

## 2019 Memorandum in Support

**Bill:** A7537 by Assembly member Englebright and S5836 by Senator Kaminsky

**Title:** An Act to amend the environmental conservation law, in relation to prohibiting the use of all-terrain vehicles within the forest preserve, the Long Island central pine barrens and the Albany pine bush preserve, and providing penalties for violations of all-terrain vehicle laws in such sensitive areas.

### The Adirondack Mountain Club (ADK) Supports this Legislation

If enacted into law, this legislation would protect sensitive state public lands, including the Adirondack Park Forest Preserve, the Catskill Park Forest Preserve, the Long Island central pine barrens, and the Albany pine bush preserve from ATV trail systems and DEC administered road use.

Protecting these areas with legislation is critical. The state has opened Adirondack Park roads in Wild Forest Areas in the past, as well as trail systems on state forests, but has subsequently closed the roads and trails because of environmental damage and inconsistency with state law.

In the early 2000s the Department of Environmental Conservation (DEC) opened 54 roads to ATV use in Wild Forest Areas of the western Adirondack Park. DEC was forced to shut these systems down because they did not comply with Section 2405 of Vehicle and Traffic Law. Adirondack conservation groups also documented the significant damage to the Forest Preserve connected with this ATV access.<sup>1</sup> For example, the Wildlife Conservation Society (WCS) published a paper on ATV use in the Adirondack Park in 2003, *All-Terrain Vehicles in the Adirondack Park*.<sup>2</sup> The paper explains how ecological damage from ATVs is long-term and difficult to remediate, especially in sensitive habitats.

In fact, every pilot ATV program on NY state lands has been shut down because of environmental damage caused by ATVs. For example, the *Strategic Plan for State Forest Management* outlines several case studies in which ATV trail systems were implemented on State Forest Lands, including New Michigan State Forest, Anderson Hill State Forest, Brasher State Forest, Morgan Hill and Taylor Valley State Forests. All of these trail systems were all closed due to the environmental impacts by ATVs on these state forest lands.<sup>3</sup> One proposed trail system on the Treaty Line Unit was withdrawn “based on the criteria that it was not both environmentally compatible and socially acceptable.”<sup>4</sup>

There has been a significant increase in pressure on the state legislature to pass bills, which would increase the current allowable weight of all-terrain-vehicles (ATVs), from 1,000 lbs. to 1500 lbs. One of these bills, S1428/A1587 would also legislatively open the New York State Forest Preserve

to ATV use; open New York State Park land to ATVs; and allow 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>5</sup> and NYS Department of Environmental Conservation (DEC) legal opinion.<sup>6</sup> Although ATV manufacturers expressly define that their vehicles are not designed for road or highway use,<sup>7</sup> S1428/A1587 would permit children as young as 10 years of age to drive ATVs on roads and highways at speeds as great as 55 mph. S1428/A1587 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>8</sup>

For all of these reasons, it is imperative to support A7537, which protects the Forest Preserve, the Long Island central pine barrens, and the Albany pine bush, preserve from irresponsible ATV use and impact.

### **The Adirondack Mountain Club (ADK) Supports this Legislation**

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<sup>1</sup> <http://www.protectadks.org/2013/03/protect-urges-governor-cuomo-and-dec-to-ban-atv-use-on-the-forest-preserve/>  
<sup>2</sup> [www.wcsadironclubs.org](http://www.wcsadironclubs.org)

<sup>3</sup> <http://www.dec.ny.gov/lands/64567.html>

[http://www.dec.ny.gov/docs/lands\\_forests\\_pdf/spsfmfinal.pdf](http://www.dec.ny.gov/docs/lands_forests_pdf/spsfmfinal.pdf) (p. 215-218)

<sup>4</sup> <http://www.dec.ny.gov/lands/64567.html>

[http://www.dec.ny.gov/docs/lands\\_forests\\_pdf/spsfmfinal.pdf](http://www.dec.ny.gov/docs/lands_forests_pdf/spsfmfinal.pdf) (p. 217)

<sup>5</sup> NYS Attorney General Opinion 2005-21 <http://www.ag.ny.gov/appeals-and-opinions/numerical-index>

<sup>6</sup> NYS Strategic Plan for State Forest Management p.223 <http://www.dec.ny.gov/lands/64567.html>

<sup>7</sup> <http://www.scripps.com/atvs-dangerous-deadly-on-public-roads>

<sup>8</sup> Consumer Federation of America Report, ATV on Roadways: A Safety Crisis; See Press:

<http://www.consumerfed.org/news/762>