



Oregon

Kate Brown, Governor

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DATE: February 23, 2015

TO: House Committee on Transportation and Economic Development

FROM: Amy Joyce, Legislative Liaison

SUBJECT: HB 2267, ATVs allowed on highways

INTRODUCTION

House Bill 2267 would allow certain All Terrain Vehicles (ATVs) on public highways in some circumstances. The bill would also establish in law a method to convert an off-road motorcycle to be a legal on-road motorcycle. The Department has safety concerns with the first, and process questions for the second.

DISCUSSION

The first component of the bill would allow some kinds of ATVs to operate on Oregon's highways. 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. 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 ATVs, has written an issue paper opposing on-road operation of ATVs. It is attached to this testimony.

Other concerns apply to both the ATV riders and the highway users around them. 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.

Other ODOT Divisions with impacts are Highway Division and DMV. The bill requires signs to be posted. As with any other highway sign, ODOT's Highway Division would have the responsibility to design the standard sign. As the Road Authority for all state highways, it is unlikely the Highway Division would approve any state highway for ATV use so ODOT does not expect any expense for installing such signs. For DMV, the Department notes that the bill does not require, or allow, vehicle registration for ATVs.

In sum, ODOT is concerned that the ATV portion of the bill will reduce the safety of highway users, particularly those riders the bill intends to help.

The second major portion of the bill would allow a motorcycle that was manufactured for off-road use to be registered as street-legal if the vehicle were properly equipped. Current practice allows an owner of an off-road motorcycle to register as a street-legal motorcycle by showing a document from the manufacturer that the motorcycle can be converted in a way that makes it comply with the equipment and emissions standards for a street-legal bike, and that it has been converted. To date no one has presented Oregon DMV with such a document. The Department understands the bill to allow an entity, such as a franchise dealership mechanic, for a manufacturer covered under existing practice, to be authorized to certify the successful conversion.

HB 2267 requires ODOT to write guidelines in administrative rule for issuance of a certificate by a nationally recognized manufacturer certified repair technician. The guidelines would determine if the modification makes the motorcycle comply with Federal Motor Vehicle Safety Standards (FMVSS). FMVSS are manufacturing standards; consequently it is unclear how an off-road motorcycle could meet FMVSS. This difficulty is recognized at the national level. The National Highway Transportation Safety Administration has determined an off-road motorcycle cannot be legally imported to the United States for on-road use for this reason.

The bill adds an option, similar to the existing process, for individuals to go to a newly certified repair technician to get their off-road motorcycle registered for street use.

CONCLUSION

The Department of Transportation, whose core missions include ensuring 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. There are also concerns regarding the conversion of off-road motorcycles for street use as there are no relevant standards to insure these vehicles are safe for street use.



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.