

Bill as Introduced

HB 1269 - AS INTRODUCED

2010 SESSION

10-2513

10/04

HOUSE BILL **1269**

AN ACT relative to the operation of OHRVs and snowmobiles adjacent to public highways.

SPONSORS: Rep. Packard, Rock 3; Rep. Ingersoll, Coos 4; Rep. Stohl, Coos 1; Sen. Gallus, Dist 1; Sen. Letourneau, Dist 19

COMMITTEE: Transportation

ANALYSIS

This bill clarifies regulation of access of OHRVs and snowmobiles to areas adjacent to public highways.

This bill is a request of the fish and game department.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT relative to the operation of OHRVs and snowmobiles adjacent to public highways.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Operation of OHRVs and Snowmobiles Adjacent to Public Highways. Amend RSA 236:56,
2 II(b) to read as follows:

3 (b) Adjacent to Public Highways. [~~Whenever it is impracticable to gain immediate access~~
4 ~~to an area adjacent to a public highway where one of the above vehicles is to be operated, said~~
5 ~~vehicle]~~ ***Solely by approvals granted pursuant to RSA 215-A:3, VI and RSA 215-C:2, VII*** may
6 ***OHRVs and snowmobiles*** be operated within the right-of-way adjacent and parallel to [~~such public~~
7 ~~highway over the shortest practical distance for the purpose of gaining access to the area of~~
8 ~~operation]~~ ***class I, II, and III public highways***. This [~~paragraph]~~ ***provision*** shall also apply to
9 the operation of such vehicles to the point where the same are unloaded, from motorized conveyance
10 to the area where the vehicle is to be operated, or from the area where operated to a motorized
11 conveyance when such loading and unloading can not be effected in the immediate vicinity of the
12 area of operation without causing a hazard to vehicular traffic approaching from either direction on
13 said highway. Such loading or unloading must be accomplished with due regard to safety at the
14 nearest possible point to the area of operation.

15 2 Effective Date. This act shall take effect 60 days after its passage.

Amendments

Rep. Packard, Rock. 3
February 10, 2010
2010-0596h
10/04

Amendment to HB 1269

1 Amend the bill by inserting after section 1 the following and renumbering the original section 2 to
2 read as 5:

3

4 2 Limitations of OHRV Operation on Class I, II, and III Highways; Divided Highways. Amend
5 RSA 215-A:9, II to read as follows:

6 II. No direct crossing of interstate highways, *divided highways*, or toll roads shall be
7 permitted.

8 3 Limitations of Snowmobile Operation on Class I, II, and III Highways; Divided Highways.
9 Amend RSA 215-C:9, II to read as follows:

10 II. No direct crossing of interstate highways, *divided highways*, or toll roads shall be
11 permitted.

12 4 Repeal. The following are repealed:

13 I. RSA 215-A:9, III, relative to direct crossings by OHRVs of limited access highways.

14 II. RSA 215-C:9, III, relative to direct crossings by snowmobiles of limited access highways.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON TRANSPORTATION

PUBLIC HEARING ON HB 1269

BILL TITLE: relative to the operation of OHRVs and snowmobiles adjacent to public highways.

DATE: February 11, 2010

LOB ROOM: 203 **Time Public Hearing Called to Order:** 11:10 a.m.

Time Adjourned: 11:22 a.m.

(please circle if present)

Committee Members: Reps. R. Williams, Jennifer Brown, C. Brown, Ingersoll, M. O'Brien, Hebert, LaPlante, Rhodes, Rokas, T. Soucy, Stuart, Nedeau, J. Clanders, Veazey, Coffey, Hikel, Hinch, Umberger and Packard.

Bill Sponsors: Rep. Packard, Rock 3, Rep. Ingersoll, Coos 4; Rep. Stohl, Coos 1; Sen. Gallus, Dist 1; Sen. Letourneau, Dist 19

TESTIMONY

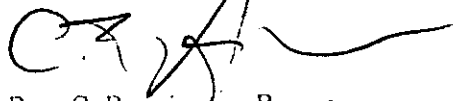
* Use asterisk if written testimony and/or amendments are submitted.

Rep. Packard, sponsor. Supports.

*Timothy Acetino, Fish & Game. Supports.

Chris Gamache, DRED, Trails. Supports. Amendment reflects DRED's preference.

Respectfully submitted,



Rep. C. Pennington Brown,
Clerk

HOUSE COMMITTEE ON TRANSPORTATION

PUBLIC HEARING ON HB 1269

BILL TITLE: relative to the operation of OHRVs and snowmobiles adjacent to public highways.

DATE: 2/11/10

LOB ROOM: 203

Time Public Hearing Called to Order: 11:10 AM

Time Adjourned: 11:22 AM

(please circle if present)

Committee Members: Reps. R. Williams, Jennifer Brown, C. Brown, Ingersoll, M. O'Brien, Hebert, LaPlante, Rhodes, Rokas, T. Soucy, Stuart, Nedeau, J. Flanders, Veazey, Coffey, Hikel, Hinch, Umberger and Packard.

Bill Sponsors: Rep. Packard, Rock 3, Rep. Ingersoll, Coos 4; Rep. Stohl, Coos 1; Sen. Gallus, Dist 1; Sen. Letourneau, Dist 19

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

- ① Rep. Packard - Sponsor. Supports.
- ② Timothy - Acerno - Fish + Game. Supports.
Written testimony
- ③ Chris Gamache - DRED Trails Supports.
Amendment reflects DRED's preference.

Testimony



New Hampshire Fish and Game Department

HEADQUARTERS: 11 Hazen Drive, Concord, NH 03301-6500
(603) 271-3421
FAX (603) 271-1438

www.WildNH.com
e-mail: info@wildlife.nh.gov
TDD Access: Relay NH 1-800-735-2964

**New Hampshire Fish and Game Department
Testimony in support of HB 1269
An act relative to the operation of OHRVs and snowmobiles adjacent to public
highways**

**House Transportation Committee
February 11, 2010**

Good morning Mr. Chairman and members of the Committee. For the record my name is Timothy Acerno and I am the Assistant Chief of Law Enforcement for the Fish and Game Department. I am also the OHRV and Snowmobile Program Coordinator with respect to Law Enforcement and Safety Education. The Department requested this bill and the Fish and Game Commission voted to support it.

RSA 236:56 allows the operation of OHRVs and snowmobiles within and adjacent to Public Highways. Recently Conservation Officers have encountered questions of when operation is permitted and when it is prohibited. Current language states that whenever it is impracticable to gain immediate access OHRVs and snowmobiles may operate in an area adjacent to public highways. Conservation Officers feel they will have a difficult time trying to define impracticable in the courts. This proposal will dovetail the authorization with that which is currently in effect for recreational vehicles in RSA 215-A and RSA 215-C. Currently the Department of Transportation and the Bureau of Trails within the Department of Resources and Economic Development have established procedures to safely allow the operation of OHRVs and snowmobiles on public highways.

Mr. Chairman, thank you for the opportunity to testify before the Committee this morning and the Department urges the Committee to vote in support of this proposal.

REGION 1
629B Main Street
Lancaster, NH 03584-3612
(603) 788-3164
FAX (603) 788-4823
email: reg1@wildlife.nh.gov

REGION 2
PO Box 417
New Hampton, NH 03256
(603) 744-5470
FAX (603) 744-6302
email: reg2@wildlife.nh.gov

REGION 3
225 Main Street
Durham, NH 03824-4732
(603) 868-1095
FAX (603) 868-3305
email: reg3@wildlife.nh.gov

REGION 4
15 Ash Brook Court
Keene, NH 03431
(603) 352-9669
FAX (603) 352-8798
email: reg4@wildlife.nh.gov

Voting Sheets

HOUSE COMMITTEE ON TRANSPORTATION

EXECUTIVE SESSION on HB 1269

BILL TITLE: relative to the operation of OHRVs and snowmobiles adjacent to public highways.

DATE: February 16, 2010

LOB ROOM: 203

Amendments:

Sponsor: Rep. O'Brien OLS Document #: 2010 0596h

Sponsor: Rep. Umberger OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Umberger

Seconded by Rep. Stuart

Vote: 12-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

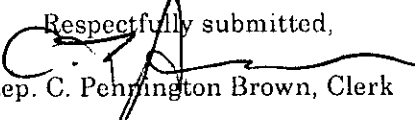
Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: Aye Coffey, Nedeau

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. C. Pennington Brown, Clerk

HOUSE COMMITTEE ON TRANSPORTATION

EXECUTIVE SESSION on HB 1269

BILL TITLE: relative to the operation of OHRVs and snowmobiles adjacent to public highways.

DATE: 2/16/10

LOB ROOM: 203

Amendments: OS 966

Sponsor: Rep. Aye OLS Document #: O'Brien / Dunbar
Sponsor: Rep. OLS Document #:
Sponsor: Rep. OLS Document #:

Motions: OTP OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Dunbar
Seconded by Rep. Stewart

Vote: 12-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.
Seconded by Rep.
Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Coffee / We Sea

Statement of Intent: Refer to Committee Report

Respectfully submitted, Aye

Rep. C. Pennington Brown, Clerk

TRANSPORTATION

Bill #: HB 1269 Title: relative to the operation of OHRV's + snowmobiles adjacent to public highways.
 PH Date: 1/16/10 Exec Session Date: 2, 16, 10

Motion: OTP-A Amendment #: _____

| MEMBER | YEAS | NAYS |
|--------------------------------|------|------|
| Williams, Robert W, Chairman | X | |
| O'Brien, Michael B, V Chairman | X | |
| Brown, Jennifer M | — | |
| Brown, C. Pennington, Clerk | X | |
| Ingersoll, Paul H | X | |
| Hebert, Roger G | X | |
| LaPlante, Roland H | — | |
| Rhodes, Brian D | X | |
| Rokas, Theodoros V | — | |
| Soucy, Timothy A | — | |
| Stuart, Richard T | X | |
| Nedeau, Stephen H | X | |
| Katsakiores, George N | — | — |
| Flanders, John W | X | |
| Veazey, John A | X | |
| Coffey, Jennifer R | X | |
| Hikel, John A | — | |
| Hinch, Richard W | — | |
| Umberger, Karen C | X | |

N

TOTAL VOTE:
Printed: 12/18/2009

12

0

Committee Report

CONSENT CALENDAR

February 17, 2010

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on TRANSPORTATION to which was referred HB1269,

AN ACT relative to the operation of OHRVs and snowmobiles adjacent to public highways. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Karen C Umberger

FOR THE COMMITTEE

COMMITTEE REPORT

| | |
|-------------------|--|
| Committee: | TRANSPORTATION |
| Bill Number: | HB1269 |
| Title: | relative to the operation of OHRVs and snowmobiles adjacent to public highways. |
| Date: | February 17, 2010 |
| Consent Calendar: | YES |
| Recommendation: | OUGHT TO PASS WITH AMENDMENT |

STATEMENT OF INTENT

This bill as amended allows snowmobiles and OHRV's to operate in an area adjacent to public highways with application, by OHRV/snowmobile clubs to be forwarded to the bureau of trails. This bill eliminates a problem associated with breaks in trails and eliminates the phrase "impracticable to gain immediate access" as in the current law. Often landowners do not grant permission for OHRV/snowmobiles to cross their property and the trail needs to be adjacent to the highway. Conservation officers however, have difficulty determining whether or not, when an OHRV/snowmobile is using an area adjacent to the highway, it is a result of "impractical" to gain immediate access. This bill will not permit OHRV/snowmobiles direct crossing of interstate highways, divided highways or toll roads.

Vote 13-0.

Rep. Karen C Umberger
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

TRANSPORTATION

HB1269, relative to the operation of OHRVs and snowmobiles adjacent to public highways.
OUGHT TO PASS WITH AMENDMENT.

Rep. Karen C Umberger for TRANSPORTATION. This bill as amended allows snowmobiles and OHRV's to operate in an area adjacent to public highways with application, by OHRV/snowmobile clubs to be forwarded to the bureau of trails. This bill eliminates a problem associated with breaks in trails and eliminates the phrase "impracticable to gain immediate access" as in the current law. Often landowners do not grant permission for OHRV/snowmobiles to cross their property and the trail needs to be adjacent to the highway. Conservation officers however, have difficulty determining whether or not, when an OHRV/snowmobile is using an area adjacent to the highway, it is a result of "impractical" to gain immediate access. This bill will not permit OHRV/snowmobiles direct crossing of interstate highways, divided highways or toll roads. **Vote 13-0.**

Blurb

HB 1269 relative to the operation of OHRVs and snowmobiles adjacent to public highways.

Consent Calendar OTP w/ Act 0596h

This bill as amended allows snowmobiles and OHRV's to operate in an area adjacent to public highways with application, by OHRV/snowmobile clubs to be forwarded to the bureau of trails. This bill eliminates a problem associated with breaks in trails and eliminates the phrase "impracticable to gain immediate access" as in the current law. Often landowners do not grant permission for OHRV/snowmobiles to cross their property and the trail needs to be adjacent to the highway. Conservation officers however, have difficulty determining whether or not, when an OHRV/snowmobile is using an area adjacent to the highway, it is a result of "impractical" to gain immediate access. This bill will not permit OHRV/snowmobiles direct crossing of interstate highways, divided highways or toll roads.

13-0

Rep. Karen C. Umberger
for the committee



COMMITTEE REPORT

COMMITTEE: Transportation

BILL NUMBER: HB 1269

TITLE: relative to the operation of OHRVs + snowmobiles adjacent to public highways

DATE: 2/16/10 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

| |
|--------------------------------------|
| Amendment No. <u>2010 - 0596H</u> |
|--------------------------------------|

STATEMENT OF INTENT:

This bill as amended allows snowmobiles and OHRV's to operate in an area adjacent to public highways with application by OHRV/snowmobile clubs to be forwarded to the Bureau of Trails. This bill eliminates a problem associated with breaks in trails and eliminates the term phrase "impracticable to gain immediate access" as in the current law. Often landowners do not grant permission for OHRV/snowmobiles to cross their property and the trail needs to be adjacent to the highway. Conservation officers, however, have difficulty determining

COMMITTEE VOTE: 13/0

RM

BDR

- Copy to Committee Bill File
- Use Another Report for Minority Report

RESPECTFULLY SUBMITTED,

Rep. Karen C. Umberger
For the Committee

whether or not, when an OHRV/snowmobile is using
an area adjacent to the highway, it is a result
of "impractical" to gain immediate access. This bill
will not permit OHRV/snowmobiles ~~will not permit~~
~~snowmobiles~~ direct crossing of interstate
highways, divided highways or toll roads.