

Town of Royalton, VT
All Terrain Vehicle Ordinance Advisory Committee
5/11/2022 6:30 pm – FINAL
Virtual / In-person meeting

Committee Members: Sandy Conrad, Gidget Lyman, Bob Clavelle, Pamela Vesilind, Brad Sick, Tim Parker, Ian MacKenzie, Peter Anderson, Rick Schuhmann

Public: Jo Levasseur, Mike Hogan, Bonnie Clause, two unidentified attendees; Windsor County Sheriff's Department Captain Claude Weyant, South Royalton Police Chief Loretta Stalnaker

Meeting called to order at approximately 6:40 pm

PUBLIC COMMENTS

Mike Hogan submitted his concerns about excessive noise from proposed ATV traffic, relaying a recent experience where the noise from off-road vehicles and motorbikes on and around Russ Hill Road was so loud that he could not keep his windows open.

Gidget referenced a recent comment letter to the Selectboard from a resident expressing concerns about the safety of allowing ATVs on town roads (attached as Appendix A). The resident described damage to areas where Rix Road intersects Happy Hollow Road and Clarksville Road, and warned that the vehicles compound the town's ongoing road maintenance issues. Gidget indicated that at this time there are no roads open to these vehicles, and that this matter should be addressed with the Selectboard and our Police Department.

LAW ENFORCEMENT DISCUSSION

Royalton Police Chief Loretta Stalnaker and Captain Claude Weyant, Windsor County Sheriff fielded questions from the committee. At the request of a committee member, Chief Stalnaker and Captain Weyant received a position statement from the Special Vehicle Institute of America (SVIA), *Position in Opposition to On-Road Operation of ATVs* (attached as Appendix B).

Chief Stalnaker explained that it's difficult to identify and cite riders who violate the law. Registered ATVs have license plates that aid in identification, but because these vehicles can travel off-road, they are difficult to catch. The Chief confirmed that increased ATV traffic would require additional monitoring, noting that she is currently short-staffed but attempting to hire an additional officer. She acknowledged that there will always be riders who violate the law, just as there will always be operators of other vehicles who violate the law.

Chief Stalnaker explained to the committee that club members cannot enforce local or state laws by reporting infractions to law enforcement. She said officers can follow up on reports, but to issue a citation typically requires personally witnessing the infraction.

Captain Weyant described an arrangement in which members of the Windsor County Sheriff's Department are hired by VASA or a local club to enforce state law and VASA rules. When a

club anticipates an increase in riders, an officer will patrol a stationary checkpoint, on a trail or at a road crossing. Captain Weyant said that, in the past, the number of violations has been “not excessive,” but that he distributed warnings and tickets. When asked about collisions or other accidents, Captain Weyant explained that he had not responded to many emergency calls because typically they are fielded by state or local police. He also explained that his department does not field calls from citizens reporting ATV riders on public roads.

There was discussion amongst the committee members about a speed limit for ATVs, and whether slower-moving vehicles would create issues for drivers of cars and trucks in areas where the general speed limit is in the 40-45 mph range. Ian raised the point that drivers already need to accommodate bicycles and tractors, and that “yield” signs would be helpful.

MAP DISCUSSION

Chief Stalnaker and Captain Weyant received maps of the proposed route, illustrating which town roads were proposed to be open to ATV/UTV use. Captain Weyant said he was not aware that South Royalton proposals involved ATV use on Class 3 roads or Vermont Route 14. This prompted a question about whether law enforcement had previously known the extent this proposal would differ from VAST trail snowmobile road-crossings. Jo Levasseur asked whether the Department of Transportation had been consulted about ATV use on state highways. It was confirmed that the DOT had not submitted an official position.

Ian explained that the roads in Area of Interest 2 are no longer under consideration for ATV access, because the Town of Tunbridge does not permit access. He confirmed that the roads in Area of Interest 1 and 3 are preferred. Bob said that he did not currently support road access on Gee Hill, but still preferred a limited approach.

Peter reminded the committee that Area 1 is the most environmentally sensitive section, due to the fragmentation of forests that inhibit wildlife animal migration. Pamela noted that some Area 1 roads are not wide enough to be considered 2-lane roads. Brad observed that the Class 4 extension of Sewall Brook includes some highly technical and single-vehicle stretches.

There was discussion about whether an ordinance should have an annual sunset provision requiring annual renewal.

PUBLIC SURVEY AND COMMENTS DISCUSSION

The committee discussed the need to expand opportunities for public comment, both in open meetings and through other avenues. Sandy noted that public comments in committee meetings are best reserved for the opening of each meeting. The committee discussed methods for soliciting input from town residents. Work is underway to provide Victoria Paquin documents, reports, and public comments for posting to the committee’s web page. Members agreed to revisit this discussion in the next meeting.

Approval of Minutes from May 5, with edits.

The meeting was adjourned at approximately 8:25 pm.

From: [Concerned Citizens]
Sent: Sunday, May 8, 2022 3:25 PM
To: Royalton Selectboard <selectboard@royaltonvt.com>; tpmurphs@gmail.com <tpmurphs@gmail.com>; David Barker <david.barker@royaltonvt.com>; John Dumville <john.dumville@royaltonvt.com>; Jerry Barcelow <jerry.barcelow@royaltonvt.com>; chris.d.noble@gmail.com <chris.d.noble@gmail.com>; Victoria Paquin <townadmin@royaltonvt.com>; rpc763@charter.net <rpc763@charter.net>; tico.wolff@gmail.com <tico.wolff@gmail.com>; jojolevasseur@aol.com <jojolevasseur@aol.com>; loretta.stalnaker@vermont.gov <loretta.stalnaker@vermont.gov>
Subject: ATV's

Hello all,

I am writing in regards to the recent vote to allow ATV's on back roads. My understanding was that this would allow ATV's on the road to connect from one trail to another trail. Since there are no trails, I wouldn't expect to see any ATV's on the roads. Since the vote, we have seen an increase in 4 wheelers and side by side's on the roads.

There has always been a problem with ATV's on Happy Hollow Road and Rix Road. I've mentioned it a couple of times to the local police but the response I get is to call when we see them. That just isn't possible since they would be gone by the time anyone could possibly get here. A couple years ago, I was almost hit head on by a speeding 4 wheeler, he went into a skid to try to avoid hitting me and narrowly missed me. If we had collided, he would have been thrown over the top of my vehicle and most certainly would have been severely injured, if not killed, since he wasn't wearing a helmet. That was a very scary incidence. I would have had to live with that, even though it wouldn't have been my fault.

I understand that a committee has been assembled and hopefully it has equal members, for and against, so it isn't one sided. That being said, I have some thoughts that I would like to share with the selectboard and hope you take this matter seriously. The last thing anyone wants is for serious injuries or death resulting in this new ordinance.

Snowmobiles are not allowed on back roads, we can merely cross it as part of a trail. So I'm not sure why 4 wheelers would be considered different than snowmobiles. We belong to VAST and a snowmobile club and in order to ride on trails you need to belong to both. It should be the same requirement for ATV's, nothing less.

Club members pay dues and those dues are used to offset expenses, such as the ones listed below.

ATV's need to be registered, insured and have a valid drivers license and belong to a club.

The club dues would be used to hire a sheriff or police officer to patrol the back roads and perform safety checks. Just like we see on a snowmobile trail.

This also brings up the maintenance of the back roads. Our road crew can't keep up with the maintenance on the back roads as it is, but now there will be even more ATV's bombing around, doing donuts at the intersections. Yes, that's a thing. You'll see evidence of that at the intersection of Happy Hollow and Rix Road as well as Rix Road and Clarksville road.

I appreciate your time and ask that you please keep our name confidential . . . [W]e've remained silent but with our growing concern, couldn't stay silent any longer. Please address us as concerned citizens. We hope you won't just sweep this under the rug. We do read the paper and will know if our concerns were discussed.

Thank you
Concerned Citizens



POSITION IN OPPOSITION TO ON-ROAD OPERATION OF ATVs

The Specialty Vehicle Institute of America (SVIA) is the national not-for-profit trade association representing manufacturers and distributors of all-terrain vehicles (ATVs) in the United States. SVIA's major goal is to promote the safe and responsible use of ATVs.

Tens of millions of ATV users ride their ATVs in a safe and appropriate manner every day. In addition to their popularity for responsible outdoor recreation, they are tremendously useful products and have become an essential tool for farmers, law enforcement officials, the military and others.

The majority of accidents and injuries are caused by misuse of the ATV. Ninety-two percent of ATV-related fatalities involve behaviors that the Industry warns against in its rider education programs, in all literature and on vehicle labels. These behaviors include children riding adult-sized ATVs, operating on paved roads, operating without a helmet or other protective safety gear, carrying passengers on single-rider ATVs and operating under the influence of alcohol.

ATVs are designed, manufactured and sold for off-road use only. On-road vehicles must be manufactured and certified to comply with U.S. Department of Transportation Federal Motor Vehicle Safety Standards (FMVSS). These safety standards consist of extensive and detailed compliance requirements. Since ATVs are not intended to be used on-road, they are not designed, equipped or tested to meet such standards. Permitting on-road use of ATVs, including modified ATVs, would be in conflict with manufacturers' intentions for their proper use, and would be contrary to federal safety requirements.

The Insurance Institute for Highway Safety has analyzed U.S. Department of Transportation's Fatality Analysis Reporting System (FARS) data on ATV rider fatalities occurring on public roads. In 2013, the most recent year for which the data is available, 319 ATV riders were killed on public roads. This is an increase from 2012 when 304 riders were killed on public roads and from 2011 when there were 305 ATV rider fatalities occurring on public roads. Eighty-nine percent of the fatalities occurring on public roads were on rural roads. Of those, sixty-eight percent were on minor roads.

ATV fatalities occurring on public roads comprise a significant portion of total ATV-related fatalities, as reported by the Consumer Product Safety Commission. If ATVs could be kept off of public roads, as urged by SVIA and as contained in our Model State ATV Legislation, a large percentage of ATV-related injuries and deaths would be prevented.

CPSC's *2014 Annual Report of ATV Deaths and Injuries*, the most recent available, found that estimated ATV-related fatalities have declined each year from 2007 through 2014 but noted that data collection for 2012-2014 is ongoing. As a percentage of total ATV-related fatalities, on-road fatalities were an alarming 48.7 percent of the total in 2011 (the latest year of complete data available from CPSC). This is even though ATVs are not manufactured for or intended to be operated on highways and vehicle labels and owner's manuals clearly warn against such use.

Imagine the progress that could be made in reducing ATV-related injuries and deaths if states were to enact and enforce laws to prohibit ATV use on highways.

Riding on public roads introduces the possibility of the ATV colliding with a car or truck, an obviously dangerous situation. Another CPSC study of 3,200 ATV-related deaths that occurred between 1985 and

1996 found that the most frequently reported hazard pattern (56 percent of all ATV incidents) involved collisions and 35 percent of these involved collisions with motorized vehicles.

SVIA emphasizes that ATVs are not designed, manufactured, or in any way intended for use on public streets, roads or highways and urges that on-highway use of ATVs be prohibited and that law enforcement efforts be strengthened to eliminate this dangerous practice.

It should be noted that for purposes of prohibiting ATV use on public roads, SVIA does not consider such public thoroughfares as logging roads, woodland trails or other unimproved ways to be public streets, roads, or highways and the prohibition on allowing on-road use of ATVs should not be meant to apply to a road that is part of a designated trail system permitting ATV operation.