

ATV Feasibility Study Report

THE FEASIBILITY OF DEVELOPING AN ATV TRAIL RIDING FACILITY IN THE LOWER WYOMING VALLEY



Submitted to:

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Executive Summary

All-Terrain Vehicle (ATV) riding is an increasingly popular sport. Sales and registrations of the machines continue to climb in Pennsylvania. However, the popularity of the sport has outpaced the development of appropriate facilities for legal use of ATVs, resulting in illegal riding where ATV users are not permitted to ride. Illegal riding has extended to abandoned coal mining lands owned by Earth Conservancy, Inc. in the Lower Wyoming Valley.

Because Earth Conservancy recognized the need for riders to have legal riding areas and for property owners to keep private property private, it requested grant funding from the Department of Conservation and Natural Resources (DCNR) and Luzerne County to conduct a feasibility study. The study was designed to explore potential options and alternatives for ATV riding in the Lower Wyoming Valley. Once funding was secured, a steering committee was formed representing a cross-section of the community and those impacted by ATV riding. The steering committee was intended to present a forum for discussion among those stakeholders involved in the study process. The steering committee is comprised of representatives from state and local governments, public utilities, ATV clubs and special interest groups, and an ATV dealer.

The issues identified by the steering committee as matters of concern are: the increase of illegal ATV riding on Earth Conservancy land, State Game lands, on other private property, near residential areas and on public streets; the desire of the Luzerne County ATV community to find legal riding venues; possible ATV facility ownership and operational alternatives in Luzerne County and; possible property areas for development as an ATV facility in Luzerne County.

The issues identified as criteria for determining feasibility in this study are: need, defined by a comparison between the numbers of ATVs and the places to ride them; community support; financial sustainability, including comparison of expenses and revenues; regional economic impact; potential locations, including environmental issues, existing and planned land uses, soils, local roadway access, and potential for trailhead facilities such as parking; ownership alternatives; operational alternatives; legal issues and; liability issues. In addition to these criteria, we have included a section in the study exploring enforcement issues. This information includes ecological issues such as noise, vandalism, trespassing, and riding out-of-bounds.

Several ATV facility ownership alternatives were explored, including Earth Conservancy ownership, DCNR ownership, Luzerne County ownership, private individual or group ownership, and non-profit organization ownership. Earth Conservancy ownership is not an option, as it does not fit within the scope of the organization's mission. DCNR ownership is not likely, leaving County, private, or non-profit organization ownership as viable facility ownership possibilities.

Several areas within Luzerne County were explored for possible ATV facility placement. An area north of the Susquehanna River in Plymouth Township, extending from Plymouth to Moon Lake was determined to have too many obstacles to ATV facility placement due to

smaller, disjointed parcels of available land, poor opportunities for connection between parcels, and an absence of local government support. An area south of the Susquehanna River in Newport Township, extending from Nanticoke to Glen Lyon was determined to be a good location for the placement of an ATV facility because of larger, more open tracts of land, terrain desired by ATV riders, and local government interest.

Several conclusions were reached, and the following observations and recommendations are offered:

- The establishment of an ATV Trail facility would reduce illegal ATV use, and contribute to the local economy.
- The Steering Committee preference for an ATV Trail facility would be a system of trails linking “challenge” areas that test the capabilities of riders and their machines.
- The recommended ownership alternative is the purchase and development of a land resource into an ATV Trail facility by a government entity or agency that allows for a high degree of participation in the planning, development and operation of the system by a local ATV club or consortium of clubs.
- A second recommended ownership alternative is the purchase and development of a land resource by a government entity or agency, which would then lease the land to a club or consortium of clubs for the development, operation and maintenance of an ATV Trail facility.
- The best model of what is possible in terms of ownership, club responsibility and commitment, the generation of capital, and good will, is the Tower City Trail Riders, Inc.
- The feasibility study suggests that the establishment and sustainability of an ATV trail riding facility is indeed feasible, given the need, available resources, proximity of the Lower Wyoming Valley to an extended ATV enthusiast population, and most importantly the commitment of the leaders of the ATV community. The most significant impediment to the establishment of a facility is the issue of ownership; however that issue is not viewed as insurmountable given the local government openness to the concept of a regional ATV facility.

Conclusion

The information presented in this report is meant to provide a framework for action by those organizations, agencies or groups choosing to pursue the establishment of ATV trails or parks in the Lower Wyoming Valley.

Earth Conservancy would like to thank the steering committee members who generously donated their time and talents to this project.

Credits

This ATV Feasibility Study was developed with assistance from:

- Earth Conservancy
- Pennsylvania Department of Conservation and Natural Resources
- Valley ATV Club
- Pocono Mountain ATV Club
- Black Diamond ATV Club
- Back Mountain Enduro Riders

Pertinent information was also contributed by:

- Tower City Trail Riders, Inc.
- Paragon Adventure Park

A Steering Committee was convened on November 18, 2003 at the offices of the Earth Conservancy in Ashley, Pennsylvania. This committee of stakeholders was tasked with driving the ATV Feasibility Study commissioned by the Earth Conservancy by discussing important issues associated with determining the feasibility of developing an ATV Trail facility in Luzerne County.

Funding for the ATV Feasibility Study was provided by the Pennsylvania Department of Conservation and Natural Resources, Luzerne County, and Earth Conservancy.



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Introduction

All-Terrain-Vehicles (ATVs) have become a consumer phenomenon across the United States. ATVs appeal to a broad range of users from farmers needing a small utility vehicle, to sportsmen needing an efficient means of packing gear, and from families that enjoy spending time outdoors, to motorcycle trail riders who enjoy the unique challenges of ATV handling.

This broad appeal has driven ATV sales to ever-increasing numbers over the past decade. The popularity of the sport has allowed consumers to drive changes in the market, which now offers machines manufactured for various uses including utility, sport, racing, and even smaller sized models for children.

The appeal of ATV riding is not limited to people in rural environs. People living in suburban and even urban areas are drawn to the promise of good times riding ATVs, despite legal use limitations that relegate ATVs to off-highway use only. This limitation in legal use necessitates transporting ATVs from the homes of most owners to legal riding areas. However, there are insufficient legal riding areas for the numbers of ATVs, creating, perhaps, the greatest challenge to the sport.

The purpose of this feasibility study is to offer a step in the process of addressing this challenge to the sport in the Lower Wyoming Valley of Luzerne County, Pennsylvania. This region's heritage is rich in coal mining, having supplied this source of energy through the development of the industrial revolution in the US. As the US economy has shifted from manufacturing to service and information industries, the need for coal as an energy source has waned, resulting in abandoned mines and mining areas throughout the region, including the Lower Wyoming Valley.

The expanse of undeveloped land in the Lower Wyoming Valley, consisting of abandoned coal mining operations and the surrounding forests, draws ATV users because such terrain offers precisely the characteristics desired by them: challenging terrain and beautiful forestland. The forested areas of the Valley, particularly near the Susquehanna River, offer trail riding and vistas unmatched in the region. Unfortunately, much of this land is privately owned, and riding on privately owned land without permission is illegal.



Earth Conservancy (EC) owns 16,300 acres in Luzerne County, which makes it a significant landowner in the Lower Wyoming Valley region. The mission of EC is to reclaim and return the lands under its management to the region. To that end it will collaborate with local communities, government agencies, educational institutions, and the private sector to spearhead the creation and implementation of plans that restore the land's economic, recreational, residential, and ecological value.



Much of the land is forested and remote, while a significant number of acres are mine-scarred. The combination of these features presents appropriate challenges to ATV riding, appealing to ATV enthusiasts. Insurance regulations eliminate riding on the lands under EC control and 10,000 acres of EC's land has been placed under the management of the PA Game Commission, which does not allow motorized vehicles on its properties. The Pennsylvania Game Commission has also become concerned with illegal ATV use on lands under their control. ATV use on State Game Lands, while not permitted, does occur, raising concern for Game Commission enforcement officers, whose ranks and budget are insufficient to fully enforce the law.

While remote and difficult to access, some of this land is not inaccessible by others with dishonorable intent. Waste dumping, motor vehicle abandonment, vandalism, and various forms of assault are all crimes committed on remote lands. While ATV riding on property without permission is illegal, ATV enthusiasts, because they are more visible, also bear the burden for illegal activities that they might not own, adding suspicion and mistrust to the complexity of finding a solution to the problem of illegal ATV riding.

Is finding a solution amenable to both landowners and ATV users feasible? This study seeks to address that important question by exploring whether feasible options for ATV riding in the Lower Wyoming Valley exist, and to report those findings.

Documentation of Need

In order to explore and document the issue of the sufficiency of riding areas for ATV enthusiasts in the Lower Wyoming Valley, we will examine both quantitative and qualitative data sources. The quantitative data used will include industry sales figures, Department of Conservation and Natural Resources (DCNR) registration figures, and data about existing trails from Internet websites. The qualitative data explored includes newspaper articles published about ATV use in Luzerne County. A synopsis of each article is presented to offer the reader an understanding of breadth of the issue, as well as the depth of concerns reported in the region.

Quantitative Data

We begin by presenting data demonstrating the large, and growing, numbers of ATVs in use, and enumerating areas designated for legal riding. The data will include ATV sales and registrations in Pennsylvania and in Luzerne County, followed by a listing of the significant legal riding areas in Pennsylvania and their proximity to the Lower Wyoming Valley.

ATV Sales

Sales statistics available for the period January through June of 2002 published by the *Dealer News*, an industry periodical, indicate that ATV sales in Pennsylvania numbered 34,870 units for the six-month period. This sales figure places Pennsylvania fourth in the US in terms of ATV sales, following California, New York and Texas, in that order (as published by PA Atving.com, accessed 7/12/2004). Incidentally, national ATV sales for the same period are 791,743 units, as reported by the *Dealer News* (as published by PA Atving.com, accessed 7/12/2004).

Sales of all similar categories of off-highway machines, such as off-road motorcycles, as well as ATVs, are increasing. According to the *Dealer News*, in an article publishing the latest sales figures available, sales at the mid-point of 2002 were, at that time, already 24.84% ahead of the total sales for year 2001 (as published by PA Atving.com, accessed 7/12/2004).

ATV Registrations

All ATVs in the Commonwealth of Pennsylvania are required to be registered with the Department of Conservation and Natural Resources (DCNR). ATVs that are intended for use only on their owner's property are registered as 'Limited,' while all other registered ATVs are registered as 'Active.' As of March 1, 2004, the DCNR listed 141,927 registered ATVs (Active Vehicles) in the Commonwealth of PA (DCNR Internet Site, accessed 3/1/2004). This number does not include the vehicles registered as Limited (confined to the property of the owner) or unregistered vehicles. While the number of unregistered ATVs appears to be significant, there is no reliable method to quantify these vehicles.

As of March 1, 2004, the DCNR listed 4,875 registered ATVs (Active Vehicles) in Luzerne County (DCNR Internet Site, accessed 3/1/2004). This number does not include the vehicles

registered as Limited (confined to the property of the owner) or unregistered vehicles. Again, while the number of unregistered ATVs appears to be significant, there is no reliable method to quantify these vehicles.

Legal Riding Areas

DCNR lists six summer trails and five summer / winter trails on its website. With six summer trails and five summer/winter trails available on state forest property, ATV enthusiasts have available 229.2 miles of trail in the summer and 131.1 miles in the winter for their enjoyment (DCNR Internet Site, accessed 1/26/2004). None of these trails are located in the Lower Wyoming Valley.

The Federal Forestry Service makes four trails available for ATV riding in the Allegheny National Forest, for a total of 106 miles (<http://www.fs.fed.us/r9/forests/allegheny/>). The Allegheny National Forest is located in northwest Pennsylvania, so none of these trails are either in, or near, Luzerne County.

Internet research revealed four private ATV trails available in northeast Pennsylvania, with one located in Luzerne County. The mileage of some of these trails cannot be ascertained, as some of the trail managers do not advertise their mileage totals. The private trail system located in Luzerne County is Paragon Adventure Park (Paragon), with 130 miles of trails available. Paragon is operated by a private corporation, requiring a small membership fee and daily usage fees (<http://www.paragonap.com/>).

Tower City Trail Riders, Inc. (TCTRI) manages a facility in adjacent Schuylkill County, with trails located on 6,000 acres (<http://www.towercitytrailriders.org>). TRAXX at Jack Frost, Big Boulder in Monroe County and Snow Shoe Rails to Trails in Centre County are the remaining known trail facilities near the Lower Wyoming Valley (<http://www.ridepa.net>). Other facilities are in operation throughout Pennsylvania, but these facilities are not near enough to the Lower Wyoming Valley to fall into the purview of this study.

Luzerne County, in partnership with Lackawanna County, has developed an Open Space, Greenways and Outdoor Recreation Master Plan, which includes areas designated for ATV use. While this plan is comprehensive, addressing a variety of recreational needs, some of the activities are not expected to be initiated for 15 to 20 years (Open Space, Greenways and Outdoor Recreation Master Plan, 2004).

Qualitative Data

Newspaper articles were reviewed and are presented here to define the issue of ATV use as it is understood by the citizens of Luzerne County. The articles reviewed are from mainly local newspapers in Luzerne County, and cover the larger issue from the need for more designated riding areas to the feelings of citizens affected by illegal ATV use on public roadways and private property. Each of the following paragraphs is a short review of articles found in newspapers published in the Lower Wyoming Valley. Each review contains the name of the author, the name of the article, the newspaper, date of publication, and the theme of the

article. These reviews are not offered as facts in support of, or in opposition to, any particular viewpoint, or agency or entity. These reviews are offered only to give a sense of the range of issues associated with ATV riding in the Lower Wyoming Valley, and some of the perspectives found in the public realm.

An article by Venesky, entitled “Unwanted ATV Riders,” published in *The Citizens’ Voice* on March 28, 2004, illustrates the frustration felt by ATV owners caused by a system that requires the payment of registration fees, but returns little in terms of available trails. Venesky writes that the DCNR is making efforts to provide trails for ATV riding, however such efforts must include consideration for environmentally sensitive areas and the needs of other groups using the forest. Further complicating DCNR’s effort is the cost of trail maintenance. DCNR indicates that the costs of enforcement and maintenance for the trails they provide use up most of the registration fees paid by ATV owners, limiting funding for establishing new trails. Venesky writes, “He (referring to Terry Brady, deputy press secretary for the DCNR) said the \$20 registration fee charged to ATV owners doesn’t go that far because it’s used for trail maintenance and law enforcement. In the end, Brady said there is very little, if any, of the registration money left to purchase land or build more trails.” As a result, DCNR has recognized the importance of trail establishment by private groups, and in March, 2004, awarded \$2.2 million in five grants for the development and improvement of riding opportunities for ATV users (Venesky, 2004).

The frustration felt by ATV owners is manifested by some ATV owners choosing to ride illegally. Roth, in an article entitled “Road to Trouble,” published in *The Times Leader* on November 16, 2003, writes that some ATVs are used in mixed-use areas, placing them on the same trails with runners, hikers, rollerbladers, and others. ATVs are also used on public streets, alleys and on private property without permission. Roth writes that when land owners do give ATV riders permission to use their lands, the ATV users must often ride illegally to access the permitted property. Local police agencies consider ATV use a problem due to the amount of illegal riding in restricted areas, and the number of complaints about illegal ATV riding strains local police agencies (Roth, 2003).

In the same edition of *The Times Leader* (November 16, 2003), Smith published an article entitled “Game Lands Magnet for Illegal Riders,” about illegal ATV use on State Game Lands. Smith reports that the Pennsylvania State Game Commission oversees 1.4 million acres of game lands in the Commonwealth’s 67 counties. The Game Commission has 25 Conservation Officers in the 13-county Northeast Region, overseeing 347,634 acres of game lands. Each Conservation Officer patrols approximately 400 square miles. With so few Conservation Officers, the Game Commission is unable to effectively prevent ATV use on Game Lands. The Game Commission does target areas of high illegal use, and conducts intensive patrol operations. They issued approximately 700 citations across the Commonwealth during year 2003, each citation carrying a fine of \$100. Conservation Officers believe most violators reside near the Game Lands. These ATV users have easy access without traveling on public roads to access the Game Lands (Smith, 2003).

Roth, in an earlier article, published on October 16, 2003, in *The Times Leader*, entitled “Riding the rails is the fast track to danger,” revealed that ATV users riding near, or on,

railroad tracks is an increasing hazard. Roth reports that railroad tracks are dangerous places. Train speeds can be deceptive and helmeted riders can miss hearing oncoming trains, posing a hazard to the riders. ATV use along tracks can displace track ballast, possibly leading to the deformation of rails, and the possible derailling of trains. ATV riders have been known to nearly strike switching crews, and to kick up ballast with their tires near railroad crews. A Reading and Northern Railroad police lieutenant recently issued 13 citations on a single Sunday (Roth, 2003).

In contrast to these articles reporting illegal ATV activity, Kopec, in an article published in *The Times Leader* on November 16, 2003, entitled “Many ATV Riders Find Fun in Safety,” documents the attitudes of many ATV riders who use their machines responsibly. Kopec reports that many ATV users who insist on responsible riding join clubs of like-minded riders committed to lawful riding. These are ATV users who operate their machines conservatively, ride in designated areas, and pack out their trash. These are the riders who enjoy the outdoors, and find ATVs useful for extending their excursions into the forest. Club members report that lawful ATV riding is expensive: machines must be transported to approved or private ATV use areas; user fees are usually charged at facilities allowing ATV use; and there are no public facilities in Luzerne County, necessitating travel for many ATV users. ATV users with little free time lament the lack of public facilities in Luzerne County. They believe an ATV trail facility in Luzerne County would not only serve Luzerne County, but would draw ATV enthusiasts from across the northeast, bringing with them tourism dollars (Kopec, 2003).

An article by Marcy, also published in *The Times Leader* on November 16, 2003, entitled “Former Mine Lands Are Seen as Solution to Make All Happy,” suggests that the success of the Hatfield-McCoy Regional Recreation Area in West Virginia using abandoned mining areas could serve as a model for Luzerne County. The Hatfield-McCoy facility provides recreational use, contributes to economic development, makes beneficial use of land with few other uses, and satisfies the concerns of ATV enthusiasts and environmentalists. Marcy suggests that the tens of thousands of acres of abandoned mining land in Luzerne County, much of it under the control of Earth Conservancy, could perhaps provide similar benefits as the Hatfield-McCoy facility (Marcy, 2003).

Documentation of Need Summary

The numbers of ATVs sold in the US and Pennsylvania have been increasing over the past decade, and appear to be continuing to increase. Luzerne County has the fourth highest ATV registration numbers in PA; however the available designated trails for ATV use are few, geographically widespread, and isolated, in that the trails are not connected in a system allowing ATV passage between them.

Newspaper articles from the region report that most ATV riders prefer to ride responsibly; they hope for more riding opportunities, and are willing to transport their ATVs to designated riding areas or private property where they have permission to ride. Some ATV riders resort to illegal riding, using their machines on public roadways or on private property without

permission. Those ATV riders that do resort to illegal riding have earned a reputation that appears to color the reputation of the larger, responsible riding community.

Outspoken members of the ATV community believe that an increase in the available trails designated for ATV use will effectively reduce the illegal ATV riding in the region. Further, they believe the large tracts of abandoned coal mine lands extant in the Lower Wyoming Valley could be useful for the development of ATV trails.

Steering Committee

In an effort to better understand the viability of developing designated ATV trail facilities in the Lower Wyoming Valley, EC, a non-profit 501 (c) (3) corporation, commissioned this feasibility study. The study was funded by the DCNR, Luzerne County, and EC. A steering committee was established to foster discussion among parties interested in the issue, and to drive the study by raising questions important to a complete understanding of the needs of all stakeholders.

The steering committee represented a cross-section of the Lower Wyoming Valley community including government agencies, elected officials, landowners, ATV enthusiasts and residents:

Commonwealth Agencies/Entities

- Department of Conservation and Natural Resources
- Pennsylvania Game Commission
- Local Representatives to PA House

Local Government

- Luzerne County
- Warrior Run Boro
- Newport Township

Public Utilities

- Pennsylvania Power and Light
- UGI

ATV Clubs and Special Interest Groups

- Black Diamond ATV Club
- Valley ATV Club
- Pocono Mountain ATV Club
- Black Mountain ATV Club
- PA Atving.com

ATV Dealer

- Riders World

The steering committee also included representation from Earth Conservancy's feasibility study consultant, Pennoni Associates Inc.

Roles and Responsibilities of the Steering Committee were to: provide an open forum for discussion about the feasibility of establishing ATV trails in the Lower Wyoming Valley; identify issues pertinent to the development of ATV trails in the Lower Wyoming Valley; and approve the completed feasibility study as having addressed the pertinent issues.

The issues identified for exploration by the steering committee were: the increase of illegal ATV riding on Earth Conservancy land and State Game lands, as well as other private property near residential areas and on public streets; the desire of the Lower Wyoming Valley ATV community to find legal riding venues; ATV facility ownership and operational alternatives in the region and; possible property locations for development of an ATV facility in the Lower Wyoming Valley.

Steering Committee Summary

A Steering Committee initiated by Earth Conservancy was convened to drive the discussion associated with the development of this feasibility study. The Steering Committee is comprised of a diverse membership including representation by state and local governments, public utilities, ATV clubs and special interest groups, and an ATV dealer. This Committee is responsible to drive the development of a feasibility study by raising questions pertinent to the larger issue of ATV facility establishment in Luzerne the Lower Wyoming Valley.

Study Criteria

As a way of simplifying the complexity of the larger issue of establishing an ATV facility in the Lower Wyoming Valley along with its many side issues, and to organize the data collected, criteria were established that when taken together would articulate whether the establishment of an ATV facility in the Lower Wyoming Valley is feasible. These criteria are as follows:

- Need, defined by a comparison between the numbers of ATVs and the places to ride them;
- Community Support;
- Financial Sustainability, defined by a comparison between the estimated expenses and the estimated revenues associated with establishing and operating an ATV facility;
- Estimated regional economic impact;
- Conceptual locations, including consideration of environmental issues, existing and planned land uses, soils, access, and potential for trailhead facilities such as parking;
- Ownership alternatives;
- Operational alternatives;
- Legal issues;
- Liability issues.

These criteria represent an overview of the issues explored in this study, as well as a framework upon which an argument for, or against, the feasibility of establishing an ATV facility might be built. Further, these criteria are consistent with those articulated in the *Pennsylvania Trail Design Manual for Off-highway Recreational Vehicles* produced for the DCNR by the Larson Design Group, and *Park Guidelines for Off-highway Vehicles* by Fogg.

In addition to these criteria, we have included a section exploring enforcement issues. This information includes ecological issues such as noise, vandalism, trespassing, and riding out-of-bounds.

Need

From a purely quantitative perspective, this criterion examines the number of ATVs needing a place for use and compares that to the trail miles available. However, need is also a perception, so qualitative data that includes information in the public realm in the form of newspaper reporting and Internet chatter must also be considered. Taken together, quantitative and qualitative data can provide a sense of the real and the felt needs about the establishment of an ATV facility of the affected population.

Community Support

This criterion is largely an exploration of community response to the work of the steering committee. Of interest is not only the level of excitement of the community to the discussions of ATV facility feasibility, but also if that excitement translates into action.

Financial Sustainability

The sustainability of an ATV facility depends entirely upon its ability to consistently produce income. This criterion compares the estimated costs of start-up, and operations and maintenance over a five-year period with estimated income projections over the same time period.

Estimated Regional Economic Impact

A significant ATV facility will draw most of its enthusiasts from within a three-hour driving range. This criterion requires the exploration of the estimated ATV enthusiast population from this potential service area and consider the amount of money these enthusiasts might bring to the region in which the ATV facility is located.

Conceptual Locations

Several parcels of land in two townships encompassing hundreds of acres fell into the purview of this study. This criterion required the consideration of the relationship of each parcel with the local roadway system, surrounding land uses, environmental issues such as wetland areas and steep terrain areas, and the plans and desires of the local governments. This criterion will also explore locations with respect for proximity to developed area because of the noise and dust associated with ATV use.

Ownership and Operational Alternatives

For an ATV facility to be sustainable, ownership and operation must be conducted by a party or parties committed to the facility's success over time. This criterion requires exploration of various possible ownership options including present owners, local governments, private citizens, and non-profit organizations.

Legal and Liability Issues

Legal advice falls to the expertise of legal counsel. This criterion requires the exploration of possible legal considerations such as risk management. Insurance, and Pennsylvania's Recreational Use Statute, and how these figure into risk management are the focus within this discussion. This criterion also considers the enforcement of facility rules intended to reduce risk, and increase the likelihood of good relations between a facility and its neighbors.

Public Response to the Work of the Steering Committee

The convening of the Steering Committee was an important event for ATV enthusiasts in Luzerne County. The committee's work created a ripple of response extending across the ATV community. This response was not limited to excitement about the possibilities that might come from the work of the steering committee, but also resulted in positive action by some enthusiasts to seize upon any opportunities that might result. Following are observations of public opinion about the steering committee, and observations of enthusiast action concurrent with the tenure of the steering committee.

Public reaction in Luzerne County to the formation of the Steering Committee was generally positive. Venesky, in an article entitled "Feasibility Study to Determine Viability of ATV Facility," published on August 11, 2003, in *The Citizens' Voice*, reported that the need for legal riding areas is made apparent by EC's and others' experiences with illegal ATV use in the region. The article includes quotes by EC's director of public affairs that the study is an effort to understand the problem of illegal ATV use and how the establishment of trails might be useful for remediation of the problem. The article included a cautionary note that the study will not necessarily lead to the establishment of trails on EC property (Venesky, 2003).

PaATVing.com is an Internet chat forum for people interested in ATV riding. Greg Hamill, president of the Pocono Mountain ATV Club and a member of the Steering Committee, posted a narrative, positive in tone, of his initial experience with the Steering Committee. Mr. Hamill's comments described the enthusiasm of the Steering Committee's first meeting, and he made every effort to extend that enthusiasm to his readers on the Forum. Numerous responses to Mr. Hamill's comments were posted, most expressing excitement about the formation of the Steering Committee and hope for the possibility of the establishment of trails for ATV use.

During the tenure of the steering committee, public activity by members of the ATV enthusiast community, as well as others outside the ATVing community has been observed. PA Atving.com, the forum for ATV users to communicate using the Internet mentioned above has continued to include discussion about EC's feasibility study and its implications. The comments posted by respondents from within the ATV community have shifted from excitement about the possibility of an entity outside the ATV community providing land for trail development to a realization that *securing land for trail development will more likely result from the mobilization of the ATV community's resources*. This is a significant shift in perception, and signals the emerging empowerment of the ATV community in Luzerne County.

The Black Diamond ATV Club, in an effort to provide a service to the area and to establish a positive reputation for the ATVing community in the region, has made itself useful to local law enforcement and emergency services for search and rescue operations in which ATVs are particularly well suited for increasing mobility. This club has developed an emergency services platform towable by an ATV for deep forest access, increasing the effectiveness of search and rescue operations. In so doing, this organization has established good will

between ATV enthusiasts and law enforcement, and raised awareness of the benefits of ATVs and their enthusiasts to the larger community.

The activities of the Black Diamond ATV Club raise an interesting issue. Community support is often understood as an issue of the non-enthusiast community making some concession(s) in support of ATVing, but the activities of the Black Diamond ATV Club suggest public involvement could just as well be about what ATVing is doing for the community. The primary way ATVing can be involved in the local community is its fiscal participation. ATV enthusiasts spend money to enjoy their sport. The question has traditionally been; will they spend their money in the communities that support their activities? However, this kind of fiscal participation is where the discussion of the ATVing community's contribution to the larger community typically ends. The activities of the Black Diamond ATV Club have extended the discussion, and challenged ATV enthusiasts to discover reasons for communities located in regions best situated for ATV activities to desire their presence.

Outside the community of ATV enthusiasts, there is significant opposition to ATV use. The breadth of this opposition can be discerned from articles in Luzerne County newspapers, some of which have been previously cited in this study. Opposition to ATV use is generally found in environmental conservation groups, which are concerned with environmental damage done by off-road vehicles, in municipal governments concerned with illegal ATV use on public streets and other public properties, among landowners whose properties are abused by illegal ATV riding, and among individuals offended by the noise or dust raised by nearby ATV use or the deviant behavior of some ATV riders. The opposition, as reported publicly in newspaper articles, comments at public meetings, and in discussions with concerned individuals, is generally a reaction to illegal ATV activities, rather than a philosophical concern with the existence of ATVs. Following this evidence to a logical conclusion suggests that if opposition to ATVs is generally based upon the illegal use of ATVs, then removing ATVs to legal riding areas would reduce the general opposition to them.

Specific concern with, or opposition to, ATV use in Luzerne County includes two cases of local community opposition. The Borough of Sugar Notch passed an ordinance prohibiting ATV use within the Borough except on ATV users' own property. Jackson Township considered an ordinance regulating ATV use, but tabled the issue. In both cases the issue drew significant public interest, with strong feelings reported among those in opposition to ATV use, as well as among ATV enthusiasts.

Public Response Summary

Public reaction to the commissioning of the feasibility study and the convening of the Steering Committee, particularly among ATV users, has been favorable. Indeed, the work of the Steering Committee may have shifted the perceptions of the ATV enthusiast community from expecting land for a trail facility to come from outside their community to recognizing that the realization of a trail facility will come from the mobilization of their own resources.

PaATVing.com has contributed to the empowerment of the ATVing community by providing a forum by which the community's members may question and discuss the important issues of establishing safe and legal venues for their sport, which is their ultimate goal. Black Diamond ATV Club has set a standard for demonstrating the responsibility of most ATV users, and extended the discussion of how much the ATVing community can do to make its presence desirable to the larger community.

Opposition to ATV use is significant, but not organized. Generally, opposition to ATV use as reported in local newspaper articles is a reaction to irresponsible or illegal ATV user behavior. There does not appear to be a philosophical opposition to the existence of ATVs, suggesting that if ATV use was increasingly conducted at safe and legal venues, opposition to ATV use would subsequently decrease.

Financial Feasibility and Sustainability

The steering committee explored issues of financial feasibility and sustainability including the expenses associated with facility development and operation, sources of revenue, and finally, economic impacts to the region.

Expenses

Expenses associated with the development of an ATV Trail facility include securing land, planning and design, permitting, construction costs, facility operations costs, and maintenance.

Securing Land

The largest single expense in the development of an ATV trail facility is securing land. Land can be secured by several methods including purchase, lease, or other transfers of ownership such as easements or (options to) purchase agreements. A fee simple purchase is perhaps the most desirable arrangement because, other than adherence to the requirements of the agency providing funding for the purchase, or deed restrictions placed by any given grantor, ownership allows some flexibility. However, this alternative is initially the most expensive because the prospective owner must have, or be able to secure by grant or loan, the entire cost of the property up front.

A lease agreement can be beneficial to the extant, or existing, landowner as well as the prospective land manager. In an appropriate agreement, the extant landowner is paid a fee for the use of their land, allowing them continued ownership of the asset, as well income from it for the duration of the lease agreement. The lessee benefits by taking use of the property without the burden of securing a full purchase price. The lease agreement does require agreement between the owner and the lessee as to the proper use of the land, the duration of the agreement, the method of generating income from the land and share of that income between the owner and lessee, as well as liability and other issues. An example of a beneficial lease agreement for the establishment of an ATV trail facility is that between the owners of the land upon which Rausch Creek Motorsports Park is operated, and the TCTRI in Schuylkill County. More information is available about the TCTRI in the Case Studies section of this study.

A (option to) purchase agreement can also be beneficial to the extant landowner as well as the prospective land manager. With this kind of agreement the prospective landowner secures, usually with a down-payment and subsequent regular payments, the option to purchase the tract at an agreed price at a later time. The down-payment essentially purchases the option, while subsequent regular payments retain the right to use the land immediately. These regular payments may be amortized, further reducing the purchase price at the time the option is exercised. As in a lease agreement, the extant landowner and the prospective landowner are bound to agreement as to the use of the land, the duration of the agreement and liability issues, as both parties possess interest in the land for a time. However, this

agreement has greater sustainability for the prospective landowner's enterprise, as the prospective landowner will at some future time enjoy the benefits of land ownership.

Securing easements may be useful for the establishment of limited trails. Easements are generally rights of passage granted across narrow strips of land for a relatively modest price. This would be a useful means of establishing connectivity between isolated ATV use facilities, thus building a trail system. This would not be a particularly useful means of developing a complete trail facility.

Planning and Design

After a tract of land is secured, a trail system and its appurtenances must be planned and designed. Ideally, this work would be contracted to professional engineers, who are familiar with the design of such facilities. Following are lists of some considerations in facility design. These lists are not intended to be exhaustive, but are offered as helps in determining the feasibility of establishing an ATV facility in the Lower Wyoming Valley.

Permitting

In addition to actual trail design, permitting is an important part of a complete trail facility planning. The *Pennsylvania Trail Design Manual for Off-highway Recreational Vehicles* published by the Larson Design Group (2003) contains valuable information for the design of a suitable off-highway vehicle facility. That document lists the individual permits that would be required for a full-service ATV facility:

- Wetland Review
- Pennsylvania Natural Diversity Inventory (PNDI)
- Pennsylvania Historical and Museum Commission (PHMC)
- Labor and Industry
- Department of Environmental Protection (DEP)
- Sewage Facilities
- Erosion and Sediment Pollution Control
- Local Permits
- PENNDOT Highway Occupancy Permit

Construction Costs

After planning and design have been completed and all permits have been secured, construction costs must be considered. The *Park Guidelines for Off-Highway Vehicles* by Fogg (2002), published by the National Off-Highway Vehicle Conservation Council, offers estimated costs for general categories of activities associated with the development of an off-highway facility. The following estimated costs are from Fogg, and are offered as evidence of the range of costs for facility construction.

- 12 miles of 8' wide trail - \$100,000
- Training Area with Fencing and Restrooms - \$69,000
- Four Acre Obstacle Course with Fencing and Restrooms - \$497,000
- Entry Roads and Parking for 20 Vehicles - \$25,000

Facility Operations

"Operations" is the component of facility establishment that includes the day-to-day running of the facility. Appropriately planning the operations of a facility is key to the long-term sustainability of that facility. "Operations" includes the daily costs of (Fogg, 2002):

- Utility system
- Landscape maintenance
- Trail grooming
- Trash pickup
- Fee collection
- Liability
- Security and enforcement

Maintenance

Finally, maintenance costs must be considered in the planning of any sustainable facility. The continual care of a facility will ensure it is safe and enjoyable to use. While other aspects of facility development require funding, maintenance is unique in that this may be the place where human capital, in terms of volunteers, is most valuable. Generally, maintenance includes (Fogg, 2002):

- Painting
- Repair of the hardscape
- Repair of the buildings
- Repair of the utilities
- Repair and/or resurfacing of roads, parking, and trails

Estimated Expenses

Following is a chart outlining estimated expenses for the development of an ATV Trail facility in Luzerne County. These estimates are based upon several sources including Fogg (2002), consulting engineering experience, and the reported expenses from actual case studies, including interviews with regional facilities managers. In some instances, we began with costs from Fogg, which uses costs based upon national averages and which are higher than costs reported in Pennsylvania. We then adjusted those costs to be more congruent with expected costs in Luzerne County as indicated by our consulting engineering experience and from interviews with facility managers in Pennsylvania who revealed some of their actual costs.

Estimated Expenses - 5 Year Build

Land		\$1,000,000.00
Permitting		\$50,000.00
Design	7% of Construction Total	\$93,940.00
Construction	General Site Development	\$245,000.00
	Architectural Structures	\$250,000.00
	Paved Parking Areas	\$100,000.00
	Utilities	\$270,000.00
	ATV Obstacle Course	\$377,000.00
	Bog Area	
	Hill-climb Area	
	Track Area	
	Trails (\$5,000 / Mile Trails)	\$100,000.00
	Contract Administration	\$93,940.00
	Total Construction	\$1,435,940.00
Operations	(Including Insurance Costs of \$12,000 to \$15,000 / Year)	\$400,000.00
Maintenance		\$250,000.00
Total 5 Year Build		\$3,229,880.00
1 Year Expenses (Avg.)		\$645,976.00
Year 1 Expenses		\$761,128.00
Year 2 Expenses		\$617,188.00
Year 3 Expenses		\$617,188.00
Year 4 Expenses		\$617,188.00
Year 5 Expenses		\$617,188.00
Total 5 Year Build		\$3,229,880.00

Revenues

Possible sources of revenue for sustaining an ATV Trail facility include memberships and usage fees, grants, events, training programs, storage rentals, and human capital in the form of volunteers.

Memberships and Usage Fees

Usage Fees are fees that may be charged to users of a facility as a means of funding that facility's operations. Fees may be arranged in a schedule with categories for periods of use. For example, daily and seasonal rates may be charged, with seasonal rates higher than daily rates, but low enough to be attractive to regular user of the facility. If a non-profit organization owns the facility, membership fees for regular users may be assessed with lower usage rates charged to their members than those charge to non-members. Similarly, if a governmental entity owns the facility, lower usage fees may be charged to the citizens within that entity's jurisdiction than the fees charged to other users. While grants may provide the bulk of cash necessary for land purchases or capital improvements, usage fees would be a primary source of funding for operations and maintenance of the facility.

A detrimental effect of charging usage fees would be the impact to the facilities coverage under Title 68 regarding the limitation of liability to land owners that allow the recreational use of their facilities without charge. Charging usage fees makes the cost of liability an issue in the cost of doing business.

DCNR does not charge usage fees for its ATV trails; however the Federal government charges usage fees for ATV trail riding in National Forests, and private owners charge usage fees for riding at their facilities.

Grants

DCNR may use money from the registration fees and fines they collect to award grants to municipalities and organizations, both non-profit and for-profit, for ATV use on lands other than those owned by the Commonwealth. Grants may be used to buy land, develop plans and surveys, construct and maintain ATV trails and parks, buy equipment, and conduct training relating to ATV use (PA DCNR Internet Site, accessed 4/15/2003, www.dcnr.state.pa.us/forestry/atv/getinvolved.htm).

Events

Events are ways that a facility owner/manager can promote their sport by raising awareness among the general population, attract new enthusiasts to the sport, promote their own facility, and provide income to the facility. The focus of events can vary widely, from fun runs and picnicking for families to racing or "trials" events that demonstrate extreme capabilities of riders and machines.

The success of any event depends upon a clearly stated focus, participant targeted publicity, sufficient preparation, and a committed volunteer force. When all of these elements are present, an event may benefit the facility by bringing new users and providing income (Fogg, 2002). The sport itself, as well as ATV businesses may benefit by the event bringing new interest and enthusiasts. Local business may benefit by the infusion of tourist dollars surrounding the event, particularly if the event is an all-weekend event, requiring local meals and lodging.

Training Programs

The single most important way of reducing the danger of ATV use is the development of safe riding habits by ATV enthusiasts. The best way to disseminate safe riding information is for responsible, experienced riders to demonstrate safe riding behavior to irresponsible or inexperienced riders. A way to do this is through the development of training programs such as riders' clinics, or even trail licensing for riders who have completed a riders' clinic or passed a competency test. Riders' clinics could be conducted by local ATV club members, and include such elements as knowledge about rules and sanctions, demonstrated competencies, and basic machine maintenance. The depth and breadth of such training programs would be best determined by facility owner/managers, along with senior members of local ATV clubs and local ATV dealers.

Presently, Commonwealth law requires that children between the ages of 10 and 15 years take an approved ATV training course before they may operate an ATV off their parents' property (children under 10 years of age may only operate an ATV on their parents' property). Among the training courses offered by an ATV facility owner/manager could be an approved safety training course for children, ages 10 through 15 years, thus promoting safety for its ridership and good will in the community.

Storage Rentals

Except for ATV trail users whose homes adjoin facility property, users must transport their machines to a facility. Some users may prefer the opportunity to leave their ATV(s) at the facility for a season, or indefinitely. Providing all-weather storage facilities is a way to benefit the users of a trail facility as well as the owners/managers of the facility. Storage facilities could be simply built with inexpensive materials, and would be suitable projects for volunteer labor. A rental fee charged to storage building users would offset the cost of construction, and eventually provide income to the facility, while filling the need of some trail users to keep their machines at the trailhead.

Volunteers

While difficult to quantify as income, the efforts of volunteers may contribute to the sustainability of a facility by contributing to its maintenance without increasing its financial liability. Volunteers may also contribute to the facility by performing specialized operational tasks for which they are qualified such as safety training or administration, or generalizable tasks such as providing labor to reduce the costs of construction.

		Estimated Revenues				
		Number	Income/ Each	Category Total	Sub-total	Total
Fees						
	Memberships	2,000	200		400,000	
	Usage Fees					
	Daily	2,400	25	60,000		
	Monthly	1,000	100	100,000		
	Total Usage Fees				160,000	
	Fines	500	25		12,500	
	Total Fees					572,500
Events						
		4	2,000			8,000
Training						
		200	25			5,000
Storage Rentals						
		20	420			8,400
Yearly Total						593,900
5 Year Sub-total						2,969,500
Grant						
		1	1,000,000			1,000,000
5 Year Total						3,969,500

This chart outlines estimated potential revenues from an ATV Trail facility, if developed, in Luzerne County. These estimates are based upon several sources including Fogg (2002) and the reported expenses from actual case studies.

Regional Economic Impact

Two methods may be used to identify demand for a prospective ATV trail facility. These methods are the Activity Participation Rate Method and the Comparative Demand Method. The Activity Participation Rate Method uses a factor that represents the percentage of the population that engages in a given activity, and multiplying that factor times the population to arrive at an estimate of participants in that activity. The Comparative Demand Method compares regional features at the proposed facility with regional features of an extant facility to gauge possible outcomes at the proposed facility.

Service Area

Before an appropriate activity engagement factor can be applied, an appropriate service area must be determined. Service area is the geographic extent of the population the park will serve (Fogg, 2002). Our view of an appropriate service area for an ATV facility located in the Lower Wyoming Valley further discerns between an *immediate service area* and an *extended service area*. We would expect most usage of such a facility to come from Luzerne County and its immediately adjoining counties, thus defining this as the immediate service area. The following population numbers for Luzerne County and its adjoining counties are from the Year 2000 U.S. Census:

- Luzerne County has a population of 319,250 (Census 2000 Profile, Pennsylvania)
- The counties immediately adjoining Luzerne County and their population numbers are:

Carbon County:	58,802
Columbia County:	64,151
Lackawanna County:	213,295
Monroe County:	138,687
Schuylkill County:	150,336
Wyoming County:	28,080
- The population total for Luzerne County and its adjoining counties is: 972,601

However, a facility of significant size and services offered could attract users from beyond Luzerne County's adjoining counties. This would be an *extended service area*. The potential population reached is described below in the Driving Range section of this report. The potential economic impact explored in this report includes the extended service area, but participation rate factors are weighted toward the immediate service area. For simplicity in the discussion about potential service area based on driving range that follows, the factors are weighted toward the one-hour driving time rather than using the specific populations of Luzerne County and its adjoining counties.

Driving Range

The distances that ATV enthusiasts are willing to drive to an ATV facility vary depending upon several factors, including the location of population centers, the uniqueness of the facility, the availability of similar facilities at other sites, activities provided, promotional efforts, and ease of accessibility (Fogg, 2002).

According to Fogg (2002) site developers, when considering the population of possible users, must consider the population within a three-hour drive time of the proposed facility site. Further, facilities that offer sufficient trail activity for a weekend can be expected to draw users from a four to six-hour drive time. Following are mileage and driving times from Wilkes-Barre in Luzerne County to major eastern cities:

•	Allentown, PA	78 miles	1.5 hours
•	Baltimore, MD	192 miles	3.5 hours
•	Harrisburg, PA	126 miles	2.0 hours
•	New York, NY	125 miles	2.5 hours
•	Philadelphia, PA	117 miles	2.0 hours
•	Pittsburgh, PA	280 miles	5.0 hours

These mileage and estimated driving time figures demonstrate how well placed Luzerne County is for attracting tourism dollars from significant population areas.

Populations within specific driving times were calculated based upon figures from the Year 2000 U.S. Census, by County populations. Driving distance radii were drawn with the center-point at Wilkes-Barre, and divided counties were weighted considering area and populations concentrations. The estimated populations of areas within given driving times are:

•	1 Hour driving time (50 miles radius)	1,785,524
•	2 Hours driving time (100 miles radius)	11,970,397
•	3 Hours driving time (150 miles radius)	25,766,895



Activity Participation Rate Method

Fogg, 2002, quotes the 1999 Roper Starch Survey showing off-road vehicle driving at seven percent of the population. There are concerns with that number for the purposes here because it includes all off-road vehicle use, such as four-wheel-drives, sport-utility-vehicles, and off-road motorcycles as well as ATVs. However, the seven percent figure is the best general figure available, and may be useful so long as the reader is aware that because ATV use is one of several uses combined in the factor, the resulting estimate will be high in terms of ATV use.

Using the seven percent figure, an off-road trail facility located in Luzerne County very near Wilkes-Barre could expect to draw from a possible facility user population of nearly two million, located within a three-hour driving time. Again, this number includes all off-roaders, not just ATV users. Seven percent of the populations within the one, two, and three hour driving times would be:

- 1 Hour driving time (50 miles radius) 124,987
- 2 Hours driving time (100 miles radius) 837,927
- 3 Hours driving time (150 miles radius) 1,803,683

However, using actual census data and ATV registrations in Pennsylvania, more accurate numbers may be developed for Pennsylvania. Using the ATV registration figures for Luzerne County and its adjoining counties, and dividing those by population figures for those same counties, a percentage of ATV ownership for the region around Luzerne County may be calculated. That number is 3.23 percent. Also, using the population data for Pennsylvania and the total ATV registration figures for Pennsylvania, a percentage for the state may be calculated. That number calculates to 2.03 percent.

An appropriate method of calculating possible populations of trail users by driving time would be to use the 3.23 percent figure for the one hour driving time calculation, and the 2.03 percent figure for two and three hour driving times, as these distances represent areas outside the Luzerne County region, and may be best represented by the statewide number. As such, the possible users by driving time would be:

- 1 Hour driving time (50 miles radius) 57,672
- 2 Hours driving time (100 miles radius) 264,425
- 3 Hours driving time (150 miles radius) 544,494

Using the factors calculated for Pennsylvania, an off-road trail facility located in the Lower Wyoming Valley near Wilkes-Barre, could expect to draw from a possible ATV enthusiast population of approximately one-half million users located within a three-hour driving time. This figure probably more closely represents the expectations of an ATV enthusiast population for the northeast Pennsylvania region than the figure calculated using the 1999 Roper Starch Survey factor.

Comparative Demand Method

The comparative demand method compares the regional features of a proposed facility to those of an extant facility with similar regional features. A very successful abandoned mine lands-to-trails facility is the Hatfield-McCoy facility in West Virginia, and is often the first facility that comes to mind when abandoned mine lands-to-trails is mentioned. Indeed, Hatfield-McCoy was often mentioned in discussions with interested persons through the course of this study research. At first blush the ecology of this facility does appear similar to the Luzerne County region; however upon closer inspection many factors affecting that facility's success are dissimilar to Luzerne County's circumstances. Chief among these dissimilarities is governmental participation. The Hatfield-McCoy facility was created by an act of the West Virginia Legislature. By so doing, a myriad of governmental agencies were able to be mobilized for development of that facility. A second dissimilarity is the size of the facility. The Hatfield-McCoy facility is larger than any of the individual parcels in Luzerne County. A third dissimilarity is the mining operation of the land. At Hatfield-McCoy, some mining operations are ongoing. As these ongoing operations shift, the trail system shifts accordingly, offering a constantly changing trail system. In Luzerne County, mining operations that have ceased have ceased permanently, leaving the land blighted and in need of remediation.

This is not to say that an abandoned mining lands-to-trails facility in Luzerne County would not be successful because some regional features are dissimilar from the Hatfield-McCoy operation. Rather, we are suggesting that a facility in Luzerne County would be successful, or not, based upon its own merits, not its comparative features to Hatfield-McCoy. We do not yet have enough examples with similar characteristics to suggest success or failure in Luzerne County using the comparative demand method.

Economic Impacts

Daily Expenditures

A survey conducted during year 2000 in Colorado showed that off-highway vehicle users spent \$100/day for day trips and \$265/day for overnight trips (Fogg, 2002). Using the possible demand figures for facility user populations calculated above, the possible expenditures by off-road trail facility users could be:

- **Day Trips**

1 Hour driving time (50 miles radius)	\$5,767,200
2 Hours driving time (100 miles radius)	\$26,442,500
3 Hours driving time (150 miles radius)	\$54,449,400
- **Overnight Trips**

1 Hour driving time (50 miles radius)	\$15,283,080
2 Hours driving time (100 miles radius)	\$70,072,625
3 Hours driving time (150 miles radius)	\$144,290,910

However, these calculations use average expenditure figures from a study in Colorado, which may represent average expenditures generally across the country, but may not accurately represent average expenditures in the Northeast region of the country.

A tool useful for better understanding possible economic impacts in Luzerne County may be a study prepared by Drs. Okrant and Goss of the Institute for New Hampshire Studies at the Plymouth State University. They conducted a study of economic impacts of ATV and Trailbiking tourism in New Hampshire from July 2002 to June 2003 for The Granite State All-terrain Vehicle Association. Their study may be useful here in that their daily and overnight trip expenditures are from a region of the country much closer to Luzerne County than Colorado, and their study considers the numbers of trips in a season by active enthusiasts.

Drs. Okrant and Goss found that, in New Hampshire, the average spending per visitor day by ATV/trailbiking enthusiasts was \$60.12 for in-state travel parties and \$46.40 for out-of-state travel parties. A possible explanation for the in-state spending figure being higher than the out-of-state figure for the New Hampshire study is the size of that state. Out-of-state visitors to New Hampshire from adjoining states would not necessarily have to stay overnight, and could conceivably pack in their supplies, limiting their expenditures in-state. In the Luzerne County region of Pennsylvania, out-of-state visitors staying overnight is a reasonable expectation. In Pennsylvania, the out-of-state visitor expenditure figure would probably be higher than the in-state visitor expenditure figure. However, lacking a study of the depth of the New Hampshire study specifically for Pennsylvania, the New Hampshire study figures will be used here, recognizing that the estimated dollar figures for in-state expenditures among those traveling greater distances could be higher.

Applying those figures to the possible facility users' population surrounding Luzerne County gives these results:

•	1 Hour driving time (50 miles radius)	\$3,467,241
•	2 Hours driving time (100 miles radius)	\$15,897,231
•	3 Hours driving time (150 miles radius)	\$25,264,522

For these totals, the in-state rate for daily expenditures generated by the New Hampshire study was used for the one- and two-hour driving time categories. The out-of state rate for daily expenditures was used for the three-hour driving time category.

Annual Expenditures

In Idaho, a survey conducted during year 2000 showed that off-highway vehicle users spent an average of \$3,000/person for clothing, lodging, restaurants, groceries, gas, and miscellaneous items associated with their sport (Fogg, 2002). Applying that figure to the activity participation rates calculated above, the annual expenditures by ATV enthusiasts near Luzerne County could be:

•	1 Hour driving time (50 miles radius)	\$173,016,000
•	2 Hours driving time (100 miles radius)	\$793,275,000
•	3 Hours driving time (150 miles radius)	\$1,633,482,000

While the accuracy of these figures is questionable because the annual expenditures for ATV enthusiasts in Idaho do not necessarily apply to ATV enthusiasts in Pennsylvania, the size of these dollar figures is useful for understanding that ATVing is not an inexpensive sport, and enthusiasts are willing to spend significant sums to support their activities. The region that attracts ATV enthusiasts by providing the facilities they need will position itself to benefit from the cash these enthusiasts are willing to spend for their sport.

Financial Feasibility and Sustainability Summary

The single largest expense in establishing an ATV trail facility is the land. Associated expenses are significant, though, and include trail design, environmental permitting, construction, operations, and maintenance. However, these costs can be manageable when balanced against possible revenues available to the operators of a successful facility. Possible revenues include usage fees, grants (for land purchases and physical plant development), proceeds from special events, fees from training programs, profits from renting storage facilities, and one of the most significant – volunteers.

A successful facility can do more than sustain itself. A successful facility can attract enthusiasts from beyond its own region, infusing the area with tourism dollars. Studies from around the US have shown that ATV enthusiasts enjoy a sport that can be expensive. The sport requires not only the costs of the machines and their maintenance, but also requires the ability to transport the machines, operating costs, insurance and registration, specialized clothing and safety gear, and travel expenses. Some of these costs are necessarily spent near the enthusiasts' homes; however some of these costs are spent nearer the facility where the sport is enjoyed.

As mentioned, Luzerne County has the fourth highest ATV registration numbers in the Commonwealth. Not only is Luzerne County home to many ATV enthusiasts, but the region's proximity to significant population centers such as New York City, Philadelphia, Baltimore, Washington, D.C., and Pittsburgh, as well as other significant regional centers such as Allentown, Erie, and Harrisburg place Luzerne County in a unique position to attract significant tourism dollars. The beauty of the Northeast Pennsylvania region, as well as the popularity of ATVing beyond rural and small-town areas, suggest that a significant ATV facility in Luzerne County could be well-placed for attracting some of the available tourism dollars.

Conceptual Locations

Important to establishing an ATV trail facility is choosing the most feasible location. Choosing the most appropriate location depends upon a matrix of needs issues such as the types of ATVs to be supported by the facility, and the riding styles preferred by ATV enthusiasts, balanced against such factors as ownership options, available land, environmental concerns, proximity to residential areas, and site access.

Following is an exploration of needs issues beginning with a very general discussion of the types of ATVs, which leads to the types of facilities preferred by ATV enthusiasts. These needs issues are then followed by an exploration of environmental and ecological concerns and finally, an exploration of sites in the Lower Wyoming Valley.

Criteria for Consideration

Several criteria should be considered during the process of choosing the best location for an ATV trail facility. The foundational consideration is to choose open land. As already mentioned, a full-scale trail facility will require a large tract of land. An appropriate tract will be free of impediments to its intended purpose, and will also be separate from other land uses that are not congruent with the intended purpose.

By their very nature ATVs create noise and dust. Developed property should be avoided if at all possible. Proximity to residential development will negatively impact the residences with unwelcome noise and dust. If the ATV facility is of sufficient size and attracts enthusiasts from any distance, traffic to the facility could negatively impact residential streets and traffic patterns. Impacts to industrial development are less a concern in terms of noise and dust; however, proximity to an area developed for industrial use could place ATV transporters on roadways with heavy truck traffic.

Close proximity to developed areas could also place ATVs in close proximity to the objects of development such as above and below ground utilities. Utilities, whether located above or below ground, are typically associated with easements, which may affect trail development. Underground utilities typically surface at some point and the locations of these facilities can also affect trail development. While these kinds of impediments to trail development can be overcome, the imagination and work required add cost to the establishment of an ATV facility.

Impediments to the intended purpose aside, fulfilling the intended purpose of an ATV trail facility is best accomplished by seeking open land, separate from development. As already mentioned, ATV users have varying reasons for their ATV use. For some enthusiasts the machines themselves are the points of interest, so providing challenge areas and trails for simply enjoying riding is sufficient. Others appreciate ATVs for their utility in accessing hunting, trapping, or fishing opportunities. Others appreciate ATVs for their utility in accessing scenic vistas or observing flora and fauna. All of these intended ATV uses require open space separate from development.

Property ownership is an important consideration in selecting a tract of land for use. More is written about this issue in the Ownership / Operational Alternatives section of this study.

Types of ATVs

Sport ATVs are typically lighter, and more nimble in handling. These machines are designed for riding at higher speeds, and turning and climbing more aggressively than other types of ATVs. Sport ATVs are useful for general trail riding, but are capable of more extreme riding.

Utility ATVs are typically heavier and carry utilitarian accessories such as cargo racks and winches. These are useful for packing supplies and gear to remote destinations. Utility ATVs are useful for general trail riding, but would be less useful for extreme riding or racing. Typically, these are the machines used for work that requires access to remote areas, or are used by hunters, trappers, or fishers who enjoy their sport at more remote locations.

The types of ATVs reflect, to some degree, the attitudes and needs of their owners. While some riders use ATVs as an accessory to another sport or work, for others the ATV is the sport. A trail facility that appeals to the broad range of enthusiasts would include significant trail mileage to allow trail riding in search of exceptional vistas, or the simple pleasures of the forested outdoors. A facility with broad appeal will also include areas that present challenges to the ATVs and their riders.

Linear Trails

Perhaps the most desired type of off-road facilities because they are usable by all types of ATVs, linear trails require the most significant land investment in terms of volume. ATV enthusiasts desire trails that are not only challenging, but also trails that are fresh. That is, a short trail ridden repeatedly becomes uninteresting. Longer trails, or systems of trails, allow riders to experience the trails as though new, or fresh, without the feeling of being over the same ground again and again.



Providing long trails or systems of trails requires hundreds, even thousands, of acres. An example of the space requirements for linear trails is Paragon in Luzerne County. This facility is able to offer 130 miles of trails on 15,000 acres of land. More information is available about Paragon in the Case Studies section of this study.

Just by virtue of the scale, facilities in the thousands of acres increase the effort required for such issues as trail construction, maintenance, and enforcement. Significant trail systems extant in Pennsylvania are those operated by the TCTRI (6,000 acres), Paragon (15,000 acres) and Rausch Creek Motorsports (650 acres). The Cambria County Conservation and Recreation Authority recently received a grant to purchase 6,000 acres for conversion into an ATV trail riding facility.

“Challenge” or “Play” Areas/Tracks

In addition to trails, some ATV enthusiasts enjoy the use of areas that require more advanced technical riding skills that test both riders and machines. Such areas include characteristics such as riding through deep mud and water, riding on steep slopes, riding over large boulders, and perhaps short, steep slopes that allow jumping of the machines. These areas are



referred to in this study as “challenge” areas, but are also affectionately referred to as “play” areas by ATV enthusiasts, many of whom enjoy this riding style. ATVs engaged in these kinds of challenges are particularly destructive, especially in or near water and on steep slopes, where riding in the absence of sure traction is the challenge.

Allowing ATV riders to engage these kinds of challenges as they occur naturally raises certain environmental issues such as the destruction of flora, the destruction of fauna habitats, exposing soil to advanced erosion, and the sediment pollution of streams. To avoid environmental conflicts, and provide ATV enthusiasts with the challenges they desire, requires the establishment of challenge areas that provide the riding characteristics and features the off-road enthusiasts enjoy, but in a controlled facility, thereby reducing potential conflicts with naturally occurring challenges.

Challenge areas require less space than trails facilities, but encourage more destructive riding, requiring greater control over possible environmental conflicts. These areas would appeal to riders of sport ATVs. Essentially, a challenge area must be placed in a relatively isolated area, the location of which has no impact on sensitive environmental habitats. Challenge areas may be incorporated into a larger trails facility, or may exist as a facility on their own right.

Tracks generally promote competitive riding. These may be flat, or incorporate challenges similar to motocross tracks. Liability becomes an importation issue when competition is encouraged, increasing insurance premiums as much as tenfold.

The space required for special purpose facilities depends upon the unique combination of components the facility offers. A partial listing from *Park Guidelines for OHVs* by Fogg (2002) follows:

- Hill Climb – 15 acres, more or less
- Motocross – 15 acres, more or less
- Training Area – 10 acres, more or less
- Trailhead – 1 acre, more or less

Discussions in the steering committee identified the ideal facility as a linear trail system connecting play areas.

Environmental Issues

Environmental issues are an important consideration because the ATV facility operators will want to be good stewards of the land they use, and complex permitting processes will require good stewardship. Environmental issues include concern for the natural diversity of the land, the topography of the site including steep slopes and wetland areas, the soils present, cultural and historical resources, and site access.

Pennsylvania Natural Diversity Inventory (PNDI), Supplement No. 1, Search Forms were submitted to the Pennsylvania DEP for the area north of the Susquehanna River from Plymouth extending to Moon Lake, and the area south of the Susquehanna River extending from Nanticoke to Glen Lyon. Inventory was requested for very large areas (5,000 acres for the southern site and 1,500 acres for the northern site), so specific locations of the protected flora and fauna habitat “hits” cannot be determined. Continued research with specific agencies and the determination of specific locations of these protected habitat conflicts would be a foundational step in the development of trail design.

- Area North of the Susquehanna River (in Plymouth Township)
A PNDI search receipt dated 6/12/2004, revealed the following “hits:”
 - 3 potential plant conflicts*
 - Elymus Trachycaulus – Slender Wheatgrass – N – TU (1)
 - Prunus Pumila Var Susquehanae – PT (2)
 - 1 potential land invertebrate conflicts*
 - Hesperia Leonardus – Leonard’s Skipper (1)
 - 2 potential Federally Listed Species of Special Concern* (Not listed on the PNDI return)
- Area South of the Susquehanna River (in Newport Township)
A PNDI search receipt dated 5/25/2004, revealed the following hits:
 - 2 potential plant conflicts*
 - Bromus Kalmii (Brome Grass – N – TU (1)
 - Elymus Trachycaulus – Slender Wheatgrass – N – TU (1)
 - 1 potential Habitat conflict*
 - Ephemeral/Fluctuating Natural Pool (1)

2 potential Federally Listed Species of Special Concern (Not listed on the PNDI return)

Using the US Department of Agriculture, Soils Conservation Service Soils Survey for Luzerne County, soils that are considered unusable for roadway, trail, or pathway construction due to steep topography were identified and delineated on USGS mapping of the Earth Conservancy properties both north and south of the Susquehanna River. Placing ATV trails in these areas would result in accelerated erosion, as well as possibly



dangerous riding conditions for ATV enthusiasts. As much as possible, trail establishment in steep slope areas should be avoided. A possible conflict regarding steep slope areas is that riding up or down steep slopes is precisely the kind of challenge that some ATV enthusiasts enjoy. A resolution to this conflict would be to provide, at well-planned locations, steep slopes for use as challenges by ATV enthusiasts. The planning of these areas would consider soil type, drainage, and slope preservation, and would be well-marked as appropriate challenge areas. These areas would also require more maintenance by facility operators to prevent excessive deterioration.

Using the US Department of Agriculture, Soils Conservation Service Soils Survey for Luzerne County, soils that are considered hydric or otherwise unsuitable for roadway, trail, or pathway construction due to characteristics that support wetlands habitats were identified and delineated on USGS mapping of the EC properties both north and south of the Susquehanna River. As much as possible, trail establishment in wetland areas should be avoided. Wetlands are a protected habitat, and are easily destroyed. Again, as with steep slope areas, riding in wet or muddy areas is precisely the kind of challenge that some ATV enthusiasts enjoy. However, trails may never encroach on wetlands. Wetlands areas must be identified and well-marked so that all ATV riders avoid them. A resolution to the conflict with ATV riders who enjoy wet or muddy riding would be to develop challenge areas that retain water, creating the conditions enthusiasts enjoy.

In addition to steep slope soils, and hydric soils, other soils may not be conducive to sustainable trail establishment. The development of trails will require attention to the types of soils impacted and appropriate measures taken to relocate the trails, or to mitigate the risk to soils.

A search of the National Register of Historic Places Information System reveals that no conflicts with protected historic entities occur within the EC properties located in Plymouth Township or Newport Township.

Site access is an ecological issue of great importance in facility establishment and operation. Points of access may require the most forethought in the process of facility establishment and require the most development. Essentially, the points of access of a facility should be separate from residential or industrial development, but not isolated. Additionally, points of access should allow sufficient space for the secure parking of transport vehicles, the safe off-loading of ATVs, sufficient space for staging ATVs, possibly rest-room facilities for the convenience of users, and check-in facilities, depending on the operations format. If a facility operator chose to include storage facilities as part of their service, these would be located at the points of access. Highway Occupancy Permits for driveways, stormwater management engineering for parking areas, building permits for storage building, rest-rooms, and check-in shacks, sanitary sewage for rest-rooms, and water and electricity utility connections would all contribute to the complexity of points of access development. Because of this level of complexity, points of access must be chosen carefully, where the services desired may be provided, while avoiding negative impacts to other developed areas.

Existing/Planned Land Use

North of the Susquehanna River



EC has two parcels in Plymouth Township, north of the Susquehanna River. One parcel is approximately 365 acres and the second is approximately 420 acres. Luzerne County owns a 648 acres recreational park surrounding Moon Lake. There is a State Forest covering 1404 acres in Plymouth Township. PA Route 29 crosses the State Forest and divides these

properties offering no reasonable alternative for a safe trail crossing, limiting the movement of potential trail users across the parcels from Plymouth to Moon Lake.

EC staff met with the Plymouth Township Supervisors to review the work of this study. During this meeting the Supervisors indicated that they do not support ATV activities in the southern reaches of the Township near the Susquehanna River because of concerns over conflicts with residents in that area and possible future development there. This area includes the two Earth Conservancy parcels in the southern region of the Township, one of which is approximately 300 acres, and the other approximately 325 acres.

Luzerne County, along with Lackawanna County, in their Open Space, Greenways and Outdoor Recreation Master Plan, recommends recreational activities other than off-road vehicle riding at the Moon Lake Park. However, illegal ATV trail riding is occurring there. ATV enthusiasts that are members of the steering committee believe that the establishment of ATV trails at the Moon Lake Park would significantly reduce the illegal riding in that area. The Moon Lake Park is adjacent to a State Forest, and the DCNR recently purchased property known as the Theta lands adjacent to the State Forest. DCNR's intention for the Theta lands area is land preservation.

A potential trail system extending from the Earth Conservancy parcels in the southern region of Plymouth Township through the DCNR property, continuing through the State Forest, and into Moon Lake Park was discussed. Several factors, including the Township Supervisors' concerns with ATV use, combined with the difficulty of the Route 29 crossing, the intentions for appropriate land use of the DCNR and the State Forest Service, and finally the intentions of the County for appropriate use of Moon Lake Park combine to exclude Plymouth Township from consideration for the kind of ATV trail facility desired.

Earth Conservancy would be willing to consider selling land to the appropriate entity to facilitate the establishment of an ATV facility.

South of the Susquehanna River

The steering committee also explored potential sites in Newport Township. Earth Conservancy owns several parcels south of the Susquehanna River in Newport Township. These tracts are significant in size, and are appealing for ATV use, as evidenced by the trails already established there, albeit illegally. Earth Conservancy does consider some of this land useful for residential and industrial development. However, outside of those areas, there remains significant land available for the establishment of legal ATV trails. Earth Conservancy indicated that it is not opposed to selling land in this area for the establishment of ATV trails. However, it is concerned with the sustainability of any land development undertaken on land that it sells. Earth Conservancy indicated it would consider selling land to DCNR or Luzerne County, thereby establishing secure long-term ownership and subsequent responsible management. Earth Conservancy is not interested in selling land and having the purchasers' enterprise fail, resulting in the land lying without use or maintenance.



If an owner could be found that satisfies Earth Conservancy's concern for sustainability, trails established on that land could provide possible connectivity between Earth Conservancy's parcels and the 21-mile Penobscot Ridge / Wilkes-Barre Mountain Trail, which is to be established by Luzerne County specifically for ATV riding at some point in the future.

The Newport Township Supervisors have indicated that they are interested in continuing discussions regarding the establishment of trails in the area. The Supervisors have strong concerns about the ownership and operations of the trails, and would want to ensure that trail locations do not affect residents of the Township. Newport Township would want to review more detailed plans about ownership, operations, and trail locations before they could render their final decision on the concept.

Other Areas

Luzerne County, along with neighboring Lackawanna County, has developed an *Open Space, Greenways and Outdoor Recreation Master Plan*. This plan delineates both Counties' open space by ecological value and size, as well as proposing conservation areas. In proposing conservation areas by type, the Plan is able to suggest appropriate recreational uses at each of their designated open space areas.

The Plan presents a matrix showing open space areas and appropriate activities for those areas. Off-road vehicle usage is one of 23 recreational categories listed.

Two Highlands areas (East Buck Mountain Highlands and Shickshinny Mountain Highlands), one natural area (Spring Brook Natural Area), and one trail (Penobscot Ridge / Wilkes-Barre Mountain Trail) are listed as appropriate areas for off-road vehicle use. The combined acreage of the two highlands areas is 9,460 acres. The size of the natural area is 1,418 acres. The length of the trail is 21.0 miles. The designation of these areas seems to indicate that the County has an interest in providing use opportunities for Off-road vehicle enthusiasts.

Luzerne County's *Open Space, Greenways and Outdoor Recreation Master Plan* may become an important factor in location selection for an ATV trail facility. The County's property at Moon Lake in Plymouth Township does not support off-road vehicle recreation, according to the Plan. This, combined with the bisecting Route 29, limits the viability of significant trails development in Plymouth Township. However, the Penobscot Ridge / Wilkes-Barre Mountain Trail extending through Newport Township does support the viability of the development of additional trails south of the Susquehanna River, possibly connecting the County's Trail with Nanticoke. A portion of Earth Conservancy land could be useful for that kind of a connecting facility. Connectivity is important because the establishment of a smaller trail facility that is connected to other trails becomes part of a larger system.

The remaining question is whether Luzerne County is prepared to add additional trails to its Plan if Earth Conservancy is prepared to sell them the land, and whether the County is open to purchasing the land and allowing trails establishment and management by a consortium of ATV clubs, thereby limiting their costs to the purchase alone. The County has not yet indicated the answers to these questions.

Conceptual Locations Summary

ATV owners' reasons for going afield vary widely. Some hunt, trap, or fish; others observe flora and fauna, or scenic vistas. For some, the ATVs are the point of interest. These differences in ATV enthusiasts have driven the market to produce different kinds of machines. Consideration of these differences may also drive the types of ATV facilities established. Facilities enjoyed by ATV riders include linear trails, "challenge" or "play" areas, and racing tracks.

The steering committee's preference is a multi-use facility that would combine challenge areas connected by linear trails. A facility so devised would appeal to the broadest range of enthusiasts. Developing tracks for racing must be carefully considered by a prospective facility operator because of the huge liability costs associated with competitive activities.

The ideal land for ATVing is open, in that it is not located near developed areas and is relatively free from the trappings of development. Proximity to residential areas should be avoided due to the noise and dust associated with ATV riding. Proximity to industrial development is tolerable, but should be avoided, if possible.

Choosing a site that is open carries important ecological and environmental concerns including: the protection of flora and fauna habitats; the protection of the terrain, whether excessively steep or wet; easily erodable soils; protection of cultural and historic sites and; site access. Trailhead sites will require the most complex planning because their development will include public roadway interfaces, possible building construction, connections to public utilities, and the permitting that accompanies each step in the development process.

Earth Conservancy owns property north of the Susquehanna River in Plymouth Township; these tracts lie near the Susquehanna River and Plymouth. However, these tracts are not particularly useful for establishing ATV trail facilities, and Plymouth Township is not interested in lending its support to the development of ATV trails. Route 29 bisects the area between Plymouth and Moon Lake, limiting safe ATV travel across that highway. Further, Luzerne County owns land around Moon Lake and has recommended other uses for that property than off-road vehicle use.

Earth Conservancy has land holdings south of the Susquehanna River in Newport Township. These tracts are relatively remote tracts that appeal to ATV riders. Newport Township officials are interested in discussing the establishment of ATV trails, and would like to be party to discussions about possible locations so that they may protect their residential constituents. Also, Luzerne County, in its *Open Space, Greenways and Outdoor Recreation*

Master Plan has recommended the establishment of a 21-mile ATV trail in Newport Township. At least some of Earth Conservancy's holdings in Newport Township show potential for the establishment of ATV trails. Earth Conservancy is not opposed to selling land for such a purpose, but is concerned with the sustainability of any purchaser's enterprise. Earth Conservancy could be willing to sell land to DCNR or to Luzerne County for the establishment of trails. Whether Luzerne County would be willing to make such a purchase is an open question.

Ownership/Operational Alternatives

Several ownership alternatives are presented along with their respective strengths and limitations with regard to the establishment of ATV trails.

Earth Conservancy

Earth Conservancy was formed to reclaim and reuse former coal company-owned lands in Luzerne County through partnerships with government, business, and educational institutions. Earth Conservancy's insurance carrier does not permit the use of motorized vehicles for recreational purposes on its properties, negating the possibility of Earth Conservancy allowing the establishment of ATV trails on its land. Ownership of these tracts would have to be transferred to other owner(s) before legal ATV riding could be established. As such, establishing ATV trails on Earth Conservancy property is not an alternative.

With its focus on land reclamation, Earth Conservancy lacks adequate resources for enforcement of illegal riding on its property, resulting in uncontrolled illegal ATV use. The appeal of some of Earth Conservancy's land holdings for ATV use combined with the level of ATVing activity on its lands has given rise to the misperception in the ATVing community that lands appearing to be unused are public lands. However, for the reasons stated above, Earth Conservancy cannot simply declare ATV use legal, making its holdings available for that use. Ownership of Earth Conservancy holdings must be transferred to another owner before ATV trails can be legally established.

DCNR- Forestry

Presently DCNR presently maintains ATV trails within these State Forest lands (DCNR Internet Site accessed 4/15/2003):

- Buchanan State Forest (18 and 15 miles)
- Susquehannock State Forest (43 miles)
- Bald Eagle State Forest (7 miles)
- Delaware State Forest (13, 8 and 7 miles)
- Michaux State forest (36 – 42 miles)
- Sproul State Forest (45 and 20 miles)
- Tiadaghton State Forest (17 miles)

DCNR ownership has advantages, because it has the necessary experience and infrastructure in place for trail ownership and operations. It has experience in all aspects of trail operations including trail creation, trail management, liability issues, enforcement of regulations, and funding for construction and maintenance. Further, DCNR ownership would satisfy Earth Conservancy's concerns for ownership sustainability.

Liability on State Forest lands is covered by the Pennsylvania Recreational Use Statute, Title 68, Chapter 11, and Section 477, which limits liability for owners who do not charge a fee for use of their facilities. Under DCNR ownership, an additional level of enforcement is already in place – DCNR Rangers. This level of enforcement supplements the enforcement by State

and local police agencies, and Wildlife Conservation Officers and their Deputies on State Game lands. DCNR ownership of ATV trails provides a system of funding already in place including the use of ATV Registration fees, fines collected, and DCNR Grants.

DCNR ownership has disadvantages in that its ownership would limit trail creation to State Forests, the timeline for approvals and processes that are part of any governmental agency, and the competition for funding among and within state agencies. DCNR representatives have indicated that DCNR would prefer, rather than establish significant new trail systems, to grant funds to others interested in establishing trails.

Private Ownership

The private ownership of an ATV trail facility would require an individual or partnership with the means to either purchase, or enter into a lease agreement for land. Such an enterprise would most likely be operated as a business, similar to the facilities at Paragon Adventure Park and Rausch Creek Motorsports Park. While the possibility of such an enterprise developing in Luzerne County exists due to the demand for such a facility and the availability of open land, the probability is limited by the likelihood of finding an individual or partnership with the means to assume such a risk. The probability is further limited by such an enterprise purchasing and developing a facility on Earth Conservancy lands due to Earth Conservancy's concern about the sustainability of its purchasers' business enterprises.

Non-Profit 501c.3 Corporation Ownership

The establishment of a non-profit corporation could be useful for the management of an ATV trail facility. In its purest sense, this kind of arrangement would be ATV enthusiasts providing a facility for ATV enthusiasts. As such, they would understand the needs and desires of their own group, and be in the best position to respond appropriately. Further, such an enterprise would be in the best position to benefit from involvement by the ATVing community as enthusiasts would be more willing to contribute to the success of the enterprise.

The non-profit corporation should be managed with profit generation in mind. The directors or members of the non-profit corporation may not benefit from the profits of the corporation; however such funds would be useful for facility sustainability and improvement.

There are benefits for a non-profit corporation. The group may be eligible for federal tax-exempt status, as well as reduced postal rates. This reduction in postal rates would be a benefit to a trail management corporation in communicating with, and perhaps educating, its members. The non-profit corporation is eligible to receive public and private grants. This could be particularly useful for land purchases and capital improvements.

The officers and members of a non-profit corporation enjoy limited liability protection, in terms of the debts and liabilities of the corporation. Liabilities associated with non-profit organizations such as relying on public support, or limited enticement for membership due to no profit distribution, are not really applicable to the ATVing community. There is a large

pool of persons with ATV-specific interest, who would desire membership is such an organization. ATV users would provide a pool from which to draw volunteers for enforcement and maintenance. If well-structured, oversight for these operations could be paid positions, funded by the income from facility operations.

An example of non-profit management of an ATV trail facility is the Tower City Trail Riders, Inc. (TCTRI) in Schuylkill County. The president of TCTRI has indicated that it leases approximately 6,000 acres that it has developed into a full-service facility including trails, challenge areas, and camping. The club has the responsibility of trail planning, construction, maintenance, and enforcement. The club has generated a significant amount of money in gross revenues in the six years since their inception, which pays their lease and funds facility improvements. The good will generated between the club and its landowner has allowed it to renew its lease for increasingly longer terms, solidifying the sustainability of their enterprise.

A coalition of Luzerne County ATV clubs has formed called the Anthracite Regional Trail System Coalition (ARTSC). This coalition represents more than 500 members from four organizing clubs, which include Valley ATV Club, Pocono ATV Club, Black Diamond ATV Club and Back Mountain Enduro Riders. At this time the coalition is in its foundational stages and the particular legal form this coalition will take is yet to be established, but the goal of the members is to pool their power and resources to create a viable entity for the purpose of establishing and sustaining an ATV trail facility.

Luzerne County Ownership

ATV trails development could fall under the auspices of the County's proposed Recreation Commission. Luzerne County, along with neighboring Lackawanna County, has developed an *Open Space, Greenways and Outdoor Recreation Master Plan*. This plan delineates both Counties' open space by ecological value and size, as well as proposing conservation areas. In proposing conservation areas by type, the Plan is able to suggest appropriate recreational uses at each of their designated open space areas. This Plan suggests off-road vehicle use at several locations, with anticipated completion dates extending twenty years hence. However, the document indicates that trails could be created on County land, and that trail management and maintenance could be managed through the existing County administration, using County maintenance forces.

Liability could be managed by reliance on Pennsylvania's Recreational Use Statute, Title 68 if no usage fees are charged, consistent with the DCNR model. If usage fees were to be charged, other arrangements to cover liability would be required. Enforcement on County land could be handled through State and local police agencies. Funding of trails construction and maintenance could be managed through grants from the DCNR, through the County budget, and possibly usage fees, or fees for special events or programs.

One potential option is for the County to secure land for off-road vehicle use, then lease, or otherwise make the land available to non-profit or other groups who would operate a trails facility on behalf of the County. Such an arrangement could limit the County's financial

investment to the land purchase, while delegating trail construction and maintenance to those with the most interest in the facility's success. They could make significant use of volunteer efforts, limiting costs. The liability / fees issues would remain the same, and enforcement could still be conducted by local and State police agencies. If land for such an enterprise was to be sold by EC, County ownership may satisfy its concern for sustainable ownership.

Ownership/Operational Alternatives Summary

EC owns land that could be used for the establishment of ATV trails. However, operating such an enterprise is not within the mission of EC. Further, EC is concerned with the sustainable development of the land in its charge, and will sell land to those developers or other entities that propose enterprises it deems appropriate and sustainable. The establishment of ATV trails on land under Earth Conservancy's ownership is not an option. The establishment of ATV trails on land presently owned by EC, but sold to an entity interested in the establishment of trails is limited to the DCNR, Luzerne County, or a private concern with a proven record of success and sustainability.

DCNR has established ATV trails on State Forest lands; however, existing trail operations claim most of the registration fees and fines collected by the agency. The DCNR is able to extend grants to other agencies or entities interested in establishing trail facilities. The agency is presently reviewing trail locations across Pennsylvania, and if the DCNR does become involved in establishing new trails, these would probably not be placed in the Lower Wyoming Valley.

Private ownership requires an individual or group of sufficient means to purchase very large parcels of land, and develop that land into a useful trail facility. If such an individual or group could be found, their most reasonable recourse would be to operate the facility as a business enterprise, requiring usage fees, and perhaps, memberships.

A 501c.3 Corporation, or other form of non-profit organization, could be established that would manage an ATV trail facility. The ARTSC is presently forming with just such a purpose in mind. Such a group would be able to marshal significant resources for such an enterprise, such as volunteer effort, and community good-will. The largest obstacle for such a group would be the acquisition of land, and options would include DCNR grants, a lease or purchase agreement with a landowner, or a management agreement with a local government.

Luzerne County has already indicated interest in establishing off-road vehicle trails through its *Open Space, Greenways and Outdoor Recreation Master Plan*, produced with Lackawanna County. That document was published so recently that specific information about construction and management of such facilities are not yet known. The County's willingness to establish trails and the absence of specific details how that will be accomplished seem to leave open the possibility that an individual or group might suggest a management arrangement that would be amenable to the County.

Legal / Liability Issues

Pennsylvania has a Recreational Land Use Act entitled: Title 68: Real and Personal Property, Chapter 11: Uses of Property, Section 477: Recreation Use of Land and Water, Pennsylvania Recreational Use Statute. This Statute, referred to as Title 68, was enacted because many Pennsylvania landowners would be willing to allow access to their lands for recreational purposes, but have valid concerns over the issue of liability. The purpose of this Statute is to encourage the opening of private land for recreational use by limiting the liability of landowners.

Recreational purposes, according to the Statute, includes, but is not limited to, any of the following or any combination of the following: hunting, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, nature study, water skiing, water sports, cave exploration and viewing or enjoying historical, archaeological, scenic, or scientific sites. ATV riding is assumed to be an acceptable use not specifically mentioned in the list.

The Statute is intended to protect from liability landowners who allow access to their lands for recreational purposes. The landowners are not required to prepare the land for recreational use by removing nor ameliorating dangerous conditions, but neither are they permitted to knowingly create dangerous conditions. Under the Statute landowners may not charge a fee for recreational use of their land or rent the land to a group for their use to be protected by the Statute. A lease to a governmental agency that manages the land is exempt from the provisions of the Statute; that is, the landowner can still be held harmless despite the lease (Pennsylvania Recreational Use Statute).

Possible limitations to the Statute include (Burghardt, 1996):

- The definition of “Owner”, particularly if the entity with ownership is a public entity, municipality, or easement holder
- The definition of “Land”, which may be limited in definition by the amount of development on the land in question
- The definition of “Recreational”, which is usually intended to be broad, but may be limited by the locales in which an activity may be pursued, such as “outside.”
- Injury to a minor
- Conflict with “Attractive Nuisance” doctrines

This list of possible limitations is drawn from a discussion on the International Mountain Bicycling Association (IMBA) Internet Site of limitations to State Recreational Statutes in general, and not necessarily problems in Pennsylvania, specifically. The IMBA has similar concerns for finding legal trail riding sites as does the ATVing community. Their discussion of State Recreational Statutes is useful, not as a definitive source of legal information, but rather as a means of raising awareness of the complexities of the Recreational Statute(s). Specific legal questions about Pennsylvania’s Recreational Use Statute should be directed to the State Attorney General, a Municipal Attorney or private counsel.

Insurance

If a facility operator chooses to charge a fee for the use of their facility, they essentially waive protection under Title 68, requiring liability protection under some kind of private insurance. Several ATV trail facilities were contacted for this study for the purpose of learning how they managed their liability. Several club officials indicated that user / members are expected to carry individual liability insurance on themselves and their equipment. The for-profit businesses carry liability insurance on their businesses. Some businesses researched conduct competitive events on their premises, which carry significantly higher premiums than non-competitive use coverage.

Clubs without land do not carry insurance. Clubs that lease land do carry general liability insurance. The payment of fees to a landowner by users for the recreational use of land removes a landowner from liability protection under the PA Recreational Use Statute, necessitating the purchase of commercial liability insurance. The cost of commercial liability protection can vary widely depending upon numerous factors, not the least of which is the intended use and behavior of the users. The TCTRI pays more than \$12,000 each year for general commercial liability protection for their members' use of 6,000 acres they lease. However, if they held or allowed competitive motorsport events on their property, they believe their premium would increase to approximately \$100,000.

Legal/Liability Issues Summary

Pennsylvania's Recreational Use Statute (Title 68) was enacted to encourage land owners in the Commonwealth to allow outdoor recreational use of their properties without undue concern for liability issues. The Statute exempts from liability those land owners that permit recreational use of their properties, and do not create hazards on the land or charge a fee for the use of their land. This Statute may help some land owners decide to allow ATV riding on their properties. However, there is still concern among some land owners whether the Title 68 Statute is sufficient to fully protect a land owner from liability, particularly regarding ATV riding, which is perceived to be a dangerous activity.

The insurance industry recommends land owners purchase insurance specifically covering ATV use before they allow the activity on their lands. This kind of coverage comes at a cost, effectively preventing some land owners from making the purchase, and subsequently permitting ATV riding. The ATV community argues that general liability insurance, which most land owners carry as a matter of course, along with the Title 68 Statute, is sufficient to cover ATV use. Landowners, who ultimately bear the costs of their decisions, are left to decide between the advice of their insurance agents, and that of those wishing to use their land.

However, the Title 68 Statute does make permitting ATV use of land more feasible where it may not have been previously feasible. In terms of ATV use of Earth Conservancy property, its insurance carrier does not permit ATV use on its property. As long as Earth Conservancy owns a given parcel of land, ATV use on that land will remain illegal. When ownership of

EC properties are transferred to other parties, those new owners may have other opportunities for insurance options.

Enforcement Issues

Facility operators charged with managing the use of land, and paying the premiums for insurance coverage must, by virtue of the financial strain, reduce all possible risk by policing the use of their land. Such policing includes controlling user behavior, which leads to an important aspect of enforcement; control of the persons entering upon the land. Operators that effectively control access to the land are able to require awareness of acceptable behavior, exposure to rules and regulations, and user training, if available. Training is particularly useful for new or young riders, further increasing safety and reducing risk. Ultimately the goal is to operate a facility where users feel safe and are able to focus on their recreational activity without undue focus on possible risks.

Trespassing

Users entering the land without benefit of the appropriate entry process (membership, user fees, awareness of regulations, and training) pose a risk to the intentions of the land managers because these users lack the benefit of exposure to rules and regulations, and the expectations of the landowners. Enforcement then takes on another aspect; that of limiting entry to the property.

Due largely to the size of trail-riding facilities (some in the thousands of acres), effective perimeter controls are nearly impossible to facilitate. Blocking trails at property lines is of limited value because off-road vehicles are, by their nature, not limited to trails. Continuous perimeter controls, such as fencing, are cost prohibitive. Essentially, outsiders cannot be prevented from entering the grounds of a facility. However, several facility managers in Pennsylvania are limiting access to their grounds by the use of visual cues in the form of wristbands or helmet stickers that indicate users who belong on the grounds. Users without the appropriate visual cue(s) are immediately identifiable as trespassers.

Visual membership cues such as helmet stickers that contain numbers are also useful for enforcement of proper behavior by users who belong on the grounds of the facility. Users demonstrating inappropriate behavior are identifiable by their displayed number, and sanctions may be imposed.

The TCTRI, an example of a 501c.3 Corporation operating a facility, uses stickers affixed to the helmets of their members for identifying members, trespassers by the absence of the stickers, and provides a means for identifying rule-breakers. Paragon, an example of commercial enterprise operating a facility, uses wristbands to identify patron/members, and trespassers by the absence of wristbands. Users of State / Federal Trail facilities must have a registration plate attached to their machines, which readily identify properly registered users, as well as providing a means of identifying rule-breakers by the numbers on the plate.

In all three examples, legitimate users are encouraged to report trespassers to facility officers and/or local law enforcement for removal and prosecution. In the case of the State or Federal Forest, trespassers and other deviant behavior may be reported to Forest Rangers, who are the

appropriate authority on those lands. In all three examples, legitimate users are the eyes and ears of those in authority, providing the first line of enforcement on those lands.

Off-Trail Riding

Users riding off-trail pose risks to the environment as well as themselves. While trail locations may be intended to provide a certain riding experience, (i.e. challenging to advanced riders, easy for new riders) trail locations may also be selected to avoid environmentally sensitive areas or hazards to riders. A full-service facility must provide a range of challenges for its users so that their users do not become bored with the trail system and ride off-trail in search of new and exciting riding experiences.

Enforcement of appropriate trail use should consist of education and reporting. An entry process that includes awareness of rules and regulations, and training, should contain an educational component about off-trail prohibitions. A means of user identification such as helmet stickers would simplify reporting and enforcement.

Out of Bounds Riding



Users riding out-of-bounds can create different issues for the landowner, but may be avoided using means similar to off-trail riding enforcement. Riding out-of-bounds can encroach on the good will of adjoining landowners and present a risk to riders and the environment because trails on an adjoining property may be trails of opportunity rather than well-planned trails avoiding environmental hazards.

Again, user entry through an appropriate process can educate riders about trail limits. This combined with well-marked trails, including trail limits, will suffice for most riders. A means of user identification such as helmet stickers would simplify reporting and enforcement.

Noise

Anecdotal evidence gathered from newspaper articles published in Luzerne County about ATV use suggests that noise is among the foremost complaints by non-ATV riders about ATVs. The Federal government, the Commonwealth, and the Motorcycle Industry Council all have statutes limiting the level of sound made by motorcycles and ATVs. Decibel is a numerical expression of the relative loudness of a sound. Sound energy dissipates with distance, so statutes describe acceptable sound levels at a given distance, which is consistently 20 inches. These two measures give the maximum acceptable relative sound level at a given distance as allowed by the statutes.

Both the Federal Statute and Commonwealth Statute limit acceptable noise from motorcycle engines at 99 decibels at 20 inches. The Motorcycle Industry Council limits acceptable noise at 96 decibels at 20 inches. An unmodified machine that meets the Motorcycle Industry Council standard will meet both government standards. A machine that is modified may still meet the government standards, depending upon the modification (s) to the engine. The noise issue most likely is not about the machines themselves, which typically meet current standards, but rather their distance from persons not involved in their use.

Important to ATV trail facility development is placing trails and challenge areas sufficient distances from residences so that the noise from the machines does not impact nearby residences. If a trail or challenge area must be located near residences, appropriate noise barriers should be constructed. These barriers may be walls, mounds of dirt, and plantings. In any case, whether a trail is sufficient distance from residences, or near but protected by an appropriate barrier, ATV users must be aware of low-noise areas and their respect for such areas must be enforced.

Vandalism

ATV riders who are committed to an organization that maintains a good facility will probably not commit acts of vandalism toward the organization. Destructive behavior is more likely perpetrated by persons who feel unjustly excluded from a facility. To curb the risk of vandalism, the TCTRI extends a discounted membership rate to local off-road vehicle users and adjoining property owners. Local riders pose an interesting challenge. Due to their proximity to the trail facilities, the ease of entry (through unsecured perimeters), their knowledge of the area (trails through adjoining properties), and their presence, local riders may feel a sense of belonging without engaging a facility operator's established method of entry. If subsequently removed as trespassers, they may feel unjustly disposed, and their presence makes them a risk for illicit activities toward the land managers, including vandalism. By offering a discounted rate for membership, the TCTRI extends good will toward its neighbors. By joining the organization, local riders are included in the appropriate entry process, including education and training, and hopefully submit themselves to enforcement within the confines of the facility.

Enforcement Issues Summary

The operator of an ATV facility must manage risk. Risk management necessarily means controlling the behavior of the persons using the land. Riders who enter the land through the approved process will be aware of expected behavior, environmental hazards, and may participate in training, if available. Persons who enter the land without the benefit of an approved process place themselves, other riders, and the environment at risk because of their ignorance of expectations and hazards. Enforcement includes not only controlling the behavior of those using the land, but controlling access to the land.

The size of an ATV trail facility makes perimeter control nearly impossible. The costs of fencing are too high. Barriers placed on trails at perimeter lines are not useful because ATVs

are particularly adept at off-trail travel. The reality is that persons who do not belong on land useful for ATV use will enter the land. Enforcement, then takes on a different dimension; instead of trespass control, enforcement become trespass remediation. The first step in removing trespassers is their identification. The best way to do that is to mark, in some way, users who belong. Those users without the appropriate visual identification are trespassers. The costs of a sufficient enforcement staff to patrol a large ATV facility are prohibitive, so the eyes and ears of a modest enforcement staff is the membership. As members or patrons enjoy a facility, they may meet or see other members or patrons behave inappropriately, or meet or see persons using the facility without the membership marker. These offending persons should be reported to officials or members of an enforcement staff, who may then take appropriate action to remove them, if trespassers, or correct their behavior if they belong.

Off-trail riding poses a risk to the environment as well as to ATV riders. Risk to the environment exists if riders disturb wetlands, or protected flora or fauna habitat areas. These may be hidden by brush, or be otherwise hidden from the untrained eye. Hazards to ATV riders may also be hidden by brush and foliage.

Similarly, riding out-of-bounds can pose the same hazards, as well as add the problems associated with trespassing on another property. Enforcement for both these violations is best handled similarly to the enforcement of trespassing; members or patrons observing and reporting such behavior to officials or enforcement staff, who then corrects the problem.

The sounds made by motorcycle engine powered vehicles is often unpleasant to the ears of those person not involved or interested in the activity, particularly if those persons are at home. Motorcycle Industry Council standards for noise are more stringent than Pennsylvania or Federal government standards, so unmodified ATVs in good working condition will typically meet government noise limitations. ATV facility planners and operators need to be sensitive to the proximity of their facilities to residences, and take appropriate measures to construct noise barriers, use space as a noise barrier, or establish low-noise areas where space is limited, to reduce the noise that reaches nearby residences.

Case Studies

Several clubs organized around ATV use, as well as businesses catering to off-road vehicle motorsport were researched to offer an understanding of the breadth of options available to ATV users for camaraderie and riding opportunities. The focus and facilities available to the clubs and businesses presented here are diverse, and the list is by no means exhaustive. These are presented to offer models of types of clubs and businesses as a guide to what are possible ways to serve the ATV community.

ATV Traction, Inc. is a non-profit ATV club located in Northwestern Pennsylvania. This club exists for camaraderie among ATV riders, and to secure riding opportunities for their membership. The club does not own land, but has the use of a seven-mile portion of an abandoned PA Railroad line in Erie County. Club members know, or are, private landowners, giving permission for ATV use. The club's membership works to persuade owners of adjoining properties to allow ATV use for the purpose of connecting trails.

ATV Traction, Inc. suggests the PA Recreational Use Statute, Title 68 along with general liability coverage, sufficiently covers landowners' liability needs. Their representative believes liability coverage that specifically addresses ATV use is redundant; that the general liability coverage carried by most landowners is sufficient.

Like ATV Traction, Inc., a primary focus of many clubs is finding legal riding venues, so several businesses that offer ATV riding opportunities were researched to understand the kinds of commercial riding facilities available. *Paragon Adventure Park* is a for-profit facility providing trail riding use of a 15,000 acres land resource. Paragon's liability management requires that facility users sign a liability waiver, and pay a user fee. The business carries liability insurance. ATV riders at Paragon wear wristbands. Users identify trespassers by the absence of the wristband and trespassers are reported to authorities and arrested.

Rausch Creek Motorsports Park is a for-profit business. This is a land use club that offers off-road vehicle racing and trail riding. Rausch Creek has a racetrack and 650 acres of trails. The business carries liability insurance (assumed); users pay a membership fee, as well as an additional user fee at each visit to the facility. Users sign a liability waiver, and entrance and use of the facility are overseen by officials.

Wolfmann's Motocross, LLC is a for-profit business. This is a land use club that provides off-road racing use of their land resource. Their facility is essentially a racetrack. The business carries liability insurance (assumed); users pay a membership fee and an additional user fee at each visit to the facility. Entrance and use of the facility are overseen by officials. This facility caters more to motorcycle racing, although they do offer racing opportunities for ATV racers. Its appeal is limited to ATV owners interested in racing.

Plumcreek Valley MC Park is a for-profit business that provides off-road racing use of land resource. Like Wolfmann's Motocross, LLC, their facility is essentially a racetrack. The business carries liability insurance (assumed); users pay a membership fee and an additional

user fee at each visit to the facility. Entrance and use are overseen by officials. This facility caters more to motorcycle racing, although they do offer racing opportunities for ATV racers. Its appeal is limited to ATV owners interested in racing.

Tower City Trail Riders, Inc. (TCTRI) is a non-profit club located in Schuylkill County. The club has approximately 2,000 dues-paying members. The president of the club, who is also a founding member, indicates that the club was organized for the purpose of controlling riders on the approximately 6,000 acres it now leases from the owners of Rausch Creek Motorsports. The organization carries general commercial liability insurance to cover the activities of its members on the leased land. This insurance coverage does not permit competitive events. The organization's insurance costs approximately \$12,000 per year. The president of the club believes the cost would be \$100,000 per year if competitive events were permitted.

TCTRI requires its members, both minors and adults, to sign a waiver, and members wear a helmet sticker to identify them as such. Trespassers are identifiable by their lack of a valid helmet sticker and rule-breaking members are identified by the numbers on their helmet stickers. Rule-breaking members lose membership and non-member trespassers are reported to appropriate authorities and removed.

TCTRI offers not only extensive trail riding opportunities to its members, but also camping. In fact, some members have constructed permanent camping structures on the grounds. To service their members' needs, the club is installing utilities to service the camping area, increasing its appeal and making it a premier family outdoor facility.

TCTRI's lease fee is a percentage of all club fees derived from membership fees, camping fees, and structure fees. Their president (one of TCTRI's several founding members) believes that commitment on the part of the membership is key to successful relationships within the club and between the club and its landowner.

Case Studies Summary

Numerous ATV clubs, organized to provide camaraderie among persons of similar interests, exist across Pennsylvania. ATV Traction, Inc., in Northwestern Pennsylvania, is one of those. This club is typical in that among their operational priorities is the search for legal riding opportunities. ATV Traction's present arrangement is to persuade land owners to allow ATV use of their land. Their hope is to gain permission to ride on enough land parcels that an interconnecting system of trails might be developed.

A number of commercial facilities are extant in Pennsylvania, among them Paragon Adventure Park, Rausch Creek Motorsports Park, Wolfmann's Motocross, LLC, and Plumcreek Valley MC Park. These facilities offer a range of services from extensive trail riding opportunities at Paragon Adventure Park, to motorcycle and ATV racing at Wolfmann's Motocross, LLC and Plumcreek Valley MC Park. These facilities are operated for profit, and require memberships, as well as user fees at the time of each entrance.

Tower City Trail Riders, Inc. is a non-profit club that was organized specifically to control illegal riding on a certain parcel of land, and establish good-will with a particular land owner. The organization now leases approximately 6,000 acres from that land owner, and is in the process of developing a premier family-oriented trail riding and camping facility for its members. TCTRI represents a good model of what is possible with a membership committed to the values of the organization and good will toward its land owner.

Final Summary

All-Terrain Vehicle (ATV) riding is an increasingly popular sport. Sales and registrations of the machines continue to climb in Pennsylvania. However, the popularity of the sport has outpaced the development of appropriate facilities for legal use of ATVs, resulting in illegal riding where ATV users are not permitted to ride. The expanse of undeveloped land in the Lower Wyoming Valley, consisting of abandoned coal mining operations and the forestation surrounding them, draws ATV users because such terrain offers precisely the characteristics desired by them: the abandoned coal mining operations offer challenges to riding that ATV users find enjoyable; and the forested areas of the County, particularly near the Susquehanna River, offer trail riding and vistas unmatched in the region. The rub is that ATV riding on privately owned land, without appropriate legal arrangements, is illegal.

Sales statistics available for the period January through June of 2002 published by the *Dealer News*, an industry periodical, indicate that ATV sales in Pennsylvania numbered 34,870 units for the six-month period. This sales figure places Pennsylvania fourth in the US in terms of ATV sales, following California, New York and Texas (PA Atving.com, 2004), in that order.

All ATVs in the Commonwealth of Pennsylvania are required to be registered with the Department of Conservation and Natural Resources (DCNR). ATVs which are intended for use only on their owner's property are registered as 'Limited,' while all other registered ATVs are registered as 'Active.' As of March 1, 2004, the DCNR listed 4,875 registered ATVs (Active Vehicles) in Luzerne County. This number does not include the vehicles registered as Limited (confined to the property of the owner) or unregistered vehicles. Again, while the number of unregistered ATVs appears to be significant, there is no reliable method to quantify these vehicles.

DCNR lists six summer trails and five summer / winter trails on its website. With six summer trails and five summer/winter trails available on state forest property, ATV enthusiasts have available 229.2 miles of trail in the summer and 131.1 miles in the winter for their enjoyment (DCNR Internet Site, accessed 1/26/2004). DCNR trails are located throughout Pennsylvania, with none in Luzerne County. The Federal Forestry Service makes four trails available for ATV riding in the Allegheny National Forest, for a total of 106 miles. The Allegheny National Forest is located in northwest Pennsylvania, so none of these trails are either in, or near, the Lower Wyoming Valley.

As a way of simplifying the complexity of the larger issue of establishing an ATV facility in the Lower Wyoming Valley along with its many side issues, and to organize the data collected, criteria were established that when taken together would articulate whether the establishment of an ATV facility in the Lower Wyoming Valley is feasible. These criteria are as follows:

- Need, defined by a comparison between the numbers of ATVs and the places to ride them;

- Financial Sustainability, defined by a comparison between the estimated expenses and the estimated revenues associated with establishing and operating an ATV facility;
- Estimated regional economic impact;
- Conceptual locations, including consideration of environmental issues, existing and planned land uses, soils, access, and potential for trailhead facilities such as parking;
- Ownership alternatives;
- Operational alternatives.

These criteria represent an overview of the issues explored in this study, as well as a framework upon which an argument for, or against, the feasibility of establishing an ATV facility might be built.

The process of developing the study revealed an additional element worthy of inclusion and that is the presence of a group of people committed to the work of establishing an ATV facility.

Clearly, the numbers of ATVs outpace the available opportunities to ride them. To better understand the issues and how it might help ameliorate the situation, Earth Conservancy commissioned this feasibility study and concurrently convened a steering committee. The purpose of the steering committee is to provide an open forum for face-to-face discussion among stakeholders about the feasibility of establishing ATV trails in Luzerne County, and to facilitate the development and completion of this feasibility study. The steering committee is comprised of representatives from state and local governments, public utilities, ATV clubs and special interest groups, and an ATV dealer.

The issues identified by the steering committee as matters of concern are: the increase of illegal ATV riding on Earth Conservancy land and State Game lands, as well as other private property near residential areas and on public streets; the desire of the Luzerne County ATV community to find legal riding venues; possible ATV facility ownership and operational alternatives in Luzerne County and; possible property areas for development as an ATV facility in Luzerne County.

The single largest expense in establishing an ATV trail facility is the land. Associated expenses are significant, though, and include trail design, environmental permitting, construction, operations, and maintenance. However, these costs can be manageable when balanced against possible revenues available to the operators of a successful facility. Possible revenues include usage fees, grants (for land purchases and physical plant development), proceeds from special events, fees from training programs, profits from renting storage facilities, and one of the most significant – volunteers.

A successful facility can do more than sustain itself. A successful facility can attract enthusiasts from beyond its own region, infusing the area with tourism dollars. Studies from around the US have shown that ATV enthusiasts enjoy a sport that can be expensive. The sport requires not only the costs of the machines and their maintenance, but also requires the

ability to transport the machines, operating costs, insurance and registration, specialized clothing and safety gear, and travel expenses. Some of these costs are necessarily spent near the enthusiasts' homes; however some of these costs are spent nearer the facility where the sport is enjoyed.

As mentioned, Luzerne County has the fourth highest ATV registration in the Commonwealth. Not only is Luzerne County home to many ATV enthusiasts, but the region's proximity to significant population centers such as New York City, Philadelphia, Baltimore, Washington, D.C., and Pittsburgh, as well as other significant regional centers such as Allentown, Erie, and Harrisburg place Luzerne County in a unique position to attract significant tourism dollars. The beauty of the Northeast Pennsylvania region, as well as the popularity of ATVing beyond rural and small-town areas, suggest that a significant ATV facility in Luzerne County could be well-placed for attracting some of the available tourism dollars.

Several ATV facility ownership alternatives were explored, including Earth Conservancy ownership, DCNR ownership, Luzerne County ownership, private individual or group ownership, and non-profit organization ownership. Earth Conservancy ownership is not possible and DCNR ownership is not likely, leaving County, private, or non-profit organization ownership as viable facility ownership possibilities.

Private ownership requires an individual or group of sufficient means to purchase very large parcels of land, and develop that land into a useful trail facility. If such an individual or group could be found, their most reasonable recourse would be to operate the facility as a business enterprise, requiring usage fees, and perhaps, memberships.

A 501c.3 Corporation, or other form of non-profit organization, could be established that would manage an ATV trail facility. The Anthracite Regional Trail System Coalition is presently forming with just such a purpose in mind. Such a group would be able to marshal significant resources for such an enterprise, such as volunteer effort, and community goodwill. The largest obstacle for such a group would be the acquisition of land, and options would include DCNR grants, a lease or purchase agreement with a landowner, or a management agreement with a local government.

Luzerne County has already indicated interest in establishing off-road vehicle trails through their *Open Space, Greenways and Outdoor Recreation Master Plan*, produced in collaboration with Lackawanna County. That document was published so recently that specific information about construction and management of such facilities are not yet known. The County's willingness to establish trails and the absence of specific details how that will be accomplished seem to leave open the possibility that an individual or group might suggest a management arrangement that would be amenable to the County.

Several areas within Luzerne County were explored for possible ATV facility placement. An area north of the Susquehanna River in Plymouth Township, extending from Plymouth to Moon Lake was determined to have too many obstacles to ATV facility placement due to smaller, disjointed parcels of available land, poor opportunities for connection between

parcels, and an absence of local government support. An area south of the Susquehanna River in Newport Township, extending from Nanticoke to Glen Lyon was determined to be a good location for the placement of an ATV facility because of larger, more open tracts of land, terrain desired by ATV riders, and local government interest.

Pennsylvania's Recreational Use Statute (Title 68) was enacted to encourage land owners in the Commonwealth to allow outdoor recreational use of their properties without undue concern for liability issues. The Statute exempts from liability those land owners that permit recreational use of their properties, and do not create hazards on the land or charge a fee for the use of their land. This Statute may help some land owners decide to allow ATV riding on their properties. However, there is still concern among some land owners whether the Title 68 Statute is sufficient to fully protect a land owner from liability, particularly regarding ATV riding, which is perceived to be a dangerous activity.

Numerous ATV clubs, organized to provide camaraderie among persons of similar interests, exist across Pennsylvania. ATV Traction, Inc., in Northwestern Pennsylvania, is one of those. This club is typical in that among their operational priorities is the search for legal riding opportunities. ATV Traction's present arrangement is to persuade land owners to allow ATV use of their land. Their hope is to gain permission to ride on enough land parcels that an interconnecting system of trails might be developed.

There are a number of commercial facilities in Pennsylvania, among them Paragon Adventure Park, Rausch Creek Motorsports Park, Wolfmann's Motocross, LLC, and Plumcreek Valley MC Park. These facilities offer a range of services from extensive trail riding opportunities at Paragon Adventure Park, to motorcycle and ATV racing at Wolfmann's Motocross, LLC and Plumcreek Valley MC Park. These facilities are operated for profit, and require memberships, as well as user fees at the time of each entrance.

Tower City Trail Riders, Inc. is a non-profit club that was organized specifically to control illegal riding on a certain parcel of land, and establish good-will with a particular land owner. The organization now leases approximately 6,000 acres from that land owner, and is in the process of developing a premier family-oriented trail riding and camping facility for its members. TCTRI represents a good model of what is possible with a membership committed to the values of the organization and good will toward its land owner.

The TCTRI model demonstrates that establishing and maintaining a significant ATV trail riding facility is feasible. As with any business enterprise, success depends upon the presence of several important factors including commitment of persons or an organization to the success of the enterprise, the availability of sufficient land resources, a need for the enterprise beyond the desires of the committed persons, and acceptance of the local community. The success of the establishment and maintenance of an ATV trail riding facility in the Lower Wyoming Valley would depend upon the presence of these same factors.

There is a need for an ATV trail facility in the Lower Wyoming Valley as evidenced by the number of ATV registrations and the amount of riding activity, much of which is presently

illegal because legal riding areas are not geographically convenient. A group of persons committed to establishing a facility has risen from the ATVing community in the Lower Wyoming Valley, evidenced by their participation in the steering committee associated with this study, their commitment to their communities through their volunteer efforts, and their organization and intent to incorporate with ATV facility establishment and management as their goal.

Further evidence of the feasibility of establishing an ATV trail riding facility in the Lower Wyoming Valley is the amount of open land that is suitable for the purpose. At this point ownership of the land is an impediment to the establishment of an ATV trail facility, but this is not an untenable impediment. Local government interest, particularly Luzerne County interest, as well as an accommodating attitude on the part of Newport Township could be helpful with the ownership issue.

If a facility of sufficient size and services could be established, economic sustainability seems possible. Significant facilities offering a range of services are still unique, and should be able to draw users from other geographical regions, bringing dollars not only to the ATV facility, but the communities of the region as well.

Perhaps the most significant factor is the commitment and good-will of the people seeking the establishment of a facility. The president of the TCTRI, who is also one of its founding members, could not emphasize enough the importance, in his opinion, of commitment and good-will on the part of the leaders of the movement to establish their facility. Through the course of this study, the leaders of the ATVing community in the Lower Wyoming Valley have recognized that they must take the lead in working toward their goal. This is a significant step in the development of the level of commitment emphasized by the president of the TCTRI. Their efforts, combined with the need, resources, local government agreement, and proximity of the Lower Wyoming Valley to an extended ATVing population, suggest that the establishment of an ATV trail facility in the Lower Wyoming Valley is feasible.

References

- Adams, B. (2004, March 4). Equipment Center, conservancy property hit. *Times Leader*.
- Allegheny National Forest. (n.d.). Retrieved November 3, 2004, from <http://www.fs.fed.us/r9/forests/allegheny/>
- ATV Sound Level Requirements. (n.d.). The Pennsylvania Code. Retrieved November 3, 2004, from <http://www.pacode.com/secure/data/017/chapter51/s51.92.html>
- ATV Traction Inc. (n.d.). Retrieved June 14, 2004, from <http://www.atvtraction.org>
- Black Diamond ATV Club. (n.d.). Retrieved November 9, 2003 from <http://www.bdatv.com>
- Burghardt, T. 1996. Landowner Liability. International Mountain Bicycling Association. Retrieved January 30, 2004 from http://www.imba.com/resources/trail_issues/land_liability.html
- Cambria County Conservation and Recreation Authority. (n.d.). Retrieved June 22, 2004, from <http://www.co.cambria.pa.us/cambria/cwp/>
- Danger of kids on ATVs needs to be addressed. (2003, November 20). *Times Leader*.
- Dealer News (n.d.). (as cited in PA Atving.com.). Retrieved July 12, 2004, from <http://www.paatving.com>
- Delaware: 2000. Census 2000 Profile. (2002). U.S. Department of Commerce, Economics and Statistics Administration, U.S. Census Bureau. Retrieved June 22, 2004 from <http://www.census.gov>
- The family and the environment. (1999). The Recreational Roundtable. Roper Starch Worldwide, Outdoor Recreation America (as cited in Fogg, G. E. 2002).
- Fogg, G. E. (2002). *Park Guidelines for Off-highway Vehicles*. National Off-highway Vehicle Conservation Council.
- Hatfield-McCoy – Trails Heaven: West Virginia ATV & Motorcycle Trail Rides. (n.d.). Retrieved November 3, 2004, from <http://www.trailsheaven.com/>
- Jack Frost & Big Boulder (n.d.). Retrieved November 3, 2004, from <http://www.big2resorts.com/summer-motorcross.asp>
- Kalinowski, R. (2004, April 27). ATV club helps in search, recovery effort. *The Citizens' Voice*.

- Kopec. (2003, November 16). Many ATV riders find fun in safety. *Times Leader*.
- Legislators eye ex-mine lands for recreation. (2003, November 18). *The Citizens' Voice*.
- Lieback, R. (2003, June 11). Sugar Notch Council makes ATV riding illegal. *Times Leader*.
- Marcy. (2003, November 16). Former mine lands are seen as solution to make all happy. *Times Leader*.
- Maryland: 2000. Census 2000 Profile. (2002). U.S. Department of Commerce, Economics and Statistics Administration, U.S. Census Bureau. Retrieved June 22, 2004 from <http://www.census.gov>
- McNarney, M. (2003, October 20). Teen seriously hurt in ATV crash. *Times Leader*.
- Morgan-Besecker, T. (2003, October 5). A family's tragedy on 4 wheels. *Times Leader*.
- National Register of Historic Places. National Register Information System. Retrieved April 1, 2004, from <http://www.nr.nps.gov/>
- New Jersey: 2000. Census 2000 Profile. (2002). U.S. Department of Commerce, Economics and Statistics Administration, U.S. Census Bureau. Retrieved June 22, 2004 from <http://www.census.gov>
- New York: 2000. Census 2000 Profile. (2002). U.S. Department of Commerce, Economics and Statistics Administration, U.S. Census Bureau. Retrieved June 22, 2004 from <http://www.census.gov>
- Okrant, M. J., Goss, L. E. (2004). *The impact of spending by ATV/Trailbike travel parties on New Hampshire's economy during July 2002 to June 2003*. Plymouth state University: The Institute for New Hampshire Studies.
- Open Space, Greenways and Outdoor Recreation Master Plan. (2004). Lackawanna and Luzerne Counties.
- PA Atving.com. Retrieved July 12, 2004, from <http://www.paatving.com>
- Paragon Adventure Park. (n.d.). Retrieved June 14, 2004, from <http://www.paragonap.com/>
- Pennsylvania: 2000. Census 2000 Profile. (2002). U.S. Department of Commerce, Economics and Statistics Administration, U.S. Census Bureau. Retrieved June 22, 2004 from <http://www.census.gov>

Pennsylvania Department of Conservation and Natural Resources, Bureau of Forestry, All-terrain Vehicles. (n.d.). Retrieved April 15, 2003, from <http://www.dcnr.state.pa.us/forestry/atv/atvindex.asp>

Pennsylvania Recreational Use Statute. (n.d.). Retrieved January 30, 2004, from http://www.americanwhitewater.org/resources/repository/Pennsylvania_Recreational_Use_Statute.htm

Pennsylvania Trail Design Manual for Off-highway Recreational Vehicles. (2003). Larson Design Group, Inc.

Plumcreek Valley MX Park. (n.d.) Retrieved June 22, 2004, from <http://www.plumcreekvalleymxpark.com/>

Rausch Creek Motorsports Park. (n.d.). Retrieved June 22, 2004, from <http://www.rauschcreekracing.com/rcmp/>

Roth, L. (2003, October 16). Riding the rails is the fast track to danger. *Times Leader*.

Roth, L. (2003, November 16). Road to trouble: Freewheeling ATV riders irk residents, area police. *Times Leader*.

Skrapits, E. (2004, February 4). Jackson Township mulls law to regulate ATVs. *The Citizens' Voice*.

Smith, G. (2003, November 16). Game lands magnet for illegal riders. *Times Leader*.

Soil Survey of Luzerne County, Pennsylvania. (1974). National Cooperative Soil Survey.

Tower City Trail Riders Inc. (n.d.). Retrieved June 22, 2004, from <http://www.towercitytrailriders.org>

Venesky, T. (2003, August 11). Feasibility study to determine viability of ATV facility. *The Citizens' Voice*.

Venesky, T. (2004, March 28). Unwanted ATV riders: Number of vehicles in NE PA continues to climb despite few avenues for travel. *The Citizens' Voice*.

Wolfmann's Motocross, LLC. (n.d.) Retrieved June 22, 2004, from <http://www.wolfsmoto.com>

Young, B. M. (n.d.). Forming a 501c(3) Non-profit Corporation. The George Washington University School of Business. Retrieved January 22, 2004, from <http://www.sbpw.gwu.edu/casb/Research109.htm> .

APPENDICES

APPENDIX A
STEERING COMMITTEE
MEETING MINUTES

MEMORANDUM

Date: November 18, 2003, 3:00 P.M.

Subject: Earth Conservancy
ATV Feasibility Study
Steering Committee Meeting

Location: Earth Conservancy
101 South Main Street
Ashley, PA

Attendees: Attendance list is attached.

A steering committee meeting was held to discuss the ATV Feasibility Study being undertaken by Earth Conservancy. Background on this topic was provided, potential goals, objectives and future actions were discussed.

BACKGROUND

Michael Dziak gave the welcoming remarks regarding Earth Conservancy's role in the ATV Feasibility Study. Earth Conservancy has numerous parcels of land throughout Luzerne County. The long-term goal of this organization is to develop land holdings into sustainable programs and grant ownership of these parcels to private/public owners to control. An ATV park/trail system is a possibility for some of the land use. This meeting was held with the Steering Committee in order to decide if this alternative is viable.

Earth Conservancy hired Pennoni Associates Inc. to conduct a feasibility study to explore the potential for and ATV park or trail system in the Wyoming Valley. Mr. Dziak introduced Steven Barber of Pennoni Associates Inc. who presented a power point presentation outlining the issues to be addressed throughout the feasibility study.

FEASIBILITY

The presentation began by stating the purpose of the study, which is to identify the land available, owners, maintenance issues and liability concerns. The potential problem areas were conveyed first, including property ownership, insurance costs, safety concerns and environmental impacts. Economic concerns, maintenance and policing are also potential problem areas. Mr. Barber passed out a spreadsheet listing existing ATV parks including information on their owners, operations, enforcement and fees.

TRAIL SYSTEM

The actual trail characteristics were explained as to the difference between the trail/track designations. A trail would consist of a long, permanent pathway for ATV use. A track would be

separated into beginner, intermediate and advance courses with jumps or specialty features. A track could possibly be reconfigured so to keep the interest in riding at the location. Some believe that if the park is built consisting on only trails, then the local people would not participate because they would want to see more tracks, leading to more illegal riding because the proposed system would not suit the public's interest. A network of trails connecting numerous tracks was an alternative mentioned. This system would encompass many landowners and easements.

Earth Conservancy land could possibly be used as a link to get through the trail system. Earth Conservancy parcels are separated many numerous private landowners. These owners would have to agree to easements through their property or rights-of-way acquisitions.

Various examples of property available for the ATV usage might be DNCR, PA Game Commission, State Forests and local municipalities.

Trail systems maintained by individual clubs was an alternative discussed. A coalition would be set up to own the property. If this coalition were a non-profit organization, there may be more opportunities for grants and funding. This would create a responsible body in charge of a definite length of trail or trail system. This coalition would be in charge of the policing, maintenance and ownership of the system.

OPERATIONS

The represented ATV clubs believe that once a trail system is initiated, the majority of illegal ATV riding will stop. Designated areas for mud holes and play areas would help control and police the system because they will have legal areas to do such activities. ATV club riders do not want to jeopardize their registrations or rights to participate in legal systems by doing something illegal or damaging. Club members stated that by setting guidelines and educating riders of these rules would help enforce them.

A suggestion was made to make it mandatory for all ATV riders to join some sort of organized club, which, in turn, would police the areas themselves and report back to the proper authorities if any occasions arise.

FUNDING

The following suggestions were made:

A discussion was held about using a percentage of the ATV registration fees as a source of funding for any planned project. As there are such a large numbers of registered ATV riders in the state (approx. 400,000), this option appeared viable to committee members. Several of the committee members have been working with DCNR to identify actual expenditures of their registration fees. The actual fees for using the park once it is operational depend on the owners of the park. Most club riders pay a yearly fee for the park usage. Out of town riders, visiting for a few days, could possibly purchase a pass for the day(s) they would use the trails.

There are DCNR funds available to support the development and creation of parks/tracks/trail systems. In order to obtain funding potential trails and park space would need to be identified,

property owners would have to be in agreement, maintenance issues would need to be explored and resolved and liability issues addressed.

Local businesses could possibly contribute to a portion of the funding needed to construct a park of this kind. However, executing such a project will require significant funding, which will have to come through grants.

The public would feel more supportive of a park or trail system if businesses and the public understand there are potential solutions to the illegal riding currently taking place.

The economic impact of an ATV system could be positive to the surrounding area. Income could be generated from hotels, restaurants and shops in the area surrounding the ATV parks. Also, lodges and restaurants could be set up along the trails themselves in order to draw more users to the system.

LIABILITY/POLICING

The ownership and policing of such a trail system are crucial elements in the operation of the system. One example of a track was described as having been designated as a multi-use facility for ATV riders, mountain bikers, pedestrians and bicyclists. The park was closed down after only a few months because there were several accidents and chaotic situations caused by the wide variety of users on the trail. Multi-use facilities have both positive and negative aspects associated with them. If a system is designated multi-use, there is more room for problems arising from the different types of users, bigger liability risk and more accidents. The positive side of a multi-use system is there would be more room for funding from different groups.

The liability for such a system is a big concern. Property owners would want the riders to be responsible for any damages.

The alternatives for ownership of a trail system might be a non-profit group acting as owners. The property for such a system could come from DNCR, PA Game Commission, State Forests, private landowners and local municipalities.

Next Meeting

The next meeting will be held on Wednesday, January 21, 2004 at 3:00 p.m. at the Earth Conservancy offices.

Topics for discussion:

1. Ownership models/scenarios
 - a. 501 (c) (3)
 - b. State Ownership
 - c. County ownership
 - d. State develops and gets project operational and passes to non-profit entity
2. County Recreation Commission
3. Trail vs. Track alternatives

The above represents items discussed and general topics of discussion. Comments should be directed to Steven Barber, Pennoni Associates Inc., (570) 824-2200 or sbarber@pennoni.com

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Name	Agency Representing	Address	Phone Number	Email Address
Mike Dziak	Earth Conservancy	101 S. Main St. Ashley, PA 18706	(570)823-3445	
Jacqueline Dickman	Earth Conservancy	101 S. Main St. Ashley, PA 18706	(570)823-3445	jacqueline.dickman@earthconservancy.org
Steve Barber	Pennoni Associates Inc.	431 Railroad Ave. Camp Hill, PA 17011	(717)975-6481	sbarber@pennoni.com
Scott J. Cope	DCNR	400 Market St. Harrisburg, PA 17105	(717)722-3319	sjcope@state.pa.us
Leonard Reggie	North Branch Regional Land Trust		(570)696-3198	bhswood46@aol.com
Patrick Healey	ATV Enthusiast		(570)655-1007	phealey@pennsbest.net
Fred & Kathy King	ATV Enthusiast		(570)820-8237	PTPMS@att.net
Steve A. Smithonic Jr.	PA Game Commission	P.O. Box 220 Dallas, PA 18612	(570)675-1143	ssmithonic@state.pa.us
Joe Arnone	ATV Enthusiast		(570)829-1456	joe_arn@msn.com
Tim Donohue			(570)821-7515	Dakotas5@epix.com
Colleen OBrien		318 Hanover St. Warrior Run, PA 18706	(570)820-9756	
Paul A. Levash	PPL Electric Utilities	Hazleton, PA		palevash@papl.com
Edward W. Glazenski	Luzerne Co. Planning Commission		(570)825-1588	planzone@expi.net
Dan Kowalski	ATV Enthusiast		(570)735-3615	
Bill Shepard			(570)288-6196	shep469@adelphia.net

Name	Agency Representing	Address	Phone Number	Email Address
Greg Hamill	Pocono Mt. ATV Club		(570)646-4514	homer@epix.net
Michelle Marriott	Pennonni Associates Inc	100 N. W-B Blvd. Wilkes-Barre, PA 18702	(570)824-2200	mmarriott@pennonni.com
Brad Elison	DCNR		(570)963-4892	belison@state.pa.us
Bob Conner	Back Mt. Enduro Riders	19 Park St. Glen Lyon, PA 18617	(570)736-6580	
Edward Brennan		925 W. Main St. Plymouth Twp., PA	(570)735-0124	
Joan Pekarovsky		7 N. Market St. Nanticoke, PA	(570)740-7031	JPekarov@pahouse.net
George W. Volpetti		338 Coal St. Wilkes-Barre, PA	(570)200-7433	
Bernie McGurl	Lackawanna River Corridor Association			
Thomas Ruskey	W-B Chamber of Business & Industry			
Steering Committee Members not in attendance for 11/18/03 meeting:				
Merle Mackin	Luzerne Co. Tourist Promotion Agency			
Neil Oberto	Hazleton ATV Facility			
Joe Rymar	UGI, Newport Twp. Commissioner			
Dennis Demara	DCNR			
Michele Breslin	DCNR			
Mark Scappatura				

MEMORANDUM

Date: February 11, 2004, 3:00 P.M.

Subject: Earth Conservancy
ATV Feasibility Study
Steering Committee Meeting

Location: Earth Conservancy
101 South Main Street
Ashley, PA

Attendees: Attendance list is attached.

A steering committee meeting was held to further discuss the ATV Feasibility Study being undertaken by Earth Conservancy. Ownerships options as well as preliminary location sites were discussed.

BACKGROUND

This second meeting of the steering committee was to focus on the ownership models, evaluate the advantages and disadvantages of each model and locate preliminary locations for the ATV usage. Steven Barber of Pennoni Associates Inc. presented a power point presentation outlining the various options for ownership of an ATV park or trail system and identified preliminary location sites. Ms. Dickman passed out three newspaper articles regarding ATV usage and regulations

OWNERSHIP MODELS

The presentation began by listing four ownership options, state agency create and own, state agency create and non-profit operate, county own and operate, or non-profit own.

State Agency Ownership

The PA Game Commission is not a viable state run operation because ATV use on state hunting land is illegal.

The Department of Conservations of Natural Resources (DCNR) is a state ownership option. There are several existing forest trails throughout the region that could possibly be converted into ATV trails. The DCNR falls under the Pennsylvania Recreation Use Statute, which states that the land owners would receive some protection from liability if it is a non-profit establishment and it is visibly cared for.

Funding for an ATV park owned by the state might face funding issues. There are many resources that depend on state finding, thereby decreasing the chances for all agencies to get funding.

A comment was made in favor of the State ownership as opposed to private ownership. It was suggested that if people opposed to ATV use were to file lawsuits, there would be fewer filed if the state owned the land as opposed to private citizens owning the land. Another comment was made stating that the funds from the ATV registration could only be used to fund ATV activities/facilities, thereby securing more funds for a park/trail.

State Agency Initiation/Non-Profit Operation

Another ownership model would be to have DCNR initiate the park and have a non-profit operate the facility. A disadvantage of this model is that it requires individuals or groups to take the lead and form the non-profit group. Also, depending on funding, there could be a lengthy approval process to clear before something tangible could get off the ground.

A question was raised pertaining to the dates of operation if a non-profit owned the park. The dates and schedule for such a park would be based on owner preference.

Luzerne County Ownership

County ownership and operation is the third model. With this option there would already be an administrative structure in place to manage the park/trail. There is potentially county land available in the region for such a park. The enforcement on a county run facility would fall upon the local municipalities or state police forces. A disadvantage of the model is that it would be subject to county politics and would have to compete with various other projects for funding.

A member stated that a county owned park would eminently fail because other existing county owned operations have failed in the past.

A comment was made that there are people willing to help out, i.e. other counties, existing ATV clubs and interested individuals and that his effort should involve not just one county but a few adjacent counties in order to have a larger area and to distribute responsibility.

The Hatfield-McCoy trail was given as an example showing the large amount of money a park can raise. In the first four months of the operation in West Virginia, operations brought in \$2.74 million dollars. If several counties joined forces and began a trail, all parties involved could benefit from the profit.

Another audience member stated the trail in West Virginia does so well because residents were open to the idea of a trail and the business having a trail could generate for the local economy. It was suggested that an ATV park would have to be something that involved the people who are going to utilize it.

A potential issue with a multi-county trail would be the land areas available and the ability to connect land parcels. This study was initiated because the Earth Conservancy had available land in lower Luzerne County. A suggestion was made to start something locally, monitor the usage and the acceptance and then get more counties/areas involved once success was demonstrated. The park

would have to prove successful first on a smaller scale before a larger effort was made. Those people opposed to ATV riding would want to see the benefit of the park and its benefit to the area.

A question was raised about the financial impact on the region from such a park. The next meeting will address more financial benefits to the local economy based on other such studies and existing parks.

The impact from a park could be substantial. A member stated that California has the leading sales numbers for the U.S. The total revenue for the ATV business, including dealers, gas and motels among other business is approximately \$4 billion dollars.

Non-Profit Corporation

The final option would be a non-profit corporation owning and operating the park. The members of the non-profit group would have to rely on their own energies to manage the park. Some disadvantages include the amount of money needed up-front to start the park off and the administrative positions needed to be created in order to lead the group. The existing ATV clubs would be a viable choice because they have the experience and the interest with the issue. There are a few non-profit groups which currently run ATV parks in the state, ATV Traction and Headwater's Trust Association. The both have a large membership population (400+) and they have grown significantly in the past two years. The volunteers for these groups do most of the maintenance and policing. The local clubs could bring more than 1000 members together to start a park. This option would be beneficial because the members would actually run the park, police and maintain it. Since the members enjoy the park as well as operate it, great efforts would be put forth to keep it nicely maintained as well as strict usage regulations.

The group voted the State Agency to be the most favorable type of ownership. Since the PA Game Commission is not a plausible option, DCNR is the only agency remaining.

LOCATION

The next topic of discussion after the ownership issue was covered related to the location for an ATV park. Two areas were identified as being possible sites for the park, Plymouth and Newport Township. These specific areas were chosen because there is land available in these regions.

Plymouth Township

The Earth Conservancy owns two large parcels (600+ acres total) in Plymouth Township. There is also nearby state and county property totaling 1785 acres. This site could possibly lend itself to a trail system with a few track areas off of the trail. The advantages of this site include the large amount of land available and the existing trails. Some disadvantages include limited roadway access and adjacent land owners.

A member suggested that even though the Plymouth Twp. site has a large/deep pit area, there are numerous level spaces for tracks less than 200 yards from these pits. The land in Plymouth Township was always planned to be used as "green space".

Newport Township

The site in Newport Township included Earth Conservancy land as well as private and county property. The advantages for this particular site include the existing trail network and the roadway access. Some disadvantages include the location of a proposed development next to the parcel and the willingness of private property owners.

Some members stated that the Newport site would be attractive to riders because there is already a large percentage of illegal riding there. The trails exist and cause very little disturbance to neighbors.

The consensus was that Newport Township would be best suited for more linear trails and the Plymouth Township land would be better for tracks.

Comments were made that 100 acres of ATV trails/tracks are not going to satisfy the local riders.

The suggestion was made to take a more detailed look into the Newport Township parcels and to provide a visual illustration of the locations for the audience.

Next Meeting

The next meeting date will be Wednesday April 14, 2003 at 3:00 p.m. at the Earth Conservancy Office.

Topics for discussion:

1. Financial impact for local business
2. Comparison of data from other ATV studies

The above represents items discussed and general topics of discussion. Comments should be directed to Steven Barber, Pennoni Associates Inc., (570) 824-2200 or sbarber@pennoni.com.

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**Steering Committee Meeting For ATV Feasibility Study
February 11, 2004**

	Name	Agency Representing	Address	Phone	Email
1	Jackie Dickman	Earth Conservancy	101 South Main Street Ashley, PA	570.823.3446	earthcon@intergrafx.net
2	Mike Dziak	Earth Conservancy	101 South Main Street Ashley, PA	570.823.3446	earthcon@intergrafx.net
3	Scott J. Cope	DCNR	400 Market Street Harrisburg, PA	717.772.3319	sicope@state.pa.us
4	Lorne Possinger	DCNR	101 Penn Avenue Scanton, PA	570.963.5673	lpossinger@state.pa.us
5	Kevin Amos	Black Diamond ATV	158 Alden Mount Road, Nanticoke, PA 18634	570.735.3615	
6	Todd W. Jones	Black Diamond ATV	158 Alden Mount Road, Nanticoke, PA 18634	570.779.1600	
7	Joan Pekarovsky	Rep. John Yuclichak	7 N. Market Street, Nanticoke, PA 18634	570.740.7031	jpekarov@pahouse.net
8	Tim Donohue	Quad Rider	192 Dana Street Wilkes-Barre, PA	570.821.7515	dakotas5@epix.net
9	Joe Rymar	UGI	Stewart Road Havover Township, PA	570.830.1211	jrymar@ugi.com
10	Paul A. Levash	PPL	334 S. Poplar Street Hazleton, PA	570.459.7465	palevash@pplweb.com
11	Bradley Elison	DCNR	101 Penn Avenue Scanton, PA	570.963.4561	belison@state.pa.us
12	Merle Mackin	Luzerne County CVB	56 Public Square Wilkes-Barre, PA	570.819.1877	tourncpa@tourncpa
13	George Volpetti	Riders World	338 Coal Street Wilkes-Barre, PA	570.200.7433	start@ridersworld.com
14	Adam Mattis	DCNR	400 Market Street Harrisburg, PA	717.772.3704	amattis@state.pa.us
15	Patrick Healey	Valley ATV Club	130 Chapel Street Pittston, PA	570.655.1007	phealey@pennsbest.net
16	Greg Hamill	Pocono Mountain ATV	P.O. Box 124 Blakeslee, PA	570.646.4514	homer@epix.net
17	Michelle Marriott	Pennoni Associates, Inc.	100 N. Wilkes-Barre Blvd. Wilkes-Barre, PA	570.824.2200	mmarriott@pennoni.com
18	Bob Conner	Back Mountain	19 Park Street Glen Lyon, PA	570.736.6580	bobc@wilkesbarrepa.com
19	Colleen O'Brien	Warrior Run Boro	318 Hanover Street, Warrior Run PA	570.820.9756	
20	Steve Harkins	Paatving.com	3370 Morris Road Lansdale, PA	610.584.5417	admin@paatving.com
21	Steve Barber	Pennoni Associates, Inc.	431 Railroad Ave. Camp Hill, PA 17011	717.975.6841	sbarber@pennoni.com
22					
23					
24					
25					

MEMORANDUM

Date: July 13, 2004, 3:00 p.m.

Subject: Earth Conservancy
ATV Feasibility Study
Steering Committee Meeting

Location: Earth Conservancy
101 South Main Street
Ashley, PA

Attendees: Lorne Possinger, Dan Kowalski, Tim Donohue, Paul Levash, Brad Elison, Adam Mattis, Patrick Healey, Greg Hamill, Bob Connor, Ellen Ferretti, Steve Smithonic Jr., Kathy King, Steve Barber, Mike Dziak, Jackie Dickman

A steering committee meeting was held to further discuss the ATV Feasibility Study being undertaken by Earth Conservancy. Topics of discussion for this meeting included: enforcement options, liability coverage options, updates on ownership options as well as additional information on the preliminary location sites.

BACKGROUND

This third meeting of the steering committee focused on: Numbers of Registered ATV's and Potential Financial Impacts, Liability Issues, Enforcement Issues, Ownership Models Updates, and Preliminary Locations Updates.

Steven Barber of Pennoni Associates Inc. conducted the meeting and provided an overview of the meeting's purpose. Each steering committee member introduced him/herself. Mr. Barber then gave a power point presentation outlining the various discussion topics.

NUMBERS OF REGISTERED ATV'S AND POTENTIAL FINANCIAL IMPACTS

Total ATV Sales

National Sales for ATV's in 2002 were presented for a 6-month period. Mike Dziak asked Pennoni to determine the total number of ATV's sold in a given year to compare this to national sales figures.

Total Number of Registered ATV's

All data presented in this meeting was current as of March 2004.

There are a total of 204,878 registered vehicles in Pennsylvania. However, it is surmised that there are a significant number of unregistered vehicles; the number of unregistered vehicles is not known

and would be difficult to determine. Pennsylvania ranks second in ATV behind Texas for number of registered vehicles. Luzerne County ranks in the top 5 for registered ATVs of all PA counties.

Mike Dziak asked a question regarding registration requirements of out of state operators riding in PA. Steve Barber indicated that an operator from out of state must register his/her ATV in PA to ride legally in the state.

Financial Impacts

Population data from the 2000 census was used to determine financial impacts of ATV ridership.

According to the National Off-Highway Vehicle Conservation Council, Inc., the majority of drivers will travel approximately 1-3 hours to ride their OHVs. The drive time and associated total population within each drive time category breaks down as follows:

1 Hour (50 miles) from the Lower Wyoming Valley: 1,785,524
2 Hours (100 miles) from the Lower Wyoming Valley: 11,970,397
3 Hours (150 miles) from the Lower Wyoming Valley: 25,766,895

All ATV ownership figures are based on DCNR registration information. In the three-county area (Luzerne, Lackawanna, Monroe), 3.23% of the population own ATVs. Additionally, 2% of the population within three hours of the Lower Wyoming Valley own ATVs, excluding out of state users.

The percentages are based on the population in that area and the total number of ATV's sold but not necessarily registered.

Potential users by drive time are as follows:

1 Hour (50 miles) 57,672
2 Hours (100 miles) 264,425
3 Hours (150 miles) 544,494

The committee discussed the potential financial impacts the Lower Wyoming Valley could expect from both day and overnight trips to this area. Bob Conner indicated that he estimated the average rider spends approximately \$100.00 day per trip.

It was noted that buying parts in-state for ATVs would also affect financial impact to the area. Steve Barber noted that the potential might not be billions but even millions would be a potentially realistic estimate.

LIABILITY AND ENFORCEMENT ISSUES

The next topic of discussion was the liability issues. At the previous steering committee meeting the group requested information related to other ATV facilities and the approach taken by those facilities to trespassing and insurance coverage. Several different types of riding venues and operations were outlined.

The first area discussed was ATV Traction, Inc. in Erie, PA, which uses a 7-mile abandoned railroad line for riding, with additional private land available to the group. The group recently received a DCNR grant to purchase an additional 15 acres for use as a safety and rider training area. Mike Dziak asked the dimensions of the current trail owned by the club. Steve Barber indicated that it is 50-foot-wide x 7-mile long trail.

ATV Traction Inc., covers liability costs by making a membership to the club mandatory for anyone wishing to use the trail. The club relies exclusively on PA Recreation Statute and general homeowner liability. At the previous meeting, the steering committee discussed liability and the Good Samaritan Law, which states that property owners allowing riders to access their privately held lands without a fee are not legally liable for rider injured while riding on the private lands. Bob Conner asked whether Good Samaritan Law was similar to the “whole harmless clause,” to which Steve indicated that they are the same.

Jackie Dickman asked if membership dues were charged. Steve Barber replied that they were required.

Enforcement of illegal riding is accomplished by recording members’ registrations when they are on the trail. Additionally, members self-police the trail by stopping unknown riders.

Private Riding Areas

Private riding areas were discussed next, including Rausch Creek Motorsports, Plumcreek Valley Park and Wolfman’s Park. All riders must complete a liability waiver form to ride in these areas. Enforcement is upheld by staff monitoring of restricted areas. These types of riding parks are self-contained, which means that enforcement can be handled differently to more open terrain venues. Riders at these parks enter through a gate and either get their hands stamped or are given a bracelet to wear. Riders must present the stamp or bracelet upon request.

Paragon Sports

Paragon is a large private riding area covering approximately 6,000 acres and allows a variety of OHVs to use the facility. Currently, this riding area has liability insurance but management requires all riders to sign a liability waiver and pay a fee to use their facility. Wristbands are mandatory to enter the riding facility and all ATV’s must have flags attached, which makes registered riders visible to authorities. Guests and/or staff members are asked to report any trespassers.

Initially, Paragon had problems with illegal riding but spent one year blocking all illegal trail access points. This sometimes required a daily effort on the part of the owners. The effort greatly reduced illegal riding, but Paragon now regularly patrols the property.

Greg Hamill stated that he has been to the Paragon and said that he would never go back. He said that excessive mixed-use traffic was a major issue and that his children were nearly hit by off-road trucks using the facility. He indicated that the variety of vehicles allowed to use the park could present safety problems. Hamill noted that Paragon received a grant to build bathrooms on the property.

Tower City Trail Riders, Inc.

Tower City Trail Riders, Inc. carries commercial liability insurance costing \$12,000/year. There are no ATV competitions allowed under this policy. It also has a liability waiver that riders must sign as part of their membership. Enforcement is upheld by requiring all riders to wear helmets and have entrance stickers visible on helmets. The group strictly enforced the helmet requirement. Members are asked to help enforce the trespassing rule by looking for riders that do not have stickers. The group president was quoted as saying, "They have a good deal and everyone wants to protect the area," according to Barber.

Tower City requires a membership fee of \$200 per year for individuals or \$250 for families. Membership costs for residents within the county are reduced. Currently, Tower City has approximately 2000 members and holds the largest membership within a 4-state region. Tower City is currently leasing 6,000 acres for a five-year period. It has an 80%-20% payment arrangement with the landowners, which means 80% of all proceeds go to the landowners and 20% of the proceeds go to the club. The 1st lease period paid the property owner approximately \$40,000/year for 5 years. Currently, approximately \$1,000,000 over the 5-year lease goes back to the property owners.

Earth Conservancy Property

Mike Dziak indicated that EC's insurance does not allow motorized activities on EC property. Mike stated that because of this, if the board were interested in pursuing something with ATVs the land would have to be sold.

Greg Hamill said that a legislative bill has been introduced that if passed would assume liability issues would be the responsibility of the rider. Because some ATV associations are a non-profit groups riding on private land, insurance carriers classify them in the same category as ski resorts.

Adam Mattis said that the bill has gone through the senate but he is not sure of its current status.

OWNERSHIP OPTIONS

DCNR Ownership

The committee next compared the advantages and disadvantages of DCNR ownership. Some of the advantages would be: all trails consistently maintained; uniform oversight of enforcement, and funding. Disadvantages include, the lengthy timeline for implementation, approvals and funding.

County Ownership

Committee members discussed the alternatives of utilizing land owned by the County. It is known that the county considered creating a recreation authority, but to date, there has been no action. Dziak noted that attempts were made to reach contacts in the County, but he had not yet received responses.

With regard to other PA counties creating recreation authorities, Mattis reported that an advisory board was formed to handle planning and construction of the recreation area. By the time the rec area opens, a non-profit will have been formed to run the everyday operations and maintenance of the site with the County Recreation Authority retaining ownership of the land. Mattis said there is a Rock Run Advisory Committee, with 13 voting members. Membership to the authority includes riders, state and local representatives, Heritage Area members and a few others.

Ellen Ferretti noted that the County Open Space Plan includes provisions for ATV operations and a Recreation Commission. Specifically the Plan noted several mixed-use trails and provided for management and oversight of the facilities. Ellen is going to forward a copy of the open space plan for review and inclusion of information in the final report.

Non-Profit Corp. Ownership

The committee discussed the potential for a non-profit corporation to own and operate a trail/park, including advantages and disadvantages. Non-profits are exempt from federal corporate income taxes and would be eligible to receive public and private grants. Any donor contributions that are received would be tax deductible. A non-profit would still require liability protection.

Bob Conner presented a report from the Anthracite Regional Trail System Coalition (ARTSC). Bob Conner reported that that several groups including Valley ATV, Pocono ATV, Black Diamond and Back Mountain Enduro Riders have met and are attempting to form a coalition from the individual clubs. Currently there are more than 500 members represented among the clubs. Members have discussed financial aspects and recruitment. The meetings are held the 2nd Sunday of each month at the LCCC Educational Conference Center. Anyone is welcome to attend the meetings.

Dan Kowalski added that he thinks the association is a great idea. Greg Hamill said that they appreciate what the Earth Conservancy has done to help.

PROPERTY ALTERNATIVES UPDATES

The next section of the meeting included updates on the properties presented the committee during the last steering committee.

Plymouth Township Region

The area in Plymouth Township includes two EC parcels; one parcel is 300 acres and the other 325 acres. The State Forest Property is approximately 1300 acres, and the County near Moon Lake is approximately 485 acres.

State Route 29 splits the Plymouth Twp. site. There is only one crossing point from South to North, but it is not a viable crossing. The crossing area is an easement for the PA American Water Company. The soil is soft and has been recently seeded. There is an existing structure (bridge) that crosses the creek. In order to access this structure a trail would have to travel down the hill and cross SR 29 at grade and then travel along a very narrow shoulder of SR 29. Mike Dziak said that there are no alternative crossings of which he is aware.

EC Staff met with Plymouth Township Supervisors in the weeks prior to the ATV meeting. The Supervisors indicated they would not support any ATV activity along the south end of the area. This area includes the two EC parcels. The supervisors are concerned with conflicts with residences in the area and also with future residential development of the area.

Lorne Possinger said that when the DCNR looked into the Moon Lake Area and Lackwanna State Forest area that a terrace or sound and dust barriers would need to be put in place. There could be a potential for linear trail riding through the existing state forest property but no open riding, adding that the County would need to be consulted. Mike Dziak said that he was not aware of the county's position related to the site. Mike indicated that DCNR recently purchased a large block of property adjacent to the existing State Forest property referred to as the Theta Lands. While this land is owned and controlled by DCNR it was purchased in order to preserve the lands for Luzerne County.

Lorne said the Theta land is connected with state forest out to Moon Lake.

Ellen Ferretti indicated Luzerne County's Open Space Master Plan addressed the issue of ATV riding and the establishment of a Recreation Authority as a regulatory agency for these activities. Though the concept of ATV trails were part of the Plan, Ellen thought it was highly unlikely that the county would allow ATV's to ride in the Moon Lake park area. Ellen would forward a copy of the plan for inclusion in the study. Mike Dziak indicated that the county has not committed to operating a facility; however, EC would be willing to sell property to the county to operate an ATV facility.

Newport Township Region

The Newport Township area consists of EC and private property. Mr. Barber presented several photographs of heavily used, existing ATV trails near the cemetery area as well as along the powerline area.

Bradley Elison noted he supports the concept of ATV trails; however, he does not have the staff nor the time to operate and maintain trails on property in Newport Twp. as the property is removed from the existing state forest lands and is a fair distance to travel for maintenance. Adam Mattis reiterated that DCNR has purchased property to add to existing state forests; however, the property was immediately adjacent to an existing state forest.

EC staff and Pennoni Associates Inc. made a presentation to the Newport Township Supervisors to solicit their interest in ATV trails in their township.

Jackie Dickman read a statement from Joseph Rymar, indicating that Newport Township is interested in continuing discussions regarding locating a trail in the township. The supervisors expressed interested but were cautious about the design and area the potential trail would cover. Rymar noted that of paramount importance to the supervisors would be that any trail does not present a problem for residents living in proximity to the trail, especially with regard to noise. Before making a final decision about a trail in the area, supervisors would need to see much more detailed information.

Mike Dziak said that the Earth Conservancy's position is that if a trail were to be considered in Newport Township, the property ownership issue would need to be resolved. He added that any

finals decision would have to be made by EC's board. Mike reminded the group not to focus solely on EC's property as the only available riding area but to also look at other properties. While Mike agreed the trail coalition was a good start but it would not solve the illegal rider issues or the property access issues.

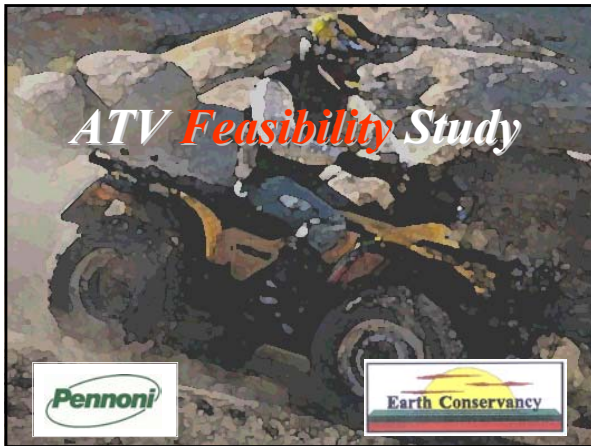
Steering Committee Decisions

Steve Barber indicated that the next step is the preparation of a draft report document. It is anticipated that the draft document will be submitted to the committee for comment and review in September. A final steering committee meeting will be scheduled to compile comments. A final report is expected to be issued in October.

W:\Projects\ECRO\ATV Feasibility Study\Documents\Meeting 2-11-04.doc

cc: Distribution (Attendees)
 A-File
 File

APPENDIX B
STEERING COMMITTEE
POWERPOINT PRESENTATIONS



Feasible

1. Capable of being done or carried out; practicable; **possible**.
2. Within reason; likely; probable.
3. **Capable of** being used or dealt with **successfully**; suitable.

- Webster's New World Dictionary, Third College Edition

Vision of the Study

- Identify land areas amenable to ATV usage
- Identify areas most conducive to ATV usage
- Identify challenges/hurdles
- Outline costs
 - Short term construction
 - Long term maintenance

Identification

Potential Problem Areas

- Property Ownership
 1. Public
 2. Private
- Liability
- Insurance Costs
- Public Safety

Identification

Potential Problem Areas

- Environmental Concerns
 - Natural
 - Historic
- Economic benefits/negatives
- Development Costs
- Maintenance

Identification

Potential Problem Areas

- Policing and Patrolling
 1. Illegal Trespassing accessing trails
 2. Enforcement issues
 - Police issues
 - Fines
 - Other Actions
- Long Term Effects

SUCCESSFUL PROJECTS

- Rocky Gap ATV/Bike Trail, PA
- Marienville ATV / Bike Trail, PA
- Maumee State Forest, OH
- Silver Lake State Park, MI
- Hatfields & McCoys ATV Trail, VA
- Paragon Adventure Park, PA

Rocky Gap ATV Trail, PA

<http://www.fs.fed.us/r9/allegheeny/recreation/trails/atv.html>

- 20.8 Miles of available trails
- Forestry Service ownership
- Usage Fees for Day and Year / Person
- Maintenance by the Forestry Service and volunteers
- Amenities include camping
- Users sign a liability waiver

Marienville ATV / Bike Trail, PA

<http://www.fs.fed.us/r9/allegheeny/recreation/trails/atv.html>

- 37 Miles of available trails
- Forestry Service ownership
- Usage Fees for Day and Year / Person
- Maintenance by local ATV clubs
- Amenities include camping
- Users sign a liability waiver



Maumee State Forest, OH

<http://www.dnr.state.oh.us/forestry/Forests/stateforests/maumee.htm>

- Forestry Service ownership
- Forestry Service Ranger enforcement



Silver Lake State Park, MI

<http://www.michigandnr.com/parksandtrails/ParksandTrailsInfo.asp?id=493>

- 450 Miles of available trails
- Forestry Service ownership
- No Usage Fees
- Available amenities include camping



Hatfields and McCoys ATV Trail, VA

<http://www.trailsheaven.com>

- 400 Miles of available trails
- Private ownership – Hatfield-McCoy Regional Recreation Authority
- Usage Fees for Day and Year / Person
- Maintenance by owner
- Amenities include camping and rentals
- Users sign a liability waiver



Paragon Adventure Park, PA

<http://www.paragonap.com>

- 130 Miles of available trails
- Private ownership – Paragon Park (Corporation)
- Usage Fees and Guide Fees
- Maintenance by owner
- Amenities include a snack shack, guided tours, and rentals
- Users sign a liability waiver



Construction

Specifications

- Cross-sections
 - 7 feet wide (min.) One-Way
 - 12 feet wide (min.) Two-Way
- Surfaces
 - Natural
 - Prepared

Construction

- Drainage
- Bridges
 - American Motorcyclist Association
 - Off-Highway Motorcycle & ATV
 - Trails Guidelines for Design,
 - Construction, Maintenance and
 - User Satisfaction, 2nd Edition

Trail Characteristics

- Trails
 - Skill levels
 - Area required
- Tracks
 - Man-made obstacles
 - Minimal area
 - Controllable

Property Availability

- Public Property
 - DCNR
 - PA Game Commission
 - State Forests
 - Local Municipalities
- Private Property
 - Private Owners
 - Utility Companies

Public Property Challenges

- DCNR
 - Available property
 - Funding
 - Construction
 - Maintenance
- PA Game Commission
 - Earth Conservancy Property Right of Way
 - Regulatory prohibitions
 - Available property
 - Mixed uses
 - Hunting
 - ATV's

Public Property Challenges

- State Forests
 - Available property
 - Funding
 - Construction
 - Maintenance
 - Existing trails statewide

Public Property Challenges

- Local Municipalities
 - Available property
 - Liability
 - Residential Conflicts
 - Noise
 - Safety
 - Dust
 - Regulatory Conflicts

Private Property Challenges

- Private Land Owners
 - Available property
 - Liability
 - Property Impacts
- Utility Companies
 - Utility Right-of-Ways
 - Power lines
 - Gas Lines
 - Liability

Sustainability

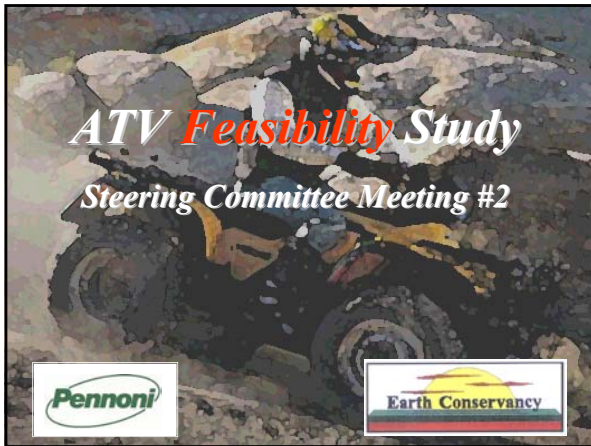
- **Maintenance Costs**
 - User fees
 - Business sponsorships
 - Volunteer labor
- **Maintenance Responsibility**
 - Local stakeholder organizations
 - Land owners

Tasks for Steering Committee

- Trail Characteristics
 - Design Options
 - Trails
 - Tracks
- Identify potential properties available
 - Barriers for potential use
 - Regulatory issues
 - Liability issues

Tasks for Steering Committee

- Identify coordination needed
- Develop alternatives
 - Ownership
 - Construction
 - Maintenance
 - Enforcement



Steering Committee Agenda

- Ownership Models
 - State Agency Ownership
 - State Agency Initiation
 - Non-Profit Operation
 - Luzerne County Ownership
 - Non-Profit Corporation
- Preliminary Locations

State Agency Ownership

- Potential State Agency Owners
 - PA Game Commission
 - DCNR

PA Game Commission

"The illegal operation of ATV's on State Game Lands and other properties open to public hunting remains a violation of the law and continues to be aggressively enforced by our Conservation Officers and their Deputy WCO's. We view this as no different than the illegal use of automobiles, trucks and SUV's on these properties"

■ Source: PA Game Commission's ATV Use Policy



DCNR Ownership

State Forest Trails:

Summer Trails

- Buchanan State Forest (18 & 15 miles)
- Susquehannock State Forest (43 miles)
- Bald Eagle State Forest (7 miles)
- Delaware State Forest (13 & 8 miles)

Summer/Winter Trails

- Delaware State Forest (7 miles)
- Michaux State Forest (36-42 miles)
- Sproul State Forest (45 & 20 miles)
- Tiadaghton State Forest (17 miles)

DCNR Ownership

- Trail Creation
- Trail Management and Maintenance
- Liability
- Enforcement
- Funding of Trails
 - Construction
 - Maintenance

DCNR Ownership

- Trail Creation
 - State Forest Trails
- Trail Management and Maintenance
 - DCNR Employees

DCNR Ownership

- Liability
 - *Pennsylvania Recreational Use Statute*
 - Title 68, Chapter 11, Section 477
 - Recreation Use of Land and Water

"The purpose of this act is to encourage owners of land to make land and water areas available to the public for the recreational purposes by limiting the liability toward persons entering thereon for such purposes"
- Not valid if landowner "charges"
 - "Charge" means the admission price of fee asked in return for invitation or permission to enter or go upon the land.

DCNR Ownership

- Enforcement of ATV Laws
 - State Forest and State Park Lands
 - DCNR Rangers
 - State Game Lands
 - Wildlife Conservation Officers (WCO's)
 - Deputy WCO's
 - State and Municipal Roads
 - State and Municipal Police
 - Private Property
 - State and Municipal Police

DCNR Ownership

- Funding of Trails
 - ATV Registration Fees
 - Fines Collected
 - DCNR Grants
 - Land purchases
 - Plan development and surveys
 - Construction and Maintenance
 - Equipment purchase
 - Application Period
 - August – October
 - Awards ~December

DCNR Ownership

- | | |
|---|--|
| <ul style="list-style-type: none"> ■ Advantages <ul style="list-style-type: none"> ■ Consistency <ul style="list-style-type: none"> ■ Trails ■ Maintenance ■ Oversight <ul style="list-style-type: none"> ■ Enforcement ■ Funding | <ul style="list-style-type: none"> ■ Disadvantages <ul style="list-style-type: none"> ■ Timeline for Implementation ■ Approvals ■ Funding |
|---|--|

Steering Committee?

DCNR *Initiation* Non-Profit *Operation*

- DCNR Initiation
 - Purchase property
 - Establish trails / facilities
- Non-Profit Operation
 - Trail maintenance
 - Enforcement

DCNR *Initiation* Non-Profit *Operation*

- Advantages
 - Consistency
 - Trails
 - Maintenance
 - Oversight
 - Enforcement
 - Funding
- Disadvantages
 - Formation of Non-profit
 - Non-profit funding
 - Timeline for Implementation
 - Approvals

Steering Committee?

County Ownership

- County Recreation Commission
- Trail Creation
 - County land?
- Trail Management and Maintenance
 - County maintenance forces
 - County administration

County Ownership

- Liability
- Enforcement
 - Municipal / State Police
- Funding of Trails
 - Construction
 - Maintenance

County Ownership

- Green County Feasibility Study
 - Bankrupt mining company property
- Land Ownership
 - Bankrupt mine company
 - Private property easements
- Maintenance and Operations
 - Co. staff maintain facility
 - Support from local ATV Clubs

County Ownership

- Green County Feasibility Study
 - Issues
 - County financial issues
 - Co. purchase mining property
 - Purchase additional property
 - Cost of staff to maintain/operate
 - Adjacent to residential areas
 - Limited public input
 - No steering committee!
 - Feasibility study draft in process

Steering Committee?

Non-Profit Corp. Ownership

- 501c.(3)
 - Formed for purposes other than generating a profit
 - no part of income is distributed to director's or officers
 - *Educational, Charitable, Foster National Sports Competition*
 - *Broad based and allows instruction for self-development and community benefit.*
 - Requirements
 - Board of Directors
 - Bylaws
 - Applications – State, Federal
 - Contributions allowable
 - **YES**


Non-Profit Corp. Ownership

- Advantages of Non-Profit
 - Exempt from Federal Corp. Income Taxes
 - Eligible to receive public and private grants
 - Donors contributions tax deductible.
 - Limited Liability Protection
 - Directors, trustees, officers, members not personally responsible for debts and liabilities of Corporation.

Non-Profit Corp. Ownership

- Disadvantages of Non-Profit
 - Increased paperwork and records
 - Articles of Incorporation
 - Bylaws prepared
 - Meeting minutes
 - Corporate Records

Example Non-Profit

- **ATV Traction**

 - Individual, Family, Dealer Memberships
 - Use of all **ATV Traction** trails and facilities
 - Currently own 8 miles of abandoned Railroad bed.
 - Access to trail maps and information
 - Continuing Education and Safety Programs
- **Headwater's Trust Association**
 - Snowshoe Region Trail – Membership

Steering Committee?

Best Ownership Option?

	YES	NO
State Agency		
State Agency / Non-Profit		
County		
Non-Profit Corp.		

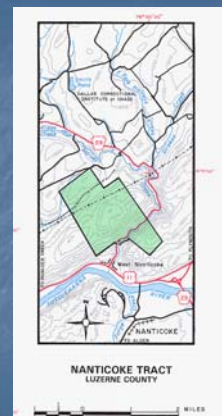
Steering Committee?

Location, Location, Location

- Tracks vs. Trails
 - Available property dependent
- Preliminary Locations
 - Plymouth Township *Region*
 - Newport Township *Region*
 - Other available property

State Forest

- Lackawana State Forest



Plymouth Township Region

- Earth Conservancy Property
 - Parcel #1
 - Size = 300 Acres
 - Parcel #2
 - Size = 325 Acres
- State Forest Property
 - Size = 1300 Acres
- County Property
 - Size = 485 Acres

Plymouth Township Region

■ State Forest

District Forester, Lackawanna Forest District:

"The DCNR, Bureau of Forestry mission includes providing low density recreation opportunities for the public....The Bureau does not have the role or the means to provide intensive ATV parks however, where disturbed land such as abandoned strip mines exist adjacent to State Forest, the potential exists to consider development of additional ATV riding opportunities"



Plymouth Township Region

- Include:
 - EC property
 - State forest property
 - Private owners

Plymouth Township Region

■ Advantages

- Large amount of available property
- Parallel pits and spoils to allow for maximum use with minimum impact
 - Pending reclamation of the major open pits
- Existing trails and terrain that limits noise and dust to surrounding areas
- Distance from residential areas
- Willingness of neighboring private property owners

Plymouth Township Region

- Disadvantages
 - Neighboring private property owners
 - Linking of parcels
 - Roadway access to site
 - Narrow local roadways
 - Increased traffic
 - Noise pollution
 - Air pollution / Dust

Steering Committee?

Newport Township Region

- Earth Conservancy Property
 - Linear Parcel
- Private Property
- County Property

Newport Township Region

- Advantages
 - Mine scarred lands
 - Existing trails and terrain that limits noise and dust to surrounding areas
 - Local roadway access

Newport Township Region

- Disadvantages
 - **Adjacent** to planned Residential Development
 - Cooperation of private property owners
 - Linking of parcels
 - Noise pollution
 - Air pollution / Dust

Steering Committee?

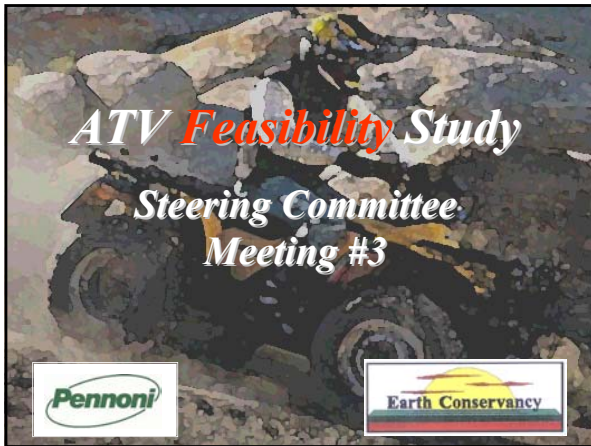
Steering Committee Decisions

- Preferred Ownership/Operation option.
- Identify preliminary areas for trails
 - Access
 - Adjacent property owners
 - Impacts
 - Sustainability

Steering Committee Next Steps

- Identify additional areas for trails
 - Total acres available
- Key hurdles for suggested areas?
 - Noise, dust, enforcement, etc..
- Operation / Maintenance options
 - ATV Groups?
 - Townships?
 - Recreation Authorities?

***Steering Committee
Homework Assignment***



Steering Committee Agenda

- Numbers of Registered ATV's
- Potential Financial Impacts
- Liability Issues
- Enforcement Issues
- Ownership Models Updates
- *Preliminary* Locations Updates

Total ATV Sales

- *Powersports Industry Dealer News*
 - National Sales for 2002
 - January through June
 - ATV's = 34,870
 - Motocross Bikes = 4,804
 - Enduro Bikes = 7,515
 - Total 6 month sales = 47,190
 - 2001 sales = 37,801

Numbers of Registered ATV's

- Total number of Active and Limited Vehicles
 - PA Registered Vehicles (March 2004) = 204,878
 - *Source: DCNR*
 - Leading States for Sales
 - 1. Texas
 - 2. Pennsylvania
 - 3. New York
 - 4. Ohio
 - *Source: National Off-Highway Vehicle Conservation Council, Inc.*

Numbers of Registered ATV's

- Luzerne County = 6,301
- Lackawanna County = 3,872
- Monroe County = 2840
- #1 in PA: Allegheny County = 9,179
- Out of State = 4,572

Financial Impacts

- Total Population by drive time
 - *Source: 2000 Census Data*
 - 1 hour (50 miles) = 1,785,524
 - 2 hours (100 miles) = 11,970,397
 - 3 hours (150 miles) = 25,766,895

Financial Impacts

- ATV Ownership Based on DCNR registrations
 - 3.23% of population own ATV's in region
 - 2.03% of population within a 3 hour drive own ATV's
 - Does **not** include out of state users

Financial Impacts

- Potential users by driving time
 - 1 hour (50 miles) = 57,672
 - 2 hours (100 miles) = 264,425
 - 3 hours (150 miles) = 544,494

Financial Impacts

- | | |
|--|--|
| <ul style="list-style-type: none">■ <u>Day Trips</u><ul style="list-style-type: none">■ 1 hr = \$5,767,200■ 2 hr = \$26,442,500■ 3 hr = \$70,072,625■ <u>Source:</u><ul style="list-style-type: none">■ <i>Colorado Off-Highway Users Study, 2000</i>■ <i>Average \$100/day/user</i> | <ul style="list-style-type: none">■ <u>Overnight Trips</u><ul style="list-style-type: none">■ 1 hr = \$15,283,080■ 2 hr = \$70,072,625■ 3 hr = \$144,290,910■ <u>Source:</u><ul style="list-style-type: none">■ <i>Colorado Off-Highway Users Study, 2000</i>■ <i>Average \$265/day/user</i> |
|--|--|

Financial Impacts

- New Hampshire Economic Study
 - July 2002 to June 2003
 - Granite State All-terrain Vehicle Association
- \$60.12 for in-state travel
- \$46.40 for out-of-state travel
 - 1 hour (50 miles) = \$3,467,241
 - 2 hours (100 miles) = \$15,897,231
 - 3 hours (150 miles) = \$25,264,522
 - *Note: 3 hours assumed out-of-state*

Financial Impacts

- Businesses directly affected
 - Gas stations
 - Restaurants
 - Convenience Markets
 - Equipment Sales
 - Parts
 - Repairs
 - Lodging

Liability and Enforcement Issues

- Dependent on ownership
 - Private (tracks, riding areas)
 - Public (DCNR, Forest Service Trails)
- Dependent on operations
 - Pay to ride
 - Open access to public
- Case studies of various operations in PA
 - ATV Traction, Inc.
 - Private Areas
 - Tower City Trail Riders, Inc.

ATV Traction Inc. (Non-profit Entity)

- Erie, PA
- Owns 7 mile abandoned Railroad line
 - Additional private land usage
 - Grant to purchase additional 15 Ac. Trailhead/Education Facility

ATV Traction Inc. (Non-profit Entity)

- Liability
 - Membership in club required to ride
 - Relying exclusively on PA Recreation Statute
 - General homeowner liability
- Enforcement
 - All members registrations recorded
 - Illegal riders stopped by members

Private Riding Areas

- *Rausch Creek Motorsports*
- *Plumcreek Valley Park*
- *Wolfman's Park*
 - Liability
 - Riders complete liability waiver form
 - Enforcement
 - Restricted areas with staff monitoring
 - Effectiveness

Private Riding Area

- *Paragon Sports*
 - Liability
 - Private insurance
 - Fee required to use facility
 - Users sign a liability waiver
 - Enforcement
 - Flags and Wristbands issued on entry
 - Guests and Staff expected to report trespassers.
 - HEAVY illegal trail blockage
 - "Continuous for over a year."



Tower City Trail Riders, Inc. (Non-profit Entity)

- Liability
 - Commercial liability insurance
 - \$12,000/yr NO COMPETITION
 - \$100,000/yr if competition
 - Liability waiver as part of membership application
- Enforcement
 - ALL riders wear helmet stickers
 - Helmets required at ALL times
 - Self enforced, ie. no sticker = trespassing
 - "We have a good deal and everyone wants to protect the area."

Tower City Trail Riders, Inc. (Non-profit Entity)

- Membership
 - \$200/yr, \$250/yr-family
 - *Reduced membership costs for local residents*
 - ~2,000 members
 - Largest membership in 4 state region.
- Lease 6,000 Acres
 - 5 year property lease
 - 80% - 20% Payment Arrangement
 - 80% of proceeds to landowner
 - 20% of proceeds to club
 - 1st lease ~\$40,000/yr
 - *Currently ~\$1,000,000/yr to property owner*

Earth Conservancy Property

- 16,300 Total Acres
- Insurance Coverage
 - No motor-sports activities allowed under current insurance coverage
 - Waivers not accepted by insurance company

Ownership Alternatives *Updates*

- State Agency (DCNR)
 - State Forests
- County Ownership
- Non-profit Entity

DCNR Ownership

- | | |
|--|-------------------------------|
| ■ Advantages | ■ Disadvantages |
| ■ Consistency <ul style="list-style-type: none">■ Trails■ Maintenance | ■ Timeline for Implementation |
| ■ Oversight <ul style="list-style-type: none">■ Enforcement | ■ Approvals |
| ■ Funding | ■ Funding |

Steering Committee?

County Ownership

- County Recreation Commission?
- Trail Creation
 - County land?
- Trail Management and Maintenance
 - County maintenance forces
 - County administration
- Issues
 - County financial issues
 - Cost of staff to maintain/operate
 - Recreation Commission Support?

Steering Committee?

Non-Profit Corp. Ownership

- Advantages of Non-Profit
 - Exempt from Federal Corp. Income Taxes
 - Eligible to receive public and private grants
 - Donors contributions tax deductible.
 - Liability Protection
 - Report from:

Anthracite Regional Trail System Coalition

Steering Committee?

Update on Property Alternatives

- Plymouth Township Region
- Newport Township Region

State Forest

- Lackawana State Forest



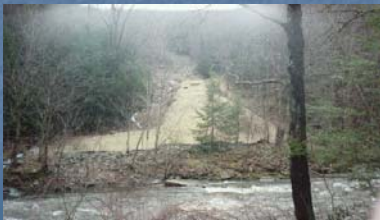
Plymouth Township Region

- Earth Conservancy Property
 - Property near residential areas (*NOT supported by Twp.*)
 - Parcel #1
 - Size = 300 Acres
 - Parcel #2
 - Size = 325 Acres
- State Forest Property
 - Size = 1300 Acres
- County Property
 - Size = 485 Acres

Plymouth Township Region

■ Property Access

- SR 29 Crossing



Plymouth Township Region

■ Property Access

- SR 29 Crossing



Plymouth Township Region

■ Property Access

- SR 29 Crossing



Plymouth Township Region

■ Property Access

- SR 29 Crossing



Plymouth Township Supervisors

- Meeting with Earth Conservancy Staff
- Township does not support
 - Riding areas near residential areas
- Additional areas:
 - Moon Lake Area
 - County Property
 - No comment to date
 - Lackawana State Forest
 - DCNR Property
 - No comment to date
 - Newly Purchased Theta Lands
 - DCNR Property
 - No comment to date

Newport Township Region

- Earth Conservancy Property
 - Approximate Total Acres
- Private Property

Newport Township Region

■ Property Access

- Earth Conservancy Property
 - Near Newport Center Cemetery



Newport Township Region

■ Property Access

- Earth Conservancy Property
 - Power line along State Route



Newport Township Region

- Meeting with Newport Township Supervisors
 - Update/report from Supervisor, Joseph Rymar
 - Interested provided DCNR involvement
- Earth Conservancy's Property Usage
 - Possible?
 - Provided DCNR initiates opening, operations, maintenance
 - Concern of long term stability
 - Longitudinal trail areas

Steering Committee Decisions

- Preferred Ownership/Operation option?
 - County
 - Townships
 - Non-Profit Organization
- Preferred Liability Option?
- Preferred Enforcement Option?

Steering Committee

RANK Options

Steering Committee Next Steps

- Review Draft Report
 - Draft report September
 - Final report October

APPENDIX C
ATV REGISTRATIONS
PENNSYLVANIA BY COUNTY

County Name		Active Vehicles		Limited Vehicles		Total
		ATV		ATV		
00 UNKNOWN		3,318		440		3,758
01 ADAMS		1,425		980		2,405
02 ALLEGHENY		6,443		2,736		9,179
03 ARMSTRONG		2,696		1,215		3,911
04 BEAVER		2,293		785		3,078
05 BEDFORD		1,605		1,008		2,613
06 BERKS		3,008		1,225		4,233
07 BLAIR		2,781		1,118		3,899
08 BRADFORD		1,925		1,009		2,934
09 BUCKS		1,954		1,046		3,000
10 BUTLER		3,941		1,010		4,951
11 CAMERTA		3,402		1,366		4,768
12 CAMERON		243		74		317
13 CARBON		1,293		201		1,494
14 CENTRE		1,671		1,480		3,151
15 CHESTER		2,285		908		3,193
16 CLARION		1,510		630		2,140
17 CLEARFIELD		3,392		1,641		5,033
18 CLINTON		699		601		1,300
19 COLUMBIA		1,983		710		2,693
20 CRAWFORD		2,552		785		3,337
21 CUMBERLAND		1,828		784		2,612
22 DAUPHIN		1,844		769		2,613
23 DELAWARE		1,068		296		1,364
24 ELK		1,914		545		2,459
25 ERTE		1,855		797		2,652
26 FAYETTE		2,887		3,220		6,107
27 FOREST		239		59		298
28 FRANKLIN		1,464		868		2,332
29 FULTON		267		286		553
30 GREENE		703		998		1,701
31 HUNTINGDON		804		1,365		2,169
32 INDIANA		2,790		1,214		4,004
33 JEFFERSON		1,862		877		2,739
34 JUNIATA		539		877		1,416

County Name		Active Vehicles		Limited Vehicles		Total	
		ATV		ATV			
35 LACKAWANNA		3,040		832		3,872	
36 LANCASTER		4,147		1,797		5,944	
37 LAWRENCE		1,509		966		2,475	
38 LENBANON		1,031		500		1,531	
39 LEHIGH		1,836		426		2,262	
40 LUZERNE		4,875		1,426		6,301	
41 LYCOMING		1,611		2,267		3,878	
42 MCKEAN		1,780		348		2,128	
43 MERCER		2,425		364		2,789	
44 MIFFLIN		359		1,057		1,416	
45 MONROE		2,055		485		2,540	
46 MONTGOMERY		3,431		929		4,360	
47 MONTOUR		270		230		500	
48 NORTHAMPTON		2,162		470		2,632	
49 NORTHUMBERLAND		1,612		887		2,499	
50 PERRY		1,114		783		1,897	
51 PHILADELPHIA		1,132		495		1,627	
52 PIKE		1,039		220		1,259	
53 POTTER		926		388		1,314	
54 SCHUYLKILL		2,799		837		3,636	
55 SNYDER		753		576		1,329	
56 SOMERSET		1,567		1,182		2,749	
57 SULLIVAN		213		230		443	
58 SUSQUEHANNA		1,283		481		1,764	
59 TIOGA		1,237		817		2,054	
60 UNION		455		326		781	
61 VENANGO		2,105		100		2,205	
62 WARREN		1,415		441		1,856	
63 WASHINGTON		2,537		1,985		4,522	
64 WAYNE		1,745		943		2,688	
65 WESTMORELAND		5,391		3,258		8,649	
66 WYOMING		1,047		388		1,435	
67 YORK		3,609		1,654		5,263	
99 OUT OF STATE		3,338		1,234		4,572	

APPENDIX D
EXISTING ATV TRAILS
PENNSYLVANIA

ATV Feasibility Study
Existing ATV Trails

		Acres of Property	Miles of Trails Available	Owner	Operator	Enforcement	Usage Fees	Maintenance	Maintenance Fees
Pennsylvania	Tower City		*	Private	Tower City Riders Inc. (Non-Profit)	Tower City Riders Inc.	\$75/year (member) \$30/day (guest)	Tower City Riders Inc. (Non-Profit)	Tower City Riders Inc.
	Paragon Adventure Park		130	Private	Paragon Park (Corporation)	Paragon Park (Corporation)	\$35/machine + \$125/Guide \$25/machine	Paragon Park (Corporation)	Paragon Park
	Jack Frost, Big Boulder		6 Courses with varing degrees of difficulty	Private	Jack Frost, Big Boulder	Jack Frost, Big Boulder	\$35/day, \$15/5hrs \$250-\$350/Year (Other packages available)	Jack Frost, Big Boulder	Jack Frost, Big Boulder
	Burnt Mills		7	Forestry Service	Forestry Service	State Forest Officials	None	Forestry Service, Voulunteers	*
	Maple Run Tract		8	Forestry Service	Forestry Service	State Forest Officials	None	Forestry Service, Voulunteers	*
	Marienville ATV/Bike Trail		37	USDA	Forestry Service	U.S. Forest Officials	\$35.00/Year/person \$10.00/Day/person	Matianville Trail Riders, Three Rivers Competition Riders	Trail Use Fee
	Timberline ATV Trail		38	USDA	Forestry Service	Ranger	\$35.00/Year/person \$10.00/Day/person	Forestry Service, Voulunteers	Trail Use Fee
	Rocky Gap ATV Trail		20.8	USDA	Forestry Service	Ranger	\$35.00/Year/person \$10.00/Day/person	Forestry Service, Voulunteers	Trail Use Fee
	Willow Creek ATV Trail		10.8	USDA	Forestry Service	Ranger	\$35.00/Year/person \$10.00/Day/person	Forestry Service, Voulunteers	Trail Use Fee
	Snow Shoe Rail Trail		19				\$6.00/Individual \$10.00/Family	Forestry Service, Voulunteers	Trail Use Fee, Snow Shoe Trail Registration Fees

* Information not available at this time

ATV Feasibility Study
Existing ATV Trails

Hours of Operation	Trail Amenities	Liability	URL	Contact
7 days/week 365/year sunup to sundown	Camping	Users must sign a waiver releasing owner of liability	http://www.towercitytrailriders.org	John Grodensky Phone: (717) 273-4522 Email: tctri.one@verizon.net
9am to 4pm (winter)	Snack Shack, Guided Tours, Rentals	Users must sign a waiver releasing owner of liability	http://paragonap.com	Paragon Adventure Park Phone: (570) 384-0550 Email: info@paragonap.com
10am to Dusk	Food, Restrooms, etc. - Ski Lodge Amenities	Users must sign a waiver releasing owner of liability	http://www.jfbb.com	Jack Frost Big Boulder 1-800-468-2442 infores@jfbb.com Phone: Email:
Friday before Memorial Day-Last Full Week in September, Day following last day of regular or extended antlerless deer season to April 1	*	*	http://www.dcnr.state.pa.us/forestry/atv/atvindex.htm	Delaware State Forest (570) 895-4000 Phone:
Friday before Memorial Day-Last Full Week in September,	*	*	http://www.dcnr.state.pa.us/forestry/atv/atvindex.htm	Delaware State Forest (570) 895-4001 Phone:
Memorial Day-Last Sunday in September December 20 to April 1	Camping	Users must sign a waiver releasing owner of liability	http://www.fs.fed.us/r9/alleggheny/recreation/trails/atv.html	Allegheny Nat'l Forest Supervisor (814) 723-5150, (814) 726-2710 TTY Email: r9_alleggheny_nf@fs.fed.us Phone: or
Memorial Day-Last Sunday in September December 20 to April 2	Camping	Users must sign a waiver releasing owner of liability	http://www.fs.fed.us/r9/alleggheny/recreation/trails/atv.html	Allegheny Nat'l Forest Supervisor (814) 723-5150, or (814) 726-2710 TTY Email: r9_alleggheny_nf@fs.fed.us Phone:
Memorial Day-Last Sunday in September December 20 to April 3	Camping	Users must sign a waiver releasing owner of liability	http://www.fs.fed.us/r9/alleggheny/recreation/trails/atv.html	Allegheny Nat'l Forest Supervisor (814) 723-5150, or (814) 726-2710 TTY Email: r9_alleggheny_nf@fs.fed.us Phone:
Memorial Day-Last Sunday in September December 20 to April 4	Camping	Users must sign a waiver releasing owner of liability	http://www.fs.fed.us/r9/alleggheny/recreation/trails/atv.html	Allegheny Nat'l Forest Supervisor (814) 723-5150, or (814) 726-2710 TTY Email: r9_alleggheny_nf@fs.fed.us Phone:

* Information not available at this time

APPENDIX E
EXISTING ATV TRAILS
OTHER STATES

ATV Feasibility Study
Existing ATV Trails

		Acres of Property	Miles of Trails Available	Owner	Operator	Enforcement	Usage Fees	Maintenance	Maintenance Fees
Virginia	Hatfields & McCoys ATV Trail (400mi.)		400	Private /Constructed by state agency	Hatfield-McCoy Regoinal Recreation Authority	Ranger	\$25/Year (State Resident) \$100/Year (Out-of-State) \$15/Day, \$35/3-7 Day	Hatfield-McCoy Regoinal Recreation Authority	Hatfield-McCoy Regoinal Recreation Authority
New York	Aldrich Pond / Streeter Lake Area / ATV Trails near Fine, NY		*	Forestry Service		Ranger	*	*	*
Ohio	Maumee State Forest		40 Total	Forestry Service	ODNR - Departmant of Forestry	State Forest Officials	None	State Employees/Voulenteer with Supervision	Division of Forestry /Registration sticker fee /limited federal funding
	Perry State Forest	1500		Forestry Service	ODNR - Departmant of Forestry	State Forest Officials	None	State Employees/Voulenteer with Supervision	Division of Forestry /Registration sticker fee /limited federal funding
	Pike State Forest			Forestry Service	ODNR - Departmant of Forestry	State Forest Officials	None	State Employees/Voulenteer with Supervision	Division of Forestry /Registration sticker fee /limited federal funding
	Richlland Furnace State Forest			Forestry Service	ODNR - Departmant of Forestry	State Forest Officials	None	State Employees/Voulenteer with Supervision	Division of Forestry /Registration sticker fee /limited federal funding
Minnesota	Martineau Recreation Trails		67 (33.5 each)	State Forest	*	*	None	*	*
	Red Dot Trail		27.6		*	*	None	*	*
	Soo Line North Atv Trail		112	State & National Forest	*	*	None	*	*
	SE Minnesota ATV Trail		12.7	Private/Pasture	*	*	None	*	*
Michigan	Silver Lake State Park	450	3100	State Forest	Michigan DNR	DNR Conservation Officers	None	Non-profit Clubs and Private Agencies	ORV Liscense fees and Trail Improvement Fund Grant Program
	Bull Gap/Meadows	*		State Forest	Michigan DNR	DNR Conservation Officers	None	Non-profit Clubs and Private Agencies	ORV Liscense fees and Trail Improvement Fund Grant Program

* Information not vailable at this time

* Information not available at this time

ATV Feasibility Study
Existing ATV Trails

Hours of Operation	Trail Amenities	Liability	URL	Contact
Sunrise to sunset (All Year)	Camping, Rentals	Members must sign a waiver releasing owner of liability	http://www.trailsheaven.com	Hatfield~McCoy Trails Phone: 1-800-592-2217 Email: info@trailsheaven.com
*	*	*	*	DEC Forrester John Gibbs Phone: 315-265-3099
one-half hour before sunrise until one-half hour after sunset	*	Division of Forestry	http://www.dnr.state.oh.us/forestry/Forests/stateforests/maumee.htm	DCNR Email: jacob.hahn@dnr.state.oh.us
one-half hour before sunrise until one-half hour after sunset	*	Division of Forestry	http://www.dnr.state.oh.us/forestry/Forests/stateforests/perry.htm	DCNR Email: jacob.hahn@dnr.state.oh.us
one-half hour before sunrise until one-half hour after sunset	*	Division of Forestry	http://www.dnr.state.oh.us/forestry/Forests/stateforests/pike.htm	DCNR Email: jacob.hahn@dnr.state.oh.us
one-half hour before sunrise until one-half hour after sunset	*	Division of Forestry	http://www.dnr.state.oh.us/forestry/Forests/stateforests/richlandfurnace.htm	DCNR Email: jacob.hahn@dnr.state.oh.us
May 1-Nov.1	*	*	http://www.dnr.state.mn.us/ohv/trails/martineau.html	Phone: 218-755-2265
May 15 - November 30	*	*	http://www.dnr.state.mn.us/ohv/trails/reddot.html	Phone: 218-226-4608
4/1 to 11/30 in Cass and Aitkin Counties and on a year-round in Carlton County	*	*	http://www.dnr.state.mn.us/ohv/trails/sooline_north.html	Phone: 218-384-9179 (Moose Lk-Lawler), 218-927-7364 (Lawler to Shovel Lake), 218-947-3338 (Shovel Lake-Cass Lake)
May 15 to October 31	*	*	http://www.dnr.state.mn.us/ohv/trails/se.html	Phone: 507-689-2584 (evenings only)
4/1 to 10/31 4/1 to 5/15 and the day after Labor Day to 10/31, 9am to 8 pm 5/16 to Labor Day it is open 9am to 10 pm	Camping	Michigan DNR/USDA Forest Service/Genesee County Parks and Recreation Commission	http://www.michigandnr.com/parksandtrails/ParksandTrailsInfo.asp?id=493	Silver Lake State Park Phone: 231-873-3083
4/1 to 10/31 4/1 to 5/15 and the day after Labor Day to 10/31, 9am to 8 pm 5/16 to Labor Day it is open 9am to 10 pm	Camping	Michigan DNR/USDA Forest Service/Genesee County Parks and Recreation Commission	*	*

* Information not available at this time

APPENDIX F
LIABILITY MANAGEMENT
PRACTICES IN PENNSYLVANIA

ATV Feasibility Study
Liability and Enforcement Issues
Current Practices in Pennsylvania

Groups	Type of Group	Purpose of Group	Land Resource	Liability Management	Enforcement
ATV Traction, Inc.	Club, Non-Profit	Social Club / ATV Riding, Limited Land Resources	Use of a 7-mile Railbed, and Use of Private Land by Permission Granted to Club Members	General Liability Insurance by Landowners and PA Recreational Use Statute	Membership Polices Itself
Tower City Trail Riders, Inc.	Club, Non-Profit	Social Club / Off-Road Vehicle Riding, Significant Land Resources	6,000 Acres (Leased)	Member / Users Sign a Waiver, Club Carries General Commercial Liability Insurance	Riders Wear Helmet Stickers. Members Identify Trespassers By Absence of Sticker. Trespassers are Reported and Arrested
Paragon Adventure Park	Business, For Profit	Provide Trailriding Use of Significant Land Resource	15,000 Acres	Users sign a Waiver, Users Pay a User Fee, Business Carries Liability Insurance	Riders Wear Wristbands Users Identify Trespassers by Absence of Wristband. Trespassers are Reported and Arrested
Rausch Creek Motorsports	Business, For Profit Membership Available	Land Use Club / Off-road Vehicle Racing and Trail Riding	Racetrack and 650 Acres of Trails	Business Carries Liability Insurance (Assumed), Users Pay a Membership Fee, Users Pay an Additional User Fee, Users Sign a Waiver	Entrance and Use are Overseen by Officials
Wolfmann's Motocross, LLC	Business, For Profit Requires Membership	Provide Off-road Racing Use of Land Resource	Racetrack	Business Carries Liability Insurance (Assumed), Users Pay a Membership Fee, Users Pay User Fee	Entrance and Use are Overseen by Officials
Plumcreek Valley MC Park	Business, For Profit	Provide Off-road Racing Use of Land Resource	Racetrack	Business Carries Liability Insurance (Assumed), Users Pay User Fee	Entrance and Use are Overseen by Officials
Cambria County Conservation and Recreation Authority	Para-government Authority	Land Reclamation for Recreational Use	6,000 Acres (Grant received for Purchase)	Facility in Planning	Facility in Planning

APPENDIX G
NEWSPAPER ARTICLES

CONTINUED FROM...

Sugar Notch council regulates ATV use

By Tony Halchak
Citizens' Voice Correspondent

ATV riders in Sugar Notch Borough beware.

The new law of the land is simple — get caught riding an ATV on any land that is not your own and you will be cited.

The new "zero tolerance" policy was introduced Tuesday night during what some council members said to be "the biggest turnout for a borough meeting since taxes were raised four years ago."

Councilman Dave Balakier, who said he was once a strong supporter of proper recreational vehicle usage, was one of the most vocal on council opposing the ATV usage.

"Now I'm changing my mind," Balakier said. "This isn't responsible anymore. It's just total disrespect."

The council's decision stemmed from an incident involving a local property owner and the borough mayor.

Attorney Ralph Johnston Jr. said that his client Mike Kester Jr., who owns the Woodland Subdivision, clearly has signs marking his land as private property. Kester built a fence around the property igniting local ATV riders who used the land before it was private.

According to Johnston, Mayor Pat Mullin threatened to sue Kester if the fence injured his son, an ATV rider, in the course of his riding.

"The land where the fence is located is owned by us," Johnston said. "It's private property. If you don't have permission, you don't belong there."

Mayor Mullin said he did not believe the fence was on the area of the land owned by Kester.

"I didn't threaten you or any-



KRISTEN MULLEN/CITIZENS' VOICE

Sugar Notch Mayor Pat Mullin, left, and Council Chairman Greg Gushanas Jr. discuss ATV use Tuesday night.

thing," Mullin added.

Council President George Gushanas read state laws that strictly prohibit the use of snowmobiles or ATVs on any road. The only time any recreational vehicle of any kind is allowed on a road is to make a direct cross.

"This is the law," Gushanas stressed. "This is nothing that can change. Nobody is above it."

Gushanas then said that the mayor himself couldn't change the law, which sparked a fiery argument between the two council members.

The mayor told Gushanas not to "get smart" with him.

"Is that a threat," Gushanas asked. "You threaten me one more time you will be removed from this meeting."

Sue Unvarsky, a resident whose son owns an ATV, was in favor of a balanced decision.

"Can we find a happy medium," Unvarsky asked the council. "No one wants these kids hanging out on street corners looking for something to do."

Balakier replied that the bor-

ough could not tolerate the use of ATVs anymore due to the total lack of respect for the rules.

"Due to all these events happening," he commented, "we have a quadless town."

Police Sergeant Jeff Zafia was asked what would be done to ATV riders if they are caught on any property that is not their own.

"Right now, if you don't have the proper owner's documents," Zafia explained, "I will take it."

However, Zafia stressed that if landowners want justice, they would have to realize their part in the process.

"If the land is not properly posted," he said, "they might be cited. But they might be found not guilty."

According to Balakier, the finger should be pointed at the irresponsible riders.

"If it weren't for all the quads raising hell, maybe nothing would have been said," he commented. "It's a small town. One person sneezes everyone catches a cold."



TIMES LEADER STAFF PHOTO/MADALYN RUGGIERO

John Fallon (far left), Rose Schultz and Andrea Fallon listen during a hearing Tuesday evening about all-terrain vehicle use in Sugar Notch. Council voted to ban ATV use in the borough.

Sugar Notch Council makes ATV riding illegal

By RON LIEBACK
rlieback@leader.net

SUGAR NOTCH — A wind storm blew through the borough last week.

In the area by Woodland Road, clouds of dust adhered to everything in sight. Lawn furniture, porch steps and window sills were all blanketed with brown dirt.

But the mad gusts weren't from the weather, they from the knobby tires of all-terrain vehicles.

"How would you like to be sitting in the yard having a barbecue and being covered by dust?" asked Rose Schultz, a Woodland Road resident, after a meeting on Tuesday night where council unanimously banned riding ATVs in the borough except where the rider has permission.

"Right now, at this point in time, it's illegal to ride a quad," said Councilman George Gushanas after heated arguments.

Schultz said ATVs were shredding up

Schultz said ATVs were shredding up the soil, knocking down fences and speeding down state roads — sometimes as late as 3 a.m. — and many riders were not wearing helmets. Most of this vandalism occurred on private property, she said.

the soil, knocking down fences and speeding down state roads — sometimes as late as 3 a.m. — and many riders were not wearing helmets. Most of this vandalism occurred on private property, she said.

"Everywhere we excavate, they do doughnuts over it," Mike Kester said.

Kester, owner of Mike Kester

Contracting, acquired 2.3 acres of property from the borough and is in the process of building.

During the meeting, his lawyer, attorney Ralph Johnston Jr., said "there is an ongoing problem with ATVs."

Although one woman spoke against the proposal, apparently no ATV riders attended the meeting.

Schultz later said, "We've been putting up with this for many years now."

Schultz said the problem has been progressing in the last five years. Council said it will do something for the ATV riders in the future, but for now they are illegal.

"(The council) voiced their opinion," Schultz said, after the meeting. "Now we'll see what happens."

Ron Lieback, a Times Leader intern, may be reached at 829-7210.

Feasibility study to determine viability of ATV facility

Earth Conservancy hopes to solve a problem which has divided landowners, ATV enthusiasts

By Tom Venesky
Citizens' Voice Staff Writer

Illegal all-terrain vehicle riding continues to be a hindrance to landowners across Luzerne County. But the Earth Conservancy is working to find a solution to an issue that has divided landowners and ATV enthusiasts.

The EC is embarking on a feasibility study regarding ATV use in the county. While the study may or may not lead to the creation of designated ATV trails, it will attempt to shed light on numerous issues surrounding the hobby.

Funded by \$52,000 in grants from the state Department of Conservation and Natural Resources and Luzerne County, the study will examine liability and insurance, upkeep and maintenance of trails, environmental impacts, concerns of property owners and where an ATV facility would be best located.

Amy Gruzsky, EC director of public affairs and develop-

ment, cautioned the study wouldn't necessarily lead to ATV trails.

"Will it result in trails or an ATV park? We don't know, that's why we're doing the study," she said.

YOUR THOUGHTS? A consultant, Pennoni Associates, has been hired and the steering committee will meet next month to discuss any findings.

301-Talk
E-mail:
yourvoice@citizensvoice.com

Write:
Your Voice, c/o
The Citizens' Voice
75 N. Washington St.
Wilkes-Barre, Pa.
18711

no exception, according to Gruzsky.

She said EC regulations prohibit ATV riding and there have been incidents of property damage and vandalism.

In addition to the EC regula-

Many public and private lands are utilized by ATV riders and EC property is



An ATV rider test drives a Bombardier Outlander 400.

tions, much of their land is enrolled in the Pennsylvania Game Commission's Forest Game Cooperator Program, which also prohibits the use of motorized recreational vehicles.

In May of 2001, the PGC and Newport Township Police tackled the ATV problem on EC property in Newport Township, issuing 43 citations over a two-day period.

Despite the precautions you

take, it doesn't stop," Gruzsky said. "The incidents are high and you can't control it."

"We know it's a growing hobby and use is increasing, so we want to address it," she added. "Ignoring it won't solve anything."

It's hoped the study will yield a long-term plan to deal with the problems and offer solutions.

The steering committee includes ATV riders and groups, along with representatives of the Pennsylvania Environmental Council, PGC, DCNR and the EC.

Gruzsky said it was important for the steering committee to have members on both sides of the issue so all perspectives could be considered.

She said feedback thus far has been split between those who want a designated riding area and those who oppose. She stressed that the decision to study the issue in no way means an ATV facility is on the way.

"The feasibility study isn't about us building a trail, it's to look at the use and where, and if, a facility can be maintained," Gruzsky said.

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The Citizens Voice - 8/11/03

ATVs
broken
rules
broken
lives



SPECIAL REPORT

TIMES LEADER

OCTOBER 5, 2003

Editor's note: The thrills of all-terrain vehicles sometimes end in tragedy. A disproportionate number of the killed and injured are children. This is the first of a two-part series.

COMING NEXT SUNDAY: Mine-scarred lands, mountains and forests crisscrossed by dirt roads and railroad tracks beckon ATV riders. But with few exceptions, much of this property, public and private, is off limits. Property owners on the edge of town complain to police that riders aboard noisy four-wheelers aggravate them and tear up their land. See if we find solutions.

A family's tragedy on 4 wheels



TIMES LEADER STAFF PHOTO/MADALYN RUGGIERO

Sara Gacek, 6, is comforted by her father, Kenny, as he and wife, Nancy, speak about their 9-year-old son, Brendon. Brendon was killed in an all-terrain vehicle accident on July 13, prompting the couple to speak out about ATV safety.

By **TERRIE MORGAN-BESECKER** tmorgan@leader.net

EXETER TWP. — Every day for the first few weeks, 6-year-old Sarah Gacek pressed the walkie-talkie in her hand and waited patiently for a response.

"She'd just say, 'Hi, how ya doin'," said Nancy

Gacek, Sarah's mother. "She'd tell him, 'I miss you buddy,' because that was her nickname for him. One time it was raining and she said, 'Would you please stop making it rain?'"

Miles away, the other walkie-talkie lay where Sarah had asked her parents to place it — inside the casket of her 9-year-old brother, Brendon.

Today, Nancy and her husband, Kenny, still struggle to explain to her that her "buddy" will never talk back.

On July 13, Brendon was riding an all-terrain vehicle in the family's yard when he lost control,



Sarah and Brendon Gacek, ages 6 and 9, pose for a photo at a Long Island beach that was taken a few weeks before Brendon was killed in an ATV accident.

struck a rut. The back of the ATV

A DECADE OF DEATHS



Anthony Paskert



Paul Paskert



Lanning

Editor's note: A check of Times Leader archives showed the following area people were killed in ATV-related crashes during the past decade. All but one of the victims were teenagers or younger.

JULY 13, 2003: Brendon Gacek, 9, Exeter Township, died of injuries suffered after he careened out of control while riding on his family's property. He was thrown from his ATV and smashed into a tree, losing his helmet in the process. He was riding an 80 cc ATV, labeled by the manufacturer as inappropriate for children under 12.

JULY 27, 2001: Leigh Ann Morgan, 14, Huntville, died after hitting a tree on state Route 4024 in Ross Township. It was not known if she and another passenger were wearing helmets.

JUNE 4, 2001: Drew Yannuzzi, 15, Butler Township, died after hitting a road sign on Old Turnpike Road. He and a passenger were wearing helmets.

MAY 12, 2001: Rolland J. Ide Jr., 44, Plymouth, died after failing to negotiate a curve and hitting a

tree on Trojan Road in Lehman Township. Neither he nor his passenger was wearing a helmet.

DEC. 31, 1998: Kenny A. Lanning, 11, Hunlock Creek, died after suffering serious head injuries while riding along a snow-packed hill off state Route 118 when he apparently hit a tree. He was not wearing a helmet.

JULY 9, 1995: Paul Paskert, 12, and his 16-year-old brother, Anthony, of Scranton, were struck and killed by a Steamtown National Historic Site train in Dunmore as they apparently tried to remove an ATV that was stuck on the railroad tracks. The boys were wearing helmets when the accident occurred.

JULY 30, 1993: Corey Carroll, 18, and his brother Tom, 16, Nescopeck, were killed when the all-terrain vehicles they were riding smashed into a dirt bike ridden by their friend, Daniel Robert Kent, 19, Nescopeck, who also died. The two ATVs collided with the dirt bike on a dark country road near Denmark, N.Y., about 65 miles north of Syracuse.

FAMILY

Continued from Page 1A

heaved skyward, catapulting him into a tree.

In that instant, he became the latest addition to a list that consumer safety advocates say already contains too many names: children killed in ATV crashes.

Brendon is at least the fourth child under age 16 to be killed in an ATV accident in Luzerne County since 1999. Nationwide statistics are equally troubling.

From 1982 to 2001, the latest statistics available, 4,541 people were killed in ATV crashes, according to the federal Consumer Product Safety Commission. Of that number, 1,714, or 38 percent, were younger than 16, with 799 of those victims younger than 12.

Children also account for a large proportion of injuries. In 2001, an estimated 111,700 people were treated in hospital emergency rooms for ATV-related injuries. Of those, 34,800, or 31 percent, were under age 16, the safety commission reported.

The Consumer Federation of America, a nonprofit consumer safety watchdog group, says the numbers are even more startling considering children under age 16 make up only about 14 percent of ATV riders.

Reasons for the crashes vary greatly, but safety advocates and ATV industry representatives agree on this: Many of the fatalities and injuries involve children who are too young, riding machines that are too fast.

In Brendon's case, his ATV had an 80 cc engine that carried a warning label "not for children under age 12." But the Gaceks believed they had taken sufficient precautions to ensure his safety.

Brendon had been riding an ATV on the family's property since he was 7 and never had an accident. "Not even a scratch," his parents said.

His father had placed a restrictor on the throttle, limiting the ATV's speed to about 7 mph. Brendon was always under close adult supervision, and he always wore a helmet, they said. And although they have more than 80 acres of land, Brendon was allowed to ride only in the cleared yard area around their home.

But July 13 was different. Kenny said that for the first time, he allowed his son, under his supervision, to ride the vehicle in a lightly wooded area behind their home.

Brendon was doing figure eights in a flat area when a tire spun, his father said. He oversteered, sending the ATV down an embankment and into the woods.

Standing a few feet away, Kenny shouted to his son to brake, but he apparently did not hear him. The ATV continued down the embankment and the front tires hit a rut. Kenny could do nothing but watch as Brendon flipped over the handlebars. His head, helmet attached, hit a tree.

"We thought we were being safe by putting the restrictor plate on it," Nancy said. "As cautious as we were, it didn't matter."

Stories like the Gaceks' have prompted the Consumer Federation of America to push for more government regulation of the sale and use of ATVs by children.

The federation this year renewed efforts to convince the Consumer Product Safety Commission to ban the sale of adult-sized ATVs — defined as those with engines of 90 cc or greater — for use by children.

ATV deaths by state

Here are the top 10 states for ATV deaths, totals or 1982 to 2001.

California	278
Pennsylvania	264
Texas	206
Michigan	205
New York	199
West Virginia	194
Florida	173
Kentucky	168
North Carolina	164
Tennessee	158

SOURCE: FEDERAL CONSUMER PRODUCTS SAFETY COMMISSION

allow children under age 12 to operate them, according to the federation.

In Pennsylvania, the minimum age to ride on approved state forest land is 10. There is no age limit for private property use, said Gretchen Leslie, spokeswoman for the Department of Conservation and Natural Resources, which regulates ATVs.

Pennsylvania also requires riders up to age 16 to obtain a certificate from an ATV training course, but that applies only if the vehicle is ridden off private property, Leslie said.

ATV enthusiasts and industry officials say they share concern about child injuries and deaths, but the key to increasing safety is training and parental involvement, not more government regulations.

"The vast majority of ATV accidents occur due to inappropriate use of the product," said Mike Mount, spokesman for the Specialty Vehicle Institute of America, a recreational vehicle trade group. "Wear protective gear, do not ride on public roads, do not carry passengers. Those are the issues that lead to accidents."

"These are motor vehicles. It's irresponsible of an adult to put a child on a motor vehicle he is not trained to ride, with no supervision or observation, and expect them to learn these skills," said Jack Clark, chairman of the Lehigh Valley ATV Association, a riders group.

The ATV industry recommends children ages 6 to 11 ride ATVs with engines under 70 cc; and for ages 12 to 15, the machines should be under 90 cc, Mount said. But the industry opposes placing a federal ban on the sale of adult-sized vehicles to youths, believing that decision is best left to parents, Mount said.

"There may be a 14 year-old kid who is definitely ready to ride a 70 to 90 cc ATV, or he may be not ready at all. Ultimately, the parent has to decide based on cognitive skills and motor skills. To let the federal government say whether a child should get on ATV isn't necessarily the proper course of action to take."

There's also a question of enforceability of such a ban.

"The issue is parental responsibility, no matter how many rules you put in place not to sell machines to kids of a certain age," Clark said. "Parents will lie to a dealer and kids will wind up on the machines."

Clark said he also believes restricting the size of ATVs could do more harm than good in cases involving larger children, whose ability to maneuver the machine might be compromised if it's too small.

"It obviously is extremely dangerous to put small children on a machine that is well beyond their capability of handling. It's also dangerous to put large children on smaller machines."

But Weintraub said physical size is only one component. Mental capability is far more

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But Weintraub said physical size is only one component. Mental capability is far more important.

"It's just like driving a car. A 12-year-old can reach the pedal and wheel, but it's a matter of judgment, decision-making and maturity that goes with age," she said.

That's the key factor Kenny Gacek believes led to his son's crash. "Physically, he was capable of doing everything he had to do. But a 9-year-old in a panic situation, mentally, how prepared are they?"

The Gaceks, both 33, said they knew what they were doing when they purchased the 80 cc machine and do not blame the dealer. They do wish, however, that they knew about the accident statistics that showed the high proportion of children killed on ATVs.

"If someone had come in and shown me that information, I probably would have second-guessed myself and most likely would not have gotten it for the simple fact, do you want to take that chance?" Kenny said.

It's a painful hindsight for the grieving parents, who plan to become ATV safety advocates.

They don't want other parents to endure the "24 hours of hell" they did as they awaited the results of tests that eventually showed their son was brain dead.

"By the time we got to the hospital, his face was swollen, his eyes were bulging out and he was black and blue from the pressure," Nancy said. "We held him for 45 minutes, until his last heartbeat."

Today, a clock in Brendon's bedroom stands as a stark reminder of dangers ATVs pose. It is frozen at 6:20 p.m., the time of his death.

Near the stopped clock sits a plaster imprint hospital officials made of Brendon's hands before he died. They rest next to the toy trucks and miniature ATV — "that looks just like his," his dad said — on a shelf in his room.

Missing is his pillow. That's Sarah's now.

She sleeps with it every night, along with the angels that adorn her room.

"She calls them Brendon's angels," Nancy said.

HEY READERS:

Have ATV riders spoiled your serene hike? Damaged your property? Injured your person? Frazzled your nerves?

We want to know. Call **829-7259** and leave your tip.

Lower death toll may not mark trend

By **TERRIE MORGAN-BESECKER**
tmorgan.j@leader.net

The number of people killed on ATVs in Pennsylvania in 2002 dropped to its lowest level in several years, but a state official said the numbers fluctuate and do not signify any clear trend regarding safety.

There were 18 reported deaths in 2002, down from 30 deaths in 2001 and 21 deaths in 2000, according to the state Department of Conservation and Natural Resources.

Four deaths were recorded in 1999, 14 deaths in 1998 and 15 deaths in 1997.

Nationally, during the past decade the trend has been for ATV deaths to steadily increase.

See **TREND**, Page 7A

TREND

Continued from Page 1A

Pennsylvania has contributed heavily to the national death toll, ranking second to California, according to the federal Consumer Product Safety Commission.

From 1982 to 2001, 4,541 people were killed in ATV-related accidents, the commission reported. Of those deaths, 264 occurred in Pennsylvania.

The DCNR has made significant efforts during the years to reduce deaths through stricter enforcement of ATV laws and increased availability of training, said agency spokeswoman Gretchen Leslie.

But she said she cannot say with confidence those efforts are the primary force behind the reduction in the state's

deaths in 2002 from 2001.

"We'd like to think increased safety measures and enforcement actions are making things safer, but it's difficult to pinpoint why the number fluctuates each year," Leslie said.

Some years, Leslie said officials think weather more than anything else is the primary contributing factor.

"Even though the number of drivers might go up, if you have a bad weather year for riding, not as many people are riding so the likelihood of accidents will go down," she said.

The DCNR collects information regarding ATV accidents from across the state, including the site of the crash, the type of crash, and whether the drivers and passengers wore a helmet.

From 2000 to 2002, the majority of accidents in Pennsylvania occurred on private property (656), followed

by public highways (402), and designated ATV trails (29).

The most common types of crashes were collisions (498), rollovers (207) and flips (103).

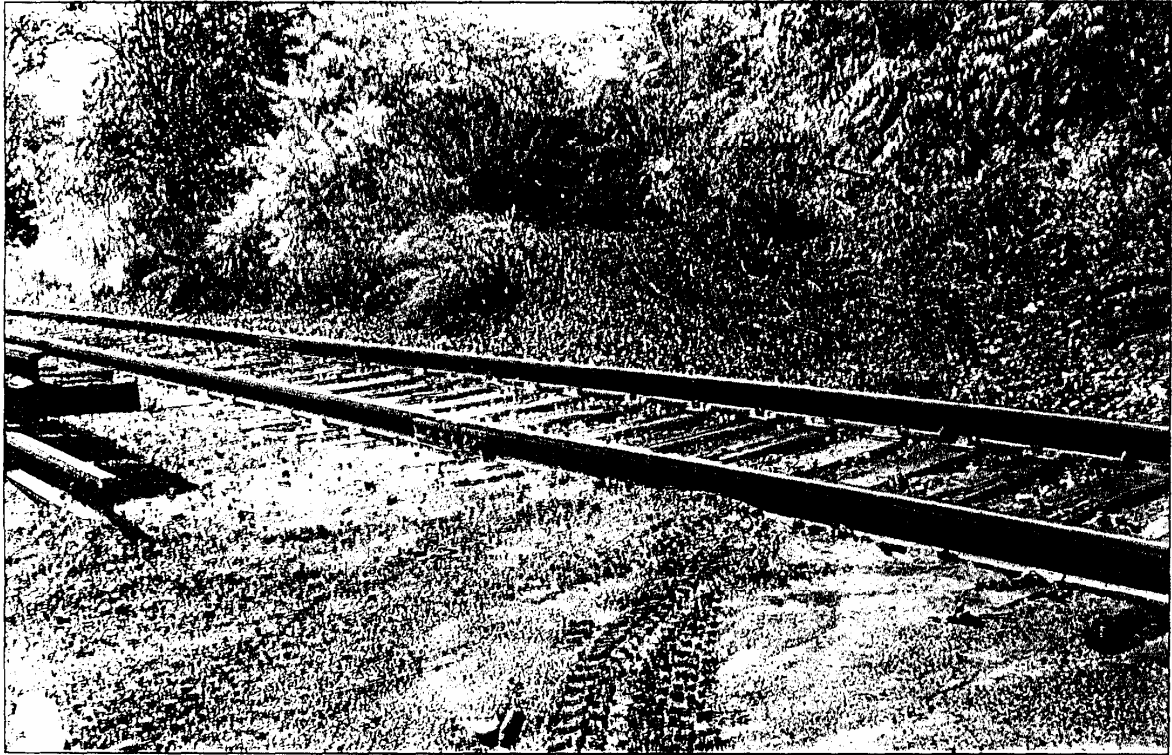
Statistics on helmet use are less complete. In most cases, the DCNR did not get information regarding whether a helmet was worn in the reported accidents.

The most complete data, compiled from 2002, showed that drivers in 100 of the crashes wore helmets, while 79 did not. Unknowns were listed as 163.

Leslie said the DCNR is continuing efforts to increase the availability of ATV safety training. The agency recently certified 13 new trainers, bringing the total in the state to 23.

Anyone wishing to obtain a list of certified trainers in their area can contact the department at (717) 783-7941.

ATVs driven on or near railroads endanger many, say track cops



TIMES LEADER STAFF PHOTO/MADALYN RUGGIERO

ATVs often are ridden near and on railroad tracks, like the ones shown here. Officials say the vehicles wear away the ballast rock that holds the railroad ties in place.

Riding the rails is the fast track to danger

By LAUREN ROTH
lroth@leader.net

Railroad police want ATV operators to stay away from the railroad tracks, and not just so they won't be flattened by a lumbering, hard-to-stop freight train.

Riding near the tracks increases the chances of a train derailment.

ATV riders often ride near the edge of the track's shoulders, which generally extend about 18 inches from the ends of the ties. The shoulders consist of ballast, usually gravel, that helps anchor the tracks.

"They wear away the ballast rock that holds the ties in place," said Joe Bender, superintendent of police for Canadian Pacific. "That could force an S-curve to form in extreme heat and derail a train into the community."

Although railroads maintain their tracks regularly, the problem is widespread and continuous, said Tim Rearden, a Reading and Northern Railroad police lieutenant.

On a recent Sunday, he wrote 13 citations for ATV riders on local railroad right-of-ways, which include tracks near the Seven Tubs Nature Area in Plains Township and in Laurel Run, Dupont and Moosic.

Diamond Bridge in Edwardsville and tracks in Laflin, Pittston Township, Dupont, Avoca, Duryea and Moosic.

In 1998, Canadian Pacific launched "Operation ATV," distributing fliers in communities and knocking on doors of suspected riders, Bender said. Police told riders or their parents that if they were stopped on railroad property, they would be arrested, cited and lose their machines.

Rail police say the public needs to be reminded of the dangers. Some ATV operators actually ride on the tracks, a practice that nearly proved deadly for one rider.

A few winters past in Laurel Run, a rider was riding on the tracks when a freight train came up behind his ATV. The rider, wearing a helmet and coat, never heard the train, Rearden said.

The train braked, but it takes up to 1.5 miles to stop a 160-ton train. About 25 yards before the locomotive would have crushed the ATV, the rider veered off the snowy tracks, having reached his destination.

"He didn't know he was so close to death," Rearden said. "Tracks are for trains. I've been a railroad police officer over 30 years and have come close to getting killed."

Riders endanger themselves and train crews in other ways as well, he said.

"Recently a conductor reported that as he shifted his train, a group of ATVs appeared riding next to the tracks." (Shifting means to add or remove rail cars or transfer cars between trains on adjacent tracks.)

They sped by, then several riders returned "and from a short distance away, spun the ATVs, deliberately showering the crewman with ballast stones," Rearden said.

On other occasions, ATV riders barreling around a curve have narrowly missed running down switching crews on the ground, he said. It is never legal to ride an ATV on railroad lands, and most lines are posted or barricaded, Rearden said. But there are hundreds of miles of track in eight counties to patrol and only a few railroad officers.

"Wherever we find them, we cite them," he said, adding that the numbers cited rise each year.

Riders face charges of trespass by motor vehicle (\$100 if property is posted, \$50 if unmarked); missing registration, \$50; and lack of insurance, \$300.

SPECIAL REPORT

ROAD TO TROUBLE

Freewheeling ATV riders irk residents, area police

by LAUREN ROTH
lroth@leader.net

Area police departments haven't ticketed many all-terrain vehicle riders. But it's not for lack of trying.

"They're a pain in the ass," said Edwardsville police Chief John Soprano.

Most of the borough's problems have been along the levee, the chief said. "I run along the dike and I've personally seen them most run over the elderly, kids. They almost hit me."

Seven vehicle confiscations later, ATV riders have been somewhat deterred from riding on and around the levee in West Wyoming, about four miles north of Edwardsville.

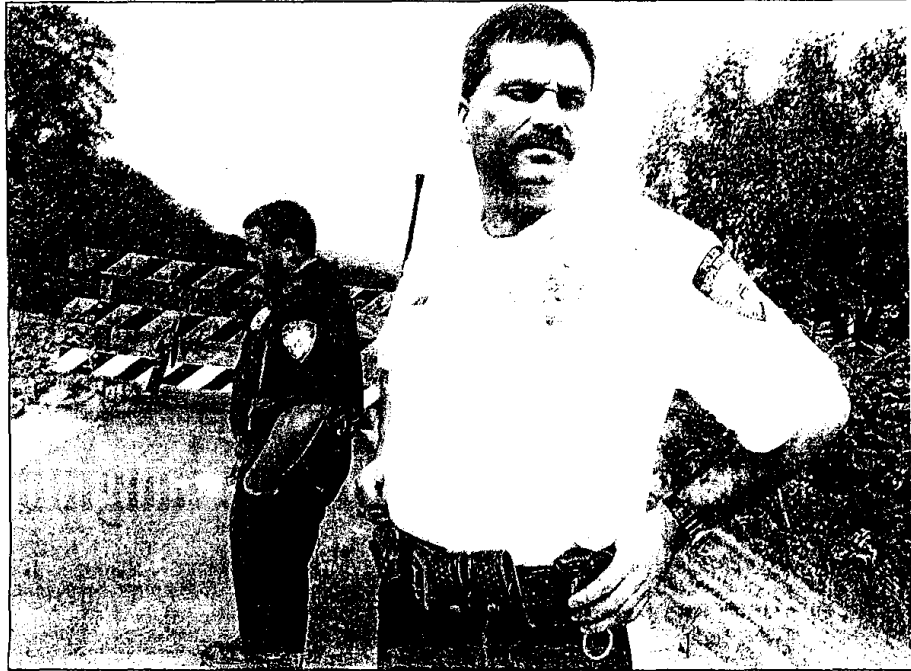
"They were a big problem," said West Wyoming Assistant Chief Dan Sipko, of illegal riders. "We've been citing the riders for various violations and impounding their vehicles. That cut down on problems."

In Newport Township, riders frequent roads in the Ridgeview and Glen Lyon sections, said police Chief Carl Smith.

Most of the time when police respond to ATV complaints about riding on streets, yards, or near houses, the machines are long gone.

"If they go off-road into the woods, we can't chase them," and the township can't afford to buy a tri-wheeler for pursuit, Smith said. "When ATVs on the roadway see us, they speed up and go into the brush. That's the end of that."

In the spring — peak season — Newport police handled 10 to 15 ATV-related calls a week, a strain on a department with one car per officer.



Edwardsville police Chief John Soprano looks at skid marks and levee damage caused by all-terrain vehicles. Behind Soprano and officer Kyle Kastner are barriers bordering the railroad tracks that are circumvented by paths marked with deep ATV ruts.

TIMES LEADER STAFF PHOTO/MADALYN RILEY

POLICE

Continued from Page 1A

Because police aren't always effective, some fed-up residents try to discourage riders on their own.

In Hazle Township, Louis "Booty" Beltrami and wife Elaine Beltrami have tried to prevent access to more than 300 acres of former Hazleton Brick Plant land, which they own.

"We constantly block the road with (felled) trees. They say 'thank you for the firewood,'" Elaine Beltrami said. "Wire fencing is constantly ripped. Our nephew helped my husband block the roads with boulders and they made new paths."

No-trespassing signs posted on the Beltramis' land in the morning have disappeared by nightfall.

Riders have been so bold as to take lumber from a nearby lumberyard and build a lean-to, Elaine Beltrami said, noting the problem dates back to the late 1980s.

The land's appeal might be in part because of a "beautiful swimming hole" that people like to use for parties. But recently state police have been cracking down and made an arrest on the property, she said.

Signs also have appeared on certain stretches of the levee, marking them off-limits to the public, said Luzerne County Engineer Jim Brozena. ATVs are not permitted anywhere on the levee, signs or not, he said. They just don't mix well with bicyclists, walkers, runners, rollerbladers and people pushing carriages, Brozena said.

"ATVs — that's a real problem for us. They're tearing up our landscaping. It costs a lot to fix. We re-establish the turf but they continue to ride out there."

Each year, thousands of dollars are spent fixing the deep ruts ATV riders wear into the grassy sides of the levees, which riders traverse to reach riding spots in nearby striping pits.

In one area in West Wyoming, the dike is marred with U-shaped tracks on both sides of the levee.

John Cituk lives in Moosic near a spot favored by ATV riders.

"The noise is unbelievable," he said, comparing the volume to a "rumbling diesel tractor-trailer truck."

He has lived in his Main Street home for his entire life, yet is considering putting it up for sale in the spring, partly because of the dawn-to-dusk racket from April to September.

"Where do you find some peace and quiet? Certainly not there," he said.

Cituk has spoken to police in area departments, Canadian Pacific railroad officer Mike Savokinas and Moosic Mayor John Segilia, but "you hear the can't, can't can't's" from officials.

He credits police for responding to calls and said Savokinas "does his best," but the area near his home remains largely "unpatrolled open land."

He said a privately owned gravel pit shaped like a bowl attracts riders, apparently with the landowner's permission.

"We need more cooperation with the railroad police, but they say they don't have enough people," said Segilia, who first learned about the problem this year. "But we can't keep someone there all the time either. Everyone's short-handed."

Segilia said a rider was nabbed coming onto Spring Street in the borough after his ATV broke down a few weeks ago.

He also said an ATV problem near Glenmaura National Golf Club was mostly resolved this summer. The key was residents willing to testify in court that they could identify the rider.

"If a politician ran a campaign about stopping ATVs, I think people would get on" their bandwagon in droves, Cituk said.

Sugar Notch banned ATVs on June 11. Larksville has had such a ban since October 1992.

Though Larksville police still get some complaints about ATVs, restrictions are tight and penalties are stiff, borough officials said.

ATVs are only allowed on private property with written permission of the owner, if they don't create dust visible from 50 feet away, aren't within 400 feet of a building and don't disturb the peace. ATV riders found to be in violation can lose their vehicles until a fine is paid.

Some communities, such as Laurel Run, couldn't find any related statutes restricting ATVs on their books.

Officials in Plymouth, Plymouth Township and Hazle Township say ATV complaints are rare.

Wyoming police said they haven't had much of a problem with ATVs, but neighboring West Wyoming ties vandalism problems to illegal riders.

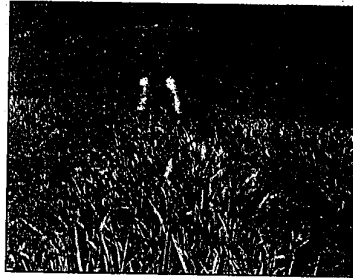
"We had damage to the St. Joseph Italian Cemetery bordering the woods" near the levee, said Assistant Police Chief Sipko. And Edwardsville Chief Soprano speculated that riders might be to blame for fresh spray painting on brick maintenance buildings along the dike.

Soprano said he would like to see the levee entrance on U.S. Route 11 behind Enterprise Rent-a-car blocked off better. He proposes placing decorative boulders, chains and metal extensions on pathway poles. The poles would be spaced wide enough to accommodate bicycles, but spaced narrow enough to bar ATVs.

"If we stop it (so) they can't get through, there's nowhere to go," Soprano said. Once riders get onto the levee at that spot, riders have access to a vast area of levee and rails.

Soprano's enthusiasm for stopping the ATVs comes in part from reckless behavior he's seen. On a bridge the width of a police car, he has seen quad riders roar past startled runners with headphones.

"They did a great job when they (built) it," Soprano said of the levee, a cooperative effort between the U.S. Army Corps of Engineers and the county. "It's a shame these people have to ruin it."



TIMES LEADER STAFF PHOTO/MADALYN RUGGIERO

ATV ruts mar a portion of the levee in West Wyoming near woods honeycombed with dirt roads. ATVs are prohibited anywhere on the levee and this portion of the dike also is marked with signs declaring it closed to the public.

◆ USEFUL TO YOU

The Valley ATV Club meets at 7 p.m. on the first Monday of each month at the West Side Social Club, 711 McAlpine St., Avoca. The club has one organized ride per month.

The Pocono Mountain ATV Club hosts regular rides for group members. Check pmatvc.tripod.com for more information.

State Forest trails: These trails are open to registered ATVs. Summer trails are open from the Friday before Memorial Day until the last full weekend in September. More information is available at www.dcnr.state.pa.us/forestry/atv or by calling the numbers listed with each venue.

Martin Hill, Bedford County, 14 miles of summer trails, (717) 485-3148.

Sideling Hill, Fulton County, 12 miles of summer trails, (717) 485-3148.

Potter County, 43 miles of summer trails, (814) 274-3600.

Snyder and Union counties, seven miles of summer trails, (570) 922-3344.

Pohopoco Tract, Monroe County, 14 miles of summer trails, (570) 895-4000.

Maple Run Tract, Pike County, eight miles of summer trails, (570) 895-4000.

Burnt Mills, Pike County, seven miles of summer trails, (570) 895-4000.

Adams and Cumberland counties, 37 miles of summer trails, during the winter the trails are expanded to 42 miles using some dirt roads. Trails shared by snowmobilers, (717) 352-2211.

Clinton County, 32 miles of summer and winter trails, (570) 923-6011.

Lycoming County, 14 miles of summer and winter trails, (570) 327-3450.

PROTECTING THE ENVIRONMENT



TIMES LEADER STAFF PHOTOS/PETE G. WILCOX

Pennsylvania Game Commission Conservation Officer Dave Allen patrols the trails in the Back Mountain. Allen says illegal use of ATVs on state game lands is a widespread problem locally. Still, officers don't give chase when they spot lawbreakers on the trail, saying it's simply too dangerous.

Game lands magnet for illegal riders

Officers issue hundreds of citations, but the ranks are stretched too thin to do more than put a dent in the problem.

By GEORGE SMITH
georges@leader.net

DALLAS — Tim Conway has one word of advice for those who would be tempted to ride all-terrain vehicles on Pennsylvania's state game lands.

Don't.

"To sum it up, we don't allow it. It's illegal," said Conway, the information and education supervisor for the Pennsylvania Game Commission's Northeast Region Office in Dallas.

"ATVs have the capability of going everywhere and anywhere, and that is a big part of the problem. They can tear up roads and food plots and cause erosion which gets washed into streams. It can get costly."

The Game Commission is responsible for managing the state's wildlife resources. Part of that responsibility is overseeing 1.4 million acres of state game lands in 65 of Pennsylvania's 67 counties. The game lands — paid for primarily with hunting license sales revenues — must by legal mandate be used to support wildlife and wildlife habitat.

Any activity that compromises the agency's mission, interferes with wildlife that might be breeding or nesting, or damages habitat is not permitted. Hence the ban on ATVs.

"I can take you anywhere and you are going to see damage. You will see it on (game lands) 119, 187 (near Mountain Top) and 149 (near White Haven)," said Wildlife Conservation Officer Dave Allen, whose territory includes Luzerne County.

Conway explained that conservation officers do not "give pursuit" to illegal riders.

"We don't know if it's a 60-year-old man or a 6-year-old boy on the machine. There is the chance of them riding in an unsafe manner during a pursuit, and the results may be not worth the effort or risk."

Last year the agency issued more than 700 motor-vehicle violations to individuals driving illegally on game lands; most went to ATV riders.

The current fine structure — get caught on game lands with an ATV and pay \$100 — apparently does not scare off lawbreakers.

"I don't think the fine is a big deterrent," Conway said.

And while the agency routinely issues citations to illegal riders, riders continue to break the law routinely.

The problem in part stems from a lack of manpower. The Game Commission has 146 conservation officers statewide — 25 in the 13-county Northeast Region with its 347,634 acres of game lands.

"In this region each officer patrols a 400-square-mile area," Conway said.

There are five state-owned ATVs in the region that are used as patrol vehicles. With so many miles to oversee, officers don't usually patrol on ATVs unless there's a trouble spot.

"If an officer says, 'hey, we have a problem here,' we will put on an operation involving officers on ATVs, in patrol vehicles, use spotters, and so forth."

"The only way to catch an ATV rider is to be an ATV rider," Conway said.

Such an operation was recently conducted on State Game Lands 221, 38 and Bethlehem Water Authority Property in Monroe County. According to Wildlife Conservation Officer Pete Sussenbach, it included state police from the Swiftwater barracks, the state police aviation unit in Hazleton, the Pocono Mountain Regional Police, rangers from Tobyhanna State Park, members of the Department of Conservation and Natural Resources forestry department in Swiftwater, and Bethlehem Water Authority officials.

Despite the large scale, multi-agency effort, Conway said only two citations were issued to ATV riders.

Conservation officers issue a citation on the spot for the summary offense, and violators have a right to a hearing before a district justice should they wish to fight the charge, Conway explained.

He said some violators offer the excuse that they didn't know the rules or didn't know they were on game lands, despite the fact that game lands boundaries are well-marked and rules governing motor vehicles are posted at game lands parking lots.

Most violators, Conway said, plead guilty.

Illegal riders do not usually transport their machines to game land parking lots by trailer. Leaving a trailer in the lot would be too flagrant.

Conway said most reside near the game lands.

"In most instances it's a matter of the illegal rider living in a home or community that borders game lands. They access the game lands without traveling on a public road. It's a matter of easy access," he said.



Dave Allen is on patrol in the Back Mountain of Luzerne County. He said ATVs damage game lands and interfere with wildlife that might be breeding or nesting.

With viable permit, disabled hunters an exception to rule

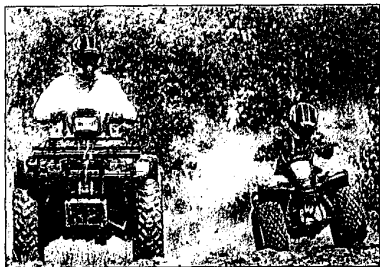
There is one exception to the ATV ban on all state game lands.

The Pennsylvania Game Commission allows disabled hunters a special disabled person's permit to use ATVs for hunting on designated roads in game lands. The permit costs \$5. The designated roads are open to individuals with permits from 14 days prior to the opening day of the hunting season to the closing day of the hunting season.

ATVs used on game land roads must be registered with the state Department of Conservation and Natural Resources and have liability insurance.

ATVs operated by disabled hunters are defined by Game Commission regulations as "a motorized, off-highway vehicle 58 inches or less in width, having a dry weight of 900 pounds or less traveling on four or more low-pressure tires and having a bench seat."

Many ATV riders find fun in safety



Nick Bernardi, left, is teaching his son Mike, 6, to ride his ATV responsibly. This includes riding with an adult, riding only where permitted and wearing a helmet.

Nick Bernardi, Bill Shepherd tout benefits of following rules and club memberships.

By KASIA KOPEC
kkopec@leader.net

At just 6, Mike Bernardi of Moosic is too young to ride his ATV too fast.

He is not too young to learn to ride responsibly, says his dad, Nick Bernardi.

Nick has been riding ATVs for nearly 20 years and he is passing his love of the sport on to young Mike — with plenty of instruction included.

"I think, unfortunately, a lot of people use ATVs as babysitters, especially for older children," said Nick, who belongs to the Valley ATV Club, based in Avoca. "And they're not babysitters. They're machines and kids have to learn how to use them with adult supervision."

Little Mike never rides alone.

He always rides his 50 cc quad — the model approved for children ages 6 to 12 — with a helmet. And when he

See SAFETY, Page 6A

INSIDE: ATV dos and don'ts. 6A.

SAFETY

Continued from Page 1A

des, it's on a family friend's property, with permission, or on trails where ATVs are permitted.

"I'm trying to teach him the right way," Nick said. "I'm trying to teach him the way you have consideration for the people who own the land you're riding on, the more likely it is you'll be invited back. There's plenty of fun to be had doing the right way."

Bill Shepherd of Forty Fort agrees. At 50, he says he is too old to ride too fast.

And even if he weren't, the ATV enthusiast said he prefers a leisurely ride through the woods with his wife, or a slow cruise in the snow with his nephew, a sprint across a mud bog with the boys. Shepherd and the Bernardis aren't alone.

ATV riders are often criticized for trespassing or riding recklessly, but the 50 members of Valley ATV Club and the 197 members of the Pocono Mountain ATV Club, where Shepherd is a member, are committed to lawful riding.

"We don't trespass, we don't hot rod, don't tear up trails and we don't leave mess behind when we're done," Shepherd said. "We do things the way you're supposed to be done."

Shepherd, a hunter and outdoorsman, says he can better enjoy the things he does with the people he loves in the saddle of an ATV.

Pennsylvania ranks second in the nation in ATV sales and there are 100,000 registered riders. Shepherd, his wife, Debbie, and daughter, Amy, are just a few of the many families across the state who enjoy riding together.

"You don't have to hike 10 or 15 miles each a beautiful waterfall," Shepherd said. "And that's nice, because while I'm in there and used to walking a long way, my wife isn't used to it and isn't really comfortable trying to scale a steep hill on

Unless they are driven on private property, ATVs are expensive to operate locally for individuals who follow the law.

There is no public land open to riders in Luzerne County, meaning riders must choose between paying up to \$50 a day to ride at ATV parks on private property or by traveling to other regions in the state.

Nearby Pike County offers riders two lawful options: Maple Run Tract, an eight-mile trail, or Bluff Mills, a 10-mile path, both in Swiftwater.

Monroe County, the only other in the eastern part of the state with public ATV trails, offers 14 miles of trails.

The venues, while convenient, aren't popular destinations for more experienced riders who prefer longer, more challenging trails to the west, said Pat Healey, president of the Valley ATV Club, based in Avoca.

Healey, of Pittston, said the Snow Shoe Rails-to-Trails system, in Centre County, is a more popular destination.

Snow Shoe charges a \$10 yearly access fee to ride. The system offers a good mix of beginner, intermediate and expert trails, all built with ATV registration fees, Healey said.

Healey said he would like to see a similar network closer to home. As a member of the Earth Conservancy steering committee charged with studying the feasibility of ATV trails in Newport Township, he said he hopes top-flight trails will be available here soon.

Earth Conservancy spokeswoman Amy Gruzesky says she understands the eagerness on the part of ATV riders to have a park in Luzerne County, but adds the project is still in the planning stages.

"I know there are ATV riders who are champing at the bit, but this is a time-consuming process," she said. "There are a lot of things that have to be looked at including environmental issues, liability issues and insurance issues."

The task of sifting through the issues falls to Pennoni and Associates, the engineering firm heading up the feasibility study.

A \$30,000 grant from the Department of Conservation and Natural Resources and a \$20,000 grant from Luzerne County will pay for the study, which is expected to take several months to complete.

It can't happen soon enough for John Margalis, of Mountain Top, who belongs to the Pocono ATV Club.

He rides mostly on farmland owned by his in-laws, because his busy schedule doesn't allow time to join the group on road trips.

"Between stuff with the kids and overtime at work — I just can't give up a Saturday or Sunday to drive a few hours to ride my ATV," Margalis said.

Shepherd said Margalis isn't alone. He estimates the 200-member Pocono club would double in size if riders didn't have to travel so far.

"Pennsylvania is missing out on millions of dollars in tourism," he said. "If the Earth Conservancy gets its trails up and running, it would be a boon for this area — the restaurants, hotels, small businesses would all benefit."

INSIDE

RAILS: Riding on tracks can have deadly consequences. 7A

STATE: State Game Lands are magnet for illegal riders. 6A

RULES: Disabled hunters are the exception to the ATV ban. 6A

SUNDAY, NOVEMBER 16, 2003

TIMES LEADER www.timesleader.com

The dos and don'ts of ATVs

You can ride ATVs on:

- Private property with the consent of the owner.
- State-owned property on clearly marked and designated trails.
- Highways and streets for a short distance when necessary to cross a bridge or culvert.
- Highways and streets during periods of emergency when so declared by a governmental agency having jurisdiction.
- Highways and streets for special events of limited duration that are conducted according to a prearranged schedule under permit from the governmental unit having jurisdiction.
- Streets and highways that have been designated as "ATV or Snowmobile Roads" by the governmental agency having jurisdiction.

ATVs may not be ridden on:

- Private property without the consent of the owner.
- State forest trails not designated for ATVs.
- State forest roads, state game lands, state parks.
- Municipal or state-owned roads or streets that are not posted as open to ATVs.

- Children under 10 are not eligible for a safety certificate and are prohibited from operating anywhere except private property.

Registration and Insurance:

- All ATVs in Pennsylvania, except ATVs used solely for business or agricultural purposes, must be registered and titled with DCNR's Snowmobile/ATV Section.
- For ATVs used anywhere off your own property or property leased by you, such as designated state forest trails, the registration fee is \$20 every two years. There is no charge to register ATVs used solely on your own land.
- If the ATV is used solely on land owned or leased by you, you do not need liability insurance. All other riders must carry liability insurance. Proof of insurance must be carried with you when you ride.

- Drive on state or local highways, roads or streets.

While riding an ATV on proper-



TIMES LEADER STAFF PHOTO/FRED ADAMS

Mike Bernardi, 6, rides his ATV with his father, Nick Bernardi, in the woods near Moosic. ATVs may not be driven on state or local highways, roads or streets.

- Expiration stickers.
- Valid safety certificate (ages 10-15 if riding off parent's or guardian's property).
- Certificate of registration.
- Proof of liability insurance.
- Registration plate affixed to the vehicle.

Source: Pennsylvania Department of Conservation and Natural Resources.



EDITOR'S NOTE: This is the second part of a special report originally intended for publication Oct. 12. Hugo Selenski's escape from the Luzerne County prison derailed those plans, and subsequent Sundays featured stories we thought you needed to read before the Nov. 4 election. Though published later than we planned, the issues in this package remain very relevant. To see the first installment of the report published Oct. 5, please check our Web site at www.leader.net.

By BRETT MARCY
bmarcy@leader.net

In the heart of the Wyoming Valley coal fields sits tens of thousands of acres of desolate mine-scarred land, long considered an embarrassing blemish on the region.

A few lawmakers see the towering mounds of waste coal studded with sickly white birch trees as something else: an opportunity for economic revival and a solution to the tension between ATV riders, landowners and environmentalists.

State Reps. Jim Wansacz, D-Old Forge, and Tom Tighe, D-Hughestown, co-sponsored a bill that would use state money to purchase and convert played-out stripings to valuable recreational properties with ATV and snowmobile trails.

Conservancy land," said Kowalski, president of the Black Diamond ATV Club. "A lot of that land is unusable and will never be sold. Why not turn those lands into ATV trails and make some money off of it?"

Because Pennsylvania lacks enough trails for ATV riders to ride legally, Kowalski said many riders take their chances and gamble on riding on private property. What's needed, he said, is a large public ATV recreational area, and the Earth Conservancy land is a prime spot for it.

Plus, Kowalski said, it wouldn't take an extraordinary effort to designate the Earth Conservancy land for ATV riding because many existing trails on the property have been there for more than 10 years.

He said the land is so well known in ATV circles that upward of 1,000 riders can be found on the property during any given weekend. "They come in from other states. It's well known. Why not take advantage of it and turn it into some money?"

That was the argument used by the developers of the Hatfield-McCoy Regional Recreation Area.

The spoiled mine lands of southern West Virginia were popular with ATV riders who traversed the coal companies' private holdings illegally with little fear of getting caught. The coal companies couldn't afford the cost of continuous patrols, yet weren't realizing any benefit from the hundreds of riders who frequented their properties.

"They brought this to the table as a solution to the coal companies' problems and as an economic development tool," Pinkerton said.

That was in 1990.

A decade later, the Hatfield-McCoy Trails opened to excited ATV riders from across the country. Today, the park draws an estimated 150,000 visitors a year. Fees range from \$15 daily passes to \$100 season passes for out-of-state riders (\$25 for West Virginia residents.)

The fees pay for operating expenses and further development of the recreation area, Pinkerton said. The landowners receive no profits, but are absolved of all liability and have the freedom to close their properties, with notice, to the network.

"Our goal is to create economic devel-

HEY READERS:

Thousands of people find riding all-terrain vehicles exhilarating. At the same time, it's undeniable that these powerful machines tear up land and cause a racket, angering private property owners and municipal officials. Other areas of the state and country have created places for ATV enthusiasts to ride and reap economic benefits. What should we do here? Call in your suggestions to 829-7259. We'd like to hear from you.

"I think anything we can do to take those old, abandoned mine lands that are a blight to our community and rebuild them and put up some businesses, or use them to improve the quality of life

See SOLUTION, Page 7A

SOLUTION

Continued from Page 1A

through recreation, that's a good thing," Wansacz said.

"It's an obvious way to restore some of that land," Tighe said. "I think it can be a win-win for (landowners) and for the people who use ATVs and snowmobiles."

Introduced in February, the bill sits stalled in the House Transportation Committee.

The proposal rips a page from a similar plan in southeastern West Virginia, where thousands of acres of mine lands now play host to one of the largest and most popular ATV recreational parks in the nation.

Called the Hatfield-McCoy Regional Recreation Area after the infamous feuding families, the ATV park is widely hailed as a successful example of how mine-scarred lands can be reclaimed.

Hatfield-McCoy boasts 425 miles of ATV trails in three contiguous counties, with ambitious plans to expand that total to 2,000 miles of trails in eight counties.

"The guys that thought this up were really geniuses, because it solves so many problems," said Mike Pinkerton, spokesman for the Hatfield-McCoy Trails. "It solves problems for the landowners. It solves problems for the riders. And it creates economic development for the state."

Local and state officials in Pennsylvania have taken notice. At least one group of ATV devotees from the state's western end, the Allegheny RidgeRiders, have begun planning for a similar multi-county ATV park on abandoned mine lands.

Closer to home in Luzerne County, Earth Conservancy is studying the possibility of creating an ATV park on some of its 16,000 acres.

ATV riders such as Dan Kowalski of Nanticoke hope that the study, still in preliminary stages, will someday yield a bounty of legal trails in the area.

Although Earth Conservancy's land is private property, that hasn't discouraged hundreds of ATV riders from zooming along long-established trails on the land.

"A lot of the land we ride on is Earth

opment," Pinkerton said, citing at least 20 new businesses that have sprouted up as a result of Hatfield-McCoy — guide services, equipment rental shops and hotels. "It's really taking off."

That's the kind of success story Pennsylvania lawmakers want to duplicate. State Rep. Camille "Bud" George, who introduced the bill that Wansacz and Tighe co-sponsored, said his district in Clearfield County could be rejuvenated by reclaiming abandoned mines in the area for ATV trails.

"Let's utilize those abandoned mine lands and put them toward the next best industry we have, and that's tourism," George said. "All you have there is dead land. We can buy it and build it up to the point where we can make money."

There's the question of who's going to pay for the land and the building of the trails.

Much of the money could come from the federal Abandoned Mine Reclamation Fund, which is used to pay the costs of cleaning up and reclaiming such lands, George said. Beyond that, the state could pay for ATV trails through ATV registration fees, he added.

"We've looked at those scarred lands long enough," George said. "We can make them at least usable and make the area that they're in an area where there is excitement and opportunity."

It will also give ATV riders an alternative to trespassing on private property or in state forests and game lands where ATV riding is prohibited, according to Gretchen Leslie, spokeswoman for the state Department of Conservation and Natural Resources.

"It's probably our No. 1 enforcement issue on state forest land," Leslie said of ATV riders.

"It's also hard to catch ATV riders, given they're on ATVs and can go many places law enforcement can't. It makes for an easy escape."

The cries of ATV owners desperate for more places to ride have not gone unheard, according to Leslie. The DCNR continues to search for suitable locations for ATV trails, but the department is more inclined to encourage the development of trails on private or municipal properties, rather than on state forest land.

CV 11/18/03

STATE NEWS

Legislators eye ex-mine lands for recreation

Staff and wire report

Two state legislators from Lackawanna and Luzerne counties want to follow West Virginia's lead and turn abandoned mine lands into recreation trails, a move they believe could ease tensions among all-terrain vehicle fans, landowners and conservationists.

State Reps. Jim Wansacz, D-114, and Tom Tighe, D-118, co-sponsored a bill that would use state money to buy and convert tens of thousands of acres of ravaged coal mine fields into recreational properties with ATV and snowmobile trails.

"I think anything we can do to take those old, abandoned mine lands that are a blight to our community and rebuild them and put up some businesses, or use them to improve the quality of life through recreation, that's a good thing," Wansacz said.

The bill has been stalled in the House Transportation Committee since February. But lawmakers are trying to get support for the measure by pointing out the success that has been seen in West Virginia.

Thousands of acres of mine lands in southern West Virginia were transformed into a popular ATV recreational park with 425 miles of trails in three contiguous counties — and plans to expand to 2,000 miles of trails in eight counties.

The Hatfield-McCoy Trails, which opened in 1990, draw an estimated 150,000 visitors a year. Fees range \$15 daily passes to \$100 season passes for out-of-state riders.

"It solves problems for the landowners. It solves problems for the riders. And it creates economic development for the state," said Mike Pinkerton, spokesman for the Hatfield-McCoy Trails.

A group of ATV devotees from Allegheny County — the Allegheny RidgeRiders — are pushing for a multi-county ATV park on abandoned mine lands.

In Luzerne County, Earth Conservancy is studying the possibility of creating an ATV park on some of its 16,000 acres.

State Rep. Camille "Bud" George, D-74, who introduced the bill that Wansacz and Tighe co-sponsored, said the plan would benefit many communities.

"We've looked at those scarred lands long enough," he said. "We can make them at least usable and make the area that they're in an area where there is excitement and opportunity."

TL 10/20/03

Teen seriously hurt in ATV crash

Cameron Baker, of Plymouth, went over the handlebars of the vehicle and it then landed on top of him.

By MICHAEL McNARNEY
mmcnarney@leader.net

WILKES-BARRE — A 15-year-old boy was seriously hurt Sunday afternoon when he lost control of his ATV and ended up pinned under the 500-pound vehicle.

Cameron Baker, of West Main Street in Plymouth, was riding in the Pine Ridge culm banks in the Parsons/Miners Mills sections of the city around 4 p.m. when he went down a 30-foot drop, authorities said.

Baker was airlifted to Geisinger

Medical Center in Danville with back injuries. Officials said he could move his limbs but was flown to Danville — which specializes in pediatric trauma cases — as a precaution.

Fire Chief Jay Delaney said the tail of Baker's quad came up on a steep decline, sending Baker over the handlebars before the ATV landed on top of him. Some of Baker's companions got the four-wheeler off him, while others went for help.

The accident was in a remote spot, not accessible by vehicle; Delaney, off duty and at his house nearby on Mayock Street, heard the call and drove to the end of Stucker Avenue, where one of Baker's companions was waiting with an ATV.

Delaney and the friend rode the ATV 600 feet from Stucker back to the crash site. Meanwhile, fire trucks and an ambulance drove into Pine Ridge from a gate on Mayock.

When vehicles could go no further, firefighters parked and walked the last 50 feet to where the boy lay.

"He was a pretty smart child," Delaney said.

"He said, 'I thought I wasn't going to be able to move.'" Delaney said the teen was wearing a helmet.

After Baker was driven to Geisinger Medical Center in Plains Township, where the helicopter would pick him up, police officer Harold Sereyka went to the Paul Wilk home at 223 Stucker Ave. to interview the boy's riding companions.

panions.

Police Sgt. Donald Crane said he did not believe the boy would be charged with a crime, but the crash would be reported to the Pennsylvania Department of Conservation and Natural Resources.

Pine Ridge, a haven for ATV riders, is easy for the off-road riders to reach — three railroad rights-of-way lead into it — but hard for authorities to get to.

Mostly culm banks and old mine buildings, the area was described by Crane as like the surface of the moon.

It is also the site of Mayor Tom McGroarty's proposed 130-lot housing development, a proposal that never materialized.

WEDNESDAY, OCTOBER 29, 2003

TIMES LEADER, WILKES-BARRE, PA

◆ IN BRIEF

ATV deaths, injuries rise

The number of people killed or injured using all-terrain vehicles is rising, the government said Tuesday.

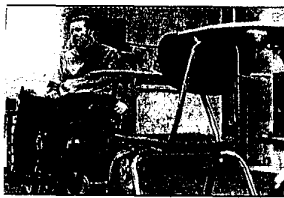
The Consumer Product Safety Commission reported that 113,900 people were injured severely enough in 2002 to be taken to a hospital emergency room, up from 110,100 in 2001. In addition, 467 people died in ATV-related crashes in 2001, up from 446 in 2000, the latest available figures, the report said.

Children under 16 years old had 37,100 serious injuries in 2002, up from 34,300 in 2001, and more than any other age group.

The commission is considering a request from advocacy groups to ban the use of ATVs by anyone under age 16. A hearing on the issue is scheduled for Nov. 6 in Albuquerque, N.M.

Ex-wrestler, rider fights new opponent

By LANE FILLER
lfiller@leader.net



TIMES LEADER STAFF PHOTO/S. JOHN WILKINS
Because of a crash on a three-wheel ATV, Tom Belles is in a wheelchair. Belles, has been a quadriplegic for the past 17 years.



COURTESY OF TOM BELLES
As a ninth-grader at Wilkes-Barre Township Middle School, Tom Belles was named most valuable player of the wrestling, football and baseball teams. Here, he stands with his trophies, about a year before he was paralyzed by an ATV accident.

Wrestling at 132 pounds, Tom Belles was a junior high school district champion in ninth grade. By the time he was 16, his parents' East End Wilkes-Barre home was crammed with more than 150 trophies bestowed for his athletic prowess.

There would never be another.

In 1986 during his sophomore year, Belles grappled with a much heavier opponent: A three-wheel ATV that weighed between 400 and 500 pounds. He lost.

Now Belles has two rides. He cruises in a mechanized wheelchair for short trips and a customized Dodge Grand Caravan with hand controls for longer ones.

No more shortstop and no more tailback for the man who described his high school persona as "Joe Stud Athlete."

He is a quadriplegic, with no use of his legs, a little motion in his left arm, more in his right.

By all accounts, Belles, 33, is a success. He teaches at Solomon/Plains Memorial School and has multiple college degrees. Nearly in hand is a master's in education and a principal's certification. He has built his own home in Plains Township.

He has an active and varied social life, he dates, and he is excited about his future. He is a workout fanatic, keeping his arms as fit as possible, and an unpaid wrestling coach.

What he is not, 17 years after his life-changing accident, is a fan of ATVs — particularly ones ridden by children.

"A friend of my brother's was killed on a street bike," said Belles, who has four brothers and sisters, "and we thought the ATV would be safer. It didn't turn out that way."

Belles was riding in the area of the Seven Tubs park in Plains Township one Saturday afternoon in 1986 with a friend when he came to an uneven area of road caused by rain water runoff. His ATV rolled and landed on top of him, breaking his neck.

Belles lay there for a half hour while his riding buddy and a couple who came across him sought help.

For weeks, he lay in a hospital surrounded by family, friends and the doctors who told him he would never walk again.

Belles is not alone in his hatred of ATVs. His mother shares it in spades. So do two local orthopedic surgeons.

The parents of some of his students don't share their concerns. "I have four or five kids in every class who have one," Belles said.

The inability to convince parents and kids of ATV-related dangers frustrates Dr. Jim Mattucci, chief of orthopedics at Wilkes-Barre General Hospital, and his partner, Dr. Michael Raklewicz.

"I had a patient, about 14 years old, who broke his proximal humerus on an ATV," Raklewicz said. "He was riding up around Red Rock. He was in a sling for a month, and two weeks after that he broke his clavicle on an ATV. When his parents brought him in again, they wanted to know when he could start riding. I couldn't even begin to communicate to them how insane the question was."

A physician for 25 years, Raklewicz believes that mile for mile, riding an ATV is 50 to 100 times more dangerous than riding in a car.

For most of the time he has practiced, a poster that implores people not to ignore the dangers associated with ATVs has hung in his office.

As for his own kids, "I'd let my 8-year-old ride an ATV over my cold dead body," Raklewicz said.

"I hate 'em," Mattucci said. "I see 10 to 15 serious injuries a year from ATVs, and those are just the ones in our office that involve our specialty. There's no bone you can't break on a ATV, and I've seen 4-year old kids and 65-year old adults battered by the things."

Mattucci said he reads parents the riot act about letting their injured kids back on the machines, but to no avail.

"They smirk and laugh, as if they can't believe I would say anything against them. These are repeat offenders, people whose kids have been hurt more than once, and it doesn't matter."

Both doctors agree that the combination of rough terrain, trees, rocks and powerful engines is a treacherous mix. Add youth, irresponsibility or inebriation, and you have a formula for fractures and fatalities.

"I'm sure there are people who ride ATVs responsibly," Raklewicz said, "but they're not the ones I see in the emergency rooms."

For six months, Belles rehabilitated the muscles that still worked in his broken body at a facility in Elizabethtown, Pa.

After rehabilitation, Belles returned to Coughlin High School and was elected vice president of his senior class.

With a full-time teaching job and an master's degree in business administration, Belles schools seventh- and eighth-graders in social studies from his wheelchair. He grins as he teaches and is energized when presenting lessons.

In his words, "I get real fired up."

He also doesn't shy away from teaching his students what he has learned about ATVs.

"I shoot straight with them," said Belles, who is heavier at 175 pounds but far less muscular than he was in his athletic heyday. "They know what happened to me, and how."

Still, Belles knows his words often carry little weight. Perhaps most stunningly, one student, hearing his story, wanted to know if Belles still had the ATV that crushed his spine.

"He wanted to buy it from me," Belles said.

Companies quit manufacturing three-wheel ATVs about six months after Belles crashed, but their heavier, four-wheel brethren remain extremely popular.

Belles isn't sure they are much safer.

"They have warning stickers on them like they're toys, and a highly powerful vehicle is not a toy," he said. "Stickers won't do it, and there should be more laws."

"They're less likely to flip, but people ride them with no road. They have no seat belts and people often don't wear helmets. There are trees and rocks, and excessive speeds, and riders who are too young."

Raklewicz, Mattucci, Belles and his mother, Terry, agree children can't ride responsibly because they lack the good sense needed. All four advocate laws that would ban ATV use by children and teens, although they differ on a precise cut-off age.

"I teach these kids, and I know they're just crazy," Belles said. "They are simply not mature or responsible enough to handle these machines because they think they're invincible. They go as fast as they can, as hard as they can, and it's frightening."

"To this day, I see some of my friends acting irresponsibly with ATVs and I can only shake my head. It's like they don't remember what happened to me."

Belles' thoughts are echoed by his mother, who always hated the machines and the danger they posed to her children.

"I never let them have motorcycles while they lived in my house, and I didn't want them riding the ATVs either, but they just said they would be fine," Terry, said.

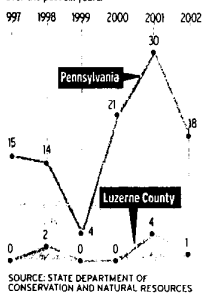
In the end, she was proved right.

"We were all devastated when it happened," Terry said. "Our friends and neighbors were great. They helped raise money for the van and renovations to the house, but it was awful."

"And after all that, some of Tom's cousins, kids, still rode them. I don't say anything when I see parents letting their kids ride them, because what is there to say. They know what happened, so I just keep my mouth shut."

ATV deaths

Here is a glance at the number of people killed in ATV crashes in the state and the county over the past six years.



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NEWSPAPER

OUR OPINION

Danger of kids on ATVs needs to be addressed

WE DON'T ALLOW our young children to drive cars, trucks, motorcycles or other powerful vehicles. It is simply too much machine. It is simply too dangerous.

Yet parents routinely allow young children to operate all-terrain vehicles, often with disastrous and deadly results.

In this area, at least five children under the age of 16 have died in ATV crashes in the past decade. Granted, ATVs can be dangerous at any age. There were 18 people killed in Pennsylvania in 2002, 30 deaths in 2001 and 21 in 2000, according to the state Department of Conservation and Natural Resources. Pennsylvania ranks second in the ATV national death toll, trailing only California, according to the federal Consumer Product Safety Commission.

Because of the danger to all ages, efforts should continue to provide designated places for adults to ride ATVs. Developing abandoned mine lands, for example, seems appropri-

ate.

There is no control, however, on ATVs operated on private property, the place where children are often hurt. That's where the rules must change. We are wary of restricting personal rights, but there is a difference between limiting freedom and parental responsibility for the safety of children.

If a parent places a child in a motor vehicle without proper restraints, or a vehicle that is unsafe, the parent could be held responsible for accidental injuries. We think parents should be just as responsible when they let a child ride on a powerful motor vehicle, on terrain that can be unfamiliar, uneven, rutted, wet, covered with gravel or debris. Parents need to be aware of the statistics and understand the risks.

And because helmets and common sense offer limited protection, elected officials need to consider legislation that will protect young children from parents who are ill-informed, uncaring or just unwilling to protect their children from driving into harm's way.

C.V.
2/4/04

COMMUNITYNEWS

Jackson Twp. mulls law to regulate ATVs

By Elizabeth Skrapits
Citizens' Voice Staff Writer

After getting feedback from residents Monday night, Jackson Township supervisors opted to wait before passing an ordinance regulating all-terrain and recreational vehicles.

The ordinance would regulate where and how people can ride recreational-type vehicles, such as ATVs or quads.

Solicitor Jeffrey Malak said the ordinance is a standard one, modeled on those other municipalities have.

Malak said some of the provisions include that people cannot ride their vehicles on highways or public streets; riding while under the influence of drugs or alcohol is prohibited; and people must obtain written permission before riding their vehicles on other peoples' property or in

public parks.

District justices prefer written permission, Malak explained.

The ordinance drew some criticism from residents, particularly a provision requiring riders to stay 250 feet away from an occupied residence.

Resident Carl Moyer said he had a license from the state Department of Environmental Protection for his four-wheeler, which he uses as a work vehicle on his property, and did not think the ordinance was necessary.

"I think it's a lot of baloney," Moyer declared.

Supervisor Chairman John J. Wilkes, Jr. replied, "If more people had a DEP license like I do and you do, we wouldn't need this ordinance."

Malak noted that DEP does not want to enforce ATV regulations, but the township has po-

lice powers to do so.

Supervisor Allen Fox said a reason behind the ordinance is that when people live in developments where there are often up to three or four homes on an acre, ATVs can be a problem.

"Parents decide Junior should have an ATV.... They don't care if they're 250 feet or 50 feet from an occupied residence," Fox said.

He suggested it would be a good idea for developers to put covenants in their agreements to avoid these issues.

Fox and Wilkes agreed a lesser distance, like 150 feet, might be preferable.

The board ultimately decided it would be best to table the ordinance for further review and bring it up again at a future meeting.

"We are going to pass it," Fox

SEE ATVS, PAGE 4B

ATVs: Ordinance set

FROM PAGE 4

said. "It's just a matter of making sure we do it the best way I'm not saying we're going to change it, but we're going to look at it."

In other business, the board voted to hire the Gattuso Group to perform the township's 2003 audit.

Supervisor David Roskos said in the past audits were done by the township's elected auditors, but last year it was recommended an independent auditor be brought in.

Additionally, Roskos said the township is preparing in advance for compliance with government accounting standards, GASB-34, which will be required.

Roskos said he and township secretary Joy Bird interviewed three auditors for the job.

"It was very difficult to make a choice because they were all very good," he said.

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EARTH CONSERV.

T.L. 3-4-04



TIMES LEADER STAFF PHOTO/FRED ADAMS

Vandals used a bulldozer over the weekend to break through a chain-link fence on Earth Conservancy property in Hanover Township.

Equipment Center, conservancy property hit

By BONNIE ADAMS
badams@leader.net

HANOVER TWP. — Vandals over the weekend caused approximately \$6,000 in damage to Regional Equipment Center and Earth Conservancy property.

Someone gained access to a locked, fenced-in area, started a bulldozer and used it to smash through a gate, said Jacqueline Dickman, Earth Conservancy director of public affairs and development.

The damage occurred near the ath-

letic fields off of state Route 29.

Dickman said the vandals likely climbed over the fence at the equipment area and possibly hot-wired or used a Caterpillar equipment key to start the bulldozer.

She said a grader, payloader and rock truck were stored with the bulldozer that is being used to build more athletic fields. Vandals smashed windows in the equipment and large rocks were found in the cabs.

Dip sticks and fuel caps were

stolen.

She said about \$6,000 in damage was done to both the Regional Equipment Center and Earth Conservancy property.

Some athletic fields have been in use in past seasons and others are under construction near where the equipment is stored. "They didn't damage the finished athletic fields," Dickman said.

Bonnie Adams, a Times Leader staff writer, may be reached at 829-7241.

Innovation Center director weighs tenant mix

By KASIA KOPEC
kkopec@leader.net

WILKES-BARRE — With the grand opening of the Innovation

one from River Street," said Augustine. "Ideally, I'd like someone from out of town."

As for finding a retailer to fill the

That's not to say that a retailer such as Border's Books — long rumored to be interested in moving into the old Woodworth's next to

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Property, machinery damaged at Regional Equipment Center

By Tom Venesky
Citizens' Voice Staff Writer

For several years, Earth Conservancy has worked to improve the community by constructing the Greater Hanover Area Recreation Park in Hanover Township.

Over the weekend, however, the work of vandals threatened to set the project back as several thousand dollars of damage was caused to the property and equipment.

EC Director of Public Affairs and Development Jacqueline Dickman said someone broke into a fenced area on the property where the Regional Equipment Center parked several pieces of heavy equipment, and started a bulldozer. The person drove the bulldozer through the fence to the top of a hill and crushed another gate before leaving the machine in a ditch.

But the vandalism didn't end there.

Dickman said numerous windshields on equipment were smashed and gas caps and oil dipsticks were stolen. EC personnel also found where someone started a fire and the area was littered with beer cans.

"There is easily \$3,000 in damage to each of us (EC and REC)," Dickman said. "Fortunately, they didn't touch the completed fields in phase I of the park, which would have resulted in large monetary damages."

Locked gates protect the area, but Dickman said there are ways ATVs can get into the area and there were numerous ATV tracks on the site.

EC Executive Director Mike Dziak said the repairs that will be needed and the equipment that will be out of service will delay the work on phases II and III. He said vandalism has occurred at the park in the past, but not as extensive as the most recent incident.

"It shows a total disregard for property and creates a mess and expense for us to pick up the pieces," Dziak said. "Parts of the park are visible from the highway, so we're hoping there's a chance somebody saw something."

Mike Carroll, assistant director at REC, said the vandals also tried to start other machines and he was concerned they may have put rocks and dirt in the hydraulic reservoirs and fuel tanks on the machinery.

"We're in the process of looking into that now," Carroll said. "We're still figuring what the dollar amount for the damage is."

He said his crews lost a half-day of work getting the machinery ready to use for phases II and III.

Like Dziak, Carroll expressed frustration over the vandalism.

"It's sad when you're doing some reclamation work and then you have to deal with this stuff," he said.

Carroll and Dziak vowed their respective agencies would beef up security measures in the park. Dziak said hidden cameras will be installed throughout the area.

He added if anybody is apprehended for the vandalism, they will be prosecuted to the fullest extent.

"We're hopeful the police can do something about this," Dziak said.

Hanover Township police are investigating the incident, and Sgt. Al Walker said the vandalism was reported to his department early Monday morning and occurred between Friday evening and Monday.

"We've had periodic damage there, but nothing recently and nothing this substantial," Walker said.

Walker said if anyone has information on the incident to call Hanover police at 825-1254.

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Burn victim in critical condition

A 14-year-old boy who suffered the structure safely

CV 3-28-04

RECREATIONAL RIDERS

Unwanted ATV riders



Number of vehicles in NEPA continue to climb despite few avenues for travel

By Tom Venesky
The Sunday Voice

Luzerne County is one of many counties in the state looking at ways to provide recreational opportunities for the growing number of all-terrain-vehicle enthusiasts.

A number of projects have been implemented in other areas of the state in an effort to resolve a complex issue.

With the number of ATV enthusiasts increasing and the amount of public trails limited, the issue has pitted riders against landowners in a dispute that often involves trespassing and property damage.

The situation is especially dire in Luzerne County, which has the fourth highest to-

tal of registered ATVs in the state with 4,903. There are 204,900 registered ATVs in the state.

ATVs must be registered with the state Department of Conservation and Natural Resources, and the agency is making efforts to provide riders with public trails in state forests.

But due to the impacts ATVs can have on the landscape, officials are somewhat limited as to where they can establish trails.

Terry Brady, deputy press secretary for DCNR, said the best places for trails have a ground surface of hard clay. Environmentally sensitive areas that are subject to erosion, such as vernal ponds, wetlands and steep slopes, are avoided.

DCNR also has to take into account other fac-

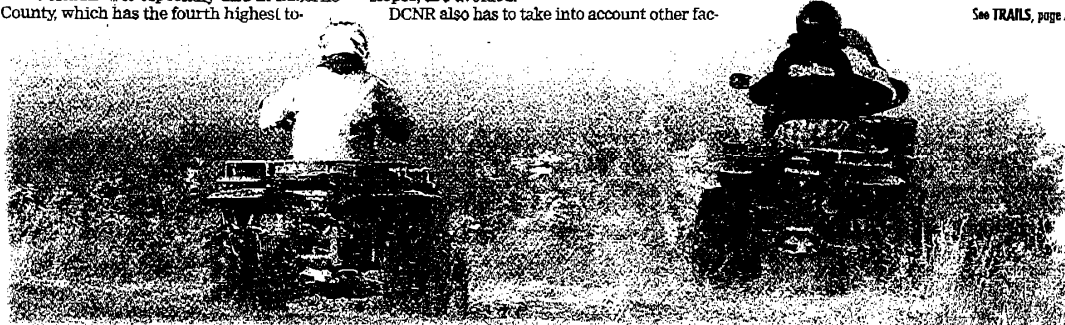
tors when establishing an ATV trail, such as the needs of other groups, like bird watchers and hikers, who use the state forest system.

"In all counties, the registration is going up, and we're trying to keep up with the numbers and give them an avenue," Brady said. "The number of ATV riders is taking off and they want a place to ride."

Barbara Barber of Blue Ridge Polaris in Dorrance said a public ATV trail in the area is long overdue considering the growing number of local riders and those coming from out of state.

She said many riders are frustrated with DCNR because

See TRAILS, page A12



TRAILS: ATV owners seek places to ride

FROM PAGE A1

they have to pay for registration and insurance but still don't have a place to ride.

"With all the strippings and mining areas we have here, I can't understand why they aren't given a place," Barber said. "A lot of people are fed up with paying for these things when there's no place to ride."

In Luzerne County, the Earth Conservancy is spearheading a feasibility study to look at the possibility of establishing an ATV trail in the area. A steering committee consisting of ATV riders, businesses and state agencies is reviewing potential sites in the lower Wyoming Valley.

EC Director of Public Affairs and Development Jacqueline Dickman said the study is part of the agency's master plan and is an attempt to address the significant amount of ATV use on their land.

Dickman said ATV riding is prohibited on EC land and she admitted the places to ride are limited.

"Our objective is to look at where they might legally ride so they wouldn't have to be on lands they shouldn't be on," she said. "Places we would consider would be where mining has already impacted the land and remediation would be difficult."

Brady said some abandoned mine land areas can provide suitable ATV trails because the impact from the machines would be minimal.

"If you have a coal area, you try to get other uses from that land, and an ATV trail may be one of them," he said.

But once a trail is established, the problems don't completely disappear.

Maintenance and law enforcement are the two biggest obstacles for DCNR's state ATV trails. Brady said the agency is understaffed when it comes to maintenance of trails, especially the ones that see a lot of use.

He said the \$20 registration fee charged to ATV owners doesn't go that far because it's used for trail maintenance and law enforcement. In the end, Brady said there is very little, if any, of the registration money left to purchase land or build more trails.

"We need more forest rangers to enforce the rogue ATV riders," he said. "The riders who stay on the trails aren't the problem, but there are those that venture off the trails and tear up sensitive areas, and that's a big danger."

Because there is only so much state forest land under DCNR's control, the agency is making funds available to private groups to open public trails on their lands.

Last week DCNR awarded five grants totaling \$2.2 million to develop and improve riding opportunities for registered ATV riders.

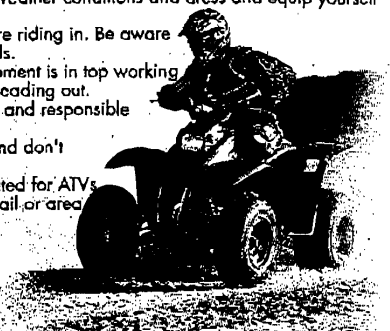
The grant money will assist groups and local government entities to purchase land to be used for ATV recreation. Most of the grants were awarded to groups in the northcentral part of the state, with the exception of \$90,000 given to Northeast PA Sno Trails Inc., to purchase a 13-mile section of railbed in Susquehanna and Wayne counties.

SAFETY TIPS

ATV riding can be a risky sport. Before you ride, learn how to properly use all the mechanical controls and safety devices of your vehicle. Read your owner's manual. Most importantly, take a safety course before riding.

- Wear a helmet and eye protection at all times and other protective clothing suitable to the environment.
- Do not carry passengers on your ATV.
- Do not let young or inexperienced riders operate ATVs without training and supervision.
- Do not use alcohol or other drugs when you ride.
- Learn proper riding skills from an instructor or qualified rider and practice such skills before riding.
- Always maintain a safe distance between riders.
- Tailgating can lead to collisions and injuries.
- Ride with others and let someone know where you are riding. Never ride alone.
- Be informed of local weather conditions and dress and equip yourself appropriately.
- Know the area you are riding in. Be aware of its potential hazards.
- Make sure your equipment is in top working order; check before heading out.
- Always ride at a safe and responsible speed.
- Know your abilities and don't exceed those levels.
- Stay on trails designated for ATVs.
- Carry a map of the trail or area intended to travel.
- Use common sense.
- Obey the laws.

SOURCE: PA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES



MICHAEL HOOGENBURY / THE SUNDAY VOILA

"It's been the intent of this administration that, instead of using state forest for more trails, to go with private groups," Brady said.

Private groups such as the Earth Conservancy, something that would sit well with Barber and her customers.

"Most of the Earth Conservancy land is strippings and minelands, what can ATVs hurt there? I think

ATV riders have gotten a bad rap and that's the root of the problem," she said. "It's a very small minority of riders that cause the problems, the rest of us always collect garbage and obey property owners, and we should have a public area to enjoy this form of recreation."

venesky@citizensvoice.com

ATV club helps in search, recovery effort

By Robert Kalinowski
Citizens' Voice Staff Writer

A group of local all terrain vehicle riders responded to Monday's drowning incident in a remote strip mine pond in Newport Township, hoping to help in any way possible.

From the roadway entrance of the strip mine, the riders, six in all, took first responders, dive crews and even the coroner to the scene.

✂ — Dan Kowalski, president of the Black Diamond ATV Club, said the ride took approximately 30 minutes on the highly mobile vehicles, but most assuredly would have taken much longer if the ATVs weren't there.

Unfortunately, though, Kowalski said, the riders weren't able to help the emergency crews save a life on Monday. The victim had been submerged under water for several hours.

However, in other situations ATVs could make the difference because they can travel in areas that are too far to walk and can't be traveled by an automobile, he said.

"That is a part of why we're doing what we do," Kowalski said.

Various fire companies and police, including state police, have requested the services of the club to facilitate search and rescue operations, he said.

During their search and rescue missions, attached to the rear of an ATV is an off-road trailer, which can be operated in any terrain an ATV can travel.

It is used to transport an injured person from an inaccessible location to awaiting emergency medical personnel.

While transporting a patient, emergency care can be administered by up to two attendants.

Two extremely well stocked trauma bags, as well as other essential rescue items are trans-



JACK KELLEY/CITIZENS' VOICE

Jason Kowalski, Black Diamond ATV Search and Rescue, took part in the recovery operation.

ported with this unit.

The club has approximately 15 members, all trained in first aid and CPR, who respond to emergency situations. While on mis-

**'MOST
PEOPLE SEE
THE NEGATIVE
SIDE OF ATV
RIDERS. WE
WANT TO BE
THE POSITIVE
SIDE.'**

**DAN KOWALSKI
BLACK DIAMOND ATV
CLUB**

The club is only 8 months old, starting as a bunch of ATV riders who wanted to clean up the stereotypical image of those who drive the vehicles.

Many people think ATV riders are destructive and reckless, among other things, Kowalski explained.

"Most people see the negative side of ATV riders. We want to be the positive side," Kowalski said.

"We want to show there are people out there willing to use their equipment for the common good. We're here basically as a public service to help whenever we're needed," Kowalski said.

Aside from the 15 active rescue members, there are 100 club members of the Black Diamond ATV Club.

Group members don't make money for their work and rely on sponsorships, donations and fund-raisers to do their work.

To learn more about the Black Diamond ATV Club or to become a member of the search and rescue team visit its Web site at <http://blackdiamondatv-club.com>.

bkalinowski@citizensvoice.com

ATV enthusiasts propose intricate trail system

By Tom Vescey
Citizens' Voice Staff Writer

Alden resident Dan Kowalski has a vision for ATV enthusiasts that he thinks will work to change some of the stereotypes that have plagued the hobby.

His vision is a designated trail system, which riders pay a yearly fee to use, complete with a paved parking and unloading area, restrooms, campgrounds and picnic areas.

Such a system, according to Kowalski, would be a financial benefit for the small towns lining the trail, which would be built on abandoned mine land from Honey Pot to Shickshinny.

Kowalski is one of the charter members of the Anthracite Regional Trail System Coalition. Formed two months ago, the coalition numbers around 500 members from three organizations, including the Back Mountain Enduro Riders, the Black Diamond ATV Club and the Pocono Mountain ATV Club.

members from three organizations, including the Back Mountain Enduro Riders, the Black Diamond ATV Club and the Pocono Mountain ATV Club.

The coalition was formed out of a steering committee that has been meeting with the Earth Conservancy and state Department of Conservation and Natural Resources in an attempt to establish an ATV trail system.

Kowalski acknowledges that ATV riders are viewed in a bad light, but most of the time the blame is wrongly placed. It's not the ATVs, he said, that are hauling mountains of trash to be illegally dumped in the abandoned mine lands.

"Right now, there's all this land and it's just an attitude of do whatever you want as long as you don't get caught," Kowalski said. "If we can con-

trol this land, the access, and enforce the rules, it will cut back on the problems."

Kowalski said an ATV trail system is desperately needed for two reasons. First, it would be an economic benefit to struggling towns, and secondly, there is a large demand considering Luzerne and Lackawanna counties rank near the top of the state in ATV sales per county.

Also, Kowalski pointed out that usable trails have existed on much of the abandoned mine lands for years so the framework is already in place.

With a little enhancement, he said a trail system could be established offering miles of trails for casual riders with "play" areas featuring jumps and hills.

The coalition members have been working with EC to build such a system, but Kowalski

said if those efforts prove fruitless, his organization would grow large enough, both in members and finances, to implement the project themselves.

Lake Silkworth resident Ray Sedorchuk, also a member of the coalition, has seen firsthand the type of economic benefit a trail system can bring to an area.

Sedorchuk, who is managing editor for ATV Connection magazine and the East Coast editor for ATV Television, said the Hatfield and McCoy Regional Recreation Area in West Virginia is a perfect example of what could work in northeastern Pennsylvania.

The 500-mile trail system, which is operated by an authority, winds through four counties in the southern part of the state. A yearly permit, costing \$25 for state residents

and \$75 for out-of-state users, is required and guided tours and ATV rentals are available.

Sedorchuk has visited the trail several times and said the area is similar to northeastern Pennsylvania with small mining towns that faced economic difficulties.

The system opened in 2000 and Sedorchuk said it has generated an estimated \$65 million a year in revenue for the area. Restaurants, shops, gas stations, guide services and other businesses have sprouted up in the towns since the trail opened, he added.

"These are small towns, just like Wanamie and Glen Lyon. They benefited from this trail system and the same could happen here," Sedorchuk said. "It's a model a lot of different states are using and it really does a good job promoting

business in an area."

Sedorchuk cites areas ranging from Mocanaqua, Nanticoke and Hazleton as having plenty of abandoned mine land to establish a trail similar to the Hatfield and McCoy system.

To do so, he added, it's critical that every facet of the community, including elected officials, landowners, businesses and the non-riding public, are included and supportive of the project.

The best way to accomplish that feat, according to Sedorchuk, is to join the coalition.

The coalition meets on the second Sunday of every month at 9 a.m. in the Luzerne County Community College Educational Conference Center in Nanticoke.

For more information on the coalition, call Kowalski at 735-3615.

tomvescey@citizensvoice.com



Members of the Anthracite Regional Trail System are, from the left, seated, Bob Connors, Rachelle Wallace, Dan Kowalski and Todd Jones; standing, Kevin Amos, Joe Amone, Jim Donahue, Greg Hamill, Mike Figmle, Dave Doroskewicz and Keith Starzynski.

APPENDIX H
PERTINENT
CORRESPONDENCE

From: Earth Conservancy [mailto:earthcon@intergrafix.net]
Sent: Monday, April 05, 2004 10:38 AM
To: Scott Cope; Barber, Steve
Subject: Fw: Mocanaqua Loop Trail

Little interesting tidbit. JD

Jacqueline Dickman
Dir. of Public Affairs & Development
Earth Conservancy
101 S. Main St.
Ashley, PA 18706
Ph: 570-823-3445
Fx: 570-823-8270
www.earthconservancy.org

----- Original Message -----

From: MLipka2137@aol.com
To: earthcon@intergrafix.net
Sent: Monday, April 05, 2004 5:54 AM
Subject: Mocanaqua Loop Trail

I hiked the brown loop section of the trail this past Saturday. The trail is good, it is nice to see this type of use made of the coal lands. You do need to in-force the no motorized vehicle rule the ATVs are causing damage and erosion to the trail and I don't think many foot hikers are caring in the six packs of beer that the cans reman on the trail.

From: Jacqueline Dickman [mailto:jacqueline.dickman@earthconservancy.org]
Sent: Monday, March 22, 2004 8:59 AM
To: Scott Cope; Barber, Steve
Subject: Fw: ATV TRAILS

See below. JD

Jacqueline Dickman
Dir. of Public Affairs & Development
Earth Conservancy
101 S. Main St.
Ashley, PA 18706
Ph: 570-823-3445
Fx: 570-823-8270
www.earthconservancy.org

----- Original Message -----

From: GARYI00@aol.com
To: jacqueline.dickman@earthconservancy.org
Sent: Thursday, March 18, 2004 8:23 PM
Subject: ATV TRAILS

PLEASE OPEN TRAILS FOR ATV RIDNG ..THANKS

GARY MANGIAPIA

From: Jacqueline Dickman [mailto:jacqueline.dickman@earthconservancy.org]
Sent: Monday, March 08, 2004 2:40 PM
To: Barber, Steve; Scott Cope
Subject: Fw: ATV trails in NE Pa.

Jacqueline Dickman
Dir. of Public Affairs & Development
Earth Conservancy
101 S. Main St.
Ashley, PA 18706
Ph: 570-823-3445
Fx: 570-823-8270
www.earthconservancy.org

----- Original Message -----

From: Jacqueline Dickman
To: Jim Skamarakus
Sent: Monday, March 08, 2004 2:39 PM
Subject: Re: ATV trails in NE Pa.

Hi Jim.

Thanks for your input about potential trail locations. The areas you mention are areas that we're looking at for potential linear trails that could travel through that area and possibly extend north and east as well. The steering committee we're working with represents a broad base of riders from this area and who probably share your knowledge of potential riding areas in Wyoming Valley as well as people from the Forest Service, Game Commission, and DCNR.

I'll pass along your info to the committee. If you think of other areas in this vicinity, don't hesitate to pass along the info.

Thanks for your time.

Jackie

Jacqueline Dickman
Dir. of Public Affairs & Development
Earth Conservancy
101 S. Main St.
Ashley, PA 18706
Ph: 570-823-3445

Fx: 570-823-8270
www.earthconservancy.org

----- Original Message -----

From: Jim Skamarakus

To: jacqueline.dickman@earthconservancy.org

Sent: Friday, March 05, 2004 3:25 PM

Subject: ATV trails in NE Pa.

Jacqueline,

I have been hiking the Mocanocqua Loop Trails a few times a week since they opened last year. I enjoy the trails very much & the look out areas overlooking the river & the valley are fantastic. I was born & raised in Wanamie & have hunted & hiked this area all of my 63 years of existence. I have also spent many years riding an ATV in this area. When the Earth Conservancy took over the area & let the Game Commission use the area I could no longer ride in this area.

This area would make a great area for ATV trails because of its durability. The area is mostly a strip & underground mining area & there are many established roads & trails in the area. Most of the land is rock ledges & is just about impossible to harm with ATV traffic. I have used an ATV in this area for almost 30 yrs before it was closed to ATVs. The area is basically the same as it was 30 yrs ago. Many ATVs have used that area in that time & there is no damage to the environment. The ATVs are still using the area & to me, they help keep the trails free of fallen trees & brush.

From what I read on the internet you are looking for areas that are suitable for ATV trails in the Wyoming Valey area. I hope you would give this area some consideration as it is a very durable area. Thank you for hearing me.

Jim skamarakus

From: The Berks County Real Estate Book [mailto:BerkTREB@comcast.net]
Sent: Saturday, January 24, 2004 10:19 AM
To: Barber, Steve
Subject: ATV Trail System Thank you

Mr. Barber

Just wanted to pass along a thank you for all the work you have done for the new
ATV trail system in PA. My family and I will continue to support you.

Thanks again,

Joshua L. Detweiler

President

Jericho Enterprises, LLC.

From: Anthony Bonafide [mailto:badblue442@yahoo.com]
Sent: Monday, January 05, 2004 10:52 PM
To: Barber, Steve
Subject: NE Pa atv trail system

To whom it may concern,

Just wanted to drop a little note to thank whoever is responsible for supporting the ATV enthusiasts in Pa, NY and NJ. We have been waiting for someone to step up to the plate and take charge and it looks like someone finally has. We cant thank you enough for the proposed trail system in the north east Pa area.
Thank You

Tony

-----Original Message-----

From: Jason Gray [mailto:jgray@knoll.com]

Sent: Monday, December 22, 2003 11:38 AM

To: Barber, Steve; jacqueline.dickman@earthconservancy.org

Subject: NEPA ATV trails

Hello,

I have recently learned that you have been helping and hopefully continuing to help the ATV trails in NEPA. I would like to personally thank you for your time and energy spent on this worthy project. As I am sure you already know that this project is a big battle that would benefit a huge number of people. We all now the success of Tower City, Paragon, and Hatfield-McCoy in WV. ATVing is a huge opportunity for family bonding and time in the great outdoors.

Once again thanks for your time and we are all here to support the efforts.

Jason Gray

From: Scott [mailto:serflip@alltel.net]
Sent: Monday, December 22, 2003 3:20 PM
To: Barber, Steve
Subject: atv trails

Thank you for your help in getting some trails around the northeast
for alot of us to enjoy,you are the main people we can count on,thanks again

-----Original Message-----

From: Kita, Travis [mailto:Travis.Kita@astrazeneca.com]

Sent: Friday, December 19, 2003 8:52 AM

To: 'jacqueline.dickman@earthconservancy.org'

Cc: Barber, Steve; Chris Work Email (E-mail)

Subject: ATV Trail System in Hanover/Blakeslee PA

Dear Sir/Mamm:

As a fellow ATV enthusiast I would like to express my support for an ATV trail system in the poconos of PA. I've been riding for about 5 years now and my friends and I greatly appreciate the sport however they aren't too many "legal" places to ride in PA or the surrounding states like DE and NJ. We live in the King of Prussia area and the police have banned all ATV and dirt biking in the township and all of the woods and basins have been turned into leaf dumping areas. We do go to Tower City once a year however it's a real far hike to go riding for the day. I know that Jack Frost mountain has a small ATV/dirt bike track but it is limited. Our parents had a place at Jack Frost mountain and we've hiked and gone fishing up there and there is a lot of land along the river and the power lines that would be great for an ATVing trail system. If our support is needed to assist you and your organization to have this trail system passed by the state then please let us know what we can do to help.

Ride safe

Sincerely,

Travis Kita

From: AJBEPS@aol.com [mailto:AJBEPS@aol.com]
Sent: Thursday, December 18, 2003 4:12 PM
To: Barber, Steve
Subject: Thank You

Mr. Steve Barber,

I would like to take this opportunity to say thank you for taking the time to allowing for the future an ATV trail system in northeast, PA.

I am 33yrs, I have been riding for nearly 2 years and I love the to ATV. I am also someone who believes in being responsible for the land I ride on and taking care of it. If there is every an opportunity for myself and my club to help in volunteering in keeping the land clean and preserving it please don't hesitate and drop me an email.

Once again many thanks for your efforts and happy holidays and a safe and wonderful New Year.

Sincerely,

Andrew

----- Original Message -----

From: Greg Hamill

To: Jacqueline Dickman

Sent: Wednesday, December 17, 2003 4:10 PM

Subject: Thanks for your efforts

Greg A. Hamill
President PMATVC
Member Pa park and recreation society
Member Blue Ribbon Coalition
Member Teamsters Local 326
Administrative Director POHVA

Just wanted to say thank you for all of your efforts.

From: Samuel Schellenger [mailto:quadnut1@comcast.net]
Sent: Wednesday, December 17, 2003 6:22 PM
To: Barber, Steve
Subject: ATV trails

ATV trails in Luzerne should be preserved and improved without causing land degradation. I support ATV riding but not illegal dumping or unregulated mining and logging.

From: ATVMEL22@aol.com [mailto:ATVMEL22@aol.com]
Sent: Wednesday, December 17, 2003 10:26 AM
To: Barber, Steve
Subject: trails

I would like to take this time to thank you for all your hard work in making places to ride. once again THANK YOUATVMEL22@aol.com

From: robv [mailto:robv@adelphia.net]
Sent: Wednesday, December 17, 2003 4:49 PM
To: Barber, Steve
Subject:

I'm a 35 yr old atv rider and just wonted to say thanks

-----Original Message-----

From: todd stitt [mailto:tbslrs@adelphia.net]

Sent: Tuesday, December 16, 2003 9:42 PM

To: Barber, Steve

Subject: trail system in Northeast Pa.

Mr. Barber,

I would like to take a moment to thank you for all your valuable time and the great effort you have put forth towards the building of an atv trail in northeast Pa. This is such a much needed opportunity that I myself and many others would like to see realized. Keep up the good work and Good Luck in all your efforts! Thanks Again!!!!!!!!!!!!!!

Todd Stitt

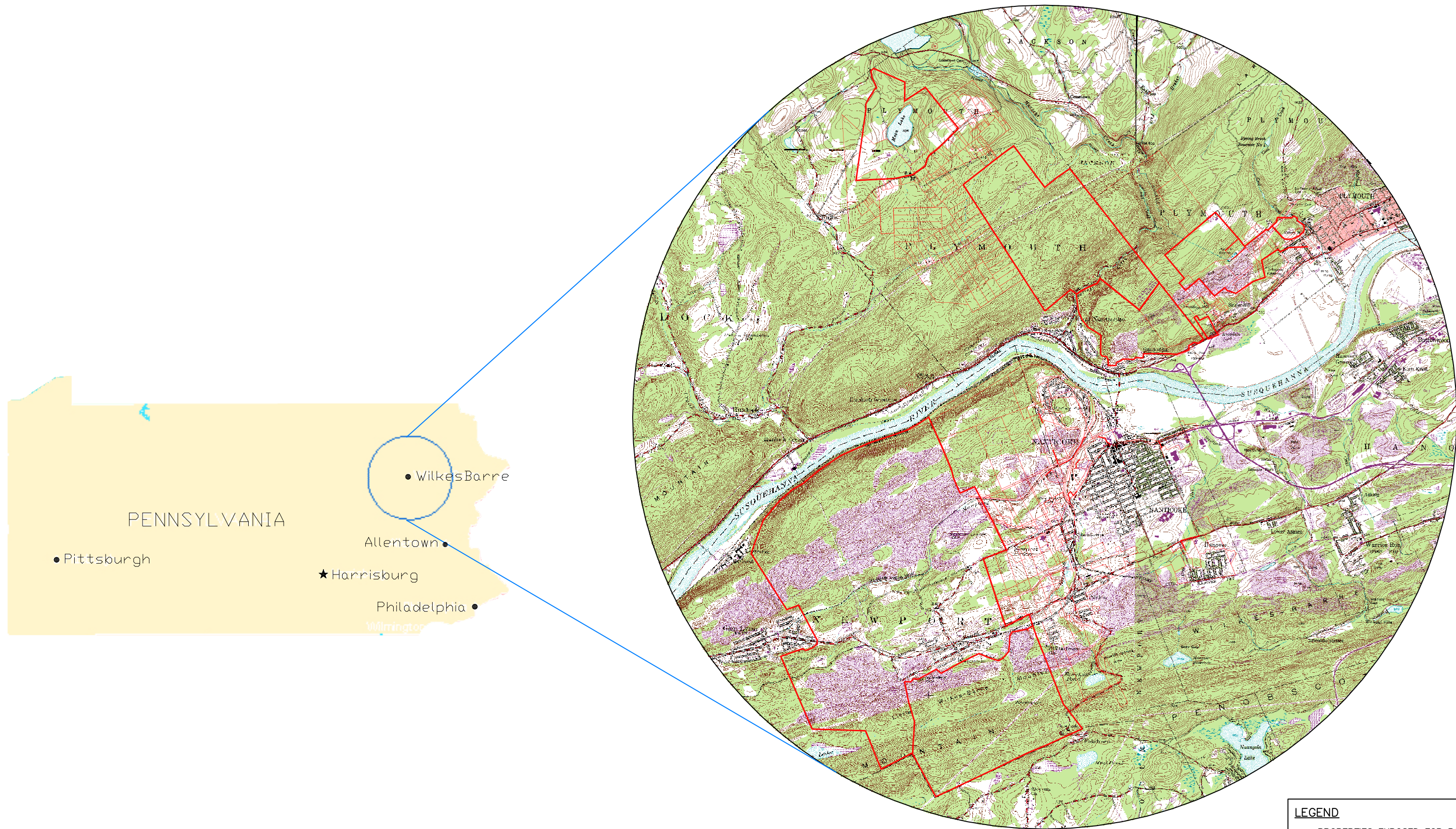
From: Brian Maffia Luxury Marketing [mailto:brianmaffia@rcn.com]
Sent: Tuesday, December 16, 2003 9:24 PM
To: Barber, Steve
Subject: ATV Trails

I would just like to say a quick thank you for all the work you have put forth in trying to expand Northern Pa's Trail systems. I ride with my oldest daughter and we rely on these trails not for only fun, but I take the time to teach her about nature and how to protect it and preserve it for the future. I once again would like to thank you for your time and efforts. Feel free to contact me if help was ever needed to protect the future of ATV trails so I could ride with my daughters and hopefully granddaughters.

Brian Maffia

brianmaffia@rcn.com

APPENDIX I
MAPS



LEGEND

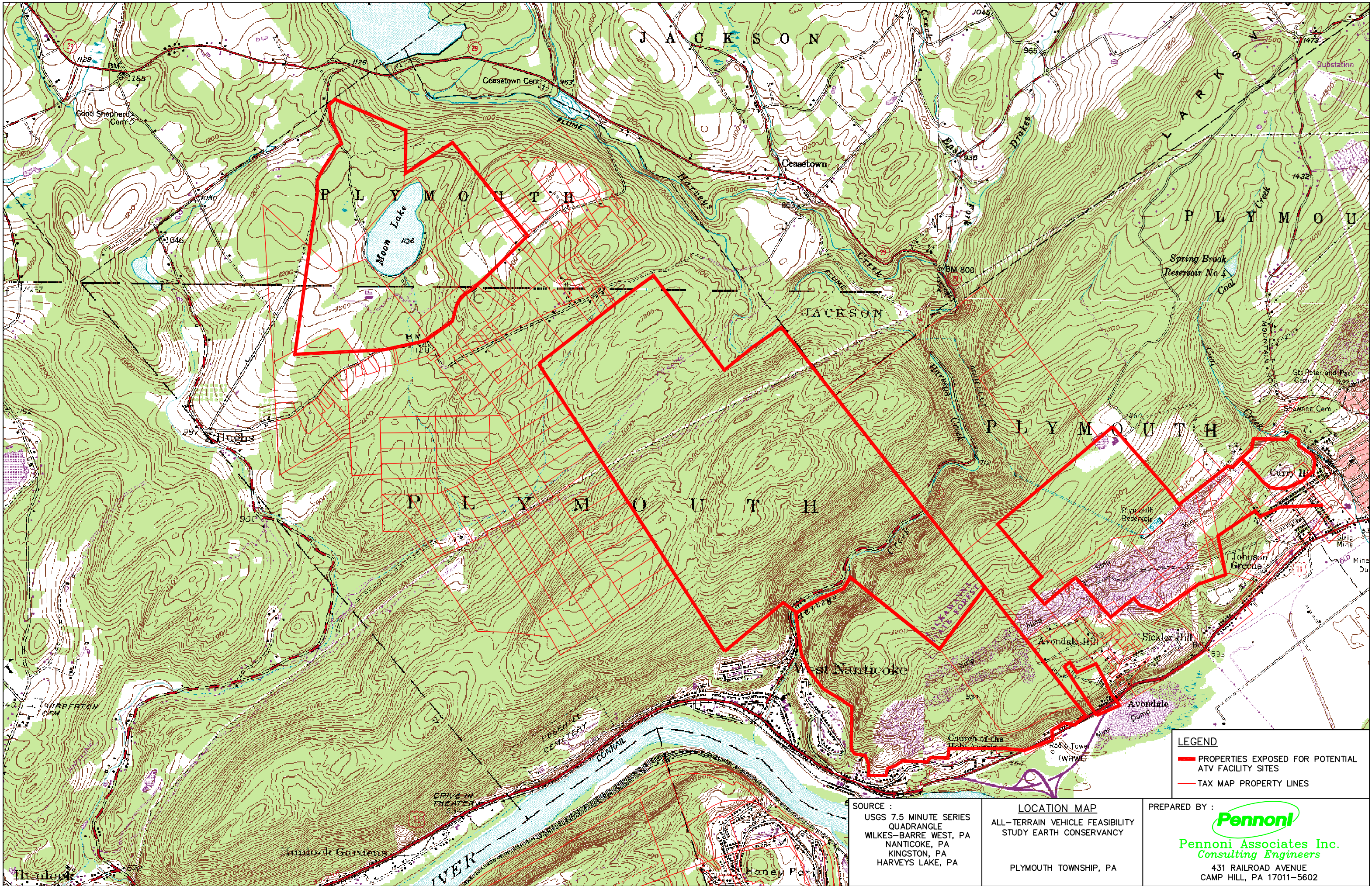
- PROPERTIES EXPOSED FOR POTENTIAL
ATV FACILITY SITES
- TAX MAP PROPERTY LINES

SOURCE :
USGS 7.5 MINUTE SERIES
QUADRANGLE
WILKES-BARRE WEST, PA
NANTICOKE, PA
KINGSTON, PA
HARVEYS LAKE, PA

LOCATION MAP
ALL-TERRAIN VEHICLE FEASIBILITY
STUDY EARTH CONSERVANCY

NEWPORT TOWNSHIP, PA &
PLYMOUTH TOWNSHIP, PA

PREPARED BY :
Pennoni
Pennoni Associates Inc.
Consulting Engineers
431 RAILROAD AVENUE
CAMP HILL, PA 17011-5602



LEGEND

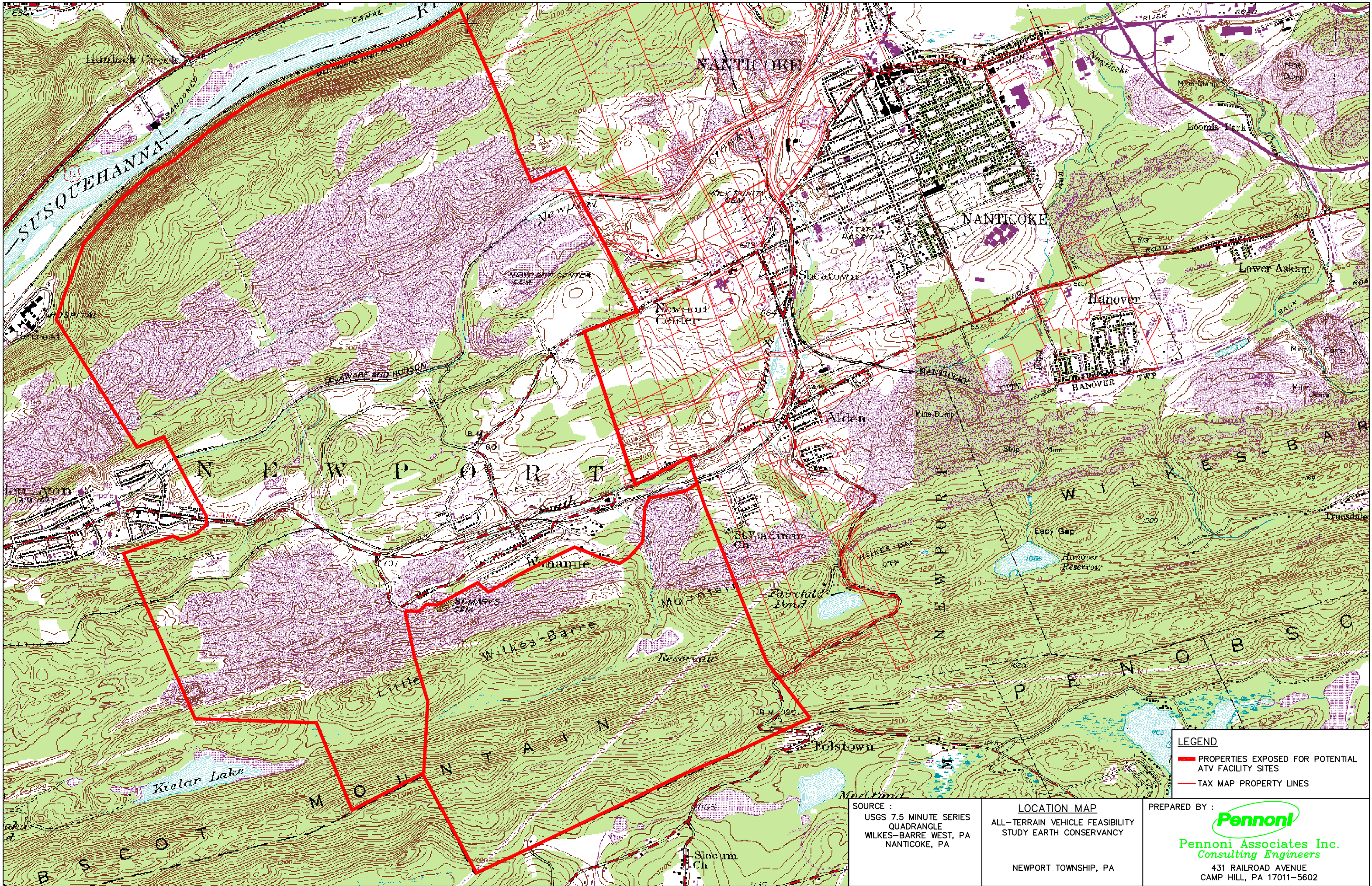
- PROPERTIES EXPOSED FOR POTENTIAL ATV FACILITY SITES
- TAX MAP PROPERTY LINES

SOURCE :
USGS 7.5 MINUTE SERIES
QUADRANGLE
WILKES-BARRE WEST, PA
NANTICOKE, PA
KINGSTON, PA
HARVEYS LAKE, PA

LOCATION MAP
ALL-TERRAIN VEHICLE FEASIBILITY
STUDY EARTH CONSERVANCY

PLYMOUTH TOWNSHIP, PA

PREPARED BY :
Pennoni
Pennoni Associates Inc.
Consulting Engineers
431 RAILROAD AVENUE
CAMP HILL, PA 17011-5602



LEGEND

- PROPERTIES EXPOSED FOR POTENTIAL
ATV FACILITY SITES
- TAX MAP PROPERTY LINES

SOURCE :
USGS 7.5 MINUTE SERIES
QUADRANGLE
WILKES-BARRE WEST, PA
NANTICOKE, PA

LOCATION MAP
ALL-TERRAIN VEHICLE FEASIBILITY
STUDY EARTH CONSERVANCY

NEWPORT TOWNSHIP, PA

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