S T A T E O F N E W Y O R K

2533

2009-2010 Regular Sessions

I N S E N A T E

February 23, 2009

Introduced by Sen. MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Cultural Affairs, Tourism, Parks and Recreation

AN ACT to amend the economic development law, in relation to preparing a report on the economic impact of ATV-related tourism in the state of New York

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The economic development law is amended by adding a new section 167 to read as follows:

S 167. REPORT ON THE ECONOMIC IMPACT OF ATV-RELATED TOURISM. 1. LEGISLATIVE INTENT. THE LEGISLATURE HEREBY FINDS AND DECLARES THAT RIDING ALL TERRAIN VEHICLES (ATVS) HAS BECOME A POPULAR OUTDOOR RECREATIONAL ACTIVITY IN NEW YORK STATE. HOWEVER, THE LACK OF LEGAL RIDING OPPORTUNITIES AND NEARLY NON-EXISTENT STATE FUNDING ASSISTANCE FOR ATV-RELATED ISSUES MAY LIMIT THE ECONOMIC AND TOURISM POTENTIAL OF ATVS IN NEW YORK STATE. THEREFORE, IT IS IMPERATIVE THAT THE STATE IMPLEMENT AN ATV ECONOMIC IMPACT STUDY SO THAT STATE AND LOCAL OFFICIALS HAVE ALL PERTINENT INFORMATION WHEN MAKING ATV-RELATED DECISIONS. A COMPREHENSIVE STATEWIDE STUDY REGARDING THE TOURISM, ECONOMIC AND ENVIRONMENTAL IMPACTS OF ATV-RELATED RECREATION WOULD BE A VALUABLE TOOL FOR PUBLIC POLICY MAKERS AND DEPARTMENT ADMINISTRATORS IN NEW YORK STATE. ADDITIONALLY, ANY STUDY OF ATV USE MUST ALSO EXAMINE THE ENVIRONMENTAL IMPACTS OF ATVS, INCLUDING ENFORCEMENT ISSUES, REPAIR AND REMEDIATION, AS WELL AS POSSIBLE CONFLICTS WITH OTHER USER GROUPS.

THE LEGISLATURE ALSO FINDS THAT NON-ATV, NON-MOTORIZED RECREATIONAL ACTIVITIES HAVE A POSITIVE IMPACT ON THE STATE'S TOURISM AND ECONOMY, AND THEREFORE, THIS STUDY WILL ALSO SEEK TO EXAMINE THE ECONOMIC IMPACT OF POTENTIAL DECREASE IN NON-MOTORIZED TOURISM DUE TO CONFLICTS BETWEEN NON-MOTORIZED USER GROUPS AND ATV USERS.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD06469-01-9

2. REPORT ON ECONOMIC AND ENVIRONMENTAL IMPACTS OF ATV USE AND MOTORIZED RECREATION. THE TASK FORCE ON ATV IMPACTS, AS CREATED IN SUBDIVISION THREE OF THIS SECTION, SHALL CAUSE TO BE PREPARED BY CONTRACT WITH A QUALIFIED, INDEPENDENT ENTITY A REPORT ON THE ECONOMIC AND ENVIRONMENTAL IMPACTS OF ATV AND OFF-HIGHWAY RECREATIONAL VEHICLE RELATED RECREATION AND ASSOCIATED RECREATION IN NEW YORK STATE. SUCH REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING:

(A) THE NUMBER OF ATVS REGISTERED IN THE STATE OF NEW YORK, AND TO THE EXTENT FEASIBLE THE NUMBER OF UNREGISTERED ATVS IN THE STATE; AND THE NUMBER OF ATV AND OFF-HIGHWAY RECREATIONAL VEHICLE PARTICIPANTS IN NEW YORK STATE, INCLUDING A BREAKDOWN OF RESIDENT AND NON-RESIDENT ATV AND OFF-HIGHWAY RECREATIONAL VEHICLE PARTICIPANTS, COUNTY OF RESIDENCE FOR RESIDENT PARTICIPANTS, AND THE COUNTY OR COUNTIES VISITED BY NON-RESIDENTIAL ATV PARTICIPANTS;

(B) TO THE EXTENT FEASIBLE, THE FREQUENCY OF CURRENT PARTICIPATION OF ATV AND OFF-HIGHWAY RECREATIONAL VEHICLE PARTICIPANTS AND HOW MUCH MONEY THEY SPEND ON THEIR ACTIVITIES INCLUDING, BUT NOT LIMITED TO, EXPENDITURES ON FUEL, EQUIPMENT AND MAINTENANCE, LODGING, FOOD AND GUIDE SERVICES;

(C) TO THE EXTENT FEASIBLE, THE COSTS ASSOCIATED WITH ATV USAGE, INCLUDING BUT NOT LIMITED TO, STATE AND LOCAL ENFORCEMENT OF LEGAL AND ILLEGAL ATV USE ON PUBLICLY AND PRIVATELY OWNED LANDS AND ROADS; THE COSTS AND EXPENSES OF REPAIRING OR REMEDIATING THE ENVIRONMENTAL AND NATURAL RESOURCE IMPACTS AND DAMAGES CAUSED BY LEGAL OR ILLEGAL ATV USE ON PUBLIC AND PRIVATELY OWNED LANDS, INCLUDING AN EXAMINATION OF HOW THESE COSTS MAY OR MAY NOT BE OFFSET BY A PROPERLY MAINTAINED AND OPERATED SYSTEM OF ATV TRAILS; THE COSTS AND POTENTIAL LOST REVENUES AND EXPENDITURES ASSOCIATED WITH INCREASING OR DECREASING THE NUMBER OF NON-MOTORIZED VISITORS TO PUBLIC LANDS AND PARKS WHERE ATV USE IS PREVALENT OR PROPOSED DUE TO USER CONFLICTS AND RESOURCE DEGRADATION; AND HEALTHCARE COSTS ASSOCIATED WITH THE TREATMENT OF ATV-RELATED INJURIES, INCLUDING POLICE AND AMBULANCE SERVICES;

(D) THE PLACE OF RESIDENCE OF NON-ATV, NON-MOTORIZED USERS OF STATE LANDS, INCOME, DURATION OF VISIT, SPENDING PATTERNS, DEMOGRAPHIC AND ECONOMIC PROFILE, REASONS THEY CHOSE TO RECREATE IN THE STATE, COUNTIES, AND REGIONS IN WHICH THEY RECREATE AND INFORMATION ON OTHER ACTIVITIES IN WHICH THEY PARTICIPATE BEFORE AND AFTER THEIR PARTICULAR RECREATIONAL ACTIVITY. FOR PURPOSES OF THIS SECTION, NON-MOTORIZED USERS SHALL INCLUDE: HIKING, CAMPING, MOUNTAIN BIKING, PADDLING, FISHING, BIRDWATCHING, HUNTING, HORSEBACK RIDING, NATURE STUDY, AND CROSS-COUNTRY SKIING;

(E) THE PLACE OF RESIDENCE OF NON-RESIDENT ATV PARTICIPANTS, INCOME, DURATION OF VISIT, SPENDING PATTERNS, DEMOGRAPHIC AND ECONOMIC PROFILE, REASONS THEY CHOSE TO RECREATE IN THE STATE, COUNTIES AND REGIONS IN WHICH THEY RECREATE AND INFORMATION ON OTHER ACTIVITIES IN WHICH THEY PARTICIPATE BEFORE, DURING AND AFTER ATV USE;

(F) AN ESTIMATE OF THE NUMBER OF JOBS THAT ARE SUPPORTED BY ATV AND OFF-HIGHWAY RECREATIONAL VEHICLE PARTICIPANTS AS WELL AS THE AMOUNT OF SALES TAX AND INCOME TAX GENERATED BY RESIDENT AND NON-RESIDENT ATV AND OFF-HIGHWAY RECREATIONAL VEHICLE PARTICIPANTS; AS WELL AS POTENTIAL FUTURE INCREASES IN REVENUE BY PROMOTING A LEGAL ATV RIDING SYSTEM IN NEW YORK STATE AND SUBSEQUENT LOSS OF REVENUE BY NOT HAVING A TRAIL SYSTEM;

(G) AN ESTIMATE OF THE VALUE OF TOURISM DOLLARS GENERATED IN NEW YORK STATE FROM NON-ATV RELATED, NON-MOTORIZED RECREATIONAL ACTIVITIES AND HOW SUCH NON-ATV RELATED TOURISM MAY BE AFFECTED BY ATV-RELATED RESOURCE DEGRADATION, AND USER CONFLICTS BETWEEN ATV AND NON-ATV USERS;

(H) A SUMMARY OF THE PERCEPTIONS OF ATV PARTICIPANTS REGARDING AMENITIES IN THE STATE, POSITIVE/NEGATIVE ASPECTS OF THEIR EXPERIENCES AND IMPROVEMENTS THAT COULD BE MADE TO ENCOURAGE THEM TO RETURN AND/OR INCREASE VISIT DURATION;

(I) A SUMMARY OF THE PERCEPTIONS OF NON-MOTORIZED RECREATIONISTS AND PRIVATE PROPERTY OWNERS REGARDING ATV AND MOTORIZED RECREATION AND HOW ATV USE AND ATV-RELATED RESOURCE DEGRADATION MAY OR MAY NOT LIMIT THEIR DURATION OF VISITS AND IMPACT THE MONEY THAT THEY SPEND ON EQUIPMENT, LODGING, FOOD AND GUIDE SERVICES;

(J) THE COST OF ADMINISTERING A STATE-FUNDED ATV RIDING SYSTEM, INCLUDING BUT NOT LIMITED TO, ADDITIONAL STATE AGENCY STAFF NEEDS TO ADMINISTER SAID ATV RIDING SYSTEM AND PROPOSED STATEWIDE ATV SAFETY AND ENVIRONMENTAL STEWARDSHIP COURSE, INCREASED ENFORCEMENT COSTS OF STATE AND LOCAL LAW ENFORCEMENT AGENCIES, THE COSTS AND EXPENSES OF REPAIRING AND REMEDIATING THE ENVIRONMENTAL AND NATURAL RESOURCE IMPACTS AND DAMAGES CAUSED BY ATV USE ASSOCIATED WITH CREATING OPPORTUNITIES FOR ATV RIDING; AND INSURANCE COSTS;

(K) A QUALITATIVE ANALYSIS OF THE IMPACTS OF ATV-RELATED RECREATION, INCLUDING, BUT NOT LIMITED TO, THOSE CONCERNING ENFORCEMENT AND SAFETY ISSUES; PERCEPTIONS OF CHANGES TO THE RURAL CHARACTER OF THE REGIONS IN WHICH LEGAL ATV RECREATION IS PREVALENT; DAMAGE BY LEGAL AND ILLEGAL USE TO PUBLIC AND PRIVATE PROPERTY AND THE ENVIRONMENT, INCLUDING AN EXAMINATION OF HOW SUCH DAMAGE MAY OR MAY NOT BE OFFSET IF THERE WAS A STATE POLICY THAT PROMOTED PROPERLY MAINTAINED AND OPERATED SYSTEM OF ATV TRAILS; USER CONFLICTS BETWEEN ATV RIDERS AND NON-MOTORIZED OUTDOOR ENTHUSIASTS UTILIZING PUBLIC LANDS, INCLUDING AN EXAMINATION OF HOW THESE CONFLICTS MAY OR MAY NOT BE OFFSET IF THERE WAS A STATE POLICY THAT PROMOTED A PROPERLY MAINTAINED AND OPERATED SYSTEM OF ATV TRAILS; DISPLACEMENT OF NON-MOTORIZED OUTDOOR ENTHUSIASTS USING PUBLIC LANDS, INCLUDING AN EXAMINATION OF HOW SUCH DISPLACEMENT MAY OR MAY NOT BE OFFSET IF THERE WAS A STATE PLAN THAT ALLOWED FOR A SEGREGATED AND PROPERLY MAINTAINED AND OPERATED SYSTEM OF ATV TRAILS; THE AIR POLLUTION, SMOG AND CARBON EMISSION INCREASES ASSOCIATED WITH CREATING OPPORTUNITIES FOR ATV RIDING; IMPACTS ON VEHICULAR TRAFFIC FLOWS AND OTHER POSITIVE/NEGATIVE QUALITATIVE IMPACTS;

(L) RECOMMENDATIONS REGARDING THE POSSIBILITY OF PLANNING AND MANAGEMENT OF FUTURE ATV USE ON PUBLIC AND PRIVATE LAND EXCLUDING THE STATE FOREST PRESERVE, INCLUDING THE EXPERIENCE, SUCCESSES AND FAILURES OF OTHER STATES AND REGIONS. SUCH RECOMMENDATIONS SHALL INCLUDE THE BEST PRACTICES OF OTHER STATES, REGIONS AND COMMUNITIES TO DETERMINE HOW THEY HAVE EFFECTIVELY DEALT WITH ATV USE IN A WAY TO MAXIMIZE THE ECONOMIC BENEFIT WHILE MITIGATING AND MINIMIZING NEGATIVE IMPACTS; PROBLEMS THAT OTHER STATES HAVE ENCOUNTERED IN RELATION TO ADMINISTERING AN ATV TRAIL SYSTEM; AN ANALYSIS AND RECOMMENDATION IN REGARDS TO THE POTENTIAL OF INCREASING ATV REGISTRATION FEES AND DEDICATING A PORTION OF SUCH FEES TO A PROPERLY MAINTAINED AND OPERATED SYSTEM OF ATV TRAILS, AND A PORTION OF SUCH FEES TO ENFORCEMENT AND REMEDIATION INCLUDING IDENTIFYING THE VALUE OF COSTS OFFSET BY VOLUNTEER LABOR FROM GROUPS THAT UTILIZE ATV TRAILS;

(M) AN ANALYSIS OF THE ATV-RELATED PROGRAMS BEING UTILIZED BY OTHER ATV GROUPS THROUGHOUT THE COUNTRY TO ADDRESS IDENTIFIED ISSUES OF LEGAL, ENVIRONMENTAL, EDUCATIONAL AND SAFETY RELATED CONCERNS TO ATV RECREATION; AND

(N) RECOMMENDATIONS EXAMINING THE FEASIBILITY OF IMPLEMENTING A MANDATORY STATEWIDE ATV SAFETY AND ENVIRONMENTAL STEWARDSHIP COURSE FOR ALL

NEWLY REGISTERED ATVS SOLD IN NEW YORK STATE, EXCEPT FOR ATVS THAT ARE EXEMPT FROM REGISTRATION.

3. ATV IMPACT TASK FORCE. (A) WITHIN EIGHTEEN MONTHS, UPON REVIEW BY THE ATV IMPACT TASK FORCE, THE REPORT SHALL BE SUBMITTED TO THE GOVERNOR AND TO THE LEGISLATURE, INCLUDING THE CHAIRS OF THE ASSEMBLY WAYS AND MEANS COMMITTEE, ENVIRONMENTAL CONSERVATION COMMITTEE, TOURISM, ARTS AND SPORTS DEVELOPMENT COMMITTEE, AND THE ECONOMIC DEVELOPMENT COMMITTEE, AS WELL AS THE CHAIRS OF THE SENATE FINANCE COMMITTEE, ENVIRONMENTAL CONSERVATION COMMITTEE, TOURISM, RECREATION AND SPORTS DEVELOPMENT COMMITTEE, AND COMMERCE, ECONOMIC DEVELOPMENT AND SMALL BUSINESS COMMITTEE. A COPY OF THE RESULTS OF THIS REPORT SHALL BE MADE AVAILABLE TO THE PUBLIC AND POSTED ON THE OFFICIAL WEBSITES OF THE AGENCIES CHARGED WITH CONDUCTING THE REPORT.

(B) THE ATV IMPACT TASK FORCE SHALL CONSIST OF FOURTEEN MEMBERS AND SHALL INCLUDE: THE COMMISSIONER OR HIS OR HER DESIGNEE; THE COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION OR HIS OR HER DESIGNEE; THE COMMISSIONER OF THE DEPARTMENT OF MOTOR VEHICLES OR HIS OR HER DESIGNEE; THE COMMISSIONER OF THE DEPARTMENT OF TRANSPORTATION OR HIS OR HER DESIGNEE; THE EXECUTIVE DIRECTOR OF THE ADIRONDACK PARK AGENCY OR HIS OR HER DESIGNEE; THE COMMISSIONER AND THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION SHALL SELECT THE TASK FORCE'S NINE AT LARGE MEMBERS FROM EACH OF THE FOLLOWING: THE NEW YORK STATE OFF-HIGHWAY RECREATIONAL VEHICLE ASSOCIATION, AN ATV OR MOTORIZED RECREATIONAL VEHICLE MANUFACTURER, AN ATV OR MOTORIZED RECREATIONAL VEHICLE DEALER, A LOCAL ATV CLUB, THE ASSOCIATION OF TOWNS, THE ADIRONDACK MOUNTAIN CLUB, THE ADIRONDACK COUNCIL, THE SIERRA CLUB, AND THE FARM BUREAU OR AMERICAN FARMLAND TRUST.

(C) THE TASK FORCE'S DUTIES SHALL INCLUDE BUT NOT BE LIMITED TO: DISCUSS EXPECTATIONS FOR THE REPORT ON THE ECONOMIC AND ENVIRONMENTAL IMPACTS OF ATV USE AND MOTORIZED RECREATION; DETERMINE THE PREFERRED INDEPENDENT CONTRACTOR TO CONDUCT SAID REPORT; REVIEW AND DETERMINE IF THE FINAL REPORT IS COMPLETE AND ACCEPTABLE TO THE MEMBERS OF THE TASK FORCE BEFORE IT IS DISTRIBUTED AS SET FORTH IN THIS SECTION.

(D) THE COMMISSIONER AND THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION OR THEIR RESPECTIVE DESIGNEES WILL SERVE AS CO-CHAIRS OF THE TASK FORCE.

S 2. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, effective immediately the department of economic development is authorized to promulgate any and all rules and regulations and take any other measures necessary to implement this act on its effective date.