

2019 Memorandum in Opposition

Bill: S1372 by Senator Ritchie

Title: Relates to the definition of 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. These vehicles also have a much larger wheelbase than the smaller ATVs and can be up to 12 feet in length. 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.

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.” 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. Larger, heavier UTVs have greater potential to damage the environment. See promotional

image below.



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. Whereas, laws regulating snowmobiles allow only 500 yards of road travel between trails. 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.

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