

## MEMO

TO: Town Board  
FROM: Yorktown Trail Town Committee  
RE: Draft amendments to Chapter 275, Vehicle & Traffic  
DATE: November 20, 2023

As a town organization whose mission it is to promote the safe usage of the town's trails, the Yorktown Trail Town Committee (YTTC) appreciates the Town Board's intent to address the ATV problem.

After reviewing the draft amendments to Chapter 275, Vehicle & Traffic, we offer the following general and more specific comments, plus some additional suggestions.

### GENERAL COMMENTS

- The Board may want to consider whether it wants to impose the same provisions on ATVs (and other types of off-road self-propelled vehicles) and e-bikes. Perhaps there should be two separate sections, one for ATVs and one for e-bikes.

For example, ATVs are used in town parks and on trails while the issue with e-bikes has primarily been their use on sidewalks. And unlike ATVs which cannot be operated on public roads, e-bikes can be legally operated on roads and streets. E-bikes also have different age restrictions and many localities have been encouraging e-bike usage as alternative transportation in addition to potential health benefits. Additionally, the town may also want to address e-scooters along with e-bikes.

- Many of the specific comments below relate to the fact that, as drafted, the law actually **excludes** ATVs which, under NYS Vehicle and Traffic Law (V&T), must be registered. ATVs can cause the same or more damage to town property as "unregistered" vehicles, as well as creating a safety hazard.

### SPECIFIC COMMENTS

#### §275-25 Title

As explained below in Definitions comments, if the definitions are changed to better reflect the purpose of the law -- which is to regulate ATV use -- then the title should be changed.

#### §275-25 Legislative Purpose

Here again, this section would need to be changed to reflect the goal of regulating ATVs. As written, the draft only deals with "unregistered self-propelled vehicles and limited use off-road vehicles."

#### §275-27 Definitions

As drafted, the definitions do not adequately address the ATV problem.

That's because the draft regulates the use of "unregistered self-propelled vehicles" and "limited-use off-road vehicles" -- and ignores the fact that under the NYS Vehicle & Traffic Law (V&T), **ATVs are required to be registered** and to comply with V&T laws governing where and how they can be used.

- The draft definition of “unregistered self-propelled vehicle,” which includes ATVs, is inconsistent with NYS law that requires ATVs to be registered – and the draft law is silent on the need for ATVs to be registered.
- The definition of “limited-use off-road vehicle” is flawed because it is inconsistent with V&T and it includes ATVs.
- Both definitions include ATVs and “electronic vehicles.”  
(Note: the correct term for “electronic vehicles” should be electric assist bicycles, commonly referred to as e-bikes.)

After reviewing the draft law, NYS V&T, and some local off-road laws, YTTC suggests that the Board consider two possible, clearer, approaches for defining ATVs and e-bikes. The following text is illustrative only, and not intended to be the actual text that would be included in a law.

Option #1: Distinguishing registered vs non registrable vehicles and changing subsequent relevant sections accordingly.

REGISTERED VEHICLE — any self-propelled vehicle with two or more wheels that is used primarily for off-road recreation, commonly called ATV, UTV or trail/dirt bike, that are required by NYS V&T to be registered with DMV and required to follow NYS V&T regulating their use.

NON REGISTRABLE VEHICLE — any self-propelled vehicle that according to NYS V&T cannot be registered for off-road (alternate language: off-highway) recreation, including, but not limited to ....examples.... and electric assist bicycles.

Option #2: Simplify language covered by this law in a single definition and changing subsequent relevant sections accordingly.

OFF-ROAD VEHICLE

Includes all-terrain vehicles (ATVs) as defined in § 2281, Subdivision 1, of the NYS V&T, all off-highway motorcycles as defined by § 125-a of the NYS V&T, and all other types of motorized trail bikes or vehicles such as, but not limited to dirt bikes, dune buggies, or go-carts with a primary intention for off-road use, but excluding nonmotorized bikes, commonly referred to as mountain bikes.

*(Note: If snowmobiles are an issue in Yorktown, the NYS V&T has a separate definition for them. The above definition includes examples of other types of off-road vehicles that may or may not be required to be registered)*

ELECTRIC ASSIST BICYCLE

As defined in § 102-c of New York State V&T

*(Note: there are 3 classes of e-bikes)*

§ 275-29. Operation on private property restricted.

As drafted, this section is unintentionally silent on the use of registered ATVs as required in New York State.

§275-31. Creation of noise or disturbance prohibited; hours of operation; fleeing.

As drafted, ATVs which are required to be registered would be excluded from proposed hours of operation.

§ 275-32. Careless, reckless or negligent operation prohibited.

This section could include provisions dealing with trail etiquette and safety, such as:

- Wear a helmet, eye protection, and other protective gear
- Stay on marked trails. Do not cut switchbacks or take shortcuts
- Wheeled-vehicle users should avoid maneuvers that damage trails
- Motorized users always yield to non motorized users, such as hikers, runners, mountain bikers

- Operate at minimum speed near those enjoying the trail using non motorized means.
- Always carry out what you carry in

#### **ADDITIONAL POSSIBLE PROVISIONS**

- NYS law allows towns to adopt local permit requirements for both ATVs and e-bikes. Has the Board explored this option – which could give the town greater control over the number of ATVs, whether they're registered with DMV, hours of operation, proper equipment, noise, etc.
- If the town did have a permit procedure, could a violation of the law constitute a local fine that wasn't necessarily a violation of NYS V&T, e.g., operating after hours could be potentially fined?
- For ATVs, the law could limit use on local roads used to get to a trail, unless specifically allowed, i.e., they would have to be transported in some sort of carrier to get to the trail.
- Consistency with state law: Consider adding a section, something like: Should any section or portion of this article be in conflict with the laws of the State of New York applicable to the operation, registration, ownership or control of unregistered motor vehicles, then in that instance said laws of the State of New York shall prevail.
- Age limits. NYS V&T limits ATV and e-bike use to not less than 16; town draft has 18. Can the town be more restrictive?