



Oregon

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DATE: April 26, 2017

TO: House Committee on Transportation Policy

FROM: Amy Joyce, Legislative Liaison

SUBJECT: SB 344-A, ATVs and Snowmobiles on State Highways

INTRODUCTION

Senate Bill 344-A contains most of the recommendations of an interim work group regarding limited use of ATVs on or across state highways. The department participated in the work group.

DISCUSSION

The 2015 Oregon Legislature, in SB 192, created a work group to research and make recommendations on the topic of All Terrain Vehicles (ATVs) on state highways. The Oregon Department of Transportation (ODOT) participated in the workgroup, which also include ATV users, ATV dealers, county government representatives, federal representatives (BLM and USFS), law enforcement, and the Oregon Parks and Recreation Department. The workgroup looked at options for allowing ATVs to operate on state highways. The workgroup made a number of recommendations, most of which were incorporated into SB 344-A.

The bill provides a mechanism to allow incidental use of ATVs within state highway right of way in counties with a population of 20,000 or fewer, by designating ATV access routes. The idea behind these access routes is to provide short-distance connections between trail areas that are used by ATVs and where it makes sense for them to go. For example, if a trail ends at a road, and another trail picks up a short distance down the road on the other side, it might make sense to allow the ATV to travel along or down the road to the next trailhead. Another example would be to travel from a campground the short distance down the highway into town, to reach the nearby grocery store, gas station, or restaurant. Whether those on-state-highway connections make sense depends on many factors, such as roadway safety and local acceptance. The bill creates an Access Route Advisory Committee to analyze proposed routes and make recommendations to the Oregon Transportation Commission (OTC). The commission then decides whether to approve a route. Each evaluation, recommendation, and decision is made case-by-case, taking several listed factors into consideration.

The safety considerations in the bill include the following. Operators under age 18 must wear a helmet. Operators of ATVs that are Class I (four-wheeler / quad) or III (off-road motorcycle), who are 18 years of age or older, must wear a helmet. Operators must have the appropriate driving privilege for operating a motor vehicle on a public road. In an ATV with seatbelts installed, the occupants must wear the seatbelt. And the vehicle must carry at least the minimum insurance required for motor vehicles on a public road.

Three items in the bill are somewhat different from the recommendations of the interim work group. First, SB 344-A limits these ATV Access Routes to counties with 20,000 or less population. The work group did not recommend a geographic or population limitation. Rather, the idea was to address each situation on a case by case basis. Second, the bill does not include the ability for the department to write rules requiring particular vehicle equipment when operating on a state highway. The bill exempts ATVs on these access routes from the usual on-road vehicle equipment, just as for ATVs on trails. The work group intended that the Department be able to direct some additional equipment by rule. Third, the membership of the ATV Access Route Advisory Committee is somewhat different from the list developed by the work group. The bill's committee makeup has fewer members.

The bill also makes a technical change to the legal crossing of a state highway. The bill would allow an ATV, which is permissibly on a local road and approaching an intersection with a state highway, to cross at that intersection. Current law requires crossing at least 100 feet from an intersection.

As is frequently the case, ODOT must address the issue of the Highway Fund, which is constitutionally dedicated to the maintenance and operation of highways. When gas tax revenue is attributed to off-road ATV use the money need not be sent to the Highway Fund. Under current law, the agencies calculate how much gas tax revenue is attributable to off-road use, and that amount of money is sent to the Parks Department for use in their recreational – off-road – ATV program. Bringing ATVs onto the highway means the gas tax dollars used there must not go to off-road use, but instead they appropriately belong in the Highway Fund. The work group was aware of, and wrestled with, this issue. The department understands the intent of the bill is that the calculations account for those on-highway miles and Highway Funds. In addition, the group discussed that funding for access route improvements, maintenance, and signage would be paid for by the Parks Department.

SUMMARY

SB 344-A creates a mechanism for a case-by-case allowance for incidental use of ATVs on state highways. The bill largely contains the recommendations of the interim work group. In addition, the statutory calculations of gas tax money that go to the Parks Department will need to account for funds that should remain with the Highway Fund, to honor the constitutional restriction on the Highway Fund.