

# SENATE BILL REPORT

## ESB 5089

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As Passed Senate, March 12, 2005

**Title:** An act relating to reducing nuisance noise from off-road vehicles.

**Brief Description:** Creating a task force to study off-road vehicle noise management.

**Sponsors:** Senators Sheldon, Fraser and Kline.

**Brief History:**

**Committee Activity:** Water, Energy & Environment: 1/25/05, 2/8/05 [DP].

Passed Senate: 3/12/05, 44-4.

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### SENATE COMMITTEE ON WATER, ENERGY & ENVIRONMENT

**Majority Report:** Do pass.

Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Morton, Ranking Minority Member; Fraser, Pridemore and Regala.

**Staff:** Richard Rodger (786-7461)

**Background:** It is a traffic infraction for any person to operate any nonhighway vehicle without an adequate muffling device. The muffling device must limit the vehicle noise to no more than:

- eighty-six decibels at fifty feet as measured by the Society of Automotive Engineers (SAE) test procedure; or
- one hundred and five decibels a distance of twenty inches from the exhaust outlet.

There are no current restrictions regarding the operation of nonhighway vehicles near residences or livestock.

**Summary of Bill:** A task force on off-road vehicle noise management is created. The task force consists of eight legislators. Additional participants are invited by the legislative members including persons representing: County commissioners, port districts, the Department of Natural Resources, the Department of Ecology, the Interagency Committee for Outdoor Recreation, the Parks and Recreation Commission, manufacturers of off-road vehicles, the United States Forest Service, recreational users, and interested citizens.

The task force will review the issues regarding: (1) Noise from off-road vehicles; and (2) the availability of, and barriers to, using public lands or other large ownerships to create areas where off-road vehicles can be operated.

The task force reports its findings and recommendations to the legislature by December 1, 2005.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** Yes.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The noise level from off road vehicles (ORVs) is a real problem when driven repetitively close to neighboring residences or livestock. The decibel level inside one citizens house reached seventy decibels last summer and it is unbearable at that level. Noise at these levels can harm our hearing, increases our stress, can increase blood pressure, and results in a loss of quality of life. Our attempts to address these issues with the riders of these vehicles has left us fearful of damage to our property and pets. The sheriffs will not enforce the current noise statutes and a clearer statute is needed for enforcement purposes. Our property values are falling because of the noise levels from these ORVs. The standards proposed in this bill have been adopted in other states and jurisdictions.

**Testimony Against:** None.

Other: The bill should include a maximum decibel level of fifty-five decibels at a distance of six hundred feet from the nonhighway vehicle or a standard of "plainly audible." The decibel levels should refer to a level above the background level. Counties should be provided incentives to enforce noise ordinances.

**Who Testified:** PRO: Andrea Fontenot; Dr. Kathleen O'Connor; Nancy Armstrong; Rob Hoff. OTHER: Leslie Seffern.