



Frequently Asked Questions

IMPERIAL SAND DUNES RECREATION AREA · FRIDAY, 18 NOVEMBER 2016

These FAQs do not address all California OHV and Federal laws. It is your responsibility to know them. Please call the BLM at 760-337-4400 (M-F, 8-4:30) if you have any questions.

Q: If you have an accident at the Dunes, are you required to report to someone?

A: You are required to report it to the California Highway Patrol if there is more than \$750 of property damage or someone is hurt.

CVC 16000.1. (a) For purposes of this division, a "reportable off-highway accident" means an accident which includes all of the following: (1) Occurs off the street or highway. (2) Involves a vehicle that is subject to registration under this code. (3) Results in damages to the property of any one person in excess of seven hundred fifty dollars (\$750) or in bodily injury or in the death of any person. (b) A "reportable off-highway accident" does not include any accident which occurs off-highway in which damage occurs only to the property of the driver or owner of the motor vehicle and no bodily injury or death of a person occurs.

Q: If there is an accident at the dunes, who investigates the incident?

A: If an accident has resulted in a fatality, California Highway Patrol will handle the report on scene. If there is no fatality, your local California Highway Patrol will take a desk report; there is no formal investigation for this type of incident. Depending on the circumstances, a BLM report may be available through the Freedom of Information Act.

Q: I was in a one sand rail accident. My sand rail was left at the location until the following morning. The sand rail was stripped. My insurance company now wants an incident/accident report. How can I get an accident report?

A: Contact your local California Highway Patrol for a desk report. Depending on the circumstances, a BLM report may be available through the Freedom of Information Act.

Q: Are most California off-road regulations the same in Arizona or Nevada?

A: When riding in the Imperial Sand Dunes Recreation Area (ISDRA) you must follow California OHV laws.

Q: Is the BLM citing for the use of utility jugs to store fuel, or the use of racing fuel?

A: At this time, the BLM is not issuing citations.

Q: Why isn't the "ten foot" rule being enforced on Gecko Road and is there a "ten foot" rule on the road into the Key Hole campground at Buttercup?

A: It is true that the enforcement of the "No parking within ten feet of Gecko Road" rule (43 CFR 8365.16) has been difficult, especially on holidays. It is usually the result of the law enforcement staff working on higher enforcement priorities. There is no ten foot rule in the Key Hole, Gecko loop, Roadrunner, or Buttercup camping areas.

Q: Can I save a camping space for friends or family?

A: No. It is prohibited to reserve or save a camping space for another person.

Q: Does the BLM tow vehicles, trailers, or other property away if they are left unattended in the ISDRA?

A: Yes, under the authority of several sections in 43 CFR, to include but not limited to, 8365.23, 8365.1-6, and applicable state and local laws, the BLM may cite the registered owner and / or tow the vehicle, trailer, or property.

Q: Why doesn't the BLM/Imperial County Sheriff Office impound and tow at least the obvious violators of the camping rules?

A: It is true that the enforcement of camping rules has been difficult, especially on holidays. It is usually the result of the law enforcement staff working on higher enforcement priorities. BLM will continue to strive to enforce all laws in the ISDRA.

Q: Why are the ISDRA visitors camping east of the Union Pacific Railroad tracks charged a visitor fee when they have no OHV access to the dunes?

A: The fee area boundary originally ended at the Union Pacific Railroad tracks. At that time, BLM saw a large number of visitors move to the east side of the tracks to avoid the fee and still use the Dunes resources. BLM then extended the fee area to one mile beyond the recreation boundary to reduce the shift in visitation patterns and return use back to historical levels. Visitors who choose

to use those areas must comply with all rules and regulations per Northern and Eastern Colorado Desert Coordinated Management Plan and ISDRA. If visitors feel those rules are too restrictive, they can choose to camp in the adjacent open area on the west side of the Union Pacific Railroad tracks.

Q: There are rumors that some sort of liability or other financial considerations have precluded this, are they true?

A: No, as long as the BLM Ranger tows a vehicle while following proper policy / procedures, there is little liability to the agency.

Q: Is it illegal to swim in the canals at the ISDRA?

A: Yes, Imperial County Ordinance 12.36.020 states that it is unlawful for any person to bathe, swim, boat, waterski or otherwise enter into, or upon the surface of the water in any irrigation canal, lateral, ditch, or siphon, in the unincorporated area of the county of Imperial, state of California; provided, however, that the provisions of this chapter shall not apply to that body of water known as the Palo Verde Outfall Drain.

Q: Is it illegal to fish at the canals at the ISDRA?

A: No, but you need the proper fishing license.

Q: What is the deal with the gates at the Canal Road being locked? With discussion about the canal road, how about giving some money for grading to the district if they open the canal road?

A: The lands where the gates were installed next to the New Coachella Canal east of the Gordon's Well/I8 Exit are Bureau of Reclamation withdrawn lands. Under an memorandum of understanding, BLM manages recreation on withdrawn lands with their permission. BLM has no authority to control the gates installed on the canal bank. At this time, BLM does not intend to pay for the access and maintenance of this road. Description of withdrawn lands: A withdrawal removes an area of federal land from settlement, sale, location, or entry under some or all of the general land laws, for the purpose of limiting activities under those laws to maintain other public values in the area or reserving the area for a particular public purpose or program. Withdrawals are also used to transfer jurisdiction over an area of federal land from one department, bureau, or agency to another.

Q: If I get a ticket at the ISDRA from a BLM ranger is it the same type of ticket that I would get from the Sheriff and do they enforce the same laws at the ISDRA? Are some Federal tickets and others county tickets?

A: Some BLM Rangers can issue federal, state, and/or County tickets. The Imperial County Sheriff's Office issues state and/or county tickets. Therefore BLM Ranger and Imperial County Sheriff's Office Deputies can issue different types of tickets.

Q: Is it ever legal to ride double on an ATV in California or Arizona?

A: Yes, when the vehicle is manufactured for multiple passengers. CVC 38506 states no operator of an all-terrain vehicle may carry a passenger when operating on public lands. However, the operator of an all-terrain vehicle, that is designed for operation off of the highway by an operator with no more than one passenger, may carry a passenger when operating on public lands.

Q: Is it illegal to burn pallets in the dunes?

A: Yes. It is prohibited to use as firewood, or have in your possession, any firewood materials containing nails, screws, or other metal hardware, including, but not limited to, wood pallets and/or construction debris.

Q: Are fireworks legal at the ISDRA and if they aren't, how much is a ticket for setting them off?

A: No. Imperial County Ordinance 8.24.020 states no person, firm, corporation or other legally recognized entity shall possess, offer for sale, sell, use or display, within the unincorporated territory of the County of Imperial, fireworks of any kind as defined by California Health and Safety Code Section 12500.

Imperial County Ordinance 8.24.040 states the fire chief, or his or her designee, and the sheriff, or his or her designee, shall have the authority to seize, take, remove or cause to be removed, at the sole expense of the owner, all stocks of fireworks possessed, offered for sale, sold, used or displayed in violation of this chapter.

Any person, firm, corporation or other legally recognized entity violating any of the provisions of this chapter shall be guilty of an infraction offense and punished by a fine not exceeding five hundred dollars (\$500.00) for a first violation. The second and any additional violations perpetrated by the same person shall constitute a misdemeanor offense and shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00) or six months in jail, or both.

Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor. (Ord. 1411 § 2 (part), 2006).

Also, TITLE 43, CHAPTER II, PART 9210 Subpart 9212 Sec. 9212.1 (h) states unless permitted in writing by the authorized officer, it is prohibited on the public lands to perform any act restricted by a fire prevention order. The Fire Prevention Order states that The use or possession of fireworks, including "safe and sane" is hereby prohibited on all public lands of the California Desert District. Fire Prevention Order Number CA060200701 (this order is updated annually and the fireworks restrictions are year round).

Subpart 9212, Sec. 9212.4 States any person who knowingly and willfully violates the regulations at Sec. 9212.1 of this title shall, upon conviction, be subject to a fine of not more than \$1,000 or to imprisonment of not more than 12 months, or both.

Q: Why doesn't the BLM extend the road from Roadrunner to Dune Buggy Flats to provide more access to the dunes?

A: An extension of Gecko Road would result in high capacity camping and driving in more remote areas of the dunes, which may have a negative effect on federally listed species.

Q: Is hiking into a CLOSED AREA of the dunes around Glamis illegal?

A: You may hike anywhere in the Imperial Sand Dunes, including the Wilderness Area.

Q: Is insurance required on off road vehicles? Rumor has it that my vehicle can be confiscated if I am pulled over and don't have it covered.

A: Currently OHVs have no insurance requirements under the California Vehicle Code (CVC). However, for obvious reasons it is a good idea. You are still liable for injury, damages, and death if it is determined to be your fault.

Q: Is the Imperial County Sheriff's Office required to patrol the ISDRA?

A: Yes. Imperial County Sheriff's Office is required to patrol the unincorporated areas of the Imperial County.

Q: Is the BLM required to furnish EMS at the ISDRA? What is the Imperial County responsibility?

A: Imperial County is responsible for EMS and has contracted ambulance companies and designated a search and rescue division managed by the Sheriffs Department. Congress has not

granted any authorities to the BLM for search and rescue except in Sec. 312 of the Federal Lands Management Policy Act [43 U.S.C. 1742] which states “Where in his judgment sufficient search, rescue, and protection forces are not otherwise available, the Secretary is authorized in cases of emergency to incur such expenses as may be necessary (a) in searching for and rescuing, or in cooperating in the search for and rescue of, persons lost on the public lands, (b) in protecting or rescuing, or in cooperating in the protection and rescue of, persons or animals endangered by an act of God, and (c) in transporting deceased persons or persons seriously ill or injured to the nearest place where interested parties or local authorities are located. It is under this authority that the BLM assists Imperial County in the Imperial Sand Dunes Recreation Area.

Q: What is the law at the ISDRA regarding red and blue lights on any off road vehicle?

A: The intent of this law is to stop recreation vehicles from looking like emergency vehicles. Don't set up your OHV to look like an emergency vehicle with red and blue lights and you'll be fine. CVC 38346 states a person shall not display a flashing or steady burning red or blue warning light on an off-highway motor vehicle except as permitted by Section 21055 or when an extreme hazard exists.

Q: Is a red tail light required at the ISDRA if you are riding at night?

A: That depends. If you are riding alone at night, then the answer is yes. If you are riding in a group, then the trailing (end) vehicle(s) will need to have a red tail light. CVC 38345 states when operated from one half hour after sunset to one half hour before sunrise, each motor vehicle which is not in combination with any other vehicle shall be equipped with at least one lighted red tail-lamp which shall be clearly visible from the rear. (a) Every such vehicle or vehicles at the end of a combination of vehicles shall be equipped with one lighted red tail lamp when operated from one half hour after sunset to onehalf hour before sunrise.

Q: Is a light required on your whip if you are riding at night?

A: No, it is not required, but it is recommended. 43 CFR 8365.16 states safety flags are required on all vehicles in the ISDRA (This includes two-wheeled motorcycles.) All vehicles shall be equipped with a whip mast and a 6x12 inch red/orange flag. Flags may be of pennant, triangle, square, or rectangular shape. Masts must be securely mounted on the vehicle and extend 8 feet from the ground to the mast tip. Safety flags must be attached within 10 inches of the tip of the whip mast with club or other flags mounted below safety flag or on another whip.

Q: Is a brake light required to be legal at the ISDRA?

A: Brake lights are not required on OHVs (CVC Division 16.5, Chapter 6), but they are recommended. However, street legal vehicles are required to have an operating brake light.

Q: Are the laws the same in California and Arizona for minors riding off-road?

A: California has laws regulating minors riding ATVs and as an operator or passenger in a ROV. When riding in the ISDRA, only California laws apply. Those are:

- Although not specific to minors, the operator of an off-highway motor vehicle shall be able to reach and operate all controls necessary to safely operate the vehicle (CVC 38304).
- CVC 38304.1 (a) Neither a parent or guardian of a child who is under 14 years of age, nor an adult who is authorized by the parent or guardian to supervise that child, shall grant permission to, or knowingly allow, that child to operate an off-highway motor vehicle in a manner that violates Section 38304. (effective 1/1/10)
- CVC 38503. No person under the age of 18 years, on and after January 1, 1990, shall operate an all-terrain vehicle on public lands of this state unless the person satisfies one of the following conditions: (a) The person is taking a prescribed safety training course under the direct supervision of a certified all-terrain vehicle safety instructor. (b) The person is under the direct supervision of an adult who has in their possession an appropriate safety certificate issued by this state, or issued under the authority of another state. (c) The person has in possession an appropriate safety certificate issued by this state or issued under the authority of another state.
- CVC 38504. No person under 14 years of age, on and after January 1, 1990, shall operate an all-terrain vehicle on public lands of this state unless the person satisfies one of the conditions set forth in Section 38503 and, in addition, is accompanied by and under the direct supervision of a parent or guardian or is accompanied by and under the direct supervision of an adult who is authorized by the parent or guardian CVC 38504.1. (a) Neither a parent or guardian of a child who is under 14 years of age, nor an adult who is authorized by the parent or guardian to supervise that child shall grant permission to, or knowingly allow, that child to operate an all-terrain vehicle in a manner that violates Section 38504, 38600.
- CVC 38600. Operator of a ROV shall be at least 16 years of age, or be directly supervised in the vehicle by a parent or guardian or adult authorized by the parent or guardian.
- CVC 38604. Operator of ROV shall not allow a passenger unless the passenger is seated upright with back against seat back and can grasp the occupant handhold with the seat belt/safety harness properly fastened. Go back to list of topics.

Q: If you are riding a motorcycle at the ISDRA off road, are you required to wear a helmet?

A: No, but it is recommended. Helmet use is required on ATVs and ROVs. CVC 38505, 38601.

Q: What are the laws for the decibel levels of vehicles at the ISDRA? Does it apply only to ATVs or all vehicles? Are the laws the same for Arizona?

Federal 43CFR8343.1(b): No off-road vehicle equipped with a muffler cutout, bypass, or similar device, or producing excessive noise exceeding Environmental Protection Agency standards, when established, may be operated on public lands.

The California laws that apply in the dunes are as follows: *Street Vehicles:* CVC 27150(a) Every motor vehicle subject to registration shall at all times be equipped with an adequate muffler in constant operation and properly maintained to prevent any excessive or unusual noise, and no muffler or exhaust system shall be equipped with a cutout, bypass, or similar device. (b) Except as provided in Division 16.5 (commencing with Section 38000) with respect to off-highway motor vehicles subject to identification, every passenger vehicle operated off the highways shall at all times be equipped with an adequate muffler in constant operation and properly maintained so as to meet the requirements of Article 2.5 (commencing with Section 27200), and no muffler or exhaust system shall be equipped with a cutout, bypass, or similar device.

Off-highway Vehicles: CVC 38365(a) Every off-highway motor vehicle, as defined in Section 38006, shall at all times be equipped with an adequate muffler in constant operation and properly maintained so as to meet the requirements of Section 38370, and no muffler or exhaust system shall be equipped with a cutout, bypass, or similar device. CVC 38370(h) On and after January 1, 2003, off-highway motor vehicles, when operating pursuant to Section 38001, shall at all times be equipped with a silencer, or other device, which limits noise emissions. Noise emissions of competition off-highway vehicles manufactured on or after January 1, 1998, shall be limited to not more than 96 dBA, and if manufactured prior to January 1, 1998, to not more than 101 dBA, when measured from a distance of 20 inches using test procedures established by the Society of Automotive Engineers under Standard J1287, as applicable. Noise emissions of all other off-highway vehicles shall be limited to not more than 96 dBA if manufactured on or after January 1, 1986, and not more than 101 dBA if manufactured prior to January 1, 1986, when measured from a distance of 20 inches using test procedures established by the Society of Automotive Engineers under Standard J1287, as applicable.

Q: Is a fee permit required year round?

A: No, a fee permit is required October 1 through April 15 each year.

Q: What is the fine for not having a permit?

A: The county fine is \$100 for the first offense and \$300 for subsequent offenses. See below for max penalties. A fine if cited under California Vehicle Code 38301 is \$190. A Federal Violation Notice (citation) starts at \$75. The maximum penalty is \$1000 and or imprisonment not to exceed 12 months.

Q: If I get a ticket for not having a permit at the Dunes, do I still have to buy a permit?

A: Yes, if you are going to continue to stay in the ISDRA after the citation is issued.

Q: Where does the money from the fines for not having a permit go?

A: County ordinance fines go to Imperial County. State citation fines go to Imperial County and the State of California. The money from federal citations go to the Federal Crime Victims Fund. Funds collected from the payment of petty offense cases are deposited into the Crime Victims Fund. The Crime Victims Fund was established by the Victims of Crime Act of 1984 and is a major funding source for victim services throughout the country. For more information about the Crime Victims Fund and how funds are disbursed, visit the Office for Victims of Crime website at www.ojp.usdoj.gov/ovc/. The \$25 processing fee is used to offset court costs.

Q: How long do I have to get a permit after arriving at the Dunes?

A: Permits are required immediately upon arrival 43 CFR 8365.16. If you purchase your permit before you get to the dunes you will also save money and time when you arrive.

Q: How do I obtain a "Towed in" permit for a street legal vehicle intending to off-road only?

A: When a street legal vehicle is towed into the ISDRA, the owner can ask either BLM or the fee permit staff for a "towed in" permit at no cost. Here are the conditions:

1. Must be issued upon arrival to prove the vehicle is indeed towed in.
2. Available free of charge from either the Cahuilla or Buttercup Ranger Stations, as well as from the fee permit staff.
3. Allows the vehicle to be driven off-highway in the ISDRA.
4. Allows the vehicle to be driven across the Herman Schneider Memorial Bridge/Dune Buggy Flats fee checkpoint.
5. Does not allow the vehicle to be driven on any of the other access roads, or through any other fee check points, without a weekly or seasonal permit.
6. Does not allow the vehicle to exit and then reenter the

recreation area without a weekly or seasonal permit. *Best overall advice when obtaining a "Towed in" permit: Keep it in the sand!*

Q: If I camp on private property within the ISDRA, do I need to have a permit? If not, do I have to have one to ride at the ISDRA?

A: If you camp on private property you would have to follow the rules of the land owner. Some campgrounds encourage their visitors to purchase a dunes permit so they can use the trash bins provided by BLM through the fee program. Only your primary, street legal vehicle is required to have a permit upon arrival at the ISDRA (43 CFR 8365.16). ATV and other OHVs are not required to have a camping permit.

Q: What are the extra/new amenities from our ISDRA fees that will be implemented this year? Any plans for grey/black water dumps. Gravel in sandy areas in the camping areas?

A: There are no new amenities or plans for grey/black water dumps stations to be developed in the Dunes. BLM maintains the existing hard packed camping areas each summer, as funding allows.

Q: With the visitation the ISDRA receives, why doesn't it receive more funding?

A: The BLM, as an agency projects to receive flat funding over the next several years with increased costs agency wide. Each office is trying to work as efficiently as possible within the current levels of funding congress provides us.

Q: When the California Green Sticker Program funds an improvement in an area like the ISDRA, does it also continue to provide funds for the maintenance for that project?

A: Sometimes. BLM applies for facility operations and maintenance grants and may or may not be approved each year. If funding is not approved from green sticker program the BLM must find other sources to maintain the improvements.

Q: Do Arizona and California driving and drinking laws apply off-highway? What is the rule on open containers? Can a passenger in my off road vehicle drink while I drive?

A: California drinking and driving laws apply off-highway in California, please review the CVC, Division 11, Chapter 12. Also, CVC 23220 (a) states no person shall drink any alcoholic beverage while driving a motor vehicle upon any highway or on any lands described in subdivision (b) As used in subdivision (a), "lands" means those lands to which the ChappieZ'berg Off-Highway

Motor Vehicle Law of 1971 (Division 16.5 (commencing with Section 38000)) applies as to off-highway motor vehicles, as described in Section 38001.

CVC 23223. (a) No driver shall have in his or her possession, while in a motor vehicle upon a highway or on lands, as described in subdivision (b) of Section 23220, any bottle, can, or other receptacle, containing any alcoholic beverage that has been opened, or a seal broken, or the contents of which have been partially removed. (b) No passenger shall have in his or her possession, while in a motor vehicle upon a highway or on lands, as described in subdivision (b) of Section 23220, any bottle, can, or other receptacle containing any alcoholic beverage that has been opened or a seal broken, or the contents of which have been partially removed.

Q: What about rules concerning toys? I have a radio controlled dune buggy and a radio controlled powered airplane. What regulations are there for this type of recreational hobby?

A: Currently there are no regulations concerning radio controlled equipment.

Q: Is there reciprocity between California and Arizona regarding street legal ATVs, ROVs, and Golf Carts?

A: No. Most of these vehicles do not meet California requirements to be street legal, therefore they are illegal to operate on the street in California.

Q: Do you have to have a nonresident sticker to use an OHV in California if you are from Arizona? Does the Arizona off-road "RV Plate" or an Ariz street legal "MC Plate" satisfy the Calif OHV sticker requirements.

A: The Arizona "RV" plate is title only; it is not registration or the equivalent to a California OHV identification sticker. The terms identification and registration in California both refer to the payment of recurring fees to the DMV to allow legal operation of OHVs on public lands. The Arizona "RV" plate is no longer accepted for operation in California unless it has a valid Arizona OHV decal on it. An Arizona "MC" plate is registration and is accepted for off-highway operation in California. A vehicle with an Arizona "MC" plate may or may not be street legal in California. In order to be street legal, a vehicle must be designed and tested by the manufacturer for highway use consistent with federal regulations (e.g., legally equipped dual sport motorcycle).

Q: I'm in the process of purchasing a sand rail; it's a year old and has only been used twice. The previous owner has not had the rail registered. What do I need to do to be legal?

A: To register the vehicle, contact your local DMV. The DMV will let you know of all requirements needed to register your vehicle (fees, VIN, etc.). If the vehicle does not have a VIN, you will need to contact your local CHP after you have begun the registration process. CHP may require paperwork to assign/attach a VIN to the vehicle, so be sure to ask.

Q: When is the red sticker riding season at the ISDRA?

A: The red sticker riding season for the ISDRA is 'year-round'

Q: Do I need to have my registration with my vehicle?

A: Yes, California Vehicle Code 38085a requires the owner of the vehicle to maintain the original or a facsimile of his registration with the vehicle at all times.

Q: In California is it legal to drive anything off-road if your driver's license has been revoked or suspended?

A: If your license is suspended, you can't drive on or off-highway. CVC 14601.1. (a) No person shall drive a motor vehicle when his or her driving privilege is suspended or revoked for any reason other than those listed in Section 14601, 14601.2, or 14601.5, if the person so driving has knowledge of the suspension or revocation. Knowledge shall be conclusively presumed if mailed notice has been given by the department to the person pursuant to Section 13106. The presumption established by this subdivision is a presumption affecting the burden of proof.

(e) This section also applies to the operation of an off-highway motor vehicle on those lands to which the ChappieZ'berg Off-Highway Motor Vehicle Law of 1971 (Division 16.5 (commencing with Section 38000)) applies as to off-highway motor vehicles, as described in Section 38001.

Q: When is a safety flag, on a whip, eight feet above the ground required at the ISDRA? A whip with a flag doesn't appear to be required on motor homes or trucks when they are in camping areas but ATV's are required to have them. Why does a truck need a whip with a flag at the drags near the Gecko Road if it isn't going to be out in the dunes? The drags at Gecko are as flat as the camping areas. What is the rule of thumb on when a whip and flag are required?

A: A good rule of thumb is when a vehicle leaves the pavement a flag is required. Common sense says a motorhome doesn't require a whip if in the camp area.

On Tuesday, October 4, 1988, a rule was published in volume 53, number 192 of the Federal Register. The rule stated that all off-highway motor vehicles registered under CVC 38010 or other

off-road vehicles as defined in 43 CFR 8340.05(a) shall be equipped with a whip. It goes on to include details such as, but not limited to, the whip mast must have a securely mounted 6x12 inch red/orange flag. Flags may be of pennant, triangle, square, or rectangular shape. Masts must be securely mounted on the vehicle and extend 8 feet from the ground to the mast tip. Safety flags must be attached within 10 inches of the tip of the whip mast with club or other flags mounted below safety flag or on another whip.

43 CFR 8340.05(a) states that off-road vehicle means any motorized vehicle capable of, or designed for, travel on or immediately over land, water, or other natural terrain, excluding: (2) Any military, fire, emergency, or law enforcement vehicle while being used for emergency purposes; (3) Any vehicle whose use is expressly authorized by the authorized officer, or otherwise officially approved; (4) Vehicles in official use.

Q: A BLM Ranger at one of the comp. hills had no whip and when asked about it he said, that he was exempt, isn't it as necessary for the BLM as everybody?

A: Vehicles in official use are exempt; however we will try to set a better example since it is the safe thing to do. 43 CFR 8340.05(a) states that off-road vehicle means any motorized vehicle capable of, or designed for, travel on or immediately over land, water, or other natural terrain, excluding: (2) Any military, fire, emergency, or law enforcement vehicle while being used for emergency purposes; (3) Any vehicle whose use is expressly authorized by the authorized officer, or otherwise officially approved; (4) Vehicles in official use.

Q: Are seat belts required to be used on all the seats, front and rear, on sand rails to be legal when riding off road in California or Arizona?

A: Seat belts are required to be properly fastened in the front seats when originally equipped by the manufacturer. Seat belts in the rear are not specifically required; however, if the passengers are not wearing seat belts, the officer has the discretion to cite the driver for a violation of CVC 38330.

CVC 38330. It is unlawful to operate any vehicle or combination of vehicles which is in an unsafe condition, which is not equipped as required by this chapter or the equipment regulations of the governmental agency having jurisdiction over public lands, or which is not safely loaded. 43 CFR 8365.13(b) (1) The operator of a motor vehicle is prohibited from operating a motor vehicle in motion, unless the operator and each front seat passenger is restrained by a properly fastened safety belt that conforms to applicable United States Department of Transportation standards, except that children, as defined by State law, shall be restrained as provided by State law.

Q: Is a spark arrestor required on all off road vehicles? Are they required at the ISDRA? Are they required in Arizona?

A: While riding in the ISDRA, all visitors must follow California OHV laws and have a properly working spark arrestor on their OHV. CVC 38366 (a) Notwithstanding Section 4442 of the Public Resources Code, and except for vehicles with mufflers as provided in Article 2 (commencing with Section 27150) of Chapter 5 of Division 12, no person shall use, operate, or allow to be used or operated, any off-highway motor vehicle, as defined in Section 38006, on any forest covered land, brush covered land, or grass covered land unless the vehicle is equipped with a spark arrestor maintained in effective working order.

Q: Are there any speed limits at the ISDRA?

A: Yes. Basic Speed Law CVC 38305. No person shall drive an off-highway motor vehicle at a speed greater than is reasonable or prudent and in no event at a speed which endangers the safety of other persons or property. Prima Facie Speed Limit CVC 38310. The Prima Facie Speed Limit within 50 feet of any campground, campsite, or concentration of people or animals shall be 15 miles per hour unless changed as authorized by this code and, if so changed, only when signs have been erected giving notice thereof. No person shall operate an OHV in excess of 15 mph on public lands within 500 feet of Highway 78, Gray's Well Road, Gecko Road and access roads within the Gecko and Roadrunner recreation sites. 43 CFR 8365.16 43 CFR 8341.1 (f) No person shall operate an off-road vehicle on public lands: (2) In excess of established speed limits; 43 CFR 8365.13 (a) When operating a vehicle on the public lands, no person shall exceed posted speed limits, willfully endanger persons or property, or act in a reckless, careless or negligent manner.

Q: Is there a law against towing someone on a board or something behind a vehicle or ATV at the ISDRA?

A: Yes, CVC 38330 states it is unlawful to operate any vehicle or combination of vehicles which is in an unsafe condition, which is not equipped as required by this chapter or the equipment regulations of the governmental agency having jurisdiction over public lands, or which is not safely loaded. Also, 43 CFR CHAPTER II PART 8340, Subpart 8341, Sec. 8341.1 (f) (1) states no person shall operate an off-road vehicle on public lands in a reckless, careless, or negligent manner.

Q: What is required by law to have people ride in an ROV? (UTVs, Side X Side's) at the ISDRA? Are Golf Carts in this category?

A: Safety helmets are required for operator and passengers of ROV; seat/shoulder belt or safety harness required to be worn when ROV is in motion; operator of ROV shall not allow a passenger unless the passenger is seated upright with the back against seat back and can grasp the occupant handhold with the seat belt/safety harness properly fastened.

Operator of ROV shall not allow a passenger to occupy a separate seat location not designed and provided by the manufacturer for a passenger in ROVs with a model year of 2014 or later. Passengers may occupy a seat that is installed in a separate seat location not designed and provided by the manufacturer for a passenger in vehicles with model year 2013 or earlier if the occupant of the seat is fully contained inside of the vehicle's rollover protection while the vehicle is being operated.

Golf carts are not ROVs; however if modifications are made to a golf cart, it could be included in the same category as an OHV. A golf cart by definition (CVC Division 1, section 345) is, "a vehicle having not less than three wheels in contact with the ground, having an unladen weight less than 1,300 pounds, which is designed to be and is operated at not more than 15 mph and designed to carry golf equipment and not more than two persons including the driver".

Q: Are there laws/regulations that pertain to ROVs? Is there a difference between laws/regulations in California and Arizona for ROVs?

A: Yes, ROVs are regulated under the laws/ regulations relating to Off-Highway Vehicle use in CVC 38600 and 38000 sections. Arizona and California have different OHV laws, citizens need to follow California laws while recreating in the ISDRA.

Q: Are there any age restrictions for driving a ROV off road in California? Are the age rules different from golf carts or ATVs?

A: The operator of a ROV shall be at least 16 years of age, or be directly supervised in the vehicle by a parent or guardian or adult authorized by the parent or guardian (effective 1/1/13). There is no age requirement to operate a golf cart in California, however, CVC 38304 states that the operator of an off-highway motor vehicle shall be able to reach and operate all controls necessary to safely operate the vehicle.

CVC 38304.1 (a) Neither a parent or guardian of a child who is under 14 years of age, nor an adult who is authorized by the parent or guardian to supervise that child, shall grant permission to, or knowingly allow, that child to operate an off-highway motor vehicle in a manner that violates Section 38304 (effective 1/1/10).

Q: There are ATV age rules in California related to safety training. They are as follows:

A: CVC 38503. No person under the age of 18 years, on and after January 1, 1990, shall operate an all-terrain vehicle on public lands of this state unless the person satisfies one of the following conditions: (a) The person is taking a prescribed safety training course under the direct supervision of a certified all-terrain vehicle safety instructor. (b) The person is under the direct supervision of an adult who has in their possession an appropriate safety certificate issued by this state, or issued under the authority of another state. (c) The person has in possession an appropriate safety certificate issued by this state or issued under the authority of another state.

CVC 38504. No person under 14 years of age, on and after January 1, 1990, shall operate an all-terrain vehicle on public lands of this state unless the person satisfies one of the conditions set forth in Section 38503 and, in addition, is accompanied by and under the direct supervision of a parent or guardian or is accompanied by and under the direct supervision of an adult who is authorized by the parent or guardian.

CVC 38504.1. (a) Neither a parent or guardian of a child who is under 14 years of age, nor an adult who is authorized by the parent or guardian to supervise that child shall grant permission to, or knowingly allow, that child to operate an all-terrain vehicle in a manner that violates Section 38504.

Q: Are roll cages required for rear seat passengers?

A: Roll cages are recommended but not required at this time.

Q: Are helmets required to ride a ROV?

A: Safety helmets are required for operator and all passengers of ROVs (also known as UTVs, side x sides) (effective 1/1/13).

Q: Are there any distinctions made between golf carts and ROVs? Like engine size etc. Some Golf carts have replaced high horsepower engines.

A: Yes. ROVs are defined in Vehicle Code 500 and regulated under the CVC 38600 section. Golf carts are defined in CVC Division 1, section 345. A "golf cart" is a motor vehicle having not less than three wheels in contact with the ground, having an unladen weight less than 1,300 pounds, which is designed to be and is operated at not more than 15 miles per hour and designed to carry golf equipment and not more than two persons, including the driver. CVC 21716 states except as provided in Section 21115.1 and Chapter 6 (commencing with Section 1950) of Division 2.5 of

the Streets and Highways Code, no person shall operate a golf cart on any highway except in a speed zone of 25 miles per hour or less. CVC 24001.5 also states that a golf cart as defined in Section 345 shall only be subject to the provisions of this division which are applicable to a motorcycle.

CVC 21115. (a) If a local authority finds that a highway under its jurisdiction is located adjacent to, or provides access to, a golf course and between the golf course and the place where golf carts are parked or stored or is within or bounded by a real estate development offering golf facilities and is designed and constructed, so as to safely permit the use of regular vehicular traffic and also the driving of golf carts on the highway, the local authority may, by resolution or ordinance, designate the highway or portion of the highway for combined use and prescribe rules and regulations that shall have the force of law. No highway shall be so designated for a distance of more than one mile from the golf course if the highway is not located within a development or beyond the area of a development, provided, the finding of the local authority in this respect shall be conclusive. Upon the designation becoming effective it shall be lawful to drive golf carts upon the highway in accordance with the prescribed rules and regulations. The rules and regulations may establish crossing zones and speed limits and other operating standards but shall not require that the golf carts conform to any requirements of this code with respect to registration, licensing, or equipment, except that if operated during darkness the golf cart shall be subject to the provisions of Section 24001.5 regarding equipment.

Q: I've seen vendors selling a wide variety of things at the sand dunes. What would I need to do if I wanted to 'set up shop' and sell?

A: There is a permitting process that vendors must go through in order to sell on public lands. For more contact Michelle Puckett, Bureau of Land Management at (760) 337-4457.

Q: Does the Border Patrol do anything at the ISDRA besides patrolling the border and if so, what?

A: In addition to homeland security duties, the Border Patrol also provides law enforcement back up, emergency medical services through the Border Patrol Search, Trauma, And Rescue team (BORSTAR), and information sharing with BLM.

Q: If we see any suspicious activities at the dunes, how do we report it to the Border Patrol?

A: Call 1-800-901-2003. Do not engage suspicious activities. Contact emergency help ASAP.

Q: Is the border clearly marked?

A: Yes. An anti-vehicle fence was installed in 2009.

Q: What is the best thing we can do to make the Border Patrol's job easier?

A: Homeland security is everyone's responsibility. Duners can help the Border Patrol by staying 100' away from the border fence. Less OHV use near the fence makes spotting suspicious activity easier.