



Oregon

Tina Kotek, Governor

Parks and Recreation Department

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Co-Chairs Gorsek and McClain and Members of the Committee:

Thank you for the opportunity to provide written testimony on HB 2232. Oregon Parks and Recreation Department (OPRD) has no position on the bill and has no concern with assuming transfer of rulemaking authority for off-road noise control and safety equipment from DEQ and ODOT.

OPRD operates the ATV Safety Education Program and manages ATV funds that are generated by ATV permit sales and fuel taxes. We work with all land managing agencies and organizations throughout the state to provide funding for high-quality recreation opportunities for riders. Riding areas are managed by various Federal, State, County and non-profit organization landowners.

The agency also supports the ATV Advisory Committee, a 16-member volunteer committee of riders, law enforcement and land managers, as required in ORS 390.565. The committee is charged with reviewing and making recommendations regarding ATV accidents and fatalities, statutory vehicle classification changes and other safety considerations. A portion of the committee also reviews grant applications to recommend funding for ATV riding areas, law enforcement, emergency medical services and safety and education projects.

The department maintains existing administrative rules ([736, Division 4](#)) regarding a number of ATV program areas including:

- outlining criteria and processes for ATV grant applications and award of projects,
- ATV Advisory Committee processes
- ATV permit sales and display rules
- ATV Safety Education Card processes and training standards
- ATV Safety Checklist for rentals

Riders and law enforcement members have shared complaints regarding difficulty understanding sound level requirements with our staff and committee members. Land managers across the state have different sound level requirements for OHV riding areas and have updated those levels more recently than the state. This has become particularly challenging in areas like the Oregon Dunes where decibel level requirements change depending on whether a rider is on state, federal or county managed land. Based on this feedback, the ATV Advisory Committee recommended establishing a rulemaking process to develop more consistent sound levels across public lands that would be collaborative between land managers, law enforcement and recreationists.

Currently, the Department of Environmental Quality has authority to set limits for off-road vehicle noise levels in rule. However, we understand the agency ended the Noise Control Program in the 1990s and there has not been a state noise program at DEQ since that time.

The ATV Advisory Committee has also made recommendations regarding equipment requirements for off-road vehicles to address safety concerns and reflect changes in use and manufacturing. For example, prior to the 2023 session, the committee requested the agency work to change requirements for windshield wipers on Class IV ATVs. SB 889 (2023) resulted from OPRD working, in coordination with ODOT, to develop a bill that exempted many Class IV ATVs from requirements for windshield wipers when not on highways.

OPRD does not anticipate the proposed changes would require additional staff or resources to accommodate the expanded rulemaking proposed. Our existing staff have relationships within the ATV riding community, law enforcement and land managers that would be utilized to ensure a robust and collaborative rulemaking process should the bill be enacted. In addition, the department would continue working with state agency partners including ODOT and DEQ to ensure coordination and a seamless transition.