



Mass Audubon



Appalachian Mountain Club

Senate  
State House  
Boston, MA

January 26, 2010

Re: Senate Bill 2251, *An Act to regulate the use of off-highway and recreation vehicles*

Dear Senator;

We are writing to urge your support of Senate Bill 2251, the “ATV bill”. It is a priority for our seven statewide environmental organizations which represent well over 200,000 of the Commonwealth’s citizens. Recreational Off-Highway Vehicle (OHV) use is growing in Massachusetts with sales of all terrain vehicles increasing by more than 300% over the past decade. Enforcement hasn’t kept up. Lack of enforcement is well documented on public and private lands and was the focus of the 2007 Department of Conservation and Recreation (DCR) Off Highway Vehicle Enforcement Working Group. The majority of Senate Bill 2251 reflects these recommendations. Lack of enforcement leads to extensive and long-term environmental damage on private and public land and unsafe conditions; on the 160,000 acres owned by the Department of Fish and Game alone there are close to 300 miles of illegal trails. There are miles of illegal trails on both land-trust and other private holdings. Illegal riding on public lands, often unique and sensitive areas protected with public dollars for wildlife and sensitive ecosystems, damages public property and degrades the public trust. It is expensive or impossible to restore sites, as destroyed vegetation, ruts and erosion, and outright destruction of wetlands, wildlife, and endangered species is essentially forever.

The legislation would:

- Expands law enforcement capacity to provide consistent and effective enforcement of OHV laws and regulations. Strengthens fines and penalties for OHV offenses, including trespassing.
- Provides funding for enforcement through sharing of a portion of penalty revenue with municipal and state enforcement officials.
- Require registration and simplify the registration process for most OHVs.
- Create a revenue source for public OHV trail acquisition and maintenance, using a portion of registration and penalty revenues.
- Require safety and responsibility training for all OHV operators eighteen (18) years of age and younger.
- Strengthen communication among riders, land managers, conservation organizations, enforcement agencies and other stakeholders by establishing an OHV Advisory Group similar to those in other states.

Moreover, it would make it easier for law enforcement to:

- Determine quickly the ownership of any OHV, which may be needed to impose penalties.
- Identify stolen vehicles fairly quickly and get their drivers off the landscape.

With approximately 300 miles of legal OHV trails, Massachusetts offers more mileage of OHV trails in state forests and parks than all other New England states combined – and yet we lack adequate registration requirements and the ability to regulate this dangerous activity. Wheeled OHV riding is illegal on all state lands in Rhode Island, Vermont, and New York. Connecticut offers one short trail, and New Hampshire has limited mileage in six designated areas.

This legislation is the necessary first step in addressing the overwhelming need for reform of the Massachusetts OHV laws. Currently, registration and enforcement provisions are insufficient to address the extent of unauthorized and/or damaging use occurring on public and private lands. Irresponsible OHV use causes damage on private and public lands – from degrading important natural areas, ruining farmland, and disturbing wildlife, to disturbing the public – the vast majority of whom do not ride OHVs. Irresponsible use is also dangerous. It is the least prevalent public use of state forests and parks, and at the same time, the most dangerous, intrusive, and destructive park activity.

Thank you for your time and consideration. For more information, please contact Mass Audubon's Legislative Director, Jennifer Ryan, 617.759.0227.

Sincerely,

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