

Bill as Introduced

SB 105 - AS INTRODUCED

2011 SESSION

11-0979
10/01

SENATE BILL **105**

AN ACT excepting department of transportation property from evaluation requirements for certain all terrain and trail bike trails.

SPONSORS: Sen. Gallus, Dist 1; Sen. Stiles, Dist 24; Rep. M. Tremblay, Coos 4; Rep. Y. Thomas, Coos 4; Rep. Fields, Belk 2

COMMITTEE: Energy and Natural Resources

ANALYSIS

This bill clarifies the exception of department of transportation property used for rail crossing or connector permits and for the change in use designation for ATVs and trail bikes from the evaluation process required in establishing certain state trails.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT excepting department of transportation property from evaluation requirements for certain all terrain and trail bike trails.

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

1 1 New Paragraph; State Lands; ATV and Trail Bike Trails; Exception Added. Amend RSA 215-
2 A:42 by inserting after paragraph III the following new paragraph:

3 IV. This section shall not apply to department of transportation property required for trail
4 crossing or connector permits or to the change in use designation on state-owned roads to include
5 ATVs or trail bikes.

6 2 Trails; Evaluation Process. Amend RSA 215-A:43, VIII to read as follows:

7 VIII. This section shall not apply to department of transportation property required for trail
8 crossing or connector permits [~~at, or which directly connect to, Jericho Mountain state park~~] **or to**
9 **the change in use designation on state-owned roads to include ATVs or trail bikes.**

10 3 Effective Date. This act shall take effect 60 days after its passage.

↑
CONNECTICUT
HEADWATER

SB 105 -- AS AMENDED BY THE SENATE

03/16/11 0787s

2011 SESSION

11-0979
10/01

SENATE BILL **105**

AN ACT exempting highway trail crossing from evaluation requirements for certain all terrain and trail bike trails.

SPONSORS: Sen. Gallus, Dist 1; Sen. Stiles, Dist 24; Rep. M. Tremblay, Coos 4; Rep. Y. Thomas, Coos 4; Rep. Fields, Belk 2

COMMITTEE: Energy and Natural Resources

AMENDED ANALYSIS

This bill clarifies that highway trail crossings received by the bureau of trails and approved by the department of transportation are exempt from the evaluation process required in establishing certain state trails for ATVs and trail bikes.

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.

SB 105 - AS AMENDED BY THE SENATE

03/16/11 0787s

11-0979
10/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT exempting highway trail crossing from evaluation requirements for certain all terrain and trail bike trails.

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

1 1 Bureau of Trails; Responsibilities; Highway Trail Crossings. Amend RSA 215-A:3, VI to read
2 as follows:

3 VI. The supervisor of the bureau shall receive all written requests from persons applying for
4 permission to establish a highway trail crossing or trail connector on any class I, class II or class III
5 highway for any OHRV trail or cross country ski trail on which an OHRV trail maintenance vehicle
6 may operate. The requests shall be submitted by the supervisor to the commissioner of the
7 department of transportation or the commissioner's representative for the department's approval or
8 disapproval. If approval is granted, the commissioner of the department of transportation may post
9 the area with appropriate signs designating the location of the trail crossing or trail connector and
10 providing signs for both sides of the highway at an appropriate distance from the crossing or trail
11 connector to warn the motoring public of said crossing or trail connector. *Highway trail crossing*
12 *requests and approvals under this paragraph shall be exempt from the provisions of*
13 *RSA 215-A:42 and RSA 215-A:43.*

14 2 Effective Date. This act shall take effect upon its passage.

Amendments



Sen. Gallus, Dist. 1
March 3, 2011
2011-0614s
10/01

Amendment to SB 105

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT exempting highway trail crossing from evaluation requirements for certain all
4 terrain and trail bike trails.

5

6 Amend the bill by replacing all after the enacting clause with the following:

7

8 1 Bureau of Trails; Responsibilities; Highway Trail Crossings. Amend RSA 215-A:3, VI to read
9 as follows:

10 VI. The supervisor of the bureau shall receive all written requests from persons applying for
11 permission to establish a highway trail crossing or trail connector on any class I, class II or class III
12 highway for any OHRV trail or cross country ski trail on which an OHRV trail maintenance vehicle
13 may operate. The requests shall be submitted by the supervisor to the commissioner of the
14 department of transportation or the commissioner's representative for the department's approval or
15 disapproval. If approval is granted, the commissioner of the department of transportation may post
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17 providing signs for both sides of the highway at an appropriate distance from the crossing or trail
18 connector to warn the motoring public of said crossing or trail connector. *Highway trail crossing*
19 *requests and approvals under this paragraph shall be exempt from the provisions of*
20 *RSA 215-A:42 and RSA 215-A:43.*

21

2 Effective Date. This act shall take effect upon its passage.



2011-0614s

AMENDED ANALYSIS

This bill clarifies that highway trail crossings received by the bureau of trails and approved by the department of transportation are exempt from the evaluation process required in establishing certain state trails for ATVs and trail bikes.

Energy and Natural Resources
March 10, 2011
2011-0787s
10/05

Amendment to SB 105

1 Amend the title of the bill by replacing it with the following:

2

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4 terrain and trail bike trails.
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Amendment to SB 105

- Page 2 -

2011-0787s

AMENDED ANALYSIS

This bill clarifies that highway trail crossings received by the bureau of trails and approved by the department of transportation are exempt from the evaluation process required in establishing certain state trails for ATVs and trail bikes.

Committee Minutes

**SENATE CALENDAR NOTICE
ENERGY AND NATURAL RESOURCES**

Senator Bob Odell Chairman
 Senator John Gallus V Chairman
 Senator Jeb Bradley
 Senator Gary Lambert
 Senator Amanda Merrill

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: February 16, 2011

HEARINGS

Thursday

2/24/2011

ENERGY AND NATURAL RESOURCES

LOB 102

9:00 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

9:00 AM	SB47	extending the commission to study water infrastructure sustainability funding.
9:15 AM	SB184	extending the commission to study water infrastructure sustainability funding.
9:30 AM	SB84-FN	relative to state regulation of the septic system installation process.
9:45 AM	SB35-FN-A	relative to exemption from the definition of utility property for purposes of the utility property tax.
10:00 AM	SB100	relative to the size limitations on OHRVs, and the operation of OHRVs on state-owned trails.
✓ 10:15 AM	SB105	excepting department of transportation property from evaluation requirements for certain all terrain and trail bike trails.

Sponsors:

SB47

Sen. John Gallus
 Sen. John Barnes, Jr.
 Rep. Gene Chandler

Sen. Molly Kelly
 Rep. Karen Umberger
 Rep. Lawrence Kappler

Sen. Bob Odell
 Rep. Jeffrey St. Cyr

Sen. Amanda Merrill
 Rep. Judith Spang

SB184

Sen. Molly Kelly
 Sen. Lou D'Aliesandro

Sen. Amanda Merrill
 Sen. Bob Odell

Sen. Matthew Houde

Sen. Sylvia Larsen

SB84-FN

Sen. Fenton Groen
 Sen. John Barnes, Jr.

Sen. Andy Sanborn
 Sen. Sharon Carson

Sen. Gary Lambert

Sen. James Forsythe

SB35-FN-A

Sen. Bob Odell

SB100

Sen. Sharon Carson

Sen. John Gallus

Rep. Lyle Bulis

SB105

Sen. John Gallus
 Rep. Dennis Fields

Sen. Nancy Stiles

Rep. Marc Tremblay

Rep. Yvonne Thomas

*START: 10:41am
 END: 10:59am*

Richard Parsons 271-3076

Sen. Bob Odell

Chairman

Energy and Natural Resources Committee

Hearing Report

TO: Members of the Senate

FROM: Richard Parsons, Legislative Aide

RE: Hearing report on SB 105 – **excepting department of transportation property from evaluation requirements for certain all terrain and trail bike trails.**

HEARING DATE: 02/24/2011

MEMBERS OF THE COMMITTEE PRESENT: Senators Odell, Gallus, Bradley, Lambert, Merrill

MEMBERS OF THE COMMITTEE ABSENT: No one

Sponsor(s): Sen. Gallus, Dist 1; Sen. Stiles, Dist 24; Rep. M. Tremblay, Coos 4; Rep. Y. Thomas, Coos 4; Rep. Fields, Belk 2

What the bill does: This bill clarifies the exception of department of transportation property used for rail crossing or connector permits and for the change in use designation for ATVs and trail bikes from the evaluation process required in establishing certain state trails.

Who supports the bill: Senator Nancy Stiles, Dist. 24; Chris Gamache, DRED; Senator John Gallus, Dist. 1;

Who opposes the bill: Caleb Dobbins, NH DOT;

Summary of testimony received:

Senator John Gallus, District 1-prime sponsor

- Hearing opened at 10:41 am
- SB 105 is excepting department of transportation property from evaluation requirements for certain all terrain and trail bike trails.
- The bill does not open any roads for ATV use.
- ATV Criteria was developed for new trails being built on existing park/forest lands in NH.
- Criteria was not developed with DOT rights of way needed for trail crossings or connectors in mind.

- RSA 215-A:3, VI and VIII direct the Bureau of Trails to receive applications and forward them to DOT for review and approval.
 - That cannot happen because DOT feels they must use the existing criteria because they are "state lands."
- Currently, more than 30 applications at DOT offices which are unable to be reviewed or approved.
- State roads crossings are needed to connect private lands which allow public OHRV trails.

Caleb Dobbins, State Maintenance Engineer for DOT

- In opposition.
- Understand the value of OHRV use for the state.
- Opposed because there is already a criteria in place for this.
- DOT properties are varied and own a lot of property throughout the state.
 - There are a lot of easements and restrictions placed on those properties.
 - Wetlands created for highway projects and other things along those lines.
 - A lot of the same natural, cultural and environmental issues that the Fish and Game and DRED properties have.
- DOT opinion the state does not need to set up two different criteria for evaluating property that is owned by the state.
 - Do not disagree that the current process is onerous.
- Question from Senator Odell: Can you give us an example of an application that exists?
 - When given different applications we look back at the RSA which says that DRED bureau of trails has a certain responsibility to look at some of these issues.
 - Under the current law there are a number of different criteria that need to be addressed which includes:
 - Public hearings
 - Looking at environmental issues
 -
 - At no point have the requirements in the statute been attempted to be enacted on a DOT property.
 - No one has come and said they want to go through this process and see how difficult it is.
 - Just have been given the same kind of application as DOT receives for a snowmobile crossing.
 - Our response has been not to approve them because there is this RSA that was enacted 7 years ago that deals specifically with OHRVs.
 - Cannot look at ATV crossing and connectors in the same manner as DOT looks at snowmobile crossings and connectors.
- Question from Senator Odell: So what this does is expands the exemptions from Jericho Mountain state park to all DOT property?

- It exempts the DOT from any of it.
 - Under current regulation, the DOT could develop our own rules, but in reality they would probably mirror the rules that are already in statute.
- Question from Senator Odell: So, if DRED wanted to come through the DOT and use some of your land for trails they would have to meet the criteria set out in statute for trail development?

○ Right.

Chris Gamache, DRED

- In support.
- Have worked and discussed with the DOT about a process and they still have not been implemented at this time.
- Since then, the language of the criteria is quite vague in that it applies to all state land.
 - During the ATV study committee and the draft criteria, DOT rights of way were never intended to be used under that criteria.
 - It was looking at large parcels of existing state land like state forests and state parks.
 - It was never intended for where pieces of private land or state land met a highway crossings to apply to that 50 or 100 foot strip needed to get across the road or if DRED needed to go 350 feet along the right of way to connect to the next private land owner where permission has been granted.
 - HB1273 (2002), the criteria language that was in that has been altered a lot over the past 8 or 9 years.
 - The bill also came with a lot of caveats for the agencies at the time that were not part of the statute.
 - They said that, DRED shall implement this and pick a piece of property to test it and find out where that criteria is flawed and then bring it back to the legislature.
 - Have done that on multiple occasions to get the law corrected to address the highway rights of way.
 - Fish and Game said the best thing was to repeal the criteria from the law and mandate that the agency all reach an agreement and stipulate what they shall use on review of these things.
 - This bill would not open any DOT roads or crossing automatically.
 - But rather, takes what is ultimately going to be a prohibitive set of criteria out of the way of DOT to look at crossings and connectors.
 - Simply looking for places to connect current trails across highways.
 - Have 4,100 miles of state maintained highways.
 - Running into highways and are getting request that are being sent to DOT.

- It can't be done at this time because the law says state land which most of their rights of way are.
- Not under the impression that DOT was going to oppose this bill.
 - DRED believes it is needed.
- Question from Senator Odell: You have been struggling with this for 10 years?
 - Yes.
- Question from Senator Odell: Talked about putting all of the trail bills into a study. Would you consider this bill one to put in the study?
 - If this committee in the Senate would be amenable to fixing this once and for all that would be helpful.
- Question from Senator Odell: Looking at the language, why doesn't it have road crossings? Why is it so broad?
 - The highlighted language which begins on line 8 and is all of line 9 was actually part of the original bill that was sent to Senator Gallus that would have dealt with the Connecticut Headwaters bill that was heard and this bill together.
 - After discussing the Headwaters bill as a separate bill never looked at the existing language in there.
- Question from Senator Odell: In the new language, would it be more restrictive to put in road crossing that would help solve this?
 - Yes.
 - Under RSA 251-A:3, VI and VIII, under bureau responsibilities, those sections already address that DOT will review and shall look at crossing and connector permits which come from the bureau of trails for OHRVs.
 - Those laws have been in place since the 1980s.
- Question from Senator Gallus: So what you are saying is you have applications for Jericho Park to go from one side of the park to land on the other side yet? So I can drive around the roads in Berlin, but not in the woods?
 - Yes, once you hit the signs leaving the urban compact.

Hearing closed at 10:59 am

Funding: *Not applicable.*

Future Action: Pending.

RMP

{file: SB 0105 report}

Date: 03/01/11

Speakers

Testimony

Parsons, Richard

From: Chris Gamache [Chris.Gamache@dred.state.nh.us]
Sent: Friday, February 25, 2011 3:56 PM
To: Parsons, Richard
Subject: SB105 possible amendment
Follow Up Flag: Follow up
Flag Status: Red
Attachments: SB105 amendment DOT crossings.doc

Richard,

Attached is a possible amendment for SB105 as discussed by the Committee, DOT and Trails after the hearing yesterday. This amendment would not alter the criteria portion of the law but add a line into the existing statute regarding DOT trail crossings and connectors to identify that trail crossings shall be exempt from 215-A:42 and 215-A:43. Might be easier than altering the existing language in the statute originally targeted.

Chris

Chris Gamache, Chief

NH Bureau of Trails

DRED-Divison of Parks & Recreation

PO Box 1856

Concord, NH 03302-1856

603-271-3254

chris.gamache@dred.state.nh.us

www.nhtrails.org

<<SB105 amendment DOT crossings.doc>>

Amend RSA 215-A:3 Bureau Responsibilities. By inserting:

VI. The supervisor of the bureau shall receive all written requests from persons applying for permission to establish a highway trail crossing or trail connector on any class I, class II or class III highway for any OHRV trail or cross country ski trail on which an OHRV trail maintenance vehicle may operate. The requests shall be submitted by the supervisor to the commissioner of the department of transportation or the commissioner's representative for the department's approval or disapproval. If approval is granted, the commissioner of the department of transportation may post the area with appropriate signs designating the location of the trail crossing or trail connector and providing signs for both sides of the highway at an appropriate distance from the crossing or trail connector to warn the motoring public of said crossing or trail connector. **Highway trail crossings shall be exempt from the provisions of 215-A:42 and 215-A:43**

CHAPTER 184
SB 100 - FINAL VERSION

03/23/11 0993s
18May2011... 1683h

2011 SESSION

11-0972
10/05

SENATE BILL **100**

AN ACT relative to the size limitations on OHRVs operating in Jericho Mountain state park.

SPONSORS: Sen. Carson, Dist 14; Sen. Gallus, Dist 1; Rep. Bulis, Graf 1

COMMITTEE: Energy and Natural Resources

AMENDED ANALYSIS

This bill increases the size and weight limits for OHRVs allowed on designated trails in Jericho Mountain state park.

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.

CHAPTER 184
SB 100 – FINAL VERSION

03/23/11 0993s
18May2011... 1683h

11-0972
10/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eleven

AN ACT relative to the size limitations on OHRVs operating in Jericho Mountain state park.

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

1 184:1 ATV and Trail Bike Operation on State Lands; Jericho Mountain State Park. Amend
2 RSA 215-A:43, VII(c) to read as follows:

3 (c) A person may operate an OHRV within Jericho Mountain state park which weighs up
4 to [~~1,200~~] **1,600** pounds and is no wider than [~~60~~] **65** inches *on specifically designated trails*
5 *within Jericho Mountain state park.*

6 184:2 Repeal. RSA 216-A:3-g, VII(c), relative to vehicle limitations in Jericho Mountain state
7 park, is repealed.

8 184:3 Effective Date. This act shall take effect upon its passage.

9 Approved: June 14, 2011

10 Effective Date: June 14, 2011

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: March 10, 2011

THE COMMITTEE ON Energy and Natural Resources

to which was referred Senate Bill 105

AN ACT excepting department of transportation property from
evaluation requirements for certain all terrain and trail
bike trails.

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

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 0787s

Senator Jeb E. Bradley
For the Committee

Richard Parsons 271-3076

New Hampshire General Court - Bill Status System

Docket of SB105

Docket Abbreviations

Bill Title: (New Title) exempting highway trail crossing from evaluation requirements for certain all terrain and trail bike trails.

Official Docket of SB105:

Date	Body	Description
1/19/2011	S	Introduced and Referred to Energy and Natural Resources, SJ 3 , Pg.36
2/17/2011	S	Hearing: 2/24/11, Room 102, LOB, 10:15 a.m.; SC12
3/10/2011	S	Committee Report: Ought to Pass with Amendment #2011-0787s, NT, 3/16/11; SC15
3/16/2011	S	Committee Amendment 0787s, NT, AA, VV; SJ 9 , Pg.116
3/16/2011	S	Ought to Pass with Amendment 0787s, NT, MA, VV; OT3rdg; SJ 9 , Pg.116
3/16/2011	S	Passed by Third Reading Resolution; SJ 9 , Pg.162
3/17/2011	H	Introduced and Referred to Resources, Recreation and Development; HJ 30 , PG.1036
3/22/2011	H	==CANCELLED== Public Hearing: 3/29/2011 1:00 PM LOB 305
3/23/2011	H	==RESCHEDULED== Public Hearing: 4/5/2011 1:00 PM LOB 305
4/26/2011	H	Executive Session: 5/3/2011 1:00 PM LOB 305
5/4/2011	H	Committee Report: Ought to Pass for May 18 (Vote 15-0; CC); HC 39 , PG.1322
5/18/2011	H	Ought to Pass: MA VV; HJ 44 , PG.1537
6/1/2011	H	Enrolled; HJ 48 , PG.1669
6/1/2011	S	Enrolled; SJ 20 , Pg.547
6/8/2011	S	Signed by the Governor on 06/08/2011; Effective 06/08/2011; Chapter 0154

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

SB0105 ORIGINAL REFERRAL _____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE 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

HEARING REPORT

_____ HANDOUTS FROM THE PUBLIC HEARING

PREPARED TESTIMONY AND OTHER SUBMISSIONS

SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # 0614s _____ - AMENDMENT # _____
 - AMENDMENT # 0787s _____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED _____ AS AMENDED BY THE HOUSE
 FINAL VERSION AS AMENDED BY THE SENATE

_____ 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

7/22/11



BY COMMITTEE AIDE