

## ATV Update

By David Govus: Cohutta and Toccoa District Leader

Once again Georgia ForestWatch, with the help of many others, has waged a successful campaign to block pro-ATV legislation put forward in the recently ended session of the Georgia General Assembly. This year's bad ATV bill was House Bill 518, which set out to legalize the operation of ATVs on public roads in state and federal parklands. To accomplish this HB 518 would have had the state of Georgia ignore Federal safety and emission requirements that all motor vehicles must meet to be registered (tagged) and operated legally on public roads. The Federal government appropriately determines what type of motor vehicles are 'street legal' as once a motor vehicle displays a state issued license plate it may travel unimpeded across the country.

The casual observer might find it odd that several Georgia legislators would promote a bill that would put Georgia out of compliance with federal law. In fact HB 518 represents the sixth year in a row that an attempt was made to put ATVs on some or all of Georgia's public roads. HB 1222 in 2000 and 1613 in 2002 would have allowed ATVs on all gravel roads in the state of Georgia. HB 260 in 2003 was a duplicate of HB 518 and would have legalized ATV use on public roads in "state and federal parkland". The promoters of HB 518 and 260 intended to create license plates to allow ATVs on the 1,200 miles of Forest Service roads in north Georgia on the Chattahoochee National Forest but apparently didn't know or care about the distinction between National Parks and National Forests.

A sponsor of HB 260, then Rep. Jack White of Gilmer County, was quoted in the Ellijay Times Courier in February of 2003 concerning HB 260, "Currently, citizens from other states, who have tags on their ATVs may drive on Georgia's public, unpaved roads, while Georgia citizens may not... This bill is about treating our own citizens with equality by allowing them equal access to roads that out-of-state residents can already use."

White, who was also a member of the House Motor Vehicles Committee said, "By allowing these vehicles to be tagged, the state will bring in needed new revenue to help balance a tight budget."

He also emphasized that ATVs are legal and safe for use on public, unpaved roadways.

Attorney General Thurbert Baker has issued a letter declaring that "the operation of ATVs on public roads does not violate Georgia law."

His letter mentions that the Off-Road Vehicle Act of 1975, established specific operating restrictions for ATVs, ensuring their safety on public roads.

White and Forster were joined by Ralph Twiggs (D-Hiawassee), and Craig Brock (R-Chatsworth) in a bipartisan effort to allow ATVs on public, unpaved roads.

They added that H.B. 260 would help reduce incidents of trespassing and fraud, while granting equal access to forests for the disabled who cannot get access by walking.”

Many of the above assertions have proven false.

The idea that a disabled person would be better able to operate an ATV than a handicapped equipped ‘street legal’ vehicle on a public road is absurd. White and his fellow sponsor Rep. Ron Forster paraded a Tennessee license tag around the state capitol claiming that it was an ATV tag. Georgia ForestWatch ran the tag number and it was determined that the tag was issued to a street legal motorcycle. The revelation of the true nature of the “Tennessee tag” did not prevent the supporters of HB518 from unveiling the very same tag in 2005.

HB 1294 introduced in 2004 was the most outrageous of all the ATV bills . As originally drafted HB 1294 would have allowed ATVs on every road in Georgia paved or unpaved with the exception of Interstate Highways. This bill would have also legalized ATV use on road right-of-ways and medians. Imagine ATVs barreling down West Paces Ferry road in front of the Governor’s Mansion, or in the grassy medians of divided highways. Unbelievably, this bill was offered despite a string of tragic car/ATV collisions in Georgia that killed dozens and culminated in the death of 5 children riding on one ATV in Coffee County in September of 2003. These children died while riding on a public road in a collision with a car. Apparently the authors of 1294 believed that by legalizing ATVs on public roads and requiring helmets these accidents would stop. Those readers not familiar with the workings of the Georgia General Assembly might find this surreal but it is all too true. Georgia ForestWatch immediately organized a massive protest to this bill and the sponsors quickly backed down. Joey Ledford the ‘Lane Ranger’ wrote in the Atlanta Journal at the time about HB 1294.

*It was a tragedy that devastated a South Georgia community last fall -- five kids killed and a sixth seriously injured when a car collided with an all-terrain vehicle on a country road.*

*Bad judgment abounded. The driver of the car, who faces vehicular homicide charges, allegedly had been drinking. The ATV should not have been on or near a public road, especially at night. It should not have had a 14-year-old driver, and it definitely should not have been carrying passengers.*

*Now there's a bill in the Georgia Legislature intended to bring some order to the chaos that is ATV use in Georgia. "Understand that I'm in the funeral business and this is not the first ATV fatality I've had to witness," said its sponsor, Rep. Chuck Sims (D-Douglas). "I've had several."*

*Sims' initial attempt to regulate ATV use was greeted with howls of protest from environmentalists and property owners because it granted users legal access to public roads. But Sims said a new version that faces a Friday deadline for clearing a key House committee is gaining support.*

*"We don't want anybody [on an ATV] on the public roads at all," he said.*

The origins of this struggle over ATVs on public roads in Georgia dates back to the mid 80s when ATVs first appeared. Forest Service officials, alarmed at the spread of illegal user-created ATV trails, their ability to travel cross country and the resource damage they cause, created a series of designated trails for ATV users. At the same time, to promote safety and prevent ATV access to non-designated parts of the forest, the Forest Service restricted use of the 1,200 miles of Forest Service roads in the Chattahoochee National Forest to licensed motor vehicles only. ATV enthusiasts soon found a way to thwart this policy as many of the counties in North Georgia began illegally selling license plates to ATV owners. Forest Service Law Enforcement officers complained of this illegal activity and pointed out that if ATVs had license plates why were they not driven on I-75. In the spring of 2000 several Georgia ForestWatch members with the assistance of Mary Maclean Asbill, then of the Southern Environmental Law Center, initiated a campaign to force the Revenue Department of the state of Georgia to order their tag agents, the counties, to halt the illegal practice of selling tags to ATVs. Milt Dufford, then head of the Motor vehicle Division of the Revenue department acknowledged that the practice of selling tags to ATVs was illegal, but balked at halting the practice because it would cause a 'firestorm'. He eventually was forced to halt the practice. Several Forest Service officials instead of congratulating Georgia ForestWatch complained that this action would result in bad legislation though it is hard to imagine how the situation concerning ATVs on the Chattahoochee National Forest could have gotten much worse. ATVs were openly riding on Forest Service roads, had carved over 1,000 miles of illegal trails (by the Forest Service's own estimates), created enormous resource damage, and had already been involved in numerous fatal collisions with automobiles in prior years.

Since 2000 Georgia ForestWatch with the invaluable aide of lobbyist Neill Herring and many other conservationists have built a coalition of landowners and environmentalists to block attempts to allow ATVs to roam freely over the public roads of Georgia. In South Georgia, with little public land available, ATV trespass and resource damage nearly always occurs on private land and access to public roads enables this trespass. Many South Georgia legislators are landowners or farmers and they understand this issue.

ATV sales number over 750,000 per year and some figures indicate they are increasing at a rate of 15% per annum, so there is little reason to think that there will not be continuing attempts to place ATVs on public roads in Georgia. Despite the fact that the manufacturer's of ATVs do not certify ATVs to the federal Department of Transportation as being street legal (because they are not) and that owners are cautioned to 'never ride on a public road' the state of West Virginia recently authorized ATV use on all roads in the state paved or unpaved without a painted centerline (nearly all rural roads). The bill that authorized this was championed by a coalition of ATV dealers determined to increase 'riding opportunities'. The manufacturers of these machines, aware of the legal liability of such a proposal actively opposed the legislation, but to no avail.