



State of New Hampshire

HOUSE OF REPRESENTATIVES

CONCORD

To: The Honorable Jeanne Shaheen, Governor
The Honorable Arthur Klemm, President of the Senate
The Honorable Gene Chandler, Speaker of the House

December 28, 2001

From: Study Committee on all-terrain-vehicles (ATV) and trail-bikes, under HB 717, Chapter 259
Representative Alger, Chairman; McGuire, Secretary; Odell, Vice Chairman; Royce, Chairman of the
House Resources and Recreation committee
Senators Burns, Flanders, Gordon, and O'Neil;

Copies: State Library, Senate Clerk and the House Clerk

Subject: Study Committee report on all-terrain vehicles (ATV) and trail-bikes (T/B), Chapter 259 (HB 717)

SCOPE OF COMMITTEE INVESTIGATIONS AND DILEMMA

The Committee was charged with developing recommendations and legislation for management by the State of the burgeoning growth in all-terrain-vehicles and trail-bikes. The attached figure shows the types of recreation vehicles involved in this study.

Industry statistics reveal ATV sales in the United States have been increasing rapidly: 1989 -148,000; 1996 - 317,026; 2000 - 648,326 with future sales growth projected at 10% annually. This trend is reflected in New Hampshire with registration of ATV plus T/B equal to 22,762 in fiscal year 2001 up from 11,207 four years earlier, an increase of 103 %. Using the industry projection of growth, in five years ATV & T/B registrations could reach about 37,000, not including unregistered machines used only on personal property.

Issues for property owners, and residents, especially those who live adjacent to trails, typically are: trail erosion, illegal driving on land of others, noise, dust, dominance over other forms of recreation on trails, and operation illegally at night. At the same time ATV clubs are forming whose members aggressively seek State-operated trails for recreational riding and pay a State registration fee..

COMMITTEE ACTIVITY

During the year 2001 the Committee met in public session six times: August 21, September 5, October 10, October 30, November 14, December 6, and 13th and in executive session on December 19th, 2001. It took testimony from more than 50 witnesses with some offering recommendations; received numerous letters and E-Mail notes; participated in newspaper interviews as well a planning effort for ATV at the State "Nash Stream" property and worked on issues with ATV in the Town of Fremont. In addition, members of the Committee participated by invitation of the Chief of the Trails Bureau, Department of Resources and Economic Development, in an ATV drive and display day including discussion with professionals of several New England States concerning ATV and Trail-bikes issues. Trails Bureau provided the Committee with a booklet of related New Hampshire laws and organizations. A summary of laws governing ATV and Trail-bikes in New England

States was prepared by Legislative Researcher Joel Anderson along with industry statistics collected for the Committee by Myla Padden. Representative McGuire assembled a binder of all information received by the Committee and minutes of the meetings are in possession of Legislative Services, 4th floor LOB. All organizations listed in the legislation (HB 717) were contacted and information received by the Committee.

CONCLUSIONS

..... See conclusions reported in Attachment #1

RECOMMENDATIONS

The legislation that established this Study Committee requires a response to three questions (RSA 259:5 I, II, and III). These are answered in the following paragraphs numbered as in the legislation.

I. Determine whether the state should continue to develop and operate trail systems for ATVs and trail-bikes.

The substantial and growing interest in ATV recreational trail riding, both for itself and to enhance private business development, makes it appropriate to allow state agencies involved to continue existing trails and to expand the trail system for ATVs. However, such trails must be operated such that all applicable state laws can be, and are, appropriately enforced and that trail developments include public review and input before changes and expansions are implemented. Further study is appropriate regarding trail-bikes and operations on private lands because the study to date has concentrated on State trails primarily for ATVs.

II. Develop recommendations based on the committee's determination and recommendations in paragraph I, for the ATV and trail bike trail planning process by the department of resources and economic development and by other state agencies, including identification of sites, development of site plans, maintenance and operation of trails, and related uses.

..... See recommendations reported in Attachment #2

III. Report its findings and any recommendations for proposed legislation To the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2002.

The Committee should stay in existence and operation through its full term until November 1, 2002. While this report covers important issues regarding development and operation of trails on State property or leased property, some of these issues may need refinement and issues regarding operation on private lands need more discussion as does trail development for trail bikes. The primary intent of this report is three fold:

1) to provide early direction to state agencies involved with trails so that the informal moratorium on further State trail development may be lifted.

2) to implement legislation in HB 1273 which will propose urgently needed changes in law regarding ATV trail operations and planning as discussed in the recommendations of this report.

3) and, as a result of this report and recommendations, the Committee agrees to end the moratorium on ATV trail planning and development verbally agreed to with the legislature by the Commissioner of the Department of Resources and Economic Development under this legislation, HB 717.