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Dear Sweetwater County Commissioners,

As individuals and organizations dedicated to reducing deaths and injuries caused by off-highway vehicles (OHVs), we are writing to urge you to consider the safety implications of increasing OHV access to your community's roads. Industry, regulators, and consumer and public health and safety advocates all agree that OHVs are not safe on public roads. Critically, we also write to communicate the dangers of allowing children to operate OHVs. We hope that this information will help inform any policy decision you make.

## **I. OHV-RELATED INCIDENTS ARE KILLING CHILDREN AT AN ALARMING RATE**

As of September 2022, the US Consumer Product Safety Commission (CPSC) staff received reports of 2,126 fatal off-highway vehicle-related incidents that occurred between 2017 and 2019, which resulted in 2,178 deaths.<sup>1</sup> **Approximately 283 – or 13% - of the OHV-related deaths were children under 16 years of age.** CPSC further estimated that there were 517,700 emergency department-treated injuries related to OHVs from 2017 through 2021. 140,000 – or 27% - of the estimated emergency department-treated OHV injuries are children under 16 years of age. Tragically, our coalition of concerned individuals and organizations have documented 498 OHV-related fatalities in 2023.<sup>2</sup> At least 94 of the fatalities – or 19% - were children under 16 years of age. Several of the fatalities were children as young as 3 or 4 years old. Most fatalities of children under 16 years of age were related to ATVs (57%), followed by ROV use (38%). At least 53% of the children killed in an OHV-related accidents last year were driving the vehicle. We are aware of at least 14 child fatalities in 2024, with a few fatalities of children as young as 5 years old. These numbers are likely underestimates as they are based solely on media reports and may grow as more data become available regarding additional deaths.

Dr. Charles Jennissen, clinical professor at the University of Iowa, Carver College of Medicine has stated that “[m]ore kids in the US under 16 die from ATVs than bicycle crashes.”<sup>3</sup> Dr. Jennissen has further noted that “[w]e talk a lot about bicycle safety for kids, *but this is a bigger killer, and we need to protect our children.*”<sup>4</sup> Alarming, recent research from Dr. Jennissen shows that incidents are on the rise across the nation.<sup>5</sup> Public health officials have also documented an increase in OHV deaths and injuries.

## II. OHVS ARE NOT SAFE FOR ROADWAY

### A. 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.”<sup>6</sup>

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.<sup>7</sup>

The Recreational Off-Highway Vehicle Association (ROHVA) also directs riders to “avoid paved surfaces. ROVs are designed to be operated off-highway.”<sup>8</sup> 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.

### B. More OHV Deaths Occur on Roadways than Off-Road

Data from the CPSC and from the National Highway Transportation Safety Administration’s (NHTSA) Fatality Analysis Reporting System (FARS) document that most ATV deaths take place on roads. Our coalition’s data confirm and underscore this fact. In 2023, at least 67% of the OHV-related deaths occurred on roads. 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.<sup>9</sup> 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.<sup>10</sup>

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.<sup>11</sup>

- **ROV Roadway Crashes:** There is much less data on the number and nature of ROV crashes in comparison to ATVs, but from 2013-2022 our coalition identified 1,203 ROV fatalities. The crash site could be identified in 1,164 of the 1,203 deaths. Of those 1,203 fatalities, 744 (61.8%) occurred on-road and 420 (40%) occurred off-road. As our coalition continues to gather more data, these figures may rise.
- **UTV Roadway Crashes:** There is much less data on the number and nature of UTV crashes in comparison to ATVs and ROVs, but from 2013-2022 our coalition identified 260 UTV fatalities. The crash site could be identified in 250 of the 260 deaths. Of those 260 fatalities, 169 (65%) occurred on-road and 81 (31%) occurred off-road. As our coalition continues to gather more data, these figures may rise.

### C. OHV Design Contributes to Roadway Deaths and Injuries

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

- **OHVs<sup>12</sup> 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,<sup>13</sup> and require “that the vehicle takes wider turns than are found in standard road design.”<sup>14</sup>
- **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.<sup>15</sup>
- **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,”<sup>16</sup> and makes it more difficult for OHVs to negotiate roadway curves, especially at the speeds often traveled on roads.

### D. 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.

### III. ADDITIONAL INFORMATION AND CONCLUSION

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 rethink any proposals that would increase 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 Courtney Griffin at Consumer Federation of America at [cgriffin@consumerfed.org](mailto:cgriffin@consumerfed.org) or (202) 567-7240.

Sincerely,

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<sup>1</sup> U.S. CPSC, 2022 Report of Deaths and Injuries Involving Off-Highway Vehicles with More than Two Wheels (May 2023).

<sup>2</sup> [https://consumerfed.org/press\\_release/2023-fatality-data-another-devastating-year-for-off-highway-vehicle-riders-and-occupants/](https://consumerfed.org/press_release/2023-fatality-data-another-devastating-year-for-off-highway-vehicle-riders-and-occupants/).

<sup>3</sup> 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>

<sup>4</sup> Ibid, emphasis added.

<sup>5</sup> Ibid.

<sup>6</sup> Tips and Practice Guide for the All-Terrain Vehicle Rider, ATV Safety Institute. [http://atvsafety.org/downloads/ATV\\_Riding\\_Tips.pdf](http://atvsafety.org/downloads/ATV_Riding_Tips.pdf)

<sup>7</sup> Specialty Vehicle Institute of America, Position in Opposition to On-Road Operation of ATVs. <http://www.svia.org/Downloads/PositionPaperOpposingOn-RoadUse.pdf>

<sup>8</sup> ROV Safety Rules. <http://www.rohva.org/>

<sup>9</sup> 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/>

<sup>10</sup> Id

<sup>11</sup> NHTSA, Fatalities in Traffic Crashes Involving All-Terrain Vehicles. <http://www-nrd.nhtsa.dot.gov/Pubs/812193.pdf>

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<sup>12</sup> 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/SafetyStandardforRecreationaOff-HighwayVehicles-ProposedRule.pdf](http://www.cpsc.gov/Global/Newsroom/FOIA/CommissionBriefingPackages/2014/SafetyStandardforRecreationaOff-HighwayVehicles-ProposedRule.pdf)

<sup>13</sup> 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/>

<sup>14</sup> Id.

<sup>15</sup> 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/SafetyStandardforRecreationaOff-HighwayVehicles-ProposedRule.pdf](http://www.cpsc.gov/Global/Newsroom/FOIA/CommissionBriefingPackages/2014/SafetyStandardforRecreationaOff-HighwayVehicles-ProposedRule.pdf)

<sup>16</sup> 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/>