



# Oregon

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**DATE:** February 23, 2015

**TO:** Senate Committee on Business and Transportation

**FROM:** Amy Joyce, Legislative Liaison

**SUBJECT:** SB 192, ATVs allowed on highways

## INTRODUCTION

Senate Bill 192 would allow certain All Terrain Vehicles (ATVs) on public highways, in some circumstances, in nine Oregon counties. The Department has safety concerns for the riders of the ATVs and the other highway users around them.

## DISCUSSION

The bill would allow some kinds of ATVs to operate on Oregon's highways in counties with less than 20,000 population. ODOT is concerned about the safety of those on the ATVs and the other users of the highway system. None of the vehicles impacted by this bill are built for on-road driving. They generally do not have roll bars, crumple zones, or air bags. These are open vehicles, like motorcycles, but there is no helmet requirement (unless under age 18). These equipment issues put the drivers and passengers of these vehicles at risk of injury and death in the event of a crash.

The Specialty Vehicle Institute of America, the trade organization for the manufacturers and distributors of ATV's, has written an issue paper opposing on-road operation of ATVs. It is attached to this testimony.

Particularly concerning is the bill's allowance for these ATVs to operate on any state highway including interstates. The nine eastern- and central-Oregon counties whose current population subjects them to his bill includes portions of I-84, US 97, US 20, US 26, and US 395, among many others.

The concern does not just extend to these high-speed and more heavily traveled roads. The safety concerns apply to both the ATV riders and the highway users around them no matter what kind of road it is. Fundamentally, conflicts occur between users of the highway. Crashes happen, in which people are injured or killed. As with pedestrians, bicyclists, and motorcyclists, regardless of which driver is at fault the ATV driver and passenger are likely to be the most injured, or the ones killed, in such a crash. Another aspect of the conflict among users is that a significant portion of highway safety comes from the users' understanding and expectations of what other users are likely to do. Users of the highway are unlikely to expect ATV riders' presence in the same area, and almost certainly will be unfamiliar with the "habits" of an ATV.

ODOT's Highway Division also is impacted by the bill. The bill requires signs to be posted if on a non-state highway and the road authority authorizes this use. As with any other highway sign, ODOT's Highway Division would have the responsibility to design the standard sign. ODOT would also need to consider posting signs on those state highways and interstates to warn motorists of the presence of ATVs. Also of note is that the bill does not require, or allow, vehicle registration for ATVs.

## **CONCLUSION**

The Department of Transportation, which has as one of its core missions to ensure the safety of the users of the highway system, has concerns about the allowance of ATV's on that system. The ATV drivers and passengers, as well as all other users around them, will see safety impacts from such a change.

Attachment: SVIA Issue Paper



## **POSITION IN OPPOSITION TO ON-ROAD OPERATION OF ATVs**

The Specialty Vehicle Institute of America (SVIA) is the national not-for-profit trade association representing manufacturers and distributors of all-terrain vehicles (ATVs) in the United States. SVIA's major goal is to promote the safe and responsible use of ATVs.

Tens of millions of ATV users ride their ATVs in a safe and appropriate manner every day. In addition to their popularity for responsible outdoor recreation, they are tremendously useful products and have become an essential tool for farmers, law enforcement officials, the military and others.

The majority of accidents and injuries are caused by misuse of the ATV. Ninety-two percent of ATV-related fatalities involve behaviors that the Industry warns against in its rider education programs, in all literature and on vehicle labels. These behaviors include children riding adult-sized ATVs, operating on paved roads, operating without a helmet or other protective safety gear, carrying passengers on single-rider ATVs and operating under the influence of alcohol.

ATVs are designed, manufactured and sold for off-road use only. On-road vehicles must be manufactured and certified to comply with U.S. Department of Transportation Federal Motor Vehicle Safety Standards (FMVSS). These safety standards consist of extensive and detailed compliance requirements. Since ATVs are not intended to be used on-road, they are not designed, equipped or tested to meet such standards. Permitting on-road use of ATVs, including modified ATVs, would be in conflict with manufacturers' intentions for their proper use, and would be contrary to federal safety requirements.

The Insurance Institute for Highway Safety has analyzed U.S. Department of Transportation's Fatality Analysis Reporting System (FARS) data on ATV rider fatalities occurring on public roads. In 2012, the most recent year for which data is available, 303 ATV riders were killed on public roads. This is virtually unchanged from 2011 when there were 305 ATV rider fatalities occurring on public roads. Eighty-eight percent of these fatalities occurring on public roads were on rural roads. Of those, seventy percent were on minor roads.

ATV fatalities occurring on public roads comprise a significant portion of total ATV-related fatalities, as reported by the Consumer Product Safety Commission. If ATVs could be kept off of public roads, as urged by SVIA and as contained in our Model State ATV Legislation, a large percentage of ATV-related injuries and deaths would be prevented.

CPSC's *2011 Annual Report of ATV Deaths and Injuries*, the most recent available, found that estimated ATV-related fatalities have declined each year from 2006 through 2011 but noted that data collection for 2008-2011 is ongoing. As a percentage of total ATV-related fatalities, on-road fatalities were an alarming 44.7 percent of the total in 2007 (the latest year of complete data available from CPSC). This is even though ATVs are not manufactured for or intended to be operated on highways and vehicle labels and owner's manuals clearly warn against such use.

Imagine the progress that could be made in reducing ATV-related injuries and deaths if states were to enact and enforce laws to prohibit ATV use on highways.

Riding on public roads introduces the possibility of the ATV colliding with a car or truck, an obviously dangerous situation. Another CPSC study of 3,200 ATV-related deaths that occurred between 1985 and

1996 found that the most frequently reported hazard pattern (56 percent of all ATV incidents) involved collisions and 35 percent of these involved collisions with motorized vehicles.

SVIA emphasizes that ATVs are not designed, manufactured, or in any way intended for use on public streets, roads or highways and urges that on-highway use of ATVs be prohibited and that law enforcement efforts be strengthened to eliminate this dangerous practice.

It should be noted that for purposes of prohibiting ATV use on public roads, SVIA does not consider such public thoroughfares as logging roads, woodland trails or other unimproved ways to be public streets, roads, or highways and the prohibition on allowing on-road use of ATVs should not be meant to apply to a road that is part of a designated trail system permitting ATV operation.