MONTANA TRAIL VEHICLE RIDERS ASSOCIATION

Creating a positive future for off-highway vehicle recreation

STATE ADMINISTRATION
Exhibit No. 1
Date 3-13-07
Bill No. HB-332

Testimony in support of HB332

"AN ACT ADOPTING NATIONALLY ACCEPTED NOISE LIMITS FOR QUADRICYCLES; REQUIRING QUADRICYCLES TO BE EQUIPPED WITH SPARK ARRESTOR; AND AMENDING SECTION 61-9-418, MCA"

Presented to the Transportation Committee

March 13, 2007

Chairman Gerald Pease, Members of the Committee:

My name is Russ Ehnes. I am from Great Falls and I am the President of the Montana Trail Vehicle Riders Association (MTVRA). I am offering this testimony on behalf of MTVRA. The MTVRA is an organization dedicated to protecting access for responsible off-highway vehicle recreational activities in Montana. MTVRA is comprised of 18 local OHV clubs across Montana and represents over 5,000 individual and family members.

MTVRA strongly supports HB332, which would limit exhaust sound emissions for motorcycles and ATVs ridden off-highway, herein referred to as OHVs, on public lands in Montana. Off-highway vehicle recreation is a very popular activity in Montana and is recognized as a legitimate use of State and Federal lands nationwide. OHV recreation is also an activity that must be managed in order to be sustainable. One aspect of OHV management is dealing with the social conflicts of various uses on public lands. Without question the most frequent objection of the general public to OHV use on public lands is excessive sound. As an organization, the MTVRA believes that while we have the right to utilize public lands in a responsible manner, we also have a responsibility to minimize our impacts on the environment and on the rights of others to peacefully enjoy public lands. HB332 will eliminate the use of excessively loud OHVs on Montana's public lands and will establish a reasonable and enforceable sound limit.

Excessive OHV sound on public land can be directly traced to one cause; off-highway motorcycles and ATVs with competition exhaust systems or modified exhaust systems being operated on public land. Some of these vehicles test in excess of 102dba, which is roughly four times louder than the proposed 96dba limit. While these exhaust systems

may be appropriate for competition use, they are not appropriate for use on Montana's public lands.

All OHVs intended for use on public land are manufactured to comply with an EPA 50' drive-by test sound limit of 82dba. This test is intended to assess the total of all sounds produced by the vehicle and is impossible to administer in the field. The SAE J1287 test was developed to test exhaust sound produced by OHVs. The J1287 is a static test administered 20" from the exhaust and can be easily conducted in the field with reasonably inexpensive equipment and minimal training. While there is no exact correlation between the 82dba EPA 50' drive-by test and the J1287 procedure, extensive testing by the OHV manufacturers has revealed that 96 dba is a level that virtually all OHVs equipped with stock USFS approved spark arrestors can pass, even after normal use.

There are several additional reasons why the 96dba sound limit is important and reasonable:

- The 96dba limit has been adopted in California, Idaho, Maine, New Hampshire, Wisconsin, Massachusetts, New Mexico, Ohio, and Minnesota. This would allow Montana recreationists to comply in other states and vice versa.
- In California the 96dba limit was the result of an agreement between 54 organizations including state government, OHV advocacy groups, and environmental organizations.
- The 96dba limit is supported by virtually every national OHV organization including the Motorcycle Industry Council, The Specialty Vehicle Institute of America, the American Motorcyclist Association, BlueRibbon Coalition, and the National Off-Highway Vehicle Conservation Council.
- Nearly every aftermarket exhaust manufacturer builds products designed to comply with the 96dba limit.
- The 96dba limit does not place a hardship on OHV owners because stock, USFS spark-arrested exhaust systems meet the restriction and competition models can be easily equipped with 96dba spark-arrested aftermarket exhausts.

Enforcement of the 96dba limit is very practical and can be achieved fairly easily and inexpensively. The test procedures are clearly described in a sound manual available free of charge from the Motorcycle Industry Council. Enforcement officers have the option of reading the manual and administering the test or taking inexpensive training courses. The equipment for testing, while not inexpensive, is readily available and in some cases is already owned by agencies. There are also several sources of funding available to cover the cost of training and equipment purchase including the Montana OHV Grant Program, and the Recreational Trails Program.

Passing HB332 is important to the MTVRA because we strongly believe that a 96dba sound limit, along with continued educational efforts, will minimize social conflicts

generated by excessively loud OHV exhaust systems. MTVRA will work diligently and in cooperation with the US Forest Service, Montana Fish Wildlife and Parks, and local and county governments to secure grants for training and equipment. MTVRA will continue to conduct courtesy sound tests at all events to help educate riders and assure compliance.

Thank you for considering our testimony.

Respectfully submitted,

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