

**STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**ALL TERRAIN VEHICLE
POLICY AND PROCEDURES**

November, 2002

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1. ALL-TERRAIN VEHICLE STATE LAND POLICY

This policy proposes a procedure to identify organizations knowledgeable and responsible for ATV interests and invites them to submit proposals for ATV access that would be compatible with natural resource protection and use of a site by others. The Department of Environmental Protection's role in this relationship is to provide a clear understanding of the parameters for such a proposal, to conduct a thorough and accurate review and, to render an objective decision on the possible use of state land. If approved, the sponsoring organization would engage in a concession agreement for the development, operation and maintenance of the area. The facility management responsibility is modeled after several other programs within the Department including the off-road motorcycle trail, the Blue Blazed hiking trails and the hunter safety education and boating safety education programs. In this era of tight budgets for conservation programs, establishing partnerships with constituency groups and volunteers has become an effective means of providing increased public services.

Statutory provisions for safety education courses, operator certification and insurance are in place. The Department will adopt regulations with respect to these aspects of the ATV program concurrently with the implementation of an ATV facility. **In addition, the DEP has proposed legislation regarding registration fees and certification requirements. This policy will not take effect until such supporting legislation is enacted.**

The DEP recognizes that off-road vehicle use on public lands is a complex issue that is not unique to Connecticut. The use of public lands, particularly DEP managed properties, for off-road vehicles, presents significant and sometimes conflicting responsibilities for accommodating the varied philosophies and demands of divergent user groups.

Each visitor has a stake in how the Department carries out its mission of preserving and protecting natural and historic resources while addressing the interests of hikers, campers, bird watchers, hunters, fishers, bicyclists and other users such as off-road vehicle riders.

In recent years, the dramatic increase in all-terrain vehicle (ATV) sales has generated a significant demand for riding areas. The level of illegal use on DEP lands and impacts on natural resources and other recreational users have made it necessary to formalize a position on ATV use. In the process of formulating the document, Department staff have completed an evaluation of ATV policies in other northeastern states, particularly Massachusetts and New Jersey. The approach to proposing properties for ATV use is predicated on ATV users having the best understanding of rider demand and the site conditions to accommodate their needs.

The purpose of this document is to articulate a policy regarding ATV use on state managed properties. It is not intended to address the use of snowmobiles, motorcycles

or other types of motorized off-road vehicles. (See Appendix A, Existing Off-Road Vehicle Uses.)

2. DEFINITIONS AND STATUTORY OPERATING PARAMETERS

ALL-TERRAIN VEHICLE DEFINITION - (C.G.S. ch. 255, §14-379; ch. 255, §14-390f; ch. 447, §23-26a as amended by PA 02-70)

An ATV is defined as a self-propelled vehicle designed to travel over unimproved terrain and which has been determined by the Commissioner of Motor Vehicles to be unsuitable for operation on the public highways. State law references an ATV as any motorized vehicle not suitable for operation on a highway that (1) is not more than 50 inches wide, (2) has a dry weight of no more than 600 pounds, (3) travels on two or more tires specifically designed for unimproved terrain, (4) has a seat or saddle designed to be straddled by the operator, and (5) has an engine with a piston displacement of more than 50 cubic centimeters.

REGISTRATION – (C.G.S. ch. 255, §14-380)

The operation of an ATV requires a valid registration issued by the Connecticut Department of Motor Vehicles (DMV) or other state in reciprocal agreement with Connecticut. The only exception is the operation of an ATV on premises owned or leased by the owner of the ATV.

OPERATING RESTRICTIONS – (C.G.S. ch. 255, §14-387; ch. 447, §23-26b; ch. 447, § 23-26e)

ATV's may not be operated:

- A. on any public highway, except to cross a public highway at a ninety degree angle to the direction of the highway and only by a licensed motor vehicle operator. It should be recognized that all roads on DEP managed lands open to motor vehicle traffic are classified as public highways.
- B. with an exhaust system that emits excessive noise.
- C. without proper operating brakes and lights.
- D. in any manner which would harass game or domestic animals.

- E. on any fenced agricultural land or posted land without the written permission of the owner.
- F. on any railroad right-of-way.
- G. on state land without first obtaining a certificate from the Commissioner of Environmental Protection and unless the vehicle is registered with the DMV. A certificate shall not be issued to any person under eighteen years of age unless that person has completed a safety education course.
- H. on state land if that person is less than twelve years of age. A person between twelve and sixteen years of age may operate an ATV on state land provided the individual has obtained a certificate and is supervised by a person eighteen years of age or older who has completed a safety education course.

An ATV may be operated on the frozen surface of any public body of water as referenced in C.G.S. ch. 255, §14-387.

3. PROCEDURES FOR SUBMITTING AN ATV PROPOSAL

- A. The organization is advised to become familiar with all aspects of this policy and procedures document and to submit a proposal consistent with the requirements therein.
- B. The organization proposing the use of [DEP] State lands for ATV use must be capable of demonstrating that it has the resources and capacity to completely develop, operate and maintain an off-road vehicle facility.
- C. The organization must be registered as a Connecticut corporation with the Secretary of the State. In the case of a non-profit organization, it must be a tax-exempt organization recognized by the Federal Internal Revenue Service.
- D. Any organization proposing to develop, operate and maintain an ATV facility on State land must provide for use of the facility by the general public.
- E. The organization is advised that it has the sole responsibility to provide financial support for the proposed project in terms of development, operations and maintenance. Although there are no state funds specifically earmarked for ATV projects, the organization is encouraged to pursue funding through state administered programs such as the National Recreational Trails initiative. In addition, a portion of any ATV registration fees which may accrue to the DEP in the future shall be available for grants for the planning, design, and construction of trails and facilities.
- F. An ATV proposal must be submitted in a two step process. The initial or feasibility phase should include basic information describing the proposal but in sufficient detail for DEP staff to conduct a preliminary evaluation. Descriptions referenced in section 4 of this document are particularly important at this phase. Although the sponsoring organization may ultimately be required to comply with all elements of this document in the final phase submittal, the following sections are not necessary for the initial phase.

3B - Financial resources

5C - Administration/staffing/volunteers

5F - Environmental assessment

3C - Organizational status

5D - Training

5H - License administration and compliance.

The organization should compile the initial ATV proposal as described in section 5 and submit it to the State Parks Division as indicated.

- G. The sponsoring organization shall send copies of the ATV proposal, simultaneously with the submittal to DEP, to the chief elected officials of the municipalities where the proposed facility would be located and to state legislators whose districts encompass the proposed facility location, and shall place a notice in the community's local newspaper.
- H. The Department, after reviewing the initial proposal, will notify the sponsoring organization in writing that the proposal either 1. appears feasible and to proceed to I below or 2. is denied with an explanation why the proposal is not feasible. The Department will also notify the respective municipal officials and state legislators of its decision at the initial phase.
- I. If the proposal appears feasible the organization will be required to submit a final phase proposal which must address all aspects of the policy and procedures document including sections referenced in 3F above. The proposal should be in an electronic format.
- J. The Department will schedule, provide notice for, and conduct a public meeting within a municipality where the proposed facility would be located. The sponsoring organization will be responsible for presenting the proposal and addressing questions related directly to the proposal. The Department will invite public comment after the presentation and record this information for consideration in its final decision.
- K. The Department of Environmental Protection will evaluate all information relevant to the proposal including testimony provided at the public meeting and render a decision on the proposal. The proposal may be approved, approved with amendments or rejected. Grounds for rejection may include but are not limited to excessive displacement of existing uses, unreasonable risk to public health, environmental degradation, adverse impacts on land uses or the imposition of financial burdens on state or local governments.
- L. If the proposal is approved, the organization will enter into a concession agreement with Department of Environmental Protection for the development, operation and maintenance of an ATV facility. The DEP may require a performance bond as part of the concession agreement.
- M. The organization shall be responsible for obtaining all approvals and permits associated with the ATV proposal.

N. The Department of Environmental Protection will provide monitoring and oversight of the conditions and responsibilities prescribed in the concession agreement.

4. CRITERIA FOR AN ATV FACILITY

The Department of Environmental Protection will take into account the following characteristics and considerations when considering proposals to establish an ATV riding area.

- A. The property must accommodate adequate trail mileage to satisfy public riding interests. Trail loops are desirable and should be of varying difficulty.
- B. Areas to consider for off-road vehicle facilities may include:
 - Quarries
 - Former military properties
 - Degraded lands
 - Abandoned sand and gravel pits
 - Other lands as appropriate which are suitable for this activity

Although this document focuses on the potential of ATV use of DEP managed lands, sponsoring entities are encouraged to consider and review the inventory of state owned lands outside of DEP jurisdiction which may be conducive to this type of activity.

- C. The property must have suitable areas for parking to accommodate vehicles including those with trailers. This means the parking areas should be of adequate size, particularly if organized events will be held, and have a nearly flat surface with soil conditions conducive to heavy vehicle use.
- D. The property should be located in a predominantly undeveloped area to avoid conflicts with adjacent property owners, and preferably not near residential neighborhoods. Conflicts might include noise, trespassing, or incompatibility with neighbors. If the property is in an area with some development, there should be assurances that neighbors are aware of the applicant's intentions and do not have reasonable objections to the property being used in this manner.
- E. The property must be located in an area that is not environmentally or historically sensitive. The following factors should be considered:
 - 1. Wetlands

2. Known endangered and threatened species or species of special concern habitat.
3. Soils or landscape features prone to high erosion
4. Poor drainage
5. Public drinking water supplies
6. Degree of vegetation required to be removed for trails and facilities
7. Existence of historic resources, features and/or artifacts.

If there are portions of areas proposed for use that are environmentally sensitive, those portions of the property where there is concern must be avoided. If the applicant is unable to avoid a sensitive area, the necessary mitigation for affecting these areas must be obtained. This might include planting vegetation or re-routing trails.

- F. The trails shall not be located in an area with inherent safety hazards such as those containing steep cliffs, toxic materials or infrastructure that would pose a risk to the participants or public.
- G. The trails should avoid areas of existing and projected public uses including recreational, scientific research and educational which would be adversely affected or displaced by ATV use.
- H. Proposed trails must not enter the streambed of any perennial or intermittent stream and shall be located at least 100 feet from the stream channel at all times except for portions of the trail accommodated by a bridge crossing or culvert.

5. ATV PROPOSAL OUTLINE

The following represents the outline of an ATV proposal for submission to the Department of Environmental Protection for review and consideration. The document must be submitted to:

State of Connecticut
Department of Environmental Protection
Bureau of Outdoor Recreation
State Parks Division
79 Elm Street
Hartford, CT 06106

- A. Introduction
 - General background information on proposal and sponsoring entity.
- B. General Description of the Proposed ATV Area
 - Overview and description of the site, acreage, significant features, and boundaries.
 - Current public uses.
 - Site plan showing all existing physical elements of the site and any changes in the land to accommodate the activity.
 - Surrounding land uses.
- C. Administration/Staffing/Volunteers
 - Specific information on individuals responsible for the area including license compliance, maintenance, programming, security, emergency services and evidence of proper training for courteous and safe use of the area.
 - Job descriptions for individuals assigned to specific responsibilities.
 - Rules and Regulations for volunteers and staff – for example: behavior, appearance, proper use of concession area and equipment, and accident reporting.

- D. Training
- Specific requirements for training staff and volunteers; for example, customer service and emergency procedures.
 - Verification that all users, including staff or volunteers, have the proper training and certification for safe and courteous use of the facility.
- E. Operational Guidelines
- Schedule of days and hours
 - Maintenance inspection and security
 - Special events
 - Communication
 - Staffing levels
 - Enforcement of rules and regulations
 - Access to the area by individuals and groups
 - Fees and charges
 - Emergency procedures
 - Concessions and/or other service
 - User capacity limits for site
 - Sanitary facilities
 - Management of access, vehicle circulation, parking and loading and unloading areas.
- F. Environmental Assessment of the Property (Refer to Appendix D for Environmental Assessment Outline)
- Inventory of natural resources including soils, geology, vegetation, hydrology and animal species.
 - Inventory of archaeological and historical components.
 - Assessment of impacts on natural, historical and archaeological components of the property from the development, operation and maintenance of an ATV facility.
 - Assessment of impacts on existing uses.
- G. Social Impacts
- Increased vehicle traffic
 - Affects on adjoining lands and neighbors
 - Additional cost to local emergency services
- H. License Administration and Compliance
- Assignment of specific responsibilities for reporting and

other requirements of the concession agreement.

6. STANDARD CONCESSION AGREEMENT DESCRIPTION

The designation and use of lands under the jurisdiction of the Connecticut Department of Environmental Protection for use by all-terrain vehicles will require the execution of a concession agreement. The concession agreement will be a binding contract between the Department and the sponsoring organization for the development, operations and maintenance of the facility. ATV use on DEP lands shall only be permitted in authorized areas and subject to the operating parameters of this agreement. An organization under concession agreement for an ATV area shall be responsible for the development, operation and maintenance of the area.

The following represents an outline of the important standard elements of a concession agreement for the management of an ATV area:

A. Term

To be negotiated based on the organization and the specific area covered by the concession agreement. Initial expectation is a five year term.

B. Purpose

This section specifically identifies the use and occupancy of the concession agreement premises for a specific purpose – in this case for ATV use.

C. Condition of Concession Agreement Premises

Reflects the present condition and any changes approved by the concession agreement.

D. Management and Operation Plan

A detailed comprehensive plan for the development, operation and maintenance of the premises including facilities to be provided (parking areas, trail development and associated facilities) and measures to contain and regulate all permitted activities on the concession agreement property.

E. Annual Plan and Budget

A specific document that presents those elements of the management and operation plan for the next year. Examples of information to be provided in the annual plan and budget include description of hours and days of operation, events and activities to be held, projects and improvements, costs, and demonstration that the organization continues to have the required resources to fulfill the management responsibilities.

F. Maintenance and Utilities

Addresses the responsibility for maintenance of the premises covered by the concession agreement including the cost of utilities and project approval requirements and restrictions.

G. Operation and Supervision

Articulates that the organization authorized to use the area is completely responsible for its operation, maintenance, supervision and appropriate safety and emergency training.

H. Security and Enforcement

Reflects that the organization has primary responsibility for the security and enforcement of rules and regulations of the area of the concession agreement.

I. Renovation and Improvements

Provides for the Department approval of all improvements and renovations on the premises covered by the concession agreement.

J. Construction Responsibility of Licensee

Describes the approval process for any construction projects on the area covered by the concession agreement including permits and code requirements.

K. Compliance with laws, licenses, and permits

Identifies local, regional and state level requirements.

L. Fees

Describes all fees which must also be approved in advance by DEP.

M. Reports, Records, and Audit

Outlines specific requirements of the organization to submit reports and other information to DEP.

N. Damage to property

Describes that damage to the premises covered by the concession agreement or adjacent non-related lands is the responsibility of the organization and may result in further actions or lease termination if damages are not remediated.

O. Indemnification

Provides for indemnification of the State of Connecticut by the concessionaire for all activities on the premises covered by the concession agreement.

P. Insurance

The “boiler plate” provisions of the concession agreement regarding liability and property damage coverages which will be subject to review by the Office of the Attorney General.

Q. Termination

Reflects conditions under which the concession agreement can be terminated.

APPENDIX A

Existing Off-Road Vehicle Uses

The Department of Environmental Protection accommodates three types of Motorized off-road uses within state forests. (There are currently no authorized ATV riding areas within DEP managed lands.)

- A. **SNOWMOBILES** – There are eleven areas providing snowmobile trails on unplowed state forest roads during the winter months. The activity is permitted only with a minimum snow cover. Concerns regarding natural resource impacts and user conflicts have been minimal because of the insulation value of snow cover and relatively low use levels by other recreational visitors at this time of year.

- B. **PACHAUG STATE FOREST MOTORCYCLE TRAIL** – A 60 mile trail system is available for off-road motorcycles using a combination of forest roads and trails. Motorcycles must be street-legal and registered with the DMV and riders must have a DMV operators license.

- C. **ENDUROS** – The DEP accommodates enduros on selected state forests. These competitive events are typically one day in duration, sponsored by a regional motorcycle club, subject to review and approval by DEP staff and, utilize state forest land, public roads and private property to provide adequate mileage for participants. Motorcycles must be street-legal registered and operators must be licensed.

APPENDIX B

Connecticut General Statutes - ATV Registration and Operating Provisions

Sec. 14-379. Definitions. As used in sections 14-379 to 14-390, inclusive, subsections (3) and (4) of section 12-430 and sections 12-431, 14-33, 14-163 and 53-205, unless the context otherwise requires: "Commissioner" means the Commissioner of Motor Vehicles; "snowmobile" means any self-propelled vehicle designed for travel on snow or ice, except vehicles propelled by sail; "snowmobile dealer" means a person engaged in the business of manufacturing and selling new snowmobiles or selling new or used snowmobiles, or both, having an established place of business for the sale, trade and display of such snowmobiles. "All-terrain vehicle" means a self-propelled vehicle designed to travel over unimproved terrain and which has been determined by the Commissioner of Motor Vehicles to be unsuitable for operation on the public highways which is not eligible for registration under chapter 246; "all-terrain vehicle dealer" means any person engaged in the business of manufacturing and selling new all-terrain vehicles, or both, having an established place of business for the manufacture, sale, trade and display of such all-terrain vehicles; "operate" means to control the course of or otherwise use a snowmobile or all-terrain vehicle.

(1969, P.A. 752, S. 1; 1971, P.A. 848, S. 3.)

History: 1971 act redefined "operate" to include all-terrain vehicles and defined "all-terrain vehicle" and "all-terrain vehicle dealer".

All-terrain vehicle qualifies for uninsured motorist coverage under the policy definition. 45 CS 144.

Sec. 14-380. Operation prohibited without valid registration. Exceptions. On or after October 1, 1971, no person shall operate and no owner shall permit the operation of any snowmobile or all-terrain vehicle unless the owner holds a valid, effective registration awarded by this state or by another state or by the United States, provided such state or district of registration grants substantially similar privileges for snowmobiles or all-terrain vehicles owned by residents of this state and registered under its laws, and unless the identification number set forth in such registration is displayed on such snowmobile or all-terrain vehicle as prescribed in section 14-381, provided every resident of this state shall obtain such registration from this state under the provisions of section 14-381, before such operation shall be lawful. The provisions of this section shall not apply (1) to the operation of a snowmobile or all-terrain vehicle on premises owned or leased by the owner of such snowmobile or all-terrain vehicle or (2) to the operation of a snowmobile in any organized contest as long as such snowmobile is operated in the contest area, provided the owner of such snowmobile holds a valid, effective registration awarded by this state or by another state or the United States.

(1969, P.A. 752, S. 2; 1971, P.A. 848, S. 4; 857, S. 1; P.A. 76-202, S. 1, 2; P.A. 80-102.)

History: 1971 acts changed date when registration required from October 1, 1969, to October 1, 1971, included all-terrain vehicles in provisions and specified how registration number to be displayed; P.A. 76-202 exempted snowmobiles operated in organized contests from provisions under certain conditions; P.A. 80-102 replaced display specifications with requirement that number be displayed "as prescribed in section 14-381".

Sec. 14-381. Requirements for registration. Application. Registration plates. Any owner required to register a snowmobile or all-terrain vehicle shall apply to the commissioner and shall file evidence of ownership by affidavit or document. Upon receipt of an application in proper form and the registration fee, the commissioner shall assign an identification number and provide the owner with a certificate of registration and registration plate. The registration plate, which shall be affixed by the owner, shall be displayed on the snowmobile or all-terrain vehicle at a place and in a manner prescribed by the commissioner. In addition to such registration plate, each snowmobile and all-terrain vehicle so registered shall display its registration number on each side of its front section, midway between the top and bottom of said front section, in letters or numbers at least three inches in height and made of a reflective material. The certificate of registration shall be carried on such snowmobile or all-terrain vehicle and shall be available for inspection whenever such snowmobile or all-terrain vehicle is being operated. The owner shall pay a fee of twelve dollars, and on and after July 1, 1992, fourteen dollars for each snowmobile or all-terrain vehicle so registered. Each such certificate of registration shall expire biennially on the last day of March.

(1969, P.A. 752, S. 3; 1971, P.A. 848, S. 5; 857, S. 2; P.A. 73-153; P.A. 75-213, S. 13, 53; P.A. 84-254, S. 54, 62; P.A. 85-525, S. 5, 6; P.A. 87-329, S. 19; P.A. 90-230, S. 83, 101.)

History: 1971 acts made provisions applicable to all-terrain vehicles and added specifications for display of registration number; P.A. 73-153 reduced height required for letters in display provision from five to three inches; P.A. 75-213 increased registration fee from three to four dollars; P.A. 84-254 periodically increased the fee from \$4 to \$8 as of July 1, 1992; P.A. 85-525 required biennial, rather than annual, registration of snowmobiles and all-terrain vehicles and doubled fee schedule accordingly; P.A. 87-329 maintained the fee at the level existing on and after July 1, 1986, and decreased the fee effective July 1, 1992, to the level formerly existing on and after July 1, 1988; P.A. 90-230 substituted "required to register" for "desiring to register".

Sec. 14-382. Change of address. Transfer of ownership. (a) Within forty-eight hours after changing his address, the owner of a snowmobile or all-terrain vehicle registered by this state shall file with the commissioner notice in writing of such change. The owner's certificate of registration may be altered or the commissioner may issue a new certificate to indicate the new address.

(b) The owner of a snowmobile or all-terrain vehicle registered by this state shall notify the commissioner in writing within twenty-four hours of the transfer of all or any part of his interest in, other than the creation of a security interest, or of the destruction or abandonment of, such snowmobile or all-terrain vehicle and surrender with such notice his certificate of registration and registration plate. Any such transfer, destruction or abandonment shall terminate such certificate.

(c) Any person who transfers to another ownership of a snowmobile or all-terrain vehicle registered in this state, upon surrendering the outstanding certificate of registration and registration plate and upon application to the commissioner, may have another snowmobile or all-terrain vehicle registered in his name for the remainder of the registration period. The fee for such transfer which shall accompany the application shall be three dollars, and on and after July 1, 1992, three dollars and fifty cents.

(1969, P.A. 752, S. 4; 1971, P.A. 848, S. 6; P.A. 84-254, S. 55, 62; P.A. 87-329, S. 20.)

History: 1971 act made provisions applicable to owners of all-terrain vehicles; P.A. 84-254 amended Subsec. (b) to clarify that applications are made to the commissioner and to periodically increase the transfer fee from \$2 to \$4 as of July 1, 1992; P.A. 87-329 maintained the fee at the level existing on and after July 1, 1986, and decreased the fee effective July 1, 1992, to the level formerly existing on and after July 1, 1988.

Sec. 14-383. Registration of snowmobile or all-terrain vehicle dealers. Each snowmobile dealer or all-terrain vehicle dealer, as defined by section 14-379, shall register with the commissioner who shall assign a distinguishing number and issue three registration plates bearing the number assigned to such dealer. The fee for such registration shall be fifteen dollars, and on and after July 1, 1992, eighteen dollars. A registration plate shall be attached to each snowmobile or all-terrain vehicle, which may be used only for the purposes of demonstration or sale.

(1969, P.A. 752, S. 5; 1971, P.A. 848, S. 7; P.A. 84-254, S. 56, 62; P.A. 87-329, S. 21.)

History: 1971 act made provisions applicable to all-terrain vehicles and vehicle dealers; P.A. 84-254 periodically increased the fee from \$10 to \$20 as of July 1, 1992; P.A. 87-329 maintained the fee at the level existing on and after July 1, 1986, and decreased the fee effective July 1, 1992, to the level formerly existing on and after July 1, 1988.

Sec. 14-384. Temporary registration plates. The commissioner shall provide registered snowmobile dealers and registered all-terrain vehicle dealers with temporary registration plates for a fee of one dollar each. When a snowmobile or all-terrain vehicle is sold at retail the snowmobile dealer or all-terrain vehicle dealer may attach a temporary registration plate to such snowmobile or all-terrain vehicle bearing the date of sale, which shall be valid for ten days from such date, and displayed on such snowmobile or all-terrain vehicle as prescribed by the commissioner.

(1969, P.A. 752, S. 6; 1971, P.A. 848, S. 8.)

History: 1971 act made provisions applicable to all-terrain vehicles and vehicle dealers.

Sec. 14-385. Renting or leasing of snowmobiles or all-terrain vehicles. Records required. Any person who is in the business, in whole or in part, of renting or leasing snowmobiles or all-terrain vehicles shall keep a record of the name and address of every person who rents or leases a snowmobile or all-terrain vehicle, the identification number thereof, the departure date and time and the expected time of return. The record shall be preserved for at least one year. Neither the owner nor any agent or employee of such business shall permit any snowmobile or all-terrain vehicle to depart from the premises of such business unless it is provided, either by the owner or lessee, with such safety devices and equipment as may be required by law.

(1969, P.A. 752, S. 7; 1971, P.A. 848, S. 9.)

History: 1971 act made provisions applicable to all-terrain vehicles.

Sec. 14-386. Enforcement. Failure to stop snowmobile or all-terrain vehicle upon request. (a) Any law enforcement officer of the Department of Environmental Protection, motor vehicle inspector, state police officer, uniformed municipal police officer, constable, state park policeman, state forest policeman or forest ranger may enforce the provisions of sections 14-379 to 14-390, inclusive.

(b) No person operating a snowmobile or all-terrain vehicle shall refuse to stop his snowmobile or all-terrain vehicle after being requested or signalled to do so by an authorized law enforcement officer, or the owner or the agent of the owner of the property upon which such snowmobile or all-terrain vehicle is being operated. Any person operating a snowmobile or all-terrain vehicle who refuses to stop his

snowmobile or all-terrain vehicle upon such request or such signal by an authorized law enforcement officer shall have committed an infraction.

(1969, P.A. 752, S. 8; 1971, P.A. 848, S. 10; 857, S. 3; P.A. 76-381, S. 15.)

History: 1971 acts gave constables, state park policemen and state forest policemen or forest rangers enforcement powers under Subsec. (a) and amended Subsec. (b) to include all-terrain vehicles in provisions and to require operator of vehicle to stop upon signal of property owner or his agent; P.A. 76-381 replaced provision for fifty dollar maximum fine with statement that failure to stop is an infraction.

See chapter 881b re infractions of the law.

Sec. 14-386a. Speed. Operating under the influence. Endangering person or property. No person shall operate a snowmobile or all-terrain vehicle in the following manner: (1) At an unreasonable or imprudent rate of speed for existing conditions; (2) in a negligent manner so as to endanger any person or property; (3) while under the influence of intoxicating liquor or any drug, as defined by section 14-227a. Any person who violates any provision of this section, or any regulation relating hereto shall be fined not more than two hundred and fifty dollars for each offense. In addition thereto, the operator or owner, or both, of a snowmobile or all-terrain vehicle, shall be responsible and held accountable to the owner of any land where trees, shrubs, crops, fences or other property have been damaged as a result of travel of such snowmobiles or all-terrain vehicles over such land, or where consequential damage has resulted from such travel. Proof of the registration number of the snowmobile or all-terrain vehicle shall be prima facie evidence in any prosecution or action for damages that the owner was the operator. (P.A. 76-381, S. 17.)

Sec. 14-387. Rules of operation. Violations. No person shall operate a snowmobile or all-terrain vehicle in the following manner: (1) On any public highway, except such snowmobile or all-terrain vehicle, if operated by a licensed motor vehicle operator, may cross a public highway if the crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a location where no obstruction prevents a quick and safe crossing, the snowmobile or all-terrain vehicle is completely stopped before entering the traveled portion of the highway and the driver yields the right-of-way to motor vehicles using the highway, provided nothing in this subsection shall be construed to permit the operation of a snowmobile or all-terrain vehicle on a limited access highway, as defined in subsection (a) of section 13a-1; (2) in such a manner that the exhaust of the snowmobile or all-terrain vehicle makes an excessive or unusual noise; (3) without a functioning muffler, subject to the provisions of section 14-80, properly operating brakes, sufficient and adequate front and rear lighting and reflecting devices, except an all-terrain vehicle with an engine size of ninety cubic centimeters or less shall not be required to be equipped with front and rear lighting and shall not be operated after dark; (4) in any manner which would cause harassment of any game or domestic animal; (5) on any fenced agricultural land or posted land without the written permission of the owner, or the agent of the owner, or in the case of state-owned land, without the written permission of the state agency or institution under whose control such land is, or in the case of land under the jurisdiction of a local municipality without the written permission of such municipality; and (6) on any railroad right-of-way. Nothing in sections 14-379 to 14-390, inclusive, shall preclude the operation of a snowmobile or all-terrain vehicle (A) on the frozen surface of any public body of water, provided any municipality may by ordinance regulate the hours of operation of snowmobiles and all-terrain vehicles on public waters

within such municipality and provided the operation of a snowmobile or all-terrain vehicle shall be subject to the provisions of section 25- 43c; or (B) on any abandoned or disused railroad right-of-way or in any place or upon any land specifically designated for the operation of snowmobiles and all-terrain vehicles by statute, regulation or local ordinance. Any person who violates any provision of this section shall have committed a separate infraction for each such violation.

(1969, P.A. 752, S. 9; 1971, P.A. 848, S. 11; 857, S. 4; 1972, P.A. 294, S. 15; P.A. 76-381, S. 16; P.A. 84-429, S. 69; P.A. 86-249, S. 8; P.A. 93-405, S. 2.)

History: 1971 acts made provisions applicable to all-terrain vehicles, included domestic animals in Subdiv. (7), added Subdivs. (8) and (9) re operation on agricultural or posted land or on railroad rights-of-way, specifically stated right to operate vehicle on abandoned rights-of-way or on land specifically designated for the purpose and allowed regulation of hours of operation on public waters by ordinance; 1972 act included all-terrain vehicles in provision re operation on public waters; P.A. 76-381 deleted Subdivs. (2) to (4) banning operation at unreasonable rate of speed, in negligent manner or under influence of intoxicating liquor or drugs, renumbering remaining Subdivs. accordingly, replaced numeric designators in exemption with alphabetic ones and added provision that violator deemed to have committed an infraction; P.A. 84- 429 made technical change for statutory consistency; P.A. 86-249 amended Subdiv. (A) of Subsec. (6) by adding provision making the operation of snowmobiles or all-terrain vehicles on frozen surfaces of public waters subject to Sec. 25-43c; P.A. 93-405 amended Subdiv. (3) to provide that an all-terrain vehicle with an engine size of ninety cubic centimeters or less shall not be required to have front and rear lighting and shall not be operated after dark.

See Sec. 23-26g re infractions committed through violations of Environmental Protection Commissioner's regulations re operation of all-terrain vehicles on state land.

See chapter 881b re infractions of the law.

Sec. 14-388. Penalties. Liability. Except as otherwise provided, any person who violates any of sections 14-379 to 14-390, inclusive, or any regulation relating thereto shall have committed an infraction for each such offense. In addition thereto the operator or owner, or both, of a snowmobile or all-terrain vehicle, shall be responsible and held accountable to the owner of any land where trees, shrubs, crops, fences or other property have been damaged as a result of travel of such snowmobiles or all-terrain vehicles over such land, or where consequential damage has resulted from such travel. Proof of the registration number of the snowmobile or all-terrain vehicle shall be prima facie evidence in any prosecution or action for damages that the owner was the operator.

(1969, P.A. 752, S. 10; 1971, P.A. 848, S. 12; 857, S. 5; P.A. 76-381, S. 18.)

History: 1971 acts included all-terrain vehicles in provisions, included in responsibilities liability for damage to crops and fences and added reference to action for damages and consequential damage; P.A. 76-381 replaced provision for two hundred fifty dollar maximum fine with statement that violation is an infraction unless otherwise provided.

See Sec. 23-26g re penalties for violation of Environmental Protection Commissioner's regulations re operation of all- terrain vehicles on state land.

See chapter 881b re infractions of the law.

Sec. 14-389. Administration by Commissioner of Motor Vehicles. Reciprocal agreements. In the performance of his duties under sections 14-379 to 14-390, inclusive, the commissioner shall (1) prescribe uniform standards for such safety devices and equipment as he deems necessary and certify the types of devices and equipment which meet such standards and (2) promulgate such regulations respecting the registration, operation, sale and leasing of snowmobiles and all-terrain vehicles as he finds necessary for public safety. The commissioner may enter into reciprocal agreements with the commissioner of motor vehicles or other like authority of any other state for the purposes of carrying out the provisions of said sections.

(1969, P.A. 752, S. 12; 1971, P.A. 848, S. 13.)

History: 1971 act made provisions applicable to all-terrain vehicles.

See chapter 54 re uniform administrative procedure.

See Secs. 23-26b, 23-26d and 23-26f re Environmental Protection Commissioner's powers to regulate all-terrain vehicles operating on state land.

Sec. 14-390. Municipal regulation of operation and use. Any municipality may, by ordinance, regulate the operation and use, including hours and zones of use, of snowmobiles and all-terrain vehicles in a manner not inconsistent with the provisions of sections 14-379 to 14-390, inclusive, or any regulations adopted pursuant thereto.

(P.A. 73-318, S. 1, 2.)

Secs. 14-390a to 14-390e. Reserved for future use.

Sec. 14-390f. All-terrain vehicles: Effect of U.S. District Court consent decree. (a) As used in this section:

(1) "All-terrain vehicle" means any three or more wheeled motorized vehicle, generally characterized by large, low-pressure tires, a seat designed to be straddled by the operator and handlebars for steering, which is intended for off-road use by an individual rider on various types of nonpaved terrain. Such vehicles do not include trail bikes, golf carts, agricultural tractors, farm implements and construction machines;

(2) "All-terrain vehicle dealer" means any person engaged in the business of selling, leasing or renting all-terrain vehicles at retail, at a regular place of business; and

(3) "All-Terrain Vehicle Consent Decree" means the consent decree approved by the United States District Court for the District of Columbia on April 28, 1988, in settlement of Civil Action No. 87-3525, U.S. v. American Honda, et al.

(b) Each all-terrain vehicle offered for sale, lease or rental by an all-terrain vehicle dealer shall bear the safety warning hang tags pursuant to Paragraph H.3.b.(4) (a) of the All-Terrain Vehicle Consent Decree. Each all-terrain vehicle dealer shall: (1) Deliver a copy of the all-terrain vehicle safety alert to each all-terrain vehicle purchaser pursuant to Paragraph H.3.b. (4)(c) of the All-Terrain Vehicle Consent Decree; (2) prominently display the safety poster, pursuant to Paragraph H.3.b.(4) (d) of the All-Terrain Vehicle Consent Decree; (3) have the safety video readily available for viewing by prospective and actual all-terrain vehicle purchasers pursuant to Paragraph H.3.b (4)(b) of the All-Terrain Vehicle Consent Decree; (4) conform to the guidelines for advertising and promotional materials attached as Appendix K to the All-Terrain Vehicle Consent Decree; (5) represent affirmatively, including in print and electronic media for advertising or promoting all-terrain vehicles

and in point-of-purchase oral communications, that all-terrain vehicles with engine sizes of more than ninety cubic centimeters shall be used only by persons sixteen years of age or older; (6) comply with point-of-purchase communication requirements of the All-Terrain Vehicle Consent Decree; (7) orally inform the prospective or actual all-terrain vehicle purchaser of the free training courses offered by the manufacturers pursuant to Paragraph K of the final All-Terrain Vehicle Consent Decree and of the financial incentives for taking the course. Oral communications of all-terrain vehicle dealers shall not contain information inconsistent with any safety-related requirements of this section.

(c) Any person who violates any provision of subsection (b) of this section shall have committed an infraction.

(P.A. 91-399.)

APPENDIX C

Connecticut General Statutes - Use of All-Terrain Vehicles on State Land

Sec. 23-26a. "All-terrain vehicle" defined. As used in sections 23-26b to 23-26g, inclusive, "all-terrain vehicle" means a motorized vehicle, not suitable for operation on a highway that (1) is not more than 50 inches wide, (2) has a dry weight of no more than 600 pounds, (3) travels on two or more tires specifically designed for unimproved terrain, (4) has a seat or saddle designed to be straddled by the operator, and (5) has an engine with a piston displacement of more than 50 cubic centimeters (P.A. 86-249, S. 1. as amended by PA 02-70))

Sec. 23-26b. Certificate to operate all-terrain vehicles on state land. (a) No person shall operate an all-terrain vehicle on state land without first obtaining a certificate from the Commissioner of Environmental Protection and unless such vehicle is registered pursuant to section 14-380. No certificate to operate an all-terrain vehicle on state land shall be issued to any person under eighteen years of age unless such person has completed a safety education course for all-terrain vehicles given pursuant to section 23-26d.

(b) The commissioner may require that any person operating an all-terrain vehicle on state land (1) furnish proof of liability and property damage insurance on the vehicle, and (2) agree to indemnify and hold harmless the state of Connecticut against any and all suits, claims, demands or judgments, including claims presented under the provisions of chapter 53, that may be allowed against the state for injury to any person as a result of the operation of an all-terrain vehicle on state land.

(P.A. 86-249, S. 2.)

Sec. 23-26c. Availability of state land for use by persons operating all-terrain vehicles. The Commissioner of Environmental Protection shall evaluate the properties under his jurisdiction and the jurisdiction of other state agencies for their use by persons operating all-terrain vehicles and shall make available some of such properties for such use. In making such properties available the commissioner shall consider minimizing the impact of all-terrain vehicles on the environment. Before making any property available that is under the jurisdiction of another state agency, the commissioner shall consult with such agency.

(P.A. 86-249, S. 3.)

Sec. 23-26d. Regulations re safety education courses for the operation of all-terrain vehicles. The Commissioner of Environmental Protection, in consultation with the Commissioner of Consumer Protection, shall, by regulations adopted in accordance with the provisions of chapter 54, formulate safety education courses for the operation of all-terrain vehicles. The Commissioner of Environmental Protection may designate as his agent for giving a course any person or organization he deems qualified to act in such capacity.

(P.A. 86-249, S. 4, 9.)

Sec. 23-26e. Operation of all-terrain vehicles on state land by certain minors. No person less than twelve years of age shall operate an all-terrain vehicle on state land. A person between twelve and sixteen years of age may operate an all-terrain vehicle on state land provided such person has obtained

a certificate pursuant to section 23-26b and is supervised by a person eighteen years of age or older who has completed a safety education course given pursuant to section 23-26d.
(P.A. 86-249, S. 5.)

Sec. 23-26f. Regulations re operation of all-terrain vehicles. The Commissioner of Environmental Protection shall adopt regulations in accordance with the provisions of chapter 54 (1) establishing standards and procedures for certification of operators of all-terrain vehicles and the use of all-terrain vehicles on state land, (2) setting a fee sufficient to cover the cost of implementing the certification program required pursuant to section 23-26b and (3) establishing safety requirements for the operation of all-terrain vehicles on state land which shall include provisions for noise levels. Any regulations concerning safety shall be adopted in consultation with the Commissioner of Consumer Protection.
(P.A. 86-249, S. 6, 9.)

See chapter 255 (Secs. 14-379 et seq.) re snowmobiles and all-terrain vehicles generally.

Sec. 23-26g. Penalties. (a) Any person who violates section 23-26b or 23-26e or any regulations adopted pursuant to section 23-26f shall have committed an infraction. For a second and each subsequent violation of any of said laws or regulations the Commissioner of Environmental Protection may suspend any certificate issued pursuant to section 23-26b and the right to obtain any such permit for not more than two years.

(b) Any person who (1) knowingly permits a person less than eighteen years of age who has not obtained a certificate pursuant to section 23-26b to operate an all-terrain vehicle on state land, (2) permits a person less than twelve years of age to operate an all-terrain vehicle on state land or (3) allows a person between twelve and sixteen years of age to operate an all-terrain vehicle on state land without being supervised by a person more than eighteen years of age, shall have committed an infraction.

(P.A. 86-249, S. 7.)

See Secs. 14-387 and 14-388 re violations of rules of operation of snowmobiles and all-terrain vehicles and resulting penalties, generally.

APPENDIX D

Environmental Assessment Outline

This outline is intended to assist organizations in preparing an Environmental Assessment for a proposed ATV project as referenced in section 5F of this document. Responses under each of the main topic headings should be integrated in a narrative discussion. The degree of detail necessary will depend upon the scope and complexity of a proposed project. It is important to be objective in preparing the assessment, rather than presenting a justification for the proposed project. Additional information may be requested if the proposed project requires further documentation in accordance with the Connecticut Environmental Policy Act.

1. Project Description

Describe the improvements, facilities or actions that would be undertaken as part of the proposed project. For each project element, indicate whether it is new construction, expansion or rehabilitation. Provide a site plan which clearly identifies each element of the proposed project and any other existing facilities on the project site.

Describe the sizes and capacities for the various project elements (e.g. roads, parking lot, building infrastructure, trails, estimates of use - daily, peak and seasonal).

Describe any plans for future development at the proposed project site. Provide, if available, a copy of the master plan for the proposed project site.

Describe the need for the proposed project.

Describe, as appropriate, how sanitary, electric and water services are to be furnished to the proposed project site.

Describe management, operational and maintenance procedures for the proposed project.

2. Environmental Setting

A. General Characteristics

Describe the present and previous land uses on the proposed project site and in the surrounding area. Provide a copy of a topographic map of the area which clearly shows the proposed project site.

Describe the existing transportation routes in the area and elaborate on access (vehicular, pedestrian) to the proposed project site.

Describe the type and extent of existing public use of the property including active and passive recreational activities.

B. Specific Characteristics

Describe the soils on the proposed project site. Provide a soil survey map of the project site which clearly identifies regulated wetland areas.

Describe the water resources on the proposed project site including wetlands, ground water, watercourses, impoundments, and flood plains.

Describe the vegetation on the proposed project site, including species, distribution, age, density and overall quality.

Describe the fauna of the proposed project site and relative abundance of species.

Describe whether any rare or endangered species occur on the proposed project site, if known.

Describe any unusual or unique feature or quality of the proposed project site.

3. Environmental Impacts of the Proposed Project

Describe the affects on land uses surrounding the proposed project site.

Describe the affects on current public use of the property with respect to compatibility with and possible displacement of existing recreational activities.

Describe any impacts on historic and/or archaeological resources located on site.

Describe the affects on the various site characteristics previously discussed and quantify these impacts, i.e., area of wetlands, forest, field, lawn, previously disturbed land, etc. to be impacted.

Describe the affects on water resources and consider such factors as wetland functions, water table, impermeable surfaces, runoff, sanitary facilities, rivers and streams, water supply sources, etc.

Describe the affects on fauna and consider such factors as habitat destruction, human intrusion, mobility restrictions, food chains, etc.

Describe how existing transportation routes will be affected and compare existing roadway capacities with traffic levels generated by peak use of the proposed project.

Describe the affects of the proposed project on air quality and/or existing noise levels in the area (if applicable).

4. **Mitigation Measures**

Discuss the actions or measures that will be implemented to avoid or minimize the environmental impacts described above. Particular reference should be made, as appropriate, to the use of techniques and conformance with standards related to air, noise, erosion and water pollution control; avoidance and maintenance of wetlands and sensitive habitats; special operational and maintenance procedures; and the use of creative design.

5. **Unavoidable Environmental Impacts**

Describe any project impacts identified in Section 3 that cannot be mitigated. Identify and quantify, whenever possible, who or what will be affected and to what degree.