



<b>Title:</b> ATV Trail Development and Management Policy		
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<b>Reviewed:</b> 11/18/2020		<b>Revised:</b> 11/18/2020
<b>Approved By:</b> Secretary's Office		<b>Program Area:</b> Agency-wide

**AUTHORITY**

Sections 302, 303 and 304 of the Conservation and Natural Resources Act, Act of June 28, 1995, P.L. 89, No. 18, 71 P.S. §§ 1340.101 *et seq.*; the Snowmobile and All-Terrain Vehicle Law, 75 Pa. C.S. §§ 7701 *et seq.*

**ARTICLE I, SECTION 27**

The implementation of this policy shall be in accordance with Article I, Section 27 of the Pennsylvania Constitution: *“The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.”*

The Department of Conservation and Natural Resources (“DCNR” or “Department”) is a trustee of the Commonwealth’s natural resources; State parks and forests are part of the public natural resource trust. As a trustee, the Commonwealth is obligated to conserve and maintain the corpus of the trust for current and future generations. DCNR is mandated to prevent and remedy any degradation, diminution, or depletion of the natural resources.

**SCOPE** This guidance applies to all bureaus, divisions, and programs within the DCNR.

**PURPOSE**

To provide guidance for the Department when acquiring, developing, and managing lands for All-Terrain Vehicle (“ATV”) use (as defined in 75 Pa. C.S. § 7702) by the general public.

**POLICY**

This policy rescinds the ATV trail development moratorium and authorizes the Department to consider expansion of existing ATV trails and the construction of strategic connectors on state forest lands while also working with willing landowners and local communities to enhance long-distance riding opportunities off state forest lands. DCNR may also explore opportunities to fund the development of ATV parks and facilities on private and public lands (not managed by DCNR) and on lands newly acquired by the Department specifically for motorized recreation.

Bureau of Forestry (“BOF”) staff is responsible for managing the siting, design, development, maintenance, enforcement, monitoring, and adaptive management of motorized trails on state forest lands while ensuring sound ecosystem and sustainable land management practices. The BOF reviews and analyzes all proposed projects and activities on state forest lands, in conjunction with existing Department and BOF plans and policies, to assess the benefits and impacts to state forest resources, uses, and values. The BOF may request public comment on proposed projects or activities that have broader impacts on a community or region.

The BOF, with approval from the Secretary, may designate portions of its administrated state forest road system as temporary, seasonal, or permanent ATV trails. If BOF authorizes ATV use on a state forest road currently open for public use, all or portions of that road may be closed for other uses. If re-designated, these roads will be marked as an ATV trail with signage indicating temporary, seasonal, or permanent use.

DCNR will not consider any proposed trail that requires access onto lands not owned or managed by the Department without a written landowner agreement or recorded easement that specifies the landowner's explicit permissions for public access for the purpose of the proposed trail.

For visitor safety, resource management, and other operational considerations, the Department permits ATV riding only on designated trails of state forest lands. ATV riding is prohibited on state parks trails. Proposals that facilitate access or regional connectivity may be considered by the Bureau of State Parks on a case-by-case basis, with approval of the Secretary.

The Department will determine appropriate width and weight limitations for designated trails (not to exceed 64 inches and 1800 pounds).

The responsibility is on the operator/rider to know which trails are open for ATV use as well as the rules and regulations that apply to this activity.

As ATV riding opportunities increase on state forest lands, DCNR strives to maintain the necessary enforcement and maintenance levels to ensure proper safety protocols are upheld for all visitors and Department personnel.

**The following resources were referenced in the development of this policy:**

- [State Forest Resource Management Plan](#)
- [Penn's Woods Strategic Plan](#)
- [Pennsylvania Forest Action Plan](#)
- [Statewide Comprehensive Outdoor Recreation Plan](#)

**DISCLAIMER**

The policies and procedures herein are not an adjudication or a regulation. There is no intent on the part of DCNR to give the language in these policies that level of weight or deference. This policy does not create a binding norm and cannot prescribe the Department's actions. This policy simply underscores DCNR's mission "to conserve and sustain Pennsylvania's natural resources for present and future generations' use and enjoyment" and providing greater opportunity for permissible recreational use. As such, it is within the Department's discretion to depart from the guiding principles established in this policy.

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**EFFECTIVE DATE** Immediately.

**EXPIRATION**

This policy is to be reviewed and updated every 3 years.

  
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Cindy Adams Dunn, Secretary

11/18/2020  
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Date

## BACKGROUND

DCNR plays a multi-faceted role with ATVs: registering their use statewide through a cooperative agreement with the Pennsylvania Department of Transportation (“PennDOT”); managing registration-generated fees for the maintenance, enhancement, and enforcement of recreational trail opportunities on state forest lands; and distributing grants to provide new recreational ATV trails and facilities.

In 2001, in response to documented impacts of ATV use on State forest resources, the Department issued a moratorium on further expansion of ATV trails on state forest lands. That moratorium was briefly rescinded in 2002 and reinstated in 2003 where it remained in place until the effective date of this updated policy.

With increased ATV usage in the Commonwealth and increased interest on the part of ATV users for additional recreational riding opportunities, DCNR is working to ensure that registered ATV owners receive sufficient benefits for their registration funds while balancing the protection of our natural resources and the needs of all recreational uses on state lands.

### State Forests

Currently, 267 miles of motorized trail are maintained within the State forest system. To increase riding opportunities for ATV users, the Department is focusing resources on enhancing existing ATV trails through restoration and development and exploring new trail connections on state forest lands.

For visitor safety, resource management, and other operational considerations, the Department permits ATV riding only on designated trails on state forest lands. ATV riding is prohibited on State forest roads.

The Bureau of Forestry defines various types of roads within the State Forest Resource Management Plan that comprise DCNR’s administered state forest road system:

**Public-Use Roads:** Most state forest roads are improved dirt roads surfaced with shale, gravel, or limestone. A few miles are paved. They all receive routine maintenance and generally are open for travel by licensed motor vehicles. A large amount of resources and effort go into maintaining the current system of public-use roads. These roads are open to the public for use “at your own risk.” Winter maintenance is not provided.

**Drivable Trails:** Drivable trails are limited maintenance roads that are open to licensed motor vehicles. These roads typically receive very limited use and are not recommended for low-clearance vehicles. Maintenance of these roads is often limited just to the minimum amount necessary to control erosion and sedimentation.

**Administrative Roads:** These roads are for administrative use and are not normally open to motor vehicles operated by the public. Timber-sale haul roads are included in this classification. These roads may be open seasonally for public travel, such as during hunting season, but they are normally gated for a variety of reasons including soil erosion protection, dumping control, safety concerns, and wildlife habitat protection. Gating and closing these roads helps maintain the primitive conditions that can be obtained only through large blocks of forest.

### State Parks

ATVs are prohibited within State park boundaries to ensure the safety of visitors and staff. However, a small connector trail was established to help resolve an unusual situation at Lyman Run State Park. In 2019, DCNR established a connection between a park campground and the Susquehannock State Forest Rock Run Road trailhead, located within the park. Lyman Run State Park has a township road running through it for which the township permits ATV use, and the park is unique in that it is the only State park with an ATV-designated trailhead within the park. (Note that the entirety of the Susquehannock ATV Trail, including the section that

traverses Lyman Run State Park, is managed by Bureau of Forestry.) To allow campers with ATVs to ride from the park's Lower Campground to the township road then to the trailhead, the park is allowing campers with ATVs to ride on the campground road (normally off-limits for ATVs) to access the township road and ride directly to the trailhead. This special allowance is during the summer camping season only.

### Public-Private Partnerships

DCNR is developing enhanced motorized recreational use on public and private lands specifically acquired for ATV use. DCNR intends to fund new acquisition and development projects for motorized recreational facilities such as the Rock Run Recreation Area and the Anthracite Outdoor Adventure Area. These two facilities, in particular, are proven success stories when it comes to pairing public funding with private and local investments on privately or locally held lands.

DCNR is also pursuing opportunities to acquire DCNR lands that would be specifically managed for motorized recreational use. These recreational areas could result in partnerships where DCNR acquires the land and private entities manage the operations of the motorized recreation facilities.

### Funding

DCNR provides grants through the Community Conservation Partnerships Program ("C2P2"), which is administered by the Bureau of Recreation & Conservation, to develop and enhance ATV riding opportunities. Recent amendments to the Snowmobile and All-Terrain Vehicle Law established the ATV Management Restricted Account and the Snowmobile Management Restricted Account, requiring the Department to separate the previously combined funds so that they are granted out for designated purposes, which means ATV fees are used for ATV projects and snowmobile fees are used for snowmobile projects. In addition, DCNR may potentially leverage state and federal funds for motorized recreational projects.

### Mission and Role as Trustee

DCNR's mission is to conserve and sustain Pennsylvania's natural resources for present and future generations' use and enjoyment.

The Department also serves as the trustee and steward of the State forests and State parks and is mandated by the Pennsylvania Constitution, under Article I, Section 27, to conserve and maintain these lands for future generations.

The increased demand on our State forests as a result of various forms of development, whether it is recreational or industrial (e.g., mineral extraction, pipeline), requires thoughtful consideration regarding state forest management. According to the 2016 State Forest Resource Management Plan, "state forest infrastructure must be systematically structured and designed to provide social, cultural, and economic forest benefits to present and future users within the constraints of sound ecosystem management."<sup>1</sup>

To ensure proper stewardship of these lands, DCNR makes the final management decisions as to if and when ATV trails are implemented on state forest lands.

### Enforcement & Safety

ATV use has grown in popularity in Pennsylvania and has the potential to provide economic benefits to rural communities. However, growth has resulted in an increase in both permitted and unlawful riding activity on state forest lands, which places additional management and enforcement challenges on forestry staff. Managing unauthorized riding in state forest lands is particularly challenging and adversely impacts many of the core functions that state forest lands were acquired to address, including protection of clean water, clean air, wildlife habitat, scenic beauty, rare and significant ecosystems, and wild plants. Unauthorized ATV use on land

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<sup>1</sup> Pennsylvania Department of Conservation and Natural Resources. "2016 State Forest Resource Management Plan," p. 215.

managed by DCNR not only impacts the natural resources but also puts visitors and staff at risk. DCNR has taken many steps to address these issues, including hiring more rangers and conducting better outreach, education, and enforcement within the ATV community.

In the implementation of new designated ATV trails (OR riding opportunities), DCNR will consider the additional administrative resources (e.g., education, planning, construction, resource protection, maintenance, enforcement, etc.) needed to ensure safe and enjoyable experiences for all state forest visitors. State forest roads are typically open only to licensed motor vehicles and relied on by the public as well as Bureau of Forestry staff. The Department, in the best interest of visitors and staff, does not consider state forest roads to be a viable option for ATV connectors or trail systems mainly because they may not be conducive for ATV riding.

In [2016 written testimony](#) to the U.S. Consumer Product Safety Commission (“CPSC”), Gerene M. Denning, PhD and Charles A. Jennissen, PhD (members of the Iowa ATV Injury Prevention Task Force) wrote, “[w]hereas it is valid to warn against riding on paved roads, recent studies using the CPSC fatality database suggest that riding on unpaved roads may also represent increased hazards relative to off-road riding. By explicitly mentioning paved roads, there is a danger that users and policy makers will conclude that unpaved roads are safe.”<sup>2</sup>

The Specialty Vehicle Institute of America (“SVIA”) is the trade association that represents the manufacturers of all-terrain vehicles and has long promoted safety and responsible use. In its *Position to Opposition to OnRoad Operation of ATVs*, SVIA clearly states that “ATVs are designed, manufactured and sold for off-road use only...permitting on-road use of ATVs, including modified ATVs, would be in conflict with manufacturers’ intentions for their proper use, and would be contrary to federal safety requirements.”<sup>3</sup> ATV manufacturers’ manuals also often include warnings regarding the operation of ATVs on roadways, including dirt and gravel roads.

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<sup>2</sup> U.S. Consumer Product Safety Commission Public Hearing. “Written testimony for hearing on CPSC 2017-18 agenda and priorities.” 5/25/2016.

<sup>3</sup> Specialty Vehicle Institute of America. “Opposition to On-Road Use.” *SVIA.org* <https://svia.org/opposition-to-on-road-use>.