

**County of Santa Clara**  
**Environmental Resources Agency**  
Parks & Recreation



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HLUET PRK01042105

Prepared by: Ed Souza  
Administrative Services  
Manager II

Reviewed by: Joe Schultz  
Deputy Director

DATE: April 21, 2005

TO: Supervisor Don Gage, Chairperson  
Supervisor Pete McHugh, Vice-Chairperson  
Housing, Land Use, Environment, & Transportation Committee (HLUET)

FROM:

A rectangular box containing a handwritten signature in black ink, which appears to be "Lisa Killough".

Lisa Killough  
Director

SUBJECT: Park Use Fees at Motorcycle Park

**RECOMMENDED ACTION**

Accept report from the Parks and Recreation Department regarding Park Use Fees at Motorcycle County Park.

**FISCAL IMPLICATIONS**

There is no impact on the General Fund as a result of this action.

## **CONTRACT HISTORY**

Not applicable.

## **REASONS FOR RECOMMENDATION**

At its meeting on March 24, 2005, the Housing, Land Use, Environment and Transportation Committee (HLUET) was presented with the Parks and Recreation Department's proposed FY 2006 budget. This presentation included an informational item regarding the possible closure of the Motorcycle County Park one additional day per week to off-set reductions in grant funding from the California Department of Parks and Recreation Off-Highway Motor Vehicle Grant Program (OHMVR). Grants for park operation and maintenance have gradually reduced over the past three fiscal years requiring a greater burden upon the Park Charter Fund to operate the park at appropriate safety, environmental and user-satisfaction levels.

HLUET members asked that the Department report back on the details of the Motorcycle County Park budget including information on the current fiscal and management challenges. HLUET members also asked that the alternative of raising fees – in lieu of parks reducing park hours, be included in the report back analysis.

### **Park Operation Budget and OHV Grant Funding**

The Motorcycle Park's current FY 2005 operating budget is \$375,700, which includes salaries and benefits for four full-time permanent staff members who operate and maintain the park during its normal five-day per week schedule and services and supplies to operate and maintain the park. Out of this total, the state is contributing \$189,000 for park operations.

The State receives approximately 180 grant requests for about \$38 million on an annual basis. Of the \$38 million requested only about \$17 million is available for grant funding. Grant funding has diminished over the past three years and is not anticipated to improve in the near future. Grant applications are submitted to the OHMVR on an annual basis, state staff review the applications and make recommendations to an appointed commission. The OHMVR Commission determines the amount of funds awarded to organizations. Its funding decision for funding is final and requires no further approval by the State Legislature.

### **History of Grant Request vs. Actual Received**

FY 2005 –\$327,000 requested – \$189,000 received

FY 2004 –\$346,000 requested – \$179,000 received

FY 2003 –\$270,000 requested – \$270,000 received

FY 2002 –\$260,000 requested – \$221,000 received

FY 2001 –\$284,000 requested – \$221,000 received

The Department annually applies for multiple project grants through the OHMVR program, these grants require a 25% match in funding by the Department. However, since the Department rarely receives its total grant request, the Department has been funding well over the 25% match requirements for a number of years. In reality, the grants fund only about 50% of the true costs to operate the park.

#### Increase in Park Attendance and Use

The Motorcycle County Park has experienced a tremendous increase in popularity and use over the past decade. Ridership has increased from an estimated 10,000 riders in 1992 to over 45,000 riders in 2004. The increase in ridership is mainly attributed to: a tremendous increase in the popularity of the sport and dedicated park staff and the volunteers who are willing to help maintain the park at a level that encourages repeat business. This increase in use, however has also increased the level of preventative, remediation and resource maintenance discussed later in this report.

Most challenging to maintenance staff is loss of soil. Since the park opened in the 1970's, there has never been a soil replacement program. The depth of the tread of some trails has been reduced by at least 18 to 24 inches. Some trails are down to rock in many places and require time consuming repairs that cannot be performed while the park is open to the public. In addition to the time required to repair trails, a costly soil replacement program must take place, but is not possible at current funding levels. To help keep the existing soil in place staff needs to keep the moisture content in the soil up. Motocross track watering is expensive and is required to be done when the park is not open. If the Department was able to acquire additional staff and equipment, such as an equipment operator and a watering truck, it would be easier to maintain the trails and tasks.

#### Market Study and Fee Comparison

Park users have seven alternative locations to participate in their sport within a three hour drive of the Motorcycle Park. Five of these facilities are publicly operated and two are privately operated. These facilities are

1. Hollister Hills – this park is approximately 6,000 acres and is operated by the California State Parks located approximately one hour south of the park. Entrance fee is \$5.00 per vehicle.
2. Carnegie – is approximately 2,000 acres operated by California State Parks and is about one hour and fifteen minutes east of the park. Entrance fee is \$5.00 per vehicle.
3. Clear Creek Management Area – is operated by the Bureau of Land Management offering approximately 50,000 acres of land about two and a half hours south of the park. There is no fee to use this facility.
4. Frank Raines OHV Park – is operated by Stanislaus County with approximately 2,000 acres and is about three hours east of the park. Entrance fee is \$5.00 per vehicle.
5. Prairie City – is operated by California State Parks with approximately 1,000 acres about three hours north–east of the park. Entrance fee is \$5.00 per vehicle.
6. Santa Clara County Fair – offers a privately operated motocross track about fifteen minutes north of the park. The operators charge \$20.00 per motorcycle.

7. Club Moto is a privately operated motocross track about one hour east of the park. This privately operated park also charges a \$20.00 per motorcycle fee.

As indicated above, the publicly operated facilities provide similar amenities as the Motorcycle Park on somewhat a larger scale at the same fee currently charged at the park. The privately owned facilities provide only motocross activities and charge a much higher per motorcycle fee. The ability to charge fees and certain exemptions from liability to public agencies is described below.

#### Hazardous Recreational Activity

Off-road motorcycle riding has been categorized in the California Government Code (Section 831.7) as a "hazardous recreational activity". The Government Code section also provides relief from liability to public agencies and their employees for damages or injuries to property or individuals involved in hazardous recreational activities provided there is not a specific fee charged for the recreational activity. County Counsel has rendered the opinion that this exemption from liability is extended to Motorcycle County Park as long as a specific fee for use of the tracks or trails is not charged. For this reason, the Motorcycle County Park users are not charged a user fee but rather a vehicle entrance fee. This fee is consistent with the fees charged at Off-Highway Vehicle Parks operated by California State Parks.

County Counsel has further opined that even raising the general vehicle entrance fee at Motorcycle County Park specifically, but not at any other park, would not be in the spirit of the law and would increase liability exposure to the County..

#### Natural Resource and Environmental Stewardship

Motorcycle County Park staff is charged with some very unique operational and maintenance challenges relating to the protection of delicate natural resources. The park is located in Metcalf Canyon which contains Coast Live Oak and other central coast riparian vegetation such as the California Laurel and California Buckeye. The park also contains many areas of serpentine soils and associated critical habitats that could support rare and endangered plant species, such as the bay Checkerspot Butterfly. The serpentine zone intended for the Motorcycle County Park area includes some of the most critically significant habitat in the entire South Bay according to the US Fish and Wildlife Service.

Since Metcalf Creek runs through Motorcycle County Park, special resource management considerations are given to protecting the habitat for the federally listed amphibian species such as the Red Legged Frog and the California Tiger Salamander. Because Motorcycle County Park is in an area that is beginning to contain or potentially contain with federal and state listed species, the management responsibilities for the park are particularly acute.

The U.S. Fish and Wildlife Service is the principal Federal agency responsible for conserving, protecting and enhancing fish, wildlife and plants and their habitats for the continuing benefit of the American people. The agency enforces Federal wildlife laws, administers the Endangered Species Act, manages migratory bird populations, restores nationally significant fisheries, conserves and restores wildlife habitat such as wetlands, and helps foreign governments with their conservation efforts. Permits may be issued by the Service for activities that are otherwise prohibited under the Act, if these activities are for scientific purposes or to enhance the propagation or survival of the affected species, or for "take" that is incidental to otherwise lawful activities.

#### Summary

Over the past several years, the Motorcycle Park has experienced a tremendous increase in popularity and use. Along with this use, park staff have struggled to maintain and operate the park at a level that will provide both safe and quality recreational opportunities for the park user. Although OHV Grant funding is still available from the State, the trend for disbursement of these funds has been focused upon other State and Federal facilities and not local agencies. As the grant funding decreases, there is a further burden upon tight Park Charter Fund resources to maintain and operate the park.

In order to meet the maintenance needs of the park, the Department is recommending to reduce the park operation from five days per week to four. This action would give park staff one additional day per week to maintain park trails and facilities without any additional cost to the Department. Although this action will have an impact on park users, it is essential to balance the needs of the users with the responsibility of managing the resource. It is not advisable to increase user fees at the park due to liability issues , therefore unless additional funding resources are identified there are few options available at this juncture.

In addition to reducing the number of days of operation, the Department recommends the seeking involvement of the Board's Legislative Committee to bring awareness of this issue to the OHMVR Commission through the County's Lobbyists in Sacramento.

### **CONSEQUENCES OF NEGATIVE ACTION**

Not applicable.

### **STEPS FOLLOWING APPROVAL**

Not applicable.

### **ATTACHMENTS**

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