



DIANNE JACOB
SUPERVISOR, SECOND DISTRICT
SAN DIEGO COUNTY BOARD OF SUPERVISORS

AGENDA ITEM

DATE: December 11, 2001

TO: Board of Supervisors

SUBJECT: ASSERTING PUBLIC ACCESS TO PUBLIC RIGHTS OF WAY THROUGH
RS 2477 (District: ALL)

SUMMARY:

Overview

Increasingly, public access to roads and trails on public lands is being limited. The closing off of these facilities within San Diego County and elsewhere by state and federal agencies have greatly limited the ability of the public to experience the habitat and wildlife that our own tax dollars maintain.

There may be a solution to this problem. Revised Statute 2477, passed by the United States Congress in 1866, states: "The right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted." Although repealed in 1976, existing rights of way already established under RS 2477 were exempted from the repeal.

Today's action will direct the Chief Administrative Officer to investigate the implications of RS 2477, explore assertions made in other counties, determine the most appropriate course of action for San Diego County, and report back to the Board with a recommendation within 120 days.

Recommendation:

SUPERVISOR JACOB:

Direct the Chief Administrative Officer to investigate the implications of RS 2477, explore assertions made in other counties, determine the most appropriate course of action for San Diego County, and report back to the Board with a recommendation within 120 days.

Fiscal Impact

There is no fiscal impact related to this proposal.

SUBJECT: ASSERTING PUBLIC ACCESS TO PUBLIC RIGHTS OF WAY THROUGH
RS 2477 (District: ALL)

BACKGROUND:

Increasingly, public access to roads and trails on public lands is being limited. What once was a vast network of roads and trails enjoyed by people wishing to experience and appreciate San Diego County's unique and varied environment is shrinking, often without explanation. By closing off these facilities within San Diego County, state and federal agencies have greatly limited the ability of the public to experience the habitat and wildlife that our own tax dollars maintain.

This Board of Supervisors has already taken a position about existing trails on public land. On May 2, 2001, I initiated a resolution, passed by the Board, to request that California State Parks and Recreation reopen Wilson Trail, Mine Wash Valley Trail and the Mormon Battalion Trail in Anza Borrego Desert State Park for equestrian use. These trails, once accessible by the public, were closed by the State arbitrarily, and with no public comment period. Moreover, currently, a Trail System is being developed for San Diego County aimed at networking trails throughout the county. However, the plan does not address the immediate issue of existing roads and trails being locked up by public land agencies, denying the public historically granted access.

There may be a solution, however, to this dilemma. Revised Statute 2477, passed by the United States Congress in 1866, states: "The right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted." In other words, roads established across public lands, which then included dirt trails and pathways, would be preserved for public access to facilitate travel for settlement of the western United States. Although repealed in 1976, existing rights of way already established under RS 2477 were exempted from the repeal.

Today's action will direct the Chief Administrative Officer to investigate the implications of RS 2477, explore assertions made in other counties, determine the most appropriate course of action for San Diego County, and report back to the Board with a recommendation within 120 days.

I urge your support.

Respectfully submitted,

DIANNE JACOB
Supervisor, Second District

SUBJECT: ASSERTING PUBLIC ACCESS TO PUBLIC RIGHTS OF WAY THROUGH
RS 2477 (District: ALL)

AGENDA ITEM INFORMATION SHEET

CONCURRENCE(S)

COUNTY COUNSEL REVIEW	<input checked="" type="checkbox"/> Yes	
GROUP/AGENCY FINANCE DIRECTOR	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A
CHIEF FINANCIAL OFFICER	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A
Requires Four Votes	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
GROUP/AGENCY INFORMATION TECHNOLOGY DIRECTOR	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A
CHIEF TECHNOLOGY OFFICER	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A
DEPARTMENT OF HUMAN RESOURCES	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> N/A

Other Concurrence(s): Department of Public Works

CONTACT PERSON:

Chimene Adams

Name

(619) 531-5522

Phone