

CALIFORNIA HIGHWAY PATROL

GENERAL ORDER 40.5

REVISED OCTOBER 2020

DESIGNATING COMBINED-USE HIGHWAYS

1. AUTHORITY.

a. Section 38026 of the California Vehicle Code (CVC) establishes criteria for permitting a local authority, an agency of the federal government, or the director of the Department of Parks and Recreation (DPR) to designate a portion of a highway for combined use, subject to the California Highway Patrol's (CHP) approval. Combined use means off-highway motor vehicles may travel on the designated highway portion. The highway must meet the following criteria:

- (1) The highway must provide a connecting link between:
 - (a) Off-highway motor vehicle trail segments; or
 - (b) An off-highway motor vehicle recreational use area and necessary service facilities; or
 - (c) Lodging facilities and an off-highway motor vehicle recreational facility.
- (2) The highway must be constructed so as to safely permit the use of regular vehicular traffic as well as off-highway motor vehicles.
- (3) The proposed designated highway segment shall be no longer than three miles in length.

b. Section 38026 CVC requires the proposing entity to notify the Commissioner of the CHP prior to the designation of any highway, or portion thereof, for combined-use. It further prohibits the designation of a highway, or portion thereof, for combined-use if, in the opinion of the Commissioner, such designation would create a potential traffic safety hazard.

c. On January 1, 2012, Assembly Bill 628, Vehicles: Off-Highway Vehicle Recreation: County of Inyo, added Section 38026.1 CVC authorizing the County of Inyo, until January 1, 2017, to establish a pilot project allowing the county to designate combined-use roadways on unincorporated county roads for up to ten

miles in length, subject to CHP approval. On January 1, 2020, Senate Bill 402, Vehicles: Off-Highway Vehicle Recreation: County of Inyo, extended the pilot project until January 1, 2025. The pilot project shall adhere to the following:

(1) Erect signs, markers, and traffic control devices to control off-highway motor vehicles, including, but not limited to, the following:

(a) Identification of dangerous conditions, obstacles, or hazards.

(b) Designate right-of-way for regular vehicular traffic and off-highway vehicles.

(c) Describe the nature and destination of the off-highway motor vehicle trail.

(d) Warn pedestrians and motorists of the presence of off-highway motor vehicle traffic.

(2) Prohibit off-highway motor vehicles from traveling faster than 35 miles per hour.

2. POLICY. The CHP will review all proposals submitted for combined-use and determine whether such use would create a potential traffic hazard.

3. PROCEDURE.

a. All requests to designate a highway for combined-use received by an Area or Division shall be forwarded to the Assistant Commissioner, Field, through channels. The request shall be accompanied by comments and recommendations from the appropriate Area and Division concerning traffic safety hazards.

b. Requests initially communicated to CHP Headquarters will be forwarded directly to the appropriate Area for comments and recommendations described in paragraph 3.a.

c. The Department will prepare a letter advising the requester and the deputy director of DPR's Division of Off Highway Motor Vehicle Recreation of the CHP's opinion after having determined whether combined-use would create a potential traffic safety hazard. The CHP will provide the deputy director with copies of any maps, diagrams, or photographs submitted by the requester.

4. GUIDELINES.

a. In reviewing combined-use proposals, the CHP shall consider the following factors:

- (1) Motorist and public safety;
- (2) Traffic volume;
- (3) Types of vehicles using the roadway;
- (4) Property use of adjacent property owners; and
- (5) Physical characteristics of the roadway.

b. To assist the specified government entities in submitting combined-use highway proposals, the CHP has developed the following guidelines. These guidelines should be used by specified government entities to notify the CHP of their desire to designate a highway or portion thereof for combined-use.

(1) Purpose. The purpose of the combined-use highway. For example: to link off-highway motor vehicle trail segments.

(2) Description. A description of the highway segment, including, but not limited to:

- (a) Width;
- (b) Length (cannot exceed three miles);
- (c) Location;
- (d) Type of surface;
- (e) Type of shoulder;
- (f) Number of lanes; and
- (g) Speed limit;
- (h) Diagrams and photographs would be beneficial.

(3) Highway Traffic Data. The average daily travel and crash rate (the number of crashes per million vehicle miles traveled).

(4) Land Use. Land use within 100 yards of the proposed combined-use highway.

(5) Rules and Regulations. A copy of the rules and regulations required to be adopted for combined-use designation pursuant to Section 38026(a) CVC.

(6) Justification. The benefits of the combined-use designation, such as public services(s) performed or problems(s) resolved.

(7) Costs. An estimate of the costs associated with developing, implementing, operating, and maintaining the proposed combined-use highway.

(8) Signage. A description of the California Department of Transportation approved signs to be posted and the location where they will be erected. Include their location on any diagrams submitted in accordance with paragraph 4.b.(2).

(9) Additional Information. The name of the requesting authority or agency and the name and telephone number of the contact person. Also indicate whether the request was initiated by the Off-Highway Motor Vehicle Recreation Commission, the director of DPR, or a city or county governing agency representing the area where the proposed combined-use highway is located. If the request was initiated by a member of the California Legislature or a member of the United States Congress, provide the name of the Legislator or member of congress.

OFFICE OF THE COMMISSIONER

OPI: 061