

# Restoring the Peace

## Deterring Illegal Recreation Vehicle Use on Cape Cod



### WHITE PAPER

Commissioned by

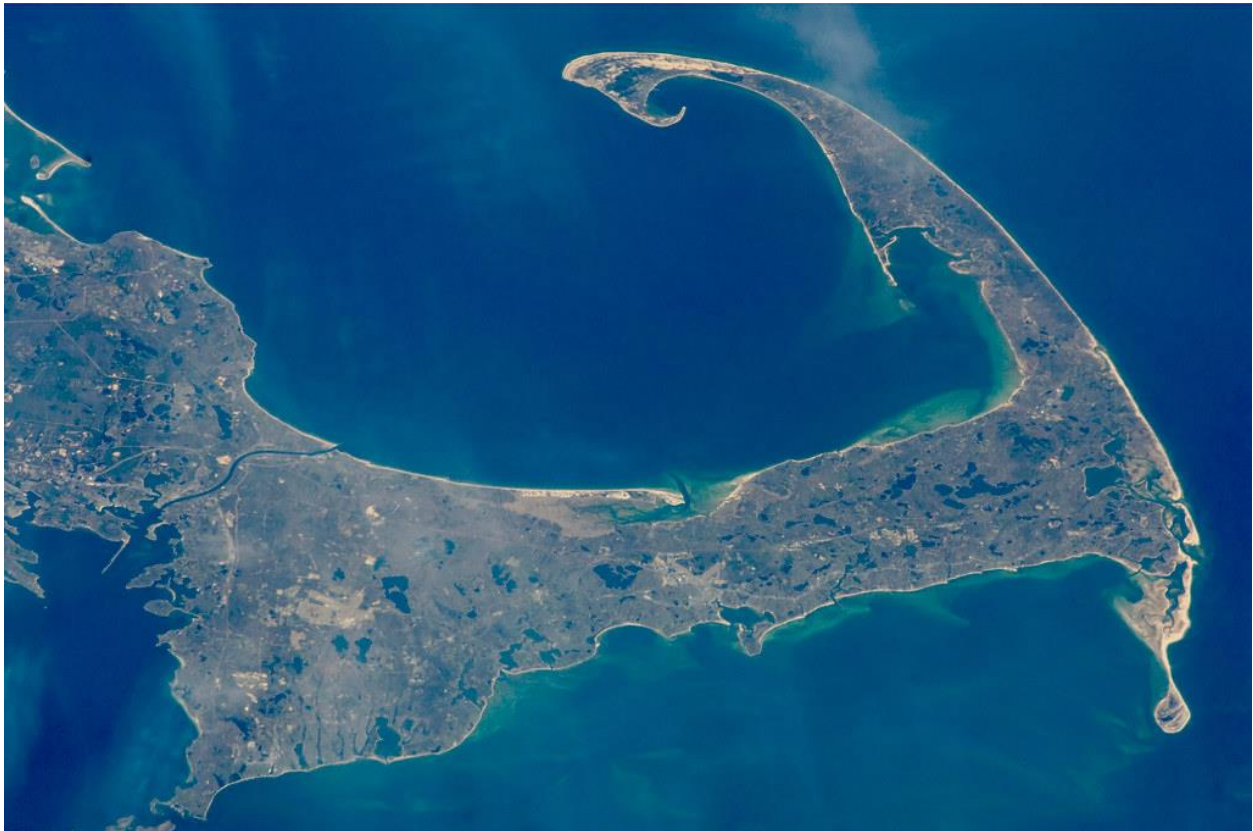
New England Mountain Bike Association

Cape Cod Chapter

## Introduction

Cape Cod is blessed with immense natural beauty in the form of sandy beaches, protective marshes, and shady pine and oak forests. All these components are linked together by a complex network of dirt roads, trails, and animal tracks. According to the website [Trailforks](#), there are over one thousand miles of mapped trails crisscrossing Cape Cod. These pathways are integral to the character of the Cape and serve as outlets for passive recreation, wildlife habitats, and are a unique source of natural beauty.

In the 1970's, Cape Cod became a hot spot for dirt bikes and offroad vehicles. Its expanses of open space, low brushy vegetation, and sandy soils made it the perfect place to blaze new trails. As the Cape population grew in the following decades and land became more valuable, conservation efforts to protect open spaces grew, and motorized recreation vehicle use on most of these lands was prohibited. Dirt bikers and ATV users were reluctant to give up “their” trails and conflicts grew.



## The problem

Recreation vehicles<sup>1</sup> are illegal on most (if not all) of the public lands of Cape Cod, but riders have been reluctant to curb their use. With a twist of the wrist, a single dirt bike can output over 50hp and quickly dig an 8” trench in the sandy soils of the land that they are traversing. Any linear depression will quickly serve as a conduit for flowing water from our ever-intensifying rain storms. Erosion damage will be exponential in following rain events, until the trail is unusable by any user group. Literally, thousands of hours of labor are extended yearly by concerned organizations to repair this damage catalyzed by motorized vehicle use.



In response to the extensive trail damage and safety concerns of having motorized vehicles in environmentally sensitive areas used for passive recreation, many communities endeavored to ramp up enforcement efforts. Over the past five decades, these enforcement efforts have included the following tactics.

- Trail access blockages
- Raised awareness among local law enforcement.
- Use of environmental police to monitor conservation areas and open spaces.
- Trail cameras

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<sup>1</sup> "Recreation vehicle" or "off-highway vehicle", any motor vehicle designed or modified for use over unimproved terrain for recreation or pleasure while not being operated on a public way as defined in chapter 90 including, but not limited to, all-terrain vehicles, off-highway motorcycles, dirt bikes, recreation utility vehicles and all registered motor vehicles while not being operated on a public way as defined in said chapter 90.

- Stakeouts of areas of recent use

The dirt bike community has continued to justify their trail access with several common refrains such as “we created the trails,” “we’d rather have our kids riding dirt bikes than doing drugs,” and appeals to “share the trails.” These are not valid arguments, and I am unaware of a single trail on Cape Cod public land that was approved and created by and for the use of recreation vehicles.

Enforcement efforts on Cape Cod have been an outright failure for the following reasons.

- Trail access blockages do not work due to the ability of these powerful vehicles to easily create a new path around or over the obstacles. Creating these blockages (i.e., fences) is also often cost prohibitive. Trail blockage tactics often result in additional damage to the land when new paths are cut around the obstacle.
- While law enforcement may be more aware of the problem of unlicensed/unregistered dirt bikes, underage unsupervised riders, and areas that are illegal to ride, they are reluctant to pursue a suspected scofflaw. The illegal riders are aware that they should NOT stop for an enforcement official. Since the bikes are often unregistered and nondescript, there is very little identifying information for law enforcement. Most riders wear full face helmets (often with visors) and pads, so they often cannot be identified physically either.
- Trail cameras (if they are not stolen or vandalized) rarely provide any identifying information due to the reasons noted above.
- Stakeouts are ineffective since illegal users will not stop and law enforcement will seldom pursue them.
- Since enforcement efforts are rarely publicized, the illegal trail users are unaware that they are at risk of being caught and do not curb their behavior.
- There is an opinion by a vocal minority on Cape Cod that this activity should not be illegal.

## **Recommendations**

The enforcement efforts of the last five decades have NOT resulted in a decline in illegal motorized vehicle use on the public open spaces of Cape Cod. Town officials, law enforcement, and land managers are resigned in their consensus

opinion that very little can be done. The cumulative damage done over this period has resulted in the loss of a great number of trail miles to erosion. These sediments are unexpectedly deposited in our waterways, ponds, and bays. Wildlife is disrupted. The safety of other user groups is in question as long as dirt bikes and ATVs speed through the woods.

*A new approach to this problem must be implemented.* A shift from *enforcement* to *deterrence* is necessary to stem the tide of damage. While implementation by a single Cape Cod community may provide some results, this program should be integrated into as many towns as possible for the greatest effect. Additionally, as many of the recommendations (below) as possible should be implemented to get the greatest results.

The key to most successful endeavors is communication. To achieve deterrence, officials will need to leverage the community to communicate what behavior is acceptable while also educating as to the repercussions of bad behavior. Support from community leaders is a must for success.

The components of this novel approach include the following:

### **Community education and participation**

Our communities need to be informed of the extensive damage being done to our publicly accessible land, as well as the safety concerns of having speeding vehicles in areas of passive recreation. This valuable communication component should be implemented through various methods.

- **Active Signage** – While there are no legal places to ride a dirt bike/ATV on public lands on Cape Cod, ignorance of this fact is also used as a justification for trespassing. “No Motorized Vehicle Use” signs should be visible at all trail heads.
- **Passive Signage** – A lack of signage is often construed as an indication that land is unused, unmonitored, and unmaintained. This serves as an invitation to make it one’s own. Trail name signs, intersection markers, conservation land markers, benches, kiosks, and all types of passive signage indicate to users that the community is aware of the trail’s existence and this simple infrastructure will deter use and modification of the land.
- **Action Signage** – Signage should direct users whom to contact (preferably by phone) if illegal activity is noted. The community officials and/or land managers should determine the contact and that person should be

empowered to immediately act on the report. This is often the Massachusetts Environmental Police officer assigned to the area in question. The community should be encouraged to document (photo, video, etc.) and report illegal activity through an official mechanism. Each community should have a method of submitting reports.

Signage Note: Persistence will be necessary in replacing signage that is stolen and/or vandalized!

- **Promotion of conservation land and public open spaces** – there’s an adage that if you increase the number of legal users in an area, that you will reduce the number of illegal users. Each community needs to make a concerted effort to promote the benefits of their public parcels and conservation land. These lands are protected for the benefit of the tax payers of the community, so they should be educated as to their rights and options. This can be done with road signage, nature hikes, bike rides, local media stories, educational programs, etc.
- **Local media** – Local print and electronic media should feature stories that highlight the need to protect our open spaces, as well as highlight the dangers of not curbing motorized vehicle use on public lands.
- **Social media** – Local social media should be utilized to share cautionary tales of encounters with dirt bikes/ATVs on trails, and detail the damage being done by motorized activity in the woods. This will help to mobilize the community to report illegal activity instead of turning a blind eye. As reports stream in, the community will begin to grasp the extent of the problem.
- **Controlling the narrative** – Reports of illegal recreation vehicle activity will be met with derision by a vocal minority. The community should be encouraged to counter advocacy for illegal behavior in the press or on social media with respectful disagreement.
- **Raise “government” awareness** – Local Conservation Commissions and land managers should actively push community leaders and law enforcement entities as to the importance of addressing this persistent problem.
- **Express your concerns** – Encourage citizens to express their concerns about illegal behavior if they encounter someone on a recreation vehicle in the woods or on the trail. We want the scofflaws to know that they are not welcome and that we are aware that they are breaking the law.

## Continued enforcement efforts

While enforcement efforts have been ineffective, there is a need to communicate that there are repercussions for this illegal behavior. *It is likely that the deterrence gained by publicizing enforcement efforts and their repercussions will have a greater effect than any actual enforcement.* This is the essence of the philosophy shift from enforcement to deterrence. The following efforts should be included in this strategy.

- **Publicizing enforcement** – Local law enforcement and town officials should actively publicize their efforts in reducing this problem. While enforcement successes are few, any citations, confiscations, or apprehensions should be communicated to the public. This can be done in local media and social media in the form of police logs, news articles, and/or social media posts. Enforcement efforts such as enhanced monitoring, stakeouts, public reports of illegal activity, placement of trail cams, etc., should be prominently publicized also. In the past these efforts were kept secret in the hope of “surprising” scofflaws. We know from years of data that these efforts are generally not successful. The desired outcome is to deter this behavior.
- **Sharing enforcement efforts** – Local authorities should work with interested parties to communicate these enforcement actions to the public. Interested parties include hiking groups, mountain bikers, trail runners, bird watchers, dog walkers, hunters, conservation minded organizations, and the general public at large. Social media is an excellent method of distributing this information.
- **Enforcement of existing laws** – Without repercussions for this illegal activity there will be no incentive to stop the behavior. The State of Massachusetts has a multitude of laws that govern the behavior of recreation vehicles. A summary can be found here: <https://www.mass.gov/info-details/summary-of-off-highway-vehicle-safety-laws>. Both Town officials and the public should be aware of the current laws regarding recreation vehicles. For example, each of these vehicles is required to be registered through the MA Environmental Police and the registration stickers must be visible on the vehicles. It’s illegal to operate a recreation vehicle within 150’ of a residence without written permission. There are also detailed rules regarding the age of the rider and requirements for adult supervision. For example, a rider under 16 and half years old cannot cross a public road

without adult supervision, and any rider under 18 must have proof of completion of the safety course. Enforcement of these fundamental rules is necessary to create the necessary climate of deterrence.

- **Applying applicable penalties** – With enforcement successes being rare, it is important to take advantage of their deterrence potential by charging all applicable infractions. In most cases, multiple infractions are present, but only minimal ones are cited, or warnings are given. Around 2010, several infraction assessment amounts were increased, but they are rarely cited. The Massachusetts Table of Citable Motor Vehicle Infractions (CMVI) and associated assessments is available at <https://www.mass.gov/doc/citable-motor-vehicle-offenses-and-cmvi-assessments/download>.
- **Point of sale requirements** – All Massachusetts businesses that sell recreation vehicles should be required to have buyers sign off that they are aware of the laws governing recreation vehicle use in the state and the prohibitions on their use on Cape Cod.
- **Education of parents** – More responsibility should be placed on parents of underage operators to obey the law. They should be educated as to the damage being done to public land, as well as the potential for a substantial assessment if their children are cited. For example, it is a \$500 fine for someone under 18 to operate their recreation vehicle without proof of having taken the safety course! It is uncommon that only a single assessment is applicable, so parents should be aware of the potential for a substantial financial impact. It is not a valid argument to state that “I’d rather have my child riding their dirt bike than doing drugs”.

### **Utilize existing technology**

In recent years there has been a proliferation of GPS related apps that allow huge amounts of GIS data to be gathered. This data should be utilized to provide context to the extent of the problem and could be used in the following ways.

- Heat maps from several apps show where people are traversing our public spaces. This data should be used to create comprehensive and accurate maps of our trail networks. Most Town GIS systems include only a small percentage of existing trails in their systems. Much of this mapping work has already been completed by private entities and is publicly available.
- Many apps also show who is moving through our public spaces and their method of transportation. Strava “speed traps” can be configured to detect



motorized vehicle traffic on our trail systems. It is sometimes possible to monitor speeds, the route of travel, and the individual.

- Motion detection cameras/sensors with cellular connections can provide real-time data on activity in the woods.
- Inexpensive drones are now available to the public and can be used to safely monitor and “pursue” illegal actors.

## Conclusions

The enforcement efforts of the last fifty years have failed to limit the damage progressively being done to the open spaces of Cape Cod by recreation vehicles, and it is generally accepted that nothing can be done. It is time to shift the philosophy from one of halfhearted enforcement to crowd-sourced deterrence. Through a program of community education, continued enforcement efforts, and widespread condemnation of irresponsible recreation vehicle use via written and online media, it is possible to deter much of the illegal behavior that is now prevalent on Cape Cod. Enforcement efforts should continue, but catching perpetrators is less the goal than deterring future offenders by publicizing the fact that the community is making strong efforts to end the behavior. To be successful, local officials, law enforcement, and the communities throughout Cape Cod will need to be engaged in this effort. It is our sincere hope that these efforts can save our spectacular open spaces for future generations.



**New England Mountain Bike Association**

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