



File Code: 1010/2350

Date: March 22, 2006

Dear Forest User:

The National Forests in North Carolina is implementing a Closure Order covering ATV and motorcycle use in Forest Service OHV areas. As you may already be aware, the State of North Carolina recently implemented a law creating new safety regulations for all ATV riders in the State of North Carolina (S 189), including National Forest lands. This order, which went into effect in December of 2005, requires the following:

- No child less than age 8 may operate an ATV.
Children ages 8-11 may operate only ATV's with an engine displacement less than 70 cubic centimeters.
- Children ages 12-15 may operate only ATV's with engine displacement of 90 cubic centimeters or less.
- Children ages 8-15 may operate an ATV only under the continuous visual supervision of a person 18 years of age or older.
- ATV's may not be operated on public streets, roads or highways, except for purposes of crossing.
- No operator may carry a passenger, except on machines specifically designed to do so.
- ATV's operated during darkness or period of poor visibility must have working lights.
- Operators must wear helmets and eye protection.
- ATV's must have working brakes, muffler, and an approved spark arrester.
- Effective October 1, 2006, every all-terrain operator born on or after January 1, 1990 must possess a safety certificate indicating successful completion of an ATV safety course sponsored or approved by the All-Terrain Safety Institute.
- Provides exclusions for some activities and for some ATV's purchased prior to certain dates (see State Law for full details).

The proposed Forest Service closure will supplement this law to provide consistent safety rules for all users of ATV's and motorcycles on National Forest lands. Specifically the Forest Service closure order:

- Extends these safety rules to cover motorcycles as well as ATV's.
- Does not allow exclusions from the safety rules for any vehicle that meets this definition or for any activities on national forest lands (unless specifically excepted by an authorized officer).



A copy of the proposed Forest Service order is attached. Any comments should be sent by April 22 to:

Mary Noel
National Forests in North Carolina
Box 2750
Asheville, NC 28802

We believe this proposed rule, coupled with the law already implemented by the State of North Carolina, will improve the safety of OHV users on the National Forests in North Carolina.

Sincerely,

/s/ Lynn L. Hicks, for
MARISUE HILLIARD
Forest Supervisor

Enclosure

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
NATIONAL FORESTS IN NORTH CAROLINA

Order Number 00-00-2006

OHV Safety Regulations

Pursuant to 36 CFR 261.50, this order applies to all National Forest lands in North Carolina. This Order applies to all motorcycles and all-terrain vehicles (ATV's). ATV's are generally defined as having a seat to be straddled by the operator and a handlebar for steering, with 3, 4 or 6-wheels, and under 60 inches in width. This order is in effect from Xxxxx 00, 2006, through Xxxxx 00, 2011.

- 1) All ATV and motorcycle operators and riders must wear eye protection and a helmet that meets United States Dept. of Transportation motorcycle safety standards. 261.53(e).
- 2) Age Restrictions. It is unlawful for a parent or legal guardian to knowingly permit:
 - A child under age 8 to operate any ATV or motorcycle.
 - A child under age 12 to operate any ATV or motorcycle 70cc or larger.
 - A child under age 16 to operate any ATV or motorcycle 90cc or larger.
 - A child under age 16 to operate any ATV or motorcycle unless under the continuous visual supervision of a person over age 18. 261.53(e).
- 3) An OHV operator cannot carry passenger(s) unless the manufacturer specifically designed the vehicle for such purposes. 261.53(e).
- 4) Cannot operate or use any internal or external combustion engine without a spark arresting device properly installed, maintained and in effective working order meeting either: (1) Department of Agriculture, Forest Service Standard 5100-1a; or (2) Appropriate Society of Automotive Engineers (SAE) recommended practice J3335(b) AND J350(A). 261.52(j).

Pursuant to 36 CFR 261.50 (e), the following persons are exempted from this order:

- Persons with a permit from the authorized Forest Service Officer specifically authorizing an otherwise prohibited act or omission.

Any Federal, State, or local officer, or member of an organized rescue or firefighting force in the performance of an official duty.