

HOUSE BILL REPORT

EHB 1251

As Passed Legislature

Title: An act relating to the authorization of wheeled all-terrain vehicles on state highways.

Brief Description: Concerning the authorization of wheeled all-terrain vehicles on state highways.

Sponsors: Representatives Orcutt, Dent, Eslick and Robertson.

Brief History:

Committee Activity:

Transportation: 1/26/21, 2/2/21 [DP].

Floor Activity:

Passed House: 2/23/21, 96-1.

Passed Senate: 4/9/21, 46-3.

Passed Legislature.

Brief Summary of Engrossed Bill

- Expands the locations where a person may potentially operate a wheeled all-terrain vehicle (WATV) on state highways to unincorporated areas with a posted speed limit of 35 miles per hour or less.
- Makes the operation of a WATV upon a state highway segment in unincorporated territory contingent upon the passage of an ordinance approving the operation on the segment by the legislative authority of the county in which the state highway segment is located.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 28 members: Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant

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Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry, Chapman, Dent, Duerr, Entenman, Goehner, Hackney, Klicker, Lovick, McCaslin, Orcutt, Paul, Ramel, Riccelli, Slatter, Sutherland, Taylor, Valdez, Walsh and Wicks.

Staff: Mark Matteson (786-7145).

Background:

A wheeled all-terrain vehicle (WATV) is a specific category of off-road vehicle (ORV) that is regulated separately from other ORVs under a state law first enacted in 2013. There are two types of WATVs that are regulated with respect to travel on public roads. One is a motorized nonhighway vehicle with certain specifications: handlebars of 50 inches or less in width; a seat with a height of at least 20 inches; a maximum weight of 1,500 pounds; and four tires with a maximum diameter of 30 inches. The second is a utility-type vehicle designed for and capable of travel over designated roads and that has certain specifications: four or more low-pressure tires of 20 pounds per square inch or less; a maximum width of less than 74 inches; a maximum weight of less than 2,000 pounds; and a wheelbase of 110 inches or less. The latter category of a WATV must satisfy one of three additional specifications: a minimum width of 50 inches; a minimum weight of 900 pounds; or a wheelbase of over 61 inches.

The operation of WATVs is allowed on public roadways with a posted speed limit of 35 miles per hour (mph) or less under certain conditions. Any city and any county of 15,000 persons or more must approve the operation of eligible WATVs on roads under its jurisdiction before such travel is allowed. Operation of an eligible WATV is allowed in a county of less than 15,000 persons on public roadways, unless the county designates its roadways to be unsuitable for use by WATVs. Any county or city road which was designated as of January 1, 2013, as either open or closed for WATV use is unaffected by the requirements pertaining to eligible WATV use. Operation of an eligible WATV on a state route is allowed only inside city limits.

Summary of Engrossed Bill:

A person operating a WATV may travel on a state highway segment with a posted speed limit of 35 mph or less in an unincorporated area of the state, if the county in which the segment is located has passed an ordinance authorizing travel on the segment. The county must consult with the Department of Transportation prior to passing the ordinance.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The current authorization for a WATV to travel on a state highway is only in cities and towns. There are places like Cougar, which is in unincorporated territory, that also have state highway segments with posted speed limits of 35 mph or less. Trail riding on WATVs is important to communities like that, for both the riders, restaurants, and lodging. This bill just evens up the playing field.

In Cougar, the state highway is the only road through. If you want to ride your WATV to the county-approved road, you have to load up the WATV onto a trailer and drive a quarter of a mile through town. The community is simply seeking to open up that portion of the state highway, which is the only road accessible to them. This has been a continuing effort for several years.

This will allow the counties and cities to better control WATV routes and to open up more opportunities to connect tourism activities.

(Opposed) None.

(Other) The Washington State Department of Transportation (WSDOT) has some concerns. The authority over segments of state highways in unincorporated territory should be collaborative between the county and the WSDOT, like with cities, but the bill is worded to give the county the authority to decide without working with the WSDOT.

Persons Testifying: (In support) Representative Orcutt, prime sponsor; Michael Richart, Cougar Area Trail Seekers; Ted Jackson, Washington ATV Association; and John Graham, Northwest Quad Association.

(Other) Mike Dornfeld, Washington State Department of Transportation.

Persons Signed In To Testify But Not Testifying: None.