



## Policy Directive 2002-001

### Off-Road Vehicle Use

The increasing popularity of off-road vehicles (ORVs) in New Jersey has presented challenges for the management of public lands and the protection of natural resources. As ORV ownership has increased in New Jersey and neighboring states over the past several years, there has been a marked increase in the unlawful use of these vehicles on public lands. This unlawful usage has caused extensive damage to sensitive natural areas with no provision for restoration; has diminished the use and enjoyment of our public lands and other natural areas by other user groups; has diverted resources from other resource protection priorities; and has created serious risks to ORV users, to the public in general, and to law enforcement personnel in particular.

The policy directive issued today is intended to comprehensively address the unlawful use of ORVs, identify the circumstances in which ORV activity may be authorized, and circumscribe lawful ORV use so that adverse impacts to New Jersey's environment and natural resources will be avoided. The directive applies to all lands owned, managed, held in trust or otherwise regulated by the Department.

### Background

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The term "off road vehicle" refers to a broad array of vehicles now in use by the public:

- Any motorized vehicle with two or more wheels or tracks that is capable of being operated off of regularly improved and maintained roads shall be classified as an ORV. This includes all pickup trucks, sport utility vehicles, motor cycles, dirt bikes, all terrain vehicles and snowmobiles.
- Class I ORVs include all vehicles that are licensed, registered, insured and inspected as required to legally operate on any road or highway of the State designated for vehicle traffic.
- Class II ORVs includes any vehicle lacking one or more of the criteria needed for operation on any road or highway designated for vehicle traffic. Class II ORVs may be operated on public lands only with a special permit or on private property with the permission of the landowner.

### Policy

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The use of ORVs shall be prohibited on lands owned, managed, maintained or under the jurisdiction of the Department, including any and all lands held jointly with any other party ("public lands"). There are certain limited exceptions to this general policy. On public lands, Class I ORVs shall only be operated on highways and roads, and only if in addition, the ORV is operated in accordance with Title 39 and the highway or road is designed and marked by the State for such operation. On public lands, Class II ORVs shall only be operated in areas designated and marked by the State for such operation and with a special use permit issued by the Department of Environmental Protection.

### Currently Authorized Uses

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1. ORV uses that have been specifically authorized or permitted under current law shall be maintained, except that the conditions of use shall be reviewed and, where appropriate, shall be modified to conform to the requirements of this policy.
2. Applicants for special use permits or other authorization for ORV activities on public lands shall present satisfactory documentation to the official responsible for the permit that all participants have had training in safe and appropriate ORV use.
3. Where Federal or municipal resource managers, or private landowners, restrict ORV use in areas adjacent to lands or other resources managed, controlled, or regulated by the Department, DEP shall implement complementary and consistent restrictions

## **New ORV Uses**

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1. Applications for new or expanded areas for authorized ORV use shall be approved only where:
  - o No adverse impacts to the environment or natural resources would result from the proposed use;
  - o The proposed ORV use would not compromise safety;
  - o The proposed ORV use would not interfere with use or enjoyment of natural resources by other user groups or affected local communities;
  - o The applicant presents satisfactory documentation to the official responsible for the permit that all participants will have had training in safe and appropriate ORV use;
  - o The application for the new or expanded use is supported by an environmental review or assessment sufficient for DEP to conclude that the requirements of this policy have been met;
  - o Adequate provision is made for restoration resulting from unanticipated damage to natural resources as a result of the use.
2. The Department's Division of Natural and Historic Resources shall work to develop appropriate recreational areas for lawful ORV users that meet the requirements of the preceding paragraph, with the goal of having two new such facilities in operation by 2005. The New Jersey Trails Council shall participate in this effort by establishing an ORV subcommittee representing a cross-section of interested environmental, recreational, ORV industry and ORV user groups. No current state park, wildlife management area or other environmentally sensitive area will be considered in this review and selection process

## **Enforcement**

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1. Pursuant to current authority, DEP personnel shall enforce ORV regulations as follows:
  - Pursuant to NJSA 13:1L-23, violators shall be assessed the maximum fine of \$1000 for offenses at State Parks and Forests, which may be reduced only where
    - a. a first-time violator establishes that no adverse impacts to natural resources or public safety resulted from the violation; or
    - b. there are other extraordinary circumstances and a lesser penalty is authorized in writing by the Assistant Commissioner for Natural and Historic Resources.
  - Pursuant to NJSA 23:7-9, DEP shall reasonably assess damage to State property in Wildlife Management Areas, including damage to natural resources, and shall impose a treble damage fine when damages (as measured by the cost of restoration) exceed \$100.
  - Pursuant to NJAC 23:7-9, all ORV violations in Wildlife Management Areas shall be assessed the maximum fine of \$200.
  - The Division of Natural and Historic resources shall develop a damages table that will allow for expedited calculation of natural resource damage of the types typical of unlawful ORV use.
  
2. The Commissioner of the Department of Environmental Protection and the Commissioner of the Department of Transportation, working in concert with the "Fix DMV Commission," shall develop appropriate legislation to:
  - Increase penalty provisions and authorize impoundment of ORVs for unlawful ORV use; and
  - Establish comprehensive registration, licensing, and insurance requirements for ORVs

## Posting

This policy shall be posted at all DEP facilities and made available to the public on the DEP web site.

Date: October 4, 2002

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 Commissioner  
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