

VASA RESPONSES TO ATV COLLABORATIVE RECOMMENDATIONS 2018

The 24 Recommendations that the ATV Collaborative makes in its December 22, 2004 Report to the Governor and the ATV management responses from VASA are:

1. Develop a long-term sustainable trail system based on statewide recreational objectives that enhances recreation opportunities for Vermonters, conserves natural resources and habitats, and protects landowner property rights.

This objective has been accomplished and we continue to grow and improve the trail systems every year. The Vermont ATV Sportsman's Association (VASA) and its 17 local clubs have been continuously working on this trail system under the supervision of the Vermont Agency of Natural Resources (ANR) since VASA was formed in 1998. Our trails benefit many users as we encourage trail sharing with other user groups whenever possible. Regarding sustainability, landowner permission renewals are strong. Progress is being made on expanding the VASA trail system as we now have over 800 miles of legal and well maintained trails.

2. Ensure that the landowner liability law covers ATV issues and holds landowners harmless in cases of injury to persons or damage to personal property.

This objective has been accomplished and continues. All landowner liability statutes have been in existence since prior to the ATV Collaborative Report. ATV statute 23 VSA 3506(c) that has existed since 1983 gives landowner liability immunity from damages or injuries arising from ATV operation for all situations except intentional injuries or damage caused by the landowner. This statute is patterned after the snowmobile statutes. The 23 VSA 3513(c) requires that VASA annually purchase a \$1 million trail liability insurance policy, subject to the approval of ANR, is also patterned after the snowmobile statutes. 12 VSA 5791-5795, "Limitations on Landowner Liability" is a further protection for landowners that applies to all recreation. We provide written documentation of these statutes as well as our insurance policy to all landowners as well as the general population.

3. Repair damage caused by illegal ATV riding.

This objective is completed each season and continues each year as one of our highest priorities. VASA has worked with landowners to repair ATV damage since VASA came into existence. At the time of the Collaborative Report, VASA was in its first year of having paid professional personnel. VASA's 4 paid personnel have now been in place for over a decade. In addition, local clubs have a much broader and more experienced base of dedicated volunteers. Finally, ANR has 14 more years of supervisory experience. These three developments have significantly improved VASA and ANR's ability to provide trail stewardship.

- 4.) Have a safe, well-managed place to ride so that irresponsible and illegal riding is reduced.

This objective continues to be a daily focus for VASA. Many towns and landowners have found that provision of reasonable ATV opportunity has decreased illegal riding. Written and Oral Public Comments to this effect have been made by Select Boards and landowners during the public input process.

5. Have good planning, siting, construction, maintenance, and monitoring of the trail system including Act 250 review as applicable.

This process is in place. ANR subjects ATV trails to Best Management Practices. VASA's professional personnel assist local clubs on trail stewardship where needed.

6. Address appropriate standards with VASA as the coordinating user group.

This objective is covered via statutes that state that VASA must enter into a Grant Agreement with ANR annually. The Grant Agreement addresses ANR's ATV management expectations. ANR and VASA also maintain regular verbal contact on ATV management issues. This system is patterned after the snowmobile management system. VASA also works closely with ANR when appropriate to improve these standards whenever possible.

7. Use the current process for evaluating and siting any new trail or use on state land.

VASA is held to ANR's Best Management Practices on all creation and maintenance of our trails. Because there is no process for siting new ATV trails on state land, ANR has previously proposed the procedure that is currently in issue pursuant to 23 VSA 3506(b)(4) and 3 VSA, Chapter 25. Additionally H- 808 clarifies this process.

8. Recognize the Green Mountain National Forest is addressing the issue of ATVs on federal land in a separate process that follows NEPA requirements and all other appropriate federal laws, rule, regulations and guidelines.

VASA and many local VASA clubs participated in the Green Mt. National Forest Plan Process during 2004-2006. VASA understands that the Green Mt. National Forest is under federal jurisdiction, and acts accordingly. The Bennington Trail Cruisers ATV Club has been commended by Bennington area media, local officials and the Bennington County Conservation District for assisting the Green Mt. Forest Service. Currently VASA is signing the final paperwork with the GMNF for our first trail project in summer of 2018.

9. Leave the discretion to open or restrict access to town roads and legal trails with the appropriate municipality.

VASA has always and will continue to operate in the above described fashion since before the ATV Collaborative Report. However, VASA's experienced professional personnel and the increased longevity of the local clubs have resulted in continued improvement in VASA's ability to work with towns on ATV management issues.

10. Ask conservation easement holders to develop a process and criteria for evaluating and deciding what if any conserved land will be considered for a trail link for ATV use.

This process is ongoing. VASA has collaborated with several conservation easement holders on both limited access to parcels and reparation efforts.

11. Provide funding for Vermont Department of Forest Parks and Recreation for permanent staff to coordinate all trail user groups and systems in Vermont.

Not applicable to VASA. This is a request to the Legislature for funding. See, Collaborative Report, p. 14.

12. Have a mandatory rider safety and ethics course

Statutes state that all riders under the age of 18 are required to possess a state approved safety course. There are currently three options available to fulfill this requirement. The first is an online course sponsored by the Vermont State Police. The second option is a program developed by VASA in an effort to provide a more comprehensive option for Vermont's youth riders. This program is called VEST (VASA Education and Safety Training). VEST courses were developed using the curriculum used in the online course, but taught by experienced local riders in a classroom style setting. VASA offers these courses throughout the state and absolutely free of charge. In addition, VASA staff members and volunteers have recently become AS! (ATV Safety Institute) certified to teach a nationally accredited hands-on course.

13. Have mandatory membership in VASA to ride off of one's own land

ANR and VASA worked together to pass legislation in 2009 that clarifies this requirement. The legislative change was made at the request of the Department of Fish & Wildlife Warden Force. Additionally H-808 as introduced addresses ATV use of public lands and roads.

14. Require title and registration for all ATVs.

Done to the full extent allowed by statute. In 2009, there were improvements to ATV and snowmobile title requirements by the addition of mandatory disclosure re: salvage vehicles.

15. Develop an effective and collaborative enforcement strategy.

We have made this objective a priority. Within months of the release of the Collaborative Report, the Department of Fish & Wildlife Warden Force was named as the lead agency for law enforcement. VASA has made funding contributions to the Warden Force starting within months of the issuance of the Collaborative Report. In 2015, VASA entered into an MOU with VT F&W regarding enforcement. VASA also works closely with other enforcement agencies such as state and local police departments, the Department of Motor

Vehicles Enforcement Division, and County Sheriff Departments. Since 2005, VASA has utilized a "Trail Patrol Policy" that requires all local clubs to provide regular trail patrols of club trails as an educational ambassadors.

16. Establish a clear and consistent set of laws pertaining to ATVs.

This objective continues to improve. VASA has successfully proposed legislation over the last several years. In addition, VASA has engaged in significantly increased public education and outreach designed to acquaint ATV riders and the general public with ATV laws and VASA safety policies. Additionally H-808 as introduced addresses many enforcement details that will improve law enforcements ability to perform their duties.

17. Require helmets for all riding an ATV.

VASA bylaws state that helmets are required on all VASA trails and events. In addition we work closely with municipalities to encourage a mandatory helmet stipulation within any town ordinances related to ATVs. Additionally 11-808 as introduced addresses mandatory helmets on public lands and where a VASA Trail Access Decal is required.

18. Require ATVs to be sized appropriately to the rider age.

VASA and its local clubs as well as our points of sale and partner dealerships work diligently to promote size appropriate ATVs for all riders while still obeying manufacturer regulations of age appropriate machines. In our experience, rider size and functional ability is a more effective gauge of matching the appropriate machine to the rider for maximum safety. We have found that simply because someone is the appropriate age for a machine does not guarantee that they can safely handle and maneuver it. We campaign to educate parents that finding an appropriate ATV deserves more consideration than just the manufacturer's age minimums. We also worked closely with local 4H chapters which resulted in the production of a short yet informative video which depicts easy measuring methods to determine if the rider is appropriate to the machine.

19. Require direct accompanied supervision of riders under age 16 by an adult over the age of 20.

VASA supports the current statute that requires supervision of riders under 16 years of age by riders 18 or older when operating on VASA trails. 23 VSA 3506(b)(2)(D). This statute is identical to the snowmobile statute re: supervision of minors. 23 VSA 3206(b)(2)(D).

20. Have significant penalties for violations of ATV and other laws.

VASA supports clear legal requirements and significant penalties for violations of ATV and other laws as evidenced by VASA's work with ANR to clarify the legal requirement for VASA trail riders to purchase a Trail Access Decal and local club membership. VASA also

promotes and encourages municipalities to have an ATV ordinance in place with significant fines and or punishments for offenders. Additionally H-808 as introduced addresses many enforcement details including fines and penalties.

21. Have special regulations for commercial operators.

There is currently one commercial operator in the state located in St Johnsbury, Vermont. NEK Adventures is a for profit company that offers guided ATV tours of select areas within the northeast kingdom trail system. The owner/proprietor of this business worked closely with VASA during the creation of this business venture to come to an agreement regarding operation within a VASA trail system. This led to VASA creating a Commercial Trail Access Decal policy which clearly and strictly outlines what any commercial operation must comply with before, during and after operating on the VASA trail system. NEK Adventures has been in business for 5 years, in this time we have no addition inquires for commercial operations on our trail system.

22. Address non-resident pass system for out of state riders.

In the past, we addressed this issue through Vermont's reciprocity statutes. We had reciprocity with New York, Pennsylvania and at times with New Hampshire. All others needed to register their ATVs in Vermont. In the legislative session of 2015, we successfully lobbied to change the statutes on reciprocity which now state that any legally registered ATV may come to Vermont and upon joining VASA with said legal registration, may enjoy the VASA trail system. VASA trail access decals are sold to riders with non-resident registrations at a slightly higher fee than those with Vermont registrations. Additionally VASA trail access decals will be available on line in 2018.

23. Adopt the proposed budget attached to this report.

VASA dissented from the Collaborative recommendation of a \$55 ATV registration. VASA dissented on grounds that the \$55 figure would have raised ATV registrations by over 300%, and, as such, would have negatively impacted the fundamental structure of club-based ATV management. VASA requested a fee increase from \$17.50 per year to \$25 per year in 2007. ANR and the legislature agreed with the increase to \$25. In 2015 VASA sought an increase of \$10 to further develop the VASA Trail Maintenance Program. This passed as well. Currently VASA believes no fee increase is need as the focus needs to be on compliance with current statues increasing the number of trail access decals therefore increasing available revenue to increase safety education and enforcement.

24. Coordinate rider and landowner information publications.

VASA coordinates multiple educational documents for both riders and landowners via our quarterly newsletter, brochures and posters. We also maintain a comprehensive website and we run an up to date social media campaign. We also offer three full time employees that are ready to answer inquiries via phone, email or in person. In this effort VASA participates heavily with other groups throughout the state such as the Legislature, Town

Governments, Vermont Trails & Greenways Council, The Lamoille Valley Rail Trail Committee and many trail user groups. We also participate in leadership roles with recreational groups on a national level utilizing their resources, these include the International OHV Administrators Association(INOHVAA), National OHV Conservation Council(NOHVCC), Blue Ribbon Coalition(BRC), American Motorcyclist Association(AMA) and North American Motorized Recreation Council(NAMRC).