
HOUSE BILL 2756

State of Washington

65th Legislature

2018 Regular Session

By Representatives Blake, Kretz, Chapman, Steele, Condotta, Wilcox,
and Dent

1 AN ACT Relating to a pilot program to provide wheeled all-terrain
2 vehicle tourism routes; amending RCW 46.09.455 and 46.09.540; adding
3 a new section to chapter 46.09 RCW; creating a new section; providing
4 an effective date; providing expiration dates; and providing a
5 contingent expiration date.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.09
8 RCW to read as follows:

9 (1) The legislature declares that wheeled all-terrain vehicle
10 tourism routes would enhance appreciation of the outdoors and
11 generate economic benefits, particularly in rural and less urban
12 areas of the state. The legislature therefore intends to provide the
13 authority for a limited number of wheeled all-terrain vehicle tourism
14 routes on a pilot basis, subject to the conditions of this section.

15 (2) Wheeled all-terrain vehicles may be operated on tourism
16 routes on a pilot basis provided all conditions in this section are
17 met.

18 (3) For the purposes of this section, a "wheeled all-terrain
19 vehicle tourism route" or "tourism route" means a highway, road,
20 trail, or other similar facility, or a combination thereof, upon
21 which on-road wheeled all-terrain vehicles may travel on a pilot

1 basis under the rules provided in subsection (5) of this section, if
2 the conditions in subsection (7) of this section are met. A tourism
3 route:

4 (a) May consist of segments of state highways, segments of park
5 roads or other nonhighway roads under state jurisdiction, segments of
6 highways or roads under local government jurisdiction, segments of
7 highways or roads under federal jurisdiction, segments of private
8 roads, or segments of trails currently authorized for motorized
9 vehicles;

10 (b) Need not be contiguous but must otherwise exhibit a
11 continuity analogous to other highway or county road routes within
12 the county or neighboring counties in which it is located; and

13 (c) May not include any segment of a highway that is an
14 interstate highway.

15 (4) For the purposes of the pilot under this section, the
16 following counties are eligible to designate tourism routes under
17 subsection (7) of this section: Okanogan, Chelan, Kittitas, Grays
18 Harbor, Pierce, and Lewis. A county that is immediately adjacent to
19 an eligible county under this subsection may contain a segment or
20 segments of a tourism route designated by the eligible county under
21 subsection (7) of this section.

22 (5) The driver of a wheeled all-terrain vehicle with an on-road
23 vehicle registration pursuant to RCW 46.09.442, provided the
24 requirements of RCW 46.09.457 are satisfied, may operate the vehicle
25 on a tourism route under the following conditions:

26 (a) The driver may not exceed the lesser of:

27 (i) The posted speed limit; or

28 (ii)(A) Fifty miles per hour, if the vehicle possesses
29 independent-suspension axle drives; or

30 (B) Thirty-five miles per hour, if the vehicle possesses a single
31 axle drive.

32 (b) When on a highway with a posted speed limit greater than
33 fifty miles per hour, the driver must operate the vehicle on the far
34 right of the roadway.

35 (c) The vehicle must have properly functioning hydraulic brakes,
36 tires approved by the United States department of transportation,
37 and, with respect to a vehicle being driven on any facility segment
38 with a posted speed limit in excess of thirty-five miles per hour,
39 independent-suspension axle drives.

1 (d) The driver must have liability insurance or an equivalent
2 form of financial responsibility.

3 (6) Before proposing a combination of highway, road, trail, or
4 other designated segments as a tourism route, a county is encouraged
5 to form a stakeholder group for the purposes of identifying potential
6 tourism routes that would enhance travel tourism. It is recommended
7 that such a group include the following stakeholders: Representatives
8 of local, state, and federal government, and individual landowners
9 who control land in which the segments are located or whom the
10 tourism route would impact, as well as recreational nonprofit groups
11 who advocate or promote the use of recreational wheeled all-terrain
12 vehicles. The department of natural resources, department of fish and
13 wildlife, and parks and recreation commission are directed to provide
14 support to and to participate in such stakeholder groups, as
15 requested by the county proposing a tourism route.

16 (7) For a highway, road, trail, or other similar facility, or a
17 combination thereof, to qualify as a tourism route under subsection
18 (3) of this section, the following requirements must be met:

19 (a) A county that contains the proposed tourism route must
20 designate highways, roads, trails, or other such facilities, either
21 in whole or in segments, as a tourism route.

22 (b) If a portion of the proposed tourism route includes roadway
23 or other designated segments in cities, towns, neighboring counties,
24 on state lands or sites owned or managed by the department of natural
25 resources, the department of fish and wildlife, or the state parks
26 and recreation commission, on federal lands, or on private property,
27 the county must enter into an agreement with the jurisdiction or
28 other controlling entity of that segment, in which the jurisdiction
29 or other controlling entity authorizes the use of the roadway segment
30 as part of the tourism route, in order for that segment to become
31 part of the tourism route. With regard to segments of the proposed
32 tourism route under the jurisdiction of the United States forest
33 service, the county must coordinate with the forest service according
34 to 36 C.F.R. Sec. 212.53 and is subject to C.F.R. parts 212, 251,
35 261, and 295 and policies derived therefrom. If no agreement is
36 reached with the governmental jurisdiction or private landowner under
37 the terms of this subsection, the proposed tourism route, exclusive
38 of the segment that passes through the city, town, neighboring
39 county, state land, federal land, or private property, may still
40 qualify as a tourism route. As part of the agreement, each

1 jurisdiction or controlling entity must commit to erecting route and
2 traffic safety signage for the purposes of the route and its users in
3 compliance with RCW 47.36.030 prior to the opening of the tourism
4 route.

5 (8) The roadway or other designated segments included in a
6 tourism route may be modified by county action subsequent to the
7 initial designation of the tourism route provided subsection (7)(b)
8 of this section is satisfied for any new roadway segment incorporated
9 into the tourism route.

10 (9) By December 31, 2020, any county that has designated a
11 tourism route under the pilot program authorized by this section must
12 provide a report to the governor and the transportation committees of
13 the legislature. The report, at a minimum, must include a description
14 of the process by which the tourism route was established under the
15 pilot, including any agreements that were undertaken with other
16 stakeholders; a description of how the route was utilized; and an
17 analysis of the benefits to local tourism and the economy in the
18 county.

19 **Sec. 2.** RCW 46.09.455 and 2017 c 26 s 1 are each amended to read
20 as follows:

21 (1) A person may operate a wheeled all-terrain vehicle upon any
22 public roadway of this state(~~(, not including nonhighway roads and~~
23 ~~trails,)~~) having a speed limit of thirty-five miles per hour or less
24 or if the roadway segment is part of a tourism route created under
25 the pilot program authorized in section 1 of this act, subject to the
26 following restrictions and requirements:

27 (a) A person may not operate a wheeled all-terrain vehicle upon
28 state highways that are listed in chapter 47.17 RCW; however, a
29 person may operate a wheeled all-terrain vehicle upon a segment of a
30 state highway listed in chapter 47.17 RCW if the segment:

31 (i) Is within the limits of a city or town and the speed limit on
32 the segment is thirty-five miles per hour or less; or

33 (ii) Is part of a tourism route as created under the pilot
34 program authorized in section 1 of this act;

35 (b)(i) A person operating a wheeled all-terrain vehicle may not
36 cross a public roadway(~~(, not including nonhighway roads and~~
37 ~~trails)), as defined in RCW 46.04.500, with a speed limit in excess
38 of thirty-five miles per hour, except as follows: A person operating
39 a wheeled all-terrain vehicle may cross a public roadway with a speed~~

1 limit of sixty miles per hour or less, but more than thirty-five
2 miles per hour, at an intersection of approximately ninety degrees if
3 the roadway that intersects the public roadway with a speed limit of
4 sixty miles per hour or less, but more than thirty-five miles per
5 hour, is a roadway upon which the operation of wheeled all-terrain
6 vehicles has been approved or is otherwise allowed under this
7 section.

8 (ii) A county, city, or town may by ordinance prohibit a person
9 operating a wheeled all-terrain vehicle from crossing a public
10 roadway with a speed limit of sixty miles per hour or less, but more
11 than thirty-five miles per hour, at specific intersections or along
12 the entirety of the route within the jurisdiction.

13 (iii) The operator of a wheeled all-terrain vehicle may not cross
14 at an uncontrolled intersection of a public highway listed under
15 chapter 47.17 RCW;

16 (c)(i) A person may not operate a wheeled all-terrain vehicle on
17 a public roadway within the boundaries of a county(~~(, not including~~
18 ~~nonhighway roads and trails,~~) with a population of fifteen thousand
19 or more unless the county by ordinance has approved the operation of
20 wheeled all-terrain vehicles on county roadways(~~(, not including~~
21 ~~nonhighway roads and trails)~~).

22 (ii) The legislative body of a county with a population of fewer
23 than fifteen thousand may, by ordinance, designate roadways or
24 highways within its boundaries to be unsuitable for use by wheeled
25 all-terrain vehicles.

26 (iii) Any public roadways(~~(, not including nonhighway roads and~~
27 ~~trails,~~) authorized by a legislative body of a county under (c)(i)
28 of this subsection or designated as unsuitable under (c)(ii) of this
29 subsection must be listed publicly and made accessible from the main
30 page of the county web site.

31 (iv) This subsection (1)(c) does not affect any roadway that was
32 designated as open or closed as of January 1, 2013;

33 (d)(i) A person may not operate a wheeled all-terrain vehicle on
34 a public roadway within the boundaries of a city or town(~~(, not~~
35 ~~including nonhighway roads and trails,~~) unless the city or town by
36 ordinance has approved the operation of wheeled all-terrain vehicles
37 on city or town roadways(~~(, not including nonhighway roads and~~
38 ~~trails)~~).

39 (ii) Any public roadways(~~(, not including nonhighway roads and~~
40 ~~trails,~~) authorized by a legislative body of a city or town under

1 (d)(i) of this subsection must be listed publicly and made accessible
2 from the main page of the city or town web site.

3 (iii) This subsection (1)(d) does not affect any roadway that was
4 designated as open or closed as of January 1, 2013;

5 (e) Any person who violates this subsection commits a traffic
6 infraction.

7 (2) Local authorities may not establish requirements for the
8 registration of wheeled all-terrain vehicles.

9 (3) A person may operate a wheeled all-terrain vehicle upon any
10 public roadway, trail, nonhighway road, or highway within the state
11 while being used under the authority or direction of an appropriate
12 agency that engages in emergency management, as defined in RCW
13 46.09.310, or search and rescue, as defined in RCW 38.52.010, or a
14 law enforcement agency, as defined in RCW 16.52.011, within the scope
15 of the agency's official duties.

16 (4) A wheeled all-terrain vehicle is an off-road vehicle for the
17 purposes of chapter 4.24 RCW.

18 (5) For the purposes of this section, "public roadways" excludes
19 nonhighway roads and trails.

20 **Sec. 3.** RCW 46.09.540 and 2013 2nd sp.s. c 23 s 10 are each
21 amended to read as follows:

22 (1) The multiuse roadway safety account is created in the motor
23 vehicle fund. All receipts from vehicle license fees under RCW
24 46.17.350(1)(r) must be deposited into the account. Moneys in the
25 account may be spent only after appropriation. Expenditures from the
26 account may be used only for grants administered by the department of
27 transportation to:

28 (a) Counties to perform safety engineering analysis of mixed
29 vehicle use on any road within a county;

30 (b) Local governments to provide funding to erect signs providing
31 notice to the motoring public that (i) wheeled all-terrain vehicles
32 are present or (ii) wheeled all-terrain vehicles may be crossing;

33 (c) The state patrol or local law enforcement for purposes of
34 defraying the costs of enforcement of chapter 23, Laws of 2013 2nd
35 sp. sess.; (~~and~~)

36 (d) Law enforcement to investigate accidents involving wheeled
37 all-terrain vehicles;

38 (e) Counties of population fifty thousand or less for the
39 purposes of mapping and printing promotional materials related to

1 wheeled all-terrain vehicle tourism routes created under the pilot
2 program authorized in section 1 of this act; and

3 (f) Provide matching amounts to local jurisdictions that have set
4 aside funds for the purposes of promoting wheeled all-terrain vehicle
5 tourism routes created under the pilot program authorized in section
6 1 of this act.

7 (2) The department of transportation must prioritize grant awards
8 in the following priority order:

9 (a) For the purpose of marking highway crossings with signs
10 warning motorists that wheeled all-terrain vehicles may be crossing
11 when an ORV recreation facility parking lot is on the other side of a
12 public roadway from the actual ORV recreation facility; and

13 (b) For the purpose of marking intersections with signs where a
14 wheeled all-terrain vehicle may cross a public road to advise
15 motorists of the upcoming intersection. Such signs must conform to
16 the manual on uniform traffic control devices.

17 NEW SECTION. Sec. 4. This act takes effect July 1, 2018.

18 NEW SECTION. Sec. 5. Sections 2 and 3 of this act expire July
19 1, 2021.

20 NEW SECTION. Sec. 6. (1) During the 2021 legislative session,
21 the legislature shall review the reports provided under section 1(9)
22 of this act and consider whether to extend the program or to make the
23 program permanent, including whether to expand the program to allow
24 other counties to participate and to designate new routes. Section 1
25 of this act expires July 1, 2021, if legislative action is not taken
26 by July 1, 2021.

27 (2) The department of transportation must provide written notice
28 to the code reviser's office and others as deemed appropriate by the
29 department, if legislative action is not taken.

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