

September 29, 2020

Re: HB 1706 Scheduled for an Informational Hearing Before the House Tourism Committee
October 1, 2020

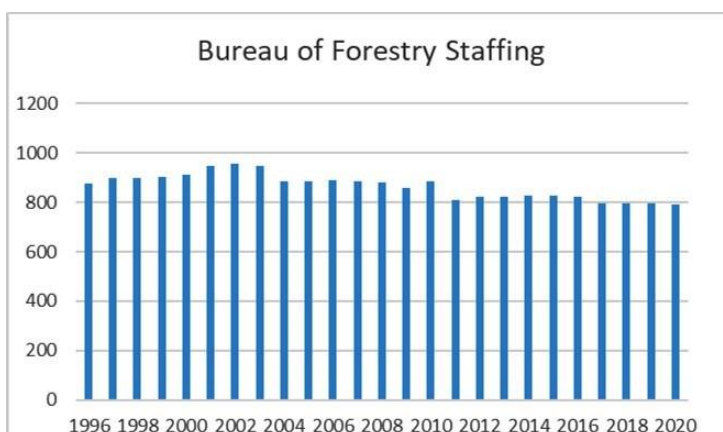
To the Members of the Pennsylvania House of Representatives:

The Pennsylvania Parks and Forests Foundation opposes House Bill 1706, which amends Title 75 of the Pennsylvania Consolidated Statutes, and write today for ask for your opposition of this bill. We understand that there is an informational meeting on this bill on Thursday, October 1st and wanted to be on the record as opposing the bill.

There are multiple provisions of this bill that concern us;

First, the bill proposes to treat ATVs, snowmobiles, and off-highway motorcycles equally in terms of trail access and management. Yet each of these motorized recreational types provide their own opportunities and challenges, and potential conflicts exist among and between them.

Second, we oppose requiring off highway motorcycle owners to register through DCNR, as this creates an expectation that DCNR NEEDS to create trails. The demand for ATV/ Snowmobile trails outpaces revenue raised from registrations of these vehicles. In 2017-2018, the Bureau of Forestry received \$1.2 million from the ATV fund for trail work. To put this in perspective, one mile of aggregate to create an ATV trail costs \$35,000, without factoring in the labor to apply this aggregate, the planning, etc. This means that others sources of funding must be tapped to provide for increased demand—what will be the source of this funding?



Development and maintenance of ATV/Snowmobile/Off-Highway Motorcycles trails place an undue burden on an agency already facing a billion dollar need for infrastructure repairs and upgrades that is chronically understaffed. Factor in motorized recreation on trails designed for foot or equestrian traffic, and the maintenance costs escalate.

Additionally, registering Off-Highway

Motorcycles is OPTIONAL, which means that the pot of money may not grow as presented, but the impacts on the resource will.

There are significant new duties assigned to DCNR as an agency but no new funding provided to cover these duties, including grant management, expanded law enforcement duties, records keeping and reporting, title work. How do you expect more from less?

Third, the bill contains language that removes management and decision-making on appropriate trail use and environmental protection from the Bureau of Forestry to local municipal authorities. According to the legislation,

(a.1) State forest land.--If a local authority designates a roadway within its jurisdiction as open for snowmobile, ATV or Off-Highway Motorcycles use, or a combination, and the roadway is adjacent to or adjoining State forest land, the department shall make roads and trails in that forest available for the use of vehicles regulated under this chapter.

Management of state lands falls under the jurisdiction of the state, not local authorities. These four lines potentially open all trails and roads in our state forests to all motorized recreation. Not only does this remove ecological management of our state forests, it opens the door for user conflicts (hikers, equestrians, hunters, anglers, you name it.). The potential for injury (imagine a motorized vehicle flying up on an equestrian!) and liability is great. To allow all trail users to operate on the same designated trails as other park visitors all could lead to user conflicts between families with children or people on horseback with the motorcycle riders, leading to serious injuries, as well as damage to the trails themselves. If motorcyclists are to be allowed unlimited access to state forests, as the bill would mandate, DCNR loses the ability to designate trails for their use to avoid such trail user conflicts and injuries.

The citizens of the commonwealth have a constitutional right to the preservation of our public lands, yet this bill removes the ability of the state to manage these lands.

Additionally, language in the grants section potentially gives outside groups, including for-profit companies, funding and the right to do construction projects and other work to build or repair trails on state forest lands that DCNR may oppose - this is a dangerous precedent and should be struck.

DCNR has insufficient capital funds to maintain its bridges and crossings. These crossings are designed for pedestrians and may be weight-restricted for Off-Highway Motorcycles. These bridges will become compromised and their lifespan greatly reduced due to the impact. How will these additional fiscal impacts be accounted?

Fourth, when a trail is developed, it is developed with a specific user in mind. Soils are reviewed, slope and terrain mapped, local environments are explored, water management is discussed, and surfaces and structures designed. A trail designed to accommodate a hiker is not the same trail as one designed for an ATV or a dirt bike. For example, a trail through a wet

ecosystem may include a boardwalk and several bridges. For the Off-Highway Motorcycles, it will be through the stream and wetland. Imagine the impacts on our high quality trout streams?!

Fifth is the issue of safety. The bill places all users, including those on the motorized equipment, at risk, yet there is insufficient ability to access injured recreationists in a deep woods environment, especially if there is little to no cell signal or a way of identifying location. A hiker is often more aware of his or her surroundings and following a designated map than someone speeding along on Off-Highway Motorcycles. On ATV trails, markers allow the rider to disclose location—these markers do not exist on all trails or forestry roads.

Mixed vehicle use on our forestry roads means more accidents—who responds to these? Do rural EMTs and firefighters have the capacity to assist the injured? Do they have the equipment needed to access the victims? Are the local hospitals equipped to handle the types of accidents that could occur? Pennsylvania already is among the leaders in ATV accidents—do we want to be the leader? What happens when we factor in Off Highway Motorcycles? Sending people to ride onto conditions that we already know are unsafe is asking for accidents and an increase in the fatality rate.

Currently Pennsylvania ranks third in the nation for total ATV FATALITIES (including ongoing reporting), following only behind Texas (831 fatalities) and West Virginia (795 fatalities) with 761 fatalities (1982-2017). This does not include accidents that did not end in a fatality, nor does it include Off-Highway Motorcycles, so one can surmise the accident rate is even greater and will continue to climb with Off-Highway Motorcycle introduction and an expansion into areas that are not designed for the specific use of ATVs and Off-Highway Motorcycles. Of the 24 fatal crashes last year, 75% of them were on public roads—roads that were NOT DESIGNED to accommodate ATV use.

When a hiker comes around a bend and finds a tree has fallen onto the trail, it is pretty easy to stop and find a way around it. When a Off-Highway Motorcycle comes around the bend and finds a tree on the trail, will he or she be so lucky as to avoid the tree? As someone who does trail maintenance and who serves as the sawyer's sidekick for removing trees, I can speak from experience that downed trees, flooded trails, and missing bridges are a regular occurrence. On a trail with a long field of vision, a fast moving vehicle can avoid a collision. On a trail with twists and turns, the risk of injury is great.

Sixth, state forest roads have a particular purpose such as management and timber sales. Those that are suitable for other users are labeled as such. But not all roads are suitable and may present a higher risk of accident due to impacts with heavy equipment. Additionally, these roads do not meet the specific trail criteria of Off-Highway Motorcycle and ATV riders, and present safety hazards such as limited sight distance, dust, and surface conditions. Roads open to use by vehicles also have a specific speed limit—typically 25 and under, which may not be followed by ATV and Off-Highway Motorcycle riders.

Other industrial uses occur in the forest that utilize heavy equipment, such as the gas industry, that pose potential user conflicts.

Seventh, opening all roads and trails in a state forest to ATVs, Snowmobiles, and Off-Highway Motorcycles has the potential to increase riding on state game lands, state parks, and private lands. Most folks do not recognize when they enter or leave a state forest, and it would be very easy to enter non-forest lands and thus not only increase the potential for user conflicts, but increase the potential for accidents.

dB Level	Examples	Permitted Exposure (Hours per Day)
10	Breathing	
20	Whisper	
30	Library	
50	Quiet Office	
60	Conversational Speech, Electric shaver	
65	Piano Practice	
70	Noisy Restaurant	
75	Alarm Clock	
80	Vacuum Cleaner	
85	Garbage Disposal / Busy Hotel Lobby	
90	Tractor / Subway	8
100	Blender, Factory Noise	2
105	Motorcycle, Orchestra	1
110	Power Saw, Heavy Truck, Power Mower	0.5
115	Uncomfortable Feeling Starts	0.25
120	Disco / Loud Bar Music / Shotgun	0
130	Cymbal Crash, Air Raid Siren	0
140	Rock Concert Front Row / Jet	0
150	Chest begins to vibrate	0
160	Eardrum bursts	0
190	Loudest Possible Sound	0

Eighth is the issue of noise. How will the increased noise due to increased motorized recreation impact other users? Wildlife? What does this mean for the hunter? Research supports that noise has a direct impact on species survival.

According to *Smithsonian* magazine, noise pollution poses threats that could impact the survival of many species. Amphibians, birds, insects and mammals all rely on sound to convey essential information, like mating and warning signals. Owls, like bats, use acoustic signals to locate prey.

Pennsylvania is a keystone state for several species of birds, such as the Scarlet Tanager,

with 15% of the population breeding in Pennsylvania. To remove species means a larger impact on the entire ecosystem. It also means a potential impact on game species, adversely impacting the hunting industry in Pennsylvania.

Ninth, staffing in our state parks and forests is already lower than needed to adequately operate our parks and forests. With the introduction of an activity with both known safety issues and that will require increased trail and road repair, the legislature is both increasing the need for more staff and more operational funding—a need that would not be met by proposed registration of Off-Highway Motorcycles.

Tenth, the bill is rife with exemptions that will make any kind of real enforcement confusing, difficult, and nearly impossible to accomplish. These include exemptions for: non-residents, ag and business use (what does this mean, ATV or Off-Highway Motorcycle tours?), United States use (what is this), optional registration for non-street legal bikes, etc. How does one begin to enforce legal versus illegal use and who will be doing the enforcement? Do those municipalities

that open their roads to ATV, Snowmobile and Off-Highway Motorcycles have a police force to enforce or will they be relying on DCNR or Pennsylvania State Police for enforcement?

This is a summary of the reasons why we oppose this bill. While the bill is presented a means of economic development, it fails to take into account the cost of the proposal, human safety, and the loss of revenue due to displaced recreationists.

The Pennsylvania Parks and Forests Foundation opposes House Bill 1706 and believes that it will have an adverse impact on our forest system, the high quality watersheds these forests are in place to protect, critical wildlife species, and local economies due to lost tourism revenue. Additionally, we are concerned with potential user conflicts and accidents/deaths caused by conflicts and operation of ATVs/Snowmobiles/Off-Highway Motorcycles on trails and roads not designed for their use. We are also concerned with the contradictory direction within the bill as well as the bill removing the Department of Conservation and Natural Resources' authority to manage the state's forests in a sound and scientific manner.

The Bureau of Forestry released a revised ATV policy to accommodate additional ATV use and are currently working on ATV trail connections to increase trail mileage for ATV users. Additionally, there are opportunities for private enterprise to develop play parks for use of all off-road vehicles including ATVs and motorcycles.

Thank you for your attention.

Sincerely,

Marci J. Mowery, President