



FERRY COUNTY
DEPARTMENT OF PUBLIC WORKS
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KEITH MUGGOCH P.E., COUNTY ENGINEER / DIRECTOR

COPY

DATE: July, 13 2007
MEMO TO: Ferry County Board of County Commissioners
FROM: Ferry County Engineer/Director
SUBJECT: ORV ordinance 2007-04

I have reviewed the proposed ORV ordinance and am submitting written comment. I feel that ORV traffic on the Ferry County Road system will decrease the safety to the public on these roads and that this will increase Ferry County's liability. Ferry County's secondary roads tend to be narrow with many substandard curves leading to limited sight distance. ORVs have little protection if they are involved in a collision with another vehicle and so I believe there will be an increase in injuries on Ferry County Roadways. Since ORVs are not required to have insurance this may further increase Ferry County's liability.

There are specific parts of the ordinance that may prove problematic. The third WHEREAS uses the term nonhighway roads, which by definition are roads not built with Motor Vehicle Funds within the last 25 years nor maintained with Motor Vehicle Funds. All the roads listed in the resolution accompanying the ordinance are maintained with Motor Vehicle Funds and are not nonhighway roads. In section 2B1 it states the operator must have a valid drivers license, it does not state that the license must be on their person. Section 2B2a misquotes RCW 46.09.120, as the spark arrester must be DNR approved, not USFS approved. Section 2C1 and section 2C2 provide for a 10 mph speed limit under certain conditions. This means that different vehicles on the same roadway will have a considerable difference in speed, allowing for increased probability of collisions.

The resolution accompanying the ordinance lists roads that do not provide a direct connection between a city with a population of less than three thousand persons and an off road vehicle recreation facility. I don't believe that these roads fall within the limits set by RCW 46.09.180. If they do not, then the resolution accompanying the ordinance would be illegal. I would suggest that this issue be reviewed by legal consul.

Thank you for your time in consideration of this matter.

Keith Muggoch
County Engineer/Director