

## 2019 Memorandum in Opposition

**Bill:** A2605 by Assembly Member Crouch and S4137 by Senator Ritchie

**Title:** Requires the commissioner of economic development to conduct a study of the economic impact of ATV use within the state.

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

This legislation would require the commissioner of economic development to conduct a study of the economic impact of ATV use within the state. Unfortunately, this legislation completely ignores the impact that ATV use has on the environment and requires no accounting of the damage illegal ATV use causes on public lands and on private properties. 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>2</sup> Current fines are insufficient to discourage illegal riding and trespass. Penalties including vehicle impoundment for ATV trespass would do much to curtail the huge rural land and public land problem of ATV trespass.

This legislation does not explain that recently there have been numerous roads in New York opened for ATV riding by local law in violation of New York State Vehicle and Traffic Law, and contrary to NYS Attorney General Opinion 2005-213 and NYS Department of Environmental Conservation (DEC) legal opinion.<sup>4</sup> Although ATV manufacturers expressly define that their vehicles are not designed for road or highway use.<sup>5</sup> 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>6</sup>

The Consumer Product Safety Commission (CPSC) reports that in 2016, there were an estimated 101,200 ATV-related, emergency department-treated injuries in the United States. An estimated 26 percent of these involved children younger than 16 years in age. In the three decades that the CPSC has been keeping statistics on ATV accidents, nearly 15,000 people have died. In that time, New York State has been one of the top ten states in ATV deaths and injuries.<sup>7</sup> This is not a situation where New York wants to be a national leader.

This legislation does nothing to account for, or address, these issues, but would create a biased analysis designed to increase ATV use without any regard for public safety and protection of public and private lands.

### **The Adirondack Mountain Club (ADK) 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 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>3</sup> NYS Attorney General Opinion 2005-21 <http://www.ag.ny.gov/appeals-and-opinions/numerical-index>

<sup>4</sup> NYS Strategic Plan for State Forest Management p.223 <http://www.dec.ny.gov/lands/64567.html>

<sup>5</sup> <http://www.scripps.com/atvs-dangerous-deadly-on-public-roads>

<sup>6</sup> Consumer Federation of America Report, ATV on Roadways: A Safety Crisis; See Press:  
<http://www.consumerfed.org/news/762>

<sup>7</sup> *2016 Annual Report of ATV related deaths and injuries*; Consumer Product Safety Commission