March 1, 2018

Dear Governor Cuomo, Majority Leader Flanagan, and Speaker Heastie,

The undersigned organizations write to oppose any proposals seeking expanded All-Terrain Vehicle (ATV) riding without first enacting long-needed reforms. Continuing risks and challenges associated with inappropriate ATV riding threaten New York’s environment, the public health and safety of its residents and visitors, State Parks and other state lands, and the economic viability of rural communities that depend on clean air, clean water, and a peaceful character to foster tourism. Inappropriate ATV riding has become so widespread that impacts have spread to urban areas, such as Manhattan and the outer boroughs.

For years, our organizations have sought ATV reforms in New York State, and we are hopeful that can still happen. We do not oppose ATV use outright, and many of us have public positions on where they should be permitted, who should be able to ride them, and how they should be ridden. Any proposals that fail to duly address concerns long-held by our organizations will be met with our active opposition.

It has come to our attention that there may be an ongoing effort to secure Article VII legislation or get a bill passed in both houses this year that would establish a temporary regional pilot project to change the definition of an “All-Terrain Vehicle” to permit Utility Task Vehicles, or “side by sides,” to be registered in New York State. Such a measure would establish a dangerous precedent that expands ATV riding without recognition of a number of important facts:

- The Consumer Product Safety Commission reported in December 2017 that, “In 2016, there were an estimated 101,200 ATV-related, emergency department-treated injuries in the United States.”
- New York is one of 36 states that allow municipalities to open their roads to ATV use, in spite of the fact that manufacturers do not support the operation of their machines on
hardened surfaces. Road openings often end up in court when challenged by advocates and local residents, and those local actions are regularly overturned for failure to comply with the statute.\textsuperscript{ii}

- New York State permits riding under certain conditions for persons under the age of 16, in spite of the fact that the American Academy of Pediatrics recommends that, “[l]aws should prohibit the use of ATVs, on- or off-road, by children and adolescents younger than 16 years. An automobile driver’s license, and preferably some additional certification in ATV use, should be required to operate an ATV. The safe use of ATVs requires the same or greater skill, judgment, and experience as needed to operate an automobile.”\textsuperscript{iii} An estimated 26 percent of the ATV-related emergency room visits in 2016 involved children younger than 16 years of age.\textsuperscript{iv}

- The 2016 NYS Forest Ranger Report begins by stating that, “[c]ontinuing a trend of the last two decades, the most problematic activity encountered by rangers was the illegal use of all-terrain vehicles (ATV)…” with 345 tickets or arrests over the course of 2016.\textsuperscript{v} With public lands staff already spread thinly, New York cannot realistically support the expansion of ATV riding without expecting negative impacts to our public lands.

- The \textit{New York State Strategic Plan for State Forest Management} cites that, “Environmental Impacts from ATV and OHV use include soil erosion, displacement and compaction, direct impacts to streams and wetlands from ATV crossings, including increased siltation and turbidity, noise, disturbance to wildlife and their habitats, damage to vegetation and air pollution. Illegal use of ATVs… on State Forest roads and trails officially closed to ATV… use is frequent, difficult to prevent, and presents significant enforcement issues…. ATVs raise substantial safety concerns because they are especially prone to accidents. In a 17-year period, New York State recorded 137 ATV-related fatalities, and New York has been ranked third highest in the nation for ATV-related deaths.\textsuperscript{vi}

Before our state considers expanding this risky activity, let us work together to address the concerns held by our rangers, doctors, parents, and environmental and consumer advocates. The reforms we seek do not threaten the future viability of this activity. We remain open to conversations about ATV reforms in New York State, but will not support any proposal that expands the size and weight of allowable ATVs without reforms. We welcome any opportunity to meet and make our desired reforms known in greater detail, in the interest of protecting public health, safety and the environment while minimizing conflict with other users.

Sincerely,

William C Janeway, Executive Director, \textit{Adirondack Council}
Neil Woodworth, Executive Director and Counsel, \textit{Adirondack Mountain Club}
David Gibson, Partner, \textit{Adirondack Wild: Friends of the Forest Preserve}
Jeff Senterman, Executive Director, \textit{Catskill Center}
Katherine Nadeau, Deputy Director, \textit{Catskill Mountainkeeper}
Brian Smith, Associate Executive Director, *Citizens Campaign for the Environment*
Chris Maron, Executive Director, *Champlain Area Trails*
Kathy Curtis, LPN, Executive Director, *Clean and Healthy New York*
Sue Deloretto-Rabe and Carolyn Anderson, *Concerned Families for ATV Safety*
Rachel Weintraub, Legislative Director and General Counsel, *Consumer Federation for America*
Elizabeth Moran, Water and Natural Resources Director, *Environmental Advocates of New York*
Patrick McClellan, New York State Policy Director, *New York League of Conservation Voters*
Bruce Krug, *North Country Road & Trail Defenders*
Robin Dropkin, Executive Director, *Parks and Trails New York*
Drew Cavanagh, Forest Rangers Superior Officers Director, *Police Benevolence Association*
Dan Shapley, Water Quality Program Director, *Riverkeeper*
Roger Downs, Conservation Director, *Sierra Club Atlantic Chapter*

CC:
Members of the New York State Legislature
Senate and Assembly Program & Counsel
Venetia Lannon, Deputy Secretary for the Environment, Executive Chamber

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² Weintraub and Best (2014). *ATVs on Roadways: A Safety Crisis*. Retrieved from Consumer Federation for America Website:  
https://consumerfed.org/increasing-off-highway-vehicle-road-access-puts-lives-risk/

http://pediatrics.aappublications.org/content/pediatrics/105/6/1352.full.pdf


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