

All Terrain Vehicle Account Allocation Committee
Minutes
September 15 2005
Newmark Building
Coos Bay, Oregon

Contact Name: Rocky Houston, 503-986-0706
Contact Email: Rocky.Houston@state.or.us

The All Terrain Vehicle Account Allocation Committee (ATV AAC) meeting was called to order by the chair, Pat Harris at 8:15 a.m. Committee members present were as follows: Pat Harris, Joe Barrell, Larry Runk, Tyrrell Hart, Scott Ryland, Tim Custer and Randall Parmelee. Oregon Parks and Recreation Department (OPRD) staff included Kyleen Stone, Wayne Rawlins, Richard Walkoski, Ian Caldwell, Mike Law, Rocky Houston, and Terry Bergerson

Old Business:

At the April Meeting, the ATV-AAC had requested that OPRD review the Starkey Research Grant files to identify what was done with ATVs purchased with the project. Rocky Houston indicated that he reviewed the files and did not see where ATV funds paid for an ATV. He indicated that the initial budget showed funds being used, but that a revised budget had been submitted after being initially turned down.

After a series of questions, Rocky indicated that he would review the file again to re-confirm that ATV funds did not purchase an ATV.

New Business:

Quarterly Report

Rocky Houston presented the quarterly report. Randall Parmelee wanted more on field information. He wanted to know what went on at the Regional RACC planning meeting that Mike Law attended. Mike Law indicated that the meeting was a preliminary planning meeting on the options for a regional level RACC meeting. Mike indicated that the consensus from the group there was to have state level RACCs. A concern raised was the funding for this level of RACCs.

Ian Caldwell commented on the acquisition in the Mt. Emily/La Grande area. It is a potential acquisition of Forest Capital Property. The County wants to

purchase it. It currently has logging roads and mountain bike trails on it. The land connects to the Sled Springs motorized recreation area. It would allow quicker access for locals for motorized recreation.

Pat Harris asked if there was going to be any 4x4 trails. Ian indicated that there was some potential.

Randall Parmelee wanted to know if Ian had met with the County Commissioner. Ian indicated yes and that he had supplied a letter of support for the acquisition.

Tyrell Hart commented that he was meeting with Capital Forest representatives next week. The property that he is meeting on is in the Jacksonville, OR area. It is about 2000 acres. He stated that the cost was probably going to be in the \$3.5 million area. He indicated that 20% match would be an issue for a dirtbike club or anyone else. He indicated that he had preliminary discussions with Jackson County Parks and Recreation and they were considering holding the title, but that they did not have the funds to pay for match or the maintenance of the property. Tyrell suggested a moratorium on match for acquisitions.

Wayne Rawlins indicated that there were concerns over how any changes were set up. There were rules and potentially statute changes required to do anything.

John Griffith, Coos County Commissioner, asked if Measure 66 dollars could be used by OPRD to allow for the holding of the title.

Kyleen Stone interjected that the acquisitions by OPRD were all part of a strategic plan and that this acquisition was not part of the plan.

Tim Custer stated that currently we are in an acquiring mode and that match is a hindrance. He suggested that we should look at it as 100% financing, using two grants like an 80/20 loan.

Starkey Research Presentation

Mike Wisdom provided copies of a book written off of the research and several research papers that were written from the research completed over the last three years. Mr. Wisdom indicated that this was the first research with GPS tracking vs human observation. He indicated that all forms of recreation had an impact. The lowest impact to Elk was Horses.

Update on Hauser RFD Project

Jack Hoffman indicated that the van had been purchased and was being fitted with the 4x4 unit currently. Local residents had told OPRD that the Hauser Depot Road was so bad that the Hauser RFD would not use it. Jack indicated that they were using the road. It was in poor condition, but passable.

ATV Legislative Concepts

Terry Bergerson led the ATV-AAC through a review of the safety program changes recommended based off of his research of Oregon ATV accident and fatality statistics.

BACKGROUND

Based on information gathered during the recent Oregon statewide trails planning process, the motorized plan identified the need for user education and training as a top statewide issue. Specific strategies called out in the plan to address this issue include:

- increasing the number of all-terrain vehicle trail users who are educated and trained in operation, safety, rules and regulations and user ethics; and
- reducing the number of personal injury accidents involving recreational all-terrain vehicle use.

The following is a set of proposed department and ATV committee legislative concepts associated with these strategies for the upcoming Oregon legislative session. The concepts are based on a review of a set of ATV-related fatality information for Oregon, national ATV-related fatality and injury information, user and interest group safety recommendations, and existing state all-terrain vehicle laws and regulations. The final concept addresses a statewide law enforcement issue involving an increase in stolen all-terrain vehicles in Oregon.

PROPOSED LEGISLATIVE CONCEPTS: The following are the items the ATV-AAC wanted OPRD to move forward

Legislative Concept #1: Mandatory safety training for all Class I (ATV) and Class III (off-road motorcycle) operators

The State of Oregon currently provides two all-terrain vehicle training courses including:

- Class I (ATV) courses taught by the All-Terrain Vehicle Safety Institute (ASI) — a not-for-profit organization funded by a number of leading all-terrain vehicle manufactures including Honda, Yamaha, and Bombardier.
- Off-highway motorcycle (Class III) courses taught by the Motorcycle Safety Foundation (MSF) — a not-for-profit organization funded by a number of U.S. motorcycle manufacturers and distributors.

Under current Oregon law, safety education certificates are only required for youth (Class I up to age 15 and Class III ages 7-15) or for those 16 years and older who do not have a valid driver's license. According to ASI/MSF records, very low percentages of new Class I and III all-terrain vehicle purchasers are completing training courses in Oregon.

This proposed concept would require all Class I and III all-terrain vehicle operators on land open for public use in Oregon, regardless of age, to successfully complete an accredited all-terrain vehicle training course.

Legislative Concept #2: Passenger restrictions for Class I and Class III all-terrain vehicles

Most all-terrain vehicles come with a voluntary warning against carrying passengers. However, there is strong evidence that these warnings are not adequate in stopping this extremely risky behavior. This proposed concept would establish in law, restrictions of passengers to the number for which the Class I or Class III all-terrain vehicle was designed for when operating on land open for public use in Oregon.

Legislative Concept #3: Helmets required for all Class I and Class III operators and passengers

According to an American Association of Orthopedic Surgeons position statement, "The helmet provides the best protection available against death or serious disabling ATV injuries." Currently in Oregon, only those operators or passengers on land open for public use under the age of 18 are required to wear a motorcycle helmet. However, U.S. Consumer Products Safety Commission data indicate that ATV-related fatalities and injuries involve Oregonians across all age categories.

This proposed concept would require all Class I and III all-terrain vehicle operators and passengers, regardless of age, on land open for public use to wear a properly fitting and fastened, U.S. Department of Transportation-approved helmet.

Legislative Concept #4: Mandatory all-terrain vehicle titling

Currently, there is no mandatory titling for Class I or Class III all-terrain vehicles in Oregon through the state's Department of Motor Vehicles. As a result, there is a lack of clear proof of ownership for such vehicles in the state. In recent years, the number of stolen all-terrain vehicles is increasing. A mandatory titling requirement for purchasing new or used vehicles would make it more difficult for thieves to sell stolen vehicles to unsuspecting buyers.

This proposed concept would require that all new or used Class I and III all-terrain vehicles purchased on or after January 1, 2008 for recreational purposes on lands open to the public be issued a legal title of ownership.

- **Mandatory Training for all Class I and Class III operators:** This concept was moved forward. Concern raised that users who had been operating the machines for several years would not want to take a training class. Concern rose over rental agencies and how that would work. Concern over tourists not coming to Oregon.
- **Operator Requirements (Update to have Class I and Class III operator requirements the same):** This concept was moved forward. There were concerns that

PROPOSED SAFETY RECOMMENDATION: The following are the items the ATV-AAC did not want OPRD to move forward on

OHV Safety Recommendation #5: Statewide OHV Accident And Injury Tracking

A key Oregon Motorized Trails Plan strategy is to develop a systematic method to track OHV-related accidents and injuries statewide. A key component in evaluating the success of a mandatory OHV rider safety training is to track the number of and types of accidents and injuries occurring. This recommendation would establish in law, a method for gathering information regarding Class I, II and III OHV-related accidents and injuries on a statewide basis.

OHV Safety Recommendation #6: Statewide OHV Law Enforcement Violation Tracking

A key Oregon Motorized Trails Plan strategy is to develop systematic methods to track OHV-related law enforcement violations statewide. Such data is critical in evaluating the success of statewide law enforcement strategies designed to reduce personal injury accidents involving recreational OHV use. This recommendation will establish in law, a method for collecting information on Class I, II and III OHV-related enforcement violations including OHV-related citations and warnings for existing OHV laws and regulations on a statewide basis.

Rocky Houston discussed the timeline for legislative concepts. The ATV-AAC wanted to see any language changes to law prior to submission. They wanted an opportunity to provide feedback to Terry and OPRD. It was concluded that the first phase of feedback needed to be completed by November 15, 2005 to allow enough time for OPRD to be able to present the information to the OPRD Commission in January 2006.

Terry Bergerson would be the key contact on legislative concepts for the ATV-AAC.

ATV-ACC Meeting Dates for 2006

Rocky Houston submitted to the ATV-AAC three dates and locations for the three meetings for next year. Rocky discussed his concerns in moving the Law Enforcement from April to March, due to the conflicts with two grant cycles open at the same time. The September date was discussed as well and decided to be moved to August to remove additional staff conflicts.

Here are the dates and locations chosen by the ATV-AAC:

January 12-13, 2006	Medford, OR
April 20-21, 2006	LaGrande, OR
August 17-18, 2006	Hood River, OR

Presentation of ATV Safety and Education Trailer

Rocky Houston, Mike Law and Ian Caldwell presented the ATV Safety and Education Trailer to the ATV-AAC. The trailer consists of a 24 foot enclosed v-nose trailer with 10 6-foot high panels on the inside. These panels consist of the NOHVCC Adventure Trail, which is a series of safety and environmental ethic messages designed for children. The exterior of the trailer has a vinyl wrap of OHV safety class photos. The trailer also includes 6 mannequins in appropriate safety gear with 3 Class I and 3 Class III ATVs.

OPRD staff walked the ATV-AAC through the trailer and provided a summary of events that the trailer had been to so far this year.

Budget Discussion

Kyleen Stone, Assistant Director of Administration, presented to the ATV-AAC a summary of budget related issues that had arisen out of the 2005 legislative session. One of the issues was the direction of the legislators to identify ways to have the ATV fund spending keep in alignment with allocations. This was done after the legislators tried to use the ATV fund to assist with the budget of the State Fair, which was integrated into OPRD.

Kyleen stated that OPRD would be going to an Emergency Board in 2006 to seek additional allocation for the ATV program. The ATV-AAC indicated that they would like to see the Safety Program/Position be one of the items. They also requested that the allocation be increased for acquisitions.

Allotment Process Discussion

This portion of the discussion was part of the Budget discussion, but it has been placed as a separate item due to the complexity of the issues discussed.

The ATV-AAC completed a Strategic Plan in June 2005. It was completed as a document to identify and codify the link between the Oregon Trails Plan and the funding of ATV funds for grants. One of the objectives was to consider an allotment process for Operation & Maintenance and Law Enforcement grants. When the objective was written, it was known that more work needed to be done to identify how this process would be implemented.

The ATV-AAC and OPRD staff discussed variations on two key different plans. One was based on a matrix to identify costs for operation & maintenance and law enforcement grants. The variables were discussed. They included: use levels, type of soil, seasonal closures, use type, existing USFS matrix, etc. It was concluded that a very complex system would need to be developed to use this method for calculating an allotment to a trail system.

The second method discussed variations on an existing funding level. The concepts discussed were to use as a base funding level of existing grants. A concept of using 80% of this amount was discussed. A method of excluding some items was discussed. A request for proposal method was discussed. The time limit for grants was discussed. The terms included: 1 yr, 2 yr, 5 yr and longer terms. Concerns were raised over ensuring that the recipient completed the work that they were suppose to. Concerns were raised on canceling the funds if they were not doing the work.

After an extensive discussion took place, there was no decision made to which method to use or to adopt the allotment process. It was determined that it was an interesting concept that still needed more work.

Site Visit: Riley Ranch

The ATV-AAC went out to Riley Ranch to review the work that had been completed to date. Riley Ranch was purchased through ATV funds by Coos County. Coos County had presented a grant for developing the park in January 2005. At that time Coos County needed to have access to the Oregon Dunes Recreation Grant granted by the USFS. The USFS indicated that they needed to identify an appropriate route and follow the National Environmental Protection Act before this access could be granted.

This tour showed the ATV-AAC potential route chosen, allowed Coos County to answer questions by the ATV-AAC on the status and show the ATV-AAC their future plans for development.

Coos County had begun clearing the land developing the properties infrastructure.

ATV Program Purchased Properties

The ATV-AAC requested information on the status of 3 properties purchased while the program was with ODOT. There were 2 properties purchased at Sand Lake and 1 south of Florence. OPRD ATV program staff did not know anything about these properties and indicated that they would review them and provide information back to the ATV-AAC on their status and potential use currently.

Review of ATV Grants

A review of the ATV grants was reviewed by the ATV-AAC in preparation of the presentations.

The meeting was adjourned at 7:00 p.m.

Respectfully submitted by Rocky Houston, State Trails Coordinator

All Terrain Vehicle Account Allocation Committee
Minutes
September 16, 2005
Newmark Building
Coos Bay, Oregon

January 3, 2006

Contact Name: Rocky Houston, 503-986-0706

Contact Email: Rocky.Houston@state.or.us

The All Terrain Vehicle Account Allocation Committee (ATV AAC) meeting was called to order by the chair, Pat Harris at 8 a.m. Committee members present were as follows: Pat Harris, Joe Barrell, Larry Runk, Tyrrell Hart, Scott Ryland, Tim Custer and Randall Parmelee. Oregon Parks and Recreation Department (OPRD) staff included Wayne Rawlins, Ian Caldwell, Mike Law and Rocky Houston.

Old Business:

Discussion was held regarding the 4/12-13/05 ATV-AAC meeting minutes.

The committee recognized Kelly Blanchard's work on capturing the minutes with a high level of detail. They felt these were the best minutes in a long time.

Randall Parmelee wanted added on the last line of the last page of January 14, 2006:

- Randall Parmelee requested DOJ review of the definition of designated areas to ensure we are following the directives of the program.

After the discussion Tyrrell Hart made a motion and Joe Barrell seconded to approve the meeting minutes with inclusion of the added text. Passed unanimously with one abstention, Tim Custer.

Housekeeping:

Lake County EMS vehicle

The Lake County EMS vehicle was purchased prior to the June 30, 2005 deadline. They purchased a 2005 Chevrolet Suburban 4x4.

Morrow County EMS Project

At the April Meeting, the ATV-AAC wanted OPRD to look into whether or not two bikes/ATVs were eligible for re-allocation from the Starkey Project to the Morrow County EMS project. Rocky Houston stated that per the agreements it did not look like we could re-allocate the resources, it was probably the intent of the program to do this though. However, it did not appear that ATV funds purchased any bikes or ATVs. Rocky stated he would review the files again to confirm that no ATVs or bikes were purchased with ATV funds.

Designated Areas Department of Justice question

Wayne Rawlins presented to the ATV-AAC the Department of Justice's response on a question asked at the April 2005 ATV-AAC meeting. The question was:

- What is a designated riding area, as described in ORS 390.560?

Wayne stated that the Department of Justice stated that their opinion was that if OHV riding is allowed, then ATV funds can pay for Law Enforcement. Randall Parmelee stated thanked Wayne for the answer, but felt that the question still needed to be narrower in scope. The point of issue discussed was whether there needed to be a formal designation for OHV use by the land manager or if Oregon's law stating that OHV riding is legal, unless posted closed was the manner to determine designated areas in ORS 390.560.

Wayne stated that he would re-check with the Department of Justice and confirm the answer, given the narrower scope.

New Business:

Scott Ryland / Tyrell Hart Re-appointments

Pat Harris indicated that Rocky had called her and told her that OPRD did not receive any additional applications to be an ATV-AAC member, except for the incumbents Scott Ryland and Tyrell Hart. Pat decided that an interview was not necessary and cancelled the interviews that were to be held on September 14, 2005. Pat decided that the ATV-AAC should look at re-appointing Scott and Tyrell.

Randall Parmelee made a motion to recommend Tyrell Hart and Scott Ryland to OPRD Commission for their second term on the ATV-AAC. Larry Runk seconded the motion. Pat Harris, Joe Barrell, Randall Parmelee and Larry Runk voted for the motion. Scott Ryland, Tyrell Hart and Tim Custer abstained from voting. The motion passed.

Acquisition Match Rule Modification

Tyrell Hart made the following motion:

“Recognizing the urgent need to acquire more land for motorized recreation in Oregon and our desire to be more aggressive in seeking and purchasing land for motorized recreation the Oregon ATV-Allocation Committee unanimously recommends that the rule requiring a 20% match with a 25% holdback for acquisitions be suspended.”

After much discussion on the process of making a rule change and how this would affect the program, Randall Parmelee 2nd the motion. The motion was approved unanimously.

OHV Issue/Project Tracking Sheet

Tim Custer brought forth the idea that ATV staff should begin to develop a project/areas spreadsheet to track the status of issues/projects and forward this to the ATV-AAC. Tim stated it would be used to keep the ATV-AAC informed of issues around the state and help the ATV Staff stay on top of issues. He thought of it like a client list used by sales staff in his field. Rocky asked if it would be like a “brief” on issues. Tim stated yes. Randall was concerned that Jeff Farm and Larry Miller (ATV field representatives’ managers) were not at meetings. Wayne Rawlins indicated that the ATV-AAC had expressed a concern that there were too many staff at ATV-AAC meetings and this was why they were not coming anymore. Scott Ryland stated that he understood this, but feel that he needs more information on projects and issues. Tyrell Hart stated that he felt OPRD was too reactive. Dialogue continued and Tim made the motion to have OPRD develop a status report on OHV issues and projects to be forwarded to the ATV-AAC. Tyrell Hart 2nd the motion. Tyrell Hart and Tim Custer voted for the motion. Randall Parmelee and Larry Runk voted against the motion. Pat Harris, Joe Barrell and Scott Ryland abstained from voting. The motion did not pass.

ATV Law Enforcement Monthly Report Form

Larry Runk stated that he felt the ATV Law Enforcement Monthly Report form needed to be re-drafted.

Economic Impacts from OHV Users

Tyrell Hart wanted to know if there are any existing statistics for economic impacts attributed to OHV use.

Public Comments

Mt. Baber ATV Club

Ron Phillips from the Mt. Baber ATV Club and John Barnes from Oregon Department of Forestry (ODF) came forward to request guidance on how they could work through the issues in their riding area that would allow for ATV funding.

The Mt. Baber riding area is off of Hwy 20 between Corvallis and Newport. It currently is a 23 mile trail system that follows the ridge lines of the Coast Range mountains. The riding area is a combination of private landowners and public property (ODF).

Ron stated that he had verbal and formal agreements with the private landowners to allow for club members only to operate on their property. These agreements were 1 yr in length. He stated that some of the timber companies required their corporate office to review agreements longer than one year. His concern was that this did not allow

John Barnes stated that they were looking at adding another staging area to the East on ODF property. Many more users were coming from the valley and this staging area would meet their needs better than the existing staging area.

OPRD's concern was that we can not spend public dollars (ATV funds) on a project that is not open to the public. The second concern was the recreational value of developing public property with public funds for a trail system that was not open to the public.

The ATV-AAC stated that it could not spend ATV funds, no matter how much they wanted to, on a trail system that was not open to the public. The ATV-AAC suggested that maybe the ATV staff could assist and be part of any meeting with the private land managers to try and secure a longer-term agreement and that was open for the public.

Coos County Sheriff's Department

Cpl. Rod Roberts informed that committee that he no longer was managing the Dunes patrol any longer. He was promoted to managing the road patrol now. He stated that Ernie Mitchell would be taking over and the ATV-AAC would be working with him in the future.

He stated that he strongly believed that mandatory training and helmet laws were necessary and offered his time to testify if needed.

He stated that the Dunes patrol had a sand rail donated by the Sprinreel ATV Rentals. They were working to get it outfitted for Dune Patrols.

He stated that there was only one alcohol related accident this year on the dunes (within Coos County).

Projects

Tillamook County Sheriff's Office

A motion to recommend funding of \$23,286.96 was made by Tyrrell Hart, seconded by Larry Runk and passed with a unanimous vote.

BLM Lakeview/USFS Winema

A motion to recommend funding of \$100,000 was made by Randall Parmelee, seconded by Scott Ryland and passed with a unanimous vote.

BLM-Vale

A motion to recommend funding of \$20,885 was made by Scott Ryland, seconded by Tim Custer and passed a unanimous vote.

USFS-Wallowa-Whitman

A motion to recommend funding of \$70,475 was made by Randall Parmelee, seconded by Larry Runk and passed unanimously.

USFS-Mt. Hood

A motion to recommend funding of \$26,890 was made by Tyrell Hart, seconded by Randall Parmelee. Tyrell Hart, Randall Parmelee, Pat Harris, Scott Ryland and Tim Custer voted for the motion. Larry Runk and Joe Barrell voted against the motion. The motion passed.

BLM-Prineville

A motion to recommend funding of \$53,169 was made by Scott Ryland, seconded by Tyrell Hart. Tyrell Hart and Scott Ryland voted for the motion. Tim Custer, Larry Runk, Joe Barrell, Randall Parmelee and Pat Harris voted against the motion. The motion failed.

The meeting was adjourned at 3:30 p.m.

Respectfully submitted by Rocky Houston, State Trails Coordinator