

TIMELINE: ALL-TERRAIN VEHICLE PROPOSED RULES (15-P45)

Office of Legislative Council, Dec. 30, 2015

1. 1984: General Assembly enacts a chapter of Title 23 entitled “All-Terrain Vehicles.”
 - a. The chapter includes 23 V.S.A. § 3506(b)(4), which states that an all-terrain vehicle may not be operated “[o]n any public land, body of public water, or natural area established under the provisions of 10 V.S.A. § 2607 unless the Secretary [of Natural Resources] has designated the area for use by all-terrain vehicles pursuant to rules promulgated under provisions of 3 V.S.A. chapter 25.”
 - b. The language of the bill as introduced (H.713) contained this prohibition but would have allowed the Secretary to designate “the area for use by all-terrain vehicles in a manner chosen by the secretary to give reasonable notice that the use is permitted.”
2. 2004: Gov. James Douglas convenes an All-Terrain Vehicle (ATV) Collaborative, which issues a report and recommendation in December. (Note: this report is included in the public comments to the 2015 rulemaking package.)
3. 2009: Agency of Natural Resources (ANR) submits, to the Legislative Committee on Administrative Rules (LCAR), its first Rule Governing the Establishment of All Terrain Vehicle Use on State Lands (ATV Rule 1).
4. 2010: In January, LCAR objects to ATV Rule 1 and ANR adopts the rule.
5. 2011: In November, ANR files with LCAR a proposed repeal of ATV Rule 1. LCAR approves the repeal in December.
6. 2012: The repeal goes into effect in January.
7. 2015: In August, ANR files with the Secretary of State a new proposed Rule Governing the Designation and Establishment of All-Terrain Vehicle Use Trails on State Lands (ATV Rule 2). After conducting a public comment and hearing process, ANR files ATV Rule 2 with LCAR on December 1. On December 15, ANR submits language changes to address issues noted by the Office of Legislative Council. LCAR considers the rule at its meeting of December 17. After hearing from ANR and other witnesses, LCAR postpones action until January 14, 2016.
8. 2016. LCAR’s 45-day review period will end January 15, unless ANR agrees to extend.