

## Testimony - Regulation of Off-Highway Vehicles HB 15-1054

The Town of Rangely has prepared a list of concerns and priorities after reviewing the previous components HB 15-1054 which are expected to re-emerge during the 2016 legislative session. Should the previous language and/or amendments survive committee, Rangely, along with many western slope counties and communities would like these points considered:

- Counties and communities surrounded by public lands and experiencing severe decline in the extractions industry are looking for ways to survive this economic downturn by diversifying our economies. It would be foolish for communities like Rangely to not take advantage of the natural resource in abundance surrounding our community, i.e. BLM expanse. The Town and the County have been working with the BLM in support of their travel management plans and have developed grant opportunities to properly sign and advertise trail networks for OHV recreation.
- The Town of Rangely, like many of our western slope communities, are within a stone's throw of Utah. The State of Utah has a broad based program to attract outdoor recreationists to their public lands as can be seen in areas like Moab. The rules for riding in UTAH have some similarities to the Colorado proposal in that the machines are street legal and have specific age restrictions. A couple of significant deviations from Utah's rules are;
  1. Street legal licensed ATV's in Utah can be ridden on state highways and virtually all public roadways with the exception of interstates. This change to Colorado's future bill would permit substantial growth to OHV/ATV activity in most of our communities making it easier to connect areas of interest for riders.
  2. Unless a street or highway is designated as open for street-legal ATV use by the controlling highway authority in accordance with Section 41-22-10.5 of the Utah Statutes, a person **may not** operate a street-legal ATV on a street or highway if the highway is under the jurisdiction of a county of the first class, a municipality that is within a county of the first class; or municipality with a population of 7,500 or more people. Note: (Salt Lake County is the only county of first class in the State of Utah)

This would further support a provision that would permit the controlling highway authority to establish street access permissions for municipal and county roadways. By allowing the local jurisdiction who is familiar with the roads, traffic patterns and other

competing interests, local jurisdictions could best determine access for their roadways and should be allowed broad authority in determining the rules related to OHV/ATV access. Colorado needs to be competitive and economically minded as they work to craft legislation that should allow local entities with specific knowledge and understanding of their roadways and traffic patterns to have the latitude to decide which roadways ATV riders can enjoy the sport.

In Western Colorado we are tired of Utah cleaning our clock economically. Colorado needs to have common sense in the development of legislation that respects the diversity of metro vs. rural needs. Utah is becoming the place to do business. They are investing heavily in transportation, in tourism and programs that support tourism, and executing in a way that respects the differences of counties and municipalities across their state. If we pursue legislation that is more restrictive and not well defined and does not respect our diversity across the state, we are going to lose this competition with neighboring states that is in-fact very real.

If legislation must move forward, let's develop a compromise that will not hamstring the western slope of Colorado economically. Let the bill address local jurisdiction issues in a way that allows the controlling authority to make access decisions for OHV/ATV riders. Most of all let's not allow a bill to make it through committee because of a money grab by other special interests.

In support of agriculture, we support the Ag exemption as well as exemptions for municipalities and special districts utilizing various utility side-by-side vehicles for maintenance and operations.

In Rio Blanco County we have a close working relationship with USFWS and the BLM which has facilitated our trail planning. We support a provision that would suggest that we work to develop IGA's for the purpose of managing the OHV/ATV traffic, but as always we are concerned about language that would further restrict growth in the sport.

In Rio Blanco County it is also noteworthy to point out that first responders just about anywhere in the county and on any roadway are generally the RBC Sheriffs Dept. or the Meeker and Rangely Police Departments.

Safety: Rangely has taken a less restrictive approach to OHV activity on the streets of our community and over the past five years our police department has written fewer

than 10 citations for violations committed by OHV riders. OHV access to roadways in our communities and counties are not be a problem and history has shown they will not be a problem. Our PD consults with riders of all ages and provides orientation and certification to riders, primarily underage.

In conclusion; in order to continue to promote Colorado as a destination for out-of-state OHV enthusiasts it is important to not react too quickly as we see demand for the sport growing. We can build a safe and regulated environment without strangling the opportunity.

## UTAH RULES

- To drive an ATV on public lands in Utah you must be at least 8 years of age. Riders between the age of 8 and 15 must obtain an OHV Education Certificate issued by the Utah State Parks and Recreation or comparable from their home state. Riders 16 years of age or older must have either a drivers license or an approved education certificate.  
[Online Education Course](#)
- **Under 18, Public Streets:** All riders younger than 18, riding on a public highway not limited to OHV use, must be under the direct supervision of someone 18 years of age or older. Supervisors must be within 300 feet, have visual contact, and be able to advise or assist the rider.
- **Helmets:** A properly fastened helmet having a DOT approved safety rating is required for all OHV operators and passengers under the age of 18.
- **Environment:** Travel ONLY on designated roads and trails. Do not travel cross-country. It is illegal for anyone to operate an OHV in a way that damages the environment, including, air, land, water, watershed, plant, or animal life.
  - **Can I ride my OHV on Local City Streets in Utah?**
  - Yes, you can ride your ATV right from your Motel up the canyon on city streets! There are two rules, however, you need to follow: 1. Keep your speed to 15 MPH or less, & 2. You can't ride down Main Street. It is illegal to ride on a state highway unless your machine is [street legal](#). Also, all roads owned, maintained, or operated by Sanpete County are open to general off-highway vehicle use.

## Utah Street Legal ATV Requirements

Effective May 2009

### Types of Street-legal ATV's

- An all-terrain vehicle that is a Type I or Utility Type Vehicle (UTV) may be inspected and registered as a Street-legal ATV. These types are defined as:  
**"All-terrain Type I Vehicle"** means any motor vehicle 52 inches or less in width, having an unladen dry weight of 1,500 pounds or less, traveling on three or more low pressure tires, having a seat designed to be straddled by the operator, and designed for or capable of travel over unimproved terrain.

- **All-terrain Type I Vehicle**
- **“Utility Type Vehicle”** means any recreational vehicle designed for and capable of travel over unimproved terrain: traveling on four or more tires, having a width of 30 to 70 inches, having an unladen dry weight of 2,200 pounds or less, having a seat height of 25 to 40 inches when measured at the forward edge of the seat bottom, and having side by side seating with a steering wheel for control. “Utility type vehicle” does not include an all-terrain type I vehicle, an all-terrain type II vehicle, a motorcycle or a snowmobile.

- **Utility Type Vehicle**

- **Safety Inspection**

- A safety inspection must be completed before being registered for the first time, even if it is an exempt model year. After the first year of registration, the ATV must follow the current safety inspection frequency of every other year for the first eight years based off of the model year. After it is eight years old, it will be required to have a safety inspection every year. The safety inspection certificate, regardless if it is a paper or on-line certificate will have an ‘ATV’ watermark in the background. This watermark is present to assist the DMV with identifying the type of registration to process.

- **Registration**

- Every Street-legal ATV is required to be registered in order to operate under this new law. Upon registration, the ATV owner will be issued a license plate the same size as are issued to motorcycles.

- **Insurance**

- Every ATV must be insured in order to operate as a street-legal ATV. The same insurance requirements that a “**motor vehicle**” must have also apply to Street-legal ATV’s.

- **Driver License**

- The same driver license requirements that a “**motor vehicle**” must have also apply to Street-legal ATV’s. (Class D Operator’s License)

**Required Equipment** All-terrain vehicles may be inspected provided that they have been modified to be street legal. They shall be equipped with the following items, which shall comply with the regulations of the department (41-6a-1509).

- a. One or more headlamps that meet the requirements of U.C.A. 41-6a 1603.
- b. One or more tail lamps.
- c. A tail lamp or other lamp constructed and placed to illuminate the registration plate with a white light.
- d. One or more red reflectors on the rear.
- e. One or more stop lamps on the rear.
- f. Amber or red electric turn signals, one on each side of the front and rear. Red turn signals are only allowed to be on the rear.
- g. A braking system, other than a parking brake, that meets the requirements of U.C.A. 41-6a-1623.
- h. A horn or other warning device that meets the requirements of U.C.A. 41-6a-1625.

- i. A muffler and emission control system that meets the requirements of U.C.A.41-6a-1626.
- j. Rearview mirrors on the right and left side of the driver in accordance with U.C.A. 41-6a-1627. All-terrain Type I Vehicle requires only a left side mirror and Utility Type Vehicle requires both a left side and right side mirror.
- k. A windshield, unless the operator wears eye protection while operating the vehicle.
- l. A speedometer, illuminated for nighttime operations.
- m. Vehicles designed by the manufacturer for carrying one or more passengers, a seat designed for passengers, including a footrest and handhold for each passenger.
- n. Vehicles with side by side seating, seatbelts for each vehicle occupant.
- o. Must not be less than 30 inches in width or exceed 70 inches in width. Measurement must be taken at the widest point of the vehicle, including tires.
- p. Drivers seat must not be less than 25 inches in height or exceed 40 inches in height. This measurement must be made from the ground to the top of the forward edge of the seating position when measured on a flat level surface.
- q. The tire tread depth must be at least 2/32 inches or greater and the tires must not exceed 26 inches in height or be larger than the ATV manufacturer made available for the ATV model.

### **Operating Street-Legal ATV's in UTAH**

- (1) An all-terrain type I or type II vehicle that meets the requirements of this section may be operated as a street-legal ATV on a street or highway that is a highway with one lane in each direction. Those highways that have the occasional passing lanes are still considered a highway with one lane in each direction.
- (2) An operator of a street-legal all-terrain vehicle, when operating a street-legal all-terrain vehicle on a highway in accordance with this section, **may not** exceed the lesser of the posted speed limit or 45 miles per hour.
- (3) An operator of a street-legal all-terrain vehicle, when operating a street-legal all-terrain vehicle on a highway with a posted speed limit higher than 45 miles per hour, shall operate the street-legal all-terrain vehicle on the extreme right hand side of the roadway and shall equip the street-legal all-terrain vehicle with a reflector or reflective tape.
- (4) Unless a street or highway is designated as open for street-legal ATV use by the controlling highway authority in accordance with Section 41-22-10.5, a person **may not** operate a street-legal ATV on a street or highway if the highway is under the jurisdiction of a county of the first class, a municipality that is within a county of the first class; or municipality with a population of 7,500 or more people. (**Note:** Salt Lake County is the only county of the first class.