



## Memorandum in Opposition

**Bill:** S3838 by Senator Ritchie  
A3182 by Assembly member Brindisi

**Title:** AN ACT to amend the parks, recreation and historic preservation law, the vehicle and traffic law and the state finance law, in relation to the creation of an ATV trail fund

### **The Adirondack Mountain Club (ADK) Strongly Opposes this Legislation.**

This bill would nearly double the current allowable weight of all-terrain-vehicles (ATVs), from 1,000 lbs to 1800 lbs. The bill would also legislatively open the New York State Forest Preserve to ATV use, an activity currently prohibited. ATV trespass and abuse issues on state and private lands are well documented for the currently permitted vehicles of 1000 lbs.<sup>1</sup> Increasing the weight of these vehicles by 800lbs will make this problem much worse. The bill would also make legal, ATV riding on roads throughout the state that have been opened by local law in violation of New York State Vehicle and Traffic Law, and contrary to NYS Attorney General Opinion 2005-21<sup>2</sup> and NYS Department of Environmental Conservation (DEC) legal opinion.<sup>3</sup> Although ATV manufacturers expressly define that their vehicles are not designed for road or highway use,<sup>4</sup> this bill would permit ATVs to ride on roads and highways at speeds as great as 55 mph. S5821 proposes this action in the face of documentation by the U.S Consumer Product Safety Commission and the National Highway Transportation Safety Administration's (NHTSA) Fatality Analysis Reporting System (FARS) that a majority of ATV deaths take place on roads.<sup>5</sup>

The fact that this bill uses a trail fund package to open the New York State Forest Preserve to ATV use and to legalize the use of ATVs on roads and highways at speeds of up to 55mph when the machine's manufacturers strongly discourage such use is simply irresponsible.

This bill is a disaster for public safety and for the natural resources of the state.

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- <sup>1</sup> NYS Strategic Plan for State Forest Management p.213 to 224 <http://www.dec.ny.gov/lands/64567.html>  
<http://watertowndailytimes.com/article/20140420/NEWS04/704209844>
- <sup>2</sup> NYS Attorney General Opinion 2005-21 <http://www.ag.ny.gov/appeals-and-opinions/numerical-index>
- <sup>3</sup> NYS Strategic Plan for State Forest Management p.223 <http://www.dec.ny.gov/lands/64567.html>
- <sup>4</sup> <http://www.wkbw.com/news/us-news-world/atvs-are-dangerous-and-deadly-on-public-roads>
- <sup>5</sup> Consumer Federation of America Report, *ATV on Roadways: A Safety Crisis*; See Press:  
<http://www.consumerfed.org/news/762>