

H.808

Introduced by Representatives Brennan of Colchester and Poirier of Barre City

Referred to Committee on

Date:

Subject: All-terrain vehicles; registration; insurance; conservation and  
development; natural resources; State lands

Statement of purpose of bill as introduced: This bill proposes to make  
miscellaneous changes to the laws governing operation of all-terrain vehicles,  
including establishing criteria under which the Secretary of Natural Resources  
may, by rule, open lands of the Agency of Natural Resources to use by  
operators of all-terrain vehicles.

An act relating to all-terrain vehicles

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 23 V.S.A. chapter 31 is amended to read:

CHAPTER 31. ALL-TERRAIN VEHICLES

§ 3501. DEFINITIONS

As used in this chapter:

(1) ~~“Commissioner” means the Commissioner of Motor Vehicles unless  
otherwise stated.~~

1           ~~(2) “Department” means Department of Motor Vehicles unless~~  
2           ~~otherwise stated.~~

3           ~~(3) “Operate” includes an attempt to operate and shall be construed to~~  
4           ~~cover all matters and things connected with the presence and use of all terrain~~  
5           ~~vehicles whether they be at motion or rest.~~

6           ~~(4) “Secretary” means the Secretary of Natural Resources.~~

7           ~~(5) “All-terrain vehicle” or “ATV” means any nonhighway recreational~~  
8           ~~vehicle, except snowmobiles, having ~~no~~ not less than two low pressure tires~~  
9           ~~(10 pounds per square inch, or less), not wider than 64 inches with two-wheel~~  
10          ~~ATVs having permanent, full-time power to both wheels, and having a dry~~  
11          ~~weight of less than 1,700 pounds, when used for cross-country travel on trails~~  
12          ~~or on any one of the following or a combination thereof: land, water, snow, ice,~~  
13          ~~marsh, swampland, and natural terrain. An ATV on a public highway shall be~~  
14          ~~considered a motor vehicle, as defined in section 4 of this title, only for the~~  
15          ~~purposes of those offenses listed in subdivisions 2502(a)(1)(H), (N), (R), (U),~~  
16          ~~(Y), (FF), (GG), (II), and (AAA); (2)(A) and (B); (3)(A), (B), (C), and (D);~~  
17          ~~(4)(A) and (B) and (5) of this title; and as provided in section 1201 of this title.~~  
18          ~~An ATV shall not include an electric personal assistive mobility device.~~

19           ~~(2) “Department” means the Department of Motor Vehicles unless~~  
20           ~~otherwise stated.~~

1           (3) "Direct supervision" means that the supervisor shall be sufficiently  
2           close and able to control, by communicating visually or orally, the operation of  
3           an all-terrain vehicle by an operator under 16 years of age, taking into account  
4           the noise created by an all-terrain vehicle and protective headgear worn by the  
5           operator.

6           (4) "Farm" means a parcel or parcels of land owned, leased, or managed  
7           by a person and devoted primarily to farming.

8           (5) "Farming" shall have the same meaning as in 10 V.S.A. § 6001(22).

9           (6) "Forestry operation" shall have the same meaning as in 10 V.S.A.  
10          § 2602.

11          (7) "Law enforcement officer" means persons listed in subdivision 4(11)  
12          of this title as well as deputy State game wardens certified as described in  
13          10 V.S.A. § 4198 and auxiliary State police officers certified pursuant to  
14          20 V.S.A. § 2358.

15          (8) "Operate" includes an attempt to operate and shall be construed to  
16          cover all matters and things connected with the presence and use of all-terrain  
17          vehicles whether they are in motion or at rest.

18          (9) "Secretary" means the Secretary of Natural Resources.

19          (10) "State lands" means land owned, leased, or otherwise controlled by  
20          the State.

1           ~~(6)(11) "Club or association" means an all-terrain vehicle club or~~  
2           "VASA" means the Vermont ATV Sportsman's Association, a statewide  
3           association of ATV clubs.

4           § 3502. REGISTRATION

5           (a) ~~An~~ Except as provided in subdivisions (1) and (4) of this subsection, an  
6           all-terrain vehicle ~~may~~ shall not be operated by any person 16 years of age or  
7           over who has a suspended motor vehicle license. In addition, an ATV shall not  
8           be operated unless registered pursuant to this chapter or any other section of  
9           this title by the State of Vermont and unless the all-terrain vehicle displays a  
10          valid ~~Vermont ATV Sportsman's Association (VASA)~~ Trail Access Decal  
11          (TAD) when operating on a VASA trail, on a trail designated by the Secretary  
12          pursuant to 10 V.S.A. § 2362, or on any highway, except when operated:

13               (1) On the property of the owner of the all-terrain vehicle.

14               (2) Off the highway, in a ski area while being used for the purpose of  
15               grooming snow, maintenance, or in rescue operations.

16               (3) For official use by a federal, State, or municipal agency and only if  
17               the all-terrain vehicle is identified with the name or seal of the agency in a  
18               manner approved by the Commissioner.

19               (4) Solely on privately owned land when the operator is specifically  
20               invited to do so by the owner of that property and has on his or her person the  
21               written consent of the owner.

(7) By a person who possesses a completed TAD form processed electronically and either printed out or displayed on a portable electronic device. The printed or electronic TAD form shall be valid for 10 days after the electronic transaction. Use of a portable electronic device to display a completed TAD form does not in itself constitute consent for an enforcement officer to access other contents of the device.

\* \* \*

(c) The possession of a valid TAD or registration of an all-terrain vehicle does not constitute a license to cross or operate an all-terrain vehicle on public or private lands.

\* \* \*

(e) An all-terrain vehicle owned by a person who is a resident of any other state or province shall be deemed to be properly registered for the purposes of this chapter if it is registered in accordance with the laws of the state or province in which its owner resides. A person who is a resident of any other

1 state or province shall be subject to the provisions of this chapter while  
2 operating an all-terrain vehicle within this State, including possessing a valid  
3 TAD in the same circumstances that a resident of this State is required to  
4 possess a TAD.

5 \* \* \*

6 § 3505. ATV EQUIPMENT; HEADGEAR

7 (a) All all-terrain vehicles shall be equipped with one or more of the  
8 following, which shall be fully functional:

- 9 (1) headlights;  
10 (2) a red rear light all in working order, and;  
11 (3) brake lights and brakes in good mechanical condition and be  
12 equipped with an efficient;  
13 (4) an original equipment manufacturer (OEM) muffler and such other  
14 equipment and devices as may be required to meet or a muffler of similar  
15 quality that meets the reliability standards of an OEM muffler and meets the  
16 noise level specifications of subsection (b)(c) of this section; and

17 (5) if equipped with a windshield it shall be, a windshield that is free  
18 from sharp or jagged edges. Lights shall be on during operation

19 (b) Except when parked, every ATV operated within this State shall display  
20 illuminated headlights and an illuminated taillight:

- 21 (1) from 30 minutes after sunset to 30 minutes before sunrise; and

1           (2) at any other time when, due to insufficient light or unfavorable  
2           atmospheric conditions, other persons or vehicles are not clearly discernible at  
3           a distance of 500 feet ahead.

4           ~~(b)~~(c) Subject to regulation by rule of the Commissioner, any all-terrain  
5           vehicles shall be equipped with a muffler system and such other equipment or  
6           devices ~~which~~ that reduce maximum machine operating noise to a noise level  
7           of not more than 82 decibels on the A scale at 50 feet, in a normal operating  
8           environment.

9           ~~(e)~~(d) ~~No~~ A person shall not sell or offer to sell within the State of Vermont  
10          an all-terrain vehicle unless it complies with the sound requirements specified  
11          in subsection ~~(b)~~(c) of this section. ~~No~~ An all-terrain vehicle shall not be  
12          equipped in any manner ~~which~~ that permits the operator to bypass the muffler  
13          system; ~~no~~ a person shall not sell or offer to sell at either wholesale or retail a  
14          replacement exhaust muffler system ~~which~~ that will not meet or exceed the  
15          exhaust noise reduction capabilities of the all-terrain vehicle. In addition, any  
16          person selling or offering to sell an all-terrain vehicle or replacement muffler  
17          system, whether at wholesale or retail, shall include in the specifications,  
18          precise information concerning the designed maximum sound levels of the all-  
19          terrain vehicle or replacement muffler system.

20          ~~(d)~~(e) This section and section 3504 of this title shall not apply to any all-  
21          terrain vehicle entered into a racing contest sponsored by a racing or all-terrain

1 vehicle organization or association during the period the all-terrain vehicle is  
2 actually participating in or practicing or preparing for a racing event ~~at~~ if the  
3 all-terrain vehicle is operating in an area especially provided for the purpose of of  
4 racing.

5 ~~(e)~~(f) The provisions of section 1222 of this title shall not apply to any all-  
6 terrain vehicle registered pursuant to this chapter.

7 ~~(f)~~(g) Every all-terrain vehicle shall be equipped with a U.S. Forest Service  
8 qualified spark arrester.

9 (h) A person shall not operate or ride on an all-terrain vehicle, except on  
10 the property of the owner of the all-terrain vehicle, without wearing upon his  
11 or her head protective headgear of a type approved by the Commissioner.

12 § 3506. OPERATION; PROHIBITED ACTS; AUTHORITY OF LAW  
13 ENFORCEMENT OFFICERS

14 (a) A person ~~may~~ shall only operate an all-terrain vehicle, or shall only  
15 permit an all-terrain vehicle owned by him or her or under his or her control to  
16 be operated, in accordance with this chapter.

17 (b) An all-terrain vehicle ~~may~~ shall not be operated:

18 (1) Along a public highway unless it is not being maintained and plowed  
19 for use during the snow season or unless the highway has been opened to all-  
20 terrain vehicle travel by the selectboard or trustees or local governing body and  
21 is so posted by the municipality, except that an all-terrain vehicle being used

1 for ~~agricultural purposes~~ farming or a forestry operation may be operated ~~not~~  
2 ~~closer than~~ at least three feet from the traveled portion of any highway for the  
3 purpose of traveling within the confines of the farm or the forestry operation,  
4 as specified in subdivision 3502(a)(5) or (6) of this title.

5 (2) Across a public highway unless all of the following conditions  
6 are met:

7 (A) the crossing is made at an angle of approximately 90 degrees to  
8 the direction of the highway and at a place where no obstruction prevents a  
9 quick and safe crossing; ~~and~~

10 (B) the operator brings the all-terrain vehicle to a complete stop  
11 before entering the ~~travelled~~ traveled portion of the highway; ~~and~~

12 (C) the operator yields the ~~right-of-way~~ right of way to motor  
13 vehicles and pedestrians using the highway; ~~and~~

14 (D) the operator is 12 years of age or older; ~~and that~~

15 (E) an operator under 16 years of age ~~must be~~ is under the direct  
16 supervision of a person 18 years of age or older who does not have a  
17 suspended motor vehicle license.

18 (3) On any privately owned land or body of private water unless either:

19 (A) the operator is the owner; or is a member of the immediate family  
20 of the owner of the land or the land surrounding the private water; ~~or~~

1 (B) the operator has, on his or her person, the written consent of the  
2 owner or lessee of the land or the land surrounding the private water to operate  
3 an all-terrain vehicle in the specific area, and during the specific hours ~~and/or~~  
4 or days, or both, in which the operator is operating; ~~or~~;

5 (C) the all-terrain vehicle displays a valid TAD decal as required by  
6 subsection 3502(a) of this title that serves as proof that the all-terrain vehicle  
7 and its operator, by virtue of the TAD, are members of a ~~VASA-affiliated club~~  
8 ~~to which such~~ VASA and consent has been given orally or in writing to operate  
9 an all-terrain vehicle in the area in which the operator is operating; or

10 (D) the owner of the land or the land surrounding the private  
11 water has designated the area for use by all-terrain vehicles by posting the area  
12 in a manner approved by the Secretary to give reasonable notice that use is  
13 permitted.

14 (4) On any ~~public land~~ State lands, body of public water, or natural area  
15 established under the provisions of 10 V.S.A. § 2607, unless ~~the Secretary has~~  
16 designated ~~the area~~ by the Secretary for use by all-terrain vehicles ~~pursuant to~~  
17 in rules promulgated under provisions of 3 V.S.A. chapter 25 adopted pursuant  
18 to 10 V.S.A. § 2362.

19 (5) By a person under 12 years of age unless he or she is wearing on his  
20 or her head protective headgear of a type approved by the Commissioner while  
21 operating the all-terrain vehicle or while riding as passenger and either:

1 (A) he or she is on land owned by his or her parents, family, or  
2 guardian;

3 (B) he or she has written permission of the landowner or lessee; or

4 (C) he or she is under the direct supervision of a person ~~at least~~ 18  
5 years of age or older who does not have a suspended motor vehicle license.

6 (6) In any manner ~~intended or~~ that could be reasonably ~~to be~~ expected to  
7 harm, harass, drive, or pursue any wildlife.

8 (7) If the registration certificate or consent form ~~is~~ and proof of  
9 insurance are not available for inspection, and the registration number, or plate  
10 of a size and type approved by the Commissioner, is not displayed on the all-  
11 terrain vehicle in a manner approved by the Commissioner.

12 (8) While the operator is under the influence of drugs or alcohol as  
13 defined by this title.

14 (9) In a careless or negligent manner ~~or in a manner~~ that is inconsistent  
15 with the duty of ordinary care, so as to endanger a person or property.

16 (10) Within a cemetery, public or private, as defined in 18 V.S.A.  
17 § 5302.

18 (11) On limited access highways, ~~rights-of-way~~ rights-of-way, or  
19 approaches unless permitted by the Traffic Committee under section 1004 of  
20 this title. In no cases shall the use of all-terrain vehicles be permitted on any

1 portion of the National System of Interstate and Defense Highways unless the  
2 Traffic Committee permits operation on these highways.

3 (12) On a sidewalk unless permitted by the selectboard or trustees of the  
4 local governing body.

5 (13) Without liability insurance as described in this subdivision. The  
6 owner or operator of an all-terrain vehicle shall not operate or permit the  
7 operation of an all-terrain vehicle on the VASA Trail System or a public  
8 highway, except on the property of the owner, without having in effect a bond  
9 or a liability policy in the amounts of at least \$25,000.00 for one person and  
10 \$50,000.00 for two or more persons killed or injured and \$10,000.00 for  
11 damages to property in any one accident. In lieu of a bond or liability policy,  
12 evidence of self-insurance in the amount of \$115,000.00 must be filed with the  
13 Commissioner. Financial responsibility shall be maintained and evidenced in a  
14 form prescribed by the Commissioner, and persons who self-insure shall be  
15 subject to the provisions of subsection 801(c) of this title.

16 (14) While the person's privilege to operate a motor vehicle has been  
17 suspended.

18 (15) Unless specifically authorized pursuant to another provision of this  
19 chapter, outside the boundaries of trails established by the VASA Trail System.

20 (16) In an unreasonable or imprudent manner. For example, and in  
21 addition:





1     § 3507. ENFORCEMENT; PENALTIES AND REVOCATION OF  
2             REGISTRATION

3             (a) A person who violates a provision of this chapter shall be ~~fin~~~~ed not~~  
4 ~~more than \$300.00~~ subject to the following penalties for each offense unless  
5 otherwise provided by law.:

6                 (1) Unless otherwise specified in subdivision (2) or (3) of this  
7 subsection, a person who violates any provision of this chapter shall be subject  
8 to a civil penalty of not more than \$300.00 for each violation.

9                 (2) A person who violates any of the following provisions of this  
10 chapter shall be subject to a civil penalty of not more than \$500.00 for each  
11 violation:

12                     (A) § 3505(a) and (c) (operation with improper equipment, improper  
13 muffling device);

14                     (B) § 3506(b)(6) (harming, harassing, driving, or pursuing any  
15 wildlife);

16                     (C) § 3506(b)(13) (operation without liability insurance);

17                     (D) § 3506(b)(15) (operation off the VASA Trail System).

18                 (3) A person who violates any of the following provisions of this  
19 chapter shall be imprisoned for not more than one year or fined not more than  
20 \$1,000.00, or both. If the person has been previously convicted of the same

1 violation, the person shall be imprisoned for not more than two years or fined  
2 not more than \$3,000.00, or both:

3 (A) § 3506(b)(9) (careless or negligent operation);

4 (B) § 3511 (leaving scene of a crash);

5 (C) § 3512 (attempting to elude a law enforcement officer).

6 (b) In addition to the  ~~fines~~ penalties provided in subsection (a) of this  
7 section, the Commissioner may suspend or revoke the registration of an all-  
8 terrain vehicle involved in a violation of this chapter.

9 (c) The provisions of this chapter and the rules adopted pursuant thereto  
10 shall be enforced by law enforcement officers in accordance with the  
11 provisions of 4 V.S.A. chapter 29.

12 (d) Law enforcement officers may conduct safety inspections on all-terrain  
13 vehicles stopped for other all-terrain vehicle law violations on the VASA Trail  
14 System. Safety inspections may also be conducted in a designated area by law  
15 enforcement officials. A designated area shall be warned solely by blue lights  
16 either on a stationary all-terrain vehicle parked on a trail or on a cruiser parked  
17 at a roadside trail crossing.

18 § 3508. ~~DESIGNATED AREAS~~ SIGNAGE

19 ~~The Secretary shall print a list of public lands and waters designated for use~~  
20 ~~by all-terrain vehicles pursuant to subdivision 3506(b)(4) of this title and make~~  
21 ~~the publication available to the public~~ All all-terrain vehicle signage placed

1 along or adjacent to public highways shall comply with the Manual on  
2 Uniform Traffic Control Devices.

3 § 3509. DEFACING IDENTIFYING NUMBERS; SIGNS

4 (a) A person ~~may~~ shall not willfully change or attempt to change, or tamper  
5 with, obliterate, deface, or in any manner interfere with the original or assigned  
6 motor number or manufacturer's serial number of any all-terrain vehicle.

7 (b) A person ~~may~~ shall not remove, deface, alter, or destroy trail signs,  
8 ~~markers~~ signals, or ~~posters~~ markings erected pursuant to this chapter.

9 § 3510. MUNICIPAL ORDINANCES

10 ~~Municipalities~~ A municipality shall have the power to adopt ordinances  
11 pursuant to 24 V.S.A. chapter 59 for the purpose of regulating the time,  
12 manner, and location or operation of all-terrain vehicles within ~~their~~ the limits  
13 of the municipality, provided the ordinances do not ~~controvert~~ conflict with the  
14 provisions of this chapter.

15 § 3511. ~~ACCIDENTS~~ CRASHES; DUTY TO STOP AND REPORT

16 (a) The operator of an all-terrain vehicle who has caused or is involved in  
17 ~~an accident~~ a crash resulting in injury to any person or property, other than the  
18 all-terrain vehicle then under his or her control, shall immediately stop and  
19 render whatever assistance may be reasonably necessary. He or she shall give  
20 his or her name, residence, registration number, and the name of the owner of  
21 the all-terrain vehicle to the party whose person or property is injured.

1 (b) The operator of an all-terrain vehicle involved in ~~an accident~~ a crash  
2 resulting in death or injury to any person or damage to property, other than the  
3 all-terrain vehicle he or she is operating, in excess of \$100.00, shall notify an  
4 enforcement officer immediately and file a report of the incident with the  
5 Commissioner within 72 hours, on forms prescribed by the Commissioner.

6 \* \* \*

7 § 3513. TRAIL LIABILITY INSURANCE; AUTHORITY TO CONTRACT  
8 FOR LAW ENFORCEMENT SERVICES

9 (a) The amount of ~~85~~ 90 percent of the fees and penalties collected under  
10 this ~~subchapter~~ chapter, except interest, is ~~hereby~~ allocated to the Agency of  
11 Natural Resources for use by ~~the Vermont ATV Sportsman's Association~~  
12 ~~(VASA)~~ for development and maintenance of a Statewide ATV Trail Program,  
13 for trail liability insurance, and to contract for law enforcement services with  
14 any constable, sheriff's department, municipal police department, the  
15 Department of Public Safety, and the Department of Fish and Wildlife for  
16 purposes of trail compliance pursuant to this chapter. The Departments of  
17 Public Safety and of Fish and Wildlife are authorized to contract with VASA  
18 to provide these law enforcement services. ~~The Agency of Natural Resources~~  
19 ~~may retain for its use up to \$7,000.00 during each fiscal year to be used for~~  
20 ~~administration of the State grant that supports this program.~~

1 (b) The ~~Office of the~~ Secretary of Administration shall assist VASA with  
2 the procurement of trail liability and other related insurance.

3 (c) VASA shall purchase a trail liability insurance policy in the amount of  
4 \$1,000,000.00. The State of Vermont shall be named an additional insured.  
5 The policy shall extend to ~~all VASA-affiliated ATV clubs and their respective~~  
6 VASA and its employees and agents to provide for trail liability coverage for  
7 development and maintenance of the Statewide ATV Trail Program.

8 \* \* \*

9 § 3515. ALL-TERRAIN SAFETY EDUCATION COURSE; ISSUANCE OF  
10 CERTIFICATE

11 \* \* \*

12 (b) The Commissioner of Public Safety may approve any appropriate all-  
13 terrain vehicle safety education course, regardless of whether or not it includes  
14 hands-on instruction in operating the vehicle, if the course meets minimum  
15 standards established by the Commissioner. An approved course shall include  
16 information about the appropriate use of ~~helmets~~ protective headgear and the  
17 dangers of carrying a passenger. Such courses offered by the manufacturers or  
18 distributors of all-terrain vehicles, by community organizations such as 4-H, or  
19 by others, may be approved.

20 (c) The Commissioner of Public Safety shall develop and make available a  
21 written examination appropriate for certification of all-terrain vehicle operators

1 as required by this section. In the discretion of the Commissioner, the  
2 examination may be administered by employees of the Department of Public  
3 Safety or by the persons who offer any approved all-terrain vehicle safety  
4 education course.

5 (d) ~~No~~ An all-terrain vehicle safety education course ~~which~~ that includes  
6 actual operation of the vehicle shall not be approved unless adequate insurance  
7 coverage is provided.

8 (e) The instructors and persons providing an all-terrain vehicle safety  
9 education course approved by the Commissioner of Public Safety are exempt  
10 from compliance with the State's driver training laws.

11 \* \* \*

12 § 3518. APPLICABILITY

13 The provisions of subsections 3506(e) and (f) and sections 3515 through  
14 3517 of this title shall not apply to any two-wheeled vehicles, nor to four-  
15 wheeled vehicles having a dry weight ~~in excess of 700~~ 1,700 pounds or more.

16 Sec. 2. 10 V.S.A. chapter 77 is amended to read:

17 CHAPTER 77. AGENCY LANDS

18 Subchapter 1. Camel's Hump State Park and Camel's Hump Forest Reserve

19 \* \* \*

1           Subchapter 2. Operation of All-Terrain Vehicles on Agency Lands

2           § 2361. DEFINITIONS

3           As used in this subchapter:

4           (1) “Agency” means the Agency of Natural Resources.

5           (2) “Agency lands” means land owned, leased, or otherwise controlled  
6 by the Agency of Natural Resources.

7           (3) “All-terrain vehicle” or “ATV” shall have the same meaning as used  
8 in 23 V.S.A. § 3501.

9           (4) “Connector trail” means a section of linear travel way that connects  
10 two or more established trails.

11          (5) “Secretary” means the Secretary of Natural Resources.

12          (6) “VASA” means the Vermont ATV Sportsman’s Association, a  
13 statewide association of ATV clubs.

14           § 2362. OPERATION OF ALL-TERRAIN VEHICLES ON AGENCY  
15           LANDS

16          (a) The Secretary, by rule, may approve the use of all-terrain vehicles on  
17 connector trails located on Agency lands, provided that:

18           (1) The Secretary shall only designate a connector trail on Agency land  
19 if all of the following are satisfied:

20           (A) the connector trail shall connect two or more VASA trails;

1           (B) the VASA trails are located on adjacent private, municipal, or  
2           federal land;

3           (C) the VASA trails were established prior to commencement of  
4           rulemaking;

5           (D) no other reasonable or feasible alternative for connecting the  
6           VASA trails exists other than use of a connector trail on Agency land; and

7           (E) The VASA trail or trails that would connect to the proposed  
8           connector trail on Agency lands shall satisfy one or both of the following:

9                   (i) the VASA trail is authorized for ATV use by a municipality in  
10           accordance with 23 V.S.A. § 3506(b)(1); or

11                   (ii) the Secretary has determined that VASA secured legally  
12           enforceable written approval from adjoining landowners for use of the VASA  
13           trail.

14           (2) A proposed connector trail on Agency lands shall be the shortest  
15           appropriate route available for providing the connection between the two or  
16           more established VASA trails on the land adjacent to the Agency land.

17           (3) The proposed connector trail shall not conflict with the established  
18           land use classification or emphasis zones for the Agency land as provided in  
19           the Agency's current long-range management plan for the Agency land. If the  
20           Agency land lacks a corresponding long-range management plan, the Secretary

1 shall determine that the proposed connector trail does not conflict or interfere  
2 with the stated management goals and objectives of the Agency land.

3 (4) The connector trail shall remain open to all preexisting, permitted, or  
4 intended uses of the connector trail on the Agency land, and ATV use of the  
5 connector trail shall not unreasonably prevent or alter other public uses of the  
6 connector trail, including established recreational use, educational use, or  
7 research use of the Agency land.

8 (5) The proposed connector trail shall provide recreation benefits to the  
9 public and shall not negatively impact any established recreation facility or  
10 infrastructure.

11 (6) When approving a connector trail on Agency lands, the Secretary  
12 shall, where feasible and appropriate, utilize established roads or trails. If an  
13 established road or trail is not present or feasible and appropriate, the Secretary  
14 shall authorize construction of a new connector trail if the impact of the  
15 construction is minimized to the greatest extent possible.

16 (7) A proposed connector trail shall be constructed, maintained, and  
17 managed to prevent soil erosion and discharges to State waters.

18 (8) The proposed use and location of the connector trail will not pose  
19 any unreasonable or unnecessary safety concerns to users and the general  
20 public.

1           (9) VASA shall have the financial capacity, sufficient personnel, and the  
2           relevant expertise to assume the necessary maintenance, management, and  
3           enforcement responsibilities for the proposed connector trail.

4           (10) The proposed connector trail and the proposed frequency of the use  
5           of the connector trail shall not adversely impact natural resources, including:  
6           natural communities; fish and wildlife habitat; rare, threatened, and endangered  
7           species and their associated habitats; wetlands; or waters of the State;

8           (11) The proposed connector trail shall not have a negative impact on  
9           the water resources, shorelands, riparian areas, water quality, or flood  
10           resiliency of the Agency land where the connector trail is proposed.

11           (12) The proposed connector trail shall not adversely impact historic or  
12           cultural resources.

13           (13) The Secretary shall establish conditions on the use of a proposed  
14           connector trail in order to coordinate use of the connector trail by all-terrain  
15           vehicles and other recreational uses, including coordination with trail  
16           organizations that maintain or manage any portion of the proposed connector  
17           trail for non-ATV recreational uses under any agreement with the Agency.  
18           Coordination with other trail organizations shall include strategies to minimize  
19           conflicts, mitigate impacts, and promote cooperative management as necessary  
20           to address any potential negative impacts such as physical, visual, and aesthetic  
21           impacts.

1           (14) The proposed use of the connector trail by ATVs shall be approved  
2           by any other entity that possesses a legally cognizable interest in the Agency  
3           land that may be affected by use of the connector trail by ATVs.

4           (b) The maximum speed limit for ATVs on public waters and Agency lands  
5           approved for ATV use shall be set by the Agency of Natural Resources.

6           (c) The Secretary shall print a list of Agency lands and public waters  
7           approved for use by ATVs. The Secretary shall make the list available to the  
8           public.

9           Sec. 3. EFFECTIVE DATES

10           This act shall take effect on July 1, 2018, except that in Sec. 1, 23 V.S.A.  
11            §§ 3507 and 3513 shall take effect on January 1, 2019.