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Sent: Monday, July 15, 2019 2:05 PM
To: Tango-Lowy, Torene
Subject: FW: Please support the Original Version of HB 592 in Conference

From: John Petrofsky <jpetrofsky@googlemail.com>
Sent: Wednesday, June 5, 2019 6:44 PM
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Subject: Please support the Original Version of HB 592 in Conference

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Dear Chairman Watters and members of the Senate Transportation Committee,

I am writing you again on HB 592, as I understand that there is less agreement than hoped for heading into conference.

I have spoken with Fish and Game (F&G) at length on this issue because I initially didn't understand the rationale behind the Senate amendment at all. While I give F&G the benefit of the doubt, the bill as originally proposed more directly address the fundamental concern.

Starting at first principles, what in the problem this bill seeks to address? There are children as young as 12 driving on public roads in vehicles not even designed to be safely driven on roads, even by adults. These young riders are a danger to themselves as well as everyone else on the road. Does the amendment really address this problem? No. An accompanying adult will just be helpful to pick up the pieces when a twelve year old driving an ATV 45 mph on a paved road makes a poor decision. Does the original bill address the problem by requiring a drivers license, and thereby requiring that ATV riders meet some of the same standards as everyone else on the roads? Yes. The question brought forward by F&G (which is open to either version) regarding enforcement is an interesting one, and I understand where they are coming from, but ultimately, enforcement is only part of the equation.

How is any law enforced? To borrow an idea from John Rawls, when a society makes laws, it starts with its ideals, or goals. Most people will chose to follow the rules laid out by society regardless of enforcement. No law is set out with the expectation that it will only have an impact through constant vigilance and coercion, otherwise we would need many times the number of police we have today. Furthermore, F&G is so short staffed that no law passed by this body will be effective if it depends primarily upon F&G's ability to actively enforce it. We probably need 30 F&G officers dedicated to ATVs to effectively enforce existing OHRV laws on the roads currently open. Enforcement offers limited deterrence today to begin with.

However, if even half of ATVers choose to follow the license requirement on their own, there would be a marked improvement in safety. Once we have our standards set, based on the fundamental principle that 12-16 year-olds should not be driving on public roads, then we can address the likelihood that some will choose to ignore the law. F&G seems uncertain about how

they could enforce HB 592, but how is any license law enforced? Typically it's related to another violation or suspicion of such. Again, the mere existence of the law will encourage many to follow it. There are certainly solutions out there, F&G just might have to get a little creative. For example what about sobriety checkpoints where roads intersect with trails in places like Pittsburg, Berlin, Gorham, and Colebrook? Not only would you find those driving ATVs while intoxicated, you would also find those driving without licenses regardless of age. For the record, adults driving down roads while intoxicated is a problem in the North Country, and currently, taking away someone's license is not a deterrent.

I leave you with a parting thought. OHRVs are not actually intended to be driven on roads by anyone, child or adult. They are not safe for the rider, nor for others on the roads, and they create other problems that you have now heard about ad-nauseam. A law that originally provided for short connectors on roads (SB-250, 2012) has been massively abused to the point where we now have hundreds of miles of public roads open to OHRVs, contrary to safety and common sense. HB 592 as originally written is a common sense effort to address one of the many unforeseen pitfalls resulting from allowing ATVs on public roads. This is an important step towards the safety of our children, and ourselves, however the larger fundamental problem still remains.

Thank you.
Sincerely,
John Petrofsky