

HB 1188, Commission to Study the Use of OHRVs in New Hampshire

Friday, January 5, 2024, 11am

Department of Natural and Cultural Resources
172 Pembroke Rd., Concord, NH, Conference Room
Remote Access – Microsoft Teams

Present:

Abby Evankow, Clerk, NH Rail Trails Coalition, via remote
Andy Renzullo, Representative, House Resources Recreation and Development
Committee
Mike Ouellet, Representative, Coos County
Eamon Kelley, Representative, House RRD Committee
Craig Rennie, Chief NH Bureau of Trails
Captain Michael Eastman, NH Fish and Game
Michael Servetas, Department Of Transportation
Steven Wilkie, NH Off Highway Vehicle Association
Paul Robitaille, NH Municipal Association
Ann Davis, NH Timberland Owners Association / NH Farm Bureau Federation
Dan Bennett, NH Auto Dealers Association

Absent:

Kevin Avard, Senator
Chief Dan Buteau, NH Association of Police Chiefs
George Sykes, Representative, House DOT Committee
Paul Doscher, Society for the Protection of NH Forests/ Appalachian Mtn Club/ Nature
Conservancy
Steve Jackson, North Country Council abutter
NH State Police - vacant
NH Association of Conservation Commission - vacant

Guests: Natch Greyes, NH Municipal Association; Terry Lambert NHOHVA secretary;
Matt Leahy, SPNHF, policy director; Barbara Richter, NHACC; Gary Newfield,
Chairman Randolph Conservation Commission; Claude Pigeon - candidate to replace
North Country Council abutter; Richard Parsons, NHOVA lobbyist; Jackson Bouley,
NHADA lobbyist.

11:00 AM Call to Order. Rep Renzullo chairing meeting after Chair Smith's resignation.

Introduction of members and guests.

Natch Greyes: **overview of OHRV use of Class V & VI roads:** There are 7 classes of road per RSA 229:5. Towns are in charge of IV, V & VI. Class V roads are maintained by town - plowed and repaired. Class VI roads have no town repair or plowing. RSA ??? emergency lane statute might allow for some maintenance - so fire trucks can pass. Private roads are mentioned in statute but not defined. Towns can enter into agreements w/ private entity, residents or snowmobile/OHRV clubs for maintenance of Class VI roads.

There are 4 different ways for town to create municipal roads - most usual is town meeting vote to accept. Public's right to use roads are controlled by governing body - selectboard or council. RSA 41:11; RSA 47:17, VII, VIII, and XVIII. Selectboard governs how existing roads are used. RSA 41:11; RSA 47:17, VII, VIII, and XVIII.

The question of just compensation to abutters impacted by OHRV riding is complex. City of Chicago has kept track of zoning and land use values since early 1900s - before zoning. Economists say that changing zoning does change property values.

OHRV clubs are using Class VI roads and maintaining them.

Can riding on Class VI roads be controlled by zoning? Not currently, the law would have to change for zoning to cover OHRVs on roads. RSA 215-A:6, IX and 215-A:15.

Is there any way to give abutters greater say in OHRV use of town roads? Currently a public hearing and abutter notification is required. Zoning has not covered specific vehicle use in the past. Zoning does contain an appeal process. Club would present proposal to planning board - abutters notified etc etc etc., any appeals can be made to ZBA. RSA 215-A:6, IX and 215-A:15

Class VI road - right to drive, pass and re-pass, but OHRVs - 47:17 41:11 types of use of road. select boards can and do regulate road usage -walk, horse? carriages? speculation : before xxx put into place - select boards tried to regulate OHRVs. OHRVs are motor vehicles, more powerful,

Mr. Greyes confirms that only licensed road vehicles are allowed on a class V or VI road, unless the town opens the road specifically to OHRV riding.

Nomination for Chair: Captain Eastman nominates Rep Ouellet, 2nded by Mr. Robitaille. Approved.

Legislative update:

Carbon credit bills coming through - Coos County Delegation, to protect logging and recreation.

Rep Kelley: HB1138 in Transportation Committee next week - Tuesday 11:AM to address disparity in fines between motor vehicles & OHRVs - to mirror DMV language of driving w/ suspended license. Currently there is a separate law for OHRV riders - a

\$168 fine for each violation. For all other motor vehicle infractions involving a suspended license the first ticket is \$250, \$500 for all others. We don't want riders w/ suspended licenses riding on roads or trails.

HB 1494: "This bill modifies the definition of OHRV clubs as well as vehicle registration requirements for other off-road vehicles and the distribution fees and grant-in aid funds" Bill before the RRD Committee, needs work.

SB 397-FN: 2\$ million emergency appropriation from the general fund for OHRV/snowmobile trail restoration from 2023 storm damage. There was FEMA declaration for some of the July damage but too early know about December's washouts which have an additional half million dollar estimate to repair. 2\$ million is insufficient. Amend bill to add more? Is it possible to make a non-lapsing fund that can be carried forward for next natural disaster? Money will go into GIA; clubs have to match 20%. GIA is usually for maintenance and building projects, not to repair storm damage. If bill passes and FEMA paid their 75% then the un-needed money would go back to General Fund to repay \$2 million.

When would money be available? GIA round is in spring. Specify in bill when \$\$ available. Chief Rennie suggests that half go to GIA to help clubs and the other half to repair state lands. Jericho Park is now shut down to ATV use. BOT has hired multiple contractors to get as many main corridors open before snow.

Rep Kelley suggests creating a process to allow abutters to apply for grant to repair trail by home, using same GIA process. GIA funds are for organized ATV clubs only. Mr. Wilkie recommends that abutters work w/ municipality to apply for GIA because GIA grants need 20% match. In Claremont, \$38,000 was used to pave 1/2 mile of road to keep down dust for abutters. Claremont and Croydon have applied for GIA grants, Berlin never has. GIA - pays to plow for parking - so Berlin could. Rep Kelley is hearing cases across the state of unresolved problems and is looking for a way to rectify problems identified by abutters, who are often at odds with local government.

Discussion of filing new bill for safety training requirement for older riders. Inexperience and speed are the main problems. Multiple accidents this year from donuts. Rental agencies have reduced accidents by putting governors on machines. There is precedence with with refresher course for motor-cycles geared towards older, returning riders. Still have to figure out reciprocity with other states. Would like New England wide course. Comparison with Utah - which requires training for all visitors, but Utah has different funding mechanism.

Ms. Davis noted that funding is a perennial issue. NH is only state with self-funded parks and trails departments. Operations are funded by fees, not general fund. Registrations build in bias, perhaps in detriment to others. There is no state department for abutters.

November Minutes: accepted and approved.

Future agendas: There is 6 month window to propose new legislation. Education - start w/ Eastman's dream program? copy Utah? The youth program is great - it covers both safe riding and land. 6 adults also attended youth program - it is comprehensive -

snowmobile & OHRV. We should not minimize by calling 'youth.' We do not want to alienate 20 year rider. What is report from Utah - now that their program is 1 year old? Have report for next commission meeting.

Rep Renzullo: the abutter issue keeps being pushed aside. Safety does not need this commission be addressed. He has heard from a large number of people - the commission needs to work on a way to help abutters. The legislature sets up commissions to fix things, not hear good things. ATVs have negatively impacted the quality of life for people who moved up there before ATVs. He want to improve their quality of life.

Chief Rennie: BOT regularly meets with abutterssss with trails and work hard to alleviate those concerns where we have management authority. Both Dummer and Groveton closed previously opened roads. BOT is designing uniform statewide signage. Respect to landowners and trail etiquette are big issues.

Mr.Bennett suggests marketing campaign to hang in every dealership to promote respect and etiquette, but how fund?

Ms.Davis: F&G has fabulous Thank The Landowner campaign.

NHOHVA paid for Gamache PSA, which ran on WMUR in 2019.

Mr. Wilkie: it was 2013 legislation that included Class V roads. Now towns are opening roads without clubs. Neighbors are pitted against neighbor.

Rep Ouellet: ask abutters for their solutions. What if commission visits towns, Claremont, Rockingham, Plittsburg, Berlin, once a month and talk to abutters directly?

Ms. Davis: suggests commission should collect law enforcement reports from towns. Abutters are saying enforcement is one of the issues.

Captain Eastman: He has been in his position of OHRV law enforcement for 4 years in current position, 24 years total. People hate /love / don't care. We're not going to get toothpaste back into the tube. Ride the Wilds was not done correctly - poor planning, poor enforcement. Problems from before laws were written. He hears complaints of no enforcement, also riding after hours. Differing curfew complicate enforcement. Berlin has 10:00 curfew, Gorham and other towns have curfews from 1/2 hour after sunset to 1/2 hour before sunrise.

Police Departments do not have time or officers to police trails. F&G grants to PDs don't work. Enforcement has not been effectively targeted. \$80,000 of tickets written, but what behaviors have been corrected? F&G has 48 officers for whole state and now has ability to hire 4 more officers. F&G is making strides to correct issues created pre-2015,

Rep Ouellette sees more bad behavior in NH than other states. He has not seen Maine speeding or trucks on trails in Maine and just 1 speeder his whole week in Virginia. Why are riders better behaved in other states?

March agenda:

Feedback from subcommittee to review RSA 215 A 41, 42, 43 siting on state land.

Chief Rennie is concerned that it is going beyond initial scope of wildlife and landscape.

Ms. Evankow suggests Commission submit short poll to law enforcement agencies to hear directly.. She will draft for Commission to review.

Next Meeting: March 8, 10:00 DNCR
May 10, 10:00 DNCR

July, September meetings will be in Lancaster.

motion to adjourn 1:04 PM

Respectfully submitted,
Abby Evankow, Clerk