

**Adirondack Mountain Club
Adirondack Council
Adirondack Wild: Friends of the Forest Preserve
Environmental Advocates of New York
Long Island Environmental Voters Forum
Long Island Greenbelt Trails Conference
Long Island Pine Barrens Society
Natural Resources Defense Council
New York League of Conservation Voters
North Country Road & Trail Defenders
Police Benevolent Association of New York State
Protect the Adirondacks
Sierra Club Atlantic Chapter**

November 3, 2014

Hon. Andrew Cuomo
Governor
Executive Chamber
State Capitol
Albany, NY 12224

RE: Changes to State Administration of All Terrain Vehicle (ATVs) Use

Dear Governor Cuomo:

The organizations listed on this letter urge you to resist any call for changes to New York's All Terrain Vehicle (ATV) laws to be made as part of your 2015-16 Executive Budget Proposal. We don't believe that the budget process is an appropriate venue for amendments to existing law governing the use of ATVs.

There are many environmental, public health and public safety impacts tied to recreational ATV use on public and private lands across New York. Recreational ATV riding is currently poorly regulated in New York and has led to extensive damage on public and private lands. The controversy surrounding ATV riding merits a full and transparent discussion involving all hearing of all perspectives before changes are codified.

Recreational ATV riding is already causing severe and expensive damage to public trails and roads, and private property throughout the state. From the Long Island Pine Barrens to the Forest Preserve of the Catskill and Adirondack Parks, ATVs dig deep ruts and cause widespread erosion and soil damage on public lands. Trail and road restoration is expensive and the ecological damage is long-term. ATV riding on large blocks of forest land (public and private) contribute to habitat fragmentation. There is evidence from the Adirondacks and elsewhere that sensitive wildlife species perceive wide ATV tracks through the forest as roads and alter their

behavior and distribution accordingly. The impacts from ATV riding in these interior environments can also lead to the loss of sensitive plants in bogs, marshes, and uplands. ATV riding also creates conflicts with other users. Trails become difficult to hike or ride a mountain bike on when they are damaged with mud pits and ruts caused by ATV use.

Earlier this year, an attempt was made to change New York laws to increase the maximum weight limit for ATVs registered in the state. One bill (S.1946-a/A.4971-a) sought to expand the definition of off-road vehicles to include a new class of vehicles called Utility-Task Vehicles (UTVs). While ATVs are smaller and carry two passengers, some UTVs can carry up to six people, plus cargo, and can weigh as much as a compact car when fully loaded. This bill was not passed, due to a long list of unaddressed concerns still held by lawmakers and their constituents.

The regulation of ATVs in New York should be improved through comprehensive reform before considering the expansion of this activity. While many groups could support efforts promote trail construction, trail maintenance and public education, additional measures must be part of a reform package, including:

- Funding for private landowners to rehabilitate lands damaged by illegal ATV trespass, and for local and state law enforcement to protect state and local natural resources and public safety;
- Prohibitions on ATV riding on the state's most important natural resource protection areas, including the Catskill and Adirondack Forest Preserve, Albany and Long Island Pine Barrens, state parks, state forests, and wildlife management areas;
- Requirement that all actions undertaken by municipalities to open public roads within their jurisdiction receive approval from the Department of Transportation (and from the Department of Environmental Conservation where those roads abut or traverse the Forest Preserve, the Albany and Long Island Pine Barrens, state parks, state forests, wildlife management areas, and conservation easements) to ensure that these local laws comply with all state highway laws and don't lead to illegal riding; and,
- New penalties for violations of state laws for trespassing and natural resource damage to public and private lands, including making failure to respond to tickets result in points to a driver's license, and providing for impoundment of ATVs for repeat violators;
- Requirement of design improvements for ATVs addressing safety, noise and emissions, and adoption of best riding practices are needed.

We look forward to working with you to modernize and reform New York's ATV laws to protect our natural resources and public safety while expanding recreational opportunities.

Sincerely,

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Jeffrey Klein, Majority Co-Leader, NYS Senate

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