



# Consumer Federation of America

May 28, 2024

## Public Comments Regarding 500-17 All-Terrain Vehicle Routes Ordinance

Mayor Emily McFarland  
City of Watertown  
emcfarland@watertownwi.gov

Aldersperson Dana Davis  
Chair, Public Safety & Welfare Committee  
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Aldersperson Steven Board  
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Aldersperson Brad Blanke  
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Aldersperson Eric Schmid  
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Aldersperson Jonathan Lampe  
Public Safety & Welfare Committee  
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Dear Mayor Emily McFarland, Chair Dana Davis, and Alderspersons Steven Board, Brad Blanke, Eric Schmid, and Jonathan Lampe:

My name is Courtney Griffin, and I am the Director of Consumer Product Safety for the Consumer Federation of America (CFA). Founded in 1968, CFA is one of the nation's largest consumer organizations working in the consumer interest through research, advocacy, and education. CFA represents over 250 national, state, and local groups.

CFA leads a coalition of individuals and organizations dedicated to reducing deaths and injuries caused by off-highway vehicles (OHVs). Our OHV Safety Coalition tracks news reports and compiles [OHV fatalities](#) in real time. The data from OHV fatalities demonstrates the serious risk of OHVs use on roadways. 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 your community's roads.

### A. Wisconsin Fatality Data

Tragically, our OHV Safety Coalition has identified 282 OHV-related deaths in Wisconsin from January 2013 through December 31, 2023. Of these deaths, at least 159 (56 %) occurred on-road. At least 8 percent of the fatalities were children 15 years old or younger, including many child pedestrians and children as young as 4 years old. At least 28 percent of the fatalities are known to be associated with alcohol use.

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

Our coalition started collecting data to provide decision makers with a better sense of the dangers posed by OHVs. See our data and analysis on our OHV webpage [here](#). Last year's data demonstrates the danger of OHV on-road use: 67% of all OHV deaths last year were associated with on-road use. This is consistent with previous years.

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>1</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>2</sup>

## **C. Even ATV Industry Associations Strongly Warning Against Public Road Use**

The Specialty Vehicle Institute of America (SVIA), which represents the manufacturers and distributors of ATVs, unequivocally opposes that use of ATVs on roads.<sup>3</sup> SVIA emphasizes that **ATVs are not designed, manufactured, or in any way intended for use on public streets, roads or highways and urges that on-highway use of ATVs be prohibited.** ATV use on highways, as some elected officials in your state have called for, is in direct conflict with manufacturers' intentions for ATVs proper use and is contrary to federal safety requirements.

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>4</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>5</sup>

## **D. 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>6</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>7</sup> and require “that the vehicle takes wider turns than are found in standard road design.”<sup>8</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>9</sup>
- **OHV tires do not meet Department of Transportation requirements:** Federal Motor Vehicle Safety Standards (FMVSS) do not apply to UTV or ATV tires. ATV and UTV tires are considered Not for Highway Service (NHS) tires and manufacturers may not certify such tires to conform to FMVSS. As such, these tires are not approved for use on public streets and are prohibited from use on public roads.
- **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>10</sup> and makes it more difficult for OHVs to negotiate roadway curves, especially at the speeds often traveled on roads.

#### **E. Children and OHVs Do Not Mix**

Year after year, children continue to make up an alarming percentage of OHV fatalities.

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>11</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>12</sup> Alarming, recent research from Dr. Jennissen shows that incidents are on the rise across the nation.<sup>13</sup> Public health officials have also documented an increase in OHV deaths and injuries, likely tied school closures and stay-at-home orders. CFA has identified that 16 states are reporting increases in OHV deaths and injuries, through media reports.

#### **F. Alcohol and OHVs Are a Dangerous Combination**

The proposed ordinance here provides no penalties for operating an OHV under the influence. The U.S. Consumer Product Safety Commission, the federal agency responsible for regulating OHVs, states that individuals should avoid drinking alcohol before or while driving and ATV because alcohol impairs judgement and response time.

#### **G. Additional Information and Conclusion**

The latest research about OHVs on roadways and OHV death and injuries, as well as a and the advocacy efforts undertaken by this coalition are available [here](#).

We urge you to carefully consider any plans to allow OHV to drive legally on your community’s roadways, keeping in mind the serious risk on-road use poses. If your committee moves forward with OHV access to roads, we urge you to carefully consider the fatality data and ensure children are protected from serious injury and death by setting robust and enforceable age limits for OHV drivers and occupants.

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> Id

<sup>2</sup> NHTSA, Fatalities in Traffic Crashes Involving All-Terrain Vehicles. <http://www-nrd.nhtsa.dot.gov/Pubs/812193.pdf>

<sup>3</sup> Specialty Vehicle Institute of America, Position in Opposition to On-Road Operation of ATVs. <https://svia.org/opposition-to-on-road-use/>.

<sup>4</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>5</sup> Specialty Vehicle Institute of America, Position in Opposition to On-Road Operation of ATVs. <http://www.svia.org/Downloads/PositionPaperOpposingOn-RoadUse.pdf>

<sup>6</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/SafetyStandardforRecreationalOff-HighwayVehicles-ProposedRule.pdf](http://www.cpsc.gov/Global/Newsroom/FOIA/CommissionBriefingPackages/2014/SafetyStandardforRecreationalOff-HighwayVehicles-ProposedRule.pdf)

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<sup>7</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>8</sup> Id.

<sup>9</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/SafetyStandardforRecreationalOff-HighwayVehicles-ProposedRule.pdf](http://www.cpsc.gov/Global/Newsroom/FOIA/CommissionBriefingPackages/2014/SafetyStandardforRecreationalOff-HighwayVehicles-ProposedRule.pdf)

<sup>10</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>11</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>12</sup> Ibid, emphasis added.

<sup>13</sup> Ibid.