

INTRODUCTION:

Since this proposal was first introduced in January of 2004, and subsequently not passed into law last year, our **official position** has not changed much with the release of this year's version of the proposal.

While the Governor's Executive Budget proposal as detailed below goes a long way in finally recognizing the ATV and Trail Motorcycling community, the proposed **registration fee increase from \$10 to \$45** has gotten a lot of people upset— the amount and mix of spending of the fee increase must be adjusted. If we can improve the funding aspects of the proposal, then we will be getting somewhere.

The Proposal has some positive aspects. But it does have its glaring faults, and this means it is a job for all of us to make sure that the Assembly & Senate counter-proposals improve on it.

In other words, it is time for you to write and call your Legislative Members and tell them where you stand on this issue!

SUPPORT AN IMPROVED PROPOSAL:

We urge you to **support** the positive aspects of the Governor's Proposal. But you should strenuously call for significant changes to the funding model, detailed later in this document. **Your State Senator and Assembly Member need to hear from you NOW about these funding details!**

If you need help in contacting your elected officials see www.nysorva.org/legislation or contact your local club president for guidance.

If the Executive Budget as written by the Governor was passed today with the ATV Proposal intact, the following would occur.

THE GOOD:

1) ATV recreation would be recognized, as a point of law, as a **LEGITIMATE** form of recreation by New York State (currently, we essentially "don't exist" in the Laws and programs of NY State, thus there has been no accommodation to date).

2) By Law, **ATV ACCESS** and trail building could be authorized (but not required) on state reforestation areas (areas of state-owned lands managed for resource extraction and intensive recreation) and State Recreational Easement lands (e.g., the former Champion lands in the Adirondack region).

3) **FUNDING** would be provided to a program under DEC that would direct and manage sustainable ATV recreation. Grants would be made for development and maintenance of trails on private land and state-owned recreational easements, for safety education, and for law enforcement. (See the following for a discussion of the flaws in this part of the proposal.)

THE BAD (Could be fixed with your help):

1) The proposal for the funding stream is by *annual budget appropriation* from the General Fund, not directly from annual registrations. This is highly flawed because we would have to ask for new funding to be included in the State Budget every year. Instead, a dedicated fund should be set up and its funding must come directly and automatically from annual registration fees, exactly the same way as snowmobile registrations currently fund the State Snowmobile Trail Fund.

2) As proposed, the vast majority of the \$45/year "fee" is intended for completely-unrelated expenses of the government amounting to a unrepresented tax on ATVs. Only \$850K, or 11% of projected revenue from the registration fee increase is proposed to be returned to the ATV community through the ATV Program established by the bill. The projected \$5.8M of new revenue from the increase is gravy for other programs and termed in the Budget as "General Fund Relief". We assert that the entire \$35 increase should go to ATV trails, education, and enforcement, leaving the State with original \$10 for the General Fund. This would be exactly consistent the snowmobile registration fee of \$45, \$10 of which goes to the General Fund and \$35 to the dedicated Snowmobile Trail Fund (as of a bill passed in 2004).

THE INDIFFERENT (BUT STILL UGLY):

The proposal would specify in law what is — *by state policy and court decisions* — already treated as a de-facto "ATV ban" on access to state-owned lands and travel routes within the Adirondack and Catskill Parks (aka "Forest Preserve" lands). Those of you inside the Adirondack and Catskill Parks are keenly aware that as of the September 2004 closures by DEC of formerly authorized ATV access routes, there is no legal ATV access allowed today to the vast state-owned Forest Preserves (2.9 million acres and growing). Thus, the ban does not take anything away that is not already taken. We lament that in order to remedy this situation, it would require no less than changes to the Constitution, the Law creating the Forest Preserve and the APA, and DEC State Land Master Plans, or a revolutionary re-interpretation by the Courts of all such documents.

This analysis was provided by:
New York State Off-Highway Recreational Vehicle Assn., Inc.
www.nysorva.org/legislation/
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