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**Fisheries, Ecology & Parks  
Committee**

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**HB 1698**

**Brief Description:** Concerning the distribution and use of funds provided to off-road vehicle and nonhighway road recreational activities.

**Sponsors:** Representatives Cooper, Anderson, Wood, Jarrett, O'Brien, Murray, Upthegrove, Pflug and Dunshee.

**Brief Summary of Bill**

- Adjusts the distribution requirements for the Interagency Committee for Outdoor Recreation's Nonhighway and Off-road Vehicle grant program.

**Hearing Date:** 2/11/03

**Staff:** Jeff Olsen (786-7157).

**Background:**

The motor vehicle fuel tax supports the state transportation system including the construction and maintenance of state roads and highways. However, fuel tax paid on gasoline consumed for recreational purposes on nonhighway roads is used to support nonhighway and off-road vehicle recreational facilities. Examples of nonhighway purposes include driving a vehicle on a forest road, or operating an all terrain vehicle on a trail. The treasurer deposits one percent of the fuel tax revenue, based on a fuel tax rate of \$0.18 cents per gallon, into the Nonhighway and Off-Road Vehicle Account (NOVA). Funds from the NOVA account are distributed by statutory formula including:

- 40 percent is deposited into the(ORV) account for the Department of Natural Resources (DNR) to maintain and manage ORV and nonhighway road recreational facilities on DNR land;
- 3.5 percent is deposited in the ORV account and administered by the Department of Fish and Wildlife for acquisition, planning, development, maintenance and management of nonhighway roads and recreation facilities;

- 2 percent is deposited in the ORV account and administered by the State Parks and Recreation Commission for the maintenance and management of ORV facilities; and
- 54.5 percent is deposited into the (NOVA) account, administered by the Interagency for Outdoor Recreation (IAC) for the planning, maintenance and management of ORV and nonhighway road recreational facilities, as well as ORV education and law enforcement programs.

Funds distributed to the IAC for the NOVA grant program are subject to the following spending restrictions:

- up to 20 percent for ORV education, information, and law enforcement;
- up to 60 percent for ORV recreation facilities; and
- up to 20 percent for nonhighway road recreation facilities.

The 2001 Capital Budget (Section 346 (3), Chapter 8, Laws of 2001, Second Special Session) appropriated \$175,000 to the IAC to contract with an independent entity to study the source and use of funds provided to off-road vehicle and nonhighway road recreational activities under RCW 46.09.170. The study's objective was to measure the relative portion of the motor vehicle fuel tax revenues that are attributable to vehicles operating off-road or on nonhighway roads for recreational purposes as provided in RCW 46.09.170. The study was to include the types of vehicles and location of their use, the types of recreational activities, and the types of recreational facilities used.

The IAC was directed to review the analysis and submit a report to the standing committees of the Legislature, including recommendations regarding amendments to RCW 46.09.170 to:

- Allocate revenues consistent with the relative proportion of the uses generating such revenues; and,
- Ensure funding for existing off-road vehicle facilities operated by the state parks and recreation commission and local governments.

The fuel use survey determined 25.7 million gallons of motor vehicle fuel is estimated to have been consumed on nonhighway roads in the following categories:

- 20 percent motorized recreation activities (riding motorbikes, ATVs, snowmobiles);
- 31 percent nonmotorized related activities (hiking, mountain biking, horseback riding); and
- 49 percent "other" (camping, sightseeing, hunting, fishing).

### **Summary of Bill:**

#### **New Definition**

Nonhighway road recreation facility is defined as trails and facilities that are accessed by

nonhighway roads and intended solely for nonmotorized recreational uses.

### **New Distribution Requirements**

The expenditure requirements for the NOVA program administered by the IAC are adjusted. The restriction that not more than 20 percent may be expended on ORV enforcement and education is expanded to 50 percent and may also include state and federal nonhighway road recreation projects. The restriction that not more than 60 percent may be expended for ORV facilities is changed to not more than 60 percent of the funds not expended on state and federal nonhighway road recreation projects and ORV enforcement and education. The restriction that not more than twenty percent may be expended for nonhighway road recreation facilities is changed to not more than 60 percent of the funds not expended on state and federal nonhighway road recreation projects and ORV enforcement and education.

The new distribution criteria are:

- 1) Not more than 50 percent for state and federal nonhighway road recreation projects or nonhighway and ORV education, information, and law enforcement except for motorized and nonmotorized trails;
- 2) Not more than 60 percent of funds not expended in category 1 for ORV recreation facilities; and
- 3) Not more than 60 percent of funds not expended in category 1 for nonhighway road recreation.

### **Study Update**

Beginning in 2013, the IAC shall update the fuel use study every 10 years. The IAC is also directed to contract with an independent entity to study the source and make recommendations on the distribution and use of funds provided to off-road vehicle and nonhighway road recreation facilities. The study must determine the relative portion of the motor vehicle fuel tax revenues that are attributable to vehicles operating off-road or on nonhighway roads for recreational purposes as provided in RCW 46.09.170. The study must also include the types of vehicles and location of their use, the types of recreational activities, and the types of recreational facilities used.

**Appropriation:** None.

**Fiscal Note:** Requested on February 5, 2003.

**Effective Date:** The bill takes effect ninety days after adjournment of session in which bill is passed.