



STATE OF MAINE
Department of Public Safety
Maine State Police
Traffic Safety Unit
State House Station 20
Augusta, Maine
04333-0020

JANET T. MILLS
GOVERNOR

MICHAEL SAUSCHUCK
COMMISSIONER

COL. WILLIAM ROSS
CHIEF

LT. COL. BRIAN P. SCOTT
DEPUTY CHIEF

Testimony of Lt. Bruce Scott

IN OPPOSITION TO LD 557

An Act to Allow All-terrain Vehicles to Be Used on a Public Way

Senator Nangle, Rep. Crafts, and distinguished Members of the Joint Standing Committee on Transportation, my name is Lt. Bruce Scott, and I am the Commanding Officer of the State Police Traffic Safety Unit. I am here today to testify on behalf of the Department of Public Safety and the Maine State Police IN OPPOSITION OF LD 557.

This bill would allow the operation of ATVs on a public way provided the ATV is registered, insured and meets specified safety equipment requirements. The ATV could be operated on any road with a speed limit of 50mph or less. This bill would also exempt the operators of ATVs registered pursuant to Title 29-A section 501 subsection 14 (newly created by the bill) from adhering to the entirety of Title 29-A with the exception of Chapter 19 "Operation," Chapter 11 "Licensing," Chapter 5 "Registration" and Chapter 13 "General Financial Responsibility." Meaning crimes like "Operating Under the Influence" or "Driving to Endanger" would not be enforceable.

INTEGRITY * FAIRNESS * COMPASSION * EXCELLENCE

Offices located at: 36 Hospital Street, Augusta Maine
(207) 624-8939 (Voice) (888) 524-7900 (TDD) (207) 624-8945 (Fax)

ATVs are designed and engineered for off-road use only. They do not meet Federal Motor Vehicle Safety Standards, NHTSA crash testing or EPA emission standards. The introduction of all-terrain vehicles to public roadways where they will interact with much heavier and larger vehicles that have met crash testing standards is potentially dangerous. Most of the manufacturers of all-terrain vehicles specifically advertise them as "off road" vehicles only and state so on the Manufacturer's Certificate of Origin. While ATVs may be operated on roads that are posted in accordance with statute as ATV access routes, this bill would allow the operation on any road with a speed limit of 50mph or less unless the governing body restricts access. Requiring the governing bodies to evaluate and then restrict roads that they believe are unsafe for ATV operation is a large undertaking. The current laws allow the governing body to create ATV access routes if they choose, but this bill requires them to act if they don't want ATVs operated on the roads within their jurisdiction.

Maine has had a long-standing precedent of careful consideration regarding vehicles that are allowed on our roadways. Maine currently requires that all vehicles meet the Federal Motor Vehicle Safety Standards for the year of manufacture as well as meet the requirements set forth in the Federal Clean Air Act, as it pertains to emissions. Vehicles that meet this basic standard are registered, inspected and allowed on our roadways. This process has worked well and provides a level of assurance that vehicles we meet on the road, have met basic safety standards and are engineered and designed for this purpose.

An additional consideration would be the establishment of a policy that allows the registration of vehicles that do not meet the Federal Clean Air Act standards. There may be fiscal implications and sanctions to such a policy that should be explored with the Department of Environmental Protection. This bill also repeals the current law that prohibits the registration of off-road vehicles, meaning that any type of off-road vehicle could be registered, even those not contemplated by this bill. Therefore, any non-conforming vehicle would be able to be registered once the bill became law.

INTEGRITY * FAIRNESS * COMPASSION * EXCELLENCE

It is unclear based on the language of the bill how the State Police will ensure compliance of the safety standards created by this bill, because ATV's are not required to be inspected, yet compels our agency to adopt rules pursuant to Title 5, the Administrative Procedures Act, for the administration and enforcement of the new equipment standards. It would be a considerable challenge for the State Police to enforce the standards created by the bill without inspecting the ATVs. Furthermore, this bill requires an ATV with side-by-side seating to be equipped with seatbelts but provides no standards for which they must meet. This would allow someone to create whatever type of seatbelt they prefer. It could literally be a piece of rope that you tied over your lap. There is also no requirement for a working horn or turn signals unless the ATV was originally equipped with them. There are some real safety concerns that should be considered when deliberating on this bill.

For these reasons, we urge you to vote "Ought Not To Pass" on LD 557.

On behalf of the Department of Public Safety and the Maine State Police, I thank you for your time and would be happy to try and answer any questions that you might have.

INTEGRITY * FAIRNESS * COMPASSION * EXCELLENCE

Offices located at: 36 Hospital Street, Augusta Maine
(207) 624-8939 (Voice) (888) 524-7900 (TDD) (207) 624-7088 (Fax)