

SUBJECT: Establishing of an off-highway vehicle trail program

COMMITTEE: Culture, Recreation, and Tourism — favorable, without amendment

VOTE: 6 ayes — Hilderbran, Kuempel, Baxter, Dunnam, Gallego, Phillips
0 nays
1 absent — Dukes

SENATE VOTE: On final passage, April 29 — 29-0, on Local and Uncontested Calendar

WITNESSES: (*On House companion bill, HB 2897:*)
For — (*Registered, but did not testify:* Richard Hardy, Motorcycle Industry Council, Specialty Vehicle Institute of America; Carol Smith, American Motorcyclist Association)

Against — None

On — Andy Goldbloom, Texas Parks and Wildlife Department

BACKGROUND: The Recreational Trails Program is a project of the U.S. Department of Transportation that makes grants available to states to develop and maintain trails for recreational uses. Under Parks and Wildlife Code, sec. 90.009, the Texas chapter of the Recreational Trails Program operates under the authority of the Texas Parks and Wildlife Department (TPWD).

DIGEST: SB 1311 would establish an off-highway vehicle trail and recreational area program under the TPWD. Its purposes would be to establish motor vehicle recreation sites, develop a system of trails for off-highway vehicle riders, improve existing trails, and foster responsible off-highway vehicle use. It would be coordinated with the state's existing off-highway vehicle program.

TPWD could establish and maintain trails on land bought or controlled by the department or make grants to federal agencies, political subdivisions of the state, or nonprofit organizations to maintain or develop off-highway

vehicle trails and recreational areas.

An off-highway vehicle decal would be required before operating an off-highway vehicle on a trail or in an area maintained by the department or on any other public land. Violating this requirement would be a class C Parks and Wildlife misdemeanor (maximum fine of \$500). The decal fee would be either \$8 or an amount set by the Parks and Wildlife Commission, whichever was higher.

TPWD would specify how the decal would be displayed. It would be valid only during the yearly period in which it was issued, regardless of the date on which it was issued. A person acting on behalf of a governmental entity, participating in a law enforcement search-and-rescue operation, or specifically exempted by the commission would not have to pay the fee.

Revenue from the fee would go into a newly created dedicated general revenue account, as would fines for violations, funds from the Recreational Trails Program or other sources, and interest. The fund could be used to develop off-highway vehicle trails and recreational areas, provide access to those areas, make grants, and administer the off-highway vehicle program.

TPWD would adopt rules necessary to implement the program, and the decal would have to be made available by December 1, 2005. Penalties under the bill would take effect January 1, 2006.

The bill would take effect September 1, 2005.

**SUPPORTERS
SAY:**

By establishing a state program to fund off-road vehicle trail construction, SB 1311 would allow Texas to take advantage of the substantial demand for recreational vehicle areas. In 2003, about 60,000 off-road vehicles were sold in the state, but there is a shortage of trails where they can be used. The bill would allow TPWD to administer a program to develop trails in state parks or on other land acquired by the agency as a recreational resource that could be enjoyed by Texans and benefit local economies near the newly created facilities.

The bill would allow TPWD to ensure that the use of off-road vehicles was properly regulated. Providing more quality public trails would reduce pressure for off-road vehicle enthusiasts to trespass on private property or on other state lands. The bill would allow TPWD to develop education

programs to ensure that off-road vehicles were used safely and appropriately.

The Parks and Wildlife Commission would have enough discretion to ensure that the program remained self-sufficient. The registration fee would be modest and would not apply to those who did not take their vehicles on public land. According to the LBB, the bill could be expected to draw down close to \$1 million in federal matching funds per year.

The bill would not open public park land to off-road vehicles on a wide scale. It simply would allow TPWD to designate or acquire certain lands that would be appropriate for these vehicles. TPWD would not be expected to allow vehicles on hiking trails, but could allow development of vehicle trails in more appropriate sections of parkland. TPWD is entrusted to provide broad opportunities for Texans to utilize the states' thousands of acres of public park land, and this bill would encourage multiple uses of the state's public spaces.

**OPPONENTS
SAY:**

Off-road vehicles are a loud, polluting, dangerous nuisance whose use should not be encouraged on public park land. Texas has limited public park space, and intrusion onto these treasured spaces by off-road vehicles would be unwelcome by many who visit parks to escape the annoyances of cars and trucks in their urban lives.

NOTES:

The House companion bill, HB 2897 by Oliveira, was heard in the Culture, Recreation, and Tourism Committee on May 3 and left pending.