

Guidelines for the Establishment of Snowmobile and ATV Access Routes

Summary: *Title 12 §13106-A subsection 5 G and §13157-A subsection 6 H allows the establishment of Snowmobile and ATV Access Routes. These guidelines will be used to administer the creation of ATV access routes to be established within the highway Right of Way within a built-up portion of a municipality or unorganized or unincorporated township if the appropriate governmental unit has designated the public way as an access route.*

Definitions:

- 1) Access Route - A designation in the states Right of Way approved by MaineDOT for use by ATV's and snowmobiles
- 2) Access Point. The intersection of an existing or proposed access with the public right of way. For the purpose of these rules Access Points refer to trailheads sanctioned by the Department of Agriculture, Conservation and Forestry.
- 3) ATV/Snowmobile Club – A Non-Profit corporation in good standing with the Bureau of Corporations and registered with the appropriate program at the Department of Agriculture, Conservation and Forestry.
- 4) Backslope – The slope from the bottom of the ditch to natural ground, on the opposite side of the foreslope.
- 5) Foreslope - The slope from the edge of the shoulder to the bottom of the ditch or to the bottom of the roadway fill.
- 6) Posted Speed - The speed limit set and maintained by MDOT.
- 7) Sight distance - The length of unobstructed sight line of motor vehicle drivers, ATV riders and snowmobile drivers in normal daylight conditions. Sight distance is measured from the perspective of a hypothetical person seated in a vehicle/ATV/snowmobile from three vantage points: (1) sitting in the access viewing vehicles traveling on the highway (both left and right), (2) traveling on the highway viewing a vehicle sitting in a access and (3) traveling on the highway viewing a vehicle turning into the access (both ahead and behind). In case of discrepancy between these measurements, the lesser measurement shall be used to determine whether the sight distance standard is met. Sight distance is measured to and from the point on the centerline of the proposed access that is located 10 feet from the edge of traveled way. The height of the hypothetical person's view is considered to be 3½ feet above the pavement and the height of the object being viewed is considered to be 3 ½ feet above the pavement.
- 8) Travelway – The portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

Requests:

The requests for an ATV and Snowmobile access route must be done in writing by a Dept of Conservation approved ATV club to the Department of Conservation Off-Road Vehicle Division Office of Parks and Land 22 State House Station Augusta, ME 04333 Phone: (207)-287-4958 FAX: (207)-287-8111.

The application for an ATV or Snowmobile access route must be accompanied by a written municipal request for the access route. The request shall be vetted in a public forum held by the municipal officers in the municipality in which the access is located or in unorganized territories the request shall come from the county commissioners after being vetted in a public forum.

NOTE: ATV Access Routes are meant to connect trail heads to trail head and not to allow residents to get from their houses to the trails. Access Routes may be allowed to connect trail head to ATV clubhouses or gas/food/lodging on a case by case basis.

Eligible locations:

Locations which are eligible to be considered for ATV and Snowmobile Access Routes are State and State Aid highways located outside of Urban Compact limits. Urban compact communities shall make their own decision on allowing access routes.

ATV access routes will not be allowed on any control-of-access roadways or portions of roadways within the control-of-access. The following criteria shall be considered before issuing or denying the access request:

- 1) Sight distance – Trail heads must meet minimum sight requirements. If sight distance requirements are not met, access route shall be denied. Use Table 1 below to determine sight distance.
- 2) Access Route location – It is preferable to have the access route off from the travelway and shoulder area of the roadway. If there are locations on the back-slope area or bottom of a ditch where there would be no issues with erosion, then those should be looked at first followed by the shoulders, then the travelway.
- 3) Shoulders – For an ATV to run on a shoulder, the shoulder shall be at least 4 feet wide and paved. Narrower shoulders are not wide enough to be used. ATV operation on unpaved shoulders leads to pavement edge deterioration and shoulder erosion and will not be allowed.
- 4) Posted Speed – ATV's do not travel well on pavement at high speeds. **Speed differential should be taken into account when deciding whether ATV's will be allowed to run in the travelway. Not to be allowed for speeds 45 mph or greater, unless the AADT is less than 1000, the RTE may allow the access route at higher speeds if the road is fairly straight and flat for the area of the access route using engineering judgment.**

5) Geometrics – The speed and geometrics should be used in conjunction with one another. Horizontal and vertical curves can minimize sight lines and cause potential conflicts between vehicular traffic and ATV’s. Engineering judgment shall be used to make a determination of whether or not they are safe.

6) Trail head geometrics – Trail heads that are built at a skew to the roadway may cause issues with ATV’s leaving the roadway to enter trails. If the skew is so great that it causes concern, then the engineer may ask for mitigation such as providing a small jug-handle for ATV’s to use to cross perpendicular to the highway. This can be particularly useful when crossing high speed roadways.

Table 1 – Sight Distance

Posted Speed (MPH)	Sight Distance Standard Vehicles
	(Feet)
20	155
25	200
30	250
35	305
40	360
45	425
50	495
55	570
60	645

An ATV access Route may be issued with conditions and rescinded should those conditions not be abided by.

Snowmobiles and ATV operators must follow the rules of the road and all other rules pertaining to Snowmobile/ATV usage, including traveling in the direction of traffic. Snowmobiles and ATV shall travel in single file and at a safe operating speed (not less than 15 mph under the road’s posted speed or over the road’s posted speed).

Posting:

MaineDOT will post approved routes identifying sections of roadway as an ATV or Snowmobile access route. Route will be delineated by highly visible signs identifying the beginning and ending points of approved routes. Additional signs will be provided at intervals of 0.25 miles on roadways with speed limits 35 mph and below and 0.5 miles on roadways with speeds 40 mph and above. All signs will be posted conspicuously and shall have reflectorized white lettering on a green background. (see below). Signs will be erected and maintained by MaineDOT and will be paid for by the respective ATV clubs. MaineDOT will inform the Club of potential cost in writing (e-mail or letter) prior to installation. MaineDOT will bill the ATV clubs directly at a cost of \$150 per sign, which includes the cost of the sign, sign post, dig-safe mobilization, crew mobilization, installation and future maintenance of the sign. The Region Traffic Engineer will be responsible for Access Route documentation through the Commission Record Process.

Enforcement:

Enforcement shall be upheld by Inland Fisheries, State Police, County or local law enforcement having jurisdiction over that section of roadway.

Elimination:

MaineDOT reserves the right to rescind any approved ATV or Snowmobile access routes as a result of safety concerns, change in trail head locations or at the request of the appropriate municipality, unorganized or organized township.

Reconsideration

Any interested person may request reconsideration by the Department within 14 days after notice of the Department's findings regarding a sign request. This request must set forth in detail, the findings and conclusions of the Department to which the person objects, the basis of those objections and the nature of the relief requested. Upon receipt of the request, the department may schedule and hold a hearing limited to the matters set forth on the request. The department shall issue and write an opinion responding to the request whether or not a hearing is held. The response shall set out the Department's reasons for either maintaining or modifying its findings.

The running of the time for appeal pursuant to the Administrative Procedure Act is terminated by a timely request for reconsideration filed under this section. The full time for appeal commences and is computed from the date of the final Department action addressing the request for reconsideration. The filing of a request for reconsideration, however, is not an administrative or judicial prerequisite for the filing of an appeal.

Appeals

A final permit decision, whether subject to reconsideration or not, may be appealed as a final agency action.



**ACCESS
ROUTE**

BEGIN

END



**ACCESS
ROUTE**

BEGIN

END

Title 12_§13106-A. Operation of snowmobile
Subsection 5

G. Notwithstanding paragraphs A to F, a snowmobile may be operated on the extreme right of a public way within the built-up portion of a municipality or unorganized or unincorporated township if the appropriate governmental unit has designated the public way as a snowmobile-access route for the purpose of allowing snowmobiles access to places of business. A public way designated by an appropriate governmental unit as a snowmobile-access route must be posted conspicuously at regular intervals by that governmental unit with highly visible signs designating the snowmobile-access route. Before designating a public way as a snowmobile-access route, the appropriate governmental unit shall make appropriate determinations that snowmobile travel on the extreme right of the public way may be conducted safely and will not interfere with vehicular traffic on the public way. For purposes of this paragraph, "appropriate governmental unit" means the Department of Transportation, county commissioners or municipal officers within their respective jurisdictions. The jurisdiction of each appropriate governmental unit over public ways pursuant to this paragraph is the same as its jurisdiction over the passage of vehicles on public ways pursuant to Title 29-A, section 2395. Municipal or county law enforcement officials having jurisdiction have primary enforcement authority over any route established under this paragraph.

Title 12 §13157-A. Operation of ATVs
Subsection 6

H. Notwithstanding paragraphs A to G, an ATV may be operated on the extreme right of a public way or as directed by the appropriate governmental unit within the public way of a municipality or an unorganized or unincorporated township if the appropriate governmental unit has designated the public way as an ATV-access route. An ATV must travel in the same direction as motor vehicle traffic on a public way designated as an ATV-access route. A public way designated by an appropriate governmental unit as an ATV-access route must be posted conspicuously at regular intervals by that governmental unit with highly visible signs designating the ATV-access route. Before designating a public way as an ATV-access route, the appropriate governmental unit shall make appropriate determinations that ATV travel on the extreme right of the public way or as directed by the appropriate governmental unit within the public way may be conducted safely and will not interfere with vehicular traffic on the public way. For purposes of this paragraph, "appropriate governmental unit" means the Department of Transportation, county commissioners or municipal officers within their respective jurisdictions. The jurisdiction of each appropriate governmental unit over public ways pursuant to this paragraph is the same as its jurisdiction over the passage of vehicles on public ways pursuant to Title 29-A, section 2395. Municipal or county law enforcement officials having jurisdiction have primary enforcement authority over any route established under this paragraph.