



AGENDA ADDENDUM
BOARD OF SUPERVISORS, COUNTY OF MONO
STATE OF CALIFORNIA

Regular Meeting
February 16, 2016

Mammoth Lakes BOS Meeting Room
3rd Fl. Sierra Center Mall
452 Old Mammoth Rd.
Mammoth Lakes, CA 93546

(9e)

REGULAR AGENDA

Departments: CAO/County Counsel

Adventure Trails Pilot Program – Mono County inclusion

Recommended Action:

- 1) Approve letter supporting the bill and its inclusion of Mono County in the Adventure Trail Pilot Program.
- (2) Approve letter directing Berryhill to remove Mono County from the drafted legislation.

Fiscal Impact:

If the Board directs staff to pursue combined use designations, the fiscal impact is expected to include the cost of staff time and resources to conduct coordinate with the public and other agencies (if so directed) and the cost for an environmental review.

(11d)

CLOSED SESSION

Closed Session - Exposure to Litigation

CONFERENCE WITH COUNTY COUNSEL – ANTICIPATED LITIGATION.

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code section 54956.9. Number of potential cases: 1.

Acting County Counsel
Stacey Simon

Deputy
Christian Milovich

**OFFICE OF THE
COUNTY COUNSEL**

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Paralegal
Jenny Senior

TO: Board of Supervisors

FROM: CAO, County Counsel

DATE: February 12, 2016

RE: Adventure Trails Pilot Program – Mono County inclusion

Recommend Action:

- (1) Approve letter supporting the bill and its inclusion of Mono County in the Adventure Trail Pilot Program.
- (2) Approve letter directing Senator Berryhill to remove Mono County from the drafted legislation.

Fiscal/Mandates Impact:

If the Board directs staff to pursue combined use designations, the fiscal impact is expected to include the cost of staff time and resources to conduct coordinate with the public and other agencies (if so directed) and the cost for an environmental review.

Discussion:

Attached is draft language for a bill to extend (and expand to Mono and Sierra Counties) the current Inyo Trails program, as established under AB 628 (Conway, 2011). The proposed language would add Mono and Sierra and require both counties to do a report much like Inyo has just done. All three counties would have the authorization to do/continue a program until January 1, 2020.

This bill is a proposal only – it is NOT a bill at the moment. It still needs to be introduced.

Further details will be provided at the meeting.

If you have any questions regarding this item, please call me at 760.924.1706.

Encl: Proposed Bill

LEGISLATIVE COUNSEL’S DIGEST

Bill No.

as introduced, _____.

General Subject: Vehicles: off-highway vehicle recreation: Counties of Mono and Sierra.

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 the Department 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 prohibits a highway from being designated for this combined use for a distance of more than 3 miles.

Existing law, until January 1, 2017, 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

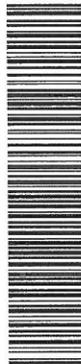


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federal Bureau of Land Management or United States Forest Service lands in order to provide a unified linkage of trail systems for off-highway motor vehicles, as prescribed. Existing law requires the County of Inyo, in consultation with the Department 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, 2016, as specified.

This bill would expand these provisions to additionally authorize the Counties of Mono and Sierra to establish a pilot project as described above. The bill would also require the counties to prepare and submit to the Legislature a report evaluating the effectiveness of their respective pilot projects by January 1, 2019. The bill would extend the operation of these provisions until January 1, 2020.

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



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



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

SECTION 1. It is the intent of the Legislature in enacting this act and designating combined-use highways on unincorporated county roads in the Counties of Mono and Sierra for more than three miles to link 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 system of trails for off-highway motor vehicles. It is the intent of the Legislature to develop additional data to better evaluate whether a combined-use highways system is workable in other counties beyond the County of Inyo. It is further the intent of the Legislature that no General Fund moneys be expended for the pilot project established by this act, and the project will be revenue neutral to the state.

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

38026.1. (a) Except as provided in subdivision (e), ~~the County of Inyo~~ Counties of Inyo, Mono, and Sierra may each establish a pilot project to designate combined-use highways on unincorporated county roads in the county 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 county residents.



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(b) ~~The~~ 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 Inyo County Board of Supervisors~~. each county's respective board of supervisors.

(2) Prescribe a procedure for the county 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, 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 pursuant to Section 38026.5.

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



(6) Include an opportunity for public comment at a public hearing held by ~~the~~ each county in order to evaluate the pilot project.

(c) ~~The~~ 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 County of Inyo~~ each county 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 Inyo County Board of Supervisors~~ each county's respective board of supervisors pursuant to this section.

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

(e) ~~The County of Inyo~~ A county 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) Not later than January 1, 2016, 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, shall prepare and submit to the Legislature a report evaluating the pilot project, and containing ~~both~~ all of the following:



(1) 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 Inyo County Board of Supervisors.

(2) 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.

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

(g) Not later than January 1, 2019, the Counties of Mono and Sierra, in consultation with the Department of the California Highway Patrol, the Department of Transportation, and the Department of Parks and Recreation, shall each prepare and submit to the Legislature a report evaluating the pilot project, and containing all of the following:

(1) 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 each county's board of supervisors.

(2) 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.

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



~~(g)~~

(h) (1) A report submitted pursuant to subdivision (f) or (g) shall be submitted in compliance with Section 9795 of the Government Code.

(2) This section shall remain in effect only until January 1, ~~2017~~, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, ~~2017~~, 2020, deletes or extends that date.

