

CHAPTER 84
SB 250 – FINAL VERSION

03/07/12 0370s

2012 SESSION

12-2935
10/09

SENATE BILL **250**

AN ACT relative to operation of ATVs and trail bikes on state lands.

SPONSORS: Sen. Gallus, Dist 1; Sen. Sanborn, Dist 7; Sen. Bradley, Dist 3; Sen. Morse, Dist 22; Sen. Carson, Dist 14; Sen. Stiles, Dist 24; Rep. Theberge, Coos 4; Rep. Flanagan, Hills 5; Rep. M. Tremblay, Coos 4

COMMITTEE: Energy and Natural Resources

AMENDED ANALYSIS

This bill adds specific exceptions to the evaluation criteria for the establishment of ATV and trail bike trails on state lands, and allows for OHRV operation on certain highways and trail crossings and connectors in Coos county.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 84
SB 250 – FINAL VERSION

03/07/12 0370s

12-2935
10/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twelve

AN ACT relative to operation of ATVs and trail bikes on state lands.

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

1 84:1 ATV and Trail Bike Operation on State Lands; Evaluation Process. Amend RSA 215-A:43,
2 II to read as follows:

3 II. A new ATV or trail bike trail proposal that has passed the initial screening process of the
4 coarse filter criteria under paragraph I shall proceed into a planning and layout phase and shall be
5 considered to have passed such phase if the following fine filter criteria are met:

6 (a) The new trail is supported by an organized ATV or trail bike club recognized by the
7 bureau.

8 (b) ATVs or trail bikes operated on the trail will comply with maximum decibel limit
9 established by law.

10 (c) Adequate parking exists or will be developed for the type of trail being proposed and
11 the number of expected riders.

12 (d) The bureau has given due consideration to local planning and zoning ordinances.

13 (e) The proposed trail does not pass through a parcel with deed restrictions.

14 (f) The bureau has given due consideration to local noise and obnoxious use ordinances.

15 (g) The proposal is reasonably compatible with existing uses.

16 (h) The proposal does not violate federal, state, or local laws.

17 (i) The proposal includes a monitoring and response system designed to detect and
18 correct adverse environmental impacts.

19 (j) The proposed trail layout incorporates existing motorized travel corridors whenever
20 possible.

21 (k) The proposed trail layout minimizes further fragmentation of blocks of forestland by
22 locating trails on areas with existing development whenever possible.

23 (l) The proposed trail does not pass through a [~~wellhead protection area~~] **sanitary**
24 **protective area of a public well** as determined by the department of environmental services
25 [~~under RSA 485:48, II~~].

26 (m) The proposed trail is not located on earthen dams, dikes, and spillways **unless**
27 **approved by the department of environmental services**.

28 (n) The proposed trail avoids areas having soil types classified as important forest soil
29 group IIA or IIB as defined and mapped by the Natural Resources Conservation Service, unless there

CHAPTER 84
SB 250 – FINAL VERSION
- Page 2 -

1 is an existing soil condition or surface roadway that can be used to reduce adverse environmental
2 impacts.

3 (o) The proposed trail is not within 100 feet of the ordinary high water mark of first and
4 second order streams, 330 feet of third order streams, and 600 feet of fourth order and higher
5 streams, except for purposes of stream crossing, ***unless there is an existing soil condition or***
6 ***surface roadway that can be used to reduce adverse environmental impacts.***

7 (p) All stream crossing structures meet 5-year flood design criteria.

8 (q) The proposed trail is not within 200 feet of any water body, forested or non-forested
9 wetland, or vernal pool, ***unless there is an existing soil condition or surface roadway that can***
10 ***be used to reduce adverse environmental impacts.***

11 (r) The proposed trail avoids elevations over 2,700 feet.

12 (s) The proposed trail avoids important wildlife habitat features for species of concern.

13 (t) The proposed trail avoids known locations of federally and state listed endangered or
14 threatened species, or their habitat, as specified on a site-specific basis by the fish and game
15 department.

16 (u) The proposed trail avoids known locations of rare plants and exemplary natural
17 communities, as specified on a site-specific basis by the natural heritage inventory.

18 (v) The proposed trail avoids alteration or disturbance of unique geologic features,
19 formations, and designated state geologic waysides, as specified on a site-specific basis by the state
20 geologist.

21 (w) The proposed trail avoids alteration, disturbance, and adverse impacts to cultural
22 and historic resources.

23 (x) The proposed trail is not within 330 feet of known raptor nest trees, or within 650
24 feet of trees with eagle or osprey nests, ***or as specified on a site-specific basis by the fish and***
25 ***game department.***

26 (y) The proposed trail is more than 650 feet from eagle winter roosting areas and 330
27 feet from the edge of wetlands containing heron rookeries, ***or as specified on a site-specific basis***
28 ***by the fish and game department.***

29 (z) The proposed trail layout has a safe and appropriate trail design.

30 (aa) Safety standards for highway crossings are met.

31 (bb) Any planned use of the proposed trail with other uses is safely accommodated.

32 (cc) Local enforcement officers have been contacted to review and provide input
33 regarding enforcement issues.

34 84:2 OHRVs and Snowmobiles; Trail Connectors in Coos County. Amend RSA 236:56, II(d) to
35 read as follows:

36 (d) Trail Connectors. All OHRVs and snowmobiles may be operated within specified

CHAPTER 84
SB 250 – FINAL VERSION
- Page 3 -

1 trail connectors and pursuant to the provisions of RSA 215-A:9 or RSA 215-C:9. The commissioner of
2 the department of transportation may limit the operation of specified types of OHRVs and
3 snowmobiles when the commissioner feels this is necessary in matters of safety and maintenance of
4 trail corridors or at the suggestion of the chief supervisor of the bureau of trails. ***Trail connectors,***
5 ***as defined in RSA 215-A:1, in Coos county shall be exempt from the provisions of RSA 215-***
6 ***A:42 and RSA 215-A:43.***

7 84:3 New Paragraph; OHRVs; Limitations on Operation. Amend RSA 215-A:10 by inserting
8 after paragraph III the following new paragraph:

9 IV.(a) Notwithstanding any provisions of the law to the contrary, a person may operate an
10 OHRV on a class I, class II, class III, or class III-a highway that has been designated open for use, in
11 Coos county, by the bureau of trails, with the approval of the department of transportation and the
12 department of safety and a public meeting in each community which would be directly affected by
13 such designation. The bureau, or its designee, shall sign any approved sections of highway for
14 OHRV use.

15 (b) OHRV use shall not be permitted on any section of interstate, toll, or divided
16 highway.

17 (c) The following sections of state highway shall be designated for OHRV use: Back Lake
18 Road in Pittsburg, from the town dump to Route 3; Route 3 in Pittsburg from the intersection of
19 Back Lake Road to Route 145; Route 145 in Pittsburg and Clarksville from the intersection of Route
20 3 to Cedar Stream Road; Diamond Pond Road in Stewartstown from the town-owned section south to
21 Charles Heath Road; Jericho Lake Road in Berlin from Route 110 to Jericho Mountain State Park;
22 the reduced speed section of Route 3 in North Stratford village as needed to reach services.

23 84:4 Repeal. RSA 215-A:43, VIII, relative to trail crossing or connector permits at Jericho
24 Mountain state park, is repealed.

25 84:5 Effective Date. This act shall take effect upon its passage.

26 Approved: May 23, 2012

27 Effective Date: May 23, 2012