
Transportation Committee

HB 2756

Brief Description: Concerning a pilot program to provide wheeled all-terrain vehicle tourism routes.

Sponsors: Representatives Blake, Kretz, Chapman, Steele, Condotta, Wilcox, Dent, Eslick and Shea.

Brief Summary of Bill

- Authorizes a pilot program for the purposes of wheeled all-terrain vehicle (WATV) tourism routes, which may consist of segments of highways, roads, trails, or similar facilities.
- Allows persons to operate WATVs that meet certain requirements on qualifying tourism routes under certain conditions, including at speeds of up to 50 miles per hour.
- Names certain counties as eligible to propose tourism routes.
- Provides that sponsoring counties must enter into agreement with entities that control segments of highways, roads, trails, or similar facilities proposed as part of the tourism route, before the segments can become part of the qualifying tourism route.
- Modifies the Multiuse Roadway Safety Account to allow funding to be distributed to counties for the purposes of the pilot program.
- Requires that participating counties report on the pilot program by December 31, 2020.
- Terminates the pilot program as of July 1, 2021, unless the Legislature takes action to extend the program.

Hearing Date: 1/25/18

Staff: Mark Matteson (786-7145).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Wheeled All-Terrain Vehicles: Operating Limitations.

A wheeled all-terrain vehicle (WATV) is a specific category of off-road vehicles, which are vehicles that may be used for recreational purposes on nonhighway roads, trails, and other natural terrain, and, under certain circumstances, on public roadways. There are two types of WATVs that are eligible for travel on public roads under certain conditions. One is a motorized nonhighway vehicle that has handlebars that are 50 inches or less in width, has a seat height of at least 20 inches, weighs less than 1,500 pounds, and has four tires having a diameter of 30 inches or less. The second is a utility-type vehicle designed for and capable of travel over designated roads that travels on four or more low-pressure tires of 20 pounds per square inch or less, has a maximum width less than 74 inches, has a maximum weight less than 2,000 pounds, and has a wheelbase of 110 inches or less. In addition, the latter category of WATV, to be eligible for travel on public roads, must have a minimum width of 50 inches, have a minimum weight of at least 900 pounds, or have a wheelbase of over 61 inches.

A person who operates an eligible WATV may operate it on certain public roads under certain conditions. A person may operate an eligible WATV on a segment of a state highway, but only if the segment is within an incorporated jurisdiction and the speed limit of the segment is 35 miles per hour (mph) or less. In a county of 15,000 persons or more, or in any city, a person may operate an eligible WATV on roads under the government's jurisdiction with speed limits of 35 mph or less, but only if the government has approved such operation of eligible WATVs by ordinance. In counties of less than 15,000 persons, a person may operate an eligible WATV on any county road with a speed limit of 35 mph or less, unless the county has prohibited such operation by ordinance. The limitations for counties and cities do not apply with respect to any public roadway that was designated as either open or closed to WATV travel on January 1, 2013.

A person operating an eligible WATV may cross a public road with a speed limit of 60 mph or less, but greater than 35 mph, at an intersection of approximately 90 degrees, if the operation of the eligible WATV on the state highway, county, city, or town road that intersects the higher-speed public road is approved or otherwise authorized for eligible WATV use. This authority does not extend to operators of eligible WATVs at uncontrolled intersections with state highways. A county, city, or town may prohibit such authority by ordinance.

The limitations on the operation of eligible WATVs on public roads do not apply if the WATV is used by an agency engaging in emergency management, search and rescue, or law enforcement. The use of an eligible WATV in violation of the operating limitations is a traffic infraction.

Wheeled All-Terrain Vehicles: Licensing and Equipment Requirements.

A person who operates an eligible WATV upon a public roadway must have a valid driver's license for travel on public roadways and a current on-road vehicle registration at a cost of \$30 for the WATV. The eligible WATV must display a metal tag affixed to the rear of the vehicle with the appropriate on-road tab. Wheeled all-terrain vehicles are eligible for operation on public roadways only if the vehicle meets certain equipment requirements and the operator possesses documentation of a safety inspection by a licensed WATV dealer or motor vehicle repair shop that certifies that the vehicle's equipment meets state and federal requirements.

Federal Forest Service Requirements for Wheeled All-Terrain Vehicles.

Federal regulations govern accessibility for WATVs and other motorized vehicles on the roads within the National Forest System (NFS). The United States Forest Service (USFS) is the

agency responsible for administering the Forest Transportation System, which is the system of roads, trails, and airfields on USFS lands. As part of its role in administration, the USFS must develop a Travel Management Plan (TMP). An aspect of the TMP is coordinating with federal, state, county, and other local government entities, as well as tribal governments, when designating NFS roads and trails for motorized vehicle use.

Highway and Public Roadway Signage Requirements.

The Secretary of the Washington State Department of Transportation (Secretary) is required to adopt and designate a uniform state standard for the design, display, and location of signs and signboards to be erected on state highways. Signs and signboards on county roads must adhere to the color, design, and location requirements set out by the Secretary. Signs and signboards on city streets must conform to the state standards so far as is practicable.

Funding for the Administration of Activities Related to Wheeled All-Terrain Vehicles.

The \$30 registration fee for WATVs used on public roadways is deposited into the Multiuse Roadway Safety Account (Account). Funds from this Account may be spent on: (1) safety engineering analysis; (2) signs to alert the motoring public that WATVs may be present or crossing; or (3) law enforcement for purposes of defraying costs of enforcement involving WATVs.

The Paiute All-Terrain Vehicle Trail.

The Paiute All-Terrain Vehicle (ATV) Trail is a system of trails and roads in central Utah upon which WATVs can travel. The development of the trail system, which started in the late 1980s, involved a number of different jurisdictions, including the Utah Division of Parks and Recreation, the USFS, and several counties and cities. Currently, the system includes about 900 miles of trails and roads with a central loop of about 245 miles.

Summary of Bill:

A WATV tourism route pilot program is created. A WATV tourism route may consist of segments of state highways and nonhighway roads, segments of highways or roads under local or federal government jurisdiction, segments of private roads, and segments of trails currently authorized for motorized vehicles. A tourism route need not be contiguous but must otherwise exhibit a continuity analogous to other highway or road routes. A tourism route may not include segments of an interstate highway.

On a qualifying tourism route, an operator of a WATV that meets certain requirements and who possesses liability insurance or an equivalent form of financial responsibility may operate the vehicle under certain conditions. The operator may operate the vehicle at a speed that does not exceed the posted speed limit or 50 mph, whichever is less. However, the operator may only operate the vehicle in excess of 35 mph if the vehicle has independent-suspension axle drives. In addition, the WATV must have properly functioning hydraulic brakes and tires approved by the United States Department of Transportation before it may be operated on a qualifying tourism route.

Certain counties, including Okanogan, Chelan, Kittitas, Grays Harbor, Pierce, and Lewis, are authorized to designate segments of highways, roads, trails, and other such facilities as proposed WATV tourism routes. Before proposing a tourism route, a county is encouraged to form a

stakeholder group for the purpose of identifying potential tourism routes that would enhance travel tourism. Such groups may include representatives of local, state, and federal government; of individual landowners; and of recreational nonprofit groups who advocate for WATVs. The departments of Natural Resources and Fish and Wildlife and the Parks and Recreation Commission are directed to provide support to such stakeholder groups, as requested by the sponsoring county.

An eligible county may propose a tourism route by designating segments of highways, roads, trails, or other such facilities, and may include facilities in neighboring counties, as part of the proposed route. After proposing a tourism route, the county must enter into an agreement with the controlling jurisdiction or entity in order for the segment to qualify as part of the tourism route, except that segments of state routes other than interstate highways qualify upon initial designation. With respect to segments that are on lands controlled by the USFS, the county must coordinate with the USFS and adhere to the TMP. If no agreement is reached with the entity controlling a segment, the proposed tourism route may qualify as a tourism route exclusive of the segment. As part of each agreement, the controlling entity must commit to erecting route and safety signage for the purposes of the tourism route. The segments that are designated by a county as part of a proposed tourism route may be modified by county action subsequent to qualification as a tourism route.

The Multiuse Roadway Safety Account is modified to expand the purposes for which funds may be spent. Counties of population of 50,000 or less may receive grants from the Account for the purposes of mapping and printing promotional materials related to WATV tourism routes. Local governments may receive matching funds for the purposes of promoting tourism routes.

By December 31, 2020, any county in which a proposed tourism route has qualified under the pilot program must provide a report to the Governor and the transportation committees of the Legislature. The report must include a description of the process by which the tourism route was established, including any agreements that were undertaken; a description of how the route was utilized; and an analysis of the benefits to local tourism and the economy in the county. The Legislature, in the 2021 regular session, must review the reports to consider whether to extend the pilot program or to make the pilot program permanent, including whether to expand the pilot program to allow other counties to participate. If no legislative action is taken that session, the pilot program expires on July 1, 2021.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect July 1, 2018.