



## Memorandum in Opposition 2018

**Senate Bill:** S3920-A by Senator Ritchie

**Assembly Bill:** A8908-A by Assembly Member Jones

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**Title:** An Act to amend the parks, recreation and historic preservation law, the vehicle and traffic law, the state finance law and the environmental conservation law, in relation to the creation of an ATV trail fund and the use of ATVs

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

**Legislation.** S3920-A and A8908-A would nearly double the current allowable weight of all-terrain-vehicles (ATVs), from 1,000 lbs. to 1500 lbs. The bill would also legislatively open the New York State Forest Preserve to ATV use, an activity currently prohibited. Further, for the first time this bill would open New York State Park land to ATVs. ATV trespass and abuse issues on state and private lands are well documented for the currently permitted vehicles of 1000 lbs.<sup>1</sup> The DEC evaluated ATV use on state forest land already and found there to be no way for the department to regulate and control such use in a way that protects the natural resources of the State.<sup>1</sup>

Increasing the weight of these vehicles by 500lbs will make this problem much worse. The bill also allows 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 children as young as 10 years of age to drive ATVs on roads and highways at speeds as great as 55 mph. This bill 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 and State Park lands 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 and public lands of the state.

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

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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>