

Information about the New Off-Highway Vehicle Law September 2008

Arizona Revised Statute § 49-457.03 prohibits the recreational use of an off-highway vehicle (OHV) on days when the Arizona Department of Environmental Quality (ADEQ) issues a high pollution advisory (HPA) for small particulate matter 10 microns or less (PM10).

WHY IS LIMITING THE RECREATIONAL USE OF OHVS NEEDED?

In recent years, the Valley has not met Federal Air Quality Health Standards set by the Environmental Protection Agency (EPA). In order to meet the health standards, the Valley cannot exceed the EPA's standard more than three times in a three-year period. The EPA has given the Valley another chance to make progress toward meeting the standard before it steps in: set a goal to meet federal clean air standards by 2010. To achieve this goal, a plan has been developed to reduce emissions by 5 percent each year until the air quality standard is met.

HOW DO EMISSIONS FROM OHVS AFFECT AIR QUALITY?

Emissions from OHVs are one of the top five off-road sources of particulate emissions in the Valley (see chart). Everyone needs to contribute to achieving healthy air. To date, the Valley still has not met the national public health standards.

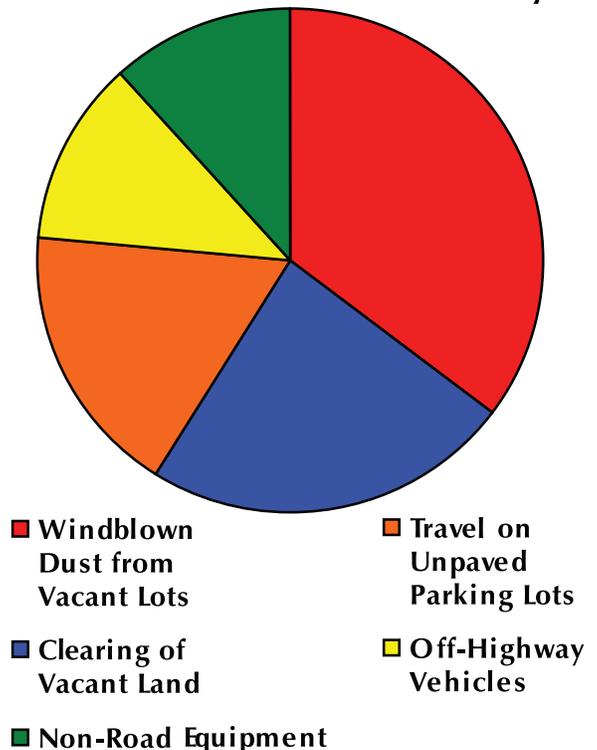
WHAT IF THE VALLEY DOESN'T COMPLY?

Federal highway funding can be withheld if an area does not meet applicable deadlines. If funding for the Valley is withheld, road construction could be delayed for years, halting the expansion of our highways and causing even more gridlock.

WHY IS BREATHING PARTICULATE MATTER UNHEALTHY?

Coarse particulate matter is a mixture of solid and liquid particles suspended in air. This pollution is made up of a number of components, including acids, metals, chemicals, soil particles, and allergens (pollen or mold spores). The size of particles is important because of

Top Five Sources of Non-Road PM₁₀ Emissions in the Valley



potential health problems. PM10 particles pose a problem because the particles can get deep into the lungs – the smaller particles may even get into the bloodstream, affecting a person's lungs and heart and may trigger asthma attacks.

WHY NOT DO MORE ABOUT CARS – THEY MUST BE A BIGGER CONTRIBUTOR?

Vehicle exhaust has been heavily regulated since the 1970s. Since that time, tailpipe emissions have been drastically reduced. Vehicles already must pass the most rigorous emissions inspections program in the nation and use cleaner burning fuels.

WHEN DO THE LAW'S RESTRICTIONS APPLY?

Only when ADEQ has issued a HPA for PM10. ADEQ issued 22 HPAs for PM10 in 2007.

WHAT ACTIVITIES DOES THIS LAW PROHIBIT?

The law prohibits the recreational use of any motorized transportation on an unpaved surface that is not a public road or private road, street or lawful easement on High Pollution Advisory days for particulate matter (PM10). ADEQ issues High Pollution Advisory (HPA) for PM10. ADEQ issued 22 HPAs for PM10 in 2007. This includes private lands unless written permission has been obtained from the land owner.

The law also requires cities and towns in Area A to adopt, implement and enforce an ordinance that prohibits the operation of any vehicle, including an off-highway vehicle (OHV), an all-terrain vehicle (ATV) or an off-road recreation motor vehicle (ORRMV), on an unpaved surface that is not a public or private road, street or lawful easement and that is closed by the landowner by March 31, 2008. Check with the local town or city for additional OHV dust rules.

WHEN ARE AIR QUALITY FORECASTS UPDATED?

ADEQ issues an updated forecast by 1 p.m. Sunday-Friday; the forecast for Saturday is issued on Friday.

HOW CAN I TELL WHEN A HPA FOR PM10 HAS BEEN ISSUED?

ADEQ's daily air quality forecast can be found at: www.azdeq.gov/environ/air/ozone/ensemble.pdf or you can sign up to receive a text message at: www.azdeq.gov/sms.html.

WHERE CAN I RIDE WHEN A HPA FOR PM10 HAS BEEN ISSUED?

Anywhere outside Area A where off-highway recreation is authorized. Area A includes greater Phoenix metropolitan area, a portion of Apache Junction and a portion of Yavapai County. For a map of Area A see: www.azstateparks.com/partnerships/ohv/OHV_Area_A_Map.jpg. Arizona State Parks has a map of places to ride for OHV enthusiasts available at the following link: www.azstateparks.gov/partnerships/ohv/ohv_sites.html. Please contact the local land agency provided in the description for more information.

HOW IS THE LAW BEING ENFORCED?

For violations of the law, the control or law enforcement officer will issue a standard civil ticket and complaint similar to a traffic ticket. A warning will be issued for the first violation. A civil penalty of \$50 will be issued for the second violation, \$100 for the third violation, and \$250 for the fourth or subsequent violations.

WHO IS AUTHORIZED TO ENFORCE THE LAW?

Enforcement officers employed by the Bureau of Land Management, Arizona State Land Department, Tonto National Forest, the Maricopa County Sheriff's Office, the Pinal County Sheriff's Office, and local law enforcement agencies have the authority to issue a citation for a violation of the OHV law.

WHO CAN I CONTACT FOR MORE INFORMATION?

Arizona Department of Environmental Quality
(602) 771-2388

Arizona Game and Fish
(602) 942-3000

Arizona State Land Department
(602) 542-4631

Arizona State Parks
(602) 542-4174

Arizona Office – Bureau of Land Management
(602) 417-9200

Maricopa County Sheriff's Office
(602) 876-1801

Maricopa County Air Quality Department
(602) 372-2703

Pinal County Sheriff's Office
(520) 509-3555

Tonto National Forest
(602) 225-5200