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Photo by Craig Line

**All-Terrain Vehicles in Vermont
The outdoors has room for all who love it responsibly.**



Photo by Bob Linck



Photo courtesy of AMA/ATVA

ATV Collaborative Draft Report for Public Review
Convened by Governor Jim Douglas
September 30, 2004

This draft is a result of the collaborative deliberative process to date and is not intended as a final paper nor does it reflect the total agreement and views of the collaborative members. This draft is a working document for public comment.

Background

Use of all-terrain vehicles (ATVs) in Vermont has increased over the past 10 years. With growing numbers of Vermonters owning ATVs and only limited legal riding opportunities, there has been an increase in illegal ATV riding. For purposes of this report and the recommendations laid out here, an ATV is defined as any vehicle manufactured for off-highway and off-road conditions and not designed exclusively to ride on snow or ice.

Many riders feel there are not enough places for them to ride legally in the State. Vermonters are using ATVs more than ever to work in the woods and on the farm, to hunt and fish, and as a way to enjoy the outdoors. At the same time, more Vermonters than ever are pursuing outdoor recreational activities such as hiking, skiing, snowshoeing, snowmobiling, biking, swimming, fishing, hunting, bird watching, nature walking and horseback riding. Many landowners contend that illegal ATV riding is causing significant damage to their property and to the environment. Other Vermonters feel strongly that ATVs impair their enjoyment of the outdoors. Other recreational users of town, state and federal land have been equally strong in their opposition to ATV riding on public land.

The Vermont ATV Sportsman's Association (VASA - the state umbrella group for ATV users) is dedicated to resolving these issues. VASA wants to make the ATV situation better for everyone: riders, other outdoor recreation users, and especially landowners. Everyone wants a successful resolution to these dilemmas.

In the past 10 years, the number of ATVs registered in Vermont increased 24 percent to 13,084 in 2004 from 3,108 in 1994. There are an estimated 110,000 ATVs in Vermont; approximately 88 percent of them are unregistered. In the same 10 years, retail sales of ATVs through dealerships in Vermont increased 17 percent to 3,051 annually from approximately 514 in 1994. Dealers estimate that sales are up 20% over 2003 sales. These figures do not include sales to Vermonters in New Hampshire and private resale. ATVs and snowmobiles are the most popular recreation vehicles in Vermont. Since ATVs can be used year round, they have the potential to have a greater economic impact than the snowmobile industry, but they can also cause more damage to land, aquatic systems, plants, and wildlife, and can create more conflicts with other recreation enthusiasts and landowners.

Riding ATVs on private or public land without the owner's permission is illegal. Although there are many responsible and respectful ATV riders, the irresponsible ones are trespassing, tearing up land, polluting streams, and angering neighbors and landowners. Many newspapers in the state have published letters from neighbors and landowners who are angry about the irresponsible ATV use and riders. Some landowners want to prohibit all ATV recreational use, not just on their land, but everywhere. ATV riders face a significant task in contributing to a

solution to this problem. Without the active and constructive engagement of landowners, ATV enthusiasts will face steadily diminished opportunities to ride legally in Vermont.

Given that about 85 percent of Vermont’s land is privately owned, a failure to establish and maintain good relations between landowners and the ATV riding community will become an ever-larger problem. Vermont’s economy and quality of life depend on recreational access to private land. This tradition of public access to private land is part of Vermont’s heritage. However, the advent of ATV use can be a burden for Vermont’s landowners, who must use their resources to repair damage caused by irresponsible and illegal ATV riders. Repairing damage such as rutted, eroding logging roads caused by illegal riders can be expensive.

Landowners should be told and shown how much their generosity in allowing public use of their land is appreciated. Vermont would be very different without the ability to enjoy outdoor recreation of all types. Vermont’s economy and quality of life depend on generously offered and responsibly used land access for its citizens. Sharing with neighbors is part of our tradition in Vermont. However, abuses of this generosity have resulted in increasingly limited public access. Vermont’s landowners have been vocal about ATV riders operating their machines illegally on their land, and damaging land, waterways, roads, and crops. Part of the goal of the ATV Collaborative recommendations is to restore the confidence of Vermont’s landowners. Landowners must be convinced that protection of their property rights is a high priority and that ATV damage to their land will be repaired.

Many ATV riders are working hard to create a system that will address these important landowner concerns. There are 20 ATV clubs across Vermont. VASA (Vermont ATV Sportsman’s Association) is the statewide umbrella organization. ATV club members are promoting safe riding, working with landowners to repair damage and abuse and building legal trails on private land with the landowners’ consent and create good will with landowners and communities.

Vermonters wishing to join an existing club or start a new one can call:

Club Name	Area Served	Name and Number
VASA Web: vtvasa.org	All Vermont umbrella organization	Todd Sheinfeld 802-496-3806/249-8633
North Country ATV Association	Franklin County	Claire Willette 802-849-6729
Green Mountain ATV Club	Lamoille County	Debra Tourangeau 802-888-6296
Central VT ATV Club	Washington County	Eric Bailey 802-223-3916
Twinfield Trail Blazers	Washington County	Mark Hart 802-454-1137
Champlain Valley Explorers	Addison County	Heather Seeley 802-388-4326
Champlain All Terrain Sportsmen	Rutland County	Sherrie Hanley 802-537-2269

W Rutland ATV Sportsman's Club	Rutland County	Jacquie Lockwood 802-948-2661
Bennington County 4 Wheelers	Bennington County	Mark White 802-379-5558
Kingdom Travelers	Orleans County	Lisa Kennison 802-334-2294
Albany All Terrain	Orleans County	Edward Grimes 802-755-6183
Moose Trail Riders	Essex County	Tonilyn Fletcher 802-822-9809
Tri-County ATV Club	Essex County	Linda Nadeau 802-723-6288
Caledonia All Terrain Travelers	Caledonia County	Dan Hale 802-472-6727
Stream Mill Brook	Caledonia County	Tim Moran 802-563-2448
Topsham Trail Riders	Orange County	Anah Tuttle 802-439-5674
Northeast Trail Blazers	Orange County	Carole Taylor 802-222-4590
Westshire ATV Club	Orange County	Bruce Durkee 802-333-9351
Central VT Quad Runners	Windsor County	Everett Lyon 802-234-9618
Chateaguay Mountain Riders	Windsor County	Duke Maguire 802-672-3202
Reading All Terrain Sportsmen	Windsor County	Dennis Allen 802-484-9751
No clubs yet for	Grand Isle, Chittenden and Windham Counties	VASA Todd Sheinfeld 802-496-3806/249-8633

In its work and deliberations, the ATV Collaborative heard from many ATV riders that there needs to be a legal trail system in Vermont where they can ride safely without harming the environment. ATV riders also want to be recognized as an important recreation constituency. Many families enjoy riding ATVs together. When few legal riding areas exist, as is now the case, the temptation to ride illegally increases. The ability to form clubs to educate members about legal riding, safety, and ethics is also diminished when there are not enough places to ride legally. Lack of information about what constitutes legal ATV riding is best addressed by other ATV riders through responsible local clubs.

When snowmobiles first appeared in the late 1960s in large numbers in Vermont, snowmobilers were viewed then much as ATV riders are viewed now. When snowmobiles clubs formed, trails were expanded with landowner consent, state laws were overhauled, and VAST was created to manage all snowmobile use. This system is working; many people now hope that a similar structure can work for ATVs.

Creating a well managed ATV trail system is a greater challenge than building the snowmobile system was 30 years ago. ATVs need hardened trails and are operated year round, so the investment in trails, repairs and management will be greater. Also, the presence of ATVs on trails need not be a detriment to other trail users but will require greater attention to planning, safety, and ethics of use than is the case for snowmobiles.

As a result of all these concerns, Governor Douglas appointed an ATV Collaborative to look into the issues and recommend solutions. This report is the culmination of almost a year of productive meetings designed to address concerns and problems related to ATV use in Vermont. A wide range of perspectives are represented on this Collaborative, including ATV enthusiasts, conservation organizations and municipal, public safety, and law enforcement officials. The Collaborative heard and discussed from all quarters. The task of the ATV Collaborative has been to hear and understand all these issues and craft sensible practical proposals to address them. The Governor asked the ATV Collaborative to recommend workable suggestions to address the concerns of landowners, environmental organizations, local governments and law enforcement, without impeding the safe riding, farm and forest use and recreational enjoyment of the ATV community.

The ATV Collaborative first met in March, 2004 and has met monthly since then. Smaller working sub-groups have examined specific issues, crafted solutions and budgets, and then reported back to the full group. The Collaborative has developed these recommendations by building agreement around the most pressing issues and focusing on the solutions that we generally agreed to be most likely to succeed. The Collaborative decided at the beginning of its work that we would put forth only recommendations on which we came to consensus, in order to assure that these recommendations would find the support of as many Vermonters as possible.

The Collaborative's members are representatives of organizations that include all the interested parties in resolving the ATV dilemma in Vermont. There were many other groups and individuals who could have been included. Governor Douglas elected to keep the group small but balanced to represent all points of view. The ATV Collaborative member and advisory organizations are:

Vermont ATV Sportsman's Association; Governor's Environmental Council; Vermont Woodlands Association (a landowner group); The Nature Conservancy; Vermont Natural Resources Council; an individual ATV rider; a representative of ATV dealers and retailers; Vermont Fish & Wildlife Game Wardens, Vermont Department of Forests, Parks and Recreation; Green Mountain National Forest; Vermont Association of Snow Travelers; Vermont Department of Motor Vehicles; Vermont Department of Public Safety; Vermont League of Cities and Towns; The Center for Woodlands Education & *Northern Woodlands* magazine (a landowner publication); and the Vermont Land Trust.

The Collaborative's next task is to hold a series of public meetings to listen to comments on the recommendations we propose to make to the Governor. The hearing dates, times and places are

Meeting Schedule and Directions:

Date	Time	Town	Place	Directions
October 20, 2004 Wednesday	6:30 to 9:00 PM	Springfield	High School	From I-91, go west on Route 11 3.5 miles, turn left on South Street. Go .1 mile and turn left to stay on South Street. Springfield High School is located at 303 South Street.
October 21, 2004 Thursday	6:30 to 9:00 PM	Rutland	High School	Rutland High School is located at 22 Stratton Road on the east side of Rutland. Stratton Road is off Route 4
October 25, 2004 Monday	6:30 to 9:00 PM	St. Johnsbury	Saint Johnsbury School	Saint Johnsbury High School is located at 257 Western Avenue. Western Ave coincides with US Route 2 in downtown Saint Johnsbury.
October 27, 2004 Wednesday	6:30 to 9:00 PM	St. Albans	Elementary School	The Saint Albans Elementary School is located at 169 South Main Street. It's a blue roofed building behind a Mobil station near Exit 19 of I-89

Public comment will be collected through November 10, 2004. Comments may be given to: ATV Collaborative, Attn. Michael Bernhardt c/o Commissioner of Motor Vehicles, 120 State Street, Montpelier, VT 05603-0001, phone at 802- 828-2011. Comments by email should give a subject line of "ATV Collaborative" and be sent to bette.bailey@state.vt.us.

The Collaborative then will gather all the comments it has received and will review them and evaluate how the draft recommendations can be revised to better address the concerns expressed. The final recommendations will be presented to the Governor's office in December 2004. The Governor will deliberate on possible legislation to propose to the 2005 General Assembly.

This is a draft proposal, representing the first round of the Collaborative's work. To move this process forward we now seek comments, criticisms, and suggestions from as many people as possible. None of the ideas or directions in this Draft are final yet. Once the Collaborative has assembled all the public comments, then the Collaborative will prepare a final set of recommendations for Governor Douglas to consider.

This Draft contains several sections. These sections cover general areas of concern and have recommendations for action in each of them. The sections are Common Vermont Values; Goal for ATV Use; Protecting Property Rights; Trail System Planning and Protecting Natural Resources; Public Land and Private Conserved Land; Statutory Process for New Trails; Recreational Director for Vermont Forest, Parks and Recreation; Organized User Group – VASA; Safety and Ethics Course for Riders; Enforcement of Laws; Penalties; Commercial Operators; Out of State Riders; Budget; and Rider Information Publications.

The ATV Collaborative Draft Proposal

Common Vermont Values

The following recommendations have their roots in what we feel are beliefs and values that Vermonters hold in common.

- ⓐ As Vermonters we respect the integrity of our landscape.
- ⓐ We strive to learn about its fragility and resiliency and to balance public access with conservation in a thoughtful way.
- ⓐ We respect the rights of private property owners and the tradition of public recreational use of private and public lands.
- ⓐ We strive to be courteous and respectful in our relationships with property owners, property users, and policy makers.
- ⓐ We believe local communities should be the primary decision makers in the matter of the use of municipal land and resources, while keeping in mind regional and statewide needs, issues and plans.
- ⓐ We are careful and deliberate when it comes to making those and other big decisions and are respectful of this mode of decision making.

Vermonters cherish our natural environment. Trail systems wind through our woods, over the ridges and along streams. Trails allow people access to open-air recreation within a reasonable distance of their home, whether it is pedestrian, animal, mechanical, or motorized. We have made a significant investment in public lands. We understand that these lands were acquired for a broad array of uses. We realize that a high degree of protection of all resources, including the ecological integrity of the land, must be balanced with providing appropriate access for sustained recreational use. We acknowledge that this balance will look different for each individual piece of land and community. In going forward with our planning for managing and expanding legal ATV use in Vermont, we have the benefit of evaluating strategies and policies implemented by other states and can adopt, adapt, and utilize best practices for trail planning, trail building, management, maintenance, funding, and enforcement systems proven in other areas. We also understand that ATV use has become a very popular form of recreation for a large number of people over the last decade.

Goal for ATV Use

The goal for an ATV Use Plan for Vermont is to develop a long-term and sustainable trail system based on statewide recreational objectives that enhances recreation opportunities for Vermonters, conserves natural resources and habitats, and protects landowner property rights. Sound trail construction and maintenance methods, protection of natural resources and landowner property rights, and respect for all uses and users of recreational trails must be incorporated into the plan.

Protecting Property Rights

Granting recreational access to the public is each landowner's choice. Except for hunting and fishing, there are no constitutional or other legal rights to use someone else's land for recreation. To encourage landowners to allow ATV trails on their land, ATV riders must build good will with landowners and landowner's interests must be addressed. Foremost among these interests is the need to ensure that the landowner liability law covers ATV issues and holds landowners harmless in cases of injury to persons or damage to personal property. Secondly, landowners must have funds available to them to help pay for what can be expensive repairs to trails and roads.

The key to getting legal trails over private lands is the consent of the landowner. To obtain such consent, the landowner must have some incentives to let an ATV club have a legal trail. If the club keeps the trail in good repair and if the club keeps ATV users off the rest of the land then there is a benefit to the landowner.

A trespass repair fund should be set up for use by public and private landowners for repair of any damage caused by legal riding of ATVs. The fund will not be used to pay for repair of damage caused by other recreation (non-ATV) users. Any riding off of a designated legal trail is unacceptable.

The only exceptions are riding on land that the rider owns or riding with the written permission of the landowner. The written permission must be carried by the rider when riding on all lands that are not part of the legal trail network.

For public and private landowners outside of legal ATV trails, trespass and damage complaints will be addresses through traditional law enforcement and legal means. VASA will work to expand this fund as its organization grows with the registration of more ATVs in Vermont to create good will with landowners.

Trail System Planning and Protecting Natural Resources

One of the purposes of creating an ATV trail system is to have a safe, well-managed place to ride so that irresponsible and illegal riding is reduced. Good planning, siting, construction, maintenance, and monitoring of any trail system are essential to accomplishing this goal. VASA will take the lead in identifying trail sites and working with local groups and landowners to create approved trails. VASA will also work closely with landowners hosting trails on their land

to assess and repair any damage caused by ATVs. Currently there are several small, local legal trail systems scattered around the state. Greater riding opportunities are needed in more areas of the state than are currently available. These trails must have enough length and diversity to provide an interesting and varied riding experience to keep the riders from straying off designated trails, and enough mileage to adequately disperse the user community. Existing roadbeds and historic routes might be part of an expanded system, but must meet all the other criteria and be satisfactory to the landowners involved.

ATV clubs will have a chance to show their effectiveness in developing and maintaining trails and responding to landowner issues. Agreements about parking areas, signage, trail construction, closure, maintenance, monitoring, and damage assessment, repair, and compensation shall be developed, implemented and monitored. VASA will also address appropriate standards for noise impact on other users and neighbors, smell and hours of operation, grade and drainage, trail surface appropriateness for different users, user conflict resolution, sources of funding and funding needs, and enforcement strategies. Linkages between trail systems to create regional and inter-regional trail systems should be identified and developed. Limited areas of federal, state, municipal and conserved land will be more likely to support only trail linkages or corridors, rather than self-contained trail systems, so planning for the larger trail network must keep this in mind.

Trails must have enough length and diversity to provide an interesting and varied riding experience to keep the riders from straying off designated trails. They must also be sited and constructed in such a way as to protect natural resources. If particular trail projects do not function well, there must be a system in place to shut down use until any problems can be corrected. All trail users will be encouraged to support an ATV culture that is courteous and law-abiding, that will increase recreation opportunities, reduce user conflict, protect property rights and natural resources. This applies to ATV riders as well as all other trail users. .

Public Land and Private Conserved Land

State Land

State land will not be open to ATV use except when all conditions for use outlined below are met. Any use will be limited to carefully selected connecting corridors away from sensitive areas and other incompatible sites. The connecting corridor must be as short as possible and only to connect the overall ATV trail network located on private land. The criteria for considering a carefully selected connecting corridor include full site specific environmental review and evaluation, public involvement, a designated user group agreement for use, repairs and maintenance, an initial pilot project to review the effectiveness of the system including regular monitoring of the use and thresholds for unacceptable site impact. The effectiveness of the user groups and land managers ability to manage a corridor will be determined before connecting corridors are established on public lands.

Part of the review and monitoring process will include a limited pilot project to evaluate whether ATV access on state land can be managed to prevent the current resource damage caused by illegal ATV riding. There will be mechanisms created and implemented to correct any problems

promptly. If problems can't be corrected then there will be a mechanism to stop the ATV use and re-evaluate the pilot project.

State land will be more likely to support trail linkages, rather than trail systems, so planning for the larger trail network must keep this in mind. The current process for evaluating and siting any new trail on state land will be followed. This includes criteria that all new trail locations and expansions are in keeping with the State's overall recreation and natural resource goals. Any proposal for a connector trail on public lands now includes an assessment of the ability of lands to accommodate motorized recreation, and the appropriate management for individual parcels of public land. For example, Wildlife Management Areas are managed with a primary emphasis on wildlife species and habitat. Whether ATV recreation is a compatible and appropriate use for Wildlife Management Areas as well as for other state lands will be evaluated for each parcel. Inappropriate sites will not be allowed.

Trails located on state owned land are subject to public comment and review through the long-range management planning process or individual review opportunities if long-range management plans have already been completed.

Federal Land

Trails located on federal land are subject to the National Environmental Policy Act and its environmental review process. The role of national forestland in Vermont is currently being explored through the forest plan revision process for the Green Mountain National Forest. The Green Mtn. National Forest is currently evaluating if and how ATV trails will be allowed on the forest. Public involvement on this issue has been completed, and the Draft Forest Plan and Environmental Impact Statement will be out for public review and comment this winter. The GMNF may have a different policy for ATVs than the State of Vermont.

Like State land, Federal land will not be opened to ATV use except when all conditions for use outlined below are met. Any use will be limited to carefully selected connecting corridors away from sensitive areas and other incompatible sites. The connecting corridor must be as short as possible and only to connect the overall ATV trail network located on private land. The criteria for considering a carefully selected connecting corridor include full site specific environmental review and evaluation, public involvement, a designated user group agreement for use, repairs and maintenance, an initial pilot project to review the effectiveness of the system including regular monitoring of the use and thresholds for unacceptable site impact. The effectiveness of the user groups and land managers ability to manage a corridor will be determined before connecting corridors are established on public lands. There will be mechanisms created and implemented to correct any problems promptly. If problems can't be corrected then there will be a mechanism to stop the ATV use and re-evaluate the pilot project.

Federal land will be more likely to support trail linkages, rather than trail systems, so planning for the larger trail network must keep this in mind. The current process for evaluating and siting any new trail on federal land will be followed.

Municipal Land

Existing municipal roads (class IV town roads, old county roads and logging roads) might serve as part of a trail system, however, the legislature must leave the discretion to open or restrict access to class III and IV roads and town trails with the appropriate municipality. Each municipality will be able to develop its own process for evaluating and deciding what if any municipal roads and trails will be open to ATV use. Each municipality will be responsible for creating and implementing monitoring and enforcement systems to address problems caused by ATV use.

Conserved Land

Conserved land is also subject to a review process that is determined by each conservation easement holder. The owners of conserved land also must be asked to consent to any ATV trail link.

Generally conservation easements prohibit the use of conserved land for ATVs except for farm and forestry use by the landowner. Some conservation easements allow the recreation use of ATVs but only by the owner of the conserved land. Conservation easement holders will each develop a process and criteria for evaluating and deciding what if any conserved land will be considered for a trail link for ATV use.

Statutory Process for New Trails

If a new falls under the existing Act 250 jurisdiction then trails will be required to be sited and maintained in compliance with Act 250. Other state and federal regulations and guidelines may also apply. If the proposed trail needs to be reviewed by Act 250, the review shall be limited to the footprint of the trail and a 200 foot buffer on both sides of the trail. The 200 foot buffer is to protect sensitive environmental areas. The impact of noise and pollution from ATV use on neighbors would be handled in the normal way for Act 250, such that abutting landowners with property close to proposed trails will have notice of the proposal and can participate in the siting process. Only that portion of a property covered by a trail and its buffer would be subject to Act 250 review, not the entire parcel on which the trail is located.

For purposes of determining whether Act 250 jurisdiction applies, new trail development will be subject to Act 250 if it occurs on a tract or tracts of land involving more than ten acres of land within a radius of five miles in a town with duly adopted zoning and subdivision regulations. In municipalities with no zoning or subdivision regulations, Act 250 will apply to trail construction on a tract or tracts of land and associated trailhead and parking facilities involving more than one acre of land. All trail construction above 2,500 feet in elevation will be subject to Act 250.

An efficient system of administration of trail permit requests should be devised with the cooperation of the Environmental Districts. Ideas to be addressed are uniform application of standards, umbrella permit applications covering multiple ownerships or covering entire trail segments or systems contained within a District, waiving of application fees with VASA taking on role of applicant with written landowner permission, and other similar streamlined systems. The purpose of the streamlined procedures is to not unreasonably delay, prevent, or make impossible the creation of a legal well-managed statewide ATV trail system.

Recreational Director in FP&R.

Funding should be provided to Vermont Department of Forest, Parks and Recreation for permanent staff that would be responsible for coordinating all trail user groups and trail systems in Vermont. The FP&R staff could administer multiple-use trails on state, federal, and private lands; assist organizations, municipalities, and trail clubs with the development of trails on both public and private lands; and coordinate multiple recreational uses of state land. Coordination of the many trail user groups in Vermont can be helpful to the continuance and development of recreation in Vermont, and the long term viability of trail-based recreation in the state.

Organized User Group – VASA

In the late 1960s, Vermont had similar issues with the increasing popularity and use of snowmobiles. The Vermont Association of Snow Travelers (VAST) was created to be the advocate and governing body for a statewide snowmobile trail system. Now, the Vermont ATV Sportsman's Association (VASA) will assume the same role for ATV riders. VASA faces challenges that VAST did not, including:

- ❑ Properly constructed ATV trails require significantly more engineering and cost than snowmobile trails.
- ❑ Current land use values, rapidly changing ownership, and environmental awareness make trail acquisition more expensive and time consuming than it was 30 years ago.
- ❑ The general public takes a more active interest in trail construction and siting than it did 30 years ago.
- ❑ Since the inception of VAST there has been an increase in oversight, rules, and regulations relating to projects of this nature.
- ❑ ATVs are used year-round and on public roads as well as trails.

As VASA takes on this role, its tasks will include establishing good landowner relations; managing and maintaining the trail system to standards; educating riders on safety and ethics; showing it can dramatically reduce illegal and damaging riding; and repairing damage caused by ATV riders. VASA will work collaboratively with enforcement agencies to curtail ATV rider damage.

Landowners need to know they can go to VASA for help with rider management and damage repairs. Without a strong reliable local and statewide ATV group that is responsive to landowners, many landowners will continue to feel powerless in their efforts to regain control of their own land. By managing riders and dealing with damage, VASA will not be taking the blame, but will be showing that it is responsive to problems and willing to help with solutions. VASA will also have to prove it can manage its own members and develop a protocol for dealing with members who do not ride legally or who do damage by riding at inappropriate times, in inappropriate areas, or on unauthorized trails. In addition, VASA will reach out to errant riders who are doing the damage and explain to them that this behavior threatens the effort to establish a statewide trail system.

Safety and Ethics Course for Riders

There should be a mandatory safety and ethics course, developed by the State Police, the Vermont Fish & Wildlife Department, Vermont DMV and/or VASA. Once the ATV Rider Safety and Ethics course is created, a group of people will be certified to teach the class. The central enforcement or oversight agency will hold periodic seminars to train enough instructors to reasonably satisfy the needs created by mandatory education. Classes will be held periodically throughout the state, similar to the Vermont Rider Education Program (VREP) delivered by the DMV and should include the ATV Safety Institute ATV Safety Training methodology and the Tread Lightly!TM curriculum. New ATV owners will be required to register for the next available course and current owners will have to complete the course within 2 years, unless they can produce proof of satisfactory completion at a similar safety seminar, such as one sponsored by the manufacturer or pass a test addressing the core safety and ethical issues with an acceptable passing score.. Riders will be required to have proof of satisfactory completion at all times when out on the trails. There could also be a branch of this training corps that offers the course to students at regional high schools. Local VASA clubs will each have a board member or officer in charge of local education efforts.

Registration and VASA Membership

Membership in VASA will be mandatory as will ATV registration for all ATV owners. If the ATV is not used off of land that the ATV rider owns, then VASA membership will not be required but registration will be. Registration and titling of ATVs should be done in the same fashion as it is for cars, trucks and snowmobiles, whether the sale is through a dealer or is private. Since some folks use their ATVs solely for farm or forestry purposes, we propose that they pay only a minimal registration fee. The fine for riding in violation of these conditions will be severe.

Enforcement of Laws

An effective enforcement strategy must be developed. Law enforcement needs adequate resources to do this. Additional funding will be provided through ATV registration and fees. Private landowners have difficulty determining which law enforcement agency to call with ATV complaints and find their complaints often go unanswered. We propose significantly more funding for a group of officers to focus entirely on enforcing ATV laws that will help ensure prompt and appropriate responses to landowner complaints and will streamline enforcement efforts. The officers will help develop the ATV Rider Safety and Ethics course and certification system. Enforcement will be a collaborative effort. State Police (SP) and Vermont Fish and Wildlife (F&W) both have assets they can bring to the enforcement problem and have experience working together. State Police has a larger number of officers, has the dispatch capability, has barracks around the state, and has mechanics to work on machinery. Fish and Wildlife has more experience in the woods and its wardens are often the closest ones to respond to complaints. The enforcement agencies will work together to designate a lead agency and publicize complaint call numbers.

We need to establish a clear set of laws pertaining to ATVs and their use. The best understood laws are those pertaining to automobiles and snowmobiles. As such, ATV laws should be closely related to those for motor vehicles and snowmobiles. Registration and titling of ATVs should be done in the same fashion as it is for cars, trucks and snowmobiles, whether the sale is through a dealer or is private.

There should be a mandatory helmet law, as there is for motorcycles and snowmobiles. Machines must be sized appropriately for the rider. ATV safety research has concluded that ATVs with an engine size of 70cc to 90cc should be operated by people at least 12 years of age and ATVs with an engine size of greater than 90cc should only be operated by people at least 16 years of age. Riders under the age of 16 must be accompanied and supervised by an adult. Anyone riding an ATV off of a legal trail must have in their possession written permission from the landowner(s) on whose property they are riding. If this permission is not in their possession, they will be subject to appropriate penalties. Insurance and safety inspections should be required, as it is for automobiles and snowmobiles.

Penalties and points against the operator's motor vehicle driver's license will be assessed for violation of these laws. If a rider under 16 years of age violates the laws, the under age rider's parents or guardians will be assessed the fines, fees, penalties and points. DMV will develop a registration and administration system to implement these concepts.

Penalties

Current penalties, court proceedings and enforcement efforts are ineffective in controlling or reducing illegal and damaging ATV use. Fines for any new ATV civil infractions should be set by the customary judicial panel and should be in line with other recreation vehicle violation penalties. Penalties for ATV infractions also should be accrued on the operator's motor vehicle driver's license since ATVs are motor vehicles and are operated year round. The point system used for automobile infractions could be altered and amended to allow for this and would be familiar to all license holders. This would be in addition to monetary penalties. If a minor violates the laws, then the minor's parents or guardians will be assessed the penalties and points.

Commercial Operators

“Commercial ATV operation” will mean the operation of an ATV on any ATV Trail, open to the public, by a guided tour or by someone who has rented an ATV from an individual or corporate entity charging a fee for the tour or rental.

Commercial ATV operators shall be required to display a Commercial ATV registration plate, a commercial trail pass, and club membership issued by VASA and a local ATV club on every ATV participating in a tour or that is being rented and used on the trail. It shall be the responsibility of the commercial operator to obtain written permission from any landowner whose property is being used by commercially registered ATVs.

Before each tour or before a rented ATV can be released to a renter, the commercial operators will be required to present a short, condensed version of the ATV Rider Safety and Ethics

course, if there are people in the tour group or renters who have not completed, or do not have proof of completion of such a course. A commercial ATV operating on any private or public land, private or public water or natural area shall display a decal or flag identifying the individual or entity that owns the ATV. The enforcement agency will take tours with the commercial operators to ensure this is being done. There will be a significant fine for non-compliance and a loss of commercial operator's license for repeat offenders.

Out of State Riders

With the opening of a significant trail system in the state, there will no doubt be riders from adjacent states, and perhaps Canada, who will come to ride our trails. These riders will not be required to register their ATVs in Vermont as long as they are legally registered in another state or Canadian Province. They will be required to purchase a non-resident Trail Pass from VASA that will ensure that the individual rider is a member of VASA and a local club that has gained permission for the use of the land for an ATV trail.

The Collaborative believes that, for the foreseeable future, The State of Vermont should not actively promote Vermont as a venue for ATV tours and rentals.

Budget

We propose that the initial annual registration fee for ATVs be \$35. VASA will set its membership annual fees. The fee to register an ATV exclusively for agricultural or forestry work only on the ATV owner's land will be set to cover DMV overhead costs of registration. The remainder of the budget will be addressed with the Governor's Administrative Secretary after the Collaborative has reviewed all the public comments on this draft report.

Governor's Office to Coordinate Rider Information Publications

There is much to be done to inform ATV riders and landowners about Vermont's laws about ATVs and trails. The Governor's office should work with VASA and DMV to produce a comprehensive info booklet to address:

- ◆ registration, insurance and proof of ownership
- ◆ out of state and commercial registrations
- ◆ theft
- ◆ who may operate an ATV
- ◆ safety and ethics courses
- ◆ responsibility of parents and owners
- ◆ use of ATVs on public roads
- ◆ use of ATVs on private land
- ◆ use of ATVs on public land
- ◆ required equipment and gear
- ◆ riding restrictions
- ◆ local laws
- ◆ accidents
- ◆ damage responsibility and toll free number

Your Comments are Important

This is a draft proposal, representing the first round of the Collaborative’s work. To move this process forward we now seek comments, criticisms, and suggestions from as many people as possible. If you know of anyone else who might be interested in this issue, please pass along a copy of the proposal or tell them where they can get one. Please be sure to attend one of the public meetings that will be held throughout the state. Public comment will be collected through November 10, 2004. Comments may be given to: ATV Collaborative, Attn. Michael Bernhardt c/o Commissioner of Motor Vehicles, 120 State Street, Montpelier, VT 05603-0001, phone at 802- 828-2011. Comments by email should give a subject line of “ATV Collaborative” and be sent to bette.bailey@state.vt.us. Thank you for taking the time to be involved in this process.

Public Meeting Schedule and Directions:

Date	Time	Town	Place	Directions
October 20, 2004 Wednesday	6:30 to 9:00 PM	Springfield	High School	From I-91, go west on Route 11 3.5 miles, turn left on South Street. Go .1 mile and turn left to stay on South Street. Springfield High School is located at 303 South Street.
October 21, 2004 Thursday	6:30 to 9:00 PM	Rutland	High School	Rutland High School is located at 22 Stratton Road on the east side of Rutland. Stratton Road is off Route 4
October 25, 2004 Monday	6:30 to 9:00 PM	St. Johnsbury	Saint Johnsbury School	Saint Johnsbury High School is located at 257 Western Avenue. Western Ave coincides with US Route 2 in downtown Saint Johnsbury.
October 27, 2004 Wednesday	6:30 to 9:00 PM	St. Albans	Elementary School	The School is located at 169 South Main Street. It's a blue roofed building behind a Mobil station near Exit 19 of I-89

