

Testimony on SB 192 - Senate Committee on Business and Transportation  
2/23/2015 Room HR B 1:00PM by John Lane

Chair Beyer, Members of the Committee, Thank you for giving me and other operators of all-terrain vehicles a chance to voice an opinion on SB192.

My name is John Lane, I am Vice President of a non-profit called the, "Oregon Outback Association" whose goal is to assist back-country adventurers, of all methods, by marking key intersections with identifying numbers so that a person can locate their position on maps and navigational devices. I am also an Instructor for the ATV Safety Institute and a Master Instructor for the OSU/4H Youth ATV Training Program.

We recognize that the intent of this bill is to allow the use of All-Terrain Vehicles on rural highways. However, as it is written, SB192 would require the county or township to post signs on every road they wish to allow open to All-Terrain Vehicles, effectively closing all existing highways currently open to All-Terrain Vehicles; at least until they can create and install proper signage. The magnitude of this project, and the associated costs, would most likely be a net loss to the user.

ORS 801.305 defines a "highway" as, and I quote: "... *every public way, road, street, thoroughfare and place, including bridges, viaducts and other structures within the boundaries of this state, open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right.*"

Chair Beyer, Members of the Committee, that means that every open road - dirt, gravel or paved - is a highway. That includes many hundreds of miles (if not thousands of miles) in the remote regions of this state that will be affected by this bill.

Because of that, we are against the passage of this bill – as it is written.

Because Counties and Townships are already passing ordinance to allow ATVs on certain roads within their jurisdictions, we see an opportunity to provide a framework for those counties and towns; but it needs some work first. To reiterate, the current language of SB192 will not work.

We would like to work with you on this! A state-wide platform that spells out minimum age requirements, training requirements, and equipment standards are all excellent things to have in a State's statute; but they must make sense! Many of the requirements in this bill do not.

If done right, the counties and towns can base their ordinance on what the State mandates. They can provide additional restrictions, if necessary, such as which specific roads would remain closed to All-Terrain Vehicles.

The single largest impediment facing those who currently legally operate All-Terrain Vehicles on Oregon's highways, is an unfortunate side effect from ORS 821.200(1)(f) which says that an

All-Terrain Vehicle (and snowmobile) cannot cross a highway within 100 feet of an intersecting highway. If the All-Terrain Vehicle is on a highway, it is technically *in* an intersecting highway, and cannot cross; even if both highways are open to All-Terrain Vehicles. We would very much like to see this fixed incorporated into a bill.

This is another example of an un-intended consequence of well-meaning legislation. Law enforcement officers are either unaware of this, or have chosen to ignore the statute. The problem arises when a town has opened their roads to All-Terrain Vehicles, but the vehicles cannot legally cross intersections, especially those of State or Federal Highways. ORS 821.200 does a good job telling the rider how to cross all highways safely – in much the same way as our neighboring states do. We just need to strike that one line out.

Chair Beyer, Members of the Committee, promoting the sensible use of All-Terrain Vehicles in the remote regions of our state is a tremendous economic benefit to many of those small towns which rely on tourism to sustain their fuel/food/and lodging industries. It may be possible to correct this bill. If not, it should fail. I repeat our desire to help the State write language that makes sense.

Again, I thank you for your time and attention to this issue. The Oregon Outback Association is at your disposal.