

# Senate Bill 344

Sponsored by Senator FERRIOLI (Presession filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires snowmobiles and certain all-terrain vehicles to cross highway at intersection or more than 100 feet from intersection.

Permits road authority to authorize person in remote areas to operate all-terrain vehicle within portion of highway right of way designated all-terrain vehicle access route.

Establishes All-Terrain Vehicle Access Routes Advisory Committee. Directs Oregon Transportation Commission to designate all-terrain vehicle access routes throughout state after consultation with advisory committee.

Provides exemption from vehicle equipment requirements if person is crossing portion of highway right of way designated as all-terrain vehicle access route.

## A BILL FOR AN ACT

1  
2 Relating to off-road vehicles; creating new provisions; and amending ORS 821.020, 821.055, 821.190  
3 and 821.200.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 821.190 is amended to read:

6 821.190. (1) A person commits the offense of unlawful operation of an off-road vehicle on a  
7 highway or railroad if the person operates a vehicle described in subsection (2) of this section in  
8 any of the following described areas:

9 (a) On or across the paved portion, the shoulder, inside bank or slope of any highway, on or  
10 across the median of any divided highway or on or across any portion of a highway right of way  
11 under construction.

12 (b) On or across a railroad right of way.

13 (2) This section applies to:

14 (a) Snowmobiles.

15 (b) Class I all-terrain vehicles.

16 (c) Class II all-terrain vehicles that are not properly equipped for operation on a highway.

17 (d) Class III all-terrain vehicles.

18 (e) Class IV all-terrain vehicles.

19 (3) Exemptions from this section are established under ORS **821.055 and** 821.200.

20 (4) In addition to penalties provided by this section, the operator or owner of a snowmobile or  
21 Class I, Class II, Class III or Class IV all-terrain vehicle may be liable as provided under ORS  
22 821.310.

23 (5) The offense described in this section, unlawful operation of an off-road vehicle on a highway  
24 or railroad, is a Class B traffic violation.

25 **SECTION 2.** ORS 821.200 is amended to read:

26 821.200. This section establishes exemptions from the limitations placed on the use of  
27 snowmobiles and all-terrain vehicles under ORS 821.190. The prohibitions and penalties under ORS

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 821.190 do not apply when a snowmobile or all-terrain vehicle that qualifies for the exemption from  
 2 equipment requirements under ORS 821.010 is being operated as described under any of the follow-  
 3 ing:

4 (1) A person may lawfully cross a highway or railroad right of way while operating a  
 5 snowmobile or all-terrain vehicle if the person complies with all of the following:

6 (a) The crossing must be made at an angle of approximately 90 degrees to the direction of the  
 7 highway or railroad right of way.

8 (b) The crossing must be made at a place where no obstruction prevents a quick and safe  
 9 crossing.

10 (c) The vehicle must be brought to a complete stop before entering the highway or railroad right  
 11 of way.

12 (d) The operator of the vehicle must yield the right of way to vehicles using the highway or  
 13 equipment using the railroad tracks.

14 (e) The crossing of a railroad right of way must be made at an established public railroad  
 15 crossing.

16 (f) The crossing of a highway must be made at a **highway intersection or at** a place that is  
 17 more than 100 feet from any highway intersection.

18 (g) If the operator of a snowmobile is under 12 years of age, a person who is 18 years of age  
 19 or older must accompany the operator either as a passenger or as the operator of another  
 20 snowmobile that is in proximity to the younger operator.

21 (2) A snowmobile or all-terrain vehicle may be lawfully operated upon a highway under any of  
 22 the following circumstances:

23 (a) Where the highway is completely covered with snow or ice and has been closed to motor  
 24 vehicle traffic during winter months.

25 (b) For purposes of loading or unloading when such operation is performed with safety and  
 26 without causing a hazard to vehicular traffic approaching from either direction on the highway.

27 (c) Where the highway is posted to permit snowmobiles or all-terrain vehicles.

28 (d) In an emergency during the period of time when and at locations where snow upon the  
 29 highway renders travel by automobile impractical.

30 (e) When traveling along a designated snowmobile or all-terrain vehicle trail.

31 **(3)(a) A road authority may authorize the incidental use of all-terrain vehicles within the**  
 32 **highway right of way, including but not limited to on or across the paved portion, the**  
 33 **shoulder, inside bank or slope of any highway, on or across the median of any divided high-**  
 34 **way or on or across any portion of a highway right of way if:**

35 **(A) The portion of highway right of way authorized is located within a county that has**  
 36 **a population of 20,000 or fewer; and**

37 **(B) The road authority has designated that portion of highway right of way as an all-**  
 38 **terrain vehicle access route.**

39 **(b) A grant of authority under paragraph (a) of this subsection to operate an all-terrain**  
 40 **vehicle on an all-terrain vehicle access route is effective when signs are posted giving notice**  
 41 **that the road authority has designated the portion of highway right of way as an all-terrain**  
 42 **vehicle access route.**

43 [(3)] (4) It shall be lawful to operate a snowmobile or all-terrain vehicle upon a railroad right  
 44 of way under any of the following circumstances:

45 (a) Where the right of way is posted to permit the operation.

1 (b) In an emergency.

2 (c) When the snowmobile or all-terrain vehicle is operated by an officer or employee or author-  
3 ized contractor or agent of a railroad.

4 **SECTION 3.** ORS 821.020 is amended to read:

5 821.020. (1) This section establishes the areas where the exemption from equipment requirements  
6 for off-road vehicles described under ORS 821.010 is applicable. The exemption applies to any land,  
7 road or place within the State of Oregon that meets the description in subsection (2) of this section  
8 and that is not posted as closed to off-road use.

9 (2) The exemption applies to each of the following lands, roads and places:

10 (a) Lands that are open to the public.

11 (b) Roads, other than two-lane gravel roads, that are open to the public.

12 (c) Paved parking lots adjacent to or on designated off-road vehicle areas, trails and routes that  
13 are open to the public.

14 (d) Any local two-lane gravel road that is open to the public and that is designated by the road  
15 authority with jurisdiction over the road as open to off-road vehicles that are described in ORS  
16 821.010.

17 **(e) A portion of highway right of way that is designated by the road authority as an all-  
18 terrain vehicle access route.**

19 **SECTION 4.** ORS 821.055 is amended to read:

20 821.055. Notwithstanding ORS 821.020, or any law requiring that vehicles be equipped in speci-  
21 fied ways in order to operate on highways, **a person may operate** Class I, Class II, Class III and  
22 Class IV all-terrain vehicles [*may operate*] on any highway in this state that is open to the public  
23 [*and*] **if:**

24 (1) **The highway** is not maintained for passenger car traffic.

25 (2) **The person is on or crossing a portion of highway right of way as permitted under  
26 ORS 821.200.**

27 **SECTION 5.** Section 6 of this 2017 Act is added to and made a part of the Oregon Vehicle  
28 Code.

29 **SECTION 6.** The Oregon Transportation Commission shall designate all-terrain vehicle  
30 access routes throughout this state. The commission shall designate all-terrain vehicle ac-  
31 cess routes under this section after consultation with the All-Terrain Vehicle Access Routes  
32 Advisory Committee established under section 7 of this 2017 Act.

33 **SECTION 7.** (1) The All-Terrain Vehicle Access Routes Advisory Committee is estab-  
34 lished.

35 (2) **The committee consists of nine members as follows:**

36 (a) **The State Parks and Recreation Director shall appoint:**

37 (A) **One representative of a Class I all-terrain vehicle user organization.**

38 (B) **One representative of a Class III all-terrain vehicle user organization.**

39 (C) **One representative of a Class IV all-terrain vehicle user organization.**

40 (D) **One all-terrain vehicle dealer.**

41 (E) **One representative of a city.**

42 (F) **One representative of the All-Terrain Vehicle Advisory Committee described in ORS  
43 390.565.**

44 (G) **One traffic engineer who works in the private sector.**

45 (b) **A representative from the Oregon State Police.**

1 (c) The Director of Transportation or the director's designee. The director or director's  
2 designee is a nonvoting member of the committee and may act in an advisory capacity only.

3 (3) The committee shall:

4 (a) Accept and evaluate suggested all-terrain vehicle access routes on portions of high-  
5 way rights of way;

6 (b) Conduct field reviews of suggested all-terrain vehicle access routes; and

7 (c) Submit a report to the Department of Transportation and the Oregon Transportation  
8 Commission and may include recommendations related to all-terrain vehicle access routes  
9 on portions of highway rights of way.

10 (4) The committee must take into consideration the following when developing its rec-  
11 ommendations:

12 (a) The need to create connections between areas open to all-terrain vehicle use.

13 (b) Minimizing adverse effects on adjacent landowners.

14 (c) Road conditions, including but not limited to road width, shoulder, highway speed and  
15 sight distance.

16 (d) The desire of the local community to allow all-terrain vehicle access routes to cross  
17 portions of highway rights of way.

18 (e) Consistency with local all-terrain vehicle use on city streets and county roads adja-  
19 cent to the portions of highway rights of way.

20 (f) Safety.

21 (g) Any other factors the committee considers important.

22 (5) In preparing the report to the Department of Transportation and the Oregon Trans-  
23 portation Commission the committee shall consult with the following:

24 (a) A county commissioner.

25 (b) A sheriff's office.

26 (c) A member of an all-terrain vehicle user organization.

27 (d) A representative of the Bureau of Land Management who is knowledgeable about  
28 all-terrain vehicle recreation areas on federal lands.

29 (6) A majority of the voting members of the committee constitutes a quorum for the  
30 transaction of business.

31 (7) Official action by the committee requires the approval of a majority of the voting  
32 members of the committee.

33 (8) The committee shall elect one of its members to serve as chairperson.

34 (9) If there is a vacancy for any cause, the appointing authority shall make an appoint-  
35 ment to become immediately effective.

36 (10) The committee shall meet at times and places specified by the call of the chairperson  
37 or of a majority of the voting members of the committee.

38 (11) The committee may adopt rules necessary for the operation of the committee.

39 (12) The State Parks and Recreation Department shall provide staff support to the com-  
40 mittee.

41 (13) Members of the committee who are not members of the Legislative Assembly are  
42 not entitled to compensation or reimbursement for expenses and serve as volunteers on the  
43 committee.

44 (14) The State Parks and Recreation Department is directed to assist the committee in  
45 the performance of the committee's duties and, to the extent permitted by laws relating to

1 **confidentiality, to furnish information and advice the members of the committee consider**  
2 **necessary to perform their duties.**

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