



## Memorandum of Opposition

### **A. 4971-A: An act to amend the vehicle and traffic law, in relation to the definition and use of all-terrain vehicles**

Protect the Adirondacks opposes A. 4971-A due to the fact that it will lead to significantly higher rates of environmental destruction and harm to wild areas across New York by all terrain vehicles (ATVs). Currently, ATV riding is poorly regulated and enforced. Trespassing and illegal operation on roads is widespread throughout Long Island and Upstate New York.

This legislation seeks to redefine “all terrain vehicles” to allow use of much heavier, larger, and more environmentally destructive motorized vehicles. This legislation will result in even bigger machines being used in off-road, wild and natural areas, which will cause extensive environmental damage. This legislation will allow ATVs to be increased in weight from 1,000 to 1,500 pounds and provides a more expansive definition to allow the wider and longer type and design of the vehicles that may be used for the same purposes as current smaller ATVs.

ATVs have been 1- or 2-passenger vehicles. The new type of larger ATV that would be authorized in this legislation is a Utility Task Vehicle (UTV) that can seat 4 people along with a gear compartment. It is much heavier, wider and longer than a standard ATV. As such, the ability to cause damage is greater. One flaw of this bill is that it places no limits on where these motor vehicles can be operated

PROTECT believes that ATV riding is an intensive, and often environmentally abusive recreational activity, that should be relegated to private parks, such as the sport of motocross racing, and on industrial forestlands where the state has purchased conservation easements, which have an adequate maintained road network.

### **Public Health and Safety Organizations Oppose Widespread ATV Use**

ATV riding is a dangerous activity that must be regulated not only to protect natural resources from damage, but also to protect riders from injury. The American Academy of Pediatrics, American Academy of Orthopedic Surgeons, and Consumer Federation of America all caution against ATV use for children and report on trends for injuries.

The American Academy of Pediatrics maintains an official policy of advocating against ATV use for children who do not have official drivers licenses due to the high injury rate. “Off-road vehicles are particularly dangerous for children younger than 16 years who may have immature judgment and motor skills. Children who are not licensed to drive a car should not be allowed to operate off-road vehicles.”

The American Academy of Orthopedic Surgeons has long maintained concern about injuries from ATV use. It states: "Although perceived as recreational toys, ATVs can be extremely unsafe. According to the US Consumer Product Safety Commission, more than 368,000 ATV-related injuries were treated in hospitals, doctors' offices and clinics in 2009. Of those injuries, over 117,000 were to riders under the age of eighteen."



*ATV damage on the Adirondack Forest Preserve. ATVs should be banned from public lands due to the enormous environmental damage they cause.*

The Consumer Federation of America is an association of nearly 300 nonprofit consumer groups that was established in 1968 to advance the consumer interest through research, advocacy and education. On ATVs, the Consumer Federation of America states:

“In spite of warnings from manufacturers, federal agencies, and consumer and safety advocates that all terrain vehicles (ATVs) are unsafe on roadways, for several years an increasing number of states have passed laws allowing ATVs on public roads. The majority of ATV deaths take place on these roads and action is needed to reverse this dangerous trend.

An ATV is an “off-road, motorized vehicle having three or four low-pressure tires, a straddle seat for the operator, and handlebars for steering control.” Even though the definition of ATVs specifically includes that they are designed for off-road use and the warnings from manufacturers, the trade association, and labels required by federal law indicate that ATVs should never be operated on roads, many riders do not follow these instructions.

Unfortunately, this dangerous riding practice is increasingly being encouraged by the 35 states (69 percent of jurisdictions) that allow ATVs to be legally operated on public roads. Consumers are told by manufacturers, the federal government, consumer and public health and safety advocates, and the ATV trade association that riding ATVs on roads is dangerous, but the majority of states are sending a very different, contradictory and dangerous message by legalizing ATV use on roads.”

### **Impacts from ATVs Use is Markedly Different from other Outdoor Recreation**

Protect the Adirondacks has monitored ATV abuse the “forever wild” Forest Preserve for more than a decade. Here are our observations:

1. ATV use destroys road and trail surfaces and Forest Preserve facilities, such as bridges, and cause soil and wetlands damage in ways that other motor vehicles do not. Impacts from ATV use is very different from hiking, mountain biking or snowmobiling.
2. ATV use creates deep ruts and mud pits on roads and trails that become impassable. It seems that ATVs are often ridden for the backwoods riding experience where one can make the mud fly and tear up an area. This damage makes a road difficult to travel for all other users.
3. Roads and trails are widened by ATV users to avoid a damaged, impassable area, which causes further damage to the corridor’s natural resources and wild character.
4. The wild forest character and the Forest Preserve experience are damaged by ATV use. Non-motor vehicle users that use the roads and trails damaged by ATVs find their Forest Preserve experience diminished as the roads are unattractive, deeply rutted, widened, and mud-filled swamps.
5. ATVs regularly leave designated roads to illegally blaze new trails through the Forest Preserve. ATV bushwhacking off roads is very destructive.
6. ATVs regularly trespass around gates and boulders that are erected to control motor vehicle traffic. ATVs can blaze trails through the forest to circumvent barriers in ways that other motor vehicles cannot.

7. ATVs regularly drive through streams, creeks and wetlands for sport rather than use bridges that provide motor vehicles with access over a stream, creek or wetland.
8. ATVs regularly trespass on snowmobile trails, designated roads that prohibit ATV use, and footpaths that intersect with roads. In short, ATV operators often go where they want.
9. ATV use has led to vandalism of Forest Preserve facilities, such as gates that control access.

These impacts are particular to ATVs. ATV damage remains widespread across the Forest Preserve due to illegal trespasses. In many Wild Forest units illegal trespassing by ATVs is widespread and continues unabated. Enforcement of illegal operations of ATVs is wholly inadequate.

**For all of these reasons, Protect the Adirondacks strongly opposes A.4971-A.**

**For more information:**

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