



Nature
HISTORY
Discovery

Oregon Parks and Recreation Department
ATV Advisory Committee (ATV-AC)
Champoeg State park
Salem, OR
June 30, 2010

Approved Minutes

Committee members in attendance: Tim Custer, Steve Doane, Pat Harris, Troy Costales, Nathan Seable, Wendy Zusiak, Wade Bryant, Rod Roberts, Patricia Berger (attending for Lisa Millet), and John Lane (non-voting member)

Committee members not attending: Lisa Millet, Jimmy Smith, and Chris Knauf

Guests: Tom Harris, Kyleen Stone, Lindy Minten, Ed Ariniello, and Barrett Brown

Staff present: Wayne Rawlins, Ron Price, Ian Caldwell, Mike Law, and Pamela Berger

Chair Harris called the meeting to order at 9:20 AM

Approval of May 18, 2010 Minutes

MOTION: Tim moved to approve the May 18, 2010 meeting minutes. Seconded by Steve. All in favor.

Introductions

Public Comment

PowerPoint Presentation by Lindy Minten

-Legislative Process - points out that Legislative Counsel is looking to this committee how to write language because they are not ATV experts.

-Tells members their job is to review legislative concepts.

-Wants language change in statutes from ATV to OHV; using ATV is very confusing, since most people think of ATVs as quads.

The direction from the last legislative session was to get away from weight and width. The legislators felt more things needed to be addressed such as insurance.

-Provides background of the creation of this task force.

-Describes current OHV classifications and regulations and proposes possible OHV classifications.

-At what point do you require a driver license? Are you restricted to 250 cc or less? Is not proposing changes for Class III. Should do away with the minimum age requirement so it is consistent with the ATVs. Use of rider fit.

-If you break out UTVs from "Jeeps" it will be easier to address issues. Land managers have concerns with vehicle width. They are okay with letting UTVs on trails but do not want full sized jeeps and trucks on those same trails. Think about where tracks fit.

-Need to consider insurance requirements.

-Create a new Class IV that would consist of rails, buggies, non-street legal vehicles that would be managed by DMV.

-Create a new Class V for street legal vehicles. They have a higher level of safety because they are manufactured for the highway and have roofs, seatbelts, crash tests, etc. - this would be managed by DMV.

-Because of the addition of two new classes you will need to add two new positions to this advisory committee.

-Need to change Class 1 definition because of the problems with small UTVs and the Pilot.

Rod: Suggests not changing the current Class II classification language due to the number of current laws that apply to that class.

Lindy: Said they could do that. Those can be separated out by anybody if homemade.

Ian: Pilots are manufactured by Honda.

Lindy: We don't consider the Pilots as an UTV.

-Need to consider who is managing the definitions such as OPRD versus DMV; don't be in a box.

-Can have multiple classes; you could have 15 different classes if you want.

-Previous laws said that you had to have seat belts but did not have to use them.

-Helmet, needed to say you have to fasten buckle.

Ian: What is the difference between a Pilot and an UTV?

Lindy: The Pilot looks more like a sand rail. UTVs have manufacture's standards which Pilots do not fall under. Pilots should stay with rails. Pilots are not defined as UTVs.

Barrett Brown, citizen, tells of his involvement as a member of the Oregon Motorcycle Riders Association (OMRA) and with the process of (2009) SB 578 which was not a collaborative effort. When Lindy comes before you she is representing herself, not the OMRA, Four Wheel Drive groups, or other groups of riders or organizations. Does not agree with Lindy that the American Medical Association (AMA) supports rider fit for motorcycles for youth riders. However, I do agree with some of her ideas such as not having a minimum age for motorcycle riders.

Ed Ariniello, OMRA President, tells of his background and wide range of riding experiences. OMRA is about safety and responsible use. The most current medical safety information is from 2006; this information needs to be updated. Side-by-sides are not an ATV because of their size and width; believes they should be in a class of their own. Supportive of a statewide 96 decibel level to eliminate confusion. Supports rider fit for motorcycles. There is an opinion that ATV funds can be removed from the ATV program because it is a lawnmower fund and can be used for anything. Concerned about this and is confused how this can be.

Troy: Explains that the highway funds can only be used for highway projects. There are other moneys raised from lawnmowers, boats, license plates, etc. These moneys are not protected by the 1970s constitution. The lawnmower funds are non-highway funds and are not protected by constitution but directed by Oregon Revised Statute (ORS), thus the legislature has the ability to move those funds without voter approval.

Ed: Would like to have the ATV moneys "dedicated".

Troy: There are about 30 categories in the lawnmower fund.

Break

ATV Advisory Committee Task Force Reports

Safety Education

John Lane reported that since last meeting we now have an effective contract with 4-H/OSU giving us an additional 41 statewide trainers plus 6 master instructors. We are proposing that club members become trainers. Want to get trainers where people live, not where they recreate. Also working with A-Vibe putting together an internet map to show riders where the training is occurring. There always has been a disconnect when connecting riders with trainers. The internet map should be up and running by next week; using Google maps. Can enter in date and time and find a site. Instructors can enter in the names of people they train, and a new card will be issued for the kids with the ATV or motorcycle endorsement. Working with ASI and MSF to get their list of kids who have had their training. It will automatically send out cards to the kids. DAS received data batch files on Monday and Thursdays.

Pat: Are there insurance issues for the instructors?

John: That is a huge concern with the clubs that I've talked to. 4-H will handle the insurance and background checks.

Mandatory Accident Reporting:

John distributes and explains an "Off-Road Accident Report Checklist".

Troy asks about data.

Rod: This would allow us to obtain raw data from those receiving Law Enforcement grants; we could require grant recipients to gather this information. Law enforcement will be gathering this information anyway.

Troy: Is this a standard statewide report or an incident report?

John: We are doing this to provide law enforcement with a consistent means of reporting ATV accident reporting. There is not a current form, nor do we want to provide a form. We want to provide information to assist them when they write their report.

Rod: Douglas County requires reporting to DMV, however, DMV does nothing with the information. If this was in our database, it would be helpful information.

Troy: If there is a criminal investigation know that the information cannot be released until a criminal investigation is closed; which could be up to 18 months.

Tim: Should case numbers be included?

Rod: The police report's number can be used as the case number.

John: We are not trying to fill holes but are trying to cross reference information between police and hospitals.

Rod: Is this a state-wide study?

Ron: It is a pilot study for the dunes, Tillamook, and ODNRA

Rod: These are for “crashes” not “accidents”. Need to use proper term.

Safety Equipment

Ron: John received a call from a rental company who informed him that since big dune buggies cannot comply with the helmet law they now cannot get a permit from USFS and therefore are no longer able to offer dune rides.

Rod: Spoke to one company that thought that because they were a commercial business the law would not apply to them; which is not true. Some companies either have helmets or street legal vehicles and can still operate.

Review Proposed Changes to SB 578

The committee reviewed a draft for proposed changes to current SB 578 language and added a representative from the Oregon Department of Fish and Wildlife to the committee.

Wayne: Some members are from agencies. Having term limits does not make sense because of duties. Redefined term limits.

Troy: Concerned that in section 4(a) funding decision authority changes from the advisory committee to the grant committee. What if there are big issues about law enforcement or safety?

Wayne: The grant committee provides recommendations about funds; they do not set salaries. Grants for law enforcement and maintenance come from a different funding source. Other budget issues, such as the DHS study, come from our administrative budget and not the grants funds.

Kyleen: If there are new classes then you may want to add another position to the committee, such as a new Class IV person.

Rod: Why do term limits differ for the law enforcement position and agency positions?

Wayne: The state and federal agencies positions do not have term limits; however, the Sheriffs Association is a bit different.

Rod: Concerned about switching people and want to make sure law enforcement position works directly with ATV recreation.

Ron: We could require that the person has knowledge or is involved in management of ATV use.

Wayne: We would want to make sure that the law enforcement position represents ATV law enforcement issues.

Wade: Law enforcement issues can differ in other parts of the state.

Tim: Section 4(a) does not offer an avenue to replace a person besides the appointment of the respective agency’s director.

Wayne: If there were to be an issue with a committee member, then we need to talk to them.

Troy: If there are issues then the director of OPRD should call the other agency and discuss if there are issues such as non-attendance or not being prepared. If issues are not resolved then OPRD can rescind the offer of the position.

Troy: Was this a place holder?

Kyleen: The committee will introduce a legislative concept.

Ron: Should add "has knowledge of and is active in ATV management".

Pat: What do we need to do to change ATV to OHV?

Troy: This is common language in ORS. OPRD would work through their staff, not this committee.

Kyleen: OPRD did work on this years ago. The background work has been completed and we can easily re-introduce it.

Wayne: You do not report every time to the legislature. One report and then report to the OPRD commission in the future. OMRA will have subcommittee, who can provide testimony. Committee should be connected from Jan – June. Some of this is done very quickly with little notice.

Kyleen: If a Class IV is added, you will probably need to add a representative for that class.

Rod: The Member at large could be the representative for class IV

Motion		M	2nd	Aye	Nay	Excused
Approval of changes to SB 578* (see below) Action: Passed Unanimously	Wade Bryant			X		
	Troy Costales	x		X		
	Tim Custer		x	X		
	Steve Doane			X		
	Chris Knauf					x
	Lisa Millet					x
	Rod Roberts			X		
	Nathan Seable			X		
	Jimmy Smith					x
	Wendy Zustiak			X		
Chair Pat Harris			X			

*Add a representative from the Oregon Department of Fish and Wildlife

*Clearly separate the grant committee from the policy committee which could be different people representing the classes.

*Law Enforcement representative "have knowledge of and is active in ATV management?"

*Add a Class IV representative who also become a member of the Grant Committee

*Make necessary changes to reflect the change in number of members contingent on the passage of adding a new Class IV

*Term of the new class would be added to serve until January, 2014

*Add to 390.565 (2) (f) "One shall be a representative of a Class IV all-terrain user organization."

Sound Level

Rod: Supports having a state-wide 96 decibel level. This is a big issue on the coast. Most mufflers are based on California standards. On the coast we use to have 60% compliance, now we have about 30% compliance. Need to talk to USFS about this issue. The Dunes are not in compliance. AMA tests are on asphalt; testing should be in sand.

Tim: Wanted to do this last session. Where did it go?

Ron: DEQ looked at it.

Kyleen: DEQ can change this in their administrative rules.

Rod: There are no standards for DEQ testing.

Lunch break

Chair Harris re-convened the meeting at 12:30 PM

Review Legislative Report Timelines and Expectations:

Kyleen reviews ATV Advisory Committee Report Timelines from today through December 14, 2010.

Class IV Privileges

Troy: Do we need to look at the other classes also?

John: ORS 821.170 and 172 address the operators, which works well with training.

Ian: Agrees.

John: Proposed the following changes from May 20, 2010:

807.020 Exemptions from requirement to have Oregon license or permit. A person who is granted a driving privilege by this section may exercise the driving privilege described without violation of the requirements under ORS 807.010. A grant of driving privileges to operate a motor vehicle under this section is subject to suspension and revocation the same as other driving privileges granted under the vehicle code. This section is in addition to any exemptions from the vehicle code under ORS 801.026. The following persons are granted the described driving privileges:

(6) Driving privileges for snowmobiles are exclusively as provided in ORS 821.150.

(7) Driving privileges for Class I all-terrain vehicles are exclusively as provided in ORS 821.170.

(8) Driving privileges for Class III all-terrain vehicles are exclusively as provided in ORS 821.172.

(9) Driving privileges for Class IV all-terrain vehicles are exclusively as provided in ORS 821.173.

821.173 Operation of Class IV all-terrain vehicle without driving privileges; exemptions; penalty. (1) A person commits the offense of operation of Class IV all-terrain vehicle without driving privileges if the person operates a Class IV all-terrain vehicle on public lands and the person does not hold a valid driver's license issued under ORS 807.010.

(2) This section does not apply if the all-terrain vehicle is:

(a) Operated by a youth under the age of 16; and

(b) The child's age complies with the manufacturer's minimum age recommendation as evidenced by the unaltered manufacturer's warning label affixed to the all-terrain vehicle; and

(c) the child is accompanied by a person who is at least 18 years of age, holds a valid driver's license issued under ORS 807.010 and is able to provide immediate assistance and direction to the child; and

(d) The child holds a valid all-terrain vehicle operator permit issued under ORS 390.575; or

(e) Used exclusively in farming, agricultural or forestry operations or used by persons licensed under ORS chapter 571 exclusively for nursery or Christmas tree growing operations; or

(f) Being used on land owned or leased by the owner of the vehicle.

(3) The offense described in this section, operation of a Class IV all-terrain vehicle without driving privileges, is a Class C traffic violation.

Troy: There are two call outs for private property and farm/agriculture. Are there any places which define manufactures recommendations? If I build a side-by-side and say that it is was build for a 10-year-old then that would it qualify as a manufacture recommendation? We need to define in law what manufactures recommendation is.

Pat: I have seen homemade built vehicles that are not safe.

Ian: ORS 801.335 "Manufacturer." means any person engaged in the manufacture of new vehicles as a regular business. [1983 c.338 §57]

Wade: You have to build a certain number of vehicles to be a business/manufacture.

Tim: There is no minimum age listed. Does this need one?

John: Thinks it is covered by manufacturer's recommendations.

Ron: Need recommendation.

Wayne: Committee is looking at changes in ORS 873 regarding operators. What about helmets, two up, and titling?

Pat: Thinks we are where we need to be.

The Committee reviewed Lindy's PowerPoint

Troy: Need to hit Lindy's concerns instead of creating four or five classes. Asked if all issues with kids on Class I, II, and IV have been addressed

Ian: Question about Lindy's Class IV and V. Current Oregon law already addresses helmet requirements/

Nate: Lindy said she talked to USFS but she has not talk to me.

Troy: Vehicle size versus type. Felt that there were some conflicts with the Class V proposal.

John: Want Class I trails open to RZR's. Disabled can access many Class I ATV trails with RZR.

Nate: Have we made a decision about the minimum age for Class III?

John: No we talked about it but never settled.

Written public input from Gary Scott was read into the record requesting the committee's consideration that small side-by-sides remain under the Class I definition in order to continue to be used on ATV trails. Another concern is handicapped access.

Nathan: If we add Class IV land managers will have the opportunity for flexibility.

John: Have draft language closely mirror ATVs, except for having one foot touch the ground.

Steve: Have you looked at other states?

John: Others have made a comment that adding under seven (7) will have more accidents. But training will only occur down to age six (6).

Ian. This is a MSF and 4-H liability. If a club wanted to have training for youth then it could go for younger kids, such as five (5).

John: Yes, but the clubs would have to have insurance.

Barrett: Thinks there should be a motorcycle sub-committee to review the issues.

Motion		M	2nd	Aye	Nay	Excused
Add Class IV driving privileges language* Action: Passed Unanimously	Wade Bryant			X		
	Troy Costales			X		
	Tim Custer	x		X		
	Steve Doane			X		
	Chris Knauf					x
	Lisa Millet					x
	Rod Roberts					x
	Nathan Seable		x	X		
	Jimmy Smith					x
	Wendy Zustiak			X		
Chair Pat Harris			X			

*After the meeting staff developed the following Class IV language for ORS 821.173 if it is determined that youth under the age of 16 be able to operate a Class IV ATV.

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(c) the child is accompanied by a person who is at least 18 years of age, holds a valid driver's license issued under ORS 807.010 and is able to provide immediate assistance and direction to the child; and

(d) The child holds a valid all-terrain vehicle operator permit issued under ORS 390.575; or

(e) Used exclusively in farming, agricultural or forestry operations or used by persons licensed under ORS chapter 571 exclusively for nursery or Christmas tree growing operations; or

(f) Being used on land owned or leased by the owner of the vehicle.

(3) The offense described in this section, operation of a Class IV all-terrain vehicle without driving privileges, is a Class C traffic violation.

Break

Steve: When growing up you could not ride unless you could pickup the motorcycle. Riding motorcycles is self regulating.

John: Steve and I will form a Task Force to review Class III language.

Report Preparation Group & Format Discussion

Members and staff reviewed styles and format to use for a draft legislative interim report then develop an outline (introduction, executive summary, background, purpose and scope of ATV Advisory Committee, press and methods, ATV Advisory Committee Recommendations, and Appendices).

Tim: Referenced language in a report written by Wayne that could be used for the interim committee report.

Next meeting date:

August 5, 2010 at PGE. Begin at 10:00 or 10:30 AM to allow Troy's attendance.

Chair Harris adjourned the meeting at 2:38 PM

Submitted by,

Pamela Berger
ATV Grants and Agreements Coordinator