

Oregon Parks and Recreation Commission

November 15, 2023

Agenda Item: 9c

Action

Public Comment Allowed: **No**

Topic: Request to adopt amendments –Class I - IV ATV definitions (OAR 736-004-0015)

Presented by: Katie Gauthier

Background: SB 889, passed in 2023, included changes to the definition of all-terrain vehicles (ATV) in statute. The statutory definitions, including language describing each class is used as a reference in OAR 736-004-0015.

Instead of updating new definition descriptions in OAR 736-004-0015, proposed amendments would remove all language describing each class of ATV and the rule would refer simply to the statute number. This rule change would prevent additional rulemaking each time definitions were changed in statute.

Rulemaking was opened for public comment on October 1 and will close November 3. A full copy of all comments received is available on the [OPRD rulemaking website](#). A summary of the comments and staff analysis will be provided in Attachment C following closure of the comment period.

Prior Action by Commission: Approved opening rulemaking in September 2023.

Action Requested: Staff requests approval to adopt amendments OAR 736-004-0015 to update the definition of Class I - IV ATVs.

Attachments: Attachment A – proposed rule amendments- marked copy
Attachment B - proposed rule amendments- clean copy
Attachment C- summary of rule comments- (to be provided when comments close)

Prepared by: Katie Gauthier

9c Attachment A: Marked Copy

Chapter 736

Division 4

DISTRIBUTION OF ALL-TERRAIN VEHICLE FUNDS TO PUBLIC AND PRIVATELY OWNED LAND MANAGERS, ATV CLUBS AND ORGANIZATIONS

736-004-0015

Definitions

For purposes of this division, the following definitions shall apply:

(1) "Acquisition" means the gaining of real property rights for public use by donation or purchase including, but not limited to, fee title or easements.

(2) "Approved Course Provider" is any individual or organization who instructs or provides an OPRD-approved Class I, III or IV ATV safety course.

(3) "ATV" or "All-Terrain Vehicle" means:

(a) Class I ATV, as defined in ORS 801.190: ~~a motorized, off-highway recreational vehicle that:~~

~~(A) Is 50 inches or less in width;~~

~~(B) Has a dry weight of 1,200 pounds or less;~~

~~(C) Travels on three or more pneumatic tires that are six inches or more in width and designed for use on wheels with a rim diameter of 14 inches or less;~~

~~(D) Uses handlebars for steering;~~

~~(E) Has a seat designed to be straddled for the operator; and~~

~~(F) Is designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland or other natural terrain.~~

~~(G) Class I ATV's can also be known as quads, three wheelers, or four wheelers.~~

(b) Class II ATV, as defined in ORS 801.193: ~~any motor vehicle that:~~

~~(A) Weighs more than or is wider than a Class I all-terrain vehicle;~~

9c Attachment B: Clean Copy

Chapter 736

Division 4

DISTRIBUTION OF ALL-TERRAIN VEHICLE FUNDS TO PUBLIC AND PRIVATELY OWNED LAND MANAGERS, ATV CLUBS AND ORGANIZATIONS

736-004-0015

Definitions

For purposes of this division, the following definitions shall apply:

- (1) "Acquisition" means the gaining of real property rights for public use by donation or purchase including, but not limited to, fee title or easements.
- (2) "Approved Course Provider" is any individual or organization who instructs or provides an OPRD-approved Class I, III or IV ATV safety course.
- (3) "ATV" or "All-Terrain Vehicle" means:
 - (a) Class I ATV, as defined in ORS 801.190
 - (b) Class II ATV, as defined in ORS 801.193.
 - (c) Class III ATV, as defined in ORS 801.194(1)
 - (d) Class IV ATV, as defined in ORS 801.194(2)
 - (e) May also be referred to as an OHV or Off-Highway Vehicle.
- (4) "ATV-AC" means the seventeen-member All-Terrain Vehicle Advisory Committee established by ORS 390.565 and appointed by the commission.
- (5) "ATV Account" means those moneys described in ORS 390.555 and deposited in a separate account in the State Parks and Recreation Department Fund. Moneys in the ATV Account may also be called "ATV grant funds."
- (6) "ATV Grant Instruction Manual" means a manual prepared by OPRD containing state and federal policies, procedures, guidelines, and instructions to assist current and potential project sponsors.
- (7) "ATV Grant Subcommittee" means the seven-member subcommittee established by ORS 390.565(5)(a).

9c: Attachment C ATV Definition Summary of Comments and Staff Recommendation

Three comments were received on the ATV definitions and are posted in full below.



Submit a public comment on a rule

Oregon Parks and Recreation Department

Proposed rule change:

All terrain vehicles definition update

Commenter name (if provided):

Tom M

Location (if provided): Hillsboro , OR

Public comment:

Restrict e-bikes (mtn or otherwise) to ORV trails not foot hiking or horse trails. They can cos as much or more damage as dirt bikes as they are becoming more and popular & affordable.

Date comment received:

October 5, 2023 09:53 AM

Commenter email (if provided):

xisled@gmail.com

Proposed rule change:

All terrain vehicles definition update

Commenter name (if provided):

John Pelonio

Location (if provided): Hillsboro, OR

Public comment:

It makes sense to simplify the regulation by referring back to statute.

Date comment received:

October 6, 2023 03:33 PM

Commenter email (if provided):

jpelonio@hotmail.com

Proposed rule change:

All terrain vehicles definition update

Commenter name (if provided):

kent stevens

Location (if provided): gleneden beach, OR

Public comment:

Oregon State Parks has turned a blind eye to allowing electric bikes on the beach. They are motorized vehicles disturbing wildlife and racing people to beach combing places. All a person has to do is say they are disabled and State Parks gives them a free pass. EV bikes don't belong on our beaches. It is out of hand here in Gleneden Beach.

Date comment received:

October 4, 2023 06:47 PM

Commenter email (if provided):

stevenskent11@gmail.com

Staff Response and Recommendation:

1. Electric bicycles are outside the scope of this rulemaking, however the agency does intend to review electric bicycles in the future.
2. Staff recommend adopting proposed rule amendments for ATV definitions as presented.