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STATE OF
MINNESOTA
DEPARTMENT OF NATURAL RESOURCES

500 LAFAYETTE ROAD • ST. PAUL, MINNESOTA • 55155-40_____

DNR INFORMATION
(612) 296-6157

July 12, 1993

Maryanne Hruby
Legislative Commission To Review
Administrative Rules
Room 55 State Office Building
100 Constitution Avenue
St. Paul, Minnesota 55155-1201

Dear Maryanne,

As prescribed by Minnesota Statutes, section 14.23, I have attached a copy of the statement of need and reasonableness for the department's proposed rule governing the operation of recreational motor vehicles on state forest lands. This rule has been submitted to the state register and will be published with a notice of intent to adopt a rule without a public hearing on July 26, 1993.

If you have any questions, please do not hesitate to call. My number is 297-7031.

Sincerely,

Chuck Armstrong
Administrative Rule Coordinator

STATE OF MINNESOTA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF FORESTRY

IN THE MATTER OF PROPOSED RULES
FOR RECREATIONAL MOTOR VEHICLES

STATEMENT OF NEED AND REASONABLENESS

Minnesota Department of Natural Resources

JULY 1993

July 1993

STATEMENT OF NEED AND REASONABLENESS

Rules Relating to Recreational Motor Vehicles on Forestry-Administered Lands

INTRODUCTION

Minnesota state forests were created by the Legislature to produce timber and other forest crops, provide outdoor recreation, protect watersheds and to perpetuate rare and distinctive species of native flora and fauna. Use of Recreational Motor Vehicles (e.g., ATVs, Off-Road Motorcycles, and 4X4 vehicles) is increasing on Forestry-administered lands.

Accordingly, in order to manage state forests for legislatively mandated multiple uses, the Department of Natural Resources has determined that the rules for Forestry-administered lands with respect to recreational motor vehicles need to be developed. Rules governing Recreational Motor Vehicles use on Forestry-administered lands will facilitate multiple-use management efforts and ensure that all forest users, including RMV recreationists, have opportunities to use and enjoy these public lands. Rules will also assist managers' efforts to protect the natural resources that comprise state forest lands.

In recent years there has been much interest in further regulating use of RMVs with respect to places of use on public lands and related recreational activities such as hunting. These types of issues are beyond the scope of this rule-making and may be addressed by the Department of Natural Resources in a separate future rule-making.

GENERAL PROVISIONS

6100.0100 STATUTORY AUTHORITY

Parts 6100.0100 to 6100.2400 are authorized by Minnesota Statutes, sections 84.03, 85.052, 89.031, 89.19, and 89.21 (Attachment A).

6100.0300 SCOPE

This section clarifies which areas these rules govern. In addition, the language provides for RMV regulation on all state forest lands in the Richard J. Dorer Memorial Hardwood State Forest rather than only on posted state forest lands within the forest boundaries.

This section also clarifies that the rules do not apply to persons lawfully engaged in the management or administration of state forest lands. This exemption, patterned after the snowmobile rules, is necessary for officials to effectively perform their management and enforcement duties.

6100.0400 PENALTY

This portion of the rules specifies that penalties for violation of the rules will apply to all forest lands under the authority of the Commissioner in addition to parks, forest campgrounds, forest

day use areas and the Richard J. Dorer Memorial Hardwood Forest. Prior to this rule, penalties did not apply to all Forestry-administered lands. The scope of the penalty's applicability needs to be expanded so that managers of state forests and enforcement personnel can effectively perform their duties to ensure multiple use management of state forests.

6100.0500 DEFINITIONS

Subpart 3a. **Disabled Person.** This language defines a 'disabled person'.

Subpart 5a. **Forest lands under the authority of the commissioner.** This language defines the lands to which these rules apply.

Subpart 10a. **Special Event.** This language clarifies the meaning of 'special event'. It is necessary to have an unambiguous definition of 'special event' so that those persons planning this type of activity understand when and when not special permits are needed for an RMV activity.

6100.1905 RECREATIONAL MOTOR VEHICLES - FOREST LANDS UNDER THE AUTHORITY OF THE COMMISSIONER.

Subpart 1.(A-D) **Required Equipment.** The head lamp and tail lamp minimum candlepower intensity was based upon the existing snowmobile rules (Attachment B). The specifications for brakes and throttle were formulated by the use of other states' laws and rules which have been acceptable to both users and manufacturers.

Subpart 2. **Sled, Trailer or Device Towed by a Recreational Motor Vehicle.** Reflectorized materials are needed during times of low visibility or at night for safety purposes. These materials required are consistent with the existing snowmobile rules.

Subpart 3. **Mufflers.** This subpart, as required by law, describes specifications for mufflers. The muffler will be of a functioning spark arrester type, which will reduce the hazards of fire. This subpart also sets the maximum noise emissions at 99 decibels on the A scale at 20 inches. This standard is based on other states' specifications for ATVs and an existing motorcycle standard. This subpart also provides for some exceptions to the rule for certain organized events.

6100.1930. USE OF FOREST LANES UNDER THE AUTHORITY OF THE COMMISSIONER.

Subpart 1. **Traffic Control (A-G).** The rules proposed under these subsections are patterned after the existing rules for state trails found in Minnesota Rules 6100.3400, subp. 6 (Attachment C). These proposed rules are intended to promote safe and orderly use of treadways.

Subpart 2. Operation of Recreational Motor Vehicles.

2A. This subpart allows the commissioner of natural resources to post speed limits on specific portions of trails or in areas under his jurisdiction. This may be necessary

for safety reasons on trails of high use, multipurpose trails, or possibly where hazardous situations may occur. Posting may also be required because of noise considerations near homes or in areas that are populated. Speed limits may be waived as provided in Minnesota Statutes 84.928 for organized races or similar competitive events (Attachment D).

2B. When operated at night or during reduced visibility, the RMV must have a lighted head lamp and tail lamp. This is an important safety requirement for RMVs as with all motorized vehicles (e.g., ATVs, boats, automobiles).

2C. This language is the same as the standard language used in existing state park and state trail rules for the protection of wildlife.

2D. This language clarifies that RMVs are not to destroy state property such as gates, signs, and road/trail bridges. The rule will assist law enforcement officers in conducting their activities.

2E. This language is patterned after the ATV Statute (84.9256, Subdivision 2 which requires ATV riders less than 18 years of age to wear a helmet approved by the Commissioner of Public Safety. The helmet should be considered a necessary piece of safety equipment for RMV operators and passengers.

2F. This rule will assist law enforcement officers in conducting their activities with respect to RMV use.

2G. This language clarifies that RMVs are not to operate in a tree nursery or area where tree generation is occurring.

Subpart 3. Special Events. This language clarifies that no special events involving RMVs may occur on state forest lands without a written permit from the Commissioner. The rule also specifies possible conditions of the permit such as a security bond requirement. Permits are necessary for organized special events so that the Department can manage the impacts of these events on state forest lands and/or manage the effects of these special events with respect to other state forest users.

Subpart 4. Operating Under the Influence of Alcohol, Controlled, or Hazardous Substance. This language prohibits use of RMVs while under the influence of alcohol, controlled or hazardous substance on state forest lands. This language is patterned after the snowmobile and ATV statutes (Attachment E). Arrest and testing procedures with respect to operating under the influence of alcohol, controlled, or hazardous substance are defined in M.S. 84.91 to 84.911.

6100.2400 SUSPENSION OF RULES

This language provides the Commissioner with authority to suspend rules in situations of emergency or in the case of special events on state forest lands under the authority of the Commissioner. The language also specifies that suspension notices may be posted on trails, roads, or lands.

The language gives the Commissioner flexibility to suspend rules during those times when the Commissioner determines that a rule suspension is in the best interest of the public and

multiple-use management of the forests. Posting notices of rules suspension on trails, roads, or lands, gives forest managers and enforcement personnel the ability to quickly notify forest users of a suspension in rules.

STATEMENT OF IMPACTS ON SMALL BUSINESSES (required by M.R. 2010.0700, Item A and M.S. 14.115)

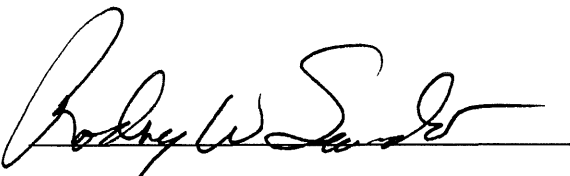
The Department believes that these rules and amendments have no impact on small businesses.

STATEMENT OF IMPACTS ON LOCAL GOVERNMENTS (required by M.R. 2010.0700, Item B [recently revised]).

The Department believes that these rules and amendments have no fiscal impact on local governments.

STATEMENT OF IMPACTS ON AGRICULTURAL LANDS (required by M.S. 14.11, Subdivision 2).

The Department believes that these rules and amendments have no impact on agricultural lands.

By: 
Rodney W. Sando
Commissioner, Department of Natural Resources

Date: 7-12-93