

# Quiet Communities: Case for Rejecting County OHV Ordinance 2007-22

Prepared by: Quiet Communities Coalition 11/24/07

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

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

### 1. Noise and Pollution:

These are concerns for the citizens of Ferry County. The Quiet Communities Act of 1978 states that excessive noise causes physiological and psychological damage.<sup>1</sup> Recommended noise levels for residential areas should not exceed 60 decibels.<sup>2</sup> The Ordinance allows OHV's to operate at 86 db.<sup>3</sup> Emissions from OHV's are not regulated.<sup>4</sup> A two stroke engine burns both oil and gas emitting 30 times the smog forming pollution of a regular vehicle.<sup>5</sup>

OHV's discourage a healthy lifestyle. The County Commissioners sent out a survey to city and county residents.<sup>6</sup> The top four recreational opportunities people participate in and would like to see developed: camping, hunting + fishing, walking + running, 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. 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 Ferry County is admitted to cause conflict.<sup>7</sup> 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. The only option our citizens have to avoid and minimize conflict is to ask for sheriff or police assistance.

Additional ATV/OHV activity can not be adequately monitored; while at the same time will require more monitoring and enforcement. The Sheriff has already stated simply allowing OHV's on the rail bed will strain his budget. 50 + roads present an even larger challenge.

Self policing 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.

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

### 3. Traffic Safety Problems: Legalizing OHV's on county roads increases accident potential.

- A) Regular vehicle traffic road ways pose more risks for OHV's than other presently legal trails.
1. More intersections means more accidents.<sup>11</sup> Many of the proposed roads "T" into the highway.
  2. Mixed vehicle traffic, log trucks, mail carriers, R.V.'s/ campers, ore trucks,
  3. Not designed for operation on paved roads<sup>12, 13, 14, 15, 16, 17, 18</sup>,
  4. Risks to equestrians
  5. OHV's will be permitted to drive at the legal speed limit. Collisions with larger vehicles at these speeds is more dangerous for the OHV drivers. And, in certain circumstances, drivers are required to drive at 10 mph, creating traffic hazards.<sup>19</sup>
- B) The county ordinance allows inexperienced drivers, children under 16, without drivers licenses, to operate OHV's on county roads.
1. Over 30% of OHV related emergency room treated injuries are for riders under 16 years.<sup>12</sup> This poses a risk to the young OHV operator and regular drivers  
– see 6. *Costs*.

### 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. 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 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.<sup>20</sup>
- B. 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.”<sup>21</sup> (Underline QCC)

### C. 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.]”<sup>22</sup>

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 . . .”<sup>22</sup>

#### 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.<sup>9</sup>

#### 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.”<sup>10</sup>

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

#### PLACES THAT DID NOT PASS OHV ORDINANCES:

Owyhee County, Idaho. The Commissioners, community and sheriff rejected an ordinance to open simply two roads in their county. Reasons: COSTS and SAFETY.

Thurston County, Washington. Citizens banned OHVs from county and city roads.

## 5. Negative Impact on the Economy:

OHVs are only one aspect of the tourist economy. OHV sports are unlike any other activity. Their presence, noise and pollution can adversely affect the activities locals prefer and tourist activities we already support. A healthy tourist economy is a diverse tourist economy. And tourism is only one aspect of the economy.

For local recreation survey results see number 1. *Noise and Pollution, preferred healthy lifestyle.*

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** areas. 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**. These four reports indicate quality of life, safety and a clean environment in which to live as their motivation.<sup>23, 24, 25, 26</sup>

The Tri-County Motorized Recreation Association states their desire to “open all trails & back roads to motor sports to create an Industry . . .”<sup>27</sup>. 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 can create an undesirable atmosphere for other tourist opportunities and local quality of life. **See also:** <sup>28, 29, 30, 31</sup> **and B**

## 6 Costs to County Residents:

Before the County Commissioners decide to pass an Ordinance, they should first figure the costs of such an ordinance.

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.<sup>19</sup>
2. Public property damage and private property damage. See 4. *Supposed Gains, C: Damage to town.* And website B.
3. Effects on law enforcement budget.  
As of 11/12/07 the Sheriff does not have a budget or plan to cover increased OHV traffic. The Commissioners have not consulted the EMS or Hospital Board to figure in anticipated costs.
4. Insurance liability: The Ordinance does not require OHVs carry insurance.
  - 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. Perhaps with good reason.
  - B. The line of responsibility ends at the City and County. 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. <sup>14,19</sup> C, D

## **V. Commissioners must weigh the costs.**

The Quiet Communities Coalition commends the County Commissioners for taking into regard the concerns of their citizens. QCC presents this report as the voice of your neighbors and business people.

The Ordinance as a whole is not suitable for Ferry County. Presently, ATV/OHV activity can not be fully enforced and if approved, *will* require more enforcement. Specific points within the Ordinance pose risks to drivers and OHV operators. The proponents of the Ordinance believe opening roads and streets will alleviate OHV pressure to ride illegally and boost the economy. Our transportaion system is not a recreation area. OHV recreation's supposed economic gain does not outweigh the costs. The citizens of Ferry County recommend the Commissioners prioritize safety, quality of life and economic diversity.

Additional articles of interest <sup>32 33 34 35</sup>

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