

CONSENT CALENDAR

February 14, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Resources, Recreation and Development to which was referred HB 1188,

AN ACT establishing a commission to study OHRV use in the state. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Suzanne Smith

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Resources, Recreation and Development
Bill Number:	HB 1188
Title:	establishing a commission to study OHRV use in the state.
Date:	February 14, 2022
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2022-0582h

STATEMENT OF INTENT

This bill will form a commission to study all things related to off highway recreational vehicles (OHRVs). Since 1989 when the first OHRV bill was introduced in the NH legislature, this activity has grown exponentially leading to conflicts between those who use trails, an increase in serious accidents, (most caused by inexperienced riders) and conflicts between landowners whose properties or homes abut trails or roads used for OHRVs. The amendment adjusted the membership to provide a better balance of membership. It now includes representation from OHRV associations, fish and game department, NH bureau of trails, landowners and abutters and public members as well as legislators. Its charge is to review all statutes related to OHRVs; work with various law enforcement agencies to provide consistency in enforcement; study the positive and negative effects of OHRV use on roads; effects of noise, dust and careless behavior of riders on abutters to trails and roads where OHRVs are used; and improve education and safety requirements for OHRV users. No one testified in opposition to this bill at the public hearing and the committee voted unanimously ought to pass as amended.

Vote 21-0.

Rep. Suzanne Smith
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Resources, Recreation and Development

HB 1188, establishing a commission to study OHRV use in the state. OUGHT TO PASS WITH AMENDMENT.

Rep. Suzanne Smith for Resources, Recreation and Development. This bill will form a commission to study all things related to off highway recreational vehicles (OHRVs). Since 1989 when the first OHRV bill was introduced in the NH legislature, this activity has grown exponentially leading to conflicts between those who use trails, an increase in serious accidents, (most caused by inexperienced riders) and conflicts between landowners whose properties or homes abut trails or roads used for OHRVs. The amendment adjusted the membership to provide a better balance of membership. It now includes representation from OHRV associations, fish and game department, NH bureau of trails, landowners and abutters and public members as well as legislators. Its charge is to review all statutes related to OHRVs; work with various law enforcement agencies to provide consistency in enforcement; study the positive and negative effects of OHRV use on roads; effects of noise, dust and careless behavior of riders on abutters to trails and roads where OHRVs are used; and improve education and safety requirements for OHRV users. No one testified in opposition to this bill at the public hearing and the committee voted unanimously ought to pass as amended. **Vote 21-0.**

Original: House Clerk

Cc: Committee Bill File

Amendment to HB 1188

1 Amend RSA 215-A:44-a, II as inserted by section 1 of the bill by replacing it with the following:

2

3 II. Membership and Compensation.

4 (a) The members of the commission shall be as follows:

5 (1) Four members of the house of representatives, appointed by the speaker of the
6 house of representatives:

7 (A) Two of whom shall be members of the house resources, recreation and
8 development committee, one of whom shall be from the majority party and one of whom shall be
9 from the minority party.

10 (B) One of whom shall be a member from the house transportation committee.

11 (C) One of whom shall be a member from Coos county.

12 (2) One member of the senate, appointed by the president of the senate.

13 (3) One representative of the fish and game department, appointed by the executive
14 director of the fish and game department.

15 (4) The chief supervisor of the bureau of trails of the department of natural and
16 cultural resources, or designee.

17 (5) One representative of municipal police departments, appointed by the New
18 Hampshire Association of Chiefs of Police.

19 (6) One representative of the department of transportation, appointed by the
20 commissioner.

21 (7) One representative of the New Hampshire state police, appointed by the director
22 of the state police.

23 (8) One representative of the New Hampshire Off Highway Vehicle Association,
24 appointed by the association.

25 (9) One representative of the New Hampshire Municipal Association, appointed by
26 the association.

27 (10) One member representing landowners, appointed jointly by the New Hampshire
28 Timberland Owners Association and New Hampshire Farm Bureau.

29 (11) One representative of the New Hampshire Auto Dealers Association, appointed
30 by the association.

Amendment to HB 1188

- Page 2 -

1 (12) One member representing the New Hampshire Society for the Protection of
2 Forests, the Appalachian Mountain Club, and the Nature Conservancy, appointed jointly by those
3 organizations.

4 (13) One representative of the New Hampshire Rail Trail Coalition, appointed by the
5 coalition.

6 (14) Two members of the public, one of whom shall be appointed by the New
7 Hampshire Association of Conservation Commissions, and one of whom shall be appointed by the
8 North Country Council.

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 1188

BILL TITLE: establishing a commission to study OHRV use in the state.

DATE: February 9, 2022

LOB ROOM: 305 - 307

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Suzanne Smith Seconded by Rep. Egan AM Vote: 21-0

Amendment # 2022-0582h

Moved by Rep. Suzanne Smith Seconded by Rep. Egan Vote: 21-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Juliet Harvey-Bolia, Clerk



2022 SESSION

Resources, Recreation and Development

Bill #: 1188 Motion: OTP AM #: 05824 ^{w/ Amend} Exec Session Date: 2-9-22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Renzullo, Andrew Chairman	✓		
Harb, Robert D. Vice Chairman	✓		
Hough, Gregg	✓		
Gould, Linda R.	✓		
Horgan, James F.	✓		
Creighton, Jim L.	✓		
Dodge, Dustin	✓		
Harvey-Bolia, Juliet Clerk	✓		
Healey, Robert V.	✓		
Mayville, Mary L.	✓		
Post, Lisa C.M.	✓		
Smith, Suzanne J.	✓		
Spang, Judith T. <i>Perez</i>	✓		
Grassie, Chuck W.	✓		
Gottling, Suzanne H.	✓		
Cohen, Bruce L.	✓		
Connors, Erika F.	✓		
Vail, Suzanne M.	✓		
Kelley, Eamon P.	✓		
Moran, Melbourne R. <i>Jack</i>	✓		
Egan, Timothy T.	✓		
	21	∅	



2022 SESSION

Resources, Recreation and Development

Bill #: 1188 Motion: 0582H DEP *Just amended* AM #: 0582M Exec Session Date: 2-9-22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Renzullo, Andrew Chairman	✓		
Harb, Robert D. Vice Chairman	✓		
Hough, Gregg	✓		
Gould, Linda R.	✓		
Horgan, James F.	✓		
Creighton, Jim L.	✓		
Dodge, Dustin	✓		
Harvey-Bolia, Juliet Clerk	✓		
Healey, Robert V.	✓		
Mayville, Mary L.	✓		
Post, Lisa C.M.	✓		
Smith, Suzanne J.	✓		
Spang, Judith T. <i>Perez</i>	✓		
Grassie, Chuck W.	✓		
Gottling, Suzanne H.	✓		
Cohen, Bruce L.	✓		
Connors, Erika F.	✓		
Vail, Suzanne M.	✓		
Kelley, Eamon P.	✓		
Moran, Melbourne R. <i>Jack</i>	✓		
Egan, Timothy T.	✓		

21 0

Amendment to HB 1188

1 Amend RSA 215-A:44-a, II as inserted by section 1 of the bill by replacing it with the following:

2

3 II. Membership and Compensation.

4 (a) The members of the commission shall be as follows:

5 (1) Four members of the house of representatives, appointed by the speaker of the
6 house of representatives:

7 (A) Two of whom shall be members of the house resources, recreation and
8 development committee, one of whom shall be from the majority party and one of whom shall be
9 from the minority party.

10 (B) One of whom shall be a member from the house transportation committee.

11 (C) One of whom shall be a member from Coos county.

12 (2) One member of the senate, appointed by the president of the senate.

13 (3) One representative of the fish and game department, appointed by the executive
14 director of the fish and game department.

15 (4) The chief supervisor of the bureau of trails of the department of natural and
16 cultural resources, or designee.

17 (5) One representative of municipal police departments, appointed by the New
18 Hampshire Association of Chiefs of Police.

19 (6) One representative of the department of transportation, appointed by the
20 commissioner.

21 (7) One representative of the New Hampshire state police, appointed by the director
22 of the state police.

23 (8) One representative of the New Hampshire Off Highway Vehicle Association,
24 appointed by the association.

25 (9) One representative of the New Hampshire Municipal Association, appointed by
26 the association.

27 (10) One member representing landowners, appointed jointly by the New Hampshire
28 Timberland Owners Association and New Hampshire Farm Bureau.

29 (11) One representative of the New Hampshire Auto Dealers Association, appointed
30 by the association.

Amendment to HB 1188

- Page 2 -

1 (12) One member representing the New Hampshire Society for the Protection of
2 Forests, the Appalachian Mountain Club, and the Nature Conservancy, appointed jointly by those
3 organizations.

4 (13) One representative of the New Hampshire Rail Trail Coalition, appointed by the
5 coalition.

6 (14) Two members of the public, one of whom shall be appointed by the New
7 Hampshire Association of Conservation Commissions, and one of whom shall be appointed by the
8 North Country Council.

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

PUBLIC HEARING ON HB 1188

BILL TITLE: establishing a commission to study OHRV use in the state.

DATE: February 2, 2022

LOB ROOM: 305 - 307 **Time Public Hearing Called to Order:** 2:30 p.m.

Time Adjourned: 3:05 p.m.

Committee Members: Reps. Renzullo, Harb, Harvey-Bolia, Hough, Gould, Horgan, Creighton, Dodge, Healey, Mayville, Post, Suzanne Smith, Grassie, Gottling, Cohen, Connors, Vail, E. Kelley and Egan

Bill Sponsors:

Rep. Suzanne Smith

Rep. Thompson

Rep. Egan

Rep. Weston

Rep. E. Kelley

Rep. Gould

Sen. Hennessey

Sen. Watters

TESTIMONY

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

Rep. Suzanne Smith introduced the bill stating that the need for this commission is well-documented.

Abby Evanco spoke in favor of the bill stating that noise and impact from OHRVs is a big issue.

Chris Gamache, NHOHVA spoke in favor of the bill.

Dan Bennet, NH Auto Dealers Association supports the bill with an amendment. His organization would like to participate in the Commission.

Matt Lahey, The Forest Society spoke in favor of the bill

Boyd Smith supports the bill but says that it is overly focused of the northern part of the state. He had other housekeeping suggestions.

Jasen Stock, NH Timberland Owners spoke in favor of the bill and stated that there is an increase in rail use since Covid-19 and that the bill is timely.

Kris Pasteriza spoke against ATVs and said they are damaging, polluting vehicles which are abusive to the environment.

Respectfully submitted,

Rep. Juliet Harvey-Bolia

Clerk

House Remote Testify

Resources, Recreation and Development Committee Testify List for Bill HB1188 on 2022-02-02

Support: 43 Oppose: 0 Neutral: 1 Total to Testify: 0

[Export to Excel](#)

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Watters, Senator David	Dover, NH david.watters@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/24/2022 10:39 AM
Hennessey, Erin	Senate District 1, NH peter.oneill@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/25/2022 10:39 AM
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Support	No	No	1/30/2022 10:01 AM
Dolkart, Vivian	Grantham, NH viviandolkart@comcast.net	A Member of the Public	Myself	Support	No	No	1/30/2022 2:48 PM
Dontonville, Anne	Enfield, NH Ardontonville@gmail.com	A Member of the Public	Myself	Support	No	No	1/30/2022 3:02 PM
Tucker, Katherine	Wilmot, NH katherine.s.tucker@valley.net	A Member of the Public	Myself	Support	No	No	1/30/2022 3:44 PM
Dontonville, Roger	Enfield, NH rdontonville@gmail.com	An Elected Official	Myself	Support	No	No	1/30/2022 3:50 PM
Cranage, Amy	Grantham, NH cranhan@comcast.net	A Member of the Public	Myself	Support	No	No	1/30/2022 4:31 PM
Hegfield, Laura	Amherst, NH laurahegfield@comcast.net	A Member of the Public	Myself	Support	No	No	1/30/2022 4:50 PM
Shamel, Susan	Hillsborough, NH Susanshamel@gmail.com	A Member of the Public	Myself	Support	No	No	1/30/2022 8:12 PM
Robinson, Ellis	Grantham, NH ellismmrobinson@gmail.com	A Member of the Public	Myself	Support	No	No	1/30/2022 8:16 PM
Glass, Jonathan	Cornish, NH jglass1063@gmail.com	A Member of the Public	Myself	Support	No	No	1/30/2022 10:25 PM
Crandell-Glass, Jane	Cornish, NH bostonjane@me.com	A Member of the Public	Myself	Support	No	No	1/30/2022 10:31 PM

Boyle, Mary	Cornish, NH mary.n.boyle@gmail.com	A Member of the Public	Myself	Support	No	No	1/30/2022 11:12 PM
Chappelle, Maura	Jefferson, NH MauraChappelle@gmail.com	A Member of the Public	Myself	Neutral	No	No	1/31/2022 12:18 AM
Ford Burley, Nicole	Lebanon, NH nicole.ford.burley@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2022 9:12 AM
Stevens, Deb	Nashua, NH debstevens4ward7@gmail.com	An Elected Official	My 10K constituents	Support	No	No	1/31/2022 9:12 AM
DePuy, Charles	Lebanon, NH c.depuy@yahoo.com	A Member of the Public	Myself	Support	No	No	1/31/2022 9:44 AM
Stockus, Peter	Washington, DC pstockus@ama-cycle.org	A Lobbyist	American Motorcyclist Association	Support	No	No	1/31/2022 11:30 AM
Pimentel, Rod	Henniker, NH Rod.pimentel@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/31/2022 11:32 AM
Oxenham, Lee	Plainfield, NH leeoxenham@comcast.net	An Elected Official	Myself	Support	No	No	1/31/2022 12:09 PM
Bouchard, Donald	MANCHESTER, NH donaldjbouchard@gmail.com	An Elected Official	Myself	Support	No	No	1/31/2022 12:45 PM
Higgins, Patricia	HANOVER, NH phiggins47@gmail.com	A Member of the Public	Myself	Support	No	No	1/31/2022 1:06 PM
Hamer, Heidi	Manchester, NH heidi.hamer@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/31/2022 2:16 PM
Peterson, Susan	Newton, NH susanrp@aol.com	A Member of the Public	Myself	Support	No	No	1/31/2022 5:05 PM
Duncan, Stan	Newton, NH standuncan@post.harvard.edu	A Member of the Public	Myself	Support	No	No	1/31/2022 5:42 PM
Almy, Susan	Lebanon, NH Susan.almy@comcast.net	An Elected Official	Myself	Support	No	No	1/31/2022 6:18 PM
wazir, Safiya	Concord, NH Swazir@leg.state.nh.us	An Elected Official	Myself and my Constituents	Support	No	No	1/31/2022 9:51 PM
Wells, Ken	Andover, NH kenwells3@gmail.com	A Member of the Public	Myself	Support	No	No	2/1/2022 8:29 AM
Smith, Nancy	Enfield, NH nancysmith8@me.com	A Member of the Public	Myself	Support	No	No	2/1/2022 9:12 AM
Dolkart, Kenneth	Grantham, NH kenneth.dolkart@gmail.com	A Member of the Public	Myself	Support	No	No	2/1/2022 9:14 AM

Doherty, David	Pembroke, NH ddoherty0845@gmail.com	A Member of the Public	Myself	Support	No	No	2/1/2022 9:26 AM
bory, lee	nashua, NH leebory@juno.com	A Member of the Public	Myself	Support	No	No	2/1/2022 11:38 AM
Hunnewell, Anne	Holderness, NH ahunne@roadrunner.com	A Member of the Public	Myself	Support	No	No	2/1/2022 12:29 PM
Hunnewell, Richard	Holderness, NH hunnewell.richard@gmail.com	A Member of the Public	Myself	Support	No	No	2/1/2022 12:29 PM
Bradshaw, Cam	Berlin, NH cambradshaw58@gmail.com	A Member of the Public	Myself	Support	No	No	2/1/2022 5:00 PM
Dutzy, Sherry	Nashua, NH sherry.dutzy@leg.state.nh.us	An Elected Official	Myself	Support	No	No	2/1/2022 7:40 PM
Kuemmerle, Nancy	Enfield, NH nkuemmerle@une.edu	A Member of the Public	Myself	Support	No	No	2/1/2022 7:56 PM
Hamblet, Joan	Portsmouth, NH jhamblet4@gmail.com	A Member of the Public	Myself	Support	No	No	2/1/2022 9:13 PM
Gilman, Julie	Exeter, NH Jgilman@exeternh.gov	An Elected Official	Town of Exeter	Support	No	No	2/2/2022 4:31 AM
Campbell, Karen	Epsom, NH klynncampbell50@gmail.com	A Member of the Public	Myself	Support	No	No	2/2/2022 8:34 AM
Frayse, Mike	Epsom, NH klynncampbell50@gmail.com	A Member of the Public	Myself	Support	No	No	2/2/2022 8:36 AM
Johnson, II, Robert	Concord, NH robj@nhfarmbureau.org	A Lobbyist	NH Farm Bureau Federation	Support	No	No	2/2/2022 11:46 AM
Stewart, Will	Manchester, NH will@stayworkplay.org	A Lobbyist	Stay Work Play NH	Support	No	No	2/2/2022 3:32 PM

(a) Membership of the commission shall be as follows:

- (1) Four members of the house of representatives; two of whom shall be members of the house resources, recreation and development committee, one from the majority party and one from the minority party; one of whom shall be a member from the house transportation committee; and one of whom shall be a member from Coos county; appointed by the speaker of the house of representatives.
- 2) One member of the senate, appointed by the president of the senate.
- (3) One representative of the fish and game department, appointed by the executive director of the fish and game department.
- (4) The chief supervisor of the bureau of trails of the department of natural and cultural resources, or designee.
- ~~(5) The director of the division of parks and recreation of the department of natural and cultural resources, or designee.~~
- (6) One representative of the department of transportation, appointed by the commissioner.
- (7) One representative of the New Hampshire state police, appointed by the director of the state police
- (8) One representative of municipal police departments appointed by the Police Chiefs.
- (9) One representative of the New Hampshire Off Highway Vehicle Association, appointed by that organization.
- (10) One representative of the New Hampshire Municipal Association, appointed by the organization.
- (11) One representative of the Timberland Owners Association, appointed by that organization.
- (12) One representative of the NH Auto Dealers Association appointed by that organization.
- (13) One representative of the NH Society for Protection of Forests, the Appalachian Mountain Club or the Nature Conservancy appointed by those organizations.
- (14) One representative of the NH Rail Trail Coalition
- (15) Two members of the public, one of whom shall be appointed by the New Hampshire Association of Conservation Commissions, and one whom shall be appointed by the North Country Council.

NH FISH AND GAME reports on Facebook - September 2021 crash reports

Multiple People Injured in ATV Rollovers in Berlin and Gorham

Berlin/Gorham-- On **Saturday September 11, 2021**, NH Fish and Game responded to three separate ATV and UTV rollovers in the course of three hours. Two crashes occurred in Jericho State Park in Berlin and the final one occurred on the Presidential Rail Trail in Gorham.

The first incident occurred at approximately 11:30 on Brook Road in Jericho State Park. Michael Ryan, 31 of Gloucester, MA was operating his rental ATV on Brook Road, 2nd in a group of three rental machines. He came around a downhill corner on Brook Road and hit his brakes, causing him to lose control of his machine, which rolled over and pinned him against the ground.

After a 911 call was placed, an emergency response was initiated by Berlin Fire and EMS and NH Fish and Game Conservation Officers. Upon evaluating his injuries, first responders determined that Ryan needed more urgent immediate care, and so a call to the Dartmouth-Hitchcock Advanced Response Team (DHART) helicopter was placed and they responded to pick up Ryan at Androscoggin Valley Hospital after he was transported there by Berlin Ambulance. He was later transported by DHART helicopter to Dartmouth-Hitchcock Medical Center in Lebanon with serious injuries.

After interview of the riding party and Ryan himself, unreasonable speed and inexperience are considered the primary factors in the crash. Ryan admitted to officers that he had been operating too quickly before he crashed.

The second crash that Fish and Game responded to occurred around 2:00 PM on Moose Road in Jericho State Park. Nicole Levesque, 36, of Milton, NH was following another ATV on Moose Road. According to witnesses and evidence at the scene, Levesque got the wheels of her ATV caught in a rut in the trails which caused her to get pushed into a ditch where the machine rolled over onto her causing a severe injury. Another ATV operator from a different party found Levesque and called 911.

An emergency response consisting of Berlin Fire and EMS and a Conservation Officer was initiated. After evaluation of Levesque's injuries, it was determined that once again, they would need to get her to more immediate urgent care, so responders requested that the DHART helicopter respond. Levesque was transported from the scene to Androscoggin Valley Hospital by Berlin Ambulance, where she was picked up by the DHART helicopter for transport to Dartmouth Hitchcock Medical Center.

Investigators consider operator inexperience to be the primary cause of this crash.

Upon clearing the previous crash scene, the Conservation Officer was immediately notified of another ATV rollover, this time on the Presidential Rail Trail in Gorham.

Gorham Fire and Rescue and the Conservation Officer rushed to the scene to assist the patient, identified as Henry Sanschagrin, 74, of Gorham, NH.

It was determined that Sanschagrin was operating his UTV on the rail trail and decided to pull off the side of the trail to let another ATV pass. While doing this he accidentally pulled too far to the right which caused his UTV to roll over down an embankment.

Oncoming ATVs stopped to assist Sanschagrín and his wife, who was in the passenger seat, and called 911. Sanschagrín and his wife were transported to Androscoggin Valley Hospital for evaluation for any injuries by Gorham Fire and Rescue.

The final crash of the day occurred on Farr Road in Pittsburg when an ATV operator identified as Karen Lane, 59, of Jaffrey, NH rolled her ATV over, reportedly to prevent hitting a gate. Due to the fact that there were three other ATV crashes, plus a SAR rescue mission going on and only 3 Conservation Officers on duty in Coos County, they did not respond to this crash. Pittsburg PD assisted by covering this crash. Lane was transported to Upper Connecticut Valley Hospital in Colebrook, where DHART was called to transport the patient. Speed and inattention are the contributing factors in this crash.

Investigators do not consider alcohol or drug intoxication a factor in any of these crashes. NH Fish and Game would like to remind operators to always operate within their limits and obey all posted speed limits and slow down while enjoying New Hampshire's numerous ATV trails.

UTV Crash with Injury in Berlin

Berlin – On the afternoon of Friday, September 10, 2021, a New York man sustained significant injuries after rolling over his rented UTV in a sand pit beside Brook Road in Jericho Mountain State Park.

It was determined that at approximately 2:45 PM, Joseph Egenberger, 43, of Rocky Point, NY lost control after accelerating into a right turn within a sand pit. As Egenberger attempted to navigate a sloped section of the turn, the UTV rolled onto its side. Egenberger sustained injuries in the rollover crash and a 911 call was immediately placed from the scene to request medical assistance.

A response from Berlin Fire Department, Berlin EMS and Conservation Officers began. Berlin Fire Department and EMS personnel responded into the scene utilizing their UTV and ATV. Egenberger was assessed and subsequently transported from the crash scene via UTV to an awaiting Berlin EMS Ambulance. He was then transported to Androscoggin Valley Hospital for further evaluation and treatment of his injuries. Concluding an investigation of the crash, Conservation Officers believe the primary factor of the crash to have been excessive acceleration. Egenberger was ultimately issued a summons for operating an OHRV to endanger.

N.H. Lawmakers Looking At OHRV Legislation For 2022

- rblechl@caledonian-record.com Staff Writer
- 19 hrs ago
-



A local lawmaker has joined with other state representatives to propose legislation for 2022 that seeks to make safe roads that are shared by motorists and riders of Off-Highway Recreational Vehicles. (Photo courtesy of Ride The Wilds)

Following a meeting of state officials this week regarding Off-Highway Recreational Vehicles and their use on some state and town roads, legislation is being looked at for 2022 in an effort to keep those on-shared roads safe and hold OHRV riders accountable for violations.

On Tuesday in Plymouth, State Rep. Dennis Thompson, R-Stewartstown, met with state Reps. Timothy Egan, D-Sugar Hill; Suzanne Smith, D-Hebron; Joyce Weston, D-Plymouth; Eamon Kelley, D-Berlin; and officials from New Hampshire State Police, the state Department of Transportation, New Hampshire Department of Cultural and Natural Resources, New Hampshire Trails Bureau, Colebrook Police Chief Paul Rella, and Buddy Dionne, president of the New Hampshire OHRV Association.

On Thursday, Thompson said it was a unique meeting in that those present had not before been in the same room to discuss the OHRV issue and the ongoing concerns about the machines on roads.

One of the challenges has been that each state department has had its own regulations in regard to OHRV rules and enforcement and they're not all synchronized.

"The towns have a part in that as well," he said. "Some of the interpretation is you're not supposed to ride in the dark on the trails because that's against trail rules. If you're riding after dark on a town road that isn't closed by the town to night riding, then the police have a hard time giving you a ticket if you're not speeding or doing something else wrong, because technically the roads are not a trail. As far as state police is concerned, they have had a hard time deciphering

who they should ticket and who they shouldn't, so they've basically stepped out of it unless there's a complaint that they need to follow up on."

The Coos County Sheriff's Department has two OHRVs it uses for trail patrol and also patrols with cruisers for road violations.

"What we've decided is we need to put together some legislation that will make these laws more homogeneous so that they're easier to understand," said Thompson. "We're also going to look into possibly increasing some of the fines, mostly around the road traffic with the ATVs. We're also going to look at making it so if they get a violation on the road, it would go on their driver's license. It does not currently do that on the trails. I'm not sure it's necessary on the trails, but I think it certainly is when they're traveling on the roads."

Another idea is to have riding clubs put up proper signage to show riders where they can't go.

One proposal is to put a sign at each road crossing in both directions that states that any rider from this point on along the road is subject to New Hampshire's traffic laws and not the trail rules.

"So if they're speeding on the road, they would get a ticket like anybody else would," said Thompson. "That will help state police and local police understand the parameters of their authority."

Another sign would be prohibit night riding on roads, which Thompson said has become a big problem in some areas.

Riding on trails officially ends a half hour after sunset.

The goal is to put together legislation that would not be so restrictive that it wouldn't pass the New Hampshire House of Representatives, he said.

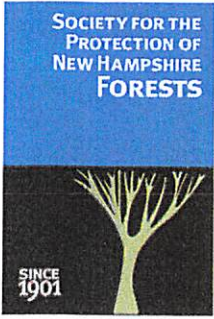
"We're going to try to draft the legislation so it's not offensive to any of these groups and hopefully we're making OHRVing and driving on roads safer for everyone," said Thompson. "That is the ultimate goal, to make it safer for everyone ... I think we all understand each other now and understand the common problems that each entity who was at the table has with this. It gives us a very good basis to do some legislation that might help the problem. When you propose new rules for a sport or activity, everyone thinks it's because you're negative about it and you're against it. That could not be farther from the truth. I'm not against four-wheeling. What I am against is the annoyance that it can create for the local residents that are here year round, not just here for three or four weeks. I think they deserve the same consideration as the four-wheelers do."

A plan for legislation is to see if creating a new RSA can be avoided and instead amend an existing law, such as RSA 215, which Thompson said spells out the do's and don'ts of OHRV riding, but isn't specific enough on certain points.

“That is one of the things we have to work with,” he said.

Dionne was reached on Friday for comment about the planned legislation and his views on it as New Hampshire OHRV Association president.

“I have no comment at this time,” he said



February 2, 2022

54 Portsmouth Street
Concord, NH 03301
Tel. 603.224.9945
Fax 603.228.0423
info@forestsociety.org
www.forestsociety.org

The Honorable Andrew Renzullo, Chairman
Committee on Resources, Recreation and Development
New Hampshire House of Representatives
Legislative Office Building, Room 305
Concord, NH 03301

Dear Mr. Chairman and Members of the Committee:

Thank you for this opportunity to submit testimony in support of House Bill 1188, legislation establishing a commission to study OHRV use in the state.

The Forest Society does not host ATV trails on land that we own, due to the damage they can cause to the soils and root systems that enable tree growth as well as to the network of hiking trails on our properties. However, we also recognize the increased use of OHRVs are viewed as an important part of the State's tourism economy, especially in the North Country.

This growth has raised concerns among other groups regarding the effect the increased use is having on landowners living near popular trails in addition to those to natural resources. Unfortunately, the disagreements between users and non-users over those issues is not serving either side well. Given these on-going conflicts, we believe now is the time for the State to initiate an overarching review of the OHRV system. The passage of this legislation will accomplish that step.

In our view, it is possible to find common ground among all of those with a stake in this discussion, including OHRV enthusiasts, landowners, communities impacted by OHRV activity, other non-motorized recreationists who use trails, and communities and businesses seeking the economic reward of hosting OHRV trails.

Reaching this common ground will require good planning, ongoing effective communication among a wide variety of interested stakeholders, effective education of OHRV riders, a process for resolving specific conflicts when they arise, and visible law enforcement. We support HB 1188 because it will establish the framework that we believe will lead to those outcomes.

Thank you again for this opportunity to express our support. Please let me know if you have any questions.

Sincerely,

Matt Leahy, Public Policy Director
Society for the Protection of New Hampshire Forests



New Hampshire Off Highway Vehicle Association

TESTIMONY IN SUPPORT OF HB 1188

FEBRUARY 2, 2022

To Chairman Renzullo and Members of the Resources, Recreation and Development Committee,

The New Hampshire Off Highway Vehicle Association represents 28 OHRV clubs in the state. It's Officers and Directors are volunteers from each OHRV Club representing the interests of riders and operators of all types of off highway vehicles such as ATVs, Trail Bikes, Side by Sides, UTVs, 4x4 Trucks – Jeeps and even Railroad Cars. We are here today in support of HB 1188 which would establish a commission to study OHRV use in the state.

We would like to thank Representative Suzanne Smith for introducing this bill which came out of work sessions on HB 446 last year and to continue and expand upon the work done by the HB 1182 study commission. As we have seen with other bills introduced, many of these OHRV matters are very complicated and deserve to be fully vetted. We believe this study commission can do that.

While we appreciated the work of the HB 1182 study commission, we believe this is a more targeted approach which will look specifically at OHRV use only. A majority of state trails are on private land and it is important we continually are examining the current structure to ensure the OHRV tourism industry can continue to thrive in the future. We also appreciate the commission taking place over 4 years to help ensure this discussion continues and can evolve with the industry.

We urge the committee to vote this bill Ought to Pass. If this passes, we look forward to serving on the study commission and continuing to make certain OHRV tourism is able to continue to grow in a way that best allows for long term sustainability for all interests in the state.

Thank You,
Buddy Dionne
NHOHVA President

Heather Goley

From: bsmith@nhwwa.org
Sent: Tuesday, February 1, 2022 3:30 PM
To: ~House Resources Recreation and Development
Subject: HB188 - Support with Amendments

February 1, 2022

Dear Chairman Renzullo and Committee members. I am voicing my qualified support of HB1188, with amendments:

As currently written, HB1188 is overly focused on OHRVs and the northern part of the State. Given the many hundreds of miles of Class VI roads and State-owned abandoned rail corridors throughout New Hampshire, and their hundreds of thousands of non-motorized recreational users, the Commission's scope should be expanded. In addition, there is an opportunity to include pending results of an NHDOT RailTrail Strategic Plan, as well as the Best Management Practices being developed under HB311. In short, HB1188 provides an opportunity to contribute to the effective long-term planning required to balance multiple competing needs and uses of State public rights of way for the benefit of our State.

Recommended amendments to HB188 include the following:

- Section II(a)(1) (lines 9 – 12) identifies four members of the House but this section lists five.
- Positions 7 and 8 (lines 22 – 24) appear to duplicate authority. Suggest either a statewide Sherriff or State Police representative.
- Members of the public (Section II(a)(11)) should represent the entire State, not solely the North Country.
- Representatives for non-motorized use should be included as members of the Commission (e.g. NH Rail Trails Coalition, NH Bike-Walk Alliance)
- Representatives for motorized, winter-time use should be included as members of the Commission (e.g. Snowmobile Association).
- Section III Duties (pg. 2, lines 11-12) should be expanded to include positive and adverse effects on public rights-of-way such as rail trails, and the overall compatibility of OHRV with other uses. OHRV and other trail use monitoring and enforcement by State agencies charged with public trail management and stewardship (e.g. NHDOT, Bureau of Trails, Parks and Recreation, Department of Cultural and Natural Resources, etc.) should also be assessed.
- Section IV quorum should be a simple majority of the full Commission.

I apologize for the lack of time to speak with the Bill sponsors in advance to learn more about the purpose and expected results of this legislation. I recommend HB1188 be designed as a comprehensive State-wide examination of how public roads and rights-of-way can be shared by the various user communities.

Thank you for your consideration,

Boyd Smith
Concord, NH

January 29, 2022

Dear Senators and Representatives,

Thank you for proposing a commission to look at the current OHRV statutes, noise, dust and impact of OHRVs on abutters. The problems have only deepened since the legislature first investigated in 2001: ATV Study Committee Scope

It is clear that you want to start to fix some of the many problems caused by inadequately vetted OHRV trails. In order to do this, you must ensure that this commission is populated by all of the vital stakeholders who were left out of the creation of the problem - cross town/county interconnecting OHRV trail systems - not merely bringing back together the ones who created it.

Please designate seats on this commission for abutting residents on class 4,5 & 6 roads. They are the stakeholders who have lost the most when their roads were opened as OHRV trails without notice - a drastic change in use. These homeowners, who despite the 1000s of dollars they pay yearly in taxes, have no state office representing them.

Because this commission will be looking at dust and noise - please designate a seat to a physician or public health expert from the Department of Health and Human Services who can speak to the very real health impacts of dust and noise on abutting residents *and* fellow trail users.

Please appoint seats for an independent forest ecologist and climate scientist. The 2001 ATV Study Committee concluded :*"Environmental concerns and potential degradation of an area must always be the paramount consideration."* pg 2.

Please designate seats for representatives from trail groups such as the NH Rail Trails Coalition, and the Bike Walk Alliance, who speak for some of the larger and more diverse groups of trail users displaced by OHRVs. They were not at the table when these interconnected OHRV trail systems were launched. In contrast, NHOVA helped create this problem.

Please appoint a seat for an independent economist to offer an unbiased economic analysis of OHRV tourism. The Androscoggin Vally Chamber of Commerce can not speak to the residents, visitors and business driven away by OHRV noise and dust. It would be more appropriate to invite them for testimony rather than have a seat on the commission.

Please designate a seat to the Office of Strategic Initiatives - they are tasked with planning, land use and land protection etc. Giving 2 seats to the Department of Natural and Cultural Resources is like inviting the foxes to guard the hen house. The Bureau of Trails created and exacerbated the very problems this commission is tasked with studying. BOT systemically weakened and ignored the statutes that came out of the original 2001 ATV Study Committee Conclusions and Recommendations. BOT should be invited to give testimony, not sit on the commission.

Given the Department of Natural and Cultural Resources's flagrant violation of the statutes written to guide OHRV trail placement - as evidenced by OHRV use of both the Presidential Rail Trail in Gorham and trails through Nash Stream State Forest - why does DNCR have any seats on this commission? DNCR's built-in bias is clear; OHRV registrations pay Bureau of Trails salaries. They have had years to fix the problems their misplaced OHRV trails have created, but instead,

the office of the Attorney General is using \$100,000s of tax-payer money to defend BOT's 'right' to not obey the statutes this commission will be studying. <http://indepthnh.org/2021/12/15/attorney-suggests-findings-of-facts-in-ohrv-suit-in-gorham/>

Likewise, how can Director Mason designate a member to this commission when he too is not honoring the existing statutes? Every year since 2013 the F&G OHRV annual report discloses that inadequate number of Conservation officers "has negatively impacted our ability to meet constituent demands for adequate enforcement patrol coverage and constituent complaints." Yet despite these repeated admissions F&G has not withdrawn from a single MOU in which it promised sufficient enforcement: 215-A:42 *No ATV or trail bike trail shall be established after the effective date of this paragraph or subsequently maintained on state-owned property unless all of the following conditions are met: (b) A memorandum of understanding (memorandum) exists between the bureau, the fish and game department,.....The fish and game department shall enter into the memorandum only if it can commit sufficient resources to reasonably monitor for proper ATV or trail bike use on the property and enforce the applicable laws.* Again - the statute is clear, but not being followed.

While the Coos Sheriff's Department provides much appreciated and necessary law enforcement (what other recreation does the state promote that requires such heavy law enforcement involvement from 5 departments?) can they be neutral when OHRV fine reimbursements provides over \$70,000 in revenue to their department?

Again from the 2001 Study Committee Conclusions: *"A number of citizens appeared and testified before the committee. They have had their full of: "I don't have the personnel - I don't have the funding - It's not my responsibility." These responses are unacceptable."* pg.2

Is another study commission really necessary? What will it take to honor the original plans and enforce existing statutes?

Thank you for your consideration.

-Abby Evankow
Gorham Planning Board,
Gorham Budget Committee
NH Rail Trails Coalition, Secretary
466-3037

HB 1188 - AS INTRODUCED

2022 SESSION

22-2015
12/08

HOUSE BILL **1188**

AN ACT establishing a commission to study OHRV use in the state.

SPONSORS: Rep. Suzanne Smith, Graf. 8; Rep. Thompson, Coos 1; Rep. Egan, Graf. 2; Rep. Weston, Graf. 8; Rep. E. Kelley, Coos 3; Rep. Gould, Hills. 7; Sen. Hennessey, Dist 1; Sen. Watters, Dist 4

commission: Resources, Recreation and Development

ANALYSIS

This bill establishes a commission to study OHRV use in the state and requires the commission to submit annual reports and proposed legislation.

.....

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 Twenty Two

AN ACT establishing a commission to study OHRV use in the state.

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

1 1 New Subdivision; OHRV Commission. Amend RSA 215-A by inserting after section 44 the
2 following new subdivision:

3 OHRV Commission

4 215-A:44-a OHRV Commission.

5 I. Commission Established. There is established a commission to study the use of OHRVs in
6 New Hampshire.

7 II. Membership and Compensation.

8 (a) The members of the commission shall be as follows:

9 (1) Four members of the house of representatives; 2 of whom shall be members of the
10 house resources, recreation and development committee, one of whom shall be from the minority
11 party; one of whom shall be a member from the house transportation committee; and one of whom
12 shall be a member from Coos county; appointed by the speaker of the house of representatives.

13 (2) One member of the senate, appointed by the president of the senate.

14 (3) One representative of the fish and game department, appointed by the executive
15 director of the fish and game department.

16 (4) The chief supervisor of the bureau of trails of the department of natural and
17 cultural resources, or designee.

18 (5) The director of the division of parks and recreation of the department of natural
19 and cultural resources, or designee.

20 (6) One representative of the department of transportation, appointed by the
21 commissioner.

22 (7) The Coos county sheriff, or designee.

23 (8) One representative of the New Hampshire state police, appointed by the director
24 of the state police.

25 (9) One representative of the New Hampshire Off Highway Vehicle Association,
26 appointed by the association.

27 (10) One representative of the New Hampshire Municipal Association, appointed by
28 the association.

29 (11) Three members of the public, one of whom shall be appointed by the New
30 Hampshire Association of Conservation Commissions, one of whom shall be appointed by the North

1 Country Council, and one of whom shall be appointed by the Androscoggin Valley Chamber of
2 Commerce.

3 (b) Legislative members of the commission shall receive mileage at the legislative rate
4 when attending to the duties of the commission.

5 III. Duties. The commission shall study:

6 (a) Current statutes related to OHRVs, including but not limited to RSA 215-A and
7 RSA 259:108.

8 (b) How the fish and game department, the state police, county sheriffs, and
9 municipal police work together to provide consistency in enforcement of current laws related to
10 OHRVs.

11 (c) Positive and adverse effects of OHRV use on state and town roads, including class
12 5 and class 6 roads.

13 (d) The effects of noise, dust, and careless or reckless behavior of riders on abutters
14 to trails and roads where OHRVs are used.

15 (e) Education and safety requirements for OHRV riders.

16 (f) Positive and adverse effects of OHRV activity upon the state's economy.

17 (g) The impacts of requiring all rental agents to install speed regulating governors
18 on any OHRV provided to members of the general public for temporary use.

19 (h) All other issues related to OHRVs which come before the committee..

20 IV. Chairperson; Quorum. The members of the study commission shall elect a chairperson
21 from among the members. The first meeting of the commission shall be called by the first-named
22 house member. The first meeting of the commission shall be held within 45 days of the effective date
23 of this section. Six members of the commission shall constitute a quorum.

24 V. Report. The commission shall report its findings and recommend proposed legislation to
25 the speaker of the house of representatives, the president of the senate, the house clerk, the senate
26 clerk, the governor, and the state library on or before November 1 of each year.

27 2 Repeal. RSA 215-A:44-a, relative to the OHRV commission, is repealed.

28 3 Effective Date.

29 I. Section 2 of this act shall take effect November 1, 2026.

30 II. The remainder of this act shall take effect upon its passage.