

## Massachusetts OHV Advisory Committee Meeting Minutes

<b>Meeting name</b>			
OHV Advisory Committee Meeting (14)			
<b>Date</b>		<b>Time</b>	
12-11-13		11:00 AM – 3:00 PM	
<b>Location</b>		<b>Meeting host</b>	
Mount Wachusett State Reservation Visitors Center, Princeton, MA		Stephanie Cooper (EEA) Celia Riechel (EEA)	
<b>Committee members present</b>			
Dan D'Arcy (Power Sport Dealers Association)	Mike Toomey (MA Forest & Parks Friends Network)	Steve "Bubba" Gardner (NETRA)	Tad Ames (Berkshire Natural Resources Council)
Capt. Merri Walker (MEP)	Ken Anderson (Mass ATV)	Katie Kearney (Child Safety Advocate) by phone	Randy Toth (Snowmobile Association of MA)
Chris Mossman (MA Forest Landowners Association)	Janet Morrison (North County Land Trust)	Gary Briere (DCR)	
<b>Guests</b>			
Larry Tucker	Mike Grady (OLE)	Terry Sinclair (ATV Maine)	
<b>Committee members absent</b>			
Colleen McGuire (DPH)	Chief Ernest Horn (Mendon Department of Public Safety)	VACANT – rep. of OHV users	

<b>Synopsis of items discussed</b>
<p><b>1. Welcome. Background and mission of the OHV Advisory Committee</b></p> <p>Review of membership. Committee members serve three year appointments, eligible to be reappointed. The OHV Law specifies the composition of the committee and the organizations and stakeholder groups that should have a voice. The committee has now been in existence long enough for some turnover in committee members, and there are a number of current or impending vacancies to be filled. The strength and value of a committee like this rests in the participation of representatives from diverse stakeholders and interests. Committee members are encouraged to help spread the word about the vacancies and to think about people who might be good additions to the committee.</p> <p>The statewide ethics law has been recently clarified, and it does apply to OHV Advisory Committee members. Members are classified as "Special State Employees" and must familiarize themselves and comply with state employee ethics and conflict of interest rules. Committee members are asked to review the <a href="#">Summary of the Conflict of Interest Law for State Employees</a> and sign an acknowledgement of</p>

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receipt form. Committee members must also complete the [online training course for state employees](#) and print a certificate of completion. Due to the specific representation requirements of the committee in the OHV law, some committee members may need to declare a financial conflict of interest and seek an exemption or possibly resign their position on the committee. Members are responsible for knowing the rules and complying as necessary. Specific questions should be directed towards the State Ethics Commission at 617-371-9500.

### **2. Enforcement update**

At a prior meeting, Chief Horn had committed to writing some draft sample language that might be appropriate for legislation that could allow municipal police departments to receive a portion of the revenues from fines issued under the OHV law. The committee can take a look at it next meeting.

Discussion of summer 2013 OHV activity by the Environmental Police (handout). Environmental Police have increased the amount of time spent on various OHV activities in 2013, except for time spent on accidents, administration, and education. Officers spent 88% more time in court, but the number of citations that are upheld or fines collected is unknown because the process of appealing and actually collecting fines can be drawn out, and different courts treat OHV citations with different degrees of leniency. Environmental Police conducted numerous statewide OHV enforcement actions involving multiple officers. Generally the location is selected based on local complaints or at the request of a local police department. Understaffing in central MA and on the Cape and Islands can make coordinated, effective action difficult. July presents a challenge for OHV operations because so much of officers' attention is focused on boating. There was a slight increase in total accidents and injuries for 2013, but this may be a result of outreach efforts to local police departments to get them to send accident information to the Environmental Police, not necessarily a real increase in accidents and injuries.

Education experienced a decline in 2013. Online course completions dropped 20%. While 20% more classroom sessions were offered, 20% of classes were cancelled due to lack of enrollment.

The Division of Fish and Wildlife's new trail cameras have brought in good information on OHVs and dumping. However, it will be a while before it will be possible to quantify the value of fines generated by the cameras. The cameras may also be effective in just deterring illegal activity, so generation of fines may not be necessary.

Low course enrollment suggests that there is still a large portion of the population that isn't being reached effectively by current outreach and education efforts. The Environmental Police are looking into new possible outreach opportunities. Social media presents an excellent opportunity to reach people, especially children.

There are also in-person opportunities. "Touch-A-Truck" events, such as used with

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police and fire trucks during community festivals and parades, could include Environmental Police officers and OHVs. OHV dealers could host such events, but they could also be at malls, etc. The Environmental Police couldn't necessarily provide the manpower to be at all such events, but local volunteers or possibly school resource officers could spearhead individual efforts. Committee members noted that dealers don't always receive outreach materials or information on education efforts, making it difficult for them to pass information along to customers. Could a grant be offered to fund volunteer OHV education/outreach presence at local community events or schools?

The Arkansas Children's Hospital has created a number of good OHV outreach materials focused largely on safety. They made a short educational trailer that ran before movies with child and teenage target audiences; afterwards kids were asked what they learned about OHVs and the safety message was effectively conveyed. This could be a good model to follow in Massachusetts. Some money may be required, but some theaters will donate trailer space to non-profit organizations.

The 'tween market will be most responsive to a multi-media campaign—they watch an estimated 30-40 YouTube videos a day. This could be a simple and low-cost strategy. Short 60-90 second vignettes with a safety or compliance message, with titles that optimize YouTube's search engine – eg, specific geography, colloquial phrases like "busted"—rather than just descriptions ("Important OHV Safety and Compliance Information") are most likely to generate views by kids. Extreme sports and events are another locale where outreach efforts might better connect with kids. Local cable access board is a venue for getting the message to parents, town officials, and other adults. A message can be played over and over and it will be seen. Fitchburg State, Wachusett Community College, other schools may be able to assist in producing a video at low or no cost. Scouts or interns could also be part of this effort.

Manufacturers all have marketing departments. They could potentially provide materials and equipment to be part of outreach efforts, especially those targeting safety.

Could there be some incentive offered to kids for completing safety and education courses? Entry into a raffle to win something? And what about incentivizing dealers to better promote safety and education compliance among their customers? Could the OHV Advisory Committee sponsor a contest for the best OHV video, etc., and offer a prize of some package of gear and equipment? Of course, there would be a requirement that the people making the video have taken the training and be in compliance with the law!

### **3. OHV Riding Opportunity Grant**

EEA is making progress on developing a potential grant program to increase riding opportunities in the state. Grant funding would be available to any city or town in the state, for basic planning, or design and construction of trails and riding facilities.

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It was decided that funding trail construction rather than land acquisition would be the best way to ensure that new riding opportunities are actually created, and in a timely fashion, with the funds.

Would it be possible to include a "test ride" of proposed riding areas across the state? This would allow a chance to see if such an area would generate noise or other complaints, etc. Maybe it could fall under the sanctioned event one-time event.

#### **4. DCR update**

It has been several years since DCR began the free permit system, which is now in place at Beartown, Pittsfield, and October Mountain. It's enabled DCR to gather good information about how many riders are using the trails, how far they're traveling, etc. It's a quick, easy process that you can do online and users appreciate that. In total, DCR gets a few thousand riders each year at all three facilities combined. That number has been stable in the past few years. Most riders come from MA, RI, CT, or NY. There are a lot of riders in eastern MA, but most of them go up north to NH or ME.

The Skyline Trail in Pittsfield, which this committee visited previously, is through the design and permitting process. It would take around \$250,000 to fix. Although the committee previously approved using \$100,000 from the OHV Trails fund to fix it, that funding has not been used. DCR is still pursuing trail improvements, but it is trying to minimize the use of the OHV Fund by using the Recreational Trails fund, which is federal (1/3 of which must go to motorized recreation). The first work will be to fix the key crossing at Lulu Brook. We can only proceed one section at a time, so the next section to be fixed will be at Churchill Brook. This will allow the eventual reopening of the section of trail that has been closed. Skyline is the backbone of the trail system, so it's important to make an investment there. While this won't change the configuration for the coming season, we should be able to open up more miles the following season. As the resource management planning process is finalized over the next few years, we may see more opportunities to invest.

At October Mountain, DCR is working on finishing Roaring Brook bridge. Fixing Schoolhouse Bridge was incorporated into a logging contract, so it will be usable again, too. At Freetown, there continues to be an issue with illegal dirtbike use. DCR is doing what it can to encourage people to stay on established trails. This is a target area for the Environmental Police. There is a strong rider group and friends group, which could be the beginning of a solution.

DCR has a new staff member dedicated to the OHV program, who has done a lot of good work and outreach, including going to a snowmobile event. DCR hopes to be able to keep him year-round.

The Volunteer Policy progresses. Public meetings were held in November (also

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covered DCR regulations), and SAM members also offered some helpful suggestions. The objective is to create a volunteer policy that incorporates all the kinds of work SAM and other clubs throughout the state are doing, in such a way that actually helps more get done and works. DCR is working on new regulations to fix some clumsy editing, and to allow the use of ATVs on non-ATV trails for maintenance purposes, with forest supervisor permission.

Could the permit process use a smart phone? Paper permits can get destroyed when riding in wet or muddy conditions.

### **5. OHV Fund Update**

(see handout) IT spending is higher than you might expect because we're transitioning away from the old system for tracking (which was developed for boating, and wasn't efficient). We're trying to replace it with a new system. The OHV Fund will be charged for only a portion of it; the rest of the cost will be paid for by boating. We're also seeking state technical assistance funds to help develop the system.

Some items approved in one fiscal year do not get spent until the next fiscal year. The OHV riding area grant would pull from the 25% of the fund -dedicated to land/trails. Outreach and education spending, such as the ideas discussed earlier in the meeting, could come from the other 75% of the fund. The Office of Law Enforcement/Environmental Police is still behind on completing procurement of snowmobiles and some equipment approved previously, but as they get better equipment, more officers will be able to get out and patrol. They partnered with a NH officers training program this year, sending two officers, which will help ensure compliance with national standards. DCR is seeking to hire an OHV Program Manager to replace Becky Barnes. They currently have one seasonal manager who oversees the rangers and trail crew; DCR would like to keep him on full-time but has some budget constraints. DCR is using staff time as much as possible to meet the Rec Trails 20% match requirement.

### **6. Regulations Revision**

There will be a change in the exemption process to reflect the recently passed law that allows out-of-state riders to seek exemption from education requirements when participating in specific sanctioned events. MA residents must comply fully with the law, even if they only ride one event in MA.

Discussion about sanctioned events. There does not appear to be any definition of, or set criteria for, a "Sanctioned Event." Who sanctions them? What authority does the Office of Law Enforcement have relative to sanctioning? OLE and the state do not have the capacity to sanction events or set criteria. Local municipal police departments may set their own criteria for sanctioning. There may be some role for local zoning as well.

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Why are there exemptions for very young children to be allowed to ride in preparation for sanctioned events? If riding is dangerous for small children, what is the intent of exemptions?

Could the 90cc engine size limit for children under a certain age be replaced by standards limiting speeds? This means of limitation seems to be the way standards are going, and it might better address the often substantial differences in size and weight of children even of the same age.

### **7. Thoughts from a departing Committee Member – Ken Anderson**

Ken Anderson has served on the Committee since its inception, and played an important role in negotiations with the rider community during the development of the OHV Law. He will not be serving another term, but shared some parting thoughts with the Committee. He said that it has been a long and often difficult process to represent the best interests of ATV riders in Massachusetts. There are many ATV riders in the state, and they are only loosely organized. Ken has worked diligently to communicate with them, keep them engaged, and pursue their interests, particularly increasing legal riding opportunities in the state. Committee members have developed a good rapport with each other and have been able to respectfully disagree on some things, and reach consensus on others to make some real progress in some areas. However, without being able to show progress on offering more riding opportunities, ATV riders have been losing faith in the process. Compliance with the law is low among ATV riders and it may remain so as long they do not perceive any benefit to registering their vehicles, taking required coursework, or riding only in legal areas. Ken hopes that the Committee will be able to advance the creation of more legal riding opportunities for ATV and all OHV riders in the state, and reengage with the ATV community.

### **Next steps/action items**

1. Could small amount of funding be offered to fund volunteer OHV education/outreach presence at local community events or schools?
2. Evaluate feasibility of running a movie trailer about OHV law, safety. (OLE)
3. Create short YouTube videos aimed at kids and teens. (OLE)
4. Create PSA for local cable access stations targeted at parents and town officials. (OLE, with possible assistance from community colleges?)
5. Draft legislative language to establish law enforcement trust fund (Chief Horn)

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6. OHV riding permits by smartphone? (DCR)
7. Request JD Power data on OHV registration for other states (Dan D'Arcy)
8. Trail Opportunities grant program (EEA)
9. Regulations revision (OLE)

**Next meeting**

Wednesday, April 2nd, 11:00am – 3:00pm

Location: Holyoke Heritage State Park, Holyoke, MA