

LEGISLATIVE COMMITTEE MINUTES

HB1109

Bill as Introduced

HB 1109 - AS AMENDED BY THE HOUSE

10Mar2022... 0775h

2022 SESSION

22-2594
04/08

HOUSE BILL **1109**

AN ACT relative to approval for off highway recreational vehicles use on class IV, class V, and class VI roads.

SPONSORS: Rep. Renzullo, Hills. 37; Rep. Gould, Hills. 7; Rep. Gottling, Sull. 2

COMMITTEE: Resources, Recreation and Development

AMENDED ANALYSIS

This bill changes the approval procedure for OHRV use of class IV, class V, and class VI roads.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to approval for off highway recreational vehicles use on class IV, class V, and class VI roads.

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

1 1 Operation of All OHRVs; OHRV Operation on Sidewalks, Class IV, Class V, and Class VI
2 Roads. Amend RSA 215-A:6, IX to read as follows:

3 IX.(a) Pursuant to RSA 215-A:15, and following a duly noticed public hearing advertised at
4 least 14 days in advance in a public location in the city or town and notification to abutters by
5 verified mail pursuant to RSA 21:53, city or town councils and boards of selectmen may authorize
6 the use of sidewalks [~~and class IV, class V or class VI highways and bridges, or portions thereof,~~] for
7 use by OHRVs. The operation of OHRVs may also be allowed on sidewalks adjacent to class I, II, III,
8 or III-a highways pursuant to RSA 236:56, II(e). [~~Operators of OHRVs using said roads, or portions~~
9 ~~thereof, shall keep to the extreme right and shall yield to all conventional motor vehicle traffic.] The~~
10 bureau, or its designee, shall so post such highways where authorized. Following a duly noticed
11 public hearing, except in the case of an emergency closure, such city or town authorities may change
12 the allowable usage of [~~a class IV, class V, or class VI highway]~~ **sidewalks** by OHRVs by giving
13 notification to the supervisor of the bureau and removing any signs that no longer apply. The
14 petitioner shall bear the expense of verified mail notification to abutters of property for which OHRV
15 use is sought under this paragraph.

16 (b) *By a majority vote of the legislative body of a city or town at any legal*
17 *meeting after notice and hearing, and following notification to abutters by verified mail*
18 *pursuant to RSA 21:53, a city or town may authorize the use of class IV, class V, and class*
19 *VI highways for use by OHRVs. Operators of OHRVs using said roads, or portions thereof,*
20 *shall keep to the extreme right and shall yield to all conventional motor vehicle traffic.*
21 *The bureau, or its designee, shall so post such highways where authorized. Except in the*
22 *case of an emergency closure, by a vote of the legislative body of a city or town at any legal*
23 *meeting after notice and hearing, and following notification to abutters by verified mail*
24 *pursuant to RSA 21:53, such city or town may rescind a previous authorization and may*
25 *change the allowable usage of a class IV, class V, or class VI highway by OHRVs by giving*
26 *notification to the supervisor of the bureau and removing any signs that no longer apply.*
27 *The petitioner shall bear the expense of verified mail notification to abutters of property*
28 *for which OHRV use is sought under this paragraph.*

29 2 Off Highway Recreational Vehicles and Trails; Regulations of Political Subdivision. Amend
30 RSA 215-A:15, I to read as follows:

HB 1109 - AS AMENDED BY THE HOUSE

- Page 2 -

1 I. With bylaws or ordinances city or town councils and boards of selectmen, *or the*
2 *legislative body as provided in RSA 215-A:6, IX(b)*, may regulate the operation of OHRVs within
3 city or town limits, providing they do not conflict with provisions of this chapter.

4 3 Effective Date. This act shall take effect 60 days after its passage.

HB 1109 - AS AMENDED BY THE SENATE

10Mar2022... 0775h
04/28/2022 1829s

2022 SESSION

22-2594
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HOUSE BILL **1109**

AN ACT relative to the authority of a city or town to limit the use or operation of an OHRV on certain ways.

SPONSORS: Rep. Renzullo, Hills. 37; Rep. Gould, Hills. 7; Rep. Gottling, Sull. 2

COMMITTEE: Resources, Recreation and Development

AMENDED ANALYSIS

This bill provides that a city or town may limit the use or operation of an OHRV on certain ways.

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9 thereof, shall keep to the extreme right and shall yield to all conventional motor vehicle traffic. The
10 bureau, or its designee, shall so post such highways where authorized. ***If an abutter can show***
11 ***damage or deterioration to such a road that limits their ability to access their property***
12 ***resulting from recreational use, the governing body of the city or town may adopt***
13 ***regulations to close or limit the operation or use of a way in order to mitigate damage or***
14 ***deterioration.*** Following a duly noticed public hearing, except in the case of an emergency closure,
15 such city or town authorities may change the allowable usage of a class IV, class V, or class VI
16 highway by OHRVs by giving notification to the supervisor of the bureau and removing any signs
17 that no longer apply. The petitioner shall bear the expense of verified mail notification to abutters of
18 property for which OHRV use is sought under this paragraph.

19 2 Effective Date. This act shall take effect 60 days after its passage.

CHAPTER 294
HB 1109 - FINAL VERSION

10Mar2022... 0775h
04/28/2022 1829s
26May2022... 2027CofC

2022 SESSION

22-2594
04/08

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10Mar2022... 0775h
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26May2022... 2027CofC

22-2594
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13 supervisor of the bureau and removing any signs that no longer apply. The petitioner shall bear the
14 expense of verified mail notification to abutters of property for which OHRV use is sought under this
15 paragraph.

16 (b) *If an abutter can show damage or deterioration to such a road that limits*
17 *their ability to access their property resulting from recreational use, the governing body of*
18 *the city or town may adopt regulations to close or limit the operation or use of a way in*
19 *order to mitigate damage or deterioration.*

294:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 01, 2022
Effective Date: August 30, 2022

Amendments

Amendment to HB 1109

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

2

3 AN ACT relative to the authority of a city or town to limit the use or operation of an OHRV on
4 certain ways.

5

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

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17 bureau, or its designee, shall so post such highways where authorized. *If an abutter can show*
18 *damage or deterioration to his or her property resulting from OHRV operation, the*
19 *governing body of the city or town may adopt regulations to close or limit the operation or*
20 *use of a way in order to mitigate damage or deterioration to an abutter's property.*
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22 authorities may change the allowable usage of a class IV, class V, or class VI highway by OHRVs by
23 giving notification to the supervisor of the bureau and removing any signs that no longer apply. The
24 petitioner shall bear the expense of verified mail notification to abutters of property for which OHRV
25 use is sought under this paragraph.

26 2-Effective Date. This act shall take effect 60 days after its passage.

2022-1541s

AMENDED ANALYSIS

This bill provides that a city or town may limit the use or operation of an OHRV on certain ways.

UNAPPROVED

Sen. Birdsell, Dist 19
April 22, 2022
2022-1715s
04/10

Amendment to HB 1109

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2022-1715s

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Amendment to HB 1109

- Page 2 -

2022-1829s

AMENDED ANALYSIS

This bill provides that a city or town may limit the use or operation of an OHRV on certain ways.

Committee Minutes

SENATE CALENDAR NOTICE
Transportation

Sen Regina Birdsell, Chair
Sen David Watters, Vice Chair
Sen Denise Ricciardi, Member
Sen Ruth Ward, Member
Sen Tom Sherman, Member

Date: March 23, 2022

HEARINGS

Tuesday	03/29/2022	
(Day)	(Date)	
Transportation	Legislative Office Building 101	1:00 p.m.
(Name of Committee)	(Place)	(Time)
1:00 p.m.	Presentation on the 10-Year Transportation Plan	
2:15 p.m.	HB 1038 naming a bridge in Londonderry in honor of Robert J. Prowse.	
2:30 p.m.	HB 1316 directing the director of the state police to develop requirements for eFoil and electric hydrofoil surfboard watercraft.	
2:45 p.m.	HB 1562 clarifying the prohibition on using an electronic or telecommunications device while driving.	
3:00 p.m.	HB 1109 relative to approval for off highway recreational vehicles use on class IV, class V, and class VI roads.	

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 1038

Rep. Woods

Sen. Carson

HB 1316

Rep. Gottling

Rep. Deshaies

HB 1562

Rep. Spillane

Rep. Steven Smith

Rep. Bershtein

Rep. Nunez

Rep. Blasek

Sen. Reagan

HB 1109

Rep. Renzullo

Rep. Gould

Rep. Gottling

Peter O'Neill 271-4151

Regina Birdsell
Chairman

Senate Transportation Committee
Peter O'Neill 271-4151

HB 1109, relative to approval for off highway recreational vehicles use on class IV, class V, and class VI roads.

Hearing Date: March 29, 2022

Time Opened: 3:10 p.m.

Time Closed: 3:34 p.m.

Members of the Committee Present: Senators Birdsell, Watters, Ricciardi, Ward and Sherman

Members of the Committee Absent : None

Bill Analysis: This bill changes the approval procedure for OHRV use of class IV, class V, and class VI roads.

Sponsors:

Rep. Renzullo

Rep. Gould

Rep. Gottling

Who supports the bill: Rep. Renzullo, Rep. Gottling, Jasen Stock, NH Timberland Owners Association; Joseph Brown

Who opposes the bill: Richard Parsons, NH Off Highway Vehicle Association; Dan Bennett, NH Auto Dealers Association

Who is neutral on the bill: Natch Greyes, NHMA

Summary of Testimony Presented:

Rep. Renzullo

- Rep. Renzullo testified in support of HB 1109.
- The bill would allow approval for off highway recreational vehicle use and OHRVs for class IV, V, and VI roads. It would also shift authorities to the municipal legislative body.
- The house resources committee heard residents complained about the process of approval for OHRV use.
- In some town selectmen meetings, residents had the meetings stacked against them with nonresidents present and poor notice.
- The bill focuses on giving residents an option for a town wide electorate. It would also help with notifying the public when a town meeting is taking place.

- Senator Birdsell asked Rep. Renzulo if he was aware of an amendment for this bill. Rep. Renzulo said he was aware and supported the amendment.

Natch Greyes, NH Municipal Association

- Mr. Greyes said the NH Municipal Association didn't have a position on the bill but wanted clarification on knowing when the hearing should occur.
- A proposed amendment deletes part of section b and introduces section c that says hearing should take 14 days prior to a public hearing.
- There was some concern that adequate notice would occur if the original bill wasn't amended.

Richard Parsons, NH Off Highway Vehicle Association

- Mr. Parsons testified in opposition to the bill.
- Part of the law was changed so that the hearing was given 14 days in advance.
- Before the law was changed, the process was not quite the same. Since the law had been changed in 2019, no issues had been heard since then.
- The amendment is an improvement but there would still be concerns with the permission process. It would require legal council when a hearing can take place prior to the town meeting. There would need to be a lot of prior preparation prior to opening or closing a town road.
- Mr. Parsons recommended referring the bill to an interim study.
- Sen. Watters said the committee had heard a lot of OHRV issues with dust, noise, and time of day use. He asked if Mr. Parsons could characterize or how house bill 591 was working.
 - Mr. Parsons said only two members of the public that testified. Past hearings had more people come to testify.
 - Sen. Watters asked what was happening with the towns and if there had been more towns to open or close roads.
 - Mr. Parsons said he wouldn't say there had been more. Many roads opening and closing had already happened. The city of Claremont had asked to get permissions from the landowners and that required a 14-day notice.
 - Sen. Watters asked if there were concerns if one community decided to pull out of OHRV trails. He asked if that happened, would there be a gap there.
 - Mr. Parsons said yes, potentially, if there was no other way to work around it.

Abby Evankow, Gorham Resident

- Mrs. Evankow lives near an OHRV trail and multiple residents are suing to get ride of the trails.

- She responded to Sen. Watters' question regarding HB 591. The bill left out class II and IV roads. For example, route 16 in Gorham, no abutters were opened to the ATV travel.
- She suggested an amendment to HB 1108. Protections of abutter notification be extended to people who live on class II roads. Opening of closed town roads was discussed at March's town meeting.
- HB 1108 should not require abutter notification for roads opened without notification and closed without it either.
- Mrs. Evankow asked that the committee doesn't waive sovereign immunity for the state, but she didn't remember the exact language.

Jason Stock, Executive Director NH Timberland Association

- Mr. Stock testified in support of the bill and supported the bill when it was in the House.
- For landowners, access to timberland areas are sometimes limited to class VI roads across the state. Additional stress on these roads can quickly degrade them. Property owners bear some of the expense and need to invest in their property to manage it to ensure it doesn't become degraded.
- The condition of the road becoming degraded has an affect on the value of the road.
- Determining which types of roads can be given access to the public and what condition the road is in can fall to a legislative body.
- Mr. Stock said he had received emails expressing support for HB 1109. However, the concern is that the decision is still with the branch of local government.
- RSA 231:43, RSA: 231:41, RSA 231:45, and RSA 231:45a are all related to closing or discontinue a road.
- If a road does not receive any municipal work, it will automatically revert to a class VI status road. There is a petition process to change the class of the road.
- Roads classified as a scenic route is required for a vote of a legislative body.
- Upgrading class VI roads is detailed in RSA 231:22a
- Mr. Stock said that he felt it was appropriate to support the bill. It is a consistent issue and includes both residents and landowners.

Speakers

Testimony

Peter O'Neill

From: Marsha Clifford <marshaclifford@gmail.com>
Sent: Monday, March 28, 2022 2:16 PM
To: Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Peter O'Neill
Cc: Andrew Renzullo; lgouldr@myfairpoint.net; Suzanne Gottling
Subject: HB1109

March 28, 2022

Dear Senators:

HB 1109 seemed to be a way to address the problems of opening roads and neighborhoods to ATV traffic. However, to require abutter notification and legislative body approval to remove OHRVs from previously opened roads unfairly penalizes the residents already living on roads opened to OHRVs without these higher standards. Please strip this requirement to close roads from the bill.

All roads should be considered **closed** before the legislative process in HB 1109 for opening roads begins. This puts homeowners whose roads are already opened on a level playing field.

Earle and Marsha Clifford
Back Lake Road
Pittsburg, NH

603-
496-
0412
Caroles
cell

Sen. Watters
603-969-9224

Peter O'Neill

From: Dan Reed <nomadreeds@gmail.com>
Sent: Monday, March 28, 2022 5:25 PM
To: Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Peter O'Neill
Subject: House Bill 1109

To: Senator Regina Birdsell, Chair
N.H. Senate Transportation Committee
Legislative Office Building, Room 101
Concord, NH 03301

Opposed.

I am a consulting forester with New England Forestry Consultants, and the Trail Administrator of the Marlow NH Family ATV Club.

ATV use of Town Roads can be a benefit to community transportation and provide recreational opportunities or may cause damage or be a safety risk. While I am in favor of input from the public and abutters, police departments, and road agents; requiring hearings and town votes will limit the Selectboard's flexibility to open, close, or regulate the use of the roads as needed.

Thanks for your consideration

Dan Reed
Mack Hill Road
Marlow, NH 03456
603-387-5279

Peter O'Neill

From: Peter Roth <petercroth@gmail.com>
Sent: Monday, March 28, 2022 7:40 PM
To: Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Peter O'Neill
Cc: Andrew Renzullo; lgouldr@myfairpoint.net; Suzanne Gottling
Subject: HB 1109

Dear Madam Chairwoman and Committee Members,

Several years ago the legislature made some important amendments to RSA 215-A: 6, IX, that have been instrumental in leveling the playing field for the people in towns where ATV clubs seek to open roads to ATV traffic. Previously it was very easy to get a select board to do it with little notice to those most affected — abutters. I was an active participant in the process and helped Rep. Moynihan draft the previous changes and encouraged others to come and support the effort in committee hearings. The changes the legislature made law in 2019 have made a real difference in peoples' lives.

I support the new amendments and encourage you to adopt them. Towns are still experiencing pressure from clubs and commercial parties to open the roads for recreational use by others. As I'm sure you have heard there continue to be many instances of poor behavior by some ATV riders and and great challenges to the clubs and law enforcement to effectively control it. In addition, the noise, dust, smoke and general level of activity have been disruptive to many people in quiet rural places on the class V and VI roads where the trails go. And further, opening some roads can lead to disregard by riders of the limitations (perhaps inadvertently due to inaccurate maps , missing signs or just general confusion in unfamiliar locations by out-of-town riders) leading to riders appearing on roads Not designated as trails. Finally, the clubs have made apparently little progress in getting their trails off the roads and onto private land as they said was the objective at the previous go-around on this issue in 2019.

But the most important thing that this bill addresses is making the question one for town meeting rather than a select board meeting. Trails on town roads impact everyone in town, not only abutters. Traffic, bad behavior, and the costs of road repairs and law enforcement are borne by every taxpayer in town. Because of that it is a good idea to bring the question to the voters so they can decide whether they are willing to bear the burdens on all for the benefit of a few.

Thank you for considering my views and for hearing this bill. I hope that you pass it.

regards,

Peter C.L. Roth
Concord, New Hampshire
Hillsboro, New hampshire

Peter O'Neill

From: Durantsnh <durantsnh@myfairpoint.net>
Sent: Tuesday, March 29, 2022 5:04 AM
To: Peter O'Neill
Subject: HB 1109

Please vote this bill down, as part of a small ATV club in Marlow NH, our selectmen currently have the authority to handle this decision for the best interest of our town. They know best which areas require additional consideration based on population. Please allow them to continue having the authority in this matter.

Thank you

We love our ATV recreation, it is a great family sport. We have to fight so hard for what we have already, please do not make it more difficult.

Thank you,

Wendy and Freeman Durant

Sent from my iPhone

Sent from my iPhone



Testimony in Opposition to HB 1109, March 29, 2022

To Senator Regina Birdsell and Senate Transportation committee,

Sullivan County ATV Club in Claremont, N.H. represents over 700 members, maintains 55 miles of trails on private property and Class V & VI roads. SCATV was incorporated in 1999 and adopted the motto of "Riding Responsibly in Harmony with Landowners".

SCATV requests permission from the Claremont City Council yearly every spring to obtain permission to use their properties along with the Class VI roads already open to OHRVs. Since 2013 SCATV has also requested permission for a 1 ¼ miles long Class V Road of Cathole Road and Veterans Park Road with many abutting neighbors.

When the new law came out in 2019 to notify all abutters two weeks before a public hearing the club had to pay for these notices. Over 60 notifications went out to all residents along these roads and the hearing brought out issues from 5 concerned neighbors. Over a month and half and 4 consecutive City Council meetings, working with abutters, these concerns were addressed, plans created and promises made in order to obtain permission for this short section of road. This proved to be a success when these same abutters thanked the club numerous times and stated they were in support of future OHRV use.

SCATV promised to use enhanced signage and our Trail Patrol to maintain a presence and with 20 + members of SCATV TP put in over 800 volunteer hours in 2021 to help keep peace and harmony with these abutting landowners.

We believe this example shows how the current system is working and should be given a chance before changing the system yet again. In the City of Claremont's situation, moving this process to the fall voting season, at three different locations, would not be advantageous to working on solutions and create more work for the club and city alike.

SCATV urges this committee to vote to Inexpedient to Legislate as the current laws are providing the avenue to address concerns with all parties involved.

Thank you
Steve Wilkie
SCATV President

"Riding Responsibly in Harmony with Landowners"
sullivancountyatv.org – (603) 287-1203 – sullivancountyatv@gmail.com

P.O. Box 64, Claremont NH 03743

Peter O'Neill

From: Monique Petrofsky <mvpetrofsky@gmail.com>
Sent: Friday, April 1, 2022 2:46 PM
To: Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Peter O'Neill
Cc: Monique Petrofsky; John Petrofsky
Subject: HB 1109

To the Senate Transportation Committee,

Please amend HB 1109 to preserve the right of the town's selectmen to close a road, as they see fit, at any time, to protect abutters and town resources.

HB 1109, as written, creates a more difficult standard for homeowners seeking to have their roads closed to OHRVs due to loss of peace and health concerns due to the particulate matter 2.5 and noise.

Furthermore, the bill, as written, takes away the right of selectmen to close roads when alternate off road trails are built and the town roads are no longer needed. The select- board should not have to wait for a town meeting to address problems such as excessive speeding, excessive dust and noise, as well as road degradation.

I respectfully request to the Senate Transportation Committee that due to these concerns, this bill be either modified or brought before the study committee to further discuss.

Respectfully,

Monique Petrofsky

Sent from my iPad

Peter O'Neill

From: Barbara Patch <barbmattpatch@gmail.com>
Sent: Tuesday, April 19, 2022 2:36 PM
To: Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Peter O'Neill
Subject: Opposition to HB 1109

We want you to know that we are in opposition to HB1109. We do not want Off Highway Recreational Vehicles (ATV's) to be able to travel on class IV, V and VI Roads. We have many issues with this bill and its consequences.

Thank you,

Barbara and Matthew Patch

Patch Orchards Inc/Patch Forest LLC

40 Patch Road

Lebanon, NH 03766

cell: (603)443-0944



New Hampshire Off Highway Vehicle Association

TESTIMONY IN OPPOSITION TO HB 1109

MARCH 29, 2022

To Madame Chair Birdsell and Members of the Transportation 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 opposition to HB 1109 which would change the approval procedure for OHRV use on Class IV, V and Class VI roads. We believe this legislation is premature for multiple reasons.

In 2019, HB 591 was passed which required "a duly noticed public hearing advertised at least 14 days in advance in a public location in the city or town and notification to abutters by verified mail..."

Proponents of the change noted current law allowed a town to withdraw an already granted authorization only after providing notice and a public hearing and the updated law gave the same rights when a town considers opening a road. There have been no reported issues with the law since its enactment two years ago.

Additionally, in the fall the House Resources, Recreation and Development Committee decided OHRV issues deserved a dedicated, multi-year study commission to look at different aspects, particularly issues on Class V and VI roads. This committee will hear that bill later this session, HB 1188. NHOHVA supports that work and believes that is the best place to fully vet changing a law last amended two years ago.

Finally, we believe there are unintended consequences that have not been considered in changing the approval from the governing body to the legislative body. There have been no issues with the current permission procedures in place and this bill would add uncertainty and confusion in that process. The current process of 14 days before a public hearing and verified mail notification to abutters is straightforward. This would change that to the public hearing procedures and timelines required for town or city meetings and the need to re-educate clubs and landowners for a problem that doesn't exist. It also would remove flexibility for opening or closing a road to OHRV use and limit the opportunities to do so to an annual meeting or a special meeting if deemed necessary.

We ask that you find this legislation Inexpedient to Legislate and instead pass the study commission to review such issues. We look forward to working with the study commission for years to come to ensure that the proper balance is being met between

Thank You,
Buddy Dionne
NHOHVA President

March 28, 2022

Senate Transportation Committee

House Bill 1109

OHRV Trail Bill

To Whom it May Concern,

I am a lifelong resident of Wentworth, NH. I am also a forester who specializes in timber harvesting and forest road construction. Wentworth abuts the Town of Warren, NH, where a three member Selectboard voted many years ago to allow ATV's to use all Class 5 and Class 6 roads openly as trails. My letter is in regards to the unmaintained Class 6 roads only. I do not care if ATV's use roads with maintenance funded by the entire Town. Since the Warren decision, many of these roads have been destroyed, or have serious maintenance issues. They have even forced landowners to put up bonds on their own accesses to protect the ATV club trail over their own property. I am writing to support HB 1109, as well as to suggest additions to it.

First, this country is a constitutional republic, meaning that 51% of people cannot vote to take what the other 49% have. Your property is your property, and individual rights sit above all. I very much agree with taking the power away from a three-person (or larger but around my area it is always three retirees) Selectboard to essentially take people's land/right-of-way by eminent domain for the public to use for recreation. Selectmen are volunteers of varying abilities, and should not be able to make this choice themselves. However, a simple Town majority vote is not good enough, in my opinion, either. Also, keep in mind that every time a forest road receives significant maintenance, that is reflected in the Timber Tax Assessment Matrix Rating Sheet, which lowers the Timber Tax to the Town after a timber harvest (therefore costing the Town money every single time). I also don't understand why people from out-of-State have the right to use my access roads as they see fit without any input from myself or other owners at all.

You have to understand the extreme damage that is caused by ATV use on Class 6 roads, which are commonly used as primary general and timber access to many properties across the State. ATV's spin and tear up the roads, which then leads to inevitable damage. It only takes a single thunderstorm to cause tens of thousands of dollars in damage to a road that is not properly crowned, ditched, or drained. Forest roads require yearly maintenance as-is (which is costly), and ATV use greatly increases the damage, cost, and time of the landowners. In Grafton County (where I have extensive forest road construction and maintenance experience) we typically find that these roads cost between \$8 (for minimal maintenance/reconstruction) and \$16 PER LINEAR FOOT to build or repair with excavation equipment. Also, with fuel prices at \$5+ per gallon, that cost will only increase. So, for every 1,000 feet of class 6 road that we maintain for a timber harvest, it costs between \$8,000-\$16,000. Please keep in mind that 1,000 feet does not get you very far into many of these wooded parcels. The distances can be much longer than that. I

have seen the work that ATV and snowmobile clubs put into roads, and it is usually subpar. These clubs are volunteer based, not industry professionals who know what they are doing. They often do more harm than good with poor road construction and maintenance practices. However, I have seen numerous roads washout many times (sometimes beyond repair) due to complete neglect on these clubs who are using other people's property without their permission.

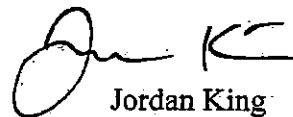
Property owners already pay property taxes, Timber Tax, and Federal Income Tax (possibly Capital Gains Tax as well) on the money they receive from owning timberland. Access costs are almost always expensive on old Class 6 roads. If you take away the right of the Owner to control their own access, what is the incentive to own timberland instead of carving it up and subdividing every parcel in the State? If we want open private land for others to enjoy (without wheeled vehicles), you have to make it economical for landowners to keep and maintain their land. I would also like to point out that these roads aren't just for ATV and snowmobiles either. Many people in Wentworth like to take forest walks on old Class 6 roads. However, if they are year-round trails with ATV's and snowmobiles, it is unsafe to use for walking. You are taking away one form of recreation to replace it with another. What makes ATV's (and snowmobiles) so special that they can cause damage with no repercussions? A hunter who damages a single tree with a tree stand could be guilty of a violation by NH Fish and Game. I can tell you this, if my Town voted to allow ATV's, my family's approximately 1,000 acres of property would immediately become 100% posted against all use, and the miles of snowmobile trail over our private (not Class 6) road would be shut off forever. I know of many other owner's who feel this way as well. We allow the recreation as good neighbors, but that is our choice to make, not anybody else's.

I have two suggestions for your bill. The first is this: a 2/3 or more vote at Town Meeting to approve any type of road for ATV and snowmobile club use, with the condition that the Town is liable for the continual/yearly maintenance/repairs/damage for any Class 6 road opened to the public. Many people at Town Meeting who live on 1/4 acre want to use other's properties, who purchased the land with sweat and hard work, for free. They do not think, do not care, or do not know the financial and physical damage they are causing upon other people and their hard-earned property. This is especially true for people who do not live in our Town or State. Just look at all of the damage and garbage at our State and Town parks since the Pandemic boom hit the northeast. Wentworth almost had to shut down it's Town Park due to the flood of people from out of State who left massive amounts of trash, human waste, drug needles, alcohol bottles, and were verbally abusive towards residents. This was not limited to just Wentworth either. I own an ATV, and I wouldn't mind seeing trails open in some places in the State. However, this should be done with the permission of the owners, not by other's who want to use property that they do not own or maintain without permission. I assume most people are not against ATV's, they are against them being shoved down the throats of people who do not want them. This is America, and we live in the Live Free or Die State. Who are the Selectmen, the people of Town, or the State Legislature to tell private owner's that they have to host anyone in the world who owns, borrows, or rents an ATV against their wishes, and that they have to solely foot the bill? That is un-American to me, and the State needs to step in and take this authority away from volunteer Selectmen who do not know what they are doing.

Here is my second suggestion: As a prior Selectmen, licensed forester, taxpayer, resident, and landowner, this is my preferred option... Eliminate Class 6 roads altogether. Many of these roads were discontinued around World War 2 or before. Besides ATV's, the public has wheeled vehicle access with cars and trucks that do as much or more damage than ATV's do. The same complaints apply here. Eliminate Class 6 Roads, give the Town's one year to decide at Town Meeting whether to take over any existing Class 6 roads as Town-maintained Class 5 roads, or to give up their rights completely. There is no need for public access with vehicles on privately maintained roads. Most of these roads could never be upgraded to a Class 5 road anymore without significant cost (closer to \$75 per linear foot), and the Town can still always layout a new road with the same process that they have always used. Or, they could approve a new subdivision road to expand the Town if it meets their standards. To me, this is the ideal solution. If it did indeed happen, you would have to word it in a way so that any owners who abut the now fully discontinued (private) Class 6 road would still have the right to use and improve the entire road until it joins with a Class 5 road, so as to not interrupt their access, and to prevent lawsuits over who can use what portion. The intent here is to protect landowner access, not to limit their rights.

Thank you for listening to my opinion. I sincerely hope that you weigh Owner's rights more heavily than recreational vehicles, which cause unfair financial harm to hardworking men and women who want to own and manage timberland for future generations to enjoy.

Sincerely,



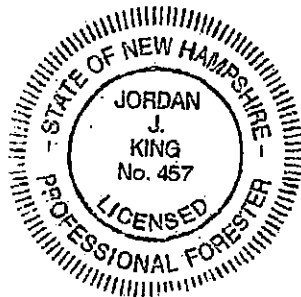
Jordan King

Wentworth, NH

Registered Voter

Life-long Resident

603-254-8087



Peter O'Neill

From: John Petrofsky <jpetrofsky@googlemail.com>
Sent: Tuesday, April 26, 2022 9:29 AM
To: Regina Birdsell; David Watters; Ruth Ward; Denise Ricciardi; Tom Sherman; Peter O'Neill
Subject: Please Amend and Pass HB 1109

Dear Senators,

Thank you for your work on this issue. I encourage you to pass HB 1109.

Please also consider amending the bill to include **class II roads**, as residents along such roads have also been subject to the same problems this bill is meant to address.

If possible please also amend HB 1109 to exempt roads which were opened to OHRV traffic before 2022. These roads were opened with a lower level of scrutiny, so applying a higher standard to closing them after the fact seems contrary to the intent of the bill.

Thank you again for considering this matter.

John Petrofsky

Amendment to HB 1109

Amend section 1 of the bill to read as follows:

1 Operation of All OHRVs; OHRV Operation on Sidewalks, Class IV, Class V, and Class VI Roads. Amend RSA 215-A:6, IX to read as follows:

IX.(a) Pursuant to RSA 215-A:15, and following a duly noticed public hearing advertised at least 14 days in advance in a public location in the city or town and notification to abutters by verified mail pursuant to RSA 21:53, city or town councils and boards of selectmen may authorize the use of sidewalks [~~and class IV, class V or class VI highways and bridges, or portions thereof,~~] for use by OHRVs. The operation of OHRVs may also be allowed on sidewalks adjacent to class I, II, III, or III-a highways pursuant to RSA 236:56, II(e). [~~Operators of OHRVs using said roads, or portions thereof, shall keep to the extreme right and shall yield to all conventional motor vehicle traffic.~~] The bureau, or its designee, shall so post such highways where authorized. Following a duly noticed public hearing, except in the case of an emergency closure, such city or town authorities may change the allowable usage of [~~a class IV, class V, or class VI highway~~] *sidewalks* by OHRVs by giving notification to the supervisor of the bureau and removing any signs that no longer apply. The petitioner shall bear the expense of verified mail notification to abutters of property for which OHRV use is sought under this paragraph.

b) By a majority vote of the legislative body of a city or town at any legal meeting after notice and hearing, a city or town may authorize the use of class IV, class V, and class VI highways for use by OHRVs. Operators of OHRVs using said roads, or portions thereof, shall keep to the extreme right and shall yield to all conventional motor vehicle traffic. The bureau, or its designee, shall so post such highways where authorized. Except in the case of an emergency closure, by a vote of the legislative body of a city or town at any legal meeting after notice and hearing, and following notification to abutters by verified mail pursuant to RSA 21:53, such city or town may rescind a previous authorization and may change the allowable usage of a class IV, class V, or class VI highway by OHRVs by giving notification to the supervisor of the bureau and removing any signs that no longer apply. The petitioner shall bear the expense of verified mail notification to abutters of property for which OHRV use is sought under this paragraph.

(c) The hearing required by subparagraph (b) shall be held at least 14 days before the date of the legislative body meeting at which any action is taken on the proposal. In the case of a town with a town meeting form of government, the hearing shall be held at least 14 days before the business session as defined in RSA 652:16-e or the deliberative session as defined in RSA 652:16-f, whichever is applicable. Notice of the hearing shall be mailed to abutters by verified mail pursuant to RSA 21:53 at least 14 days before the hearing.

Voting Sheets

Transportation Committee

EXECUTIVE SESSION RECORD

2021-2022 Session

Bill # 1109

Hearing date: _____

Executive Session date: 4/26/2022

Motion of: OTP Vote: ~~OTF~~

Committee Member	Present	Made by	Second	Yes	No
Sen. Birdsell, Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Watters, VC	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: Amendment 17155 Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Birdsell, Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Watters, VC	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: OTP/A Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Birdsell, Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Watters, VC	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ricciardi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Ward

Notes: _____

Case: Sherman, Ricciardi (5-0)

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Tuesday, April 26, 2022

THE COMMITTEE ON Transportation

to which was referred **HB 1109**

AN ACT

relative to approval for off highway recreational
vehicles use on class IV, class V, and class VI
roads.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 1829s

Senator Ruth Ward
For the Committee

This bill changes the approval procedure for OHRV use of class IV, class V, and class VI roads. The bill would also shift authorities to the municipal legislative body. This bill would take effect 60 days after its passage.

Peter O'Neill 271-4151

FOR THE CONSENT CALENDAR

TRANSPORTATION

HB 1109, relative to approval for off highway recreational vehicles use on class IV, class V, and class VI roads.

Ought to Pass with Amendment, Vote 5-0.

Senator Ruth Ward for the committee.

This bill changes the approval procedure for OHRV use of class IV, class V, and class VI roads. The bill would also shift authorities to the municipal legislative body. This bill would take effect 60 days after its passage.

General Court of New Hampshire - Bill Status System

Docket of HB1109

Docket Abbreviations

Bill Title: (Second New Title) relative to the authority of a city or town to limit the use or operation of an OHRV on certain ways.

Official Docket of HB1109.:

Date	Body	Description
11/16/2021	H	Introduced 01/05/2022 and referred to Resources, Recreation and Development
2/2/2022	H	Public Hearing: 02/02/2022 1:00 p.m. LOB305-307
2/23/2022	H	Executive Session: 02/23/2022 10:00 a.m. LOB305-307
3/1/2022	H	Committee Report: Ought to Pass with Amendment #2022-0775h (NT) (Vote 21-0; CC)
3/11/2022	H	Amendment #2022-0775 : AA VV 03/10/2022 HJ 5
3/11/2022	H	Ought to Pass with Amendment 2022-0775h: MA VV 03/10/2022 HJ 5
3/15/2022	S	Introduced 02/24/2022 and Referred to Transportation; SJ 5
3/23/2022	S	Hearing: 03/29/2022, Room 101, LOB, 03:00 pm; SC 13
4/26/2022	S	Committee Report: Ought to Pass with Amendment #2022-1829s , 04/28/2022; Vote 5-0; CC; SC 17A
4/28/2022	S	Committee Amendment #2022-1829s , AA, VV; 04/28/2022; SJ 10
4/28/2022	S	Ought to Pass with Amendment 2022-1829s, MA, VV; OT3rdg; 04/28/2022; SJ 10
5/10/2022	H	House Non-Concurs with Senate Amendment 2022-1829s and Requests CofC (Reps. Harb, Renzullo, Gould, Gottling): MA VV 05/05/2022 HJ 12
5/12/2022	S	Sen. Birdsell Accedes to House Request for Committee of Conference, MA, VV; 05/12/2022; SJ 12
5/12/2022	S	President Appoints: Senators Birdsell, Ricciardi, Watters; 05/12/2022; SJ 12
5/16/2022	H	Conference Committee Meeting: 05/16/2022 12:30 pm LOB 305-307
5/18/2022	S	Conference Committee Report Filed, #2022-2027c ; 05/26/2022
5/26/2022	S	Conference Committee Report #2022-2027c , Adopted, VV; 05/26/2022; SJ 13
5/26/2022	H	Conference Committee Report 2022-2027c: Adopted, VV 05/26/2022 HJ 14
6/22/2022	S	Enrolled Adopted, VV, (In recess 05/26/2022); SJ 13
6/22/2022	H	Enrolled (in recess of) 05/26/2022 HJ 14
7/7/2022	H	Signed by Governor Sununu 07/01/2022; Chapter 294; eff. 08/30/2022 HJ 14

NH House

NH Senate

Other Referrals

May 16, 2022
2022-2027-CofC
04/05

1 Committee of Conference Report on HB 1109, relative to approval for off highway recreational
2 vehicles use on class IV, class V, and class VI roads.

3

4 Recommendation:

5 That the House recede from its position of nonconcurrence with the Senate amendment, and
6 concur with the Senate amendment, and

7 That the Senate and House adopt the following new amendment to the bill as amended by the
8 Senate, and pass the bill as so amended:

9

10 Amend the bill by replacing section 1 with the following:

11

12 1 Operation of All OHRVs; OHRV Operation on Sidewalks, Class IV, Class V, and Class VI
13 Roads. Amend RSA 215-A:6, IX to read as follows:

14 IX.(a) Pursuant to RSA 215-A:15, and following a duly noticed public hearing advertised at
15 least 14 days in advance in a public location in the city or town and notification to abutters by
16 verified mail pursuant to RSA 21:53, city or town councils and boards of selectmen may authorize
17 the use of sidewalks and class IV, class V or class VI highways and bridges, or portions thereof, for
18 use by OHRVs. The operation of OHRVs may also be allowed on sidewalks adjacent to class I, II, III,
19 or III-a highways pursuant to RSA 236:56, II(e). Operators of OHRVs using said roads, or portions
20 thereof, shall keep to the extreme right and shall yield to all conventional motor vehicle traffic. The
21 bureau, or its designee, shall so post such highways where authorized. Following a duly noticed
22 public hearing, except in the case of an emergency closure, such city or town authorities may change
23 the allowable usage of a class IV, class V, or class VI highway by OHRVs by giving notification to the
24 supervisor of the bureau and removing any signs that no longer apply. The petitioner shall bear the
25 expense of verified mail notification to abutters of property for which OHRV use is sought under this
26 paragraph.

27 *(b) If an abutter can show damage or deterioration to such a road that limits*
28 *their ability to access their property resulting from recreational use, the governing body of*
29 *the city or town may adopt regulations to close or limit the operation or use of a way in*
30 *order to mitigate damage or deterioration.*

Committee of Conference Report on HB 1109

- Page 2 -

The signatures below attest to the authenticity of this Report on HB 1109, relative to approval for off highway recreational vehicles use on class IV, class V, and class VI roads.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Birdsell, Dist. 19

Rep. Harb, Rock. 14

Sen. Ricciardi, Dist. 9

Rep. Renzullo, Hills. 37

Sen. Watters, Dist. 4

Rep. Gould, Hills. 7

Rep. Gottling, Sull. 2

Senate Inventory Checklist for Archives

Bill Number: HB 1109

Senate Committee: Transportation

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- ___ - amendment # 154/s ___ - amendment # 1715s
- ___ - amendment # 1829s ___ - amendment # 2027 CFC

- Executive Session Sheet
- Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

- ___ - amendment # _____ ___ - amendment # _____
- ___ - amendment # _____ ___ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

- Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference): 2027
- ___ Enrolled Bill Amendment(s)
- ___ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

- as amended by the senate ___ as amended by the house
- final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Peter O'Neill
Committee Aide

6/7/2022
Date

Senate Clerk's Office _____