



# Oregon Parks and Recreation Department

## ATV Advisory Committee

Wednesday, November 29, 2023 - 9am to 3pm

Best Western Mill Creek Inn  
3125 Ryan Drive SE, Salem, OR 97301

### Meeting Minutes

#### **OPRD ATV Committee Members In-person:**

Greg Jackle – Department of Fish and Wildlife  
Virgle Osborne – Class II Rep/Chair  
Dave Kimball – Class I Rep  
Colleen O’Hogan – ODOT Rep (In place of Amy Joyce)  
Barrett Brown – Class III Rep  
Kevin Rowell – USFS Rep

#### **OPRD ATV Committee Members Zoom:**

Matt Miller – Class IV Rep  
Ann Haak – ADA Rep  
Peter Geissert – Dept of Human Services  
Jodi Phillips– Rural Fire Protection District  
Dustin James – ATV Dealer Rep  
Reid Brown – Dept of Forestry

#### **Other:**

Tim Custer, Jen Jasper  
Presenters: Mark Hildesheim – NOHVCC  
Chris Real – DPS Technical, Sound expert  
Matt Caldwell – Executive Director of Tread Lightly!  
Danielle Fowles-McNiven– Tread Lightly!

#### **OPRD Staff Present:**

Jeff Trejo, Jodi Bellefeuille, Ian Caldwell, Mike Law, Denise Frechin, Katie Gauthier  
Online-Michele Scalise

**Meeting called to order at 9:00 AM on Wednesday, November 29, 2023, by Virgle Osborne.**

1. **Welcome, Introductions, and Agenda Review**
2. **Approval of November 2022 Minutes** (ACTION)
  - a. **Motion: Dave Kimball moved to accept the October 2023 meeting minutes.**
  - b. **Second: Barrett Brown.**
  - c. **Vote: No objections. Motion passed unanimously.**
3. **Public Comments:** no comments
4. **Committee Member Updates & Feedback**

- a. Kevin – Nothing from national or regional level, been talking about e-bikes and the landscape. On the Local Level have analyzed certain road services to be opened to OHV, looking at connector roads for other OHV roads, after analysis looking at opening north fork drainage road this spring.
- b. Colleen – Nothing to report.
- c. Greg – Finishing up hunting season, a lot of ATVs being brought on hunting trips. Trying to work on what roads are closed or opened, they are just removed from the map and are not user friendly. Expanded TMA, green dot on road, including archery and antelope seasons, want to have roads and habitats available and not have the roads completely closed. They have several radio collared elk and they are watching for response. Using traffic counters, can pick up mountain bikes and OHVs.
- d. Barrett – Engaged in sound discussions. Europeans have been using a different standard to test sound and we will be going to this better standard. Will eventually will change over to the two-meter max for motorcycle racing. Barrett was the president of NOHVCC, term ended, still an Oregon state partner of NOHVCC.
- e. Dave – The business cards on how to get your certificate and have come in really handy. In the past year have gone on rides where money have been spent for improvements such as new bridges and noticed there is debris left near the site. Can we move it to be trash or burned? (Talk to Ian or Mike so they can talk to the land managers and find a solution.)
- f. Virgle – Habitat conservation plan being put into effect, will be taking away more land for recreation and logging. Forest plan put into effect, cannot cut trees in drainage areas. Will affect us as they protect more forest. A lot of complaints about homeless leaving trash and vehicles. Working on legislation to deal with RV's being dumped. Weyerhaeuser will allow OHV and side by sides on their properties if you have a pass.
- g. Jody – Working on the noise in the southern section of Dunes. Issue with LE having difficulties writing citations due to inspection of vehicles. Should be a fix it ticket. UTV take over: the forest service is going to require group to have permits. If it is during the day, there are less issues, and against trees which are buffering some of the noise. Event is staged on private property so not much they can do.
- h. Ann – Concerns about e-bikes especially at trail heads. Complaints about how quiet they are and that they zoom quickly around others.
- i. Dustin – Business as usual, inventory levels are back to normal for bike and motor sales. People are trying to understand why e-bikes are allowed where motor bikes are. People are curious why they are being moved to motorized sections.
- j. Matt – Involved in big clean ups, like homeless encampments, especially around China Hat Road, have removed several hundred thousand pounds of trash and there were several hundred volunteers.
- k. Peter – Had a lot of change, turnover in data team with some staffing changes. In the process of onboarding new people. Received a three-year grant from ODOT to launch a large data project to link to health data sets, will pay dividends down the road to have a robust linkage. Trauma registry is up for a competitive bid. Creating a stand-up data platform in the near future. Been working on refining metrics and going into what has been discussed before.
- l. Reid – Had turnover in management, one retiring and new management are still training. There is a lot of catching up for the new position. In the middle of developing HCP for the agency, big

organizational change and will change the way things will be done. Trying to work under this now and it will change how they work with trails. Will be an adjustment. Having discussions with BLM about developing MOUs for trails. Looking at long term planning management for trails and connections in between the larger trails.

## 5. Committee member reappointment

- a. Approved continuation of term members. (If everyone wanted to continue, they are not working hard enough.) Thank you for your volunteer service, you are appreciated. Jim Cole resigned, looking to recruit for Nick Hansen and Jim Cole's positions.
  - Have obligations that are required every year, everyone has done the initial requirements – anti discrimination training and driving records checks. Will send out message for both at the same time. Depending on if you work for state service, will differ if you do it through your agency. Driving record check, go through outside source checks driving and criminal, we are only looking at the Driving – through HR and Grants Staff do not see results.

## 6. Legislative Update

- a. Concepts Senate Bill 888 require safety education cards for class IV and unregistered Class II put forward-died in session. Senate bill 889, went through process, Polaris got involved, wanted 1,000cc limit removed since there are 2,000cc vehicles being made. Tried to rewrite some of it, came up with changing weight limit 2,500 to 3,500 pounds. 80 in side by side was able to shrink back to 75 in. Looking at originally manufactured for offroad use, side by side vs Suzuki Samuri/VW. Class IV tires changed from rim size to offroad use only. Changed definition of class I pneumatic tires. Issue with needing windshield wiper on highways and went back to drawing board. If they are operating on a road or highway, required to have wiper unless if window less than 6 inches above steering wheel (half windshields). If you are on a highway, you must use a windshield wiper, if off highway, must be unobstructed. Effective Jan 1, 2024. Had to do a few rule changes. In the Oregon Administrative Rule (OAR) just referenced definition of Oregon Revised Statutes (ORS) instead of repeating the definition in OAR. Now it says see statute #. Won't have to keep changing the rules with every statute change. The OARs have been approved. ODOT rule change added the info on the windshield. Also added to ODOT website with a link to ATV website for additional information.
- b. Will be short session in January, if we want to submit bills in 2025, we need to start it now. Talking about the noise issues being set by DEQ, had discussion about switching to state parks regulating this so we can better manage the sound limits. Now talking about having DEQ go through rulemaking to change sound levels. Would need advisory committee. 96db limit is a level we would like to reach and is attainable and several other states use 96db. The dunes have sound limit at 94db, and it is not practical. DEQ didn't have a noise section when contacted several years ago. If changed to us, it would need to be changed in ORS and need to be through legislative action. It will make it easier to change if under OPRD.
  1. **Motion: Barrett Brown moved to have committee support shifting rule making authority to OPRD and away from DEQ for off road Vehicles. (Action)**
  2. **Second: Dave Kimball**
  3. **No objections, Motion passed Unanimously.**

- a. Barrett – With electric OHVs, the development is coming, and they are being manufactured somewhat better than gas powered. Electric vehicles are not paying fuel taxes, which is about \$100 for 2 years. Hypothetically, should pay around \$100 for a 2-year ATV Permit, instead of \$10. I would recommend putting electric vehicles in statute for definition of Class I-IV ATVs. Fees are in statute, would take a change to the statute to increase the cost. (\$10 Stickers are counted and submitted to ODOT. Factor average usage/cost, on average \$50 to \$100 of fuel taxes a year which goes back into the ATV Fund Program) Would it make more sense to do it in stages, like starting with a decal that doesn't receive gas taxes? Would be better to have a group to discuss and see about all the other issues and there will also be a change in the budget. This will probably not be slotted for 2025 legislative session. Looking at changing the definition of e-bikes in 2024, will help with classes when looking at charging for stickers. Would like to be in the driver's seat of this. In the law enforcement side, must have Class III ATV (motorcycle) Permit if there are footpegs, if they have pedals (bike) don't need one. Set up workgroup to start the discussion? Should have e- added to each class going forward as each has something coming up or already existing. Also trying to improve riders' knowledge of where the money goes. The program is seen in a good light, and we would like to continue this positivity as well as continuing to improve. Would like this in place when we are changing fees and updating vehicles. Will help our cause.
- b. Look back on the side-by-side specifications. CA kept their 1,000 cc. Some are lobbying to sell more of their vehicles when choosing guidelines of width. They are basically race cars and have unlimited engine size etc. Class IV ATV was meant for using smaller trails instead of full-sized vehicles. Some land managers are specifying the width of the trails, 50", 65". Don't want to set us up for failure, groups tend to go together and will circumvent trails and have issues with bridges and tight trees. Managing by width, slows the tide but does not solve the problem.

## **7. ATV Safety Education Program Update**

- Online & Hands-on Training Stats
  1. All managed through one database RideAtvOregon.org. 67% are issued through Oregon. Post COVID numbers show a significant drop. Instructional permits are 61% issued from Oregon. Has more from California and Washington coming to Oregon through this program. Cannot get hands on training certification until you are 6 years old. There are a lot of training permits given to those 0-5. Hard to get volunteers to help with training, some are all volunteers.
  2. To help alleviate some of the costs, we have a subsidy program where we reimburse the training program for each student. Hopefully this is an incentive. Always trying to get law enforcement involved, it is key to our organization. Most are deputies, already getting paid with grants and would like to continue the

training in their areas. Need to get more locations set up. Cannot force training on people but can let them know it is a requirement. OMRA is training 82%. OSU was larger, now at 12%. Between 2021 and 2023, 30% of OMRA's and 50% of OSU's posted classes were no shows. Looking into why this is happening. Getting three email reminders, not sure if going to spam or just being deleted. Looking to create an email a few months ahead where there are hot spots letting them know a course is coming to their areas.

- RideATVoregon.org online course update
  1. The rideatvoregon.gov website updates, it is harder to use on the backend and we are working on taking the steps to make our online site go to the next level. It is outdated, have had some samples that are promising. Don't want it to look like an advertisement or rough riding. Next steps are rebranding, a responsive site etc. There are also changes to the safety checklist.
- ATV Safety outreach and messaging
  1. Outreach events are great, but we were not able to attend a few last years. Have presentations prepared for outside or inside events. Like these because we are able to talk to a wide audience of riders and landowners. Had sound training in April at two different locations. Focusing on the dune areas right now, still having an issue with enforcement of sound levels. Encouraging people to go and read riding tips and safety tips for dune riding. Have a lot of partnerships involved in safety, it takes all of us.

## **8. Law Enforcement Tracking & Incident Reporting**

- Law Enforcement Tracking & Incident Reporting
  1. LETS was implemented a few years ago for tracking purposes. Everything is going through this program and Jeff can pull data and information from it.
  2. Top 15 citations lead by operating without permit and decal. Speed rule and safety doubled from last year. Warnings safety card 1.5 times as much as last year, no helmet doubled, seatbelts in top 15.
  3. We can track the activity for certain search ranges to show hours worked and number of violations or tickets. Can also see narratives on progress reports in applying for grants. Looking at getting more refined data and we want to make changes to Law Enforcement Tracking System Incident Screen by January 2024. Want to update age groups by breaking them up. Looking to make the fields for ex. Seatbelts, a yes or no so they have to choose an answer. Some of the numbers of people entered on the top are not being reflected in the data below. Can we utilize this database outside of law enforcement? We have to talk about it and see who should have access to this system. It has the capability of looking up personal information so we have to regulate who can have access to it.
- DHS/OHA update
  1. Peter – ATV related EMS encounters, peaked in May, inflation possibly due to mapping error. Shows seasonal patterns and similar trends over the last three years otherwise. Reviewed multiple data screens.

## 9. Partnerships

- NOHVCC Update – Marc Hildesheim
  1. Plan to have annual conference in central Oregon in 2025. Great Trails Workshop setting up for May at Shotgun Creek OHV Area.
- DPS Technical (addressing sound concerns) – Chris Real
  1. Chris Real teaches sound testing. He came to Tillamook and Winchester Bay and did some classroom teachings and sound testing in the area. Tests vehicles of most manufacturers and after market manufacturers. They do studies and review data and are the training partner for OPRD, California and a few others. Last three years has been a partner with our agency, particularly with the Oregon dunes. Vehicles have been changing quickly and it has changed the acoustic picture of the sounds that escape the recreational areas. Vehicles go through an evolutionary change about every 10 years, and we are seeing this change now. Seeing several markets expand but the largest growth seems to be with the larger side by sides. There are sound challenges in Oregon, especially in the Dunes, when starting plan, we did not know what direction the vehicles would go. Within two years of the study, larger side by sides with 80 hp came out. Now they are 200 hp plus and have greater sound coming out. When modified or tampered with, they become even louder and are popular to use. Doing their best to put the infrastructure in place with collected data and understanding the challenges. Enforcement will be at the legislative level. The challenge of the 2-wave testing is its going to break some engines, also the operator of the sound meter has exposure of sound 115-120 db, impossible to get workers comp for them. Doesn't correlate to drive by testing.
- Tread Lightly! – Matt Caldwell and Danielle Fowles-McNiven
  1. Supporting Oregon through education for youths and adults, promoting positive OHV work and event sponsorships to introduce ethics messages. Has free customizable educational poster program. Did cleanup in Florence, removed 1200 lbs. of trash with 300 volunteer hours. Will be working with us to help see what areas we need more messaging, especially on private land. Will be working statewide with guidance from OPRD staff. Region 6 is in need, encourage them to work on the west side of Oregon. The intention of the current grants is to collect information and get contacts to see where the greatest need lies. In southwestern Oregon, most trails end up on private property and are in need of better signage.

## 10. ATV Program Update

- Permits & Permit Sales
  1. Increasing trend in class IV vehicles, motorcycles and Class II are staying the same, decrease in class I.
- Budget & Grants
  1. \$15,000,000 for Grants. This biennium got a \$3,000,000 pop with added \$900,000 pop for carryover. Awarded in Feb for O&M, April for law enforcement and other. There are 4 extensions from last biennium. Jan 2024 will use about

\$900,000 in next grant advisory committee with balance of \$1,710,193. Still figuring out game plan, another grant cycle possibly in the September meeting would work better, after the commission meeting. Next round of grants will be starting next fall, which will be the O&M and law enforcement grants, and another one in the spring for all categories.

- Brand, Messaging & Collateral Update
  1. Changed the look of the card effective this year. Will still have a few more changes in regard to the line items, card number, name and address. Branding for ATV is rolling things out as things need to be replaced, not all at once. Looking to modify OregonATV to add some verbiage explaining what it is and what we do. Looking at adding Oregon's Off-Roading Resource / est. 1986.
  2. Your ATV Funds At Work – went through a lot of rounds, stuck with similar branding in orange and written out department name removing the park shield which makes it less competing with the message. Another option in yellow to be more visible on some equipment. Getting these both printed. Should arrive by the end of December. They are stickers and no white around the edges.
  3. Adding tire tread design – got put off before, needed to modify it from less of a street tire to a class I or IV tread. Will be used in limited situations as a texture of the ATV guide and exhibit designs. Wanted one that is not too deep of tread, be created like a permit sticker and can be usable for several years.
  4. Working on updating ATV Safety Trail and want a new wrap with new photos.
- ATV Highway Access Routes
  1. Grant advisory committee went and looked route through downtown lakeside and out to the dunes. They are having issues with side by sides going past shop and ending up on the highway and needing to turn around. ODOT put up new signs after site visit. Discussions around Summer Lake area, 50 houses looking at next potential ATV highway access route,
- 2024 ATV Guide
  1. Working on updating 2022 guide for 2024.
  2. Mike – There are the guide update with minor revisions and incorporating the tread design logo ATV at work. Class IV takes effect January 1<sup>st</sup> – wiper blades. Plan to print and have distribution by Jan or Feb maybe March, April or May have translated to Spanish, printed, and delivered. If you have any comments of edits to language, let Mike know now as it's being edited now.
- 2024 ATV Law Enforcement Workshop
  1. April 9-11 at Eagle Crest / Cline Buttes. April 8<sup>th</sup> gave training for officers in youth training program. Would like to get as many officers trained as possible.

#### **11. New Business Items - Round Table Updates and Comments**

1. Barrett – Matt was talking about Utah and Polaris creating quieter mufflers in response to potentially having area closed because of the side-by-side rentals and their noise. They are responsive when we push something like this. Concerned with inexperienced operators causing impacts to riding areas.

**Meeting adjourned at 3:06 PM on Wednesday, November 29, 2023, by Virgle Osborne.**