

Readopt with amendment Res 8500, effective 8-5-15 (Document #10905), and renumbered as Ncr 850 cited and to read as follows:

CHAPTER Ncr 850 BUREAU TRAIL USE RULES

Statutory Authority: RSA 12-A:2-c I, II, III, and IV, RSA 215-A:3-a, and RSA 215-C:3, I

PART Ncr 851 DEFINITIONS

Ncr 851.01 Definitions.

- (a) "All terrain vehicle (ATV)" means "all terrain vehicle (ATV)" as defined in RSA 215-A:1, I-b.
- (b) "Bureau" means "bureau" as defined in RSA 215-A:1, II and RSA 215-C:1, III, namely "the bureau of trails in the department of natural and cultural resources."
- (c) "Bureau ATV trail" means an established ATV course to be followed on department of natural and cultural resources (department) properties.
- (d) "Bureau snowmobile trail" means an established trail on department properties accepted for use for snowmobiles during the winter season but not exclusively used by snowmobiles.
- (e) "Bureau trail" means any maintained OHRV or snowmobile trail on department properties.
- (f) "Bureau trail bike trail" means an established trail bike course to be followed on department properties.
- (g) "Conventional motor vehicle" means any vehicle designed primarily for highway travel.
- (h) "Established trail" means a trail that has been opened for use by specific vehicles as indicated by signage issued by the bureau.
- (i) "Mud season" means the period of time from April or loss of continuous snow cover through May 23 of each calendar year.
- (j) "Off highway recreational vehicle (OHRV)" means "off highway recreational vehicle" as defined in RSA 215-A:1, VI.
- (k) "Operate" means "operate" as defined in RSA 215-A:1, VII, namely "to use that vehicle in any manner for transportation."
- (l) "Snowmobile" means "snowmobile" as defined in RSA 215-C:1, XV.
- (m) "Trail" means a course to follow or be followed.
- (n) "Trail bike" means "trail bike" as defined in RSA 215-A:1, XIV.

(o) "Utility terrain vehicle (UTV)" means a "utility terrain vehicle" as defined in RSA 215-A:1, XXIV.

PART Ncr 852 ALL BUREAU TRAILS

Ncr 852.01 Applicability. The provisions of Ncr 852 shall apply to all bureau trails on department properties.

Ncr 852.02 Authority of Bureau Personnel. Persons shall obey all requests made by authorized bureau personnel in matters of public interest, public safety, or resources protection.

Ncr 852.03 Bureau Trail Restrictions.

(a) No person shall operate an OHRV or snowmobile except in areas or trails established by the bureau for OHRV or snowmobile use.

(b) No person shall operate an OHRV or snowmobile on bureau trail posted as closed. Trail closures shall be accomplished by posting signs that spell out the prohibited activity, by public notification by authorized department personnel, or both, as appropriate.

(c) The provisions of RSA 215-A:6, RSA 215-A:29, XI, and RSA 215-C:8 shall apply to all OHRV and snowmobile operation.

(d) No person shall operate an OHRV at a speed in excess of 35 miles per hour (mph) on any bureau trail.

(e) No person shall operate a snowmobile at a speed in excess of 45 miles per hour (mph) on any bureau trail.

(f) No person shall operate an OHRV or snowmobile at a speed in excess of 35 mph at trail connectors, defined in RSA 215-A:1, XVII.

(g) No person shall operate an OHRV or snowmobile at a speed in excess of 10 mph at signed trail junctions where two trails intersect one another, in parking lots, or when approaching or passing trail maintenance equipment.

(h) This section shall not apply to bureau personnel in the performance of their duties.

Ncr 852.04 Parking Restrictions.

(a) No person shall park a conventional motor vehicle except in areas designated for parking.

(b) No person shall park a conventional motor vehicle in any area posted as restricted. Parking restrictions shall be accomplished by posting signs that spell out the prohibited use, by public notification by authorized department personnel, or both, as appropriate.

(c) No person shall park a conventional motor vehicle in front of any rail trail or reservation gate.

(d) Any conventional motor vehicle illegally parked as described above shall be subject to towing at the owner's expense.

(e) This section shall not apply to bureau personnel in the performance of their duties.

PART Ncr 853 ALL BUREAU SNOWMOBILE TRAILS

Ncr 853.01 Applicability. In addition to rules found in Ncr 852, the provisions of Ncr 853 shall apply to all bureau snowmobile trails on department properties.

Ncr 853.02 Snowmobile Trail Restrictions.

(a) No person shall operate an OHRV other than an ATV, UTV, trail bike, or snowmobile on snowmobile trails.

(b) No person shall operate a conventional motor vehicle on snowmobile trails.

(c) No person shall operate an ATV, UTV, or trail bike on snowmobile trails unless posted as a permitted use. Trail restrictions shall be accomplished by posting signs that spell out the prohibited use, by public notification by authorized department personnel, or both, as appropriate.

(d) No person shall operate an OHRV or snowmobile on plowed roads unless otherwise posted.

PART Ncr 854 ALL BUREAU ATV, UTV, AND TRAIL BIKE TRAILS

Ncr 854.01 Applicability. In addition to rules found in Ncr 852, the provisions of Ncr 854 shall apply to all ATV, UTV, and trail bike trails on department properties.

Ncr 854.02 ATV, UTV, and Trail Bike Trail Restrictions.

(a) No person shall operate an OHRV other than an ATV, UTV, or trail bike on any ATV and trail bike trail.

(b) No person shall operate a conventional motor vehicle on any ATV, UTV, and trail bike trail unless the trail has been posted for that use. Trail restrictions shall be accomplished by posting signs that spell out the prohibited use, by public notification by authorized department personnel, or both, as appropriate.

(c) No person shall operate an ATV, UTV, or trail bike on ATV and trail bike trails during the mud season.

(d) The Ammonoosuc recreational, Rockingham recreational, and Sugar River recreational rail trails shall be exempt from (c) above.

(e) No person shall operate an ATV, UTV, or trail bike off established trails.

(f) Notwithstanding the provisions of Ncr 852.03(d) no person shall operate an ATV, UTV, or trail bike at a speed in excess of 35 mph on any ATV and trail bike trail. Trails may be posted for lower speed limits on bureau trails.

(g) Notwithstanding the provisions of (f) above, no person shall operate an ATV, UTV, or trail bike at a speed in excess of 25 mph on the Ammonoosuc, Greenville Branch, Hillsborough Branch, Rockingham, Sugar River, Upper Coos, or Presidential recreational rail trails.

(h) No person shall operate an ATV, UTV, or trail bike at a speed in excess of 10 mph within 250 feet of gates and stop signs.

(i) No person shall operate an ATV, UTV, or trail bike between 1/2 hour after sunset and 1/2 hour before sunrise unless posted open for use, or permitted under a special use permit pursuant to Ncr 743. Trail restrictions shall be accomplished by posting signs that spell out the prohibited use.

(j) No person shall operate an OHRV wider than 50 inches, total width, on bureau trails except in Coos County and on the Ammonoosuc recreational rail trail in Grafton County, as provided for in RSA 215-A:43, IV.

PART Ncr 855 PENALTIES

Ncr 855.01 Penalties. A person who violates any rule of Ncr 850 shall be guilty of a violation as provided for by RSA 215-A:19, I and RSA 215-C:34, I and shall be subject to a fine pursuant to RSA 651:2, III-a, and IV(a), Ncr 782.04, and Ncr 782.06.

PART Ncr 856 INFORMATION

Ncr 856.01 Bureau Trail Information. The public may obtain information regarding bureau trail uses by contacting the bureau at 172 Pembroke Road, Concord, NH 03302.

Ncr 856.02 Petitions for Declaratory Ruling. A declaratory ruling on the applicability of any statute or rule administered or enforced by the department shall be made through the petition process as described in Ncr 202.02.

Appendix

Rule	Specific State Statute the Rule Implements
Ncr 851	RSA 215-A:1; RSA 215-C:1; RSA 541-A:7
Ncr 852.01 and Ncr 852.02	RSA 12-A:2-c, II (a)
Ncr 852.03 through Ncr 854	RSA 12-A:2-c, I; RSA 12-A:2-c, II(a) and (b) RSA 215-A:3, V; RSA 215-A:3-a, II; RSA 215-A:6 RSA 215-C:2, VI; RSA 215-C:3, I; RSA 215-C:8; RSA 215-A:29, XI and RSA 215-C:49, XIII
Ncr 855	RSA 12-A:2-c, II(f), III, and IV; RSA 215-A:19, I; RSA 215-C:34, I; RSA 651-2, III-a; RSA 651-2, IV(a)
Ncr 856.01	RSA 91-A:4; RSA 541-A:16, I(a)
Ncr 856.02	RSA 215-A:3-a, II; RSA 541-A:16, I(d)