

Quiet Communities: Case for Rejecting City OHV Ordinance

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Introduction: What does Republic have to offer?

A Desirable Quality of Life. This remote, beautiful land has attracted many people for many reasons. Republic in particular offers:

- Quiet, relaxed atmosphere
- Friendly residential neighborhoods - most of Republic is residential and public space
- Healthy lifestyle – Republic is a walkable town, clean water, clean air
- Picturesque town, full of character
- Good place to retire or raise a family
- Opportunities for a wide variety of recreation activities.

I. How will a city ordinance allowing OHV's on our streets affect our town?

Such an ordinance will create a town that is less desirable to more people.

1. Noise and Pollution:

These are concerns for the citizens of Republic. The Quiet Communities Act of 1978 states that excessive noise causes physiological and psychological damage.¹ Recommended noise levels for residential areas should not exceed 60 decibels.² The RCW allows OHV's to operate at 86 db.³ Noise breaks all boundaries, fence lines and privacy. It is the main cause of residential conflict.

Emissions from OHV's are not regulated.⁴ A two stroke engine burns both oil and gas emitting 30 times the smog forming pollution of a regular vehicle.⁵ People live here for many reasons, one of those reasons is clean air. The City recently passed an ordinance banning leave and needle burning to maintain that status.

OHV's in town discourages a healthy lifestyle. The County Commissioners sent out a survey to city and county residents.⁶ The top four recreational opportunities people participate in and would like to see developed are camping, hunting + fishing, walking + running, and wildlife viewing. ATV usage came in well after playgrounds, bicycling and the arts. Not only was it low on the graph, more people were *not* interested in ATV riding than were. The people want non-motorized recreation opportunities. Walking, bicycling and parks apply to the city. Prioritize what the people want.

The Ferry County Commissioners conducted a Recreational Survey stating:

The Purpose of this Parks and Recreation update is to develop a positive atmosphere in which to plan for the future development of Ferry County's recreational facilities and programs.

The Objective is to provide a working plan for the location, development and maintenance of recreational facilities through a community sensitive plan. The Goal is to improve the quality of life within Ferry County by providing safe and adequate recreation opportunities for all interests, ages and special populations. It is imperative that new recreational facilities and opportunities be developed to match the needs of our citizens.

2. Increases Conflict:

The use of OHVs in Republic is admitted to cause conflict.⁷ Some people have confronted unruly OHV riders trespassing, riding late at night, riding dangerously. Citizens should not be forced to deal with these types of situations. Across the country, in areas where OHV use is permitted in non-OHV facilities, such as residential and city streets, conflict increases. According to the National Association of Counties, local and county law enforcement officials are increasingly spending their time dealing with off-road vehicle-related issues.⁸ As it stands, Republic City Police cannot respond to all calls, nor will they be able to effectively enforce route designation. Additional OHV activity can not be adequately monitored; while at the same time will require more monitoring and enforcement. The City attempted a pass through route in the past. The result was not convenience for the riders but an unmanageable problem for the police and residents.

Although the ordinance will only permit OHV use on designated routes, it will in effect open the whole city to OHV use. An OHV owner whose home is not on the route will drive his/her OHV to the route. Out of town visitors do not always consult map routes. There is no indication that the city can or will provide adequate signage. The now expired snowmobile ordinance called for route signage, yet was never installed.

The Republic ordinance claims allowing OHV's on highway and city streets will "reduce conflicts between users" because there are not enough legal routes for "recreation opportunities" elsewhere. This does not apply to the city in any way and will only increase those conflicts. Conflict between residents and ATV/OHV riders in other towns is excessively documented.^{9, 10} For more stories about ATV conflict see Web Site: <http://billstclair.com/ferran/atvtrespass.html>

3. Traffic Safety Problems: Legalizing OHV's on city streets increases accident potential.

A) City environment poses more risks for OHV's than other presently legal routes:

1. More intersections means more accidents¹¹
2. Higher population density, both pedestrians and vehicle traffic
3. Not designed for operation on paved roads^{12, 13, 14, 15, 16, 17, 18}
4. OHV's are required to drive at 10 mph according to the last draft of the ordinance. At that speed, OHVs become traffic hazards. At any speed, collisions with larger vehicles is dangerous for the OHV drivers.¹⁹ OHV drivers pose a risk to each other as well.

B) The proposed ordinance allows inexperienced drivers, children under 16, without drivers licenses, to operate OHV's on city streets.

1. Over 30% of OHV related emergency room treated injuries are for riders under 16 years.¹² This poses a risk to the young OHV operator and regular drivers. See 6. *Costs*.

Franklin County, Illinois Sherrif, Bill Willson, "They've got no right to be on the roadway, and it's mostly little kids with no helmets. If we can't stop them, we don't try to chase them because we don't want anybody getting killed because of us."

Police Chief Nick Merritt has applied for a grant that covers noise monitoring equipment. The grant covers two years of education but no additional money for staff time enforcement. Even if there were additional funds, time spent controlling OHV violations reduces effectiveness in other needed duties.

Self policing by other OHV users is unrealistic. The law abiding citizens will not be riding at 3:00 A.M. or trespassing. They do not have the authority to stop or enforce violators. For a resident in their home or driving on the street, illegal riders' noise and presence is not highly distinguishable from legal riders'.

4. Supposed economic gains vs. actual data and resulting effects:

An economy is "1. The management of affairs of a community . . . and directly concerned with its maintenance or productiveness. 2. Thrifty administration." *Webster's Collegiate Dictionary*. Those offering an economic solution in the form of OHV tourism within the city, are predicting pure profit and ignoring any costs.

- A. Paiute PowerPoint states an economic advantage from OHV tourism. There is no certifiable economic study to support this claim. Furthermore, it does not break down the advantages, nor discuss the disadvantages, of allowing OHV's to ride in city limits versus being limited to OHV facilities near town. One of the statistics presented was the *number of OHV sales* over the past few years. This benefits the OHV companies, Polaris, Rhino, etc. In 2006, *The Salt Lake Tribune* reported on the effects of the Paiute Trail in Marysville. It indicated that the residents were still holding three jobs and Piute County was still one of the poorest in Utah. The Paiute ATV trail has had 18 years to prove itself economically: established, 1990.²⁰
- B. Increased residential use will not bring in additional funds. They already spend money here.
- C. Residents in Idaho defeated a plan to create an OHV network. The proponents of the 460 mile trail used the same information from the Paiute PowerPoint. The residents who opposed the trail, "found that the unfunded maintenance and enforcement costs to municipalities and counties as well as to federal agencies would greatly outweigh the cheery forecast of the benefits to struggling rural economies."²¹ (Underline QCC)
- D. Other monetary and non-monetary effects on towns with street legal OHV's

Along the Paiute Trail

1. *Minimal Gain*: the larger towns such as Richfield are the supply stops for OHV users. Richfield, home of the Jamboree, is comparable to Colville with a Wal-Mart, numerous gas stations and hotels. A rancher describes his wife's store in Circleville, a smaller town on the Paiute. "One or two ATVs might fill up with gas and they might spend \$5 on snacks but

for the most part, people bring their supplies with them.” Midsized towns like Marysvale, comparable with Republic, only benefit seasonally. Jim Gregory of Idaho: “On our January trip through Marysvale we could not find a place to buy lunch because most businesses were closed for the season. One gas station/convenience store and one hotel were open. There were an additional 11 business that were apparently only open in the summer. When pressured about what were the additional businesses and was there really any gain to a business that was only operational during the summer, we were told that many of the additional businesses were those that sold do-dads [read: souvenir and tourist goods.]”²²

2. *Damage to town:* “areas of damage include areas around towns which the trail managers look at as sacrifice areas because they can’t do anything about them . . . [K]ids, locals, are allowed to ride the ATV after school until their parents get home, as long as they don’t go too far from home. Hence, the damage near town. It is enabled because ATVs have been legalized in town . . .”²²

West Yellowstone

1. *Local conflict:* A culture shift from quaint town to Tijuana in winter break. Bar hopping snowmobilers, noise until dawn. High school students proposed a noise curfew to the City Council, just to be able to sleep at night. City Council ignored the children’s request, believing the economic gain more important than quality of life. The winter economy may be booming (for snowmobile related businesses), but it is causing major conflict between the locals.⁹

Algodones Dunes

1. *Drives away families:* “On crowded holiday weekends at the Algodones Dunes, lawlessness escalates to the point where near riot conditions prevail. The dunes have become unsafe for family recreation activity due to the use of drugs and alcohol, and the problems of lawlessness that occur with such use, according to a Bureau of Land Management report. BLM rangers have been threatened and deliberately run over. “The problem has advanced to the stage that the normal, law abiding citizens are fearful of using the area,” said a recent BLM report.”¹⁰

For more stories about ATV conflict see Web Site: <http://billstclair.com/ferran/atvtrespass.html>

5. Negative Impact on the Economy:

OHVs are only one aspect of the tourist economy. There are presently 600 miles of OHV roads and trails to enjoy in Ferry County and Eagle Way Race Track provides riding near town. But OHVs are unlike any other activity. Their presence, noise and pollution can adversely affect the activities locals prefer and tourist activities we already support within our town. A healthy tourist economy is a diverse tourist economy. And tourism is only one aspect of the larger economy.

Washington State University Political Science department released a report about the economic benefits of hiking in Washington. The Pew Charitable Trust reported that besides tourism, retirees improve the economy of rural towns. The University of Kentucky says graduates are returning to their rural homes to practice their degrees, which enhances the small town economy. Bonners County Idaho developed an economic plan for their cities based on a diverse economy. Each report looked to more substantial forms of income as well as tourism. These four reports indicate quality of life, safety and a clean environment in which to live as their motivation..²³,²⁴,²⁵,²⁶

The Tri-County Motorized Recreation Association states their desire to “open all trails & back roads to motor sports to create an Industry . . .”²⁷. Depending on one form of income is not an economically wise strategy. As shown, it is doubtful that OHV tourism will bring in enough money to offset costs to support a full economy. However, an increase of local and non-local OHV traffic *in town* can create an undesirable atmosphere for other tourist opportunities and local quality of life. **See also:** ²⁸, ²⁹, ³⁰, ³¹ **and B**

6 Costs to City Residents:

1. Road repairs. Grading roads costs the county \$700.00 per mile. The former County Engineer submitted a letter to the commissioners (some points apply to the city as well) explicitly opposing the OHV Ordinance.¹⁹

2. Public property damage and private property damage. See 4. *Supposed Gains, C: Damage to town*. And website B.

3. Effects on law enforcement and Emergency Medical Team budget.

The City Police department’s planed budget to cover increased OHV traffic consists of a two year grant for education and monitoring equipment. This is not the strict enforcement citizens expect. Nor does it provide for the long term. The Tri-County Motorized group donated a used motorcycle to the police department in anticipation of increased need for monitoring and enforcement. The budget is already stretched; the job duties are merely shifted from regular duties to OHV enforcement. Citizens should not carry the financial burden of increased EMT services and law enforcement for activities that are presently illegal.

4. Insurance liability:

A. No insurance company will insure unlicensed drivers (includes under 16 years old. See 3. *Traffic Safety Problems*). Foremost, the insurance group for Farmers, will not insure OHVs for street use.

B. The line of responsibility ends at the City. If an OHV driver is sued for causing an accident, or is injured on a city street, is not insured and can’t afford a lawsuit, the City and County are liable to pay for damages and legal fees. ^{14,19 C, D}

In West Yellowstone, a snowmobile driver was injured by two friends also on snowmobiles after a night of drinking in town and riding off. He is now mentally disabled. His family sued the Chamber of Commerce, the Forest Service and the two friends. The Chamber was let off the hook but the Forest Service was fined \$10.2 million. That cost could easily have come down on the city. Thirty jamborees couldn’t cover those costs.

V. City Hall has to make a choice.

The Quiet Communities Coalition commends Mayor Shirley Couse and the City Council for taking into regard the concerns of their citizens. QCC presents this report to you as the voice of your neighbors and business people. The Ordinance as a whole is not suitable for Republic. Presently, ATV/OHV activity can not be fully enforced and if approved, will require more enforcement. The proponents of the Ordinance believe opening roads and streets will alleviate ATV/OHV pressure to ride illegally and boost the economy. Town is not a recreation area. Street legal ATV/ OHV's will create a town that is not desirable to its residents or benefit the economy.

Additional articles of interest ^{32 33 34 35}

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