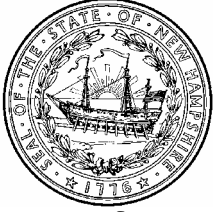


NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES



State of New Hampshire
Department of Resources and Economic Development
Division of Parks and Recreation
Bureau of Trails

GRANT IN AID ADMINSTRATIVE RULES

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Department of Resources and Economic Development
Division of Parks and Recreation
Bureau of Trails
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CHAPTER Res 8100 BUREAU OF TRAILS, DIVISION OF PARKS AND RECREATION,
DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT -
REPEALED

Source. #4391-a, eff 3-30-88; EXPIRED 3-30-94

New. #5946, eff 12-23-94; rpld by #7457, eff 3-1-01

CHAPTER Res 8200 RESERVED

CHAPTER Res 8300 RESERVED

Source. #4391-a, eff 3-30-88; ss by #5594, eff 3-12-93; ss by
#5946, eff 12-23-94; rpld and moved by #6209, eff 3-22-96
(See Res 101.06)

CHAPTER Res 8400 RULES FOR THE GRANT-IN-AID PROGRAM

Statutory Authority: RSA 215-A:3-a

PART Res 8401 PURPOSE AND SCOPE

Res 8401.01 Grant-In-Aid Program.

(a) The grant-in-aid program shall provide assistance to organized non-profit off highway recreational vehicle clubs and political subdivisions as provided in RSA 215-A:23, V.

(b) The intent of the program shall be to encourage the development, maintenance, construction, grooming and safety of OHRV trails in New Hampshire.

(c) Organizations meeting the requirements set forth in Res 8402 shall be eligible to apply for grant-in-aid for projects, which shall include:

- (1) Summer trail work;
- (2) Grooming equipment purchases and reconditioning;
- (3) Winter trail grooming operations; and
- (4) Reimbursement of liability insurance premiums and costs associated to snow removal from parking lots.

Source. #2221, eff 12-23-82; ss by #2979, eff 2-21-85; ss by
#4391-a, eff 3-30-88; ss by #5698, eff 9-7-93, EXPIRED
9-7-99

New. #7238, eff 5-1-00

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PART Res 8402 ELIGIBILITY REQUIREMENTS

Res 8402.01 Eligible Organizations. Political subdivisions, as defined in Res 8501.19, and clubs which have formed for the purpose of motorized off highway recreational vehicles use as defined by Res 8501.09, shall be eligible for grants-in-aid.

Source. #2221, eff 12-23-82; ss by #2979, eff 2-21-85; ss by #4391-a, eff 3-30-88; ss by #5698, eff 9-7-93, EXPIRED 9-7-99

New. #7238, eff 5-1-00

PART Res 8403 GRANT RESTRICTIONS

Res 8403.01 Use of Grants. Grants shall be used for the development and maintenance of off highway recreational vehicle trails on private, state, federal, or municipal lands. Any and all permits required shall be the responsibility of the political subdivision or club applying for the grant.

Source. #2221, eff 12-23-82; ss by #2979, eff 2-21-85; ss by #4391-a, eff 3-30-88; ss by #5698, eff 9-7-93, EXPIRED 9-7-99

New. #7238, eff 5-1-00

Res 8403.02 Reduction of Grants. Should OHRV revenues fall short of the estimated amounts, grant percentages, consistent with Res 8404, shall be reduced by the amount of the revenue shortfall.

Source. #2221, eff 12-23-82; ss by #2979, eff 2-21-85; ss by #4391-a, eff 3-30-88; ss by #5698, eff 9-7-93, EXPIRED 9-7-99

New. #7238, eff 5-1-00

Res 8403.03 Landowner Permission. All political subdivisions and clubs seeking grant-in-aid for trail construction or maintenance shall obtain written landowner permission. Written permission shall not be required for winter grooming projects, provided that the trail administrator verifies by signing the grant application, that permission has been received.

Source. #2221, eff 12-23-82; ss by #2979, eff 2-21-85; ss by #4391-a, eff 3-30-88; ss by #5698, eff 9-7-93, EXPIRED 9-7-99

New. #7238, eff 5-1-00

Res 8403.04 Deer Yards. Trails shall be routed away from deer yards. For purposes of this section "deer yards" means areas where deer have gathered for winter shelter.

Source. #2221, eff 12-23-82; ss by #2979, eff 2-21-85; ss by #4391-a, eff 3-30-88; ss by #5698, eff 9-7-93, EXPIRED 9-7-99

New. #7238, eff 5-1-00

PART Res 8404 PROJECT REQUIREMENTS

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Res 8404.01 Construction and Maintenance Grant Percentages and Requirements. The following shall apply to grants for trail construction and maintenance done from May through November, or when the ground is not covered with snow:

(a) The purchase of construction materials, which shall include but not be limited to, fill material, lumber, hardware, culverts and bridge building materials shall be funded by the bureau at 100% of cost;

(b) The rental of equipment required to complete the proposed project shall be funded by the bureau at 50% of cost;

(c) Applications for construction and maintenance grants for projects to be completed during the current calendar year shall be submitted no sooner than April 1 and no later than May 1 of each year;

(d) A work plan shall be submitted with the application; and

(e) The work plan shall include:

(1) A description of the proposed project;

(2) A statement of the type of work necessary to complete the project; and

(3) A trail map with sufficient detail so the project area can be located and viewed.

Source. #2221, eff 12-23-82; ss by #2979, eff 2-21-85; ss by #4391-a, eff 3-30-88; ss by #5698, eff 9-7-93, EXPIRED 9-7-99

New. #7238, eff 5-1-00

Res 8404.02 Purchase of Trail Grooming Equipment Grant Percentages and Requirements. The following shall apply to grants for the purchase of trail grooming equipment:

(a) The purchase of grooming equipment shall be funded by the bureau at 60% of cost;

(b) Grant applications for the purchase of winter trail grooming equipment shall be submitted no sooner than April 1 and no later than May 1 for equipment to be acquired for the next winter season;

(c) Each grant application for the purchase of winter trail grooming equipment shall describe the equipment by including:

(1) The year of manufacture;

(2) The make of equipment;

(3) Engine size;

(4) Fuel type required; and

(5) Optional equipment desired;

(d) The application shall include a signed quote from the proposed vendor including the proposed vendor's address and telephone number;

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(e) If the applicant for a trail grooming equipment grant is also selling equipment previously purchased through the grant-in-aid program to another eligible organization, the following information on the old equipment shall be attached to the seller's application, in addition to the information required in (c) above:

- (1) The make of the equipment;
- (2) The model of the equipment;
- (3) The size of the equipment;
- (4) The year of manufacture;
- (5) The original cost of the equipment;
- (6) The amount of grant-in-aid provided for the purchase of the equipment; and
- (7) The year of purchase by the applicant;

(f) Equipment purchased through the grant-in-aid program shall be maintained in good mechanical condition; and

(g) Except as provided in (1) and (2) below, equipment purchased through the grant-in-aid program shall not be sold by any political subdivision or club:

- (1) Equipment purchased through the grant-in-aid program may be sold or traded by political subdivisions or clubs if the equipment being sold or traded is part of a new grant-in-aid project; or
- (2) Equipment may be sold outright by a political subdivision or club which will no longer provide services on trails used by the general public provided that receipts from the sale shall be returned to the bureau in the same proportion as originally funded by the bureau.

Source. #2221, eff 12-23-82; ss by #2979, eff 2-21-85; ss by #4391-a, eff 3-30-88; ss by #5698, eff 9-7-93, EXPIRED 9-7-99

New. #7238, eff 5-1-00

Res 8404.03 Reconditioning of Trail Grooming Equipment Grant Percentages and Requirements. The following shall apply to grants for the reconditioning of trail grooming equipment:

(a) "Class 3" means a tractor used to groom trails with a horsepower range of 51 to 80 and a vehicle width between 60" and 72";

(b) "Class 4" means a tractor used to groom trails with a horsepower range of 81 to 100 and a vehicle width between 76" and 86";

(c) "Class 5" means a tractor used to groom trails with a horsepower range of 101 or more and a vehicle width of 87" or more;

(d) The reconditioning of grooming equipment shall be funded by the bureau at 80% of cost;

(e) Grant applications for the reconditioning of winter trail grooming equipment shall be submitted no sooner than April 1 and no later than May 1 for equipment to be reconditioned for the next winter season;

(f) To be eligible for reconditioning, grooming equipment shall:

- (1) Be limited to class 3, 4 and 5 of grooming tractors;

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(2) Have a minimum of 3,000 hours of operation or be a minimum of 7 years of age from date of manufacture; and

(3) For previously reconditioned grooming equipment that met the requirements of (2) above, have another 1,500 hours of operation;

(g) Each grant application for the reconditioning of winter trail grooming equipment shall describe the equipment by including:

(1) The year of manufacture;

(2) The make of equipment;

(3) Engine size;

(4) Fuel type; and

(5) Optional equipment;

(h) The application for reconditioning shall include a signed quote from an authorized manufacturer's representative including the representative's address and telephone number; and

(i) Equipment reconditioned through the grant-in-aid program shall be maintained in good mechanical condition.

Source. #2221, eff 12-23-82; ss by #2979, eff 2-21-85; ss by #4391-a, eff 3-30-88; ss by #5698, eff 9-7-93, EXPIRED 9-7-99

New. #7238, eff 5-1-00

Res 8404.04 Winter Grooming Grant Percentages and Requirements. The following shall apply to grants for winter grooming operations:

(a) Costs attributable to winter trail grooming operations shall be funded by the bureau at 62% of cost;

(b) Grant applications for winter grooming operations for the upcoming winter season shall be submitted no sooner than September 1 and no later than October 15 of each year; and

(c) A grooming plan shall be submitted which includes:

(1) A trail map, identifying the areas to be groomed;

(2) The total one-way mileage of trails to be groomed;

(3) A grooming schedule, listing grooming frequencies for areas identified for grooming grants; and

(4) A description of equipment to be used for grooming operations, including the make, model and size of equipment.

Source. #2221, eff 12-23-82; ss by #2979, eff 2-21-85; ss by #4391-a, eff 3-30-88; ss by #5698, eff 9-7-93, EXPIRED 9-7-99

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New. #7238, eff 5-1-00

Res 8404.05 Snow Removal Grant Percentages and Requirements. The following shall apply to grants for costs associated to snow removal from parking lots:

- (a) Costs attributable to snow removal shall be funded by the bureau at 50% of the cost incurred by the applicant;
- (b) Grant applications for snow removal for the upcoming winter season shall be submitted no sooner than September 1 and no later than October 15 of each year; and
- (c) Each grant application for snow removal shall include:
 - (1) A map clearly showing the location of the parking lot;
 - (2) A description of the parking lot, including the size and approximate number of parking spaces available; and
 - (3) An estimate of the expected cost of snow removal for the upcoming winter season.

Source. #2221, eff 12-23-82; ss by #2979, eff 2-21-85; ss by #4391-a, eff 3-30-88; ss by #5698, eff 9-7-93, EXPIRED 9-7-99

New. #7238, eff 5-1-00

Res 8404.06 Liability Insurance Grant Percentages and Requirements. The following shall apply for the reimbursement of costs attributable to insurance premiums paid for winter trail grooming equipment:

- (a) Reimbursement of insurance premiums attributable to winter trail grooming equipment shall be funded by the bureau at 50% of cost;
- (b) Grant applications for the reimbursement of insurance premiums shall be submitted no sooner than April 1 and no later than May 1 of each year; and
- (c) A copy of the insurance certificate shall be submitted with the grant application.

Source. #2221, eff 12-23-82; ss by #2979, eff 2-21-85; ss by #4391-a, eff 3-30-88; ss by #5698, eff 9-7-93, EXPIRED 9-7-99

New. #7238, eff 5-1-00

Res 8404.07 Trail Sign Grant Percentages and Requirements. The following shall apply to grants for trail signs:

- (a) The purchase of signs shall be funded by the bureau at 100% of cost;
- (b) Grant applications for signs shall be submitted no sooner than April 1 and no later than May 1 of each year or no sooner than September 1 and no later than October 15 of each year; and
- (c) Each application shall include a trail map with sufficient detail so the project area can be located.

Source. #7238, eff 5-1-00

PART Res 8405 APPLYING FOR GRANTS

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Res 8405.01 General Information.

(a) Grant-in-aid applications shall be submitted to the bureau office in accordance with the deadlines established in Res 8404.

(b) The bureau shall evaluate grant-in-aid applications within 15 working days of submission by the applicant.

(c) Each political subdivision or club requesting grant-in-aid shall designate a trail administrator, as defined in Res 8501.25, to act on its behalf.

(d) Each application submitted for grant-in-aid shall meet the deadlines and criteria for each type of project outlined in this part. Only one application shall be required for multi-type projects having the same application deadlines. Although only one application shall be submitted for multi-type projects, each type shall be described in full and shall meet the criteria outlined in this part.

Source. #2221, eff 12-23-82; ss by #2979, eff 2-21-85; ss by #4391-a, eff 3-30-88; ss by #5698, eff 9-7-93, EXPIRED 9-7-99

New. #7238, eff 5-1-00

Res 8405.02 Form 8400, Grant-in-aid Application.

(a) All political subdivisions and clubs applying for grant-in-aid shall complete form 8400, "Grant-in-aid Application."

(b) Political subdivisions and clubs shall supply on form 8400:

- (1) Organization name, address and telephone number;
- (2) Name, address and telephone number of the organization's president or presiding officer;
- (3) Name, address and telephone number of the organization's trail administrator, as described in Res 8405.01(c);
- (4) The total number of members of the organization;
- (5) The total number of miles of trails maintained by the organization;
- (6) A financial statement including:
 - a. Income from dues and any other source;
 - b. List of all assets, including cash on hand, equipment owned, and any property owned by the organization;
 - c. A total of income and assets listed in (a) and (b) available to the organization;
 - d. Expenses expected;
 - e. Outstanding debts; and
 - f. A total of all expenses and debts the organization is liable for;

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- (7) Signature of the organization's treasurer;
- (8) A work plan consistent with the requirements of Res 8404.01 for construction and maintenance grants, if applicable;
- (9) Equipment information consistent with the requirements of Res 8404.02 for grooming equipment purchase grants, if applicable;
- (10) Equipment information consistent with the requirements of Res 8404.03 for grooming equipment reconditioning grants, if applicable;
- (11) A grooming plan consistent with the requirements of Res 8404.04 for grooming grants, if applicable;
- (12) A description of the parking lot and estimated cost consistent with the requirements of Res 8404.05 for snow removal grants, if applicable;
- (13) A copy of the insurance certificate as required by Res 8404.06 for liability insurance grants, if applicable;
- (14) A trail map as required by Res 8404.07 for trail sign grants, if applicable; and
- (15) A statement signed by the executive director of the political subdivision or club president stating that the political subdivision or club authorized the named trail administrator to apply for a grant-in-aid from the bureau.

Source. #2221, eff 12-23-82; ss by #2979, eff 2-21-85; ss by #4391-a, eff 3-30-88; ss by #5698, eff 9-7-93, EXPIRED 9-7-99

New. #7238, eff 5-1-00

PART Res 8406 GRANT APPLICATION REVIEW

Res 8406.01 Review of Grant Application.

- (a) The bureau shall review all grant applications within 15 days of the deadlines established in Res 8404 and shall recommend approval or denial of grants to the bureau chief.
- (b) The bureau chief shall approve grant applications if:
 - (1) The applicant can show significant control over the trail or project area;
 - (2) There are adequate resources available to support the project, such as snowfall, land for development, and nearby services to assist trail users;
 - (3) Anticipated levels of use are adequate to justify expenditures;
 - (4) The project meets the needs of the area and trail system;
 - (5) The project area is accessible to the public trail user;
 - (6) Public facilities, such as parking, fuel, lodging, and food are available;
 - (7) The project minimizes environmental impacts and preserves natural features where possible; and

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(8) The applicant has complied with all applicable statutes and rules with previous grant-in-aid projects.

(c) Following approval of a grant application, the bureau chief shall forward to the political subdivision or club, a grant agreement for signature by the trail administrator.

(d) The signed grant agreement shall be returned to the bureau for execution.

Source. #2221, eff 12-23-82; ss by #2979, eff 2-21-85; ss by #4391-a, eff 3-30-88; ss by #5698, eff 9-7-93, EXPIRED 9-7-99

New. #7238, eff 5-1-00

PART Res 8407 NOTIFICATION

Res 8407.01 Notification.

(a) Following approval of a grant agreement, the bureau chief shall forward to the political subdivision or club, within 20 days of approval, one completely executed copy of the grant agreement and a letter of acceptance.

(b) In the event an application is denied, the reason for such denial shall be made in writing to the applicant.

Source. #2221, eff 12-23-82; ss by #2979, eff 2-21-85; ss by #4391-a, eff 3-30-88; ss by #5698, eff 9-7-93, EXPIRED 9-7-99

New. #7238, eff 5-1-00

PART Res 8408 REIMBURSEMENT REQUIREMENTS

Res 8408.01 Reimbursement Requirements.

(a) Requests for construction and maintenance reimbursements shall include paid receipts for the purchase of materials and for the rental of equipment as approved in the grant.

(b) Requests for grooming equipment purchase reimbursements shall include:

- (1) A paid receipt from the seller listing the total price paid;
- (2) Make;
- (3) Model;
- (4) Serial number;
- (5) Year of manufacture;
- (6) Date of delivery;
- (7) Engine size; and
- (8) Fuel type.

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(c) Requests for grooming equipment reconditioning reimbursements shall include:

- (1) A paid receipt from an authorized manufacturer's representative listing the total price paid;
- (2) Make;
- (3) Model;
- (4) Serial number;
- (5) Year of manufacture;
- (6) Date of delivery;
- (7) Engine size; and
- (8) Fuel type.

(d) Requests for winter trail grooming reimbursements shall include grooming log sheets for each day of grooming for each piece of grooming equipment. The log sheets shall provide details of the daily grooming operation as required in Res 8404.04.

(e) Requests for snow removal reimbursements shall include paid receipts for parking lot snow removal.

(f) Requests for liability insurance premiums reimbursements shall include a copy of the certificate of insurance required in Res 8404.06.

(g) Requests for trail sign reimbursement shall include a trail map with the sign locations indicated on said map.

Source. #2221, eff 12-23-82; ss by #2979, eff 2-21-85; ss by #4391-a, eff 3-30-88; ss by #5698, eff 9-7-93, EXPIRED 9-7-99

New. #7238, eff 5-1-00

Res 8408.02 Funds Not Used. Any funds which are part of a grant-in-aid that are not used by the political subdivision or club for the purposes authorized by the approved application shall revert to the grant-in-aid program. Any remaining balances shall not be used for any other purpose by any political subdivision or club.

Source. #2221, eff 12-23-82; ss by #2979, eff 2-21-85; ss by #4391-a, eff 3-30-88; ss by #5698, eff 9-7-93, EXPIRED 9-7-99

New. #7238, eff 5-1-00

Res 8408.03 Time Limit for Reimbursements. All requests for reimbursement shall be submitted within the contract completion date as specified in the approved contract.

Source. #2221, eff 12-23-82; ss by #2979, eff 2-21-85; ss by #4391-a, eff 3-30-88; ss by #5698, eff 9-7-93, EXPIRED 9-7-99

New. #7238, eff 5-1-00

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Res 8408.04 Failure to Comply. Failure to comply with any of the rules governing the reimbursement of funds shall result in the non-reimbursement of any funds owed and shall cause future grant-in-aid requests to be denied providing corrections are not made within 15 days of notification of any failure of rules compliance.

Source. #2221, eff 12-23-82; ss by #2979, eff 2-21-85; ss by #4391-a, eff 3-30-88; ss by #5698, eff 9-7-93, EXPIRED 9-7-99

New. #7238, eff 5-1-00

CHAPTER Res 8500 BUREAU TRAIL USE RULES

Statutory Authority: RSA 215-A:3-a

PART Res 8501 DEFINITIONS

Res 8501.01 "All terrain vehicle" means "all terrain vehicle (ATV)" as defined in RSA 215-A:1, I-b, namely "any motor-driven vehicle which is designed or adapted for travel over surfaces other than maintained roads with one or more tires designed to hold not more than 10 pounds per square inch of air pressure, having capacity for passengers or other payloads, not to exceed 1,000 pounds net vehicle weight, and not to exceed 50 inches in width."

Source. #2221, eff 12-23-82; ss by #2979, eff 2-21-85; ss by #4391-a, eff 3-30-88; EXPIRED 3-30-94

New. #5946, eff 12-23-94, EXPIRED: 12-23-00

Source. #7457, eff 3-1-01

Res 8501.02 "Bureau" means "bureau" as defined in RSA 215-A:1, II, namely "the bureau of trails in the department of resources and economic development."

Source. #7457, eff 3-1-01

Res 8501.03 "Bureau ATV trail" means an established ATV course to be followed.

Source. #7457, eff 3-1-01

Res 8501.04 "Bureau chief" means the chief supervisor for the bureau of trails within the department of resources and economic development.

Source. #7457, eff 3-1-01

Res 8501.05 "Bureau control" means the bureau has the power or authority to manage.

Source. #7457, eff 3-1-01

Res 8501.06 "Bureau snowmobile trail" means a trail on DRED properties accepted for use for snow traveling vehicles during the winter season but not exclusively used by snow traveling vehicles.

Source. #7457, eff 3-1-01

Res 8501.07 "Bureau trail" means any maintained OHRV trail on DRED properties.

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Source. #7457, eff 3-1-01

Res 8501.08 "Bureau trail bike trail" means an established trail bike course to be followed on DRED properties.

Source. #7457, eff 3-1-01

Res 8501.09 "Club" means an organized group of OHRV users with by-laws registered with the New Hampshire secretary of state.

Source. #7457, eff 3-1-01

Res 8501.10 "Conventional motor vehicle" means any vehicle designed primarily for highway travel.

Source. #7457, eff 3-1-01

Res 8501.11 "DRED properties" means all state properties owned, leased, managed or under the control of the department of resources and economic development as listed in Res 101.06.

Source. #7457, eff 3-1-01

Res 8501.12 "Established trail" means a marked trail that has been signed open for a specific use.

Source. #7457, eff 3-1-01

Res 8501.13 "Forestry" means the division of forests and lands within the department of resources and economic development.

Source. #7457, eff 3-1-01

Res 8501.14 "Heights of land" means the high point of elevation between watersheds.

Source. #7457, eff 3-1-01

Res 8501.15 "NHSA trails committee" means the New Hampshire Snowmobile Association's committee which is appointed by the NHSA president to work cooperatively with the bureau to improve and establish snowmobile trails.

Source. #7457, eff 3-1-01

Res 8501.16 "Non-lapsing fund" means state OHRV funds not returned to the general fund at the close of the fiscal year.

Source. #7457, eff 3-1-01

Res 8501.17 "Off highway recreational vehicle (OHRV)" means "off highway recreational vehicle" as defined in RSA 215-A:1, VI, namely "any mechanically propelled vehicle used for pleasure or recreational purposes running on rubber tires, belts, cleats, tracks, skis or cushion of air and dependent on the ground or surface of travel, or other unimproved terrain whether covered by ice or snow or not, where the operator sits in or on the vehicle. This term includes all legally registered motorized vehicles when used for off highway recreational purposes; provided that, when said motor vehicle is used for transportation purposes only, it shall be deemed that said motor vehicle is not being used for recreational purposes."

Source. #7457, eff 3-1-01

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Res 8501.18 "Operate" means "operate" as defined in RSA 215-A:1, VII, namely "to use that vehicle in any manner for transportation."

Source. #7457, eff 3-1-01

Res 8501.19 "Political subdivisions" means towns, cities, counties, or other departments and divisions of the state.

Source. #7457, eff 3-1-01

Res 8501.20 "Snowmobile" means any snow traveling vehicle.

Source. #7457, eff 3-1-01

Res 8501.21 "Snow traveling vehicle" means "snow traveling vehicle" as defined in RSA 215-A:1, XIII, namely "any vehicle propelled by mechanical power that is designed to travel over ice or snow supported in part by skis, belts or cleats."

Source. #7457, eff 3-1-01

Res 8501.22 "State" means the government of the state of New Hampshire.

Source. #7457, eff 3-1-01

Res 8501.23 "Switchbacks" means the change of trail direction for the purpose of gaining or losing elevation.

Source. #7457, eff 3-1-01

Res 8501.24 "Trail" means a course to follow or be followed.

Source. #7457, eff 3-1-01

Res 8501.25 "Trail administrator" means the OHRV club member designated or elected to enter into agreements with the bureau for grant-in-aid purposes.

Source. #7457, eff 3-1-01

Res 8501.26 "Trail bike" means "trail bike" as defined in RSA 215-A:1, XIV, namely "any motor-driven wheeled vehicle on which there is a saddle or seat for the operator or passenger or both and which is designed or adapted for travel over surfaces other than maintained roads, whether covered by ice or snow or not."

Source. #7457, eff 3-1-01

Res 8501.27 "Wetlands council" means the council established by RSA 21-O:5-a, which oversees and administers the requests for construction, modification or both of anything that affects the surface waters of the state of New Hampshire.

Source. #7457, eff 3-1-01

Res 8501.28 "Winter season" means the months of November through April when the ground is predominantly covered with snow.

Source. #7457, eff 3-1-01

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PART Res 8502 RULES APPLICABLE TO ALL BUREAU TRAILS

Res 8502.01 Trail Use. The following shall apply to all trails on DRED properties as listed in Res 101.06:

(a) No person shall operate an OHRV on DRED properties except in areas or trails established by the bureau for OHRV use.

(b) The provisions of RSA 215-A:6 shall apply to all OHRV operation on DRED owned or leased properties unless a lower speed limit is posted.

(c) No person shall operate an OHRV on bureau trails or portions thereof that have been posted as closed. Trail closures shall be accomplished by posting signs that spells out the prohibited activity.

(d) No person shall operate an OHRV in excess of 45 miles per hour on any bureau trail, department owned land, or department leased land.

(e) No person shall operate an OHRV in excess of 10 mph at signed trail junctions, in parking lots or when approaching or passing trail grooming equipment.

(f) The provisions of Res 8500 shall not apply to government employees in the performance of their duties.

Source. #4391-a, eff 3-30-88; EXPIRED 3-30-94

New. #5946, eff 12-23-94, EXPIRED: 12-23-00

Source. #7457, eff 3-1-01

PART Res 8503 RULES APPLICABLE TO ALL BUREAU SNOWMOBILE TRAILS

Res 8503.01 Snowmobile Trails. The following shall apply to winter use snowmobile trails maintained by the bureau in addition to rules found in Res 8501:

(a) No person shall operate an OHRV on plowed roads on DRED properties unless posted with a standard bureau sign that has black lettering on white background containing the wording "Snowmobiles permitted 10 M.P.H."

(b) No person shall operate an OHRV other than an ATV, trail bike or snowmobile on bureau snowmobile trails. No person shall operate a conventional motor vehicle on a bureau snowmobile trail.

(c) No person shall operate an ATV or trail bike on bureau snowmobile trails if the trail has been posted prohibiting that use.

Source. #4391-a, eff 3-30-88; EXPIRED 3-30-94

New. #5946, eff 12-23-94, EXPIRED: 12-23-00

Source. #7457, eff 3-1-01

PART Res 8504 RULES APPLICABLE TO ALL BUREAU TRAIL BIKE AND ATV TRAILS

Res 8504.01 Trail Bike and ATV Trails. The following shall apply to all bureau ATV, trail bike or both trails:

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(a) No person shall operate an ATV or trail bike on DRED owned or leased properties before May 23 of each calendar year after continuous snow cover has melted except for governmental employees in performance of their duties.

(b) The Rockingham Recreational, Sugar River Recreational and Ammonoosuc Recreational trails shall be exempt from (a), above.

(c) No person shall operate a trail bike or ATV off established bureau trails on DRED properties as listed in Res 101.06.

(d) Notwithstanding the provisions of Res 8501.01(d) no person shall operate an ATV or trail bike at a speed greater than 35 mph on bureau trails.

(e) No person shall operate an OHRV other than an ATV, trail bike or snowmobile on bureau trails. No person shall operate a conventional motor vehicle on a bureau OHRV trail unless the trail has been approved and posted for that use by the bureau.

(f) No person shall operate an ATV or trail bike on bureau trails between 1/2 hour after sunset and 1/2 hour before sunrise unless posted open for use.

Source. #4391-a, eff 3-30-88; EXPIRED 3-30-94

New. #5946, eff 12-23-94, EXPIRED: 12-23-00

Source. #7457, eff 3-1-01

PART Res 8505 PENALTIES

Res 8505.01 Penalties. A person who violates any rule of Res 8500 shall be guilty of a violation as provided for by RSA 215-A:19, I and shall be subject to a fine pursuant to RSA 651:2, IV.

Source. #4391-a, eff 3-30-88; EXPIRED 3-30-94

New. #5946, eff 12-23-94, EXPIRED: 12-23-00

Source. #7457, eff 3-1-01

PART Res 8506 INFORMATION

Res 8506.01 Information. The public may obtain information regarding bureau trail uses as described in Res 103.01.

Source. #7457, eff 3-1-01

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

Appendix

Provision of the Proposed Rule	Specific State or Federal Statutes or Regulations which the Rule is Intended to Implement
Res 8401	RSA 215-A:23, VI(a)-(c)
Res 8402-8408	RSA 215-A:23, VI(b)
Res 8501	RSA 215-A:1 and RSA 215-A:3, V
Res 8502 through Res 8504	RSA 12-A:2-c, III, RSA 215-A:3, V and RSA 215-A:6
Res 8505	RSA 215-A:19 and RSA 651-2, IV(a)
Res 8506	RSA 91-A:4