
LAKE VIEW ESTATES HOMEOWNERS ASSOCIATION

Bob Harradon, President
340 Shore Rd.
Fayette, ME 04349-3234



president@lehaweb.org
860-441-4714 CT
207-293-3189 ME
<http://lehaweb.org>

Access to Basin Conservation Easement

April 22, 2009

All-

I want to give explanation regarding the "Private Property" sign at the cul-de-sac on Shore Road.

It has become clear that the public has, for many years, been gaining access to the Basin Conservation Easement by unknowingly trespassing through a portion of Lot 50 where the sign is. Public access to Basin Pond is limited to a 50 foot wide public easement leading from the cul-de-sac at the end of Basin Road only. This public easement is clearly defined in recorded deeds and plans.

Some (me) LEHA members have also been using the same path across Lot 50 and we should now use a different path a short distance away. LEHA members may access (limited to pedestrian traffic) the Basin Conservation Easement from Shore Road to the right (West) of pole #34 at the Shore Road cul-de-sac to get to Basin Pond. This is where the Basin Conservation Easement abuts the Shore Road.

This past December, I met with Fayette Town Manager, Mark Robinson to discuss this and other issues and he understands the defined access and realizes that we all need to be patient with the public accepting this "change". I have talked with many people who are understanding and accepting, but there are a few that have not been so nice. This will just take some time. It will also help eliminate the loitering that has been an increasing problem at the Shore Road cul-de-sac.

Two things we should all understand;

1) From Book 3399/ Page 138 of Kennebec County Registry of Deeds:

"the use of the entire Conservation Easement Area is limited to lot owners of Lakeview Estates Homeowners Association Subdivision."

2) Public access is defined in Book 3487/ Page 093:

"Access to the 50 foot Area shall be over the access way depicted on PLAN OF LAKEVIEW ESTATES. This is more particularly depicted on Plan E-87147."

Keep in mind that this is one of the benefits of buying and owning property in Lakeview Estates. I hope this helps clear things up. Please call me if you have any questions.

Thanks for understanding.

Bob

Appendix B

Bob Harradon
President, LEHA
340 Shore Road
Fayette, ME 04349

June 18, 2009

Rachel Stevenson
Lakeside Property Management
PO Box 223
Readfield, ME 04355

Dear Rachel-

This letter is a follow-up to our one hour phone conversation on June 4, 2009. At that time, you and I reviewed the plowing and sanding history and issues at Lakeview Estates during this past winter.

You indicated that, last fall, you and Carroll Berry had intentions of repairing your damaged sanding equipment before snowfall. As we all know, that first snow in November was wet and you kept your plow up to prevent damage to the road. The predicted warm temperatures didn't happen and the wet snow froze and stayed for weeks. The subsequent hand sanding was spotty and I received many complaints which I passed on to you at the time.

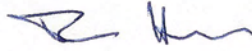
There were times that Joe Longtin and I diffused these complaints with hand sanding of our own. We also explained to residents that there can be times when this is what it is. It's Maine and we do live on a rural dirt road. We can't and don't expect that our road will be just like Sandy River Road or any other town or state maintained road.

That aside, you must understand, as I indicated to you, that we at LEHA will have more people wintering here this coming winter and they will expect better sanding. Reviewing your contract with you, as unreasonable as it may seem, after each storm the road is expected to be passable with 2-wheel drive vehicles. You said that you understand your obligations in the contract.

I want to commend you on the excellent plowing. I don't recall any complaints nor do my records show any issues with the plowing. You stated that you have a loyalty to LEHA and that the sanding will be improved this coming winter because you and Carroll intend to fix or replace the sanding equipment.

I'm glad that you gave me the opportunity to have a pleasant and productive talk with you. We at LEHA look forward to working together with you in the coming winter.

Respectfully yours,

A handwritten signature in blue ink, appearing to read 'Bob Harradon', with a stylized flourish at the end.

Bob Harradon, President
Lakeview Estates Homeowners Association
340 Shore Road
Fayette, ME 04349
207-441-4714

Appendix C

Summary:

The pending "non-recreational" amendment from the 2008 meeting has proven impossible to regulate and enforce.

A Road Use Committee was established to study the use or non-use of recreational vehicles on our private roads with public access. Committee members include Bob Harradon, Dwayne Ellis, and Dave Pollock.

Motion: (Ellis/Kroll) Pending the outcome of the Road Use Committee's study, amend the Recreational Vehicles on Association Property policy to allow homeowners' use for non-recreational use only. **(PASSED)**

Association Attorney, Howard Lake has advised the Board to prohibit ATV's on our roads to reduce liability impacts and costly litigation proceedings.

For enforcement, Sgt. John Blagdon, Capt. Dan Scott and Warden Gary Allen of The Maine Warden Service have all recommended that we return to the policy of 2007 which states:

On July 18, 2007, the LEHA Board of Directors approved the following policy, in accordance with Article VII, Section 2 of the Lake View Estates Homeowners Association by-laws:

Recreational Vehicles on Association Property

The use of recreational vehicles, including but not limited to All-Terrain Vehicles (ATVs), snowmobiles, go-carts, and dirt bikes is prohibited on Basin Road and Shore Road except as provided by deeded easement.

This policy shall be enforced in conformance with the laws of the State of Maine.

Unfinished business from 2008 minutes:

A Road Use Committee was established to study the use or non-use of recreational vehicles on our private roads with public access. Committee members include Bob Harradon, Dwayne Ellis, and Dave Pollock.

Motion: (Ellis/Kroll) Pending the outcome of the Road Use Committee's study, amend the Recreational Vehicles on Association Property policy to allow homeowners' use for non-recreational use only. **(PASSED)**

Dave Pollock and Bob Harradon met on May 30, 2009 to review information regarding the so-called "non-recreational" use of recreational vehicles by lot owners. Dwayne Ellis was absent and has not contacted the Committee on this matter. Dave and Bob have not been successful in attempts to get his contact information.

On January 27, 2009, Bob had a discussion with Maine Warden Service Captain Dan Scott, Landowner Relations Coordinator.

After telling Captain Scott of our liability situation, underage operators using the road as a riding trail and the public access on our private road, he asked questions of the measures currently in place. Bob told him that there are limited destinations with an ATV because Basin Conservation Area at the end of each road has restrictions against ATV traffic. ATVs are also prohibited from the common lot as stated in every lot owner's deed therefore eliminating transport of trash by ATV. There is limited ATV traffic leaving and re-entering the same lot for use in wood harvesting.

Bob told him that our roads are posted with "NO ATV's" signs and we have a policy in our by-laws regarding that. Bob quoted the 2008 policy vs. the 2007 policy and the Howard Lake letter. Capt. Scott found it difficult to go against the advice from counsel. He also said that The Landowner Liability Law is not anything new and it only reduces the chance of losing a lawsuit, not eliminating it. (See the Peace Pipe Shores newspaper article) The 2007 policy would reduce the chance of that lawsuit being initiated.

He responded that we "got it all together" and were "very prudent".

His final advice was that since it is impossible to define every "non-recreational use" we should have a policy that eliminates the ambiguity and simply prohibit such activity on the roads.

A subsequent meeting was held with Warden Gary Allen and Bob Harradon on July 10, 2009. Warden Allen advised that we return to 2007 policy. Bob asked if he could enforce it and his answer was "I don't see why not."

A report summary will be presented separately.

Subj: **Re: Howard Lake ATV letter 2008**
Date: 5/31/2009 11:22:40 A.M. Eastern Daylight Time
From: jllongtin@gmail.com
To: Rharradon@aol.com
CC: richardhicks@cox.net

Here it is, Bob.

> Subject: Lakeview Estates Homeowners Assn
> Date: Thu, 24 Jul 2008 16:23:28 -0400
> From: "Howard Lake" <hlake@HufLake.com>
> To: <richardhicks@cox.net>
>
> Richard- You have inquired whether there are any legal implications to
> the Assn. permitting uses of the road at variance with that of the
> public roads. My concern would be one of risk management and potential
> liability to the association.
>
>
>
> If you permit use by ATVs, for example, and someone is hurt then the
> Association could be exposed to liability. I could imagine a plaintiff's
> attorney scoring points with a jury in such a case by asking if you are
> aware that ATVs are not permitted on public roads and pointing out the
> obvious incompatibility with automotive traffic. Even if you are covered
> by a liability policy I am sure you would not want anyone getting hurt
> or putting the Assn through an expensive and time consuming law suit.
>
>
>
> Let me know if you have any further questions.
>
> Howard
>
>
>
> R. Howard Lake
> Hufnagel & Lake
> 258 Main Street
> P.O. Box 67
> Winthrop, ME 04364

On Sun, May 31, 2009 at 10:59 AM, <Rharradon@aol.com> wrote:
Joe, Richard-

I can't find the Howard Lake letter in the files or in my computer.

I'm quite certain that I scanned it. Could you see if you can email me one?

David and I want it as part of our ATV report.

Thanks
Bob

An Excellent Credit Score is 750. See Yours in Just 2 Easy Steps!

Monday, June 08, 2009 America Online: Rharradon

EXHIBIT 7: TOWN-IMPOSED CONDITIONS OF APPROVAL**Book 3420, Page 68-69**

DATE:	12-1-00
PROJ NO:	21
OK'D BY:	DP 11/16/00

CONDITIONS OF APPROVAL

Imposed by:

TOWN OF FAYETTE PLANNING BOARD

For:

LAKE VIEW ESTATES, FAYETTE, MAINE

1. Each lot in the subdivision shall be conveyed together with and subject to a Declaration of Restrictions Affecting Property of Patten Corporation of Maine Lake View Estates, in the Town of Fayette, County of Kennebec and State of Maine to be recorded in the Kennebec County Registry of Deeds.
2. That portion of land labeled "Conservation Easement Area" on plan of Lake View Estates shall be subject to the terms and conditions of a Conservation Easement between Patten Corporation of Maine and Patten Environmental Trust, Inc. and Inhabitants of the Town of Fayette of current date to be recorded in the Kennebec County Registry of Deeds.
3. All roads in this Subdivision shall remain private roads to be maintained by the Developer or the Lake View Estates Homeowners Association and shall not be accepted or maintained by the Town of Fayette.
4. Lot #6 "Common Area" shall serve as a common area to be used by the lot owners in the subdivision subject to the following restrictions:
 - A. The Common Area shall remain in its natural state and shall not be altered through excavation, harvesting of timber, or development of any kind. Providing however, that nothing contained herein shall prevent the cutting of brush and trees for footpaths and fire lanes in the Common Area or any other work that may be required for prudent forest management of the Area, further providing that a parking area for lot owners and a 30 foot roadway for access to property of Walter Morris and the State of Maine may be constructed on the lot.
 - B. There shall be no all terrain vehicles permitted in, on, or through the Common Area.
 - C. No activity shall be allowed in the Common Area that will unduly disrupt the wildlife contained therein, providing however, that this provision is not intended to prevent hunting or fishing within the area.
 - D. There will be no construction of residential or commercial buildings within the Common Area; providing that certain structures may be erected to service the lot owners who use the area such as a bath house, toilet facilities, etc.
 - E. There shall be no commercial activity of any kind allowed in the Common Area.

These restrictions may be enforced by the Lake View Estates Homeowners Association, Patten Corporation of Maine, or by the Inhabitants of the Town of

BOB FYI

MY EFFORTS TO LOCATE DWAYNE
ELLIS CONSISTED OF ~~FILE~~ CONSULTING
LOCAL PHONE DIRECTORIES FOR THE
FOLLOWING AREAS:

AUGUSTA
WATERVILLE
FARMINGTON

WINTHROP

LEWISTON-AUBURN

BIDDEFORD-SACO

INCLUDING ALL SURROUNDING TOWNS
IN THOSE DIRECTORIES. I FOUND
NO LISTING FOR DWAYNE ELLIS

Dan Gallock

Subj: **ATV; From GEICO insurance web site**
Date: 6/24/2009 2:48:22 P.M. Eastern Daylight Time
From: Rharradon@aol.com
To: board@lehaweb.org
CC: JimSeidel2@aol.com

This shows how irresponsibility breeds irresponsibility!



unreal.

"An ATV insurance policy from GEICO gives you the freedom to ride your four wheeler whenever and wherever you want, without worry."

<http://www.geico.com/information/aboutinsurance/atv/>

Make your summer sizzle with fast and easy recipes for the grill.

Wednesday, June 24, 2009 America Online: Rharradon



Subj: **atv lawyer**
Date: 6/24/2009 12:30:53 P.M. Eastern Daylight Time
From: Rharradon
To: Rharradon

ATV (All-Terrain Vehicle) Injuries on the Rise

May 19th, 2009 · No Comments

By: LINDSEY O'NEILL, ESQ.

What's the picture in your mind when you think of riding an ATV (All-Terrain Vehicle)? Sunny afternoon, summer, laughing, kids riding ATVs on beach dunes by the ocean? Or even a rockin' racing session? How about riding through an ATV park on trails and hillsides? Joy, bliss, fun, excitement!

What you probably didn't picture, though, is the other side of it - the accidents, the injuries..... the deaths.

The U.S. Consumer Product Safety Commission has issued a safety alert for All-Terrain Vehicles because too many riders have died or experienced life-altering injuries from accidents involving ATVs. In recent years, the number of ATV injuries is reportedly in the hundreds of thousands - and about one-third of all deaths and injuries involve victims under the age of 16. (See: ATVSafety.gov)

While riders can certainly take care in observing safety precautions (like wearing a proper helmet, taking an ATV safety training course, avoiding riding with passengers or tandem, etc.), some ATVs may have simply been poorly manufactured. Click [here](#) for a list of the latest ATV recalls.


To help prevent unnecessary injuries and deaths, ATVSafety.gov reports that 44 states have already passed ATV safety laws of one form or another, with each statute tailored to meet the needs of its particular region and constituency. Click [here](#) to learn more about the laws in your state.

Finally, if you've been involved in an ATV accident or injury situation, contact an attorney who is experienced in this particular field. LawInfo recently launched a new ATV Accidents center on its website - check it out: [LawInfo's ATV Accidents web center](#). Also, find ATV professionals who can be interviewed as ATV accident reconstruction experts.

By all means, have fun.... just be safe. And if you get into trouble, contact an attorney to learn more about how to protect your legal rights.

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Wednesday, June 24, 2009 America Online: Rharradon



Subj: **ATV negative impacts - Vermont article**
 Date: 6/24/2009 2:09:17 P.M. Eastern Daylight Time
 From: Rharradon
 To: Rharradon
 CC: board@lehaweb.org, JimSeidel2

I think we all agree on this stuff. I will discuss with Dave Pollack and perhaps insert in the committee report.

How about the two-mile "auditory footprint"?

Emissions/Air Quality. ATVs create particularly high levels of air pollution, including carbon monoxide, hydrocarbons, and carcinogens such as benzene. They expel 20-30% of their gas and oil unburned into the air and water and produce 4,000 times more carbon monoxide emissions, and 118 times as many smog-producing pollutants as modern automobiles on a per mile basis. (California Air Resources Board, 1998. US Environmental Protection Agency, 1999.) These levels exceed human health standards. Exposure to emissions such as these can cause breathing difficulties in individuals with asthma and other lung sensitivities. This type of air pollution also contributes in a major way to the degradation of air quality. (Environmental and Social Effects of ATVs and ORVs: An Annotated Bibliography and Research Assessments, University of Vermont, School of Natural Resources, November 2000; Off-Road Vehicles and Their Impact on Stream Environments, Texas Chapter of the American Fisheries Society, January 2002).

Environmental Effects/ Wildlife Habitat. The environmental damage caused by ATVs is well documented. The overwhelming conclusion of virtually all studies is that ATV access results in significant damage to the environment. Even "legal" trail systems cause overwhelming damage, and generate "ghost roads" - a proliferation of trails off of trails, resulting in the destruction of more and more habitat. Increased litter is almost always noted. ATV drivers often use streambeds to get through areas of heavy brush, which crushes aquatic life, leaves streams unsuitable for spawning, and deprives fish of oxygen. Erosion on trails causes deep rutting and washes sediment into streams, causing further damage. ATVs stress and displace wildlife, and destroy ground nesting species. It interferes with the ability of all species to communicate, locate food, detect predators, and successfully reproduce. (Shattered Solitude/Eroded Habitat: The Motorization of the Lands of Lewis & Clark, Sierra Club, June 2000; Shredded Wildlands All Terrain Vehicle Management in Alaska, Sierra Club Alaska, Alaska Conservation Foundation, July 2000; Environmental and Social Effects of ATVs and ORVs: An Annotated Bibliography and Research Assessments, University of Vermont, School of Natural Resources, November 2000; Off-Road Vehicles and Their Impact on Stream Environments, Texas Chapter of the American Fisheries Society, January 2002).

Noise. ATVs can create a two-mile "auditory footprint". This means that every ATV can be heard up to one mile coming, one mile going, and one mile to the left and right for the entire time the vehicle is in operation. Stress to humans from involuntary exposure to noise can cause increased heart rate, blood pressure, and respiration, which can lead to heart attack and stroke. Increased adrenaline from noise exposure can cause adrenal gland and kidney damage. In addition, noise exposure can lead to anxiety and ulcers. Noise from ATVs also displaces wildlife. (Shredded Wildlands All-Terrain Vehicle Management in Alaska, Sierra Club Alaska, Alaska Conservation Foundation, July 2000; Environmental and Social Effects of ATVs and ORVs: An Annotated Bibliography and Research Assessments, University of Vermont, School of Natural Resources, November 2000; Off-Road Vehicles and Their Impact on Stream Environments, Texas Chapter of the American Fisheries Society, January 2002).

Displacement. ATVs displace hunters on foot who cannot afford or choose not to use an ATV. A

Wednesday, June 24, 2009 America Online: Rharradon

hunter on foot is at a distinct disadvantage when competing with ATV users for limited game. Game is limited as ATV use pushes wildlife into more remote, and sometimes less productive habitat. ATVs displace non-mechanized recreational activities. Walkers, hikers, horseback riders, etc. value peace and quiet, solitude, observing undisturbed wildlife, and escaping the mechanized intrusions of civilization. Also, the potential for injury resulting from contact with ATV users discourages hoof- and foot-travelers, and presents a liability risk. (Shattered Solitude/Eroded Habitat: The Motorization of the Lands of Lewis & Clark, Sierra Club, June 2000; Shredded Wildlands All-Terrain Vehicle Management in Alaska, Sierra Club Alaska, Alaska Conservation Foundation, July 2000; Environmental and Social Effects of ATVs and ORVs: An Annotated Bibliography and Research Assessments, University of Vermont, School of Natural Resources, November 2000

Group recreational behavior. Group recreational AVT activity tends to encourage competitive and aggressive driving. This is especially true with younger drivers. Competition includes such activities as speeding and racing, creating "rooster tails" (spraying mud from rear tires), and performing daring and dangerous feats and tricks. This type of activity causes environmental damage as well as major injuries and fatalities. (Shredded Wildlands All-Terrain Vehicle Management in Alaska, Sierra Club Alaska, Alaska Conservation Foundation, July 2000).

Enforcement. There is inadequate funding for state or local enforcement of ATV regulations or ordinances. Enforcement of ATV riders is neither practical nor possible. By the time any enforcement agent arrives at the scene of a report, the ATVers are very long gone. A description of a red ATV with a rider wearing blue jeans, t-shirt and feature-concealing helmet will not provide any leads to the offender(s).

For the public good? ATV use has already created disputes in many Vermont communities. People have been threatened, attacked, and marginalized because of their opposition to the proliferation of ATV use. ATV clubs statewide as well as locally claim that this type of activity will cease if they are given a legal trail system. This is on a par with extortion. It's like saying, "We'll stop hurting you if you give us what we want." Should this type of behavior be rewarded? Should the demands of a special interest group be allowed to override the wishes of an entire community?

Local ATV clubs approach Select Boards with the concept that they can stop illegal riding on private property by opening town roads as ATV trails. This option only transfers the unpleasantness from one group of citizens to another. It is unfair to impose an ATV trail on residents who live on quiet back roads just so other residents can regain their peace and quiet. It is a lose-lose trade off.

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Subj: **ATV liability question**
Date: 6/24/2009 3:25:18 P.M. Eastern Daylight Time
From: Rharradon@aol.com
To: board@lehaweb.org
CC: JimSeidel2@aol.com

I will be asking this question to Capt. Scott when I get to talk with him again.

Statutory Limitations

Vermont State Statute protects the town or any private property owner from being sued by an ATV rider if they are injured. (No...landowner shall be liable for any property damage or personal injury sustained by any person operating or riding as a passenger on an all-terrain vehicle...23 V.S.A. 3506(c)). But is the town protected from a liability suit if a person is injured who is not the ATV driver or a passenger on the ATV? Here's a scenario that has not been settled by case law:

A citizen (visitor to LEHA) is driving down a town (Shore) road. At a trail crossing or along a stretch of road that is part of the trail, an ATV darts out in front of the citizen, the citizen swerves to avoid a collision, tumbles down an embankment or slams into a tree, and is seriously injured. The ATV is long gone and cannot be identified. Who is liable for the damages and injury? LEHA?


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Subj: **ATV accidents; From an attorney's web site**
Date: 6/24/2009 3:02:29 P.M. Eastern Daylight Time
From: Rharradon@aol.com
To: board@lehaweb.org
CC: JimSeidel2@aol.com

For example, if a road sign warning of an intersection or other hazard is missing, obscured by foliage or faded for an extended length of time, a government entity may be liable. There are specific rules and time limits for filing an ATV accident claim against a government entity. For more information, contact an ATV accident attorney.

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Wednesday, June 24, 2009 America Online: Rharradon



ALL-TERRAIN VEHICLE INJURY

As bigger and faster ATVs have been introduced over the past decade, ATV-related deaths and injuries have increased substantially in every age group. From 1997 to 2001, injury rates increased 23 percent for children ages 6 to 12 and 233 percent for children younger than 6.

ATVs are motorized vehicles with large, low-pressure tires. They are usually designed to carry one rider on an uneven surface and are generally used for recreation and farm, ranch and industrial work. Adult-sized ATVs have engines larger than 90cc. The average adult-sized ATV has an engine between 229cc and 649cc. These vehicles weigh between 400 and 600 pounds and can travel at speeds well above 70 miles per hour. Youth-sized ATVs come in various designs. Manufacturers' guidelines suggest that children under age 16 should operate ATVs with engines smaller than 90cc and children ages 6 to 12 should operate ATVs with engines between 70cc and 90cc.

ATV-RELATED DEATHS AND INJURIES

- In 2002, at least 44 children ages 14 and under died as a result of ATV-related injuries. Children ages 10 to 14 accounted for more than 75 percent of these deaths.
- In 2002, nearly 30,300 children ages 14 and under were treated in hospital emergency rooms for ATV-related injuries.
- ATV-related injuries are six times more likely to result in hospitalization and 12 times more likely to result in death than bicycle-related injuries.

WHEN AND WHERE ATV-RELATED INJURIES OCCUR

- Non-fatal ATV-related injuries commonly include fractured bones and head and facial injuries. In 2001, head and facial injuries accounted for 22 percent of all ATV-related injuries to children ages 14 and under.
- ATV-related injuries commonly occur due to rollovers, collisions with stationary objects and falling off the vehicle.
- The majority of ATV-related fatalities result from injuries to the head and neck.
- According to a 1997 survey, 60 percent of ATV-owning households are located in areas with populations of less than 100,000 persons. These households are more prevalent in the South and Midwest and less prevalent in the Northeast.

WHO IS AT RISK

- Males account for more than 60 percent of ATV-related deaths among children ages 14 and under.
- In 2001, 87 percent of ATV-related injuries suffered by children under 16 were caused by adult-sized ATVs. Children under 16 riding ATVs are four times more likely than ATV operators over 16 to experience an injury requiring emergency room treatment.
- Those who operate ATVs less than 25 hours a year, are under the age of 16, have less than one year of ATV experience and have ATVs with an engine 400cc or larger are at greater risk of ATV-related injuries.

ATV-RELATED PREVENTION EFFECTIVENESS

- Wearing a helmet while operating an ATV reduces the risk of fatal head injury by 42 percent and the risk of non-fatal head injury by 64 percent. However, helmets cannot protect from other common causes of ATV-related injuries such as spinal cord, thoracic and abdominal injuries and asphyxiation.

ATV SAFETY LAWS AND REGULATIONS

- Currently, 27 states have a minimum age requirement for operation of an ATV. Of these, only three states (Missouri, New Hampshire and Virginia) require ATV operators to be 16 or older.
- A recent study suggests that current legal and regulatory standards have a low probability of decreasing ATV-related deaths among children and that states should restrict the use of ATVs by children under age 16.
- In 1988, the U.S. Consumer Product Safety Commission banned the manufacture of three-wheeled ATVs, required warning labels to be placed on ATVs and issued engine-size regulations for ATVs designed for use by children under age 16.
- In 1998, ATV manufacturers assumed the responsibility of self-regulation, a method that relies on fine print in advertisements, warning labels, offers of training and policies restricting the sale of adult-sized ATVs (ATVs with engines bigger than 90 cc) for use by children under age 16.

HEALTH CARE COSTS AND SAVINGS

- The total cost of ATV-related deaths and injuries to children under age 16 amounted to more than \$500 million in 1989.
- The cost of deaths and injuries associated with ATVs is about \$3,500 per ATV sold.

PREVENTION TIPS

- Children under 6 should never ride ATVs.
- No child under 16 should operate an adult-sized all-terrain vehicle under any circumstances. If a child operates a youth-sized ATV, it should be according to the manufacturer's instructions on a machine that is an appropriate size for the child.
- To ensure safe operation, adults should supervise all children operating ATVs.
- Parents should consider a child's physical, mental and emotional maturity when deciding if the child is ready to operate a youth-sized ATV.
- Children should never operate ATVs on public roads or paved surfaces. ATVs should be operated only on designated trails.
- All youth-sized ATVs should employ throttle limiters and be equipped with identification flags.
- Personal protective equipment for ATV operators should include U.S. Department of Transportation-approved helmet with face protection, goggles (if the helmet does not have face protection), a long-sleeved shirt or jacket, long pants, non-skid boots and gloves.
- Never carry passengers on ATVs.
- Children and their parent or guardian should enroll in and successfully complete an approved ATV safety course.

Suggested Citation: National SAFE KIDS Campaign (NSKC). ATV Injury Fact Sheet. Washington (DC): NSKC, 2004.

chosen for comparison was 2001.⁸ The existence of a possible trend in injuries associated with ATVs with three, four or an unknown number of wheels is also considered, using trend analysis methods developed by CPSC staff (Schroeder, 2000).

Table 5
Annual Estimates⁹ of ATV-Related, Emergency Room-Treated Injuries
ATVs with 3, 4 or Unknown Number of Wheels
January 1, 1982 through December 31, 2007

Year	Estimated Number of Injuries All Ages	Estimated Number of Injuries Ages Younger Than 16 Years	Percent of Total Ages Younger Than 16 Years
2007	150,900	40,000	27%
2006	146,600	39,300	27
2005	136,700	40,400	30
2004	136,100	44,700	33
2003	125,500	38,600	31
2002	113,900	37,100	33
2001	110,100	34,300	31
2000	92,200	32,000	35
1999	82,000	27,700	34
1998	67,800	25,100	37
1997	1,214,600 52,800	20,600	39
1996	53,600	20,200	38
1995	52,200	19,300	37
1994	50,800	21,400	42
1993	1,421,000 49,800	17,900	36
1992	58,200	22,000	38
1991	58,100	22,500	39
1990	59,500	22,400	38
1989	1,167,100 70,300	25,700	37
1988	74,600	28,500	38
1987	93,600	38,600	41
1986	106,000	47,600	45
1985	105,700	42,700	40
1984	77,900	10	---
1983	32,100	10	---
1982	2,167,000 10,100	10	---

Source: U.S. Consumer Product Safety Commission: National Electronic Injury Surveillance System.

Note: For the years 2001 through 2007, the coefficients of variation (CVs) for the all-ages injury estimates range from 9 percent to 11 percent. During this same time period, CVs for injury estimates among the under-16 age group range from 9 percent to 13 percent. See Appendix B for an explanation of the use and calculation of CVs.

⁸ See the methodology section in Appendix B for a discussion of the rationale for choosing 2001 as the base year.

⁹ Estimates have been adjusted to reflect NEISS Coding Manual changes and sampling frame updates. Estimates have also been adjusted to account for cases that are out of scope for this report. See Appendix B for additional discussion.

¹⁰ Adjusted estimates for children under 16 years old were not computed prior to 1985.

Blame ATV activists for problems, not the vehicles

By Rich Landers
The Spokesman-Review
January 31, 2008

All-terrain vehicles and other off-road rigs have a useful place on this ever-more-crowded planet.

I joined a Montana landowner on ATVs last fall for a five-hour job of maintaining a remote spring for cattle on the vast ranch he allows me to hunt. The same job by horseback would have taken all day.

I cheered in appreciation to a neighbor who used the plow on his ATV on Sunday to help me clear the heavy, wet snow from my driveway.

ATVs are useful for search and rescue and a wide range of recreational pursuits, from picking huckleberries to packing out moose quarters.

These machines are not the problem plaguing public and private lands in this region and much of the West.

The problem is the selfishness and defiance ingrained in a wide range of users.

Legislation introduced in the Washington Legislature is a case in point.

In 2007, state lawmakers gave local governments the authority to allow ATVs on public roadways that lead to approved off-road vehicle destinations, such as ORV parks. The special dispensation is needed because most ORVs do not meet highway-legal vehicle standards, such as displaying license plates that help authorities clamp down on violators.

Ferry, Pend Oreille and Stevens counties jumped on this opportunity and likely went beyond the legal limits of this legislation. Spurred by local ATV activists with an agenda to open ATV routes through public lands, they have made long lists of roads to be opened to ATVs – even though many of the roads do not lead to designated off-roading areas.

ATV activists engineered another bill this year, HB3016, which would give local governments broader authority for opening city and county roads to recreational ATV use. Apparently, this is an attempt to bail out counties that may already have overstepped their authority.

The safety issues of unleashing ATVs on public roads are worth a separate debate.

But every citizen has a stake in the larger controversy: ORV access to public roads would exacerbate problems that are already impacting private and public lands.

In a Wednesday newspaper story about the proposed legislation, Ken Barker, a leader of the Colville-based Tri-County Motorized Recreation Association, defended the proposal, saying, "There's a huge part of the population that are very responsible people. There's always that 1 or 2 percent that get out of hand. ... It isn't all that bad like these greenies are saying."

<http://www.conservationnw.org/pressroom/press-clips/blame-atv-activists-for-problems-no...> 6/24/2009

Those last two remarks are propaganda that plays well in the exclusive meetings motorized vehicle activists like to organize.

But these are the facts: Off-road vehicle abuses are rampant, and it's not just a handful of environmentalists who are concerned.

- Private timber company officials probably would wince at being called "greenies," but they are fed up with damaging off-road vehicle use. Inland Empire Paper, Potlatch and Forest Capital are spending a small fortune on gates and signs and, more and more, they are restricting what used to be free access to their lands, largely because of motorized abuse.
- Hunters – a group that desperately needs to stand united against the pressures on their sport – are being polarized by ATV use.
- Idaho biologists are already hinting that mule deer hunting may go permit-only in areas where ATV access can't be reined in.
- Washington biologists are reporting motorized vehicle disturbance is impacting a range of wildlife. For example, shed antler gatherers, who are covering more ground these days on ATVs – often illegally – are impacting elk productivity, especially in late winter when pregnant cows need to be left alone to recover from winter and bear their young.
- The handful of federal enforcement agents that enforces off-roading rules on millions of acres of public lands say they are overwhelmed with violators who rarely can be brought to justice.

In 2003, the Bush administration's Forest Service Chief, Dale Bosworth, highlighted the four major threats facing national forests and grasslands. Up there with "fire and fuels" and "invasive species" he ranked "unmanaged recreation," primarily off-road vehicle travel.

Bosworth's litany of adverse impacts caused by uncontrolled off-road vehicle travel included soil erosion, habitat destruction, damage to cultural sites and conflicts with other visitors.

Scientists also have documented how off-highway vehicles spread noxious weeds and fragment and disturb critical wildlife habitat.

Tens of thousands of miles of illegal trails have been tracked on public lands by ORVers, according to Forest Service and Bureau of Land Management reports.

Now, just as the region's national forests are trying to comply with a nationwide rule that bans off-road vehicles on all routes that are not specifically designated for motorized use, some Washington counties, spurred by ATV activists, are kicking dirt in the general public's face.

The explosion of off-road vehicles seeking room to roam on America's wild lands could end up fizzling in the face of an industry slow to perceive the inevitable backlash.



Published on Campaign for America's Wilderness (<http://www.leaveitwild.org>)

Keep ATVs off public lands

Rural Hartland (VT)

By George Wuenther

Wednesday, June 10, 2009

The Douglas administration has proposed a rule change that would permit all-terrain vehicles to travel on state lands - parks, forests, and wildlife management areas. Presently these lands are closed to ATVs, as are federal lands in Vermont, such as the Green Mountain National Forest.

Ironically this proposal to open state lands to expanded ATV abuse comes at a time when most other states and the federal government are either banning ATVs outright, or attempting to greatly restrict their use. Why would Vermont go in the opposite direction?

If the administration had talked to more of the public or done its homework, it would have discovered that many states and federal agencies are trying desperately to restrict the growing off-road vehicles threat. For instance, New Jersey banned off-road riding by ATVs on all state park, forest and wildlife lands. Why? Because of a growing awareness that ATVs create unacceptable resource damage, increase conflicts with other public lands users, and that restriction on use is impossible to enforce. Currently in New York state there is legislation proposing to ban ATVs on the Forest Preserve and other state lands for the same reasons.

Just a few years ago, the White Mountain National Forest in New Hampshire came out against opening up these federal lands to ATV use. The National Forest managers concluded that ATVs caused unacceptable damage to other resources, and that the agency did not have the funds or manpower to mitigate damage or enforce route restrictions. Rather than allow a use that would be impossible to regulate, the agency rightly concluded not to open forest lands to ATV use. But the problem isn't just local. The former chief of the Forest Service, Dale Bosworth, called ORVs/ATVs one of four major threats to Forest Service lands nationally and urged all national forests to update travel management plans so as to reduce/manage or prohibit ATV use.

It's not just federal agencies that are alarmed by the growing ATV threat. A survey of state wildlife agencies by the Isaak Walton League found no agency personnel disagreed with the statement "that ORVs negatively impact hunting and habitat in your state." And 83 percent said that ORVs did resource damage to wildlife habitat.

A committee of the state legislature of New Mexico released a review of ATV use this winter and concluded, among other things, that "off-road vehicle recreation on public lands increases user conflicts between motorized recreationists and other recreationists and public land users, including ranchers, hunters and anglers." And that these "conflicts tend to be one-sided, with motorized recreationists being less adversely affected and other public land users more adversely affected."

Contrary to assertions by ATV proponents that their use of public lands "benefits" the economy, the

KJ
FEB, 2008

Road association cleared in injury lawsuit

Staff report

AUGUSTA — A Litchfield road association has been cleared of liability by a jury in a case in which a woman said poor road maintenance caused her to be thrown off a motorcycle driven by her husband.

Jurors in Kennebec County Superior Court decided 6-1 Thursday that Peace Pipe Shores Road Association neither

breached a duty to keep the road safe nor was negligent.

Sonja D. Coston, of Litchfield, who lives in Peace Pipe Shores and is a dues-paying member, suffered seven broken ribs and blood clots in the lungs after the May 22, 2005, accident.

Coston's complaint said the accident occurred on a road that was "deep, slick, impassable mud." Her attorney, Ben Gideon, said Friday that the

road association "had a duty to maintain the road in a safe and passable condition."

Court documents say \$106,000 in Coston's medical bills were paid by a private health insurance plan.

Gideon said that Coston has made a "very good recovery"

and that Coston's husband, Don, was not injured in the crash.

"We were disappointed with the result," Gideon said. "We thought we made a compelling case."

William Druary, the association's attorney, was unavailable for comment Friday.

LEHA roads -

Page 6 of handbook

Lot 6, Shore Road and Basin Road are owned in common by all LEHA members. The Board of Directors is responsible for the management of this property.

In Article VII, Sec. 1:

Said Board of Directors shall have full power, and it shall be the duty to carry out the purposes of the Association according to its Articles of Incorporation and By-Laws.

N
4

BASIN, DAVID, TILTON

Appendix D

NO WAKE ZONE
AS DEPICTED BY
WHITE LINE

