

Methow Valley Citizens Council

March 8, 2019

Dear Members of the Senate Transportation Committee,

We would like to alert you to two bills related to off-road vehicle regulation that are of concern to us: SSB 5666 and HB 1028, which modify the types of off-road vehicles subject to local government regulation.

The off-road vehicle (ORV) community characterizes these bills as a “minor” change in the state law that regulates the use of certain kinds of ORVs on public roads. They contend it would allow wheeled all-terrain vehicles (WATVs) – a particular class of ORVs – to use short segments of roads that are now off-limits to WATVs, as “connectors” to towns or to WATV routes that are open to them.

However, these bills go far beyond fixing that problem, and would, in our view, allow counties to designate any road in the state as suitable for WATVs, perhaps including state highways. We believe that WATVs should not be allowed on state highways for safety reasons, except for road crossings as are allowed in the law presently.

The ORV community has a legitimate concern that WATVs cannot ride on some segments of routes previously established or being planned because a portion of those routes have speed limits greater than 35 mph. Primarily these are paved county roads with default speed limits of 50 mph, as prescribed by state law. Some towns want the ORV/WATV traffic for economic and recreational reasons. We are sympathetic to this concern.

However, we believe the bills, as written, should be opposed for the following reasons:

1. Promote Safety: If paved roads are now generally eligible to be opened to WATVs, serious safety concerns are raised. For example, most sit-on-top quads are not designed for paved roads. They have low pressure tires and “hard” axles that do not

allow for the inside wheels to slip when making a turn, thus rendering the vehicle unstable at speed. This is why the Consumer Federation of America, the Specialty Vehicle Institute (the ATV trade group), the Insurance Institute for Vehicle Safety, and the manufacturers themselves warn against ATVs being used on any public road, especially paved roads with higher speed limits.

2. Environmental concerns: While most WATV riders will stay on the designated roads, there is a significant minority who do not. Dramatically raising the number of road miles counties can open to WATVs raises the potential for damage to wetlands, private property, critical areas, and wildlife habitat. WATVs are, after all, designed and marketed as “off-road” vehicles.

3. Maintain Good Process and Policy: The bills break the compromise negotiated in good faith between the WATV and environmental interests in 2013 (HB 1632). There has been no consultation or discussion among the parties to the original agreement. The legislature should encourage negotiated compromise solutions, not reward end-runs.



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4. **Avoid legal confusion:** The change would obscure the separation of ORVs and WATVs that was such an important part of the 2013 law and would create confusion as to which part of the law governs regulation of WATVs. The section of the law regarding opening roads to WATVs, with its 35-mph restriction, remains unchanged. However, the bills would now allow local governments to include WATVs in opening roads to ORVs, which are not subject to the 35-mph.

There may be other ways to solve the problem that the ATV interests are raising. For example, the law could be amended to allow WATVs on roads with higher speed limits on segments of a certain length, such as a mile. Another approach is to add to already existing county authorities to modify speed limits or provide dual speed limits for WATVs on ORV routes specifically designated by counties that connect ORV facilities and willing towns.

We respectfully urge you to consider modifying these bills to reflect these safety, environmental, process and legal concerns.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Jasmine Minbashian", with a long horizontal flourish extending to the right.

Jasmine Minbashian,
Executive Director