

# AGENDA



# 4:30 P.M.

## CITY COUNCIL MEETING

## TUESDAY, MAY 23, 2023

### NOTES:

- Public Forum: Comments are generally limited to **3 minutes**.
- Consent Items: Items listed under Consent Items have been distributed to Council Members in advance for study and will be enacted by one motion. Any member of the Council, staff or the public may remove an item from the Consent Items for discussion. For additional information on pulling a Consent Item, please contact the City Clerk's Office staff, preferably in advance of the Call to Order. Items removed from the Consent Items may be acted upon before proceeding to the next agenda item.
- Meeting room is wheelchair accessible. American Disabilities Act (ADA) accommodations are available upon request. Please phone 928-282-3113 at least two (2) business days in advance.
- City Council Meeting Agenda Packets are available on the City's website at:

[www.SedonaAZ.gov](http://www.SedonaAZ.gov)

THE MEETING CAN BE VIEWED LIVE ON THE CITY'S WEBSITE AT [WWW.SEDONAAZ.GOV](http://WWW.SEDONAAZ.GOV) OR ON CABLE CHANNEL 4.

### GUIDELINES FOR PUBLIC COMMENT

#### PURPOSE:

- To allow the public to provide input to the City Council on a particular subject scheduled on the agenda.
- This is not a question/answer session.
- No disruptive behavior or profane language will be allowed.

#### PROCEDURES:

- Fill out a "Comment Card" and deliver it to the City Clerk.
- When recognized, use the podium/microphone.
- State your:
  1. Name and
  2. City of Residence
- Limit comments to **3 MINUTES**.
- Submit written comments to the City Clerk.

### 1. CALL TO ORDER/PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

### 2. ROLL CALL

### 3. CONSENT ITEMS - APPROVE

LINK TO DOCUMENT =

- a. Minutes - May 9, 2023 City Council Regular Meeting.
- b. Minutes - May 10, 2023 City Council Special Meeting.
- c. Approval of Memorial Day Proclamation, May 29, 2023.

### 4. APPOINTMENTS

- a. AB 2954 **Discussion/possible action** regarding the appointment of Corrie Cooperman to the Public Safety Personnel Retirement System (PSPRS) Local Board.

### 5. SUMMARY OF CURRENT EVENTS BY MAYOR/COUNCILORS/CITY MANAGER

### 6. PUBLIC FORUM

(This is the time for the public to comment on matters not listed on the agenda. The City Council may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism, or scheduling the matter for further consideration and decision at a later date.)

### 7. PROCLAMATIONS, RECOGNITIONS & AWARDS

- a. Memorial Day, May 29, 2023.

### 8. REGULAR BUSINESS

- a. AB 2941 **Discussion/presentation** by Jennifer Brehler, Executive Director of the Humane Society of Sedona, to provide an update to the City Council on their activities, accomplishments, and general service provision to the community.
- b. AB 2940 **Discussion/presentation** by Nate Meyers, Executive Director of the Sedona Heritage Museum, to provide an update to the City Council on their activities, accomplishments, and general service provision to the community.
- c. AB 2944 **Presentation/discussion** regarding Greater Sedona Recreation Collaborative's (GSRC) work towards improved management and mitigation of impacts of motorized recreational uses in and around Sedona.
- d. AB 2950 **Discussion/direction** regarding an Ordinance amending the Sedona City Code Title 10 (Vehicles and Traffic) by adding Chapter 10.30 (Improper Motor Vehicle Equipment).
- e. AB 2861 **Discussion/possible direction/action** regarding proposed State legislation, short-term rental legislation and State budget and their potential impact on the City of Sedona.
- f. **Reports/discussion** regarding Council assignments.
- g. **Discussion/possible action** regarding future meeting/agenda items.

CITY COUNCIL CHAMBERS  
102 ROADRUNNER DRIVE, SEDONA, AZ

The mission of the City of Sedona government is to provide exemplary municipal services that are consistent with our values, history, culture and unique beauty.



### Page 2, City Council Meeting Agenda Continued

#### 9. EXECUTIVE SESSION

Upon a public majority vote of the members constituting a quorum, the Council may hold an Executive Session that is not open to the public for the following purposes:

- a. To consult with legal counsel for advice on matters listed on this agenda per A.R.S. § 38-431.03(A)(3).
- b. Return to open session. Discussion/possible action on executive session items.

#### 10. ADJOURNMENT

Posted: 5/18/2023

By: DJ

JoAnne Cook, CMC, City Clerk

Note: Pursuant to A.R.S. § 38-431.02 notice is hereby given to the members of the City Council and to the general public that the Council will hold the above open meeting. Members of the City Council will attend either in person or by telephone, video, or internet communications. The Council may vote to go into executive session on any agenda item, pursuant to A.R.S. § 38-431.03(A)(3) and (4) for discussion and consultation for legal advice with the City Attorney. Because various other commissions, committees and/or boards may speak at Council meetings, notice is also given that four or more members of these other City commissions, boards, or committees may be in attendance.

A copy of the packet with materials relating to the agenda items is typically available for review by the public in the Clerk's office after 1:00 p.m. the Thursday prior to the Council meeting and on the City's website at [www.SedonaAZ.gov](http://www.SedonaAZ.gov). The Council Chambers is accessible to people with disabilities, in compliance with the Federal 504 and ADA laws. Those with needs for special typeface print, may request these at the Clerk's Office. All requests should be made **forty-eight hours** prior to the meeting.

**NOTICE TO PARENTS AND LEGAL GUARDIANS:** Parents and legal guardians have the right to consent before the City of Sedona makes a video or voice recording of a minor child, pursuant to A.R.S. § 1-602(A)(9). The Sedona City Council meetings are recorded and may be viewed on the City of Sedona website. If you permit your child to attend/participate in a televised City Council meeting, a recording will be made. You may exercise your right not to consent by not allowing your child to attend/participate in the meeting.

CITY COUNCIL CHAMBERS  
102 ROADRUNNER DRIVE, SEDONA, AZ

The mission of the City of Sedona government is to provide exemplary municipal services that are consistent with our values, history, culture and unique beauty.

**Action Minutes**  
**Regular City Council Meeting**  
**City Council Chambers, Sedona City Hall,**  
**102 Roadrunner Drive, Sedona, Arizona**  
**Tuesday, May 9, 2023, 4:30 p.m.**

**1. Call to Order/Pledge of Allegiance/Moment of Silence**

Mayor Jablow called the meeting to order at 4:30 p.m.

**Council Present:** Mayor Scott Jablow, Vice Mayor Holli Ploog, Councilor Melissa Dunn, Councilor Brian Fultz, Councilor Pete Furman, Councilor Kathy Kinsella. Councilor Jessica Williamson was absent and excused.

**Staff Present:** City Manager Karen Osburn, Deputy City Manager Joanne Keene, City Attorney Kurt Christianson, Assistant City Manager/Director of Public Works Andy Dickey, Assistant City Attorney Doug Drury, Police Chief Stephanie Foley, Deputy Police Chief Ryan Kwitkin, Director of Wastewater Roxanne Holland, Executive Assistant Karen Kwitkin, Arts Coordinator Nancy Lattanzi, Deputy City Clerk Marcy Garner, and City Clerk JoAnne Cook.

**2. Roll Call/Moment of Art**

Nancy announced the new art exhibit at city hall features work from the members of the Red Rock Quilters Guild and the Art Reception featuring their work will be on Thursday, May 11<sup>th</sup> from 4:00 – 6:00 p.m. in Council Chambers and the Vultee Conference Room. Nancy advised it is National Photo Month and introduced photojournalist Rick Dembow. Rick presented a slide show of some of his work and thanked the city manager and councilmembers for inviting him for the Moment of Art.

**3. Consent Items**

- a. Minutes - April 25, 2023 City Council Regular Meeting.
- b. Minutes - April 26, 2023 City Council Special Meeting.
- c. AB 2943 Approval of a Resolution authorizing the City Clerk as the City's Authorized Representative, and the Director of Financial Services as the City's Alternate Authorized Representative Forms Submission to the AZ Department of Emergency and Military Affairs; and authorizing the authorized representatives to execute and deliver said applications on behalf of the City of Sedona.
- d. AB 2951 Approval for procurement of annual replacement UV lamps, sleeves, and ballasts from Trojan Technologies in an amount not to exceed \$102,045.18.
- e. Approval of Letter Carriers' Stamp Out Hunger Food Drive Day, May 13, 2023.

Councilor Fultz pulled item 3d, AB 2951.

Questions from Council.

Roxanne Holland was available for questions.

**Motion: Vice Mayor Ploog moved to approve consent item 3d. Seconded by Councilor Kinsella. Vote: Motion passed with six (6) in favor (Jablow, Ploog, Dunn, Fultz, Furman, Kinsella) and zero (0) opposed.**

**Motion: Vice Mayor Ploog moved to approve consent items 3a,3b,3c,and 3e. Seconded by Councilor Kinsella. Vote: Motion passed with six (6) in favor (Jablow, Ploog, Dunn, Fultz, Furman, Kinsella) and zero (0) opposed.**

**4. Appointments - None.**

**5. Summary of Current Events by Mayor/Councilors/City Manager**

Mayor Jablow advised the ADOT road construction on SR 179 is completed until June. Councilor Kinsella advised the Public Works Department received an additional electric vehicle yesterday, a Volkswagon. Councilor Dunn advised the Sedona Airport will have a public information open house on the proposed runway safety area and taxi AA improvements on Monday, May 22<sup>nd</sup> from 1:00-3:00 p.m. at the Sedona United Methodist Church and another open house will be held on Tuesday, May 23<sup>rd</sup> from 5:30-7:30 p.m. at the Sedona Public Library. Vice Mayor Ploog advised the Parks and Recreation Department will be starting their Summer Camps Program. There will be two sessions of the Lego Camp, the Missoula Children's Theatre, two sessions of the AZ Science Center Summer Camp, the Sedona Mountain Bike Academy, and the Prana Beans Kids Yoga Camp. Costs are dependent on the camp selected and prices range from \$0-\$345, and age groups range from age two to 18 years. The Red Dirt Spring Concert Series started last Friday and will continue every Friday in May from 5:30-7:30 p.m. Adult softball registration is open with games on Thursday evenings at Posse Ground Park on Thursday evenings, June – August. Open Gym for volleyball is offered on Tuesdays, and on Thursdays and Sundays for basketball, the cost is \$2 ea. Information regarding tennis lessons, Yappy Hour, disc golf, and Beginners Edge Sports Training may be found at [Sports | City of Sedona \(sedonaaz.gov\)](https://www.sedonaaz.gov/sports). Vice Mayor Ploog stated the Fire Department in partnership with the City's Maintenance Department held their Firewise Yard Waste and Debris Collection Event at Posse Grounds Park last weekend from 8:00 a.m.-5:00 p.m. on Saturday and Sunday.

**6. Public Forum – None.**

**7. Proclamations, Recognitions & Awards**

**a. Letter Carriers' Stamp Out Hunger Food Drive Day, May 13, 2023.**

Mayor Jablow presented the proclamation to Sedona Food Bank's Executive Director Cathleen Healy-Baiza. Cathleen thanked Council and city residents for their support. She said residents will receive a bag in their mailbox to put the food donations in and place near or in the mailbox. The Sedona Food Bank will assist the mail carriers up the donations. She encouraged residents to visit [www.sedonafoodbank.org](https://www.sedonafoodbank.org) to fill out an application online and said they may also be reached on Facebook.

**8. Regular Business**

**a. AB 2948 Discussion/presentation by Sedona Sister Cities' Board of Directors Chair Chuck Marr on their activities and accomplishments.**

Presentation from Board Chair Chuck Marr, Board Member Don Groves, and Vice President Carol Meyer.

Questions and Comments from Council.

Discussion and presentation only, no action taken.

Item 7, Public Forum was opened at 5:17 p.m. No public comments were heard.

**b. AB 2861 Discussion/possible direction/action regarding proposed State legislation, short-term rental legislation and State budget and their potential impact on the City of Sedona.**

Presentation by Joanne Keene.

**c. Reports/discussion regarding Council assignments**

Councilor Fultz attended the Northern Arizona Council of Governments (NACOG) bi-monthly April 27<sup>th</sup>. He voiced his concern regarding the Maricopa County's half cent transportation tax (Prop 400) that is due to sunset in a year and the impact that may have on available funds. Councilor Dunn stated she attended the League of AZ Cities and Town's (LACT) Infrastructure Committee meeting. She advised that Mayor Jablow presented safety concerns related to OHVs on public roads and requested support from the League and it was agreed to address this with ADOT. There will be a presentation to ADOT gain feedback from ADOT at the state level. Councilor Kinsella stated the Sedona Community Center is in desperate need of drivers and urged those interested in volunteering to reach out to them. Councilor Furman stated the Governor appointed Ron Doba to the statewide Water Policy Board. Vice Mayor Ploog attended the LACT Neighborhoods Quality of Life & Sustainability Committee and said the Committee supported a resolution for Equal Rights Amendment.

**d. Discussion regarding ideas for future meeting/agenda items**

Vice Mayor Ploog asked Council if there was interest in a Council discussion regarding the new Northern Health Care's Medical Center that is planned to be built and in Flagstaff. Councilor Kinsella supported a future item to discuss the item. This item will be placed on a future agenda.

**9. Executive Session**

**Upon a public majority vote of the members constituting a quorum, the Council may hold an Executive Session that is not open to the public for the following purposes:**

- a. To consult with legal counsel for advice on matters listed on this agenda per A.R.S. § 38-431.03(A)(3).**
- b. Return to open session. Discussion/possible action on executive session items.**

No Executive Session was held.

**10. Adjournment**

Mayor Jablow adjourned the meeting at 5:41 p.m. without objection.

**I certify that the above are the true and correct actions of the Regular City Council Meeting held on May 9, 2023.**

\_\_\_\_\_  
JoAnne Cook, CMC, City Clerk

\_\_\_\_\_  
Date

**Action Minutes  
Special City Council Meeting  
City Council Chambers, Sedona City Hall  
102 Roadrunner Drive, Sedona, Arizona  
Wednesday, May 10, 2023, 3:00 p.m.**

**1. Call to Order**

Mayor Jablow called the meeting to order at 3:00 p.m.

**2. Roll Call**

**Roll Call:** Mayor Scott Jablow, Vice Mayor Holli Ploog, Councilor Melissa Dunn, Councilor Brian Fultz, Councilor Pete Furman, Councilor Kathy Kinsella, and Councilor Jessica Williamson. Councilor Jessica Williamson attended via Teams.

**Staff in attendance:** City Manager Karen Osburn, Deputy City Manager Joanne Keene, City Attorney Kurt Christianson, Communications Manager Lauren Browne, Public Relations Coordinator Kegn Moorcroft, Economic Development VISTA Specialist Abby Hill, City Clerk JoAnne Cook, and Deputy City Clerk Marcy Garner.

**3. Special Business**

- a. **AB 2949 Discussion/possible direction/action regarding the development of a municipal destination marketing and management program, including consideration of a Resolution establishing the Tourism Advisory Board.**

Presentation by Karen Osburn and Font Burner Media LLC Principal Consultant, Heather Herman.

Questions and Comments from Council.

Opened to the public at 4:40 p.m.

The following people spoke regarding this item, Cassandra Wright, Sedona, Stuart Zimmerman, Sedona, Laura Marcos, Sedona, and Ann Kelley, Sedona.

Brought back to council at 4:52 p.m.

Break 4:57 p.m. to 5:05 p.m.

**Motion: Vice Mayor Ploog moved to approve Resolution No. 2023-15, establishing an 11-member Tourism Advisory Board as amended. Seconded by Councilor Kinsella. Vote: Motion passed with six (6) in favor (Jablow, Ploog, Dunn, Fultz, Kinsella, Williamson) and one (1) opposed (Furman).**

- b. **Discussion/possible action regarding future meetings/agenda items – None.**

**4. Executive Session**

**If an Executive Session is necessary, it will be held at City Hall, 102 Roadrunner Drive, Sedona, AZ 86336. Upon a public majority vote of the members constituting a quorum, the Council may hold an Executive Session that is not open to the public for the following purposes: to consult with legal counsel for advice on matters listed on this agenda per A.R.S. § 38-431.03(A)(3).**

- a. **Return to open session. Discussion/possible action on executive session items.**

**5. Adjournment**

Mayor Jablow adjourned the meeting at 6:07 p.m. without objection.

**I certify that the above are the true and correct actions of the Special City Council Meeting held on May 10, 2023.**

\_\_\_\_\_  
Marcy Garner, Deputy City Clerk

\_\_\_\_\_  
Date



Office of the Mayor City of  
Sedona, Arizona



**Proclamation**  
**155<sup>th</sup> ANNIVERSARY OF MEMORIAL DAY**  
**May 29, 2023**

WHEREAS, on Monday, May 29, 2023, in cities and towns throughout our nation, Americans will join together to honor the fallen heroes of our Armed Forces on the 155<sup>th</sup> Anniversary of Memorial Day, and

WHEREAS, in May 1868, Major General John A. Logan called for a nationwide day of remembrance to pay tribute to those who gave their lives serving our country, which would be designated Memorial Day by Congress; and

WHEREAS, over **3,000** veterans of the United State Armed Forces currently reside in the Verde Valley; and

WHEREAS, our men and women in uniform have sacrificed their lives to maintain the security of our great nation and the liberties we hold so dear; and

WHEREAS, members of our Armed Forces continue to work toward peace and prosperity in the world; and

WHEREAS, we pledge to never forget the men and women of the Armed Forces who gave the ultimate sacrifice in defending our freedoms; we should express our gratitude to the families of our fallen warriors; we must keep faith with all those who have died for our country in the fight for permanent peace; and we must honor our unwavering commitment to all members of the Armed Forces.

NOW, THEREFORE, I, SCOTT JABLOW, MAYOR OF THE CITY OF SEDONA, ARIZONA,  
ON BEHALF OF THE SEDONA CITY COUNCIL,

- Do hereby proclaim May 29, 2023 as "Memorial Day" in the City of Sedona in recognition of all those who have made the ultimate sacrifice to our nation.
- Direct all flags in the City of Sedona to be lowered to half-staff from sunrise until noon on Monday, May 29, 2023, in memory of the fallen heroes of our Armed Forces.

Issued this 23<sup>rd</sup> day of May 2023.

\_\_\_\_\_  
Scott M. Jablow, Mayor

ATTEST:

\_\_\_\_\_  
JoAnne Cook, CMC, City Clerk



**CITY COUNCIL  
AGENDA BILL**

**AB 2954  
May 23, 2023  
Appointments**

**Agenda Item:** 4a  
**Proposed Action & Subject:** Discussion/possible action regarding the appointment of a Public Safety Personnel Retirement System (PSPRS) Local Board Member.

<b>Department</b>	City Clerk
<b>Time to Present</b>	2 minutes
<b>Total Time for Item</b>	5 minutes
<b>Other Council Meetings</b>	N/A
<b>Exhibits</b>	A. Applications

City Attorney Approval	Reviewed 5/16/23 KWC	<b>Expenditure Required</b>
		\$ N/A
City Manager's Recommendation	Appoint Corrie Cooperman to the Public Safety Personnel Retirement System (PSPRS) Board.	<b>Amount Budgeted</b>
		\$ N/A
		Account No. (Description)
		Finance Approval <input checked="" type="checkbox"/>

**SUMMARY STATEMENT**

**Background:** The Public Safety Personnel Retirement System (PSPRS) Board advertised seeking applicants to fill one (1) seat on the Board, with interviews completed on May 4, 2023. The open seat was due to the term expiration of a board member. A total of three (3) applications were received for this vacancy. One (1) applicant withdrew their application, and two (2) interviews were scheduled.

The Selection Committee, made up of Mayor Scott Jablow and PSPRS Board Chairman Pete Furman, interviewed the applicants on May 23, 2023 and recommended the appointment of Corrie Cooperman to the open seat on the Public Safety Personnel Retirement System (PSPRS) Board. This term will begin immediately and end May 23, 2027 or until a successor is appointed, whichever is later.

**Board/Commission Recommendation:**  **Applicable** -  **Not Applicable**

**Alternative(s):** Council may request that the vacancy be reposted.

**MOTION**

**I move to:** appoint Corrie Cooperman to the Public Safety Personnel Retirement System (PSPRS) Board with a term beginning immediately and ending May 23, 2027, or until a successor is appointed, whichever is later.



# PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM (PSPRS) LOCAL BOARD APPLICATION

**Thank you for your interest in serving on the City of Sedona Public Safety Personnel Retirement System Local Board**

**Before You Begin.** Please read the following instructions carefully before filling out your application – type or print clearly in ink only. A resume is not required, but you are encouraged to submit one. However, you must complete all questions and furnish all requested information. If an item does not apply to you, or if there is no information to be given write in the letters "NA" for "Not Applicable". Return your completed application to the City Clerk's Office at 102 Roadrunner Drive. Applications will be forwarded to the Mayor and City Council for evaluation and appointment.

**All information submitted in this application is public information and subject to disclosure in response to a public records request.**

**YOUR NAME:** Corrie Cooperman

**ADDRESS:** [redacted], Sedona, AZ 86336  
Street Address (No P.O. Boxes) (City) (State) (Zip)

**MAILING ADDRESS (if different):** \_\_\_\_\_

**PHONE:** Home [redacted] Work: [redacted] Message Phone [redacted]

**E-MAIL ADDRESS:** [redacted]

Do you live within the incorporated boundaries of the City of Sedona? Yes  No  If so, for how many years? 14 years

If you live outside the incorporated boundaries of the City of Sedona, are you employed, own a business or have substantial ties (e.g. own property) within the incorporated boundaries of the City of Sedona? Yes  No  If so, please explain. N/A

Have you previously been appointed to any position by the City of Sedona? Yes  No  If so, what and for what length of term? \_\_\_\_\_

In answering the following questions, if more space is required, please attach a separate sheet of paper.

**RECEIVED**

**APR 03 2023**

**CITY OF SEDONA  
CITY CLERK'S OFFICE**

**Qualifications – Please indicate your qualifications, experiences, employment history, etc. that you feel are relevant and qualify you for this appointment.**

For 8 years I was Vice-Chair of the Sedona Fire District Governing Board. For 6 of those years I was the Fire Board's representative on the PSPRS Board and Chair of that board. I am also an RN with a strong background in Outpatient Physical Therapy and Behavioral Health - both of which were specified reasons for an early entry into the PSPRS system by some applicants. while I was on the SFD PSPRS board. See

**What skills do you feel you possess that would enable you to help to achieve consensus on issues?**

Good Judgement, Clear Communicator, Friendly, Knowledgeable about the medical and physical therapy world.

**What are your perceptions of the duties, responsibilities, and role of the PSPRS Local Board?**

The local PSPRS board approves, or deny's, requests for entrance into the PSPRS retirement system, either for the employee or the employee's spouse/children. To complete that obligation the Board can ask for additional information, if needed, from MD's and other health care providers.

**What experience and special skills would you bring that would demonstrate an understanding of law enforcement retirement issues?**

Many of the issues Firefighters face with retirement are similar to the issues Law Enforcement personnel face with retirement. I was Chair of SFD's PSPRS board for six years and thus reviewed and analyzed many requests for retirement, above and beyond the easy cases which were planned retirements due to reaching the normal years of service threshold. I do not have a background in law enforcement and am aware some retirement issues would be specific to that line of public service. However, my sister was a Deputy Sheriff in San Mateo County, CA for 32 years, and my husband, a psychiatrist, has treated people in law enforcement, so I have a some sense of the unique issues faced in this form of public service.

02/15/2014  
23  
SFPD BOARD OF SUPERVISORS

If appointed to the PSPRS Local Board, are you willing to serve the full term of the appointment (4 years)?  
YES

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Thank you for your interest to serve on the PSPRS Local Board. Please return your completed application to the City Clerk's office located at 102 Roadrunner Drive, Sedona Arizona. If you have questions about the application and selection process the City Clerk's office is glad to assist you, please call 928-282-3113. For questions about the board, please contact Human Resources at 928-203-5038.

**Corrie Cooperman R.N.**

[REDACTED]  
[REDACTED], Sedona, AZ 86336  
[REDACTED]

**EDUCATION:** Bachelor of Science in Nursing  
San Francisco State University  
San Francisco, California

**HONORS:** B.S. Magna cum Laude  
Nursing Class Valedictorian

**CERTIFICATION:** Public Health Nurse Certification, State of California  
Certified LaMaze Childbirth Educator  
Certified in Jin Shin Jystu

**LICENSES:** Registered Nurse, State of Arizona: RN146275 Active

**AREAS OF STRENGTH:** Behavioral Health  
Nutrition and Exercise Educator and Coach  
Pain and Stress Management

**EXPERIENCE:**

2003–present **PRIVATE PRACTICE – Wellness and Health Education**  
Billings Montana; Prescott, Arizona; Sedona, Arizona

- Collaborating with patient’s medical team to reinforce healthy habits
- providing education on lifestyle management, Exercise, and nutrition
- Teaching proper use of body in motion for pain Reduction
- Doing Ergonomic consultations in work settings for Pain Reduction
- providing motivational and educational support for weight loss

2005–2007 **CHILDBIRTH EDUCATION COORDINATOR**  
Billings Clinic, Billings, Montana

- taught a variety of childbirth education classes
- coordinated an extensive offering of classes for pregnancy, childbirth, and parenting
- collaborated with graphic design department in production of promotional material
- collaborated with other department to increase enrollment in classes
- designed new classes

**1989–2007 PRIVATE PRACTICE**

**Outpatient Rehabilitation and Pain Management**

Marin County, CA; Casper, WY; Billings, MT

- taught principles of efficient body movement patterns to reduce pain and promote healing of musculoskeletal disorders
- applied therapeutic modalities to increase mobility and reduce pain
- provided consultation on ergonomic aspects of workplaces
- educated patients on lifestyle choices, including diet and exercise,
- referred patients to appropriate MD's and rehab services
- collaborated with Vocational Rehab and Worker's Comp

**1982–1986 REHABILITATION NURSE EDUCATOR**

Preventative and Rehabilitative Physical Therapy, Marin County, CA

- educated patients with severe back and neck pain on exercise, proper body movements, and pacing of activities to promote healing and prevent re-injury.
- coordinated care of patients with other clinicians

**1979–1988 INPATIENT PSYCHIATRIC R.N.**

Marin General Hospital, Greenbrea, CA

- educated patients on effective management of behavior and emotions
- assumed charge nurse responsibilities on a rotational basis
- administered medications
- created and maintained treatment plans for psychiatric inpatients
- conducted group therapy and individual counseling sessions

**1972–1977 PSYCHIATRIC STRESS REDUCTION NURSE**

Marin General Hospital, Acute Care Psychiatric Unit, Greenbrea, CA

- educated patients in relaxation techniques and stress management
- designed and conducted groups
- taught stress management techniques
  
- developed and taught first Marin County program for early pregnancy with focus on healthy habits, nutrition, and parenting education

**1973–1975 PUBLIC HEALTH NURSE**

Marin County, CA

- visited the homes of at-risk, young families to monitor their parenting and teach healthy living habits and parenting skills
- organized and conducted well baby clinics for medically indigent families
- instructed at-risk pregnant teenagers and young adults in healthy pregnancy habits and parenting techniques from second trimester through first year of newborn's life
- collaborated with large community referral network for patient services

## **PROFESSIONAL DEVELOPMENT:**

**Certified as a Lamaze Childbirth Educator. 1972**

**Graduate of a California state certified program in massage. 1972**

**The Massage Institute, San Francisco, California**

**Certified to practice Aston-Patterning, a physical rehabilitation modality involving soft tissue work, postural education and ergonomic consultation. An 1100 hour training program. 1982**

**The Aston Training Center, Mill Valley, California**

**Physical Assessment Course– a full-time six week course and clinic practicum in physical assessment with emphasis on women's health. 1995**

**Planned Parenthood, Billings Montana**

**Functional Medicine Training – Education in the systems approach to moving patients out of chronic disease and into wellness. Focus on the use of food plans, dietary supplements, and exercise to achieve health and shed pounds. 2010**

**Function Medicine Nutrition Training: Principals of nutritional intervention for the major chronic diseases, including diabetes and obesity. Motivational Interviewing, Practical step by step lifestyle and food changes stressed in this course. 2010**

**Functional Medicine Advanced Training in Digestive Health. Focus on diet and detox potocols for chonic GI disorders and infections. 2011**

**The Institute of Functional Medicine, Portland OR**

## **NUMEROUS COURSES:**

**Nutrition and Exercise**

**Weight Loss**

**Updates on Psychiatric Nursing**

**Disaster Response Nursing**

**Updated Immunization protocols taught by the CDC**





# PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM (PSPRS) LOCAL BOARD APPLICATION

**Thank you for your interest in serving on the City of Sedona Public  
Safety Personnel Retirement System Local Board**

**Before You Begin.** Please read the following instructions carefully before filling out your application – type or print clearly in ink only. A resume is not required, but you are encouraged to submit one. However, you must complete all questions and furnish all requested information. If an item does not apply to you, or if there is no information to be given write in the letters "NA" for "Not Applicable". Return your completed application to the City Clerk's Office at 102 Roadrunner Drive. Applications will be forwarded to the Mayor and City Council for evaluation and appointment.

**All information submitted in this application is public information and subject to disclosure in response to a public records request.**

**YOUR NAME:** Jeff Wassell

**ADDRESS:** [Redacted] Sedona AZ 86336  
Street Address (No P.O. Boxes) (City) (State) (Zip)

**MAILING ADDRESS (if different):** \_\_\_\_\_

**PHONE:** Home [Redacted] **Work:** \_\_\_\_\_ **Message Phone:** \_\_\_\_\_

**E-MAIL ADDRESS:** [Redacted]

Do you live within the incorporated boundaries of the City of Sedona? Yes  No  If so, for how many years? 49

If you live outside the incorporated boundaries of the City of Sedona, are you employed, own a business or have substantial ties (e.g. own property) within the incorporated boundaries of the City of Sedona? Yes  No  If so, please explain.

Have you previously been appointed to any position by the City of Sedona? Yes  No  If so, what and for what length of term? \_\_\_\_\_

In answering the following questions, if more space is required, please attach a separate sheet of paper.

**RECEIVED**

APR 03 2023

CITY OF SEDONA  
CITY CLERK'S OFFICE

**Qualifications – Please indicate your qualifications, experiences, employment history, etc. that you feel are relevant and qualify you for this appointment.**

**What skills do you feel you possess that would enable you to help to achieve consensus on issues?**

**What are your perceptions of the duties, responsibilities, and role of the PSPRS Local Board?**

**What experience and special skills would you bring that would demonstrate an understanding of law enforcement retirement issues?**

If appointed to the PSPRS Local Board, are you willing to serve the full term of the appointment (4 years)?

**Yes**

---

Thank you for your interest to serve on the PSPRS Local Board. Please return your completed application to the City Clerk's office located at 102 Roadrunner Drive, Sedona Arizona. If you have questions about the application and selection process the City Clerk's office is glad to assist you, please call 928-282-3113. For questions about the board, please contact Human Resources at 928-203-5038.

Qualifications.

I am a Current 24 plus year Employee of the Sedona fire District and an active member of the PSPRS system. During that time, I have stayed current on the changes in the Tier system, medical retirements and active members entering transferring in from other Arizona agencies. I have connections to many resources specific to best practice for medical retirement.

Specific to Boards I am currently a School board member for (VACTE) Valley Academy for Career and Technical Education. I understand Arizona Open meeting Laws, Roberts rules of Order and have attended close to 100 hours of training specific to board decorum and law.

Skills to help achieve Consensus on an issue.

Being truthful is the first pillar to connection with other board members. My goal is to have empathy towards the officers we serve and protecting the cities interest. I am a calm communicator that allows me to look at and discuss facts helping to making a clear decision.

Duties of a PSPRS board member.

Follow Open meeting Laws specific to Arizona. Having mandatory bi-annual mandatory meeting to discuss changes to the PSPRS retirement system specific to changes in legislature. Meet as needed for New Hire approval into the PSPRS system. Review and approve normal retirements. Review and applications for medical retirements with possible action for an Independent medical review.

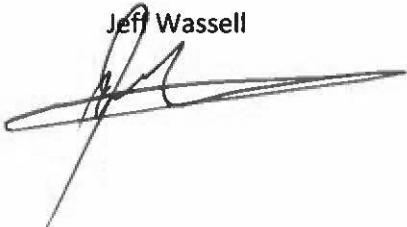
Understanding Retirement issues of Law enforcement

Working side by side law enforcement every day I understand the physical workload, Mental issues and stress on our officers. I understand the potential for injury and the need for officers to be at their best physically and mentally. Just like the fire service we celebrate retirement when completing the time requirements. Sometimes due to injury and illness officers may have to seek medical retirement. To protect the officers and the city I will focus on reviewing medical retirement paperwork. Request an IME (independent Medical Exam/ Review) when needed to protect the value of the city and our tax payers. Stay current on PSPRS issues and changes and finally conduct myself in high regard at all times and specific to Open Meeting Law.

I will be unavailable the week of April 3-9 if any questions arise please feel free to contact me on or after April 10<sup>th</sup> for any additional follow up. I look forward to hearing from you.

Thank You

Jeff Wassell

A handwritten signature in black ink, appearing to read 'Jeff Wassell', with a long horizontal stroke extending to the right.



CITY COUNCIL
AGENDA BILL

AB 2941
May 23, 2023
Regular Business

Agenda Item: 8a
Proposed Action & Subject: Discussion/presentation by Jennifer Brehler, Executive Director of the Humane Society of Sedona, to provide an update to the City Council on their activities, accomplishments, and general service provision to the community.

Table with 2 columns: Department, Time to Present, Total Time for Item, Other Council Meetings, Exhibits. Values include City Manager, 15 minutes, 15 minutes, March 14, 2023, March 28, 2023, April 25, 2023, None.

Table with 3 columns: City Attorney Approval, City Manager's Recommendation, Expenditure Required, Amount Budgeted, Account No. (Description), Finance Approval. Values include Reviewed 5/16/23 KWC, For presentation and discussion only, \$ N/A, \$ N/A, Finance Approval checked.

SUMMARY STATEMENT

Background: As part of the provider agreements between the City of Sedona and each of the city-funded non-profit community service providers, including the Sedona Humane Society, the organizations are asked to present periodic updates to the City Council. Until the recent scheduling of service provider updates, it had been several years since the last presentations were made. Since the provider agreements are being considered for renewal for FY2024, it is a good time to have all the service organizations provide an update to the City Council on the services they are providing for the benefit of the community.

Jennifer Brehler, Executive Director of the Sedona Humane Society will be the presenter.

Climate Action Plan/Sustainability Consistent: [ ] Yes - [ ] No - [x] Not Applicable

Board/Commission Recommendation: [ ] Applicable - [x] Not Applicable

Alternative(s): For presentation/discussion only.

MOTION

I move to: For presentation / discussion only



**CITY COUNCIL  
AGENDA BILL**

**AB 2940  
May 23, 2023  
Regular Business**

**Agenda Item:** 8b  
**Proposed Action & Subject:** Discussion/presentation by Nate Meyers, Executive Director of the Sedona Heritage Museum, to provide an update to the City Council on their activities, accomplishments, and general service provision to the community.

<b>Department</b>	City Manager
<b>Time to Present</b>	15 minutes
<b>Total Time for Item</b>	15 minutes
<b>Other Council Meetings</b>	March 14, 2023; March 28, 2023; April 25, 2023
<b>Exhibits</b>	None

City Attorney Approval	Reviewed 5/16/23 KWC	<b>Expenditure Required</b>
		\$ N/A
City Manager's Recommendation	For presentation/ discussion only.	<b>Amount Budgeted</b>
		\$ N/A
		Account No. (Description)
		Finance <input checked="" type="checkbox"/>
		Approval

**SUMMARY STATEMENT**

**Background:** As part of the provider agreements between the City of Sedona and each of the city-funded non-profit community service providers, including the Sedona Historical Society, the organizations are asked to present periodic updates to the City Council. Until the recent scheduling of service provider updates, it had been several years since the last presentations were made. Since the provider agreements are being considered for renewal for FY2024, it is a good time to have all the service organizations provide an update to the City Council on the services they are providing for the benefit of the community.

Nate Meyers, Executive Director of the Sedona Historical Society will be the presenter.

**Climate Action Plan/Sustainability Consistent:**  Yes -  No -  Not Applicable

**Board/Commission Recommendation:**  Applicable -  Not Applicable

**Alternative(s):** For presentation/discussion only.

**MOTION**

**I move to:** For presentation/discussion only.



**CITY COUNCIL  
AGENDA BILL**

**AB 2944  
May 23, 2023  
Regular Business**

**Agenda Item: 8c**

**Proposed Action & Subject:** Presentation/discussion regarding the Greater Sedona Recreation Collaborative's (GSRC) work towards improved management and mitigation of impacts of motorized recreational uses in and around Sedona.

<b>Department</b>	City Council
<b>Time to Present</b>	30 minutes
<b>Total Time for Item</b>	60 minutes
<b>Other Council Meetings</b>	NA
<b>Exhibits</b>	None

City Attorney Approval	Reviewed 5/16/23 KWC	<b>Expenditure Required</b>
		\$ N/A
City Manager's Recommendation	For presentation and discussion only.	<b>Amount Budgeted</b>
		\$ N/A
		Account No. (Description)
		Finance Approval <input checked="" type="checkbox"/>

**SUMMARY STATEMENT**

**Background:** In Spring 2022 the City Council approved the use of \$25,000, previously allocated to the Sedona Chamber of Commerce and Tourism Bureau, to fund an assessment of the impacts of motorized/off highway vehicle (OHV) use in the Broken Arrow neighborhood. Southwest Decision Resources (SDR) was retained to facilitate that work in conjunction with the USFS. Shortly after commencing that process, it was determined that a more comprehensive and regional look at the issues surrounding motorized use would yield better results, rather than assessing and addressing each area in a vacuum. From there work began to convene a larger group of stakeholders to evaluate these issues regionally and attempt to find more comprehensive mitigations to address the bigger picture issues.

It has taken some time to convene the group working on these issues, now called the Greater Sedona Recreation Collaborative (GSRC) but this group has been meeting for several months and has now formed action teams, that report back to the larger group, to work on a range of specific issues.

The facilitators from SDR will present to the City Council and provide updates on the following:

1. Assessment and preparation process (Co-convenor identification, stakeholder identification and assessment, resident meetings and site visits, collaborative process design)

2. Progress of the Working Group to date (identifying root causes and potential strategies, group learning sessions, field visits, and Action Team progress)
3. Outline next steps (strategy evaluation, agreeing upon viable strategies, receiving public input on strategies, etc.)

This session will provide the City Council and the community an opportunity to learn about the goals of this effort and the work completed to date.

**Climate Action Plan/Sustainability Consistent:** Yes - No - Not Applicable

**Board/Commission Recommendation:** Applicable - Not Applicable

**Alternative(s):** For presentation/discussion only.

## **MOTION**

**I move to:** For presentation/discussion only.





## City of Sedona Proclamation Request Form

<b>Full Name of Contact Person</b>	John Martinez
<b>Contact Phone Number</b>	(928) 639-2693
<b>Contact Mailing Address</b>	
<b>Contact Email Address</b>	Sedona42@esedona.net
<b>Group, Organization, Activity or Event Being Recognized</b> (Please make sure you provide complete and current information about the group or event)	Memorial Day Ceremony.
<b>Website Address</b> (if applicable)	Sedona.az@toysfortots.org
<b>Name of the sponsor(s) of the Proclamation</b> (2 Council members or the City Manager)	Scott Jablow, Pete Furman
<b>What is the proclaimed day, days, week or month?</b> (e.g. 10/11/12, October 11-17, 2012, October 2012)	May 29, 2023
<b>Would you like to attend a Council meeting for formal presentation of the Proclamation or would you like to pick it up?</b>	<p style="text-align: center;">Presentation at Meeting</p> <p style="text-align: center;"><del>Pick up Proclamation</del></p>
<b>If you would like the Proclamation presented at a Council meeting, please provide the full name and contact information (phone number and email address) of the party who will accept it on behalf of the group.</b>	<p>Jack Ross (SAVCO)</p> <p>(860) 705-2163</p> <p>OK3photography@gmail.com</p>

**Provide information about the organization/event including a mission statement, founding date, location and achievements.**

The Sedona Area Veteran & Community Outreach (SAVCO) organization is a 501(c)(3) non-profit group formed in 2021 to take over the functions and activities of the Sedona Marine Corp League. SAVCO's mission is to be a vital, inclusive, and growing organization that embraces everyone.

SAVCO focuses on civic and social activities that are patriotic and non-political in nature. Our members are civic-minded women and men who care about the Sedona community. All members have the privilege of voting on organizational matters, holding elected or appointed office in the organization, and simply participating in whatever projects or activities interest them. Informal monthly meetings are held at the Elks Club and fundraising activities, such as our annual Charity Golf Event, are held throughout the year.

Most notably SAVCO posts the US Flags along 89a for National Holidays, conducts the Sedona Memorial Day Ceremony, has a vibrant Veteran's Assistance Fund aiding the needs of Sedona Area veterans and conducts and participates in other numerous community activities.

**Please explain why this Proclamation and any events accompanying it are important to the Community and are consistent with the City's vision statement and Community Plan goals. What is the clear reason for the Proclamation and why are you requesting this honor? What activities/events are planned around this Proclamation and how do you plan to promote this to the community?**

This Proclamation for SAVCO's Memorial Day Ceremony 2023 is to bring focus to the remembrance of those who have died in service to our country. This will be accomplished by conducting a forty-five-minute ceremony at Sedona's Military Service Park located at 25 Northfield Dr accommodating up to 150 guests. Our guest speaker will be accompanied by both local singers and a Nashville recording artist with a medley of patriotic standards. Multiple press releases will aide in spreading the word of this event.

***Please include a draft of the proposed Proclamation with this request, preferably a Word file in electronic format.***



**CITY COUNCIL  
AGENDA BILL**

**AB 2950  
May 23, 2023  
Regular Business**

**Agenda Item:** 8d  
**Proposed Action & Subject:** Discussion/direction regarding an Ordinance amending the Sedona City Code Title 10 (Vehicles and Traffic) by adding Chapter 10.30 (Improper Motor Vehicle Equipment).

<b>Department</b>	City Attorney
<b>Time to Present</b>	15 Minutes
<b>Total Time for Item</b>	90 Minutes
<b>Other Council Meetings</b>	April 11, 2023
<b>Exhibits</b>	<ul style="list-style-type: none"> <li>A. Tire Information Service Bulletin; NHTSA Information Letter</li> <li>B. ROHVA Position in Opposition to On-Highway Operation of ROVs &amp; March 2023 Letter in Opposition to Oregon Joint Transportation Committee Co-Chairs.</li> <li>C. SVIA Position in Opposition to On-Road Operation of ATVs</li> <li>D. CPSC 2021 Report of Deaths and Injuries Involving Off-Highway Vehicles with More than Two Wheels</li> <li>E. Draft Ordinance</li> </ul>

City Attorney Approval	Reviewed 5/16/23 KWC	<b>Expenditure Required</b>
		\$ N/A
City Manager's Recommendation	For discussion and direction only.	<b>Amount Budgeted</b>
		\$ N/A
		Account No. N/A (Description)
		Finance <input checked="" type="checkbox"/> Approval

**SUMMARY STATEMENT**

**Background:**

In February 2023, the City was made aware of serious safety issues with the widespread practice of Not for Highway Service (NHS) tires being mislabeled and marketed as compliant with Federal Motor Vehicle Safety Standards (FMVSS). Many Off-Highway Vehicles (OHV), Utility-Terrain Vehicles (UTV) and All-Terrain Vehicles (ATV) tires were even stamped on the sidewall as US Department of Transportation (DOT) approved instead of NHS. Department of Transportation (DOT) tire regulations reduces the chance of tire failure. Every year tire failure causes approximately 11,000 motor vehicle crashes and 200 deaths nationwide.

The DOT National Highway Traffic Safety Administration (NHTSA) issued an Information Letter to the manufacturers reiterated that the "DOT" symbol cannot appear on any OHV, UTV, and

ATV vehicles or NHS tires because OHVs, UTVs, and ATVs “are not manufactured for use on public roadways.” Tires used on public roads must be DOT approved. Likewise, the U.S. Tire Manufacturers Association issued a response to the NHTSA Information Letter, clearly stating that NHS tires “must not be used in normal highway service.” See **Exhibit A**, Tire Information Service Bulletin NHTSA Information Letter.

Additional safety concerns have arisen from information published by the major OHV, UTV, and ATV manufacturers (Can-Am, Honda, Kawasaki, Polaris, Yamaha, etc.). The owners’ manuals and certificates of origin on OHVs, UTVs, and ATVs clearly state that they should never be used and/or that it is hazardous to operate them on paved or public roads. Some even state they are not to be registered for on-road use. OHVs, UTVs, and ATVs do not have standard FMVSS safety equipment designed to keep passengers safe like: airbags, anti-lock brakes, crumple zones, stability control, and bumpers. Safety testing of OHVs, UTVs, and ATVs is generally completed on dirt roads using NHS tires and not on paved roads or with DOT approved tires.

The major OHV, UTV, and ATV manufacturers sponsor and are members of the Specialty Vehicle Institute of America (SVIA for ATVs) and Recreational Off-Highway Vehicle Association (ROHVA for OHVs/UTVs, called ROVs). ROHVA is an American National Standards Institute accredited not-for-profit trade association that develops equipment, configuration, and performance standards for off-highway vehicles. It was formed to promote the safe and responsible use of off-highway vehicles.

ROHVA’s position is that OHVs and UTVs “are designed, manufactured and sold for off-highway use only. On-highway 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 [OHVs and UTVs] are not intended to be used on-highway, they are not designed, equipped or tested to meet such standards. Permitting street use of [OHVs and UTVs], including modified vehicles, would be in conflict with manufacturers’ intentions on their proper use, and would be contrary to federal safety requirements.” See **Exhibit B**, ROHVA Position in Opposition to On-Highway Operation of ROVs. ROHVA sponsors model legislation to prevent paved and public use of OHVs and ATVs.

In March 2023, ROHVA and SVIA sent a letter to the Oregon Legislature opposing a proposed bill to make OHVs and ATVs street legal in the State of Oregon. In the letter, it clearly states the manufacturer’s position that on-highway use of OHVs and ATVs is not safe. See **Exhibit B**, March 2023 Letter in Opposition to Oregon Joint Transportation Committee Co-Chairs. The two organizations have sent similar letters in opposition to other states which are considering making on street use legal.

Similarly, SVIA publishes a Position in Opposition to On-Road Operation of ATVs and has drafted model legislation prohibiting such use: “SVIA emphasizes 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 and that law enforcement efforts be strengthened to eliminate this dangerous practice.” See **Exhibit C**, SVIA Position in Opposition to On-Road Operation of ATVs.

Per the U.S. Consumer Product Safety Commission (CPSC), there are an annual average of more than 700 deaths and an estimated 100,000 emergency department-treated injuries involving OHVs. The CPSC recommends to never ride on public or paved roads. (<https://www.cpsc.gov/Safety-Education/Safety-Education-Centers/ATV-Safety-Information->

[Center](#)). See **Exhibit D**, CPSC 2021 Report of Deaths and Injuries Involving Off-Highway Vehicles with More than Two Wheels.

**Improper Vehicle Equipment Ordinance:**

Based on the above safety concerns and others, City Council requested a draft ordinance to consider requiring all motor vehicles be safe in order to be operated on paved public roads within the City of Sedona.

The draft ordinance is attached as **Exhibit E**. The ordinance would make it unlawful to drive, on a paved public road within the City of Sedona, a motor vehicle that is unsafe, does not proper safety equipment, including in violation of FMVSS, or that is not approved by the manufacturer to be operated on paved or public roads.

The first violation would result in a warning or repair order. Failure to repair the equipment violation or a second violation would result in a civil fine not to exceed \$500. A third or subsequent violation of the ordinance would be a Class 1 Misdemeanor.

The draft ordinance has been widely circulated to interested parties. Some concerns included that the ordinance would prohibit electric bicycles from operating within the City and that the ordinance may have a negative effect on antique cars. The definition of motor vehicle will be updated to expressly exclude electric bicycles. Staff is considering exempting antique cars manufactured prior to 1948 because 49 CFR Part 574 requires all vehicles manufactured after 1948 to be equipped with DOT approved tires.

No legal action on the proposed ordinance is scheduled at this meeting. Depending on the direction from Council, a subsequent City Council meeting will be scheduled to consider adoption of the ordinance.

**Climate Action Plan/Sustainability Consistent:** Yes - No - Not Applicable

**Board/Commission Recommendation:** Applicable - Not Applicable

**Alternative(s):** N/A

**MOTION**

**move to:** for presentation, discussion, and direction purposes only.

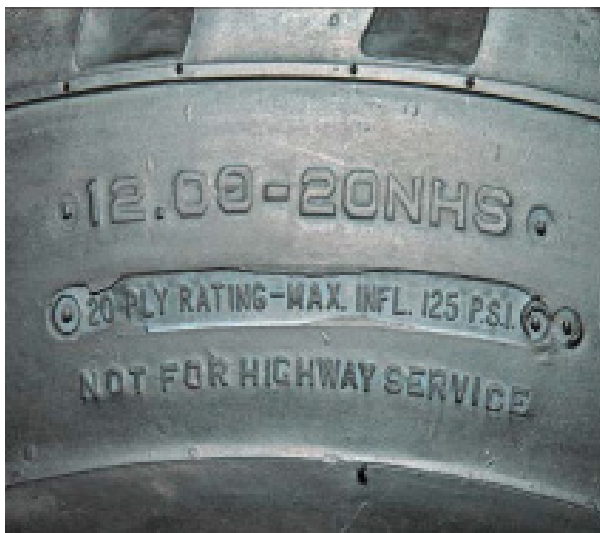
# TIRE INFORMATION SERVICE BULLETIN

## MISAPPLICATION OF “NOT FOR HIGHWAY SERVICE (NHS)” TIRES

Tires are designed and manufactured for specific conditions of use and service. Tires that have NHS in the tire size designation are designed for off highway applications (see Figure 1). They must not be used in normal highway service. NHS tires are not intended for the speeds, temperatures, or stresses of highway use. They are typically intended for farm, off-road, lawn and garden, and industrial uses.

Federal regulations require that all tires designed and certified for highway service have the symbol “DOT” molded on the tire sidewall adjacent to the tire identification number. The DOT symbol constitutes a certification that the marked tire conforms to an applicable Federal Motor Vehicle Safety Standard (FMVSS).<sup>1</sup> The DOT symbol must not appear on a tire to which no FMVSS is applicable.<sup>2</sup> There is no FMVSS applicable to NHS designated tires. More information can be found in the June 3, 2022 NHTSA Information Letter, “Improper Certification of UTV/ATV Tires to FMVSS”, and is shown on the following pages.

Consult the tire manufacturer or tire service professional for information regarding the use of a particular tire.



**FIGURE 1: Example of an NHS Sidewall Marking**

### **! WARNING**

Tires that are designated as NHS (Not for Highway Service) must not be used in highway service. Using NHS tires in highway service may result in tire failure which can lead to an accident and serious personal injury or death.

<sup>1</sup> 49 C.F.R. § 574.5(e)(1)

<sup>2</sup> 49 C.F.R. § 574.5(e)(3)



U.S. Department of Transportation  
**National Highway Traffic Safety  
Administration**



To: Recreational Off-Highway Vehicle Association (ROHVA)  
US Tire Manufacturers Association (USTMA)  
The Tire & Rim Association, Inc. (T&RA)  
American Society for Testing and Materials (ASTM) Committee F09  
International Organization for Standardization (ISO) ISO/TC 31  
Tire Business Publication

Subject: Improper Certification of UTV/ATV Tires to FMVSS

Date: June 3, 2022

The National Highway Traffic Safety Administration (NHTSA) has become aware of Utility Terrain Vehicle (UTV) and All-Terrain Vehicle (ATV) tires offered for sale in the United States that are incorrectly labelled and marketed as being compliant with Federal Motor Vehicle Safety Standards (FMVSS). The Agency is providing this information for your awareness and to promote compliance within the off-road tire industry. We encourage you to share this information with other industry members and stakeholders.

According to 49 U.S.C. § 30102, a “motor vehicle” is defined as:

*(7) “motor vehicle” means a vehicle driven or drawn by mechanical power and **manufactured primarily for use on public streets, roads, and highways**, but does not include a vehicle operated only on a rail line. (bold emphasis added).*

Based on this definition, there are no FMVSS that apply to UTV or ATV tires, because UTVs and ATVs are not manufactured for use on public roadways. Additionally, 49 C.F.R. § 574, *Tire Identification and Recordkeeping* states:

*49 C.F.R. § 574.5(e)(1) - The **DOT symbol constitutes a certification** that the marked tire conforms to an applicable Federal Motor Vehicle Safety Standard.*

And:

*49 C.F.R. § 574.5(e)(3) – **The DOT symbol must not appear** on tires to which no Federal Motor Vehicle Safety Standard is applicable... (bold emphasis added).*

As stated above, this means that the symbol “DOT” cannot appear on any ATV, UTV, or Not for Highway Service (NHS) tire and that manufacturers may not certify that such tires conform to an FMVSS or make any representations that such tires conform to the FMVSS. Only tires intended for a vehicle certified to the FMVSS are legally permitted to be marked with “DOT” and may be marketed as conforming to the FMVSS.



As a reminder, language that tires are “approved,” “certified,” or “compliant” with standards that do not apply are misleading and we would appreciate your assistance in communicating this information to your members and distribution and retail channels so that it can be revised.

Sincerely,

STEPHEN ANTHONY RIDELLA

Digitally signed by STEPHEN ANTHONY RIDELLA  
Date: 2022.06.03 14:10:34  
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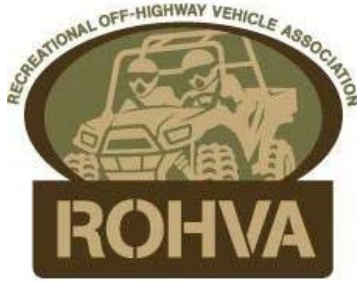
for

Anne Collins  
Associate Administrator of Enforcement  
Office of Enforcement  
Department of Transportation  
National Highway Traffic Safety Administration

*This Bulletin Replaces Volume 7, Number 3*

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## **POSITION IN OPPOSITION TO ON-HIGHWAY OPERATION OF ROVs**

The Recreational Off-Highway Vehicle Association (ROHVA) is a not-for-profit trade association formed to promote the safe and responsible use of recreational off-highway vehicles (ROVs) manufactured or distributed in North America. ROHVA also serves as the primary resource for information on ROVs. An ROV – sometimes referred to as a side-by-side or UTV – is a motorized off-highway vehicle designed to travel on four or more non-highway tires, with a steering wheel, non-straddle seating, seat belts, an occupant protective structure, and engine displacement up to 1,000cc. Current models are designed with seats for a driver and one or more passengers.

ROVs are designed, manufactured and sold for off-highway use only. On-highway 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 ROVs are not intended to be used on-highway, they are not designed, equipped or tested to meet such standards. Permitting street use of ROVs, including modified vehicles, would be in conflict with manufacturers' intentions on their proper use, and would be contrary to federal safety requirements.

Riding on public streets and highways introduces the possibility of the ROV colliding with a car or truck, an obviously dangerous situation.

ROHVA emphasizes that ROVs are not designed, manufactured, or in any way intended for use on public streets or highways and urges that on-highway use of ROVs be prohibited and law enforcement efforts be strengthened to eliminate this practice.



March 7, 2023

The Honorable Chris Gorsek  
Co-Chair  
Joint Transportation Committee  
900 Court St NE State Capitol  
State Capitol, S-403  
Salem, OR 97301-4042

The Honorable Susan McLain  
Co-Chair  
Joint Transportation Committee  
900 Court St NE State Capitol  
State Capitol, H-477  
Salem, OR 97301-4042

**Re: ROHVA and SVIA oppose HB 3248**

Dear Co-Chairs Gorsek and McLain:

The Recreational Off-Highway Vehicle Association (ROHVA)<sup>1</sup> and the Specialty Vehicle Institute of America (SVIA)<sup>2</sup> oppose HB 3248 because it allows all-terrain vehicles (ATVs) and certain recreational off-highway vehicles (ROVs – sometimes referred to as side-by-sides or UTVs) to register and operate on all highways, except interstate highways.

ROHVA's and SVIA's primary goals are to promote safe and responsible use of ATVs and ROVs. ROHVA and SVIA oppose legislation allowing ATVs and ROVs on roads that are not part of a designated trail system because:

- **ATV and ROV manufacturers design, test, and sell ATVs and ROVs for off-highway use only.**
- **Unlike cars and trucks, ATVs and ROVs do not meet Federal motor vehicle safety standards.**

**Allowing ATVs and ROVs on roads falsely signals that this practice is safe. It is not. ATV and ROV manufacturers, along with the National Highway Traffic Safety Administration, stress that ATVs and ROVs are not designed for use on public roadways. The vehicles do not handle properly on paved roads. They also lack safety equipment required to protect occupants in the event of a collision. On-road ATV and ROV operators and passengers face increased risks of losing vehicle control. Collisions with cars and trucks also pose an increased risk of injury.**

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<sup>1</sup> ROHVA is a national, not-for-profit trade association formed to promote the safe and responsible use of recreational off-highway vehicles (ROVs) manufactured or distributed in North America. ROHVA is also accredited by the American National Standards Institute (ANSI) to serve as the Standards Developing Organization for ROVs. An ROV is a motorized off-highway vehicle that is compliant with the ANSI/ROHVA 1 standard. More information on the standard can be found at <https://rohva.org/ansi-standard/>. ROVs are designed to travel on four or more tires, intended by the manufacturer for use by one or more persons and having the following characteristics: a steering wheel for steering control; a Roll Over Protective Structure complying with ANSI/ROHVA-1; an Occupant Retention System complying with ANSI/ROHVA-1; non-straddle seating; maximum speed capability greater than 30 mph; less than 80 inches in overall width, exclusive of accessories; and engine displacement of less than 1,000cc. Current models are designed with seats for a driver and one or more passengers.

<sup>2</sup> SVIA is the national not-for-profit trade association representing manufacturers, dealers, and distributors of all-terrain vehicles (ATVs) in the United States.

These risks remain even when owners or aftermarket providers install different tires or modify ATV or ROV equipment in other ways.

ROHVA and SVIA urge states to prohibit ATV and ROV use on public roads and strengthen law enforcement efforts to eliminate this dangerous practice. States could prevent a substantial number of ATV- and ROV-related injuries if laws kept ATVs and ROVs off public roads, which ROHVA<sup>3</sup> and SVIA<sup>4</sup> propose in model legislation.

Thank you for your consideration of these comments. Should you have any questions, please contact me at 703-416-0444 ext. 3202.

Sincerely,



Scott P. Schloegel  
Senior Vice President, Government Relations

---

<sup>3</sup> <https://rohva.org/model-law/>

<sup>4</sup> <https://svia.org/model-state-legislation/>



## **POSITION IN OPPOSITION TO ON-ROAD OPERATION OF ATVs**

The Specialty Vehicle Institute of America (SVIA) is the national not-for-profit trade association representing manufacturers and distributors of all-terrain vehicles (ATVs) in the United States. SVIA's major goal is to promote the safe and responsible use of ATVs.

Tens of millions of ATV users ride their ATVs in a safe and appropriate manner every day. In addition to their popularity for responsible outdoor recreation, they are tremendously useful products and have become an essential tool for farmers, law enforcement officials, the military and others.

The majority of accidents and injuries are caused by misuse of the ATV. Ninety-two percent of ATV-related fatalities involve behaviors that the Industry warns against in its rider education programs, in all literature and on vehicle labels. These behaviors include children riding adult-sized ATVs, operating on paved roads, operating without a helmet or other protective safety gear, carrying passengers on single-rider ATVs and operating under the influence of alcohol.

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. Permitting on-road use of ATVs, including modified ATVs, would be in conflict with manufacturers' intentions for their proper use, and would be contrary to federal safety requirements.

The Insurance Institute for Highway Safety has analyzed U.S. Department of Transportation's Fatality Analysis Reporting System (FARS) data on ATV rider fatalities occurring on public roads. In 2013, the most recent year for which the data is available, 319 ATV riders were killed on public roads. This is an increase from 2012 when 304 riders were killed on public roads and from 2011 when there were 305 ATV rider fatalities occurring on public roads. Eighty-nine percent of the fatalities occurring on public roads were on rural roads. Of those, sixty-eight percent were on minor roads.

ATV fatalities occurring on public roads comprise a significant portion of total ATV-related fatalities, as reported by the Consumer Product Safety Commission. If ATVs could be kept off of public roads, as urged by SVIA and as contained in our Model State ATV Legislation, a large percentage of ATV-related injuries and deaths would be prevented.

CPSC's *2014 Annual Report of ATV Deaths and Injuries*, the most recent available, found that estimated ATV-related fatalities have declined each year from 2007 through 2014 but noted that data collection for 2012-2014 is ongoing. As a percentage of total ATV-related fatalities, on-road fatalities were an alarming 48.7 percent of the total in 2011 (the latest year of complete data available from CPSC). This is even though ATVs are not manufactured for or intended to be operated on highways and vehicle labels and owner's manuals clearly warn against such use.

Imagine the progress that could be made in reducing ATV-related injuries and deaths if states were to enact and enforce laws to prohibit ATV use on highways.

Riding on public roads introduces the possibility of the ATV colliding with a car or truck, an obviously dangerous situation. Another CPSC study of 3,200 ATV-related deaths that occurred between 1985 and

1996 found that the most frequently reported hazard pattern (56 percent of all ATV incidents) involved collisions and 35 percent of these involved collisions with motorized vehicles.

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 and that law enforcement efforts be strengthened to eliminate this dangerous practice.

It should be noted that for purposes of prohibiting ATV use on public roads, SVIA does not consider such public thoroughfares as logging roads, woodland trails or other unimproved ways to be public streets, roads, or highways and the prohibition on allowing on-road use of ATVs should not be meant to apply to a road that is part of a designated trail system permitting ATV operation.



[REDACTED]

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## **2021 Report of Deaths and Injuries Involving Off-Highway Vehicles with More than Two Wheels**

[REDACTED]

[REDACTED]

**November 2021**

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This analysis was prepared by CPSC staff. It has not been reviewed or approved by, and may not necessarily reflect the views of, the Commission. CPSC  
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## Executive Summary

### Off-Highway-Vehicle-Related Fatalities Reported

- As of September 2021, the year 2018 is the most recent year of reporting for fatalities that CPSC considers complete. CPSC staff is aware of 2,211 deaths associated with Off-Highway Vehicles (OHVs) that resulted from 2,156 incidents during the 3-year period from 2016 through 2018.
- Of the OHVs involved in those 2,211 reported deaths, CPSC staff classifies 1,591 as All-Terrain Vehicles (ATVs), 506 as Recreational Off-Highway Vehicles (ROVs), and 47 as Utility-Terrain Vehicles (UTVs). For the remaining 67 deaths, CPSC staff does not know the vehicle classification, but staff concludes that the vehicle is either an ROV or UTV.
- CPSC staff divided these 2,211 reported deaths across various age groups: under 12 years (6%), 12-15 (7%), 16-24 (15%), 25-34 (15%), 35-44 (13%) 45-54 (15%) and 55+ (29%). Children under 12 represent about half (48%) of the fatalities among the combined under-16 age group.
- CPSC staff observed that OHV overturns and/or collisions (*e.g.*, with other vehicles or stationary objects, such as trees) were the most common fatality hazards.

### Off-Highway-Vehicle-Related Emergency Department-Treated Injury Estimates

- Over the full 5-year period from 2016 through 2020, CPSC staff estimates that there were 526,900 emergency department-treated injuries associated with OHVs (ATVs, ROVs, and/or UTVs) in the United States. This corresponds to an estimated annual average of 105,400 emergency department-treated injuries over the period.
- Although these estimated injuries do not trend in a single direction over the period, there is a statistically significant decrease estimated from 115,500 in 2016, to 95,000 in 2018, followed by a significant increase to an estimated 112,300 in 2020.
- CPSC staff divided injuries during the 2016 through 2020 period across various age groups: under 12 years (13%), 12-15 (13%), 16-24 (23%), 25-34 (20%), 35-44 (13%) 45-54 (9%) and 55+ (8%). This distribution of estimated injuries appears to be more heavily weighted towards younger ages than the distribution of reported fatalities.
- In the most recent year 2020 estimated OHV-related emergency department-treated injuries for all ages, CPSC staff found that:
  - The most common diagnoses were fractures (30%) and contusions/abrasions (18%).
  - The affected body parts were primarily: the head and neck (30%), the arm (shoulders to fingertips, 30%), the torso (20%), and the leg (20%).
  - Victims were more frequently identified as male (68%) than female (32%).
  - Most were treated and released (78%) or hospitalized (19%).
  - Hospitalizations (meaning cases treated and admitted or transferred to another hospital) were found significantly increased in the year 2020, compared with the 4 prior years.

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## Introduction

This report presents the information collected by U.S. Consumer Product Safety Commission (CPSC) staff on deaths and injuries related to the use of various off-highway vehicles (OHVs) with more than two wheels. These OHVs correlate with one of three vehicle classifications: “All-Terrain Vehicles” (ATVs), “Recreational Off-Highway Vehicles” (ROVs), and “Utility-Terrain Vehicles” (UTVs). Below, we describe these classifications in additional detail.

For this report, CPSC staff defines an “ATV” as an off-road, motorized vehicle having three, four, or more low-pressure tires, a straddle seat for the operator, and handlebars for steering control.

ROVs and UTVs have many features in common, such as four or more tires designed for off-road vehicles. However, ROVs and UTVs have many features that distinguish them from ATVs, such as non-straddle or “side-by-side” seating, automotive-type controls for steering, throttle, and braking (*e.g.*, steering wheel and pedals).<sup>1</sup>

For this report, CPSC staff defines “ROVs” as motorized vehicles designed for off-highway use with the following features: four or more pneumatic tires designed for off-highway use; bench or bucket seats for two or more occupants; automotive-type controls for steering, throttle, and braking; and a maximum vehicle speed greater than 30 miles per hour (mph). ROVs are also equipped with rollover protective structures (ROPS), seat belts, and other restraints (such as doors, nets, and shoulder barriers) for the protection of occupants. (ROV NPR, 79 *Fed. Reg.* 68,964, November 19, 2014).

In this report, CPSC staff defines “UTVs” as motorized vehicles designed for off-highway use with the following features: four or more pneumatic tires designed for off-highway use; bench or bucket seats for two or more occupants; automotive-type controls for steering, throttle, and braking; and a maximum speed of 25 mph or less. UTVs are generally equipped with larger cargo beds and may be equipped with ROPS, seat belts, and other restraints.

In the late 1980s, the major ATV distributors agreed to stop distributing three-wheel ATVs (U.S. CPSC, 2006). A very small proportion of ATVs, ROVs, and UTVs are sold with more than four wheels (5 or 6), and have never held more than a very small market share. As such, nearly all ATVs, ROVs, and UTVs in use today are four-wheeled vehicles.

This report does *not* address *every* vehicle with off-road capability. The report *excludes*,<sup>2</sup> for example, dune buggies, sand rails, and golf carts, as well as licensed motor vehicles, such as “sport utility vehicles” (SUVs) and jeeps. Similarly, this report *excludes* two-wheeled off-highway vehicles (*e.g.*, dirt bikes and/or off-road-capable motorcycles).

This report *includes* information related to deaths involving ATVs, ROVs, and UTVs in incidents from 2016 through 2018, based on data available to CPSC staff as of September 2021. This report also presents the national estimates of hospital emergency department-treated injuries related to ATVs, ROVs, and UTVs from January 1, 2016, through December 31, 2020.

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<sup>1</sup> Definition from ANSI/ROHVA 1 *American National Standard for Recreational Off-Highway Vehicles*.

<sup>2</sup> However, incidents involving collision or other interaction with an ATV, ROV, or UTV, are included, regardless of the type of the other vehicle.

## Off-Highway Vehicle Fatalities<sup>3</sup>

This section details the OHV deaths from incidents during the years 2016 through 2018. The data are based on fatalities reported through the Consumer Product Safety Risk Management System (CPSRMS), as well as the National Electronic Injury Surveillance System (NEISS). Data in CPSRMS are anecdotal, and collection of the data is ongoing. Among the various types of reports included in CPSRMS are death certificates from the 50 states and the territories. Due to a lag in time that exists between when a fatality occurs and when it gets reported to CPSC, staff considers the latest 3 years of data, 2019 through 2021, to be incomplete. As such, this report includes deaths from 2016 through 2018.

### Reported Deaths

As of September 24, 2021, CPSC staff received reports of 2,156 fatal off-highway vehicle incidents during the 3-year period from 2016 through 2018, which resulted in a total of 2,211 deaths. Due to delayed onset of death, the year of incident may precede the ultimate year of death. Due to multiple-fatality incidents, the total number of fatal incidents is not the same as the total number of deaths. Table 1 presents the current count of reported fatal incidents by year and off-highway vehicle classification.

**Table 1**  
**Reported Fatal Incidents Associated with Off-Highway Vehicles**  
**By Vehicle Classification and Incident Year, 2016-2018**

Vehicle Classification	Number of Fatal Incidents Per Year			Total Incidents
	2016	2017	2018	
ATV	565	520	481	<b>1,566</b>
ROV	142	175	161	<b>478</b>
UTV	15	16	15	<b>46</b>
Unknown (ROV or UTV)	17	25	24	<b>66</b>
<b>Total</b>	<b>739</b>	<b>736</b>	<b>681</b>	<b>2,156</b>

Sources: CPSRMS and NEISS.

Counts of total reported deaths and fatal incidents for 2016 and 2017 have not changed relative to the tabulation prepared last year (Topping, December 2020). However, some prior incident vehicle classifications have been updated, based upon more recent reporting and/or investigations of those same incidents. For example, relative to the previous assessment of year 2017 fatal incidents, this current report classifies 7 fewer incident vehicles as “Unknown (ROV or UTV)” and 7 more as “ROV.” It is plausible that some of the more recent year 2018 fatalities may be reclassified in the future, if additional information becomes available regarding the vehicles involved.

<sup>3</sup> Staff includes reported incidents involving a collision of an ATV, ROV, and/or UTV in this report, even if the occupants of those vehicle types survived, so long as some person, such as a pedestrian bystander or an occupant of another type of vehicle (e.g., bicycle, dirt bike), suffered fatal injury. Six single-fatality incidents reported collision of both an ATV and ROV, but staff allocated these incidents only to the classification corresponding to the type of vehicle occupied by the deceased (4 ROV, 2 ATV), to ensure mutual exclusivity and correct incident totals. Staff classified fatalities reported as an “ATV,” absent further information collection, as ATVs, although staff is aware that this descriptor is not always accurate as reported in death certificates and other sources. Therefore, some of the “ATV” fatalities classified in this report may have involved other types of off-highway vehicles. Most of the incidents classified specifically as an “ROV” or a “UTV” were so classified with the benefit an in-depth investigation and review in collaboration with CPSC engineering staff. Some combination of information collected, such as VIN, make, and/or model, photographs, and/or other descriptions supported each such determination.

One incident may result in deaths of multiple persons. Such is the case for at least 51 of the fatal incidents (2% of 2,156), of which 48 are double fatalities (2 deaths per incident), two are triple fatalities (3 deaths per incident), and one is a quadruple fatality (4 deaths from a single incident). Table 2 presents these 51 multiple-fatality incidents by number of deceased persons per incident and the type of off-highway vehicle.

**Table 2**  
**Multiple Fatality Reported Incidents Associated with Off-Highway Vehicles**  
**By Vehicle Classification and Number of Deaths per Incident, 2016-2018**

Vehicle Classification	Incident Count			Total Multiple Fatality Incidents
	Number of Deceased Persons Per Incident			
	Two (Double Fatality)	Three (Triple Fatality)	Four (Quadruple Fatality)	
ATV	25			25
ROV	21	2	1	24
UTV	1			1
Unknown (ROV or UTV)	1			1
<b>Total</b>	<b>48</b>	<b>2</b>	<b>1</b>	<b>51</b>

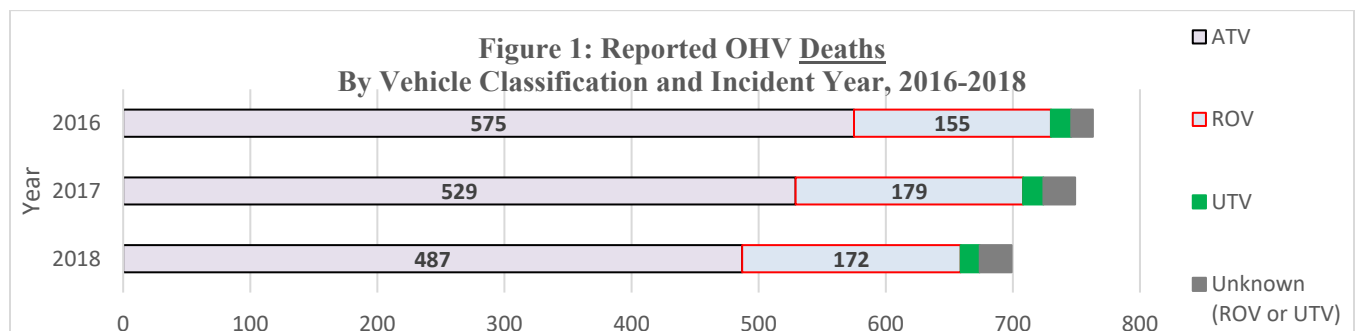
Sources: CPSRMS and NEISS.

Accounting for these multiple-fatality incidents, Table 3 and Figure 1 present the resulting number of deaths by vehicle classification and incident year.

**Table 3**  
**Reported Deaths Associated with Off-Highway Vehicles**  
**By Vehicle Classification and Incident Year, 2016-2018**

Vehicle Classification	Number of Deaths Per Incident Year			Total Deaths
	2016	2017	2018	
ATV	575	529	487	1,591
ROV	155	179	172	506
UTV	16	16	15	47
Unknown (ROV or UTV)	17	25	25	67
<b>Total</b>	<b>763</b>	<b>749</b>	<b>699</b>	<b>2,211</b>

Sources: CPSRMS and NEISS.



Sources: CPSRMS and NEISS.

## Reported Deaths by Incident State

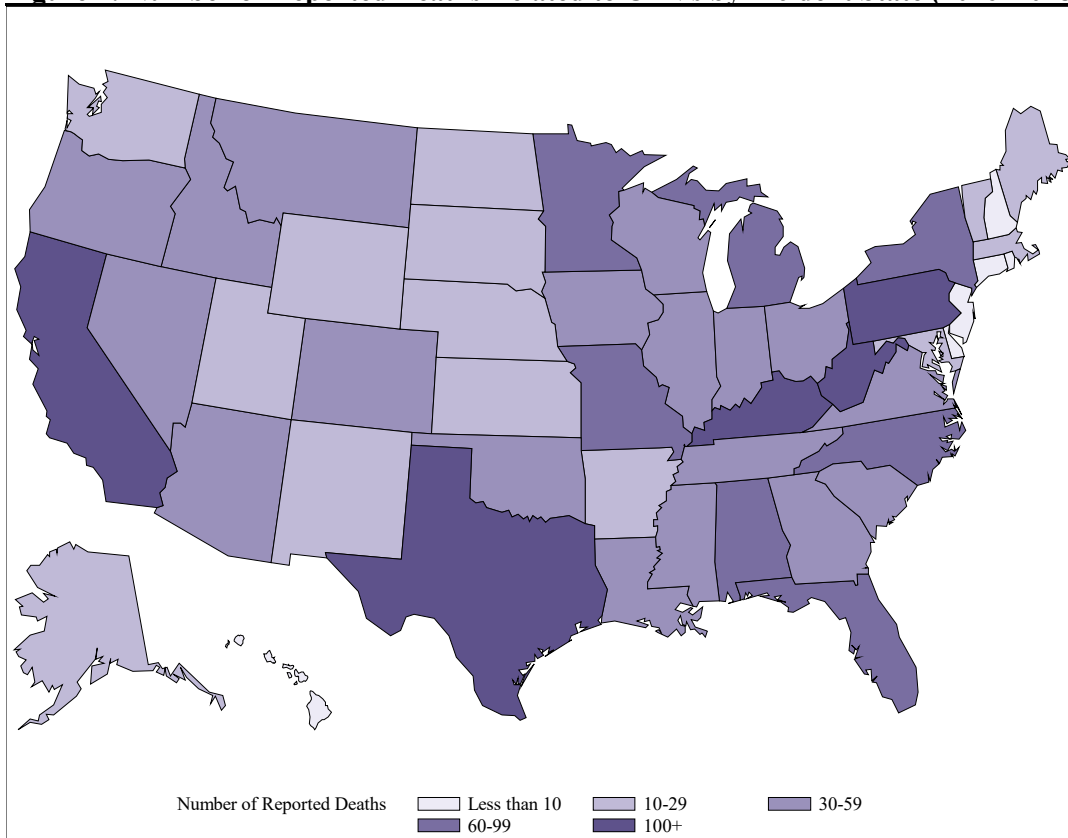
Table 4 (on next page) lists the number of fatal incidents and deaths due to off-highway vehicle incidents in each state and the percentage that each state represents in relation to all deaths resulting from incidents in the 3-year period (2016-2018).<sup>4</sup> States are listed in descending order of the number of reported deaths. The following states had the highest reported deaths associated with incidents occurring in this period: Texas (139), West Virginia (114), Pennsylvania (112), Kentucky (104), and California (101). Together, these five states accounted for 570 deaths from 558 fatal incidents, or 26 percent of the total 2,211 deaths from the 2,156 reported incidents.

When reviewing state-level fatal incident and death counts for the period 2016 through 2018, staff notes:

- Consistent with CPSC staff's previous annual reports on ATV-related deaths and injuries, the counts shown in Table 2 have *not* been adjusted for demographic characteristics (e.g., total population, age structure of population).
- *Unlike* CPSC staff reports on ATVs published prior to December of 2020, these counts reflect the state and year in which the *incident* occurred, rather than the state and year in which the deaths occurred.

Figure 2 (below) represents the first and third columns of Table 4 (on next page). As the legend shows, the darker-shaded states had more reported deaths related to OHVs between 2016 through 2018, than states displayed in lighter shades.

**Figure 2: Number of Reported Deaths Related to OHVs by Incident State (2016–2018)**



Sources: CPSRMS and NEISS.

<sup>4</sup> No fatal incidents in the District of Columbia, Puerto Rico, or other U.S. territories were reported for the period, so these locations are not included in Figure 2 or Table 4.

**Table 4**  
**Reported Fatal Incidents and Deaths Related to OHVs by Incident State**  
**For the Incident Period January 1, 2016 through December 31, 2018**

State	Reported Fatal Incidents	Reported Deaths from Incidents	Percent of All Reported Deaths from Incidents
	2016–2018	2016–2018	2016–2018
Texas	139	139	6.3%
West Virginia	111	114	5.2%
Pennsylvania	110	112	5.1%
Kentucky	99	104	4.7%
California	99	101	4.6%
Florida	76	79	3.6%
North Carolina	77	78	3.5%
New York	72	73	3.3%
Alabama	63	68	3.1%
Michigan	62	63	2.8%
Missouri	62	62	2.8%
Minnesota	58	61	2.8%
Wisconsin	58	59	2.7%
Arizona	54	59	2.7%
Oklahoma	57	58	2.6%
Ohio	56	56	2.5%
Mississippi	54	55	2.5%
Indiana	53	55	2.5%
Louisiana	52	53	2.4%
Illinois	50	51	2.3%
Virginia	48	48	2.2%
Idaho	43	46	2.1%
Georgia	44	45	2.0%
Colorado	43	44	2.0%
Tennessee	41	42	1.9%
Oregon	36	36	1.6%
South Carolina	36	36	1.6%
Montana	35	35	1.6%
Iowa	33	33	1.5%
Nevada	32	33	1.5%
Alaska	28	29	1.3%
New Mexico	25	26	1.2%
Washington	25	26	1.2%
Nebraska	24	25	1.1%
Arkansas	23	24	1.1%
South Dakota	23	24	1.1%
Kansas	23	23	1.0%
Maine	18	18	0.8%
North Dakota	18	18	0.8%
Maryland	17	18	0.8%
Utah	17	18	0.8%
Wyoming	17	18	0.8%
Vermont	12	12	0.5%
Massachusetts	11	11	0.5%
New Jersey	9	9	0.4%
Connecticut	6	6	0.3%
New Hampshire	4	4	0.2%
Rhode Island	2	3	0.1%
Delaware	1	1	<0.1%
Hawaii	0	0	<0.1%

Note: State rankings are based on total reported deaths resulting from ATV, ROV, and/or UTV incidents in this period.  
Sources: CPSRMS and NEISS.

**Reported Deaths of Children Compared with All Ages**

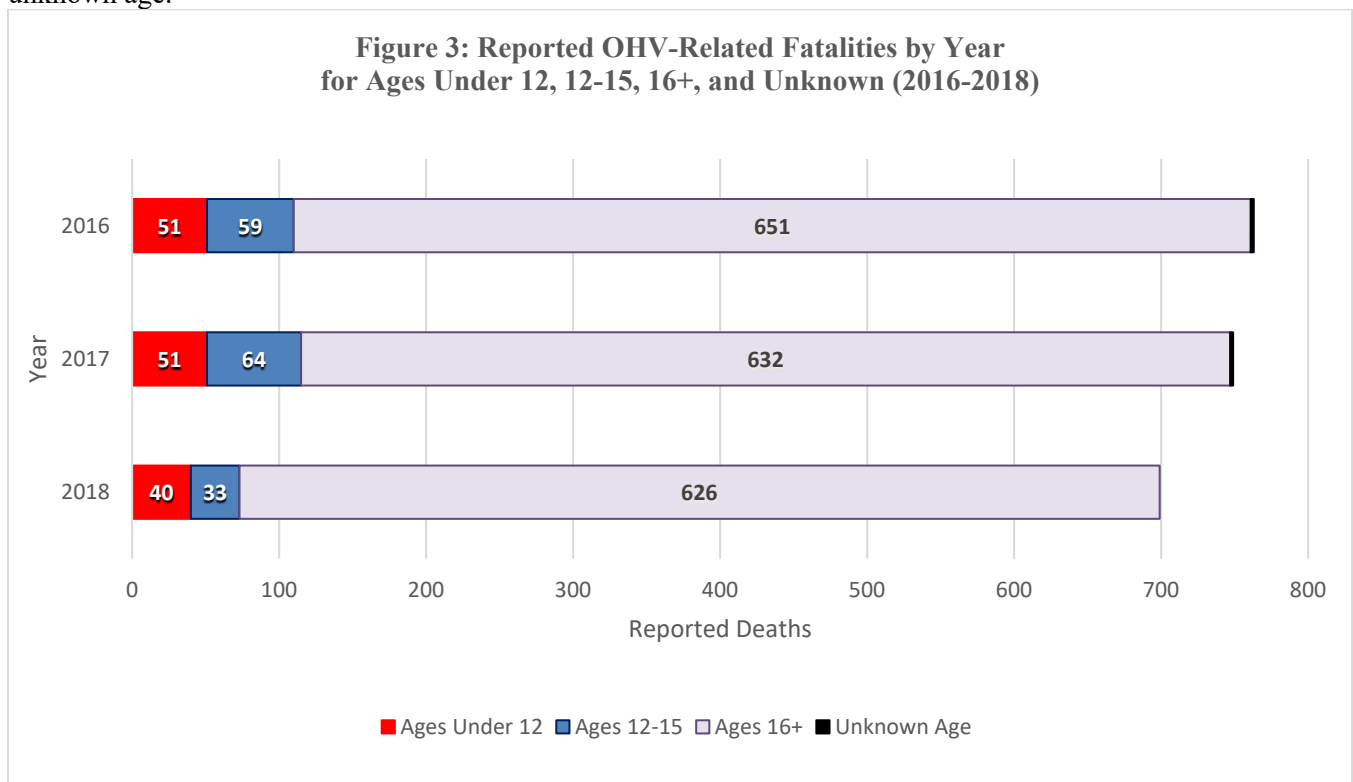
A review of the reported OHV-related fatalities indicates that 298 decedents in the timeframe (13% of the 2,211 total), were younger than 16 years of age, and 142 (6%) were younger than 12 years of age. Forty-eight percent of the *child* fatalities (*i.e.*, children under 16 years of age) were children younger than 12 years of age. Table 5 shows the total number of reported fatalities, by year, among children younger than 16 years; the corresponding percentage of the total number of reported fatalities for the year; the total numbers of fatalities by year for children younger than 12 years of age; and the corresponding percentage for all ATV-related fatalities of children younger than 16 years of age.

**Table 5  
Reported OHV-Related Fatalities and Percentages for Children Under 16 and 12 Years of Age  
For the Incident Period from January 1, 2016 through December 31, 2018**

Year	All Ages	Under 16 Years of Age		Under 12 Years of Age		
	Deaths	Deaths	Percent of All Ages	Deaths	Percent of All Ages	Percent of Children Under 16
2016	763	110	14%	51	7%	46%
2017	749	115	15%	51	7%	44%
2018	699	73	10%	40	6%	55%
<b>Total</b>	<b>2,211</b>	<b>298</b>	<b>13%</b>	<b>142</b>	<b>6%</b>	<b>48%</b>

Sources: CPSRMS and NEISS.

Figure 3 shows the corresponding total number of reported fatalities, by year, split into mutually exclusive age groups of children younger than 12 years, children 12-15 years, persons age 16 and over, and decedents of unknown age.



Sources: CPSRMS and NEISS.

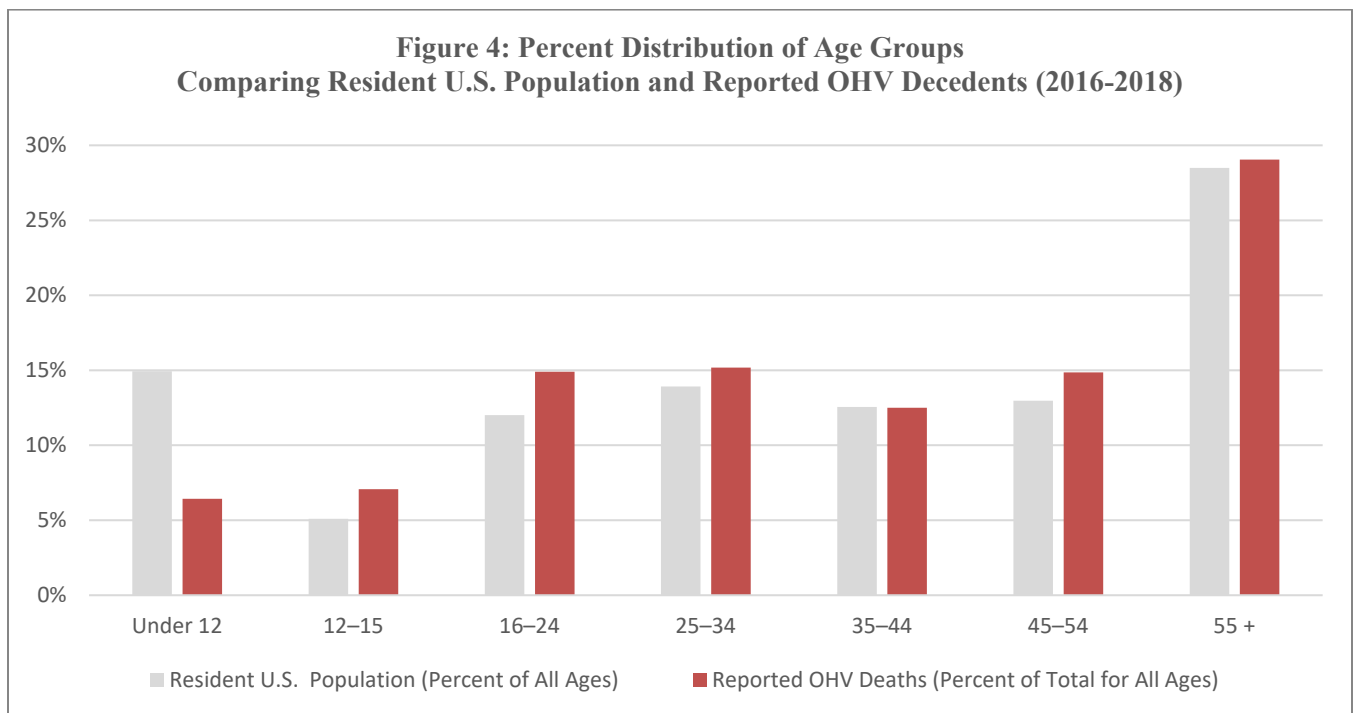
**Reported Deaths of Various Age Groups**

Table 6 presents the distribution of fatalities by year, and by various age groups over the period. Figure 4 presents the percent distributions of age groups during the 3-year period among both the resident U.S. population and reported OHV fatalities.

**Table 2**  
**Reported OHV-Related Fatalities by Age Groups**  
**For the Incident Period from January 1, 2016 through December 31, 2018**

Year	All Ages	Age Group (in years of age)							
		Under 12	12-15	16-24	25-34	35-44	45-54	55 +	Unknown
2016	763	51	59	107	118	89	124	213	2
2017	749	51	64	123	107	85	100	217	2
2018	699	40	33	99	110	102	104	211	0
<b>Total</b>	<b>2,211</b>	<b>142</b>	<b>156</b>	<b>329</b>	<b>335</b>	<b>276</b>	<b>328</b>	<b>641</b>	<b>4</b>

Sources: CPRSMS and NEISS.



Sources: U.S. Census Bureau, CPRSMS, and NEISS.

Comparing age group distributions for reported OHV fatalities against population, the largest imbalances are observed among child age groups. Within this period, disproportionately fewer fatalities are reported among children in the younger age group (ages under 12), when compared to their population representation. In contrast, disproportionately higher fatalities are reported in the older child age group (ages 12 to 15), when compared to their population representation. The 16-24 and 45-54 age groups are also observed to be reported in a greater proportion of OHV fatalities than their representation among the population. Staff does not know whether this merely corresponds to differences in OHV usage or other factors for the various age groups.

## Observed OHV Hazard Patterns

**Overturning** is a common hazard for all types of OHVs. An overturning vehicle report may indicate the vehicle overturning forward, backward, sideways (rollover), or in an unknown direction. Forward and backward overturns often occur while descending or ascending steep terrain. On flat terrain, when an OHV operator attempts to make a sharp turn, the OHV may roll over due to factors such as high rate of speed, change in the terrain surface type (e.g., from gravel to sand), and/or improper loading. Rollovers may also occur due to slanted or uneven terrain. Rollovers are especially consequential for ROVs. Based on 801 investigations of ROV fatal incidents,<sup>5</sup> staff determined that more than two-thirds involved rollover of the ROV. About one-fifth of ROV fatalities in the same investigated sample involved an attempt on *level* terrain to make a turn prior to rollover. Staff's review of historical ATV data<sup>6</sup> found that the involved ATV overturned in at least 65 percent of fatal incidents, but this includes incidents with other events (such as collisions) that may have preceded the overturning of the ATV. Staff's review finds overturns as the *primary* hazard in about 38 percent of ATV fatalities.

**Collisions** (with other vehicles, stationary objects, such as trees, people, or animals) are also a frequent hazard among all OHV fatalities. Collisions are particularly common among ATV fatalities. Staff's review of ATV data finds collisions to be the *primary* hazard in about 37 percent of fatalities. This does not include collisions that may have resulted because of other hazards. A majority of these ATV collisions (at least 61%) are with a stationary object, such as trees, guard rails, and mailboxes. Staff found that many collisions (over 30%) occur with other vehicles. Less frequently, collisions involve the ATV striking animals (4%), or pedestrian bystanders (less than 1%). Similarly, collisions contribute to UTV fatalities. For ROVs, staff noted collisions (of any type) in about 16 percent of the sample of 801 investigated fatalities.

Staff notes that hazards are not mutually exclusive. OHV fatality reports describe scenarios of overturning and collision, or other combinations of hazards in the same report. Staff *less* frequently observes fatality hazards, such as **drowning** from falling into a body of water, **fire** (typically an ROV), or falling or **being ejected** without *substantial* preceding events (e.g., collision or overturn).

OHV occupant ejection ultimately occurs in the majority of fatalities. For ROVs, staff assessment of the 801 IDIs found that more than 80 percent of decedents were ultimately ejected (whether fully or partially) from the ROV. For ATVs that have no seat belts or other restraints, fatally injured persons commonly do not remain seated on the ATV after the injury incident.

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<sup>5</sup> CPSC staff analyses conducted in support of ROV Termination Package and Congressional Report, June, 2020.

<sup>6</sup> Based on analysis of deaths in the All-Terrain Vehicle Death database for the years 2010 through 2013. when every death in the database had the primary hazard coded.



## Off-Highway Vehicle-Related Emergency Department-Treated Injuries<sup>7</sup>

Based on CPSC’s NEISS data involving five product codes applicable to off-high vehicles within the scope of this report, staff estimates 526,900 emergency department-treated injuries from 2016 through 2020 (an annual average of 105,400 injuries). These product codes cover ATVs, ROVs, and UTVs, and perhaps some other unspecified off-highway vehicles. CPSC staff is confident in using *totals* from these codes to characterize OHV injuries, so long as the vehicle types are combined. However, estimates corresponding to individual product codes only indicate the proportion staff was able to classify under that code; therefore, they should not be presumed to be a complete representation of all injuries corresponding to the specified vehicle type. For example, only about 3 percent of the OHV injury cases were classified based on available information under the 5044 product code for UTVs and ROVs. Given prior studies and other sources suggesting such vehicles may commonly be reported as “ATVs,” staff expects the distributions of injuries specific to ROVs and/or UTVs may be considerably greater, and thus, the percentage actually involving such vehicles is unknown. Without the benefit of a full-scale follow-up study, at present, staff is limited to presenting the injury estimates in terms of the product codes only, either individually or combined. Table 7 presents the 2016 through 2020 injury estimates and sample sizes by product codes.

**Table 7**  
**Estimates of OHV-Related Emergency Department-Treated Injuries by Product Codes**  
**January 1, 2016, through December 31, 2020**

<b>Product Code</b>	<b>Description of Product Code</b>	<b>Sample Size*</b>	<b>5 Year Total (2016-2020)</b>	<b>Annual Average</b>	<b>Percentage</b>
5044	Utility vehicles [and Recreational Off-Highway Vehicles (ROVs)]	376	21,600	4,300	4%
3285	All-terrain vehicles (three wheels only; exclusively off-road)	115	6,300	1,300	1%
3286	All-terrain vehicles (four wheels, excluding dune buggies; exclusively off-road)	7,014	352,100	70,400	67%
3287	All-terrain vehicles (number of wheels not specified; excluding dune buggies; exclusively off-road)	3,903	145,500	29,100	28%
3296	All-terrain vehicles (more than four wheels; exclusively off-road)	32	**	**	**
<b>Combined</b>	<b>Total (All of the above)</b>	<b>11,430</b>	<b>526,900</b>	<b>105,400</b>	<b>100%</b>

Source: U.S. CPSC’s NEISS

\* As multiple vehicles can occasionally be involved with a single injury, a very small proportion of these cases involve two or more of the above product codes. Therefore, the sum of the sample sizes for each individual product code above very slightly exceeds the combined sample size of 11,430 cases.

\*\* This estimate does not meet NEISS reporting criteria. For a NEISS estimate to satisfy all reporting criteria, the coefficient of variation (CV) cannot exceed 0.33, there must be at least 20 sample cases, and there must be at least 1,200 estimated injuries. The four estimates reported for other product codes in this table have coefficients of variation (CVs) ranging from 10 percent to 24 percent.

<sup>7</sup> Based on analysis of data from the U.S. CPSC’s NEISS.

Table 8 shows estimates of OHV-related injuries treated in hospital emergency departments nationwide between January 1, 2016 and December 31, 2020, with a focus on children’s injuries. In this analysis, staff compared the latest (2020) injury estimates to a middle year (2018, as well as a base year (2016)).<sup>8</sup>

**Table 8**  
**Annual Estimates of OHV-Related Emergency Department-Treated Injuries**  
**For All Ages, Children under 16 and Under 12 Years of Age**  
**January 1, 2016, through December 31, 2020**

Year	All Ages	Under 16 Years of Age		Under 12 Years of Age		
	Estimated Number of Injuries	Estimated Number of Injuries	Percent of All Ages	Estimated Number of Injuries	Percent of All Ages	Percent of Children Under 16
2016	115,500	30,700	27%	15,800	14%	52%
2017	108,100	28,300	26%	13,300	12%	47%
2018	95,000	24,800	26%	12,900	14%	52%
2019	96,000	25,800	27%	12,900	13%	50%
2020	112,300	30,400	27%	14,300	13%	47%
<b>Total</b>	<b>526,900</b>	<b>140,000</b>	<b>27%</b>	<b>69,300</b>	<b>13%</b>	<b>49%</b>

Source: U.S. CPSC’s NEISS

Note: The coefficients of variation (CVs) for the injury estimates in this table range from about 10 percent to 16 percent. See Appendix A for an explanation of the use and calculation of CVs.

For the “All Ages” age group, the estimated 18 percent *decrease* from 115,500 injuries in 2016, to 95,000 injuries in 2018, reflects a statistically significant injury reduction (p-value=0.0321). However, the estimated 18 percent increase between 2018 and 2020 is also statistically significant (p-value=0.0372). The estimated 17 percent injury increase between just the final two years 2019 and 2020, is also statistically significant (p-value=0.0243). Although there are statistically significant changes within the period, the net differences between the start and end years of the overall 2016 through 2020 period are *not* statistically significant.

For the “Under 16 Years of Age” and the “Under 12 Years of Age” groups, none of the year-to-year changes observed within the period correspond to statistically significant differences.

On average, over the period 2016 through 2020, children “Under 12 Years of Age” represent an estimated 13 percent of emergency department-treated injuries for all ages, or 49 percent of injuries to children under 16.

Males were injured more frequently than females, regardless of age. For all ages, the estimated distribution of injuries based on available sex classifications is 69 percent male and 31 percent female. Among children under the ages of 12 and 16, about 65 percent and 66 percent, respectively, were identified as male.

Table 9 breaks down the estimated numbers of OHV-related, emergency department-treated injuries by age groups, from 2016 through 2020.

<sup>8</sup> See the methodology section in Appendix A for a discussion of the rationale for choosing 2016 as the base year.

**Table 9**  
**Annual Estimates of OHV-Related Emergency Department-Treated Injuries by Age Group**  
**January 1, 2016, through December 31, 2020**

Year	Age Group (in years of age)							Total
	Under 12	12-15	16-24	25-34	35-44	45-54	55+	
2016	15,800	14,900	26,400	24,900	15,400	9,200	8,900	115,500
2017	13,300	15,000	24,800	21,800	13,000	10,000	10,200	108,100
2018	12,900	11,900	21,500	18,600	12,700	8,600	8,600	95,000
2019	12,900	12,900	24,000	17,800	12,000	8,100	8,200	96,000
2020	14,300	16,100	24,100	23,700	15,600	9,700	8,700	112,300
<b>Total</b>	<b>69,300</b>	<b>70,800</b>	<b>120,800</b>	<b>106,800</b>	<b>68,700</b>	<b>45,700</b>	<b>44,600</b>	<b>526,900</b>

Source: U.S. CPSC's NEISS

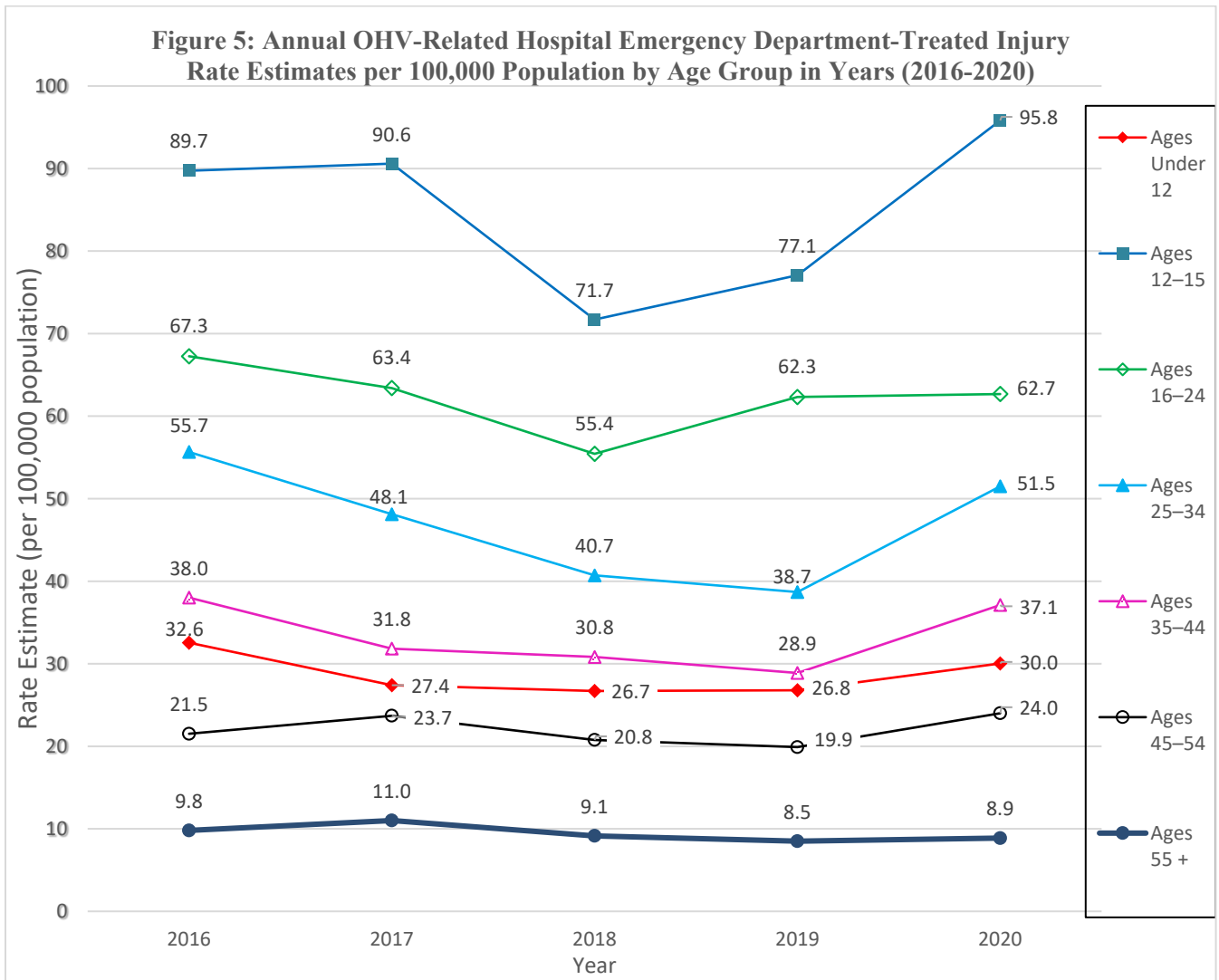
Note: Rows may not sum to the annual totals due to rounding and the exclusion of cases with unknown victim age. The coefficients of variation (CVs) for the injury estimates in this table range from about 10 percent to 18 percent.

Staff's analysis of information in Table 9 (above) supports the following:

- Only three of these age groups exhibit any statistically significant year-to year differences within the period 2016 through 2020. Between the years 2018 and 2020, there are statistically significant estimated increases for ages 12-15 (+35%), ages 25-34 (+28%), and ages 35-44 (+23%) (p-values= 0.0176, 0.0404, and 0.0225, respectively).
- The 25-34 years age group also exhibited a statistically significant estimated increase (+33%) when comparing the last 2 years of the period 2019 and 2020 (p-value=0.0009). The estimated decrease (25%) between 2016 and 2018 (start and middle years) was also statistically significant for this 25-34 years age group (p-value=0.0053).
- When comparing the start year 2016 against the final year 2020, no trend or statistically significant differences were detected for any of the age groups.

Differences in population sizes among age groups and across time likely influence the number of injuries for each age group. According to data from the U.S. Census Bureau,<sup>9</sup> the number of persons aged 55 years or older increased from an estimated 90.6 million to 98 million during this 5-year period. Child age group populations held steady throughout the period, with almost 17 million 12-15-year-old teens, in addition to about 48 million children under 12 years of age. The remaining age groups were comparable, somewhere between about 38 and 46 million, depending on the year and age group. To facilitate comparisons normalized by population size, Figure 5 (below) presents annual estimated injury rates per 100,000 persons within each age group. Except for children under 12 years of age, younger age groups throughout the period have injury rates estimated to be greater than that of their elders.

<sup>9</sup> U.S. Census Bureau. <https://www.census.gov/programs-surveys/popest/technical-documentation/research/evaluation-estimates/2020-evaluation-estimates/2010s-national-detail.html> Monthly National Population Estimates by Age, Sex, Race, Hispanic Origin, and Population Universe for the United States: April 1, 2010 to December 1, 2020.



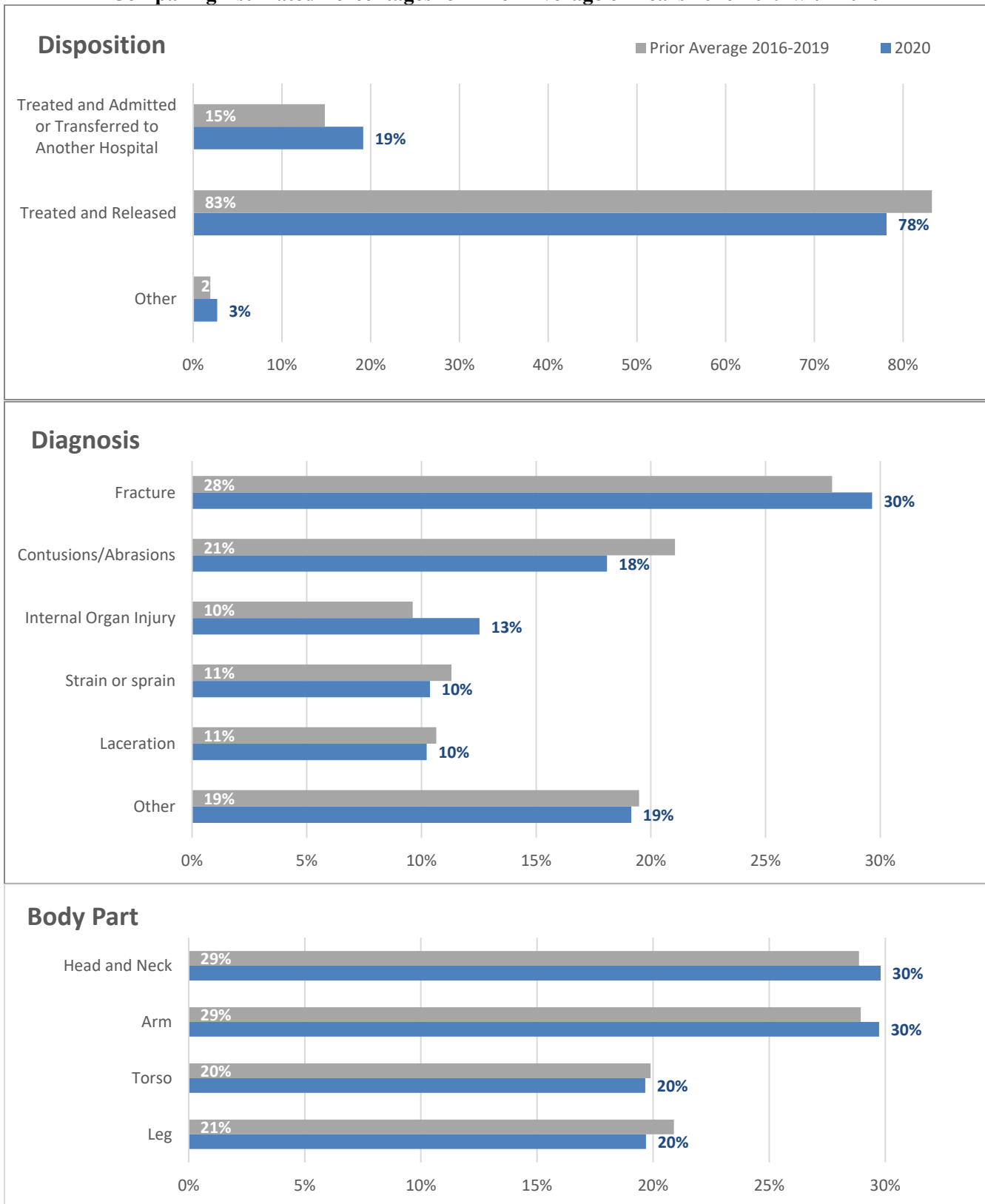
Sources: U.S. Census Bureau and U.S. CPSC's NEISS

**Figure 6** provides the estimated percentage of relevant OHV-related, emergency department-treated injuries for *all ages* for the most recent year 2020, and on average for the prior 4 years 2016 through 2019, broken down, respectively, by disposition, diagnosis, and body part.<sup>10</sup> Any fatal injury reports in NEISS are also included in the earlier fatality section of this report. Of the 5-year total 526,900 estimated emergency department-treated injuries, staff categorized a majority as “treated and released” (estimated at 83% on average for 2016-2019 and 78% for 2020). Consequently, there was a statistically significant increase<sup>11</sup> in injuries “treated and admitted” or “treated and transferred” from about 15 percent, on average, for the years 2016 through 2019, to about 19 percent of all injuries in 2020. The remaining treatment disposition percentages are spread across several categories, such as “left without being seen,” “held for observation,” “fatality,” and “unknown.” In both periods, the most common diagnoses were fractures (30% for 2020) and contusions/abrasions (18% for 2020). Staff categorized the remaining diagnoses in groups labeled variously as: lacerations, sprains/strains, internal organ injuries, and other (which includes concussions). Most injuries for 2020 were located on the head and neck (30%) or the arm (shoulders down, also 30%).

<sup>10</sup> Beginning 2018, NEISS allowed the coding of up to two diagnoses and body part codes per injury. For this analysis, the first diagnosis and body part codes were considered “primary.” A small proportion of cases are associated with more than one diagnoses and body part categorization.

<sup>11</sup> Estimates of hospitalizations, after combining cases that were “treated and admitted” “treated and transferred,” reflect statistically significant difference when comparing 2020 against any of the prior 4 years: 2016, 2017, 2018, and 2019 (p-values=0.017, 0.0182, 0.0083, 0.0043).

**Figure 6: OHV-Related Emergency Department-Treated Injury for All Ages,  
By Disposition, Diagnosis, and Body Part  
Comparing Estimated Percentages for Prior Average of Years 2016-2019 with 2020**



Sources: U.S CPSC's NEISS

## Discussion

Substantial uncertainties exist regarding the classification of NEISS OHV injury data into ATVs versus UTVs and ROVs. Although staff could determine that about 27 percent of fatal OHV incidents were not ATVs, all but 4 percent of the OHV NEISS injury data was classified as an “ATV,” and thus, coded under an ATV product code. Investigations are attempted for fatal incidents, but not the injury cases that may very plausibly have contributed to a lesser rate of UTV/ROV vehicle identification among injuries. Thus, the rate of UTV and ROV injuries, in actuality, may be greater than 4 percent. However, it is also plausible that ATVs that expose riders to their surroundings, in actuality, may have a greater proportion of involvement among nonfatal injuries. It is not clear whether differences in exposure (as a function of riders and miles and time) account for the difference. After reaching a high of 812,000 in 2004, ATV sales declined steadily until 2018, to an estimated 205,000.<sup>12</sup> Only more recently have ATV sales increased by an estimated 1.8 percent between 2018 and 2019, the last year for which we have data. Except for the financial crisis years 2009 and 2010, combined ROV and UTV sales increased steadily from 164,000 in 2004, to 474,000 in 2019. Combined ROV and UTV sales first exceeded ATV sales in 2011, and they have done so every year since. However, product life for these products is uncertain, and use of these products is even more unclear. Accordingly, in the end, the effect of exposure is unclear.

Due to the relatively modest influence (*i.e.*, small sample size) of the UTV/ROV product code on the overall OHV injury estimates, staff’s injury analysis, limited to the combination of these five product codes, is overwhelmingly dominated by the ATV product code-related injury characteristics. For example, the disposition, diagnosis, and body part distributions for 2016 through 2019 and 2020, presented earlier in **Figure 6**, represent almost the same percentages as if staff omitted entirely the UTV/ROV product code cases.

Conversely, this may *not* represent the distribution for UTVs and ROVs, as suggested by an analysis restricted to cases specifically classified using the UTV/ROV product code (5044) for some body parts and diagnoses. More notably, analysis constrained to the UTV/ROV product code suggests statistically significant *increases* in injuries proportionally much greater than what is observed for OHVs overall when ATVs are included.

The product code 3287 for ATVs with an *unknown* number of wheels accounts for 28 percent of the total OHV injury estimates from 2016 through 2020. Based on the current distributions of other product codes specifying the numbers of wheels as 3, 4, or more, staff estimates that 2 percent of the vehicles may be imputed as vehicles having 3, 5, or 6 wheels, while the remaining 98 percent of vehicles may be imputed as 4-wheeled vehicles. Based on historical knowledge, we expect that some minority proportion of these cases correspond to misclassified ROVs and UTVs. Similarly, we expect some misclassifications among a minority proportion of cases coded as 4-wheeled ATVs (product code 3286). Although we can reliably impute vehicles for the number of wheels from current available data, staff can only compute adjustments for misclassification errors between ATV and ROVs/UTVs, based upon survey data. The reallocation of sample cases into the small UTV/ROV product category could substantially increase the UTV/ROV estimates. However, any resulting “corrected” estimates for UTVs/ROVs would be especially sensitive to variations in the rate of reallocation computed from that survey data.

Staff is aware that the more an estimate relies upon correction/adjustment, the more the estimate can be influenced by any imperfections with the method used for that correction/adjustment. Prior annual reports, which were primarily concerned only with estimates for ATVs, were less sensitive to any subtle inaccuracies in adjustment factors. However, the 2010 special study results are not applicable for the ROV/UTV data because:

1. substantial changes have occurred in the marketplace and market share for the various vehicle types since the time of prior surveys;
2. staff observed error frequency in vehicle classification from *fatality* incident data (*e.g.*, among investigated fatalities involving an ROV about 75 percent are described in their death certificates as an “ATV”);

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<sup>12</sup> Based on correspondence with staff from CPSC’s Directorate for Economics.

3. relative magnitude of the uncorrected estimates for ROVs/UTVs have small sample sizes and can be more sensitive to any imperfections with those corrections.

Without the benefit of a more recent follow-up special study, staff cannot reliably produce an adjusted and corrected injury estimate specific to UTVs and/or ROVs. Until such a study is completed and results are available, this annual report will continue to present these injury estimates as combined OHV estimates.

## Appendix A: Methodologies

This appendix describes the methodologies used to count OHV-related deaths and estimate injuries and other information to develop the report analyses.

### OHV-Related Deaths

#### *In-Scope OHV-Related Fatalities*

All fatality data are based on reports received through the CPSRMS. OHV-related fatalities that staff considered to be in-scope in this report include any unintentional incident involving OHVs (ATVs, ROVs, and UTVs), whether or not the OHV was in operation at the time of the incident. Because of the difficulties inherent in distinguishing between occupational and non-occupational use, staff included occupational fatalities in both the death counts and the injury estimates. For example, staff may find it difficult to classify a fatality that occurs as a victim is riding next to a fence on a ranch, while examining the fence, and subsequently, becomes involved in an OHV-related fatality incident while taking a break from work to go on a recreational ride up a nearby hill.

ICD-10 codes (V86.X) characterizing the external cause of death as “ATV-related,” include fatalities resulting from all specialty motor vehicles intended primarily for off-road use (World Health Organization, 2007). Thus, this set of ICD-10 codes captures other types of off-highway vehicles, such as dune buggies, ROVs, UTVs, and dirt bikes. By conducting in-depth investigations (IDIs), CPSC staff attempts to verify that the vehicles involved in these incidents were “ATVs,” as defined by CPSC staff (*i.e.*, an ATV is a motorized vehicle intended for off-road use and having three, four, or more low-pressure tires, a straddle seat for the operator, and handlebars for steering control). In cases where staff cannot ascertain the specific type of off-highway vehicle, CPSC staff counts the death report as an ATV-related fatality. Staff’s assumptions may result in an overestimation of ATV-related deaths.

In many cases, CPSC staff receives fatality reports for the same incident from multiple sources. The reports are about deaths counted in a previous annual report, or deaths reported for the first time in this annual report. For example, CPSC staff may receive a Medical Examiners and Coroners Alert Project (MECAP) report of a fatality that CPSC staff previously received via a news clip. Staff compares reports from all sources to identify and consolidate duplicate incidents reported in multiple sources so that incidents are counted only once in Table 1.

### OHV-Related Injuries

#### *Estimation of Emergency Department-Treated Injuries Associated with OHVs*

Staff derived all injury estimates in this report from data collected through CPSC’s NEISS, a probability sample of U.S. hospitals with 24-hour emergency departments with more than six beds (Schroeder and Ault, 2001a and 2001b). Thus, OHV-related injury estimates in this report represent hospital emergency department-treated injuries only. OHV-related injuries that were not treated in hospital emergency departments are not included in these estimates.

Staff defined an “in-scope injury case” to be any non-occupational, unintentional case involving an OHV, whether or not the victim was operating the OHV at the time of the incident, *i.e.*, the victim could have been a passenger or a bystander. Note that NEISS does not collect occupational injuries; thus, the definition of “in-scope, OHV-related injuries,” differs slightly from the definition of “in-scope, OHV-related fatalities.”

Staff did not use the adjustment factors from prior annual reports regarding ATVs, because those adjustment factors sought to exclude other types of off-highway vehicles misclassified as ATVs. Staff concluded that continued use of such adjustment factors would likely exclude cases that were really ROVs or UTVs.



### *Coefficients of Variation*

A coefficient of variation (CV) is an expression of the standard deviation relative to the estimate itself. In this report, CVs for injury estimates are given as percentages. Schroeder and Ault (2001a) and Schroeder and Ault (2001b) discuss calculation of NEISS estimates and their variances. Levenson (2003b, 2005) and Garland (2011) discuss in greater detail adjustment factors and other concepts specific to variability associated with ATV estimates.

### *Injury Rate Estimates per 100,000 Population by Age Group*

Injury rate estimates per 100,000 population by age group is calculated as the total estimated number of hospital emergency department-treated injuries associated with the corresponding age group and one or more of five OHV-related product codes (5044, 3285, 3286, 3287, and 3296) after dividing by the corresponding population estimates published by the U.S. Census Bureau, and then multiplying by 100,000.

### *Changes in Injury Estimates and Injury Rate Estimates*

Consistent with the previous OHV Annual Report (U.S. CPSC, December 2020), relative changes in the annual injury estimates shown in Table 7 through Table 9 are assessed using the most recently available 5 years of NEISS injury data. The base year in this assessment is therefore 2016 to support assessment of the recent 5 years 2016-2020. Although classification of injuries specifically involving ROVs and UTVs are difficult to capture within NEISS, staff expects these data from the 5 most recent years to reflect OHVs' current usage more accurately than would an analysis spread across a longer historical timeframe.

## References

ANSI/ROHVA 1 American National Standard for Recreational Off-Highway Vehicles.

National Center for Health Statistics (NCHS) “About the International Classification of Diseases/Clinical Modification (ICD-10-CM).” August 2007. <http://www.cdc.gov/nchs/icd.htm>.

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Topping, J. (February 2020) *2018 Annual Report of ATV Deaths and Injuries*. U.S. Consumer Product Safety Commission.

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U.S. Census Bureau. <https://www.census.gov/>

U.S. Consumer Product Safety Commission. *Standards for All-Terrain Vehicles and Ban of Three-Wheeled All-Terrain Vehicles; Notice of Proposed Rulemaking*. Federal Register, Volume 71, Number 154, Pages 45904–45962. August 10, 2006.

U.S. Consumer Product Safety Commission, Office of Information and Public Affairs (OIPA) (September 21, 2006). *CPSC Launches Major Campaign to Drive Down Deaths and Serious Injuries Associated with All-Terrain Vehicles*. Press Release. Retrieved September 16, 2009.

World Health Organization (WHO), “International Classification of Diseases.” Retrieved December 4, 2007 from: <http://www.who.int/classifications/icd/en/>.

**ORDINANCE NO. 2023-\_\_\_**

**AN ORDINANCE OF THE CITY OF SEDONA, ARIZONA, ADOPTING AN AMENDMENT TO THE CITY CODE TITLE 10 (VEHICLES AND TRAFFIC) BY ADDING CHAPTER 10.30 (IMPROPER MOTOR VEHICLE EQUIPMENT); PROVIDING FOR PENALTIES, A SAVINGS CLAUSE, AND FOR REPEAL OF CONFLICTING ORDINANCES; AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, adhering to Federal and State safety regulations related to motor vehicles reduces the chances of serious injury; and

WHEREAS, every year tire failure causes approximately 11,000 vehicle crashes and 200 deaths nationwide and adhering to Department of Transportation (DOT) tire regulations reduces the chance of tire failure; and

WHEREAS, only DOT approved tires are allowed to be used in highway service; and

WHEREAS, no UTV, ATV, or OHV tires are currently DOT approved for highway or on street use (see NHTSA June 3, 2022 letter re: Improper Certification of UTV/ATV Tires to FMVSS; U.S. Tire Manufacturers Tire Information Service Bulletin TISB 07); and

WHEREAS the City deems it necessary to adopt certain regulations regarding improper motor vehicle equipment to protect the health, safety, and welfare of the City residents in accordance with DOT regulations.

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEDONA, ARIZONA, as follows:**

**Section 1. Amendment of Sedona City Code Title 10 (Vehicles and Traffic)**

Title 10 (Vehicles and Traffic) of the City Code of the City of Sedona is hereby amended by adding the following Chapter:

**Chapter 10.30 – IMPROPER MOTOR VEHICLE EQUIPMENT**

**10.30.010 - Definitions.**

In this chapter unless the context otherwise requires:

"Driver" means a person who drives or is in actual physical control of a motor vehicle.

"Highway" means the entire width between the boundary lines of every paved way if a part of the way is open to the use of the public for purposes of motor vehicle travel including public roads and streets.

"Manufacturer" means a person or entity—

(A) manufacturing or assembling motor vehicles or motor vehicle equipment; or

(B) importing motor vehicles or motor vehicle equipment for resale.

"Motor vehicle" means a self-propelled vehicle, including Utility Terrain Vehicles, All Terrain Vehicles, and Off Highway Vehicles.

"Owner" means the person in whose name such motor vehicle is registered.

"Public employees" means any federal, state, county or City employees.

“State or Federal motor vehicle safety standards” means all motor vehicle standards listed in A.R.S Title 28 or Title 49 of the Code of Federal Regulations (FMVSS) including:

- (A) A.R.S. 28-971 - Brake light or stop lamp in good working order
- (B) A.R.S. 28-955 or A.R.S. 28-1179(A)(3) - Muffler or noise dissipative device in good working order.
- (C) A.R.S. 28-957.01 or A.R.S. 28-964(A)- Adequate windshield or eye protection.
- (D) 49 C.F.R. § 574.5(e)(3) – The DOT symbol must not appear on tires to which no Federal Motor Vehicle Safety Standard is applicable.
- (E) 49 C.F.R. § 574.5(e)(1) – All motor vehicles operated on highways must be equipped with street legal tires approved by NHTSA or DOT.

#### 10.30.020 – Operating Motor Vehicle with Improper Motor Vehicle Equipment Prohibited.

1. A person shall not drive or move on a highway a motor vehicle that:
  - A. Is in an unsafe condition that endangers a person.
  - B. Does not contain those parts or is not at all times equipped with lamps and other equipment in proper condition and adjustment as required in this chapter.
  - C. Is equipped in any manner in violation of State or Federal motor vehicle standards.
  - D. Is not approved by the manufacturer to be operated on a highway.
2. An owner shall not drive or allow a person to drive or move on a highway the owner's motor vehicle that:
  - A. Is in an unsafe condition that endangers a person.
  - B. Does not contain those parts or is not at all times equipped with lamps and other equipment in proper condition and adjustment as required in this chapter.
  - C. Is equipped in any manner in violation of State or Federal motor vehicle standards.
  - D. Is not approved by the manufacturer to be operated on a highway.

#### 10.30.030 – Applicability; Exceptions.

1. This chapter applies to all highways within the Sedona City limits.
2. This chapter does not apply to public employees in the performance of their official duties or to any motor vehicle owned or operated by any federal, state, or local governmental entity.

#### 10.30.40 – Inspections.

If at any time there is reasonable cause to believe that a motor vehicle is unsafe or is not equipped as required by this chapter or that a vehicle's equipment is not in proper adjustment or repair, any peace officer may require the driver of the motor vehicle to stop and submit the vehicle to an inspection and such test with reference to the inspection as may be appropriate.

#### 6.15.050 – Authority to Impound Vehicles.

Vehicles operated in violation of this chapter may be impounded in the same manner as provided for by the provisions of SCC 10.15.150.

#### 6.15.060 – Enforcement; Liability.

1. Any AZPOST certified peace officer, community service officer, community service aide may issue a written warning or citation for the violation of this chapter.
2. Persons Liable. If any motor vehicle is found in violation of any provision of this chapter, the owner, the person in whose name such motor vehicle is registered, as well as the driver of the vehicle at the time of the violation, shall be jointly and severally responsible for such violation and are subject to the penalties therefor. If the vehicle is not attended by a driver, the owner, or person in whose name such vehicle is registered, shall be held

prima facie responsible for such violation and is subject to the penalties therefor. Proof that a person other than the owner was operating the vehicle at the time of the violation shall not constitute a valid defense to the offense.

6.15.070 - Separate Offenses.

Each violation pursuant to this chapter shall constitute a separate offense and each day a violation remains unabated may constitute a separate offense.

6.15.080 - Penalties.

- A. Upon a first violation of this chapter, an officer shall issue a written warning and repair order. A certificate of correction or adjustment of illegal or faulty equipment shall be obtained the person and shown to the police department within five days.
- B. If there is a violation of this chapter and the person fails to provide the City with a certificate of correction or adjustment within five days or the person has previously been issued a warning within one hundred eighty (180) days from the date a warning was issued, the violation is a civil offense punishable by a fine not to exceed five hundred dollars (\$500.00), plus any other penalties, assessments or surcharges authorized by law.
- C. If there is a violation of this chapter and the person has previously been convicted two (2) or more times of violating this chapter under subsection B, the new violation is a class 1 misdemeanor, plus any other penalties, assessments or surcharges authorized by law.

**Section 3. Savings Clause**

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance.

**Section 4. Repeal**

All other code provisions, ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict as of the effective date hereof.

**Section 5. Effective Date**

The effective date of this Ordinance shall be 60 days following adoption by the City Council.

**PASSED AND ADOPTED** by the Mayor and Council of the City of Sedona, Arizona, this \_\_\_ day of \_\_\_, 2023.

\_\_\_\_\_  
Scott M. Jablow, Mayor

ATTEST:

\_\_\_\_\_  
JoAnne Cook, CMC, City Clerk

APPROVED AS TO FORM:

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Kurt W. Christianson, City Attorney



**CITY COUNCIL  
AGENDA BILL**

**AB 2861  
May 23, 2023  
Regular Business**

**Agenda Item:** 8e  
**Proposed Action & Subject:** Discussion/possible direction/action regarding proposed State legislation, short-term rental legislation and State budget and their potential impact on the City of Sedona.

<b>Department</b>	City Manager
<b>Time to Present</b>	15 Minutes
<b>Total Time for Item</b>	45 Minutes
<b>Other Council Meetings</b>	January 24, 2023; February 14, 2023; February 28, 2023; March 14, 2023; March 28, 2023; May 9, 2023
<b>Exhibits</b>	None

City Attorney Approval	Reviewed 5/16/23 KWC	<b>Expenditure Required</b>	
			\$ N/A
City Manager's Recommendation	For discussion and direction only.	<b>Amount Budgeted</b>	
			\$ N/A
		Account No. (Description)	N/A
		Finance Approval	<input checked="" type="checkbox"/>

**SUMMARY STATEMENT**

**Background:** During the course of the State Legislative Session, many bills are introduced that have a potential impact on the City of Sedona. The League of Arizona Cities and Towns, the City's legislative advocate and City staff routinely monitor bills of interest as they progress through the legislative process.

This item is scheduled to provide a summary update on relevant bills and the proposed State budget, to answer questions that the City Council may have regarding any individual bill or the budget, and to consider the need for the City Council to take a formal position in support or opposition of any particular bill.

**Climate Action Plan/Sustainability Consistent:**  Yes -  No -  Not Applicable

**Board/Commission Recommendation:**  Applicable -  Not Applicable

**Alternative(s):** None

**MOTION**

**I move to:** for presentation and direction purposes only.