

FISH AND GAME
CHAPTER 215-A
OFF HIGHWAY RECREATIONAL VEHICLES AND TRAILS
Section 215-A:3

215-A:3 Bureau Responsibilities. –

I. The bureau shall have the responsibility to provide coordination between the department of natural and cultural resources, division of forests and lands, the fish and game department, and the department of transportation, with respect to matters pertaining to OHRVs and snowmobiles.

II. In addition, this bureau shall administer the funds provided the department of natural and cultural resources for the OHRV and snowmobile program; act as liaison between landowners and OHRV and snowmobile users; work with organized clubs in the support of the OHRV and snowmobile sport; supervise the production of publications produced by the department of natural and cultural resources relating to regulations and information on trails; maintain up-to-date information and data relative to new OHRV machinery, equipment, national standards and safety; and assist where required in any training programs that may be established.

II-a. Notwithstanding [RSA 21-I:17-a](#), I, the director of the division of parks and recreation may make purchases using field purchase orders for expenditures of up to \$2,000 for the state trail system and facilities.

II-b. The commissioner of the department of natural and cultural resources may transfer funds between and among the appropriations for the bureau of trails. The commissioner shall submit a report on a quarterly basis to the fiscal committee of the general court, the governor and council, and the chairmen of the house and senate executive departments and administration committees, the chairman of the resources, recreation and development committee, and the chairman of the wildlife, fish and game and agriculture committee of all transfers made under this paragraph. [RSA 9:17-a](#) and [RSA 9:17-c](#) shall not apply to transfers made under this paragraph.

III. The bureau shall be further responsible for coordinating efforts in obtaining easements and rights-of-way, in establishing trails and trail facilities, and any other similarly related tasks that may be required as a responsibility of the department of natural and cultural resources in relation to OHRVs and snowmobiles. The bureau may with governor and council approval acquire by purchase, gift or devise any land for OHRV and snowmobile trails or facilities.

IV. The bureau shall also have the responsibility to make or participate in a continuing study on the effects of OHRV and snowmobile operations on erosion and other damage to the environment. If other state agencies are involved in an overall study of this nature, the bureau shall cooperate with such agencies, and maintain a record of all findings that pertain to OHRVs and snowmobiles.

IV-a. The bureau shall also have the following duties:

(a) Provide the planning, development, and maintenance of the state trail system.

(b) Promote the proper use of trails throughout the state, and protect their integrity for future generations.

- (c) Encourage the use of trails for educational purposes through the use of signs, published material and trail adoption programs.
- (d) Coordinate the development of the New Hampshire Heritage Trail designated in [RSA 216-A:11](#).
- (e) Administer the New Hampshire conservation corps established in [RSA 216-A:7](#).
- (f) Obtain and administer any federal funds appropriated for the purposes of this chapter.
- (g) Assist communities with their trail programs.
- (h) Support research and information gathering activities on the economic benefits of trails and improved environmental design of trails.
- (i) Coordinate the efforts of motorized and non-motorized trail interests in the state.
- (j) Maintain a list of recognized OHRV clubs.

V. The chief supervisor of the bureau may make recommendations concerning [RSA 215-A:3-a](#) and such rules as the chief supervisor feels may be necessary for the use and control of OHRV trails, facilities, and lands under bureau control or lease to the commissioner of the department of natural and cultural resources. The commissioner may adopt such recommendations as rules as provided in [RSA 215-A:3-a](#). A person who fails to observe rules adopted under [RSA 215-A:3-a](#) shall be subject to the same penalties provided for in other sections of this chapter.

VI. The supervisor of the bureau shall receive all written requests from persons applying for permission to establish a highway trail crossing or trail connector on any class I, class II or class III highway for any OHRV trail or cross country ski trail on which an OHRV trail maintenance vehicle may operate. The requests shall be submitted by the supervisor to the commissioner of the department of transportation or the commissioner's representative for the department's approval or disapproval. If approval is granted, the commissioner of the department of transportation may post the area with appropriate signs designating the location of the trail crossing or trail connector and providing signs for both sides of the highway at an appropriate distance from the crossing or trail connector to warn the motoring public of said crossing or trail connector. Highway trail crossing requests and approvals under this paragraph shall be exempt from the provisions of [RSA 215-A:42](#) and [RSA 215-A:43](#).

VII. The state treasurer shall keep all money appropriated to the department of natural and cultural resources for the bureau from the registration of off highway recreational vehicles in a special fund to be known as the OHRV and snowmobile fund. At the close of each fiscal year any unexpended balance shall be carried forward and added to the appropriation for the subsequent year.

VIII. The bureau may make application to the commissioner of transportation for a permit in writing to allow OHRVs to operate on or across certain bridges of class I, II and III highways when such operation is necessary for gaining access to established trails or to events being developed or held in conjunction with established OHRV club activities. The commissioner of transportation may issue or deny such permits. A permit shall specify the type of OHRVs to be allowed, the permitted dates and hours of operation, and shall require the bureau to erect and maintain all signs required under the terms of the permit. Any person operating an OHRV on or across a bridge under this paragraph shall do so at his or her own risk. Said person shall keep to the extreme right side of the bridge and shall yield to all oncoming vehicular traffic.

IX. The commissioner of the department of natural and cultural resources and the executive director of the department of fish and game shall each submit an annual report to the chairpersons of the fish and game committee, the resource, recreation and development committee, the transportation committee, the ways and means committee, and any other appropriate committee of the house of representatives, the chairpersons of the wildlife and recreation committee, the ways and means committee, and any other appropriate committee of the senate, and the state library which details their agencies' activities relating to OHRV and snowmobile programs during the previous year. Such report shall include, but not be limited to, as applicable to each agency's responsibility, registration revenues received by type of vehicle, an accounting of all existing OHRV-related funds, accounts, and subaccounts, disbursements made from each fund, account, or subaccount by type of vehicle, where applicable, and use of disbursed funds, condition of trails by type of vehicle use, results of the continuing study on environmental damage by type of vehicle under [RSA 215-A:3](#), IV, and state and contracted or otherwise known local enforcement actions taken by type of vehicle. Each report shall be submitted on or before January 15 of each year and shall be made available to the public in a manner deemed appropriate by each reporting agency.

X. [Repealed.]

Source. 1981, 538:3. 1983, 422:12; 449:3. 1985, 402:6, I(b)(1). 1986, 152:7. 1987, 292:3, 5. 1989, 179:2. 1990, 186:1. 1993, 53:5. 1995, 9:29, 30. 1997, 268:3. 2002, 233:2-5, 28. 2003, 120:3. 2005, 210:13. 2010, 374:3, eff. July 26, 2010. 2011, 154:1, eff. June 8, 2011. 2012, 179:2, eff. June 11, 2012. 2017, 156:14, I, eff. July 1, 2017.