



STATE OF NEW HAMPSHIRE
DEPARTMENT of NATURAL and CULTURAL RESOURCES
DIVISION of PARKS and RECREATION
172 Pembroke Road Concord, New Hampshire 03301
Phone: (603) 271-3556 Fax: (603) 271-3553
Web: www.nhstateparks.org

February 26, 2019

The Honorable Suzanne Smith, Chair
and the Resources, Recreation and Development Committee
Legislative Office Building, Room 309
Concord, NH 03301

RE: HB 683-FN, relative to the rights of property owners abutting certain highways and railtrails.

Dear Chairman Smith and Members of the Committee,

Please accept this testimony on behalf of the Department of Natural and Cultural Resources, Division of Parks and Recreation **in opposition of HB 683-FN**, relative to the rights of property owners abutting certain highways and railtrails.

The agency has concerns with all sections of this bill and believes that the sections have all been written to address specific local concerns in communities in New Hampshire.

Section 1 of this bill would make the OHRV statute inconsistent with the hazards sections of snowmobile law, RSA 215-C:55, II and also the Duty of Care law, RSA 212:34, VIII. An accepted version of the language proposed is already in RSA 212:34, VII and it is specific to landowners, not abutters. This agency supported that legislative language several years ago; however we oppose the expansion of it to include abutters to highways and have significant concerns of the precedent this could set for other portions of landowner protection laws.

Sections 2, 3 and 5 of this bill are unreasonable thresholds that are being applied to just one type of user group in a community and Section 4 would apply driving license points to operators for violations of speed only on Town roads. This would increase confusion within the law enforcement community when they encounter OHRVs.

Sections 7 and 8 are setting exhaust decibel limits that are below the currently manufactured capability of machines. NH lowered its legal decibel (db) limit several years ago to 96, which was and still is, the lowest level set by any state in the country. This provision will make it illegal to register any existing OHRV in the State of New Hampshire. The net result of passing these sections would be a significant loss of revenue to the State of New Hampshire, specifically this agency, but also the General Fund from loss of Rooms and Meals Tax.

Sections 10 and 12 are addressing the criteria used when reviewing public lands for OHRV use. Highway rights of way and rail corridors were specifically left out of these criteria when it was drafted in 1999.

February 5, 2019

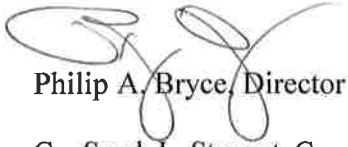
Suzanne Smith, Chairman, Resources, Recreation and Development Committee

Page 2

These properties are lineal stretches of land that physically would never meet some of the setbacks that were put in place to address large existing state parks and forests. The NH Legislature held hearings on bills specific to these two topics several years ago and agreed that the proposed language in this bill was unreasonable in regards to these two sections.

Thank you for the opportunity to testify **in opposition of HB 683-FN**. Please feel free to contact Chris Gamache, Chief of our Bureau of Trails, to answer any question that the committee should have.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip A. Bryce". The signature is stylized with large, sweeping loops and a long horizontal stroke extending to the right.

Philip A. Bryce, Director

Cc: Sarah L. Stewart, Commissioner