

DAVIDOFF MALITO & HUTCHER LLP

GOVERNMENT RELATIONS

NEW YORK
605 THIRD AVENUE, 34TH FLOOR
NEW YORK, N.Y. 10158
(212) 557-7200

150 STATE STREET
ALBANY, NEW YORK 12207

WASHINGTON, D.C.
444 NORTH CAPITOL STREET, N.W.
WASHINGTON, D.C. 20001
(202) 847-1117

(518) 465-8230
FAX (518) 465-8650
WWW.DMLEGAL.COM

LONG ISLAND
200 GARDEN CITY PLAZA, SUITE 315
GARDEN CITY, NY 11530
(516) 248-8400

~On Senate Transportation Committee Agenda
Tuesday, April 13, 2010~

MEMORANDUM IN SUPPORT S.1625/A.1082

AN ACT to amend the vehicle and traffic law, in relation to designation of highways and public lands for travel by ATVs

On behalf of our client, The New York State Off-Highway Recreational Vehicle Association (NYSORVA), we strongly support the enactment of S.1625 (Griffo)/A.1082 (Destito). This bill would amend Section 2405 of the Vehicle and Traffic Law to clarify that municipalities may designate and post public highways or sections of public highways as open for travel by ATVs if in the determination of the governmental agency concerned, it is to gain access to areas or trails adjacent to the highway. In some areas of the state, using these roads is really the only way to gain access to nearby trails.

In 2008, the NYS Department of Environmental Conservation (DEC) closed 52 roads in DEC Region 6 that were previously open to ATV use. This decision severely impacts efforts to create a safe and well maintained trail network through several counties in the Tug Hill region.

ATV use has a tremendous impact on the North Country economy. ATV-related recreation supports jobs, generates sales and income taxes, and represents an untapped integral component of the tourism industry and the overall economy in New York State. Efforts are underway in neighboring states to promote tourism, including motorized vehicle associated recreation in the name of economic development.

According to a 2005 study conducted by Camoin Associates, the total economic impact (the sum of the direct, indirect, and induced impacts) of ATV spending in Tug Hill region was approximately \$35.2 million to the regional economy, supporting employment of 701 individuals. A SNIRT (snow/dirt) event in 2008 drew 1,405 participants, where the average ATV enthusiast traveled 105 miles for the event, spent approximately \$125.25 per day, for an estimated tourism impact for the region of \$175,985 for this one event.

DEC claims to have closed the ATV roads because they were not in compliance with section 2405 of the Vehicle and Traffic Law, and brings DEC Region 6 into compliance with the rest of the state. Thus, this legislation will amend the Vehicle and Traffic Law to correct this issue and allow localities the option to designate highways under their jurisdiction as open for travel by ATVs.

This legislation would allow localities to reopen these critical roads to ATV use and provide ATV enthusiasts with safe and well-maintained trails that will enable this recreational activity to continue to contribute to the region's economy.

For these reasons, we strongly support the above-mentioned bill.