

Commission to Study the Use of OHRVs in New Hampshire
MEETING Minutes
Friday, September 29, 2023, 10 AM
Department of Natural and Cultural Resources
172 Pembroke Rd., Concord, NH

Present:

Suzanne Smith, Chair, New Hampshire Association of Conservation Commissions
Abby Evankow, Clerk, NH Rail Trails Coalition
Andy Renzullo, Representative, House Resources Recreation and Development Committee
George Sykes, Representative, House DOT Committee
Eamon Kelley, Representative, House RRD Committee
Mike Ouellet, Representative, Coos County
Alexis Rudko, Deputy Chief, Bureau of Trails (for Chief Rennie)
Captain Michael Eastman, NH Fish and Game
David Rodrique, NH Department Of Transportation
Dan Bennett, NH Auto Dealers Association
Steven Wilkie, NH Off Highway Vehicle Association
Paul Robitaille, NH Municipal Association
Ann Davis, NH Timberland Owners Association / NH Farm Bureau Federation

Absent:

Chief Dan Buteau, NH Association of Police Chiefs
Craig Rennie, Chief NH Bureau of Trails
Steve Jackson, North Country Council
Paul Doscher, Society for the Protection of NH Forests/ Appalachian Mtn Club/ Nature Conservancy
Captain Chris Vetter, NH State Police
Kevin Avard, Senator

Guests:

Richard Parsons, NHOHVA lobbyist; Terry Lambert, NHOHVA secretary; Matt Leahy, SPNHF.

10:03 AM Call to Order - Introduction of members and guests - *Chair Smith*
Approval of Minutes from August 11 meeting. corrections: Jericho Jamboree attendance numbers should be 5,000 total both days - not each day, and name corrections.
Motion by Chair Smith to amend minutes to show 5,000 total participants for Jericho Jamboree, 2nd Ms. Davis. Unanimous approval.
Motion to approve minutes by Ms. Davis 2nd by Mr. Bennett. Unanimous approval.
Follow-up questions from Ms. Davis, who missed the August meeting:

1) What was cost of 40 law enforcement officers for Jericho Jamboree? Captain Eastman can give F&G \$\$\$s. Most OHRV enforcement is covered by OHRV grants from registration fees. Coos Sheriff department makes money writing OHRV tickets.

2) Does each rider pay fee to participate in festival? or enter park? Is there a park entry fee? Jericho Jamboree is new event - very few people participate in the mud run, everyone else are just paying to go into a fair to go to dealers, test new machines, = all riders outside of mudding event are registered. Chamber of Commerce charges admission fee to enter.

Updates on OHRV season: Trails start to close in Pittsburg this weekend, then graduated closure of trails heading south. Clubs set dates in conjunction with BOT. Stratford and some rail trails stay open to OHRVs year round. Accidents and volume of riders are both down this year. No registration numbers yet. F&G officers reported some weekends saw low numbers of riders. It rained 13 out of 16 weekends. 26.2" of rain in July.

Legislative Update – SB256 “establishing a safety program for off-highway recreational vehicles” and Veto override.

Discussion of safety: Suggestion to educate riders with larger handout at registration. Registration already does have education - on back side and rider has to sign that they have read all laws. Suggestion to follow F&G program with hunters - “thank the landowner.” Some consider YouTube videos effective education. F&G assisted NHSA with producing a video for Snowmobilers. It was paid for by grant, with a focus on private landowners and the damaging impact of off-trail use. NHOHVA has just begun an education committee, looking at Instagram, YouTube, Tik-tok. One OHRV club has trail monitors stationed at parking areas, who educate and answer questions. Current in-person safety class is 6 hours.

Veto over-ride discussion: Chair Smith reminded the commission of the August commission meeting discussion to support the legislature's override of the governor's veto on SB256. Veto over-ride message is opportunity to bring safety issue to entire House and engage in conversation. “Just like boating.”

House will need strategy. Concerns: bill could have been written better, not very clear; current riders do not want to take 6-hour course. Captain Eastman supported bill: crashes are now primarily adults - not the kids. Bill targets the age group at risk. OHRV is only registration which does not require safety course. Hunting, trapping, boating, driving all require a safety course first. There is no way to determine experience and exempt some riders from course as is done w/ returning motorcycle education program. Goal is to prevent a catastrophic event - which spurred the all the other safety course requirements. Rental agents were worried about vagueness in bill, worried that a 5 hour safety course might be required for rentals - but those particulars are finalized in Rules which allow for further public input. Utah and Oregon require safety course - a free half hour on-line. F&G administrative rules require a free in-person 5.5 hour safety class or \$35 on-line course. Maine and Vermont's safety courses are 6 - 6.5 hours. Mr. Rodrique recommends looking into Utah's shorter safety class:

<https://recreation.utah.gov/off-highway-vehicles/ohv-education-course/> and a more specific bill. Safety requires education, engineering, enforcement.

In a straw poll, A majority of commission members agreed that legislative members should meet to explore possibilities for overriding the veto on SB256.

Possible legislation for 2024 session.

Rep. Kelley has introduced 2 LSRs pertaining to OHRV use in NH. One is related to fines and penalties and the other titled "related to OHRVs" which covers a variety of issues related to OHRVs, UTVs and golf carts. Rep. Kelley will send language to members when it is available.

Another legislator has introduced legislation pertaining to maintenance of Class VI roads.

11:30: Review Chapters 215-A including 215-A-16 (enforcement) 215-A:17 (BOT enforcement), 215-A:18 (fines) A:19 (penalties) and 215-A:29 (Operation and licensure) as time permits.

Chair Smith is receiving photos of children on ATV not wearing helmets, baby on ATV. Enforcement can't be everywhere.

RSA 215-A:17: Question of whether curfew applies to riding on State-maintained trails that run on private land. Homeowners complain about late night riding. No, the limit on riding hours - half hour before sunrise/ half hour after sunset - only applies to state property and On-road Trail Connectors - not private property or town roads.

Landowners and municipalities control riding hours on their land and roads. F&G does not enforce municipal ordinances. Fish and Game usually enforces hours of operation by issuing summons for "Operation without written landowner permission."

Berlin and Croydon allow riding until 10pm.

Fine amounts are set by legislature. F&G perpetual budget problem - should we look at sending higher percentage to F&G from fines? Updated fines in 2019 only 4 lines - those increases don't go to F&G too small portion goes to F&G. \$7.50 inadequate. Any enforcement agency who writes OHRV ticket - gets \$\$\$ back.

Mr. Doscher (via email) requested review of RSA 215-A:41, with biologists and ecologists in attendance.

Future meetings:

Thursday, Nov.16.10:00. Director's Conference Room, at Fish & Game Headquarters.
Review RSA 215-A:41

January 5, 2024 11:00 Invite NHMA legal aide Natch Greyes to review use of class V & VI roads

12:00 PM Motion by Ms. Davis, 2nd by Mr. Bennett to adjourn.

Respectfully submitted, Abby Evankow, Clerk