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Governor Gray Davis Signs OHV Reform Supported by Off-Roaders, Environmentalists

SACRAMENTO - Governor Gray Davis has signed legislation that will secure appropriate places for off-highway vehicle (OHV) users to ride, while providing better protection for the environment.

"This is an important measure that will protect the interests of off-road enthusiasts, while protecting the interests of California's environment," Governor Davis said.

The legislation, AB 2274, by Assembly Speaker pro tem Fred Keeley (D-Boulder Creek) and Assemblymen Mark Wyland (R-Del Mar), drew bipartisan support in the Legislature, and won the support of both environmental organizations and off-road recreation groups. AB 2274 represents the most sweeping reform of California's off-highway vehicle program in its 30-year history.

The new law will require that a portion of gas taxes paid by owners of non-registered off-highway vehicles be earmarked for conservation, restoration of lands damaged by off-road use and law enforcement. It also increases funding for local law enforcement by directing 100 percent of off-highway vehicle fines and forfeitures to the county/city of origin rather than the current even split between the state and county/city of origin.

The legislation also initiates a comprehensive strategic planning process to improve the chances for acquisition and development of OHV recreation areas. It calls for a number of objective studies to better understand trends in off-road vehicle recreation and the need for development of urban, off-road sport complexes that could maximize use of already developed areas while providing youth a closer-to-home OHV experience.

AB 2274 also brings California's off-road noise emissions levels down from one of the worst in the nation to one of the best, reducing the maximum decibel level standard from 101 db to 96 db.

"AB 2274 accomplishes the goal of protecting the environment and ensuring continued access to valuable recreational opportunities by striking the right balance between conservation, law enforcement, and those who recreate off-road," said Speaker pro tem Keeley.

The new law grew from an Off-Highway Vehicle Stakeholders Roundtable organized by State Parks. After 18 months of extensive dialogue, the Stakeholders Roundtable reached a number of recommendations included in the bill.

Noting the numerous meetings of the Stakeholders' group, Assemblyman Wyland called the legislation "an example of what can be accomplished when sometimes competing interests get together."

"It represents a welcome accommodation between those who enjoy off-road recreation and those who historically have had a deep concern about potential damage caused to the environment by the sport," Assemblyman Wyland said.

California State Parks Deputy Director Dave Widell, who oversees State Parks' Off-Highway Motor Vehicle Recreation Division, said the bill "will help ensure that riding opportunities will continue in California."

"This law will help protect the environment by guaranteeing money for conservation and restoration, and will help keep the sport of off-roading safe by providing money to law enforcement and for safety courses," Widell said.

Nicholas Haris (*cq*), Western states representative for the American Motorcyclists Association, said, "We believe this is important legislation and will be of great benefit to the growing number of off-road enthusiasts in California."

Terry Davis, Conservation Coordinator for the Sierra Club, Mother Lode Chapter, said, "This legislation represents substantial progress in improving the state's OHV program. We look forward to continuing to work with the Stakeholders Roundtable in forging consensus on needed reforms."

Don Klusman, natural resource consultant for the California Association of 4-Wheel Drive Clubs, praised State Parks' Off-Highway Motor Vehicle Recreation Division for bringing the various parties together. "It was great working with people from all walks of life," Klusman said. "I believe it was the first time that the environmentalist community and the OHV community came together on a bill of this magnitude. I look forward to continuing this process in the future."

Key elements of the new law include:

- **Conservation and Enforcement Funds** – Requires that 100 percent of fuel taxes attributed to non-registered OHVs – $21 million a year – be the single source of income for the state's Conservation and Enforcement Services Account. The law requires that 70 percent of the money in that account be provided for conservation and enforcement and 30 percent for restoration of areas damaged by off-highway vehicles.

- **Public Safety** – Requires the Department of Parks and Recreation, in cooperation with the California Highway Patrol, to develop a safe vehicle operation curriculum for off-road drivers by January 2005. The courses, which would be offered to drivers on a voluntary basis, would be aimed at reducing

accidents and protecting the environment, thereby ensuring existing off-roading opportunities remain open to the public.

- **Off-Highway Motor Vehicle Recreation Commission** – Broadens the representation on the Commission to include law enforcement and non-motorized recreation interests such as mountain bikers to better reflect the full spectrum of interested stakeholders. It also would require the commission to conduct an annual public meeting prior to each grant cycle to collect public input on specific projects, funding priorities and recommended program improvements.

- **Maximum Noise Limit** – Reduces the operational noise limit of off-highway vehicles from 101 to 96 decibels consistent with the federal standard for manufacturers.

- **OHV Grant Program** – Enhances "grantee" accountability by requiring annual performance audits; expand eligibility to non-profit and education institutions for specific research purposes; and establish a separate grant category for law enforcement.

- **OHV Rider Opportunity** – Institutionalizes a comprehensive strategic planning process to assess rider opportunities and focus on land acquisition proposals that are less controversial and have greater potential for success.

- **Off-Highway Motor Vehicle Recreation Division Responsibilities** – Requires the development of quality data in a timely manner and preparation of reports that assess program funding levels, effectiveness of noise reduction, and contribution of non-motorized users to the fuel tax income to improve accountability and policy decision-making.

The Off-Highway Motor Vehicle Recreation Division established the Stakeholders Roundtable in May 2000 and convened a precedent-setting series of meetings to address reauthorization of the OHV program and identify the "optimum" off-highway recreation program. The Roundtable, which included more than 50 members, is advisory to the State Parks and the OHMVR Commission.

The Roundtable's members include OHV enthusiasts, non-motorized recreationists, environmental organizations, private property owners, public land management agencies, law enforcement agencies, local communities, businesses and local government.

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