November 4'", 2015



To: Executive Office for Administration and Finance

Commonwealth of Massachusetts

Re: "LISTENING SESSIONS"

Governor Baker's Executive Order #562

Executive Office for Administration and Finance

Regulatory Reform

Dear Sir or Ms.,

Please accept the attached document as a suggested improvement to:

302 CMR 12.14 Rules of Conduct on DCR properties- Recreational Vehicles

This suggested improvement simply allows the regional District Managers the ability to work with local groups for improved access to Rail Trails for reasons of safety.

This CMR is in need of this revision to allow some limited use of snowmobiles on Rail Trails. Change language to allow regional District Managers the discretion to permit snowmobile use under certain agreed upon guidelines. The changes are highlighted in bold red.

The current law is unnecessarily discriminatory by not allowing the regional management any opportunities for discussion with the local population, businesses and non-profits.

If I can be of any further help with this project please feel free to contact me at any time. I would be more than willing to meet with you to discuss this project.

Thanks,

*Lawrence Tucker*

**lists of State Properties Open and Closed to Snowmobiles**

**Snow Vehicle Use**

Welcome to the Department of Conservation and Recreation! We invite you to enjoy your outdoor recreation activities this winter and experience the fun of snowmobiling at forests and parks across the Commonwealth. To assist you in your planning, we would like to acquaint you with the regulations for snow vehicle operation, as well as state properties open and closed to snowmobile use. Come out and play! We look forward to meeting you on the trails.

**302 CMR 12.14: Rules of Conduct on DCR Properties- Recreational Vehicles**

302, Chapter 12,Section 12.14 of the Code of Massachusetts Regulations governs the use of recreational vehicles within the property of the Commonwealth under the care, custody or control of the Department of Conservation & Recreation. The following regulations specifically apply to recreational snow vehicle use:

(1) No person shall operate a snow vehicle..... on DCR property except on forest ways, forest trails, or other areas specifically designated and marked by the Department for snow vehicle..... use, or as otherwise authorized in writing by DCR.

(2) No person shall operate a snow vehicle upon DCR property unless the designated trail or use area is completely covered with a minimum of four inches of hard packed snow on land or five inches of ice on water bodies. An operator of a snow vehicle entering onto DCR frozen waters shall assume all responsibility in undertaking such activity on DCR property. In areas which are open to use by snow vehicles, driving of such vehicles on unmaintained DCR roads will be allowed, unless:

a. DCR posts specific areas as restricted access areas, or

b. Such access to unplowed areas is prohibited by other law or regulation.

(3) No person shall operate a snow vehicle..... in or upon the unfrozen waters or wetlands of DCR property except if crossing a stream over a bridge, a culvert or a similar structure, or by operating the vehicle at the minimum speed required to maintain controlled forward movement to cross in the most direct manner in order to minimize the potential for erosion of the stream bed or banks while on DCR property.

(4) No person may operate a snow vehicle upon the frozen waters of a DCR property when such waters are posted as prohibiting such access.

(5) Licensed hunters possessing a valid handicap plate or placard issued by the Massachusetts Registry of Motor Vehicles may use a snow vehicle..... on DCR trails designated for such motorized uses for the purpose of hunting access during established hunting seasons.

(7) No person may operate any snow vehicle..... upon or over any DCR property unless that vehicle is registered in accordance with the laws and regulations of M.G.L. c. 90A or M.G.L. c. 90B.

(9) No person under 12 years of age shall operate any snow vehicle..... on DCR property.

(10) No person may operate a snow vehicle..... upon any DCR property except in accordance with these regulations, M.G.L. c. 90B,§§ 21through 35, and regulations promulgated thereunder.

(11) No person shall operate any snow vehicle..... upon any DCR property in a reckless manner or in such a manner as may cause or tend to cause fear, discomfort or injury to any person, wildlife, pet, horse, property or vegetation of the DCR or neighboring private property, or at a speed which may be considered unreasonable or improper for existing conditions.

(12) When approaching a non-motorized user including a pedestrian, skier, snowshoer, or bicyclist, the operator of a snow vehicle..... shall immediately slow his or her vehicle to a minimum safe operating speed, shall give the right of way to the non-motorized user, shall not pass until passing can be accomplished with complete safety, and shall not accelerate the vehicle until there is a reasonable distance, no less than 50 feet, from such non-motorized user.

(13) When approaching a horse being led, ridden or driven, the operator of a snow vehicle..... shall bring the vehicle to a stop and turn off the motor if such animal appears to be frightened or if the person in charge of the animal so signals. The operator of a snow vehicle..... shall give the right of way to the horseback rider and shall not pass until passing can be accomplished with complete safety, and shall not accelerate the vehicle until there is a reasonable distance, no less than 50 feet, from the horse.

**302 CMR 12.03: Hours of Operation**

(3) The use of DCR property for snowmobiling..... is not limited to the hours of operation provided in 302 CMR

12.03(1 ).

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**Southeast - Region 1**

Freetown-Fall River State Forest, Freetown

Myles Standish State Forest, Carver

**Northeast - Region 2**

NOTE: All use of snow vehicles in Region 2 permitted only during daylight hours.

Billerica State Forest

Bradley Palmer State Park, Topsfield Georgetown-Rowley State Forest, Georgetown Lowell/Dracut/Tyngsboro State Forest

Wompatuck State Park, Hingham (See Special Restrictions)

**Central - Region 3**

Douglas State Forest, Douglas Hopkinton State Park, Hopkinton Leominster State Forest, Leominster Pearl **Hill** State Park, Townsend Rutland State Park, Rutland

Spencer State Forest, Spencer

Upton State Forest, Upton

Whitehall State Park **(See Special Restrictions)**

Willard Brook State Forest, Townsend

**CT Valley- Region 4**

Brimfield State Forest, Brimfield

Erving State Forest, Erving

Lake Dennison Recreation Area, Winchendon

Mt. Grace State Forest, Warwick Holyoke Range State Park, Amherst Hubbardston State Forest, Hubbardston Northfield State Forest, Northfield

Otter River State Forest, Baldwinville Petersham State Forest, Petersham Templeton State Forest, Templeton Warwick State Forest, Warwick

Wells State Park, Sturbridge

Wendell State Forest, Wendell

**Berkshires- Region 5**

DAR State Forest, Goshen

Florida State Forest, Florida

Gilbert A. Bliss State Forest, Chesterfield Balance Rock State Park, Lanesborough

Bates Memorial State Park, Hancock Becket State Forest, Becket Beartown State Forest, Monterey

Blackberry River Flood Control Area, New Marlborough

Bryant Mountain State Forest, Cummington

Buckland State Forest, Buckland

Catamount State Forest, Colrain

Chester-Blandford State Forest, Chester Clam Dam Flood Control Area, Sandisfield Conway State Forest, Conway

Granville State Forest, Granville

H.O. Cook State Forest, Heath

Huntington State Forest, Huntington

Kenneth Dubuque Memorial State Forest, Hawley

Middlefield State Forest, Middlefield Mohawk Trail State Forest, Charlemont Monroe State Forest, Monroe

Mt. Greylock State Reservation, Lanesborough

October Mountain State Forest, Lee

Otis State Forest, Otis

Pittsfield State Forest, Pittsfield **(See Special Restrictions)**

Peru State Forest, Peru

Rowe State Forest, Rowe

Sandisfield State Forest, Sandisfield

Savoy Mountain State Forest, Florida

Tolland State Forest, Otis

West Lake/Abbey Lake Recreation Area, Sandisfield

Windsor State Forest, Windsor

Worthington State Forest, Worthington

**Special Restrictions, Certain Areas**

**Ashuwillticook Rail Trail:** Closed, except for special use licenses or agreements.

*Norwottuck Rail Trail, Closed, except tor designated sections with special use licenses or agreements.*

**Whitehall State Park:** Snowmobiles are only permitted during daylight hours and are to be operated only on frozen waters for ice fishing purposes.

**Willowdale State Forest:** Snowmobiles are prohibited except to access the trail to Bradley Palmer State Park.

**Wompatuck State Park:** Snow vehicles permitted on portion east of Union Street only.

**The following areas are *closed* to snowmobile use at all times:**

**Southeast - Region 1**

Acushnet Cedar Swamp State Reservation, Dartmouth, New Bedford

Borderland State Park, Sharon and Easton

Bristol-Blake State Reservation, Norfolk

Cape Cod Rail Trail, Eastham, Harwich, Brewster and Orleans

Cushing Memorial State Park, Scituate Demarest-Lloyd State Park, Dartmouth Dighton Rock State Park, Berkley Ellisville Harbor State Park, Plymouth Fall River Heritage State Park, Fall River F. Gilbert Hills State Forest, Foxboro

Fort Phoenix Beach State Reservation, Fairhaven

Franklin State Forest, Franklin

Hawknest State Park, Harwich

Horseneck Beach State Reservation, Westport Manuel F. Correllus State Forest, Martha's Vineyard Massasoit State Park, Taunton

Myles Standish Monument State Reservation, Duxbury

Nantucket State Forest, Nantucket

Nasketucket Bay State Reservation, Mattapoisett

Nickerson State Park, Brewster

Pilgrim Memorial State Park, Plymouth

Scusset Beach State Reservation, Sandwich

Shawme-Crowell State Forest, Sandwich and Bourne

South Cape Beach State Park, Mashpee

Watson Pond State Park, Taunton

Waquoit Bay National Estuarine Research Reserve, Falmouth

West Bridgewater State Forest, West Bridgewater

Wrentham State Forest, Wrentham

**Northeast - Region 2**

Boston Harbor Islands State, Boston Harbor

Boxford State Forest, Boxford

Captain William K. Webb Memorial State Park, Weymouth

City Square State Park, Charlestown Great Brook Farm State Park, Carlisle Halibut Point State Park, Rockport

Harold Parker State Forest, Andover, North Andover

Lawrence Heritage State Park, Lawrence Lawrence Riverfront State Park, Lawrence Lowell Heritage State Park

Lynn Heritage State Park

Maudslay State Park, Newburyport Plum Island State Reservation, Ipswich Roxbury Heritage State Park, Roxbury Salisbury Beach State Reservation, Salisbury Sandy Point State Reservation, Ipswich

Walden Pond State Reservation, Concord and Lincoln

Warren Manning State Forest, Billerica

Willowdale State Forest (See Special Restrictions)

**Central - Region 3**

Ashburnham State Forest, Ashburnham

Ashland State Park, Ashland

Ayer to Dunstable railroad, right of way

Blackstone River and Canal Heritage State Park, Northbridge and Uxbridge Callahan State Park, Framingham (the former Glick & O'Donnell properties) Cochituate State Park, Natick, Wayland and Framingham

J. Harry Rich State Park, Groton

Lake Park, Worcester

Lancaster State Forest, Lancaster

Marlborough-Sudbury State Forest, Marlborough, Sudbury

Moore Memorial State Park, Paxton Nobscot Hill Property, Framingham Oakham State Forest, Oakham

Purgatory Chasm State Reservation, Sutton

Quinsigamond State Park, Worcester

Sutton State Forest,Sutton

Wachusett Mountain State Reservation, Princeton & Westminster

**CT Valley- Region 4**

Carroll A. Holmes Recreation Area, Shutesbury

Chicopee Memorial State Park, Chicopee

Connecticut River Greenway State Park (Elwell Recreation Area),Northampton

Dunn State Park, Gardner

Federated Women's' Club State Forest, Petersham

Gardner Heritage State Park, Gardner Hampton Ponds State Park, Westfield Holyoke Heritage State Park

Joseph Allen Skinner State Park, Hadley

Lake Lorraine State Park, Springfield

Mt. Sugarloaf State Reservation, Deerfield Mt. Toby State Reservation, Sunderland Mt. Tom State Reservation, Holyoke

Norwottuck Rail Trail, Amherst, Northampton *(See Special Restrictions}*

Red Bridge State Park, Ludlow, Wilbraham and Palmer

Robinson State Park, Agawam Shutesbury State Forest, Shutesbury Streeter Point Recreation Area, Sturbridge Tully Recreation Area,Athol and Royalston

**Berkshires- Region 5**

Appalachian Trail, Berkshire County

Ashuwillticook Rail Trail **(See Special Restrictions)** Bash Bish Falls State Park, Mt. Washington Campbell's Falls State Park, New Marlborough Clarksburg State Forest, Clarksburg

Clarksburg State Park, Clarksburg Cookson Property, New Marlborough Deer Hill State Reservation, Cummington

East Mountain State Forest, Great Barrington & Sheffield

Fountain Pond State Park,Great Barrington

Gardner State Park, Huntington

Jug End State Reservation and Wildlife Management Area, Egremont

Krug Sugarbush, Chesterfield

Leyden State Forest, Leyden

Mount Everett State Reservation, Mt. Washington Mount Washington State Forest, Mt. Washington Natural Bridge State Park, North Adams

North East Branch State Forest, Cummington

North Silver *I* South Silver Flood Control Area, Sandisfield

South River State Forest, Conway

Taconic Trail State Park, Williamstown

Wahconah Falls State Park, Dalton

Western Gateway Heritage State Park, North Adams

**dcr**

*Massachusetts*

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