



U.S. CONSUMER PRODUCT SAFETY COMMISSION
4330 EAST WEST HIGHWAY
BETHESDA, MD 20814

March 17, 2015

The Honorable Gary Herbert
Office of the Governor
350 North State Street
Suite 200
Salt Lake City, Utah 84114-2220

Dear Governor Herbert:

As a U.S. Consumer Product Safety Commissioner, I am writing to state my opposition to the provisions of SB 258 which would expand existing Utah law to allow off-road vehicles to operate on additional state roads and highways and would increase the maximum speed limit for the vehicles from 45 to 50 miles per hour. The legislation would need your signature to become law.

The Consumer Product Safety Commission is currently considering a mandatory federal rulemaking for Recreational Off-Road Vehicles (ROVs) and is studying the hazards associated with All Terrain Vehicles (ATVs). While there is disagreement on what regulatory actions CPSC should take, there is widespread agreement among manufacturers, user groups, and consumer groups on a key point: ATVs and ROVs are designed, manufactured, and sold for off-road use only.

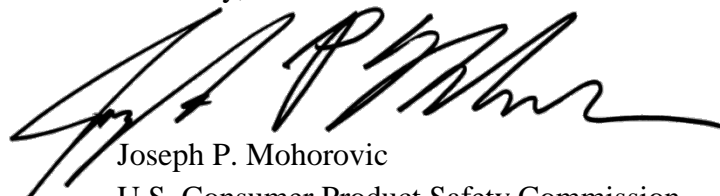
As I am sure you are aware, Utah law currently allows "street legal" off-road vehicles to be operated on most paved roads and highways in the state and the current maximum speed limit is 45 miles per hour. Operating an off-road vehicle on a paved road or highway is already dangerous, and to expand their use to limited-access highways and increase their speed of operation will only increase the risk of death and injury to the drivers and passengers, many of whom are children.

The latest study from the Insurance Institute for Highway Safety review of the U.S. Department of Transportation's Fatality Analysis Reporting System data (FARS) shows that deaths involving on-road use of ATVs have increased dramatically in recent years. Nationwide, on-road ATV deaths have increased 900% from 35 in 1982 – when FARS began distinguishing on- versus off-road incidents – to 319 in 2013.

As a former New Mexico state legislator, I fully understand state and local governments' desire to be free of mandates from the federal government. I take states' rights seriously as I make decisions as a CPSC Commissioner. I voted against the pending mandatory federal rulemaking for ROVs.¹ But as state and local governments consider allowing on-road use of products designed and manufactured for off-road use, I feel compelled to share my views.

Thank you for the time and courtesy of being able to communicate with you on this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joe P. Mohorovic', written in a cursive style.

Joseph P. Mohorovic

U.S. Consumer Product Safety Commission

¹ *Statement of Commissioner Joe Mohorovic on the Commission's proposed mandatory rule regarding recreational off-highway vehicles (ROVs)*, U.S. Consumer Product Safety Commission, (Oct. 31, 2014), <http://www.cpsc.gov/en/About-CPSC/Commissioners/Joseph-Mohorovic/Commissioner-Mohorovic-Statement/Statements/Statement-of-Commissioner-Mohorovic-on-the-proposed-mandatory-rule-regarding-recreational-off-highway-vehicles/>