

**HOUSE . . . . . No. 02757**

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The Commonwealth of Massachusetts

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PRESENTED BY:

*Thomas M. Stanley*

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to establishing a trail maintenance program within the Department of Conservation and Recreation.

\_\_\_\_\_  
PETITION OF:

NAME:

*Thomas M. Stanley*

DISTRICT/ADDRESS:

*9th Middlesex*

# HOUSE . . . . . No. 02757

By Mr. Stanley of Waltham, a petition (accompanied by bill, House, No. 2757) of Stanley relative to establishing a trail maintenance program within the Department of Conservation and Recreation Joint Committee on Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE  
□ HOUSE  
□ , NO. 817 OF 2009-2010.]

## The Commonwealth of Massachusetts

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**In the Year Two Thousand Eleven**  
\_\_\_\_\_

An Act relative to establishing a trail maintenance program within the Department of Conservation and Recreation.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 20 of chapter 90B of the General Laws, as appearing in the 2008  
2 Official Edition, is hereby amended by adding the following definition:  
3 “Trails Maintenance Assessment”, a decal issued pursuant to the provisions of this chapter,  
4 which authorizes the operation of registered recreation vehicles on designated motorized trails  
5 under the jurisdiction of the department of conservation & recreation. All Trails Maintenance  
6 Assessment (TMA) decals shall be issued by the by the New England Trail Rider Association or  
7 its successor organization, subject to authorization by the department of conservation and  
8 recreation, to recreation vehicle operators, granting use of motorcycle and off road vehicle trails.

9 Each TMA shall be placed on the left front fork of a two-wheeled motorcycle, or on left front  
10 side cowl of an all-terrain vehicle.

11 SECTION 2. Said Chapter 90B, as so appearing, is hereby further amended by striking out  
12 section 21 and inserting in place thereof the following section:—

13 “Section 21. No person shall operate a snow vehicle or a recreation vehicle unless such vehicle  
14 has been registered in accordance with the provisions of this chapter, and in the case of a  
15 recreation vehicle, displays a Trails Maintenance Assessment (TMA) decal and, in the case  
16 where said operator is born after January 1, 1988, such person has completed an education and  
17 safety program as provided in this section. Education and safety programs utilized under the  
18 provisions of this section shall be established by the ATV Safety Institute, that Motorcycle  
19 Safety Foundation, or successor organizations in consultation with the Massachusetts Office of  
20 Environmental Law Enforcement and shall include but shall not be limited to instruction on  
21 safety precautions and techniques and the environmental impacts of illegal riding as part of the  
22 course content.”

23 SECTION 3. The second sentence of section 22 of said Chapter 90B, as so appearing, is hereby  
24 amended by striking the words “and the appropriate fee” and inserting in place thereof the  
25 following clause:-

26 “, appropriate fee and proof that the person registering the vehicle has completed the education  
27 or safety program as provided in this section.”

28 SECTION 4. Section 22 of said chapter 90B of the General Laws, as so appearing, is hereby  
29 amended by adding the following paragraph:—

30 “The New England Trail Rider Association or its successor organization shall be an agent of the  
31 department of conservation and recreation for the issuance of the Trails Maintenance Assessment  
32 (TMA) decals as defined in section 21. The TMA shall be valid annually, beginning on May 1  
33 and expiring on April 30 the following year.”

34 SECTION 5. Section 24 of said chapter 90B, as so appearing, is hereby amended as follows:

35 In line two immediately following the term, "red brake light", add the following clause, "rear  
36 brake light".

37 SECTION 6. Section 25 of said chapter 90B, as so appearing, is hereby amended as follows:

38 In paragraph 4, following every use of the term “snow vehicle” add "or recreation vehicle"; (for  
39 purposes of clarification this would be four insertions.)

40 In addition, in paragraph 7, strike the words "or recreation vehicles".

41 SECTION 7. Section 26 of said chapter 90B, as so appearing, is hereby amended as follows:

42 (a) Include the paragraph below, immediately following paragraph five of the current Section,  
43 which ends with the clause, "in a manner approved by the director"

44 “No person shall operate a recreation vehicle on privately owned property, except in cases of  
45 emergency, unless: (a) the operator is the owner, lessee, or immediate family member of the  
46 owner or lessee of such property; (b) the operator has permission authorizing the operation of a  
47 recreation vehicle on such property, or, valid proof of current membership in a club, association  
48 or other organization to which express authorization for the operation of recreation vehicle on  
49 such property has been granted; provided however, that such operation shall be consistent with  
50 the express authorization so granted and any restriction imposed therewith; (or) the owner or

51 lessee of such property has designated the area for use by such recreation vehicles by posting  
52 reasonable notice of such designation in a manner approved by the director.

53 (b) Include the following paragraph at the end of the Section.

54 "All operators of recreation vehicles born after January 1, 1988 and operating on land owned by  
55 the Commonwealth must have successfully completed a recreation vehicle safety education class  
56 approved by the director of the Office of Environmental Law Enforcement. Proof of completion  
57 of recreation vehicle safety education class must be carried on said operator."

58 SECTION 8. Section 27 of said chapter 90B, as so appearing, is hereby amended by including  
59 the term "one hundred" immediately preceding the word "dollars" in line 3 of the paragraph.

60 In addition include the following sentence at the end of the paragraph: "Any officer authorized to  
61 enforce chapter 90B shall immediately notify the Office of Environmental Law Enforcement of  
62 any snow vehicle or recreation vehicle accident described above. The director or his designee  
63 shall investigate the accident."

64 SECTION 9.: Section 32 of said chapter 90B, as so appearing, is hereby amended by striking  
65 out the second sentence and inserting in place thereof the following sentence:

66 "Whoever while operating or in charge of any snow vehicle or recreation vehicle, other than on  
67 property owned or leased by the operator or on privately owned property when the operator has  
68 been authorized by said property owner, refuses to stop such vehicle after having been requested  
69 or signaled to do so by any such officer, or whoever refuses to give his true and correct name and  
70 address or refuses to display the certificate of number of such vehicle, and surrender to such  
71 officer for examination, and in the case of a recreation vehicle, refuses to display a Trails

72 Maintenance Assessment Decal (TMA), shall be punished by a fine of not less than one hundred  
73 dollars nor more than five hundred, or imprisonment of not more than sixty days or both.”

74 SECTION 10. Section 34 of said chapter 90B, as so appearing, is hereby amended by striking the  
75 entire paragraph and replace it with the following:

76 Whoever violates any provision of sections twenty-one to thirty-three, inclusive, of this chapter  
77 90B or of any rule made hereunder, shall be punished by a fine of not less than one hundred  
78 dollars nor more than five hundred, or by imprisonment in a jail or house of correction for not  
79 more than sixty days or both.

80 SECTION 11. Chapter 132 of the General Laws, as appearing in the 2002 Official Edition, is  
81 hereby amended by striking out section 38A and inserting in place thereof the following  
82 section:—

83 Section 38A. The department of conservation and recreation shall construct and maintain trails  
84 for horseback riding, hiking, ski touring, snowmobiling, recreation vehicle riding and other uses  
85 on land within the control of the division of state parks and recreation in accordance with its off-  
86 road vehicle management plan which will minimize conflicting uses and allow each of the  
87 aforementioned activities sufficient trail mileage to participate comfortably and safely. The trails  
88 shall be open year round except when weather or trail conditions render the trail usage unsafe or  
89 a significant threat to department resources. The department may prepare and publish trail maps  
90 and other informational material to inform the public of the location and nature of such trails. To  
91 the extent practicable, the voluntary services of trail using organizations and individuals shall be  
92 utilized in carrying out the work authorized hereunder. Expenses authorized by this section and  
93 section 38, including the acquisition of land or easements therein, surveying and mapping, and

94 the cost of development and construction and expenses incidental thereto, may be paid out of  
95 funds theretofore or hereafter made available for the purpose of chapter 132A.

96 The department shall establish rules and regulations for the issuance of Trails Maintenance  
97 Assessment (TMA) decals, as defined in section 20 of chapter 90B. The rules and regulations  
98 shall include but not be limited to the following:

99 (a) The associations designated in section 20 of chapter 90B shall collect the fee for said decal  
100 and provide an annual accounting report to the commissioner.

101 (b) Funds generated from the sale of decals shall be used by said associations exclusively for trail  
102 establishment, maintenance, enforcement, and decal distribution as authorized by the department.

103 (c) Any money remaining from the sale of said decals at the end of a fiscal year shall be carried  
104 over to the next and succeeding fiscal years and shall only be used for the purposes stated in this  
105 section.

106 SECTION 12. Section 1 of chapter 90C of the General Laws, as appearing in the 2002 Official  
107 Edition, is hereby amended by modifying the definition of “Automobile law violation” as  
108 follows:

109 Striking the clause “A recreation vehicle and a snow vehicle, both as defined in section 20 of  
110 Chapter 90B, a” and add a capital “A” immediately proceeding “motorized bicycle”.

111 In addition add the following sentence to the end of the paragraph, “A recreation vehicle or snow  
112 vehicle, as defined in section 20 of chapter 90B, shall not be considered a motor vehicle for  
113 purposes of this chapter”