State of California • The Resources Agency
Arnold Schwarzenegger, *Governor*
DEPARTMENT OF PARKS AND RECREATION • P.O. Box 942896 • Sacramento, CA 94296-0001
Ruth Coleman, *Director*

June 23, 2006

Ms. Lori Andreoni
Clerk of the Board
California Air Resources Board
1001 I Street
Sacramento, California 95814

Subject: **Comments for the July 20, 2006, Public Hearing to Consider Amendments to the California Regulations for new 1997 and later Off Highway Recreational Vehicles and Engines**

Dear Ms. Andreoni,

Thank you for the opportunity to comment on the proposed regulation changes by California Air Resources Board (CARB) for off-highway vehicles (OHV).

The Superintendents at each of our State Vehicular Recreation Areas (SVRAs) have reviewed the proposed changes in the red sticker riding seasons. While we see no major problems with the proposed riding season changes on the current SVRA list, we do have some concerns regarding the addition of Heber Dunes to the schedule. Heber Dunes is owned by the County of Imperial and operated by the State through a Memorandum of Understanding (MOU). Although we are currently making efforts to have staff at Heber Dunes, historically the area has had little or no law enforcement presence. Because of its close proximity to Mexico, many visitors to Heber Dunes are from out of state. Since CARB exempts out of state vehicles, it is doubtful any substantial reduction in air pollution can be realized at Heber Dunes. Furthermore, trying to limit the few California residents using Heber Dunes to a red sticker riding season, when the park is used primarily by exempt vehicles from Mexico, is problematic. Given these obstacles and our desire not to implement something which isn't practical, I would recommend removing Heber Dunes SVRA from the riding season schedule.

The federal land managers will have to speak on behalf of their own units and the impacts of the proposed changes to their units. However, they have expressed their concerns to the Division regarding the posting of the "year-round" designation on the riding schedule. The use of this designation does not include all of the riding areas throughout the state which are open "year-round" and which are not.

The proposed fuel system permeation standards are manufacturer standards and will not be enforced at the field level. Therefore, I have no comments at this time.

I reviewed the proposed changes to the all-terrain vehicle (ATV) classifications, which expanded the classification of ATVs from one type of ATV as defined in the California Vehicle Code (CVC), Section 111, to three types. I am troubled by this proposed classification and believe the definition currently found in the CVC provides the necessary clarity.

CVC, Section 111, gives specific standards for ATVs, including the 50" maximum width, handlebars and a straddled seat. This definition is used to identify ATVs for recreation purposes. In addition, these are the standards which are used when building recreational trails. There is no need to establish a separate classification for an ATV with a passenger seat, which is what you propose in Class II.

Under the current CVC definition, the vehicles proposed by CARB Class III vehicles are not ATVs. The CVC definition of an ATV includes a straddled seat and handlebars. Instead these are the utility vehicles with side-by-side seating, a steering wheel, and a 60" width. While I understand the reasons you want to expand the definition of ATVs, the on-the-ground implications are large. At this time, a utility vehicle should remain a utility vehicle. To blur the lines will only lead to more confusion on behalf of the DMV, the public, and the public land managers.

For example, someone could build a Class III ATV the size of a small Hummer with a roll cage and seat belts. Under CVC, Section 111, this type of vehicle would not be allowed on the trails because of its size. Under your proposal, what becomes of the ATV owner when he finds out the size of the trail is based on the existing CVC, Section 111 and his vehicle does not fit on the trail? I recommend keeping the utility vehicle name intact as that is what they are, that is what DMV calls them, that is how the public knows them and that is what public land managers call them. They do not refer to them as an ATV. I expect the manufacturers would like to call them ATVs because an all-terrain vehicle sounds more recreation-oriented than utility vehicle, but again I point to CVC, Section 111. Calling a utility vehicle the size of a Hummer an ATV, when it has no relationship to an ATV as defined in the CVC definition other than it is designed for use off-highway, is problematic at best.

Given the definition which currently exists in CVC, Section 111, there doesn't seem to be any reason for CARB to make these changes. While I appreciate your efforts to try and expand the definition of ATVs, it does present a number of problems for our operational management.

Thank you for the opportunity to comment on the proposed regulations. If you have any questions or would like to discuss any of my comments further, please contact me at (916) 327-5698 or via email at tbern@parks.ca.gov.

Respectfully submitted,

Tom Bernardo
State Park Superintendent II
California State Parks
Off-Highway Motor Vehicle Recreation Division

cc: Scott Rowland, CARB
Andrew Spencer, CARB