

**PINE COUNTY POLICY FOR THE
PERMITTING OF ALL TERRAIN VEHICLES
IN THE PUBLIC RIGHT OF WAY ON COUNTY ROADS**

Subdivision 1. Purpose and intent.

WHEREAS, Minnesota Statutes § 84.92-84.928 generally regulate the use of all terrain vehicles within the right of way for trunk highways, county state aid highways, and county roads. Pursuant to Minnesota Statutes § 84.928 subd. 1a (h) and, consistent with these statutes, and to provide for the health, safety and welfare of its citizens, and to ensure the Integrity of roads falling under the jurisdiction of Pine County, this Policy and Permit Process is established to regulate the use of all-terrain vehicles on county state aid highways and county roads within Pine County,

WHEREAS, Minnesota Statutes § 84.928 subd, 1a (h) authorizes counties to establish a permit process to designate corridor access trails on public road right-of-ways for purpose of accessing established all-terrain vehicle trails.

WHEREAS, Grant-In-Aid, State, County and other political subdivision designated ATV trails are important recreational facilities; and efforts have been made to develop Grant-In-Aid trails in off-highway locations. The County also recognizes that, in some cases, it has not been possible to develop off-highway trails in their entirety; thus, corridor access trails on County roads are needed to connect Grant-In-Aid ATV trails, and State or County designated ATV trails.

WHEREAS, Pine County has an interest in establishing a permit process which allows limited permissive operation of all-terrain vehicles on designated road right-of-ways in the manner set forth in this permit process until December 31, 2012. During said time period, Incident Case Report information will be collected and collated by the Pine County Sheriff's Department regarding the operation of all-terrain vehicles on the designated roads as identified in this permit process.

Subdivision 2. Definitions.

The following definitions apply to this Policy and Permit Process:

1. **ATV or All Terrain Vehicle** shall mean, a Class 1 All-Terrain Vehicle or Class 2 All Terrain Vehicle, as defined in Minn. Stat. § 84.92 subd, 9 and 84.92 subd. 10.
2. **County** means the County of Pine, Minnesota.
3. **County Road** means the roads located in Pine County which are under the jurisdiction of Pine County Board of Commissioners and managed by the Public Works Department.
4. **Established all-terrain vehicles (ATV) trails** means, Grant-In-Aid ATV Trails or trails which have been designated as a State, County or another political subdivision ATV Trail,
5. **Definitions as listed in Minn. Stat. § 84.92** shall apply to this permit process, unless modified herein.

6. **Corridor Access Trail** means outside slope, ditch bottom, inside slope, shoulder, and the right half of the driving lane of a County road which connects two grant-in-aid ATV trails, designated State or County ATV trails or trails established and designated as ATV trails by another political subdivision, and which has been officially designated, as such, through the permit process.

7. **Recognized ATV Club** means, an organization which meets all of the following criteria:

- a. A Non-profit organization duly organized under the laws of the State of Minnesota and recognized by the Minnesota Secretary of State.
- b. Has adopted by-laws, including the election of officers, such as president, vice president, Secretary, and Treasurer.
- c. Is a member, in good standing, of the ATV Association of Minnesota.
- d. Has a current Certificate of insurance on file indemnifying Pine County.

Subdivision 3. Permitted Operation of ATVs on certain roads in Pine County.

1. When authorized under this permit process it shall be permissible to operate an all terrain vehicle on the outside slope, ditch bottom, inside slope, shoulder, and the right half of the driving lane of a County road, which has been designated as an ATV corridor access trail. The direction of travel by an ATV where permitted herein shall be the same direction as the vehicular travel of the adjacent lane of the roadway.

2. The County may designate certain portions of County Roads as corridor access trails by the permit process described as follows:

- a. Any recognized ATV Club, located, or managing established trails designated within the County, may request a County road corridor access trail by completing a permit application form and following the permit administration process provided by the Pine County Public Works Department. The Application/Permit shall be substantially in the form as attached hereto as Exhibit A.
- b. Upon preliminary review of an application by the County Highway Engineer, a public hearing will be held prior to approval or rejection of the application and proposed County Road Corridor Access Trail by the County Board,
- c. Permittee under this process shall be a Recognized ATV Club. Permitter shall be the County Board.
- d. A permit approved by the County Board will not be valid until appropriate signing is placed by the County Public Works Department. The Recognized ATV Club shall be responsible for all cost and maintenance associated with the signing therefore, and will be billed for this cost by the County accordingly.
- e. Permits may be suspended or otherwise modified or cancelled, by the County Highway Engineer, if excessive damage to the roadway results from ATV usage or where or public safety is affected.

- f. Permit applications which have been denied, or existing permits which have been suspended modified or cancelled by the Highway Engineer, may be appealed within 30 (Thirty) days to the ATV Trail Permit Appeals Committee, which shall consist of the, County Sheriff, County Land Commissioner, County Highway Engineer, and two (2) County Commissioners.
- g. Permit applications denied, or existing permits which have been suspended modified or cancelled by the "ATV Trail Permit Appeals Committee" may be appealed to the Pine County Board of Commissioners,

3. Criteria for selection of corridor access trails on County roads.

- a. The segment of County Road must connect to Grant-In-Aid ATV trails, designated State or County ATV trails, or trails established and designated as ATV trails by another political subdivision, at each end of the road; and no other link of the two trails reasonably exists.
- b. Permit applications will generally be considered for County Road segments of determined lengths on an individual basis.
- c. Permit applications will generally be considered for County Road segments with less than 750 vehicles of average daily traffic.
- d. Permit applications will generally be considered for County Road segments where travel in the outside slope, ditch bottom, or inside slope of the route is frequently interrupted (driveways/crossings/obstructions/wetlands), topographically challenged, or not reasonably passable.

4. Except as otherwise provided in this permit process, all operation of all terrain vehicles shall be in compliance with Minnesota Statutes § 84.92-84.928, as well as any other federal, state, or local rule or regulation.

Subdivision 4. Information Gathering

The Pine County Sheriffs Office shall collect and compile Incident Case Report data reported to the Sheriff's Office from the public regarding ATV use on County Road corridor access trails for a two year period beginning upon approval of each permit.

Subdivision 5. Penalties

- 1. A permit may be suspended, or otherwise modified or cancelled, by the County Highway Engineer, as set forth in Subdivision 3.
- 2. Any violations of law occurring on a County Road Corridor Access Trail may be prosecuted, as provided by State law.

Subdivision 6. Effective Date and Ending Date.

This permit process shall be in effect upon adoption by the Pine County Board, and may be cancelled or modified in the future by further resolution of the Pine County Board.

Dated this 5TH day of July, 20 11

PINE COUNTY BOARD OF COMMISSIONERS

By Gov H. Rowan
Chairman, Pine County Board of Commissioners

ATTEST:
By Mark A LeB
Pine County Coordinator

EXHIBIT A

**PINE COUNTY
ATV CORRIDOR ACCESS TRAIL APPLICATION/PUBLIC ROAD USE PERMIT # _____**

PERMITTEE

PERMITTER

PINE COUNTY
405 Airport Road
Pine City, MN 55063

ROADWAY DESCRIPTION:

WHEREAS, M.S. § 84.92-84.928 generally regulate the use of all terrain vehicles within the right of way for trunk highways, county state aid highways, and county roads, and

WHEREAS, Minnesota Statutes § 84.928 subd. 1a (h) authorizes counties to establish a permit process to designate corridor access trails on public road right-of-ways for purpose of accessing established all-terrain vehicle trails, and

By signing this permit, the permittee agrees to the following terms and conditions:

1. This permit shall be subject to the terms and conditions of the Pine County Policy for the Permitting of All-Terrain Vehicles in the Public Right of Way on County Roads.
2. **Permittee** affirms that the section of road permitted in this document is absolutely necessary and no feasible alternative exists to complete connection of designated State, County or Grant-In-Aid ATV trail systems.
3. **Permittee** shall be responsible for the cost of placement, maintenance, and replacement of corridor signs.
4. Other terms and conditions (*see below/attached*):

PERMITTEE

On behalf of the Recognized ATV Club, I hereby acknowledge receipt of a copy of this permit and agree to comply with the terms, conditions and regulations thereon.

By _____
ATV Club authorized representative

PERMITTER

PINE COUNTY

By _____
Chairperson

By _____
County Engineer

Date: _____