

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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.

HB 1269 - AS AMENDED BY THE HOUSE

03Mar2010... 0596h

2010 SESSION

10-2513

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15 2 Limitations of OHRV Operation on Class I, II, and III Highways; Divided Highways. Amend
16 RSA 215-A:9, II to read as follows:

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

19 3 Limitations of Snowmobile Operation on Class I, II, and III Highways; Divided Highways.
20 Amend RSA 215-C:9, II to read as follows:

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

23 4 Repeal. The following are repealed:

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

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

26 5 Effective Date. This act shall take effect 60 days after its passage.

HB 1269 -- FINAL VERSION

03Mar2010... 0596h

2010 SESSION

10-2513

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Committee Minutes

SENATE CALENDAR NOTICE

TRANSPORTATION AND INTERSTATE COOPERATION

- ✓ Senator Robert Letourneau Chairman
- ✓ Senator Peggy Gilmour V Chairman
- ✗ Senator Martha Fuller Clark
- ✓ Senator Molly Kelly
- ✓ Senator David Boutin

*Open 11:05
Closed 11:30*

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

Date: April 15, 2010

HEARINGS

Thursday

4/22/2010

TRANSPORTATION AND INTERSTATE COOPERATION

LOB 101

10:30 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

Comments: THE PURPOSE OF THIS AMENDED NOTICE IS TO ADD HB 1390, WHICH WAS PREVIOUSLY RECESSED ON 4/15/10.

- 10:30 AM HB1181 naming a portion of route 43 after the Honorable Robert A. Johnson.
- 10:40 AM HB1419 (New Title) naming a bridge across the Connecticut River from Hinsdale, New Hampshire to Brattleboro, Vermont, informally known as the Hinsdale Bridge, the Anna Hunt Marsh Bridge. relative to seasonal highway limits for certain vehicles.
- 10:50 AM HB1249 relative to the operation of OHRVs and snowmobiles adjacent to public highways.
- 11:05 AM HB1269 relative to the classification of snowmobile trails maintenance vehicles.
- 11:20 AM HB1159 relative to the minimum age for the operation of commercial vessels.
- 11:35 AM HB1390

Sponsors:

HB1181

Rep. Maureen Mann
Rep. John Reagan

Rep. Susi Nord
Rep. James Sullivan

Sen. John Barnes, Jr.

Rep. Frank Case

HB1419

Rep. Steven Lindsey

HB1249

Rep. Paul Ingersoll
Rep. William Hatch

Rep. Robert Theberge

Rep. Yvonne Thomas

Sen. John Gallus

HB1269

Rep. Sherman Packard
Sen. Robert Letourneau

Rep. Paul Ingersoll

Rep. Eric Stohl

Sen. John Gallus

HB1159

Rep. Dennis Reed

Rep. David Palfrey

HB1390

Rep. Alida Millham

Rep. James Pilliod

Rep. David Russell

Transportation & Interstate Cooperation Committee

Hearing Report

TO: Members of the Senate
FROM: Gene Martin, Legislative Aide

RE: Hearing report on **HB 1269** - *AN ACT relative to the operation of OHRVs and snowmobiles adjacent to public highways.*

HEARING DATE: April 22, 2010

MEMBERS OF THE COMMITTEE PRESENT: Senators Letourneau, Kelly, Boutin

MEMBERS OF THE COMMITTEE ABSENT: Senators Gilmour and Fuller Clark

Sponsor(s): Rep. Packard, Rock 3; Rep. Ingersoll, Coos 4; Rep. Stohl, Coos 1; Sen. Gallus, Dist 1; Sen. Letourneau, Dist 19

What the bill does: 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.

Who supports the bill: Rep. Ingersoll, Tim Acerno, NH Fish & Game; Senator Gallus

Who opposes the bill: No one

Takes no position the bill: Caleb Dobbins, DOT

Summary of testimony received:

Rep. Ingersoll as co-sponsor he testified in support of the bill. This simple bill allows people to unload their OHRVs and travel in an area that they normally don't have access to. Fish & Game and DOT support it.

Maj. Tim Acerno of Fish & Game testified in support of the bill as it was a request from the department. He stated that years ago there was a conflict and it was resolved by removing the Fish & Game language and going with the language in the Motor Vehicle statute. He wants traveling to be safe and believes that this bill helps with that.

- You want to get as close to the trailhead as possible and since there are more parking lots and there is more of an established trail system the "practical" was problematic.
- It's about the 3 E's: enforcement, education, engineered. 1st two are Fish & Game the last is DOT

Caleb Dobbins, DOT testified with no position on the bill. The DOT issues the OHRV permits and this allows the department to allow them to do this safely and approved areas.

- There is currently no place for them, now they are going wherever they want but now we can permitted it.

Future Action: Senator Boutin moved OTP and Senator Letourneau seconded the motion; which passed on a vote of 3-0. Senator Kelly will report the bill out of committee.

Date: April 22, 2010
Time: 11:05 A.M.
Room: LOB 101

The Senate Committee on Transportation and Interstate Cooperation held a hearing on the following:

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

Members of Committee present: Senator Letourneau
Senator Gilmour
Senator Fuller Clark
Senator Kelly
Senator Boutin

The Chair, Senator Robert J. Letourneau, opened the hearing on HB 1269 and invited Senator Boutin to introduce the legislation on behalf of the prime sponsor, Representative Sherman Packard.

Senator David R. Boutin, D. 16: Thank you, Mr. Chairman, and members of the Committee. I am honored to introduce House Bill 1269 on behalf of the Honorable Sherman Packard from Rockingham #3.

The bill clarifies regulations of access of OHRVs and snowmobiles to areas adjacent to public highways and was at the request of Fish and Game, who is here today to speak to this bill, as well as my good friend, Representative Ingersoll from Coos. He tells me it's another jobs bill for the North Country, so, we hope that you all support it. Thank you.

Senator Robert J. Letourneau, D. 19: Thank you, Senator Boutin. Recognize Representative Ingersoll.

Representative Paul Ingersoll: Thank you, Mr. Chairman. I'm still the same person, but Senator Kelly, for your pleasure, I'm Paul Ingersoll from Coos 4 in Berlin, New Hampshire. This is, in sort, a jobs bill, 'cause we allow people to come to the North Country to recreate, it does keep people employed. It's a very simple bill. It allows people to unload their vehicles and go from one area to another, as the good Senator said, and it has also

stipulations in it on what roads they can be on and what crossings they can do.

You're going to hear from Fish and Game behind me, that is going to be able to elaborate a lot more on the exact bill itself, because they're familiar with that, on a day-to-day basis up in the North Country, with ATVs and also snowmobiles. The state Highway Department is still here, and I don't know if they will have any comment on this bill, but they were in favor of it, and so the last I knew, that everybody was on board with it, and there was a bill to allow people to travel an area that normally wouldn't be accessible.

The way the Fish and Game law is written now, it allows you to go to a safe place. Well, where is that safe place? So this bill distinguishes, that you can go to a safe place. It could be a quarter of a mile down the road or whatever, so, that's it. And it is a jobs package, in a way.

Senator Robert J. Letourneau, D. 19: For who?

Representative Paul Ingersoll: If people come up to recreate, they've got to have people to pump gas, serve hotdogs, and everything else.

Senator David R. Boutin, D. 16: And sell ice cream.

Representative Paul Ingersoll: Sell ice cream too. We do that...

Senator Robert J. Letourneau, D. 19: Thank you. Thank you. Any questions from the Committee? Senator Kelly.

Senator Molly Kelly, D. 10: I will wait. You said that..., you said Safety was here.

Representative Paul Ingersoll: No, Fish and Game. Next best thing.

Senator Molly Kelly, D. 10: Fish and Game to answer... Okay, great.

Senator Robert J. Letourneau, D. 19: You have a letter here from the state Department of Resource and Economic Development, that they're in support. Thank you, Representative.

Representative Paul Ingersoll: Thank you, very much.

Senator Robert J. Letourneau, D. 19: Tim Acerno? Good to see you, Major.

Major Timothy Acerno: I still am, yes sir.

Senator Robert J. Letourneau, D. 19: Welcome to Senate Transportation.

Major Timothy Acerno: Thank you, Mr. Chairman, and members of the Committee. And I do have, make sure I keep one for myself..., copies of my testimony, written testimony, with..., for the Clerk. Thank you, Jess. For the record, Mr. Chairman, my name is Tim Acerno, and I'm the Assistant Chief of Law Enforcement for Fish and Game. I'm also the OHRV and snowmobile program coordinator with respect to law enforcement and safety education.

Please see Attachment #1 – Major Acerno’s typewritten testimony.

Mr. Chairman, this was a request of the Fish and Game Department and the Fish and Game Commission voted unanimously to support this bill. One of the main reasons is, a couple years back, we had rescinded, I think in the 2004 session, there used to be a law in Title 18 that allowed them to drive, to operate for a distance of no more than 500 feet for loading and unloading purposes on class I, II and III highways. We asked for that law to be rescinded at that session, because 236:56, allowed them to do it for the same purposes, but there was no distance. We felt there was a conflict between our Fish and Game law and Motor Vehicle law, and we wanted to defer to Title 21, Motor Vehicle law.

Recently, our officers have been getting questions, when you look at what we wanted to strike that first sentence in 236:56, whenever it is impracticable. That word started to become problematic for our officers, 'cause impracticable could be, an operator goes to a landowner, wishes to put a trail in, and the landowner says, denied..., I don't want you to cross my property. I can't get permission; therefore, I can ride down the road. There is no distance. We wanted to make this safe.

The other thing we wanted, we tried..., we did with this as well, is there is a well established permission process set up between the Bureau of Trails and the Department of Transportation. Clubs will submit an application to the Bureau of Trails, they will review it, they will send it over to the Department of Transportation, they'll send it out to their field staff. They will make sure that is a safe place for them to either have a crossing or a trail connector, which connects two trail heads. So, by that language that you hear that they have changed it, amended and added, it dovetails that process which is already set up. Repealing that language makes it a lot cleaner and it allows DOT to either, say "yes we can" for safety reasons or "no we cannot" for safety reasons. So we feel this language is very clean, Mr. Chairman, and we ask

that the Committee vote to support this Ought to Pass. Thank you for the opportunity.

Senator Robert J. Letourneau, D. 19: Thank you. Senator Kelly?

Senator Molly Kelly, D. 10: I'm not quite sure where to start with the questions, because you have so much more knowledge of how these two work, but it sounds to me like you're trying to say the Departments of Transportation and Fish and Game are trying to work together, and that the statutes kind of parallel each other, instead of one saying Department of Transportation giving permission for one thing, and then Fish and Game looking and saying that's not realistic. I mean, the way it is now, if you brought your snowmobile, and you wanted to... , it was on a trailer, but to get to the snowmobile, is that what we're talking about? Is to get to where you actually can use the snowmobile, how do you get there?

Major Timothy Acerno: For loading, unloading purposes is, when the law first kicked in years ago, when we did not have parking lots, did not have an established trail system, and things were very limited, the law allowed the user to drive, get as close to that trailhead as possible, unload it and safely operate it at a speed no more than 10 miles an hour, within the right-of-way, that public way, to be able to get to the trailhead and immediately get off.

Senator Molly Kelly, D. 10: Was that on the road sometimes, or is that...?

Major Timothy Acerno: Yes. Could be on the road, could be within the right-of-way.

Senator Molly Kelly, D. 10: Because it could be private property, that it says no, you can't go there.

Major Timothy Acerno: Correct. As long as they're within the right-of-way on the public place, so it could be on the travel portion, or it could be within the right-of-way, with the, either... it should be either class I, II and III state roads.

Senator Molly Kelly, D. 10: So, what has changed? You're saying, now there are parking lots?

Major Timothy Acerno: There are more parking lots. The Bureau of Trails has established this. There are more trails, so we have better access. We have close to 7,000 miles worth of snowmobile trails in the State of New Hampshire. We could start in Keene and operate on the same trail, and cross

the Canadian border, and be legal for the whole way, and be proper road crossings. So this is an established network right now. 236:56 would allow someone, because it's impracticable, I can't get permission, therefore, I can ride as far as I want... I could ride right down Route 9 if I wanted to, because it's one of these class I, II or III roads. And I just, I want to go this, I can't. We had problems in the Hillsboro area, because, I just cannot get my trails to safety. I just can't do it, because there was a river, or there was a hub-committed flood control, there was a variety of reasons. And, being impracticable, this is what our officers are worried about, We would be put in a tough spot.

So, now what we're saying here, what we have designed with this is, the clubs themselves, have to make application to the Bureau of Trails within the Department of Resource and Economic Development, and they have a form application..., list everything on that application what they want to do. The application goes to the Department of Transportation. Their highway engineers, their area supervisor, district supervisor...

Senator Molly Kelly, D. 10: At DOT?

Major Timothy Acerno: At DOT..., will look at that, and they can look at it for sight distance, they can look at it for the speed of the road, they can gonna look at it for a variety of reasons. When you see on line 17, it says no direct crossing of interstate highways, divided highways, or toll roads... That way, if someone said, I want to cross Route 93, DOT can say, no, that's just, don't even bother. So, that's why we have that interstate highways. Divided highways is key, so we're there, so there are some, between class I and II roads. So, we're putting divided highways, the language is real clear for the users. So we have that established, and if DOT goes out and they see that for safety reasons, it's just..., it's not worth it to put it there. They'll deny the permit. But, if everything is safe for the operator and for motorists, then they will approve that permit, send it back to the Bureau of Trails. The Bureau of Trails will send it back to the club and they will have stipulations on that. There will be signs, there will be and... there could be a variety, depending on the situation itself, because we've had trained engineers that are going to be looking at this. Instead of just someone who feels, I asked Joe Smith if I could have permission to put a trail on his property, he said no; therefore, I can ride on Route 9.

Senator Molly Kelly, D. 10: So, the discretion is no longer with the individual who owns the snowmobile, the discretion is with the Department of Transportation.

Major Timothy Acerno: The authorization is with the DOT.

Senator Molly Kelly, D. 10: The authorization is with the Department of Transportation.

Major Timothy Acerno: Yes.

Senator Molly Kelly, D. 10: So how do we...

Senator Robert J. Letourneau, D. 19: Follow up.

Senator Molly Kelly, D. 10: I'm just thinking how then, that education goes to the individual, 'cause this law's been in effect. But I guess that's your job, is to make sure everybody knows that.

Major Timothy Acerno: Correct. And we do, we work with the clubs on it. The Bureau of Trails, everyone of the..., it's always been clubs could only get these trail crossing permits. And Bureau of Trails had their list of the grant and aid project, and you are correct with it between Bureau of Trails and Fish and Game, it's up to us to get the word out, and we do have it in our laws as well.

Senator Molly Kelly, D. 10: So just a follow up. So you feel this is a real safety issue as well?

Major Timothy Acerno: Yes.

Senator Molly Kelly, D. 10: That's the bottom line.

Major Timothy Acerno: That is correct Senator.

Senator Molly Kelly, D. 10: Thank you.

Senator Robert J. Letourneau, D. 19: Thank you. I think this is a problem we've been struggling with for a couple of years here. And you feel as though this is a good solution?

Major Timothy Acerno: Yes, Senator.

Senator Robert J. Letourneau, D. 19: Thank you. Any further questions?
Senator Boutin.

Senator David R. Boutin, D. 16: I just want to clarify. This goes beyond just adjacent to public ways, it also could be a situation where they can go out

onto a road a certain distance and they can back up onto a trail or cross that road to the other side of the trail, is what this...?

Major Timothy Acerno: Yes, it's an example of getting onto the travel portion itself, could be crossing a bridge. An unsafe spot may be, it's a river crossing, could be thin ice and for safety reasons, we do not want them out there. So by sending out the DOT and having them take a look at it, and trying to save the expense of putting a shoulder on that bridge itself, they're going to determine sight visibility, the speed limit going across that bridge, if it is safe to allow them to get onto the side of that bridge to cross.

Senator Robert J. Letourneau, D. 19: Follow up.

Senator David R. Boutin, D. 16: Will they be able to actually go on a public way?

Major Timothy Acerno: On travel portion? Yes.

Senator David R. Boutin, D. 16: On the travel portion?

Major Timothy Acerno: On certain section. This will be . . .

Senator David R. Boutin, D. 16: So, if there's a road up near a trail in Berlin that they needed to go a hundred yards to get back on the trail, they can do that now?

Major Timothy Acerno: It would be a case-by-case, which is why DOT is in that loop of authorization.

Senator David R. Boutin, D. 16: Well, I think it makes a lot of sense to do that.

Major Timothy Acerno: Thank you, Senator.

Senator Robert J. Letourneau, D. 19: All set?

Senator Molly Kelly, D. 10: Thank you very much.

Senator Robert J. Letourneau, D. 19: Thank you very much. Appreciate it.

Major Timothy Acerno: Thank you, Mr. Chairman.

Please see Attachment #2 – Letter from Chris Gamache, Chief, DRED, Bureau of Trails submitted by Major Acerno

Senator Robert J. Letourneau, D. 19: We have a member from the DOT here, but he signed in . . . would you like to speak?

Caleb Dobbins: Yeah, I wasn't certain what the testimony was going to be. So, if the Committee would wish to hear from me, I'd be more than willing to fill in a few gaps.

Senator Robert J. Letourneau, D. 19: Sure, absolutely.

Caleb Dobbins: Caleb Dobbins, for the record; I'm the state maintenance engineer for the New Hampshire Department of Transportation. The Administrator of the Bureau of Highway Maintenance, we actually are the ones that issue all of..., my district office is the ones that issue the OHRV and the snowmobile permits.

Just to, kind of just give you a quick run through on how the process works. It's just a snowmobile trail, or a snowmobile club, that will put in a request. I will add on to what Major Acerno had to say was, actually by not allowing them to cross interstates, divided highways, and toll roads as DRED would actually deny that permit before it even got to us. They'd say, that's not allowed by law, don't even bother asking. So that should never even come to the DOT by this law.

What this law also does, however, is if you look under line 24 and 25, it repeals the direct crossings of OHRVs and snowmobiles for limited access highways. That's an important part on this bill. Before, the law would not allow us, as a department, to allow any snowmobile or OHRV to cross any section of roadway that was deemed to be a limited access highway. These are sections of roadways that could have been determined decades ago, that when the right-of-way was bought, it was going to be limited access. Route 25..., there's some stuff in the North Country that comes right up off the top of my head, that we had great plans for decades ago, but never quite materialized.

So, by the current law, we cannot even consider anybody to have a crossing on those roadways right now, by law. What this does, is it repeals that prohibition and allows the Department again to look on a safety issue, sight line, and of all of those things, the same way we'd review all of the other ones. It allows us again, on a case-by-case basis, to either grant them or disapprove them. So, what it does, is allows us to open up some of those roadways again, maybe getting some more folks up here and more jobs here, and in the North Country and in other places within the state, too.

Senator Robert J. Letourneau, D. 19: A jobs bill.

Caleb Dobbins: Again, just to go off of the Representative. But, there's a lot of roads, and you'd be surprised as to how many roads are limited access, that you would say, well why couldn't you cross a snowmobile here? And they do. They do now, they just choose to do so illegally and not controlled. So this would allow us to be able to funnel them into where they ought to be doing it, and do it in a safe location that's approved by everybody.

Also, as to what the Major had said about... The Senator had asked about getting the word out. It hasn't been very many years where it was changed from 500 feet to whatever's impractical. Well they learned very quickly that they could go further than 500 feet, so this I suspect they'll learn very quickly that they need to apply for a permit and be able to create a crossing or a connector in order to get from where they normally park to an authorized trailhead.

Again, the Department has no issues with this one. We work with Fish and Game and with DRED on a regular basis. We work with them on the premise; we look at it on a safety issue. To me this isn't gonna..., it'll just allow us to look at some more sections of roadway that there may actually be worthwhile to do it and it will also corral those people that may be going half a mile down the road on the side of the road, 'cause they've decided that it's impractical for them to do something else.

Senator Robert J. Letourneau, D. 19: Senator Kelly has a question.

Senator Molly Kelly, D. 10: I just have a couple questions. And I see the language here on RSA 215, which is really saying, these are the limitations, that's what you cannot do.

Caleb Dobbins: Correct.

Senator Molly Kelly, D. 10: And what this current bill says then is, well now you can, because we changed the other 236 to say, we're going to go through a process of authorization where, on maybe an individual case, or an individual highway. My question is that that language was put in to statute, I'm sure, at one time because of the danger of people just going right out onto highways with snowmobiles or whatever, and I'm speaking from my district where I know, on Route 9 is dangerous, and we've had some terrible accidents.

Caleb Dobbins: Correct. Right, and there's very few places, probably on Route 9, that we would allow unlimited access section. But you might be

surprised how many sections along Route 9, are limited access. So, we could currently permit, we just choose not to. Just because we're allowed to, doesn't mean that we're going to grant it.

Senator Molly Kelly, D. 10: Just a follow up... My concern is just that this was already law and people did it. I mean, they already crossed over. I guess, my... How do we let people know you cannot do this, but there may be other places on, close by, that you could cross over.?

Caleb Dobbins: Right. My feeling, and I think maybe the Major could answer better, but, because there was no set place for them to do something, they all just chose, you know, on a five-mile stretch, well, I'm going to go here because it's more convenient versus here, versus here, whereas if there was an area..., because we weren't allowed to permit. We could not give them..., even if there was a perfect location for them, we couldn't grant them one there. By now being able to grant say, that perfect location, hopefully through education and enforcement, we can funnel those folks to that location, rather than having them cross, you know, hither-nither all over the next five-mile stretch of road.

Now, I think we can work with the clubs. We have excellent success with working with the clubs, and they're, as I said, there's 7,000 miles of snowmobile trails maintained by clubs. There's very strong snowmobile clubs in this state. And they want to see it work, more than anyone else.

Senator Robert J. Letourneau, D. 19: And I think Senator, I think the key here is..., it has to be permitted. And it goes through two agencies to do so.

Senator Molly Kelly, D. 10: I understand that, but we have one statute that is clearly saying, these are the limitations that you can't do... We have another statute that uses that word "impractical" there. But, my concern is that, where..., under the limitations, those were put there clearly for safety and now we're taking one out, and wanting people to understand there's a new system, and it just concerns me that someone could read this and say, oh, we can go anywhere we want now.

Senator Robert J. Letourneau, D. 19: No, you can't.

Senator Molly Kelly, D. 10: And I know that that's not there...

Caleb Dobbins: No, I understand what you're saying. But it just, again, it was a restriction that was put on us a number of years ago, given the classification of that right-of-way, given what the future plans might have been, you know. Not that we would allow a snowmobile crossing there, but

the section between Gorham and Berlin, you know, I mean, big huge wide road that, you know, maybe didn't quite hit where we wanted it to hit, or was maybe more popular then. There's other sections of roadway where we own right-of-way, that we were planning..., I mean, 202/9, and some of these other ones, where were planning to have a four-lane highway that just doesn't exist..., didn't materialize. So rather than continuing to restrict that right-of-way, we're looking to be able to open it up on a case-by-case basis.

Senator Molly Kelly, D. 10: Well, I appreciate your work in making things as safe as they can.

Caleb Dobbins: Thanks.

Senator Robert J. Letourneau, D. 19: Major Acerno wants to chime in on that particular question too. Tim, why don't you take the chair right with him, and just answer Senator Kelly's question, 'cause I can see you were chompin' at the bit over there.

Major Timothy Acerno: Except, I think I understood the question better sitting back there than up here. I might be able to by quoting..., as I sat on a Committee with Executive Counselor Burton, and the big thing with it, that I think what you're looking at here, is, and we have something, this is going to be change, and we look at it as being the three Es; enforcement, education, and engineering. And he likens it to a milking stool. I take any one of those legs out and the stool collapses. Each is just as important as the other. The enforcement and the education, is going to be my part. The engineering's going to be DOT, and the Bureau of Trails.

We push stay on maintained trails. The safest place to ride a snowmobile, ATV, anyplace, is the maintained trails here in New Hampshire. Stay on those trails. We have one of these designated trail connectors, trail crossings..., it is going to be well posted. And we even got to the point of, stay on the trail or stay home. We want to be that, in-the-face with it. The enforcement part of it is, those that don't want to, that keeps me employed. It's a jobs bill again.

And then the education part of it, that's Chris Gamache and myself. That is, we need to get the word out, because, yes, this is a change. For me to say that enforcement's going to wave our magic wand and solve all this problem..., I have a bridge in Brooklyn I'll sell ya. I'm not gonna do that, and that's why I'm gonna say, between the three of us, DOT, Bureau of Trails and ourselves, we'll get that word out there. And, I won't guarantee everybody's gonna do it, because, I think the situation you're talking about..., he was summonsed about two weeks before that incident.

Senator Molly Kelly, D. 10: Such a tragic ...

Major Timothy Acerno: Exactly, Senator.

Senator Molly Kelly, D. 10: Thank you.

Major Timothy Acerno: You're welcome.

Senator Robert J. Letourneau, D. 19: And I think that the purpose of the bill was more for the North Country than it is for other parts of the state, that are more populated. I think there's some issues up north, where they're trying to get trailheads, and I think... We've had several bills here that have failed, either here or over in the House, that address that issue. Am I correct on that?

Caleb Dobbins Yes. Well, one of the recent ones that came up with us that we had to deny was actually on Route 3 in Boscawen. They were trying to get a thing on there, just because it happened to be a limited access, even though there were some places that would have been a reasonable place to do it. So I think, snowmobiling is kind of coming, when you have the winter, it comes south. I mean, there's places, even south of here, that, and there's not as many trails maybe in the southern part, so...

Senator Molly Kelly, D. 10: Right, right. Thank you.

Senator Robert J. Letourneau, D. 19: Thank you very much. Any further questions? Seeing none, thank you.

Major Timothy Acerno: Thank you, Senator.

Senator Robert J. Letourneau, D. 19: Senator Gallus is signed in, in support, of course. Jobs bill. And that's... Nobody else is signed in. Anybody else want to speak on this bill? If not, close the hearing on House Bill 1269.

Hearing closed at 11:30 A.M.
Respectfully submitted,



Brenda L. Higgins
Senate Committee Secretary
April 22, 2010

2 Attachments



New Hampshire Fish and Game Department

Attachment #1

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**

**Senate Transportation and Interstate Cooperation Committee
April 22, 2010**

Good morning Mr. Chairman and members of the Committee. For the record my name is Timothy Aceano 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



STATE OF NEW HAMPSHIRE
DEPARTMENT of RESOURCES and ECONOMIC DEVELOPMENT
DIVISION of PARKS and RECREATION
BUREAU OF TRAILS

172 Pembroke Road P.O. Box 1856 Concord, New Hampshire 03302-1856
PHONE: (603) 271-3254 FAX: (603) 271-3553 E-MAIL: nhtrails@dred.state.nh.us
WEB: www.nhtrails.org

April 22, 2010

Chairman Robert Letourneau and members of
The Senate Transportation and Interstate Cooperation Committee

Re: Support for HB 1269

Dear Chairman Letourneau and Members of the Committee:

The NH Bureau of Trails, Division of Parks & Recreation, Department of Resources and Economic Development respectfully request your support for passage of House Bill 1269 as presented to you today. I apologize for not being able to testify in person before you today but hope this written testimony will show our support for the passage of this bill.

This bill corrects a long held, and no longer needed, provision about trail crossing and connector permits within DOT rights of way along Limited Access Highways. There are multiple examples in NH where the only landowner permissions for public trails can be obtained that bring the trail to a limited access highway. In discussions with DOT they believe there is no need for this statutory restriction. DOT and DRED have an accepted permit process for trail crossing and connectors and believe the process is more than sufficient to address any concerns at proposed crossing or connector sites.

Several proposed trail crossing sites, which meet the safety guidelines for crossings from DOT and DRED, cannot be considered because of an outdated statutory restriction. We are asking to address these outdated statutes and correct them to allow for future public trail continuations and cooperation between the State agencies.

Thank you for your time and consideration and we would thank you for your anticipated support for passage of House Bill 1269. Please feel free to contact me with any questions that may arise.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Gamache".

Chris Gamache
Chief

Speakers

Voting Sheets

Senate Transportation & Interstate Cooperation Committee EXECUTIVE SESSION

Bill # HB 1269

Hearing date: 4/22/10

Executive session date: 4/22/10

Motion of: OTP

VOTE: 3-0

Made by Letourneau
Senator: Gilmour
 Kelly
 Fuller Clark
 Boutin

Seconded Letourneau
by Senator: Gilmour
 Kelly
 Fuller Clark
 Boutin

Reported Letourneau
by Senator: Gilmour
 Kelly
 Fuller Clark
 Boutin

Motion of: _____

VOTE: _____

Made by Letourneau
Senator: Gilmour
 Kelly
 Fuller Clark
 Boutin

Seconded Letourneau
by Senator: Gilmour
 Kelly
 Fuller Clark
 Boutin

Reported Letourneau
by Senator: Gilmour
 Kelly
 Fuller Clark
 Boutin

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Letourneau, Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Gilmour, Vice-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Kelly	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Fuller Clark	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Boutin	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Amendments: _____

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: April 22, 2010

THE COMMITTEE ON Transportation and Interstate Cooperation
to which was referred House Bill 1269

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

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS

BY A VOTE OF: 3-0

AMENDMENT # s

Senator Molly Kelly
For the Committee

Brenda Higgins 271-8631

New Hampshire General Court - Bill Status System

Docket of HB1269

Docket Abbreviations

Bill Title: relative to the operation of OHRVs and snowmobiles adjacent to public highways.*Official Docket of HB1269:*

Date	Body	Description
12/10/2009	H	Introduced 1/6/2010 and Referred to Transportation; HJ 6 , PG.234
02/03/2010	H	Public Hearing: 2/11/2010 10:30 AM LOB 201
02/03/2010	H	Executive Session: 2/16/2010 10:15 AM LOB 203
02/17/2010	H	Committee Report: Ought to Pass with Amendment #0596h for Mar 3 CC (Vote 13-0); HC 17 , PG.815
02/17/2010	H	Proposed Committee Amendment #0596h; HC 17 , PG.847
03/03/2010	H	Amendment #0596h Adopted, VV; HJ 20 , PG.1163
03/03/2010	H	Ought to Pass with Amendment #0596h: MA VV; HJ 20 , PG.1163
03/24/2010	S	Introduced and Referred to Transportation & Interstate Cooperation; SJ 11 , Pg.261
04/08/2010	S	Hearing: April 22, 2010, Room 101, LOB, 11:05 a.m.; SC15
04/22/2010	S	Committee Report: Ought to Pass 4/28/10; SC17
04/28/2010	S	Ought to Pass, MA, VV; OT3rdg; SJ 16 , Pg.351
04/28/2010	S	Passed by Third Reading Resolution; SJ 16 , Pg. 353
05/12/2010	H	Enrolled; HJ 41 , PG.2097
05/12/2010	S	Enrolled

NH House

NH Senate

Contact Us

New Hampshire General Court Information Systems
 107 North Main Street - State House Room 31, Concord NH 03301

Other Referrals

COMMITTEE REPORT FILE INVENTORY

HB1269 ORIGINAL REFERRAL

_____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE SECRETARY AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE on which you have taken attendance

HEARING REPORT (written summary of hearing testimony)

HEARING TRANSCRIPT (verbatim transcript of hearing)

List attachments (testimony and submissions which are part of the transcript) by number [1 thru 4 or 1, 2, 3, 4] here: 1, 2

SIGN-UP SHEET

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

____ - AMENDMENT # _____ ____ - AMENDMENT # _____
____ - AMENDMENT # _____ ____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED

AS AMENDED BY THE HOUSE

FINAL VERSION

____ AS AMENDED BY THE SENATE

____ PREPARED TESTIMONY AND OTHER SUBMISSIONS (Which are not part of the transcript)

List by letter [a thru g or a, b, c, d] here: _____

EXECUTIVE SESSION REPORT

____ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK 7/8/10

Brenda Ziegler
COMMITTEE SECRETARY