

2 April 2021

Board of Legislators
St Lawrence County New York
48 Court Street
Canton, New York 13617

RE: Re-Establishing the St. Lawrence County Trail System and establishing the St. Lawrence County Trail Permitting Process

ADK is concerned that the proposed local law named “Re-Establishing the St. Lawrence County Trail System and establishing the St. Lawrence County Trail Permitting Process” ignores Attorney General Opinion 2005-21 (attached). This opinion addresses Vehicle and Traffic Law (“VTL”) 2405, which governs the designation of highways and public lands for ATV use.

Vehicle and Traffic Law 2405 “permits a government agency by local law or ordinance to designate portions of a public highway under its jurisdiction open for ATV travel if ATVs cannot otherwise access areas or trails adjacent to the highway.”¹

However, the 2005-21 Attorney General Opinion concludes that “town highways may not be considered “trails” for the purposes of Vehicle and Traffic Law 2405 (1), as this would be contrary to the State Legislature’s intent to confine ATV use primarily to off-highway pathways.”²

We are concerned that proposed local law, through *Section 9 Interconnecting Public Highways*, would allow public highways to be considered part of the trail system which clearly is not the intent of VTL 2405 and would encourage activities that are contrary to NYS State Vehicle and Traffic Law and NYS Attorney General Opinion.

Given that ATV manufacturers and the U.S Consumer Product Safety Commission warn that ATVs are not designed for road or highway use³ and that it is dangerous to ride them on paved or hardened roadways,⁴ we are also concerned that the proposed law would encourage activities that are proven to result in injury and fatalities.⁵

Thank you for considering these concerns,

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Adirondack Mountain Club

ADK works to protect New York's wild lands and waters by promoting responsible outdoor recreation and building a statewide constituency of land stewardship advocates. Based out of the Adirondack Park in New York State, ADK is a leader in providing outdoor education, promoting responsible recreation, and organizing stewardship experiences. Since 1922, the organization has worked to increase access to the backcountry by building trails, conserving natural areas, and developing a stewardship community that supports ethical and safe use of New York's outdoor spaces. A member and volunteer-supported organization, ADK reaches across New York through its 27 chapters to inspire people to enjoy the outdoors ethically.

¹ <https://ag.ny.gov/sites/default/files/opinion/I%202005-21%20pw.pdf>

² <https://ag.ny.gov/sites/default/files/opinion/I%202005-21%20pw.pdf>

³ <https://www.fairwarning.org/2017/08/despite-hazards-towns-keep-opening-roads-off-road-vehicles/>

⁴ <https://www.cpsc.gov/safety-education/safety-guides/sports-fitness-and-recreation/all-terrain-vehicle-safety>

⁵ https://www.researchgate.net/publication/262454847_On-road_all-terrain_vehicle_ATV_fatalities_in_the_United_States
<https://injuryprevention.bmj.com/content/19/4/250>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7293057/>