



Mass Audubon

*Protecting the Nature of Massachusetts*

## New England Trail Rider Association



*Promoting safe and environmentally responsible motorized trailbike riding*

April 6, 2010

The House of Representatives  
State House  
Boston, MA 02133

Re: SB 2257, Off-highway Vehicle Legislation

Dear Representative:

Recognizing that significant Off-highway Vehicle (OHV) enforcement concerns exist throughout the Commonwealth, the Department of Conservation and Recreation convened the OHV Enforcement Working Group in August 2007. It was intended to advise both the Department and the Commonwealth in further actions related to OHV enforcement on both public and private lands. Our organizations participated in the Working Group, which drafted a proposal to address legal access, regulation, enforcement, and education. **We support Senate Bill 2257, which includes many of the Working Group Recommendations.** The bill has passed the Senate and is currently before House Ways & Means.

This bill will give enforcement officers the tools they need to stop illegal and destructive riding on public and private lands and provide funding for the development of public trails in appropriate places. Further, the bill will:

- Simplify the registration process and require registration for most OHVs with revenues from both registration and fines directed to increasing enforcement capabilities, rider safety education, and the development, maintenance and restoration of OHV trails. *We support amending the bill to mandate that 25% of OHV revenues be directed to trail maintenance and acquisition, as originally recommended by the Working Group.*
- Fund enforcement - 25% of the fines collected from OHV violations will be split between the applicable law enforcement entities involved in the issuance of the fines.
- Strengthen communication among riders, land managers, conservation organizations, enforcement agencies and other stakeholders by establishing an OHV Advisory Group similar to those in other states.

For more information, please contact Jennifer Ryan, Mass Audubon, 617.759.0227 or Frank Frey, New England Trail Rider Association, 617.470.4466.

Respectfully,

Frank A. Frey, Massachusetts Legislative Director  
New England Trail Rider Association

Jennifer Ryan, Legislative Director  
Mass Audubon



# Mass Audubon

Legislative Affairs

Six Beacon Street, Suite 1025 • Boston, Massachusetts 02108  
tel 617.523.8448 • fax 617.523.4183 • email [beaconhill@massaudubon.org](mailto:beaconhill@massaudubon.org)

March 1, 2010

Massachusetts House of Representatives  
State House  
Boston, MA 02133

Re: *Senate Bill 2257, An Act to Regulate the use of Off Highway and Recreation Vehicles*

Dear Representative;

Thank you for cosponsoring SB 366 or HB 3330, *An Act to Regulate the use of Off Highway and Recreation Vehicles*. Both bills reflect most of the recommendations of the Department of Conservation and Recreation (DCR) Off Highway Vehicle (OHV) Enforcement Working Group in which Mass Audubon participated. SB 366 passed in the Senate on January 28<sup>th</sup>, and is now before the House Committee on Ways and Means as SB 2257.

**Please contact House Ways & Means Chairman Charles Murphy and ask him to report the bill favorably!**

Mass Audubon supports this version of the legislation which will give enforcement officers the tools they need to stop illegal and destructive riding on public and private lands and provide funding for the development of public trails in appropriate places. The bill will:

- Simplify the registration process and require registration for most OHVs with revenues directed to increasing enforcement capabilities, rider safety education, and the development, maintenance and restoration of OHV trails.
- Fund enforcement - 25% of the fines collected from OHV violations will be split between the applicable law enforcement entities involved in the issuance of the fines.
- Strengthen communication among riders, land managers, conservation organizations, enforcement agencies and other stakeholders by establishing an OHV Advisory Group similar to those in other states.

SB2257 also includes a prohibition on riding of all terrain vehicles for anyone under the age of 14 unless in a sanctioned race, rally, or event. Mass Audubon does not have a position on this public safety issue.

Recreational Off-Highway Vehicle (OHV) use is growing in Massachusetts with sales of all terrain vehicles increasing by more than 300% over the past decade. The lack of enforcement is well documented in the state and was the focus of the 2007 DCR Off Highway Vehicle Enforcement Working Group. Lack of enforcement leads to extensive and long-term environmental damage on private and public land and unsafe conditions; on the 160,000 acres owned by the Department of Fish and Game alone there are close to 300 miles of illegal trails. Illegal riding on public lands, often unique and sensitive areas protected with public dollars for wildlife and sensitive ecosystems, damages public property and degrades the public trust. It is expensive to restore sites, and may be impossible as damage to wetlands, wildlife, and endangered species can be permanent.

Thank you for your support!

Sincerely,

Jennifer Ryan, Legislative Director

*Protecting the Nature of Massachusetts*



Legislative Affairs

Six Beacon Street, Suite 1025 • Boston, Massachusetts 02108  
tel 617.523.8448 • fax 617.523.4183 • email [beaconhill@massaudubon.org](mailto:beaconhill@massaudubon.org)

Testimony by Jennifer L. Ryan on:

**SB366**, *An Act to Regulate the Use of Off Highway and Recreation Vehicles*  
Sponsored by: Senator Steven A. Baddour

**HB3330**, *An Act Relative to the Regulation of Snow and Recreational Vehicles*  
Sponsored by: Representative Frank I. Smizik

Before the Joint Committee on Public Safety and Homeland Security  
July 28, 2009 and September 9, 2009

**Summary:** Recreational Off-Highway Vehicle (OHV) use is growing in Massachusetts with sales of all terrain vehicles increasing by more than 300% over the past decade. The lack of enforcement is well documented in the state and was the focus of the 2007 Department of Conservation and Recreation (DCR) Off Highway Vehicle Enforcement Working Group in which Mass Audubon participated. The lack of enforcement leads to extensive and long-term environmental damage on private and public land and unsafe conditions; on the 160,000 acres owned by the Department of Fish and Game alone there are close to 300 miles of illegal trails. Illegal riding on public lands, often unique and sensitive areas protected with public dollars for wildlife and sensitive ecosystems, damages public property and degrades the public trust. It is expensive to restore sites, and may be impossible as damage to wetlands, wildlife, and endangered species can be permanent.

With approximately 300 miles of legal OHV trails, Massachusetts offers more mileage of OHV trails in state forests and parks than all other New England states combined – and yet we lack adequate registration requirements and the ability to regulate this dangerous activity. OHV riding is illegal on all state lands in Rhode Island, Vermont, and New York. Connecticut offers one short trail, and New Hampshire has limited mileage in six designated areas.

Mass Audubon strongly supports **SB366**, *An Act to Regulate the Use of Off Highway and Recreation Vehicles* and **HB3330**, *An Act Relative to the Regulation of Snow and Recreational Vehicles*, both of which address many of the issues identified by the DCR Working Group. Mass Audubon urges the Joint Committee on Public Safety and Homeland Security to bring together these very similar bills and issue a favorable report of OHV reform legislation.

This legislation is the necessary first step in addressing the overwhelming need for reform of the Massachusetts OHV laws. Currently, registration and enforcement provisions are insufficient to address the extent of unauthorized and/or damaging use occurring on public and private lands. Irresponsible OHV use causes damage on private and public lands – from degrading important natural areas, ruining farmland, and disturbing wildlife, to disturbing the public – the vast majority of whom do not ride OHVs. Irresponsible use is also dangerous. It is the least prevalent public use of state forests and parks, and at the same time, the most dangerous, intrusive, and destructive park activity.

These bills seek to improve enforcement and prevent environmental damage. They set in place the requirement that all terrain vehicles and motorized bicycles (including but not limited to dirt bikes) shall be subject to registration, title and insurance requirements. This provision would make it clear to OHV buyers they are not acquiring a toy, but a vehicle that the state takes seriously. The legislation would also:

- Expand law enforcement capacity to provide consistent and effective enforcement of OHV laws and regulations.
- Strengthen fines and penalties for OHV offenses, including trespassing.
- Simplify the registration process and require registration for most OHVs with revenues directed to increasing enforcement capabilities and the development, maintenance and restoration of OHV trails.
- Create a revenue source for public OHV trail acquisition and maintenance. Mass Audubon is opposed to opening any additional DCR lands until the state has the resources it needs for enforcement. However, as most DCR properties would not be appropriate choices for OHV trails as they were acquired for their unique and sensitive ecological attributes, we are supportive of using fees and fines as a revenue source for the purchase of appropriate sites.
- Require safety and responsibility training for all OHV operators eighteen (18) years of age and younger.
- Strengthen communication among riders, land managers, conservation organizations, enforcement agencies and other stakeholders by establishing an OHV Advisory Group similar to those in other states.

Moreover, it would make it easier for law enforcement to:

- Identify stolen vehicles fairly quickly and get their drivers off the landscape.
- Determine quickly the ownership of any OHV, which may be needed to impose penalties.

Mass Audubon supports **HB3330** as drafted, and offer the following suggestions for **SB366**. A redline markup of **SB366** is attached.

**Section 3. Off Highway Vehicle Advisory Committee.** The Advisory Committee, as drafted, is heavily skewed towards riders with five seats for riding organizations and two for conservation groups. There is one less representative of a land and water conservation organization than listed in **HB3330**, filed by Representative Smizik, and as recommended by the DCR Working Group. To restore balance to the Advisory Committee, which will both help craft regulations and policies and oversee disbursement from the Off Highway Vehicle Fund, we suggest restoring that seat. We also suggest adding a seat for a Park Friends Group and a seat for a representative from sportsmen's organization. Friends Groups are very active in oversight and advocacy for DCR properties, many of which have illegal trails, and sportsmen may be both riders and wildlife and land conservationists.

**Section 10 and 25G. Public Ways.** Adds language from DCR Working Group that clarifies that a rider can only operate an OHV on *public* or private land marked as open to OHVs. This will clarify that for public land to be open to OHVs, it must be marked as such.

Thank you again for providing the opportunity to make these comments, and please contact me with any questions.

*Jennifer Ryan, Legislative Director*