



Nature
HISTORY
Discovery

Oregon Parks and Recreation Department
ATV Advisory Committee (ATV-AC)
North Mall Office Building Room 124B
Salem, OR
April 28, 2010

Approved Minutes

Committee members in attendance: Tim Custer, Steve Doane, Pat Harris, Troy Costales, Nathan Seable, Wendy Zusiak, Lisa Millet, and John Lane (non-voting member)

Committee members not attending: Wade Bryant, Rod Roberts, Jimmy Smith and Chris Knauf

Guests: Lisa Debruyckere, Oregon Invasive Species Council and Patrick Brennen, Legislative Services Office

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

Chair Harris called the meeting to order at 8:35 AM

ATV Grant Subcommittee report

Tim: Discussed the scoring; funding, and project review processes from the ATV Grant Subcommittee meeting held on April 8 & 9, 2010.

Discussion by Troy and members regarding subcommittee and ATV-AC tie with OPRD commission and ATV grant review process.

Oregon Invasive Species Council Funding Report

Lisa Debruyckere, Invasive Species Council Coordinator, gave background of the creation of the council as well as her role as a contracted coordinator with the Council. The purpose of the Oregon Invasive Species Council (OISC) is to conduct a coordinated and comprehensive effort to keep invasive species out of Oregon and to eliminate, reduce, or mitigate the impacts of invasive species already established in Oregon. Appointed members represent a cross-section of Oregon agricultural government and business interests.

Lisa spoke of legislation the group introduced during the 2009 session noting that nine out of the 11 passed, including a bill that provided funds for the State of Oregon to respond to the type of emergencies that other states have encountered.

The Council did not plan on raiding funds from other agencies; they thought the funds would come from general funds. Upon learning that the funds were approved to come from the ATV account, the Council met with DOJ for a legal opinion which said that they are not required to use the funds for ATV related issues. However, the Council would ideally like to tap into those funds for an

ATV-related invasive species emergencies only. Realistically, if an emergency occurs, it is likely that the funds will be released for it, even if it is not ATV-related. The Council created rules stating that funds must be requested in writing, includes a controlled management plan, and must be used for an emergency only.

Pat: Seems like a cumbersome process.

Lisa Debruyckere: We have numerous agencies, mostly federal, that can respond to emergencies.

Wayne: Appreciates the collaboration. Asks Lisa to provide OISC's administrative rules which is under the Department. of Agriculture.

Tim: Are the funds used for administrative fees?

Lisa Debruyckere: The administration of the funds will be used for "putting out the fire"; not to fund the council, however a small amount of funds may be used for administration.

Troy: Questioned legality of using funds legislatively dedicated to other programs (from other sources, gas tax, etc). Asks that the AG look at it again to make sure if this legal.

Lisa Debruyckere: Wayne has the AG opinion.

Wayne: Requested an official request for ODOT and will provide upon receiving that request.

Tim: Supports having future review by the AG office of legislatively dedicated ATV funds going to other programs.

Troy: Not an even playing field; constitution trumps legislation.

Lisa Millet: There are other programs' budgets that will be affected by future legislative sessions.

Lisa Debruyckere: Reiterated that OISC was not part of the conversation regarding the transfer of funds.

Approval of April 17, 2010 Minutes:

Tim moved, Lisa seconded. Tabled for lack of quorum

Motion		M	2nd	Aye	Nay	Excused
Approval of April 17, 2010 minutes Action: Passed Unanimously	Wade Bryant					X
	Troy Costales			X		
	Tim Custer	X		X		X
	Steve Doane		X	X		
	Chris Knauf					X
	Lisa Millet			X		
	Rod Roberts					X
	Nathan Seable			X		
	Jimmy Smith					X
	Wendy Zustiak			X		

	Chair Pat Harris			X		
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ATV Advisory Committee Task Force on Mandatory Reporting of ATV Injury Accidents and Deaths

John: Read the following Task Force report summary:

Today 4/6/2010 at 10:00 a.m. we met telephonically to discuss our recommendations and to develop an action plan regarding mandatory reporting for Class I and III. Present were Cpl. Rod Roberts, (Coos Co. SO), Lisa Millet (DHS), Chris Knauf (BLM), Ron Price (OPRD) and me, John Lane (OPRD).

The actions of a person in cases of vehicle accidents are governed by statute and fall under three basic categories: Duties; Report to ODOT; and Report to law enforcement.

Class I and III ATVs are specifically exempted from both of the reporting requirements but not from the category of "duties of driver".

It's the opinion of this Task Force that mandating a reporting requirement for ATVs will not fix anything and that the duties laid out in 811.705 and 811.715 adequately addresses appropriate behavior of persons involved or witnessing an ATV accident with injury or death.

ORS 811.705 requires (among other actions) that the driver of any vehicle involved in an accident that results in injury or death must "remain at the scene of an accident until a police officer has arrived and has received the required information. (ORS 811.705(1)(f)). The violation of this statute is what passenger vehicle operators commonly refer to as "fleeing the scene of an accident" and is a Class B felony. It is not common knowledge that this statute governs off-road as well.

Many law enforcement officers do collect a good variety of data when writing a report on injury accidents, but there is no standardized method and the subsequent report is filed at the county level.

Therefore this task force recommends the following actions:

1. OPRD commences an educational campaign to ATV Community about individual responsibilities in cases of injury accidents.
2. A checklist/form should be developed for law enforcement to assist in cases of ATV injury accidents. A checklist/form is being started by Rod Roberts and will be developed jointly with OPRD and DHS.
3. A voluntary form should be developed and be located at trail heads for self reporting injuries in cases of no law enforcement presence.

Suggested Reporting Form Crash Information

- Name
- DOB
- Age:
- Address
- ATV Model and CC
- On line Safety Class

- Hands On Training
- By Who
- How long riding
- Insurance
- What Safety Gear or apparel
- Cause of Crash

Accident Reporting Task Force (From Rod)

Reason to Not Self Report ATV Crash

- Suspended License.
- Stolen ATV
- Drugs or Alcohol
- Riding in Closed Area

Reasons to Report

- Insurance may require to cover medical or replace equipment
- To get emergency help

Tim: What is the geographic area of DHS study?

Lisa: This is a separate study from law enforcement accident reporting. Pilot data collection will come from dunes (Sand Lake and ODNRA). DHS is looking for a standard data set of information from accidents/crashes to collect.

John: It will come from law enforcement that is willing to get the information from their patrol areas. Word will be spread at OPRD ATV Law Enforcement workshop in 2010.

DHS Injury Report Pilot Study

Lisa: MOUs and contacts with agencies, hospitals, and other folks relating to OHV injury reporting (and data reports) are ongoing. Gave discussion of how to handle and track accident data taken by law enforcement and hospitals from the field. DHS has hired a person to go to various hospitals on the Oregon Coast and obtain retrospective data.

Ron: Since pilot is done on the westside, it will take time to get data from the eastside for the ATV-AC to be able to effectively make general recommendations about statewide OHV issues.

Lisa: Correct.

Safety Equipment

Since Wade is absent this agenda item will be deferred to next meeting

Update from DHS regarding OHV injury pilot study

Lisa: Reports from hospital emergency rooms to DHS

EMS input

Pre-hospital information

Pat Berger from Tillamook Hospital has joined the team and will be working on the pilot study.

Ron: Study from this data could take time before it is available since information is not state-wide. Different riding elements on the eastside and westside.

Lisa: Take what you learn from one environment and take it to the next environment.

This information will not be available next month as this group prepares the legislative report.

Review legislative report timeline and expectations

Wayne: Discussion of timeline for AC updates to legislature. May not be able to provide legislative concepts to Legislature this year.

Troy: Potential for update December 1st 2010. Appearance at December 13, 2010.

Discussion among AC regarding what recommendations they will produce for Legislature.

Nathan: Will there be public hearing or input on the AC recommendations?

Ron: yes, for legislative concepts. They can also contact the AC members via the OPRD website to give input or to learn more prior to any legislative concepts.

Report preparation group and format discussion

Executive summary, introduction, background, purpose and scope of ATV Advisory Committee, ATV advisory committee process and methods, ATV Advisory Committee recommendations.

Discussion on how the report will be crafted and by whom.

Troy: Potential for update December 1st 2010. Appearance at December 13, 2010.

Discussion among the committee regarding what recommendations they will produce for the interim legislative committee.

Nathan: Will there be public hearing or input on the ATV-AC recommendations?

Ron: Yes, for legislative concepts. They can also contact the ATV-AC members via the OPRD website to give input or to learn more prior to any legislative concepts.

Review of Draft Legislative Report Outline

Ron and Wayne: The body of the report needs to come from the allocation committee. OPRD will assist in formatting the document.

Patrick Brennen, Legislative Services Office, spoke about the schedule for the legislative interim committees. This body could provide a written report prior to December 1, 2010, followed by a presentation on December 14 and 15, 2010. This would cover your bases, per (2008) SB 578, of reporting to the commission and the legislative committees.

The deadline for submitting legislative concepts is September 25, 2010 and I will get back to you about the timelines and procedures to submit a placeholder.

Ron: Noted that OPRD has already submitted ATV placeholders for legislative concepts to DAS.

Patrick: Having both in the pipeline is a good idea.

Review Class I - III proposed changes and rationale for changes and proposed class IV and rationale for changes

Member discussion of classifications (width and low pressure tires); land managers (Wendy and Nathan) gave input on effect of change to their respective OHV areas.

Motion:		M	2nd	Aye	Nay	Excused
Accept Class 1 - 4 discussion today as a draft and place it on the May committee agenda as a decision item. 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					
	Wendy Zustiak			X		
Chair Pat Harris			X			

Public comment

There were no public comments

Next meeting date: May 18, 2010

Tim: Requests that 11-13 biennium budget information be available at May meeting.

Chair Harris adjourned the meeting at 2:30 PM

Submitted by,

Pamela Berger
ATV Grants and Agreements Coordinator