

Appalachia-Science
in the Public Interest

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ASPI TECHNICAL SERIES Tr 64

NINE ORV CONTROL OPTIONS

Controlling recreational off-road vehicles (ORVs), or what are commonly known as "four-wheelers," is becoming an increasing challenge. The sheer numbers of such vehicles are rapidly increasing through the promotion of a recreational industry that is growing at a rate of 20% per year. Some of the five million or more now owned and operated in this country have legitimate agricultural or other outdoor uses; many are purchased and maintained for recreational use alone on weekends. A second challenge has to do with the practices of ORV operators who do not want to merely circle hardened tracts in private recreation parks but prefer to travel often in packs over private or public forest and other scenic lands. A third challenge arises from rapidly increasing from traditional 200 cc. plus engines to 680 cc. in the latest models, thus enticing vehicle operators to go faster and over even more rugged terrain.

The total challenge for the non-operating citizen is to control the recreational use of these vehicles and operators. This is not easy for the urban public may not know much about the problem. The affected citizenry is generally isolated, feels intimidated and fears having damaged or destroyed buildings and does not want to be singled out as an opponent. They have silently tolerated the invasion of their homesteads, tearing out the fences, desecration of public woodlands, cemeteries, and fragile lands, and the enduring of loud noises which prove quite stressful to local residents and wildlife as well. For a number of environmental reasons (soil compaction and erosion, air pollution and noise, wildlife disturbance, creek bed disturbances, litter and garbage, and depletion of natural resources) the recreational ORV is regarded as a menace by environmentalists who have now observed over a decade of detrimental effects.

Individual Activities

1. Research & Monitoring Route: *The general public is unaware of the impact of certain recreational activities. While the data is being collected, there is a lack of firmly established patterns of activity.*

A thorough understanding of the rapidly emerging environmental, economic, safety, and health issues related to the use of ORVs is yet to emerge. However, this raises questions because there is no body of monitoring data which can be called forth as to the volume of ORV use, infringement, operator practices, and other related data. This information deserves to be properly analyzed and published in some understandable format. Various research groups will have to be encouraged to undertake the tasks.

ASPI has been monitoring ORV activity in south central Kentucky through a grant from the *Natural Trails and Waters Coalition* and is collecting significant data on the place of origin, practices and types of vehicles now using the "909" gathering site. One additional project which we are investigating is the tourist *leakage* rates (amount of expended money going outside of targeted tourist areas) from ORV operators. These may be some of the highest in the world (about 85% or greater). When this research is completed, it will be passed on to the state tourist agencies, which have a mistaken belief that these out-of-state recreation seekers are a boon to the Commonwealth's economy.

Photo by Sherman Bamford



2. **Publicity Route:** *The general public subscribes to a ultra-libertarian position of allowing those seeking pure recreation to do so in a manner of their own choosing — as long as it does not infringe on others rights.*

The need for the public to know safety, economic and environmental aspects of the recreational industry and especially the ORV practices is especially acute at this time. The media likes sensation, and so a particular story of cemetery damage or death of riders may be a story until it becomes “old hat.” However, media publicity can never effect change by itself. It can also lead to strident positions and allow a “sacrifice zone” mentality (some areas are so trashed they are conceded to ORV operators).

ASPI has been attempting for a dozen years to make the damage from ORVs, especially in forested fragile areas, known to the general public. We have given interviews to television and the press, letters to the editor, and have a number of widely covered and circulated stories about the devastation and the concern caused by the ORV use. Our *Earth Healing* shows include three on effects to landholders, the environment and the health and safety of people.

3. **Obstruction Route:** *Many people seek ways of obstructing the invasion of their property, and prefer to halt illegal practices without bodily harm.*

This is the most difficult area of individual action, because some methods could lead to physical harm to the trespasser. One person goes out and shoots his shotgun up in the air in an effort to dissuade ORV invaders. Others have spiked trails with a variety of devices. A late ASPI board member stated that he “strung piano wire across the entrance to his watermelon patch” to stop the practice of riding over and “popping the melons.” In retrospect he was fortunate there were no decapitations. We do not advise such drastic measures. Please do no practice that could cause bodily harm, and notify trespassers that obstructions are in place either by flags or notices. Make sure that obstructions occur where vehicles will be at slow speeds or where ORVs are currently being unloaded or reloaded.

ASPI does not oppose obstructions as means of last resort for the protection of one’s livelihood and property. We have stretched several strands of barbed wire across our own and neighbors’ (with their encouragement) properties to stop ORV trespassers.

Community Activities

4. **Educational Route:** *Most school children, even those involved in outdoor and environmental activities think it is cool to ride ORVs cross country. They see ads on television of pristine areas, hear the boasting of peers, and dream of the power of a revved up ORV.*

This may be the most labor intensive activity that a group can undertake. The children will listen and even watch patiently a good slide show or television show, and still end up stating that they want to ride ORVs with the rest of the gang. In fact, this educational attempt gets more difficult with time. Attempt to tell all citizens and especially school children about the need to save the Mixed Mesophytic Forest and the precious rivers and creeks in this region. Make them aware that four-wheelers can be quite destructive in these fragile areas.



Photo by Sherman Bamford

ASPI gives talks to scores of school, civic and professional groups. We have a formal educational display dealing with ORV damage when talking on forest, water, and related issues. A formal talk on "Monitoring Environmental Damage from Off-Road Vehicles" was given at the 2001 *Southern Appalachian Man and the Biosphere* (SAMAB) Conference in Tennessee.

5. Organizing Route: *Local citizens to ORV activity often feel isolated and alone in what they have to endure as regards noise, trespassing and intimidation. They need to be persuaded that this is not the case; people can come together and act as a group to take joint actions.*

We are able to make major changes when working with other persons of like minded interests. Many communities are divided with some people working more closely with those they regard as legitimate ORV operators. Furthermore, local citizens in impacted areas do not want to be singled out as ORV opponents, but rather folks who can make distinctions between those operating legally and those going against the law.

ASPI has sponsored three gatherings of citizens on ORV riding infringements and control in 2000 and 2001. Those for and against the ORV use have arrived at an understanding that "no trespassing" signs should be honored when posted. We are now seeking to initiate citizen closure of lands via standard signs such as what is used in upstate New York *WILDLIFE SAFETY ZONE* areas. This gives the positive impression that a joint action is being undertaken by a community of landholders acting together.

6. Enforcement Route: *In Kentucky as in most other states, existing regulations would be sufficient to control ORV use. That includes explicit permission to use private lands for motorized travel and that only certain public trails (not areas) are open on public lands. Many of the four-wheelers are not permitted on public highways for over one quarter of a mile, and that - only when driven by licensed drivers, sixteen years old and older.*

Many unsafe practices now routinely occur in ORV riding areas, such as extra passengers, underaged drivers, drinking and driving, motorized bravado, etc.. Enforcement of state and federal requirements have a mixed record. While the U.S. Forest Service has made citations for infringement on public lands, this practice is not being pursued by many other governmental agencies. Even in the case of the U.S. Forest Service the paucity of patrolling officers makes many infringements go unenforced. As far as local agency operations go, it is virtually impossible to find county agencies willing to enforce laws against trespassing or littering. Many see this lack of enforcement as a form of politeness in order to attract tourists through leniency.

ASPI has been encouraging people to seek enforcement at all levels for over a decade, but with only limited or periodic success. One recent tactic is to encourage citizens to run for public office who have a commitment to enforce existing laws.

Broader Regional or National Approach

7. Consumer Advocacy Route: *The advent of motorized vehicle recreation (ORVs, snowmobiling, motor boating, airplane flying, etc.) is not spontaneous on the part of the consumer but a heavily financed sales policy by equipment makers who see this as a bonanza of corporate profits. However, this artificial popularity has not come without a cost, but the manufacturers and trade associations have a number of gimmicks which allow them to escape from safety and other responsibility.*

The large corporations are to blame for placing these vehicles in fragile and scenic areas and without explicitly saying so, invite purchasers through misleading ads to go into fragile areas for recreation. These must be contested by the public interest groups. To date this action has not yet been initiated to our knowledge. The

Consumer Product Safety Commission exposes and contests a company which allows unsafe products on the market. Through instructional training in safety the companies expect to be absolved from any legal action down the road due to improper use of their product. Sometimes they offer up to a \$100 rebate for taking the course.

ASPI is currently seeking groups who have the expertise to undertake this pressing public interest advocacy problem.

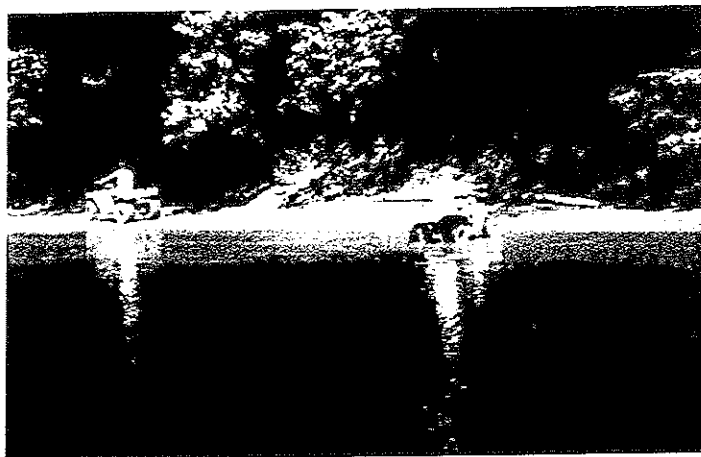


Photo by Sherman Bamford

8. Regulatory Route: *Kentucky does not register ORV recreational motorized vehicles, though many other states do.*

An area where both ORV proponents and opponents have come to some common agreement is that all motor vehicles capable of cross-country travel be registered. That would mean registering vehicles by affixing registration plates or stickers at a clearly visible location on the vehicles. Such a registration procedure permits easy identification of trespassers, facilitates the imposition of fines on vehicles whose owners allow unauthorized operators, gives additional information to insurers of such vehicles, and encourages fines which include removal of licenses for drunken driving or illegal activities. This is an area where new legislation could be of great importance in reducing illegal use of these vehicles.

ASPI undertakes educational programs (as a legitimate part of its 501-c-3 activities) which encourage citizens to become involved in future health and safety as well as statewide environmental regulations.

9. Legal Route: *Many people are unaware that advertising over the Internet for groups and individuals to ride recreational vehicles in certain areas (which involves inherent illegal activity) — is a misuse of the public media outlets and is itself illegal.*

Currently, this advertising for participants to come and ride particular sites on private or public lands fails to mention, or perhaps even comprehend, certain standing legal requirements. First, to ride on private lands without trespassing requires explicit clearance from the landowners, and secondly, public lands are simply off limits due to prior regulations.

ASPI has been seeking legal assistance in taking an action related to Internet enticements for people to come to the so-called “909” or “Cromer Ridge” or “Livingston” sites for ORV gatherings. These should not be advertised because it is impossible for such gatherings to occur without illegal actions resulting from trespassing or riding in unauthorized areas.