



## Memorandum in Opposition

**Bill:** A4412 by Assembly member Magee  
S1909 by Senator Ritchie

**Title:** An Act to amend the vehicle and traffic law, in relation to the definition of an all terrain vehicle or “ATV”

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



If enacted into law, this legislation would increase the weight limit of motorized vehicles classified as all terrain vehicles (ATVs) from 1000 pounds, to 1500 pounds. ADK is strongly opposed to this legislation, which would expand the definition of ATVs to include much larger and more environmentally destructive motorized vehicles. These heavier and larger ATVs would be permitted to travel wherever ATVs are currently allowed.

ATVs have been typically one-seat machines that can accommodate up to two riders. The larger ATVs covered under this legislation, called Utility Task Vehicles (UTVs) or “side by sides,” are designed to seat up to five people and may include extra cargo room, increasing their weight to over 3,000 pounds, heavier than some cars.<sup>1</sup> These vehicles also have a much larger wheelbase than the smaller ATVs and can be up to 12 feet in length (Appendix 1 lists ATV, UTV, and small car wheelbase and size. See image of Ranger Crew UTV above<sup>1</sup>). The wheelbase of UTVs is larger than many cars. The Ranger Crew pictured above has a wheelbase of 113 inches, larger than that of a Subaru Crosstrek (see Appendix 1).

The environmental damages and user conflicts associated with current ATV use are well documented. Many public and private lands throughout the state have been heavily damaged by ATV use. For example, the use of smaller ATVs has led to severely eroded trails with large mud-ruts and trampled vegetation.

It is highly likely that the use of these larger and heavier machines will result in even greater damage to the environment if they are able to travel where ATVs currently ride.

Industry news describes the large UTVs as “cash cows.”<sup>2</sup> However, the growing market for UTVs threatens New York’s environment. The increase of UTV use would inevitably result in user conflicts and environmental damage, as more riders want to purchase and use large off-road vehicles in the State.<sup>3</sup> Larger, heavier UTVs have greater potential to damage the environment. See promotional image below.<sup>4</sup>



Increased use would also likely increase trespass. Current fines are insufficient to discourage illegal riding and trespass. ADK does not support allowing more riders on legal riding trails without first addressing the current trespass problems of ATV riders.

Without stiffer penalties for ATV trespass on public or private land, this bill would dramatically increase the number of ATVs potentially causing damage on our public lands. Penalties including vehicle impoundment for ATV trespass would do much to curtail the huge rural land and public land problem of ATV trespass.

Further, due to agency cutbacks there are currently too few Environmental Conservation Officers (ECO) and Forest Rangers to police the current impact of ATVs on public lands. Both ECOs and Forest Rangers must have the authority to impound ATVs for violations. This issue must be addressed to halt the current impact. Sufficient funding for enforcement must be connected to the registration process of all ATVs.

This bill does not provide a corresponding increase in funds to enhance enforcement and mitigation efforts. It is difficult to patrol the millions of acres of private and publicly owned lands in the Adirondacks, Catskills, and NY’s State Forests. Often times the damage reported to the Department of Environmental Conservation (DEC) is the mechanism for enforcing penalties. Once that damage has been done by these much heavier vehicles mitigation will be much more expensive.

Adding 1500 pound vehicles to the definition of an ATV will result in more highway use of ATVs. Although ATV use is regulated to certain trails, ATV riders are permitted by Title 11, Article 48C, Section 2405 of the New York State Vehicle and Traffic Law to drive their off-road vehicles on highways between legal riding trails, and trails adjacent to highways with no restriction to the distance travelled (Appendix 2). Whereas, laws regulating snowmobiles allow only 500 yards of road travel between trails (see Appendix 2). Clearly if it is unwise to have snowmobiles and cars on the road together for unlimited riding distances it is at least equally as dangerous to have ATVs on the road with vehicles, especially for the safety of the ATV rider.

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

## Appendix 1: ATV, UTV and Road Vehicle Weight and Size

**Table 1**

UTVs	Wheelbase (in)	Weight (lbs)	Seating Capacity	Overall Dimensions (in.)
Kawasaki Teryx4 750 4x4 EPS <sup>5</sup>	86.1	1,627 (Curb)	4 person	125L x 62W x 79H
Polaris Ranger Crew 900 <sup>6</sup>	113	1,571 (Curb)	5 Person	148.5L x 61W x 76H
Honda Big Red <sup>7</sup>	75.7	1,433 (Curb)	2 person	114.7L x 64W x 76H
Arctic Cat Prowler HDX 700i <sup>8</sup>	85	1,363 (Dry)	3 person	129L x 60W x 79H
Yamaha Rhino 700 FI <sup>9</sup>	75	1,199 (Wet)	2 person	113.6L x 56.6W x 73H

**Table 2**

ATVs	Wheelbase (in)	Weight (lbs)	Seating Capacity	Overall Dimensions (in.)
Kawasaki Brute Force 650 <sup>10</sup>	50.9	648 (Curb)	1 person	86L x 47.7W x 45.8H
Honda FourTrax Rincon <sup>11</sup>	50.8	648 (Curb)	1 person	83L x 46.8W x 47.5H
Arctic Cat TRV 700 LTD <sup>12</sup>	58	779 (Dry)	2 person	101L x 47.5W x 55H
Yamaha Grizzly <sup>13</sup>	49.2	648 (Wet)	1 person	81L x 46.5W x 48.8H

**Table 3**

Cars	Wheelbase (in)	Weight (lbs)	Overall Dimensions (in.)
Subaru Crosstrek <sup>14</sup>	103.7	3,087 (Curb)	175L x 70W x 63H
VW Golf 4-Door 2.5L <sup>15</sup>	101	3,102 (Curb)	165L x 70W x 58H
Kia Forte <sup>16</sup>	106	2,736 (Curb) <sup>17</sup>	179.5L x 70W x 56.5H
Ford Fiesta <sup>18</sup>	98	2,537 (Curb) <sup>19</sup>	159.7L x 67.8W x 58H

## Appendix 2: NYS Law Regulating ATV and Snowmobile Use on Highways

### Vehicle and Traffic Law: Title 11, Article 48C, Section 2405

#### Designation of highways and public lands for travel by ATVs

1. Highways. Except with respect to interstate highways or controlled access highways, the department of transportation with respect to state highways, maintained by the state and any other governmental agency with respect to highways, including bridge and culvert crossings, under its jurisdiction may designate and post any such public highway or portion thereof as open for travel by ATVs when in the determination of the governmental agency concerned, it is otherwise impossible for ATVs to gain access to areas or trails adjacent to the highway. Such designations by a state agency shall be by rule or regulation, and such designations by any municipality other than a state agency shall be by local law or ordinance.<sup>20</sup>

#### OPRHP Law § 25.05, Operation on highways.

7. Highways designated by governmental agencies. Snowmobiles may be operated on the following portions of highways, other than the thruway, interstate highways or controlled access state highways, which have been designated and posted as provided in section 25.09.

(a) Shoulders and inside banks. On the shoulders and inside banks of such highways or portions thereof so designated;

(b) Roadways. On roadways of such highways or portions thereof in case the outside banks or shoulders are determined by the governmental agency to be impassable or non-existent by reason of prevailing snow conditions or conditions of terrain;

**(c) Access areas. On such highways, for a distance of not to exceed five hundred yards when in the determination of the governmental agency concerned it is otherwise impossible for snowmobiles to gain access to areas or trails adjacent to the highway, for the purpose only of gaining access to and from the areas of operation.**<sup>21</sup>

<sup>1</sup> <http://www.polaris.com/en-us/ranger-utv/ranger-crew-900-sage-green/specs>

<sup>2</sup> [http://www.motorcyclepowersportsnews.com/Item/109615/utv\\_market\\_overview.aspx](http://www.motorcyclepowersportsnews.com/Item/109615/utv_market_overview.aspx)

<sup>3</sup> [http://www.nytimes.com/2011/12/10/business/economy/side-by-side-atvs-have-extra-room-and-maybe-more-risks.html?pagewanted=all&\\_r=1&](http://www.nytimes.com/2011/12/10/business/economy/side-by-side-atvs-have-extra-room-and-maybe-more-risks.html?pagewanted=all&_r=1&)

<sup>4</sup> <http://www.fieldandstream.com/articles/gear/2013/05/atv-review-2013-john-deere-gator-rsx850i>

<sup>5</sup> <https://www.kawasaki.com/Products/Product-Specifications.aspx?scid=27&id=558>

<sup>6</sup> <http://www.polaris.com/en-us/ranger-utv/ranger-crew-900-eps-polaris-pursuit-camo/specs>

<sup>7</sup> <http://powersports.honda.com/2013/big-red/compare.aspx>

<sup>8</sup> [http://www.arcticcat.com/sidexside/model/prowler700hdxltd#vibrant\\_red](http://www.arcticcat.com/sidexside/model/prowler700hdxltd#vibrant_red)

<sup>9</sup> <http://www.yamahamotorsports.com/outdoor/products/modelspecs/590/0/specs.aspx>

<sup>10</sup> <http://www.kawasaki.com/Products/product-specifications.aspx?id=686>

<sup>11</sup> <http://powersports.honda.com/2014/fourtrax-rincon/specifications.aspx>

<sup>12</sup> [https://www.arcticcat.com/atv/model/TRV700LTD#navy\\_blue\\_metallic](https://www.arcticcat.com/atv/model/TRV700LTD#navy_blue_metallic)

<sup>13</sup> <http://www.yamahamotorsports.com/outdoor/products/modelspecs/534/0/specs.aspx>

<sup>14</sup> <http://www.edmunds.com/subaru/xv-crosstrek/2013/features-specs.html>

<sup>15</sup> [http://www.vw.com/en/models/golf/trim-specs.s9\\_trimlevel\\_detail.suffix.html/2014-golf~2F2-5L-4-Door.html#/tab=688220c7d056cd9c4fbf4992bd876951](http://www.vw.com/en/models/golf/trim-specs.s9_trimlevel_detail.suffix.html/2014-golf~2F2-5L-4-Door.html#/tab=688220c7d056cd9c4fbf4992bd876951)

<sup>16</sup> <http://www.kia.com/us/en/vehicle/forte/2014/features>

<sup>17</sup> <http://www.edmunds.com/kia/forte/2014/features-specs.html?style=200466557>

<sup>18</sup> <http://www.ford.com/cars/fiesta/specifications/exterior/>

<sup>19</sup> <http://www.ford.com/cars/fiesta/specifications/capacities/>

<sup>20</sup> [http://public.leginfo.state.ny.us/LAWSSEAF.cgi?QUERYTYPE=LAWS+&QUERYDATA=\\$\\$VAT2405\\$\\$@TXVAT02405+&LIST=LAW+&BROWSER=BROWSER+&TOKEN=36933477+&TARGET=VIEW](http://public.leginfo.state.ny.us/LAWSSEAF.cgi?QUERYTYPE=LAWS+&QUERYDATA=$$VAT2405$$@TXVAT02405+&LIST=LAW+&BROWSER=BROWSER+&TOKEN=36933477+&TARGET=VIEW)

<sup>21</sup> [http://public.leginfo.state.ny.us/LAWSSEAF.cgi?QUERYTYPE=LAWS+&QUERYDATA=\\$\\$PAR25.05\\$\\$@TXPAR025.05+&LIST=LAW+&BROWSER=BROWSER+&TOKEN=38973419+&TARGET=VIEW](http://public.leginfo.state.ny.us/LAWSSEAF.cgi?QUERYTYPE=LAWS+&QUERYDATA=$$PAR25.05$$@TXPAR025.05+&LIST=LAW+&BROWSER=BROWSER+&TOKEN=38973419+&TARGET=VIEW)