October 27, 2011

The Honorable William R. Straus  
House Chair, Joint Committee on Transportation  
State House, Room 134  
Boston, MA 02133

The Honorable Thomas A. McGee  
Senate Chair, Joint Committee on Transportation  
State House, Room 109C  
Boston, MA 02133

RE: SB1996, An Act relative to the use of off-highway and recreation vehicles (Senator Michael J. Rodrigues); Before the Joint Committee on Transportation, heard September 22, 2011

Dear Chairman Straus and Chairman McGee;

I would like to offer the following comments on An Act relative to the use of off-highway and recreation vehicles. Recreational Off-Highway Vehicle (OHV) use has grown in Massachusetts and sales of all terrain vehicles have increased by more than 300% over the past decade. The inability of enforcement to keep pace with this recreational activity is well documented in the state and was the focus of the 2007 Department of Conservation and Recreation (DCR) Off-Highway Vehicle Enforcement Working Group, in which Mass Audubon participated and which helped shape many of the provisions of Chapter 202 of the Acts of 2010.

The recommendations can be found here: [http://www.mass.gov/dcr/recreate/ohv/ohvworkgroup.htm](http://www.mass.gov/dcr/recreate/ohv/ohvworkgroup.htm).

Senate Bill 1996 has three provisions. Section 1 gives the director of law enforcement the ability to waive the educational requirement. As I understand it, the motivating force behind this provision is to not discourage participation by out-of-state residents in Massachusetts events. For a non-Massachusetts resident participating in a sanctioned race, rally, or event an exemption is reasonable, and I suggest that the language is tightened to only allow the waiver for non-Massachusetts residents. Section 2 also allows for registration waivers in sanctioned races, rallies, or events. I also suggest that the waiver only be open to non-Massachusetts residents.

Section 2 creates an exemption from registration for all riders on their own property. Mass Audubon opposes this provision. Certain exemptions already exist within the law, for example for agriculture and forestry, but expanding this exemption would undermine the intent of Chapter 202 of the Acts of 2010. The law sought to ensure that as many riders as possible received safety and responsibility training including environmental impact awareness, that vehicles would be clearly marked to allow citizens and enforcement officials to catch those breaking the law, and to create a revenue stream for
education, trail maintenance and expansion, and enforcement. In addition, the majority of properties in Massachusetts are not vast and it is easily conceived that a rider could go off property and ride illegally on an abutter’s property but without a license plate could not be identified.

**Section 2** also seeks to expand the description of where a registration sticker can be placed. It is Mass Audubon’s position that there should be standard placement resulting in clear visibility from the front or back at all times, but statutory language that allows for differences in vehicle shape.

**Section 3** limits sound and noxious fume limits to public property only. Mass Audubon opposes this provision, which would create a difficult-to-enforce double standard. Additionally, abutters would be affected by louder, more noxious vehicles on private property.

Thank you for the opportunity to provide these comments and please contact me with any questions.

Sincerely,

Jennifer Ryan

*Legislative Director*

Cc: Members of the Joint Committee of Transportation