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Alaska Wildlife Troopers
Director's Office
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Alaska Online Public Notice System
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Dear Commissioner Cockrell,

As individuals and organizations dedicated to reducing deaths and injuries caused by off-highway vehicles (OHVs), we are writing to urge you to reject any proposal that would increase OHV access to the roads of Alaska. Specifically, we write in response to the Notice of Proposed Changes on the Use of ATVs and Snowmobiles on Roads in the regulations of the Department of Public Safety, proposed Regulation 2021200079.

Tragically, we have identified 65 OHV-related deaths in Alaska from January 2013 through April 11, 2021. Of these deaths, 43 (66%) occurred on-road, 17 (26%) occurred off-road, and five (8%) occurred in an unknown location. Additionally, 12 (18%) of the deaths were children age 16 or younger. Unfortunately, these numbers may continue to rise as we gather more data.

As the COVID pandemic has impacted the nation, public health officials have documented an increase in OHV deaths and injuries likely tied to school closures and stay-at-home orders. Through media reports, CFA has identified that 12 states are reporting increases in OHV deaths and injuries. Recent research from Dr. Charles Jennissen, clinical professor at the University of Iowa, shows that incidents are on the rise across the nation with children out of school due to the pandemic.¹ “Clearly, we are seeing more injuries, including those from ATVs... Overall injuries are probably four to five times higher because many don’t go to the ER,” stated Dr. Charles Jennissen, study author and clinical professor at University of Iowa, Carver College of Medicine.² Allowing OHVs to use public roads suggests to the public that roadway riding is a safe and responsible use of OHVs when in fact, industry, regulators, and consumer and public health and safety advocates, all agree that OHVs are not safe on public roads.

We write to communicate the dangers of allowing children to operate OHVs, as well as the danger of allowing OHVs on roads. We hope that this information will help inform any policy decision you make.

Off-Highway Vehicles

There are two main categories of OHVs—neither of which are designed for roadway use and should not be allowed on public roads.

- **All-Terrain Vehicles (ATVs):** ATVs are “off-road, motorized vehicles having three or four low-pressure tires, a straddle seat for the operator, and handlebars for steering control.”³
- **Recreational Off-Highway Vehicles (ROVs):** ROVs have “four or more wheels with low pressure tires; bench or bucket seating for two or more occupants; automotive-type controls for steering, throttle, and braking; rollover protective structures (ROPS); occupant restraint; and maximum speed capability greater than 30 mph.”⁴

More ATV and ROV Deaths Occur On Roadways than Off-Road

While there is federal ATV fatality data, there is a lack of ROV fatality data. To fill this need, our coalition has started collecting data on ROVs to give decision makers a better sense of the dangers posed by OHVs besides ATVs. See our data and analysis on our OHV webpage [here](#).

- **ATV Roadway Crashes:** ATV crashes on the road account for over 60% of ATV-related deaths and over 30% of serious ATV injuries.⁵ Roadway crashes are more likely to involve multiple fatalities, collisions and head injuries. Victims in roadway crashes were less likely to be wearing protective gear such as helmets and were more likely to be carrying passengers, both things that are risk factors for ATV-related fatalities and injuries. From 1998-2007, roadway fatalities increased twice as fast as those off-road.⁶ The National Highway Traffic Safety Administration released ATV-related fatality statistics for public roads showing that there were 3,411 deaths from 2004-2013, with 323 in 2013 alone.⁷
- **ROV Roadway Crashes:** There is much less data on the number and nature of ROV crashes in comparison to ATVs, but from 2013-2020 our coalition identified 1,044 ROV fatalities. The crash site could be identified in 1,007 of the 1,044 deaths. Of those 1,044 fatalities, 613 (59%) occurred on-road and 394 (38%) occurred off-road. As our coalition continues to gather more data, these figures may rise.

OHV Design Contributes to Roadway Deaths and Injuries

Ultimately, OHVs are not safe on roads because they were not designed for roadway use.

- **OHVs⁸ have a relatively narrow track and high-center of gravity:** These design features allow for riding in wooded areas and between obstacles, and provide high ground clearance for rough terrain. However, these features put

OHVs at a higher risk for rollovers,⁹ and require “that the vehicle takes wider turns than are found in standard road design.”¹⁰

- **OHVs have low-pressure, deep tread tires designed for off-road use:** Automobile tires have relatively shallow tread and are designed to continually grip and release roadway surfaces. In contrast, OHV tires are made to grab off-road terrain and can act unpredictably on roadway surfaces especially with increasing speed. The operator can easily lose control of the vehicle, potentially endangering the OHV rider, occupants of other vehicles, pedestrians, and bicyclists.¹¹
- **Most ATVs lack a rear differential:** Most ATVs have a solid rear axle or locked rear differential which means that both the inside and outside wheels rotate at the same speed, unlike motor vehicles designed for roadways. This often requires that the OHV “take wider turns than are found in standard road design,”¹² and makes it more difficult for OHVs to negotiate roadway curves, especially at the speeds often traveled on roads.

Industry Associations Warn Against OHV Use on Public Roads and Paved Surfaces

Both ATV and ROV trade associations warn against riding OHVs on roadways. The Specialty Vehicle Institute of America (SVIA), a not-for-profit association representing ATV manufacturers and dealers, has a strong policy statement against the use of ATVs on public roads. A training manual for ATV riders from the ATV Safety Institute, a division of SVIA, states:

Remember, ATVs are intended for off-road use only. Never operate an ATV on public roads, and always avoid paved surfaces. ATVs are not designed for use on public roads and other motorists may not see you. ATVs are not designed to be used on paved surfaces because pavement may seriously affect handling and control.”¹³

Further, the SVIA makes clear that:

ATVs are designed, manufactured and sold for off-road use only. On-road vehicles must be manufactured and certified to comply with U.S. Department of Transportation Federal Motor Vehicle Safety Standards (FMVSS). These safety standards consist of extensive and detailed compliance requirements. Since ATVs are not intended to be used on-road, they are not designed, equipped or tested to meet such standards.¹⁴

The Recreational Off-Highway Vehicle Association (ROHVA) also directs riders to “avoid paved surfaces. ROVs are designed to be operated off-highway.”¹⁵ These statements show that the manufactures of these vehicles, those who know the vehicles better than anyone, know that they should not be operated on roads. In addition to these statements from OHV trade associations, ATVs and ROVs are also required to have labels indicating that they should not be operated on paved roads or on public roads.

Unpaved and Rural Roads are Not Safe for OHV Use

Many of the warnings against riding OHVs on roadways specifically mention the hazards of paved roads. While these warnings are accurate they are not sufficient and could incorrectly imply that unpaved roads are safe for OHV use.

A 2015 [study](#) of national ATV-related fatalities occurring from 1985-2012, found that in twenty-three states half or more of ATV roadway deaths occurred on unpaved road surfaces and that 42% of all ATV roadway deaths during this time period (6,625) took place on unpaved roads. In addition, more than two-thirds of all roadway ATV fatalities (paved and unpaved) did not involve another motor vehicle. This means that low traffic volume on rural roads does not necessarily translate into fewer deaths and injuries. In fact, riders in serious roadway crashes that occur on more remote roads may be at increased risk of death because of longer distances to trauma centers. While there is not yet similar data available for ROVs, given that ROVs are also designed for off-road use with similar design elements, there is no evidence supporting the idea that they would be safe on unpaved roads.

Children and OHVs Do Not Mix

From 2013-2020, our Coalition identified 842 fatalities involving children 16 and younger. This number represents nearly 20% (17.4%) of the total fatalities (4849) which our Coalition has identified. The crash site could be identified in 769 of these 842 deaths. Of these 842 fatalities, 421 (50%) occurred on-road, and 348 (41%) occurred off-road. Unfortunately, these numbers are likely an underestimate, and may continue to rise as we gather more data.

Additional Information

The latest research about OHVs on roadways and OHV death and injuries, as well as a list of members of a national coalition formed to address this public health crisis and the advocacy efforts undertaken by this coalition are available [here](#).

We urge you to oppose any proposal to allow OHV use on public roads because doing so places the public, including OHV operators, pedestrians, bicyclists, and all motor vehicle drivers and their passengers at unnecessary risk.

We hope that you will consider these comments, and if we can be of any further assistance, please feel free to contact Rachel Weintraub at Consumer Federation of America at rweintraub@consumerfed.org 65r (202) 939-1012.

Sincerely,

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¹ Michigan Farm News. (2020, August 7). Surge in child ATV injuries coincides with COVID-19 pandemic, experts say. Retrieved October 14, 2020, from <https://www.michiganfarmnews.com/surge-in-child-atv-injuries-coincides-with-covid-19-pandemic-experts-say>

² Ibid

³ CPSC, 2013 Annual Report of ATV-Related Deaths and Injuries, February 2015. <http://www.cpsc.gov/Global/Research-and-Statistics/Injury-Statistics/Sports-and-Recreation/ATVs/2013-ATV-Annual-Rpt-of-ATV-Related-Deaths--Injuries.pdf>

⁴ CPSC Briefing Package. Pg. 91. www.cpsc.gov/Global/Newsroom/FOIA/CommissionBriefingPackages/2014/SafetyStandardforRecreationalOff-HighwayVehicles-ProposedRule.pdf

⁵ Denning, Harland, Ellis, Jennissen, More fatal all-terrain vehicle crashes occur on the roadway than off: increased risk-taking characterizes roadway fatalities, Injury Prevention, 2012.

<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3717765/>

⁶ Id

⁷ NHTSA, Fatalities in Traffic Crashes Involving All-Terrain Vehicles. <http://www-nrd.nhtsa.dot.gov/Pubs/812193.pdf>

⁸ The Denning paper cited below deals with ATVs but the CPSC Briefing Package on the Proposed ROV Rule, Pg. 518, notes that ROVs are designed with narrow track widths and high ground clearance for use on off-road trails which results in a high risk of rollovers.

www.cpsc.gov/Global/Newsroom/FOIA/CommissionBriefingPackages/2014/SafetyStandardforRecreationalOff-HighwayVehicles-ProposedRule.pdf

⁹ Denning, Harland, Ellis, Jennissen, More fatal all-terrain vehicle crashes occur on the roadway than off: increased risk-taking characterizes roadway fatalities, Injury Prevention, 2012.

<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3717765/>

¹⁰ Id.

¹¹ Id. Discussing ATV tires. The CPSC Briefing Package. Pg. 410. Also defines ROVs as having low pressure tires. This allows one to infer that both categories of OHVs discussed here will have tires that are not suitable for on-road use and will have similar problems when used on-road as those described for ATVs in the 2012 report cited above.

www.cpsc.gov/Global/Newsroom/FOIA/CommissionBriefingPackages/2014/SafetyStandardforRecreationalOff-HighwayVehicles-ProposedRule.pdf

¹² Denning, Harland, Ellis, Jennissen, More fatal all-terrain vehicle crashes occur on the roadway than off: increased risk-taking characterizes roadway fatalities, Injury Prevention, 2012.

<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3717765/>

¹³ Tips and Practice Guide for the All-Terrain Vehicle Rider, ATV Safety Institute.

http://atvsafety.org/downloads/ATV_Riding_Tips.pdf

¹⁴ Specialty Vehicle Institute of America, Position in Opposition to On-Road Operation of ATVs.

<http://www.svia.org/Downloads/PositionPaperOpposingOn-RoadUse.pdf>

¹⁵ ROV Safety Rules. <http://www.rohva.org/>