

To the 1182 Committee,

please clarify what HB 1182 requires you to do.

HB 1182 established the commission “to study the on road usage of non-traditional motor vehicles, relative to motor vehicles and transportation, relative to roadable aircraft.”

The amended analysis says: “V. The commission shall study the on road usage of non-traditional motor vehicles, such as all terrain vehicles and golf carts.”

The wording of this bill does not make it clear whether the Committee is to study the past on-road use of ATVs, golf carts and most of the vehicles defined below, and recommend whether it should be continued, or to study the advisability of future on- road use by ATVs golf carts and most of the vehicles defined below. Since studying future use would require looking at the past use, by looking at both the Committee would be doing the thorough analysis required.

‘Relative to’ means with reference to or in comparison with.

For the same reasons, the Committee needs to study the past on-road use, and the potential future on-road use, of Alternative Vehicles with reference to and in comparison to, motor vehicles and transportation, and with reference to, and in comparison to, roadable aircraft.

ATVs/OHRVs dominated the discussions of the Committee, perhaps because this bill appears to be an attempt by the ATV industry to open all roads in New Hampshire to ATV/OHRV use, and because the road openings that have been legislated have caused terrible problems for abutters and other road users.

Since OHRVs and Snowmobiles were first defined in legislation in 1972, that would be a reasonable cut off year for a definition of “non-traditional”, and all vehicles defined in that year or later would need to be considered by the Committee, “with reference to and in comparison with...”

Since perhaps 20% of Ride the “Wilds” is on-road, any ATV recommendations made for on-road use will affect off-road use. Clint Savage can show you the GIS mapping tool DNCR has been working on, for law enforcement personnel to use while in the field, and show you which portions are state roads opened by SB 250, which are town roads opened by towns, which are trails on private land, and which are trails on public lands, like Nash Stream State Forest, where the management plan which forbid ATVs was changed, due to pressure from the ATV lobby. He can also show you which parcels of land had trails which landowners closed, due to the problems with ATVs.

OHRV is a broader category than ATV, thus preferred by those advocating for increased access for these machines. Nash Stream State Forest’s management plan was changed to allow ATVs, but not OHRVs, in the Forest.

1-b. "All terrain vehicle (ATV)" means any motor-driven vehicle which is designed or adapted for travel over surfaces other than maintained roads with one or more non-highway tires, having capacity for passengers or other payloads, not to exceed unladen dry weight of 1,000 pounds, and not to exceed 50 inches in width. For the purposes of this chapter, all vehicles within this definition shall be classified as off highway recreational vehicles.

“259:69 Off Highway Recreational Vehicle. "Off highway recreational vehicle" shall mean any mechanically propelled vehicle used for pleasure or recreational purposes running on rubber tires,

tracks, or cushion of air and dependent on the ground or surface for travel, or other unimproved terrain whether covered by ice or snow or not, where the driver sits in or on the vehicle. All legally registered vehicles when used for off highway recreational purposes shall fall within the meaning of this definition; provided that when said vehicle is being used for transportation purposes only, it shall be deemed that said vehicle is not being used for recreational purposes. Off highway recreational vehicle shall include any pedaled vehicle equipped with a motor that is not included in the definition of electric bicycle, but shall not include snowmobiles as defined in RSA 215-C:1 or electric bicycles as defined in RSA 259:27-a “ No width limit.

Back to basics:

The Consumer Federation of America’s stated:

“States should pass laws prohibiting ATV use on all roadways. State laws should not permit local jurisdictions to have authority to pass laws about ATV access.

‘ATVs on Roadway, a Safety Crisis’ (2014)

“ATV manufacturers include warning labels instructing riders never to operate on roadways...

the industry-backed Specialty Vehicle Institute of America calls for the prohibition of ATVs on public roads, except for the purpose of crossing them, in its model legislation.”

<https://www.governing.com/topics/public-justice-safety/gov-roads-atvs-fatalities.html>

Owner Manual
IMPORTANT NOTICE

Turning speed must be less than 19mph (30 km/h).

This ATV is designed and manufactured for **OFF - ROAD** use only. It is illegal and unsafe to operate this ATV on any public street, road or highway.

<http://manuals.monsterscooterparts.com/recreational/Coleman/coleman-trailtamer-800-manual.pdf>

ATVs are not safe for on-road use. This is not due to missing blinkers, etc., but fundamental engineering. Since both the manufacturers and the safety agencies have stated that ATVs should not be used on-road, the Committee should recommend against their use on roads in New Hampshire.

“Over the past six years, there has been increased concern and opposition to the use of public roads by OHRVs related to connecting to the Ride the Wilds.

“We never intended to utilize roads except for connectivity between trails and access to municipal services...Brown said.” Harry Brown is the major proponent of Ride the Wilds.

<http://indepthnh.org/2020/01/29/atv-advocates-and-opponents-testified-on-6-bills-at-packed-hearings/>

No professional third party economic assessments of the effects of ATV use on New Hampshire exist, let alone assessments that take into account externalized costs; to the state, individuals, the environment and the climate.

Current law:

- III. (a) No person shall operate an OHRV at a speed greater than is reasonable and prudent under the existing conditions and without regard for actual and potential hazards. In all cases speed shall be controlled so that the operator will be able to avoid colliding with any person, vehicle, or object.
- (b) Where no hazards exist which would require a lower speed to comply with subparagraph (a), the speed of any OHRV in excess of the limit specified in this section shall be prima facie evidence that the speed is not reasonable or prudent and that it is unlawful:
- (1) 10 miles per hour within 150 feet of any so-called bob-house, fishing shanty or occupied fishing hole of another.
 - (2) 20 miles per hour on class I through VI highways when the OHRV is being operated within the rights-of-way adjacent to such highways; class IV, V, and VI highways approved for OHRV operation; and bridges open for OHRV operation.
 - (3) 10 miles per hour at trail junctions or parking lots, when passing trail grooming equipment, or on town or city sidewalks.
 - (4) 20 miles per hour on plowed roads on department of natural and cultural resources property open to OHRV operation.
 - (5) 35 miles per hour on all trail connectors and any approved OHRV trail, unless posted otherwise.
- (c) The prima facie speed limits set forth in subparagraph (b) may be altered for a specific hazard “

The 20 mile per hour law (2) is not adequately enforced. ATVs on opened roads ride at the speed of traffic, when in it.

Those engaged in ice-fishing have more protection from ATV noise, dust and fumes than road/trail abutters have in their own houses and yards.

The various types of vehicles are defined in:

<http://www.gencourt.state.nh.us/rsa/html/nhtoc/NHTOC-XXI-259.htm>

259:2-a Agricultural/Industrial Utility Vehicle. – "Agricultural/industrial utility vehicle" shall mean a vehicle, including an off highway recreational vehicle, with 4 or 6 wheels, an internal combustion engine or electric motor, or both, but excluding a tractor, equipped in accordance with the provisions of RSA 261:41-a, III, that is capable of carrying not more than 6 occupants, has a load capacity of 1,500 pounds or less, and is in use for farming, agricultural, or light industrial uses, and is limited to ways or portions of ways where such vehicles are allowed and having posted speed limits of 40 miles per hour or less, within a 10 mile radius from an entrance to land used by the farm or a 2 mile radius from the entrance to the light industrial complex or construction site, and subject to any other special conditions established by the government authority controlling the way.

Source. 2014, 282:1, eff. July 28, 2014.

Autocycle: <http://www.gencourt.state.nh.us/rsa/html/XXI/259/259-4-d.htm>

Bicycle: <http://www.gencourt.state.nh.us/rsa/html/XXI/259/259-6.htm>

Compact Utility Trailer: <http://www.gencourt.state.nh.us/rsa/html/XXI/259/259-13-a.htm>

Custom Vehicle: <https://law.justia.com/codes/new-hampshire/2019/title-xxi/chapter-259/section-259-17-a/>

Electric Bicycle: <https://law.justia.com/codes/new-hampshire/2019/title-xxi/chapter-259/section-259-27-a/>

Implements of Husbandry: <https://law.justia.com/codes/new-hampshire/2019/title-xxi/chapter-259/section-259-44/>

Light Industrial Use: <https://law.justia.com/codes/new-hampshire/2019/title-xxi/chapter-259/section-259-49-a/>

Moped: <https://law.justia.com/codes/new-hampshire/2019/title-xxi/chapter-259/section-259-57/>

Motorcycle: <https://law.justia.com/codes/new-hampshire/2019/title-xxi/chapter-259/section-259-63/>

Motor driven cycle: <https://law.justia.com/codes/new-hampshire/2019/title-xxi/chapter-259/section-259-65/>

Neighborhood Electric Vehicle: <https://law.justia.com/codes/new-hampshire/2019/title-xxi/chapter-259/section-259-66-b/>

OHRV: <https://law.justia.com/codes/new-hampshire/2019/title-xxi/chapter-259/section-259-69/>

Pocket Bike: <https://law.justia.com/codes/new-hampshire/2019/title-xxi/chapter-259/section-259-77-a/>

Private Passenger Vehicle: <https://law.justia.com/codes/new-hampshire/2019/title-xxi/chapter-259/section-259-81/>

Snowmobiles: <https://law.justia.com/codes/new-hampshire/2019/title-xxi/chapter-259/section-259-1>

Street Rod: <https://law.justia.com/codes/new-hampshire/2019/title-xxi/chapter-259/section-259-106-a/>

Vehicle: <https://law.justia.com/codes/new-hampshire/2019/title-xxi/chapter-259/section-259-122/>

Roadable aircraft are legal in New Hampshire.

“The New Hampshire State Legislature has passed, and the governor has signed, House Bill 1182, which makes it legal to have a "roadable aircraft," better known as a flying car, in the state... **What won't be hard is registering your roadable aircraft in New Hampshire, now that the legislature has cut through the red tape like a propeller through your garage fridge** because, jeezum crow, turns out your Terrafugia (pictured above) is longer than the Accord you used to park there. Maybe you should've bought a Samson Sky, which is a little bit shorter. There are so many choices in the flying-car market these days, it's hard to decide which one to buy. Like, there's

Terrafugia, and Samson Sky, and that Dutch one. We'd say just get whichever flying car is different from your neighbors', because you don't want to see yourself coming and going at the local municipal airport...

According to the bill, "All roadable aircraft shall be required to take off and land from a suitable airstrip and shall be prohibited from taking off and landing from any public roadway, unless under conditions of an emergency." Emergency, you say? Well, we can argue over the definition of an emergency, but we don't need to argue that a car dropping out of the sky in downtown Portsmouth is a real crowd pleaser.



When a roadable aircraft—let's just use the less accurate but way cooler "flying car"—is driving on the street, the road rules apply. What else? When you get your flying car registered, there's going to be a municipal permit fee of \$2000. **On the other hand, you don't have to get an inspection. You'll definitely save some money on that, because you just know they'd find some play in your landing gear or say your beacon light was mis-aimed and then fail you unless you cough up to fix it right there.**

Now that Governor Chris Sununu has signed HB 1182 into law, it's only a matter of time until New Hampshire is filled with flying cars, from Lake Winnepesaukee to Dalton and everywhere in between. And you can fly 'n' drive anywhere you want, as long as it's not to any other state. But we see that changing soon. As resident inventor Dean Kamen could tell you, New Hampshire is always out front when it comes to getting people flying. (my emphasis)

<https://www.caranddriver.com/news/a33524880/flying-cars-new-hampshire-road-legal/>

Oregon, Ann Arbor and DC are out front. New Hampshire is mired in fossil fuel dependence.

“Three companies joined in pushing House Bill 1517 through the New Hampshire Legislature, aiming to kick-start the legalization process that they hope will soon sweep the country.

The bill, which was part of House Bill 1182, one of the omnibus measures passed by the Legislature at the close of the last session, is a shot in the arm to an industry that already is testing their products in New Hampshire.” <https://www.nhbr.com/new-law-could-help-flying-car-industry-take-off-in-nh/#:~:text=Roadable%20aircraft%20are%20just%20a,from%20hitting%20the%20skies%2C%20roads&text=The%20vehicles%20are%20small%20aircraft,and%20skies%20in%20consumers'%20hands.>

HB 1182 gives DOT and DOS the right to collect accident reports:

“21-L:12-e Access to Crash Data. Notwithstanding any provision of law to the contrary, the commissioner of the department of transportation and designated department of transportation safety representatives are authorized to access or be provided with crash data held by the department of safety, local law enforcement, or other government agencies or entities.

The purpose of this authorization is to enable the department of transportation and its agents to access information for the sole purpose of timely crash analysis to improve safety and to advance safety related initiatives. For the stated purpose, the department of transportation is authorized to share the redacted data with governmental transportation planning agencies and their contracted agents for transportation planning purposes, provided the information shall not be further disseminated or used for any other purpose.

In the event that the department obtains personally identifiable information, the department shall redact such information and not include such information in its analysis nor disclose the personally identifiable information.

The department is authorized to publish the following analytical information for public information purposes and to help prioritize transportation projects: the number of accidents, each accident location, type of accident, and severity of impact at each accident location. Any information received under this section by the department of transportation shall not be subject to RSA 91-A”

Buddy Dionne suggested someone find data on ATV on-road use in other states:

<https://www.detroitnews.com/story/news/local/detroit-city/2017/09/05/detroit-atvs-danger-police-chase/105279712/>

<https://www.invw.org/2014/04/11/despite-high-death-toll-p-1417/>

<https://www.revzilla.com/common-tread/australias-atv-safety-debate-honda-yamaha-and-polaris-respond>

<https://www.fairwarning.org/2014/03/despite-high-death-toll-push-is-on-to-open-more-public-roads-to-atvs/>

<https://www.govtech.com/fs/Opening-Public-Roadways-for-ATVs-What-the-Data-Tells-Us-About-Safety.html>

<https://pubmed.ncbi.nlm.nih.gov/26065484/>

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