

TITLE XVIII
NEW HAMPSHIRE FISH AND GAME LAW
OHRV LAWS RELATIVE TO PUBLIC WAYS
RSA 215-A
FACT SHEET

215-A: 6 Operation of All OHRVs. –

II. No person shall operate an OHRV upon any portion of the right of way of any public way including the traveled portion of a maintained public way except as provided in this chapter.

VIII. No person shall operate an OHRV on the right of way of any public way classified as a class I highway and designated as an interstate highway, toll road or limited access highway.

IX. Pursuant to RSA 215-A: 15, and following a duly noticed public hearing advertised at least 14 days in advance in a public location in the city or town and notification to abutters by verified mail pursuant to RSA 21:53, city or town councils and boards of selectmen may authorize the use of sidewalks and class IV, class V or class VI highways and bridges, or portions thereof, for use by OHRVs. The operation of OHRVs may also be allowed on sidewalks adjacent to class I, II, III, or III-a highways pursuant to RSA 236:56, II (e). Operators of OHRVs using said roads, or portions thereof, shall keep to the extreme right and shall yield to all conventional motor vehicle traffic. The bureau, or its designee, shall so post such highways where authorized. Following a duly noticed public hearing, except in the case of an emergency closure, such city or town authorities may change the allowable usage of a class IV, class V, or class VI highway by OHRVs by giving notification to the supervisor of the bureau and removing any signs that no longer apply. The petitioner shall bear the expense of verified mail notification to abutters of property for which OHRV use is sought under this paragraph.

X. A person may operate an OHRV across any public way where the operation of said OHRV is not otherwise prohibited by law, but said person shall comply with the following provisions:

(a) The crossing shall be made at an angle of approximately 90 degrees to the direction of the public way and at a place where no obstruction prevents a quick and safe crossing; and

(b) The operator shall bring the OHRV to a complete stop before crossing the shoulder or, if none, the public way, before proceeding; and

(c) The operator shall yield the right of way to all motor vehicle traffic on such public way which constitutes an immediate hazard to such crossing; and

(d) The operator shall possess a valid motor vehicle driver's license or shall have successfully completed the approved snowmobile or OHRV safety training course.

215-A: 8 Operation Permitted; Right-of-Ways. – Notwithstanding any other provision of law, an OHRV may be operated within the right-of-way of a public way across a bridge when operated in accordance with a permit issued by the commissioner of transportation pursuant to RSA 215-A:3, VIII.

215-A: 9 Limitations of OHRV Operation on Class I, II, and III Highways. –

The provisions of RSA 236:56 shall apply to all OHRVs as herein defined with the following exceptions:

I. Highway crossings for established OHRV trails may be granted pursuant to RSA 215-A: 3, VI.

II. No direct crossing of interstate highways, divided highways, or toll roads shall be permitted.

III. [Repealed.]

IV. Pursuant to RSA 215-A:3, VI the commissioner of the department of transportation may issue written permission to the supervisor of the bureau to

establish OHRV trail crossings either under or over interstate, toll or limited access highways.

V. The policy governing any OHRV trail connector or trail crossing within class I, II, and III highway rights-of-way shall be as determined by the commissioner of the department of transportation.

VII. When travel by conventional motor vehicles is not possible during a period of emergency declared by the appropriate authority having jurisdiction, an OHRV may be operated on any portion of an interstate highway, toll road, limited access highway, public highway or any other restricted area, provided that the operator of said vehicle has received the specific authority of an officer authorized to enforce the provisions of this chapter to so operate.

215-A: 10 Limitations of OHRV Operation on Class I, II, III and III-a Highways. –

I. A person shall not operate an OHRV on the traveled portions or the plowed snowbanks adjacent to class I, class II, class III, or class III-a highways.

II. Notwithstanding any provisions of the law to the contrary, a person may operate an OHRV on a class I, class II, class III, or class III-a highway that is not maintained for winter use by conventional motor vehicles; provided, however, that if a class I, class II, class III, or class III-a highway is not maintained for winter use by conventional motor vehicles and said highway is opened for an OHRV trail, said highway shall be so posted and conventional motor vehicle traffic prohibited. The commissioner of the department of transportation upon notification to the supervisor of the bureau may open at any time a class I, class II, or class III highway which has been closed for conventional motor vehicle use.

III. [Repealed.]

IV. (a) Notwithstanding any provisions of the law to the contrary, a person may operate an OHRV on a class I, class II, class III, or class III-a highway that has been designated open for use, in Coos county or in Grafton county, by the bureau of trails, with the approval of the department of transportation and the department of safety and a public meeting in each community which would be directly affected by such designation. The bureau, or its designee, shall sign any approved sections of highway for OHRV use.

(b) OHRV use shall not be permitted on any section of interstate, toll, or divided highway.

(c) The following sections of state highway shall be designated for OHRV use: Back Lake Road in Pittsburg, from the town dump to Route 3; Route 3 in Pittsburg from the intersection of Back Lake Road to Route 145; Route 145 in Pittsburg and Clarksville from the intersection of Route 3 to Cedar Stream Road; Diamond Pond Road in Stewartstown from the town-owned section south to Charles Heath Road; Jericho Lake Road in Berlin from Route 110 to Jericho Mountain State Park; the reduced speed section of Route 3 in North Stratford village as needed to reach services.

(d) The trail connector and crossing, located along and across Route 114 in the town of Henniker, which connects to the southwest end of Mink Hill Road, shall be designated for OHRV use during the months of May through November, provided that the town of Henniker and private lands south of Route 114 continue to allow the public OHRV use on their properties.

215-A: 15 Regulations of Political Subdivisions. –

I. With bylaws or ordinances city or town councils and boards of selectmen may regulate the operation of OHRVs within city or town limits, providing they do not conflict with provisions of this chapter.

I-a. (a) Any municipality that enacts an ordinance or bylaw under paragraph I relating to this chapter shall be responsible for the enforcement of such ordinance or bylaw.

(b) Any person who is guilty of a violation of an ordinance or bylaw under subparagraph (a) shall be subject to all other provisions of this chapter.

215-A: 16 Enforcement. –

I. The provisions of this chapter shall be enforced by all duly authorized representatives of the department of fish and game and by every police and law enforcement officer including, but not limited to, members of the state police, sheriffs, deputy sheriffs, policemen, and constables and all persons empowered to make arrests in criminal cases.

215-A: 28 Financial Responsibility and Conduct After an Accident. –

II. Any accident involving an OHRV, which took place at any location other than a public way, will in no way affect the right to operate a motor vehicle.

215-A: 29 OHRV Operation and License. –

I-a. Notwithstanding provisions of this chapter to the contrary:

(a) Any person operating an OHRV along the traveled portion of a public highway, where permitted, shall be required to be licensed to drive as described in subparagraph I(b)(2); or

(b) Any person at least 12 years of age, who has successfully completed an approved snowmobile or OHRV training program, operating an OHRV along the traveled portion of a public highway, where permitted, who is not licensed to drive as described in subparagraph I(b)(2) shall be accompanied at all times by a person who is licensed to drive as described in subparagraph I(b)(2), who is at least 25 years of age, and who shall be legally responsible and be liable according to the law for personal injury or property damage to others which may result from such operation by an unlicensed person. Operators of OHRVs pursuant to this subparagraph using such highway, or portion thereof, shall keep to the extreme right and shall yield to all conventional motor vehicle traffic.

(c) This paragraph shall not apply to road crossings or the use of class VI highways designated as trails pursuant to RSA 215-A: 6.

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