

The following speech is by Public Works Director Jim Foldesi, presented to the County Board as part of the May 10, 2016 Public Hearing on the proposed ATV ordinance.

It is always good to step back a little when presenting a topic like this and remember why we are here. The request to review possible changes for how we treat ATV's in our county road right of ways started at the grass roots political level. It started as requests from our townships, locals businesses and ATV riders. We established three pilot projects last fall allowing ATV's on certain county roads via a permit process. We did this to gain some experience with this issue prior to considering an ordinance, with good results.

A significant driver in these requests to use county roads is trail connectivity. ATV trails are more difficult and expensive to construct due to their year round all weather nature. Robust trail networks that are easy to navigate and provide a full weekend of riding for locals and tourists alike just don't exist right now, although the clubs are working hard on that. Since ATV's now far outnumber snowmobiles, we have a pent up demand with few places to ride.

It is legal today for class 1 ATV's to ride in the ditch or backslope of the roadway. But here is the rub. Most county roads do not have a "rideable" ditch bottom or backslope. So the ATV rider is left to make a decision. Can I call the ditch obstructed and therefor deem myself legal to ride on the right hand shoulder or extreme right hand side of the road? Will the officer agree with me? Or will I get a ticket? People want to ride legally, but they are often caught in these situations. In many cases with the existing trail systems, it is impractical to trailer between trails and roads open to ATV use. This ordinance is meant to provide clarity in these situations. As a result, we should get better compliance from riders and also aid law enforcement.

Some would say St. Louis County is late to the party on this. All of the counties around us have an ATV ordinance or policy already. I would say we have benefited from their experience and I thank them for that.

Lastly, this St. Louis County Board passed a resolution on September 22, 2015 directing Administration and Public Works Department to develop a comprehensive ATV Policy or Ordinance that may permit ATV use in the county road right-of-way. That draft ordinance is before you.

Prior to drafting the ordinance we had extensive public input through three public information meetings held in Midway Township, Ely and Virginia, a meeting with the St. Louis County Township Association, meetings with ATV clubs, a meeting with the IRRRB trails task force, a meeting with area law enforcement, a meeting with the SLC Planning Commission and meetings with various cities as requested. We reviewed our pilot project experiences. We set up a web page for email comments and with survey capabilities that were used to gather input from our online community. We established and are still accepting public input as part of an extended 45 day public comment period endorsed by this Board. All of this input informed the draft ordinance, which is being presented in this additional public hearing being held today and continued in Hibbing on May 24th.

This ordinance was drafted with simplicity in mind. We wanted it to be easy to understand for the public (who are the end users). We wanted it to be easy to enforce for our law enforcement officials, including our Sheriff, city police departments, State Patrol, and federal officials. To that end, we rely on the use of existing state statute and rules and reference them in the ordinance whenever possible. We also wanted to minimize administrative effort while providing the flexibility and tools necessary to deal with our large, diverse county. Above all, we wanted the ordinance to provide for safe ATV operations in our county road R/W's.

The best way to think about this ordinance is it expands the area of the road r/w that is legal for class 1 ATV's to ride in. As stated earlier, it is legal today for class 1 ATV's to ride in the ditch or backslope of the roadway. This ordinance expands that area to the right hand shoulder or extreme right hand side of the road on all county roads outside city limits. Class 2 ATV's are already legal to ride in this area.

The highlights of the draft ordinance are as follows:

- 1) Provides for ATV operation on the right hand shoulder or extreme right hand side of the road on all county roads outside the city limits of the 22 cities in St. Louis County.

- 2) Provides for a permit process with ATV clubs for roads inside city limits that requires the county to “confer” with the city. As currently drafted, an ATV club, in cooperation with the city, would approach the county to add county roads in the city limits to the ATV network. The city, county and ATV club would work together to define which county roads are appropriate, permit them with any special conditions, if applicable, and then add them to the county’s official ATV map. Due to the number of cities and wide variation of acceptance to ATV use within each city, we needed a flexible process that could change over time.
- 3) Provides for a permit process for any of our roads on an as-needed basis. This will be issue driven and will be a collaborative process with the ATV clubs. In a perfect world we will not need permits outside of cities. All permits will be issued by the Executive ATV Permit Committee consisting of two commissioners, the Sheriff, the County Land Commissioner and the County Public Works Director.
- 4) As per current state statute, today youth between 12 and 15 can operate in the road right of way in the ditch or backslope with a valid ATV safety certificate and with their parent or legal guardian. Assuming the draft ordinance allows for the expanded area of operation on the right hand shoulder or extreme right hand side of the road, then the youth will be allowed to ride in these areas as well, with the same requirements. The ordinance does not contain language specific to youth riders, but again seeks to be consistent with state statutes already in place.
- 5) Key to the ordinance is the following language: Except as provided in this Ordinance, all operation of all-terrain vehicles shall be in compliance with Minnesota Statutes §§ 84.92 – 84.928 and Minnesota Rules Chapter 6102, as well as any other applicable Federal, state or local statute, law, rule, regulation or ordinance. The referenced statutes and rules contain provisions for headlight and tail light usage, helmets required under the age of 18, unsafe operation and speed limits. In addition, all of the normal rules of the road apply to ATV’s when driving on streets or highways where allowed. These conditions are already in statute and rules, are applicable to our roads and therefor there is no need to duplicate the language in the

ordinance. This is clearer for local, state and federal enforcement agencies and the courts. It is also clearer for the users.

- 6) On the issue of speed limits, current statutes and rules state a person may not drive or operate an ATV at a rate of speed greater than reasonable or proper under the surrounding circumstances or greater than the posted speed limit. The safe and reasonable speed is the standard statutory speed law that applies to all vehicle operations in the state of MN. Most of our county roads do not have posted speed limits and fall under this provision. It allows for the variation in road surface, weather conditions, presence of other road users, etc, to dictate the appropriate speed in any given circumstance. For instance, if we were to place a maximum speed limit of 30 mph in the ordinance, there may be many circumstances where that is too fast for conditions (a foggy day, a wash boarded road.) In other cases it could be acceptable to ride at 35 mph. There are so many different levels of road design and surface condition that it does not seem practical to set one value.
- 7) Provides a mechanism for the County Board to close or restrict roads if needed.
- 8) Provides a mechanism for the Public Works Director to close roads quickly in the event of damage or safety issues. These actions are subsequently reviewable by the County Board or the Executive ATV Permit Committee.
- 9) Provides for an Official All-Terrain Vehicle Map that will be posted on the county website. This will be the document that road users and enforcement refer to. It will be updated as needed through action of the Executive ATV Permit Committee or as a result of County Board action.
- 10) Finally, the ordinance is proposed to be effective upon passage.

This ordinance was drafted with simplicity and safety as its guiding principles and we think it accomplishes that. But today, more importantly, we get to hear from the public and receive their feedback. With those remarks, the staff presentation is now concluded.