sand buggies, dune buggies, all-terrain vehicles, jeeps, and recreation OHVs [Vehicle Code (VEH) § 38012].
- 4) 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 (VEH § 38025 and § 38026).
- 5) Defines “highway” and “street” (VEH § 360 and § 590, respectively).
- 6) Allows a local authority, a federal government agency, or the State Parks director, for highways under their respective jurisdictions, to designate a highway segment for combined use of OHVs and regular traffic. The combined-use highway segment cannot be longer than three miles and must meet one the following:
 - a) Provides a connecting link between OHV trails segments;
 - b) Links an OHV recreational use area and necessary service facilities; or
 - c) Connects lodging facilities with an OHV recreational facility (VEH § 38026).
- 7) Prohibits a highway from being designated for the combined use of regular traffic and OHVs if it is the opinion of the CHP Commissioner that the combined use would create a potential traffic safety hazard (VEH § 38026).
- 8) Prohibits a freeway from being designated for the combined use of regular traffic and OHVs (VEH § 38026).
- 9) Requires signs approved by CalTrans on designated combined-use highways before the designation can become effective (VEH § 38026).
- 10) Prohibits operation of an OHV on a designated combined use highway after dark or without a valid license appropriate for the class of vehicle being operated, proof of insurance, a working spotlight, and rubber tires (VEH § 38026.5).
- 11) Authorizes Inyo County, until January 1, 2025, to conduct a pilot project to provide a unified system of trails for OHVs by designating combined-use highways on unincorporated county roads for segments of no more than 10 miles (VEH § 38026.1).

- 12) Authorizes the City of Needles, until January 1, 2028, to conduct a pilot project to provide a unified system of trails for OHVs by designating combined-use highways on unincorporated county roads for segments of no more than 10 miles (VEH § 38026.1).

FISCAL EFFECT: Unknown. This bill is keyed fiscal.

COMMENTS:

- 1) **Purpose of this bill.** This bill creates a pilot project to allow State Parks to designate an OHV combined-use highway that exceeds the three mile limit established in law, but is no longer than 10 miles. According to the author, “Consistent with other pilot projects authorized by the Legislature, [this bill] would allow for the evaluation of a combined-use highway to connect [the Park] to surrounding and adjacent federal lands authorized for OHV recreation. This pilot will link recreation sites in remote, rural areas, providing a unified trail system while also preserving traffic safety, reducing OHV trespass on private lands, and improving natural and cultural resource protection.”
- 2) **Background.** The Park is an approximately 25,000-acre area within the Mojave Sector of the Great Basin District of the California State Park System. The Park was initially classified as a State Recreation Area in 1973 because of historic OHV recreation use. In 1980, State Parks recommended the Park unit be reclassified from a State Recreation Area to a State Park in recognition of the statewide significance of resource values in the unit and the original intent of preserving the area. Under the State Park classification, vehicle use is appropriate only for normal ingress, egress, and parking and when it does not significantly impair or detract from its natural setting or quality determined to be of primary importance. Therefore, unrestricted OHV recreation is no longer allowed.

In 1994, BLM transferred federal properties to the Park, which tripled the size of the park. These lands were popular destinations for a variety of forms of recreation, including OHV. The Park is situated near other OHV riding areas: Dove Springs OHV area to the northwest and Jawbone Canyon OHV area to the southwest, which are owned and managed by BLM, and Eastern Kern County Onyx Ranch State Vehicular Recreation Area to the west.

OHV per the general plan. At the end of 2022, State Parks revised the General Plan for the Park and the associated Environmental Impact Report (EIR) as required by the California Environmental Quality Act. The General Plan update included consideration of the use of OHVs in the Park. Generally, only vehicles that meet the requirements to operate on highways, including street legal OHVs, are allowed on designated primitive roads within the Park.

The General Plan proposed to allow non-street licensed vehicles registered as OHVs on two primitive roads to allow for connection between existing OHV trails and riding areas outside of the Park through the authority in VEH § 38026:

- Red Rock Wash from the Ricardo Campground to the Dove Springs OHV Area for Park ingress and egress; and
- Sierra View Road connecting EP 465 to the Dove Springs OHV Area for BLM OHV Area and Onyx Ranch SVRA connectivity.

Red Rock Wash is around 1.6 miles so it can be converted to combined-used under VEH § 38026. However, it was recently discovered that Sierra View Road is 3.86 miles—therefore requiring an amendment to the General Plan and EIR as well as additional authority to permit combined-use (this bill). The EIR did not identify any significant impacts resulting from General Plan implementation, including continued vehicle travel on Sierra View Road.

Looks familiar. This bill creates the same pilot program authority for State Parks that has previously been granted to both the City of Needles and Inyo County (see Existing Law #9 and #10). The deadline for the reporting requirement for the City of Needles is not until January 1, 2027. Inyo County, however, has released a report in 2022 pursuant to its obligation in VEH § 38026.1 (f) and had previously submitted a report the Legislature in December 2018.

- 3) **Arguments in support.** Two OHV groups write in support. The Off Road Vehicle Legislative Coalition writes regarding the need for this bill. “Roads on the perimeter of the Park have provided an important linkage between designated off-road areas managed by [BLM] and California State Parks for many years. These perimeter roads allow for travel between the designated areas while protecting private property adjacent to the Park and sensitive environmental areas in the interior of the park.” Friends of Jawbone explain that this bill will allow “Sierra View Road to provide connectivity within the Greater Jawbone Canyon Area without violating existing statutes that limit combined-use routes to [three] miles in total length. Moreover, Sierra View Road's status as a combined-use highway will limit the impacts of unofficial trail use within [the Park] by providing OHV users with legal, designated routes to take through the Park.”
- 4) **Double referral.** This bill has also been referred to the Assembly Transportation Committee.
- 5) **Related legislation.** AB 2152 (Smith), Chapter 185, Statutes of 2022, authorizes the City of Needles to designate road segments up to 10 miles in length for combined use on a pilot basis.

SB 402 (Borgeas), Chapter 211, Statutes of 2019, extends the sunset date to January 1, 2025 for the Inyo County pilot program to designate combined-use roadways segments to connect OHV facilities.

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

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

REGISTERED SUPPORT / OPPOSITION:

Support

Friends of Jawbone
Off Road Vehicle Legislative Coalition

Opposition

None on file

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