



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

**AB-2152 Vehicles: off-highway vehicle recreation: City of Needles.** (2021-2022)

SHARE THIS:  

Date Published: 08/27/2022 04:00 AM

**Assembly Bill No. 2152**

**CHAPTER 185**

An act to amend Sections 38026 and 38026.5 of, and to add and repeal Section 38026.2 of, the Vehicle Code, relating to vehicles.

[ Approved by Governor August 26, 2022. Filed with Secretary of State August 26, 2022. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2152, Smith. Vehicles: off-highway vehicle recreation: City of Needles.

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, including a prohibition on a designation of greater than 3 miles.

Existing law, until January 1, 2025, authorizes the County of Inyo to operate a pilot project that exempts 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 to prepare and submit to the Legislature reports evaluating the effectiveness and environmental impacts of the pilot project, as specified.

This bill would authorize, until January 1, 2028, a similar pilot program in the City of Needles. The bill would also require the City of Needles, in conjunction with specified state agencies, to prepare and submit to the Legislature reports evaluating the effectiveness and environmental impacts of the pilot project by January 1, 2027, as specified.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** The Legislature finds and declares all of the following:

- (a) The City of Needles is a remote, rural, and disadvantaged community with a population of 5,200 residents.
- (b) The City of Needles is situated along the Colorado River adjacent to the State of Arizona.
- (c) The City of Needles is geographically isolated from other cities in the county.
- (d) The nearest city within the county, the City of Barstow, is separated from the City of Needles by over 140 miles of desert and two mountain ranges.

(e) The City of Needles relies heavily on tourism for its economy.

(f) The City of Needles is surrounded by 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.

(g) Providing a unified system of off-highway motor vehicles on highway segments in and around the City of Needles would substantially assist in supporting the local economy.

(h) 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 through Chapter 532 of the Statutes of 2011.

**SEC. 2.** It is the intent of the Legislature in enacting this act and designating combined-use highways on roads in the City of Needles for more than three miles to link existing roads in the city to existing trails and trailheads on federal Bureau of Land Management or United States Forest Service lands in order to provide a unified system of trails for off-highway motor vehicles. It is further the intent of the Legislature that no General Fund moneys be expended for the pilot project established by this act, and that the project be revenue neutral to the state.

**SEC. 3.** Section 38026 of the Vehicle Code is amended to read:

**38026.** (a) In addition to Section 38025 and after complying with subdivision (c) of this section, if a local authority, an agency of the federal government, or the Director of Parks and Recreation finds that a highway, or a portion of a highway, under the jurisdiction of the authority, agency, or the director, as the case may be, is located in a manner that provides a connecting link between off-highway motor vehicle trail segments, between an off-highway motor vehicle recreational use area and necessary service facilities, or between lodging facilities and an off-highway motor vehicle recreational facility and if it is found that the highway is designed and constructed so as to safely permit the use of regular vehicular traffic and also the driving of off-highway motor vehicles on that highway, the local authority, by resolution or ordinance, agency of the federal government, or the Director of Parks and Recreation, as the case may be, may designate that highway, or a portion of a highway, for combined use and shall prescribe rules and regulations therefor. A highway, or portion of a highway, shall not be so designated for a distance of more than three miles, except as provided in Sections 38026.1 and 38026.2. A freeway shall not be designated under this section.

(b) The Off-Highway Motor Vehicle Recreation Commission may propose highway segments for consideration by local authorities, an agency of the federal government, or the Director of Parks and Recreation for combined use.

(c) Prior to designating a highway or portion of a highway on the motion of the local authority, an agency of the federal government, or the Director of Parks and Recreation, or as a recommendation of the Off-Highway Motor Vehicle Recreation Commission, a local authority, an agency of the federal government, or the Director of Parks and Recreation shall notify the Commissioner of the California Highway Patrol, and shall not designate any segment pursuant to subdivision (a) which, in the opinion of the commissioner, would create a potential traffic safety hazard.

(d) (1) A designation of a highway, or a portion of a highway, under subdivision (a) shall become effective upon the erection of appropriate signs of a type approved by the Department of Transportation on and along the highway, or portion of the highway.

(2) The cost of the signs shall be reimbursed from the Off-Highway Vehicle Trust Fund, when appropriated by the Legislature, or by expenditure of funds from a grant or cooperative agreement made pursuant to Section 5090.50 of the Public Resources Code.

**SEC. 4.** Section 38026.2 is added to the Vehicle Code, to read:

**38026.2.** (a) Except as provided in subdivision (e), the City of Needles may establish a pilot project to designate combined-use highways on roads in the city for no more than 10 miles so that the combined-use highways can be used 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, in order to provide a unified system of trails for off-highway motor vehicles, preserve traffic safety, improve natural resource protection, reduce off-highway vehicle trespass on private land, and minimize impacts on city residents.

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

(1) Prescribe a procedure for highway, road, or route selection and designation. The procedure shall be approved by a vote of a majority of the city council.

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

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

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

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

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

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

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

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

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

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

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

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

(d) (1) By selecting and designating a highway for combined use pursuant to this section, the city agrees to defend and indemnify the state against any and all claims, including legal defense and liability arising from a claim, for any safety-related losses or injuries arising or resulting from use by off-highway motor vehicles of a highway designated as a combined-use highway by the city council pursuant to this section.

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

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

(f) (1) Not later than January 1, 2027, the City of Needles, in consultation with the Department of the California Highway Patrol, the Department of Transportation, and the Department of Parks and Recreation, shall prepare and submit to the Legislature a report evaluating the pilot project, and containing all of the following:

(A) A description of the road segments designated to allow combined use for over three miles, as approved or adopted by a majority vote of the members of the City of Needles city council.

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

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

(2) On or before January 1, 2027, the City of Needles, in consultation with the entities listed in paragraph (1), shall prepare and submit a report to the Legislature that includes the information specified in paragraph (1).

(g) On or before January 1, 2027, the City of Needles, in consultation with the Department of Fish and Wildlife and the Mojave Desert Air Quality Management District, shall prepare and submit a report to the Legislature on the operation and impacts of the combined-use highways designated pursuant to this section, and the portions of any adjoining trails in close proximity to those highways, including impacts to neighboring lands affected by the system, if any. The report shall include the latest available information, including, but not limited to, impacts on cultural resources and archaeological sites, streambed modifications and water quality impacts, impacts on protections for wildlife and aquatic habitat, native plants, and wildlife, traffic, particulate pollution, and noise.

(h) (1) The reports submitted pursuant to subdivisions (f) and (g) shall be submitted in compliance with Section 9795 of the Government Code.

(2) This section shall remain in effect only until January 1, 2028, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2028, deletes or extends that date.

**SEC. 5.** Section 38026.5 of the Vehicle Code is amended to read:

**38026.5.** (a) In accordance with subdivision (c) of Section 4000, a motor vehicle issued a plate or device pursuant to Section 38160 may be operated or driven on a local highway, or a portion of the local highway, that is designated pursuant to Section 38026, 38026.1, or 38026.2 if the operation is in conformance with this code and the vehicle complies with off-highway vehicle equipment requirements specified in this division.

(b) Notwithstanding subdivision (a), it is unlawful for a person using an off-highway vehicle on a combined-use highway to do any of the following:

- (1) Operate an off-highway motor vehicle on the highway during the hours of darkness.
- (2) Operate a vehicle on the highway that does not have an operational stoplight.
- (3) Operate a vehicle on the highway that does not have rubber tires.
- (4) Operate a vehicle without a valid driver's license of the appropriate class for the vehicle operation in possession.
- (5) Operate a vehicle on the highway without complying with Article 2 (commencing with Section 16020) of Chapter 1 of Division 7.