

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2015

Bill Number: S.84 Name of Bill: All-terrain vehicles; State highways; operation

Agency/Dept: Public Safety Author of Bill Sgt. J.R. Underhill/Cpl. K.F. Mays
Review: _____

Date of Bill Review: 02/18/2015 Related Bills and Key Players: _____

Status of Bill: (check one)

☒ Upon Introduction ☐ As passed by 1st body ☐ As passed by both bodies

Recommended Position:

☐ Support ☐ Oppose ☒ Remain Neutral ☐ Support with modifications identified in # 8 below

Analysis of Bill

1. Summary of bill and issue it addresses.

The bill proposes to authorize the operation of an all-terrain vehicle (ATV) along a State highway to connect roads, and trails that are open for ATV travel with services.

2. Is there a need for this bill?

The need, as stated by the bill, is to connect properties currently open to ATV travel as well as to access services (food, fuel, lodging and repair services) located along State highways. The need would be to have the trail system connected with services where private land owners have not given permission for travel on their land.

3. What are likely to be the fiscal and programmatic implications of this bill for this Department?

The financial impact will be calls for service with an increase of crashes' between All- terrain Vehicles (ATVs and motor vehicles. The patrol of the trail system is completed with a contract between Fish and Wildlife (Law Enforcement Division) and the Vermont All-terrain Vehicles and Sportsman Association (VASA). However, the ATV crashes and fatal accidents are investigated by the Vermont State Police. The State Police currently have an approved ATV Safety course available but the ability for on road operation should increase the demand for the mandatory course. There is currently no system in place for the State Police to fund this safety course. The State Police would need to implement a more efficient data base system to enable the "real time" verification of an operator's safety course completion once the interaction with the police and ATVs increases.

4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?

There would be additional responsibilities and costs placed on the State Highway Department (VTrans) as well as the Agency of Natural Resources. There could be more access points placed on State highways where an unimproved trail meets the pavement. This could lead to erosion and maintenance issues. The All-terrain vehicle is a non-contributing user adding to the wear and cost of maintaining the highway system. (Tires that are not designed for on road use). The Agency of Natural Resources may be concerned about the impact of the erosion as well as the impact on native flora and fauna. There may be an influx of typically less “green” machines that are not held to the same emissions and noise standards as other motor vehicles. It is believed that these departments would oppose this bill.

There is also no inspection program in place for ATV's.

The opening of roads for travel could increase the number of registrations and the number of members of VASA. The amount of money generated through registrations could be used for enforcement. Fish and Wildlife may be in favor of it.

5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?

Hospital / Medical groups: There will be an increase of injuries and calls for service for ambulances and Emergency Rooms. They are likely to oppose it based on the injury demographics.

VAST/ Motorcycle Groups: Currently there is no requirement for head and face protection that are in place for similar vehicles (motorcycles, trikes and snowmobiles). This could lead to other interest groups challenging the inconsistency between users. Similar user groups are likely to support the bill.

Manufacturers/ Dealerships: Dealerships have to abide by the manufacturers recommendations for operation. They can only sell if they are being told the age of operator of the ATV is consistent with national safety recommendations. This will expose the dealer to further litigation when an operator who is legal in Vermont but outside of the manufacturers recommendation is injured. Dealerships are still likely to support it.

Insurance Companies: Currently there is no requirement for insurance on an ATV. By definition ATVs are an All-terrain Vehicle and not for on road use. There will be an increase of incidents with motor vehicles and ATVs. Motor vehicles are required to have liability insurance, licensed operator, and an inspection process of the safety of the vehicle. An ATV is not required to have any of these. Insurance companies are likely to oppose this until more safety requirements are put in place. Insurance is required on the State Snowmobile Trail System (SSTP) and frozen bodies of water for snowmobiles. As the law is currently written ATV's are not required to have insurance.

6. Other Stakeholders:

6.1 Who else is likely to support the proposal and why?

ATV operators as well as the VASA organization would probably support this bill as they would have more access to riding and draw in more users from out of state. Local business along the state highways would most like support this bill as well.

6.2 Who else is likely to oppose the proposal and why?

Motor vehicle operators would be required to co-exist with ATV operators. ATV's entering the road from non- intersections and maneuvering/turning without required signaling devices.

Landowners along the State Highways may oppose opening roads for ATV operation. Some landowners have already said no for a trail that would cross their property. The bill removes any input from the property owner as to state road/ public high way use. (At the town level input into elected officials is still allowed for opening or closing roads to ATV use.)

Pedestrian, bicyclists, horseback riders and other users that are sharing the edge of the road with the ATV's may oppose this bill.

7. Rationale for recommendation:

- The safety issues that would arise from the passing of this bill would be tremendous.
- ATVs are designed for "off road use".
- ATV low-pressure tires are not meant for use on paved surfaces.
- All manufactures of ATVs do not recommend and caution against ATV use on roads and highways.
- The majority of ATV fatalities are occurring on paved roads.
- Currently, Vermont ATV law does not require an ATV to be inspected or have the proper safety equipment to make an ATV "road legal". There is no requirement for the wearing of helmets or eye protection.
- No Insurance requirements.
- No inspection system to ensure that ATVs are in compliance with existing noise and emissions standards.
- No licensing or safety course requirements over age 18.
- No restrictions on the size of the ATV that children can operate. This is not consistent with manufacturer's recommendations.

8. Specific modifications that would be needed to recommend support of this bill:

Require an operator age consistent with the manufacturer's recommendations.

Require a safety course as well as the limitation that a valid driver's license is required to operate an ATV on a public highway.

Require helmet and face protection. Institute an inspection standard program and equipment requirements consistent with motorcycle standards.

Insurance requirements/standards consistent with that of other users of the road.

9. Gubernatorial appointments to board or commission? N/A

Secretary/Commissioner has reviewed this document

A handwritten signature in cursive script, reading "Francis J. Dumont III".

Date: 2/26/15