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SB0190

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2013**

**VETO
SESSION**

**VOL.56
PART 31
10451 - 10795**

law/gbr
HOUSE OF REPRESENTATIVES

568
June 5, 2013

bill as amended?

REP. FOX (146th):

I move this item to the Consent Calendar.

SPEAKER SHARKEY:

Without objection, so ordered. Will the Clerk
please call Calendar 695.

THE CLERK:

Calendar 695, favorable report of the joint
standing Committee on Judiciary, Senate Bill 190, AN
ACT MUNICIPAL PENALTIES FOR UNLAWFUL DIRT BIKE
OPERATION AND A STUDY OF A TITLE SYSTEM FOR DIRT BIKE
OWNERSHIP.

SPEAKER SHARKEY:

Representative Guerrero.

REP. GUERRERA (29th):

Thank you, Mr. Speaker. I move acceptance of the
joint committee's favorable report and passage of the
bill in concurrence with the Senate.

SPEAKER SHARKEY:

The question is acceptance of the joint
committee's favorable report and passage of the bill.
Will you remark, Sir?

REP. GUERRERA (29th):

Thank you, Mr. Speaker. The Clerk has an

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amendment, LCO 8854. I ask that please summarize --

SPEAKER SHARKEY:

Clerk, please call 8854 previously designated as
Senate A.

THE CLERK:

Senate A, 8854, Maynard et al.

SPEAKER SHARKEY:

The question is acceptance -- the Gentleman seeks
leave of the Chamber to summarize. Please proceed,
Sir.

REP. GUERRERA (29th):

Thank you, Mr. Speaker. It has to do with dirt
bikes and penalties throughout the cities. And I move
for adoption.

SPEAKER SHARKEY:

The question is adoption of Senate Amendment A.
Let me try your minds. All those in favor of Senate
Amendment A please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER SHARKEY:

Those opposed, nay. The ayes have it. The
amendment is adopted. Representative Guerrero.

REP. GUERRERA (29th):

Thank you, Mr. Speaker. I move this to the
Consent Calendar.

SPEAKER SHARKEY:

Without consent -- without objection, so ordered.

Will the Clerk please call Calendar 564.

THE CLERK:

Calendar 564, report of the joint standing
Committee on Education, substitute Senate Bill 158, AN
ACT ESTABLISHING A TASKFORCE OF THE PREVENTION OF
SEXUAL ABUSE OF CHILDREN.

SPEAKER SHARKEY:

Representative Urban.

REP. URBAN (43rd):

I move the joint committee's favorable report and
passage of the bill.

SPEAKER SHARKEY:

The question is acceptance of the joint
committee's favorable report and passage of the bill.

REP. URBAN (43rd):

The Clerk has an amendment, LCO 5894. I ask that
he call it and I be allowed to summarize.

SPEAKER SHARKEY:

Will the Clerk please call LCO 5804.

REP. URBAN (43rd):

1040, 326, 803, 886, 1065, 983, 190 and 158 on the
Consent Calendar.

SPEAKER SHARKEY:

Representative -- Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

Mr. Speaker, I move adoption of the Consent
Calendar.

SPEAKER SHARKEY:

Staff and guests to the well of the House.

Members take your seats. The machine will be opened.
Open the board, Mr. Clerk. Open the board for the
Consent Calendar. Staff and guests to the well of the
House. Members take your seats. The machine will be
opened for the Consent Calendar.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll. Will
members please come to the well of the Chamber please.
The House is voting immediately.

SPEAKER SHARKEY:

Have all the members voted? Have all the members
voted? Members please check the board to make sure
your vote is properly cast. If all the members have
voted the machine will be locked and the Clerk will

take a tally. Will the Clerk please announce the tally.

THE CLERK:

On the Consent Calendar, Mr. Speaker.

Total Number Voting	146
Necessary for Adoption	74
Those voting aye	146
Those voting nay	0
Absent and not voting	4

SPEAKER SHARKEY:

The bill -- or the Consent Calendar passes.

Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

Mr. Speaker.

SPEAKER SHARKEY:

Mr. Majority Leader.

REP. ARESIMOWICZ (30th):

Mr. Speaker, I move we adjourn sine die.

SPEAKER SHARKEY:

The motion is to adjourn sine die. Seeing no objection, so ordered.

(On motion of Representative Aresimowicz of the 30th District, the House adjourned at 12:02 o'clock a. m.,

**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
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THE CHAIR:

Excuse me a minute. Mr. Clerk has not called the bill. I apologize.

Mr. Clerk, will you call the bill please.

THE CLERK:

On page 18, Calendar 239, Senate Bill Number 190, AN ACT CONCERNING MUNICIPAL PENALTIES FOR UNLAWFUL DIRT-BIKE OPERATION AND A STUDY OF THE TITLE SYSTEM FOR DIRT BIKE OWNERSHIP, favorable report of the Committee on Transportation. There are amendments.

THE CHAIR:

I apologize, sir, would you -- Senator Maynard.

SENATOR MAYNARD:

Yes, Madam President, I move for adoption.

THE CHAIR:

The motion is on acceptance and adoption.

Will you remark, sir?

SENATOR MAYNARD:

Yes, Madam President, I believe the Clerk is in possession of LCO Number 8854?

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 8854, Senate "A," offered by Senators Maynard, Kane, et al.

THE CHAIR:

Senator Maynard.

SENATOR MAYNARD:

Yes, thank you, Madam President. This amendment is a strike-all and will become the bill.

THE CHAIR:

Would you like to move for adoption, sir?

SENATOR MAYNARD:

Yes, and I move adoption.

THE CHAIR:

The motion is on adoption.

Will you remark further, sir?

SENATOR MAYNARD:

Yes, Madam President, this bill is a -- this amendment is a two-part amendment. It is to address an issue that has languished long and that this body has tried to deal with on a number of occasions. It directs the Department of Energy and Environmental Protection to carry out -- pardon me -- to carry out a directive that is already in statute and has, in fact, existed in the statute for 11 years. It addresses the neglected area of providing localities for those who enjoy the use of ATVs in the state of Connecticut. It would ask the Department to, without delay, institute redress of that and provide locations for the enjoyment in a group of select state parks trails to be constructed and maintained for the use of ATVs.

It also has a second provision that would address the regulation and surrounding trucking with specific attention to movers who, when seeking a certificate of need and being able to operate in a facility, would change some of the requirements for that.

The CHAIR:

Thank you.

Will you remark? Will you remark?

Senator Kane.

SENATOR KANE:

Thank you, Madam President.

I rise in favor of the amendment, which as Senator Maynard said is a strike-all on the underlying bill.

I want to thank Senator Maynard as the chairman of the Transportation Committee for working with us on this issue. I want to thank the majority leader who certainly has his own ATV issues, on the other side of the equation, but more so for giving us a vehicle -- no pun intended -- to move forward with this legislation as Senator Maynard said.

There is a great concern in this community to use these vehicles in the proper fashion legally. So I thank both of them for allowing us to move this bill forward.

THE CHAIR:

Thank you.

Will you remark? Will you remark?

Senator Boucher.

SENATOR BOUCHER:

Thank you, Madam President.

Madam President, a question, if I could, please for clarification, through you?

THE CHAIR:

Please proceed, ma'am.

SENATOR BOUCHER:

Yes, thank you.

It was very clear that the first section of the bill directs the Department of Environmental Protection for set aside land for the use, but could I get further clarification please, through you, on this second portion of this particular bill?

THE CHAIR:

Senator Maynard.

SENATOR MAYNARD:

Yes, thank you, Madam President, I apologize. I did not have in front of me, the language, but I do have it now.

The second portion of the amendment would clarify that in determining whether to issue a certificate to any applicant to the Department of Transportation for the establishment of a household goods carrier to operate in the state that in determining whether to issue such a certificate, the Commissioner may consider the applicants financial stability and past criminal history in the effect such as issuance might have on State Highways including but not limited to public safety on such highways which are not going to consider the effect of such issuance on the applicants competitors in the state.

There's concern that an undue amount of consideration is given to something that should clearly be a matter of competition between operators and this would direct the DOT to, with full access to a public hearing, not consider the effects of competition as a determining factor in approving such an application.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Thank you, Madam President.

And I apologize because I'm still not clear on who is the applicant here in this section. Again, it went

rather quickly. Again, what group of individuals or entity are we talking about that is applying?

Through you, Madam President.

THE CHAIR:

Senator Maynard.

SENATOR MAYNARD:

Thank you.

I can give a modest background of one instance that came up was, actually, in my own district although the amendment is proposed by a member of the House. It was concerning an out-of-state operator that sought to operate within Connecticut, had all the appropriate means to do so, had their public hearing, and within the context of the public hearing a number of competitors arrived to protest the particular issuance of the permit and rather than simply rule on whether or not the applicant was capable of doing it and had no past criminal record, a significant weight was given to competitors and it was felt that that was an area that needs some reconsideration.

THE CHAIR:

Thank you.

Senator Boucher.

SENATOR BOUCHER:

Thank you, Madam President.

Now I do understand the issue and now recall that issue that we discussed about moving companies. It was not clear to me that was the entity we were talking about originally as it was put together with a unique other part of the bill that talked about, of course, reserving state land. And I believe then the issue of operating one of these ATVs in a city environment then is not a part of this bill or any penalties about that particular issue if I'm not

mistaken as you've changed the nature of that bill.
If that could be confirmed.

Through you, Madam President.

THE CHAIR:

Senator Maynard.

SENATOR MAYNARD:

Yes. Regrettably the bill is a strike-all and may lead to some confusion. The operation on city streets is not a part of this bill whatsoever.

THE CHAIR:

Senator Boucher.

SENATOR BOUCHER:

Thank you very much. I thank the good senator for his clarification, and I do support the bill, both new sections of this bill, as well. Thank you very much.

THE CHAIR:

Thank you.

Will you remark further?

Senator Witkos.

SENATOR WITKOS:

Thank you, Madam President. I rise to ask a few questions to the proponent of the amendment.

THE CHAIR:

Please proceed, sir.

SENATOR WITKOS:

Thank you.

Through you, Madam President, so trying to understand the dialogue between you and some of the previous speakers. Three are sections to the bill and the amendment, if I read it correctly. One is to allow -- taking off the cap -- or moving the cap for a municipal ordinance regarding unlawful use of a dirt bike from \$250, which is the cap of municipal fines, to up to \$2,000 for that one specific entity. The second is for a study, and the third is to move forward with designating some land so people can -- state land, identifying that so people can ride lawfully on those; is that correct, through you, Madam President, or am I mistaken?

THE CHAIR:

Senator Maynard.

SENATOR MAYNARD:

Thank you, Madam President.

No. I'm afraid that is not correct. The first section that you referred to is not a part of this bill. It is the original bill addressing operation of dirt bikes on city streets and changing fines was originally part of the bill. That language and other provisions relating to dirt bike operation was dealt with in a House bill.

This bill is a strike-all and has only the two sections that we've discussed this evening relating to ATVs and to the moving company regulation.

THE CHAIR:

Senator Witkos.

SENATOR WITKOS:

Thank you.

Then, through you, Madam President, do the two sections complement each other in that -- I'm looking at the number now -- the all terrain vehicle, is that include -- I didn't see the other bill. If it was address in the House bill, was it the same language

that I was referring to about the size of the fine and was it more inclusive than just a dirt bike? Does it include ATVs, all terrain vehicles?

Through you, Madam President.

THE CHAIR:

Senator Maynard.

SENATOR MAYNARD:

I'm operating from the best of my memory but I believe those provisions were included in the House bill that is already passed and are not needed in this bill.

THE CHAIR:

Senator Witkos

SENATOR WITKOS:

Thank you, Madam President.

My other question is when we're looking at whether we should give a -- I'll withdraw the question.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark further? Will you remark further?

If not, I'll try your minds on Senate "A."

All of those in favor, please say aye.

SENATORS:

Aye.

THE CHAIR:

Opposed?

Senate "A" passes.

Will you remark further?

Senator Maynard.

SENATOR MAYNARD:

Yes, Madam President, I just ask that when the bill is voted upon that it be done by roll call.

THE CHAIR:

The bill will be voted on by a roll call.

Will you remark? Will you remark?

If not, then I guess, Mr. Clerk, will you call a roll call? the machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate.
Senators please return to the chamber. Immediate roll call has been ordered in the Senate.

THE CHAIR:

Senator Looney, would you like to vote, sir? Please. Thank you.

If all members voted? All members have voted? The machine will be closed.

Mr. Clerk, will you call the tally please.

THE CLERK:

Senate Bill 190

Total Number of Voting	35
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	1

THE CHAIR:

The bill passes.

Senator Looney.

The Senate will stand at ease for a moment.

(Chamber at ease.)

THE CHAIR:

Senator Looney.

The Senate will come back to order.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, the clerk is now in possession of
Senate Agenda Number 2 --

THE CHAIR:

Senator, did you want to send that to the House?

SENATOR LOONEY:

Yes, Madam President, that item might be transmitted
to the House of Representatives.

THE CHAIR:

Thank you, sir. Senator -- Senator Looney, so
ordered.

SENATOR LOONEY:

Madam President, the clerk is in possession of Senate
Agenda Number 2.

THE CHAIR:

Mr. Clerk.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**TRANSPORTATION
PART 2
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2013

With that, we have the Honorable Commissioner Curry here from the Department of Motor Vehicles.

Good morning, Commissioner.

COMMISSIONER CURRY: Good morning, Mr. Chairman.

Thank you for allowing me to come before you today. I have a variety of testimony that we have submitted to you on a variety of bills. I know that -- that you have a long agenda and a lot of people coming before you so I can run through the bills individual, or -- or you can ask questions of what you have an interest in; however, you would like to do it.

SB 635 HB 5187
SB 190 SB 184

I can begin first by reminding you that we are in the middle of our modernization of our computer system and any change that we make has an impact on going forward, and our time schedule, and our costs. So I respectfully request that you limit very severely this year what you may do to the Department of Motor Vehicles, because of the impact it would have on our modernization.

And I -- I know having been a Legislator that we all have causes or desires to see certain things implemented throughout government and changes made. And I will tell you that in defense of the Department, we have done many, many changes, as I presented to you at the last meeting, in the Department. So it's not that we're not changing, it's just that if we change something that impacts code it, and impacts our time schedule and impacts our costs.

So having said that, did you want me to run through them individually, sir, or would you just like me to take questions?

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vehicle that -- in that respect, we will take a look at the safety respect -- respect to the Representative and have a conversation with A Plus who runs our emissions program to see if something could be done.

It would have to be done for free. We can't afford more and not in favor of raising prices to do that inspection.

REP. GUERRERA: All right. I appreciate you reaching out to the Representative in regards to some of his concerns. I appreciate that, Commissioner.

With that, let me turn it over to Representative Sawyer.

REP: SAWYER: Thank you, Mr. Chairman.

Commissioner, you commented on Bill 190, AN ACT CONCERNING MUNICIPALITIES FOR RETRIEVAL OF DIRT BIKE AND ESTABLISHING A TITLE SYSTEM FOR DIRT BIKE OWNERSHIP, and of course the titling is under your purview.

Do you have an idea as to -- or a conceptual idea of what the cost would be for your Department to be able to put in titling for dirt bikes?

COMMISSIONER CURRY: Off the top of my head I don't, but we can get -- if you would like us to cost it out we can do that -- a ballpark.

REP: SAWYER: That would be great. Thank you very much, ma'am.

The other -- last question I have for you was, if you add to that the all-terrain vehicles as well, the same sort of cost factor. Just an analysis of that.

SB635

REP. LEMAR: Thank you again.

AMANDA KENNEDY: Yep.

SEN. MAYNARD: Thank you, Representative Lemar.

Any further comment or question? Seeing none, thank you very much. Appreciate that.

And we have Alderman Paolillo and Sergeant Vincent Anastasio from New Haven.

Thank you for joining us gentlemen.

VINCENT ANASTASIO: Senator Maynard, Representative Guerrera and members of the Transportation Committee, thank you for the opportunity to testify in support of the Senate Bill, AN ACT CONCERNING MUNICIPAL PENALTIES FOR RETRIEVAL OF A DIRT BIKE AND ESTABLISHING A TITLE SYSTEM FOR DIRT BIKE OWNERSHIP.

SB190

There have been numerous instances in our community where individuals illegally operate their bikes and ATVs on city streets, parks and sidewalks. This use causes a danger to both pedestrians and to operators. There are too many stories to recount from those in my east shore district that I manage where riders have illegally created a track in the Bishop Woods Bird Sanctuary to a case in the Edgewood neighborhood last spring where a rider knocked a 7-year old girl over while she waited at the bus stop with her father.

As there is no safe way for officers to chase, or otherwise apprehend this scofflaws while they are operating these vehicles. It is difficult for law enforcement to combat these quality of life problems.

The past several years we've adopted strategies to address these concerns,

including a tip line for citizens to report where dirt bikes and all-terrain vehicles are stored by those who illegally operate them on city streets. We have recently adopted a policy of requiring an officer to be present when equipment is released from impound to the lawful owner to help officers reinforce the message about the dangers of the unlawful operation of dirt bikes and ATVs in the city, but the problem still persists.

Residents and law enforcement are both frustrated. You know, there is a -- across the state and across the country we have pursued policies that we abide by in law enforcement. None justify a pursuit of such lawlessness that these dirt bikers put to the community.

With that said, what law enforcement needs are additional tools to help combat this problem. The first would be stiffer penalties. Current state statute only allows the city to impose a fine up to the state maximum of \$250. This fine is not an effective deterrent.

The fine threshold should be set to an amount that either deters the illegal use or reduces the instances when these impounded vehicles are retrieved. Philadelphia, Pennsylvania, for example, establishes a fine of \$2,000 for this purpose.

The second strategy would be to clarify municipal powers to destroy abandoned dirt bikes and ATVs similar to those established for motor vehicles helping to reduce the cycle of illegal use and reduce the prevalence of these vehicles in our city.

The third strategy would be to require a title or registration to help detract legal

ownership of these vehicles and establish a presumption of responsibility to the titled owner for illegal use of the vehicle.

For this, I'm in support of anything that you could put together. Thank you for your cooperation.

Thank you.

SEN. MAYNARD: Thank you, Sergeant. And Alderman Paolillo, if we could bend your indulgence in summarize much of your remarks.

AL PAOLILLO: Sure.

SEN. MAYNARD: We'd appreciate it.

AL PAOLILLO: Thank you, Mr. Chair and honorable members.

SB 190

You have something in front of you from the Board of Alderman submission of 27 of our 30 members signing onto this. We also believe that this legislation allows cities to better enforce laws regarding illegal operation of dirt bikes and all-terrain vehicles, which has increased dramatically over the past several years in our city and -- and many urban centers, affecting the quality of life.

Most recently -- one thing that I would like to touch upon is that in November we had New Haven residents from all over the city come to a public hearing on November 11th to express there, for their children, seniors and any pedestrians, motorists, or attempting to enjoy time in a park, their concerns about noise and fumes from illegal and illegally operated vehicles plaguing many residential neighborhoods.

We do have consensus from our legislative body executive branch and working with the police department on this issue. And -- and any additional enforcement tools that you can afford to municipalities and to our police departments would be greatly appreciated.

Thank you.

SEN. MAYNARD: Thank you. I understand it has been an increasing scourge on city streets and we're cognizant of the impact here and the safety issues particularly. So happy to help.

We've also heard from Senator Looney on the matter so obviously we're focused on trying to help you with some remedies.

Any comment or question from members of the -- yes, Representative -- I'll go to Representative Larson first and then followed by Representative Lemar.

REP. LARSON: Thank you very much, Mr. Chairman.

Good morning, gentlemen.

VINCENT ANASTASIO: Good morning.

REP. LARSON: Thank you for testimony. I appreciate it.

Now, Officer, you spoke a little bit of a fine threshold, which is something that this committee talks about all the time with regards to is a fine a deterrent? Is it a revenue piece? Do -- do you have a facility available to you an email site or something that directs you to say -- you know, if we charge too much an officer won't issue a ticket. If we charge too little -- where is the break even on that?

I mean, we certainly want to give you the tools that you need, but we from time to time are always trying to rationalize a fine. And -- and if there is in fact some metric that you use, I think it would be very helpful for us to help you out in -- in your -- in your dilemma.

VINCENT ANASTASIO: The police department doesn't have a impound facility where we could, you know, store these illegal bikes and, you know, whatever revenue comes from that and where it goes I don't know. We do have towing facilities that is with the city of New Haven and we rely upon their storage fees to elevate -- you know, along with the threshold of the fines.

The fines are pretty much to these kids is null and void. You know, I mean, they come up with the money however they come up with the money, but it would be great if we had our own impound facility to -- to get that kind of revenue that we could put into something else, but nothing to that effect.

REP. LARSON: Okay. Thank you very much.

Thank you, Mr. Chairman.

SEN. MAYNARD: Thank you, Representative.

Representative Lemar.

REP. LEMAR: Thank you, Mr. Chairman.

Thank you so much for your testimony today.

I want to have a conversation about the broad number of challenges you face in trying to either capture or remove these illegal items

from our streets. One, there are two facilities that I'm aware of in New Haven that actually sell these bicycles -- these bikes. Do you have a relationship with those retailers and informing them about what they're doing? And what impact that those cycles are having on our streets?

VINCENT ANASTASIO: Our relationship is very, very minimal. We can't get into private business and how they sell their equipment, which is why we're here today. And those particular items that they sell, you know, are -- are used, you know -- they should know that, you know, it's illegal on city streets anywhere in the city. They still sell them.

We're trying to get to a point where we have some kind of tracking system, whether it's title or registration, or something where we could back track to an owner. Usually we fall back to the dealer to see if -- if they have any records of selling such a dirt bike by VIN number when we get it, but there's nothing -- no -- no other relationship other than that.

REP. LEMAR: It appears to me the magnitude of this problem is just increasing year after year. You guys are confiscating a larger number every year. You are holding them. The fines you actually have in place is \$250. That's a relatively low number, so these kids are going in, they're paying to get their bikes back and they're back out in the streets taking the chance that you won't capture them.

And I'm watching the enforcement operations in and around our parks. And I think you guys are doing a pretty good job given the constraints that you have. Do you think if we were to adopt the system and the recommendations that you've outlined in your

testimony that we would see a precipitous drop in the number of kids out in the streets, or is it --

VINCENT ANASTASIO: I can only hope so. The -- the increase in popularity has a lot to do with social media. If you go on YouTube, if you go on Facebook or Twitter, these -- these kids who, for lack of a better word, gangs, but they're all friends and gangs and this is a hobby. It's the pursuit of the thrill of a chase. It's -- it's -- that's their high.

They bait police officers knowing that police officers can't pursue them. So that's the mentality that's -- that's out there. There's no remorse. There's no, you know, the threat of -- of harm to any pedestrian or operator in the street.

Something needs to be done in that fact and it's -- and it's growing and growing and growing because of the fact that they know police can't pursue them. And, you know, there needs to be another way to combat that problem so.

REP. LEMAR: And Alderman Paolillo, I think your ability to get 27 members of our Board to sign on is quite impressive. As anyone knows we can disagree about the color of the sky in New Haven better than anyone. And the imagined difficulty in trying to get a city wide policy in place that you could all support.

I think that you've come up with a pretty compelling justification for what's going to happen. Why it's important to focus on it. You highlighted some specific examples of near tragic events that have almost occurred in our city. And I think anyone who lives in New Haven and sees what we see on a daily basis

knows it's not a matter of if, but when we'll see a tragic accident as a result of the growth of this -- this (inaudible).

So thank you so much for your work on this.

SEN. MAYNARD: Thank you, Representative.

Representative Morin.

REP. MORIN: Thank you, Mr. Chairman.

Gentlemen, thank you for -- that's fine -- I -- it's -- it's not just a New Haven issue. I represent Wethersfield and I spent a lot of time in Hartford and -- and I can't tell you how often that type of behavior with those type of vehicles with -- and -- and you said -- and I -- I think you said it, a real apparent lack of willingness to care about the dangers to the rest of society. It -- it truly is a problem. And -- and I -- I appreciate -- I -- I -- that this has come forth.

You know, one thing I -- I've heard in -- and it's on a lot of different issues -- and I think Representative Larson touched on it. And it's troubling to me, whether it was for the handicap parking, or whether it's for an issue like this, or whether it's for safety and work zones, when I hear that officers are -- are sometimes hesitant to utilize the tools given to them to make -- to -- to make an arrest due to the size of a fine.

And I know that officers in -- often times have some ability to use their common sense whether they need to do something or not, but I -- I mean, these are types of things that I don't care what the fine is, when -- when you're looking at what's the general good for

the traveling public. I think that's an issue I -- and I don't know how it's -- it's -- we remedy it. And -- and I'm certainly not throwing stones, because I know it's like you can't always act on every -- everything.

But I -- I think -- I sense that is a bit of a problem and I -- I would be interested if -- if you could shed some light or even, you know --

VINCENT ANASTASIO: It's a terrible perception that the community has with law enforcement when they see 10 to 20 kids on a dirt bike in an intersection causing havoc and the cop is, you know, enable (sic) to pursue that situation, because the liability situations. The -- the officer is in a no win situation.

If that particular kid happens to hurt himself, or if that kid happens to hurt a family that's going through the intersection because of, you know -- because I want to pursue that kid for whatever reason. That falls back to us. Falls back to the city. And that's why we do what we do. That's why we're trying to -- we -- we try to identify these kids through social media because some of them just -- they don't care. They put themselves right out there.

REP. MORIN: Got you.

VINCENT ANASTASIO: So we use that social media to identify who they are and where they live. So that, in other words, when we do see them on the street, okay, we're not pursuing them, but we'll go to their house or their apartment where they live and that's how we'll deal with them and their parents so.

REP. MORIN: Well, I'm -- I -- I appreciate that --

that response and I appreciate the work you do.

And thank you, Mr. Chairman.

SEN. MAYNARD: Thank you, Representative Morin.

Oh, Representative Sawyer, my apologies.

REP: SAWYER: Can I just ask you a question from your point of view, is there -- should there be a change in your pursuit abilities? You were -- you've responded over and over again that you cannot pursue the -- you shouldn't pursue. Should there be a change there?

VINCENT ANASTASIO: It's a fine line. It really is. To give law enforcement that particular power it -- it's -- our pursuit policies and I'm not going to speak for every department because we're all different. You know, there has to be eminent danger at the time of a pursuit policy. That doesn't justify that at all. Pursuing those kids around a joy ride. You can't do that.

To change that where we can I think opens up a Pandora's box, liability wise, for city -- for city government and -- and therefore, lawsuits and -- and stuff like that that come about. And that's what we're afraid of and that's what the city is afraid of.

REP: SAWYER: If I might follow that up with what are your thoughts on opening up legal places for these kids to ride?

VINCENT ANASTASIO: I've actually offered to pay some of these kids. There is legal venues. I believe Milford -- or Southington has a venue where these dirt bikes and ATVs can go where you pay registration, where you pay fees to belong to a club and you go there legally and

you -- and you operate your vehicle legally in all these venues. And I've offered to pay some of these kid's ways with my own money just to get them off the street.

Some of the leaders I - I've actually approached and, you know, I -- if you can only imagine the answers I get.

REP: SAWYER: Would you consider a pilot that would do just what you're talking about? Work with, particularly some leaders and I understand that's usually a very effective tool. That there be a incentive to get these kids to legal places to ride.

You know, one of -- one of the things I've known with many people is once you get them over the threshold one or two times, there's ownership, you know, they want to go. There's a desire to go when they know what it is and where it is and that type of thing. Well, I mean, just think about that and perhaps we can talk about that in the future.

Thank you.

VINCENT ANASTASIO: Thank you.

SEN. MAYNARD: Thank you, Representative Sawyer.

Any other comments or questions? If not, thank you gentlemen both. Appreciate that.

VINCENT ANASTASIO: Thank you.

AL PAOLILLO: Thank you.

SEN. MAYNARD: Next, we'll have Representative Genga.

Representative, delightful to see you here. I appreciate your coming before us today.

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Thank you, Kim.

REP. ROSE: Thank you.

REP. GUERRERA: Jerry Shinnners followed by Representative Tim Ackert.

Good afternoon.

JERRY SHINNERS: Good afternoon, Transportation Committee.

I'm here to testify about the ATV laws. My name is Jerry Shinnners. I am the administrator of New England Trail Rider Association. Nine hundred members are from Connecticut and the rest of the 2,100 are from other New England states and New York. We are a motorcycle association and I live in Connecticut.

I would like to talk about first of all, the Bill 190 for retrieval of a dirt bike and establish a title system for the dirt bike. Number one is, what do you define as a dirt bike? Is it 14 inch, 16 inch, 21-inch tires? Is it a mini-bike? And why is not the ATV law, which says, an ATV is both motorcycle and a quad -- four wheels?

So I think it should be defined as both. It shouldn't just be dirt bikes. And thirdly, the title system, aren't we talking about registration here?

And now I want to talk about Bill 1583. The state of Connecticut wants ATV registration. An ATV is defined by either having two or four wheels. There are up to 60,000 of them in the state and nobody knows for sure how many. There is no place in the state to ride them

(HB 5183)

legally.

The first problem is why would anybody register their ATV if there's no place to ride? ATV registration is punitive without a place to ride. It is putting the cart before the horse. Of course the state thinks once there's an ATV registration in the state, there will be some control, but there are no trails unless DEP, which is now the Department of Energy and Environmental Protection, DEEP, changes the ATV policy and is more flexible.

The DEEP has stonewalled us, the users, since 1986 when a law was passed that the state shall provide trails; however, no trails have been provided. Does anyone think trails will magically appear? The DEEP are not changing their ATV policy for creating trails. Checkout the DEEP ATV policy. Go to Google, put in Connecticut DEEP ATV policy and it's almost impossible to follow for anybody.

DEEP sees it as a concession. Somebody else runs it, not the state. Someone have to -- will have to apply for an area. There is no money to pay for it and no help from the state at all. That person or persons are totally on their own. They would have to get permission from all areas of DEEP; forestry, fisheries, water, endangered species, soil and animal habitat, like deer or turkey. And pay for the research, which could be as much as hundreds of thousands of dollars.

Then if passed, they have to hire somebody to run it and oversee it. The chance of getting this done is like winning the lotto. How do I know this? I tried three times in the last 30 years I have been attempting to create trails for ATV use. Only one of the proposals was even looked at. This is the entire attempts

to create trails in Connecticut.

The one proposal they even looked at they shot it down. Why? I thought it was perfect. It was out of the way with a parking area. It was a flood-controlled dam protecting Stafford. No animal worries or endangered species. They shot it down because it could be wetlands. Of course it could be, but it had never flooded.

As far as I've seen the state has not given us one inch in trying to create the trails. Even if DEEP gets some money from part the registration, will it be enough? Can they just say, oh, there's just not enough money? So here we are back to 1986 again. Will they provide staff and effort?

Please answer these questions before passing any ATV registration. Don't just be punitive. Please put together a complete package. People have to have a place to ride or else there's little hope to get them registered.

And the last, but not least thing I want to say, I worry about is that is significant ATV events in Connecticut, which we have many of on private property, a sanctioned race, a rally or event should have an exemption for registration as Massachusetts does. Mass law says they can exempt a sanctioned race, rally or event from the requirements.

And that is very important to us, because you're losing money. People will not come to Connecticut to ride if they have to have a registered vehicle. And we're losing money from the gasoline, the food, the lodging, et cetera. So it's definitely a problem.

Thank you for your time and effort.

REP. GUERRERA: Well, thank you, Jerry.

This has been a sore subject, even for me.
I'll be quite honest with you.

JERRY SHINNERS: Okay.

REP. GUERRERA: Because I know I've been working on
this for quite a few years --

JERRY SHINNERS: We have both.

REP. GUERRERA: -- with Representative Mikutel and
Representative Scribner in regards that if you
want to basically get a registration from one
of these quads then give us something -- give
us a place where we can ride. And we tried to
meet with individuals and the associations of
the ATV riders were all willing to help out,
whatever you wanted to do. And nothing has
happened.

JERRY SHINNERS: Correct.

REP. GUERRERA: And as far as I'm concerned, until
I see there's places to ride this bill is not
going to happen. That's my -- I can only
speak for myself.

JERRY SHINNERS: Right and I understand.

REP. GUERRERA: But it's just -- it's frustrating
because, you know, it's unfortunate I have to
go to Vermont, other states to do all this.

JERRY SHINNERS: Absolutely.

REP. GUERRERA: You know, and I would like to stay
in my own state, but I can't do that so.

Representative Mikutel, I know you've been

very frustrated with this issue too.

REP. MIKUTEL: Yes. Thank you, Mr. Chairman.

Are you rather frustrated with DEEP's policy and - and is it fair to say that DEEP ATV policy places the burden on finding trails and maintaining trails on the ATVer as -- as --

JERRY SHINNERS: Absolutely.

REP. MIKUTEL: And is there not a law on the books --

JERRY SHINNERS: 1986.

REP. MIKUTEL: -- that says -- there's a law on the books, which requires DEP -- correct me if I'm wrong -- to identify land -- state land where ATVers can ride their vehicles?

JERRY SHINNERS: Correct. And it's in the law, it says, shall provide trails, but it doesn't say must provide trails.

REP. MIKUTEL: Well, why -- what it -- what is the problem with DEP getting off the stick -- getting it's head out of the mud and working with you people so that 60,000 ATVers can -- can live by the law instead of having their policy as it is put -- make ATVers like lawbreakers? I mean, does -- does DEP want to have a policy of creating lawbreakers in this state?

JERRY SHINNERS: That's what it's doing. But let me answer that question though. Centrally DEP, in my estimation, and I've tried for years and years to go to various committees posing things, looking at trails, they don't do a thing. And I think the reasoning behind it is that they think if they create one trail

it's going to be a can of worms. It's going to be, oh, we'll have more users, more riders and -- and there's -- there's not -- they're just stonewalling it totally.

REP. MIKUTEL: The ATVers aren't going away.

JERRY SHINNERS: No, they're not.

REP. MIKUTEL: They're 60,000 --

JERRY SHINNERS: Yes.

REP. MIKUTEL: -- it's like sitting on a powder keg, DEP. I mean --

JERRY SHINNERS: Absolutely.

REP. MIKUTEL: -- you've got 60,000 people -- vehicles out there. There's no place to ride --

JERRY SHINNERS: Right.

REP. MIKUTEL: -- so they ride on public property -

JERRY SHINNERS: Right.

REP. MIKUTEL: -- they ride on private property.

JERRY SHINNERS: Anywhere they can.

REP. MIKUTEL: Anywhere they can and still --

JERRY SHINNERS: Downtown New Haven.

REP. MIKUTEL: -- and those trails are -- may not be well maintained, they not -- may not be the most -- they -- they do create environmental damage. Doesn't it seem to make pure common sense to have a division where -- within DEP -

- you fund it through registration fees, just like you do the Boating Division.

The Boating Division in DEP is funded through boat registration fees. Fund it the same way. There's a perfect model to follow.

JERRY SHINNERS: I have no problem --

REP. MIKUTEL: Create that -- create that ATV unit that not only -- and you can use the -- the registration fees to buy land, or you could use some of the existing state land, but you can certainly have the -- the revenue necessary to hire people within DEP to enforce the law, make sure you're selecting the most environmentally safe trails so and -- and the safe trails for people to ride.

Right now it's helter-skelter out there.

JERRY SHINNERS: Absolutely.

REP. MIKUTEL: So I mean, this is a -- so much common sense here, Mr. Chairman, that I'm telling you I don't know what governing law it needs to be, but this needs to be brought to his attention in some respect, because there's -- there's people getting killed out there --

JERRY SHINNERS: Absolutely.

REP. MIKUTEL: -- on ATVs because there's not a place to ride -- a safe place to ride.

JERRY SHINNERS: Happens all the time.

REP. GUERRERA: And let me just say to you, Representative Mikutel, that I understand your frustration.

You know, Jerry, I go to Vermont, like I said,

I take my son. We go out ATVing during the -- during the snow -- during the winter we go snowmobiling. They have the vast trails. And we even have portions of individual properties that are used, but the -- but we're law-abiding citizens. And if we see individuals that -- that don't go on the vast trails we'll be -- we're like one of the first ones that would get off our snowmobiles and tell them what are you doing, because you're ruining it for everyone else.

JERRY SHINNERS: Absolutely.

REP. GUERRERA: And that's what the ATVers wouldn't want to do, because we've heard that before. That, you know, who's to say that they're going to go off the trails and start ruining property. They don't want that to happen.

JERRY SHINNERS: No.

REP. GUERRERA: Not at all. They want that -- to make sure that it's there for them for a long, long time. And it is very frustrating. I can understand how Representative Mikutel is, you know, his frustration on this and -- and by all -- by all means a lot of frustration because I thought trails would be open and it's unfortunate they have to rely on one word that says shall, instead of must.

You know, we take the terminologies anyway possible not to do something.

JERRY SHINNERS: And that's what -- that's what they're doing. That's exactly what they're doing.

REP. GUERRERA: Representative Lemar.

REP. LEMAR: Thank you, Chairman.

Thank you so much for your testimony.

I like in the city of New Haven and I see the damaging impact of motor bikes and dirt bikes and ATV use throughout our park system. I cannot think of a single acre or spot of land in the entire city of New Haven I want dedicated towards the use of these bikes and these vehicles.

That being said, I think it's appalling that we would suggest that we register these vehicles if we are not going to provide the same basic public service somewhere in the state. Now, I can't imagine, personally, ever wanting to dedicate a single acre of land anywhere in the state towards this use.

I find it environmentally damaging. I -- I don't particularly see a need or justification for it, but at the same time, I think we all share an interest in making sure that our state policy is adhered to and in 1986 we passed a bill --

JERRY SHINNERS: Yes.

REP. LEMAR: -- suggesting that we do this, then we should figure out a way to it work. And we shouldn't consider the idea of raising more revenue from these users if we don't plan on accommodating them in --

JERRY SHINNERS: Absolutely.

REP. LEMAR: -- a meaningful and safe significant way.

That being said, I -- I watch this issue is Maine and New Hampshire and New York and they're considering rolling back some of the

public lands that they make available to these users -- these users because that they've had a hard time regulating it and keeping it as safe and contained to the public area that we have.

So I know this is a complex issue. I do actually think we have a lot of agreement on what the state should be doing, how to handle this. And where we might disagree ultimately on the amount of land dedicated towards this use. I think we have to have a safer, more sane state policy. I don't know if we're going to consider any of these items.

JERRY SHINNERS: Well, that's why I say it should be a complete package, not just one item versus another. And basically what you said, you know, put together a package where yes, it's mandated that they have to create this committee or whatever and the fees go directly and dedicated to that kind of deal.

REP. MIKUTEL: The only way -- Mr. Chairman --

REP. GUERRERA: (Inaudible) Representative?

REP. MIKUTEL: Yes, Mr. Chairman.

The only -- the only way it -- I would -- the only way I would support it -- the only way I would support it if it was a comprehensive policy --

JERRY SHINNERS: Right.

REP. MIKUTEL: -- because you don't want a policy that's destined to fail.

JERRY SHINNERS: Absolutely.

REP. MIKUTEL: Because everyone will point fingers

at you and -- and there's people that would love to do that. And I'm a big supporter of the environment, but the environment right now is being hurt much more by having no policy in place and a comprehensive policy is one that provides funding for regulation, maintenance of the trails, don't rely on the volunteers --

JERRY SHINNERS: Right.

REP. MIKUTEL: -- and -- and law enforcement. Now, that's -- that's the way it works.

Thank you, Mr. Chairman.

REP. GUERRERA: Well put, Representative Mikutel.

Any other comments?

Senator Frantz.

Nice to see you, Senator.

SEN. FRANTZ: Thank you. Yeah, great to see you too.

And I tend to agree with you very much on this issue and this is a -- a pledge that's essentially been broken by the state of Connecticut and I would love to see some action take place there.

When you look at the introducers of the registration bill as well as some of the other ATV and motorcycle related and mini bike related bills, it's -- it's some of the urban areas. There's -- there's a pieces of this puzzle that I'm missing and maybe you can clarify. Is there a big problem in the urban areas with ATVs and motorcycles? And I -- I do remember on a beautiful summer night leaving here once and seeing a -- a pack of

kids on basically something between mini-bikes and motorcycles doing wheelies down the road.

It was pretty intimidating, but kind of neat at the same time. Is -- is there a big issue in the cities?

JERRY SHINNERS: Yes.

SEN. FRANTZ: Every city?

JERRY SHINNERS: Every city has now either had problems with the people going down the streets, wheelies, the whole bit. Every -- every place because basically they have no place to go.

SEN. FRANTZ: Right, point well taken. And just to repeat that it was with -- they -- they what? They have no place to --

JERRY SHINNERS: They have no place to go and ride them.

SEN. FRANTZ: -- no place to go.

JERRY SHINNERS: And, you know, it may be some cities of -- although New Haven says they have no area to go. It -- it basically you can find some place. I mean, you really can. I've tried. I've tried the Brownfield areas. I don't know if you know what a brownfield is, where it's a toxic area --

SEN. FRANTZ: I do.

JERRY SHINNERS: -- we have one Waterbury that I looked at to do as -- in terms of doing it, but I just gave up because I didn't get any help at all.

SEN. FRANTZ: And -- and just last question. How

many tracks are there -- private tracks? I know there's one in Milford. How many others do we have?

JERRY SHINNERS: Basically, Southington too.

That's it.

SEN. FRANTZ: So two? That's it.

JERRY SHINNERS: That's it.

SEN. FRANTZ: Thank you.

REP. GUERRERA: Thank you, Senator Frantz.

Any other comments?

Jerry, thank you for testifying --

JERRY SHINNERS: Thank you.

REP. GUERRERA: -- today.

Representative Tim Ackert followed by Bill Scalzi.

REP. ACKERT: Good afternoon.

Senator Maynard, Senator Guerrero, Senator Boucher, Representative Scribner, members of the Transportation Committee, thank you for the opportunity to appear before you today to speak on House Bill 5547. I brought this issue to the committee for consideration for a couple of reasons; cost and impact for Connecticut drivers.

(HB 5447)

First, the cost to send approximately 1.4 million emission notifications to owners with vehicles registered in the state a year. This postcard is similar in size to much of the mail that gets discarded as unwanted mail.

They would probably be willing to pay to reduce the risk of damage. And so I hope it's something we could pursue and find information on. I think it's brilliant that you've brought it forward.

And -- and I thank you two for -- for taking such a lead in doing this. Thank you.

REP. GUERRERA: Thank you, Senator Cassano.

Any other comments for the -- the Dorsey's or Senator Slossberg?

Thank you for both coming today. It was very important --

REP. SLOSSBERG: Thank you.

LEO DORSEY: Thank you.

REP. GUERRERA: -- that you came here.

Thank you, Senator.

REP. SLOSSBERG: Thank you, all of you.

REP. GUERRERA: Arthur Shaw followed by Representative Mushinsky. Is she here?

A VOICE: Yeah.

REP. GUERRERA: Where is she?

ARTHUR SHAW: Good afternoon.

My name is Arthur Shaw. I live in Lisbon, Connecticut. I've been a member of the Central Cycle Club since 2008. I've been the chair of the Wood's Committee since 2009.

The Central Cycle Club has over 300 members that participate in a variety of motorcycle

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activities. My principal responsibility is to support the Pachaug Trail System. Central Cycle Club is assisted in maintaining the Pachaug Trail for 37 years. The trail is only available to registered motorcycles, not dirt bikes. The trail is on state owned land and successfully self-governed.

The success of the motorcycle trail system in Pachaug State Forest is a shining example of how the process works. Little to no state monies have been expended on that trail system in the 37 years that it has existed, because volunteers and volunteer organizations do virtually all the work.

Mike Mercier, a member of the Central Cycle Club since 1969 and board of trustee noted in 2005 to the Environmental Committee, "I know of no expense that the state has paid to perform any maintenance or oversight. We've not had to hire any additional conservation officers or personnel to manage that system."

There was some vagueness with regard to a dirt bike so I -- I put in a definition. A dirt bike by design has no headlight and no taillight. It is designed for closed course or motocross track use and cannot be registered for the street. Central Cycle Club maintains a separate property in Central Village, Plainfield, Connecticut for dirt bike riding activities. This is the oldest track in Connecticut. There are no trails that exist on public land to support recreational or competitive dirt bike riding in Eastern Connecticut.

My comments on this bill, in concept I can support the titling of dirt bikes and fines if an account is created for revenues to be used to establish programs to benefit dirt bike

riding in Connecticut. Currently all dirt bike riding is conducted on private property generally supported by private clubs.

Riding is not allowed on public road, or on state property. The dirt bikes from the dealers with certificates of origin and other documentation that clearly identify ownership. The dirt bikes also possess vehicle identification numbers, which are used to identify them if reported stolen.

I noted earlier that the bill in -- I -- I noted earlier that I support the bill in concept. Any vehicle operated on state owned land or public roads should be controlled; however, to -- to tax private citizens to operate their own vehicles on their own or private property is something I absolutely cannot support.

Proposed Bill Number 190 clearly identifies an issue; however heavy fines and a titling tax process with no vision towards securing areas for recreational riding and training provide no foreseeable benefit in this circumstance.

Insurance and registration also concerns me. It is a concern because dirt bikes are only operated on private land in Eastern Connecticut. They cannot be registered. It will never -- it will never be on state owned land. It will always be on private property. It is a tax that does not benefit the people who must pay it.

I also fear that heavy fines will actually have inverse effect on the community's safety. If a violator is aware of a fine -- of the fining process they will expend more effort to avoid prosecution. This could lead to more reckless behavior rather than less.

Thank you for the opportunity to testify today.

REP. GUERRERA: Thank you.

Any comments?

Thank you, sir, for your testimony.

ARTHUR SHAW: Thank you.

REP. GUERRERA: Representative Mushinsky followed by Ronald Trinks.

REP. MUSHINSKY: Good afternoon, Mr. Chairman and members of the committee. I'm Representative Mary Mushinsky from Wallingford. And my intern Raichat is here also who will speak on the second bill.

I'm -- I'm speaking in support of House Bill 6022, AN ACT ALLOWING USE OF THREE WHEELED VEHICLES ON LOCAL ROADS. And thank you for hearing this bill.

One of my constituents purchased a three-wheeled Cushman vehicle. They look like this. They're small. He -- and I will pass --

A VOICE: (Inaudible).

REP. MUSHINSKY: Yeah, I'll pass that -- pass that forward to the committee. Actually, I'll give you the whole pile right now.

REP. GUERRERA: Yeah, just hand it over. Thank you.

REP. MUSHINSKY: He purchased the vehicle as a present for his father, who could no longer ride his motorcycle due to his age. My

definitely need to look at and I think that, you know, working together with this committee and some of the ideas that's going to make (inaudible) I'll mention too that maybe there might be ways of crafting something to try it. To try to see what we can do here and not jeopardize something that we feel as though could be helpful in the future, but, you know, again, we need to look at some of these issues because it's been a long time.

SEN. KISSEL: Thank you very much, Mr. Chairman. I leave here very hopeful and I'll try to get that research done for you as soon as possible.

REP. GUERRERA: Thank you very much.

Senator Looney followed by John Faulise.

SEN. LOONEY: Good afternoon, Mr. Chairman.

Representative Guerrero, and members of the Transportation Committee, I'm Martin Looney representing the 11th District, New Haven, Hamden and North Haven. I'm Senate Majority Leader and appreciate the opportunity to address the committee this afternoon on Senate Bill 190, AN ACT CONCERNING MUNICIPAL PENALTIES FOR RETRIEVAL OF A DIRT BIKE AND ESTABLISHING A TITLE SYSTEM FOR DIRT BIKE OWNERSHIP.

Dirt bikes have really become a - a scourge of the city of New Have and other densely populated urban areas around the state. They create unsafe conditions for pedestrians and motorists and decrease the quality of life for residents and they are also unsafe for riders. Dirt bikes do not have the array of safety features that road safe vehicles possess. They often lack blinkers and mirrors and

lights. And this absence of protective features is hazardous for the road safe automobiles and motorcycles, as well as for pedestrians.

The other vehicles and the pedestrians have no way to know where the dirt bikes are, where they're headed and what they're likely to do next. In addition, dirt bike tires are designed for traction under trails and are frequently unsafe on asphalt. The load roar or dirt bikes racing on the street and sidewalk late into the evening constitutes a nuisance in urban areas.

And we have heard from our police department in the city of New Haven that current laws regarding dirt bikes, their usage and -- and measures that can be taken against them are not sufficiently strong to discourage the violations that -- that frequently occur in areas such as -- that I represent in New Haven and Representative Lemar represents also. We hear, from members of the Board of Aldermen who are -- are in his district and mine that this is a particular problem quality of life issue in urban areas.

Senate Bill 190 would allow a municipality to set a maximum penalty of \$2,000 for retrieval of a dirt bike confiscated due to a violation of a municipal regulation or ordinance. It would also create a title system for dirt bike ownership so that such ownership could be tracked. I would also support a provision permitting the destruction of a dirt bike that was confiscated for a second such violation.

These provisions may not solve the entire problem of dirt bikes in the city and other cities, but it would constitute a good first step. Thank you for raising this important

legislation. And as I've said, municipal police departments have -- have told us that they need more tools to deal with this problem than is current -- that are currently available to them under -- under current law.

Thank you, Mr. Chairman.

Good afternoon, Senator Maynard. You're working when I began.

Thank you very much.

REP. GUERRERA: Thank you, Senator Looney. And thank you for waiting here to testify. Appreciate your patience.

Is this a problem that you're seeing in -- obviously in the town of New Haven more and more? Are these bikes out there? Are they just -- that you see them just --

SEN. LOONEY: It is. It seems to have gotten --

REP. GUERRERA: -- (inaudible).

SEN. LOONEY: -- worse over the last two or three years in particular. We've heard it from members of the -- of the Board of Aldermen in several neighborhoods and in the city. One of the problems is of course the -- the police have tried a variety of -- of tactics to -- to crack down on this -- on this menace, but often they have -- have a hard time catching these -- generally, it's -- it's kids, because of the city's -- the -- the policy of no chase pursuits except for serious crimes, because to undertake a chase to catch these dirt bike riders would in some cases create more problems and -- and put the general public as well as the police officers at -- at risk.

And when they're able to catch them the police do sometimes then can ticket the -- the rider and -- and have the bike towed in some cases, but from what we understand the rider could then pick up the bike at -- at the towing company lot provided that pays a fee of about \$80 or so, and that seems to be not any kind of a disincentive for -- for this -- for this activity.

So that what we're saying is that there should be much higher fees or perhaps even a -- a large daily storage fee so that the fees would mount until the -- to make it more difficult for the -- the bikes to be recycled back into the community once again.

But what I'm saying is that we need some additional tools for local law enforcement to than are -- are currently available to them to discourage this kind of activity. Higher fines, quicker forfeiture, daily storage fees, a combination of those things I think would be -- would be helpful.

Thank you, Mr. Chairman.

REP. GUERRERA: Thank you, Senator.

Senator Maynard.

SEN. MAYNARD: Just one question, that we did speak with one of the Aldermen earlier today and my Co-Chair was out of the room at that particular moment, but -- and a sergeant from the New Haven Police Department who give us considerable information on it as well, but just wanted to warn you that, you know, Minnie Morrow will no longer be able to ride on these dirt bikes on New Haven streets. So I just want to know if he's aware of that fact when we make the changes to the law.

SEN. LOONEY: I'm -- I'm sure he's aware. I think he'll accommodate his behavior to the change in law.

SEN. MAYNARD: Thank you, Senator.

REP. GUERRERA: All right. Any other comments for Senator Looney?

Thank you, Senator for being here.

SEN. LOONEY: Oh, thank you. And I would also like to commend Representative Lemar on this committee for being a strong advocate on this -- on this issue as well. Thank you so much.

REP. GUERRERA: He's been a strong advocate for city of New Haven. I think we all know.

Thank you.

John Faulise. John Bailey followed by Senator Welch.

How are you?

JOHN BAILEY: Good.

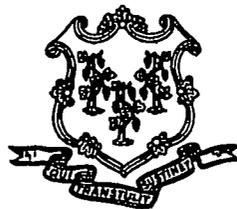
Good afternoon, Chairman Guerrero and Senator Maynard. It's actually a privilege and an honor to be testifying here because I was -- I was deputy clerk here under Chairman Cocoa and -- and Chairman Seattle many moons ago. So this is kind of surreal.

But I -- I submitted comment on HB 5380, ACT PROHIBITING SMOKING IN MOTOR VEHICLES WITH MINOR CHILDREN, so you'll have that. And I will be commenting on ACT REQUIRING CERTIFICATION IN CPR PRIOR TO THE ISSUANCE OF RENEWAL OF MOTOR VEHICLE OPERATING LICENSES.

HB6054

SENATOR MARTIN M. LOONEY
MAJORITY LEADER

Eleventh District
New Haven & Hamden



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SENATE

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February 20, 2013

Good morning Senator Maynard, Representative Guerrero and members of the Transportation Committee. I would like to express my support for SB, 190 AN ACT CONCERNING MUNICIPAL PENALTIES FOR RETRIEVAL OF A DIRT BIKE AND ESTABLISHING A TITLE SYSTEM FOR DIRT BIKE OWNERSHIP.

Dirt bikes have become a scourge in the City of New Haven. They create unsafe conditions for pedestrians and motorists and decrease the quality of life for residents. They are also unsafe for riders.

Dirt Bikes do not have the array of the safety features that road safe vehicles possess. They often lack blinkers, mirrors, and lights. This absence of protective features is hazardous for road-safe automobiles and motorcycles as well as for pedestrians. The other vehicles and the pedestrians have no way to know where the dirt bikes are

headed or what they are going to do next. In addition, dirt bike tires are designed for traction on dirt trails and are frequently unsafe on asphalt. The loud whir of dirt bikes racing on the street and sidewalk late into the evening constitutes a nuisance in urban areas

SB 190 would allow a municipality to set a maximum penalty of two thousand dollars for retrieval of a dirt bike confiscated due to a violation of a municipal regulation or ordinance, and it would also create a title system for dirt bike ownership so that such ownership can be tracked. I would also support a provision permitting the destruction of a dirt bike that was confiscated for a second such a violation. These provisions may not solve the entire problem of dirt bikes in the City, but it would constitute a good first step. Thank you for raising this important legislation



**STATE OF CONNECTICUT
DEPARTMENT OF MOTOR VEHICLES**

60 State Street, Wethersfield, CT 06161

<http://ct.gov/dmv>



**Testimony of Department of Motor Vehicles
Commissioner Melody A. Currey
Transportation Committee Public Hearing
February 20, 2013**

Proposed S.B. No. 190 AN ACT CONCERNING MUNICIPAL PENALTIES FOR RETRIEVAL OF A DIRT BIKE AND ESTABLISHING A TITLE SYSTEM FOR DIRT BIKE OWNERSHIP.

Good morning Senator Maynard, Representative Guerrero, Senator Boucher, Representative Scribner and other members of the Transportation Committee. Thank you for the opportunity to testify on proposed S.B. No. 190, AN ACT CONCERNING MUNICIPAL PENALTIES FOR RETRIEVAL OF A DIRT BIKE AND ESTABLISHING A TITLE SYSTEM FOR DIRT BIKE OWNERSHIP.

The Department of Motor Vehicles comments are restricted solely to Lines 4 through 6 of the proposed bill which would establish a title system for dirt bikes so its ownership could be tracked. DMV is responsible for the titling of motor vehicles but that does not include dirt bikes. Dirt bikes are not required to be titled or registered currently. If DMV is to be required to title and register dirt bikes, please be aware that significant resources would be necessary.

Also, DMV is currently in the midst of its Modernization effort to upgrade its IT systems, known as CIVLS (Connecticut Integrated Vehicle and Titling System) to improve customer service, allow customers to perform more online transactions, and improve DMV functions. Any significant changes to its Modernization efforts, such as this proposal envisions, would negatively impact the implementation of the new systems.

The Department respectfully requests that you consider such an impact before moving ahead with the language in lines 4 through 6. Thank you again for allowing me to testify on this proposed legislation.

My name is Arthur Shaw. I live in Lisbon. I've been a member of the Central Cycle Club since 2008. I have been the Chair of the Woods Committee since 2009. The Central Cycle Club has over 300 members that participate in a variety of motorcycling activities.

My principle responsibility is to support the Pachaug Trail System. The Central Cycle Club has assisted in maintaining the Pachaug trail for 37 years. This trail is only available to registered motorcycles and NOT DIRT BIKES. The trail is on state owned land and is successfully self-governed.

The success of the motorcycle trail system in the Pachaug State Forest is a shining example of how the process works.

Little to no State monies have been expended on that trail system in the 37 years that it has existed, because volunteers, and volunteer organizations do virtually all the work.

Mike Mercier a member of the Central Cycle Club since 1969 and Board of Trustee noted in 2005 to the Environmental Committee, "I know of no expense that the State has paid to perform any maintenance or oversight. We've not had to hire any additional conservation officers or personnel to manage that system."

A dirt bike by design has no headlight. It has no taillight. It is designed for closed course or motocross track use and cannot be registered for the street. The Central Cycle Club maintains a separate property in Central Village, CT for dirt bike riding activities. It is the oldest track in Connecticut. There are no trails that exist on public land to support recreational or competitive dirt bike riding in eastern Connecticut.

My comments on the bill, in concept I can support the titling of dirt bikes and fines if an account is created for revenues to be used to establish programs to benefit dirt bike riding in Connecticut.

Currently, all dirt biking is conducted on private property generally supported by clubs. Riding is not allowed on public roads or on state property. The dirt bikes come from the dealers with Certificates of Origin and other documentation that clearly identify ownership. The dirt bikes also possess Vehicle Identification numbers which are used to identify them if reported stolen.

I noted earlier that I support the bill in concept. Any vehicle operated on state-owned land or public roads should be controlled. However, to tax private citizens to operate their own vehicle on their own or private property is something I will absolutely not support.

Proposed Bill Number 190 clearly identifies an issue. However, heavy fines and a titling tax process with no vision towards securing areas for recreational riding and training provide no foreseeable benefit in this circumstance.

Insurance and registration is a concern to me. It's a concern because dirt bikes are only operated on private land in eastern Connecticut. They cannot be registered.

It will never be on state-owned land. It will always be on private property. It is a tax that does not benefit the people who must pay it.

I also fear that heavy fines will actually have an inverse effect on the community safety. If a violator is aware of the fining process they will expend more effort to avoid prosecution. This could lead to more reckless behavior rather than less. Thank you for the opportunity to testify.

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**CITY OF NEW HAVEN
BOARD OF ALDERMEN**

February 19, 2013

Honorable Members of the General Assembly:

We are pleased to submit the following in support of SB 190 An Act concerning municipal penalties for retrieval of a dirt bike and establishing a title system for dirt bike ownership. We believe this legislation allows cities to better enforce laws regarding the illegal operation of dirt bikes and all-terrain-vehicles which has increased dramatically over the past several years and has a negative impact on all New Haven neighborhoods in safety and quality of life. As recently as November New Haven residents from all sections of the city spoke at a November 11, 2012 hearing to express fear for their children, the elderly or themselves, while walking on the sidewalk or attempting to enjoy a park; and their concerns about noise and fumes from illegal and illegally operated vehicles plague many residential neighborhoods.

We have been working on this issue for at least the last eight years. On May 2, 2005, responding to the concern of New Haven residents for a safe and appealing quality of life in their city, the New Haven Board of Aldermen enacted an ordinance prohibiting dirt bikes, all terrain vehicles and similar vehicles from all public ways. The ordinance authorizes police to temporarily take such vehicles into custody if they are operated illegally. Despite the ordinance and due to current limitations in Connecticut State statues granting municipalities the authority and ability to better enforce laws against the illegal operation of dirt bikes and all terrain vehicles, such vehicles are increasingly operated illegally in New Haven and have been involved in numerous, sometimes deadly, incidents, including:

- On July 24, 2006 in the Newhallville neighborhood a 15-year-old boy died after driving into the back of a van while racing a stolen dirt bike.
- On January 29, 2010, in the Fairhaven neighborhood, a stolen all terrain vehicle associated with drug activity resulted in a double homicide.
- Earlier in 2012; a young girl was hit by a dirt bike rider while waiting at a bus stop with her dad, and a dirt biker himself suffered life-threatening injuries after losing control of an unregistered illegally operated dirt bike and hitting a tree.

Dirt bikes riders in parks, in the street and on sidewalks are often unlicensed, ineligible for a motor vehicle on the basis of age, are unaware or disregarding of motor vehicle laws. Some dirt bikers expressed on the record at the November 11, 2012 public hearing that they often operate recklessly for the thrill of it and do not intend to abide by laws unless actually arrested.



John DeStefano, Jr.
Mayor

CITY OF NEW HAVEN
OFFICE OF THE MAYOR
165 Church Street, New Haven, CT 06510
Phone (203)-946-8200, Fax (203)-946-7683



**Testimony of the City of New Haven
Before the Transportation Committee**

Regarding

SB 190: AN ACT CONCERNING MUNICIPAL PENALTIES FOR RETRIEVAL OF A DIRT BIKE AND ESTABLISHING A TITLE SYSTEM FOR DIRT BIKE OWNERSHIP

Submitted by

Sgt. Vincent Anastasio, New Haven Police Department
February 20, 2013

Senator Maynard, Rep. Guerrero, and members of the Transportation Committee,

Thank you for the opportunity to testify in support of SB 190: An Act Concerning Municipal Penalties for Retrieval of a Dirt Bike and Establishing a Title System for Dirt Bike Ownership.

There have been numerous instances in our community where individuals illegally operate dirt bikes and ATVs on City streets, in parks and on sidewalks. This use causes a danger to both pedestrians and the operators. There are too many stories to recount – from those in my East Shore district where riders have illegally created a track in the Bishop Woods Bird Sanctuary, to a case in the Edgewood neighborhood last spring where a rider knocked a seven year old girl over while she waited at the bus stop with her father. As there is no safe way for officers to chase or otherwise apprehend these scofflaws while they are operating these vehicles, it is difficult for law enforcement to combat these quality of life problems.

In the past several years we have adopted strategies to address these concerns including a tip line for citizens to report where dirt bikes and All Terrain Vehicles (ATVs) are stored by those who illegally operate on City Streets. We have recently adopted a policy of requiring an officer to be present when equipment is released from impound to the lawful owner to help officers reinforce the message about the dangers of the unlawful operation of dirt bikes and ATVs in the City. But the problem still persists. Residents and law enforcement are both frustrated.

What law enforcement needs are additional tools to help combat this problem. The first would be stiffer penalties. Current state statute only allows the City to impose a fine up to the state maximum of \$250. This fine is not an effective deterrent. The fine threshold should be set to an amount that either deters the illegal use, or reduces the instances when these impounded vehicles are retrieved. Philadelphia, PA establishes a fine of \$2,000 for this purpose. The second strategy would be to clarify municipal powers to destroy abandoned dirt bikes and ATVs similar to those established for abandoned motor vehicles helping to reduce the cycle of illegal use and reduce the prevalence of these vehicles in our City. The third strategy would be to require a title or registration to help to track legal ownership of these vehicles and establish a presumption of responsibility to the titled owner for illegal use of the vehicle.

We welcome the support of the State Legislature in helping to combat the illegal use of dirt bikes and ATVs on our streets and in our parks where they cause a public nuisance and a threat to safety. Thank you for your consideration.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**TRANSPORTATION
PART 6
1641 - 1952**

2013

SENATOR MAYNARD: Thank you, Representative, and appreciate your passion and commitment to the issue and as a former member of this committee I appreciate your taking the time to come and testify and we all know the extent to which our transportation needs are exceeding our ability to pay for them. So a very important matter and certainly one that this committee will take very seriously.

Any -- any questions or comments for Representative Lavielle?

Thank you very much.

REP. LAVIELE: Thank you so much. Enjoy the rest of the day.

SENATOR MAYNARD: You too. Safe travels.

REP. LAVIELLE: Thanks.

SENATOR MAYNARD: Representative -- I'm sorry. Art Shaw. Welcome, Mr. Shaw.

ARTHUR SHAW: Good afternoon, Senator Maynard and the rest of the transportation committee. My name is Arthur Shaw and I'm from Lisbon, Connecticut. I'm here to -- I'm here today to speak in opposition to sections ten A -- I'm sorry. Let me take off my glasses. And raised bill -- in raised bill 6495 and committee bill 190. I come before you today representing the NETRA Organization. I work to organize events -- that is the New England Trail Riders Organization. I'm sorry.

I work to organize events in the eastern part of the State. The simple point there are no public recreational places to -- to ride ATVs. Please explain to me why anyone should register

them. What is the benefit? I'm very new to the discussions of State forests. I truly think there is room to put a five -- five to eight foot wide unidirectional trail through the woods in selected forests within the State of Connecticut.

I think they would be maintained and partnerships with other -- other interests groups would be formed to promote recreational riding for families. If the State chooses not to enter into this shared risk agreement then they should not mandate it -- a registration and the subsequent taxation by municipalities.

In a previous testimony on February 20, 2013, Jerry Sanders, a senior administrator of the NETRA Organization noted the insurmountable challenges in obtaining an ATV trail within the State forests given the current infrastructure. He also noted the (inaudible) that's dated in a law approximately in a law approximately 28 years ago. Further discussions with the committee the inaction of the law resided in the interpretation of the word shall versus must in a legal document.

Regarding the use of the word shall the term shall is noted 35 times with the section 10A and 41 in Raised Bill 6495. Why? Because from a legal contractual standpoint shall and must are used interchangeably. Why does -- why does shall carry a lesser responsibility than must in a law issued in 1986. In addition I really think that cycling clubs have really put a lot of skin into the game and they face very large obstacles over the last 28 years. We simply see tremendous effort.

My personal opinion is that they've put in enough effort to merit setting up trails, a priority to instituting a registration fee.

Even if there were dramatic changes in the political climate there would still be no funding for such a venture and registration fees amounting to a gross of 1,050,000 is not going to generate sufficient funds to do much of anything.

The reference for the -- for the value was offered by Mr. Mikutel's website where he noted 30,000 ATVs had a registration fee of \$35 without a very careful earmarking provision. As for the -- as for the committee Bill 190 which is tied to the cities and the issues of dirt bikes in cities.

As for -- as for cities and the issues they are dealing with in -- with -- within regard to dirt bikes I do not see the possibility that a registration fee from one organization will even remotely deal with the concerns that they are trying to address. The -- the issue of cities -- city riders' civil disobedience should be addressed with city ordinances and if necessary all of the individuals of the State should share the burden financing solutions for the inner city.

I did find one piece of information from the DEEP that actually stands against registration I quote, finally all user groups should be encouraged to raise their own funds for land acquisition for their particular recreational activity. Conservation and trail organizations have purchased thousands of acres of land around the State with public and private founded -- foundation donations.

This model could translate to motorized, equestrian and biking organizations as well. As a member of NETRA and a member of the Central Cycle Club I can honestly say we work really hard to find legal -- legal places to

ride and it's very expensive going in this model. Therefore we should not be levied a registration fee and subsequent to taxes that would inhibit the autonomous path that cycling has been forced to pursue.

SENATOR MAYNARD: Thank you, Sir. Thank you for your testimony. As a member of this committee and also of the environment committee it's an issue that we have regrettably been having to hear about and deal with for my entire time here and a good deal longer than that. I've been here seven years now and I understand the frustration and the irritation. It's something we tried to advance in each of the committees and I hope we can do better than we've been able to do but I -- I appreciate your remarks.

Representative Sawyer, question?

REP. SAWYER: Thank you, Mr. Shaw for coming today. This has been an issue that I am very keenly aware of and one that I have spoken on many times in front of this General Assembly mostly in front of the environment committee. So your premise is that if there were legal places to ride you would have no problem with registration?

SB 190
HB 6495

ARTHUR SHAW: Correct. Yeah.

REP. SAWYER: And do you believe that we should -- do you believe we should tie registrations then to having legal places to ride? We should put that in the statute?

ARTHUR SHAW: I -- I think it would have to be required. I think that if you're asking a group to pay in that there should be some mutual benefit. I understand there are risks. And I've talked to several of the members who worked on this stuff before. But there's risks

in everything. If this some corrective action set up you know you put in a trail and -- and it's maintained and the rules are enforced then that's fine. If -- if there are a series of -- then we can start engaging in a discussion. You can have corrective action plans. You can have --

REP. SAWYER: Have you had experience with adopt a trail, those types of things. Is that what you're -- you're referring to?

ARTHUR SHAW: Yeah. Actually right -- no, I don't know much about that. I just know that the -- the current effort put forth to even use a trail in the State forests, there are certain times of the year that -- that the trails can be used. The amount of effort put in to use those trails once or twice a year by a cycling club is extraordinary.

I ask for semantic codes and -- and you know I -- I threw it down in the appendix. And if you ever want to approach any of those clubs they've put in extraordinary effort. I mean we've -- you know there's -- there's 5,000 hours of trail maintenance to use a -- to use a trail twice a year.

REP. SAWYER: Which is a very -- it's a huge amount of manpower.

ARTHUR SHAW: Yeah. That was over a 20 year period but that is two and a half years of a person's time. And that -- that didn't count the other activities that they did. I know my son and I worked a lot in the Pachaug State Forest and we appreciate the effort. I'll have you know my son does not have his license. He cannot drive in that -- in that forest. He's going to turn 18 this year. He's been waiting for that opportunity where he can be a legal person to

drive with -- with me in the forest.

REP. SAWYER: But those -- to be able to drive in that one spot in Pachaug is the only place I believe in Connecticut that you can ride other than up in the --

ARTHUR SHAW: Correct. Thomaston Dam.

REP. SAWYER: Thomaston Dam under -- under the federal land. And in this case in Pachaug you -- their machine has to be street legal. Is that correct?

ARTHUR SHAW: Correct. It is a registered motorcycle. It is not a dirt bike.

REP. SAWYER: And so that machine already pays registration.

ARTHUR SHAW: Correct.

REP. SAWYER: So here we have a situation where there is a place for them to ride, they're street legal machines so it's an on off road bike which is different from most off-road motorcycles. Is that correct?

ARTHUR SHAW: Yes.

REP. SAWYER: So in your -- under your conditions you pay the registration on the bike. It can ride on the roads. It can -- and then in this case has a specialty are that it can go ride on. Not so with others that would be trailered in and that are not registered. They are not legal in that -- in that place. Is that correct?

ARTHUR SHAW: Correct.

REP. SAWYER: So currently in the State of

Connecticut I believe we have 11 places where snow mobiles can ride. There are zero places that ATVs and two wheel off road machines can ride. And to me that is one of the strongest arguments to not register them because there is -- the State provides no place -- no place so they would -- they would be under this legislation they would be charged a registration fee and there'd still be no place to ride.

ARTHUR SHAW: Correct. Yeah. Other than you know private clubs and -- which have you know -- which maintain their own autonomy. They have no funding from any State organization. And -- and their members actually manning -- do all the volunteer.

REP. SAWYER: One --

ARTHUR SHAW: I think -- go ahead.

REP. SAWYER: One of the things that I found very, very impressive of -- when the clubs have set up their specialty events once a year the commitment to the property is huge. When I talked -- when I think about law abiding citizens who go through a great deal of effort to work -- to obtain all the specialty permits that are needed and to be good stewards of the land after they have used them -- before and after they have used them. It's very exceptional and one I think that deserves a lot praise.

I would like to thank you for coming today and I understand with weather I'm sure a lot more people would have been here -- other riders because I know that this is of great concern because there has -- the law that was passed in 1986 that said we would create places to ride put no date on it as to when we would do that.

And what a surprise we've never done it. We've done it for snow mobiles. We've -- we've certainly done it for hikers.

And interestingly most -- many of the blue dot trails that are out there today were initially cut and created by riders who wanted to have a place to ride and they created a lot of those trails and then their right to use them has been taken away and nothing has been put there to replace them. So thank you very much for bringing this forward and taking the time out on this very snowy day to come.

ARTHUR SHAW: You're welcome.

SENATOR MAYNARD: Thank you. Any other comments or questions?

Seeing none, thank you very much, Sir, for your testimony.

Either Senator LeBeau or Senator Markley, or Representative Cleary here. Senator Markley. There you are. Welcome, Sir.

SENATOR MARKLEY: Thank you very much, Senator Maynard. It's a pleasure to be with you. And I will -- I just wanted to take a moment to speak about a bill before -- before your committee which would designate a section of State highway in honor of State Representative Eugene Migliaro. Gene was a legendary figure in Wolcott. He was town councilman. He's -- was a longtime State Representative, first elected in 1972.

He then after he stepped down from the State Legislature served as Mayor of Wolcott and was appointed as the Commissioner of Veteran Affairs under the role of administration. I would say that for a quarter century Gene was

HB 6559

I am here today to speak in opposition to sections 10(a) and 41 in Raised Bill 6495 and Committee Bill 190. I come before you today, representing the NETRA organization. I work to organize events in the eastern part of the state. The simple point is there are no public recreational places to ride ATVs, please explain to me why anyone should one register them? What is the benefit?

I am new to the discussions of riding in the State forests. I truly think that there is plenty of room to put a 5 to 8 foot wide unidirectional trail through the woods, in selected forests within the state of Connecticut. I think they would be maintained and partnerships with other interests groups would be formed to promote a recreational activity for families. If the state chooses not to enter into this shared risk agreement then they should not mandate a registration and the subsequent taxation policy by municipalities.

I really think that Cycling Clubs did put "skin in the game" even in the face of very large obstacles over the last 28 years. I simply see tremendous effort. My personal opinion is that they put enough effort forward to merit setting up trails a priori to instituting a registration fee.

In a previous, testimony on February 20th, 2013 Jerry Shinnors clearly noted the insurmountable challenges in ever obtaining an ATV trail within a State forest given the current infrastructure. He also noted the remit stated in a law issued approximately 28 years ago. Further discussions noted the inaction of the law resided in the interpretation of the word "shall" versus "must" in a legal document. See Attached Appendix II (the actual text from Jerry's testimony on February 20th, 2013).

Regarding the law enacted in 1986 and the use of the term "shall". The term shall is noted 35 times in sections 10(a) and 41 in Raised Bill 6495. Why? Because from a legal contractual standpoint "shall" and "must" are used interchangeably. Why does "shall" carry a lesser responsibility than "must" in this law issued in 1986?

Even if there were a dramatic change in the political climate, there would still be no funding for such a venture and registration fees generating a gross of \$1,050,000.00 is not going to generate sufficient funds to do much of anything (a 35.00 registration fee multiplied by 30,000 ATVs) without a very careful earmarking provision.

I did find one piece of advice from the DEEP that actually stands against registration: "Finally, all user groups should be encouraged to raise their own funds for land acquisition for their particular recreational activity. Conservation and trail organizations have purchased thousands of acres of land around the state with public, private and foundation donations. This model could translate to motorized, equestrian, and biking organizations as well." We are finding legal venues but it is very expensive. Therefore, we should not be levied a registration fee and subsequent taxes that would inhibit the autonomous path that cycling has been forced to pursue.

As for cities and the issues that they are dealing with in regard to dirt bikes, I do not see the possibility that a registration fee from one organization will even remotely deal with the concerns they are trying to address. The issue of the city rider's civil disobedience should be addressed with city ordinances and if necessary all of the individuals of the state should share the burden of financing solutions for the inner city.

Appendix I. Examples of Efforts from Local Cycling Clubs

State Forest	Activity	Club	Goal
Cockaponsett State Forest	5000 hours of trail maintenance at the direction of park management	Salmon River MC	Seeking approval to run 2 events per year
Cockaponsett State Forest	Partnered with park management to have trail days	Salmon River MC	Seeking approval to run 2 events per year
Cockaponsett State Forest	Assembled 400 picnic tables to be distributed throughout the park	Salmon River MC	Seeking approval to run 2 events per year
Shenipsit State Forest	Cleared "nearly all" the trails from massive snow storm that decimated the trail system	CT Ramblers MC	Seeking approval to run 2 events per year
Shenipsit State Forest	Building of at least 4 bridges. "These are well built using large telephone pole length members and pressure treated wood. Many hours, volunteers and equipment used in their construction"	CT Ramblers MC	Seeking approval to run 2 events per year
Pachaug State Forest	Building of a parking lot and sign mapping the Pachaug Loop	Central Cycle Club	Continued Use of the Pachaug Loop for Registered Motorcycles and 1 event per year
Pachaug State Forest	Removal of approximately 200 tires illegally dumped on Porter Pond Road and brought to recycling center in Plainfield at no cost to the Pachaug State Forest. Pictures in Appendix III	Central Cycle Club	Provide assistance to the Pachaug Forestry Staff
Pachaug State Forest	Yearly Earth Day Cleanup in Partnership with a Local Boy Scout Troop at no cost to the Pachaug State Forest	Central Cycle Club	Continued Use of the Pachaug Loop for Registered Motorcycles and 1 event per year
Pachaug State Forest	Building of 2 multipurpose Bridges. Pictures in Appendix III	Central Cycle Club	Continued Use of the Pachaug Loop for Registered Motorcycles and 1 event per year

Appendix II Jerry Shinner's Testimony from February 20th, 2013.

My name is Jerry Shinner, Administrator of New England Trail Rider (NETRA), 900 of which are from Connecticut and the rest of the 2100 are from the other New England States and New York. We are a motorcycle association and I live in Connecticut.

The State of Connecticut wants ATV registration. An ATV is defined by either having 2 or 4 wheels. There is up to 60,000 of them in the state. Nobody knows for sure. There is no place in the State to ride them. The first problem is why would anybody register their ATV if there is no place to ride.

ATV registration is punitive without a place to ride. It is putting the cart before the horse.

Of course the State thinks once there is ATV registration in the State there will be some control but there will be no trails unless the DEEP changes the ATV policy and is more flexible. The DEEP has stonewalled us (users) since 1986 when a law was (passed) that (states) "the State shall provide trails". However, no trails have been provided.

Does anyone think trails will magically appear? The DEEP are not changing their ATV policy for creating trails. Check out the DEEP ATV policy. Go to Google and put in CT DEEP ATV policy. It's almost impossible to follow for anyone. DEEP sees it as a concession- somebody else runs it.

Someone would have to apply for an area. There is no money to pay for it and no help from the State at all. That person or persons are totally on their own. They would have to get permission from all areas of DEEP- forestry, fisheries, water, endangered species, soil and animal habitat like deer or turkeys and pay for the research which could be as much as hundreds of thousands of dollars. Then, if passed, they have to hire someone to run it and oversee it. The chance of getting this done is like winning the lotto.

How do I know this? I tried 3 times in the over 30 years I have been attempting to create trails for ATV's. Only one of the proposals was even looked at. This is the entire attempts to create trails. The one proposal they even looked at they shot down. Why? I thought it was perfect. It was out of the way, with a parking area. It was a flood control dam protecting Stafford. No animal worries or endangered species. They shot it down because it could be wetlands. Of course it could be but it had never flooded.

As far as I have seen the State has not given one inch in trying to create trails. Even if the DEEP gets some money from part of the registration will it be enough? Can they just say there is not enough money. So we are back to 1986 again? Will they provide staff and effort? Please answer these questions before passing ATV registration. Don't just be punitive, please put together a complete package. People have to have a place to ride or else there is little hope to get them registered.

The last thing I worry about is that all significant ATV events in Connecticut, such as a sanctioned race, rally or event on private property should have an exemption for registration as MASS does. MASS law says they can exempt a sanctioned race, rally or event from the requirements.

Respectfully Submitted. Jerry Shinner, netraman@yahoo.com, 860-693-9111

Appendix III

Bridge Over Kinnie Brook Pachaug State Forest



Cement Pillar Supporting the Bridge Halfs. I-Beam on Cement Sufficiently Strong Enough to Handle a Universal Crossing by Registered Motorcycles to Horses



Tire Cleanup on Porter Pond Road



One of Many Trips Out of the Woods

