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Legislature considers allowing bigger ATVs

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They're bigger. They're wider. They're roomier. They can seat two people, side by side. And they're quickly climbing in popularity among outdoor enthusiasts.

So what's the problem with the side-by-side all-terrain vehicle? They're often heavier than 1,000 pounds, so they're illegal to register or to ride on the ATV trails of New York. With names like "Rhino," "Big Red" and "Mule," the vehicles raise concerns from environmental advocates who fear they'll churn up too much fragile earth inside the Adirondack Park and pollute the state's waterways.

But some lawmakers in New York are looking to make them legal, discounting those environmental concerns and pointing to the tourism dollars and registration fees that legalizing the so-called UTVs would bring to New York coffers.

"This would go a long way to help the tourism industry in the area, and help create some jobs, and bring tourists from all over into New York," said state Sen. Patricia A. Ritchie, who passed a bill in her chamber that would increase the maximum weight limit of an ATV from 1,000 pounds to 1,500 pounds. That would make many UTVs, which are banned because they're more than 1,000 pounds, legal.

The same bill failed to gain traction in the Democratic-controlled Assembly last year. Mrs. Ritchie, R-Heuvelton, portrayed the environmental concerns as an "upstate, downstate" issue — many of the 22 senators who voted against the measure on Feb. 29 represent New York City, and the Assembly is dominated by its New York City caucus.

"As somebody who is an avid ATV person, the UTVs actually many times are slower on the trails," Mrs. Ritchie said. "Older people use them."

But the possible legalization of heavier ATVs has groups like the Adirondack Council concerned about soil compaction, erosion and the destruction of streams.

"The problematic issue for the Adirondack Park is that inside the blue line, there has been a lot of ATV trespassing," said Brian L. Houseal, the executive director of the nonprofit environmental group. "We don't see a lot of movement in that area. And now, here comes a newer generation of ATVs."

Mr. Houseal said that during the administration of former Gov. George E. Pataki, the Department of Environmental Conservation drafted a policy that would ban ATVs from forest preserves, but it was never implemented. The policy could soon get a fresh look, Mr. Houseal said.

“We’re calling on the DEC to get (the regulations) out there,” Mr. Houseal said, noting that many of DEC’s enforcement activities have been hit by budget cuts. “We oppose a larger ATV until those regulations are put in place.”

The effects on the environment of the larger side-by-side ATVs could be widespread, Mr. Houseal said.

“It’s a car by other means,” he said. “They do more damage. We’re concerned about vegetation, soils and water courses.”

Lori Severino, a DEC spokeswoman, confirmed that the agency doesn’t have a policy banning ATVs in the Adirondack Park’s forest preserve.

“Any future DEC policy involving public access to programs on public lands and conservation easements would be developed through a full public process,” she said.

That public process will give people like Anthony J. Arquiatt a chance to express their opinions.

Mr. Arquiatt, a Democratic county legislator from Helena, says that expanding the ATV definition will help bring tourism dollars, and he doesn’t buy the environmental concerns.

“I don’t agree that there’s as much environmental impact as the environmental groups that lobby Albany say there is,” Mr. Arquiatt said. “It’s very frustrating for us. A lot of folks that are directly deciding on what we can do here aren’t familiar with what our region is like.”

Assemblywoman Addie J. Russell, D-Theresa, has also introduced legislation that would allow side-by-side vehicles, but it differs from Mrs. Ritchie’s in a few ways.

Mrs. Ritchie’s bill only raises the minimum weight limit for a legal ATV from 1,000 to 1,500 pounds, which would legalize the heavier UTVs by default.

Mrs. Russell’s legislation, on the other hand, requires that any registered all-terrain vehicle weighing more than 1,000 pounds have certain safety equipment, like roll bars and seatbelts. It also requires that the larger vehicles have side-by-side seating, which would prevent behemoth versions of the typical ATV variety — with one motorcycle-like seat and the rider’s legs straddling the four-wheeled machine — from becoming legal.

“I’m working to strike a balance that would enable the bill to move in this house,” Mrs. Russell said.